

STATE OF COLORADO  
COUNTY OF HUERFANO  
CITY OF WALSENBURG  
Regular Session Meeting  
August 18, 2009 7:00 p.m.

Mayor Sheldon called the meeting to order at 7:10 p.m. The Pledge of Allegiance was recited. Council members present were: Larry Patrick, Edie Flanagan, Susan Blake, Bruce Quintana, David Mockmore, James England, James Moore, and Erin Jerant. 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 August 4th Regular City Council meeting. A motion was made by Edie Flanagan, seconded by Susan Blake, that the minutes from the July 21<sup>st</sup> Regular City Council meeting be accepted as submitted. Motion carried on a Roll Call vote of 9-0.

**Committee Reports**

**Finance Committee** Chairman Larry Patrick reported that the committee met Monday evening with all Council members present along with Assistant Administrator Beth Neece and Finance Director Krystal Vigil and reporters from the Signature and Huerfano (County) World. The committee went over the monthly reports and asked the Finance Director several questions which were answered satisfactorily. The Finance Director and Administrator are looking into cash reserve issues and will have a report at the next Finance Committee meeting.

Heating of the train depot this winter was discussed. The City and Chamber of Commerce would like to have the Chamber remain in the depot to operate this winter. With the boiler out there is currently to heat in the building. The City and Chamber are working together on a plan to put in radiant heating for the winter to keep the office warm and keep the pipes from freezing. The Chamber is willing to share the cost of heaters and pay electrical costs above the monthly amounts (for gas) for the past year or two. Specs on the heaters will be looked at with bids put forth in September.

Discussion was held on the lease/purchase of a backhoe for the Streets and Alleys department. The Administrator will have more on that.

The Finance Committee and Council will begin working on the budget for the next fiscal year in the weeks ahead.

The next Finance Committee meeting will be on Monday, August 31 at 5:00 p.m.

**Parks and Recreation Committee** Chairman Bruce Quintana reported that the pool is closed for the season. The last 3 days of operation were not too good. He would like to have some time to gather and review the final financial and attendance numbers before reporting to Council.

**Safety Committee** Chairman Erin Jerant reported that the committee did not meet this month. The next employee meeting will be held on August 28<sup>th</sup> for an in-service regarding seatbelt safety.

**Public Resources Committee** Chairman Edie Flanagan reported that they did not meet on the 10<sup>th</sup> as regularly scheduled because of the Petroglyph/EPA hearing that was going on that night. The next Public Resources meeting will be on Monday the 24<sup>th</sup> (August) at 5:00 p.m.

### **Citizen Forum**

Mr. (Al) Tucker extended an invitation to everyone to attend a meeting on Tuesday (August 25<sup>th</sup>) at the Huerfano County Community Center to discuss water resource assessment for the City of Walsenburg. Since the EPA meeting on the 10<sup>th</sup> there have been some changes in Petroglyph's attitude. He thinks they're starting to come around. They're really interested in what kind of solutions they can help us with for some of the affected residents in the county as far as water (the City water). Some of the issues are the raw water line to the treatment plant – it's one of the first concerns – water source, available water, and adjudication (if any). Martha Rudolph, director of the CDPHE (Colorado Department of Public Health and Environment), over both the water quality control division and public health and environment, will be in attendance at the meeting. Mr. Tucker has also spoken to David Neslin who is the director of COGCC (Colorado Oil and Gas Conservation Commission) for the whole state. He is also interested. He also spoke to Gary Soldano (of CDPHE in Pueblo). He is very familiar with Walsenburg's raw water line. He is going to help come up with some solutions for that. We will also have representation from Congressman Salazar, Senator Bennet, and Senator Udall. The EPA will also be attending. It will be an interesting meeting. He thinks we can make a lot (of things) work, at least coming up with some solutions. He stated "Petroglyph is kind of backed up against a wall right now. They have several permits hanging and this doesn't guarantee anything for them. They just know that the residents of both the county and the city have demanded that they resolve some of the problems that have been created over the last several years." He restated his wish to extend an invitation to each and every council person to attend the meeting. The first part of the meeting (at 2:00 in the meeting room) will be a work meeting to try and resolve issues with people involved who can make decisions. During the second part of the meeting (in the auditorium at about 4:30) they will entertain public questions. He has gotten good feedback from staff at the state offices. These are people who report up to the Governor. They've heard about Walsenburg and Huerfano County working together. We're really fortunate that our local politicians have been behind the residents 100%. That's why we're getting people interested at Congress and Senate levels. A lot of things are happening in Huerfano County that the state is looking at so we can be models for some of the other areas (of the state) because we **have** united.

Dr. Margaret Hecht (a veterinarian) and Carla Dolce (an attorney) presented a proposal regarding a plan to get the feral cat population under control. They have formed a non-profit association to deal with this problem. There are groups of cats that are being fed by groups and individuals around the city. The city does not have the natural predators that normally keep the population under control. They are trying a "trap/neuter/release" program and also education of the public. They would like to get some help to buy traps. Dr. Hecht had done an internet search to get prices for the traps. Councilman Jerant had printed a catalog page from one of her vendors and offered to get traps for them at wholesale. After discussion regarding the legal ramifications of neutering someone's pet by mistake (Dr. Hecht stated that it's very easy to see the difference between feral domesticated cats) a motion was made by Larry Patrick, seconded by James England, that we donate \$400 for the Huerfano Cat Coalition to purchase traps while not

endorsing the program. Motion passed on a roll call vote of 9-0.

## **REPORTS**

**Administrator** Alan Hein reported on the following:

**Martin Lake Valve Replacement Project:** Mr. Hein is very pleased to report that the project is going very well. “All the pieces of the puzzle are coming together.” The engineer is on board with the way we plan to re-route the water. The Division of Parks and Wildlife is also on board and are going to build the cofferdam for us. The only problem they foresee in that operation is the removal of the cofferdam because there is a time constraint. Mr. Hein does not believe there is a problem and that the project should be completed long before they have to move their equipment and personnel out. We are cleaning the old Miriam ditch in preparation. We’re way ahead of schedule and the property owners have been very cooperative. The drawdown should be started on or before October 1<sup>st</sup>.

**Raw Water Line Status:** Mr. Hein has been in contact with Lee Merkel with DOLA to discuss some options available through their programs. He’s been in touch with TetraTech regarding the PER (Preliminary Engineering Report). He will meet with them later this week or early next week to get the project off the ground. He received a letter from the state regarding the water tank and the raw water line. Per their request he will respond within the next 2 or 3 weeks. He will put together the plan that was discussed previously.

**Gas Transmission Line Maintenance:** This project is complete with the exception of one small washout very close to town. That was a very successful program. It went better than expected. We’ve had some severe storms that have tested what we’ve done and it’s held up very well.

**Safeway Store Parking Lot Renovation:** Mr. Hein has been in contact with Safeway regarding the parking lot and we and they have come to an agreement on how we’re going to partner in getting that built. We’re waiting for the (Safeway) corporate office to give the go-ahead. It needs to be completed soon so we’ll hit it pretty hard once we get the go-ahead.

**Code Enforcement:** Activity has doubled in the last month. Mr. Hein has been working hard with the Code Enforcement Officer and it’s going very well. It will be a while before we see results but we are working toward that end.

**The new grocery store:** There was a concern about a month ago about the decel/turn lane(s) into the facility. He got a letter from the state that there was a design turned into the them by the developer. It was a very simple “asphalt and paint” design. The developer was concerned that the state was going to require an elaborate curb and gutter decel and turn lane and that the cost of that would throw the project off but the state approved his original plan.

**Bridge Repair:** Mr. Garcia (from CDOT) has assured Mr. Hein that the bridge will be open on September 3rd. They’re in the final stages of that project.

Councilman Patrick asked about the wastewater treatment plant. Mr. Hein has been hesitant to call the state directly so as not to “pull rank” on the engineer but he discussed it with the engineering firm and they encouraged him to do so. He will call the state in the morning (August 5<sup>th</sup>) to see if there is anything we can do to expedite approval of the plans. There was also some discussion on the subject of the negotiations regarding the Correa’s fence line. That issue will be discussed and the next Public Resources meeting.

Mayor Sheldon received a call from Wendy Pettit from CDOT regarding the handicap ramp at the water park. They would like that to be finished up. Mr. Hein will call them to find out

what the deficiencies are so we can get them corrected.

Councilman Jerant inquired about the backhoe purchase and specifically about the warranty on the used backhoe. Mr. Hein replied that it is a 4 year warranty. Mayor pro tem Quintana asked about the depreciation factor. The rule of thumb is 20% the first year and 10% after that on new equipment so it would be 10% per year on used equipment. Discussion was also held on maintenance records. Mr. Hein will re-evaluate the current plan and try to implement a better program. Mayor Sheldon asked about a record of maintenance on the used backhoe. Mr. Hein replied that the prior owner took very good care of it and assumes that there are probably good records but can confirm that. There was discussion about the differences in cost and warranty between the 2 machines being considered. Mr. Hein was asked about new versus used and replied that his philosophy is to buy new and rotate out every 5 years.

**Chief of Police** Chief Baldonado reported that he had a meeting with the school (administration) last week. Since the PD is fully staffed this year they are going to put a resource officer at the school.

There was discussion regarding the number of calls going through dispatch for the city (over 700 for July) and the cost. The rates will be going up in 2010.

**Monthly Reports:** Deputy Treasurer Lori Sheldon read the Treasurer's report. A motion was made by Larry Patrick, seconded by Susan Blake to accept the Treasurer's report. Motion passed on a roll call vote of 9-0. There was also discussion regarding the Firemen's Pension Fund.

### **Unfinished Business**

The first item is a memo regarding increasing the allocation of water for the Masonic Cemetery. This cemetery is apparently quite a bit larger than either of the St. Mary's cemeteries. It was decided to postpone this item until the Public Resources committee has a chance to review it.

The next item is a request from Headwaters Corporation to authorize agreements with Maria-Stevens Reservoir (Owners) and Cucharas Reservoir (Huerfano-Cucharas Irrigation Company) for storage of Martin Lake water. Mr. Hein stated that it is a request for approval of the council to submit the requests to these entities. After discussion regarding notification to the owners of the water rights, a motion was made by James England, seconded by Edie Flanagan, to authorize Headwaters Corporation to contact these entities to arrange the storage agreement. Motion passed on a roll call vote of 8-1 with the nay vote from Councilman Jerant.

Next is the proposal for Phase II of the Gateway project. Attorney Dan Hyatt made some changes to the proposal and recommends that Abel Consulting be notified of the changes. A motion was made by James England, seconded by Edie Flanagan to accept the Phase II Proposal Acceptance and to allow Mayor Sheldon to sign the agreement. Motion passed on a roll call vote of 9-0.

Following introduction by James England, Edie Flanagan made a motion, seconded by Susan Blake, to approve and publish, in its entirety, Ordinance 988 Establishing the Method of Allocating Different Term Lengths for Council Members to Establish Staggered Terms.

**ORDINANCE NUMBER 988**  
**AN ORDINANCE ESTABLISHING THE METHOD OF ALLOCATING DIFFERENT TERM LENGTHS**

**FOR COUNCIL MEMBERS TO ESTABLISH STAGGERED TERMS**

WHEREAS, Ordinance number 971 established four year terms for city council members elected in the regular 2009 municipal election and thereafter; and

WHEREAS, Ordinance number 971 provided that one council member from each ward elected in the 2009 municipal election would receive a two year term and one council member from each ward elected in the 2009 municipal election would receive a four year term to establish staggered terms; and

WHEREAS, no methodology has been established to determine which council member will receive a two year term and which will receive a four year term; and

WHEREAS, it is in the best interests of the citizens of Walsenburg that this methodology be established prior to the election.

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

1. The council member from each ward who obtains the greatest number of votes for the office of city council member in the 2009 regular municipal election shall receive a four year term of office.
2. The council member from each ward who obtains the second greatest number of votes for the office of city council member in the 2009 regular municipal election shall receive a two year term of office.
3. This ordinance shall not be interpreted in such a manner as to disqualify any elected council member from his elected office who is otherwise qualified for that office.

**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 9-0.

### **New Business**

The first Item is the Lease/Purchase Agreement for the backhoe. After discussion regarding whether it will be a lease/purchase or a straight purchase a motion was made by Edie Flanagan, seconded by James England and Bruce Quintana to purchase, outright, a new backhoe for \$99,000.00 and to begin a maintenance program on all of our equipment. Motion passed on a roll call vote of 9-0.

Next is the Intergovernmental Agreement with Huerfano County for a coordinated election. A motion was made by James England, seconded by Bruce Quintana to accept the Intergovernmental Agreement between the City of Walsenburg and Huerfano County to hold a coordinated election and to authorize Mayor Sheldon to sign the agreement. Motion passed on a roll call vote of 9-0.

Next on the agenda is discussion of the possibility of changing the City Council meeting from 7:00 p.m. to 6:00 p.m. After discussion regarding the logistics of scheduling special meetings around the City Council meetings a motion was made by James England, seconded by David Mockmore and Bruce Quintana, that the Regular City Council meetings be changed from 7:00 p.m. to 6:00 p.m. on the first and third Tuesdays of each month, beginning with the September 1<sup>st</sup> meeting. Motion passed on a roll call vote of 9-0.

Next, Larry Patrick made a motion, seconded by Edie Flanagan that the Utility Office hours be changed from 9:00 a.m. – 4:00 p.m. to 8:00 a.m. – 4:30 p.m. except on “payment due” days and “shutoff” days when the window will remain open until 5:30 p.m. Motion passed on a roll call vote of 9-0.

Next item on the agenda is Resolution 2009 R-11. James England made a motion, seconded by Edie Flanagan, to accept and publish in its entirety Resolution 2009 R-11 A Resolution submitting a referendum to the registered electors on November 3, 2009 providing for City council Appointment of the position of City Clerk.

#### **RESOLUTION NO. 2009 R-11**

#### **A RESOLUTION SUBMITTING A REFERENDUM TO THE REGISTERED ELECTORS ON NOVEMBER 3, 2009 PROVIDING FOR CITY COUNCIL APPOINTMENT OF THE POSITION OF CITY CLERK**

**WHEREAS**, the position of Walsenburg city clerk is presently elected; and

**WHEREAS**, Colorado Revised Statutes 31-4-107(4)(1) provide that the city council may submit, by ordinance or resolution, for the approval of the registered electors at regular or special election a proposal that the position of city clerk be appointive rather than elective and that the city council make the appointment; and

**WHEREAS**, the statutory duties of the city clerk are ordinarily performed by an office manager or similar employee in combination with many other duties; and

**WHEREAS**, the statutory duties of city clerk are better performed by professional staff with appropriate education and training; and

**WHEREAS**, as of November 2003 only nine out of 271 Colorado cities and towns continued to elect the position of city clerk while 262 Colorado cities and towns had switched to appointed city clerks according to the Colorado Municipal League; and

**WHEREAS**, it is in the best interest of the city of Walsenburg to improve the professionalism of the positions of city clerk; and

**WHEREAS**, under C.R.S. §31-11-111(1) the city council must promptly set a ballot title upon ordering an election for a referendum; and

**WHEREAS**, a general municipal election shall occur on November 3, 2009.

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

FOLLOWS:

1. Pursuant to authority granted to the city council under C.R.S. section 31-4-107(4)(a), the Walsenburg city council hereby submits for approval of registered electors within the City of Walsenburg municipal limits at the Tuesday, November 3, 2009 general municipal election a referendum on whether the position of city clerk shall be a position appointed by the Walsenburg city council.
2. The city council hereby sets the following as the referendum ballot title:

**TITLE:**

**A REFERENUM AUTHORIZING THE WALSENBURG CITY COUNCIL TO APPOINT THE POSITION OF WALSENBURG CITY CLERK**

**SUBMISSION CLAUSE:**

**SHALL THE POSITION OF WALSENBURG CITY CLERK BE A POSITION APPOINTED BY THE WALSENBURG CITY COUNCIL?**

Yes

No

3. The referendum shall be approved where more votes are cast in the affirmative than are cast in the negative.
4. Adoption of this resolution by the city council shall constitute the final legislative action of the city council to adopt the content of the ballot title set forth above.

APPROVED AND ADOPTED this 18th day August, 2009.

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

Motion passed on a roll call vote of 9-0. Afterward discussion was held regarding the compensation/salary of the clerk. Mr. Hyatt explained it to the satisfaction of the members.

Next on the agenda is Resolution 2009 R-12. James England made a motion, seconded by Erin Jerant, to accept Resolution 2009 R-12, A Resolution Submitting a Referendum to the registered electors on November 3, 2009 providing for City Council appointment of the position

of City Treasurer.

**RESOLUTION NO. 2009 R-12**

**A RESOLUTION SUBMITTING A REFERENDUM TO THE REGISTERED ELECTORS ON NOVEMBER 3, 2009 PROVIDING FOR CITY COUNCIL APPOINTMENT OF THE POSITION OF CITY TREASURER**

**WHEREAS**, the position of Walsenburg city treasurer is presently elected; and

**WHEREAS**, Colorado Revised Statutes 31-4-107(4)(1) provide that the city council may submit, by ordinance or resolution, for the approval of the registered electors at regular or special election a proposal that the position of city treasurer be appointive rather than elective and that the city council make the appointment; and

**WHEREAS**, the statutory duties of the city treasurer are few and ordinarily performed by a city finance officer as part of that officer's duties; and

**WHEREAS**, the statutory duties of city treasurer are better performed by professional staff with appropriate education and training; and

**WHEREAS**, as of November 2003 only nine out of 271 Colorado cities and towns continued to elect the position of city treasurer while 262 Colorado cities and towns had switched to appointed city treasurers according to the Colorado Municipal League; and

**WHEREAS**, it is in the best interest of the city of Walsenburg to improve the professionalism of the positions of city treasurer; and

**WHEREAS**, under C.R.S. §31-11-111(1) the city council must promptly set a ballot title upon ordering an election for a referendum; and

**WHEREAS**, a general municipal election shall occur on November 3, 2009.

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

5. Pursuant to authority granted to the city council under C.R.S. section 31-4-107(4)(a), the Walsenburg city council hereby submits for approval of registered electors within the City of Walsenburg municipal limits at the Tuesday, November 3, 2009 general municipal election a referendum on whether the position of city treasurer shall be a position appointed by the Walsenburg city council.
  
6. The city council hereby sets the following as the referendum ballot title:

**TITLE:**

**A REFERENDUM AUTHORIZING THE WALSENBURG CITY COUNCIL TO APPOINT THE POSITION OF WALSENBURG CITY TREASURER**

**SUBMISSION CLAUSE:**

**SHALL THE POSITION OF WALSENBURG CITY TREASURER BE A POSITION APPOINTED BY THE WALSENBURG CITY COUNCIL?**

Yes

No

7. The referendum shall be approved where more votes are cast in the affirmative than are cast in the negative.
  
8. Adoption of this resolution by the city council shall constitute the final legislative action of the city council to adopt the content of the ballot title set forth above.

APPROVED AND ADOPTED this 18<sup>th</sup> day of August, 2009.

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Deputy City Treasurer

Motion passed on a roll call vote of 9-0.

Discussion was held regarding laptops for City Council in order to cut down on the amount of paper used for Council meetings.

Councilman Jerant wanted to let everyone know that there is a meeting at the Community Center regarding the transmission lines on Wednesday (August 19<sup>th</sup>) evening between 4:00 and 7:00.

**Adjournment**

City Council meeting adjourned at 8:45 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.