

1 STATE OF COLORADO
2 COUNTY OF HUERFANO
3 CITY OF WALSENBURG
4 City Council Regular Session Meeting
5 September 20th, 2011 6:30 p.m.
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7 Mayor Quintana called the meeting to order at 6:30 p.m. The Pledge of Allegiance was
8 recited. Council members present were: Rick Jennings, Silvana Lind, Gary Sporcich,
9 Nick Vigil, David Mockmore, Erin Jerant, Craig Lessar, James Moore and Mayor
10 Quintana. Others present included City Attorney Daniel Hyatt, Acting Administrator
11 Beth Neece, Finance Director Dave Johnston, City Clerk Wanda Britt and Treasurer
12 Jacque Sikes.

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14 **APPROVAL OF AGENDA**

15 Council member Jerant moved to remove item 11f. Ordinance Number 1005 from the
16 agenda. Council member Vigil moved to approve the Agenda with changes, seconded by
17 Council member Mockmore. Passed on a roll call vote 9-0.

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19 **COMMENTS BY MAYOR**

20 Mayor Quintana had no comment.
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22 **APPROVAL OF MINUTES**

23 Council member Moore moved to approve the minutes of the August 25th, 2011 Special
24 Council meeting, seconded by Council member Sporcich. Passed on roll call vote of 9-0.
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26 Council member Moore moved to approve the minutes of the September 1st, 2011
27 Special Council meeting, with recommended changes, seconded by Council member
28 Lind. Passed on roll call vote of 9-0.
29

30 Council member Jerant moved to approve the minutes of the September 6th, 2011
31 Regular Council meeting, seconded by Council member Moore. Passed on roll call vote
32 of 9-0.
33

34 **Committee Reports**

35 **Finance Committee Report**-Mayor Pro Tem Lessar stated the committee covered the
36 status of the audit. Finance Director Dave Johnston is working with the Auditors to
37 complete the audit. The committee discussed the status of the \$2 million imbalance and
38 Council was given a worksheet of how it was allocated in the budget. Update on the
39 sewer treatment plant, the plumbing inspector and engineer will meet to get a final report
40 of what needs to be done to get the certificate of occupancy. The proposals for the
41 Walsen/Maple/Pine project will be discussed under new business. Mayor Pro Tem
42 Lessar stated the committee had some questions for Finance Director Dave Johnston on
43 the expense report compared to the budget, which the Finance Director will research and
44 get back to the committee.
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46 **Utility Committee**- Council member Jerant stated the committee went over 2
47 resolutions in which will be discussed tonight in new business.

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Parks and Recreation Committee-Council member Mockmore stated at this point not all the money is in from the parties at the Water Park and the expenses are not completed. They have \$65,135.00 as an income at this point. There is \$39,213.00 as admittance, \$15,587.00 on concessions, \$9,360.00 in passes, and \$320.00 in sales in the gift shop.

Mayor Quintana asked if there was a comparison from year 1 to year 2. Finance Director Dave Johnston stated he will get Council a comparison to review. Acting Administrator Beth Neece stated she pulled the records and there is a drop off of attendance after the middle of August. Council member Mockmore stated staying open till the Labor Day weekend doesn't bring any more people in. Council member Lind asked if the committee had any figures of the income from group parties held at the pool. Council member Mockmore stated no. Council member Lind stated that would be useful to know. Council member Mockmore stated they have information as to the area where the consumer is from. Acting Administrator Beth Neece stated they will have a more concise marketing plan for next year as to where they will advertise for the Water Park.

Treasurer Jacque Sikes asked what the result was from the test for Cryptosporidium at the Pool. Acting Administrator Beth Neece stated the Health Department came out and tested the Pool. Treasurer Jacque Sikes stated the Pueblo City Council members at the function she attended blamed the Walsenburg Pool for the spread of Cryptosporidium to their pools in Pueblo. Council member Jerant stated it was because the Pueblo Chieftain reported it that way. Acting Administrator Beth Neece stated the CDC tested for the disease, and she will find out the results, to inform Council.

Citizens Forum-None

REPORTS

Administrator Report-Acting Administrator Beth Neece stated the next Town Board Meeting time had not been definite; she wanted to ask Council their opinion as to what time would be best. Mayor Quintana asked the crowd what time they preferred. Treasurer Jacque Sikes stated you would have to give the public time to get off of work. Council member Moore asked if they could promote refreshments to be served. Treasurer Jacque Sikes stated a private sponsor could furnish refreshments. She talked to Nancy Lave, of the Chamber of Commerce and she stated they would sponsor the event. Mayor Quintana stated the consensus of the audience is 6 pm to hold the meeting.

Acting Administrator Beth Neece stated Huerfano RE-1 is doing a dedication of the Sports Complex and have invited the Mayor and City Council. The dedication is set for September 30th, 2011. Council needs to RSVP to Wanda by September 24th, 2011. Council member Jerant stated it is a full dinner and all of the sponsors are invited. Acting Administrator Beth Neece read the itinerary to the Council.

Council member Lind asked about acknowledging the employees at the Water Park. Acting Administrator Beth Neece stated the employees they would like to recognize have previous plans and are unable to attend the Tuesday meetings, if Council

94 would like to acknowledge them, it would be better for them on a Parks and Recreation
95 meeting night. Council member Jerant stated they could do it on October 5th, 2011 at the
96 town hall meeting, since it is a Wednesday night. Council agreed.

97
98 Council member Lind mentioned honoring the Chief and the Officers who
99 captured the Daugherty gang. Acting Administrator Beth Neece stated they could have it
100 all at the town hall meeting, but would check with Chief Chamberlain to see if there
101 would be any conflict.

102
103 Council member Lind stated they still have funds available in the Youth Activity
104 Fund. She suggested a flyer go out in the monthly bills. Council member Sporcich asked
105 if we had received any application. Acting Administrator Beth Neece stated no, but in
106 their bylaws they are required to meet quarterly. Council member Jerant stated the Skate
107 Park should apply for some of the funds to complete the construction. Council member
108 Lind asked if the funds could accumulate from year to year. Mayor Quintana asked how
109 the Skate Park paid for the cement. Ms. Bryant stated they still have funds available for
110 two more pours, but would pick up an application.

111
112 **Police Report-**Lt. Liebchen stated Chief Chamberlain has returned to duty, but had a
113 family matter to take care of. He asked if both newspapers received a press release of
114 the drug bust from the weekend. Lt. Liebchen reported to Council the statics of the drug
115 bust. He stated three officers participated in the preliminary hearing for the Daughtery
116 gang. Lt. Liebchen stated an elderly resident had been targeted for fraud, he hoped the
117 newspaper would report the fraud, so other residents would not fall fate to it. Council
118 member Jerant commented on the drug and alcohol cases reported in the statics. She
119 stated she would like some education to the public. Council member Lind asked if the
120 Police Department goes to the local school. Acting Administrator Beth Neece stated we
121 have an officer who helps coach the local football team, and would call the school district
122 and see if she can coordinate something with them. Mayor Quintana commented on the
123 decrease in burglaries and complimented them.

124 Lt. Liebchen commented on a recent shooting, but could not give specifics
125 because it is an ongoing investigation.

126
127 **Treasurer's Report-**Treasurer Jacque Sikes stated the cash balances as of August 2011
128 are \$3,697,776.52 they are down for the year \$1,712,420.47. She stated they are starting
129 to stabilize the accounts. Mayor Quintana stated it was good news. Treasurer Jacque
130 Sikes compliment the Administrator and staff for keeping it stabilized.

131
132 Council member Moore asked for the status of the Power Trust fund that was to
133 be used in the construction of the Waste Water Treatment Plant. Finance Director Dave
134 Johnston stated the cash allocation doesn't match the physical account names the City has
135 at the banks, so the names on the accounts become misleading. They have actually have
136 gone into the capital improvement fund as the budget allowed to pay some of the Waste
137 Water Treatment Plant. His feeling is the trust fund is totally expended. Treasurer
138 Jacque Sikes stated they will work on getting a better picture of the finances so the
139 reports will look different for September.

140
141 Council member Lind stated she had questions as to the amounts paid to Mr.
142 Hyatt. Acting Administrator Beth Neece stated his fees are spread out throughout the
143 different accounts.
144

145 Council member Moore asked the status of the grant for the transportation
146 enhancement. Acting Administrator Beth Neece stated when the City was awarded the
147 grant the State did not have the money, so the City did not budget for it till this year.
148 Council member Mockmore gave an overview on the grant presentation. Council
149 member Moore asked if we budgeted for the grant. Acting City Administrator Beth
150 Neece stated they had put it in the budget for this year, and Mary Ann Romero from the
151 Council of Government is working on the grant.
152

153 Council member Jerant moved to approve the Treasurer's report with corrections,
154 seconded by Mayor Pro Tem Lessar. Passed on a roll call vote of 9-0.
155

156 **Unfinished Business**

157 **ORDINANCE 1004- AN ORDINANCE TO SUBMIT TO A VOTE OF THE**
158 **REISTERED ELECTORS OF THE CITY OF WALSENBURG, COLORADO AT**
159 **A GENERAL ELECTION ON NOVEMBER 1, 2011, A QUESTION OF**
160 **WHETHER TO INCREASE PROPERTY TAX BY \$177,753 PER YEAR BY**
161 **INCREASING THE MILL LEVY FROM 11.7558 MILLS TO 18.5470 MILLS.**

162 Council member Jerant moved to approve Ordinance 1004 with corrections, seconded by
163 Council member Moore. Passed on a roll call vote of 9-0.
164

165 **ORDINANCE NO. 1004**

166 AN ORDINANCE TO SUBMIT TO A VOTE OF THE REGISTERED
167 ELECTORS OF THE CITY OF WALSENBURG, COLORADO AT A GENERAL
168 ELECTION ON NOVEMBER 1, 2011, A QUESTION OF WHETHER TO INCREASE
169 PROPERTY TAX BY \$177,753 PER YEAR BY INCREASING THE MILL LEVY FROM
170 11.7558 MILLS TO 18.5470 MILLS.
171

172 **WHEREAS**, COLO. CONST. ART. X, SEC. 20(4) requires that any property tax mill levy above
173 that for the prior year be approved by voters of the city of Walsenburg; and

174 **WHEREAS**, the mill levy which must be levied in 2012 without approval of the voters is 11.7558
175 mills; and

176 **WHEREAS**, the property tax mill levy for the city of Walsenburg in 1995 was 18.5470 mills; and

177 **WHEREAS**, the city of Walsenburg requires the additional revenue to avoid curtailing or reducing
178 services provided by the general fund

179 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
180 **OF WALSENBURG, COLORADO:**

181 The following question shall be submitted to a vote of the registered electorate of the City of
182 Walsenburg at a general election on November 1, 2011;

183 **PROPERTY TAX**

184 "SHALL THE CITY OF WALSENBURG, COLORADO PROPERTY TAX BE INCREASED
185 ANNUALLY BY APPROXIMATELY \$177,753 BY INCREASING THE PROPERTY TAX MILL
186 LEVY FROM 11.7558 MILLS TO A TOTAL MILL LEVY OF 18.5470 MILLS WHICH WAS THE
187 CITY OF WALSENBURG MILL LEVY IN 1995.

188 YES _____ NO _____

189 The City Clerk is authorized and directed to prepare and issue notice of such ballot question, as
190 provided by law.

191 Emergency declaration. The City Council finds and determines that this ordinance is necessary for the
192 immediate preservation of public property, health, peace or safety of the citizens of Walsenburg due
193 to its fiscal status. Accordingly, this ordinance shall take effect immediately upon approval of this
194 ordinance upon second reading.

195 PASSED on the first reading and ordered published the 1st day of September 2011.

196 ADOPTED and approved the 20th day of September 2011.

197

198 By: _____
199 Bruce Quintana, Mayor

200

201 **ATTEST:**

202 _____
203 City Clerk / Deputy Clerk

204 **New Business**

205 **Farnsworth-Proposal for Walsen/Maple/Pine Project-**Acting Administrator Beth Neece
206 requested Council to accept the bid for \$8,900 for the completion of the Walsen turn lane,
207 but not the bid for \$22,200 relating to other paving projects. She stated the City could look
208 for a better price for the project. Acting Administrator Beth Neece stated Farnsworth had
209 been working on the Walsen/Maple Pine Project and had done all the engineering and
210 allows them to prepare the documents with the intent that the City will pave as soon as
211 possible in the spring. This gives the City the winter to get the bid documents together so it
212 can go to bid early enough that they can get it done first thing in the spring. Treasurer
213 Jacque Sikes asked if the City had bid on this already. Acting Administrator Beth Neece
214 stated yes, but these are the extra things that were not included before that need to be done
215 on the project. Treasurer Jacque Sikes asked if the \$8,900.00 amount was just to prepare the
216 bid documents. Acting Administrator Beth Neece stated yes and to answer all the questions
217 that the contractors have. Treasurer Jacque Sikes asked if this amount was budgeted.
218 Acting Administrator Beth Neece stated they were off the cuff costs as to how much they
219 expect this project to be. The City agreed to do \$464,000.00 less \$90,000 for the retaining
220 wall, with this and the \$100,000.00 the City is still coming in under budget. Treasurer
221 Jacque Sikes stated she is only asking if these are additional funds that have never been

222 asked for before. Acting Administrator Beth Neece stated yes for additional work. Mayor
223 Quintana asked how it was overlooked. Acting Administrator Beth Neece stated Alan Hein
224 had started the project, and then Mr. Saling was working on putting the documents together.
225 Mayor Pro Tem Lessar stated with the savings that they will have and the \$8,900.00 would
226 the City still be under budget. Acting Administrator Beth Neece stated with the assumption
227 that their \$100,000.00 cost is true, they won't know it till it comes to bid and know what the
228 costs are. Council members Jennings asked if it was just for the turning lane or are other
229 projects included. She stated it is only for the turn lane, it doesn't include the 11 blocks in
230 the City Street Paving Project, which she requests the Council wait on to see if they can get a
231 better price. This bid is only to get the process started for the turning lane as it is probably to
232 late in the year to pave, the project will move forward in January 2012 to hopefully pave by
233 spring of next year. Council member Mockmore moved to approve with a formal bid letter
234 from Farnsworth, seconded by Council member Jerant. Passed on a roll call vote of 8-1.
235 The "yes" vote were Council members Jennings, Lind, Sporcich, Mockmore, Jerant, Lessar,
236 Moore, and Mayor Quintana. The "no" vote Council member Vigil.

237 **City Streets Paving Project**-Council member Mockmore suggested that they postpone this
238 issue until the City can receive more bids on the project. Council member Jennings stated
239 the City should hold off on the dirt road projects and pave the City Streets first. Acting
240 Administrator Beth Neece went over all of the streets the city would propose to be paved.
241 Mayor Quintana stated the City is pledging to continue their efforts into next years budget to
242 utilize the funds for paving the streets of Walsenburg. City Attorney Dan Hyatt gave an
243 overview of the process in reference to the paving of Indiana Street and how long the
244 process would take. Council member Moore asked if they could get a cost of how much the
245 process would take and put it into next years budget for consideration. Mayor Pro Tem
246 Lessar asked if they wanted to leave the street where it exists. City Attorney Hyatt stated the
247 street has been there for quite some time and to move it could mean going to Court and
248 extending the process. Council member Moore moved they postpone the bid process for
249 City Street paving project, seconded by Mayor Pro Tem Lessar. Passed on a roll call vote of
250 9-0.

251 **Rosa's Cantina Renewal Liquor License**- Council member Jerant read liquor license.
252 Mayor Pro Tem Lessar moved to approve, seconded by Council member Jerant. Passed on a
253 roll call vote of 6-2. The "yes" vote Council members Vigil, Mockmore, Jerant, Lessar,
254 Moore and Mayor Quintana. The "no" vote Council members Lind and Sporcich.

255 Note* Council member Rick Jennings left the meeting prior to vote.

256 **Resolution No. 2011 R-25- A RESOLUTION SETTING MUNICIPAL UTILITY**
257 **DEPOSIT AMOUNTS AND REPEALING RESOLUTION NUMBER 2008 R-26-**
258 Council member Jerant read and moved to approve, seconded by Council member Moore.
259 Passed on a roll call vote of 8-0.

260

261

RESOLUTION NO. 2011 R-25

262

A RESOLUTION SETTING MUNICIPAL UTILITY DEPOSIT AMOUNTS AND REPEALING

263 **RESOLUTION NUMBER 2008 R-26.**

264

265 **WHEREAS**, Sections 4.5 and 5.8 of Ordinance 965 of the City of Walsenburg, Colorado,
266 concerning municipal utility deposits and delinquency fees provides that the city council set municipal
267 utility deposits and delinquency fees by resolution; and

268

WHEREAS, the current municipal deposit amount is insufficient; and

269

WHEREAS, Resolution No. 2008 R-26 conflicts in part with this resolution.

270

271 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**

WALSENBURG, COLORADO AS FOLLOWS:

272

a. Deposits

273

1. The municipal water utility minimum deposit on new accounts for residential customers is
274 hereby set at one-hundred and twenty-five dollars (\$125.00) **effective September 21st, 2011.**

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2. The municipal gas utility minimum deposit on new accounts for residential customers is
276 hereby set at one-hundred and twenty-five dollars (\$125.00) **effective September 21st, 2011.**

277

3. Municipal utility customers paying a new utility deposit may pay the deposit in monthly
278 installments at the discretion of the city.

279

4. Effective October 1st, 2011 all utility deposits will be applied against the final balance at the
280 old service address and any remaining credit will be transferred to the new service address or
281 refunded. Upon starting a utility service at a new service address a new utility deposit must
282 be paid according to the current deposit rate.

283

b. **REPEAL.** Resolution Number 2008 R-26 is hereby specifically repealed.

284

c. **CONFLICTS.** To the extent required or necessary any resolution previously adopted which is
285 inconsistent herewith, is hereby repealed, revoked or modified.

286

ADOPTED AND APPROVED this 20th day of September, 2011.

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ATTEST:

Bruce Quintana, Mayor, City of Walsenburg

290

291

Wanda Britt, City Clerk

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293

**Resolution No. 2011 R-26- A RESOLUTION SETTING MUNICIPAL UTILITY
294 DELINQUENCY FEES-** Council member Moore read and moved to approve, seconded
295 by Council member Jerant. Passed on a roll call vote of 8-0.

296

RESOLUTION NO. 2011 R-26

297

A RESOLUTION SETTING MUNICIPAL UTILITY DELINQUENCY FEES

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299

300

WHEREAS, Sections 4.5 and 5.8 of Ordinance 965 of the City of Walsenburg, Colorado,
301 concerning municipal utility deposits and delinquency fees provides that the city council set municipal
302 utility deposits and delinquency fees by resolution; and

303 **WHEREAS**, the current municipal delinquency fee is prohibitive.

304 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
305 WALSENBURG, COLORADO AS FOLLOWS:

306 d. Delinquency fees

307 1. Municipal utility accounts deemed delinquent under Ordinance 965 or Ordinance 966 but not
308 deemed disconnected from any utility pursuant to this resolution shall be assessed a
309 minimum late fee of five dollars plus 1.5% of the past due amount on the account.

310 2. Municipal utility accounts remaining unpaid at 8:00 a.m. on the date of disconnection under
311 Ordinance 965 or Ordinance 966 shall be deemed disconnected, whether or not physical
312 disconnection has occurred, and the account shall be assessed a reconnection fee of twenty-
313 five dollars per metered service to cover additional costs and services. It is the intent of this
314 rule to avoid disparate treatment and establish equal treatment of municipal utility customers
315 regardless of the specific time of day their services are physically disconnected.

316 e. **CONFLICTS.** To the extent required or necessary any resolution previously adopted which is
317 inconsistent herewith, is hereby repealed, revoked or modified.

318 ADOPTED AND APPROVED this 20th day of September, 2011.

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320

321 ATTEST:

Bruce Quintana, Mayor, City of Walsenburg

322

323 _____
Wanda Britt, City Clerk

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325

326 **MAYOR'S CLOSING COMMENTS**

327 Mayor Quintana stated he had no comment

328

329 **CITY COUNCIL CLOSING COMMENTS**

330 Mayor Pro Tem Lessar stated the City needed to do an explanation to the citizens for the
331 lead in the water. Acting Administrator Beth Neece stated Joey Pacheco is in charge of
332 the water treatment plant and he is fielding all the questions. She stated the City will be
333 testing again in January. Mayor Pro Tem Lessar asked if Joey Pacheco could put
334 something in writing to be sent out with the utility bills. Acting Administrator Beth
335 Neece stated the City would do send out correspondence with the next billing.

336

337 **Adjournment**

338 City Council meeting adjourned at 8:33p.m.

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341

342 CITY OF WALSENBURG

ATTEST:

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344

345 _____
Bruce Quintana,

Wanda A. Britt,

346 Mayor

City Clerk

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348 The preceding minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a
349 record of what was *done* at the meeting, not what was *said* by the members. Tape recordings of the meeting
350 are available for 6 months thereafter only for listening in the City Clerk's Office as well as copies of
351 Ordinances and Resolutions.

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