

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Wednesday, November 6, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

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

PROCLAMATIONS - Willa Mae Gartside Retirement Celebration Day & Gerald Franch Retirement Celebration Day. Councilmember Mattie opened the meeting and read aloud the Proclamation declaring November 8, 2013 as Gerald Franch Retirement Celebration Day. It was presented to Mr. Franch. Councilmember Mattie then read aloud the Proclamation declaring November 7, 2013 as Willa Mae Gartside Retirement Celebration Day. City Clerk Garrett advised that since Ms. Gartside could not be here she would ensure Ms. Gartside receives the Proclamation.

In the absence of the Mayor and Mayor Pro-Tem, Councilmember Bonato was selected by the balance of Council to assume the chair.

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of October 15, 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.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Councilmember Bolton had nothing to report, however asked if there will be sufficient representation by the City at the Rural Economic Development Initiative (REDI) Program tomorrow. City Manager Acre advised that there will be. Planning Director Louis Fineberg and Assistant Planner Karen Wolf are attending the meeting, as well as County Administrator LeAnn Fabec. He added that he will be attending the Convening for Health session in Pueblo tomorrow so he won't be in attendance, but the City would have adequate coverage.

Councilmember Shew said he talked with the Home Town Christmas representatives about the decorating of the tree and thought that City Manager Acre had gotten it taken care of with the Parks Department. They invited people to participate in the parade of lights to be held on the Friday after Thanksgiving. He commended Mrs. Duran for doing a really good job in getting this event done.

Councilmember Mattie had nothing to report this evening.

Councilmember Miles said they've been preparing for ARPA mediation which is scheduled for November 22nd. She said she's spoken to legal counsel and suggested Council have an executive session at the ensuing Tuesday's meeting. Juan Flores was asked to be available for that meeting.

Councilmember Bonato extended congratulations to the winners of the election. He commented that he thought it will be good - people will fill some places, some new and some not. He added that he is really looking forward to moving forward with this Council, although Councilmember Shew will be missed.

REPORT BY CITY MANAGER. Department of Local Affairs (DOLA) Energy Impact Hearings. City Manager Acre called to Council's attention at their seating places some handouts. He advised that one of them pertains to the DOLA Energy Impact hearings that will be held in Trinidad on November 13th. He said he and County Administrator LeAnn Fabec will be taking the DOLA representatives to dinner as the host community and invited City Council to join them. It is a great opportunity to meet the people who make decisions, adding that the City has a grant pending in this cycle. He asked Council to let his office know if they will be attending.

City Manager/Staff Update Report. City Manager Acre noted that as pointed out by Councilmember Bolton, there is a grant opportunity coming up with the Rural Economic Development Initiative Grant Program. It is geared toward small rural communities that houses correctional facilities or a closed correctional facility, or a community that realized a loss of large employers such as the City did with the gas and oil field companies and the mine. The program is to offer ideas on planning, job training or other activities to help spur economic development. It is sponsored by DOLA and the Office of Economic Development and International Trade. He said another potential opportunity that staff will be attending is the Colorado Fresh Food Finance Fund program. It may be an opportunity to help get local-grown food activity spurred as well. City Manager Acre said he would be attending the Convening for Health session tomorrow whereby southeastern Colorado counties were invited to discuss improvements to health and health care in this region of the state. He said he'll see what he can learn and bring back to Council.

A. R. Mitchell Museum. City Manager Acre called to Council's attention the information received from Paula Little concerning the boiler at the A.R. Mitchell Museum. In the correspondence Ms. Little thanks Council for the \$1,000 support

given to the museum for the boiler. He added that Building Inspector Chris Kelley worked with the Mitchell on permitting issues and Bill Winter of Blue Diamond Builders was instrumental with getting the boiler installed.

Retirement. City Manager Acre informed Council that Utilities Superintendent Jim Fernandez has retired. He said staff will work with him on some way to celebrate his 42 years with the City. He added that he has interviews scheduled for November 19th for the Public Works/Utilities Superintendent position.

North Lake. Council was advised by City Manager Acre that the North Lake Dam Rehabilitation Project is progressing well, however weather is starting to impact the work due to the night temperatures. The stilling basin and intake structure are 98% complete. The City has requested an updated schedule from RJH Engineering.

Urban Renewal. City Manager Acre told Council that after their last meeting concerning urban renewal it was discovered that to abolish the existing urban renewal authority and reinstate it would delay the process by six months before the new urban renewal authority could take effect, pursuant to State Statute. He said he's revisited with the bond attorney who has developed draft bylaws. The next step is to appoint the urban renewal commission.

Multi-modal. Councilmember Mattie commented that he is happy to see that South Central Council of Government's Executive Director Pete Frasier will get the letter she has requested from the City relative to the multi-modal project. City Manager Acre said the City expects to see a counter to the City's offer to Burlington Northern Santa Fe Railroad. Planning Director Fineberg feels they have basically accepted the City's concerns and he said he thinks this is moving forward.

REPORT BY CITY ATTORNEY. Executive Session. City Attorney Downs requested Council conduct an executive session for the very limited purpose of receiving legal advice on the interpretation of the Trinidad Home Rule Charter in so far as it applies to a vacancy on City Council. Councilmember Shew made a motion to enter into executive session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – interpretation of the Home Rule Charter pertaining to a vacancy on City Council. Councilmember Miles seconded the motion which carried by a unanimous roll call vote. The executive session ensued at 7:20 p.m. Upon conclusion of executive session at 7:50 p.m., the regular meeting resumed.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 6th day of November, 2013, was permissible under CRS Section 24-6-402 (4)(b).

As City Attorney, it is my opinion that the discussion of the matter announced in the motion to enter into executive session constituted a privileged attorney-client communication. Therefore, it is my recommendation that no further record be kept of this executive session.


Les S. Downs
City Attorney

UNFINISHED BUSINESS. Councilmember Bonato raised some concerns about the Boulevard Addition project and the potential for flooding. City Manager Acre suggested they talk tomorrow and it can be brought up at the next work session.

Appointment of Planning, Zoning and Variance Commission member. Councilmember Bonato advised that there are two letters of intent to serve on the Commission from David Baca and Wayne Pritchard. Councilmember Mattie said when they last met concerning this, it resulted in a two to two vote and he had supported the appointment of David Baca because of his youth and willingness to participate and the philosophy of inclusion. In doing so he said he overlooked the expertise and experience of Wayne Pritchard. He said he later talked to Mr. Pritchard who serves also on the Appeals Board and Economic Development Board. That was why he said he voted against Mr. Pritchard. In his discussion with Mr. Pritchard he agreed to resign from the Board of Appeals if he's appointed to the Planning Commission, thereby creating a vacancy on the Board of Appeals that David Baca could fill. He suggested Council inquire of Mr. Pritchard and Mr. Baca whether that is something they are agreeable to. Councilmember Bolton moved to table this item to the next regular meeting. Councilmember Bonato opined that we have put these gentlemen off two weeks already and so a decision should be made. Councilmember Bolton suggested they needed to hear from the applicants on this. Councilmember Shew seconded the motion. Councilmember Miles said she thought Councilmember Mattie's suggestion had a great deal of merit. City Attorney Downs pointed out that if Mr. Pritchard is given the position on the Planning Commission and elected to resign from the Board of Appeals it would have to be treated like a new vacancy and opened up to the public as we do any other vacancy. Councilmember Bonato confirmed that Mr. Baca would need to apply for the vacancy. Roll call was taken and the motion carried unanimously.

MISCELLANEOUS BUSINESS. Tavern liquor license renewal request by Great Wall, LLC d/b/a Great Wall at 321 State Street. Councilmember Bonato acknowledged the presence of representation for the licensee. A motion to approve the license renewal was made by Councilmember Shew. Councilmember Miles seconded the motion. Roll call was taken on the motion which carried unanimously.

First 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, and setting a hearing date for consideration of said ordinance. City Manager Acre pointed to the red-line version and clean copy of a revised ordinance. He explained that after the Council packets were compiled there was further discussion with Mike McFadden, the City's gas consultant. The decrease is proposed for nine months when customers are using the most gas. It attempts to reduce the deferred gas charge. It is anticipated that by September, 2014 the over-recovery will be depleted. This is money we need to give back to the rate payers. In September, 2014, the rate will increase slightly and the gas tariff will be revisited in November, 2014. He added that he didn't think Mr. McFadden got a chance to fully explain and he thought Finance Director Lonny Medina and Councilmember Miles talked about it. Councilmember Miles said they did and it is money in the bank and by statute the money gets returned. We need to move forward with this. However she said she'd like further

discussion about having some buffer in place for rate volatility. We are limited right now. City Manager Acre said that he's been participating in the NPGA meetings regarding natural gas on behalf of the City and rate stability is something the board is addressing. Councilmember Miles asked if she's correct in that the deferred gas cost will be depleted and then we'll see a slight increase. City Manager Acre said that is correct and it will depend on how much gas is used as to how quickly the over-recovery will be depleted. It will have to be monitored and staff may have to come back to City Council. Councilmember Bonato commented that when Mr. McFadden was questioned he either didn't want to give Council the answers or didn't know the answers. Councilmember Miles said Finance Director Medina explained to her the accounting on the reserve. Councilmember Mattie, deferring to Councilmember Miles' expertise asked if she is satisfied with what they are doing with the proposed ordinance. Councilmember Miles said she is, but thinks they can do better in the future. City Manager Acre noted that Mr. McFadden commented to him that he could have better handled it. Councilmember Bolton introduced the ordinance as last amended 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 November 19, 2013, was made by Councilmember Bolton and seconded by Councilmember Miles. The motion carried by a unanimous roll call vote.

ORDINANCE NO.

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

Consideration of bid results and contract for way-finding signage. Planning Director Louis Fineberg addressed Council. He advised that the City received bids for Phase One of the Way-Finding Signage Project. Two bids were received, both from local firms, NV Creative Designs and All Events Trophies. The bid from NV Creative Designs was \$3,000 more at approximately \$33,500 than that received from All Events Trophies. In conversation with both, staff learned that NV Designs would be fabricating 90% of the signs in-house and All Events Trophies was going to subcontract the work out of town. Staff decided to go with NV Creative Design even though the bid was slightly more, for that reason. However, he pointed out that the bids were significantly lower than estimated, by about \$60,000. Councilmember Bolton said it represents a big difference from what was allotted in the CIP fund. She questioned if it were being done in segments. Planner Fineberg explained that the difference is largely because the public works employees will be doing the installation work. Councilmember Bolton commented that she appreciates the fact that we are using a local company using local people. Planner Fineberg noted that some of the signage will not be installed right away on Commercial Street due to the work being planned on that street. He clarified that all of the signs will be fabricated at the same time and there are a total of 45 signs. City Manager Acre added that some of the businesses off of the main streets expressed interest in signage so they will work with NV Design to create a slide-in sign that those businesses can contribute to. Planner Fineberg said those signs will be at the main intersections and will have an easy change out. Councilmember Bolton moved for the approval of the contract for Phase One of the Way-Finding Signage Project and award of bid to NV Creative Designs. The motion was seconded by Councilmember Shew and carried unanimously upon roll call vote.

Resolution approving submission of a grant application to the Colorado Department of Local Affairs/Division of Housing for the Corazon Square Rental Rehabilitation Project and giving City Manager Tom Acre full signatory authority in regard to all contracts and corresponding documents associated therewith. Planning Director Fineberg reminded Council that this grant had been presented to them a while back and has already been submitted because the Housing Authority had asked that it be done as soon as possible. This is a subsequent submission that is required to pass a resolution designating City Manager Acre as the signatory for all matters relating to the grant. Councilmember Miles asked what types of things might come up with this type of grant that Council may want to know about. Planning Director Fineberg said there is no City match. The Housing Authority has about a \$6,000 in-kind match and the grant is the first of four phases to modernize the housing facilities. Councilmember Miles asked if there's any significant liability imposed on the City if it would be discussed with Council. City Manager Acre responded affirmatively and explained that this is a pass-through grant. The Housing Authority cannot apply themselves, only through the City. The City will enter into an agreement with the Housing Authority and in return the City will get some administrative fees. He said he'd keep Council up to speed. The intent of the signatory authority is for pay applications, change orders, etc. to keep the project going. Planning Director Fineberg added that one of the tasks the City will accomplish is processing payments. He further stated that the City will receive about \$12,000 in administration fees. The Housing Authority expressed their desire in the City doing the administration entirely. Councilmember Miles opined that it seems to be very low risk for a good cause. Planner Fineberg said he toured the facilities and met some of the residents and it made him want to be involved. Councilmember Bonato asked if they will be installing elevators. Planning Director Fineberg answered that they will be installed in subsequent phases. DOLA and the Housing Authority decided how the work should be phased. Councilmember Shew made a motion to adopt the resolution and the motion was seconded by Councilmember Miles. Roll call was taken and the motion carried unanimously.

RESOLUTION NO. 1419

RESOLUTION APPROVING SUBMISSION OF A GRANT APPLICATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS/DIVISION OF HOUSING FOR THE CORAZON SQUARE RENTAL REHABILITATION PROJECT AND GIVING CITY MANAGER TOM ACRE FULL SIGNATORY AUTHORITY IN REGARD TO ALL CONTRACTS AND CORRESPONDING DOCUMENTS ASSOCIATED THEREWITH

BILLS. Councilmember Bolton said she had a question on the bills that she would e-mail to the City Manager. 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 12, 2013 through October 25, 2013. A motion to approve the payroll was made by

Councilmember Shew and seconded by Councilmember Bolton. 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 Shew. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

JOSEPH BONATO, Councilmember/Chair

AUDRA GARRETT, City Clerk