

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, December 3, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of November 19, 2013. Corrected minutes were distributed to Council prior to the meeting. A motion to approve the minutes as corrected was made by Councilmember Shew and seconded by Councilmember Miles. The motion carried unanimously upon roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Councilmember Bonato said that regarding the tree lighting ceremony on Friday night and the parade of lights (on Saturday), all of the City employees involved are to be complimented on the beautiful job – it made for an outstanding presentation. He additionally thanked Christina Duran and all who participated in putting on the events, adding that they did a wonderful job.

Councilmember Miles reported on her attendance of the most recent monthly ARPA board meeting, whereby they are in their budget process. She said that the budget process has been very useful in that it has highlighted to the other member municipalities that aren't quite convinced yet what the status of the power plant should be, how much money would be saved without the power plant running. She added that she hopes they are seeing the light. Councilmember Miles reminded Council that the ARPA mediation is slated for January 6th and 7th. She added that she had a float in the parade of light, although it broke down, but said it was a great time and there was a great turn out. She likewise expressed her appreciation to those involved.

Councilmember Mattie had nothing to report this evening.

Councilmember Shew said the tree lighting was really nice, spectacular. He thanked City Manager Acre and the Parks Department for their efforts with the decorating and said everyone really liked it. City Manager Acre commended the Parks Department for their work.

Councilmember Bolton echoed the compliments regarding the tree lighting ceremony and the parade of lights. She noted that both were very well attended. She also extended a special thank you to Councilmember Franklin Shew, as she had been asked to do. Councilmember Bolton pointed out that at their seating places they were provided a notice of a retirement celebration for Jim Fernandez on December 10th in Council Chambers at 3:30 p.m. She continued that after reading the article in the newspaper about Mr. Fernandez and learning of his desire to have been able to work until the North Lake Dam Project was completed, she suggested the City consider naming the dam the Jim Fernandez North Lake Dam. After 42 years of service, it would be well deserved. City Manager Acre said he would confirm what the City can do with the City's naming policy. He suggested the City could at least name the project after him.

REPORT BY CITY MANAGER. North Lake. City Manager Acre advised Council that the state engineer will be at the North Lake site on Thursday. Also, he reported that the contractor has given the City notice of substantial completion. The City thinks there are still things that need to be completed, however. They will discuss with the state engineer what else needs to be done this year that will allow the water restrictions to be lifted. The difficult item left to complete is the rip rap with the winter weather. It is for erosion control and he thinks they can complete it next year. He said they've been holding the contractor's feet to the fire. He and City Attorney Downs have discussed whether to continue with this contractor or finish the work with another. However, it is felt that we are at the point that getting it done with this contractor would be best because they are very close to completing the work and nothing would be gained by retaining a new contractor. In talking with Mike Graber, RJH Engineering, no contractor would be able to come in and do the rip rap work with the snow now anyway. They had a staff gage to install for monitoring the levels of the lake and the contractor has sped up the work to get it completed.

Union negotiations. City Manager Acre said they've met with the union representation for annual negotiations. He said if he were in their position he'd be saying the same thing – they don't like some of the proposals. However, the union is willing to work with the City. They will be meeting again this week to continue their discussions.

REPORT BY CITY ATTORNEY. Medical Marijuana. City Attorney Downs told Council that he will try to have a draft medical marijuana ordinance to them by next week.

Annexation. City Attorney Downs said regarding the proposed annexation of outlying property on the southern end of the City, the City is awaiting surveying work, but it is progressing.

Eagle Rock. City Attorney Downs advised Council that he would be preparing a memo regarding Eagle Rock that he

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Tavern liquor license renewal request by Gino's Sports Bar, LLC at 991 E. Main Street. Joe Cordova was present on behalf of the licensee. Councilmember Miles noted the incidents involving the police department, the requirement to report disturbances, and asked if all of the incidents had been reported. Mr. Cordova answered affirmatively. Councilmember Miles said she wasn't sure if she was reading the reports correctly, but that it appears that in a couple of cases the police department came by and saw the disturbance in progress. City Attorney Downs said that the incidents Councilmember Miles is referring to were learned of by law enforcement eventually, one on July 6th and on September 14th, because they were going by anyway. Mr. Cordova said that was probably because the customer was leaving or was escorted out the door. He said that once they leave the business's responsibility is over. City Attorney Downs emphasized that it is the responsibility of the establishment to report to law enforcement any disturbances or fights that occur on the premises. Mr. Cordova assured Council that they dial 911 when they have to. City Attorney Downs stated that in talking to Police Chief Glorioso the Chief said that the establishment is very good about reporting incidents. The concern is that those two incidents it seems were learned of by law enforcement fortuitously, rather than a direct call to law enforcement. Councilmember Mattie commented that he imagines operating this type business is difficult, particularly when there are a good number of people patronizing the establishment. He asked as a matter of procedure what they do to mitigate problems. Mr. Cordova said people are searched for knives and guns and they use a wand. If a customer won't leave they dial 911. Additionally they employ two security guards who stay on top of things at all times. 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.

Modification of premises request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue. Greg Robinson addressed Council. Councilmember Bolton confirmed with Mr. Robinson that the proposed modification is to add a new cooler, adding to the existing ones. City Attorney Downs thanked Mr. Robinson for asking for this modification legally and properly. A motion to approve the modification was made by Councilmember Miles and seconded by Councilmember Bonato. Upon roll call vote the motion carried unanimously.

Special events permit request by Trinidad & Las Animas County Chamber of Commerce at 150 E. Main Street for December 13, 2013 (Pioneer Natural Resources Christmas Party). Christina Duran addressed Council on behalf of the Chamber of Commerce. She said this year Pioneer will be holding their party at the A. R. Mitchell Museum on December 13th. The event has been a fundraiser for the Chamber for several years now. Councilmember Bolton said she was sure that since the Chamber was holding the event the servers would be TIPS certified and well versed in the proper procedures as it pertains to liquor service. Councilmember Shew moved to approve the permit as requested. Mrs. Duran thanked Council for their compliments on the tree lighting and parade of lights and said she's received complimentary calls about the train and tree. Councilmember Miles seconded the motion which upon roll call vote carried unanimously.

Declaration that a vacancy exists on City Council and determining that the vacancy will be filled by the seating of the respective elected official on January 7, 2014. City Attorney Downs advised that Council needs to declare the vacancy, which was occasioned by the former mayor's resignation. The vacancy will be taken care of by the swearing in of the new mayor and it is within the 45 days that Council would otherwise have to make an appointment. Councilmember Bolton clarified for the record that the vacancy will be filled on January 7, 2014 by the swearing in of Mayor-Elect Joseph Reorda. Councilmember Bonato confirmed that this is in accordance with the Home Rule Charter. A motion to declare a vacancy exists on City Council and determining that the vacancy will be filled by the seating of the respective elected official on January 7, 2014 was made by Councilmember Mattie and seconded by Councilmember Shew. Roll call was taken and the motion carried unanimously.

First reading of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2014 and ending December 31, 2014; said ordinance being termed the annual appropriation bill for the 2014 fiscal year, and setting a hearing date for consideration of said ordinance. City Manager Acre told Council that the budget this ordinance is based on was the one last discussed with a couple of revisions. The sick pay off had been added back in to all of the funds in accordance with the union contracts. He continued that he'd still like to have a discussion with the union on the vacation time payoff and how that is done. He clarified that staff is not trying to take it away from employees, just how it can be handled better especially next year with budget situation. Additionally he told Council that the capital outlay in the Water Fund was changed to reflect the cost of the water treatment plant work. Also, there's a 5% reduction in the salary costs which is reflected in the numbers. Initially the thought was to accomplish the reduction with 13 furlough days, however the union is recommending 12 since there are 12 months in a year. He said that is his recommendation and that they be tied with holidays and/or Fridays for long weekends. We would close City Hall. He said he'll have to work with the Police, Fire and other departments to coordinate the furloughs. Also reflected in the numbers is an increase in the employee contribution to the health insurance costs. Discussions with the union on that are pending. The City just today got final numbers from (the proposed carrier) CIGNA whereby the increase is now 24.5% (from 17%) higher than current premiums. The increase is based on the results of the health surveys CIGNA conducted with the employees. The cost is still a lot less than the 41% increase the City's current carrier, Rocky Mountain Health Plans, quoted. He surmised that the increase really shows the need for a wellness program given their input to staff. City Manager Acre said between this reading and second reading and public hearing there will need to be adjustments made to reflect this increase in the health care costs. The budget, he said, is staff's best plan. Staff will monitor it throughout the year and try to make necessary adjustments to stay within the budget. It takes a few months to get the sales tax numbers in to know the trend. He said he hopes to see improvements but will ultimately have to live within the budget, just like one's household budget. Councilmember Bolton asked if the 5% salary reduction is across the board. City Manager Acre said it is and it is proposed as one furlough day per month with the time split between two paychecks. Councilmember Miles asked if it is no longer proposed as two hours on Friday. City Manager Acre said in talking with staff they felt it better to just give up a day. Councilmember Mattie agreed, adding that it would be more productive use of their time for the employees to have a full day. City Manager Acre said closing a day will also show the public the impact. He said staff will look at ways to do work more efficiently, such as working four ten-hour days

potentially. Councilmember Bolton asked how long he expected union negotiations to continue. City Manager Acre said he hoped to finalize them before second reading so the changes can be made to the budget. If there are changes we can't do by then we will have to live within the budget. Either way adjustments will have to be made. He said he hopes to work together with the employees to come up with solutions. Councilmember Bonato recalled when he was first elected the union negotiations used to be between the union and the City Manager and City Attorney. He asked if the City Attorney should be present at those meetings. City Manager Acre answered that the union doesn't have an attorney present on their behalf and so it was his decision that the City Attorney doesn't need to be present. He added that he felt it would be better if he and Finance Director Lonny Medina negotiated because much of the negotiations deal with the budget. He added further that once there is a Public Works Director he may no longer be involved in the initial negotiations. There is nothing in writing in the contracts that states that it has to be the City Manager and City Attorney who negotiate. Councilmember Bonato said he's confused because former City Manager Soltis and City Attorney Duran negotiated in the past and he thought it was their duty to negotiate and bring the issues back to Council for their feelings. He said he's getting the feeling that we are not at a point of knowing what the union is asking for and what the City's presenting to them. He said he wants to know what they want and what we can give them before we move forward. It should be a give and take. What does the union want and what can the City provide? He said he doesn't know because he's not getting a response back from the union. City Manager Acre said Council members shouldn't be hearing directly from the union. He said he shared with Council what the union gave the City in writing and the City's verbal response. He added that he is trying to be open and that his understanding is the negotiations are between the City Manager and staff members, not City Council. City Council approves the budget. He said he has brought back what they have so far. The union's requests were just received a few weeks ago, and he has tried to be more open than how it was done last year. They have not had any discussions in executive session this year as was the case last year. City Attorney Downs added that City Manager Acre suggested to him early on that he and Finance Director Lonny Medina negotiate for the City. He said he didn't have strong feelings one way or another about the suggestion, adding that if he thought he should be involved he would have said so. Historically it has been between the union and City Manager and City Attorney. Last year he said he participated in negotiations with Acting City Manager Ralph Gagliardi. When it was suggested this year that he not be involved, he didn't insist that he did. He clarified that he would have been happy to be involved but reiterated that he didn't have strong feelings about it. He apologized if Council felt he was shirking his responsibilities. Councilmember Bonato said he's not only speaking as a Councilmember but also as a City taxpayer. He said what he's getting off the street is questions about why City Attorney Downs is not present in these meetings. He opined that the City Attorney should be present in the meetings, and added that City Manager Acre has financial knowledge of the City without having to have the Finance Director present. Councilmember Bonato stated he felt strongly about it. If legal questions come up the City Attorney should be there. City Attorney Downs responded that if legal matters arise he would address them. He added that it didn't seem vitally important for him to be present and he wasn't asked to be present. Furthermore it was suggested he not be present and he said he was fine with that. Councilmember Miles commented that in her experience with negotiations she doesn't find it unusual for the business people to talk first and the lawyers come in after to make sure things are done correctly. She felt they could get a lot more done that way. She added that she understands Councilmember Bonato's position, but this is not her issue. Councilmember Mattie added that the least degree of formality the more forthcoming and honest people will be. He asked if it was a concern of the union. Lee Hadaway, AFSCME Local Union President, addressed Council and said there were not a lot of points of contention regarding the contract this year. They are not really trying to change the contract. However, next year will be a different story because they will probably redo the whole contract. At that point the City Attorney may need to be at least on standby. He deferred to Council concerning Councilmember Bonato's concern. Councilmember Bonato said it was just a suggestion, he thought that was the proper way, and people on the street asked him about it. He concluded that he thought it should be looked at. City Manager Acre assured Council that if there are legal issues he would involve City Attorney Downs. Who he negotiates with is a decision he can make. Councilmember Mattie said in negotiation disputes people sit down and talk among themselves about what their concerns are. It is less complicated. The ordinance was introduced by Councilmember Mattie and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on December 17, 2013, was made by Councilmember Mattie and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote.

ORDINANCE NO.

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY OUT OF THE REVENUES OF THE CITY OF TRINIDAD, COLORADO, TO DEFRAID AND MEET THE LIABILITIES OF THE CITY OF TRINIDAD FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014; SAID ORDINANCE BEING TERMED THE ANNUAL APPROPRIATION BILL FOR THE 2014 FISCAL YEAR

First reading of an ordinance of the City of Trinidad, Colorado, repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purposes of (i) adopting by reference uniform codes for the regulation of buildings – to wit, the 2009 Editions of the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Property Maintenance Code*, and *International Private Sewage Disposal Code*; and the 2011 Edition of the National Electrical Code; and (ii) replacing currently-adopted building codes in conflict therewith, and setting a hearing date for consideration of said ordinance. A modified copy of the ordinance was distributed to Council before the meeting. The ordinance was introduced by Councilmember Miles and then read aloud in its entirety. A motion to approve the ordinance as amended on first reading and consider it further at a public hearing at 7:00 p.m. on December 17, 2013, was made by Councilmember Mattie and seconded by Councilmember Bonato. The motion carried by a unanimous roll call vote. Councilmember Miles suggested that they look further and the non-conformance language to extend it to 36 months potentially. Councilmember Bolton said her intention in raising that in work session earlier was to consider possibly changing it to 36 months and a person would have one opportunity to get a six-month extension. It can be part of further negotiations Council can discuss next work session, similar to the budget. Councilmember Miles added that further feedback from Building Inspector Chris Kelley would be appreciated.

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, REPEALING AND RE-ENACTING CHAPTER 5 ("BUILDINGS"), AND ARTICLE 1 OF CHAPTER 8 ("FIRE PREVENTION"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSES OF (I) ADOPTING BY REFERENCE UNIFORM CODES FOR THE REGULATION OF BUILDINGS – TO WIT, THE 2009 EDITIONS OF THE *INTERNATIONAL BUILDING CODE*, *INTERNATIONAL RESIDENTIAL CODE*, *INTERNATIONAL FIRE CODE*, *INTERNATIONAL PLUMBING CODE*, *INTERNATIONAL MECHANICAL CODE*, *INTERNATIONAL FUEL GAS CODE*, *INTERNATIONAL EXISTING BUILDING CODE*, *INTERNATIONAL PROPERTY MAINTENANCE CODE*, AND *INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE*; AND THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; AND (II) REPLACING CURRENTLY-ADOPTED BUILDING CODES IN CONFLICT THEREWITH

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

PAYROLL, November 23, 2013 through December 6, 2013. A motion to approve the payroll was made by Councilmember Mattie and seconded by Councilmember Shew. Councilmember Bolton said she noticed there were numerous buy-outs for vacation and sick leave this payroll. She said she went back to the payroll from one year ago this same time in 2012, and compared them. This year for this payroll it amounted to \$15,694 and in 2012 for the same payroll it was \$3,340. She suggested the concern of change spread like wildfire. Roll call was taken and the motion carried unanimously.

Councilmember Miles said it was nice to see in the Pueblo Chieftain the article regarding the joint venture between the City and Trinidad State Junior College with the heavy equipment project. City Manager Acre said the project was happening before his tenure and there will be additional publicity once the keys are handed over.

ADJOURNMENT. There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Mattie and seconded by Councilmember Shew. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

CAROL BOLTON, Councilmember

Corrected
12/17/2013

AUDRA GARRETT, City Clerk