

Council Goals

Envision a safe, flourishing downtown that provides a strong commercial tax base

Strive to be active stewards of existing aging infrastructure

Recognize importance of experience, well trained, and community minded staff

Ensure its electorate is well informed of on-going successes and future plans

Envision a safe, secure community for its families and youth

Promote redevelopment of existing businesses and neighborhoods and increase quality of life for all its residents



AGENDA REGULAR MEETING LA JUNTA CITY COUNCIL La Junta, Colorado May 20, 2024 6:00 PM Council Chambers Municipal Building 601 Colorado Avenue

CALL TO ORDER (Mayor Ayala)

INVOCATION (Mayor Ayala)

PLEDGE OF ALLEGIANCE (Mayor Ayala)

ROLL CALL (City Clerk)

Council Members

Supervisors

Others

Ramirez

Velasquez

Stoker

Ayala

Ochoa

Pantoya

Rikhof

MINUTES OF PREVIOUS MEETINGS (Mayor) (Action)
Regular Meeting May 6, 2024

CITIZEN PARTICIPATION FOR NON-AGENDA ITEMS ONLY *(5-minute time limit per person)*

UNFINISHED BUSINESS

A. City Manager Search (Mayor) (Information)

B. Second Reading/AN ORDINANCE APPROVING THE FINAL PLAT OF LANDS OF SENIOR VILLAGE SUBDIVISION (City Attorney) (Action)

C. Second Reading/AN ORDINANCE REPEALING ORDINANCE NO. 1573 KNOWN AND CITED AS "THE REQUIREMENT OF A NON-CIGARETTE TOBACCO RETAILER LICENSE FOR CERTAIN RETAILERS WITHIN THE CITY OF LA JUNTA" AND ENACTING A NEW ORDINANCE TO BE KNOWN AND CITED AS "THE PROTECTION OF PERSONS UNDER TWENTY-ONE YEARS OF AGE FROM TOBACCO ACT" (City Attorney) (Action)

NEW BUSINESS

A. Application for a Special Events Permit by Our Lady of Guadalupe/St. Patrick Parish, Delbert DeLeon, Event Manager. The event is a Community Festival to be held July 12 and 13, 2024 from 4:00 p.m. to 11:00 p.m. at 202 Lincoln Avenue (City Attorney) (Action)

B. A Resolution Concerning the Southeastern Colorado Water Conservancy District and Aurora's Compliance with the October 2003 Intergovernmental Agreement (City Attorney) (Action)

C. A Resolution Authorizing the Sale of Real Property – 1212 Adams Avenue (City Attorney) (Action)

D. First Reading/AN ORDINANCE OF THE CITY OF LA JUNTA AMENDING ORDINANCE NO. 1627 "AN ORDINANCE CONCERNING APPLIANCE DISPOSAL OF GOODS AND OTHER FURNITURE ITEMS" (City Attorney) (Action)

- E. Committee/Board Reports
- F. Interim City Manager Comments
- G. Governing Body Comments
- H. ADJOURN

*Subject to approval at
the May 20, 2024
City Council Meeting*

STATE OF COLORADO)
COUNTY OF OTERO) SS
CITY OF LA JUNTA)

CALL TO ORDER: A regular meeting of the City Council of the City of La Junta, Colorado, was called to order by Mayor Ayala on Monday, May 6, 2024, at 6:00 p.m. in the Council Chambers of the Municipal Building.

INVOCATION: MJ Romano gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Ayala led everyone in the Pledge of Allegiance.

ROLL CALL: The following Council Members were present:

- Damon Ramirez, Ward 1
- Paul Velasquez, Ward 1
- Jeremiah Stoker, Ward 2
- Joe Ayala, Mayor
- Lisa Pantoya, Ward 3
- Maureen Rikhof, Ward 3

Absent: Chandra Ochoa, Ward 2

- Also present:
- Erin Harris, City Attorney
 - Melanie Scofield, City Clerk
 - Betty Velasquez, La Junta
 - Connie Shane, La Junta
 - Cathy Hurd, La Junta
 - MJ Romano, La Junta
 - Josh Harris, La Junta
 - Grant/Carter/Katie Pickering, La Junta
 - Nancy Bennett, La Junta
 - Bethany Bender, La Junta
 - Robert Fowler, La Junta
 - Gary Cranson, UB Chairman
 - Pauline Foss, La Junta
 - Angela Ayala, La Junta
 - Gary Reed, Rocky Ford
 - Adrian Hart, SECO News
 - Bette McFarren, RF Gazette

MINUTES OF PREVIOUS MEETING: Mayor Ayala asked if there were any corrections or additions to the minutes of the Regular City Council Meeting of April 15, 2024. The mayor asked for a motion to approve the minutes as published.

MOTION TO ACCEPT THE APRIL 15, 2024 MINUTES AS PUBLISHED: Rikhof

SECOND: Pantoya

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ochoa absent)

AWARD PRESENTATION: Sergeant Anthony Avila nominated Sergeant Kyle Moore for a life saving award for his quick thinking and swifts actions in helping save a gentlemen’s life during a medical call back on February 18, 2022. Sgt. Moore was presented with a plaque and life saving band for his uniform.

CITY COUNCIL MEETING – May 6, 2024**CITIZEN PARTICIPATION FOR NON-AGENDA ITEMS (5-minute time limit per person):**

1. Zeke Ayala, 702 Belleview: The ART Project is teaming up with SECO News and the City of La Junta Parks and Recreation to bring the Summer Splash pool party on May 31st.

REPORTS

- A. Crime Stoppers:** Crime Stoppers helps with tips to the police department to help make the community a better place. It's an organization that is not ran by the police department. The council has volunteered to help get this started again. If interested, go to www.crimestoppersusa.org or call 1-800-222-TIPS.

The next neighborhood watch meeting will be May 30th at 6:00 p.m. at the Senior Center. Investigator Zgorzynski will be putting on a presentation. Other officers will be available for questions.

- B. Clean Valley Recycling:** There will be an open house and business after hours on May 17th from 5:00 p.m. – 8:00 p.m. at the Recycling Center.

UNFINISHED BUSINESS

- A. City Manager Search.** The job posting went live on Friday. There is a link on the City of La Junta Public Notices Facebook page or you can google it. Maureen has been working on a community survey. There are five questions for community input. A URL and QR code will be made available.

NEW BUSINESS

- A. First Reading/AN ORDINANCE APPROVING THE FINAL PLAT OF LANDS OF SENIOR VILLAGE SUBDIVISION.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Rikhof

SECOND: Ramirez

DISCUSSION: The Subdivision is located in the area of 8th and 9th Streets of Russell Avenue.

VOTE: The motion carried 6-0 (Ochoa absent)

- B. First Reading/AN ORDINANCE OF THE CITY OF LA JUNTA AMENDING TITLE 17 OF THE MUNICIPAL CODE.** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Stoker

SECOND: Ramirez

DISCUSSION: Just using the word "or" leaves out the requirement of having to publish in the newspaper. There was also discussion of where to find Title 17 and that you need to contact the Engineering Department.

VOTE: The motion failed 0-6 (Ochoa absent)

- C. First Reading/AN ORDINANCE REPEALING ORDINANCE NO. 1573 KNOWN AND CITED AS "THE REQUIREMETN OF A NON-CIGARETTE TOBACCO RETAILER LICENSE FOR CERTAIN RETAILERS WITHIN THE CITY OF LA JUNTA" AND ENACTING A NEW ORDINANCE TO BE KNOWN AND CITED AS "THE PROTECTION OF PERSONS UNDER TWENTY-ONE YEARS OF AGE FROM TOBACCO ACT".** The ordinance was introduced by title only, there being copies available to those in attendance.

