

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, September 4, 2012 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor Pro-Tem	Shew, presiding
	Councilmembers	Bolton, Bonato, Mattie, Velasquez
Also present:	Acting City Manager	Gagliardi
	City Attorney	Beatty
	City Clerk	Garrett
Absent:	Councilmember	Baca Gonzalez

The pledge of allegiance was recited.

READING OF THE MINUTES. Regular Meeting of August 21, 2012. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Velasquez. The motion carried by a unanimous roll call vote.

Proclamation. Mayor Pro-Tem Shew read aloud and presented to Director Kirk and Julie Loudon a proclamation in support and appreciation of the Trindie Fest Week for the local Trinidad Film Festival slated for September 13th through September 15th. Councilmember Mattie thanked the Loudon's for their efforts to help the City. Mayor Pro-Tem Shew added that he hoped it would be a huge success that can be continued annually. The City is very grateful. Ms. Loudon said they hoped it would be successful as well.

PUBLIC HEARING. Water Conservation Plan. Mayor Pro-Tem Shew asked Supt. Fernandez if there were any changes to the plan. Supt. Fernandez advised that there were none. Mayor Pro-Tem Shew declared the hearing open and called for comments for or against the plan. There were none. City Attorney Beatty advised that the Water Conservation Plan has been available for public review for some time, in excess of 30 days, on the City's website and in hardcopy form at City Hall. No comments were received to date. He concluded that staff recommends approval of the resolution proposed. The hearing was closed.

Resolution of the City Council of the City of Trinidad, Colorado, adopting the City of Trinidad Water Conservation Plan and setting forth details in relation thereto. A motion to adopt the resolution approving the Plan was made by Councilmember Bolton and seconded by Councilmember Mattie. The motion carried by a unanimous roll call vote of members present.

RESOLUTION NO. 1399

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, ADOPTING THE CITY OF TRINIDAD WATER CONSERVATION PLAN AND SETTING FORTH DETAILS IN RELATION THERETO

Public hearing – Consideration of an ordinance amending the zone classification of property located in the Santa Fe R. R. West Addition, Lots 14 through 17, and the east 18 feet of Lot 18, Block 10, of the City of Trinidad, Colorado, from existing Transitional-Neighborhood Services zoning to Transitional-Community Commercial zoning (928 Smith Avenue, Gerald D. Cimino and Charles J. Murphy). Mayor Pro-Tem Shew opened the hearing and called for comments for or against the zone change and called for questions. He announced that this matter deals with property located at the Mount Carmel area on Robinson and Smith and is for a zone change for commercial use. Bruce Barr, Art Klein Construction, on behalf of the owners presented himself to answer questions. He explained that this is to convert the group home that has been empty for a few years into a part of the overall campus to better the property. There being no further comments, the hearing was closed.

First reading of an ordinance amending the zone classification of property located in the Santa Fe R. R. West Addition, Lots 14 through 17, and the east 18 feet of Lot 18, Block 10, of the City of Trinidad, Colorado, from existing Transitional-Neighborhood Services zoning to Transitional-Community Commercial zoning, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bolton and then read aloud in its entirety. A motion to approve it on first reading and consider it further at a public hearing on Wednesday, September 19, 2012 at 7:00 p.m. was made by Councilmember Bonato. The motion was seconded by Councilmember Bolton and carried with all Councilmember voting aye except Councilmember Mattie who abstained (advising that he was indirectly related to one of the principals).

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION OF PROPERTY LOCATED IN THE SANTA FE R. R. WEST ADDITION, LOTS 14 THROUGH 17, AND THE EAST 18 FEET OF LOT 18, BLOCK 10, OF THE CITY OF TRINIDAD, COLORADO, FROM EXISTING TRANSITIONAL-NEIGHBORHOOD SERVICES ZONING TO TRANSITIONAL-COMMUNITY COMMERCIAL ZONING

Public hearing – Consideration of an ordinance amending the zone classification of property located in the Santa Fe R. R. West Addition, Lots 27 and 28, Block 10, of the City of Trinidad, Colorado, from existing Transitional-Medium Density Residential zoning to Transitional-Community Commercial zoning (923 Robinson Avenue, Mt. Carmel Health, Wellness & Community Center). Mayor Pro-Tem Shew declared the hearing open and called for comments for or against

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the zone change. Bruce Barr, Art Klein Construction, presented himself on behalf of the owner. He advised that this is the home that had been owned by Rudy and Dave Zuech on Robinson Avenue and that it was purchased to house staff, in particular caretaker quarters, and incorporate it into the campus to benefit the property. Councilmember Bonato asked if this property is for the caretaker and the other property is proposed for medical offices in the future. Mr. Barr said 923 Robinson is for caretaker's quarters and 928 Smith, the former group home, is planned for medical clinic expansion. There being no further comments, Mayor Pro-Tem Shew closed the hearing.

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PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Coroner/Mortuary Records. Loretta Martin, President of the Trinidad Historical Society, addressed Council regarding their concern about an important part of local history. She explained that she has learned that funeral registers and coroner books have been removed from the library. She clarified that the coroner records are property of Las Animas County and not the City and should not have been removed. The funeral registers which she's referring to were taken to the library by Jamie Sue Gagliardi in the mid 1980s and have been a part of the library collection for over 30 years. She said the records were removed on August 27th and taken to a vault at International Bank because of one individual's claims concerning ownership of them. The letter was based on a claim. Ms. Martin said she is very passionate about our history and that this bothers her that they have to address an issue like this, especially because Jamie Sue was a personal friend of hers. She said she doesn't know what her intentions were, reiterating that she took the records to the library over 30 years ago. She said she thought Jamie Sue's intent was to share that knowledge with all of us and not just one individual. Ms. Martin said she feels it is a slap in the face to all of us. She said as president of the Trinidad Historical Society she was before Council to ask them to please stop the books from being taken from the residents and former residents of the area. They are used for genealogy. The Historical Society has only digitized ten of these records which were funded by donations in memory of Jamie Sue Gagliardi. They didn't have enough money to digitize all of the records, only ten and there are ten or more that need to be done. She said the Trinidad Historical Society has been in consultation with a local attorney for formulating a plan to resolve this issue and keep the records in Trinidad where they belong. Ms. Martin re-asked for Council's help to that end. She exemplified that the Aultman collection is maintained at the Colorado Historical Society. Consequently if someone were interested in using the Aultman collection they would have to drive to Denver to do so. She asked Council to help with this issue so people won't have to drive to Denver to look at books that are our history. Councilmember Mattie responded by telling Ms. Martin that her comments were well presented and received and that Ralph Gagliardi knows about the disposition of those records and can put her mind at ease. Acting City Manager Gagliardi said he thought this was all settled. He pointed out that he talked to Ms. Martin personally at the bank and personally e-mailed Councilmember Baca Gonzalez and she told Ms. Martin of the plan in place. Of the ten books that have been digitized, three are missing. He told Ms. Martin that he called her and she never returned his call. Mr. Menegowski who digitized the ten books said only seven of the registers were at the library and that's why they were moved to a safe place. The City will digitize the balance of the registers and the coroner records will be returned to the County Coroner, not to the Courthouse. Ms. Martin said there are two books at the Las Animas County Clerk & Recorder's office. Acting City Manager Gagliardi assured Ms. Martin that the books are under lock and key and said he told Councilmember Baca Gonzalez who was sure reported it to her. There are only two people allowed to enter the vault where they are held for safekeeping. He said it can't be said they were being kept in a safe place at the library because they were deteriorating and would have kept deteriorating. Mr. Menegowski said they had deteriorated in the two years since he had seen them. He said he's waiting to learn from Mr. Menegowski the cost to digitize the remaining books. When they are digitized the books will be returned to the coroner, Mr. Verquer, who had no idea that they had been on loan to the library. He added that she could have avoided the time delay had she talked to him or had Councilmember Baca Gonzalez talked to him. He reiterated that if the cost is reasonable the City can scrounge up the money to digitize them. If we need to get a grant the City has a great grant writer who will find a grant (referring to Planning Director Fineberg). He proceeded to explain how the records came to Jamie Sue through her uncle who owned Sipes Mortuary. The coroner records were there as well. The records moved from their original location, the mortuary building to a funeral home building on Second and Maple Streets where the business had moved, then briefly to their home when the business closed, and then to the library. He said he had forgotten about them and had forgotten about money having been donated to that cause. He continued that Planning Director Fineberg can vouch for them being taken to the vault and clarified that the coroner records were given to Jamie Sue by Mr. Gerald Valdez, not Mr. Verquer. He questioned why the funeral registers should be digitized if they want the books. Ms. Martin said they want to preserve the books. She said she was upset by reading the minutes and learning that the records people were using for genealogy were going to be removed and they weren't included in the process. She said she was willing to do the research to find out if the books had been loaned or given to the library. She said they care very much about their history and just want to keep it here in Trinidad. Councilmember Mattie said this is about the books and who owns them. Many people go to his workplace doing genealogy research. With multiple uses old documents become deteriorated and sustain damage. You can go to Washington but you can't handle the Constitution. We need to preserve the books in digital form so they can be more readily available and not damage the books themselves. Ms. Martin expressed her interest in them being digitized but emphasized her interest in the original records remaining in Trinidad so that if the digital form is not legible to make copies from they are accessible locally rather than them being at the Colorado Historical Society in Denver. Acting City Manager Gagliardi said Mr. Fletcher's plan was not to steal the books but to digitize them. Ms. Martin asked why then are they being kept in a bank vault and not at the library. Acting City Manager

Gagliardi said it is because they want them digitized and they would have become more deteriorated. He pointed out that the money to accomplish that won't come overnight. He added that he's not here to take anything away from the Historical Society, but they don't belong to the library either. Mayor Pro-Tem Shew surmised that the books are not the property of the City. The City manages the library and the library is run by the director. The City has no say as to where the books go. The City is not giving the books away. Council is just listening to both sides. They need to be digitized but there has to be some other way other than the City because they aren't our records. The coroner records belong to the coroner and that's where people should be directed. The City will do what we need to with digitizing to put into the library. Acting City Manager Gagliardi said he contacted Mr. Verquer who totally agreed with what was happening with the records. Ms. Martin reiterated her interest in the funeral registers staying in Trinidad once they are digitized and understood that the coroner records belong to the County. She clarified that the Historical Society is not claiming ownership. They just want to keep the history here. She concluded that there was a lack of communication and it causes hard feelings and problems. Councilmember Bolton asked if it is known what records have been digitized. Acting City Manager Gagliardi said they have been itemized and that is how Mr. Menegowski knew that there were three missing. Ms. Martin said there are actually four that are missing, but they aren't missing.

First impression. Mike Garrett addressed Council. He said this was in follow up to when he previously addressed them a couple of weeks ago. He said he works at the Welcome Center and is a first face of what people see and hear here. He said he wants to give people a favorable impression of the City and feels that we do based on the comments he hears. The second, third and fourth impressions are what he's concerned about. Mr. Garrett explained that he likes to walk around the City's parks and streets and he's seen things that are deplorable at times. He said there are cigarette butts, beer cans and liquor bottles between the curb and sidewalk and he tries to pick up as much as he can. We need more than the Comcast Cares Days. There's a curfew for kids to be out of the parks at 10:00 p.m. and there's no alcohol allowed at the parks. So he questioned why he's finding so many remnants. He also spoke of the graffiti in the parks and said he needs the community's help. He asked everyone to think about the second, third and fourth impressions and help out. Mr. Garrett said he'd do a cleanup campaign but needs help. Councilmember Bonato noted that the Parks & Boulevards Department is the smallest department the City has and they do a terrific job with the manpower and equipment they have. He agreed that we need to keep the City clean. He added that the police can't do surveillance 24/7. He also agreed there needs to be a committee to join in the effort. Councilmember Mattie suggested there needs to be an 'adopt a park' campaign similar to the 'adopt a highway' campaigns that are done. It can be a function of a school group or club. It facilitates community involvement, it would be purposeful and generate self pride. Councilmember Bonato suggested the prisoners could assist. He commented about the trash that lines the streets leading to the landfill. Mayor Pro-Tem Shew recalled the 'adopt a planter' project and said the recruitment of volunteers this year was low. It is important for the community to help. He concluded that it is a good idea but it won't work unless people push the idea and we get volunteers.

Financial reports. Dave Grugel addressed Council. He reminded Council of the financial statements they received ten days ago. He said he reviewed the gas purchases and asked Council if they've received any amendment or updates regarding those financial statements. Mr. Grugel handed out a spreadsheet he prepared regarding the gas purchases and the NPGA bills to the City. He said he came up with a total for the period shown through July 31st of \$1,806,911.81 whereas the financial report from the Finance Director showed a \$302,000 difference with hers being higher at \$2,108,982. He suggested Council may want to take another look or get someone else to look at them. He also said he found where there were three months that the City wouldn't have gotten the discount based on the date paid, resulting in \$49,000 of avoidable costs. He said what that does is come out of the citizens' pockets and said it is a lackadaisical attitude to not get the bills paid to get the discount. The Finance Director said the bad debt was \$511, but most were \$2,000 to \$3,000 for bad debt. He said that seems a little out of place. He urged Council to re-check some figures and noted that is only one department that he looked at. Mr. Grugel reminded that he had been criticized for coming to Council late so he thought he'd come earlier. Mayor Pro-Tem Shew said they would check on it. He asked if the bills were paid at the same time. Utilities Superintendent Fernandez told Council that the Finance Director to the best of his knowledge has made every effort to pay the bills on time each month and he'll have to check with her.

REPORT BY CITY MANAGER. Public Works Director. Acting City Manager Gagliardi told Council that the Public Works Director position has been tentatively filled, pending a background check. He has not given his notice to the City where he is currently working. He should be on board by October 14th if all goes well with the background check. Acting City Manager Gagliardi added that the applicant fits the bill for every slot they deemed necessary and is a civil engineer and professional engineer. He has a background in all of the departments he will be coming to.

100-Year Anniversary. Acting City Manager Gagliardi deferred to Colorado Welcome Center Director Tara Marshall. Ms. Marshall announced that the Las Animas County Courthouse will be 100 years old on September 14th. She said she was contacted by County Administrator Leslee Fresquez who informed her that they have located a time capsule in the basement of the Courthouse from 1912 and the contents were pristine. The County will hold festivities in celebration of the 100 year anniversary starting between 1:30 and 2:00 p.m. on that date and Council will receive invitations. Ms. Fresquez asked the City to come up with items to place in the time capsule to be opened in another 100 years. Ms. Marshall said on September 11, 2012 at 1:30 p.m. Council will have their next work session and arrangements are being made for a photo of City Council and City staff to include in the time capsule.

Sopris Trail. Planning Director Louis Fineberg reported to Council that today he issued the RFP for the Old Sopris Trail Project and it will be running in the newspaper this and next Fridays. He said he sent e-mails to a number of firms who expressed interest in the project and has already received about seven responses, so he anticipates a good showing.

Finance Director position/Opera House/Work Session. Councilmember Bolton asked the status of the Finance Director position. Acting City Manager Gagliardi said the City has only received two applications. The closing date is September 14th. Councilmember Bolton asked if the work on the Opera House has been completed, noticing payment being issued. Acting City Manager Gagliardi answered that it has been. Councilmember Bolton asked that the next work session include some items. She said Council has had a vacancy since August 13th and regardless of how the election on September 18th goes they need to take action to fill that seat before September 27th. Also she said with the City Attorney resigning they need to move quickly to fill that position. Finally she said she would like to see Council discussion Capital Improvement projects such as the pavilion at Kit Carson Park this year and whatever other issues were necessary as a result of the

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earthquake last year. Councilmember Bonato asked if the City Attorney vacancy and the City Manager could be discussed in the executive session scheduled tonight. Councilmember Bolton noted that it had not been noticed.

REPORT BY CITY ATTORNEY. Mayor Pro-Tem Shew advised that City Attorney Beatty will be leaving the City and thanked him for his work. He added that he will be missed and tough to replace.

Executive Session. City Attorney Beatty advised that executive sessions don't need to be scheduled on the regular meeting agendas. If Council wants an executive session on some item, one could occur.

Special Meeting. City Attorney Beatty asked Council's consideration of a special meeting on Thursday, September 13, 2012 at 7:00 p.m. for an executive session with the City's legal counsel representing the City in the ARPA litigation. He explained that they will be in Trinidad for a deposition on Friday, September 14th. Council concurred.

Ballot measure. City Attorney Beatty said an item for possible future discussion by Council is the Constitutional Amendment proposed on the November, 2012 ballot, Amendment #64, proposing to legalize marijuana. This would make Colorado the first state to legalize marijuana for recreational use. He suggested a proposed resolution in support or opposition could be placed on the work session agenda.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Retail liquor store license renewal request by Trinidad Plaza Liquors, Inc. d/b/a Main Street Liquors at 803 E. Main Street. A motion to approve the renewal was made by Councilmember Bolton and seconded by Councilmember Mattie. The motion carried unanimously upon roll call vote.

Tavern liquor license renewal request by Great Wall, LLC d/b/a Great Wall at 321 State Street. Councilmember Bonato made a motion to approve the renewal and the motion was seconded by Councilmember Bolton. Upon roll call vote, the motion carried unanimously.

Hotel and restaurant liquor license renewal request by Rino's Restaurant, LLC d/b/a Rino's Restaurant at 400 E. Main Street. A motion to approve the license renewal was made by Councilmember Bolton. Councilmember Bonato seconded the motion, which carried unanimously excepting Councilmember Velasquez who abstained.

Special Event Permit request (malt, vinous and spirituous) by Mount Carmel Health, Wellness & Community Center at 911 Robinson Avenue for September 22, 2012 (K-Inspire Dance Production and Dinner). Councilmember Bolton moved for approval of the Special Event Permit as presented. The motion was seconded by Councilmember Velasquez and carried by a unanimous roll call vote.

Appointment(s) to the Planning, Zoning and Variance Commission. Councilmember Bonato moved for the re-appointment of Richard George and the motion was seconded by Councilmember Mattie. Roll call was taken and the motion carried unanimously.

Consideration of City Manager selection procedures. City Attorney Beatty advised that this item was suggested by a Councilmember. He pointed their attention to the information within their agenda packets provided by staff relative to their search for the next City Manager. He reminded Council that there are certain items associated with the executive search procedures that will need to occur in open session; however if they want legal advice that can be done in executive session. If Council wants to summarize the selection procedures, i.e. the evaluation process of applications, that needs to be done in an open meeting.

BILLS. A motion to approve the bills as presented was made by Councilmember Bolton. The motion was seconded by Councilmember Velasquez. Roll call was taken on the motion to approve the bills and it carried unanimously.

PAYROLL, August 4, 2012 through August 17, 2012. A motion to approve the payroll was made by Councilmember Velasquez and seconded by Councilmember Bonato. The motion carried unanimously.

EXECUTIVE SESSION – For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); and/or for discussion of a personnel matter under C.R. S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees – City Manager position. A motion to enter into executive session for the stated purpose was made by Councilmember Bonato and the motion was seconded by Councilmember Bolton. Upon unanimous roll call vote the executive session ensued at 8:07 p.m.

I, Jerod A. Beatty, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 4th day of September, 2012, was permissible under CRS Section 24-6-402 (4)(b).

As City Attorney, it is my opinion that the discussion of the matter announced in the motion to enter into executive session constituted a privileged attorney-client communication. Therefore, it is my recommendation that no further record be kept of this executive session.

Jerod A. Beatty
City Attorney

Upon conclusion of executive session at 8:36 p.m. the meeting resumed.

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

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ATTEST:

FRANKLIN SHEW, Mayor Pro-Tem

AUDRA GARRETT, City Clerk