

# TOWN OF LA JARA

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Regular Meeting  
Date: September 8, 2022

A permanent set of these minutes are maintained in the Town Clerk's Office. Approved Minutes are also available on the web at [www.colorado.gov/townofajara](http://www.colorado.gov/townofajara)

## Call to Order

The meeting was called to order by Mayor Medina at 6:00 pm.

## Pledge of Allegiance

Mayor Medina led the Pledge of Allegiance.

## Roll Call

Present were Trustees: Rendon, Villagomez, Wagoner, and Mayor Medina. Trustee Chavez joined the meeting virtually at 6:24 pm

Absent: Trustee Renner. And Mayor Pro Tem Valdez.

Also present were Town Manager Zaragoza, Town Clerk Pagnotta, Chief Lujan, Public Works Thomas Dufresne, Public Works Rodney Saenz, Town Attorney Farish and Town Attorney Seth Walker.

## Approval of Agenda

Trustee Rendon requested to add 4H report to the agenda under Old Business as item b. Trustee Rendon asked about the guidelines for the Code and Ordinance Committee. Town Manager Zaragoza stated he had the information and would provide it to those members.

**Motion:** Trustee Wagoner moved to approve the agenda with the added item; seconded by Trustee Rendon.

**Vote Results:** Ayes: Trustees Rendon, Villagomez, Wagoner, and Mayor Medina.

Nays: None

Motion Carried.

## Consent Calendar

**Motion:** Trustee Rendon moved to approve the consent calendar; seconded by Trustee Wagoner.

**Vote Results:** Ayes: Trustees Rendon, Villagomez, Wagoner, and Mayor Medina.

Nays: None

Motion Carried.

Mayor Medina received a letter of resignation from Trustee Renner. She stated that she and Town Manager Zaragoza met with Trustee Renner who explained that he didn't have the time to commit to serving on the Board of Trustees because of other business priorities, however he would like to continue to serve on the Community Outreach Board.

**Motion:** Trustee Wagoner moved to accept Trustee Renner's letter of resignation as Trustee; seconded by Trustee Villagomez.

**Vote Results:** Ayes: Trustees Rendon, Villagomez, Wagoner, and Mayor Medina.

Nays: None

Motion Carried.

Town Attorney Farish commented that an appointment to fill the vacancy would need to take place within 60 days or there would need to be an election to fill the vacancy.

### **Guests**

Emma Booth, from the local 4H Club, along with her mother Robin, addressed the board thanking them for their support and donation to Rotary Club. She stated that the Town's donation helped to purchase her goat at the 4H sale. She presented the board with a photo of herself showing her goat and a basket full of goodies.

### **Citizen Comments**

None

### **New Business**

T D Liquor License Renewal – Darlene Buhr was present to request renewal of the liquor license for T D Liquor Store. Chief Lujan stated that there was issues or violations.

**Motion:** Trustee Wagoner moved to approve the liquor license renewal for T D Liquor; seconded Trustee Villagomez.

**Vote Results:** Ayes: Trustees Rendon, Villagomez, Wagoner, and Mayor Medina.

Nays: None

Motion Carried.

Service Awards – Mayor Medina recognized Rodney Saenz as Employee of the Year. Sargent Roberto Campos and Town Clerk Shawn Pagnotta were recognized for 10 years of employment. Chief Jerry Lujan was recognized for 25 years of employment. Mayor Medina presented each one with a plaque and Town Manager Zaragoza stated his appreciation for each employee.

Julie Nuenas from the Rotary Club thanked the board for their support and donation to the Rotary Club. She explained that the donation was used to help purchase livestock from 4H members that reside in Conejos County at the 4H Sale in Monte Vista.

Xcel Energy – Ashley Valdez, Xcel Energy Area Manager, Community & Government Affairs, introduced Larry Claxton who presented a PowerPoint presentation explaining the transmission line rebuild project from Antonito to Alamosa. The rebuild project is in response to fire mitigation in addition to replacing the older line. Claxton explained that a route study was conducted, and two route options were selected. The new route will closely hug Hwy 285 and the railroad, except for routing around the towns of La Jara and Antonito. They are in the permitting process and hope to start the construction in 2023.

Acceptance of bid for sludge removal – A memo from Reynolds Engineering was submitted to the board. The memo stated that 2 bids were submitted: one from RMS Utilities and one from Denali Water Solutions LLC. Town Manager Zaragoza explained that RMS Utilities did not have all the bid requirements, including the bid bond, Statement of Qualifications, or documentation of any prior experience with this type of project and was disqualified. It was recommended to accept the bid from Denali Water Solutions of \$851,400. Town Manager Zaragoza explained the land application of the sludge to local farmers and process for the application. He explained that the town qualified for a SRF Loan that will be 40% forgiven. He also mentioned that the Town had applied for a \$600,000 infrastructure grant through Senator Bennett's Office and if approved the town may be debt free for this project. Town Manager Zaragoza explained that the sludge removal process will begin in the fall of next year because of the permitting requirements for the land application process. Trustee Rendon asked if the

town would continue to receive violations from CDPHE, Town Manager Zaragoza stated that the town would continue to receive minor violations, but he would prepare a letter stating that the town is addressing the issues by moving forward with the project.

Trustee Chavez joined the meeting virtually and questioned why the project would be done so late in October, Town Manager Zaragoza stated that late fall is the best time to apply the sludge to the fields after the crops are done growing.

**Motion:** Trustee Rendon moved to accept the bid of \$851,400 from Denali Water Solutions for sludge removal; seconded Trustee Wagoner.

**Vote Results:** Ayes: Trustees Chavez, Rendon, Villagomez, Wagoner, and Mayor Medina.

Nays: None

Motion Carried.

### **Old Business**

FAMLI Resolution – Attorney Walker stated that part of the process includes gathering input from the employees; the state required written notice be given to employees allowing for public comment prior to the vote of either opting in or opting out. Attorney Walker gave a synopsis of the Colorado FAMLI, State run, program similar to the FMLA program that is a federal program. He stated it is social insurance program that is self-funded by employers and employees. The program offers paid leave during certain circumstances, for covered medical expenses, to eligible workers. Attorney Walker stated that as a local government the Town of La Jara has the option to opt out of the program unlike private employers in Colorado. Private employers will be required to contribute 0.45% of their employee's income and the employee will be required to also contribute 0.45% of their income, for a total of 0.9% of income going into the program. The first year of 2023 is to fund the program and no benefits will be paid out until 2024. Attorney Walker explained that local governments have three options: 1, to participate in FAMLI; 2, to decline all participations in FAMLI for employer and employee; and 3, to decline employer participation, which means the town would not pay any premiums but would deduct the employee portion from paychecks and report the required quarterly filings. If the employer declines participation the employee can participate on their own but would be responsible for all reporting. If the government entity does opt into the program there is a three-year minimum period before opting out, the same is true for the employee. Attorney Walker asked for input from employees and trustees. As an example, Attorney Walker explained that the program would pay up to 90% of the employees' wages for a 12-week period for an event such as a birth of a child or adoption. He noted that most local governments are opting out of the program, but that is a choice that each local government gets to make. Mayor Medina asked for input from employees; Town Clerk Pagnotta stated that the town does a great job taking care of the employees when sick time is needed. She felt that there was a lot of unknowns with the program and felt opting out would be best at this time. Chief Lujan agreed that the program is not cost effective. Thomas Dufresne agreed that with the extra cost the town would have to add on to pay for the insurance is not cost effective and feels that the town takes care of its employees; he would vote to opt out as well. Attorney Walker explained that the program is designed to run concurrently with FMLA.

Attorney Farish read Resolution 2022-5 in its entirety.

**Motion:** Trustee Wagoner moved to approve Res. 2022-5, selecting option 2, declining all participation in FAMLI; Seconded by Trustee Rendon.

**Vote Results:** Ayes: Trustees Chavez, Rendon, Villagomez, Wagoner, and Mayor Medina.

Nays: None

Motion Carried.

4H Report was addressed earlier.

## **Reports**

### **Town Manager Report**

Town Manager Zaragoza read his report. He reported that the final report from GMS regarding the television of the sewer lines has been completed. GMS requested a work session to review the report with the trustees. The work session was scheduled for October 3<sup>rd</sup> at 4 pm.

Town Manager Zaragoza reported on the Roadmap to Recovery team that he is serving on; one of their goals is focusing on youth entrepreneurship. The team is seeking a REDI Grant from DOLA that requires matching funds of \$5,000, a contribution of \$2,500 for 2022 and the remaining contribution in 2023.

Town Manager Zaragoza explained that the program would establish entrepreneur hubs that engages the youth to develop business plans. The SBDC will assist the program.

**Motion:** Trustee Wagoner moved to support participating in the Youth Enterprise Zone by contributing matching funds of \$2,500 if the grant is received; Seconded by Trustee Rendon.

**Vote Results:** Ayes: Trustees Chavez, Rendon, Villagomez, Wagoner, and Mayor Medina.

Nays: None

Motion Carried.

