



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad, Colorado, will be held on Tuesday, March 18, 2014 at 7:00 P.M. in City Council Chambers at City Hall

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Special Meeting and Regular Meeting of March 4, 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) Tavern liquor license renewal request by Lumber Jacks Bar & Grill, LLC d/b/a Lumber Jacks Bar & Grill at 1133 N. Linden Avenue
 - b) Hotel and restaurant liquor license renewal request by Brix, Inc. d/b/a Brix at 231 E. Main Street
 - c) Special events permit application (malt, vinous and spirituous) filed by The Kiwanis Club of Trinidad, Colorado, at 206 N. Animas Street for April 5, 2014 (Peacock Ball)
 - d) Consideration of Water Lease Agreement between the Torres Trout Hatchery/Ken Torres and the City of Trinidad
 - e) Authorize Mayor to execute letter of support for the State Historical Fund grant application for the Trinidad Power & Light Building Rehabilitation (Hughes Lumber at 127 Plum Street)
 - f) First reading of an ordinance correcting the article number identified in Ordinance No. 1955, which established regulations and licensing requirements for medical marijuana businesses, and setting a hearing date for consideration of said ordinance
- 8) **BILLS**
- 9) **PAYROLL**, March 15, 2014 through March 28, 2014
- 10) **ADJOURNMENT**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Audra Garrett, City Clerk, 135 N. Animas Street, Phone (719) 846-9843, or FAX (719) 846-4140. At least a 48 hour advance notice prior to the scheduled meeting would be appreciated so that arrangements can be made to locate the requested auxiliary aid(s).

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, March 4, 2014, at 5:30 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, March 4, 2014, at 5:30 p.m. in the Council Chambers at City Hall

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

- 1) Executive session – For 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 – Discussion of Continuing Employment of City Manager

The meeting was called to order at 5:32 p.m.

Roll call was taken.

There were present:	Mayor	Reorda, presiding
	Councilmembers	Bolton, Bonato, Fletcher, Mattie, Torres
	Councilmember	Miles – entered the meeting at 6:53 p.m.
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

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 – Discussion of Continuing Employment of City Manager. A motion to enter into executive session for the stated purpose was made by Councilmember Bolton. Councilmember Torres seconded the motion which carried by a unanimous roll call vote. The executive session ensued at 5:33 p.m. Upon conclusion of executive session at 6:58 p.m., the special meeting resumed.

There being no further business, the meeting was adjourned.

ATTEST:

JOSEPH A. REORDA, Mayor

AUDRA GARRETT, City Clerk

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, March 4, 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, Torres
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Special and Regular Meeting of February 18, 2014. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Torres. The motion carried unanimously upon roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Jay Martinez addressed Council. He stated that they have a few products they have developed and are hoping to build a business in Trinidad with them. Mr. Martinez said thus far they have been disappointed with the feedback from the community. Pueblo and Walsenburg told them of incentives should they build their business there. They approached the local Economic Development and Tourism Board about a way to fix the website, but never got a response on their idea or anything at all. He added that they get the cold shoulder from a lot of people here. He said they intend to create 15 to 20 jobs in Trinidad immediately. Trinidad needs jobs and attractions. He said they have something that will attract people to town but are not getting any cooperation. They've looked at about six buildings and intend to have 20 immediate jobs that could turn into 40 to 50 jobs. They are the first in the United States to do something like this. The technology is not available anywhere else. He said he wondered if there are other businesses going to Economic Development or the City who are not getting responses either. He described it as not being a welcoming atmosphere. Mr. Martinez said although they have opportunities to go elsewhere they'd like to stay here. He pointed to a person in the audience named Bruce and said he has been trying to build a business here, but has never gotten any cooperation, push or feedback. If you are going to waste the time in having a board you should see what you can do to help new people. He said they are asking for cooperation. At least give them feedback. Mr. Martinez said his understanding is that the information wasn't even given to City Council by the City Manager. He asked that it be given to them. City Manager Acre told Mr. Martinez that he never received anything from him as follow up from their meeting. He's had no e-mails and no contact from them. Mr. Martinez said he would get it to him.

COUNCIL REPORTS. Councilmembers Mattie, Bolton, Miles and Torres had nothing to report.

Councilmember Fletcher said the Library Advisory Board is not yet formed; they are waiting on applications.

Councilmember Bonato reported on his and the Mayor's recent visit to Fort Carson. He said they were treated great by Garrison Commander Colonel Grosso. They also met with the new Commander, Mr. Hamilton. Mrs. McNaught and Mrs. Billie Gardner provided them with a tour of the facilities and treated them very special. Councilmember Bonato said it was his first time on Fort Carson and described it as a city within a city. He continued that he and the Mayor and Colonel Grosso talked about helping disabled veterans and talked about what they are really going through. They also discussed possibly getting soldiers and their families out to visit Monument Lake and showing them a good time. Councilmember Bonato thanked the Mayor and Kim Schultz for inviting him to do this. He also reported that he and the Mayor participated in the Legacy Assisted Living senior Olympics. They presented the metals. He said it is a wonderful facility and commended Mrs. Santistevan for her work there. Mayor Reorda suggested it would be a good idea for the entire Council to visit Ft. Carson as a group. Councilmember Bonato said Mrs. Santistevan would also like a collective visit from Council.

