

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, September 17, 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 – Constitution Week – September 17, 2013 through September 23, 2013. Mayor Baca Gonzalez read aloud the proclamation and presented it to Roberta Cordova on behalf of the local Santa Fe Trail Chapter of the Daughters of the American Revolution.

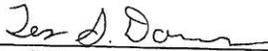
The pledge of allegiance was recited. At the request of the Mayor, a moment of silence was taken for the 21 victims of the Washington Navy yard shooting that occurred yesterday in Washington, DC and also for our neighbors in Colorado who have been affected by the destructive flooding in our state.

APPROVAL OF THE MINUTES. Regular Meeting of September 3, 2013. Councilmember Miles made a correction to the minutes on page 3, under miscellaneous business, paragraph 2, whereby it read: “She said (Councilmember Miles) 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 Miles corrected it to read: “... they’ve put a moratorium on retail and over time will consider whether to allow medical marijuana establishments to convert to retail sellers.” A motion to approve the minutes as corrected was made by Councilmember Miles and seconded by Councilmember Shew. The motion carried unanimously upon roll call vote excepting Councilmember Velasquez who abstained due to her absence from that meeting.

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) – Discussion regarding ARPA litigation and discussion regarding legal options pertaining to the North Lake Dam Rehabilitation Project. A motion to enter into executive session for the stated purposes 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 7:10 p.m.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 17th 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 7:52 p.m.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Mayor Baca Gonzalez announced that this is an opportunity for the public to provide input to City Council on items not scheduled for public hearing. She reviewed rules of public behavior in addressing Council. All of the individuals who signed up to speak, except one, indicated they wished to speak on marijuana issues and their comments were deferred to the public hearing. She called upon Steve Bolton who signed up to speak on the dam. Mr. Bolton stated that he would wait until the next meeting since there were so many present to address other issues. His name was accordingly stricken from the list.

COUNCIL REPORTS. Councilmember Bonato reported that he and the Mayor attended the I-25 Coalition Meeting in Walsenburg recently. He said it is going along real fine and coming together. It will be a lot of hard work to accomplish what they have planned to help southern Colorado. There were a number of brochures that were supposed to go to the Welcome Center. Tara Marshall, Director of the Welcome Center, said they’ve received them. Councilmember Bonato asked that some be placed in the tourism trailer. He continued that on the same day he was appointed to the Purgatoire Water Conservancy Board as a representative for the City. He said he is glad to be seated on the board. Finally he reminded the public of the Ludlow memorial services to be held at 11:00 a.m. on Sunday, September 22nd, noting that it is the 100 year anniversary of the massacre.

Councilmember Velasquez had nothing to report this evening.

Councilmember Miles reported that she’s been continuing work on the ARPA lawsuit that is proceeding even though the trial date has been set back. Secondly she reported that she had the great pleasure of attending ArtoCade. She said she and a group of her friends put about 100 hours into creating an art car representing her business. The turnout for the parade was ten people deep at some points along the parade route. She thanked the citizens of Trinidad for attending and Pat Patrick, Rodney Wood and Susan Palmer for their work in bringing the ArtoCade to the City. She described it as the most fun weekend she has had in Trinidad in seven years, adding that she tended bar at the A. R. Mitchell Museum for the event. Councilmember Miles extended her appreciation to all involved and said she’s really looking forward to next year.

Councilmember Mattie told Council that he attended the ArtoCade and Trindie Fest. He offered constructive criticism for next year’s ArtoCade event. He said the street blockage began very early and precluded access to Century

Savings and Loan's drive-up. It probably wasn't a good neighbor thing to do. He suggested it be done better next year. He next told Council that he and City Manager Acre attended the Colorado Municipal League district meeting in La Veta last evening. It was well attended by representatives for southern Colorado cities, as well as very informative and well done. There was a unique presentation from the former Lathrop youth camp which is now an alternative education facility. They have some good things happening for at-risk kids. The presentation was very impressive as were the kids who prepared the meals.

Councilmember Shew thanked the Tourism Board for bringing the ArtoCade to Trinidad. He said they did an outstanding job. It was well presented with people from out of town.

Councilmember Bolton echoed the sentiments and thanks expressed by Council members Miles and Shew with respect to ArtoCade. She additionally thanked the participants and sponsors of the ArtoCade and Kirk and Julie Loudon for their efforts with the Trindie Fest. She said it was very difficult to attend both events on the same weekend.

Mayor Baca Gonzalez reported that she attended the Patriots' Day-9/11 memorial service at the Welcome Center which was well attended and touching. She said she heard inspiring speeches. She said she also attended the Trinidad State Junior College Booster Club banquet, the Trindie Fest film festival and the ArtoCade parade as well. Finally she thanked Pastor Andrea Douden and members of the Zion Lutheran Church for the September 7th clean up along the river walk.

REPORT BY CITY MANAGER. Update Report. City Manager Acre called to Council's attention at their seating places a written update on projects he's working on rather than providing a lengthy verbal report. He asked Council to please call him if they have any questions concerning the report. He added that he'll be doing the update on a monthly basis or as milestones are hit on projects.

Colorado Passenger Rail Association Meeting. City Manager Acre informed Council on his attendance of the Colorado Passenger Rail Association Meeting on Saturday in Pueblo. They are getting geared up to work to get funding from the state to save the Southwest Chief. The funding would be to maintain that important rail service. A representative from Amtrak was there. The group is looking for \$4 million each year for transportation, not only for capital improvements but also for routine maintenance. Rick Klein, La Junta City Manager, spoke on behalf of southern Colorado regarding trying to make a rail connection into Denver. He said they'll continue to have these meetings and he would keep Council updated.

REPORT BY CITY ATTORNEY. Legal Memorandum. City Attorney Downs pointed to a confidential legal memorandum he prepared for Council and placed at their seating places. He asked Council to contact him if they have any questions concerning the same.

UNFINISHED BUSINESS. Public hearing for consideration 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. Mayor Baca Gonzalez declared the public hearing open and called upon Michael Clark who signed in to speak. Mr. Clark addressed Council. He reminded that the last time he and his brother were before them they gave Council information on seven United States patents that talked about marijuana as medicine. He also reminded Council that he gave them an article entitled "Marijuana and the Human Brain" that showed where marijuana works within the human brain and why it is not a drug of abuse. He said those things were written proof that marijuana is medicine. Because of the ban on medical marijuana businesses in Trinidad, card carrying marijuana users are forced to drive to Pueblo to get their doctor recommended legal medicine, people fighting cancer, with Alzheimer's, epilepsy, arthritis and some in great pain. Many of these people are on fixed incomes and can't afford to go to Pueblo to get their medicine. Mr. Clark told Council that since United States Attorney General Eric Holder made a statement regarding marijuana, especially medical marijuana, you can no longer make the excuse that the federal government is against it. He asked Council what their justification is in continuing to withhold legitimate, doctor recommended, legal medicine from the sick in their care. Mr. Clark added that their vote will reveal where their heart is as leaders and maybe show why Trinidad seems to be dying on the vine. He suggested that instead of voting for what is safe they vote for what is right and lift the ban on medical marijuana businesses.

Thomas Clark addressed Council. He read a quote to Council: "Humans have built in endogenous cannabinoid systems which control every cellular function the body makes" according to the National Institute of Health. What is a cannabinoid system? It is a system in your body that uses cannabinoids to make the body function. Cannabinoids are a group of molecules with the same kind of footprint and that footprint fits in the receptors in every cell in the body. Cannabinoids are from the cannabis plant, the hemp plant, marijuana. Are there other sources? No. The marijuana plant, this tree is symbiotic with man. It is meant for man to walk with it. He said if we starve this system the human body in some ways ceases to function, it gets sick, all of the immune system diseases, organs fail, cancers erupt. It doesn't make good sense at all to say no to the very system that saves us. He said he and his brother Mick have told people for the past 20 years that marijuana is the tree of life, the biblical tree of life. What is the tree of life? "On either side of the river was the tree of life, bearing twelve kinds of fruit, and yielding its fruit every month. And the leaves of the tree were for the healing of the nations and there shall no longer be any curse," Revelations: 22.2. He concluded that we need to accept this plant and move on.

D. Lee Phelan addressed Council. He said the discussions evolving about the marijuana issue are very simplistic, while the focus today is being camouflaged under the disguise of dispensaries for medical use. Let's be clear here, the intention is much larger than that. Mr. Phelan asked if the City wants to trade its economic security that resides today, even as little as they think that might be, for a potential smaller share of tax revenue from a small sector with a specific focus like marijuana. He continued that he is concerned that during this whole process no City official has contracted business owners who have millions invested into this community - brick and mortar businesses will have to start dealing with the decisions this Council implement - individuals businesses with tens if not hundreds of employees conducting millions in sales and tax revenue, along with the added benefit their payrolls bring. Businesses will be forced with additional costs like drug testing, rising insurance rates, on top of the ever ridiculous high utility costs and other higher costs to do business here. In 2012 the Trinidad McDonalds conducted 361,103 transactions serving more than 790,000 guests. Mr. Phelan said those guests today

are worried. Most arrive here from more conservative areas. Statistically people will stop in Trinidad and spend 'x' amount of money. Our job is to get them to stay. If they stay, they spend three times 'x'. If they stay overnight they spend ten times 'x'. It's a nice area but if they pass these drug laws they won't stop let alone stay. "Raton and Walsenburg are not that much further" were the comments he received. Mr. Phelan recalled a short time ago that this Council banned a planned dancer club. He said by allowing marijuana sales they will lose the moral authority in preventing those businesses of moral turpitude. Article 20 of the Colorado Constitution permits Council the ability to ban this process, a process that is already banned by the federal government and by more than 50 counties and cities across Colorado since the passing of this amendment. Mr. Phelan said he understands that while the federal and state administrations have turned a blind eye to the process, these administrations will change and Colorado has already begun to experience that change. The true reason this town is drying up isn't that it's not selling marijuana, it is that it doesn't have a focus on the long range economic development plan to attract responsible companies to the area and because its utilities and infrastructure are not cost effective. He said Council needs to find projects that can build this community together. Mr. Phelan concluded that he never thought that selling drugs would become our town's hope for a better future. Council should believe that it is in the best interest of the peace, health and safety of this community to ban marijuana sales within its City limits and return its focus to more important matters of real economic development and serious job creation.

Frank Leone addressed Council. He reminded that he spoke at a previous meeting whereby he voiced his opinions as far as how it affects him in his business where he has no tolerance. He said he knows most of them have been in a situation that they gave a lot of thought about and made up their minds. He said there were a couple of things said tonight that were false - one was about driving to Pueblo, but Pueblo doesn't allow marijuana in the city, Pueblo County does. In looking at the Colorado website, only 1.37% of Las Animas County's population uses medical marijuana. He said if his calculations are correct that is about 206 to 209 people. The revenue for that number would only be about \$700 to \$900 per month. He opined that not to be enough money to pay officers or insurances to take care of it. He asked why we should change Trinidad for a few people who need medical marijuana - let them go to Pueblo County. He said medical marijuana store fronts will deter family-oriented tourism, tarnish the image and reputation of Trinidad and discourage sustainable business from locating in Trinidad. Medical marijuana will ultimately reach and harm local children. He further suggested that since it is a cash-only business the City won't be able to collect the taxes on it. It is still considered a Schedule I drug. Mr. Leone urged Council to really think about the decisions they have to make and make them in the proper manner and for all the people of Trinidad and not just some.

David Boyer addressed Council. He told Council that he is a letter carrier for the United States Postal Service (USPS) for 26 years now. When he was hired he took a drug test. Anyone hired today takes a drug test. If you smoke marijuana you will not be hired by the USPS. It is a good paying job but unfortunately anyone caught on drugs working for the Postal Service will get removed and fired. He said he carried mail for a lot of years and can tell who is and who is not taking marijuana. The people taking marijuana are mostly on welfare and were never able to get a job. He said he knows one instance where a person was working at a restaurant smoking marijuana on the premises and removed from working for that company. One time in the summer he said he saw a mother with her one year old son and her mother in a car with all of the windows closed smoking pot with that one-year old baby inside that car. They were laughing and having a great time. They had the windows closed because they could get higher if they did that. Mr. Boyer said when he worked for the Allen Mine he was in a carpool for a short time. His coworkers would smoke marijuana on the way up to the mine. One of the guys was in his sections as a shuttle car runner. He asked if Council would want to be working around someone driving a big piece of machinery who is high on marijuana. Mr. Boyer said this is something Trinidad doesn't need here. He said he'd boycott it for eternity. He urged Council to think about the young people and hope to get them off of the drugs. There are a lot of people and a lot of kids on drugs now and he sees it every day on his job. He can tell who is selling the drugs. We need to keep a ban on marijuana. He concluded that he's seen too many young people that are smoking every day and they will never be able to get off of welfare as long as they are on drugs. That doesn't mean everyone, though.

Jim Blecka addressed Council. Mr. Blecka said he and his wife live in Trinidad and plan to retire here. They left Denver for Trinidad because they look forward to the lack of traffic, the historic small-town atmosphere, clean air and lower crime rates. He said they've really liked what they've seen here. They've heard that medical and recreational marijuana would provide enhanced benefits to our citizens who suffer from a variety of maladies and provide financial benefit to the community due to increased tax revenues. Mr. Blecka said that's bologna. He asked if we really want to add another division of City government to monitor, manage and enforce a new set of regulations for the sale of marijuana and home grown marijuana. What happens to City tax revenues when people start growing their own to get around the cost of buying it? There is no revenue there. Do we really want people flocking to Trinidad to purchase marijuana from other states and then driving around the City stoned? Do we want them driving back to New Mexico and Texas stoned? Does the City of Trinidad really want to sacrifice the rich history and quality of life for the financial gain of a few marijuana dealers? He said he thought not.

Tom Poss next addressed Council. He said he is 100% against recreational use of marijuana. The guy who spoke in the recent past about having to go to Pueblo must have understood that it is dangerous. He stated that if he got it in Pueblo and lit it up he'd be a hazard on an open-space road and could cause an accident. If he lit up at home and drove in town where there's more traffic he could possibly kill a pedestrian or have multiple accidents and injure other people. As far as medical marijuana is concerned, Mr. Poss said he is 110% in favor of it, although he had a hard time believing that there are 206 people in Trinidad (Las Animas County) that need it. He thought ten to 15 was a more reasonable number. He added that it is hard for him to believe that doctors are providing the recommendations for them. Mr. Poss said he is in constant pain, having neuropathy in his feet, has a bad back, four stints put in his heart, half of his right lung doesn't work, he has a bad hip and bad knee. Though he would not use marijuana, he said he is on Vicodin. There are worse people than him that need it and if it is really going to help them he said go for the marijuana, medicinal only. If you haven't had bad pain he said you should not judge other people if it helps them. They need it and should have it. On a separate note, Mr. Poss told Mayor Baca Gonzalez that he didn't need her husband telling him how to handle his campaign, as he is running for City Council. He explained that he placed some fliers at Walmart where he works 12 hours per week. The Mayor's husband went running to one of his bosses saying he was putting fliers on cars and possibly trying to get him fired. Mr. Poss said he talked to the City Clerk who said it was okay to put fliers on cars. He told the Mayor he didn't appreciate what her husband did one bit and he had better not do it again.

Marilyn Leuszler addressed Council. She said she's tried to read and learn as much as she could possibly gather about various issues and make her decisions accordingly. She said she hopes Council approves the use of medical marijuana for a couple of reasons. She has a close family member and two or three dear friends who have been diagnosed with cancer and various other illnesses who got through their chemo therapy and radiation by using medical marijuana. Not all of them continued to use it. They got through their therapies and that was the end of it. It was used as a medicinal aid to their

treatment. She continued that while she was reading as much as she could about the issue she found that it is difficult to have a lot of data and evaluation currently because Colorado and Oregon have just started this process. We don't have ten years of data to look at. She found wonderful science that quoted people on both side of the issue. Two things that stood out to her were quotes from Dr. Sanjay Gupta who has changed his opinion from being against medical marijuana to being pro use of medical marijuana for medicinal treatment after numerous research into research programs conducted across the country and finding that there's more to it than just smoking pot and getting better. He did a lot of research and has changed his opinion very vocally and apologized for being so against it earlier. The second thing she said she found was a quote from Montel Williams who suffers from Multiple Sclerosis. She read "How dare someone tell me they can prescribe Morphine, Vicodin, Percocet, make the drugs most addictive, name the most addictive drug they can give me and I can be a walking member of this society by taking that garbage. But the doctor who has prescribed it for me can't prescribe medical marijuana? Why? Because we have an idea everybody who does it sits around smoking. There are 50 different ways to utilize it. You can eat it; you can process it into a liquid or even turn it into a pill form. The willow tree was taken apart about 200 years ago and turned into aspirin and we all take it." Ms. Leuszler said that struck her quite profoundly. She reiterated her opinion that we should allow medical marijuana.

Steve Heller addressed Council. He told Council that we've heard some good arguments for and against the issue and he appreciated everyone's position. He suggested we take the middle ground and support medical marijuana, noting that it appears they've already put off the idea of recreational marijuana until June. He reminded that the majority of the Colorado voters voted to legalize marijuana and about 70% of Trinidadians, according to the paper, have spoken in favor of at least medical marijuana. Council is able to regulate locations and number of businesses, so he said he didn't see it being on Main Street but rather a side street maybe with one of the green crosses and people who need medical marijuana will be able to find it. He added that he didn't think it would be detrimental to the appearance of the City. One must realize we have marijuana sales in Trinidad. The question is do we want to leave it in the hands of pushers who promote sales by giving samples to our youth. They are doing a business and want to get that money. They will do anything they can to get people hooked on drugs. If it's legalized he said we cut the ground out from under them. He surmised that it is better to legalize and regulate it, plus we can gain much needed tax revenue. We may have people coming in from other parts of the county or the state to buy it. He told Council that he is a history major and prohibition doesn't work. Ken Burns report on marijuana versus alcohol was amazing. Alcohol is a much more dangerous drug. It has been reported that the number of deaths from alcohol is staggering - the number of deaths from marijuana is zero. Prohibition drives it underground. Really the arguments against it are mute even if they are good arguments. He concluded that if you want to support the criminal element, then they should vote no on this. If you wish to exasperate the sufferings of some of the citizens by forcing them to travel 170 miles round trip to Pueblo to legally buy marijuana, then vote no.

There being no further public comments, the hearing was closed.

Second 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. The ordinance was read, title only. A motion to approve the ordinance on second reading was made by Councilmember Mattie and seconded by Councilmember Bolton. Roll call was taken and the following votes were cast:

Aye - Bolton, Mattie, Miles, Shew, Velasquez

Nay - Bonato, Baca Gonzalez

The motion carried by majority and the ordinance will become effective on September 27, 2013.

ORDINANCE NO. 1944

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

Public hearing for consideration 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. Mayor Baca Gonzalez opened the hearing. She said the ordinance provides that should a decision be made to engage in retail sales of marijuana in the City limits the City of Trinidad (City Council) would be the local licensing authority. Carlos Lopez addressed Council and said it would behoove the City to regulate the sale and not just give the state the control. There being no further comments, the hearing was closed.

Second 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. The ordinance title was read aloud. Councilmember Miles moved for the approval of the ordinance on second reading and Councilmember Bolton seconded the motion. Upon roll call vote the motion carried unanimously and the ordinance will become effective on September 27, 2013.

ORDINANCE NO. 1945

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

Medical Marijuana - Motion to direct staff to develop an ordinance for the development of a land use code, and development of licensing regulations, for and in consideration with, medical marijuana, on or before March 1, 2014. Mayor Baca Gonzalez announced that Council has three options, to direct staff by motion to develop ordinances or approve one of the two succeeding ordinances. City Manager Acre clarified that the two ordinances would need to be approved together, so there are two options. Councilmember Miles added that the two ordinances work hand in glove. Councilmember Bolton 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 consideration with, medical marijuana, on or before March 1, 2014. Councilmember Miles seconded the motion. Mayor Baca Gonzalez asked if they approve medical marijuana would they also be allowing grow facilities. City Attorney Downs said they are not necessarily, that the type of licensing they allow will be up to Council. It is not required of Council to allow grow facilities. Councilmember Miles pointed out that home grows are allowed. City Attorney Downs said that Amendment 64, pertaining to retail marijuana, allows people to grow a minimal number of plants. Mayor Baca Gonzalez said she recalled reading or seeing a report that in Denver 60 or 70% of the marijuana at a dispensary has to be grown at the facility. She asked if that rule would apply to Trinidad if they adopt medical marijuana. City Attorney Downs said he asked CML staff attorney Rachel Allen who said there are attempts to have that accountability. However, it doesn't mean cultivation has to be done the community. They can have other places for which they provide the marijuana they sell in medical facilities. Mayor Baca Gonzalez said that a grow facility seems pretty complicated. There are nuisances from odors, air-handling requirements, and if that's the case with medical marijuana it needs to be abundantly clear. City Attorney Downs predicted there would be a great deal of requirements placed on licensees. He also suggested that part of the retail marijuana requirements will likely overlap to the medical marijuana requirements such as potency and pesticide-free product. Roll call was taken and the following votes were cast:

