

STATE OF COLORADO  
COUNTY OF HUERFANO  
CITY OF WALSENBURG  
Regular Session Meeting  
December 1, 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 Flanagin, Bruce Quintana, David Mockmore, Erin Jerant, James England, and James Moore. Susan Blake was absent. Others present were City Administrator Alan Hein, Assistant Administrator Beth Neece, City Attorney Dan Hyatt and Deputy City Clerk/Treasurer Lori Sheldon.

**APPROVAL OF MINUTES**

Mayor Sheldon asked for a motion to accept the minutes from the November 17th Regular City Council meeting. Edie Flanagin made the motion, seconded by James Moore, that the minutes from the November 17th Regular City Council meeting be accepted. Motion carried on a Roll Call vote of 8-0.

**Committee Reports**

**Finance Committee** Chairman Larry Patrick reported that the committee did not meet the prior evening as the Finance Director (Krystal Vigil) asked for an additional week to fine tune the budget. There will be a work session next Monday (December 7<sup>th</sup>) at 5:30 to discuss the budget. They did meet on November 18<sup>th</sup> to discuss the budget which is taking shape. There was also discussion on the viability of going to a 4-day work week to save money. There was very little information to discuss at that time regarding this matter. It is on the agenda for this evening.

**Parks and Recreation Committee** Chairman Bruce Quintana was going to report the final numbers for the water park but an error was found in the report. He wants to have a corrected version. Mr. Hein said that he would have that tomorrow. Brian Orr (from the Huerfano Journal) inquired as to what the report said. Mr. Quintana replied that it seems to be a negative \$120,000.00. Councilman Moore interjected that the correct operating loss is \$93,000.00. It was determined that this is a valid number and Mr. Quintana said that copies are available if anyone wants one.

**Safety Committee** Chairman Erin Jerant reported that the committee did not meet and they will meet on Monday, December 7<sup>th</sup> at 5:15. She also reported that the staff safety meeting was on November 18<sup>th</sup> on the topic of hypothermia.

**Public Resources Committee** Chairman Edie Flanagin reported that the committee met on Monday, November 23rd. They went over the comprehensive plan and discussed the goals and objectives for each of the short-term, mid-term and long term plans. They marked several of them completed. The committee felt pretty good that approximately 50% of the short-term objectives have been completed and several of the mid-term projects also. They marked several of the copies of the plans that (Assistant Administrator) Beth has. She urges the Council to review this again next November to see how much more has been accomplished. She would also like to urge the new council to complete 2 mid-term projects under section 4-2 (Protect and Stabilize Existing Residential Neighborhoods) – first is to prepare an inventory of vacant and blighted

properties as a first step in pursuing urban renewal projects, second is prepare an inventory of historic properties as a first step in pursuing historic sight designation. Those are two objectives that should be put in the forefront. Otherwise we are doing a lot of the things that were in the Comprehensive Plan as far as infrastructure and other types of planning. They came away from the meeting feeling pretty upbeat. Mayor Sheldon asked Beth whether anything has been heard about the NP2 program application. Mayor pro tem Quintana reported that he has been in touch with Ivor Hill the appraiser from Pueblo who is currently working with Pueblo on NSP1. The moneys have been received for NSP1 but are not being doled out. There are some errors in the application and they're sorting out that problem. He thinks it's a good thing that they have found errors in NSP1 because it will smooth out the sailing for us in NSP2. Ivor stated that this is a good thing for (Walsenburg) because even though it's delaying their progress with NSP1, once the issues with NSP1 are hashed out it should be smooth sailing for NSP2.

### **CITIZEN FORUM**

No citizens signed in to speak.

### **REPORTS**

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

**Martin Lake Valve Replacement:** Mr. Hein met with the project engineer and the Colorado Parks department this morning. They went out and measured the depth of the lake. They came to the conclusion that it's time to start building the cofferdam. It was at about 4 ½ feet in the channel area going into the valve. As of this morning the drawdown is officially over. Councilman England asked for confirmation that it was completed 11 days ahead of schedule. Mr. Hein confirmed this. Mayor Sheldon asked if the state had approved the plans for the cofferdam. Mr. Hein replied that they will not need to approve the cofferdam but that the project plans will be reviewed and by the time the cofferdam is complete they should be ready to go ahead with the project at the first of the year. Councilman Jerant asked how many feet were drawn down. Mr. Hein replied that it was 14 or 16 feet. They were surprised that up by the valve it's quite a bit higher than they had anticipated. There is still quite a large pool. The fish biologist was very pleased with the amount of water that they're going to leave in the lake. At this point it's gone very well.

**Wastewater Treatment Plant Status:** The bid opening is Wednesday, December 9<sup>th</sup> in Denver. There was a pre-bid meeting at the site two weeks ago. There were over 100 participants that toured the site. He's never seen so many people interested in a project. Hopefully that's a positive sign as far as getting a good bid. There is certainly competition in the bidding. They're anticipating 25% - 30% lower than the engineer's estimate. He's anxious to see how many people actually bid this. The bid opening date was originally scheduled for the 2<sup>nd</sup> but they pushed it back because of all the interest.

**Raw Water Status:** Petroglyph has sent us the money through the efforts of the Mayor. Mr. Hein had slowed down the PER because of fears that we would not receive the money. When the money was deposited in the bank the engineer was called and given the go-ahead. Hopefully we'll have a PER by the 15<sup>th</sup> of this month. They were quite a way along with the process. They have most of their information gathered and it's just a matter of putting it together. Mayor Sheldon informed Beth that the PER needed to be in Denver at the office of Water Quality Control by the 15<sup>th</sup>. Beth replied that she had informed the engineer that we needed to have it by the 13<sup>th</sup>.

**Four/Tens:** Regarding going to four 10-hour workdays on a 6-month trial, information was requested on hard numbers for this concept and we ran through our budget and looked at utilities and fuel, etc. and came up with a savings of about \$25,000.00 per year. The most important thing to consider is the increase in efficiency and productivity. Also important is time off. He's noticed that a lot of days are taken for doctor appointments because it's a day's trip if the doctor is not in Walsenburg. He believes that the soft costs are the bigger benefit to going to a 4-day week. We started out going to CML to research cities that have looked into doing this. We got responses from 2 cities – Melrose and Lyons. Neither believed the savings were enough to justify making the change. Lyons is planning on taking 6 furlough days over the next year. There are negatives and positives to this concept. Mr. Hein believes that the soft costs are the more important ones to consider and he also believes that it really fits this organization. Councilman Jerant remarked about the benefit regarding overtime. Mr. Hein replied that it has been shown that overtime is reduced under this model because people are tired and they want to go home after 10 hours. He also believes that money will be saved on emergency callouts. Councilman Moore stated that it will be difficult to gauge our savings even after we have practiced the model. Mr. Hein replied that our objective is to reduce our costs and if it helps us get that to where it's manageable then that's our objective.

Councilman England asked a question about an item that had been discussed at the last budget meeting about an ad valorem tax rate being set and due by December 15<sup>th</sup> and a particular bill being sent out. He asked if those 2 tasks had been accomplished. Mr. Hein replied that we don't have enough information to yet to set the rate and asked for clarification on the second item. Mayor Sheldon responded that we are talking about the Northlands. Mr. Hein replied that the bill has not been sent. Mayor Sheldon stated that there was an estimate of about \$70,000.00 given that the Northlands Committee asked for the City to pay expenses when we were going through the formation of the GID. She's not sure whether (Finance Director) Krystel has been able to collect all that information. Mr. Hein replied that she (Krystel) is in the process of putting all that together and that we're running into problems with the way that was structured and what we can and can not do with the legalities of it. Mayor pro tem Quintana stated that there were 2 loans totaling \$47,000.00 that were collectible. Mr. Hein replied that we're working on it but the bill has not been sent. Mayor Sheldon said that before the ad valorem tax is set you have to take in the total amount expected to be expended on the project to put the infrastructure in. Mr. Hein replied that you have to incur debt or anticipated debt before you can set your mill levy. Mr. England asked for clarification that it will be set at a certain rate and we'll have to wait until next year to do anything about it. Mr. Hein replied that we don't have the criteria put together and that yes, nothing will happen until next year. Mayor Sheldon said we need a better response from USDA in terms of whether or not they're going to loan and grant money to us. We still have no response except for a verbal commitment from the Office of Economic Development regarding the CDBG grant. We won't have any information on the DOLA grant until some time in mid-January. Mr. Hein replied that this is correct and that we have no debt to draw on. We don't have any of the criteria necessary to go to the next step.

Councilman Jerant asked about the office restructuring and what moves are taking place in the building. Mr. Hein replied that the state inspectors will probably be moving into the space he's in now. The Building inspector will also be moved into that area. The council office will move into the inspectors' office, Beth will move into the current

Council office and Alan will move into the public works office. The reasons for the moves are to cut down on interruptions for Alan and Beth so they can get work done and to give Council a larger space for committee meetings, etc. and to get them closer to chambers. She asked about the clerk's office and whether having the inspectors in there will make that job more difficult. Mr. Hein responded that it won't be any worse than it is now. She asked about when it will happen. He's waiting for some bad weather to bring the guys in to do the moves.

**Chief of Police** Chief Baldonado reported that he's working on the emergency plan summary that was talked about in a prior meeting. He hopes to have that ready for review for the next Council meeting. He is also working on the Hazmat Annex portion of the plan for their review. There was also discussion regarding the arson problem and increasing patrols or just showing a stronger presence by the police in the nighttime hours when these incidents occur. They are preparing to present evidence to the District Attorney regarding the arson on 8<sup>th</sup> Street. Mayor Sheldon asked for confirmation that the CBI has also been investigating. Chief Baldonado confirmed that they have been assisting.

### **Unfinished Business**

Councilman England introduced Ordinance 991:

#### **AN ORDINANCE AMENDING THE WALSENBURG MUNICIPAL CODE CHAPTER 6, ARTICLE 5 AND ORDINANCE NUMBER 990 REGARDING BUILDING TRADES IN THEIR ENTIRETY**

**WHEREAS**, the City of Walsenburg entered into an intergovernmental agreement allowing the Regional Building Authority to issue building trade licenses; and

**WHEREAS**, it is necessary to amend previously existing ordinances to provide for the change of licensing authority; and

**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 regulate building trades inside the municipal limits of the City of Walsenburg; and

**WHEREAS**, the City Council has authority pursuant to C.R.S. § 31-15-501(1)(c) to license, regulate, and tax any lawful occupation.

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

- a. Municipal Code Chapter 6, article 5 and ordinance number 990 regarding building trades are hereby amended in their entirety as follows.
- b. Definitions.
  - a. The term "Building Trade" in this Article shall mean engaging in any concrete work on a property or any form of construction work or service to create, improve, repair, remodel, or upgrade a structure or any part of a structure for which work or service the state of Colorado does not issue a license.

- b. The term "Contractor" in this Article 5 shall mean a person, corporation, limited liability company or unincorporated association engaged in a building trade as an independent contractor for another person, corporation, limited liability company or unincorporated association. A homeowner as defined herein is not a contractor.
  - c. The term "Homeowner" in this Article 5 shall mean a natural person personally engaged in any form of building trade on property owned by that homeowner.
- c. All contractors shall
- a. present adequate proof of a minimum of one-million dollars of liability insurance to the city building inspector or designee prior to the issuance of a building permit, and
  - b. present adequate proof of a workers' compensation insurance policy where the contractor employs or intends to employ others for the services being provided.
  - c. The liability insurance and workers' compensation insurance shall remain in full force and effect from the time the building permit is issued until all work has been completed on the project for which the building permit was issued.
  - d. Homeowners who employ or intend to employ a person to assist the homeowner with work the homeowner is personally performing shall provide adequate proof of a homeowner's policy for the property upon which the work will occur or a workers' compensation insurance policy to the building inspector or designee prior to the issuance of a building permit. The policy shall continue in full force and effect from the date of issuance of the building permit until all work has been completed on the project for which the building permit was issued.
  - e. It is unlawful for any contractor to perform a building trade within the municipal limits of the city of Walsenburg without a building trade license for the work being performed issued by the Regional Building Authority or the state of Colorado. Each day said work is performed without a building trade license shall be a separate offense.
  - f. Penalty. Whoever violates any provision of this ordinance shall be punished by a fine of not less than two hundred dollars (\$200.00) or more than three-hundred dollars (\$300.00) for each offense.
  - g. Severability. Where any phrase, clause or section of this ordinance is held to be unenforceable or unconstitutional for any reason by a competent court, such decision shall not affect the validity or enforceability of the remaining portions of this ordinance.
  - h. Repealer. All ordinances previously adopted are hereby repealed or amended to the extent necessary to conform to this ordinance.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this \_\_\_\_\_ DAY OF DECEMBER 2009.

PASSED ON SECOND READING, ADOPTED AND ORDERED PUBLISHED BY TITLE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF WALSENBURG

ATTEST:

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Edith T. Sheldon, Mayor

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Loretta Sheldon,  
Deputy City Clerk

After a question from Councilman Jerant regarding the codification process, Mayor

Sheldon replied that any new ordinances will be collected and sent in and the book will be updated. Mr. Hein confirmed this and said we would find out what the schedule is. Councilmen Patrick and Moore asked for clarification on letter “d” in the ordinance. Mr. Hyatt provided an explanation of the intent of that section. James England then made the motion, seconded by James Moore, to accept Ordinance 991 and to publish it in its entirety in the paper of record. Motion passed on a roll call vote of 8-0.

James England made the motion, seconded by Edie Flanagan, to accept the construction services contract with Seifert Enterprises, LLC for the Martin Lake dam outlet rehabilitation project and to allow the Mayor to sign whatever paperwork is necessary to put the contract into effect. Motion passed on a roll call vote of 8-0. Brian Orr from the Huerfano Journal asked about the amount of the contract. Several Council persons answered with the amount of \$324,784.

### **New Business**

Edie Flanagan made the motion, seconded by Erin Jerant that the renewal application for a Tavern Liquor License, malt, vinous and spirituous liquors, for the Starlite Inn be approved. Motion passed on a roll call vote of 8-0.

James England made the motion, seconded by James Moore that the renewal application for a beer and wine Liquor License, malt and vinous liquors, for the Frederick T. Eccher and Ronald R. Eccher, d/b/a Crown Lanes be approved. Motion passed on a roll call vote of 8-0.

Regarding the 4-day work week, Councilman Patrick noted the discrepancy between the information in the binder that states that there could be savings of up to \$180,000.00 and the “hard number” savings that were estimated for the City. He believes that it should be discussed in a work session so that staff has more time to gather information. He’s also concerned that, even though it’s a pilot program, staff is not going to want to switch back if it’s found to not be working. After discussion of other options, including furlough days and further layoffs, and the potential problems of getting citizens to adjust to a new schedule, and the advantages to parents of having a 4-day week, a motion was made by Edie Flanagan, seconded by Larry Patrick, to postpone the decision on the pilot program until a further work session can be held. Motion passed on a roll call vote of 8-0.

### **Adjournment**

With no further items on the agenda, the City Council meeting adjourned at 7:00 p.m.

CITY OF WALSENBURG

ATTEST:

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Edith T. Sheldon,  
Mayor

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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.