REPORTS BY CITY MANAGER. Business. City Manager Acre said he and the Police Chief received a phone call that there may be a group in town on Friday looking for buildings. They are called Cyber GT. They do internet cafes and kiosks for shopping and a kiosk to enter into sweepstakes. He said he and City Attorney Downs will look into the legalities. The person who contacted him said they have an attorney in Denver working on a model ordinance because they would like to be regulated just like marijuana. They are talking with the Attorney General about whether this is legal in Colorado. He told Council he would pass along their information from their website.

Action 22. City Manager Acre reported that he attended the Action 22 board meeting last Friday and they will be having a follow-up retreat. Limited-stakes gambling is getting more legs in Colorado for another state-wide vote. The town of DeBeque, Mesa, Pueblo, and Arapahoe Counties are looking at potentially doing horseracing. Action 22 doesn't support more gambling in Colorado at this time. If Trinidad should decide to pursue gambling we should go to Action 22 to see if they will change their position and support us. He said he also had an opportunity to talk to Congressman Gardner's representative regarding the National Heritage Program, a sort of land preservation program. They might be able to get the City funds for renovation of buildings downtown. There is some discussion on the eastern plains about it and discussion about western Las Animas County tying mining to it. They are supposed to get him additional information on the program.

REPORTS BY CITY ATTORNEY. Medical Marijuana. City Attorney Downs told Council that one week from Friday the City will begin taking and processing medical marijuana applications (if approved). He explained that the reason he reminded Council of that fact was because staff has not yet been tasked on retail marijuana licensing, if that is this Council's intent. Councilmember Bolton asked about growing operations. City Attorney Downs said with respect to medical marijuana it is an appendix to the store license or infused-products license, called an off-premises cultivation operation. It is in addition to the store or infused-products license. In 90 days of having a business, the licensees will be

required to certify they are cultivating 70% of their product. One can't just get a cultivation license. Councilmember Bolton asked if grow facilities are more in connection with retail marijuana. City Attorney Downs answered affirmatively. Councilmember Miles said in thinking of the sequence, if a person has to grow 70% when you are getting your license where does your medical marijuana come from? City Attorney Downs said people will have 90 days and it doesn't have to grow from seed. He added that the volume for retail versus medical is not the same and the medical volume is more easily met. Mayor Reorda asked how he has been answering the retail marijuana questions. City Attorney Downs said that he tells people that more likely than not retail marijuana will be allowed at some point. He added that people are chomping at the bit for retail. Councilmember Mattie asked if Council is allowing five licenses if there is a procedure in place to decide which five. City Attorney Downs said it will be first come first serve. He noted Councilmember Bolton has pointed out that the ordinance as proposed doesn't allow firearms on the premises. All of this can be amended. Mayor Reorda asked if the City will be advertising. City Attorney Downs said March 14th will be the date and there are a number of things people have to do. One thing is that they will need to apply for a conditional use permit. They need their building, written authorization from the landlord, their ownership formed with all Colorado residents. He said staff anticipates there will be a lot of people ready to apply. It will cost approximately \$20,000 in start-up licensing costs. Councilmember Mattie pointed out that given the complexity of the process it may not be the first five people through the door that get licensed, rather the first five qualified through the door. City Attorney Downs said that if there is an application and it is not technically valid, at what point does it get rejected and moved to the bottom of the pile? He reminded Council that he is there to represent City Council and the City. People interested in a business need to seek the benefit of their own outside legal counsel. Staff is still going over forms. Mayor Reorda suggested the City needs to get more information to the public about the process. An application checklist was mentioned. Councilmember Miles commented that Council talked at length about the state law banning a business from being within 1000 feet of an application that has been denied. If Council has to deny a license because of distance from a school it would be a very dangerous thing with the limited areas that it is permitted in. City Attorney Downs said it will be staff's job to make sure the application is appropriate for Council to consider. Councilmember Mattie noted that reading the media's account of the \$1 million revenue in Pueblo, where people were initially apprehensive it seems to now be more formidable and seems to be brewing a competitive nature between communities.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance repealing and re-enacting Section 9-4 of the Trinidad City Code for the purpose of prohibiting the issuance of a business license to any person seeking to carry on or engage in any business within the corporate limits of the City of Trinidad that is in violation of any law of the State of Colorado. 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 repealing and re-enacting Section 9-4 of the Trinidad City Code for the purpose of prohibiting the issuance of a business license to any person seeking to carry on or engage in any business within the corporate limits of the City of Trinidad that is in violation of any law of the State of Colorado. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton. The motion was seconded by Councilmember Miles. Roll call was taken and the motion carried unanimously.

ORDINANCE NO. 1954

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

Public hearing for consideration of an ordinance establishing regulations and licensing requirements for medical marijuana businesses. Mayor Reorda declared the public hearing open and called for comments for or against the ordinance. Sally Gansz addressed Council. She said she doesn't understand things in the world very much anymore. For years people have been against smoking and now they want marijuana legalized. She said she is adamantly against marijuana. Colorado is leading for their own pleasure and financial windfall. Trinidad has enough problems already without adding this. Sara Jane Ruybalid addressed Council. She said she is a mother and a Physician's Assistant, and she said she thinks they have all been misinformed about medical marijuana. It is a drug regulated by the DEA. Any patient can get it from an oncologist with a prescription if they truly need it. A person can go get a prescription at Walmart and have it sent to your home. She said for those who needed it and was not offered it she is very sorry. Ms. Ruybalid told Council she had two relatives who died from cancer who were offered it. For people to say they can't get it any other way is wrong. A kid getting it at 18 years old for depression is not going to help their depression. In the medical industry they are called medical whores. They come into a town, write a ton of prescriptions, charge \$250 for a person to get a license, and then they never see that person again until that person has to get their license renewed. A person who is actually getting medical marijuana and needs it needs to be followed by the state statute. That is not happening. There have been several people who have actually lost their license. It has been overwhelming for the state. Ms. Ruybalid said she was very disappointed when she saw the map of where the businesses can be located. She questioned why the Chronicle News hasn't published it. She said she was thankful for Goal Academy being in the old Jameson's building otherwise they would be all over downtown. Breckenridge had problems so bad in their historic district that they moved them away from there. The University of Colorado is closing their campus on April 20th because of the problems they have incurred with marijuana. In Pueblo the legalization of pot has attracted homeless people. This is not our finest hour, she said. These are not the things we want in Trinidad. Regarding the vagrancy issues in Pueblo, they have had meetings with downtown business owners. They have had increases in licensing fees, and business owners have had problems getting insurance because of the proximity of the marijuana businesses. She corrected an earlier statement that Pueblo received \$1 million in taxes – they received \$30,000 in taxes according to the Pueblo Chieftain. Is this really what we want? Ms. Ruybalid said asked Governor Hickenlooper when he was in Trinidad what the state is going to do with all of the medical conditions that arise as a result of marijuana use. He didn't have an answer. The Mayor questioned if she just learned Council was doing this. She reminded Council that her husband

addressed Council the first time this issue came up. The second time it wasn't very well publicized. Then she said she saw the ordinance in the paper which she believed was only published one time, just last week. She said she never saw the map and couldn't access it from the City's website. The Governor released the tax money breakdown recently - \$45.5 million for youth and prevention; \$40.4 million for substance abuse treatment; \$12.4 million for public health; a proposed \$5.8 million for a three-year statewide media campaign on marijuana usage; the state Department of Transportation will get \$1.9 million for a 'Drive High get a DUI' campaign; \$7 million on 105beds in residential treatment centers. Ms. Ruybalid asked if marijuana causes no problems why there is \$100.6 million going to prevention and treatment. She states that marijuana is a gateway drug - this is what our kids start with and then they go to something more when they can't get enough of a buzz off of this. She asked Councilmember Mattie as a former Sergeant with the Colorado State Patrol, Councilmember Fletcher as a former teacher, Councilmember Bolton as a business owners, Mayor Reorda as her former principal, Councilmembers Torres and Miles as business owners and Councilmember Bonato as a parent to please not do this. Sally Jane Ruybalid addressed Council. She told them that she is a freshman at Trinidad High School and part of their Knowledge Bowl Team as well as being involved in many other leadership positions and belongs to many clubs. She said she is against marijuana and doesn't think it is good on our youth or our town. Twenty years from now the people paying for the drawbacks of marijuana use will be her generation. This is not our finest hour, it won't be our finest day, week, year or finest hour 20, 30, or 40 years from now. She asked if they want Trinidad to become the next Amsterdam. Trinidad has hosted many great things. She asked if they want the tourists to see these people around high off of marijuana. Is it a good image? It is attracting homeless. Our soup kitchen is struggling as it is to feed our homeless. Can we give them that heavier burden? Can we give the rest of Trinidad that heavier burden or the rest of our schools that heavier burden? Can we give that next generation that heavier burden? She said she was speaking on her own behalf, her beliefs and her generation and she didn't think they should have to deal with this burden. Ms. Ruybalid said last August she saw Governor Hickenlooper at the A. R. Mitchell Museum. He told those present that Colorado is having a losing war with drugs. She said she doesn't think marijuana helps. She concluded by asking Council to please consider this before they vote on it. Even though it may not be beneficial to you, it may be beneficial to our next generation and she promised they will greatly thank them by continuing to open their businesses and minds and hearts in Trinidad, Colorado. Bruce Grubelstein addressed Council and stated he was from the banking industry. He said he's not sure how Trinidad will handle the banking of the proceeds from medical marijuana. City Attorney Downs said that banking in the marijuana business is still not allowed. It is still a Schedule I controlled substance federally. The laws are being relaxed in certain areas with the Obama administration and they want to liberalize banking regulations. However, at this time it is still verboten. Mr. Grubelstein confirmed that it is still going to be a cash industry until that change. There being no further comments, the hearing was closed.

Second reading of an ordinance establishing regulations and licensing requirements for medical marijuana businesses. The ordinance title was read aloud. Councilmember Bolton stated that she thinks there was an oversight on the part of Council in Section 14-214, Operational Requirements, which reads "No firearms, knives, or other weapons shall be permitted in a marijuana center except those carried by sworn peace officers." She said she didn't think it was Council's intent to put business owners and employees in a position of not being able to defend themselves in a cash-only business. She suggested it be deleted in its entirety or modified to include proprietors and their employees. Councilmember Miles asked if that limitation is required by the State. City Attorney Downs said it is not. The language was borrowed from another municipality's ordinance. Councilmember Miles agreed with Councilmember Bolton's position in that case. She said when she read it she thought it applied to customers. A motion to amend the ordinance on second reading to read in Section 14-214, Operational Requirements, "No firearms, knives, or other weapons shall be permitted in a marijuana center except those carried by sworn peace officers, employees, owners or managers of such facilities" was made by Councilmember Mattie. The motion was seconded by Councilmember Fletcher. Roll call was taken and the motion carried unanimously. A motion to approve the ordinance as amended on second reading was made by Councilmember Bolton and seconded by Councilmember Miles. Roll call was taken and the motion carried with all Councilmembers voting aye except Councilmember Bonato who cast a dissenting vote. The ordinance was approved and will become effective in 10 days.

ORDINANCE NO. 1955

AN ORDINANCE ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR MEDICAL MARIJUANA BUSINESSES

MISCELLANEOUS BUSINESS. Retail liquor store license renewal request by Luis A. Lopez II d/b/a Santa Fe Trail Hops & Vines at 1530 Santa Fe Trail Drive. Luis Lopez II was present. A motion to approve the license renewal was made by Councilmember Bolton and was seconded by Councilmember Torres. Upon roll call vote the motion carried unanimously.

Tavern liquor license renewal request by Monte Cristo Bar, Inc. at 124 Santa Fe Trail. Michael Ryman was present on behalf of the applicant. Councilmember Bolton made a motion to approve the tavern renewal and the motion was seconded by Councilmember Miles. Upon roll call vote the motion carried unanimously.

Consideration of Monument Lake 2014 Operations Proposal. Councilmembers Mattie and Miles pointed out that they were not at the work session when this item was discussed. A motion to approve the 2014 Monument Lake Operations Proposal was made by Councilmember Bonato and seconded by Councilmember Fletcher. The motion carried with all Council members voting aye except Council members Mattie and Miles who abstained.

Memorial Resolution acknowledging the contributions of Eugene Aiello upon his passing. A motion to adopt the resolution was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously and the resolution was adopted.

RESOLUTION NO. 1426

A MEMORIAL RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, ACKNOWLEDGING THE CONTRIBUTIONS OF EUGENE AIELLO UPON HIS PASSING

WHEREAS, Almighty God, in His infinite wisdom, has seen fit to take Eugène Aiello from this earthly life; and

WHEREAS, during his lifetime, Eugene Aiello, was a proud Veteran of the United States Army, a long-time civil servant, a local bank president and CEO, and board member for a number of local boards; and

WHEREAS, Eugene Aiello faithfully served the people of the City of Trinidad as a City Clerk, City Treasurer and City Manager as well as City Councilmember and Mayor Pro-Tem; and

WHEREAS, upon the passing of Eugene Aiello, the City of Trinidad wishes, by this Resolution to acknowledge his many contributions to the community and to express its regret and sorrow to the Family of Eugene Aiello.

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

The Mayor and City Council do hereby extend their condolences to the Family of Eugene Aiello, and by this Resolution do hereby remember the many outstanding contributions made by Eugene Aiello, to the Trinidad Community.

BE IT FURTHER RESOLVED that this Resolution shall become a part of the official minutes of the proceedings of the Trinidad City Council and a copy of the same shall be provided to the Family of Eugene Aiello.

INTRODUCED, READ AND ADOPTED this 4th day of March, 2014.

/s/JOSEPH A. REORDA, MAYOR

/s/CAROL BOLTON, Mayor Pro-Tem

/s/ANTHONY MATTIE, Councilmember

/s/JOE BONATO, Councilmember

/s/MICHELLE MILES, Councilmember

/s/PAT FLETCHER, Councilmember

/s/LIZ TORRES, Councilmember

Appointment of applicant to the Parks & Recreation Advisory Committee. Councilmember Bolton made a motion to appoint Tim Crisler to the Parks & Recreation Advisory Committee. The motion was seconded by Councilmember Fletcher and carried by a unanimous roll call vote.

Termination of City Manager, Tom Acre. (Considered after Bills and Payroll) Councilmember Bolton moved to strike this item from the agenda and Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

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

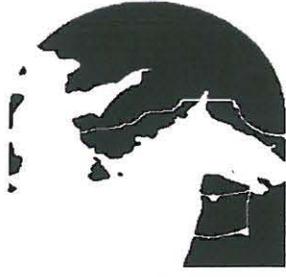
PAYROLL, March 1, 2014 through March 14, 2014. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Fletcher. Roll call was taken and the motion carried unanimously.

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

ATTEST:

JOSEPH A. REORDA, Mayor

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: March 18, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 6

7a

SUBJECT: Tavern liquor license renewal request by Lumber Jacks Bar & Grill, LLC
d/b/a Lumber Jacks Bar & Grill at 1133 N. Linden Avenue

PRESENTER: Lumber Jacks Bar & Grill, 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 renewal application is in order.
- Reports from the Building Inspector and Fire Department are attached and indicate no issues.
- The Police Department report is attached and lists two calls for service.
- The Health Department indicated the licensee's compliance.
- Disclosure statement provided by Councilmember Miles is attached.
- Appropriate fees have been paid.

7a

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

LUMBER JACKS BAR & GRILL
 1101 PORTLAND AVE
 TRINIDAD CO 81082

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 LUMBER JACKS BAR & GRILL LLC		DBA LUMBER JACKS BAR & GRILL		
Liquor License # 42907520000	License Type Tavern (city)	Sales Tax License # 42907520000	Expiration Date 4/5/2014	Due Date 2/19/2014
Street Address 1133 N LINDEN AVE TRINIDAD CO 81082-2157				Phone Number (719) 845 9241
Mailing Address 1101 PORTLAND AVE TRINIDAD CO 81082				
Operating Manager Michael Tyler	Date of Birth [REDACTED]	Home Address [REDACTED], Trinidad, CO 81082		Phone Number [REDACTED]

1. 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 _____
2. 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.
3. 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
4. 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
5. 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
6. **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 Michael Tyler	Title owner
Signature <i>Michael Tyler</i>	Date 2-19-14

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

02/19/14

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

Applicant: Lumber Jacks Bar & Grill LLC

dba: Lumber Jacks Bar & Grill

Address: 1133 N. Linden Avenue

Type of License: Tavern 11:20

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: March 18, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Approved

2-25-2014
Date

Chris S. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 6, 2014

02/19/14

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

Applicant: Lumber Jacks Bar & Grill LLC

dba: Lumber Jacks Bar & Grill

Address: 1133 N. Linden Avenue

Type of License: Tavern

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: March 18, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Inspected OK

2/20/14
Date

[Signature]
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 6, 2014

2/19/2014

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

Applicant's Name: Lumber Jacks Bar & Grill, LLC

DBA:

Business Address: 1133 N. Linden

Type of License: Tavern

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: March 18, 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>
7/21/2013	TPD201311196	Suspicious Incident	None

After party going on at location. Officers arrived, no alcohol being served.

2/3/2014	14001912	911 Hang up	14-00217
----------	----------	-------------	----------

Officers responded to a 911 hang up. A male party was in an altercation with two other male parties. The injured male was treated at MSRH and refused to cooperate with police or press charges.

2-25-14

Date

Charles J. Donovan

Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 6, 2014

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201311196

Call Answered 07/21/2013 03:04:50		Call Code SUSINC	Case Number
Created 07/21/2013 03:04:50	Dispatched 07/21/2013 03:08:01	Completed 07/21/2013 03:22:35	Disposed 07/22/2013 06:28:03

Response Information

Response Type : SUSINC
 Reason for Stop :
 Stop Statute :
 Primary Resource : T105
 Primary Trooper : MACWATERS,ANTHONY
 Response Origin : CAD
 Disposition Codes : CC

Incident Information

Validated Address : : True

Common Place : Zone :
 House Number : 1133 City :
 Street Name : LINDEN State:
 Suffix : N ZIP Code :
 Street Type : AVE X Coordinate 3290402.3408603501
 Cross Streets: Y Coordinate 1188102.7061455101
 Free Format Address : 1133 N LINDEN AVE (/E JOHNSON AVE)

Location History

<u>Date/Time</u>	<u>Address</u>	<u>Dispatcher / Position</u>
07/21/2013 03:04:50	1133 LINDEN	SALAS,CLIFFORD / POSITION2
07/21/2013 03:14:06	1133 N LINDEN AVE (/E JOHNSON AVE)	SALAS,CLIFFORD / POSITION2

Resource Activity Statuses

<u>Date/Time</u>	<u>Unit ID</u>	<u>Status</u>	<u>Dispatcher / Position</u>
07/21/2013 03:08:01	T105	DP	SALAS,CLIFFORD / POSITION2
07/21/2013 03:08:07	T105	EN	SALAS,CLIFFORD / POSITION2
07/21/2013 03:17:56	T105	AR	SALAS,CLIFFORD / POSITION2
07/21/2013 03:19:38	T105	CL	SALAS,CLIFFORD / POSITION2
07/21/2013 03:08:05	T110	DP	SALAS,CLIFFORD / POSITION2
07/21/2013 03:08:09	T110	EN	SALAS,CLIFFORD / POSITION2
07/21/2013 03:12:58	T110	AR	SALAS,CLIFFORD / POSITION2
07/21/2013 03:22:35	T110	CL	SALAS,CLIFFORD / POSITION2

Incident Notes

<u>Date/Time</u>	<u>Note</u>	<u>Dispatcher / Position</u>
07/21/2013 03:05:52	PREVIOUS OWNER WANTS TO TALK TO AN OFFICER ABOUT AN AFTER PARTY GOING ON HERE	SALAS / POSITION2
07/21/2013 03:14:06	Address of TPD201311196 has been modified from 1133 LINDEN to 1133 N LINDEN AVE (/E JOHNSON AVE).	SALAS / POSITION2
07/21/2013 03:21:58	SPOKE TO OWNER NO ALCOHOL 10-8 DOC ONLY	SALAS / POSITION2

Detailed Report - Call #14001912

Call Detail

Call Date	Address	Apt	Zip	Mile Post
02/03/2014 01:02:55	1133 N LINDEN		81082	
City, State (County)	SubGrid - Grid (District)	Dispo of Call		
TRINIDAD, CO (LAS ANIMAS)	Sector2 (LAS ANIMAS COUNTY)	CLEARED NO REPORT		
Call Type	Priority	How Reported	CallTaker	
E911 HANG UP	0	911	CSALAS	

Involved Information

Last Name	First Name	Middle	Phone	Address	Apt	City	ST	DOB	Inv Type
SANCHEZ	GABRIEL	LEROY				TRINIDAD	CO	[REDACTED]	OTHER INV
TYLER	MICHAEL	BRENT				TRINIDAD	CO	[REDACTED]	OTHER INV

Unit Numbers

1400163 MEDIC, 1 (TRINIDAD AMBULANCE DISTRICT)
1400108 ENGINE, 2902 (TRINIDAD FIRE DEPARTMENT)
1400217 BOWEN, JOSH (TRINIDAD POLICE DEPARTMENT)

Units Dispatched to Call (= Primary Unit)

Unit	Activity	Started	Ended	Time	Location
103		02/03/2014 01:07:01	02/03/2014 01:18:36	11.53	
	DISPATCHED	02/03/2014 01:07:01	02/03/2014 01:07:04	0.05	
	ARRIVED	02/03/2014 01:07:04	02/03/2014 01:18:36	11.53	
	CLEARED	02/03/2014 01:18:36	02/03/2014 01:18:36	0.00	
208		02/03/2014 01:03:38	02/03/2014 02:31:13	87.58	
	DISPATCHED	02/03/2014 01:03:38	02/03/2014 01:03:39	0.02	
	ENROUTE	02/03/2014 01:03:39	02/03/2014 01:03:40	0.02	
	ARRIVED	02/03/2014 01:03:40	02/03/2014 01:23:45	20.08	
	CLEARED	02/03/2014 01:23:45	02/03/2014 01:23:45	0.00	
	DISPATCHED	02/03/2014 01:58:57	02/03/2014 01:58:57	0.00	
	EN HOSPITAL	02/03/2014 01:58:57	02/03/2014 01:58:58	0.02	
	ENROUTE	02/03/2014 01:58:58	02/03/2014 02:00:48	1.83	
	AR HOSPITAL	02/03/2014 02:00:48	02/03/2014 02:31:13	30.42	
	CLEARED	02/03/2014 02:31:13	02/03/2014 02:31:13	0.00	
302		02/03/2014 01:04:03	02/03/2014 02:28:25	84.37	
	DISPATCHED	02/03/2014 01:04:03	02/03/2014 01:04:07	0.07	
	ARRIVED	02/03/2014 01:04:07	02/03/2014 01:23:45	19.63	
	CLEARED	02/03/2014 01:23:45	02/03/2014 01:23:45	0.00	
	DISPATCHED	02/03/2014 01:59:58	02/03/2014 02:00:01	0.05	
	AR HOSPITAL	02/03/2014 02:00:01	02/03/2014 02:28:25	28.40	
	CLEARED	02/03/2014 02:28:25	02/03/2014 02:28:25	0.00	
C40		02/03/2014 02:08:22	02/03/2014 02:31:13	22.85	
	DISPATCHED	02/03/2014 02:08:22	02/03/2014 02:08:26	0.07	

Detailed Report - Call #14001912

Units Dispatched to Call (continued) (= Primary Unit)

Unit	Activity	Started	Ended	Time	Location
C40		02/03/2014 02:08:22	02/03/2014 02:31:13	22.85	
	AR PD	02/03/2014 02:08:26	02/03/2014 02:15:42	7.27	
	EN HOSPITAL	02/03/2014 02:15:42	02/03/2014 02:17:40	1.97	MSRH
	AR HOSPITAL	02/03/2014 02:17:40	02/03/2014 02:31:13	13.55	MSRH
	CLEARED	02/03/2014 02:31:13	02/03/2014 02:31:13	0.00	MSRH
E2902		02/03/2014 01:08:41	02/03/2014 01:23:45	15.07	
	DISPATCHED	02/03/2014 01:08:41	02/03/2014 01:10:09	1.47	
	ENROUTE	02/03/2014 01:10:09	02/03/2014 01:11:32	1.38	
	ARRIVED	02/03/2014 01:11:32	02/03/2014 01:23:45	12.22	
	CLEARED	02/03/2014 01:23:45	02/03/2014 01:23:45	0.00	
MEDIC 1		02/03/2014 01:08:39	02/03/2014 01:23:46	15.12	
	DISPATCHED	02/03/2014 01:08:39	02/03/2014 01:11:31	2.87	
	ENROUTE	02/03/2014 01:11:31	02/03/2014 01:13:58	2.45	
	ARRIVED	02/03/2014 01:13:58	02/03/2014 01:23:46	9.80	
	CLEARED	02/03/2014 01:23:46	02/03/2014 01:23:46	0.00	

Call Notes

02/03/2014 01:01:28 (CSALAS)

HEARD ALOT OF NOISE IN BACKGROUND

02/03/2014 01:01:34 (CSALAS)

SENT OFFICERS

02/03/2014 01:01:45 (CCANTORIA)

208 AR

02/03/2014 01:02:35 (CCANTORIA)

302 AR

02/03/2014 01:02:44 (CCANTORIA)

LUMBERJACKS BAR

02/03/2014 01:05:43 (CCANTORIA)

103 AR

02/03/2014 01:06:30 (CCANTORIA)

208- ROLL MED PT STATING HE WAS IN PHYSICAL ALTERCATION

02/03/2014 01:08:20 (CCANTORIA)

E2902 EN

02/03/2014 01:09:40 (CCANTORIA)

E2902 AR

02/03/2014 01:16:50 (CCANTORIA)

103- CL

Detailed Report - Call #14001912

Call Notes (continued)

02/03/2014 01:21:14 (CCANTORIA)
302 10-8

02/03/2014 01:21:33 (CCANTORIA)
208- CL W/ INCIDENT RPT

02/03/2014 01:57:14 (CCANTORIA)
CHRISSEY FROM ER CALLED AND ASKING OFC TO RESPOND SANCHEZ PT IS NOW AT ER

02/03/2014 01:57:18 (CCANTORIA)
208 EH

02/03/2014 01:58:04 (CCANTORIA)
302 AH

02/03/2014 01:58:54 (CCANTORIA)
208 AH

02/03/2014 02:06:16 (CCANTORIA)
C40- AP FOR CAMERA

02/03/2014 02:13:54 (CCANTORIA)
C40 EH W/ CAMERA AND SBI FORMS

02/03/2014 02:15:46 (CCANTORIA)
C40- AH

02/03/2014 02:26:29 (CCANTORIA)
302- 10-8

Incident Report #1400217

Trinidad Police Department
2309 E. Main Street
Trinidad, CO 81082
719-846-4441



Event Info

Date Reported 02/03/2014	Time Reported 01:02	Time Dispatched 01:03	Time Arrived 01:03	Time Completed 01:23
Addr. Of Occ. 1133 N LINDEN	City TRINIDAD	Date Occ. Range 02/03/2014 - 02/03/2014	Time Occ. Range 00:30 - 01:00	District L
Grid 201	How Reported 911	Dispatch Disposition RPT		

Classification

Classification Info

Class ASSAULT	COMPLETED
	Subclass SIMPLE ASSAULT

Suspects

Suspect Information

Name Type SUSPECT	Name COLEY, CALVIN				
Address [REDACTED]	City TRINIDAD	State CO	Zip 81082	SEX M	
RACE [REDACTED]	EO [REDACTED]	HT [REDACTED]	WT [REDACTED]	HAIR [REDACTED]	EYES [REDACTED]

Suspect Information

Name Type SUSPECT	Name VELASQUEZ, CHRIS				
City TRINIDAD	State CO	Zip 81082	SEX M	RACE [REDACTED]	EO [REDACTED]
HT [REDACTED]	WT [REDACTED]	HAIR [REDACTED]	EYES [REDACTED]		

Victims

Victim Information

Name Type VICTIM	Name SANCHEZ, GABRIEL LEROY				
Address [REDACTED]	City TRINIDAD	State CO	Zip 81082	SEX M	
RACE	EO	HT	WT	HAIR	EYES

[REDACTED]
Residential Phone
[REDACTED]

Other Inv

OTHER INV Information

Name Type OTHER INV	Name TYLER, MICHAEL BRENT				
Address [REDACTED]		City TRINIDAD	State CO	Zip 81082	SEX M
RACE [REDACTED]	EO [REDACTED]	HT [REDACTED]	WT [REDACTED]	HAIR [REDACTED]	EYES [REDACTED]

Residential Phone
[REDACTED]

Witness

WITNESS Information

Name Type WITNESS	Name ORTIZ, ELIZABETH				
Address [REDACTED]		City TRINIDAD	State CO	Zip 81082	SEX F
RACE [REDACTED]	EO [REDACTED]	HT [REDACTED]	WT [REDACTED]	HAIR [REDACTED]	EYES [REDACTED]

Cell Phone
(719)680-7287

WITNESS Information

Name Type WITNESS	Name SANCHEZ, CHRISTI				
Address [REDACTED]		City TRINIDAD	State CO	Zip 81082	SEX F
RACE [REDACTED]	EO [REDACTED]	HT [REDACTED]	WT [REDACTED]	HAIR [REDACTED]	EYES [REDACTED]

Residential Phone
[REDACTED]

Narrative

Written By:
BOWEN, JOSH

Synopsis:

On February 3, 2014, at approximately 0102 hours, I, Officer Josh Bowen, was dispatched to 1133 N Linden, The Hollywood Bar (Lumberjacks), located in the City of Trinidad, County of Las Animas, and State of Colorado, on the report of a 911 hang up. Trinidad Dispatch advised that a substantial amount of 'commotion' was heard in the background before the caller hung up the phone.

Upon arrival, I observed four people inside the bar. I spoke with the bartender and a male party who appeared to be a customer. The bartender stated that he did not intend to dial 911 and that everything was ok inside the place of business. At this time, I did not observe the male party seated at the bar, directly across from the bartender to be in any distress, nor did I see any visible injury, due to him having a hat pulled down low onto his head.

