

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, April 3, 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: Council Member Goodwin 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
  - Todd Quick, Police Chief
  - Robbie Quick, 16<sup>th</sup> Judicial SART
  - Sara Kelley, Casa del Sol
  - Paul Velasquez, 1313 Bradish Ave
  - Beverly Babb, 1120 W. 12<sup>th</sup> St
  - Elaine McIntyre, La Junta
  - Cameron Salzbrenner, 22 Chaparral Cr
  - Tracey Salzbrenner, 22 Chaparral Cr
  - Matthew McIntyre, 21 W 22<sup>nd</sup> St
  - Cheryl Lindner, 16 E. 22<sup>nd</sup> St
  - 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 20, 2017. Hearing none, the Mayor declared the minutes approved as published.

RECOGNITION: Mayor Horner recognized La Junta Trading Company celebrating 110 years being in our community. Rick Klein acknowledged that they are the oldest business under the same family.

PROCLAMATION – SEXUAL ASSAULT AWARENESS MONTH: Mayor Horner signed a proclamation declaring the month of April 2017 as “Sexual Assault Awareness Month.”

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

1. William Macdonald, 706 Raton Avenue: I would like to know if there was a response from Council on how to deal with the law enforcement on the barking code. (Mayor Horner: I think it would benefit your position if you were actually able to get other people in your neighborhood to be willing to sign or be supportive if this dog is that bad of a barking issue. That way it wouldn't be just you.) Do they need to file a complaint with the police department? (Mayor Horner: Yes a complaint.) So

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you won't take anything less than a complaint? (Mayor Horner: Is that correct Dean?) (City Attorney Malouff: The ordinance says that there has to be proof of the dog barking for one minute and that it has to be based upon non-provocation. That's not my rules; it's in the ordinance. Proving beyond a reasonable doubt, which is what we're required to do, is a difficult proposition. It boils down to an issue of, not an unwillingness to enforce the ordinance, but the ability to enforce the ordinance based on the parameters that are in the ordinance. I've tried to explain this to Mr. Macdonald. I don't know how else to explain it. I'm sure there's a barking dog out there from time to time. By the time the information gets filtered to the police department, the dog is no longer barking. How do you establish that the dog was not provoked? This is a very difficult thing. What has happened in other places in the City is that neighbors have gone to neighbors and talked and attempted to identify problems and to deal with solutions on a reasonable basis. Many times, neighbors are willing to work with each other. The looking to the City to enforce, in some cases, a neighbor problem; I don't have a solution.) Mr. Malouff, the City court here, Judge Manley, is willing to accept testimony that the dog was barking to get the conviction. And I've also presented electronic evidence to the police and they tell me this doesn't prove anything. Number three, when I get the police out there, they'll say the dog's job is to bark. I think that's a really important point here. There's no mention of the dogs provocation would be in the terms of the City policy. They're not concerned with provocation. City policy is that the dog is guarding the property. With this dog at 622 Raton, there are two duplexes across the street. When the people get out to get into their cars, there's regularly two to three minutes of barking. Which, wouldn't you call that provocation Mr. Malouff? (City Attorney Malouff: I have had the luxury of not having to make those kinds of judgments Mr. Macdonald, but I can tell you that provocation will vary from time to time, from case to case. If you feel strongly, and I think you have had reluctance in the past to sign complaints, but instead wanting the City to do it.) No, I would prefer that the City go ahead and do it so that I wouldn't have to pit neighbor against neighbor because, in this case, at 12 E. Raton Avenue, there's a new tenant and the first time I talked to him, he agreed that there was lots of barking. And the second time I talked to him was late last week and what he said was, "there's way too much barking", so I'm going to go ahead and talk to him and see if he's willing to sign a complaint. One of the problems with forcing a neighbor to sign a complaint against a neighbor is then that person who really doesn't have any. The ordinance isn't for people who are oblivious to a dog's barking. The ordinance is there for people who don't like to hear lots of barking. So the dog owners are basically the dogs barking, they have no conscious with their dog barking. That's what this guy says, he says the barking is very bad and the owners are just sitting out front while the dogs barking away. So what you're saying is its great in theory in terms of a truth and actual basis. I've had the police there a few times and they're not going to do anything about it. Rick walks by with the City Finance Director and she says the dog's job is to bark. Recently, my left ear, I have troubles with it. I think I had a ruptured ear drum earlier in the year and it's finally resolved itself. But then the dog is out there barking away and it re-injured my ear so to me this is like we're starting to look at your non-enforcement policy. The consequence of your non-enforcement policy and refusal to process... Mr. Malouff has tabled this twice when its gone to court and I've signed complaints, it's gone to court, its there to go to trial and Mr. Malouff says, "I'm going to set this aside", two different times they have done this. They put a bench warrant out for his arrest because the guy doesn't show up to his pre-trial conference and it's like a big dodge to begin with and then the police department doesn't serve the warrant. So, I got tell Todd that there's a warrant out for this guy's arrest. (City Attorney Malouff: I won't mince words with you Mr. Macdonald, but I can tell you as matter a fact, that I have set aside complaints against you. So the very protection you are complaining about, which is misinformed, you have been the benefactor of. The fact that your neighbors don't like you, the fact that you can't get along with any of your neighbors, under any circumstances. Is not our problem.) No, no, no, no..... (City Attorney Malouff: Ok, I won't argue with you Mr. Macdonald, I'm just telling you facts.) That's what Kathy told me, what we're looking at here is she's the one who didn't like and was talking about the dog across the alley and I was talking about us having problems with 622 Raton and she volunteered that the dog across the alley regular barking is very annoying. She went on to say a few remarks that she considers it to be a product of living in this climate of fear that we're living in. And so this isn't Denver, I understand that there's a lot. You have to live with the existing conditions. What she said is it's a climate of fear. She would like to do something about it but that's just how it is. It's just kind of grin and bear it. It's the same thing with this guy across the alley. He's

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saying the barking is very bad but he doesn't want to... It's too much to complain against your neighbor. (Mayor Horner: Let's move on. Thank you Bill.)

**NEW BUSINESS****A. Liquor Licenses**

1. **Application for a Special Events Permit by Otero Museum Association, Becky Goodwin, Event Manager. The event is the Annual Wine Tasting Benefit to be held May 12, 2017 from 5:30 p.m. to 7:30 p.m. at 218 Anderson 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 OTERO MUSEUM ASSOCIATION FOR THE ANNUAL WINE TASTING BENEFIT TO BE HELD MAY 12, 2017 FROM 5:30 P.M. TO 7:30 P.M. AT 218 ANDERSON AVENUE: Pruyn

SECOND: Goodwin

DISCUSSION: None

VOTE: The motion carried 7-0

2. **Application for Renewal of a Hotel & Restaurant Liquor License by Ramona Chaparro, d/b/a Mexico City Cafe, 1617 Raton Avenue.** The application is in order and has been reviewed by City supervisors for compliance with City and State codes. Appropriate fees have been tendered and the City Attorney recommends approval.

MOTION TO GRANT RENEWAL OF A HOTEL & RESTAURANT LIQUOR LICENSE BY RAMONA CHAPARRO, D/B/A MEXICO CITY CAFE, 1617 RATON AVENUE: Velasquez

SECOND: Vela

DISCUSSION: None

VOTE: The motion carried 7-0

- B. **A Resolution Concerning City Appointments.** City Attorney Malouff asked to have this action postponed due to receiving additional changes late on Friday. The Resolution was postponed.

- C. **First Reading/AN ORDINANCE CREATING AN EXEMPTION TO THE JUNK VEHICLES ORDINANCE.** The ordinance was read by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Vela

SECOND: Goodwin

DISCUSSION: There was no further discussion

VOTE: The motion carried 7-0

**D. Committee/Board Reports**

1. Council Member Pruyn (Design Committee) – There will be a meeting on Thursday, April 13<sup>th</sup> at 4:00 p.m. in the Council Chambers.

**E. City Manager's Comments**

1. We had 495 kids join soccer making 33 teams. (15 teams from La Junta, 5 from Rocky Ford, 4 from Crowley, 4 from Swink and 5 from Cheraw.) The Pre-Kindergarten and Kindergarten comprises around 12-15 of the teams.
2. All the fields are being used right now.
3. The circle at the City Park looks beautiful. You need to go by and check it out.

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4. All the Senior Center trips are full.
5. The new boiler is in at the pool and is getting ready to be re-wired.
6. Last Saturday we held a Hazmat Training with seven different agencies.
7. There will also be a natural gas/pipeline training at the Industrial Park and we're working with Black Hills Energy.
8. The Winter Adult Reading Program has ended and now the Library is gearing up for the Summer Reading Program.
9. At the racetrack, we are having two days for the Pikes Peak Racing team. This is very impressive.
10. Asbestos is being checked at 1515 Grace Avenue and 1510 Edison Avenue. The building is down on East 3<sup>rd</sup> Street.
11. Another big project at 1<sup>st</sup> and Smithland – we tore the old Rail Road tracks out. The transition turned out beautiful.
12. All Rite Paving is working on asphalt – then we can continue patching.
13. We rented a VAC truck for one month and we're going around sucking out the inlets.
14. The old bathrooms are gone at Potter Park.
15. We are getting a quote on putting a gate on the Anderson Arroyo outlet between 3<sup>rd</sup> and 5<sup>th</sup> Street.
16. We have hired a new code enforcement employee.
17. The Health Department is working with convenience stores on the smokeless tobacco ordinance.
18. The Water Department is working on well and tank inspections. A drone is being used now to help with the tank inspections.
19. We received the preliminary okay from the State in the recommendation of a 0% loan for up to 30 years on the \$2.5 million if needed.

Council Member Vela: Are we anticipating that cost over-run? (I want to see what the bids come in at because I just can't see it being \$2.5 million and I'm hoping it's not. But if it is, we'll see what we can do in-house to help lower the price.)

20. During the last storm, we had 44 actions on the Boys Ranch line. The electric guys were able to isolate the problem and get it back going again. We had only one pole that was ready to go and that was on our transmission line coming in from Tri-State.
21. The auditors are here.

Council Member Velasquez: Where are we at with the gazebo for Red Crane Park? (We are going to go for a mini grant this next time around. Todd did put out a trailer and we're looking at slower speed signs. We haven't received any complaints.) I'll be the first one to complain. We were there on Sunday and there were a lot of cars going by very fast. (Council Member Goodwin: I'll make a second complaint, there's just a lot of cars zooming by.) So, back to the Red Crane, are you saying that if we don't get the mini grant, we don't get the gazebo and benches? (We are trying to get it through a grant.) So if we don't get the grant, we don't get it? (No, that means we try again.)

22. The bills are coming in for the Tiger 7.

Council Member Vela: So the only thing we have left at City Park are the restrooms? (I'm trying to go for a grant so we can tie the inside and outside together. We also have to finish off on the pathways on the interior, along with the caretaker's building and the tennis courts.) What are you going to do with that? (That will have to be a decision all of them will have to make.) What about the price of our containers, the 20 and 40 yard boxes? Do we need to pass an ordinance or do we internally do that? (The Utility Board did.) Oh they did? (Yes sir.) Congrats to Property Management on the medi-vac building – Care Connect building.

Council Member Velasquez: Are you going to be looking into grants to re-do the basketball courts at City Park and at Tippy? Those basketball courts are pretty bad. (We've tried five times and they keep telling us it's a maintenance deal. Because of where its built, it just breaks apart. I'm wondering if we

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switch that basketball court into another tennis court so they can have bigger tournaments.) I see a lot of kids playing basketball, we need to keep it as a basketball court.

**F. City Attorney's Comments**

1. CML/CIRSA Outreach, May 4, 2017 from 5:30 – 7:00 p.m. at the Senior Citizens Center.

**G. Governing Body's Comments**

1. Council Member Goodwin: The Fire and Ambulance department, they're pretty much full staff, and they have new trainees. They are very polite, answered any questions, gave you a run down of what they were doing. It's a compliment to the department how they work with the community. I have to proudly say that we have two of the best departments for public relations. (Beverly Babb: Mike Engebrecht was given an award for duty beyond.)
2. Mayor Horner: Do we need to schedule another work session? (Council Member Velasquez: Where are we at on the vicious dog ordinance? We had an experience this evening, we were on Adams and there was a pit bull running down the street chasing a little girl.) (Council Member Pruyn: I think they did have a meeting on that.) (Chief Quick: That was actually a vicious dog hearing. I'll check into this situation.)

There being no further business, the meeting adjourned at 8:18 p.m.

CITY OF LA JUNTA

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Lynn Horner, Mayor

ATTEST:

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Melanie R. Scofield, City Clerk