

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, October 2, 2012 at 7:00 p.m. in City Council Chambers at City Hall.

The Honorable Bruce A. Billings, Las Animas County Judge, administered the oath of office to Bernadette Baca Gonzalez as Mayor. Mayor Baca Gonzalez offered her thanks to the voters, her family, friends and colleagues for granting her the privilege and honor to serve as Mayor of her beloved home town, Trinidad. She added that she accepts the challenges and responsibilities that their trust has placed upon her shoulders. Mayor Baca Gonzalez said that she is mindful, however, that what a group of people can accomplish together is much larger, far greater, and will exceed that which any individual can hope to accomplish alone. She reminded those present that they are in this together and that they must work together. There is much work to be done. She concluded that Council will soon hire a City Manager and with that person's leadership and with the support and collaboration of Council members, City's employees and citizens, we can accomplish a renaissance in Trinidad. She reiterated that there is much work to be done and they shall begin that work now.

| | | |
|---------------------|-----------------------|---|
| There were present: | Mayor | Baca Gonzalez, presiding |
| | Councilmembers | Bolton, Bonato, Mattie, Shew, Velasquez |
| Also present: | Acting City Manager | Gagliardi |
| | Interim City Attorney | Downs |
| | Asst. City Clerk | Valencich |

The pledge of allegiance was recited.

Mayor Baca Gonzalez extended deepest condolences on behalf of Council to the family of Harry Sayre who passed away today. She noted that he was a former District Judge and someone who contributed many things to our community. She announced that tentatively services are scheduled to be held at 10:00 a.m. on October 9th, 2012 at Holy Trinity Church.

READING OF THE MINUTES. Regular Meeting of September 19, 2012 and Special Meetings of September 19, 2012 and September 25, 2012. A motion to accept the minutes as presented was made by Councilmember Mattie and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

REPORT BY CITY MANAGER. 2013 Draft Budget. Acting City Manager Gagliardi pointed to a copy of the proposed 2013 Budget at each of Council's seating places. He recommended a special meeting on October 9th following the work session at 1:30 p.m. for consideration of the budget. Council concurred.

REPORT BY CITY ATTORNEY. Citizen complaint. Interim City Attorney Downs called to Council's attention the legal confidential memorandum provided them concerning a complaint lodged by a citizen. He suggested that if they have any questions they could be explored further in an executive session. Mayor Baca Gonzalez suggested that the discussion could be folded into the executive session during the special meeting on October 9, 2012.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Special Event Permit request (malt, vinous and spirituous) by Mount Carmel Health, Wellness and Community Center at 911 Robinson Avenue for October 20, 2012 (Taste of Trinidad and Fall Festival). Scott Candland on behalf of the applicant told Council that the event is expected to be nice, featuring restaurants from around the area, along with a Halloween contest, pumpkin carving, and local entertainment provided by Sam Bachicha. He concluded that it should be a nice community event and hoped for its support. Councilmember Shew moved for approval of the Special Event Permit as presented. The motion was seconded by Councilmember Bolton and carried by a unanimous roll call vote.

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. Councilmember Bolton made a motion to approve the license renewal and the motion was seconded by Councilmember Shew. Upon roll call vote, the motion carried unanimously.

3.2% Beer Retail – Off Premises – license renewal request by JR's Fuel Stop, Inc. d/b/a JR's 811 at 105 E. Colorado Avenue. A motion to approve the 3.2% license was made by Councilmember Bonato. The motion was seconded by Councilmember Velasquez. Councilmember Mattie asked Fire Chief Perea about the status of the comments made as a result of his inspection, including fire extinguishers requiring re-inspection and the back door being barred shut. Chief Perea advised that it is commonplace for businesses to not think about their extinguishers until they are inspected and then it takes the business a couple of weeks to get them renewed. The back door was locked when he inspected which is not the norm for that business. He recommended approval of the renewal as those are very minor violations that have been taken care of. Roll call was taken on the motion to approve the renewal and carried by a unanimous vote.

Hotel/Restaurant liquor license renewal request by El El Si, LLC d/b/a Main Street Tap House at 308 W. Main Street. Councilmember Bonato moved for the approval of the license renewal and Councilmember Shew seconded the motion. Councilmember Bolton questioned the numerous infractions – six separate police incidents over the past year. She asked if they have taken measures to curtail the problems. Jason Garlutz, one of the managing members of El El Si, LLC, advised that most of the infractions happened in the parking lot area. He added that it is their duty to call the police and when there is trouble that is what they do. Councilmember Bolton said she noticed that there was a series of events, but no more since

OCTOBER 2, 2012

May. Mr. Garlutzo said they have been able to curtail problems. He added that they have made it clear that anything that goes on in the parking lot will be dealt with by the police department whether it is their patrons or not. Roll call was taken, and the motion carried unanimously.

Declare City Council vacancy exists, occasioned by the election and seating of Bernadette Baca Gonzalez as Mayor. Councilmember Bolton made a motion to declare that a vacancy exists on City Council. The motion was seconded by Councilmember Mattie and carried by a unanimous roll call vote.

City Council applicant interviews. Mayor Baca Gonzalez on behalf of Council thanked the seven applicants for their willingness to serve the City of Trinidad. She commented that it will not be an easy choice. Interim City Attorney Downs explained the procedure to be used in conducting the interviews. He said he conferred with his colleagues about how best to handle this. By best he said he means the fairest, most public, most expeditious, and best process by which the six members of Council can fill the vacancy. He said he has had suggestions provided to him by Tami Tanoue of CIRSA, Geoff Wilson from Colorado Municipal League, and Fort Morgan City Attorney Jeff Wells who recently successfully concluded litigation regarding this very issue. Mr. Downs added that he has ensured that what he will suggest complies with the Colorado Open Meetings Law and Colorado Open Records Law and is lawful and open. This is not like a personnel issue in terms of hiring a staff person. Because this is a City Council person it must be discussed in public and be on the record. He emphasized that thus far Council has done as required by law. The two issues to be decided is how Council is going to vote and then whether or not the vote will be done verbally or in writing. He suggested that after the seven candidates are interviewed they could either all vote publicly verbally or they may vote in writing. If they vote publicly, the result will be known immediately. Alternatively, he suggested they vote by written ballot. They will need to decide how many they want as finalists. He suggested the first vote thin out the number of applicants, from the seven to perhaps three. He said that they may have a target number of three, but may not get three. He further clarified that he was suggesting that each have three votes initially and they sign their written ballots. He pointed to the written ballots provided to them and noted that they are marked with 'round 1, 2, and 3, etc.' He reiterated the need to sign the written ballots. They will vote for three, sign their ballots, and he and Asst. Clerk Valencich will tally the votes. Those will be public record. The tally form will be attached to the written ballots for each round. The leaders of the round 1 vote will proceed to the next round. He said the procedure needs to be agreed upon by Council. During round 2 he suggested that they each have two votes. Then in round 3 they each will have one vote from the surviving candidates of round 2. Mr. Downs said the reason this procedure is recommended is to allow Council members some removal. For purposes of the media, he explained that they may request the tally sheets and ballots in writing to the City pursuant to the Colorado Open Records Act and within 72 hours they will receive that information. This process will just provide Council with a little insulation from the immediacy. He concluded that he was excited that this procedure will enable them to get a new Council person this evening, adding that he knows how exhausting a special election is. Not wanting to take away from the voters rights, the appointment is up to City Council in accordance with the Charter and ordinances. He reiterated the need to vote on the process. Council concurred that they utilize a signed written ballot process for this selection; they vote for three people in round one; they vote for two people (from the surviving applicants) in round two; and they vote for one person (from the surviving applicants of round two) in round three. Mayor Baca Gonzalez asked Interim City Attorney Downs if he had prepared any suggested questions for Council to ask of the applicants. Mr. Downs answered that he has and copies were made for Council. Mayor Baca Gonzalez commented that the variety of questions prepared were regarding three areas – motive in seeking the position, skill sets they bring to the table, and said it is critical that they fit on Council. She asked if it were appropriate for each Council member to ask the applicants the very same question repeatedly to each applicant or if they can use different questions from the list of those suggested. Interim City Attorney Downs advised that they may use different questions, especially if the applicants make statements that address a question through their presentation. Mayor Baca Gonzalez reiterated that the questions are framed around three major areas – motive for seeking the position, skills they bring to the position and questions regarding how that individual will fit as part of the team. A question was posed from a member of the audience (Mr. Michaels) as to what will happen if there is a tie. Interim City Attorney Downs said if there is a tie, Council can vote numerous times. If they cannot agree, it becomes a matter for the electorate. Mayor Baca Gonzalez suggested if Council cannot agree the Home Rule Charter throws it back to the Statutory and Charter provisions regarding election and her interpretation is that it would be open to anybody who submits a petition with the required number of signatures to appear on the ballot. She called to Council's attention the list of 21 questions. She asked a recommended interview time limit. Councilmember Mattie suggested they need to invest the appropriate time required. Council's consensus was to allot 15 minutes per applicant. A motion to accept the recommendation of counsel – that their votes be written, they use the ballots provided, that in the first round of voting each Councilmember select three candidates; in the second round of voting each Councilmember select two candidates and in the third round and any succeeding rounds they each select one candidate. The motion was seconded by Councilmember Bolton and carried by a unanimous roll call vote. Council agreed to interview in alphabetical order, consistent with the ballot order. Mayor Baca Gonzalez identified the order as follows: Roberta Cordova, Charles Gagliardi, Charles Garduno, Dave Grugel, Richard Harlan, Michelle Miles, and Bill Winter. Mayor Baca Gonzalez asked if it was advisable to ask the other applicants to leave the room until called upon for their interview. Interim City Attorney Downs said they should not be excluded. Steven Heller suggested they should leave out of fairness. Thomas Murphy recalled that in the past they did leave. Councilmember Bonato confirmed that to have been past practice. Mayor Baca Gonzalez asked the other applicants to leave, except Roberta Cordova who was called upon to address Council.