Aye – Bolton, Mattie, Miles, Velasquez

Nay – Bonato, Shew, Baca Gonzalez

The motion carried by majority. Mayor Baca Gonzalez stated that she believes the majority of citizens in Trinidad do not want marijuana to be readily available in Trinidad. Some individuals may say marijuana is already here illegally, so why not sell it in regulated store fronts. She said two wrongs do not make a right. Federal law lists marijuana as a Schedule I drug with no accepted medical purpose. Federal law sees no distinction between alleged medical or recreational marijuana. Federal law still overrules state and local laws. Colorado state and Trinidad local laws cannot and will not provide guaranteed protection from federal prosecution for those who choose to possess, sell or cultivate marijuana. She continued that 1.37% of the entire population of Las Animas County is authorized by state law to consume medical marijuana. That is a very small percentage of the county's population. She questioned if asking those few to drive to Pueblo County in order to buy their medicine is such an intolerable inconvenience that we must open marijuana stores within the Trinidad City limits. Oh that there should be such weeping and gnashing of teeth for the residents who routinely have to drive out of Trinidad in order to have their babies, to obtain dialysis or to obtain chemo therapy. She concluded that she believes it is the almighty dollar, not claimed inconvenience that is the real issue. She invited those present to ask themselves who stands to profit by the ready availability of marijuana in the City of Trinidad - certainly not our children. She added that Marinol, a synthetic marijuana, is available by prescription. She said she's seen it prescribed here for those in last stages of care. Councilmember Miles commented that Mayor Baca Gonzalez premised her logic that two wrongs do not making a right, but in the next paragraph said because pregnant women have to drive to Pueblo, we shouldn't have medical marijuana. She countered that to be another example of two wrongs don't make a right. Mayor Baca Gonzalez said it is an example of skewed priorities. Councilmember Miles said the federal laws rooted in the 1930s and it is time Trinidad move into the 21st century. Councilmember Mattie added that this is the tide of change. He said he was a police officer for all of those years and while he doesn't support retail marijuana he sees the benefit of medical marijuana to those persons who have medical needs. The lack of availability of chemo therapy and dialysis facilities, and facilities to have babies, he has no control over. However he said he can do something about people who suffer and need medical marijuana - he has some ability to help people in genuine need. Trinidad may not be ready for this but he said he's not sure Trinidad is ever ready for anything. He recalled all of the stores Trinidad once had; clarifying that he is not suggesting marijuana will solve our economic woes. But, we need to be proactive about our lot. He pointed to the letter Council received from the gentleman from Texas who said people will see the green cross and go past Trinidad, which may be true. But, he said there are numerous medical marijuana businesses in Manitou Springs, which is probably one of Colorado's premier tourism locations, and people go there anyway. Councilmember Mattie said if he saw a discrete green cross it would tell him that here are people who care about people and who are not afraid to embrace cutting edge technology and changes and reevaluation of priorities in life, and maybe I'm willing to invest myself in someone who is progressive rather than stagnant in obsolete tradition. Marijuana is a matter of personal choice. You don't have to do it. We cannot legislate a course for people from birth to death where they never come afoul of any danger in life; instead we must teach people to navigate all of the hazards so they make their way successfully through life. Councilmember Miles concluded that as they are weighing the evidence, pro and con, there are all these risks being argued. She concluded that she doesn't know of a single jurisdiction that has enacted medical marijuana that has walked backwards from it. If there is one she said point it out to her because she bets it is one in one thousand. That's the evidence. People embrace it, see it and keep it going.

MISCELLANEOUS BUSINESS. Hotel and restaurant liquor license renewal request by El El Si, LLC d/b/a Main Street Tap House at 308 W. Main Street. Mayor Baca Gonzalez recognized Jason Garlutzo in attendance. Councilmember Bolton commended him on doing such a great job in this past year in that there were absolutely no adverse reports from any of the agencies provided to Council relative to his license. A motion to approve the license renewal was made by Councilmember Shew and seconded by Councilmember Miles. The motion carried unanimously upon roll call. Councilmember Mattie asked the number of liquor licenses there are in Trinidad. City Clerk Garrett said there are 39. Councilmember Miles commented that Colorado has the third highest incidence of liquor stores per capita and Trinidad has three times the Colorado average. Mayor Baca Gonzalez observed that there is a big difference in that the federal prosecutor's office isn't going to come swinging down on alcohol and tobacco. They are legal. Councilmember Mattie rebutted that both alcohol and tobacco are killing people by the thousands.

