

## 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  
February 2, 2026  
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  
Ramirez (Ward 1)  
Velasquez (Ward 1)  
Johnson (Ward 2)  
Ayala (Mayor)  
Ochoa (Ward 2)  
Pantoya (Ward 3)  
Rikhof (Ward 3)

AWARD PRESENTATION – Mitch Zgorzynski

CITIZEN PARTICIPATION *(5-minute time limit per person)*

EXECUTIVE SESSION FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S §24-6-402(4)(b) AND 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)

CONSENT AGENDA

- A. Regular Meeting Minutes January 20, 2026
- B. Application for Renewal of a Fermented Malt Beverage and Wine Liquor License by Wal-Mart Inc. d/b/a Wal-Mart #1384, 6 Conley Road
- C. Application for Renewal of a Fermented Malt Beverage and Wine Liquor License by LJ Liquor LLC d/b/a LJ Liquor, 302 E. 1<sup>st</sup> Street

NEW BUSINESS

- A. Set for Hearing/New application for a Fermented Malt Beverage and Wine Liquor License by Colorado Harvest Markets Inc., d/b/a Auggie's Market, 315 W. 2<sup>nd</sup> Street (March 16, 2026)
- B. A Resolution Accepting a Petition for Annexation and Referring the Proposed Annexation to the La Junta Planning Commission for Review and Recommendation (City Attorney) (Action)
- C. A Resolution Authorizing Release and Satisfaction of Judgment Lien Related to 1010 Raton Avenue (City Attorney) (Action)
- D. First Reading/AN ORDINANCE CREATING A NEW CHAPTER 9.10 OF TITLE 9 OF THE LA JUNTA MUNICIPAL CODE, ENTITLED "GAMBLING DEVICES" (City Attorney) (Action)
- E. First Reading/AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO ADOPTING CHAPTER 9.14 OF THE LA JUNTA MUNICIPAL CODE REGARDING ADMINISTRATIVE CLOSURE OF PREMISES ENGAGED IN UNLAWFUL ACTIVITY (City Attorney) (Action)

- F. First Reading/AN ORDINANCE ADOPTING CHAPTER 8.14 OF THE LA JUNTA MUNICIPAL CODE ENTITLED "PUBLIC NUISANCE ABATEMENT, INJUNCTIONS, AND RELATED REMEDIES" (City Attorney) (Action)
- G. First Reading/AN ORDINANCE CREATING A NEW ARTICLE WITHIN CHAPTER 9.08 OF TITLE 9 OF THE LA JUNTA MUNICIPAL CODE PROHIBITING GAMBLING AND SIMULATED GAMBLING DEVICES, PROVIDING DEFINITIONS, ESTABLISHING PENALTIES, DECLARING GAMBLING PREMISES A PUBLIC NUISANCE, AND AUTHORIZING SEIZURE AND FORFEITURE OF GAMBLING DEVICES AND PROCEEDS (City Attorney) (Action)
- H. Committee/Board Report
- I. City Manager Report
- J. Community Events/Council Report
- K. Governing Body Report
- L. ADJOURN

**CITY COUNCIL MEETING – January 20, 2026**

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

**CALL TO ORDER:** The regular meeting of the City Council of the City of La Junta, Colorado, was called to order by Mayor Ayala on Monday, January 20, 2026, at 6:00 p.m. in the Council Chambers of the Municipal Building.

**INVOCATION:** Mayor Ayala 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  
Carly Johnson, Ward 2  
Joe Ayala, Mayor  
Lisa Pantoya, Ward 3  
Maureen Rikhof, Ward 3

Absent: Chandra Ochoa, Ward 2

Also present: Michael Hart, City Manager  
Erin Harris, City Attorney  
Melanie Scofield, City Clerk  
Brad Davidson, Fire Chief  
Michael Engebrecht, Fire Captain  
Chris Arguello, Electric Superintendent  
Anthony Aguilar, Electric Lineman  
Drew Yochum, Electric Lineman  
Gary Reed, Rocky Ford  
David Polley, La Junta  
Alison Penner, La Junta  
Cheryl Lindner, La Junta  
Brittany Baylor, Inspiration Field  
Adrian Hart, SECO News  
Nancy Harrington, SECO News  
Bette McFarren, RF Gazette

  
Subject to approval at the  
February 2, 2026  
City Council Meeting  


**EMPLOYEE SERVICE AWARDS**

**A. January 2026**

**1. Michael Engebrecht, Fire – 5 years**

- 11/4/2021 Hired in Police Department
- 11/06/2022 Transferred to Fire Department
- 02/01/2024 Promoted to Fire Captain

**EMPLOYEE RECOGNITION**

**A. Anthony Aguilar**

**B. Drew Yochum**

Superintendent Chris Arguello presented Anthony and Drew with a Certificate of Completion of Apprenticeship to Electrical Lineman.

**CITY COUNCIL MEETING – January 20, 2026****CITIZEN PARTICIPATION (5-minute time limit per person):**

1. Cheryl Lindner, 16 E. 22<sup>nd</sup> Street: Thankful for the tennis courts and disc golf at the park. Also, there is a warming center being opened up this weekend, Friday at noon at the Calvary Church on 5<sup>th</sup> and Colorado until Sunday at noon. We are very grateful for the cooperation and collaboration that has come from the city.

**CONSENT AGENDA****A. Regular Meeting Minutes January 5, 2026****B. Special Meeting Minutes January 13, 2026**

- C. Application for a Special Events Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is their 5<sup>th</sup> Annual Mardi Gras Grand Masquerade Steak Night to be held February 20, 2026 from 12:00 p.m. to 11:00 p.m. at 612 Adams Avenue**
- D. Application for a Special Events Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is their 60<sup>th</sup> Annual Inspiration Field Block Party Celebration to be held April 25, 2026 from 10:00 a.m. to 11:00 p.m. at 612 Adams Avenue**
- E. Application for a Special Events Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is their 41<sup>st</sup> La Junta Trading Company Golf Classic to be held May 8, 2026 from 2:00 p.m. to 11:00 p.m. at 612 Adams Avenue**
- F. Application for a Special Events Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is their 11<sup>th</sup> Annual Poker Run/6<sup>th</sup> Annual Smoke Out to be held June 20, 2026 from 8:00 a.m. to 11:00 p.m. at 612 Adams Avenue**
- G. Application for a Special Events Permit by Inspiration Field, Brittany Baylor, Event Manager. The event is their Annual SECOM/SECPA Golf Classic to be held July 9, 2026 from 10:00 a.m. to 11:00 p.m. at 612 Adams Avenue**

MOTION TO APPROVE THE JANUARY 20, 2026 CONSENT AGENDA: Ramirez

SECOND: Pantoya

DISCUSSION: There was no discussion

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

**NEW BUSINESS****A. Committee/Board Reports**

1. Senior Citizens Advisory Board (Council Member Velasquez):
  - Meetings have been changed to the first Wednesday of each month. The next meeting will be February 4<sup>th</sup> at 1:00 p.m.
  - Currently have two vacant positions.
2. Utilities Board (Council Member Velasquez):
  - Congratulations to Kevin and Mary Quillen for winning the Christmas Lighting Contest.
  - Water Department is continuing routine maintenance and working on a couple of breaks.
  - The Electric Department/ARPA has scholarship available to La Junta seniors and families using City of La Junta electricity in the amount of \$1,400. The application is due by April 10<sup>th</sup>.
3. Library Advisory Board (Council Member Rikhof):
  - ESL classes are starting next Monday from 5:30 to 7:30 p.m. Childcare will be provided.
  - The Teen Activities Group is moving to every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of the month from 4:30 to 6:00 p.m.
  - The monthly health screening will be Monday, January 26<sup>th</sup> from 4:00 – 6:00 p.m. in partnership with Valley Wide.
4. Planning Commission (Council Member Rikhof):
  - Had a work session to discuss Conex containers and business registrations.
  - At last Thursday's regular meeting, it was decided to move forward with drawing up language for both topics.

**CITY COUNCIL MEETING – January 20, 2026**

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**C. City Manager Report**

- AVRMC is in the process of applying for EPA Brownfield grant to help with some tear down involving asbestos mitigation.
- There was a light out at the top of one of the water towers, that has now been fixed.

**D. Community Events/Council Reports**

- 2026 Girls in the Middle Conference will be Saturday, March 7<sup>th</sup> at Otero College. The theme is “Surfing the Waves to Your Future”. The event is targeted for 5<sup>th</sup>-8<sup>th</sup> grade girls. Registration ends February 5<sup>th</sup> and the cost is \$5.00 with a capacity of 200 girls.
- La Junta Chamber of Commerce 124<sup>th</sup> Annual Banquet is January 26<sup>th</sup>. There are still tickets and tables available. Tickets are \$45.00 per person and tables are \$375.00 which seats eight and includes two bottles of wine.

**E. Governing Body Reports**

1. Council Member Johnson: Purchased a home that sits just across the boundary in Ward 3 so will be stepping away from role as Ward 2 representative effective March 1<sup>st</sup>.
2. Mayor Ayala: In the Gov Business Review Magazine, Michael Hart was listed in the top 10 City Managers for 2025. “True leadership isn’t about having all the answers, it’s about listening, empowering and creating space for every voice to shape the future.”

There being no further business, the meeting adjourned at 6:25 p.m.

**ATTEST:**

**CITY OF LA JUNTA**

\_\_\_\_\_  
Melanie R. Scofield, City Clerk

\_\_\_\_\_  
Joseph Ayala, Mayor

**RESOLUTION NO. R-8-2026**

**A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION AND REFERRING THE PROPOSED ANNEXATION TO THE LA JUNTA PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION**

**WHEREAS**, pursuant to Article 12 of Title 31, Colorado Revised Statutes, the City Council of the City of La Junta has received a petition for annexation of certain real property contiguous to the municipal boundaries of the City; and

**WHEREAS**, the City Council has reviewed the petition for annexation and finds that it appears to be in proper form and complies with the procedural requirements of Section 31-12-107, C.R.S.; and

**WHEREAS**, Colorado law and the City of La Junta's established annexation procedures require review and recommendation by the Planning Commission prior to City Council consideration of an annexation ordinance; and

**WHEREAS**, the City Council desires to refer the proposed annexation to the Planning Commission for review, public hearing, and recommendation concerning consistency with the City's Comprehensive Plan and applicable planning criteria;

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**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO:**

**Section 1.**

The City Council hereby accepts the petition for annexation of the real property described in the petition and accompanying annexation plat.

**Section 2.**

The proposed annexation is hereby referred to the La Junta Planning Commission for review, public hearing, and recommendation in accordance with applicable state law and City procedures.

**Section 3.**

The Planning Commission is requested to consider the annexation and provide its recommendation to the City Council following its meeting scheduled for **February 19, 2026**, or as soon thereafter as practicable.

**Section 4.**

This Resolution shall be effective immediately upon adoption.

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**ADOPTED** by the City Council of the City of La Junta, Colorado, this 2<sup>nd</sup> day of February, 2026.

**CITY OF LA JUNTA, COLORADO**

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Joseph Ayala, Mayor

**ATTEST:**

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Melanie R. Scofield, City Clerk

## **PROCEDURE FOR THE ANNEXATION OF PROPERTY TO THE CITY OF LA JUNTA**

1. Property owners obtain a petition for annexation. Available in the Engineering Office.
2. Property owners submit a signed annexation petition, annexation plat, an abstract or Owner's Encumbrance Report, and a written zoning request, & fee of \$100.00 to the Engineering Office.
3. The City Engineer's office will check the plat for a proper description according to the petition and make certain that there is a proper amount of contiguity to the existing city limits of the City. The required contiguity is one-sixth the total perimeter of the property described in the petition.
4. The petition, plat and proof of ownership are then forwarded to the City Attorney for review. Upon the City Attorney's approval, he will request the petition be put on the next City Council Agenda.
5. The petition is sent to City Council for review and approval to proceed with the annexation process.
6. Upon approval from Council, a legal notice is published in the La Junta Tribune Democrat stating there will be a public hearing to consider the annexation at a Planning Commission meeting. The notification will be published three times with the first being 15 days prior to the meeting.
7. The request will be sent to the Police, Fire, Water, Wastewater, Electric and Finance Departments and they will make their recommendations to the Planning Commission.
8. Materials you would like distributed to the Planning Commission may be brought to the City Engineer's Office and we will have it delivered to all Commission members. We normally make these deliveries at the end of the week proceeding the meeting date on the third Thursday of the month.
9. When the Planning Commission meets, you will have an opportunity to speak and present any material you consider beneficial to your request for annexation.
10. At the hearing by the Planning Commission, you should be ready to explain how you will accomplish the required construction of infrastructure adjacent to the property being annexed. This would include but not necessarily be limited to: curb and gutter, sidewalk, street, sewer main and water main. (If applicable)
11. A favorable hearing by the Planning Commission will result in a recommendation by the Planning Commission to the City Council to annex the petitioned property to the City of La Junta.
12. There will be an annexation ordinance created by the City Attorney to be read and voted on by the City Council. This must be voted on twice, and Council meetings are held on the first and third Monday of each month.
13. Assuming a favorable vote by a majority of these Councilpersons present, the property will be annexed 10 days after publication of the Ordinance.

If you have any questions, please feel free to come by the City Engineer's Office or call us at 384-5991 during normal working hours, Monday through Friday.

10-4

**PETITION FOR ANNEXATION**

TO THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO:

The undersigned, in accordance with Article 12, Title 331, Colorado Revised Statutes, hereby petition the City Council of the City of La Junta, for annexation to the City of La Junta the following described unincorporated territory located in the County of Otero, State of Colorado:

*Please see attached.*

and in support of the said petition, your petitions allege that:

1. It is desirable and necessary that the above described territory be annexed to the City of La Junta;
2. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of La Junta;
3. A community of interest exists between the territory proposed to be annexed and the City of La Junta;
4. The territory proposed to be annexed is urban or will be urbanized in the near future;
5. The territory proposed to be annexed is integrated or is capable of being integrated with the City of La Junta;

\*676032\*

676032  
1 of 1

11/19/2025 12:04 PM  
R\$40.00 D\$2.00 S\$3.00 M\$0.00

Lynda K Scott  
Otero County

**SPECIAL WARRANTY DEED**

THIS DEED Made this 14<sup>th</sup> day of November, 2025, between Jennifer L. Mitchell, grantor, and Jeffrey Ferrero and Danica Ferrero, as joint tenants, whose legal address is 118 ASH AVENUE, LA JUNTA, COLORADO 81050, grantees:

WITNESSETH: That the grantor(s), for and in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the grantees, their heirs and assigns forever, all the real property, together with improvements, if any, situate, lying and being in the County of Otero and State of Colorado, described as follows:

A tract of land lying in Otero County, Colorado in the N $\frac{1}{2}$ SE $\frac{1}{4}$  of Sec. 15, Twp. 24 S., Rg. 55 W. of the 6th P.M and more particularly described as follows:

Beginning at the Northeast corner of the N $\frac{1}{2}$ SE $\frac{1}{4}$  of said Section 15 as monumented by an Otero County Brass Cap P&SS, INC LS 12103 and considering the North line of the SE $\frac{1}{4}$  of said Section 15, (as monumented by similar brass cap at its West end), bearing S.88°19'42"W., with all other bearings contained herein being relative thereto: thence along the East line of the N $\frac{1}{2}$ SE $\frac{1}{4}$  of said Section 15 bearing S.0°43'27"E., 683.23 feet to the True Point of Beginning; thence continuing S.0°43'27"E., 200.00 feet; thence S.88°18'43"W., 790.42 feet; thence N.0°42'56"W., 200.00 feet; thence N.88°18'43"E., 790.39 feet to the True Point of Beginning.

SUBJECT TO:

The East 30.00 feet for San Juan Avenue Right-Of-Way purposes: The West 10.00 feet of the East 40.00 feet as given in Book 614 at Page 351 for telephone cable easement;

The West 30.00 feet for access easement to other lands.

AND SUBJECT to the Otero Canal and such land existing for canal, its access and maintenance.

TOGETHER with an access easement over the North 60 feet of the East 790.45 feet and the West 30 feet of the North 683.45 feet of the East 790.45 feet of the N $\frac{1}{2}$ SE $\frac{1}{4}$  of said Section 15.

Commonly known as TBD San Juan Avenue, La Junta, CO 81050.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor(s), either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. And the grantor(s), for themselves their successors and assigns, does covenant and agree that they shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor.

The lien of the 2025 taxes along with taxes for subsequent years, which are not yet due or payable.

IN WITNESS WHEREOF, The said grantor(s) have caused their name to be hereunto subscribed the day and year first above written.

Jennifer L. Mitchell  
Jennifer L. Mitchell

State of Colorado )  
County of Gunnison )ss.

The foregoing instrument was acknowledged before me this 14 day of November, 2025 by Jennifer L. Mitchell.

WITNESS my hand and seal  
**TRISTEN KENT COLEMAN**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20254008010  
MY COMMISSION EXPIRES FEBRUARY 12, 2029

Notary Public

  
25-25587-co

6. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
  - (a) is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
  - (b) comprising twenty acres or more and which, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars for ad valorem tax purposes for the year preceding the annexation is indicated within the territory proposed to be annexed without the written consent of the landowner or landowners.
7. The signers of the petition comprise the landowners of one hundred percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys;
8. The mailing address of each signer; the legal description of the land owned by each signer, and the date of signing of each signature are all shown on this petition;
9. Attached to this petition is the affidavit of the circulator of this petition that each signature is the signature of the person whose name it purports to be;
10. Accompanying this petition are four prints of an annexation map containing the following information:
  - (a) A written legal description of the boundaries of the area proposed to be annexed;
  - (b) A map showing the boundary of the area proposed to be annexed, such map prepared and containing the seal of a registered engineer or land surveyor if the area to be annexed exceeds forty (40) acres in area;
  - (c) Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area to be platted, then the boundaries and the plat number of plots or of lots and blocks are shown;
  - (d) Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the City of La Junta and the contiguous boundary of any other municipality abutting the area proposed to be annexed.
  - (e) The dimension of the contiguous boundaries are shown on the map.
11. That the above described territory is not presently a part of any incorporated city, city and county or town.

STATE OF COLORADO)

COUNTY OF OTERO ) ss.

CIRCULATORS AFFIDAVIT

Jeffrey Ferrero, Danica Ferrero

being first duly sworn, upon oath disposes and says that they were the circulators of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

Jeffrey Ferrero  
Danica Ferrero



Subscribed and sworn to before me this 20 day of JANUARY, 2026.

Witness my hand and official seal.

My commission expires AUGUST 28, 2027.

Cristian Estrada  
Notary Public

CRISTIAN ESTRADA  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20244032553  
MY COMMISSION EXPIRES AUGUST 28, 2027

Signature of Petitioners requesting annexation	Date of Signature of petitioner	Resident address of each petitioner	Is Petitioner a landowner of property within area to be annexed?	Is petitioner a resident within area proposed for annexation	Description of property owned by each petitioner within area for annexation
1 	1-14-26	3320 San Juan Ave La Junta, CO 81050	<del>NO</del> YES	<del>NO</del>	
	1-14-26	3320 SAN JUAN AVE LA JUNTA CO 81050	yes	NO	



**RESOLUTION NO. R-9-2026**

**A RESOLUTION AUTHORIZING RELEASE AND SATISFACTION OF JUDGMENT  
LIEN RELATED TO 1010 RATON AVENUE**

**WHEREAS**, the City of La Junta, Colorado (“City”) obtained a judgment against Eddie G. Gutierrez III in *City of La Junta v. Eddie G. Gutierrez III*, Case No. 22CV030051, District Court, Otero County, Colorado, arising from condemnation, demolition, and abatement costs associated with real property commonly known as 1010 Raton Avenue, La Junta, Colorado; and

**WHEREAS**, a Transcript of Judgment was issued and recorded with the Otero County Clerk and Recorder on February 27, 2024, at Reception No. 670913, thereby creating a judgment lien against real property owned by the judgment debtor in Otero County; and

**WHEREAS**, the judgment debtor, or his successor in interest, has conveyed to the City all right, title, and interest in the real property described as:

The South One-Half (S 1/2) of Lot Two (2) and the North Eleven (11) feet of Lot Three (3), Block One (1), Park Addition to the City of La Junta, as shown by the recorded plat thereof, County of Otero, State of Colorado,

also known as 1010 Raton Avenue, La Junta, Colorado 81050, Parcel No. 464311234020; and

**WHEREAS**, the City Council has determined that acceptance of title to the above-described property constitutes satisfaction of the judgment, and that release of the judgment lien is appropriate and in the best interests of the City;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO, that:**

1. The judgment obtained by the City of La Junta in Case No. 22CV030051 is hereby deemed satisfied through conveyance of the above-described property to the City; and
  2. The Transcript of Judgment recorded on February 27, 2024, at Reception No. 670913, and the judgment lien created thereby, is authorized to be released; and
  3. The City Manager is hereby authorized to execute and record a Release and Satisfaction of Judgment Lien consistent with this Resolution; and
  4. This Resolution shall be effective immediately upon adoption.
-

**PASSED AND ADOPTED** by the City Council of the City of La Junta, Colorado, at a duly noticed public meeting held this 2<sup>nd</sup> day of February, 2026.

**CITY OF LA JUNTA, COLORADO**

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Joseph Ayala, Mayor

**ATTEST:**

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Melanie R. Scofield, City Clerk

**RELEASE AND SATISFACTION OF JUDGMENT LIEN**

**WHEREAS**, the City of La Junta, Colorado, a Colorado municipal corporation (“City”), obtained a judgment dated February 20, 2024, in the amount of \$39,722.60 against Eddie G. Gutierrez III in *City of La Junta v. Eddie G. Gutierrez III*, Case No. 22CV030051, District Court, Otero County, Colorado; and

**WHEREAS**, a Transcript of Judgment was issued and recorded with the Otero County Clerk and Recorder’s Office on February 27, 2024, at Reception No. 670913, thereby creating a judgment lien against all real property owned by the judgment debtor in Otero County; and

**WHEREAS**, the judgment arose from condemnation, demolition, and abatement costs associated with the real property commonly known as 1010 Raton Avenue, La Junta, Colorado; and

**WHEREAS**, the judgment debtor, or his successor in interest, has conveyed to the City all right, title, and interest in the following described real property:

The South One-Half (S 1/2) of Lot Two (2) and the North Eleven (11) feet of Lot Three (3), Block One (1), Park Addition to the City of La Junta, as shown by the recorded plat thereof, County of Otero, State of Colorado.

Also known as: 1010 Raton Avenue, La Junta, Colorado 81050  
Parcel No.: 464311234020;

**WHEREAS**, the City Council of the City of La Junta, at a duly noticed public meeting held on February 2, 2026, determined that acceptance of title to the above-described property constitutes satisfaction of the judgment described above;

**NOW, THEREFORE**, the City of La Junta, Colorado, hereby acknowledges full satisfaction of the judgment and releases, discharges, and satisfies the judgment lien created by the Transcript of Judgment recorded on February 27, 2024, at Reception No. 670913.

This Release and Satisfaction is executed pursuant to City Council authorization and is intended to memorialize satisfaction of the judgment through conveyance of the above-described property. Nothing herein shall be construed as an admission regarding the validity of the underlying judgment.

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DATED this \_\_\_\_ day of \_\_\_\_\_, 2026.

**CITY OF LA JUNTA, COLORADO**  
a Colorado municipal corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

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**ACKNOWLEDGMENT**

STATE OF COLORADO)

) ss.

COUNTY OF OTERO)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2026, by \_\_\_\_\_, \_\_\_\_\_ of the City of La Junta, Colorado, on behalf of said municipal corporation.

Witness my hand and official seal.

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Notary Public

My commission expires: \_\_\_\_\_



## **HARRIS LAW**

ERIN RP HARRIS  
617 RATON AVE  
P.O. BOX 102  
LA JUNTA, CO 81050  
719.297.3605

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### **MEMORANDUM**

**TO: Mayor and Members of the City Council**

**FROM: Erin Harris, City Attorney**

**DATE: January 20, 2026**

**RE: Addressing Illegal and “Gray-Area” Gambling Operations in the City of La Junta**

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#### **I. Purpose of This Memorandum**

This memorandum is intended to:

1. Provide City Council with background on the emergence of “skilled gaming” or “gray casino” operations in Colorado municipalities;
  2. Summarize the experience of the City of Pueblo and other Colorado cities in responding to these operations;
  3. Explain the public safety concerns associated with such establishments and why La Junta police leadership has raised early concerns;
  4. Present and explain the draft Chapter 9.10 – Gambling Devices ordinance prepared at the request of LJPD Chief Todd Quick; and
  5. Clarify why effective response to this issue requires multiple, coordinated ordinances and enforcement tools, rather than a single code amendment.
- 

#### **II. Background: Emergence of “Skilled Gaming” Operations**

In recent years, municipalities across Colorado have seen the rise of businesses operating electronic gaming machines that closely resemble slot machines but are marketed as lawful “skill-based” or “contest” games. These operations often argue that because a player must make a selection, respond within a timed window, or recognize visual patterns, the machines are based on skill rather than chance and therefore fall outside Colorado’s gambling prohibitions.

This business model is intentionally designed to exploit perceived ambiguity. The machines are typically located in small storefronts, fraternal organizations, or secondary spaces and are

frequently accompanied by assertions that they are not gambling establishments, despite the exchange of money and the awarding of cash or prizes of value.

Colorado law, however, does not recognize this distinction. The Colorado Constitution defines prohibited “simulated gambling devices” to include machines where outcomes are determined by skill, chance, or both. As a result, the presence of a skill component does not exempt an activity from gambling prohibitions.

Nevertheless, enforcement has become increasingly complex as operators rely on the “skilled gaming” narrative to delay or resist local action.

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### **III. Pueblo’s Experience and Enforcement Rationale**

The City of Pueblo provides the most developed example of how Colorado municipalities have responded to these operations.

#### **A. Ordinance Adoption and Enforcement Actions**

In 2024, Pueblo City Council adopted a municipal ordinance expressly prohibiting illegal gambling operations as a city offense. This action followed reports from the Pueblo Police Department of increasing crime and quality-of-life issues associated with establishments operating electronic gambling machines.

Since adoption of that ordinance, Pueblo authorities have:

- Executed multiple search warrants at gambling locations;
- Seized dozens of electronic gambling machines and significant amounts of cash;
- Issued citations for electronic gambling;
- Ordered temporary closures of certain establishments; and
- Destroyed seized machines following court proceedings where defendants pled guilty or were found guilty.

#### **B. Public Safety Findings**

Pueblo’s enforcement actions were driven by public safety concerns, not merely regulatory compliance. Pueblo Police Department leadership has publicly stated that locations operating these machines were associated with:

- Violent crimes, including homicide and aggravated assault;
- Drug overdoses;
- Robberies and property crimes; and
- Ongoing quality-of-life impacts on surrounding neighborhoods.

Chiefs and city officials have emphasized that these establishments became focal points for criminal activity over time, making early intervention critical.

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#### **IV. Legal Challenges and Ongoing Litigation**

Operators affected by Pueblo’s actions, as well as similar actions in Colorado Springs and Grand Junction, have filed lawsuits asserting that their machines constitute lawful “skilled gaming” and alleging improper seizure and forfeiture.

These cases are in early stages. Importantly, the litigation does not dispute that municipalities possess police powers to regulate gambling; rather, it focuses on procedural and constitutional claims related to enforcement methods. Municipalities continue to enforce their ordinances while courts address these broader questions.

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#### **V. Relevance to the City of La Junta**

The La Junta Police Department has expressed concern that similar operations may seek to establish themselves within the City by relying on the same “skilled gaming” arguments seen elsewhere in Colorado.

Based on Pueblo’s experience, the concern is not hypothetical. The risk is that once such an establishment begins operating, it can quickly become associated with increased calls for service, crime, and neighborhood impacts. Addressing the issue after these impacts arise is significantly more difficult than preventing establishment in the first instance.

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#### **VI. Draft Ordinance: Chapter 9.10 – Gambling Devices**

At the request of the Mayor and Police Chief, I have prepared a draft ordinance adding Chapter 9.10 – Gambling Devices to Title 9 of the La Junta Municipal Code.

This draft ordinance:

- Aligns municipal definitions of gambling, gambling devices, simulated gambling devices, and slot machines with existing state statutes and the Colorado Constitution;
- Expressly prohibits possession, operation, facilitation, and promotion of illegal gambling devices within the City;
- Provides authority for seizure and safekeeping of illegal devices for evidentiary purposes;
- Authorizes the Municipal Court to order disposition of devices upon final judgment; and

- Preserves exemptions for gambling activities expressly authorized by state law.

For ease of review, the draft includes bracketed authority references showing where each provision tracks state law or existing La Junta code provisions. These references are intended for internal review and would be removed prior to final adoption.

Standing alone, this ordinance establishes a clear local prohibition and enforcement baseline. However, it does not replicate the full set of tools that have allowed Pueblo to act quickly and decisively.

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## **VII. Why Multiple Ordinances and Tools Are Required**

Pueblo's ability to respond rapidly is the result of several coordinated legal mechanisms, not a single ordinance. To achieve comparable effectiveness, La Junta would need to consider adoption of additional measures, including:

1. **Criminal Code Provisions**  
The Chapter 9.10 ordinance establishes the foundational offense and aligns local law with state gambling prohibitions.
2. **Administrative Closure Authority**  
Pueblo can administratively shut down premises operating illegal gambling devices without waiting for prolonged criminal proceedings.
3. **Civil Nuisance and Injunction Authority**  
Pueblo can seek court orders declaring gambling premises a public nuisance and enjoining continued operation.
4. **Civil Forfeiture Posture Independent of Conviction**  
Pueblo's code and enforcement posture allow for seizure and forfeiture of illegal devices and proceeds through civil processes, reducing reliance on criminal convictions alone.

Each component serves a different function. Together, they allow law enforcement and the City to intervene early, remove machines from operation, and prevent establishments from reopening under slightly altered business models.

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## **VIII. Proposed Process and Next Steps**

The recommended approach is a phased process:

1. **Council Review of Chapter 9.10**  
Review and refine the draft gambling ordinance as the foundational step.

2. **Direction to Prepare Additional Ordinances**  
If Council wishes to pursue a Pueblo-style enforcement model, direction would be needed to draft ordinances addressing administrative closure, nuisance injunctions, and forfeiture authority.
3. **Coordination with Police and Municipal Court**  
Ensure that any adopted provisions align with existing municipal court procedures and enforcement capacity.
4. **Public Transparency and Legal Review**  
Maintain clear findings and statutory alignment to reduce litigation risk and support enforcement actions.

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## **IX. Conclusion**

The draft gambling ordinance before Council addresses the specific request made by the Mayor and Police Chief to establish a clear municipal prohibition aligned with state law. It is a necessary first step, but not a complete solution.

Experience from Pueblo demonstrates that addressing gray-area gambling operations effectively requires a coordinated legal framework that allows the City to act quickly, remove devices from operation, and prevent re-establishment. If La Junta wishes to achieve similar results, additional ordinances will be required, and work on those components is ongoing.

Please let me know if Council would like this matter scheduled for a study session, ordinance introduction, or further briefing.

**ORDINANCE NO. 1690**

**AN ORDINANCE CREATING A NEW CHAPTER 9.10 OF TITLE 9 OF THE LA JUNTA MUNICIPAL CODE, ENTITLED “GAMBLING DEVICES”**

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**WHEREAS**, the City Council of the City of La Junta, Colorado (“City Council”), is authorized pursuant to Article XX of the Colorado Constitution and §§ 31-15-401 and 31-15-103, C.R.S., to enact ordinances to protect the public health, safety, morals, and general welfare of the community; and

**WHEREAS**, the City Council finds that certain gambling activities and gambling devices not expressly authorized by state law pose risks to public safety, contribute to nuisance conditions, and facilitate criminal activity; and

**WHEREAS**, the City Council desires to adopt local enforcement provisions that are consistent with and complementary to Colorado law governing gambling and limited gaming;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO:**

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**SECTION 1.**

Title 9 of the La Junta Municipal Code is hereby amended by the addition of a new Chapter 9.10, to read as follows:

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**CHAPTER 9.10 – GAMBLING DEVICES**

**9.10.010 – Purpose and intent.**

The City Council of the City of La Junta finds and declares that gambling activities and gambling devices, when not expressly authorized by state law, pose risks to the public health, safety, morals, and general welfare of the community, including increased criminal activity, public nuisance conditions, and consumer deception.

This Chapter is enacted pursuant to the City’s police powers to regulate conduct affecting the public peace, morals, and safety, and to provide local enforcement mechanisms consistent with state law.

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### **9.10.020 – Construction with state law.**

This Chapter is intended to be consistent with and complementary to Title 18, Article 10 of the Colorado Revised Statutes and Article XVIII, Section 9 of the Colorado Constitution, and shall be interpreted and applied accordingly.

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### **9.10.030 – Definitions.**

For purposes of this Chapter, the following words and phrases shall have the meanings set forth below. Terms not defined herein shall be construed consistently with Title 18, Article 10, C.R.S.

#### **(a) Gambling.**

“Gambling” means risking anything of value for gain contingent in whole or in part upon chance, or the operation of a gambling device.

#### **(b) Gambling device.**

“Gambling device” means any device, machine, paraphernalia, or equipment, including any electronic, mechanical, or computerized system, that is used or usable in the playing phases of any gambling activity.

#### **(c) Simulated gambling device.**

“Simulated gambling device” means any device or system that simulates or replicates the appearance, operation, or experience of gambling or slot machine play, including but not limited to video displays, electronic sweepstakes systems, or interactive terminals, where the outcome is predominantly determined by chance and a thing of value may be won or awarded.

#### **(d) Slot machine.**

“Slot machine” has the meaning set forth in Article XVIII, Section 9 of the Colorado Constitution, and includes any mechanical, electrical, electronic, or computerized device that, upon insertion of consideration, operates or may be operated, and by reason of chance delivers or entitles a person to receive money, credit, allowance, or thing of value.

#### **(e) Thing of value.**

“Thing of value” means any money, credit, deposit, token, merchandise, prize, or other consideration having monetary or exchange value.

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### **9.10.040 – Prohibited acts.**

#### **(a) Operation or possession.**

It is unlawful for any person to knowingly own, possess, operate, maintain, display, lease, or make available for use any gambling device or simulated gambling device within the City, except as expressly authorized by state law.

**(b) Prima facie evidence of operation.**

The possession of a simulated gambling device in a commercial establishment open to the public shall constitute prima facie evidence of operation for purposes of enforcement under this Chapter.

**(c) Facilitation or promotion.**

It is unlawful for any person to knowingly aid, finance, manage, supervise, promote, or profit from gambling or the use of a gambling device or simulated gambling device within the City.

**(d) Premises liability.**

The owner, lessee, manager, or person in control of any premises where a violation of this Chapter occurs may be charged separately for permitting or allowing such activity.

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**9.10.050 – Seizure and safekeeping.**

Any gambling device or simulated gambling device used or possessed in violation of this Chapter may be seized by a peace officer for evidentiary purposes and placed in safekeeping pending final disposition of the matter.

Seizure under this Section is for evidentiary and enforcement purposes only and shall not constitute forfeiture absent a court order.

All seizures and dispositions under this Chapter shall be subject to the jurisdiction of the La Junta Municipal Court.

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**9.10.060 – Disposition upon judgment.**

Upon entry of a final judgment of guilt or other lawful disposition, the Municipal Court may order the destruction, forfeiture, or other lawful disposition of any gambling device or simulated gambling device seized pursuant to this Chapter.

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**9.10.070 – Penalties.**

Any person who violates this Chapter shall be subject to the general penalties provided in Chapter 1.08 of this Code. Each day a violation continues shall constitute a separate offense.

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**9.10.080 – Exemptions.**

This Chapter shall not apply to gambling activities or devices expressly authorized by the Colorado Constitution or by state statute, including but not limited to activities regulated under Title 44, Articles 30 through 32, C.R.S.

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**9.10.090 – Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Chapter that can be given effect without the invalid provision or application.

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**SECTION 2.**

**The City Clerk is authorized to codify this Ordinance in the La Junta Municipal Code.**

**SECTION 3.**

**This Ordinance shall become effective as provided by law.**

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**INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED** this 2<sup>nd</sup> day of February, 2026.

**ADOPTED ON SECOND READING AND FINAL PASSAGE** this \_\_\_ day of \_\_\_\_\_, 2026.

**CITY OF LA JUNTA, COLORADO**

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Joseph Ayala, Mayor

**ATTEST:**

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Melanie R. Scofield, City Clerk

**ORDINANCE NO. 1691**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA JUNTA,  
COLORADO, ADOPTING CHAPTER 9.14 OF THE LA JUNTA MUNICIPAL CODE  
REGARDING ADMINISTRATIVE CLOSURE OF PREMISES ENGAGED IN  
UNLAWFUL ACTIVITY**

**WHEREAS**, the City of La Junta is a home rule municipality vested with broad police powers under Article XX of the Colorado Constitution and §§ 31-15-401 and 31-15-402, C.R.S., to enact ordinances necessary to protect the public health, safety, morals, and general welfare of its residents; and

**WHEREAS**, the City Council has adopted criminal ordinances prohibiting certain unlawful activities, including but not limited to illegal gambling devices and operations, which may be prosecuted in Municipal Court; and

**WHEREAS**, the City Council finds that certain unlawful activities conducted on or within commercial premises may present ongoing and immediate risks to public safety, including increased calls for police service, associated criminal conduct, disorderly behavior, and adverse impacts on surrounding neighborhoods; and

**WHEREAS**, criminal prosecution alone may not always provide a sufficiently timely mechanism to interrupt ongoing unlawful conduct occurring at a specific location, particularly where such conduct continues while a criminal investigation or court proceeding is pending; and

**WHEREAS**, the City Council further finds that the City has long relied upon administrative nuisance-abatement procedures, including notice, hearing, and abatement authority, to promptly address conditions that threaten the safety, peace, and welfare of the community, as reflected in existing provisions of the La Junta Municipal Code, including Chapter 9.28 (Defaced Property); and

**WHEREAS**, the City Council intends to establish a complementary administrative enforcement tool that operates in conjunction with—not in place of—criminal statutes, allowing the City to temporarily close premises engaged in specified unlawful activity while preserving due process protections and the availability of judicial review; and

**WHEREAS**, the purpose of this ordinance is to ensure that City authorities have the necessary tools to swiftly and lawfully address establishments and situations that endanger the safety and peaceful living of City of La Junta residents, while maintaining transparency, fairness, and accountability in municipal enforcement actions;

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**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
LA JUNTA, COLORADO:**

**Section 1. Adoption of Chapter 9.14.**

Title 9 of the La Junta Municipal Code is hereby amended to add Chapter 9.14, entitled “Administrative Closure of Premises Engaged in Unlawful Activity,” to read as set forth below:

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**CHAPTER 9.14 – ADMINISTRATIVE CLOSURE OF PREMISES USED FOR UNLAWFUL ACTIVITY**

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**9.14.010 – Purpose and legislative intent.**

The City Council of the City of La Junta finds and declares that certain unlawful activities conducted on commercial or nonresidential premises, including but not limited to illegal gambling operations, constitute a threat to the public health, safety, morals, and general welfare of the community.

The purpose of this Chapter is to provide a prompt administrative mechanism to abate ongoing unlawful activity occurring on premises within the City, to prevent continued harm to the community, and to supplement criminal enforcement remedies where immediate action is necessary to protect the public.

This Chapter is intended to operate independently of, and in addition to, any criminal prosecution or civil enforcement authorized by law.

---

**9.14.020 – Definitions.**

For purposes of this Chapter, the following terms shall have the meanings set forth below:

**(a) Premises.**

“Premises” means any building, structure, or portion thereof, and the real property upon which it is located, whether publicly or privately owned, including any business establishment.

**(b) Responsible party.**

“Responsible party” means the owner, lessee, tenant, operator, manager, or any person in control of the premises.

**(c) Unlawful activity.**

“Unlawful activity” means conduct occurring on or within a premises that violates the La Junta Municipal Code or applicable state law, including but not limited to violations of Chapter 9.10 (Gambling Devices).

**(d) Administrative closure.**

“Administrative closure” means the temporary closure of a premises to the public pursuant to this Chapter.

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**9.14.030 – Declaration of public nuisance.**

Any premises upon which unlawful activity is conducted, permitted, or maintained is hereby declared to be a public nuisance.

The existence of a public nuisance under this Section shall not depend upon the filing or outcome of any criminal charge related to the unlawful activity.

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**9.14.040 – Authority to order administrative closure.**

(a) When the City Manager, Director of Public Safety, or their designee determines that unlawful activity is occurring on a premises and that immediate action is necessary to protect the public health, safety, or welfare, the City may issue an administrative closure order pursuant to this Chapter.

(b) An administrative closure order may be issued upon a showing of probable cause that unlawful activity has occurred or is occurring on the premises.

(c) The issuance of an administrative closure order shall not require a prior criminal conviction.

---

**9.14.050 – Notice and service of closure order.**

(a) The administrative closure order shall be in writing and shall state:

1. The address of the premises;
2. The nature of the unlawful activity;
3. The effective date and duration of the closure; and
4. The right to request an administrative hearing.

(b) The closure order shall be served upon the responsible party by personal service, posting on the premises, or any other method reasonably calculated to provide notice.

(c) The City may post a notice on the premises stating that the premises has been closed by order of the City of La Junta.

---

**9.14.060 – Administrative hearing.**

- (a) A responsible party may request an administrative hearing by submitting a written request to the City Clerk within ten (10) days of service of the closure order.
  - (b) The hearing shall be conducted by a hearing officer designated by the City Manager.
  - (c) At the hearing, the City shall bear the burden of demonstrating, by a preponderance of the evidence, that unlawful activity occurred on the premises.
  - (d) Following the hearing, the hearing officer may:
    - 1. Uphold the closure order;
    - 2. Modify the duration or conditions of the closure; or
    - 3. Rescind the closure order.
- 

**9.14.070 – Emergency closure authority.**

- (a) If the City determines that unlawful activity on a premises presents an immediate threat to public safety, the City may order an emergency administrative closure effective immediately.
  - (b) In the case of an emergency closure, the responsible party shall be entitled to an administrative hearing upon written request submitted to the City Manager, which shall be scheduled as soon as practicable but no later than fourteen days following the City’s receipt of the hearing request.
- 

**9.14.080 – Effect of closure.**

- (a) During the period of administrative closure, the premises shall not be open to the public.
  - (b) No person shall knowingly enter or remain upon a premises subject to an administrative closure order, except for purposes expressly authorized by the City.
  - (c) Utilities may be secured or disconnected as necessary to effectuate the closure, consistent with applicable law.
- 

**9.14.090 – Relationship to criminal proceedings.**

- (a) An administrative closure under this Chapter is a civil, remedial action and shall not be deemed a criminal penalty.

(b) The initiation or resolution of a criminal case shall not preclude administrative action under this Chapter, nor shall administrative closure be conditioned upon criminal prosecution.

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**9.14.100 – Violations and penalties.**

Any responsible party who violates an administrative closure order issued pursuant to this Chapter commits a municipal offense punishable under Chapter 1.08 of this Code.

Each day a violation continues shall constitute a separate offense.

---

**9.14.110 – Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, such invalidity shall not affect the remaining provisions or applications of this Chapter.

\*\*\*\*\*

**Section 2. Concurrent Remedies.**

The remedies provided in Chapter 9.14 are cumulative and non-exclusive and shall not be construed to limit or preclude the enforcement of any criminal ordinance, state statute, licensing action, civil nuisance action, or other remedy available to the City under law.

**Section 3. Severability.**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 4. Effective Date.**

This ordinance shall take effect thirty (30) days after final passage and publication, as provided by law.

**Section 5. Safety Clause.**

The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the City of La Junta and its residents.

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**INTRODUCED**, read by title, and ordered published on first reading this 2<sup>nd</sup> day of February, 2026.

**PASSED**, read by title, and ordered published on second reading this \_\_\_ day of \_\_\_\_\_, 2026.

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**CITY OF LA JUNTA, COLORADO**

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Joseph Ayala, Mayor

**ATTEST:**

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Melanie R. Scofield, City Clerk

**ORDINANCE NO. 1692**

**AN ORDINANCE ADOPTING CHAPTER 8.14 OF THE LA JUNTA MUNICIPAL CODE ENTITLED “PUBLIC NUISANCE ABATEMENT, INJUNCTIONS, AND RELATED REMEDIES”**

**WHEREAS**, the City Council of the City of La Junta finds and declares that certain ongoing activities conducted within the City, including but not limited to repeated violations of municipal criminal ordinances, pose a substantial threat to the public health, safety, morals, and general welfare of City residents; and

**WHEREAS**, the City Council further finds that establishments used for repeated unlawful activity may attract associated criminal conduct, degrade neighborhood safety, and undermine the peaceful use and enjoyment of surrounding properties; and

**WHEREAS**, the City has a legitimate and compelling interest in providing civil enforcement mechanisms, in addition to criminal prosecution, to promptly restrain and abate conditions that constitute public nuisances; and

**WHEREAS**, Colorado law recognizes that municipalities may define and abate public nuisances and may seek injunctive relief in district court to restrain ongoing or threatened nuisance activity;

**WHEREAS**, Colorado law provides for the civil forfeiture of property used in, derived from, or maintained in connection with certain public nuisance activity, subject to strict procedural safeguards, standards of proof, and protections for innocent owners, and the City Council intends to confirm that such remedies may be invoked by the City Attorney on behalf of the City only where authorized by and pursued in strict accordance with state law, and only as a supplemental component of nuisance abatement and injunctive relief; and

**WHEREAS**, the City Council intends that this Chapter operate concurrently with criminal enforcement under Title 9 of the La Junta Municipal Code and with administrative closure authority, and not as a substitute for criminal prosecution;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO:**

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**Section 1.**

**Title 8 of the La Junta Municipal Code is hereby amended to add a new Chapter 8.14, to read as follows:**

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## CHAPTER 8.14 – PUBLIC NUISANCE ABATEMENT, INJUNCTIONS, AND RELATED REMEDIES

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### 8.14.010 – Legislative intent.

The City Council finds and declares that certain conditions, activities, and uses of property may constitute public nuisances when they threaten the public health, safety, morals, or general welfare of the community.

This Chapter is enacted to provide civil remedies to restrain, enjoin, and abate such nuisances in a prompt and effective manner, supplementing criminal enforcement and administrative remedies available under this Code and state law.

---

### 8.14.020 – Definitions.

For purposes of this Chapter:

- (a) “**Public nuisance**” means any condition, activity, use of property, or conduct that is declared by this Code to be a nuisance, or that endangers the public health, safety, morals, or general welfare, or that interferes with the peaceful enjoyment of life or property by the public.
  - (b) “**Chronic violation property**” means any property upon which two or more violations of the La Junta Municipal Code have occurred within a twelve-month period, including but not limited to violations of Title 9, or as otherwise determined by a court of competent jurisdiction based on a pattern of violations.
  - (c) “**Person**” includes any individual, partnership, corporation, association, or other legal entity, and any owner, operator, tenant, manager, or person in control of property.
- 

### 8.14.030 – Declaration of public nuisance.

The following are hereby declared to be public nuisances:

- (a) Any property used, maintained, or operated in a manner that results in repeated violations of the La Junta Municipal Code;
  - (b) Any property used to facilitate or conduct unlawful activities prohibited under Title 9 of this Code;
  - (c) Any condition or activity that, based on its nature or frequency, presents an ongoing threat to public safety or order.
-

**8.14.040 – Concurrent remedies.**

The remedies provided in this Chapter are cumulative and in addition to any other remedies available under this Code or state law, including but not limited to criminal prosecution, administrative closure, forfeiture, or abatement proceedings.

Civil forfeiture of property may be pursued only as expressly authorized under Section 8.14.085 of this Chapter and applicable provisions of state law, and shall not be deemed an equitable remedy available under other sections of this Chapter.

Nothing in this Chapter shall be construed to preclude prosecution for violations of the La Junta Municipal Code or applicable state statutes.

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**8.14.050 – Authority to seek injunction.**

The City Attorney is authorized to commence a civil action in a court of competent jurisdiction, including the Otero County District Court, to restrain, enjoin, or abate any public nuisance declared under this Chapter.

Such action may seek temporary restraining orders, preliminary injunctions, permanent injunctions, closure orders, or other equitable relief as necessary to abate the nuisance.

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**8.14.060 – Standard of proof.**

In any action brought under this Chapter, the City shall establish the existence of a public nuisance by a preponderance of the evidence.

A violation of the La Junta Municipal Code shall constitute prima facie evidence supporting a finding of a public nuisance.

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**8.14.070 – Relief authorized.**

Upon a finding that a public nuisance exists, the court may order any equitable relief reasonably necessary to abate the nuisance, including but not limited to:

- (a) Prohibiting specified conduct or activities;
- (b) Closing or restricting use of the property;
- (c) Requiring affirmative actions to prevent recurrence;
- (d) Authorizing enforcement measures to ensure compliance.

Relief authorized under this Section shall not include forfeiture of property, except as separately authorized and pursued pursuant to Section 8.14.085 and applicable state law.

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**8.14.080 – Costs and attorney fees.**

The City may recover costs and expenses incurred in enforcing this Chapter, including reasonable attorney fees, where authorized by law or court order.

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**8.14.085 – Civil forfeiture related to public nuisance activity.**

(a) **Authority.** In addition to injunctive and abatement relief authorized under this Chapter, the City Attorney is authorized to seek civil forfeiture of property used in, derived from, or maintained in connection with a public nuisance, where such forfeiture is authorized by and pursued in accordance with applicable provisions of state law, including but not limited to Sections 16-13-301 et seq. and 16-13-501 et seq., C.R.S.

(b) **Property subject to forfeiture.** Property subject to forfeiture under this Section may include, but is not limited to:

(1) Gambling devices, equipment, proceeds, or instrumentalities used to facilitate unlawful activity declared to be a public nuisance;

(2) Personal property used to maintain, operate, or profit from a chronic violation property;

(3) Proceeds traceable to unlawful nuisance activity, as permitted by state law.

(c) **Separate proceeding required.** Civil forfeiture under this Section shall be pursued only through a separate civil forfeiture action filed in a court of competent jurisdiction, and shall not be ordered solely as incidental relief in an injunction or abatement action under this Chapter.

(d) **Governing law.** Any forfeiture pursued pursuant to this Section shall be governed exclusively by the procedures, standards of proof, and defenses set forth in state law.

(e) **Standard of proof.** The City shall establish grounds for forfeiture by the standard of proof required under applicable state forfeiture statutes.

A judicial determination that property was used in connection with a public nuisance may constitute relevant evidence in a forfeiture proceeding, but shall not by itself be dispositive.

(f) **Disposition of forfeited property and proceeds.** Disposition of forfeited property and proceeds shall be governed by applicable state law and Chapter 2.56 of the La Junta Municipal Code.

All forfeited monies or proceeds received by the City shall be deposited and administered in accordance with Chapter 2.56, including required approvals, accounting, and reporting.

(g) **Protection of innocent owners.** Nothing in this Section shall be construed to eliminate or diminish any defenses, exemptions, or protections afforded to innocent owners or lienholders under state law.

(h) **Non-exclusive remedy.** Forfeiture authorized under this Section is cumulative and non-exclusive, and may be pursued independently of or concurrently with criminal prosecution, administrative closure, or civil injunction proceedings, subject to the procedural requirements of state law.

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**8.14.090 – Severability.**

If any provision of this Chapter or its application is held invalid, such invalidity shall not affect the other provisions or applications of this Chapter that can be given effect without the invalid provision or application.

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**Section 2.**

**Safety clause.**

The City Council hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare.

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**Section 3.**

**Introduction, reading, and adoption.**

This Ordinance shall be introduced at a regular meeting of the City Council of the City of La Junta and read by title only on first reading. The Ordinance shall be considered for passage on second reading at a subsequent regular or special meeting of the City Council, following notice as required by law.

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**Section 4.**

**Publication.**

The City Clerk is hereby directed to publish this Ordinance by title only, together with a notice that copies of the full Ordinance are available for inspection at the office of the City Clerk, in the manner required by law.

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**Section 5.**

**Effective date.**

This Ordinance shall take effect **thirty (30) days after final passage**, as provided by Section 31-16-105, C.R.S., unless a later date is specified herein.

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**INTRODUCED, READ BY TITLE ONLY, AND ORDERED PUBLISHED**

on first reading this 2<sup>nd</sup> day of February, 2026.

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**READ BY TITLE ONLY, PASSED, AND ADOPTED**

on second reading this \_\_\_ day of \_\_\_\_\_, 2026.

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**CITY OF LA JUNTA, COLORADO**

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Joseph Ayala, Mayor

**ATTEST:**

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Melanie R. Scofield, City Clerk

**CITY OF LA JUNTA  
ORDINANCE NO. 1693**

**AN ORDINANCE CREATING A NEW ARTICLE WITHIN CHAPTER 9.08 OF TITLE 9  
OF THE LA JUNTA MUNICIPAL CODE PROHIBITING GAMBLING AND  
SIMULATED GAMBLING DEVICES, PROVIDING DEFINITIONS, ESTABLISHING  
PENALTIES, DECLARING GAMBLING PREMISES A PUBLIC NUISANCE, AND  
AUTHORIZING SEIZURE AND FORFEITURE OF GAMBLING DEVICES AND  
PROCEEDS.**

---

**RECITALS**

**WHEREAS**, the City of La Junta is a home rule municipality vested with authority under Article XX of the Colorado Constitution and Title 31, C.R.S., to protect the public health, safety, morals, and welfare of its residents; and

**WHEREAS**, the State of Colorado has recognized a close relationship between professional gambling and other criminal activity; and

**WHEREAS**, simulated gambling devices and similar electronic gambling operations are prohibited under Colorado law; and

**WHEREAS**, the City Council finds that establishments operating simulated gambling devices present a risk to public safety and are reasonably associated with increased violent crime, financial exploitation, and related criminal activity; and

**WHEREAS**, the City desires to enact clear local prohibitions to allow prompt municipal enforcement and abatement of such activities;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA JUNTA, COLORADO:**

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**SECTION 1.**

**Amendment to Title 9, Chapter 9.08**

A new Article \_\_\_ is hereby added to Chapter 9.08 of Title 9 of the La Junta Municipal Code to read as follows:

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**ARTICLE \_\_\_.**

**Gambling and Simulated Gambling Devices Prohibited**

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**Sec. 9.08. \_\_.010 — Definitions.**

For purposes of this Article:

**(a) Gambling**

Means risking money, credit, deposits, or any thing of value for gain contingent in whole or in part upon chance, the operation of a gambling device, or the outcome of an event over which the participant has no control.

**(b) Simulated Gambling Device**

Means any mechanical, electronic, or digital machine, system, network, software, or device that displays or simulates gambling-style games or outcomes and that is used in connection with a sweepstakes, promotion, or game in which a prize may be awarded, whether directly or indirectly.

This term includes devices simulating slot machines, video poker, bingo, roulette, keno, lottery-style games, or chance-based matching of symbols, numbers, or images.

**(c) Prize**

Means money, credit, goods, services, or any thing of value that may be awarded, redeemed, or transferred.

**(d) Gambling Premises**

Means any building, room, enclosure, vehicle, or place used or intended to be used for gambling or the operation of simulated gambling devices.

**(e) Gambling Proceeds**

Means all money or things of value wagered, received, or displayed in connection with gambling or professional gambling.

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**Sec. 9.08. \_\_.020 — Gambling Prohibited.**

It shall be unlawful for any person to engage in gambling or professional gambling within the City.

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**Sec. 9.08. \_\_.030 — Simulated Gambling Devices Prohibited.**

It shall be unlawful for any person to:

1. Own, operate, possess, lease, sell, transport, or make available any simulated gambling device;

2. Maintain or permit the operation of a gambling premises; or
3. Offer, facilitate, or promote gambling or simulated gambling through any device or system.

Each day a violation continues constitutes a separate offense.

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**Sec. 9.08.\_\_\_\_.040 — Penalties.**

A violation of this Article is a Class 1 municipal offense unless otherwise provided by law. The remedies provided herein are cumulative and in addition to any other remedies available.

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**Sec. 9.08.\_\_\_\_.050 — Gambling Premises Declared Public Nuisance.**

Any gambling premises operated in violation of this Article is hereby declared a public nuisance and is subject to abatement, injunction, or other lawful remedies pursuant to this Code and applicable law.

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**Sec. 9.08.\_\_\_\_.060 — Seizure and Forfeiture of Gambling Devices and Proceeds.**

**(a) Declaration of Contraband.**

All simulated gambling devices, gambling devices, instruments, and gambling proceeds used, possessed, or maintained in violation of this Article are hereby declared contraband.

**(b) Seizure.**

Any peace officer is authorized to seize such devices and proceeds upon probable cause that they are being used or possessed in violation of this Article.

**(c) Forfeiture and Disposition.**

Upon conviction or other adjudication of a violation of this Article, the Municipal Court may order that any seized gambling devices and gambling proceeds be forfeited and destroyed or otherwise lawfully disposed of.

**(d) Judicial Oversight Required.**

No forfeiture or destruction of property shall occur except pursuant to an order of the Municipal Court or other court of competent jurisdiction.

**(e) No Expansion of Forfeiture Authority.**

Nothing in this section shall be construed to authorize civil asset forfeiture beyond the specific devices and proceeds used in violation of this Article.

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**Sec. 9.08. \_\_\_ .070 — Exemptions.**

Nothing in this Article prohibits:

1. Activities expressly authorized under Colorado law, including lawful limited gaming and sports betting conducted in accordance with state law; or
  2. Bona fide amusement devices that do not award prizes of value and are not used for gambling.
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**SECTION 2.**

**Severability.**

If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions.

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**SECTION 3.**

**Effective Date.**

This Ordinance shall take effect thirty (30) days after final adoption.

**CITY OF LA JUNTA**

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Joseph Ayala, Mayor

**ATTEST:**

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Melanie R. Scofield, City Clerk