

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, April 2, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

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

PROCLAMATION – WEEK OF THE YOUNG CHILD, APRIL 14 – 20, 2013. Mayor Baca Gonzalez recognized Jennifer Sanchez-McDonald, HULA Council Coordinator and Deb Hartman, Children’s Program Director for South Central Council of Governments Early Learning Center, and read aloud the proclamation naming April 14th through 20th, 2013, as Week of the Young Child. She thanked those named within the proclamation for their dedication to children.

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of March 19, 2013 and Special Meeting of March 26, 2013. Councilmember Bolton pointed out two typographical errors in the regular meeting minutes under the agenda item regarding the ordinance on Amendment 64. A motion to approve the minutes as corrected was made by Councilmember Shew and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Mayor Baca Gonzalez noted that this is the first time Council reports will be provided and stated that it is an opportunity to report on meetings, events, trainings, etc., individual Council members have participated in. Councilmember Bolton, Bonato, and Shew had nothing to report. Councilmember Mattie reported as a member of the South Central Council of Governments they had hosted a meeting at the County Commissioner’s Chambers last week. A representative of the Colorado Department of Transportation (CDOT) addressed them about the RAMP Program, specifically dealing with improvements and construction projects throughout the state. The representative provided information on how to apply for monies and the process which local groups and local governments must follow in order to gain CDOT approval for CDOT projects unique to their area. She also told them that CDOT is going to undertake the relinquishment of control of some highways or sections thereof to the counties in which they are located to provide local authorities more control, especially those heavily traveled, such as Highway 24 through Manitou, and more important to our area Highway 239 to El Moro. Mayor Baca Gonzalez reported that late this afternoon she had received an e-mail from Trinidad School District No. 1 Board President Charlene Bertolino about a notice received from the Colorado Association of School Boards. It is concerning collaboration of funds. Ms. Bertolino was inquiring if anyone from the City was interested in participating in an event in Loveland, Colorado, on Monday, April 22nd regarding the same. It is designed to be an opportunity for the school district, special districts, municipal and county officials, to network and explore opportunities to collaborate. She provided the e-mail to City Manager Acre and commented that it was a very nice gesture on the part of the School District to make the City aware of this outreach opportunity. Mayor Baca Gonzalez also reported that she received a letter from Amtrak talking about plans for designating and celebrating May 11, 2013 as National Train Day. She said in the event she was the only one who received the letter she thought she would share it. They are encouraging activities to promote the important services rail service provides and how it matters to our community.

REPORT BY CITY MANAGER. Water Report. City Manager Acre pointed out at Council’s seating places a report from Utilities Supt. Jim Fernandez regarding the water situation. He said we have been lucky with the snowfall of late. Some of the Front Range cities such as Denver and Colorado Springs have really been paying attention to it and putting on stricter water restrictions. He said he will be paying attention and that we need to be cautious with what we are doing. However, Supt. Fernandez is comfortable with our current situation.

Network Council Meeting. City Manager Acre also pointed out an e-mail regarding a Network Council meeting, which is a monthly exchange of what’s going on between different organizations in the community. He said the City has not had good representation in the past, however he or a staff member will start attending and Council is welcome to attend at any time. City Manager Acre added that he looks forward to meeting Tom Perry and will get on his e-mail list.

Schedule. City Manager Acre advised Council that he will be attending an Economic Development Council of Colorado meeting in Colorado Springs later in the week, leaving late Wednesday afternoon and will be out through Friday. He said he also plans on attending a retirement reception for a fellow City Manager who has been very helpful to him. He said he will be available by phone or e-mail and added that attendance by elected officials of the conference is free if any Council member wished to attend.

REPORT BY CITY ATTORNEY. Recreational marijuana update. City Attorney Downs called to Council’s attention at their seating places copies of some e-mail downloads. He said that the state’s ad hoc committee which has been entrusted to basically move the whole thing forward has not been able to accomplish much, which is really a problem because the legislative session will not be going on much longer and if there’s going to be legislation introduced they will need to do so now so they can get it on time. At this point it doesn’t look like they will meet the deadline. In the CML State House Report that was copied to Council, he pointed out that it talks about the problems but also about a scathing audit of the medical marijuana institutions. The likely recommendation was going to be to have the governmental entity that was regulating medical marijuana also regulate recreational marijuana. The scathing audit basically said that they did such a

poor job that there's no way they could be entrusted with more things. City Attorney Downs called to Council's attention page two of the handout which was a Denver Post article that discusses how bad it was in the medical marijuana industry. He categorized it as organized chaos. Councilmember Shew asked what Pueblo is doing. City Attorney Downs said that the City of Pueblo has just now begun the process of adopting a moratorium for the City. The City and the County of Pueblo have both allowed for medicinal marijuana dispensaries. Pueblo County was going forward with trying to allow recreational marijuana to allow sales under Amendment 64, however, their Acting County Attorney refused to advise the commissioners because he felt like he would be violating federal law. Councilmember Shew asked if it is violating federal law. City Attorney Downs said it does, clarifying that he's not saying that he agrees with federal law, but it is in violation. When there is a popular initiative the legislative bodies have to pick up the pieces and put it in place. The more he learns about the medicinal marijuana he finds that people are unable to account for where it is being purchased, how it is purchased, if pesticides are used - there is no quality control. Councilmember Shew asked what Las Animas County is doing. Councilmember Mattie answered that they approved a moratorium on second reading today in unincorporated parts of Las Animas County. He opined that it would be fool-hearty to do otherwise. To not wait would be irresponsible. Mayor Baca Gonzalez asked if it is possible that there will need to be a special session of the legislature to deal with this. City Attorney Downs said he feels that will have to happen, but it would be nice if they would make some headway before they adjourn. If the State's ad hoc committee can't agree it seems like it would be difficult to get the whole legislature to agree which is what you have in a special session. They don't break down into committees like they do in regular session. Mayor Baca Gonzalez said it is a scary prospect. She asked if the federal government has made any gesture of asserting a supremacy clause of the Constitution, whereby federal law would rule where a federal law exists and a state law exists that conflict with each other. City Attorney Downs said they have not, that he is aware of. He added that the whole thing has to be ripe for some kind of lawsuit so the federal courts can take a look at it. He thought it would certainly go to the United States Supreme Court. When the voters speak they really have to give it credence. Councilmember Mattie asked what the state of Washington has done. City Attorney Downs said he doesn't know. He pointed out that because the sale of medicinal marijuana is contrary to federal law, those are cash only businesses because they cannot use debit/credit cards or have bank accounts. Mayor Baca Gonzalez suggested that the state should look at what some of the European governments have done because they have dealt with the sale of marijuana for years and even some controlled substances. She said she hopes the City will get some sense of direction before the October 1st deadline. City Attorney Downs clarified that the Department of Revenue has to have a workable regulations' format by July 1st for the October 1st deadline. He said he thinks there are a lot of deadlines that will be missed. Mayor Baca Gonzalez said she is afraid that there will be no state direction and it will fall to the local authorities who will be left to fend for themselves. City Manager Acre pointed out that the City could extend the moratorium for some time if we are not comfortable with what's coming down from the state. Mayor Baca Gonzalez said she trusted it will be monitored and if Council has to extend the moratorium it would behoove them to do so to get some direction from the state.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance providing for a moratorium until October 1, 2013, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes. Mayor Baca Gonzalez declared the public hearing open and called for public comment and those from the City Manager, staff or City Council. There being none, the hearing was closed.

Second reading of an ordinance providing for a moratorium until October 1, 2013, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bonato. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote. The ordinance was approved and will become effective on April 12, 2013.

ORDINANCE NO. 1937

AN ORDINANCE PROVIDING FOR A MORATORIUM UNTIL OCTOBER 1, 2013, ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS AND THE LICENSING, PERMITTING, ESTABLISHMENT OR OPERATION OF ANY RECREATIONAL MARIJUANA BUSINESS THAT SELLS, CULTIVATES, MANUFACTURES, PREPARES, PACKAGES, PURCHASES, TESTS, OR OTHERWISE PROVIDES FOR OR ALLOWS THE USE OF MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO AMENDMENT 64 APPROVED BY THE VOTERS OF THE STATE OF COLORADO AT THE NOVEMBER 6, 2012, GENERAL ELECTION, AND CODIFIED AS ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION, INCLUDING THE USE OF LAND FOR SUCH PURPOSE OR PURPOSES

MISCELLANEOUS BUSINESS. Hotel and restaurant liquor license renewal request by Bella Luna, LLC d/b/a Bella Luna Pizzeria at 121 W. Main Street. Mayor Baca Gonzalez recognized Jeff Quinn and Sandra Nichols in the audience to represent the licensee. Councilmember Bonato asked if the issue identified in Fire Chief Perea's report of March 14, 2013, had been addressed, the exit signs requiring repair, a Class K extinguisher being needed and carbon monoxide bottles needing to be secured. Chief Perea advised that those issues have been taken care of. Councilmember Bolton moved for the renewal of the license. The motion was seconded by Councilmember Mattie and carried by a unanimous roll call vote.

Hotel and restaurant liquor license renewal request by LMR, inc. d/b/a Purgatoire & A Little Catering Company at 516 E. Elm Street. Mayor Baca Gonzalez recognized Richard Colander in the audience representing the licensee. She asked if the fire extinguishers have been recertified (as indicated on the inspection reports). Fire Chief Perea answered that they

have been. A motion to approve the license renewal was made by Councilmember Shew and seconded by Councilmember Bolton. The motion carried unanimously upon roll call vote.

APRIL 2, 2013

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

PAYROLL, March 16, 2013 through March 29, 2013. A motion to approve the payroll was made by Councilmember Bonato and seconded by Councilmember Miles. The motion carried unanimously.

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

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk