

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

Mayor Sheldon called the meeting to order at 7:15 p.m.: the Pledge of Allegiance was recited. Council members present were: Larry Patrick, Edie Flanagan, Susan Blake, Bruce Quintana, David Mockmore, Erin Jerant, James England and James Moore. Others present were City Administrator Alan Hein, and Assistant Administrator Beth Neece. City Clerk/Treasurer John E. Zgut was absent.

APPROVAL OF MINUTES

Mayor Sheldon stated that there are several sets of minutes to approve starting with the June 16, 2009 regular session minutes. Council person Flanagan wanted to correct, for the record, an item from those minutes regarding the permit for Petroglyph to release water into the river. She had stated that their plan was to allow 5 parts per million of sodium. The actual amount allowed will be 24 milligrams per liter. James Moore asked for 1 correction in the minutes regarding the City Administrator's report. The minutes of the June 16, 2009 meeting were accepted on a motion by Larry Patrick, seconded by Susan Blake. Motion passed on Roll Call Vote of 9 to 0. The second set of minutes is from the June 11, 2009 special meeting. A motion was made by Susan Blake, seconded by Bruce Quintana to approve the June 11, 2009 minutes as presented. Motion passed on a roll call vote of 9-0. The third set of minutes is from the June 23, 2009 special meeting. Corrections regarding which council persons were present were requested. A motion to approve the minutes as corrected was made by Erin Jerant, seconded by Bruce Quintana. Motion passed on a roll call vote of 9-0.

Committee Reports

Finance Committee Chairman Larry Patrick reported that the committee met on Monday (July 6th) with Mayor Sheldon, Council persons England, Jerant, Flanagan, Quintana, and Moore present along with Assistant Administrator Beth Neece and himself. They met with 2 representatives from CIRSA, Patrick Priest, Chief Financial Officer and Mike Wagner, Property Claims Specialist. They went over information about CIRSA and discussed several claims that had been denied recently including for the train depot roof. One claim that we thought had been denied was actually paid. This was confirmed by staff and we also received an email today (July 7th) from CIRSA stating the amount of the payment. The money was put into an escrow account in anticipation of approval of a bid to repair the barn roof. They also discussed the denial of the claim for the gas pipeline break. Mike Wagner was going to look into the possibility of covering the cost of the lost gas and also the loss of tax revenue to the City from businesses that couldn't operate during the outage. Patrick Priest said that there are policies available for an additional charge for underground pipelines. They have quoted other members for coverage on underground property in the past but none have purchased because of cost. If we're interested in a quote we need to contact their underwriting manager. Per Beth Neece CIRSA is working on it and some research will have to be done on # of feet of pipe, etc. before a quote can be prepared. Other possible situations were discussed to gain a better understanding of our current coverage and how we might be able to maximize our coverage in the future. They also discussed how to save money in the future and those ideas will be discussed at budget time.

A discussion about the city web site was held since we are taking bids for maintaining it.

Chairman Patrick brought up several possibilities such as having the web site maintained in-house by staff that has expertise in doing so resulting in saving money or looking at a new site with the builder maintaining it at less cost. They will explore in-house maintenance further and bring it before council in the near future.

They still don't have a full accounting of the gas line break as of last night (July 6th). We have some partial figures which the Administrator will cover in his report.

Mayor Sheldon wanted to clarify that we're looking for a new web site administrator and also a new host.

Parks and Recreation Committee Chairman Bruce Quintana went over the Pool Manager's report including attendance numbers and sales figures for passes and concessions. They discussed lost revenue due to bad weather. There have been some complaints about lifeguard response times. There was also some trouble with a group from Trinidad which will be discussed at length at the next committee meeting on July 14th at 5:00.

Safety Committee Chairperson Erin Jerant reported that the regular employee in-service was held on June 23rd. Their next committee meeting will be on July 20th at 6:00 where they will plan employee in-services for the remainder of 2009. They are basing them on CIRSA deficiencies so that we can correct deficiencies in order to lower our costs for premiums. She requests that everyone from the committee be there so they can make a plan for the rest of the year.

Public Resources Committee Chairperson Edie Flanagan reported that the committee did not meet this month. The next meeting will be on July 14th at 6:00 p.m. and they will consider some water issues at that time. Tim Beaton will be in attendance.

Presentation of Plaque to Gabe Gaytan

Mayor Sheldon presented a Plaque of Appreciation to Gabe Gaytan for 43 years of excellent service to the City of Walsenburg. Gabe thanked the Mayor and Council and passed the baton to Art Ortiz.

Citizen Forum

Sharon Ulrich asked that chemicals be added to the sewer ponds near her house to keep the odor under control. Mayor Sheldon stated that once the sewer plant is built it should eliminate the problem entirely. Council person Jerant suggested that we take this step earlier in the hot season in the future to try to keep it from getting bad instead of waiting until we get complaints.

David Martinez appeared to request that the special tap fee deadline be extended. He believes it would stimulate economic development and also help property owners by allowing them to spend that extra money on fixing up places that had been abandoned. Mayor Sheldon stated that it needs to be discussed in the Public Resources committee. Public Resources Chair person Flanagan expressed concern about the small number of people who had taken advantage of the offer and also that the tap fees will help us pay the bond payments for the sewer plant. Ms. Flanagan said they would put it on the Agenda for the July 14th meeting.

Shirley Tobin has moved into a position as a Rural Homeless Youth Coordinator as of June 1st. They recently obtained federal and state grants to focus on youth development in the community. They are collaborating with Rocky Mountain SER to put 21 youth ages 14-24 in a program that uses stimulus dollars to pay them for working. The project they are working on is to clean up the river to aid in the completion of the river walk from the community center to the west end of town. However, there are not enough tools for the kids to use. Ms. Tobin went to Walsenburg Lumber to try to get tools for the project and Mr. England was able to help get the

costs down but they still need \$227.45 to pay for the tools and some good drinking water for the workers. The County bought the kids boots and good work socks. They are asking that the City help with the purchase of the tools. A motion was made by Larry Patrick to donate \$300.00 to the Youth Employment Project, seconded by Susan Blake and James England. The motion passed on a roll call vote of 9-0.

REPORTS

Administrator Alan Hein reported on the following:

I-25 Bridge Repair Status: The re-opening date has been set back to July 15th. They ran into some serious problems on the bridge deck which delayed the completion. Council person Jerant said that she had gone out to the bridge on the previous Saturday with Joe Garcia from CDOT. He told her that their original assumption was that it needed 25% repair. After starting the project it was determined that it needed 75% repair. The good thing is that if they do a good repair now we can hold off for 5-10 years instead of doing it again in 2013. The last concrete pour happened on Monday and they have to wait 10 days before they can do the overlay so the 15th deadline may not be met. Mayor Sheldon asked that the members of the press publish that the City DID NOT request CDOT to divert traffic through downtown.

C-25 Traffic Study: They've set up monitoring devices in several areas of the city. The count will be skewed by the I-25 diversion so the study may have to be repeated.

Martin Lake Valve Repair Project: The City is in the process of doing some construction upgrading of the downstream side of that valve. We're having to increase the size of the culverts and clean the ditch to accommodate 50 cfs capacity. The soil is too soft to do the type of construction that needs to be done so they're going to have to drain the lake. Council person Jerant spoke with the manager of the lake who had Mike Graeber with him at the lake. The dirt in Martin Lake is different than the dirt in Horseshoe where they built the cofferdam. They are going to build a cofferdam but it's only going to be a 3 foot cofferdam. The reason they're doing that is to save the habitat. If they actually drain the lake it impacts so many species of fish. Those fish can not be moved to another lake. To make it safe for the workers it will be 3 feet high. They have to do some special things with pylons to build the cofferdam since the soil is so soft. So they're not going to have to take as much water out of the lake as originally thought. Mayor Sheldon stated that according to an email from Beorn Courtney a timeline has been established for the draining and refilling of the lake.

