

**CITY COUNCIL MEETING – March 19, 2018**

*Subject to approval at the  
April 2, 2018  
City Council Meeting*

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, March 19, 2018, 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 Vela gave the invocation.

ROLL CALL: The following Council Members were present:

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

Absent: Jim Goodwin, Ward 1  
Scott Eckhart, Ward 3

Also present:

- Rick Klein, City Manager
- Bill Jackson, Asst. City Manager
- Phil Malouff, Jr., City Attorney
- Melanie Scofield, City Clerk
- Cynthia Nieb, Economic Development/UR Director
- Todd Quick, Chief of Police
- Aliza Libby-Tucker, Director of Finance
- Brad Swartz, Parks & Recreation Director
- Tom Seaba, Administrative Coordinator
- Aimee Hill, Engineering Dept
- Paula Mahoney, Administration
- Liz Roberts, Woodruff Memorial Library
- Greg Kolomitz, 717 Belleview Ave
- Cheryl Lindner, 16 E. 22<sup>nd</sup> St
- Gary Cranson, ARPA Representative
- Frank McKenzie, Utilities Board Commissioner
- Susan Elliott, 1310 Lincoln Ave
- Julie Worley, 2417 San Juan Ave
- Dennis Smith, 1509 Kilgore
- Rick Rigel, ARPA Manager
- Nancy Bennett, 422 San Juan Ave
- Susie Sarlo, 601 Belleview Ave
- Barb Hjelmstad, 710 Cimarron Ave
- Sharon Kolomitz, 721 Belleview Ave
- Malle Schindler, 901 San Juan Ave
- Susan Schneider, 1817 Carson Ave
- William Macdonald, 706 Raton Ave
- Anne Boswell, KWAY Lamar
- Bette McFarren, La Junta Tribune Democrat

**CITY COUNCIL MEETING – March 19, 2018**

MINUTES OF PREVIOUS MEETING: Mayor Pruyn asked if there were any corrections to the minutes of the Regular City Council Meeting of March 5, 2018. Hearing none, she declared the minutes approved as published.

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

1. Pam Guerrero, Phillips 66 Station: The condition of the road on 1<sup>st</sup> and Anderson, across from Sonic, giving street access to the Phillips 66 Station is in poor condition. Something needs to be done to fix this situation.
2. William Macdonald, 706 Raton Ave.: Dust problems are rising around the property due to people driving on the corner lot. Police protocol for dog owners needs to be followed. The nuisance needs to be dealt. The dog barking didn't allow for being in the yard.

**NEW BUSINESS****A. Tourism Board Recommendations for Funding.****1. \$2,200.00 to AAA Encompass for May/June advertisement.**

MOTION TO APPROVE THE EXPENDITURE OF TOURISM TAX REVENUE IN THE AMOUNT OF \$2,200.00 TO AAA ENCOMPASS FOR MAY/JUNE ADVERTISEMENT: McIntyre

SECOND: Vela

DISCUSSION: None

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**2. \$825.00 to Visit Denver for membership and brochure distribution.**

MOTION TO APPROVE THE EXPENDITURE OF TOURISM TAX REVENUE IN THE AMOUNT OF \$825.00 TO VISIT DENVER FOR MEMBERSHIP AND BROCHURE DISTRIBUTION: Vela

SECOND: Lovato

DISCUSSION: None

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**3. \$5,000.00 to Picketwire Players for their 50<sup>th</sup> Anniversary.**

MOTION TO APPROVE THE EXPENDITURE OF TOURISM TAX REVENUE IN THE AMOUNT OF \$5,000.00 TO PICKETWIRE PLAYERS FOR THEIR 50<sup>TH</sup> ANNIVERSARY: Vela

SECOND: Lovato

DISCUSSION: None

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**4. \$1,500.00 to La Junta Tribune Democrat for 2018 Southeast Colorado Tour Guide.**

MOTION TO APPROVE THE EXPENDITURE OF TOURISM TAX REVENUE IN THE AMOUNT OF \$1,500.00 TO LA JUNTA TRIBUNE DEMOCRAT FOR 2018 SOUTHEAST COLORADO TOUR GUIDE: Lovato

SECOND: Mestas

DISCUSSION: None

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

## CITY COUNCIL MEETING – March 19, 2018

**B. Library Advisory Board Appointment – term to expire 12/31/2020.****1. Karley Morley**

MOTION TO APPOINT KARLEY MORLEY TO THE LIBRARY ADVISORY BOARD: Mestas

SECOND: McIntyre

DISCUSSION: None

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**2. Shannon Lovato (Council Representative)**

MOTION TO APPOINT SHANNON LOVATO TO THE LIBRARY ADVISORY BOARD: McIntyre

SECOND: Mestas

DISCUSSION: None

VOTE: The motion carried 4-0 (Goodwin, Eckhart absent; Lovato abstained)

**C. Library Meeting Room Policy Changes.** Had not been charging for the meeting room and patio previously. This policy change would put a fee of \$20.00, per use, for the meeting room and patio unless you are a City, school or a non-profit group. Payments are made at the time of the applications and refunds must be requested twenty-four hours before use. There were other areas of the policy that were questioned, but are part of the original document, not what approval was being asked for.

MOTION TO APPROVE LIBRARY MEETING ROOM POLICY CHANGES: Vela

SECOND: Mestas

DISCUSSION: There was no further discussion

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**D. A Resolution Acknowledging and Approving the Issuance of Refunding Bonds by the Arkansas River Power Authority, and Related Matters.** Resolution No. R-3-2018 was presented for Council's consideration as follows:

**WHEREAS**, City of La Junta (the "*Member*") is a member of the Arkansas River Power Authority (the "*Authority*") pursuant to the provisions of the Organic Contract Creating and Establishing the Arkansas River Power Authority as a Separate Governmental Entity dated November 8, 1979 (as amended to the date hereof, the "*Organic Contract*");

**WHEREAS**, the Member and the Authority have entered into (i) the Agreement for the Supply of Electric Power and Energy to Municipal Members of the Arkansas River Power Authority dated December 13, 1983 (as amended to the date hereof, the "*Power Supply Agreement*"), pursuant to which the Authority sells and the Member purchases all of the net power supply requirements of its municipal electric utility system, and (ii) the Resource Pooling and Surplus Generation Sale Agreement (the "*Pooling Agreement*"), relating to the power pool administered by the Authority;

**CITY COUNCIL MEETING – March 19, 2018**

---

**WHEREAS**, the Authority has previously issued its Revenue Refunding and Improvement Bonds, Series 2003, and its Power Improvement Revenue Bonds, Series 2006, Series 2007, Series 2008 and Series 2010 (collectively, the "*Outstanding Bonds*"), which are currently outstanding in the aggregate principal amount of \$143,210,000;

**WHEREAS**, substantially all of the proceeds of the Outstanding Bonds were issued to finance the acquisition of the Lamar Repowering Project, an electric generating facility that is no longer in service;

**WHEREAS**, the Authority now proposes to issue its Power Revenue Refunding Bonds from time to time in multiple series (the "*Refunding Bonds*") to refund the Outstanding Bonds in order to achieve debt service savings and other purposes that will benefit the Authority, the Member and the other members of the Authority;

**WHEREAS**, the debt service savings realized by the Authority from the issuance of the Refunding Bonds and the refunding of the Refunded Bonds will better enable the Authority to stabilize and reduce the wholesale rate it charges to the Member and the other members of the Authority for power supply services provided under the Power Supply Agreement;

**WHEREAS**, in order to induce the Authority to proceed with the issuance of the Refunding Bonds and the refunding of the Refunded Bonds, and to provide necessary assurances to the purchasers and owners from time to time of the Refunding Bonds, the Member's governing body desires to adopt this resolution to evidence its acknowledgement and approval of the issuance of the Refunding Bonds by the Authority;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of City of La Junta, Colorado, as follows:

*Section 1. Approval of Refunding Bonds; Provision of Additional Information.* The Member acknowledges and approves the issuance from time to time of the Refunding Bonds by the Authority for the purpose of refunding the Outstanding Bonds, and providing necessary reserves for and paying the costs of issuance of the Refunding Bonds; *provided that* the final maturity of the Refunding Bonds shall be not later than October 1, 2043.

**CITY COUNCIL MEETING – March 19, 2018**

---

*Section 2. Cooperation with the Authority's Continuing Disclosure Undertakings,* The Member acknowledges that in connection with the issuance of the Refunding Bonds:

(i) it will be necessary for the Authority to enter into continuing disclosure undertakings to provide updated annual financial and operating information and notices of certain reportable events pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "*Continuing Disclosure Undertakings*"); and

(ii) such financial and operating information will include updated financial and operating information with respect to the Member and its electric utility system comparable to the information contained in the Authority's Official Statements for the Refunding Bonds.

The Member agrees to provide such updated annual financial and operating information as may be requested by the Authority from time to time in order to enable it to comply with the provisions of its Continuing Disclosure Undertakings.

*Section 3. Ratification and Confirmation of Organic Contract, Power Supply Agreement and Pooling Agreement.* The Organic Contract, the Power Supply Agreement and the Pooling Agreement are each hereby ratified and confirmed as the legal, valid and binding obligations of the Member. The Member acknowledges and agrees that the Organic Contract and the Power Supply Agreement shall each remain in full force and effect until the Refunding Bonds have been paid or discharged in full in accordance with their terms;

*Section 4. Further Authority.*

(a) The Mayor and the City Clerk are hereby authorized and directed to execute and deliver a certificate of the Member in substantially the form attached hereto as *Exhibit A* at the time of each issuance of Refunding Bonds by the Authority.

(b) The City Attorney is hereby authorized and directed to execute and deliver an opinion of counsel to the Member in substantially the form attached hereto as *Exhibit B* at the time of each issuance of Refunding Bonds by the Authority.

*Section 5. Miscellaneous; Effective Date.*

(a) All previous acts and resolutions in conflict with this resolution or any part hereof are hereby repealed to the extent of such conflict.

**CITY COUNCIL MEETING – March 19, 2018**

(b) In case any provision in this resolution shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

MOTION TO ADOPT RESOLUTION NO. R-3-2018: Vela

SECOND: Mestas

DISCUSSION: There was no further discussion

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**E. “Certificate of Member” Execution.**

MOTION TO EXECUTE CERTIFICATE OF MEMBER: Vela

SECOND: Mestas

DISCUSSION: There was no further discussion

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**F. First Reading/AN ORDINANCE TO AMEND PORTIONS OF THE CITY SALES AND USE TAX ORDINANCE.** The ordinance was introduced by title only, there being copies available to those in attendance. The Colorado Municipal League is promoting standardization of the definitions throughout the State. This does not affect the amount being collected for sales tax.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Mestas

SECOND: Lovato

DISCUSSION: There was no further discussion

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**G. Resolution Supporting the City of La Junta to Apply for Candidate Status in the Colorado Main Street Program.** We have been an Affiliate Member for a few years now but weren't ready to become a full member. We have now hit the bench marks to do that and this allows for funding to come to La Junta. Resolution No. R-4-2018 was presented for Council's consideration as follows:

**WHEREAS**, the City of La Junta has a vested interest in advancing the vitality of Downtown La Junta; and

**WHEREAS**, the citizens of La Junta have consistently urged the City to make revitalization of its downtown a priority; and

**WHEREAS**, the City recognizes the overall economic benefit to the City of maintaining and revitalizing its downtown, which area serves as the City's center for commercial, financial, governmental, social, recreational, historic and cultural activities; and

**WHEREAS**, the City desires to promote redevelopment opportunities in the downtown that will generate economic development that results in increased employment, and

**CITY COUNCIL MEETING – March 19, 2018**

increased tax revenue while preserving and enhancing the unique character of downtown as the heart of La Junta.

**NOW, THEREFORE, IT IS FOUND AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO, AS FOLLOWS:**

1. The application as presented by the City of La Junta to the Colorado Department of Local Affairs to join the Main Street Program at the Candidate level is hereby unanimously supported by the La Junta City Council.

MOTION TO ADOPT RESOLUTION NO. R-4-2018: McIntyre

SECOND: Lovato

DISCUSSION: There was no further discussion

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**H. Committee/Board Reports**

## 1. Council Member Vela (Senior Citizens Board):

- Forty-three going on Memphis trip in May, this trip is full.
- Seventeen so far going to Maine, the deadline is still pending.
- Thank you to Jay's Christmas Dinner for the baked goods.
- Small changes (updates) were made in the Senior Center by-laws.
- Serina Gutierrez is not longer with the Sr. Center, went on to a better job for her.
- County offices next door not allowing public to use their restrooms, so they are now using the restrooms in the Senior Center.

## 2. Council Member McIntyre (AVRMC Board):

- Approved the clinical affiliation with the Denver College of Nursing.
- Ratification of contract labor agreements with two other agencies.
- Ratification with the company Peak View Roofing to replace the roofs affected by hail.
- Ratification on 340b Agreement for Drug Discounts.
- Approval of the 2019 budget.
- Approved insurance renewals for professional and general liability umbrella.
- Accepted the 4<sup>th</sup> Quarter Physician payment compliance report.
- Received report on medical staff activity.
- Received the quarterly quality report for the five-star nursing home.
- Health Fair is in April.

**I. City Manager's Comments**

1. Water sales for the first two months of the year are record highs.
2. As of today, the WWTP is 32% complete
3. GIS system is activated, training is scheduled.
4. Kingdom Hall bought the lot across from the Nazarene Church, working on utilities.
5. Using the excavator to drop the walls in at 1119 Smithland, then will take the trees down at 2<sup>nd</sup> & Carson while waiting on permits.
6. CLG training on March 22<sup>nd</sup>.
7. Two new sanitation trucks should be here by the end of the month.
8. Weeds! Weeds! Weeds!
9. City employees participated in an "active shooter" training for the reunification process. Very proud of the employees for doing this and stepping up to protect our kids.
10. Soccer registration ends March 23<sup>rd</sup>.

**CITY COUNCIL MEETING – March 19, 2018**

---

11. Installing the next 600 feet of water line at the cemetery.
12. Thanks to the Parks Department for keeping the weeds down at Wickham Addition.
13. Main Street program moving forward.
14. DCI conference will be April 11-13.

**ADDITIONAL TOPICS:**

- Some properties in town are actually in the County limits and we have no control over.
- Thanks to Rick for his efforts with the Tiger Grants. BNSF now has to maintain the railway for the next twenty years.

**J. City Attorney's Comments**

1. Request to commence condemnation – Sherry Manyik, 1112 Bradish Avenue.

MOTION TO AUTHORIZE THE CONDEMNATION OF 1112 BRADISH AVENUE, SHERRY MANYIK: Vela

SECOND: Mestas

DISCUSSION: None

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**K. Governing Body's Comments**

1. Council Member Vela: Commend the School District at the High School for their seventeen minute peaceful demonstration to honor the memory of the seventeen people who were killed at the high school in Florida
2. Mayor Pruyn: Brett McIntosh did a wonderful job taking us on a tour of Lewis Bolt & Nut. They do such amazing things for the community as well. Also did a tour with DCI walking our downtown with us.
3. Council Member Vela: Accept the challenge of the Anderson Arroyo to go from 10<sup>th</sup> Street to the river. It's one mile and mostly done. Use caution.
4. Council Member McIntyre: Attended the Lewis Bolt & Nut tour it's nice to see what's going on at the Industrial Park. They have over 230 employees and a couple of the employees stayed past their shift just to show us some of the things they were doing. Do a great job on recycling some of their metals.



**CITY COUNCIL MEETING – March 19, 2018**

---

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) and THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATIONS, UNDER C.R.S. §24-6-402 (4) (e): Vela

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 5-0 (Goodwin, Eckhart absent)

**Council went into Executive Session from 8:30 p.m. until 9:08 p.m.**

There being no further business, the meeting adjourned at 9:08 p.m.

CITY OF LA JUNTA

ATTEST:

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

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