Town Manager Zaragoza reported that ACI Construction requested to purchase about 160,000 gallons water for the parking lot project at Centauri High School. There was some discussion on trading the purchase of water for the paving project that ACI did on Elm Lane. The cost for the paving project was \$8,050 and the cost to purchase the water would be \$7,975; ACI would be willing to trade evenly. The water would be metered and drawn from various fire hydrants to flush them out. The only downside to allowing ACI to draw water is that they would be drawing 80,000 gallons of water for about two hours at a time that might cause some stress to the water system. Town Manager Zaragoza suggested that if the board agreed to allow them to purchase water, they meet with Maintenance Supervisor Jimmy Hinojos to coordinate the logistics such as considering the time of day that ACI will be drawing the water so as not to interfere with citizens getting ready for work as well as coordinating with the water operators so that the pressure in the water tanks can be closely monitored. It was suggested that the citizens be notified that the water pressure might be affected during this time.

**Motion:** Trustee Rendon moved allow ACI to purchase water and to coordinate the logistics of drawing water from the town system with the maintenance department and water operator; Seconded by Trustee Wagoner.

**Vote Results:** Ayes: Trustees Chavez, Rendon, Villagomez, Wagoner, and Mayor Medina.

Nays: None

Motion Carried.

### **Town Attorney Reports**

Town Attorney Faris reported on the new interim DA and stated the consensus from the election committee is that DA Kelly will do a great job, but she has a lot of work to do. Attorney Farish reported that he is working on the 2020 MTC and asked for input from the town as to what the board would like to see for the surcharge. He reported that he would be attending a conference for Town Attorneys in Grand Junction.

Town Attorney Seth Walker reported that he has been working on researching the FAMLII legislation. He informed the board of his schedule for the next few weeks.

Town Attorney Farish mentioned that the Town would need a bond council for the SRF Loan the town is seeking for the sewer lagoon project. He provided a list of attorneys that serve as bond council and stated he had worked with Thomas Peltz before. Town Manager Zaragoza stated that he contacted Peltz and will be corresponding with him.

### **Police Report**

Chief Lujan submitted a written report. He noted that he added the mileage of the vehicles and the numbers of tickets issued by each officer, as per the request of Trustee Rendon. He offered to answer questions. Trustee Rendon thanked him and his officers for their work and dedication.

### **Public Works Report**

Thomas Dufresne reported that they have had a busy month helping with the food drive and preparing for Glory Days. They have been trying to keep the weeds under control but had issues with broken equipment. He offered to answer questions. He reported that they have about 100 meters left to install.

### **Clerk Report**

Town Clerk Pagnotta submitted a written report. She reported that Trustee Rendon came in and met with her with questions on the budget and financials; Town Clerk Pagnotta stated that she would be happy to meet with anyone that may have questions about the financials. She reported that Deputy Clerk Romero is planning a Trunk-or-Treat on October 31<sup>st</sup>, in front of Town Hall from 4 pm to 8 pm; she is encouraging anyone that wants to decorate a vehicle to join in on the fun.

Chief Lujan mentioned that Conejos County is looking at adopting an ordinance that would allow ATVs in the County. They are having meetings in different towns in the county and may be reaching out to La Jara. He mentioned that the town has an ordinance prohibiting ATV's and motorcycles in the town limits.

### **Building Inspector Report**

Building Inspector Darrin Rodriguez was absent, but nothing has changed from last month.

### **Approval of Reports**

*Motion:* Trustee Wagoner moved to approve the reports; Seconded by Trustee Villagomez.

*Vote Results:* Ayes: Trustees Chavez, Rendon, Villagomez, Wagoner, and Mayor Medina.

Nays: None

Motion Carried.

### **Trustee Comments**

Trustee Rendon – Nothing to report.

Trustee Villagomez – Stated that there was an article in the paper regarding the allowance of ATVs in the county. He stated the article reported that ATVs would need to be licensed and insured. He felt the town should continue to enforce the current ordinance on ATV and not allow them in town limits.

Trustee Wagoner – Nothing to report.

Trustee Chavez – Reported that she noticed that a restaurant is closing, and the coffee shop has a “For Sale” sign posted. She asked what could be done to help these businesses stay in business. It was discussed that the one issue was finding reliable help. She asked if a “Stop” sign or speed warning sign be put up on Broadway. Chief Lujan stated that he would patrol the area.

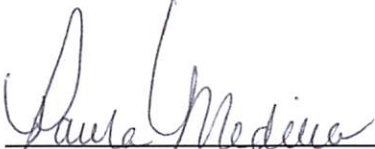
Mayor Medina – Reported that she and Town Manager Zaragoza attended Mayors Day at the State Fair, and it was a nice event. She reminded everyone that the COVID vaccine bus will be at Family Dollar parking lot on Sunday from 10 am to 6 pm.

### **Adjournment:**

Trustee Villagomez moved to adjourn. The meeting adjourned at 8:26 pm.

Respectfully Submitted by

  
Town Clerk - Shawn Pagnotta

  
Mayor / Mayor Pro Tem

