

TOWN OF LA JARA

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Regular Meeting
Date: May 10, 2018

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/townoflajara

Call to Order

The Regular Meeting of the La Jara Town Board of Trustees was called to order by Mayor Zaragoza at 7:00 p.m.

Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Zaragoza.

Roll Call

Present were Trustees: Valdez, Gallegos, Cummings, Salazar, Mayor Pro Tem Medina, and Mayor Zaragoza.

Absent: Trustee Espinoza

A quorum was present.

Also present were: Town Manager Dennis Koenig, Maintenance Supervisor Matthew Herrera, Town Attorney Ray Valdez, Police Chief Jerry Lujan, Building Inspector Joe Trottnier and Town Clerk Shawn Pagnotta.

Approval of Agenda

Motion: Mayor Pro Tem Medina moved to approve the Agenda; seconded by Trustee Cummings.

Vote Results: Ayes: Trustees Valdez, Gallegos, Cummings, Salazar, Mayor Pro Tem Medina and Mayor Zaragoza.

Nays: None

Motion Carried.

Approval of Consent Calendar

Mayor Zaragoza gave the trustees a few minutes to review the consent calendar.

Motion: Trustee Valdez moved to approve the Consent Calendar; Trustee Salazar seconded.

Vote Results Ayes: Trustees Valdez, Gallegos, Cummings, Salazar, Mayor Pro Tem Medina, and Mayor Zaragoza.

Nays: None

Motion Carried.

Recognition of Scheduled Public Comment

Naomi Gallegos from San Luis Valley Health presented a flier for the "Lids for Kids" Program that will provide bikes and helmets to San Luis Valley children of all ages. She asked the trustees for a donation to help purchase the helmets and bikes. Gallegos stated this program originally started as a safety program and has since developed into this program that provides over 200 bikes and helmets to area children. Mayor Pro Tem Medina thought donating to this program would be a nice program to support. Mayor

Zaragoza asked Gallegos if he could have a few fliers that he could distribute to area schools. Gallegos stated that a "Go Fund Me" page has been established where individuals could make donations.

Motion: Mayor Pro Tem Medina moved to donate \$300 to the "Lids for Kids" program; seconded by Trustee Valdez.

Vote Results: Ayes: Trustees Valdez, Gallegos, Cummings, Salazar, Mayor Pro Tem Medina and Mayor Zaragoza.

Nays: None

Motion Carried.

Piedad Romero addressed the trustees following up on her questions from the previous meeting regarding the weed spraying. She wanted to know if the trustees received her email that had several articles on the risks and dangers of weed spray. She felt there has been no dialog between her or with any of the trustees. Town Manager Koenig explained that the weed spray that is being used by the Town becomes inert after 48 hours. Mayor Zaragoza asked if Romero could get some people together to pull the weeds around town. Mayor Zaragoza asked how often the weeds are being sprayed. Maintenance Supervisor Matt Herrera stated that he is trying to spray early before the weeds get out of hand. Trustee Salazar addressed Romero and her concerns and suggested having a citizen driven work session to discuss the risks and stated that the town needed to move forward to try and find a remedy on the issue. It was also suggested to look at policies that address the weed spraying. It was suggested to set a date to hold a forum to discuss this in greater detail.

Recognition of Unscheduled Public Comment

No unscheduled public comments were made.

Town Manager's Report

Town Manager Koenig was given a revised tap fee resolution by Attorney Valdez, however Koenig stated that he had not had a chance to read it and asked that this be tabled until the next meeting.

Town Manager Koenig reported that the new backhoe arrived today. He stated that emissions from the machine was 100% green. He also reported that bids were accepted for the old backhoe and was sold for \$8,200.

Koenig reported that the decorative street lights will be installed in June along Main Street. He also stated that the flowers will be set out in mid to late May depending on the weather. He stated that the flowers are planted in bigger pots that will retain water better and will be easier to maintain.

The hydro seeding for the park at 312 S. Main will be done in the next week or so and the sprinkler system has been installed. Koenig reported that a drip system has been installed for watering the trees in this park as well. Trustee Gallegos asked how the trees that were planted a few years back are doing. Koenig stated they were growing fairly well. He stated that Adam Moore, the State Forester, came and assisted in planting the trees and recommended trees that would grow best for this area, however he stated that there was about a 40% loss in those trees.

Koenig reported that the maintenance department will begin spraying for mosquitoes late in May or early June depending on when they start hatching. The spraying will be done 5 days a week, with no spraying on the weekends as long as there is no wind.

Koenig stated that the town had solicited bids to trim trees around town. The bids are due by May 11. He stated that there are a few trees that need mitigated soon but depending on the bids the trimming will be budgeted for next year. He stated that after talking with a few of the tree trimmers, the estimate is considerably less than the estimate that we received last year. He suggested budgeting to trim four or five

trees a year. He stated that he and the Fire Chief Austin Valdez drove around town and identified 13 trees that need to be trimmed or removed. He stated that there are five trees that he would like to remove this year if feasible. He stated the trees that will be removed are only on Town property. Koenig stated that the individuals that are awarded the tree removal contract will need to be insured and bonded.

Koenig reported that ALCON Construction submitted an estimate for building a new 2400 sq ft maintenance shop. This estimate, for budget purposes only is \$238,000 and is comparable to the estimate that was received last year. Trustee Salazar stated that the next step for building the shop would be to find funding. Koenig stated that grant funding is very limited. He stated most of the grants that are being funded currently are from projects that received an award over a year or so ago. Trustee Salazar suggested looking into all funding options that are available. Koenig stated that grants such as DOLA grants are a dollar for dollar match. Trustee Salazar suggested setting a goal for a 3-year plan.

Approval of the Town Manager's Report:

Motion: Mayor Pro Tem Medina moved to approve the Town Manager's Report and Trustee Valdez seconded.

Vote Results Ayes: Trustees Valdez, Gallegos, Cummings, Salazar, Mayor Pro Tem Medina and Mayor Zaragoza.

Nays: None

Motion Carried.

Town Attorney's Report:

Town Attorney Valdez reported that Mark Jackson who is an attorney representing Richfield Cannel sent letters to the property owners that adjoin the canal claiming to enforce a 50' right-of-way easement from the centerline of the canal. Attorney Valdez stated that since the canal was put in years ago many structures including houses have been built within this claimed easement as well as the Town's water well. Attorney Valdez and Town Manager Koenig had a meeting with Jackson to discuss the pro and cons of his claims. Attorney Valdez feels the courts would not require or order the owners to remove structures or relocate the water well that is located within this claimed easement because it would be subject to a lot of defenses. Valdez explained that possible defenses could be adverse possession or another principle called laches which means "why has it taken so long to make your claim". Richfield Cannel is claiming that they are not getting their allotment of water due to settling of dirt and sand on the bottom of the canal. Jackson's complaint is that in order to remove the sediment from the bottom of the canal a backhoe or an excavator will not fit in some areas without hitting structures that are in the way. Town Manager Koenig stated that he met with Bart Sowards to research the title for the canal and found the title indicates that Richfield Cannel only has a total 50-foot easement, 25 feet from the center of the canal. Mayor Zaragoza asked if there was any further discussion on enclosing the canal. Koenig explained that at one time there was funding available to enclose the ditch, but this funding is no longer available because the canal company failed to take advantage of this opportunity. During their meeting Koenig asked Jackson if they had a deed for the ditch and was told that they did not. Attorney Valdez doesn't feel the town has anything to worry about in regards to this claim and feels that the town should just leave it alone.

Attorney Valdez reported that he drafted a resolution to increase the water and sewer tap fees, but this issue was tabled for discussion at the next council meeting.

Trustee Salazar stated that the issues with the Richfield Cannel brought up some opportunity for additional discussion concerns regarding seepage from the ditch.

Approval of the Town Attorney's Report:

Motion: Trustee Salazar moved to approve the Town Attorney's Report and Trustee Valdez seconded.

Vote Results Ayes: Trustees Valdez, Gallegos, Cummings, Salazar, Mayor Pro Tem Medina and Mayor Zaragoza.

Nays: None

Motion Carried.

Town Board of Trustees Comments

Trustee Valdez: Reported that he and Town Manager Koenig looked at trees that needed to be trimmed and included in the budget for next year. Koenig clarified that the trees at Polkowske's were not included in the removal plan because they are half on town property and half on Polkowske's property.

Trustee Valdez reported that he and Trustee Salazar looked at the historic pictures and spoke with the library director from Adams State College who is willing to help scan the pictures to preserve them when they are not so busy.

Trustee Salazar: Also reported on the preservation of the historic photos. He stated that when they talked to the library director they discussed scanning the pictures and looking at the value of the pictures as well as value in terms of heritage. He discussed putting the pictures on a hard drive and talked about other ideas on how these pictures tell a story. In addition, he and Trustee Valdez will look into working with individuals that can assist in preservation. He stated they will continue to work on the project and will provide updates.

Trustee Salazar reported that the Housing Authority is trying to get the sprinkler system operating and asked about the water pressure. Koenig stated that Maintenance Supervisor Herrera looked at the sprinklers and found that the heads needed to be cleaned.

Trustee Salazar also reported that the Housing Authority is continuing to work on the RAD Conversion. He stated that they will still be able to draw down the HUD dollars, but will also be able to help those individuals who are looking for a tax break. He stated the RAD conversion will allow the Housing Authority to have more discretion over those dollars to look at creating more housing opportunities. Trustee Salazar stated that the town is surrounded by agriculture land where there is not really a lot of sellable land. Additionally, they are looking at existing properties to create housing opportunities either by means of apartments or by working with the coalition. He stated the Housing Authority is also looking at developing a non-profit so that they can enrich the lives on the San Luis Valley.

Mayor Pro Tem Medina: Reported that Tracey Stoffel from CML came to do a video interview with the Centauri High School students who will be receiving the Municipal Hero Award during CML Conference in Vail where the video will be presented. She stated that the Mayor and herself were also interviewed. Mayor Zaragoza thanked Mayor Pro Tem Medina for nominating these two students for this award.

Trustee Cummings: Reported that ACI is starting to make asphalt. He stated he would like to see the cul-de-sac on Willow paved at some point. Town Manager stated that the Town will possibly do some patching if needed, but not much paving will be done because of purchase of the backhoe.

Trustee Gallegos: Asked if the agenda for the meetings could be posted on the Town's website. She voiced her concerns about weed spraying; she feels the policy needs to be changed. She stated that she was approached by Jack Hoogendoorn who suggested that the citizens be responsible for cleaning up their own frontages and alleys.

Trustee Gallegos also asked if the Town Manager could update his voice mail message so that citizens know who they are leaving a message with.

She also stated that trees are being planted along the road that goes from the highway to the Conejos County courthouse and she would like to see the Town of La Jara make a donation to this. It was explained to her that the Town was one of the first entities to make a \$300 donation and sponsor a tree for this project two years ago.

Trustee Gallegos also asked if the department reports could state what unit or vehicle is being referred to when doing vehicle maintenance.

Mayor Zaragoza: Asked if the police department was doing door checks of the businesses during the night. Chief Lujan stated that the officers had stopped doing door checks because the previous chief had them stop, but he would have them start again.

Mayor Zaragoza asked if the water pressure could be looked at. Maintenance Supervisor Matt Herrera stated that the pressure is at 60lbs. Town Manager stated that the town only has a 6-inch main and explained the need to install a manifold so the pressure remains the same throughout town.

Mayor Zaragoza also suggested if the town provided the paint he would be willing to paint the stage. Town Manager Koenig stated that the paint was already purchased and the maintenance department will be painting it in the next day or so.

Mayor Zaragoza stated he still had concern with the people speeding on South Main Street. He stated he would still like to see speed bumps put in that area. He suggested borrowing the speed limit sign from Alamosa to put in that area as a warning.

New Business

Water and Sewer tap rate fees: Tabled until next month.

Lease Agreement for Northerner's Senior center: Mayor Zaragoza asked if Lynette DePriest, Northerner's Senior Center Director, was given an opportunity to review the lease agreement. Koenig stated that she was and has not given any response. Trustee Gallegos questioned the wording in paragraph 5A. where it defines a citizen as anyone who has his or her principal residence in the Town of La Jara as well as any full-time employee of the Town of La Jara. She asked if the wrong message would be conveyed when considering an employee as a citizen of the Town. Trustee Gallegos also asked if there was any language in the lease that states the town manager or the mayor could have random or scheduled inspections. She also asked if any money that is received needed to be specified whether it goes in the General Fund. Mayor Zaragoza addressed Trustee Gallegos question about who is considered a citizen of the town by stating that DePriest is not restricting use of the building to just citizens of the town. Mayor Pro Tem Medina explained that it was her understanding that for the purpose of the lease agreement, town employees will have the same benefit to use the facilities as those that are residence of the town.

In response to Trustee Gallegos' question regarding inspections of the property Mayor Zaragoza stated that he is on the Senior Executive board at Northerner's and feels that DePriest does a good job sharing any concerns with the town. Attorney Valdez stated that the only people that have the authority to make random inspections is the Town Manager.

Town Manager Koenig responded to Trustee Gallegos' question regarding the specification of where money is to be recorded. He stated that any money received from the Senior Center goes into the General Fund.

Trustee Salazar stated that when looking at the agreement initially the trustees wanted to take a look at the nature of sub-leasing to ensure that there was open communication with the sub-lessor so that it would not

interfere with other businesses or events. He stated that there was language written in the lease to address these concerns. Attorney Valdez explained some the language that is included in the lease.

Motion: Trustee Salazar moved to approve the lease agreement between Northerner's Senior Center and the Town of La Jara, "a political subdivision of the State of Colorado, acting by and through its Town Manager, Dennis R. Koenig with the effective date being retroactive to April 1, 2018. Mayor Pro Tem Medina seconded.

Vote Results Ayes: Trustees Valdez, Gallegos, Cummings, Salazar, Mayor Pro Tem Medina and Mayor Zaragoza.

Nays: None

Motion Carried.

Approval of Personnel Policy Manual: Mayor Pro Tem Medina asked to table this until the June council meeting and asked to discuss this at the work session.

Executive Session

Motion: Trustee Salazar moved to go into executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Mayor Pro Tem Medina seconded.

Vote Results Ayes: Trustees Valdez, Gallegos, Espinoza, Cummings, Salazar, Mayor Pro Tem Medina and Mayor Zaragoza.

Nays: None

Motion Carried.

Mayor Zaragoza announced "I hereby attest that this recording reflects the actual contents of the discussion at the executive session and has been made in lieu of any written minutes to satisfy the recording requirements of the Open Meetings Law. I will hand the tape to the Town Attorney to retain for a 90-day period. The time is now 9:37 pm, and we now conclude the executive session and return to the open meeting.

Motion: Trustee Salazar moved to approve a \$4,000 raise for Maintenance Supervisor Matt Herrera effective the next pay period and raises for the entire police department and the maintenance department effective for the next budget year.

Vote Results Ayes: Trustees Valdez, Gallegos, Cummings, Salazar, Mayor Pro Tem Medina and Mayor Zaragoza.

Nays: None

Motion Carried.

Old Business

No old Business.

Adjournment

Mayor Pro Tem Medina moved to adjourn, seconded by Trustee Salazar. The meeting adjourned at 9:38 pm.

Respectfully Submitted by


Town Clerk – Shawn Pagnotta




Mayor / Mayor Pro Tem