

STATE OF COLORADO
COUNTY OF HUERFANO
CITY OF WALSENBURG
Regular Session Meeting
January 6, 2009 7:00 p.m.

Mayor Sheldon called the meeting to order at 7:00 p.m.: the Pledge of Allegiance was recited. Council members present were: Larry Patrick, Edie Flanagin, Susan Blake, Bruce Quintana, David Mockmore, Erin Jerant, James England and Lou Taylor. Others present were City Administrator Eric Pearson, City Clerk/Treasurer John E. Zgut, and City Attorney Daniel Hyatt.

APPROVAL OF MINUTES

The amended minutes of the December 18, 2008 meeting were accepted on a motion by Larry Patrick seconded by James England. Motion passed on Roll Call Vote of 9 to 0.

The minutes of the Special City Council Meeting December 23, 2008 meeting as amended were accepted on a motion by James England, seconded by Lou Taylor and passed on Roll Call Vote of 9 to 0.

Committee Reports

Finance Committee Chair Larry Patrick reported the Chamber of Commerce and three City Council members and 3 staff members will meet to iron out perceived problems with Ordinance 982 at 5:30 p.m. on January 15, 2009; Ordinance 981 problems will be addressed later in the meeting with City Attorney Dan Hyatt; dispatch has not been absorbed by Huerfano County---the city has not budget for this contingency; Walsenburg Golf Course has asked for financial assistance and will meet with Parks and Recreation Committee later in January 2009; there is a possibility that Lew Quigley can work with City of Walsenburg as interim City Administrator.

Parks and Recreation Committee Bruce Quintana did not hold meetings in late December 08 but will meet in January with the Walsenburg Golf Course to propose the Walsenburg Golf Course try for monies as an Audubon bird sanctuary; Mr. Quintana has been working on a profit and loss spreadsheet for the Walsenburg Wild Waters Park.

Safety Committee Lou Taylor next meeting will be January 22, 2009 at 5:30 p.m. and the all employee safety meeting will be January 30, 2009 at 8:30 a.m. All city employees have taken the CPR course.

Public Works Committee Edie Flanagin next meeting will be January 13, 2009 with a full schedule planned with discussion of subjects as varied as La Veta ranch appraisal; decision on selling city-owned gravel from the Walsenburg East Ranch north side; Capitol Hill water tank project; raw water lines to the city from La Veta lakes.

Citizen Forum

Mayor Sheldon asked about speakers Nancy Lave said she wanted to speak on Ordinance 982; Fredrick Eccher asked to be heard on Ordinance 981. Jaye Sudar asked to be heard on Ordinance 981 for the Chamber of Commerce.

REPORTS

City Administrator Eric Pearson had a few items: he is cleaning up before his departure. Completing his evaluations of the employees he directly supervises by the end of this week he is working on the PRC plan. James England asked if the Falduto cattle were off the Walsenburg East Ranch North pasture. Ranch Manager Butch Corsentino reported not yet as the pastures the brothers located needed to be fenced so all were not moved. City Administrator Eric Pearson was

advised to charge per diem to the Faldutos until all cattle were removed.

Chief Baldonado is in Denver attending training.

Unfinished Business

James England made the motion to renew postpone the Liquor License Renewal for Rosa's Cantina until a hearing can be held. Lou Taylor seconded the motion. Motion passed on a Roll Call Vote of 9 to 0. City Attorney Dan Hyatt had no time over the holiday period to set a hearing.

Edie Flanagan made the motion to authorize \$23,000 in loan funds from the city for Northlands Sewer Preliminary Engineering Report (PER) at the best interest rate the city can earn, or about 4.5% interest. Bruce Quintana seconded the motion. Motion passed on a Roll Call Vote of 9 to 0.

Larry Patrick made the motion postponing the second reading of Ordinance 982 AN ORDINANCE OF THE CITY OF WALSENBURG, COLORADO, REQUIRING BUSINESS LICENSES FOR BUSINESSES AND OCCUPATIONS LOCATED WITHIN THE CITY OF WALSENBURG, COLORADO AND ESTABLISHING FEES FOR SAID LICENSES until a Committee the Chamber of Commerce and three City Council members and 3 staff members will meet on Thursday, January 15, 2009 at 5:00 p.m. to iron out problems seen in the currently written Ordinance. The item will be brought back to the Finance Committee on January 19, 2009 then at the Regular City Council on 20 January 2009. Lou Taylor seconded the motion. Motion passed on a Roll Call Vote of 9 to 0.

Ordinance 981 AN ORDINANCE OF THE CITY OF WALSENBURG REGARDING APPLICATION FEES FOR LIQUOR LICENSES was addressed by City Attorney Dan Hyatt. He heard from City Administrator Eric Pearson that there were problems with Ordinance 981. he reread what he had written and found he placed language in the wrong place when all the Ordinance was meant to do is to increase the local liquor license renewal fee up to \$100.00 level as allowed by the State Legislature in the 2008 session. Dan apologized for his mistake and will correct the Ordinance before final passage. That settled the various liquor license dealers who came to protest what they had perceived as a huge increase in fees for liquor license renewals.

Lou Taylor made the motion to renew the Liquor license for Iron Horse Restaurant and Lounge. James England seconded the motion. Motion passed on Roll Call Vote of 9 to 0.

New Business

Following an explanation by City Administrator Eric Pearson as to why the two bids for the current Surplus Vehicle Bid Awards were acceptable, Erin Jerant made the motion to approve the 2 vehicles, a 1983 Chevy 2500 pickup and a Chevy Impala and to rebid the rest of the Surplus Vehicles "as is" for another two weeks. David Mockmore seconded the motion. Motion passed on a Roll Call Vote of 9 to 0.

Erin Jerant made the motion to send the Shella Snider Garage Lease to the Public Works Committee for discussion and reconsideration. Edie Flanagan seconded the motion. Motion passed on a Roll Call Vote of 9 to 0.

Discussion of the Dispatcher Sick Leave Payout was postponed and referred to Finance Committee as Huerfano County has not completed its take-over of the dispatch center nor have they signed the Intergovernmental Agreement nor provided the City of Walsenburg with a plan to take over the dispatch function for all entities involved as they allegedly intended. The City of Walsenburg budget was prepared with out the dispatch center in city hands for 2009. Mayor Sheldon refuses to sign an Intergovernmental Agreement without a formalized plan from the County. Larry Patrick made the motion with James England seconding to refer the issue to Finance. Motion passed on a Roll Call Vote of 9 to 0.

James England made the motion to adopt and order published by title only ORDINANCE 983,

AN ORDINANCE VACATING A PORTION OF THE NORTH/SOUTH ALLEY IN LOTS 1 THROUGH 12, LOTS 19 THROUGH 24, AND LOT 14, BLOCK 46, SPARGO-WINTER ADDITION, BETWEEN PINE STREET AND MAPLE STREET, CITY OF WALSENBURG; AND EAST/WEST ALLEY OF LOTS 19 AND LOTS 13 THROUGH 18, CITY OF WALSENBURG; ALL IN HUERFANO COUNTY, COLORADO. Larry Patrick seconded the motion. Motion passed on a Roll Call Vote of 9 to 0.

ORDINANCE NO. 983

AN ORDINANCE VACATING A PORTION OF THE NORTH/SOUTH ALLEY IN LOTS 1 THROUGH 12, LOTS 19 THROUGH 24, AND LOT 14, BLOCK 46, SPARGO-WINTER ADDITION, BETWEEN PINE STREET AND MAPLE STREET, CITY OF WALSENBURG; AND EAST/WEST ALLEY OF LOTS 19 AND LOTS 13 THROUGH 18, CITY OF WALSENBURG; ALL IN HUERFANO COUNTY, COLORADO.

WHEREAS, the City Council of the City of Walsenburg determines and finds that it is in the best interest of the public necessity, health, safety and general welfare to vacate a portion of an alley as specified herein; and

WHEREAS, the City Council of the City of Walsenburg further finds that said vacation is not in conflict with appropriate provisions of the City's comprehensive plan; and

WHEREAS, said vacation will not leave any land adjoining the portion of said alley without an established public road or private-access easement connecting said land with another established public road; and

WHEREAS, the City Council has the authority pursuant to Title 43, Article 2 of the Colorado Revised Statutes, as amended, to approve such vacation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALSENBURG, COLORADO, AS FOLLOWS:

1. All right, title, and interest of the City of Walsenburg, Colorado, in and to that portion of the North/South alley in Lots 1 through 12, Lots 19 through 24, and Lot 14, block 46, Spargo-Winter Addition, between Pine Street and Maple Street, City of Walsenburg; and East/West alley of Lots 19 and Lots 13 through 18, City of Walsenburg; all in Huerfano County, Colorado, is hereby divested and said described portion of the alley is vacated as a roadway.
2. Title to the land vacated shall vest in the owner or owners of the land abutting such vacated portion of the alley as described above, subject to the same encumbrances, liens, limitations, restrictions, and estates as the land to which it accrues. No portion of the land vacated shall accrue to an abutting roadway.
3. A certified copy of this Ordinance shall be recorded in the Office of the Clerk and Recorder for Huerfano County, Colorado.
4. REPEALER. All ordinances and regulations previously adopted by the City Council of the City of Walsenburg that are in conflict with this Ordinance are hereby repealed and shall be without force or effect.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED on first reading this 6th day of January 2009.

Edith T. Sheldon, Mayor

John E. Zgut, City Clerk

PASSED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY on this 20th January, 2009.

Edith T. Sheldon, Mayor

John E. Zgut, City Clerk

SEAL

James England made the motion to adopt and publish by title only ORDINANCE 984 AN ORDINANCE AMENDING ORDINANCE NO. 672 TITLED ZONING ORDINANCE TO REZONE A PORTION OF A PARTICULAR R-0 ZONED DISTRICT TO C-1 ZONED DISTRICT IN BLOCK 46, SPARGO-WINTER ADDITION. Erin Jerant seconded the motion that passed on Roll Call Vote of 9 to 0. Following the passage, City Clerk was notified by City Attorney Dan Hyatt that since the

two Ordinances involved city property, the items must be published in full. A note was written and handed to Brian Orr editor and publisher of the *Huerfano Journal* that the full publication of the Ordinances was needed.

ORDINANCE NO. 984

AN ORDINANCE AMENDING ORDINANCE NUMBER 672, KNOWN AS THE "ZONING ORDINANCE OF THE CITY OF WALSENBURG, COLORADO" AND ITS ACCOMPANYING MAP ENTITLED "OFFICIAL ZONING MAP: WALSENBURG, COLORADO"

WHEREAS, the City Council of the City of Walsenburg determines and finds that it is in the best interest of the public necessity, health, safety and general welfare to rezone a particular parcel located within the municipal boundaries of the City of Walsenburg: and

WHEREAS, the City Council further finds that said change in zoning is not in conflict with appropriate provisions of the City's comprehensive plan, and represents good zoning practices; and

WHEREAS, the City Council has conducted a public hearing upon the zoning change requested by the property owner; and

WHEREAS, the city Planning and Zoning Commission has reviewed and recommended the proposed zoning change; and

WHEREAS, the City Council has authority pursuant to Title 31, Article 23 of the Colorado Revised Statutes, as amended, and Ordinance No. 672 to approve such amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALSENBURG, COLORADO AS FOLLOWS:

1. The Official Zoning Map: Walsenburg, Colorado as contained in Ordinance Number 672 and Ordinance Number 672 are hereby amended as set forth below.
2. The following parcel, located within the municipal boundaries of the city of Walsenburg, is hereby rezoned from R-O, Large Lot Residential District, to C-1, Neighborhood and Tourist Commercial District. The rezoned parcel is described more particularly as follows:

A half block in Spargo-Winter Addition, Block 46, Lots 13 through 18, 19 through 24, between Pine Street on the south and Maple Street on the north in the City of Walsenburg; all in Huerfano County, Colorado. This includes any and all alleyways vacated previously Ordinance 962 within Block 46 Spargo-Winter Addition.

3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform with this ordinance.
4. Should any section, clause or provision of this ordinance be declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part declared to be invalid.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED on first reading this 6th day of January 6, 2009.

Edith T. Sheldon
Mayor

John E. Zgut
City Clerk

PASSED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY on this 20 January 2009.

Edith T. Sheldon
Mayor

John E. Zgut
City Clerk

Discussion held on whether to hire an Interim City Administrator resulted in a motion by Erin Jerant seconded by James England to hire an interim City Administrator. Mayor Sheldon has already contacted Lew Quigley and he will come to meet the present City Council on January 19, 2009 at 5:00 p.m. Motion passed on a Roll Call Vote of 9 to 0.

Larry Patrick made the motion to extend the deadline to receive applications for that position until 30 January 2009. Edie Flanagan seconded the motion. Motion passed on a Roll Call Vote of 9 to 0.

Erin Jerant made the motion to advertise for a Planning and Zoning Board /Board of Adjustment member since the current Chair resigned as of this evening. The two applicants still interested may leave the board short one member thus the motion. Susan Blake seconded the motion. Motion passed on a Roll Call Vote of 9 to 0.

Adjournment

City Council meeting adjourned at 8:15 p.m.

CITY OF WALSENBURG

ATTEST:

Edith T. Sheldon,
Mayor

John E. Zgut,
City Clerk

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