



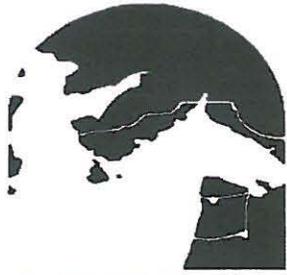
CITY OF TRINIDAD TRINIDAD, COLORADO

The City Council of the City of Trinidad, Colorado,
will hold its regular Work Session on Tuesday, May 12, 2015 at 1:30 P.M.
in City Council Chambers at City Hall, Third Floor, City Hall

AGENDA

Members of the public may comment on matters within the jurisdiction of the City but not on the agenda. The Council's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

1. Petitions and Communications, Oral or Written
2. Discussion with Colorado Code Consulting, LLC representative regarding the Building Department Evaluation
3. Donating and Receiving Shared Leave Policy
4. Certified Local Government and historic building definition consideration
5. Dangerous Buildings discussion
6. Consideration of requests for proposals for the conduct of a pavement condition survey (Pavement Condition Index analysis and plan)
7. Discussion of other agenda items



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

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CITY COUNCIL MEETING: May 12, 2015 Work Session
PREPARED BY: Audra Garrett, Asst. City Manager
PRESENTER: Steve Thomas, Colorado Code Consulting, LLC
DEPT. HEAD SIGNATURE:
CITY MANAGER SIGNATURE: *Audra Garrett, ACM*

SUBJECT: Discussion with Colorado Code Consulting, LLC representative regarding the Building Department Evaluation

RECOMMENDED CITY COUNCIL ACTION: This is a discuss item.

SUMMARY STATEMENT: Colorado Code Consulting, LLC was engaged by the City late last year to evaluate the building department and our building codes. The goal was to seek ideas on means of improving our building codes to support business growth.

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: No

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

The draft Building Department Evaluation completed by Colorado Code Consulting, LLC was received by the City on April 6, 2015. A copy of the Building Department Evaluation is attached. It was previously provided to Council and discussed at the work session on April 14, 2015. Steve Thomas of Colorado Code Consulting, LLC will be present to discuss the evaluation.

CONTACT FOR INFORMATION:

Gabe Engeland, City Manager
 (719) 846-9843, ext. 133
 Or
 Audra Garrett, Asst. City Manager
 (719) 846-9843, ext. 135

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COLORADO CODE
CONSULTING

LLC

Building Department Evaluation
City of Trinidad, Colorado

Submitted to:

Ms. Audra Garrett
Assistant City Manager
City of Trinidad

Trinidad, Colorado

Submitted by:

Steve Thomas, C.B.O.
Colorado Code Consulting, LLC
4610 S Ulster Street, Suite 150
Denver, CO 80237
Phone: 303-400-6564
Email: stthomas@coloradocode.net

Submitted: April 6, 2015

Introduction

The City of Trinidad requested that Colorado Code Consulting conduct an evaluation of the building department of the jurisdiction. There were several concerns voiced by citizens regarding the level of enforcement by the department. Steve Thomas met with different groups on November 18, 2014. The day started out meeting with City Staff to get their input into the issues surrounding the concerns and their perception of the issue. The afternoon was spent with the City Council to get their input and concerns about the enforcement of the building code in Trinidad. We met with the public in the evening and heard comments from the community on the enforcement of the building codes in the city.

This report will outline the major concerns noted during the discussions with the above groups. It will then provide recommendations to improve the overall administration of the building codes within the city. These recommendations will be presented to the same three groups after the staff reviews them.

Staff Discussion

The staff was very open to providing input on the different issues that they felt were the basis for many of the concerns voiced by the community. The following issues were identified by the staff as issues.

- Downtown redevelopment was an important issue in the community. The poor economy hit the downtown area hard. Many business owners perceive the building code as an impediment to the redevelopment process.
- The staff identified that costs of permits and complying with the code were perceived as being too high and created an obstacle to redevelopment of the downtown area.
- It appears that the city council tries to get involved in the day to day operations of the building department. They contact the building official directly with issues instead of telling a citizen to contact the building official or city manager.
- It appears that politics may be interfering with the operations of the building department with the involvement of the council in day to day operations of the department.
- There is a perception by the community that the building official has an ego that hinders the administration of the code.
- There is a perception of the staff that the city council does not support the building department's administration of the building codes.
- City Council's involvement in the day to day operations of the building department creates inconsistent enforcement of the codes.
- There is a large concern about the requirements for automatic fire sprinkler requirements in the building codes. Many citizens feel that the requirements are onerous and create an obstacle to redevelopment.
- There is a concern about the life safety aspect of buildings in the town due to the age and lack of maintenance of the structures.
- The biggest issues identified by the staff was the pre-existing, non-conforming requirements in the codes. The current language in the city's code requires buildings that are abandoned for a period of time must be brought into compliance with the current codes and standards. This has created serious issues with building owners trying to redevelop properties.
- The city council has directed the building official to identify dangerous buildings throughout the community. He has identified several buildings in the city that meet that criteria. Many of the owners have resisted the direction to repair or demolish their

buildings. This has created a problem between the building official, the building owners and the city council.

- There was some confusion as to when architect or engineer stamps are required on projects. The building official was not clear on the state requirements.
- The building official had the understanding that he was responsible for the enforcement of the Americans with Disabilities Act (ADA) throughout the city. He felt that he was required to tell property owners to bring their buildings into compliance with the current ADA Standards for Accessible Design.
- The building official voiced frustration with the level of support provided by the city council regarding the issuance of Notices and Orders on dangerous buildings. If a building owner refuses to mitigate the unsafe conditions of the building, the city does not have the budget to cause the work to be done by the city and the costs charged against the property.

City Council Study Session

The discussion with the City Council was very helpful. The council voiced their support for the building official and the job that he was doing. They want to make sure that the staff succeed in administering the code in the city. The points presented by the city council were as follows:

- They were concerned about the costs of improvements for building owners including historical buildings
- They discussed the reasonable level of protection for buildings including historical buildings
- Accessibility was becoming a big issue in the town. A local citizen with a disability has voiced concerns about the level of accessibility in the town. The council wanted to provide accessibility, but was concerned about the cost involved in reaching compliance.
- They discussed different economical options to help building owners improve their buildings.
- There was discussion regarding the success that the Town of Salida had in improving their downtown.
- Many of the problems seem to center around absentee owners and their lack of maintaining their buildings. The council also felt that these owners did not necessarily have the town's best interest in mind.
- The council discussed the number of complaints that citizens made to them about the building department. We discussed the different ways to handle such complaints.
- A citizen who attended the meeting voice some opinions since he was unable to attend the public meeting that evening.
 - He was a local engineer and wanted the council to know that he supported the requirement for automatic fire sprinklers in buildings downtown.
 - He felt that the downtown buildings were the City's greatest resources and they should be protected to greatest extent possible.

Staff Debriefing Discussion

The staff reconvened after the City Council study session to discuss the council's comments and provide additional information. Their comments were as follows:

- It was felt that a definition of historical buildings should be created and determine whether they need to be locally landmarked or not. The definition of historic buildings in

the building code was discussed.

- They asked if there was a way to create a classification of a building that is old, but does not meet the requirements for a historical building or the owner does not wish to designate their building as a historical building.
- They stated that building owners expect the city to tell them what they need to do to their building to comply with the codes and how to fix them up.
- They stated that building owners did not want to hire a registered design professional (architect/engineer) for their projects. The owners felt that the added cost was not necessary and just another hurdle to complete their project.
- The staff discussed the possibility of a "one-stop" permitting process. It was requested that a submittal procedure be developed to reduce the amount of time needed to take a project through the city. Suggested timelines for projects were 7-10 business days for residential projects and 14-20 days for commercial projects. The building department would be the point of contact for owners to submit the plans, application and license requirements. It was suggested that Landmarked buildings would be required to be approved by the CLG prior to submission to the building department.
- The staff agreed that the building official was responsible for much more than the administration of the building code. The current responsibilities of the building official included:
 - Building code administration including plan review and inspections
 - Contractor licensing
 - Code enforcement (weeds, abandoned cars, etc.)
 - Liquor license inspections
 - Business license inspections
 - City Safety Coordinator
 - Backflow Prevention Coordinator
 - ADA Coordinator
 - Marijuana Facilities Coordinator (currently reviewing 40 applications)
 - The inspector average about 10 inspections per day. Most of the inspections are completed in the morning.
- It was agreed that the City Council should determine the policies of the city. Then, once the policy is set, the staff should be permitted to carry out the policy with little if any direct involvement of the City Council.
- The staff agreed that the building official gains nothing personally from achieving compliance with the code. He is just carrying out the policies and regulations set forth by the City Council.
- They pointed out that there was a city ordinance where buildings that were abandoned for a period of time had to comply with the current requirements of the code.

Public Meeting

A meeting was held in the evening to hear comments from the public. There were several people who attended and provided comments for consideration. Those comments are as follows:

- There were several comments regarding the level of accessibility in the town. It was felt that there was a lack of accessible routes through the city and into the buildings. They felt that there as a lack of enforcement and compliance with the Americans with Disabilities Act throughout the city.
- There was concern about inconsistent enforcement of the code. The building official

- seems to change his mind on requirements and enforcement of the codes.
- There was a perception that buildings owned by the city were not required to comply with the same requirement as private building owners were required to comply with.
 - There was a feeling that the building code was a barrier to economic development, especially in the downtown area of the city.
 - There was concerns about the code requirements for multi-story mixed-use buildings. The most concerns were about the development of residential units above commercial uses and the requirement for fire sprinklers in the building. The idea of phasing a project was discussed.
 - There was a concern about marijuana facilities and the number of agencies that had to look at the applications. There was also concern about the time that it takes to review the applications.
 - The group discussed the pros and cons of contractor licensing.
 - Historic buildings and the code requirements were discussed. It was important to maintain the historic significance of the city, while providing safe buildings.
 - The idea of phased compliance was discussed to reduce the overall cost of reusing an existing building or a historical building.
 - Possible financing issues were discussed. The fact that economic development was affected by the code was discussed. Grants were a possibility to help building owners with the cost of improving their building.
 - Some people felt that the building official was in fear of liability and that affected the administration of the codes and regulations.
 - The level of fire service and protection on Commercial Street and Main Street was discussed.
 - They group asked if there is a possibility of the City to adopt a unique building code for the town instead of a model code.
 - They felt that the process for getting a building permit should be improved. It should be an easier process that provides a more consistent level of enforcement.

Observations

Based on the discussions noted above, I have developed the following observations regarding the operations of the building department.

- The building official is enforcing the provisions of the code to the letter and is hesitant to approve alternate designs due to a fear of liability.
- The city has adopted an ordinance requiring buildings to be brought into compliance with the current building code when they have be abandoned for a period of time.
- The city has identified several buildings as unsafe. However, they do not have the funds in their budget to carry out the work if a building owner refuses to mitigate the unsafe structure.
- The building official has the perception that he is responsible for enforcing the Americans with Disabilities Act (ADA) throughout the city. He has been designated as the accessibility coordinator for the city. This responsibility only applies to city owned buildings and right-of-ways.
- The building official has many more responsibilities than the typical code official in a similar size jurisdiction.
- There is a need for consistent regulations for historical buildings within the city.
- The City Council tends to micro-manage the building department based on complaints

- from constituents.
- There is confusion as to when an architect or engineer stamp is required on construction documents.
 - There is a perception that the enforcement of the code was not consistent.

Recommendations

The following recommendations are based on the comments received and the observations that I made during my visit with the staff, city council and the public.

Repeal Non-Conformance Section

Recommend that the City Council Repeal Section 5-23 of the Code of Ordinances regarding Non-Conformance. This article appears to be the genesis of many of the issues identified during the conversation that we had. This section requires a building to comply with the current code whenever the business is abandoned for more than 12 months. During tough economic times, companies go out of business and the building does not generate any revenue for the city.

The cost of bringing a building into compliance with the current code can be extraordinarily expensive for the building owner. This creates an obstacle to potential buyers and adversely affects the economic development of the city. If a new owner of a business has to spend a much larger amount of money to open a business in Trinidad as they do in another nearby jurisdiction, they will go to that other jurisdiction.

Develop an Unsafe Building Policy & Budget

The city appears to have a fairly strict policy regarding unsafe buildings. However, there are no funds available to mitigate the hazards if a building owner refuses to do the work. It is recommended that a budget be created for this purpose if the city is serious about abating unsafe and dangerous buildings. The current code states that if the owner does not make repairs or demolish their building, the city will have the work done and then charge the cost against the property. However, if there is no budget for this work, the enforcement is not taken serious by building owners.

It is also recommended that buildings that have been identified as having code issues be ranked as to the severity of the hazards. The staff can then focus on the most unsafe buildings first. This will spread the money out over time if the city needs to have the work completed instead of the owner. The main concern is the protection of the public from a dangerous condition that may exist in or from a building.

Building Official Responsibilities

The current building official has many more responsibilities than a typical code official. It is recommended that an additional building inspector / code enforcement officer be hired to provide assistance and more efficient administration of the codes. The additional staff person can conduct day-to-day code enforcement inspections, liquor license inspections, business license inspections and similar work. This will allow the building official to concentrate on building plan review and inspections as well as the other responsibilities that he now has.

It should also be made clear that the building official is not responsible for the

enforcement of the ADA on private businesses. That enforcement is the responsibility of the US Justice Department. As the ADA Coordinator for the city, he is only responsible for developing a plan to make public owned buildings accessible to people with a disability. The only accessibility enforcement that a building official has on private property is the enforcement of the building code and applicable standards when new buildings are built or when existing buildings are altered.

Engineer/Architectural Stamps

There appears to be some confusion as to when an architect/engineer stamp is required on construction documents. The State of Colorado Board of Architects and Engineers publishes a document called the Handbook for Building Official. That document is attached to this report for your use. It outlines the requirements for architect/engineer stamps on drawings. The state regulations exempt certain projects from requiring a stamp. They include the following:

- One, two, three, and four unit family dwellings, including accessory buildings commonly associated with such dwellings;
- Garages, industrial buildings, offices, farm buildings, and buildings for the marketing, storage, or processing of farm products, and warehouses, which do not exceed one story in height, exclusive of a one-story basement, and which under applicable building code, or codes, are not designed for occupancy by more than ten persons;
- Additions, alterations, or repairs to the foregoing buildings which do not cause the completed buildings to exceed the applicable limitations set forth in this subsection (1);
- Nonstructural alterations of any nature to any building if such alterations do not affect the life safety of the occupants of the building.

It is recommended that the staff review the state regulations and develop a policy similar to the state's requirements regarding the requirement for the stamps. It should be noted that the building code does give the building official the authority to require a registered design professional create the drawings if the project is more complex even though it may be exempt by the state regulations.

Historical Buildings

It is recommended that more specific code language be drafted regarding construction in historic buildings. A good starting point would be Chapter 12 of the International Existing Building Code. It provides a much better description of what requirements apply to a historic building. Additional prescriptive language can also be created to help identify what code requirements need to apply to these types of buildings.

City Council Involvement

It is recommended that the City Manager develop a policy regarding city council contact with city employees. The city council should direct complaints to the city manager are the building official directly. They should not try to intervene between the building owner and the staff.

Building Official Education

The city should continue to support the building official's involvement with the Colorado

Chapter ICC and other educational opportunities. The Colorado Chapter is a great sounding board for code officials to talk with each other and gain knowledge on ways other jurisdictions address different issues. This organization has provided quality education and building department assistance for more than 60 years. The education and networking is second to none.

A more knowledgeable and experienced building official provides more consistent enforcement of the codes. They are much more confident with their decision. This reduces the fear of liability and turns it into an awareness of the legal issues surrounding the administration of the codes. The current building official is getting this confidence and knowledge by being involved with the Colorado Chapter and finding out that he is not the only one with similar issues.

Conclusion

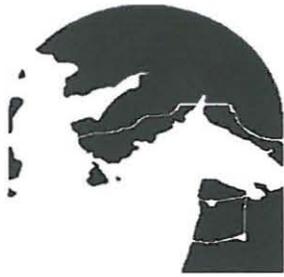
It has been a pleasure working with the staff, council and citizens of the City of Trinidad. This report has identified some issues and recommendations that can be addressed and implemented to make the administration of building codes more reasonable and fair. It can also provide staff and council on ways to improve the operations of the building department in the future.

I look forward to working with everyone to implement some of these recommendations if you wish. Thank you for the opportunity to work with all of you.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. L. Thomas', written over a large, faint watermark that says 'DRAFT'.

Stephen L Thomas, CBO
President



CITY OF TRINIDAD, COLORADO
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COUNCIL COMMUNICATION

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CITY COUNCIL MEETING: May 12, 2015 Work Session
PREPARED BY: Dona Valencich, HR Director
PRESENTER: Dona Valencich
DEPT. HEAD SIGNATURE: *Dona Valencich*
CITY MANAGER SIGNATURE: *Judith Barnett, ACM*

SUBJECT: Donating and Receiving Shared Leave

RECOMMENDED CITY COUNCIL ACTION: Forward to Regular Meeting of May 19, 2015
for acceptance of new policy governing shared
leave

SUMMARY STATEMENT: Requesting and receiving shared leave

EXPENDITURE REQUIRED: None

SOURCE OF FUNDS: Not Applicable

POLICY ISSUE: New Policy

ALTERNATIVE:

BACKGROUND INFORMATION: This is a new policy addressing the donating and receiving of shared leave for an employee that is unable to work due to a serious illness or the serious illness of a dependent (as defined in the FML Act). Any hours that are donated will not remain in a "sick bank" but rather will be forfeited by both parties upon the receiving employee's return to work. If the requesting employee's health condition qualifies under FMLA, the employee's paid time off will count towards Family Medical Leave which has a 12 week limitation. Also included are samples of the required forms to be completed by either the requesting employee or the donating employee.

CONTACT FOR INFORMATION: Dona Valencich, HR Director
(719) 846-9843, ext. 110

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POLICY # _____

Effective: May 29, 2015

Replaces: New

Definitions:

“Eligible Employee” - an employee who has completed their initial introductory or probationary period. Temporary employees are not eligible for shared leave.

“shared leave” - voluntarily donated vacation/sick leave to an eligible employee who is unable to work due to his/her extended serious illness or injury, or due to the employee’s dependent’s serious illness or injury.

“serious illness or injury” - a serious health condition as defined in the FMLA:

- conditions requiring an overnight stay in a hospital or other medical care facility;
- conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and require ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care such as prescription medication);
- chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
- pregnancy (including prenatal medical appointments, incapacity due to morning sickness, and medically required bed rest).

This policy applies whenever an “eligible employee” requests to donate or receive “shared leave.”

An employee donating vacation/sick leave pursuant to this policy relinquishes all rights/benefits derived from such shared leave. An employee receiving shared leave relinquishes all rights, interest or benefits, except paid time off, derived from such shared leave.

Any employee hired on or before January 1, 1998 may donate either vacation or sick leave to another eligible employee. Employees hired after January 1, 1998 may donate vacation leave only to be used as shared leave.

1. ELIGIBLE EMPLOYEES MAY RECEIVE SHARED LEAVE UNDER CERTAIN CONDITIONS

Eligible employees qualify for shared leave if:

- They are unable to work due to “serious illness or injury” which requires hospitalization or extensive medical care;
- It is to be used for an extended serious illness or injury of the employee’s eligible dependents.
- It is taken and used in accordance with all applicable rules regarding sick leave usage;
- They provide doctor certification documents to the Employer prior to the request for shared leave;
- They exhaust all paid time off (sick leave, vacation leave, comp-time); and
- They are not eligible to receive worker’s compensation benefits, unemployment insurance benefits or Disability Insurance payments.

2. ELIGIBLE EMPLOYEES MAY DONATE SHARED LEAVE UNDER CERTAIN CONDITIONS

Eligible employees may donate shared leave if:

- The hours are donated to a recipient who meets the eligibility requirements; and
- The employee has the donated hours accrued at the time of the donation. Leave may not be donated in the same pay period in which it is earned.

3. PARAMETERS WHICH APPLY TO SHARED LEAVE REQUEST

All leave donations will be on an hour-for-hour basis and in one hour increments. No consideration will be given to the dollar value of the leave donated. An employee receiving and using shared leave hours from another employee will be paid for such hours based on the receiving employee's work schedule and at the receiving employee's hourly rate of pay.

The maximum amount of shared leave an employee may receive from all employees, per rolling twelve (12) month period, is 480 hours.

Once the recipient has reached his/her maximum allowable donated leave amount (480) or the employee no longer needs the leave, the leave will be forfeited by both the receiving employee and the donating employee. Under no circumstances will donated leave be banked for future leave. Shared leave is excluded from vacation leave payoff provisions.

An employee who has an accrued annual vacation leave balance of more than forty (40) hours may transfer a specified amount of vacation leave hours to the employee authorized to receive the shared leave. The employee may not transfer an amount that would result in a vacation leave balance of fewer than forty (40) hours.

Employees are prohibited from soliciting, offering, or receiving monetary or any other compensation or benefits in exchange for donating vacation leave hours.

4. PROCESSING OF SHARED LEAVE REQUESTS

Leave must be donated, and all paperwork completed and received by Human Resources, before it is used by the employee. If there is a lapse of time between the request for leave and the approval and processing of the leave, the donated leave will be used retroactively to cover the days between the request approval and the employee's unpaid time off.

Employees receiving and using shared leave will continue eligibility for employment benefits (healthcare, leave accruals) in accordance with the City of Trinidad's Personnel Policy based on the number of leave hours they are paid. If the employee's health condition qualifies under the Family Medical Leave Act (FMLA), the employee's paid time will count as FMLA (maximum FMLA = 12 weeks).

5. SHARED LEAVE TERMINATED UNDER CERTAIN CONDITIONS

Shared leave will terminate if:

- The employee receives the maximum number of donated leave hours (480 hours);
- A physician releases employee to full-time work;
- The employee receives worker's compensation benefits, unemployment insurance benefits or Disability Insurance payments; OR
- The receiving employee terminates employment.

6. CITY OF TRINIDAD WILL NOT RELEASE INFORMATION PERTAINING TO SHARED LEAVE DONATIONS

The amount of leave hours donated by one employee to another employee is considered confidential information and is not subject to disclosure.

Shared Leave Donation Form

To be completed by Employee donating hours

Employee Name (Printed): _____

Date of Hire: _____

I authorize the City of Trinidad, under the outlined conditions, to transfer the following leave to the recipient's donated leave bank.

Conditions:

- *Vacation/sick hours donated cannot reduce my vacation/sick leave balance to less than forty (40) hours.*
- *Hours donated on an hour-for-hour basis in one hour increments.*
- *The hours are donated to a recipient who meets the eligibility requirements.*
- *Unused donated hours are not returned to the donor.*

Donation To: _____

(Name of Recipient)

Number of Hours Donated:

Vacation: _____

Sick: _____

Employee Signature

Date

*****Return this form to Human Resources*****

Verification of Eligibility

To be completed by Human Resources

Total Vacation/Sick Leave as of Today:	
Total Vacation/Sick Leave after donating hours:	
Total Donated Leave Approved:	

Transfer made for the following pay period: _____

HR Authorization Signature

Date

Shared Leave Request Form

To be completed by Employee requesting leave donations

Employee Name (Printed): _____ Date of Hire: _____

To the best of my knowledge, I meet the criteria outlined in the shared Leave Policy for receiving donated leave as outlined below:

Conditions:

- I have completed by initial introductory or probationary period.
- I am unable to work due to a serious health condition, or I need to care for a dependent with a serious health condition. A Certification from a Health Care provider is included with this request.
- I have (or will have) exhausted all my paid time off.
- I am not eligible to receive worker's compensation benefits, unemployment benefits or disability benefits.

Name of Person with serious health condition: _____ (If dependent, please indicate relationship to you)
Explanation of Health Condition: _____ _____ _____
Duration of Leave Expected: _____ _____

Employee Signature _____ Date _____

*****Return this form to Human Resources*****

Verification of Eligibility

To be completed by Human Resources

	Yes	No
Employee has completed probationary period?		
Employee is unable to work due to serious health condition, or needs to care for a dependent with a serious health condition. Employee completed a Certification from a Health Care Provider?		
Employee has exhausted all paid time off?		
Employee is not eligible to receive worker's compensation benefits, unemployment benefits, or disability benefits?		
Employee is entitled to receive shared leave up to 480 hours for this illness or injury?		
This Employee's health condition qualifies under FMLA and this paid time off will count towards the FMLA maximum of 12 weeks of leave (480 hours)?		

HR Authorization Signature _____ Date _____



COUNCIL COMMUNICATION

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CITY COUNCIL MEETING: May 12, 2015 Work Session
PREPARED BY: Tara Marshall, City Intern
PRESENTER: Tara Marshall, City Intern
DEPT. HEAD SIGNATURE: *Jan*
CITY MANAGER SIGNATURE: *Judith Barnett, AOM*

SUBJECT: Consideration of an ordinance to establish a Certified Local Government.

RECOMMENDED CITY COUNCIL ACTION: Adopt or Amend the Ordinance

SUMMARY STATEMENT:

In the Fall of 2014 a Citizen Task Force was formed at the behest of the Trinidad City Council to consider the issue of becoming a Certified Local Government. The Task Force met for 6 months and produced this Ordinance for the Council's consideration. During this 6-month period, participants included, Bill Barns, Marilyn Leuszler, Ed Trommeter, Glenn Davis, Wayne Pritchard, Michael Klaus, Michelle Miles, Tara Marshall, Chris Kelley and Tim Stroh (DOLA). The task force considered both the advantages and disadvantages of adopting the Ordinance and the benefits a Certified Local Government would bring to desired Economic Development Activity.

- Benefits of Becoming a Certified Local Government
 - Would make the Historic Preservation Tax Credits offered at the State Level more accessible across a broad spectrum of property owners.
 - The Trinidad CLG Ordinance is written so that the program is entirely voluntary.
 - The Trinidad CLG Ordinance does not prohibit any necessary actions such as actions needed to make the building safe, even if the building has become locally landmarked.
 - The Trinidad CLG Ordinance would give the City access to grant funding from History Colorado to update the Historic Inventory of the National Historic District.
 - The Trinidad CLG Ordinance while voluntary would still work to create a Historic Preservation Ethic on behalf of the City of Trinidad and would serve to raise the City's stature with Preservation Funding Organizations.
 - The Ordinance was written by a cross section of citizen opinions and private property rights were considered extensively in the debate to construct the Ordinance.
 - Becoming a CLG would take the City one step closer to preserving the Historic Character of the Downtown and becoming a Designated Main Street Community.
- Disadvantages of Becoming a Certified Local Government
 - Once a property has been locally landmarked the next owner of the property cannot opt out of the program. Once a building is landmarked, it stays landmarked.
 - This will be an additional quasi-judicial Commission that will need to have five (5) citizen volunteers appointed to it.
 - This Ordinance although voluntary provides more restrictions to private property than currently exist.
 - Becoming a Certified Local Government will require additional staff resources to manage the Historic Preservation Commission and to process the applications for landmarking and the certificates for alteration of the landmarked property.
 - Staff capacity and training will be required not just to administer the program but to tie its efforts into the other City initiatives.

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EXPENDITURE REQUIRED: No specific amounts have been identified. Some training will be required. An appropriate estimate is \$1,500 for travel expenses, although these funds may never become necessary.

SOURCE OF FUNDS: General Fund, Planning Department

POLICY ISSUE: Approval of an Ordinance to become a Certified Local Government therefore increasing the access to tax credits for historic property owners within the City.

ALTERNATIVE: Using the Historic Tax Credits for those buildings that are currently on the National Register and investing other methods of gaining tax credits for the remainder of the properties.

BACKGROUND INFORMATION:
Included in Summary Statement Above.

CONTACT FOR INFORMATION: Tara Marshall, City Intern: (719) 846-9843 ext. 131



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, ESTABLISHING A HISTORIC PRESERVATION COMMISSION THROUGH A CERTIFIED LOCAL GOVERNMENT

WHEREAS, the City desires to designate, preserve, protect, enhance and perpetuate those buildings, sites, structures, objects and districts which reflect outstanding elements of the City's cultural, artistic, social, ethnic, economic, political, architectural, historic, technological, institutional or other heritage; and

WHEREAS, the protection and preservation of the City's historic built environment will enhance property values, and help stabilize the City's economy; and

WHEREAS, the City's historic buildings, sites, structures, objects and districts foster civic pride in the beauty and accomplishments of the past; and

WHEREAS, the rehabilitation of the City's historic buildings, homes and neighborhoods will enhance the City's attraction to tourists and visitors, increase the quality of life for our citizens and encourage future economic development; and

WHEREAS, a Certified Local Government will promote historic preservation to private property owners through the renovation of historic sites and structures for economic purposes; and

WHEREAS, the City's goal is to take advantage of economic development through historic preservation by creating a Historic Preservation Commission that will be a resource for national, state and local incentives; and

WHEREAS, the City Council's goal is to establish a method of protecting private property rights and preserving the City's unique historic character through

the creation of a Historic Preservation Commission that will act as a quasi-judicial commission of a Certified Local Government..

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

Section 1. Article 13, Certified Local Government of Chapter 14, of the Code of Ordinances of the City of Trinidad is enacted in its entirety as follows:

ARTICLE 13. CERTIFIED LOCAL GOVERNMENT.

Section 14-245. Historic Preservation Commission

(1) Establishment. There is hereby created a Historic Preservation Commission, hereinafter in this Chapter 14, Article 13 referred to as the *Commission*.

(2) Membership.

(a) The Commission shall consist of five (5) members providing a balanced, community-wide representation, and all shall have an interest in historic preservation. The Commission shall have at least one (1) design professional, (1) licensed real estate broker and (3) members at large. Commission members shall not be members of the Trinidad City Council or a City Council Officer as defined in Section 2-16 of the Code of Ordinances.

(b) A majority of the voting members of the Commission shall be residents of the City of Trinidad for a minimum of one (1) year prior to appointment. The remaining member of the Commission must reside in Las Animas County and must either own property within the City and/or have a licensed business within the City.

(3) Appointments and Terms.

(a) Members of the Commission shall be appointed by the Trinidad City Council and shall serve a three year staggered term from the date of appointment. In order to stagger the initial terms of membership the original membership shall serve as follows:

One (1) appointment shall serve a one-year term
Two (2) appointments shall serve two year terms
Two (2) appointments shall serve three year terms

(b) Members may be reappointed by the City Council to serve successive terms without limitation.

(c) Appointments to fill vacancies on the Commission shall be made by the City Council. Such appointments shall be for the remainder of the vacated term only.

(d) Members of the Commission may be removed by a majority vote of the City Council for just cause, which includes neglect of duty, acts detrimental to the City's interest, malfeasance in office or excessive absences. Absences by members of the commission of three consecutive meetings or three absences in a six month rolling period shall be cause for evaluation by City Council for the purpose of consideration of the member's removal from the Commission. The City Clerk shall advertise vacancies in a newspaper of local circulation requesting that interested individuals submit a letter indicating their interest and qualifications for the position advertised.

(4) Officers and Voting

(a) The Commission shall by majority vote, elect one (1) of its members to serve as chairperson to preside over the Commission's meetings. This shall be done at the first meeting of each calendar year. This term shall be for one (1) year with eligibility for re-election.

(b) A quorum for the Commission shall consist of a majority of the regular membership. A quorum of 3 members is necessary for the Commission to hold a public hearing or to take official actions. A tie vote shall be deemed a denial of the motion or recommended motion.

(5) Meetings and Appearances

(a) The Commission shall hold at least one (1) regular meeting per quarter, with monthly meetings as necessary. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. The City shall provide an administrative staff person to assist with this function.

(b) No member of the Commission shall appear on his/her own behalf or on the behalf of any private person before either the Historic Preservation Commission or the City Council in connection with any matter before the Commission.

Section 14-246. Powers, Duties and Authority of the Commission

The Commission shall act in a quasi-judicial manner, and it shall have the following powers, duties and rulemaking authority:

(1) Adopt criteria for review of historic properties and for review of proposals to alter, demolish or relocate designated properties.

(2) Review properties nominated for designation as a local landmark and recommend that the City Council designate by ordinance those properties qualifying for such designation. Nominated properties will only be reviewed once the property owner has given written permission for the designation; Review districts nominated for designation as local historic districts and recommend that the City Council designate by ordinance those districts qualifying for such a designation. Nominated districts will only be reviewed once 100% of the property owners have given written permission for the designation.

(3) Review and make decisions on any application for alterations to a designated historic landmark.

(4) Review and make decisions on any application for moving or demolishing a historic landmark.

(5) Maintain a list of significant historic properties through the periodic updating of the Trinidad Inventory of Historic Buildings.

(6) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the National Register of Historic Places.

(7) In conjunction with the local historical based organizations, the Commission should seek to develop and assist in public education programs, lectures and conferences.

(8) Conduct surveys of historic areas for the purpose of defining those of historic significance, and prioritizing the importance of identified historic areas and structures.

(9) Advise the Planning, Zoning and Variance Commission and the Trinidad City Council on matters related to preserving the historic character of the City.

(10) Actively pursue financial assistance for preservation-related programs through grants and by other means in partnership and collaboration with other entities as much as possible.

(11) Recommend removal of properties from the register of local landmarks if the criteria for revocation of designation are met.

Section 14-247. Local Historic Landmark Designation

(1) Pursuant to the procedures hereinafter set forth in Section 14-246(2), the City Council may, by ordinance designate as a landmark an individual structure or an integrated group of structures on a single lot or site having a special historical or architectural value;

(a) Each such designating ordinance shall include a description of the characteristic of the landmark which justifies its designation and a description of the particular features that should be preserved, and shall include a legal description of the location, boundaries of the landmark site and the character defining features that qualify the landmark for designation.

(b) Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Section 14-247(3).

(c) The property included in any such designation shall be eligible for such incentive programs as may be developed by this Commission and the City Council.

(d) No such designating ordinance will be enacted involving a property without written permission from the property owner.

(2) Procedures

(a) A nomination for designation may be made by any property owner desiring to obtain a landmark designation by filing an application with the City of Trinidad Planning Department.

(b) The Commission shall hold at least one (1) public hearing on the proposal no more than forty-five (45) days after the filing of the application. The notice of the time and place of the public hearing shall be made by one (1) publication in a newspaper of local circulation in the City. The Commission shall review the application for conformance of the proposed designation with the established criteria for designation and the standards set forth in Section 14-247(3).

(c) At the conclusion of the public hearing or within not more than forty (40) days after the conclusion of the public hearing, the Commission shall 1) approve or 2) modify and approve or 3) disapprove the proposal by a majority vote.

(d) The Commission shall forward its recommendation and written report to the Trinidad City Council for consideration and final action.

(3) Standards for local landmark designation

The Trinidad Historic Preservation Commission, duly empowered as defined in Section 14-246(2), will evaluate and determine the merit of sites as defined in Section 14-247(3), for local landmark designation. The following historical, architectural or geographic criteria shall be used in this determination:

(A) If it is at least fifty (50) years old; AND

(B) If it has historic importance. Historical importance relates to a building, structure, object and/or site that:

- (a) Has character, interest, value and which has affected the development, heritage, or cultural characteristics of the City, the State of Colorado or the Nation; or
- (b) Is the site of a historic event that has interest, value and which has affected the development, heritage, or cultural characteristics of the City, the State of Colorado or the Nation; or
- (c) Is identified with a person or group of persons who had some influence on the development, heritage and cultural characteristics of the City, the State of Colorado or the Nation; or
- (d) Exemplified the cultural, political, economic, social or historical heritage of the community; OR

(C) If it has architectural importance. Architectural importance relates to a building, structure, object and/or site that:

- (a) Portrays the environment of a group of people in an era of history; or
- (b) Embodies the distinguishing characteristics of a significant or unique architectural type specimen; or
- (c) Is the work of an architect or master builder whose individual work has influenced the character of the City, State of Colorado or the Nation; or
- (d) Contains elements of design, detail, materials or craftsmanship which represent a significant architectural style; OR

(D) If it has geographic importance. Geographic importance relates to a building, structure, object and/or site that:

- (a) Should be preserved based on a consistent historic, cultural or architectural motif; or
- (b) Due to its unique location or singular physical characteristics represents an established and familiar visual feature of the city.

(E) Any site listed on the State or National Register of Historic Places shall be deemed to qualify for local designation under this Section 14-247(3), but is not automatically designated as a Local Landmark and must submit an application to receive the designation.

Section 14-248. Local Historic District Designation

(1) Pursuant to the procedures hereinafter set forth in Section 14-246(2), the Trinidad City Council may, by ordinance designate as a district a contiguous area as having a special historical or architectural value;

(a) Each such designating ordinance shall include a description of the characteristic of the district which justifies its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the district area.

(b) The designating ordinance may also indicate alterations which would have a significant impact upon, or be potentially detrimental to, the district area.

(c) Any such designation shall be in furtherance of and in conformance with the purposes and standards of Section 14-248(3).

(d) The district included in any such designation shall be eligible for such incentive programs as may be developed by the Trinidad Historic Preservation Commission and the Trinidad City Council.

(2) Procedures

(a) A nomination for designation may be made by any property owner desiring to obtain a district designation by filing an application with the City of Trinidad Department of Planning.

(b) The Planning Department shall contact every property owner of record within the boundaries of the proposed district outlining the reasons and effects of the designation and, secure the consent of 100% of the ownership within the proposed area before the nomination is accepted as complete for review.

(c) The Commission shall hold at least one (1) public hearing on the proposal no more than forty-five (45) days after the nomination has been accepted for review. The notice of the time and place of the public hearing shall be made by one (1) publication in a newspaper of local circulation in the City. The Commission shall review the nomination for conformance of the proposed designation with the established criteria for designation and the standards set forth in Section 14-248(3).

(d) At the conclusion of the public hearing or within not more than forty (40) days after the conclusion of the public hearing the Commission shall 1) approve, or 2) modify and approve or 3) disapprove the proposal by a majority vote.

(e) The Commission shall forward its recommendation and written report to the Trinidad City Council for consideration and final action.

(3) Standards for local landmark designation

The Trinidad Historic Preservation Commission, duly empowered as defined in Section 14-246(2), will evaluate and determine the merit of sites as defined in Section 14-248(3), for local district designation. The following historical, architectural or geographic criteria shall be used in this determination:

(A) The proposed district has a percentage of structures that are at least (50) years old; AND

(B) The proposed district has historical importance. Historical importance relates to a district and/or area that:

(a) Has character, interest, value and which has affected the development, heritage, or cultural characteristics of the City, the State of Colorado or the Nation; or

(b) Is the site of a historic event that has interest, value and which has affected the development, heritage, or cultural characteristics of the City, the State of Colorado or the Nation; or

(c) Is identified with a person or group of persons who had some influence on the development, heritage and cultural characteristics of the city, the State of Colorado or the Nation; or

(d) Exemplified the cultural, political, economic, social or historical heritage of the community; OR

(C) The proposed district architectural importance. Architectural importance relates to a district and/or area that:

(a) Portrays the environment of a group of people in an era of history; or

(b) Embodies the distinguishing characteristics of a significant or unique architectural type specimen; or

(c) Includes the work of an architect or master builder whose individual work has influenced the character of the City, State of Colorado or the Nation; or

(d) Contains elements of design, detail, materials or craftsmanship which represent a significant architectural style; OR

(D) The proposed district has geographic importance. Geographic importance relates to a district and/or area that:

- (a) Should be preserved based on a consistent historic, cultural or architectural motif; or
- (b) Due to its unique geography or physical characteristics represents an established and familiar visual feature of the City.

Section 14-249. Revocation of a Designation

(1) Revocation of local historic landmark designation from buildings, structures, objects and/or sites.

(a) If a designated local landmark is lawfully removed, demolished or the victim of a natural disaster, the Trinidad Historic Preservation Commission and/or the property owner may request that the Trinidad City Council take action to revoke the local historic landmark designation.

(b) Trinidad City Council must revoke a designation by ordinance. Revocation of a designation is final.

(2) Revocation of local historic district designation from districts and/or areas.

(a) If a designated local district is significantly depleted of its qualifying historic structures or is the victim of a natural disaster, the Trinidad Historic Preservation Commission may request that the Trinidad City Council take action to revoke the local historic district designation.

(b) Trinidad City Council must revoke a designation by ordinance. Revocation of a designation is final.

(3) Removal of individually-owned properties from a designate district

(a) An owner may submit a written request to have their property excluded from an established district at any time.

Section 14-250. Landmark Alteration Certificates

(1) No person shall carry out or permit to be carried out on a designated landmark property any new construction, alteration, removal or demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work.

(a) The City of Trinidad Building Department shall be provided a current record of all designated landmark properties and pending designations by the Historic

Preservation Committee. The Building Department will refer any requests regarding these properties to the City of Trinidad Planning Department.

(2) Construction on proposed landmark properties.

(a) No person shall receive a permit to construct, alter, remove or demolish any structure or other feature on a proposed landmark property after an application has been filed to landmark the property. Any such permit will be placed on hold until the landmark proceedings have come to a conclusion.

(3) Landmark alteration certificate application and Commission review.

(a) An owner of property which has been designated as a local landmark or a property that is located within a locally designated historic district will be required to apply for a landmark alteration certificate before making any alterations to the exterior appearance of the property.

(b) The City of Trinidad Planning Department will process the landmark alteration certificate application as well as any required design specifications that illustrate the proposed changes to the landmarked property.

(c) The City of Trinidad Planning Department shall make available a detailed list of submittal requirements for the applicant's use.

(A) Administrative Review Process for Minor Alterations.

(I) A streamlined administrative review process shall be made available to applicants proposing minor changes to a landmarked structure.

(II) The Commission shall establish written eligibility and review criteria for the staff to follow. The staff may request that the submitted review be scheduled for formal review by the Commission if there is any uncertainty as to the intent of the criteria as it applies to a specific request.

(III) The administrative process shall be concluded within fifteen (15) days of a complete application submittal. The applicant may appeal any administrative decision to the Commission by submitting an appeal request in writing to the City Clerk within fifteen (15) days of the administrative ruling.

(B) Meeting and Hearing Requirements.

(I) The Commission shall hold a public meeting on all applications for landmark alteration certificates within forty-five

(45) days after an application has been received by the City of Trinidad Planning Department.

(II) The Commission shall hold a noticed public hearing which is required for requests involving demolition or removal of a landmarked structure. Notice of time, date and place of such hearing, and a brief summary of explanation of the subject matter of the hearing, shall be posted on the property in a manner visible from all adjacent public rights-of-way at least fifteen (15) days prior to the hearing. The applicant is responsible for accomplishing the public notice.

(C) Commission Review.

(I) At the conclusion of the public hearing or within not more than forty (40) days after the conclusion of the public hearing the Commission shall determine whether the application meets the established review standards for alterations as outlined in Section 14-251(1)

(II) The Commission shall adopt written findings and conclusions and either approve, or approve with conditions or disapprove the application by a majority vote.

(D) Extension of Review Period.

(I) When reviewing alteration certificate applications involving moving or demolition of a landmarked structure, the Commission may extend the review period up to ninety (90) additional days if the Commission finds the original application does not meet the established review standards for alterations.

(II) The ninety-day extension period shall be used to encourage both the applicant and the Commission to explore acceptable alternative solutions to the original submittal.

(4) Appeal or call-up of disapproved proposals.

(a) A decision of the Commission approving or disapproving an application for alteration or extending the review period on the application is final unless appealed to the Trinidad City Council as provided below:

(A) An applicant may appeal any decision of the Commission to the City Council by filing a written notice of appeal with the Planning Department within fifteen (15) days of the Commission's decision.

(B) Council Meeting and Decision.

(I) Within forty-five (45) days of the date of any decision of the Commission to disapprove or modify an alteration certificate application, the Council shall hold a public meeting on the matter.

(II) Where a decision to move or demolish a landmarked structure is involved, public notice shall be required in accordance with Section 14-250(3)(c)(B)(II).

(III) The Council shall consider the written findings and conclusions of the Commission and the proposal's conformance to adopted alteration certificate criteria as noted in Section 14-251(1) and shall approve, or approve with conditions, or disapprove the proposed application.

(C) Undue Hardship Appeals.

(I) The Council may consider claims of economic or undue hardship in cases where an applicant was denied an alteration certificate by the Commission.

(II) The applicant must provide adequate documentation and/or testimony at the Council meeting to justify such claims. The following includes the type of information, plus any other information the applicant feels is necessary, which must be submitted in order for the Council to consider a hardship appeal:

(1) Estimate of the cost of the alteration proposed under the denied alteration certificate, and an estimate of any additional costs which would be incurred to comply with the alterations recommended by the Commission.

(2) Estimates of the value of the property in its current state, with the denied alterations, and with the alterations proposed by the Commission.

(3) Information regarding the soundness of the structure or structures, and the feasibility for rehabilitation which would preserve the character and qualities of the designation.

(4) In the case of income-producing properties, the annual gross income from the property, the operating and maintenance expenses associated with the property, and the effect of the proposed alterations and Commission-recommended alterations on these figures.

(5) Any information concerning the mortgage or other financial obligations on the property which are affected by the denial of the proposed alterations.

(6) The appraised value of the property.

(7) Any past listing of the property for sale or lease, the price asked, and any offers received on that property.

(8) Information relating to any nonfinancial hardship resulting from the denial of an alteration certificate.

(III) The Council may refer the information for review by the Commission prior to rendering its final decision on any hardship related appeal. If it is determined that the denial of the certificate of alteration would pose an undue hardship on the applicant, then a certificate of alteration noting the hardship relief shall be issued, and the property owner may make the alterations outlined in the alteration certificate application.

(5) Issuance of a landmark alteration certificate.

(a) The Planning Department shall issue a landmark alteration certificate if an application has been approved by the Commission or appealed and approved by the City Council.

(b) Time Limit.

When approving an application for a landmark alteration certificate, the Commission or City Council may impose a time limit for the applicant to apply for a building permit conforming to the certificate.

(6) Unsafe or dangerous condition exempted.

(a) Nothing in this Chapter 14, Article 13 of the Code of Ordinances shall be construed to prevent any measures of construction, alteration, removal or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature or parts thereof where such condition is declared unsafe or dangerous by the City Building Official or Fire Inspector and where the proposed measures have been declared necessary by the City Manager to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a landmark alteration certificate under this Ordinance, but a certificate is required for permanent alteration, removal or demolition.

(7) Property maintenance required.

(a) The City Council intends to preserve from deliberate or inadvertent neglect the exterior portions of designated landmarks and all interior portions thereof whose maintenance is necessary to prevent deterioration of any exterior portion. No owner, lessee or occupant of any landmark shall fail to prevent significant deterioration of the exterior of the structure or special feature beyond the condition of the structure on the effective date of the successful landmark status of the property.

(b) No owner, lessee or occupant of any contributing property within a locally designated historic district shall fail to comply with all applicable provisions of Section 14-250(7)(a) regulating property maintenance.

(c) Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any external architectural feature which does not involve change in design, material, color or outward appearance of a designated landmark.

Section 14-251. Criteria to review alteration certificate

(1) The Commission and City Council shall consider the proposed alteration for conformance with the Secretary of Interior's Standards for Rehabilitation. Conformance to specific alteration criteria for individual properties, structures or districts imposed at the time of initial designation must also follow the Secretary of Interior's Standards for Rehabilitation.

(2) The Commission and City Council may adopt additional criteria or policy design guidelines to aid in the review of alteration certificate applications. Such criteria and policies shall be written and made available to all alteration certificate applicants and the general public.

Section 14-252. Non-locally Landmarked Properties on the National and/or State Historic Register

(1) Public notice and hearing requirement prior to proposed alterations.

(a) Affected Properties. Structures listed on the National Historic Register and/or the State Historic Register which are still standing and which have not been designated by the City as a local historic landmark may be subject to notice and hearing requirements prior to the issuance of a building permit for any proposed building alteration involving a significant change to a building's exterior appearance, building removal or building demolition.

(b) Public Meeting and Hearing Required. Before a building permit can be issued for proposed alterations to such structures as identified in Section 14-252(1)(a), the proposal shall be considered at a public meeting before the Commission no

later than forty-five (45) days after the request for building permit has been accepted by the City Building Department.

(c) If the permit involves building removal or demolition, public notice of the meeting shall be required. Notice of time, date and place of such meeting, and a brief summary of explanation of the subject matter of the hearing, shall be posted on the property in a manner visible from all adjacent public rights-of-way at least ten (10) days prior to the hearing. The City shall be responsible for accomplishing the public notice.

(d) The purpose of the meeting shall be to review the proposed alteration with the applicant and, if warranted, discuss alternative designs, materials and actions with the applicant which would better preserve the historic character of the property.

(e) Within five (5) days following the public meeting, the applicant shall be entitled to be granted a building permit for the proposed alteration, changed or unchanged, assuming that all other City codes and requirements have been met and if no application for landmark designation has been submitted.

Section 14-253. Penalties and Sanctions

(1) Prohibition. No person shall violate or permit to be violated any of the requirements of this Section 14-250 or the terms of a landmark alteration certificate.

(a) Criminal Penalties. The following violations of this Chapter are punishable by a fine of up to one thousand dollars (\$1,000.00):

(A) Moving or demolishing a designated landmark structure without an approved landmark alteration certificate.

(B) Other types of alterations to a designated landmark without an approved landmark alteration certificate.

(C) Moving, demolishing or otherwise altering a structure with a pending application for landmark designation.

(D) Alterations to a defined historically significant structure without having first undergone the required public meeting process.

(b) Council Sanctions. Irrespective of the imposition of the criminal penalties provided above, the City Council may impose the following nonpenal sanctions if, after a due process hearing, it is found that the provisions of Section 14-250 have been violated:

(A) Moving or demolishing a designated landmark structure without an approved landmark alteration certificate. The Council may restrict the

issuance of any building permits on the site for a period of up to five (5) years, in addition to any fines imposed through the Municipal Court.

(B) Other types of alterations to a designated landmark without an approved landmark alteration certificate. The Council may require that the structure be returned to its original state or restrict the issuance of any building permit on the site for up to two (2) years, in addition to any fines imposed through the Municipal Court.

(C) Moving, demolishing or otherwise altering a structure with a pending application for landmark designation. The Council may restrict the issuance of any building permit on the site for a period of up to five (5) years, in addition to any fines imposed through the Municipal Court.

(D) Alterations to a defined historically significant structure without having first undergone the required public meeting process. The Council may restrict the issuance of any building permit on the site for a period of up to two (2) years, in addition to any fines imposed through the Municipal Court.

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of the Ordinance, or of any of the primary or secondary codes adopted by reference herein, be judicially determined unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance or codes adopted by reference. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

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

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED, this ____ day of _____, 2015.

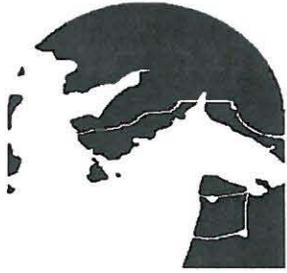
PASSED AND APPROVED this ____ day of _____, 2015.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of _____, 2015.

JOSEPH A. REORDA, Mayor

ATTEST:

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 12th, 2015 Work Session
PREPARED BY: Tom Beach, Public Works
PRESENTER: Mike Valentine, PW/Utilities Dir.
DEPT. HEAD SIGNATURE: *Tom Beach*
CITY MANAGER SIGNATURE: *Andrea Barrett, ACM*

SUBJECT: Consideration of the RFP (Request for Proposal) received from Applied Pavement Technology of Urbana, IL, for a Pavement Condition Survey of selected City streets.

RECOMMENDED CITY COUNCIL ACTION: Forward to Regular Meeting of May 19th, 2015 for approval.

SUMMARY STATEMENT: RFP's were solicited and received from two (2) pavement technology firms for the creation of a Pavement Condition Index Plan, a Ground Penetrating Radar Report, Deflection Testing, and GIS integration. The results of these tests will give the City long range planning guides for future paving and repair of minor arterial and major collector roads within the city limits.

EXPENDITURE REQUIRED: Yes, \$54,600.00

SOURCE OF FUNDS: Capital Improvement Funds appropriated in the 2015 City Budget

POLICY ISSUE: N/A

ALTERNATIVE: City council could decide not to complete the Survey of local minor arterials and major collector roads.

BACKGROUND INFORMATION: RFP's were received from two firms, and after consideration by City staff, Applied Pavement Technology was selected based on economy of scale and being the only company able to supply all of the testing requested by the City. Their price was not the lowest, but they stressed that the City could get the testing done for a lesser cost, if Applied could consolidate some of the testing. The City had asked for each portion of the Survey to be quoted individually.

CONTACT FOR INFORMATION:
Tom Beach, Public Works
(719) 846-9843, ext. 126