



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, September 3, 2013 at 7:00 P.M.
in City Council Chambers at City Hall

The following items are on file for consideration of Council:

****PROCLAMATION – “ARTOCADE CELEBRATION WEEK” – September 9 through 15, 2013****

****PROCLAMATION – “TRINDIE FEST WEEK” – September 9 through 15, 2013****

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Regular Meeting of August 20, 2013 & Special Meeting of August 27, 2013
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
 - a) Bob Butero, UMWA & State Ludlow Commission, update on upcoming events
- 4) **COUNCIL REPORTS**
- 5) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 6) **UNFINISHED BUSINESS**
- 7) **MISCELLANEOUS BUSINESS**
 - a) Appointments to the Planning, Zoning and Variance Commission
 - b) First reading of an ordinance...
 - i) *(Prohibiting retail marijuana)*... of the City Council of the City of Trinidad, Colorado, providing for a prohibition on the submission, acceptance or processing of applications and/or the licensing, permitting, establishment or operation of any retail marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64, approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes, and setting a hearing date for consideration of said ordinance
 - ii) *(Extending the moratorium on retail marijuana until June 30, 2014)*... of the City Council of the City of Trinidad, Colorado, providing for a moratorium until June 30, 2014, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64, approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes, and setting a hearing date for consideration of said ordinance
 - iii) *(Extending the moratorium on retail marijuana until not beyond March 1, 2014)*... of the City Council of the City of Trinidad, Colorado, providing for a moratorium until such time that land use and licensing regulations are adopted, however not to extend beyond March 1, 2014, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64, approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes, and setting a hearing date for consideration of said ordinance

7) **MISCELLANEOUS BUSINESS (Cont.)**

iii) *(Designating licensing authority if voting to allow retail marijuana)*... of the City Council of the City of Trinidad, Colorado, enacting Article 12, Chapter 14 of the Code of Ordinances regarding retail marijuana local licensing authority, and setting a hearing date for consideration of said ordinance

iv) *(Designating licensing authority if voting to prohibit retail marijuana)*... of the City Council of the City of Trinidad, Colorado, enacting Article 12, Chapter 14 of the Code of Ordinances regarding retail marijuana local licensing authority, and setting a hearing date for consideration of said ordinance

7c) Medical Marijuana – Motion to direct staff to come back within 120 days with a medical marijuana licensing and regulation scheme

7d) First reading of an ordinance (if required)...

i) *(Medical Marijuana – removing an effective ban relative to licensing consistent with the Oath of Office)*... repealing and re-enacting Section 9-4 of the Trinidad City Code for the purpose of prohibiting the issuance of a business license to any person seeking to carry on or engage in any business within the corporate limits of the City of Trinidad that is in violation of the United States Constitution of any law of the State of Colorado, and setting a hearing date for consideration of said ordinance

ii) *(Medical Marijuana - ordinance to repeal prohibition until regulations are established but not to extend beyond March 1, 2014)*... amending Chapter 14 of the Code of the City of Trinidad, Colorado, for the purpose of authorizing future operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers, and setting a hearing date for consideration of said ordinance

8) **BILLS**

9) **PAYROLL**, August 17, 2013 through August 30, 2013

10) **EXECUTIVE SESSION**

a) For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and/or for a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding status of ARPA litigation

11) **ADJOURNMENT**

Office of the Mayor
Trinidad, Colorado
Proclamation



"ARTOCADE CELEBRATION WEEK"
September 9, 2013 through September 15, 2013

WHEREAS, Trinidad embraces, exploits, celebrates and shares its art, and the local artistic talent we enjoy; and

WHEREAS, art is a diverse range of human activities and the products of those activities; and

WHEREAS, art takes on many forms and provides a mechanism, means and platform of mimesis, expression, communication of emotion, or other values for the artist who creates it; and

WHEREAS, art cars are functional automobiles that have been turned into works of art; and

WHEREAS, through the hard work of the City's Tourism Board and local artist Rodney Wood, Trinidad will unveil its inaugural ArtoCade on September 13th, a gathering of art cars from around the state and country; and

WHEREAS, ArtoCade is Trinidad's grand celebration of drivable art featuring a kinetic and dynamic gallery of visual whimsy for people of all ages to enjoy and marvel; and

WHEREAS, the ArtoCade will feature the talent of artists with a parade, exhibits and festivities commencing on September 13th and culminating on September 15th – a weekend of fun, excitement and exhilaration.

NOW, THEREFORE, I, BERNADETTE BACA GONZALEZ, MAYOR OF THE CITY OF TRINIDAD, COLORADO, do hereby proclaim September 9, 2013 through September 15, 2013 as:

"ARTOCADE CELEBRATION WEEK"

in the City of Trinidad, and encourage all citizens to attend and enjoy this awe-inspiring event featuring and celebrating art in its various forms.

In witness whereof I have hereunto set my hand

and caused the seal of this city to be affixed.

Mayor _____

Date _____



Office of the Mayor

Trinidad, Colorado

Proclamation



"TRINDIE FEST WEEK"

September 9, 2013 through September 15, 2013

WHEREAS, film festivals date back to the early 1900s with the first true film festival being credited to Italian dictator Benito Mussolini's enthusiasm for motion pictures as a tool for political public relations and propaganda; and

WHEREAS, since their origination, film festivals have become a highly popular venue attracting movie enthusiasts who are interested in fostering the growth of independent filmmaking outside of the Hollywood system; and

WHEREAS, Trinidad enjoyed its first-ever independent film festival in 2012 through the efforts of Director Kirk Loudon and his wife Julie Loudon who sought to make Trinidad a film festival destination; and

WHEREAS, the City of Trinidad will experience and delight in its second annual independent film festival, affectionately known as Trindie Fest; and

WHEREAS, it is hoped that this festival will continue into the ensuing years a local tradition for citizens and visitors to relish in; and

WHEREAS, the City of Trinidad wishes by this Proclamation to illustrate its support of this event and its appreciation to the Loudons for bringing the film festival to Trinidad.

NOW, THEREFORE, I, Bernadette Baca Gonzalez, Mayor of the City of Trinidad, Colorado, do hereby proclaim September 9, 2013 through September 15, 2013, as:

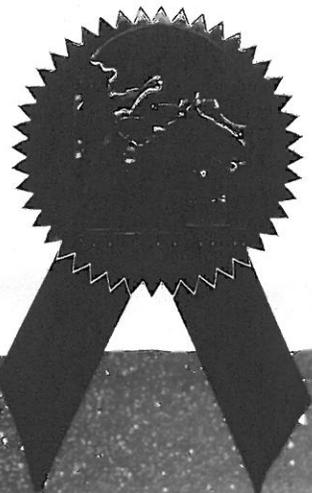
"TRINDIE FEST WEEK"

in the City of Trinidad, and call upon all citizens of Trinidad to attend the Trindie Fest, Trinidad Independent Film Festival, September 12 through 15, and take advantage of this unique opportunity to enjoy the talent of the screenwriters who are participating in the festival.

*In witness whereof I have hereunto set my hand
and caused the seal of this city to be affixed.*

Mayor _____

Date _____



The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, August 20, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Baca Gonzalez, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles, Shew, Velasquez
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

PROCLAMATION – Smithsonian Week – September 1, 2013 through September 7, 2013. Paula Little, Director of the Arthur Roy Mitchell Memorial Museum addressed Council and expressed her appreciation for this opportunity. She told Council that they are very excited. Next week 16 crates from the Smithsonian Institution weighing about 220 pounds each will be delivered to the museum. The opening reception for this event will be held on September 6th. It is open to all at no charge. Ms. Little said there will be entertainment, music, authors, and a special exhibit by the Santa Fe Trail Association. On a side note she pointed out that the Mitchell Museum hosted the Governor's visit this past Wednesday and that they held a kids tire painting for the ArtoCade, and the rodeo queen's show. Lastly she reported that Goal Academy will be leasing space from them and that they've formed a partnership to have a creative performing arts school. The Smithsonian is the icing on the cake, she said. Mayor Baca Gonzalez read aloud the proclamation and presented it to Ms. Little.

The pledge of allegiance was recited.

EXECUTIVE SESSION – For a conference with the City's Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – ARPA litigation. A motion to enter into executive session for the stated purpose was made by Councilmember Bolton and was seconded by Councilmember Velasquez. The motion carried unanimously upon roll call vote and the executive session ensued at 7:06 p.m.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 20th day of August, 2013, was permissible under CRS Section 24-6-402 (4)(b).

As City Attorney, it is my opinion that the discussion of the matter announced in the motion to enter into executive session constituted a privileged attorney-client communication. Therefore, it is my recommendation that no further record be kept of this executive session.

Les S. Downs
City Attorney

Upon the conclusion of the executive session the meeting resumed at 7:20 p.m.

APPROVAL OF THE MINUTES. Regular Meeting of August 6, 2013. A motion to approve the minutes as presented was made by Councilmember Shew and seconded by Councilmember Bonato. The motion carried unanimously, excepting Councilmember Miles who abstained due to her absence from that meeting.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Councilmember Bonato reported on his attendance of the Sangre de Cristo Hospice Care ribbon cutting ceremony. He noted the presence of the Mayor and other delegates and said it is a great facility, adding that the community should be proud to have such good care here and he wished them great success. He also reported on being honored to see the Governor last Wednesday and he was proud of our citizens for asking great questions about fire, transportation, etc. including saving the Southwest Chief.

Councilmember Miles told Council she too attended the Governor's breakfast at the A. R. Mitchell Museum. She complimented Terry Sears for his good working in trying to save the Southwest Chief. She next reported on her attendance of the meeting she attended in Pueblo with the Army that had been hastily rescheduled to Pueblo from Trinidad last week. They met with Senator Udall, the County Commissioners, other elected officials and Assistant Secretary of Army Katherine Hammack. At the meeting it was announced that the Army is looking at lifting the waiver in a three to six month time period.

Councilmember Mattie said he attended the Governor's meeting and expressed his appreciation to Terry Sears for his representation of the community as it relates to the railroad. He added that the Mayor did a great job representing the City. He also noted that at least two Council members attended the closing performance at Southern Colorado Repertory Theatre last Saturday.

Councilmember Bolton deferred comment on the Governor's reception since it was adequately covered. She told Council that she just returned from Main Street Boot Camp in Denver. It was a great comprehensive program where they heard from at least seven agencies that are available to assist the City with our downtown revitalization. One advantage the City reaped already from becoming a Main Street Candidate Community is that the City will receive approximately \$40,000 in architectural services for one of our downtown buildings before the end of the year. She said that is a great return on the City's initial one-month investment into the Program. Councilmember Bolton also reminded that the Creative District will begin work on the community assessment on Monday, August 26th at 5:30 p.m. at the Famous Performing Arts Center.

Councilmember Miles told Council she attended the CML training for Urban Renewal Authorities in Denver. She

said it was a good program that went from 9:00 a.m. to 3:00 or 4:00 p.m. and it was a very collegial atmosphere. A lot of people who were very experienced with urban renewal authorities were more than willing to share bylaws and provide insight. She said they'll have to see how it works for the City and perhaps get started with a test case. Councilmember Miles noted that there is legislation proposed for next session relative to urban renewal authorities and so the City might want to get on the screen with a blight study before it becomes subject to provisions of possible new legislation.

Mayor Baca Gonzalez reported that she wasn't able to attend the urban renewal training so City Manager Acre attended in her place. She said she appreciated his commitment of time toward these opportunities. She also expressed gratitude for the very good return on the City's investment with the Creative District thus far as reported by Councilmember Bolton.

Council members Velasquez and Shew had nothing to report.

REPORT BY CITY MANAGER. Raton Basin Economic Development. City Manager Acre reminded Council that the Raton Basin Economic Development plan will be launched tomorrow in Trinidad (one of three locations) at 6:00 p.m. at SCRT. He encouraged Council to attend and said it will be a great tool working from a regional perspective.

Paving. City Manager Acre told Council that with respect to the paving project some streets in town have been completed. The contractor is concentrating on the Industrial Park. Curb and gutter is almost complete so they will start milling this week. He concluded that they are ahead of the budgeted amount and consequently may be able to do more work in town.

North Lake Project. City Manager Acre informed Council that Mike Graber, the City's engineer, will come in next week to talk to Council. Part of the project is on schedule and part is slipping behind schedule. There are some spillway construction concerns and some of the pipe that was installed was mislaid. The spilling basin is on schedule to be completed by September 5th. What is lagging is the pipe placement. He said they'd likely be discussing liquidated damages on that. Mr. Graber will need some additional engineering fees for his handholding. The on-site workers, however, are committed to getting it done and done correctly. Mike Graber and Gilbert Ramirez, the City's employee, are keeping a handle on it.

Trolley operations. City Manager Acre told Council that he met with the trolley driver this week and took a ride as a tourist recently. He said he told the driver to try to add Commercial Street back on his route and try to put a more positive spin on things. The driver agreed to put together a script and is willing to continue to work with the City and do things differently. He concluded that it was a good meeting.

Transportation meeting. City Manager Acre told Council that he went to La Junta yesterday and with the City Manager of La Junta, Rick Klein, attended the state transportation meeting. He said state legislators and representatives were present and he and City Manager Klein made a push for the state to fund \$2 million per year for rail to help support the Southwest Chief. Senator Crowder said they did a good job in presenting their case. City Manager Acre said it was educational to many about how important the Southwest Chief is for this part of the state and how many people actually use it. A professor from Otero Junior College mentioned that people sometimes want to come from Denver to La Junta by train but cannot. He said he thinks they got CDOT's attention.

Opera House. Council was informed by City Manager Acre that Building Inspector Chris Kelley and City Planner Louis Fineberg looked at the Opera House building with Bill Barnes. Recent reports were received of additional facing falling off and some listing. However, they think it is structurally okay for now. Mr. Barnes indicated that he has completed some construction documents to present to the insurance company to start getting work done. The cost is estimated at \$2.7 million for the some of the interior demolition and structural repairs. The insurance is supposed to help with about \$2 million. He said it is hoped that they will see some progress toward the end of the year or first of next year.

REPORT BY CITY ATTORNEY. City Attorney Downs commented that Steve Larson who owns the Opera House told the City a long time ago that he was going to tell the City in two weeks what he was going to do with the building. This issue has gone on quite a while.

Toltec. Councilmember Shew asked City Planner Fineberg if he had looked at the building on Commercial Street (the Toltec) that supposedly had some bricks falling from it. City Planner Fineberg answered that Building Inspector Kelley visited the site and said it is not an issue.

Schedule. Councilmember Miles advised that she will be away from Trinidad from tomorrow morning to Monday night, but will be here for next Tuesday's Council meeting.

Action 22. City Manager Acre told Council that Action 22 will have their caucus after the Chamber luncheon tomorrow. He said evidently there are open seats on that board and it has been suggested that Trinidad may want a seat on the board. He said he would be more than willing to serve unless a member of Council would like to. There are three seats available. Jim Vigil is interested and there's another person from the County who is well versed in water issues who is interested. Council concurred that City Manager Acre should vie for the seat on the board. City Manager Acre noted that it is anticipated that there may be legislation regarding urban renewal authorities and there are always water issues. It would be good to pay more attention and have a voice. He said he'd take care of the nomination letters and Councilmember Bolton has agreed to represent the City as the voting block as he will be at a meeting related to ARPA. Mayor Baca Gonzalez authorized use of her signature stamp for the execution of the letter assigning Councilmember Bolton to vote on behalf of the City.

UNFINISHED BUSINESS. Hotel and Restaurant liquor license renewal request by Wonderful House Trinidad, Inc. d/b/a Wonderful House Trinidad at 415 University. Mayor Baca Gonzalez acknowledged the attendance of Kelly Voong to represent the applicant. A motion to approve the renewal was made by Councilmember Miles and Councilmember Shew seconded the motion. Upon roll call vote the motion carried unanimously.

Public hearing for consideration of an ordinance submitting a proposed Home Rule Charter amendment regarding circumstances pertaining to contract effective dates to the registered electors of the City at the Regular Municipal Election to be held on November 5, 2013. Mayor Baca Gonzalez declared the public hearing open and called for comments. No one present in the audience provided comment. City Manager Acre pointed out that the Council Communication had language added that had been discussed previously to memorialize it for the future. Councilmember Miles thanked him for the addition. There being no further comments, the hearing was closed.

Second reading of an ordinance submitting a proposed Home Rule Charter amendment regarding circumstances pertaining to contract effective dates to the registered electors of the City at the Regular Municipal Election to be held on November 5, 2013. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Mattie and seconded by Councilmember Velasquez. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 1943

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, SUBMITTING A PROPOSED HOME RULE CHARTER AMENDMENT REGARDING CONTRACT EFFECTIVE DATES TO THE REGISTERED ELECTORS OF THE CITY AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2013

MISCELLANEOUS BUSINESS. New hotel and restaurant liquor license application filed by PGE Enterprises, LLC d/b/a Krackalack Sports Grill at 416 University. Richard Ewing addressed Council on behalf of PGE Enterprises, LLC. He told Council that they had the Dairy Queen and his family has been in the Dairy Queen business for 40 years. He said it is time to move on. With the location, he said they are looking to do more of a family-oriented place to eat, not like a bar, but if a person wants an adult beverage they could have one. The name of the business is sports related with local meaning and he said they intend to embrace local community youth sports. A motion to set a public hearing for consideration of the application for 7:00 p.m. on October 1, 2013 and set the tentative neighborhood boundary as the corporate City limits was made by Councilmember Bolton. The motion was seconded by Councilmember Velasquez and carried unanimously upon roll call vote.

New beer and wine liquor license application filed by Mattorano Enterprise, Inc. d/b/a Lee's Bar-B-Q at 825 San Pedro Avenue. Frank Mattorano addressed Council representing the application. He said they own Lee's Bar-B-Q and a lot of people want to have a beer with their chili burger so they thought they'd try to get a license. Councilmember Mattie moved to set a public hearing for consideration of the request for 7:00 p.m. on October 1, 2013 and set the tentative neighborhood boundary as the corporate City limits. Councilmember Bonato seconded the motion which carried unanimously upon a roll call vote.

Consideration of Water Lease Agreement between the Wall of Legends, LLC and the City of Trinidad. City Manager Acre reminded Council that a language change was proposed at the previous work session whereby "or" was proposed to be replaced by "to", and it has been changed in the agreement accordingly. Wall of Legends was agreeable to the change. He said regarding the question concerning whether the water lease would transfer should Wall of Legends sell the property, the City has to allow the transfer to happen; it would not be automatic. He said the parties are happy with the terms and recommended the City move forward with the agreement. A motion to approve the agreement as presented was made by Councilmember Bolton and Councilmember Shew seconded the motion. Upon roll call vote the motion carried unanimously.

Resolution supporting application to the Great Outdoors Colorado Local Government Park, Outdoor Recreation and Environmental Education Grant Program to obtain funding to make renovations and additions to Central Park. City Manager Acre deferred to Planning Director Fineberg to provide an update from calls they had this week concerning the plan. City Planner Fineberg addressed Council. He said the one modification to the project since it was discussed at work session involves the location of the proposed dog park facility. The City is now evaluating other areas to locate the dog park. It may or may not appear in the grant. He said they have about another two weeks before the grant is due and so might be able to find a better location. City Manager Acre explained that some nearby residents gave input about the location of the dog park and the appropriateness of the location, as did Bob Holder from the Colorado Division of Parks and Wildlife with respect to the proximity and conduciveness of the Central Park Lake. This was a minor part of what the City is trying to do with Central Park so staff decided to look for another location. Councilmember Mattie asked if he means they are looking elsewhere in the City or elsewhere in the park. City Planner Fineberg said they are looking elsewhere in the City, probably not in Central Park. There has been a lot of demand for a dog park. Finding a location has proven to be a little bit challenging. There's no ideal location for it. However he said they are still trying to evaluate some alternatives and have a few interesting leads that they are exploring. Mayor Baca Gonzalez opined that it is important to have a dog park since we are on the I-25 corridor. City Planner Fineberg said that it might be a good way to get people to come into town. A motion to adopt the resolution was made by Councilmember Bolton. The motion was seconded by Councilmember Shew and carried unanimously upon roll call vote.

RESOLUTION NO. 1418

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING APPLICATION TO THE GREAT OUTDOORS COLORADO LOCAL GOVERNMENT PARK, OUTDOOR RECREATION AND ENVIRONMENTAL EDUCATION GRANT PROGRAM TO OBTAIN FUNDING TO MAKE RENOVATIONS AND ADDITIONS TO CENTRAL PARK

Motion to authorize sponsorship of a grant application to DOLA on behalf of the Trinidad Housing Authority for upgrades to the Corazon Square Senior Housing Complex. Mayor Baca Gonzalez recognized Executive Director of the Housing Authority, Rosemarie Shier, in the audience. City Planner Fineberg addressed Council. He said last year he had

visited the Corazon Square Housing Complex to meet with Ms. Shier and some of the Housing Authority employees. He took a tour and was shown some of the upgrades they were pursuing and would like to complete. The Housing Authority wanted to apply to Department of Local Affairs (DOLA) for a grant to do the work in four phases. DOLA requires government sponsorship for grants, so the Authority was not able to apply directly. Therefore, they've asked the City to sponsor the grant. He said they just received the grant application from them for phase one. The proposal is that the City would submit on behalf of the Housing Authority. Administration of the grant would likely be split between the City and the Authority through an intergovernmental agreement upon approval of the grant. Administrative costs of approximately \$12,000 are allowed within the grant. They will need to decide who will receive those funds. He suggested it would likely be split based on the relative administrative duties. The grant administration will take some Planning Department and Finance Department time. The parties will need to work out the details of that agreement. City Planner Fineberg said Phase One includes upgrades to the heating system, domestic hot water and air conditioning systems to increase energy efficiency and lower operational costs. Phase Two, which is not being applied for at this time, will be for the installation of a fire suppression system. The Housing Authority will be requesting a water tap from the City for Phase Two, which he was informed by a DOLA representative, will make the grant more competitive if it is granted by the City. Councilmember Bonato asked if this had been previously discussed in January or February of last year, and what took so long to move on it. City Planner Fineberg said he visited the site and may have mentioned it. Ms. Shier told Council that they met with City Planner Fineberg in late February. At that time they had an influx of capital fund money from the Federal government they needed to obligate and that took up most of their time. On Strong Avenue & Linden Avenue and Strong Avenue & San Luis Street they've just about completed two beautiful pocket parks. Also in that time they installed energy efficient doors on 100 of their units. Additionally, day to day operations contributed to the delay. Councilmember Mattie asked if the grant requires local contribution. City Planner Fineberg said the City is not required to contribute funds. Ms. Shier said at some point they will probably pledge \$5,000 from their non-Federal fund pool and will also in all probability use a small amount from their reserve. She said they were also going to defer on the developer's fee to show an in-kind match for this first phase. Councilmember Mattie asked the age of the complex. Ms. Shier said it was opened in 1983 she believed with Urban Renewal funds. Upon inquiry she said the complex is 100% occupied to-date. There are 50 units for rent. City Manager Acre commented that the fire chief will welcome Phase Two with the fire suppression system addition being proposed. A motion to authorize sponsorship of a grant application to DOLA on behalf of the Trinidad Housing Authority for upgrades to the Corazon Square Senior Housing Complex was made by Councilmember Bonato. The motion was seconded by Councilmember Bolton and carried unanimously upon roll call vote.

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

PAYROLL, August 3, 2013 through August 16, 2013. A motion to approve the payroll was made by Councilmember Velasquez and seconded by Councilmember Bonato. The motion carried unanimously.

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

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, August 27, 2013, at 6:00 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, August 27, 2013 at 6:00 p.m. in the Council Chambers at City Hall

The following item is on file for consideration of City Council:

- 1) Executive session – For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and/or for a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding status of ARPA litigation

The meeting was called to order at 6:00 p.m.

Roll call was taken.

There were present:	Mayor	Baca Gonzalez, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles, Shew, Velasquez
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The pledge of allegiance was recited.

Executive session – For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and/or for a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding status of ARPA litigation. A motion to enter into executive session for the stated purposes was made by Councilmember Velasquez. Councilmember Bonato seconded the motion which carried by a unanimous roll call vote. The executive session ensued at 6:04 p.m. Upon conclusion of executive session at 6:34 p.m., the special meeting resumed.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 27th day of August, 2013, was permissible under CRS Section 24-6-402 (4)(b).

As City Attorney, it is my opinion that the discussion of the matter announced in the motion to enter into executive session constituted a privileged attorney-client communication. Therefore, it is my recommendation that no further record be kept of this executive session.

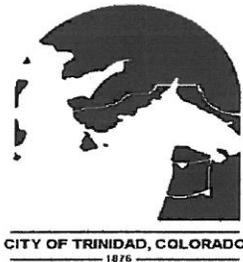
Les S. Downs
City Attorney

There being no further business, Councilmember Bolton moved to adjourn the special meeting and Councilmember Shew seconded the motion. The motion carried unanimously upon roll call vote and the meeting adjourned.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk



COUNCIL COMMUNICATION

7a

CITY COUNCIL MEETING: September 3, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 4

SUBJECT: Appointments to the Planning, Zoning and Variance Commission

PRESENTER: Tom Acre, City Manager

RECOMMENDED CITY COUNCIL ACTION: Consider appointment of two of the applicants to full four-year terms

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Advertisement was made seeking applicants to fill the two vacancies as required by ordinance.

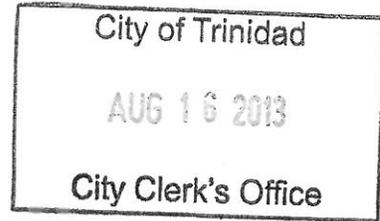
ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- Three letters of interest were received prior to the advertised deadline –
Kent Eberhart
Frank Leone
David Baca
- The vacancies exist as a result of term expirations of Kent Eberhart and Frank Leone.
- Kent Eberhart has been on the Commission since October, 2009.
- Frank Leone has served since January, 1999.
- The other members of the Commission include Bill Winter, Richard George, Pat Patrick, Cherie Kollander and Glenn Davis.
- A copy of the advertisement is included.

7a

Verified voter
registration ✓
Residency ✓



August 15, 2013

Kent Eberhart

1125 Obregon St.

Trinidad, CO 81082

City of Trinidad

P.O. Box 880

Trinidad, CO 81082

To the Mayor and City Council,

I am submitting a letter of interest to be reappointed to the City Planning, Zoning, and Variance Commission. My commission expires Sept. 1, 2013.

Respectfully,

A handwritten signature in cursive script that reads "Kent Eberhart".

Kent Eberhart

August 22, 2013

City of Trinidad, Mayor & City Council members,

I, Frank Leone, have served on the City Planning, Zoning and Variance Commission for several years and my term is about to expire. I have respected and have taken seriously the challenges that the City Planning and Zoning has had to face to make Trinidad a better place to live.

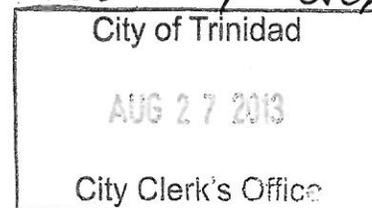
At this time I submit my letter for reappointment to the City Planning, Zoning and Variance Commission for another term.

Respectfully,



Frank Leone

*verified voter regis.
+ residency*



David Baca
2404 Desperado
Trinidad, Colorado 81082

August 28, 2013

Audra Garrett, City Clerk
Trinidad City Hall
135 North Animas
Trinidad, Colorado 81082

Re: Interest in Serving on Planning and Zoning Board

Dear Ms. Garrett,

I am resident of Trinidad and registered to vote in Trinidad. I am the owner of Baca Construction LLC located in the city.

It is my understanding that there is a current vacancy on the Planning and Zoning Board, and I am definitely interested in seeking an appointment to that Board.

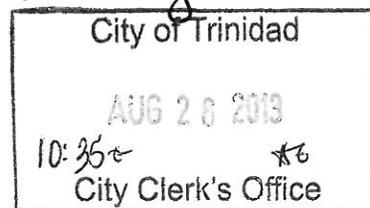
Please let me know what additional information you need to establish my qualifications.

Sincerely,

David Baca



*verified residency +
voter registration AB*



PUBLIC NOTICE

The Trinidad City Council is accepting letters of interest from citizens within the City to fill the following vacancies:

two (2) on the Arts and Culture Advisory Commission; and
one (1) on the Tourism Board; and
four (4) on the Library Board; and
two (2) on the Planning, Zoning and Variance Commission; and
one (1) on the City Tree Board.

In order to be considered eligible to serve individuals must be a resident of the City and have resided within the City for not less than one year immediately preceding appointment and must be registered to vote. However, in order to serve on the Tourism Board an applicant shall be either residents and registered voters of the City of Trinidad, or residents and registered voters of Las Animas County, Colorado, who own a tourism-related business within the City of Trinidad. Applicants must be employed in a restaurant operation to fill this particular vacancy.

Letters of interest in serving on any of these boards will be accepted at the City Clerk's Office at City Hall, 135 N. Animas Street or P. O. Box 880, Trinidad, CO 81082, until 12:00 p.m., Wednesday, August 28, 2013. Please include your qualifications for the position.

Further information may be obtained by calling the City Clerk's Office at 846-9843.

City of Trinidad
Audra Garrett, City Clerk

Publish: August 16, 2013 – Chronicle News
Legal ad
Furnish Proof of Publication



CITY OF TRINIDAD, COLORADO
1876

Council Communication

City Council Meeting: September 3, 2013
Prepared: ~~August 30, 2013~~
Dept. Head Signature: 
of Attachments: 8

SUBJECT: Consideration of Ordinances Concerning the Prohibition, Moratorium or Allowing Retail and/or Medical Marijuana Facilities in Trinidad.

Presenter: Tom Acre, City Manager and Les Downs, City Attorney

Recommended City Council Action: City Council must take action on first reading for Ordinances considering the City's current Moratorium on Retail/Recreational Marijuana and State required action on whether to Designate Trinidad City Council as the Licensing and Regulatory Authority in regard to Retail Marijuana Facilities. These actions are required at this time so they will become effective by October 1, 2013.

In addition City Council could elect to take action regarding the current prohibition on Medical Marijuana Facilities. Any Ordinance acted upon will be set for Second Reading and Public Hearing on September 17, 2013.

Summary Statement: City Council has had several Work Sessions at which they were provided information and discussed marijuana. At the August 27, 2013 City Council Work Session, City Council solicited and received input from 22 citizens provided City Council Members their views and information regarding retail and medical marijuana facilities. While all speakers provided relevant information for City Council's consideration, the majority who spoke voiced opinions suggesting they were in favor of medical and/or retail marijuana facilities being allowed in Trinidad.

Following public input, City Council discussed example ordinances and potential action related to retail/recreational and medical marijuana and provided general direction to staff to bring back several ordinances for their consideration and action at the September 3, 2013 City Council meeting.

Staff has prepared ordinances and/or motions for City Council consideration regarding (1) the prohibition, allowance or extending the current moratorium on Retail/Recreational Marijuana (2) designating Trinidad as the Licensing and Regulatory Authority in regard to Retail Marijuana

Facilities, and (3) reconsideration of the current prohibition on Medical Marijuana Facilities in Trinidad.

Staff is suggesting the ordinances be considered in the following manner:

(Prohibiting retail marijuana)...of the City Council of the City of Trinidad, Colorado, providing for a prohibition on the submission, acceptance or processing of applications and/or the licensing, permitting, establishment or operation of any retail marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana product pursuant to Amendment 64, approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes, and setting a hearing date for consideration of said ordinance;

ii) *(Extending the moratorium on retail marijuana until June 30, 2014)*...of the City Council of the City of Trinidad, Colorado, providing for a moratorium until June 30, 2014, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes, and setting a hearing date for consideration of said ordinance;

iii) *(Extending the moratorium on retail marijuana until not beyond March 1, 2014)*... of the City Council of the City of Trinidad, Colorado, providing for a moratorium until such time that land use and licensing regulations are adopted, however not to extend beyond March 1, 2014, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64, approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes, and setting a hearing date for consideration of said ordinance;

iii) *(Designating licensing authority if voting to allow retail marijuana)*...of the City Council of the City of Trinidad, Colorado, enacting Article 12, Chapter 14 of the Code of Ordinances regarding retail marijuana local licensing authority, and setting a hearing date for consideration of said ordinance;

iv) *(Designating licensing authority if voting to prohibit retail marijuana)*...of the City Council of the City of Trinidad, Colorado, enacting Article 12, Chapter 14 of the Code of Ordinances regarding retail marijuana local licensing authority, and setting a hearing date for consideration of said ordinance;

Medical Marijuana – Motion to direct staff to come back within 120 days with a land use code and licensing and regulations related to medical marijuana;

First reading of an ordinance...

i) *(Medical Marijuana – removing an effective ban relative to licensing consistent with the Oath of Office)*...repealing and re-enacting Section 9-4 of the Trinidad City Code for the purpose of prohibiting the issuance of a business

license to any person seeking to carry on or engage in any business within the corporate limits of the City of Trinidad that is in violation of the United States Constitution of any law of the State of Colorado, and setting a hearing date for consideration of said ordinance;

ii) *(Medical Marijuana - ordinance to repeal prohibition until regulations are established but not to extend beyond March 1, 2014)*...amending Chapter 14 of the Code of the City of Trinidad, Colorado, for the purpose of authorizing future operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers, and setting a hearing date for consideration of said ordinance;

Expenditure Required: Expenditure of funds is not required at this time.

Source of Funds: N/A

Policy Issue: Should retail and/or medical marijuana facilities be licensed and regulated in the City of Trinidad.

Alternative: City Council could request modifications be made to the ordinances.

Background Information: Information regarding the licensing and regulation of recreational and medical marijuana was previously provided to City Council related to the August 13, 2013 work session. Additional information from CML was forwarded via e-mail as follow up to the August 13, 2013 work session. Hard copies of the following information for reference are provided as an attachment to these documents:

- Retail Marijuana Municipal Actions Table
- Sample CML Local Licensing Authority Ordinance
- Criminal Code Deletions from SB 283
- Centennial Moratorium and Personal Grow Regulations
- Foxfield Cultivation of Marijuana in Structures for Personal Use
- Leadville Marijuana Licensing Authority Ordinance

At the August 13, 2013 City Council Work Session Ms. Rachel Allen from CML provided City Council with information regarding the licensing and regulation of recreational marijuana. City Council had discussion regarding licensing and regulation of marijuana specific to the City of Trinidad. City Council Members expressed interest in continuing the discussion in a special work session prior to taking action on September 3, 2013.

At the August 20, 2013 Special Work Session, City Council continued discussion regarding the licensing and regulation of marijuana in the City of Trinidad. City Council requested a Work Session be scheduled to allow for public input regarding the licensing and regulation of marijuana in the City of Trinidad prior to considering any ordinance(s) related to marijuana. A public input session was scheduled for the August 27, 2013 Work Session.

Staff prepared drafts for City Council's review, consideration and discussion that reflect several options that City Council could elect to take regarding the licensing and regulation of marijuana in the City of Trinidad. The draft ordinance options include:

- Enacting a moratorium regarding the licensing and operation of marijuana facilities in Trinidad.
- Establishing Trinidad as the licensing authority for marijuana if City Council should elect at to allow marijuana facilities now or in the future.
- Enacting a ban on recreational marijuana.
- Enacting an ordinance to allow the licensing of medical and/or recreational facilities.

October 1, 2013 is the date by which communities in Colorado are required to take action on whether they will be the licensing agent for recreational marijuana for their community or do they want the state to serve in that role. Determination of whether to allow and regulate marijuana can be made at a later date by imposing a moratorium at this time. City Council can also elect to continue to not allow medical marijuana facilities and to not allow recreational and/or grow facilities.



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, PROVIDING FOR A PROHIBITION ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS AND/OR THE LICENSING, PERMITTING, ESTABLISHMENT OR OPERATION OF ANY RETAIL MARIJUANA BUSINESS THAT SELLS, CULTIVATES, MANUFACTURES, PREPARES, PACKAGES, PURCHASES, TESTS, OR OTHERWISE PROVIDES FOR OR ALLOWS THE USE OF MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO AMENDMENT 64 APPROVED BY THE VOTERS OF THE STATE OF COLORADO AT THE NOVEMBER 6, 2012, GENERAL ELECTION, AND CODIFIED AS ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION, INCLUDING THE USE OF LAND FOR SUCH PURPOSE OR PURPOSES

WHEREAS, at the November 6, 2012, general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution ("Amendment 64") which is codified as Article XVIII, § 16 of the Colorado Constitution; and

WHEREAS, Amendment 64 permits persons twenty-one years of age and older to possess, use, display, purchase or transport one ounce or less of marijuana, or marijuana accessories, to grow limited amounts of marijuana and manufacture and sell marijuana accessories; and

WHEREAS, Amendment 64 also provides for the establishment of marijuana establishments, which include cultivating, testing and product manufacturing facilities, and retail marijuana stores; and

WHEREAS, Amendment 64 requires that by no later than July 1, 2013, the Colorado Department of Revenue shall adopt regulations to implement Amendment 64; and

WHEREAS, Amendment 64 provides that by October 1, 2013, the Colorado Department of Revenue is to begin accepting and processing license applications for marijuana establishments; and

WHEREAS, Amendment 64 further provides that local governmental entities may enact ordinances and regulations governing the time, place, manner and number of marijuana establishments and that by October 1, 2013, each locality adopt marijuana establishment licensing regulations in the event the Colorado Department of Revenue fails to adopt regulations or accept applications; and

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

Section 1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council of the City of Trinidad, Colorado.

Section 2. Upon the adoption of this Ordinance a prohibition is imposed on the submission, acceptance, or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, general

election and codified as Article XVIII, § 16 of the Colorado Constitution, and upon the use of land for such purpose or purposes.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED this 19th day of March, 2013;

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

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

CITY OF TRINIDAD, COLORADO

BERNADETTE BACA GONZALEZ, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, PROVIDING FOR A MORATORIUM UNTIL JUNE 30, 2014, ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS AND THE LICENSING, PERMITTING, ESTABLISHMENT OR OPERATION OF ANY RECREATIONAL MARIJUANA BUSINESS THAT SELLS, CULTIVATES, MANUFACTURES, PREPARES, PACKAGES, PURCHASES, TESTS, OR OTHERWISE PROVIDES FOR OR ALLOWS THE USE OF MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO AMENDMENT 64 APPROVED BY THE VOTERS OF THE STATE OF COLORADO AT THE NOVEMBER 6, 2012, GENERAL ELECTION, AND CODIFIED AS ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION, INCLUDING THE USE OF LAND FOR SUCH PURPOSE OR PURPOSES

WHEREAS, at the November 6, 2012, general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution ("Amendment 64") which is codified as Article XVIII, § 16 of the Colorado Constitution; and

WHEREAS, Amendment 64 permits persons twenty-one years of age and older to possess, use, display, purchase or transport one ounce or less of marijuana, or marijuana accessories, to grow limited amounts of marijuana and manufacture and sell marijuana accessories; and

WHEREAS, Amendment 64 also provides for the establishment of marijuana establishments, which include cultivating, testing and product manufacturing facilities, and retail marijuana stores; and

WHEREAS, Amendment 64 requires that by no later than July 1, 2013, the Colorado Department of Revenue shall adopt regulations to implement Amendment 64; and

WHEREAS, Amendment 64 provides that by October 1, 2013, the Colorado Department of Revenue is to begin accepting and processing license applications for marijuana establishments; and

WHEREAS, the continued imposition of a moratorium until June 30, 2014, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64, including the use of land for such purpose or purposes, is reasonable and necessary for the City to develop, if necessary, its own licensing scheme for marijuana establishments and to have had an opportunity to investigate, develop, adopt and implement, and if necessary amend regulations it deems appropriate to regulate recreational marijuana businesses as necessary to protect the public's health safety, and welfare.

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

Section 1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council of the City of Trinidad, Colorado.

Section 2. Upon the adoption of this Ordinance a moratorium is imposed until June 30, 2014, on the submission, acceptance, or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, general election and codified as Article XVIII, § 16 of the Colorado Constitution, and upon the use of land for such purpose or purposes.

Section 3. During the pendency of this moratorium, City staff shall review all laws and regulations enacted by the state or actions of the federal government regarding recreational marijuana businesses and advise Council of the same and, if so directed by Council, prepare ordinances and or regulations with respect to the time, place, manner, licensing and other regulations regarding recreational marijuana businesses.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 6. The repeal or modification of any provision of the Code of Ordinances of the City of Trinidad, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose or sustaining any and all proper actions, suits, proceeding and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

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

FINALLY PASSED AND APPROVED this _____ day of _____.

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

CITY OF TRINIDAD, COLORADO

BERNADETTE BACA GONZALEZ, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, PROVIDING FOR A MORATORIUM UNTIL SUCH TIME THAT LAND USE AND LICENSING REGULATIONS ARE ADOPTED, HOWEVER NOT TO EXTEND BEYOND MARCH 1, 2014, ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS AND THE LICENSING, PERMITTING, ESTABLISHMENT OR OPERATION OF ANY RECREATIONAL MARIJUANA BUSINESS THAT SELLS, CULTIVATES, MANUFACTURES, PREPARES, PACKAGES, PURCHASES, TESTS, OR OTHERWISE PROVIDES FOR OR ALLOWS THE USE OF MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO AMENDMENT 64 APPROVED BY THE VOTERS OF THE STATE OF COLORADO AT THE NOVEMBER 6, 2012, GENERAL ELECTION, AND CODIFIED AS ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION, INCLUDING THE USE OF LAND FOR SUCH PURPOSE OR PURPOSES

WHEREAS, at the November 6, 2012, general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution ("Amendment 64") which is codified as Article XVIII, § 16 of the Colorado Constitution; and

WHEREAS, Amendment 64 permits persons twenty-one years of age and older to possess, use, display, purchase or transport one ounce or less of marijuana, or marijuana accessories, to grow limited amounts of marijuana and manufacture and sell marijuana accessories; and

WHEREAS, Amendment 64 also provides for the establishment of marijuana establishments, which include cultivating, testing and product manufacturing facilities, and retail marijuana stores; and

WHEREAS, Amendment 64 requires that by no later than July 1, 2013, the Colorado Department of Revenue shall adopt regulations to implement Amendment 64; and

WHEREAS, Amendment 64 provides that by October 1, 2013, the Colorado Department of Revenue is to begin accepting and processing license applications for marijuana establishments; and

WHEREAS, the continued imposition of a moratorium UNTIL SUCH TIME THAT LAND USE AND LICENSING REGULATIONS ARE ADOPTED, HOWEVER NOT TO EXTEND BEYOND MARCH 1, 2014, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64, including the use of land for such purpose or purposes, is reasonable and necessary for the City to develop, if necessary, its own licensing scheme for marijuana establishments and to have had an opportunity to investigate, develop, adopt and implement, and if necessary amend regulations it deems appropriate to regulate recreational marijuana businesses as necessary to protect the public's health safety, and welfare.

