

JUNE 19, 2012

CITY OF TRINIDAD
TRINIDAD, COLORADO

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, June 19, 2012 at 7:20 p.m. in City Council Chambers at City Hall. (The meeting commenced late due to a power failure.)

There were present:	Mayor Pro-Tem	Shew, presiding
	Councilmembers	Baca Gonzalez, Bolton, Bonato, Pando, Shew
Also present:	Acting City Manager	Gagliardi
	City Attorney	Beatty
	City Clerk	Garrett
Absent:	Mayor	Rino
	Councilmember	Velasquez

The pledge of allegiance was recited.

READING OF THE MINUTES. Regular Meeting of June 5, 2012 & Special Meetings of June 12, 2012. A motion to approve the minutes as submitted was made by Councilmember Bolton and seconded by Councilmember Baca Gonzalez. The motion carried by a unanimous roll call vote.

PUBLIC HEARING. Transfer of ownership of a hotel and restaurant liquor license request by David H. Liu d/b/a Chef Liu's Chinese Restaurant at 1423 Santa Fe Trail (formerly Shun De, Inc. d/b/a Chef Liu's Chinese Restaurant). City Attorney Beatty reminded Council as the local liquor licensing authority that this is an application for a transfer of ownership and the only consideration of the authority is the moral character of the applicant. Mayor Pro-Tem Shew declared the hearing open. Luis Lopez, legal counsel representing David Liu, reaffirmed that the sole issue to be considered is moral character. He attested that Mr. Liu is of good moral character and requested Council issue the transfer. Mayor Pro-Tem Shew commented that Mr. Liu has been a good citizen of Trinidad and had done a good job with the restaurant when he had it previously. City Attorney Beatty advised that items of information contained in the Council packet constitute the exhibits for this hearing. He pointed to the letter from Detective Sergeant Phil Martin of the Trinidad Police Department indicated that a search of public access databases yielded no criminal records for Mr. Liu. A motion to approve the transfer of ownership of the hotel and restaurant liquor license by David H. Liu d/b/a Chef Liu's Chinese Restaurant at 1423 Santa Fe Trail was made by Councilmember Bolton and was seconded by Councilmember Baca Gonzalez. The motion carried by a unanimous roll call vote of Council members present.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Wildlife-proof containers. Kimberly Ruscetti, who signed in to speak, asked to defer her comments until the bear issue was considered and asked to be recognized after everyone else who wished to speak on the topic had the opportunity.

Letter of Support and the Army's Draft Environmental Assessment. Paula Ozzello, Chairperson of the Southern Colorado Environmental Council, addressed Council concerning two issues. The first was a request for a letter of support from the City in their effort to form a watershed coalition in town. She explained that they are working on a grant application to be submitted to the Bureau of Land Management for a fully Federal funded \$50,000 grant to enable them to form a local watershed group. Ms. Ozzello told Council that all stakeholders are involved in this effort and they need letters of support from those stakeholders to be submitted with their grant application. The grant application deadline was identified as July 9th. The second issue Ms. Ozzello addressed with Council concerned the resolution on the agenda regarding the Army's 2012 Draft Environmental Assessment. She told Council that she reviewed the resolution and asked Council to table it. Ms. Ozzello said the City still has one to two weeks to submit comments through the NEPA process about the City's concerns about the Environmental Assessment. She further explained that a resolution from the City would be looked at by the Department of Army as political posturing and they don't have to respond to it. She reiterated that the cut off for comments was the 15th but there is still one to two weeks to comment according to her contact at NEPA. Ms. Ozzello said there are some items in the resolution that shouldn't be part of the comments because they are not addressed in the Environmental Assessment and will therefore not carry any weight. She offered to address Council in a work session to assist the City in formulating the areas of concern that should be identified in the comments, such as the non-socio economic impact to the City. To date she said the maneuver site does not match what was lost in agriculture to the community. This has nothing to do with expansion. It is on the operation of the maneuver site. Right now the Army has construction work to do with environmental compliance issues because her Council was forced to turn the Army in on some issues. All of the contracts are going up north. The reality is it's here - we are not going to stop it, it was approved in 2011 and the funding has already started flowing into Fort Carson where it will be housed. The maneuver site will be strictly used for maneuvers and they have taken training down there back to the original EIS. That means the brigade size training will be operational from June to October. The item to be addressed with respect to that is that in the original EIS they agreed to maintain over the private sector coming in 1000 feet above ground level. Ms. Ozzello said the Army needs to be held accountable for that and it could be included in the City's comments. Another one could be that they need to honor the calving season of our agricultural industry that surrounds Trinidad from January through April. Their Council has asked that they not fly over the ranches during that time because if they disturb the mother cow the calf can be lost. Cows and calves are going for \$1,000 each now. Our agricultural industry brings into the community between \$20 to \$40 million per year, so it is appropriate to protect that industry. She reiterated her interest in looking over the Environmental Assessment with Council and addressing issues as comments rather than a resolution. Ms. Ozzello extended her appreciation to the City, local Chamber of Commerce and County for the solidarity on behalf of the Southern Colorado Environmental Council and the ranchers and for addressing the Environmental Assessment and for pushing to bring new money to our area. She said we need to sustain our economy here. Ms. Ozzello again asked Council to table the resolution and stated the Environmental Council's willingness to work with City Council on comments because there is enough time to do so.

Tree Board/Tree Topping Ordinance. C.K. Morey and Mark Loveall signed in to speak regarding the Tree Board and

REPORT BY CITY MANAGER. Meetings. Acting City Manager Ralph Gagliardi told Council that he had a busy week last week and a busy couple of days this week meeting with department heads and City employees. He said he has three more to meet with and said he has thus far been met with kindness and politeness. The employees are great and he's been successful in asking for information he needs.

Asphalt Paving. Acting City Manager Gagliardi identified for Council the streets on the table to be paved: Colorado Avenue from Alta to Arizona; Baca Street from San Juan to San Pedro; Nolan Drive around the clubhouse; Van Buren from Nolan Drive to the State highway; Strong Avenue, Linden Avenue, Willow Street; Park Street; Atchison Avenue to Lawrence Avenue; Pinto Street, and Main Street to Prosser Road. They are also looking at A Street and a small part of Jefferson Avenue. He told Council that if they had any questions to contact Brad Mincic in the Engineering department. Mayor Pro-Tem Shew asked if it has gone out to bid yet. Acting City Manager Gagliardi said it has and the bid opening is on Thursday, June 21st.

Governor's Meeting. Acting City Manager Gagliardi reminded Council of the letter they had received in a previous packet regarding the Governor's meeting taking place on June 26th. He pointed out that the meeting conflicts with Council's work session. ACM Gagliardi said he plans on being at the Governor's meeting, excusing himself from the work session, and in talking to T-LAC Chamber of Commerce Executive Director Kim Schultz if Council could make it to the meeting by 3 o'clock that would be fine. Ms. Schultz asked them to attend as soon as they could get there and noted that the meeting goes until 5:00 p.m.

Golf Course Trees. Acting City Manager Gagliardi reminded Council also of the issue raised about the dead trees on the golf course. He said he spoke with Guido Pachelli, grounds manager at the course, who is not against having them removed in the fall, after September.

Sales Tax. Acting City Manager Gagliardi reported that Finance Director Blatnik provided him the sales tax report through April, 2012, comparing last year's sales tax through April, 2011. He said that while the sales tax increased by just over 1.5% from the previous month, as compared to the period through April, 2011, the sales tax is down by about 10% this year through April. He noted that we are going into the busy months and hoped it will recover.

REPORT BY CITY ATTORNEY. Fires. City Attorney Beatty reported that Governor John Hickenlooper has issued an Executive Order that bans open burning and private use of fireworks throughout Colorado because of the dry conditions and high fire danger. He mentioned the fact that there are currently two large active fires in Colorado. He continued that the Executive Order ban doesn't apply to campfires in constructed, permanent fire pits or fire grates within developed camp and picnic grounds or recreation sites; liquid-fueled or gas-fueled stoves; fireplaces contained within buildings; charcoal grills at private residences; or specific prescribed or controlled burns for agricultural or irrigation purposes. It is still being worked out as it regards enforcement. He said he presumes it is under the County Sheriff's Office. He offered to answer citizens' questions concerning the Order.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance amending Chapter 11 ("Municipal Solid Waste") of the Code of the City of Trinidad, Colorado, by adding Section 11-8.1 ("Wildlife-Proof Refuse Containers and Dumpster Enclosures for Non-Residential and Multiple-Family Uses") for the purpose of requiring wildlife-proof refuse containers for non-residential and multiple-family residential uses within City limits. Mayor Pro-Tem Shew declared the public hearing open and called for comments for or against the ordinance. Glenn Davis, Chairman of the Planning Commission as well as citizen of the community, addressed Council. He thanked Council for reconsidering this ordinance. He stated that based on the information presented to them at the Planning Commission meeting they felt this to be a small step that can be taken to begin to improve the situation for our citizens and the bear population. He reminded those present that the bears were here first and we invaded their territory. The large food establishments are a problem. The bears go where they are hungry and if we can reduce their distribution of litter in the community and begin that re-training process the Division of Wildlife talked to the Planning Commission about, it is an important thing. Mr. Davis said he personally has a non-residential container. His service provider agreed to provide a bear-proof container and he is happy to not have to continue to pick up trash all summer. He said it costs him an extra \$15 per month. Mr. Davis said he is not a large operation with employees to pick up trash, but he said he was sure many places are. He suggested the additional cost involved is small compared to the labor savings cost of picking up trash. He further opined that it is a safety issue as well. Mr. Davis concluded by encouraging Council's support in passage of the ordinance. Kimberly Ruscetti, co-owner of Right Way Disposal along with her husband Dan, addressed Council. She said she would like to clear up a misconception that they are not willing to help with the bear issue. She said that is not the case and that they in fact started helping their business customers within months of purchasing Right Way Disposal two years ago by modifying their containers with metal lids, bars, chains and locks at no cost. She said they have always assumed the cost in those areas. Ms. Ruscetti said the ordinance itself is their concern and some of its wording. She pointed out that they are the only locally-owned disposal business in Trinidad and are truly a small business. They purchased the business two years ago and are still paying for it and have been growing their business since. She continued that this ordinance requiring bear-proof containers is very costly. Ms. Ruscetti exemplified that their two-yard containers cost them \$575 before shipping. A two-yard bear-proof container would cost them \$800 before shipping. The four-yard dumpsters costs between \$825 to \$850 before shipping and a bear proof one would run \$1,080 before shipping per container, and they have multiple containers out there. She said they'll have no choice but to pass on the cost on to their customers which include many small businesses trying to make it in this economy, where every dollar counts. The other disposal businesses are large businesses. One of the two just reported revenue of \$376.4 million in first quarter of 2012. The other one is in Trinidad and Canon City and Steam Boat Springs where the owner resides. Ms. Ruscetti told Council that she and her husband live here and are raising their family here, and support other local businesses here. This extra cost that the containers would cause would not have the same effect on the other two disposal companies as it will on their company. She continued that Pat Patrick had addressed his concerns as a citizen on a few occasions, but he failed to mention that he is a member of the Planning Commission and one of the initiators of this proposal dating back many years. She said she can't understand why with Trinidad being such a small

JUNE 19, 2012

community they can't work together. She pointed out that the Division of Wildlife Officers Holder and Gallegos have talked about education being the true resolution for this matter for the four-month short duration. She said they currently bill their business customers on a monthly basis and offered to sit down with the Division of Wildlife and the Planning Commission, who she noted had never approached them about their concerns or how they might be able to help the situation or what the cost would be to them, rather they just brought it to Council. She said she'd be willing to meet with both parties, develop a flyer that would educate their business owners and let them know bear season is approaching and what some of the dos and don'ts are, and sit down with them monthly during the season to monitor the situation to see what else can be done to help. Communication is the key to everything, but so far it has not been two-way on this issue. Ms. Ruscetti said they don't believe a costly ordinance is the answer to a four-month problem. She said if the ordinance is passed it will be devastating to their business and their lives and to their customers who are also small business owners. She asked Council to look at the wording and try to understand why they have concerns on the way it is written. Mayor Pro-Tem Shew said he understands the problem with the expense but it is a misconception that this is only a four-month problem. He said he has bears in his neighborhood that never hibernated. Those bears were already out in April. He said he'd like to table the ordinance and see the Planning Commission go over the ordinance with the Ruscettis. City Attorney Beatty said that could be done and reminded Council that ordinances on second reading require approval by two-thirds of the entire Council pointing out that there are only five members present. Mayor Pro-Tem Shew confirmed the willingness of the Planning Commission through Glenn Davis and the Ruscettis to talk about the issue. Mr. Davis pointed out that the Planning Commission meeting where this was considered each time was advertised as a public hearing and the Ruscettis would have had an opportunity to attend. In anticipation of this he said they re-advertised the last hearing and Mr. Ruscetti attended that hearing. But Mr. Davis said the Commission would be more than happy to revisit the issue. Timing of the suggestion was discussed and it was pointed out that July 10th is the next regular Planning Commission meeting that this could be revisited. Planning Director Fineberg asked for a clarification. He asked if this ordinance goes back to the Planning Commission does it need to come back to City Council for a first and second reading again or just for second reading. City Attorney Beatty said if there are substantive changes it would need to come back for first and second reading, otherwise just second reading. Mayor Pro-Tem Shew said it would give everyone an opportunity to express an opinion on this. City Attorney Beatty corrected that approval of an ordinance on second reading requires a majority of the entire Council. Councilmember Bonato said in listening to all of the public comments, he felt they should take action. He opined that bear-proof really isn't necessarily bear-proof. He noted the comments from the Ruscettis about the extra expense and said he didn't think now was the time to pass on this expense. If businesses want to buy a bear-proof container that's fine, but people who can't afford it would have the responsibility of their own trash pick up. He concluded that he'd rather see it voted on tonight. There being no further comment, Mayor Pro-Tem Shew closed the hearing.

Second reading of an ordinance amending Chapter 11 ("Municipal Solid Waste") of the Code of the City of Trinidad, Colorado, by adding Section 11-8.1 ("Wildlife-Proof Refuse Containers and Dumpster Enclosures for Non-Residential and Multiple-Family Uses") for the purpose of requiring wildlife-proof refuse containers for non-residential and multiple-family residential uses within City limits. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Baca Gonzalez and seconded by Councilmember Bolton. Councilmember Baca Gonzalez recalled that at one point City Attorney Beatty informed them that if this is approved there would be a one year moratorium but eventually the City itself will be required to purchase containers. City Attorney Beatty said that the City has researched the City's trash receptacles that would need to be addressed to comply with this ordinance if approved. He said the City has approximately 134 containers serviced by the City's Parks & Boulevards Department throughout the parks and down town. Only three containers are currently regarded as wildlife-proof containers and they are in Cimino Park. Upgrades to the City's containers will be required. At the high end they will cost about \$1,050 per container, times 134 containers will cost approximately \$140,000. The maximum range for the City's compliance is in the neighborhood of \$140,000 to \$150,000. Councilmember Baca Gonzalez asked if that would qualify as a capital improvement. City Attorney Beatty answered that it would. Dan Ruscetti pointed out that number is not counting the containers sitting outside of the City buildings that belong to trash companies, for which the bid goes out each year. He asked about the schools. City Attorney Beatty said they would be subject to the ordinance because they are non-residential. Roll call was taken on the motion and the following votes were cast:

Aye – Baca Gonzalez, Bolton, Shew

Nay – Bonato, Pando

City Attorney Beatty said per the City's Charter, Section 5.3, every ordinance on second reading requires the affirmative vote of a majority of the entire Council, therefore four affirmative votes would be required for the ordinance to be approved. The motion failed. Councilmember Shew questioned if it was appropriate to vote without the full Council present. City Attorney Beatty answered that they can, however it would require four affirmative votes to carry the motion.

ORDINANCE NO.

AN ORDINANCE REQUIRING WILDLIFE-PROOF REFUSE CONTAINERS AND DUMPSTER ENCLOSURES FOR NON-RESIDENTIAL AND MULTIPLE-FAMILY RESIDENTIAL USES

Public hearing for consideration of an ordinance amending Chapter 19, Article 1 of the City of Trinidad Code of Ordinances to include §19-5.1 ("Unlawful to Permit Tree Topping") for the purpose of regulating the excessive and extreme pruning of trees located on public lands and further amending Chapter 19 by adding Article 3 ("City Tree Board") for the purpose of establishing a tree board to advise the City and its constituent departments on matters regarding tree planting, care and planning. Mayor Pro-Tem Shew opened the hearing. CK Morey, District Forester with the Colorado State Forest Service, addressed Council. Mark Loveall, who spoke at the previous meeting, was also in attendance in the audience. Mr. Morey said it was his privilege to speak in support of the tree board ordinance and tree topping ordinance. Mr. Morey said he has considerable experience working with tree boards, noting that La Veta has had one for over 26 years. He told Council that this is an opportunity to enhance the community's forest resources. Tree topping, or butchering, he likened to cutting off one's finger at the joint, - you ruin the form, function and health of the tree. Mr. Morey passed around photos to illustrate what happens to trees that are topped. He explained that any time you remove more than 30% of the crown at one time the tree is put into shock. Also the growing point are removed that the tree needs to maintain its form, and if there is any vigor left in the tree it will start suckering out and become bushy. Those branches are then attached to the outside of the tree and as the tree grows it gets a little more strength but is like a ball and socket joint that pop out with weight. Mr. Morey distributed literature to Council discussing tree topping. He said the tree board will do the educating for the City plus

promote projects in designing, planning, and tree inventories to learn the health of the community's forest. There are some people who are energized and want to do this and it will be a valuable asset to the City's direction in how the trees are taken care of. The City would be setting a fine example for its residents on how to take proper care of the trees. Mr. Morey said the State Forest Service would give guidance to the City's Tree Board and will try to meet with them when they hold their meetings. He encouraged Council's recognition for the work the Tree Board will do. If the Board attains the Tree City USA recognition they are attempting, by meeting the full requirements, such as having an Arbor Day and having a tree ordinance and a Tree Board which is on tap this evening, and having a budget of \$2 per capita in kind or actual dollars it would be a good representation of their mission. The volunteer time would qualify and the City's workers time involved in working with the trees would qualify, as well as the use of any equipment. He further explained that they won't need hard dollars to fulfill the entire requirement, but certainly having a budget for the Tree Board would help them do some of the things they need. Mr. Morey estimated the value of the nursery at the cemetery, with 200 trees at just \$100 per tree is \$20,000. Most of the time trees like those used during the Arbor Day planting cost between \$200 and \$300 per tree. A Tree Board and volunteers will be a valuable asset to the City. If the City needs additional support, Mr. Morey said he or his Forester, Mark Loveall, will volunteer because the City can't afford to hire a City Forester. He suggested they could enter into a service agreement for one to two hours per week on average, plus assistance with the watershed around Monument Lake, which he said he is very familiar with having assisted with projects in that area for over 30 years. He concluded with his recommendation that Council consider enhancing the community's forestry resources by adoption of this ordinance. There being no further comments, the hearing was closed.

Second reading of an ordinance amending Chapter 19, Article 1 of the City of Trinidad Code of Ordinances to include §19-5.1 ("Unlawful to Permit Tree Topping") for the purpose of regulating the excessive and extreme pruning of trees located on public lands and further amending Chapter 19 by adding Article 3 ("City Tree Board") for the purpose of establishing a tree board to advise the City and its constituent departments on matters regarding tree planting, care and planning. The ordinance title was read aloud. Councilmember Bolton questioned Section 19-23 of the proposed ordinance whereby it read that the board shall consist of five members who shall be appointed by the Mayor with approval of the City Council. She noted that typically the boards are appointed by City Council. Councilmember Baca Gonzalez asked if she was proposing a change to the language to track with language of other board compositions. Councilmember Bolton suggested that it should read that they shall be selected and appointed by the City Council. Mayor Pro-Tem Shew asked why it was written differently. City Attorney Beatty answered that the ordinance was drafted by former Assistant Planner Kelly Farabee. He added that he thought the intent would be to convey that the appointments would still be by the City Council and the language could be changed to incorporate Councilmember Bolton's suggestion 'selected and appointed by the City Council.' Councilmember Pando said he didn't have a problem with the way it was currently written because Council would still have the final approval through voting. Councilmember Baca Gonzalez suggested it be made consistent with past practice and it would encourage a broader group of individuals who might apply. Councilmember Bonato said they are all members of Council, including the Mayor, and didn't see a problem keeping the Mayor in there. The only power the Mayor has over the rest of Council is that he runs the meetings. He reiterated that he didn't see a problem with the way the ordinance is proposed. Councilmember Baca Gonzalez moved for approval of the ordinance with a modification to Section 19-24 to specify that the individuals will be selected and appointed by City Council. It was noted that the Section is 19-23 (also). Mayor Pro-Tem Shew said he didn't want to leave out someone who may volunteer. Councilmember Bolton said her suggested language follows what is in the Charter with respect to the Planning Commission, the Arts and Culture Commission, and several others. She said she assumes then the vacancies would be posted by the City Clerk as the other boards are so people who are interested can submit a letter of interest. Councilmember Baca Gonzalez asked City Attorney Beatty if it they should also modify the ordinance to indicate that letters of interest will be accepted. City Attorney Beatty said he didn't feel the word 'selected' would foreclose the possibility of someone volunteering. Customarily the process is the City Clerk will advertise the vacancies with a deadline, the letters are submitted to Council and City Council votes on the appointments. The motion to approve as amended was seconded by Councilmember Bolton. Roll call was taken and the motion carried with the following votes cast:

- Aye – Baca Gonzalez, Bolton, Bonato, Shew
- Nay - Pando

ORDINANCE NO. 1928

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE 1 OF THE CITY OF TRINIDAD CODE OF ORDINANCES TO INCLUDE §19-5.1 ("UNLAWFUL TO PERMIT TREE TOPPING") FOR THE PURPOSE OF REGULATING THE EXCESSIVE AND EXTREME PRUNING OF TREES LOCATED ON PUBLIC LANDS AND FURTHER AMENDING CHAPTER 19 BY ADDING ARTICLE 3 ("CITY TREE BOARD") FOR THE PURPOSE OF ESTABLISHING A TREE BOARD TO ADVISE THE CITY AND ITS CONSTITUENT DEPARTMENTS ON MATTERS REGARDING TREE PLANTING, CARE AND PLANNING

Consideration of Water Conservation Plan. Utilities Supt. Jim Fernandez addressed Council and advised that this is an information item and no action is expected this evening. Supt. Fernandez said the City received word from the Colorado Water Conservation Board that they have given conditional approval of the Water Conservation Plan. The City has to have their approval before they release funds for the North Lake Project. One item that just came up is the requirement for a public comment period on the water conservation plan. He said he'd get the plan available for public display and on the City's website. Also there will need to be a resolution drafted approving the plan and recognizing the public comment period. City Attorney Beatty advised Council that he has been working with bond counsel on an opinion letter regarding the loan contract with CWCB and has run into a hiccup. Bond counsel may seek to make some revisions to the loan contract which would necessitate Council approval of the revised loan contract by ordinance again. A motion to table consideration of the water conservation plan was made by Councilmember Bonato and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

MISCELLANEOUS BUSINESS. Hotel and restaurant liquor license renewal request by Wonderful House Trinidad, Inc. d/b/a Wonderful House Trinidad at 415 University. Councilmember Pando made a motion to approve the license renewal and the motion was seconded by Councilmember Baca Gonzalez. Upon roll call vote the motion carried

JUNE 19, 2012

unanimously.

Special events permit request (malt, vinous and spirituous) by Arthur Roy Mitchell Memorial, Inc. at 150 E. Main Street for July 21, 2012 (Quick Draw Event). Councilmember Bolton moved to grant the permit and Councilmember Baca Gonzalez seconded the motion. Roll call was taken on the motion which carried unanimously.

Special events permit request (malt, vinous and spirituous) by Mt. Carmel Health, Wellness & Community Center at 911 Robinson Avenue for July 13, 14, & 15, 2012 (Mt. Carmel Festival). Scott Candland, Chief Operating Officer Mt. Carmel, told Council that this should be a great event and he hoped they could all attend. Councilmember Baca Gonzalez moved to grant the permit and Councilmember Bolton seconded the motion. Roll call was taken on the motion which carried unanimously.

Tavern liquor license renewal request by Gina Louise Lujan d/b/a El Rancho Restaurant at 1901 Santa Fe Trail Drive. Councilmember Pando moved for the approval of the renewal and the motion was seconded by Councilmember Baca Gonzalez. Roll call was taken on the motion, which carried with all Council members voting aye.

Tavern liquor license renewal request by JuJo's Pub, Inc. d/b/a JuJo's Pub and Dance Hall at 125 N. Chestnut Street. Councilmember Bolton moved for the approval of the renewal and the motion was seconded by Councilmember Bonato. Roll call was taken on the motion, which carried unanimously.

Modification of premises request (temporary) by Trinidad & Las Animas County Chamber of Commerce at 700 Smith Street. Chamber of Commerce Executive Director Kim Schultz explained that they are asking to temporarily expand their premises at the ball park to include the already-fenced parking lot to extend their 3.2% beer license for the 4th of July and through the end of the July to wrap up the baseball games. She said they are planning a big 4th of July event and has three company picnics scheduled, including Pioneer, PCV and another large company. Ms. Schultz said they hope to expand their service and bring in more people and expect better attendance through the end of July. Mayor Pro-Tem Shew asked if they will increase security. Ms. Schultz said they've provided for security along the entire line. Councilmember Bonato asked if this would extend to the parking lot from the grandstands. Ms. Schultz said it would, but just for certain events such as the 4th of July and company picnics, just for special events primarily. She added that this area represents lost space for them at this time. A motion to approve the temporary modification of premises was made by Councilmember Bolton. Councilmember Baca Gonzalez seconded the motion which carried unanimously upon a roll call vote of Council members present.

Consideration of Interlocal Agreement between the City of Garden City, Kansas, City of Dodge City, Kansas, City of Hutchison, Kansas, the City of Newton, Kansas, the City of La Junta, Colorado, City of Lamar, Colorado, and the City of Trinidad, Colorado, collectively referred to as "Municipalities", for the purpose of retaining services of Alton & Bird, LLP to provide services to the Municipalities related to the funding for, or continuation of, the Southwest Chief rail line servicing the Municipalities. Councilmember Baca Gonzalez made a motion to approve the Interlocal Agreement as presented. The motion was seconded by Councilmember Bolton and carried unanimously pursuant to a roll call vote.

Consideration of contract for State of Colorado funding for the Colorado Welcome Center in Trinidad for the 2012-2013 State fiscal year. A motion to approve the contract as presented was made by Councilmember Baca Gonzalez and seconded by Councilmember Bolton. The motion carried unanimously by roll call vote.

Consideration of grant agreement for the first phase of the Old Sopris Trail Project. Councilmember Bolton moved to approve the grant agreement and Councilmember Baca Gonzalez seconded the motion. Roll call was taken on the motion and carried unanimously.

Resolution objecting to the U.S. Army's 2012 Draft Environmental Assessment entitled "Fort Carson Combat Aviation Brigade". Councilmember Baca Gonzalez made a motion to table action on this item and direct Acting City Manager Gagliardi to communicate with Paula Ozzello so that a comment letter, more appropriately, can be drafted and submitted on behalf of the City. The motion was seconded by Councilmember Bolton and carried unanimously upon roll call vote.

RESOLUTION NO.

RESOLUTION OBJECTING TO THE U.S. ARMY'S 2012 DRAFT ENVIRONMENTAL ASSESSMENT ENTITLED "FORT CARSON COMBAT AVIATION BRIGADE"

BILLS. A motion to approve the bills was made by Councilmember Baca Gonzalez. The motion was seconded by Councilmember Bonato. Councilmember Baca Gonzalez asked if on the first page of the bills, the payment to Light, Kelly and Dawes for professional services is in connection with the recall protests to date in the amount of \$3,827.60. City Attorney Beatty said that was correct. She asked if the payment shown on the last page of the report in the amount of \$1,810.00 for transplanting ten trees is related to the river bottom incident. City Attorney Beatty responded affirmatively. Roll call was taken on the motion to approve the bills and carried unanimously. Planning Director Fineberg updated Council that the ten new trees were planted and there is a lot of willow revegetation. Also a temporary sprinkler system has been set up to water in the first year. He opined that it is looking a lot better.

PAYROLL, May 26, 2012 through June 8, 2012 and June 9, 2012 through June 22, 2012. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Baca Gonzalez. The motion carried unanimously.

EXECUTIVE SESSION – For a conference with legal counsel for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b), regarding ARPA litigation. Councilmember Baca Gonzalez made a motion to enter into executive session for the stated purpose and the motion was seconded by Councilmember Bonato. Upon unanimous roll call vote, the executive session ensued at 8:36 p.m.

I, Jerod A. Beatty, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 19th day of June, 2012, 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.



Jerod A. Beatty
City Attorney

Upon conclusion of executive session at 9:30 p.m. the meeting resumed.

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

ATTEST:

FRANKLIN SHEW, Mayor Pro-Tem

AUDRA GARRETT, City Clerk