



**CITY OF TRINIDAD  
TRINIDAD, COLORADO**

The City Council of the City of Trinidad, Colorado,  
will hold its regular Work Session on Tuesday, July 8, 2014 at 1:30 P.M.  
in City Council Chambers at City Hall, Third Floor, City Hall

**AGENDA**

1. Petitions and Communications, Oral or Written
2. Consideration of bid results for the Monument Lake Bathhouse Project
3. Consideration of Contract Amendment to the Nomination and Construction Documents of Fish Hatchery and Zoo at Monument Lake Park
4. Capital Improvement Project tax messaging discussion
5. Discussion regarding marijuana excise tax
6. Discussion concerning City Manager vacancy and process to fill the vacancy
7. Discussion regarding Acting/Interim City Manager appointment
8. Discussion of other agenda items

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



## COUNCIL COMMUNICATION

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**CITY COUNCIL MEETING:** July 8, 2014  
**PREPARED BY:** Mike Valentine, PWD/Utilities  
Director  
*Mike A. Valentine*  
**DEPT. HEAD SIGNATURE:**  
**# OF ATTACHMENTS:** 0

**SUBJECT:** Consideration of bid results for the Monument Lake Bathhouse Project

**PRESENTER:** Mike Valentine, PWD/Utilities Director

**RECOMMENDED CITY COUNCIL ACTION:** Review and consider the bids

**SUMMARY STATEMENT:** Included in the 2014 Water Fund budget, under capital improvements, is an allocation of \$357,000 for the completion of the Monument Lake Bathhouse Construction/RV Dump Station Upgrade

**EXPENDITURE REQUIRED:** Yes

**SOURCE OF FUNDS:** Water Department Capital Outlay; the amount budgeted for the Bathhouse Construction/RV Dump Station Upgrade is \$357,000

**POLICY ISSUE:** Formal bids are required for work/purchases in excess of \$30,000 pursuant to Section 7-52, TMC, and Section 9.23 of the Home Rule Charter.

**ALTERNATIVE:** Bids may be rejected.

**BACKGROUND INFORMATION:**

- Formal bids were solicited
- A mandatory pre-bid meeting was held
- Bid opening will be held on July 8, 2014 at 10:00 a.m.
- A bid summary will be distributed to Council on July 8, 2014 and discussed.

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## COUNCIL COMMUNICATION

CITY COUNCIL MEETING: July 8<sup>th</sup>, 2014  
PREPARED BY: Louis Fineberg  
DEPT. HEAD SIGNATURE:   
# OF ATTACHMENTS: 1

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**SUBJECT:** Contract Amendment for SHF Grant - Monument Lake Fish Hatchery & Zoo Construction Documents (2013-M2-030)

**PRESENTER:** Louis Fineberg, Planning Director

**RECOMMENDED CITY COUNCIL ACTION:** This item is for discussion only at this time and no formal action is required.

**SUMMARY STATEMENT:**

The contract amendment is to document approval of the use of \$800 in funding from the contingency line item for additional expenses incurred for the nomination process.

**EXPENDITURE REQUIRED:** The City will be responsible for 30% of the required contingency amount of \$800, or \$240.

**SOURCE OF FUNDS:** NA.

**POLICY ISSUE:** Should the City of Trinidad approve the use of the contingency funds?

**ALTERNATIVE:** The City of Trinidad could decide not utilize the contingency funding.

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# HISTORY Colorado

June 9, 2014

Mr. Louis Fineberg  
Planning Director, City of Trinidad  
135 North Animas Street  
PO Box 880  
Trinidad, CO 81082

RE: Project #2013-M2-030  
Nomination and Construction Documents of Fish Hatchery and Zoo at Monument Lake Park  
Contract Period: 4/15/2013 to 4/15/2015

Dear Mr. Fineberg:

Enclosed are three (3) copies of the Amended Contract for the above project. Read the Amended Contract carefully and call if you have any questions. **Please review the enclosed instructions (green sheet) prior to signing the contracts.**

Return the original three (3) copies of the Amended Contract to our office as soon as possible, but no later than **July 31, 2014**. Amended Contracts received after this date will be void. Be certain that each original copy of the contract amendment contains the following:

1. Original signature(s) for each party
2. Date(s) below signatures have been entered
3. Name of the signer(s) printed
4. Title of the signer(s) printed

Blank lines on the signature page will result in contracts being sent back for completion. When the Amended Contract has been fully executed an original signature copy will be sent to you for your files.

Additionally, Your SHF Historic Preservation Specialist Estella Cole has reviewed and approved your recent request to use the Contingency line item from your Project Budget. Our new system utilizes a Contingency Tracking letter and Project Budget sheet to expedite the process. Please refer to the table below to track your contingency use to date.

Approved Date	Budget Line Item	Amount Approved	Remaining Contingency ‡
June 4, 2014	A. Prepare National Register Nomination	- \$800	\$1,080

‡ Please note that the above approved Contingency use may only be applied to the corresponding budget line item. Remember that any remaining Contingency must have *prior approval* from your Historic Preservation Specialist.

If you would like technical information or assistance regarding your project, please contact your SHF Historic Preservation Specialist Estella Cole at (303) 866-2896. If you have administrative or contractual questions, please contact Grant Staff: Contracts Officer, Susan Frawley at (303) 866-3043 or Contract Specialist, Lindsay Orr at (303) 866-2887.

Sincerely,

  
Susan Frawley  
Contracts Officer

LO:

**PROJECT BUDGET**

TASK	AMOUNT
A. Prepare National Register Nomination	\$ 5,000
B. Prepare Design Development Drawings	\$18,920
C. Perform Materials Testing	\$ 1,950
D. Prepare Construction Documents including plans, specifications, and engineering design	\$ 9,980
E. Reimbursable expenses, including materials testing	\$ 1,970
<hr/>	
<i>Subtotal A – E</i>	\$37,820
F. Grant Administration (6.6% of <i>Subtotal A – E</i> ) *	\$ 2,500
<hr/>	
<b><i>Project Subtotal **</i></b>	<b>\$40,320</b>
<i>Contingency ‡</i>	\$ 1,880 (see tracking below)

Approved Date	Budget Line Item	Amount Approved	Remaining Contingency ‡
June 4, 2014	A. Prepare National Register Nomination	- \$800	\$1,080

<b>PROJECT TOTAL</b>	<b>\$42,200</b>
<b>Grant Request (70%)</b>	<b>\$ 29,540</b>
<b>Cash Match (30%)</b>	<b>\$ 12,660</b>

\* Grant Administration cannot exceed 15% of *Subtotal* amount

\*\* Grant payments will be based off *Project Subtotal* amount. Total payments will be Grant Award percentage of *Project Subtotal* up to a maximum of the Grant Award Amount.

‡ Contingency - Must receive written approval from SHF Staff prior to use.

Travel must be within SHF/State allowable rates (\$51/mile – mileage, \$100/night – Hotel, \$46/day – Per Diem)

Department or Agency Name
History Colorado, the Colorado Historical Society
Department or Agency Number
GCA
Routing Number
APPROVED WAIVER FORM -Amendment #37

CONTRACT AMENDMENT #2013-M2-030 A

THIS AMENDMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by and between the State of Colorado for the use and benefit of the Department of Higher Education, History Colorado, the Colorado Historical Society, 1200 Broadway, Denver, Colorado 80203, hereinafter referred to as the State and/or History Colorado, and the City of Trinidad, 135 North Animas Street, Trinidad, Colorado 81082, hereinafter referred to as the Contractor,

FACTUAL RECITALS

Authority exists in the Law and Funds have been budgeted, appropriated and otherwise made available and a sufficient unencumbered balance thereof remains available for payment; and

Required approval, clearance, and coordination has been accomplished from and with appropriate agencies; and

The Parties entered into a contract dated March 12, 2013, (the "Original Contract"), for SHF Project #2013-M2-030, wherein the Contractor agreed to undertake the performance of certain work and services in consideration for which the State agreed to make certain payments; and

The Scope of Work is being revised to more adequately meet the Secretary of Interior Standards: and

The State and the Contractor both wish to bring the project to completion in order to fulfill the objectives of the Original Contract.

NOW THEREFORE, it is hereby agreed that:

1. Consideration for this amendment to the original contract, C.E. Number 13M2030, Contract Routing Number N/A Approved Waiver Form, dated March 12, 2013, consists of the payments which shall be made pursuant to this amendment and the promises and agreements herein set forth.
2. It is expressly agreed by the parties that this Amendment is supplemental to the original contract, as amended Number #2013-M2-030, dated March 12, 2013, referred to as the "original contract," which is, by this reference incorporated herein, that all terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this amendment as though they were expressly rewritten, incorporated, and included herein.
3. It is agreed the original contract is and shall be modified, altered, and changed in the following respects only:
  - a. Provision #1 of the original contract, the Scope of Work and activities are revised as reflected in the attached Revised Exhibit A: Scope of Work.
  - b. Provision #2 of the original contract, APPLICABLE STANDARDS, the Scope of Work and activities are revised as reflected in the attached Revised Exhibit A: Scope of Work.
4. The effective date of this amendment is upon approval of the State Controller or August 1, 2014, whichever is later.
5. Except for the "Special Provisions," in the event of any conflict, inconsistency, variance or contradiction between the provisions of this Amendment, and any of the provisions of the Original Contract, the provisions of this Amendment, shall in all respects supersede, govern, and control. The "Special Provisions" shall always be controlling over other provisions in the contract or amendments. The representations in the Special Provisions concerning the absence of bribery or corrupt influences and personal interest of State employees are presently reaffirmed.
6. FINANCIAL OBLIGATIONS OF THE STATE PAYABLE AFTER THE CURRENT FISCAL YEAR ARE CONTINGENT UPON FUNDS FOR THAT PURPOSE BEING APPROPRIATED, BUDGETED, AND OTHERWISE MADE AVAILABLE.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day first above written.

\*Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor's behalf and acknowledge that the State is relying on their representations to that effect.

CONTRACTOR:  
(Grant Recipient)

**STATE OF COLORADO**  
**John W. Hickenlooper, GOVERNOR**

City of Trinidad  
Legal Name of Contracting Entity

BY: \_\_\_\_\_  
Executive Director or Designee  
Edward C. Nichols, President

History Colorado

\_\_\_\_\_  
\*Signature of Authorized Officer

Date: \_\_\_\_\_

Department of Higher Education

\_\_\_\_\_  
Date

STATE HISTORICAL FUND

\_\_\_\_\_  
Print Name of Authorized Officer

BY: \_\_\_\_\_  
Director or Designee  
Steve W. Turner, Vice President OAHP & SHF/Deputy SHPO

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Title of Authorized Officer

**WAIVER CONTRACT REVIEWER**

BY: \_\_\_\_\_  
Contracts Officer or Designee  
Susan Frawley, State Historical Fund

Date: \_\_\_\_\_

**ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER**

CRS 24-30-202 requires that the State Controller to approve all State Contracts. This Contract is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performances or for any goods and/or services provided hereunder.

**STATE CONTROLLER**  
**Robert Jaros, CPA, MBA, JD**

BY: \_\_\_\_\_  
Joseph Bell  
CHS, Vice President Finance, Facilities & Regional  
Museums

Date: \_\_\_\_\_

Revised, September 26, 2013  
\\chs-db\gifts\Document\09083756.doc  
Approval/Contract: Amendment/Scope of Work (and Time Extension)

## SCOPE OF WORK

- I. **Project Purpose:** The purpose of this project is to complete and present a National Register nomination and complete Construction Documents for the Fish Hatchery and Zoo at Monument Lake Park near Trinidad, Colorado.
- II. **The Scope of Work is as follows:**
- A. Prepare National Register Nomination
1. Start-up Tasks and Fieldwork
- a. Consult with National Register staff to discuss project purpose and Scope of Work. Discuss methodology, boundary, Rural Historic Landscape elements and water structure laws and documentation required
  - b. Conduct fieldwork to describe architectural features, apparent alterations, and materials of the buildings, including significant interior features. Additionally conduct fieldwork and describe any historical archaeology and archaeological features (e.g., bridges, water structures, foundations, rock walls, etc.).
  - c. Take color digital images of the buildings, features and elements, and save as TIFF files on a CD to submit with final submission.
  - d. Conduct additional historical research into the design, construction, use of the buildings and historical archaeology resources, archaeology, and biographical information on the owners.
  - e. Conduct research with the office of the State Engineer regarding water structures
  - f. Remove the following buildings, structures and sites from the nomination:
    - Water Treatment Plant (identified as building NC4 in the previous draft nomination)
    - East Spillway and Canal (identified as structure 1 in the previous draft nomination)
    - Central Water Supply Station and Pond (identified as structure 2 in the previous draft nomination)
    - Central Canal (identified as structure 4 in the previous draft nomination)
    - Zoo Pond (identified as structure 8 in the previous draft nomination)
    - Maxwell Irrigating Ditch No. 3 (identified as structure 6 in the previous draft nomination)
    - Dam and Lake Perimeter Road (identified as structure 13 in the previous draft nomination)
    - South Entrance Gate (identified as structure 14 in the previous draft nomination)
    - North Entrance Gate (identified as structure 15 in the previous draft nomination)
    - Monument Lake (man-made reservoir)
    - Site: Fish Cleaning Station Foundation ((identified as site NC1 in the previous draft nomination)

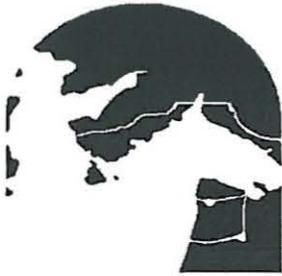
2. Prepare Nomination and Consult with OAHP/History Colorado National Register Staff
  - a. Complete forms, including architectural, historical archaeology, and archaeology descriptions, historical backgrounds, discussions of buildings' significance, bibliographies, sketches and USGS location maps
  - b. Consult with representative OAHP/History Colorado to discuss the buildings' significance and relevant NRHP criteria; schedule a potential site visit with National Register staff
  - c. Submit forms for review and comment from both OAHP/History Colorado National Register staff and City of Trinidad
  
3. Revise and Submit Final Nomination for State Review Board Meeting
  - a. Produce final nomination packets with nomination forms
  - b. Submit two sets of 4"x 6" black and white photographic prints printed on archival paper.
  - c. Submit an annotated USGS map.
  - d. Provide findings from research with the office of the State Engineer regarding water structures
  - e. Submit an archival CD-ROM with color TIFF image files
  - f. Submit CD-ROM with MS Word version of the nomination
  - g. Provide a copy of the proof of ownership from the assessor's office
  
4. Present and Submit Final Nomination
  - a. Attend State Review Board meeting and address any questions regarding the nomination
  - b. Complete any needed revisions to the nomination.
  - c. Provide final version of the nomination narrative to the History Colorado National Register staff professionals.
  
- B. Prepare Design Development Drawings
  1. Perform existing condition fieldwork, discovery, materials sampling, necessary consultations
  2. Complete discovery excavation
  3. Perform archaeological monitoring related to excavation
  4. Complete aquaculture consultation related to hatchery recommissioning
  
- C. Perform Materials Testing
  
- D. Prepare Construction Documents including plans, specifications, and engineering design for the following:
  1. Roof reconstruction for the IWL (Issac Walton League) stone building
    - a. Restore/replicate vigas
    - b. Restore/replicate sheathing
    - c. Install new roofing and related flashings and detailing
  2. Masonry restoration; window and door restoration, reconstruction, and rehabilitation; and rehabilitation of interior finishes for the IWL (Issac Walton League) stone building
    - a. Restore and reconstruct windows
    - b. Restore, reconstruct, and rehabilitate doors
    - c. Remove non-historic deteriorated interior finishes and rehabilitate the interior
  3. Restoration, reconstruction, and rehabilitation for the adobe fish hatchery building

Town of Winslow  
Exterior Restoration and Interior Rehabilitation  
Project #2012-03-000

Exhibit C

- a. Reconstruction of adobe that is missing or deteriorated beyond repair, including missing adobe of north elevation
  - b. Restoration of existing adobe and stucco finish
  - c. Rehabilitation of east large chimney and adjacent walls
4. Restoration of positive drainage away from buildings
  5. Restoration and preservation of all fish hatchery features, including raceways, runways, ponds, and spillways
  6. Remediation of damaging invasive vegetation

H:\Contracts\2013\13M2030 Exhibit A\_revised 6.9.14.docx



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

CITY COUNCIL MEETING: July 8, 2014

PREPARED BY: Les S. Downs

DEPT. HEAD SIGNATURE: *Les S. Downs*

# OF ATTACHMENTS: 0

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**SUBJECT:** Discussion of an Excise Tax on Retail Marijuana

**PRESENTERS:** Audra Garrett, City Clerk, Tara Marshall, Intern City Manager, Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Discuss, and provide guidance to staff, regarding whether Council wants an excise tax on cultivated retail marijuana and/or marijuana products grown or manufactured for exporting to other communities

**SUMMARY STATEMENT:** Council has already imposed a fee on the cultivation of retail marijuana for export. So Council needs to decide if an excise tax on cultivated marijuana for exporting is desirable. Also, the desirability of an excise tax on marijuana infused products made here and exported should be considered as well.

**EXPENDITURE REQUIRED:** No

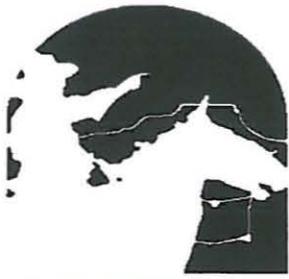
**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** Staff is---if City Council desires the imposition of an excise tax---to have this discussion as early as is practicable.

**ALTERNATIVE:** To not impose an excise tax on cultivated, retail marijuana for export, or on marijuana infused products made here for export.

**BACKGROUND INFORMATION:** TABOR considerations and deadlines for the upcoming November ballot, prior retail marijuana discussions and the newly adopted retail marijuana ordinance, Article 11, Chapter 14, TCO

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CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

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**CITY COUNCIL MEETING:** July 8, 2014  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** Discussion regarding Acting/Interim City Manager appointment

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Consider the temporary appointment of an Acting City Manager

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** None

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** The Home Rule Charter, Section 6.3, sets forth that in the event the position of City Manager becomes vacant, the City Council may appoint an acting City Manager for not more than 180 days.

**ALTERNATIVE:** Defer to former City Manager Acre's appointment on file with the City Clerk.

### BACKGROUND INFORMATION:

- Former City Manager Acre, with Council's consent and confirmation, designated Louis Fineberg and Audra Garrett as Acting City Manager in his absence.
- Formal announcement of the vacancy is not required by Charter (That is a requirement should the Mayor or a Council seat become vacant).

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## CHAPTER VI

### MANAGER

#### City Manager

- 6.1 **Appointment, Qualifications, Compensation, Service.** The Council shall appoint a City Manager, by a majority vote of the City Council and fix his/her compensation. The City Manager shall be chosen on the basis of his/her executive and administrative qualifications with special consideration given to experience and knowledge.
- 6.2 **Removal of the City Manager.** The City Manager shall be removable at the pleasure of the Council by a majority vote of the City Council. Before the Manager may be removed he/she shall, if he/she desires, be given a written statement of the reasons alleged for his/her removal and the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the question of his/her removal.
- 6.3 **Acting City Manager.** The City Manager shall designate, with consent and confirmation of Council, immediately upon his/her appointment a qualified administrative City employee to perform his/her duties during his/her temporary absence or disability. Such designation shall be made by letter and filed with the City Clerk. In case the City Manager fails to make such a designation, the City Council may, by resolution, appoint a qualified administrative City employee to perform the duties of City Manager during the absence of the City Manager. In the event  
→ the position of City Manager becomes vacant, the City

Council may appoint an acting City Manager for not more than one hundred and eighty (180) days.

- 6.4 **Annual Evaluation.** The City Council shall, annually, evaluate the professional performance of the City Manager. The procedure for such evaluation of the City Manager shall be at City Council's discretion, except that the Council shall give the public the opportunity to provide written comment. The written evaluation of the City Manager shall not be made public. The City Council shall advise the City Manager of the criteria being used for the evaluation.
- 6.5 **Powers and Duties of the City Manager.** The City Manager shall be the chief administrative officer of the City. He/she shall be responsible to the Council for all City affairs placed in his/her charge by this Charter, the City Council, or by law. He/she shall have the following powers and duties:
- (a) Be responsible for the enforcement of the laws and ordinances for the City;
  - (b) Hire, suspend, transfer and remove City employees for cause, except as otherwise provided in this Charter;
  - (c) Make appointments on the basis of executive and administrative ability, training and experience related to the work which they are to perform;
  - (d) Cause a proposed budget to be prepared annually and submit it to the Council and be responsible for the administration of the budget after