

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, August 20, 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

PROCLAMATION – Smithsonian Week – September 1, 2013 through September 7, 2013. Paula Little, Director of the Arthur Roy Mitchell Memorial Museum addressed Council and expressed her appreciation for this opportunity. She told Council that they are very excited. Next week 16 crates from the Smithsonian Institution weighing about 220 pounds each will be delivered to the museum. The opening reception for this event will be held on September 6th. It is open to all at no charge. Ms. Little said there will be entertainment, music, authors, and a special exhibit by the Santa Fe Trail Association. On a side note she pointed out that the Mitchell Museum hosted the Governor's visit this past Wednesday and that they held a kids tire painting for the ArtoCade, and the rodeo queen's show. Lastly she reported that Goal Academy will be leasing space from them and that they've formed a partnership to have a creative performing arts school. The Smithsonian is the icing on the cake, she said. Mayor Baca Gonzalez read aloud the proclamation and presented it to Ms. Little.

The pledge of allegiance was recited.

EXECUTIVE SESSION – 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) – ARPA litigation. A motion to enter into executive session for the stated purpose was made by Councilmember Bolton and was seconded by Councilmember Velasquez. The motion carried unanimously upon roll call vote and the executive session ensued at 7:06 p.m.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 20th day of August, 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.

Les S. Downs
City Attorney

Upon the conclusion of the executive session the meeting resumed at 7:20 p.m.

APPROVAL OF THE MINUTES. Regular Meeting of August 6, 2013. A motion to approve the minutes as presented was made by Councilmember Shew and seconded by Councilmember Bonato. The motion carried unanimously, excepting Councilmember Miles who abstained due to her absence from that meeting.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Councilmember Bonato reported on his attendance of the Sangre de Cristo Hospice Care ribbon cutting ceremony. He noted the presence of the Mayor and other delegates and said it is a great facility, adding that the community should be proud to have such good care here and he wished them great success. He also reported on being honored to see the Governor last Wednesday and he was proud of our citizens for asking great questions about fire, transportation, etc. including saving the Southwest Chief.

Councilmember Miles told Council she too attended the Governor's breakfast at the A. R. Mitchell Museum. She complimented Terry Sears for his good working in trying to save the Southwest Chief. She next reported on her attendance of the meeting she attended in Pueblo with the Army that had been hastily rescheduled to Pueblo from Trinidad last week. They met with Senator Udall, the County Commissioners, other elected officials and Assistant Secretary of Army Katherine Hammack. At the meeting it was announced that the Army is looking at lifting the waiver in a three to six month time period.

Councilmember Mattie said he attended the Governor's meeting and expressed his appreciation to Terry Sears for his representation of the community as it relates to the railroad. He added that the Mayor did a great job representing the City. He also noted that at least two Council members attended the closing performance at Southern Colorado Repertory Theatre last Saturday.

Councilmember Bolton deferred comment on the Governor's reception since it was adequately covered. She told Council that she just returned from Main Street Boot Camp in Denver. It was a great comprehensive program where they heard from at least seven agencies that are available to assist the City with our downtown revitalization. One advantage the City reaped already from becoming a Main Street Candidate Community is that the City will receive approximately \$40,000 in architectural services for one of our downtown buildings before the end of the year. She said that is a great return on the City's initial one-month investment into the Program. Councilmember Bolton also reminded that the Creative District will begin work on the community assessment on Monday, August 26th at 5:30 p.m. at the Famous Performing Arts Center.

Councilmember Miles told Council she attended the CML training for Urban Renewal Authorities in Denver. She

said it was a good program that went from 9:00 a.m. to 3:00 or 4:00 p.m. and it was a very collegial atmosphere. A lot of people who were very experienced with urban renewal authorities were more than willing to share bylaws and provide insight. She said they'll have to see how it works for the City and perhaps get started with a test case. Councilmember Miles noted that there is legislation proposed for next session relative to urban renewal authorities and so the City might want to get on the screen with a blight study before it becomes subject to provisions of possible new legislation.

Mayor Baca Gonzalez reported that she wasn't able to attend the urban renewal training so City Manager Acre attended in her place. She said she appreciated his commitment of time toward these opportunities. She also expressed gratitude for the very good return on the City's investment with the Creative District thus far as reported by Councilmember Bolton.

