

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, May 6, 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 (entered the meeting at 7:30 p.m.)
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular and Special Meeting of April 15, 2014, and Special Meetings of April 17, 2014 and April 22, 2014. A motion to approve the minutes as presented was made by Councilmember Mattie and seconded by Councilmember Bonato. The motion carried unanimously upon roll call vote of Council members present.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Stephen Hamer addressed Council. He stated that this is an historical occasion. He explained that this is the first time in decades where there's been inclusion of those with disabilities. He told Council that it is an honor to sit in an area marked for the disabled in Council Chambers, adding that there's a lot for the City to be commended for. Mr. Hamer reminded that the ADA will be in effect for 24 years in July. However, he said he's not sure how the City is doing about having an ADA Coordinator or Grievance Process yet, but said he'd talk to the City Attorney about it. He said that disabilities are a real problem in the City. It is difficult for those who are disabled to get around. He said he likes to sit at tables along the street to eat, but the chairs are starting to encroach on the path of travel. He encouraged Council to consider an ordinance that stipulates that there be at least a 36 inch path. It is important to keep the pathway clear for ADA mobility. Currently the tables get moved into the path of travel. It forces the disabled into the street and then they have police contact. He clarified that he is not opposed to tables and chairs on the sidewalk, but the bricked area between the sidewalk and the curb is not considered the sidewalk per the ADA. It is an amenity zone and is not to be used for accessibility. He suggested the tables be moved to that area to keep the path of travel. He reiterated his encouragement that the City do that because it is an ever-present problem when the weather is nice. He added that he was told there will be a hand-held microphone available and said people's willingness to do the right thing struck him. He thanked Council and the City for striving to do the right thing. Mr. Hamer concluded, noting the presence of other disabled individuals in his accompaniment that the disabled community was well represented and in the future there will probably be more attending because they are able to participate. He reiterated his appreciation. Mayor Pro-Tem Bolton told Mr. Hamer that she's sure he will find this as a topic on an upcoming work session.

Tom Murphy addressed Council. He stated that it seems clear that a while back the Mayor abrogated his thrown. He asked when that decision was made. Mr. Murphy said one of the things they fought for many years for is decisions to be made in public. Pueblo is going through the same thing with its City Council. Council needs to decide to conduct government in private or in public where he needs to be done. He said the people want a government that is responsible and represent them, not one that goes behind closed doors and decides the public is not worthy or one that is trying to cover up something legally. There has been discussion about the one-cent sales tax. The City's financial plan was for six months to do nothing. At one meeting City Manager Acre told the Mayor they'd just hold off on Capital Improvement. He said that's not what the money is for. It is not there to make the City's financial statements look better six months later because you haven't done anything. It was also discussed using Capital Improvement money for the railroad. Mr. Murphy said it is also not there for the railroad. Then the City Manager showed up at the Tourism Board meeting recently and was trying to get money for the railroad. That's not what that money is for either. People will vote on this soon. Council needs to decide if they are going to be a government that conducts business in the open or keep things behind closed doors. The public has the power to decide whether or not they will approve the sales tax. If the money is not used for what it is supposed to be used for, then he said he imagines a few people will start raising their voices and say no. He told Council to start conducting business in the open and maybe the public will give them the shot at that one-cent sales tax. Mr. Murphy told Mr. Hamer and those in his accompaniment that former City Manager Ed Gil de Rubio had a plan for all of Main Street to be done, the money was set aside. He said he doesn't know what happened to it and suggested maybe it was absorbed. It was supposed to have already been done. He apologized, explaining that they got rid of the City Manager that was going to get things done and we are still left with it undone.

Steve Bolton addressed Council and said his comments are a follow up to Mr. Murphy's comments. Mr. Bolton said the Mayor acted irresponsibly at the meeting on April 1st. The Mayor broke about every code of conduct imaginable. The next day he said he understands the Mayor proceeded to break some State and Federal laws. He noted that he didn't want to talk about Mayor Reorda behind his back and wished he was here tonight. Mr. Bolton continued that Council went into executive session a couple days later and when they went in Mayor Reorda was Mayor, but when they came out Mayor Pro-Tem Bolton was the Mayor. He suggested that because of the Mayor's transgressions Council chastised him in the executive session; they sanctioned him. Mr. Bolton said he asked Mayor Pro-Tem Bolton about it and her answer was that they did it/acted under counsel's advisement. Mr. Bolton said he has read everything he could on protocol on this sort of thing and found nothing where Council can go into a room and decide who the Mayor will be. He said they basically wiped out a Mayoral election. He asked under what law or provision Council was allowed to do that. City Attorney Downs responded that he understands his question and Mr. Murphy's point. He stated that at the executive session held on April 15, 2014, there were no decisions made. He said he can't go into the context of the executive session because of attorney/client confidentiality, however. Participating in the executive session were two CIRSA lawyers, Marni Nathan and Tami Tanoue. They participated the entire time. He reiterated that no decisions were made by Council regarding what he referred to. He explained that what has happened is not abrogation of the thrown. It was a result of him and City Manager Acre conferring

with individual members of Council. He said they conferred one on one and then he proposed a course of action. What was done was done temporarily on the advice of counsel and his individual counseling. Mr. Bolton reiterated that they entered the executive session and Mayor Reorda was Mayor but came out and Mayor Pro-Tem Bolton was Mayor. There was a decision made in there. Somebody made a decision. Mayor Pro-Tem Bolton wouldn't have come out of that room and started conducting the meeting unless someone told her to do so. Something went on in there and he said it is illegal. He asked that they think of the ramifications of this. Any Council can go into the conference room and say someone is no longer Mayor, appoint another Mayor and not one word is said to the public about what transpired. Councilmember Miles recalled that he stated that Mayor Pro-Tem Bolton reported to him that Council acted on the advice of counsel. She argued that Council took no action in that meeting. She told Mr. Bolton that if they ever take action in executive session he would be the first to hear about it from her. She added that they cannot control what the Mayor may choose or not choose to do. There was no action of Council taken. Mr. Bolton asked why someone didn't come out and say something if everything was above board, or the Mayor or City Attorney make a statement. He explained that it was confusing. Mr. Murphy addressed Council that night and didn't know who to address as the Mayor with Mayor Pro-Tem Bolton running the meeting but Mayor Reorda sitting in his chair. He added that the Charter clearly states that the Mayor shall run meetings. Only in his absence will the Mayor Pro-Tem run the meetings. The public is owed an explanation for what happened. Councilmember Torres stated that Mayor Reorda was stressed out that evening and handed the gavel over to the Mayor Pro-Tem and asked her to take over. Mayor Pro-Tem Bolton said that is correct. Mr. Bolton said the audience didn't know anything about it. He asked if they didn't think the public was owed that explanation. Councilmember Miles stated they didn't know how long he would pass the gavel, one or two nights. Mayor Reorda decided that. Council imposed no sanctions. City Attorney Downs further stated that the Mayor's status has not changed at all other than Mayor Pro-Tem Bolton has been presiding over the meetings and is doing so temporarily. He agreed that the Charter has that requirement and said that they are not contemplating that his passing the gavel will be happening very long. It was not decided when Council came out of executive session that was going to happen. He said he suggested that was a course of action that he was recommending prior to going into the meeting. He said as he remembers it was everyone's understanding that Mayor Pro-Tem Bolton was going to be the presiding officer. It was not decided in executive session what was going to happen. He reiterated that the CIRSA lawyers were there to advise. Mr. Bolton told Council to open up. He said they can find any excuse to go into executive session and talk about anything they want and not notify the public about it. He said that is wrong and they need to stop doing it. Councilmember Mattie said the Mayor passing the gavel was not an act of Council. It was something the Mayor chose to do himself. He reminded that some of the sitting Council members were sworn in on January 7th and that he had previously occupied the seat next to the Mayor. The Mayor asked that he move his seat so Mayor Pro-Tem Bolton could sit next to him in the event he chose to relinquish control of the meeting to allow him to make a motion and it would be simpler to do so with her sitting next to him. This was something the Mayor was thinking of and had in mind in January and not anything that occurred in April. It was a stressful night for him. By his own choice he relinquished control of the meeting to continue with business at hand. He concluded that it is difficult to talk about this issue with the Mayor being absent. Mayor Pro-Tem Bolton told Mr. Bolton that his point is well taken. Councilmember Miles stressed in closing that nothing was decided behind closed doors. It was a voluntary act by someone who she suggested he should ask. Mr. Bolton responded that the public should have been told because that was what it looked like. Councilmember Mattie agreed that they could have probably eliminated a lot of concern had they done that.

