

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, March 4, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Reorda, presiding
	Councilmembers	Bolton, Bonato, Fletcher, Mattie, Miles, Torres
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Special and Regular Meeting of February 18, 2014. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Torres. The motion carried unanimously upon roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Jay Martinez addressed Council. He stated that they have a few products they have developed and are hoping to build a business in Trinidad with them. Mr. Martinez said thus far they have been disappointed with the feedback from the community. Pueblo and Walsenburg told them of incentives should they build their business there. They approached the local Economic Development and Tourism Board about a way to fix the website, but never got a response on their idea or anything at all. He added that they get the cold shoulder from a lot of people here. He said they intend to create 15 to 20 jobs in Trinidad immediately. Trinidad needs jobs and attractions. He said they have something that will attract people to town but are not getting any cooperation. They've looked at about six buildings and intend to have 20 immediate jobs that could turn into 40 to 50 jobs. They are the first in the United States to do something like this. The technology is not available anywhere else. He said he wondered if there are other businesses going to Economic Development or the City who are not getting responses either. He described it as not being a welcoming atmosphere. Mr. Martinez said although they have opportunities to go elsewhere they'd like to stay here. He pointed to a person in the audience named Bruce and said he has been trying to build a business here, but has never gotten any cooperation, push or feedback. If you are going to waste the time in having a board you should see what you can do to help new people. He said they are asking for cooperation. At least give them feedback. Mr. Martinez said his understanding is that the information wasn't even given to City Council by the City Manager. He asked that it be given to them. City Manager Acre told Mr. Martinez that he never received anything from him as follow up from their meeting. He's had no e-mails and no contact from them. Mr. Martinez said he would get it to him.

COUNCIL REPORTS. Councilmembers Mattie, Bolton, Miles and Torres had nothing to report.

Councilmember Fletcher said the Library Advisory Board is not yet formed; they are waiting on applications.

Councilmember Bonato reported on his and the Mayor's recent visit to Fort Carson. He said they were treated great by Garrison Commander Colonel Grosso. They also met with the new Commander, Mr. Hamilton. Mrs. McNaught and Ms. Billie Gardner provided them with a tour of the facilities and treated them very special. Councilmember Bonato said it was his first time on Fort Carson and described it as a city within a city. He continued that he and the Mayor and Colonel Grosso talked about helping disabled veterans and talked about what they are really going through. They also discussed possibly getting soldiers and their families out to visit Monument Lake and showing them a good time. Councilmember Bonato thanked the Mayor and Kim Schultz for inviting him to do this. He also reported that he and the Mayor participated in the Legacy Assisted Living senior Olympics. They presented the metals. He said it is a wonderful facility and commended Mrs. Santistevan for her work there. Mayor Reorda suggested it would be a good idea for the entire Council to visit Ft. Carson as a group. Councilmember Bonato said Mrs. Santistevan would also like a collective visit from Council.

REPORTS BY CITY MANAGER. Business. City Manager Acre said he and the Police Chief received a phone call that there may be a group in town on Friday looking for buildings. They are called Cyber GT. They do internet cafes and kiosks for shopping and a kiosk to enter into sweepstakes. He said he and City Attorney Downs will look into the legalities. The person who contacted him said they have an attorney in Denver working on a model ordinance because they would like to be regulated just like marijuana. They are talking with the Attorney General about whether this is legal in Colorado. He told Council he would pass along their information from their website.

Action 22. City Manager Acre reported that he attended the Action 22 board meeting last Friday and they will be having a follow-up retreat. Limited-stakes gambling is getting more legs in Colorado for another state-wide vote. The town of DeBeque, Mesa, Pueblo, and Arapahoe Counties are looking at potentially doing horseracing. Action 22 doesn't support more gambling in Colorado at this time. If Trinidad should decide to pursue gambling we should go to Action 22 to see if they will change their position and support us. He said he also had an opportunity to talk to Congressman Gardner's representative regarding the National Heritage Program, a sort of land preservation program. They might be able to get the City funds for renovation of buildings downtown. There is some discussion on the eastern plains about it and discussion about western Las Animas County tying mining to it. They are supposed to get him additional information on the program.

REPORTS BY CITY ATTORNEY. Medical Marijuana. City Attorney Downs told Council that one week from Friday the City will begin taking and processing medical marijuana applications (if approved). He explained that the reason he reminded Council of that fact was because staff has not yet been tasked on retail marijuana licensing, if that is this Council's intent. Councilmember Bolton asked about growing operations. City Attorney Downs said with respect to medical marijuana it is an appendix to the store license or infused-products license, called an off-premises cultivation operation. It is in addition to the store or infused-products license. In 90 days of having a business, the licensees will be

required to certify they are cultivating 70% of their product. One can't just get a cultivation license. Councilmember Bolton asked if grow facilities are more in connection with retail marijuana. City Attorney Downs answered affirmatively. Councilmember Miles said in thinking of the sequence, if a person has to grow 70% when you are getting your license where does your medical marijuana come from? City Attorney Downs said people will have 90 days and it doesn't have to grow from seed. He added that the volume for retail versus medical is not the same and the medical volume is more easily met. Mayor Reorda asked how he has been answering the retail marijuana questions. City Attorney Downs said that he tells people that more likely than not retail marijuana will be allowed at some point. He added that people are chomping at the bit for retail. Councilmember Mattie asked if Council is allowing five licenses if there is a procedure in place to decide which five. City Attorney Downs said it will be first come first serve. He noted Councilmember Bolton has pointed out that the ordinance as proposed doesn't allow firearms on the premises. All of this can be amended. Mayor Reorda asked if the City will be advertising. City Attorney Downs said March 14th will be the date and there are a number of things people have to do. One thing is that they will need to apply for a conditional use permit. They need their building, written authorization from the landlord, their ownership formed with all Colorado residents. He said staff anticipates there will be a lot of people ready to apply. It will cost approximately \$20,000 in start-up licensing costs. Councilmember Mattie pointed out that given the complexity of the process it may not be the first five people through the door that get licensed, rather the first five qualified through the door. City Attorney Downs said that if there is an application and it is not technically valid, at what point does it get rejected and moved to the bottom of the pile? He reminded Council that he is there to represent City Council and the City. People interested in a business need to seek the benefit of their own outside legal counsel. Staff is still going over forms. Mayor Reorda suggested the City needs to get more information to the public about the process. An application checklist was mentioned. Councilmember Miles commented that Council talked at length about the state law banning a business from being within 1000 feet of an application that has been denied. If Council has to deny a license because of distance from a school it would be a very dangerous thing with the limited areas that it is permitted in. City Attorney Downs said it will be staff's job to make sure the application is appropriate for Council to consider. Councilmember Mattie noted that reading the media's account of the \$1 million revenue in Pueblo, where people were initially apprehensive it seems to now be more formidable and seems to be brewing a competitive nature between communities.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance repealing and re-enacting Section 9-4 of the Trinidad City Code for the purpose of prohibiting the issuance of a business license to any person seeking to carry on or engage in any business within the corporate limits of the City of Trinidad that is in violation of any law of the State of Colorado. Mayor Reorda declared the public hearing open and called for comments for or against the ordinance. There being none, the hearing was closed.

Second reading of an ordinance repealing and re-enacting Section 9-4 of the Trinidad City Code for the purpose of prohibiting the issuance of a business license to any person seeking to carry on or engage in any business within the corporate limits of the City of Trinidad that is in violation of any law of the State of Colorado. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton. The motion was seconded by Councilmember Miles. Roll call was taken and the motion carried unanimously.

ORDINANCE NO. 1954

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 9-4 OF THE TRINIDAD CITY CODE FOR THE PURPOSE OF PROHIBITING THE ISSUANCE OF A BUSINESS LICENSE TO ANY PERSON SEEKING TO CARRY ON OR ENGAGE IN ANY BUSINESS WITHIN THE CORPORATE LIMITS OF THE CITY OF TRINIDAD THAT IS IN VIOLATION OF ANY LAW OF THE STATE OF COLORADO

Public hearing for consideration of an ordinance establishing regulations and licensing requirements for medical marijuana businesses. Mayor Reorda declared the public hearing open and called for comments for or against the ordinance. Sally Gansz addressed Council. She said she doesn't understand things in the world very much anymore. For years people have been against smoking and now they want marijuana legalized. She said she is adamantly against marijuana. Colorado is leading for their own pleasure and financial windfall. Trinidad has enough problems already without adding this. Sara Jane Ruybalid addressed Council. She said she is a mother and a Physician's Assistant, and she said she thinks they have all been misinformed about medical marijuana. It is a drug regulated by the DEA. Any patient can get it from an oncologist with a prescription if they truly need it. A person can go get a prescription at Walmart and have it sent to your home. She said for those who needed it and was not offered it she is very sorry. Ms. Ruybalid told Council she had two relatives who died from cancer who were offered it. For people to say they can't get it any other way is wrong. A kid getting it at 18 years old for depression is not going to help their depression. In the medical industry they are called medical whores. They come into a town, write a ton of prescriptions, charge \$250 for a person to get a license, and then they never see that person again until that person has to get their license renewed. A person who is actually getting medical marijuana and needs it needs to be followed by the state statute. That is not happening. There have been several people who have actually lost their license. It has been overwhelming for the state. Ms. Ruybalid said she was very disappointed when she saw the map of where the businesses can be located. She questioned why the Chronicle News hasn't published it. She said she was thankful for Goal Academy being in the old Jameson's building otherwise they would be all over downtown. Breckenridge had problems so bad in their historic district that they moved them away from there. The University of Colorado is closing their campus on April 20th because of the problems they have incurred with marijuana. In Pueblo the legalization of pot has attracted homeless people. This is not our finest hour, she said. These are not the things we want in Trinidad. Regarding the vagrancy issues in Pueblo, they have had meetings with downtown business owners. They have had increases in licensing fees, and business owners have had problems getting insurance because of the proximity of the marijuana businesses. She corrected an earlier statement that Pueblo received \$1 million in taxes - they received \$30,000 in taxes according to the Pueblo Chieftain. Is this really what we want? Ms. Ruybalid said asked Governor Hickenlooper when he was in Trinidad what the state is going to do with all of the medical conditions that arise as a result of marijuana use. He didn't have an answer. The Mayor questioned if she just learned Council was doing this. She reminded Council that her husband

addressed Council the first time this issue came up. The second time it wasn't very well publicized. Then she said she saw the ordinance in the paper which she believed was only published one time, just last week. She said she never saw the map and couldn't access it from the City's website. The Governor released the tax money breakdown recently - \$45.5 million for youth and prevention; \$40.4 million for substance abuse treatment; \$12.4 million for public health; a proposed \$5.8 million for a three-year statewide media campaign on marijuana usage; the state Department of Transportation will get \$1.9 million for a 'Drive High get a DUI' campaign; \$7 million on 105beds in residential treatment centers. Ms. Ruybalid asked if marijuana causes no problems why there is \$100.6 million going to prevention and treatment. She states that marijuana is a gateway drug - this is what our kids start with and then they go to something more when they can't get enough of a buzz off of this. She asked Councilmember Mattie as a former Sergeant with the Colorado State Patrol, Councilmember Fletcher as a former teacher, Councilmember Bolton as a business owners, Mayor Reorda as her former principal, Councilmembers Torres and Miles as business owners and Councilmember Bonato as a parent to please not do this. Sally Jane Ruybalid addressed Council. She told them that she is a freshman at Trinidad High School and part of their Knowledge Bowl Team as well as being involved in many other leadership positions and belongs to many clubs. She said she is against marijuana and doesn't think it is good on our youth or our town. Twenty years from now the people paying for the drawbacks of marijuana use will be her generation. This is not our finest hour, it won't be our finest day, week, year or finest hour 20, 30, or 40 years from now. She asked if they want Trinidad to become the next Amsterdam. Trinidad has hosted many great things. She asked if they want the tourists to see these people around high off of marijuana. Is it a good image? It is attracting homeless. Our soup kitchen is struggling as it is to feed our homeless. Can we give them that heavier burden? Can we give the rest of Trinidad that heavier burden or the rest of our schools that heavier burden? Can we give that next generation that heavier burden? She said she was speaking on her own behalf, her beliefs and her generation and she didn't think they should have to deal with this burden. Ms. Ruybalid said last August she saw Governor Hickenlooper at the A. R. Mitchell Museum. He told those present that Colorado is having a losing war with drugs. She said she doesn't think marijuana helps. She concluded by asking Council to please consider this before they vote on it. Even though it may not be beneficial to you, it may be beneficial to our next generation and she promised they will greatly thank them by continuing to open their businesses and minds and hearts in Trinidad, Colorado. Bruce Grubelstein addressed Council and stated he was from the banking industry. He said he's not sure how Trinidad will handle the banking of the proceeds from medical marijuana. City Attorney Downs said that banking in the marijuana business is still not allowed. It is still a Schedule I controlled substance federally. The laws are being relaxed in certain areas with the Obama administration and they want to liberalize banking regulations. However, at this time it is still verboten. Mr. Grubelstein confirmed that it is still going to be a cash industry until that change. There being no further comments, the hearing was closed.

Second reading of an ordinance establishing regulations and licensing requirements for medical marijuana businesses. The ordinance title was read aloud. Councilmember Bolton stated that she thinks there was an oversight on the part of Council in Section 14-214, Operational Requirements, which reads "No firearms, knives, or other weapons shall be permitted in a marijuana center except those carried by sworn peace officers." She said she didn't think it was Council's intent to put business owners and employees in a position of not being able to defend themselves in a cash-only business. She suggested it be deleted in its entirety or modified to include proprietors and their employees. Councilmember Miles asked if that limitation is required by the State. City Attorney Downs said it is not. The language was borrowed from another municipality's ordinance. Councilmember Miles agreed with Councilmember Bolton's position in that case. She said when she read it she thought it applied to customers. A motion to amend the ordinance on second reading to read in Section 14-214, Operational Requirements, "No firearms, knives, or other weapons shall be permitted in a marijuana center except those carried by sworn peace officers, employees, owners or managers of such facilities" was made by Councilmember Mattie. The motion was seconded by Councilmember Fletcher. Roll call was taken and the motion carried unanimously. A motion to approve the ordinance as amended on second reading was made by Councilmember Bolton and seconded by Councilmember Miles. Roll call was taken and the motion carried with all Councilmembers voting aye except Councilmember Bonato who cast a dissenting vote. The ordinance was approved and will become effective in 10 days.

ORDINANCE NO. 1955

AN ORDINANCE ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR MEDICAL MARIJUANA BUSINESSES

MISCELLANEOUS BUSINESS. Retail liquor store license renewal request by Luis A. Lopez II d/b/a Santa Fe Trail Hops & Vines at 1530 Santa Fe Trail Drive. Luis Lopez II was present. A motion to approve the license renewal was made by Councilmember Bolton and was seconded by Councilmember Torres. Upon roll call vote the motion carried unanimously.

Tavern liquor license renewal request by Monte Cristo Bar, Inc. at 124 Santa Fe Trail. Michael Ryman was present on behalf of the applicant. Councilmember Bolton made a motion to approve the tavern renewal and the motion was seconded by Councilmember Miles. Upon roll call vote the motion carried unanimously.

Consideration of Monument Lake 2014 Operations Proposal. Councilmembers Mattie and Miles pointed out that they were not at the work session when this item was discussed. A motion to approve the 2014 Monument Lake Operations Proposal was made by Councilmember Bonato and seconded by Councilmember Fletcher. The motion carried with all Council members voting aye except Council members Mattie and Miles who abstained.

Memorial Resolution acknowledging the contributions of Eugene Aiello upon his passing. A motion to adopt the resolution was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously and the resolution was adopted.

RESOLUTION NO. 1426

A MEMORIAL RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, ACKNOWLEDGING THE CONTRIBUTIONS OF EUGENE AIELLO UPON HIS PASSING

WHEREAS, Almighty God, in His infinite wisdom, has seen fit to take Eugene Aiello from this earthly life; and

WHEREAS, during his lifetime, Eugene Aiello, was a proud Veteran of the United States Army, a long-time civil servant, a local bank president and CEO, and board member for a number of local boards; and

WHEREAS, Eugene Aiello faithfully served the people of the City of Trinidad as a City Clerk, City Treasurer and City Manager as well as City Councilmember and Mayor Pro-Tem; and

WHEREAS, upon the passing of Eugene Aiello, the City of Trinidad wishes, by this Resolution to acknowledge his many contributions to the community and to express its regret and sorrow to the Family of Eugene Aiello.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, that:

The Mayor and City Council do hereby extend their condolences to the Family of Eugene Aiello, and by this Resolution do hereby remember the many outstanding contributions made by Eugene Aiello, to the Trinidad Community.

BE IT FURTHER RESOLVED that this Resolution shall become a part of the official minutes of the proceedings of the Trinidad City Council and a copy of the same shall be provided to the Family of Eugene Aiello.

INTRODUCED, READ AND ADOPTED this 4th day of March, 2014.

/s/JOSEPH A. REORDA, MAYOR

/s/CAROL BOLTON, Mayor Pro-Tem

/s/ANTHONY MATTIE, Councilmember

/s/JOE BONATO, Councilmember

/s/MICHELLE MILES, Councilmember

/s/PAT FLETCHER, Councilmember

/s/LIZ TORRES, Councilmember

Appointment of applicant to the Parks & Recreation Advisory Committee. Councilmember Bolton made a motion to appoint Tim Crisler to the Parks & Recreation Advisory Committee. The motion was seconded by Councilmember Fletcher and carried by a unanimous roll call vote.

Termination of City Manager, Tom Acre. (Considered after Bills and Payroll) Councilmember Bolton moved to strike this item from the agenda and Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

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

PAYROLL, March 1, 2014 through March 14, 2014. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Fletcher. Roll call was taken and the motion carried unanimously.

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:

JOSEPH A. REORDA, Mayor

AUDRA GARRETT, City Clerk