

STATE OF COLORADO
COUNTY OF HUERFANO
CITY OF WALSENBURG
Regular Session Meeting
December 15, 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, Susan Blake, Bruce Quintana, David Mockmore, Erin Jerant, James England, and James Moore. 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 December 1st Regular City Council meeting. Edie Flanagin made the motion, seconded by Erin Jerant, that the minutes from the December 1st 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 the prior evening with all council members present except 1. Also in attendance were Administrator (Alan Hein), Assistant Administrator (Beth Neece), Finance Director (Krystal Vigil), the 3 new in-coming council members (Silvana Lind, Nick Vigil, Craig Lessar), Mike and Nancy Lave, and reporters from the (La Veta) Signature and (Huerfano) World. Discussions were held on the 2010 proposed budget and changes that need to be made for consideration at tonight's meeting. Finance Director Krystal Vigil answered questions and explained things to council that they needed to know. Monthly reports were gone over and questions and concerns were addressed at that time.

Parks and Recreation Committee Chairman Bruce Quintana had no report.

Safety Committee Chairman Erin Jerant had no report.

Public Resources Committee Chairman Edie Flanagin had no report.

CITIZEN FORUM

No citizens signed in to speak.

REPORTS

Administrator Alan Hein reported on the following:

Wastewater Treatment Plant Status: The job bid last Thursday in Denver. We expected the bids to be lower than the engineer's estimate. They were actually 10-11% over the engineer's estimate of \$4,840,000.00. The low bid came in at \$5,381,000.00. There were 13 bidders. The spread was \$1,318,000.00. There were 3 or 4 bidders whose bids were very close to each other. They left \$195,000.00 on the table. In this size of job it's good to be that competitive with the bids. We are currently in the process of re-evaluating the design of the project to see where we can cut some costs. We have available for this project \$3.8 million at this time so we're off about \$1,000,000.00. Mr. Hein has contacted the low bidder who has come up with some ideas for some cost-

saving suggestions. We are also working with the engineer on some re-design of it. One of the big items is the building which was designed as a concrete building. They're talking about cutting that back to a metal building. We're looking at different ways of cutting costs to make it cost-effective to build. Mayor Sheldon asked why there was such a large discrepancy between the engineer's estimate and the low bid. Mr. Hein replied that there were 2 line items where there was a large margin. One of those was the electrical components for the facility. The other was for one of the tanks used in the treatment process. They're still reviewing why there was such a big spread on those two items. The design is minimal as far as what the standard is so there's very little wiggle room as far as cutting big-ticket items. Councilman Jerant asked if there was a way to make sure the footing is good so we can add a brick or cinder-block building later. Mr. Hein replied in the affirmative. Another option is to use the laboratory buildings that are already on site. Councilman Patrick asked about \$700,000.00 that's held back in reserve. Mr. Hein replied that those funds cannot be used. Mayor Sheldon stated that that money has to be held back until construction is complete. Councilman Moore asked if it is a bond-payment reserve. Mr. Hein confirmed this. Mayor pro tem Quintana asked what the cost of the re-design would be. Mr. Hein replied that there would be no cost as it is part of the original project. It's been suggested that we let it out for bid again. He strongly recommends that we don't do that. There are significant costs associated with doing that and you won't gain any ground. The bids would probably come in a bit higher. What we need to do is try to get it down to where we can handle it financially. If not then we need to see if we can come up with some more funding. Mayor Sheldon said that Mayor pro tem Quintana brought up the point that there is a modular construction company out by the prison. Mr. Hein stated that he is going to look at the line items on the bid and see if we can do some of the work in-house. There are several options available. The bid opening was disappointing but it is what it is. Councilman Patrick made the point that we had re-bid the water park and it came in lower than the original. Mayor Sheldon said that it was still higher than it needed to be. Mayor Sheldon suggested that if the modular plant can handle the building that might really lower the cost because the transportation costs would be less. Mayor pro tem Quintana listed some of the types of buildings that the modular plant has built saying that they could handle just about anything you could throw at them. Councilman Patrick asked if Mr. Hein wanted to take any action at this time. Mr. Hein replied that we are still negotiating with the contractor so there no action is recommended at this time.

Raw Water Line Status: The PER was completed and sent to CDPHE. It was hand-delivered to them today. We should get a copy of it by Friday. It's a loan of \$2.2 million if we can secure it. It is his understanding that at one time it was a no-interest loan. At this time it will probably be a low-interest loan.

Martin Lake Valve Replacement: The cofferdam is complete. The construction went very well. We left quite a bit more water in the lake than was originally planned. The biologist was very pleased with that. The layout of the lake was different than originally anticipated. The low spot was further out and it wasn't as deep at the valve as they originally thought. We still don't have approval from the State. We got the signed contract back from the contractor today. As soon as we get the green light from the State we'll go ahead and start construction. The cofferdam is holding very well. There was concern about seepage but so far that has been minimal. Councilman Jerant asked what is needed from the State. Mr. Hein replied that they have to approve the design criteria. They have said that they're understaffed and have furlough days and they'll get to it

when they can. He thinks it will just be a matter of days.

Best and Brightest program: Beth has been accepted in this program. The grant is for \$35,000.00 over 2 years for wages and benefits. Councilman Jerant asked what Beth will be when she's done. Beth replied that she will have her Masters in Public Administration

Walsenburg Golf Association: The association has extended an invitation for the Mayor and Council to attend their Christmas Dinner on December 22nd at 5:00.

Chief of Police Chief Baldonado presented an item commentary on the Chief's Advisory Committee. It is an informal group of citizens that will provide open and objective input and advise the Chief on several matters. Members will be selected by him and will represent of a wide cross-section of the community, including but not limited to, business owners, managers, neighborhoods, churches, education and council representatives from the safety committee. It will not be an official board of the City of Walsenburg and the committee will not have any involvement in policy or operational matters nor will it serve as a forum for police misconduct complaints. Councilman Jerant asked whether this had been tried before and no one applied. Chief replied that what we tried before was the C.O.P.S. program with a response of 2. Ms. Jerant asked what this is for and whether he's trying to find out how the public feels about the PD. Chief replied that he's trying to get citizens involved and to help us out with what the issues are, not only with the police department but with the entire city. Mayor Sheldon asked about Item #2 and what he perceives to be the operational challenges. Chief replied that an officer resigned this afternoon and that will leave them an officer short. He wants to look at how we can be more efficient with less officers and those types of issues. Councilman Jerant asked if he shouldn't hold on this since the CCT meeting to discuss combining the Sheriff and Police departments will be held the following evening. He would like to proceed with it and see what kind of interest is out there for this committee. Mayor pro tem Quintana thinks that the community would be interested in talking to him but that at some point in time they may want to discuss performance of police officers and expressed concern that the Chief would not want to hear that. Chief replied that this is the whole point of the committee. Councilman Jerant pointed out that the committee would be hand-picked by the Chief and was concerned that, if he chose police department sympathizers he would not get a whole lot of truthful information or feedback. Ms. Jerant is also concerned about business leaders discussing ways to overcome operational issues because that sort of thing should be left to the city administrators. Chief replied that they would provide input. It's not a policy-making advisory board and not part of the Council. Ms. Jerant asked if Council would be involved. Chief replied that those Council members on the Safety Committee would be. Councilman Flanagin asked about when Chief is thinking of starting this. He replied that it would be after the first of the year. Mayor Sheldon asked if he was advertising this. Chief replied that he is not because he wanted to bring it to Council's attention first. Councilman Patrick asked whether Mr. Hein had any feeling about this or whether he had any prior experience with something like this. Mr. Hein replied that this is new for him. Councilman Jerant suggested that it be discussed further before beginning the program. Councilman Patrick agreed, suggesting that it be discussed in the Safety committee. He thinks the idea is worth looking into. Chief replied that there are other organizations that have a Chief's advisory committee. Mr. Patrick and Ms. Jerant reiterated that it should be discussed in the Safety committee meeting and then recommendations brought back to

council. Mayor pro tem Quintana agreed, saying that limits should be set on how much police business can or should be discussed by this committee.

Chief Baldonado also reported that officer Arturo Jaramillo had resigned this afternoon. Councilman Jerant asked if an exit interview had been conducted. Chief replied that he had not had an opportunity yet to talk to officer Jaramillo since his letter was just turned in this afternoon. Councilman Patrick asked how many officers remain. Chief replied that there are now 12.

Councilman Jerant expressed a concern that Councilman England had about a section of the commentary that states that “committee members may at times become privy to sensitive law enforcement information. As a result, personal history information and criminal history check is required for all applicants.” Attorney Hyatt replied that voluntary consent is required to do a criminal background check. Councilman England said that his concern is that the committee would have access to private information regarding the police department in an investigation. Chief responded that it will not involve any police misconduct. Council persons Jerant and England reiterated their concern that committee members will have access to sensitive information. Chief replied that it is something that he will have to be careful about but there is a possibility that committee members would see privileged information and that’s why we should do background checks.

Councilman Jerant asked when officer Jaramillo’s resignation will take effect. The Chief replied that it would be December 22nd.

Monthly Reports

Mayor Sheldon stated that the reports had been looked at in the Finance meeting and asked if anyone had any questions. Councilman Flanagan appreciates the detail provided in the new code enforcement report.

After reading of the treasurer’s report by Lori Sheldon, Larry Patrick made a motion, seconded by Edie Flanagan, that the report be accepted as presented. Motion passed on a roll call vote of 9-0.

Unfinished Business

Michael Sheldon (IT Contractor) was going to make a presentation regarding the paperless agenda in order to do away with the binder packets. Councilman Patrick asked why, since there was a prior proposal that was rejected by Council, that it was being presented again. Mayor pro tem stated that he had asked Alan but it was misunderstood as to what the request was. Mr. Patrick wanted to know why it didn’t go through committee if there is new information. Mr. Quintana stated that the original request was just for cost of computers and the original proposal included a modification of the recording system and a big-screen TV so he had requested a simple review of what it would cost for computers for Council. Mr. Sheldon said he looked at the cost of Dell Inspiron netbooks as the least expensive alternative. Those will cost between \$249.00 and \$315.00 per computer depending on how they’re configured. Mr. Patrick pointed out the security risks detailed on the proposal and reiterated that it should be considered in committee before being brought before Council. Mayor Sheldon said that Mr. Sheldon had suggested to her that a pilot program could be done without any expenditure and that perhaps that could be done before taking it to committee. Councilman Jerant suggested using Mayor pro tem Quintana’s laptop as the machine for the pilot program. Mayor Sheldon then said that the questions would be whether the Netbooks could handle the

task. It was pointed out that nothing was budgeted for it. Mayor Sheldon asked if it was agreed that it should go to committee. After further discussion, James England made a motion, seconded by Larry Patrick and Edie Flanagin, that the paperless agenda item be moved to the next Finance Committee meeting agenda for the first meeting on January 4th. Motion passed on a roll call vote of 9-0.

The next item on the agenda is the compressed work week. Councilman Patrick pointed out that there was debate on this at a prior meeting and is concerned that employees will be upset if the pilot program does not work and they have to go back to a 5-day work week. He would like to see further data from cities that have tried similar programs. Councilman England said that we'll never get the information if we don't take the leap. He has spoken with several staff. They told him that, if it will help the city, everyone was in favor of giving it a shot. After further discussion and a question from Councilman Flanagin regarding whether it is required by statute that the clerk's office stay open, to which the answer from Dan Hyatt was no, Ms. Flanagin made the motion, seconded by Erin Jerant and Susan Blake, that the Council permit the pilot program for the 4-day work week to proceed. Motion passed on a roll call vote of 5-4 with the nay votes from Larry Patrick, James Moore, David Mockmore and Mayor Sheldon. Councilmen Jerant and Moore then made statements in favor and in opposition respectively regarding the issue.

At this point Shirley Tobin introduced Alicia from the Huerfano County Youth Leadership Team to talk about their holiday gift drive in conjunction with the la Plaza de Los Leones Youth Auxiliary and the Veterans and Associates. They are having a youth dance with admission being an unwrapped gift. The gifts will then be wrapped and donated to the Veterans and Associates for their giveaway. They also had gathered donations from business for seniors in need at Thanksgiving. The la Plaza de los Leones group, which raises money for scholarship funds for Huerfano County students, formed a youth auxiliary in April. The Youth Auxiliary has also raised close to \$1,000.00 through youth activities such as video game tournaments, teen dances and other events (1 or 2 per month). They would like to see more participation from community leaders. They issued an invitation to a community dance on December 17th from 7:00 to 11:00 at the Huerfano County community center. There were commendations from the Mayor and several Council persons for the work that these groups are doing.

Bruce Eccher then issued an invitation from the Association from the Walsenburg Golf Course. There are several new members on the association and they are having a prime rib dinner to introduce the new members and they would like Council members and guests to attend.

New Business

First Item is the job descriptions for the Clerk and Treasurer. Councilman Flanagin asked for confirmation of the source of the job description. Mr. Hein replied that they were put together from the state statutes. Mayor Sheldon asked for clarification of definition of these positions, since the voters rejected the measure to make the Clerk and Treasurer positions appointed instead of elected. Mr. Hyatt replied that they will still be considered elected officials even though Council is forced to appoint this time due to the fact that no one ran for these positions. She also wanted to clarify that the person appointed is only required to perform the duties listed in the statutes and if further work is

to be done, a person can be hired to do that or, if the clerk takes on added duties, the salary could be adjusted accordingly. Mr. Hyatt confirmed that this is correct and that this is how most small cities do this. Councilman Jerant asked for clarification about the treasurer's duties. Mr. Hyatt said that normally the treasurer's duties are overlaid on the finance director's duties. His suggestion is to appoint the finance director as the treasurer. Since the finance director does not live in Walsenburg, this can not be done. After further discussion and clarification on some points in the statutes regarding the timeline and whether the position had to be appointed from the applicants (to which the answer was no), a motion was made by James England, seconded by Bruce Quintana, that the appointment of city clerk be moved to the agenda for the new council. The motion was then withdrawn after Councilman Flanagan pointed out that this agenda item was about approving the job descriptions. Edie Flanagan then made a motion, seconded by James Moore, that the job descriptions for City Clerk and City Treasurer be approved for inclusion in the handbook. Motion passed on a roll call vote of 9-0.

A motion was made by James England, seconded Bruce Quintana, that

RESOLUTION NO. 2009 R-16

A RESOLUTION ESTABLISHING A ONE-HUNDRED-TWENTY DAY MORATORIUM ON ISSUANCE OF BUSINESS LICENSES FOR MEDICAL MARIJUANA DISPENSARIES OR ANY BUSINESS DESIRING TO DISTRIBUTE, SELL OR TRANSFER ANY FORM OF MARIJUANA FOR MEDICAL PURPOSES.

WHEREAS, the Colorado Constitution has been amended by the people of the state of Colorado to allow for the use of medical marijuana; and

WHEREAS, the city requires time to establish appropriate rules and regulations to address the operation of entities commonly known as medical marijuana dispensaries; and

WHEREAS, it is estimated that this process will take approximately one-hundred-twenty days.

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

1. A moratorium is hereby established for a period of one-hundred-twenty days from the date of execution of this resolution on the issuance of any business license for any business desiring to establish a medical marijuana dispensary or other business regardless of name or title the intent of which is to distribute, sell or transfer any form of marijuana for medical purposes.
2. The city attorney is directed to prepare a proposed ordinance providing rules and regulations for medical marijuana dispensaries so that it can be timely considered before the end of the moratorium.
3. The city clerk and deputy clerk are hereby instructed not to issue any business licenses for said purposes until the end of this moratorium, or where an ordinance is passed prior to the end of the moratorium, until said ordinance is in full force and effect.

ADOPTED AND APPROVED this ____ day of _____ 2009.

ATTEST:

City Clerk/Deputy Clerk

be approved. There was discussion regarding the reasons for the moratorium and how some other municipalities are handling this, and clarification that a caregiver growing and distributing to a single patient does not constitute a dispensary and that it doesn't even constitute a business unless the person is paying for it. Mayor Sheldon talked about being able to tax it and Mr. Hyatt responded that the Colorado Attorney General issued a formal opinion on that and marijuana distributed through a marijuana dispensary is subject to taxation. Mr. Hyatt has also heard that having it dispensed through licensed pharmacies and having CSU grow it is being discussed. Councilman Moore asked whether the legislature is likely to make a decision during the moratorium period. Mr. Hyatt replied that if they are close then we can extend the moratorium. The motion passed on a roll call vote of 9-0. Mr. Patrick asked whether the federal government is taking a "hands off" approach to the situation. Mr. Hyatt replied that the US Attorney General has issued a directive to the prosecutors not to prosecute those operating medical marijuana dispensaries unless they are otherwise violating the law. There was some discussion about the Full Nexxus sign also.

Next, Edie Flanagan made the motion, seconded by Larry Patrick, that

RESOLUTION NO. 2009 R-17

WHEREAS the City Council of the City of Walsenburg is authorized by law to set rates for the sale of natural gas to the consumers of Walsenburg Utilities, and

WHEREAS, pursuant to Ordinance No. 966 natural gas rates are increased or decreased by Resolution the City Council of the City of Walsenburg; and

WHEREAS, the cost of natural gas to Walsenburg Utilities has decreased and said decreases are passed on to the consumers on a dollar per dollar basis; and

WHEREAS, a comprehensive rate analysis was conducted by Mike McFadden, the City's gas rate consultant, and he has recommended gas supply rates be decreased by approximately 25.13% as shown below for the upcoming heating season,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WALSENBURG, COUNTY OF HUERFANO, AND THE STATE OF COLORADO:

1. The rates for use and sale of gas to the consumers of the City of Walsenburg gas supply system shall have a monthly price as set forth below:

Customer charge \$7.98 per month
Delivery charge \$.30604 per ccf per month
Gas supply charge \$.29454 per ccf per month

2. The rates for use and sale of natural gas to the Town of Aguilar for their resale to Aguilar gas system customers shall have a monthly price as set forth below:

Customer charge \$7.98 per month
Delivery charge \$.09533 per ccf per month
Gas supply charge \$.29454 per ccf per month

3. The above rate shall become effective January 1, 2010.

Adopted and agreed on this 15th day of December 2009.

CITY OF WALSENBURG

ATTEST:

Edith T. Sheldon, Mayor

Loretta Sheldon, Deputy City Clerk

be accepted. There was discussion of what makes up the rate reduction of 25.13%, and the fact that the pass through of the payback to the customer comes in the form of a lower rate rather than a refund. Councilman Moore requested that the 3 separate revenue streams of the gas bill be reported separately rather than as one amount. The motion passed on a roll call vote of 9-0. Afterward it was agreed that the 5 (including the Aguilar rate) revenue sources would be report on separately. Mr. Hein will pass the requirement along to Krystel.

A motion was made by James England, seconded by David Mockmore, that

RESOLUTION 2009 R-18

A RESOLUTION PROVIDING FOR THE APPROPRIATION OF FUNDS FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2010

WHEREAS, it is necessary to appropriate revenues to provide for the operation of the City of Walsenburg during calendar year 2010.

NOW THEREFORE, BE IT RESOLVED THAT:

SECTION 1

There is hereby appropriated out of the revenues of the city of Walsenburg, Colorado for the calendar year beginning January 1, 2010, the following several amounts necessary to defray the expenses and meet the liability of the City of Walsenburg, Colorado, for the calendar year 2010.

GENERAL FUND	\$ 1,488,237.00
GAS FUND	\$ 1,532,156.24
WATER/SEWER FUND	\$ 7,240,987.29
FIRE PENSION FUND	\$ 4,600.00
CONSERVATION TRUST FUND	\$ 19,600.00
POWER TRUST FUND	\$ 5,500.00
CAPITAL IMPROVEMENTS FUND	\$ 471,683.96
WATER PARK FUND	\$ 177,200.00
STREET IMPROVEMENTS FUND	\$ <u>534,176.60</u>
TOTAL	\$ 11,474,141.09

ADOPTED AND APPROVED this 15th day of December 2009.

Edith T. Sheldon, Mayor

ATTEST:

Loretta Sheldon, Deputy City Clerk

be accepted with the word expenditures being stricken from the resolution. Motion passed on a roll call vote of 9-0.

Edie Flanagin made the motion, seconded by Larry Patrick, that

RESOLUTION NO. 2009 R-19

A RESOLUTION OF APPROPRIATION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2010 TO DEFRAY THE COSTS OF GOVERNMENT FOR THE CITY OF WALSENBURG, COLORADO, FOR THE 2010 BUDGET YEAR, AND FOR THE MILL LEVY ON EACH DOLLAR'S WORTH OF PROPERTY AS PER THE ASSESSED VALUE THEREON, AS SHOWN BY THE ASSESSOR OF HUERFANO COUNTY FOR THE YEAR 2010, AS FIXED BY THE BOARD OF EQUALIZATION.

WHEREAS, the City Council of the City of Walsenburg adopted its annual budget pursuant to local government budget law on December 15, 2009; and

WHEREAS, the amount of money necessary to balance the budget for general operating expenses is \$1,422,996.74; and

WHEREAS, the 2009 valuation for assessment for the City of Walsenburg, as certified by the County Assessor is \$25,881,483.00; and

WHEREAS, after reviewing the requirements for anticipated expenditures and revenues from all sources for 2010, the City Council of the City of Walsenburg has determined that for the year 2010, the proper mill levy, which shall be collected in 2010 upon each dollar of the assessed valuation of all taxable property in the City shall be 15.256 mills, plus Refunds/Abatements of .757 mills, for a total mill levy of 16.013 mills.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Walsenburg, Colorado:

SECTION 1

There is hereby levied upon each dollar's worth of property within the city limits of the City of Walsenburg for the purpose of defraying the necessary expenses and paying all legal obligations of said City for the calendar year beginning January 1, 2010, a tax of 15.256 mills, and adding Refunds/Abatements of .757 mills, for a total mill levy of 16.013 on each dollar's worth of property according to the assessed value thereon as shown by the valuation for assessment as certified by the Huerfano County Assessor for the year 2009 as fixed by the Board of Equalization.

SECTION 2

The Mayor and the City Clerk are hereby authorized and directed to immediately certify to the County Commissioners of Huerfano County, Colorado, the mill levies for the City of Walsenburg as hereinabove determined and set.

SECTION 3

This Resolution shall become effective immediately after its final adoption by the affirmative vote of three-fourths (3/4) of the City Council members and final publication.

Edith T. Sheldon, Mayor

ATTEST:

CITY OF WALSENBURG

Edith T. Sheldon, Mayor

ATTEST:

Loretta Sheldon, Deputy City Clerk

SEAL

be accepted as presented and published in the paper of record. Motion passed on a roll call vote of 9-0.

James Moore made the motion, seconded by Susan Blake, that

CITY OF WALSENBURG Resolution Number 2009 R-21

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GAS ENTERPRISE FUND TO THE GENERAL FUND

WHEREAS, the city of Walsenburg's general fund has a cash shortfall; and

WHEREAS, the general fund requires an infusion of \$160,000.00 in order to pay for necessary expenses for fiscal year 2009; and

WHEREAS, the City of Walsenburg owns and operates a natural gas enterprise; and

WHEREAS, the natural gas enterprise has cash reserves sufficient to offset the general fund cash shortfall.

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

1. The administration is hereby authorized to transfer one-hundred-sixty-thousand dollars from the gas enterprise fund to the general fund.
2. This resolution shall be effective immediately upon approval by the Walsenburg City Council.

ADOPTED AND APPROVED this ____ day of _____ 2009.

Edith T. Sheldon, Mayor

ATTEST:

Loretta Sheldon, Deputy City Clerk

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

Next on the agenda is the newspaper of record. James England made the motion, seconded by Erin Jerant that Council instruct staff to advertise for bids for the Newspaper of Record. Motion passed on a roll call vote of 9-0.

Edie Flanagan made the motion, seconded by Susan Blake, that

CITY OF WALSENBURG Resolution Number 2009 R-22

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED BY THE CITY OF WALSENBURG, COLORADO FOR BUDGET YEAR 2009

WHEREAS, the General Fund is in receipt of unanticipated revenue not assured at the time of the adoption of the 2009 budget; and

WHEREAS, funds for the General Fund will come from the Gas Fund;

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

3. The 2009 appropriation for the General Fund is hereby increased from \$2,091,884.00 to \$2,251,884.00 to pay for payroll, utilities, & general operating costs.

This resolution shall be effective immediately upon approval by the Walsenburg City Council.

ADOPTED AND APPROVED this ____ day of _____ 2009.

Edith T. Sheldon, Mayor

ATTEST:

Loretta Sheldon, Deputy City Clerk

be accepted as presented and published in the paper of record. Motion passed on a roll call vote of 9-0.

Edie Flanagan made the motion, seconded by Larry Patrick that Council enter 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 passed on a roll call vote of 9-0. Mr. Hyatt asked that Chief Baldonado, Alan Hein, Beth Neece and any new Council persons present stay for the executive session.

Mayor Sheldon stated that the time was 8:50:30 and the tape recorder has been turned back on because the privileged attorney/client communication is finished. Participants in the executive session were, Chief Larry Baldonado, Councilman Elect Nick Vigil, Assistant City Administrator Beth Neece, City Administrator Alan Hein, Attorney Dan Hyatt, Council person James Moore, Council person James England, Council person Erin Jerant, Council person David Mockmore, Mayor pro tem and Mayor Elect Bruce

Quintana, Council person Susan Blake, Council person Edie Flanagin, Council person Larry Patrick, and Mayor Edi Sheldon. 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. Mr. Hyatt asked Mayor Sheldon to mention the person who only participated for a short time. Mayor Sheldon stated that Council person elect Craig Lessar was also present but recused himself because of his employment with the Sheriff's department.

Adjournment

With no further concerns and no further items on the agenda, the City Council meeting adjourned at 8:52 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.