



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, August 19, 2014 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 August 5, 2014
- 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 to extend the one percent sales tax originally authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects
 - 1) Second reading of an ordinance to extend the one percent sales tax originally authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects
 - b) Public hearing for consideration of reading of an ordinance submitting to the voters of the City of Trinidad at the General Election to be held on Tuesday, November 4, 2014, a measure which would extend the one percent sales tax authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects
 - 1) Second reading of an ordinance submitting to the voters of the City of Trinidad at the General Election to be held on Tuesday, November 4, 2014, a measure which would extend the one percent sales tax authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects
 - c) Public hearing for consideration of an ordinance imposing a sales tax of five percent (5%), commencing January 1, 2015, in the City of Trinidad, Colorado, on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution
 - 1) Second reading of an ordinance imposing a sales tax of five percent (5%), commencing January 1, 2015, in the City of Trinidad, Colorado, on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution
 - d) Public hearing for consideration of an ordinance submitting to the registered electors of the City of Trinidad at the General Election to be held on November 4, 2014 the question of whether, commencing January 1, 2015, the City of Trinidad should impose a sales tax of five percent (5%) on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution
 - 1) Second reading of an ordinance submitting to the registered electors of the City of Trinidad at the General Election to be held on November 4, 2014 the question of whether, commencing January 1, 2015, the City of Trinidad should impose a sales tax of five percent (5%) on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution

7) **MISCELLANEOUS BUSINESS**

- a) Ratification of the Mayor's execution of the Amended Contract for the Construction Documents of Hughes Lumber Company with History Colorado
- b) Resolution updating the City of Trinidad Three-Mile Area Plan
- c) Addendum No. 2 to Black & Veatch Contract for the Engineering Design of the Water Treatment Plant Improvements

8) **BILLS**

9) **PAYROLL**, August 2, 2014 through August 15, 2014

10) **ADJOURNMENT**

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, August 5, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor Pro-Tem	Bolton, presiding (Mayor Reorda entered at 7:08 p.m.)
	Councilmembers	Bonato, Mattie, Miles, Torres
Also present:	Acting City Manager	Garrett
	City Attorney	Downs
	Asst. City Clerk	Valenchich
Absent:	Councilmember	Fletcher
	Mayor	Reorda (entered at 7:08 p.m.)

Mayor Pro-Tem Bolton called the meeting to order at 7:05 p.m.

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of July 15, 2014 and Special Meetings of July 22 and 29, 2014. A motion to approve the minutes as presented was made by Councilmember Bonato and seconded by Councilmember Torres. The motion carried unanimously.

PUBLIC HEARING. Appeal of a decision of the Planning, Zoning and Variance Commission filed by Forever Green, LLC, Application #2014-MMC-16 and 2014-OPCO-16, Request for Conditional Use Permit to establish a Medical Marijuana Center and a Medical Marijuana Optional Premise Cultivation Operation at 3019 Toupal Drive. City Attorney Downs addressed Council. He advised that before them for consideration was the appeal of the July 8th Planning, Zoning and Variance Commission meeting. He pointed to documents at Council's seating places contained in a file folder. Mayor Reorda entered the meeting at 7:08 p.m. City Attorney Downs continued. He pointed to copies of two ordinances in the file, Section 14-139, Appeals from Planning, Zoning and Variance Commission; and 14-141, Conduct of Hearing. He also pointed to a hearing outline which discusses preliminary matters. Also contained in the file he noted was a list of Conditional Use Permit applications, all of which had been granted by the Planning, Zoning and Variance Commission, excepting one that was withdrawn and one that was tabled and acted on at a later date and eventually approved. All had been approved except the application for Forever Green, LLC. In review of the ordinances and relative law he explained that there are only two parties involved in this proceeding. The first party is the aggrieved party by a decision of the Planning, Zoning and Variance Commission, Terrance Sanchez, and Howard and Nancy Lackey, represented by Steven McConnell, who has brought this appeal before Council. The other party is the City of Trinidad. In that capacity, City Attorney Downs told Council that he was before them to represent the City in this proceeding. He added that this is not a hearing for Council to receive public comment from concerned citizens, neighboring property owners, etc., Concerned citizens and interested parties are able to speak at the Planning Commission meeting concerning the conditional use permit process and before City Council at the public hearing when the applicant is trying to obtain a license. This is an evidentiary hearing. He referred to Section 14-141 of the code of ordinances and told Council that the appropriate thing to do is have Mr. McConnell, as their attorney, call witnesses and let him outline his case and how his clients were the recipients of this decision. City Attorney Downs recognized that there has been a tremendous amount of speculation, talk, and conjecture about possible meetings, third-party involvement, etc. He told Council he was going to ask each of them by name for liability purposes to insure they have been able to keep themselves free from lobbying and external influences and are able to make a decision on this matter based on the hearing this evening. He asked Councilmembers Mattie, Bolton, Miles, Torres, Bonato and Mayor Reorda if each of them was able to base their decision this evening entirely on the evidence, to which each responded affirmatively. He suggested that Mr. McConnell be allowed to address Council and said that he and Mr. McConnell have agreed to waive opening statements but that there would be closing remarks. Steve McConnell addressed Council and identified himself for the record by name and said he is a lawyer with the law firm of Camm & McConnell in Raton, New Mexico, licensed by the Colorado Bar for the past 22 years to practice law in Colorado, license #21963. Mr. McConnell called Louis Fineberg to provide testimony and he was sworn in. He identified himself as Louis Michael Fineberg, Planning Director for the City of Trinidad. Upon questioning, Mr. Fineberg testified that his duties as Planning Director generally deal with most land use issues, processing of land use applications, he's involved with infrastructure development, obtaining grants, and things of that nature. In performing his duties he said he has become familiar with the planning and zoning regulations under the municipal code. He participated in the application for conditional use permit applications made by Forever Green, LLC by review of their application, preparing the staff memo and overseeing the Planning, Zoning and Variance Commission meeting. He was present at the meeting on July 8, 2014. He identified the staff report he prepared for this application. Mr. McConnell offered the staff report into the record. Planning Director Fineberg testified upon Mr. McConnell's questioning that he is aware that marijuana is legal in the state of Colorado, having been made legal by an amendment to the Colorado Constitution, Constitution Article 18, Section 16, and thereafter legalized in Colorado by the adoption of two acts by the Colorado Legislature, the Colorado Medical Marijuana Code and the Colorado Retail Marijuana Code. He testified that he is more or less familiar with the regulatory schemes contained in those two acts, but not an expert. The reason he is familiar with those acts is because his job is to review conditional use permits for medical and retail marijuana establishments, and so he needs to be familiar with those things. Those acts and the Constitutional Amendment outline the state of Colorado licensing procedure for medical marijuana facilities. The acts and regulations promulgated in Denver set forth regulations for the regulation of the sale and cultivation of marijuana. They include restrictions and conditions imposed to achieve safety in that industry. Planning Director Fineberg further testified that Section 14, Article 12 of the Trinidad Municipal Code legalizes marijuana in the City of Trinidad and allows marijuana establishments to be established. He testified that it contains conditions for the safe operation of those establishments. Some of the conditions are that they must be in non-residential zones and not within 1,000 feet of a school. Those are the requirements of the ordinance adopted by the City. It requires the licensee to abide by all Colorado laws regarding the

facilities. Section 14-102 which he cited in his staff report states conditional use permits are allowed in various zones and districts but are subject to basic considerations and other considerations as may be deemed necessary by the Commission to protect the general health, safety, welfare and morals of the area in which the conditional use may be located. The ordinance speaks to general health and general safety. Mr. McConnell asked if it was his view that the planning and zoning policy of the City of Trinidad should balance or weigh if the marijuana industry is a safety risk. Planning Director Fineberg answered not in and of itself, no. It should be treated like any other use requiring a conditional use permit, because of its legalization. Any danger that the law should seek to protect the public from concerning the sale and use of marijuana is addressed elsewhere in the law such as the medical marijuana code rather than the zoning ordinances. The staff report states that Section 14-63 of the municipal code requires a site plan and the applicant did submit that plan. The plan is contained in the packet provided to City Council. Mr. McConnell moved the introduction of the site plan. Planning Director Fineberg testified that he remembered his review of the site plan and that it was adequate and adequate with the regard to the recommendations made on the staff report. He testified that he is familiar with Section 14-27 of the municipal code which defines what a conditional use is. It states conditional uses are uses specifically allowed within a zone district provided certain conditions are met as set forth in writing by the Planning, Zoning and Variance Commission. The staff report set out conditions to be met by this applicant as a part of his recommendation. The applicant did not disagree or refuse to meet those conditions. The Planning, Zoning and Variance Commission did not set additional conditions other than those in the staff report. He opined that he felt the public welfare and safety will be met by the conditions he imposed on this applicant. Other applicants have been granted conditional use permits under the City zoning ordinances for medical marijuana establishments and optional cultivation operations. He counted from the list that 13 applicants have been approved, each having multiple applications. He estimated the number to be closer to 26 or 27. All were approved by the Planning Commission without appeal to the City Council. The only applicant denied a conditional use permit was Forever Green, LLC. Mr. McConnell asked if there was anything factually different about this application that would warrant its denial. Planning Director Fineberg said every application is always unique and thought that it is the Planning Commission's job to evaluate the circumstances on a case by case basis. He opined that he didn't feel the denial was warranted. When asked if the traffic volume was different, Planning Director Fineberg stated that he didn't have enough information to make that point. He stated he felt there to be sufficient parking and lighting and that ventilation would be addressed with the building permit. A filtration system is recommended to minimize odors associated with the sale and cultivation of marijuana. Upon further questioning, Planning Director Fineberg testified that at the July 8, 2014, Planning, Zoning and Variance Commission meeting, after the Forever Green, LLC conditional use permits were denied the Planning Commission granted a retail marijuana application for a location on Commercial Street. The Toupal Drive location has at least as good of parking and access by public roads as the Commercial Street location. The location at 3019 Toupal Drive is zoned Community Commercial and a marijuana facility is an allowable use. Mr. McConnell asked if he would be overstating if he said Community Commercial zoning is the most liberal zoning so far as commercial uses are concerned. Planning Director Fineberg agreed and added that Industrial zoning is also as liberal as it allows for everything except residential use. Mr. McConnell read Section 14-62 of the Trinidad Municipal Code which defines permitted uses by right within the Community Commercial district, all businesses of a retail or service nature, wholesaling of products, fabrication or assembling incidental to retail sales, mortuary or embalming establishment or school, accessory building or use (not involving open storage), when located at the same lot, all permitted uses in the High Density Residential District, Neighborhood Service District, and churches and schools or other semi-public uses. He also read Section 14-63 of the code which defines conditional uses in the Community Commercial district, enterprises or businesses of the same nature, electric substations and gas regulator stations, fire stations, police stations and telephone exchanges, and water reservoirs, water storage tanks, water pumping stations and sewer lift stations. Planning Director Fineberg agreed with his reading of the definitions. He testified that medical marijuana establishments, selling and cultivating, would be permitted as conditional uses in this zoning district as established by the ordinance adopting marijuana regulations passed by the City. Mr. McConnell offered the Planning, Zoning and Variance Commission minutes of July 8, 2014 into the record. Planning Director Fineberg testified that he attended that meeting. He said he recommended in his staff report and before the Planning, Zoning and Variance Commission that the conditional use permits be granted. He testified that it is no different now that the matter is on appeal. He recommended to City Council that the conditional use permit applications be approved. City Attorney Downs cross-examined Planning Director Fineberg. Planning Director Fineberg testified that he was seated as a member of staff at the Planning Commission meeting on July 8, 2014. He and City Attorney Downs advised the Planning, Zoning and Variance Commission about the proceedings and legal standards with respect to what they were to do as they have done throughout the course of implementation of marijuana throughout the City. City Attorney Downs asked if he would agree that there were a number of extraneous considerations made by the Commission that didn't seem germane for conditional use permit granting or denial. Planning Director Fineberg said he didn't think they were extraneous, per se. The conversation was about things that the Commission shouldn't be discussing. There was more discussion with respect to that application than others. City Attorney Downs asked if there were unusual concerns for that location. Planning Director Fineberg answered that there was an over emphasis on some concerns. There was a very strong concern with respect to traffic volume on for that location on Toupal Drive. Traffic hadn't been a very large concern with other applications. It had been discussed on several applications but not at this length. When asked what some things are that a location would be eliminated from consideration for, Planning Director Fineberg stated that it was decided by City Council by ordinance, being within 1,000 feet from a school and they are not allowed in a residential district. There are other parts of the ordinance that deal with safety and it is a concern in any location. All considerations made by the Planning Department were recommended to the Planning, Zoning and Variance Commission. City Attorney Downs asked if it is his consideration to City Council to reverse the denial of the Planning, Zoning and Variance Commission. Planning Director Fineberg stated that he believes the proposed use to be an appropriate use at this location. Attorney Steve McConnell asked Planning Director Fineberg if it is correct that it isn't the province of the Planning, Zoning and Variance Commission to make a choice between businesses, picking one over another based on which is subjectively a better business. Planning Director Fineberg agreed and added that it is the business of the property owner. He agreed that it is not a function of Planning and Zoning or zoning ordinances to make a determination of what is a better business, a medical marijuana outfit or a car dealing outfit. Mr. McConnell pointed to the Planning Commission minutes whereby one Planning Commissioner stated that he voted this way because of this type of business and the other businesses that would be affected in the immediate area. He asked if that is a proper Planning and Zoning consideration. Planning Director Fineberg responded that he believed it to be outside of the purview of the Planning Commission. Planning Director Fineberg was dismissed. Terrance Xavier Sanchez was called upon to testify and was sworn in. He testified to Mr. McConnell's questioning that Forever Green, LLC, is a limited liability company in the State of Colorado, of which he is the sole manager/member. Regarding the land on Toupal Drive, John H. and Marsha M. Lackey

Trust is the owner, and Howard Lackey is the Trustee. They are aware of the application he has made. The land owner has agreed to allow him to use that land as proposed if the application is granted. The agreement is in writing and filed with the City. A site plan has been provided in support of the application. He testified that he was not told by the Planning Commission or any City official that the site plan was inadequate. In fact he was told by former Asst. Planner (Karen) Wolf that the site plan looked good and he would be notified if there was an issue otherwise. He was not notified. He said he was made aware of the conditions on the use of this property. The conditions were listed on the conditional use permit application. Mr. Sanchez was handed a document to identify. He identified it as a document from the Planning Department concerning the conditional use permit on Toupal Drive containing background information and conditions that must be met. It was the report from Planning Director Louis Fineberg. Mr. McConnell asked Mr. Sanchez if the City imposed other conditions, to which Mr. Sanchez advised that they did not. He testified that he is willing to meet the conditions he has been made aware of. Mr. McConnell advised that he had a video recording of the July 8, 2014, Planning, Zoning and Variance Commission meeting to provide Council with a true and accurate representation of those proceedings. City Attorney Downs said he had no objection to its admission, however advised that he provided Council with a copy of it already. He clarified that he was not asking that it be played now. Mr. McConnell asked Mr. Sanchez why he appealed the Planning, Zoning and Variance Commission's decision. Mr. Sanchez answered that he appealed the decision to deny his conditional use permit application because he felt he was treated with personal bias, extreme prejudice against this location and that the location was discriminated against by the Commission as compared to every other application for the same use. He further testified that he had applied for a conditional use permit at a different location previously on Cedar Street and it was approved rather quickly. He was asked if there's a difference between Cedar Street and the Toupal Drive location in his view. Mr. Sanchez answered not at all. City Attorney Downs cross-examined Mr. Sanchez. He asked Mr. Sanchez if he thinks a medical marijuana facility could be safely operated at the Toupal Drive location. Mr. Sanchez responded affirmatively. He opined that it provides greater safety, buffering, parking, and ease of access from security standpoint. From a security standpoint he said he'd be better able to manage the property compared to other application locations. He concluded that he thinks this is a great location, in his opinion the best in Trinidad. When compared to other applicants those were approved and granted conditional use permits. He said he wasn't aware of any that had been denied. City Attorney Downs had not questions. Howard Matt Lackey was called upon to testify and was sworn in. He testified that the subject land is owned by John H. and Marsha M. Lackey Trust and that he is the manager of the Trust and properties. He has power of attorney and is the Trustee. There is no one else to speak for the land owner trust. To questioning, Mr. Lackey testified that his family had car dealerships in Trinidad and Raton for quite some time. The one on Toupal Drive he recalled to have been built in 1986 and opened April 1, 1986. He and his father were partners in the business. Circle (Chevrolet) stopped operating in 2008, he believed. General Motors went belly up and there was general malaise within the economy and in Trinidad. At that time they entered into an agreement with Phil Long to move the Toyota franchise from Raton, New Mexico, to Toupal Drive in Trinidad. The Trust leased the property to Phil Long. A lease was set up for two-year intervals while they were working with Toyota on obtaining the franchise granted permanently. They are not currently under a two-year lease. Phil Long let the lease lapse at the end of December, 2013. They have continued at the Toupal Drive location on a month-to-month basis. He continued in response to questioning that he is willing to lease the property to Forever Green, LLC. It is his business decision and the Lackey's Trust business decision to not have the car dealership on this premise at this time. The financial consideration for the new business is more substantial than what is presently available. Phil Long was given an opportunity to continue at the Toupal Drive location at the new rates. They could enter either continue the lease or they could purchase the property. Mr. McConnell asked Mr. Lackey who in his view should decide what legal business he chooses to operate at that location. Mr. Lackey answered that it is a private property owner right so the Trust should make that decision. City Attorney Downs asked Mr. Lackey if he is the only decision maker for the Trust. Mr. Lackey explained that his mother is still alive so he consults with her. She helps with the decision making process for the Lackey Trust to a certain extent. He said it is her desire to go forward with this business plan as well. He further testified that it was not his intent at the end of 2013/beginning of 2014 to conclude the business relationship with Phil Long Toyota. After the expiration of the lease he said he had no contact from Phil Long organization. This opportunity came forward with much better financial opportunity for use of the property. He said it is the highest and best use of the property. The non-renewal by Phil Long and this business opportunity, was what caused him to move forward with the course of action he is pursuing. Mr. McConnell provided closing remarks. He said this is a hearing on conditional use permits. When considering an appeal for conditional use permits he urged that it needs to be taken up under the direction of the City of Trinidad municipal code. He said he is asking simply for the fair application of the zoning ordinances and that they be considered consistently across the board with regard to all applicants. He reminded Council that they heard Planning Director Louis Fineberg testify that 13 were granted and this one was singled out and denied. He said they are asking for equal consideration with all of the other applicants. This is a zoning matter not a policy matter where the Commission should take up the public policy concerns of what is best or better or right or wrong. Marijuana is legal as Planning Director Fineberg testified from the Colorado Constitution to the Municipal ordinances. They are not here in a zoning matter to weigh the evils or benefits of marijuana. This is a zoning where the use is permitted. He reminded that they were given the ordinances on conditional uses. If the use is permitted and conditions are properly imposed the ordinance directs that the conditional use permit should be granted. There is no evidence that the conditional use permit application should not be granted. Planning Director Fineberg made that recommendation. It is in the record on the staff report and they have heard his testimony. He did consider the safety issues. The safety issues can be met by the reasonable conditions recommended to be imposed. The reasons some of the Planning Commission members gave for denying the application was safety or a balance between this and another business. Those are pre-textual. They are made up. They are non-issues under the zoning code. He continued that what was made of that last hearing were extraneous matters. They were extraneous matters in his view because of the perception of those Commissioners and of the public that this was somehow an eviction of the Phil Long dealership. The thought process that can be seen in the minutes and the video was that it was a balance, what is better on I-25 - car dealership or medical marijuana dispensary. It is a nice philosophic quandary but not zoning ordinance or zoning law. Mr. McConnell told Council that if the actions of any City body, the Planning Commission or this body, are not based in law, the law holds them to be arbitrary and capricious. If the action of a decision maker is arbitrary and capricious, it is reversed on appeal, either here or at District Court later. Mr. McConnell brought with him one case opinion of the Colorado Supreme Court, *Western Paving v. Board of County Commissioners, Boulder County*. All Justices sat in listening to the argument and rendering the opinion. It was a case where application was made for a conditional use permit to have a sand and gravel quarry. It was in a permitted zoning district. The reason Boulder required a conditional use permit was because it was in more of the flood plain. When the City Commission denied the permit they took the appeal to the Colorado Supreme Court who reversed the denial saying the conditional use permit must under the law be granted because of the words and application of the zoning

ordinances. The court explains: "We do not interpret the zoning resolution permitting the Commission to impose conditions and safeguards as intending to serve as a grounds for the denial of lawful use. We consider the denial of a special use permit on that basis, that the use would not be consistent or in harmony with the character of the surrounding neighborhood, to be inherently arbitrary and capricious. It is apparent from the record that the board abandoned the proper issues and struck the application on considerations totally outside the scope of proper inquiry." He continued that the ordinances were shown to Council, and this is a proper use of the property with proper conditions on uses. The Planning, Zoning and Variance Commission considered a balance between which business is subjectively better and that is not the legal standard and doesn't protect the rights of applicant or the property owners. He asked that the conditional use permits be granted. City Attorney Downs provided closing remarks. He told Council that from the moment the decision came down on July 8, 2014, he had an overriding feeling and notion that a legal liability had been created for the City that did not exist previously. He said he is sworn to avoid and prevent that legal liability and minimize it. This legal liability did not need to be created. If there was something for him to fight, he said he would fight it. If there were some kind of reason for which the Planning, Zoning and Variance Commission was able to say this is not a permissible location or in compliance with the zoning code, he said he would fight that battle. He told Council that he has spent time telling the Commission along with the Planning Director what is a valid consideration and what is not. He said he sat there that night and this didn't need to occur. He continued that at the conclusion of that meeting Planning Director Fineberg leaned over to him and said "don't you think we need reasons why they said no?" So, he said he asked them for their reasons. Two of those voting no opted not to say; Commissioner Frank Leone cited a safety issue and Commissioner Bill Winter cited the type of business and other businesses that would be affected in the immediate area. Those were invalid considerations and criteria. Because we are in the marijuana game and it is a permissible use, he said he is in agreement with Mr. McConnell. It is a permissible use. He concluded that for him to say otherwise would be disingenuous and would perpetuate and prolong a legal liability that arose for the City on July 8, 2014. Councilmember Miles moved to override the decision / reverse the denial of the Planning, Zoning and Variance Commission for the application filed by Forever Green, LLC, Application #2014-MMC-16 and 2014-OPCO-16, Request for Conditional Use Permit to establish a Medical Marijuana Center and a Medical Marijuana Optional Premise Cultivation Operation at 3019 Toupal Drive. Councilmember Bolton seconded the motion. Councilmember Miles said she watched the video and listened to the public testimony and made notes while watching the DVD of the proceedings. She said she agreed with City Attorney Downs. Safety, traffic and type of business and its affect on others were the reasons cited and two Commission members didn't provide reasons. We are talking about a possible infringement on property rights. It is not in the purview of the Planning and Zoning Commission to decide what Mr. Lackey decides is the highest and best use of his property. She provided an analogy exemplifying a liquor store business and also a gun store. She said regarding the issue on traffic she listened closely to and there was no evidence that it would be a problem. There was only loose conjecture that it might be. The loose conjecture was based upon a retail use. We are considering medical use where concerns about interstate traffic are much lower than they are for retail. There may be a traffic concern but one can't vote no based on scant evidence. She said her reasons for overturning the decision is because there was not enough evidence on the traffic issue and she didn't think a decision can be based upon reasons that are not in the purview and potentially violate property rights. Also, two members didn't express a reason at all. She said she is concerned about liability for the City and that the decision was arbitrary and capricious. A member of the audience attempted to address Council. When she was denied the opportunity to comment she told Council they were violating their public hearing notice by not allowing public comment. City Attorney Downs advised that the posting stated interested persons would be able to address Council and speak. He said that language was included incorrectly and that he asked Mr. McConnell if he would like to have it reposted and the hearing continued. Mr. McConnell said he did not. City Attorney Downs said his legal opinion is that the ordinance is clear. In this kind of hearing it is not appropriate to have public comment. He reiterated that it was posted incorrectly, however the appellant waived the requirement of reposting. Mayor Reorda commented that it is difficult for some people to understand that this is a state law that was supported by 54% of the voters. Roll call was taken on the motion to reverse the denial and carried by majority with all Council members present voting aye, excepting Councilmember Bonato who cast a dissenting vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Thomas Murphy addressed Council. He said he was going to borrow the title "I Have A Dream" from Martin Luther King. He said his dream is that someday soon we'll have a City government that is transparent and with honest enough people. Right now we have none of that. Trinidad briefly had a glimpse of that type of government when Ed Gil de Rubio was here. The town rallied for him and so did most of the City staff. So what did the City Council do? They hired Tom Acre, much to the counter advice that they had given some of the Council members that he wasn't going to work out, and here we are three years later with nothing having been done. He said there are three problems he was going to address. First he named ARPA. Mr. Murphy stated the City didn't do anything and he didn't understand why Council is patting themselves on the back when all they did was get \$600,000 out of over \$700,000 that was spent in legal fees. They also reaffirmed a \$175 million over 30 years and they are happy about that. Solution? He suggested all of the pot money we make should go to the ARPA debt. He said he wanted on his utility bill from now on a part of the bill that explains what is being paid towards the ARPA's debt and what he is paying for electricity. He named Mr. Reorda as the second problem. Mr. Murphy explained that on the night that Ed Gil de Rubio was fired, Mr. Reorda admitted that he conspired with Jarod Beaty to deceive the citizens of this community and fellow Council members to lie about Jarod's qualifications. He said he has it on tape. Mr. Murphy stated that Mr. Reorda said the Constitution gave him that power. He said he would stay here afterwards and gladly film him as he gives that lecture where he claims he is a Constitutional expert that taught for over 30 years. He said he'd like to hear that lecture "I was Mayor of Trinidad in a time of crisis - you have that power." He continued that he oversaw the overcharging of utility customers for many years and ARPA's rise from \$40 million to \$175 million. The Mayor told him at one time that he wanted to fire Tom Acre, get appointed the City Manager at half the salary and now he's moved into the City Manager's office. The mayor does not have day to day obligations at the City. Mr. Murphy continued. He said problem number three is the City Clerk. In the fall of 2012, he and his wife Paula paid \$907.25 for a Freedom of Information request. He said he found out this last week after speaking to Louis Fineberg that request was not fulfilled. He said he was not going to make any accusations at this time, but told Council they know as most of the community does that there was a question of whether or not five-year contracts were given out. He said he finds out now that there is. Mayor Reorda interjected that they can't discuss this because it is regarding personnel. Mr. Murphy told Council that if they hire Audra Garrett tonight he would call the Attorney General and Secretary of State if they don't begin their own internal investigation then he would do like he did with the cemetery and will use whatever legal avenues he needs to pursue the truth. He told them to make a choice tonight, specifically naming Mr. Reorda. He told Mayor Reorda that he's already lied before and it's on tape. He said let's have a

little confidence in the City administration and City Council. He concluded that Louis Fineberg went on record admitting he has a contract and it was not revealed in the Freedom of Information request. Mr. Murphy said he was telling Council about it.

Stephen Hamer addressed Council regarding the ADA requirements. He said the City appointed Chris Kelley, the building inspector, as the ADA Coordinator. He encouraged Council to take a break and walk over to the annex building. He said it is not ADA accessible to wheelchairs, walkers and mobility scooters because the threshold is too high. He said he has already asked for concrete to be poured to make it accessible. This is a slap in the face to the disabled community to have an ADA Coordinator who is not accessible, and it is fitting with the type of discrimination they have to endure in this City. He asked Council to look at it. Stephen's List will donate the expenses associated with ramping that door. It is required under the ADA, and under Section 504 of the Rehabilitation Act. If the City can't come up with the \$50 for concrete, Stephen's List pay for the concrete to ramp that door. He said he doesn't understand why there is so much foot-dragging, reminding that he brought this issue up in April and again thereafter, this being the third time. The annex has a police substation. He can't even get into his local police department because he can't get through the front door. Also he said he can't benefit from other services, programs and activities because he can't get in the building. He asked Council to please tour that building and they'll see the lip. Having measured it he said the ramp would have to extend out no less than 24 inches by 36 inches wide. The City can't have an ADA Coordinator who can't be accessed. The City will argue that a person can get with him by appointment. He suggested people without disabilities can meet with him without an appointment. The City can't keep foot-dragging. A number has been assigned to his complaint with the U. S. Department of Justice against the City. He reiterated that he wants a ramp to get into the building. He called on the City Council to please ensure it gets done and if the City doesn't have the money Stephen's List will put the ramp in. Mayor Reorda commented that the City is trying to catch up with items that were on the back burner. He also pointed out that the building is about 100 years old and the City has to be very careful because it is an historic building. Councilmember Bonato asked Acting City Manager Garrett to please have Chris Kelley look at it again.

Daryl Shoupe addressed Council. He told Council he has four things he'd like to discuss. He reminded Council that he is from northern Michigan, new to the community and is keeping his eye on the ball. First there are a lot of senior citizens and he'd like to donate his time to 'meals on wheels' and the like. He met with Laura Valdez from Pueblo with the SRDA, Seniors Resource Development Agency. They do really cool stuff but don't have any resources down here, so it is on his hit list. Mr. Shoupe said his mom is pushing 70 and is thinking about moving here. She will visit Trinidad in a couple of weeks. He also told Council there is a public safety issue with trees in the power lines and bears. It would be good to have public notices regarding seasonal issues. He recalled that Councilmember Miles brought up the topic of geothermal resources and she commented that it is long-term, 20 or 30 years. He said he thinks outside of the box and has actually looked at some commercial properties to buy. Mr. Shoupe said he's interested in the community. A really brilliant idea, Councilmember Miles having mentioned a professor who is involved, to help bring the City around, there is a building at Animas and Main Street that is residential. Hearsay is there are some issues with it; someone started building apartments and stopped for whatever reason. He suggested the City could buy that building, take every one of the apartments and give each one for academic use to a university around the country and then every five years change it, it would bring academic excellence, professors, etc. He revisited the senior citizens topic and said there's a lot of federal money involved with that. Mayor Reorda encouraged Mr. Shoupe to visit the senior center and said tree limbs in the power lines are put on a list and asked that he provide addresses.

COUNCIL REPORTS. Councilmembers Mattie, Bonato and Torres had nothing to report.

Councilmember Bolton reported that most City Council members visited City departments and with the employees on Monday. She thanked the City employees for spending time with them.

Councilmember Miles stated that she spent the better part of the last two weeks bringing home the ARPA settlement. She responded to Mr. Murphy's comments. This case has been going on for the past 3 ½ years. During the original mediation she wasn't even on Council. It was when Ed Gil de Rubio was the City Manager. At that time an offer was made to dismiss the lawsuit in return for the closing of the Lamar Power Plant. The City got stiff-armed. At the next mediation it was reiterated but the City wanted some transaction expenses back. We got that because of the work that was done to bring a 10-2 vote away from Trinidad to a 10-2 vote in favor of Trinidad's position. A lot of work went into that. We got some transaction expenses back. We were not in it to make money for the City. We were in it for the long-term viability and rate stabilization at ARPA. We came to a mediated settlement that got us not only the closing of the plant or otherwise prompt disposal of it, because it may be better to sell it rather than yank the iron out of the ground, we got Syncora to the table. Syncora is the bond insurer. To ice the deal they got Syncora to put up \$2.035 million which will go into a rate stabilization fund at ARPA. No one objected to any of those mediations. There had been public information distributed, articles in the paper, public statements made at this Council, and presentations by ARPA which nobody came to. As the settlement was falling apart because of various delays and various issues raised by the myriad of parties involved in this transaction, she said she likened it to a game of four-dimensional whack amole, she said she went into salvage mode on this negotiation. In the end she got the City got a better deal than the settlement offered in January. She got the money to come directly to the member municipalities, the \$2.035 million. Councilmember Miles said regarding Mr. Murphy making an issue about affirmation, all the City is saying is that they signed these contracts in 1983. We haven't waived any rights going forward – not a single one. Councilmember Torres commended Councilmember Miles on the numerous hours she put in just in the past two weeks on this issue. Mayor Reorda noted that she dedicated 14 hours straight on the phone with lawyers and both sides. He added that he really thinks an ex-newspaper man would get the facts before he comes in and screams. Mr. Murphy offered to make further comment. Councilmember Miles said that he is free to call her any time he'd like. She said she'd entertain a debate with him on this topic at any time of his choosing.

Mayor Reorda reminded Council that tomorrow the Army is coming down to Pinon Canyon Maneuver Site to discuss whatever they do on a monthly basis, such as the ecology, repairs they've made, etc. It will start between 9:30 a.m. and 10:00 a.m. and then they will have lunch at the country club.

REPORTS BY CITY ATTORNEY. City Attorney Downs added to Councilmember Miles' account of the ARPA

litigation. He said the City was judicially ordered some time ago to elect our remedies. Rescission was no longer an option. The only thing the City could do was pursue money damages. Thanks to Councilmember Miles, that is what the City got. That was the only thing we could obtain. If the City had elected rescission, it would have been an all or nothing kind of battle. Councilmember Miles added that the City was specifically advised unanimously by the City Attorney and outside counsel, Stelzner & Warburton, and local counsel, Dixie Newnam, that the City should elect money damages. It was unequivocal advice. City Attorney Downs reiterated that the City was required to have an election of remedies by the presiding judge. Mayor Reorda commented that the City couldn't have gotten it done without Councilmember Miles' knowledge. He said she is an asset to this Council.

REPORTS BY CITY MANAGER. (Heard prior to the City Attorney report.) Updates and information. Acting City Manager Garrett pointed to the report from the City's Chief Building Official in their information items identifying properties he has issued Notice and Orders on. She also pointed out that the audit for fiscal year ending December 31, 2013 had been provided to Council in their packets and a memo regarding the North Lake Dam project is at their seating places.

Positions. Acting City Manager Garrett advised Council that three City positions have been posted – Assistant Power & Light Line Crew Supervisor, Wastewater Treatment Plant Foreman/Chief Operator (due to the impending retirement of Dan Shea mid-August), and Power Plant Operator due to another upcoming retirement.

UNFINISHED BUSINESS. Modification of premises request by Image Hospitality, LLC d/b/a Quality Inn at 3125 Toupal Drive. Harry Patel was present on behalf of the request. A motion to approve the modification of premises was made by Councilmember Bolton and seconded by Councilmember Mattie. The motion carried unanimously upon roll call vote.

MISCELLANEOUS BUSINESS. Beer and Wine liquor license renewal request by Mattorano Enterprise, Inc. d/b/a Lee's Bar B-Q at 825 San Pedro Avenue. Frank Mattorano was present on behalf of Mattorano Enterprise, Inc. Councilmember Bonato moved to approve the license renewal and Councilmember Bolton seconded the motion. Upon roll call, the motion carried unanimously.

Hotel and restaurant liquor license renewal request by David J. Liu d/b/a Chef Liu's Chinese Restaurant at 1423 Santa Fe Trail. David Liu was present. A motion to approve the license renewal was made by Councilmember Bolton. Councilmember Torres seconded the motion. Upon roll call, the motion carried unanimously.

Resolution supporting an increase in the member contribution rate for City participants in the Fire and Police Pension Association Statewide Defined Benefit Plan. A motion to adopt the resolution was made by Councilmember Mattie. Councilmember Bolton seconded the motion. Upon roll call vote the motion carried unanimously.

RESOLUTION NO. 1433

RESOLUTION SUPPORTING AN INCREASE IN THE MEMBER CONTRIBUTION RATE FOR CITY PARTICIPANTS IN THE FIRE AND POLICE PENSION ASSOCIATION STATEWIDE DEFINED BENEFIT PLAN

Consent and confirmation of Council of Acting City Manager designation pursuant to Section 6.3 of the Home Rule Charter for the City of Trinidad. Councilmember Bolton moved to consent and confirm the designation of Mike Valentine as Acting City Manager pursuant to Section 6.3 of the Home Rule Charter for the City of Trinidad. Councilmember Mattie seconded the motion. Roll call was taken and the motion carried by a unanimous vote.

Ratify amended letter of support for CNG fueling project. Mayor Reorda asked what the amendment was. Councilmember Mattie answered that the location changed. A motion to ratify the letter was made by Councilmember Mattie and Councilmember Bolton seconded the motion. Upon roll call vote the motion carried unanimously.

Consideration of Planning, Zoning and Variance Commission's recommendation regarding the request to name the North Lake Dam in honor of James A. Fernandez. Acting City Manager Garrett reminded Council that the Planning Commission recommended denial of the request because it did not meet the specific criteria in the policy. She reminded that their discussion at the July 22nd work session included accepting the Planning Commission's recommendation and referring the policy back to the Planning Commission to amend Section 4-4(1) as recommended by Councilmember Miles to stipulate considerations to be considered to include: a) that a person was a life-long City or County resident in good standing/with good moral character; and b) that the person faces a condition of eminently declining health. Councilmember Mattie moved to accept the Planning Commission's recommendation to deny the request and refer the policy back to the Commission with the suggestions made by Councilmember Miles. The motion was seconded by Councilmember Bolton and carried unanimously upon roll call vote.

Approval of temporary contract with Audra Garrett to serve as the Acting City Manager. A motion to approve the temporary contract was made by Councilmember Mattie and seconded by Councilmember Bonato. Councilmember Miles noted that the approval should be with the amendment at their seating places. Roll call was taken and the motion carried unanimously excepting Councilmember Bolton who cast a dissenting vote citing that she felt the salary to be excessive.

Approval of grant application for Commercial Street Phase III. A motion to approve the Commercial Street Phase III grant application was made by Councilmember Bolton. Councilmember Torres seconded the motion which carried unanimously upon roll call vote.

Letter of commitment in support of a grant application to be submitted to the Colorado Division of Homeland Security and Emergency Management for generators for the Trinidad Fire Department and committing the 12.5% local grant match; and adopting the resolution designating Fire Chief Tim Howard as the agent for the grant. Councilmember

Bolton made a motion to approve the letter of commitment in support of a grant application to be submitted to the Colorado Division of Homeland Security and Emergency Management for generators for the Trinidad Fire Department and committing the 12.5% local grant match; and adopting the resolution designating Fire Chief Tim Howard as the agent for the grant. The motion was seconded by Councilmember Torres and carried by a unanimous roll call vote.

First reading of an ordinance to extend the one percent sales tax originally authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bolton and 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 Tuesday, August 19, 2014, was made by Councilmember Bolton. The motion was seconded by Councilmember Mattie and carried by a unanimous roll call vote.

ORDINANCE NO.

AN ORDINANCE TO EXTEND THE ONE PERCENT SALES TAX ORIGINALLY AUTHORIZED BY VOTE OF THE PEOPLE ON NOVEMBER 4, 1980 AND EXTENDED BY VOTE OF THE PEOPLE ON JULY 23, 1991, NOVEMBER 5, 1996, NOVEMBER 5, 2002, AND NOVEMBER 4, 2008 AND TO PROVIDE FOR DEDICATION OF THE REVENUE FROM SUCH TAX TO CAPITAL PROJECTS

First reading of an ordinance submitting to the voters of the City of Trinidad at the General Election to be held on Tuesday, November 4, 2014, a measure which would extend the one percent sales tax authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects, and setting a hearing date for consideration of said ordinance. The ordinance was co-introduced by Councilmembers Bolton and Miles and 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 Tuesday, August 19, 2014, was made by Councilmember Bolton. The motion was seconded by Councilmember Bonato and carried by a unanimous roll call vote.

ORDINANCE NO.

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF TRINIDAD AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, A MEASURE WHICH WOULD EXTEND THE ONE PERCENT SALES TAX AUTHORIZED BY VOTE OF THE PEOPLE ON NOVEMBER 4, 1980 AND EXTENDED BY VOTE OF THE PEOPLE ON JULY 23, 1991, NOVEMBER 5, 1996, NOVEMBER 5, 2002, AND NOVEMBER 4, 2008 AND TO PROVIDE FOR DEDICATION OF THE REVENUE FROM SUCH TAX TO CAPITAL PROJECTS

First reading of an ordinance imposing a sales tax of five percent (5%), commencing January 1, 2015, in the City of Trinidad, Colorado, on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Miles and 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 Tuesday, August 19, 2014, was made by Councilmember Miles. The motion was seconded by Councilmember Mattie and carried by a unanimous roll call vote.

ORDINANCE NO.

AN ORDINANCE IMPOSING A SALES TAX OF FIVE PERCENT (5%), COMMENCING JANUARY 1, 2015, IN THE CITY OF TRINIDAD, COLORADO, ON THE RETAIL SALE OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA ACCESSORIES BY LICENSED MARIJUANA ESTABLISHMENTS AS A NEW TAX PURSUANT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION

First reading of an ordinance submitting to the registered electors of the City of Trinidad at the General Election to be held on November 4, 2014 the question of whether, commencing January 1, 2015, the City of Trinidad should impose a sales tax of five percent (5%) on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Mattie and 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 Tuesday, August 19, 2014, was made by Councilmember Mattie. The motion was seconded by Councilmember Bolton and carried by a unanimous roll call vote.

ORDINANCE NO.

OF AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF TRINIDAD AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 THE QUESTION OF WHETHER, COMMENCING JANUARY 1, 2015, THE CITY OF TRINIDAD SHOULD IMPOSE A SALES TAX OF FIVE PERCENT (5%) ON THE RETAIL SALE OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA

ACCESSORIES BY LICENSED MARIJUANA ESTABLISHMENTS AS A NEW TAX
PURSUANT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION

Consideration of bid results for the Water Treatment Plant Improvements Phase I Project. Mayor Reorda read aloud Public Works/Utilities Director Mike Valentine's recommendation: "Based on discussion at the last work session meeting, my recommendation is to accept the low bid from Velocity Construction, Inc. in the amount of \$2,682,182.00 and enter into agreement with the contractor." Councilmember Mattie moved to accept the low bid as recommended and Councilmember Bolton seconded the motion. Upon roll call vote the motion carried unanimously.

Mayor Reorda asked if there is anything in the Charter that says the Mayor can't have an office in City Hall. City Attorney Downs advised that there is not.

BILLS. Councilmember Bolton moved to approve the bills and Councilmember Bonato seconded the motion. The motion carried unanimously upon roll call vote.

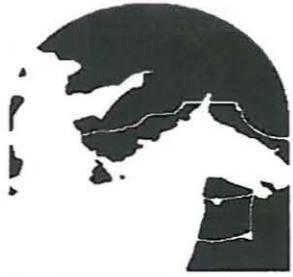
PAYROLL, July 19, 2014 through August 1, 2014. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Miles. Roll call was taken and the motion carried unanimously.

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

ATTEST:

JOSEPH A. REORDA, Mayor

DONA VALENCICH, Asst. City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

6a

CITY COUNCIL MEETING: August 19, 2014
PREPARED BY: Audra Garrett, Acting City Manager
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: Public hearing and second reading of an ordinance to extend the one percent sales tax originally authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects

PRESENTER: Les Downs, City Attorney

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No.

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The City Clerk’s office has notified the County Clerk in writing that it has taken formal action to participate in the General Election, as required 100 days before the same.
- An intergovernmental agreement was signed by the County Clerk and the City to participate in the coordinated election (No later than 70 days before the General Election).
- September 5th is the last day for the designated election official of each political subdivision to certify the ballot order and content (No later than 60 days before the General Election).
- The ordinance was prepared to include construction, maintenance, and improvement of public works.

6a



ORDINANCE NO.

AN ORDINANCE TO EXTEND THE ONE PERCENT SALES TAX ORIGINALLY AUTHORIZED BY VOTE OF THE PEOPLE ON NOVEMBER 4, 1980 AND EXTENDED BY VOTE OF THE PEOPLE ON JULY 23, 1991, NOVEMBER 5, 1996, NOVEMBER 5, 2002, AND NOVEMBER 4, 2008 AND TO PROVIDE FOR DEDICATION OF THE REVENUE FROM SUCH TAX TO CAPITAL PROJECTS

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

SECTION 1. The purpose of this Ordinance is to extend the one percent sales tax Authorized by vote of the people on November 4, 1980 and by Ordinance Number 1181, and extended by vote of the people on July 23, 1991 and by Ordinance Number 1398, and by vote of the people on November 5, 1996 and by Ordinance Number 1539, and by vote of the people on November 5, 2002 and by Ordinance Number 1697 and by vote of the people on November 4, 2008 and by Ordinance Number 1857 and to provide for the dedication of the revenue from such tax for capital projects.

SECTION 2. Sections 7-7, 7-10(1), 7-10(2), 7-10(3), 7-10(6), 7-10(7), 7-13(1), 7-19(1)(b), and 7-19(2) of the Code of Ordinances of the City of Trinidad, Colorado, are hereby repealed and re-enacted as follows:

Section 7-7. Purpose of Article.

The purpose of this Article is to impose a sales tax on the sale of tangible personal property at retail and the furnishing of services within the City.

Section 7-10. Taxable transactions - Exemptions.

(1) There is hereby levied and shall be collected and paid a tax in the amount stated in Section 7-13 of this Article on the sale of tangible personal property at retail and the furnishing of services within the City. The tangible personal property and services taxable pursuant to this Article shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., and subject to the same exemptions as those specified in Section 39-26-713, C.R.S., except the exemption allowed by Section 39-26-709, C.R.S. for purchases of machinery or machine tools, the exemptions of sales and purchases of those items in Section 39-26-715(1)(a)(II), C.R.S., the exemption for sales of

food specified in Section 39-26-707, C.R.S., the exemptions for vending machine sales of food set forth in Section 39-26-714(1)(b), C.R.S., the exemption for occasional sales by a charitable organization set forth in Section 39-26-718, C.R.S., the exemption for sales and purchases of farm equipment and farm equipment under lease or contract specified in Section 39-26-716(2)(3)(4), C.R.S., and the exemption for sales of low-emitting motor vehicles, power sources, or parts used for converting such power sources as specified in Section 39-26-719, C.R.S.

(2) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the tax imposed by this Article when such sales meet both of the following conditions:

(a) The purchaser is a non-resident of or has his/her principal place of business outside of the City; and

(b) Such personal property is registered or required to be registered outside the City limits under the laws of the State of Colorado.

(3) The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, C.R.S.

(6) This sales tax shall not apply to the sale of food purchased with food stamps. For the purpose of this subsection (6), "food" shall have the same meaning as provided in 7 U.S.C. Section 2012(g), as such section existed on October 1, 1987, or as thereafter amended.

(7) This sales tax shall not apply to the sale of food purchased with funds provided by the special supplemental food program of women, infants, and children, 42 U.S.C., 1786. For purposes of this subsection (7), "food" shall have the same meaning as provided in 42 U.S.C. Section 1786, as such section existed on October 1, 1987, or as thereafter amended.

Section 7-13. Schedule of taxes.

(1) There is hereby imposed upon sales of tangible personal property and the furnishing of services as specified in Section 7-10 of this Article a tax at the rate of four percent (4%) of the amount of sale, to be computed in accordance with schedules or systems approved by the executive director.

Section 7-19. Use of proceeds of tax.

(1) Tax monies collected pursuant to this Article shall be used as follows:

(b) The sum equal to the remaining twenty-five percent (25%) of the amount shall be set aside in a reserve fund and shall be used to pay for capital projects, including the construction, maintenance and improvement of public works, and the purchase of land and buildings, as determined by City Council. City Council shall hold at least one public hearing per year for the purpose of providing an opportunity for the public to express opinions as to how such monies should be spent.

(2) The allocation of the tax monies collected pursuant to this Article set forth in subsection (1) of this Section, shall remain in effect until December 31, 2020. Unless the one percent (1%) sales tax to be used for capital projects is extended by vote of the people prior to that date, the rate of sales tax shall decrease to three percent (3%) on January 1, 2021, and from that date forward all tax monies collected pursuant to this Article shall be deposited in the general fund of the City.

SECTION 3. Effective dates.

(1) This ordinance shall not become effective unless and until it shall have been approved in the state general election to be held on November 4, 2014 by a majority vote of the registered electors voting thereon.

(2) The tax imposed by this ordinance shall not be levied until January 1, 2015.

(3) In the event that this ordinance is approved, the City Clerk shall notify the Executive Director of the Department of Revenue at least forty-five days prior to the effective date of this tax.

(4) In the event that this ordinance is approved, the four percent (4%) sales tax shall remain in full force and effect until December 31, 2020, after which date the rate of sales tax shall decrease to three percent (3%) unless the one percent (1%) sales tax to be used for capital projects is extended by vote of the people prior to that date.

INTRODUCED BY COUNCILMEMBER BOLTON, READ AND ORDERED
PUBLISHED this 5th day of August, 2014.

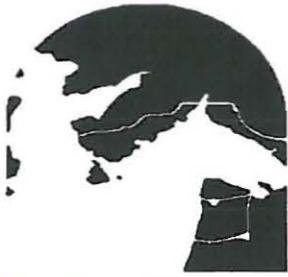
FINALLY PASSED AND APPROVED this ____ day of August, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE ____ day of August, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

DONA VALENCICH, Interim City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

6b

CITY COUNCIL MEETING: August 19, 2014
PREPARED BY: Audra Garrett, Acting City
Manager
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: Public hearing and second reading of an ordinance submitting to the voters of the City of Trinidad at the General Election to be held on Tuesday, November 4, 2014, a measure which would extend the one percent sales tax authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects

PRESENTER: Les Downs, City Attorney

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No.

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The City Clerk's office has notified the County Clerk in writing that it has taken formal action to participate in the General Election, as required 100 days before the same.
- An intergovernmental agreement was signed by the County Clerk and the City to participate in the coordinated election (No later than 70 days before the General Election).
- September 5th is the last day for the designated election official of each political subdivision to certify the ballot order and content (No later than 60 days before the General Election).
- The ordinance was prepared to include construction, maintenance, and improvement of public works within the question to be submitted to the voters.

6b



ORDINANCE NO.

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF TRINIDAD AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, A MEASURE WHICH WOULD EXTEND THE ONE PERCENT SALES TAX AUTHORIZED BY VOTE OF THE PEOPLE ON NOVEMBER 4, 1980 AND EXTENDED BY VOTE OF THE PEOPLE ON JULY 23, 1991, NOVEMBER 5, 1996, NOVEMBER 5, 2002, AND NOVEMBER 4, 2008, AND DEDICATE THE REVENUES OF SUCH SALES TAX TO CAPITAL PROJECTS

WHEREAS, by vote of the electorate within the City of Trinidad on November 4, 1980, a one percent sales tax was authorized and committed to debt retirement for the restoration of City Hall, the renovation and expansion of the Monument Lake facility, and the improvements and expansion of recreational facilities within the City; and

WHEREAS, the one percent sales tax was extended until December 31, 1996 by vote of the electorate on July 23, 1991, and committed to the development and construction of capital improvement projects; and

WHEREAS, the one percent sales tax was again extended until December 31, 2002 by vote of the electorate on November 5, 1996, with the revenues of such tax dedicated to capital projects; and

WHEREAS, the one percent sales tax was extended until December 31, 2008 by vote of the electorate on November 5, 2002, and with the revenues of such tax dedicated to capital projects; and

WHEREAS, the one percent sales tax was most recently extended until December 31, 2014 by vote of the electorate on November 4, 2008, and with the revenues of such tax dedicated to capital projects; and

WHEREAS, the City Council of the City of Trinidad, Colorado, has approved an ordinance which would extend the one percent sales tax; and

WHEREAS, Article X, Section 20 of the Colorado Constitution and Section 102, Article 2, Title 29, C.R.S., require that said ordinance be submitted to the registered electors of the City for approval; and

WHEREAS, Article X, Section 20, requires that proposals to extend an expiring tax be decided in a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years.

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

Section 1. At the state general election to be held on Tuesday, November 4, 2014, there shall be submitted to the voters of the City of Trinidad a proposal to extend a one percent sales tax, until December 31, 2020, which would maintain the total amount of City sales tax at four percent with the proceeds of the one percent sales tax segregated from any other sales tax revenues of the City and used solely for capital projects, including the construction, maintenance and improvement of public works, and the purchase of land and buildings, as determined by City Council.

Section 2. The question submitted to the electorate shall be as follows:

SHALL THE CITY OF TRINIDAD EXTEND UNTIL DECEMBER 31, 2020, THE ADDITIONAL ONE PERCENT SALES TAX ORIGINALLY APPROVED IN 1980 AND EXTENDED IN 1991, 1996, 2002 AND 2008 BY VOTE OF THE PEOPLE, SCHEDULED TO EXPIRE DECEMBER 31, 2014, TO PROVIDE FUNDING FOR CAPITAL PROJECTS, INCLUDING THE CONSTRUCTION, MAINTENANCE AND IMPROVEMENT OF PUBLIC WORKS, AND THE PURCHASE OF LAND AND BUILDINGS, AS DETERMINED BY CITY COUNCIL?

INTRODUCED BY COUNCILMEMBERS BOLTON AND MILES, READ AND ORDERED PUBLISHED this 5th day of August, 2014.

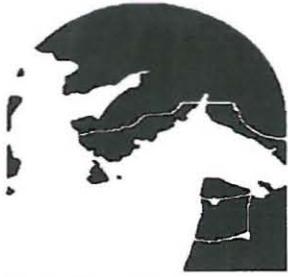
FINALLY PASSED AND APPROVED this ____ day of August, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE ____ day of August, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

DONA VALENCICH, Interim City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

bc

CITY COUNCIL MEETING: August 19, 2014
PREPARED BY: Audra Garrett, Acting City Manager
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: Public hearing and second reading of an ordinance imposing a sales tax of five percent (5%), commencing January 1, 2015, in the City of Trinidad, Colorado, on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution

PRESENTER: Les Downs, City Attorney

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No.

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The City Clerk’s office has notified the County Clerk in writing that it has taken formal action to participate in the General Election, as required 100 days before the same.
- An intergovernmental agreement was signed by the County Clerk and the City to participate in the coordinated election (No later than 70 days before the General Election).
- September 5th is the last day for the designated election official of each political subdivision to certify the ballot order and content (No later than 60 days before the General Election).
- The definitions were amended as suggest at the work session on June 22, 2014.
- Section 7-57 was amended since the work session to indicate that the tax will be collected by the City’s Finance Director.

bc



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE IMPOSING A SALES TAX OF FIVE PERCENT (5%), COMMENCING JANUARY 1, 2015, IN THE CITY OF TRINIDAD, COLORADO, ON THE RETAIL SALE OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA ACCESSORIES BY LICENSED MARIJUANA ESTABLISHMENTS AS A NEW TAX PURSUANT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION

WHEREAS, the City of Trinidad (“City”) is a municipal home-rule corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law; and

WHEREAS, pursuant to § 31-20-101, C.R.S., the City has the power to levy taxes, the same kinds and classes, upon taxable property, real, personal and mixed, within its municipal limit as are subject to taxation for state or county purposes; and

WHEREAS, pursuant to Section 20 of Article X of the Colorado Constitution, the City must have voter approval in advance for any new tax; and

WHEREAS, on November 6, 2012, the voters of the State of Colorado approved the addition of Section 16 to Article VIII of the Colorado Constitution concerning personal use and regulation of marijuana; and

WHEREAS, pursuant to § 12-43.4-101, *et seq.*, C.R.S., otherwise known as the Colorado Retail Marijuana Code, a state licensing authority is authorized to issue licenses for the lawful sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments; and

WHEREAS, the City anticipates that on or about December 1, 2014, marijuana, marijuana products and marijuana accessories will be sold within its municipal limits by licensed marijuana establishments; and

WHEREAS, the City presently imposes a sales tax of four percent (4%) on all retail sales of tangible property pursuant to Article 2 of Chapter 7 of the City of Trinidad Municipal Code but does not impose a separate and additional sales tax on the retail sale of marijuana, marijuana products and marijuana accessories within its municipal limits;

WHEREAS, the City, through the City Council, finds and determines that the imposition of a separate and additional sales tax on the retail sale of marijuana, marijuana products and marijuana accessories within its municipal limits is necessary to protect the public health, safety and welfare of the City and its inhabitants and that revenues from the new sales tax proposed through this ordinance should be used for the City’s general purposes in order to better serve its residents and fund necessary maintenance and improvements within the City.