Council members Velasquez and Shew had nothing to report.

REPORT BY CITY MANAGER. Raton Basin Economic Development. City Manager Acre reminded Council that the Raton Basin Economic Development plan will be launched tomorrow in Trinidad (one of three locations) at 6:00 p.m. at SCRT. He encouraged Council to attend and said it will be a great tool working from a regional perspective.

Paving. City Manager Acre told Council that with respect to the paving project some streets in town have been completed. The contractor is concentrating on the Industrial Park. Curb and gutter is almost complete so they will start milling this week. He concluded that they are ahead of the budgeted amount and consequently may be able to do more work in town.

North Lake Project. City Manager Acre informed Council that Mike Graber, the City's engineer, will come in next week to talk to Council. Part of the project is on schedule and part is slipping behind schedule. There are some spillway construction concerns and some of the pipe that was installed was mislaid. The spilling basin is on schedule to be completed by September 5th. What is lagging is the pipe placement. He said they'd likely be discussing liquidated damages on that. Mr. Graber will need some additional engineering fees for his handholding. The on-site workers, however, are committed to getting it done and done correctly. Mike Graber and Gilbert Ramirez, the City's employee, are keeping a handle on it.

Trolley operations. City Manager Acre told Council that he met with the trolley driver this week and took a ride as a tourist recently. He said he told the driver to try to add Commercial Street back on his route and try to put a more positive spin on things. The driver agreed to put together a script and is willing to continue to work with the City and do things differently. He concluded that it was a good meeting.

Transportation meeting. City Manager Acre told Council that he went to La Junta yesterday and with the City Manager of La Junta, Rick Klein, attended the state transportation meeting. He said state legislators and representatives were present and he and City Manager Klein made a push for the state to fund \$2 million per year for rail to help support the Southwest Chief. Senator Crowder said they did a good job in presenting their case. City Manager Acre said it was educational to many about how important the Southwest Chief is for this part of the state and how many people actually use it. A professor from Otero Junior College mentioned that people sometimes wants to come from Denver to La Junta by train but cannot. He said he thinks they got CDOT's attention.

Opera House. Council was informed by City Manager Acre that Building Inspector Chris Kelley and City Planner Louis Fineberg looked at the Opera House building with Bill Barnes. Recent reports were received of additional facing falling off and some listing. However, they think it is structurally okay for now. Mr. Barnes indicated that he has completed some construction documents to present to the insurance company to start getting work done. The cost is estimated at \$2.7 million for the some of the interior demolition and structural repairs. The insurance is supposed to help with about \$2 million. He said it is hoped that they will see some progress toward the end of the year or first of next year.

REPORT BY CITY ATTORNEY. City Attorney Downs commented that Steve Larson who owns the Opera House told the City a long time ago that he was going to tell the City in two weeks what he was going to do with the building. This issue has gone on quite a while.

Toltec. Councilmember Shew asked City Planner Fineberg if he had looked at the building on Commercial Street (the Toltec) that supposedly had some bricks falling from it. City Planner Fineberg answered that Building Inspector Kelley visited the site and said it is not an issue.

Schedule. Councilmember Miles advised that she will be away from Trinidad from tomorrow morning to Monday night, but will be here for next Tuesday's Council meeting.

Action 22. City Manager Acre told Council that Action 22 will have their caucus after the Chamber luncheon tomorrow. He said evidently there are open seats on that board and it has been suggested that Trinidad may want a seat on the board. He said he would be more than willing to serve unless a member of Council would like to. There are three seats available. Jim Vigil is interested and there's another person from the County who is well versed in water issues who is interested. Council concurred that City Manager Acre should vie for the seat on the board. City Manager Acre noted that it is anticipated that there may be legislation regarding urban renewal authorities and there are always water issues. It would be good to pay more attention and have a voice. He said he'd take care of the nomination letters and Councilmember Bolton has agreed to represent the City as the voting block as he will be at a meeting related to ARPA. Mayor Baca Gonzalez authorized use of her signature stamp for the execution of the letter assigning Councilmember Bolton to vote on behalf of the City.

UNFINISHED BUSINESS. Hotel and Restaurant liquor license renewal request by Wonderful House Trinidad, Inc. d/b/a Wonderful House Trinidad at 415 University. Mayor Baca Gonzalez acknowledged the attendance of Kelly Voong to represent the applicant. A motion to approve the renewal was made by Councilmember Miles and Councilmember Shew seconded the motion. Upon roll call vote the motion carried unanimously.

Public hearing for consideration of an ordinance submitting a proposed Home Rule Charter amendment regarding circumstances pertaining to contract effective dates to the registered electors of the City at the Regular Municipal Election to be held on November 5, 2013. Mayor Baca Gonzalez declared the public hearing open and called for comments. No one present in the audience provided comment. City Manager Acre pointed out that the Council Communication had language added that had been discussed previously to memorialize it for the future. Councilmember Miles thanked him for the addition. There being no further comments, the hearing was closed.

Second reading of an ordinance submitting a proposed Home Rule Charter amendment regarding circumstances pertaining to contract effective dates to the registered electors of the City at the Regular Municipal Election to be held on November 5, 2013. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Mattie and seconded by Councilmember Velasquez. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 1943

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, SUBMITTING A PROPOSED HOME RULE CHARTER AMENDMENT REGARDING CONTRACT EFFECTIVE DATES TO THE REGISTERED ELECTORS OF THE CITY AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2013

MISCELLANEOUS BUSINESS. New hotel and restaurant liquor license application filed by PGE Enterprises, LLC d/b/a Krackalack Sports Grill at 416 University. Richard Ewing addressed Council on behalf of PGE Enterprises, LLC. He told Council that they had the Dairy Queen and his family has been in the Dairy Queen business for 40 years. He said it is time to move on. With the location, he said they are looking to do more of a family-oriented place to eat, not like a bar, but if a person wants an adult beverage they could have one. The name of the business is sports related with local meaning and he said they intend to embrace local community youth sports. A motion to set a public hearing for consideration of the application for 7:00 p.m. on October 1, 2013 and set the tentative neighborhood boundary as the corporate City limits was made by Councilmember Bolton. The motion was seconded by Councilmember Velasquez and carried unanimously upon roll call vote.

New beer and wine liquor license application filed by Mattorano Enterprise, Inc. d/b/a Lee's Bar-B-Q at 825 San Pedro Avenue. Frank Mattorano addressed Council representing the application. He said they own Lee's Bar-B-Q and a lot of people want to have a beer with their chili burger so they thought they'd try to get a license. Councilmember Mattie moved to set a public hearing for consideration of the request for 7:00 p.m. on October 1, 2013 and set the tentative neighborhood boundary as the corporate City limits. Councilmember Bonato seconded the motion which carried unanimously upon a roll call vote.

Consideration of Water Lease Agreement between the Wall of Legends, LLC and the City of Trinidad. City Manager Acre reminded Council that a language change was proposed at the previous work session whereby "or" was proposed to be replaced by "to", and it has been changed in the agreement accordingly. Wall of Legends was agreeable to the change. He said regarding the question concerning whether the water lease would transfer should Wall of Legends sell the property, the City has to allow the transfer to happen; it would not be automatic. He said the parties are happy with the terms and recommended the City move forward with the agreement. A motion to approve the agreement as presented was made by Councilmember Bolton and Councilmember Shew seconded the motion. Upon roll call vote the motion carried unanimously.

Resolution supporting application to the Great Outdoors Colorado Local Government Park, Outdoor Recreation and Environmental Education Grant Program to obtain funding to make renovations and additions to Central Park. City Manager Acre deferred to Planning Director Fineberg to provide an update from calls they had this week concerning the plan. City Planner Fineberg addressed Council. He said the one modification to the project since it was discussed at work session involves the location of the proposed dog park facility. The City is now evaluating other areas to locate the dog park. It may or may not appear in the grant. He said they have about another two weeks before the grant is due and so might be able to find a better location. City Manager Acre explained that some nearby residents gave input about the location of the dog park and the appropriateness of the location, as did Bob Holder from the Colorado Division of Parks and Wildlife with respect to the proximity and conduciveness of the Central Park Lake. This was a minor part of what the City is trying to do with Central Park so staff decided to look for another location. Councilmember Mattie asked if he means they are looking elsewhere in the City or elsewhere in the park. City Planner Fineberg said they are looking elsewhere in the City, probably not in Central Park. There has been a lot of demand for a dog park. Finding a location has proven to be a little bit challenging. There's no ideal location for it. However he said they are still trying to evaluate some alternatives and have a few interesting leads that they are exploring. Mayor Baca Gonzalez opined that it is important to have a dog park since we are on the I-25 corridor. City Planner Fineberg said that it might be a good way to get people to come into town. A motion to adopt the resolution was made by Councilmember Bolton. The motion was seconded by Councilmember Shew and carried unanimously upon roll call vote.

RESOLUTION NO. 1418

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING APPLICATION TO THE GREAT OUTDOORS COLORADO LOCAL GOVERNMENT PARK, OUTDOOR RECREATION AND ENVIRONMENTAL EDUCATION GRANT PROGRAM TO OBTAIN FUNDING TO MAKE RENOVATIONS AND ADDITIONS TO CENTRAL PARK

Motion to authorize sponsorship of a grant application to DOLA on behalf of the Trinidad Housing Authority for upgrades to the Corazon Square Senior Housing Complex. Mayor Baca Gonzalez recognized Executive Director of the Housing Authority, Rosemarie Shier, in the audience. City Planner Fineberg addressed Council. He said last year he had

visited the Corazon Square Housing Complex to meet with Ms. Shier and some of the Housing Authority employees. He took a tour and was shown some of the upgrades they were pursuing and would like to complete. The Housing Authority wanted to apply to Department of Local Affairs (DOLA) for a grant to do the work in four phases. DOLA requires government sponsorship for grants, so the Authority was not able to apply directly. Therefore, they've asked the City to sponsor the grant. He said they just received the grant application from them for phase one. The proposal is that the City would submit on behalf of the Housing Authority. Administration of the grant would likely be split between the City and the Authority through an intergovernmental agreement upon approval of the grant. Administrative costs of approximately \$12,000 are allowed within the grant. They will need to decide who will receive those funds. He suggested it would likely be split based on the relative administrative duties. The grant administration will take some Planning Department and Finance Department time. The parties will need to work out the details of that agreement. City Planner Fineberg said Phase One includes upgrades to the heating system, domestic hot water and air conditioning systems to increase energy efficiency and lower operational costs. Phase Two, which is not being applied for at this time, will be for the installation of a fire suppression system. The Housing Authority will be requesting a water tap from the City for Phase Two, which he was informed by a DOLA representative, will make the grant more competitive if it is granted by the City. Councilmember Bonato asked if this had been previously discussed in January or February of last year, and what took so long to move on it. City Planner Fineberg said he visited the site and may have mentioned it. Ms. Shier told Council that they met with City Planner Fineberg in late February. At that time they had an influx of capital fund money from the Federal government they needed to obligate and that took up most of their time. On Strong Avenue & Linden Avenue and Strong Avenue & San Luis Street they've just about completed two beautiful pocket parks. Also in that time they installed energy efficient doors on 100 of their units. Additionally, day to day operations contributed to the delay. Councilmember Mattie asked if the grant requires local contribution. City Planner Fineberg said the City is not required to contribute funds. Ms. Shier said at some point they will probably pledge \$5,000 from their non-Federal fund pool and will also in all probability use a small amount from their reserve. She said they were also going to defer on the developer's fee to show an in-kind match for this first phase. Councilmember Mattie asked the age of the complex. Ms. Shier said it was opened in 1983 she believed with Urban Renewal funds. Upon inquiry she said the complex is 100% occupied to-date. There are 50 units for rent. City Manager Acre commented that the fire chief will welcome Phase Two with the fire suppression system addition being proposed. A motion to authorize sponsorship of a grant application to DOLA on behalf of the Trinidad Housing Authority for upgrades to the Corazon Square Senior Housing Complex was made by Councilmember Bonato. The motion was seconded by Councilmember Bolton and carried unanimously upon roll call vote.

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

PAYROLL, August 3, 2013 through August 16, 2013. A motion to approve the payroll was made by Councilmember Velasquez and seconded by Councilmember Bonato. 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 Velasquez. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk