



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, December 17, 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**, Regular Meeting of December 3, 2013 and Special Meeting of December 10, 2013
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 4) **COUNCIL REPORTS**
- 5) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 6) **UNFINISHED BUSINESS**
 - a) Public hearing for consideration of an ordinance for the regulation of traffic by the City of Trinidad, Colorado, adopting by reference the 2010 Edition of the "Model Traffic Code for Colorado" and repealing all ordinances in conflict therewith
 - 1) Second reading of an ordinance for the regulation of traffic by the City of Trinidad, Colorado, adopting by reference the 2010 Edition of the "Model Traffic Code for Colorado" and repealing all ordinances in conflict therewith
 - b) Public hearing for consideration of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2014 and ending December 31, 2014; said ordinance being termed the annual appropriation bill for the 2014 fiscal year
 - 1) Second reading of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2014 and ending December 31, 2014; said ordinance being termed the annual appropriation bill for the 2014 fiscal year
 - c) Public hearing for consideration of an ordinance of the City of Trinidad, Colorado, repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purposes of (i) adopting by reference uniform codes for the regulation of buildings—to wit, the 2009 Editions of the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Property Maintenance Code*, and *International Private Sewage Disposal Code*; and the 2011 Edition of the National Electrical Code; and (ii) replacing currently-adopted building codes in conflict therewith
 - 1) Second reading of an ordinance of the City of Trinidad, Colorado, repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purposes of (i) adopting by reference uniform codes for the regulation of buildings—to wit, the 2009 Editions of the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Property Maintenance Code*, and *International Private Sewage Disposal Code*; and the 2011 Edition of the National Electrical Code; and (ii) replacing currently-adopted building codes in conflict therewith
 - d) Consideration of Department of Local Affairs Commercial Street Phase I Contract

7) **MISCELLANEOUS BUSINESS**

- a) Tavern liquor license renewal request by Ole's Tavern, Inc. d/b/a Ole's Tavern at 2833 Toupal Drive
- b) Hotel and restaurant liquor license renewal request by Mission at the Bell Restaurant, Inc. d/b/a Mission at the Bell Restaurant at 134 W. Main Street, #14
- c) First reading of an ordinance increasing business license fees and modifying the term of the same, and setting a hearing for consideration of said ordinance

8) **BILLS**

9) **PAYROLL**, December 7, 2013 through December 20, 2013

10) **EXECUTIVE SESSION –**

- a) 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**

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, December 3, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of November 19, 2013. Corrected minutes were distributed to Council prior to the meeting. A motion to approve the minutes as corrected was made by Councilmember Shew and seconded by Councilmember Miles. The motion carried unanimously upon roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Councilmember Bonato said that regarding the tree lighting ceremony on Friday night and the parade of lights (on Saturday), all of the City employees involved are to be complimented on the beautiful job – it made for an outstanding presentation. He additionally thanked Christina Duran and all who participated in putting on the events, adding that they did a wonderful job.

Councilmember Miles reported on her attendance of the most recent monthly ARPA board meeting, whereby they are in their budget process. She said that the budget process has been very useful in that it has highlighted to the other member municipalities that aren't quite convinced yet what the status of the power plant should be, how much money would be saved without the power plant running. She added that she hopes they are seeing the light. Councilmember Miles reminded Council that the ARPA mediation is slated for January 6th and 7th. She added that she had a float in the parade of light, although it broke down, but said it was a great time and there was a great turn out. She likewise expressed her appreciation to those involved.

Councilmember Mattie had nothing to report this evening.

Councilmember Shew said the tree lighting was really nice, spectacular. He thanked City Manager Acre and the Parks Department for their efforts with the decorating and said everyone really liked it. City Manager Acre commended the Parks Department for their work.

Councilmember Bolton echoed the compliments regarding the tree lighting ceremony and the parade of lights. She noted that both were very well attended. She also extended a special thank you to Councilmember Franklin Shew, as she had been asked to do. Councilmember Bolton pointed out that at their seating places they were provided a notice of a retirement celebration for Jim Fernandez on December 10th in Council Chambers at 3:30 p.m. She continued that after reading the article in the newspaper about Mr. Fernandez and learning of his desire to have been able to work until the North Lake Dam Project was completed, she suggested the City consider naming the dam the Jim Fernandez North Lake Dam. After 42 years of service, it would be well deserved. City Manager Acre said he would confirm what the City can do with the City's naming policy. He suggested the City could at least name the project after him.

REPORT BY CITY MANAGER. North Lake. City Manager Acre advised Council that the state engineer will be at the North Lake site on Thursday. Also, he reported that the contractor has given the City notice of substantial completion. The City thinks there are still things that need to be completed, however. They will discuss with the state engineer what else needs to be done this year that will allow the water restrictions to be lifted. The difficult item left to complete is the rip rap with the winter weather. It is for erosion control and he thinks they can complete it next year. He said they've been holding the contractor's feet to the fire. He and City Attorney Downs have discussed whether to continue with this contractor or finish the work with another. However, it is felt that we are at the point that getting it done with this contractor would be best because they are very close to completing the work and nothing would be gained by retaining a new contractor. In talking with Mike Graber, RJH Engineering, no contractor would be able to come in and do the rip rap work with the snow now anyway. They had a staff gage to install for monitoring the levels of the lake and the contractor has sped up the work to get it completed.

Union negotiations. City Manager Acre said they've met with the union representation for annual negotiations. He said if he were in their position he'd be saying the same thing – they don't like some of the proposals. However, the union is willing to work with the City. They will be meeting again this week to continue their discussions.

REPORT BY CITY ATTORNEY. Medical Marijuana. City Attorney Downs told Council that he will try to have a draft medical marijuana ordinance to them by next week.

Annexation. City Attorney Downs said regarding the proposed annexation of outlying property on the southern end of the City, the City is awaiting surveying work, but it is progressing.

Eagle Rock. City Attorney Downs advised Council that he would be preparing a memo regarding Eagle Rock that he

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Tavern liquor license renewal request by Gino's Sports Bar, LLC at 991 E. Main Street. Joe Cordova was present on behalf of the licensee. Councilmember Miles noted the incidents involving the police department, the requirement to report disturbances, and asked if all of the incidents had been reported. Mr. Cordova answered affirmatively. Councilmember Miles said she wasn't sure if she was reading the reports correctly, but that it appears that in a couple of cases the police department came by and saw the disturbance in progress. City Attorney Downs said that the incidents Councilmember Miles is referring to were learned of by law enforcement eventually, one on July 6th and on September 14th, because they were going by anyway. Mr. Cordova said that was probably because the customer was leaving or was escorted out the door. He said that once they leave the business's responsibility is over. City Attorney Downs emphasized that it is the responsibility of the establishment to report to law enforcement any disturbances or fights that occur on the premises. Mr. Cordova assured Council that they dial 911 when they have to. City Attorney Downs stated that in talking to Police Chief Glorioso the Chief said that the establishment is very good about reporting incidents. The concern is that those two incidents it seems were learned of by law enforcement fortuitously, rather than a direct call to law enforcement. Councilmember Mattie commented that he imagines operating this type business is difficult, particularly when there are a good number of people patronizing the establishment. He asked as a matter of procedure what they do to mitigate problems. Mr. Cordova said people are searched for knives and guns and they use a wand. If a customer won't leave they dial 911. Additionally they employ two security guards who stay on top of things at all times. A motion to approve the license renewal was made by Councilmember Shew. Councilmember Bonato seconded the motion. Roll call was taken on the motion which carried unanimously.

Modification of premises request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue. Greg Robinson addressed Council. Councilmember Bolton confirmed with Mr. Robinson that the proposed modification is to add a new cooler, adding to the existing ones. City Attorney Downs thanked Mr. Robinson for asking for this modification legally and properly. A motion to approve the modification was made by Councilmember Miles and seconded by Councilmember Bonato. Upon roll call vote the motion carried unanimously.

Special events permit request by Trinidad & Las Animas County Chamber of Commerce at 150 E. Main Street for December 13, 2013 (Pioneer Natural Resources Christmas Party). Christina Duran addressed Council on behalf of the Chamber of Commerce. She said this year Pioneer will be holding their party at the A. R. Mitchell Museum on December 13th. The event has been a fundraiser for the Chamber for several years now. Councilmember Bolton said she was sure that since the Chamber was holding the event the servers would be TIPS certified and well versed in the proper procedures as it pertains to liquor service. Councilmember Shew moved to approve the permit as requested. Mrs. Duran thanked Council for their compliments on the tree lighting and parade of lights and said she's received complimentary calls about the train and tree. Councilmember Miles seconded the motion which upon roll call vote carried unanimously.

Declaration that a vacancy exists on City Council and determining that the vacancy will be filled by the seating of the respective elected official on January 7, 2014. City Attorney Downs advised that Council needs to declare the vacancy, which was occasioned by the former mayor's resignation. The vacancy will be taken care of by the swearing in of the new mayor and it is within the 45 days that Council would otherwise have to make an appointment. Councilmember Bolton clarified for the record that the vacancy will be filled on January 7, 2014 by the swearing in of Mayor-Elect Joseph Reorda. Councilmember Bonato confirmed that this is in accordance with the Home Rule Charter. A motion to declare a vacancy exists on City Council and determining that the vacancy will be filled by the seating of the respective elected official on January 7, 2014 was made by Councilmember Mattie and seconded by Councilmember Shew. Roll call was taken and the motion carried unanimously.

First reading of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2014 and ending December 31, 2014; said ordinance being termed the annual appropriation bill for the 2014 fiscal year, and setting a hearing date for consideration of said ordinance. City Manager Acre told Council that the budget this ordinance is based on was the one last discussed with a couple of revisions. The sick pay off had been added back in to all of the funds in accordance with the union contracts. He continued that he'd still like to have a discussion with the union on the vacation time payoff and how that is done. He clarified that staff is not trying to take it away from employees, just how it can be handled better especially next year with budget situation. Additionally he told Council that the capital outlay in the Water Fund was changed to reflect the cost of the water treatment plant work. Also, there's a 5% reduction in the salary costs which is reflected in the numbers. Initially the thought was to accomplish the reduction with 13 furlough days, however the union is recommending 12 since there are 12 months in a year. He said that is his recommendation and that they be tied with holidays and/or Fridays for long weekends. We would close City Hall. He said he'll have to work with the Police, Fire and other departments to coordinate the furloughs. Also reflected in the numbers is an increase in the employee contribution to the health insurance costs. Discussions with the union on that are pending. The City just today got final numbers from (the proposed carrier) CIGNA whereby the increase is now 24.5% (from 17%) higher than current premiums. The increase is based on the results of the health surveys CIGNA conducted with the employees. The cost is still a lot less than the 41% increase the City's current carrier, Rocky Mountain Health Plans, quoted. He surmised that the increase really shows the need for a wellness program given their input to staff. City Manager Acre said between this reading and second reading and public hearing there will need to be adjustments made to reflect this increase in the health care costs. The budget, he said, is staff's best plan. Staff will monitor it throughout the year and try to make necessary adjustments to stay within the budget. It takes a few months to get the sales tax numbers in to know the trend. He said he hopes to see improvements but will ultimately have to live within the budget, just like one's household budget. Councilmember Bolton asked if the 5% salary reduction is across the board. City Manager Acre said it is and it is proposed as one furlough day per month with the time split between two paychecks. Councilmember Miles asked if it is no longer proposed as two hours on Friday. City Manager Acre said in talking with staff they felt it better to just give up a day. Councilmember Mattie agreed, adding that it would be more productive use of their time for the employees to have a full day. City Manager Acre said closing a day will also show the public the impact. He said staff will look at ways to do work more efficiently, such as working four ten-hour days

potentially. Councilmember Bolton asked how long he expected union negotiations to continue. City Manager Acre said he hoped to finalize them before second reading so the changes can be made to the budget. If there are changes we can't do by then we will have to live within the budget. Either way adjustments will have to be made. He said he hopes to work together with the employees to come up with solutions. Councilmember Bonato recalled when he was first elected the union negotiations used to be between the union and the City Manager and City Attorney. He asked if the City Attorney should be present at those meetings. City Manager Acre answered that the union doesn't have an attorney present on their behalf and so it was his decision that the City Attorney doesn't need to be present. He added that he felt it would be better if he and Finance Director Lonny Medina negotiated because much of the negotiations deal with the budget. He added further that once there is a Public Works Director he may no longer be involved in the initial negotiations. There is nothing in writing in the contracts that states that it has to be the City Manager and City Attorney who negotiate. Councilmember Bonato said he's confused because former City Manager Soltis and City Attorney Duran negotiated in the past and he thought it was their duty to negotiate and bring the issues back to Council for their feelings. He said he's getting the feeling that we are not at a point of knowing what the union is asking for and what the City's presenting to them. He said he wants to know what they want and what we can give them before we move forward. It should be a give and take. What does the union want and what can the City provide? He said he doesn't know because he's not getting a response back from the union. City Manager Acre said Council members shouldn't be hearing directly from the union. He said he shared with Council what the union gave the City in writing and the City's verbal response. He added that he is trying to be open and that his understanding is the negotiations are between the City Manager and staff members, not City Council. City Council approves the budget. He said he has brought back what they have so far. The union's requests were just received a few weeks ago, and he has tried to be more open than how it was done last year. They have not had any discussions in executive session this year as was the case last year. City Attorney Downs added that City Manager Acre suggested to him early on that he and Finance Director Lonny Medina negotiate for the City. He said he didn't have strong feelings one way or another about the suggestion, adding that if he thought he should be involved he would have said so. Historically it has been between the union and City Manager and City Attorney. Last year he said he participated in negotiations with Acting City Manager Ralph Gagliardi. When it was suggested this year that he not be involved, he didn't insist that he did. He clarified that he would have been happy to be involved but reiterated that he didn't have strong feelings about it. He apologized if Council felt he was shirking his responsibilities. Councilmember Bonato said he's not only speaking as a Councilmember but also as a City taxpayer. He said what he's getting off the street is questions about why City Attorney Downs is not present in these meetings. He opined that the City Attorney should be present in the meetings, and added that City Manager Acre has financial knowledge of the City without having to have the Finance Director present. Councilmember Bonato stated he felt strongly about it. If legal questions come up the City Attorney should be there. City Attorney Downs responded that if legal matters arise he would address them. He added that it didn't seem vitally important for him to be present and he wasn't asked to be present. Furthermore it was suggested he not be present and he said he was fine with that. Councilmember Miles commented that in her experience with negotiations she doesn't find it unusual for the business people to talk first and the lawyers come in after to make sure things are done correctly. She felt they could get a lot more done that way. She added that she understands Councilmember Bonato's position, but this is not her issue. Councilmember Mattie added that the least degree of formality the more forthcoming and honest people will be. He asked if it was a concern of the union. Lee Hadaway, AFSCME Local Union President, addressed Council and said there were not a lot of points of contention regarding the contract this year. They are not really trying to change the contract. However, next year will be a different story because they will probably redo the whole contract. At that point the City Attorney may need to be at least on standby. He deferred to Council concerning Councilmember Bonato's concern. Councilmember Bonato said it was just a suggestion, he thought that was the proper way, and people on the street asked him about it. He concluded that he thought it should be looked at. City Manager Acre assured Council that if there are legal issues he would involve City Attorney Downs. Who he negotiates with is a decision he can make. Councilmember Mattie said in negotiation disputes people sit down and talk among themselves about what their concerns are. It is less complicated. The ordinance was introduced by Councilmember Mattie and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on December 17, 2013, was made by Councilmember Mattie and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote.

ORDINANCE NO.

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY OUT OF THE REVENUES OF THE CITY OF TRINIDAD, COLORADO, TO DEFRAID AND MEET THE LIABILITIES OF THE CITY OF TRINIDAD FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014; SAID ORDINANCE BEING TERMED THE ANNUAL APPROPRIATION BILL FOR THE 2014 FISCAL YEAR

First reading of an ordinance of the City of Trinidad, Colorado, repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purposes of (i) adopting by reference uniform codes for the regulation of buildings – to wit, the 2009 Editions of the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Property Maintenance Code*, and *International Private Sewage Disposal Code*; and the 2011 Edition of the National Electrical Code; and (ii) replacing currently-adopted building codes in conflict therewith, and setting a hearing date for consideration of said ordinance. A modified copy of the ordinance was distributed to Council before the meeting. The ordinance was introduced by Councilmember Miles and then read aloud in its entirety. A motion to approve the ordinance as amended on first reading and consider it further at a public hearing at 7:00 p.m. on December 17, 2013, was made by Councilmember Mattie and seconded by Councilmember Bonato. The motion carried by a unanimous roll call vote. Councilmember Miles suggested that they look further and the non-conformance language to extend it to 36 months potentially. Councilmember Bolton said her intention in raising that in work session earlier was to consider possibly changing it to 36 months and a person would have one opportunity to get a six-month extension. It can be part of further negotiations Council can discuss next work session, similar to the budget. Councilmember Miles added that further feedback from Building Inspector Chris Kelley would be appreciated.

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, REPEALING AND RE-ENACTING CHAPTER 5 ("BUILDINGS"), AND ARTICLE 1 OF CHAPTER 8 ("FIRE PREVENTION"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSES OF (I) ADOPTING BY REFERENCE UNIFORM CODES FOR THE REGULATION OF BUILDINGS - TO WIT, THE 2009 EDITIONS OF THE *INTERNATIONAL BUILDING CODE*, *INTERNATIONAL RESIDENTIAL CODE*, *INTERNATIONAL FIRE CODE*, *INTERNATIONAL PLUMBING CODE*, *INTERNATIONAL MECHANICAL CODE*, *INTERNATIONAL FUEL GAS CODE*, *INTERNATIONAL EXISTING BUILDING CODE*, *INTERNATIONAL PROPERTY MAINTENANCE CODE*, AND *INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE*; AND THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; AND (II) REPLACING CURRENTLY-ADOPTED BUILDING CODES IN CONFLICT THEREWITH

BILLS. A motion to approve payment of the bills was made by Councilmember Shew. The motion was seconded by Councilmember Mattie. Roll call was taken on the motion and it carried unanimously.

