

STATE OF COLORADO
COUNTY OF HUERFANO
CITY OF WALSENBURG
Regular Session Meeting
January 20, 7:00 p.m.

Mayor Pro-tem Quintana called the meeting to order at 7:10 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, various department heads, Assistant City Administrator Beth Neece, and City Attorney Daniel Hyatt. Mayor Sheldon was absent.

Lew Quigley, interim City Administrator was present at this meeting also.

APPROVAL OF MINUTES

The minutes of the January 6, 2009 meeting were accepted on a motion by Edie Flanagin, seconded by Susan Blake. Motion passed on Roll Call Vote of 8 to 0.

Committee Reports

Finance Committee Chair Larry Patrick reported on his meeting where an interview with Lew Quigley the prospective interim City Administrator took place. Monthly progress reports were presented, security for the water tank and the filter plant were discussed as well as stimulus package items for the City of Walsenburg.

Parks and Recreation Committee Chair Bruce Quintana deferred to Edie Flanagin for the meeting held January 14, 2009. Assistance for the Walsenburg Golf Course through a possible grant through the Audubon Society as a bird sanctuary was received favorably by the Walsenburg Golf Course Board present for that meeting. The change in management at the Walsenburg Golf Course was discussed. The excessive heat in the Wave Café at the Water Park was discussed. Leonard Mondragon, Building Inspector presented to City Council the solutions for several problems at the Park. An offer by Public Health to provide food handler training at no cost to the staff at Walsenburg Wild Waters Park was received.

Edie Flanagin made the motion with a second by David Mockmore to go forth with assistance from the prisoners building the pergolas and city crews installing the pergolas, install pressure relief valves to the outside showers, and the installation of a Dutch Door to relieve heat problems in the building passed by Roll Call Vote of 8 to 0.

Safety Committee Chair Lou Taylor reported on the all employee safety meeting held on January 16 at 8:30 a.m. where workplace violence was the video shown. The next Safety and ADA Committee meeting will be January 22, 2009 at 5:30 p.m.

Public Works Committee Chair Edie Flanagin reported at her Committee meeting on January 13 the use of the garage at the Walsenburg East Ranch was discussed as was the advertising of the lease of 9 acres gravel on the north side of the Walsenburg East Ranch. Discussion of drilling **another well at the Walsenburg East Ranch** so solve the augmentation problem with the current well was held. James England made the motion seconded by Larry Patrick and David Mockmore to direct the City Administrator to **research the cost of a permit to drill another well at the site plus solicit bids for the job.**

An infrastructure grant was another subject. There are several large needs. At least two could be ready to be bid if the stimulus package becomes a reality. The next meeting Committee will be held on January 21, 2009 at 3:30 p.m. with water attorneys in a phone conference, followed at

5:00 p.m. by presentations by three firms applying for engineering the valve replacement at Martin Lake

Citizen Forum

No one registered with the City Clerk before tonight's meeting.

REPORTS

John E. Zgut as City Treasurer read the City of Walsenburg Schedule of accounts previously dubbed the City Treasurer Report of Cash on Hand \$8,442,042.42. James England made the motion to approve the City Treasurer report and Susan Blake seconded the report. Motion passed on Roll Call Vote of 8 to 0.

Edie Flanagan made the motion to accept the reports as presented in the packet with David Mockmore seconding that motion. Motion passed on a Roll Call Vote of 8 to 0.

Unfinished Business

Edie Flanagan made the motion to **approve the renewal of the liquor license for Rosa's Cantina.** Motion passed on a Roll Call Vote of 7 to 1 with Susan Blake voting no. City Attorney Dan Hyatt will hold a hearing on that establishment's liquor license at the second meeting in February 2009.

Larry Patrick made the motion to **confirm the appointment of Lew Quigley as Interim City Administrator** at \$35 per hour plus mileage at the current federal rate with Mr. Quigley to be treated as an employee with certain benefits, take out FICA from his check and afford CIRSA liability coverage for his decisions. Lou Taylor seconded the motion. Motion passed on Roll Call Vote of 8 to 0.

Larry Patrick made the motion to allow the mayor or Mayor Pro-tem to sign the **Inter Governmental Agreement for Dispatch Services** which the County Commissioners signed Wednesday last. James England seconded the motion. Motion passed on Roll Call Vote of 7 to 0 with Susan Blake abstaining.

Amended Ordinance 981 AN ORDINANCE OF THE CITY OF WALSENBURG REGARDING APPLICATION FEES FOR LIQUOR LICENSES was read by title only by James England and ordered published in full passed on motion by James England and then seconded by Susan Blake on a Roll Call Vote of 8 to 0.

ORDINANCE NO. 981

AN ORDINANCE OF THE CITY OF WALSENBURG ESTABLISHING APPLICATION FEES FOR LIQUOR LICENSES

WHEREAS, the State of Colorado has established and amended the various liquor license application fees; and

WHEREAS, the City Council of the City of Walsenburg, Colorado has determined that it would be in the best interest of the health, safety and welfare of the city of Walsenburg residents to establish liquor license fees that conform with the state of Colorado's fee schedule; and

WHEREAS, the state of Colorado modifies its liquor license fees from time to time.

NOW, THEREFORE, BE IT ORDAINED by the Walsenburg City Council as follows:

1. The following local liquor license fees are hereby established.
2. **License Fees.** The following license fees shall be paid to the treasurer of the city of Walsenburg annually in advance.

a. License Fees

1	Retail Liquor Store License	\$150.00
2	Liquor-Licensed Drugstore License.....	\$150.00
3	Beer and Wine License	\$325.00
4	Beer and Wine License issued to a resort hotel	\$375.00
5	Hotel and Restaurant License	\$500.00
6	Tavern License.....	\$500.00
7	Optional Premises License.....	\$500.00
8	Application for approval of a contract to sell alcohol beverages pursuant to section 12-47-411(3)(c)	\$325.00
9	Brew Pub or Vintner's Restaurant License.....	\$500.00
10	Club License	\$275.00
11	Arts License	\$275.00
12	Bed and Breakfast Permit	\$25.00
13	Resort-Complex-Related Facility Permit, per related facility.....	\$100.00
14	Art Gallery Permit	\$25.00
15	Fermented Malt Beverage sales for consumption off premises	\$25.00
16	Fermented Malt Beverage sales for consumption on premises	\$25.00
17	Fermented Malt Beverage sales for consumption on and Off premises.	\$25.00

b. No rebate shall be paid by the city of Walsenburg for any alcohol beverage license fee paid for any alcoholic beverage license issued by the city except upon affirmative action by the city of Walsenburg local licensing authority rebating a proportionate amount of such license fee.

c. Eighty-five percent of the local license fees provided for above shall be paid to the Colorado Department of Revenue by the treasurer of the city of Walsenburg.

3. New Liquor License Application Fees

a. Each application for a new alcoholic beverage license shall be accompanied by an application fee in the amounts set forth below.

b. The Walsenburg City Council finds that these fees are required to cover actual and necessary expenses related to the issuance of the various licenses.

1 New Liquor Licenses

- A Through July 1, 2009..... \$750.00
 - B From July 2, 2009 to July 1, 2010 \$875.00
 - C After July 2, 2010 \$1,000.00
 - c. Transfer of Location or Ownership Fee..... \$750.00
 - d. License Renewal..... \$100.00
 - e. New or Renewal License for an art gallery permit \$100.00
 - f. For corporate and limited liability company fingerprint analysis for each new officer, director, stockholder, member or manager conducted pursuant to C.R.S. §12-47-307(1) except that no fee shall be assessed if the entity previously paid a state licensing authority fee for the analysis. \$100.00
 - g. The Walsenburg City Council may amend the liquor license fees from time to time by resolution so long as the fees do not exceed the maximum allowed by C.R.S. § 12-47-505.
4. Repeal. Ordinance Number 981 is hereby repealed. All previously adopted ordinances or resolutions are hereby repealed or amended to the extent required to conform with this ordinance.

The City Council of the City of Walsenburg hereby declares that an emergency exists and that this Ordinance is necessary to the immediate preservation of the public peace, health and safety and that it shall be in full force and effect upon final publication as provided by law.

INTRODUCED, READ IN FULL, PASSED AND ORDERED PUBLISHED on the first reading the 2nd day of December, 2009

ADOPTED READ IN BY TITLE ONLY, PASSED AND ORDERED PUBLISHED IN FULL and approved the 20th day of January, 2009.

CITY OF Walsenburg
 DATED this 20th day of January, 2009.

BY: _____
 Edith T. Shelton, Mayor City of Walsenburg

ATTEST:

 John Zgut, City Clerk

Consideration of the **Garage Lease** at the Walsenburg East Ranch was discussed by City Council. James England made the motion to advise current lessee of the garage that the city intended not to lease but use the garage for storage. Lou Taylor seconded the motion. Motion passed on a Roll Call Vote of 8 to 0. City Attorney Dan Hyatt instructed City Council that lessee had until the end of February to vacate the premises and City Clerk to advise her of that item.

Dispatcher Sick Leave Payout will be paid out this time only on a one to one basis for sick days as the crew has no choice in the matter. They are not being laid off or resigning by their own volition. The motion to approve this was made by James England, seconded by Lou Taylor and the passed on a 7-1 Roll Call Vote with Susan Blake absent from the room for the discussion

and motion.

The second reading of 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 and then ordered published by title only as there are no textual changes resulted in a vote on a motion by James England and then Susan Blake seconded the motion. Motion passed on a Roll Call Vote of 8 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

A second reading of 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 was done by James England. Motion to be ordered published by title only as there are no textual changes was

made by James England and then seconded by Edie Flanagin. Motion passed on a Roll Call Vote of 8 to 0.

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

John E. Zgut

Mayor

City Clerk

SEAL

New Business

Authorization to Sell Portions or all of the Kincaid Ranch La Veta Property was discussed. It was decided to refer the matter to the Public Works Committee for return to City Council at the second meeting in February 2009 on a motion by Edie Flanagin and James England seconding. Motion passed on a Roll Call Vote of 8 to 0.

James England made the motion with Erin Jerant seconding to postpone approval of establishing two (2) new funds to track Paving and the General Improvement District until the Finance Committee discusses the matter further. Motion passed on a Roll Call Vote of 8 to 0.

Executive Session

Erin Jerant made motion seconded by James England to enter into Executive Session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session. The time was 8:45 p.m. and the recorder was turned on.

Following the Executive Session *Mayor Pro-tem Quintana noted that if any person who participated in the Executive Session believes that any substantial discussion of any matter not included in the motion to enter into Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meeting Law, and asked, that statements concerning such be made at this time. There being none, the Regular Session continued. The time was 10:10 p.m.* Those present at the Executive Session were: Mayor Pro-tem Bruce Quintana: Larry Patrick, Edie Flanagin, Susan Blake, David Mockmore, Erin Jerant, James England and Lou Taylor, City Attorney Daniel Hyatt and City Administrator Eric Pearson.

At the end of the Executive Session, the tape was given to City Attorney Daniel Hyatt.

Adjournment

City Council meeting adjourned at 10:12 p.m.

CITY OF WALSENBURG

ATTEST:

Bruce Quintana,
Mayor Pro-tem

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.