

# TOWN OF LA JARA

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Regular Meeting  
Date: October 11, 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/townofajara](http://www.colorado.gov/townofajara)

## **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, Mayor Pro Tem Medina and Mayor Zaragoza. Trustee Espinoza arrived at 7:35 pm.

Absent: Trustees Cummings, and Salazar.

A quorum was present.

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

Mayor Zaragoza suggested sending a retirement card to Sam Mamet, who is retiring as the CML Executive Director in the spring.

## **Approval of Agenda**

Ordinance 2018-1 – An ordinance repealing a portion of Ordinance No. 1990-2 adopted July 26, 1990, but retaining the remainder thereof was added as Item C under New business.

**Motion:** Trustee Gallegos moved to approve the Agenda with the changes; seconded by Mayor Pro Tem Medina.

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

Nays: None

Motion Carried.

## **Approval of Consent Calendar**

**Motion:** Mayor Pro Tem Medina moved to approve the Consent Calendar; seconded by Trustee Valdez.

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

Nays: None

Motion Carried.

## **Recognition of Scheduled Public Comment**

Tom Monaco, Director of SBDC, introduced himself to the trustees and explained the SBDC is the Small Business Development Center. He stated that there are 14 centers throughout Colorado in which he is the

director for the center in the San Luis Valley. Since he was hired about 4 months prior he is reaching out to all the communities in the valley to get a better understanding of the dynamics of each community and find out what the needs are in respect to small business and economic development. He stated that although he is centered in Alamosa, he doesn't want to be Alamosa centered and is wanting to change that narrative by being more involved in each of the communities. He wants to spend one day a month in each community to make people aware of what resources are available through SBDC and focus on offering resources that are relevant to each community. He stated that they offer no-cost consulting for business planning, financial planning, and educational workshops. He stated he is happy to work with the town in any way that he can to further the town's agenda in regards to economic development.

### **Town Manager's Report**

Town Manager Koenig reported that the building at the end of Broadway where hemp is being grown is fully licensed and has been inspected by the state. Town Manager Koenig also stated that the new farm bill that is slated to be passed would deregulate the growing of hemp. There was discussion that the owners have met all the building codes that were required. Mayor Zaragoza stated that many of the sanitary issues would likely diminish since they are now connected to the Town's water and sewer system.

Town Manager reported that speed bumps have been installed on South Main, which has resulted in a little push-back from citizens but has otherwise helped with the speeding traffic.

Town Manager Koenig explained the need to have the town's ordinances codified. He explained that currently the ordinances are filed by the year that they were adopted. If an ordinance needs to be researched it is very difficult to try and find it. He explained that \$2500 was budgeted for 2019 to start the process. Town Clerk Pagnotta explained that she had sent out requests for proposals from several different codification companies and explained that the cost ranges anywhere from \$10,000 to \$5,000. The process will take about two years to complete and once the process is finished any new ordinances will be included in the code book. Town Manager Koenig asked for approval to move forward with codification process.

**Motion:** Mayor Pro Tem Medina moved to proceed with the codification of the ordinances; seconded by Trustee Gallegos.

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

Nays: None

Motion Carried.

Town Manager Koenig reported that he received one bid to stripe parking lines on Walnut. He stated the bid he received was \$862 to stripe diagonal lines on both sides of Walnut to resolve the parking issues. The striping will be done either this fall or next spring. Town Manager asked for approval to move ahead with the striping.

**Motion:** Trustee Valdez moved to move ahead with the street striping on Walnut; seconded by Trustee Gallegos.

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

Nays: None

Motion Carried.

Town Manager Koenig discussed creating a skate park at the Aspen Circle park. He stated the estimate would be about \$52,000 and GOCO now requires a dollar for dollar match. Town Manager Koenig stated that other grants could be pursued to help with matching funds. He also heard word that COG will be offering grant funding not to exceed \$5,000. Mayor Zaragoza stated that he would talk to the El Pomar board about grant opportunities. Mayor Pro Tem Medina also mentioned the Rural Philanthropy Days

would be another opportunity to seek grant funding. Town Manager Koenig asked for approval from board members to move forward with the planning process.

**Motion:** Trustee Valdez moved to move forward with the planning of the skate park; seconded by Trustee Espinoza.

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

Nays: None

Motion Carried.

Town Manager Koenig stated that he has asked for input as to what animals should be excluded from the town limits. He asked the trustees to come up with a list by the next meeting.

Town Manager Koenig addressed the ACLU Loitering ordinance. He explained that according to the ACLU it is unconstitutional to restrict loitering. He stated that Attorney Ray Valdez has drafted a revision to the town's current ordinance to repeal that section.

Town Manager Koenig reported on the upcoming Pumpkin Chunkin that will be held on October 27. He stated that we need judges for the carving contest as well as the pumpkin chunkin. Mayor Zaragoza spoke to Jason Combs, who is donating straw bails and will be coordinating with Events Coordinator Krista Ross and the Maintenance Department in order to go pick up the straw.

Town Manager Koenig reminded everyone of a county sales tax proposal that will be on the November ballot. The proposition will increase the sales tax to 2.5% which will bring our taxable rate up to about 10 cents on every dollar. He stated that the proposal is going for a good cause to help sheriff officers and ambulance.

Town Manager Koenig reminded everyone to start thinking of candidates for "Citizen of the Year." He also asked for input as to where the Christmas Party should be held. It was suggested to have the party at the Dutch Mill in Antonito. On December 8<sup>th</sup>.

Town Manager Koenig reported that the Town adopted a 3% use tax back in 2000. He stated that the county has not been collecting this tax for the sale of vehicles, but is collecting now.

Town Manager Koenig presented the 2019 budget. He stated the overall budget is \$1,121,910 with the General Fund being \$620,000 and the Water and Sewer budget is \$579,000. He highlighted several line items throughout the General Fund and Water and Sewer budgets as well as the Conservation Trust Fund where the trustees had questions. He stated that there would be a hearing prior to the November Council meeting if there were any questions.

**Approval of the Town Manager's Report:**

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

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

Nays: None

Motion Carried.

**Town Attorney's Report:**

Town Attorney Valdez reported on the letter from the ACLU stating that loitering is protected under the 1<sup>st</sup> Amendment as a freedom of speech. He stated that the Town's current ordinance was found to be unconstitutional. In response to the letter from the ACLU, Attorney Valdez drafted an amendment to Ordinance 1990-2 repealing section 1 that prohibits loitering.

**Motion:** Trustee Valdez moved to approve Ordinance 2018-1, an ordinance repealing a portion of Ordinance 1990-2 adopted July 26, 1990, but retaining the remainder thereof; seconded by Trustee Espinoza.

**Vote Results:** Ayes: Trustees Valdez, Gallegos, Espinoza, Mayor Pro Tem Medina, and Mayor Zaragoza.  
Nays: None  
Motion Carried.

**Approval of the Town Attorney's Report:**

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

**Vote Results** Ayes: Trustees Valdez, Gallegos, Espinoza, Mayor Pro Tem Medina and Mayor Zaragoza.  
Nays: None  
Motion Carried.

**Trustee Comments:**

Trustee Gallegos – Commented about a citizen that has been caught checking in vehicles, she asked what could be done about this since the new resolution that was just passed gives them the right to loiter. She also asked if any restrictions could be put on the hemp building. Town Manager stated that they have met all the requirements that the town required. Attorney Valdez stated that there is another factor that needs to be considered that states that no governmental entity is ever permitted to pass what is called Ex Post Facto Law which says you cannot make something illegal that has been legal up to that point. He stated that courts will strike any provision quickly that amounts to an Ex Post Facto Law, so if the town were to impose restrictions on the hemp place, they could argue that they were grandfathered in, or the town didn't complain about it earlier. Attorney Valdez stated that there is really nothing further the town can do. Trustee Gallegos felt that there were several violations that should have been looked at. Town Manager Koenig stated that Inspector Mike Zinger did an inspection and found no issues.

Trustee Gallegos stated that she agreed with Trustee Espinoza that there should be more patrolling on Hwy 285. She stated that during the day time there is so many people speeding on the highway and in her area as well. Attorney Valdez agreed that he has also witnessed high rates of speed on the highway.

Mayor Pro Tem Medina mentioned that one individual who admitted to committing the thefts around town has been arrested. She asked if there was an ordinance restricting trash in the yards because her neighbor has a bunch of trash on the side of the house. Chief Lujan stated that he would check it out.

Trustee Valdez – reported that they had a fire safety week were the fire department went to the elementary and Little Treasures and taught the kids fire safety and reminded them to tell their parents that it is time to clean the chimneys.

Trustee Espinoza – Also commented on the traffic on Hwy 285. She stated that they are tearing the building located on Spruce Street down. She also commented that the lights on Main Street are so nice. She stated it is nice to have lights when she leaves her building at night.

Mayor Zaragoza – Asked if a retirement card could be sent to Sam Mamet from CML. He reported that the speed bumps on South Main have helped with the speeding and traffic in that area. Mayor Zaragoza reported on grants that are available for the Pete Martinez Memorial plaque through the El Pomar board on which Mayor Zaragoza is a chair member of.

**New Business**

Resolution 2018-4 A Resolution opposing Amendment 74, an attempt to amend the Colorado Constitution to drastically limit state and local government services at a high cost to taxpayers.

**Motion:** Mayor Pro Tem Medina moved to approve Resolution 74, and Trustee Valdez seconded. Trustee Gallegos stated that she would rather not vote yes or no on this resolution because she wants to reserve her right to vote in November.

**Vote Results** Ayes: Trustees Valdez, Espinoza, Mayor Pro Tem Medina and Mayor Zaragoza.

Nays: None

Abstain: Trustee Gallegos

Motion Carried.

Town Clerk Pagnotta stated that she would notify CML of the resolution.

Attorney Valdez suggested it would be a better practice to go on record and stated that the Town of La Jara opposes Amendment 74. He suggested putting a letter in the Valley Courier.

**Old Business**

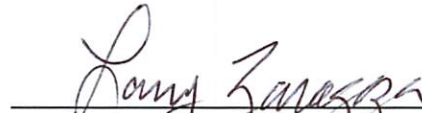
None

**Adjournment**

**Mayor Pro Tem Medina moved to adjourn. The meeting adjourned at 8:55 pm.**

**Respectfully Submitted by**

  
Town Clerk - Shawn Pagnotta

  
Mayor / Mayor Pro Tem

