

**CITY COUNCIL MEETING – April 17, 2017**

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 17, 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 Vela gave the invocation.

ROLL CALL: The following Council Members were present:

Jim Goodwin, Ward 1  
Frank McKenzie, Ward 2  
Lynn Horner, Mayor  
Jeffri Pruyn, Ward 2  
Edward Vela, Ward 3

Absent: Betty Velasquez, 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  
Darren Adame, Director of Engineering  
Beverly Babb, 1120 W. 12<sup>th</sup> St  
Elaine McIntyre, La Junta  
Regina & Daniel Tilton, 140 Canal Rd  
Bart & Cheryl Tilton, 648 Oak Ave  
Patrick Marrone, Colorado Springs  
Greg Kolomitz, La Junta  
Gary Cranson, La Junta  
Ryan Stevens, Economic Development  
Bette McFarren, Tribune-Democrat

PRESENT LETTER OF APPRECIATION: Mayor Horner presented Daniel Tilton with a Letter of Appreciation thanking him for his military service to our country.

MINUTES OF PREVIOUS MEETING: Mayor Horner asked if there were any corrections to the minutes of the Regular City Council Meeting of April 3, 2017. Hearing none, the Mayor declared the minutes approved as published.

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

There was no citizen participation.

**UNFINISHED BUSINESS**

A. **Second 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 SECOND READING: Goodwin

SECOND: Vela

DISCUSSION: There was no further discussion.

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VOTE: The motion carried 5-0 (Velasquez and Eckhart absent)

- B. A Resolution Concerning City Appointments.** Resolution No. R-8-2017 was presented for Council's consideration as follows:

**WHEREAS**, the City Council and/or the Mayor, from time to time, pursuant to the ordinances of the City of La Junta, or the statutes of the State of Colorado or the City Charter, have the opportunity to appoint persons to various City Boards which perform services on behalf of the citizens of the City of La Junta; and

**WHEREAS**, the Boards currently being comprised of appointees of the City are as follows:

- a. ARPA Board (controlled by contract);
- b. AVRMC Board of Directors (controlled by contract);
- c. Board for Abatement of Dangerous Buildings (controlled by ordinance);
- d. Board of Adjustment (controlled by ordinance);
- e. Board of Utilities Commissioners (controlled by Charter);
- f. La Junta Capital, Inc. (controlled by ordinance);
- g. La Junta Housing Authority (statutorily controlled);
- h. La Junta Urban Renewal Authority (statutorily controlled);
- i. Library Advisory Board (controlled by ordinance);
- j. Merit Appeals Board (controlled by ordinance);
- k. Planning Commission (statutorily controlled);
- l. Recreation Advisory Board (controlled by ordinance);
- m. Retirement Board (statutorily controlled);
- n. Senior Citizen Center Advisory Board (controlled by ordinance);
- o. Tourism Board (controlled by ordinance);
- p. Tree Board (controlled by ordinance);
- q. Uniform Fire Code Board of Appeals (controlled by ordinance);

**WHEREAS**, this Resolution is intended to apply to these boards, as well as all future created boards which may be created by ordinances of the City of La Junta, or by statute of the State of Colorado, by which the City Council or the Mayor must make any appointments thereto; and

**WHEREAS**, it is the desire of the City Council that each appointment be made in such a manner as to be free from the

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political process, and with the goal of providing an opportunity for members of the citizenry to participate in the City's various functions;

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

That whenever possible, the terms and provisions of this resolution shall apply.

- A. This policy shall not apply to positions which are required by any ordinance or statute to be filled by appointment of the Mayor (in his elected capacity) or appointment of a Council member (in his/her elected capacity), or appointment of a specific person who has been designated by the title that person holds (i.e. City Clerk, City Attorney or City Mayor).
- B. Except as stated herein and whenever possible or practical, it shall be the policy of the City Council that no appointee shall serve on more than two boards at the same time.
- C. It shall not be considered to be a violation of this policy if members of the Board of Adjustment also serve as members of the Uniform Fire Code Board of Appeals.
- D. It shall not be considered to be a violation of this policy if Commissioners of the City of La Junta Board of Utilities Commissioners serve on the ARPA Board.
- E. It shall not be considered to be a violation of this policy if members of the Board of Abatement of Dangerous Buildings also serve on the Urban Renewal Board.
- F. The Mayor, on or before October 1<sup>st</sup> of each year, shall appoint a "Council Appointee Committee" which will consist of two members of the City Council and the City Manager. That committee shall be a standing committee. That committee shall review all

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council appointments or mayor appointments for the upcoming year, and shall make recommendations to the council for appointment prior to January 1 of the upcoming year.