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

Section 1: Addition to Municipal Code. A new Article 9 is added to Chapter 7 of the City of Trinidad Municipal Code providing in its entirety the following:

ARTICLE 9

MARIJUANA SALES TAX

Section 7-54. Purpose. The purpose of this Article is to impose a separate and additional sales tax on the lawful retail sale of marijuana, marijuana products and marijuana accessories within the City.

Section 7-55. Definitions.

For purposes of this Article, the following words shall have the following meanings:

- (a) "Consumer" shall have the meaning attributed to it in section (2)(b) of Section 16 of Article VIII of the Colorado Constitution;
- (b) "Lawful retail sale of marijuana, marijuana products and marijuana accessories" shall mean the sale of marijuana, marijuana products and marijuana accessories by a licensed retail marijuana store to a consumer in compliance with Section 16 of Article VIII of the Colorado Constitution and § 12-43.4-101, *et seq.*, C.R.S.;
- (c) "Marijuana" shall have the meaning attributed to it in section (2)(f) of Section 16 of Article VIII of the Colorado Constitution;
- (d) "Marijuana Accessories" shall have the meaning attributed to it in section (2)(g) of Section 16 of Article VIII of the Colorado Constitution;
- (e) "Marijuana Establishment" shall have the meaning attributed to it in section 2(i) of Section 16 of Article VIII of the Colorado Constitution;
- (f) "Marijuana Products" shall have the meaning attributed to it in section (2)(k) of Section 16 of Article VIII of the Colorado Constitution; and
- (g) "Retail marijuana store" shall have the meaning attributed to it in section (2)(n) of Section 16 of Article VIII of the Colorado Constitution.

Section 7-56. Tax Imposed.

- (a) A tax is levied and shall be collected upon the lawful retail sale of marijuana, marijuana products and marijuana accessories within the City at a rate of five percent (5%) of the price paid by the consumer thereof rounded off to the nearest penny.
- (b) The sales tax imposed by this section shall be in addition to and not in lieu of the sales tax imposed on the retail sale of tangible personal property pursuant to Article 2 of this Chapter.

Section 7-57. Collections, administration and enforcement.

The collection, administration and enforcement of the sales tax imposed by this Article shall be performed by the City of Trinidad Director of Finance in a manner similar to the collection, administration and enforcement of the state-collected City sales tax as provided in Article 26 of Title 39 of the Colorado Revised Statutes.

Section 2: Effective dates.

(1) This ordinance shall not become effective unless and until it shall have been approved in the state general election to be held on November 4, 2014 by a majority vote of the registered electors voting thereon.

(2) The tax imposed by this ordinance shall not be levied until January 1, 2015.

(3) In the event that this ordinance is approved, the City Clerk shall notify the Executive Director of the Department of Revenue at least forty-five days prior to the effective date of this tax.

INTRODUCED BY COUNCILMEMBER MILES, READ AND ORDERED PUBLISHED this 5th day of August, 2014.

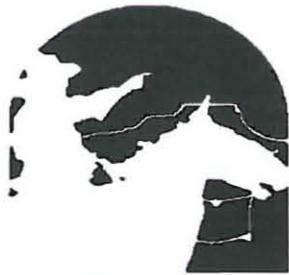
FINALLY PASSED AND APPROVED this ____ day of August, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE ____ day of August, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

DONA VALENCICH, Interim City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

6d

CITY COUNCIL MEETING: August 19, 2014
PREPARED BY: Audra Garrett, Acting City Manager
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: Public hearing and second reading of an ordinance submitting to the registered electors of the City of Trinidad at the General Election to be held on November 4, 2014 the question of whether, commencing January 1, 2015, the City of Trinidad should impose a sales tax of five percent (5%) on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution

PRESENTER: Les Downs, City Attorney

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No.

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The City Clerk's office has notified the County Clerk in writing that it has taken formal action to participate in the General Election, as required 100 days before the same.
- An intergovernmental agreement was signed by the County Clerk and the City to participate in the coordinated election (No later than 70 days before the General Election).
- September 5th is the last day for the designated election official of each political subdivision to certify the ballot order and content (No later than 60 days before the General Election).
- Definitions were amended pursuant to the discussion at the June 22, 2014 work session.
- The estimated first year tax increase is identified as \$100,000. That number is based on \$2 million in retail sales.

6d



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF TRINIDAD AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 THE QUESTION OF WHETHER, COMMENCING JANUARY 1, 2015, THE CITY OF TRINIDAD SHOULD IMPOSE A SALES TAX OF FIVE PERCENT (5%) ON THE RETAIL SALE OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA ACCESSORIES BY LICENSED MARIJUANA ESTABLISHMENTS AS A NEW TAX PURSUANT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION

WHEREAS, the City of Trinidad ("City") is a municipal home-rule corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law; and

WHEREAS, pursuant to § 31-20-101, C.R.S., the City has the power to levy taxes, the same kinds and classes, upon taxable property, real, personal and mixed, within its municipal limit as are subject to taxation for state or county purposes; and

WHEREAS, pursuant to Section 20 of Article X of the Colorado Constitution, the City must have voter approval in advance for any new tax; and

WHEREAS, on November 6, 2012, the voters of the State of Colorado approved the addition of Section 16 to Article VIII of the Colorado Constitution concerning personal use and regulation of marijuana; and

WHEREAS, pursuant to § 12-43.4-101, *et seq.*, C.R.S., otherwise known as the Colorado Retail Marijuana Code, a state licensing authority is authorized to issue licenses for the lawful sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments; and

WHEREAS, the City anticipates that on or about December 1, 2014, marijuana, marijuana products and marijuana accessories will be sold within its municipal limits by licensed marijuana establishments; and

WHEREAS, the City presently imposes a sales tax of four percent (4%) on all retail sales of tangible property pursuant to Article 2 of Chapter 7 of the City of Trinidad Municipal Code but does not impose a separate and additional sales tax on the retail sale of marijuana, marijuana products and marijuana accessories within its municipal limits;

WHEREAS, the City, through the City Council, finds and determines that the imposition of a separate and additional sales tax on the retail sale of marijuana, marijuana products and marijuana accessories within its municipal limits is necessary to protect the public health, safety and welfare of the City and its inhabitants and that revenues from the new sales tax proposed through this ordinance should

be used for the City's general purposes in order to better serve its residents and fund necessary maintenance and improvements within the City.

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

Section 1: Addition to Municipal Code. A new Article 9 is added to Chapter 7 of the City of Trinidad Municipal Code providing in its entirety the following:

ARTICLE 9

MARIJUANA SALES TAX

Section 7-54. Purpose. The purpose of this Article is to impose a separate and additional sales tax on the lawful retail sale of marijuana, marijuana products and marijuana accessories within the City.

Section 7-55. Definitions.

For purposes of this Article, the following words shall have the following meanings:

- (a) "Consumer" shall have the meaning attributed to it in section (2)(b) of Section 16 of Article VIII of the Colorado Constitution;
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- (c) "Marijuana" shall have the meaning attributed to it in section (2)(f) of Section 16 of Article VIII of the Colorado Constitution;
- (d) "Marijuana Accessories" shall have the meaning attributed to it in section (2)(g) of Section 16 of Article VIII of the Colorado Constitution;
- (e) "Marijuana Establishment" shall have the meaning attributed to it in section 2(i) of Section 16 of Article VIII of the Colorado Constitution;
- (f) "Marijuana Products" shall have the meaning attributed to it in section (2)(k) of Section 16 of Article VIII of the Colorado Constitution; and
- (g) "Retail marijuana store" shall have the meaning attributed to it in section (2)(n) of Section 16 of Article VIII of the Colorado Constitution.

Section 7-56. Tax Imposed.

- (a) A tax is levied and shall be collected upon the lawful retail sale of marijuana, marijuana products and marijuana accessories within the City at a rate of five percent (5%) of the price paid by the consumer thereof rounded off to the nearest penny.
- (b) The sales tax imposed by this section shall be in addition to and not in lieu of the sales tax imposed on the retail sale of tangible personal property pursuant to Article 2 of this Chapter.

Section 7-57. Collections, administration and enforcement.

The collection, administration and enforcement of the sales tax imposed by this Article shall be performed by the City of Trinidad Director of Finance in a manner similar to the collection, administration and enforcement of the state-collected City sales tax as provided in Article 26 of Title 39 of the Colorado Revised Statutes.

Section 2: Election. A General Election will be held on Tuesday, November 4, 2014.

Section 3: Ballot Question. At the election authorized by this ordinance, the following ballot question will be submitted to the registered electors of the City:

SHALL CITY OF TRINIDAD TAXES BE INCREASED BY \$100,000.00 (FIRST FISCAL YEAR DOLLAR INCREASE) IN THE FISCAL YEAR COMMENCING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015 AND BY SUCH AMOUNTS AS MAY BE COLLECTED ANNUALLY THEREAFTER BY THE IMPOSITION ON JANUARY 1, 2015 OF A NEW SALES TAX ON THE RETAIL SALE OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA ACCESSORIES BY LICENSED MARIJUANA ESTABLISHMENTS AT A RATE OF FIVE PERCENT (5%), WITH SUCH ADDITIONAL REVENUES AS ARE GENERATED BY THE NEW TAX TO BE COLLECTED, RETAINED AND SPENT FOR THE PURPOSE OF FUNDING COMMUNITY DEVELOPMENT, PUBLIC SAFETY, YOUTH PROGRAMS, MUNICIPAL SERVICES AND OPERATIONS AND/OR OTHER LAWFUL GENERAL MUNICIPAL PURPOSES, AS A VOTER APPROVED REVENUE CHANGE, OFFSET AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES _____

NO _____

Section 4: Conduct of Election: The election authorized by this ordinance will be conducted in accordance with the City of Trinidad Municipal Code, the Colorado Municipal Election Law and all other applicable laws, rules and regulations. The election will be conducted as a coordinated election with Las Animas County. The City Clerk is authorized to enter into such agreements on behalf of the City with Las Animas County regarding conduct of the election and the preparation and mailing of notices required by Section 20 of Article X of the Colorado Constitution as necessary to ensure that the election is conducted in accordance with all applicable rules, laws and regulations. The City designates the City Clerk to serve as its designated election official for the purpose of performing acts permitted or required by law in connection with the election.

Section 5: Effect of Election: If a majority of the votes cast at the election authorized by this ordinance are in favor of the ballot question set forth in Section 3, the additions to the City of Trinidad Municipal Code set forth in Section 1 will be deemed to have been adopted and shall become effective on January 1, 2015 and on such date the City will be authorized to collect, retain and expend the full amount of revenues collected by the City as a result of the imposition of the new sales tax approved by the ballot question. If a majority of the votes cast at the election authorized by this ordinance are opposed to the ballot question set forth in Section 3, the additions to the City of Trinidad Municipal Code set forth in Section 1 shall not go into effect and will be deemed to be null and void in all respects.

Section 6: Declaration. The City Council finds, determines and declares that this ordinance is necessary to protect the public health, safety and welfare of the City and its inhabitants and pertains to a matter of local concern.

Section 7: Authorization. The Council, Manager, Clerk, Finance Director and Attorney are authorized and directed to take such further action as necessary and appropriate to effectuate the provisions of this ordinance and ensure that the ballot question set forth in Section 3 is lawfully and properly submitted to the City's registered electors on November 4, 2014.

Section 8: Severability. If any section, paragraph, clause, provision or part of this ordinance is for any reason held to be invalid or unenforceable, the remainder of this ordinance shall continue in full force and effect, it being the legislative intent that this ordinance would have been adopted even if such invalid or unenforceable matter had not been included therein. It is further declared that if any section, provision or part of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance and the application thereof to other persons shall not be affected thereby.

Section 9: Effective Date. This ordinance shall become effective ten (10) days after publication following final passage and upon approval by the City's registered electors at the November 4, 2014 election.

INTRODUCED BY COUNCILMEMBER MATTIE, READ AND ORDERED PUBLISHED THIS 5th day of August, 2014.

FINALLY PASSED AND APPROVED this _____ day of _____, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE _____ day of _____, 2014.

CITY OF TRINIDAD, COLORADO

JOSEPH A. REORDA, Mayor

ATTEST:

DONA VALENCICH, Interim City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: August 19, 2014
PREPARED BY: Louis Fineberg
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS: 1

SUBJECT: Contract Amendment for SHF Grant – Hughes Lumber Company
Construction Documents(2013-M1-032)

PRESENTER: Louis Fineberg, Planning Director

RECOMMENDED CITY COUNCIL ACTION: Council should approve the contract amendment as presented.

SUMMARY STATEMENT:

The contract amendment is to extend the project deadline by one year, to 9/1/15.

EXPENDITURE REQUIRED: NA.

SOURCE OF FUNDS: NA.

POLICY ISSUE: Should the City of Trinidad approve the contract amendment?

ALTERNATIVE: The City of Trinidad could decide not to amend the contract.

7a

7a

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-M1-032 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 August 29, 2012, (the "Original Contract"), for SHF Project #2013-M1-032, 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 term of the contract is extended because the Contractor, through no fault of their own, is unable to complete the project as required within the specified contract period as a result of unforeseen delay; 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 13M1032, Contract Routing Number N/A Approved Waiver Form, dated August 29, 2012, 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-M1-032, dated August 29, 2012, 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 #4 of the original contract, CONTRACT EFFECTIVE DATE, the term of the contract is **EXTENDED** from September 1, 2014 (previously extended to) to September 1, 2015.
 - b. Provision #5 of the original contract, COMPENSATION AND METHOD OF PAYMENT, the List of Submittals are revised as reflected in the attached Revised Exhibit C.
4. The effective date of this amendment is upon approval of the State Controller or August 29, 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

Joseph A. Reorda
Signature of Authorized Officer

History Colorado
Date: _____

August 12, 2014
Date

Department of Higher Education

STATE HISTORICAL FUND

Joseph A. Reorda
Print Name of Authorized Officer

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

Mayor
Print Title of Authorized Officer

Date: _____

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\24114440.doc
Approval/Contract Amendment/Time Extension Only

LIST OF SUBMITTALS

<u>Project Reports</u>		
<u>Project Reports</u>	<u>Due Date</u>	<u>Society Response</u>
a. Payment Request Form (Attachment 1). Deliverables #1-3 below must be reviewed and approved before Advance payment is made.	Received 6/25/13	Advance payment of grant award \$9,562 – Paid.
b. Progress Report # 1	Received 12/19/12	Reviewed
c. Progress Report # 2	Received 12/19/12	Reviewed
d. Progress Report # 3	Received 2/26/13	Reviewed
e. 1 st Interim Financial Report (Attachment 1). Deliverables #4-7 below must be reviewed and approved before 1 st Interim payment is made.	April 15, 2013 **	Review & Approve. 1 st Interim payment of grant award \$9,562.
f. Progress Report # 4	Received 4/29/13	Reviewed
g. Progress Report # 5	Received 7/1/13	Reviewed
h. Progress Report # 6	Received 9/3/13	Reviewed
i. Progress Report # 7	Received 11/14/13	Reviewed
j. 2 nd Interim Financial Report (Attachment 1). Deliverable #8 below must be reviewed and approved before 2 nd Interim payment is made.	November 15, 2013 **	Review & Approve. 2 nd Interim payment of grant award \$9,562.
k. Progress Report # 8	Received 12/31/13	Reviewed
l. Progress Report # 9	Received 3/6/14	Reviewed
m. Progress Report # 10	Received 5/13/14	Reviewed
n. Progress Report # 11	September 1, 2014	Review*
o. Progress Report # 12	November 1, 2014	Review*
p. Progress Report # 13	January 1, 2015	Review*
q. Progress Report # 14	March 1, 2015	Review*

r. Progress Report # 15	May 1, 2015	Review*
s. Progress Report # 16	July 1, 2015	Review*
t. Final Financial Report (Attachment 1)	July 15, 2015	Review & Approve. Final payment of grant award \$3,189. ***

*At the discretion of the SHF technical staff, progress reports may not receive a response.

** Interim financial report due date is a guideline. Please submit 1st Interim financial report when majority of advance has been expended and you are ready for the next payment.

*** Final Payment is a reimbursement ONLY after all contractors have been paid.

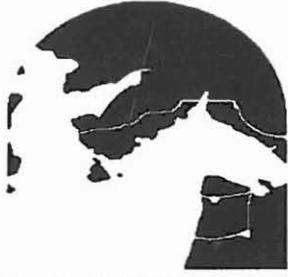
Project period ends on September 1, 2015. All deliverables due on or before this date.

PROJECT DELIVERABLES

Submit the following Project Deliverables. Deliverables #1 – 3 must be reviewed and approved by SHF before project start.

<u>Project Deliverables</u>	<u>Society Response</u>
1. Consultant Resume: A&E Services	Reviewed and Approved
2. Subcontract Certification: A&E Services	Reviewed and Approved
3. Initial Consultation with SHF Historic Preservation Specialist	Held
4. Historical photographs/documentation of areas to be treated	Reviewed and Approved
5. Before/existing condition photos of areas affected by Scope of Work	Reviewed and Approved
6. Materials Testing Analysis and Results (paint, mortar, lead, asbestos)	Conditional Approval
6a. Materials Testing and Analyses – Mortar and Paint	Review/Comment and or Approve
7. Design Development Set	Conditional Approval
8. Interim Consultation with SHF Historic Preservation Specialist	Review/Comment and or Approve
9. Construction Documents/Plans & Specifications	Review/Comment and or Approve
10. Estimate of Probable Cost of Construction	Review/Comment and or Approve
11. Project Summary Report	Review/Comment and or Approve

H:\Contracts\2013\13M1032 Exhibit C_revised 7.24.14.docx



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: August 19, 2014
PREPARED BY: Louis Fineberg
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS: 2

SUBJECT: Three Mile Plan Update

PRESENTER: Louis Fineberg, Planning Director

RECOMMENDED CITY COUNCIL ACTION: No action required.

SUMMARY STATEMENT:

This is the annual update of the Three Mile Plan. Since there have been no annexations in the past year, the Three Mile Plan does not need to be updated.

EXPENDITURE REQUIRED: NA.

SOURCE OF FUNDS: NA.

POLICY ISSUE: Should the City of Trinidad approve the Three Mile Plan?

ALTERNATIVE: The City of Trinidad could decide to not approve the plan.

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RESOLUTION NO.

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, UPDATING THE
CITY OF TRINIDAD THREE-MILE AREA PLAN

WHEREAS, in June, 2008, the Trinidad City Council adopted the City of Trinidad Three-Mile Area Plan, pursuant to C.R.S. 31-12-105(e) and Resolution No. 1332; and

WHEREAS, a review of the Three-Mile Area Plan is required to be conducted annually and updates made accordingly; and

WHEREAS, the City has updated its Three-Miles Area Plan annually as required; and

WHEREAS, Resolution No. 1417, adopted August 6, 2013, most recently updated the Three-Mile Area Plan as revised in 2012; and

WHEREAS, the 2014 annual review of the Three-Mile Area Plan concludes that no updates are required to the plan as revised in 2013;

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

1. The City of Trinidad hereby designates the City of Trinidad Three-Mile Area Plan, dated June, 2008, and all subsequent revisions to said plan, as the Major Street Plan for the City of Trinidad, in conformance with the provisions of Section 31-23-212 of the Colorado Revised Statutes.
2. The City Clerk is directed to file a certified copy of the Updated Three-Mile Area Plan as the City's Major Street Plan, with the Las Animas County Clerk & Recorder.

INTRODUCED, READ, AND ADOPTED THIS _____ DAY OF August, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

DONA VALENCICH, Acting City Clerk

City of Trinidad Three-Mile Area Plan

INTRODUCTION

The City of Trinidad Three-Mile Area Plan is prepared to comply with Section 3 1-12-105 (e) of the Colorado Revised Statutes, as follows:

“ .no annexation may take place which would have the effect of extending a municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within said three mile area, the contiguity required. .may be achieved by annexing a platted street or alley, a public or private right-of way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway. Prior to the completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one year without regard to such mileage limitation. Such three-mile limit may also be exceeded for the annexation of an enterprise zone.

GENERAL DESCRIPTION

The location and extent of physical features, such as streams (waterways), lakes (waterfronts), open spaces (forested and agricultural), public ways (streets, bridges, aviation fields, etc.) within the Three-Mile Area are described on the above map. In addition, the character of these and other Three-Mile Area components (parks, playgrounds, squares, grounds, public utilities, terminals, etc.) are described and classified into the following three categories:

Transportation

Within the 3 mile area of Trinidad, streets are delineated as interstate highway, U.S. or State highway, and County road. Streets within the City of Trinidad are functionally classified as principal arterial, minor arterial, major collector, and local roads.

In general, CDOT is responsible for the maintenance and improvement of regional arterial roads and bridges, inclusive of interstate highways (I-25), U.S. highways (US 160, US 350), and State highways (SH 12, SH 239). Las Animas County is responsible for the maintenance and improvement of County roads and bridges. The City of Trinidad is responsible for the maintenance and improvement of approximately 78.3 miles of arterial, collector and local roads and bridges within its boundaries that are not otherwise maintained by either CDOT or Las Animas County.

One aviation field serves the region, yet is located outside the Three-Mile Plan Area. The Perry Stokes Airport, located 10 miles northeast of Trinidad off US 350, provides general aviation services, including hanger rental, tie downs, and fueling.

City of Trinidad Three-Mile Area Plan

The Burlington Northern Santa Fe (BNSF) railroad runs through the Three Mile Area. Burlington Northern Santa Fe provides freight rail service the region, and shares track rights with the Union Pacific Railroad. Passenger rail service is provided by Amtrak's Southwest Chief route.

Bus service is operated by the Texas, New Mexico, and Oklahoma transit service (TNM&O). TNM&O is a subsidiary of Greyhound Lines that primarily operates on the I25 corridor.

There are no existing or proposed subways in the Three-Mile Plan Area.

Utilities

The City of Trinidad provides treated water within its service areas, which includes approximately 550 customers outside the City limits and within the Three-Mile Plan Area. Although the City's water sources (North Lake and Monument Lake) and treatment facility are located outside of the Three-Mile Plan Area, a 5.0 million gallon water tank and the majority of the water distribution system are located within the incorporated limits of Trinidad.

The City of Trinidad also provides wastewater collection service within its service areas. The City of Trinidad Wastewater Treatment Plant is located on a 2.2 acre parcel north of the US 160 bypass and east of Interstate Highway 25.

The City of Trinidad owns and maintains approximately 70 miles of an electric distribution system, serving 5100 customer accounts within the Three-Mile Plan Area. Although it formerly generated its own power and still owns a power plant, the City purchases its power from the Arkansas River Power Authority. The City power plant is now used for emergency generation.

The City of Trinidad also owns and maintains a natural gas distribution system within the Three-Mile Plan Area. Natural gas is currently supplied by National Public Gas Company through a master meter located just east of the City limits.

Refuse service is provided by private contractors within the Three Mile Area and the landfill located on State Street. The landfill has an estimated life of 25 years. Recycling is available at Las Animas County Rehabilitation Center on Congress Drive and through a drop-off program offered by US Disposal.

Recreation

Trinidad State Recreation Area, the Las Animas County Fairgrounds, and the 300 acre Fishers Peak open space are located within the Three-Mile Plan Area. In addition, there are nine developed public parks (several with playgrounds) and two golf courses within the Trinidad city limits. The Trinidad Riverwalk provides a recreational trail within the Three Mile Area, with future expansion planned.

City of Trinidad Three-Mile Area Plan

PROPOSED LAND USE

The proposed land use for the Three-Mile Plan Area is classified into the following five categories:

Agricultural

The Agricultural land use category is intended to be consistent with the objectives of the Las Animas County Agriculture (A) zoning district. The Agricultural category is for the purpose of protecting productive agricultural lands and preserving the visual and cultural values associated with agricultural lifestyles within the Three-Mile Plan Area.

Ranchette

The Ranchette land use category is intended to be consistent with the objectives of the Las Animas County Ranchette (R) zoning districts. The Ranchette category is for the purpose of allowing rural residential development compatible with agricultural uses.

Rural Residential

The Rural Residential land use category is intended to be consistent with the objectives of the Las Animas County Rural Residential (RR) zoning district. The Rural Residential category is for the purpose of allowing low density residential development generally in those areas on the fringes of Trinidad which are more conducive to development because of the general availability of public services and facilities.

Urban Residential

The Urban Residential land use category is intended to be consistent with the objectives of the Las Animas County Urban Residential (U-R) zoning district. The Urban Residential category is for the purpose of allowing development in those areas immediately adjacent to Trinidad which are conducive to intense development because of the availability of utility systems.

Planned Unit Development

The Planned Unit Development land use category intended to be consistent with the objectives of the Las Animas County Planned Unit Development (PUD) zoning district. The Planned Unit Development land use category is for the purpose of encouraging creative planning. The overall density of a PUD may exceed the density specified in the zoning districts in which it is located, with variances from the normal zoning and subdivision requirements, such as those governing setbacks.

Upon annexation, the City of Trinidad reserves the municipal authority to zone land consistent with the City of Trinidad Comprehensive Plan, and the objectives of the Trinidad City Council and the annexing land owner/developer.

City of Trinidad Three-Mile Area Plan

POLICIES

TMAP-1

All annexations shall be in conformance with the provisions of Section 31-12 of the Colorado Revised Statutes. In particular, a community of interest shall exist between the City of Trinidad and any area proposed for annexation, with clear support by existing and/or potential City residents. The Three-Mile Area Plan shall be reviewed and updated annually, incorporating any municipal boundary adjustments and related three-mile area boundary adjustments as necessary.

TMAP-2

As required, a fiscal impact report shall be completed and submitted concurrent with a petition for annexation. Fiscal impacts associated with an annexation shall be adequately offset by a) increased tax base within the annexation area, b) increased tax base elsewhere within the City of Trinidad, and/or c) the overall economic benefit to the City of Trinidad.

TMAP-3

The Three-Mile Area Plan shall be filed with the Las Animas County Clerk as the Major Street Plan for the City of Trinidad, in conformance with the provisions of Section 31-23-212 of the Colorado Revised Statutes. All right-of-way for arterial, collector and local streets shall be dedicated in accordance with City of Trinidad subdivision regulations.

TMAP-4

The City of Trinidad shall maintain its capability to provide adequate levels of service. Annexation shall be required as a condition of connecting to the City of Trinidad water and/or sanitary sewer system. Lands needed for public purposes (parks, trails, fire stations, etc.) shall be dedicated to the City of Trinidad or other appropriate public entity. Direct costs of services and infrastructure associated with an annexation shall be borne by the petitioner. All improvements shall be constructed in accordance with City of Trinidad or other appropriate public entity design standards, with performance surety in place.

TMAP-5

All annexation shall be consistent with sound land use planning principles, furthering the purposes of managing growth, ensuring compatibility between urban and rural development patterns, containing urban form, and protecting environmental resources. The existing and/or proposed land use associated with annexation shall be in conformance with the City of Trinidad Comprehensive Plan. All development associated with annexation shall be in compliance with the City of Trinidad Municipal Code.

TMAP-6

Corridor Planning Areas (CPA's) shall be established for major entry corridors into Trinidad. CPA's shall correspond to the major gateways of Trinidad, including I-25, US Highway 160, and State Highway 12, where urban services are available or may become available. The City of Trinidad shall coordinate land use planning activities with Las Animas County in CPA's.

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Council Communication

City Council Regular Meeting: August 19, 2014
Prepared by: August 15, 2014
Dept. Head Signature: *Bill A. Roberts*
of Attachments: 1

SUBJECT: Black & Veatch Contract Addendum No 2 for the Engineering Design of the Water Treatment Plant Improvements

Presenter: Mike Valentine, Public Works/Utilities Director

Recommended City Council Action: City Council's consideration and approval of Addendum No. 2 to the Black & Veatch Contract for the engineering design.

Summary Statement: Black & Veatch has provided Addendum No. 2 identifying the tasks associated with the design and construction for the Base Electrical Improvements, Removal and Replacement of Filter Valves and Actuators, Bulk Sodium Hypochlorite (New Building), Replacement of the Existing Steel Tank (Phase 2) and Divide Existing Pond (Phase 3).

Expenditure Required: \$288,975

Source of Funds: Water Department Reserve Fund (included in capital outlay)

Policy Issue: Upgrades and maintenance at the Trinidad Water Treatment Plant are required to provide a reliable water supply and to meet required State standards for public health and safety.

Alternative: None

Background Information: In May 2013, City Council approved the expenditure of \$91,900 to Black & Veatch to conduct the Water Treatment Plant Improvements Design. The work was in response to a sanitary survey and inspection from the Colorado Department of Public Health and Environment at the WTP in 2011. During the inspection, CDPHE pointed out the need for the City to upgrade the WTP facility to include (1) refurbishing or abandoning the standing water tank, (2) modify and upgrade the chlorine disinfection system, (3) construct new filter backwash tank system, (4) replace existing filter bed backwash valves and actuators and WTP inlet and drain valves, and (5) design new residuals storage pond. At the November 26, 2013 Work-session, Kevin Meador, Project Engineer provided City Council a report on the findings and recommendations. In the presentation, Black & Veatch identified the necessary improvements and recommendations for 2013, 2014, 2015 and 2016. At this time, staff would like to proceed forward with the tasks identified in 2013 and 2014. The costs associated with the design for the RFQ for Contractors, Electrical Design, Backwash Valve Specifications, Sedimentation Basin Pump Design, Valve Construction/Installation, and the Chlorine

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System Modification are \$268,460.00. The Black & Veatch engineering proposal was in response to a survey and inspection of the WTP conducted in 2011 by the Colorado Department of Public Health and Environment. At this time, city staff is working with Black & Veatch to complete the upgrades at the WTP facility to include (1) modify and upgrade the chlorine disinfection system, (2) construct new filter backwash tank system, and (4) replace existing filter bed backwash valves and actuators and WTP inlet and drain valves.



BLACK & VEATCH
Building a world of difference.

BLACK & VEATCH CORPORATION
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+1 720-834-4255 | MEADORKJ@BV.COM

7 August 2014

City of Trinidad
135 North Animas
Trinidad, CO 81082

WTP Evaluation
B&V Project 180508
B&V File 11.1200

Attention: Mike Valentine

Subject: Engineering Contract Addendum 2

Dear Mike:

Enclosed for your review and approval is Addendum 2 to the Agreement for Professional Services between the City of Trinidad, Colorado and Black & Veatch for the Water Treatment Plant Improvements Phases 1 and 2. Addendum 2 includes Exhibit C Scope of Services and Exhibit C-1 Fee Estimate. The estimated fee is summarized as follows:

Task 350	Phase 1 Scope Refinements	\$ 62,667
Task 360	Phase 1 Bidding Phase Services	\$ 13,350
Task 370	Phase 1 Construction Phase Services	\$ 91,343
Task 400	Phase 2 Elevated Tank Design and Bidding Phase Services	\$ 70,122
Task 410	Phase 2 Construction Phase Services	<u>\$ 51,493</u>
	Total Addendum 2 Engineering Fee	\$288,975

For review purposes, we compared the updated fees with the original budgeted fees and have summarized the costs below:

Phase 1	\$268,460	Addendum 1 (Design of Phase 1 Improvements)
Phase 1	\$167,360	Addendum 2 (Bidding, CPS, and Design Scope Refinements)
Phase 2	\$121,615	Addendum 2 (Design, Bidding, and CPS)
Phase 3	<u>\$137,600</u>	Projected Addendum 3 (Design, Bidding, and CPS)
Total	\$695,035	(Original Budgeted Total \$730,000)

We are available at your convenience to discuss the scope of services and estimated fees. If you have any questions, please call me.

Very truly yours,

BLACK & VEATCH CORPORATION

Kevin J. Meador

Kevin J. Meador, P.E.
Project Manager

KJM
Enclosures

**ADDENDUM NO. 2
TO AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
CITY OF TRINIDAD, COLORADO
AND
BLACK & VEATCH CORPORATION**

Pursuant to the terms and conditions of the Agreement for Professional Services (Agreement) between the City of Trinidad (CITY) and Black & Veatch Corporation (CONTRACTOR), dated May 21, 2013, this Addendum No. 2 is made and entered into effect this _____ day of _____ 2014. CITY and CONTRACTOR agree as follows:

ARTICLE 1.a - SERVICES: DELIVERABLES. Add the following to the end of Paragraph 1.a.

The City agrees to retain Contractor to provide the services (Scope of Work) for Addendum 2 as set forth in Exhibit C, attached hereto and incorporated herein by reference (the "Services"), and Contractor agrees to so serve.

ARTICLE 2 - COMPENSATION

2.a The total amount of payments for Services and Reimbursable Expenses, in accordance with Exhibit C, shall be changed from \$360,360 to \$649,335, representing an increase of \$288,975. The estimated fee for each task is as follows and attached as Exhibit C-1:

Task 350 Phase 1 Scope Refinements	\$62,667
Task 360 Phase 1 Bidding Phase Services	\$13,350
Task 370 Phase 1 Construction Phase Services	\$91,343
Task 400 Phase 2 Design and Bidding Phase Services (Elevated Tank)	\$70,122
Task 410 Phase 2 Construction Phase Service	\$51,493
Total	\$288,975

ARTICLE 4 - TERM AND TERMINATION

The Services for Addendum 2 shall be completed by June 1, 2015.

All other provisions of the Agreement shall remain the same.

IN WITNESS WHEREOF, the parties hereto have made and executed this Addendum No. 2 as of the day and year first above written.

**CITY
CITY OF TRINIDAD, COLORADO**

**CONTRACTOR
BLACK & VEATCH CORPORATION**

By: _____

By: _____

Title: _____

Title: _____

EXHIBIT C
SCOPE OF SERVICES FOR ADDENDUM 2
ENGINEERING SERVICES AGREEMENT

Between
City of Trinidad ("City")
And
Black & Veatch Corporation ("Contractor")

Project Description

Contractor has prepared a preliminary design report (Report) that identified and evaluated alternatives and costs for upgrading existing facilities and systems at the Trinidad Water Treatment Plant (WTP) that is owned and operated by the City. The major existing facilities and systems that were evaluated were:

- Electrical
- Filter Valves and Actuators
- Disinfection
- Filter Backwash Water Supply
- Residuals Storage Pond(s)

The alternatives selected by the City for implementation of design and construction are as follows:

1. Base Electrical Improvements (Phase 1 Improvements)
 - a. The main components of the base electrical improvements are to install a new adequately sized electrical service for the WTP and to construct a new electrical room in an existing space on the upper floor of the WTP Building.
2. Removal and Replacement of Filter Valves and Actuators (Phase 1 Improvements)
 - a. Replace the existing valves and actuators with new valves and electric actuators on the filtered water effluent, master backwash, individual filter backwash, filter drain, and filter influent piping.
 - b. In addition to replacement of the filter valves and actuators, the existing 16-inch diameter backwash supply piping will be removed and replaced with 24-inch diameter piping.
3. Bulk Sodium Hypochlorite (New Building) (Phase 1 Improvements)
 - a. Replace the existing chlorine gas disinfection equipment with new sodium hypochlorite storage and feed facilities housed in a new building.
4. Replacement of the Existing Elevated Steel Tank (Phase 2 Improvements)
 - a. Construct a new elevated steel tank. Due to the structural condition and lead paint coating system on the existing tank, this alternative provides for replacement of the tank with a new, larger elevated storage tank in lieu of rehabilitating the existing tank.
5. Divide Existing Pond (Phase 3 Improvements)
 - a. Divide the existing pond into two cells. (Construction of a new pond was eliminated after addition of the sedimentation basin transfer pumps.)

The scope of services for the Base Electrical Improvements, the Removal and Replacement of the Filter Valves and Actuators, and for the new Bulk Sodium Hypochlorite System (Inside WTP) was completed under Addendum 1. The scope of services for the Divide Existing Pond will be provided under a future addendum(s).

Scope of Services

The scope of services for Addendum 2 includes the preparation of construction documents for the Replacement of the Existing Elevated Steel Tank as well as construction phase services for Phase 2, scope refinements design for Phase 1 improvements and bidding phase services for Phase 1. The scope of services for Addendum 2 is further described in the following paragraphs.

The scope of services for this addendum includes the following services:

1. Task 350 – Complete scope refinements for Phase 1 of the project.
2. Task 360 – Provide bidding phase services for Phase 1 of the project.
3. Task 370 – Provide construction phase services for Phase 1 of the project.
4. Task 400 – Prepare contract documents for replacement of the existing elevated backwash storage tank (Phase 2 of the project) and assist in bidding administration.
5. Task 410 – Provide construction phase services for Phase 2 of the project.

Task 350 – Complete Scope Refinements for Phase 1 of the Project

Objective: Incorporate Phase 1 scope refinements into the Phase 1 contract documents.

Subtasks:

1. Incorporate the following scope refinements, established during the Phase 1 design, for moving the sodium hypochlorite system from inside the WTP to outside in a new building.
 - a. Prepare drawings and specifications for new hypochlorite building
 - b. Perform design for a ventilation system for the building
 - c. Perform design for a sprinkler system for the building
 - d. Perform design for the eye wash/shower, floor drain, and water heater
 - e. Perform associated quality control reviews
 - f. Through a subconsultant, perform geotechnical borings and prepare a geotechnical report for the design of the building foundation.
2. Incorporate the following electrical scope refinements into the Phase 1 Construction Contract Documents.
 - a. Perform design for a new generator and relocation of the ATS outside next to the generator
 - b. Perform design for the electrical upgrades for the entire plant
 - c. Perform design for the I&C for the automated backwash and disinfection system

Task 360 – Provide Bidding Phase Services for Phase 1 of the Project

Objective: Provide bidding phase services for Phase 1 of the project.

Subtasks:

1. Attend pre-bid conference.
2. Answer questions from potential bidders.
3. Prepare one addendum.

4. Review bids and assist City in selection of bidder.
5. Assist City with selection of value-engineering ideas.

Task 370 – Provide Construction Phase Services for Phase 1 of the Project

Note: For this task, the term Engineer refers to Black & Veatch (noted as Contractor in remainder of Addendum) and the term contractor refers to the contractor constructing the project.

Objective: Engineer will perform the following services during the construction phase of Phase 1 of the project. By performing these services, Engineer shall not have authority or responsibility to supervise, direct, or control the contractor's work or the contractor's means, methods, techniques, sequences, or procedures of construction. Engineer shall not have authority or responsibility for safety precautions and programs incident to the contractor's work or for any failure of the contractor to comply with laws, regulations, rules, ordinances, codes, or orders applicable to the contractor furnishing and performing the work.

Specific services to be performed by Engineer are as follows

Subtasks:

1. Conduct the preconstruction conference. Elements of the conference include:
 - a. Agenda prepared by Engineer
 - b. Engineer prepare and distribute minutes
 - c. Discussion of contractor's tentative schedules
 - d. Procedures for transmittal and review of contractor's submittals
 - e. Processing applications for payment
 - f. Critical work sequencing
 - g. Change orders
 - h. Record documents
 - i. Contractor's responsibilities for safety and first aid
2. Perform construction administration (basis is 6 months construction duration).
3. Visit the construction site to observe progress of the work, and consult with the City and the contractor. A total of 10 meetings are included.
4. Project design team personnel with particular areas of responsibilities for the project shall visit the site to observe construction and to confer with City and contractor. Eight site visits are included (total time is as depicted on the fee spreadsheet).
5. Requests for Information, Change Orders, and Claims. The level of effort included for the following services is as depicted on the fee spreadsheet. Any additional effort related to this task shall be considered as supplemental services.
 - a. Requests for Information. Interpret construction contract documents when requested by City or the contractor. Requests for clarification or information shall be in writing and copies of Engineer's response shall be distributed to City.
 - b. Change Orders. Review City or contractor requests for project changes (two change orders anticipated).
 - i. Review documentation
 - ii. Prepare any additional documentation required
 - iii. Administer the processing of change orders
 - iv. Review applications for extensions of construction time.
 - v. Evaluate the cost and scheduling
 - vi. Submit recommendations to City
 - vii. Assist City in negotiations with contractor to obtain a fair price for the work.

- c. Claims. Act on claims by City relating to the acceptability of the work or the interpretation of the requirements of the construction contract documents.
- 6. Review and process the contractor's monthly payment requests, and forward to City if appropriate (six pay requests assumed).
- 7. Review drawings and other data submitted by the contractor as required by the construction contract documents. Engineer's review shall be for general conformity to the construction contract documents and shall not relieve the contractor of any of his contractual responsibilities. Such reviews shall not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto.
- 8. Upon substantial completion, inspect the construction work and prepare a punch list of those items to be completed or corrected before final completion of the project. Submit results of the inspection to City and the contractor.
- 9. Upon completion or correction of the items of work on the punch list, conduct a final inspection to determine if the work is completed. Provide written recommendations to City concerning final payment, including a list of items, if any, to be completed prior to making such payment.
- 10. Upon completion of the project; revise the construction contract drawings to conform to the construction records. Submit to City in AUTOCAD Version 2012 format.

Task 400 – Prepare Contract Documents for Replacement of the Existing Elevated Backwash Storage Tank (Phase 2 of the Project) and Assist in Bidding Administration

Objective: Design and construct new elevated steel, multi-legged backwash storage tank. The contract documents will have an option to completely remove the existing elevated steel storage tank. The contract documents will be prepared as a single construction contract that will be bid competitively as a single project to the four on-call contractors previously selected.

Subtasks:

- 1. Through a subconsultant, perform geotechnical borings for the new tank foundation and prepare a geotechnical report.
- 2. Prepare 60% level construction documents (drawings and specifications). Update opinion of estimated construction cost.
 - a. Contract documents (drawings) will include:
 - i. General, Civil, and Mechanical Drawings – 9 (estimated)
 - ii. Structural – 1 (estimated)
 - iii. Electrical – 8 (estimated)
 - iv. I&C – 3 (estimated)
 - b. The new elevated steel, multi-legged backwash storage tank includes the following:
 - i. 160,000 gallon elevated steel, multi-legged backwash storage tank
 - ii. Single 24-inch inlet/outlet backwash pipe
 - iii. Single 8-inch inlet/outlet potable water supply pipe
 - iv. 24-inch buried backwash pipe from the tank to the WTP basement
 - v. 8-inch buried potable water supply pipe from the tank to the WTP basement
 - vi. Backwash magmeter flowmeter in the WTP basement (and associated I&C to connect to Master PLC)
 - vii. Pressure transmitter in the WTP basement used to measure tank level (and associated I&C to connect tank level to Master PLC)
 - viii. Optional demolition of the existing elevated tank and foundation
 - c. The following is not included with the elevated tank:
 - i. Cathodic protection of the new elevated tank

- ii. Lighting on the new elevated tank
 - d. Contractor shall follow the Association for the Advancement of Cost Engineers International (AACEI) Recommended Practices #17R-97 and #18R-97 as the standard for completing OPCCs. Conceptual and Preliminary OPCCs will be as described in the recommended practice for "Class 5" or "Class 4"; Interim and Final opinions will be as described for "Class 3" or "Class 2." Classifications will be determined based on the guidelines in the recommended practice and the information available at each stage of completion. Contractor does not guarantee that proposals, bids, or actual Project construction costs will not vary from our OPCCs.
3. Submit 60% level construction documents to the City and conduct review workshop.
 4. Prepare 90% level construction documents. B&V standard "front-end" contract documents will be used for the project with the documents prepared for Phase 1 as the template. The Phase 1 Division 1 specifications and technical specifications will also be used as a template as they are applicable. Update opinion of estimated construction cost.
 5. Perform QC reviews.
 6. Submit 90% level construction documents to City and conduct review meeting. Prepare bid ready contract documents incorporating City comments.
 7. Provide permitting assistance to include:
 - a. Submittal to CDPHE for the elevated tank.
 - b. Meet with CDPHE to review elevated tank submittal.
 - c. Incorporate CDPHE comments on elevated tank.
 8. Provide bidding phase assistance to include:
 - a. Attend pre-bid conference.
 - b. Answer questions from potential bidders.
 - c. Prepare one addendum.
 - d. Review bids and assist City in selection of bidder.

Task 410 – Provide Construction Phase Services for Phase 2 of the Project

Note: For this task, Engineer refers to Black & Veatch (noted as Contractor in remainder of Addendum) and contractor refers to the contractor constructing the project.

Objective: Engineer will perform services during the construction phase of Phase 2 of the project. By performing these services, Engineer shall not have authority or responsibility to supervise, direct, or control the contractor's work or the contractor's means, methods, techniques, sequences, or procedures of construction. Engineer shall not have authority or responsibility for safety precautions and programs incident to the contractor's work or for any failure of the contractor to comply with laws, regulations, rules, ordinances, codes, or orders applicable to the contractor furnishing and performing the work.

Specific services to be performed by Engineer are as follows

Subtasks:

1. Conduct the preconstruction conference. Elements of the conference include:
 - a. Agenda prepared by Engineer
 - b. Engineer prepare and distribute minutes
 - c. Discussion of contractor's tentative schedules
 - d. Procedures for transmittal and review of contractor's submittals
 - e. Processing applications for payment
 - f. Critical work sequencing

- g. Change orders
 - h. Record documents
 - i. Contractor's responsibilities for safety and first aid
2. Provide construction administration (basis is 4 months duration).
 3. Visit the construction site to observe progress of the work, and consult with the City and the contractor. A total of 5 meetings are included.
 4. Project design team personnel with particular areas of responsibilities for the project shall visit the site to observe construction and to confer with City and contractor. Four site visits are included (total time is as depicted on the fee spreadsheet).
 5. Requests for Information, Change Orders, and Claims. The level of effort included for the following services is as depicted on the fee spreadsheet. Any additional effort related to this task shall be considered as supplemental services.
 - a. Requests for Information. Interpret construction contract documents when requested by City or the contractor. Requests for clarification or information shall be in writing and copies of Engineer's response shall be distributed to City.
 - b. Change Orders. Review City or contractor requests for project changes.
 - i. Review documentation
 - ii. Prepare any additional documentation required
 - iii. Administer the processing of change orders
 - iv. Review applications for extensions of construction time.
 - v. Evaluate the cost and scheduling
 - vi. Submit recommendations to City
 - vii. Assist City in negotiations with contractor to obtain a fair price for the work.
 - c. Claims. Act on claims by City relating to the acceptability of the work or the interpretation of the requirements of the construction contract documents.
 6. Review and process the contractor's monthly payment requests, and forward to City if appropriate.
 7. Review drawings and other data submitted by the contractor as required by the construction contract documents. Engineer's review shall be for general conformity to the construction contract documents and shall not relieve the contractor of any of his contractual responsibilities. Such reviews shall not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto.
 8. Upon receiving contractor's notification of substantial completion, Engineer will review and document by inspection that the construction work is substantially complete and prepare a punch list of those items to be completed or corrected before final completion of the project. Submit results of the inspection to City and the contractor to the City.
 9. Upon completion or correction of the items of work on the punch list, conduct a final inspection to determine if the work is completed. Provide written recommendations to City concerning final payment, including a list of items, if any, to be completed prior to making such payment.
 10. Upon completion of the project; revise the construction contract drawings to conform to the construction records. Submit to City in AUTOCAD Version 2012 format.

EXHIBIT C-1
City of Trinidad, Colorado
Water Treatment Plant Improvements
Addendum 2 - Phase 1 Bidding and CPS, Phase 2 Design, Bidding and CPS
Level of Effort and Fee Estimate

TASK	DESCRIPTION	Level of Effort												TOTAL HOURS	TOTAL LABOR	DIRECT PROJECT EXPENSE	TOTAL PROJECT COST
		PROJECT MANAGER	ENGINEERING MANAGER	CIVIL ENGINEER / SENIOR RESIDENT	WATER PROCESS ENGINEER	ARCHITECTURAL ENGINEER	STRUCTURAL ENGINEER	MECHANICAL / HVAC ENGINEER	ELECTRICAL ENGINEER	I&C ENGINEER	CAD GRAPHICS	PROJECT SUPPORT ASSISTANT	QUALITY CONTROL				
ENGINEERING																	
SUBTOTAL		168	496	33	22	16	104	130	200	106	183	178	18	1,724	165,172	23,903	288,975
360	Phase 1 Bidding Phase Services	22	30	12	2	0	0	0	4	0	0	2	0	72	\$12,798	\$552	\$13,350
	Attend pre-bid conference (May 22, 2014)	8	8	8										24	\$4,448	\$234	\$4,682
	Address questions from potential bidders		2	2										4	\$730	\$14	\$744
	Prepare Addendum No. 1	2	4	2								2		10	\$1,628	\$35	\$1,663
	Review bids and assist City in selection of bidder	4	8											12	\$2,164	\$42	\$2,206
	Conduct value engineering for low bidder	8	8		2				4					22	\$3,828	\$227	\$4,055
														0	\$0	\$0	\$0
370	Phase 1 Construction Phase Services	66	184	32	4	6	18	26	72	36	32	76	2	554	\$86,254	\$5,089	\$91,343
	Conduct pre-construction meeting		8											8	\$1,400	\$178	\$1,578
	hours/month	36												72	\$9,864	\$252	\$10,116
	Attend construction progress meetings (basis is 10 meetings)		80											80	\$14,000	\$1,780	\$15,780
	Perform construction site visits (basis is 8 visits)	16	16	16					16					64	\$11,296	\$1,424	\$12,720
	Answer RFTs and evaluate potential change orders (basis is 2)	2	4	4	2									12	\$2,142	\$42	\$2,184
	Review contractor pay requests (basis is 6 pay requests)	2	8											10	\$1,782	\$35	\$1,817
	Review submittals	2	32	4	2	4	16	24	48	32		32		196	\$29,218	\$686	\$29,904
	Attend substantial completion inspection, prepare punch list	8	12	8										28	\$5,148	\$248	\$5,396
	Attend final completion inspection		12											12	\$2,100	\$192	\$2,292
	Prepare conformed to construction record drawings		12			2	2	2	8	4	32	8	2	72	\$9,304	\$252	\$9,556
														0	\$0	\$0	\$0
400	Phase 2 Design and Bidding Phase Services (Elevated Tank)	32	130	4	8	0	48	0	18	24	80	56	12	412	\$60,730	\$9,392	\$70,122
	Perform Geotechnical borings and report for tank foundation						4							4	\$640	\$7,514	\$8,154
	Prepare 60 percent design and specifications. Update opinion of probable construction cost.		40					24	8	12	40	24		148	\$20,332	\$518	\$20,850
	Submit 60 percent design to City for review. Attend review meeting.	8	8											16	\$2,928	\$206	\$3,134
	Incorporate 60 percent comments and prepare 90 percent design and specifications. Update opinion of probable construction cost.		24				16		6	8	24	16		94	\$12,908	\$329	\$13,237
	Perform QC reviews.	2	4										12	18	\$3,362	\$63	\$3,425
	Submit 90 percent design to City for review. Attend review meeting.	8	8											16	\$2,928	\$206	\$3,134
	Incorporate City comments and prepare bid ready documents (drawings, technical specifications, opinion of probable construction cost).		12				4		4	4	12	12		48	\$6,296	\$168	\$6,464
	Permitting																
	Prepare submittal to CDPHE for elevated tank		8		4									12	\$2,000	\$42	\$2,042
	Meet with CDPHE to review elevated tank submittal	2	4		2									8	\$1,382	\$28	\$1,410
	Incorporate CDPHE comments on elevated tank.		4		2						4			10	\$1,420	\$35	\$1,455
	Bidding Phase																
	Attend pre-bid conference	8	8											16	\$2,928	\$206	\$3,134

TASK	DESCRIPTION	Level of Effort											TOTAL HOURS	TOTAL LABOR	DIRECT PROJECT EXPENSE	TOTAL PROJECT COST	
		PROJECT MANAGER	ENGINEERING MANAGER	CIVIL ENGINEER / SENIOR RESIDENT	WATER PROCESS ENGINEER	ARCHITECTURAL ENGINEER	STRUCTURAL ENGINEER	MECHNAICAL / HVAC ENGINEER	ELECTRICAL ENGINEER	I&C ENGINEER	CAD GRAPHICS	PROJECT SUPPORT ASSISTANT					QUALITY CONTROL
	Answer questions from potential bidders		2	2										4	\$730	\$14	\$744
	Prepare Addendum No. 1	2	4	2									4	12	\$1,794	\$42	\$1,836
	Review bids and assist City in selection of bidder	2	4											6	\$1,082	\$21	\$1,103
410	Phase 2 Construction Phase Services	46	142	24	0	2	16	0	8	8	16	40	0	302	\$48,636	\$2,857	\$51,493
	Conduct pre-construction meeting		8											8	\$1,400	\$178	\$1,578
	Construction administration (basis is 4 months at 12 hours/month)	24										24		48	\$6,576	\$168	\$6,744
	Attend construction progress meetings (basis is 5 meetings)		40											40	\$7,000	\$890	\$7,890
	Construction site visits (basis is 4 visits)	8	24	8										40	\$7,248	\$740	\$7,988
	Answer RFI's and evaluate potential change orders (basis is 2)	2	4	4										10	\$1,842	\$35	\$1,877
	Review contractor pay requests (basis is 4 pay requests)	2	6											8	\$1,432	\$28	\$1,460
	Review submittals	2	32	4		2	16		8	8		12		84	\$13,178	\$294	\$13,472
	Conduct substantial completion inspection, prepare punch list	8	12	8										28	\$5,148	\$248	\$5,396
	Conduct final completion inspection		8											8	\$1,400	\$178	\$1,578
	Prepare conformed to construction record drawings		8								16	4		28	\$3,412	\$98	\$3,510
350	Phase 1 Scope Refinements	2	10	16	8	18	22	104	98	38	60	4	4	384	\$56,754	\$5,913	\$62,667
	<u>Move Hypochlorite from Inside WTP to New Building</u>																
	Design for new building.	2	8	8	8	16	16		16		16	4		94	\$13,714	\$330	\$14,044
	Design for ventilation system for building.			2			2		12	8	4			56	\$8,520	\$196	\$8,716
	Design for sprinkler system for building.			2					28	4	4			42	\$6,300	\$147	\$6,447
	Design for eye wash/shower, floor drain, water heater.			2			2	40	4		4			52	\$7,720	\$182	\$7,902
	Perform QC reviews.	2	2			2		8	2	2			4	22	\$3,620	\$77	\$3,697
	Geotechnical Borings and Report for New Building						2							2	\$320	\$4,575	\$4,895
	<u>Electrical Refinements</u>																
	Design for new generator and relocation of ATS outside								20		4			24	\$3,420	\$84	\$3,504
	Electrical upgrades for entire plant								32		16			48	\$6,480	\$168	\$6,648
	I&C design for automated backwash and hypochlorite								8	24	12			44	\$6,660	\$154	\$6,814
	TOTALS	168	496	88	22	26	104	130	200	106	188	178	18	1,724	265,172	23,803	288,975
	HOURLY BILLING RATES	\$191	\$175	\$190	\$150	\$140	\$160	\$150	\$150	\$175	\$105	\$83	\$190	1,724			
	TOTAL LABOR (\$)	\$32,088	\$86,800	\$16,720	\$3,300	\$3,640	\$16,640	\$19,500	\$30,000	\$18,550	\$19,740	\$14,774	\$3,420		265,172		