

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, September 3, 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

PROCLAMATION – ArtoCade Celebration Week – September 9, 2013 through September 15, 2013. Pat Patrick was present to accept the Proclamation. He announced that this event is a City of Trinidad Tourism Board production. Mayor Baca Gonzalez read aloud the proclamation and presented it to Mr. Patrick.

Trindie Fest Week - September 9, 2013 through September 15, 2013. Mayor Baca Gonzalez read aloud the proclamation and asked that it be provided to the Loudons.

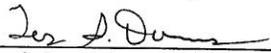
The pledge of allegiance was recited.

Mayor Baca Gonzalez asked for Council's consideration in conducting the executive session at this point in the meeting due to the presence of the City's legal counsel. A motion to take executive session out of order to conduct it at this point in the meeting was made by Councilmember Bonato and seconded by Councilmember Mattie. The motion carried by a unanimous roll call vote of Council members present.

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. A motion to enter into executive session for the stated purposes was made by Councilmember Bolton and was seconded by Councilmember Shew. The motion carried unanimously upon roll call vote and the executive session ensued at 7:11 p.m.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 3rd day of September, 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 7:25 p.m.

APPROVAL OF THE MINUTES. Regular Meeting of August 20, 2013 and Special Meeting of August 27, 2013. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Shew. The motion carried unanimously upon roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Bob Butero, UMWA & State Ludlow Commission, update on upcoming events. Mr. Butero reminded Council that they are scheduled to conduct the annual Ludlow memorial service on September 22nd. He thanked Council for the Proclamation issued in April. Mr. Butero told Council that the Governor established the Ludlow Centennial Commission in April made up of 12 or 13 people to oversee the events surrounding the upcoming Ludlow services. The Commission over the last four to five months has scheduled several upcoming events. The local event will be on Sunday, September 22nd at 11:00 a.m. at the Ludlow site. Next year the annual service will be held on May 18th even though the massacre occurred on April 20th because that is Easter Sunday. The Greek Orthodox Church out of Denver will come down and hold a prayer vigil next year. Mr. Butero named some of the events scheduled, including one on September 5th at the Rawlings Public Library in Pueblo at 7:00 p.m. Author Thomas Andrews, who wrote 'Killing for Coal' will be the speaker. On Thursday, September 12th there will be a presentation in Erie, Colorado, at 7:00 p.m. by Dean Saitta, an archeologist who did the archeology dig at Ludlow. He continued that on Saturday, September 14th the Bessemer Historical Society of Pueblo will conduct a coal camp tour. The bus tour will begin in Pueblo and they will make a stop in Walsenburg and then travel to the Rouse, Delagua and Hastings areas and will stop and have lunch at Ludlow. On Sunday, September 15th Florence, Colorado, will host Ludlow Debates. Four representatives from that era will have debates. On Thursday, September 19th there will be an opening at the El Pueblo Museum in Pueblo at 5:00 p.m. entitled 'Children of Ludlow'. The exhibit will run through December, 2014. Finally he said on Saturday, September 21st at the Bloom Mansion Museum in Trinidad, Richard Bonaquista and his daughter will speak about some of the history of the tent colonies and how Mr. Bonaquista's grandfather was a member of the tent colony. That night at the Greek Orthodox Church in Denver there will be a presentation by Zeese Papanikolas, author of 'Buried Unsung'. Mr. Butero, providing the chronological event schedule, reminded of our local services on September 22nd and told Council that on September 26th Dean Saitta will hold a program in Broomfield. There will be a lot of events throughout the state. Their goal is to get out the message about Ludlow. He reminded Council of the visit from 50 high school students from around the state this summer who were involved in the camp's historic preservation doing some painting of the

surrounding fence. He said he asked the kids at a roundtable discussion how many of them knew about what had occurred at Ludlow or were taught about it in school and not one of them raised their hand that they did. This event happened in our state but it is not being taught about in our schools. Mr. Butero concluded that he hoped Trinidad and Walsenburg, Huerfano and Las Animas Counties, will benefit from these events.

Phil Rico addressed Council. He said he was here to address them on the marijuana issue that is a concern in the community. There is some evidence that medical marijuana has its place. He questioned if there are enough medical users in Trinidad to overshadow the recreational users. The recreational use is beginning to overshadow everything else. He suggested Council consider the following issues when deciding how they will vote: 1) Is this the appropriate time to give this a yes vote because we'll have new Council members seated in a few months? It is not in the best interest of the community that the current Council vote in favor at this time because the incoming Council members will have to take ownership of it. 2) Will a yes vote enhance the quality of life of the residents of the City? 3) Will a yes vote enhance the education of students? 4) Will it enhance the quality of life of the elderly? 5) Will the increase in tax revenues dramatically offset the cost of the additional workforce that will be needed to control the distribution? 6) Will this help the business community who has employees, and most importantly drivers? He said that is a big concern in the business community. Mr. Rico said they are in the beginning stages of redefining our community through the various programs such as SET, the Main Street Program, Creative District, and the Community Roundtable. They are all working to redefine our community. How will this decision redefine Trinidad? Will a yes vote enhance the quality of life for everyone in our community?

Steve Heller addressed Council. Mr. Heller said that everyone by now has seen the Attorney General proclamation that the United States Government informed the Governors of Colorado and Washington that the Department of Justice will allow the state to create a regime that would regulate the ballot initiative. Colorado and Washington have legalized the consumption of marijuana, and the federal government will not prosecute related crimes in those states. The rest of the country could soon follow. The action has been compared to the end of alcohol prohibition with respect to the federal government's reaction. Mr. Heller said he was an educator for about 25 years working mostly with high school students. He said kids will get high – they will find a way. They'll sniff glue, propellant from spray cans, they can make meth and one of their favorites is booze. He said some argue that this is a gateway drug, but so are the above. Lastly he said he was saddened to hear it argued that since others with serious medical conditions must travel to Pueblo and beyond to seek treatment so should those whose pain and suffering could be treated here in Trinidad. They should be made to travel for several hours to Pueblo. He opined that to be mean-spirited and denies Trinidad much needed business and tax revenue.

Karl Gabrielson addressed council. He said he was before Council to request a ban on marijuana sales in City limits. He said he views this as purely a land use issue and he doesn't see how marijuana sales in Trinidad would benefit the community. He suggested they would see that it will deter people from investing in the down town buildings and deter tourists, predominantly Texas tourists. Trinidad is the number one gateway into the state of Colorado and 3.25 million tourists travel through Trinidad every year on their way someplace else. Our goal for many years has been to try to capture some of that tourism traffic and bring it into downtown Trinidad. He said he doesn't see for a moment that retail or medical marijuana sales are going to help that cause. He recalled Mr. Rico speaking of many committees working really hard, but said he never once hear from any of those committees or groups that they are trying to encourage marijuana sales in downtown. Mr. Gabrielson said it will degrade the community and have a negative impact on attracting senior citizens and young families here to relocate. He said he doesn't personally want to raise his family in a community that condones and promotes marijuana sales. He also recalled Councilmember Mattie having mentioned that when he was looking for a college for his daughters that he had picked one over the other based on a perception of drug use. There are about 1,700 full-time equivalent students at Trinidad State Junior College. He asked Councilmember Mattie if he were taking his daughters to Trinidad now and saw a big green marijuana sign, would he consider traveling on to another community. It is a big issue here in Trinidad. College students smoke pot. He felt parents of college students would encourage those students to go to another community that doesn't allow marijuana sales. He reiterated his request that Council consider an outright ban on marijuana sales in Trinidad.

