

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, November 19, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor Pro-Tem	Velasquez, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles, Shew
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Special Meetings of October 22 and November 12, 2013 and Regular Meeting of November 6, 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, excepting Mayor Pro-Tem Velasquez who abstained.

PUBLIC HEARING. 2014 Capital Improvement Projects Budget. Mayor Pro-Tem Velasquez declared the public hearing re-opened, reminding Council that they had previously recessed the hearing, and called for comments from the audience. There being none, the hearing was closed.

2014 Annual Budget. Mayor Pro-Tem Velasquez declared the public hearing open and called for comments on the 2014 annual budget. There were none. The hearing was closed.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Councilmember Bolton had nothing to report, however thanked Council for meeting at 7:00 p.m. rather than 6:00 p.m. as had been previously discussed.

Councilmembers Shew and Mattie had nothing to report this evening.

Councilmember Miles reported that the ARPA mediation has been postponed at the request of Syncora. They wanted to give their expert additional time to evaluate the facility. She said they suspect they didn't get things done on time. The new dates set for mediation are January 6th and 7th in Denver. Councilmember Bolton asked the trail date. There was some confusion as to whether it is February 3rd or 23rd and City Manager Acre said he would confirm the correct date. City Manager Acre said there are two days planned for mediation. January 7, 2014, is the first City Council meeting date of the new year. In discussions with the attorney it is thought they will have a good feel on the progress by mid-day on January 7th. He said he and Councilmember Miles will be able to get back for that meeting. Also, there was a conference call with B & W today and additional information was given to Syncora on the project. Councilmember Miles reported that she recently attended the TLACED (Trinidad-Las Animas County Economic Development) meeting. She said they are trying to get guidance from the City and County on funding as they are going through their 2014 budget. They have to look at things backwards to determine budget amounts. Councilmember Miles said if anything can be done to hasten that meeting it would be appreciated. They are also closing in on getting their financials and audits caught up. City Manager Acre said he's had a discussion with County Administrator LeAnn Fabec on trying to get the joint meeting between the City, County and Economic Development rescheduled. He said before we finalize our respective budgets he thought the joint meeting would be good. It will be tight with the holidays. City Manager Acre said he'd reach out to Council with dates to consider. Councilmember Miles concluded that she and Councilmember Bonato attended the I-25 summit and deferred to him to report on it.

Councilmember Bonato reported on his and Councilmember Miles' attendance of the I-25 summit in Pueblo on Friday. He said there was a pretty good turn out and Trinidad was pretty well represented. A Colorado Department of Transportation spokesman gave a program on signage and good information on what they can and cannot do with the project. He said the City Council, County Commissioners and Economic Development will have to come together to make this project flow. He additionally reported on his attendance of the Purgatoire Watershed meeting. They heard a presentation from a gentleman from Pinon Canyon about lead testing by the river. Since the last study in 1984-1985, the amount of lead has dropped.

Mayor Pro-Tem Velasquez had nothing to report.

REPORT BY CITY MANAGER. Southwest Chief. City Manager Acre pointed out that he had sent out a couple of items to Council and placed a couple at their seating places. One item provided was concerning the meeting he attended last week in La Junta regarding the Southwest Chief. He said he and La Junta City Manager Rick Klein continued to push CDOT to look for funding for the Southwest Chief. Colorado is becoming the weak link in that chain. New Mexico has performed a study of the economic benefits of the Southwest Chief. He and other City Managers will COG or SCEDD or the Office of Economic Development to do the same for Colorado to help with their efforts.

North Lake. City Manager Acre said he will be going to the North Lake Dam project meeting tomorrow morning. He said he's reviewed the revised schedule from the contractor and doesn't like what he sees with respect to what the contractor has not accomplished due to winter weather. He said he'd talk to the project team and evaluate it further and come back to Council on how to move forward. The stilling basin pipe installation has progressed. There are a couple of items that we need to make sure get done as soon as we can, the staff gage and some grouting and rip rap in places needs to

ARPA. Council was reminded by City Manager Acre of the monthly ARPA meeting on Thursday. Following that meeting he said he will be attending a meeting in Pueblo with La Junta City Manager Rick Klein that evening on high speed rail. Mr. Klein asked him to attend.

Public Works Director/Utilities Superintendent. City Manager Acre told Council that he had three good interviews today for the Public Works Director/Utilities Superintendent position. He said he anticipates making a decision either after Thanksgiving or the first week of December.

Southwest Chief. Councilmember Bonato said he thought he understood that New Mexico was willing to give money for our Southwest Chief lines. City Manager Acre said he's heard it isn't for the entire line. Their transportation commission is pushing for funding in New Mexico for improvements to the New Mexico line, just as Kansas is doing. We are making a push in Colorado through CDOT. The executive director of CDOT is hearing them, but they are saying their hands are tied. They don't think they can use Faster funding for rail. They've posed the question if Faster money can be used for buses why can't it be used for rail. Also, he said that BNSF may be interested in doing some line work between Trinidad and La Junta. Councilmember Mattie asked the level of funding being sought. City Manager Acre said they are seeking \$4 million per year for over ten years. There are some capital costs to replace rail and some maintenance costs, the cost of which continues to go down as they ask questions.

REPORT BY CITY ATTORNEY. Medical Marijuana. City Attorney Downs advised Council that he and the City Clerk have been working on a proposed medical marijuana code for Council to start having a blueprint and rough draft for them to work on and make the big decisions on. He said he hoped to have it for them by the first work session in December, December 10th. City Manager Acre told Council that the City has had inquiries from people interested in the business. City Attorney said he too has had inquiries, especially regarding retail marijuana. Councilmember Mattie asked if they are locals. City Attorney Downs said a lot of them are from out of town. He continued that he had a phone call at the end of last week talking also about taking over Cougar Canyon. The party seemed very serious and gave his name to Google. He reiterated that he seemed serious and said he thought he could get investors.

TLACED. Councilmember Miles added to her previous report that there have been rumors about someone opening a wholesale brewery in Trinidad. It has been difficult to find the right location. Originally they looked at Industrial Park and then in town. TLAC Economic Development is entering into negotiations for a lease in the Industrial Park. She said it could eventually result in a couple of dozen of jobs. City Manager Acre added that it takes time as they work through the process and that he and Planning Director Fineberg had had discussions with them.

UNFINISHED BUSINESS. Appointment of Planning, Zoning and Variance Commission member. Mayor Pro-Tem Velasquez identified David Baca and Wayne Pritchard as those individuals who submitted letters of interest in filling the vacancy. Councilmember Mattie reminded that there had previously been a tie vote whereby he had been in support of the appointment of David Baca due to his youth and being a small business owner. He said while he still subscribes to that philosophy, however in retrospect he may have been blinded by interest from a youthful person. At the most recent meeting he reminded having mentioned that Mr. Baca's appointment could put him at a disadvantage since he has not participated on a board with such responsibility without having been on other boards previously. At the same time he said he talked to Wayne Pritchard who wears many hats, being on the Board of Appeals and the Economic Development Board and now wants to be on this board. Mr. Pritchard has expressed his willingness to resign his position on the Board of Appeals to allow inclusiveness. Councilmember Mattie said he realizes that Council can't just automatically appoint David Baca in his place if he does resign; the vacancy would have to be advertised. He said he hasn't been able to communicate with Mr. Baca, but supports Wayne Pritchard for this position. Councilmember Bolton moved for the appointment of Wayne Pritchard to the Planning, Zoning and Variance Commission. Councilmember Mattie added that it should be with the understanding that he resign from the Board of Appeals. Councilmember Miles seconded the motion. Upon roll call vote the motion carried with all Councilmembers present voting aye with the exception of Councilmember Bonato who cast a dissenting vote. Councilmember Mattie asked if Mr. Pritchard does resign from the Board of Appeals would staff send a letter to Mr. Baca as a matter of courtesy when the notice to the general public is made. Councilmember Bolton reminded Councilmember Bonato that he needed to abstain from the vote. Councilmember Bonato said the motion was for Wayne Pritchard, not David Baca. City Attorney Downs reminded Council of the e-mail he issued providing the opinion which was confirmed by Tami Tanoue of CIRSA that if a Councilmember is related to an applicant it is not considered appropriate to vote on that person, but it is also not appropriate to vote on the person running against that person. Councilmember Bonato changed his vote to an abstention.

Public hearing for consideration of an ordinance regarding the provision of natural gas service by the Trinidad Municipal Natural Gas Department, and decreasing the gas supply charge applicable to all customer service classifications. Mayor Pro-Tem Velasquez declared the public hearing open and called for comments regarding the ordinance. There being none, the hearing was closed.

Second reading of an ordinance regarding the provision of natural gas service by the Trinidad Municipal Natural Gas Department, and decreasing the gas supply charge applicable to all customer service classifications. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Shew and seconded by Councilmember Bolton. Councilmember Miles stated that she and City Manager Acre and Finance Director Medina met to discuss ways to dampen fluctuation of rates. The City is exposed to the spot market now and we don't want too much exposure. They talked of ways to reduce that going forward. She opined that the ordinance is fine as it stands, but the issue needs to be addressed in the future. She recalled that Councilmember Shew talked about big fluctuations having happened from year to year and coming out of the City's reserve funds. Roll call was taken and the motion carried unanimously. The ordinance was approved and will become effective on November 29, 2013.

AN ORDINANCE REGARDING THE PROVISION OF NATURAL GAS SERVICE BY THE TRINIDAD MUNICIPAL NATURAL GAS DEPARTMENT, AND DECREASING THE GAS SUPPLY CHARGE APPLICABLE TO ALL CUSTOMER SERVICE CLASSIFICATIONS

MISCELLANEOUS BUSINESS. Tavern liquor license renewal request by Robert Leonetti d/b/a Park Café at 608 Arizona Avenue. Mr. Leonetti's presence was noted. A motion to approve the license renewal was made by Councilmember Shew. Councilmember Bonato seconded the motion. Roll call was taken on the motion which carried unanimously.

3.2% Beer Retail – Off Premises – license renewal request by JR's Fuel Stop, Inc. d/b/a JR's Fuel Stop 810 at 731 E. Main Street. Ray Duran's presence was noted. Councilmember Bolton moved for the renewal of the license and Councilmember Shew seconded the motion. The motion carried unanimously with Councilmember Mattie conditioning approval on the fire extinguishers being corrected and the rear exit doors being unlocked during hours of operation. Mr. Duran said he didn't know those things were of issue, but would make sure they were resolved. City Manager Acre noted that he was present during the Fire Chief's inspection. Fire Chief Trammell said it was really a building inspection requirement. Under the Fire Code it could remain locked because of other accesses. Councilmember Mattie said he recognizes the need for security for the business, but at the same time maybe a crash bar could be installed so people can get out.

3.2% Beer Retail – Off Premises – license renewal request by JR's Fuel Stop, Inc. d/b/a JR's Fuel Stop 811 at 105 E. Colorado Avenue. Councilmember Shew noted the requirement for the fire extinguishers to be recertified. Mr. Duran said he would get them recertified. Councilmember Shew moved to renew the license and Councilmember Mattie seconded the motion.

Club liquor license renewal request by BPO Elks Lodge #181 at 120 S. Maple Street. Councilmember Mattie made a motion to renew the club license. Councilmember Bolton seconded the motion. Councilmember Miles pointed out that the inspection report mentions the CO detector and fire extinguishers need attention, but more importantly that the boiler needs to be recertified. Wanda Sola on behalf of the licensee said the CO detector and fire extinguishers are being addressed, however the boiler is not due for certification until May 31, 2014. It was certified in May, 2012 and is good for two years. She said she didn't point the certificate out when the inspection was being done and he was looking at the sticker on the boiler and thought it was only good for one year. She said they are supposed to inspect their boiler; they don't call them in to make the inspection. Upon roll call vote the motion to renew the license carried unanimously.

Appointment to the Arkansas River Power Authority Board of Directors for the term 1/1/14 to 12/31/17. Councilmember Bolton moved for the appointment of Michelle Miles as the City's representative on the ARPA Board. The motion was seconded by Councilmember Bonato and carried unanimously however with Councilmember Miles abstaining from the vote.

Consideration of Department of Local Affairs Commercial Street Phase I Contract. Councilmember Bolton recalled their discussion of this item at the last work session and that the only change was a signatory change. She said unless something else changed, she moved for the approval of the contract. Councilmember Miles reminded that they had discussed the contract naming a key person and that Planning Director Fineberg was going to bring up the issue to DOLA. The issue being if Planning Director Fineberg were gone, how long it would take with torn up street on Commercial Street to get him as the key person waived or replaced. Planning Director Fineberg said he didn't have that conversation with DOLA, however did regarding the contract naming Bernadette Baca Gonzalez as the Mayor. Lee Merkel from DOLA said that wasn't worth changing. Councilmember Miles reminded that she expressed her concerns at work session. Planning Director Fineberg said that Mr. Merkel felt that it would be implied or assumed that whoever holds that title would be the signatory. He said he compared that to be the same with him being named as the contact person. Any successor would be the same thing but it might require a modification. He said he could make sure that the signed copy reflects 'or successor'. Councilmember Miles said her concern is because we will be tearing up Commercial Street. Councilmember Miles asked how much of this is dependent on their unique trust in Planning Director Fineberg. Planning Director Fineberg said they understand that employees leave jobs. He added that he didn't think they would be granting is solely because of him. He offered to call DOLA. He continued that he has thought a lot about the timing on this grant. When the City first applied we had an engineer on staff that was going to do a lot of the design work and now we have to put out an RFP for those services. While the design work was going on, staff intended to have meetings with the store owners on what the best time would be for the actual construction. By the time the design was done it would be near the beginning of the summer and probably not a good time to start that work with it being the busier season. He said he thinks the best time would be January, after Thanksgiving and Christmas. There's no rush. Planning Director Fineberg said if Council wants to get the contract amended before it is signed it wouldn't be an issue. Councilmember Miles said she thought it prudent given we are tearing up Commercial Street and there doesn't seem to be any down side to it. Planning Director Fineberg stated he didn't think DOLA will have that much of an issue. Councilmember Bolton reminded that she brought up the fact at the last work session that with the new Public Works Director we may be able to do the engineering in-house rather than put it out to bid. She asked if that were the case what the timing would be then. Planning Director Fineberg said that all of the Commercial Street intersections have been designed; we just need the design work for the sections between the intersections. The bulk of the work is done and so it may be within the capabilities of the new Public Works Director. He suggested it would be a similar time frame. Councilmember Mattie opined that it seems the agreement is between the City and DOLA and not the signatory or key person, but if it makes it cleaner or simpler to change the key person to read "or their successor" he didn't think it would hurt. Councilmember Miles said there's low risk and high downside. Councilmember Bolton amended her motion to approve the contract with that slight amendment. Councilmember Miles seconded the motion as amended, which carried by a unanimous roll call vote.