PAYROLL. November 23, 2013 through December 6, 2013. A motion to approve the payroll was made by Councilmember Mattie and seconded by Councilmember Shew. Councilmember Bolton said she noticed there were numerous buy-outs for vacation and sick leave this payroll. She said she went back to the payroll from one year ago this same time in 2012, and compared them. This year for this payroll it amounted to \$15,694 and in 2012 for the same payroll it was \$3,340. She suggested the concern of change spread like wildfire. Roll call was taken and the motion carried unanimously.

Councilmember Miles said it was nice to see in the Pueblo Chieftain the article regarding the joint venture between the City and Trinidad State Junior College with the heavy equipment project. City Manager Acre said the project was happening before his tenure and there will be additional publicity once the keys are handed over.

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

ATTEST:

LINDA VELASQUEZ, Mayor Pro-Tem

AUDRA GARRETT, City Clerk

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, December 10, 2013, at 1:00 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 Tuesday, December 10, 2013, at 1:00 p.m. in the Council Chambers at City Hall

The following items are on file for consideration of City Council:

- 1) Resolution of the City Council of the City of Trinidad, Colorado, levying general property taxes based upon the 2013 certification of valuation to help defray costs of government for the City of Trinidad, Colorado, for the 2014 budget year
- 2) Resolution authorizing health insurance benefits for City employees and their dependents through CIGNA Health Care for plan year January 1, 2014 through December 31, 2014
- 3) First reading of an ordinance amending the City of Trinidad's Annual Budget for the fiscal year beginning on January 1, 2013, and ending on December 31, 2013, to identify projected additional expenditures from the Power & Light, Water and Gas Funds, and setting a hearing date for consideration of said ordinance

The meeting was called to order at 1:00 p.m.

Roll call was taken.

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

The pledge of allegiance was recited.

Resolution of the City Council of the City of Trinidad, Colorado, levying general property taxes based upon the 2013 certification of valuation to help defray costs of government for the City of Trinidad, Colorado, for the 2014 budget year. Finance Director Lonny Medina addressed Council. He advised that the County Assessor finalized the Certification of Valuation and has said the City of Trinidad will be getting \$1.227 million, almost \$1.228 million, from property taxes. The City's assessed value of the property is \$69,840,940 and the City's mill levy is 17.579. Of the tax revenue, 2.338 mills, approximately \$163,000, is to support the library; Fire and Police Pension Association gets 1.112 mills for approximately \$77,700; the General Fund will receive almost \$987,000 from 14.129 mills. This is based on the County's assessment and taxes at 100%. Councilmember Shew asked how the certification coincides with the budget. Finance Director Medina answered that there's minimal change from the preliminary assessment used for budget purposes, only about \$700, so the budget was left alone. Councilmember Miles noted that it is above the 2013 projected. Finance Director Medina agreed that it is a little above. He added the amount in the budget will be different because the City receives some back taxes and we don't receive 100% from the County of what is projected. Councilmember Bolton asked how this compares to last year. Finance Director Medina said it hasn't changed a lot; it has decreased by about \$40,000. Councilmember Miles pointed out that the 2012 actual was lower, whereas this is higher. Medina said if we were looking at the mill levy itself and the valuation, we are down about \$40,000. It won't tie to the 2012 actual because the City doesn't receive 100% of the property taxes because some people don't pay their property taxes. Councilmember Miles asked if she's correct that that might happen in 2014 again. Finance Director Medina said that is correct but the certification from the County Assessor is at 100%. Councilmember Miles surmised that the actual is the net of the back taxes. Councilmember Bolton asked what line item in the budget the revenue appears in the General Fund. Finance Director Medina pointed to page 2, property taxes, the pro rata share. They need to add together the General Fund, Library and Fire (and Police) Pension fund. Councilmember Miles moved to adopt the resolution and the motion was seconded by Councilmember Bolton. Upon roll call vote the motion carried unanimously.

RESOLUTION NO. 1421

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO,
LEVYING GENERAL PROPERTY TAXES BASED UPON THE 2013 CERTIFICATION
OF VALUATION TO HELP DEFRAY COSTS OF GOVERNMENT FOR THE CITY OF
TRINIDAD, COLORADO, FOR THE 2014 BUDGET YEAR

Resolution authorizing health insurance benefits for City employees and their dependents through CIGNA Health Care for plan year January 1, 2014 through December 31, 2014. City Manager Acre said this is the annual resolution which allows the City to acquire health insurance for the City's employees. The proposal is to change carriers from Rocky Mountain Health Plans to CIGNA Health Care. Within the resolution it reflects the increase in the cost as well as the cost the employees will participate in. He said the increase to employees is 5% above the percentage they currently pay. Councilmember Shew asked what increases the employees will pay and Councilmember Bolton asked the total savings to the City by making this increase to the employee portion. Finance Director Medina stated what he thought he recalled with respect to the employee increase to be \$60 to \$80 for an individual and the other levels of coverage would be different. He estimated the savings to be \$110,000. City Clerk Garrett advised that the employee only generic coverage employee cost will increase by \$35.42 monthly; brand employee only will increase by \$49.66 per month; employee/spouse generic coverage employee cost will increase by \$77.91 monthly; brand will increase by \$109.21 per month; employee/children generic coverage employee cost will increase by \$70.85 monthly; brand will increase by \$99.29 per month; and family generic coverage employee cost will increase by \$113.33 monthly; brand will increase by \$158.86 per month. She noted that the monthly premiums are split between two checks per month and that the savings identified by Mr. Medina can vary due to the City's census. Councilmember Shew asked the difference in coverage. City Manager Acre said that the plan is basically the same as the City's current plan, however the emergency room co-pay will increase from \$150 to \$250 and with CIGNA the deductible and copays will be combined for maximum out-of-pocket. The deductible is still \$3,000 but that goes towards the out-of-pocket. Councilmember Mattie commented that for those who use their policy there's not quite as dramatic of an impact. City Manager Acre added that the HRA will not be continued because the money in that fund has been expended. It was used to offset the total deductible a person paid. That fund was previously put in place as a result of the City having been self insured. Although that money has dried up he said the account will be retained in case the City is able to get money back through the CIGNA self-insured plan. Upon inquiry from Councilmember Shew, City Manager Acre said the CIGNA plan is a partially self-insured plan. The premiums will fund the health insurance plan. Councilmember Shew asked if there is to be some money paid up front. Finance Director Medina answered that the City's first payment needs to be made in December to fund the plan. City Manager Acre added that the City pays the premiums in advance and the employees pay at the end of the month (current month's premium). Councilmember Mattie asked the change to the City. City Manager Acre said the City premium increased the same overall. Councilmember Mattie surmised that there was an increase to all and the City is asking employees to pick up part of it and the City is picking up a portion. City Manager Acre said the current split between the City and employee is roughly 80/20 – a little more for brand and a little less for generic. The budgetary proposal is that the City pick up 5% less. Councilmember Bolton said according to her calculations the City will only be saving approximately \$84,000 by doing this. Finance Director Medina reiterated his recollection that it is around \$110,000. Councilmember Miles asked if there has always been a 5% gap in what the City pays between the brand plan and the generic plan. Finance Director Medina responded affirmatively. Councilmember Shew asked how the money that was in the fund to help offset deductible was built up (HRA account). City Manager Acre explained that when the City went from a self-insured plan (to a fully-insured plan) there was some money in an account and the money was moved to help offset deductible costs. Councilmember Bolton asked how much will go back to the General Fund from the HRA account. City Manager Acre said none will but that the fund can be built back up. He said his understanding is there are IRS rules that prevent the City from putting that money back into the General Fund. It has to be used for the employee's benefit. Finance Director Medina upon inquiry said there's a \$10,000 balance in that fund which will be used for claims through December 31, 2013. Councilmember Bolton asked if the ACA taxes and fees are part of Obama Care, estimated at \$20,000 to be split among each of the funds proportionately. City Manager Acre said that is correct and that the City was hit with some of those costs this year and had to absorb them. Now they are anticipated and covered in the budget. Councilmember Miles asked how the tax is levied; what gets the city to \$20,000. Finance Director Medina said he believed it is based on the number of employees and is spread over one year's time. City Manager Acre told Council that any employer who offers health insurance has to pay the fees or pass them on to their employees to pay. Councilmember Bolton asked where we are with union negotiations. City Manager Acre answered that as far as he is concerned there's nothing left to negotiate. Furloughs and the insurance percentages are both management decisions. There were other items discussed like vacation buy out. Councilmember Bolton opined that it doesn't sound like much negotiation took place whatsoever. City Manager Acre said much of that is because of where we are with budget and what decisions they needed to make. Councilmember Bonato added that he understands there were only two meetings. Councilmember Bolton agreed, she's only seen two items and she's only heard of two meetings. Councilmember Bonato reiterated his earlier opinion that City Attorney Downs should have been present for those meetings. City Manager Acre reiterated his position that it is his decision as to who sits in with him in negotiations and that his way of operating is that if the union doesn't have an attorney present the City doesn't need one either. The attorney can be brought in when they need advice. The union brought up a couple of items that he said he determined was non-negotiable. These two items are non-negotiable. No one has anything else to negotiate. They will be re-negotiating the entire contract next year. Councilmember Bolton asked if with the employees having to assume an additional 5% in insurance costs if it doesn't put them at over a 60% increase over two years with no raises. City Manager Acre said that is an unfortunate fact. Councilmember Bolton said that Council needs to see that negotiations continue. Councilmember Mattie asked on what points. There were no other points of contention. He asked what she's hoping to negotiate. Councilmember Bolton answered that negotiations to her are where the parties meet and there's some give and some take, but all she sees is take and negotiations are considered over. Councilmember Mattie said it seems to him if two principles to an issue meet and agree to discuss an issue and there's a common understanding about which Council has no control, such as the increase in insurance rates and the limited funding and the situation the City finds itself in, they can only do what they can do. He added that he supports the employees as much as anyone. Together we are stronger. He continued that at his workplace his insurance increased too and although he is not happy about it he understands, citizens didn't allow the County to de-Bruce, citizens did not pass a tax increase. There were things that didn't happen so governmental entities are being asked to maintain the level of service with little or less money. He asked what the alternative is. To have negotiations for points where there are no alternatives is fruitless. It is also counterproductive to a cooperative spirit. It is not as though the City is hanging the employees with the total insurance package – the City is picking up a sizable amount of that increase, as much as we are able to do. Councilmember Bonato said he's heard in the last couple of days or weeks only things about the 5% cut and the increase in the insurance. That's all he said he knows has taken place. He said he doesn't know what the union is asking for or what the City can afford to do. He said he agrees with Councilmember Bolton – we are taking it but he doesn't think it is right. Councilmember Mattie again asked what the alternative is. Councilmember Bonato said if we get an employee making \$30,000 per year and they are hit with a 5% cut and increase in insurance, realizing it takes two people in a household to make a living, but they will not make it.

Councilmember Mattie asked how they are to resolve that. Councilmember Bonato said that's why they need communication and reiterated that Council hasn't heard anything except the 5% cut and the increase in the insurance. Can't they negotiate for a happy medium? These guys are out at 2:00 a.m. fixing water lines in 15 below weather trying to get things done to help people in the City. He said he personally can't go out and do that work, nor could other staff members. They have to take care of the City employees and find a happy medium. He continued that there are three vacant positions – the Power & Light Superintendent for over two years, the Public Works Director for over one year and we had two or three employees leave the utilities departments. He asked where the money is for those positions. Then the Finance Director has to step up to the plate and say the City needs to update the computer system for \$250,000. He opined that we can do without the computer system but we can't do without the City employees. He said he thought there are more negotiations that can be done. He added that he thought there are other ways to find other money to save. Councilmember Miles commented that Council has been discussing this for over a month. She asked where there are additional savings because she has gone through the budget twice and can't find any. Also, she reminded Council that they talked about a 10% reduction and landed at 5% instead. She said they've gone through this and asked that she be shown what they want to pull out of the budget. Councilmember Bonato said there is \$1.5 million in cash flow reserve and thought Council said they wanted that to be at \$1 million. He suggested the City take that money plus the \$250,000 for the computer system. He then asked City Manager Acre if he plans on having the Public Works Director do three jobs. He opined that one man can't do that and questioned where the City's getting the money to hire that position at this time if we don't have the money to help our City employees. City Manager Acre answered that the position is built into the budget. Councilmember Bolton stated that she has a list of questions she still has from going through the budget. She said there is the Public Works Director and Utility Superintendent positions in the budget, each in three departments. The Public Works Director has a salary of \$94,800 and the Utility Superintendent has a salary of almost \$72,000. She asked City Manager Acre if he is proposing these positions be covered by one person. City Manager Acre said he is and will take out the Utility Superintendent's position. It was included in the budget when the budget was prepared because Jim Fernandez was still working. The \$72,000 will come out. Councilmember Bolton asked about pager pay. In the budget it is at \$8,100 in each department except Power & Light where it is listed at \$8,300. She said it should be \$7,800 per department and the landfill doesn't carry the pager. There's \$8,000 right there, she said. Between the superintendent position and pager pay there is \$80,000. City Manager Acre reminded that they are looking for \$800,000. Councilmember Bolton said then they need to take \$500,000 from the cash flow reserve. Councilmember Shew asked if the \$1.5 million reserve is a must. What is the minimum? Finance Director Medina answered that two months of reserve is used because property taxes don't come in until March or April. There will be some time the City will have without money coming in. To be safe the City needs between \$1 million to \$1.5 million to continue operations. Councilmember Bonato asked if in the past the City had just \$1 million. Finance Director Medina said he's only seen the \$1.5 million in the budget for the past two years, but that he wasn't sure what it was before that time. Councilmember Miles pointed out that the current draft of the budget with all of the changes has available funds for future appropriations at \$25,000. She said she's seen that slide from as much as \$400,000 to \$25,000. She also said she looked at the cash flow reserve and says it works hand and glove with funds available for future appropriations. The only time Council talked about reducing the reserve to \$1 million is if we could have found ways to make the fund balance available for future appropriations to be considerably higher. Council saw drafts of the budget that had as much as \$471,000 at one point. Council can't cut it close on all fronts. Councilmember Bolton said the City still has the TABOR reserve. Councilmember Miles stated that the TABOR reserve comes out with a great deal of pain. Councilmember Bolton asked if she was the only person who has a recollection of Council agreeing to a \$1 million cash flow reserve. Councilmember Miles reiterated that the two work hand in glove and we really aren't in healthy shape with \$1.5 million. Councilmember Mattie added that he doesn't know that Council agreed to a particular amount. Councilmember Miles said they could live with a lower cash flow reserve if the fund balance for future appropriations looked healthy. It is not healthy. It is \$26,000 down from the 2013 projected of \$800,000. That's the \$800,000 we need to make up. They can't do it out of reserves. We are basically there. We have zero reserve for future appropriations and we have two months of cash flow. She said that's pretty skimpy. The City hasn't gotten a raise either – people aren't shopping here, sales tax, property tax and severance tax are all down and health insurance costs are going up. The City has to live within its means. She concurred that Council did not agree to take the \$1.5 million reserve down to \$1 million under all circumstances. Councilmember Bolton continued that she saw in the budget where the licenses and permits increase from \$23,000 in 2013 to \$84,000 in 2014 and asked what that is based on. Finance Director Medina said it is going in with business licenses from the current \$10 to \$50. Councilmember Bolton asked about the proposed increases to water and sewer fees. Finance Director Medina answered that those will only be reflected in those funds. However, the landfill fees are in the General Fund. Councilmember Bolton asked if the calculations are built in from the landfill fee increases. City Manager Acre answered that the increase is between \$40,000 and \$60,000. The proposed increase will be from \$4/yard to \$5/yard and staff will look at \$6/yard. Councilmember Bolton asked the number of cubic yards the City landfill handles per year. City Manager Acre said he will have to get that for her because he didn't have the information with him. Councilmember Bolton continued that the City Manager budget shows a \$13,000 increase and said we've lost the main IT position which isn't shown in the projection. She also asked about a line item for unemployment insurance in the amount of \$2,500 showing up in the City Manager's budget and nowhere else. City Manager Acre said the additional wages are in anticipation of hiring an IT Director. Andrew Riddle is filling in right now but will be leaving mid-year. He was part time last year. His position was increased to a full-time position. City Clerk Garrett explained that the unemployment shown as a projection was for an actual unemployment claim. The City doesn't pay unemployment insurance; rather we pay actual unemployment claims when they arise. Councilmember Bolton asked about car, clothing and travel and mileage in the Finance Department. City Manager Acre explained that the car allowance is paid to the meter readers who use their own vehicles for their jobs and the clothing allowance is for them as well. Travel and mileage is for the Finance Director or other employees going to conferences or something of that nature. Councilmember Bolton asked why the meter readers are in the Finance Department instead of the proper enterprise fund. Finance Director Medina answered that their wages would have to be allocated to all of the utility funds. Instead the General Fund gets a service reimbursement from those utility funds. Councilmember Bolton asked if the Colorado Welcome Center employee's wages are pursuant to a state contract and if so, if they are subject to furloughs. City Manager Acre said they are but he will have to check with the state. Councilmember Bolton asked about capital outlay in the Miscellaneous Fund for equipment in the amount \$10,000 with no description. Finance Director Medina said that is for the computer software. It is proposed to cost \$50,000 for the first year. \$40,000 will be paid from the utility funds and \$10,000 from the General Fund. He confirmed that this is for a software lease. Councilmember Shew asked the difference between a lease and buying it, reminding that Councilmember Miles had previously asked for that information. Finance Director Medina said he hasn't gotten those numbers back yet. They are in negotiations. City Manager Acre clarified that the budget reflects the software

