

1 STATE OF COLORADO  
2 COUNTY OF HUERFANO  
3 CITY OF WALSENBURG  
4 City Council Special Session Meeting  
5 September 27th, 2011 6:00 p.m.  
6

7 Mayor Quintana called the meeting to order at 6:00 p.m. The Pledge of Allegiance was  
8 recited. Council members present were: Rick Jennings, Silvana Lind, Gary Sporcich,  
9 Nick Vigil, David Mockmore, Erin Jerant, Craig Lessar, James Moore and Mayor  
10 Quintana. Others present included City Attorney Daniel Hyatt and Assistant  
11 Administrator Beth Neece, City Clerk Wanda A. Britt, and Finance Director Dave  
12 Johnston.

13  
14 Mayor Quintana stated the purpose of the Special Meeting was to discuss the City and  
15 Council organizational matters. He stated it involves him, allegations that he has done  
16 something out of line and he will address that matter and possibly other matters as well.  
17 At this time he relinquished the chair to Mayor Pro Tem Lessar, so he can address the  
18 issues directly not sitting as Mayor.

19 Chairman Lesser stated as acting chair the way he wanted the meeting to go is for  
20 one to person to speak fully to him and then in turn he will ask the question, no back and  
21 forth at each other, and to give the person time to respond to the question.

22 Mayor Quintana stated the allegation need to begin. Council member Jerant  
23 stated she did not believe there were any allegations. Council member Vigil asked why  
24 there were there if there were no allegations. Council member Jerant stated they just  
25 wanted some answers from Mayor Quintana.

26 Council member Jerant stated the reason she wanted to call this meeting was last  
27 week she was thinking it is time to vote for mayor, and who will she choose. Mayor  
28 Quintana who they know and have been working with, the Council knows that they have  
29 had there ups and downs, or any other candidate. So she decided to call Acting  
30 Administrator Beth Neece to see who she works well with, and how do you feel about the  
31 candidates. Acting Administrator Beth Neece went into Council member Jerant's place  
32 of business and told her things that had happened.

33 Council member Jerant stated the City Attorney has been very outspoken they  
34 have no individual powers as Council members, only as a group or team. She has  
35 questions as to why they are not working as a team.

36 Council member Jerant had memos from Mayor Quintana to Acting  
37 Administrator Beth Neece dated March 5<sup>th</sup>, 2010, she read memo to Council and asked  
38 Mayor Quintana why he didn't want to include the rest of the Council as a team to work  
39 on this project. Mayor Quintana stated that was over a year ago and at the time then  
40 Mayor Sheldon had assigned the project to Mayor Quintana. He stated there was no  
41 demand, just a request for him to see the project through. The project has been on hold  
42 since. Council member Jerant asked Mayor Quintana why he just wanted to be on the  
43 project, when the City would be putting forth the money to fund the project, and that it  
44 should be a Council project. Mayor Quintana stated his wording might not have been  
45 correct, but it was nothing about being solo. He brought everything to Council numerous  
46 times and had discussion on all aspects of the project. Council member Jerant accepted  
47 his explanation. Chairman Lesser asked Acting Administrator Beth Neece if she would

48 like to respond. Acting Administrator Beth Neece stated no.

49 Council member Jerant had another email to Acting Administrator Beth Neece  
50 from Mayor Quintana when Council changed the pay rate for committee meetings.  
51 Council member read memo and response from Mayor Quintana. Acting Administrator  
52 Beth Neece sent an email to City Attorney Dan Hyatt, which she read and responded to  
53 on the subject. Council member Jerant wanted to know why after Council had decided to  
54 pay \$25 for each committee meeting, why Mayor Quintana tried so hard to get this  
55 reversed. Mayor Quintana stated he did not, that City Attorney Dan Hyatt educated him  
56 on how it works, and he had to uphold the decision made by a previous Council.  
57 Council member Moore asked if the Council had made a decision and the Mayor was  
58 taking action that was contradictory to the decision of the Council. Council member  
59 Jerant stated that is what the email says. Council member Vigil stated he did not think  
60 that is what it said. City Attorney Dan Hyatt explained to Council his recollection of the  
61 matter, and Council took up a resolution and there was some question about it, what he  
62 did was taking Council's instruction of how they wanted to go and he follows it under the  
63 matter of law. He does not yield that and if they ask him to he will not. There was some  
64 discussion on that matter and he stated it went the way Council wanted it to happen, but  
65 he does not remember exactly.

66 Mayor Quintana stated there was a written resolution or ordinance; it was  
67 restructured in a way that it would include all Council members. He stated he was trying  
68 to uphold the previous Council's decision.

69 City Attorney Dan Hyatt addressed this issue. He stated it is not unusual for him  
70 to have discussion with all Council members to educate them on how the process works.

71 Citizen Jeanette Espinoza made comments on all Council members being able to  
72 vote on the subject and asking for the pay. Mayor Quintana stated that is what Council  
73 did. City Attorney Dan Hyatt stated the Council had agreed upon a cap on the amount  
74 they could be paid per month for committee meetings, so they can't earn more than a  
75 certain amount.

76 Council member Moore stated as a Council for the City they would make a  
77 decision that would stand as a whole Council and not individually, so that every Council  
78 member is aware.

79 Citizen Jeanette Espinoza asked Council if Mrs. Neece sends an email doesn't  
80 every Council member receive the message.

81 Chairman Lessar stated the emails in question are correspondence to and from  
82 Mayor Quintana and Acting Administrator Beth Neece.

83 Treasurer Jacque Sikes made a statement pertaining to the City Council voting to  
84 increase their pay. She stated when she became Treasurer the Council had never made a  
85 resolution or ordinance giving themselves the pay for the committee meetings. Treasurer  
86 Jacque Sikes stated she created a problem for Mayor Quintana and Acting Administrator  
87 Beth Neece by asking them to make a resolution and or ordinance to state what had been  
88 accepted by Council the previous year.

89 Citizen Larry Patrick clarified that dealing with the Gateway project, Mayor  
90 Quintana came forward to Council with various payments for the studies, he asked why it  
91 was going to the Council instead of the various committees, the mayor at the time Edi  
92 Sheldon agreed and assigned the Gateway project to the Parks and Recreation committee,  
93 which at that time then Council member Bruce Quintana was chairman of that board.

94 Treasurer Jacque Sikes asked if they would have the opportunity to review all the  
95 emails of Acting Administrator Beth Neece to Council member Mockmore, Jerant,  
96 Lessar, and Moore. She stated that would be only fair, and would like to know how they  
97 would obtain them. Council member Jerant stated they would ask her to produce them.

98 Council member Jennings asked what brought this meeting about. Council  
99 member Jerant stated it was time for Acting Administrator Beth Neece to talk about 2  
100 incidents that happened in the last couple of weeks. Council member Jennings stated that  
101 all of a sudden it is coming out now that it is an election year and his feelings are that  
102 they are dragging Mayor Quintana through the mud now. Council member Jerant asked  
103 Acting Administrator Beth Neece if she would like to explain what happened. She stated  
104 no not at an open meeting. Mayor Quintana stated he was willing to hear it. Acting  
105 Administrator Beth Neece explained the incident had occurred at the of June, the Police  
106 Department made a DUI arrest. She stated Mayor Quintana walked into her office with  
107 the individual and asked her what she was going to do about the incident, she stated  
108 nothing, the individual was very agitated, at that time then Interim Administrator Don  
109 Saling walked in the office and they all proceeded into his office and Mrs. Neece left.  
110 She stated the perception was the Mayor walked over with this individual and wanted her  
111 to help him get his truck and or his driver's license back.

112 Mayor Quintana responded to the incident and stated it was not within his  
113 authority to resolve this issue it would be up to the Administrator. He stated he would  
114 take him down and introduce him to the Administrator. Council member Moore asked if  
115 this was the first time he had done this. Council member Vigil stated that is what our  
116 administrator is suppose to do, they are in charge of the Police Department.

117 Acting Administrator Beth Neece stated there was a difference between handling  
118 an upset citizen, and the Mayor bringing in an individual in her office and asking her  
119 what she is going to do. Mayor Quintana stated he called her back and asked what the  
120 results of the incident were. She then explained what had happened and the Mayor stated  
121 he had no idea of the incidents, then nothing could be done. Acting Administrator Beth  
122 Neece stated the individual was in her office very upset. Mayor Quintana stated he is not  
123 disputing any of that.

124 Council member Moore asked Mr. Saling if there was something he could add to  
125 the story. Mr. Saling stated yes and the story needed to continue further, as the individual  
126 had some issues with his driver's license and truck. Mr. Saling then explained to Mayor  
127 Quintana that there was nothing they could do, the Mayor then said ok and left. Mr.  
128 Saling stated there were numerous discussion with Beth Neece and the Chief of Police,  
129 the individual hung around the City Hall for about a week. Mr. Saling stated it is all in  
130 how you view the discussion and the approach of the Mayor bringing over this  
131 individual. He stated once the Mayor realized the rules he did yield to Administrations  
132 ruling. Council member Moore asked Mayor Quintana if he did not understand once  
133 someone disobeyed the law there is nothing our Administration can do, and they actually  
134 have to go to Court. Mayor Quintana stated the individual came to his office in distress  
135 and he brought him down to City Hall to talk to administration. He stated that as a public  
136 servant he was just trying to help him and direct him. Council member Moore stated it  
137 looks damaging, and we can't help them with there arrest. Council member Vigil asked  
138 Mr. Saling if Mayor Quintana acted in a malice manner. Mr. Saling stated no, but it  
139 would have been a lot easier if Mayor Quintana would have just sent the individual to see

140 him, instead of the escort over, because there is that perception I am suppose to do  
141 something, and if it is not illegal, unethical, or immoral he would try to help them.  
142 Mayor Quintana stated that is not his intent to give that perception. Council member  
143 Moore gave an instance where this perception would be conceived as wanting something  
144 done for the individual. Council member Jerant asked Mr. Saling how often does  
145 administration get involved with law enforcement decisions. Mr. Saling stated he would  
146 not get involved in it, it would be a police matter. Acting Administrator Beth Neece  
147 stated there is a big difference between a weed ordinance violation and a criminal  
148 offense. She stated if you are cited by Code enforcement for a weed violation the City  
149 can work with the individual to solve this issue.

150 City Attorney Dan Hyatt explained the procedure of the citations that are cited  
151 into County Court. He explained to Council they should get the pertinent information  
152 from the complaining party and call administration with the complaint, do not escort  
153 them over to City Hall. There is a criminal offense if you try to misuse your office.

154 Chairman Lessar asked if it was appropriate for administration to step in on  
155 Municipal violations. City Attorney Dan Hyatt, stated yes, because their code  
156 enforcement officer reports to the City Administrator, but it is not true in all  
157 municipalities. Chairman Lessar asked about the officers, because they abide by the  
158 model code enforcement which is also municipal. City Attorney Dan Hyatt gave an  
159 example of a situation in the municipal court system. Council member Moore stated  
160 what Council and the public perceive is that they not use their position as a Council  
161 member to help someone get off. Council member Jennings asked if that is why we are  
162 having this meeting. Acting Administrator Beth Neece stated no, there was another  
163 incident about 6 weeks later and proceeded to explain the situation, with the same  
164 response of "What are you going to do". Mayor Quintana stated he gave her an  
165 overview of what the incident detailed and left. Acting Administrator Beth Neece stated  
166 after the mayor left a few hours later he called and stated he had ran into the couple and  
167 they had stated her attitude changed once the mayor had left. Mayor Quintana stated his  
168 disapproval of her change in attitude. Acting Administrator Beth Neece stated it is  
169 amazing how people perceive you when they don't get the answers they want. Council  
170 member Jennings asked when this incident happened. Acting Administrator Beth Neece  
171 stated the incident happened over a weekend and the couple came into her office on a  
172 Monday, August 15<sup>th</sup>, 2011. Council member Jennings asked why it took over a month  
173 for this to come out. Council member Jerant stated because she had asked her opinion  
174 who she works with better. Council member Jennings and Vigil stated their disapproval  
175 of this coming out now. Council member Vigil asked Acting Administrator Beth Neece  
176 why this did not come out when they asked her to take the position, why now and not at  
177 that time. Acting Administrator Beth Neece stated it was not her intent for all this to  
178 come to this point. The problem that she is having is she has a mayor who is asking her  
179 to do things she can not do, who asks for information that is inappropriate on police cases  
180 that are still being investigated, it is problematic for her. When something major happens  
181 in the City, he is very vague about it, but wants to know information about ongoing cases,  
182 and there is always a punishment and retribution. Mayor Quintana only asked to be  
183 informed, not the particulars. He stated Chief Baldonado would inform the Council of an  
184 incidents with no information.

185 Treasurer Jacque Sikes gave information of an incident that happened to her

186 involving the Police Department. She stated the officer cited her and she called to pay her  
187 fine, she then read the back of the ticket to see how she could pay the fine. She was very  
188 upset at why she was denied the process. She attended a meeting with Finance Director  
189 Dave Johnston and Acting Administrator Beth Neece on the mill levy, and if the item did  
190 not pass on the ballot, one of the services that would be cut is the police department at  
191 which she made the statement that she knows they are doing their job because she got  
192 stopped and ticketed, at which Mrs. Neece responded she knew about the ticket.  
193 Treasurer Jacque Sikes stated she gave that incident to let everyone know that there are  
194 two sides to every story. Council member Vigil stated it is perceived that Administrator  
195 does get involved with the police department.

196 Treasurer Jacque Sikes stated the end result for every one was positive, but the  
197 first part of the story is how it is perceived.

198 Council member Mockmore asked if there will be repercussion from the incidents  
199 that have transpired this evening to Mrs. Neece. Mayor Quintana replied he has no ill  
200 will towards Acting Administrator Beth Neece as long as she does her job, he is fine  
201 with her.

202 Council member Moore made a statement of the incidents and how the Council  
203 and the public perceived the incidents.

204 Mayor Quintana commented on Council members Moore response to the  
205 incidents of the meeting.

206 Acting Administrator Beth Neece made comments on her perception of the  
207 incident with the couple and her attitude.

208 Citizen Jeanette Espinoza made a comment on how she felt about Acting  
209 Administrator Beth Neece.

210 Council member Lind asked Mayor Quintana why he thought Mrs. Neece's  
211 attitude had changed, and how on the two incidents did he meet up with the people.

212 Mayor Quintana replied they went to his office.

213 Citizen James Baca made comments as to the events of the evening and  
214 displeasure of the actions Council was taking. He stated what Mayor Quintana did by  
215 taking the people over to see her, could have been resolved by a simple action of her  
216 taking them to talk to the Police Chief. He stated he did not perceive any wrong doings  
217 and gave an incident in which he dealt personally with Acting Administrator Beth Neece  
218 that was perceived as a negative response. Acting Administrator Beth Neece apologized  
219 for her response to him. Mr. Baca stated there would be nothing good to come out of this  
220 meeting, and wanted to know why they were having it. Council member Jerant stated as  
221 to why she called the meeting and gave examples of the emails. Council member Jerant  
222 mentioned the fact that all of Council had been approached by the Mayor to get rid of the  
223 Assistant Administrator. Council member Vigil made comment that he has not heard that  
224 statement, and stated that maybe they are not happy with the performance of the duties,  
225 and if she can not work with this mayor, maybe they need to find someone who can.

226 Citizen James Baca stated it would not matter as to who the Mayor was, but there  
227 are rules, regulations, resolutions and ordinances that need to be abided by and they  
228 aren't.

229 Council member Moore gave comment on Mr. Baca's statement and made  
230 statement as to how Mayor Quintana conducts his authority to Acting Administrator Beth  
231 Neece.

232 Mayor Quintana gave response to Council member Moore's response and  
233 Explained why he thought the meeting was taking place and stated he was not happy with  
234 the process of said meeting.

235 Council member Lind made response to Mayor Quintana and stated that his  
236 interaction with the Administrator was somewhat the cause of his departure.

237 Council member Vigil stated that the City has also lost a mechanic because they  
238 didn't know of the existing contract the mechanic had.

239 Treasurer Jacque Sikes asked about the mechanic and if the City had to pay him  
240 for the contract. Mayor Quintana replied to her statement. Chairman Lessar stated  
241 Council could not discuss the settlement in an open meeting.

242 Citizen Nancy Lave made a statement as to the perception Acting Administrator  
243 Beth Neece gave to Mr. Baca and stated it has to be for everyone not just on one person.

244 Treasurer Jacque Sikes stated she did not understand why they were here tonight,  
245 and made comment as to how Council was getting along when they made Mrs. Neece  
246 Acting Administrator, why was it not brought up then, it just made no sense as to why  
247 Council was here tonight with all the complaints.

248 Council member Jennings stated the Council had voted to let her continue to do  
249 the job until January, she was already doing, and the paper misprinted that Council voted  
250 to give her the job.

251 Chairman Lessar asked City Attorney Dan Hyatt how it was perceived. City  
252 Attorney Dan Hyatt stated that Council member Jennings was correct, and explained how  
253 Council made her acting administrator.

254 Citizen Jeanette Espinoza asked how they would vote her out, why could she not  
255 be voted in like Council.

256 City Attorney Dan Hyatt explained which positions were voted in and which  
257 officials would be appointed in by Council. He explained that Council would decide  
258 after the election who they would appoint to be City Administrator.

259 Council member Moore stated there was a good reason why they are there, and  
260 commented on the concerns of why they go through Administrators. He made comments  
261 on concerns of the influence of the office and how Council should be concerned of the  
262 actions of the Mayor and how they had to discuss the issues, maybe the timing was not  
263 good, but the issues had to be discussed whether it be in the open or executive session.

264 Mayor Quintana stated he tends to stay away from City Hall, he tries to do things  
265 via email or Administration comes to his office, he tries to leave Administrator alone to  
266 do their job. He does not want to interfere with the process.

267 Council member Vigil stated the condition of the City should not be blamed on  
268 one person that there were nine of them.

269 Council member Lind stated she was not aware that tonight's meeting would be in  
270 public forum, she thought it would be in an executive session, it was the Mayor's choice  
271 to have an open meeting, and it was not anyone's intention to humiliate the Mayor and  
272 sabotage the election. She also asked Administration if she had been an interference.  
273 Acting Administrator Beth Neece stated no.

274 Mayor Quintana stated he did not want to seem as a controlling Mayor, and made  
275 comment as to why he wanted to have an open meeting.

276 Council member Lind stated it was not there intentions to influence any elections  
277 in the future or make the mayor look bad.

278 Council member Sporchich made comment as how he felt about tonight's meeting  
279 and his displeasure with the meeting. He stated the Council had to work as a team and he  
280 was embarrassed with the content of the meeting.

281 Council member Jennings asked what they expected out of the meeting. Council  
282 member Jerant stated she wanted the truth about the incidents, and for Mayor Quintana to  
283 explain why he did things the way he wanted to and not as a Council.

284 Council member Jennings commented on why they are having this meeting and  
285 why Council member Jerant made it personal.

286 Council member Jerant commented to Council member Jennings response.

287 Mayor Quintana responded to the reasoning behind his emails. Council member  
288 Jerant did not agree with his response. Council member Vigil made statement to Council  
289 member Jerant and how she responded.

290 City Attorney Dan Hyatt reminded Council and audience they could not talk  
291 about candidacy.

292 Citizen Larry Patrick responded to the comments made in reference to him being  
293 at the City Hall, and did not agree with Mayor Quintana's response.

294 Mayor Quintana clarified his response as to why Larry Patrick was at the City  
295 Hall. Acting City Administrator Beth Neece replied it is a Public Building.

296 Council member Moore stated the Mayor is singling people out and exerting  
297 pressure even though he does not have the authority and that is what they get concerned  
298 about.

299 Mayor Quintana stated he was trying to make City Hall productive.

300 Citizen Nancy Lave made the comment that Council member Moore was exerting  
301 his pressure for people to stop talking or gave that perception. She asked Acting  
302 Administrator Beth Neece if she had all of her emails from the day she started. Acting  
303 Administrator Beth Neece replied not every email, like spam or advertising, but she did  
304 have all business related emails. Mrs. Lave stated it is not secret that there are hard  
305 feelings between Council member Jerant and Mayor Quintana, and she was just adding to  
306 the discontent, and she agreed with Council member Jennings.

307 Council member Vigil stated he did not want to hear any more emails, Council  
308 members should have been provided copies of the emails so they could review them.  
309 Council member Jerant stated he agreed to the meeting.

310 Treasurer Jacque Sikes commented on the "secret meeting", she made many  
311 references to the fact that the City would have a shortfall and the books did not match.  
312 She stated all of Council were aware of the issue with the books not matching and as a  
313 Council you decided not to have a meeting. So she met with Finance Director Dave  
314 Johnston and Interim City Administrator Don Saling because they were new and Mr.  
315 Rinehart and Beth Neece were there. She covered what the meeting entailed.

316 Council member Mockmore asked why it was a hidden meeting, he stated it was  
317 months after the Council found out about the meeting by accident.

318 Treasurer Jacque Sikes stated it was not her responsibility to tell Council it was up  
319 to Administration to let Council know the outcome of that meeting.

320 Council member Moore shared his displeasure with the Council being unaware of  
321 the meeting and stated it should have been an issue for the Finance Committee, and then  
322 brought to Council's attention, not 6 months later.

323 Council member Vigil stated the Administration should have told Council about

324 it.

325 Citizen Don Saling gave comment on the challenges of the City of Walsenburg.  
326 He stated the City of Walsenburg was very lucky to have Beth Neece. That she has more  
327 on her table than the city of Pueblo would have when you look at all the individual  
328 projects. He stated as a Council they need to provide leadership for this community. He  
329 stated she has done an exceptional job. The Council needs to appreciate that, they need  
330 to appreciate the department heads and all the employees they have. They do an  
331 exceptional job for all the tasks that they do. Council needs to build a vision for the  
332 community. He stated Walsenburg was a dying community right now, they need to look  
333 at the resolution when they hire the next administrator. He gave comment on what to  
334 look for in the new administrator and how to guide them through the process.

335 Council member Jennings stated the administrator would have to take some  
336 criticisms with the position they hold.

337 Acting Administrator Beth Neece commented she did not have a problem with it,  
338 just the constant stance of not having job parameters that are so subjective and not  
339 knowing when the other shoe will fall. She stated they run tight and lean here because of  
340 the city budget. She stated that it was never her intent to embarrass the Mayor. Council  
341 member Jennings stated the City should be proactive instead of reactive. He stated the  
342 Council members should know any information that happens in the City.

343 Council member Vigil mentioned the paperwork of the grants and wanted to  
344 know why he had received three separate answers.

345 Acting Administrator Beth Neece stated they were trying to clean up the City and  
346 it is an ongoing process, and mentioned the projects they are working on.

347 Citizen Nancy Lave asked Acting Administrator Beth Neece why she took the job  
348 if the parameters of the job were so subjective.

349 Acting Administrator Beth Neece stated she thought it was the right thing to do  
350 with the budget restraints the City is facing.

351 Council member Jerant commented on the emails and how they degraded Acting  
352 Administrator Beth Neece. She called all the Council members, with no response from  
353 Council member Jennings on the advice of Attorney Dan Hyatt to call an executive  
354 meeting, it was Mayor Quintana's idea to have an open meeting.

355 Mayor Quintana commented on the discord between him and Council member  
356 Jerant.

357 City Attorney Dan Hyatt complemented Council on a good job they did tonight  
358 and recommended Council stop the meeting prior to it getting out of control.

359 Chairman Lessar handed the chair back to Mayor Quintana and made comment as  
360 to how the meeting went and hoped the Council could go forward from here.

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362

363 **Adjournment**

364 City Council meeting adjourned at 9:05 p.m.

365

366 CITY OF WALSENBURG

ATTEST:

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Bruce Quintana,

\_\_\_\_\_  
Wanda A. Britt,

370 Mayor

City Clerk

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372 The preceding minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a  
373 record of what was *done* at the meeting, not what was *said* by the members. Tape recordings of the meeting  
374 are available for 6 months thereafter only for listening in the City Clerk's Office as well as copies of  
375 Ordinances and Resolutions.

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