

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, August 19, 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
Also present:	Acting City Manager	Garrett
	City Attorney	Downs
	Asst. City Clerk	Valencich
Absent:	Councilmember	Torres

Mayor Reorda called the meeting to order.

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of August 5, 2014. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Bonato. The motion carried unanimously.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Dewayne Howard addressed Council concerning the vehicle registration law. He told Council that this is something that has bothered him for some time. Mr. Howard said he worked for 27 years as a State Patrolman in Trinidad and has been retired now for about 19 years. Once a cop, always a cop. He said he's let a lot of things go, without getting upset about it. However he said the state registration laws in this town are pathetic. There are so many vehicles with only one plate whereby we are a two plate state. Also there are so many that are domiciled in Trinidad and Las Animas County and are wearing another state's plate, a non-resident plate. He said he understands things cost a lot of money. People would be shocked about the amount of revenue that could be brought in if the registration of vehicles is enforced. He reminded that he used to do this and there's a Councilmember who also used to be a state patrolman. Mr. Howard concluded that he's not trying to cause trouble, he would just like the people who are violating this law to pay their fair share. Mayor Reorda said his message would be relayed to the appropriate people.

Daryl Shoupe addressed Council. He told Council he is an idea man and has three topics he'd like to mention. He said he will be a part of the community for years to come. He said the first topic is trying to develop the community. He pointed to a building nearby City Hall on Main Street that he said would be a neat place if the City could buy it and take each room and pick a college for occupancy of it for five years to bring academic excellence here. Mr. Shoupe pointed to his mother in the audience who will be moving here part of the year. He said they are looking at buildings for investments. Next he spoke about having a community airport like was available near his house in Michigan. He told Council that if the airport were annexed there would be federal money available for it. They could have a city airport. Third he said that Cougar Canyon has a half-built building and a lot of home that got started as well as a lot of underground. He said it was good for about 1,700 homes is what he heard. He suggested if a large company could be brought in engineers, Department of Defense, Hewlett-Packard, maybe even a Fortune 500 company, and offer tax breaks and incentives. He said it is a really good idea to consider. He said he is unsure how those businesses can be drawn in. Mr. Shoupe added that he's impressed with how people are going on train rides and the Amtrak station is here. He quoted Albert Einstein "Imagination is more important than knowledge." Councilmember Miles said she loved his ideas. Some are already priorities for Economic Development, such as the airport. She said annexing is a different issue, but cleaning it up and getting it into an attractive condition for people with private planes is something Economic Development is working on. She urged him to talk about the possibility of federal grant money with Marsha Royse, Board Chair for Economic Development. Incentives are also something being talked about. The City is talking about formalizing incentives. It's something that's front and center right now. We've got to be able to reach out and provide a little incentive for people to come here. Mr. Shoupe added that the City airport makes it stronger and academic excellence takes us to the next step towards a really great community. Councilmember Mattie noted that the County had a presentation today regarding resurfacing of the airport runways.

COUNCIL REPORTS. Councilmember Mattie pointed out in their informational items a letter of resignation from Kent Eberhart from the Planning, Zoning and Variance Commission in which he was addressed. He reminded of the comments in the Chronicle News on August 14th and said those were his opinions and they were tied to the responsibility to protect the City. That was what he was trying to do by having that opinion which he said he still holds. He continued that he recognizes the important role of volunteers in the success of government and that his statements were never meant to chastise or embarrass anyone. His objective was to provide them with the training necessary so they could be better prepared to fulfill their responsibilities and duties as board and commission members. He acknowledged and said he respects Mr. Eberhart's commitment to personal beliefs and stands by his decision to resign and graciously accept it. He asked that a thank you letter be drafted to him for his service to the City and bidding him good wishes in his future endeavors.

Mayor Reorda thanked Councilmember Fletcher for her minutes on the Council tours they took to the City departments.

Councilmember Fletcher reported that the Parks & Recreation Advisory Board met last night. Chairman Glenn Davis had a final draft of the Parks Master Plan that will be proofed and then turned in.

Councilmember Bolton had nothing to report.

Mayor Reorda announced that Governor Hickenlooper is coming to Trinidad on Friday, August 22nd at 12:00 p.m.

and Council is invited to lunch with him at the Holiday Inn. He said everyone will buy their own lunch and asked that they let him know if they can attend.

Councilmember Miles reported that there's a task force working on an ordinance for the CLG (Certified Local Government). She explained that if the City becomes a CLG it would allow us control over giving certification to certain facilities that are outside of the National Historic Register. The property owners would have to apply for it. If they comply with certain minimal standards of historic preservation, it would open them up to considerable tax benefits at both the state and federal level. Also, on January 1, 2015, there is a law that will go into effect that will greatly expand those tax credits. She said it is hoped that the City can become a CLG by January 1st, however recognizing that there will be a public education process involved. The CLG task force is meeting again next week.

Mayor Reorda reminded Council that the Rural Philanthropy Days will be held here in September and said volunteers to assist in the event are needed and would be appreciated.

Councilmember Bonato told Council that about a week and one-half ago he and the Mayor attended a meeting at Pinon Canyon Maneuver Site meeting and they got to hear from Colonel Hamilton and others. They heard about the training going on in the middle of September. Quite a few soldiers will be here in training. He also talked to them about the protection of the land and animals. The group ended up at the golf course for lunch. He said it was good meeting and nice that the City, County and Army have a friendship, noting that County Commissioner Mack Louden was there as well as Paula Ozello and he and the Mayor.

Councilmember Miles reported that Trinidad-Las Animas County Economic Development posted for a part-time Executive Director recently and received three resumes in response. One applicant was interviewed late last week and another will be interviewed on Thursday at the Board meeting.

Mayor Reorda added that at the meeting at Pinon Canyon they talked about a jumping mouse and all kinds of things, mostly environmental.

REPORTS BY CITY MANAGER. Water. Acting City Manager Garrett pointed out at Council's seating places a communication regarding Trinidad's water system. She explained that the correspondence was in response to the concerns raised about the adequacy of water with respect to marijuana businesses and other types of large water users.

North Lake. Acting City Manager Garrett also pointed out at Council's seating places correspondence from the State Dam Engineer's office granting temporary approval of storage at the North Lake Dam. It sounds like there are a few minor things needed for a full and final release on the City's water restriction, but this is good news in that the City is able to raise the water level.

Parks Department relocation. Council was informed by Acting City Manager Garrett that it is expected that the Parks Department will be relocating to the San Pedro location soon after Labor Day.

Special Meeting. Acting City Manager Garrett asked Council's consideration in holding a special meeting following their work session on September 9th for consideration of asphalt paving bids. She said we are a little behind and want to make sure the bid is awarded and we get the paving done soon.

Special Meeting. Acting City Manager Garrett reminded Council that the City's water attorney was planning to meet with them in executive session on Wednesday, September 3rd at 3:00 p.m. and asked if alternatively another date, either September 4th or 5th, would be available. She explained Jeff Kahn's assistant will be here for a meeting on the evening of September 4th and it might behoove the City from a monetary standpoint to try to move that date if possible. After some discussion, it was decided that the original date and time offered the best availability to Council members.

Rural Philanthropy Days. Acting City Manager Garrett told Council that because of the monetary support given in support of Rural Philanthropy Days and the in-kind use of the trolley during the event, the City is able to have a full-page ad in their program and set up an exhibitor table in their hospitality room on Wednesday and Thursday. It can be manned or unmanned. She said she has discussed the offer with Marilyn Leuszler of Creative District and they will work together to provide tourism brochures and the QR picture at the table as well as Creative District information. Ms. Leuszler will also provide the ad for the program. Councilmember Miles suggested the inclusion of Economic Development.

Water. Councilmember Bonato asked if the letter has any bearing on the permanent pool the City has at the dam. Public Works/Utilities Director Valentine said this is only in regard to the City's treated water. It has nothing to do with the dam. Councilmember Bonato asked if all of the marijuana facilities have to use treated water. City Attorney Downs said that is correct. Councilmember Miles recalled a previous discussion between Mr. Acre and Mr. Prince in which Mr. Acre thought only agricultural water was needed. She said that would put less stress on the City's water. City Attorney Downs said that was incorrect. The default position is anyone who comes to the City and wants water is going to get City treated water. He noted that it has been reported in the Pueblo Chieftain recently that even the concerns about the water in Pueblo and the Federal water with the Bureau of Reclamation are being relaxed because it appears that it is impossible to sort out co-mingled water. There could be some concern in the county where they are getting ditch water or out of the Purgatoire. Municipally-located facilities will have potable water with a municipal water tap. Councilmember Miles asked the possibility of using non-potable water to reduce the stress on the potable water for agricultural purposes. Public Works/Utilities Director Valentine said he imagined it could be done but one would have to go through water court to drill a well. They would have to otherwise haul non-potable water to a facility. Councilmember Bonato asked if the City Garage well is metered and if the water would work for marijuana growers. Councilmember Miles said non-potable water can still be put on plants. Public Works/Utilities Director Valentine said he could look into it and that the water is metered. In response to Councilmember Bonato's follow-up question he said the water consumption from the well has to be reported to the state incrementally. Councilmember Bolton noted that the letter references the Industrial Park being serviced by a 12-inch diameter water main. She asked if he is indicating that is sufficient or not. Public Works/Utilities Director Valentine

said it is sufficient. It was an answer to a question that came up on the size of the line. There is a 12-inch diameter water main for the most part. In the new section where it was subdivided, it increases to a 16-inch diameter line and then goes back down to 12. He said this is the same line that served the Army and prison until 2007 when they were moved to the Main Street main line. Mayor Reorda pointed out that non-potable water has to be augmented. If water is taken out it has to be replaced. Councilmember Bonato said his understanding is that there are ¾-inch stubs in Industrial Park. He asked if that is big enough, clarifying that he wasn't picking on William Prince, just asking if it is sufficient to carry that much water. Public Works/Utilities Director Valentine explained that it could be, but depends on how quickly he uses the water through the ¾ inch line. He will probably have to request a tap to upsize it, probably to a two-inch tap. He clarified that Mr. Prince would have to pay for the tap size to be increased. Councilmember Bonato asked the line size at the Lackey site. Public Works/Utilities Director Valentine said there is a 12-inch main going up Santa Fe Trail and across the highway is an eight-inch main. He said he would verify his recollection.

REPORTS BY CITY ATTORNEY. Water. City Attorney Downs said he had nothing to report but wanted to elaborate on the water report findings. He said Trinidad has enough water to supply the marijuana facilities, according to the memo provided. Agricultural users want non-chlorinated water – non-potable water. That may be something they can do. He said it is really good news about how much water we have in the City of Trinidad. Councilmember Bonato cautioned that the report shows current availability. City Attorney Downs added that at Councilmember Bonato's request he will advise at future hearings of the Planning Commission and City Council that in times of drought, marijuana cultivation facilities could be some of the first ones cut off. He said there is a priority system in place. He reiterated that this is good water news for now, recognizing that water is always in a state of flux. Mayor Reorda added that with all of the houses for sale the water those households would use is conserved currently.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance to extend the one percent sales tax originally authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects. Mayor Reorda reminded that this is not a new tax, just a vote to continue the one-cent sales tax. He 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 to extend the one percent sales tax originally authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects. The title of the ordinance was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously.

ORDINANCE NO. 1962

AN ORDINANCE TO EXTEND THE ONE PERCENT SALES TAX ORIGINALLY AUTHORIZED BY VOTE OF THE PEOPLE ON NOVEMBER 4, 1980 AND EXTENDED BY VOTE OF THE PEOPLE ON JULY 23, 1991, NOVEMBER 5, 1996, NOVEMBER 5, 2002, AND NOVEMBER 4, 2008 AND TO PROVIDE FOR DEDICATION OF THE REVENUE FROM SUCH TAX TO CAPITAL PROJECTS

Public hearing for consideration of an ordinance submitting to the voters of the City of Trinidad at the General Election to be held on Tuesday, November 4, 2014, a measure which would extend the one percent sales tax authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects. Mayor Reorda declared the public hearing open and called for comments for or against the ordinance. There being none, the hearing was closed.

Second reading of an ordinance submitting to the voters of the City of Trinidad at the General Election to be held on Tuesday, November 4, 2014, a measure which would extend the one percent sales tax authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects. The title of the ordinance was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Fletcher and seconded by Councilmember Bonato. Councilmember Bonato commented that there are a lot of people who don't have the correct understanding of this 1% tax. He suggested that they need to get a lot of literature out and educate the public. People are understanding this to be another tax. He reiterated the need to educate. Upon roll call vote the motion carried unanimously.

ORDINANCE NO. 1963

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF TRINIDAD AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, A MEASURE WHICH WOULD EXTEND THE ONE PERCENT SALES TAX AUTHORIZED BY VOTE OF THE PEOPLE ON NOVEMBER 4, 1980 AND EXTENDED BY VOTE OF THE PEOPLE ON JULY 23, 1991, NOVEMBER 5, 1996, NOVEMBER 5, 2002, AND NOVEMBER 4, 2008 AND TO PROVIDE FOR DEDICATION OF THE REVENUE FROM SUCH TAX TO CAPITAL PROJECTS

Public hearing for consideration reading of an ordinance imposing a sales tax of five percent (5%), commencing January 1, 2015, in the City of Trinidad, Colorado, on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution. Mayor Reorda declared the public hearing open and called for comments for or against the ordinance. There

being none, the hearing was closed.

Second reading of an ordinance imposing a sales tax of five percent (5%), commencing January 1, 2015, in the City of Trinidad, Colorado, on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution. The title of the ordinance was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Fletcher and seconded by Councilmember Mattie. Upon roll call vote the motion carried unanimously.

ORDINANCE NO. 1964

AN ORDINANCE IMPOSING A SALES TAX OF FIVE PERCENT (5%), COMMENCING JANUARY 1, 2015, IN THE CITY OF TRINIDAD, COLORADO, ON THE RETAIL SALE OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA ACCESSORIES BY LICENSED MARIJUANA ESTABLISHMENTS AS A NEW TAX PURSUANT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION

Public hearing for consideration of an ordinance submitting to the registered electors of the City of Trinidad at the General Election to be held on November 4, 2014 the question of whether, commencing January 1, 2015, the City of Trinidad should impose a sales tax of five percent (5%) on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution. Mayor Reorda declared the public hearing open and called for comments for or against the ordinance. There being none, the hearing was closed.

Second reading of an ordinance submitting to the registered electors of the City of Trinidad at the General Election to be held on November 4, 2014 the question of whether, commencing January 1, 2015, the City of Trinidad should impose a sales tax of five percent (5%) on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution. The title of the ordinance was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously. Councilmember Fletcher asked how the \$100,000 estimated tax was derived. Acting City Manager Garrett answered that it is based on estimated retail sales of \$2 million. Councilmember Mattie commented that people will vote no on a new tax. This is a tax on marijuana and marijuana products. A person needs to read beyond the first line. He suggested that those who oppose marijuana should realize that it would be unfavorable to not vote for this tax and benefit the City from it. Councilmember Bolton added that this issue needs to be sold as well. Councilmember Miles pointed out that taxes tend to restrict consumption, for those who are opposed to marijuana. Councilmember Mattie said that point needs to be made. Councilmember Fletcher stated that the CIP Committee realizes these points.

ORDINANCE NO. 1965

OF AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF TRINIDAD AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 THE QUESTION OF WHETHER, COMMENCING JANUARY 1, 2015, THE CITY OF TRINIDAD SHOULD IMPOSE A SALES TAX OF FIVE PERCENT (5%) ON THE RETAIL SALE OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA ACCESSORIES BY LICENSED MARIJUANA ESTABLISHMENTS AS A NEW TAX PURSUANT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION

MISCELLANEOUS BUSINESS. Ratification of the Mayor's execution of the Amended Contract for the Construction Documents of Hughes Lumber Company with History Colorado. A motion to ratify the contract was made by Councilmember Bolton and Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

Resolution updating the City of Trinidad Three-Mile Area Plan. A motion to adopt the resolution was made by Councilmember Bolton. Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

RESOLUTION NO. 1434

RESOLUTION UPDATING THE CITY OF TRINIDAD THREE-MILE AREA PLAN

Addendum No. 2 to Black & Veatch Contract for the Engineering Design of the Water Treatment Plant Improvements. Councilmember Fletcher made a motion to approve Addendum No. 2 and the motion was seconded by Councilmember Bolton. Roll call was taken on the motion which carried unanimously.

BILLS. Councilmember Fletcher moved to approve the bills and Councilmember Miles seconded the motion. The motion carried unanimously upon roll call vote.

PAYROLL, August 2, 2014 through August 15, 2014. A motion to approve the payroll was made by Councilmember Fletcher and seconded by Councilmember Bolton. Roll call was taken and the motion carried unanimously.

Councilmember Miles on behalf of herself and other Council members asked Council's consideration in holding a special meeting for executive session for personnel and legal advice. City Attorney Downs said they may want Marni Nathan, CIRSA's appointed lawyer to appear by phone. City Attorney Downs said he would check her availability. Council

voiced their tentatively availability. Councilmember Mattie confirmed with those Council members present that there was no opposition to conducting the special meeting.

AUGUST 19, 2014

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

ATTEST:

JOSEPH A. REORDA, Mayor

DONA VALENCICH, Asst. City Clerk