

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, May 20, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

**APPROVAL OF THE MINUTES.** Regular Meeting of May 6, 2014. A motion to approve the minutes as presented was made by Councilmember Miles and seconded by Councilmember Bolton. The motion carried unanimously upon roll call vote of Council members present.

**PROCLAMATION – EMERGENCY MEDICAL SERVICES WEEK, May 18, 2014 through May 24, 2014.** Mayor Reorda read aloud a proclamation naming May 18 through May 24<sup>th</sup> as Emergency Medical Services Week in Trinidad. The proclamation was presented to Trinidad Ambulance Service District Chief Dan Moynihan.

**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** Tom Murphy addressed Council regarding age. Mr. Murphy told Council that Al Neuharth, founder of USA Today, in his weekly column on Friday, March 11, 2011, wrote: Headline – “Age 80” “Today, really like yesterday, 60? One of the world’s smartest and most successful media moguls who owns and bosses the Wall Street Journal, Fox Network and other major entities here and abroad turns 80 today. Rupert Murdoch, despite his awesome record, doesn’t know how to let go f the reins. It is a prime example of a growing number of aging business or political leaders who believe that today’s 80 is like yesterday’s 60. They’re wrong. True, most of us are living longer; the life expectancy in the USA is now 77.8. But, mentally and physically we start to slow down in our late 60s. That doesn’t mean you can’t still be productive and successful in your field of work or a new endeavor. It does mean that if you are running the joint it’s time to turn the top job over to someone else. If we choose a successor wisely the person will take what we’ve done and preserve the best and improve the rest. When we started USA Today I was 58. I made it very clear that I would retire at 65. That inspired younger colleagues who had hopes of succeeding me and resulted in overall better team performance. Two very successful leaders in business and politics who like Murdoch don’t know when to quit – Warren Buffet, 80, legendary oracle of Omaha, and Senator John McCain, 74, of Arizona. If Buffet quit as the boss now, and held his umbrella over his successor, shareholders of his Brookshire Hathaway would be much more comfortable and he would be even more respected. If McCain announced he would give up his Senate seat when he was 79, instead of gearing up for another re-election, he’d be revered rather than resented. There’s a time to lead and there’s a time to leave.” Mr. Murphy told Mayor Reorda that his hissy fit two weeks ago is an ethics violation and he is trying to decide whether or not he is going to file that. He told the Mayor that it was nice to know what he really thought of him after all this time. But the reality is there’s only one person out to get Joe Reorda and that is Joe Reorda. Mr. Murphy told Mayor Reorda that if Mayor Reorda believed in his heart that he has that type of malice toward him, then the Mayor doesn’t know him or anything about him. But he said he can understand his reasoning because that’s the attitude he’s grown up with here and he doesn’t know any better. He added that a part of him feels sorry for Mayor Reorda, but then today when he paid his utility bill to ARPA he recalled that Mayor Reorda was the party to that who signed off on it time after time after time. That is his legacy. He concluded that he didn’t need a silver bullet, that is Mayor Reorda’s legacy and every time he pays that bill he thinks about him.

Stephen Hamer addressed Council regarding ADA noncompliance. He said he wanted to bring to Council an emerging concern he has. Mr. Hamer explained that at an eating establishment in the City they have bolted the tables in the middle of the sidewalk in front of their business. He said it creates a hazard for the blind and because you have to go around it. They also haven’t had a license in four years for the outdoor seating. He presumed they would get one now due to the courtesy and patience of the City. Mr. Hamer said people need to think of those riding in a wheel chair. They are starting to see in addition to that tables and chairs, A-frame signs and flower pots on the sidewalks. It is becoming increasingly difficult with the tourist traffic. He urged Council to consider an ordinance. The ADA requires a 36 inch path of travel through all sidewalks. Even store isles have to be 36 inches wide. He said when you start putting chairs around the tables you encroach on the three-foot path of travel. He said he ran across a man on the sidewalk who wouldn’t move for him to get by and told him that he couldn’t help that he was disabled. He said he is asking for three feet of travel for the disabled community and that it be enforced. It will continue to be a problem. Mayor Reorda asked Planning Director Fineberg if he had checked into the concern. Planning Director Fineberg said he did because a complaint was filed about the bolted-down tables. He and Chief Building Official Chris Kelley looked into and haven’t found anything in the ADA code that says the tables can’t be bolted down. In talking with the owners, the tables can be quickly unbolted. He was told that they were bolted down largely so that they wouldn’t be pushed out into the sidewalk. Mr. Hamer stated that if you add in the size of the chairs and allow for foot space there’s no way there’s 36 inches of travel space. He said he’s offered to lend City Manager Acre his wheelchair. He concluded that he is in favor of outdoor seating but not when you bolt tables to the sidewalks. In checking with seven other cities he was told that in their cities they would get a ticket for it.

Howard Lackey addressed Council concerning I-25 Economic Development. He said he read an article in last week’s paper that peaked his interest with regard to what Council is considering concerning marijuana laws. He said he thinks it would be a mistake to make the Industrial Park the only place someone can grow. It restricts free trade and for instance someone may have a warehouse on the east side of town and he’s going to employ 20 people in a grow operation. It’s not

the City's position to say he can't do it. He said he hoped in addition to medical marijuana Council considers retail at the same time. He said he calculated tax on one pound of marijuana over one year's time and came up with \$31,600 on the wholesale side and \$75,844 on the retail side, calculated using the 4% on the retail and the \$31,600 is the 5% surcharge the state is supposed to give to the City on the wholesale side. The retail as well as medical will be extremely important. Mr. Lackey said he thought there to be less than 50 cardholders in the community. Medical facilities would not be able to make it and are going to have to generate more income. The practice of selling medical marijuana for a year probably isn't the wisest thing to do. That would be like a liquor store owner only selling 3.2% beer for a year before they can sell 6%. The revenue lost over that year would be phenomenal. The money could be used to widen sidewalks and plant parks, etc. This is an opportunity to mine the biggest gold mine in this area, which is I-25, with 2.5 million cars traveling through per year; 2.5 million people; 6.25 million people at 5% that may stop to partake equals 312,500 people multiplied by \$65 per one-eighth ounce for \$20,312,000 per year. That buys a lot of things. Both medical and retail need to happen. He reiterated that this is the opportunity to mine I-25 that we've been looking at. He asked Council to think about it, concluding that it makes a lot of sense.

**COUNCIL REPORTS.** Mayor Reorda said he and Councilmember Mattie attended the UMWA 100-year anniversary of the strikers. They held the prayer and then allowed the City to address the crowd first. He thanked staff for the beautiful proclamation. He also thanked Councilmember Mattie for his address to those present and reading of the proclamation, saying that he had many of them in tears.

Councilmember Mattie said he is a fourth-generation decedent of Italian immigrants who came here for the purpose of mining coal. He said he had some resentment for the other communities for their claim of this event. Councilmember Mattie said there were representatives from Las Animas County, Pueblo City and Pueblo County as well as dignitaries from the UMWA national level. He said he was surprised to learn that the UMWA is involved in a lot of things besides coal mine unions, involving over 800 million members. He said he grew up in a UMWA household and his parents enjoyed union benefits beyond compare and belief. He thanked the Mayor for the opportunity to read the proclamation. He was told there were between 1,200 and 1,500 people in attendance, from West Virginia, Kentucky, Ohio, Utah and 30 union memberships of the UMWA present from all over the country. It was quite impressive. Councilmember Mattie commented that we all know the role the train played in the tragedy, providing a physical barrier for cover. During one presentation a 100-car train went through there. He said it couldn't have been better orchestrated. It was a meaningful moment.

Councilmember Fletcher reported that she too attended the commemoration. She said it was very touching and very well done by Mr. Bob Butero. She also reported that she participated in National Train Day and rode the train to Las Vegas, New Mexico, along with Mayor Reorda and Councilmember Bolton. Las Vegas, New Mexico, was their destination and they turned around there. They were a recipient of the Main Street grant that Trinidad is about to commence and it has turned the town around. It looked good and their stores were filled. There was great community participation. They have what's called the 'façade god,' a brigade of volunteers who goes down town and cleans on the weekends. She said our local 'lipstick and rouge' group is comparable. Las Vegas has had such a drought that many homes have Astroturf in their yards. Consequently people congregate in the parks with grass. Councilmember Fletcher also told Council that she attended a Parks & Recreation Board meeting last night that was very productive. Planning Director Louis Fineberg and Parks Superintendent Dave Esquibel were in attendance. They had a lot to say and input to provide. One thing they pointed out was that the City doesn't have any municipal tennis courts. There will be a group campaigning for that. The old tennis courts at the golf course were discussed. A Trinidad golf and tennis club would be a good idea. Pickle ball was likewise discussed. It is a slower tennis game. Mayor Reorda added that it is played with huge paddles. Councilmember Fletcher concluded that Dave Esquibel was very accommodating saying that all that would need to be done for indoor play at the recreation center is to put different color lines. Mayor Reorda commented that the City named the community center complex after Coach John Gagliardi, the highest winning coach in the country. He asked if there is a sign there that shows the name. City Manager Acre said he would check into it.

Councilmember Bolton thanked everyone who came down on May 10<sup>th</sup> to make National Train Day in Trinidad a success. She announced that there will be a Trinidad Creative District Community Open House on June 4<sup>th</sup> from 5:30 p.m. to 7:00 p.m. at the Trinidad State Junior College Pioneer Room. The presentation will include the Trinidad Downtown Creative District Plan, brand and logo. She concluded that additional information will be forthcoming soon.

Councilmember Miles told Council that she attended the 100-year commemoration of Ludlow as well. She said although she missed the Mayor and Councilmember Mattie speak, she understands the speeches were very well received and noted that last year the City wasn't invited to speak. She said she found it very inspiring. We all get caught up in our petty problems and if you want a lesson in gratitude just remember the hardships everyone went through during that era. Councilmember Miles said she also attended the gathering for the National Train Day but wasn't able to join them on the trip to Las Vegas. It was great to see the sense of community. She estimated there to be over 100 people there, including a lot of kids. She added that she felt a sense of pride in the community. Councilmember Miles said she attended the Water Festival and thought it was very nice to see the children in the beautiful green t-shirts. It was a great week for inspiration. She also told Council of a bocce ball league at Cimino Park that has drawn as many as 20 to 30 people on any given night. She encouraged people to come down and support the players. Regarding Economic Development she said they received an expression of interest from an entrepreneur who is looking at Industrial Park and other places. He likes the access to I-25 to start a bio-diesel fueling facility, made up of cellulose. She said she's looked at his financing plan and thinks he has some things to put into place, but he's someone who is attracted to our town and we should be proud of that.

Councilmember Mattie noted that at the Ludlow event there were two great-nephews of Louis Tikkas in attendance with their spouses, one from Florida and one from Greece. In addition Frank Petrucci was there. His mother and siblings were in the cellar. He lost his three siblings, but his mother survived. One of those siblings, Frank Petrucci, perished in the fire. The Frank Petrucci present at the commemoration had been re-named after his deceased sibling.

**REPORTS BY CITY MANAGER.** Public Works/Utilities Director. City Manager Acre introduced Mike Valentine as the newest addition to staff as the Public Works/Utilities Director. He said Mr. Valentine has been meeting with his staff and has touched base with him a couple of times. He said Mr. Valentine has been hard at it and City Manager

Acre said he looks forward to having more time to do other things. PW/Utilities Director Valentine said it has been good thus far. He said he's not sure if he's the prodigal son who needs a party or the bad penny. He concluded that he's already hit the ground running and hopes not to stumble too badly.

Councilmember Bolton asked if the project management grid will be included on the next work session agenda. City Manager Acre said it will be and asked Council to e-mail any questions they have regarding it to him. Councilmember Mattie said he looks at the grid as a road map and said it should be a topic of discussion at department head meetings every Monday. City Manager Acre said he thought with having Public Works/Utilities Director Valentine on board they will see more expedient progress. Councilmember Miles asked about the status of 'Conversations with Council.' City Clerk Garrett said she received three different responses regarding scheduling and asked for direction. City Manager Acre said staff would work to get one scheduled just prior to the next work session in June at TSJC from 11:00 a.m. to 1:00 p.m. Councilmember Fletcher encouraged consideration of an outdoor gathering in one of the parks, perhaps with food and refreshments. Mayor Reorda suggested they try the one indoors first and see what it looks like.

**REPORTS BY CITY ATTORNEY.** Marijuana. City Attorney Downs pointed out that in their Council packets the first medical marijuana application is on the agenda for this evening. He reminded Council that when it comes up on the agenda this evening they will set it for hearing. The hat they are going to be wearing is different from what they have been wearing. Now that the medical marijuana ordinance is in place it has become law. Council has gone from being a legislative body to being an adjudicatory or quasi-judicial body. As a legislative body, Council could be influenced or lobbied about issues. However, he said it is not appropriate now for them to be influenced. It is not appropriate for them to hear or listen to external or extraneous testimony or any kind of outside considerations. The City now has the ordinance in place and Council's job will be as the applicants come before them for a hearing that they follow the law. Medical marijuana is now allowed in Trinidad. Their consideration as an adjudicatory body will be if the applicant meets the criteria. If they do, Council must grant the license. Even if a Council member has personal opposition, they must follow the law and grant the license. In response to Howard Lackey's previous comments, City Attorney Downs said that there are actually between 450 and 480 medical marijuana card holders in the community – more than 50. He added that Council is hot on the heels of everything retail. He reiterated that it is now appropriate for Council to wear a different hat and not be lobbied by people. City Attorney Downs told Council that Tara Marshall has organized a wonderful marijuana tour for staff to travel to Pueblo County to meet with their County Clerk, Attorney and Planner – everyone that has anything to do with licensing. Thereafter staff will be touring a number of facilities. He noted that Ms. Marshall has gone to a tremendous amount of trouble to organize the tour. Mayor Reorda reminded Council of their previous discussions to refer people to the City Planner or City Attorney if they have questions or concerns about marijuana licensing. City Attorney Downs elaborated that if Council members allow themselves to be influenced they would have to recuse themselves. An issue already came up on a conditional use permit at the Planning Commission meeting. A commissioner should have recused himself and he failed to address it sufficiently. He said next Tuesday's work session will be very big on retail marijuana and he said he hoped to get direction from Council. He said he'd like to have an ordinance ready for first reading on June 3<sup>rd</sup> and second reading on June 17<sup>th</sup> to be effective on June 27<sup>th</sup> if approved. Council expressed interest in taking a similar tour. City Manager Acre said he'd ask staff to set one up for one-half a day plus travel time.

**UNFINISHED BUSINESS.** None.

**MISCELLANEOUS BUSINESS.** Consideration of SGM Professional Services Agreement for the Commercial Street Phases I and II Design and Construction Documents. A motion to approve the Professional Services Agreement with SGM, Inc. for the Commercial Street Phases I and II Design and Construction Documents was made by Councilmember Bolton and seconded by Councilmember Fletcher. The motion carried by a unanimous roll call vote.

Grant agreement between the City and the State Board of the Great Outdoors Colorado Trust Fund (GOCO) for the Boulevard Addition Pedestrian Bridge Project. Councilmember Fletcher asked if the design of the bridge will be like the one on the river walk by Noah's Ark. Planning Director Fineberg answered that they haven't picked out a final design. The bridge will be a pre-fabricated structure and there are several designs to choose from. There will be a small amount of site engineering. Councilmember Bolton moved to approve the grant agreement and Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

Approval of Boulevard Addition property acquisition. Planning Director Louis Fineberg addressed Council. He explained that this is the second half of the City's property acquisition. The City has already acquired the property in the Boulevard Addition inside of the City's limits. This is for the 14 acres adjacent to the City in the County. If acquired the City would own approximately 90 acres for the Boulevard Addition Park. Councilmember Fletcher asked if there will be a problem with getting access over the private property to the south. Planner Fineberg said they intentionally avoided acquiring it this time around because there is a lot of clean up required. Staff didn't want to deal with that as part of this project. Going forward it would behoove the City to acquire that property, however as part of the Old Sopris Trail Plan. He reiterated that extensive clean up is required. Councilmember Fletcher asked how people would access this property. Planner Fineberg said the pedestrian bridge will be accessed from the river walk. At the end of Boulevard there will be a trailhead. The trail system in the Boulevard Addition will have a low-water crossing using an existing road. The trail will generally parallel the river. Once the trail is complete he said he anticipates there will be at least three points of access from the Old Sopris Road to the river. He showed Council various potential access points on a map for trailheads and for emergency vehicles. Councilmember Fletcher asked if the 14 acres is for more trails. Planner Fineberg said it is to work toward the completion of the Old Sopris Trail Plan to connect downtown to Trinidad Lake State Park. He said one consideration in the planning process was rather than acquiring a ten-foot easement for a trail, given what this property is appraising for, it made more sense to acquire this land. People also get access to four miles of river. Councilmember Fletcher asked about a possible dog park. Planner Fineberg showed Council on a map the area he felt had potential for a dog park. He explained that if one is on the Exit 13A overpass looking down to the flood plain it would be in that area. Some of it the City has already acquired. He said it is a nice piece because they can include a piece of river. It also has a really high slope that would be like a natural barrier and another part of it is already fenced. He added that he is not suggesting only one dog park. Councilmember Mattie expressed interest in pulling people off of the interstate. Additional discussion was held concerning a possible dog park. Mayor Reorda asked if the area discussed was the same as what the dog committee is

suggesting. Planner Fineberg said it is not but is within the Boulevard Addition and he has agreed to meet with the dog committee on site next month. City Manager Acre suggested the dog park could be discussed further at the next work session. A motion to approve the Boulevard Addition property acquisition was made by Councilmember Miles and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

Agreement between the City, Las Animas County and Trinidad-Las Animas County Economic Development Corporation for an Economic Development Administration (EDA) grant application. City Manager Acre reminded Council that this is for a grant that the City, Las Animas County and Trinidad-Las Animas County Economic Development are working together on through the Economic Development Administration. SCEDD asked them to put this agreement together. Las Animas County is the only county in Colorado eligible for the grant. To qualify the area had to be impacted by a coal mine closure. Las Animas County will be the lead with work and support from the City and TLAC Economic Development. He said the County and TLAC Economic Development will both be considering this agreement this week as well. Councilmember Miles asked the schedule. City Manager Acre said they are going after grant money for planning to get the Industrial Park shovel ready; a regional recycling center and airport. The grant is due at the end of the month. He noted that there will be more money coming later this fall. There is \$3 million available nationwide currently. He said he understands they want to see something happen in southern Colorado. Councilmember Miles asked if he's heard how the grant writing process is going with SCEDD. City Manager Acre said he hasn't heard. A motion to approve the agreement between the City, Las Animas County and Trinidad-Las Animas County Economic Development Corporation for an Economic Development Administration (EDA) grant application was made by Councilmember Bolton. Councilmember Miles seconded the motion. Upon roll call vote the motion carried unanimously.

New Medical Marijuana Center application filed by M & M Distributing, LLC at 422 N. Commercial Street. Councilmember Bolton moved to set the Medical Marijuana Center application filed by M & M Distributing, LLC at 422 N. Commercial Street for public hearing on July 1, 2014 at 7:00 p.m. Councilmember Fletcher seconded the motion. Councilmember Miles asked if that is the earliest possible date that the hearing could be held. City Attorney Downs said it is the earliest outside of the 30 day required period. The motion carried by a unanimous vote upon roll call.

New Medical Marijuana Optional Premise Cultivation Operation application filed by M & M Distributing, LLC at 422 N. Commercial Street. Councilmember Bolton made a motion to set a public hearing for the Medical Marijuana Optional Premise Cultivation Operation application filed by M & M Distributing, LLC at 422 N. Commercial Street for 7:00 p.m. on July 1, 2014. The motion was seconded by Councilmember Fletcher and carried by a unanimous roll call vote of Council members present.

**BILLS.** Councilmember Bolton stated that within the bills there is an area that reflects manual checks typically for refund of utility deposits. She said this reporting period there was about a page and one-half of those checks and some of them were quite sizable. She asked what they were for. City Manager Acre said he thought he knew what those checks were issued for, but would confirm and get back to Council. Councilmember Bolton asked if it is repayment of overcharges. City Manager Acre said he would find out and get back to Council on it tomorrow. A motion to approve payment of the bills with proper information to be provided to Council concerning her question was made by Councilmember Bolton. The motion was seconded by Councilmember Mattie. Roll call was taken on the motion and it carried unanimously.

**PAYROLL,** May 10, 2014 through May 23, 2014. A motion to approve the payroll was made by Councilmember Miles 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 Fletcher. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

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JOSEPH A. REORDA, Mayor

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AUDRA GARRETT, City Clerk