

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, April 16, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Baca Gonzalez, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles, Shew, Velasquez
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

PROCLAMATION – YEAR OF THE LUDLOW CENTENNIAL, APRIL 20, 2013 – APRIL 20, 2014. Mayor Baca Gonzalez told those present that this is a part of the process to honor the coal mining tradition and history. She thanked Mr. Bob Butero for his work to bring this 100 year anniversary of the Ludlow Massacre to state and national attention. The proclamation was read aloud. Mayor Baca Gonzalez called on Tara Marshall to share what will occur with the proclamation. Ms. Marshall told Council and those present that there will be four separate but similar proclamations adopted this week, one each from the City of Walsenburg City Council, Las Animas County Commissioners, City of Trinidad City Council and Huerfano County Commissioners. Each will have three original copies and those originals will be disseminated to the United Mine Workers of America (UMWA) office in Washington, D.C., the UMWA office in Denver, CO, and the third will be presented to Governor Hickenlooper at 2:30 p.m. this Friday at the Capital when he will sign an executive order to establish the Ludlow Commission and these proclamations along with the executive order will become part of the historical record of the state of Colorado. She thanked Mr. Butero for this effort adding that he had been asked if Southern Colorado would lead the way and he stepped up. Mr. Butero addressed Council. He told those present that on May 18, 1918, the UMWA erected a monument at Ludlow and every year since they have held an annual service to commemorate the people who lost their lives. Those miners set the table and the ones who followed stood on their shoulders with respect to better health and safety conditions and pay. He continued that the strike began on September 23, 1913 and continued until December, 1914, however it was unsuccessful as it didn't lead to unionization or a collective bargaining agreement. It did however lead to the Wagner Act under the Roosevelt Administration, which allowed workers in this country the right to organize. This year's service has been moved from June to September 22nd and they will commemorate the start of the strike. Next year he said they will hold the service on May 18, 2014, commemorating the erection of the statue. He said the monument was named a national historic landmark three years ago by the National Park Service and is the only one in the United States dedicated to labor so we should all be proud of it. Many people have family or friends who were coal miners and much of the architectural design in Trinidad was done by immigrants that came here to mine. Trinidad once was the second largest city in Colorado. Mr. Butero thanked the Mayor and City Council for the proclamation and said he looks forward to people attending the series of events in Southern Colorado and Colorado as a whole. This commemoration is garnering international attention as well as national attention.

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of April 2, 2013. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote, excepting Councilmember Velasquez who abstained due to her absence from that meeting.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. A. R. Mitchell Museum Events. Steve Mascaranes on behalf of the A. R. Mitchell Museum addressed Council to update them about four upcoming events. First he reminded them of the gigantic art garage sale from 10 a.m. to 5 p.m. this Saturday and from 12 p.m. to 4 p.m. on Sunday. He added that food will be available. Next he reported that on Saturday, April 27th from 10 a.m. to noon there will be a free kids art workshop for the artocade. It is open to 20 kids, so he encouraged those interested to call to reserve a spot. Mr. Mascaranes said the next event will be their Cinco de Mayo event on May 5th at 5:30 p.m. and will feature "Our Trails" opening show. The show will run through September 30th. Attendees are encouraged to bring a dish from their heritage to share in a giant community potluck. There will be mariachis and other entertainment. Finally this Thursday at the Massari building on the TSJC campus, CU in the Community will present a talk "American Dreams – Baseball and American Society." The cost is \$4.00 per person and all proceeds will go to the museum. All of the events except the last one will be at the Mitchell Museum.

Tree Board/Arbor Day Update. Jennifer Laidig and Martha Fitzgerald addressed Council as co-chairpersons to the recently formed City Tree Board. Ms. Laidig told Council that Asst. Planner Karen Wolf was able to get their first grant for \$2,000 from the Colorado Tree Coalition, matched by the City, for a future comprehensive tree plan. They will focus on the Corazon District initially, and Mark Loveall, the State Forester on the Tree Board, is participating in a tree inventory so he will come to them with experience. She said there are some great community-oriented events planned for Arbor Day and deferred to Ms. Fitzgerald to tell about them. Ms. Fitzgerald invited Council to attend the Arbor Day Events the Tree Board has planned. She told them that at 10:00 a.m. on Thursday, April 25th they will be planting a tree on the TSJC campus across from the Zion Lutheran Church in the play field. Children from two elementary schools as well as college students will be on hand. Also on April 25th at 1:00 p.m. they will plant a tree at Fishers Peak Elementary School. On Saturday, April 27th at 11:00 a.m. the Tree Board is joining with the Community Co-Op where they will be closing Elm Street to celebrate Arbor Day and Earth Day. They will also be having a tree planting at Chestnut and Elm Streets and a tree pruning work shop at the soccer field that afternoon.

COUNCIL REPORTS. Colorado Creative Industries Summit. Councilmember Bolton told Council that last Thursday and Friday she attended the second annual Colorado Creative Industries Summit in Pueblo, which was followed by a Saturday meeting with the Core Creative Industries Group. There were numerous opportunities for networking with technical experts and numerous workshops. She elaborated for those not familiar with Colorado Creative Industries, it is a division of the Office of Economic Development and is designed to build new businesses, additional jobs and provide

revitalized economies. She said that between now and May 24th, the Creative District Steering Committee will be placing a huge emphasis on community involvement because by that time they intend to apply for a real Creative District designation. Currently, the City of Trinidad is an Emerging Creative District. Councilmember Bolton said the committee will be reaching out to the community for letters from individuals and businesses, and will also reach out to Council for a resolution in support. She added that she thinks it is important for Council and the community to realize that a Creative District designation is not just about artists – it's about economic development through creative industries. Councilmember Miles added that she was there one day at the summit. The buzz she got about the Trinidad application was very positive and a lot of complimentary words were said about it. Councilmember Bolton concluded that they are very hopeful to attain the designation, which will come with additional financial and strategic support, recognition, signage, etc. It will really be something big for Trinidad.

Economic Development. Councilmember Miles reported as liaison and a non-voting board member of the Economic Development Council that at their most recent meeting the board became fully populated with the addition of the following Board Members: Pete Frasier, Wayne Pritchard, Marsha Royce, Leeann Fabec and Tom Acre. She said she thinks people are excited to have critical mass and she hopes for good things. She named the standing members as Kelly Smith, Steve Heller, Trish Keck and Barbara Howard, for a total of nine members. There were more applications than positions to fill the seats.

Electric Rates. Councilmember Miles reported that there has been a Bill introduced in the State Senate, SB13-252, to increase the renewable energy requirements on rural electric co-ops. If approved it would potentially increase rates because renewable energy is more expensive than existing fossil fuel resources. She explained that while there's no direct impact on Trinidad as a municipal utility or ARPA which is not a co-op, it could affect San Isabel Electric Association which could affect the City's transmission rates. She said they'll learn more at ARPA's meeting next week.

REPORT BY CITY MANAGER. **Library.** City Manager Acre called to Council's attention that at their seating places was information about the Carnegie Public Library going electronic whereby they will be offering e-books. The library has been testing it out and will be able to do this inexpensively using funds that they would otherwise use to buy books. The program is used fairly widely. He concluded that a press release will be done.

Energy Workshop. City Manager Acre reminded Council of the energy workshop next week and said he hoped it will be well attended. He said he thinks it will start a discussion on how the businesses can cut their costs and be more successful.

Art Show. Council was informed by City Manager Acre that there is an art show for young artists tomorrow from 6:00 p.m. to 7:30 p.m. at SCRT. The artists consist of about 300 students from Trinidad High School, Trinidad Middle School, and the COG children's center. He said the invitation just came to the City today.

Trinidad Feasibility Study. City Manager Acre said he, Planning Director Louis Fineberg, the Mayor, and Ed Trommter are having discussions with a group taking a look at Trinidad for a feasibility study, taking an entrepreneurial approach using empty buildings and working with land owners to see if it can be converted into usable space and environmental-friendly operations in the City, such as for agri-tourism. The group is called Fair and Free. They are willing to come down to see Trinidad on their own dime, but with a little help with a place to stay and transportation. He said he'd get more information out as he gets it. City Manager Acre clarified that this group approached the City.

Economic Development Council Conference. City Manager Acre reported on the Economic Development Council conference he attended in Colorado Springs a couple of weeks ago. He said it was well worth attending. He said he learned the difference between the United States' schools and some of the European and Asian schools is that the European and Asian schools are teaching physics in the sixth grade. He said he'll pass that information along to the school district. There is a group out of Colorado Springs heading an effort in the United States to get kids more interested in school in a different manner. He said he also met with a gentleman who is going to give him some information about a program about having people in the community help themselves to bring them up to a higher level, such as a welfare recipient.

Joint City/County Meeting. City Manager Acre told Council that he and County Administrator Leeann Fabec are planning on a joint City Council/County Commissioner meeting next week, on Tuesday, April 23rd at 3:00 p.m. in Council Chambers. He said he would protect the work session to keep the agenda light. He concluded that the joint meeting is long overdue.

Energy Workshop. Councilmember Bolton asked if the workshop deals specifically with commercial utilities or if it will include residential as well. City Manager Acre answered that it will be targeting commercial users right now, who were not well served in the past. However, he said he didn't think they would turn anyone away. Residential users have been addressed in many areas but there's been no model for commercial buildings.

REPORT BY CITY ATTORNEY. **Stipulation, Agreement and Order.** City Attorney Downs pointed to a Stipulation, Agreement and Order at Council's seating places from the Colorado Department of Revenue regarding a liquor license violation by a license holder Council will consider a renewal for this evening. It was received yesterday. He commented that the Department of Revenue never lets the City know when they are conducting an undercover sting operation. City Attorney Downs said after receiving this Order he called Department of Revenue to ascertain if they had any other punitive matters. The only other one they had was Penny Saver in Las Animas County. He clarified that the City is not made aware of these matters until after the agreement is done.

Marijuana. City Attorney Downs called to Council's attention at their seating places a news story updating on the issue of marijuana. He said there was a recent news story about legislation in the U. S. House of Representatives to get the Federal government to recognize state action on the utilization of marijuana. There is legislation pending, but it has a long way to go. Councilmember Miles said the legislation appears to have bipartisan support. Mayor Baca Gonzalez urged staff to carefully monitor what the State of Colorado is doing. She said if she reads the legislation correctly they will be licensing facilities after January 1, 2014. She said her fear is that the state will not step up and provide guidance and it will fall to

locals, leaving everyone to deal with very serious issues at the eleventh hour. City Attorney Downs said also that the Amendment 64 Committee recommended that for the first year starting January 1, 2014, only medicinal marijuana dispensaries would be the only point of sale for recreational marijuana. He also noted that an article in the paper regarding Pueblo County reported that they collected \$58,000 last year from eight dispensaries. He said that's not bad for a business that doesn't have to account for their actual revenue.

COMMITTEE REPORTS. Tree Board Update. The report was provided under Petitions or Communications, Oral or Written.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Appointment of Mayor Pro-Tem. City Manager Acre reminded Council of their previous discussion about correcting something that had been done against the Charter for a few years. Mayor Pro-Tem Shew's term being up, Council needs to appoint a new Mayor Pro-Tem. Pursuant to the Charter, Council needs to make the appointment following their regular election when seated in January. To get us back on course, he reminded Council of their discussion in appointing Councilmember Velasquez for the remainder of her term. It sets the stage to appoint a new Mayor Pro-Tem in January. Councilmember Velasquez has agreed to take on that task. Councilmember Miles moved to appoint Councilmember Velasquez by acclamation. Councilmember Bolton seconded the motion, which carried unanimously.

Special event permit request (malt, vinous and spirituous) by Southern Colorado Repertory Theatre at 131 W. Main Street for May 3, 4, 5, & 10, 2013. Tara Marshall addressed Council on behalf of the applicant as a board member. She said the events on May 3, 4, & 5th is a Peter Pan performance involving about 30 children from the community – the youth theatre company annual event. On May 10th there is a traveling musical act about the Ludlow Massacre. Mayor Baca Gonzalez asked if this permit is in lieu of a regular liquor license. Ms. Marshall said this is a separate application. The tavern license which SCRT has applied for is in process. These events are prior to the tavern license consideration. SCRT would be allowed up to 15 days under a special event permit. Since the premise is not yet permitted under a regular license they are able to use the special events permit, as they have for the past few years. Councilmember Bonato commented that he doesn't have a problem issuing a special events permit to SCRT, but had some issues he wanted to address. He said he thinks SCRT is a great asset to the City but he has concerns about issuing a regular liquor license. He asked for answers when this comes back to Council. Councilmember Bonato said he believes SCRT is family oriented, with children and college students participating in plays. He listed his concerns as follows: 1) There are four liquor licenses within 100 feet of each other – Mantelli's Bar, Bella Luna, Mission at the Bell Restaurant, and Main Street Tap House; 2) What is the total capacity of the building and does it include staff? 3) According to the detailed map provided, it only shows the ground level. Are there any fire escapes or doors to the mezzanine? 4) How do you control loitering and smokers? Where do people have to go to smoke? 5) Has SCRT thought about if they move that they would need to apply for another liquor license? 6) How does Council know if volunteers are properly trained to serve alcohol? (Ms. Marshall said for their events they have been TIPS certified.) 7) Right now the City has 36 or 37 licenses. It seems like we have more bars than restaurants. Where do we draw the line? Ms. Marshall said those questions will be addressed collectively at the hearing. Mayor Baca Gonzalez verified that the special events permit only encompasses the first floor of the facility, so there's no concern about exits, etc. Ms. Marshall pointed to the fire plan included in the application. She offered to answer any questions relative to these four special event permits. There were none. Councilmember Bolton asked if the Building Inspector's concerns about there being holes in the ceiling have been addressed. Ms. Marshall said she would follow up on it. She reported that 50% of their audiences for performances have been new attendees since they've moved to Main Street. A motion to approve the special events permit as requested was made by Councilmember Mattie and Councilmember Shew seconded the motion. Roll call was taken and the motion carried with all Council members voting aye except Councilmember Miles who abstained as a member of the SCRT Board.

Special event permit request (malt, vinous and spirituous) by Mount Carmel Health, Wellness and Community Center at 911 Robinson Avenue for April 27, 2013. Mayor Baca Gonzalez asked if a representative was present. City Clerk Garrett advised Council that Scott Candland, representing the applicant, had verbally notified her of their intent to withdraw the application, however hadn't received anything in writing as of yet. Councilmember Bolton moved to table the request to the next meeting and the motion was seconded by Councilmember Velasquez. The motion carried unanimously upon roll call vote.

Modification of premises application filed by Image Hospitality, LLC d/b/a Quality Inn at 3125 Toupal Drive. Harry Patel addressed Council on behalf of the applicant. Mayor Baca Gonzalez noted that the application is to add a new deck at the rear of the establishment with access from the bar to the patio. Mr. Patel confirmed that to be correct. Councilmember Bolton commented that it appears to be a nice addition to the establishment. She moved to approve the request and Councilmember Bonato seconded the motion. Upon roll call vote the motion carried unanimously.

Special event permit request (malt, vinous and spirituous) by Arthur Roy Mitchell Memorial, Inc. at 150 E. Main Street for May 5, 2013. Cy Michaels, a member of the Board for the A. R. Mitchell Museum, addressed Council on behalf of the applicant. She said the Board has been working very hard to keep the Mitchell in the forefront versus years past when it was only active during tourist season. She said this application is for their Cinco de Mayo event where they will offer tours and explain about the art work and hold a heritage potluck. A motion to approve the request was made by Councilmember Miles. The motion was seconded by Councilmember Velasquez and carried by a unanimous roll call vote with the exception of Mayor Baca Gonzalez who abstained as a member of the Board.

Hotel and restaurant liquor license renewal request by Fisher's Peak Lodging, LLC d/b/a Trinidad Holiday Inn/Peaks Restaurant & Lounge at 3130 Santa Fe Trail Drive. Mayor Baca Gonzalez noted the absence of a representative. Councilmember Bolton moved to table consideration of the license renewal. Councilmember Miles asked if this is the same licensee that Council received information (Stipulation, Order and Agreement) about this evening. City Attorney Downs advised that it is. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote. Mayor Baca Gonzalez asked City Attorney Downs if he would be prepared to provide input on whether the Stipulation, Order and Agreement has an impact on the eligibility of its renewal. City Attorney Downs assured that he would be.

Appointments to the Tourism Board. Mayor Baca Gonzalez reminded Council that Cy Michaels qualifies under the lodging category for the board. Councilmember Mattie moved for the appointment of Cy Michaels to the Tourism Board and the motion was seconded by Councilmember Shew. Upon roll call vote, the motion carried unanimously. Mayor Baca Gonzalez announced that John Parenti and Liz Torres are vying for the same seat on the Board under the category of business or activity which serve tourists. She stated that Mr. Parenti qualifies as a volunteer at the A. R. Mitchell Museum and Ms. Torres owns two businesses. Councilmember Velasquez nominated Liz Torres for the vacancy. Councilmember Bonato seconded the nomination. Roll call was taken and the motion carried with Councilmember Bolton casting the only dissenting vote. She explained that with all due respect to Ms. Torres, that she felt the education and previous marketing experience of Mr. Parenti makes him a better candidate.

BILLS. A motion to approve payment of the bills as presented was made by Councilmember Bolton. The motion was seconded by Councilmember Velasquez. Roll call was taken on the motion to approve the bills and it carried unanimously.

PAYROLL, March 30, 2013 through April 12, 2013 & April 13, 2013 through April 26, 2013. A motion to approve the payroll was made by Councilmember Mattie and seconded by Councilmember Shew. The motion carried unanimously.

EXECUTIVE SESSION – For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official, the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees – Quarterly informal City Manager review of performance and relationship to Council. Councilmember Velasquez made a motion to enter into executive session for the stated purpose and the motion was seconded by Councilmember Bolton. The motion carried unanimously and the executive session ensued at 8:07 p.m. Upon conclusion of the executive session at 9:17 p.m. the meeting resumed.

Conversations with Council. It was discussed and agreed to that the next Conversations with Council will be held on April 30th at the senior center from noon until 2:00 p.m.

ADJOURNMENT. There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Bolton and seconded by Councilmember Bonato. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk