

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, March 5, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Baca Gonzalez, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles, Shew
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett
Absent:	Councilmember	Velasquez

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of February 19, 2013. Mayor Baca Gonzalez noted a corrected set of minutes at Council's seating places, correcting the date only. A motion to approve the minutes as corrected was made by Councilmember Shew and seconded by Councilmember Mattie. The motion carried by a unanimous roll call vote, excepting Mayor Baca Gonzalez who abstained due to her absence from that meeting.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Trolley stop. Paula Little, Director of the A.R. Mitchell Memorial Museum on Main Street, addressed Council. She requested that the trolley stop in front of the museum be reinstated. Ms. Little said it had been a stop for the past 28 years but at the end of last season it was taken away. Ms. Little said she was told the reasoning for the stop being discontinued was because the thrift store next door needed an unloading zone and also that the trolley was encroaching in the pedestrian walkway. However, she said the stop was in front of the museum and not the thrift store. She proposed a compromise to move the parking space up five feet closer to the museum's front door. Losing the trolley stop will affect their tourism business to the museum and their gift shop. Ms. Little added that her understanding was that the City's road and bridge department took away the stop. Mayor Baca Gonzalez encouraged Ms. Little contact City Manager Acre during regular business hours to look into it and assist her, adding that it seems to be a reasonable request.

Mt. San Rafael Hospital. Bob Quist, CEO of Mt. San Rafael Hospital, addressed Council to introduce himself. He commented that he has seen more of City Council in the last couple of weeks than in the eight to ten months he has been here. Mr. Quist said this week the hospital sent out their spring newsletter to all City and County residents which includes information on calendar year 2012. He said the hospital served over 9,500 patients in the emergency department, approximately 23,000 through the clinic and about 29,000 through outpatient, which includes lab and imaging. In addition they averaged about ten patients per day last year, which was a little below the year before. Mr. Quist said it is subject to weather – with good weather they see fewer patients. That is part of what happened last quarter. Mr. Quist provided a copy of the newsletter with his business card attached to each Council member. He said the hospital wants to be transparent in their dealings with the City, the County and our citizens. He reminded that board meetings are open to the public and have been for the past six years, with the exception of executive sessions, and they have six meetings per year. It is rare to have anyone attend, however. Mr. Quist concluded that his office is always available and he's available by phone to respond to issues or questions. Mt. San Rafael Hospital wants to make sure they are providing the services our residents deserve. With feedback from the City, County and residents they hope to continue to do that.

REPORT BY CITY MANAGER. Pinon Canyon. City Manager Acre called to Council's attention at their seating places a copy of a reminder about the Pinon Canyon Open House on Friday. He said there will be a special presentation to Council at 8:45 a.m. and the public open house will be from 10:00 a.m. until noon. RSVPs for Council have been taken care of.

TSJC Educational Foundation. City Manager Acre reminded Council of the Trinidad State Junior College Educational Foundation's fundraiser this Saturday. He told Council to let Executive Assistant Anna Ridolfi know if they want her to RSVP on their behalf.

CML Annual Conference. City Manager Acre pointed out at Council's seating places a copy of the CML Annual Conference announcement. He asked Council to contact Executive Assistant Anna Ridolfi if they are interested in attending and noted that the hotels are filling up quickly. He added that he is planning on attending and there is money budgeted for Council's attendance the worthwhile conference.

Follow Up. City Manager Acre noted the copy of his correspondence at Council's seating providing follow up from some previous questions. He said he meant to hand it out last week. He said he wants to respond to all of Council in memo form or he may try by e-mail. It will be a means of tracking items to get Council answers.

Monument Lake Operations Plan. City Manager Acre also pointed to the copy of the Monument Lake Operations Plan at Council's seating. He said he wanted to get it to them well in advance of their next meeting, especially for new members. He told Council that the lessee, Mike Robb, will address Council next week concerning the Plan.

RFP Review. City Manager Acre advised Council that he sat in on an RFP review today with the SET (Stronger Economies Together) group – the Colfax County (Raton), Las Animas County / Huerfano County Economic Development group that was formed. He said he sat in with representatives from Huerfano County, Raton, Colfax County, and Las Animas County. They received four proposals and it was narrowed down to two firms, both out of Austin, Texas. The group is still looking for some funding. They've got a \$35,000 matching grant from DOLA and will need an additional \$15,000. They are trying to raise a little more money for a strategic plan. He concluded that this might be an umbrella for

Colorado Office of Economic Development and International Trade Meeting. City Manager Acre informed Council that he will be attending a meeting tomorrow in Walsenburg of the Colorado Office of Economic Development and International Trade for a follow up on the blue print done last year. Finance Director Larry Lochard from Las Animas County and people from the roundtable group, and he thought Pete Frasier from SCSOG will be attending so there will be good representation.

Army Meeting. City Manager Acre told Council that next week he has his monthly meeting with the Army in Fort Carson on the feasibility plan and study regarding joint cost savings. He said he's been working on that along with the County Administrator on ways to work together. It's a model the Air Force has done and the Army post in Kansas has done this as well and we are trying to get it started here in Colorado.

Meeting with Pioneer Natural Resources representative. City Manager Acre advised that he will also be meeting with Karen Brown of Pioneer Natural Resources to get to know her better.

Pinon Canyon. Councilmember Bonato asked if Council members are traveling together to the Pinon Canyon Open House. Carpooling arrangements were discussed. Councilmember Bonato suggested that Col. Simpleman attend as the City's liaison. City Manager Acre and Mayor Baca Gonzalez both said they thought he would be attending and City Manager Acre said he would confirm it with Executive Assistant Anna Ridolfi.

REPORT BY CITY ATTORNEY. Amendment 64 and executive session. City Attorney Downs pointed to two folders at Council's seating places. He said the first one, marked confidential, contains information regarding the status of litigation that is the subject of executive session at the end of the meeting. The other folder is a packet of information on legalized marijuana and the Governor's Amendment 64 Task Force. He told Council that the Task Force convened on February 28th. The second page of the packet talks about the Task Force's meeting. They will not release their decisions until March 11th, however, the media was in attendance. The other attachment talks about recommendations discussed at that meeting from various sources of the media. He identified each attachment of the packet and pointed out that attachment #6 is related but not the same. It talks about the status of many of the medicinal marijuana dispensaries in Colorado. Among other things being recommended by the Task Force is a 15% excise tax. Councilmember Mattie commented that it is interesting to note that there was a news story tonight about Colorado and Washington having voted to make marijuana legal in violation of International Treaties. City Attorney Downs concluded that the news stories are from the February 28th meeting and the Department of Revenue is talking about regulations to be adopted July 1st and promulgated in October.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. 3.2% Beer Retail License (Off-Premises) renewal request by Walmart Stores, Inc. d/b/a Walmart #962 at 2921 Toupal Drive. Art Armijo, Assistant Manager, addressed Council. He requested on Walmart's behalf that the license renewal be approved. He said Walmart has strict policies concerning sale of alcohol. They train their associates every six months, and card anyone who looks under the age of 40. He concluded that they would appreciate Council's consideration. A motion to approve the license renewal was made by Councilmember Miles and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

MISCELLANEOUS BUSINESS. Tavern liquor license renewal request by Monte Cristo Bar, Inc. at 124 Santa Fe Trail. Mike Ryman, owner of the Monte Cristo Bar, addressed Council. Councilmember Shew asked him how the on-line gambling was going, if it has picked up. Mr. Ryman said it has but most of his patrons are from New Mexico. At this point it is paying for itself with the additional hours. It is a good group of people as long as you don't get in front of the television. Councilmember Shew asked the hours. Mr. Ryman said they simulcast Thursday through Sunday and he opens at noon each day. The races are usually over between 7:00 and 8:00 p.m. The track runs from Florida to California. He said he'd see how the summer goes with the big three races coming up, the Derby, the Preakness and the Belmont, and said he hopes to take some time off after that. A motion to approve the tavern license renewal was made by Councilmember Bolton. The motion was seconded by Councilmember Shew. Roll call was taken on the motion which carried unanimously.

Tavern liquor license renewal request by Lumber Jacks Bar & Grill, LLC d/b/a Lumber Jacks Bar & Grill at 1133 N. Linden Avenue. Mike Tyler and Joyce Paine, owners of Lumber Jacks Bar & Grill, addressed Council. Councilmember Shew moved for the renewal of the license and Councilmember Miles seconded the motion. Upon roll call vote the motion carried unanimously.

Appointment to the Arts and Culture Advisory Commission. Mayor Baca Gonzalez reminded that Reverend Bonnie Canizaro who has submitted a letter of interest to serve on the Commission introduced herself at the previous work session. A motion to appoint Bonnie Canizaro to the Arts and Culture Advisory Commission was made by Councilmember Mattie and the motion was seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

First reading of an ordinance amending Chapter 10, Municipal Court, Section 10-5, Municipal Judges – Appointment; oath; salary; powers – by adding subsection (6) to provide the Municipal Judge the authority to order restitution, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bolton and then read aloud in its entirety. Councilmember Shew asked if there is a standard procedure for seeking restitution. City Attorney Downs explained that the Judge would assess restitution for an alleged victim on the finding of guilt. The victim is required to provide proof of loss, such as receipts, prescriptions, etc. At the sentencing the proof would be provided and the judge would order restitution. It could also be for property damage. There are also a small number of traffic cases, for instance if a person is not insured and there's an accident, the deductible could be sought by an order of restitution. The judge hasn't had the authority to order restitution previously. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on March 19, 2013 was made by Councilmember Bolton. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote.

AN ORDINANCE AMENDING CHAPTER 10, MUNICIPAL COURT, SECTION 10-5,
MUNICIPAL JUDGES – APPOINTMENT; OATH; SALARY; POWERS – BY ADDING
SUBSECTION (6) TO PROVIDE THE MUNICIPAL JUDGE THE AUTHORITY
TO ORDER RESTITUTION

Consideration of Third Amendment to Provide Untreated Water to Colarelli International Resorts and Fine Living, LLC. Utilities Superintendent Jim Fernandez addressed Council. He said that \$146,518.79 is owed to the City based on two charges. The first is for 2012 water consumption in the amount of \$69,453.68. The second charge is the installment payment due on the original contract that sold water to Coastal, LLC. Coastal, LLC is defunct and we are now dealing with Colarelli International Resorts and Fine Living, LLC. Colarelli requested the total payment be done over 12 months, however the City agreed to 10 months because we didn't want to go into 2014. The ten monthly payments would therefore be in the amount of \$14,651.88. Supt. Fernandez recommended that in the spirit of cooperating with local business the City approve it. He continued that there is a paragraph in the original agreement that stipulates that if payment is not made the entire agreement is null and void and Colarelli loses its rights to any water the City would provide. Mayor Baca Gonzalez confirmed that staff monitors and ensures timely payments are made. Councilmember Bonato asked if with the drought situation what will happen if the City can't produce the water to the golf course. Do the payments stop or do they still come in? Supt. Fernandez answered that Colarelli is still obligated to make installment payments and would still be entitled to the 250 acre feet of water. However any water above that amount the City would have no obligation to provide. He noted that all of the agreements the City has with other water users for substitute water supply contain that same language. If the water is not there, it can't be provided and the City is under no obligation to deliver it. He added that the snow pack today is at 65% where it was previously at 61%. Councilmember Bonato confirmed that this is for non-potable water. City Attorney Downs added that it is for the golf course. City Manager Acre further clarified that they are paying for water they acquired last year. This year they haven't acquired any water but will have to pay if they do later. Councilmember Bonato asked if the City will be penalized if the water is not in storage at the dam. Supt. Fernandez answered that he didn't think there was any language that would create a penalty for the City. As of today, the City has 1,156 acre feet in storage. Should it be depleted the City could not fulfill the contracts we have. However, to his knowledge he said there would be no penalty assessed to the city. The City has obligations and needs to keep the minimum water supply up there. We are hopeful and believe we will have a pretty good runoff. He added that he believes the water amount in Trinidad Lake will increase. The mountain range is getting better every day. A motion to approve the Third Amendment was made by Councilmember Shew. Councilmember Bonato seconded the motion which carried unanimously upon roll call vote.

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

PAYROLL, February 16, 2013 through March 1, 2013. A motion to approve the payroll was made by Councilmember Miles and seconded by Councilmember Bolton. The motion carried unanimously.

EXECUTIVE SESSION. 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 – for a conference with the City Attorney for attorney/client communications regarding personnel matters. Councilmember Bonato made a motion to enter into executive session for the stated purpose and the motion was seconded by Councilmember Miles. The motion carried unanimously and the executive session ensued at 7:38 p.m. The executive session was electronically recorded in accordance with Colorado law. Upon conclusion of executive session at 8:13 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 Shew and seconded by Councilmember Bonato. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk