



## **CITY OF TRINIDAD TRINIDAD, COLORADO**

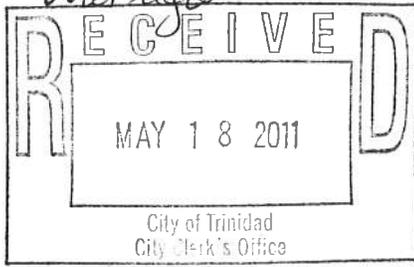
The City Council will hold its regular Work Session on  
Tuesday, June 14, 2011 at 1:30 p.m.  
City Hall Council Chambers, Third Floor, City Hall

### **AGENDA**

1. Introduction of Carnegie Library Advisory Board Applicants
2. Introduction of Colorado Welcome Center Manager and Assistant Manager
3. Request to address City Council – Glenn Davis
4. Discussion regarding proposed Home Rule Charter Revisions – Tami Tanoue, CIRSA
5. Request for extraterritorial water tap from Ms. Sara Ferguson and Mr. Kim Krisco – Jim Fernandez, Utilities Superintendent
6. Request for extraterritorial water tap from Tochter Water Association – Jim Fernandez, Utilities Superintendent
7. Update on Trinidad Golf Course Clubhouse – Mike Valentine, Public Works Director
8. Discussion regarding revisions to grant contract for the “Old Stone Water Works Building” Project – Jerod Beatty, City Attorney
9. 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).

verified reading  
votes regis



MAY 18. 2011

MAJOR AND CITY COUNCIL  
TRINIDAD, COLORADO

I AM REQUESTING THAT MY  
MEMBERSHIP ON THE TRINIDAD  
CARNEGIE LIBRARY BOARD BE  
RENEWED FOLLOWING THE CHANGE  
TO DEPARTMENTALIZATION.

THANK YOU FOR YOUR  
CONSIDERATION.

Sincerely,  
Janet H. Hammond

1

1133 Alta  
Trinidad, CO 81082  
March 23, 2011

Mayor Garduno  
Trinidad City Hall  
135 N. Animas  
Trinidad, CO 81082

Dear Mayor Garduno and Members of City Council:

By this letter, I am applying for appointment to Trinidad Carnegie Library's Advisory Board. I have served on the previous library board until the library recently became a city department. I understand that, by ordinance, previous board members are required to submit new applications; hence, this letter.

I have been a faithful and conscientious library board member for several years. I believe my performance while on the previous board has demonstrated my ability to serve the city and the public in matters concerning our library. If selected, I wish to commit to an appointment until August, 2014, when my term would have been up on the prior board.

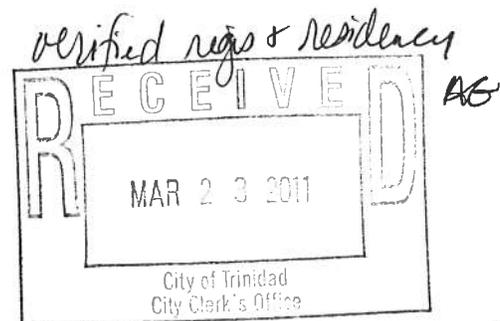
I am proud of what the library has come to signify with the both the city and the county residents. Carnegie Library has flourished under director Jane Besel and I look forward to even more progress given the opportunity to continue work with her.

Thank you for your consideration in this matter.

Sincerely,



Pat Fletcher



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To Whom It May Concern,

I am writing this letter with the intent of becoming a member of the Local Library Board.

My name is Wayne Rivera I am currently the Library Resource Manager at Trinidad State Junior College. During my career, I have also had the pleasure of being the Librarian at Trinidad Middle School (TMS) for over ten years. While at TMS. I also taught math classes, advisory classes and learning support classes.

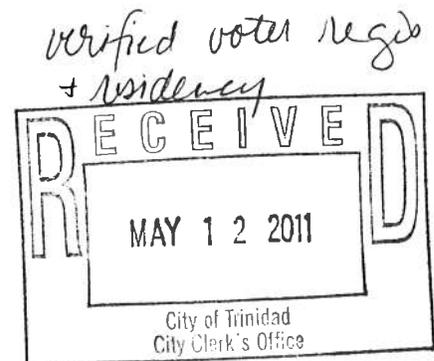
I am very interested in the advancement and challenges that our youth face on a daily basis and I believe that a library is an essential way to insure success. I also believe that if we challenge our youth to pick up a book and use their imaginations in a positive manner then they will become positive role models among their peers.

Community members as a whole can also be challenged to support this effort by participating in activities and becoming involved in what the community as whole has to offer.

I have been an active member of this community and support our local libraries on a regular basis. Your sincere consideration in this matter would be greatly appreciated. If you have any questions please feel free to contact me by phone (h) (719) 846-3079 or by email at waynerivera@hotmail.com

Respectfully Submitted by;

Wayne Rivera  
TSJC Library Resource Manager



P.O. Box 876  
Trinidad, CO 81082  
March 21, 2011

Dear Mayor Jenny Garduno and Esteemed Members of Trinidad City Council:

Please consider me for an appointment to the Advisory Board of the Carnegie Public Library. I have served on the Board of Trustees of the Carnegie Library since August, 2010 until recently when the Library became a City department.

I have been a resident of the City since October of 2009. I am a registered voter in Las Animas County and in Trinidad.

My library experience consists of 13 years as Librarian/Library Teacher at Trinidad High School during the years of 1985-1998.

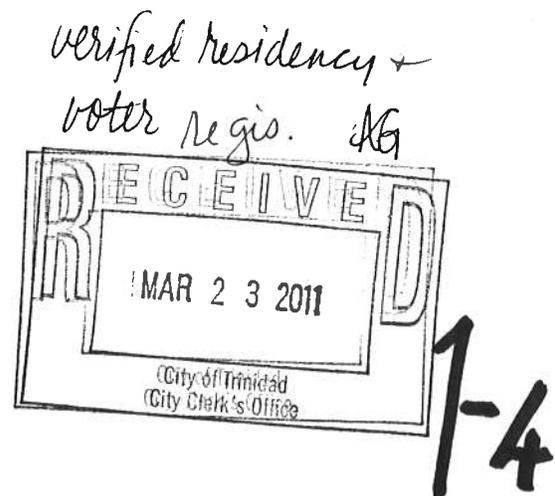
I am at the present time, and have for many years, helped children gain reading skills so they may read well enough to retrieve information from various forms of media that is accessible in Libraries and elsewhere.

My interest in serving on the Library Advisory Board is because I would like to be involved in decisions that concern the day-to-day operation of the Carnegie Library and, also, in cooperation with others, determine that the quality of service that is provided to patrons is the best possible.

I feel that the Carnegie Library is very important to our City and to the outlying areas because through the Library, we have access to services, and to individuals, who have the expertise, to help us acquire the information that we need.

Very truly yours,

*Lydia M Baca*  
Lydia Baca



April 18, 2011

Library Advisory Board Applications

City of Trinidad

135 North Animas Street

Trinidad, CO 81082

Dear Mayor Garduno and City Council Members:

Please accept this as my formal application for a position on the Library Advisory Board. I love our library and would be eager to serve on the board, be part of the efforts toward preservation, and help to bring improvement and innovation to our library.

I believe I would be a source of great ideas as well as a willing servant for our community, bringing future hopes to fruition. Fresh outlooks, an eye toward tradition and community values are what have aided our Library Advisory Boards in the past, and I feel I can maintain that vision and add a new point of view.

I have previously served on AYSO (American Youth Soccer Organization) as Board Member, Secretary, and Vice Present, and at the Children's Museum Board as Secretary. I enjoy being involved with a working board, and am one that gets involved in the knitty-gritty aspects of aiding the projects that keep the organization viable. I have lived in Trinidad since 1978, when I was a sophomore in high school; married in 1981, and am the proud mother of five wonderful children and grandmother of 3!

As a confessed bibliophile, in that I love books of all kinds, the idea of helping our library is exciting to me. Thank you for your consideration.

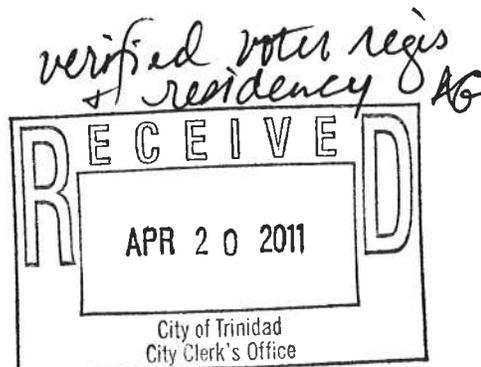
*Jami Felthager*

Tami Felthager

1201 Willow Street

Trinidad, CO 81082

719-859-2209



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April 12, 2011

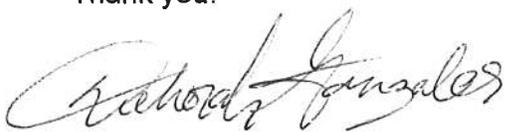
Dear Mayor Garduno & Members of City Council,

I am writing this letter to express my interest in an appointment to the Carnegie Library Advisory Board in Trinidad.

I have been a resident of Trinidad since October 2009, when I moved here from Canada to marry my husband.

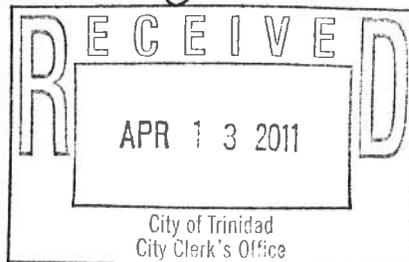
A friend recently suggested that I apply for this appointment, and I feel that it would be a good mesh with my areas of interest. I look forward to contributing in some small way to the community and my new home.

Thank you.



Deborah Gonzales  
230 E. Kansas Ave.  
Trinidad, CO 81082  
846-2620 or cell 680-9738

*not registered*



*1-6*



## City of Trinidad, Colorado

Office of the City Attorney  
135 North Animas Street  
Trinidad, CO 81082  
P: (719) 846-9843  
F: (719) 846-4140  
jerod.beatty@historict Trinidad.com

### MEMORANDUM

To: Mayor Garduno and Members of City Council  
From: Jerod Beatty   
Re: Draft of Proposed Home Rule Charter Revisions  
Date: June 9, 2011

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Dear Mayor Garduno and Members of City Council:

Following this cover memorandum, please find a draft copy of proposed revisions to the Home Rule Charter for the City of Trinidad, Colorado. These revisions are being proposed by CIRSA's general counsel, Ms. Tami Tanoue, in consultation with City Clerk Audra Garrett and myself. Ms. Tanoue is scheduled to appear for the City Council's June 14<sup>th</sup> work session to discuss these proposed revisions and to obtain policy guidance from you. Ms. Tanoue has indicated that she will require approximately one (1) hour of your time to discuss these proposed revisions.

Please be advised that Ms. Tanoue is proposing revisions to Chapters III ("ELECTIONS"), IV ("ELECTED OFFICIALS"), and V ("COUNCIL PROCEDURE") of the Home Rule Charter, along with a few miscellaneous conforming revisions to the "Definitions" set forth in Chapter XII ("GENERAL PROVISIONS"), § 12.2. Please note that Ms. Tanoue proposes an extensive replacement for Chapter III ("ELECTIONS"). For Chapters IV, V, and XII, capital letters indicate new material added to existing Home Rule Charter text, and dashes through text indicate deletions from existing text. Please note further that the comments in the right-hand margin of the proposed revisions are my comments that have not yet been removed by Ms. Tanoue, presumably because Ms. Tanoue desires to discuss them further with you.

Please be further advised that any amendment of the Home Rule Charter must be approved by electoral vote. If proposed revisions are deemed desirable by the City Council, City Staff envisions a City Council-approved ordinance that will refer the Home Rule Charter amendments to the voters, possibly in the November 2011 municipal election.

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REPLACE CURRENT CHAPTER III WITH THE FOLLOWING:

**CHAPTER III  
ELECTIONS**

- 3.1 Colorado Municipal Election Laws Adopted.** City elections shall be governed by the Colorado Municipal Election Code as contained in the State statutes, except as otherwise provided by this Charter or by ordinance. All regular and special elections shall be nonpartisan.
- 3.2 Regular Elections.** A regular election shall be held in November of each odd-numbered year on the date established by the State statutes for the regular elections of statutory cities. The Mayor and each Council Person shall take office at the first regular meeting in January following their election.
- 3.3 Special Elections.** A special election shall be called by a resolution adopted at least thirty (30) days prior to the election. The resolution calling a special election shall set forth the purpose of the election.
- 3.4 Conduct of Elections.** The City Clerk shall have charge of all activities and duties required pursuant to this Charter relating to the conduct of City elections. In any case where election procedure is in doubt, the City Clerk shall prescribe the procedure to be followed.
- 3.5 Recall.**
- (a) The Mayor or any Council Person may be recalled from office pursuant to the State statutes which establish procedures for the recall of municipal elective officers, except as otherwise provided in this Charter.
- (b) A recall petition shall be signed by registered electors of the City. The signers shall number at least twenty-five percent (25%) of the ballots cast at the last preceding election. For the purpose of this section, the "last preceding election" shall be the last preceding election at which the person sought to be recalled was elected to office, unless the person sought to be recalled was appointed to fill a vacancy, in which event it shall be the last preceding election at which the person who created the vacancy was elected to office.
- (c) If the office held by the person sought to be recalled would otherwise be filled at a regular City election scheduled to be held within ninety (90) days after submission of the recall petition, the petition shall not be accepted and no recall election shall be held.
- (d) If a regular City election is scheduled to be held within ninety (90) days after submission of the recall petition, even though that election is not the one at which the

**Comment [J1]:** Note to self: Colorado Municipal Election Code, Section 31-10-101 *et seq.*, C.R.S., is consistent with coordinated election rules in Section 1-10-101 *et seq.*, C.R.S.

**Comment [J2]:** Up from ten percent (10%)?

4-2

office held by the person sought to be recalled would otherwise be filled, the recall election shall be held at the same time as that regular City election.

(e) If a general statewide election is scheduled to be held within ninety (90) days after submission of the recall petition, the recall election shall be held at the same time as that statewide election.

(f) After one (1) recall petition and election, no further petition shall be filed against the same person during the term for which such person was elected, unless the signers number at least fifty (50) percent of the entire vote cast for all the candidates for that particular office at the last preceding election at which the person sought to be recalled was elected to office.

### 3.6 **Initiative.**

(a) The registered electors of the City may initiate a proposed ordinance, pursuant to the initiative power reserved by Article V, Section 1(9) of the State Constitution, as to any legislative matter which is subject to said initiative power. Any initiated measure shall be in the form of an ordinance. The ordinance shall be initiated pursuant to the State statutes which establish procedures for a municipal initiative, except as otherwise provided in this Charter.

(b) An initiative petition shall be signed by registered electors of the City equal in number to at least ten percent (10%) of the total number of electors of the City registered to vote as of the date established by the State statutes for determining such percentage.

(c) The City Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the City Clerk.

(d) The City Clerk shall not count as valid any signature on an initiative petition if more than ninety (90) days have elapsed between the date the form of the petition was approved by the City Clerk and the date of the signature.

### 3.7 **Referendum.**

(a) The registered electors may require an adopted ordinance to be referred to them at an election, pursuant to the referendum power reserved by Article V, Section 1(9) of the State Constitution, to the extent the ordinance constitutes a legislative matter which is subject to said referendum power. Such an ordinance shall be referred pursuant to the State statutes which establish procedures for a municipal referendum, except as otherwise provided in this Charter. The referendum power shall not apply to an emergency ordinance.

(b) A referendum petition shall be signed by registered electors of the City equal in number to at least ten percent (10%) of the total number of electors of the City registered to vote as of the date established by the State statutes for determining such percentage.

**Comment [j3]:** 10% is consistent with our current Charter language. Should this percentage be increased?

**Comment [j4]:** 10% is consistent with our current Charter language. Should this percentage be increased?

4-3

(c) The City Clerk shall not count as valid any signature on a referendum petition if the date of the signature is prior to the date the form of the petition was approved by the City Clerk.

**3.8 Prohibited Action by Council.**

(a) No initiated ordinance adopted by the registered electors of the City may be substantively amended or repealed by the Council during a period of one (1) year after the date of the election on the initiated ordinance, unless the amendment or repeal is approved by the affirmative vote of two-thirds (2/3) of the entire Council.

(b) No referred ordinance repealed by the registered electors of the City may be re-adopted by the Council during a period of one (1) year after the date of the election on the referred ordinance, unless the re-adoption is approved by the affirmative vote of two-thirds (2/3) of the entire Council.

**3.9 Withdrawal of Petition.** An initiative, referendum, or recall petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote by filing with the City Clerk a written request for withdrawal signed by a majority of the persons who are designated in the petition as representing the signers on matters affecting the petition. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

**3.10 Petition Forms to Be Provided.** The City Clerk shall provide, upon request, sample forms of initiative, referendum, and recall petitions which conform to the requirements of this Charter.

**3.11 Single-Subject Requirement — Initiated and Referred Measures.**

(a) No measure proposing an amendment to the ordinances of the city by means of a petition for initiative or referendum shall be submitted to the registered electors of the City if the measure contains more than one subject.

(b) The City Clerk shall approve for petition circulation measures proposing referred ordinances or initiated ordinances only when such measures contain a single subject.

(c) As used in this section, the single subject requirement means that the matters in the measure submitted for voter approval are necessarily or properly connected and are not disconnected or incongruous.

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Drafting Note: 5.18 and 5.19 would be subsumed within the new Chapter III.

## CHAPTER IV

### ELECTED OFFICIALS

4.1 ~~Elective Officers~~ CITY COUNCIL. ~~The elective officers~~ THE CITY COUNCIL of the City of Trinidad shall consist of one Mayor and six (6) Council Persons. Any elected officer of the City of Trinidad may be recalled from office as previously specified. THE CITY COUNCIL SHALL BE THE GOVERNING BODY OF THE CITY AND SHALL HAVE SUCH POWERS AS ARE POSSESSED BY THE CITY AND NOT CONFERRED BY THIS CHARTER ON OTHERS. ALL SUCH POWERS SHALL BE EXERCISED IN THE MANNER PRESCRIBED IN THIS CHARTER OR, IF NOT PROVIDED FOR HEREIN, IN SUCH MANNER AS SHALL BE PROVIDED BY ORDINANCE.

4.2 ~~Qualifications of Elected Officers~~ OFFICIALS (~~Mayor and City Council Persons~~): (a) Each candidate for Council Person or Mayor when nominated and elected shall be ~~an eligible and~~ A registered elector of the City, a citizen of the United States for at least five (5) years and shall have been domiciled in the City for at least twelve (12) months immediately preceding the election.

(b) ~~Further, no~~ NO person shall be appointed to OR HIRED IN any City office, position, or employment for which compensation was increased or fixed by City Council while that person was a member thereof until one year from the date that person ceased to be a Council Person or Mayor.

(c) No candidate for ~~City Council~~ PERSON or Mayor shall hold any other elective City office unless the term of such other elective office shall expire on or before the date on which such candidate would take office if elected. However, a person may simultaneously serve as a ~~member of the City Council~~ PERSON or Mayor, and as a member of a Home Rule Charter Commission of the City.

ALTERNATE (c): NO PERSON SHALL BE A CANDIDATE FOR MAYOR AND COUNCIL PERSON AT THE SAME ELECTION, OR HOLD BOTH POSITIONS SIMULTANEOUSLY.

(d) Neither the Mayor nor any ~~member of City Council~~ PERSON may be a ~~salari~~ AN employee ~~or officer~~ of the City during his/her term of office.

(e) No person may serve as an elected official of the City for a continuous period of more than eight (8) years. Any person who has ~~held any elective office or~~

~~offices for a continuous period of eight (8) years~~ SO SERVED shall thereafter become ineligible to serve ~~on City Council or as Mayor~~ AS AN ELECTED OFFICIAL for a period of four (4) years. A PERIOD IN WHICH A PERSON WAS APPOINTED TO THE OFFICE FOR LESS THAN A FULL TERM OF OFFICE, OR WAS ELECTED TO A PERIOD THAT WAS LESS THAN A FULL TERM OF OFFICE, SHALL NOT BE INCLUDED IN THE LIMITATIONS OF THIS SUBSECTION. NO PERSON MAY BE APPOINTED MAYOR OR COUNCIL PERSON AFTER HE OR SHE HAS BEEN TERM LIMITED, UNLESS AT LEAST FOUR YEARS HAS PASSED SINCE LEAVING THE TERM LIMITED OFFICE.

ALTERNATE (e): THERE SHALL BE NO LIMIT ON THE NUMBER OF TERMS OR SERVED BY THE MAYOR OR ANY COUNCIL PERSON, OTHER THAN THAT WHICH EXISTS THROUGH THE EXERCISE BY THE REGISTERED VOTERS OF THE RIGHT TO RETAIN OR NOT TO RETAIN ANY PERSON IN OFFICE.

4.3 Council PERSONS. ~~There shall be a City Council of six (6) members who shall be elected at large from the entire City.~~ EACH COUNCIL PERSON SHALL BE ELECTED AT LARGE BY THE REGISTERED VOTERS. ~~The term of elective office for each~~ EACH Council Person shall be ELECTED FOR A TERM OF four (4) years, ~~and until his/her successor is elected and assumes office.~~ Council Persons may be elected for a maximum of two (2) consecutive terms and thereafter, shall become ineligible to serve ~~on City Council or as Mayor~~ for a period of four (4) years. Three (3) Council Persons shall be elected at one Regular Municipal Election and the other three (3) Council Persons shall be elected at the next succeeding Regular Municipal Election.

4.4 Terms of Office. Those Council Persons serving or elected on the date of the final adoption of this Charter shall continue in office for the remainder of the respective terms to which they were elected.

In the Regular Municipal Election to be held in 1995, the three (3) candidates for City Council receiving the greatest number of votes shall be elected for four (4) year terms.

In the Regular Municipal Election to be held in 1997 and thereafter, the three (3) candidates for City Council receiving the greatest number of votes shall be elected for four (4) year terms. (PERHAPS THIS SECTION COULD BE REPEALED?)

4.5 Powers of the Council. ~~The elected Mayor and elected City Council shall be the governing and legislative body of the City. Council shall have all powers established by the Colorado Constitution under Home Rule and hereinafter provided in this Charter.~~

4-6

- 4.6 Mayor. The Mayor shall be elected at large by the registered voters of the entire City. The term of office for the Mayor shall be two (2) years. ~~The Mayor, if elected, may serve up to a maximum of four (4) consecutive elective terms. Thereafter, the Mayor shall become ineligible to serve as Mayor or on City Council for a period of four (4) years.~~ The Mayor shall preside at all meetings of the Council and shall have all of the powers, rights, and privileges of a Council member PERSON. The Mayor shall be recognized as the head of City government for all ceremonial and legal purposes, by the courts for serving civil process and by the government for purposes of military law.

The Mayor elected on the date of final adoption of this Charter shall continue in office for the remainder of the term to which he/she was elected. [DELETE?]

- 4.7 Mayor Pro-Tem. The Mayor Pro-Tem shall be appointed by the City Council from its membership at the first regular meeting after January 1 following each regular City election. The term for Mayor Pro-Tem shall be two (2) years. The Mayor Pro-Tem shall not serve two (2) consecutive terms as Mayor Pro-Tem. In the absence of the Mayor, the Mayor Pro-Tem shall perform all duties and have all the powers of the Mayor AS WELL AS RETAINING ALL RIGHTS AND POWERS OF A COUNCIL PERSON. In the event of the absence of both the Mayor and the Mayor Pro-Tem, the Council shall appoint one other of its members to serve as Acting Mayor. The Acting Mayor, while serving, shall perform all the duties and have all the powers of the Mayor as well as retaining all Council members rights and powers OF A COUNCIL PERSON.

## CHAPTER V

### COUNCIL PROCEDURE

- 5.1 Codification. Within eighteen (18) months of the effective date of this Charter, the City Council shall direct and complete the codification of the Code of Ordinances of the City of Trinidad.
- 5.2 Ordinances. The Council shall act only by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances. All other actions, except as herein provided, may be in the form of resolutions or motions. All ordinances shall be identified by a short title and number and shall be codified upon passage.
- 5.3 Voting. A roll call vote by "Yes" and "No" shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of the Council proceedings. Every ordinance shall require the affirmative vote on final reading of a majority of the entire Council for final adoption. Resolutions and motions shall require the affirmative vote of a majority of the members present. No

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member of the Council shall vote on any question on which he/she has a substantial personal or financial interest, as determined by a majority of the Council, other than the common public interest, or on any question concerning his/her own conduct, and in said instances the member shall disclose this interest to the Council. Failure of any MEMBER OF THE Council member to comply as specified shall be considered misconduct in office. On all other questions each member present at the meeting shall vote unless excused by the unanimous consent of the remaining members. Any other abstention, or refusal to vote, or absenting one-self from the room during the call for question shall be ruled a "yes" vote, recorded as such, and considered misconduct in office.

- 5.4 Ordinance Required. Every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, placing any burden upon or limiting the use of private property, required by other provisions of this Charter or by state law shall be by ordinance. All ordinances shall be confined to one subject except the Annual Appropriation Ordinance, the repealing of ordinances, or the codification of ordinances.
- 5.5 Form. Every ordinance shall be written in plain, unambiguous language and shall be introduced in written or printed form. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO. All ordinances shall take effect ten (10) days after final passage except as otherwise specified in this Charter. Every ordinance introduced shall be deemed to contain a severability clause, whether stated therein or not, except as otherwise provided in this Charter.
- 5.6 Procedure. The procedure for enactment of all ordinances shall be as follows:
- (a) The ordinance shall be introduced at any regular meeting of the Council by any member thereof.
  - (b) The ordinance shall be read in full.
  - (c) After the first reading of the ordinance, the same shall be approved, amended, or rejected by a vote of the Council.
  - (d)\* If the ordinance is approved on the first reading, it shall be published in at least 10 pt. Pica\* type, in full, in a local newspaper of general circulation. The Council shall set a day, hour, and place at which Council shall hold a public hearing on the ordinance and notice of said day, hour, and place at which Council shall hold a public hearing on the ordinance and notice of said day, hour, and place shall be included in the publication. (\*Amendment approved by a majority vote of the ballots cast at the Regular Municipal Election held on November 2, 1999.)

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(e) The ordinance shall be read, title only, a second time, at a regular or special meeting not earlier than seven (7) days nor later than ninety (90) days after publication, for final adoption, rejection or other action as may be taken by vote of the Council. This meeting may be the same meeting at which the public hearing on the ordinance is held. The ordinance may be amended before final adoption by vote of the Council.

(f)\* After final passage, the ordinance shall be published in at least 10 pt. Pica\* type, in full, in a local newspaper of general circulation. (\*Amendment approved by a majority vote of the ballots cast at the Regular Municipal Election held on November 2, 1999.)

- 5.7 Emergency Ordinances. To meet a public emergency affecting life, health, property or the public peace, the City Council may adopt one or more emergency ordinances.

No ordinance making a grant of special privilege, levying taxes, incurring indebtedness, authorizing borrowing money, or fixing rates charged by any city-owned utility shall ever be passed as an emergency ordinance. No ordinance incurring indebtedness or authorizing the borrowing of money shall ever be passed as an emergency measure except in the case of a declared disaster.

An emergency ordinance shall be introduced in the form and manner prescribed for ordinances. It shall contain, after the enacting clause, a declaration stating that an emergency exists and declaring it in clear and specific terms. An emergency ordinance may be adopted on first reading. The affirmative vote of at least two-thirds (2/3) of the members of the City Council present shall be required for adoption. After its adoption the ordinance shall be published in full. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the 31<sup>st</sup> day following the date on which it was adopted.

- 5.8 Disposition. A true copy of every ordinance, as adopted by Council shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signatures of the Mayor or Mayor Pro-Tem, and the City Clerk and by certification of publication.
- 5.9 Regular Meetings. The Council shall meet regularly at least twice each month at a day and hour to be fixed by the rules of the Council. The Council shall determine the rules of procedure governing meetings.
- 5.10 Special Meetings. Special meetings shall be called by the Clerk upon written request of the Mayor or any two (2) ~~members of the Council~~ PERSONS with at least a twenty-four (24) hour written notice to each member of the Council, served personally or left at his/her usual place of residence. Notice of such meeting shall be posted in two (2) public places.

4-9

- 5.11 Compensation. ~~The members of the~~ Council PERSONS shall receive such compensation and the Mayor such additional compensation as the Council shall prescribe by ordinance, provided, however, that they shall neither increase nor decrease the compensation of any member during his/her term of office. The Mayor and Council Persons may, upon order of the Council, be paid their actual and necessary expenses incurred in the performance of their duties of office.
- 5.12 Business at Special Meetings. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. Any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members present consent thereto and all members absent file their written consent.
- 5.13 Quorum. A majority of the members of the Council in office at the time, including the Mayor, shall be a quorum for the transaction of business at all Council meetings. In the absence of a quorum a lesser number may adjourn any meeting to a later time or date not to exceed one week.
- 5.14 Vacancies. EACH Council ~~Persons~~ PERSON and the Mayor shall continue to hold office until his/her elected successor is duly qualified. ~~A Council seat or the Mayor's~~ THE office shall become vacant ~~whenever any officer~~ WHEN THE PERSON HOLDING THE SAME dies, becomes incapacitated, is judicially declared incompetent, resigns or ceases to be domiciled in the City, or is convicted of a felony. It shall be the duty of the Council to declare such a vacancy exists.

Within forty-five (45) days after a vacancy is declared the Council shall choose, by majority vote, a duly qualified person to fill such vacancy except as otherwise set forth in this Charter. He/she shall serve only until the next Regular Municipal Election at which time the Electors shall elect a ~~Council Person and/or Mayor~~ PERSON to succeed or serve the remainder of the unexpired term if applicable.

In the event City Council is unable to reach a decision as to a successor to fill an existent vacancy, a Special Election will be called, provided there will not be a Regular Municipal Election within ninety (90) days.

If three (3) or more vacancies exist simultaneously ON THE COUNCIL, the remaining ~~Council Persons~~ MEMBERS shall at the next regular meeting of the Council, call a Special Election to fill such vacancies, provided there will not be a Regular Municipal Election within ninety (90) days and provided that their successors have not previously been elected.

- 5.15 Oath of Office. Before entering upon the duties of his/her office, every ~~Council Person, the Mayor,~~ elected official. City Clerk, Police Chief, Fire Chief, City Manager, Judge and City Attorney shall take, subscribe before and file with the

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City Clerk an oath or affirmation that he/she will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter and the ordinances of the City and will faithfully perform the duties of the office.

5.16 Meetings to be Public. Council shall establish the procedure for proper and timely public notification of all Council meetings. All regular and special meetings of the Council shall be open to the public and citizens shall have reasonable opportunity to be heard under such rules and regulations as the Council may prescribe. A journal shall be kept of all Council proceedings which shall be a public record.

5.17 Executive Session. (a) The Council may proceed in executive session at any regular or special meeting. Prior to the initiation of any executive session, the Council shall state the subject matter of the executive session in a motion calling for said session. All voting on matters which have been the subject of a closed session shall be recorded publicly.

(b)The Council shall hold executive sessions only upon the affirmative vote of two-thirds (2/3) of the quorum present.

(c)The purposes of executive session shall be limited to: the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; conferences with the City Attorney or any other attorney retained by the City for the purpose of receiving legal advice on specific legal questions; matters required to be kept confidential by federal or state law or rules and regulations; specialized details of security arrangements or investigations; determining positions relative to matters that may be subject to negotiations; instructing negotiators; and personnel matters. In those instances in which City Council is acting as a quasi-judicial body, it may deliberate in executive session to consider the evidence in a quasi-judicial proceeding or hearing. The City Council shall not make final policy decisions nor shall any resolution, ordinance, or formal action approving a contract or calling for the payment of money be adopted or approved at any session which is closed to or held without the knowledge of the general public. Any action taken by Council which is contrary to this provision shall be null and void and without force or effect.

~~5.18 Initiative. The electors of the City of Trinidad shall have the power of Initiative in accordance with the provisions of this article of the Charter.~~

~~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.~~

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- Any proposed initiative shall be submitted to the Council by a petition signed by registered voters equal to at least ten percent (10%) of the total number of voters casting ballots at the last Regular Municipal Election.
- An initiative petition shall be started by no less than five (5) registered voters stating their intentions in writing to the City Clerk.
- 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.
- Each petition form shall bear the names of the five (5) electors, who, as a committee of petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition there shall be an affidavit of the circulator in accordance with applicable State Law.
- The petition shall request the City Council enact said ordinance or set the date for a vote of the people within thirty (30) days of certification by the City Clerk.
- The completed petition must be submitted to the City Clerk not later than 5:00 P.M. on the sixtieth (60<sup>th</sup>) day following publication, or the next normal business day thereafter, for certification.
- The City Clerk shall within ten (10) days of submission of the petition, determine whether the petitions are signed by the required number of registered voters and, if sufficient, shall certify the petition. If the petition is insufficient, the Clerk shall forthwith notify in writing the committee and the petition may be amended within ten (10) days. After such amendment, the City Clerk shall within five (5) days examine the amended petition and attach the certificate of the results. If it is still insufficient, the petition shall be returned to the committee without prejudice to the filing of a new petition.
- Upon certification, the City Clerk shall notify the Council which must within thirty (30) days enact said ordinance or set the date of the election. Should the Council choose to call for a vote on the ordinance, a Special Election must be called within sixty (60) days of certification unless a Regular Municipal Election is fixed within ninety (90) days.
- The ballot for the initiated ordinance shall list the ordinance by its short title and a brief summary of its content. Additionally, it shall contain the words "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE". The voters at each polling place shall have access to a complete copy of the ordinance as well as a synopsis of the ordinance written in plain unambiguous language.

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~~Any ordinance adopted by this process shall take effect ten (10) days after the election and may not be amended or repealed during the first four (4) years after adoption except by a vote of the people.~~

~~If two (2) or more conflicting measures are approved by the people at the same election, then that one which receives the greatest number of "YES" votes shall be adopted in all particulars where there is conflict.~~

~~5.19\* Referendum. The electors of the City of Trinidad shall have the power of Referendum in accordance with the provisions of this article of the Charter. The referendum shall apply to all ordinances passed by the Council except ordinances fixing the mill levy, the Annual Appropriations Ordinance, or Special Elections.~~

~~Any proposed referendum shall be submitted to the Council by a petition signed by registered voters equal to at least ten percent (10%) of the total number of voters casting ballots at the last Regular Municipal Election.~~

~~A referendum petition shall be started by no less than five (5) registered voters stating their intentions in writing to the City Clerk.~~

~~\*The City Clerk shall publish said petition and inform the Council that a petition to repeal a certain ordinance is to be circulated and that for the Council to hear such repeal, 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.~~

~~\*The City Clerk shall publish said petition and inform the Council that a petition to repeal a certain ordinance is to be circulated and that for Council to hear such repeal, 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 final passage of the ordinance. (\*Amendment approved by a majority vote of the ballots cast at the Regular Municipal Election held on November 2, 1999.)~~

~~Each petition form shall bear the names of the five (5) electors, who, as a committee of petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition there shall be an affidavit of the circulator in accordance with applicable State Law.~~

~~The petition shall request the City Council repeal said ordinance or set the date for the referendum within thirty (30) days of certification by the City Clerk.~~

~~\*The completed petition must be submitted to the City Clerk not later than 5:00 P.M. on the sixtieth (60<sup>th</sup>) day following publication, or the next normal business day thereafter, for certification.~~

~~\*The completed petition must be submitted to the City Clerk no later than 5:00 P.M. on the sixtieth (60<sup>th</sup>) day following final passage of the ordinance or the next business day thereafter, for certification. (\*Amendment approved by a majority~~

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vote of the ballots cast at the Regular Municipal Election held on November 2, 1999.)

The City Clerk shall within ten (10) days of submission of the petition, determine whether the petitions are signed by the required number of registered voters and, if sufficient, shall certify the petition. If the petition is insufficient, the Clerk shall forthwith notify in writing the committee and the petition may be amended within ten (10) days. After such amendment, the City Clerk shall within five (5) days examine the amended petition and attach the certificate of the results. If it is still insufficient, the petition shall be returned to the committee without prejudice to the filing of a new petition.

Upon certification, the City Clerk shall notify the Council which must within thirty (30) days repeal said ordinance or set the date of the referendum. Additionally, enforcement and implementation of the ordinance shall be suspended immediately until the matter is resolved. Emergency ordinances shall continue in effect during the referendum process.

Should the Council choose to call for a vote on the referendum, a Special Election must be called within sixty (60) days of certification unless a Regular Municipal Election is fixed within ninety (90) days.

Should the Council fail to act within thirty (30) days of certification by the City Clerk, the ordinance shall automatically stand repealed.

The ballot for the referendum shall list the ordinance in question by number, its short title, and a brief summary of its content. Additionally it shall contain the words "FOR REPEAL OF THE ORDINANCE" and "AGAINST REPEAL OF THE ORDINANCE". The voters at each polling place shall have access to a complete copy of the ordinance that would be repealed.

Any ordinance repealed by referendum may not be re-enacted for a period of one (1) year after the date of the election at which it was repealed.

#### (MISCELLANEOUS CONFORMING CHANGES, CH XII)

12.2 Definitions. As used in this Charter the following words and phrases shall have the following meanings:

(a) Appropriation. The authorized amount of funds set aside or allocated for expenditure during a specified time and for a specified purpose.

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(b) Ballot. Not limited to a piece of paper, but may include any mechanical OR ELECTRONIC means such as voting machines, through which a voter expresses and records his/her choice thereon.

(c) City. The City of Trinidad, Colorado, a municipal corporation.

(d) Council. The City Council of the City of Trinidad.

(E) ELECTED OFFICIAL. THE MAYOR OR A COUNCIL PERSON.

(e) Employee. Any person in municipal service who is ~~not an officer~~ DESIGNATED AS AN EMPLOYEE IN THE PERSONNEL ENACTMENTS OF THE CITY.

(f) Franchise. A special privilege granted by the City permitting the continuing use of public property such as City streets.

(g) May. Construed as permissive.

(h) Officer. Any person who is elected to office or appointed by Council, including appointees to boards and commissions. IS THIS DEFINITION NEEDED?

(i) Person. Is intended to have a broad definition not limited to such as is herein enumerated but to include at least the following: individual, corporation, association, political subdivision, state agency, singular or plural of each.

(j) Publication. Publication in any legal newspaper having a general circulation in the City.

(k) Public Utility. Public utility or public utility corporations shall mean any person, firm or corporation operating waterworks, light plants, telephone systems, power plants, transportation systems, heating plants, CATV and other television distribution systems, and any other public utilities or works or ways, in whole or part for use of said City and the inhabitants thereof. It shall not include any person, firm or corporation owning or operating sidetracks or switches for the accommodation of manufacturing plants and business houses, or private telephone lines, and shall not include municipally-owned utilities.

~~(l) Qualified Taxpaying Elector. Any qualified elector who in the twelve (12) months last preceding the election at which the vote is offered shall have paid a property tax on property in the City of Trinidad.~~

~~(m) Qualified Elector. A resident of the City who is qualified to vote under the Constitution and Statutes of the State of Colorado.~~

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(n) Regular Election. The municipal election held every two (2) years at which candidates for elective offices of the City are voted upon.

(o) Shall. Construed as mandatory.

(p) Statutes. The applicable laws of the State of Colorado as they now exist or as they may be amended, changed, repealed or otherwise modified by legal procedure.

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# M E M O

TO: Ed Gil de Rubio, City Manager  
Jennie Garduno, Mayor  
Members of City Council

FROM: James Fernandez, Utilities Superintendent *JF*

DATE: May 20, 2011

RE: Ferguson/Krisco Extraterritorial Water Tap Request

Ms. Sara Ferguson and Mr. Kim Krisco have requested a ¾" residential extraterritorial water tap to service a proposed greenhouse building, and the intent to service a future home to be located at 13600 County Road 21.6, Weston, CO.

Fees proposed for this water tap include a Rural Plant Investment Fee, \$3,150; Water Tap Charge, \$300; Water Rights Acquisition Fee, \$2,500, and fees associated with the meter components. The paperwork necessary for the water tap has been received and reviewed. It is my recommendation that the water tap be granted.



Sara Ferguson

Box 842  
Trinidad, Colorado 81082

---

May 12, 2011

Re: Application for Water Tap

We are applying for a city water tap on our property located at 13600 County Road 21.6, Weston. It is about two miles north of CO Highway 12. We have attached the completed and notarized application along with the other items on your checklist:

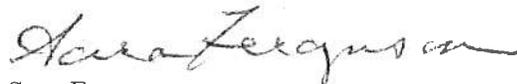
- ✓ Copy of our Proof of Ownership (deed of trust)
- ✓ Copy of our Las Animas County Building Permit
- ✓ Letter of Approval from the County Planner
- ✓ Drawing of the Lot Plan
- ✓ Copy of our Permit for Individual Sewage Disposal System (septic system)

**As you are likely aware, the City of Trinidad water main is routed directly across our property paralleling County Road 21.6. Our two neighbors to the north have city water taps and our closet neighbor to the south also has a city water tap as well. There is precedence for granting this permit.**

We are long time residents of Trinidad and Las Animas County, and actively participate in the community in many ways. We have waited a long time to build on our property on our North Fork and respectfully request that you approve our application.

We can provide a key to our gate upon request. Please keep us informed regarding our request and let us know when the city council will take up our application. You can reach me at HOME -- 719-859-4303, CELL -- 719-859-4302, or via eMAIL at [saraferguson1@msn.com](mailto:saraferguson1@msn.com).

Thank you.

  
Sara Ferguson

  
Kinz Krisco

5-2



*Area Terapusan / Kim Kniep @*  
*859-4303*

**CHECKLIST FOR WATER TAP APPLICATIONS**

- 1) PROOF OF OWNERSHIP: Deed to property with legal description
- 2) COPY OF BUILDING PERMIT: Las Animas County
- 3) LETTER OF APPROVAL FROM COUNTY PLANNER
- 4) SURVEY PLAT OR DRAWING
- 5) COPY OF INDIVIDUAL DISPOSAL SYSTEM PERMIT: SIGNED
- 6) SIGNED AND NOTARIZED WATER TAP APPLICATION
- 7) RIGHT-OF-WAY EASEMENTS IF APPLICABLE
- 8) PAYMENT OF APPROPRIATE FEES, FOLLOWING CITY COUNCIL APPROVAL

*\$6,265<sup>00</sup>*

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6) **WATER TAP AND LAND INFORMATION:** (Complete a - f, in addition to signatures)

- a. Name of parties requesting tap SARA FERGUSON AND Kim KRISCO
- b. Physical Address of tap 13600 COUNTY ROAD 21.6, WESTON 81091
- c. Legal Description of property NORTH FORK RANCH PHASE 5 - LOT 32  
CONT - 39.70 ACES M/L LOCATED IN PT-N2-11-38-68
- d. Size of Tap Requested (Circle One) 3/4" 1" 1 1/2" 2" Other \_\_\_\_\_
- |  |                                     |                          |                          |                          |
|--|-------------------------------------|--------------------------|--------------------------|--------------------------|
|  | Single Family                       | Multi-Family             | Commercial Industrial    | Other                    |
| e. Proposed Use of Land and Tap                  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Number of Dwellings, Buildings, or Structures | <u>1</u>                            | _____                    | _____                    | _____                    |

Agreed to this 12 day of MAY, 2011, by the undersigned on behalf of the applicant by the owner(s) of record.



Sara Ferguson  
Kim Krisko

The foregoing instrument was acknowledged before me this 12 day of MAY, 2011 by Sara Ferguson & Kim Krisko in the State of Colorado and County of Las Animas.

My Commission expires: My Commission Expires 3/17/2013

Marilyn J. Bevsek  
(Notary Public)

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the undersigned on behalf of the City of Trinidad by the Utilities Superintendent subject to the approval by City Council and the recording of said action by the City Clerk.

ATTEST:

\_\_\_\_\_  
Utilities Superintendent

\_\_\_\_\_  
Audra Garrett, City Clerk

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City of Trinidad  
Office of Utilities Superintendent  
P.O. Box 880  
Trinidad, Colorado 81082  
Telephone (719) 846-9843  
Fax (719) 846-4140  
www.historictrinidad.com

**M E M O**

TO: Ed Gil de Rubio, City Manager  
Jenny Garduno, Mayor  
City Council Members

FROM: James Fernandez, Utilities Superintendent

DATE: May 31, 2011

RE: Dochter Water Association-Extraterritorial Water Tap Request

Mr. Ken Dochter of Dochter Water Association has requested a two-inch (2") extraterritorial commercial water tap to service a proposed water bulk station.

The water association currently owns and operates a water supply distribution system with a 2" master with a 3" water line, and the current contract allows for three household service lines. Mr. Dochter has informed the city that 2 of the 3 taps are being utilized, and he is seeking to change tap #3 from a household tap to a commercial tap to service the proposed bulk water station. Based on the language of the contract, the remaining tap, if approved, would be upgraded to a 2" commercial water tap. The existing master tap and three inch service line should have volume and pressure necessary to operate the dispensing station. Any required improvements will be at the expense of Dochter Water Association. Water tap conversion is conditional pending Las Animas County issuance of S.U.P. to applicant.

As you are aware, the City of Trinidad currently has and approved of the following water stations:

Art's Water Filling Station  
City of Trinidad's Valdez Water Station  
Fred Barros Water Station

Trinidad, CO  
West of Trinidad, Valdez, CO  
Hwy 12, Weston, CO

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DOCHTER WATER ASSOCIATION  
KENNETH DOCHTER  
200 WEST INDIANA AVENUE  
TRINIDAD, CO 81082  
719-846-2110

May 27<sup>th</sup>, 2011

Mr. Jim Fernandez  
% Linda Vigil

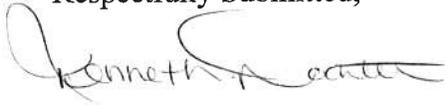
RE: Letter of Intent – Consideration for Change in Terms between the City of Trinidad and Tochter Water Association. Renewal of Current Contract between the City of Trinidad and Tochter Water Association.

Dear Mr. Jim Fernandez:

Dochter Water Association seeks to install a commercial water distribution facility at block 4 lots 1-10 of Collier's Subdivision. Tochter Water Association consists of a two inch tap in-conjunction with a three inch water line. As stated in our contract with the City of Trinidad, Tochter Water Association has the right to buy water from the City of Trinidad and sell water to its customers. Additionally, Tochter Water Association currently has the right to three household service lines. Two of our three household service lines are being exercised and one of our three service lines is not being exercised. *We are asking to use the unexercised service line as a commercial service line for the purpose of a water distribution facility.* We are also asking that our current contract with the City of Trinidad be reviewed for renewal. The proposed water distribution facility will be constructed with modern equipment in an attempt to create a modern water distribution facility.

It is the intent of Tochter Water Association to move forward with the construction of this facility after and if approved by City Council and the Las Animas County Commissioners by September 1, 2011.

Respectfully Submitted,



Ken Dochter  
Owner

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DOCHTER WATER ASSOCIATION  
KENNETH DOCHTER  
200 WEST INDIANA AVENUE  
TRINIDAD, CO 81082  
719-846-2110

May 26<sup>th</sup>, 2011

Las Animas County Planning Office  
Attn: Robert Valdez  
200 East First Street  
Trinidad, CO 81082

RE: Letter of Intent – Application for Special Use Permit (SUP)

Dear Mr. Valdez,

This is our formal “Letter of Intent” for application of a SUP at block 4 lots 1-10 of Collier’s Subdivision in Trinidad, Colorado.

Dochter Water Association seeks to install a commercial water distribution facility at block 4 lots 1-10 of Collier’s Subdivision. Dochter Water Association consists of a two inch tap in-conjunction with a three inch water line. As stated in our contract with the City of Trinidad, Dochter Water Association has the right to buy water from the City of Trinidad and sell water to its customers. The proposed water distribution facility will be constructed with modern equipment in an attempt to create a modern water distribution facility.

Construction plans for this facility requires minimal ground disturbance. There will be hard surface driveways for ingress and egress to the property created from quality roadbase material or asphalt. The lot for the facility will be constructed in such a manner that all areas used for vehicular traffic will similarly have a hard surface to mitigate dust.

All noxious weed mitigation will be performed in compliance with “Title 35 – Colorado Noxious Weed Act” and Las Animas County annual spraying requirements. At the time the requested facility is constructed a company mitigation plan to take care of noxious weeds will be implemented. This mitigation will include grounds keeping that either sprays noxious weeds or rids them through removal of an ongoing basis.

If the planning commission approves the use of the facility through the SUP, the economic benefits to Las Animas County will include: 1) Jobs- it is anticipated that up to three new jobs will be created as a result of the installation of this facility. The new jobs are for operator, water-hauler, and secretary 2) Increased tax revenue in the form of commercial property taxation.

6-3

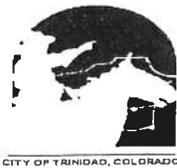
It is the intent of Dochter Water Association to move forward with the construction of this facility after completion of the SUP. The objective at this time is to have the water distribution facility operational by October 1<sup>st</sup>, 2011.

Included with this letter of intent are all the necessary information and documents requested to successfully complete the special use permit application.

Respectfully Submitted,

Ken Dochter  
Owner

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CITY OF TRINIDAD, COLORADO

## CITY OF TRINIDAD WATER TAP REQUEST FORM APPLICATION AND AGREEMENT

I (We), the undersigned, owner(s) of record of the land described herein, do hereby consent and agree to abide by and to adhere to all the requirements of the applicable Code of Ordinances of the City of Trinidad and more specifically, and in accordance with the provisions of Chapter 12, of the City of Trinidad Code of Ordinances as amended, in return for the provision of water service by the City of Trinidad as follows:

### Requirements

#### 1) *TITLE:*

Prior to the approval by the City of Trinidad for a water tap or taps, the applicant must submit documents from the Las Animas County Government stating that compliance has been met with all:

- a) Zoning and Planning Regulations
- b) Land Use Regulations
- c) Subdivision Regulations
- d) State (Colorado Department of Health) Regulations for individual or public wastewater disposal systems

#### 2) *EASEMENTS/RIGHTS OF WAY:*

The applicant must provide to the City of Trinidad copies of all acquired easements and rights-of-way necessary for the installation of the applicant's water service line. In no case will a water tap be granted on a city water main if there is not full and complete legal access from the water main to the applicant's development site.

#### 3) *SURVEY PLAT/DRAWINGS:*

The applicant shall provide to the city a copy of the legal survey of land area which is requested to receive the water tap. In the event the property has not been recently surveyed, the applicant shall submit a drawing of the proposed development site which is in conformance to the current recorded deed for the land.

#### 4) *PAYMENT OF FEES:*

The applicant will be required to pay the Plant Investment Fee (PIF), Water Rights Acquisition Fee and other related charges for the water tap according to the size (diameter) requested as established by Chapter 12 of the City Code of Ordinances.

#### 5) *ANNEXATION:*

The applicant agrees to apply for or consent to the annexation of the land, or any portion thereof, described herein, when such land becomes eligible for annexation pursuant to the provisions of Part 1, Article 12, of Title 31, C.R.S. The term "to apply for or consent to the annexation" as used herein includes, without limitation:

- a) the signing of a petition to annex the land to the City without an election within ten (10) days after request by the city;
- b) voting for annexation if the land or any part thereof is included in an area proposed to be annexed to the city in proceedings requiring an annexation election; and

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- c) not signing or initiating a petition for an annexation election. Said agreement shall run with the land and be binding upon the owners, their heirs, successors, and assigns.

6) WATER TAP AND LAND INFORMATION: (Complete a - f, in addition to signatures)

CHANGE IN TERMS for a commercial

a. Name of parties requesting tap Kenneth Dochter

b. Physical Address of tap Block 4 Lots 1-10 Collier's Subdivision

c. Legal Description of property Block 4 Lots 1-10 Collier's Subdivision

---

d. Size of Tap Requested (Circle One)      ¾"      1"      1½"      2"      Other \_\_\_\_\_

	Single Family	Multi-Family	Commercial Industrial	Other
e. Proposed Use of Land and Tap	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Number of Dwellings, Buildings, or Structures	_____	_____	<u>1</u>	_____

Agreed to this 27<sup>th</sup> day of May, 2011, by the undersigned on behalf of the applicant by the owner(s) of record.

Kelli Dochter VanMatre

State of Colorado  
County of Las Animas

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of May, 2011, by Kelli Dochter VanMatre.

My Commission expires: 2-11-2015

Tracie S. Vigil  
(Notary Public)

Agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the undersigned on behalf of the City of Trinidad by the Utilities Superintendent subject to the approval by City Council and the recording of said action by the City Clerk.

ATTEST:

\_\_\_\_\_  
Utilities Superintendent

\_\_\_\_\_  
Audra Fatur, City Clerk

66



# City of Trinidad, Colorado

Office of the City Attorney  
135 North Animas Street  
Trinidad, CO 81082  
P: (719) 846-9843  
F: (719) 846-4140  
jerod.beatty@historict Trinidad.com

## MEMORANDUM

To: Mayor Garduno and Members of City Council  
From: Jerod Beatty   
Re: Proposed Revisions to Grant Contract for the "Old Stone Water Works Building" Project  
Date: June 9, 2011

Dear Mayor Garduno and Members of City Council:

Please be advised that the Department of Local Affairs ("DOLA") recommends a few revisions to the City's grant contract regarding rehabilitation of the "Old Stone Water Works Building" ("Water Works Building"). Prior to providing feedback to DOLA, City staff desires to obtain the City Council's pre-approval and/or comments. Please note that the City Council will be asked to approve a formal grant contract amendment in the future, which amendment will be prepared by DOLA's Denver office based on the City's pre-approval and/or comments.

Proposed Revisions may be summarized, in substance, as follows:

- Project Description.** ~~The Project consists of Phase 1 of the rehabilitation of the historic Old Stone Water Works Building to provide office and meeting space, and to house a museum in the City of Trinidad (Contractor). The building is located along the Purgatoire River in the Corazon de Trinidad Historic District and will provide office space and meeting space for the area's two chambers of commerce, as well as a museum commemorating the city's history with the coal mining industry.~~ IMPLEMENTING PHASE I FOR THE REHABILITATION OF THE OLD STONE WATER WORKS BUILDING. PHASE I INCLUDES STABILIZING THE STRUCTURE AND REHABILITATING ITS EXTERIOR. INTERIOR IMPROVEMENTS ARE ENVISIONED TO TAKE PLACE AS A PHASE II OF THE PROJECT AND WILL BE IMPLEMENTED AT A LATER DATE. THE PLANNED USE FOR THE BUILDING UPON COMPLETION OF THE PROJECT IS AS OFFICE SPACE FOR A PUBLIC USE. HOWEVER, IN ANY CASE, THE BUILDING IS PLANNED TO BE USED FOR A PUBLIC USE.
- Budgeted Expenditures.**

Architectural Services/Construction Administration	\$17,600	\$59,358
<u>Exterior Restoration</u>	<u>\$569,825</u>	<u>\$528,067</u>
Total	\$587,425	(unchanged)
- Eligible Expenses.** ~~Eligible expenses include contract construction expenses for the street improvement project.~~ ARCHITECTURAL SERVICES, CONSTRUCTION ADMINISTRATION AND CONSTRUCTION FOR PHASE I OF THE OLD STONE WATER WORKS BUILDING REHABILITATION.

For your further review, please find attached a copy of the grant contract's Exhibit A ("Scope of Services"), which includes all provisions that would be amended, along with an e-mail message from DOLA's Bill Gray seeking the City's pre-approval and/or comments.

**EXHIBIT A  
SCOPE OF SERVICES**

**1. PROJECT DESCRIPTION, OBJECTIVES AND REQUIREMENTS**

The Project consists of Phase 1 of the rehabilitation of the historic Old Stone Water Works Building to provide office and meeting space, and to house a museum in the City of Trinidad (Contractor). The building is located along the Purgatoire River in the Corazon de Trinidad Historic District and will provide office and meeting space for the area's two chambers of commerce, as well as a museum commemorating the city's history with the coal mining industry.

A contract shall be awarded to a qualified vendor or firm through a competitive selection process with the Contractor being obligated to award the contract to the lowest responsible bidder meeting the Contractor's specifications.

A contract shall be awarded to a qualified firm through a formal RFP or competitive selection process.

Any cost savings incurred while completing the Project will be divided equally between the Contractor and the State.

During a period of ten (10) years following the date of closeout of the Project by the State, the Contractor may not change the use or planned use of the property. If the Contractor decides to change the use of the property to a use which the State determines does not qualify in meeting the original intent of the Project, the Contractor must reimburse to the State an amount equal to the current fair market value of the property, less any portion of the value attributable to expenditures of non Energy Impact funds for acquisition of and improvements to, the property. At the end of the ten (10) year period following the date of completion and thereafter, no State restrictions on use of the property shall be in effect.

Eligible expenses include contract construction expenses for the street improvement project.

Energy and Mineral Impact Assistance program funds in the amount of TWO HUNDRED FORTY-FOUR THOUSAND NINE HUNDRED EIGHTY-FIVE AND XX/100 Dollars (\$244,985.00) are provided under this Contract to finance Project costs. The Contractor shall provide THREE HUNDRED FORTY-TWO THOUSAND FOUR HUNDRED FORTY AND XX/100 Dollars (\$342,440.00) in Project financing from sources other than State funds, and, in any event, is responsible for all Project cost in excess of TWO HUNDRED FORTY-FOUR THOUSAND NINE HUNDRED EIGHTY-FIVE AND XX/100 Dollars (\$244,985.00).

Construction plans and specifications shall be drawn up by a qualified engineer licensed in the State of Colorado and hired by the Contractor through a competitive selection process.

A construction contract shall be awarded to a qualified construction firm through a formal public bid process with the Contractor being obligated to award the construction contract to the lowest responsible bidder meeting the Contractor's specifications.

Copies of any and all contracts entered into by the Contractor in order to accomplish this Project shall be submitted to the Department of Local Affairs upon execution, and any and all contracts entered into by the Contractor or any of its subcontractors shall comply with all applicable federal and state laws and shall be governed by the laws of the State of Colorado.

The Contractor agrees to acknowledge the Colorado Department of Local Affairs in any and all materials or events designed to promote or educate the public about the Project, including but not limited to: press releases, newspaper articles, op-ed pieces, press conferences, presentations and brochures/pamphlets.

**2. ENERGY AND MINERAL IMPACT**

Between 1876 and 1930, the Trinidad area was home to the highest coal producing region in Colorado, with the Colorado Fuel and Iron Company (CF&I) controlling most of the mines for its steel mill in Pueblo until the 1950s. The coal deposits that made such mining a large part of Trinidad's history have also given birth to the coalbed methane gas industry.

**3. TIME OF PERFORMANCE**

The Project shall commence upon the Effective Date and shall be completed on or before October 31, 2011. In accordance with paragraph 8.b.i. of this Contract, the Contractor may request an extension of the time for performance by submitting a written request, including a full justification for the request, to the State at least thirty (30) days prior to the termination of the performance period. If the State, in its sole discretion, consents to an extension, the State shall grant such extension in accordance with paragraph 8.b.i. of this Contract.

EIAF #5746 - Trinidad Old Stone Water Works Building - Phase I

4. **BUDGET**  
**Revenues**

Energy/Mineral Impact - GRANT	\$244,985
Contractor Funds	<u>\$342,440</u>
<b>Total</b>	<b>\$587,425</b>

**Expenditures**

Architect/Construction Administration	\$17,600
Exterior Restoration	<u>569,825</u>
<b>Total</b>	<b>\$587,425</b>

5. **REMIT ADDRESS:** (Address to where payments are to be sent)

135 North Animas  
Trinidad, CO 81082

6. **DISTRIBUTION SCHEDULE**

**Grant Payments**

\$220,487	Available for interim payments reimbursing the Contractor for actual expenditures made in the performance of this Contract. Payments shall be based upon properly documented financial and narrative status reports detailing expenditures made to date.
<u>24,498</u>	Available for final payment to be made to Contractor upon the completion of the Project and submission by the Contractor of final financial and narrative status reports documenting the expenditure of all Energy/Mineral Impact Assistance funds for which payment has been requested.
\$244,985	<b>Maximum Available</b>

7. **PAYMENT PROCEDURE**

The State shall establish billing procedures and pay the Contractor for actual expenditures made in the performance of this Contract based on the submission of statements in the format prescribed by the State. The Contractor shall submit requests for reimbursement, setting forth a detailed description of the amounts and types of reimbursable expenses.

Payments pursuant to this Contract shall be made, in whole or in part, from available funds encumbered for the purposes of this Contract. The liability of the State, at any time, for such payments shall be limited to the amount remaining of such encumbered funds. In the event this Contract is terminated, final payment to the Contractor may be withheld at the discretion of the State until completion of final audit. Incorrect payments to the Contractor due to omission, error, fraud, or defalcation shall be recovered from the Contractor by deduction from subsequent payment under this Contract or other contracts between the State and the Contractor, or by the State as a debt due to the State.

8. **CONTRACT MONITORING**

The State shall monitor this Contract on an as-needed basis, as determined by the State in its sole discretion. The State or any of its duly authorized representatives shall have the right to enter, inspect and examine the Project upon twenty-four (24) hours advance written notice to the Responsible Administrator.

9. **REPORTING SCHEDULE**

At the time the Contractor submits periodic payment requests, the Contractor shall submit, on a periodic basis, financial and narrative status reports detailing Project progress and properly documenting all to-date expenditures of Energy and Mineral Impact Assistance funds. The form and substance of such status reports shall be in accordance with the procedures developed and prescribed by the State. The preparation of reports in a timely manner shall be the responsibility of the Contractor and failure to comply may result in the delay of payment of funds and/or termination of this Contract. Required reports shall be submitted to the State at such time as otherwise specified by the State.

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