



AGENDA



REGULAR MEETING LA JUNTA CITY COUNCIL
 La Junta, Colorado
 July 18, 2022
 6:00 PM
 Council Chambers
 Municipal Building
 601 Colorado Avenue

CALL TO ORDER (Mayor Ayala)

INVOCATION (Council Member Vela)

PLEDGE OF ALLEGIANCE (Mayor Ayala)

ROLL CALL (City Clerk)

Council Members	Supervisors	Others
Ramirez		
Velasquez		
McIntyre		
Ayala		
Ochoa		
Vela		
Pantoya		

PUBLIC HEARING SET FOR 6:00 P.M. (City Attorney) (Action)

A. Application for a New Retail Fermented Malt Beverage Off-Premises Liquor License by Family Dollar Stores of Colorado LLC, d/b/a Family Dollar #25100, 614 E. 1st Street

MINUTES OF PREVIOUS MEETINGS (Mayor) (Action)

Regular Meeting July 5, 2022

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

REPORTS

A. MSOB/La Junta RISE (Cynthia Nieb) (Information)

UNFINISHED BUSINESS

A. Second Reading/AN ORDINANCE CALLING AN ELECTION ON NOVEMBER 8, 2022 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)

NEW BUSINESS

A. Authorization to Commence Condemnation – Green Farms Holding LLC (27496 Frontage Road) (City Attorney) (Action)

B. Committee/Board Reports

C. City Manager's Comments

D. Governing Body Comments

E. EXECUTIVE SESSION FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S. §24-6-402(4)(b)

F. ADJOURN



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, July 5, 2022, at 6:00 p.m. in the Council Chambers of the Municipal Building.

INVOCATION: Mayor Ayala gave the invocation.

PLEDGE OF ALLEGIANCE: Council Member Velasquez 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
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.
Pat Hill, La Junta
Patty Schaff, 1208 Mullins Lane
Sarah Gumke, 1314 Adams Ave
Darla Youngblood, PO Box 227
Doris Gumke, 1312 Adams Ave
Rick Gumke, 1312 Adams Ave
Eugene Marez, 1121 Grace Ave
Tanya Piker, 1209 Smithland Ave
Betty Velasquez, 1313 Bradish Ave
Angela Ayala, 1514 San Juan Ave
Kevin Singleton, 722 San Juan Ave
Linda Delgado, 419 Belleview Ave
Nancy Bennett, 622 Santa Fe Ave
Greg Kolomitz, 717 Belleview Ave
Marita Vickroy, 1220 Rice Ave
Rhonda Castello, 1214 Rice Ave
Monya Jackson, 701 Carson Ave
Stephen Nielsen, 701 Carson Ave
L Hills, La Junta
Ron Hall, 602 San Juan Ave
Jeffri Pruy, 5 Circle Dr
Pam Denahy, Director of Tourism & Events
Bette McFarren, RF Gazette

CITY COUNCIL MEETING – July 5, 2022

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 21, 2022. After hearing none, the Mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE JUNE 21, 2022 MINUTES AS PUBLISHED: Velasquez

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

PLAYS IN THE PARK: Dorothy, played by Maranatha Hoyt, said that “Plays in the Park” is a theatre by youth performed at the Live Well Park on Santa Fe. We strive to give a good experience for theatre and arts. This will be our first production and it will be Wizard of Oz. Performances will be on July 15th at 3:00 p.m. and July 16th and 17th at 6:00 p.m. Tickets are \$5.00. She then sang, “Somewhere over the Rainbow.”

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

1. Greg Kolomitz, Chamber of Commerce: The Chamber wants to give a huge thank you to the Police and Fire Departments for their help with the Wet/Dry Parade. It was a huge success. I noticed a lot of parking spaces on the 300 block of Santa Fe. Thank you. Happy businesses make for happy Chamber members. Otero Museum will be hosting a Business After Hours next Friday, July 15th at 5:00 p.m. They have a unique exhibit that pertains to the bicentennial celebration of the Santa Fe Trail. Early Settlers Day will be Saturday, September 10th. Vendor and parade applications are available on our website, on our Facebook page and in person at the Chamber. If your application is received by August 1st, you’ll be listed in promotional materials. Applications can be turned in up until September 3rd. We are going to move the beer garden and the evening band, Martini Shot, downtown to the Santa Fe Plaza. On Thursday, July 28th, we’ll be hosting our first BLT session in person at the Senior Center. Deb Brown will be the speaker. On Wednesday, July 27th at the college, the Chamber will be hosting an Agritourism workshop. The cost is \$10.00. You can register on our website: info@lajuntachamber.com. Deb Brown is a co-founder of an organization called “Save Your Town.” Her big thing is agritourism, promoting rural America, and revitalizing small towns. Huge Thank You to the Southeast Community Foundation for the grant that helped us get her here.
2. Edward Vela, Co-Chairman Live Well Park: I’d like to express our thanks to Nancy Bennett and Linda Delgado for the painting of the labyrinth. It is really cool and looks good. A reminder: Tri-County, Otero, Bent, Crowley First Responder recognition at Crowley County Fair Grounds this Saturday 4:00 p.m. to 8:00 p.m. In addition to a free dinner, they’ll be having a silent auction.
3. Eugene Marez, 1121 Grace Avenue: What are the police doing about the people who don’t use the sidewalks and walk on the street? They’re doing nothing. Another thing is, this loud music. There is a city ordinance on loud music. Do the police do anything about it? No they don’t.
4. Rick Gumke, 1312 Adams Avenue: I have a five-foot picture window in my living room and I can see the street. You can hear the loud music before they get to 12th and Adams. It just rattles my windows. I’ve complained to the Chief of Police about that and also about the raceway on Adams. They go by my house no less than 50 mph, even as fast as 100 mph. Someone’s going to get hurt or killed. I’ve been complaining for years.

UNFINISHED BUSINESS

- A. Second Reading/AN ORDINANCE CONCERNING THE LIMITATION OF FEEDING FERAL CATS.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON SECOND READING: Velasquez

SECOND: Ochoa

DISCUSSION:

1. Doris Gumke, 1312 Adams Avenue: I do La Junta Animal Rescue. I don't think it's a downtown problem. I think it's a city wide problem. We handed out some information. What I would like to do tonight is ask that at this time you table it. Maybe some of us can get together and go over some real true information and facts. Bergen Spay and Neuter mobile clinic wouldn't be able to come until late October or November. She promised me they would come. They can do 65 cats a day. They would be here for four days. The cost for that would be \$12,000. Right now this is a really hot topic and I would like it to be tabled. I would like to meet with somebody and see if we can do something like the other cities do that is more humane.
2. Tanya Piker, 1209 Smithland Avenue: I've lived in this town for 20 years. This town has a problem with irresponsible pet owners. They move and then dump their animals. Their mentality is out of sight out of mind. The emphasis is on controlling the population. The issue with public health and the disease factors increase with stray cats and dogs. I have shared with the Mayor and City Manager a "Feral/Stray Cat Management Outline" that I wrote.
3. Mayor Ayala: A lot of what we're hearing is what me and Mrs. Pruyn talked about today. We're getting closer to a solution.
4. Jeffri Pruyn, 5 Circle Drive: The main point I want to say is its much more than just feeding cats. We are also taking care of cats on our own dime. Taking them to the vet. It's not just a feeding process but a caretaking process. We talked about possibly having colony caretakers that would have to register with the city. I want an amendment to this ordinance that there would be a liaison from the city that will work with the groups who's willing to take care of the colonies and figure out what works best for everyone.
5. Patty Schaff, 1208 Mullins: I've been doing TNR off and on with Dr. Dale. In 2009, Dr. Dale asked me to join the Animal Assistance Foundation out of Denver. We were asked to do an index of roaming cats and dogs to see if there is a need for assistance. There was. They gave us state funds through vouchers for several years. With the AAF, we set up an area animal alliance, Arkansas Valley Spay Neuter Alliance. We distributed thousands of vouchers to area vets and citizens. I did about a thousand myself. I sat on the Board two different times but end up leaving because of different points of view. The Alliance totally disband within a year or two later and went into the vet control. While with Dr Dale, I spayed and neutered approximately 300-350 animals. There count, a couple years before I left was about 250. I switched to Dr. Krugman to do rescue because he could fix two to nine a day depending on what he had going on and what I was doing with trapping. I have fixed 100 to 150 or more. So this background gives you a picture that I've been in the trenches trying to make a difference in the cat over population. Most of my work in the Meadows or thereabouts. I had the numbers down to about 15 or 20 mostly fixed. Jack told me that there was no more feeding to be done away from my house which led to not trapping where I used to feed. The cats at my house are almost all fixed and have been. Except for the ones that don't get in the traps. So with the no feeding and trapping where the cats were concentrated led to the numbers to multiply exponentially. I started back trapping about 5 years later when a family moved and left their 2 dogs and 5 cats. We took the dogs to the shelter and I caught the 4 cats and found them homes. That one cat has filled the numbers back up where I trap. But I will no longer be able to feed there so I will no longer be able to trap there. So then the numbers are going to go up again. With Marks help, a new tenant in the park, the La Junta Animal Rescue' financial help, we're actively bringing the numbers back down. So, in the end, not feeding in one spot will not stop them from going there. They'll feed else where and then go back. With animals spread out, TNR is harder to do and that takes a lot more time. I agree something needs to be done. A committee set up by you with people who know what its about and that you'll support. They need to develop plans that will be a long term solution and not a band aid. For everyone, we need a common ground.
6. Stephen Nielsen, 701 Carson Avenue: Cats are hard on wildlife but I don't want to see animals suffer. Depriving a population of food has consequences and there's a lot of suffering that can happen. I it needs to be a measured approach. Over 5 years ago, I was

at a Bent County Commissioner meeting, there was a report at that time from a group that was doing trap, neuter and release and they were doing a routine report. I was thinking that La Junta should have a program like that. Animals reproduce and unchecked, populations go up. They're hard on wildlife and a nuisance. We would like to contribute to a program. Communication and coordination is needed and people need training.

Mayor Ayala: This has been going on since February. We asked people for help on this issue. I'm glad you're all here. We have to find a solution that's good for all parties. There was a thought that this was a personal thing and that is the farthest from the truth. I want what's best for La Junta. I want what's best for Ron and for Jeffri. I want what's best for the Meadows and what's best for Bradish and Adams. I'm not against cats. I received numerous messages calling me the worst names you could think of because of that last meeting. That's not the way we should work. It's not me versus you guys. It's me and you guys versus the problem that we have and how we can get that done together. If I'm hearing right, if there's a way we can pass the ordinance, with an amendment, that would allow a responsible person to care for the colonies but also be in charge of one if something goes wrong. Mr. Vela sent out Alamosa's ordinance and it's really heavy on law enforcement. It wouldn't be fair to adopt their ordinance without talking with Todd and seeing if we can do something like that. I did share this ordinance with Mrs. Pruyne and asked her to read it over. There're some things we're not going to pull but there's some things that maybe we can pull from there. If we work together. It's give and take. It's not my way or no way.

(DISCUSSION CONTINUED FROM THE AUDIENCE WITH THE COUNCIL)

VOTE: The motion carried 7-0

- B. Second Reading/AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE GENERAL FUND, INTERNAL SERVICES FUND, PROPERTY MANAGEMENT FUND, ELECTRIC FUND, WATER FUND, WASTE WATER FUND AND SANITATION FUND FOR THE CALENDAR YEAR 2022.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON SECOND READING: McIntyre

SECOND: Velasquez

DISCUSSION: This is a supplemental for employee raises.

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

REPORTS

- A. Tourism Board Update.** Pam Denahy, Director of Tourism & Events shared a power point on the following information:

- Visit La Junta creates and manages a comprehensive program of tourism development and promotion for the City of La Junta.
- Visit La Junta works to grow tourism-related revenues in La Junta through the effective use of planning, leadership skills, community assets, industry knowledge and relationships, and evolving tourism practices.
- Visit La Junta plans, develops, and implements programs to promote the City of La Junta as a tourist destination.

- Here are variations of the new logo for different uses:

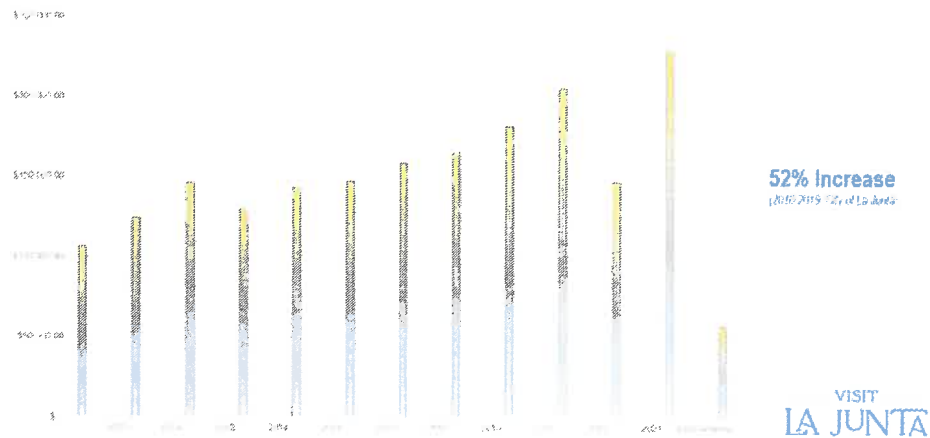


- Value of Tourism

Item	Number	Source	Year Collected
Jobs in Tourism	240	CTO Dean Runyan Study	2020
Total Jobs	5941	Bureau Labor Statistics	2020
Number of Households	7761	US Census	2018-2020
Visitor Spending	\$10,200,000	CTO Dean Runyan Study	2020
Tourism Marketing and Development Budget	\$126,430	Visit La Junta Budget	2020
Taxes Collected from Visitors (State & Local)	\$900,100	CTO Dean Runyan Study	2020
Calculations and Formula			
Visitor Spending / Budget	\$435	Correlating Messaging Key R for ROI	
% Jobs in Tourism = Jobs in Tourism / Total Jobs	4%	J for Jobs	
Household Savings in Taxes = Taxes Collected / # Households	\$216	T for Taxes	
Daily Visitor Spending = Visitor Spending / 365	\$44,384	S for Spending	
<small>*Based on Chero County visit to La Junta</small>			



- Lodging Tax Collection



- Volunteer Board of 7 Members (not including Director of Tourism)
- Promote and Develop Sustainable Tourism
- 100% Visitor Funded
- Build and Create Awareness for our Brand
- Tourism Benefits Businesses, Downtown, Residents
- Visitation is Main Goal (retirement, business relocation, job recruitment, etc.)

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- Current Project
 - To help answer the question – What is there to do in La Junta?! – created QR Code Stickers for businesses in and around La Junta – directed to www.VisitLaJunta.net.
 - Visit La Junta was one of 28 tourism destinations across the state to participate in the CTO's Restart Destinations Program, to advance recovery-focused tourism efforts as we emerge from the pandemic.
 - Visit La Junta was awarded a \$20,000 Tourism Management Grant from the CTO to launch an educational campaign to inspire responsible and respectful visitation during the annual tarantula migration in La Junta each fall – includes a new microsite, tarantula-themed branding and much more.
 - Visit La Junta applied for the Colorado Tourism Office Reimagine Destinations Program which supports tourism destinations to advance tourism projects that foster long-term industry resilience (aware announcements July 15).
 - Involved with planning of the First Annual La Junta Tarantula Fest to be held the weekend of October 8, 2022.
- Tourism Grants
 - Grants are available to help build La Junta as a destination for visitors by generating incremental sales and lodging tax revenue through tourism, events and related activities.
 - Grants are funded with revenue received through the City's Lodging Tax Revenues.
 - Programs must yield increases in tourism activity
 - Programs must demonstrate a need for the use of public funds
 - All events must be open to the public
 - General Tourism Promotion – Provide funds to promote, publicize, support and/or expand tourism promotion programs in the general area of la Junta.
 - Special Events/Festivals – Provide funds to projects that promote, support and expand existing and new special events/festivals.
 - Artistic Performances such as music, theater, etc.
 - Sporting events
 - Cultural activities
 - Conventions

NEW BUSINESS

- A. Set for Hearing/Application for a Beer and Wine Liquor License by Tran & Yen LLC, d/b/a Asian Café, 414 W. 1st Street.** This matter has been set for a Public Hearing on August 15, 2022 at 6:00 p.m.