Roberta Cordova addressed Council. She pointed out the three pages she submitted, including a biography, a letter of application, and a sort of brag sheet. She said the biography explains who she is, where she's from and what she's done here. She noted that she didn't want them to think that because she served on City Council in the past that should give her any advantage, because it doesn't as things change too rapidly. Ms. Cordova said she'd like the brag sheet to demonstrate to them her long-time continuing interest in Trinidad. She said she and her husband Paul live in Trinidad by choice and they want to see Trinidad grow, and prosper. She said she understands there are those who question the growth part with all of the strangers coming in, but she feels to not grow is to die, and so we must. She added that she has paid more than just lip service to see Trinidad grow. The awards and honors she has received, one from the Hispanic Chamber for civic involvement she said she is very proud of, as well as the National Byways award. It demonstrates that she is willing to get in there and work. She has picked up trash on the river walk and in Central Park and has waded into the river to haul out wet trash. She said she has dug out the partially collapsed wall in the basement of the Children's Museum and has been down on her hands and knees mopping and painting its floors. She concluded that she'd like to be a part of the decision making process. Councilmember Bonato commented that he has known Ms. Cordova for a long time and complimented her service to Trinidad. He asked her what she thinks are the most important skills the next City Manager must possess. She

answered that she felt a person who is familiar with the municipal and state process, experience and education, as well as people skills are the most important qualities, adding that it is important that the person be able to relate to all people. Councilmember Velasquez asked Ms. Cordova what Capital Improvement Projects she believes the City needs to address first and why? Ms. Cordova answered that she was impressed with the people here earlier who talked about how the City looks, the cracks in the sidewalk and weeds and that sort of thing. She said they have a kind of family joke and tag line – a relative was driving around with them one day and said ‘Oh, look at that nice yard – I bet nice people live there.’ She said she would like to have people say that about Trinidad – ‘Oh, look at that nice town – I bet nice people live there.’ She clarified that isn’t a capital improvement and said that the City has some street problems that should be addressed as a Capital Improvement Project. Councilmember Bolton asked what the biggest issue Trinidad is facing and how Council should go about addressing that issue. Ms. Cordova answered that Council can only address part of the biggest issues right now, but must face up to that part – our top is missing. Our top management is gone; not only the City Manager, but other department heads that Council is aware of, however is not responsible for hiring. She added that Council is responsible for having top management and said that it is needed. Councilmember Shew asked what she thinks the priorities of Council for the next three to four months and up to one year should be focused on other than selecting a City Manager and some of the other officials. What does the City need to do to better itself? Ms. Cordova said she thinks Council should proceed with some of the projects she has been hearing about since attending the Community Roundtable Meetings and the meeting held at City Hall yesterday. It is wonderful that the City is taking the lead in some of these projects because in the past we’ve had someone come along and start a downtown project. Some people are involved in that project; however the City really doesn’t have any involvement. It seems that now this Council is becoming involved in a leadership, a more proactive stance, and this sort of thing is going on. Councilmember Mattie asked Ms. Cordova to tell Council about a time when she was faced with a conflicting priority and how she determines what is a top priority when asked to make a decision. Ms. Cordova answered that they elected a replacement Council person when she was previously on Council. It was by voice vote. Someone made a motion to select a person. Three people voted for and three voted against. Finally one person changed their vote. She asked that the question be repeated. Ms. Cordova said she doesn’t really recall a problem that she’s experienced with conflicting priorities. She said she pretty much lives by her calendar and list and she plans ahead. She reiterated that she doesn’t know that she’s ever really had a dire conflict in priorities. Councilmember Mattie suggested that maybe by her organizing her thoughts and what she suggested in her answer that’s why they don’t conflict. Mayor Baca Gonzalez asked what if any are the one or two major decisions made by City Council in the past two years on which she would have voted differently than what the majority voted, and why. Ms. Cordova said she’s not sure she has followed Council’s actions that closely these past years. In general she said she’s aware of what Council does or doesn’t do. She said she doesn’t honestly know that she can say what two votes she would have disagreed with. With time remaining, Mayor Baca Gonzalez opened the floor to Ms. Cordova for closing comments. Ms. Cordova said she thinks Council has a hard decision before them. There are some good applicants and she would like to see cooperation, a person who fits in well and works well with the other Council members. She expressed her confidence in Council’s ability to do that.

Charles Gagliardi addressed Council. He told Council that he has lived here all of his life except for some military time and has been involved with several different school boards and functions at the school level, as well as some of the Council meetings over the years. Councilmember Bolton asked Mr. Gagliardi why he believes he will be a good fit on the current City Council. Mr. Gagliardi answered that this is a good time for Trinidad, a turning point for Trinidad with the turmoil behind us. Council can get things behind them and keep going forward. Councilmember Shew asked besides the City Manager appointment and filling other administrative positions, what he felt the City’s other priorities are to move on. Mr. Gagliardi suggested that the Council should continue to get people involved as they have been doing because it hadn’t been done in a long time. He said he was given much hope when Council approved the North Lake Dam Project because he thought it would take another ten years to accomplish. It made him think that this Council is ready to move ahead. Councilmember Shew asked what he wanted to do. Mr. Gagliardi said he thinks it is going to be a hard road with the economy. Trying to get business here needs to be a priority for all of us. They need to help the small business somehow, some way. Councilmember Mattie asked Mr. Gagliardi what he wanted the audience present to feel when they are done hearing his presentation. Mr. Gagliardi answered that he hopes they feel they can come to this Council any time if he is appointed and ask questions or bring up whatever ideas they want to Council. Councilmember Velasquez asked how he goes about solving a tough problem and to describe a time where he did so. Mr. Gagliardi said that when he was on the railroad they had some instances where the union and the company couldn’t compromise and they went on strike. After a few months of starvation on both sides they compromised. Through that compromise he received a letter from then-President Reagan complimenting the union. He recalled that at that time President Reagan was a union-buster. That was when he thought to himself that it can’t all be one-sided; both sides have to work together. He said he’s witnessed past problems with Council members where they didn’t compromise. However it is a different ballgame with the way Council and Trinidad is moving so he didn’t think we’d have those problems again. Councilmember Bonato asked Mr. Gagliardi what changes to the Home Rule Charter, if any, he thought Council should consider presenting to the voters and why. Mr. Gagliardi said he feels the Charter should be followed as much as they can. If it is going to be changed it should go to the people, it’s for the people and by the people. Councilmember Bonato asked if he’s familiar with the Charter. Mr. Gagliardi said just a couple of paragraphs, such as Recall. Mayor Baca Gonzalez asked what if any are the one or two major decisions made by City Council in the past two years on which he would have voted differently than what the majority voted, and why. Mr. Gagliardi said the only one recently he very happy with was the North Lake Dam. That would have been one of his priorities and can’t imagine why Council would not have passed it with it being such a high priority. For nine years it shouldn’t have been. Mayor Baca Gonzalez asked if he’s saying the project should have accelerated the project. Mr. Gagliardi said that was correct. Mr. Gagliardi, in closing, expressed his appreciation for having him here. He said he thinks Trinidad is heading in the right direction and in a better way than we ever have in the past with this Council. Whoever they select tonight will move forward for Trinidad. That is his hope.

Charles Garduno addressed Council. Mr. Garduno told Council that he has been a resident of the City for 67 years, having been born and raised here. He attended the local schools and had previously worked for the City of Trinidad in various departments and delivered newspapers. Councilmember Bonato asked Mr. Garduno what the biggest issue the City is facing currently and how Council should go about addressing that issue. Mr. Garduno responded that some of the streets are in bad shape and some of the sidewalks don’t have handicap access. Councilmember Velasquez asked Mr. Garduno if he ever worked with someone he didn’t get along with as part of a team and how he handled the situation. Mr. Garduno said he got along well with everyone he worked with. Councilmember Mattie asked what motivated Mr. Garduno to want to be on City Council. Mr. Garduno answered that he has lived here 67 years and throughout the years he never did anything like this, other than being on the Trinidad Police reserves, the board of Spanish Peaks Mental Health and Hospice. When this came up, he decided to throw his hat in the ring. Councilmember Shew asked Mr. Garduno what priorities the City needs to

OCTOBER 2, 2012

address in the near future to make the City better - something that motivated him, other than throwing his hat in the ring. Mr. Garduno said he'd like to see Trinidad prosper and grow and keep our children here. He added that he has two children who had to move out of town because there was no work for them here. He'd like to bring something into Trinidad and see it grow because he'd like to stay here. Councilmember Bolton asked Mr. Garduno what he wanted the audience to feel when they are done hearing his presentation. Mr. Garduno answered that he hoped he answered all the right questions. Mayor Baca Gonzalez asked how Trinidad can create more employment opportunities for our young people. Mr. Garduno answered the City could help bring industry and give some of the people who graduate from Trinidad State Junior College an opportunity to stay in Trinidad and work. Otherwise the employment lies with the City, County or Wal-Mart. Mr. Garduno offered in closing that if he is selected he will do a good job and give his heart to Trinidad as he has always done. He will try to do the best he can.

Dave Grugel addressed City Council. Mr. Grugel told Council that most of his background was in his packet provided. He said he's been coming to City Council meetings for about ten years, since he came to Trinidad. He said he got ahold of the Home Rule Charter shortly thereafter and couldn't believe what was going on and started attending meetings to get some familiarity with the Charter. Because of that he said he also did a lot of research on the ordinances and the ethical responsibilities of Council people. He said he got deeper and deeper into it because it seemed to be getting worse and worse. He concluded that he is very familiar with the Home Rule Charter, the City ordinances, the ethics and even the state constitution and statutes that need to be followed regardless of the Charter. His expertise was self-taught over the past ten years and thought he could be a help with the present situation and instill some trust back into people. Councilmember Bolton asked what modifications or updates to the Charter, if any, need to be undertaken. Mr. Grugel answered that it needs to be put in order. Sometimes you have to jump all over the place to find what you are looking for. There seem to be some last minute things that were just thrown in for it to pass. There are a lot of things in there that haven't been being followed that have been extremely detrimental to our finances. They seem to be in the proper order and he said he didn't know why they were overlooked. It's not that he would change them, rather just bring them to the attention of the new Finance Director or new City Manager. Councilmember Shew asked what priorities should be addressed to make it a better community and work together. Mr. Grugel said he's been attending the (Downtown) Colorado Inc. (assessment) meetings the last two days and he's read in the paper about the Roundtable meetings and everyone has some fantastic ideas. As a Councilmember, he thought it important to try to get them to implement them, such as re-writing some ordinances, lower utilities to make businesses want to open, make our ordinances more friendly to a new customer or new business. The buildings have been neglected and it will take a lot to get them up to snuff. He reiterated they should review some of the ordinances. Councilmember Mattie asked Mr. Grugel what if any are the one or two major decisions made by City Council in the past two years on which she would have voted differently than what the majority voted, and why. Mr. Grugel answered the \$631,000 that went to ARPA should not have happened and was a violation of the City Charter. They got some really bad legal advice, having gone over the minutes for that hearing. Mr. Leung gave a presentation telling Council that he wanted to use that money for a credit to put into a bank account to show the bank when he went to the bank to get the money he really needed he would have this money from the member ARPA cities. Our City Charter says the City cannot lend our credit to anybody. He said he would have disagreed with that. None of the Councilmembers asked what would happen if they didn't do it because they pretty much said they'd go bankrupt. If that money hadn't have been transferred the City probably wouldn't be suing them now and we'd be buying our electricity elsewhere. He opined that to be a bad decision by Council but said he thought it was because of the City Attorney because he did not supply the information about the City Charter to Council. Another instance was at the hearing for Ed Gil de Rubio where the Council violated the ordinance when they put him on administrative leave. It wasn't on the agenda and it needed a 2/5th vote in order to change an agenda item at a Council meeting. That was a violation of City ordinance. He said he would have spoken up and said they can't do it. Councilmember Velasquez asked what the biggest issue the City is currently facing and how Council should go about addressing that issue. Mr. Grugel answered that it is trying to get everything all spiffed up and move forward with getting the buildings fixed and it would be nice to have some of the street lights turned back on again. Trying to get the community working together also would be a priority. Also it would be nice to get sidewalks that go somewhere. He explained with the building ordinance we have requires homeowners to put a sidewalk in front of their house and sometimes there isn't anything next door so the sidewalk starts and stops. Councilmember Bonato asked Mr. Grugel what makes him different from the other applicants; what would he like to see done. Mr. Grugel answered that he'd like proper legislation and he'd make sure decisions he makes as a Council member are based on proper information. He'd ask a lot of questions. Councilmember Bonato asked if the Charter needs a lot of corrections. Mr. Grugel said he didn't think it was that bad but needs to be updated as the City grows. It should be reviewed from time to time. As the City changes the Charter should adjust with it. Mayor Baca Gonzalez asked how Mr. Grugel will allocate his time in his weekly schedule to meet the demands of serving on City Council. Mr. Grugel said he'd do a lot of heavy reading. Also, he said he has an okay from his boss that if something comes up he'd be more than willing to work with him to attend the work sessions or any special meetings or the like. He said he'd try to keep up with the information packets and stay on top of things to get the job done. Mr. Grugel closed by thanking Council for considering him. He added that if they decide on him he'd do the best he can.

Richard Harlan addressed City Council. He told them that he retired from the Trinidad Correctional Facility after his 29 years of State service as Warden. The interesting thing about being the Warden of the Facility is that he thought the job description could be interchanged with that of the City Manager because it really is a City within walls. The experiences and challenges are all the same. In those years he said he became very proficient with strategic planning, operational management, budget, and human resource management, as well as organizational management and the preparation of operating and management plans. He developed a clear understanding of how all of the parts, infrastructure, utilities, etc. at the Facility and a municipality have to dovetail together and work seamlessly for the most efficient and effective operation of the organization. Over those years he said he spent a lot of time dealing with State Statute, bureaucracies and he understands how they work, and understands the challenges of working within a governmental system. He said he also understands the dependence of governmental systems on one another, particularly with a small City like Trinidad and how we have to compete with the large metropolitan areas for the same limited resources. He said he thinks his strengths he gained from his years working in government service are an understanding of how people and systems interact and how they relate to one another. He said he thinks he understands what truly motivates people working within those systems. He knows it is not necessarily compensation, but rather acknowledgement, value, feeling their ideas have some meaning and are listened to. Coming before Council seeking a seat on the same, he said he felt his government service gives him a somewhat unique understanding of the challenges that Council and the City really face in tough economic times. How does the City prepare for the future? It's through strategic planning, the milestones that have to be set, and the monitoring process. Councilmember Bonato asked Mr. Harlan what his long term and short term goals of the community would he anticipate

having to address. Mr. Harlan answered short term goals are simple with the turmoil over the last year – hiring a City Manager, City Attorney and Finance Director, putting together a winning team in those positions. Long term goals have to be focused on how we create jobs here and how we break our dependence from the boom and bust cycle and how we build a community that appeals to the small business entrepreneur who has twenty jobs that can be located anywhere and is on the road on vacation looking for quality of life. He suggested they should provide incentives. If they forgo real estate tax for a person who want to purchase a building and they bring 20 jobs that pay \$25,000 per year, that's \$250,000 a year coming back into our community at a small cost with that incentive. He added that he thinks our community is a three-legged stool. He talks to people looking for place to move often who ask what the local government and educational system is like, can their kids get a good education and be safe, and if they can get medical care here. All three of those components have to work cohesively. City Council cannot solve the School District's issues or issues with health care but can sure set the example and the standard and expectations. We have to focus on quality of life in this community. We have to be appealing and look good and foster that spirit. That spirit sparks with the leadership of the City. That should be the long-term focus. It's where our future lies. We need more money and we aren't going to get it from State and Federal agencies -- they are running out. We are going to have to increase our sales tax. We are going to do that by creating jobs and by being attractive to those small entrepreneurs that come here with five to twenty jobs. Councilmember Velasquez asked what he thinks the most important skills are that the next City Manager should possess. Mr. Harlan said a lot of people have the fundamental educational and work history requirements. We need someone with the foresight, the vision and understanding of the processes that small municipalities have to have to be efficient and functional. We have to have someone who can go back that vision and effectively articulate and communicate that vision to all members of this community, residents, businesses, travelers, potential investors. We are looking for a strong communicator and someone with a strong network that already understands how to go after the grants and those government programs that garner a lot of competition from a lot of other small cities. He reiterated the need for someone with vision and a problem solver and who has an eye looking down the road. Someone with the big picture vision for the future and can effectively communicate that and gather the support of all of the people in town of that vision and to convince people they really can do it and we really do deserve it. When he first came to town he was talking to a businessman saying that he wanted to increase the number of people working in the prison. The businessman told him that everyone in Trinidad wants a job until they get one. Mr. Harlan said he was absolutely right about one of the temporary employees he hired, but nine of the people he hired were honest, hard-working, dependable people who showed up to work every day. He asked why we are projecting that attitude when really almost everyone in town is a good, solid person. We have a good work force. We need a City Manager that can reverse those types of expressions of pessimism that we run into here. Councilmember Bolton asked what if any are the one or two major decisions made by City Council in the past two years on which she would have voted differently than what the majority voted, and why. Mr. Harlan said he would have voted differently on the lighting project. He explained that he sees where Pueblo and Canon City have jumped right on it. Canon City has printed, framed signs on the light poles saying 'here is our new LED lighting project.' They also published their cost for nine blocks which was \$124,000. We had the whole deal wrapped up for under one-half million dollars. If nine blocks represent even ten percent of Canon City's lights, they are in it for \$1.25 million. We really missed the boat and should have done it. It's going to happen. Colorado Springs is currently saying they've had all of their lights turned off for two or three years let's start turning them on. But they are not going to necessarily replace them with LEDs rather they are going to wait for the price to drop. When the existing lights are no longer manufactured, and we can't buy them nor can anyone else, demand is going to go through the roof. Colorado Springs isn't going to get them cheaper, they are going to pay more or they will go dark for a long time. He reiterated that he would have voted differently on the lighting project because we'll never see that price again and will probably pay double or more. Mr. Harlan added that he is also disappointed that the finance package on the North Lake Dam fell apart and felt the City could have worked legally to try to get back the financing package we had and not put our City reserves at risk because you have an open checkbook on the North Lake Dam. Let's get it done and as quickly as possible before it runs out and starts costing us money that we really don't want to spend. Councilmember Shew asked what some of the improvements they can make to the City to make it a better place. Mr. Harlan said the City needs to get out of ARPA – it is strangling residents and businesses. When perspective business owners come to this town and talk about starting a business and the first three to five years when you are building inventory and are burdened with the level of utility costs that we are burdened with, the chances of survival are greatly diminished. We need to get to where our utilities are not the highest paid rates in the United States. We can't sell quality of life to people who think they are going to have to work the first ten to twelve days of the month to pay their utility bill. Councilmember Shew commented that the City really is working on it. Mr. Harlan said he hopes everyone in town supports their efforts because it is absolutely crucial. Councilmember Mattie asked Mr. Harlan why he believed he would be a good fit on the current City Council. Mr. Harlan answered that because he remains calm and makes up his own mind he would be a good fit. He added that he is not beholden to anybody in Trinidad for his life. He added that he has a good life, he worked, retired, and no one in Trinidad is beholden to him. His only obligation to the citizens of Trinidad, and he needs to pay them back, is for welcoming he and his wife here almost ten years ago. He further added that he brings no personal agenda to City Council and comes only in the interest of representing all of the people of Trinidad. Mayor Baca Gonzalez asked Mr. Harlan to share how as a Council member he would inspire and enable our City employees to do their absolute best for the City. Mr. Harlan said he believes anyone out there fixing a broken water pipe in a snow storm, any police officer walking up to a car full of people on a dark street late at night is performing much more service than he ever will sitting in that chair. Mr. Harlan said he will communicate that to those people and will never, ever tell them what to do. They have a chain of command and he said he will never interfere in that, but will always be available to hear their opinions, ideas and suggestions. Mr. Harlan closed by saying that town has been in turmoil for a year and a seat on City Council is not for the faint at heart. It is not for persons who fail to recognize and acknowledge the difficulties of addressing the issues at our forefront. The person they select must be willing and able to put the good of the community ahead of their personal agendas or ideas. That person must understand that his or her actions, decisions and character are going to be questioned. That person has to be willing to stand tall. He announced that he is that person.

Michelle Miles addressed Council. She introduced herself and said she lives on Ash Street and has been in Trinidad for about six and one-half years and owns Tire Shop Wine & Spirits, the liquor store on West Main Street. Councilmember Bolton asked Ms. Miles why she would be a good fit on the current Council. Ms. Miles referred to her resume and stated that she did very large and significant transactions in the firm that she worked at in New York. Some ranged from \$50 million to \$1.7 billion dollars. When doing a transaction like that, it is all about building consensus and compromise. Those deals take between six months and one year to put together and there would be a room full, like Council Chambers. Imagine that those involved were hungry and had huge egos and that's what she was dealing with. They got their deals closed and the business thrived but sometimes it required working around the clock for a couple of weeks which they did it. Her firm only got paid when the deal closed. She added that she thinks she gets along with everyone on Council and her skill set fits

as well. Being a merchant and her personality are helpful. Being a merchant, she said she hears a lot of things coming through the store. Her skill set particularly matches on ARPA issues which are critical to the community. Councilmember Shew asked what her priorities are for Trinidad. Ms. Miles said she is excited about what is going on in Trinidad. She said she spent the last couple of days here in the focus groups for the downtown assessment and she participates in the Trinidad Community Foundation Roundtable. The excitement is always about something else, like Cougar Canyon or the new mine opening, but this is organic. Nothing can stop this community if we put our minds to it. There is so much unutilized potential here. She said she wants to nurture that on City Council and make sure that citizens' initiative are both respected and encouraged. One doesn't learn what entrepreneurship is in business school, you just do it and decide on something and nurture it and grow it. She said she wants to apply the spirit of entrepreneurship to community initiative in this town. Councilmember Mattie asked Ms. Miles how she would inspire and enable City employees to do their absolute best for the City. Ms. Miles said she managed a lot of people at a very young age. Her first job out of college she was a line operations officer at Chase Manhattan Bank where she managed their nationwide credit union check processing at the age of 21. She had 75 clerical people working for her ranging from 21 years of age to being on the verge of retirement. She said she learned a lot. You have to encourage people but at the same time make them accountable. The blend of the two is what really matters. If you allow one employee to get away with something without calling them on it, the morale in the entire department goes down. The other thing she did was to do something for the employees – something as simple as painting a room improved employee morale. At her next job she said she managed 33 professional employees. That was very difficult to do because they are very independent minded people. She also grew her own firm from two people to about 24. She concluded that she has some management experience that she is proud of. Councilmember Velasquez asked what she feels is the biggest issue facing the City and how City Council should address it. Ms. Miles said the biggest issue is ARPA. ARPA threatens to choke off all of the citizens. Utility bills are two to three times what they should be. We have some of the highest base rates in the nation – higher than places where they have thrown away nuclear power plants because they couldn't get their evacuation plan approved. She showed Council the stack of project documents she had for ARPA. Ms. Miles explained that she was so keenly interested that in 2008 she went on the internet and pulled up the project documents and was astounded at what exists. She subsequently met with the City and expected to be somewhat involved and that the City would take some aggressive response, but not much was done. At this point ARPA can't be fixed, she opined. She promised that if she is on City Council the outcome will be vastly improved. Councilmember Bonato asked how she will allocate her time from her weekly schedule to meet the demands of serving on City Council. Ms. Miles answered that she has an employee that she can depend on to get things done. She can also do some of her work remotely. She said Council would be a very high priority for her. Mayor Baca Gonzalez asked if she ever worked with someone she didn't get along with as part of a team and how she handled that situation. Ms. Miles said she did. Nobody in the world wears a completely black hat nor does anyone in the world wear a completely a white hat. If you start to think that person over there is wearing the black hat and you are wearing the white hat, you better recheck your assumptions about the world. Sometimes it is not that you come to like the other person, but at least you can accept some of their flaws and realize that our hats are both different shades of grey. She said she thinks that goes a long way. Ultimately if that just doesn't work, you figure out a way to separate yourselves. Ms. Miles in closing highlighted her resume. She said most recently before opening Tire Shop Wine & Spirits, she took some time off, well deserved time. She at one time worked a 132-hour week. She however continued an overlap before she sold her company, being a member of the board of directors of the United Therapeutics' Corporation, a \$3 billion dollar publicly-traded bio-pharmaceutical company. She was one of the early investors in the company and she also helped out by being an early board member. She was the Chairman of the Compensation Committee and a member of the Audit Committee. It gave her the responsibility of overseeing the compensation of the top executives and all of the financial disclosure and internal financial controls. She said she did that for about three years. Prior to that she had her own firm which she co-founded with her dear friend, a boutique investment banking firm, specializing in the project financing of large scale electric generating facilities. During her approximate 11 year tenure, they completed about \$15 billion dollars worth of financing ranging from \$50 million to \$1.7 billion. Financing is not terribly dissimilar from ARPA, just different technologies. Prior to that, where she met her business partner, she worked for the First Boston Corporation. She came there for business school. She was there from 1981 to 1989 as Vice President in the Project Finance Department. That's where they got all of their clients and decided to leave because First Boston was going through some very difficult financial times with the stock market crashing. On the other hand she said they were very profitable and didn't feel like paying for everyone else's bonuses. They were very successful right off the bat in starting their own firm. Prior to First Boston she said she was at the Stanford Graduate School of Business with a concentration on finance and before that worked at the bank where she spoke of gaining all of the management experience. Before that was college. Ms. Miles concluded that her passion is for encouraging citizens' initiative and for doing what they can to fix ARPA, for which she has some very specific ideas, ranging from distributing generation in the City to a possible interpretation k-bore which would give another arrow in our quiver when trying to negotiate out of this transaction.

