

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, June 3, 2014, and called to order at approximately 7:20 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Reorda, presiding
	Councilmembers	Bolton, Bonato, Fletcher, Mattie, Miles, Torres
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of May 20, 2014 and Special Meeting of May 27, 2014. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Mattie. The motion carried unanimously excepting Councilmember Bonato who abstained.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Tom Murphy addressed Council regarding ARPA and City Finances. Mr. Murphy said he'd like to know at the next regular meeting if possible how much money has been spent on the law firm in Albuquerque for the ARPA lawsuit. Secondly he pointed out that there had been a decision made by Council several months ago to hold off on furloughs for a time and the six months is up. He asked the status of the City and what exactly is going to happen. He asked if we have gotten better by doing nothing, which was the plan, or are things better financially so that the employees don't get laid off. He said he'd like an answer in two weeks.

Tom Poss addressed Council regarding scammers. Mr. Poss said there continues to be panhandlers on the south end of town and it is a disgrace, a shame, a smear and a black eye for Trinidad. He said when he last addressed Council he was asked to find out where the City limits were. He said Wendy's and the Holiday Inn are in the City and the other side is the County. When he found that information out he said he went before the Las Animas County Commissioners and was allowed six or seven minutes to address them. They told him they would investigate to see what can be done. Mr. Poss urged Council to investigate the legality of it and to join with the County and contact the City of Aurora to stop the panhandlers because Aurora was able to. Those communities who don't have ordinances in place put signs up around the area telling people to not give money to those begging on the side of the road or not to give money to those who say they need help because they don't and are not homeless; they are scammers. He reiterated that they are a black eye to the community. Mr. Poss said a lady who went through his line at Walmart one day had asked a panhandler how much he made a day and was told he made on average \$200 per day. If they panhandle seven days a week they are making \$1,400 per week. Mr. Poss said he's sure there are a number of people here who don't make \$1,400 per week. One panhandler went through his line at Walmart and bought \$109 worth of electronic equipment and groceries with food stamps. He bought the electronic equipment on a credit card and when he opened his wallet had eight or nine \$100 bills. He's not homeless. These people steal from the City and County by not paying taxes on the money they collect. Mr. Poss asked on behalf of the tourists and the people of Trinidad and the County that the City join forces with the County to stop them.

John A. Hurtado addressed Council concerning Trinidad-Las Animas County Economic Development and the Chamber of Commerce. Mr. Hurtado asked the status of the meetings between the County, Economic Development and the City regarding the forward movement of Economic Development. Tara Marshall deferred to Councilmember Miles to answer that in her Council Report. Mr. Hurtado then asked if Council would entertain a proposal using the combination of resources, funding and facilities, to combine Economic Development and the Chamber of Commerce with a combined board. Councilmember Miles said she'd answer under her Council Report.

Mary Jo Baudino addressed Council regarding a thank-you letter. Ms. Baudino told Council that she lives at 818 S. Oak Street and is the owner of the Nursery Rhyme Center, an in-home daycare. She extended her appreciation to Public Works/Utilities Director Mike Valentine and Dan Ruscetti and the Street & Bridge Department for their quick response to a problem at one of the City's parks. Ms. Baudino explained that there was a large drainage pipe draining into a ditch that was uncovered. Her dad, Councilmember Joe Bonato, mentioned it last Tuesday and by Wednesday afternoon Mr. Ruscetti was at her door to find out where it was. He then went and looked at it and placed a grate over it. Had someone fallen into it, it would have been a disaster. She said she now feels safe to walk her kids to the park again and reiterated her thanks.

COUNCIL REPORTS. Councilmember Mattie had nothing to report.

Councilmember Fletcher reported that there was ongoing discussion with ARPA on Thursday in Springfield and hoped they would reach a conclusion soon.

Councilmember Bolton reminded of the Creative District meeting tomorrow night from 5:30 p.m. to 7:00 p.m. at the Trinidad State Junior College Pioneer Room.

Councilmember Bonato said there was an article in the Chronicle News today that the Mining History Association will be holding its annual conference here from Wednesday, June 11th through June 15th. He said he thought all of the functions will be at the Masonic building at TSJC. There will be a lot of coal mining presentations. He asked people to attend if they can. It would show our support for the mining community. He credited his wife for having seen another article in the paper. He explained that since Trinidad is now part of the State's Creative Industries and Creative District program, his wife thought it important to try to get the word out to all of the local creative businesses about an important contest that just started today. The contest is to honor American-made products, artwork, food and hand-crafted items, produced by American creative small business owners. He said the contest is sponsored by the editor of Martha Stewart

Living. It is an opportunity to win \$10,000 to grow their business and gain publicity in the Martha Stewart magazine. He said he thought we have a lot of talented and creative people here who could win this contest. Councilmember Miles suggested it be introduced at the next Chamber luncheon. Tara Marshall said she would and would do so also at the Creative District meeting tomorrow night.

