

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, January 20, 2015, at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Reorda, presiding
	Councilmembers	Bolton, Bonato, Fletcher, Mattie, Miles
Also present:	Acting City Manager	Garrett
	City Attorney	Downs
	Asst. City Clerk	Valencich
Absent:	Councilmember	Torres

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of January 6, 2015 and Special Meeting of January 13, 2015. Acting City Manager Garrett called to Council's attention at their seating places corrected minutes, page one of the regular meeting minutes and of the special meeting minutes. The corrections were made in the first paragraph of the regular meeting minutes and in the attendance list of the special meeting minutes. A motion to approve the minutes as corrected was made by Councilmember Bolton and seconded by Councilmember Miles. The motion carried unanimously.

PUBLIC HEARING. New Retail Marijuana Store license application and Retail Marijuana Cultivation Facility license application filed by Canna Company, Inc. d/b/a CannaCo at 3019 Toupal Drive. Mayor Reorda declared the public hearing open. Douglas Genova addressed Council on behalf of CannaCo and was sworn in. He testified to City Attorney Downs' questioning that he was before Council representing Canna Company corporation doing business as CannaCo. He identified himself as the Project Manager, hired to get the project in gear and is acting as an agent of the company tonight. His day to day role is yet to be determined. He testified that CannaCo is a Colorado registered C Corporation in good standing. Regarding the correlation to Forever Green, Mr. Genova testified that the initial name of the corporation was Forever Green Limited and was later changed to Canna Company. There was no relationship to Terry Sanchez and his company name Forever Green. Forever Green Limited was incorporated with the state of Colorado and it was anticipated that they may enter into a business venture with Forever Green. That did not happen. They then changed the name of the corporation to Canna Company. There is no common ownership, no influence, no Board of Directors in common; there's nothing in common. The only member of the Board of Directors of Canna Company is Cynthia Genova. Initially, as a result of the first meeting of the incorporators, Josh Bleem was President, Cynthia Genova was Executive Vice President and Lynn Bleem was Vice President/Secretary/ Treasurer. However, that has changed. The resignations of Josh and Lynn Bleem are in the minutes provided. He explained that the Bleems moved to Colorado in June, 2014, and consequently don't meet the two-year residency requirements to be directors or officers of the corporation. Mr. Genova acknowledged the requirement to notify the City and State of any changes to the ownership. Cynthia Genova owns 60,000 shares of stock in Canna Company. Her financial interest is \$100,000 for the 60,000 shares. There is also an unsecured promissory note for \$30,000 from PEG Industries, Inc. To the Mayor's questions, Mr. Genova advised Council that Cynthia Genova owns 100% of the common stock in Canna Company. They intend to raise more money from the issuance of additional stock shares. It is going to remain a closely held corporation. Mr. Genova again acknowledged the requirement to notify the City and State as the stock shares are sold as that will result in a new financial interest. Cynthia Genova submitted to a background check for her Key Associate License as an owner and has passed. Josh Bleem and Lynn Bleem filed for their Key Employee licenses and have been vetted and passed. Doug Genova has not submitted to a background clearance. City Attorney Downs advised that Cynthia Genova passed her local background check but there are no results yet from the CBI. He asked Council that if they are inclined to approve the licenses that they do so conditional upon receiving a satisfactory background check. Mr. Genova further testified that they anticipate having three to five key employees in addition to two other key associate license holders who will be involved in the company. Depending on the start-up methodology and funding, he stated that they could have up to seven key employees and 30 associate licensed employees. If they are approved tonight, he said they are hoping to open the later part of February or early March. Once again he acknowledged the requirement to notify the City and State of stock share sales. He confirmed that the address of the proposed premises is 3019 Toupal Drive. Having reviewed the application, he also confirmed that they are asking for a retail store license and retail cultivation license. The status of their medical marijuana licenses is that they are in abeyance pending the outcome of the retail licenses. They have not yet been issued the medical marijuana licenses. Mr. Genova testified that Canna Company has a lease from their landlord, the John H. and Marcia Lackey Revocable Trust through March, 2018. They also have their conditional use permits, as well as a certificate from Colorado Department of Transportation regarding a traffic impact study. State Highway Access Permit #214066 from the Colorado Department of Transportation allows them to operate at that location. The state has determined the traffic impact to be negligible. It is part of their application. Regarding the septic system, the facility is on a commercial septic system to the best of his knowledge, designed for high occupancy use. It is not tied into any other sewer system, municipal or special district. Their current plan is to have a hydroponic grow operation. Hydroponic means they will grow in water plus other medias. The water conveys the nutrients that the plants use. Mr. Genova stated he is dealing with Public Works/Utilities Director Mike Valentine regarding approvals for discharge of the waste water. They have come to an agreement with the Las Animas County Health Department that they would grout and close the cultivation area discharge points so that any water from the hydroponic system would not be allowed to go into the septic system. As a result, they need some place to go with the water if they decide to continue with the hydroponic. Obviously if this water becomes an issue there are alternatives available to them for the grow process. In the mean time he has talked to PWD/Utilities Director Valentine about a contract for the possible disposal at the wastewater treatment plant, provided that the discharge meets the requirements and will not interfere with the operations of the wastewater treatment plant. City Attorney Downs advised Mr. Genova that an approval of the license may be conditional upon him getting that approval. Mr. Genova said they would welcome that. He said their method of operation is to do everything at 100% compliance. City Attorney Downs clarified that the condition would be with respect to the cultivation license and would not affect the retail store license. Mr. Genova

said as they understand it they have two distinct conditional use permits, one for the retail store and one for the retail cultivation. The Colorado Department of Revenue Marijuana Enforcement Division has issued two distinct licenses, a retail store license and a retail cultivation license. The facility is divided in its operation and will have two certificates of occupancy. It can be considered two operations. There is tracking requirements under the Marijuana Enforcement Division requires them to manifest from the grow area into the retail area. They are separate operations. As a practical matter they won't have their own product to sell in the retail store unless they were to wait for the cultivation facility to be operational. Initially their retail product will be bought at wholesale from other cultivation facilities. Mr. Genova acknowledged their ongoing requirement to cooperate with the City and State officials, including the Building Inspector, Public Works Director, Police and Fire Chiefs, City Clerk and City Attorney's offices. City Attorney Downs told Mr. Genova that the operators are presumed to have a knowledge of the local ordinances and Department of Revenue regulations and the State Statutes on the sale and cultivation of marijuana. All who may be in ownership or operation must have the knowledge. Mr. Genova said they will additionally ensure the adequate training of their work force and ensure they maintain compliance. A security plan, diagram, an aerial view of the facility, are all being contemplated and dealt with by the organization as part of this application. He said he understands the lighting requirements. Mr. Genova acknowledged that in times of water austerity their water supply may be cut off by the City. Further, before they sell or possess any retail marijuana they must have been issued their state and local licenses. He testified that the application contents are true and correct to the best of his knowledge. City Attorney Downs submitted the application to Council for their consideration. He noted that there are two things that haven't been done – the background check for Cynthia Genova and the approval of wastewater disposal as it applies to the cultivation license. Mr. Genova offered that Cynthia Genova has cleared the state background at the state level. Councilmember Mattie noted that the neighborhood and citizen concerns were related to traffic and wastewater. He confirmed that the applicant has the CDOT approved paperwork and authorization to proceed relative to the traffic concern. Concerning the use of hydroponic water used as a grow medium, it will be a segregated from the other sewer system and either reused or if that is not possible or efficient, taken to the City's wastewater treatment plant through an agreement, was his understanding of the testimony. Councilmember Mattie said this is the first funding situation that has come before Council relative to stock. Funding is a critical part of this at all levels. He said his understanding was that his wife Cynthia owns 60% and 40% is for sale. Mr. Genova corrected that Cynthia Genova owns 100% of the issued stock. The corporation has authorized 100,000 shares of stock which currently allows 40,000 shares of the stock to be sold. Councilmember Mattie said his concern is them being able to track their investors, up to 40,000 in number possibly. He asked if he understands the obligation to provide to the proper authorities information behind the money. Mr. Genova said they will have a licensed CPA and bookkeeper on staff. Councilmember Mattie reminded Mr. Genova that he is proceeding under the authorization of City ordinance and State law, however, the sale of marijuana continues to be a violation of Federal law. He asked if he is willing to assume the risk and proceed, to which Mr. Genova responded affirmatively. Councilmember Bonato commented that Mr. Genova seemed to have a lot of uncertainty in his answers to City Attorney Downs. He asked if the City has a copy of the CDOT traffic permit. City Attorney Downs pointed it out at the back of the packet. Councilmember Miles asked if the employees have to be fingerprinted. The City Clerk advised that they do by the state. Councilmember Miles asked if his key employees have submitted to fingerprinting. Mr. Genova said they of course have. Councilmember Miles noted that Josh Bleem used to be an equity owner. Mr. Genova countered that he was never an equity owner. Councilmember Miles asked