

JULY 19, 2011

CITY OF TRINIDAD
TRINIDAD, COLORADO

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, July 19, 2011 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Garduno, presiding
	Councilmembers	Pando, Rino, Shew
Also present:	City Manager	Gil de Rubio
	City Attorney	Beatty
	City Clerk	Garrett
Absent:	Councilmember	Aragon, Toupal, Velasquez

The pledge of allegiance was recited.

READING OF THE MINUTES. Regular Meeting of July 5, 2011 and Special Meeting of July 12, 2011. Mayor Garduno asked if there were any questions, additions or corrections to the minutes. There being none, a motion to approve the minutes as submitted was made by Councilmember Rino and seconded by Councilmember Shew. The motion carried unanimously.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

REPORT BY CITY MANAGER. Update from City Manager Gil de Rubio on LED lighting proposal. City Manager Gil de Rubio provided Council with an update regarding the LED lighting proposal. He reminded Council that at the previous work session he indicated that he intended to seek Council's ratification this evening, but has put it off to look into the financing of it. He said that he had a discussion with a representative from Energy Savings Solutions, a non-profit entity who is willing to pay the initial costs of the project, with a 3, 5, or 7 year pay back from the City, based upon the City's actual energy-cost savings. If the City realizes a \$20,000 per month savings, the pay back would be the entire amount for three years; if we chose a 5-year payback the City would retain 25% and they would assume the 75%; and on a 7-year pay back the City would retain 50% of the savings and Energy Savings Solutions would assume the other 50%. He added that he made a call to Ameresco who helped the County with their energy efficiency program, and he is aware of the fact that they have a similar program to this because he used them back East when he was a County Manager there. He concluded that he intends to bring more back to Council at their ensuing work session and for a vote on August 2nd.

City Manager Gil de Rubio pointed out at Council's seating places an e-mail from Rick Rigel, ARPA, received last Friday regarding firing of the Lamar Repowering Project. He said the e-mail reads that the plant was initially fired last Thursday and was gradually brought up from that point. Additionally, B&W is supposed to be working on site on the emission issues this week. City Manager Gil de Rubio reminded Council of the regular ARPA meeting next Thursday and invited any Council member interest. He said he'd give updates as he hears things and after that meeting at the ensuing Council meeting. Mayor Garduno asked if the ARPA meeting will be in Trinidad. City Manager Gil de Rubio thought it to be in La Junta and said the one in Trinidad will not be held until this Fall. Councilmember Shew thought this next meeting might be in Lamar or Holly instead. City Manager Gil de Rubio concluded that any Councilmember interested can meet at City Hall at around 8:00 that morning or can call Anna.

City Manager Gil de Rubio advised Council that City staff along with the insurance committee, Dave Grove and Denise Render from Century Financial, Dr. Clark and Rocky Mountain Health Plans have formed a wellness program involving exercise and nutrition. It is their collective hope that the City's group will see a reduction in prescription costs and cut down on associated costs, especially with workers' compensation claims. He promised to keep Council informed.

Council was informed by City Manager Gil de Rubio that the City is in receipt of PILT (payment in lieu of taxes) payments from the Trinidad Housing Authority, in the amounts of \$17,891.18 and \$8,139.61.

Councilmember Rino confirmed with City Manager Gil de Rubio that Council will discuss the LED lighting at the next work session. City Manager Gil de Rubio reiterated his intent to seek Council's ratification at the following regular meeting.

REPORT BY CITY ATTORNEY. City Attorney Beatty pointed out that as Council is aware, there is a settlement agreement in progress regarding Cougar Canyon Resort. The process invokes a few agreements between the City and a few parties related to that transaction. He requested the addition of an executive session to the agenda for the purpose of developing strategies for negotiations regarding one or a few of those agreements pursuant to C.R.S. 24-6-402(4)(e). A motion to add executive session for the stated purpose was made by Councilmember Rino and seconded by Councilmember Shew. The motion carried unanimously upon roll call vote.

City Attorney Beatty said that Council is aware of circumstances regarding Trinidad Lake Reservoir and the Army Corp of Engineers' recent studies and analysis of silt and sedimentation at the lake. He advised that the City received a draft calculation from the Army Corps of Engineering advising that at current water levels the silt adjustment that needs to be made to Trinidad Lake is equivalent to 1,998 acre feet anticipated to occur on or about November 1, 2011. The City's water engineer expects that at that time the adjustment will be approximately to 1,775 acre feet. He said they do not know at this point how it will impact all of the accounts in Trinidad Lake. It will have an impact on Trinidad's account, particularly in our joint-use pool. He distributed to Council an analysis of the potential impact provided by the City's water engineer. Councilmember Shew asked if this is a permanent problem with the silt or a one-time adjustment. City Attorney Beatty answered that an adjustment is not made very often, the last one being done in the late 1990s, but not since. He surmised that it is done once each decade or more. Councilmember Shew asked if the City will lose that much again next year. Will

there be a permanent pool reduction? City Attorney Beatty said this reduces the storage capacity. However the storage capacity at Trinidad Lake is far in excess of the water actually stored there. It can be built up again. Councilmember Rino said he didn't think it can be built up to the original amount. He said he thinks they are basing the silt fill up and reducing the size of the permanent pool. Supt. Fernandez said his understanding is that it reduces the size of the joint pool. Councilmember Rino said it's his understanding that a certain percentage is subtracted from each account for the reduction. Supt. Fernandez said he thought that to be correct.

City Attorney Beatty reminded Council of the ReGroup July recycling event this Friday from 8:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to noon at the Waste Connection facility at 2600 Freedom Road, which the City co-sponsors. They accept paper, plastic, glass, aluminum, steel and tin cans, metal lids and steel bottle caps.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance amending the zone classification of property located in the CP Treats Additions, Block 16, Lots 10 through 12, of the City of Trinidad, Colorado, from Established-Low Density Residential to Established-Community Commercial, as requested by Kenneth R. Geggelman, known as 900 Arizona Avenue. Mayor Garduno declared the public hearing and called for comment, for or against the zone change. There being none, the hearing was closed.

Second reading of an ordinance amending the zone classification of property located in the CP Treats Addition, Block 16, Lots 10 through 12, of the City of Trinidad, Colorado, from Established-Low Density Residential to Established-Community Commercial. The ordinance title was read aloud. A motion to approve the ordinance was made by Councilmember Rino and seconded by Councilmember Pando. The motion carried by a unanimous roll call vote. The ordinance was approved and will become effective on July 29, 2011.

ORDINANCE NO. 1918

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION OF PROPERTY LOCATED IN THE CP TREATS ADDITION, BLOCK 16, LOTS 10 THROUGH 12, OF THE CITY OF TRINIDAD, COLORADO, FROM ESTABLISHED-LOW DENSITY RESIDENTIAL TO ESTABLISHED-COMMUNITY COMMERCIAL

MISCELLANEOUS BUSINESS. Hotel and restaurant liquor license renewal request by Wonderful House Trinidad, Inc. d/b/a Wonderful House Trinidad at 415 University. Councilmember Pando moved to approve the license renewal. The motion was seconded by Councilmember Rino. Roll call was taken on the motion to approve the renewal and carried by a unanimous vote.

Introduction of Library Advisory Board applicants. Mayor Garduno pointed out that they have five applicants and Pat Fletcher, Janet Hammon and Tami Felthager have already introduced themselves. She called upon Wayne Rivera to introduce himself. Mr. Rivera addressed Council and stated that he is interested in getting on the board. He said he was on the previous library board. Mr. Rivera told Council that he is the Librarian at Trinidad State Junior College and has lived in Trinidad all of his life. Mayor Garduno is his neighbor. He concluded that he is looking forward to continuing his service to help keep the board strong and the library where it belongs. Mayor Garduno called upon Aaron Mojica to introduce himself. Mr. Mojica addressed Council and expressed his interest in filling one of the vacant positions on the board. He said he grew up in the library and has two young children who also love the library. He described himself as hands-on and said he would like to have as much control as he can in everything he's involved in. He concluded that he'd like to work with the library board and the library on what needs to be done to bring it further along.

Appointments to the Library Advisory Board. Councilmember Shew moved for the appointment of Pat Fletcher and Janet Hammon to serve the initial term expiring in January, 2012. Councilmember Pando seconded the motion which carried by a unanimous roll call vote. Councilmember Pando moved for the appointment of Wayne Rivera and Tami Felthager to serve until January, 2013. The motion was seconded by Councilmember Shew and carried unanimously. A motion to appoint Aaron Mojica to the initial term to expire in January, 2014 was made by Councilmember Pando and seconded by Councilmember Shew. Roll call was taken and the motion carried unanimously.

BILLS. Councilmember Pando questioned what appeared to be a number of gift certificates list on page 2 of the report. Finance Director Rose Blatnik explained that those were purchased for the Welcome Center volunteers as part of a 'weekend warrior' program, awarded to volunteers who worked four succeeding weekends. She added that nine volunteers received the \$50 gift certificates and that there's a Volunteer Enhancement line item in the budget that covers those types of costs. Councilmember Pando pointed to page 11, expenditures for swimming pool concessions. He suggested that the amount has to suggest good news as he would assume that there'd be double the income as compared to what's being spent and the expenditure is over \$2,800. Finance Director Blatnik said the concession finances are tracked by expenditure and revenue and promised Council a report at the end of the season. Councilmember Rino asked if the concession operation is leased or if it's done by City employees. Finance Director Blatnik said it is done by staff and concessions are tracked separate from admissions as well and will be indicated on the report. A motion to approve the bills was made by Councilmember Shew. The motion was seconded by Councilmember Pando. Roll call was taken on the motion. The motion carried unanimously.

PAYROLL, July 9, 2011 through July 22, 2011. Mayor Garduno said she assumes the overtime for the Fire Department has to do with the area fires we had. Fire Chief Perea confirmed that a portion of it is attributable to the fires and pointed out that another portion is due to being short on manpower right now. He added that the department will be reimbursed for a portion of the manpower and apparatus use for those fires. A motion to approve the payroll was made by Councilmember Pando and seconded by Councilmember Rino. The motion carried unanimously.

Councilmember Rino asked if we have decided on what we are going to do regarding North Lake. He asked if we are

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ready to go through the bidding process to fix it or if we are going to sit on it some more. Supt. Fernandez said he thinks the plan is to get the job advertised this Fall, probably late September or early October. While that's out to bid, the City will try to wrap up the finances. He said there is still a grant request pending, however he said he feels the City will have to finance a good part of it from the Water Fund. City Manager Gil de Rubio said the City originally planned to go out to bid in August and should have 95 to 98% plans in August. When they said they were going out in August, they thought the City was dead in the water with grants, but have another interview on September 2nd. Whatever the City incurs in expenses can't be re-cooperated if a grant is attained after. He opined that pushing it off three to four weeks is the City's best move, with a late Summer/early Fall RFP submittal. He added that he is still looking for low-interest loans, 3½ to 4½%. He said he'd bring back all of the information attained when we go out for RFPs so Council can decide whether they want to float some bonds or go with a USDA loan or use reserve funds. Councilmember Rino continued that as a Council they need to set priorities on projects; they have not sat down to determine priorities. They never sat down at work session to develop priorities for the CIP projects and then he saw things included that Council didn't discuss. He said it upset him. They need to find out where they are going, what might be a 2012, 2013, or 2014 project. The LED lighting is a major thing. It's going to cost \$600,000 and is not in the budget. Those things need to be discussed prior to bringing them to Council. City Manager Gil de Rubio reminded Council that when he was hired last September he asked each Council member to provide him with a five-year priority list and he had been handed a CIP with projects that Council had previously approved. He has taken that list and implemented a CIP plan. He continued that he just finished one which would work on equipment for the entire City operation, which will be incorporated. He said they are coming up on one year since he began working for the City and suggested it's a good time to sit down and discuss priorities and goals. He reminded that last year Council had a chance to come to him with a five-year spectrum of goals and to discuss the CIP. He said they will continue discussions in August and September. Councilmember Rino said that may be true, but they haven't discussed priorities. When did they discuss it? He suggested he find out the interests of City Council and those of the City Manager so they can work together to get them going. Councilmember Rino reminded that they have been talking about North Lake for the past five years and they need to sit down and get things going on these projects. City Manager Gil de Rubio commented that he doesn't see where any other project is delinquent in implementing. Regarding North Lake staff has been waiting on grants which have not materialized and will go out to bids and will get it done. The clubhouse was another project underway when he started and he said he feels that it is progressing. The budget was handed out in January and this is the first time he's hearing concerns about projects not being completed or being worked on. Councilmember Rino said he's not saying those projects aren't being worked on, rather that he didn't remember ever discussing the LED lighting or the Flags along the Purgatoire projects. City Manager Gil de Rubio said when he started his impression was that City Council had discussed it and he added it was brought up in the CIP budget. He suggested they could discuss it further when they get the RFPs in. The lighting project just arose in the last couple of months and because the Federal government has passed laws and he had been approached by several vendors it came up this fiscal year and feels it is a bargain for the City. He said he's not going to push these things aside, but instead will bring them to City Council who has the authority to say yes or no to the projects. Councilmember Pando said he didn't recall a discussion about the flag project as a group. Rather, Councilmember Shew approached him and showed him the plan, but at that time it required no City funding as he said he had it all covered. Since then he said he found out that the funding didn't materialize. He continued that as far as it being in the budget, he didn't see it and reiterated that he doesn't remember Council discussing it collectively. He concluded that it's a good project and they'll all have a chance to vote yes or no. Mayor Garduno commented that she agreed that it is a good project and also understood the same as Councilmember Pando in that the money was there and the City wouldn't be paying for the project – it was coming from contributions from various sources. She said the \$175,000 wasn't approved because it wasn't in the draft that they approved. Council approved the draft budget and assumed the final would be the same as the draft. Councilmember Rino said he is not opposed to the project but thought it should have been brought up to Council. He questioned what it will cost to maintain the project, the upkeep in years to come. It needs to be discussed. Mayor Garduno suggested it be added to the next work session so it can be discussed, as well as the LED lighting project.

Councilmember Shew commented that he had spoken to a couple of people recently who were highly impressed with Monument Lake. He said he went there himself, and although he's not saying it's perfect, he wanted to give credit to the lessee. He said the property is starting to look good. He wanted to give a word of encouragement and acknowledge the improvements, including the roads and stocking of items. Mr. Robb has done a really good job and if it continues we'll have a really good place up there. He asked about the water level of the lake. City Manager Gil de Rubio echoed the accolade about the phenomenal job Mr. Robb is doing and urged Council to take a trip to the lake and look around. He pointed out that the bathhouse still needs work and there's \$350,000 in the CIP Fund for it as well as other work regarding the historic preservation of the fish hatchery. He said there'll be a lot of issues before City Council in the upcoming years. Councilmember Rino noted that he believed this to be the last year on the shared expenditure arrangement we have. They've both been depositing money for the past four years. He suggested they might need to look at a new contract. Finance Director Blatnik confirmed that this is the final year. Councilmember Rino said the bathhouse may have to be done by the City or with grant funds. He said that is what he means by projects they need to look at.

EXECUTIVE SESSION. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C. R. S. Section 24-6-402(4)(e), regarding Cougar Canyon Resorts. Councilmember Rino moved to enter into executive session and the motion was seconded by Councilmember Shew. The motion carried unanimously and the executive session ensued at 7:40 p.m. and was electronically recorded as required by law. Upon conclusion of executive session at 8:17 p.m., Council resumed the regular meeting.

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

ATTEST:

 JENNIE GARDUNO, Mayor

 AUDRA GARRETT, City Clerk