Approval of Property/Casualty and Workers' Compensation insurance coverage renewal through CIRSA (Colorado Intergovernmental Risk Sharing Agency) for 2014. City Manager Acre reminded Council that at their previous work session questions were asked about the insurance. Regarding the property and casualty 2013 insurance premium, the City's total cost has been about \$248,000; the 2014 premium is going up about 20% to about \$298,000. He said staff did an analysis on a deductible increase and in looking at claims history it looks like we would not see a savings at this point. The deductible is currently \$1,000. If it were increased to \$2,500 the City might see an increase between the annual contribution and

deductible of \$4,000. He suggested leaving the deductible where it is. Regarding workers' compensation, the 2013 premium cost is about \$371,000 and the 2014 quote is about \$368,000, a slight decrease. He said he likewise looked at a deductible, from \$500 to \$2,500. Currently the deductible is zero. If we had a \$500 deductible the City might see a \$6,400 savings if the level of claims is maintained. If we had a \$1,000 deductible the savings could be \$12,000. He recommended that next year we look at it to see if we can get a good track record and hold the line. One claim could negate the savings. City Manager Acre said that staff is working to update the City's safety manual and tie it to reviews. Mayor Baca Gonzalez surmised that the cost will basically be \$50,000 more next year. Councilmember Bolton asked the number of workers' compensation claims the City has had in the past 12 months. City Manager Acre said he'd get that information to Council. A motion to table the approval of the insurance renewal was made by Councilmember Bolton. Councilmember Bonato seconded the motion, which upon roll call vote carried unanimously.

Setting of Public Hearing date for Capital Budget Estimates and 2014 Annual Budget (10/15/2013). City Manager Acre told Council that in accordance with the City's Home Rule Charter he will be bringing the first draft of the budget to them on October 1st. In keeping with the Charter they need to set public hearings to receive input. He commented that he will be having budget discussions by staff at Council's work session next week to go over some changes. Councilmember Bonato moved to set the public hearings for 7:00 p.m. on October 15, 2013. The motion was seconded by Councilmember Shew. Councilmember Bolton pointed out that Council has yet to go back and revisit the non-profit and other agency funding allowances for the last half of 2013. City Manager Acre said it will be included on the ensuing work session's agenda. Roll call was taken and the motion carried unanimously.

Consideration of contract modification request for engineering services related to the North Lake Dam Rehabilitation Project. City Manager Acre told Council that the project update meeting has been moved to Wednesday and he would send out an update at that time. Mike Graber, RJH Consultants, was present and he offered to answer questions. Councilmember Shew made a motion to approve the contract modification as presented. Councilmember Bonato seconded the motion which carried by a unanimous roll call vote of Council.

BILLS. Councilmember Bonato questioned a payment to Auto Zone on page seven of the report, check number 1006 in the amount of \$2,100.00 for a GM Tire Robo Arm. He said he didn't know what that is. City Manager Acre said it is an arm that mounts to the tire changer that allows for safer removal of the larger tires at the garage. Councilmember Bolton questioned a payment on page one to Sun Construction, Inc. representing a credit of \$2,842. City Manager Acre explained that the City had withheld retainage incorrectly according to a state statute change and therefore adjusted the checks. Councilmember Bolton also questioned a substantial payment on page 16 to Sunflower Construction for North Lake Dam rehabilitation and a substantial payment to Sun Construction as well with the same description. City Manager Acre responded that the check to Sunflower Construction was incorrect and was voided. Councilmember Bolton confirmed with City Manager Acre that the checks issued to Sun Construction were for \$56,808 and \$44,223. A motion to approve payment of the bills was made by Councilmember Shew. The motion was seconded by Councilmember Bolton. Roll call was taken on the motion and it carried unanimously.

PAYROLL, August 31, 2013 through September 13, 2013. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Velasquez. 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 Miles and seconded by Councilmember Velasquez. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk