

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, March 18, 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 March 4, 2014. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Bonato. The motion carried unanimously upon roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Economic Development. Marsha Royse addressed Council as Chair of the Las Animas County Economic Development Board. She acknowledged that Council has been working on incentives for new businesses and said she has been bombarded in the Economic Development office by business inquiries of that nature. She told Council that the sooner they are able to establish incentives the better we will be. City Manager Acre said he will bring this matter to Council at their ensuing work session.

Dog Park. Ed Fernandez addressed Council concerning building a dog park in town. Mr. Fernandez complained that both parks have dog feces everywhere you look. People use the parks as a toilet for their dogs, not to mention people's yards. Parks are where children play and people eat. He asked what they think tourists' impressions are. He asked if there's an ordinance that requires people who take their dogs to the parks to have a poop scoop or doggie bags. City Attorney Downs said there is not one. Mayor Reorda advised that the City provides bags at all of the parks. Mr. Fernandez said he walks through Kit Carson Park almost every day and he's never seen any. City employee Bill Beaty said there were some by the big rock on the top of the park. Mayor Reorda said the City can provide the stuff for the owners but we don't have time to make sure everyone who brings their dog to the park picks up after their dog. The City does make an attempt to keep the parks clean. Mr. Fernandez said it doesn't look that way. He suggested that Code Enforcement and the Police Department contact people walking their dogs to see if they are in compliance. Mayor Reorda said the City will work on the issue. Mr. Fernandez concluded by asking Council to consider building a dog park so people can take their dogs there to walk and to socialize like is done in other cities. He said it will make Trinidad a cleaner and safer place to live.

Accomplishments. Lee Hadaway, Union President, City worker, business owner and concerned citizen, addressed Council. He said it is almost the end of the first quarter – in two weeks the first quarter will be done. He said he knows Council has had Colorado Municipal League giving them direction and teaching them to be the best Council they can be. One thing they might have lacked stressing on was how much Council is accountable for what happens in this City and doesn't happen in this City. He continued that is his point right now – the first quarter is over and not a lot has been accomplished. Mr. Hadaway said he had high hopes with the new Council coming in but said they are kind of falling short. He recalled them having ran for office on the position of accountability. He told them that someone will hold them accountable just like he is held accountable in his job. Mr. Hadaway handed out a list entitled 'Things NOT Accomplished by Trinidad City Council – 3/18/2014.' He read from the list that the rates at the landfill have not been raised; there was a vote scheduled for January 21st but there were issues with the ordinance so Council tabled it. He said he hasn't heard anything about it since. Next he said they haven't leased the scale at the landfill although a deal had been set up in November, it was never finalized. The southern annexation was looked into in spring, 2013 – over a year ago. Mr. Hadaway said those are three things that would bring money into this town. He reminded that the City workers narrowly avoided furloughs and the longer those things take the closer they are getting to them again. Mr. Hadaway continued that a Public Works Director and Utilities Superintendent have not been hired. He said we haven't had a Public Works Director since February, 2013 and Jim Fernandez retired as Utilities Superintendent in October, 2013 but due to health reasons was out six months prior to retiring. Also he said they haven't built a new shop and staging area for the Parks Department at Central Park which had been discussed and tentatively approved in November. He said the winter time would have been a good time for that department to move because of the lessened workload; however with summer coming up they are going to get very busy. The financial reports to the union were last received for November, 2013 on January 21, 2014 and he said he needs to get them to their Economic Advisor in the Washington office. With regard to economic development, he said businesses can ask for incentives but Economic Development doesn't have the money so the City will have to come up with them. He asked whether the City is in or out of ARPA and/or if the rates can be reduced because no one knows what is going on with that. He suggested they should have a tour of the City facilities for the new Council members. The last one done was in September and he thought it should be done. Mr. Hadaway then referenced the list of things that have been accomplished and identified raising the water and sewer rates, passing medical marijuana and goal setting. He stated that goals are not worth a dang if you don't meet them at some point. He questioned where the City employees are in these 40 goals. Councilmember Miles told Mr. Hadaway that one of the goals she personally raised was to improve relations with the union. She noted that three-fourths of the other things he named were discussed in their work session.* Mr. Hadaway requested a timeline for when these things will be done.

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

Councilmember Miles reported on her attendance at the Philanthropy Phair at the A. R. Mitchell Museum this past weekend. She said she saw Councilmembers Bonato and Mattie there as well. She told Council that the event was very well attended. There were about 50 booths and she said she was surprised at the number of organizations she wasn't aware of.

*Correction made 4/1/14- Councilmember Miles stated she heard a tone in his voice. Mr. Hadaway said it is frustration. Councilmember Mattie said his comments are caustic, sarcastic, and don't serve him well.

There were over 100 people who attended in addition to the 50 manning the booths. There was a lot of community interest. She thanked Tara Marshall, Phil Rico and Tom and Linda Perry for organizing the event.

Councilmember Fletcher told Council that she attended her first Parks and Recreation Advisory Committee meeting last night. They are working on finalizing the Master Plan which hasn't been presented since 2007. It is in the final stages and they are anxious to get on to more action oriented items.

Councilmember Mattie stated that he spent time at the Philanthropy Phair and was encouraged to see Trinidad's best putting their best foot forward. There were a lot of smiling faces with eager optimism touting the assets they have to offer our community. He said he thought it should be something every citizen should emulate, particularly citizen responsibility, such as picking up after your dog. It was a good practice run for the Philanthropy Days to be held in September. He continued that yesterday he visited with a City Parks Department employee. That employee told him that they report for duty at the Community Center where the time clock is located then drive their personal vehicles to where the work trucks and equipment are located. If there are eight people and it takes 15 minutes to clock in and retrieve their work truck, that is two hours of wasted time in transit a day. He expressed liability concerns with the employees traveling in their personal vehicles while on duty. That employee also told him that for a nominal investment there was a plan approved by Parks Foreman Bonato, Superintendent Esquibel and City Manager Acre in October to make an office at Central Park for the Parks employees. The equipment, trucks, etc. could all be located there. He said it is bad that there was no action taken on it. The employee was well intended in suggesting Council should do something. We tabled another open-ended venture. Finally, Councilmember Mattie said he was approached by John Pearce, the Administrator of Holy Trinity Church. The church has been there almost as long as Trinidad has existed and from recent earthquakes the steeple has suffered some heavy damage. Mr. Pearce told him that the church sought a grant to help with reclamation. He sent out letters asking for letters of support from community groups and had purposefully made a direct request to Mayor Reorda. Councilmember Mattie said that last Friday Mr. Pearce came to him saying he needed the letter. When asked why he didn't ask earlier, he explained that he asked for one from the Mayor. Councilmember Mattie told Mr. Pearce to speak with the City Manager and at the same time told the City Manager to expect a call from Mr. Pearce and if he didn't hear from him to contract him. City Manager Acre spoke to Mr. Pearce and delegated the responsibility to Planning Director Fineberg. He stated that he saw Mr. Pearce today and asked him how the letter worked and was told he didn't get it. He explained that Louis Fineberg's secretary contacted him on the specifics of the grant but by that time it was too late. Councilmember Mattie said we should be a better job of this. We need to build partnerships and work with whoever however to make good things happen. He reminded Council of his Uncle Joe Garbo's dream of signs on the north and south ends of the City which read "Trinidad - where people work together to make good things happen." He said the City dropped the ball. All they asked for was a letter of support. He was told the reason Mr. Pearce came to him was that when he asked Mayor Reorda, the Mayor unloaded on him regarding a church matter. He said it is unfortunate that we allow personal agendas to get in the way. Mayor Reorda declined to comment on the matter. Councilmember Bonato said regarding the situation with the Parks Department, he too had a call about the time clock's location. He reminded that he has brought this matter up before. The Parks Department doesn't have a home and he said he agrees with Councilmember Mattie's comments. It is important to give them a home. It will save a lot of time and taxpayers' money. Councilmember Bolton said this issue about moving the Parks Department to Central Park didn't sound familiar to her. She asked if it was brought to Council. City Manager Acre said it was included on the list of Capital Improvement Projects. It is about a \$20,000 item. Mayor Reorda said this was the first he had heard of the idea. Councilmember Bolton said that it being just a line item in the CIP budget is not sufficient. Councilmember Fletcher added that once we've been made aware of the use of personal vehicles there are liability issues and it bears some attention fairly soon. Mayor Reorda commented that nothing will be put on the back burner starting now. To him, things are on the back burner. People are working and getting no credit for it. It is time to move.

REPORTS BY CITY MANAGER. Joint Meeting. City Manager Acre told Council that he spoke to the County Administrator regarding holding a joint meeting and asked Council if April 8th would work for them at 10:00 a.m. at the Courthouse Commissioners' Chambers. He said among the topics of discussion will be Economic Development and the CNG (Compressed Natural Gas) fueling stations. Council agreed to the date.

CNG Fueling Station. City Manager Acre advised Council that he, Tara Marshall and Planning Director Fineberg have met with County Commissioner Mack Loudon and County Administrator LeAnn Fabec and representatives of Pioneer Natural Resources, who have been working on a CNG fueling station with COG for over a year. It looks like there is funding that will be coming available through the Colorado Energy Office. The funding will be put out through RFPs to vendors to have stations. The group has been contacted by three entities interested in putting in CNG fueling stations in Trinidad. The City was contacted by one company who is seriously considering the venture. The state is trying to complete a strategic grid of CNG stations across the state. Trinidad is one of the holes in the network to be able to go cross-country using CNG fuel. It is kind of key in that strategic planning. He said he thinks the RFP for the grants will come out sometime in April. We are providing information on where our gas lines are and their size and pressure. He said they think it will be good for the economy because they will eventually need a garage to service the vehicles which he understands requires a specialized building, and there is the potential for someone to get in the business of doing the conversion on the vehicles.

Southwest Chief. City Manager Acre reported that he went to Denver recently to the Southwest Chief Colorado Rail Meeting. He said he believes the Bill got out of the Appropriations Committee last week with minor amendments. Commissioner Pace in Pueblo County is pushing for funding on the long Bill to set aside Colorado's portion of the funding for initial repairs to the rail.

Interbasin Compact Committee Meeting. Council was advised by City Manager Acre that he attended the Interbasin Compact Committee Meeting last week. The Arkansas Basin Roundtable is working on the Colorado Water Plan which the Governor has asked the Roundtables to put together. There will be some meetings coming up probably in May in Trinidad to get input from the various stakeholders.

Parking Lot. City Manager Acre informed Council that he has spoken with David Hadad about leasing the parking lot Mr. Hadad owns at Commercial and Cedar Streets. Mr. Hadad is open to a proposal.

Archery Club. Council was reminded by City Manager Acre of the request from Fisher's Peak Archery Club to use the Hughes Lumber building temporarily. Building Inspector Chris Kelley met with the group about minor repairs and upgrades and they have put together a lease. He said it can be taken care of on a staff level. There are some improvements to be made to the building and the club will have insurance and be required to take care of the building and the lot. He reiterated that the arrangement is temporary but it puts the building to use and the club is anxious to have a place to do target practice.

Power outage. City Manager Acre stated that he and the County Administrator, Sheriff, and Police Chief are scheduled to meet to talk about electrical generator issues at the Justice Center. They may have to cut the power to the building temporarily to repair a cylinoid. There was another issue with the power and generator over the weekend whereby it is not coming back up on line quickly enough.

Sewer backup. City Manager Acre told Council that the work to mitigate the sewer backup into the Picketwire Ditch is complete. Staff is taking soil samples and providing the ditch company with the results for confirmation.

Assistant Welcome Center Director. City Manager Acre deferred to Welcome Center Director Tara Marshall to introduce her new assistant. Ms. Marshall introduced David Torres to Council as the new Assistant Welcome Center Director. She stated that Mr. Torres was born in Trinidad, moved to Denver, obtained his Bachelors and Masters from the University of Colorado in Boulder and was a school teacher, coordinator and vice principal. He moved back to Trinidad and has been here now for several years. He was a volunteer at the Welcome Center for the past year and has already shown leadership and a passion for what we do. David Torres told Council that it is great to be here and that he is excited about working at the Welcome Center. He concluded that he hopes to be a good ambassador of the City and the State.

Gaming. City Manager Acre said he has a call into Colorado Municipal League regarding the gaming efforts in Colorado. CML is working to get him information. He said he will call the City Manager in Dubuque to find out who the group is and get contact information.

Mass Casualty Exercise. City Manager Acre told Council that they may see emergency vehicles on Sunday afternoon at the Fair Grounds as the Fire Department, Police Department, Sheriff's Office, and Trinidad Ambulance Service will be participating in a mass casualty exercise. He advised that he would be observing.

Parking Lot. Councilmember Miles asked if the parking lot lease with Mr. Hadad would result in a City expense or a merchant expense. City Manager Acre answered that it would be a City expense just as the other lots in town are. Councilmember Miles stated that she supported that.

Building Codes. Councilmember Miles asked if the DOLA expert will be at the next work session to discuss building codes. City Manager Acre said he'd try to get him here. Councilmember Miles stated that she share's some of Mr. Hadaway's urgency. Building codes are critical to economic development and to the City. She added that she doesn't know how the City can steer itself forward. We've gone close to a year without an Economic Development Director. She asked when those discussions will happen. City Manager Acre said they will talk about it at their meeting on April 8th. Councilmember Miles recalled having talked about the County visiting with Economic Development and spending time with the board back in November. She said she'd like available dates. City Manager Acre said that Economic Development will be at the joint work session with the County (on April 8th). Marsha Royse from Economic Development will give an update. Marsha Royse said ED is having an audit done right now. There hadn't been one done since 2007. They have done a lot of housecleaning. They have been told that they can apply for a grant from the Colorado Office of Economic Development to help them with a Director. ED needs a professional director who is seasoned. Councilmember Bolton echoed Councilmember Miles's urgency on the building code issues.

REPORTS BY CITY ATTORNEY. **Medical Marijuana.** City Attorney Downs advised Council that the City has begun passing out medical marijuana applications and conditional use permit applications. So far we have received back ten conditional use permit applications. April 23rd will be the first day a person may apply for a license. He said staff is trying to do everything they can to lend certainty to the process. When people come in on April 23rd, we are letting people know what, if anything can be a fatal defect that would cause their application to be rejected. He said that staff anticipates there to be more applications. The filing fee will be a minimum of \$7,000 locally. Councilmember Bolton asked for an electronic copy of the application packet. Councilmember Mattie said since last Friday there have been a number of questions that have come up. With five positions and the number of applicants, he said he's been asked what consideration is being given to local applicants. Is that a fair consideration? City Attorney Downs answered that there can be no preference given to a local applicant. The only way that is remotely fair is to consider applications on a first come first served basis. City employees will make up one application; one is a business owner; three applications are from one family. No matter what, staff will get accusations of favoritism. Applicants have to be Colorado residents and have to pass the muster. They must have their business formed, such as corporation, sole proprietor, partnership, etc. The individuals will have to pass a background check. Mayor Reorda asked Council to direct people with questions to the City Attorney or the City Clerk. Councilmember Mattie advised that he told this person to call the City Attorney, but noted that it isn't wrong to have better personal knowledge. City Attorney Downs said if this were happening in the metro area, people from the industry would be coming to him and telling him what the process is. Here they are coming to him for advice and he cannot help them. He added that if Council hears he is not being helpful it is because he can only go so far. Councilmember Bonato said as he understands it the license applications will be accepted on April 23rd but they have to be approved by the Planning & Zoning Commission first. He suggested that each application may take an hour and the Commission may not be able to do all of them on one night. He asked what time the meeting will begin. City Attorney Downs said it will start at 5:30 p.m. He added that the Commission will be holding a work session on April 8th to cover these issues. Chairman Davis will know what will be required of them. They will hear one at a time and go until they are done. The main criteria is that the proposed location is 1,000 feet from a school and that it is not in an area deemed to have spot zoning. The applicant must cooperate with the code officials or the conditional use permit will be pulled. Councilmember Bonato asked if the April 8th meeting will be a daytime meeting. City Attorney Downs said it is a regularly scheduled meeting that will begin at 5:30 p.m. to go over procedures. Councilmember Bolton clarified that the Planning Commission will only be reviewing the

conditional use permits and not the medical marijuana license applications. She said regarding the issue of how Council will select applicants, they will first have to see how many can get through the application process. There are ten out there but we may only get five that pass through all of the ranks. City Attorney Downs said there are a lot of plans that don't have places and we may get quite a few more. Councilmember Mattie said the early thought was not so much first come first served, rather first qualified. City Attorney Downs said in terms of the first five, provided no one has a fatal defect those first five will go to Council. If there is a fatal defect, number six would move up. If they move all the way through, Council will have five medical marijuana hearings. Council is the final decider. If they get to Council and the answer is no, then no one within 1,000 feet of that application can apply for a license for two years. Councilmember Miles corrected that it is only if they are denied based on location. Councilmember Bonato asked about the college. City Attorney Downs said that college wasn't included in the City's definition of school. He reminded however that there is a school that meets at the Zion Lutheran Church near the college. Councilmember Miles said she's heard interest from people wanting to grow at Industrial Park and export to other areas in Colorado. She asked if there can be an amendment to this ordinance to allow for that. City Attorney Downs said if you have a medical marijuana facility you must have at least one cultivation permit or license. They are allowed more than one. The medical marijuana code permits cultivation. Councilmember Miles expressed interest in getting the Industrial Park full and funding an Economic Development Director. She said there's a subset of people interested in cultivating who have no interest in selling it in Trinidad. She asked what the City needs to do to allow that. City Attorney Downs said they first have to go to their City Clerk where the store is located and get the off-premises permit. Councilmember Miles asked if our ordinance contemplates this arrangement. City Attorney Downs said he believes it would permit it however for medical marijuana only. He said he understands there is a huge demand right now for grow properties for retail. Councilmember Miles said she realizes the City has a moratorium on retail until June, 2014, but would like to keep this on the front burner. There might be resistance to retail sales but she said she doesn't see the harm in retail cultivation. City Attorney Downs said Council may have to adopt an entire retail ordinance to allow that and have a moratorium on everything else. He further suggested that the people who are granted the five licenses will want to convert to retail as soon as possible. Most are doing the medical marijuana licenses in hopes of being in the retail game as well. Councilmember Miles asked how the balance of Council felt about it. Councilmember Mattie questioned where the tax money would go. City Attorney Downs said he'd have to get back to him on that. Councilmember Miles reiterated that she wants Economic Development to take off and fill the Industrial Park.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Tavern liquor license renewal request by Lumber Jacks Bar & Grill, LLC d/b/a Lumber Jacks Bar & Grill at 1133 N. Linden Avenue. Michael Tyler was present on behalf of the applicant. Councilmember Bonato made a motion to approve the tavern renewal and the motion was seconded by Councilmember Bolton. Upon roll call vote the motion carried unanimously.

Hotel and restaurant liquor license renewal request by Brix, Inc. d/b/a Brix at 231 E. Main Street. Joey Salazar was present on behalf of Brix. A motion to approve the license renewal was made by Councilmember Fletcher and Councilmember Bolton seconded the motion. Roll call was taken and the motion carried unanimously.

Special events permit application (malt, vinous and spirituous) filed by The Kiwanis Club of Trinidad, Colorado, at 206 N. Animas Street for April 5, 2014 (Peacock Ball). Brian Blasi was present on behalf of The Kiwanis Club. Councilmember Bolton moved for the approval of the special events permit and Councilmember Fletcher seconded the motion. The motion carried by a unanimous roll call vote.

Consideration of Water Lease Agreement between the Torres Trout Hatchery/Ken Torres and the City of Trinidad. City Manager Acre told Council that this is a renewal of a lease currently in place. There is a request by the State to enter into longer leases for augmentation. He reminded Council that they heard their first long-term water lease agreement request from Wall of Legends. Mr. Torres is working on getting his own augmentation sources in place. He wants to convert his lease to a 15-year lease. The City will be charging more for the leased water and will be looking at it every five years. Either party can get out of the lease. Mr. Torres needs to pay the additional attorney's fees. Mayor Reorda asked if Council is to approve the agreement without knowing whether he will get augmentation water. City Manager Acre answered that the City's is augmentation water while he is working to get another source. Councilmember Miles asked how the cost of \$1,000 per acre foot was determined. City Manager Acre said he and the City's water attorney, Jeff Kahn, and the City's water engineer looked at the going rates for water leases. Councilmember Miles asked if the City is picking up the \$2,000 in fees. City Manager Acre said Mr. Torres will reimburse the City and it is about \$1,600. Councilmember Bolton confirmed that there are still funds due to the City and that they need to be paid before Council allows the execution of this lease. City Manager Acre said the Mayor will not sign the agreement until Mr. Torres brings us a check. This agreement is important to him as he moves through water court. Councilmember Bonato noted the presence of Mr. Torres's brother, Manuel, if they have questions. City Manager Acre told Council that staff recommends approval of the agreement and reiterated that the Mayor will not sign it until the City is paid. Councilmember Bolton made a motion to allow the Mayor to execute the Water Lease Agreement between the Torres Trout Hatchery/Ken Torres and the City upon full payment of funds to the City. Councilmember Fletcher seconded the motion which carried unanimously upon roll call vote.

Authorize Mayor to execute letter of support for the State Historical Fund grant application for the Trinidad Power & Light Building Rehabilitation (Hughes Lumber at 127 Plum Street). Mayor Reorda called for this item to be removed from the agenda. City Manager Acre explained that staff sent a draft of the grant application to the State Historical Society to get their comments. They suggested that since the City is still working on construction documents, it would be a more competitive grant if we wait for additional information as to the proposed use of the building. Staff decided to wait until the next grant round. A motion to remove this item from the agenda was made by Councilmember Bolton and seconded by Councilmember Bonato. Roll call was taken on the motion and carried unanimously.

First reading of an ordinance correcting the article number identified in Ordinance No. 1955, which established regulations and licensing requirements for medical marijuana businesses, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bolton and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on April 1, 2014, was made by

Councilmember Bolton. The motion was seconded by Councilmember Torres and carried by a unanimous roll call vote.

MARCH 18, 2014

ORDINANCE NO.

AN ORDINANCE CORRECTING THE ARTICLE NUMBER IDENTIFIED IN ORDINANCE
NO. 1955, WHICH ESTABLISHED REGULATIONS AND LICENSING REQUIREMENTS
FOR MEDICAL MARIJUANA BUSINESSES

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

PAYROLL, March 15, 2014 through March 28, 2014. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Bonato. 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 Fletcher. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

JOSEPH A. REORDA, Mayor

AUDRA GARRETT, City Clerk