

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
September 5, 2023
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

Ayala

Ochoa

Vela

Pantoya

MINUTES OF PREVIOUS MEETINGS (Mayor) (Action)

Regular Meeting August 21, 2023

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

NEW BUSINESS

- A. Application for a Special Event Permit by La Junta Chamber of Commerce, Angela Ayala, Event Manager. The event is the 2nd Annual Tarantula Fest to be held September 30, 2023 from 12:00 p.m. to midnight at Live Well Park (City Attorney) (Action)
- B. First Reading/AN ORDINANCE AMENDING MANDATORY SURCHARGES (City Attorney) (Action)
- C. Committee/Board Reports
- D. City Manager's Comments
- E. Governing Body Comments
- F. ADJOURN
- G. NOTICE TO SHOW CAUSE – EDWARD VELA (Judge Manley)



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, August 21, 2023, 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
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.
Gilbert/Dee Leyba, La Junta
Betty Velasquez, La Junta
Steve/Laura Hicks, La Junta
Harley Stokes, La Junta
Alyssa Lovato, La Junta
Kinsley Mayo, La Junta
Brylee Gearhart, La Junta
Paeton Coates, La Junta
Cathy Herd, La Junta
Audrey Berg, La Junta
Julie Worley, La Junta
Chad Penner, La Junta
Cheryl Blackhill, La Junta
Michelle Sanchez, La Junta
Antonia Lobato, La Junta
Lexi Bradshaw, La Junta
Angela Ayala, La Junta
Carolyn Ehrlich, La Junta
Bethany Bender, La Junta
Gary Cranson, UB Vice-Chairman
Daniel Horton, La Junta
Rick Ochoa, La Junta
Bette McFarren, RF Gazette

CITY COUNCIL MEETING – August 21, 2023

MINUTES OF PREVIOUS MEETING: Mayor Ayala asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of August 7, 2023. Hearing none, the mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE AUGUST 7, 2023 MINUTES AS PUBLISHED: Ochoa

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ward 2 Vacancy)

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

1. Dee Leyba, 511 Lincoln Avenue: Wanted to update everyone and apologize. At the town hall meeting, we said that our 2A4LJ committee was www.2A4LJ.com but it's actually .org. We don't have any information up on the site yet. If you have direct questions that we can look up for you to get the information out, our email address is: info@2A4LJ.org.
2. Alyssa Lovato, 2402 Santa Fe Avenue: Speaking on behalf of 2A4LJ. I'm the group leader for youth involvement and I was currently the pool manager at the City of La Junta Wipeout. I worked there for nine years. I want to bring true statements to what would happen and kind of give you a perspective from the youth end of things. If we were shut down, which is a possibility, I know a big focus in a small town like we have is bringing kids back to give back to our community. I went and got a bachelor's degree. I'm currently getting my masters to teach PE at the Primary and of course run the pool when its in season. Just some numbers for you guys. We employe 35-40 kids every year and run 600-700 people a day that use our facility. We have a Tiger Shark program, of 75 kids, a Senior Center aquatics class that's about 35-40 people. We do swim lessons which can be anywhere from 200-300 kids every year. We've had private parties, night swims, family day, and ladies' day. There's a lot of programs built in for our community. If this wasn't here, we would be taking away from not just the youth but the community as a whole. Something else I want to recognize is we can control being open, where our kids are going, a little bit, and if the swimming pool, the golf course, the library, and the senior center were closed, we don't have a lot of control and who knows what kids would be doing in a small town with nothing to do. Coming back to the town, I would love to give back any way I can and this would really hurt if we were shut down. Not only for us and our employees and a chance to give back but the kids that need something to do every day. We see a lot of the same kids and I think they would really hurt if we were closed. I also would like to say that its, I know there's discussion about it being a punishment to close these facilities and I just believe that going from a 3% to a 4% sales tax would be more beneficial for our community than to increase fees and make facilities that we have harder to have access especially after COVID. There's a lot of people living paycheck to paycheck and you know they can't afford to go do those things at a higher cost. They're already struggling. I just personally believe that a 4% sales tax would be beneficial for the community.
3. Carolyn Ehrlich, 420 Elm: I'm here because I'd like to tell the library, the pool, the senior citizens center, and the golf course, how much I appreciate what they do for the city. However, I've read all the emails and all of Facebook and what you guys sent out. I've put myself in this kind of position where I want to come do a little comparison. I've got some money sitting over here. I'm going to go to Europe. My car gets destroyed. Do I go to my neighbors and say, I cut your lawn, you owe me. I took you to the doctor, you owe me. I did something for you too, you owe me. So, I have to decide. Do I finance a new car? Or do I take the money out of a savings that I already have? Financing a new car would be something that I'm not paying already because my car is paid off. So, as far as I'm concerned, I have to use funds that I have, the city should use the funds that they have.
4. Bethany Bender, 802 Carson Avenue: I just want to talk on behalf of the 2A4LJ as well. I don't have numbers like Alyssa did and I think that's phenomenal that she did. I would consider myself an engaged community member and I just want to bring to light what I see from our community. I had heard that 60% of this tax would be affected by out-of-town people. From what I have seen, we have at least a 200-mile radius of ranching and agricultural families that come down for our sale barns over here as well as throughout the summer. You can see the La Junta Wal-Mart parking lot

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packed with RV's and different cars of people coming through. I moved back down. I grew up here but I moved back from Denver and a lot of my friends from Denver either know La Junta for Bents Ford or Lucys Tacos. People from the state know about La Junta and come and visit here. So, I just want to give perspective on how many people are traveling here along with the Amtrak. I heard they had a misfire or a delayed call a couple of weeks ago. So, we had tons of people in our downtown area. If 2A doesn't pass, they won't have a library to go to or a senior center to check out or any of the other nice amenities that we have, and the pool. I used to work at the pool too and that was my first high school job and that was where I made some of the best memories with my friends and I have those friendships still to this day.

REPORTS

- A. Steve Hicks – Chaplain Arkansas Valley Hospice, 521 Lewis Avenue.** We are having a spaghetti dinner and dance on September 15th from 4:00 – 8:00 p.m. You have to have a ticket. They are \$10. This will get you in for the auction, food, dancing and its going to be at the Knights of Columbus. The next day, September 16th, we're also going to be having a La Junta Golf Tournament. We appreciate you guys.

NEW BUSINESS

- A. Application for a Special Event Permit by La Junta Chamber of Commerce, Greg Kolomitz, Event Manager. The event is the annual Early Settlers Day to be held September 9, 2023 from 1:00 p.m. to 11:30 p.m. at Santa Fe Plaza.** 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 LA JUNTA CHAMBER OF COMMERCE FOR THE ANNUAL EARLY SETTLERS DAY TO BE HELD SEPTEMBER 9, 2023 FROM 1:00 P.M. TO 11:30 P.M. AT SANTA FE PLAZA: Ochoa

SECOND: Velasquez

DISCUSSION: There was no discussion

VOTE: The motion carried 5-0 (Pantoya abstained/Ward 2 Vacancy)

- B. Application for a Special Event Permit by Arkansas Valley Hospice, Tara Casteneda, Event Manager. The event is their annual Fundraiser to be held September 15, 2023 from 4:00 p.m. to 8:00 p.m. at 118 Steen 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 ARKANSAS VALLEY HOSPICE FOR THEIR ANNUAL FUNDRAISER TO BE HELD SEPTEMBER 15, 2023 FROM 4:00 P.M. TO 8:00 P.M. AT 118 STEEN AVENUE: Pantoya

SECOND: Ochoa

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ward 2 Vacancy)

C. Committee/Board Reports

1. Utility Board (Council Member Velasquez):

- The maintenance at the rodeo grounds for the upcoming Kids Rodeo is being done.
- There was a brief power outage on the east side of La Junta that was not due to anything on the city's part. A guy wire was snapped by a fork lift by a contractor doing some of the bridge improvements.
- The Water Department is in the process of installing new meters.
- Wastewater backup generators are going to have some repairs coming up.
- Showing great collaboration with other departments within our city, The Water Department is assisting the Street Department with doing some of the patching of potholes.

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- If you experienced a water clarity issue, especially on the east side of town, there was a fire in the 1300 block of Bradish. When the Fire Department hooks up to a hydrant, the water flow can score the inside of that pipe and create some type of a clarity issue. You can just let your cold water run for a little bit and that should take care of it. If you have an ongoing problem or it's taking longer than you think, contact Rick or Mr. Seaba with the Water Department.
2. Parks and Recreation Advisory Board (Council Member Ramirez):
- Summer ball had 270 participants, 21 teams, and we had 14 local businesses that sponsored teams. We want to send a thank you to those businesses that are giving back to the community.
 - Coming up, we have football starting. We have 111 participants. They're going to start in early September. They still have to do drafting and handing out of equipment.
 - In combination with Early Settlers Day, along with Zeke Ayala, there's a 3-on-3 basketball tournament. This will occur at the courts at the City Park and has a \$50 entry fee.
 - As an advisory board, we spoke together about 2A and what we thought pertaining to the Park and Rec. Department and the effects it would have on that and in every aspect as a group, we came to the conclusion that we're in favor of 2A and the reasons specifically are that the general fund feeds into everything that the Park and Rec. does, including the youth programs. Those are vital to our city. It is super vital to our youth.

D. City Manager's Comments

- We had a pre-construction meeting with TLM. They got the work for the trail.
- The pool is closed. There was light attendance for Dog Days.
- Football registration ended Friday.
- Volleyball ended Friday but has a week for late registrations.
- Police in the Park was a great success. Downtown businesses provided all of the food and everybody else was on their own time.
- On Friday at the Library, we will start story time from birth to pre-K on September 1st at 10:00 a.m. Kids K-6th grade will have Friday fillers also starting on September 1st. September 5th, 7th- 12th grade will begin teen programs.
- Still working on the budget.
- Informed by the County that we will not have chip seal this year. Their machine is down. We're talking to them about some other type of projects to help us out with.
- We are patching.
- Helped with the Ark Vally Fair by sweeping it.
- Finished off the last park shelter.
- We have all the bases in along Carson Avenue for stop signs and have started putting some of them up.
- Had a meeting with Amtrak and CDOT on the through train alternative. They had six alternatives. Four of them was just getting off Amtrak and then coming back the next day. Those failed but the two that stayed was alternative one and six. One twice daily from here to Pueblo to Springs and back. Coming off the morning train and then you'd be back by second trip from the night train. Or to Pueblo and back twice daily. They've already done the analysis that they would need to do to make this work.

Mayor Ayala: I handed out a form to all of council. I had Rick look into this for me because he is our City Manager and there was a lot of talk out there about his salary and so we looked at six different communities and their salaries. Some people were upset that the City Manager makes six figures. Pretty much every surrounding City Manager makes six figures and not one of them does it for free. If you don't like Rick or don't like the City Manager, you still have to pay someone to do that job and it's not going to be cheap.

City Manager Klein: Communities our size, the average salary is \$142,000. I was making below \$90,000 or in the 90's until that 5% and that shot me up to \$105,000. I'm a 40-year veteran. I get calls every day to come to a different city. I love it here because I see all of you guys grow up and I want you to come back.

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Council Member Vela: That's not counting your vehicle, right?

City Manager Klein: No.

Council Member Vela: That's what, \$10,000?

City Manager Klein: I don't know Ed. I would give up my vehicle. I never even wanted one. But they wanted me to have a nice vehicle and take everybody around.

Council Member Vela: Give it up. Give it to the police.

Council Member Ochoa: Have you seen the vehicles that the other City Managers drive? His is nothing compared to that. So, \$10,000 for a city asset for him to utilize . . .

Council Member Vela: Give it up Rick.

City Manager Klein: Sure Ed. We'll just have them come to my office and we'll see how that works.

E. Governing Body Comments

1. Mayor Pro Tem Velasquez:

- My wife and I attended the tourism meeting as citizens. I thought it was pretty awesome of the Tourism Board to pass a unanimous support for the 2A ballot measure, as well as the Utility Board passing a unanimous support for the 2A ballot measure.

2. Council Member Ochoa:

- I attended the August meeting of Clean Valley Recycling. They converted in the month of July alone 59.65 total tons, with curbside and the collection dates that they have. Their goal is to increase the curbside customers and overall diversion rate. The City of La Junta Utilities does a good job with handing out bags or promoting it. I did speak with Cindy there and she says that they do go over the options of signing up for Clean Valley Recycling. You can also send any CVR activities or questions to cleanvalleyrecycling@gmail.com. Also, please be mindful of the collection hours and operation when they have the trailer set up. People are not adhering to their hours of operation and they're just leaving everything right there. What could happen is that could most definitely get into the arroyo down there and into the waterways. So, please be very mindful of that.

3. Mayor Ayala:

- I want to mention that the Arkansas Valley Fair is this week. So, it's the Arkansas Valley together. I was with Sally Cope judging the parade and three ladies came and they were having their class reunion. They said there was forty some of them and they weren't able to eat in Rocky Ford so they had to book a reservation here in La Junta. I think a lot of the valley benefits when we have the fair. We should be very supportive and thankful that we're having that fair running every year.
- Police at the Park, thank you to all of our police force. Where is the police force funded from Rick?

City Manager Klein: The general fund.

Mayor Ayala: I just wanted to make sure that was clear.

4. City Attorney Malouff: Mr. Mayor, I'd appreciate the opportunity to have a short executive session before you adjourn.

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MOTION TO GO INTO 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): Velasquez

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ward 2 Vacancy)

Council went into Executive Session from 6:49 p.m. until 7:19 p.m.

There being no further business, the meeting adjourned at 7:19 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joe Ayala, Mayor

ORDINANCE NO. 1648

AN ORDINANCE AMENDING MANDATORY SURCHARGES

WHEREAS, the City had determined that continuing education of its police force is necessary to maintain the police force's professional standing and expertise; and

WHEREAS, the City had determined that proper equipment for its police force is necessary to maintain the police force's professional standing and expertise; and

BE IT THEREFORE ORDAINED AS FOLLOWS:

SECTION 1: That Section 2.49.51 is repealed in its entirety.

SECTION 2: That a new Section 2.49.51 is enacted as follows:

2.49.051 - Municipal Code Violation Surcharge.

Effective October 1, 2023, a municipal code violation surcharge of five dollars (\$5.00) shall be imposed as additional court costs on all convictions, deferred judgments or deferred prosecutions of any municipal offense prosecuted within the Municipal Court.

SECTION 3: That Section 2.49.52 is repealed in its entirety.

SECTION 4: That a new Section 2.49.52 is enacted as follows:

2.49.052 - Surcharge Funds.

The Clerk of the Municipal Court shall turn over the municipal court violation surcharge funds to the City Finance Officer, and the City Finance Officer shall make the funds available for use pursuant to 2.49.05.3.

SECTION 5: That Section 2.49.53 is repealed in its entirety.

SECTION 6: That a new Section 2.49.53 is enacted as follows:

2.49.053 - Use of Municipal Court Violation Surcharge Funds.

- A. Effective October 1, 2023 and continuing thereafter, the municipal court violation surcharge shall be used for the purposes set out in Section 2.49.053(b), unless the City Council directs the same for some other law enforcement purpose.

- B. Effective October 1, 2023 and continuing thereafter, the municipal court surcharge shall be used for the training of officers of the La Junta Police Department and for purchase of equipment related to the training of the officers in a manner determined by the City Manager.

SECTION 7. The effective date of this ordinance shall be for all prosecutions occurring after October 1, 2023.

PASSED on first reading this 5th day of September, 2023.

ADOPTED AND APPROVED on the ____ day of September, 2023.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk

AGENDA

CITY COUNCIL OF LA JUNTA September 5, 2023 6:00 p.m.

1. Call to Order and Opening of Hearing to be conducted at the conclusion of regular business (Judge Manley)
2. Discussion of Agenda (Judge Manley)
3. Presentation of investigation results (Mr. Malouff)
4. Presentation of witnesses in support of City
5. Presentation on behalf of Mr. Vela (Mr. Horton)
7. Questions by Council
8. Questions on behalf of Mr. Vela
9. Motion Consideration (If Made by Any Council Member)
10. Discussion of Motion (Open Session)
11. Roll call vote on Any Pending Motion (Chairman)
12. Adjournment

<p>CITY OF LA JUNTA</p> <p>and Concerning</p> <p>EDWARD VELA</p>	
<p>NOTICE TO SHOW CAUSE</p>	

TO: EDWARD VELA

WHEREAS, Edward Vela is a City Council Member; and

WHEREAS, members of the City Council have requested a review of actions of Edward Vela; and

WHEREAS, Colorado Revised Statutes § 31-4-307 entitled "Removal of Officers - Causes - Notice" states as follows:

By a majority vote of all members of the board of trustees, the mayor, the clerk, the treasurer, any member of the board, or any other officer of the town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the town.

WHEREAS, the Colorado Court of Appeals has ruled that under Section 31-4-307 the holder of an elective office, duly elected by the people, should not be removed except for official misconduct, such misconduct as affects the performance of his duties as an officer, and for offenses against the corporation of a character directly affecting its rights and interests, and this conclusion is clearly sustainable on constitutional grounds. Bd. of Trustees v. People ex rel. Keith, 13 Colo. App. 553,59 P. 72 (1899).

WHEREAS, the Colorado Court of Appeals has ruled that the power of removal must be exercised under the same limitations, precautions, and sanctions as in other judicial proceedings, and the regularity of the proceedings and the legality of the removal must always be open to review in the courts. Bd. of Trustees v. People ex rel. Keith, 13 Colo. App. 553,59 P. 72 (1899).

WHEREAS, Colorado Revised Statutes § 31-4-108 entitled "Expulsion from City Council - Vacancies in Other Offices" states as follows:

(1) Any member of the city council may be expelled or removed from office, for good cause shown, by a vote of two-thirds of all the members elected to the city council, but he may not be removed a second time for the same offense.

(2)

a) In case any office of an appointive officer becomes vacant before the regular expiration of the term thereof, the vacancy shall be filled by the city council by appointment.

- b) In case any office of an elective officer becomes vacant before the regular expiration of the term thereof, the vacancy may be filled by the city council by appointment or by election until the term of office of a successor elected at the next regular election has commenced as provided in section 31-4-105. If the city council does not fill the vacancy by appointment or order an election within sixty days after the vacancy occurs, it shall order an election, subject to the municipal election code, as soon as practicable to fill the vacancy until the term of office of a successor elected at the next regular election has commenced as provided in section 31-4-105.

WHEREAS, the City Council of the City of La Junta asserts that Edward Vela, within his capacity as a Council to the City Council of City of La Junta has undertaken the following actions which the Council requests to be reviewed:

Complainants (Ms. Salazar and Ms. Mahoney) attended the City Council Meeting on February 21, 2023, to introduce the Synchronicity Dance Productions group and upcoming performance to the Council. Ms. Salazar's daughter is a dancer with the group and Ms. Mahoney is the founder and director of the group. Prior to the meeting, some of the dancers were changing into their dance clothes in a locked office with Ms. Salazar and Ms. Mahoney. Mr. Vela attempted to enter the office, at which time Ms. Salazar opened the door thinking it was a dancer attempting to enter. Ms. Salazar then informed Mr. Vela that girls were changing clothes in the office. Mr. Vela asked for a tissue and Ms. Salazar passed a box of tissues through the cracked door.

After the meeting, Ms. Salazar and Ms. Mahoney shared concerns about Mr. Vela's interruption and conduct with one another and others, specifically that he appeared to look into the office at the girls changing. Complaint letters were emailed to Paula Mahoney, Secretary for Rick Klein, City Manager for La Junta.

Later Mr. Vela confronted Ms. Mahoney at her place of work at the Koshare Kiva.

Later at Mr. Vela's instruction, a private investigator confronted various witnesses and made demands and statements to the witnesses that they perceived to be threats.

YOU ARE HEREBY SUMMONED to attend and respond to the above listed issues at a Special Meeting of the scheduled for the 5th day of September, 2023 at six o'clock p.m. at the City Council Chambers at the City Municipal Building at 6th and Colorado in La Junta, Colorado.

LA JUNTA CITY COUNCIL

By: _____
Joseph Ayala, Mayor