

Council Goals

Envision a safe, flourishing downtown that provides a strong commercial tax base

Strive to be active stewards of existing aging infrastructure

Recognize importance of experience, well trained, and community minded staff

Ensure its electorate is well informed of on-going successes and future plans

Envision a safe, secure community for its families and youth

Promote redevelopment of existing businesses and neighborhoods and increase quality of life for all its residents



AGENDA

REGULAR MEETING LA JUNTA CITY COUNCIL

La Junta, Colorado
July 3, 2023
6:00 PM
Council Chambers
Municipal Building
601 Colorado Avenue

CALL TO ORDER (Mayor Ayala)

INVOCATION (Mayor Ayala)

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 June 20, 2023

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

NEW BUSINESS

- A. First Reading/AN ORDINANCE CALLING AN ELECTION ON NOVEMBER 7, 2023 TO AUTHORIZE THE IMPOSITION OF AN ADDITIONAL 1% SALES TAX ON RETAIL SALES WITHIN THE CITY OF LA JUNTA; SETTING THE TITLE AND CONTENT OF THE BALLOT ISSUE FOR THE ELECTION; PROVIDING OTHER MATTERS AND RATIFYING ACTIONS PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE (City Attorney) (Action)
- B. Committee/Board Reports
- C. City Manager's Comments
- D. Governing Body Comments
- E. ADJOURN

**Subject to approval at
the July 3, 2023
City Council Meeting**

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 Tuesday, June 20, 2023, at 6:00 p.m. in the Council Chambers of the Municipal Building.

INVOCATION: Council Member Vela gave the invocation.

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

ROLL CALL: The following Council Members were present:

- Damon Ramirez, Ward 1
- Paul Velasquez, Ward 1
- Elaine McIntyre, Ward 2
- Joe Ayala, Mayor
- Edward Vela, Ward 3
- Lisa Pantoya, Ward 3

Absent: Chandra Ochoa, Ward 2

- Also present:
- Bill Jackson, Asst. City Manager
 - Phil Malouff Jr., City Attorney
 - Debra Fraker, Admin. Asst.
 - Paula Mahoney, Admin. Asst.
 - Cathy Hurd, La Junta
 - Darlene Derbigny, La Junta
 - Betty Velasquez, La Junta
 - Connie Shane, La Junta
 - Bethany Bender, La Junta
 - Gary Cranson, UB Vice-Chairman
 - 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 June 5, 2023. Hearing none, the mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE JUNE 5, 2023 MINUTES AS PUBLISHED: McIntyre

SECOND: Pantoya

DISCUSSION: There was no discussion

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

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

1. Catherine Hurd, 1415 Park Avenue: Gave an update on the duck situation. It's been traumatic since the theft of Mother Goose. Trying to introduce two new ducks has been quite challenging. Kids don't understand that they're interacting with wildlife and it's not a petting zoo. Someone is going to get bit. Hope the signs are on order. Also noticed the feeding station has been taken out. Don't know if new cameras have been put up at all. Those who care about the ducks at the pond are concerned and lots of kids seem to be left to run wild. Perhaps a program to educate the community more on the fact that it's not a petting zoo.

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2. Darlene Derbigny, 901 Maple Avenue: Lives one block from the new park. There's a lot of traffic on that corner. There are no stop signs, slow signs, yield signs, speed bumps or one-ways. It's really dangerous. Many people don't know how to get to the park. Would like some signage for protection of the community along with signs telling people how to get to the park. Also, the manhole on 10th Street wasn't leveled out. There are a lot of trees and bushes growing at the corner of 10th and Lincoln and you can't see the traffic coming from the east side.
3. Connie Shane, 1421 Park Avenue: Talked about the two white ducks that have been dropped off at the park. Hopefully Fish & Wildlife can come and gather their eggs. They are being stolen.
4. Elaine McIntyre, Council Member: Had constituents asked about the bathroom at the new park. Mr. Jackson said that they are not ready yet.

NEW BUSINESS

- A. **Approval of the 2022 Audit.** The auditors have prepared and presented the 2022 audit. This governing body has to approve the results of that audit. This shows DOLA and others that you are cognizant of any problems presented and that you're going to do something about it.

MOTION TO ACCEPT AND APPROVE THE 2022 AUDIT TO FORWARD IT TO THE REGULATORY AGENCIES: Vela

SECOND: McIntyre

DISCUSSION: There was no discussion

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

- B. **Appoint Bill Jackson to the AVRMC Board.** City Attorney Malouff explained that twenty years ago or more, there was a consolidation agreement that was entered into between the Mennonite Board of Missions, now the AVRMC Board, and the City of La Junta. It was an extremely complicated document. It provides all sorts of details with regard to what could have occurred, what should have occurred, and what the ownership issues were. Part of the document does suggest that there are different types of individuals that are professional target types that should make up the board. That was intended that the board be diversified on both a professional and non-professional basis. With all of our boards, we at least initially solicit their recommendations as to who they might want. In this case, AVRMC did put out an invitation and did interview multiple people and the board has recommended that Mr. Jackson be designated to fill an unexpired term. We should lend a strong ear to their recommendation.

MOTION TO APPOINT BILL JACKSON TO THE AVRMC BOARD WITH AN UNEXPIRED TERM: Velasquez

SECOND: McIntyre

DISCUSSION: Council Member Vela would like to nominate a younger person to be on the board. No offense to Mr. Jackson but he's been on the board before. The other person that was mentioned at the last meeting was Dee Leyba. She is eminently qualified to be on that board. She's a young gal and has plenty of spunk and we probably need some new blood on there.

City Attorney Malouff: I think the motion is probably out of order. The motion before the body is for Mr. Jackson. If it goes up, the issue is then moved. If it goes down, then you're free to nominate anybody else that you'd like. I don't see how there can be a friendly amendment to the motion that's on the floor. So, I think your motion is out of order, with all respect.

Council Member Vela: He asked for discussion. I'm trying to sway it.

City Attorney Malouff: No, you made a motion. If it's a discussion item, that's fine. If it's a friendly motion as an amendment, I think it's out of order.

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Council Member Vela: If I said motion, I apologize. I think we should put some younger people on there that understand and work in the health field with all those people because she does work for the health department. I feel she's qualified.

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

Those voting NO: Vela

The motion carried 5-1 (Ochoa absent)

C. Committee/Board Reports

1. Utility Board (Council Member Velasquez):

- At 10th & Carson, that's going to be there for about another week the way it is because they have to wait for what they filled it in with to dry because the ground was saturated. They can't rush it.
- Back in February, the board asked for and was submitted a cost-of-service rate design study and that was presented to the Utility Board by John Krajewsky out of JK Engineering. The board approved a rate increase for the City of La Junta which breaks down as follows: Electric will be \$0.20, Water with ¾" pipe will be \$3.96, Wastewater will be \$8.00 and Sanitation will be \$0.15. The typical residential rate increase will be approximately \$11.91 a month. That information will go out after the next billing cycle.

Council Member Vela: Also attended the meeting and said that, if necessary, they will take another look at it in six months. It was a hard deal and they stood off as much as they could and he doesn't want us to be another Jackson Mississippi where they had tons and they're still recovering from that.

MOTION TO SUPPORT THE UTILITY BOARD WITH THEIR RATE INCREASE DECISION:
Vela

SECOND: Pantoya

DISCUSSION: There was no further discussion

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

D. Assistant City Manager's Comments

- We are in Stage 1 Water Restrictions. No watering between 10:00 a.m. and 6:00 p.m.
- The mosquito truck has a specific route and runs on Monday, Wednesday and Friday. It cannot spray during rainy weather.
- Asphalt is ordered every Thursday to fill potholes, etc. but depends on staffing and weather.
- The city has nothing to do with raising money for fireworks. Several years ago, the John Fisher Hose Company turned that over to the La Junta Chamber of Commerce.
- The Wastewater Treatment Plant lost a few employees a few months ago. In the interim, Tom Seaba hired an operator of record to sign the DMR's. There are two new young men in training. There are employees that will be able to pass the certifications that are required.
- Every year, as part of our ARPA membership, there is a pole top rescue and bucket truck rescue training program conducted and La Junta has been the host for the last several years. Our men are the instructors.
- There have been several storm sewers that the Street Department have been working on. However, the hole on 3rd Street is a sanitary sewer. It has about a 10-foot diameter hole underneath the manhole that has deteriorated.

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E. Governing Body Comments

1. Council Member Velasquez:

- Thanked Kimberly and the library staff for being accommodating and welcoming to our team of sixteen attorneys that represented Colorado, Oklahoma and Nebraska that are part of the Legal Services bunch.

There being no further business, the meeting adjourned at 6:33 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joe Ayala, Mayor

ORDINANCE NO. 1647

AN ORDINANCE CALLING AN ELECTION ON NOVEMBER 7, 2023 TO AUTHORIZE THE IMPOSITION OF AN ADDITIONAL 1% SALES TAX ON RETAIL SALES WITHIN THE CITY OF LA JUNTA; SETTING THE TITLE AND CONTENT OF THE BALLOT ISSUE FOR THE ELECTION; PROVIDING OTHER MATTERS AND RATIFYING ACTIONS PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of La Junta, Colorado has determined that the public interest and the needs of the City require that provision be made for the imposition of an additional 1% sales tax on all retail sales as defined in the Municipal Code of the City of La Junta within the City of La Junta tax with the revenues generated therefrom to be used as provided herein; and

WHEREAS, The Council has determined to set the title and content of the ballot issue to be submitted at the election established by this Ordinance.

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO THAT;

SECTION 1: ELECTION DATE: An election shall be held on Tuesday, November 7, 2023 at which there shall be submitted to the eligible electors of the City a question as to authorizing the imposition of a "an additional 1% sales tax on all retail sales as defined in the Municipal Code of the City of La Junta within the City of La Junta", which question shall be in substantially the form as set forth in Section 8 below.

SECTION 2: ELECTION PROCESS: The election shall be conducted as a coordinated election in Otero County in accordance with articles 1 to 13 of title 1, C.R.S. (the Uniform Election Code), and any required intergovernmental Agreements between the City and Otero County.

SECTION 3: CERTIFICATION: No later than September 1, 2023, the City Clerk shall certify the ballot content to the County Clerk and the Notice of Election required by Article X, Section 20(3)(b) of Colorado Constitution.

SECTION 4: NOTICE: No later than September 1, 2023, the City Clerk shall submit to the County Clerk, in the form, if any, specified by the County Clerk, the Notice of Election required by Article X, Section 20 (3)(b) of the Colorado Constitution.

SECTION 5: AUTHORITY TO ACT: All acts required or permitted by the Uniform Election Code relevant to voting by early voters ballots, absentee ballot and emergency absentee ballots, which are to be performed by the designated election official, shall be performed by the County Clerk.

SECTION 6: COORDINATING ELECTION: The City Clerk (or the County Clerk, if so, provided in the Intergovernmental Agreements) shall cause a Notice of Election to be published in accordance with C.R.S 1-5-205 as required by law.

SECTION 7: BALLOT ISSUE: For purposes of C.R.S. 1-11-203.5, this Ordinance shall serve to set the title and content of the ballot issue as is more fully set forth herein and the ballot title for such question shall be text of the question itself.

SECTION 8: TEXT: The text of the ballot shall be as follows:

Shall City of La Junta's taxes be increased by approximately \$1,400,000.00 in 2024 and then annually by whatever additional amounts are raised thereafter by the imposition of an additional 1% sales tax on all retail sales as defined in the Municipal Code of the City of La Junta within the City of La Junta beginning January 1, 2024 and continuing thereafter; with the net proceeds of such tax to be collected, retained and spent for the purposes of the City through its general fund; and shall the City be permitted to collect, retain and expend all revenue derived from such tax as a voter-approved revenue change and an exception to limits which would otherwise apply under Article X, Section 20 of the Colorado Constitution or any other law?

_____ Yes
_____ No

SECTION 9: VOTE RESULTS: If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of such question, the City acting through the Council shall be authorized to proceed with all the necessary actions to impose an additional 1% sales tax on all retail sales within the City of La Junta.

SECTION 10: ACTIONS OF COUNCIL UPON PASSAGE: If a majority of the votes cast on the ballot issue submitted at the election shall be in favor of such question, the Council shall:

- A. Provide for the receipt and expenditure of revenues collected from the tax and the deposit of the same into the general fund as created by the Council to implement this ordinance.

SECTION 11: ACTIONS OF COUNCIL UPON NON-PASSAGE: If a majority of the registered electors voting thereon fail to approve the "an additional 1% sales tax on all retail sales as defined in the Municipal Code of the City of La Junta within the City of La Junta", the question shall not be submitted again to such electors for a period of one year following the date of said election.

SECTION 12: USE OF MONEY COLLECTED:

- A. All revenues and any expenditures shall be governed by the budgeting process of the City Council in accordance with its customary procedures.
- B. Funds may be used for the general operating purpose of the City.

SECTION 13: ACTS PROHIBITED: No public moneys from any source shall be expended directly or indirectly to urge electors to vote in favor or against the imposition of the "an additional 1% sales tax on all retail sales as defined in the Municipal Code of the City of La Junta within the City of La Junta". Nothing in this paragraph shall be construed as prohibiting an elected official or City employee from expressing his personal opinion concerning the imposition of the lodging tax.

SECTION 14: PRIOR ACTIONS: All actions not inconsistent with the provisions of this Ordinance, heretofore taken by the member of the Council and the officers and employees of the City, directed toward holding the purposes stated herein are hereby ratified, approved and confirmed.

SECTION 15: REPEALER: All prior acts, orders of ordinances, or parts thereof, by then City in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any act, order or ordinance, or part thereof, heretofore repealed.

SECTION 16: SEVERABILITY: If any section, paragraph, clause or provision of this Ordinance shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this Ordinance, it being the intention that the various parts hereof are severable.

SECTION 17: EFFECTIVE DATE: The Ordinance shall take effect immediately upon its passage.

INTRODUCED, PASSED on first reading this 3rd day of July, 2023.

ADOPTED on second reading this _____ day of July, 2023.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk



City Manager Comments

- The Brick and Tile playground is completed except for the last shelter. We will build the shelter in the next couple of weeks.
- We have sent the bid out for the trail.
- EPA has given us the ok to rebid the brownfield grant.
- We had a sewer manhole that was replaced on 3rd St. and Highway 50.
- We have 275 kids in Baseball.
- Level 1 water restrictions.
- The new scoreboard was placed at Veterans field.
- We are patching and clearing weeds.
- 249 kids signed up for the Summer Reading program and 100 kids on Friday's programs.
- We have been monitoring the river.