Amber Barela addressed Council. She recalled that last week Councilmember Mattie had a question and concern with retail marijuana establishments being similar to a casino-like environment. However, the regulations state that the signage and advertising should have no content that appeals to minors. Regulation R 1111(b) says "Outdoor Advertising Generally Prohibited. Except as otherwise provided in this rule, it shall be unlawful for any retail marijuana establishment to engage in advertisement that is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media: any billboard or other general outdoor advertising device; any sign mounted on a vehicle; any hand-held or other portable sign; or handbill, leaflet or flier directly handed to any person in a public area or left upon a motor vehicle; or posted upon any public or private property without the consent of the property owner." She also read regulation R1107, "Advertising: Internet – A retail marijuana establishment shall only engage in advertising on those internet websites that require a user to verify that he or she is at least 21 years of age." Ms. Barela said regarding youth possession, she provided Council with a survey from Sensible Colorado at their seating places. The survey entitled "Marijuana Use Down Among Teens in Colorado Since the MMJ Regulations Implemented" reads "Since the passage of HB10-1284, Colorado's historical medical marijuana regulation legislation, current marijuana use among high school students in Colorado has dropped from 24.8% to 22.0% according to the Federal Government's Centers for Disease Control and Prevention Youth Risk Behavior Surveillance Assessment." "These findings are consistent with a recent report published by Professor Mark Anderson that shows no noticeable link between increased youth marijuana use and states legalizing medical marijuana. In fact, the report shows that marijuana use among teens in Colorado is slightly below the national average." She said the next two paragraphs go on to say that the marijuana use is higher than tobacco among teens. She continued from the report "Previous studies have shown that cigarette use and availability among teens, which had been sharply increasing in the early 1990s, began steadily declining shortly after the 1995 implementation of the "We Card" program, a renewed commitment to strictly restrict the sale of tobacco to young people." Ms. Barela told Council that she works at a pizzeria downtown, and has for many years. She said she has all kinds of travelers coming in and talking to her, especially Texans. They ask her where they can get a sack of weed. She concluded that she didn't think it would hurt the revenue for this town at all. It would be great.

Eric Eanes addressed Council. He said he thinks numerous articles of statistics and evidence have been presented to

ARPA. City Manager Acre informed Council that the City's attorneys involved in the ARPA lawsuit had a conference with the judge in Trinidad today. The judge asked the City to move the trial to February 3, 2014 from September 23, 2013. The Judge had some scheduling conflicts that took precedence over the City's trial. Councilmember Miles corrected that the judge told the City to move it because of the number of criminal cases on the docket and that they are entitled to speedy trials.

Buildings. City Manager Acre reminded Council that over the weekend he sent out an e-mail to them concerning a partial wall collapse on North Commercial Street. He said the Building Inspector has posted the building and is sending a letter to the owners, who allegedly had already been contemplating demolishing the building.

Chapter 5/Building Code Updates. City Manager Acre told Council that Building Inspector Chris Kelley will be bringing back additional information to Council on the building codes focusing on phasing of work and the 2012 building codes. He said he'll take next week's work session for that topic as well as a few other items. Mayor Baca Gonzalez told Council that she will be at a Mayor's conference next Tuesday in Denver whereby she will be a speaker early on. She asked if the work session could be held at a later time. City Manager Acre said that the Planning Commission meets at 5:30 p.m. and suggested a 6:30 p.m. work session time to accommodate the request. Mayor Baca Gonzalez said the soonest she could be back in Trinidad is 3:00 or 3:30 p.m. Councilmember Bolton suggested holding the work session at 4:00 p.m. City Manager Acre expressed concern that with the other item he'd like to bring up and the building codes, one and one-half hours may not be enough time. He recommended they meet at 6:30 p.m. which would give the Planning Commission an hour for their meeting and added that at the September 24th work session there will be budget presentations. Council concurred.

Mosquitoes. City Manager Acre said that with the recent rain there has been an increase in the mosquito population. The Street & Bridge Department has some mosquito spray on hand that they will add to and start spraying next week. They have already done some spot spraying. He said that the City has had quite a few complaints about the mosquitoes over the weekend so they will do more spraying. Councilmember Bolton recalled that she had been previously told that there wasn't money in the budget for mosquito spraying. City Manager Acre said he was incorrect. Councilmember Bolton told him she would have appreciated him letting her know so she could have let the people who inquired of her know.

Chapter 5/Building Code Updates. Councilmember Miles asked the long-term plan with the building codes. She said she wakes up and hopes she doesn't read about a wall falling and recently one did. This is the third or fourth work session on the codes. City Manager Acre said his intent is to get building codes in place that everyone can support and have some flexibility, but at the same time some set criteria to enforce. Building Inspector Kelley has had some difficulty with the existing building code and with enforcing it. CIRSA will take a look at it as well. He said he wants it to be flexible but enforceable and he also wants to tackle the residential code. Councilmember Miles said she is aware that there is at least one important issue that Council hasn't given staff guidance on. She asked if after staff has that guidance what his goal would be in getting to where we need to be. City Manager Acre said if there is consensus next week from Council he wants to be able to get a final draft sometime in October for action.

REPORT BY CITY ATTORNEY. Medical Marijuana. City Attorney Downs called to Council's attention at their seating places a copy of the Colorado Department of Revenue's Medical Marijuana Code. He said in his zealously he overlooked providing Council with the medical marijuana regulations.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Appointments to the Planning, Zoning and Variance Commission. Mayor Baca Gonzalez announced that there are two vacancies and that three letters of interest were received to fill the vacancies on the Planning, Zoning and Variance Commission prior to the published deadline. The letters were received from Kent Eberhart, Frank Leone and David Baca. She advised that David Baca is her nephew as well as Councilmember Bonato's nephew and should he be nominated to be appointed neither could vote on it. Councilmember Shew moved to re-appoint Kent Eberhart and Frank Leone to the Commission since they've been on the board and have done a good job and have wanted to dedicate the time needed. Councilmember Bolton seconded the motion which carried unanimously upon roll call vote.

Mayor Baca Gonzalez pointed out that Council has five versions of ordinances to consider related to retail marijuana. Council chose to discuss the matter before introducing any of the proposed ordinances. Mayor Baca Gonzalez summarized that there are three possible ordinances that could be introduced and read, prohibiting retail marijuana, extending the moratorium until June 30, 2014 or extending the moratorium until March 1, 2014. Councilmember Miles suggested a process of elimination. Councilmember Bonato commented that as he has listened to the public and given it thought proper to the City, he opined that implementing a moratorium is a waste of time and there are more important issues the City has to face, including budget, buildings, and capital improvements. He added that he feels a moratorium will be passing the flag to another Council. People have asked him what Council is thinking when there are legal issues to deal with like ARPA, buildings, and CIRSA liability with respect to those buildings. Council needs to decide what is really important. He said his personal opinion and the feedback he has had from members of the public is that the sale of retail and medical marijuana should not be allowed within the City of Trinidad. Councilmember Miles agreed with him on not kicking the can down the road, however she said the reason a moratorium on retail makes sense to her is that it might work in conjunction with moving towards medical marijuana. She said that is what the City of Denver has done - they've put a moratorium on retail and over time will consider whether to allow medical marijuana establishments.* Councilmember Bonato said he's hearing about other communities voting it down. Councilmember Mattie said the information Council has been getting is that most places are declaring a moratorium to buy time so things can work themselves out and to get answers to questions, such as the recent stance from the Federal Government. He said a moratorium will buy the City time. He too said he spoke with a number of people and this issue which has weighed heavily on his mind, having been a law enforcement officer for the past 36 years and having lived here all of his life. He added that he's driven people from chemotherapy treatment and seen the consequences of that treatment and understands that locally there were 45% of the voters who voted against it and his responsibility to protect their quality of life. He recognized also Mr. Rico's suggestion of tabling the issue and the fact that Councilmember Shew doesn't even want to vote on it because he wants to leave it for the next Council. He said that may be a reason to postpone the decision. He said what he's gleaned from talking to those he spoke to is that there is a fear and

Correction:
*to convert to
retail sellers.
9/7/13 A.G.

frustration - fear on that which we don't understand and frustration on the sinking ship we seem to be on. Everyone is looking for something to turn us around. He likened it to the building of Las Vegas and noted the problems that came with it but conversely the employment. The decision to use or not use marijuana is a personal choice. If it is important to a person to have a commercial driver's license they can protect that and refrain from being involved with marijuana. We hand out liquor licenses like there's no tomorrow here, because they are going to have an adult beverage with their dinner or while at a theatrical performance. He agreed that we need to protect our children - parents need to protect their children and give them the value system so they can make good decisions. Councilmember Mattie said he sent one of his children to Fort Collins to college where they have 42 medical marijuana dispensaries. He was worried about Boulder, but Boulder has 26. His other child went to Denver where there are 559 medical marijuana dispensaries. It's not the location, it's the kid. He said he sent them there well prepared and well equipped. You are going to face this and have to make a proper decision. You cannot legislate morality. Councilmember Mattie concluded that he supports medical marijuana. Saying that you are going to legislate this and keep it out of the hands of kids and legislate against it makes as much sense as saying let's legislate guns so criminals won't have them. We have to do a better job at educating so people make better choices. People who are in need of medical attention and the relief they derive from medical marijuana have his support, he said, based on the trips he made with friends and family from chemotherapy and having to pull over every 15 minutes on the way home so they could vomit. Councilmember Bonato said he doesn't think Trinidad is ready for this and he doesn't think we have the manpower on the police force to regulate it. Councilmember Mattie suggested that the revenue from it should be dedicated primarily to law enforcement to deal with it. Councilmember Bolton introduced the ordinance providing for a moratorium on retail marijuana until June 30, 2014. Councilmember Shew commented that he's said he feels he shouldn't vote on the issue because he's a short timer. He said he recognizes that he's passing the buck but pointed out that some decisions in the past by past Councils have cost the City dearly, ARPA being one of them. He suggested the City needs to get more information and extending the moratorium gives the City time. He added that whoever gets his Council seat should have a choice in the matter, so he will vote to extend the moratorium. Councilmember Miles asked why June versus March for the moratorium. Councilmember Bolton answered that she introduced that retail marijuana moratorium ordinance in hope we can get started on medical first. Councilmember Miles agreed but said that they could have ordinances in 90 days for medical marijuana, December 1st. We could be granting licenses in the beginning of 2014 for medical. She asked Councilmember Bolton if she's saying we need six months to see how the medical marijuana licensing works out before we decide on the retail. Councilmember Bolton said that's her line of thought and Councilmember Shew agreed and said we need more information on medical marijuana too and we shouldn't rush into any of this. Councilmember Miles commented that nothing will be enacted by this current Council. All they would be doing is giving guidance to staff to bring back land use issues and regulations in two to three months. City Manager Acre said two to three months is a best guess but the longer the time period the better. Councilmember Miles pointed out that even with medical marijuana it will be the next Council deciding. We are just trying to not lose time while waiting for the election process. Councilmember Shew reiterated his sentiment that it shouldn't be rushed. Councilmember Miles concurred. Councilmember Mattie added that what they are doing he thought would be a deciding factor in the election. Mayor Baca Gonzalez stated that she is not in favor of either recreation or medical marijuana but she said she has enough sense to get the impression that voting no will not be a viable option. There's a motion on the floor to consider the moratorium and she said she respects the decision of the majority of her colleagues.

First reading of an ordinance of the City Council of the City of Trinidad, Colorado, providing for a moratorium until June 30, 2014, on the submission, acceptance or processing of application 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, and setting a hearing date for consideration of said ordinance. The ordinance was previously introduced by Councilmember Bolton. The ordinance was read aloud in its entirety and a motion to approve it on first reading and consider it further at a public hearing at 7:00p.m. on September 17, 2013 was made by Councilmember Bolton. The motion was seconded by Councilmember Miles. Roll call was taken and the following votes were cast:

- Aye - Bolton, Mattie, Miles, Shew
- Nay - Bonato, Baca Gonzalez

The motion carried. Mayor Baca Gonzalez said she voted no because she thinks we should have gone with a prohibition.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, PROVIDING FOR A MORATORIUM UNTIL JUNE 30, 2014, ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATION 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

Medical Marijuana - Motion to direct staff to come back within 120 days with a medical marijuana licensing and regulation scheme. City Manager Acre told Council that since the City has an existing prohibition on medical marijuana, the simplest way to introduce the possibility of allowing it is to leave that prohibition in place and direct staff to come back in 120 days with ordinances for the regulation for land use and licensing of medical marijuana. The ensuing two items are on the agenda if Council wanted to proceed immediately by repealing the prohibition and bring back regulations by March 1, 2014, which is not staff's recommendation. Mayor Baca Gonzalez asked if there is any deadline right now requiring Council to do something with medical marijuana. City Manager Acre answered there is not. Mayor Baca Gonzalez asked why we are doing it. Councilmember Bolton answered that Council wants to entertain the possibility of allowing medical marijuana. Councilmember Miles suggested two to three months is a realistic window for getting ordinances ready in talking with the City Manager and Attorney and so she would like to see ordinances within 90 days. That would allow three

them that show that not only do crime rates not increase but actually decrease in areas with concentrated marijuana establishments. Youth marijuana use has gone down. Regarding the blatant store fronts that he thought many on Council are envisioning, recalling Councilmember Mattie's comment about a casino quality taking over this town, according to the regulations from what they've read are very low-key establishments with a lot of restrictions on advertising. Really the only way to advertise is through the internet. Mr. Eanes said that a consideration should be driver's safety. He said he doesn't think it is in the best interest of the community to send people to Pueblo to buy their marijuana. When it goes legal in January, he questioned what people driving to Pueblo will do on their drive home with this marijuana they've purchased. If there were an establishment here in Trinidad they could stop in and buy the marijuana and drive home within a five-minute period and not endanger anybody on the road. He said they are advocating that they go somewhere else to spend their money, and those people will most likely get high and risk their own safety and the safety of others on the interstate.

E.R.A. McCarthey addressed Council. She said she's been following the issues surrounding recreational marijuana use. She said she hears a lot of people talking about it bringing revenue or that it will destroy the community. She suggested that before those things are considered we need to look at our resources. Ms. McCarthey said she's looking at this from a business standpoint. She explained that when a person starts a business they make sure they have everything in place that is needed to be successful. She continued that our community has so much division and so many struggles, there's division in the schools, and women can't have a baby in Trinidad, referencing her own experience of traveling to Pueblo to have a baby. There's so much that the community needs to fix here before we can put this on the table. Right now with so many struggles with the economy, if we could really build the Creative District or do something else and be known for that, then that would be something we could look at. Right now marijuana would not be a big draw for our community. Who would want to come here and build a recreational or medical marijuana facility if there are no young families, if there are no good schools to put their children in? Are those the kinds of people that we want to run our businesses? She reiterated that this needs to be looked at from a business standpoint and we need to decide what our resources are and if those resources can be built upon. We have so much going on in this town that we need to fix right away. She concluded that she thinks we just have to focus on it.

Lonnie Shelton addressed Council. He told Council that he is not a resident of Trinidad. He lives in Texas. However he said he has a vested interest in this community. For approximately the past nine years he said he and his wife have owned property in the Santa Fe Trail Ranch subdivision and it has been a special place for them. They have grown to appreciate and love this community. He quoted "sometimes I think you can be so close to the forest you can't see the trees." He explained that sometimes we find ourselves so close to an issue that we don't understand the issue or its impact. He said he thinks that is true sometimes in our personal lives and in organizations and businesses as well as in communities. You can be so close to an issue it is hard to clarify what the issue is. He said last week he and his wife came here to get some things for their house, unaware of what's going on in the community. They went out to eat that evening and everything they saw and heard revolved around two issues - the schools, which needs to get resolved quickly, and the marijuana issue. Mr. Shelton said it bothered him tremendously. He and his wife were supposed to be here three days so he wrote a letter that he provided to City Council.

COUNCIL REPORTS. Councilmember Bolton reported on her attendance at the Creative District quarterly meeting last Monday regarding the Colorado Creative Industries Downtown Assessment plan. She said there were 56 community members present at the meeting. Two top immediate issues were identified - branding and way-finding. She said she was happy to announce that the Creative District Steering Committee learned just this afternoon that CCI awarded us with 30 additional hours of technical assistance to move forward with these two issues. A consulting firm has been assigned to visit and work with them in either October or November. Councilmember Bolton thanked all who participated in last Monday's meeting and promised to keep everyone informed.

Councilmember Shew expressed his appreciation to the Trinidad Roundup Association for their presentation to the community of the annual rodeo and parade. He said they did a really good job and thanked them for their hard work. It was a real plus for the community.

Councilmember Mattie reported on his attendance of the SET meeting, the Raton Basin economic development group involving Colfax County, Raton, Trinidad and Las Animas County, Huerfano County and Walsenburg. He said he was the sole representative of Trinidad in attendance. It was a lengthy meeting during which the presenters documented and demonstrated what SET is and has been doing to the benefit of the entire basin. Their objectives are economic development and betterment of our way of life. He reported also on his attendance last week of the South Central Council of Governments' meeting as a representative of the City to that board. He said it was business as usual and they are looking for a new accountant because he is now with the City of Trinidad.

Councilmember Miles commented that there is quite a bit of activity with ARPA (Arkansas River Power Authority). She added that she spent a week visiting her mother in New York.

Councilmember Bonato said that last Friday night he and the Mayor manned the tourism trailer and handed out brochures and pamphlets. There were a lot of tourists who went by. Susanne Campbell, a local artist, was on hand painting porcelain. He said he was happy to see people out supporting our downtown. Councilmember Bolton was also there to relieve him and lock up the trailer.

Mayor Baca Gonzalez said she met with Louis Davis who wanted to meet with her in person to extend his sincere thanks and congratulations to members of Trinidad's law enforcement and fire department in connection to a very unusual situation that occurred with his wife's beauty salon. Apparently there was an odor of an electrical fire and the City's personnel figured out what the problem was and addressed it. Mr. Davis wanted the City to be sure we recognized the hard work. It really did have the potential of creating a serious electrical fire.

REPORT BY CITY MANAGER. Invitation. City Manager Acre called to Council attention at their seating places an invitation received from the Trinidad State Junior College Booster Club to attend their Appreciation Night and Banquet on September 11, 2013. He noted that it took some time apparently to receive the invitation by mail and asked any Council member interested in attending to contact Executive Secretary Anna Ridolfi to RSVP or they could themselves.

months to work on ordinances and one month for a first reading. City Attorney Downs said it is not just a matter of writing an ordinance, but staff would get it done in 90 days if that is Council's direction. He said we'll be adding an article and chapter to the municipal code. Council's feedback will be needed. Councilmember Miles said she would like to keep people's feet to the fire to get the ordinances teed up within 90 days on medical marijuana. Mayor Baca Gonzalez pointed out that the posted agenda title calls for 120 days and her proposal of 90 days may not be appropriate notice to the public if they proceeded with the 90 days. City Attorney Downs agreed. Councilmember Shew opined that it should be left at 120 days. Councilmember Mattie agreed adding that this is unchartered waters and 120 days gives us more time. Councilmember Miles said she'd like it to happen as quickly as possible within that 120 days. Councilmember Mattie said the City needs to do it and do it well. Let's regulate it and control it and do it as we intend so we manage it and it doesn't manage us. Councilmember Miles said that with respect to the motion directing staff to come back within 120 days with a medical marijuana licensing and regulation scheme, she doesn't want just a power point in that time frame, she wants an ordinance. City Manager Acre called to Council's attention the proposed motion in the agenda packet which Councilmember Miles noted calls for development of an ordinance. Councilmember Bolton pointed out that the contents of the packet reads "on or before March 1, 2014" but 120 days is the end of December. City Attorney Downs said that is the wrong number of days. Mayor Baca Gonzalez asked if this should be tabled. Councilmember Bolton moved to direct staff to develop an ordinance for the development of a land use code, and development of licensing regulations, for and in connection with, medical marijuana, on or before March 1, 2014. She noted that doesn't mean staff won't accomplish it quicker. Councilmember Miles said they won't and 120 days is a lot of time. The motion died for lack of a second. Councilmember Miles made a motion to direct staff to develop an ordinance for the development of a land use code, and development of licensing regulations, for and in connection with, medical marijuana, within 120 days. The motion was seconded by Councilmember Bolton. Roll call was taken and the following votes were cast:

Aye – Bolton, Mattie, Miles
Nay – Bonato, Shew, Baca Gonzalez

The motion failed. Councilmember Bolton asked if she could reinstate her motion to March 1, 2014. Mayor Baca Gonzalez expressed concern about Council acting on something that doesn't comply with the legally mandated posting that reads 120 days, and thought it could be subject to a legal challenge if it is modified. City Attorney Downs said there were a number of dates that conflicted and that it may be best to table the item since there is no specified time frame. He recommended it be tabled to the September 17th regular meeting. A consensus of Council thought the motion should be crafted to read March 1, 2014 for their consideration on September 17th. A motion to table this item to September 17th at 7:00 p.m. was made by Councilmember Bolton and seconded by Councilmember Shew. The motion carried unanimously. Councilmember Miles commented that she voted yes despite the fact that she'd like to see an ordinance much sooner than March 1, 2014, but understands that to be the majority's feeling on Council. Mayor Baca Gonzalez added that the City is in the middle of a lawsuit with Arkansas River Power Authority and the last thing they need to do is something that could be subject to a legal challenge and incur additional legal fees. The motion needs to match the posting.

First reading of an ordinance of the City Council of the City of Trinidad, Colorado, enacting Article 12, Chapter 14 of the code of Ordinances regarding retail marijuana local licensing authority, and setting a hearing date for consideration of said ordinance. City Attorney Downs told Council that there were two ordinances regarding the local licensing authority. The first ordinance is proposed if Council elected to allow retail marijuana; the second is if prohibiting it. He explained that similar to liquor licensing, there would be concurrent jurisdiction with retail marijuana licensing. The State however will take primacy. An applicant would apply first to the state and the City would consider the application second, opposite from the way alcohol beverage licenses are considered. City Manager Acre added that the first ordinance assumes approval of retail marijuana and the second one has an added sentence in the fifth where clause that says should retail marijuana be permitted in the future in the corporate City limits. Councilmember Mattie said since they approved the moratorium the second ordinance makes sense to consider and Councilmember Bolton added that that ordinance also references that the ordinance shall not become effective unless and until the licensing of retail marijuana is permitted within the corporate City limits of Trinidad. The ordinance was introduced by Councilmember Bolton 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 September 17, 2013 was made by Councilmember Bolton and seconded by Councilmember Shew. Mayor Baca Gonzalez asked City Attorney Downs to summarize why Trinidad would want to be the licensing authority instead of the State. City Attorney Downs said that if the City approves licensing Council will want to have a public hearing based on the needs of the community, for example. Council will want to make sure local concerns are addressed. That will be done only after the state gives their approval for a license. Council as the local authority would have the concerns of the local community at heart. Mayor Baca Gonzalez summarized that Council would have more control than it just being up to the authorities in Denver. Councilmember Mattie said he envisions Denver being inundated with applications and asked who trumps should they approve someone that the local authority finds not to be in the best interest of the community. City Attorney Downs answered that Council would have full authority to reject licensing of an individual or entity. He reminded that Council will decide on licensing criteria such as time, place, and manner restrictions. The local restrictions can be more stringent but not less than those of the state. Applicants will come in with state approval first. Councilmember Mattie asked if he's correct that the state will have licensing criteria to be met first and subsequently Council can place more restrictive considerations above and beyond what the state requires. City Attorney Downs said that is correct. Councilmember Bonato asked if an applicant could circumvent the local licensing authority to obtain a retail marijuana license if they have a medical marijuana license. City Attorney Downs said they cannot with either type of license. It is still subject to the local authority's approval. Roll call was taken on the motion which carried by a unanimous vote.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO,
ENACTING ARTICLE 12, CHAPTER 14 OF THE CODE OF ORDINANCES REGARDING
RETAIL MARIJUANA LOCAL LICENSING AUTHORITY

First reading of an ordinance repealing and re-enacting Section 9-4 of the Trinidad City Code for the purpose of prohibiting the issuance of a business license to any person seeking to carry on or engage in any business within the corporate limits of the City of Trinidad that is in violation of the United States Constitution of any law of the State of Colorado, and setting a hearing date for consideration of said ordinance; AND First reading of an amending Chapter 14 of

the Code of the City of Trinidad, Colorado, for the purpose of authorizing future operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers, and setting a hearing date for consideration of said ordinance. Councilmember Bolton moved to table these two items to Council's next regular meeting at 7:00 p.m. on September 17, 2013. Councilmember Mattie seconded the motion which carried by a unanimous roll call vote.

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

PAYROLL, August 17, 2013 through August 30, 2013. A motion to approve the payroll was made by Councilmember Mattie and seconded by Councilmember Shew. 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 Shew. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk