

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, June 4, 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, Velasquez
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The pledge of allegiance was recited.

**APPROVAL OF THE MINUTES.** Regular Meeting of May 21, 2013 and Special Meeting of May 28, 2013. Councilmember Miles noted a correction to the May 21<sup>st</sup> minutes under Council Communications whereby she reported that mediation for the ARPA litigation was taking place on Thursday only rather than Thursday and Friday as recorded in the minutes. Councilmember Bolton also indicated that she informed the City Clerk that a last name had been misspelled. A motion to approve the minutes as amended was made by Councilmember Shew and seconded by Councilmember Velasquez. The motion carried by a unanimous roll call vote.

**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** Funeral registers. Ken Fletcher, resident of Trinidad, addressed Council. He first brought to City Attorney Downs' attention a concern he had about the City possibly being in violation of copyright laws. Secondly he told Council he was here to collect his private property that he understands is being stored in a closet on this (the third) floor of City Hall. For the benefit of the City Manager, City Attorney and Councilmember Miles he outlined some things that occurred prior to their respective tenures. He said in August, 2012, he came before Council and presented a notarized letter dated June 30, 2011, from Ralph Gagliardi saying if anything were to happen to his wife, Jamie Sue Gagliardi, he wished for the funeral records of the Sipe family, who owned a mortuary on Commercial Street and were relatives of Jamie Sue, to be given to him. Mrs. Gagliardi died three years ago. He said she was a friend and like a sister to him. They enjoyed old things and the people who built them. A copy of the notarized letter was given to City Manager Ed Gil de Rubio and he asked the City Manager to please let the library director know that they were his property and he wanted them out of the library before they were destroyed. He passed around pictures of that person's office and of how the ledgers were kept and the condition they were getting into. Mr. Fletcher said that Councilmember Mattie had shared the name of the person who was digitizing those records – Mr. Mendekowski. No one knew he was already doing that and that there was already a flash drive. The records were removed from the building but they didn't take them out without asking and letting the staff know they were being moved to a safe place. The library director was on vacation at the time. He continued that Councilmember Mattie verified that the ledgers were the property of Jamie Sue Gagliardi, reading from previous Council minutes. He also read that "Councilmember Baca Gonzalez asked Mr. Fletcher if he had any objection to the City retaining one or more electronic versions of these records and Mr. Fletcher said that he did not." "Councilmember Baca Gonzalez explained her interest in protecting the interests of the City and patrons of the library." Mr. Fletcher said he knew something was up and he came prepared. He said he has done a lot in the past and has given back a lot to this town. Mr. Fletcher detailed what he had done with respect to preservation of historical documents and also detailed for Council his work history, particularly with his involvement in light rail and the Navy, providing documentation for the record to support the same. Mr. Fletcher told Council he wants the records to go the Colorado Historical Society in Denver where they will be protected in a climate-controlled facility. Mayor Baca Gonzalez asked Mr. Fletcher if he knew where the coroner records are. Mr. Fletcher said he had called the present County Coroner and asked him where the coroner records are kept. He was told that the records are scattered all over the place. He said he then called the County Clerk at the Courthouse and asked him if he'd have a place for those records. County Clerk Bernard Gonzalez came over to the bank with a couple of workers and took them to the vault in the County Clerk & Recorder's Office. To Councilmember Mattie's inquiry, Mr. Fletcher said he witnessed their removal and placement at the Clerk's office. Mayor Baca Gonzalez asked Mr. Fletcher if he is in possession of the mortuary/funeral registers. Mr. Fletcher said he is and that they are his. Mayor Baca Gonzalez asked on what basis he is asserting a claim of ownership. Mr. Fletcher answered that Ralph Gagliardi turned them over to him from Jamie Sue Gagliardi. Mayor Baca Gonzalez asked if Jamie Sue Gagliardi had an estate, a will that was probated or a letter of instruction signed by her. Mr. Fletcher said she told her husband to give the records to him because he would take care of them. He said he also had the notarized letter that was given to the City Manager. The letter was signed by Ralph Gagliardi and a copy was given to the City on August 21, 2012. Mayor Baca Gonzalez stated that she has used those records and appreciated the help Mr. Fletcher gave her in the past. She said she also had contributed money to preserve photos. Mayor Baca Gonzalez said that right now artifacts extracted from the Pinon Canyon Maneuver Site have been removed to Colorado Springs and photos from the Aultman studio were removed to Denver. She told Mr. Fletcher he was asserting a claim to records of historical significance to this County to be moved to Denver. She asked him if he can appreciate how some individuals could perceive that as basically exploiting the historical records of this County and moving them to a place where they really shouldn't be. Mr. Fletcher said that the records were Jamie Sue Gagliardi's and that they had been on loan to the library. She had spent her own money to put some of them on microfilm. Mayor Baca Gonzalez responded that Mrs. Gagliardi had turned the records over to the library in 1980. In April, 2010, she passed away and then two and one-half years later Mr. Fletcher came forward and asserted a claim to them. Mr. Fletcher reiterated that he has a notarized letter and accused the Mayor of taking things and turning them around to fit her way of thinking. He said those records are important to the state to maintain in a safe position and the City has no place to have them here. Mr. Fletcher said they belong to him and added that he could not steal from the City and get away with it. Mayor Baca Gonzalez said he cannot steal from the City of Trinidad, Colorado, reiterating that these are historical records. She further added that she doesn't know if he has a bona fide claim to them or not. She said she wanted to clarify where the records are located and thanked Mr. Fletcher for his input. Mr. Fletcher said he wanted a decision on getting his property out of here. He said he didn't want to prolong this business and that it is not necessary to prolong. He added that the records are available to anyone at the library on a flash drive. Mayor Baca Gonzalez advised that Council would take his concerns under advisement and that the matter was not posted for a vote this evening.

Marijuana. Mick Clark addressed Council. First he said he wanted to talk about the unfortunate firing of the coaches in our county. It brings up one issue that's most important and the root cause of the lack of school funds and the cause of many of the City's financial woes – there are no jobs in Trinidad. Three years ago he said he and his brother brought a proposal to the Las Animas County Commissioners that would have brought 60 well-paying jobs in the first year. Having studied economics in 1970, he said he learned there is a multiplier effect of six times for every job you bring to the economy. Every job brings five more jobs with it as the money flows through society. The proposal could have ultimately produced as many as 360 jobs. The Commissioners would have none of it because the proposal was a medical marijuana related business. The county administrator at that time told them that's how politics are played in Trinidad. He told them that he never even read their packet of information, that he was willfully ignorant of this issue, but against them and would do everything in his power to stop them from succeeding. He said that commissioner was not his enemy but willful ignorance is. The proposal included twenty small farms supplying medical marijuana to dispensaries in Denver. These were farmers who had to sell their cattle because they couldn't afford to feed them and they were agreeable to the proposal. Mr. Clark said the county's ban on medical marijuana businesses has cost the County dearly. He opined that the cause of the problem stems from deep seated social prejudice, fear and ignorance, as well as a lack of imagination. He continued that with the ban in place the City and county are now three years behind the rest of the state. Because of the City's ban on medical marijuana dispensaries, the City is now at least a year away from making any revenue from the sale of recreational marijuana. Mr. Clark said that Amendment 64 brings many other job creating issues because it also speaks of hemp. He said in reading the City's discussions, it seems the City knows nothing of the hemp industry or the possibilities it represents to the Trinidad job market. He and his brother are long time hemp activists and would like to offer their services to help educate the City on the medical benefits of marijuana, the economic possibilities related to recreational marijuana, the economic possibilities related to hemp, hemp and global warming or climate change, the ban on social clubs and its implications concerning civil rights, and the ban on social clubs and its implications concerning the freedom of religion. He said all of those issues must be understood if Council is to make an informed decision on the matter. Mr. Clark said they are also forming a group of concerned citizens to insure the will of the voters is accomplished, to implement Amendment 64 in its entirety. The voters don't share the negative view of marijuana businesses, especially medical marijuana dispensaries. He concluded that the really sad part of his story is that the county never asked if medical marijuana really works.

Tom Clark addressed Council and identified himself as Mick Clark's brother. He passed out to Council an information packet about marijuana, explaining that there is a real ignorance and fear about marijuana. We all grow up with misinformation about this plant, practically none of which is true. Mr. Clark said that the U. S. Government, the DEA and FDA, claim that there's no scientific proof to support medical use of marijuana. There have been over 100,000 tests and studies done since California made marijuana legal. However, the government would not look at those tests because they were not done under the FDA supervision and standards. The tests were conducted by MIT, Harvard, and Stanford to name some. He passed out a handout entitled Marijuana and the Human Brain. He said it is a very informative article done in 1995. Until a couple of months ago they had nothing to stand on that the government would look at. Then his daughter-in-law did some research regarding patents on marijuana and found some, mostly medical. Pointing to the information passed out to Council, he called to their attention the patent issued October 7, 2003 for cannabinoids as antioxidants and neuroprotectants under the United States of America represented by the Department of Health and Human Services. The next one dated March 7, 2013 was for phytocannabinoids in the treatment of cancer, preferably cancer of the prostate, breast or colon. He said it actually stops cancer from metastasizing and tumors from growing, shrinks and eradicates them. The next patent was for treatment of peripheral neuropathic pain. The ones following regarded treatment of COPD, chronic obstructive pulmonary disease, treating or preventing diabetes with cannabidiol, anti-nausea and anti-vomiting, use of cannabinoids as anti-inflammatory agents for arthritis. These have been proven and will work. They exist but no one is talking about them. Mr. Clark said that his daughter-in-law has now found 153 patents. Seventeen states have laws about medical marijuana and recreational use marijuana. Seventeen to twenty states plan to have a measure on their next general election ballot in 2014 and each think it will pass. The Washington polls show that in all 50 states there is a majority of the citizens who would like to see marijuana legal. Mr. Clark said that he has a medical marijuana license and knows that it works. Several in the community have licenses. People who live here have to drive to Pueblo to get medical marijuana – 200 miles round trip. Any other prescription a person can go to three pharmacies right here in town and pick it up. There is a need for a medical marijuana dispensary in the area. He said he didn't think there was current moratorium on medical dispensaries or on medical infused product companies or on off-site grow facilities in the state. He thinks the moratorium has been gone for a full year. There's an opportunity for people to work in those areas if the ban were lifted. Mayor Baca Gonzalez encouraged the Clarks to have further dialogue with City Manager Acre and City Attorney Downs. Council will have to wrestle with this issue. Mr. Clark said it should be looked into and they cannot rule out tourism. It may mean the difference between someone stopping or passing by. Hemp is a huge benefit and could be a life stream for the farmers. Mayor Baca Gonzalez suggested Council will need a work session dedicated to issues created by Amendment 64 as they move forward. She asked that the Clarks provide information they would like Council to consider to City Attorney Downs to make Council aware of their viewpoints. Mr. Clark said he understands that the City has something in place for a length of time. He said he hoped to go away thinking Council has started to take a look at the plant. Councilmember Bonato told Mr. Clark that the City has a moratorium in place until October. He asked if they are trying to get marijuana businesses in the City. Mr. Clark said they are. Councilmember Bonato said the City's hands are tied right now until we get something from the state level. Councilmember Miles recalled the description of the Commissioners' reaction and told the Clarks that they won't get the same reaction from Council. They are more open-minded. Mayor Baca Gonzalez said they are concerned about the economic impact. The majority of the voters voted for it. There's a lot to think about and digest. She added that she'd appreciate them attending the work session when this is the topic.

Funeral registers. Loretta Martin addressed Council. She reminded Council that she had been here once before asking that they help protect Trinidad's history and our property. She said they would like to ask Council, even though the records are digitized, to retain the original records here in our county. Ms. Martin said they are our history, not Mr. Fletcher's. She said Mr. Fletcher hasn't given Council the whole story. Ms. Martin said they witnessed Mr. Fletcher take advantage of all of the stuff in the library and he personally abused it. He'd take huge books, bend them and put them on the copy machine. She said it's pretty ironic that now that he's used them he is very concerned about the stability of these records. She asked Council to think about this. She said she's not an attorney, but they've come to the conclusion that these records came to the library mid 1980s, almost 30 years ago, from Jamie Sue Gagliardi. She suggested adverse possession may apply. Jamie Sue Gagliardi entrusted the care of the records to the library and made them available for research – that should say volumes. She did not want one individual to have possession of these records; they were to be used. Ms. Martin also corrected a few things. She said the local historical society digitized ten registers in memory of Jamie Sue Gagliardi.

All of them were friends. Also, the records are so large they don't fit on a flash drive. An external drive has to be used. She said she'd like to see if there's a technicality. She added that she finds it very disheartening that Mr. Gagliardi gave these records to Mr. Fletcher after Mrs. Gagliardi died. We only have his word. She asked why 30 years ago Jamie Sue would have left them at the library for all this time. If she really wanted Mr. Fletcher to have them, she would have given them to him before she got sick and died. Ms. Martin concluded re-asking that Council please help them keep these records here in our town. Don't let it be another thing that if we want to use them we have to go to Denver.

Economy. Lee Hadaway addressed Council in three capacities – a City employee, the Union President of the City employees and as a concerned citizen. He said we all know that last year was terrible and full of turmoil. In December, 2012, Council was situated and we had a new City Manager. It's been six months now and he said he literally has people coming to him asking what the plan is. Where are we going? What are we doing? What we are hearing is about the art district, Art Trek and walking trails. Mr. Hadaway said we don't need more walking trails; we can't maintain the ones we have. The art district is a good idea but its gravy. With respect to tourism he said you can see people carrying Trinidad brochures, but that runs from May through September. He asked about the Industrial Park and what kind of incentives the City can give businesses and industries. He suggested giving them free land with the caveat that they provide a certain number of jobs in a certain number of years or else they lose the land. Another suggestion he made was that they defer their taxes or give a tax credit. Run ads in the paper. Get people here. Regarding the former Cash Advance building donation, Mr. Hadaway said it will cost \$160,000 to bring the building up to code. It is hard for the City to do that. Then he said he read about it being suggested that it be given to a non-profit, but the City funds a number of non-profits. He suggested it be given to someone trying to make a profit, again for a certain number of jobs to put money into the economy. Mr. Hadaway reiterated that this is the stuff he is hearing. He added that there doesn't seem to be any urgency. He said he's worked eight years for the City this coming August and has only had one raise in that time. He added that he's got 20 years to go before he can retire and at this rate he'll have gotten two raises in 20 years. Mr. Hadaway told Council that he's asking that they light a fire and try to get things going. Let's be proactive rather than reactive. One thing that bothered him for instance was the woman who set up the candy shop and painted it pink and people got upset – she's trying. He suggested the City is liable to protect this town into extinction. You've got to open your mind and let stuff come in. He commended the Mayor and Council members Bonato, Bolton and Mattie for attending the community meeting last Friday at the community center regarding the school district. A year ago we lost 43 employees with the district. That was a lot of money not begin spent at the stores. That number has reached 65 over the last two years. If you average a \$30,000 salary, we are looking at \$2 million per year that's gone from this community. He said he knows it is tough for City Council to get involved with the school district, but what if it were another major employer having difficulties – wouldn't we try to step in and try to preserve jobs here in this community? We are losing jobs and students. He suggested that there are a lot of different avenues that need to be approached and aggressively pursued. Councilmember Miles commented that progress can be slow and she shared his sense of urgency, however there is not zero progress. A year ago there were only two members of the Board of Trinidad & Las Animas County Economic Development and as of two months ago we now they have a full board. At their last meeting they were pulling together a strategic plan to be presented to Council in connection with their request for second half funding. There is motion going on. Will there be follow through? She said she doesn't know but hopes there will be and she is trying to encourage the process the best she can. She agreed that progress has been slow and she shared his sense of urgency. She said she hoped if the board could inspire confidence in the citizens of Trinidad she would love to see incentives provided by the City and they might be funded through tax increases. We need people of Trinidad to support the board and need that board to inspire the confidence of the citizens. She urged Mr. Hadaway to contact Steven Kelly at TLACED regarding things going on. Mr. Hadaway said that we don't need a secret plan. Everything that comes to the table and is thrown out there we perceive as something that's happening. We have two good newspapers doing a pretty good job. Every day he said he hopes there's something. Councilmember Miles said she doesn't think everything gets reported. All Economic Development meetings are open to the public, excepting executive sessions, and some are fairly well attended. She said she didn't think he would leave feeling his concerns are relieved but nonetheless encouraged him to attend the next couple of meetings.

Update on North Lake Dam Project. Supt. Jim Fernandez identified Mike Graber, RJH Engineering to Council. He reminded Council that Mr. Graber is doing the design work and oversight engineering on the North Lake Dam project. Mr. Graber addressed Council. He said he's had a long working relationship with Utilities Superintendent Jim Fernandez and Linda Vigil, having been a previous State Dam Safety Engineer for 20 years and working with RJH for the past four years. Mr. Graber said he is very familiar with North Lake Dam and didn't realize what a tremendous asset it is to the City, it and Monument Lake, until he assisted the City with a water conservation study and learned that those two reservoirs supply water to about 85% of the population in Las Animas County – from North Lake to Pinon Canyon Maneuver Site. It takes in a huge area of Las Animas County. He reiterated that it is a tremendous asset and added that it is critical infrastructure. Mr. Graber provided a brief report on the project. He said in the first week of September, 2012, the project started and continued until the last week of November, 2012. The construction was split into two phases. The first phase did not get completed. Sun Construction removed the spillway and grouted one abandoned outlet pipe. The primary work that did not get completed in phase one was construction of the spillway. It will be constructed under phase two. The contractor was behind on phase one and was asked to revise the construction schedule. It is an aggressive schedule that shows him to be complete by September 5, 2013 when he is contractually required to be substantially complete. November 20, 2013 is the final completion deadline. Work to-date includes removal of the spillway and grouting of the abandoned outlet pipe that was in the in-take structure as it were. There was one below the dam had been previously grouted but was leaking water so a secondary grouting was done this spring. Also a section of existing outlet pipe was removed and a new pipe put in. Originally there was a bypass designed around this outlet pipe, however Gil Ramirez was able to get the pipeline from Monument Lake functional to the Water Treatment Plant, eliminating the need for the bypass. The work is complete and Mr. Ramirez is running off of North Lake, where the water quality is higher, rather than Monument Lake. The contractor is constructing the filter drain that will go at the bottom of the stability berm. This will take up most of the month of June. It is a combination sand and gravel filter that gets covered with embankment material, in places as much as forty feet high. The spillway is not expected to start construction until late July or early August. The pipe is being made. The contractor is currently on schedule, maybe even a day or two ahead of the revised schedule. Mayor Baca Gonzalez asked if he's concerned with the project not being complete by the end of November, 2013. Mr. Graber said they review the schedule each week and if they fall behind the contractor is asked to revise the schedule; however they haven't had to do that as the contractor has been making good progress. Councilmember Miles asked what things might make them miss the schedule. Mr. Graber answered a spillway pipe delivery delay might, but there's no reason that it should. He explained that the pipe

wasn't ordered until May, 2013, but should have been ordered in September, 2012. If the schedule isn't met it will be on the contractor for not ordering the pipe in a timely fashion. The manufacturer is in Denver, he said, and he believes they will make it but the turnaround time is usually several months. Had the pipe been ordered last fall it could be getting installed now. Councilmember Mattie asked his opinion on the quality of work. Mr. Graber described it as really good. He said he has no issues. There is a full time engineer on site inspecting the work and requiring removal of anything not approved. There hasn't been much fight back from Sun Construction in that regard. All contractors get in a hurry and will cut corners if someone isn't watching. Councilmember Mattie asked Mr. Graber if he is personally there daily. Mr. Graber said he is there on a weekly basis but he has a junior level engineer on site all of the time. Mr. Graber said sometimes he has to be on site more often, such as last week whereby he was there four days. Councilmember Bonato asked if the City will have to drop the water level any more. Mr. Graber said the level will only be dropped by what is used. The restricted level is five foot below the old spillway and it was brought to that level until construction is substantially complete. Next fall some time the state should remove the restriction. He added that Gil Ramirez is putting about two and one-half acre feet into the reservoir right now and there is a fair amount of snow on the upper north fork still. Councilmember Bolton asked about the circumstances of the change order. Mr. Graber said it was for the manhole steps in the old outlet tower. A periodic inspection and evaluation of the valves inside of the outlet tower is necessary. The steps initially installed in the tower were bent pieces of rebar steel and the water had corroded them to a reduced thickness. It was a safety issue. Utilities Supt. Fernandez requested RJH investigate an alternative. RJH came up with a poly-coated rebar step that will not corrode. Mr. Graber said there is also a couple of pending change orders. One is to eliminate the bypass outlet around the new replacement line. That is a no cost, no time change. The second change order is for a change in the spillway pipe. He said he thinks probably the big reason the spillway pipe didn't get ordered in time was because Sun Construction significantly underbid the pipe at \$62,000. A pipe quote from the same supplier was \$213,000, not installed. Mr. Graber said there's been a lot of back and forth on the spillway pipe. They've agreed to a lesser pipe encased in concrete that will be a significant savings to the contractor. For the change, they have asked for \$100,000 back from the contractor to the City. Mayor Baca Gonzalez asked if that alternative is safe and durable. Mr. Graber answered that it is. Mayor Baca Gonzalez asked Mr. Graber to look at the schedule and in collaboration with Utilities Supt. Fernandez and City Manager Acre see if there are any potential areas to bird dog the work to meet the target dates of September 5<sup>th</sup> for substantial completion and November 20<sup>th</sup> for completion. Mr. Graber said the only glitch would be if the pipe is not delivered when it is supposed to be or he the contractor failed to put it in. Once it is delivered the contractor should make good progress. He added that he'd get an update from the pipe supplier. City Manager Acre concluded that he and Supt. Fernandez will try to visit the site this or next week.

**COUNCIL REPORTS.** Councilmember Bolton reported that she as well as other members of Council attended the joint meeting with the school board. She also attended the Friday night meeting at the community center regarding the school. Additionally she said on May 30<sup>th</sup> she participated in the Colorado Creative Industries site visit by Executive Director of Colorado Creative Industries Margaret Hunt and Maryo Ewell. A group of them spent the afternoon touring and introducing the representatives to various downtown merchants, getting them to different places and making introductions for interviews. She said she feels they made a very positive impression and she is anxiously awaiting word on their application. By June 14<sup>th</sup> the City will know whether it will receive a Creative District designation. Councilmember Bolton thanked everyone who made their visit a success.

Councilmember Mattie told Council that he also attended the joint meeting with the school board where the discussion surrounded how they can collaborate to provide activities for the youth. Friday night's meeting he said he attended as a citizen. Finally he reported that last Thursday he attended the Council of Governments (COG) meeting. COG is coming along and is concerned with finances like everyone else.

Councilmember Bonato said that last Sunday he enjoyed a great spaghetti dinner at the Senior Citizens' Center. A good number of people attended the dinner. He added that it was great food and he had a relaxing good visit.

Councilmember Miles reported on efforts to save the Southwest Chief. She said she's had conversations with former County Commissioner Jim Vigil and Republican Party Chair Tim Peters. They have been very helpful in getting the City introductions to State Senator Crowder, Representative Tim Dore and U. S. Representative Cory Gardner. She said they were in conversation with State Senator Crowder about setting up a meeting and coordinating schedules. She said she hopes Mr. Vigil and Mr. Peters participate in that meeting, as well as Councilmember Bolton. They hope to get some motion. It is never too early to start squawking. The time is right. She also reported that Conversations with Council has been set up for this coming Tuesday, June 11<sup>th</sup> at the Community Center in the daycare room from noon until 1:15p.m. Council will have their regular work session at 1:30 p.m. in Council Chambers thereafter.

Mayor Baca Gonzalez thanked Ms. Ewell who was part of the Creative Industries team. She said she had been interviewed by her and commented that her inaction as an elected official was good. She added that she hoped all of their visits and interviews positioned the City over that tipping point. Mayor Baca Gonzalez also strongly encouraged attendance by all citizens at a meeting to be held on June 11, 2013 at 7:30 p.m. at the Pioneer Room at Trinidad State Junior College regarding the Trinidad Correctional Facility, called the Trinidad Prison Utilization Committee Meeting. Some believe unless we have a huge turnout we may be in jeopardy of losing jobs at the prison. She asked that people make plans to attend because we can't afford to lose more jobs. Mayor Baca Gonzalez also reminded Council of the second I-25 Economic Development meeting in Pueblo on Friday from 10:00 a.m. until noon at the Pueblo Chamber of Commerce building. She also reminded Council that if they have suggested changes to the Charter they get them to City Manager Acre by no later than Thursday. Lastly, Mayor Baca Gonzalez reported on her attendance of a CDOT meeting at the County Courthouse recently, intended to be the first of two meetings. It was basically brainstorming and coming up with a wish list of potential CDOT projects in Las Animas County. She said at the table where she sat they put out a lot of ideas, such as widening the shoulders to Raton, signals at Exit 11, etc. The next meeting will be in July where they will come back together and pool their suggestions and prioritize them. Those who missed the meeting in June are encouraged to participate in the July meeting.

**REPORT BY CITY MANAGER.** Southwest Chief. City Manager Acre told Council that he received word this afternoon from Representative Gardner's office that they are planning a meeting on July 2<sup>nd</sup> at City Hall from 10:30 a.m. to 11:30 a.m. with Council and Department Heads. He asked Council to let him know as soon as possible if that will work for

them. His office will be holding several meetings around the State.

**Southwest Chief.** City Manager Acre reminded Council that the Southwest Chief Rural Rail Coalition working through Garden City, Kansas, submitted a TIGER grant for \$15 million in federal funds to start the rail replacement. He said they've asked Senators Udall and Bennett for support letters. The Senators are working with Congressman Cory Gardner for support letters to the United States Department of Transportation. It would be a good thing to get in. City Council's resolution went into the packet as well. He continued that he and La Junta City Manager Rick Klein attended a meeting in Pueblo last Thursday regarding high speed rail from Fort Collins to Pueblo. They asked why they would stop at Pueblo and not come to Trinidad. One attendee asked about extending it into New Mexico. They encouraged them to include Trinidad in the plans now rather than be an after-thought. There was no good reason why they did not include Trinidad. They are trying to get the word out to not forget the southeastern part of the state.

**Upcoming Meetings.** City Manager Acre told Council that the next Network Council meeting will be held on Thursday at 8:00 a.m. There will be updates about what is going on. He said he plans on attending that meeting. Also on June 10<sup>th</sup> there will be a SET meeting in Walsenburg. It is a facilitative meeting to help finalize the planning. He said he is going to try to attend that meeting as well.

**Building Codes.** City Manager Acre asked Council for their additional comments regarding the proposed building code changes. He said maybe at the next work session they could get it scheduled.

**Coal Car Race.** City Manager Acre asked if any Council member wanted to participate in the coal car race. He said they had an offer from some Triggers baseball players to help the City out. The race is at noon on Saturday. He said they need the team member names and he would wait to hear back from Council.

**Sculpture.** City Manager Acre thanked and recognized everyone who helped with the Arts and Culture Advisory Commission's project and for their contribution of the new sculpture to the community, adding that it is a wonderful addition to public art.

**Kit Carson Park.** City Manager Acre told Council the design work is complete for repairs to the Kit Carson Park gazebo and Building Inspector Chris Kelley will work with the engineer to get specifications to solicit bids. He said he'd bring it back to Council.

**Recreation.** Council was informed by City Manager Acre that the swimming pool is open. They are missing shade structures at the pool because the ones there were not holding up to the wind. The City has some permanent shade structures on order but they are probably four weeks out. Temporarily they will be putting up pop-up tent type structures for the time being. Also, lap swimming will start in the mornings on Mondays, Wednesdays, and Fridays and a sign has been posted accordingly. He added that regarding a suggestion from a senior citizen about a water exercise program, it would require a certified instructor to do that properly. They will look at alternative exercises that the seniors can do on their own.

**Pedestrian Crossing Signs.** City Manager Acre told Council that regarding the pedestrian crossing signs, he spoke with the Street & Bridge Foreman about moving the one at Beech Street to Convent and Main Streets and finding out if other intersections need them. Councilmember Bolton said she thinks other areas do. City Manager Acre asked Council to send their suggestions to him. City Planner Fineberg suggested the pedestrian crossing signs should be looked at and coordinated through the CDOT project. City Manager Acre said the signs he is referring to are temporary signs in the middle of the streets.

**Pothole and street cut repairs.** Council was advised by the City Manager that the City is using the asphalt plant north of the City for material to make pothole and street cut repairs. It is more cost effective. They should see a lot of activity. Councilmember Miles asked for repairs to potholes on the Animas Street Bridge.

**Retirement.** City Manager Acre announced that Fire Chief Leroy Perea informed him of his intent to retire after 31 years. He said he and the Chief will start the process of updating his job description which hasn't been updated since 2008. City Manager Acre said he plans to open the position up outside of the City as well as inside. Chief Perea would like to retire in August but said he'd help with the transition.

**Employment.** Mayor Baca Gonzalez asked the status of filling the Finance Director's position and the Public Works Director's position. City Manager Acre said he's made an offer to one of the applicants for the Finance Director position and provided information about the benefits, but he hasn't talked to him this week. They are in the negotiation stage. The job announcement for the Public Works Director is being finalized to post on the ICMA, CML and APWA websites. He said he will open it for one month. Also, he said when he is at the CML conference he will talk to fellow City Managers about Public Works Director candidates. It will be a combination Public Works Director and Utilities Director, working with Utilities Supt. Jim Fernandez. City Manager Acre said he hoped to hire the Finance Director this week. He said they originally had three good applicants. One withdrew her name because she had another opportunity arise. The second one said he wasn't quite ready for this step. He concluded it is nice to have choices.

**Juvenile Diversion Program.** Councilmember Bonato reported that he attended the unveiling of the art done by the kids in the Juvenile Diversion Program headed by Tony Diego at Kit Carson Park on Thursday. Councilmember Velasquez was present as well. He said he was a little disappointed there wasn't a better turnout, especially because Mr. Diego is leaving in July. He said he hoped they can get someone in his place as good as he is. Mr. Diego did a lot of good work for the kids. He also reminded Council about Frank Leone's donation of concrete for the art sculpture. Councilmember Bonato said Mr. and Mrs. Leone are always stepping up to the plate to help the City. City Manager Acre agreed and said he would make sure to properly thank them.

**Recreation.** City Manager Acre told Council that the spray park feature at Cimino Park is inoperable because the switch to turn on the water sustained damages. It will be several weeks before the City can get a switch because the one that was there is no longer manufactured and they will have to replace it with something that can be retrofitted and withstand the

abuse it is getting. Councilmember Mattie asked if the damage was from use or vandalism. City Manager Acre said it sounds like it was from overuse. The protective cover was broken.

JUNE 4, 2013

**REPORT BY CITY ATTORNEY.** City Attorney Downs told Council that he received an e-mail from Ed Mansell from the law firm of Jenner & Block regarding the building proposed to be donated to the City located at 219 W. Main Street. Mr. Mansell said that it was his understanding that one reason why Council did not act on the donation was the \$13,000 initial investment for repairs that will be required. As such, Mr. Mansell said they would be interested in arranging to pay for a portion of it to be repaired if it would interest Council further in the donation. City Manager Acre added that they were contacted by the Trinidad Community Foundation who is seriously taking a look at the building.

**UNFINISHED BUSINESS.** Public hearing for consideration of an ordinance correcting errors and omissions within Section 12-12 of Article 2 of Chapter 12, of the Code of Ordinance of the City of Trinidad relating to the City's Electric Service, Power and Energy Rates. Mayor Baca Gonzalez declared the public hearing open. City Manager Acre pointed out to Council that in the information provided them that staff has made one modification to the ordinance since first reading. He said the ordinance had a kilowatt charge identified under the street lamp table. That charge was used to calculate the monthly lamp charge, but with it included under the table it inferred that the street lights were subject to an additional kilowatt energy charge as well as the monthly charge. He reiterated that it was used in the calculation but is not a separate charge. Mayor Baca Gonzalez called for comments from the audience. There were none. City Manager Acre said if the ordinance is approved staff will work with local newspapers to get the information out. Councilmember Miles asked if the City is moving forward with filing an insurance claim. City Manager Acre answered that he will talk to Phil Euler, but reminded Council that the City is a member of NMPP and so we don't want to sue ourselves. There being no further comment, Mayor Baca Gonzalez closed the hearing.

Second reading of an ordinance correcting errors and omissions within Section 12-12 of Article 2 of Chapter 12, of the Code of Ordinance of the City of Trinidad relating to the City's Electric Service, Power and Energy Rates. The title was read aloud. A motion to approve the ordinance on second reading (as amended) was made by Councilmember Bolton. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote of Council.

ORDINANCE NO. 1939

AN ORDINANCE CORRECTING ERRORS AND OMISSIONS WITHIN SECTION 12-12 OF ARTICLE 2 OF CHAPTER 12, OF THE CODE OF ORDINANCE OF THE CITY OF TRINIDAD RELATING TO THE CITY'S ELECTRIC SERVICE, POWER AND ENERGY RATES

**MISCELLANEOUS BUSINESS.** Hotel & Restaurant with Optional Premises renewal request by B & G, Inc. d/b/a The Clubhouse Grille at 1415 Nolan Drive. David Griego presented himself on behalf of B & G, Inc. Councilmember Miles asked the status of the hood system. Mr. Griego said that he contacted the company out of Pueblo and hopes to have it re-inspected within the week. Fire Chief Perea addressed Council. He advised that the Fire Department will be conducting their annual inspections. With there only being one or two fire extinguisher companies locally, they will be really busy. This time of year he said they give the businesses extra time to get their fire extinguishers done. It is not a life safety issue and he said he knows the businesses will take care of it. Chief Perea recommended Council not hold up the license. A motion to renew the license renewal was made by Councilmember Shew and Councilmember Velasquez seconded the motion. Upon roll call vote, the motion carried unanimously.

Tavern liquor license renewal request by JuJo's Pub, Inc. d/b/a JuJo's Pub and Dance Hall at 125 N. Chestnut Street. Shirley and Joe Incitti were present on behalf of the applicant entity. A motion to approve the license renewal was made by Councilmember Bolton and seconded by Councilmember Bonato. Councilmember Miles asked if the exit lights are being repaired. Mrs. Incitti answered that they are done. Roll call was taken on the motion and carried unanimously.

First reading of an ordinance amending Article 1 ("Utility Billing") of Chapter 12 ("Municipal Utilities") of the Code of Ordinance of the City of Trinidad, Colorado, to allow budget billing for all utility customers, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bonato and read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on June 18, 2013 was made by Councilmember Mattie. The motion was seconded by Councilmember Shew. Councilmember Bolton asked upon formal approval how soon the service can be used. City Manager Acre answered that in speaking with staff it can begin immediately. Although the City typically works with the residential customers to get them set up on budget billing in May, staff will begin the process beginning in the month following final approval of the ordinance. Next year, however, they will begin in May for everyone. He said they want to provide the benefit as quickly as possible. Roll call was taken and the motion carried by a unanimous vote.

ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLE 1 ("UTILITY BILLING") OF CHAPTER 12 ("MUNICIPAL UTILITIES") OF THE CODE OF ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, TO ALLOW BUDGET BILLING FOR ALL UTILITY CUSTOMERS

First reading of an ordinance repealing and re-enacting Chapter 14, Planning and Zoning, Article 4, Zoning Ordinance, Division 1, General Provisions, Section 14-27(1)(b), Conditional Uses, of the Code of Ordinances of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits, 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 the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on June 18, 2013, was made by Councilmember Shew. The motion was seconded by Councilmember

Velasquez and carried unanimously upon a roll call vote.

ORDINANCE NO.

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 14, PLANNING AND ZONING, ARTICLE 4, ZONING ORDINANCE, DIVISION 1, GENERAL PROVISIONS, SECTION 14-27(1)(B), CONDITIONAL USES, OF THE CODE OF ORDINANCES OF THE CITY OF TRINIDAD, COLORADO, TO PROVIDE A CLEAR PROCEDURE FOR THE APPLICATION, APPROVAL AND REVIEW OF CONDITIONAL USE PERMITS

**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,** May 25, 2013 through June7, 2013. A motion to approve the payroll was made by Councilmember Miles and seconded by Councilmember Velasquez. The motion carried unanimously.

**EXECUTIVE SESSION.** For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C. R. S. Section 24-6-402(4)(e); and/or for a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402-(4)(b) – Discussion regarding status of ARPA litigation.

For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(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 – Informal City Attorney evaluation.

A motion to enter into executive session for the stated purposes was made by Councilmember Bolton and seconded by Councilmember Bonato. Upon roll call vote the motion carried unanimously. The executive session ensued at approximately 9:10 p.m. That portion of the executive session not constituting legal advice was electronically recorded pursuant to the Colorado Open Meetings/Open Records Act.

*I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 4<sup>th</sup> day of June, 2013, 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.*

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*Les S. Downs*  
*City Attorney*

Upon conclusion of the executive session at 10:55 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 Bolton and seconded by Councilmember Bonato. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

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BERNADETTE BACA GONZALEZ,  
Mayor

\_\_\_\_\_  
AUDRA GARRETT, City Clerk