

TOWN OF LA JARA

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Regular Meeting
Date: July 9, 2020

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

Call to Order

The Regular Meeting of the La Jara Town Board of Trustees was called to order by Mayor Medina at 6:00 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Medina.

Roll Call

Present were Trustees: Espinoza, Gallegos, Villagomez, Wagoner, Mayor Pro Tem Valdez, and Mayor Medina. Trustee Chavez arrived at 6:08 pm.

Absent: None

A quorum was present.

Also present were: Chief Lujan, Maintenance Supervisor Matthew Herrera, Town Manager Larry Zaragoza, Town Attorney Ben Pacyga and Town Clerk Shawn Pagnotta.

Approval of Agenda

Motion: Mayor Pro Tem Valdez moved to approve the agenda; seconded by Trustee Wagoner.

Vote Results: Ayes: Trustees Espinoza, Gallegos, Villagomez, Wagoner, Mayor Pro Tem Valdez and Mayor Medina.

Nays: None

Motion Carried.

Guests

Julian Espinoza expressed his concerns regarding the mask ordinance. He stated that trustees were elected to protect the citizens of the town. Espinoza feels that the trustees are doing just that by mandating masks be worn.

Citizen Comments

No Citizen comments were made.

Consent Calendar

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

Vote Results: Ayes: Trustees Espinoza, Gallegos, Villagomez, Wagoner, Mayor Pro Tem Valdez and Mayor Medina.

Nays: None

Motion Carried.

Old Business

Approval of plans for Harmon Hostetter – Town Manager Zaragoza stated that Planning and Zoning Committee met with Hostetter to discuss the variance request that would allow him to build a garage right up to the property line on the east of his property and still allow for an easement on the west side of the property. Mayor Pro Tem Valdez spoke on behalf of the fire department stating that he looked at access to the property and did not have any concerns. Trustee Gallegos asked about fire hydrants in the area. Mayor Pro Tem Valdez explained that when a house or structure is built the insurance provider will contact him as the fire chief to verify the closest fire department in order to provide a rate for coverage.

Trustee Chavez arrived at 6:08 pm.

Motion: Trustee Espinoza moved to approve the variance request for Harmon Hostetter; seconded by Trustee Wagoner.

Vote Results: Ayes: Trustees Chavez, Espinoza, Gallegos, Villagomez, Wagoner, Mayor Pro Tem Valdez and Mayor Medina.

Nays: None

Motion Carried.

COVID Update/Concerns – Mayor Medina reported on the latest mandate from Governor Polis requiring masks be worn in all public places. Trustee Wagoner stated that the town needed to follow the proper procedures for enforcement. Trustee Espinoza questioned the enforceability and stated that the town has a job to protect the citizenry, which is mostly elderly. Trustee Villagomez felt that a mask mandate should be enforced at the state or county level. After further discussion the trustees agreed that they should wait to see what Governor Polis mandates before pursuing any further mask mandates.

LED Signs – Mayor Medina stated that an LED sign is very necessary so that important messages could be conveyed to the public. Town Manager Zaragoza researched the costs involved in purchasing a sign that could be placed at Town Hall. Trustee Espinoza suggested reaching out to businesses to have them supplement the cost by selling advertising space on the sign. Trustee Villagomez stated that he would gather information on the cost of the sign that is located at the hospital. Attorney Pacyga suggested creating a clear procedure for having businesses advertise on the town sign. He stated there could be potential First Amendment issues and the town needed to remain neutral when providing advertising space. He suggested creating a clear procedure with restrictions in drafting a designated public forum.

New Business

Donation for Rotary Club – The La Jara Rotary Club sent a letter requesting a donation to help purchase livestock at the annual 4-H Livestock sales. Trustee Espinoza questioned where the meat from the purchased animals would go. Town Manager Zaragoza stated that he would find the answer and report back to the trustees.

Motion: Trustee Gallegos moved to skip the donation this year; No seconded was made and the motion died.

Motion: Mayor Valdez moved to donate \$200 to the La Jara Rotary Club, with the stipulation that someone from the club be present when requesting future donations; seconded by Trustee Wagoner.

Vote Results: Ayes: Trustees Chavez, Villagomez, Wagoner, Mayor Pro Tem Valdez and Mayor Medina.

Nays: Trustees Espinoza and Gallegos.

Motion Carried.

Audit Extension – Town Clerk Pagnotta explained that the auditors had to move the annual audit back to the end of July. The state requires the audit to be submitted to them by July 31. Town Clerk Pagnotta stated that she requested an extension and just needed a signature and approval from the board.

Motion: Mayor Pro Tem Valdez moved to approve the audit extension; seconded by Trustee Wagoner.

Vote Results: Ayes: Trustees Chavez, Espinoza, Gallegos, Villagomez, Wagoner, Mayor Pro Tem Valdez and Mayor Medina.

Nays: None

Motion Carried.

Annexation – Trustee Espinoza discussed that every enclaved property has been annexed into the town and that the only way to expand the footprint of the town would be to purchase property. She stated that she discussed an idea with the attorney where the town has water and sewer lines that extend down Hwy 285 to just past the high school with an easement passing through these properties. She stated that with this easement the town does not receive any highway money, but if the town owned that easement and then gave the property the right of use the town could generate the highway money and the property owner could then annex into the town. Trustee Espinoza stated that she had asked the Town Manager to research the difference in property taxes for a property in town limits versus out of town and the savings that the property owner would receive by paying a lower water/sewer bill. Town Manager Zaragoza stated that he spoke with the assessor to determine the difference in property taxes, but he felt that Trustee Espinoza should approach the issue with Planning and Zoning as a citizen and not working in the capacity of a trustee, as there may be issues with showing favoritism to a trustee. Town Manager Zaragoza stated that when looking at annexing property there are other things to consider such as the additional services that the town would have to provide, such as police protection. He stated that additional officers would need to be hired and currently the town is short two officers. Attorney Pacyga is looking into the process of annexing this property without purchasing it. There was some discussion on the services that the town provides and the issues that the town is currently facing with outdated infrastructure. Trustee Espinoza suggested compiling a list of infrastructure needs in order to seek emergency funding. Mayor Pro Tem Valdez spoke about the water pressure issues with the town and explained the ISO rating process and how it relates to home owner insurance rates. Trustee Espinoza suggested compiling a fact sheet detailing the pros and cons of annexing into town. Trustee Gallegos suggested tabling this issue until next month's meeting.

SB-20-217 – Law Enforcement – Attorney Pacyga presented a handout that outlines the bill. He stated that the most important thing to keep in mind is the new use of force standards including the prohibition of choke holds and limitations on use of deadly force. He stated that the legislature requires police officers to be trained on the new provisions by September 1. He stated he will be conducting a training session for La Jara officers on July 17. Attorney Pacyga also mentioned the expanded civil liabilities including civil liabilities for the town that include violations to the Colorado Bill of Rights. He noted that these issues are not just limited to use of force cases. He stated that this legislation makes it clear that qualified immunity does not apply as a defense and he further explained. He stated that by 2023 the police officers will be required to wear body cameras. Chief Lujan stated that he and his officers have been wearing body cameras for the past few years and funding is available to purchase new body cameras. Chief Lujan stated that this new law will hinder law enforcement and create more paperwork.

Resolution 2020-5 A Resolution of the Town of La Jara, Colorado in support of the La Jara Police Department. Mayor Medina read the resolution in full. The resolution named Chief Lujan specifically; discussion was made to make the resolution support the police department as a whole and not name a specific person. Trustee Chavez had a question on the liability of an officer being in the town patrol car outside of the town limits. Chief Lujan explained that at times La Jara PD may be asked to assist another agency. He explained that La Jara PD must be asked to assist, must not be first on scene and will not go any further than Capulin, Sanford or the County line. He stated that there is some liability to the town if

something should happen, however Attorney Pacyga stated that if a car accident should occur in the normal course of duty governmental immunity act would still apply.

Motion: Trustee Gallegos moved to approve Resolution 2020-5 but remove Chief Lujan's name and make the resolution support the police department as a whole; seconded by Trustee Wagoner.

Vote Results: Ayes: Trustees Chavez, Espinoza, Gallegos, Villagomez, Wagoner, Mayor Pro Tem Valdez and Mayor Medina.

Nays: None

Motion Carried.

Ordinance regarding motorcycles/ATV – Town Manager Zaragoza suggested adopting an ordinance restricting motorcycles/ATVs on the BMX Track. Trustee Espinoza suggested looking at the existing ordinance and make sure it states that motorcycles and ATVs are for authorized use only.

Reports

Town Manager Report

Town Manager Zaragoza thanked Trustee Wagoner for writing the Revitalizing Main Street Grant. He stated the project will be about \$35,000 project to include new concrete sidewalks with ADA ramps on both ends of the sidewalk as well as lighting and benches.

The items that the Town Manager reported on are as follows:

- Update on the laundromat that will be coming soon
- Coronavirus Relief Fund - volunteered for the committee to secure and dispense COVID-19 Funds to local businesses and residents. He stated there is a lot of things that still need to be planned out.
- Tree Trimming and removal. The Town is currently under budget for tree trimming.
- Dog bite incident that is being handled with the SLV Animal Welfare Society.
- Called CSP Dispatch concerning the incident on June 2 with the hypo needle that was found in the park. He explained the details.
- Reported on the meeting that he had with Jacob Dyste from CDPHE, Maintenance Supervisor Matt Herrera, and Engineer Martin Reynolds concerning the sewer lagoons. They have submitted a plan to the state to add some bacteria that is supposed to eat the fats, oil and grease and some of the sludge. He is still waiting on a response from the state. Herrera reported that they are looking at installing aerators and sludge removal to bring the lagoons back into compliance. Town Manager Zaragoza stated that he is also working with a few engineers who might be able to help with funding.
- Updating request to Rio Grande Basin regarding any water projects the town may be looking at in the future. He stated the only upcoming project might be constructing a splash pad. He is looking at options to recycle the water for the splash pad.
- Worked with Town Clerk to forgive some water and sewer bills for residents and businesses for the months of April and May. This was made possible by the El Pomar CAF Grant in the amount of \$3,000. The Town forgave about \$3,400 total.
- Possible CAF Grant Phase II to assist Senior Center for a third grocery distribution day sometime the end of the month. He mentioned that he was considering increasing the donation to the senior center from \$2,500 to \$3,000, but after attending the board meeting for the senior center it was determined that they are doing just fine financially.

- Increase the annual contribution to the La Jara volunteer Fire Department from \$4,000 to \$5,000. He based the increase on the money that the town has saved by not having the concerts and different activities. Mayor Pro Tem Valdez explained that the donation would be used to purchase equipment.

Motion: Trustee Gallegos moved to approve donating \$5,000, as a one-time donation to the North Conejos Fire Protection District; seconded by Trustee Villagomez.

Vote Results: Ayes: Trustees Chavez, Espinoza, Gallegos, Villagomez, Wagoner, and Mayor Medina. Mayor Pro Tem Valdez abstained due to a conflict of interest.

Nays: None

Motion Carried.

Town Attorney Report

- Attorney Pacyga reported on the things that he worked on in regards to the SB-20-217 that he spoke about earlier.
- Reported that he attended a training with CDAC (Colorado District Attorney's Conference) to advise municipal attorneys on how this new bill would affect municipalities.
- Conferred with Town Manager and Mayor regarding a dog bite issue. He stated the owner was referring to an older version of the dog ordinance.
- Worked on researching annexation law as discussed earlier, which included looking over the parcels to determine if it would be viable to annex without having the town purchase the property.

Police Report

Chief Lujan Submitted a written report. Town Manager Zaragoza commended Chief Lujan on doing a great job in preparing the schedule to provide police coverage for the town.

Maintenance Report

Maintenance Supervisor Matthew Herrera reported on the recent water main break and the issues with the sewer lagoons.

Clerk Report

Town Clerk Pagnotta submitted a written report. Mayor Medina asked about having a trustee training.

Approval of Reports

Motion: Mayor Pro Tem Valdez moved to approve the reports; seconded by Trustee Chavez.

Vote Results: Ayes: Trustees Chavez, Espinoza, Gallegos, Villagomez, Wagoner, Mayor Pro Tem Valdez and Mayor Medina.

Nays: None

Motion Carried.

Trustee Comments

Trustee Espinoza – Updated trustees on the historic building inventory and stated the report would be ready in a week or so. She stated that there were about 25 properties that will be recommended as eligible. They are also considering designating a historic district where properties that may not have qualified on their own may be eligible if they are contributing to a district. Trustee Espinoza asked that the board represent our town residents and remember that they were elected to support our residents. Additionally,

they need to find inclusive ways to bring business into the discussion. She also asked that for the sake of social distancing meetings be held in a building with more space.

Trustee Gallegos – Asked if vendors could be charged a higher fee for their business license because they are not paying sales tax to the town. She feels it is not fair to the businesses that have an actual building. She asked if the police department could conduct bicycle safety training. Trustee Gallegos talked about the Use Tax and would like to see it removed because it is a burden on the citizens. She asked why the town manager's car is not being used. Town Manager Zaragoza stated that he chooses to use his own vehicle occasionally; he added that he is not using any town fuel in his personal vehicle. She feels that the manager should use the car that is provided by the town.

Trustee Villagomez – Thanked Chief Lujan for managing and dealing with the shortage in police officers. He also thanked the maintenance for doing a “heck of a job” in taking care of the town.

Trustee Chavez – Requested an executive session for next week. She also wanted to follow up on personnel issues. It was decided to have a Special Meeting for the purpose of discussing two different personnel issues on July 16, at 6 pm.

Trustee Wagoner – Nothing to report.

Mayor Pro Tem Valdez – Discussed the meeting regarding the requirement of masks, he stated that he learned a lot from this meeting. He stated his appreciation for all the staff.


Mayor Medina – Reported that the web page needed to be updated and asked the trustees to complete the biography information form. She reported that Excel Energy is asking customers to conserve electricity from 3 to 5 pm. Mayor Medina encouraged the trustee to read their handbook that was given to them after they were elected. She stated that in order to be more efficient during the board meetings she suggested trustees go to the town manager with personnel issues as dealing with personnel issues is not their role. She stated that the Town Manager's door is always open. She noted that the trustees needed to honor the organizational structure. Town Manager Zaragoza stated that he would like to set up individual monthly appointments with each trustee to discuss any issues and concerns they may have.

Adjournment:

Mayor Pro Tem Valdez moved to adjourn. The meeting adjourned at 8:30 pm.

Respectfully Submitted by


Town Clerk – Shawn Pagnotta


Mayor / Mayor Pro Tem

