



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad, Colorado, will be held on Tuesday, January 7, 2014 at 7:00 P.M. in City Council Chambers at City Hall

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Regular Meeting of December 17, 2013 and Special Meetings of December 17, 2013 and December 19, 2013
- 3) **UNFINISHED BUSINESS**
 - a) Public hearing for consideration of an ordinance increasing business license fees and modifying the term of the same
 - 1) Second reading of an ordinance increasing business license fees and modifying the term of the same
- 4) **BILLS**
- 5) **PAYROLL**, December 21, 2013 through January 10, 2014
- 6) **ADJOURNMENT**

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).

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, December 17, 2013, at 6:30 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, December 17, 2013, at 6:30 p.m. in the Council Chambers at City Hall

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

- 1) 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) – Discussion regarding upcoming ARPA mediation

The meeting was called to order at 6:30 p.m.

Roll call was taken.

There were present:	Mayor Pro-Tem	Velasquez, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett
Absent:	Councilmember	Shew

The pledge of allegiance was recited.

Executive session - For a conference with the City’s attorneys for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding upcoming ARPA mediation. A motion to enter into executive session for the stated purposes was made by Councilmember Bolton. Councilmember Bonato seconded the motion which carried by a unanimous roll call vote. The executive session ensued at 6:31 p.m. Upon conclusion of executive session at 6:57 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 17th day of December, 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, the meeting adjourned.

ATTEST:

LINDA VELASQUEZ, Mayor Pro-Tem

AUDRA GARRETT, City Clerk

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, December 17, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor Pro-Tem	Velasquez
	Councilmembers	Bolton, Bonato, Mattie, Miles
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett
Absent:	Councilmember	Shew

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of December 3, 2013 and Special Meeting of December 10, 2013. A motion to approve the minutes as presented was made by Councilmember Mattie and seconded by Councilmember Miles. Councilmember Bolton asked if the December 3rd minutes should bear her name as signatory because she chaired the meeting. City Clerk Garrett advised that the minutes would be corrected accordingly. The motion carried unanimously upon roll call vote, excepting Mayor Pro-Tem Velasquez who abstained due to her absence from those meetings.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Stephen Brown, 108 W. Strong Avenue, addressed Council. He said he has lived here since 1999 and has gotten to know the City pretty well. It has changed since that time. Mr. Brown (referring to the ordinance regarding Chapter 5) asked if Section 5-1(1) will require the establishment of a new division of a new hire within the City government to include payroll, insurance, etc. and if so, he asked how the will City pay for it. Next he asked if Section 5-9(2)(b) prevents any owner from repairing those things at their home that they are capable of repairing. The ordinance seems to state you have to be a professional to do these things. He exemplified such things as replacing a faucet, light switch, interior wiring or replacing roof tiles. The owner can do these things and shouldn't have to pay a \$30 fee to do them as the ordinance implies, he said. Mr. Brown then raised a concern about the search warrant language/probable cause language in the ordinance. He said he thought it to be unlawful under the Fourth Amendment and could be considered unconstitutional. The city agent must swear under oath that they have specific knowledge of a violation for a judge to issue a search warrant. One can't just assume there is a violation. He said the ordinance reads that the city agent shall not be required to demonstrate specific knowledge of the violation, which is in violation of the Constitution. Regarding the language pertaining to emergencies, Mr. Brown read "It is unlawful for any owner of the building or premises to deny entry to a city agent or to resist reasonable force used by such agent acting pursuant to this subsection." He asked since when can someone other than law enforcement force their way into a home without a search warrant. You need marshal law to do such things. He suggested those items be removed from the ordinance. The other parts he wasn't familiar with and said the City's had it in place since 2011 and it has been working. He concluded that he doesn't know why the City now saw fit to hire someone else.

COUNCIL REPORTS. Councilmember Bonato had nothing to report.

Councilmember Miles reported that she and Councilmember Bolton attended the Community Development meeting at City Hall last Friday. There was representation from the T-LAC Economic Development Board, Creative District, Las Animas County, SET, Trinidad Community Foundation, City Planning Director's office, and Arts and Cultural Commission – a wide group of people. The group intends to meet once per quarter to let people know what activities are being undertaken. The idea is to foster a spirit of cooperation and everyone welcomed the opportunity to find out what's going on.

Councilmember Mattie had nothing to report.

Councilmember Bolton added to Councilmember Miles' report that the Community Development group was a great group of people and they had great discussions. She added that she looks forward to meeting again.

Mayor Pro-Tem Velasquez had nothing to report.

REPORT BY CITY MANAGER. Union negotiations. City Manager Acre called to Council's attention at their seating places a couple of handouts including one regarding union negotiations from the previous day and today. He said he thinks they've reached a decision on proposed additional personal days, but is waiting to hear from the union on that item.

Urban Renewal. City Manager Acre pointed to the urban renewal boundary map at Council's seating. He told Council that based on input from City Council they could at least start out with this with a blight study. Staff will meet to gather things to provide to the consultant. He also reported that there wasn't a good response for interest in serving on the Urban Renewal Commission. Only one applied. Councilmember Miles talked to someone interested and staff has ideas and may reach out to people. He added that Councilmember Miles also spoke to City Attorney Downs about the requirement that the composition of the commission only include people who live in the City. Under the Charter and with the other boards it requires that people be residents, except the Tourism Board. He said he thought they could do the same thing with the Urban Renewal Commission and will try to get word out again and get something done. He added that he's not sure if we can get it done before the end of the year but in talking with Mr. Murray we can make this happen and get ahead of the game in January. Councilmember Miles asked if there is something magic about getting it established before January 1st. City Manager Acre said it has been the goal to get it done before the end of the year because of proposed legislation so that if they were to make it retroactive we would be safe. However, in talking with Mr. Murray he said the chance of the legislation being retroactive is probably slim. He added that if we can get the commission in place earlier, we will. The

blight study work is progressing and should be done soon. Councilmember Bolton asked if concerning the residency issue if they will have to make a change or if the current language allows for one person who doesn't reside in the City. City Manager Acre answered that Council can identify that within the URA resolution without making a change to the Charter, similar to what was done with the Tourism Board. City Attorney Downs agreed. He added that it is in Council's best interest to have the majority of the commission be residents, but there's no legal reason they couldn't have a minority number as non-resident business owners in the City. Councilmember Mattie asked the number of people being sought for the commission. City Manager Acre said there are five total. Only one person has applied thus far. There are a couple of people staff has in mind. At least one lives out of the City but owns a business in the City. Councilmember Mattie asked if two can be from outside of the City. City Attorney answered no more than two may.

Building Codes. City Manager Acre reminded Council that City Attorney Downs sent them an e-mail regarding the building codes that they can discuss in detail when that item is considered.

North Lake Dam Project. City Manager Acre reminded Council of the State Engineer's recent inspection. There are several items that need to be completed, but the contractor is working on them. He said they are trying to get the State Engineer to release the restriction at least partially how far the City can take the water. If we get a lot of the punch-list items complete, he will probably lift it. He reminded Council some work is not anticipated to be complete because of the winter weather, including the rip rap, but a temporary fix is being made by the contractor. Also, final re-seeding and grading needs to be done. Work is continuing on the other items. He said he will be writing a letter to the contractor to try to close out the project and alert them that we will likely seek liquated damages. Councilmember Bonato asked if the water level is still five feet below capacity. City Manager Acre said it is but the City can't take it from a water law standpoint anyway. He said it is hoped the restriction will be partially lifted before the spring runoff so we can return some of that water to the lake. He concluded that he anticipates everything to be complete by June.

REPORT BY CITY ATTORNEY. None.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance for the regulation of traffic by the City of Trinidad, Colorado, adopting by reference the 2010 Edition of the "Model Traffic Colorado" and repealing all ordinances in conflict therewith. Mayor Pro-Tem Velasquez opened the hearing and called for comments for or against the ordinance. There being none, the hearing was closed.

Second reading of an ordinance for the regulation of traffic by the City of Trinidad, Colorado, adopting by reference the 2010 Edition of the "Model Traffic Colorado" and repealing all ordinances in conflict therewith. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton and seconded by Councilmember Mattie. Upon roll call vote the motion carried unanimously.

ORDINANCE NO. 1947

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF TRINIDAD, COLORADO, ADOPTING BY REFERENCE THE 2010 EDITION OF THE "MODEL TRAFFIC COLORADO" AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH

Public hearing for consideration of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2014 and ending December 31, 2014; said ordinance being termed the annual appropriation bill for the 2014 fiscal year. Mayor Pro-Tem Velasquez declared the public hearing open and called for comments. Lee Hadaway, representing AFSCME Local 1074, the City's union, along with Cheryl Hutchison, AFSCME Assistant Executive Director of Council 76, addressed Council and distributed a handout to each of them. Mr. Hadaway told Council that he has sat through all of the budget meetings and kept his mouth shut and now it's time to talk. He offered to provide some background on the City's financial situation. He said the union recognizes the situation and has for quite some time. Employees have gotten only one raise in eight years, in the amount of \$.32 per hour and that was because the health insurance costs had gone up tremendously in that time. Employees are taking home a lot less. Suggestions were made constantly to administration on ways to increase revenue, but he said it fell on deaf ears. Approximately January 1st Tom Acre came in as City Manager. He said he decided to give him January to get his feet wet. In February he said they started bugging him telling him that things need to be done to raise revenues, such as raising rates at the landfill which are way below state average at \$4 per cubic yard. Also, he was told the sewer rates had not been raised in ages. A new wastewater treatment plant was built about ten years ago and the City's paying a \$500,000 bond each year but didn't raise the rates to pay for it. They also suggested to annex the property south of the City limits. The union kept pushing and asking and then about June, City Manager Acre approached him and said we are in a bad time and things are not looking good; we may be looking at furloughs and layoffs before long. Mr. Hadaway said he reminded him that he had been given recommendations on what to do to increase revenue, and if the City implemented those suggestions and still ended up with a shortfall the union would be more willing to look at furloughs at that time. However, if you come straight to the employees and do nothing to increase the revenue, we will throw a hissy fit. No rate increases have been voted on or passed by Council. He said the employees are tired or shouldering the burden for this whole town. It is the easy choice. It is the big ticket in the budget, but what about the rest of the community. Shouldn't they step up and take responsibility for some of this? Mr. Hadaway said the employees are tired of carrying the load and they need to spread it out some. He said he's been going through the budget and there are quite a few errors or mistakes. On pages one through three from budget #1 dated 10/1/13, the numbers at the time they were compiled were accurate. The budget changed and now we have budget #8 this morning. He said he's not real sure how Council can digest eight budgets. What we had was the 2013 budget wages projected which should have been dead on because there should be no more overtime as of August. There's a difference between the 2013 projected and the 2014 budget. In most cases the wages went up. The 2014 wages were significantly higher than the 2013 projected. The 2013 projected was \$6,647,000 and the 2014 budget was \$6,979,000 – an increase of \$331,000. City Garage shows a \$28,000 increase. Mr. Hadaway said there are only four employees down there. Why did the budget go up with no raises? He continued that in the 2013 budget there were nine employee's wages reflected who no longer work for the City, but only two were adjusted out of the budget. If you add that

up, he said those seven employees with 17% taxes added equates to \$436,000 in unadjusted wages. Add that \$436,000 to the \$331,000 that was inflated to the budget and there's \$767,000. He said he understands the City needs to hire a Public Works Director/Utilities Superintendent. He said his math came out to \$85,000 in wages plus \$14,000 in taxes to equal \$99,000. He then subtracted that \$99,000 and said there's still a \$668,000 swing in wages. He noted the City wage schedule has not been included in the budget this year. He next compared the 2013 projected and 2014 City Manager budget and found an increase. The IT Director left and the support technician moved up. The 2013 projected showed \$6,630,000 and the 2014 budget now shows \$6,642,000 – now only a difference of \$12,000. We were at a \$300,000 difference in the first budget. He said administration was called on it, why wages increased that much. The next budget was not at \$300,000 difference, now it is at \$12,000. It was adjusted. The 2014 wage survey shows \$7,074,000. He said his question with regard to the furloughs in the budget is if you take the 5% that the furloughs are supposed to result in and reduce the total wages it comes to \$6,720,000. That doesn't meet the 2014 budget. A 5% reduction from projections is \$292,000. He said he can't come up with a 5% reduction anywhere in these numbers. He next pointed to the breakdown of wages with the Public Works Director/Utilities Superintendent position. He said a total of \$146,000 should be replaced an \$85,000 salary. Both positions' salaries are in the budget, so there is an extra \$60,000 in the budget that hasn't been taken out. Mr. Hadaway told Council that pager pay should be listed by department at \$7,800 per department per year and none listed for the landfill. There is an average of \$10,400 in pager pay alone, however. It all adds up. He continued that he has issues with the numbers Council was quoted, and they have voted on some issues in direct relation to some of these numbers. One was the 5% reduction toward payment of insurance premiums which he said totals \$1,750,000 for 2014, which includes Obamacare fees, according to his conversation with the City Clerk on Monday. At 83% being the City's share, the 17% which is the employees' share equals \$297,000. If you change it based on the 5% reduction to 78% the City's total would be \$1,365,000 and the employees' portion at 22% would equal \$385,000. The City's premium would decrease \$87,500 and the employees' increase would be \$87,500. Council was quoted a savings of \$110,000, which he said is not right. Council was told the City would be saving more than it will be. There is an \$87,000 savings. Mr. Hadaway continued that the total City budget is \$36 million. The 5% reduction in insurance which equates to \$87,500 savings is 0.24% of 1% of the total budget. If you were talking a \$100 bill, the City would be saving \$.24. It doesn't affect the City as much as it does City employees. There was an increase in the insurance and on top of that and this is adding to it. The employees will incur a decrease. The union asked for a 1 1/2% pay increase that didn't happen. In the past two years the employees' health insurance has increased 61% without this 5% - 69% over two years. Mr. Hadaway said the increase in business license fees was projected to raise revenue by \$60,000, which doesn't make sense to him. Council voted to raise it from \$10 to \$50. He suggested it should have been raised to \$100, but \$50 was presented. This is a \$40 increase per license. To increase revenue by \$60,000 there would need to be 1,500 business licenses at \$40 each. We don't have but 600 business licenses. The increase is only \$24,000, not \$60,000. The numbers are wrong. Mr. Hadaway called to Council's attention the next page of his handout. He questioned why page 44 of the Home Rule Charter, under Financial Administration, Section 9.9 hasn't been discussed. He read "The accounts of each utility owned and operated by the city shall be kept separate and distinct from all other accounts of the City. Loans from the utility funds to other City departments shall be allowed, but, only upon a vote of the City Council." It would require a two-thirds majority vote of City Council. It is a loan with interest. He reiterated that he has not heard that discussed, rather they went straight to furloughs and insurance cuts. The next page he said is a report from the AFSCME economist in Washington, DC. He was sent the past three budgets and past three audits and he went through them. On page three of his report it says the City's financial reports indicate that it held \$15 million in unrestricted net assets in its combined enterprise funds as of December 31, 2012. We went from a 1% to 5% in increase in transfers from the enterprise funds because it should have been 5% all along. The last sentence of that paragraph reads "This is also reflected on page 12 of the 2012 Financial Statements, with the combined enterprise funds holding \$15.2 million as of December 31, 2012 – a substantial increase over the \$13.5 million held on January 1, 2012." He said it went up \$1.7 million that year. He said there should be a way to use that money so the employees don't have to take furloughs and get hit on the insurance. Mr. Hadaway pointed to the last page of his handout. He said budget #8's wage schedule is absolutely worthless. The information is a matter of public record and has been included in all of the prior budgets and needs to be in this one. Mr. Hadaway said it was so important to the union it was chosen as a negotiation item. They were told it is not an item that can be negotiated on because it is not in the contract. Everyone talks about transparency in government, and you want everyone to see everything and be held accountable, but it can't be done without the wage schedule. With the schedule you can tell who got raises. The only ones who were generally the four-cent per hour increase for longevity. It was not listed by each person's name, only by job title and it should be in there with the exact number. The wages can be added in each department and cross-referenced with the line-item wages for that department. You can see increases in the departments. It kept a lot of questions from sticking their heads up. Otherwise, the most common question is what administration is trying to hide. Administration is going through tremendous hoops to keep it from being in there. He reiterated that it is a public record and urged that it be put back in the budget. Mr. Hadaway said \$800,000 has been quoted as the projected shortfall since the initial budget was drafted on 10/1/2013. There's still an \$800,000 projected shortfall with the 8th budget. With the increase in fees and cuts in the budget, shouldn't we be less than an \$800,000 shortfall by now? Why are there eight budgets and we are still at an \$800,000 shortfall? The cash flow reserve is still at \$1.5 million, even though Council said they felt comfortable with it at \$1 million. The furloughs are in the budget, he said, so why are the wages not adjusted? We are told the water and sewer increases are in the budget but it hasn't been discussed or voted on by Council. He added that they don't know when it will be discussed or voted on. It is rumored to increase 10%, which he said means nothing to him. So he was told it is \$5 per household per month or \$60 per year. Furloughs will cost more than that. He urged Council to spread it out. The landfill increase is in the budget but hasn't been voted on or discussed or on the agenda. The City's break-even point is \$9.30 per cubic yard and we currently charge less than half of that amount. The proposed \$5 charge will be slightly more than half of that. The question was asked how many cubic yards per year the landfill handles but was not answered. He said that information seems pretty important to know for the budget process. He cautioned Council to be careful of percentages; ask for actual numbers. Percentages seem like more than they really are. Mr. Hadaway told Council they are supposed to make informed, educated decisions about the budget and how it will affect employees and the City. He said he doesn't see how they can, just by these numbers alone there's with enough questions. There is no money for gas appropriations in the 2014 budget, yet it was in the 2013 budget. He said we could really get messed up with that. With the wage schedules in the budget he said he could see what's going on with that. We need an accurate wage schedule, adding that he didn't know if Council even noticed. There's a range given, not specifics. For instance, he said in the City Garage it shows three mechanics at \$35,000 to \$40,000 for the three employees, however he said he is not a mechanic and that is the department he is located in. He said he doesn't understand how Council can make a decision with what they have. He also said he doesn't see how they can burden the City employees any more than they have. He encouraged Council to borrow

from the enterprise funds which had \$15 million at this time last year. The City has to do something. He asked that Council reach out and grab something to get some money because we are losing good employees. This town is suffering and will continue to unless Council steps up and does something. Cheryl Hutchison addressed Council and said she's not talking about the budget or money. She told Council the people in the room are citizens, people who pay sales tax and each year are losing money, not just in salaries. It is this trickle-down economy and it has to stop. One year they got \$.32 per hour increase. That was because the insurance went up that year. They haven't gotten a pay raise otherwise – just the one across the board to help cover the insurance increase. She continued that these people work hard for the City and they've tried to come up with ideas to help the City. Those ideas were brought to City Manager Acre in January, although she acknowledged that they didn't start with him or with this City Council, but it is here. She asked them to please take a stance and protect the City employees – they are their neighbors and it is not just a paycheck for them. This is a town they take pride in. She said the international office looked at budget #1 and she had no idea what they would do with budget #8. That's all they do. Trinidad is going through what other places are going through before, and you can get out of it. Lee Hadaway hasn't said it better than anyone anywhere else – they can't give any more; they need your help to get money into a City that is viable. Trinidad has a great junior college and railroads wanting to come in. It may become a small hub. There are a lot of things going on and the union wants to work with administration and Council. She said she wants them to have the right figures and information and be a player at the table so they can help these people who have been helping this town for years. Mr. Hadaway added that in the past year the City hasn't had a Public Works Director and Jim Fernandez has not been able to work and has since retired. The City ran without those positions and those departments didn't fall down without that direct supervision. It is a tribute to those employees who keep working each day. They know their job and it shows the strength of this crew. Councilmember Miles said most of the issues have been discussed over the course of those eight budgets. She asked why if there are this many discrepancies between management and the union is Council just hearing about it tonight. Mr. Hadaway answered that administration was given all of this information. Councilmember Miles asked if the union was given answers to these questions. Finance Director Medina said that staff has talked to the union about most of the issues. The general fund budget of 11/7/13 had a deficiency of \$1.8 million. He said the wages have been taken out. There's been \$1 million shaved off of the budget from the first to the eighth version. The union doesn't have access to all of the same information or details as the administration does, such as who may retire, etc. Councilmember Miles opined that they should have that information. Mr. Hadaway said a lot of the information would be in the wage schedules they've asked for inclusion in the budget. Finance Director Medina said the wage schedules don't show the comp time, vacation pay, etc. so they are never an accurate number, nor are they required to be in the budget. He offered to get the union the information. Councilmember Bolton commented that she has made it clear from day one that she has expected the wage schedules to be included in the budget. She said she was finally provided with a copy that didn't give the information then provided with another copy that did and it has been scaled down to a laughable graph. Finance Director Medina reiterated that it is not required by the state to be included. Councilmember Bonato said he has had a lot of questions from Tuesday's special meeting. He said he didn't think the questions were answered and he has a feeling some things were not presented properly. They were legitimate questions. Councilmember Miles said all of these issues were raised over the past three months and she got satisfactory answers within the context of the budget gap. Things aren't going to be precise and the \$10,000 items will not make up the difference. She added that Council only talked about the \$1.5 million going to \$1 million in the context of not completely depleting the unrestricted funds available for future allocation. Those have gone from \$800,000 one year ago to \$26,000. We can keep looking for \$10,000 to \$50,000 items, but the truth is we have dug an \$800,000 hole. City Council hasn't done that, the economy of the City has done that. There are aspects of the budget that she felt to be aggressive, such as forecasting 2014 revenue the same in some instances, such as the severance tax. She added that she thought that it may be a stretch. There's a room full of people and people are still not agreeing. She re-asked why we are at this stage of there being so much misinformation between the two sides. Ms. Hutchison said they got their information to send off from the City. The next budgets came out quickly. From other cities she said she's been able to get every person's overtime, vacation pay, and sick leave payout - information they should have going into negotiations. If you want us to go in intelligently and knowing where we need to go, she said they need to have the information. It is tough to get things from cities at times and they may have not asked for everything they needed, but she said she's never seen a City produce eight budgets as quickly as Trinidad did. Councilmember Miles said that was because there were many small changes made to it but only three major budgets. The others were maybe one item adjustments, such as changing the insurance percentages. The broader question is where are we missing each other? Ms. Hutchison said they can't come up with the same figures. Councilmember Miles noted that there are a lot of emotions involved and asked how to fix it. City Manager Acre said the union had the same access to the budget information as what was provided to City Council. He offered to go through it with them and show them the information. He added that they have spent countless hours answering questions. He said he can't explain why the two sides are so far apart either. She noted that she's asked a lot of questions that are imbedded in here and Councilmember Bolton said she's asked so many of the same questions. Councilmember Miles said she's willing to gloss over the small items. The largest one was Jim Fernandez's salary. But that pales in comparison when there's a fund available balance of \$26,000 from \$800,000 one year ago. Why are we not on the same page? She encouraged the City and union to schedule a sit down to answer all of their questions. Ms. Hutchison pointed to the avenue provided for in the Charter to borrow from the enterprise funds, who are sitting on \$15 million. Councilmember Miles countered that that is an accrual concept and not actual cash. Finance Director Medina concurred and explained that it includes assets of the City, accounts receivable and payable. It is not \$15 million in cash. Ms. Hutchison said that it has been at \$15 million and has never been broken down as to what is assets and what is cash. What was said to them is that the City has a new project that could cost the City \$6 million so we can't spend that money down. The union asked how much they could take from the enterprise funds legally. The first figure was 3% then it was 5%. Currently they are taking 5% for the general fund. She said she tried to figure out that number and it is not equaling out. She said she can't get a clear number anywhere. The union's 5% figure is not the same as the City's 5% figure. Councilmember Miles asked how they recommend it be fixed. Mr. Hadaway asked if they've discussed borrowing money from the enterprise funds to lend to the general fund. Councilmembers Bonato and Bolton said it has never been brought before them. Ms. Hutchison pointed to the City Manager and Finance Director and said it has never been brought forward. The union took a vote on the furloughs and they weren't sure about the insurance. She said they are not getting the right numbers and there needs to be transparency. She added that she didn't know if it could be solved by January 1st. To Councilmember Bonato's inquiry, Ms. Hutchison said there have been five or six meetings. She suggested that they need to sit down with the union's economist, but that cannot be done by the first of the year. Councilmember Bolton said there are several things Council needs to address. The wage schedule needs to be in the budget the way it was done in prior years. Council is required by the Charter to approve the appropriation ordinance by the end of the year which in essence approves the budget. She pointed out that Council also

has the authority to go back into the budget after the first of the year to make changes they deems appropriate, adding that she'd love the union's economist to look at things. He might shed a different light on things. But that won't happen until after the first of the year. She asked how soon the changes impact employees. Mr. Hadaway answered that the insurance and furloughs will impact the employees on January 1st. Ms. Hutchison told Council that through all of this they have heard rumblings about layoffs. There is not one department that is fully manned. The City is self-funded for unemployment, so they can't pay people if you lay them off. Finally regarding layoffs, she said to her layoff is a threat, not an option. Councilmember Bolton said they need to add to this discussion the lack of facilities where so many employees work, yet they show up each and every day to do their jobs. Ms. Hutchison said the union at last was willing to take furloughs if their insurance didn't increase. Now we are at insurance increases and furloughs. They were also looking for personal days off. She said the union has given and the City has not. Councilmember Miles reiterated that we've depleted funds available for future appropriation by \$800,000. Ms. Hutchison said the employees didn't get a raise last year and the \$800,000 shortfall is not because of their wages. They don't create the insurance increases or overtime. Also there was overtime paid to the police and fire departments that was never budgeted. Councilmember Miles said she wants the union to understand that they are taking measures. The City is going into a precarious position on the reserve funds. She clarified that she's not saying the City is giving more, and the union may still feel they are giving too much, but the City is running on fumes. Ms. Hutchison said if the City knew they were there they could have talked about raising fees and taxes. Any one of the Councilmembers could have suggested any one of those things the union has suggested to management. Councilmember Bolton said had Council been made aware of this in a timely fashion they could have taken action. Ms. Hutchison said the employees didn't put the City in this position. Councilmember Miles agreed and pointed to the reduction of sales tax and severance tax and a downturn in the economy. Each month the sales tax has been eight to ten percent under last year's numbers consistently. Mid-year it became apparent that it probably wasn't going to turn around, but the City still had hopes for the tourist season. The budget comes out in September and we were looking at tremendous shortfalls - that's when Council talked about raising fees. Ms. Hutchison said she negotiates all over the state and there's not a city out there that hasn't faced what Trinidad is facing, some worse and some better. The difference was they started making cuts and not increasing sales tax for their revenue every year. They knew they had to find another way to bring money in. Sale tax has been going down for six years. She added that she knew other cities who have been trying to bring it up for two to three years. Councilmember Miles said in 2012 Trinidad had the luxury of not having sales tax reductions. Ms. Hutchison said she can't believe that they thought Trinidad would not face it. Mr. Hadaway added that the landfill should be at \$9.30 per cubic yard. Did it have to be pointed out? Still, where is it on the agenda? Ms. Hutchison said when they talk about raising sewer rates, don't they want to build a four to five year plan? There should be two rates, one for residential and one for business. The figures should be out to the public that they will pay more in sewer fees. The City should have built a four to five year plan when the treatment plant was built. Mr. Hadaway said that with respect to Rocky Mountain Health Plans they are catching up. They collected \$1 million in premiums and paid out \$1.8 million so they raised rates. Sound familiar? Enough is enough. We need to bring money into this town. The union has told administration four times. There needs to be an article on the front page of the newspaper written on the City's financial situation. Eighty to ninety percent of the people who live here have no clue the situation the town is in. When the City raises rates the room will be packed. The City needs to explain to the public in advance of raising rates. Education is part of the key. Make people understand what the situation is. Stephen Brown addressed Council. He said he is retired military and has been here since 2000. He said he watched the budget and wondered why he couldn't make sense of it, but now he knows. It is not the employees fault or Council's fault. He blamed the City Manager and Finance Director who falsely predicted trends in the economy. He said he balances his budget to the penny each month because he is on a fixed budget. Why can't you do it? You can't look for a rosy future. Things are going down a lot faster than you think because of the policies of our democratic administration. They are making false predictions based on their optimism. He said he has no optimism, he is a realist and knows what's happening in the world. We are going downhill. This town doesn't have to follow that path. He said to raise his landfill bill; he can afford an extra \$6.00. He said he can also pay more for water and sewer, adding that he is careful. He asked Council to think about what they are doing and trying to impose on citizens and laborers and administrators. Deb Chongway, wife of a City employee, addressed Council. She told Council that with the new insurance rates, her family will pay \$130 more per month on top of furloughs which will cost \$200 per month to work for the City. The budget thing is scary. She questioned Finance Director Medina commenting that certain information the union is not allowed to have. She asked why they are not allowed to have all of the information. They can't ever come to the City with good proposals if they don't have the figures. Everyone is on a different page. These guys bust their butts all the time and from their point of view has only had one \$.32 increase in eight years to offset the insurance increase. She continued that their daughter has a medical condition and they can't afford to pay for the insurance but can't afford to drop it because she has a pre-existing condition. Someone needs to listen to the union delegates. Mr. Hadaway made suggestions over five times about raising rates. She asked why they've gotten new trucks but haven't gotten raises. She concluded that the lack of communication is very scary. Mayor Pro-Tem Velasquez said she is sorry that we are at the eleventh hour talking about this. The City can't run without all of the workers. Paul Cordova, Power & Light employee, addressed Council. He told them that the Power & Light Department has been down by three employees. They haven't filled the positions and they are shorthanded. They also haven't heard anyone say the positions will be filled. Now we are taking furloughs. It is just not right. He continued that his department had trouble a couple of weeks ago when an accident took down four poles and they had to work 17 hours. Employees from the different departments helped Power & Light to get through it. He reiterated that they are down three positions that had never been replaced and if you count Power & Light Superintendent Dave Brunelli that makes four. Councilmember Bonato asked where the money is to replace those guys. Councilmember Miles asked if there's money included in salaries to replace them. City Manager Acre said he's been considering replacing two of the three positions and has talked to the Foreman, Dean Duran, about it. Mayor Pro-Tem Velasquez asked how long ago it was since he talked to him. City Manager Acre answered that it's been several months but Power & Light Foreman Dean Duran told him to hold off to see if they need to have the positions filled. The money is still there if we decide to fill them. Councilmember Miles recommended we don't ride the back of that horse too hard. If we have the money budgeted and based on it we've asked people to take cuts, that's rode too hard. Lee Hadaway re-addressed Council. He said in the newspaper it keeps discussing Commercial Street. He said it needs to happen but asked if Council really wants to close a street for two months. Not only will it hurt businesses right now, what will it do to sales tax revenue? The plan is to close half of the street and come back to do the other half. He suggested the whole street will have to be done at once. He said he also heard it said that the best time to do the work will be in January. He said that's not the right time for that work for contractors and pouring concrete. He suggested they put Commercial Street on the back burner for now to keep businesses open and sales tax rolling in. Dean Duran, Power & Light Foreman, addressed Council. He said if their department were to replace two of the positions, they would come from in-house. He asked if then those positions would be

replaced, the guys on the bottom. City Manager Acre said they would be if they are needed. Regarding hiring a Utility Director, he asked if that person will have the proper background in the different areas, such as an electrical background. Councilmember Bolton said that person will have to be well-versed in everything. Mr. Duran commented that it is hard to believe the City will find someone who will know all of those things. The City has been without a superintendent since May, 2011, and has gotten by. Power & Light is four short. They are trying to save money. Police and fire are also short. We are all in it together. If we are going to spend the extra money on that position, let it be someone who knows the job and who he can ask questions of. He also suggested that the Water, Gas and Sewer Foremen be asked to step it up for half a year and save that salary so you don't have to raise insurance. Mr. Duran said he'd take a pay cut to save a person's job. He added that he could have left the City three times but didn't want to. This is hard for these guys and the City could lose all of them. He reiterated Paul Cordova's statement about the workers from the other departments having helped them recently. They all worked together. He said he can do it without cuts and is willing to do whatever he has to. Ms. Hutchison said they all do work together. She suggested Mr. Duran be put on an interview committee if the City chooses to fill the Superintendent position. There being no further comments, the hearing was closed.

Second reading of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2014 and ending December 31, 2014; said ordinance being termed the annual appropriation bill for the 2014 fiscal year. Councilmember Mattie asked in light of the discussion and the need to re-visit this and devise a plan to meet the legal requirements for the end of the year, if it is prudent to move forward with these numbers. He also asked what the next logical step is to resolve this issue. He added that he can't imagine administration is purposely withholding information and trying to deceive the City workers. Somehow there needs to be a meeting of the minds and sharing of proper information. Together we are stronger. We need to rely on each other to resolve this. He added that he doesn't think an adversarial role is productive. City Manager Acre said administration has not purposefully been withholding information. The union is not privy to some of the details of the budget. He added that administration thinks we have accurate budget numbers. There are things that need to be adjusted; they are not trying to cover anything up. He said he believes it is the best budget but does need some modifications, which they have mechanisms to accomplish. Councilmember Mattie asked if these numbers are adequate or can we build on these to address concerns raised this evening. City Manager Acre said he is more than open to sitting down with the economist, adding that he thinks there are assumptions they are making. He reiterated that there are mechanisms to modify the budget after the first of the year. He opined that he is comfortable with this budget and that there isn't \$800,000 in changes. Councilmember Bolton asked when Council will get an explanation on why \$800,000 is the magic number and how long he has known. City Manager Acre said it has been clear that there has been a deficit. We've had a \$2 million deficit originally. Each draft budget had a deficit and staff has been working to reduce it. The concern has been shared since August. Councilmember Bolton asked about prior to that time. She said Council only heard that the sales tax revenues were down. City Manager Acre said that last and this year's financial reports showed where we are lacking. Councilmember Bolton said it wasn't properly brought before Council in a timely fashion. Finance Director Medina told Council that last year's budget showed a \$1 million loss and that was how it was approved. City Manager Acre added that was with an optimistic 3 1/2% increase in sales tax revenue projected. Councilmember Bolton added it was also with a \$1.5 million cash reserve. City Manager Acre said that reserve is administration's recommendation. Councilmember Miles said the reserve was never voted on, but they could, and restated her position that it works hand in glove with funds available for future appropriation. Councilmember Bolton opined that a \$1 million reserve with the TABOR reserve is sufficient. Councilmember Miles reminded that the TABOR reserve is for wildfires and the like. Councilmember Bolton reiterated that she doesn't know why they need a \$1.5 million cash reserve when we didn't have it two years ago. Councilmember Miles explained that represents two months in operations. She added that two years ago there was \$1.2 million available for future appropriations and there's \$26,000 available now. You can't cut both sides without consequences. Councilmember Bolton said if she had accurate information and satisfactory answers maybe she would be able to understand this. Councilmember Bonato asked what guarantee exists that they can make changes to the budget. If the budget is not passed, what are the state penalties and what paperwork is involved? City Manager Acre said there are no penalties. There becomes an assumed budget of 90% of the budget of the 2013 for 2014. Also, however it becomes a violation of the Charter and he didn't know how we'd operate the City without a budget. Councilmember Bonato re-asked what guarantee there is that changes can be made if they approve this. City Attorney Downs said Section 9.7 of the Home Rule Charter allows for Council to make budget changes. Councilmember Bolton made a motion to approve the ordinance on second reading provided this Council reviews very quickly after the first of the year the budget questions and issues they still have with it. The motion was seconded by Councilmember Bonato and carried by a unanimous roll call vote.

ORDINANCE NO. 1948

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY OUT OF THE REVENUES OF THE CITY OF TRINIDAD, COLORADO, TO DEFRAY AND MEET THE LIABILITIES OF THE CITY OF TRINIDAD FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014; SAID ORDINANCE BEING TERMED THE ANNUAL APPROPRIATION BILL FOR THE 2014 FISCAL YEAR

Public hearing for consideration of an ordinance of the City of Trinidad, Colorado, repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purposes of (i) adopting by reference uniform codes for the regulation of buildings – to wit, the 2009 Editions of the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Existing Building Code*, *International Property Maintenance Code*, and *International Private Sewage Disposal Code*; and the 2011 Edition of the National Electrical Code; and (ii) replacing currently-adopted building codes in conflict therewith. Mayor Pro-Tem Velasquez opened the hearing and called for comments. There being none, the hearing was closed.

Second reading of an ordinance of the City of Trinidad, Colorado, repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purposes of (i) adopting by reference uniform codes for the regulation of buildings – to wit, the 2009 Editions of the *International Building*

Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Existing Building Code, International Property Maintenance Code, and International Private Sewage Disposal Code; and the 2011 Edition of the National Electrical Code; and (ii) replacing currently-adopted building codes in conflict therewith. The ordinance title was read aloud. Councilmember Bolton recalled Stephen Brown having questions. Mr. Brown said he felt the search warrant language to be unconstitutional and would like it to be considered further as well as those other parts which he felt would be in excess of the City's future budget. He said he has no objection to the rest of the code. He said he thinks this is an improvement. The parts he mentioned he said were not in the original codes. There was language added particular to this city. He reiterated his belief that the search warrant language is in violation of the constitution or is skirting on the very edge. City Attorney Downs said that it is standard provision in building codes to provide for search warrants and our code of ordinances that the Building Official has the authority to apply for search warrants from the Municipal Court Judge. The purpose is not to try to uncover elements of criminal behavior; it is primarily to be able make a building safe. The City's Building Official is a deputized law enforcement officer. He concluded that there has to be a showing of probable cause and added that he appreciated Mr. Brown's concerns. Mr. Brown agreed but said the ordinance doesn't state that. He read from the ordinance "To establish probable cause, the city agent shall not be required to demonstrate specific knowledge of the violation at issue, but must show some factual or practical circumstances that would cause an ordinary prudent person to believe a violation exists." He said sometimes you can't tell. Under the Fourth Amendment you can't go searching for probable cause. You don't get a search warrant to search for probable cause, you get one if you have probable cause. Councilmember Mattie said the legal definition is more clearly outlined. He added that warrants are not given out readily and it would be a last ditch effort. Mr. Brown said he did his research and this is important. If the ordinance is approved the City could hire a Building Official and give them a salary and staff. Councilmember Bolton clarified that the City already has a Chief Building Official and her understanding by passing the ordinance they wouldn't be adding additional personnel. Mr. Brown said he missed the ordinance when it was passed in 2011. He thought parts he mentioned were added to gain additional legal authority not given to the City which he didn't think the City had the authority to do. The U. S. Administration is doing things they have no authority to do and we will not do it in this City. Councilmember Bolton said she recalled recommending the non-conformance time period being increased from 12 to 36 months with a one-time opportunity for a six-month variance. However, it is being recommended to be kept at 12 months with the opportunity to get six-month extensions. She asked if the extensions are proposed to be at a cost of \$490 per application for commercial buildings. Would they have to pay that amount each time? City Manager Acre said that was a good catch and they could change that language. Councilmember Bolton suggested they increase the time and eliminate the need for so many applications. City Manager Acre recalled Council feeling 12 months was a good time frame to keep the pressure on the building owner to get the improvements done. Councilmember Bolton asked if the fee is reasonable or necessary. Councilmember Miles said the fee discourages people from keeping the door open. After further discussion, Councilmember Mattie made a motion to approve the ordinance on second reading however amending the language regarding non-conformance to read "Additional six (6) month extensions may be considered upon payment of the appropriate variance fee, which shall allow for a total of three possible six-month extensions." The motion was seconded by Councilmember Bolton. Councilmember Miles said they've talked about revisiting these codes and possibly hiring and consultant and she said she didn't want to lose momentum. City Manager Acre said the research they've done in the last several days deals with the Existing Building Codes chapter. In talking with the Building Inspector Kelley and the Golden Building Official the code allows more flexibility if the City were to identify buildings as historic structures. The City has a building inventory and the planning department and Building Inspector can identify some buildings that Council can designate as historic structures which would give the Building Inspector some additional leeway as those building come forward to be renovated. Councilmember Miles said that is critical because this code will get us to enforce delinquent buildings and the existing building code chapter will bring capital to get us out of the hole with those buildings. She added that we have to be careful that it doesn't add a standard that creates a burden because it has been designated as historic. City Manager Acre said the initial research is that it is a local designation, not like one from the Historical Society. Roll call was taken and the motion carried unanimously.

ORDINANCE NO. 1949

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, REPEALING AND RE-ENACTING CHAPTER 5 ("BUILDINGS"), AND ARTICLE 1 OF CHAPTER 8 ("FIRE PREVENTION"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSES OF (I) ADOPTING BY REFERENCE UNIFORM CODES FOR THE REGULATION OF BUILDINGS - TO WIT, THE 2009 EDITIONS OF THE *INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, AND INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE; AND THE 2011 EDITION OF THE NATIONAL ELECTRICAL CODE; AND (II) REPLACING CURRENTLY-ADOPTED BUILDING CODES IN CONFLICT THEREWITH*

Consideration of Department of Local Affairs Commercial Street Phase I Contract. Councilmember Bolton moved to approve the contract without the amendment previously proposed by Council. She said it merely has to do with who is the responsible administrator and DOLA doesn't want to go along with the amendment. They are sticking to their guns. Councilmember Miles stated that this has been her issue. She reiterated Mr. Hadaway's comments that the street will be torn up and said she'd hate to see us in a situation where we are losing more sales tax revenues because of a technicality. She asked if we know why DOLA resisted. City Manager Acre said what he can infer is that they have that relationship with Planning Director Louis Fineberg and staff and want that person named. There is a process to replace the person and they are not going to unduly restrict us from replacing him. They want to make sure whoever is managing that project has the capability to manage it. Councilmember Miles said she wants to make sure we are not left with a torn up street waiting six weeks for a signature on something. City Manager Acre said that is not anticipated and that concern was raised and DOLA said they would work expeditiously with us to make that change. Councilmember Miles seconded the motion and upon roll call the vote carried unanimously.

MISCELLANEOUS BUSINESS. Tavern liquor license renewal request by Ole's Tavern, Inc. d/b/a Ole's Tavern at 2833 Toupal Drive. Eric East was present on behalf of the licensee. A motion to approve the license renewal was made by Councilmember Bolton. Councilmember Bonato seconded the motion. Roll call was taken on the motion which carried unanimously.

Hotel and restaurant liquor license renewal request by mission at the Bell Restaurant, Inc. d/b/a Mission at the Bell Restaurant at 134 W. Main Street, #14. Attorney Rudy Reveles was present on behalf of the licensee. A motion to approve the renewal was made by Councilmember Mattie. Councilmember Miles seconded the motion, which upon roll call vote carried unanimously.

First reading of an ordinance increasing business license fees and modifying the term of the same, and setting a hearing for consideration of said ordinance. The ordinance was introduced by Councilmember Bolton and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing on January 7, 2014 at 7:00 p.m. was made by Councilmember Bolton and seconded by Councilmember Bonato. Upon roll call vote the motion carried unanimously.

ORDINANCE NO.

AN ORDINANCE INCREASING CITY OF TRINIDAD BUSINESS LICENSE FEES AND MODIFYING THE TERM OF THE SAME

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

PAYROLL, December 7, 2013 through December 20, 2013. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Bonato. Roll call was taken and the motion carried unanimously.

EXECUTIVE SESSION. For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees – Quarterly informal City Manager review of performance and relationship to Council. A motion to enter into executive session for the stated purpose was made by Councilmember Bolton and seconded by Councilmember Miles. Upon roll call vote the motion carried unanimously and the executive session ensued at 9:20 p.m. The executive session was electronically recorded as required by the Open Meetings Law. Upon conclusion of executive session at 10:21 p.m., the meeting resumed.

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 Mattie. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

LINDA VELASQUEZ, Mayor Pro-Tem

AUDRA GARRETT, City Clerk

The City Council of the City of Trinidad, Colorado met in Special Session on Thursday, December 19, 2013, at 12:00 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 Thursday, December 19, 2013, at 12:00 p.m. in the Council Chambers at City Hall

The following items are on file for consideration of City Council:

- 1) Public hearing for consideration of an ordinance amending the City of Trinidad's Annual Budget for the fiscal year beginning on January 1, 2013, and ending on December 31, 2013, to identify projected additional expenditures from the Power & Light, Water and Gas Funds
 - a) Second reading of an ordinance amending the City of Trinidad's Annual Budget for the fiscal year beginning on January 1, 2013, and ending on December 31, 2013, to identify projected additional expenditures from the Power & Light, Water and Gas Funds

The meeting was called to order at 12:00 p.m.

Roll call was taken.

There were present:	Mayor Pro-Tem	Velasquez, presiding
	Councilmembers	Bolton, Bonato, Miles

Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

Absent:	Councilmembers	Mattie, Shew
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Public hearing for consideration of an ordinance amending the City of Trinidad's Annual Budget for the fiscal year beginning on January 1, 2013, and ending on December 31, 2013, to identify projected additional expenditures from the Power & Light, Water and Gas Funds. Mayor Pro-Tem Velasquez declared the public hearing open and called for comments for or against the ordinance. City Manager Acre told Council that staff recommends approval of the ordinance on second reading. There being no further comment, the hearing was closed.

Second reading of an ordinance amending the City of Trinidad's Annual Budget for the fiscal year beginning on January 1, 2013, and ending on December 31, 2013, to identify projected additional expenditures from the Power & Light, Water and Gas Funds. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton. Councilmember Miles seconded the motion which carried unanimously upon roll call vote.

ORDINANCE NO. 1950

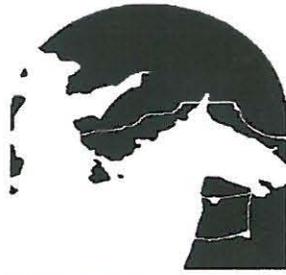
AN ORDINANCE AMENDING THE CITY OF TRINIDAD'S ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING ON JANUARY 1, 2013, AND ENDING ON DECEMBER 31, 2013, TO IDENTIFY PROJECTED ADDITIONAL EXPENDITURES FROM THE POWER & LIGHT, WATER AND GAS FUNDS

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

ATTEST:

LINDA VELASQUEZ, Mayor Pro-Tem

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: January 7, 2014
PREPARED BY: Andra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Andra Garrett*
OF ATTACHMENTS: 1

SUBJECT: Public hearing for consideration of an ordinance increasing business license fees and modifying the term of the same
1) Second reading of an ordinance increasing business license fees and modifying the term of the same

PRESENTER: Tom Acre, City Manager

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

SUMMARY STATEMENT: The proposed ordinance would provide increase the fee associated with business licenses and align the renewals for better enforcement

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: Consider alternative language

BACKGROUND INFORMATION:

- This was discussed during the 2014 budget preparation process.
- The last time a change in the business license fee was made was 25 years ago when it actually decreased from \$25 to \$10. It had been \$25 since the 1930s.
- The ordinance was approved on first reading on December 10, 2013.



ORDINANCE NO.

AN ORDINANCE INCREASING CITY OF TRINIDAD BUSINESS
LICENSE FEES AND MODIFYING THE TERM OF THE SAME

WHEREAS, Chapter II, § 2.4, of the Home Rule Charter for the City of Trinidad, Colorado, confers upon the City “all powers of local self government and Home Rule possible for a city to have under the Constitution and laws of [the state of Colorado] as fully and completely as though they were specifically enumerated in this Charter”; and

WHEREAS, § 31-15-501 C.R.S., confers upon the City the power to regulate businesses within the municipality, including, but not limited to, the ability to license, regulate, and tax, subject to any law of this state, any lawful occupation, business place, amusement, or place of amusements and to fix the amount, terms, and manner of issuing and revoking licenses issued therefor; and

WHEREAS, it has been twenty-five years since the City adjusted business license fees; and

WHEREAS, a rate increase is necessary in order to provide sufficient oversight and regulation of businesses within the City’s corporate limits and it is necessary to align renewal dates to a consistent annual date for better enforcement of licensing requirements.

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

Section 1. Chapter 9, Section 9-7 Repealed and Re-enacted. Section 9-7, Issuance, Article 1, In General, of Chapter 9, Licenses, of the Code of Ordinances of the City of Trinidad is repealed and re-enacted as follows:

Section 9-7. Issuance.

All licenses shall be issued by the City Clerk upon receipt of the following, unless otherwise specified in this Code:

(1) A proper application containing all applicable information as required on the form provided by the City of Trinidad.

(2) Payment of the annual business license fee of \$50.00 to the City Clerk.

(a) The annual business license fee shall be pro-rated as follows:

If a license is applied for:

(i)	January 1 to March 31	\$50.00
(ii)	April 1 to June 30	\$37.50
(iii)	July 1 to September 30	\$25.00
(iv)	October 1 to December 31	\$12.50

(3) The execution and delivery of any bond or insurance that may be required.

(4) An inspection report by the building inspection and fire department, certifying that the business premises are fit for occupancy.

(5) The fulfillment of all other specific requirements relating to the issuance of the particular license.

Section 2. Chapter 9, Section 9-8 Repealed and Re-enacted. Section 9-8, Term of License, Article 1, In General, of Chapter 9, Licenses, of the Code of Ordinances of the City of Trinidad is repealed and re-enacted as follows:

Section 9-8. Term of license.

All licenses, except those issued for seasonal business or activities, shall be valid only from the date of issuance through the last day of February of each year.

Section 3. Transition Period. The effective date of this Ordinance shall be ten days after final passage. 2014 annual business license renewals due in January and February, 2014, shall be extended through February 28, 2014 and subject to renewal on March 1, 2014. All other renewals only shall be pro-rated in accordance with Section 9-7(2)(a) above dependent upon the license month identified upon their current license, and modified to indicate an expiration date of February 28, 2015. Thereafter, all renewals shall be subject to the \$50.00 annual fee and expire annually on the last day of February of that license year.

INTRODUCED BY COUNCILMEMBER BOLTON, READ AND ORDERED PUBLISHED, this 17th day of December, 2013.

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

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

LINDA VELASQUEZ,
Mayor Pro-Tem

ATTEST:

AUDRA GARRETT, City Clerk