COUNCIL REPORTS. Councilmember Mattie stated that he has heard concerns from citizens about the condition of Cimino Park – the lawn is in bad shape. He suggested the Parks Department needs to address it in light of the upcoming Ludlow events and the Rural Philanthropy Days in September. He added that the City needs to put its best foot forward. City Manager Acre advised that he has spoken to the Parks Superintendent about the matter already. Councilmember Mattie said he has also had interest from people in Council holding the 'meet and greets' again at the college. He said more than one person has asked him about it. City Manager Acre suggested they agree to a lunch time to hold one in a couple of weeks.

Councilmember Fletcher said she attended the recent Parks & Recreation Advisory Committee meeting. They are going forward with their work on the Master Plan and are looking toward completing it. They are also getting on their way with some action items.

Councilmember Miles reported that she and Councilmember Fletcher attended an ARPA Board meeting since the last special meeting and will be attending two more in the next two weeks. They are working on the approval and enforcement of the January mediation. She also reported on the activity taking place at Trinidad-Las Animas County Economic Development. She said they have an offer on space at the Industrial Park and have countered the offer with something higher in the City's interest. They are awaiting a response.

Councilmember Torres had nothing to report.

Councilmember Bonato said he wanted to talk about water. He reminded when he was first elected eight or nine years ago he was worried about water and continues to be today. He said he thought that was why he was asked to serve on the Purgatoire Watershed Board. He said everyone needs to conserve water. Spring is here and summer is around the corner. There are simple ways to conserve, such as when a person brushes their teeth, they should shut off the water, or take a shorter shower, or when watering your grass, don't let the water run down the street onto the concrete. He urged people to consider what it takes to grow vegetables or raise livestock every time they go to the grocery store. He thanked the farmers and ranchers for bringing the food to us and suggested others do the same. Councilmember Bonato also recalled that the last time Trinidad had water restrictions the people of Trinidad stepped up to do their part in conserving. He reminded people to think about this precious commodity. He said at the meeting he attended in Primero there was a gentleman who gave a program about how the metropolitan cities are trying to take the water from the rural areas. Those people don't think about what it takes. He reiterated the need to conserve our water and urged people to write our Congressmen to help the ranchers. Mayor Pro-Tem Bolton reminded everyone about the Water Festival on Thursday, May 15th, at Trinidad State Junior College. She said there would be more information about it forthcoming in the newspaper. Councilmember Bonato said it involves all of the area school children. He asked people to try to get to the Festival and support the kids and Mr. Tom Perry (the organizer).

Mayor Pro-Tem Bolton reported on her attendance of the Arbor Day tree planting at Cimino Park, the community cleanup, the Rural Philanthropy Days listening tour, and the Colorado Creative Industries summit in Salida. She called to Council's attention a new sign at Main Street and Santa Fe Trail identifying the City as a Colorado Creative District. There should be another one coming in the future. Trinidad had everyone's eye at the summit. Rodney Wood took the Earth, Wind and Fire art car to display at the summit for three days. City Manager Acre said he understands they performed a skit. Mayor Pro-Tem Bolton said they did poetry. She brought Council each a cookie from the summit made by local baker Nicole Paradisa. She reminded the community that this Saturday is National Train Day. She encouraged people to show up at the train depot at 9:15 a.m. with their signs. She said about 20 people will be boarding the train here, joining those from up north. Finally she said that she was informed of a problem with one of the flag poles near the train. Councilmember Miles added that she too participated in the community cleanup and said it was a great community-building activity. They also got to see how some of the homeless live.

Mayor Reorda entered the meeting at 7:30 p.m. He informed Council that he was late because he was at the Fort Carson Ecological Meeting. He said he wanted to speak on behalf of everyone but had to leave. Mayor Reorda stated that he's sure everyone realizes that Council signs Proclamations and does other things to recognize people in the community. There was an incident not too long ago when the City Clerk called him about signing a proclamation for Not One More Child – Sexual Abuse. He said they did it in the privacy of Chambers, not in a Council meeting as he thought should have been done. It ended up on Facebook. It was used as part of a personal agenda for some people. He said he got blasted by people in the community about it pretty good. Mayor Reorda reminded Council that he had asked the City Clerk to add the language that the proclamation is being issued on behalf of the entire Council. He said the incident is not going to stop them from issuing proclamations, but they will first all agree to them. Mayor Pro-Tem Bolton said this would be a good topic for the next work session.

REPORTS BY CITY MANAGER. Community Cleanup. City Manager Acre said he and his wife participated in the community cleanup with the Girl Scouts and a Kiwanis representative on Main Street and Santa Fe Trail. He said the area wasn't as trashy this year as it was the previous year.

Economic Development. City Manager Acre told Council that he met with Marsha Royle, President of T-LAC Economic Development, and Doug Dowler and Edie McLish from SCEDD this afternoon. They got word about a new grant program involving counties impacted by coal mine closures. The only county that qualifies in Colorado is Las Animas County. They talked about submitting a grant through the County. The City and County would need to enter into an Memorandum of Understanding on who takes the lead on what. They would use the money to get the infrastructure in at the Industrial Park. This is a nationwide program with about \$3 million available this year. SCEDD will write the grant with the help of himself, County Administrator LeAnn Fabec and Marsha Royle.

Leave time. City Manager Acre thanked Council for allowing him time off to move.

Re-Naming North Lake Dam. Councilmember Bonato recalled that several months ago Mayor Pro-Tem Bolton suggested re-naming the North Lake Dam Project in honor of retired Utilities Superintendent Jim Fernandez. He said he'd like to push it along. He said he'd like to get something done by the first or middle of June. City Manager Acre said he has a petition that will need to be signed. Mayor Pro-Tem Bolton asked if Council will be getting an update on the North Lake Dam Project. City Manager Acre said there is a site meeting and they are working on some details. The contractor should start mobilizing next week and they are trying to work out the final schedule. Councilmember Bonato asked if any work is going on right now. City Manager Acre answered that the weather last week was not that good up there yet but they hope to start next week. They need to finish the dam crest, grouted rip rap for erosion control, install the staff gage and complete the final seeding. Councilmember Bonato asked if we are letting water go into North Lake. City Manager Acre said water is going into Monument Lake, not North Lake, and said he is told by Gilbert Ramirez that our water supply is looking really good.

REPORTS BY CITY ATTORNEY. None.

UNFINISHED BUSINESS. Public hearing for consideration 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. Mayor Pro-Tem Bolton declared the public hearing open and called for comments for or against the ordinance. City Attorney Acre pointed to a draft educational information sheet provided by Administrative Assistant Linda Vigil that will be going out to the public. Councilmember Fletcher commented that the information sheet is very easy to understand. There being no other comments, the hearing was closed.

Second reading of ordinance providing for the control of cross-connections in order to prevent backflow and protect the City's water supply system from contamination. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Fletcher. The motion was seconded by Councilmember Bonato and carried by a unanimous roll call vote.

ORDINANCE NO. 1958

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. Hotel & Restaurant liquor license renewal request by RGS Sawaya, LLC d/b/a Café What a Grind at 341 N. Commercial Street. Richard Sawaya was present on behalf of RGS Sawaya, LLC. A motion to approve the renewal was made by Councilmember Miles and was seconded by Mayor Reorda. Upon roll call vote the motion carried unanimously. Councilmember Bonato asked that the inspectors attempt to write clearer on their reports. Mayor Reorda suggested that if a signature is illegible they should also print their name.

Arts license renewal request by Southern Colorado Repertory Theatre at 131 W. Main Street. Jim Davis, President of the Southern Colorado Repertory Theatre Board and bar manager was present on behalf of the applicant. Councilmember Bonato moved for the approval of the renewal of the Arts license and Councilmember Fletcher seconded the motion. The motion carried by a unanimous roll call vote.

Beer and wine license renewal request by Mt. Carmel Health, Wellness & Community Center at 911 Robinson Avenue. Karl Gabrielson was present on behalf of the licensee. A motion to approve the license renewal was made by Councilmember Miles and seconded by Councilmember Torres. Upon roll call vote the motion carried unanimously.

Resolution modifying the restriction for use of the Trinidad landfill by Las Animas County businesses and residents. Mayor Reorda moved to approve the resolution. Councilmember Torres seconded the motion. Roll call was taken on the motion and carried unanimously.

RESOLUTION NO. 1429

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, MODIFYING THE
RESTRICTION FOR USE OF THE TRINIDAD LANDFILL BY LAS ANIMAS COUNTY
BUSINESSES AND RESIDENTS

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

PAYROLL, April 26, 2014 through May 9, 2014. A motion to approve the payroll was made by Mayor Reorda and seconded by Councilmember Torres. Roll call was taken and the motion carried unanimously.

Mayor Reorda pointed to the Triggers baseball schedule at Council's seating places and commented that Council talked about a calendar because there seems to be three or four things happening on the same days. He said it would be nice to coordinate so they could attend some of them. Mayor Pro-Tem Bolton recalled having had a calendar previously and said it needs to be re-instated, just like the 'meet and greet' does. City Manager Acre said staff would try to work on it. Mayor Reorda suggested the City get together with the Chamber and Economic Development to work on the calendar. Councilmember Miles asked the status of the medical marijuana applications. She said she understands there were 14 conditional use permits (CUPs) granted. City Attorney Downs answered that each applicant for a license had at least two CUP applications. He recalled there to have been 29 acted on. There were two that were either withdrawn or held in abeyance, one being the location across from Cress Cleaners. There have been no applications submitted at this time following the CUP consideration by the Planning Commission. Mayor Pro-Tem Bolton asked about work on a retail marijuana ordinance. City Attorney Downs answered that staff has been tasked with drafting a proposed ordinance by next month. He commented that there may not be much of a need for a conversion portion of the ordinance because of overlapping. We want to talk about it at the next work session, he said, explaining that was why he didn't report about it under his report this evening. Councilmember Miles asked if applicants are facing obstacles the City can help them clear. Can we reach out to them? She said they all thought they'd apply quickly after the CUP consideration. City Attorney Downs commented on some of the personal delays some of the applicants faced are due to the building/location they chose. They were all unique problems. He said staff is trying to assist to the extent that it is appropriate. Mayor Reorda stated that people are confused and the City should put something in the newspaper to tell them to come down to City Hall if they have questions. Council can't answer their questions. City Attorney Downs said that everyone who is thinking about going into the business knows to come to City Hall. Their questions get answered. Councilmember Miles commented that was her experience when applying for her liquor license. City Attorney Downs clarified that staff can't tell applicants what to do or how much area to dedicate to cultivation, etc. Mayor Pro-Tem Bolton pointed to the Triggers baseball schedule and the fact that their opening night game will be on Thursday, May 15th at 6:05 p.m. They are calling it City of Trinidad night. Mayor Reorda said he was involved in the community cleanup and worked with people who want to establish a dog park. He asked to be on that committee should there be one. City Clerk Garrett clarified for the record that the medical marijuana applicant who wants to locate across from Cress Cleaners in fact had their CUP approved, by a majority. She added that the applicant apparently was confused as to whether they were approved and that was why she wanted to clarify.

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

ATTEST:

CAROL BOLTON, Mayor Pro-Tem

AUDRA GARRETT, City Clerk