

STATE OF COLORADO
COUNTY OF HUERFANO
CITY OF WALSENBURG
Special Session Meeting
June 23, 2010 5:30 p.m.

Mayor Quintana called the meeting to order at 5:30 p.m. The Pledge of Allegiance was recited. Council members present were: Rick Jennings, Silvana Lind, Nick Vigil, David Mockmore, Erin Jerant, Craig Lessar, and James Moore. James England was absent. Others in attendance were Assistant City Administrator Beth Neece.

APPROVAL OF AGENDA

Erin Jerant moved, seconded by James Moore, that the agenda be approved as presented. Motion passed on a roll call vote of 8-0.

COMMENTS BY MAYOR

Mayor Quintana read a letter from Great Outdoors Colorado dated June 15, 2010 regarding Walsenburg Wild Waters in which they applauded the creative thinking that allowed the City to open the park in a trying financial situation. They also encouraged the City to contact them if a similar situation arises in the future so that they are able to help resolve any issues.

CITIZEN FORUM

No one signed in to speak.

Unfinished Business

None

New Business

After obtaining clarification of the intended dates of sale for both applications, Erin Jerant moved, seconded by Nick Vigil, that the fireworks license application for John Chadil, dba The Main Event, be approved for 6 months commencing on June 24th. Motion passed on a roll call vote of 8-0.

Nick Vigil moved, seconded by James Moore, that the fireworks application for Alcorn Enterprises, Inc. be approved for 6 months commencing on June 24th. Motion passed on a roll call vote of 8-0.

Beth Neece explained that the Contract with Tetra Tech for the Environmental Study for the Northlands encompasses \$13,000.00 of work that was already completed and approximately \$17,000.00 for the cultural assessment by ERO that USDA is requiring to be completed in addition. It will be paid initially from the remaining funds from Petroglyph but is reimbursable from the USDA loan. Erin Jerant moved, seconded by Silvana Lind, that the City expend \$16,968.00 for the new environmental report to be prepared by ERO through Tetra Tech. Motion passed on a roll call vote of 7-1 with the "no" vote being from Craig Lessar.

After extensive discussion regarding the meaning of section VIII(h) of the Walsenburg Personnel Manual regarding Employee Purchases And Loans Through Payroll Deductions and the administration thereof Erin Jerant moved, seconded by Nick Vigil, to call the loan made to a Council person due immediately, payable by the end of the week. After further discussion, regarding all currently outstanding loans, Councilperson Jerant withdrew her

motion. She then moved that all outstanding debt through this program, not for the purpose of the program, be called to be paid back by July 1st, 2010 and to stop loaning outside the parameters of the policy. Councilman Lessar asked that the motion be amended to include a stipulation that the request for immediate payback be lawfully done. The motion was further amended to extend the deadline date to a time when the attorney is available as he is on vacation. The motion was seconded by Nick Vigil. Motion passed on a roll call vote of 9-0.

Erin Jerant introduced and read

ORDINANCE NO. 995

AN ORDINANCE PROVIDING FOR THE REMOVAL OF WEEDS, BRUSH AND RUBBISH.

WHEREAS, weeds, brush and rubbish conceal rodents, vermin and insects which carry disease; and

WHEREAS, weeds, brush and rubbish create fire hazards; and

WHEREAS, it is necessary to control weeds, brush and rubbish for the health safety and welfare of the citizens of Walsenburg

NOW THEREFORE BE IT ORDAINED by the city council of the city of Walsenburg as follows:

1. Definition.

- a. “*Person*” in this section shall mean a natural person, corporation, unincorporated association, limited liability company or firm.

2. Declaration of Nuisance. The city council of the city of Walsenburg declares that weeds, brush and rubbish located within the municipal limits of the city of Walsenburg are nuisance.

3. Responsibility for Removal of Weeds, Brush, and Rubbish. It shall be the duty of every person, owning, occupying, or using any lot, parcel or other real property, including the sidewalk area in front of and the alley behind such lot, parcel or other real property, to remove all weeds, brush, and rubbish therefrom.

4. Yearly Removal Required. Every person shall remove all weeds, brush, and rubbish from the lot, parcel or other real property, sidewalk area in front of and the alley behind, and shall keep such lot, parcel or other real property free from such weeds, brush, and rubbish at all times during the year.

5. Notice of Failure to Remove Weeds and Rubbish.

- a. If weeds, brush, and rubbish are not removed from the lot, parcel or other real property, the City *Administrator*, the Police Chief, the Code Enforcement Officer, or their authorized designee may serve notice of such failure. Such notice shall be complete upon:

- i. personal service of it upon any person owning or possessing the lot, parcel or other real property, or
 - ii. by handing the same to any resident fifteen (15) years of age or over at the premises, or
 - iii. by mailing the notice by first class mail to the most recent address shown in the Huerfano County Assessor's records and affixing the same to the door of any improvement or building on the premises, or,
 - iv. where the property is unimproved, by mailing the notice by first class mail to the most recent address shown in the Huerfano County Assessor's records and by posting the same in a conspicuous place on the property.
 - b. Where notice is mailed and posted, notice shall be effective upon entering said notice in the United State mail postal stream.
6. Notice Contents. Such notice shall be dated, signed by the official issuing the notice and shall state that if such weeds, brush, and rubbish are not removed within five (5) days after notice, the City of Walsenburg, Colorado, may remove the same at the expense of the property, property owner, possessor or user.
7. Removal by City and Recording of Removal Costs. After such five (5) day period, the city of Walsenburg, Colorado, may proceed to remove such weeds, brush, or rubbish from the premises. The City shall assess the entire cost of removal to the person, firm or corporation who owns, possesses or occupies such property. The costs shall include the following:
 - a. \$30.00 per man-hour and vehicle hour for removal;
 - b. An administrative fee of \$100.00;
 - c. Equipment costs at standard billed rates;
 - d. An inspection fee of 5% of the costs listed in a, b, and c above;
8. Assessment Shall be Lien on Property; Notification in Newspaper. The amount of such assessments shall be a lien on the property and notice thereof shall be given by publication once in a newspaper of general circulation in the city of Walsenburg, Colorado. Said notice shall contain a description of the property upon which the lien is claimed, the name of the owner, as nearly as is known, and the amount of the lien.
9. Penalty for Non-Payment. If said assessment is not paid within sixty (60) days, the same may be certified by the City Clerk to the County Treasurer for collection, together with a ten percent (10%) penalty, in the same manner as other taxes are collected.

10. Unlawfulness. It shall be unlawful for any person, firm, or corporation owning, occupying, or using any lot, parcel or other real property to allow weeds, brush, or rubbish to accumulate on said lot or property including the sidewalk area in front of or alley behind said lot or property.
11. Violation. In addition to the notice and penalty provisions set forth above, any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Ordinance is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$1,000.00.
12. Repeal and Amendment. Existing ordinances are hereby amended or repealed to the extent necessary in order to conform with this ordinance.
13. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.
14. Emergency Declaration. The City Council finds and determines that this ordinance is necessary for the immediate preservation of public property, health, peace, or safety. Accordingly, this ordinance shall take effect immediately upon approval of this ordinance upon second reading.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 15th DAY OF June, 2010.

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

CITY OF WALSENBURG

ATTEST:

Mayor

City Clerk

Craig Lessar then moved to adopt Ordinance 995 with discussed changes to be made before the second reading. Motion was seconded by James Moore. Motion passed on a roll call vote of 8-0.

Bruce Quintana moved to go into executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a). At the conclusion of the executive session Mayor Quintana stated the time is now 8:45, and the executive session has been concluded. The participants in the executive session were: Myself, Rick Jennings, Silvana Lind, Nick

Vigil, David Mockmore, Erin Jerant, Craig Lessar, James Moore and Assistant City Administrator Beth Neece. 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.

Adjournment

Hearing none and with no further items on the agenda, the City Council meeting adjourned at 8:46 p.m.

CITY OF WALSENBURG

ATTEST:

Bruce A. Quintana,
Mayor

Lori Sheldon
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.