Councilmember Torres announced that the Hispanic Chamber of Commerce is holding their annual fundraiser, bringing Al Hurricane to perform on July 12th. She said she has tickets for sale and hoped that even if a person doesn't like that music they buy a ticket because the money is used for the local scholarship program that the Hispanic Chamber works very hard at.

Councilmember Miles reported that today at the County Commissioners' chambers they held a joint meeting with the Boards of the Chamber of Commerce and Trinidad-Las Animas County Economic Development regarding combining resources and efforts in furtherance of a unified effort to build up Trinidad. The meeting was very well attended, 15 to 20 people. It was a very productive discussion. They spoke about sharing office space and alternatives as well as personnel, with a view towards a minimum of administrative staff and perhaps a joint director. The TLACED Board will discuss it further on Thursday and the Chamber will at their meeting one week from tomorrow. Out of that will come a task force to develop specific things discussed at today's meeting. She said she believes a lot of people believe time is indeed at hand to move forward with the concept. Councilmember Miles also reported that they recently had an ARPA Board meeting in Springfield and have another one scheduled for June 11th in Lamar. Things are heating up. She said they haven't been meeting just once per month, it has been at least twice per month, including conference calls. They are trying to move this thing forward. They are limited on what they can say because of the continuing litigation. However, she said that things have seemed to moved off the dime of stagnation. Finally she reported that she participated in the art walk for about an hour and one-half. She said it was great to see people on Main Street, enjoying food and refreshments, and musicians. She welcomed Councilmember Carol Bolton to the merchant community having just opened Coin Dancer Antiques at 232 E. Main Street.

REPORTS BY CITY MANAGER. Visits. City Manager Acre told Council that he and his wife attended the A. R. Mitchell Museum opening over the weekend and visited Councilmember Bolton's shop. He said the A. R. Mitchell is looking nice and he was introduced to the new director who he thought would do well for the community. She and her boyfriend are raring to get active in the community.

Compressed Natural Gas. City Manager Acre stated that there is a fleet group meeting tomorrow regarding compressed natural gas. It is a continuation of the efforts that SCCOG, the County and City have been working on in anticipation of funding from the state for a CNG facility in the Trinidad area. It is a strategic location. The company looking into the business is trying to get a handle on how many companies may want to convert to CNG. He said he sees this as an economic development potential down the road.

REPORTS BY CITY ATTORNEY. City Attorney Downs had nothing to report.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Hotel and Restaurant with Optional Premises renewal request by B & G, Inc. d/b/a The Clubhouse Grille at 1415 Nolan Drive. David Griego was present on behalf of the licensee. A motion to approve the license renewal was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously.

New Medical Marijuana Center application filed by T. P. Main Street, LLC at 821 E. Main Street. Councilmember Bonato corrected the addressed listed on the agenda from 821 W. Main Street to 821 E. Main Street for this and the ensuing two items. Councilmember Bolton moved to set the Medical Marijuana Center application filed by T. P. Main Street, LLC at 821 E. Main Street for public hearing on July 15, 2014 at 7:00 p.m. Councilmember Torres seconded the motion. The motion carried by a unanimous vote upon roll call.

New Medical Marijuana Optional Premise Cultivation Operation application filed by T. P. Main Street, LLC at 821 E. Main Street. City Attorney Downs pointed out that Tim Peters was present on behalf of the applicant. Upon inquiry he advised that this application is a second request for the grow portion of the operation. Councilmember Bolton made a motion to set a public hearing for the Medical Marijuana Optional Premise Cultivation Operation application filed T. P. Main Street, LLC at 821 E. Main Street for 7:00 p.m. on July 15, 2014. The motion was seconded by Councilmember Miles and carried by a unanimous roll call vote.

New Medical Marijuana Infused-Products Manufacturer application filed by T. P. Main Street, LLC at 821 E. Main Street. Councilmember Bolton made a motion to set a public hearing for the Medical Marijuana Infused-Products Manufacturer application filed T. P. Main Street, LLC at 821 E. Main Street for 7:00 p.m. on July 15, 2014. The motion was seconded by Councilmember Torres and carried by a unanimous roll call vote of Council. Councilmember Bonato said he has water concerns with regard to marijuana and has been doing his homework on it. Mayor Reorda asked if he received information in his Council packet. City Attorney Downs said it was sent to everyone as an e-mail except the Mayor. Councilmember Bonato said last week they talked about water being used from Trinidad Lake and North Lake for marijuana cultivation. He said he's been asking questions through City Attorney Downs and City Manager Acre. According to the e-mail Council received from City Attorney Downs, Jeff Kahn, the City's water attorney, said there is no problem with use of water from North Lake but there may be a problem with raw water used from Trinidad Dam to cultivate marijuana. He said he was here at City Hall yesterday for probably a couple of hours with City Manager Acre trying to get answers but his questions weren't really answered. According to the e-mail, City Attorney Downs said he wished he could put this problem to sleep. Councilmember Bonato said we still have a problem if our own water attorney has said maybe we could have a problem with water used out of Trinidad Lake. Councilmember Bonato said if Council moves forward with this he wants it to be on record that he has asked these questions and is not really satisfied with the answers he gotten. He said he doesn't want to see Trinidad in the future have any kind of legalities put on us through the federal government. He presented an

article from an agriculture magazine to City Manager Acre showing that the federal government will come down hard in Washington and Colorado on water usage. City Attorney Downs explained that as stated in his e-mail, it is rare for a business to rely on raw, untreated water; New Elk Mine and Cougar Canyon Golf Course are two examples that have. Everything else is treated water from North Lake. There is no federal problem, limitation, or prohibition with the use of that water. That comes directly from Jeff Kahn who is intimately familiar with the City's water issues and considerations. He said he appreciated Councilmember Bonato's question being on the record as well as his response. The other question was from the Colorado Conservation District concerns and the 85th Congress which convened from 1957-1959 when the dam was being considered. There are no limits on water for medical marijuana as long as it comes from North Lake Dam. Mayor Reorda commented that the City's water in Trinidad Lake is for recreational purposes. City Manager Acre clarified that some of the water behind Trinidad Dam and Trinidad Lake is used for irrigation purposes and augmentation. What Councilmember Bonato is referring to in the agriculture magazine article is with respect to water controlled by the Federal government that's owned by the Bureau of Land Management (BLM). The Federal government can put some additional controls on it. Mr. Kahn has shared a recent policy update that can be provided to City Council. The BLM is supposed to monitor and report any use of water coming from their public facilities to the Department of Justice (DOJ). The DOJ came out with a ruling in late August, 2013, where they are focusing on marijuana from the standpoint of whether it is being used illegally, going from state to state, impacting youth, and there are eight different points they are focusing on. Therefore, Mr. Kahn said there is a low likelihood that any of our water would be targeted like that. The Corp. of Engineers will probably do something similar to the BLM. Mayor Reorda pointed out that the irrigation water is owned by the farmers who own the water rights down the river. City Manager Acre added that some is owned by the City. Is there a 100% chance that nothing would ever be tied to the City? No. However, he reminded Council that in the license application it states that it is still illegal under federal law to sell marijuana. He added that we can't as a City say we will never be touched. The only scenario they came up with in discussion that might target use of water for marijuana that we are aware of is if someone had a water well in town that they were using to irrigate and they were augmenting that water with water leased from the City. In that case we would have control and knowledge of that. Councilmember Bonato said he was relaying the concerns he heard from the farmers and from being a member of the Watershed Board. He said he didn't understand the water in Trinidad Lake fully but the Purgatoire River water is used for agriculture. Marijuana is not an agricultural crop; it is considered a weed. That was the farmers' concern.

Consideration of bid results for industrial mowers. Councilmember Fletcher made a motion to accept the bid received from Horizon Distributors, Inc. as recommended by Parks Superintendent Dave Esquibel in the amount of \$51,744.24. The motion was seconded by Councilmember Torres and carried unanimously upon roll call vote.

Resolution supporting the agreement between the City and the State Board of the Great Outdoors Colorado Trust Fund to complete the Boulevard Addition Pedestrian Bridge. Councilmember Bolton moved for the adoption of the resolution and Councilmember Miles seconded the motion. Upon roll call vote the motion carried unanimously.

RESOLUTION NO. 1430

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING THE AGREEMENT BETWEEN THE CITY OF TRINIDAD AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND TO COMPLETE THE BOULEVARD ADDITION PEDESTRIAN BRIDGE

BILLS. Councilmember Bolton questioned a payment under the City Manager section of the bills in the amount of \$4,221 payable to W.W. Wheeler & Associates for 'miscellaneous dam breach model'. City Manager Acre said that W.W. Wheeler is an engineering firm the City retains and they are doing a model as part of a requirement imposed by the state. Councilmember Bolton questioned why it is coming out of the general fund rather than the water fund. City Manager Acre answered that it is being done with regard to a flood-control dam which would be a function of Street & Bridge so it was charged to the most appropriate account. Councilmember Bolton noted that there were again several pages of refunds listed on the check register for utility overpayments. She said she continues to get complaints and questions and people want to know who made the final decision to estimate utility reads based on last year's usage. City Manager Acre said he thought that it being based on last year's use is spelled out in the code, but would get the answer for Council. The reason utilities were estimated was because they were short staffed or there was a problem with access to the meters. Councilmember Fletcher asked if a press release would be a good idea. City Manager Acre said he'd have Finance Director Medina here to explain. Councilmember Fletcher commented that some people didn't even live here last year. Councilmember Bolton added that there were those on fixed incomes who got a huge bill and were not in a position to pay a huge bill and wait for a refund. City Manager Acre said that people with questions on their bill can call and people can also do budget billing to level out their bills over 12 months. He concluded that staff doesn't like to estimate bills but it happens. A motion to approve payment of the bills was made by Councilmember Bolton. The motion was seconded by Councilmember Fletcher. Roll call was taken on the motion and it carried unanimously.

PAYROLL, May 24, 2014 through June 6, 2014. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Bonato. Roll call was taken and 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 Bonato. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

JOSEPH A. REORDA, Mayor

AUDRA GARRETT, City Clerk