MOTION TO SET FOR HEARING THE APPLICATION FOR A BEER AND WINE LIQUOR LICENSE BY TRAN & YEN LLC, D/B/A ASIAN CARE ON AUGUST 15, 2022 AT 6:00 P.M.: Ochoa

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

- B. Application for a Special Event Permit by American Legion Auxiliary #9, Susan Fisher, Event Manager. The event is their 2nd Annual Trillion Trees to be held July 9, 2022 from 4:00 p.m. to 10:30 p.m. at 201 E. 2nd Street.** 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 Mayor recommends approval.

MOTION TO GRANT A SPECIAL EVENT PERMIT TO AMERICAN LEGION AUXILIARY #9 FOR THEIR 2ND ANNUAL TRILLION TREES TO BE HELD JULY 9, 2022 FROM 4:00 P.M. TO 10:30 P.M. AT 201 E. 2ND STREET: Vela

SECOND: McIntyre

DISCUSSION: There was no discussion

VOTE: The motion carried 7-0

C. **A Resolution to Evaluate Council Employees.** Resolution No. R-14-2022 was presented for the council’s consideration as follows:

WHEREAS, the City is a Home Rule City organized under the laws of the State of Colorado; and

WHEREAS, the City of La Junta Charter provides as follows:

A. Section 6.1 of the Charter provides as follows:

6.1 - Manager.

The Council shall, within a reasonable time, whenever a vacancy occurs, upon a vote of the majority of the entire Council, appoint a manager who shall be the chief executive and administrative officer of the City. Such appointment shall be without definite term at a salary to be fixed by the Council. The Manager shall be chosen by the Council on the basis of his education, executive and administrative qualifications with particular emphasis on actual experience and knowledge of the accepted practice in respect to the duties of the office.

B. Section 8.1 of the Charter provides as follows:

8.1 - City Attorney.

The Council shall appoint a City Attorney who shall be an attorney-at-law licensed to practice in the State of Colorado. The City Attorney shall advise the Council and City officials in matters relating to their official powers and duties, and perform such other duties as Council may prescribe by ordinance or resolution.... Council shall establish compensation for the City Attorney, his assistants and special counsel.

C. 2.08.020 – Of the Municipal Code provides as follows:

(b) The City Attorney and the Municipal Judge shall be under the supervision of the City Council and shall perform such duties as are imposed by law or ordinance or assigned by the City Council.

WHEREAS, Richard G. Klein has been selected by the City Council as the City Manager; and

WHEREAS, Douglas R. Manley has been selected by the City Council as the City Municipal Judge; and

WHEREAS, Phillip F. Malouff, Jr. has been selected by the City Council as the City Attorney; and

WHEREAS, the City determines that the City Manager, City Municipal Judge and the City Attorney shall be periodically evaluated to ensure the goals of the City are being properly administered by those individuals.

BE IT THEREFORE RESOLVED BY THE CITY OF LA JUNTA, COLORADO as follows:

1. All evaluations (with the consent of the party to be evaluated) shall be conducted separately and conducted in executive session.
2. The Mayor shall record all comments presented at the evaluation meeting.
3. A copy of the comments shall be provided to the evaluated party within fifteen (15) working days of the completed evaluation.
4. All evaluations shall be completed prior to August 1 of each calendar year.

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5. Future compensation of each respective party shall be evaluated and discussed at the time of that party's evaluation.
6. The Board of Utility Commissioners may participate in the evaluation of the City Manager and City Attorney.
7. The City's copy shall be retained in a confidential manner to be held in a sealed envelope at the office of the City Attorney. Access shall be restricted to the Mayor or the respective employee.
8. The resolution is enacted by the City Council of the City of La Junta.

MOTION TO ADOPT RESOLUTION NO. R-14-2022: Velasquez

SECOND: Ramirez

DISCUSSION: The employees of City Council are the City Manager, City Attorney and Municipal Judge.

VOTE: The motion carried 7-0

- D. **First Reading/AN ORDINANCE CALLING AN ELECTION ON NOVEMBER 8, 2022 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.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON SECOND READING: Ochoa

SECOND: Vela

DISCUSSION: The council is encouraged to review this ordinance. Changes can be made before the second reading, if needed.

VOTE: The motion carried 7-0

E. Committee/Board Reports

1. Tarantula Fest (Council Member Vela):
 - This is a great event with many ideas. The committee is moving along very well. One concern is of money.

F. City Manager's Comments

- Asphalt patching on 3rd Street and others on Thursdays.
- We received two grants from CDOT. \$1,025,835 for construction of the trail along the Anderson Arroyo and \$525,000 for the Multi modal train station.
- Hydrant maintenance is being performed.
- Working on a street plan for chip seal.
- We are continuing to work on the 50/50 tree removal program. The first round has eight applicants.
- Fire Wind Stage 1 fire restrictions.
- Stage1 water restrictions.
- No fireworks show or sales due to the dry conditions.
- Rural Fire is building a training building at 8th and Barnes.

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- There are long lead times and prices keep going up.
- We received a grant to pay for increased costs of lifeguards from the State for \$24,000.
- We have 490 kids now signed up for the Summer Reading Program.
- The audit on the utilities has been finished.
- We have purchased Armor Sheet Metal.
- We have been receiving a lot of complaints about weeds.

G. Governing Body Comments

1. Council Member Velasquez:
 - Would like to thank Bill for the continued use of St. Pat's for the Arkansas Valley Migrant Services Coalition and to thank Rick for the City Chambers for Project Protect for legal aid training.
 - Shoutout to the lifeguards at the La Junta pool. They were very inventive.
 - The weed pile by the bowling alley is still there.
2. Council Member McIntyre:
 - Thanks again for the Wet/Dry Parade. It was very fun.
 - The Picketwire play is Matilda the Musical premiering July 20th at 7:30 running through the 23rd. Tickets are on sale now.
 - SECO news did a nice shout out to the drawings downtown at the park.
3. Mayor Ayala:
 - Want to thank everyone on this council. These last two meetings have been a little bit tough. Unfortunately, it drowned out the Plays in the Park and last week the Children's Theatre. Our arts are very important.
 - Last night, the 4th of July, I did a ride along with Todd Quick, La Junta Police Chief. I want to thank the City of La Junta for doing their best in adhering to that ordinance. There were still fireworks being lit but not like in years past. Thank you for our Police Department for going above and beyond to keep us all safe.
 - CBD Body Blends invited me to their ribbon cutting. Congratulations.
 - I would like to have a report from our Economic Development. It's long overdue and we need an update.
4. Council Member McIntyre:
 - I would also like to get an update from Parks and Recreation.
5. Mayor Ayala:
 - There's a lot going on social media. We are elected to be council members of La Junta not of Facebook. We're here to serve the citizens of La Junta.
6. Council Member Velasquez:
 - The new candy shop in the mall is an awesome addition.

There being no further business, the meeting adjourned at 8:41 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joe Ayala, Mayor

2ND READING

ORDINANCE NO. 1639

AN ORDINANCE CALLING AN ELECTION ON NOVEMBER 8, 2022 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 8, 2022 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, 2022, 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, 2022, 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 2023 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, 2023 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 5th day of July, 2022.

ADOPTED on second reading this 18th day of July, 2022.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie Scofield, City Clerk
[SEAL]

City Manager Comments

- We have started the budget process
- Working on the 50/50 tree removal program. First round has 8 applicants and 20 more applicants after last storm
- Stage 1 water restrictions
- Long lead times and prices keep going up
- Weeds
- Asphalt patching
- Storm damage at golf course and Industrial Park, many damaged trees and a few buildings
- Clean up of trees and insurance has been contacted for building damage.
- Transformer bank behind post office was damaged and repaired as well as two poles reinforced.
- Airport fuel sales are steady even with higher fuel prices.
- Building upgrades are being done to house DNAV operations
- Rained 2 inches in half hour overloading our system
- Fire Stage 1 fire restrictions