

STATE OF COLORADO
COUNTY OF HUERFANO
CITY OF WALSENBURG
Regular Session Meeting
August 4, 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, James England, and James Moore. Councilman Erin Jerant was absent. Others present were City Administrator Alan Hein, Assistant Administrator Beth Neece and Deputy City Clerk/Treasurer Lori Sheldon.

APPROVAL OF MINUTES

Mayor Sheldon asked for a motion to accept the minutes from the July 21st Regular City Council meeting. Councilman Flanagin asked for a correction regarding the attendance at the Finance Committee meeting. She was in attendance but not listed in the minutes. A motion was made by Larry Patrick, seconded by Susan Blake, that the minutes from the July 21st Regular City Council meeting be accepted as corrected. Motion carried on a Roll Call vote of 8-0.

Committee Reports

Finance Committee Chairman Larry Patrick reported that the committee met today (August 4th). They discussed the RFP for the auditor. The recommendation is that it will be advertised for 2 weeks. The deadline for bids is August 28th for bid opening. It will come before the finance committee at the August 31st meeting.

There was a 6-month review of financial status by Administrator Alan Hein and Finance Director Krystal Vigil. It was very informative. They did a nice job. It gave us a look at the 6 month financial analysis and gave us an idea of what needs to be looked at for the next 6 months.

Parks and Recreation Committee Chairman Bruce Quintana reported that the committee met on Tuesday (July 28th) at 5:00 p.m. They went over the manager's report. There were no infractions of any kind or anything else wrong as far as the park is concerned. Chairman Quintana would like to wait to give a financial report until after the park has closed for the season and get a summation of this year's activity.

There was a special guest at the meeting; Electra Fowler. Chairman Quintana asked that Councilman Flanagin speak regarding Ms. Fowler's presentation. Councilman Flanagin reported that Electra has been working very hard on the trails project. She's working with 21 at-risk students. She's been hired by the Social Services department to take charge of these kids. She's done everything from preliminary drawings. She's helping with construction by keeping the kids on-task. She would really love to see us utilize that trail as part of our city parks and do some tie-ins with the water park and with some of our other parks. She would like to see the at-risk children being worked with throughout the year instead of just this summer program. We didn't give her anything concrete as right now the city is kind of strapped financially. She was just giving us a report and proposing that if we do a GOCO Parks Planning grant some time in the future, she would like to be involved in that. It was an informative meeting and they got a lot out of it. Councilman Flanagin recommends going to see the trail because a lot of work has been done and it looks very nice. They've cleaned out quite a bit of the trail and are planning on taking it all the way to Bear Creek.

Safety Committee Chairman Erin Jerant was absent so no report was given.

Public Resources Committee Chairman Edie Flanagin reported that they met the prior week. They didn't have much on the agenda. Mr. Hein gave a report on the different water projects. They discussed the sale of the 16 acres at Huajatolla Lake. The recommendation of the committee is to put it on hold until we do more studies. It's possible that it was leased to the Division of Wildlife.

Their next meeting would normally be August 10th. However, that is when Petroglyph is having another hearing on their permitting. That meeting will be at the Community Center from 6:00-8:00 p.m. Councilman Flanagin urges everyone to attend if they're interested in preserving our water quality. The next committee meeting will be on August 24th at 6:00.

Citizen Forum

None

REPORTS

Administrator Alan Hein reported on the following:

Wastewater Treatment Plant Status: The status is the same. They promised him we should have something back the first two weeks in August on this project. He and the engineering firm have decided to do as much preliminary work as possible on this project in preparation for the go-ahead from the state.

Raw Water Line Status: They met with a representative from the House of Representatives. He has come up with a strategy after meeting with them. They were telling us of different means that the federal government has funding available for cities. They emphasized the part that the city really needs to do the legwork prior to the federal government funding projects of the nature of the raw water line or the water tower. He really agrees with the water attorney that we need to be proactive to the mandate that we have on the raw water line. He thinks that we need to aggressively pursue grant writers and granting for putting together a PER (Preliminary Engineering Report) for the engineering of both projects – the water tank and the raw water line. We need to put together a plan for phasing the projects. Once we have a good, solid engineering report we need to approach the state with the attitude that we have a plan, we're going to do as much as we possibly we can ourselves as a self help effort and go to them with the attitude of partnering with them as far as resolving the issue we have with the state. That's what we're going to pursue as far as those two projects are concerned. We'll also pursue any other avenues that pop up in the mean time. Staff went to a seminar today (August 4th) on some possible funding that currently wouldn't work for us but may work in the future for some of the projects we have in mind. We're researching and looking into any sources available to us.

Gas Transmission Line Maintenance: We're still working with it but they're very close to finishing that. We took a look at the whole area that it's in and there are some pretty bad ones closer to Trinidad that they're currently working on. The rain last week slowed us down on that project but we should have that completed this week.

Martin Valve Replacement Project: There was a meeting last week with members of City Council, Staff, Public Works (Resources), (Colorado) Division of Parks and Wildlife, and Applegate (the engineering firm) was represented also. The conclusion of the meeting is that the Division of Parks and Wildlife has agreed to build the cofferdam necessary to help with saving the fish and wildlife in the lake. They're going to do their part as far as the equipment and

personnel necessary to build that cofferdam. The city is in the process of looking into the liability issue as far as working in the confined space on that project. We're going to help as much as we can with the de-watering process. Several different items were discussed during the meeting. Everyone is working very well together. The project is coming together very well. Mr. Hein is very impressed with all the different entities working together on this project. The issue of the release of the water – we've come up with a plan for doing that. We're going to clean out the Walsenburg Ditch rather than deal with the problems we're encountering with the other landowner. That process has started. It's coming together real well. One of the main hurdles we need to get over is the approval of the state as far as the design of this project. Hopefully we have a foot in the door and we won't have a long wait. He's very impressed with the way the whole thing is coming together.

Grant Status: Regarding the grants we have out: the railroad building – Beth Neece gave a presentation to COG last week. He heard it was very good. COG rated that project #1. The USDA Grant – the application was turned in the 30th of July. We're forging forward with that project and that funding. CDBG – we're very close to having that application ready to submit. We have 3 or 4 items left that the staff needs to address and then we'll send it back to the grant writer. We're currently in the process of closing a CDBG grant that was secured for the engineering of the new wastewater treatment plant. Our plan is to get that closed out in the next couple of weeks. It's Mr. Hein's understanding that that grant was awarded in 2003 so it's about time to get it completed.

Town Hall Meeting: The Town Hall Meeting last week went very well. Ken Beuche gave a very good presentation. It was very well received. There were some questions about the Northlands that the Mayor did a fine job of explaining. It was a very positive Town Hall Meeting all the way around.

A member of the press asked for clarification on the Martin Lake valve project. He wanted to know if the cleanout of the ditch or the releasing of the water was beginning this week. Mr. Hein replied that they are beginning the cleanout of the ditch prior to the release of the water. He further asked when the release of the water might begin. Mr. Hein replied that we're tentatively looking at the end of September or first of October.

Chief of Police Larry Baldonado reported that a meeting is planned this week with the school district to address several issues, one of which is traffic control around Peakview and the high school. There were a lot of problems last year with parents parking on Champa. His intent is to close Champa (in front of Peakview) during school hours. That would require that the school district provide another entrance into the parking lot. He's not sure that we have the funding to do that and it shouldn't be our responsibility to do that. Those are the things that we're going to discuss and also the police presence at the school - how we respond to incidents involving students at the school. They get to meet the new Principal, Dr. Siders, and the new Athletic Director (and Assistant Principal) will be present at the meeting also.

Now that our K-9 unit is back from a 10 week training program, Chief Baldonado would like to do a demonstration prior to the next council meeting. Mayor Sheldon asked if it is a new dog. Chief replied that it is the same dog. Atos is a Czechoslovakian German Shepherd. When the previous K-9 handler left the Chief sent (officer) John Salazar (and Atos) to a 10-week training program in Larimer County. The dog is trained in patrol and drug detection which will be evident during the demonstration.

Mayor Sheldon asked how he thinks the flow of traffic through town during northbound

diversion is going. Chief Baldonado replied that “it’s not any better than the southbound traffic,” especially on Saturday and Sunday. What we haven’t had are accidents. Nor has he heard of any accidents on the interstate. There were a number of accidents during the southbound diversion. Mayor Sheldon observed that it seems like the northbound traffic is heavier than CDOT had anticipated. Chief Baldonado agreed.

