

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 Jeffri Pruyn on Monday, August 7, 2017, at 7:30 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:

- Betty Velasquez, Ward 1
- Jim Goodwin, Ward 1
- Frank McKenzie, Ward 2
- Jeffri Pruyn, Ward 2
- Edward Vela, Ward 3
- Scott Eckhart, Ward 3

Absent: Lynn Horner, Mayor

- Also present:
- Rick Klein, City Manager
 - Phil Malouff Jr, City Attorney
 - Melanie Scofield, City Clerk
 - Todd Quick, Chief of Police
 - Susan Elliott, 1310 Lincoln Ave
 - Beverly Babb, 1120 W. 12th St
 - Lorenz Sutherland, Utilities Board Chairman
 - Gary Cranson, ARPA Representative
 - Pam Denahy, Director of Tourism & Events
 - Joe Ayala, 1514 San Juan Ave
 - Anne Boswell Taylor, KWAY 105.7
 - Ron Tomlin, 1820 Cimarron Ave
 - Rhonda Jaramillo, Valley Wide Health
 - Mike Bourget, Utilities Commissioner
 - Terry Smalling, 509 Belleview Ave
 - Faith Smalling, 509 Belleview Ave
 - Paul Velasquez, 1313 Bradish Ave
 - Julie Worley, La Junta
 - Greg Kolomitz, La Junta
 - Jennifer Ancona, Manzanola
 - Donna Roath, 701 Colorado Ave
 - Dillon Roath, 701 Colorado Ave
 - Rick Rigel, ARPA
 - William Macdonald, 706 Raton Ave
 - Bette McFarren, La Junta Tribune Democrat

PROCLAMATION – NATIONAL HEALTH CENTER WEEK: Mayor Pro-Tem Pruyn signed a proclamation declaring August 13-19, 2017 as National Health Center Week.

MINUTES OF PREVIOUS MEETING: Mayor Pro-Tem Pruyn asked if there were any corrections to the minutes of the Regular City Council Meeting of July 17, 2017. Hearing none, the Mayor Pro-Tem declared the minutes approved as published.

CITY COUNCIL MEETING – August 7, 2017**CITIZEN PARTICIPATION FOR NON-AGENDA ITEMS (10 minute time limit per person):**

1. Beverly Babb, 1120 W. 12th Street: Beverly shared an article concerning solar energy and how she believes it's the heart of the future. Also, she reminded us that Community Conversations at the Barista this Thursday at 7:00 p.m. will be about energy.

NEW BUSINESS

- A. **Opioid Awareness Training – University Colorado Denver**. Jennifer Ancona invited Council to participate in a research study. The study is designed to learn more about the public's perception of opioid use disorder and medication assisted treatment. The study is conducted by the High Plains Research Network and is funded by the Agency for Healthcare Research and Quality.

- B. **Lower Arkansas Valley Water Conservancy District Enterprise – North La Junta flooding update**. Jay Walker presented Council with a Statement of Work dated July 14, 2017. Last year efforts were made to stop the flooding around several homes. This year and forward, we will be making efforts to coordinate the permitting/construction/reclamation activity, building up the NRCS to the original level and removing sedimentation.

- C. **Tourism Board Recommendations for Funding**.

1. **Up to \$600.00 to Xpress Printers to reprint 1,000 "Visit La Junta" tourism brochures.**

MOTION TO APPROVE THE EXPENDITURE OF TOURISM TAX REVENUE IN THE AMOUNT OF UP TO \$600.00 TO XPRESS PRINTERS TO REPRINT 1,000 "VISIT LA JUNTA" TOURISM BROCHURES: Vela

SECOND: Velasquez

DISCUSSION: It has been four or five years since the brochure was updated.

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

- D. **Board Appointments**

1. **Appoint Terry Smalling to the Woodruff Memorial Library Advisory Board (term to expire 12/2020).**

MOTION TO APPOINT TERRY SMALLING TO THE WOODRUFF MEMORIAL LIBRARY ADVISORY BOARD – TERM TO EXPIRE 12/2020: Velasquez

SECOND: Goodwin

DISCUSSION: None

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

- E. **First Reading/AN ORDINANCE APPROVING THE COMPREHENSIVE DEVELOPMENT PLAN OF THE CITY OF LA JUNTA**. The ordinance was read by title only, there being copies available to those in attendance.

