

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, April 15, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

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

The meeting was called to order at 7:15 p.m. The pledge of allegiance was recited.

PROCLAMATION – Arbor Day, April 25, 2014. Councilmember Miles read aloud the Proclamation declaring April 25, 2014 as Arbor Day in the City of Trinidad.

APPROVAL OF THE MINUTES. Regular and Special Meeting of April 1, 2014, and Special Meeting of April 8, 2014. Councilmember Bonato made a correction to the Special Meeting minutes of April 8th whereby he pointed out that he cast a dissenting vote on the approval of the first reading of the ordinance amending the number of medical marijuana licenses that may be issued within the corporate City limits, however the minutes reflected a unanimous approval. Councilmember Bolton stated that she made minor corrections to the minutes as well and the City Clerk provided replacement copies of those pages affected to Council with the corrections reflected. A motion to approve the minutes as corrected was made by Mayor Reorda and seconded by Councilmember Mattie. The motion carried unanimously upon roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. William Beaty addressed Council concerning the Parks Department. Mr. Beaty read a prepared statement as follows: “Mr. Mayor, Ladies and Gentlemen of the City Council – My name is William Beaty and I have worked for the City of Trinidad for 27 years. I currently work at the Parks Department and I have held that position for 14 years. The Parks Department employees have never had their own shop. The City Manager had a meeting with the Parks employees and told us to come up with ideas to save money, to improve morale and efficiency. This does all three. But NOTHING is being done about it. That is why I am here tonight representing the Parks Department asking for your help. Every morning we start our work day by driving to the Community Center, get our work assignments for the day, get in our own PERSONAL VEHICLE, which is a very HUGE let alone a risky liability to the CITY in itself alone! Again get in our own PERSONAL VEHICLE drive to the City Garage, get in our work trucks then start our day. We have to FIX THIS PROBLEM! We would like to see a shop built at Central Park. I have talked to Dave (Esquibel) and Kirby (Robert Bonato) AND the City Manager about this. All three said it was a “good idea” but it STOPPED THERE!! Every time I spoke with the City Manager he says I’m still thinking about it. Well while he’s thinking about it you just might have a liability on your hands that would cost you a lot more than this project would. Our plan is quite simple. Move the time clock to Central Park, build a fence for our trucks, fix up the existing garage for winter use, move all the tools and equipment to Central (Park) and finally give the Parks Department their own shop that they DESERVE! This can be done at little cost compared to the amount the Council would (pay) for another facility. We just need Council to get behind this and do it instead of us hearing “It sounds good OR I’m still thinking about it” and it will happen.”

Thomas Murphy addressed Council regarding utilities. Mr. Murphy told Council that next year will be 10 years that he has been sitting in the audience filming, observing and participating in local government. He told Mayor Reorda that the previous Council passed a rule a year or two ago that people are only supposed to address the Chair. He said he knows that it is the Mayor’s desire that all City business be conducted here in Council meetings. He explained that makes the Mayor the focal point and so if he just stares at him, not take it personally. Mr. Murphy continued that it has been his observation after nine years of filming that if someone speaks to this body, it is not so much the content of what they have to say but it is the ego of this City Council. If the tone and attitude of the people that come here to speak is not appropriate, or someone has passion or anger, they are usually dismissed by this Council. He said it is not much different than an adult-version of high school. He concluded that portion of his address by quoting: “When people fear government we have tyranny; when government fears people we have democracy;” and “The best predictor of future behavior is past behavior.” Mr. Murphy next addressed Council concerning utilities. He reminded those present that several years ago he, Dave Grugel, and three others sued the City over utilities. According to Mr. Grugel’s calculations, people were being overcharged to the tune of millions of dollars. He came to the City repeatedly, he was dismissed repeatedly, and he was branded a trouble maker. That brought the lawsuit and the settlement. Mr. Murphy said from that a number of people were upset with him because they weren’t included in it. But, Mr. Grugel went from person to person and from business to business. Each and every one of them told him they were afraid of the City. Mr. Murphy said he was the last to sign up and the group decided as long as they had him they were going to do this. He said their goal was not to bankrupt the City, which was certainly a possibility, it was to do it right. Mr. Murphy said he currently has two friends who are no longer occupying their homes but their utilities are on. Their bills have skyrocketed recently, as has his, he said. He said he keeps his home very, very cool. He said he suspects, because the City staff has admitted, that they didn’t overcharge but apparently a City staff worker was injured and so they just estimated. His friend who is not even occupying his house said they tripled his utilities. He reminded that five people sued the City and won. He suggested this time there may be 100 people who would sue the City and maybe bankrupting the City is what needs to happen. Mr. Murphy said if anyone on Council has the courage, they need six answers – who, what, when, where, why and how? Answer those questions in this body and they will avert another lawsuit.

COUNCIL REPORTS. Councilmember Bonato reported on his attendance at an agricultural tourism meeting held last Wednesday at the College with Tara Marshall. He said it was an interesting meeting with the involvement of the County

Commissioners as well as County Administrator LeAnn Fabec and others. He deferred to Ms. Marshall to speak briefly on the meeting. Mr. Marshall told Council that in 2013 the State funded a strategic plan for agricultural tourism across the state to determine how to define it and how to build activities. The state is defining agri-tourism as activities located on farms and ranches. Our agriculture is suffering economically just as everything else is. The state's strategic plan seeks to find ways to provide opportunities to farmers and ranchers to create alternative revenue streams. One example used was a farmer in the northwest with a 400 acre farm took five acres and planted a pumpkin patch. That pumpkin patch alone during six weeks in the fall is drawing 20,000 people to come out and pay \$30 to get their picture taken and select a pumpkin. She concluded that the main thing the state is doing right now is that they are sponsoring legislation which is going through the Assembly that will offer liability insurance to these farmers and ranchers for agri-tourism events that happen on their property, similar to the way the ski industry is now indemnified. She noted that Councilmember Bonato participated in the afternoon meeting and Mayor Pro-Tem Bolton came to the lunch with the Creative District team.

Councilmember Miles reported that she attended the most recent I-25 Summit Meeting which is an endeavor to brand Southern Colorado, similar to the way Southern California has its own unique identity. They are busy at work getting rack cards to place in the Welcome Centers and throughout town. She added that 7-11 has announced that they have agreed to provide about \$80,000 worth of coupons to try to drag people off the highway into the communities of Colorado Springs, Pueblo, Walsenburg, Aguilar and Trinidad. They are looking at branding each of those exits coming off of I-25. She encouraged those with a retail store or museum, etc. who want to participate as a distributor or as a merchant in the coupon program to contact Kim Schultz. Next she reported on Council's attendance of the County Commissioner's meeting which focused on Economic Development. She said Marsha Royse and staff did a good job on updating everyone on Economic Development's activities over the past year, including cleaning up the non-audited financial statements. That will prep Economic Development to be ready to receive grants. She said there was a very pointed discussion on the need for an Economic Development Director. However, they discussed various ways in which that position might be funded and there were unfortunately no obvious solutions. It is being focused on and perhaps with a combination of grants and City and County funding, they may make it happen.

Mayor Reorda responded to Mr. Murphy's comments regarding utilities that some of the current Council members ran was because of the electric situation, and they are on top of it. He said there are some things that Council can't disclose, but they are working very hard on it and he will see some results.

Councilmember Fletcher added that regarding their meeting with the County Commissioners she felt that it was productive. One thing discussed was a possible ballot issue to have a sales tax strictly dedicated to economic development. Pueblo recently passed a one-half cent sales tax for that purpose. Mayor Reorda noted that we have to keep in mind the City's ballot question will come up in November also. Councilmember Fletcher told Council that the Friends of the Library, who operates the used bookstore to help fund the library, will be placing some of their excess books in various tourist locations in the state with colorful stickers on them advertising the used bookstore's address telling them to come visit the store in Trinidad.

Councilmember Mattie noted his attendance at the joint City/County meeting and said anything he would offer would be redundant.

Mayor Pro-Tem Bolton told Council that National Train Day is on May 10th. Trinidad will be participating in the national event and a Trinidad National Train Day 2014 Facebook page was recently set up. She said she hopes to have information out to the media in the near future. She encouraged participation and said they'd like to see people bring signs to save the Southwest Chief and people boarding the train on a special trip to Las Vegas, New Mexico, and back that same day. They will have the opportunity to visit with dignitaries from the north and some who will be joining the train ride in Raton and meeting those on the trip in Las Vegas.

REPORTS BY CITY MANAGER. General Maintenance staff. City Manager Acre invited Foreman Ken Asevedo and the staff from the City's maintenance garage up to publicly thank them for some recent work they did. He explained that last fall they worked with Trinidad State Junior College students on repairs to a backhoe. He continued that the City's sweeper is 14 years old and these employees put their heart and soul into some major repairs in hopes that it will work for a couple more years. Ken Asevedo introduced himself as Foreman, and also introduced Mike Montoya and Vernon Sanchez, Maintenance Mechanic I employees and Lee Hadaway, their go-to guy. He said Mr. Hadaway has been saving the City quite a bit of money, going out and getting bids. He's also been working with Mary Santistevan from Alta to start buying oil in bulk and saving \$1.00 per quart. He extended appreciation to his crew. City Manager Acre added that Mr. Hadaway has been putting together information about maintenance of each City vehicle. A new sweeper would cost \$220,000 to \$240,000. Mr. Asevedo said they saved \$22,000 by doing the work on the sweeper themselves. They made and rebuilt parts for the machine. Councilmember Bonato asked if it is a vacuum sweeper. Mr. Asevedo said it is. It blows and pushes the dirt to one side and then is sucked up on that side. It is the best kind of sweeper for this town. He continued that we had a regular broom sweeper but it doesn't work on the City's streets because the broom wears out on one side because of the crown on the streets. They would have to replace the broom each month at a cost of \$600. Councilmember Mattie commented that at times like this he is reminded of a poster he once read: 'We, the willing, led by the unknowing are doing the impossible for the ungrateful; we have done so much for so long with so little, we can now do anything with nothing.' Mayor Pro-Tem Bolton thanked each of the employees for all they do and added that she has seen their creativity. Mayor Reorda also commented on how clean they keep their facility.

Purgatoire Watershed Partnership. City Manager Ace informed Council that there will be a Purgatoire Watershed Partnership meeting tomorrow evening at 6:00 p.m. at Primero School that he and Councilmember Bonato will be attending. A representative from the Inter-Basin Compact Committee, the statewide committee on water, will be coming to tell the group about the Governor's state-wide water plan. The Governor has charged each of the basin roundtables with helping to guide the state with respect to water for the future. He added that he's been asked to serve on the basin roundtable from a water standpoint for the City. There will be additional meetings in the future to obtain public input on the water plan.

Ludlow. City Manager Acre reminded Council that this Sunday is the official 100 year anniversary of the Ludlow

massacre. Many events will take place after that. He said he'd said out an updated schedule to Council tomorrow.

REPORTS BY CITY ATTORNEY. Planning Commission. City Attorney Downs advised County that the Planning, Zoning and Variance Commission meeting that was scheduled for April 8th was continued to tomorrow, April 16th at 5:30 p.m. The work session is a meeting to help them get ready for the April 22nd meeting whereby they will be considering the Conditional Use Permit applications of those interested in a medical marijuana business. That meeting is scheduled for April 22nd at 5:30 p.m. Councilmember Miles commented that in the past they have stated that the Planning Commission's purview is zoning and distance from schools, however nuisance abatement is also in their purview. City Attorney Downs agreed. The Commission will be giving the applicants instructions on their continuing obligation to comply with all municipal officials and to address odor, traffic, etc. He added that the equivalent of a written advisement is being considered and may be required to be signed by the applicant. They must understand and agree to the conditions.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance adjusting the City of Trinidad landfill rates. Mayor Pro-Tem Bolton 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 adjusting the City of Trinidad landfill rates. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Mayor Reorda. The motion was seconded by Councilmember Miles and carried by a unanimous roll call vote.

ORDINANCE NO. 1957

AN ORDINANCE ADJUSTING THE CITY OF TRINIDAD LANDFILL RATES

First reading of an ordinance providing for the control of cross-connections in order to prevent backflow and protect the City's water supply system from contamination, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bonato 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 May 6, 2014, was made by Councilmember Torres and seconded by Mayor Reorda. Mayor Reorda asked if the City is providing the backflow preventer. City Manager Acre answered that the customers will have to provide them. Mayor Reorda asked if any plumber can install them. City Manager Acre said that the plumber will have to meet the requirements of the regulations to be able to install them. Roll call was taken on the motion which carried unanimously.

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE CONTROL OF CROSS-CONNECTIONS IN ORDER TO PREVENT BACKFLOW AND PROTECT THE CITY'S WATER SUPPLY SYSTEM FROM CONTAMINATION

MISCELLANEOUS BUSINESS. 3.2% Beer Off-Premises liquor license renewal request by Safeway Store Forty-Six, Inc. d/b/a Safeway Store #722 at 457 W. Main Street. Arlene Gutierrez addressed Council on behalf of Safeway Store #722. Mayor Pro-Tem Bolton asked if the issues raised by the Building Inspector have been addressed. Ms. Gutierrez advised that they all have been. A motion to approve the renewal was made by Councilmember Fletcher and was seconded by Mayor Reorda. Upon roll call vote the motion carried unanimously.

Special events permit application (malt, vinous and spirituous) filed by Confederacion Mutualista Medica e Hispano-Americana for May 31, 2014 (Rocky Mountain Elk Foundation Banquet). Kathy Bueno was present on behalf of the applicant. Councilmember Miles moved for the approval of the special events permit and Councilmember Torres seconded the motion. The motion carried by a unanimous roll call vote.

Appointment of Library Advisory Board members. Mallory Pillard, Director of the Library was introduced by City Manager Acre. He said she's been doing a wonderful job. City Clerk Garrett advised Council that since the work session Frank Hardy has submitted a letter indicating his interest in remaining on the board. She said he is a standing member with a term expiration in January, 2015. Councilmember Miles moved to appoint Olga Reorda, Cherie Kollander, Marjorie Kiefer and Lawrence Kiefer to the Board. Councilmember Bonato seconded the motion, which carried by a unanimous roll call vote of Council.

Consideration of an agreement between the City and Colorado Department of Local Affairs for the purpose of updating the City of Trinidad Comprehensive Plan, the Land Development Code and the Zoning Map. A motion to approve the agreement and authorize the Mayor to execute the same was made by Councilmember Fletcher and seconded by Councilmember Mattie. Roll call was taken and the motion carried unanimously.

Consideration of letter of professional services for the 2013 audit by Dixon, Waller & Co., Inc. Finance Director Lonny Medina told Council that the audit will start next Tuesday. Mayor Reorda asked where the City is with the internal audit. City Manager Acre answered that he is discussing timing with the two applicants to select one. Councilmember Mattie made a motion to approve the letter of professional services and Councilmember Miles seconded the motion. Upon roll call vote the motion carried unanimously.

Consideration of Water Lease Agreement between the City and Donald S. & Mary Jean Praeger. City Manager Acre told Council that this is another, new water lease agreement. The Praegers own property near Cuchara Pass and want to fill a pond. The agreement is a 15 year lease with a renewal option. City Manager Acre said it will be a benefit to the City. He added if there is not an adequate water supply the City doesn't have to allow the lease to continue. Upon Mayor Reorda's inquiry, he clarified that the Praegers will be augmenting with this lease the water they will be taking out of the Purgatoire

River to fill their pond. Councilmember Miles moved to approve the water lease agreement. Councilmember Torres seconded the motion which carried by a unanimous roll call vote.

APRIL 15, 2014

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

PAYROLL, April 12, 2014 through April 25, 2014. A motion to approve the payroll was made by Councilmember Fletcher and seconded by Councilmember Torres. 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 Mayor Reorda and seconded by Councilmember Bonato. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

CAROL BOLTON, Mayor Pro-Tem

AUDRA GARRETT, City Clerk