

TOWN OF LA JARA

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Regular Meeting
Date: April 13, 2016

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 Zaragoza at 7:00 p.m.

Pledge of Allegiance:

The Pledge of Allegiance was led by Mayor Zaragoza.

Roll Call:

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

Absent: None

A quorum was present.

Also present were: Town Attorney Ray Valdez, Town Manager Dennis Koenig, Chief Dan Martinez, Town Clerk Shawn Pagnotta, and Deputy Clerk Krista Ross.

Approval of Agenda

Trustee Valdez moved to approve the Agenda and Mayor Pro Tem Medina seconded.

Vote Results:

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

Nays: None

Motion Carried.

Mayor Zaragoza thanked Town Clerk Pagnotta for running the elections. He asked her about the CIRSA audit and what it was for. Town Clerk Pagnotta stated it was an audit to make sure all policies and procedures were in place. Mayor Zaragoza thanked her for listing the new businesses in the clerks report

Approval of Consent Calendar

Mayor Pro Tem Medina moved to approve the Consent Calendar and Trustee Salazar seconded.

Vote Results:

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

Nays: None

Motion Carried.

Recognition of Scheduled Public Comment

Lisa Silva came to the town council needing clarification on water taps, service charges, and ordinances pertaining to service availability. Town Attorney Valdez explained the availability of service ordinance. He stated the Colorado Revised Statute 31-15-709 for water, and 31-15-709 for sewer, are statutes allowing municipalities to charge the minimum rates for service availability.

He quoted ordinance 2006-2 section 2.4.2 “ any person desiring to tap pipes or mains of the water system, or make any connection therewith, or use water therefrom shall make application therefor in writing for a permit to do so with the Town Clerk on a form to be used for that purpose, therein agreeing to pay such rates for the use of water as may then or thereafter be established by an appropriate resolution adopted by the Board of Trustees from time to time, and also agreeing to conform to and be governed by such rules and regulations that may be adopted by an appropriate resolution by the Board of Trustees for the governing and control of the La Jara water system or any part thereof, which application shall also state the nature or character of the tap or connection or appliance to be made with the water system, the full legal names of the owners of such property, the name or names of the tenants of such property, if any, the location by lot, block, and street number thereof, the number of taps, the premises upon which water is sought to be used, the character and size thereof, the nature of which it is to be used, and in all cases, every application shall be accompanied by a tender of sufficient money to pay not less than the minimum rate for the use of water and all other charges of every kind until the next period of collection water rates or charges.”

Alan Wehe, Manager of Jade Communications came to answer questions about broadband service his company is providing to the San Luis Valley. Mayor Zaragoza asked him about service speed and if it varied depending on the area. Wehe explained bandwidth would be a key factor in the sending and receiving of information. Trustee Gallegos asked what it would cost if there were damage to one of the lines. Wehe stated in order to avoid this problem they would be sure to get locates. After the lines are set, then in the future someone from their company could locate. Town Manager Koenig asked what it would cost the town if a line were to be damaged. Mayor Zaragoza stated damage expense was a huge concern if that were to happen. Wehe stated he did not want to guess, however he stated it was very expensive. Trustee Salazar stated he wanted to discuss competition. He asked about other providers coming to our town, Wehe stated the only competitor was Century Link.

Mayor Pro Tem Medina made motion to go into executive session at 8:14pm for the purpose of determining the positions to relative matters that may be subject to negotiations, developing strategy for negotiation, and/or instructing negotiators, under C.R.S Section 24-6-402(4)(e);

Mayor Zaragoza announced, “The time is 8:27, and the executive session has been concluded. The participants in the executive session were: Town attorney Ray Valdez, Town Manager Koenig, Trustee Valdez, Trustee Espinoza, Trustee Salazar, Mayor Zaragoza, Mayor Pro Tem Medina, Trustee Cummings, Trustee Gallegos, Town Clerk Pagnotta, Paul, and Elain Faucette. For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in the Open Meetings Law, I would ask that you state your concerns for the record.”

Trustee Salazar stated he would like to make a motion to give the Faucett's a one year extension on their sales tax abatement agreement. Trustee Espinoza and Town Manager Koenig stated the town board needed to make an addendum to the contract and to include Trustee Salazar's motion to accept. Paul Faucette addressed the board regarding the retention pond. He stated because he built the retention pond himself, he had Caldon Seeding and Reclamation provide him with a bid of the cost of constructing the retention pond. He used this bid to calculate what the town's portion of the pond would be. Elaine Faucett read article number five of the contract. For the purpose of providing drainage from rain fall in order to

protect adjoining properties from flooding and run off it is mutually agreed and understood that both parties hereto will share the cost of the providing drainage protection in the same ratio that the area of town street and other paved surfaces if any that adjoin the property theirs to the total paved area of property such to be determined if necessary by appropriate measurements by a certified surveyor or an engineer as the development of the property develops to its final completion. Attorney Valdez had questions about the square footage. According to Faucett's bid was 9,863.00 square feet for the town, and the Subway's ratio was 9,900.00 square feet, which appeared to be just about half stated Town Attorney Valdez. Paul Faucette requested the town pave the portion as stated in the contract, in concrete instead of asphalt. Town Attorney Valdez stated he needed to take a hard look at the contract to formulate the numbers. Mayor Zaragoza stated he would like to get more bids just to see what the difference in cost would be. Trustee Espinoza stated she believed the town should hold up to its end of the contract.

Mr. Faucette asked if the town could lay concrete instead of pave the apron portion on the entrance to the Subway parking lot. Faucette proposed that he pay for the concrete and the town pay him back through next year's budget. Koenig stated that was not agreeable due to Tabor. Town Manager Koenig stated the town agreed to pave from the concrete to the road. Faucette stated he will be putting in a new business next to Baroz Auto Service and asked if the maintenance department could locate the water and sewer lines. Mayor Zaragoza thanked the Faucettes for coming.

Recognition of Unscheduled Public Comment

No Comments

Town Manager's Report:

Town Manager Koenig stated the annual CML Conference will be held in Vail this year. Trustees that will be in attendance need to RSVP and fill out the necessary paperwork. Koenig stated the town will start accepting applications for the new chief of police. Chief Martinez will be retiring in August. The accepted applicant for the new chief will start work on August 15th. He stated that we will be showing a CIRSA video that all trustees are required to view. Koenig stated he would like to have a retreat to discuss the budget process. It was decided to have the retreat July 15th and 16th. Koenig stated CIRSA audit scores were good with the lowest being 100 out of 105.

Approval of the Town Managers Report:

Mayor Pro Tem Medina moved to approve the Town Managers Report and Trustee Valdez seconded.

Vote Results:

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

Nays: None

Motion Carried.

Town Attorney's Report:

Town Attorney Valdez stated Ordinance 2016-1 back flow prevention mandated by the State of Colorado. He recommended adopting ordinance by reference amending section 3 of section B, section 5, section 8 and section 9. He stated the town needed to schedule a notice of publication. That needed to occur fifteen days before scheduled hearing of August 1st. He strongly recommended the adoption of this ordinance. Town Manager Koenig stated single family homes are exempt, unless they have an underground sprinkler system.

The Town Board gave permission for publication and scheduled a meeting for Monday June 9th at 6:30pm.

Approval of the Town Attorneys Report:

Mayor Pro Tem Medina moved to approve the Town Attorneys report and Trustee Espinoza second.

Vote Results:

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

Nays: None

Motion Carried.

Town Board of Trustees Comments:

Trustee Valdez- La Jara Fire Department presented the Town Board with a certificate of appreciation for helping with supplies for the benefit dinner.

Trustee Espinoza- She stated she had been working on some things to help with economic development stimulation. She stated she was appointed by Governor Hickenlooper to become the Minority Business Advisory Council for Southern Colorado. She stated she attended a meeting in April to try and get some representatives for the rural areas of Southern Colorado. She stated May 10th there will be an event to help small businesses connect and help get them involved with some of the funding programs, and provide them with options to help enable their business to grow. She stated she wants to identify small businesses that could access a larger market.

Trustee Salazar- He discussed Conejos Housing Authority funding, budget, and possible new housing.

Mayor Pro Tem Medina- No comments

Trustee Cummings- No comments

Trustee Gallegos- She asked if the town owned the vehicles parked in the PD lot, a hummer and a car. Chief Martinez stated the hummer cannot be disposed of unless it is returned to the military. She asked what will happen to the car that was evidence in a murder case. Town Manager Koenig stated the town must keep it forever unless the defendant is deceased. She stated she liked the way the agenda was formatted this time and she liked being able to have the Trustee comments before the new business that way it gives everyone a chance to comment before hand. She stated she believed the town needs to be careful with Jade Communications due to a bad experience she has had with them in the past. She stated Paul Faucetts estimate was by a family member, she stated it would be good idea to have another company estimate the retention pond. She stated the Faucetts should have been put on the agenda instead of being a guest because it took a lot of time from the people. She stated she won't be able to vote on anything that has to do with the Faucette contract because she feels it is a conflict if interest.

Mayor Zaragoza – He thanked everyone who showed up for the annual Easter egg hunt. He stated the walking park needs some maintenance. He read in the maintenance report the track had been drug, however he would like to see that done again. He stated the cleanup at the Cornum property will be done by Absmire. He stated because the Cornum house has asbestos the building will be treated as hazardous material and handled in the same manner as the 310 Main building that burned down. He stated with the board's permission he would like to attend a leadership seminar in Durango. The class is on how to communicate with tact and professionalism. He stated there will be a CIRSA training at 6:30 on May 12th before the regular scheduled meeting, and wants all public officials to attend. He stated there seems to be a lot of animosity toward our employees and the Town Board. Everybody needs to speak highly and positive about our staff, town board, and community.

New Business:

Resolution 2016-3

A resolution to accept the completed construction of the Town of La Jara sewer trunk line project number W15F352.

Approval of Resolution 2016-3:

Trustee Salazar moved to approve the Resolution 2016-3 and Trustee Valdez seconded.

Vote Results:

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

Nays: None

Motion Carried.

Old Business

None

Adjournment

Mayor Pro Tem Medina moved to adjourn and Trustee Salazar second. The meeting adjourned at 10:23 p.m.

Respectfully Submitted by


Town Clerk - Shawn Pagnotta




Mayor / Mayor Pro Tem