



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, July 16, 2013 at 7:00 P.M.
in City Council Chambers at City Hall

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Special Meeting of July 1, 2013 and Regular Meeting of July 2, 2013
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 4) **COUNCIL REPORTS**
- 5) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 6) **UNFINISHED BUSINESS**
- 7) **MISCELLANEOUS BUSINESS**
 - a) Retail liquor store license renewal request by Opera House Wine & Spirits LLC d/b/a Tire Shop Wine & Spirits at 601 W. Main Street
 - b) Appointment of Housing Authority Board Member
 - c) First reading of an ordinance amending sections contained in Chapter 4 (“Animals”), Article 2 (“Impounding”) and Article 3 (“Dogs and Cats”), of the Code of Ordinances of the City of Trinidad for the purpose of decreasing the required impoundment duration of animals and to more closely align said Chapter to the Colorado Revised Statutes pertaining to dogs, and setting a hearing date for consideration of said ordinance
 - d) Resolution adopting a policy for the naming public property
 - e) Consideration of bid results for Project #03-2013 Asphaltic Paving
- 8) **BILLS**
- 9) **PAYROLL**, July 6, 2013 through July 19, 2013
- 10) **EXECUTIVE SESSION** – For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees – Quarterly informal City Manager review of performance and relationship to Council
- 11) **ADJOURNMENT**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Audra Garrett, City Clerk, 135 N. Animas Street, Phone (719) 846-9843, or FAX (719) 846-4140. At least a 48 hour advance notice prior to the scheduled meeting would be appreciated so that arrangements can be made to locate the requested auxiliary aid(s).

The City Council of the City of Trinidad, Colorado, met in Special Session on Monday, July 1, 2013, at 1:30 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Monday, July 1, 2013, at 1:30 p.m. in the Council Chambers at City Hall

The following item is on file for consideration of City Council:

- 1) Discussion and action on Resolution supporting Letter of Intent for the Colorado Department of Local Affairs Main Street Program

The meeting was called to order at 1:31 p.m.

Roll call was taken.

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

The pledge of allegiance was recited.

Discussion and action on Resolution supporting Letter of Intent for the Colorado Department of Local Affairs (DOLA) Main Street Program. City Manager Acre told Council that in their packets Council was given extensive bits of information about the Main Street Program. He explained that he wanted to introduce it and said that his not bringing it forward last week wasn't because he wasn't supportive of it; rather he was looking at it more like a 2014 program. He said he thought it would be a benefit that the City could gain from, however wanted to identify the costs and responsibilities required by the City with the program as we become a Candidate Community and continue to ultimately become a Main Street city. A lot of what a Candidate Community typically goes through the City has done through the Creative District effort and the Planning Department trying to get downtown going. City Manager Acre pointed out that in the packet there is information on what the City has done. With staff's support and the Creative District designation there are a lot of things that will tag together. In the Council Communication he noted having listed some potential estimated expenses which are likely on the high side. Those will have to be refined when going through the 2014 budget process and subsequent years. Also it will depend on the level of involvement and whether there are other sources of funding. In talking with the people from the Main Street Program this is a three-year program. We have a memorandum of understanding (MOU) we need to enter into, he said, and pointed to the copy at Council's seating places. Within that sample document is funding of a part-time Main Street Program Coordinator with an office. In his conversation with Planning Director Louis Fineberg and Intern Tara Marshall he said through their discussions with the DOLA representative they feel they can modify that to work with what we are currently doing. He said he doesn't feel that neither Planner Fineberg nor Intern Marshall could take on ten or twenty additional hours per week in addition to what they are doing. If they can do this in conjunction with work they are already doing and the City doesn't have to specify another person, it is a creative way to come to a solution. It will help from a staffing, office and financial standpoint. Once the City is through the three year program as a Candidate Community, there is no requirement that the City continue with the process until we are ready as a community from a financial standpoint and we make sure it is something we want. He opined that this program is a good dovetail with the Creative District designation and the Downtown Assessment that recommends we join the program and said he thought it would be another tool in our toolbox to help revitalize downtown. Ms. Marshall addressed Council. She provided background information regarding the Main Street Program. She said that in 1977 the National Trust for Historic Preservation began to look at ways to take historically designated cities and make them vital, keep their historic preservation characteristics and make them survive into the long term. The Main Street Program is very much driven toward historic preservation and revitalization. It came to Colorado in 1982 and Colorado was one of the first states to bring the program into the state and it has been very successful here since. The Main Street Program has three levels. The first level is the Candidate Community, which runs for three years or more. During that time a city has certain characteristics they have to attain. There has to be a board formed to oversee Main Street and then you form four specific committees who address the program's four approaches including: Organization -- to organize all of the non-profits and for-profits and everyone who wants to work on revitalizing downtown into some sort of structure, such as the Roundtable, the Kid Friendly Byway, Creative District, Arts & Cultural Commission, the non-profits, the museums and businesses, Chamber of Commerce, and Economic Development to determine what role they play in economic revitalization so they are not operating as six or seven units toward the same end; Another approach is Design. DOLA has said that we are quite far along with the design given the number of grants City Planner Fineberg has written. Design revolves around how the downtown looks. Are there trees, benches, does it have the charm and character, is it accessible to handicapped, is it approachable, and is it walkable? Promotion is a third approach which is all about marketing. She pointed out that we already have the lodging tax so we are again ahead of other Candidate Communities. So the question becomes how we spend it and do we spend it in the best way in this organized, revitalized approach that we are taking. Lastly, Ms. Marshall identified Economic Restructuring as the final approach. She said this

approach involves an urban renewal authority or a downtown development organization or tax-increment financing. It is about how we make this downtown sustainable economically. She continued that during the Candidate period the City will form committees of citizens, community driven, that operate to work on solutions in those areas and they create plans for the steps we need to take to make these things happen. DOLA will come in and do all of the technical assessment, all of the training, all of the organizing and facilitation to help put these plans together. They don't come in and tell us how to fix it. They will have us bring our citizens forward to help develop plans in these areas. DOLA also has a mini grant program which the City would qualify for up to \$5,000 on an annual basis to help with the plans. Coming out of the Creative District, organization and sustainability were identified by staff as being very important and saw this program enabling them to accomplish those. Councilmember Miles commented that it was mentioned that the City is pretty far along and ahead of a typical city starting this program. She asked if the Candidate Community period can be shorter than three years. Ms. Marshall clarified that we are pretty far along in one area and answered that it can be a shorter period than three years. She said her understanding is that during the Candidate period they will have to file quarterly reports with four sections, for example regarding the design in the historic preservation district, where we are probably already beyond a lot of the other Candidate Communities. However she said we are not at all advanced in organization. Also, in marketing and promotion we are probably further along as well. To move forward with the program we'd have to qualify in all four of their approaches. It's bringing together everything into all of these other initiatives, which is the organization piece that we are probably the lightest on. Councilmember Bonato pointed out that in their packet there was a \$1,000 annual fee and an estimated potential cost of \$15,000 to \$30,000 per year for the first three years of the program. He asked where the City will get the money, noting that the City hasn't budgeted anything for this year. City Manager Acre answered that his interpretation is that it would start in 2014. The agreement with DOLA is on an annual basis. All we would be doing is applying at this time. He reiterated that his numbers in the Council Communication are on the high end. The cost will depend on how the City structures the program. City Planner Fineberg added that looking down the road to have a successful Main Street Program, DOLA estimates it to cost approximately \$75,000 per year to allow it to be an effective program. During the Candidacy process there will be very little money required. A lot of the efforts required are already being undertaken through the Creative District effort and grant work in developing the downtown because the efforts overlap. He said they asked the DOLA representative if a dedicated staff person is required. The answer was during the Candidacy period one is not required. Later on it when the City becomes a Main Street city it will be, but it can be a person who does other things and doesn't have to be a City employee. It could be an employee of the Chamber of Commerce or a non-profit or a combination. Each city that has done this in Colorado has had a different arrangement. Councilmember Velasquez asked if he's saying the City won't have to pick up another employee. City Planner Fineberg said the City will not have to necessarily. Maybe in three to four years, finances permitting, the City would have to or a non-profit would or a combination. Councilmember Velasquez asked what the City will have to contribute. City Planner Fineberg said initially the City will have to have attendance at four trainings which overlap with the Creative District trainings. He said he and Ms. Marshall and other representatives will be at those trainings already, so there's no additional expense there. The City will also have to submit quarterly reports but those will be identical to the Creative District's quarterly reports. Councilmember Velasquez asked the monetary commitment. City Planner Fineberg answered it would be very little. When the City gets the exact MOU and it lists the City's responsibilities he said he would be able to put a definite figure together. Initially it will not be anything additional from what we are doing or will be doing for the Creative District. Councilmember Velasquez asked if Council will be voting on this today and if so, how much the cost to the City will be. City Planner Fineberg said Council will be voting on submitting an application to DOLA to start the process. Subsequent to the application the City will be getting a memorandum of understanding. When we see the memorandum of understanding he said they will come up with a definite figure. The memorandum of understanding doesn't have to be approved if the conditions are not acceptable to Council. Right now the City would just be applying. Councilmember Bolton elaborated that the City initially would be submitting a letter saying we are interested; however we may not be accepted into the program. Councilmember Bonato commented that this program looks like the same thing as the Roundtable efforts, who are trying to do everything the same way. We already have the Trinidad Community Foundation trying to do this. He asked the difference between the Trinidad Community Foundation and what is being presented today. City Planner Fineberg said the big difference in his opinion is that the Main Street Program is a state-recognized program with proven successes. It would give the City a pipeline into technical assistance from the state and gives us access to mini grants to do the planning process. Also, because it is a state-recognized program, the City can identify it in other grant applications and it would show that the City is serious about economic restructuring and the other points of the Main Street Program. He said he thought they could use a lot from what they've gained from the Roundtable in the Main Street approach. This would be a more structured program with proven successes throughout the state and country. It is also a good organization tool to house the Creative District in. What they've taken out of the strategic assessment is that we need to organize. This gives us a good framework to complete that organization - milestones we need to meet to keep the process on track. Councilmember Bonato asked if he felt that the City needs this right now or if we can wait. He said if the City has money left over he would like to see it go to the City employees instead of something like this right now. We are talking about \$15,000 to \$30,000 per year for the first three years. City Planner Fineberg answered that he doesn't think it will cost that much. He estimated it to be under \$5,000 and with one mini grant we could make that money back. Councilmember Bonato asked how he can ask Council to allocate money when we don't have the money to allocate. City Planner Fineberg said he's not asking for that, rather he is just presenting the program. He said he sees the benefit in the program for the reasons he mentioned, but it is up to City Council whether they want to pursue it. Another benefit he sees is that it may be a little psychological for the community to move the Creative District process forward. In the end everything is a cost-benefit analysis. He said he agrees with compensating the City employees but he sees the cost of this as being so little that to not do it would be ill-advised. Councilmember Bonato said it seems like a good program and is happy that we were successful in becoming a Creative District. He said it seems like it might be a stepping stone for now and they can look into it in the 2014 budget to see if the City can do it. City Manager Acre said the action today is just to allow the City to submit the application, the letter of intent. The next step, if the City is selected to be in the program, is to work with DOLA's Main Street Program to define the responsibilities on each side if we move forward as a Candidate Community. In discussions with staff after having prepared the Council Communication, they feel the cost included were on the high end. They think it will be less but it will depend on the terms of the DOLA agreement. It can be part of the 2014 budget process. The memorandum of understanding and letter of intent are the only things that will happen this year. Council will be able to go through the budget process with this. He reiterated that the numbers in the Council Communication were on the high end but gives them something to discuss. City Planner Fineberg added that the City will be receiving \$25,000 from the Creative District designation for planning purposes and also technical assistance. What is to be produced from that money is exactly what the Main Street Program is asking the City to do, so the City could submit that to Creative District and also to the Main Street Program and we would be doubling our

effort. We will have the product already. He added that he hoped in three years the City will be better off financially and it will be something we can really consider doing. Councilmember Bonato confirmed that signing the letter of intent doesn't tie the City's hands. City Planner Fineberg added that Council will decide on the memorandum of understanding. City Manager Acre said that the \$45,000 to \$75,000 commitment from the community later on can be a mix of community funds, non-profits, from the downtown businesses. Staff was just trying to outline the worst case scenario if we have to fund it ourselves. The ideal situation is to garner enough community support that others will help in funding some of this cost. If conditions stay the same and we come up with different revenues for the City, we might consider funding it to keep the momentum. Regarding the question of the difference between the Main Street Program and Trinidad Community Foundation, City Manager Acre said Trinidad Community Foundation should be thought of as an overarching or high-level planning effort with the community strategic plan. The Creative Industry plans that came out of that effort, the Downtown Assessment - the Main Street Program can help feed that larger overall community vision. It's not really a duplication, rather it is a supportive effort both directions. Councilmember Bolton pointed out that many recommendations were contained in the Downtown Assessment. One of the main recommendations was that the City joins the Main Street Program. A lot of the requirements of the Main Street Program dovetail with the Creative District and with the Downtown Assessment. It is a way the City can show support for our revitalization without a lot of funding. The Creative District may even cover the \$1,000 annual fee. Looking down the road if the City takes the time to structure this correctly with the technical and professional assistance from the people from Main Street Colorado, she said she can see this entity housing not only the Creative District, but also the Chamber of Commerce, the Economic Development Board, the Tourism Board, the Arts and Cultural Advisory Commission, and an Urban Renewal Authority if we proceed to go that direction and can garner the funding those organizations are already getting. It is not as though we'd have to create a new thing and pay for it. We'd create something by gathering and gathering those funds at the same time. City Attorney Downs commented that in the Council Communication it talks about the national program starting with five member communities and lists the communities that have done the program. He said one thing he found interesting is that no new communities have joined since 2010. Lyons was the last to join in 2010. He said he wondered about some of these other communities and whether they've seen benefits and how they feel about the program. Why hasn't there been any Candidate Communities for three years? City Planner Fineberg said he too wondered about the benefits. He said he's never been involved with the Main Street Program and as a planner it is more or less what he does. He's never seen the need to become one. However, hundreds of communities have joined the program and continue to do it. He suggested Council Google it and see some of their successes. There must be some benefits. For Trinidad he said he sees the organization component as the biggest benefit. This program provides good framework to organize. He added if that's the only benefit that comes out of it he sees it as a win. Councilmember Miles opined that momentum is really important. With Creative Districts we have proven that Trinidad can win, and win against some much bigger communities. She preferred not to wait a year because the momentum alone seems to be worth it. It is a placeholder and the City can do its due diligence and call on those communities and ask them about the benefits. We have time before the 2014 budget. Structure and deadlines are invaluable in setting milestones. Work will expand to the time allocated to it. This would put us on a track and we need to be forward looking on this. The available data from the Main Street Program is that they estimated to have generated \$27.00 locally for every public dollar invested. If it is even one-tenth of that number it is okay. City Planner Fineberg reiterated it is about a cost-benefit analysis. He said staff will be able to put a dollar amount to it once we get the MOU. If it's a few thousand dollars he said he'd recommend moving forward; if it's \$30,000, we have something to think about. He said in going over what was reviewed with Mark Satone from DOLA, the City should not expend any additional money from that being expended for the Creative District and the Creative District grant will cover most of that cost. Training will be completed by he and Ms. Marshall and they are both on the panel so they will get everything covered. The next one has scholarships available that will pay for half of the entry fee and accommodations. He reiterated that the City will be able to put a price tag on this venture once we get the memorandum of understanding. Mayor Baca Gonzalez summarized the presentation that if Council approves this resolution today the only thing we are committing to is getting more information to see if we want to enter into the agreement. We are not actually entering into the agreement. City Manager Acre said that was correct and it allows staff to submit a letter of intent for them to consider letting us enter into the program. This doesn't commit the City financially. Our hands are not tied. City Planner Fineberg likened this to a grant whereby we apply for the grant but we don't enter into any contract until we get the contract in hand and decide if we agree on the terms of it. He also reminded Council that the City has to be accepted into the Main Street Program and then they will send us a memorandum of understanding. Once we have the memorandum of understanding, staff will put a price tag on it and Council will decide after thereafter. Councilmember Bolton asked if she's correct in that if the City goes through with the letter of intent and then the memorandum of understanding comes through and we sign on, we are not even committed then for the initial three-year candidacy period. She asked if it is a year to year thing. City Planner Fineberg said the language reads as a condition that the city agrees to explore the program for the first three years. There is zero commitment. Ms. Marshall added that at any time the City could walk away, even midyear, 15 months in, 22 months in, 30 months in. City Planner Fineberg said to become a Main Street Community the City needs to achieve certain things. He said he and Ms. Marshall feel they can achieve them without spending much if any money because it dovetails with other efforts. City Manager Acre added that this is a one year agreement according to the sample agreement. Intern Tara Marshall clarified from City Attorney Downs' earlier question that there are seven current communities that are no longer Candidate Communities but have not yet become Graduate Main Street Communities - Lake City, Lamar and Steamboat Springs, Brush, Granby, Montrose and Rifle. In the past two years there have been four new Candidate Communities - Victor, Lyons, the Cliffee (Silvercliffe and Westcliffe), and Fruita. She added that all of these Main Street Communities are run by other entities, not by their respective cities. Councilmember Bonato expressed his uneasiness about not knowing the cost and involvement required. Councilmember Bolton said the specifics will be in the memorandum of understanding and if Council is not in agreement with it we don't have to go any further. Without the letter of intent the City won't get to see the memorandum of understanding. Councilmember Velasquez said Council can always turn it away. Councilmember Bolton reminded Council that they only accept applications up through July 1st of each year. City Planner Fineberg addressed Councilmember Bonato's earlier statement and agreed that City employees should get raises but pointed out that the City needs to create an economic base to make that happen. This is a way to move that process forward. If it doesn't cost anything or if the cost is minimal, to not do it would be the wrong thing. It is an extra way to get technical assistance needed to help organize the City's economic development effort, to allow us access to grant funding only being offered to Main Street Candidate Communities, and to keep momentum going with the Creative District process. Councilmember Bonato asked what would happen if we got this and we hired another executive director. Where would that money come from? City Planner Fineberg said that is three years out or more and the City is not committing to that in any part of the contract. If we decide we don't want to do it after the first six months, we are done. There's no commitment to hire anyone. In the end when these programs get established,

it's not been the cities that are creating these positions; rather it is Economic Development corporations, Chambers of Commerce, non-profits, and not the City in most cases. Ms. Marshall exemplified that Shawna Hodge is Lamar's Main Street Manager. She is paid from their lodging tax through the Chamber, urban renewal authority and the city. The City pays her about \$15,000 per year and the other two buckets pay the rest. She's been in the position for two years. City Planner Fineberg reiterated that Council is not committing to anything but applying to the program. Councilmember Bolton said in an on-line search about the Main Street Program she came across a wonderful story on the Toltec building in the Spring, 2013 version of "Word on the Street", published by Colorado Main Street. Ms. Marshall said that was from the April 26th Down Town Institute the City hosted. Mayor Baca Gonzalez again summarized that the City would be applying and not making any commitment nor taking any money from any budget. We are simply applying. They will reply to the City and give us further information and we can decide if we want to pursue this avenue. City Manager Acre pointed out one minor change to the resolution to reflect today's date if approved as the adoption date. A motion to approve the execution of a letter of intent for the Department of Local Affairs Main Street Program was made by Councilmember Miles and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

RESOLUTION NO. 1414

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING APPLICATION
TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS - MAIN STREET PROGRAM -
TO BECOME A CANDIDATE COMMUNITY IN THE MAIN STREET PROGRAM

Mayor Baca Gonzalez said she did a lot of research on this and said a lot of material that the City would be provided is already available free of charge on the web. If the program is too expensive she suggested the City can pull together the Trinidad Community Foundation, Economic Development and the Chamber and do it on our own. She added that she doesn't see this as a do or die. However she said if there's money available from DOLA that we otherwise would not be eligible for then that's different. There is a lot of free information out there that can stimulate the type of planning that needs to occur to look at those four domains. The economic restructuring, economic development component is one we need to jump on, as well as the organizational component because there are organizations all over that we need to pull together and point in one direction to start attacking specific objectives. Ms. Marshall commented that Downtown Colorado, Inc. has managed the program for years and has a very similar approach. She said she doesn't know how much free money would come from Downtown Colorado, Inc. but it is possible that the organizational capacity can come from them as well as part of the City's membership that we should get through the Creative District. Councilmember Miles said she hoped we don't have the unintended consequences of this slowing us down. She said she hoped we'd be pushing from all fronts with whatever free resources are out there and not just wait on the memorandum of understanding. There are things we can do that are consistent with this. Mayor Baca Gonzalez suggested whoever is interested read the booklet "The Economic Restructuring" which is touted and available for free. She offered to share it with staff and said the book starts from point A and walks you through what has to be done. It includes some of the initiatives the community is already doing. City Manager Acre asked the Mayor to forward the link to him to forward on to staff and City Council.

There being no further business, Councilmember Bolton moved to adjourn the special meeting and Councilmember Velasquez seconded the motion. The motion carried unanimously upon roll call vote and the meeting adjourned at 2:22 p.m.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, July 2, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

Mayor Baca Gonzalez told Council she would be asking them to consider moving the executive session out of order after preliminary items on the agenda are addressed.

At the request of Councilmember Mattie a few moments of silence was taken to recognize and honor the 19 firefighters who lost their lives in Arizona recently.

APPROVAL OF THE MINUTES. Regular Meeting of June 18, 2013 and Special Meeting of June 25, 2013. A motion to approve the minutes as presented was made by Councilmember Mattie and seconded by Councilmember Bolton. The motion carried with all Council members voting aye except Councilmember Velasquez who abstained from the vote and Mayor Baca Gonzalez who voted aye on the June 18th minutes and who abstained from the vote on the June 25th minutes due to her absence from that meeting.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. 2012 Audit report by Dixon, Waller & Associates. Mike Dixon addressed Council to present their opinion of the City's financial statement for the year ended December 31, 2012. He said their opinion can be found in the audit on pages one and two and their opinion has stayed the same as it has in the past which is that the City's financial statements presents fairly the results of operation and the financial position of the City as of December 31, 2012. He told Council that the opinion has a new look. The clarified audit standards were passed a few years ago and became effective. Council is getting the same report and opinion as they have in the past, he said, but they are attempting to present it more clearly. The opinion says what they, as the City's auditors, have done and what management's responsibilities were in preparing, creating and overseeing the financial statements. It talks about the auditor's responsibility for purposes of auditing the City, for considering internal control and the level at which they do those things. It expresses their opinion on those financial statements and talks about other things that are needed in the audit, such as required supplementary information, like pension trend fund data and management's discussion and analysis which is drafted by the City's financial management. Mr. Dixon said the management's discussion and analysis is the narrative at the front of the financial statements that condenses the financial information and gives a narrative of the financial activity for the year. There are also individual financial statements that give budgets-to-actual for every fund and other individual information. He pointed to new headings for some of the paragraphs, and said they've expanded the opinion, but it is the same opinion that the City's financial statements are fairly presented from a results-of-operation and a financial position standpoint. Mr. Dixon continued that there were some new accounting standards that also had to be implemented. Things that were called assets previously were considered to be no longer viable financial items for financial statement purposes. The City of Trinidad had one. The standard change said disallowed taking bond issue cost when you do debt, bonded debt or a loan with the Colorado Water and Power Authority, where the City pays underwriters, attorneys, and people like that. There were issue costs that accrued. He provided an example that under the previous standards if the City did a loan and paid issue costs to underwriters of \$20,000 for a 20-year loan, we would have capitalized that and put it on the balance sheet. It would not have been written off in the year the City spent the money. Then it would have been taken off at \$1,000 per year for the 20 years the City is paying it. Issue costs on the financial statements couldn't be spent, the City couldn't get anything for it, it didn't affect the result of operations of those future years. In the City's sewer fund there was about \$20,000 in issue costs that had to be removed from the beginning net position of that fund to adhere to the new standards. Mr. Dixon told Council that the quality of the City's financial statements is such that there didn't have to be any audit adjustments proposed. The only changes that had to be made were for the new standard that was implemented. He said that bodes well for Council. It means they are looking at good financial information on a regular basis to enable them to make appropriate decisions and not be guessing as to what the City's financial position is. Mr. Dixon asked Council to take a look at page 7 of their audit reports. He said that it shows the operations of all of the governmental fund types of the City of Trinidad. It shows the major funds individually and the aggregate of the smaller funds. It shows that within the General Fund the City had \$7.2 million in revenue, of which \$5.4 million was from taxes of all types. It also shows expenditures for governmental purposes such as police, fire, landfill, in the approximate amount of \$8.7 million, or \$1.4 million of excess expenditures for the period. There were transfers in from the utility funds for service adjustments and assessments, and payment in lieu of taxes to the General Fund in the amount of \$1.1 million. Mr. Dixon said you can see for the General Fund operations for the year ended December 31, 2012, the City started with a \$4.9 million fund balance, had excess expenditures of about \$336,000 for an ending fund balance of \$4.6 million. He next called to Council's attention page 5 to illustrate how the fund balance is sorted out. He said it is made up of \$21,000 in inventory, an emergency reserve of at least 3% of annual expenditures required by TABOR of \$356,000, monies dedicated for landfill purposes and parklands and also for the library, resulting in an unassigned fund balance of \$3.9 million in the General Fund, amounts available for operational support in the upcoming periods. Mr. Dixon pointed to the Capital Project Fund which went from \$2.1 million to \$2.065 million. He said the Tourism and Lottery Fund started with a fund balance of \$369,000 and ended at about \$198,000. On page 11, Mr. Dixon pointed to the operations of the four utility funds. Operating revenues were about \$16 million and expenses were about \$14.6 million for a net income of \$1.7 million in the utility funds. He said there were some interest income expenses and operating transfers to the General Fund so the change in net position for the year was about \$960,000. It went from a net position that was restated as previously explained of \$30 million to \$31 million. Mr. Dixon asked Council to look at page 37 which showed the standard that had to be implemented this year. The net assets