First reading of an ordinance for the regulation of traffic by the City of Trinidad, Colorado, adopting by reference the 2010 Edition of the "Model Traffic Code for Colorado" and repealing all ordinances in conflict therewith, and setting a

hearing date for consideration of said ordinance. Councilmember Miles introduced the ordinance and it was 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 December 17, 2013, was made by Councilmember Bolton and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote. Councilmember Bonato asked where the fine money goes. City Manager Acre answered that it goes into the General Fund. Councilmember Bonato asked how much is collected and what the cost is to have court. City Attorney Downs said that information is in the budget – what is brought in and what Municipal Court's budget is. He said they try to make sure that Municipal Court, within reason, brings in all the money it can. Councilmember Mattie commented that it is dangerous to tie enforcement to finances. Roll call was taken and the motion carried unanimously.

Resolution supporting a grant application to the Colorado Department of Local Affairs seeking funding for an update to the City's Comprehensive Plan. Planning Director Fineberg addressed Council. He said it has been since 2008 since the last Comprehensive Plan update was done, about six years. The plan is a guiding policy document for the City to guide the City's physical development and economic development. He said the City is going to ask DOLA for funding to do this update. It will be a collaborative process, not just hiring a consultant to do it. The consultant would work with staff to put the plan together. The request to DOLA will be for about \$70,000 for this grant. This is the same grant program the City went to for the Commercial Street Project. Currently Phase 2 of the Commercial Street Project is in front of DOLA. He said staff thought about going for Phase 3 of Commercial Street which encompasses the possibility of roundabout at Exit 14, but staff doesn't really have time to put an application that complex together that might better be left for a future April or August grant round. Councilmember Miles commented that she read the 2008 Comprehensive Plan and found it to be a terrific document. She asked if it is a guide for him or for grant applications. Planning Director Fineberg answered that it is for both. It outlines the City's priorities with regard to development and it certainly helps in determining good grant projects. Also it is also usually necessary when applying for a grant. The update would give the City a chance to prioritize and talk about official issues and about where to focus development and how much weight to put on the different priorities. He said he doesn't think there's a state statute about how often it needs to be done in Colorado. City Manager Acre agreed and added that it is common practice to update it every five years. Given we've seen a change in development patterns it may be time to look at it. In addition to being a guide for staff and the Planning Commission, it provides a guide to the public for development and gives support in decisions made by Council and staff. Councilmember Miles said she read the document before she joined Council and learned a lot about the City. She asked if there's some way to get the word out that the document exists. Planning Director Fineberg said they will make the process very accessible to the citizens of Trinidad and it will be inclusive. A motion to adopt the resolution was made by Councilmember Bolton and the motion was seconded by Councilmember Miles. Roll call was taken and the motion carried unanimously.

RESOLUTION NO. 1420

RESOLUTION SUPPORTING A GRANT APPLICATION TO THE COLORADO DEPARTMENT
OF LOCAL AFFAIRS SEEKING FUNDING FOR AN UPDATE TO THE CITY'S
COMPREHENSIVE PLAN

BILLS. Councilmember Miles noted that Susan Conway from TLACED was present in the audience and introduced her as their new office manager. She said she's done a great job in keeping the office running on fumes and keeping the brewery possibility going. Ms. Conway announced that the brewery owner signed a lease. It should be up and running in three to four months. 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, October 26, 2013 through November 8, 2013 & November 9, 2013 through 22, 2013. A motion to approve the payroll was made by Councilmember Shew and seconded by Councilmember Bolton. The motion carried unanimously.

Councilmember Bolton pointed out that Council received a November 19th draft of the 2014 budget. She asked if there's a red-line version to show the changes. Finance Director Medina offered to go over it with her following the meeting and said there were only two lines items that changed in each budget.

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:

LINDA VELASQUEZ, Mayor Pro-Tem

AUDRA GARRETT, City Clerk