



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, September 2, 2014 at 7:00 P.M.
in City Council Chambers at City Hall

The following items are on file for consideration of Council:

**** PROCLAMATION – YARN BOMBER WEEK – September 1 – 7, 2014 ****

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Regular Meeting of August 19, 2014 and Special Meeting of August 22, 2014
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 4) **COUNCIL REPORTS**
- 5) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 6) **UNFINISHED BUSINESS**
- 7) **MISCELLANEOUS BUSINESS**
 - a) Hotel and restaurant liquor license renewal request by Rino's Restaurant, LLC d/b/a Rino's Restaurant at 400 E. Main Street
 - b) New Medical Marijuana Center license application filed by Trinidad's Higher Calling U, LLC at 1000 Independence Road
 - c) New Retail Marijuana Store license application filed by Trinidad's Higher Calling U, LLC at 1000 Independence Road
 - d) New Retail Marijuana Cultivation Facility license application filed by Trinidad's Higher Calling U, LLC at 1000 Independence Road
 - e) New Retail Marijuana Product Manufacturing Facility license application filed by Trinidad's Higher Calling U, LLC at 1000 Independence Road
 - f) Consideration of Agreement with Crossroads' Turning Points, Inc., for the providing of detoxification /evaluation services
 - g) Resolution amending sidewalk café criteria
 - h) Resolution in support of an application to the Colorado Department of Transportation TAP Program to secure funding for Section One of the Old Sopris Trail Plan
 - i) Consideration of an agreement between the City of Trinidad, Las Animas County, Trinidad-Las Animas County Economic Development, Inc. and Southern Colorado Economic Development District to seek grant funds for the Trinidad/Las Animas County Industrial Park Development through the Economic Development Administration Economic Adjustment Program Grant
 - j) Consideration of 2014 unexpended fund disbursements to non-profit entities
 - k) EPA Brownsfield Grant RFP issuance authorization
- 8) **BILLS**
- 9) **PAYROLL**, August 16, 2014 through August 29, 2014
- 10) **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 – City Attorney evaluation
- 11) **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).

Office of the Mayor
Trinidad, Colorado
Proclamation



"YARN BOMBER WEEK"
September 1 - 7, 2014

WHEREAS, some months ago Trinidad citizens and visitors began noticing some subtle, yet very exciting artistic improvements being made to City-owned benches; and

WHEREAS, the subtlety began diminishing soon thereafter with some more elaborately decorated benches appearing at the Carnegie Public Library and City Annex building and the candy store; and

WHEREAS, the source of this keen artwork remains anonymous and illusive, resulting in the alias of the 'Yarn Bomber' being attached to this do-gooder; and

WHEREAS, no doubt it is a good thing that the Yarn Bomber works on the side of good and not evil, as he or she has been able to maintain anonymity since the bombing began; and

WHEREAS, very recently the Yarn Bomber has expanded efforts to spread enjoyment to Main Street, bombing with snakes, mushrooms, turtles, flowers, and even an open can of worms!; and

WHEREAS, this Yarn Bomber has to be never stopped. We all love you Yarn Bomber. You have the illusiveness of a ghost and your remnants are as attention-drawing as a tagger!

NOW, THEREFORE, I, JOSEPH A. REORDA, MAYOR OF THE CITY OF TRINIDAD, COLORADO, on behalf of the entire City Council, do hereby proclaim September 1 - 7, 2014, as:

"YARN BOMBER WEEK"

in the City of Trinidad, Colorado, in celebration of this anonymous talent that our community and visitors are truly enjoying.



*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 19, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Reorda, presiding
	Councilmembers	Bolton, Bonato, Fletcher, Mattie, Miles
Also present:	Acting City Manager	Garrett
	City Attorney	Downs
	Asst. City Clerk	Valencich
Absent:	Councilmember	Torres

Mayor Reorda called the meeting to order.

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of August 5, 2014. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Bonato. The motion carried unanimously.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Dewayne Howard addressed Council concerning the vehicle registration law. He told Council that this is something that has bothered him for some time. Mr. Howard said he worked for 27 years as a State Patrolman in Trinidad and has been retired now for about 19 years. Once a cop, always a cop. He said he's let a lot of things go, without getting upset about it. However he said the state registration laws in this town are pathetic. There are so many vehicles with only one plate whereby we are a two plate state. Also there are so many that are domiciled in Trinidad and Las Animas County and are wearing another state's plate, a non-resident plate. He said he understands things cost a lot of money. People would be shocked about the amount of revenue that could be brought in if the registration of vehicles is enforced. He reminded that he used to do this and there's a Councilmember who also used to be a state patrolman. Mr. Howard concluded that he's not trying to cause trouble, he would just like the people who are violating this law to pay their fair share. Mayor Reorda said his message would be relayed to the appropriate people.

Daryl Shoupe addressed Council. He told Council he is an idea man and has three topics he'd like to mention. He said he will be a part of the community for years to come. He said the first topic is trying to develop the community. He pointed to a building nearby City Hall on Main Street that he said would be a neat place if the City could buy it and take each room and pick a college for occupancy of it for five years to bring academic excellence here. Mr. Shoupe pointed to his mother in the audience who will be moving here part of the year. He said they are looking at buildings for investments. Next he spoke about having a community airport like was available near his house in Michigan. He told Council that if the airport were annexed there would be federal money available for it. They could have a city airport. Third he said that Cougar Canyon has a half-built building and a lot of home that got started as well as a lot of underground. He said it was good for about 1,700 homes is what he heard. He suggested if a large company could be brought in engineers, Department of Defense, Hewlett-Packard, maybe even a Fortune 500 company, and offer tax breaks and incentives. He said it is a really good idea to consider. He said he is unsure how those businesses can be drawn in. Mr. Shoupe added that he's impressed with how people are going on train rides and the Amtrak station is here. He quoted Albert Einstein "Imagination is more important than knowledge." Councilmember Miles said she loved his ideas. Some are already priorities for Economic Development, such as the airport. She said annexing is a different issue, but cleaning it up and getting it into an attractive condition for people with private planes is something Economic Development is working on. She urged him to talk about the possibility of federal grant money with Marsha Royse, Board Chair for Economic Development. Incentives are also something being talked about. The City is talking about formalizing incentives. It's something that's front and center right now. We've got to be able to reach out and provide a little incentive for people to come here. Mr. Shoupe added that the City airport makes it stronger and academic excellence takes us to the next step towards a really great community. Councilmember Mattie noted that the County had a presentation today regarding resurfacing of the airport runways.

COUNCIL REPORTS. Councilmember Mattie pointed out in their informational items a letter of resignation from Kent Eberhart from the Planning, Zoning and Variance Commission in which he was addressed. He reminded of the comments in the Chronicle News on August 14th and said those were his opinions and they were tied to the responsibility to protect the City. That was what he was trying to do by having that opinion which he said he still holds. He continued that he recognizes the important role of volunteers in the success of government and that his statements were never meant to chastise or embarrass anyone. His objective was to provide them with the training necessary so they could be better prepared to fulfill their responsibilities and duties as board and commission members. He acknowledged and said he respects Mr. Eberhart's commitment to personal beliefs and stands by his decision to resign and graciously accept it. He asked that a thank you letter be drafted to him for his service to the City and bidding him good wishes in his future endeavors.

Mayor Reorda thanked Councilmember Fletcher for her minutes on the Council tours they took to the City departments.

Councilmember Fletcher reported that the Parks & Recreation Advisory Board met last night. Chairman Glenn Davis had a final draft of the Parks Master Plan that will be proofed and then turned in.

Councilmember Bolton had nothing to report.

Mayor Reorda announced that Governor Hickenlooper is coming to Trinidad on Friday, August 22nd at 12:00 p.m.

and Council is invited to lunch with him at the Holiday Inn. He said everyone will buy their own lunch and asked that they let him know if they can attend.

Councilmember Miles reported that there's a task force working on an ordinance for the CLG (Certified Local Government). She explained that if the City becomes a CLG it would allow us control over giving certification to certain facilities that are outside of the National Historic Register. The property owners would have to apply for it. If they comply with certain minimal standards of historic preservation, it would open them up to considerable tax benefits at both the state and federal level. Also, on January 1, 2015, there is a law that will go into effect that will greatly expand those tax credits. She said it is hoped that the City can become a CLG by January 1st, however recognizing that there will be a public education process involved. The CLG task force is meeting again next week.

Mayor Reorda reminded Council that the Rural Philanthropy Days will be held here in September and said volunteers to assist in the event are needed and would be appreciated.

Councilmember Bonato told Council that about a week and one-half ago he and the Mayor attended a meeting at Pinon Canyon Maneuver Site meeting and they got to hear from Colonel Hamilton and others. They heard about the training going on in the middle of September. Quite a few soldiers will be here in training. He also talked to them about the protection of the land and animals. The group ended up at the golf course for lunch. He said it was good meeting and nice that the City, County and Army have a friendship, noting that County Commissioner Mack Loudon was there as well as Paula Ozello and he and the Mayor.

Councilmember Miles reported that Trinidad-Las Animas County Economic Development posted for a part-time Executive Director recently and received three resumes in response. One applicant was interviewed late last week and another will be interviewed on Thursday at the Board meeting.

Mayor Reorda added that at the meeting at Pinon Canyon they talked about a jumping mouse and all kinds of things, mostly environmental.

REPORTS BY CITY MANAGER. Water. Acting City Manager Garrett pointed out at Council's seating places a communication regarding Trinidad's water system. She explained that the correspondence was in response to the concerns raised about the adequacy of water with respect to marijuana businesses and other types of large water users.

North Lake. Acting City Manager Garrett also pointed out at Council's seating places correspondence from the State Dam Engineer's office granting temporary approval of storage at the North Lake Dam. It sounds like there are a few minor things needed for a full and final release on the City's water restriction, but this is good news in that the City is able to raise the water level.

Parks Department relocation. Council was informed by Acting City Manager Garrett that it is expected that the Parks Department will be relocating to the San Pedro location soon after Labor Day.

Special Meeting. Acting City Manager Garrett asked Council's consideration in holding a special meeting following their work session on September 9th for consideration of asphalt paving bids. She said we are a little behind and want to make sure the bid is awarded and we get the paving done soon.

Special Meeting. Acting City Manager Garrett reminded Council that the City's water attorney was planning to meet with them in executive session on Wednesday, September 3rd at 3:00 p.m. and asked if alternatively another date, either September 4th or 5th, would be available. She explained Jeff Kahn's assistant will be here for a meeting on the evening of September 4th and it might behoove the City from a monetary standpoint to try to move that date if possible. After some discussion, it was decided that the original date and time offered the best availability to Council members.

Rural Philanthropy Days. Acting City Manager Garrett told Council that because of the monetary support given in support of Rural Philanthropy Days and the in-kind use of the trolley during the event, the City is able to have a full-page ad in their program and set up an exhibitor table in their hospitality room on Wednesday and Thursday. It can be manned or unmanned. She said she has discussed the offer with Marilyn Leuszler of Creative District and they will work together to provide tourism brochures and the QR picture at the table as well as Creative District information. Ms. Leuszler will also provide the ad for the program. Councilmember Miles suggested the inclusion of Economic Development.

Water. Councilmember Bonato asked if the letter has any bearing on the permanent pool the City has at the dam. Public Works/Utilities Director Valentine said this is only in regard to the City's treated water. It has nothing to do with the dam. Councilmember Bonato asked if all of the marijuana facilities have to use treated water. City Attorney Downs said that is correct. Councilmember Miles recalled a previous discussion between Mr. Acre and Mr. Prince in which Mr. Acre thought only agricultural water was needed. She said that would put less stress on the City's water. City Attorney Downs said that was incorrect. The default position is anyone who comes to the City and wants water is going to get City treated water. He noted that it has been reported in the Pueblo Chieftain recently that even the concerns about the water in Pueblo and the Federal water with the Bureau of Reclamation are being relaxed because it appears that it is impossible to sort out co-mingled water. There could be some concern in the county where they are getting ditch water or out of the Purgatoire. Municipally-located facilities will have potable water with a municipal water tap. Councilmember Miles asked the possibility of using non-potable water to reduce the stress on the potable water for agricultural purposes. Public Works/Utilities Director Valentine said he imagined it could be done but one would have to go through water court to drill a well. They would have to otherwise haul non-potable water to a facility. Councilmember Bonato asked if the City Garage well is metered and if the water would work for marijuana growers. Councilmember Miles said non-potable water can still be put on plants. Public Works/Utilities Director Valentine said he could look into it and that the water is metered. In response to Councilmember Bonato's follow-up question he said the water consumption from the well has to be reported to the state incrementally. Councilmember Bolton noted that the letter references the Industrial Park being serviced by a 12-inch diameter water main. She asked if he is indicating that is sufficient or not. Public Works/Utilities Director Valentine

said it is sufficient. It was an answer to a question that came up on the size of the line. There is a 12-inch diameter water main for the most part. In the new section where it was subdivided, it increases to a 16-inch diameter line and then goes back down to 12. He said this is the same line that served the Army and prison until 2007 when they were moved to the Main Street main line. Mayor Reorda pointed out that non-potable water has to be augmented. If water is taken out it has to be replaced. Councilmember Bonato said his understanding is that there are ¾-inch stubs in Industrial Park. He asked if that is big enough, clarifying that he wasn't picking on William Prince, just asking if it is sufficient to carry that much water. Public Works/Utilities Director Valentine explained that it could be, but depends on how quickly he uses the water through the ¾ inch line. He will probably have to request a tap to upsize it, probably to a two-inch tap. He clarified that Mr. Prince would have to pay for the tap size to be increased. Councilmember Bonato asked the line size at the Lackey site. Public Works/Utilities Director Valentine said there is a 12-inch main going up Santa Fe Trail and across the highway is an eight-inch main. He said he would verify his recollection.

REPORTS BY CITY ATTORNEY. Water. City Attorney Downs said he had nothing to report but wanted to elaborate on the water report findings. He said Trinidad has enough water to supply the marijuana facilities, according to the memo provided. Agricultural users want non-chlorinated water – non-potable water. That may be something they can do. He said it is really good news about how much water we have in the City of Trinidad. Councilmember Bonato cautioned that the report shows current availability. City Attorney Downs added that at Councilmember Bonato's request he will advise at future hearings of the Planning Commission and City Council that in times of drought, marijuana cultivation facilities could be some of the first ones cut off. He said there is a priority system in place. He reiterated that this is good water news for now, recognizing that water is always in a state of flux. Mayor Reorda added that with all of the houses for sale the water those households would use is conserved currently.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance to extend the one percent sales tax originally authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects. Mayor Reorda reminded that this is not a new tax, just a vote to continue the one-cent sales tax. He declared the public hearing open and called for comments for or against the ordinance. There being none, the hearing was closed.

Second reading of an ordinance to extend the one percent sales tax originally authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects. The title of the ordinance was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously.

ORDINANCE NO. 1962

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

Public hearing for consideration of an ordinance submitting to the voters of the City of Trinidad at the General Election to be held on Tuesday, November 4, 2014, a measure which would extend the one percent sales tax authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects. Mayor Reorda declared the public hearing open and called for comments for or against the ordinance. There being none, the hearing was closed.

Second reading of an ordinance submitting to the voters of the City of Trinidad at the General Election to be held on Tuesday, November 4, 2014, a measure which would extend the one percent sales tax authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects. The title of the ordinance was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Fletcher and seconded by Councilmember Bonato. Councilmember Bonato commented that there are a lot of people who don't have the correct understanding of this 1% tax. He suggested that they need to get a lot of literature out and educate the public. People are understanding this to be another tax. He reiterated the need to educate. Upon roll call vote the motion carried unanimously.

ORDINANCE NO. 1963

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

Public hearing for consideration reading of an ordinance imposing a sales tax of five percent (5%), commencing January 1, 2015, in the City of Trinidad, Colorado, on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution. Mayor Reorda declared the public hearing open and called for comments for or against the ordinance. There

being none, the hearing was closed.

Second reading of an ordinance imposing a sales tax of five percent (5%), commencing January 1, 2015, in the City of Trinidad, Colorado, on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution. The title of the ordinance was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Fletcher and seconded by Councilmember Mattie. Upon roll call vote the motion carried unanimously.

ORDINANCE NO. 1964

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

Public hearing for consideration of an ordinance submitting to the registered electors of the City of Trinidad at the General Election to be held on November 4, 2014 the question of whether, commencing January 1, 2015, the City of Trinidad should impose a sales tax of five percent (5%) on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution. Mayor Reorda declared the public hearing open and called for comments for or against the ordinance. There being none, the hearing was closed.

Second reading of an ordinance submitting to the registered electors of the City of Trinidad at the General Election to be held on November 4, 2014 the question of whether, commencing January 1, 2015, the City of Trinidad should impose a sales tax of five percent (5%) on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution. The title of the ordinance was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously. Councilmember Fletcher asked how the \$100,000 estimated tax was derived. Acting City Manager Garrett answered that it is based on estimated retail sales of \$2 million. Councilmember Mattie commented that people will vote no on a new tax. This is a tax on marijuana and marijuana products. A person needs to read beyond the first line. He suggested that those who oppose marijuana should realize that it would be unfavorable to not vote for this tax and benefit the City from it. Councilmember Bolton added that this issue needs to be sold as well. Councilmember Miles pointed out that taxes tend to restrict consumption, for those who are opposed to marijuana. Councilmember Mattie said that point needs to be made. Councilmember Fletcher stated that the CIP Committee realizes these points.

ORDINANCE NO. 1965

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

MISCELLANEOUS BUSINESS. Ratification of the Mayor's execution of the Amended Contract for the Construction Documents of Hughes Lumber Company with History Colorado. A motion to ratify the contract was made by Councilmember Bolton and Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

Resolution updating the City of Trinidad Three-Mile Area Plan. A motion to adopt the resolution was made by Councilmember Bolton. Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

RESOLUTION NO. 1434

RESOLUTION UPDATING THE CITY OF TRINIDAD THREE-MILE AREA PLAN

Addendum No. 2 to Black & Veatch Contract for the Engineering Design of the Water Treatment Plant Improvements. Councilmember Fletcher made a motion to approve Addendum No. 2 and the motion was seconded by Councilmember Bolton. Roll call was taken on the motion which carried unanimously.

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

PAYROLL, August 2, 2014 through August 15, 2014. A motion to approve the payroll was made by Councilmember Fletcher and seconded by Councilmember Bolton. Roll call was taken and the motion carried unanimously.

Councilmember Miles on behalf of herself and other Council members asked Council's consideration in holding a special meeting for executive session for personnel and legal advice. City Attorney Downs said they may want Marni Nathan, CIRSA's appointed lawyer to appear by phone. City Attorney Downs said he would check her availability. Council

voiced their tentative availability. Councilmember Mattie confirmed with those Council members present that there was no opposition to conducting the special meeting.

AUGUST 19, 2014

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

ATTEST:

JOSEPH A. REORDA, Mayor

DONA VALENCICH, Asst. City Clerk

The City Council of the City of Trinidad, Colorado met in Special Session on Friday, August 22, 2014, at 8:00 a.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 Friday, August 22, 2014, at 8:00 a.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) – receipt of legal advice regarding potential future claims

The meeting was called to order at 8:00 a.m.

Roll call was taken.

There were present: Mayor Reorda, presiding
Councilmembers Bonato, Bolton, Fletcher, Mattie, Miles

Also present: Acting City Manager Garrett

Absent: Councilmember Torres

Executive session - For a conference with the City’s Attorney(s) for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – receipt of legal advice regarding potential future claims. A motion to enter into executive session for the stated executive session purpose was made by Councilmember Fletcher. Councilmember Bolton seconded the motion. Upon roll call vote the motion carried unanimously. The executive session ensued at 8:05 a.m. Upon conclusion of executive session, the special meeting resumed.

I, Marni Nathan Kloster, Attorney for the City of Trinidad, do hereby attest that the executive session held on this 22nd day of August, 2014, was permissible under CRS Section 24-6-402 (4)(b).

As the City’s 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.

Marni Nathan Kloster, Esq.

There being no further business the meeting was adjourned.

ATTEST:

JOSEPH A. REORDA, Mayor

DONA VALENCICH, Interim City Clerk

7a



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: September 2, 2014
PREPARED BY: Audra Garrett, Acting City Manager
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 5

SUBJECT: Hotel and restaurant liquor license renewal request by Rino's Restaurant, LLC d/b/a Rino's Restaurant at 400 E. Main Street

PRESENTER: Rino's Restaurant, LLC representative

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application is in order.
- The departmental report from the Fire Department indicates compliance.
- The Building Inspector was not provided when this communication was prepared.
- The Police Department had two calls for service.
- The Health Department reported compliance.
- Disclosure statements provided by Councilmembers Miles and Torres are attached.
- Appropriate fees have been paid.

7a

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

RINOS RESTAURANT
 400 E MAIN ST
 TRINIDAD CO 81082-2715

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name RINOS RESTAURANT LLC		DBA RINOS RESTAURANT		
Liquor License # 28493900000	License Type Hotel & Restaurant (city)	Sales Tax License # 28493900000	Expiration Date 10/11/2014	Due Date 8/27/2014
Street Address 400 E MAIN ST TRINIDAD CO 81082-2715				Phone Number (719) 845 0949
Mailing Address 400 E MAIN ST TRINIDAD CO 81082-2715				
Operating Manager FRANK CORDOVA	Date of Birth [REDACTED]	Home Address [REDACTED] 81082 TRINIDAD, CO		Phone Number [REDACTED]

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business FRANK CORDOVA	Title OWNER / MANAGER
Signature <i>Frank Cordova</i>	Date 7-31-14

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For Trinidad	Date
Signature _____	Title Mayor
	Attest

8/18/14

DEPARTMENTAL INSPECTION REPORT
3.2% BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE

Applicant: Rino's Restaurant, LLC

dba: Rino's Restaurant

Address: 400 E. Main Street

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: September 2, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Looks Good!

8/22/14
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: August 27, 2014

8/18/2014

**DEPARTMENTAL INSPECTION REPORT
3.2 % BEER (FERMENTED MALT BEVERAGE)
OR LIQUOR LICENSE**

Applicant's Name: Rino's Restaurant, LLC

DBA: Rino's Restaurant

Business Address: 400 E. Main

Type of License: Hotel & Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: September 2, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

<u>Date</u>	<u>Sequence Number</u>	<u>Call Type</u>	<u>Case Number</u>
6/23/2013	TPD201309601	Drunks	13-02115

Male party intoxicated and causing disturbance. Transported to Detox.

5/23/2014	14008987	Assault	None
-----------	----------	---------	------

Party called stating his girlfriend was jumped by some girl. Officers spoke to victim and left statement. Statements never returned. No police report filed.

8-19-14

Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: August 27, 2014

Detail Report

Response Detail

Seq Number	Agency	Creation Time
TPD201309601	TPD	06/23/2013 02:59:08

Identification

Free Format Address	Response Type	Priority
400 E MAIN	DRUNKS	P1

Caller Info

Name	Phone Number	Ext	Address

Question & Answer

Question	Answer	Agent	Workstation

Caller Notes

Call Note	Agent	Workstation	Time Stamp

Response Notes

Response Note	Agent	Workstation	Time Stamp

Confidential Notes

Confidential Note	Agent	Workstation	Time Stamp

Incident Notes

Incident Note	Agent	Workstation	Time Stamp
THIS PARTY WAS SEEN FLEEING FROM ORIGINAL SCENE BY ON LOOKERS	SALAS	POSITION2	06/23/2013 03:41:55

Detailed Report - Call #14008987

Call Detail

Call Date	Address	Apt	Zip	Mile Post
05/23/2014 19:24:09	400 E MAIN		81082	
City, State (County)	SubGrid - Grid (District)	Dispo of Call		
TRINIDAD, CO		CLEARED NO REPORT		
Call Type	Priority	How Reported	CallTaker	
ASSAULT	1		CGUTIERREZ	
DETOX FULL	ILLEGAL THC GROW			
false	false			

Involved Information

Last Name	First Name	Middle	Phone	Address	Apt	City	ST	DOB	Inv Type
CARLIN	COREY	MICHAEL TH	[REDACTED]	[REDACTED]		TRINIDAD	CO	[REDACTED]	
MCGUIN-HARTANYA	RENEE		[REDACTED]	[REDACTED]		PUEBLO	CO	[REDACTED]	Victim

Units Dispatched to Call (= Primary Unit)

Unit	Activity	Started	Ended	Time	Location
105		05/23/2014 19:43:12	05/23/2014 19:43:16	0.07	
	DISPATCHED	05/23/2014 19:43:12	05/23/2014 19:43:16	0.07	
	CLEARED	05/23/2014 19:43:16	05/23/2014 19:43:16	0.00	
208		05/24/2014 16:29:41	05/24/2014 17:04:00	34.32	
	DISPATCHED	05/24/2014 16:29:41	05/24/2014 16:29:48	0.12	
	AR PD	05/24/2014 16:29:48	05/24/2014 17:04:00	34.20	
	CLEARED	05/24/2014 17:04:00	05/24/2014 17:04:00	0.00	

Call Notes

05/23/2014 19:24:37 (CGUTIERREZ)

RP STATED HIS GIRLFRIEND TANYA GOT JUMPED BY ADRIANNA MARIN

05/23/2014 19:25:27 (CGUTIERREZ)

RP IS HOME NOW AT 12305 KUNZITE RD

05/23/2014 19:41:19 (CGUTIERREZ)

ON CALLING RP BACK TO ADVISE THAT THEY NEED TO COME INTO PD TO MAKE RPT AND THAT THEY CAN COME IN TOMORROW TO MAKE RPT

05/23/2014 19:42:00 (CGUTIERREZ)

RP STATED 5 FEMALES NOT INCLUDING RPS EX IN AN ORANGE YELLOW CAR BELONGING TO REBECCA VAIL

05/23/2014 19:42:18 (CGUTIERREZ)

JUMPED HIS GIRLFRIEND

05/24/2014 17:03:15 (CGUTIERREZ)

208 10-8 TOOK PHOTOS OF INJURIES ON FEM AND LEFT STATEMENTS WITH THEM NO CR YET

Tom Acre

From: John Martinez [jmartinez@la-h-health.org]
Sent: Monday, August 18, 2014 7:55 AM
To: Audra Garrett
Subject: RE: liquor

Good Morning Audra:
Rino's Restaurant, LLC located at 400 E. Main Street is in compliance with this office. John Martinez

John Martinez
Las Animas/Huerfano District Health Department

From: Audra Garrett [mailto:audra.garrett@trinidad.co.gov]
Sent: Sunday, August 17, 2014 10:11 AM
To: John Martinez
Subject: liquor

Hi John,
Please verify compliance with your office for Rino's Restaurant, LLC at 400 E. Main Street. Thank you.

Audra Garrett City Clerk
City of Trinidad
135 N. Animas Street
Trinidad, CO 81082
(719) 846-9843 ext. 135
(719) 846-4140 fax
audra.garrett@trinidad.co.gov



DISCLOSURE STATEMENT

I, Michelle Miles, hereby state and affirm that I am a member of Opera House Wine & Spirits, LLC, a Colorado limited liability company formed on February 22, 2010, whose principal office address is 601 W. Main Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Tire Shop Wine & Spirits, a retail liquor store licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 601 W. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 99% interest in Opera House Wine & Spirits, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.



Michelle Miles
12/4/12

Date

DISCLOSURE STATEMENT

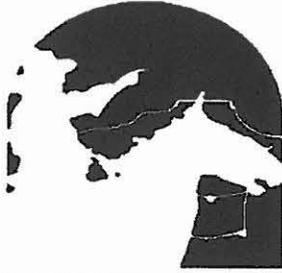
I, Liz Torres, hereby state and affirm that I am a member of Ristras Restaurant and Cantina, LLC, a Colorado limited liability company formed on February 13, 2014, whose principal office address is 516 Elm Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Ristras Restaurant and Cantina, a hotel and restaurant licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 516 Elm Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 34% interest in Ristras Restaurant and Cantina, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.



Liz Torres
4.8.14

Date

7b



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: September 2, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: New Medical Marijuana Center license application filed by Trinidad's Higher Calling U, LLC at 1000 Independence Road

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Set the matter for public hearing.

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: This is an application for a new license.

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is October 7, 2014 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

7b



CITY OF TRINIDAD

City Clerk's Office
135 N Animas St
P.O. Box 880
Trinidad, Colorado 81082
719-846-9843

MEDICAL MARIJUANA LICENSE APPLICATION		
<input checked="" type="checkbox"/> New License Application Fee \$2,500.00	<input checked="" type="checkbox"/> License Fee/Renewal Fee \$1,000.00	
<input type="checkbox"/> Transfer of Ownership Application Fee \$1,500.00	<input type="checkbox"/> Change of Location \$1,500.00	
LICENSE TYPE		
<input checked="" type="checkbox"/> Medical Marijuana Center	<input type="checkbox"/> Medical Marijuana Infused-Products Manufacturer	
<input type="checkbox"/> Medical Marijuana-Optional Premises Cultivation Operation		
TYPE OF BUSINESS		
<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Individual*
<input checked="" type="checkbox"/> Limited Liability Corporation	<input type="checkbox"/> Other	
*Sole Proprietorship (Individual) – Verification of Lawful Presence is required per State law (Signed Affidavit and Photo ID)		

Applicant Trinidad's Higher Calling U LLC
 (Corporation/LLC)
 Applicant _____
 (Sole Proprietor) First Name Middle Initial Last Name

Trade Name of Establishment (DBA) N/A
 Address of Premise 1000 Independence Road, Trinidad, CO 81082
 Mailing Address 226 Wyatt Court, Trinidad, CO 81082
 Telephone 719 859 8444 Email Address rmschultz@hotmail.com
 Contact Person/Manager Robert Schultz Title Owner
 Telephone 719 859 8444 Email Address rmschultz@hotmail.com

Does the Applicant have legal possession of the premise for at least one (1) year from the date that this license will be issued by virtue of ownership, lease or other arrangement?

- Ownership Lease Other (explain in detail)

If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:**
 Landlord Nicole Bernet Tenant Trinidad's Higher Calling U LLC Expires 9-30-19

**If premises are leased, attach notarized consent by the owner of the property to the licensing of the premises for a medical marijuana facility.

ADDITIONAL DOCUMENTS TO BE SUBMITTED WITH APPLICATION

Individual History Records attached and completed by each individual applicant, all general partners of a partnership, and limited partners owning 10% (or more) of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation; all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company and all managers and employees of a Medical Marijuana License.

1. Fingerprinting by the Trinidad Police Department for:
 - all general partners of a partnership and limited partners owning 10% (or more) of a partnership;
 - all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation;
 - all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company; and
 - all managers and employees of a Medical Marijuana Licensewith the appropriate fee payable to Colorado Bureau of Investigation (currently \$38.50, March, 2014)
2. Lease or Deed – Evidence of Possession
3. Conditional Use Permit approval
4. Copy of alarm system contract
5. Copy of state sales tax license
6. Certificate of Good Standing
7. Affidavit of Lawful Presence (Sole Proprietors only)
8. Diagram of Premises:
 - A floor plan, drawn to scale on 8-1/2 x 11" paper, showing the layout of the center and the principal uses of the floor area. Floor plan must include location of lighting and cameras required by state rules.
9. Copy of State Application with attachments

LIST OF OWNERS, OFFICERS, MANAGERS, EMPLOYEES & OTHERS WITH DIRECT OR INDIRECT FINANCIAL INTEREST

1. Name: Robert Schultz Title: Owner
Address: 226 Wyatt Court, Trinidad, CO 81082
Financial Interest: 100%
2. Name: _____ Title: _____
Address: _____
Financial Interest: _____
3. Name: _____ Title: _____
Address: _____
Financial Interest: _____

4. Name: _____ Title: _____

Address: _____

Financial Interest: _____

5. Name: _____ Title: _____

Address: _____

Financial Interest: _____

6. Name: _____ Title: _____

Address: _____

Financial Interest: _____

7. Name: _____ Title: _____

Address: _____

Financial Interest: _____

The applicant hereby acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, that the City of Trinidad accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana business; and that the application and documents submitted for other approvals relating to the medical marijuana business operation are subject to disclosure in accordance with the Colorado Open Records Act.

By accepting a license issued pursuant to this ordinance, a licensee releases the City, its officers, elected officials, appointed officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

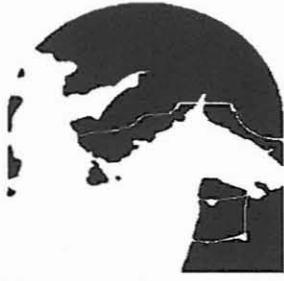
By accepting a license issued pursuant to this ordinance a licensee, jointly and severally if more than one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana dispensary that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees.

I declare, under penalty of perjury, that this application has been examined by me; that the statements made herein are made in good faith and, to the best of my knowledge and belief, true, correct and complete.

Signed: Robert M Schultz Title: Owner
(Must be signed by Individual Owner, Partner, or Officer)

Printed Name: Robert M Schultz Date: 8-27-14

7c



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: September 2, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: New Retail Marijuana Store license application filed by Trinidad's Higher Calling U, LLC at 1000 Independence Road

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Set the matter for public hearing.

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: This is an application for a new license.

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is October 7, 2014 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

7c

If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:**

Landlord

Tenant

Expires

Nicole Bernet

Trinidad's Higher Calling U LLC

9-30-2019

****If premises are leased, attach notarized consent by the owner of the property to the licensing of the premises for a retail marijuana facility.**

ADDITIONAL DOCUMENTS TO BE SUBMITTED WITH APPLICATION
--

Individual History Records attached and completed by each individual applicant, all general partners of a partnership, and limited partners owning 10% (or more) of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation; all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company and all managers and employees of a Retail Marijuana License.

1. Fingerprinting by the Trinidad Police Department for:
 - all general partners of a partnership and limited partners owning 10% (or more) of a partnership;
 - all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation;
 - all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company; and
 - all managers and employees of a Retail Marijuana License with the appropriate fee payable to Colorado Bureau of Investigation (currently \$39.50, March, 2014)

2. Lease or Deed – Evidence of Possession

3. Conditional Use Permit approval

4. Copy of alarm system contract

5. Copy of state sales tax license

6. Certificate of Good Standing

7. Affidavit of Lawful Presence (Sole Proprietors only)

8. Diagram of Premises:
 - A floor plan, drawn to scale on 8-1/2 x 11" paper, showing the layout of the center and the principal uses of the floor area. Floor plan must include location of lighting and cameras required by state rules.

A one-time fee of \$1.00 per square foot of that portion of the licensed premises in which plants are located for cultivation purposes, including greenhouses, shall be due to the City. Any expansion of the licensed premises in which plants are located for cultivation purposes shall result in an additional \$1.00 per square foot charge for that additional area.

9. Copy of State Application with attachments

LIST OF OWNERS, OFFICERS, MANAGERS, EMPLOYEES & OTHERS WITH DIRECT OR INDIRECT FINANCIAL INTEREST

1. Name: Robert Schultz Title: Owner
Address: 226 Wyatt Ct, Trinidad, CO 81082
Financial Interest: 100%

2. Name: _____ Title: _____
Address: _____
Financial Interest: _____

3. Name: _____ Title: _____
Address: _____
Financial Interest: _____

4. Name: _____ Title: _____
Address: _____
Financial Interest: _____

5. Name: _____ Title: _____
Address: _____
Financial Interest: _____

6. Name: _____ Title: _____
Address: _____
Financial Interest: _____

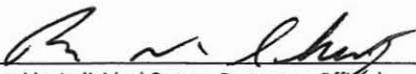
7. Name: _____ Title: _____
Address: _____
Financial Interest: _____

The applicant hereby acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, that the City of Trinidad accepts no legal liability in connection with the approval and subsequent operation of the retail marijuana business; and that the application and documents submitted for other approvals relating to the retail marijuana business operation are subject to disclosure in accordance with the Colorado Open Records Act.

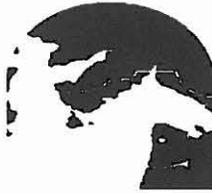
By accepting a license issued pursuant to this ordinance, a licensee releases the City, its officers, elected officials, appointed officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

By accepting a license issued pursuant to this ordinance a licensee, jointly and severally if more than one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the retail marijuana business that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees.

I declare, under penalty of perjury, that this application has been examined by me; that the statements made herein are made in good faith and, to the best of my knowledge and belief, true, correct and complete.

Signed:  Title: owner
(Must be signed by Individual Owner, Partner, or Officer)

Printed Name: Robert M Schultz Date: 8-4-14



City of Trinidad, Colorado
1878

**CITY OF TRINIDAD, COLORADO
OFFICE OF THE CITY CLERK**

**LICENSEE'S STATEMENT REGARDING KNOWLEDGE
OF THE STATE OF COLORADO'S RETAIL MARIJUANA CODES AND
REGULATIONS AND THE CITY OF TRINIDAD'S ORDINANCES AND LOCAL
RULES OF PROCEDURE GOVERNING RETAIL MARIJUANA BUSINESSES**

The Local Licensing Authority, as the enforcement agency for the for the City of Trinidad, expects a Retail Marijuana Business licensee to be knowledgeable of the State of Colorado's and the City of Trinidad's Retail Marijuana laws, codes, regulations and ordinances and to seek further clarification of such information if necessary.

I, Robert M Schultz, hereby state that I have read Article 43.4 of Title 12, C.R.S., as amended, and the regulations promulgated thereunder, and the City of Trinidad Municipal Code regarding general business licensing and Retail Marijuana business licensing and understand the contents thereof.

Robert M Schultz

Printed Name of Licensee

Robert M Schultz owner

Authorized Signature of Licensee/Title

8-4-14

Date

STATE OF Colorado)

COUNTY OF Las Animas)

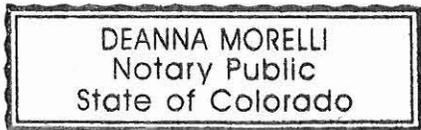
ss.

Subscribed and sworn to before me this 22 day of August, 2014.

Deanna Morelli

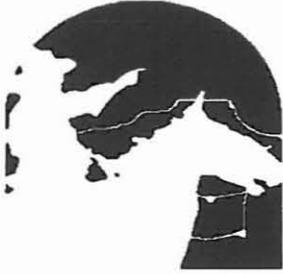
Notary Public Signature

My Commission Expires: 1/17/15



My Commission Expires January 17, 2015

7d



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: September 2, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: New Retail Marijuana Cultivation Facility license application filed by Trinidad's Higher Calling U, LLC at 1000 Independence Road

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Set the matter for public hearing.

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: This is an application for a new license.

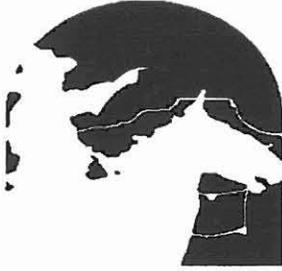
ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is October 7, 2014 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.
- Please see the application provided with the previous item.

7d

7e



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: September 2, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: New Retail Marijuana Product Manufacturing Facility license application filed by Trinidad's Higher Calling U, LLC at 1000 Independence Road

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Set the matter for public hearing.

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

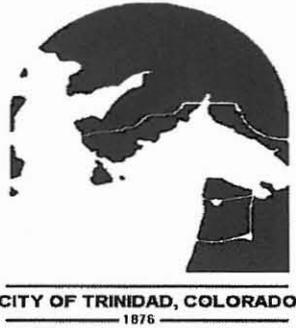
POLICY ISSUE: This is an application for a new license.

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is October 7, 2014 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.
- Please see the application provided with the item 7c.

7e



COUNCIL COMMUNICATION

7f

CITY COUNCIL MEETING: September 2, 2014
PREPARED BY: Audra Garrett, Acting City Manager
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS:

SUBJECT: Consideration of Agreement with Crossroads' Turning Points, Inc., for the providing of detoxification/evaluation services

PRESENTER: Audra Garrett, ACM

RECOMMENDED CITY COUNCIL ACTION: Approve the agreement

SUMMARY STATEMENT: This is an extension of the formal arrangement than spans many years.

EXPENDITURE REQUIRED: Yes.

SOURCE OF FUNDS: General Fund, Miscellaneous, Local Agency Support

POLICY ISSUE: Continued support of detoxification/evaluation services to the City of Trinidad and surrounding areas

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The City has had a formal arrangement with Crossroads' Turning Points, Inc. for many years who provides detoxification/evaluation services to the City of Trinidad and surrounding areas.
- The services are vital to the community.
- Without the local facility, transportation would be required to the nearest Pueblo facility.

7f

AGREEMENT

THIS AGREEMENT entered into this _____ day of _____ 2014 by and between the City of Trinidad (hereinafter referred to as the "City") and Crossroads' Turning Points, Inc., (hereinafter referred to as "CTP").

WITNESSETH:

WHEREAS, CTP is a Non-Profit Corporation providing detoxification/evaluation services to the City of Trinidad and surrounding areas; and

WHEREAS, the City has budgeted the sum of Twenty Six Thousand Dollars (\$26,000) for the 2014 allocation as a fee paid to CTP to purchase services beyond state subsidized services; and

WHEREAS, the parties agree that an Agreement should be entered into setting out the duties and obligations of each party to the other.

NOW, THEREFORE, in consideration of the foregoing and of mutual covenants and agreements herein contained, the City and CTP agree as follows:

1. This Agreement shall be in force and in effect from January 1, 2015, until December 31, 2015. Agreement shall automatically renew for successive one year periods until either party notifies the other of intentions to terminate. Such notice of termination is to be in writing with sixty (60) day advance notice. Allocation amount may be adjusted by mutual agreement of the parties.
2. The City shall pay to CTP the total sum of Twenty Six Thousand Dollars (\$26,000) payable at the rate of Two Thousand One Hundred and Sixty Six Dollars (\$2,166) per month, due to CTP no later than the tenth (10th) day of the month to subsidize detoxification/evaluation services at a non-hospital location approved and licensed by the Colorado Department of Human Services, Alcohol and Drug Abuse Division (herein after referred to as ADAD).
3. CTP shall provide non-medical detoxification/evaluation services per ADAD Licensing Standards and Regulations to individuals who meet criteria for admission and per current provider agreement with Signal Behavioral Health Network, Inc. The determination that a referred individual is appropriate and meets criteria for admission into the detoxification program is solely at the discretion of CTP and Signal Behavioral Health Network, Inc. Clients are admitted voluntarily, or per C.R.S. §25-1-310. The detoxification unit shall be staffed per ADAD Licensing Standards and Regulations for Alcohol and Drug Abuse Treatment.
4. CTP shall furnish to the Trinidad City Manager a projected annual budget and provide monthly financial reports of the Trinidad detoxification unit. Financial reports shall be made in accordance with generally accepted accounting practices and shall contain a certification that City funds, if any, have been expended in accordance with applicable law and this Agreement. CTP shall provide the City with an audited annual report for the Trinidad detoxification unit within One Hundred Twenty (120) days following the close of CTP's fiscal year end.
5. CTP acknowledges that funds shall not be used for lobbying for the purpose of influencing pending or proposed legislation, and that discrimination, based on the grounds of race, color, national origin, religion, age, or as an otherwise qualified disabled person in participation or employment is strictly prohibited.
6. NON-FUNDING CLAUSE: City and CTP mutually understand that in the event State of Colorado funding was to cease for programming and upon notification of the discontinuation of funding, that the Agreement would be negotiated to a close for any future work from the point of notification.

7. CTP shall report significant increases or reduction in services, including but not limited to the below services within thirty (30) days:
 - A. Number of beds
 - B. Episodes
 - C. Days of service

Increases or reduction may result in financial adjustments to either party based on renegotiations. CTP reserves the right to discontinue providing services based on said renegotiations.

The City reserves the right to terminate the Agreement without the notice specified in Paragraph 9, if renegotiations result in the discontinuation of services.

8. CTP shall at all times be deemed an independent contractor, and neither CTP nor its officers, agents, and employees shall at any time be deemed employees or agents of the City. CTP shall be solely responsible for the acts of its officers, agents, and employees and all withholding taxes, Social Security, employment compensation, Workers' Compensation, or other taxes, and shall hold the City harmless and indemnify the City from all claims for the same.
9. CTP agrees to indemnify, and save harmless, the City and its officers, agents, and employees from and against any and all claims, liabilities, judgments, costs, expenses, penalties, and attorney fees arising from injuries to persons, or damages to property, or based upon or arising out of the performance, or non-performance of the Agreement by CTP, or out of any violations by CTP of any statute, ordinance, rule, or regulation.
10. The City or CTP may terminate this Agreement at any time with thirty (30) days prior written notice. In the event of unit closure, the City shall continue to provide funds set forth in this Agreement up to the closure of the Trinidad detoxification unit.
11. Termination of this Agreement shall not release or discharge CTP from any obligations incurred prior to the date of termination and provisions of Paragraphs 5, 7, and 8 hereof shall survive such termination.
12. It is mutually understood by the City and CTP that in the event State of Colorado funding was to cease, then this Agreement would be terminated, and responsibility of both parties would be ended.
13. No addition, alteration, amendment, or modification of neither the terms of this Agreement, nor verbal understandings of the parties, their officers, agents, or employees shall be valid unless reduced to writing and executed by the parties hereto.
14. CTP shall not assign this Agreement in whole or part without the prior written consent of the City.
15. Notice shall be deemed to have been duly given if mailed by First Class Mail, postage prepaid to:

If to City: City Clerk
 City of Trinidad
 P. O. Box 880
 Trinidad, CO 81082

If to CTP: Leroy Lucero, CEO/President
 Crossroads' Turning Points, Inc.
 1530 West 17th Street
 Pueblo, CO 81003

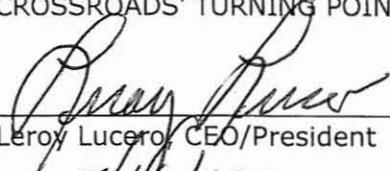
On such other addresses, CTP and the City shall hereafter designate in writing delivered to the other party.

IN WITNESS WHEREOF, the City and CTP have executed this Agreement on the day and year first above written.

CITY OF TRINIDAD

CROSSROADS' TURNING POINTS, INC.

Audra Garrett, Interim City Manager

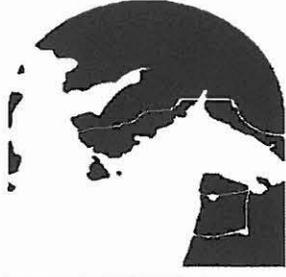


Leroy Lucero, CEO/President

Date

Date

7/16/14



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: September 2, 2014
PREPARED BY: Audra Garrett, ACM
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

79

SUBJECT: Resolution amending sidewalk café criteria

PRESENTER: Audra Garrett, ACM

RECOMMENDED CITY COUNCIL ACTION: Adopt the resolution to maintain the safe passageway for pedestrians while not discouraging business.

SUMMARY STATEMENT: The ordinance and resolution governing sidewalk cafes sets forth specific requirements, limitations and criteria.

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: The control of public walkways for the safe travel of pedestrians.

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- In 2007 the Trinidad City Council adopted an ordinance to allow for sidewalk cafes.
- In conjunction with that ordinance, a resolution was adopted by the City Council setting forth the criteria and fees associated with the licensing of sidewalk cafes.
- Recently the City has heard many complaints from the disabled community about the lack of even the required 36" clear pathway required under the ADA.
- The City's resolution requires a five-foot pathway.
- A total of four licenses have been granted.
- Those with licenses have been provided within the past month with a copy of the resolution as a reminder of the criteria.
- Recently Planning Director Fineberg issued letters to the licensees as a reminder of the criteria and addressing compliance issues.

79



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TRINIDAD, COLORADO, AMENDING CRITERION ASSOCIATED
WITH THE LICENSING OF SIDEWALK CAFÉS

WHEREAS, City Council adopted Ordinance No. 1828 that permitted sidewalk cafes within the corporate limits of Trinidad, Colorado; and

WHEREAS, in conjunction with said ordinance, the City Council implemented criteria and an application and license fee to regulate sidewalk cafes through the adoption of Resolution No. 1311 on March 6, 2007; and

WHEREAS, the City Council desires to amend the criterion which defines the allowable clear path way.

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

A. City Council amends the following criterion pertaining to the regulation of sidewalk cafes (enumerated as in Resolution No. 1311):

6. The proprietor of a sidewalk café is to maintain a clear path of at least four (4) feet in width at all times for pedestrian traffic to pass by. This path must remain totally unobstructed at all times. Any handicap ramp or driveway crossing the sidewalk must be kept clear.

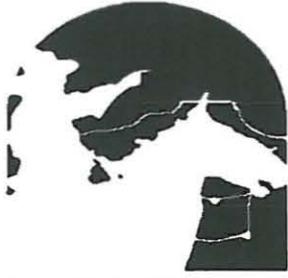
All other criteria and regulations contained in Resolution No. 1311 remain in full force and effect.

INTRODUCED, READ AND ADOPTED this 2nd day of September, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

DONA VALENCICH, Acting City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

Th

CITY COUNCIL MEETING: September 2nd, 2014
PREPARED BY: Louis Fineberg
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS: 4

SUBJECT: Resolution of Support for Application to the CDOT TAP Program to Secure Funding for Section One of the Old Sopris Trail Plan

PRESENTER: Louis Fineberg, Planning Director

RECOMMENDED CITY COUNCIL ACTION: Council should adopt the resolution if it wants to construct the Old Sopris Trail.

SUMMARY STATEMENT:

The proposed grant application will request funds in the amount of \$540K from CDOT through the Transportation Alternatives Program (TAP) to construct the remaining unfunded portions of Section One of the Old Sopris Trail Plan. The City has already secured the necessary funding for the construction of the Purgatoire River Pedestrian Bridge featured in Section One and is proceeding with implementation of same. The total project cost for the remaining unfunded portions of Section One is \$675K. The City will be responsible for providing a 20% local match equating to \$135K. Funds will come from 2016 CIP funds. The proposed project includes the construction of approximately one mile of trail along the Purgatoire River surfaced with crusher fines, one low water crossing, connector trails / sidewalks between Central Park and the Boulevard Addition Nature Park, a trailhead facility at the end of Boulevard Street, an overlook/rest area and all associated amenities including information kiosks, restrooms, bear proof trash containers and wayfinding signage.

[\$135K (20% City CIP Funds) + \$540K (80% CDOT TAP Funds) = \$675K (Total Project Cost)]

EXPENDITURE REQUIRED: \$135K local match required.

SOURCE OF FUNDS: 2016 CIP Funds.

POLICY ISSUE: Should the City of Trinidad support the application?

ALTERNATIVE: The City of Trinidad could decide not to support the application.

Th

CITY OF TRINIDAD, COLORADO

RESOLUTION NO.

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING APPLICATION TO THE COLORADO DEPARTMENT OF TRANSPORTATION – TRANSPORTATION ALTERNATIVES PROGRAM TO SECURE THE FUNDING NECESSARY TO IMPLEMENT THE REMAINING UNFUNDED PORTIONS OF SECTION ONE OF THE OLD SOPRIS TRAIL PLAN

WHEREAS, the City Council conducted a public hearing and officially adopted the Old Sopris Trail Plan in 2014; and

WHEREAS, the four-mile long Old Sopris Trail is envisioned to connect the Corazon de Trinidad National Historic District to the southern entrance to Trinidad Lake State Park via a route paralleling the Purgatoire River; and

WHEREAS, implementation of the Old Sopris Trail is divided into four sections; and

WHEREAS, Section One of the Old Sopris Trail will extend the existing river trail by approximately one mile through the recently acquired Boulevard Addition Nature Park; and

WHEREAS, the City has already secured a grant from the State Trails Program for the construction of the first portion of Section One of the Old Sopris Trail Plan, specifically the Purgatoire River Pedestrian Bridge, which will connect the existing River Walk to the Boulevard Addition Nature Park.

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

Section 1. Support for Application to the Colorado Department of Transportation – Transportation Alternatives Program. The City Council of the City of Trinidad supports application to the Colorado Department of Transportation – Alternatives Program for the purpose of securing funding for the implementation of the remaining unfunded portions of Section One of the Old Sopris Trail Plan and further agrees to commit to provide a cash match for the project in the amount of \$135,000, representing 20% of the total project cost of \$675,000.

Section 2. Effective Date. This resolution shall be in force and effect from and after the date of its approval and adoption.

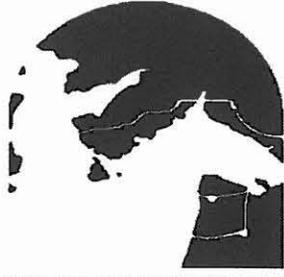
APPROVED and ADOPTED this 2nd day of September, 2014.

JOSEPH REORDA, MAYOR

ATTEST:

AUDRA GARRETT, CITY CLERK

7i



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: September 2, 2014
PREPARED BY: Audra Garrett, ACM
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: Consideration of an agreement between the City of Trinidad, Las Animas County, Trinidad-Las Animas County Economic Development, Inc. and Southern Colorado Economic Development District to seek grant funds for the Trinidad/Las Animas County Industrial Park Development through the Economic Development Administration Economic Adjustment Program Grant

PRESENTER: Louis Fineberg, Planning Director

RECOMMENDED CITY COUNCIL ACTION: Approval of the agreement.

SUMMARY STATEMENT: Intergovernmental Agreement to cooperate in developing and submitting an EDA Economic Adjustment Program Grant.

EXPENDITURE REQUIRED: If the grant application is successful, \$5,600 in administrative fees would be shared between the City, County and TLACED.

SOURCE OF FUNDS: N/A

POLICY ISSUE: Industrial Park Development planning

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

Council approved an IGA on May 20, 2014 between the City, Las Animas County and Trinidad-Las Animas County Economic Development Corporation for an Economic Development Administration (EDA) grant application.

If the match is unaffordable to the parties when the percentage is determined, there would be no requirement of the parties to continue pursuing the grant.

7i

AGREEMENT

WHEREAS, the County of Las Animas, (County) and the City of Trinidad (City) and the Trinidad Las Animas County Economic Development Inc. (TLACED) all in the State of Colorado, have entered into an Intergovernmental Agreement dated May 27, 2014; and

WHEREAS, the purpose of the Intergovernmental Agreement is to cooperate in developing and submitting an Economic Development Administration (EDA) Economic Adjustment Program Grant intended to assist in planning for the Trinidad/Las animas Industrial Park Development; and

WHEREAS, the Southern Colorado Economic Development District Inc. (SCEDD) is in the business of assisting in the preparation, application and reporting of EDA grant funds,

NOW THEREFORE IT IS AGREED THAT:

SECTION I

PROJECT

- 1.1 PROJECT:** The Project contemplated by this agreement shall be for the application of an EDA Economic Adjustment Grant. The application for and funds awarded as contemplated by this agreement are for the Scope of Work identified as the Trinidad/Las Animas Industrial Park Development.

SECTION II

RESPONSIBILITY OF LEAD PARTY

- 2.1 LEAD PARTY:** The County shall act as the Lead Party in developing, supervising and administering the Project.
- 2.2 APPLICATION:** In the capacity as Lead Party, County shall, in cooperation with SCEDD, make application to the Economic Development Administration (EDA) for grant funds.
- 2.3 GRANTEE:** County shall be the grantee and recipient of any funds awarded for the Project.
- 2.4 COOPERATION:** County shall cooperate with SCEDD in the pre-application planning, application process, data collection, reporting and all other aspects and requirements of the project.

- 2.5 **CONTRACTS:** County shall be the contracting party with any other individual or entity hired, engaged or contracted to carry out any of the functions contemplated by and within the scope of the project.
- 2.6 **SELECTION:** County shall be solely responsible for the selection of contractors, subcontractors, consultants, suppliers of labor or material or entities assisting in the Project.
- 2.7 **ACCOUNTING:** County shall receive all EDA funds and shall be responsible for the accounting and administration of same.
- 2.8 **PAYMENTS:** County shall be responsible for the administration of contracts and the payment of funds due to contractors, independent contractors, consultants, advisors and all other expenses of the project.
- 2.9 **COMPLIANCE:** County shall be solely responsible for performance of and compliance with all provisions required by EDA or any regulatory or inspection agency.

SECTION III

DUTIES OF SCEDD

- 3.1 **PRE APPLICATION:** SCEDD shall assist in and shall be responsible for the completion of the pre-application process with the Federal Government Department of Commerce and the Economic Development Administration (EDA) as the designated division of government.
- 3.2 **APPLICATION:** SCEDD, upon approval of the pre-application, shall assist in and be responsible for completion and submission of the full application to the EDA.
- 3.3 **ADMINISTRATION:** If EDA grant funds are awarded for the project, SCEDD shall assist in and be responsible for preparation and application of draw requests and collection of all data necessary in support of draw requests.
- 3.4 **REPORTING:** SCEDD shall assist in and be responsible for the preparation and submission of monthly or other required monitoring reports, final project closeout reports, and interim collection of information and submission of additional required reporting.
- 3.5 **RFP/CONTRACTS:** SCEDD shall assist in and be responsible for the preparation and issuance of Requests For Proposals (RFPs) as the same may be requested by County and in the preparation and issuance of contracts as requested by County. Any RFP or contract shall be prepared in consultation with and upon review by County.

- 3.6 LIMIT OF ACTIONS:** SCEDD shall assume no responsibility or liability for the performance of County or any other party to this agreement or for any person or entity hired by County. The sole responsibility of SCEDD under this agreement shall be the preparation and submission of applications, reports, contracts, draw requests or RFPs as called for by this agreement.
- 3.7 RELIANCE:** SCEDD, in the preparation of any pre-application, application, report, contract or RFP shall rely upon information provided by County and its agents and representatives. SCEDD shall have no responsibility or obligation to verify the accuracy of the information received from County or its representatives or agents.

SECTION IV

REMUNERATION

- 4.1 COMPENSATION:** For all services provided under this agreement, and only in the event that the grant funds are awarded, SCEDD shall be paid the sum of Five Thousand Six Hundred Dollars (\$5,600.00). In the event no grant funds are awarded, no fees shall be due or owing to SCEDD.
- 4.2 PAYMENT:** The Scope of Work for the Project contemplates five stages of development. For each stage of development SCEDD shall be paid the sum of One Thousand One Hundred Twenty Dollars (\$1,120.00). SCEDD shall invoice County during or at the completion of each phase. County shall make payment to SCEDD of any and all invoiced amounts within twenty-one (21) days of receipt of invoice.
- 4.3 COMPENSATION EARNED:** Unless its involvement in the Project is terminated by SCEDD or if SCEDD shall fail to perform any duty imposed upon it by this Agreement, the compensation owing to SCEDD shall be deemed fully due and owing upon award of the EDA grant. The agreement of SCEDD to accept five payments for the compensation amount shall not be construed as meaning that the compensation is only earned and owing at the completion of the phase. Upon award of the grant funds, the total compensation amount owed to SCEDD shall be deemed owing even in the event that all five phases are not completed as contemplated by the scope of work unless its involvement in the Project is terminated by SCEDD or if SCEDD shall fail to perform any duty imposed upon it by this Agreement, in which event SCEDD shall be entitled only to compensation earned for the phases actually completed.

SECTION V

TERM AND TERMINATION

- 5.1 **TERM:** This Agreement shall remain in full force and effect for so long as the parties to this Agreement are pursuing EDA Funding for the project, or if awarded, carrying out the project activities or scope of work.
- 5.2 **TERMINATION:** Any Party to this agreement may terminate its participation in this Agreement by providing written notice of such termination to the other parties to this agreement. Provided however, if the funds contemplated by this agreement are awarded, County shall not terminate its participation in this agreement nor resign its position as Lead Party without the consent of all of the parties to this agreement and without having made prior arrangement for substitution of another Lead Party which, in both the identity of the substituted Lead Party and the terms and conditions under which the substituted Lead party will serve, are acceptable to all other parties to this agreement.

SECTION VI

GENERAL PROVISIONS

- 6.1 **MODIFICATIONS:** This agreement may only be modified in writing which writing must be signed by all parties to this agreement. No modification except in writing and duly signed shall be of any force or effect. All prior agreements between the parties are merged into this agreement and no prior agreement, representation or understanding shall be of any force or effect.
- 6.2 **IMMUNITY:** No Party to this agreement which may be entitled to protection or immunity under the Colorado Governmental Immunity Act shall, by any provision of this agreement, be deemed to have waived its immunity under such act. Each party to this agreement indemnifies, and to the extent permitted by law, will defend the other for all claims, damages and liabilities resulting in suit or claim as a result of the acts or omissions of such party to this agreement.
- 6.3 **NO RIGHTS OF THIRD PARTIES:** No person or entity who is not a party to this agreement shall be deemed to have had conferred upon such party or to grant to any such party any right or any claim to any damage or to bring any lawsuit, action, or other proceeding against any of the parties hereto because of any breach of or because of any of the terms or conditions of this agreement.
- 6.4 **SEVERABLE:** All terms and conditions of this agreement are severable, and in the event that any one of them shall be held invalid by a Court of competent jurisdiction, this agreement shall be interpreted as if such invalid agreement or covenant were not contained herein and to the extent that the remaining terms and conditions of this agreement shall be enforceable.

6.5 BINDING EFFECT: This agreement shall be binding upon the respective parties hereto, their successors and assigns, provided however, no party to this agreement shall assign any right, duty, obligation or benefit under this agreement without the express prior written consent of all of the parties to this agreement.

6.6 FINANCIAL OBLIGATIONS: It is the intent of the Parties to this agreement and specifically provided that no provision of this Agreement shall be construed or interpreted as creating multiple-fiscal year direct or indirect debt or other financial obligation whatsoever, or a general obligation or other indebtedness of any party to the agreement within the meaning of a constitutional, home rule charter or statutory debt limitation, or as pledging or creating a lien on any class or source of income or on any of the properties or assets of any of the parties to this agreement.

SECTION VII

ARBITRATION

7.1 ARBITRATION: Any controversy or dispute arising out of this agreement or the relationship between the parties under this agreement shall be settled by binding arbitration. Any party may demand arbitration by serving upon the other parties a written demand for arbitration. Thereafter, within thirty (30) days, the parties shall agree upon the person to act as arbitrator. In the event of failure to agree upon the arbitrator, any party in the dispute may petition a Court of competent jurisdiction for the appointment of the arbitrator. No party to this agreement shall seek the appointment of the American Arbitration Association (AAA) or of the Judicial Arbitrator Group (JAG) without the consent of all other parties to the arbitration. All parties waive any right to trial by court or by jury for any dispute arising under this agreement or the relationship between them caused by this agreement. The arbitrator may award to the prevailing party its attorney fees and costs including the cost of discovery and depositions as part of any arbitration award. The arbitrator shall not have authority to enter any award for punitive or exemplary damages. Each party waives any claim for any award of exemplary damages.

SCEDD:

County of Las Animas:

By: _____

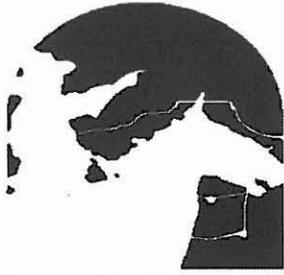
By: _____

The Trinidad Las Animas County
Economic Development Inc:

City of Trinidad:

By: _____

By: _____



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING:
PREPARED BY:
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS:

September 2, 2014
Audra Garrett, ACM

Audra Garrett
1

Tj

SUBJECT: Consideration of 2014 unexpended fund disbursement to non-profit entities

PRESENTER: Audra Garrett, ACM

RECOMMENDED CITY COUNCIL ACTION: Consider additional disbursements to non-profits for the 2014 fiscal year

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: Yes

SOURCE OF FUNDS: Miscellaneous Fund

POLICY ISSUE: The City has funded non-profit entities for many years to support their services to the citizens of the City

ALTERNATIVE: It seemed to be the consensus of Council that they wished to allocate the remaining funds

BACKGROUND INFORMATION:

- Attached is the history of non-profit allocations since 2009.
- Entities not funded yet this year that were in 2013 for consideration are:

Southern Colorado Repertory Theatre \$1,000
 Southern Colorado Developmental Disabilities Services, Inc. \$1,350
 Trinidad Area Arts Council \$4,250
 A. R. Mitchell Museum \$1,000

Tj

History of Non-Profit Allocations Provided by the City of Trinidad

AGENCY NAME	2009 AWARD	2010 AWARD	2011 AWARD	2012 AWARD	2013 AWARD	2014 AWARD
Crossroads Turning Points, Inc.	\$24,000	\$24,000	\$24,000	\$24,000	\$26,000	\$26,000
Trinidad & Las Animas County Chamber of Commerce	\$13,600	\$14,000	\$12,600	\$12,600	\$11,900	\$12,600
Noah's Ark Animal Welfare Association	\$20,000	\$15,120	\$24,108	\$25,000	\$25,000	\$25,000
Advocates Against Domestic Assault	\$11,000	\$7,745	\$6,970	\$6,970	\$6,970	\$7,000
H. R. Sayre Senior Center	\$28,000	\$21,500	\$19,350	\$19,350	\$19,350	\$19,400
Trinidad-Las Animas County Economic Development, Inc.	\$44,000	\$12,000	\$10,800	\$10,800	\$10,250	\$10,800
Trinidad Arts & Cultural Advisory Commission	\$5,000	\$5,000	\$4,500	\$4,500	\$4,250	\$4,500
Southern Colorado Repertory Theatre					\$1,000	\$1,000
Southern Colorado Developmental Disabilities Services, Inc.	\$3,000	\$1,500	\$1,350	\$1,350	\$1,350	\$1,350
Culebra Range Community Coalition				\$0		
Trinidad Area Arts Council	\$5,000	\$5,000	\$4,500	\$4,500	\$4,250	\$4,250
Southern Colorado Youth Academy					\$0	
Youth Advisory Council	\$4,892	\$2,963	\$3,158	\$3,917	\$2,484	\$3,995
Trinidad Municipal Golf Association						
Farmer's Market	\$1,000	\$800	\$1,000	\$1,000	\$0	
A. R. Mitchell Museum					\$1,000	\$1,000
Rocky Mtn Railway	\$500					
Seniors, Inc.	\$1,000					
Library Support	\$176,500		\$171,513			
Council of Governments	\$13,000					
ReGroup/Earth Mtn		\$4,050	\$2,645			
Rural Philanthropy Days						\$2,000
Misc. Donations						
	\$350,492	\$113,678	\$286,494	\$113,987	\$113,804	\$118,895
less Library Support	\$173,992		\$114,981			
Council of Governments - dues, not non-profit funding - clarified after 2009 allocation						
Library Support - became City department 2011						
H. R. Sayre Senior Center - \$14,000 now listed separately for contractual utility costs						
2014 Budgeted Amount for Non-Profit Funding = \$116,650						

7k



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: September 2nd, 2014
PREPARED BY: Louis Fineberg
DEPT. HEAD SIGNATURE: [Signature]
OF ATTACHMENTS: 1

SUBJECT: Discussion of EPA Brownfields Assessment Grant Opportunity

PRESENTER: Louis Fineberg, Planning Director

RECOMMENDED CITY COUNCIL ACTION: Approve publication of the RFP.

SUMMARY STATEMENT:

Approval of RFP for EPA Brownfields Assessment Grant.

EXPENDITURE REQUIRED: There is no local match required.

SOURCE OF FUNDS: NA.

POLICY ISSUE: Should the City of Trinidad approve the publication of the RFP?

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

7k

LAKE COUNTY, COLORADO REQUEST FOR QUALIFICATIONS

U.S. EPA Brownfield Grant Application and Implementation Assistance

RFQ Release Date: September 9, 2013

Proposal Due Date: September 30, 2012

1. GENERAL INFORMATION

1.1 Purpose of this Request for Proposals

Lake County, Colorado (the County), through this Request for Qualifications (RFQ), is seeking a qualified environmental consulting and/or planning firm to provide assistance with: (a) securing United States Environmental Protection Agency (U.S. EPA) and potentially other federal or state grants for the assessment, cleanup, or redevelopment of brownfields properties, , and (b) implementation of environmental assessment, remedial planning, community outreach, and other environmental or planning components of grants for which funded is secured. The initial focus for the contract will be securing one or more U.S. EPA assessment grants as part of the U.S. EPA's annual Brownfields Grant Competition, for which it is anticipated grant applications will be due on/or around November 22, 2013. This solicitation is being issued in part to comply with Federal procurement standards outlined in CFR §31.36 that are applicable to hiring of consulting firms to assist communities with grants awarded by U.S. EPA.

1.2 Background Information

Brownfields are defined by U.S. EPA as: *“real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant”*

The purpose of the U.S. EPA brownfields assessment grant is to conduct Phase I and Phase II environmental site assessments (ESAs) at brownfield sites located within the County. The objectives of the County may expand at a later date to include actual cleanup of individual sites targeted for assessment, depending on the future availability of funding. The successful consultant will bring experience and insight to a partnership with the County to obtain and implement these grants as well as explore other grants and brownfields initiatives as funds become available.

The number and location of brownfields sites within the County is presently undetermined, as well as the economic impact of these sites in depressing property values, hindering redevelopment of high priority areas, and furthering the County's goals with respect to smart growth and sustainable land practices. One outcome of the U.S. EPA assessment grants, if secured, will be to develop an inventory and other information related to these sites to allow for more effective planning by the County in furthering their assessment, cleanup if necessary, and redevelopment.

1.3 Type of Contract and Contract Term

The County prefers to award a contract to one full-service firm to serve as a partner in successfully obtaining initial U.S. EPA brownfield grant funding and then achieving the goals within the subsequent U.S. EPA Cooperative Agreement (CA) and Work Plan. The contract period will begin with the start of grant application activities (which should commence no later than the publication of the grant application guidelines - typically 60 days prior to grant due date) and continue through the subsequent implementation period for any successful grants. The contract period may be extended at the option of the County if additional grant funds are obtained.

1.4 Payment Procedures

Payments for grant preparation services will be on a lump sum basis, as outlined below in the Cost section. Payments for implementation of any successful grants will be made no more than monthly, for work specified and completed and in accordance with the budget developed and approved by the County and the EPA.

2. TECHNICAL SPECIFICATIONS

2.1 Activities Required Under this Request for Qualifications

This RFQ is to solicit for a qualified consultant who is expected to provide a wide range of potential grant, assessment, and planning services to the County. The scope of work to be performed by the successful consultant at a minimum is expected to include:

- Assisting the County with the preparation of applications for U.S. EPA Community-Wide Assessment Grants for Petroleum (\$200,000) and Hazardous Substances (\$200,000) for FY 2014.
- Provide assistance with revision and resubmittal of application(s) as part of the FY2014 competition, if the one or more of the initial applications is unsuccessful.
- Provide assistance with development of U.S. EPA-required project work plan(s) for applications that are successful.
- Prepare and maintain schedules and budgets for assessment or cleanup activities.
- Conduct and oversee site assessment studies and prepare appropriate technical reports required by the U.S. EPA, Colorado EPA and/or Colorado Department of Natural Resources (CDNR) in print and electronic format.
- Field investigations including sample collection and lab analysis.
- Interviews with neighboring property owners.
- Evaluation of cleanup options and risk assessment analysis and costs.
- Preparation of a written Quality Assurance Project Plan (QAPP) in compliance with U.S. EPA regulations.
- Delivery to the County completed Phase I and Phase II ESA reports, site investigation reports, response action plans and other environmental reports or plans required under the applicable Colorado environmental regulations.
- Project management, implementation, and/or technical oversight.
- Professional advice regarding environmental issues associated with land reuse/redevelopment.
- Provide regulatory and financial information as needed.
- Attend meetings of the County and advisory committees as requested.

- Prepare presentations to provide information about the project's progress as requested.
- Assist with conductance of community-wide inventory of potential hazardous substance and petroleum brownfields sites.
- Develop preliminary budget, financing options and implementation plan for cleanup/reuse.
- Complete contaminant characterization and risk assessments as determined necessary following Phase II activities (as funds allow).
- Involve public and private opportunities for citizen participation throughout all phases of projects.
- Comprehensive community outreach program and public participation program.
- Implement site specific cleanup or remediation (if future funding becomes available through this or another grant funded program).
- Rural and Urban redevelopment planning and market research as related to environmental site reuse.

2.2 Project Budget

The budget for the initial U.S. EPA grant application assistance will be negotiated with the successful consultant. The total budget for each successful U.S. EPA brownfield assessment grant is \$200,000.00. The County and the successful consultant will develop budgets for assessment activities at individual sites as the project progresses as specific sites are identified for assessment. The budget for any future related grants executed under this contract will be negotiated with the consultant if and when such funding becomes available. It will be the County's option whether or not to utilize this contract for future brownfields grants beyond the initial U.S. EPA assessment grant application and implementation projects.

2.3 Project Management

The successful consultant, under the direction from the County, will:

1. Work with the County in writing the text for each grant application.
2. Compile any associated demographic data to bolster the grant application.
3. Assist the County with solicitation of letters of support from the State of Colorado, Congressional representatives, and local stakeholders.
4. Review existing comprehensive plans as they relate to redevelopment within the County and specific site reuse.
5. Facilitate community outreach activities as needed to enhance the grant application.
6. Coordinate any necessary activities with U.S. EPA Region 8 staff for U.S. EPA grant(s).

3. PROPOSAL REQUIREMENTS

3.1 General Expectations

Consultants are asked to submit concise proposals describing their capacity and success within the U.S. EPA brownfield grant program as well as their ability to manage and implement these types of grant-funded projects on behalf of local units of government. The proposals should include a clear outline of how the firm would help the County in preparing successful grant applications as well as the firm's ability to fully and effectively meet the requirements of assisting with implementation of grant(s) secured. Any clarification or questions regarding this proposal shall be submitted in writing or via email

to the below contact person, clarification will be provided within 3 business days, **phone calls or in person visits will not be accepted.**

Bruce Hix
County Commissioner
P.O. Box 964
Leadville, Colorado 80461
719-486-4100
bhix@co.lake.co.us

3.2 Proposals

Proposals should be prepared on standard size paper and limited to ten single sided (10) pages, exclusive of a maximum of five (5) resumes, limited to 2 pages each. Standard advertising brochures should not be included in the proposal. The proposal shall include the following information in the order presented below:

Business Organization. This section shall include the firm's name, areas of expertise, a brief history of the firm, size, office locations, and business addresses. The name, address, and telephone number of a contact person and/or prospective project manager regarding the proposal shall be included.

Management Outline and Project Approach. A description of the project and how the consulting firm will work with the County in preparing successful U.S. EPA brownfields assessment grant application(s) and subsequent implementation of said brownfields grants. This section shall include the applicant's approach to grant preparation, community out reach activities, planning, organization, and management. Each consulting firm shall provide a list of proposed key personnel.

Experience and Capabilities. The relevant management and technical experience and capabilities of the consulting firm shall be defined with respect to the following activities related to implementation of any successful grants:

A. Project Experience of Key Personnel:

- Experience preparing successful U.S. EPA brownfield grant applications
- Conducting Phase I and Phase II ESAs.
- Conducting environmental investigations and cleanups.
- Conducting environmental activities in association with plant deactivations.
- Project experience in implementing U.S. EPA grant funded projects performed on behalf of local units of government.
- Development/redevelopment experience and market feasibility research.
- Redevelopment planning and community involvement activities related to brownfields properties.
- Performance of environmental inventories utilizing GIS in conjunction with U.S.

EPA brownfields grants.

- Other areas of expertise relevant to the project (optional).

B. Regulatory and Scientific/Technical Knowledge:

- Knowledge and expertise pertaining to federal and state environmental grant programs and track record preparing successful grant applications.
- Knowledge and expertise pertaining to federal & state environmental statutes or associated regulations.
- Knowledge and expertise pertaining to EPA environmental and other Federal, laws, and regulations.
- Knowledge and expertise pertaining to OSHA, MSHA and other health and safety rules or requirements.
- Individual staff knowledge and technical experience relative to ESAs, brownfield projects and contaminated site remediation.

C. Cost

Provide a lump sum cost to prepare a single U.S. EPA Community-Wide Assessment Grant in the amount of \$400,000; \$200,000.00 for Hazardous Substance Brownfields and \$200,000.00 for Petroleum Brownfields. This should include and itemize grant preparation fees and any applicable success fees for the grant application. In the event the grant application is not successful, the consultant shall provide a lump sum cost to participate in a debriefing with U.S. EPA and prepare a resubmittal of any unsuccessful grant applications for FY 2014. The consultant shall also provide a current fee schedule including staff that would likely be involved in the grant implementation, the prices on which shall be fixed for a period of not less than 12 months.

All representative project descriptions provided shall include the location of the project, the name and phone number of a knowledgeable contact person, and other pertinent information. The County may contact said persons to check on past performance records.

The selected consultant will be required to assume responsibility for all services offered in the proposal, including any services provided by subcontractors. Further, the County will consider the consultant to be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract. The consultant is responsible for adherence by the subcontractors to all provisions of the contract.

3.3 General Process

The County will review and evaluate the proposals with the following criteria in mind: successful track record in obtaining grant funding; expertise related to relevant project component; firm and staff experience related to brownfields assessment, cleanup and redevelopment planning; project approach; familiarity with local communities; ability to facilitate public outreach activities; demonstrated ability to provide comprehensive and innovative environmental services; and cost. The County reserves the right to accept or reject proposals on any basis it deems appropriate.

3.4 Terms and Conditions

The process of selecting organizations to provide consultation services for the County's benefit requires the accumulation of comprehensive and accurate information to ensure that a knowledgeable, objective decision can be made as well as compliance with Federal procurement standards outlined in CFR §31.36 for the implementation portion of this proposal and subsequent successful grant applications.

The County reserves the right to accept or reject and or all proposals of portions thereof without stated cause. The County reserves the right to re-issue any RFQ or cancel the RFQ if none of the proposals are deemed satisfactory to the County.

Upon selection of a finalist, the County by its proper officials shall attempt to negotiate and reach a final agreement with the finalist. If the County, for any reason, is unable to reach a final agreement with this finalist; the County then reserves the right to reject such finalist and negotiate a final agreement with another finalist who has the next most viable proposal. The County may also elect to reject all proposals and re-issue a new RFQ.

Clarification of proposals: The County reserves the right to obtain clarification of any point in a Proposer's proposal or obtain additional information. Any request for clarification or other correspondence related to the RFQ shall be in writing or email, and a response shall be provided within 2 business days.

The County is not bound to accept the proposal with the lowest cost, but may accept the proposal that demonstrates the best ability to meet the needs of the County. The County reserves the right to waive any formalities, defects, or irregularities, in any proposal, response, and/or submittal where the acceptance, rejection, or waiving of such is in the best interests of the County. The County reserves the right to disqualify any proposal, before or after opening, upon evidence of collusion, intent to defraud, or any other illegal practice on the part of the Proposer.

3.5 Public Information

Information supplied by the Proposer to the Lake County is subject to the Colorado Public Records Law. Such information shall become public unless it falls within one of the exceptions in the statute, such as security information, trade secret information, or labor relations information. If the Proposer believes any information which is not public will be supplied in response to this RFQ, the vendor shall take reasonable steps to identify for the County what data, if any, it believes falls within the exceptions. If the proposal data is not marked in such a way as to identify non-public data, the County will treat the information as public and release it upon request. In addition, the County reserves the right to make the final determination of whether data identified by the proposer as not public falls within the exceptions within the statute.

3.6 Proposal Time Schedule

The timeline for completion of this request for proposals is outlined below.

September 9, 2013	Formal announcement date for RFQ
September 23, 2013	Deadline for submittal of proposals
October 1, 2013	Proposal evaluation is completed (anticipated)
October 11, 2013	Contract inception date (anticipated – actual date will depend on approval by committee(s) and the County Board of Commissioners)

3.7 Notification of Award

Lake County plans to select a consultant by approximately October 1, 2013. Should either party fail to execute a contract within 30 days of notification of award, the County reserves the right to rescind the award and select services from another interested firm.

3.8 Number of Proposals to Submit; Deadline, Mail, and Hand Delivery Addresses

One (1) original and five (5) copies of the proposal must be submitted by **4:00 p.m. MST on September 23, 2013.**

The mailing and hand delivery address is:

Lake County Building and Land Use Department
 Attn: Mr. Jim McGuire
 P.O. Box 513
 505 Harrison Avenue
 Leadville, Colorado 80461

3.9 Late Proposals

Proposals received after the deadline will not be considered.

4. VENDOR REQUIREMENTS

1.1 Contracting With Disadvantaged Business Enterprises

It is U.S. EPA policy to award a fair share of contracts to disadvantaged business firms. Accordingly, affirmative steps must be taken to ensure that disadvantaged businesses are utilized when possible as sources of supplies, equipment, and services. The County will ensure, to the fullest extent possible, that at least the U.S. EPA “fair share” objectives for prime contracts and subcontracts are made available to organizations owned or controlled by socially and economically disadvantaged individuals, women, and historically black colleges and universities. The consultant shall agree to support the U.S. EPA’s disadvantaged business enterprise contract procurement program ensuring those businesses’ participation in subcontracts.

Affirmative steps include the following as a minimum:

1. Including qualified disadvantaged businesses on solicitation lists;
2. Ensuring that disadvantaged businesses are solicited whenever they are potential sources;

3. When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit disadvantaged business participation;
4. Where the requirement permits, establishing delivery schedules which will encourage participation by disadvantaged businesses;
5. Using the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the Department of Commerce, and the Community Services Administration as required;
6. Consultants are encouraged to procure goods and services from disadvantaged businesses.

1.2 Equal Employment Opportunity

The Proposer agrees to comply with all federal, state, and local laws, resolutions, ordinances, rules, regulations, and executive orders pertaining to unlawful discrimination on account of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, sexual preference, disability, or age. When required by law or requested by the County, the Proposer shall furnish a written affirmative action plan.