about Mr. Bleem's compensation, whether it was a straight salary or if it is based on profits of the company. Mr. Genova answered that Mr. Bleem will be the General Manager and that the regulations allow management employees to negotiate a contract that has compensation related to the performance of the company. Councilmember Miles asked if that applies to those who are not residents. Mr. Genova responded affirmatively. Councilmember Miles asked if that is true. One way of conveying an equity interest is to say that person's bonus is 30% of the profits. Mr. Genova said it is in the regulations and he could find it for her. Councilmember Miles expressed her concern that Mr. Bleem can have equity interest in the profits of the company without having met the residency requirements. Mr. Genova said compensation may be derived to employees by performance. Councilmember Miles suggested that may be true for residents, but questioned its application to nonresidents. She said there are two ways to have an equity interest – you can have shares of stock or something that is kind of off the books where you are just granted an equity interest in the company. She asked if someone has a compensation arrangement whereby they receive 100% of the profits of the company, who owns the company. She opined that if an employee receives all of the profits of the company that employee owns the company. Mr. Genova argued that point. City Attorney Downs said someone could claim they own a company, make all of the decisions, sign the checks and give all of the profits of the company to another party and still own the company. Councilmember Miles suggested that would be a convenient way of sidestepping the residency requirements. Mr. Genova, to City Attorney Downs' question, confirmed by Josh Bleem is not going to have an ownership interest. Councilmember Miles argued that he may not have stock interest but will have an equity interest. She suggested another way of having an equity interest would be to have an above-market lease arrangement. She asked Mr. Genova what percentage of profits Mr. Bleem will receive. Mr. Genova said it has not yet been agreed to. To further questioning he couldn't provide a range either. Councilmember Miles suggested it could be 50%. Mr. Genova said it could be but he doubted it would be. He added that he doesn't know where they are with that. Councilmember Miles said depending on that percentage they will need to know if he needs to meet the Colorado residency requirement. City Attorney Downs asked if she agreed that it is appropriate in terms of compensation for a non-resident individual to be a finite amount of compensation. Councilmember Miles commented that she could see where a bonus up to "X" being fine, but if someone is given 75% of the profits of the company, that person essentially owns the company. Mr. Genova said that Josh Bleem doesn't have an equity position. Councilmember Miles said technically not, but in substance he does because he works for the company's benefit. Mr. Genova said everyone works for the company operates for their benefit. Councilmember Miles reiterated her concern that this is a way of sidestepping the residency requirement. If he owned no stock but had 100% of the earnings, the company would be operating solely for his benefit. If the percentage were 50% the company would be operating 50% for his benefit and she thought that would be virtual equity interest. It would be a convenient side step to the residency requirements to have someone with a dollar interest own 100% of the shares and then convey all of the profits through a compensation arrangement. Mr. Genova responded that the Colorado Department of Revenue and the Marijuana Enforcement Division are completely aware of Josh Bleem's relationship with the company. Councilmember Miles argued that he cannot speak to his compensation arrangement because it is yet to be determined. Mr. Genova reminded that their company hasn't started up yet. Councilmember Miles said doesn't want to hold this up on things they do not know. She asked if it could be conditioned on an understanding that the state is okay with Mr. Bleem's compensation arrangement. She added that she'd like to make sure this isn't a side step of the residency requirement. Mr. Genova reiterated that he would provide her with the regulation. Councilmember Miles stated she's sure there are answers but thought that it starts with Mr. Bleem's compensation arrangement which is unknown

at this point. Mr. Genova said they've interviewed many people and haven't entered into any compensation agreement with any employees. City Attorney Downs said the point is apt and it is appropriate to get an answer to the questions. Councilmember Miles said Council needs to know who is behind the businesses. Councilmember Mattie asked if Mr. Genova knows when Mr. Bleem meets the residency requirement. Mr. Genova answered that it is in June, 2016. Mayor Reorda called for comments against the application. Father Peter Raleigh addressed Council. He said he is new to Trinidad and has a minister's meeting here once per month. He read information from their last month's meeting: "Adults who persuade or who helps juveniles commit acts of delinquency may be charged with the crime of contributing to the delinquency of a minor or called CDM. A minor is anyone under the age of majority, 18 in most states. Since possession of alcohol is an act of juvenile delinquency, for example providing alcohol to minors would be an act of CDM in most cases. Colorado was the first state to establish the crime in 1903. All states now have such laws. We the undersigned are petitioning the City Council of the City of Trinidad, Colorado, to restrict the sale of and distribution of marijuana from the premises of any church, school, universities, seminary, daycare center, park, or where there is the congregating of young adults and children. Pursuant to all criminal laws, contributing to the delinquency of minors is a crime. A distance of no less than 500 feet is the norm for most municipalities. We have undertaken this petition in accordance with the state regulations that pertain to the sale and distribution of liquor." Many who advocate the use of marijuana always state that alcohol is legal. He said he understands and is not here to say marijuana is evil in and of itself. But, there is a responsibility to give good examples to our children and grandchildren. He asked that they take it under consideration. Trinidad has a great heritage. Does City Council want Trinidad to be known as once a great town, the footstep to Colorado, its early foundations, now to become its tumbling stone? A nation is not composed of a conglomery; it is comprised of individuals. He said he cannot express the importance of the small town of Trinidad and the decisions Council makes here because it affects a nation. Father Raleigh told Council that his prayers go with everyone, he wishes no one harm. He said he has dealt with people from addictions. There's nothing worse than to see someone who has allowed themselves to be taken over. You can see where this addiction has replaced God. He concluded that he can serve a most high God, but he cannot be most high and serve God. Councilmember Mattie asked if his considerations are addressed in the City's ordinance or state law. City Attorney Downs answered that the crime of contributing to the delinquency of a minor is a felony in the state. However, the distance from a church is not specified in the ordinance or state law. Father Raleigh commented that churches have schools. Mike Garrett addressed Council. He said his speaking to Council is getting to be a habit now. Pot smoking is a habit. He said if the Trinidad pot shops don't eventually go away he won't either and neither will other people of Trinidad who oppose the proliferation of pot licenses being approved by City Council. They are here tonight to announce the official opening of their campaign to start picketing Trinidad pot shops, beginning at 1:00 p.m. on Saturday in front of M & M Distributing, LLC. He said they may also picket in front of the old Monte Cristo Bar across from Sonic depending on the number of people they get. Mr. Garrett said he wanted to clarify to Council their motives and goals with this campaign - they want Council to restrict the number of pot shops to no more than the five that are now open or are on the verge of opening. They also want them to restrict where they can open. The ordinance says they need to be away from schools and they would like it modified to also include daycare centers and churches. Mr. Garrett further clarified that they are not against the selling of pot for medicinal purposes, only for recreational use. They don't want to see any more pot heads walking the streets of Trinidad than are already doing so. The theme of their campaign is "Enough is enough. Don't turn Trinidad into Potterville." If Trinidad gets a regional reputation for the ease of buying pot here, how many undesirables will drive to Trinidad to buy it? Unlike Denver, Colorado Springs or Pueblo, all you have to do is take the Commercial Street exit, drive one-half a block and you can buy your pot. They'll do it here if it is much easier than going to Denver or Colorado Springs. We have lots of people from Texas and New Mexico coming in here. They will make Trinidad their first stop. The more pot businesses Trinidad does the more shops will open here. All of the empty buildings will be filled with pot and pot smoke. Bill Phillips, Big O Tire and Grease Monkey on Toupal Drive, addressed Council. He provided Council with remonstrances, evidence and questions that he asked to submit for the record. He said they have details that they can take the time to look through. He announced that the citizens object to their holding of this hearing and approving the applications, citing there being improper notice, corporate issues and financial issues, as well as filing fees have not been met. Regarding the improper notice he stated that the legal notice required in the paper and to be posted at the building refer to two different entities, both of which are not legal Colorado entities, that being "Canna Company LLC" and "Canna Company, Inc." Neither exists. Canna Company, Inc. is in the legal publication in the paper. There are corporate issues that he didn't elaborate upon, stating they were obvious from the discussions. He stated that there are some highly irregular activities that are happening that they are unaware of that Mr. Downs brought up. The citizens want to know what corporate entity they are dealing with. Who is on the Board of Directors? He added that he didn't believe in the State of Colorado there could be less than two executive members in a corporation; you cannot have one. He said he thought they were led to believe Josh Bleem was a resident of Colorado when he applied for all of these applicants and now we are finding out that he is not. They want to know who they are dealing with. Also, regarding financial issues, there's no CannaCo operating accounts. In general when you apply for applications you have some bank accounts that specifically say it is Canna Company, CannaCo, this is the money that has been deposited into this account, and it has come from x, y, and z. It is very straight forward and our application certificate filing requires it. It's not there. The filing fee requirement is not met, he claimed. The diagram shows the cultivation area as 170 feet by 50 feet or approximately 7,250 square feet. The application fee said it was \$5,000, but it should be \$1 per square foot. He said they believe the hearing should be continued and not held, reiterating that the requirements of the ordinance were not followed, the applicant listed on the notices is not the actual applicant, the mandatory statement on the name has not occurred, both posted and published notices must contain the same information, neither of which identify the correct name. Chris Furia addressed Council. He told Council they are the responsible parties to make decisions for the citizens. To make those decisions all of the information needs to be correct and submitted correctly to them. He thanked Councilmember Miles for asking the questions she did. He said those questions need to be answered. Many were grey areas or questions that haven't been answered in the application they are considering for these licenses. It is obvious through some of the questions that there are many issues not addressed as far as what is correct on these applications, such as proper notice of the hearing on what it pertains to and especially corporate issues such as who the officers of the corporation are. How many officers does there need to be to have a legal corporation? As of now the information shows there is one officer. Josh and Lynn Bleem resigned as officers because they don't meet the residency requirement. Many applications have Josh Bleem as President. They were submitted prior to his resignation. Are they considered legal or binding to allow Council to pass these licenses? CDOT gave correct information as far as an access permit. The packet from the public record shows there's been contact with the Fire, Police and the Building Inspector. There is nothing from the Health Department. Safety and health are still issues with this application. They should be looked at specifically. He concluded that there are so many grey areas that the application needs to be tabled or not passed. There's

much more than conditions that are not met here. Susan Martin addressed Council. She said she knows from personal experience that it is necessary for a corporation in Colorado to have three officers. She knows this from having just gone through it with the church. She said all of the members of City Council were chosen by the people of the community to represent their best interests. Les Downs as City Attorney is to give sound legal advice to Council for the betterment of the community. All of the members of Council except Councilmember Joe Bonato have failed to serve the community. She said they have acted like marijuana is the greatest thing in the world. It is nothing more than a gateway drug to harder drugs. Council has wrongly assumed every home in Trinidad has and uses marijuana. The fifteen already-approved facilities is more than enough for a City of 9,000 people. According to a Trinidad newspaper article Trinidad middle and high school students already use more marijuana and hard drugs than teens in the entire rest of the state of Colorado. They don't need easier access to pot. Sure there are rules not to let anyone under 21 buy pot, but there are ways around this law. She said they should ask any teen in town. Now they are planning to put a store across the street from the junior college. The majority of the students that go to the junior college are under 21. It will be less than 500 feet from campus. Isn't the law 1,000 feet from schools? You want to okay pot shops by day care centers with the comment from Les Downs that toddlers won't be buying pot. But, she said, the parents will be leaving the kids unattended in their cars and carelessly leaving marijuana candy and brownies where the toddlers can consume them. She said she wondered what their response will be when the first toddler dies from consuming these things. Marijuana will bring revenue to the community, but at what cost? Medical professionals and the police are scared of what will happen. Homelessness in the Denver area has increased 100% since the legalization of pot. Trinidad already has no plans for taking care of the homeless problem already going on. She said because they are a church they face this on a regular basis. She spent three-quarters of a day trying to find help for a young couple, 20 something years old, who got a job at Burger King but won't have a check for ten days. They slept under the bridge the night before. She couldn't find anyone to help them. This situation for people who aren't even on drugs will be worse. The deserving ones won't have a place for help. The ones on drugs won't either. Since the members of City Council and the City Attorney seem determined to expand the availability of marijuana in Trinidad, they will have to be responsible for taking care of the homeless proliferation created by their poor judgment. Carol Dillow Phillips, co-owner of Big O Tires and Grease Monkey, addressed Council. She said she functions in a Chief Financial Officer position of their companies. She reminded Council that they function as the economic keepers of the City and it is a big responsibility. In doing so, they have to be conservative in their decisions. There were all sorts of issues raised here why this should be tabled or not even considered today, but offered to give them three more reasons – three pending lawsuits on 3019 Toupal Drive, all because of marijuana. She asked that they think about that. One lawsuit was filed September 2nd, the next on December 2nd and the third on December 30th. Les Downs would like Council to think they are moot but Judge Epstein didn't think so. She asked if they shouldn't just table this and stop subjecting the people of the City of Trinidad to litigation. She told Council they are obviously not representing the people. Mary Jo Baudino addressed Council. She told them that she owns an in-home daycare center called the Nursery Center which she started six years ago. She said even though she is in a residential area, some day she might grow and actually become an actual center or a school, and she might have to worry about it. She said she's here tonight to answer the question if they want to add daycare center to the definition of a school so a marijuana facility cannot be located within 1,000 feet. How is this even a question? After reading the newspaper article she said she was just shocked. She said she cares for children from six weeks to 13 years old. From five to 13 is a school age. She also takes care of babies. When it was said that there's nothing dangerous nor a liability and little risk of it falling into our little ones' hands, that's just not true. Dr. Oz even said that three size Oreos could kill a seven to 14 year old, or put them at least in ICU. Can you imagine a gummy bear falling into a toddler's hands? The liability will fall on the daycare owner or the person taking care of them. We have to keep in mind that marijuana is an altering drug that can be very, very dangerous. With it being in edibles such as rice crispy treats, brownies, suckers and gummy bears they are so attractive to little ones. If one of the children is outside and she's tending to an injured child and someone walks by and the child accepts a gummy bear, she would be liable. She said it is very scary. They as daycare owners love and want to protect the children in every way possible. It has nothing to do with the marijuana map and everything to do with protecting the little ones. She asked that Council please add daycare to the definition of a school and not allow marijuana facilities within 1,000 feet of daycares. Deb Hartman, Southern Colorado Council of Governments Early Learning Center, said they are located on Rosita. It is a preschool and they have infant and toddler programs. She said she read the newspaper article about daycares. She told Council she is not here to protest the City's decision to legalize marijuana. Rather, she said she was here to ask that provisions be put in place as alcohol regulations are to be proactive in setting standards from the get go. We are just beginning this process. Incidents will occur in the future so let's add statutes sooner rather than later to be proactive instead of reactive. She said they've already had to deal with an incident at her center where a parent had a gummy bear and their child got ahold of it. They are monitoring parents in this also but they need statutes to back them up. Last week's newspaper article stated that daycare centers are not a school. She said it is her responsibility as a licensed child care provider and child advocate to educate Council and the community that most child care facilities at this time are early learning centers. She said they have state funding and the state assessment data to prove that point. Those that are child care facilities that are child care homes without a curriculum should also be considered in this new venture as they house numerous children at once as she does. She said she has 100 children in the center at any given time. The issue is not 5 to 15 year old children going across the street to purchase marijuana. The issue is the foot traffic frequenting these establishments. They may be in need of money to make purchases and do anything necessary. The crime will increase in the immediate vicinities. An example would be this weekend's drug-related break in at the Shell station on Linden. Therefore, Ms. Hartman said she supports changing the law to include the words childcare centers. The current licensed marijuana facilities obviously considered present locations prior to opening. She urged Council to make a decision to be proactive and keep all children safe by restricting the location of future marijuana facilities to 1,000 feet, even 5,000 feet from schools, childcare facilities, and churches to make all of Trinidad's children safe. Councilmember Mattie pointed out that they are in a hearing regarding the application of CannaCo. City Attorney Downs suggested they let anyone who wishes to speak to do so. Mayor Reorda called for further comment regarding the application filed by CannaCo. There was none. He offered his personal opinion that the answers to questions posed to CannaCo were very vague. There were not a lot of answers for the questions. He suggested a motion to postpone the decision would be in order. Councilmember Miles commented that the issue raised concerning the noticing is important. The public needs the opportunity to know who will be licensed here. Canna Company, LLC and Canna Company, Inc. is confusing. How can the public do their due diligence? She agreed that the hearing should be continued based on the noticing alone, and moved to table the application. City Attorney Downs stated that all of the notices say CannaCo. He opined that it isn't a fatal defect and gives the world notice. However, he understood the concern. Councilmember Miles argued that a person can't do due diligence based on a d/b/a, which was the only common thread here. That's not who is applying for the license. City Attorney Downs said a person can name search

on the Secretary of State's website and find CannaCo. He agreed that the posting and publication were incorrect. Councilmember Mattie noted that while it may not be a fatal flaw, that shouldn't be their job. Mr. Genova stated he wants to stay above board and in compliance. There were concerns raised about the composition of the board and the number of officers. He suggested until it can be determined that they are in compliance with state law and our ordinance, it should be tabled. Councilmember Bolton seconded the motion and Council unanimously agreed that it be tabled to the next regular meeting upon roll call vote. The hearing was closed.

New Retail Liquor Store license request by El Paso Liquor, Inc. d/b/a El Paso Liquor at 1101 E. Main Street (Continuation). Ioannis Smirniotis addressed Council along with Cheryl Ashe and Bonnie Felthager. Ms. Ashe told Council that she worked for RJ's Liquor Store for a little over one year. They both worked there. They ran the store. They functioned as manager and day and night clerks. She said she felt they were in positions to have to understand the liquor laws. Councilmember Miles asked what the hours of operation are for a liquor store. Ms. Felthager answered that she believed they are 8:00 a.m. to midnight. To questioning they both responded that they are not TIPS certified. Councilmember Miles recommended they be certified, although it is not required. Ms. Felthager was unable to answer what the one day per year is that a liquor store needs to be closed (Christmas). Councilmember Miles stated the laws are complicated and archaic. She reiterated from the last hearing that in some instances a person can go to jail for violating those laws. TIPS certification will help them. Ms. Felthager said they did the cash, in and out, inventory, stock and closed out. She added that she has accounting and bookkeeping experience. Councilmember Miles said she is most concerned with compliance with the liquor laws. She urged them to become familiar with those laws and become TIPS certified which will prevent Mr. Smirniotis from getting into trouble himself. Ms. Felthager said carding was mandatory when they worked for RJ's Liquor. Councilmember Miles encouraged them to get the TIPS training and look at the liquor laws. You can't buy from anyone except a distributor, for instance. A motion to approve the license was made by Councilmember Fletcher and seconded by Councilmember Bolton. The motion carried upon a roll call vote of Council. Mayor Reorda read the following into the record:

This matter came on for hearing on the application of El Paso Liquor, Inc. d/b/a El Paso Liquor at 1101 E. Main Street in Trinidad, Colorado, for a Retail Liquor Store License, before the City Council of the City of Trinidad, Colorado, acting in its capacity as the local licensing authority on January 6, 2015 and continued to January 20, 2015, in City Council Chambers in City Hall. The City Council having reviewed the application and supporting documents, letters of recommendation, reports of the City Clerk and other City staff, petitions admitted into evidence at the hearing and testimony taken during the hearing, makes the following **FINDINGS**:

1. The neighborhood consists of that area located within the City's corporate limits.
2. Ioannis Smirniotis, Cheryl Ash and Bonnie Felthager testified in favor of granting the license. No other persons testified in favor of or in opposition to the granting of the license.
3. The City Clerk's report showed that there are 41 liquor-licensed outlets within the neighborhood. Of these, there are four 3.2% Beer Off-Premises licenses, one 3.2% Beer On-Premises license, one Club license, 14 Hotel and Restaurant licenses, one of which has Optional Premises, eight Liquor Store licenses, and 10 Tavern licenses, one Arts license and two Beer and Wine licenses.
4. The applicant submitted a petition regarding the liquor license application, which was admitted into evidence. A total of 52 signatures appeared on the petition, of which 43 were residents or business owners/managers from within the neighborhood, 21 years of age or older, all favoring issuance of a liquor license at this location. No petitions opposing the issuance of the license were submitted.
5. The applicant through testimony and other evidence, made a prima facie showing that the reasonable requirements of the neighborhood are not being met by existing liquor outlets, and that the adult inhabitants of the neighborhood favor issuance of the license.
6. Based on the evidence presented at the hearing and the investigative materials provided for the hearing, the City Council finds that the reasonable requirements of the neighborhood are not being met by the existing liquor outlets, that the adult inhabitants of the neighborhood favor issuance of the license to the applicant, and that the applicant officers are of satisfactory moral character.

THEREFORE, the City Council of the City of Trinidad, Colorado, as the local liquor licensing authority, hereby approves the application of El Paso Liquor, Inc. d/b/a El Paso Liquor at 1101 E. Main Street in Trinidad, Colorado.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Councilmember Mattie reported on his attendance of the gathering with the Boettcher Foundation and ArtSpace folks. He said he received a call from Jim Vigil thereafter thanking City Council for appearing in their entirety. He said given that government support is one of the five criteria they consider, it will be helpful. Councilmember Fletcher said Marilyn Leuzler likewise expressed her appreciation for Council being there. She said she was personally impressed by revisiting the gems in our community. She thought the people visiting were in awe. Mayor Reorda added that he was impressed those people flew to Trinidad. Councilmember Bolton thanked Council for attending in their entirety and hoped they enjoyed the presentation as much as she did. Councilmember Fletcher asked if anyone knew when they'd be getting back with the City. Councilmember Bolton said her understanding is that they will be getting back with the Creative District. Tara Marshall said she heard from them today. They spent the day meeting with Colorado Department of Local Affairs representative and she should have more of a report next week.

Councilmember Miles told Council she participated by phone in mediation in the ARPA vs. City of Lamar lawsuit. No agreement was reached. It was not expected.

Councilmember Bonato had nothing to report.

Councilmember Mattie thanked Ms. Marshall for coordinating the visit and making the presentation at the meeting. Mr. Vigil had mentioned Ms. Marshall by name.

REPORTS BY CITY MANAGER. Meetings/Calendar. Acting City Manager Garrett reminded Council of the Chamber of Commerce luncheon tomorrow at noon at the TSJC Pioneer Room, the Planning Commission training through DOLA this Thursday at 5:30 p.m. DOLA has asked City Council to attend if they are available. Also, the Trinidad History Museum Listening Session is scheduled for Friday, January 23rd at 2:00 p.m.

REPORTS BY CITY ATTORNEY. City Attorney Downs stated that he wanted the public to know that on a national holiday, City Council worked 11 hours on City business, from 8:00 .m. to 7:00 p.m. City Manager interviews went for five hours, they had a short lunch break and then had the ArtSpace meeting. They came back at 5:00 p.m. and worked until 7:00 p.m. He offered cudos to Council and Councilmember Bolton back to him as well for working those same hours.

UNFINISHED BUSINESS. Electric Service Territory. Councilmember Miles asked the status of the possibility of the City extending electric service access to the Industrial Park. Public Works/Utilities Director Valentine said he has been working on it. It is moving slowly but it is moving.

MISCELLANEOUS BUSINESS. Modification of premises request by Ristras Restaurant & Cantina, LLC d/b/a Ristras Restaurant & Cantina at 516 Elm Street. Ruben Torres, Jr., was present on behalf of the licensee. Councilmember Miles asked if this modification was to accommodate the Sushi place. Mr. Torres responded affirmatively. A motion to approve the modification was made by Councilmember Bolton and seconded by Councilmember Bonato. Roll call was taken and the motion carried unanimously.

New Retail Marijuana Store license application filed by Colorado Cannabis Associates, LLC d/b/a The Spot at 452 N. Commercial Street. Councilmember Bolton made a motion to set the new retail marijuana store license application for public hearing on March 3, 2015 at 7:00 p.m. Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

Consideration of Contract Amendment for the Window and Door Restoration/Reconstruction of the Trinidad City (Historic) Water Works Building. A motion to approve the contract amendment was made by Councilmember Fletcher and seconded by Councilmember Bolton. The motion carried unanimously upon roll call vote.

Consideration of an agreement with McCool Development Solutions, LLC for the purpose of updating the City of Trinidad Comprehensive Plan, the Land Development Code and the Zoning Map. Councilmember Fletcher moved for the approval of the agreement with McCool Development Solutions, LLC and Councilmember Bolton seconded the motion. Upon roll call vote the motion carried unanimously.

Appointments to the E911 Authority Board. Councilmember Bolton moved for the appointment of Mary Blecha to the Board and the motion was seconded by Councilmember Bonato. The motion carried unanimously. Councilmember Mattie made a motion to reappoint David Barrack. Councilmember Bonato seconded the motion, which carried unanimously upon roll call vote.

First reading of an ordinance of the City Council of the City of Trinidad, Colorado, amending Article 11, Chapter 14, Section 14-201, Definitions, 14-201(y) "School" to offer the same protection to existing state-licensed daycare facilities as those offered to facilities meeting the school definition as it was originally adopted, and setting a hearing date for consideration of said ordinance. Councilmember Miles introduced the ordinance and the ordinance was read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing on Tuesday, February 3, 2015 at 7:00 p.m. was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously.

ORDINANCE NO.

OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO,
AMENDING ARTICLE 11, CHAPTER 14, SECTION 14-201, DEFINITIONS, 14-201(Y)
"SCHOOL" TO OFFER THE SAME PROTECTION TO EXISTING STATE-LICENSED
DAYCARE FACILITIES AS THOSE OFFERED TO FACILITIES MEETING THE SCHOOL
DEFINITION AS IT WAS ORIGINALLY ADOPTED

Consideration of City Manager applicants to fill the City Manager vacancy. Councilmember Mattie moved that pursuant to the interviews of the five finalists from the 25 applicants and the lengthy discussion yesterday afternoon, City Attorney Downs be authorized to make an offer of employment to Gilbert Engleland who currently serves as Assistant City Manager in Gilbert, Arizona, for the position of City Manager of the City of Trinidad, Colorado. Councilmember Bonato seconded the motion, which carried by a unanimous roll call vote. Mayor Reorda asked if Audra Garrett and Mike Valentine will continue until the new City Manager begins. City Attorney Downs reminded that the appointment was made for six months pursuant to the Charter. He said he has discussed this with CIRSA and they have determined that a person could be re-appointed for a new six-month period. Councilmember Mattie moved to continue with the interim appointment of Audra Garrett and Mike Valentine in their present capacity until their services are no longer required. Councilmember Bolton seconded the motion which carried unanimously upon roll call vote.

BILLS. Councilmember Bonato inquired about the status of Tyler Technologies computer conversion, noting that he keeps seeing \$10,200 payments to them. He asked when it is supposed to be in place. Acting City Manager Garrett advised that the conversion process is continuing and that on-site training and phone training is currently taking place. There is a lot of account information that has to be converted and verified before it goes live. Acting City Manager Garrett couldn't recall

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the exact timing but thought it was supposed to be in place mid to end of February. It is around the corner. There are a lot of changes that come with the conversion, so it is not just seamless. There will be a number of improvements that comes with added work to achieve them on both ends. Councilmember Fletcher moved to approve the bills and Councilmember Bolton seconded the motion. The motion carried unanimously upon roll call vote.

PAYROLL, January 3, 2015 through January 16, 2015. A motion to approve the payroll was made by Councilmember Fletcher and seconded by Councilmember Bolton. 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 Fletcher and seconded by Councilmember Bonato. The meeting was adjourned by unanimous roll call vote of Council.

ATTEST:

JOSEPH A. REORDA, Mayor

DONA VALENCICH, Asst. City Clerk