

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 Lynn Horner on Monday, March 20, 2017, at 7:30 p.m. in the Council Chambers of the Municipal Building.

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

INVOCATION: The Mayor gave the invocation.

ROLL CALL: The following Council Members were present:

- Betty Velasquez, Ward 1
- Jim Goodwin, Ward 1
- Frank McKenzie, Ward 2
- Lynn Horner, Mayor
- Jeffri Pruyn, 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
 - Beverly Babb, 1120 W. 12th St
 - Cheryl Lindner, 16 E. 22nd St
 - Paul Velasquez, 1313 Bradish Ave
 - Greg Kolomitz, PO Box 662
 - Caitlin Coffield, Inspiration Field
 - Mike Pruyn, 5 Circle Dr
 - William Macdonald, 706 Raton Ave
 - Bette McFarren, Tribune-Democrat

MINUTES OF PREVIOUS MEETING: Mayor Horner asked if there were any corrections to the minutes of the Regular City Council Meeting of March 6, 2017. Council Member Vela: on page 5, I asked for a quarterly not semi-annual written report. Hearing no further corrections, the Mayor declared the minutes approved as amended.

CITIZEN PARTICIPATION FOR NON-AGENDA ITEMS (10 minute time limit per person):

1. William Macdonald, 706 Raton Avenue: The dog across the street barks a lot. The City has stalled it in the courts. Mr. Malouff had it set aside, it's been set aside a couple of times. The City had someone complain about the dog next door a couple of years ago. There's just massive barking. After a few months of barking, Sergeant Mobley told me that they had removed the dog from the property voluntarily. So, that took care of that problem. The Police Department told me that typically when there is a nuisance barking, the owners just get tired of it. They can't control the dogs barking so they don't keep the dog. What also happened, at 618 Raton, they had a Chihuahua, and Officer Horbitz was taking the dog into custody, there were two guys with that property. But, I'm across the street from a dog with massive barking that the City doesn't want to address. I've exhausted all of my possibilities of communication with the City Manager. What happens is pretty much when something walks up the street, the dog barks. It can be every five minutes for hours on end. This weekend there were fifteen to twenty minute barks. Basically continuous. When I asked the police to check it out, they get there and say the dog isn't barking and then they say that the dogs barking is guarding the property. So what happens is there's a duplex across the street which the dog barks

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a very good length. Because I have a garden, I spend a fair amount of time outside. I like to use my out-of-doors space. Also, summer is coming up and I would like to ventilate and have my windows open. So what I'm asking City Council to do is to ask Rick and the Police Department to process my complaints because I've signed statements and called the Police in. There's just nothing happening and it's pretty much a daily occurrence. There's also a dog across the alley that is a guard dog and the lady that lives next door in the Queen Anne house told me, volunteered to me, that she finds it very annoying because the dog barks off and on all day with numerous lengths of barks. Last year in my garden, every time I would go outside, it would bark the whole time I was out there. There's some kind of middle ground, if people want guard dogs they should, when they're at home, both of these properties (715 Colorado and 622 Raton) they spend a lot of time at home, so if they want to keep a guard dog they can bring the dog inside when they're at home. If the City doesn't ticket them, there's no reason for them to control the dogs barking. That's pretty much where it is for me. Another year where there's tons of nuisance barking and the City doesn't. That's why I've come to council tonight. (Mayor Horner: Thank you Bill, we will consider it and have a discussion as a group to see what can happen and someone will get back to you.) Thank you for your patience, there's been times it's been hard for me to participate in a group setting like this. Sometimes it's very uncomfortable for certain people. What I'm going to go ahead and do is get some signed statements from people that I can give to Rick that indicates that it goes beyond just my own individual issue. Thank you.

REPORTS

- A. **City of La Junta Monthly Financials.** Keep in mind that insurances is paid up front. The miscellaneous is the Buxton that we did with Ryan Stevens, the Comp Plan and Air Med. (Council Member Vela: Is that Buxton part of the 50/50?) Yes and we should be getting reimbursement on that. We have probably already paid CML dues for the Utility Board. Internal Services had a little bit more maintenance, tires and vehicles, and then they've picked up all their uniforms. Under Purchasing, we have dues and subscriptions; they wait till the first of the year to get supplies and then the contract services was over. It's just the timing of the year. (Council Member Pruy: What's contract services?) Contract services are any consultants like Buxton, the Waste Water Treatment engineers, the companies working on the Power Plant issue. With Property management, its dues, subscriptions and advertising for golf course members. (Council member Vela: The golf course looks good.) Thank you. With the Electric Department, it's the same thing with dues and subscriptions. Your big ticket items will be your salaries and benefits which is about 75% of the budget, these are the things to watch for going out of line. We've been doing a lot of interdepartmental work and part of that work is charged back to the department receiving the help. In the sewer and water fund, you'll see the loan and loan principal expense. Sanitation is rolling right along. (Council Member Vela: Is there an escrow fund anywhere?) No, we do have reserves, but not an escrow. I'm thinking around \$25,000. (Council Member Goodwin: When will the new Waste Water Treatment Plant be started?) It should be done in the Fall of 2019. They're saying that it's going to cost us about \$2.5 million more than the original estimate. We're looking to get a direct loan for this and we only pay for what we get as we get it. This will be the loan over the \$14 million and it will be interest free. (Mayor Horner: They're projecting \$2.5 million but we haven't gotten actual bids yet so the reality is that maybe it isn't \$2.5 million.) That guy said something the other night that I thought was spot on. He said you never want to get a company that you are only 1% of their business, because then they won't pay any attention to you. You want to get to where you're around 20% of their business. Then they'll pay attention to you but you're also not their only project. Also, Mr. Goodwin asked me about the water supply for the year, we currently have a three year water supply. We do not foresee restrictions for this year.

NEW BUSINESS**A. Liquor Licenses**

1. **Application for a Special Events Permit by Inspiration Field, Caitlin Coffield, Event Manager. The event is the Annual Cinco de Mayo Celebration to be held May 6, 2017 from 10:00 a.m. to 11:59 p.m. at 612 Adams 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.

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MOTION TO GRANT A SPECIAL EVENT PERMIT TO INSPIRATION FIELD FOR THE ANNUAL CINCO DE MAYO CELEBRATION TO BE HELD MAY 6, 2017 FROM 10:00 A.M. TO 11:59 P.M. AT 612 ADAMS AVENUE: Vela

SECOND: Velasquez

DISCUSSION: None

VOTE: The motion carried 7-0

- 2. Application for a Special Events Permit by Inspiration Field, Caitlin Coffield, Event Manager. The event is the Rocky Ford Food Market Golf Classic to be held May 12, 2017 from 5:00 p.m. to 11:59 p.m. at 612 Adams 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 INSPIRATION FIELD FOR THE ROCKY FORD FOOD MARKET GOLF CLASSIC TO BE HELD MAY 12, 2017 FROM 5:00 P.M. TO 11:59 P.M. AT 612 ADAMS AVENUE: Velasquez

SECOND: Goodwin

DISCUSSION: None

VOTE: The motion carried 7-0

- 3. Application for Renewal of a Hotel & Restaurant Liquor License by Fargerson LLC, d/b/a Boss Hogg's Saloon & Restaurant, 808 E. 3rd Street.** The application is in order and has been reviewed by City supervisors for compliance with City and State codes. The premise is under an action plan through the Fire Department. Appropriate fees have been tendered and the City Attorney recommends approval.

MOTION TO GRANT RENEWAL OF A HOTEL & RESTAURANT LIQUOR LICENSE BY FARGERSON LLC., D/B/A BOSS HOGG'S SALOON & RESTAURANT, 808 E. 3RD STREET: Pruyne

SECOND: Goodwin

DISCUSSION: None

VOTE: The motion carried 7-0

B. Committee/Board Reports – No reports.

C. City Manager's Comments

1. Springtime is upon us, we have a lot going on.
2. GIS, has been ordered and they will come down on April 10th to work on it. The City received a \$5,000 grant to go towards this project.
3. Our street sweeper is going around on the weekends to try to stay on top of the debris in the intersections.
4. We've rented a VAC truck we received last week and will keep it for a month. We are using it to suck out all the inlets before the storms come through.
5. Continuing to clean the arroyos, working on the debris here as well before the storms.
6. We're using front end loader buckets and filling potholes in the alleys, then we can get in there and grade them.
7. Working with Aaron on a water truck that was donated to the Rural Fire. We're modifying it so we can wash down the red brick on 1st Street.

Council Member McKenzie: Are we doing pothole repair on Thursdays now? (We will be doing that on Wednesdays now, when the plant is up. Anytime it's open, we're patchers.) I believe it is very important especially since we have these limited opportunities.

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8. Darren's been working with Pam on getting the bids ready for the Chamber.
9. Post Office sidewalk has been replaced along with the handicap corner. We're also putting in a handicap corner at 14th and Colorado.
10. We have 59 more kids this year than last in soccer. It's been the biggest year we've had and it's all the young group.

Council Member Vela: Do you have enough coaches? (So far we do.)

11. Still doing the tax help on Thursdays at the Library.
12. Bill has planted 15 trees at the golf course.
13. The handicap ramp for the golf course club house is going out for bid.
14. The wall is re-done between 3rd and 4th on Santa Fe and the fence is up.

Council Member Vela: Is the brick on the north side going to stay the way it is? (Yes, that's not ours.)

15. We will start replacing boilers as we can per the budget.
16. This weekend we will start stripping and waxing the floors in City Hall.
17. The security doors are done.
18. Fire Department is having HazMat training on March 25th, 26th and on April 1st and 2nd.
19. The Electric Department finished putting in the service to the new wrestling building. They are retiring lines out at the Waste Treatment Plant. We are also taking out the vegetation in those areas.
20. The last wind storm did take out two secondaries. One mast and one pole went down in North La Junta. A few years ago we bought these re-enforcers, instead of trying to put a new pole up during the storm; we can put these re-enforcers that would hold the pole up. It only took an hour versus five hours.

Council Member Vela: When are you going to blade the King Arroyo from 3rd to 14th? (As soon as I get done with Anderson, it will probably be in the Fall. I need to get these alleys up and running and start on the streets.)

Council Member Pruyn: Has there been much difficulty with re-designating trash dumping day? That map was difficult. (We thought we had some clear colors on the map and it will be a learning curve.) So if people are missing their days, are you going back through and catching them? (Yes.)

21. One last project, we're down at 1st and Smithland and tearing out the old rail spur lines.

Council Member Velasquez: We have kids at Red Crane Park every day, thank you for that. The gazebo and the benches, where are we on that? (I do not know, I will check with Brad.)

Council Member Goodwin: Also, the "No Parking" signs that were going to go in there.

Council Member Velasquez: I've walked up and down that area and cars are still speeding by there, so we definitely have a problem. We should get the PD out there again. There's lots of little kids walking around and going to that park.

D. City Attorney's Comments

1. **Junk Vehicle Ordinance:** In your packet, there is a draft of a "Junk Vehicle" ordinance that I would like to put on the next agenda for first reading. This is an expansion and clarification of our current ordinance so that repair shops and body shops have the ability to have some junk vehicles within a certain amount of time. It is very hard for Code Enforcement to separate what is work in process vehicles versus people just leaving vehicles out. This is an attempt to try to clarify that a little bit. We'll see how it works and there may be more adjustments to come.

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2. **Regarding the complaint of Mr. Macdonald:** A couple of things to note is that I am not sitting on any tickets that have been processed through the Municipal Court. Everything has been properly processed. He has been told that. He takes every opportunity to discredit me at every turn. Part of the problem is that he does not want to sign complaints and he believes he shouldn't have to because its neighbor against neighbor. We have gone so far as, because of his belief that he is being prosecuted by me personally, he had two charges pending, intoxication in public and disorderly conduct (and that's not a matter of confidentiality that's a matter of public record so we can speak of it). In an effort to ensure he has his fair trial, we're going to go out and hire a special prosecutor and a separate judge, so that Mr. Macdonald receives a fair trial and not a retaliatory prosecution. We tried to do that in another way. The charges were bumped from City to County Court. He was given an unbiased trial but he didn't see it that way. So we are going to continue to try to find ways to deal with him in a fair and appropriate manner. The City sent a questionnaire to all of his neighbors asking if there were other problems in the block, in addition to barking dogs. We did that within a huge area not just his immediate neighborhood. We didn't receive any complaints at all from anyone with regard to anything which he alluded to.

We have an ordinance that applies to barking dogs. First of all, it is an ordinance that says there has to be a continuous barking for one minute. That's a huge proof problem. By the time the cops get there, the dog is not barking. It's an impossible proof issue. Secondly, there's a provocation issue that is an exception to the prosecution of the ordinance if the dogs are provoked. A passerby passing by a yard and the dog barks. You've got to define provoked. Provoking doesn't necessarily mean that you're jabbing it with a stick. A dog barks because that's what a dog is supposed to do when uninvited neighbors walk passed. We've got a real difficult situation here and it's not being done to the satisfaction of Mr. Macdonald. I can't begin to tell you the amount of man hours and new prosecutors and judges, at the taxpayers' dollars, to make sure he gets a fair trial. He continues to circulate criticisms of myself, Mr. Klein, others in the Police Department as to what is going on. It's a question of appeasement.

3. **Hospital Board Meeting:** The next thing is there will be a Hospital Board Meeting next Tuesday night at 6:00 p.m. in the basement of AVRMC.
4. **City Board Appointments Resolution:** I have drawn up a resolution that looks a lot like, but not identical, to a prior resolution to try to make this more "reader" friendly. I bring it to you as a discussion item and would ask you to please look it over within the next ten days. If I haven't heard of any changes, then I'm going to put it on the next agenda for your consideration on a formal basis. This is not the same as the resolution passed in 2002.
5. **Building Ordinances:** Next there are three different ordinances that are related to repair and maintenance of buildings within the City. The Engineering Department has completed their review of two of the three and expects to have the third one completed this week. I will be bringing those back for discussion, hopefully at the April 3rd meeting.
6. **Utility Board Resolution:** The Utility Board passed a resolution which imposes a dormant fee for water, sewer and electricity. First of all, we need to start recovering contributions for fixed assets that need to be paid for and secondly, it will have some impact on the rental/bad building repair. There are a lot of little things that are being tried; however, there's no guarantee it'll work.
7. **Condemnation:** Finally, this week, I intend to finish the second condemnation. That will make it two buildings to take care of as soon as we get funding. I also have two more that are in the process. It takes about a year to get through the process.

E. Governing Body's Comments

Council Member Pruyne: Would like to read a statement that I wrote. (Statement is attached.)
 (City Manager Klein: I did reach out to Senator Cory Gardner's office today to see if he'd be willing to come down for a town hall meeting and I will also reach out to the new CEO of Amtrak

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to see if he'd join us.) It's important for the citizens of La Junta to know what's going on because they do have a voice. (Greg Kolomitz: [With all due respect, I believe you should also contact Representative Ken Buck.](#))

Council Member Vela: I want to congratulate Bill.

Mayor Horner: Thank you Bill for condensing down our Re-Imagine La Junta to the five main areas. As we begin to continue to work on some of these and accomplish some of them, I would like to put a red checkmark or something to show that we have worked on some and getting them done. Thank you and continue to remember, we've got lots of projects and lots of things we should be thinking about and working on.

Council Member Vela: I want to lay some heaps of praise on our Mayor. At the Utility Board last week, there were a couple of guys in there that didn't appear to be happy and they felt that maybe they were getting sideswiped by Dean's magnificent verbiage. The Mayor took these two guys like they were his twenty year old sons and really explained it good. One of them wasn't too happy but the other one was okay with it. I thought it was a heck of an explanation and good job Mayor. I was proud of you.

Council Member Velasquez: I would like to thank Rick and your department for participating in the Youth Job Fair we have coming up on March 28th. It's going to create a lot of opportunities for the youth in our community. I want to thank you for that.

There being no further business, the meeting adjourned at 8:21 p.m.

CITY OF LA JUNTA

ATTEST:

Lynn Horner, Mayor

Melanie R. Scofield, City Clerk