

STATE OF COLORADO
COUNTY OF HUERFANO
CITY OF WALSENBURG
Regular Session Meeting
October 20, 2009 6:00 p.m.

Mayor Sheldon called the meeting to order at 6:00 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, 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 October 6th Regular City Council meeting. After clarification on the spelling of Judge Lusero's name, James England made the motion, seconded by Susan Blake, that the minutes from the October 6th Regular City Council meeting be accepted.. Motion carried on a Roll Call vote of 9-0.

Committee Reports

Finance Committee Chairman Larry Patrick reported that the committee met on Monday (October 19th) evening with all council members in attendance along with City Administrator (Alan Hein), Assistant Administrator (Beth Neece), Signature reporter (David Rinehart), and himself present. Much of the meeting was used in reviewing monthly reports and asking questions of the Administrator and the Finance Director (Krystal Vigil). All questions were answered or being researched. No progress has been made on the selling of the Kincaid property although it's only been a couple of weeks. A short discussion was held on the Youth Camp facilities near the hospital. A meeting with various entities will be held on Thursday (October 22nd) at the Library to discuss any progress on use of those buildings. Progress on the budget for 2010 is coming along. Krystal Vigil and Alan Hein have been working diligently on it. The final draft is expected to be available to the Council at the next Finance meeting to discuss any likes, dislikes or changes. The mill levy status for Walsenburg is to be approximately 16.013 for 2010. It is an estimate as final figures will not be available until December.

Parks and Recreation Committee Chairman Bruce Quintana reported that the committee met at 5:00 p.m. on (October) 13th. The main focus of discussion was the budget for the water park. They went through the budget line by line and talked about different line items. They adjusted some line items down. They felt salaries could be adjusted down as we're going to "tighten our belts somewhat". There were a number of other items that were also adjusted. The cost of the Splash Pass was adjusted to 20 entries instead of 30 entries for \$60.00. They also discussed the skate park. He heard that the presentation regarding the park at the last Council meeting was very well received. The committee in charge of it is moving forward with fund raising. The next meeting will be Monday, November (9th) at 5:00. Brian Orr from the Huerfano Journal asked about the final figures for the water park. Chairman Quintana replied that they are still waiting for one item. Mr. Hein stated that we're close and we don't have a final on it as of this evening.

Safety Committee Chairman Erin Jerant reported that the Parks and Recreation committee meeting ran late and she had another meeting to attend that evening so the Safety Committee did not meet.

Public Resources Committee Chairman Edie Flanagin stated that she has been on vacation so the Public Resources Committee did not meet this month. However, she had the results on the bids for the Kincaid and East Ranch pasture leases. There were 2 bids for the Kincaid pasture for November 1st through March 1st with the stipulation that if the property is sold the pasture will have to be vacated within 30 days. One was from Malcolm Riggins for \$4,350.00 and the other from the Kreutzers for \$4,580.00. Erin Jerant made the motion, seconded by Bruce Quintana that the bid from the Kreutzers for \$4,580 be accepted. Motion passed on a roll call vote of 9-0. One bid was received for the East Ranch for November 1st through March 1st. A motion was made by Erin Jerant, seconded by James England that the bid from Doug Brgoch for \$3,260 be accepted. Motion passed on a roll call vote of 9-0. The next meeting will be held on October 26th at 5:15. There may be some discussion regarding the billing for the cemeteries at that meeting.

CITIZEN FORUM

Mayor Sheldon invited Mr. Karl Tomsic to the podium. Mr. Tomsic stated that he and a group of (mostly) veterans, some of whom are disabled vets, from the Vietnam era have identified a need to help kids and seniors at Christmas time. The group has been meeting on a regular basis and is in the process of getting established as a non-profit organization. They are asking for the City's help with their project. They have several events planned for the near future. Mayor Sheldon asked whether they're asking citizens for gifts of money or (non-monetary) gifts to distribute. Mr. Tomsic replied that they want to put together food baskets for the needy, they want to distribute gifts to children for Christmas, and they want to supply some things to the seniors who don't have anything for Christmas. They are waiting for word on whether they can get the Eagle's hall donated for a charity dinner. They have a substantial number of gifts from the community at this time. They have a bank account. James England made a motion, seconded by Bruce Quintana, that \$1,500.00 be donated to the Walsenburg Veterans Associates. Motion passed on a roll call vote of 9-0. Councilman Flanagin suggested that Mr. Tomsic talk to Sangre de Cristo Volunteers for Change who may be able to help them establish their non-profit status.

REPORTS

Administrator Alan Hein reported on the following:

Martin Lake Valve Replacement: Augmentation is finished and the drawdown was started on the 15th. We had a construction site orientation last week. Four or five contractors attended for an explanation of the project. The bid opening is next week at 2:00 on October 29th.

Wastewater Treatment Plant Status: Construction plans will be available at the Dodge Room (which is where contractors go to review plans for big projects). That process will go for about 3 weeks. The bid opening is tentatively planned for December 2nd. Hopefully we'll break ground on that at the first of the year.

Raw Water Status: We're currently working on the PER. The engineer has come up with some really innovative design ideas that we will present to the council, hopefully in the next few weeks.

Safeway Store Parking Lot Renovation: This is complete. We have a little cure time on the last driveway entrance. The crew did a very professional job and should be commended. It was a good partnership with Safeway. We'll be reimbursed for our services rendered. He's very proud of this project.

The New Grocery Store: It's still moving ahead. They're (the gas department) in the

process of relocating the gas line. They've been pot-holing and getting ready for the installation of the new line. Barring any weather conditions we will start that project next week. There is one more structure that is scheduled to be removed tomorrow (October 21st). There is also a small telephone conflict that should be resolved in the next 60-90 days. Councilman Patrick asked about a groundbreaking date. Mr. Hein replied that it will be the first of next year. There was problem with the environmental study but that has been resolved. The first round of his loan application process was gone through without any problem. The state (CDOT) is working with us on the access to the property so it's all starting to come together.

2010 Budget There will be a budget workshop on November 2nd. November 3rd there will be information available to the Council at the regular meeting.

Huajatolla Valley Estates: They had asked at the last regular meeting if they could purchase (lease) some water from the city through the drawdown process for some augmentation they owe to the state. That was referred to the Mayor, Assistant Administrator and himself. It was decided that the charge per acre foot would be \$750.00. One of the problems is that they currently do not have funds available. The offer was made to give them 90 days to pay \$2,625 with no interest and the remainder over the course of 12 months. They took it back to their board for their approval. It was decided that they will not purchase (lease) the water at this time because of their lack of funding.

Water Storage Tank: We have been re-ranked by the Drinking Water State Revolving Fund. Mr. Hein and Mayor Sheldon attended a meeting in Denver a couple of weeks ago and presented a couple of these projects to them. They were very positive. The ranking came out last week and they have ranked the storage tank at #1 on the list and our raw water project at #5.

Councilman Jerant talked about how well the sidewalk repair project is going. Mayor Sheldon expressed her satisfaction with the Safeway parking lot project. Councilman England gave kudos for using City staff to work on projects that were previously awarded to outside contractors at large expense. Councilman Flanagin asked for clarification on the revolving loan fund (for the water projects). Mr. Hein replied that, depending on your qualifications, it is a 0% to 4% interest rate. The City qualifies for 0%. Fund money (grants, stimulus, etc.) is very tight right now and the competition is tough and we're pushing hard to get some of this funding. Brian Orr asked for clarification as to whether the water tank ranking is a bad thing (meaning is the water tank in bad shape). Mr. Hein replied that the ranking is based on the criteria to qualify for the money. We qualify for up to \$2.2 million.

Chief of Police Chief Baldonado reported on the explosion in the 400 block of Pennsylvania. There was a concern that the cause of the explosion might be that there was a meth lab at that location. It was not. It was a propane explosion. The resident had turned on 2 valves and lit his heater. He didn't realize that the 2nd valve was not capped and a short while later there was an explosion. The gas department responded quickly and turned it off at the source. There was significant structural damage but no one was hurt. Councilman England suggested that this might be a good time to offer free conversions from propane to natural gas as has been done in the past. It was suggested that it be reviewed in the Public Resources Committee meeting.

Monthly Reports

Deputy Treasurer Lori Sheldon read the Treasurer's Report. It was moved by David Mockmore, seconded by James England and Susan Blake that the Treasurer's Report be accepted. Motion passed on a roll call vote of 9-0. Mayor Sheldon asked if anyone had any

questions about the remaining reports. Councilman Jerant asked whether the tax revenues are down or up. Mr. Hein replied that he believes they're up a little bit. Councilman Moore stated that "it looks fairly flat." After further discussion Councilman Jerant asked for a simpler presentation of the information and also asked if the Northlands income has improved the tax revenues. Mayor pro tem Quintana suggested a more in depth quarterly report and a simplified report on a monthly basis. Mr. Hein replied that he has that available and can disseminate it to the Council. Councilman Jerant commended the utilities staff (Ginny in particular) for their hard work in getting the aged billing report down to about ½ what it was a year ago, and Mr. Hein for bringing the overtime within reason and keeping the expenditures on a lower level. Councilman Flanagan commented on the Treated vs. Billed report. She noted that we accounted for 99.91% of the water and wondered if that is an accurate number. Councilman England asked if it has become easier to track where all the water goes now that we're billing and tracking (more accurately). Beth Neece replied in the affirmative. The Council members expressed their pleasure regarding this also.

Unfinished Business

The first item is the codification of the ordinances. James England made the motion, seconded by James Moore, to approve the codification as it stands. Motion passed on a roll call vote of 9-0.

Mayor Sheldon asked if anyone has any questions regarding the emergency management plan that Chief Baldonado handed out at the beginning of the meeting. Councilman England asked if he had discussed the role of the Fire Chief with him. He wanted to make sure that the Fire Chief was involved in some of the scenarios. Chief Baldonado replied that he had not. He originally gave the plan to the prior Administrator to review (partially inaudible due to train horn in the background). He stated that it's his next step. Councilman England replied that he's sure that, in the case of a major catastrophe, the Chief would be in contact with all the appropriate entities. Councilman Jerant commented on the amount of detail in the plan and asked if there was a synopsis or summarization so it would be easier to follow in an actual emergency. Mr. Hein replied that a smaller version has been put together and that quarterly emergency management meetings need to be held with staff and (other) people involved. Councilman Jerant would like to wait to approve it until changes have been made and the synopsis becomes available. Mr. Hein replied that the plan is not going to change but that it will be condensed down to a working document. Edie Flanagan made the motion, seconded by Susan Blake that the plan be adopted with the contingency that the condensed document and the Fire Chief's role and recommendations be included. Motion passed on a roll call vote of 8-1 with the nay vote from Councilman Jerant. Councilman Flanagan asked Chief Baldonado if they had used the plan when the house explosion happened. Chief replied in the affirmative.

The next item is the proposed agreement with Mr. Wayne Clemmensen and Mr. T.I. Welch for additional storage in the Sharps Reservoir of water being released from Martin Reservoir. Mayor Sheldon asked Beth Neece to elaborate. Ms. Neece replied that the water would be released through the Gomez ditch. The advantage to storing there is that it's very close so there won't be much ditch loss or evaporative loss. The downfall is that it's small. She asked Mr. Clemmensen (who was present) to confirm the capacity. He replied that it was 68 acre feet but now it's about 28 (because of silt). Councilman Jerant stated that it would be nice if we could get some of the silt out so we could store more. Councilman England made the motion, seconded by Larry Patrick, that we accept the bid from T.I. Welch d/b/a Sharp Orchard Reservoir for the water exchange agreement and authorizing the Mayor to sign all necessary documents.

Councilman Jerant asked about the length of the agreement. Mayor Sheldon replied that we would get their call from the runoff next year. Motion passed on a roll call vote of 9-0. Mr. Clemmensen asked how the water would be measured. Mayor Sheldon replied that she believes there is a measurement device on the ditch that measures as the water is released. She asked that David Harriman be contacted for confirmation.

New Business

After noting that the address of the Spanish Peaks Library was not correct, a motion was made by Councilman Jerant, seconded by that

CITY OF WALSENBURG Resolution 2009 R-14

A RESOLUTION REGARDING POSTING LOCATIONS FOR PUBLIC MEETINGS, PUBLIC HEARINGS, AND ORDINANCES

WHEREAS, the Open Meetings law (The Sunshine Law) was enacted by the Colorado State Legislature on April 29, 1991, and this law declares that the formation of public policy is public business and may not be conducted in secret; and

WHEREAS, this City Council has determined that it is in the best interest of the citizens of the City of Walsenburg to post each month a listing of public meetings during that month; and

WHEREAS, the Sunshine Law also stipulates that the public place or places for posting such notices shall be designated annually; and

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

Posting locations to give notice of public meetings, public hearings, and ordinances passed in the City shall be as follows:

1. Main entrance to City Hall, 525 S. Albert Avenue, Walsenburg.
2. Bulletin board at County Clerk and Recorder office, Courthouse, Walsenburg.
3. Bulletin board at Spanish Peaks Library, 415 Walsen Ave., Walsenburg.

RESOLVED AND PASSED THIS 20th DAY OF October 2009

CITY OF WALSENBURG, COLORADO

Edith T. Sheldon, Mayor

ATTEST

Loretta Sheldon, Deputy City Clerk

be accepted and authorizing the Mayor to sign it with the address of the Spanish Peaks Library being corrected. Motion passed on a roll call vote of 9-0.

A motion was made by Edie Flanagin, seconded by Susan Blake, that

RESOLUTION NO. 2009 R-15

A RESOLUTION SETTING MUNICIPAL UTILITY DEPOSIT AMOUNTS AND VARIOUS MUNICIPAL UTILITY DELINQUENCY FEE AMOUNTS AND REPEALING RESOLUTION NUMBER 2008 R - 26

WHEREAS, Sections 4.5 and 5.8 of Ordinance 965 of the City of Walsenburg, Colorado, concerning municipal utility deposits and delinquency fees provides that the city council may set municipal utility deposits and delinquency fees by resolution; and

WHEREAS, the current municipal deposit amount is insufficient to offset one month's municipal utility billing; and

WHEREAS, the City Council desires to set various delinquency fees; and

WHEREAS, Resolution No. 2008 R-26 conflicts in part with this resolution.

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

a. Deposits

1. The municipal utility deposit for all municipal utilities is hereby set at two-hundred-fifty dollars (\$250.00) **effective June 4, 2008**.
2. A one-hundred-twenty-five dollar municipal utility discount shall apply to all municipal utility customers required to make a municipal utility deposit who will not receive natural gas service from the city. If after paying a discounted municipal utility deposit, a customer elects to receive natural gas service from the city, the discount shall be revoked without further affirmative action by the city and the customer shall be required to increase the municipal utility deposit to the full deposit amount in effect at the time the revocation occurs.
3. Municipal utility customers paying a non-discounted municipal utility deposit may, at the customer's option, pay the deposit in two equal monthly payments.

b. Delinquency Fees

1. Municipal utility accounts deemed delinquent for any municipal utility under Ordinance 965 or Ordinance 966 but not deemed disconnected from any municipal utility pursuant to this Resolution shall be assessed a delinquency fee in the amount of Twenty-Five dollars (\$25.00).
2. Municipal utility accounts remaining unpaid at 8:00 a.m. on the date of disconnection under Ordinance Number 965 or Ordinance Number 966 shall be deemed disconnected, whether or not physical disconnection has occurred, and the account shall be assessed an additional delinquency fee to cover collection costs and additional services in the amount of twenty five dollars (\$25.00) per utility service. It is the intent of this rule to avoid disparate treatment and establish equal treatment of municipal utility customers regardless of the specific time of day a customer may be physically disconnected and the specific time of day a customer may pay subsequent to 8:00 a.m. on the disconnection date.

c. **REPEAL**. Resolution Number 2008 R-26 is hereby specifically repealed.

d. **CONFLICTS**. To the extent required or necessary any resolution previously adopted which is inconsistent herewith, is hereby repealed, revoked or modified.

ADOPTED AND APPROVED this 20th day of October, 2009.

ATTEST:

Edith T. Sheldon, Mayor City of Walsenburg

Loretta Sheldon, Deputy City Clerk

be adopted, with corrections, published in title only and authorizing the Mayor to sign it. After reading of the resolution by Councilman Flanagin, the motion passed on a roll call vote of 9-0.

After introduction by Councilman England,

ORDINANCE NO. 990

AMENDMENT OF ORDINANCE NOS. 662, 853, AND 933 TITLED REGULATING AND LICENSING BUILDING TRADES INSIDE THE CITY OF WALSENBURG TO DELETE AND ADD CERTAIN INFORMATION AT SECTION 2. LICENSE FEES; SECTION 3. LIABILITY; AND SECTION 4. VIOLATION

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 delete and add certain information to Ordinance No. 853, 933 and 662, Regulating and Licensing Building Trades Inside the City of Walsenburg; and

WHEREAS, the City Council of the City of Walsenburg further finds that said deletions and additions are not in conflict with appropriate provisions of the City's comprehensive plan, and represents good regulating, and licensing building trades inside the City of Walsenburg; and

WHEREAS, the City Council has the authority pursuant to Title 31, Article 23 of the Colorado Revised Statutes, as amended.

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

Section 1. Ordinance No. 853, at Section 2: Licensing Fees, now reads at pertinent part: The following annual fees shall be charged by the City for the issuance of contractor's licenses for the following trades:

	Contractor	License Fee
2.1	General	\$80.00
2.2	Mechanical	\$50.00
2.3	Plumbing	\$50.00
2.4	Miscellaneous	\$50.00
2.5	Demolition	\$50.00
2.6	Electrical	\$50.00
2.6	Gas Fitters	\$100.00 the first year (includes examination fee) & \$50.00 annually thereafter

Fees shall be payable and licenses issued at the office of the City Clerk. Renewal licenses must be obtained within the first month of each calendar year.

Section 2. Ordinance No. 853 shall be amended to read at: Section 2. Licensing Fees.

	Contractor	License Fee
2.1	General	\$100.00

2.2	Mechanical	\$75.00
2.3	Miscellaneous	\$75.00
2.4	Demolition	\$75.00
2.5	Gas Fitters	\$100.00 the first year (includes examination fee) & \$75.00 annually thereafter

Section 2. Ordinance No. 933 shall be amended to read at: Section 2. Licensing Fees.

	Contractor	License Fee
2.1	General	\$100.00
2.2	Mechanical	\$75.00
2.3	Miscellaneous	\$75.00
2.4	Demolition	\$75.00
2.5	Gas Fitters	\$100.00 the first year (includes examination fee) & \$75.00 annually thereafter

Section 3. Ordinance No. 662 at Section 3: Liability, now reads at pertinent part: Prior to the issuance of any license and in addition to the licensing requirement specified above, each contractor must present adequate proof of liability insurance to cover the normal scope and detail of work he would expect to undertake.

Section 4. Ordinance No. 662 at Section 3: Liability, shall be amended to read: Prior to the issuance of any license and in addition to the licensing requirement specified above, each contractor must present adequate proof of liability insurance to cover the normal scope and detail of work he would expect to undertake, INCLUDING COLORADO WORKERS COMPENSATION INSURANCE.

Section 5. Ordinance No. 662 at Section 4: Violations, now reads at pertinent part: Any person who engages in the trade, business or calling of any of the contracting professions specified in Section 1 of this Ordinance without a permit or license as provided for by this Ordinance, or who violates any of the provisions of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars. Each day of such violation shall be construed as a separate offense.

Section 6. Ordinance No. 662 shall be amended to read at: Section 4. Violations: Any person who engages in the trade, business or calling of any of the contracting professions specified in Section 1 of this Ordinance without a permit or license as provided for by this Ordinance, or who violates any of the provisions of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than THREE HUNDRED DOLLARS, nor more than FIVE HUNDRED DOLLARS, FOR CONTRACTING WITHOUT THE PROPER INSURANCE. Each day of such violation shall be construed as a separate offense.

Section 7. Repealer: All ordinances or parts of ordinances 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.

Section 8. Severability: If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, 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.

Section 9. Effective Date: This Ordinance shall become effective upon second reading, publication by title and expiration of thirty (30) days thereafter.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 20th day of OCTOBER, 2009.

CITY OF WALSENBURG
Edith T. Sheldon, Mayor
City Clerk

ATTEST:
Loretta Sheldon, Deputy

PASSED ON SECOND READING, ADOPTED AND ORDERED PUBLISHED BY TITLE this 3rd day of
NOVEMBER, 2001.

CITY OF WALSENBURG

ATTEST:

Edith T. Sheldon, Mayor

Loretta Sheldon,
Deputy City Clerk

a motion was made by James England, seconded by Edie Flanagan to accept Ordinance 990.
Motion passed on a roll call vote of 9-0.

Councilman Jerant asked if the codification would be updated with the ordinances that have
been passed since the current accepted version. Ms. Neece replied that we will submit changes
annually and the book will be updated.

Adjournment

With no further items on the agenda, the City Council meeting adjourned at 7:10 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.