were shown entity wide. None of them had to be restated except for the Sewer Fund which had some of those issue costs that had to be removed to adhere to the standard. They were removed from the beginning balances resulting in a restated new net position. The only disclosure item from a statutory standpoint was within the Tourism Fund whereby they exceeded their budgetary authority by about \$43,000. Mr. Dixon said it happens, but it is something the City might hear back from the State Auditor on to say not to do that again. Mr. Dixon invited Council to contact him for questions at any time. He told Council that as required by standards, at the end of their field work they conducted an exit conference with the City Manager and Mayor to cover financial controls and processes. Councilmember Mattie complimented Rose Blatnik for having good financial statements. He noted that she has been trying to retire and the City will soon have a new Finance Director. He asked what Council needs to do to better prepare the new financial officer to adjust to the new accounting standards. Mr. Dixon said the accounting issues aren't significantly different. It is mostly the financial reporting and audit standards and applications which are on the auditor's end that have changed. He suggested that it would be critical that Ms. Blatnik provide some transitional assistance to the new Finance Director. Mayor Baca Gonzalez asked Council to look at the middle of page 17. It says that ordinances require the City to adjust consumers' gas bills for changes between estimated and actual cost of gas purchased. An under-recovery of \$63,946 for purchase natural gas adjustment was recorded at December 31, 2012. She asked how that happened. Mr. Dixon said the City is the rate-setting body for gas rates. The City went to a standard about four years ago, hiring a consultant following a suit against the City. It worked out to where the City is now adhering to a strange but wonderful standard that is allowed for utilities that says 'when we estimate what our gas cost are going to be for the year, we set our rates and we only charge expense to the extent that we are recovering those rates'. He exemplified that gas is going to cost \$3 and the City is going to charge \$3.50. Even if the City starts paying \$4 and \$5 it would only recognize \$3 a unit through that year because that is what the standard says - only recognize the expense in the period you are recognizing the revenues. Because of that, there is a deferral. It was over \$600,000 last year that was under-recovered. In November of each year City Council revisits it to determine what the estimated gas cost will be for the upcoming year and reset the gas rates to cover the current amount plus the underfunded amounts. At the end of each period there will be some amount either under or over recovered due to gas cost fluctuations and because it only gets adjusted annually, it gets carried in the financial statements and then an attempt is made to set the rates to recover that in the future. Mayor Baca Gonzalez said her concern was about the error that occurred with the rates and didn't know if that was linked or not. Councilmember Bonato in looking at page 37, expenditures in excess of amounts budgeted in the Tourism Fund, said it seems like a large sum of money and asked where that money went. Tara Marshall said that she is not on the Board but has attended some of the meetings as the Welcome Center Manager, so while she can't answer those questions, Pat Patrick she was sure could provide him with an ample answer. Councilmember Bonato asked if it was for signage. Ms. Marshall said they have a match set aside for the CDOT grant for signage. However, the bulk of their funding, recalling that the average annually is about \$170,000, is spent on the marketing plan. She recalled that the annual collection was down this year to about \$150,000. Mr. Dixon referred Council to page 46 which depicts the actual budget to actual statement for that fund. The budget was \$197,000 to start with, they expected to receive \$180,000 in tax revenue, and estimated they would spend \$284,000 to end up with \$93,000. They had a beginning fund balance of \$211,000; \$166,000 came in against the estimated \$180,000 expected and \$327,000 was spent in the period compared to the estimated \$284,000 they intended to spend. Therefore, they spent more than what was budgeted because they had money to start with. It comes back to budgetary oversight. Mr. Dixon said he spoke with Rose Blatnik about it and you can't watch everything. If there's an invoice that comes in late in the year it has to be paid, but whoever is charged with doing those things has to be tracking the financial statements, especially as you get into the second half of the period. City Manager Acre added Executive Assistant Anna Ridolfi helps with the Tourism Board and monitoring their budget because there's been a reduction in what has been collected. He said it was attributed to a late incoming bill and said they are paying attention to it. Councilmember Bolton recalled Mr. Patrick having told Council that the Tourism Board was making some major expenditures last year that they had been waiting to make for several years, but couldn't recall the particulars of it. Mr. Dixon said he's sure nothing was done inappropriately, the budget just wasn't revisited.

Rachel Theler, Watershed Coordinator for the Purgatoire Watershed Partnership, addressed Council. She thanked Council for their time to allow her to introduce this partnership to them. She said that it officially got started this past September when the Spanish Peaks Conservation District received a grant from the Bureau of Reclamation to start a watershed partnership to address watershed issues. That enabled them to get their start. Mr. Theler said the Mayor is currently on their board, which is comprised of eleven members. Ms. Theler said she came on as the Watershed Coordinator in the middle of March and since then they have made a lot of strides, including getting a website up at www.purgatoirepartnership.org, shown on the end of the summary sheet provided to Council in their agenda packets. The main goal of the partnership is to create a watershed plan to enable stakeholders to come forward with their concerns, such as soil erosion, water quality, evasive weeds, etc. Those stakeholders in the watershed can become a voting member of the Purgatoire Watershed Partnership for \$10 annually. That money goes toward meeting expenses such as room rentals and refreshments. She pointed out that a person could become a member free of charge, however would not have voting rights. That would enable that person to come forward to the Partnership and make their concerns known. Ms. Theler said they will eventually be hiring a watershed consultant who will draft this watershed plan. He or she will come into the community and with her help will incorporate all of the stakeholder concerns that have been voiced. The plan doesn't have to be only used by the Partnership once done; it will be available to any entity that wishes to use it and doesn't have to be used in its entirety. Ms. Theler said their next meeting will be held on July 11th at 6:30 p.m. at the NRCS office where they will be going over applications for the watershed consultant. They will also be going over grant funding that one of their members brought up that is available to people whose wells have dried up that are not on the City's water. She said their meetings consist not only of business, but they also have presentations from people from all over the state. At their last meeting they had a joint meeting with Trout Unlimited where they talked about abandoned mines and their effect on water quality. She concluded that all of their meetings are open to the public.

Councilmember Bolton moved to take the Executive Session out of order and hold it at this point in the meeting. The motion was seconded by Councilmember Shew. Councilmember Miles asked the reason for moving it. Mayor Baca Gonzalez said it was due to the availability of legal counsel and to be able to transact that business without unnecessary delays to Attorney Newnam. Roll call was taken and the motion carried unanimously.

EXECUTIVE SESSION. For a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402-(4)(b) - Discussion of Syncora Answer and ARPA litigation. A motion to enter into executive session for the stated purpose was made by Councilmember Bonato and seconded by

Councilmember Miles. Upon roll call vote the motion carried unanimously. The executive session ensued at approximately 7:30 p.m.

JULY 2, 2013

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 2nd day of July, 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

Upon conclusion of the executive session at 7:44 p.m., the meeting resumed.

COUNCIL REPORTS. Councilmember Bolton reported that she was pleased to have attended the Women's Network in Walsenburg recently hosted by Senator Mark Udall's Administrative Assistant, Gloria Gutierrez. The attendees exchanged ideas of what was important for the Senator to focus on from a woman's viewpoint. She said a lot of good suggestions were elicited from the group.

Councilmember Shew told Council that at the Tourism Board work session a suggestion was made by board members that on the Art Trek evenings, which are the last Friday of each month from five to seven o'clock through the season, a member of Council volunteer to man the Tourism Board trailer. A number of Council members expressed interest. City Manager Acre told Council that Executive Assistant Anna Ridolfi would facilitate Council members signing up.

Councilmember Mattie said he participated in Art Trek. He also reported on his attendance at the last Southern Colorado Council of Governments meeting held the previous Thursday. They considered foregoing the Early Learning Center Summer Program. They had anticipated 70 students but had only 35, so it is not cost effective for the short time that it runs. He said it will probably be cancelled for the summer and it will resume in August. His understanding was that this program served a different group of kids, not the regular school year kids.

Councilmember Miles reported that she attended the meeting with the state and federal representatives Larry Crowder, Cory Gardner, and Tim Dore this morning, as did Council members Bolton, Bonato and Mayor Baca Gonzalez. She said she and Councilmember Bolton addressed them concerning saving the Amtrak route through Trinidad and they spent a fair amount of time discussing it. She said she thinks they enlisted some support. Representative Gardner has a connection with the Chairman of the BNSF and will meet with him and will raise Trinidad's concerns. Senator Crowder she thought to be a little more skeptical but generally supportive of rail. He's offered to get the City involved with more senior people with the Federal Department of Transportation (DOT). City Manager Acre is going to work on a letter to send to them showing the pros and cons. DOT has been a tough nut to crack and it would be very important as far as funding what we need to keep Amtrak on board. Representative Dore may have an opportunity to get the Governor in the loop this fall. She said there were quite a few things discussed. Additionally Councilmember Miles reported that the Economic Development office held a work session recently and have been meeting at least twice a month. She said she wasn't in attendance at their work session but there is further progress being made on the strategic plan. A board meeting is scheduled for tomorrow. Finally, she reminded Council that they had no attendance at their last Conversations with Council session and asked if they should try scheduling another session. Mayor Baca Gonzalez suggested it was probably due to the number of other meetings that day. Councilmember Miles suggested they schedule one again prior to their regular work session and asked Council to contact her with any conflicts, otherwise she would coordinate with Executive Secretary Anna Ridolfi. Council concurred to conduct the next session at the Pioneer Room at Trinidad State Junior College because of favorable turnout previously.

Councilmember Bonato also reported on the meeting today with state and federal representatives. He said it was very interesting and he felt there are a lot of people getting involved in helping the City. Councilmember Miles commended Councilmember Bonato's comments regarding thinning of the forest. Councilmember Bonato said he wished the US Forest Service would thin the forest, realizing it takes the cooperation of the landowners. He said it would help mitigate some of the fire potential. He said they need to get more involved with the Senators and Congressmen to push the landowners. We need to clean up the forest.

Mayor Baca Gonzalez said with the two major fires that occurred up north we need to look at whether we have the tools in our ordinances to take care of abatement of dead trees. She said her home backs up to a hill that has dead trees. A fire could take out a number of homes in that subdivision. The City needs to look at our perimeters. Councilmember Bonato said he called City Clerk Garrett to inquire about whether our ordinances cover dead trees and said it can be found in the section that requires removal of weeds. City Manager Acre said it falls under code enforcement and he said he would talk to the Police Chief to do a concerted effort. Mayor Baca Gonzalez told Council that she had the privilege to attend the Colorado Municipal League conference. There were wonderful presentations and a number of them had to do with economic development and unique takes on that, including quality of life as a driver for economic development. A lot of people look for relocation opportunities. Quality of life is being given more emphasis.

REPORT BY CITY MANAGER. Finance Director. City Manager Acre announced that Lonny Medina will be joining the City mid month as the new Finance Director. Mr. Medina resigned from SCCOG today where he had been employed for approximately the past six years as their finance director. Mr. Medina is excited to be here as part of the team and he will be an asset when the City upgrades its software system and in budget preparation. City Manager Acre said he will introduce Mr. Medina to Council shortly.

Fire Chief. City Manager Acre advised Council that the advertisement to fill the Fire Chief position is out. He said there has been some interest internally and he has received one application thus far. He said he will advertise in-house as well as out in hopes to get applications from both to consider. City Manager Acre said he met with some of the Fire Department employees recently.

Public Works Director. City Council was informed by City Manager Acre that he's had interest from four individuals for the Public Works Director position but has only received one application. He said the City is competing with other cities in the state. He said there is good interest but he would like to see more interest. The one applicant has good qualifications.

North Lake Dam Project. City Manager Acre told Council that the North Lake Dam Project is on schedule. He said he took a drive up to the project over the weekend and was impressed with the site and the work being done. There are ongoing discussions with the City's project engineer and consultant and the contractor over the alternative pipe and the resulting credit the City should receive because of the cost savings. Utilities Superintendent Jim Fernandez thinks the issue will be resolved and the project will continue to be on schedule.

Paving. City Manager Acre advised Council that the paving program's bids are in. He said he and Engineering Tech. Brad Mincic will be refining the list of streets and will see if they need to mill instead of pave some of the streets. He said the project includes Freedom Road in Industrial Park which is in dire need of reconstruction and he will be asking Economic Development to help with the cost.

Commercial Street Project. City Manager Acre told Council that the Department of Local Affairs' representative told him last week at the CML conference that he will be getting the contract to the City within the next couple of weeks for the Commercial Street Project. He knows the City is waiting on the contract to get started.

Main Street Program. City Manager Acre advised Council the City received word today from CDOT that the additional \$100,000 the City has been looking for is going to be forthcoming. As soon as the City gets that letter we can start on some of the right-of-way and easement issues.

Way-Finding Signage. City Manager Acre informed Council that the City has the RFP responses in place for the Way-Finding Signage Project. Staff will meet to evaluate the bids and see how we can split up the work. Some of it can be done by City crews.

Kit Carson Band Shelter. City Manager Acre said staff has met with potential contractors on-site regarding the Kit Carson Band Shelter and the project is out for bid.

Swimming Pool. Council was informed by City Manager Acre that the shade shelters for the swimming pool are scheduled for installation mid month.

Paving, Streets, & Mosquitoes. Mayor Baca Gonzalez suggested that as we move forward with the paving project a walking inventory be done, being mindful of those who are mobility impaired. She said she has heard complaints about places where there are breaks or holes in the sidewalks, in particular between the Corazon Center and Safeway. She said it would be good to keep our eyes open for mitigation of those issues. Councilmember Mattie added that people have mentioned to him that the lane lines and turn arrows in the streets need to be remarked. City Manager Acre said he would work with Street & Bridge staff on painting the crosswalks and curbs and look for paint that stands up better. He said he'd also look into accessibility issues and if there are property owners involved he'd talk to them. Councilmember Shew asked if this isn't part of the downtown project. City Manager Acre said it is but there are other areas of town that we need to pay attention to as well. Councilmember Mattie commented that a greater number of people are using the motorized wheelchairs to get around. Mayor Baca Gonzalez asked that the concern Richard Sawaya brought up recently not be forgotten about at the intersection of Commercial and Cedar Streets with people running the stop sign. Councilmember Bonato recalled that former Public Works Director Mike Valentine used to furnish a priority list of streets to be paved. He asked if there is such a list this year. City Manager Acre said it would be shared at next week's work session. Councilmember Bonato asked about Colorado Avenue drainage. City Manager Acre said he's asked staff to get a quote from the contractor to mill the street. He said he thought they needed to look at Colorado Avenue as a Capital Improvement Project on its own. The street needs reconstruction, as do potentially the curbs and median. It would be a large CIP project. Councilmember Bonato asked if the City would be responsible. City Manager Acre said it is a City right-of-way. It could be funded through the 1% sales tax as a multi-year project or they could ask residents of that area to share the cost. However, with the sales tax already in place, those residents are already sharing the cost. The road surface is good but the drainage needs to be addressed. Mayor Baca Gonzalez asked if they could get a record of accidents and problem areas. She said it would behoove them to look at that information to see if there are streets or intersections that need to be improved because of accidents or other issues. Councilmember Mattie complimented the City for the work on Maple Street between Second and Third Streets. He said it is very nice. City Manager Acre told Council that instead of asphalt outside of the historic preservation district they used red, stamped concrete. There are not enough bricks and staff likes it and it is relatively easy to stamp. Councilmember Bolton said she had been asked to inquire whether the City was spraying mosquitoes this year. City Manager Acre answered that it was not budgeted. There is some spray available. Around Central Park the last couple of weeks the aerators were down and so the City did spray that area. He added that to his knowledge the City hasn't sprayed for several years. If there are areas that need to be addressed, he said he'd talk to staff.

REPORT BY CITY ATTORNEY. Recreational Marijuana Regulations. City Attorney Downs pointed to a copy of the Emergency Regulations developed by the Colorado Department of Revenue for Recreational Marijuana. He suggested that they are emergency regulations because they didn't have a lot of time to come up with them. Amendment 64 required workable regulations by July 1st. They are expected to issue new, more comprehensive regulations by October 1st. It is the intent that the Department of Revenue will accept applications for these facilities only at medicinal marijuana facilities. They will be taking applications by October and issuing licenses after January 1, 2014. A problem they had was they tried to implement a procedure for accountability from seed to sale. They ran out of money and were unable to follow up with it. Because of the tie of recreational marijuana to medicinal marijuana facilities, people between the ages of 18 to 21 will not be able to buy marijuana, only those over the age of 21 will be able to. With a doctor's prescription a person currently can get medical marijuana from the age of 18 and up, but because of the recreational marijuana regulations it would only permit those over the age of 21 the ability to buy marijuana.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Special events Permit (malt, vinous and spirituous) request by Arthur Roy Mitchell Memorial, Inc. at 150 E. Main Street for July 20, 2013 (Quick Draw Event). Cy Michaels, member of the Arthur Roy Mitchell Memorial Board, addressed Council. She said the Quick Draw event is comprised of 20 local and non-local artists who will set up at the Courthouse lawn and create artworks in one hour's time. There will be girls and horses to be sketched and mariachis will perform. All of the artwork is then auctioned off at the Mitchell Museum with a \$250 starting price. The money goes to the museum. Ms. Michaels said they like to serve mimosas to get people in the spirit to bid. She said it is a great day and there is an amazing amount of other things going on that weekend. A motion to approve the permit was made by Councilmember Bolton and seconded by Councilmember Shew. The motion carried unanimously excepting Mayor Baca Gonzalez who abstained from the vote due to her membership on the board.

Resolution determining that an election is required to consider one or more ballot issues and to elect the Mayor and four City Council Members and that such election should be held as a coordinated election. City Manager Acre told Council that this is a resolution that is required to be passed to set the coordinated election to elect the Mayor and four City Council members. He recommended approval of the resolution to set the election calendar in motion. A motion to adopt the resolution was made by Councilmember Velasquez and seconded by Councilmember Bonato. The motion carried unanimously upon roll call vote.

RESOLUTION NO. 1415

RESOLUTION DETERMINING THAT AN ELECTION IS REQUIRED TO CONSIDER ONE OR MORE BALLOT ISSUES AND TO ELECT THE MAYOR AND FOUR CITY COUNCIL MEMBERS AND THAT SUCH ELECTION SHOULD BE HELD AS A COORDINATED ELECTION

Renewal of Intergovernmental Agreement with Las Animas County for the conduct of the November 5, 2013 Regular Election as a Coordinated Election. City Manager Acre told Council this is the second half of items Council needs to take action on to get the election process going for this year. Coordinated elections are more cost effective. This IGA renews the existing agreement. Notice has to be given to the County 100 days prior to the election, by July 26th. He added that at a work session next week staff will present language for Council to consider for Charter changes to be included in this election. He recommended approval of the renewal of the IGA. A motion to approve renewal of the Intergovernmental Agreement with Las Animas County for the conduct of the November 5, 2013 Regular Election as a Coordinated Election was made by Councilmember Miles. Councilmember Velasquez seconded the motion, which upon roll call vote carried unanimously.

Consideration of First Amendment to the City Attorney's employment contract. Mayor Baca Gonzalez reminded that Council recently had held an informal evaluation with City Attorney Downs where modifications to his contract were discussed. She said this First Amendment has been reviewed by Tami Tanoue of CIRSA and a clean copy of the Amendment with the suggested changes she provided was prepared and placed at Council's seating places. A motion to approve the First Amendment as presented was made by Councilmember Bolton. The motion was seconded by Councilmember Velasquez. Councilmember Bolton asked City Attorney Downs if he was satisfied with the new requirements. City Attorney Downs said he is and that he has no problems with the new requirements. He added that he's looking forward to being evaluated and appreciated the annual leave and Council's consideration on this. Councilmember Bolton asked the status of certain representation he referenced in an e-mail to Council. City Attorney Downs said that he agrees with the stipulation, but those four cases have not been resolved but he is trying very hard to resolve them. Roll call was taken on the motion and it carried unanimously.

BILLS. Councilmember Bolton questioned a payment to Farmers' Market in the amount of \$500. She said her understanding was that Council did not approve that payment because they did not apply. City Manager Acre advised that the check was not supposed to be issued and didn't think it was. Mayor Baca Gonzalez said Mrs. Potter is in charge of Farmers' Market and she could be contacted directly to resolve the issue. Councilmember Bolton asked City Manager Acre about a reimbursement to him for travel to Fort Carson. She noted that he didn't report on a meeting he had at Fort Carson, and asked the purpose. City Manager Acre said he believed that reimbursement was for a coordination meeting about joint working that he had reported on a few weeks ago. He said he would confirm that to be true. A motion to approve payment of the bills was made by Councilmember Velasquez. The motion was seconded by Councilmember Bolton. Roll call was taken on the motion and it carried unanimously.

PAYROLL, June 22, 2013 through July 5, 2013. A motion to approve the payroll was made by Councilmember Bonato and seconded by Councilmember Bolton. The motion carried unanimously.

Councilmember Miles raised an issue that came up at a previous meeting whereby Council thought it should be discussed in the Mayor's presence. She said it is about whether Council can have some procedures to prevent the situation where letters are being created without the entire Council knowing. City Manager Acre said it is termed 'norms.' He said he's been working on something they can develop easily for a process when Council wants any staff to take some action. He said he'd get them out to Council. Councilmember Miles said she thought there are broader issues. City Manager Acre said he's seen how other City's handle situations and they can have a work session on this in the future. Mayor Baca Gonzalez said she has no issue with systems being put into place. City Manager Acre added that he and City Attorney Downs are talking with Tami Tanoue about talking with City Council and it is tentatively set for a work session in July. This could be one of the topics. He reminded Council that Ms. Tanoue will be providing staff with supervisor training as well.

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:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk

7a



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: July 16, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 6

SUBJECT: Retail liquor store license renewal request by Opera House Wine & Spirits, LLC d/b/a Tire Shop Wine & Spirits at 601 W. Main Street

PRESENTER: Representatives of Opera House Wine & Spirits, LLC

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application is in order.
- The departmental reports from the Building Inspector indicated that he had no issues with the renewal.
- The report from the Fire Department made reference to a fire extinguisher. The Fire Chief verbally stated that the extinguisher needs to be recertified.
- The Police Department had two calls for service in the past year.
- Disclosure statements provided by Council members Miles and Velasquez are attached.
- Appropriate fees have been paid.

7a

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name <i>Opera House Wine & Spirits</i>		DBA <i>Fire Shop Wine & Spirits</i>		
Liquor License # <i>42-82946-0000</i>	License Type <i>Off-Premise</i>	Sales Tax License # <i>42-82946</i>	Expiration Date <i>7/13/13</i>	Due Date
Street Address <i>601 W. Main St. Trinidad Co 81082</i>				Phone Number <i>719 846 6200</i>
Mailing Address <i>601 W. Main St. Trinidad Co 81082</i>				
Operating Manager <i>Carol Cometto</i>	Date of Birth [REDACTED]	Home Address [REDACTED]	Trinidad Co. 81082 Phone Number [REDACTED]	

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 6/15
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Michelle Miles</i>	Title <i>Owner</i>
Signature <i>Michelle Miles</i>	Date <i>7/4/13</i>

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For <i>Trinidad</i>	Date
Signature	Title <i>Mayor</i>
	Attest

7/8/13

DEPARTMENTAL INSPECTION REPORT
3.2% BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE

Applicant: Opera House Wine & Spirits, LLC

dba: Tire Shop Wine & Spirits

Address: 601 W. Main Street

Type of License: Retail Liquor Store

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: July 16, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

Fire Extinguisher -

7-10-13
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 11, 2013

7/8/13

DEPARTMENTAL INSPECTION REPORT
3.2% BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE

Applicant: Opera House Wine & Spirits, LLC

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Address: 601 W. Main Street

Type of License: Retail Liquor Store

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: July 16, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

July 10-2013
Date

Chris De Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 11, 2013

7/8/2013

**DEPARTMENTAL INSPECTION REPORT
3.2 % BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE**

Applicant's Name: Opera House Wine & Spirits, LLC

DBA: Tire Shop Wine & Spirits

Business Address: 601 W. Main Street

Type of License: Retail Liquor Store

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: July 16, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

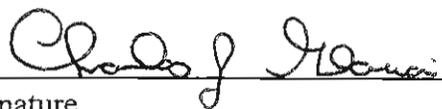
<u>Date</u>	<u>Sequence Number</u>	<u>Call Type</u>	<u>Case number</u>
10/2/2012	TPD201221871	Harassment	None

Altercation between owner and Ernie Garcia. Owner requests Mr. Garcia be removed and told not to return.

8/31/2012	TPD201220079	Theft	12-03463
-----------	--------------	-------	----------

Male party, identified as Ernie Garcia entered store and ran out with a case of beer without paying for it

7-11-13
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 11, 2013

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201221871

Call Answered 10/02/2012 12:14:03	Call Code HARPER	Case Number
Created 10/02/2012 12:10:17	Dispatched 10/02/2012 12:13:30	Completed 10/02/2012 12:31:17
		Disposed 10/03/2012 04:47:14

Response Information

Response Type : HARPER
 Reason for Stop :
 Stop Statute :
 Primary Resource : T117
 Primary Trooper : LAY,JENNIFER
 Response Origin : CAD
 Disposition Codes : CC

Incident Information

Validated Address : : True

Common Place : Zone :
 House Number : 601 City :
 Street Name : MAIN State:
 Suffix : W ZIP Code :
 Street Type : ST X Coordinate 3288428.5161862401
 Cross Streets: CARBON SANTE FE Y Coordinate 1183584.6801896601
 Free Format Address : 601 W MAIN ST (N CARBON ST/SANTE FE)

Location History

<u>Date/Time</u>	<u>Address</u>	<u>Dispatcher / Position</u>
10/02/2012 12:10:17	601 E MAIN	SCHLENSKER,MANDI / POSITION:
10/02/2012 12:20:08	601 E MAIN ST (/N SPRUCE ST)	SCHLENSKER,MANDI / POSITION:
10/02/2012 12:22:02	601 W MAIN ST (/N SPRUCE ST)	SCHLENSKER,MANDI / POSITION:
10/02/2012 12:22:03	601 W MAIN ST (N CARBON ST/SANTE FE)	SCHLENSKER,MANDI / POSITION:

Person 1 of 2

Last Name : COMETTO	First Name : CAROL	Middle Name : CAROL
Suffix :	DOB : 	SOC :
Involvement : REPORTING PARTY	DL State : CO	DL Number :
Perceived Race :	Perceived Gender :	Address :
Race :	Gender : FEMALE	Phone :
Notes :		

Person 2 of 2

Last Name :	GARCIA	First Name :	ERNIE	Middle Name :	ERNIE
Suffix :		DOB :	[REDACTED]	SOC :	
Involvement :	SUSPECT	DL State :	CO	DL Number :	
Perceived Race :		Perceived Gender :		Address :	
Race :		Gender :		Phone :	
Notes :					

Resource Activity Statuses

<u>Date/Time</u>	<u>Unit ID</u>	<u>Status</u>	<u>Dispatcher / Position</u>
10/02/2012 12:13:30	T117	DP	SCHLENSKER,MANDI / POSITION2
10/02/2012 12:20:02	T117	AR	SCHLENSKER,MANDI / POSITION2
10/02/2012 12:31:17	T117	CL	SALAS,CLIFFORD / POSITION1

Incident Notes

<u>Date/Time</u>	<u>Note</u>	<u>Dispatcher / Position</u>
10/02/2012 12:13:09	RP STATES THAT ABOUT A MONTH AGO ERNIE GARCIA HAD STOLE A CASE OF BEER AND JUST NOW HIM AND ANOTHER PT WENT TO THE STORE AND HE STAYED OUTSIDE WHILE THE OTHER ONE WENT IN AND SHE WAS OUTSIDE SMOKING WHEN GARCIA CAME UP TO HER COMPLAINING THAT ONE OF THE CANS HAD DAMAGE TO IT AND THEY DID EXCHANGE WORDS AND THEN HE WAS CUSSING AT HER SO SHE PUNCHED HIM IN THE FACE	SCHLENSKER / POSITION2
10/02/2012 12:13:24	RP STATES THAT NOW SHES AFRAID HE MIGHT COME BACK AND DO DAMAGE TO HER STORE	SCHLENSKER / POSITION2
10/02/2012 12:20:08	Address of TPD201221871 has been modified from 601 E MAIN to 601 E MAIN ST (/N SPRUCE ST).	SCHLENSKER / POSITION2
10/02/2012 12:22:02	Address of TPD201221871 has been modified from 601 E MAIN ST (/N SPRUCE ST) to 601 W MAIN ST (/N SPRUCE ST).	SCHLENSKER / POSITION2
10/02/2012 12:22:03	Address of TPD201221871 has been modified from 601 W MAIN ST (/N SPRUCE ST) to 601 W MAIN ST (N CARBON ST/SANTE FE).	SCHLENSKER / POSITION2
10/02/2012 12:22:17	NO PHYSICAL ALTERCATION HAPPENED HERE	SALAS / POSITION1
10/02/2012 12:31:23	10-8	SALAS / POSITION1
10/02/2012 12:43:07	SHE WANTS ERNIE GARCIA TRESPASSED FROM STORE	SALAS / POSITION1
10/02/2012 12:43:16	REQUESTING EXTRA PATROL	SALAS / POSITION1
10/02/2012 12:44:11	AT TIME OF CALL COMETTO REACHED INSIDE OF VEHICLE IN WHICH GARCIA WAS IN TO ATTEMPT TO KEEP HIM ON SCENE UNTIL POLICE ARRIVED	SALAS / POSITION1

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201220079

Call Answered 08/31/2012 19:36:47	Call Code THEFTS	Case Number TPD201203463
Created 08/31/2012 19:37:35	Dispatched 08/31/2012 19:48:11	Completed 08/31/2012 20:01:57
		Disposed 09/01/2012 05:01:11

Response Information

Response Type : THEFTS
 Reason for Stop :
 Stop Statute :
 Primary Resource : T117
 Primary Trooper : LAY,JENNIFER
 Response Origin : P911
 Disposition Codes : CC

Incident Information

Validated Address : : No Value

Common Place : Zone :
 House Number : 601 City : TRINIDAD
 Street Name : MAIN State:
 Suffix : W ZIP Code :
 Street Type : X Coordinate
 Cross Streets: Y Coordinate
 Free Format Address : 601 W MAIN, TRINIDAD, CO

Location History

<u>Date/Time</u>	<u>Address</u>	<u>Dispatcher / Position</u>
08/31/2012 19:37:35	601 W MAIN, TRINIDAD, CO	RIVAS,AMANDA / POSITION1

Person 1 of 1

Last Name : GARCIA First Name : ERNIE Middle Name : ERNIE
 Suffix : DOB : ██████████ SOC :
 Involvement : REPORTING PARTY DL State : CO DL Number :
 Perceived Race : Perceived Gender : Address :
 Race : Gender : Phone :
 Notes :

Resource Activity Statuses

<u>Date/Time</u>	<u>Unit ID</u>	<u>Status</u>	<u>Dispatcher / Position</u>
08/31/2012 19:48:15	T114	DP	RIVAS,AMANDA / POSITION1
08/31/2012 19:48:17	T114	EN	RIVAS,AMANDA / POSITION1
08/31/2012 20:00:37	T114	CL	RIVAS,AMANDA / POSITION1
08/31/2012 19:48:11	T117	DP	RIVAS,AMANDA / POSITION1
08/31/2012 19:48:19	T117	EN	RIVAS,AMANDA / POSITION1
08/31/2012 19:59:50	T117	AR	RIVAS,AMANDA / POSITION1
08/31/2012 20:01:56	T117	CL	RIVAS,AMANDA / POSITION1

Incident Notes

<u>Date/Time</u>	<u>Note</u>	<u>Dispatcher / Position</u>
08/31/2012 19:42:26	PT RAN OUT WITH CASE OF BEER	RIVAS / POSITION1
08/31/2012 20:01:49	RP ID'D THE SUSPECT AS ERNIE GARCIA WHO TOOK A 20 PACK OF BUDLIGHT	RIVAS / POSITION1
08/31/2012 21:00:13	C30 NEG CONTACT ATL ERNIE GARICA	SALAS / POSITION2

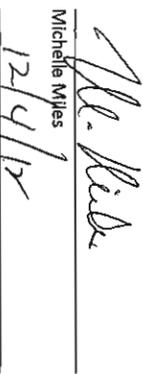
DISCLOSURE STATEMENT

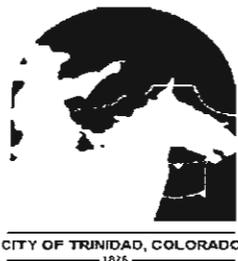
I, Linda Velasquez, hereby state and affirm that I am a member of Gino's Sports Bar, LLC, a Colorado limited liability company formed on September 9, 2011, whose principal office address is 310 Spruce Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Gino's Sports Bar, a tavern licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 991 E. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 25% interest in Gino's Sports Bar, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.


Linda Velasquez
Date 12/14/12

DISCLOSURE STATEMENT

I, Michelle Miles, hereby state and affirm that I am a member of Opera House Wine & Spirits, LLC, a Colorado limited liability company formed on February 22, 2010, whose principal office address is 601 W. Main Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Tire Shop Wine & Spirits, a retail liquor store licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 601 W. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 99% interest in Opera House Wine & Spirits, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.


Michelle Miles
Date 12/14/12



COUNCIL COMMUNICATION

7b

CITY COUNCIL MEETING: July 16, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS:

SUBJECT: Appointment to the Housing Authority Board

PRESENTER: Audra Garrett, City Clerk

RECOMMENDED CITY COUNCIL ACTION: Consider appointment of one of the applicants for the vacancy on the Board

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Advertisement was made seeking applicants to fill the vacancy which occurred due to the term expiration of Marie George.

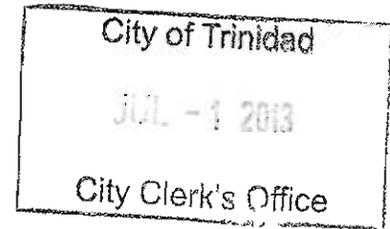
ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- Two letters of interest were received prior to the advertised deadline –
Marie George
Nick DeBono
- The applicants introduced themselves at the work session held on July 9, 2013.

7b

Marie George
824 Tillotson
Trinidad, Colorado 81082
719-846-7052



*Verified voter regis
+ residency -AG*

Mayor and Members of City Council
135 North Animas Street
Trinidad, Colorado 81082

Re: Letter of Interest for Reappointment to Housing Authority Board

Honorable Mayor and Members of Council:

I am writing to express my interest and sincere desire to serve another term on the Board of the Trinidad Housing Authority.

I believe that I have been an effective advocate for low income families in Trinidad, and I thank you for having allowed me that opportunity to serve my community.

Because there is still a lot of work to be done to provide low income families in Trinidad with affordable and decent places to live, I hope that you will allow me to serve another term on the Board of the Trinidad Housing Authority.

Therefore, I am respectfully asking for your support for my reappointment to a position on the Board of the Trinidad Housing Authority.

Sincerely,

Marie George
R.G.
Marie George

Mayor and Members of City Council
135 North Animas Street
Trinidad, Colorado 81082

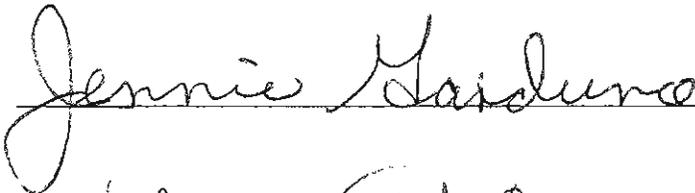
Endorsement of Reappointment to Housing Authority Board

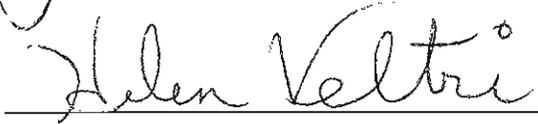
Honorable Mayor and Members of Council:

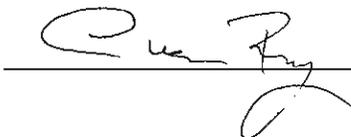
We the undersigned members of the Board of the Trinidad Housing Authority wish to express our support for and endorsement of the reappointment of Marie George to the Board of the Trinidad Housing Authority.

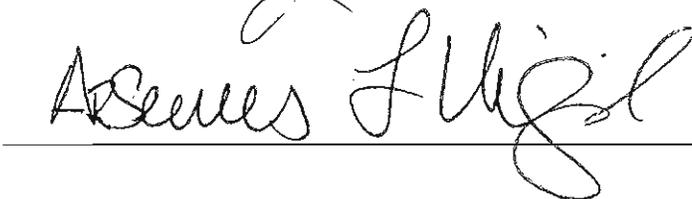
Ms. George is hard working and very knowledgeable of the duties and responsibilities for serving successfully on the Board. It has been our pleasure working with her during her most recent term of appointment.

Respectfully Submitted:



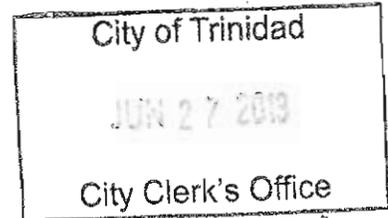






June 27, 2013

Trinidad Mayor
City Clerk's Office
135 N. Animas Street
Trinidad, Colorado 81082



*Verified voter regis
→ residency*

Re: Letter of interest on the Housing Authority

Dear Mayor,

My name is Nick DeBono and I would like to express my interest and desire to sit on the Housing Authority.

I graduated from TSJC from building trades, I served eight (8) years on the City Planning Commission, I was also appointed Public Trustee for Las Animas County in 1961. I am currently serving on the E-911 board, and also served 28 years on the Las Animas County Health Department Board and had a room named after me.

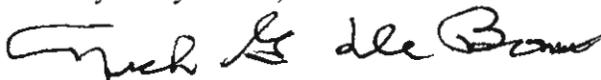
I am a Veteran of the Korean War, and served for 24 months. Currently I am the Veterans Officer for Las Animas County. I believe a veteran has never been on the Housing Authority Board. Currently I serve on the Las Animas County Rehab Board and serve as President. I was elected by all the Veterans in the State of Colorado to serve as the State of Colorado Veterans President in 1992 to 1996.

In 2000 to 2008 I was elected to serve 2 terms on the City Council, and continue to be very active in our community. I also served on the Trinidad Catholic High School Board for 10 years.

I believe my experience and expertise would be an asset and a great contribution to the Housing Authority.

Thank you for considering my interest to be appointed to fill the one (1) vacancy on the Housing Authority.

Very Truly Yours,


Nick G. DeBono

PUBLIC NOTICE

The Trinidad City Council is accepting letters of interest from citizens within the City to fill the following vacancies:

two (2) on the Arts and Culture Advisory Commission; and
one (1) on the Tourism Board; and
one (1) on the Housing Authority; and
four (4) on the Library Board; and
one (1) on the City Tree Board.

In order to be considered eligible to serve individuals must be a resident of the City and have resided within the City for not less than one year immediately preceding appointment and must be registered to vote. However, in order to serve on the Tourism Board an applicant shall be either residents and registered voters of the City of Trinidad, or residents and registered voters of Las Animas County, Colorado, who own a tourism-related business within the City of Trinidad. Applicants must be employed in a restaurant operation to fill this particular vacancy.

Letters of interest in serving on any of these boards will be accepted at the City Clerk's Office at City Hall, 135 N. Animas Street or P. O. Box 880, Trinidad, CO 81082, until 12:00 p.m., Wednesday, July 3, 2013. Please include your qualifications for the position.

Further information may be obtained by calling the City Clerk's Office at 846-9843.

City of Trinidad
Audra Garrett, City Clerk

Publish: June 21, 2013 – Chronicle News / June 28, 2013 – Times Independent
Legal ad
Furnish Proof of Publication



COUNCIL COMMUNICATION

7C

CITY COUNCIL MEETING: July 16, 2013
PREPARED BY: Les Downs, City Attorney
DEPT. HEAD SIGNATURE: 
OF ATTACHMENTS: 1

SUBJECT: Ordinance amending sections contained in Chapter 4 (“Animals”), Article 2 (“Impounding”) and Article 3 (“Dogs and Cats”), of the Code of the City for the purpose of decreasing the required impoundment duration of animals and to more closely align said Chapter to the Colorado Revised Statutes pertaining to dogs

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Consider approval on first reading and conducting a public hearing on August 6, 2013

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: Alternative language could be suggested or Council may choose to not consider changes to the existing Code

BACKGROUND INFORMATION:

- Judge Garcia and I were approached by Noah’s Ark Director Kim Riddle and Brett Smith of the Colorado Humane Society seeking changes to the City’s Code for the betterment of the operations at Noah’s Ark.
- In continuing collaboration with Ms. Riddle and Mr. Smith, the Judge and I have distilled down these proposed changes for your consideration.
- This item was discussed at a work session on July 9, 2013.

7C



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS CONTAINED IN CHAPTER 4 ("ANIMALS"), ARTICLE 2 ("IMPOUNDING") AND ARTICLE 3 ("DOGS AND CATS"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSE OF DECREASING THE REQUIRED IMPOUNDMENT DURATION OF ANIMALS AND TO MORE CLOSELY ALIGN SAID CHAPTER TO THE COLORADO REVISED STATUTES PERTAINING TO DOGS

WHEREAS, Chapter II, § 2.4, of the Home Rule Charter for the City of Trinidad, Colorado, confers upon the City "all powers of local self government and Home Rule possible for a city to have under the Constitution and laws of [the state of Colorado] as fully and completely as though they were specifically enumerated in this Charter"; and

WHEREAS, § 31-15-401(1)(m)(l), C.R.S., confers upon the City the power "[t]o regulate and to prohibit the running at large and keeping of animals . . . within the municipality and to otherwise provide for the regulation and control of such animals, including, but not limited to, licensing, impoundment, and disposition of impounded animals."; and

WHEREAS, § 18-9-204.5 et. seq., C.R.S., determines and declares that dangerous dogs are a serious and widespread threat to the safety and welfare of citizens throughout the state because of the number and serious nature of attacks by such dogs and the regulation and control of dangerous dogs is a matter of statewide concern; and

WHEREAS, in furtherance of deterring instances whereby animals are impounded for lengthy durations, and to more effectively deal with the disposition of dogs defined by state statute as dangerous dogs, the City Council desires to decrease the required impoundment duration for all animals and more closely align Chapter 4 to the Colorado Revised Statutes, Title 18, Article 9, pertaining to dangerous dogs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO:

Section 1. Repeal and Re-Enactment of § 4-11 and 4-12 of Chapter 4 ("Animals"), Article 2 ("Impounding"), of the Code of the City of Trinidad, Colorado. Section 4-11 of Chapter 4 ("Animals"), Article 2 ("Impounding"), of the Code of the City of Trinidad, Colorado, is hereby repealed and re-enacted in its entirety as follows:

Section 4-11. Disposition of impounded animals.

(1) Disposition of impounded livestock shall be in accordance with State statutes and regulations and at the direction of the State Brand Inspector.

(2) The following procedures shall be followed with respect to the disposal of all other animals impounded pursuant to this Article: No such animal shall be put up for adoption or humanely destroyed unless the ownership of such animal cannot be ascertained or at least ten (10) days have elapsed since written notice of impoundment has been issued to the owners. Said notice shall advise the owner as to where the animal was impounded, the date and time of the impoundment, the location where the animal is being held, a description of the animal, that the animal must be claimed within ten (10) days of the issuance of the notice, and the impound fee and feeding costs to be paid prior to the release of the animal

to the owner. Said notice shall be either mailed by certified mail to the owner's last known address or hand delivered to the owner.

Section 4-12. Impoundment fees; claiming impounded animal.

The owner of any animal impounded pursuant to this Article shall be charged Ten Dollars (\$10.00) per day for boarding and feeding of said animal. If the owner of the impounded animal shall claim such animal within the ten (10) day period specified in the notice and pay all costs then accrued for impounding and feeding, plus a Fifteen Dollar (\$15.00) redemption fee, the animal shall be released to the owner; except that in the case of livestock, the owner may be required by the State Brand Inspector to pay the cost of transporting the animal to the Animal Shelter before the animal is released.

Section 2. Amendment of § 4-13 ("Definitions") Subsection (5) ("Owner") of Chapter 4 ("Animals"), Article 3 ("Dogs and Cats"), of the Code of the City of Trinidad, Colorado. Section 4-13(5) of Chapter 4 ("Animals"), Article 3 ("Dogs and Cats"), of the Code of the City of Trinidad, Colorado, is hereby amended to read as follows:

Section 4-13. Definitions.

(5) *Owner* or *owns* means any person, firm, corporation, or organization owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of a domestic animal (meaning any dog, cat, any animal kept as a household pet, or livestock), including a dangerous dog as the term is defined in Section 4-24 of this Article 3.

Section 3. Enactment of § 4-13 ("Definitions") Subsection (7) ("Bodily Injury") and Subsection (8) ("Serious Bodily Injury") of Chapter 4 ("Animals"), Article 3 ("Dogs and Cats"), of the Code of the City of Trinidad, Colorado. Section 4-13(7) and (8) of Chapter 4 ("Animals"), Article 3 ("Dogs and Cats"), of the Code of the City of Trinidad, Colorado, are hereby enacted as follows:

(7) *Bodily injury* means any physical injury that results in bruising, muscle tears, or skin lacerations requiring, or that could require, professional medical treatment or any physical injury that requires or could require corrective or cosmetic surgery.

(8) *Serious bodily injury* means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function or any part or organ of the body, or breaks or fractures.

Section 4. Repeal and Re-enactment of § 4-22 ("Notice to Owner and Period of Impounding") Subsection (2) of Chapter 4 ("Animals"), Article 3 ("Dogs and Cats"), of the Code of the City of Trinidad, Colorado. Section 4-22(2) of Chapter 4 ("Animals"), Article 3 ("Dogs and Cats"), of the Code of the City of Trinidad, Colorado, is hereby repealed and re-enacted as follows:

Section 4-22. Notice to owner and period of impounding.

(2) Any dog or cat which has been impounded at the Animal Shelter pursuant to this Article, and whose owner is ascertained, shall not be disposed of by adoption or humane destruction until at least ten (10) days after notice of impoundment has been issued to the owner. Said notice shall advise the owner as to where the dog or cat was impounded, the date and time of the impoundment, the location where the dog or cat is being held, a description of the dog or cat, that the dog or cat must be claimed within ten (10) days of the issuance of the notice, and the impoundment fee to be paid, and any vaccination and/or licensing requirements which must be met prior to the release of the dog or cat to the owner. Said notice shall be mailed by certified mail to the owner at the owner's last known address or hand delivered to the owner.

Section 5. Repeal and Re-enactment of § 4-24 (“Keeping of Vicious Dogs Prohibited”) of Chapter 4 (“Animals”), Article 3 (“Dogs and Cats”), of the Code of the City of Trinidad, Colorado.
Section 4-24 of Chapter 4 (“Animals”), Article 3 (“Dogs and Cats”), of the Code of the City of Trinidad, Colorado, is hereby repealed and re-enacted in its entirety as follows:

Section 4-24. Keeping of dangerous dogs prohibited.

- (1) It shall be unlawful for any person to own, keep, harbor or possess a dangerous dog anywhere in the City.
- (2) As used in this section, unless the context otherwise requires:
 - (a) Dangerous dog means any dog that:
 - (I) Inflicts bodily or serious bodily injury upon, or causes the death of a person or domestic animal; or
 - (II) Engages in or is trained for animal fighting as described and prohibited in C.R.S. 18-9-204.
 - (III) Such dog shall not be deemed to be a dangerous dog under the following circumstances where such dog has bitten or attacked under the following circumstances:
 - (a) Any person engaged in the unlawful entry into or upon the dog owner’s property where such dog is kept;
 - (b) Any person engaged in the unlawful entry upon the dog owner’s automobile or any vehicle wherein such dog is confined, or which is parked on the street immediately adjacent to the owner’s property;
 - (c) Any person engaged in attacking or molesting another person;
 - (d) Any person engaged in attempting to stop an altercation between such dog and another dog;
 - (e) Any person who deliberately and wantonly provokes such dog to bite or attack such person, another person or another animal.

Section 6. Severability. If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 7. Effective Date. This Ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED
this ____ day of _____, 2013.

FINALLY PASSED AND APPROVED this ____ day of _____, 2013.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of _____, 2013.

CITY OF TRINIDAD, COLORADO

BERNADETTE BACA GONZALEZ, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk

7d



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: July 16, 2013
PREPARED BY: Karen Wolf, Assistant Planner
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS: 1

SUBJECT: Policy for Naming Public Property

PRESENTER: Karen Wolf

RECOMMENDED CITY COUNCIL ACTION: Consider adoption of the Policy for Naming Public Property as a resolution.

SUMMARY STATEMENT: The Policy for Naming Public Property states that public property shall only be named by resolution after a public hearing.

EXPENDITURE REQUIRED: No
SOURCE OF FUNDS: N/A
POLICY ISSUE: Naming of public property.
ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The intent of the Policy for Naming Public Property is to promote thoughtful consideration and public scrutiny regarding the naming of public property.
- The Policy for Naming Public Property was discussed at two City Council Work Sessions: March 12th and July 9th, 2013.
- All City Council recommendations have been incorporated into the final resolution.
- *Upon a final staff review, Article 5, Section 4 was modified. Previously it set forth requirements for a public hearing similar to that required when an ordinance is approved, even referring to Charter language for ordinance approval. The prior language stated: "The Naming Resolution shall thereafter be sent to the City Council for introduction ("First Reading"), and a vote ("Second Reading"). In accordance with § 5.6(d) of the City's Home Rule Charter, a public hearing shall be held prior to any vote." That section has been modified and proposed for consideration as follows: "The Naming Resolution shall thereafter be sent to the City Council and public comment shall be considered prior to any vote."*

7d



RESOLUTION NO.

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, ADOPTING A
POLICY FOR THE NAMING OF PUBLIC PROPERTY

WHEREAS, the City of Trinidad, Colorado, recognizes the need for a comprehensive policy to facilitate requests made to name public buildings, parks and other public facilities; and

WHEREAS, it is prudent to have specific criteria and guidelines to consider when naming such public property to promote thoughtful consideration and appropriate public input.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO:

The City of Trinidad hereby adopts the Policy for Naming Public Property attached and incorporated herein by reference dated and effective upon approval of this Resolution.

INTRODUCED, READ, AND ADOPTED this 16th day of July, 2013.

BERNADETTE BACA GONZALEZ,
Mayor

ATTEST:

AUDRA GARRETT, City Clerk

CITY OF TRINIDAD POLICY AND PROCEDURE

POLICY FOR NAMING PUBLIC PROPERTY

Effective: _____

CONTENTS:

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Article 8.	Sample Petition to the Naming Committee.

ARTICLE 1. POLICY.

It is the policy of the City of Trinidad that Public Buildings, Public Parks, and Public Facilities shall only be named or renamed by resolution after a public hearing. The City shall consider naming requests that are based upon the subject's general location; an historical event, figure, or landmark; an exceptional individual or entity that has been influential in the cultural, political, economic, or social life of the community; or in recognition of an individual or entity that has made a Substantial Donation for the Public Building, Public Park, or Public Facility to be named. The naming or renaming of Public Buildings, Public Parks, and Public Facilities shall comply with the guidelines and procedures set forth in this policy.

ARTICLE 2. PURPOSE.

The policy and procedures set forth herein are intended to guide the following: (i) any individual or entity requesting that a Public Park, Public Building, or Public Facility be named or renamed; (ii) any individual or entity seeking recognition for a Substantial Donation; (iii) City Council members who shall hold public hearings and vote on resolutions associated with the names of Public Parks, Public Buildings, and Public Facilities; (iv) Naming Committee members; and (iv) the City's administrative personnel.

ARTICLE 3. DEFINITIONS.

- (1) "Naming Committee" shall mean the Planning, Zoning and Variance Commission. A majority of the membership of the Naming Committee shall constitute a quorum.
- (2) "Public Amenity" shall mean a smaller furnishing or minor component of a Public Building, Public Park, Public Facility, or other property owned or managed by the City, including, without limitation, a bench, a table, or a small fountain. Public Amenities are not formally named. Public Amenities may include property developed or owned in collaboration with Las Animas County or other public institutions, such as schools.

- (3) "Public Building" shall mean a City-owned or managed structure with a roof and walls. Public Buildings may include property developed or owned in collaboration with Las Animas County or other public institutions, such as schools.
- (4) "Public Facility" shall mean a major, permanent component of a Public Building, Public Park, or other property owned or managed by the City, including, without limitation, a ball field, a swimming pool, a tennis court, a playground, a large fountain, a physical feature (e.g., a lake or pond), a street, and artwork. The naming or renaming of rooms within Public Buildings shall comply with procedures set forth herein for Public Facilities.
- (5) "Public Park" shall mean a traditionally designed park, a specialized park (e.g., skate park), an urban park, an open space, an historical site, a golf course, or any trail that is owned or managed by the City.
- (6) "Resident" shall mean a citizen whose primary residence is/was located in the City of Trinidad and/or Las Animas County or a citizen who maintained a business in the City of Trinidad and/or Las Animas County.
- (7) "Substantial Donation" shall mean a bequest of uncommon magnitude and generosity. As a guideline, but not a limitation, the threshold for naming rights on Public Buildings, Public Parks, and Public Facilities should include one or more of the following: (i) deeding to the City most, if not all, of the land on which the Public Building, Public Park, or Public Facility to be named will be situated; (ii) a financial contribution equivalent to fifty percent (50%) or more of the capital costs of constructing the Public Building, Public Park, or Public Facility to be named; (iii) a long-term endowment for the repair and maintenance of the Public Building, Public Park, or Public Facility to be named; or (iv) the provision of significant program costs for a Public Building, Public Park, or Public Facility that will serve City needs.

ARTICLE 4. PRINCIPLES AND GUIDELINES.

§ 4-1. General Principles.

A name establishes a powerful and enduring identity for Public Buildings, Public Parks, and Public Facilities located within the City's jurisdiction. The names of such public places should tell the important stories of Trinidad's history. Consequently, the process for naming or renaming public places shall be carefully and thoughtfully undertaken. In considering any proposal to name or rename a Public Building, Public Park, or Public Facility, the following questions should be considered:

- (1) Will the name have historical, cultural, or social significance for generations to come?
- (2) Will the name engender a strong and positive image?
- (3) Will the name memorialize or commemorate people, places, or events that are of enduring importance to the community or the nation?
- (4) Will the name engender significant ties of friendship and mutual recognition and support within the community or with those outside of the community?
- (5) Will the name be identified with some major achievement or the advancement of the public good within the community?

- (6) Will the name be particularly suitable for the Public Building, Public Park, or Public Facility based upon its location or history?
- (7) Will the name have symbolic value that transcends its ordinary meaning or use and enhances the character and identity of the Public Building, Public Park, or Public Facility?
- (8) Will a naming proposal, as determined by the governing body or bodies, that accompanies a Substantial Donation from an entity, such as a corporation, result in undue commercialization, branding or product promotion that deteriorates the character of the Public Building, Public Park, or Public Facility?

§ 4-2. Categories of Consideration.

Proposals to name or rename a Public Building, Public Park, or Public Facility should generally fall within one of the following four categories:

- (1) General location. The names of surrounding streets, neighborhoods, geographical areas, or topographical features shall be recognized as adequate bases for the names of Public Buildings, Public Parks, and Public Facilities.
- (2) Historical events, figures, or landmarks. When a Public Building, Public Park, or Public Facility is located near or otherwise associated with an event, figure, or landmark of historical significance, it is appropriate to consider naming such public place after such event, figure, or landmark. The relationship of the Public Building, Public Park, or Public Facility to the historical event, figure, or landmark should be demonstrated through research and documentation.
- (3) Exceptional individuals or entities. A desire to recognize an exceptional individual or entity that has been influential in the cultural, political, economic, or social life of the City may occasionally result in a proposal to name or rename a Public Building, Public Park, or Public Facility.
- (4) Substantial Donations. The City benefits from a legacy of community generosity. Trinidad residents, businesses, and foundations have frequently given gifts of their time and skills, their resources and products, and their money. There are occasions when, upon the request of the donor, another party, or the City itself, a Substantial Donation may be acknowledged by permanent naming.

§ 4-3. Renaming Public Buildings, Public Parks, and Public Facilities.

Proposals to *rename* a Public Building, Public Park, or Public Facility, whether for a Substantial Donation or in response to a community request, are not encouraged and should be entertained only after fully investigating and considering the potential impact of abandoning the current name. The City has limited public resources for changing names on signs, maps, and literature, and excessive naming of public places can become confusing to the public. Therefore, names that have become ingrained or widely accepted in the City should not be abandoned unless there are compelling reasons and strong public sentiment for doing so.

§ 4-4. Proposals to Name or Rename After Exceptional Individuals.

The following guidelines shall apply to proposals to name or rename a Public Building, Public Park, or Public Facility after an exceptional individual:

- (1) Time. The naming of a Public Building, Public Park, or Public Facility after an individual is encouraged only for an individual who is deceased. Typically, such naming should not occur until the individual has been deceased and the individual's significance and good reputation have been secured in the history and lore of the City. The person for whom the street or building or site will be named must have resided in the community with an exception for a person of state or national prominence. Exceptions for the naming of a Public Building, Public Park, or Public Facility for a living individual may occur as described in § 4-5 herein regarding Substantial Donations.
- (2) Priority. Priority for naming a Public Building, Public Park, or Public Facility after an individual should be given in the following order to those who have made significant and enduring contributions (i) to the City, (ii) to the State of Colorado, (iii) to the nation, or (iv) to the world. Naming a Public Building, Public Park, or Public Facility after a national or international figure should be rare and only upon a substantial demonstration of the figure's connection to or special importance in the Trinidad community. The burden of proof of the exceptional individual's significance and contributions shall be the responsibility of the administrator (City).
- (3) Tragic events. The naming of a Public Building, Public Park, or Public Facility after an individual or group of individuals who perish in or survive a tragic event or war should be considered only well after the public shock generated by the tragic event or war has lessened. Potential sites for such memorials should be focused on Public Parks or Public Facilities that are more known for their serene and contemplative nature rather than active recreational locations, such as playing fields and recreation centers. Emphasis should be placed on the contributions or heroic actions of these individuals during their lifetime, rather than the circumstances of their death or survivorship.

§ 4-5. Proposals Associated with Substantial Donations.

Typically, a donation to the City should be a reward unto itself. On a rare occasion, a donation will be made to the City that is of such magnitude and generosity that the naming of a Public Building, Public Park, or Public Facility in honor of or at the request of the benefactor will be considered. However, the following guidelines shall apply:

- (1) Naming for Individuals. Individual benefactors seeking naming rights for Public Buildings or Public Parks will be encouraged to follow the guidelines in § 4-4 herein. An exception will be considered on its own merits. A Public Facility that has been donated or refurbished may be named for a living individual provided that said individual is of good reputation and character. Any contract that accompanies a Substantial Donation should address all conditions applying to naming rights, including, without limitation, time limits. As noted in § 4-3, the *renaming* of any existing Public Building, Public Park, or Public Facility is discouraged even when associated with a Substantial Donation.
- (2) Naming for Entities. A corporation, association, and other legally created entity making a Substantial Donation may request that the name of that entity be associated with the name of the Public Building, Public Park, or Public Facility that is the subject of the donation. Each request shall be evaluated on its own merits and shall require public input. In making a recommendation for a corporate name, the reputation of the company and community support should be considerations. No corporate logos, brands, insignias, or direct advertising text may be used as part of any name association or naming. As noted in § 4-3,

the *renaming* of any existing Public Building, Public Park, or Public Facility is discouraged even when associated with a Substantial Donation.

- (3) The City shall reserve the right to rename any Public Building, Public Park, or Public Facility if the entity after which it is named is subsequently found, by a preponderance of evidence, to be of immoral character or to have acted in a disreputable, harmful, unethical or unlawful manner.

§ 4-6. Other Considerations.

- (1) Duplication. The same name shall not be given to more than one Public Building, Public Park, or Public Facility.
- (2) Subdivision. Typically, a Public Building, Public Park, or Public Facility should not be subdivided for the purposes of naming unless there are readily-identifiable physical divisions (roads, waterways, etc.) and other compelling reasons for having more than one name for such public place. This limitation on subdivision should not prohibit the grant of a different name for a Public Building, Public Facility, or a public trail located within or near a Public Park. However, care should be taken in granting a name to a Public Building, Public Facility, or public trail that is different from the name of the Public Park so that confusion is not caused for the users of said differently-named facilities.
- (3) Short-term use. A Public Building, Public Park, or Public Facility that is held by the City through a short-term lease or use agreement, or an improvement that has a limited life span or occupancy, should not be named.
- (4) Signage. All signage associated with naming rights shall be subject to review by the City Council and shall adhere to the sign standards set forth in Chapter 14, Article 4, Division 13, of the Trinidad City Code. New or replacement signage shall be the financial responsibility of the administrator (City).

ARTICLE 5. STANDARD PROCEDURE FOR NAMING PUBLIC BUILDINGS, PUBLIC PARKS, AND PUBLIC FACILITIES.

- (1) Notice by posting. Upon a determination that a Public Building, Public Park, or Public Facility is available to be named, the City Manager shall advise (i) the Naming Committee (defined in Article 3 herein), and (ii) the Superintendent or Director of the department responsible for the Public Building, Public Park, or Public Facility to be named. The Superintendent or Director shall post a notice on or about the Public Building, Public Park, or Public Facility to be named for at least thirty (30) days. The notice shall include the following:
 - (a) A statement that names may be submitted and the procedure for doing so.
 - (b) The date by which proposals must be submitted.
 - (c) A description of the information that shall be included in the proposal, including the name and telephone number of the individual to be contacted in regard to the proposal and a statement that all proposals shall include a petition satisfying the following criteria:
 - (i) The petition shall include a statement setting forth the rationale and basis for petitioner's support of the proposed name.

(ii) The petition shall contain a description and/or map depiction of the boundaries of the Public Building, Public Park, or Public Facility to be named.

(iii) The petition shall be signed by at least one hundred (100) individuals, and shall include the name, address, and telephone number of each individual. The petition may only be signed by individuals residing in the City.

(d) A statement that additional information may be obtained from the City Clerk, accompanied by the City Clerk's physical address and telephone number.

- (2) Submission of proposals to Naming Committee. All proposals received in response to a notice, and proposals received from the Mayor or a Council Member (which shall not be subject to the petition requirements set forth in § 5-1(1)(c) herein), shall be submitted to the Naming Committee.
- (3) Naming Committee action. The Naming Committee shall notify the contact person for each proposal of the date, time, and location of the Naming Committee meeting at which the naming of the Public Building, Public Park, or Public Facility shall be considered. At said meeting, the Naming Committee shall select at least three qualified proposals from those submitted, or the total number of qualified proposals submitted if three or less, for recommendation to the City Council. The Naming Committee shall not recommend a proposed name to the City Council unless the criteria set forth in Article 4 herein are met. An affirmative vote of a majority of a quorum of the Naming Committee is necessary for recommendation of the proposed names to the City Council.
- (4) Naming Policy. Upon selection of a proposed name for recommendation to the City Council, the Naming Committee shall request a resolution for the naming or renaming of the Public Building, Public Park, or Public Facility (the "Naming Resolution"). The Naming Resolution shall thereafter be sent to the City Council and public comment shall be considered prior to any vote.

ARTICLE 6. SPECIALIZED PROCEDURE FOR CITIZEN-INITIATED PROPOSALS.

The following specialized procedure shall apply to proposals to name or rename a Public Building, Public Park, or Public Facility that are initiated by a resident individual or entity:

- (1) Petitioner's Process. Any resident individual or entity seeking to name or rename a Public Building, Public Park, or Public Facility must compile a petition and make a presentation to the Naming Committee. The petitioner should refer to Article 4 of this policy to ensure that the request meets the criteria for proposed names. Details of the process shall include:
 - (a) Written notification of the proposal to the Naming Committee. Such written notification shall include a concise statement (e.g., two or three sentences) setting forth the rationale and basis for the petitioner's support of the proposed name. This concise statement shall be included in a petition form to be prepared by the City Clerk. The petition form shall become available via U.S. mail, e-mail, or personal retrieval at the following address:

City Clerk
City of Trinidad
135 North Animas Street
P.O. Box 880
Trinidad, CO 81082
(719) 846-9843

(b) A formal filing of the petitions with the City Clerk at the above address as soon as necessary signatures have been gathered. The following criteria for the petition must be met:

(i) The petition shall include a concise statement setting forth the rationale and basis for petitioner's support of the proposed name.

(ii) The petition shall contain a description and/or map depiction of the boundaries of the Public Building, Public Park, or Public Facility to be named.

(iii) The petition shall be signed by at least one hundred (100) individuals, and shall include the name, address, and telephone number of each individual. The petition may only be signed by individuals residing in the City.

(vi) The petitioner shall file the petition with the City Clerk within ninety (90) days of receipt of the forms, unless the City Manager grants in writing additional time for submitting the completed petition.

(c) A formal request to the City Manager that the proposal be placed on the agenda for the next possible Naming Committee meeting.

(d) A formal presentation to the Naming Committee of the naming or renaming proposal.

(2) Naming Committee action. Within forty-five (45) days after a completed petition is filed, the Naming Committee shall determine whether or not to recommend the proposed new name to the City Council. The Naming Committee shall not recommend a proposed name to the City Council unless the criteria set forth in Article 4 herein are met. An affirmative vote of a majority of a quorum of the Naming Committee is necessary to recommend approval of a new name.

(3) Notice by posting. If the Naming Committee approves a proposal, the Naming Committee shall advise (i) the City Manager and (ii) the Superintendent or Director of the department responsible for the Public Building, Public Park, or Public Facility to be named or renamed. The Superintendent or Director shall post a notice on or about the Public Building, Public Park, or Public Facility to be named or renamed for at least thirty (30) days. The notice shall advise the public of the proposed new name, and the date, time, and location of the City Council meetings at which the naming or renaming of the Public Building, Public Park, or Public Facility shall be considered.

(4) Naming Policy. If the Naming Committee approves a proposal, the Naming Committee shall also request a resolution for the naming or renaming of the Public Building, Public Park, or Public Facility (the "Naming Resolution"). The Naming Resolution shall thereafter be sent to the City Council for introduction ("First Reading") and a vote ("Second Reading"). However, in no event shall the Second Reading occur prior to the thirty (30) day notice requirement set forth in

Paragraph (3). Additionally, in accordance with § 5.6(d) of the City's Home Rule Charter, a public hearing shall be held prior to any vote. The petitioner shall be responsible for coordinating speakers for the public hearing.

ARTICLE 7. SPECIALIZED PROCEDURE FOR PROPOSALS ASSOCIATED WITH SUBSTANTIAL DONATIONS.

The following procedure shall apply to proposals to name or rename a Public Building, Public Park, or Public Facility that are associated with a Substantial Donation:

- (1) City Manager's proposal. The City Manager shall submit a proposal to the Naming Committee for the naming or renaming of any Public Building, Public Park, or Public Facility that is associated with a Substantial Donation to the City. A petition process is not necessary.
- (2) Naming Committee action. Within forty-five (45) days of receipt of the City Manager's proposal, the Naming Committee shall determine whether or not to recommend the proposed new name to the City Council. The Naming Committee shall not recommend a proposed name to the City Council unless the criteria set forth in Article 4 herein are met. An affirmative vote of a majority of a quorum of the Naming Committee is necessary to recommend approval of a new name.
- (3) Notice by posting. If the Naming Committee approves the City Manager's proposal, the Naming Committee shall advise (i) the City Manager and (ii) the Superintendent or Director of the department responsible for the Public Building, Public Park, or Public Facility to be named or renamed. The Superintendent or Director shall post a notice on or about the Public Building, Public Park, or Public Facility to be named or renamed for at least thirty (30) days. The notice shall advise the public of the proposed new name, and the date, time, and location of the City Council meetings at which the naming or renaming of the Public Building, Public Park, or Public Facility shall be considered.
- (4) Naming Policy. If the Naming Committee approves the City Manager's proposal, the Naming Committee shall also request a resolution for the naming or renaming of the Public Building, Public Park, or Public Facility (the "Naming Resolution"). The Naming Resolution shall thereafter be sent to the City Council for introduction ("First Reading") and a vote ("Second Reading"). However, in no event shall the Second Reading occur prior to the thirty (30) day notice requirement set forth in Paragraph (3). Additionally, in accordance with § 5.6(d) of the City's Home Rule Charter, a public hearing shall be held prior to any vote.

ARTICLE 8. SAMPLE PETITION TO THE NAMING COMMITTEE

In accordance with the procedure established by the City Council of the City of Trinidad, Colorado, the undersigned hereby petition the Naming Committee to recommend the naming of the park bounded by Topeka Avenue to the north, Kansas Avenue to the south, Rosita Avenue to the east, and San Pedro Street to the west "KIT CARSON PARK". In support of this petition, each of the undersigned affirms and states:

- (1) That he/she resides in the City of Trinidad (at time of signature).
- (2) That the reasons for the proposed name are as follows:

"In honor of Christopher Houston Carson, a legend of the West and a prominent figure in the history of the Santa Fe Trail and the Purgatoire River valley. The park will be an enduring tribute to his pioneering spirit."
- (3) That there is community support for the proposed name as illustrated by the signatures below.

Sample Petition

#	NAME	ADDRESS	TELEPHONE NO.	DATE
1				
2				
3				
4				
5				
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7				
8				
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10				
11				
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13				
14				
15				

Circulated by: _____ Page 1 of X

This ***Policy for Naming Public Property*** has been duly adopted in accordance with § 5.2 of the Home Rule Charter for the City of Trinidad, Colorado.

This ***Policy for Naming Public Property*** is effective this ____ day of _____, 2013.

A copy of this ***Policy for Naming Public Property*** shall remain on file with the City Clerk and shall be available for public inspection.

APPROVED AND ADOPTED:

BERNADETTE BACA GONZALEZ, MAYOR

ATTEST:

AUDRA GARRETT, CITY CLERK



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: July 9, 2013
PREPARED BY: Brad Mincic
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS: 4

SUBJECT: Asphaltic Paving Bid 2013

PRESENTER: Tom Acre, City Manager

RECOMMENDED CITY COUNCIL ACTION: Accept bid.

SUMMARY STATEMENT: The engineering division opened bids for asphaltic paving for selected streets in Trinidad. Bid information and request for bids was published in *The Chronicle News* May 22 & 29, 2013 with the opening of bids on June 12, 2013. The following companies bid on the project: Walsenburg Sand & Gravel (bid amount \$602,420.00) and A & S Construction (bid amount \$687,081.00).

City Staff included additional streets in the request for bids, with the knowledge that we may only be able to a limited number of streets for paving this year dependent upon the bid costs. In addition, staff requested quotes for curb and gutter replacement in several areas along Freedom Road which will be completed in advance of the re-paving project and is funded though the Capital Projects Account.

The following streets are planned for paving this summer.

1. Freedom Road - from CR 32.4 to Industrial Park Phase 2
2. Pinto Street - from Prosser Rd to Main St.
3. Willow Street - from Hillside St. to Baca St.
4. Tillotson Street - from San Juan St. to CDS
5. Pine Street - from Willow St. to Davis Bldg. Driveway
6. Prospect Street - from Colorado Ave. to Topeka Ave.

EXPENDITURE REQUIRED: \$500,000

SOURCE OF FUNDS: Capital Projects Account #903-7505
Citywide Paving & Seal Coating

POLICY ISSUE: None

ALTERNATIVE: N/A

7e

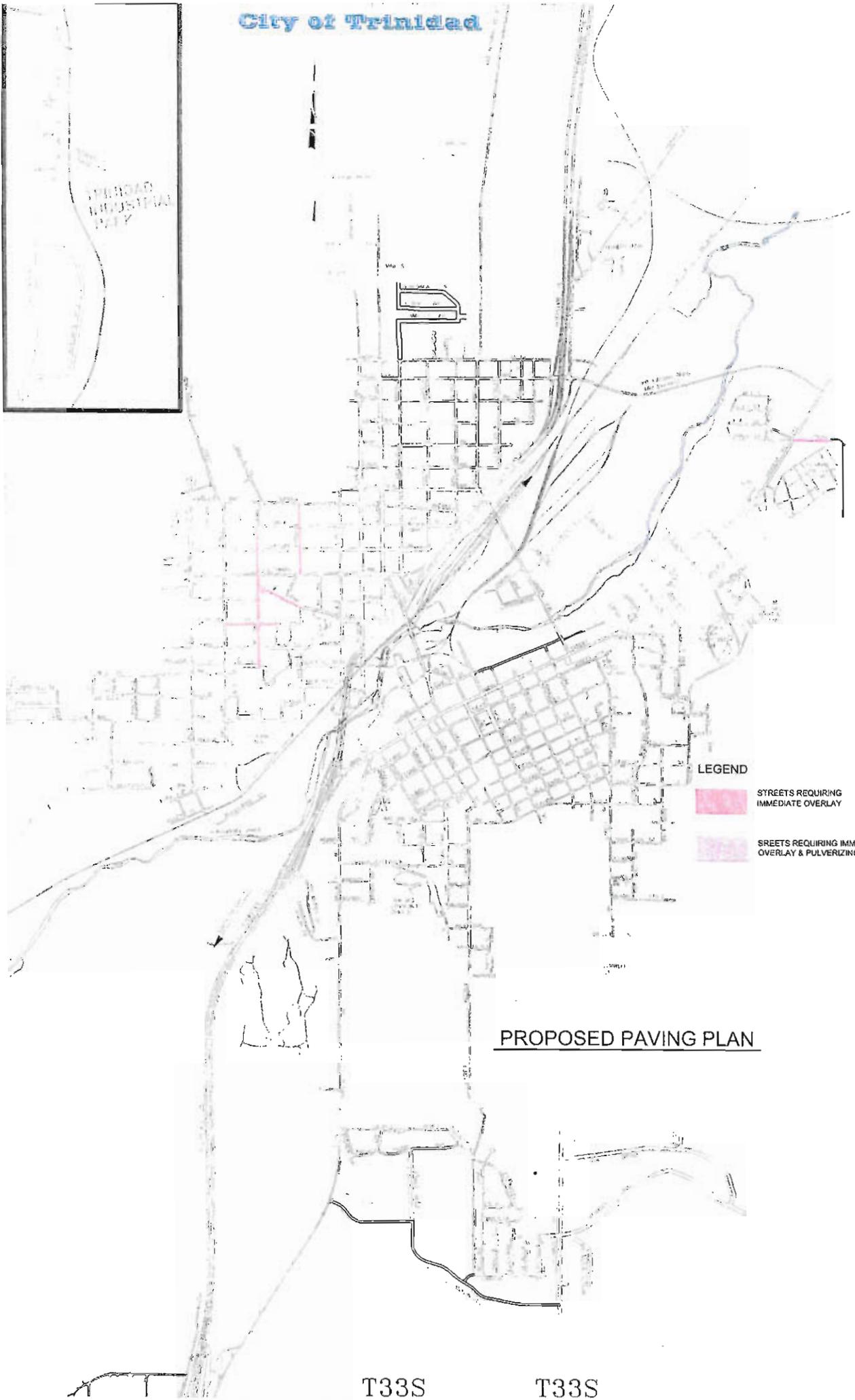
7e

BACKGROUND INFORMATION: In addition to the above streets proposed of paving the City will use \$100,000 from the paving capital improvement project budget as matching funds for the recently awarded grant from the Colorado Department of Local Affairs for the Commercial Street Project.

BID RESULTS JUNE 12, 2013 FOR PROJECT
#03-2013 ASPHALTIC PAVING

COMPANY	BID AMOUNT
Walsenburg Sand & Gravel	\$ 602,420. ⁰⁰
A 3 S Construction	\$ 687,081. ⁰⁰

City of Trinidad



LEGEND

-  STREETS REQUIRING IMMEDIATE OVERLAY
-  STREETS REQUIRING IMMEDIATE OVERLAY & PULVERIZING

PROPOSED PAVING PLAN

T33S

T33S