

CITY COUNCIL MEETING – June 4, 2018

*Subject to approval at the
June 18, 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 Pro-Tem Jim Goodwin on Monday, June 4, 2018, at 7:00 p.m. in the Council Chambers of the Municipal Building.

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

INVOCATION: Council Member Goodwin gave the invocation.

ROLL CALL: The following Council Members were present:

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

Absent: Jeffri Pruyn, Mayor

- Also present:
- Rick Klein, City Manager
 - Bill Jackson, Asst. City Manager
 - Phil Malouff, Jr., City Attorney
 - Melanie Scofield, City Clerk
 - Aliza Libby-Tucker, Finance Director
 - Cynthia Nieb, Economic Development/UR Director
 - Todd Quick, Chief of Police
 - Darren Adame, Director of Engineering
 - Aimee Hill, Engineering Dept
 - Paula Mahoney, Administration
 - Gary Cranson, ARPA Representative
 - Cheryl Lindner, 16 E. 22nd St
 - Bette McFarren, La Junta Tribune Democrat

MINUTES OF PREVIOUS MEETING: Mayor Pro-Tem Goodwin asked if there were any corrections to the minutes of the Regular City Council Meeting of May 21, 2018. Hearing none, he declared the minutes approved as published.

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

There was no citizen participation.

NEW BUSINESS

A. A Resolution Concerning the Petition for Annexation Filed by the Colorado Department of Transportation. Resolution No. R-8-2018 was presented for Council’s consideration as follows:

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WHEREAS, the Planning Commission of the City of La Junta has held a public hearing on May 17, 2018 concerning the Petition for Annexation filed by the COLORADO DEPARTMENT OF TRANSPORTATION, concerning certain lands; and

WHEREAS, after hearing the City Council of La Junta finds as follows:

1. The applicable sections of Section 31-12-104 entitled "Eligibility for Annexation", and the applicable sections of Section 31-12-105 entitled "Limitations" have been met;
2. That there is no requirement of an election pursuant to the terms of 31-12-107(2); and
3. The terms of 31-12-107 (1)(g) are applicable and controlling.
4. That all other requirements of the Petition for Annexation having been met;

WHEREAS, the recommendation of the Planning Commission is that the sites described above and in the Petition for Annexation should be annexed into the City, zoned "I-2".

BE IT RESOLVED that the above findings are made absolute.

MOTION TO ADOPT RESOLUTION NO. R-8-2018: McIntyre

SECOND: Eckhart

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Pruyn absent)

- B. First Reading/AN ORDINANCE AMENDING ORDINANCE NUMBER 1242 (THE ZONING ORDINANCE) OF THE CITY OF LA JUNTA AS CONCERNS AN APPLICATION FOR ANNEXATION BY THE COLORADO DEPARTMENT OF TRANSPORTATION.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Mestas

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Pruyn absent)

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- C. **First Reading/AN ORDINANCE CONCERNING AN ANNEXATION FOR PROPERTY.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Vela

SECOND: Lovato

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Pruyn absent)

- D. **A Resolution Ratifying and Confirming Resolution No. R-3-2018 Acknowledging and Approving the Issuance of Refunding Bonds by the Arkansas River Power Authority, and Related Matters.** Resolution No. R-9-2018 was presented for Council's consideration as follows:

WHEREAS, the City of La Junta, Colorado (the "*Member*") is a member of the Arkansas River Power Authority (the "*Authority*");

WHEREAS, the governing body of the Member has previously adopted Resolution No. R-3-2018 (the "*Prior Resolution*"), and (a) the recitals in the Prior Resolution are hereby incorporated in this Resolution, and (b) capitalized terms used and not defined in this Resolution shall have the meanings assigned to them in the Prior Resolution;

WHEREAS, pursuant to the Prior Resolution, the Member (a) acknowledged and approved the issuance from time to time of Refunding Bonds by the Authority for the purpose of refunding the Outstanding Bonds, subject to the condition that the final maturity date of the Refunding Bonds shall be not later than October 1, 2043, and (b) approved, ratified and confirmed certain other matters to better enable the Authority to issue the Refunding Bonds on terms favorable to the Authority and the Member and the other members of the Authority (collectively, the "*Members*");

WHEREAS, the Authority has received a proposal for a proposed business transaction (the "*Transaction*") which, if accepted and approved by the Authority and the Members, among other things, would result in the termination of the Power Supply Agreement among the Authority and the Members;

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WHEREAS, in order to realize all of the benefits to the Authority and the Member from their issuance, the Refunding Bonds must be issued prior to July 15, 2018, and there is no assurance at this time that the Transaction will be completed or that it will be completed by July 15, 2018;

WHEREAS, the Authority has proposed that it proceed with the issuance of the Refunding Bonds to refund the Series 2003 Bonds, the Series 2006 Bonds, the Series 2007 Bonds and, if determined by ARPA to be advantageous to it and the Members, the Series 2008 Bonds, subject to the condition that the Refunding Bonds shall be subject to extraordinary redemption prior to maturity if the Transaction completed;

WHEREAS, in order to induce the Authority to proceed with the issuance of the Refunding Bonds and the refunding of all or a portion of the Outstanding 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 confirm its acknowledgement and approval of the issuance of the Refunding Bonds by the Authority;

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

Section 1. Ratification of Prior Resolution. The Member ratifies and confirms the Prior Resolution in all respects, and 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*

(a) the final maturity of the Refunding Bonds shall be not later than October 1, 2043, and

(b) the Refunding Bonds shall be subject to extraordinary redemption prior to maturity if the Transaction is completed.

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

(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.

(c) This resolution shall take effect immediately upon its adoption and approval.

MOTION TO ADOPT RESOLUTION NO. R-9-2018: Mestas

SECOND: Vela

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Pruyn absent)

- E. **A Resolution Concerning the Petition for Annexation Filed by the City of La Junta.** Resolution No. R-10-2018 was presented for Council's consideration as follows:

WHEREAS, a Petition for Annexation has been filed requesting an annexation of portions of the following described land:

TRACT NO. 1:

A tract of land for annexation purposes lying in Lot 9, Andersondale, Lots 1, 2, 17, 18, 19, 20 and 21, Block 1, Bungalow Subdivision, Lots 1 and 14, Danner's Subdivision and together with portions of Barnes Avenue, Lawrence Avenue, Sixth Street, alley between Lots 1, 2, 20 and 21, said Bungalow Subdivision, alley between Lots 1 and 14, said Danner's Subdivision and part of the NE/4 of Section 10, Township 24 South, Range 55 West of the 6th P.M., lying North of said Lot 9, Andersondale, being more particularly described as follows: Beginning at the Northwest corner of said NE/4; thence East along the North line of said NE/4, 693.75 feet to the East Right-of-way line of Lawrence Avenue protracted; thence South 131.84 feet; thence West along the South line of Lot 2 protracted, said Bungalow Subdivision, 213.0 feet to the Northeast corner of Lot 19, said Bungalow Subdivision; thence South 150 feet to the Southeast corner of Lot 17, said Bungalow Subdivision; thence West 140.0 feet to the Southwest corner of said Lot 17; thence West 50.0 feet to the Southeast corner of Lot 1, said Danner's Subdivision; thence West 290.75 feet to the Southwest corner of Lot 14, said Danner's Subdivision; thence North 276.0 feet to the point of beginning. In the County of Otero, State of Colorado.

TRACT NO. 2:

A tract of land for annexation purposes lying in Lot 2, Block 1, Menge's Subdivision together with portions of Barnes Avenue and 8th Street being more particularly described as follows: Beginning at the Northeast corner of said Lot 1; thence East

25 feet to the centerline of said Barnes Avenue; thence South 125.0 feet to the centerline of 8th Street; thence West 162.5 feet; thence North 125.0 feet; thence East 137.5 feet to the point of beginning. County of Otero, State of Colorado.

said Petition having been filed by the CITY OF LA JUNTA; and

BE IT THEREFORE RESOLVED that the Petition for Annexation of land, filed by the CITY OF LA JUNTA, is hereby received and that annexation proceedings are hereby authorized to be undertaken.

MOTION TO ADOPT RESOLUTION NO. R-10-2018: Vela

SECOND: Mestas

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Pruyn absent)

F. Committee/Board Reports

1. Council Member Vela (Sr. Citizens Board):
 - The board meets this Thursday.
2. Council Member Goodwin (Planning Comm.):
 - The items on tonight's agenda were from our last Planning meeting.

G. City Manager's Comments

1. Preparing for chip seal program (Colorado – Maple on 5th Street).
2. Darren is working with EPA on the demos of 1119 Smithland and 1507 Edison.
3. Working on getting funds from Brownsfield to remove the asbestos.
4. Working on condemnation of property on Dalton.
5. Crews are working on cleaning up the curb lines.
6. The trees at Wickham Addition have been torn out.
7. Have a guy who will be working on weeds only.
8. There were 23 teams for last weekend's tournament. Three from La Junta (who all won.)
9. Justin Paving working on 5th – 6th on Belmont.
10. Star Cleaners is open.

H. City Attorney's Comments

1. **Viaero Wireless Updated Agreement.** Viaero has put in fiber optics around town. This agreement locks them in for paying certain fees and having Council approve the agreement stresses to them the seriousness of its contents.

MOTION TO ACCEPT THE UPDATED VIAERO WIRELESS AGREEMENT: Mestas

SECOND: Lovato

DISCUSSION: There was no further discussion

VOTE: The motion carried 6-0 (Pruyn absent)

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I. Governing Body's Comments

1. Council Member Vela: Would like to receive a report from the Chief of Police regarding the impact of heroin in our community.
2. Council Member Mestas: Expressed concerns of the speeding traffic and after hours drinking at Red Crane Park.

There being no further business, the meeting adjourned at 7:35 p.m.

CITY OF LA JUNTA

James Goodwin, Mayor Pro-Tem

ATTEST:

Melanie R. Scofield, City Clerk