

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Wednesday, November 5, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Reorda, presiding
	Councilmembers	Bonato, Fletcher, Mattie, Miles, Torres
Also present:	Acting City Manager	Garrett
	City Attorney	Downs
	Asst. City Clerk	Valencich
Absent:	Councilmember	Bolton

The pledge of allegiance was recited.

**APPROVAL OF THE MINUTES.** Special Meeting of October 21, 2014 and Regular Meeting of October 21, 2014. A motion to approve the minutes as presented was made by Councilmember Bonato and seconded by Councilmember Torres. The motion carried unanimously.

**PUBLIC HEARING.** 2015 Capital Improvement Projects Budget. Mayor Reorda declared the public hearing open and called for public comment. Acting City Manager Garrett pointed out that the purpose of the hearing is to solicit comments from anyone present who wishes to discuss the proposed capital improvement projects. She reminded Council that the information has been available to the public at City Hall and the public library since early October after the draft budget was submitted to Council on October 7th. Stephen Hamer, Stephen's List, a disabled advocacy group with an office here, one in Colorado Springs, and in Oklahoma City, Oklahoma, address Council. He stated that the budget is lacking in ADA improvements. The City will be faced with a serious choice in a very short time of whether or not it is going to comply with the Americans with Disabilities Act or not. He said he has been here six months and since that time there have been some cosmetic improvements made, with the exception of the concrete in front of the City Hall Annex. There are immediate safety concerns with some curb cuts and curb ramps. It is very easy to get tipped out of a wheelchair. He said he got high-centered at one on Plum Street. Mr. Hamer encouraged the City to maximize their spending for ADA improvements, reminding that it is Federal law and a Civil Rights statutes and the City cannot plug its ears and put its head in the sand. He continued that he'd like to see the compliance with not only the physical features and barriers removed but also in terms of funding. He noted that he is familiar with what will happen on Commercial Street, and he understands that some of the stores will receive funding through DOLA to become more accessible, however there are immediate needs. He asked that some of the funds be held in reserve to do that. There being no further comments, the hearing was closed.

2015 Annual Budget. Mayor Reorda declared the public hearing open and called for comments. Stephen Hamer addressed Council. He reiterated his prior comments and incorporated them into his objection of the annual budget. He asked Acting City Manager Garrett if he was correct that \$86,000 was allocated for ADA improvements for 2015. She answered that specifically that was correct. He asked how much money was allocated for other projects. He said it is a pittance compared to that. Acting City Manager Garrett asked him to keep in mind that we are funding projects we have already outlined for next year, including improvements to Main and Commercial Streets which will include ADA improvements. The City has also identified additional funds in the ensuing years for that issue as well. It is not an issue the City is ignoring. Mr. Hamer said the City has ignored it for the past 20 years, although it has not been this administration. He complimented this Council for some of its incredible effort to comply with the ADA. He suggested the City needs to increase the funding for ADA improvements and he would like some discussion on it and would like to hear some support tonight to add more funding for the ADA. Mayor Reorda told Mr. Hamer that they have heard him enough and knows what he is doing and what he wants and the City is going to comply. Before it's all over we will take care of all of his complaints. He asked if that was enough support, to which Mr. Hamer answered that it was not. He said he appreciates his gesture but it sounds like familiar rhetoric. Mayor Reorda said he heard it from him for the first time. Acting City Clerk Garrett told Mr. Hamer that the City has \$6.5 million identified in the budget for capital improvements next year in different areas. In every area where the City intends to do work, for instance Central Park restrooms, in those efforts ADA improvements will be included. Mr. Hamer said those are for future projects. He asked what is being done about existing problems and pre-existing problems. Those have to be addressed at some point too. Steve Bolton addressed Council. He said that he and Carol just got back from Santa Fe, New Mexico, where there no ADA compliant street, sidewalk or store in the entire town. However no one is there holding over their heads all these lawsuits with the Federal government. He suggested someone call them and find out how they are getting around all of this. He continued that he and the Mayor have been trying to get Topeka Street widened for ten years and asked where the money for that is. He stated that Mr. Hamer needs to wait on the ADA improvements just as they have had to wait on things to get done. There's only so much money. He reiterated his suggestion that Santa Fe be contacted because they are not being made to do this. Mr. Hamer said he needs to take a trip to Santa Fe. There being no further comment, the hearing was closed.

