



# AGENDA

## REGULAR MEETING LA JUNTA CITY COUNCIL

La Junta, Colorado  
April 15, 2019  
7:00 PM  
Council Chambers  
Municipal Building  
601 Colorado Avenue

CALL TO ORDER (Mayor)

PLEDGE OF ALLEGIANCE (Mayor)

INVOCATION (Council Member Goodwin)

ROLL CALL (City Clerk)

Council Members

Supervisors

Others

---

Mestas  
Goodwin  
McIntyre  
Pruyn  
Lovato  
Vela  
Eckhart

PROCLAMATION – ARBOR DAY

PRESENTATION: Health Service District – status of nursing home (Johnnie DeLeon)

MINUTES OF PREVIOUS MEETING (Mayor) (Action)  
Regular Meeting April 1, 2019

CITIZEN PARTICIPATION FOR NON AGENDA ITEMS ONLY (*5 minute time limit per person*)

### UNFINISHED BUSINESS

- A. Second Reading/ AN ORDINANCE AUTHORIZING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO THE CITY OF LA JUNTA ACTING BY AND THROUGH ITS WASTEWATER ENTERPRISE IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,000,000.00 FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN WASTEWATER FACILITIES; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; DELEGATING TO CERTAIN AUTHORIZED OFFICERS THE AUTHORITY TO DETERMINE, WITHIN CERTAIN PARAMETERS, CERTAIN FINANCIAL MATTERS PERTAINING TO THE LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH (City Attorney) (Action)

### NEW BUSINESS

- A. Application for a Special Event Permit by Otero Museum Association, Roy Fritch, Event Manager. The event is the museum's annual benefit to be held April 27, 2019 from 5:30 p.m. to 7:30 p.m. at 218 Anderson Avenue (City Attorney) (Action)
- B. Committee/Board Reports
- C. City Manager's Comments

- D. City Attorney's Comments
  - 1. A Resolution Determining Certain Real Property of the City to be Surplus Property (City Attorney) (Action)
- E. Governing Body Comments
- F. ADJOURN

IMMEDIATELY FOLLOWING THE REGULAR MEETING, THERE WILL BE AN EXECUTIVE SESSION FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S. §24-6-402 (4) (e)

**CITY COUNCIL MEETING – April 1, 2019**

---

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

CALL TO ORDER: The regular meeting of the City Council of the City of La Junta, Colorado, was called to order by Mayor Jeffri Pruyn on Monday, April 1, 2019, at 7:00 p.m. in the Council Chambers of the Municipal Building.

PLEDGE OF ALLEGIANCE: The Mayor led everyone in the Pledge of Allegiance.

INVOCATION: Council Member McIntyre gave the invocation.

ROLL CALL: The following Council Members were present:

- Eugene Mestas, Ward 1
- Jim Goodwin, Ward 1
- Elaine McIntyre, Ward 2
- Jeffri Pruyn, Mayor
- Shannon Lovato, Ward 2
- Edward Vela, Ward 3
- Scott Eckhart, Ward 3

Absent:                   none

- Also present:
- Rick Klein, City Manager
  - Bill Jackson, Asst. City Manager
  - Phil Malouff Jr, City Attorney
  - Melanie Scofield, City Clerk
  - Cynthia Nieb, ED/UR Director
  - Aimee Hill, Engineering
  - Paula Mahoney, Administration
  - Gary Cranson, ARPA Representative
  - Marianne Hale, 34349 Hwy 194
  - Julie Worley, 2417 San Juan Ave
  - Nancy Bennett, 622 Santa Fe Ave
  - Cheryl Lindner 16 E 22<sup>nd</sup> St
  - Bette McFarren, La Junta Tribune Democrat

RECOGNITION: Council Member Vela recognized the OJC Women’s Basketball team. It gives us great pleasure to know that your actions in the classroom and on your laptop on the way to a game or wherever you play always show honor to La Junta. We are very proud of you. The head coach for the OJC Rattlers is Sta-Nisha Hersey assisted by Jordan Bishop. The Rattlers overall season record is 15 and 13. They finished 5<sup>th</sup> in Region 9 South and they made it to Region 9 Tournament in Scottsbluff Nebraska. The leading scorer was Grace O’Neil with 16 points per game and 9 rebounds per game. She also made All Region Team and All Advanced Team. The second leading scorer was Hilda Garcia with 10 points per game and 3 rebounds per game.

Coach Hersey: Thank you for inviting us here. I will introduce everyone: Jessalyn (Freshman), Kaitlyn (Sophomore), Zaryna (Freshman), Angelica (Sophomore), Danelle (from La Junta), Charisse (Freshman), McClain (Sophomore), Alessia (Freshman), and Grace (Sophomore).

**CITY COUNCIL MEETING – April 1, 2019**

MINUTES OF PREVIOUS MEETING: Mayor Pruyn asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of March 18, 2019. Hearing none, she declared the minutes approved as published.

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

1. Marianne Hale, 34349 Hwy 194: Requesting temporary variance on Section 12.04.250 from April 1, 2019 through October 31, 2019 for the purpose of placing painted pianos in front of business venues on sidewalks.

City Attorney Malouff: A variance is not what you want; this Board does not have the authority to grant a variance. What you're really asking for is a moratorium on enforcement of a particular ordinance.

MOTION TO PLACE A MORATORIUM FOR ENFORCEMENT OF SECTION 12.04.250 OF THE MUNICIPAL CODE FROM APRIL 1, 2019 THROUGH OCTOBER 31, 2019: Goodwin

SECOND: Mestas

DISCUSSION: For clarification, this moratorium will apply to everybody and everything. It is not case specific. This is not a law and can be revisited in the future. Permission will be received from business owners before pianos are set out front of their establishment. This project is being done through SECCP not the City of La Junta.

VOTE: The motion carried 7-0

**UNFINISHED BUSINESS**

- A. **Second Reading/AN ORDINANCE AMENDING ORDINANCE NO. 1604 AS TO A LEGAL DESCRIPTION IN SAID ORDINANCE WHICH WAS AN ORDINANCE AMENDING ORDINANCE NUMBER 1242 (THE ZONING ORDINANCE) OF THE CITY OF LA JUNTA AS CONCERNS A REQUEST BY BOB HOUSTON AND DAN WAGNER.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON SECOND READING: Goodwin

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

**NEW BUSINESS****A. Tourism Board Recommendation for Funding.**

1. **Up to \$1,000.00 to Visit La Junta for 2019 FAM (familiarization) trips.**

MOTION TO APPROVE THE EXPENDITURE OF TOURISM TAX REVENUE IN THE AMOUNT OF UP TO \$1,000.00 TO VISIT LA JUNTA FOR 2019 FAM (FAMILIARIZATION) TRIPS: Vela

SECOND: Mestas

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

2. **Up to \$500.00 to Visit La Junta for VisitLaJunta.net yearly maintenance.**

MOTION TO APPROVE THE EXPENDITURE OF TOURISM TAX REVENUE IN THE AMOUNT OF UP TO \$500.00 TO VISIT LA JUNTA FOR VISITLAJUNTA.NET YEARLY MAINTENANCE: Goodwin

SECOND: Mestas

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

## CITY COUNCIL MEETING – April 1, 2019

- B. Application for Renewal of a Tavern Liquor License by Red Dog Revisited LLC, d/b/a Red Dog Revisited, 709 E. 3<sup>rd</sup> Street.** The application is in order and has been reviewed by City supervisors for compliance with City and State codes. The premise is under a thirty day action plan with the Fire Department. Appropriate fees have been tendered and the City Attorney recommends approval.

MOTION TO GRANT A RENEWAL OF A TAVERN LIQUOR LICENSE BY RED DOG REVISITED LLC, D/B/A RED DOG REVISITED, 709 E. 3<sup>RD</sup> STREET: Mestas

SECOND: Vela

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

- C. First Reading/AN ORDINANCE AUTHORIZING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO THE CITY OF LA JUNTA ACTING BY AND THROUGH ITS WASTEWATER ENTERPRISE IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,000,000.00 FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN WASTEWATER FACILITIES; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; DELEGATING TO CERTAIN AUTHORIZED OFFICERS THE AUTHORITY TO DETERMINE, WITHIN CERTAIN PARAMETERS, CERTAIN FINANCIAL MATTERS PERTAINING TO THE LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Goodwin

SECOND: Mestas

DISCUSSION: This is the first step in finalizing the package of completing the finances of this project. This is a very small interest loan with the potential that they can forgive some or all of the interest, some or the entire principal. This is a revolving loan.

VOTE: The motion carried 7-0

**D. Committee/Board Reports**

1. Council Member McIntyre (AVRMC Board):
  - Board Action Summary for March 2019 is attached.
  - The 9 Health Fair will be Saturday, April 13<sup>th</sup> at the OJC Student Center from 7:00 a.m. – 10:00 a.m.
2. Council Member Vela (Design Committee):
  - Still have our \$10,000.00 committed to the Design Committee.
  - Discussed costs of tearing out the pad at the Wellness Center. Will try using in-kind work between the City and the County. Hope to have a plan after the pad is removed. Let us know what you would like in there.
  - Develop a five year plan for window scaping and getting the alley done.
  - Received a call from a Cheraw resident to donate a piano.

**E. City Manager's Comments**

1. Handed out downtown wellness walking map. There are three routes.
2. Gold Buckle Beer is La Junta's hometown beer distributed by Dean Brewery.
3. Johnnie DeLeon would like for the City to give to Inspiration Field the old practice field at 6<sup>th</sup> and Harriet Avenue. He is asking Council for the donation of this field.
4. Signs have already been ordered to put up on one side of Kenilworth from 6<sup>th</sup> to 8<sup>th</sup>.
5. Soccer starts April 13<sup>th</sup>.
6. We had eighteen baseball teams here this weekend.

**CITY COUNCIL MEETING – April 1, 2019**

---

- 7. Library's W(A)RP ended with 109 patrons reading 749 books.
- 8. There's a lot of activity happening along 1st Street/Hwy 50: new construction at Wal-Mart, McDonalds, Love's and Sonic.

**F. City Attorney's Comments**

- 1. Always a privilege.

**G. Governing Body's Comments**

- 1. Council Member Vela:
  - If you have anything to do with the Design Committee, please forward it to me and I will immediately forward it to the committee.
- 2. Council Member McIntyre:
  - I wonder if there's a way that we as Council could get together to help work on the downtown. I think Council needs to be vested in our downtown as well. Maybe some city crews or civic groups could also help
- 3. Mayor Pruyn:
  - Thank Jim Goodwin for sitting in for me at the last Council meeting. Cynthia Nieb and I had the opportunity to go to the National Main Street Conference. We received so much great information that just followed right into everything we're working on. The idea of all of our groups working together for the betterment of La Junta was just re-iterated over and over.

MOTION TO MOVE INTO AN EXECUTIVE SESSION TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER C.R.S. §24-6-402 (4)(a): Mestas

SECOND: Goodwin

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

**Council went into Executive Session from 8:08 p.m. until 8:43 p.m.**

There being no further business, the meeting adjourned at 8:43 p.m.

CITY OF LA JUNTA

\_\_\_\_\_  
Jeffri Pruyn, Mayor

ATTEST:

\_\_\_\_\_  
Melanie R. Scofield, City Clerk

Arkansas Valley Regional Medical Center  
Board Action Summary March 2019

Heard update for the La Junta Health Service District
Recognized outgoing Chief of Staff Hazel Abood
Approval/Capital Item: Pulmonary Function System/ CareFusion 211, Inc. (\$62,831.65)
Approval/Agreement/Job Shadowing/East Otero School District and area High Schools
Ratification/13-Week Travel Assignment/Medical Solutions for Medical/Surgical R.N. Laura Bryant
Ratification/36-Month Order/Nuance Powershare
Ratification/Amendment to Facility Agreement/Anthem Blue Cross and Blue Shield
Approval/Insurance Renewals/COPIC Insurance Co. <ul style="list-style-type: none"> <li>(i) Hospital (\$100,859)</li> <li>(ii) Nursing Home (\$6,986)</li> <li>(iii) Umbrella (\$78,756)</li> <li>(iv) : Michael Morley, D.O. (\$38,347 after 29% policy- holder distribution from \$54,010 premium)</li> </ul>
Acceptance/March 2019 Personnel Committee Report and Minutes of March 4, 2019, Meeting
Received Medical Staff Reports, new slate of Officers and Department Chiefs
Results of the Board Member self Assessment for Committee appointments
Report and approval of the 2019 Community Health Needs Assessment
Report on Proposed Bridgecare Exit
Voted to accept Betty Velasquez to the Board

**SECOND READING**

**ORDINANCE NO. 1606**

**AN ORDINANCE AUTHORIZING A LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY TO THE CITY OF LA JUNTA ACTING BY AND THROUGH ITS WASTEWATER ENTERPRISE IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,000,000.00 FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN WASTEWATER FACILITIES; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT AND A GOVERNMENTAL AGENCY BOND TO EVIDENCE SUCH LOAN; DELEGATING TO CERTAIN AUTHORIZED OFFICERS THE AUTHORITY TO DETERMINE, WITHIN CERTAIN PARAMETERS, CERTAIN FINANCIAL MATTERS PERTAINING TO THE LOAN; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.**

**WHEREAS**, the City of La Junta, Colorado (the "City") is a legally and regularly created, established, organized and existing home rule city under Article XX of the Constitution of the State of Colorado and the Charter of the City; and

**WHEREAS**, the members of the City Council of the City (the "Council") have been duly elected and qualified; and

**WHEREAS**, the Council has heretofore determined that the City's wastewater system (the "System") is and shall be an enterprise within the meaning of Article X, Section 20 of the Colorado Constitution; and

**WHEREAS**, the Council finds and determines that it is in the best interest of the City, to make certain improvements to the System (the "Project"); and

**WHEREAS**, the City has made application to the Colorado Water Resources and Power Development Authority (the "CWRPDA") for a loan to finance all or a portion of the cost of the Project; and

**WHEREAS**, the City has determined that in order to finance all or a portion of the cost of the Project, it is necessary and advisable and in the best interests of the City for the City to enter into a loan agreement (the "Loan Agreement") with the



CWRPDA, a body corporate and political subdivision of the State, pursuant to which CWRPDA shall loan the City acting by and through its wastewater enterprise a maximum amount of not to exceed \$3,000,000.00, including issuance costs, (the "Loan") for such purposes; and

**WHEREAS**, the repayment obligations under the Loan Agreement shall be evidenced by a governmental agency bond (the "Bond") to be issued by the City acting by and through its wastewater enterprise to CWRPDA; and

**WHEREAS**, the City's obligations under the Loan Agreement and the Bond (collectively referred to herein as the "Financing Documents") shall constitute a revenue obligation of the City payable solely from the Pledged Property (as defined in the Loan Agreement), and shall not constitute a debt or indebtedness of the City; and

**WHEREAS**, pursuant to Title 31, Article 35, Part 4, C.R.S. and Title 37, Article 45.1, and Section I 1.5 of the City's home rule charter (the "Charter"), the Financing Documents may be approved by the Council without an election; and

**WHEREAS**, the forms of the Financing Documents are on file with the City Clerk; and

**WHEREAS**, the Council desires to approve the form of the Financing Documents and other documents referenced therein, authorize the execution of the Loan Agreement, and authorize the execution and delivery of the Bond; and

**WHEREAS**, none of the members of the Council have any financial interest or other potential conflicting interests in connection with the authorization or execution of the Financing Documents, or the use of the proceeds thereof.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO:**

**Section 1. Approvals, Authorizations, and Amendments.**

(a) The forms of the Financing Documents as are on file with the City Clerk are hereby approved in substantially the form as on file, and the Mayor and City Clerk are hereby authorized and directed to execute the Financing Documents in substantially the forms as are on file with the City Clerk, with such changes as are not inconsistent herewith and as are

hereafter approved by the Mayor or the Mayor Pro Tem, and to authenticate and affix the seal of the City thereto. The City acting by and through its wastewater enterprise shall enter into and perform its obligations under the Financing Documents, in the forms of such Financing Documents, with such changes as are not inconsistent herewith and as are hereafter approved by the Mayor or the Mayor Pro Tern.

(b) The Mayor and the City Clerk are further hereby authorized and directed to execute and authenticate such other documents, instruments, or certificates as are deemed necessary or desirable in connection with the City's performance of its obligations under the Financing Documents.

**Section 2. Election to Apply Supplemental Act.** Section 11-57-204 of the Supplemental Public Securities Act, constituting Title II, Article 57, Part 2, Colorado Revised Statutes (the "Supplemental Act") provides that a public entity, including the City, may elect in an act of issuance to apply all or any of the provisions of the Supplemental Act. The City hereby elects to apply all sections of the Supplemental Act to the Financing Documents.

**Section 3. Delegation.**

(a) Pursuant to §11-57-205 of the Supplemental Act, the Council hereby delegates to the authorized officers hereafter designated the authority to make the following determinations relating to and contained in the Financing Documents and to execute and deliver the Financing Documents, subject to the restrictions contained in paragraph (b) of this Section 3:

- (i) The interest rate on the Loan;
- (ii) The principal amount of the Loan;
- (iii) The dates on which the principal of and interest on the Loan are paid; and
- (iv) The existence and amount of capitalized interest or reserve funds for the Loan, if any.

(b) The delegation in paragraph (a) of this Section 3 shall be subject to the following parameters and restrictions:

- (i) The principal amount of the Loan shall not exceed \$3,000,000.00 including issuance costs.

**Section 4. Conclusive Recital.** Pursuant to Section 11-57-210 of the Supplemental Act and Section 31-35-413, C.R.S., the Bond and the Loan Agreement shall contain a recital that the Bond is issued pursuant to the Supplemental Act. Such recital shall be conclusive evidence of the validity and the regularity of the issuance of the Bond after its delivery for value.

**Section 5. Pledge of Revenues; Lien.** The creation, perfection, enforcement, and priority of the pledge of revenues to secure or pay the Bond and the Loan Agreement as provided herein shall be governed by Section 11-57-208 of the Supplemental Act and this Ordinance. The amounts pledged to the payment of the Bond and the Loan Agreement shall immediately be subject to the lien of such pledge without any physical delivery, filing, or further act. The lien of such pledge shall have the priority described in the Loan Agreement. The lien of such pledge shall be valid, binding, and enforceable as against all persons having claims of any kind in tort, contract, or otherwise against the City irrespective of whether such persons have notice of such liens.

**Section 6. Limitation of Actions.** Pursuant to Section 11-57-212 of the Supplemental Act, no legal or equitable action brought with respect to any legislative acts or proceedings in connection with the Financing Documents shall be commenced more than thirty days after the adoption of this Ordinance.

**Section 7. Limited Obligation.** The Financing Documents are payable solely from the Pledged Property (as defined in the Loan Agreement) and the Financing Documents do not constitute a debt within the meaning of any constitutional or statutory limitation or provision.

**Section 8. No Recourse against Officers and Agents.** Pursuant to Section 11-57-209 of the Supplemental Act, if a member of the Council, or any officer or agent of the City acts in good faith, no civil recourse shall be available against such member, officer, or agent for payment of the principal of or interest on the Bond. Such recourse shall not be available either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute, rule of law, enforcement of penalty, or otherwise. By the

acceptance of the Bond and as a part of the consideration of its sale or purchase, CWRPDA specifically waives any such recourse.

**Section 9. Enterprise Status.** The City has and, to the extent necessary to maintain the validity of the Financing Documents under applicable law, will continue to maintain the System (as defined in the Loan Agreement) as an "enterprise" within the meaning Article X, Section 20 of the Colorado Constitution. Specifically, but not by way of limitation, it is hereby covenanted, agreed, and represented that the System has not and shall not receive 10% or more of its annual revenue in grants from all Colorado state and local governments combined in the current calendar year.

**Section 10. Disposition and Investment of Loan Proceeds.** The proceeds of the Loan shall be applied only to pay the costs and expenses of the Project, including costs related thereto. Neither CWRPDA nor any subsequent owner(s) of the Loan Agreement shall be responsible for the application or disposal by the City or any of its officers of the funds derived from the Loan. In the event that all of the proceeds of the Loan are not required to pay such costs and expenses, any remaining amount shall be used for the purpose of paying the principal amount of the Loan and the interest thereon.

**Section 11. City Representative.** Pursuant to Exhibit B of the Loan Agreement, Jeffri Pruyn, Mayor, Richard G. Klein, City Manager, Tom Seaba, Director of Water and Wastewater Services, and Aliza Libby, Finance Director, are each hereby designated as an Authorized Officer (as defined in the Loan Agreement) for the purpose of performing any act or executing any document relating to the Loan, the City, the Bond or the Loan Agreement. Authorized officers may be changed by resolution of the Council.

**Section 12. Estimated Life of Improvements.** It is hereby determined that the estimated life of the Project to be financed with the proceeds of the Loan is not less than the maximum maturity of the Loan authorized hereby.

**Section 13. Direction to Take Authorizing Action.** The Mayor, the City Clerk, and other appropriate officers of the City are hereby authorized and directed to take all other actions necessary or appropriate to effectuate the provisions of this Ordinance, including but not limited to the execution and delivery of such certificates and affidavits as may reasonably be required by CWRPDA. The execution of any documents,

instruments, or certificates by said officials shall be conclusive evidence of the approval by the City of such documents, instruments, or certificates in accordance with the terms thereof and this Ordinance.

**Section 14. Ratification and Approval of Prior Actions.** All actions heretofore taken by the Mayor, any member of the Council, the City Clerk, and the other officers and employees of the City, not inconsistent with the provisions of this Ordinance, relating to the Financing Documents, or actions to be taken in respect thereof, are hereby ratified, approved, and confirmed.

**Section 15. Severability.** If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

**Section 16. Repealer.** All orders, resolutions, bylaws, ordinances or regulations of the City, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw, order or other instrument, or part thereof, heretofore repealed. Neither this repealer nor any other provision of this Ordinance shall be construed to adversely affect or impair any contract entered into by the City or any enterprise thereof prior to the effective date of this Ordinance.

**Section 17. Ordinance Irrepealable.** After the Bond is issued, this Ordinance shall constitute an irrevocable contract between the City and CWRPDA, and shall be and remain irrepealable until the Bond shall have been fully paid, satisfied, and discharged. No provisions of any constitution, statute, charter, ordinance, resolution or other measure enacted after the issuance of the Bond shall in any manner be construed as impairing the obligations of the City to keep and perform the covenants contained in this Ordinance.

**Section 18. Disposition.** This Ordinance, as soon as possible after adoption, shall be numbered and recorded by the City Clerk on the official records of the City, and shall be authenticated by the signatures of the Mayor and the City Clerk.

**Section 19. Publication and Effective Date.** This ordinance shall be in full force and effect five days after publication following final passage.

**INTRODUCED, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 1<sup>st</sup> day of April, 2019.**

**CITY OF LA JUNTA, COLORADO,  
ACTING BY AND THROUGH ITS  
WASTEWATER ENTERPRISE**

\_\_\_\_\_  
Jeffri Pruyn, Mayor

(SEAL)

**ATTEST:**

\_\_\_\_\_  
Melanie R. Scofield, City Clerk

INTRODUCED, PASSED ON SECOND READING AS AMENDED, APPROVED AND  
ORDERED PUBLISHED BY TITLE ONLY this 15<sup>th</sup> day of April, 2019.

CITY OF LA JUNTA, COLORADO

---

Jeffri Pruyn, Mayor

(SEAL)

**ATTEST:**

---

Melanie Scofield, City Clerk

**AS TO FORM:**

---

Phillip F. Malouff, Jr., City Attorney

**RESOLUTION NO. R-9-2019**

**A RESOLUTION DETERMINING CERTAIN REAL PROPERTY OF  
THE CITY TO BE SURPLUS PROPERTY**

**WHEREAS**, the City is a Home Rule City organized under the laws of the State of Colorado; and

**WHEREAS**, the City owns certain real property described as follows:

Section 13, Township 23 South, Range 56 West of the 6<sup>th</sup>  
P.M.:

A parcel located within said Section 13 being more particularly described as follows: Beginning at a point commencing at the E/4 of Section 13, thence S.89°47'W. 900 feet; N.0°5'W. 300 feet; N.89°47'E. 400 feet; S.0°5'E. 285 feet; N.89°47'E. 500 feet; S.0°5'E. 15 feet to the point of beginning, in Otero County, Colorado more particularly consisting of approximately 2.93 acres.

More commonly known as 28647 County Road 25, Rocky Ford, Colorado 81067.

**WHEREAS**, the City Council believes that the real property has no utility for municipal purposes to the City and as such is surplus property; and

**BE IT THEREFORE RESOLVED BY THE CITY OF LA JUNTA, COLORADO  
as follows:**

1. The City determines that the property described above is surplus property.
2. The City authorizes the City Manager to solicit bids from prospective purchasers to purchase the property.



**EXECUTED** this 15<sup>th</sup> day of April, 2019.

**CITY OF LA JUNTA**

---

Jeffri Pruyn, Mayor

**ATTEST:**

---

Melanie R. Scofield, City Clerk