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

Section 1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council of the City of Trinidad, Colorado.

Section 2. Upon the adoption of this Ordinance a moratorium is imposed UNTIL SUCH TIME THAT LAND USE AND LICENSING REGULATIONS ARE ADOPTED, HOWEVER NOT TO EXTEND BEYOND MARCH 1, 2014, on the submission, acceptance, or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, general election and codified as Article XVIII, § 16 of the Colorado Constitution, and upon the use of land for such purpose or purposes.

Section 3. During the pendency of this moratorium, City staff shall review all laws and regulations enacted by the state or actions of the federal government regarding recreational marijuana businesses and advise Council of the same and, if so directed by Council, prepare ordinances and or regulations with respect to the time, place, manner, licensing and other regulations regarding recreational marijuana businesses.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 6. The repeal or modification of any provision of the Code of Ordinances of the City of Trinidad, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose or sustaining any and all proper actions, suits, proceeding and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

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

FINALLY PASSED AND APPROVED this _____ day of _____.

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

CITY OF TRINIDAD, COLORADO

BERNADETTE BACA GONZALEZ, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO ENACTING ARTICLE 12, CHAPTER 14 OF THE CODE OF ORDINANCES REGARDING RETAIL MARIJUANA LOCAL LICENSING AUTHORITY

WHEREAS, on November 7, 2012, the voters of the State of Colorado approved Section 16 of Article XVIII of the Colorado Constitution, which authorized the personal use and possession of recreational marijuana for adults; and

WHEREAS, on May 28, 2013, the governor signed House Bill 13 -1317 into law enacting Title 12, Article 43.4 of the Colorado Revised Statutes (the "Colorado Retail Marijuana Code "), which regulates the cultivation, manufacture, distribution, and sale of retail marijuana; and

WHEREAS, the Colorado Retail Marijuana Code states that on or after October 1, 2013, businesses engaged in the cultivation, manufacture, or sale of marijuana or in the processing of marijuana - infused products shall apply for a license subject to its terms and conditions and any rules promulgated pursuant thereto; and

WHEREAS, the Colorado Constitution also authorizes counties and municipalities in Colorado to prohibit or regulate retail marijuana businesses and to adopt regulations consistent with the intent of the state law; and

WHEREAS, in order to comply with the Retail Marijuana Code and the new state licensing scheme, the Trinidad City Council has determined it necessary to create a new Article 12, Chapter 14, of the Trinidad Municipal Code.

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

Section 1: Retail Marijuana Licensing Authority.

(1) The City Council hereby finds, determines and declares that it has the power to adopt this Article pursuant to:

- (a) Section 12- 43.4 -101, et seq., C.R.S. (known as the Retail Marijuana Code);
- (b) Section 31 -15 -103, C.R.S. (concerning municipal police powers);
- (c) Section 31 -15 -401, C.R.S. (concerning municipal police powers);
- (d) Section 31 -15 -501, C.R.S. (concerning municipal authority to regulate businesses).

(2) The City Council shall be the local licensing authority of the City for the licensing of retail marijuana centers, pursuant to this Article, unless the City Council designates other persons to serve as the local licensing authority by ordinance. The local licensing authority shall possess all powers given to local licensing authorities by the provisions of the Colorado Retail Marijuana Code and rules and regulations promulgated thereunder. Any decision made by the local licensing authority to grant or deny a license, to revoke or suspend a license, or to renew or not renew a license shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(3) Article 12, Chapter 14, is hereby enacted as follows:

CHAPTER 14

ARTICLE 12. MARIJUANA LICENSING AUTHORITY

Section 1. Creation.

There shall be and is hereby created a Retail Marijuana Licensing Authority, hereafter referred to in this Article as the "Authority".

Section 2. Composition.

The Authority shall be the City Council.

Section 3. Functions.

- (a) The Authority shall have the duty and authority pursuant to the Colorado Retail Marijuana Code and this Article to grant or refuse licenses in the manner provided by law.
- (b) The Authority shall have all the powers of a Local Licensing Authority as set forth in the Colorado Retail Marijuana Code.
- (c) The Authority shall have the power to promulgate rules and regulations concerning the procedures for hearings before the Authority.
- (d) The Authority shall have the power to require any applicant or licensee to furnish any relevant information required by the Authority.
- (e) The Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by the District Court of the State.
- (f) The local licensing authority shall possess all powers given to local licensing authorities by the provisions of the Colorado Retail Marijuana Code and rules and regulations promulgated thereunder. Any decision made by the local licensing authority to grant or deny a license, to revoke or suspend a license, or to renew or not renew a license shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

Section 4. Application for licensure.

All applications for licensure shall be filed with the City Clerk.

Section 5. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City of Trinidad, that it is promulgated for the health, safety and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. Effective Date. This Ordinance shall become effective ten (10) days after passage on second reading.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED
PUBLISHED THIS _____ DAY OF _____ 2013.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

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

CITY OF TRINIDAD

BERNADETTE BACA GONZALEZ, Mayor

ATTEST:

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO ENACTING ARTICLE 12, CHAPTER 14 OF THE CODE OF ORDINANCES REGARDING RETAIL MARIJUANA LOCAL LICENSING AUTHORITY

WHEREAS, on November 7, 2012, the voters of the State of Colorado approved Section 16 of Article XVIII of the Colorado Constitution, which authorized the personal use and possession of recreational marijuana for adults; and

WHEREAS, on May 28, 2013, the governor signed House Bill 13 -1317 into law enacting Title 12, Article 43.4 of the Colorado Revised Statutes (the "Colorado Retail Marijuana Code"), which regulates the cultivation, manufacture, distribution, and sale of retail marijuana; and

WHEREAS, the Colorado Retail Marijuana Code states that on or after October 1, 2013, businesses engaged in the cultivation, manufacture, or sale of marijuana or in the processing of marijuana - infused products shall apply for a license subject to its terms and conditions and any rules promulgated pursuant thereto; and

WHEREAS, the Colorado Constitution also authorizes counties and municipalities in Colorado to prohibit or regulate retail marijuana businesses and to adopt regulations consistent with the intent of the state law; and

WHEREAS, in order to comply with the Retail Marijuana Code and the new state licensing scheme, the Trinidad City Council has determined it necessary to create a new Article 12, Chapter 14, of the Trinidad Municipal Code, should retail marijuana manufacture, distribution and/or sale be permitted within the corporate City limits of Trinidad at any time in the future.

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

Section 1: Retail Marijuana Licensing Authority.

(1) The City Council hereby finds, determines and declares that it has the power to adopt this Article pursuant to:

- (a) Section 12- 43.4 -101, et seq., C.R.S. (known as the Retail Marijuana Code);
- (b) Section 31 -15 -103, C.R.S. (concerning municipal police powers);
- (c) Section 31 -15 -401, C.R.S. (concerning municipal police powers);

(d) Section 31 -15 -501, C.R.S. (concerning municipal authority to regulate businesses).

(2) The City Council shall be the local licensing authority of the City for the licensing of retail marijuana centers, pursuant to this Article, unless the City Council designates other persons to serve as the local licensing authority by ordinance. The local licensing authority shall possess all powers given to local licensing authorities by the provisions of the Colorado Retail Marijuana Code and rules and regulations promulgated thereunder. Any decision made by the local licensing authority to grant or deny a license, to revoke or suspend a license, or to renew or not renew a license shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(3) Article 12, Chapter 14, is hereby enacted as follows:

CHAPTER 14

ARTICLE 12. MARIJUANA LICENSING AUTHORITY

Section 1. Creation.

There shall be and is hereby created a Retail Marijuana Licensing Authority, hereafter referred to in this Article as the "Authority".

Section 2. Composition.

The Authority shall be the City Council.

Section 3. Functions.

(a) The Authority shall have the duty and authority pursuant to the Colorado Retail Marijuana Code and this Article to grant or refuse licenses in the manner provided by law.

(b) The Authority shall have all the powers of a Local Licensing Authority as set forth in the Colorado Retail Marijuana Code.

(c) The Authority shall have the power to promulgate rules and regulations concerning the procedures for hearings before the Authority.

(d) The Authority shall have the power to require any applicant or licensee to furnish any relevant information required by the Authority.

(e) The Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by the District Court of the State.

(f) The local licensing authority shall possess all powers given to local licensing authorities by the provisions of the Colorado Retail Marijuana Code and rules and regulations promulgated thereunder. Any decision made by the local licensing authority to grant or deny a license, to revoke or suspend a license, or to renew or not renew a license shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

Section 4. Application for licensure.

All applications for licensure shall be filed with the City Clerk.

Section 5. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City of Trinidad, that it is promulgated for the health, safety and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that this Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall not become effective unless and until it the licensing of retail marijuana is permitted within the corporate City limits of Trinidad.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED
PUBLISHED THIS ____ DAY OF _____ 2013.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

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

CITY OF TRINIDAD

BERNADETTE BACA GONZALEZ, Mayor

ATTEST:

AUDRA GARRETT, City Clerk

MOTION DIRECTING STAFF REGARDING MEDICAL MARIJUANA:

I MOVE THAT WE DIRECT STAFF TO DEVELOP AN ORDINANCE FOR THE DEVELOPMENT OF A LAND USE CODE, AND DEVELOPMENT OF LICENSING REGULATIONS, FOR AND IN CONNECTION WITH, MEDICAL MARIJUANA, ON OR BEFORE MARCH 1, 2014.



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 9-4 OF THE TRINIDAD CITY CODE FOR THE PURPOSE OF PROHIBITING THE ISSUANCE OF A BUSINESS LICENSE TO ANY PERSON SEEKING TO CARRY ON OR ENGAGE IN ANY BUSINESS WITHIN THE CORPORATE LIMITS OF THE CITY OF TRINIDAD THAT IS IN VIOLATION OF THE UNITED STATES CONSTITUTION OR ANY LAW OF THE STATE OF COLORADO

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

Section 1. Amendment. Chapter 9, Article 1, § 9-4, of the Trinidad City Code is hereby repealed and re-enacted to read in its entirety as follows:

Section 9-4. License Required.

It shall be unlawful for any person to carry on or engage in any business within the corporate limits of the City of Trinidad without first having obtained a license therefor from the City Clerk. No license shall be issued to any person seeking to carry on or engage in any business within the corporate limits of the City of Trinidad that is in violation of the United States Constitution or any law of the State of Colorado.

Section 2. Effective Date. This Ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

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

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

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the _____ day of September, 2013.

CITY OF TRINIDAD, COLORADO

BERNADETTE BACA GONZALEZ, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSE OF AUTHORIZING FUTURE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS

WHEREAS, in the November 2000 general election, the voters of the state of Colorado approved the enactment of Article XVIII, § 14, of the Colorado Constitution ("Amendment 20") which authorizes individuals with debilitating medical conditions to obtain and use medical marijuana without fear of criminal prosecution; and

WHEREAS, during its 2010 Regular Session, the Colorado General Assembly adopted House Bill 10-1284 which added a new Article 43.3 to Title 12 of the Colorado Revised Statutes, to be known as the Colorado Medical Marijuana Code; and

WHEREAS, the Colorado Medical Marijuana Code clarifies Colorado law regarding the scope and extent of Article XVIII, § 14, of the Colorado Constitution and establishes a regulatory scheme for the retail sale, distribution, cultivation, and dispensing of medical marijuana and related products; and

WHEREAS, the City Council continues to recognize the protections afforded by Article XVIII, § 14, of the Colorado Constitution and affirms the ability of patients and primary caregivers to otherwise be afforded the protections of Article XVIII, § 14, of the Colorado Constitution and § 25-1.5-106, C.R.S.; and

WHEREAS, the City Council of the City of Trinidad, Colorado, has carefully considered Article XVIII, § 14, of the Colorado Constitution, the Colorado Medical Marijuana Code, and has had time to observe the effects of the resulting operations since the passage of said Article in neighboring Colorado counties and municipalities, and has determined as an exercise of its local land use authority that such medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturing should be permitted upon the adoption of appropriate land use and licensing regulations in the City.

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

Section 1. Land Use Regulations Repealed and Re-enacted. Chapter 14, Article 11, Section 14-189, Intent, Authority, and Applicability, and Section 14-190, Uses Prohibited, of the Code of the City of Trinidad, Colorado, is hereby repealed and re-acted to read in its entirety as follows:

ARTICLE 11. MEDICAL MARIJUANA

Section 14-189. Intent, Authority, and Applicability.

- (1) Intent. It is the intent of this amendment to set forth a time line by which the City will adopt proper land use regulations and regulatory laws for the operation of medical marijuana center, an optional premises cultivation operation, or a medical marijuana-infused products manufacturing facility in the City. Land use and regulatory local laws shall be adopted by the Trinidad City Council prior to March 1, 2014. No applications will be accepted, received or processed to allow medical marijuana facility operation

prior to the adoption of land use regulations and regulatory laws specific to medical marijuana as referenced in this Section 14-189(1).

- (2) Authority. The City's authority to adopt this Article is found in the Colorado Medical Marijuana Code, § 12-43.3-101 *et seq.*, C.R.S.; the Local Government Land Use Enabling Act, § 29-20-101 *et seq.*, C.R.S.; § 31-23-101 *et seq.*, C.R.S. (municipal zoning powers); §§ 31-15-103 and 31-15-401, C.R.S. (municipal police powers); and § 31-15-501, C.R.S. (municipal authority to regulate businesses).
- (3) Said regulations and laws will apply to all property in the City.

Section 14-190. Uses Prohibited.

- (1) It is unlawful for any person to operate, cause to operate, or permit to be operated a medical marijuana center, an optional premises cultivation operation, or a medical marijuana-infused products manufacturing facility in the City of Trinidad until such time that proper land use regulations and regulatory laws are adopted and without having obtained a license from the City Clerk therefor.
- (2) Nothing in this Section shall be construed to prohibit, regulate, or otherwise impair the protections of the use of medical marijuana by patients as provided in Article XVIII, § 14, of the Colorado Constitution, or the provision of medical marijuana by a primary caregiver to a patient in accordance with Article XVIII, § 14, of the Colorado Constitution, the Colorado Medical Marijuana Code, and rules promulgated thereunder.

Section 2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Effective Date. This ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

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

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

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of September, 2013.

CITY OF TRINIDAD, COLORADO

BERNADETTE BACA GONZALEZ, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk