

COUNCIL MINUTES
JULY 17, 2008

The Monte Vista City Council met in recessed session of their regular monthly meeting on Thursday, July 17, 2008 at 7:00 p.m. in the Council Room, 4 Chico Camino, Monte Vista, CO.

Call to Order

Mayor Don Schall called the meeting to order.

Pledge of Allegiance

Mayor Don Schall led in the Pledge of Allegiance.

Roll Call

Members present Councilor Gabe Duran, Councilor Art Medina, Councilor William Spicer, Councilor Rose Wilson, and Mayor Don Schall. Record to indicate a quorum was present.

Others present City Attorney Eugene Farish, City Manager Don Van Wormer, Chief of Police Jim Gallegos, City Clerk Lucille Duran, Parks and Recreation Director Mike Bork, Community Development Director Alisha Reis, members of the press, and guests.

Approval of Consent Agenda

Councilor Medina made a motion, and Councilor Spicer seconded, to approve the Consent Agenda with Councilor Wilson stating I would like to note in the minutes that Council members, on the Visa card, did pay the City for that expense, meal expense. Consent agenda consisted only of approval of July 3, 2008 Council Minutes and approval of expenditures. Motion carried unanimously.

Citizen Comments/Special Presentations

Greg Weatherford was present to talk to City Council on the 4x4 ATV's for City use on public streets. He is the deputy DA for Rio Grande County. The City could take some action to allow not only the City, but other citizens, to drive ATV's on city streets. You would have to develop an ordinance. CRS 33-14.5-108 allows municipalities to pass a law to make this legal to drive ATV's on city streets. You wouldn't be able to drive them on or across US Highway 285 and 160 because those are state highways. You can cross at a 90 degree angle. Council needs to have a workshop on this before we can develop the ordinance.

Evelyn Wright – I would like to request that the City waive the fee for an appeal to the Board of Adjustments. The variance is for a side setback requirement to replace a deteriorated shed she has demolished. Councilor Medina made a motion, and Councilor Duran seconded, to approve a discounted fee of \$84. Motion carried unanimously.

Tom Vigil with Valley Rodders - We would like to request to change where we have the burnout contest because of safety issues. We would like to move it in front of City Hall here on Chico Camino. We will need to close the road for not more than 2 hours. Councilor Spicer made a motion, and Councilor Medina seconded, to allow Valley Rodders to have their burnout contest on Chico Camino subject to the street not be closed for more than two hours and also they will be responsible for any damages to the street, sidewalks, or curb and gutter. Motion carried unanimously.

Public Hearing

Eugene Farish opened the public hearing at 7:15 p.m. for Southwest Liquor Order to show cause and Notice of hearing. Whereas, it has been demonstrated to the City Council of the City of Monte Vista, Colorado, acting as the Local Licensing Authority, that probable cause exists to believe that you may have violated the statutes or rules and regulations of the Colorado Liquor Code governing your license in the following particulars: That you, as licensee, and/or employee(s) on or about May 21, 2008, allowed the sale and/or service of alcohol beverages to a person under the age of twenty one years of age at your establishment, in violation of Section 12-47-901 (a), Colorado Revised Statutes, which Statute provides as follows: To sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to or for any person under the age of twenty-one years, to a visibly intoxicated person, or to a known habitual drunkard: The owner Rebecca Medina is here as well as the manager Dennis Trujillo. We'll start out with Officer Garcia. Officer Garcia is sworn in. State your name, address and occupation. Sgt. Ivan Garcia with the Monte Vista Police Department testified the following: I received a call from dispatch that an underage male was in the process of purchasing liquor at Southwest Liquor Store. At that, I had dispatch attempt to get more information. The anonymous party called back, so at that time I was advised that it was going to be male subject by the name of Nathaniel Bueno. Dispatch advised me that he was only 20 years of age and that he was in a white Honda. At that time, I was at about the 300 or 400 block of First Avenue. As I got to the 500 Block of First Avenue, I observed a white Honda Accord. I made contact with Nathaniel Bueno. I advised him of the complaint he admitted he had a six pack of Smirnoff in the back of his car. After taking the alcohol out of the back seat of the car, I arrested him for underage possession of ethyl alcohol. We then went to Southwest Liquor, and I spoke with Dennis Trujillo. Trujillo said he recalled selling the liquor to Bueno that evening and said that Bueno has cashed paychecks there in the past. At some point he must have presented an ID which Trujillo believed at that point might have been fake. I charged Trujillo with selling to a minor. Bueno testified that he went to Southwest liquor store and bought alcohol walked out and drove home. He identified Trujillo as the person that sold him the liquor, stating that he was not asked for an ID. Dennis Trujillo testified. He stated that they have never had a liquor violation in the 10 years that they have been opened. He stated that he has asked Mr. Bueno for an ID at least three times and how easy it is to get a fake ID. So, I did not question it because I figured he's already 21 and that particular night I didn't look at it because I had looked at it before. Rebecca Medina owner testified. She stated that they were setting up a camera phone to take pictures of the ID's. She stated that Mr. Trujillo is her uncle very hard working and honest. The hearing is closed and turned over to City Council for action. Councilor Spicer made a motion, and Councilor Duran seconded, that a violation did occur. Motion carried unanimously. Councilor Spicer made a motion, and Councilor Medina seconded, to a 15-day suspension, 10 days held in abeyance for a period of one year. 5-days suspension or may petition to pay a fine in lieu of suspension, or they could buy the card swipe machine pending research of the cost of the machine, with the store paying the difference of the fine if any. The fine is based on 20% gross sale of the alcohol. Suspension would commence in 30 days. Motion carried unanimously.

Resolutions

Eugene Farish read Resolution No. 6-2008 – Approving the agreement with GOCO Trust Fund. Councilor Medina made a motion, and Councilor Wilson seconded, to approve Resolution No. 6-2008 as read. Motion carried unanimously.

Contracts/Agreements/Leases

GOCO Grant Agreement – Project Location March Elementary School. Councilor Duran made a motion, and Councilor Medina seconded, to approve the GOCO Grant Agreement. Motion carried unanimously.

Gas bid Monte Vista Cooperative - Bids were opened on July 14, 2008 with only one bid received. Monte Vista Coop submitted the following bid for the remainder of 2008. Unleaded Gasoline - \$3.693, Unleaded Plus \$3.793, Unleaded Super \$3.893, and Diesel \$4.381. City Council to discuss this further, and will let COOP know.

Reports

City Manager – We have two (2) bids for the rate study. We are going through them now. We are closing down at 9:30 a.m. tomorrow for funeral, also closed next Thursday at noon, and Friday for Stampede.

Jim Gallegos – The Super Bowl will be having their event on Saturday starting at 4:00 p.m. They will be getting the fence in tomorrow for the beer garden. Stampede is next week. We will be having a 2-day taser class. We have two officers certified now. We also had some tasers donated to us. The carnival will be opening up Wednesday night.

Executive Session

Councilor Medina made a motion, and Councilor Wilson seconded, 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 negotiations under C.R.S. Section 24-6-402 (4) (e); For a conference with the City/Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402 (4) (b). Motion carried unanimously.

Recess/Adjournment of Meeting

Meeting adjourned at 9:15 p.m.

Donald Schall, Mayor
Lucille Duran, City Clerk
Approved 8/7/08