Unfinished Business

The first item is the Audit report from Mr. Ron Farmer. He first asked that everyone return their hard-copy audit reports to Krystal after the meeting in order that a correction can be made on page V. They will then re-bind the financials and send the hard copies back for re-distribution. They’ll also send a new PDF format file that has the corrected MDNA. He recommends that we send the audit to the State Auditor’s office after the meeting. He assumes that the audit will be approved even with this error. The reason is that is due to the State Auditor by August 1st and he did not have Krystal apply for a 60-day extension because it’s going to be so close to August 1st that it was submitted to Council and approved that it won’t cause any problems. He recommends that she submit the current PDF and then, when she receives the corrected one, she can re-submit that. After reviewing the audit Mr. Farmer answered questions for Council Members and made several recommendations. A motion was made by Edie Flanagan, seconded by James Moore, to accept the audit report by Mr. (Ron) Farmer for 2008. Motion carried on a roll call vote of 8-0.

The next item on the agenda is the request from Tim Beaton (our water attorney) to open discussions with the Colorado Department of Health regarding the raw water line. The inclusion in the packet is regarding the City of Lafayette who recently went through a similar scenario. Our raw water line has users that have tapped into the raw water line in exchange for easements across their property. This is no longer allowable according to the Clean (Safe) Drinking Water Act The City of Lafayette had some court issues with this so there’s a memo regarding that in the packet. Mayor Sheldon discussed the need to replace the line because of its age and also the need to find a way to supply potable water to the people who are currently tapped in. Mr. Hein reiterated his plan to deal with this issue. After further discussion regarding the steps to securing grant money and planning of the project, a motion was made by James England, seconded by Susan Blake, that we move ahead with securing a grant writer for this and other projects and seeing what’s available in terms of grant money to fund the engineering for the raw water line project. Motion passed on a roll call vote of 8-0.

The next item on the agenda is the Request for Proposals for the 2009 auditor. Finance Chairman Larry Patrick reiterated that they had discussed a plan for advertising in the Finance Committee meeting. A motion was made by Larry Patrick, seconded by Edie Flanagan, that an advertisement for RFPs be placed for 2 weeks, starting this week, with the deadline for applications (proposals) being Friday, August 28th at 10:00 a.m. for bid opening, then bring the bids (proposals) into the Finance Committee meeting on August 31st for consideration and recommendations to the council at it’s September 1st meeting. Motion carried on a roll call vote of 8-0.

New Business

Introduced by James England, Ordinance 986, An Ordinance Modifying Residency Requirements for City Administrators, was accepted on a motion by Edie Flanagan, seconded by James England and Bruce Quintana.

ORDINANCE NUMBER 986

AN ORDINANCE MODIFYING RESIDENCY REQUIREMENTS FOR CITY ADMINISTRATORS

WHEREAS, the City of Walsenburg employs a city administrator as its chief appointed official; and
WHEREAS, it is in the best interests of the city for the city administrator to maintain legal residence in the greater Walsenburg community in order to facilitate more rapid response to emergency situations requiring hands on administration.

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

- (a) The greater Walsenburg community is defined for the purposes of this ordinance as that area encompassed by the municipal limits of the city of Walsenburg and that area within three miles of the city of Walsenburg municipal limits.
- (b) The city administrator must take up residence within the greater Walsenburg community within six months of commencing employment as city administrator.
- (c) The city administrator shall maintain legal residence within the greater Walsenburg community during tenure as city administrator.
- (d) The city council of the city of Walsenburg shall have the authority to waive the requirement set forth above upon the request of a city administrator for good cause shown.
- (e) **CONFLICTS.** To the extent that any conflict exists between this ordinance and any previously adopted ordinance, all previously adopted ordinances are hereby amended to the extent necessary to conform to this ordinance.
- (f) **SEVERABILITY.** Where this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect other provisions or applications of the ordinance which can be given separate effect, and to that end the provisions of this Ordinance are declared severable.

INTRODUCED, READ IN FULL, PASSED AND ORDERED PUBLISHED ON FIRST READING the 4th day of August, 2009

ADOPTED AND APPROVED the _____ day of _____, 2009.

CITY OF WALSENBURG

DATED this ____ day of _____, 2009.

BY: _____
Edith Sheldon, Mayor City of Walsenburg

ATTEST:

Motion passed on a roll call vote of 8-0.

The next item is Ordinance 987. After discussion, a motion was made by Larry Patrick, seconded by Bruce Quintana, to adopt Ordinance 987 Amending Ordinance 189 in the

Walsenburg Municipal Code to incorporate the Northlands into the existing wards.

ORDINANCE NUMBER 987

AN ORDINANCE AMENDING ORDINANCE NUMBER 189 AND THE WALSENBURG MUNICIPAL CODE CHAPTER 2, ARTICLE 1, SECTION 2-1-40 IN THEIR ENTIRETY.

WHEREAS, the city of Walsenburg recently annexed certain property into the city; and

WHEREAS, it is necessary to designate appropriate wards in which citizens living in the annexed areas will vote for their elected city officials.

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

Walsenburg Municipal Code Chapter 2, Article 1, Section 2-1-40 is hereby amended in its entirety as follows:

- (g) The City is hereby divided into four (4) wards, numbered respectively, First, Second, Third and fourth, as follows:
- 1) Ward No. 1 shall include all territory within the limits of the City of Walsenburg lying north of the middle of the roadway known as Colorado Avenue, commencing at the east City limit, west to the middle of the roadway now designated Harrison Avenue, thence north to the middle of the roadway now designated Kansas Avenue, to east of the middle of the roadway now designated as Main Street and east of the middle of the roadway now designated as Walsen Avenue. In addition, Ward No. 1 shall include all territory lying east of the middle of Highway 85-87.
 - 2) Ward No. 2 shall include all territory within the limits of the City of Walsenburg lying south of the middle of the roadway known as Colorado Avenue, commencing at the east City limit, thence west to the middle of the roadway now designated Harrison Avenue, thence north to the roadway designated Kansas Avenue, to east of the middle of the roadway now designated as Main Street.
 - 3) Ward No. 3 shall include all territory within the limits of the City of Walsenburg, lying south of the middle of the roadway designated Third Street, thence west to the middle of the roadway not designated as Pioneer Avenue, thence north to the middle of the roadway now designated as Second Street, thence west to the City limit.
 - 4) Ward No. 4 shall include all territory within the limits of the City of Walsenburg lying north of the middle of the roadway now designated as Pioneer Avenue, north to the middle of the roadway now designated as Second Street, thence west to the City limit. In addition, Ward No 4 shall include all territory lying west of Highway 85-87.
- (h) Each of said wards shall constitute one (1) voting precinct for all City elections.
- (i) A copy of a map of the City with Ward boundaries as hereby amended is on file in the office of the City Clerk and is available for inspection by the public at reasonable hours.
- (j) The City Clerk shall furnish a copy of the map to the Huerfano County Clerk and Recorder pursuant to Section 31-10-502, C.R.S. (Prior code 1.01.020; 2008 Recodification).
- (k) **SEVERABILITY.** Where this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction,

such holding shall not affect other provisions or applications of the ordinance which can be given separate effect, and to that end the provisions of this Ordinance are declared severable.

INTRODUCED, READ IN FULL, PASSED AND ORDERED PUBLISHED ON FIRST READING the _____ day of _____, 2009
ADOPTED AND APPROVED the _____ day of _____, 2009.

CITY OF WALSENBURG

DATED this _____ day of _____, 2009.

BY: _____
Edith Sheldon, Mayor City of Walsenburg

ATTEST:

Deputy City Clerk

Motion passed on a roll call vote of 8-0.

A motion was made by Edie Flanagan, seconded Larry Patrick, that the club liquor license application for Walsenburg Aerie #1187 (Eagles) for malt, spirituous and vinous liquors be approved. Motion passed on a roll call vote of 8-0.

The next item on the agenda is Resolution 2009 R-9, A Resolution Accepting a Residential Anti Displacement and Relocation Assistance Plan (for the CDBG application). Attorney Dan Hyatt asked for 2 changes to the wording of the resolution – first, change the word “Accepting” in the title to “Adopting”; second, in the introduction, the words “needs to” be changed to “shall.” Councilman Flanagan asked Mr. Hein to explain the resolution. Mr. Hein replied that it is his understanding that this is required by the CDBG application. Councilman Moore further clarified that it is a HUD requirement that if you are getting any government grants through HUD for any project, if you are affecting any population, that you will assume responsibility to manage any people who are disadvantaged. Councilman Flanagan wanted to clarify that we are not displacing any people and that this is a check-off requirement and a formality. Larry Patrick made a motion, seconded by James Moore, that Resolution 2009 R-9, A Resolution Adopting a Residential Anti Displacement and Relocation Assistance Plan, be adopted.

RESOLUTION NO. 2009 R – 9

A RESOLUTION ADOPTING A RESIDENTIAL ANTI DISPLACEMENT AND RELOCATION ASSISTANCE PLAN

The City of Walsenburg shall:

1. Replace all occupied and vacant occupiable low/moderate income dwelling units that are demolished or converted to another use in connection with a CDBG assisted activity.
2. Provide certain relocation assistance to any lower income person displaced as a direct result of the demolition or conversion of a low/moderate income dwelling unit in connection with a CDBG assisted activity.

To ensure that low/moderate income families will not be affected by the proposed CDBG project, the City of

Walsenburg has:

1. Viewed the project and has determined that no individuals, families, business or farms will be relocated as a direct result of the proposed CDBG project.

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

APPROVED AND ADOPTED this _____ day of _____, 2009.

By: _____
Mayor

ATTEST:

City Clerk

Motion passed on a roll call vote of 8-0.

A motion was made by David Mockmore, seconded by Bruce Quintana, to adopt Resolution 2009 R-10, A Resolution to Utilize the Requirements and Procedures of the Uniform Election Code of 1992.

RESOLUTION NO. 2009 R - 10

A RESOLUTION TO UTILIZE THE REQUIREMENTS AND PROCEDURES OF THE UNIFORM ELECTION CODE OF 1992 IN LIEU OF THE COLORADO MUNICIPAL ELECTION CODE OF 1965 IN ORDER TO PARTICIPATE IN COORDINATED ELECTIONS IN HUERFANO COUNTY

WHEREAS, the passage of Amendment 1 in 1992 and other legislation means that several governmental jurisdictions in Huerfano County will hold simultaneous elections from time to time on the date of the City of Walsenburg's regular municipal elections; and

WHEREAS, H.B. 93-1255, adopted by the Colorado Legislature, amends the Uniform Election Code of 1992 to allow several governmental jurisdictions to coordinate their election operations and permit the voter to vote on all candidates and all ballot issues and questions on one ballot; and

WHEREAS, the City of Walsenburg wishes to participate in coordinated elections; and

WHEREAS, Walsenburg municipal elections are governed by the Colorado municipal law; and

WHEREAS, C.R.S. §§ 31-10-102.7, 1-1-102(1) provide that any municipality may provide by resolution or ordinance that the municipality will utilize the requirements and

procedures of the “Uniform Election Code of 1992”, C.R.S. § 1-1-101 et seq. with respect to any election.

NOW THEREFORE, Be It Resolved By the City Council of the City of Walsenburg as follows:

1. Subsequent to the adoption of this Resolution, the City of Walsenburg shall utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965 for the purpose of participating in all coordinated elections with Huerfano County and any other participating entities in accordance with the provisions of C.R.S. § 31-10-102.7.
2. The City Clerk and Deputy City Clerk are hereby directed to work with the Huerfano County Clerk and Recorder and to take all necessary actions to conduct subsequent regular municipal elections in accordance with Article 10 Title X of the Colorado Constitution, the Uniform Election Code of 1992, and all other appropriate statutes.
3. This resolution shall not control special elections or regular elections where Huerfano County elects not to participate in a coordinated election or where the City of Walsenburg is the only entity conducting an election.

ADOPTED AND APPROVED this ____ day of _____, 2009.

Edith Sheldon, Mayor City of Walsenburg

ATTEST:

City Clerk / Deputy City Clerk

Motion passed on a roll call vote of 8-0.

A motion was made by Edie Flanagin, to 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 was seconded by James England. Motion passed on a roll call vote of 8-0. Attorney Dan Hyatt asked that (City Administrator) Alan Hein and (Assistant Administrator) Beth Neece be allowed to stay for the executive session. The time was approximately 8:20.

Following the executive session Mayor Sheldon made the following statement: *“The time is now 8:35 (p.m.) and I have turned the tape recorder back on because the privileged attorney-client communication is finished.”*

She then noted *“The time is now 8:35 (p.m.) and the executive session has been concluded. The participants in the executive session were: Councilperson James Moore, Councilperson James England, Councilperson Dave Mockmore, myself Edi Sheldon the Mayor,*

Mayor Pro Tem Bruce Quintana, Councilperson Susan Blake, Councilperson Edie Flanagan, Councilperson Larry Patrick, City Attorney Dan Hyatt, City Administrator Alan Hein, 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, the next item on the agenda is:

Adjournment

City Council meeting adjourned at 8:37 p.m.

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

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.