Council Member McKenzie: I have a few issues I'd like to bring forward before we vote. First off, on pages 3-2 and 3-4, on Table 3-1 the number of employees for the top ten employers shows Lewis Bolt at 255 employees, DeBourgh at 90 and Oliver at 85 making a total of 430 employees. On the next page, it shows a City of La Junta employment by industry saying manufacturing has 82 employees. There's a big disparity in the math.

City Manager Klein: If you look at the bottom of both of those, one was taken from the American Community Survey and the other was from a Census.

Council Member McKenzie: I don't think anyone is reading this because it doesn't make any sense. So what else in here isn't right?

CITY COUNCIL MEETING – August 7, 2017

Council Member Velasquez: I don't have the stats in front of me but I do know these figures aren't right. No one reached out to my department to get the latest market information.

Council Member McKenzie: I think somebody ought to read the thing and see what else doesn't make sense. This is something that's near and dear to me because I have something to do with that sector.

Council Member Goodwin: There were a lot of corrections that were mentioned at the last planning meeting.

Council Member McKenzie: I just have problems with things going out that doesn't make sense. The second issue is the recommendations in back after all the chapters; I don't know who got to make the call as to what we "should" do and what we "shall" do. To me "shall" is a mandate.

City Manager Klein: A lot of this information came from the meetings and also the 2040 website. I changed some of those from "shall" to "should" because I knew funding would be tight.

Council Member McKenzie: I don't think there should be a "shall" on anything that we don't have money in the budget to do. Lastly, there's no mention in this document about Urban Renewal anywhere.

City Manager Klein: No there isn't and I'm working with Urban Renewal on this because I noticed they didn't have anything.

Council Member McKenzie: I think there's still a lot of work that needs to go into this before we start adopting it.

Council Member Vela: Being on the Planning Commission, this is the first time this is getting a real serious look. In the past years, it's just been made and put on the shelf. We've made several changes in the last Planning Commission meeting but they're not reflected in here. Things were done that was in the Comprehensive Plan but it wasn't documented as being complete.

City Attorney Malouff: If we're looking at a timeline for the passage of this ordinance on first reading, we can always amend it on second reading. Our process for adopting ordinances already allows for some think time and readjustment time between the two readings. My recommendation is that you adopt it on first reading with the understanding that some changes could be coming back that can easily be adopted on second reading.

Council Member McKenzie: Why do we have a time constraint?

City Manager Klein: DOLA put up \$50,000.00 towards this.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Vela

SECOND: Goodwin

DISCUSSION: There was no further discussion

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

CITY COUNCIL MEETING – August 7, 2017

- F. **A resolution of the City Council of the City of La Junta, Colorado, supporting the organization of and tabor question for the proposed La Junta Health Service District.** Resolution No. R-17-2017 was presented for council's consideration:
- A. The City Council (the "**Council**") for the City of La Junta (the "**City**"), State of Colorado (the "**State**"), approved the service plan for the proposed La Junta Health Service District (the "**District**") on May 15, 2017, via Resolution No. R-14-2017 (the "**Service Plan Resolution**").
 - B. The District is proposed to be organized as a separate political subdivision to operate, finance and maintain a licensed long-term care and new nursing home facility in the City to effectively replace the **[nursing home]**. While the District will have the same boundaries and taxpayers as the City, it will be a separate and distinct governmental entity.
 - C. The Council believes it is in the best interest of the City, its residents and taxpayers for the new nursing home to be built by the District for the community. Unless the District's organization and TABOR Questions are both approved, **[nursing home]** is expected to close by **[redacted]**, 201**[redacted]**.
 - D. The Council has therefore authorized the effort to organize the District, via the Service Plan Resolution, and State law requires that voters approve the District's debt and related sales tax at an election to be held on November 7, 2017 (the "**Election**"). Voters will not be asked to increase property taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA, STATE OF COLORADO:

SECTION 1: The foregoing recitals are incorporated herein by reference and are adopted as findings and determinations of the Council.

SECTION 2: The Council supports the TABOR Question that will be submitted at the Election, a copy of which is attached hereto as Exhibit A and incorporated by this reference. Such TABOR Question will ask for debt authorization for the District and authorization for the District to impose a sales tax within its boundaries. Debt and sales tax approval is needed for the District to build **[and operate]** a new nursing home facility to replace **[nursing home]**. Although the organization question and the TABOR Question will be presented as separate questions, both

CITY COUNCIL MEETING – August 7, 2017

require approval to implement the purpose of the proposed District.

SECTION 3: The Election will determine the future of long-term care and nursing services in the City. Health Service Districts are being used successfully in many parts of Colorado. The Council supports approval of the organization question and TABOR Question and recommends that every eligible elector in the City give these ballot questions serious consideration and strong support on November 7th.

SECTION 4: As part of the Election, the District Court for Otero County has granted an Order for the Organizational Election of the proposed District. In such Order, the Court confirmed that Rick Klein shall act as the Designated Election Official on behalf of the District and Peggy Rupp shall act as the Assistant Designated Election Official on behalf of the District. The Council supports these appointments.

SECTION 5: The officers, employees and agents of the City are authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution to the organization of the District.

SECTION 6: This Resolution, immediately upon its passage, shall be authenticated by the signatures of the Council and the City Clerk and sealed with the corporate seal of the City.

City Attorney Malouff: You have three choices 1) the tax sunsets as soon as the construction dollars have been expended and paid, 2) the tax continues allowing for the use of the tax dollars not only for construction but also for operation and equipment, and 3) the tax takes a step down which still allows for a minimal contribution for operations but is not the full tax.

Council Member Vela: Read letter explaining rational for his position. (Letter attached)

Council Member Pruyn: At our work session, it was presented to us that 49% of the sales tax comes from outside of our area. So that relieves a little bit of the burden on our community to pay for our nursing home. I believe we need to either continue the 1% or decrease it to a smaller amount. We have to prove that this is a fiscally sound project and we're going to see it through. This might help sell our bonds and get a better interest rate.

Council Member Goodwin: Rick, how much do we have to do any remodeling for Woodruff Memorial Library? Is there any money?

City Manager Klein: There is a little bit of money that is left over. We had some money left for the patio addition on the north side. There's probably less than \$20,000.00 left in that account.

CITY COUNCIL MEETING – August 7, 2017

Council Member Goodwin: So, in theory, there's really no money there?

City Manager Klein: No.

Council Member Goodwin: That brings me back to what I've been talking about. I've worked in several facilities where there was never any money for good maintenance, there was never any money for new equipment, if something happened, they had to borrow money. We're going to end up cutting our throats. Let's say we build a twenty bed unit, we fill it, yet there are forty-five people on the list who need to go into a facility. There are families who have to go out of town. I'm for going the middle road. We've got to have some money coming in for additions, remodeling and repairs.

Council Member Velasquez: I respect what Mr. Vela says but I have to agree with what Jim was saying. I just came back from training and it was very sobering to hear what the reimbursement rate is for Medicare and Medicaid, we're not going to have it. We need to not just build a nursing home but have it be able to sustain itself and give it a little bit of a buffer to operate. If, when they become financially stable, then that generation can revisit it and change the sales tax if they need to. The woman at the workshop did indicate that at least half the sales tax generated within the city limits was from outside consumers. It's not just the citizens of La Junta who will be bearing the burden of this tax

City Manager Klein: The reason we went with sales tax as opposed to property tax is for some of that reason.

Council Member Velasquez: I would be in favor of option #2. I do respect Mr. Vela's point.

Council Member Vela: Oh well, thank you. The thing I've got to say is that if you're going to have money for this and for that during the course of the twenty year period, there's a lot of incompetence going on in administration and we can't have that. The Library was completed in 1997 and twenty years down the road you still have money left over. The bond had already been retired for that. We should let the administrators of the future handle this not us. Look what happened to ARPA.

Council Member Velasquez: With respect, I think that would be a very irresponsible thing for us to do. I think we need to look at this through the lens of the current and future economic situation we're going to be in. The reality is that we're not going to get more reimbursement for Medicaid and Medicare and that will be the majority of the people utilizing the facility. You don't have that kind of income from the private pay to be able to support that operation.

Council Member Vela: That's the same thing they said about having the natural gas line out of here and go to coal. Now look at us. We should have had input into that. Four times they've come to this Council and they asked for \$10 million bucks a whack and now we're up to a total debt of \$255 million.

MOTION TO GO WITH PLAN "B", STEP DOWN OPTION: Goodwin

SECOND: McKenzie

DISCUSSION: There was no further discussion

VOTE: Those voting YES: Velasquez, Goodwin, McKenzie, Pruy, Eckhart

Those voting NO: Vela

The motion carried 5-1 (Horner absent)

CITY COUNCIL MEETING – August 7, 2017

MOTION TO REDUCE TO .50% AS THE STEP DOWN: Goodwin

SECOND: Velasquez

DISCUSSION: Council Member Vela: That's too much. It should be less than that.

VOTE: Those voting YES: Velasquez, Goodwin, Pruyn

Those voting NO: McKenzie, Eckhart

The motion carried 3-2 (Horner absent, Vela abstained)

MOTION TO RECONSIDER PRIOR QUESTION: Goodwin

SECOND: Eckhart

DISCUSSION: There was no discussion

VOTE: Those voting YES: Goodwin, McKenzie, Vela, Eckhart

Those voting NO: Velasquez, Pruyn

The motion carried 4-2 (Horner absent)

Council Member Goodwin: So we were at \$600,000.00 now we're at about \$300,000.00. So if we have to do an addition or a repair or anything like that, that gives us some money for costs.

Council Member Vela: I'm all for the nursing home, make no mistake about it. I just have a difficult time with any percentage after the bonds have been paid off because the people who are going to be on the Health Service District Board should be some very savvy people, confident. They can figure out when it's getting close for the bonds to be paid off so they can start putting some money away for needed expenditures. I'll have to go with .15%.

MOTION TO REDUCE TO .25% AS THE STEP DOWN: Eckhart

SECOND: Goodwin

DISCUSSION: There was no further discussion

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

- G. **First Reading/AN ORDINANCE AMENDING ORDINANCE NO. 1397 THAT ESTABLISHED THE CITY OF LA JUNTA HISTORIC PRESERVATION ADVISORY BOARD, PROVIDED FOR THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND HISTORIC DISTRICTS; PROVIDED FOR NOTIFICATION TO THE HISTORIC PRESERVATION ADVISORY BOARD OF THE INTENDED ALTERATION, REMOVAL OR DEMOLITION OF DESIGNATED HISTORIC BUILDINGS, LANDMARK SITES AND DISTRICTS; PROVIDED FOR THE REVOCATION OF DESIGNATIONS OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND HISTORIC DISTRICTS; AND DECLARED AN EFFECTIVE DATE FOR THIS 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: Eckhart

DISCUSSION: There was no discussion

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

CITY COUNCIL MEETING – August 7, 2017**H. Committee/Board Reports**

1. Council Member Vela (Senior Citizens Board) – Vickie Aragon is retiring at the end of this month. Also, some people have been concerned that the senior citizens are not offering local tours. They do in fact do this and have for several years. They are also very pleased with how warm the outdoor swimming pool is. The boilers make that very accommodating for the seniors during their water exercise and they wanted to thank the City for that.

I. City Manager's Comments

1. This is the last week for the swimming pool.
2. On the 19th from 10:00 a.m. to 12:00 noon is the Dog Days of Summer (donation of a can of food for Associated Charities).
3. Football and Volleyball registration continues until the 25th of September.
4. Weeds! Weeds! Weeds!
5. Police in the Park was a great night. I was feeling so good about our Police Department. We have great officers. Thank you Todd.
6. This year we received \$241,000.00 from P.O.S.T. (training people) for our new training center.
7. Last Thursday, we had 14 individuals attend the Citizens Academy.
8. The boilers are almost done here at City Hall.
9. The Fire Department is 150 calls over last year so far.
10. Everett Babb retired effective July 11th.
11. The Summer Reading Program had 554 participants with 61% reporting which is higher than last year.
12. August 21st – Solar Eclipse – starts at 10:23 a.m., peaks at 11:48 a.m. and ends at 1:16 p.m.
13. The asbestos is out of the Book Stop.
14. Care Connect hangar is almost complete.
15. Taxiway bids will go out on the 15th.
16. Non-tobacco licenses are complete. There were a total of eight licenses issued.
17. Rotary helped install benches at the Live Well Park.
18. The new gas pumps are in at Motor Pool.
19. We've gone "live" with permitting on the ADG system.
20. The dormant fee is expected to start September 1st.
21. Melanie Scofield has received her CMC (Certified Municipal Clerk) designation for the State of Colorado.
22. Chip seal tomorrow on Hayes to Belmont between 5th and 6th Streets then we'll be off to patching.
23. One of the projects we'll be focusing on is the storm sewer at 14th and San Juan Avenue to help take care of all the pooling and make it so it works properly in that area.

Donna Roath, 701 Colorado Avenue: Received an invoice in the amount of \$500.00 for a weed notice at 920 Topeka Avenue. How can the City justify that type of a bill? I only received this one notice and we already took care of the original problem.

City Manager Klein: We do take before and after pictures. Please give me some time to gather that information up.

Donna Roath, 701 Colorado Avenue: Thank you, I would appreciate that. Also, there is a very large pothole between 7th and Raton Avenue in the middle of the driver's side. Thank you very much.

City Manager Klein: Thank you for coming in. Your husband was a wonderful council person and also my good friend.

Council Member Vela: Did Betty and Jim get their gazebo at Red Crane Park?

City Manager Klein: Yes they did.

CITY COUNCIL MEETING – August 7, 2017

Council Member Vela: A couple of weeks ago I asked you about Tri-County using that parking lot.

City Manager Klein: They asked if they could park a few vehicles there and Bill said yes.

Council Member Vela: You didn't hear my question. How come we're not collecting money on that? They're already using that lot between the Plaza and their building. In speaking in terms of our budget, we need money.

City Manager Klein: I'll ask them if they want to lease it and if they don't they'll have to move their stuff. They have an annual lease with us on the property between the Plaza building and their own.

Council Member Vela: Dean, if somebody gets hurt over there, who's responsible?

City Attorney Malouff: They have a contractual obligation to hold liability insurance.

Council Member Vela: The other thing I found out this week is concerning the School Resource Officer at the High School, the school board is paying 1995 pay rates and we're making up the difference for 2017 pay rates. Could you negotiate with the school on that? It's been twenty years and the police need more people and more funding will help that situation out.

J. City Attorney's Comments

1. **Vacant Property/Building Registration Ordinance.** The Mayor has asked me to place it on my comments and for your reflection. It is an issue that is near and dear to his heart. I would imagine he would like to see that it's considered prior to his tenure being up as mayor. Please review it, think about it. It has a lot of things in there and it has the makings of stirring the pot. Let me know what you think about it, whether you want changes or its fine the way it is. Please let me know either way. Again, this is a project near and dear to the Mayor's heart.
2. **AVRMC Board Member Expiring Terms.** This letter is a notification to you that there will be a board position expiring. His tenure will continue until he is replaced. The Hospital Board has made their recommendation and has thrown the ball back into your court. They are making no presumptions that they know what you want.

K. Governing Body's Comments

1. Council Member Vela: I would like to announce that I will be a candidate for Mayor and I would be most happy for your best consideration and also I promise to work faithfully with whoever is on City Council. I know there's going to be a few incumbents but they haven't made their decision public yet.
2. Council Member Velasquez: I would like us to seriously consider adhering to the Hospital Board's recommendation. Mr. Blair brings many years of experience within our community.
3. Council Member Eckhart: I appreciate the La Junta Police Department. I believe the attitude comes from the top down that the staff have for the community. The other day I was on Carson where some children were selling lemonade. A lot of times, the officers have to deal with bad things. It's nice to see an officer pull over, buy a lemonade from that kid, shake hands with the kids and the parents. I really appreciate the "serve" part that the La Junta PD is doing for our community. That's a great job! Thank you.
4. Council Member Prun: I also wanted to say Thank You to Todd Quick, they do a great job and I don't think most people realize that what Lamar takes over twenty officers to do, he does with thirteen. They do an excellent job with a lot less officers. I also want to say Thank You to Clean Valley Recycling. It has allowed a lot of the things that come through my household and my business to be recycled. Their curbside program is excellent. Anybody who hasn't signed up should think about being a part of that. They make it super easy.

CITY COUNCIL MEETING – August 7, 2017

MOTION TO GO INTO EXECUTIVE SESSION FOR 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): McKenzie

SECOND: Velasquez

DISCUSSION: None

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

Council went into Executive Session from 9:18 p.m. until 9:47 p.m.

The Regular City Council meeting reconvened at 9:52 p.m.

MOTION TO AUTHORIZE THE ARPA BOARD TO SETTLE CERTAIN LITIGATION BETWEEN THE CITY OF LAMAR AND THE ARKANSAS RIVER POWER AUTHORITY WITHIN THE RANGE OF NEGOTIATORY GUIDELINES PROVIDED IN EXECUTIVE SESSION HELD AUGUST 7, 2017: Goodwin

SECOND: McKenzie

DISCUSSION: There was no discussion

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

MOTION TO APPOINT COUNCIL MEMBER FRANK MCKENZIE AS REPRESENTATIVE: Velasquez

SECOND: Goodwin

DISCUSSION: There was no discussion

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

MOTION TO APPOINT COUNCIL MEMBER BETTY VELASQUEZ AS ALTERNATE REPRESENTATIVE: McKenzie

SECOND: Vela

DISCUSSION: There was no discussion

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

There being no further business, the meeting adjourned at 9:53 p.m.

CITY OF LA JUNTA

Lynn Horner, Mayor

ATTEST:

Melanie R. Scofield, City Clerk