**ANNEXATION.** Triple D Family Limited Partnership LLLP and Jose Manuel Garcia and Maria Nelly Garcia – Southside Annexation. Public Hearing – Petition for annexation by Triple D Family Limited Partnership LLLP and Jose Manuel Garcia and Maria Nelly Garcia – Southside Annexation. Mayor Reorda declared the public hearing open and called for comments for or against the annexation. Buddy Curro, Fisher's Peak Fire District Fire Chief, addressed Council. He told them he was before them to bring to their attention the financial burden put on the District if the property is annexed into the City. He referenced the packet of information placed at their seating places and said it illustrates how the annexation will hurt them tremendously financially. The District is large, but small in terms of finances. They have an annual budget tax base of \$64,000 and if they lost another portion of it, it will be close to \$20,000 lost in tax base when combined with the other businesses they've lost in that area. He reiterated that he wanted to bring it to Council's attention and suggested maybe they can sit down with City Council and work something out before they annex this property. It will be \$20,000 of their

\$64,000 budget. Acting City Manager Garrett recommended Council proceed with the annexation process and give future consideration to Chief Curro's request. Mr. Curro reminded Council that they participate in mutual aid to the City and the City's Fire Department provides mutual aid to the District. He also reminded Council of the fire in Stonewall on the watershed last year and on the Fisher's Peak fire. Had it gone to Moore's Canyon Road it would have been at the City's back door. With their resources they were able to prevent that from happening. He reiterated his request that they consider the burden this is placing on them. Councilmember Bonato told Mr. Curro that he admires his and the District's firefighter's work. Chief Curro pointed out that they are all volunteers. They want to improve their County and the City and have a good working relationship. Mayor Reorda stated the thought there was a mutual agreement between departments. Councilmember Mattie thanked Mr. Curro for his presentation. He said with respect to the last paragraph of his letter concerning certification of equipment, he understands where he is trying to go, and suggested he visit with the City's Fire Chief to see how they can possibly help each other so when the District meets with Council again they will better understand. Everybody has a budget, but everybody working together makes things happen. Mayor Reorda commented that they have better equipment than the City does. He closed the hearing.

Resolution setting forth findings of fact and determinations regarding the proposed Southside Annexation. Councilmember Miles moved to adopt the resolution. Councilmember Fletcher seconded the motion. Roll call was taken on the motion which carried unanimously.

RESOLUTION NO. 1442

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO,  
SETTING FORTH FINDINGS OF FACT AND DETERMINATIONS REGARDING THE  
PROPOSED SOUTHSIDE ANNEXATION

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First reading of an ordinance annexing certain territory to the City and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Miles and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing on November 18, 2014 at 7:00 p.m. was made by Councilmember Fletcher and seconded by Councilmember Torres. The motion carried unanimously upon roll call vote.

ORDINANCE NO.

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF TRINIDAD,  
COLORADO

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Public hearing – amending the zone map by establishing the zone class of certain land annexed into the City of Trinidad to Established-Community Commercial. Mayor Reorda declared the public hearing open and called for comment for or against the ordinance. There being none, the hearing was closed.

First reading or an ordinance amending the zone map by establishing the zone class of certain land annexed into the City of Trinidad to Established-Community Commercial and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Fletcher and was read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing on November 18, 2014 at 7:00 p.m. was made by Councilmember Fletcher and seconded by Councilmember Miles. The motion carried unanimously upon roll call vote.

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF TRINIDAD,  
COLORADO, BY ESTABLISHING THE ZONE CLASSIFICATIONS OF CERTAIN  
LAND ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF TRINIDAD,  
COLORADO

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**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** Stephen Hamer, regarding pictures of sex offenders/pedestrian problem, addressed Council. He reminded that some time ago there was a discussion about an issue of people in wheelchairs whereby they spoke about safety factors in crosswalks. He said he was almost hit three times recently in a crosswalk. The intersection of Main and Nevada is a bad intersection. He asked Council to revisit the concerns raised. He said he cannot be more visible and this was during the daytime that he was almost hit twice. The other intersection that he was almost hit at was Beech and Main Streets. He asked that the City pay attention to the crosswalks. It is becoming another issue. The next issue he raised was his surprise that there are no pictures on the registered sex offender list on-line for a large percentage of them who are in this community. He said he was under the impression they had to register and have their picture on the registry website for the state. It concerns him, having interacted with those kinds of individuals for a long time. He said he is concerned about the safety of our children in the community and other victim-prone people. The names are there, but the pictures are missing. He reiterated that it concerns him deeply. He added that he thought the state law required a picture be included. City Attorney Downs said there are various classifications of people who are convicted sex offenders. The main person who maintains the local registry is Detective Sergeant Phil Martin at the Trinidad Police Department. City Attorney Downs said he would look into the matter and let him know.

Joshua Frashuer, regarding Colorado Street speed control, addressed Council. Mr. Frashuer said he is concerned about the speed and amount of traffic in his neighborhood on Colorado Avenue. He explained that he and his wife are trying to raise five kids who like to play in the front yard and go back and forth across the street to his parents' house. On an ongoing basis people are speeding and a lot of commercial traffic is traveling through there. There is a lot of activity in the area with the college, dog parks, a field, etc. He suggested a couple of signs warning of children crossing or a big speed bump be installed to deter commercial traffic and slow some people down. He said that his observation is that an average of

52% of traffic on Colorado Avenue is going over 30 miles per hour, the posted speed limit. He further suggested that the speed limit be reduced to 25 miles per hour, reiterating the location of the college, basketball courts, dog parks, park where kids play flag football. It is an ongoing issue. Mayor Reorda suggested he witness the traffic on Topeka. He said the neighborhood there calls the police with license plate numbers. He stated that he feels the police are doing a good job patrolling but people don't realize how fast they are going. Councilmember Torres commented that it is treacherous. The interstate traffic exits onto Colorado Avenue and commercial traffic uses it to get to Highway 12. Mr. Frashuer said he has concerns that a semi truck could lose its brakes and come barreling down. Councilmember Torres commented that she thinks people speed on Colorado because it is a straight shot. Mr. Frashuer repeated his suggestion for signs or a speed bump. Mayor Reorda pointed out how bad Kansas Avenue is with respect to speeding traffic. Councilmember Fletcher said radar would slow people down. Councilmember Bonato asked if certain times of the day are worse than others. Mr. Frashuer said it is used as a Highway 12 access. Councilmember Mattie confirmed the speed limit to be 30 miles per hour on Colorado Avenue. Mr. Frashuer pointed out that the speed limit has been reduced on San Juan from 30 to 25 miles per hour and San Juan is a wider street. Councilmember Bonato said he too has a problem with speeding traffic where he lives. He suggested the speed could be reduced to 25 miles per hour. Councilmember Mattie suggested another approach be education – deployment of the speed trailer that will call to the traveler's attention their speed. It might help change their driving behavior and habits.

Frank Sonny Leone, Planning/Zoning, item 8b, addressed Council. Mr. Leone said he didn't know what Council was going to do (with respect to removal of Planning Commission members). He stated the Commission members were put on the Planning and Zoning Commission by the people sitting up there (Council) and those people can take them off. He was put on the Commission by Harry Sayre and Joseph Reorda twice. The first time it was one or two years before he got any feeling he was helping with Planning and Zoning. He said he looked to other members of the board for guidance and asked questions. During that time they did a lot of things and there were probably a lot of mistakes made. There is nothing in the Charter that says they have to say why they vote yes or no. The same is true for Council. They can state why, but there's nothing that says they have to. The issue has come up the last few months by City Attorney Downs. Anything that happens if it is a good deed Council gets comments for it and so does the Commission. If it is a bad deed it goes to Council and comes back to the Commission that they didn't do their job. Council gets X amount of money, not much, and take a lot of flak for it. The Commission does the research for Council and doesn't get a dime. Mr. Leone said he's as busy as anyone else and doesn't need to spend five to six hours on the agenda items. He said he goes and sees every item when he gets his packet. He reiterated that he didn't think they needed to give a reason for how they vote, nor does Council; there's nothing in the Charter. Different people have different ways of working with each other. The Planning and Zoning Board for the past couple of years has been the best he has been on, he said. They have very good people; people looking into the things they are supposed to look into. Whatever Council decides is fine. Mr. Leone held up Chapter 14 of the City's Code, Planning & Zoning, and said he got a copy of it three years ago. There is no one on Planning and Zoning that has it. The City doesn't give it to them. Everything is in there. He said he had to ask for a copy of it three years ago. Before that he didn't know it was available.

**COUNCIL REPORTS.** Councilmember Mattie told those present that because the Broncos didn't come through, he had to wear the Gronkowski jersey this evening as part of a bet. However, City Attorney Downs will be flying the Broncos flag on his jeep next week when the Broncos go up against the Raiders. Councilmember Mattie stated that before the election he represented the City in a presentation before the Kiwanis. He thanked them for their hospitality and support. He also thanked the voters who endorsed Referendums 2A and 2B and the volunteers who helped make for a better understanding of the Referendums. Specifically he thanked Tara Marshall, Cy Michaels, and Pat Fletcher. Next, Councilmember Mattie said concerning the roundabout at Nevada and University, he spoke with Mr. Crawford from the Driver's License office who told him he will incorporate the navigation of the roundabout in driver's tests. He commented that it is a positive step in a good direction on how to safely negotiate the roundabout.

Councilmember Bonato reported that he and Mayor Reorda attended the CNG fueling station groundbreaking ceremony last Thursday and that it will be a great first step for us in Trinidad. It will help get people down here. He thanked Ray Duran who was in the audience for his help in getting the station here. Councilmember Bonato noted that Senator Crowder was present and said it was a good display. Most City staff was present. He again thanked Ray Duran for his hard work and for how he supports this City and the people of this City. Next he reported that he, Councilmember Fletcher and Acting City Manager Garrett attended the Housing Authority roundtable meeting recently. Archie Vigil, Marie George, Rosemarie Shier, Helen Veltri, and Duane Roy were present. He deferred to Councilmember Fletcher to report on the meeting.

Councilmember Fletcher provided Council with written notes on the Housing Authority meeting. She said there was positive communication. It is now clear in her mind the delineation of the relationship with the City going back the many years. The City initiated the Housing Authority with the need for low-income housing and the Federal government took it over. She offered kudos to Judge Harry Sayre for initiating it way back when. She said the community is very fortunate to have the quality of housing and the maintenance of it. Councilmember Bonato added that the Board does an excellent job. Councilmember Fletcher continued that she attended the breakfast meeting with the Board of County Commissioners. She was heartened with the positive lines of communication with them. She also reported that she and Councilmember Miles attended the ARPA meeting in Holly and announced Conversations with Council are being held each Monday for about the next five Mondays at 5:30 p.m. now. They discuss various topics of interest with the public. She said she chaired the last one. The subject was use of open space in the community. The program is underwritten by a Main Street grant. Members of the community were present and they heard some very creative and innovative ideas. She also thanked the public for their comments provided on the walkway on East Main Street, having recently taken the posters down. She said the comments will be taken to heart in Council's use of the CIP tax money the City will receive, thanks to the voters passing the Initiative.

Councilmember Torres commented that with respect to her attending the breakfast with the County Commissioners, it is good to keep lines of communication open. Mayor Reorda agreed and said they'll do it once per month.

Councilmember Miles echoed the thoughts expressed about the breakfast meeting and added that progress is being made in their mutual relationship. There have been recent things done for each other. It is a good development of relations.

Regarding the ARPA meeting, Councilmember Miles reported that the City of Lamar, which operates the Lamar Repowering Project, had recently filed a temporary restraining order trying to enjoin ARPA from shutting down the power plant and setting aside funds. We are in a dispute about how much should be spent on the plant next year. ARPA wants it to be very little and Lamar wants to spend quite a bit. The temporary restraining order was denied, which is very good news for the member communities. Now ARPA can move forward with the decommissioning, deconstruction or otherwise prompt disposal of the plant, the language called for in the agreement. She also reported that the General Manager and General Counsel of ARPA approached her and Councilmember Fletcher about bringing Industrial Park, which is currently in San Isabel Electric's service territory, into the City's service territory. The reason to do that is so we can spread the Lamar Repowering Project bonds over more kilowatt hours which reduces the burden to every kilowatt hour if we can increase those. The fear has been that in a declining economy we will have to take those fixed bond costs and allocate them over a declining number of kilowatt hours. Regarding the Industrial Park, with the proposed marijuana activity, it will require a lot of electricity. She said she spoke to Acting City Manager Garrett and Public Works/Utilities Director Valentine about the prospect. They will follow through to see what it will take to bring power to the Industrial Park. She also brought Economic Development Executive Director Walt Boulden in on it who will talk to the people who want to occupy space in the Industrial Park. ARPA may offer an economic development rate for the power, if they can amortize part of the bonds over that incremental load instead of all of the bonds. Mr. Boulden was very excited to learn about that. She continued that Mr. Boulden is earning his pay at Economic Development. He was looking at the properties Economic Development owns and saw that it wasn't matching up with the map he had. Through his efforts and those of City staff they unearthed about 100 acres at the Industrial Park which would have a conservative market value in excess of \$1 million. She expressed her appreciation to Mr. Boulden and to the City staff who assisted him. Mayor Reorda asked if the Industrial Park is in the City. Councilmember Miles said it is but in San Isabel's service territory. She thought it was probably in San Isabel's service territory before it was annexed. City Attorney Downs noted that there are a number of areas in the City where they don't get all utility services from the City. Councilmember Bonato pointed out that the Southside Annexation property is the same way. Any revenues the City will get will come from property and sales tax. Councilmember Miles said that existing loads where there is an overlap of service territories but are in the City limits, are pretty well protected by court rulings and cases. Incremental load is open to competition.

Mayor Reorda told Council he attended the CNG groundbreaking ceremony on Thursday. The organizers did a beautiful job. Construction can already be seen as having started. Councilmember Miles said she would have liked to have been there but had to be at the ARPA meeting. Mayor Reorda said the City will be putting in an article thanking people for voting on the Capital Improvement Project tax and marijuana tax. He also thanked those present.

**REPORTS BY CITY MANAGER.** Tax referendums. Acting City Manager Garrett echoed the appreciation to the voters for their continued confidence in the City in use of the CIP tax funds. The City has \$6.5 million set out next year for improvements to the City. She noted that the CIP money has been leveraged by Planning Director Fineberg with grant funds. Those projects will put people to work into our community. She also thanked City Council for addressing their constituents and encouraging them to support both of the City's tax measures. Both will do great things for our City.

ISO rating. Acting City Manager Garrett called to Council's attention in their information items the recent survey findings from the ISO. The ISO rating determines largely what the public pays in fire insurance. She explained that the lower the number the better the rates will be. The survey indicates that the City's ISO rating is being reduced from a class 4 to a class 3. She thanked the Fire Department, Water Department and Police Dispatch for their efforts that resulted in the rating that should result in a benefit to the citizens. Those are the departments looked to for the survey.

**REPORTS BY CITY ATTORNEY.** Conditional Use Permits. City Attorney Downs pointed out at Council's seating places supplemental information he provided regarding conditional use permits, as well as information from the Charter and Code of Ordinances regarding the Planning and Zoning Commission and what they are entrusted with doing. Upon inquiry he told Council this is not the entire code. He explained that the information provided in the packet on Friday was not complete, just a synopsis. Mr. Leone touched on it when he showed his book, marked Code of Ordinances. He said Mr. Leone was holding up just the Planning & Zoning Code, Chapter 14. When you talk about what Planning and Zoning does, there's a lot in there. By no means is the information exhaustive. He continued that regarding the question as to whether Rusty Goodall's service on the Planning Commission would be a conflict of interest because he is on the Board of (Building Code) Appeals, it is not a conflict. The two boards are completely mutually exclusive and there's no overlap as far as he can tell. The Charter and parts of the Code of Ordinances will talk about the Planning and Zoning Commission and the Board of Appeals. In places it makes it seem like they are the appellant body to Planning and Zoning. It is confusing. He reiterated that they are mutually exclusive. There has also been a lot of discussion about Conditional Use Permits and relevant criteria. He said he thinks they will need to go back to that, adding that he is trying to avoid discussion of that tonight.

**UNFINISHED BUSINESS.** Public hearing for consideration of an ordinance repealing and re-enacting Chapter 2, Article 17, Section 2-71(5)(a) and (b), Code of Conduct for Public Servants and Consequences for Violations of Code of Conduct, respectively. 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 of an ordinance repealing and re-enacting Chapter 2, Article 17, Section 2-71(5)(a) and (b), Code of Conduct for Public Servants and Consequences for Violations of Code of Conduct, respectively. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Fletcher and seconded by Councilmember Miles. Upon roll call vote the motion carried unanimously.

ORDINANCE NO. 1969

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 2, ADMINISTRATION, ARTICLE 17, CODE OF CONDUCT AND CODE OF ETHICS, SECTION 2-71(5)(A) AND (B), CODE OF CONDUCT FOR PUBLIC SERVANTS AND CONSEQUENCES FOR VIOLATION OF CODE OF CONDUCT, RESPECTIVELY

**MISCELLANEOUS BUSINESS.** Consideration of removal of members of the Planning, Zoning and Variance Commission. Mayor Reorda told City Attorney Downs that he asked for the ordinances and got two sheets. He called for a motion to table this item until they could study the codes more. They need to consider it longer than they have and need to know what the responsibilities are. They need more understanding. City Attorney Downs said the way he was going to go about this is consideration of the possibility of removal of one or more Commissioners. What was contemplated if Council desired was a bill of charges for the allegations of what they have done wrong. He said if Council would like to have discussion about what Planning & Zoning does, that's fine. Mayor Reorda said the information he received doesn't tell him enough and he needs the whole ordinance. Councilmember Bonato told Mayor Reorda he was contradicting himself. He told him that he was the one who put this on the agenda, he was one of the ones who put it on the agenda. Mayor Reorda and Councilmember Mattie put it on the agenda and now he is contradicting himself, wanting more information. There are people in the audience that want to know an answer. He said he was tired of tabling it and criticizing people. He reminded Mayor Reorda he was the one who said he wanted to get rid of these guys but now he's covering his tracks saying he wants more information. Mayor Reorda said he didn't deny asking for the item on the agenda but had asked Acting City Manager Garrett to tell City Attorney Downs to give him the entire ordinance and didn't get it. He added that he had the right to change his mind. He said they need to sit down and talk about it more. Councilmember Bonato said he thinks they should have voted. This embarrassed these people and Council. No one but the two people who asked for this to be on the agenda knew about this. Councilmember Miles stated that whatever the history it is foolish to make a decision without a thorough reading of the entire ordinance. Whatever happened before, you do the next right thing. Councilmember Miles made a motion to table this item and get a copy of the whole ordinance. Councilmember Mattie seconded the motion. Upon roll call vote the motion carried with all Council members present voting aye with the exception of Councilmember Bonato who cast a dissenting vote.

Tavern liquor license renewal request by Trinidad Lanes, LLC at 823 Van Buren. Matt Salbato was present on behalf of the applicant. Councilmember Fletcher moved for the license approval and Councilmember Mattie seconded the motion. Upon roll call vote the motion carried unanimously.

Tavern liquor license renewal request by Great Wall, LLC d/b/a Great Wall at 321 State Street. A representative was present. A motion to approve the license renewal was made by Councilmember Fletcher and seconded by Councilmember Torres. The motion carried unanimously upon roll call vote.

Tavern liquor license renewal request by Gino's Sports Bar, LLC at 991 E. Main Street. Joe Cordova was present on behalf of the applicant. Councilmember Bonato moved for the license approval and Councilmember Torres seconded the motion. Upon roll call vote the motion carried unanimously.

Retail liquor store license renewal request by Trinidad Plaza Liquors, Inc. d/b/a Main Street Liquors at 803 E. Main Street. Acting City Clerk Garrett advised that the licensee could not have a representative present this evening and asked that the item be tabled to the next meeting.

3.2% Beer Retail – Off Premises – license renewal request by JR's Fuel Stop, Inc. d/b/a JR's Fuel Stop 810 at 731 E. Main Street. Ray Duran was present on behalf of JR's Fuel Stop, Inc. Councilmember Fletcher moved for the license approval and Councilmember Torres seconded the motion. Upon roll call vote the motion carried unanimously.

Appointment to the Planning, Zoning and Variance Commission. Pursuant to the advice of counsel, Councilmember Mattie made a motion to appoint Carl "Rusty" Goodall to the Commission. The motion was seconded by Councilmember Fletcher and carried unanimously upon roll call vote.

Modification of premises request by Trinidad's Higher Calling U, LLC at 1000 Independence Road. Robert Schultz upon Councilmember Miles' request explained that the modification is requested to create separation between the medical and retail sales rooms. It will provide for more of a doctor-like, private visit and will allow him to accept medical patients under the age of 21. By creating the separation it will keep them separate from the general public. City Attorney Downs asked Mr. Schultz if he was required by the state to do this. Mr. Schultz said he wouldn't have to if he were only serving those over the age of 21 because those could be in the same room. If he puts two entrances and separate POS systems he can provide service to people under 21 years old. A motion to approve the modification was made by Councilmember Mattie and seconded by Councilmember Miles. Upon roll call vote the motion carried with all Council members present voting aye with the exception of Councilmember Bonato who cast a dissenting vote.

Motion to continue the CannaCo appeal hearing originally scheduled for November 6, 2014 to the regular meeting of November 18, 2014. Councilmember Mattie moved to continue the hearing to the regular meeting on November 18, 2014. The motion was seconded by Councilmember Torres. Upon roll call vote the motion carried with all Council members present voting aye with the exception of Councilmember Bonato who cast a dissenting vote.

New Retail Marijuana Store license application filed by Daryl DeMarco and Diane Irwin d/b/a Southern Colorado Therapeutics at 1505 Santa Fe Trail Drive. Councilmember Mattie moved to set the application for hearing on December 16, 2014 at 7:00 p.m. Councilmember Miles seconded the motion. Upon roll call vote the motion carried with all Council members present voting aye with the exception of Councilmember Bonato who cast a dissenting vote.

Consideration of Purchase and Sale Agreement with BNSF for the Multimodal Project. Planning Director Fineberg addressed Council. He pointed out at their seating places a letter from Amtrak's legal department. Amtrak has reviewed the agreement between BNSF and the City. They had a problem with one of the clauses, particularly #11, in that it assumes the City and Amtrak will be entering into a lease and is requiring it before closing and before the building is even built. He noted that Amtrak has been involved the discussions for quite a while so he said he wasn't sure why there was a delay in expressing the concern. There is a conference call scheduled for Monday and he said he hopes to get the matter resolved. He suggested it was best to table the agreement. A motion to table the Purchase and Sale Agreement was made by

Councilmember Miles and seconded by Councilmember Fletcher. Upon roll call vote, the motion carried unanimously.

Ratification of letter of support for application for a grant to the State Trails Program for Old Sopris Trail for land acquisition. Councilmember Bonato said that while he was going through old Council packets he ran across a letter from the Corp of Engineers dated July 25, 2011, talking about the jetty jacks in the river. At that time it mentioned the City wanting to take out the jetty jacks. He asked if this will present a conflict right now with the Boulevard Addition or with the Water Conservancy. Planning Director Fineberg said the only issues comes if we want to remove them. If we to, they have to be replaced with a more modern device. No one is touching the jetty jacks. Councilmember Bonato offered to bring in the letter to him. Howard Lackey told Council that the local Trout Unlimited Chapter approached the Albuquerque District of the Corp of Engineering about removing them down by Linden Avenue. They approved it but said the Chapter had to be replaced with newer ones. The Chapter couldn't afford to do that. Councilmember Bonato commented that he didn't want to run into problems. A motion to ratify the letter of support was made by Councilmember Fletcher. Councilmember Bonato seconded the motion. Roll call was taken on the motion which carried unanimously.

Consideration of Agreement with Stantec, US EPA Brownfield Grant Project Consultant. A motion to approve the Agreement was made by Councilmember Mattie. Councilmember Fletcher seconded the motion, which carried by a unanimous roll call vote of Councilmembers present.

Formalization of Vilas Tonape's appointment to the Arts and Culture Advisory Commission. Councilmember Fletcher moved for the formalization of Vilas Tonape's appointment to the Commission and the motion was seconded by Councilmember Miles. Upon roll call vote the motion carried unanimously.

**BILLS.** Councilmember Bonato moved to approve the bills and Councilmember Torres seconded the motion. The motion carried unanimously upon roll call vote.

**PAYROLL,** October 25, 2014 through November 7, 2014. A motion to approve the payroll was made by Councilmember Fletcher and seconded by Councilmember Bonato. Roll call was taken and the motion carried unanimously.

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

ATTEST:

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JOSEPH A. REORDA, Mayor

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DONA VALENCICH, Asst. City Clerk