



AGENDA

REGULAR MEETING LA JUNTA CITY COUNCIL

La Junta, Colorado

January 3, 2022

6:00 PM

Council Chambers

Municipal Building

601 Colorado Avenue

CALL TO ORDER (Mayor Ayala)

INVOCATION (Council Member McIntyre)

PLEDGE OF ALLEGIANCE (Mayor Ayala)

ROLL CALL (City Clerk)

Council Members

Supervisors

Others

Ramirez

Velasquez

McIntyre

Ayala

Ochoa

Vela

Pantoya

MINUTES OF PREVIOUS MEETINGS (Mayor) (Action)

Regular Meeting December 20, 2021

CITIZEN PARTICIPATION FOR NON AGENDA ITEMS ONLY *(5 minute time limit per person)*

NEW BUSINESS

A. Application for Renewal of a Tavern Liquor License by Eagle Lanes LLC, d/b/a Eagle Lanes, 2420 San Juan Avenue (City Attorney) (Action)

B. Annual Resolutions (City Attorney) (Action)

1. Posting of Open Meetings

2. Designating Official Depositories for City Funds

3. Offenses against City Property

4. Publication of Legal Notices

5. Designating Enterprise Funds

C. Committee/Board Reports

D. City Manager's Comments

E. Governing Body Comments

F. ADJOURN

CITY COUNCIL MEETING – December 20, 2021

STATE OF COLORADO)
COUNTY OF OTERO) SS
CITY OF LA JUNTA)

CALL TO ORDER: A regular meeting of the City Council of the City of La Junta, Colorado, was called to order by Mayor Ayala on Monday, December 20, 2021, at 6:00 p.m. in the Council Chambers of the Municipal Building.

INVOCATION: Council Member Vela gave the invocation.

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

ROLL CALL: The following Council Members were present:

Paul Velasquez, Ward 1
Elaine McIntyre, Ward 2
Joe Ayala, Mayor
Chandra Ochoa, Ward 2
Edward Vela, Ward 3
Lisa Pantoya, Ward 3

Absent: None

Also present: Rick Klein, City Manager
Bill Jackson, Asst. City Manager
Phil Malouff Jr., City Attorney
Melanie Scofield, City Clerk
Paula Mahoney, Admin. Asst.
Ariana Dufour, La Junta
Hailee Ramirez, La Junta
Julia Ramirez, La Junta
Deb Defour, La Junta
Damon Ramirez, La Junta
Dol Bhattarai, Yak and Yeti Hotel
Neal Dunning, Yak and Yeti Hotel
Dominique Jimenez, Yak and Yeti Hotel
Jack Jimenez, La Junta
Vance Johnson, Vanceowen LLC
Owen Johnson, Vanceowen LLC
Bette McFarren, RF Gazette

MINUTES OF PREVIOUS MEETING: Mayor Ayala asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of December 6, 2021 and the Special Meeting of December 13, 2021. Hearing none, the Mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE DECEMBER 6, 2021 MINUTES AS PUBLISHED: Vela

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ward 1 vacancy)

MOTION TO ACCEPT THE DECEMBER 13, 2021 MINUTES AS PUBLISHED: Ochoa

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ward 1 vacancy)

CITY COUNCIL MEETING – December 20, 2021

OATH OF OFFICE TO NEWLY ELECTED COUNCIL MEMBER. The City Clerk administered the oath of office to newly elected Council Member Damon Ramirez (Ward 1).

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

There was no citizen participation.

NEW BUSINESS

A. Appoint Council Representatives

1. Planning Commission

MOTION TO APPOINT CHANDRA OCHOA TO THE PLANNING COMMISSION: Vela

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

2. Recreation Advisory Board

MOTION TO APPOINT DAMON RAMIREZ TO THE RECREATION ADVISORY BOARD:
Ochoa

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ramirez abstained)

3. Retirement Board

MOTION TO APPOINT LISA PANTOYA TO THE RETIREMENT BOARD: Vela

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

B. Board Appointments

1. La Junta Housing Authority

a. Ryan Denahy (term to expire 12/31/2026)

MOTION TO REAPPOINT RYAN DENAHY TO THE LA JUNTA HOUSING AUTHORITY:
Vela

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

2. Library Advisory Board

a. Terry Smalling (term to expire 12/31/2024)

MOTION TO REAPPOINT TERRY SMALLING TO THE LIBRARY ADVISORY BOARD:
McIntyre

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

3. Senior Citizens Advisory Board**a. Sue Vance (term to expire 12/31/2024)**

MOTION TO REAPPOINT SUE VANCE TO THE SENIOR CITIZENS ADVISORY BOARD:
Velasquez

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

b. Karen Prather (term to expire 12/31/2024)

MOTION TO REAPPOINT KAREN PRATHER TO THE SENIOR CITIZENS ADVISORY BOARD: Velasquez

SECOND: Vela

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

4. Tourism Board**a. Tracey Salzbrenner (term to expire 12/31/2024)**

MOTION TO REAPPOINT TRACEY SALZBRENNER TO THE TOURISM BOARD: Pantoya

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: Those voting YES: Ramirez, Velasquez, Ayala, Ochoa, Pantoya

Those voting NO: Vela

The motion carried 5-1 (McIntyre abstained)

b. Rick Wallner (term to expire 12/31/2024)

MOTION TO REAPPOINT RICK WALLNER TO THE TOURISM BOARD: Velasquez

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

5. Urban Renewal Authority**a. T.J. Martinez (term to expire 12/31/2026)**

MOTION TO REAPPOINT T.J. MARTINEZ TO THE URBAN RENEWAL AUTHORITY: Vela

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

b. Vance Johnson (term to expire 12/31/2023)

MOTION TO APPOINT VANCE JOHNSON TO THE URBAN RENEWAL AUTHORITY:
Pantoya

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

c. Daniel Horton (term to expire 12/31/2026)

MOTION TO APPOINT DANIEL HORTON TO THE URBAN RENEWAL AUTHORITY:
Pantoya

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: Those voting YES: Ramirez, Velasquez, McIntyre, Ayala, Ochoa, Pantoya
Those voting NO: Vela
The motion carried 6-1

d. Lily Sweikert (term to expire 12/31/2025)

MOTION TO APPOINT LILY SWEIKERT TO THE URBAN RENEWAL AUTHORITY: Vela

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

C. Committee/Board Reports

1. Utility Board (Council Member Vela):
 - Received education on the Ark Valley Conduit. We need to be careful on how we finalize that particular issue.
 - The issue with the Hunnicutt Water System consumers has been resolved. There are 27 consumers. One elected not to participate. The completion date is now know however; they are laying new water lines from 7th – 16th Street.
2. ARPA (Council Member Vela):
 - ARPA has made a deal with Guzman to provide our energy until 2043
3. Live Well Park (Council Member Vela):
 - There is a medical issue with the artist. The mural is quite a project.
4. Utility Board (Mayor Ayala):
 - Also discussed utility dormant fees. We will work with Mr. Malouff to make sure we're doing everything we can to collect those fees.
5. Urban Renewal (Mayor Ayala):
 - We suggested three new members which we approved tonight.
 - Invited them to the downtown walking tour when it is scheduled.
 - I'm confident, with this new group, that we can get a lot of things accomplished.

D. City Manager's Comments (report given by Asst. City Manager Bill Jackson)

- All the City crews were out and working hard during the latest storm.
- We experienced property loss, electric outages and damage to our system that will take weeks to repair.
- Unfortunately, during the storm, we regretfully report that one of our city family was killed in a freak accident.
- We extend our heartfelt condolences to the family.
- Merry Christmas and Happy New Year to all of you.

Christmas Lighting Contest Winners:

1st Place – Daniel & Frances Lopez at 902 Carson Avenue

2nd Place – Cayle & Sarah Hines at 7 Cactus Drive

3rd Placed tie – Kenneth Lowry at 2510 Carson Avenue and Jeff & Jennifer Jackson at 33 Sierra Drive

ADDITIONAL TOPICS DISCUSSED:

- Deer sign on the hill going up 10th Street.
- Butt rot in power poles.
- Electric Department tree trimming program.
- Commendation of all city crews during this last storm.

E. Governing Body Comments

1. Mayor Ayala:

- We had a loss of a city family member. On Friday, I spent time with the family and gave them our condolences. He was a father, a brother, he had three kids, one grandchild. We want to be sure to send out all of our prayers to the family and to his co-workers and friends.
- Last Friday was the Arkansas Valley Film Festival at the Fox Theater. Numerous schools participated. It was very well done.
- At the cemetery Saturday morning for Wreaths Across America. They had a little over 200 wreaths to put out this year and we have almost 1,400 Vets in our cemetery.
- During difficult storms, we need to watch out for all of our employees. We truly care and appreciate all of our employees and want them to return safely to their families.
- I gave everyone a Christmas gift. It's a book called "The Tipping Point" by Malcolm Gladwell.
- We have a packet from Daniel Hyatt with several quotes for upgrading the audio system, and other electronic features in the Council Chambers.

2. Council Member Velasquez:

- Thank you to the Employee's Association for the Christmas dinner.
- Thank you to all the City employees during this past wind event.

MOTION FOR THE CITY OF LA JUNTA TO INCUR THE COST OF AN "IN THE LINE OF DUTY" DEATH FOR AN EMPLOYEE OF THE CITY, WHERE THERE IS NO NEGLIGENCE ON THE PART OF THE EMPLOYEE, UP TO \$10,000, TO INCLUDE THE BURIAL PLOT AT THE LA JUNTA CEMETERY: Velasquez

SECOND: Vela

DISCUSSION: City Attorney Malouff is concerned about whether this could disqualify the family from work comp benefits. Recommend time to do some research.

MOTION TO TABLE IN ORDER TO ALLOW THE CITY ATTORNEY TIME TO ADVISE THE COUNCIL CONCERNING THIS ISSUE: Vela

SECOND: Pantoya

DISCUSSION: There was no further discussion

VOTE: The motion carried 7-0

3. Council Member Pantoya:

- Jennifer Nesselhuf is working on the Pathway to Prosperity project. We could have her come and give us a brief overview of the project.

Mayor Ayala: The meeting is in recess. It is 6:38 p.m.

Mayor Ayala: The recess is ended and the meeting will come to order. It is 7:00 p.m.

CITY COUNCIL MEETING – December 20, 2021**PUBLIC HEARING: Application for a New Lodging & Entertainment Liquor License by Yak and Yeti Hotel Inc., d/b/a La Junta Inn/Pitmaster BBQ, 1325 E. 3rd Street.**

The City Attorney opened the hearing and gave some general information regarding the application. He then presented his preliminary findings as follows:

1. That the application is in proper order, the necessary fees having been paid, and the requisite checks and drawings are in order.
2. That the premises sought to be licensed is located at 1325 E. 3rd Street in La Junta, Colorado.
3. That the premises is presently zoned in a manner that will accommodate the proposed business.
4. That the premises sought to be licensed is currently under a liquor license.
5. That the premises is properly occupied by the applicant.
6. That the proposal premises outlet was not within 500 feet of any public school or parochial school.
7. Notice of hearing has been given by posting of the premises as required by law and by publication in a newspaper of general circulation within the City of La Junta, being the La Junta Tribune-Democrat, more than ten days prior to the hearing date.
8. That the neighborhood to be served is designated as the City of La Junta.
9. That the closest outlet with a liquor license within the City of La Junta is the Boss Hogg's Saloon and Restaurant, 808 E. 3rd Street, La Junta, Colorado, which is approximately two thousand (2000) feet from the premises sought to be licensed.
10. That there are other outlets of similar nature within the neighborhood (see Exhibit "A").

City Attorney Malouff called a spokes person for the hotel, Dominique Jimenez, forward. She said they plan on having the restaurant open from 11:00 a.m. – 9:00 p.m. It will be BBQ. They are hoping to have 12-15 employees all at least twenty-one and up. There will only be two of us serving the alcohol. We're hoping to open early February.

The City Attorney asked if there was anyone present who wished to speak either for or against the issuance of this license. Hearing none, he closed the hearing.

The following action was taken:

MOTION TO GRANT A LODGING AND ENTERTAINMENT LIQUOR LICENSE TO YAK AND YETI HOTEL INC., D/B/A LA JUNTA INN/PITMASTER BBQ, 1325 E. 3RD STREET: Ochoa

SECOND: Pantoya

DISCUSSION: None

VOTE: The motion carried 7-0

CITY COUNCIL MEETING – December 20, 2021**PUBLIC HEARING: Application for a New Lodging & Entertainment Liquor License by Vanceowen LLC, d/b/a Fox Theatre, 11 E. 3rd Street.**

The City Attorney opened the hearing and gave some general information regarding the application. He then presented his preliminary findings as follows:

1. That the application is in proper order, the necessary fees having been paid, and the requisite checks and drawings are in order.
2. That the premises sought to be licensed is located at 11 E. 3rd Street in La Junta, Colorado.
3. That the premises is presently zoned in a manner that will accommodate the proposed business.
4. That the premises sought to be licensed is currently under a liquor license.
5. That the premises is properly occupied by the applicant.
6. That the proposal premises outlet was not within 500 feet of any public school or parochial school.
7. Notice of hearing has been given by posting of the premises as required by law and by publication in a newspaper of general circulation within the City of La Junta, being the La Junta Tribune-Democrat, more than ten days prior to the hearing date.
8. That the neighborhood to be served is designated as the City of La Junta.
9. That the closest outlet with a liquor license within the City of La Junta is the Railyard, 114 Colorado Avenue, La Junta, Colorado, which is approximately five hundred (500) feet from the premises sought to be licensed.
10. That there are other outlets of similar nature within the neighborhood (see Exhibit "A").

City Attorney Malouff called the theater owner, Vance Johnson, forward. He said they plan on being open Wednesday through Sunday and having single serve wine and beer. There will not be a full bar. We are looking for new ideas to keep the Fox open. We are thinking about possibly having a restaurant back stage for pre-show dinners. Maybe a Sunday showing for twenty-one and up only. There will be ushers who are continually checking on the patrons in the theater.

The City Attorney asked if there was anyone present who wished to speak either for or against the issuance of this license. Hearing none, he closed the hearing.

The following action was taken:

MOTION TO GRANT A LODGING AND ENTERTAINMENT LIQUOR LICENSE VANCEOWEN LLC, D/B/A FOX THEATRE, 11 E. 3RD STREET: Ochoa

SECOND: Ramirez

DISCUSSION: None

VOTE: The motion carried 7-0

There being no further business, the meeting adjourned at 7:31 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joseph Ayala, Mayor

RESOLUTION NO. R-1-2022

A RESOLUTION CONCERNING THE POSTING OF OPEN MEETINGS

WHEREAS, public can not exercise its right to attend open meetings unless sufficient notice is provided to its citizens; and

WHEREAS, the Open Meetings Law requires the public to receive full and timely notice of any meetings held; and

WHEREAS, the Open Meeting statute (24-6-402) provides in part as follows:

Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

BE IT THEREFORE RESOLVED that the City Council of the City of La Junta, the Board of Utility Commissioners, the Planning Commission of the City of La Junta, the Airport Advisory Board, the Urban Renewal Authority, the Tourism Board, and any other advisory boards which have been created by Ordinance and which are required by ordinances of the City of La Junta to comply with the open meetings law shall comply with this Resolution.

BE IT FURTHER RESOLVED that notice of the meetings shall be issued by the Clerk of the City of La Junta.

BE IT FURTHER RESOLVED that designated place for posting of the meetings shall be the main foyer of the City Building, located at 6th and Colorado, La Junta, Colorado.

ADOPTED this 3rd day of January, 2022.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk

RESOLUTION NO. R-2-2022

BE IT RESOLVED by the City Council of the City of La Junta that the following are hereby designated as official depositories for the various funds for the City of La Junta for the calendar year 2021:

1. The Colorado Bank & Trust Company of La Junta;
2. State Bank and Trust Company of La Junta;
3. TBK Bank;
4. First National Bank of Las Animas and La Junta;
5. U.S. Bank.

Whenever investment circumstances exist that prohibit banks from accepting City funds as deposits without requiring deposit fees be paid by the City, the City Manager or his designee, is authorized to locate other financial institutions; provided however that all funds be maintained in a federally insured account and all funds must be fully insured by the FDIC.

ADOPTED this 3rd day of January, 2022.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk

RESOLUTION NO. R-3-2022

BE IT RESOLVED by the City Council of the City of La Junta that it shall be the policy of this Council that all discovered or reported offenses against the property of this City shall be referred to the appropriate law enforcement agency in this county for such action as may be deemed proper.

ADOPTED this 3rd day of January, 2022.

CITY OF LA JUNTA

ATTEST:

Joseph Ayala, Mayor

Melanie R. Scofield, City Clerk

RESOLUTION NO. R-4-2022

BE IT RESOLVED by the City Council of the City of La Junta that all legal notices required to be published by the ordinances of the City of La Junta shall be published in the La Junta Tribune-Democrat, a paper of general circulation within the City of La Junta.

ADOPTED this 3rd day of January, 2022.

CITY OF LA JUNTA

ATTEST:

Joseph Ayala, Mayor

Melanie R. Scofield, City Clerk

RESOLUTION NO. R-5-2022

WHEREAS, the Taxpayer's bill of Rights anticipates that certain City enterprises are exempt from the provisions of the Taxpayer's Bill of Rights; and

WHEREAS, the Taxpayer's Bill of Rights defines the criteria upon which an enterprise becomes exempt from the operative provisions of the Taxpayer's Bill of Rights; and

WHEREAS, it is the belief of the City of La Junta that certain operational funds within its control are "enterprises" as defined by the Taxpayer's Bill of Rights.

BE IT THEREFORE RESOLVED AS FOLLOWS:

1. That the following City of La Junta funds are considered to be "enterprises" as used within the Tabor Amendment:
 - a. Electric Fund;
 - b. Sewer Fund;
 - c. Water Fund;
 - d. Sanitation Fund;
 - e. Property Management Fund.

ADOPTED this 3rd day of January, 2022.

CITY OF LA JUNTA

ATTEST:

Joseph Ayala, Mayor

Melanie R. Scofield, City Clerk