

STATE OF COLORADO
COUNTY OF HUERFANO
CITY OF WALSENBURG
Regular Session Meeting
July 6, 2010 6:00 p.m.

Mayor Quintana called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited. Council members present were: Rick Jennings, Silvana Lind, James England, Nick Vigil, David Mockmore, Erin Jerant, Craig Lessar and James Moore. Others in attendance were Assistant Administrator Beth Neece, City Attorney Dan Hyatt, and City Clerk Lori Sheldon.

Approval of Minutes

James England moved, seconded by James Moore, that the minutes from the June 16th Regular City Council meeting be approved as presented. Motion passed on a roll call vote of 9-0.

David Mockmore moved, seconded by Nick Vigil, that the minutes from the June 23rd Special City Council meeting be approved as presented. Motion passed on a roll call vote of 9-0.

Mayor's Comments

Mayor Quintana announced a change to the agenda. The Citizen's Forum will come immediately after the Approval of Minutes, followed by an Executive Session. The remainder of the agenda will be completed as is written.

CITIZEN FORUM

David Brown signed in to speak about a problem with patrons of the Huerfano Café parking on the East side of Ash Street and blocking him from entering or exiting his property in his vehicle and keeping the mail man and garbage man from being able to access his property. He would like to get no-parking signs and/or the curb painted to prevent people from parking there. After discussion about prior efforts to resolve the problem, Chief Chamberlain said he would look into it and report back in two weeks.

Maria and Brent Berger made a presentation of a poster signed by Eddie Dominguez for the help that the City gave for his exhibition (at the Museum of Friends). They also invited Council members to an open house to celebrate the expansion of MOF to the first floor and Brent's 70th Birthday. The show will include some of Brents monumental paintings from the early '80s and also Linda Fleming's sculptures from the '90s.

REPORTS

Economic Development Liaison Councilperson Lind reported that Huerfano County Economic Development group met on June 18th. Present were Al Tucker, Wayne Grogan, Dick Edler, Ed Johnson, Wynelle Turner, Sam Scerbo, Monica Birrer, Jacque Sikes, Nancy Lave, Laura Smith, John Carlson, Art Bobian and herself. In the Treasurer's report they reported the bank account at \$1,085.50, PD at \$2,582.94. In committee reports, regarding the Walsenburg Care Center, Jacque Sikes cited the 18 year history of Lathrop Park and the City of Walsenburg. She stated that there are maps that can be reviewed with Brian Caruso from the State Real Estate Division who will come to Walsenburg in early July. He has evaluations on the building as well. Ed Johnson has spoken with the County Administrator regarding the list of groups that finance projects and would fund an Economic Development revolving loan fund and put it back in operation. These could include El Pomar, USDA, Temple Buell, Colorado Rural Health Foundation and Colorado Housing Foundation. The Business Retention Committee, Nancy Lave and her committee, have been visiting local businesses noting their comments and also noting

vacant buildings in town and determining how long they've stood vacant. The Duckwall's building has the Museum of Friends, now using the street level and has 3-4 office spaces upstairs. Sam Scerbo attended the Tourism Board meeting. They will run 5,000 flyers to distribute. The sign they had planned to erect at exit 52 needs more funding for the concrete. Ed Johnson requested that Mr. Scerbo ask Deborah Malone from the Tourism Board to attend the Economic Development meetings. John Carlson shared the Huerfano County GIS department map, called the "Huerfano Maps and Facts", which has been distributed and was concerned that more information could have been included regarding local attractions. Ed Johnson mentioned the critical state of the Gardner Water situation as described in the Signature on June 17th. Apparently John Galusha stated that the State came down hard on Gardner because of non-compliance. There are possible grant monies available upwards of thirty million dollars. Al Tucker wants other community groups' (Tourism Board, County Commissioners, Councils, Highway of Legends) scheduled meetings to be included in future minutes for the Economic Development group so that any ED members could see at a glance when and where the groups will be meeting. Mr. Tucker also suggested that a Historical Buildings committee be formed to facilitate walking tours, placement of plaques, to generate interest in Walsenburg history. Councilperson Lind was queried whether there are City ordinances in place that could remedy the unsightly buildings downtown. She promised that it would be investigate and she would report back. The Downtown Revitalization District members could also be a useful contact for Economic Development.

Chief of Police Chief Chamberlain presented a letter from a man who was pulled over for speeding and wanted to commend Officer Corey Daniels for his cordial and professional conduct and sound driving advice. He also read a card from Nancy Lave from the Chamber of Commerce thanking the Chief and department for their help with the security for the Black Diamond Jubilee stating that the officer (Kiel Petkoff) was very professional in his duties. Chief Chamberlain also presented an award, which he had requested for the City during his last deployment, from the "Employee Support of the Guard and Reserve" recognizing the City of Walsenburg and the Walsenburg Police Department for being a "patriotic employer" by supporting employee participation in the National Guard and Reserve force. He also reported that District Attorney Frank Ruybalid completed his report on the officer-involved shooting on April 4th and Officer Petkoff was cleared of any wrongdoing in the incident. What he did was justified and also saved a life.

New Business

Frank Gilbert from Daddy's Pride Towing appeared before Council to give an explanation of the charges stemming from a job he did for the City several weeks prior when two police cars became disabled between Pueblo and Walsenburg and he towed them both back to Walsenburg from different locations but in one trip. Councilman Lessar stated that, in order to verify pricing, he had called Daddy's Pride anonymously and presented a similar scenario and was quoted a much lower price. He also called the 3 other towing companies in town and obtained similar quotes, the highest of which was \$380.00. After several minutes of debate James Moore moved, seconded by Craig Lessar, that the City conclude the billing from Daddy's Pride Towing and pay the additional balance owing to bring the complete towing fee to \$350.00 as accepted and agreed to by Mr. Gilbert. Motion passed on a roll call vote of 9-0.

After Councilperson Vigil presented the liquor license renewal application from the Alpine Rose, Erin Jerant moved, seconded by Craig Lessar, that the application be approved. Motion

passed on a roll call vote of 9-0.

Assistant Administrator Beth Neece presented the quotes from Gobins regarding renewing the lease for the copier/printer/fax machines and upgrading the machines. The new lease would include a machine for the Police Chief and a software package that makes creation of presentations and books (such as Council binders) much easier. The lease costs are also significantly lower. Ms. Neece answered several questions from Council, including a question from Mayor Quintana regarding erasure of the memory from the old copiers before they are released back to Gobins. Ms. Neece has placed a call to Gobins regarding this issue but has not yet heard back. She assured, however, that it would be taken care of and we will get a certificate from Gobins. Attorney Dan Hyatt weighed in on the issue also stating that he believes there are software packages available that will wipe the hard drives. Erin Jerant moved, seconded by Dave Mockmore that we enter into a lease for the Canon Imagerunner 3245I for approximately \$604.72/month. Motion passed on a roll call vote of 9-0.

After reading a letter of support from the City of Walsenburg to the South Central Council of Governments regarding continuation of the Community Development Block Grant Housing program James England moved, seconded by that the letter be sent to SCCOG with the Mayor's signature. Motion passed on a roll call vote of 9-0.

Jacque Sikes, in her capacity as a member of the Regional Building Authority board, stated that, in their meeting this morning there was discussion the SCCOG had not necessarily been using contractors that had been licensed through the board for these projects. She wanted to let Council know that a letter had been drafted asking that they check the web-site for a list of licensed contractors and that they only hire contractors from that list. A copy of the letter will be forwarded to the City.

Regarding signatories on the various accounts, David Mockmore moved, seconded by Craig Lessar, that City Clerk Lori Sheldon be added as a signatory on the bank accounts. Jacque Sikes stated that she had checked into the signatories on the various investment accounts and that they have not been updated in several years. The ColoTrust account only has two signatories and they are both former employees. The Stifel Nicolaus accounts also have former employees and Councilpersons as signatories. Ms. Sikes has received the paperwork necessary to make changes. After brief discussion a vote was taken on Mr. Mockmore's motion. Motion passed on a roll call vote of 9-0. Erin Jerant moved, seconded by David Mockmore that Jacque Sikes, Craig Lessar, Alan Hein, and Lori Sheldon be assigned as signatories on the ColoTrust account and that, when signatures are required, they be one each from Council and Administration. Motion passed on a roll call vote of 9-0. Erin Jerant moved, seconded by David Mockmore, that Jacque Sikes, Craig Lessar, Alan Hein, and Lori Sheldon be assigned as signatories on the Stifel Nicolaus account and that, when signatures are required, they be one each from Council and Administration. Motion passed on a roll call vote of 9-0.

As a side item, Jacque Sikes wanted to add her thanks to the police department for their courtesy and professional handling of a break-in at her office.

Committee Reports

Parks and Recreation Committee Charles Bryant reported that they had a very good turnout for the horseshoe tournament to raise funds for the skate park. They raised approximately \$700.00. The next fund raiser will be the leaf and limb drop-off, hopefully the weekend of July 24th and 25th. He encouraged people to volunteer to man the drop sites as

representatives of the City. Alicia Bryant spoke to the Parks and Rec district. There is additional paperwork that needs to be filled out for them but they're on the agenda for their next meeting to apply for funding. Mr. Bryant also reported that the cost for concrete will probably not be as much as he originally thought. Chairman David Mockmore stated that the partial Wild Waters committee met this morning. The manager was not in attendance as she was out of town. He reported an additional \$4,500.00 income for the past weekend. He did not have any expenditures, etc. to report. That would put them in the range of \$24,000 - \$25,000 (for the season) without taking expenses into account. They have still not received a San Isabel bill. The 4th of July was slow but the Thursday and Friday were very good. Councilperson Jerant said that she had a very pleasant experience on Thursday. The grounds and the pool were very clean.

Jacque Sikes asked if she could speak again regarding the Building Authority Board meeting. Mayor Quintana replied in the affirmative. Ms. Sikes reported that the board is considering asking each of the entities to let the Board retain 10% of the \$100.00 fee that the contractors pay for licensing to cover administrative costs, including the salary for a person to process the licensing requests. Mayor Quintana told Ms. Sikes that it will be put on the agenda for the next Finance committee meeting and the next Council meeting.

Mayor's Comments

Mayor Quintana reported that Ordinance could not be on tonight's agenda due to the amount of time needed to advertise it after the first reading. He asked for patience and stated that we are aware of the problem areas around town and will address the problem as soon as possible.

Unfinished Business

None

Executive Session

James England moved, seconded by Craig Lessar, that Council 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. Section 24-6-402(4)(b). Motion passed on a roll call vote of 9-0.

At the conclusion of the Executive Session, Mayor Quintana stated "The time is now 8:35 and the executive session has been concluded. The participants in the executive session were: Councilpersons Rick Jennings, Silvana Lind, James England, Nick Vigil, David Mockmore, Erin Jerant, Craig Lessar, James Moore and himself. Mr. England asked that it be noted that he was recused for the majority of the session. Also in attendance were City Attorney Dan Hyatt and Assistant City Administrator Beth Neece. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Seeing none, we are now in open session."

Erin Jerant moved, seconded by that we pass through the 10% of the fees collected by the Building Authority Board to the Board to cover their administrative costs. Motion passed on a roll call vote of 9-0.

Erin Jerant also asked that the City Attorney present a resolution to the Employee Purchase and Loan through payroll deduction policy at the next meeting.

Committee Meetings (part 2)

James England reported that the last meeting of the Finance Committee was on Monday, June 28th at 5:30. All Council were present with the exception of Councilperson Jerant. Media and members of the community were also present. Agenda items included:

- ◆ Councilperson Silvana Lind presented a proposal to raise money for Walsenburg Youth Activities. This would be a voluntary donation to be added to the utility bills – similar to the leaf and limb pickup. These would be sent out in the beginning of August if staff is so directed. This benefit, depending on the donation amount, could end up being somewhere in the neighborhood of \$24,000.00. Silvana Lind moved, seconded by Craig Lessar, that staff be directed to prepare the proposed Walsenburg Youth Activity fund contribution form as discussed and approved at the last Finance Committee meeting and have that form included in the August utility billing for consideration by our citizens and that the announcement and explanation article she will prepare for publication for this program be sent to our local paper. Motion passed on a roll call vote of 9-0.
- ◆ Viento Claro Wind Farm presentation by Ralph Hubregsen. This proposal will be compared with the Airstream's proposal which will be presented at the next Finance meeting and then will be presented to Council.
- ◆ Councilman England then made the following statement: “Mayor Quintana and Members of Council, at the conclusion of this statement I will immediately resign as Finance Committee chairman. Effective at midnight on August 18th I will officially tender my resignation as Mayor Pro Tem and Councilman representing Ward 2. This will fulfill all my obligations that I feel are currently outstanding to the City and to my constituents. I have had several changes in my personal life since I took office in January, one being the raising of a 9-month old grandchild and going back to college full time along with my work. I'm tendering this resignation at this time in August to give Council time to advertise and find a replacement because we all remember how hard it was the last time. With my college schoolwork and now caring for my grandson I cannot put in the time and effort needed to serve my constituents at a level that I feel they deserve. I do want it understood that this is in no way a reflection on anything I've done or anything anyone else thinks I may have done. The Mayor and I both agree change is needed but I fear that we do not see eye to eye all the time on how progress and change should be achieved. Therefore, this will give the Mayor and Council the opportunity to find someone to replace me that might fall more along the lines of the wishes of Council. I'm saying as a member of Council I wish to thank Mayor Quintana and the Council and wish them the best on the Rocky Road ahead. In conclusion my resignation as Finance Chair is immediate and my term as Mayor Pro Tem/Councilman will end at midnight on August 18th. I've been fortunate to serve with this Council and the previous Council and I have many things to look back and be thankful that these two Councils have accomplished: the annexation, the new grocery store, and the new wastewater treatment plant. But my service is now needed more in my private life than in my public one.”

Mayor Quintana responded that Mr. England's service to the City has been exemplary, he did well as a City Council person and he will be missed, most definitely. He agreed that they didn't always see eye to eye but it always worked out.

Adjournment

With no further items on the agenda, the City Council meeting adjourned at 8:55 p.m.

CITY OF WALSENBURG

ATTEST:

Bruce A. Quintana,
Mayor

Lori Sheldon
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.