MOTION TO PASS THE ORDINANCE ON FIRST READING: Stoker

SECOND: Pantoya

DISCUSSION: The State of Colorado raised the minimum age of the sale of tobacco products to 21. This ordinance was written and passed while the age was still 18. The only thing changing is the

CITY COUNCIL MEETING – May 6, 2024

age. Information regarding e-cigarettes and our youth, plus statistics on compliance check and education was shared.

- D. Appointment of a Municipal Judge Substitute.** What do we do when our judge is unavailable? Do we need a substitute? How would we compensate? The Charter permits the City to have a substitute municipal court judge. This would take care of the possibility that Judge Manley is not here everyday either for a vacation or when he decides not to be the City's municipal court judge.

MOTION TO APPOINT A SUBSTITUTE POSITION FOR THE MUNICIPAL COURT JUDGE: Rikhof

SECOND: Pantoya

DISCUSSION: The municipal court judge and his staff administer the court process for municipal tickets. The most common emergency would be when law enforcement requires an additional level of protection by getting a signed warrant when entering a citizen's property because of an abandoned car or rubbish, for example. At this time, the city has only reached out to Mr. Fouracre. He is the only other person who provides the service of municipal judge that's nearby.

VOTE: The motion carried 6-0 (Ochoa absent)

E. Committee/Board Reports

1. Senior Center Advisory Board (Council Member Velasquez):
 - Breakfasts and lunches will be suspended through the summer.
 - The Center will not be available for rental because of short staff.
 - A Code of Conduct is going to be worked on to help maintain some type of stability.

E. Interim City Manager Comments (Mayor Ayala received an email from Interim Davidson)

- Will have a full update on the city webpage at the next meeting.
- Signed a support letter for CDOT trying to receive a grant for the Highway 50 corridor along a 140 mile stretch of Southeastern Colorado to build twelve passing lanes.

ADDITIONAL TOPICS DISCUSSED:

- The renting of the Senior Center hasn't been decided yet.
- The tunnel systems in the arroyo area at Brick and Tile park need to be secured.

F. Governing Body Comments

1. Mayor Ayala (from Brock Hinkhouse):
 - It will be about a month before the pump in the fountain is working at City Park.
 - There's a picture on Facebook showing some toilet paper being misused in the bathroom at City Park and Brick and Tile Park. It has happened twelve out of the last fourteen days.
 - The right field fence blew down at Potter Park. It has been temporarily fixed.
2. Council Member Velasquez:
 - SBT Electric has been hired to work on the pumps located at 1st and Bradish Avenue. When they're done, both pumps should be set to automatic with a float during flooding. A canopy is also being looked into to assist in keeping them operable.
3. Council Member Rikhof:
 - Maureen and Lisa had a Ward 3 listening meeting two weeks ago. About fifteen people showed up with a range of topics. Next listening event will be Monday, May 13th at 6:00 p.m. at the Brick and Tile park.
4. Council Member Stoker:
 - Will be doing walks with his dog through his ward (Paws and Politics). The first one will be this Thursday around 6:00 p.m. and will start at the corner of 14th and Smithland Avenue.
 - Will be volunteering as a shooting sports instructor for Otero County 4H this summer.
5. Mayor Ayala:
 - Thanked Angela Ayala, Sandra Brown, Steve Hardy, Dason and the Otero College Wrestling team for their help at the first Community Clean-Up.

CITY COUNCIL MEETING – May 6, 2024

6. Council Member Velasquez:
- Next week is Law Enforcement Week. If you see a cop, thank a cop.

MOTION TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S. §24-6-402(4)(e):
Stoker

SECOND: Rikhof

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ochoa absent)

Council went into Executive Session from 7:00 p.m. until 7:27 p.m.

MOTION THAT THE CITY COUNCIL APPROVE UP TO \$1800.00 TO BE EXPENDED TO SUPPORT SUBSTITUTE JUDGES DURING THE CITY'S MUNICIPAL JUDGE, JUDGE MANLEY, ABSENCE:
Rikhof

SECOND: Ramirez

DISCUSSION: There was no discussion

VOTE: The motion carried 6-0 (Ochoa absent)

There being no further business, the regular meeting adjourned at 7:31 p.m.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joe Ayala, Mayor

ORDINANCE NO. 1661

**AN ORDINANCE APPROVING THE FINAL PLAT OF LANDS OF
SENIOR VILLAGE SUBDIVISION**

WHEREAS, the City of La Junta has submitted a request to approve the final plat; and

WHEREAS, the Planning Commission of the City of La Junta has recommended approval of the final plat to "Senior Village Subdivision"; and

BE IT THEREFORE ORDAINED AS FOLLOWS:

SECTION 1. That the final plat of the Senior Village Subdivision is hereby approved and accepted, as pertains to the following described real property:

Lot 4, Block 2, Orchard Place, except the East 338.7 feet thereof. County of Otero, State of Colorado.

PASSED on first reading this 6th day of May, 2024.

ADOPTED AND APPROVED this 20th day of May, 2024.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk

ORDINANCE NO. 1663

AN ORDINANCE REPEALING ORDINANCE NO. 1573 KNOWN AND CITED AS "THE REQUIREMENT OF A NON-CIGARETTE TOBACCO RETAILER LICENSE FOR CERTAIN RETAILERS WITHIN THE CITY OF LA JUNTA" AND ENACTING A NEW ORDINANCE TO BE KNOWN AND CITED AS "THE PROTECTION OF PERSONS UNDER TWENTY-ONE YEARS OF AGE FROM TOBACCO ACT"

WHEREAS, The City Council of the City of La Junta finds it in the best interest of the public health, safety and welfare to adopt and implement this Ordinance to be known and cited as "The Protection of Persons Under Twenty-One Years of Age from Tobacco Act"; and

WHEREAS, the City Council of the City of La Junta finds it in the best interest of the public health, safety and welfare to repeal Ordinance No. 1573 and replace it with this Ordinance to be known and cited as "The Protection of Persons Under Twenty-One Years of Age from Tobacco Act"; and

WHEREAS, the City of La Junta recognizes the dangers associated with under-aged access to tobacco products; and

WHEREAS, research shows that most adult smokers began using tobacco products before reaching the legal age at which they could purchase tobacco products; and

WHEREAS, regulating the sale of tobacco products is an appropriate prove deterrent to protect the health, safety and welfare of young people in the City of La Junta; and

WHEREAS, the requirement of retail sellers of tobacco products to comply with the foregoing regulations will not unduly burden legitimate business activities of retailers who sell tobacco products; and

WHEREAS, it is the intent of the City Council in enacting this Ordinance to prohibit the sales of tobacco products to youth; to encourage responsible tobacco retailing and to discourage violations of tobacco-related laws, especially those laws that prohibit or discourage the sale or distribution of tobacco products to persons under the age of 21 years; and to reduce the impact of tobacco and nicotine product use by youth in the City of La Junta.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF LA JUNTA AS FOLLOWS:

SECTION 1. That the following Ordinance Known and cited as "The Protection of Persons Under Twenty-One Years of Age from Tobacco Act" is hereby enacted:

A. Definitions. As used in this Ordinance, the following words shall have the following meanings, unless the context clearly requires otherwise:

- 1) *Retail tobacco business* means a sole proprietorship, corporation, limited liability company, partnership, or other enterprise engaged primarily in the sale, manufacture, or promotion of tobacco, tobacco products, or smoking devices or accessories, either at wholesale or retail, and in which the sale, manufacture, or promotion of other products is less than five percent (5%) gross sales receipts. For purposes of enforcement of this Ordinance, retail tobacco business includes, but is not limited to, a sole proprietorship, corporation, limited liability company or other enterprise engaged primarily in the sale or manufacture of hookah or shisha products and related smoking products, including but not limited to, any plant or other organic matter packaged for smoking or held out as a smoking product, or any sole proprietorship, corporation, limited liability company, partnership, or other enterprise engaged in the promotion of hookah or shisha smoking, sometimes referred to as a hookah bar, café, or lounge.
- 2) *Self-service display* means the open display or storage of tobacco products in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person-to-person transfer between the purchaser and the retailer or employee of the retailer.
- 3) *Tobacco paraphernalia* means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.
- 4) *Tobacco product* includes (1) any product that contains tobacco or nicotine, or is made or derived from tobacco that is intended or expected to be ingested, smoked, inhaled, placed in oral or nasal cavities, or applied to the skin, or (2) any electronic device that can be used to deliver nicotine or tobacco to the person using the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe. The term "tobacco product" does not include any product specifically approved by the United States Food and Drug Administration for use in reducing, treating or eliminating nicotine or tobacco dependence, or for other

medical purposes, when such product(s) is being marketed and sold solely for such an approved purpose.

B. Minimum Age for Persons Selling and Handling Tobacco Products.

No person in the course of employment who is younger than the minimum age established by the laws of Colorado for the sales or handling of tobacco products shall sell, stock, retrieve or otherwise handle tobacco products.

C. Positive Identification Required.

No person shall sell or transfer a tobacco product to another person who appears to be under the age of fifty (50) years without first examining the government issued photographic identification of the recipient to confirm that the recipient is at least the minimum legal sales age under the laws of Colorado to purchase and possess tobacco products.

D. No Persons Under Twenty-One Years Permitted in a Retail Tobacco Business.

1) No person who is younger than the minimum legal sales age of twenty-one (21) year established by the laws of Colorado shall be admitted to or be on the premises of a retail tobacco business. The presence of an under-aged person on the premises of a retail tobacco business shall result in a violation of this Ordinance.

2) The owner of a retail tobacco business shall post and keep at all times visible to the public in a conspicuous place on the premises a sign to be provided by the City Clerk's office which shall read as follows:

WARNING: It is illegal for any person under 21 years of age to be admitted to or be on the premises of this business, and upon conviction, a fine may be imposed.

E. Possession of Tobacco Products and/or Paraphernalia by a Person Younger than the Minimum Age Established by Colorado Laws is Prohibited.

No person who is younger than the minimum age established by the laws of Colorado for the purchase of tobacco products shall possess tobacco products or tobacco paraphernalia. It is not the intent of the City of La Junta, its employees/agents, or Law Enforcement to penalize youth for possession of tobacco products and/or tobacco paraphernalia.

The intent of this provision is to provide education on the harmful effects of tobacco to the person who is younger than the minimum age established by the laws of Colorado and confiscate tobacco products and/or tobacco paraphernalia.

F. Prohibition of Sale of Tobacco Products by a Self-Service Display.

The sale of tobacco products through the use of a self-service display is prohibited.

G. Penalty for Violations.

- 1) Any retail establishment or adult found to be in violation of any provision of this Ordinance shall be subject to a fine of up to \$300.
- 2) Any person who is younger than the minimum age established by the laws of Colorado found to be in violation of any provision of this Ordinance shall not be subject to a penalty or fine.

H. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or determined to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof. The City Council hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses or phrases here of be declared invalid or unenforceable.

I. That all former ordinances, resolutions, rules or regulations, or parts thereof, in conflict with this Ordinance are hereby repealed.

BE IT FURTHER ORDAINED by the City Council that this Ordinance shall take effect thirty (30) days after publication following adoption.

INTRODUCED, READ, AND PASSED ON FIRST READING at a regular meeting of the City Council on this 6th day of May, 2024, and ordered published in full in the La Junta Tribune Democrat.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joseph Ayala, Mayor

ADOPTED AND PASSED ON SECOND AND FINAL READING at a regular meeting of the City Council on this 20th day of May, 2024, and ordered published by title only in the La Junta Tribune Democrat.

ATTEST:

CITY OF LA JUNTA

Melanie R. Scofield, City Clerk

Joseph Ayala, Mayor

CERTIFICATE OF PUBLICATION AND ADOPTION

I HEREBY CERTIFY that on this 6th day of May, 2024, the foregoing Ordinance was introduced, read and ordered published in the La Junta Tribune Democrat, a newspaper of general circulation published in Otero County, Colorado, and was published on this 16th day of May, 2024, which date was at least ten days before adoption of the Ordinance by the City Council.

I FURTHER CERTIFY that on this 20th day of May, 2024, the foregoing Ordinance was adopted on second and final reading and ordered published by title only, together with any amendments made after first reading, if any, in the La Junta Tribune Democrat, a newspaper of general circulation published in Otero County, and was published on this 30th day of May, 2024.

Melanie R. Scofield, City Clerk

RESOLUTION NO. R-7-2024

**A RESOLUTION CONCERNING THE SOUTHEASTERN COLORADO
WATER CONSERVANCY DISTRICT AND AURORA'S COMPLIANCE
WITH THE OCTOBER 2003 INTERGOVERNMENTAL AGREEMENT**

WHEREAS, the Southeastern Colorado Water Conservancy District ("**SECWCD**") and the City of Aurora acting by and through its Utility Enterprise ("**Aurora**") entered into an Intergovernmental Agreement in October 2003 ("**2003 IGA**"); and

WHEREAS, the SECWCD and Aurora negotiated the terms of the 2003 IGA with the understanding that its terms are intended to protect future agricultural water ownership and use in the Arkansas River Basin; and

WHEREAS, the 2003 IGA has helped foster the relationships between water rights owners in the Arkansas River Basin and provided the foundation for subsequent agreements involving Aurora and other entities in the Arkansas River Basin, including the November 2003 Intergovernmental Agreement between Aurora and the Upper Arkansas Water Conservancy District; the May 2004 Intergovernmental Agreement between Aurora, the District, the Cities of Colorado Springs, Pueblo, and Fountain, and the Board of Water Works of Pueblo; and the 2011 Intergovernmental Agreement between Aurora and the Lower Arkansas Valley Water Conservancy District; and

WHEREAS, the SECWCD Board of Directors adopted Resolution No. 2024 - 03D on April 9, 2024, urging Aurora to refrain from violations of the 2003 IGA in the interests of regional cooperation and relationships between water rights owners and entities in the Basin.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City of La Junta affirms its understanding that a central purpose of the 2003 IGA is to prevent Aurora from purchasing any additional agricultural water rights and permanently transferring those water rights out of the Arkansas River Basin for municipal use.
2. The City of La Junta believes that Aurora's purchase at this time of additional Arkansas River Basin water rights for transfer out of the basin would violate the 2003 IGA, and the City of La Junta urges Aurora to refrain from or cease all such violations.
3. The City of La Junta believes that the 2003 IGA is a foundational and beneficial document for the Arkansas

River Basin, and that for the benefit of maintaining regional cooperation and relationships between water rights owners and entities in the Basin, both the SECWCD and Aurora must remain in compliance with the terms, conditions, and goals of the 2003 IGA.

4. The City of La Junta supports SECWCD in its efforts to assure Aurora's compliance with the 2003 IGA.

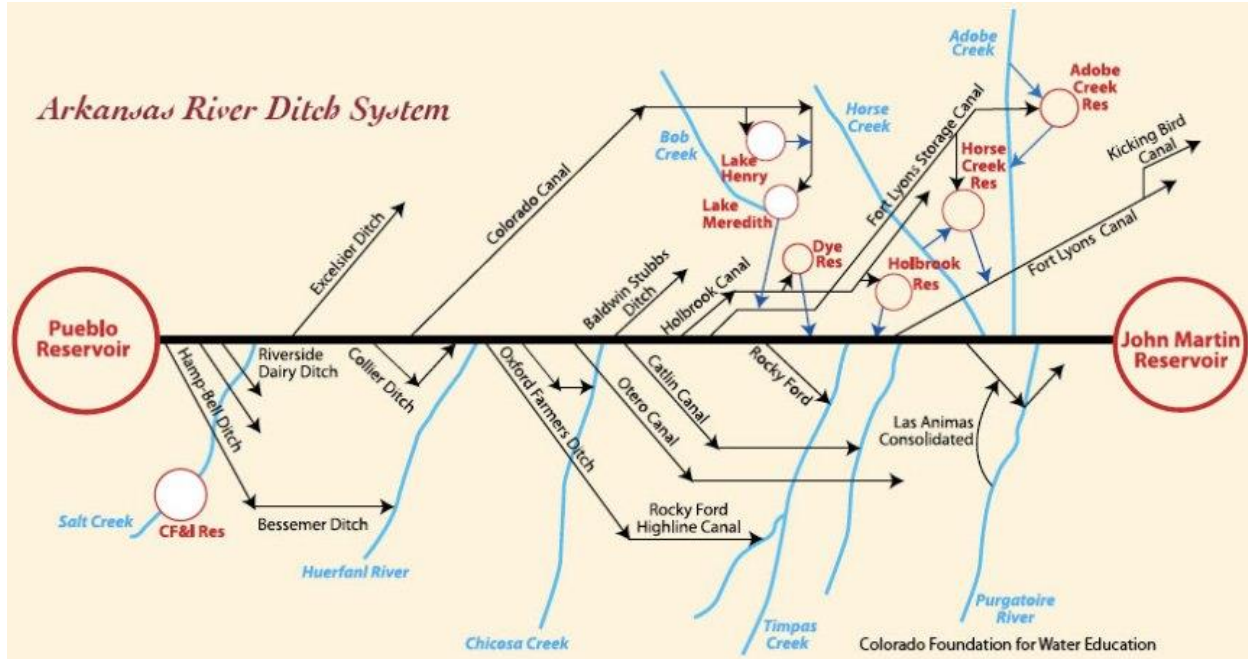
APPROVED AND ADOPTED this 20th day of May, 2024.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk



Straight line diagram of the Lower Arkansas Valley ditches via Headwaters Magazine as reprinted by the Lower Arkansas Valley Water Conservancy District

**Release from Southeastern Colorado Water Conservancy District (Chris Woodka):
April 9, 2024**

The impending purchase of an Otero County farming operation by the city of Aurora violates the 2003 Intergovernmental agreement between the Southeastern Colorado Water Conservancy District and Aurora, according to a resolution passed unanimously Tuesday, April 9, 2024 by the District's Board of Directors.

The action came after Marshall Brown, General Manager of Aurora Water explained details of the purchase and Aurora's interpretation of the IGA to the Southeastern Board. Aurora intends to spend \$80.4 million to buy 5,200 acres of land and the water used to irrigate 4,806 acres. Most of the water used to irrigate the land is through Catlin Ditch shares, along with other water rights in the Arkansas Valley.

Aurora would use the water three years out of every 10 and lease water back to a farming company, C&A Companies, in seven years out of every 10. Brown stressed that Aurora wants to keep farming alive in the Arkansas Valley.

Southeastern claims the sale violates an IGA signed in 2003 that cleared the way for Aurora to use Fryingpan-Arkansas Project facilities to move water out of the Arkansas River basin into the South Platte River basin under a 40-year contract with the Bureau of Reclamation. The IGA also is the foundation for a series of other agreements over the next eight years with other major water providers in the Arkansas basin, including Colorado Springs Utilities, Pueblo Water, the Lower Arkansas Valley Water Conservancy District, Fountain, the Upper Arkansas Water Conservancy District and Fountain.

The major points made in the resolution include:

- The central purpose of the 2003 IGA is to prevent Aurora from purchasing any additional agricultural water rights and permanently transferring those rights out of the basin for permanent use.
- The provision in the agreement to transfer water when Aurora's storage is below 60 percent refers to storage that was available in 2003, rather than additional storage Aurora may have gained since then or is contemplating building.
- The purchase of additional Arkansas River basin water rights to transfer out of the basin for municipal use in Aurora violates the 2003 IGA, and the Board urges Aurora to refrain from or cease all violations.
- The 2003 IGA is a foundational and beneficial document for the Arkansas River basin and in order to maintain regional cooperation and relationships with water rights owners and entities within the basin, both the District and Aurora must remain in compliance with the IGA.
-

The 2003 IGA was written following Aurora's second purchase of Rocky Ford Ditch shares and required payments of \$25.5 million to the Southeastern District over 40 years as compensation for the loss of agricultural land. It also allows Aurora to lease water in dry years, and only when Aurora's reservoirs are less than 60 percent full – so-called "Category 2" water.

During a question-and-answer session, Southeastern Board members sparred with Brown over several topics, including whether Aurora would be willing to put conservation easements on its farmland to assure that irrigation would occur in perpetuity, how Aurora would account for the 60 percent storage requirement, if agricultural conservation and rotating fallowing would be used and why Aurora believes the current IGA has limited its ability to move water.

For the most part, those questions were left unresolved, and Brown indicated Aurora is open to more negotiations. Southeastern Board President Bill Long reminded Brown of the importance of the 2003 IGA: "We have taxpayers who have been part of the District since 1958. ... It was this basin who developed the project for the people of this basin. We have people asking, 'Why are we diverting water out of our basin to build houses in Northern Colorado?' So, we have issues in this basin we have to work through. The Project absolutely is not being utilized for what its original purpose is for. ... This Board will comply with the IGA and defend the IGA on behalf of our constituents, and our view of the agreement may be a bit different than yours."

RESOLUTION NO. R-8-2024

A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY

WHEREAS, the City is a Home Rule City organized under the laws of the State of Colorado; and

WHEREAS, the City previously owned certain real property described as follows:

Lot 6, Block 1, La Junta Wallis Subdivision to the City of La Junta, as shown by the recorded plat thereof, in Otero County, Colorado.

More commonly known as 1212 Adams Avenue, La Junta, Colorado.

WHEREAS, the City Council believes that the real property has no utility to the City and as such is surplus property; and

WHEREAS, the City decided to sell the same to JAMES BUSH.

BE IT THEREFORE RESOLVED BY THE CITY OF LA JUNTA, COLORADO as follows:

1. The City determines that the property is surplus property.
2. The City authorizes the Mayor to execute a Deed of Conveyance to JAMES BUSH in exchange for the gross sum of \$1,901.00.
3. The resolution is enacted by the City Council of the City of La Junta.

Executed this 20th day of May, 2024.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk

ORDINANCE NO. 1664

**AN ORDINANCE OF THE CITY OF LA JUNTA AMENDING
ORDINANCE NO. 1627 "AN ORDINANCE CONCERNING APPLIANCE
DISPOSAL OF GOODS AND OTHER FURNITURE ITEMS"**

WHEREAS, the City of La Junta has adopted provisions concerning garbage removal and refuse removal as set forth in Title 8 of the Municipal Code; and

WHEREAS, the City is desirous of making provisions which will facilitate the maintenance of a clean city by limiting and regulating the indiscriminate disposal of appliances and other articles within non-designated areas in the City.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF LA JUNTA AS FOLLOWS:

SECTION 1. Section 8.08.045 is repealed in its entirety.

SECTION 2. A new Section 8.08.045 is enacted as follows:

Section 8.08.045 Abandoned White Goods: It shall be a violation of this section for any person to abandon or discard, in any public or private place accessible to children, any chest, closet, piece of furniture, refrigerator, icebox, motor vehicle, or other article, having a compartment of a capacity of one and one-half cubic feet or more and having a door or lid which when closed cannot be opened easily from the inside, or who, being the owner, lessee, or manager of such place, knowingly permits such abandoned or discarded article to remain in such condition.

SECTION 3. The amendment shall become effective upon final passage as required by law.

PASSED on First Reading this 20th day of May, 2024.

ADOPTED AND APPROVED as amended this ____ day of June, 2024.

CITY OF LA JUNTA

Joseph Ayala, Mayor

ATTEST:

Melanie R. Scofield, City Clerk