Bill Winter addressed Council. Mr. Winter said he has been in Trinidad for 17 years, originally coming with a real estate company. He said he originally came to Colorado stationed at Fort Carson for four years. Prior to that he was in Ohio and was raised in North Carolina and went to college in Pennsylvania. He said he is currently a general contractor in Trinidad and the surrounding areas. Councilmember Bonato asked what he feels is the biggest issue currently facing the City and how City Council can help. Mr. Winter answered that he thinks it is how to grow our City and bring new businesses into Trinidad and expound and help the existing ones continue to grow. Also, tourism is an area they need to look at and continue to grow and focus that growth so we don't get so broad that we lose sight of what we are going to do. We need to channel that growth and possibly broaden it down the road after we have put together a master plan and put it to use. Councilmember Velasquez asked Mr. Winter what motivated him to seek a position on City Council. Mr. Winter said after being here for 17 years it is very easy to talk to his friends and neighbors about how things should or should not have been done. There are two ways to look at it – be part of the problem and be a criticizer or be a part of the solution, take action, take a positive stance and start moving forward with your ideas by being part of City Council. That has motivated him along with the realization that Trinidad is a special place and there are areas that need attention and rather than being on the sidelines, it is time to get on the field and realize that progress that can and should be taking place in Trinidad to move it into the next generation. Councilmember Mattie asked Mr. Winter what he thought the most important skills are that the next City Manager should possess. Mr. Winter answered that the next City Manager needs to be forward thinking and think outside the box. Whether he agrees or disagrees with the ideas of City Council, he needs to be able to listen to Council, listen to those ideas and implement them, but also bring with him forward thinking to start moving the City forward. It can't be status quo any more. He can't just be a 'yes man'. He needs to be able to say I disagree, let's look at it in a different way and refine ideas that City Council has and implement those. Councilmember Shew asked what the City's priorities or projects should be to make Trinidad a better place. Mr. Winter said he thought we need to have in place a definitive master

plan in revitalizing downtown Trinidad. Not necessarily fixing up every building but rather working with a master plan to start bringing the downtown back up first and foremost and then start looking at moving the City towards prosperous economic development and working on bringing in new economic development, new businesses that are going to stay here. Some incentives to keep businesses here also need to be worked on in the next year. Councilmember Bolton asked what if any are the one or two major decisions made by City Council in the past two years on which she would have voted differently than what the majority voted, and why. Mr. Winter answered letting City Manager Ed Gil de Rubio go – he would have strongly voted against it, however, majority rules. He said he felt that was a step backwards for the City. The other decision he felt should have been addressed sooner is the North Lake Dam Project. It would have been fiscally much more prudent to make that decision to repair the dam. It would have saved the City money, saved engineering costs, saved the City jumping through the hoops of losing water rights in the dam. Mayor Baca Gonzalez asked Mr. Winter how he will allocate time in his weekly schedule to meet the demands of serving on City Council. Mr. Winter said with his schedule it will take much rearranging. But, it was something he said he strongly considered before putting his name in that this was going to be a dedicated position. He added that he feels as part of City Council if he is selected it would go past just serving on Council and he would be available and accessible to anyone wanting to talk about matters or concerns they have. He said he also feels that it would be even further reaching to reach out to Denver and higher levels through dedication he is prepared to make if selected. Mr. Winter closed stating that if he is selected he will bring old-school values and work ethics, coupled with forward thinking and positive energy. He said he would be accessible and accountable and will give due diligence and careful consideration of all matters brought before him. Finally he said he would try to integrate his priorities with those that have already been established by City Council.

Appointment of City Council applicant to fill the unexpired term of former Councilmember Baca Gonzalez occasioned by her election to Mayor, said unexpired term to run until the next regular municipal election in November, 2013 (seated at the first meeting in January, 2014). Ballots were cast for round 1 of voting. Round 1 voting with Councilmembers each voting for three applicants yielded the following three surviving applicants: Richard Harlan, Michelle Miles, and Bill Winter. Round 2 voting with each Councilmember voting for two surviving applicants from round 1 yielded the following applicants: Richard Harlan and Michelle Miles. Round 3 voting with each Councilmember voting for one surviving applicant from round 2 yielded Michelle Miles, the appointee to City Council. (The original signed ballots and tally sheets are made a part of the record, being attached hereto.)

The Honorable Bruce A. Billings, Las Animas County Judge, administered the oath of office to Michelle Miles as Councilmember.

BILLS. A motion to approve payment of the bills as presented was made by Councilmember Shew. The motion was seconded by Councilmember Bonato. Roll call was taken on the motion to approve the bills and it carried unanimously with the exception of Councilmember Miles who abstained.

PAYROLL, September 15, 2012 through September 28, 2012. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Velasquez. The motion carried unanimously excepting Councilmember Miles who abstained.

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.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

DONA VALENCICH, Asst. City Clerk