

*Subject to approval at
the November 7, 2022
City Council Meeting*

STATE OF COLORADO)
COUNTY OF OTERO) SS
CITY OF LA JUNTA)

CALL TO ORDER: A regular meeting of the City Council of the City of La Junta, Colorado, was called to order by Mayor Ayala on Monday, October 17, 2022, at 6:00 p.m. in the Council Chambers of the Municipal Building.

INVOCATION: Council Member McIntyre gave the invocation.

PLEDGE OF ALLEGIANCE: Council Member Velasquez led everyone in the Pledge of Allegiance.

ROLL CALL: The following Council Members were present:

Damon Ramirez, Ward 1
Paul Velasquez, Ward 1
Elaine McIntyre, Ward 2
Joe Ayala, Mayor
Chandra Ochoa, Ward 2
Lisa Pantoya, Ward 3

Absent: Edward Vela, Ward 3

Also present: Rick Klein, City Manager
Bill Jackson, Asst. City Manager
Phil Malouff Jr., City Attorney
Debra Fraker, Admin. Asst.
Brad Davidson, Fire Chief
Gary Cranson, UB Commissioner
Aliza Libby, Director of Finance
Paula Mahoney, Admin. Asst.
Angela Ayala, La Junta
Bethany Bender, La Junta
Brett McIntosh, La Junta
T'Naus Nieto, La Junta
Adrian Hart, SECO News
Bette McFarren, RF Gazette

MINUTES OF PREVIOUS MEETING: Mayor Ayala asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of October 3, 2022. After hearing none, the Mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE OCTOBER 3, 2022 MINUTES AS PUBLISHED: Velasquez

SECOND: Ramirez

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Vela absent)

CITIZEN PARTICIPATION FOR NON-AGENDA ITEMS (5-minute time limit per person):

1. Bethany Bender, 615 Elm Avenue: Being an environmentalist, she would like the City to entertain the idea of turning burned/baron plots back to native habitat. This would help mitigate floods, reduce dust storms, calm down issues with black flies and mosquitoes and support native species. Mr. Klein will meet with Bethany to identify some properties.

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2. Brad Davidson, Fire Chief: Gave an update on the WW Feeds structure fire:
 - There was heavy fire/smoke showing throughout the entire building.
 - Encountered heavy heat – 2200 degrees.
 - Called mutual aid right away.
 - Assisted by Water Department, Street Department, Electric Department and Law Enforcement.
 - Ran off three hydrants and never lost pressure.
 - Community outreach was tremendous. This shows how tight our community is.
 - The new fire truck was beneficial with its ladder with two nozzles.
 - Cause of the fire is under investigation.
3. Angela Ayala, Tarantula Fest: The 1st Annual Tarantula Fest was held October 7th and 8th in downtown La Junta. It went over very well. There are some areas to improve upon for next year. The community, the restaurants and the businesses showed up in a big way. Along with the fun stuff, the educational portion of the event was stressed.
4. Brett McIntosh, Lewis Bolt & Nut: Currently employ 265 individuals up and down the Valley making it one of the larger private employers of the City. They've contended with supply issues like other businesses but have been able to perform good job planning to keep their shelves stocked. Employee salaries were increased; however, they are still in need of around twenty or thirty more. They completed two field tests for a new product line, with no outside competition along with some smaller expansions. They continue to expand their operations regularly.

UNFINISHED BUSINESS

- A. Second Reading/AN ORDINANCE AMENDING ORDINANCE NUMBER 1242 (THE ZONING ORDINANCE) OF THE CITY OF LA JUNTA AS CONCERNS A REQUEST BY THE CITY OF LA JUNTA.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON SECOND READING: Velasquez

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Vela absent)

NEW BUSINESS

- A. Application for a Special Event Permit by Arkansas Valley Hospice, Tara Castaneda, Event Manager. The event is a Business After Hours/Open House to be held November 4, 2022 from 5:30 p.m. to 11:00 p.m. at 531 Lewis Avenue.** The application is in order and has been reviewed by City supervisors for compliance with City and State codes. The appropriate fee has been tendered and the premises have been posted. The City Attorney recommends approval.

MOTION TO GRANT A SPECIAL EVENT PERMIT TO ARKANSAS VALLEY HOSPICE FOR A BUSINESS AFTER HOURS/OPEN HOUSE TO BE HELD NOVEMBER 4, 2022 FROM 5:30 P.M. TO 11:00 P.M. AT 531 LEWIS AVENUE: Pantoya

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Vela absent)

- B. A Resolution Approving the 2023 Budget.** Resolution No. R-20-2022 was presented for council's consideration as follows:

WHEREAS, a proposed budget for the City of La Junta for the year 2023 has been prepared in conformance with the La Junta City Charter; and

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WHEREAS, a public hearing has been held on September 20, 2022 regarding the proposed 2023 budget for all funds for the City of La Junta;

NOW, THEREFORE, Be It Resolved By the City Council of the City of La Junta that the proposed 2023 budget for income and expenditures of all funds be approved as follows:

General Fund	\$13,944,500.00
Library Endowment Fund	\$ 500.00
Internal Services Fund	\$ 2,379,200.00
Employee Benefit Claim Fund	\$ 2,558,100.00
Economic Development Fund	\$ 146,500.00
Property Management Fund	\$ 1,709,100.00
Lodging Tax Tourism Fund	\$ 329,000.00
Electric Fund	\$12,730,000.00
Water Fund	\$ 4,485,900.00
Sewer Fund	\$ 3,630,000.00
Sanitation Fund	\$ 1,316,300.00
Moving Violation Surcharge Fund	\$ 500.00
Cemetery Endowment Fund	\$ 8,000.00
Conservation Trust Fund	\$ 490,000.00
Urban Renewal Fund	\$ 182,500.00

MOTION TO ADOPT RESOLUTION NO. R-20-2022: Ochoa

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Vela absent)

- C. **First Reading/AN ORDINANCE FIXING THE MILL LEVY FOR ASSESSMENT OF VALUATIONS FOR THE YEAR ENDING ON DECEMBER 31, 2022 (FISCAL YEAR, 2023).** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: McIntyre

SECOND: Ochoa

DISCUSSION: The City of La Junta is sales tax driven not property tax.

VOTE: The motion carried 6-0 (Vela absent)

- D. **First Reading/THE ANNUAL APPROPRIATION ORDINANCE: APPROPRIATING SUMS OF MONEY TO DEFRAY EXPENSES AND LIABILITIES OF THE CITY OF LA JUNTA, COLORADO FOR THE CITY'S FISCAL YEAR BEGINNING JANUARY 1, 2023 AND ENDING ON DECEMBER 31, 2023.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Ochoa

SECOND: McIntyre

DISCUSSION: Money that is received through sales tax dollars has to be used in the general fund.

VOTE: The motion carried 6-0 (Vela absent)

CITY COUNCIL MEETING – October 17, 2022**E. Committee/Board Reports**

1. Senior Citizens Advisory Board (Council Member Velasquez):
 - There will not be anymore senior dances until the first of the year.
 - Thank you to the Fire Department in their efforts today.
 - Thank you to the Tarantula Committee.

F. City Manager's Comments

- The concrete is placed at the Brick & Tile Park. We are waiting for the company to schedule placing the playground. Next, we'll build the bathroom at the parking lot.
- The 50/50 Tree Removal Program is going great. We have twenty out to bid right now.
- Stage 1 Water Restrictions.
- Continue to mow weeds and grass and are starting to winterize.
- Fire Stage 1 Fire Restrictions.
- We are getting patching done from water leaks.
- The Rural Fire training building is almost done.
- Football games start on the 21st at Veterans Field.
- Moltz Construction started replacing the pump station at the 3-million-gallon tank which pumps to the tanks at 26th and at Prairieview. This serves the high school, Otero College and the hospital. It is a great use of our ARPA funds.
- Kids Need To Read matched the original amount of books that TT Woodruff did when he opened the library of 735 books. They will read to the kids on October 28th at 10:00 a.m. and 1:00 p.m.
- We are top dressing the ballfields.
- K-2 basketball registration starts November 3rd.
- Football/volleyball is going well.
- Clean Valley Recycling letter regarding the Management of Plastic Product Act.

G. Governing Body Comments

1. Mayor Ayala:
 - Mr. Malouff, there has been a lot of questions regarding tourism funds, what if the council decided that they wanted to take money from the tourism fund and use that in the general fund, is that possible?

Mr. Malouff: There are documents I have circulated to you that need to be considered. Resolution R-19-2009 which created the ballot issue. It says, in part "...the proceeds of such tax to be collected, retained and spent for the promotion of tourism and related activities in the city..." This is what the voters voted on and they voted to impose the tax. The understanding to the voters was that that's how we were going to spend the tax. This is critical. The voters will is the voters will. The voters have decided. Ordinance No. 1497 on page 2, section 3B. "The fund shall be used only to advertise and market tourism in accordance with this ordinance. No revenue collected from such 'lodging tax' shall be used for any capital expenditures, with the exception of tourist information centers and related purchases." There's been discussion that we could use tourism tax to pay for roads. This says you cannot do that. We can't use the coffers for supplementation of the general fund. All of these documents support the proposition that it is a very limited scope of expenditure that we must honor because that's what we promised the city voters. It's a real clear answer. The tourism fund is for tourism related activities, limited capital expense and that's it. It is not available for supplementing the general fund nor any other fund.

Mayor Ayala: Thank you Mr. Malouff. How much is in the tourism fund?

City Manager Klein: Right around \$800,000.

Mayor Ayala: How long did it take them to get \$800,000?

City Manager Klein: About 14 years.

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Mayor Ayala: This “2B” that we’re proposing, how much would that approximately add?

City Manager Klein: Around \$1.4 million.

Mayor Ayala: Even if it was possible, \$800,000 isn’t enough for us to continue going the way we need it to go. And that would be a one-time thing. It couldn’t do that every year. So, we need “2B” to pass in it’s entirety. That still keeps us short of what we need to be. With WW Feeds going down today, that also hurts our sales tax.

Council Member McIntyre: Basically, we need more retail stores. We need to bring in some new businesses to help our community.

City Manager Klein: We’ve got a lot of great things going on in our community. We need to keep it up.

Mayor Ayala: We’re looking into doing some different things with the “2B”. We’ll announce on the page when we have that finalized.

City Attorney Malouff: I would like to emphasize something. If we take a look at the resolution that the council just passed tonight with regard to the budget, take a look at all of the things that are sponsored or paid. For the most part, everything that happens to us happens because of the general fund. Whether its streets, swimming pool, library, senior citizens center, city hall and also to include a request last time of \$10,000 to spay cats. Everything that we spend money on is generated through the general fund which is 98% generated by sales tax dollars. We don’t rely upon property taxes for anything. Yes, there is a burden to the consumer and no one wants to pay any more tax than they have to. But the costs continue to go up. To keep the city functioning, we’re going to have to find ways to generate funds. If we don’t increase revenues, we have to decrease expenditures, which means less and less public services to the public.

2. Council Member Ramirez:
 - Thanked the Police, Fire, CDOT and all the parties that worked together during the fire.
 - Basketball camp for 3rd-6th graders will be November 18 and 19. Sign-up is Saturday the 29th.
3. Council Member Velasquez:
 - The displays at the water tower look pretty cool. You need to go by and check them out.

MOTION TO GO INTO EXECUTIVE SESSION FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S §24-6-402(4)(b): McIntyre

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Vela absent)

Council went into Executive Session from 6:59 until 7:10 p.m.

There being no further business, the meeting adjourned at 7:10 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joe Ayala, Mayor