



CITY OF TRINIDAD TRINIDAD, COLORADO

The City Council of the City of Trinidad, Colorado,
will hold its regular Work Session on Tuesday, September 22, 2015 following a
Special Meeting at 1:30 P.M.
in City Council Chambers at City Hall, Third Floor, City Hall

AGENDA

1. Petitions and Communications, Oral or Written
2. Marijuana Electric Relief Initiative Jumpstart, LLC (MERI J) proposal presentation by Tom Murphy and Steve Bolton
3. Request for zone change from Low Density Residential to Neighborhood Services – 1133 N. Linden Avenue, Teresa Clark
4. Discussion of aggressive panhandling ordinance
5. Simpson's Rest Clean-Up
6. Discussion of other agenda items

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

2

Marijuana Electric Relief Initiative JumpStart, LLC
(MERI J)
238 E. Main Street
Trinidad, CO 810892
719-406-7647

City of Trinidad
JUL 27 2015
City Clerk's Office

July 27, 2015

Hand delivered to:

Audra Garrett
Trinidad City Clerk
City Hall
Trinidad, CO 80182

On behalf of the above named organization now referred to as MERI J, we are submitting this ballot initiative to the voters of Trinidad, Colorado.

Who are we? We are citizens of the community and registered voters.

What are we? We are electric utility customers of the city.

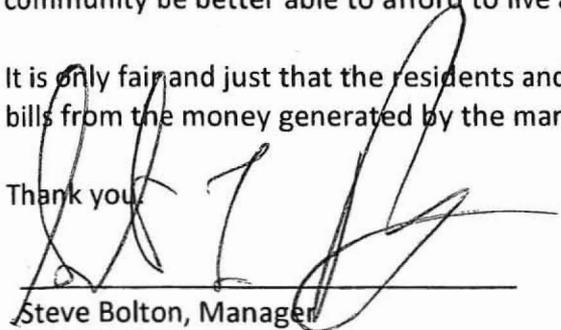
When? We are putting an initiative on the ballot for this November's general election to allow voters to decide how best to use money collected by the City of Trinidad. Specifically, money collected by the City of Trinidad from marijuana growers for retail marijuana (not medical) that is grown here in Trinidad and shipped out of Trinidad to be sold in other communities in the state of Colorado.

Why? The electric utility bills in Trinidad have been and continue to be excessively high due to the failure of the Arkansas River Power Authority (ARPA) power plant. To date City Council has not yet chosen to use this marijuana money to give its citizens a break.

With the passage of this ballot initiative, we will help electric utility customers of this community be better able to afford to live and work here.

It is only fair and just that the residents and businesses in Trinidad get a reduction in their utility bills from the money generated by the marijuana industry.

Thank you,



Steve Bolton, Manager
238 E. Main Street
Trinidad, CO 81082



Thomas J. Murphy, Manager
335 E. Main Street
Trinidad, CO 80182

2

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

Marijuana Electric Relief Initiative JumpStart, LLC

is a **Limited Liability Company** formed or registered on 07/23/2015 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20151474060.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 07/22/2015 that have been posted, and by documents delivered to this office electronically through 07/23/2015 @ 17:17:05.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 07/23/2015 @ 17:17:05 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9255681.



Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

City of Trinidad
JUL 27 2015
City Clerk's Office

Petition Section ____ of ____

INITIATIVE PETITION

WARNING: IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.
TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.**

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of Proposed Initiative

The initiative commits all surcharge funds collected by the City of Trinidad for exports of retail marijuana under existing Ordinances, to reduce the amount of electrical utility charges required to be paid by qualifying electric utility customers of the City.

Full Text of Proposed Initiated Measure and Ordinance

The initiated ordinance title is:

City of Trinidad, Colorado, Ordinance NO. _____, AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, AMENDING SUBSECTION (g) OF CHAPTER 14 ARTICLE 12 SECTION 14-227 OF THE MUNICIPAL CODE OF ORDINANCES, ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR RETAIL MARIJUANA BUSINESSES.

Code of Ordinances, Chapter 14, Article 12, Section 14-227(g), presently states:

(g) Retail marijuana which is cultivated within City limits and exported to other locales within the State of Colorado shall be subject to a surcharge due to the City of \$25.00 per pound. The surcharge shall be paid monthly to the City Finance Director accompanied by a copy of the corresponding manifest report.

The proposed initiated Ordinance amends Chapter 14, Article 12, Section 14-227(g) of the Code Of Ordinances, by adding the following provisions as subsection (g)(1):

(g)(1) It is the intent of this subsection to commit all surcharge funds collected under subsection (g) to reduction of amounts due from qualifying electric utility customers of the City.

Beginning on January 1, 2016, 100% of all such surcharge funds collected by the City Finance Director, shall be accrued for use under this subsection (g)(1).

Beginning with qualifying electric utility bills issued during the month of June, 2016, and then for each month thereafter: 100% of all surcharge funds collected by the City Finance Director, including all then accrued surcharge funds, shall be applied and credited to the monthly electric utility bills of all qualifying electric utility customers in the month next following collection of such surcharge funds, in accord with this subsection.

As described below, each qualifying electric utility customer of the City shall receive on their monthly utility billing a pre-tax credit reducing their bill. The pre-tax credit shall be equal to the percentage of the previous month's total electricity purchase charges attributable to electric utility service customers in the Residential and General Electric Service rate classifications, charged to the City by its supplier of electricity, currently billed to the qualifying electric utility customer.

The City Finance Director shall apply the following formula to determine the credit to be applied to the bill of each qualifying electric utility customer:

$$\begin{aligned} A \div B &= C \\ C \times D &= E \\ D - E &= F \end{aligned}$$

Where:

A = Total surcharge collected by the City Finance Director for the prior calendar month, including all then accrued surcharge funds;

B = Total charges to City for qualifying electrical utilities for the prior calendar month;

C = $[A \div B]$ ___ %;

D = For each qualifying electric utility customer, billing calculation for current calendar month based on prior calendar month usage and without applying percentage reduction;

E = Total amount to be deducted from each qualifying electric utility customer

F = Final amount of each qualifying electric utility customer billing for current calendar month, based on prior calendar month usage.

Example of application of this subsection. Assume: In the prior month, City collects surcharge of \$100 and City is charged \$200 by its provider for electricity to qualifying customers. Surcharge is then 50% of provider's charges. Qualifying customers A and B used electricity in the prior month. Based on their use, customer A is billed \$2 and customer B is billed \$4. However, each customer will receive a reduction in their current bill equal to 50% of the billing. Customer A then pays \$1 and customer B pays \$2.

Definitions used in this subsection. The phrases "qualifying electric utility bills" and "qualifying electric utility customers", mean electric utility bills issued to all Residential and General Electric Service customers, as classified in Chapter 14 Article 12 Section 12-12 of the Code Of Ordinances. The phrase "pre-tax credit" means a credit calculated without including any sales tax otherwise applied by the City of Trinidad to electrical utility billing.

End Of Proposed Initiated Measure And Ordinance

The City Council is hereby requested to enact the ordinance contained herein or set the date for a vote of the people within thirty (30) days of certification by the City Clerk.

Committee of Petitioners:

1. Name: STEVE Bolton
Physical Address: 709 WEST
Alams, Trinidad CO
2. Name: Carol Jean Blatnick
Physical Address: 317 E. Boca St
Trinidad, CO 81082
3. Name: Adrian A. Villasona
Physical Address: 319 E. Poplar Ave
Trinidad, Colo 81082
4. Name: PAULETTE TURNER
Physical Address: 211 CARGA
TRINIDAD, CO 81082

INITIATIVE PETITION

WARNING: IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.
TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.**

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of Proposed Initiative

The initiative commits all surcharge funds collected by the City of Trinidad for exports of retail marijuana under existing Ordinances, to reduce the amount of electrical utility charges required to be paid by qualifying electric utility customers of the City.

Please sign in ink.

Elector Signature	Elector Printed Name	Elector Residence Address, City & County	Date of Signing
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			



City of Trinidad, Colorado

Office of the City Attorney
135 North Animas Street
Trinidad, CO 81082
P: (719) 846-9843
F: (719) 846-4140
les.downs@trinidad.co.gov

LEGAL MEMORANDUM

To: Messrs. Steve Bolton and Tom Murphy (hand delivered)

From: Les Downs

Re: Your proposed ballot initiative

Date: August 3, 2015

Gentlemen:

I have conferred with outside counsel, including Dee Wisor, Andy Nathan, Marni Nathan Kloster, and Nicholas Poppe, and all five of us agree that your proposed ballot initiative seeks to do something that violates the Home Rule Municipal Charter: It pertains to an appropriation for a function of the City, and as such, violates Section 5.18 of the Charter.

That provision states: "Any proposed ordinance, except an ordinance pertaining to appropriations for the function of the City, or to the issuance of bonds, or the cancellation of bonds, or like securities previously issued by the City, may be submitted to the Council by petition." Appropriations for the City are clearly exempted from the allowable purposes of initiative, per the Charter.

Thank you, and as always, we are ready and willing to answer any and all questions you may have.



City of Trinidad, Colorado

Office of the City Attorney
135 North Animas Street
Trinidad, CO81082
P: (719) 846-9843
F: (719) 846-4140
les.downs@trinidad.co.gov

LEGAL MEMORANDUM

To: Mr. Tom Murphy, Mr. Steve Bolton

From: Les Downs, City Attorney

Re: Your Proposed Petition, filed with the City on July 27, 2015

Date: August 7, 2015

Gentlemen:

As you know, I am of the opinion that your proposed initiative submission would, if passed, effectively accomplish something that would violate the Trinidad Municipal Charter, specifically section 5.18 of the Charter. That is, if approved it would earmark funds gathered from one source and dictate how those funds were to be spent. I am of the opinion that such a measure is an appropriation, and is telling City Council how to appropriate funds.

The City has also sought outside counsel with regard to your petition and has received legal opinions congruent with my own assessment of the appropriation you seek to place on the ballot. Dee Wisor, Esq., along with four attorneys from CIRSA, Andy Nathan, Esq., Marni Nathan Kloster, Esq., Nicholas Poppe, Esq., and Brenden W. Desmond, Esq., the latter of whom specialize in governmental entity representation, are all in general agreement that the petition is improper under the Charter. Our outside counsel has also indicated a number of other legal difficulties arise with regard to your petition, which are unnecessary to discuss at this point given the primary concern over the petition's conflict with the Charter.

As such, it is my advice to Ms. Audra Garrett, Trinidad City Clerk, to not certify your petition. I am doing this only because of my opinion that what you are seeking to do would, if approved, accomplish something prohibited by the Charter. And I should tell you that my reading of section 31-11-106 C.R.S. is such that a petition is not to be circulated without the clerk's certification. That statute says, in pertinent part: "(N)o petition shall be printed or circulated unless the form and the first printer's proof of the petition section have first been approved by the clerk." I am confident you both know this, but I wanted to make sure you were aware of this section.

I hope you understand that the City feels that this is the position it needs to take legally, and in no way seeks to discourage you in any civic undertaking you may pursue. Thank you, and as always, please don't hesitate to contact me should you have any questions.

City of Trinidad

AUG 11 2015

City Clerk's Office

Marijuana Electric Relief Initiative JumpStart, LLC
(MERI J)
238 E. Main Street
Trinidad, CO 81082
719-406-7647

August 7, 2015

Audra Garrett
Trinidad City Clerk
City Hall
Trinidad, CO 80182

Hand delivered

As of this date, August 7, 2015, the City Clerk has failed to respond to the form of Initiative Petition that we, the petitioners, submitted on July 27, 2015.

Petitioners originally submitted the Clerk's suggested *statutory* form of petition as a courtesy to the Clerk, pursuant to section 5.18 of the Trinidad Home Rule Charter; however, the petitioners had no obligation under the Charter to utilize that statutory form. Under the statutory procedure, the Clerk was allowed five business days to review the petition as to form - not as to substance - and return it to petitioners for circulation. Eleven days have passed since the petitioners submitted the original Initiative Petition, and the petitioners still have not received a response either from the Clerk.

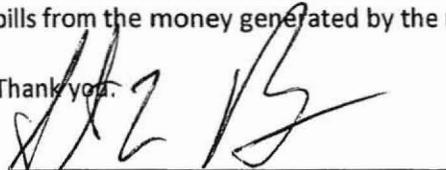
Accordingly, petitioners submit the attached form of initiative petition in compliance with section 5.18 of the Charter, and demand that the City Clerk perform the duties required of her by Section 5.18 of the charter. That section reads:

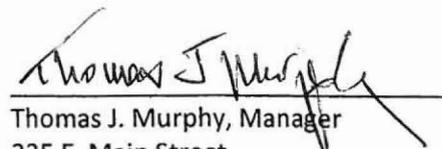
"The City Clerk shall publish said petition and inform the Council that a petition to amend or enact a certain ordinance is to be circulated and that for the Council to hear such a motion, at least ten percent (10%) of the total number of voters casting ballots at the last Regular Municipal Election must sign the petition within sixty (60) days of publication."

These prescribed duties are the only responsibilities of the City Clerk with regard to this Initiative Petition, until the signed petition sections are returned to her for certification.

It is only fair and just that the residents and businesses in Trinidad get a reduction in their utility bills from the money generated by the marijuana industry.

Thank you.


Steve Bolton, Manager
238 E. Main Street
Trinidad, CO 81082


Thomas J. Murphy, Manager
335 E. Main Street
Trinidad, CO 80182

City of Trinidad, Colorado
OFFICE OF THE CITY CLERK
135 N. Animas Street / P. O. Box 880
Trinidad, CO 81082
Phone 719-846-9843 Fax 719-846-4140



STATE OF COLORADO }

COUNTY OF LAS ANIMAS } ss.

CITY OF TRINIDAD }

I, Audra Garrett, City Clerk of Trinidad, Colorado, hereby certify that the attached is a INITIATIVE PETITION SECTION form filed with the Office of the City Clerk, and that said form complies with § 5.8 of the City of Trinidad Home Rule Charter.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Trinidad, Colorado, this _____ day of _____, 2015.

Audra Garrett, City Clerk

SEAL

INITIATIVE PETITION

**WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.
TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.**

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of Proposed Initiative

Trinidad's electrical utility charges are too high. This initiative reduces the amount of electrical utility charges required to be paid by qualifying electric utility customers of the City. It provides that all surcharge funds collected by the City of Trinidad for exports of retail marijuana be used to reduce the citizens' electrical utility bills.

Full Text of Proposed Initiated Measure and Ordinance

The initiated ordinance title is:

City of Trinidad, Colorado, Ordinance NO. _____, AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, AMENDING SUBSECTION (g) OF CHAPTER 14 ARTICLE 12 SECTION 14-227 OF THE MUNICIPAL CODE OF ORDINANCES, ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR RETAIL MARIJUANA BUSINESSES.

Code of Ordinances, Chapter 14, Article 12, Section 14-227(g), presently states:

(g) Retail marijuana which is cultivated within City limits and exported to other locales within the State of Colorado shall be subject to a surcharge due to the City of \$25.00 per pound. The surcharge shall be paid monthly to the City Finance Director accompanied by a copy of the corresponding manifest report.

The proposed initiated Ordinance amends Chapter 14, Article 12, Section 14-227(g) of the Code Of Ordinances, by adding the following provisions as subsection (g)(1):

(g)(1) It is the intent of this subsection to commit all surcharge funds collected under subsection (g) to reduction of amounts due from qualifying electric utility customers of the City.

Beginning on January 1, 2016, 100% of all such surcharge funds collected by the City Finance Director, shall be accrued for use under this subsection (g)(1).

Beginning with qualifying electric utility bills issued during the month of June, 2016, and then for each month thereafter: 100% of all surcharge funds collected by the City Finance Director, including all then accrued surcharge funds, shall be applied and credited to the monthly electric utility bills of all qualifying electric utility customers in

the month next following collection of such surcharge funds, in accord with this subsection.

As described below, each qualifying electric utility customer of the City shall receive on their monthly utility billing a pre-tax credit reducing their bill. The pre-tax credit shall be equal to the percentage of the previous month's total electricity purchase charges attributable to electric utility service customers in the Residential and General Electric Service rate classifications, charged to the City by its supplier of electricity, currently billed to the qualifying electric utility customer.

The City Finance Director shall apply the following formula to determine the credit to be applied to the bill of each qualifying electric utility customer:

$$\begin{aligned} A \div B &= C \\ C \times D &= E \\ D - E &= F \end{aligned}$$

Where:

A = Total surcharge collected by the City Finance Director for the prior calendar month, including all then accrued surcharge funds;

B = Total charges to City for qualifying electrical utilities for the prior calendar month;

C = $[A \div B]$ ___ %;

D = For each qualifying electric utility customer, billing calculation for current calendar month based on prior calendar month usage and without applying percentage reduction;

E = Total amount to be deducted from each qualifying electric utility customer

F = Final amount of each qualifying electric utility customer billing for current calendar month, based on prior calendar month usage.

Example of application of this subsection. Assume: In the prior month, City collects surcharge of \$100 and City is charged \$200 by its provider for electricity to qualifying customers. Surcharge is then 50% of provider's charges. Qualifying customers A and B used electricity in the prior month. Based on their use, customer A is billed \$2 and customer B is billed \$4. However, each customer will receive a reduction in their current bill equal to 50% of the billing. Customer A then pays \$1 and customer B pays \$2.

Definitions used in this subsection. The phrases "qualifying electric utility bills" and "qualifying electric utility customers", mean electric utility bills issued to all Residential and General Electric Service customers, as classified in Chapter 14 Article 12 Section 12-12 of the Code Of Ordinances. The phrase "pre-tax credit" means a credit calculated without including any sales tax otherwise applied by the City of Trinidad to electrical utility billing.

End Of Proposed Initiated Measure And Ordinance

The City Council is hereby requested to enact the ordinance contained herein or set the date for a vote of the people within thirty (30) days of certification by the City Clerk.

Committee of Petitioners:

1. Name: Carol J Blatnick 2. Name: PAULETTE TURNER
Physical Address: 378. Bacon Physical Address: 511 GARCIA
Trinidad, Co 81087 TRINIDAD, CO 81087
3. Name: Alicia N. Villanova Name: Steve Bolton

INITIATIVE PETITION

**WARNING:
IT IS AGAINST THE LAW:**

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE.
TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.**

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of Proposed Initiative

Trinidad's electrical utility charges are too high. This initiative reduces the amount of electrical utility charges required to be paid by qualifying electric utility customers of the City. It provides that all surcharge funds collected by the City of Trinidad for exports of retail marijuana be used to reduce the citizens' electrical utility bills.

Please sign in ink.

Elector Signature	Elector Printed Name	Elector Residence Address, City & County	Date of Signing
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			

Physical Address: 312 E Topoka
Trinidad, Co 81082

Physical Address: ⁵⁰709 W Adams
Trinidad Co 81082

5. Name: Thomas J Murphy
Physical Address: 335 East
Wade, Trinidad, CO 81082

Representative of Proponents:

1. Name: Steve Bolton
Mailing Address: 709 W Adams
Trinidad Co 81082

2. Name: Thomas J Murphy
Mailing Address: 335 East
Wade, Trinidad, CO 81082

AFFIDAVIT OF CIRCULATOR

I, _____, being first duly sworn upon oath, depose and state:
(Printed Name)

1. That I reside at _____, in the City of Trinidad, and County of Las Animas, State of Colorado.
2. That I have read and understand the laws governing the circulation of petition.
3. That I was eighteen years of age or older at the time the section of the petition was circulated and signed by the listed electors.
4. That I circulated the section of the petition.
5. That each signature thereon was affixed in my presence.
6. That each signature thereon is the signature of the person whose name it purports to be.
7. That to the best of my knowledge and belief, each of the persons signing the petition section was at the time of signing, a registered elector.
8. That I have not paid or will not in the future pay and that I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

Date: August _____, 2015

Signature of Affiant

COUNTY OF LAS ANIMAS }
 } ss.
STATE OF COLORADO }

Subscribed and sworn to before me this ____ day of August, 2015, by _____

My Commission Expires:

Notary Public



CITY of TRINIDAD

P. O. Box 880
TRINIDAD, COLORADO 81082
TELEPHONE (719) 846-9843
FAX NO. (719) 846-4140

August 13, 2015

Marijuana Electric Relief Initiative JumpStart, LLC
238 E. Main Street
Trinidad, CO 81082

c/o Steve Bolton, 238 E. Main Street, Trinidad, CO 81082
and Thomas J. Murphy, 335 E. Main Street, Trinidad, CO 81082

Dear Sirs:

This is in response to your letter of August 7, 2015. I am informed that the City Attorney, Les Downs, has advised you that your proposed initiative would, if passed, effectively accomplish something that would violate the Trinidad Municipal Charter. Mr. Downs has also advised you that the City has consulted with outside counsel who are all in general agreement that the Petition is improper under the Charter and that it raises a number of other legal difficulties.

Mr. Downs told you that his advice to me, as City Clerk, was not to certify your Petition. In accordance with that advice, I must reject your demand contained in your letter of August 7, 2015.

As for the implication that I have ignored a prior request, please note that it is my understanding that the City Attorney did respond to that request again explaining why the initiative Petition was inappropriate and in violation of the law.

Please address any further questions regarding this to the City Attorney, Mr. Downs.

Respectfully,

Audra Garrett
City Clerk

**GRASS ROOTS CITIZENS' PETITION
TO REDUCE OUR ELECTRICAL BILLS**

FROM: CITIZENS OF TRINIDAD, COLORADO

TO: TRINIDAD CITY COUNCIL & COUNCIL CANDIDATES

***WE ARE* CITIZENS OF TRINIDAD, COLORADO OF ALL AGES AND
POLITICAL AFFILIATIONS.**

***WE ASK* COUNCIL MEMBERS, AND THOSE WHO ARE RUNNING TO BE
COUNCIL MEMBERS – LOWER OUR BILLS – PLEASE.**

**OUR ELECTRICAL BILLS ARE MUCH TOO HIGH AND ARE CLIMBING
HIGHER.**

THE CITIZENS HAVE NOT CAUSED THESE BILLS TO SKYROCKET.

**THE CITY WILL SOON BE RECEIVING A LARGE AMOUNT OF TAX
MONEY FROM MARIJUANA EXPORT.**

***PLEASE PASS AN ORDINANCE* TO USE THIS MONEY SOLELY TO REDUCE
OUR HIGH ELECTRICAL BILLS.**

Here Is A Summary of The Proposed Ordinance

The new ordinance would commit all surcharge funds collected by the City of Trinidad for exports of retail marijuana under existing Ordinances, to reduce the amount of electrical utility charges required to be paid by qualifying electric utility

customers of the City.

Here Is The Full Text of The Proposed Ordinance

The proposed ordinance title is:

City of Trinidad, Colorado, Ordinance NO. _____, AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, AMENDING SUBSECTION (g) OF CHAPTER 14 ARTICLE 12 SECTION 14-227 OF THE MUNICIPAL CODE OF ORDINANCES, ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR RETAIL MARIJUANA BUSINESSES.

Code of Ordinances, Chapter 14, Article 12, Section 14-227(g), presently states:

(g) Retail marijuana which is cultivated within City limits and exported to other locales within the State of Colorado shall be subject to a surcharge due to the City of \$25.00 per pound. The surcharge shall be paid monthly to the City Finance Director accompanied by a copy of the corresponding manifest report.

The proposed Ordinance amends Chapter 14, Article 12, Section 14-227(g) of the Code Of Ordinances, by adding the following provisions as subsection (g)(1):

(g)(1) It is the intent of this subsection to commit all surcharge funds collected under subsection (g) to reduction of amounts due from qualifying electric utility customers of the City.

Beginning on January 1, 2016, 100% of all such surcharge funds collected by the City Finance Director, shall be accrued for use under this subsection (g)(1).

Beginning with qualifying electric utility bills issued during the month of June, 2016, and then for each month thereafter: 100% of all surcharge funds collected by the City Finance Director, including all then accrued surcharge funds, shall be applied and credited to the monthly electric utility bills of all qualifying electric utility customers in the month next following collection of such surcharge funds, in accord with this subsection.

As described below, each qualifying electric utility customer of the City shall receive on their monthly utility billing a pre-tax credit reducing their bill. The pre-tax credit shall be equal to the percentage of the previous month's total electricity purchase charges attributable to electric utility service customers in the Residential and General Electric Service rate classifications, charged to the City by its supplier of electricity, currently billed to the qualifying electric utility customer.

The City Finance Director shall apply the following formula to determine the credit to be applied to the bill of each qualifying electric utility customer:

$$A \div B = C$$

$$C \times D = E$$

$$D - E = F$$

Where:

A = Total surcharge collected by the City Finance Director for the prior calendar month, including all then accrued surcharge funds;

B = Total charges to City for qualifying electrical utilities for the prior calendar month;

C = $[A \div B]$ ___ %;

D = For each qualifying electric utility customer, billing calculation for current calendar month based on prior calendar month usage and without applying percentage reduction;

E = Total amount to be deducted from each qualifying electric utility customer

F = Final amount of each qualifying electric utility customer billing for current calendar month, based on prior calendar month usage.

Example of application of this subsection. Assume: In the prior month, City collects surcharge of \$100 and City is charged \$200 by its provider for electricity to qualifying customers. Surcharge is then 50% of provider's charges. Qualifying customers A and B used electricity in the prior month. Based on their use, customer A is billed \$2 and customer B is billed \$4. However, each customer will receive a reduction in their current bill equal to 50% of the billing. Customer A then pays \$1 and customer B pays \$2.

Definitions used in this subsection. The phrases "qualifying electric utility bills" and "qualifying electric utility customers", mean electric utility bills issued to all Residential and General Electric Service customers, as classified in Chapter 14 Article 12 Section 12-12 of the Code Of Ordinances. The phrase "pre-tax credit" means a credit calculated without including any sales tax otherwise applied by the City of Trinidad to electrical utility billing.

The City Council is hereby requested to enact the proposed ordinance, without delay.

STATEMENT OF CIRCULATOR

That I circulated this petition.

That each signature thereon was affixed in my presence by someone who really wanted to sign and support this Petition.

Date: _____, 2015

Signature of Circulator

Name: _____

Address: _____

Signature of Signing	Printed Name	Residence Address	Date
1.			2015
2.			2015
3.			2015
4.			2015
5.			2015
6.			2015



COUNCIL COMMUNICATION

3

CITY COUNCIL MEETING: September 22, 2015 Work Session
PREPARED BY: Tara Marshall, Development Services
PRESENTER: Tara Marshall, Development Services
DEPT. HEAD SIGNATURE: Tom [Signature]
CITY MANAGER SIGNATURE: [Signature]

SUBJECT: Request for Rezoning, The Grateful Dog, Teresa Clark, 1133 N. Linden Avenue

RECOMMENDED CITY COUNCIL ACTION: Consideration of Rezoning Request

SUMMARY STATEMENT:

The applicant, Teresa Clark, is requesting the rezoning of the property at 1133 N. Linden Avenue from ELDR (Established Low Density Residential) to NS (Neighborhood Services). In order to accommodate a Dog Grooming Boarding facility at the former site of the Hollywood Bar and Café.

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: Not Applicable

POLICY ISSUE:

If the rezoning is consistent with the goals of the 2008 Comprehensive Plan regarding Established Districts and meetings the City of Trinidad Municipal Code, *Chapter 14, Division 16, Section 14-112 Declaration of Policies and Standards for Rezoning.*

ALTERNATIVE: Not Applicable

BACKGROUND INFORMATION:

The City of Trinidad Planning, Zoning and Variance Commission approved the rezoning application presented by Teresa Clark on Tuesday, September 8, 2015. The PZVC's findings are detailed in the subsequent memo to Trinidad City Council.

CONTACT FOR INFORMATION: Tara Marshall, Development Services Director
(719) 846-9843 ext. 131 or (719) 680-7238
tara.marshall@trinidad.co.gov

3



City of Trinidad
Planning Department
135 N. Animas
Trinidad, Colorado 81082
Telephone (719) 846-9843 X 130
Fax (719) 846-4140
tara.marshall@trinidad.co.gov

To: Trinidad City Council

From: Tara Marshall, Development Services Director *Tom*

Re: Rezoning, The Grateful Dog, Teresa Clark
1133 N. Linden Avenue,
#2015-08

Date: September 18, 2015

The City of Trinidad Planning, Zoning and Variance Commission approved the rezoning application of the applicant, The Grateful Dog on Tuesday, September 8, 2015. The approved rezoning was from Established Low Density Residential Zoning to Neighborhood Services for the purpose of operating a commercial business.

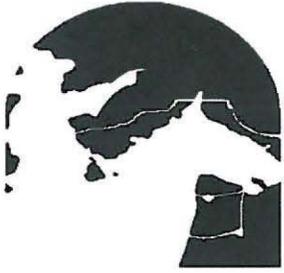
The approval of the rezoning included no conditions.

In reaching their decision, the Planning, Zoning and Variance Commission made the following findings:

- The applicant, Teresa Clark, from Trinidad Colorado is requesting rezoning to accommodate a Dog Grooming and Boarding facility at the former site of the Hollywood Bar and Café. The existing building was constructed and has been used as a bar for over 40 years. The proposed site is comprised of the east 90 feet of four (4) lots, Lot 1, Lot 2, Lot 3, and Lot 4 of the R. Chacon Subdivision with a total area of 10,800 square feet.
- The applicant also plans to provide off-street paved, striped parking and is anticipating approximately six (6) to eight (8) spaces on an approximately 1,500 square foot site.
- The property is zoned ELDR (Established Low Density Residential) which primarily accommodates single family residential development. The requested rezoning is to Neighborhood Services which primarily accommodates a variety of employment and service uses catered to neighborhood residents. Dog Grooming and Boarding facilities are not permitted by right in this zone district, however they could be allowed as a conditional use through the Conditional Use Permit process per *Chapter 14, Article 4, Division 8. Section 14-59, Neighborhood Services.*
- The surrounding land uses are primarily residential, however there are a number of Community Commercial uses, such as JR's Fuel Stop (806 E. Goddard Ave) and M&M Repair and Towing (1901N. Linden Ave) located within a half mile of the subject property. The property is in close proximity to Interstate 25, roughly 0.7 miles from Exit 15, a major entry point into the City. This property has the ability to serve as a commercial buffer between the interstate and nearby residential neighborhoods.
- The public hearing before Planning, Zoning and Variance Commission was publically noticed in accordance with the applicable public notification requirements, *Chapter 14, Division 16, Section 14-113(2).*

- The 2008 Comprehensive Plan designates this area as part of an Established District, which has the goal of emphasizing the renovation of existing structures and ongoing property maintenance, strengthening vitality in order to maintain stability of the neighborhood, promoting rehabilitation or restoration of existing structures, and targeting infrastructure improvements.
- In accordance with the City of Trinidad's Municipal Code, *Chapter 14, Division 16, Section 14-112 Declaration of Policies and Standards for Rezoning* the Planning Zoning and Variance Commission made the following findings:
 - The applicant met the minimum standards regarding submittal requirements, Section 14-115. Including a certified Survey & Legal Description as well as verbal testimony that included methods of water supply, sewage disposal, snow removal, and interior site development.
 - Per Section 14-112(1), the Commission heard ample testimony to determine the site was zoned as ELDR in error. This is evidenced by the fact that the site has been home to a commercial use, the Hollywood Bar and Café for over 40 years.
 - Per Section 14-112(2), the Commission heard ample testimony to determine that the rezoning fulfills the following conditions:
 - The zoning change will advance a more effective use of land in harmony with the City of Trinidad 2008 Comprehensive Plan
 - The public interest has been met

Based on these findings the Planning, Zoning and Variance Commission has approved the rezoning application and recommends the applicant to the Trinidad City Council.



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

4

CITY COUNCIL MEETING: September 22nd, 2015 Work Session

PREPARED BY: Anna Mitchell, Asst. to the City Manager

PRESENTER: Les Downs, City Attorney, and
Anna Mitchell, Asst. to the City Manager

DEPT. HEAD SIGNATURE:

CITY MANAGER SIGNATURE:

Anna Mitchell
[Signature]

SUBJECT: Discussion of aggressive panhandling ordinance.

RECOMMENDED CITY COUNCIL ACTION: Discuss the main points of what is wanted to be included and accomplished through an aggressive panhandling ordinance.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

POLICY ISSUE: Panhandling

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The original ordinance that was drafted was sent to a CIRSA lawyer who has worked with several cities regarding the aggressive panhandling issue and knows what should and should not be included in this type of ordinance to avoid legal issues of infringing upon the rights of the citizens.
- We are currently waiting for a new draft to be sent to us from the CIRSA lawyer and once we have received and reviewed the draft, we will schedule the ordinance for a work session.

CONTACT FOR INFORMATION:

Les Downs, City Attorney
(719) 846-9843 x120
Or Anna Mitchell, Asst. to the City Manager
(719) 846-9843 x133

4

- **Sec. 17-127. - Panhandling.**

(a)

When used in this Section, the following words, terms and phrases shall have the meanings ascribed to them in this Subsection (a):

(1)

Knowingly shall mean, with respect to the conduct or circumstances described in this Section, that a person is aware that such person's conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, this means that a person is aware that such person's conduct is practically certain to cause the result.

(2). *Obstruct* shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.

(3) *Panhandle* shall mean to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value.

(b)

It shall be unlawful for any person to panhandle if such panhandling occurs:

(1)

In a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, or coercive and that causes the person solicited to reasonably fear for his or her safety;

(2)

In a manner that involves the person panhandling knowingly directing fighting words to the person solicited;

(3)

In a manner that involves the person panhandling knowingly touching or grabbing the person solicited; or

(4)

On a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person.



COUNCIL COMMUNICATION

5

CITY COUNCIL MEETING: September 22, 2015 Work Session
PREPARED BY: Anna Mitchell, Asst. to the City Manager
PRESENTER: Anna Mitchell, Asst. to the City Manager
DEPT. HEAD SIGNATURE:
CITY MANAGER SIGNATURE: *Anna Mitchell*
[Signature]

SUBJECT: The Simpson's Rest Clean Up day has been scheduled for Saturday, October 3rd, 2015 from 9:00 am to 12:00 pm.

RECOMMENDED CITY COUNCIL ACTION: Support the city and its volunteers to improve an important historic landmark.

SUMMARY STATEMENT: We will be welcoming anyone who wishes to volunteer for the clean-up day. During that day we will be removing graffiti, picking up glass, installing two bear-proof trash cans, installing two benches, installing the original plaques describing the history of Simpson's Rest as well as posting additional signs communicating that Simpson's Rest is an actual burial site with the intention of deterring further vandalism.

EXPENDITURE REQUIRED: No greater than \$5,000

SOURCE OF FUNDS: CIP

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- We have recently received several complaints about the current state of Simpson's Rest and the continuous care of the site.
- We will be providing refreshments and snacks for the volunteers

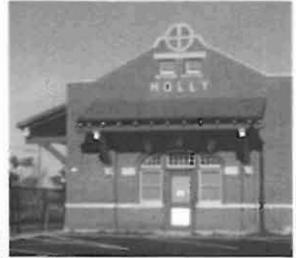
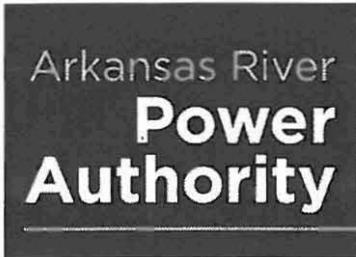
CONTACT FOR INFORMATION: Anna Mitchell, Asst. to the City Manager
(719) 846-9843 x133
Or to sign up to volunteer: Dona Valencich, HR Director
(719) 846-9843 x110

5



INFORMATION ITEMS
September 22, 2015

1. ARPA Business Operations Newsletter – September 10, 2015



BUSINESS OPERATIONS – September 10, 2015

Distributed Generation (DG): DG can be defined as small, grid connected power generating devices that are typically renewable energy sources such as hydro, solar panels, and wind power. They are “behind the meter” and owned by the customer, rather than the utility. ARPA members, as are electric utilities nationwide, are seeing an unprecedented interest in the installation of DG systems within their service territories. The ARPA Board believes the level of interest will only continue to grow, which emphasizes the need for a comprehensive approach to the issues including policies on how to address DG installations.

DG systems typically result in excess generation, above the load being served, that is generated back to the “grid” (utilities’ distribution systems). This essentially sets in motion a process whereby at certain times of the day, the utility is now purchasing power from its customer rather than providing power.

Challenges related to DG installations are many including the impact it has on existing power supply contracts, the technical and reliability impact on distribution system operations, and impact on a utilities’ retail rate structure, just to name a few.

ARPA Teams Up with The Energy Authority: In response to the interest in DG, ARPA is teaming up with The Energy Authority (TEA), a non-profit corporation that is wholly owned by public power entities and provides a variety of services to public power utilities. TEA will be performing a solar analysis to determine the impact solar installations may have on ARPA and its members including distribution system operations and the rate impact to member utilities, and to ARPA. This study will also identify the type of policy(s) ARPA and its members will need to manage Distributed Generation most effectively.

ARPA Board Reviews Preliminary 2016 Budget: A preliminary budget was presented to the ARPA Board of Directors at its August 27 meeting. As presented, the budget includes no base rate increase for 2016. This will be the 5th consecutive year of no power supply cost increase. The budget projects the sale and demolition of the Lamar Repowering Project and also projects revenues from the sale, which will more than off-set the costs. It is anticipated ARPA will experience increases in transmission rates, health insurance costs, and a 2% increase in purchased power costs. The budget also includes achieving the 1.25x debt service coverage required by ARPA’s bond covenants.

Summary of July 2015 Financial and Operating Statements: Total revenues for July were better than budget by 5.7% with net operating revenues of \$525,844. Net revenues year to date are \$1,094,223. Power supply costs are 5.2% under budget YTD, and member sales YTD are right at budget. Wind generation year to date is down 19% compared to the same time last year.

LED Lighting Project Continues: Close to twenty people attended a lighting ceremony at the Lamar Public Library-Cultural Events Center on Thursday, August 27. It is estimated the conversion of the lighting in the library facilities will result in 17,640 kilo-watt hour savings (36%), or \$2,500 annually for the City.

Council Questions from the September 15th, 2015 Council Meeting

1. Can we address the lighting issue in the Southside Park parking lot? (Mike)

There are currently 11 arc style lights in the area of Southside Park and the skate park area. The city recently paved an area just west of Grant Street to ease the parking situation and keep Grant Street access free for emergency access to the baseball fields and the surrounding neighbors. The lot was a gravel parking area previously. The intersection of Grant and Jackson also has an existing light for traffic safety. The parking lot is used mainly for baseball games and when there are night games the field lights illuminate the entire area. It is my opinion that the area is lit sufficiently when the field is in use. The city can place another light at the west edge of the newly paved parking lot. The cost for all street and park lights is borne by the general fund. Just know that we have many requests for lights in all areas of town and it would be setting a precedent that could be very costly.

2. Can we schedule work session regarding the reduction of electric bills by Tom Murphy? (Anna)

Yes, Tom will be presenting at next Tuesday's work session (9/22) on the topic of Marijuana Electric Relief Initiative Jumpstart, LLC (MERI J). Presenters will include Tom Murphy and Steve Bolton.

3. Do we have a work session scheduled to address aggressive panhandling? (Anna)

Yes, on September 22nd. The ordinance that was drafted was sent to a CIRSA lawyer who has worked with several cities regarding the aggressive panhandling issue and knows what should and should not be included in this type of ordinance to avoid legal issues of infringing upon the rights of the citizens. We are currently waiting for a new draft to be sent to us from the CIRSA lawyer and once we have received and reviewed the draft, we will schedule the ordinance for a work session. In the meantime, we will come with conversation points to see what the council would like to see come forward.

4. Are we able to construct a Proclamation for the Space to Create group? (Gabe)

Yes. Once a project site is chosen and underway, Staff is happy to draft a proclamation for Space to Create.

5. Is there a runoff water issue in the Industrial Park? (Tom/Mike)

There was a problem for a brief time with flooding at a crosswalk in the area. Street and Bridge crews were able to clean the valley pan and ease the situation. Of course, recent historic rains have complicated this type of issue, but we're pretty sure it has been taken care of. All of the properties in this development are responsible for their own water runoff control. If a building is built or a parking lot paved, the amount of runoff is limited to amounts flowing off of vacant, undisturbed land. As the amount of runoff increases, the owners must make sure they have in place a means of controlling these amounts, such as a retention pond.

6. Can we provide a copy of the Robert's Rule of Order to each council member? (Dona)

I am in the process of researching available copies of Robert's Rules of Order and will provide these to Council as soon as I can. I would like to find something that isn't quite as dry and convoluted as this standard book but I'm not sure what is out there.

7. When can a motion be amended or modified? (Dona)

According to Robert's Rule of Order:

- **What Precedes Debate.** Before any subject is open to debate it is necessary, first, that a motion be made by a member who has obtained the floor; second, that it be seconded (with certain exceptions); and third, that it be stated by the chair, that is, by the presiding officer. The fact that a motion has been made and seconded does not put it before the assembly, as the chair alone can do that. He must either rule it out of order, or state the question on it so that the assembly may know what is before it for consideration and action, that is, what is the *immediately pending question*.

While no debate or other motion is in order after a motion is made, until it is stated or ruled out of order by the chair, yet members may suggest modifications of the motion, and the mover, without the consent of the seconder, has the right to make such modifications as he pleases, or even to withdraw

his motion entirely before the chair states the question. After it is stated by the chair he can do neither without the consent of the assembly as shown in **27(c)**. A little informal consultation before the question is stated often saves much time, but the chair must see that this privilege is not abused and allowed to run into debate. When the mover modifies his motion the one who seconded it has a right to withdraw his second.

8. Does David Snow have an access permit from the State for his property? (Tara)

The access permit from CDOT and or an Easement from a neighboring property owner will be part of the Sub-Division (Final Platt) process that Mr. Snow will be handling within the next year. Finalizing this is one of the conditions placed on the CUP by the PZVC.