Wastewater Treatment Plant Status: We're really close. The only thing that is still in negotiation is the grit drying bed design.

Economic Development (grocery store): Mr. Hein had a meeting with the developer. We are forging ahead with tax abatement plan. He has all the information ready to put together. We'll get the information to council as soon as we get it put together. This week we are going to remove the structure and do work on the property as incentive to the developer.

Neighborhood Stabilization Program: The NSP2 program looks very promising. It has gone to the state grant writer to be written. Walsenburg is a member of a state coalition for whom the state is writing a grant to be sent to the federal government for funding.

Railroad Building Grant: The first grant has been written and submitted. The criteria are the project survey, the pre-design for the building (exterior and interior) and site, and repair of the roof. The plan is to submit two or three other grants piggybacked onto that grant.

Natural Gas Transmission Line: Mr. Hein distributed copies of the paperwork showing costs associated with the natural gas line rupture. We have started the pro-maintenance of the exposed areas of the gas line. The two major ones have been completed. We are in the process

of working on several others.

Code Enforcement Status: The property on 102 Indiana has been cleaned up – that job was contracted out. In the month of June the code enforcement officer has addressed 37 properties for various violations. Cleanup is one of our priorities. The property east of Walsenburg Wild Waters across Ysidro at the corner of 7th has been mowed and we're going to put a lean on the property for the cost of maintenance.

New Auditor: The information regarding the RFQ for a new auditor will be reviewed by city attorney. After review, the specifications will be advertised.

Chief of Police Chief Baldonado spoke to Joe Garcia from CDOT this afternoon (July 7th) and was assured that the bridge over I-25 will open on July 16th. Councilperson Patrick inquired about the impact of the traffic as far as accidents, etc. Chief Baldonado stated that there had been no accidents as a result of the diversion. Councilperson Jerant expressed concern about the semi trucks coming through town late at night at high speed when the traffic is light. She's witnessed this and had complaints from citizens. Chief Baldonado will make officers aware to watch for speeding semis.

Unfinished Business

The first item on the agenda is a letter of intent for Viento Claro. This item will be postponed.

The second item is a request for donation from La Plaza de los Leones. No one from LPDLL attended the meeting so this was also put aside.

Mayor Sheldon asked Councilperson England to give his report from the newly formed Home Rule Fact Finding Committee. He read his report which was also included in council packets. Councilperson Jerant inquired how many cities in the state are home rule cities. Councilperson Patrick replied that 1/3 (or 96) are home rule cities or towns. Mr. England observed that the City has already taken "baby steps" toward home rule. Councilperson Patrick commended Mr. England on his report and also wanted to clarify that this report is not from the committee but is just Mr. England's initial report. It is his suggestion that we have a town hall meeting to see how the constituency feels about it. Councilperson Blake has volunteered to be on the committee. The next steps would be pulling the charters from other locales and checking with the city attorney on the time frame for getting this done. Mayor Sheldon reminded everyone that the committee to establish a charter has to be an elected committee. Councilman Patrick remarked that having the town hall meeting does not mean that the City Council endorses the idea of home rule, it's just a forum for the residents to discuss the options and express their feelings about home rule and any other issues they may have questions about. Mayor Sheldon asked for suggestions for a date for the town hall meeting. The date was set for July 23, 2009 at 6:00. Beth will check to see if the community room at the library is available. Mayor Sheldon asked also if Mr. Beuche might be able to attend. That will also be determined at a later date. Councilman Patrick again expressed concern that the appearance of Mr. Beuche might be perceived as an endorsement of home rule by City Council. Mayor Sheldon replied that we have a responsibility to educate the community and his appearance in that capacity would not necessarily be perceived as an endorsement. There was discussion about the creation of a charter and the parameters of a charter committee should the City decide to go forward with establishing home rule.

The next item is the request from Moses, Wittemyer and Headwaters Corporation to approve

work through the end of the year. A motion was made by David Mockmore, seconded by Erin Jerant that the timeline as presented by Moses, Wittemyer, Harrison & Woodruff, PC and Headwaters Corporation as to the work that's proceeding on the Martin Lake Dam Valve, as well as other projects listed, be adopted. Motion passed on a roll call vote of 9-0. A member of the press asked about the timeline. Mayor Sheldon asked Mr. Hein to provide him with a copy of the timeline. Councilperson Flanagan added that the water engineers are working with the state on an exchange program with the downstream users so we can get the lake filled as soon as possible. We have been talking with Steve Witte (District 2 water engineer) and Doug Brgoch (Huerfano County Water Commissioner). They're analyzing whether we can do this by exchange or whether we'll have to rely on our own allocations.

Next is the Gateway Project Phase II. Mayor pro tem Bruce Quintana summarized the proposal by Abel Engineering. What we're looking for in Phase II is drawings, specs, diagrams, architectural plans (construction drawings and engineering criteria). Councilperson Jerant inquired about cost. Mr. Hein replied that it's \$11,300.00. Councilperson Moore pointed out some contradictory language. It was asked whether Mr. Hyatt had reviewed the document yet but he only received it tonight. He had some comments based on his brief look at it. A motion was made by James England, seconded by Dave Mockmore and Larry Patrick, to delay the topic of the Gateway Project Phase II proposal from Abel Engineering to allow the attorney to review and revise the document. Motion passed on a roll call vote of 9-0.

New Business

Todd Oberheu of the Huerfano County Hospital District made a proposal to the City Council regarding a Memorandum of Understanding (MOU) to look at the development of Lathrop Boys Camp. The camp has been vacant for quite some time. They believe there might be a financial advantage to them to develop that property. A motion was made by Larry Patrick, seconded by Susan Blake and Edie Flanagan to allow the Mayor to sign the MOU. Motion passed on a roll call vote of 9-0.

Next on the agenda is Addendum #2 to the Regional Building Authority IGA which requires that each building inspector be certified to the International Residential Code prior to the implementation of the licensing program January 1, 2010 and all commercial and mechanical inspectors be certified no later than December 31, 2010. A motion was made by James England, and a second by Jim Moore to adopt the addendum. Motion passed on Roll Call Vote of 9 to 0.

The next item is a letter from Ben and Melanie Bounds regarding the amount of sodium in the water that Petroglyph is pumping out of the ground and releasing into the Cuchara river system and the methane released that is getting into peoples' wells and, in some cases, causing explosions. Brett Corsentino appeared in support of the Bounds and in hope that the City Council will join with them to form a coalition to keep the permit to release water from being issued without an agreement to mitigate the sodium. The water that has been released prior to this has adversely affected farmers and ranchers downstream. Livestock are not producing normally and in some cases are dying. It's also killing farm crops. There is no agency keeping track of the quality of the water being released. He asked the City Council to donate \$2,500.00 to be used toward hiring attorneys to help get this matter brought to the attention of the governor and other state officials and also federal officials. Councilperson Patrick would like to discuss the matter with the county also, perhaps at a CCT meeting. Councilperson Edie Flanagan made a motion, seconded by Susan Blake to allocate \$2,500.00 to the Lower Cucharas River Water Association to help obtain the services of attorneys. Motion passed on a roll call vote of 9-0.

Erin Jerant made motion seconded by Bruce Quintana to enter into Executive Session under attorney client privilege 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); The time was 9:25 p.m. and the recorder was turned on.

Following the Executive Session *Mayor Sheldon 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 9:45 p.m.* Those present at the Executive Session were: Mayor Sheldon, Larry Patrick, Edie Flanagan, Susan Blake, Bruce Quintana, David Mockmore, Erin Jerant, James England and Jim Moore. Others present were City Administrator Alan Hein, Assistant Administrator Beth Neece, and City Attorney Daniel Hyatt. At the end of the Executive Session, the tape was given to City Attorney Daniel Hyatt.

Adjournment

City Council meeting adjourned at 9:47 p.m.

CITY OF WALSENBURG

ATTEST:

Edith T. Sheldon,
Mayor

Lori Sheldon
Deputy 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.