being leased, not purchased. Councilmember Bolton asked about a clothing allowance in dispatch, noting that it was not in the budget prior to 2013. City Manager Acre said he'd ask the Chief about it. Councilmember Bolton next pointed to capital outlay in the amount of \$53,000 for the landfill and recalled \$35,000 of it was for a tarp system the previous Public Works Director wanted but is not longer necessary since the City acquired the adjacent property. City Manager Acre said they are still carrying that amount in the budget for drainage and other improvements based on what the State is telling the City to do. He added that he thought he had mentioned that previously to Council. Councilmember Bolton said the library hasn't had a librarian all year at a salary of \$30,000. The 2013 projection doesn't reflect that amount and the 2014 budgeted salary amount has increased. City Manager Acre said he's made an offer to someone to fill the Library Director position and he will be promoting from within for the Assistant Director. They'll be working within their budget to keep it the same for next year. Councilmember Bolton said it reflects \$112,000. City Manager Acre said the only increase in salary is four cents per hour for longevity. The projections show the library without having a Director all year. There was someone there part time so it is a reduction in the projections for 2013 and we'll see a slight increase in 2014. He confirmed that the 2014 wage reflects the 5% salary reduction for the planned furloughs. Councilmember Bolton said it looks like it will be a substantial increase. City Manager Acre said he'd get Council the numbers. Councilmember Bolton said throughout this discussion they have found at least another \$78,000 which could be used to offset the 5% increase in insurance costs to the employees. City Manager Acre said if that is Council's desire they can do that, but it is not staff's recommendation. He opined that it would put the City in a precarious position not just next year but in years beyond. They are trying to find the \$800,000 gap. That is a deficit in our financial situation that will increase. We are trying to keep the City from going bankrupt. Councilmember Bonato said he read in the Chronicle News the City had \$4.18 million in grant money. He asked when the City has to pay the match, if it is when the money is received or in installments. City Manager Acre said it depends on the grant and the grantee. Typically the City expends the money and then gets reimbursed in grant money. In some cases the City pays a percentage. There is money budgeted for grants we have outstanding. Councilmember Bonato asked if the City has to have the matching funds for the \$4.18 million in grants. City Manager Acre said we do and the matching funds are used by the City when we do the project. Councilmember Bonato asked how much the City is in debt on matching funds. City Manager Acre said as staff applies for grants we come before City Council. The City allocates the money from the 1% Capital Improvement Fund if it is eligible to pursue that grant. The City is not in debt, per se. It would be illegal and also the City has the Capital Improvement Fund to match the grants. Councilmember Miles asked that she be given the information on the computer lease arrangement and offered her assistance in that regard because she has experience. Councilmember Shew commented that the point has been made that the money is not there. The City wants to work with the City's employees, but there's only a few things to work with at this time. The future for the next City Council is really tough. This Council has to get the budget done. All budgets are a work in progress. If Council passes this resolution it is a part of the budget. He called for a motion. Councilmember Mattie moved to adopt the resolution. He said he thought City Council has a fiscal responsibility to recognize the employees and those who pull the yoke out every day and go to work and make it happen. But they also have a fiscal responsibility to plan for 2014 through 2016. There is \$5 million needed for the water system. A lot of things require the City's attention. He added that he came from a coal miner UMW family and has been an employee for many years. He said he's personally taking furloughs and increases in insurance costs. He concluded that he understands that he must do those things as an individual so the group is better. The motion was seconded by Councilmember Miles. Upon roll call vote the following votes were cast:

Aye – Mattie, Miles, Shew
Nay – Bolton, Bonato

The motion carried by majority.

RESOLUTION NO. 1422

RESOLUTION AUTHORIZING HEALTH INSURANCE BENEFITS FOR CITY EMPLOYEES AND THEIR DEPENDENTS THROUGH CIGNA HEALTH CARE FOR PLAN YEAR JANUARY 1, 2014 THROUGH DECEMBER 31, 2014

First reading of an ordinance amending the City of Trinidad's Annual Budget for the fiscal year beginning on January 1, 2013, and ending on December 31, 2013, to identify projected additional expenditures from the Power & Light, Water and Gas Funds, and setting a hearing date for consideration of said ordinance. Finance Director Medina addressed Council. He said as they've discussed staff is trying to maximize transfers in from the utility funds to the General Fund. This is a budget amendment for the 2103 budget to increase the transfers in to an amount equal to 5% of the gross revenues of the utilities to the General Fund. The Home Rule Charter says in order to change the transfer amounts the City has to do a budget amendment. It will represent an increase to the General Fund. Councilmember Mattie said it sounds like a housekeeping measure to authorize what was thought was a good idea. Councilmember Miles asked if it is a \$17,000 change. Finance Director Medina said it represents to the General Fund quite a bit more. He called their attention to Exhibit A of the ordinance and outlined that the Power & Light Fund will be taking a bigger increase in transfers out to the General Fund by about \$231,000. The Water Fund will have a transfer of an additional \$42,816, but in also will be not transferring out money to the Sewer Fund in the amount of \$173,000 or the sewer capital outlay in the amount of \$50,000. In the Gas Fund \$105,000 will be transferred into the General Fund. Additionally they are taking out \$173,000 that was to be transferred to the Sewer Fund. He summarized that the General Fund will get approximately an additional \$378,000 and there is \$396,000 that is being taken out of the Sewer Fund. The net decrease is \$17,000. Councilmember Bolton asked if it is reflected in the budget. Finance Director Medina answered that if we didn't have this change the General Fund would be showing a \$1.2 million loss instead of an \$800,000 loss. The ordinance was introduced by Councilmember Mattie and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 12:00 p.m. on December 19, 2013 was made by Councilmember Bolton and seconded by Councilmember Miles. The motion carried unanimously upon roll call vote.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY OF TRINIDAD'S ANNUAL BUDGET FOR THE
FISCAL YEAR BEGINNING ON JANUARY 1, 2013, AND ENDING ON DECEMBER 31, 2013,
TO IDENTIFY PROJECTED ADDITIONAL EXPENDITURES FROM THE POWER & LIGHT,

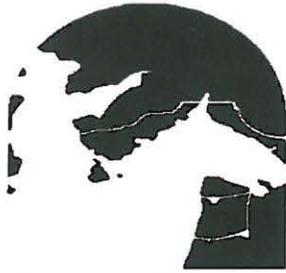
WATER AND GAS FUNDS

There being no further business, the special meeting was adjourned.

ATTEST:

FRANKLIN SHEW, Councilmember

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

6a

CITY COUNCIL MEETING: December 17, 2013
PREPARED BY: Les Downs, City Attorney
DEPT. HEAD SIGNATURE: *Les Downs*
OF ATTACHMENTS: 1

SUBJECT: Public hearing for consideration of an ordinance for the regulation of traffic by the City of Trinidad, Colorado, adopting by reference the 2010 Edition of the "Model Traffic Code for Colorado" and repealing all ordinances in conflict therewith

1) Second reading of an ordinance for the regulation of traffic by the City of Trinidad, Colorado, adopting by reference the 2010 Edition of the "Model Traffic Code for Colorado" and repealing all ordinances in conflict therewith

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Conduct the public hearing and approve the ordinance on second reading

SUMMARY STATEMENT: The proposed ordinance would provide for the adoption of the most recent Model Traffic Code.

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: It is in the best interest of the City to adopt the most current versions of codes

ALTERNATIVE: Stay with the 2003 Edition or adopt the 2009 Edition

BACKGROUND INFORMATION:

- The City Council previously approved the ordinance adopting the 2010 Model Traffic Code on November 19, 2013 and set the public hearing for December 17, 2013, subsequent to two publications. If approved the ordinance will become effective on January 19, 2014, 30 days after publication.

6a



ORDINANCE NO.

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF TRINIDAD, COLORADO, ADOPTING BY REFERENCE THE 2010 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO" AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH

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

1. Section 20-1 of Article 1, Chapter 20, of the Code of Ordinances of the City of Trinidad, Colorado, is hereby repealed and reenacted as follows:

Section 20-1. Model Traffic Code for Colorado – Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive of the 2010 Revised Edition of the "Model Traffic Code for Colorado", promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the City Clerk of the City of Trinidad, Colorado, and may be inspected during regular business hours. The 2010 Edition of the Model Traffic Code is adopted as if set out at length.

2. Section 20-3 of Article 1, Chapter 20, of the Code of Ordinances of the City of Trinidad, Colorado, is hereby repealed and reenacted as follows:

Section 20-3. Penalties.

The following penalties, herewith set forth in full, shall apply to this ordinance:

- (1) It is unlawful for any person to violate any of the provisions adopted in this Ordinance.
- (2) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.
- (3) (a) Any persons convicted of a violation of the Compulsory Insurance requirements of the State, MTC 1409(1), (2), or (3), shall be subject to a mandatory minimum fine of not less than five hundred dollars (\$500.00). The court may suspend up to one half of the fine upon a showing that

appropriate insurance as required pursuant to CRS 10-4-619 or 10-4-624 has been obtained.

- (b) Nothing in this paragraph (3) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.
 - (c) Upon a second or subsequent conviction under MTC 1409(1), (2), or (3), within a period of five years following a prior conviction under said MTC 1409(1), (2), or (3), in addition to any imprisonment imposed pursuant to paragraph 2 of this section, the defendant shall be punished by a maximum mandatory fine of one thousand dollars (\$1,000.00). The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to CRS 10-4-619 or 10-4-624 has been obtained.
 - (d) In addition to the penalties prescribed in paragraphs 3(a), (b), and (c) of this section, any person convicted pursuant to this section may, at the discretion of the court, be sentenced to perform not less than forty hours of community service.
 - (e) Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under this paragraph (3), that such owner or operator of a motor vehicle violated said MTC 1409(1), (2), or (3).
- (4) All penalties collected pursuant to this article shall be paid to the City Department of Finance and deposited into the General Fund of the City of Trinidad in support of the Trinidad Police Department.

3. Sections 20-4 and 20-5 of Article 1, Chapter 20, of the Code of Ordinances of the City of Trinidad, Colorado, are hereby repealed and reenacted as follows:

Section 20-4. Application.

This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of section 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

Section 20-5. Validity, Repeal and Interpretation.

- (1) Validity. If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

- (2) Repeal. Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.
- (3) Interpretation. This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

All other provisions of this Article shall remain in full force and effect.

INTRODUCED BY COUNCILMEMBER MILES, READ AND ORDERED
PUBLISHED, this 19th day of November, 2013.

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

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE 30 DAYS AFTER FINAL
ADOPTION AND PUBLICATION OF THIS ORDINANCE.

LINDA VELASQUEZ, Mayor Pro-Tem

ATTEST:

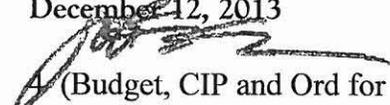
AUDRA GARRETT, City Clerk

6b



CITY OF TRINIDAD, COLORADO
1876

Council Communication

City Council Meeting: December 17, 2013
 Prepared: December 12, 2013
 Dept. Head Signature: 
 # of Attachments: 4 (Budget, CIP and Ord for approval and as approved on first reading)

SUBJECT: Public hearing and second reading of an Ordinance appropriating funds for the City of Trinidad 2014 Budget

Presenter: Tom Acre, City Manager

Recommended City Council Action: Staff recommends approval upon second reading of the Ordinance as it has been presented.

Summary Statement: At the December 3, 2013 regular meeting, City Council passed on first reading the Ordinance appropriating funds for the City of Trinidad 2014 Budget. Additional information regarding the cost of employee health insurance was obtained after the Ordinance was prepared for the December 3, 2013 meeting. Staff updated the budget to reflect the change in health insurance cost and presented this information at the December 10, 2013 City Council Work Session. City Staff and Council had further discussion regarding the budget during the meeting.

Expenditure Required: \$36,595,259

Source of Funds: Revenue from the General, Power and Light, Water, Gas, Sewer, Capital Projects, Lottery and Tourism Funds

Policy Issue: Development of the 2014 City Budget

Alternative: None, the City must adopt the 2014 Budget by December 31, 2013.

Background Information: Staff has been working on the preliminary budget since the first of August. Staff provided City Council with a preliminary budget and financial update at the September 24, 2013 City Council Work Session. The Draft 2014 Budget was provided to City Council on October 1, 2013 and was made available to the general public for review at City Hall and the Library. Public Hearings seeking citizen input on the 2014 Budget and the 2014-2018 Capital Improvement Project Plan were opened on October 15, 2013 and were continued until November 19, 2013. No additional comments were provided at the November 19, 2013 meeting.

6b

Staff presented information regarding the Utilities and Special Funds, proposed departmental and capital improvement budgets, answered questions and received input from City Council. Information regarding the general fund budget was presented at the October 8, 2013 City Council Work Session. Staff and City Council had additional discussion regarding the potential budget cuts for 2014 in a work session following the regular meeting on November 19, 2013 during a special work session on Monday November 25, 2013 and at the Work Session on November 26, 2013.

The total expenditures have been amended since the first reading of the ordinance to reflect the City's reduction in payment toward the employees' health insurance premium. The estimated savings is \$116,022. The ordinance as approved on first reading is attached.



ORDINANCE NO.

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY OUT OF THE REVENUES OF THE CITY OF TRINIDAD, COLORADO, TO DEFRAY AND MEET THE LIABILITIES OF THE CITY OF TRINIDAD FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014; SAID ORDINANCE BEING TERMED THE ANNUAL APPROPRIATION BILL FOR THE 2014 FISCAL YEAR

WHEREAS, in order to defray all expenses and liabilities for the fiscal year beginning January 1, 2014, and ending December 31, 2014, it is deemed necessary by the City Council of the City of Trinidad to appropriate the sums of money hereinafter set out.

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

Section 1: That the following sums of money be and the same are hereby appropriated out of the revenues of the City of Trinidad, Colorado, for the object and purpose as specified immediately preceding each sum to defray the expenses and meet the liabilities of the City of Trinidad, Colorado, for the fiscal year beginning January 1, 2014 and ending December 31, 2014, in accordance with the budget to be adopted by said Council of the City of Trinidad, Colorado, pursuant to and in compliance with Title 31 of the Colorado Revised Statutes of the State of Colorado:

GENERAL FUND

TOTAL EXPENDITURES \$ 9,080,250

POWER AND LIGHT FUND

TOTAL EXPENDITURES \$ 8,577,800

WATER FUND

TOTAL EXPENDITURES \$ 6,031,150

GAS FUND

TOTAL EXPENDITURES \$ 3,982,600

SEWER FUND

TOTAL EXPENDITURES \$ 1,972,659

CAPITAL PROJECTS FUND

TOTAL EXPENDITURES \$ 6,591,900

LOTTERY FUND

TOTAL EXPENDITURES \$ 180,000

TOURISM FUND

TOTAL EXPENDITURES \$ 178,900

TOTAL OF ALL FUND EXPENDITURES \$36,595,259

INTRODUCED BY COUNCILMEMBER MATTIE, READ AND ORDERED
PUBLISHED this 3rd day of December, 2013.

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

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE ____ day of December,
2013.

LINDA VELASQUEZ, Mayor Pro-Tem

ATTEST:

AUDRA GARRETT, City Clerk



1st Reading

ORDINANCE NO.

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY OUT OF THE REVENUES OF THE CITY OF TRINIDAD, COLORADO, TO DEFRAY AND MEET THE LIABILITIES OF THE CITY OF TRINIDAD FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014; SAID ORDINANCE BEING TERMED THE ANNUAL APPROPRIATION BILL FOR THE 2014 FISCAL YEAR

WHEREAS, in order to defray all expenses and liabilities for the fiscal year beginning January 1, 2014, and ending December 31, 2014, it is deemed necessary by the City Council of the City of Trinidad to appropriate the sums of money hereinafter set out.

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

Section 1: That the following sums of money be and the same are hereby appropriated out of the revenues of the City of Trinidad, Colorado, for the object and purpose as specified immediately preceding each sum to defray the expenses and meet the liabilities of the City of Trinidad, Colorado, for the fiscal year beginning January 1, 2014 and ending December 31, 2014, in accordance with the budget to be adopted by said Council of the City of Trinidad, Colorado, pursuant to and in compliance with Title 31 of the Colorado Revised Statutes of the State of Colorado:

GENERAL FUND

TOTAL EXPENDITURES \$ 9,011,228

POWER AND LIGHT FUND

TOTAL EXPENDITURES \$ 8,563,800

WATER FUND

TOTAL EXPENDITURES \$ 6,017,150

GAS FUND

TOTAL EXPENDITURES \$ 3,971,600

SEWER FUND

TOTAL EXPENDITURES \$ 1,964,659

CAPITAL PROJECTS FUND

TOTAL EXPENDITURES \$ 6,591,900

LOTTERY FUND

TOTAL EXPENDITURES \$ 180,000

TOURISM FUND

TOTAL EXPENDITURES \$ 178,900

TOTAL OF ALL FUND EXPENDITURES \$36,479,237

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

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

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE _____ day of December, 2013.

LINDA VELASQUEZ, Mayor Pro-Tem

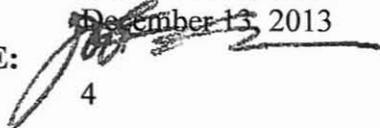
ATTEST:

AUDRA GARRETT, City Clerk

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COUNCIL COMMUNICATION

CITY WORK SESSION: December 17, 2013
PREPARED: ~~December 13, 2013~~
DEPT. HEAD SIGNATURE: 
ATTACHMENTS: 4

SUBJECT: Public hearing and second reading for consideration of an ordinance of the City of Trinidad, Colorado, repealing and re-enacting Chapter 5 (“Buildings”), and Article 1 of Chapter 8 (“Fire Prevention”), of the Code of the City of Trinidad, Colorado, for the purposes of (i) adopting by reference uniform codes for the regulation of buildings—to wit, the 2009 Editions of the *International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Existing Building Code, International Property Maintenance Code, and International Private Sewage Disposal Code*; and the 2011 Edition of the National Electrical Code; and (ii) replacing currently-adopted building codes in conflict therewith.

PRESENTER: Chris Kelly, Chief Building Official

RECOMMENDED CITY COUNCIL ACTION: It is recommended that Council approve the ordinance on second reading with the slight corrections to fee schedules on pages 15, 17, and 21; also, typographical changes to page 22; an amendment to page 27; and added language to page 28.

SUMMARY STATEMENT: On December 3, 2013, City Council discussed changes to the building codes in a special work session and passed on first reading an ordinance providing for revisions to Chapter 5 – Buildings in the City’s Code of Ordinances to increase the ability for the City to bring enforcement action if buildings are vacant and deteriorating and add some flexibility to certain aspects of the Building Code. City Council had additional questions of staff which required some additional research by staff. On December 10, 2013 further discussion was held and several questions were raised as presented below.

Relative to the issues raised on December 10, 2013:

- 1) Sprinkler requirements for residential – is there a specific reason we are deferring to a date certain rather than deleting or making it optional at the owner’s discretion?
 - As discussed at the work session, we are deferring to specific date per what is allowed under ICC and to be consistent with other jurisdictions. An owner may elect to install sprinklers if they desire.
- 2) Nonconformance period. Reiterate increasing from 12 months to 36 months, still with one-time opportunity to request a 6-month extension.
 - As discussed at the work session, nonconformance is being kept at 12 months with the ability to get additional 6-month extensions.

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- 3) In reference to Victor making strides to revitalize their downtown and architect assistance through Main Street Program.
 - Staff has contacted Victor and the architect for the Main Street Program and Trinidad will be able to utilize his assistance in 2014 if we continue with the Main Street program. Staff understands the Chief Building Official does have some ability to modify the building code for structures within the historic district. The buildings in Victor are considerably smaller in size and Victor has an extensive incentive package.
- 4) Are permit fees appropriate for Trinidad?
 - The permit fees were adopted previously in June, 2011. For comparison, the fees adopted in January, 2006 are provided. The building permit fees are lower than Las Animas County and are reasonable for our area.
- 5) Concern that the plan review fee is 50% of the permit fee.
 - With the adoption of the 2003 Codes in 2006, the plan review fee was 65% of the permit fee. Please see the fees schedules previously approved. It was reduced to 50% when the 2009 Codes were adopted in 2011.
- 6) Concern about a 25% requirement of landscaping.
 - According to the Building Inspector the intent of that language is to retain 25% of open/natural/un-built space so that there is ground that is permeable, rather than 100% hard surface/non-permeable area for drainage purposes.
- 7) Fence height and length.
 - Permits are not issued according to length of a fence. The reason it is proposed to be reduced from 6 feet to 5 ½ feet is because the Building Inspector measures from the ground to determine the height, not the boards or fence material itself. This language will assist in clarifying issues that frequently arise.
- 8) Professional engineering plans for remodels.
 - ICC says these plans are required. They are required to reduce liability to the City. They are necessary so the building inspector can verify code compliance. They are a benefit to property owners for bidding purposes to do the work. If adjustments are made or interpretations are made to the code for a project and the property sells later, we need documentation to show why different interpretations were made. They are a permanent record for that structure, as well as the permit. Also, it has been a long standing requirement to have engineered drawings for foundations to relieve the City of liability.
- 9) Contractor meeting notice.
 - Notice was published in the fine print of the newspaper from November 18 through 25th, flyers were distributed to contractors who came in to the Annex, it was posted at the Annex and City Hall, and the Building Inspector personally told contractors he encountered.
- 10) Soil verification was deleted.
 - There's no local company that can do soil verification. It has nothing to do with compaction.
- 11) Contractor license fees.
 - The proposed fees were reduced subsequent to the contractors' meeting in accordance with their recommendation.
- 12) Search warrants for CBO.
 - This issue was adequately answered during the work session. The issuing Judge will not sign warrants without probable cause.

It is staff's recommendation that the ordinance be adopted as amended. We can bring issues back in January, 2014 to address if Council so desires.

Regarding buildings in the City's historic district, it is staff understands the existing code can be modified by the Chief Building Official to accommodate specific circumstances while maintaining the integrity of live safety issues. Additional discussion regarding the implementation of this and a further need to modify the building code are currently being held and will be reported back to council by staff.

EXPENDITURE REQUIRED: None at this time.

SOURCE OF FUNDS: N/A

POLICY ISSUE: Changes to the City's Code of Ordinances to increase the effectiveness of building code enforcement and to allow alternatives to be considered by the Building Official to certain aspects of the Building Code.

ALTERNATIVE: Building codes and processes related to vacant buildings could remain as is. At a minimum the existing building code needs to be re-adopted before the end of 2013 to allow for continuation of the requirement that sprinklers not be required in single family residential building under the Residential Portion of the Buildings Code.

BACKGROUND INFORMATION: Staff has previously provided City Council with information regarding the current building ordinance and information on the International Code Council property maintenance code and municipal code. City Council and staff have had discussions regarding changes that the City should consider to improve how the City's ordinances and building codes and how we can increase code compliance and encourage building owners to make the necessary improvements to the buildings to remedy continued deterioration and any life safety issues.

Adopted June, 2011

(2) The following sections of the *International Building Code, 2009 Edition* ("IBC"), are hereby revised:

- (a) Amend IBC § 101.1, Title, as follows: insert "the City of Trinidad, Colorado" where indicated.
- (b) Amend IBC § 109.2, Schedule of permit fees, as follows: insert the following Schedule of Permit Fees:

Schedule of Permit Fees	
Total Valuation:	Fee:
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00; plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00; plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00; plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00; plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00; plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00; plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 and up	\$18,327 for the first \$5,000,000.00; plus \$1.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees:	
→ 1. Plan review fee.....	Fifty percent (50%) of the permit fee
2. Inspections outside of normal business hours.....	\$50.00 per hour* (Minimum charge – two hours)
3. Reinspection fees assessed under provisions of IBC § 108.4.....	\$50.00 per hour*
4. Inspections for which no fee is specifically indicated.....	\$50.00 per hour*
5. Additional plan review required by changes, additions, or revisions to plans.....	\$50.00 per hour*
6. For use of outside consultants for plan checking and inspections, or both.....	Actual Cost**
7. For issuance of each temporary Certificate of Occupancy.....	\$750.00***
* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.	
** Actual costs include administrative and overhead costs.	
*** \$500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.	

- (c) Amend **IBC § 114.4, Violation penalties**, to read: Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (d) Amend **IBC § 115.3, Unlawful continuance**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (e) Amend **IBC § 1612.3, Establishment of flood hazard areas**, as follows: insert name of jurisdiction as "the City of Trinidad, Colorado," and insert "April 3, 1984," as the date of issuance.
- (f) Amend **IBC § 3412.2, Applicability**, as follows: insert date of "January 1, 1950."

Section 5-2. International Residential Code.

- (1) The *International Residential Code*, 2009 Edition, including Appendix Chapters E, L, F, and M, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Residential Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Residential Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Residential Code*, 2009 Edition ("IRC"), are hereby revised:
 - (a) Amend **IRC § R101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.
 - (b) Amend **IRC § R108.2, Schedule of permit fees**, as follows: insert the following Schedule of Permit Fees:

Schedule of Permit Fees	
Total Valuation:	Fee:
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00; plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00; plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00; plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00; plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00; plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and

	including \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00; plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 and up	\$18,327 for the first \$5,000,000.00; plus \$1.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees:	
1. Plan review fee.....	Fifty percent (50%) of the permit fee
2. Inspections outside of normal business hours.....	\$50.00 per hour* (Minimum charge – two hours)
3. Reinspection fees assessed under provisions of IRC § R108.4.....	\$50.00 per hour*
4. Inspections for which no fee is specifically indicated.....	\$50.00 per hour*
5. Additional plan review required by changes, additions, or revisions to plans.....	\$50.00 per hour*
6. For use of outside consultants for plan checking and inspections, or both.....	Actual Cost**
7. For issuance of each temporary Certificate of Occupancy.....	\$750.00***
* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.	
** Actual costs includes administrative and overhead costs.	
*** \$500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.	

- (c) Amend **IRC § R113.4, Violation penalties**, to read: Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (d) Amend **IRC § R114.2, Unlawful continuance**, to read: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (e) Amend **IRC Table R301.2(1), Climatic and geographic design criteria**, as follows:
Insert the following table:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Roof Snow Load	Wind Speed (mph)	Seismic Design Category	SUBJECT TO DAMAGE FROM				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay					
30 psf	90 mph Exposure "B"	"B"	Severe	32"	Slight to Moderate	None to Slight	1° F	No	Varies	597	51.7° F

Adopted
January, 2006

EXHIBIT 'A'

Section 5-1. International Building Code

The International Building Code, 2003 Edition as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 35 inclusive and Appendix Chapter I, is hereby adopted by reference as the City of Trinidad Building Code as if fully set out in this ordinance with the additions, deletions, insertions, and changes as follows. At least one copy of said 2003 Edition of the Code as above set forth has been and is now filed in the office of the City Clerk.

IBC Section 101.1. Title. Insert "City of Trinidad" where indicated.

IBC Section 108.2. Delete Section 108.2 in its entirety and substitute as follows:

IBC Section 108.2 Schedule of permit fees. On buildings, structures, and mechanical systems or alterations requiring a permit a fee for each permit shall be paid as required in accordance with Table 1-A. The determination of value or valuation under any of the provisions of this Code shall be made by the building official.

TABLE 1-A
BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$ 1.00 to \$ 500.00	\$23.50
\$ 501.00 to \$ 2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$ 2,001.00 to \$ 25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$ 25,001.00 to \$ 50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$ 50,001.00 to \$ 100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$ 100,001.00 to \$ 500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$ 500,001.00 to \$ 1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$ 1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours.....\$50.00 per hour*
(Minimum Charge -- two hours)
2. Reinspection fees assessed under provisions of Section 108.4.....\$50.00 per hour*
3. Inspections for which no fee is specifically indicated\$50.00 per hour*
4. Additional plan review required by changes, additions or revisions to plans.....\$50.00 per hour*
5. For use of outside consultants for plan checking and inspections, or both.....Actual Cost**
6. For issuance of each temporary Certificate of Occupancy\$750.00***

* Or the total hourly cost to the jurisdiction, whichever is the greatest. The cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs includes administrative and overhead costs.

*** \$500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.

IBC Section 1612.3 Establishment of flood hazard areas. Insert jurisdiction name, City of Trinidad, Colorado and insert April 3, 1984.

IBC Section 3410.2 Applicability. Insert date of January 13, 2006.

Section 5-1.1 International Residential Code

The International Residential Code, 2003 Edition as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 24 inclusive and Appendix Chapter H, is hereby adopted by reference as the City of Trinidad Residential Building Code as if fully set out in this ordinance with the additions, deletions, insertions, and changes as follows. At least one copy of said 2003 Edition of the Code as above set forth has been and is now filed in the office of the City Clerk.

IRC Section R101.1. Title. Insert "City of Trinidad" where indicated.

IRC Section R108.2. Delete Section R108.2 in its entirety and substitute as follows:

R108.2 Schedule of permit fees. On buildings, structures, and mechanical systems or alterations requiring a permit a fee for each permit shall be paid as required in accordance with Table 1-A. The determination of value or valuation under any of the provisions of this Code shall be made by the building official.

**TABLE 1-A
BUILDING PERMIT FEES**

TOTAL VALUATION	FEE
\$ 1.00 to \$ 500.00	\$23.50
\$ 501.00 to \$ 2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$ 2,001.00 to \$ 25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$ 25,001.00 to \$ 50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$ 50,001.00 to \$ 100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$ 100,001.00 to \$ 500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$ 500,001.00 to \$ 1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$ 1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

- 1. Plan review fee 65 percent of the permit fee
2. Inspections outside of normal business hours.....\$50.00 per hour*
(Minimum Charge -- two hours)
3. Reinspection fees assessed under provisions of Section 108.4.....\$50.00 per hour*
4. Inspections for which no fee is specifically indicated\$50.00 per hour*
5. Additional plan review required by changes, additions or revisions to plans.....\$50.00 per hour*
6. For use of outside consultants for plan checking and inspections, or both.....Actual Cost**
7. For issuance of each temporary Certificate of Occupancy\$750.00***

* Or the total hourly cost to the jurisdiction, whichever is the greatest. The cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs includes administrative and overhead costs.

*** \$500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.

Section 5-10. International Mechanical Code.

(1) The *International Mechanical Code*, 2009 Edition, including Appendix Chapter A (“Combustion Air Openings and Chimney Connector Pass-Throughs”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Mechanical Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Mechanical Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Mechanical Code*, 2009 Edition (“IMC”), are hereby revised:

(a) Amend **IMC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IMC § 106.5.2, Fee schedule**, as follows: insert the following fee schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$30.00 plus \$10.00 per each \$1,000.00 valuation or fraction thereof.

(c) Amend **IMC § 106.5.3, Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.

(d) Amend **IMC § 108.4, Violation penalties**, to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(e) Amend **IMC § 108.5, Stop work orders**, to read: Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$30.00 plus \$10.00 per each \$1,000.00 valuation or fraction thereof.

(d) Amend IFGC § 106.6.3, **Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.

(e) Amend IFGC § 108.4, **Violation penalties**, to read: Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof, or erect, install, alter, or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(f) Amend IFGC § 108.5, **Stop work orders**, to read: Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner’s agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(g) Amend IFGC § 109.1, **Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

(h) Delete IFGC §§ 109.2 through 109.6, regarding membership and procedures of the board of appeals.

Section 5-12. International Energy Conservation Code.

that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

- (g) Amend IPMC § 302.4, **Weeds**, as follows: insert “six inches (6”).”
- (h) Amend IPMC § 304.14, **Insect screens**, as follows: insert “January 1 to December 31.”
- (i) Amend IPMC § 602.3, **Heat supply**, as follows: insert “January 1 to December 31.”
- (j) Amend IPMC § 602.4, **Occupiable work spaces**, as follows: insert “January 1 to December 31.”

Section 5-15. International Private Sewage Disposal Code.

(1) The *International Private Sewage Disposal Code*, 2009 Edition, including Appendix Chapter A (“System Layout Illustrations”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Private Sewage Disposal Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Private Sewage Disposal Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Private Sewage Disposal Code*, 2009 Edition (“IPSDC”), are hereby revised:

- (a) Amend IPSDC § 101.1, **Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
- (b) Amend IPSDC § 106.4.2, **Fee schedule**, as follows: insert the following fee schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$30.00 plus \$10.00 per each \$1,000.00 valuation or fraction thereof.

- (c) Amend IPSDC § 106.4.3, **Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.

(d) Amend **IPSDC § 108.4, Violation penalties**, to read: Any person who shall violate a provision of this code or fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair private sewage disposal work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(e) Amend **IPSDC § 108.5, Stop work orders**, to read: Upon notice from the code official, work on any *private sewage disposal system* that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed in Chapter 5, Sections 5-3(4)(a) and (5) of the Code of the City of Trinidad, Colorado.

(f) Amend **IPSDC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.

(g) Delete **IPSDC § 405**, entitled "SOIL VERIFICATION."

| **Section 5-16 National Electrical Code.**

| (1) The *National Electrical Code, 2011 Edition*, is hereby adopted by reference as the Electric Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *National Electrical Code, 2011 Edition*, shall remain on file in the Office of the City Clerk and open to public inspection.

(a) **Permits – when required**, are to be obtained from the Colorado Department of Regulatory Agencies (DORA), 1560 Broadway, Suite 1500, Denver, CO 80202 (www.dora.state.co.us/electrical), 303-894-2985. Permit(s) shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing electrical inspections.

(b) **Violation penalties. If the City of Trinidad is performing electrical**

code.

- (i) Paying any fee assessed under the authority of this Code or any technical codes.
- (j) Obeying any order or notice issued pursuant to this Code or any technical code.
- (k) Presenting his/her license when requested by the Chief Building Official.
- (l) Maintaining workers' compensation and liability insurance as required by Section 5-19.

Section 5-21. Suspension and Revocation of License.

(1) The Chief Building Official may suspend or revoke a license for any of the following:

- (a) Failure to comply with any of the duties and responsibilities set forth in Section 5-20.
- (b) Using a contractor's license to obtain a permit required under this code for any other person, corporation or legal entity.
- (c) Violating any provisions of the Trinidad Building Code including any codes which are adopted by reference.
- (d) Failure to reveal any material fact in the application for a contractor's license or permit, or the supplying of information which is untrue or misleading as to any material fact in the application for a contractor's license or permit.
- (e) Failure to obtain a proper permit for any work for which a permit is required.
- (f) Receipt of three (3) or more written **verified** complaints.

(2) Upon written notification of revocation or suspension of license, the contractor shall have the right to appeal their case by oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts to the Board of Building Code Appeals.

Suspension or revocation of a contractor's license shall not be construed to release the contractor from liabilities and obligations of completing his contract. During the period prior to the hearing before the Board of Building Code Appeals, the contractor shall not be allowed to submit an application for any other projects.

(3) The Board of Building Code Appeals (BOBCA) may reinstate a license for any contractor whose license has been revoked, provided a majority of the BOBCA votes in favor of such reinstatement for such reason as the BOBCA may deem sufficient. In such case where the

contractor's license has been revoked and the contractor is petitioning the BOBCA for reinstatement, the petitioner shall follow the established policies for requesting such hearing and pay all applicable fees.

Section 5-22. Application Form and Contents.

(1) Along with the application, proof of ICC testing (if required) and certificates of insurance listing the City of Trinidad as the Certificate Holder must be provided. An application for a contractor's license shall be on a form furnished by the City, shall be filed with the Chief Building Official and shall contain the following information under oath:

- (a) Correct business contact information.
- (b) ICC testing information.
- (c) Insurance carrier information.
- (d) Business references.
- (e) Signature, title and date of person making oath of accuracy.

ARTICLE 3. NON-CONFORMANCE

Section 5-23. Non-Conformance.

(1) **Definition.** Legal Non-Conforming refers to uses and structures, excluding single family residences (R-3), which were begun or constructed when the law allowed for them but have since become noncompliant due to a change in legislation (for example, new codes are adopted).

(2) **How a structure loses non-conforming status.** Any structure or building within the city limits is a non-conforming structure meaning that when the City adopts a new code or standard the buildings built to the previous code are no longer conforming to the existing code. A non-conforming structure is allowed to remain as is, as long as it is generating sales tax revenue and is open for business. Once the business ceases to generate revenue or is vacant for no less than twelve consecutive months it loses its non-conforming status. A building under these circumstances must, therefore, be brought up to current code standards. Part of that process requires an assessment by a registered design professional be provided to the Building Official. Owners may apply via the Variance Application Form to the CBO for review and consideration of a six (6) month extension. The CBO will consider all reasons the extension is being requested in making the decision. Additional six (6) month extensions may be considered.