- G. That "Council Appointee Committee" shall also serve from time to time throughout the year to address vacancies that may unexpectedly arise.
- H. The process of selection of an appointee shall be as follows (but only as to those positions which are not required to be filled by Council members):
- (1). For purposes of this resolution, if a Board Member's position expires at the end of the appointed term, that position shall be deemed to be available.
  - (2). Nothing contained herein shall preclude a current Board Member from being considered to succeed himself/herself as a board nominee.
- I. When a vacancy occurs, or when it is anticipated that a vacancy will occur through expiration of the term, the Clerk of the City shall publish a notice in the newspaper advertising said position, place posting on social media outlets and notify local radio broadcast stations which will indicate the occurrence of vacancy and how prospective applicants might apply.
- J. In the event that a vacancy occurs through the expiration of an appointed term, the Clerk shall commence the advertising process (described in paragraph 1 above) no earlier than sixty days prior to the expiration date and no later than thirty days prior to the expiration date.
- K. Nothing contained herein shall limit any citizen from volunteering to serve on any board.
- L. Thereafter, in addition to persons who "volunteer" or who ask to be considered, the "Council Appointee

- Committee" shall be responsible for using its best efforts to ensure that interested and qualified persons are identified within the City. The "Council Appointee Committee" may consider individuals who are not residents of the City, but who live near the City, if the enabling ordinance allows for such.
- M. All applications shall be collected by the City Manager, who shall in turn distribute the same to the "Council Appointee Committee".
- N. Thereafter, the "Council Appointee Committee" shall contact the respective boards and shall request each Board's consideration of each individual considered for that respective Board.
- O. Thereafter, the Board may make its recommendations to the "Council Appointee Committee".
- P. Thereafter, the "Council Appointee Committee" shall review all applications for each Board and all recommendations by each Board and shall schedule the matter on the agenda for the next regularly scheduled Council meeting.
- Q. The City Council shall review all applications and recommendations of the "Council Appointee Committee" and make a final decision and appointment for each position.
- R. Vacancies shall be considered separately at an open session of a regularly scheduled council meeting.
- S. The Council, in open session, shall designate the appointee and the extent of his/her respective term.
- T. The Resolution shall become effective on May 1, 2017 as to all appointments for Board vacancies occurring thereafter.

MOTION TO ADOPT RESOLUTION NO. R-8-2017 WITH THE AMENDMENT OF ITEM NO. T (SHOULD BE RESOLUTION NOT RESPONDENT): Vela

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SECOND: Pruyn  
 DISCUSSION: None  
 VOTE: The motion carried 5-0 (Velasquez & Eckhart absent)

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

1. **Application for Renewal of a Hotel & Restaurant Liquor License by Jodi's Grill LLC, d/b/a Jodi's Grill, 208 Santa Fe Avenue.** 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 JODI'S GRILL LLC, D/B/A JODI'S GRILL, 208 SANTA FE AVENUE: Pruyn

SECOND: Goodwin

DISCUSSION: None

VOTE: The motion carried 5-0 (Velasquez & Eckhart absent)

2. **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 an action plan through the Fire Department. Appropriate fees have been tendered and the City Attorney recommends approval.

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

SECOND: Pruyn

DISCUSSION: None

VOTE: The motion carried 5-0 (Velasquez & Eckhart absent)

- B. A Resolution to Create a Fund for the Handling of Tiger 7 Grant Funds.** City Attorney Malouff explained that there have been monies that have come in from several different entities for Rick to manage. A separate fund is needed to keep these monies separate from the City's funds. Management has indicated that the content is right with them. Mr. Klein said he reviewed this resolution with the auditors and they are in favor as well. Resolution No. R-9-2017 was presented for Council's consideration as follows:

**WHEREAS**, the City of La Junta has been designated as the administrator for the accumulation of funds and for the payment of expenses for a multi-state railroad refurbishment project for the Burlington Northern rail line which supports the Southwest Chief; and

**WHEREAS**, in order to accomplish the City's responsibilities, the City must accept funds from municipalities and other entities to further the "TIGER 7" Project; and

**NOW, THEREFORE BE IT RESOLVED** by the City Council as follows:

- SECTION 1:**     **Establishment of account:**   A special Account is hereby established in the office of the Finance Director for the use by the City in administering Tiger 7 Grant Money.
- SECTION 2:**     **Source of funds:**   The revenue to support the fund will be derived from proceeds together with any grants, gifts and victimization funding received from outside sources for use in conjunction with the Tiger 7 project. Except as previously pledged by act of this Council, no revenues of the City will be used to support or administer this account.
- SECTION 3:**     **Purposes of expenditures:**   Funds in the special account may only be used for the stated purposes of the Tiger 7 Grant.
- SECTION 4:**     **Funds deposited:**   Upon receiving funds, the Finance Director shall deposit the funds in the Special Account.   Any interest which accrues from the deposit of funds in the Special Account shall be retained in such account.
- SECTION 5:**     **Accounting and administration:**   Procedures for accounting and administration of the Special Account shall be established by the City Manager.   The account shall be audited from time to time by the City's designated certified public accountant.
- SECTION 6:**     **Accounting:**   The City Manager is hereby designated as the Account Officer.   The Account Officer shall be primarily responsible for all accounting in the administration of the account.   The Account Officer shall have the following duties:
- (1)   Establish the account with a local bank to provide for the deposit, disbursement and investment of monies of the funds;
  - (2)   Be a signatory on the account and be responsible for all checks from or on that account;

- (3) Establish a formal accounting system in accordance with acceptable accounting practices;
- (4) Provide reports of the entire account to the Tiger 7 participants on an annual basis and at all other times as required;

**SECTION 7:**     **Execution of checks for expenditures:** All authorization for expenditures shall be executed by check bearing dual signatures. Dual signature authority shall be evidenced by one (1) signature representing the City Manager or the Assistant City Manager and by one (1) signature representing the City Finance Director.

MOTION TO ADOPT RESOLUTION NO. R-9-2017: Vela

SECOND: Goodwin

DISCUSSION:

VOTE: The motion carried 5-0 (Velasquez & Eckhart absent)

**C. Committee/Board Reports**

1. Council Member Pruyn (Design Committee) – The committee met last week. The trash receptacle prototype is sitting out in front of the Municipal Building. There still needs to be a few tweaks but will go into production by the end of the week. We also spoke about our next project.
2. Council Member Pruyn (Tree Board) – Our meeting will be on Wednesday during lunch.
3. Council Member Vela (Sr. Citizens Board) – A meeting was not held due to a cracked cold water hose that flooded the building. All the staff pitched in right after it happened and started cleaning things up.

**D. City Manager's Comments**

1. The Democratic Party, Joe Ayala, called and asked if they could paint under the bridges and get rid of all the bad graffiti. They worked on the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Street bridges and also the Railroad bridge. After that they went and picked up trash. They did a great job!
2. Working on compiling the environmental report for the State on the Wastewater Treatment Plant.
3. Replaced a water valve at 12<sup>th</sup> and Adams due to the manhole continually breaking.
4. We have started using a camera to view the Wastewater mains.
5. The R.O. Plant is ready for the summer load.
6. Doing a percolation test at Foxhoven's so we can look into a recharge pond on the property.
7. Library's one book for all four year olds in the State of Colorado runs from April 17-May1.
8. The Library's book sale went well.
9. Community Conversations was held at the Library last week.
10. We are beginning the process for GIS.
11. Matrix is working on the next phase of the Comprehensive Plan.
12. We received 17 applications for our sidewalk program.
13. The OJC wrestling building is almost done.
14. Putting in a handicap ramp at the corner of 14<sup>th</sup> and Colorado.

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15. We've been busy sweeping the streets.
16. Darren got a good deal on getting rid of all of the City's E-waste.
17. The fueling system at Motor Pool went down.
18. We poured the last pad for the new breaker at the Light Plant. This is to begin SCADA.
19. The boiler for the pool is in and will be wired when the water is added. Wittman Welding came in and re-did all the seams in the stainless steel gutter.
20. Weeds!
21. We're replacing the chiller at City Hall.
22. The Fire Department is doing regional training with a Live Burn at their station in the Industrial Park along with pipeline training.
23. The Police Department is re-doing its policies for dispatchers.
24. We have a new Code Enforcement Officer, Sam, he is writing between 25-30 warnings a day.
25. We are working out the details on dormant fees to go live on May 1<sup>st</sup>.
26. We are also working on the building code module in the computer system.
27. The plans are completed for the Care Connect hangar.
28. Fixed an electric mast out at the race track, the tee boxes will be done at the end of the month, will be getting the handicap ramp complete, replaced a pump at the golf course.
29. Asbestos report on 1510 Edison came in last week.
30. Trying to get a waiver on 1515 Grace.
31. We have a lot of helicopter traffic, both military and Care Connect.
32. Patching is on everybody's mind. We will start on Thursday.

**E. City Attorney's Comments**

1. **Ordinance Creating Rental Property Maintenance Code.**  
This explains the things you need to do to maintain your residence.
2. **Ordinance Requiring Vacant Property Registration/Promotion of Anti-Dilapidation.**  
This one has to do with dilapidated buildings in general and what has to occur.
3. **Ordinance Creating a Rental Property License and Registration Program.**  
Requiring rental owners to register their properties with us and then allow us to inspect them to make sure they are up to code.

CITY ATTORNEY MALOUFF: Its an easy jump to say we already have ordinances on the books but it always comes down to the issue of money. So, that's where we're going to start. I would like to focus on the Property Licensing Ordinance because I feel that is a critical beginning. The property licensing has licensing fees that are to be imposed on an annual basis for rentals, relicensing and so forth. It's not a small fee; it will be a big chunk of change. I ask you to pay special attention to that as we go through it. The hardest part of this was to try to figure out what this mean to the City. Through the Utility Department, it was estimated that there are approximately 1,022 rental units. Then we had the Engineering Department try to figure out what the man hours would be involved and how long it would take to implement the registration licensing ordinance only. It would take two full time employees and full two years to register, license and inspect the rental properties. This is just the initial inspection, not the annual inspections each year. All three of the ordinances have merit, but all three also carry with them a substantial price tag. I just don't know that there's going to be enough money to do this and you're going to have to make those kind of decisions. We should not put these on the books until we know that we will fund them. Looking at the three properties that are ready for condemnation today, will take several hundred thousand dollars.

MAYOR HORNER: I'd encourage you to read through these and get familiar with the terms and the numbers so we can begin this process. Regarding the license and registration, maybe we can start in quadrants and see how things go from there. Think about what the options are and look at those dollars and cents. I do think, that over time, these have a lot of merit. The only way we're going to slow down the abandoned and vacant properties is to begin taking steps before it gets to that point. My hope, is that we can encourage people who have rental properties to begin upgrading and maintaining them better than they are now. Take your time

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and I have no anticipation of pushing these in the next month or two but over time, we need to get these things done.

COUNCIL MEMBER GOODWIN: I was wondering if we could have a work session to explain these a little bit better to us. Maybe in July or August if possible (3<sup>rd</sup> Quarter).

4. **CML/CIRSA Spring Outreach – May 4<sup>th</sup> from 5:30 – 7:00 p.m. at Senior Center.** Please keep this on your calendar. I can't talk about it enough!

COUNCIL MEMBER VELA: Any inquiries about court appointed city expenses?

CITY ATTORNEY MALOUFF: This is not an issue for us here yet.

**F. Governing Body's Comments**

MAYOR HORNER: The Mayor asked Ryan Stevens to come up and brief us on what happened at the last Task Force meeting.

RYAN STEVENS: We have a Task Force meeting last Friday discussing the idea of setting up a Special District with a sales tax on that Special District. DOLA recommended that we contract with an attorney that specializes in setting up Special Districts.

There being no further business, the meeting adjourned at 8:24 p.m.

CITY OF LA JUNTA

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Lynn Horner, Mayor

ATTEST:

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Melanie R. Scofield, City Clerk