

STATE OF COLORADO
COUNTY OF HUERFANO
CITY OF WALSENBURG
Regular Session Meeting
November 18, 2008 7:00 p.m.

Mayor Sheldon called the meeting to order at 8:40 p.m. due to the lateness of three earlier meetings held this evening: the Pledge of Allegiance was recited. Council members present were: Larry Patrick, Edie Flanagin, Susan Blake, Bruce Quintana, David Mockmore, Erin Jerant, James England and Lou Taylor. Others present were Public Works Supervisor Rich Tenorio, City Administrator Eric Pearson, City Clerk/Treasurer John E. Zgut, and City Attorney Daniel Hyatt.

APPROVAL OF MINUTES

The minutes of the November 11, 2008 meeting as corrected were accepted on a motion by David Mockmore seconded by James England Motion passed on a Roll Call Vote of 9 to 0.

Committee Reports

Finance Committee Chair Larry Patrick noted his Committee discussed finances, asked for December 15, 2008 as finance meeting to accept 2009 budget, set December 1, 2008 meeting to discuss donation of the burned out apartment building on Walsen Avenue to the city by current owner.

Parks and Recreation Committee met with the Walsenburg Golf Course board and will meet them again at 5:00 p.m. on November 17, 2008 at the Walsenburg Golf Course. Mayor Sheldon suggested looking into grants from several sources such as the Audubon Society for additional funding sources. The agreement in place calls for a City Council member to sit on the Golf Course board and the city will exercise that right.

Safety and ADA Committee met November 13, 2008. Chair Lou Taylor noted tree roots affecting concrete sidewalks were discussed; the all-employee Safety Meeting will be held November 21, 2008 around noon after Municipal Court ends. There will be no all-employee Safety Meeting scheduled in December, 2008. The next Safety and ADA Committee meeting will be December 18, at 5:00 p.m.

Public Works Committee Chair Edie Flanagin Committee met November 5, 2008 at which the cemetery association representatives were present but did not accept the readings on the water meters. They all know in 2009 fees will be assessed for water usage in their cemeteries. The next Public Works Committee meeting will be on November 20, 2008 at 4:30 p.m. at which infrastructure will be discussed. Lou Taylor noted his budget billing had not changed and the Utility office staff noted there was to be a change in the rate structure for water charges. He was not aware of this change and he is on City Council. City Administrator Eric Pearson explained that item had been stricken from the agenda and will be discussed in Committee before next Regular City Council meeting.

Citizen Forum

No one spoke before City Council at this meeting.

REPORTS

City Treasurer Zgut reported as of October 31, 2008 Finance Director Krystal Vigil reported **\$8,749,112.42** in the various city accounts. David Mockmore made the motion with Erin Jerant seconding to adopt the City Treasurer report as presented. Motion passed on a Roll

Call Vote of 9 to 0.

City Administrator Eric Pearson reported he let the Department heads go home because of the lateness of the hour for City Council meeting to begin. Some of the reports were not yet completed but would be in their mail boxes when done.

Pearson told City Council that an unspecified donation from **El Paso Gas/CIG** toward the Walsenburg Wild Waters Park for the Daniels Family Fund Grant will be made in time to qualify for that grant deadline. Finance Director Krystal Vigil will have a profit and loss style report for the Water Park to show how the Park works. KSPK has asked if City Council would approve a seasonal greeting for 15 second ad spots during the holiday season.

Unfinished Business

Motion to **adopt Ordinance 977**, AN ORDINANCE OF THE CITY OF WALSENBURG REGULATING TRANSIENT DEALERS, PEDDLERS, CANVASSERS, AND SOLICITORS AND REPEALING ORDINANCE NUMBER 763, on second reading and order published in full was made by James England and then seconded by Bruce Quintana. Motion passed on a Roll Call Vote of 9 to 0. Ordinance goes here.

Larry Patrick made the motion with a second by Erin Jerant to **adopt the Intergovernmental Agreement with the county on dispatch**. Motion passed on a Roll Call Vote of 6 to 2, Susan Blake abstaining with Bruce Quintana and Lou Taylor voting no.

A Special City Council Meeting was set for December 15, 2008 to **finalize the 2009 budget** on a motion by Larry Patrick seconded by James England; Motion passed on a Roll Call Vote of 9 to 0.

New Business

A motion to renew the **liquor license for Benjamin Archuleta, the Starlite Inn**, at 110 West 6th Street, was made by Erin Jerant, seconded by Susan Blake; motion passed on a Roll Call Vote of 9 to 0.

A motion to adopt **Resolution 2008 R- 26, A RESOLUTION SETTING MUNICIPAL UTILITY DEPOSIT AMOUNTS AND VARIOUS MUNICIPAL UTILITY DELINQUENCY FEE AMOUNTS AND REPEALING RESOLUTION NUMBER 2008 R-12** was made by Larry Patrick seconded by Edie Flanagan and Susan Blake; motion passed on a Roll Call Vote of 9 to 0. Resolution 2008 R-26 A RESOLUTION SETTING MUNICIPAL UTILITY DEPOSIT AMOUNTS AND VARIOUS MUNICIPAL UTILITY DELINQUENCY FEE AMOUNTS AND REPEALING RESOLUTION NUMBER 2008 R-12.

RESOLUTION NO. 2008 R-26

A RESOLUTION SETTING MUNICIPAL UTILITY DEPOSIT AMOUNTS AND VARIOUS MUNICIPAL UTILITY DELINQUENCY FEE AMOUNTS AND REPEALING RESOLUTION NUMBER 2008 R-12.

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-12 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 fifty dollars (\$50.00). 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-12 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 18th day of November, 2008.

ATTEST:

Edith T. Sheldon, Mayor City of Walsenburg:

John E. Zgut, City Clerk

A motion to adopt **Resolution 2008 R-27**, with spelling and language corrections was made by Larry Patrick. James England seconded the motion. Motion passed on a Roll Call Vote of 9 to 0.

A motion to approve **RESOLUTION NO 2008 R-26, GRANTING DISCRETIONARY AUTHORITY TO ADMINISTRATOR WITH RESPECT TO FEES ESTABLISHED IN RESOLUTION NO 2008 R-26**, was made by Larry Patrick, with a second by Erin Jerant, that motion passed on a Roll Call Vote of 9 to 0.

RESOLUTION NO. 2008 R-27

A RESOLUTION GRANTING DISCRETIONARY AUTHORITY TO ADMINISTRATOR WITH RESPECT TO FEES ESTABLISHED IN RESOLUTION NO. 2008 R-26

WHEREAS, Resolution Number 2008 R-26 establishes certain fees for municipal utility customers; and

WHEREAS, the fees are intended for ordinary situations but may not be equitable in certain extra-ordinary

circumstances; and

WHEREAS, the City Council desires to provide a mechanism for allowances in those unforeseen circumstances where application of the fees may lead to inequitable results;

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

1. The City Administrator or his designee is hereby given authority to waive or adjust municipal utility delinquency fees set forth in Resolution Number 2008 R-26.
 2. Waivers or adjustments shall be made in cases where inequity would exist without the waiver or adjustment.
 3. The City Administrator may refer waiver or adjustment issues to the Public Work Committee for input and customers may appeal the initial City Administrator's decision to the Public Works Committee.
 4. The Public Works Committee may upon referral or appeal consider the matter and make its recommendation to the city administrator.
 5. Upon receipt of the Public Works Committee's recommendation, the city administrator shall make a final decision on the issue.
- e. **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 18th day of November, 2008.

ATTEST:

Edith T. Sheldon, Mayor City of Walsenburg

John E. Zgut, City Clerk

A motion to approve **Resolution 2008 R-28 A RESOLUTION AMENDING RESOLUTIONS 2008 R-13 AND 2008 R-19 BY EXTENDING THE CLOSING DATE OF THE ECONOMIC DEVELOPMENT INCENTIVE ON ABANDONED WATER TAPS LOCATED ON THE CITY OF WALSENBURG WATER SYSTEM**

WHEREAS, Ordinance 965 of the City of Walsenburg, Colorado, provides that the city council may set fees and rates by resolution; and

WHEREAS, the City Council ("Council") for the City of Walsenburg ("City") adopted Resolution 2008 R-13 to encourage redevelopment of properties by allowing abandoned taps on the City's water system to be re-established at a discounted tap fee; and

WHEREAS, The Council adopted Resolution 2008 R-19 to add irrigation taps to this incentive; and

WHEREAS, these resolutions specifically set December 31, 2008 as the last day that this incentive would be provided as an economic development incentive; and

WHEREAS, the Council believes that extending this expiration date for an additional six (6) months will encourage more properties owners with abandoned taps to take advantage of this incentive and spur economic development.

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

- f. Resolution 2008 R-13 is hereby amended by striking the December 31, 2008 incentive closing date and inserting a new closing date of June 30, 2009.

- g. Resolution 2008 R-19 is hereby amended by striking the December 31, 2008 incentive closing date and inserting a new closing date of June 30, 2009.

ADOPTED AND APPROVED this 18th day of November 2008.

ATTEST:

Edith T. Sheldon, Mayor City of Walsenburg

John E. Zgut, City Clerk

Other items on the agenda will be postponed until the December 2, 2008 meeting.

Adjournment

City Council meeting adjourned at 9:45 p.m.

CITY OF WALSENBURG

ATTEST:

Edith T. Sheldon,
Mayor

John E. Zgut,
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.