

**Subject to approval at
the October 2, 2017
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 Lynn Horner on Monday, September 18, 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:

- 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:
- Bill Jackson, Asst. City Manager
 - Phil Malouff Jr, City Attorney
 - Melanie Scofield, City Clerk
 - Todd Quick, Chief of Police
 - Eugene Mestas, 1203 Grace Ave
 - Thomas Martin, 402 Lincoln Ave
 - Susan Elliott, 1310 Lincoln Ave
 - Briana Dutro, 614 Raton Ave
 - Paul Velasquez, 1313 Bradish Ave
 - Julie Worley, 2417 San Juan Ave
 - Mike Mustain, Otero County Health Dept
 - Caitlin Coffield, Inspiration Field
 - Beverly Babb, 1120 W. 12th St
 - Gary Cranson, ARPA Representative
 - Mickey Bethel, Rocky Ford
 - Elaine McIntyre, 2022 Cimarron Ave
 - Carla Kennedy, 2107 Raton Ave
 - Cheryl Lindner, 16 E. 22nd St
 - Bette McFarren, La Junta Tribune Democrat

MINUTES OF PREVIOUS MEETING: Mayor Horner asked if there were any corrections to the minutes of the Regular City Council Meeting of September 5, 2017. Hearing none, he declared the minutes approved as published.

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

1. Mike Mustain, Tobacco Leadership Coalition – I'd like to give an update on the Non-Cigarette Tobacco Retailer License that you passed back in March. The first thing I'd like to do is to give out some thank you's. The first one is to Melanie Scofield. I appreciate her patience and hard work and getting all the administrative stuff out to make sure all the retailers got their paperwork. Secondly, I want to say thank you to the La Junta Police Department, Police Chief Quick and members of the department. The department has attended a few compliance check training

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sessions. They have been really engaged and involved. We currently have nine retailers that are licensed and their fees have been paid. We are now addressing the turnover of employees and managers. In terms of the county, we have a work session scheduled tomorrow morning with the County Commissioners.

2. Thomas Martin, 402 Lincoln Avenue – There hasn't been a street sign in over a year at 402 Lincoln. I need to have this issue fixed. I've been to the City five or six times. I was told by Deb that it was removed because it didn't meet compliance. I have a tenant there and nobody can find her house. That's the first issue, the second issue I've had with the property is that a trash truck or snow plow has taken the whole corner off from my sidewalk. I have a handicapped individual that lives down the street from me who is threatening to sue me and take me to court. I talked to the City Engineering Department and I was told the funds weren't there to do that this year. I would like for you guys to take a look into that. The third thing that I have is that I own property next to this restaurant on 3rd Street with all the trash and rubbish. I need to know what the City plans to do about this. I also have an issue with the burnt up houses. I had a house at 1020 Smithland that I had to sell. I lost \$40,000 because the little pink house across the street was burnt up. I called the City because kids were playing in it; they just said their hands were tied. When a house gets burned up, something needs to be done on a timeline.

NEW BUSINESS

- A. **Application for a Special Event Permit by Inspiration Field, Caitlin Coffield, Event Manager. The event is the 6th Annual Monster Bash Costume Party and Dance to be held on October 28, 2017 from 6:30 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 6TH ANNUAL MONSTER BASH COSTUME PARTY AND DANCE TO BE HELD ON OCTOBER 28, 2017 FROM 6:30 P.M. TO 11:59 P.M. AT 612 ADAMS AVENUE: Goodwin

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

- B. **Aeronautics Grant Contract and Resolution.** The following resolution was presented for council's consideration as follows:

WHEREAS: The General Assembly of the State of Colorado declared in Title 43 of the Colorado revised Statutes, Article 10, 1991 in CRS §43-10-101 (the Act) "... that there exists a need to promote the safe operations and accessibility of general aviation in this state; that improvements to general aviation transportation facilities will promote diversified economic development across the state; and that accessibility to airport facilities for residents of this state is crucial in the event of a medical or other type of emergency..."

The Act created the Colorado Aeronautical Board ("the Board") to establish policy and procedures for distribution of monies in the Aviation Fund and created the Division of Aeronautics ("the Division") to carry out the directives of the Board, including technical and planning assistance to airports and the administration of the state aviation system grant program. SEE CRS §43-10-103 and C.R.S. §43-10-105 and CRS §43-10-108.5 of the Act.

Any entity operating a public-accessible airport in the state may file an application for and be recipient of a grant to be used solely for aviation purposes. The Division is authorized to assist such airports as request assistance by means of a Resolution passed by the applicant's duly-authorized governing body, which understands that all funds shall be used exclusively for aviation purposes and that it will comply with all grant procedures and requirements as defined in the Division's Aviation Grant Management Manual, revised 2009, ("the Manual").

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NOW, THEREFORE, BE IT RESOLVED THAT: The CITY OF LA JUNTA, as a duly authorized governing body of the grant applicant, hereby formally requests assistance from the Colorado Aeronautical Board and the Division of Aeronautics in the form of a state aviation system grant. The CITY OF LA JUNTA states that such grant shall be used solely for aviation purposes, as determined by the State, and as generally described in the Application.

Each airport-operating entity that applies for and accepts a grant that it thereby makes a COMMITMENT to keep the airport facility accessible to, and open to, the public during the entire useful life of the grant funded improvements/ equipment; or b) to reimburse the Division for any unexpired useful life of the improvements/ equipment, or a pro-rata basis.

By signing this grant agreement, the applicant commits to keep open and accessible for public use all grant funded facilities, improvements and services for their useful life, as determined by the Division and stated in the Grant Agreement.

FURTHER BE IT RESOLVED: That the CITY OF LA JUNTA hereby designates as the Project Director, as described in the Manual and authorizes the Project Director to act in all matters relating to the work project proposed in the Application in its behalf, including executions of the grant contract and any amendments.

FURTHER: The CITY OF LA JUNTA has appropriated or will appropriate or otherwise make available in a timely manner all funds, if any, that are required to be provided by the Applicant under the terms and conditions of the grant contract.

FINALLY: The CITY OF LA JUNTA hereby accepts all guidelines, procedures, standards and requirements described in the Manual as applicable to the performance of the grant work and hereby approves the grant contract submitted by the State, including all terms and conditions contained therein.

MOTION TO ADOPT AERONAUTICS GRANT CONTRACT AND RESOLUTION: Velasquez

SECOND: Goodwin

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

C. First Reading/AN ORDINANCE ENACTING VACANT PROPERTY/BUILDING REGISTRATION.

MOTION TO ADOPT THE ORDINANCE ON FIRST READING: McKenzie

SECOND: Goodwin

DISCUSSION:

Council Member Vela: Is there any place in our ordinances Dean that require a certificate of occupancy on any building?

City Attorney Malouff: Certificate of occupancy is a professional term referring to when plans are submitted to the City and they have to meet certain building code requirements, whether its new construction or rehabilitation. That is the City's certificate that they have inspected the building. Simple maintenance doesn't necessarily require a certificate of occupancy but it may.

Thomas Martin, 402 Lincoln Avenue: I have a question to ask City Council, Mr. Malouff described this as basically for landlords. Can you explain this to me? Most of these houses that are vacant are homeowner owned. This gives a bad rap to landlords. If you're going to do this, it should apply to everybody.

Mayor Horner: We use that terminology but in reality it is whoever the owner of the property is.

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Thomas Martin, 402 Lincoln Avenue: Right now the City of La Junta is going through a housing shortage. I get thirty to thirty-five phone calls a week. My question to you is how do you plan on enforcing this? If you're going to enforce it across the whole board isn't this going to be a lot of paperwork nightmare? Isn't this going to be a lot of cost incurred by the city too?

After lengthy discussion, Mayor Horner called for the question.

VOTE: The motion carried 7-0

D. A Resolution of the City Council of the City of La Junta, Colorado Supporting the Tiger 9 Grant. Resolution No. R-18-2017 was presented for council's consideration as follows:

WHEREAS, the Seneca Group has been contracted by Burlington Northern Santa Fe Railway (BNSF) to coordinate the efforts and prepare a TIGER 9 grant application to be submitted to the United States Department of Transportation for funds to rehabilitate a portion of the route of Amtrak's Southwest Chief through the States of Kansas, Colorado and New Mexico; and

WHEREAS, Seneca has been working with Amtrak and the Burlington Northern Santa Fe Railway (BNSF) on behalf of Colfax County New Mexico to accomplish this purpose; and

WHEREAS, the issue of Colorado participation in the grant has been raised and the parties have agreed that this would strengthen the application; and

WHEREAS, if funded this rehabilitation will allow for repairs to the route at the most critical location in Colorado east of La Junta along with the work to be done in Kansas and New Mexico; and

WHEREAS, this commitment will demonstrate the seriousness of the commitment the states and communities along the route that they are involved in maintaining the route for Amtrak's Southwest Chief; and

WHEREAS, Amtrak has received preliminary information from BNSF regarding their participation and its commitment to the Southwest Chief route refurbishment TIGER 9 application; and

WHEREAS, the BNSF will select track portions most in need of repair including sections in Colorado; and

WHEREAS, local commitments must be secured by the appropriate parties as soon as possible; and

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WHEREAS, BNSF has committed to maintaining the route at Class IV status if the route is fully rehabilitated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA AS FOLLOWS:

1) The City Council does hereby endorse the application for the Tiger 9 Grant Fund.

2) The City Council does hereby encourage the State of Colorado to continue to fund the project.

3) The City Council does hereby encourage other communities to continue to endorse the application.

4) The City of La Junta will commit \$12,500.00 to be budgeted in 2017 as a match for said Tiger 9 Grant.

MOTION TO ADOPT RESOLUTION NO. R-18-2017: Pruyne

SECOND: Vela

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

- E. **Appointment of AVRMC Board vacancy by the Nominating Committee.** Council Member Goodwin reported the Nominating Committee's recommendation be to appoint Bob Blair for another term.

MOTION TO RE-APPOINT BOB BLAIR TO THE AVRMC BOARD FOR ANOTHER TERM: Velasquez

SECOND: McKenzie

DISCUSSION:

Council Member Vela: How long has Mr. Blair been on the board?

Council Member Velasquez: He has been on the board for twenty years and has been the chair for twelve years.

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

Those voting NO: Horner, Vela

The motion carried 5-2

F. **Committee/Board Reports**

There were no committee/board reports.

G. **City Manager's Comments**

1. Assistant City Manager Jackson said that we continue to be busy with grants, resolutions and other projects. We appreciate your support.

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H. City Attorney’s Comments

1. Rick needs a pat on the back for something he’s really jumped on having to do with these demolitions. There is at least four that can come down if everything falls into place. This is really something that Rick could not have anticipated. This opportunity was just dropped on him.

Assistant City Manager Jackson: These homes are asbestos free.

Council Member Vela: So will that take care of the five we talked about earlier Dean?

City Attorney Malouff: Four of the five for sure and I think we’re going to get the fifth one.

Council Member Vela: So we’re looking for a new five?

City Attorney Malouff: Yes and we already have a list we’re working on. Again, it’s always a question of dollars and cents.

I. Governing Body’s Comments

1. Council Member Pruyn: What do we do with that property? Do we put it up for sale?

City Attorney Malouff: It depends on the circumstances. For example, the one by A to Z, the City is trying to sell that lot. There’s another situation where we’re trying to make a deal with the landowner that they can keep the vacant lot if they give us permission to knock it down. There’s a third scenario where we just do it after we get court permission then we attach the expense as a lien on the property.

Council Member Pruyn: If we decided to let them keep the property after we took it down would there be some provisions that say they need to take care of that property and we’re not going to be back cutting weeds and things like that?

City Attorney Malouff: It doesn’t resolve them from having to abide by our already passed ordinances such as weeds. One of the benefits to the taxpayers is that it keeps the lot on the tax rolls. If we own too much property, there won’t be anybody paying property tax.

2. Council Member Vela: I have a big thank you to Cheryl and the Barista for the free lunch at Early Settlers Day for the seniors. It was a terrific meal.

Cheryl Lindner: It was First Insurance that provided us with the ability to do that.

Council Member Vela: Thank you to First Insurance Services as well.

There being no further business, the meeting adjourned at 8:32 p.m.

CITY OF LA JUNTA

Lynn Horner, Mayor

ATTEST:

Melanie R. Scofield, City Clerk