After ensuring that there was not an emergency inside the bar, I walked outside and was met by a female party who was very upset and speaking in a loud voice about someone getting 'beaten up' by two other male parties. After a moment, I was able to calm the female party down. She then verbally identified herself as Elizabeth Ortiz. Elizabeth stated that her father, who was the male inside the bar, wearing the hat, seated at the bar across from the bartender, was assaulted by two other male parties. Elizabeth told me that she pleaded and yelled at the bartender to call the police while her father and the two males were fighting. I was able to tell that Elizabeth was somewhat intoxicated, due to the odor of an unknown alcohol beverage on her breath. I asked Elizabeth to remain calm and I went back inside to speak with the bartender and her father again.

Once inside, I re-contacted the bartender, who verbally identified himself as Mike Tyler, and Elizabeth's father, who was still seated at the bar, in the same seat as I had observed him the first time I entered the bar. Elizabeth's father verbally identified himself as Gabriel Sanchez.

When I asked Mike, the bartender, why he did not call the police when the fight occurred, or shortly thereafter, he did not reply. Mike only hung his head and shrugged as he looked away from me. Mike then told me that he had everything under control, but would not tell me anything else.

Once I learned that Gabriel was involved in a physical altercation, I looked at him more closely and asked him to remove his hat. I could then see some slight abrasions on Gabriel's forehead, and that the left side of his face was swollen and red. Gabriel's jaw, on the left side, near his ear was also swollen and red, and I could see some coagulated blood on his lower lip when he opened his mouth. I advised Trinidad Dispatch to send a medical unit for Gabriel.

While speaking with Gabriel, I could also tell he was intoxicated by the odor of an unknown alcohol beverage emitting from his breath and that his speech was slurred. Gabriel would not tell me what happened; only that he had gotten into a fight.

While the medical unit was evaluating Gabriel, I went back outside, on the front steps of the bar, where I met Gabriel's wife, who verbally identified herself as Christi Sanchez. Christi was Gabriel's and Elizabeth's designated driver on this night, and she had not consumed any alcohol, nor did she appear to be intoxicated by any other substance. Christi stated that she and Gabriel were on the front porch area of the bar, smoking. Christi told me that there were also two other male parties outside with them, on the porch, named Calvin Coley and Chris Velasquez, the bail bondsman. Christi informed me that she heard Gabriel tell Coley to pull his pants up, and that Gabriel called Coley a, "black ass". Christi then said that Gabriel reached for his bottle of beer to take a drink, and at this time, Coley approached Gabriel and began to strike him in the head and face with his closed fists. Christi told me that when she attempted to separate Gabriel and Coley, Velasquez grabbed her from behind on the shoulders and pulled her away. Christi said that after Velasquez moved her away from Coley and Gabriel; he joined in, also striking Gabriel with closed fists to the head and face.

After a moment, Christi said the three males stopped fighting, and Coley and Velasquez left the area. Christi stated that it wasn't until approximately twenty minutes had elapsed, that Mike, the bartender, called the police.

I provided Gabriel, Christi, and Elizabeth with written statement forms and advised them that I would be contacting them the following day, to speak about this incident once Gabriel and Elizabeth were no longer intoxicated.

Later in the morning, Trinidad Dispatch notified me that Gabriel, Christi, and Elizabeth were at the Mt San Rafael Hospital Emergency Room. When I arrived, I met with the three and could see that Gabriel's face was more swollen than when I first contacted him. Gabriel also had a laceration to the back of his left ear. I photographed Gabriel's injuries, see attached photo log. The on duty emergency room physician informed me that Gabriel did not have any broken bones and no serious bodily injury.

On Monday, February 3, at approximately 2315 hours, I spoke with Christi via telephone, as Gabriel was not available. She advised that the written statement provided to Gabriel had not been completed, but that she had completed the one I provided to her. Christi also told me that Gabriel had not seemed very interested in speaking about the incident that occurred the night prior. I advised Christi that if Gabriel chooses to continue with pursuing charges, I would be available in the future. At this time, I will not be seeking a warrant for the arrest of Coley and Velasquez.

Crime Scene Description:

The above offense took place at 1133 N Linden, The Hollywood Bar (Lumberjacks), located in the City of Trinidad, County of Las Animas, and State of Colorado.

Modus Operandi:

On 2-3-14, Calvin Coley and Chris Velasquez unlawfully, and knowingly or recklessly, caused bodily injury to Gabriel Sanchez, by striking him in the head and face with closed fists. Coley and Velasquez unlawfully, intentionally, knowingly, or recklessly fought with Gabriel in a public place, the Hollywood Bar located at 1133 N Linden.

Photographs:

See attached photo log.

Circumstances of Arrest:

As of this time, I will not be seeking an arrest warrant for Coley and Velasquez, for the charges listed, due to Gabriel's lack of interest in pursuing the case further.

Case Management

Initial Investigator

BOWEN, JOSH

Event Status/Dispo

VICTIM REFUSED TO
COOPERATE

Event Status/Dispo Date

02/03/2014

Report Status

APPROVED

Approved By

FATUR, TONY

Date Approved

02/04/2014 08:40

Audra Garrett

From: John Martinez [jmartinez@la-h-health.org]
Sent: Wednesday, February 19, 2014 2:16 PM
To: Audra Garrett
Subject: RE: liquor

Hi Audra,
Lumber Jacks Bar & Grill, LLC at 1133 N. Linden Avenue is in Compliance with this Agency. John

John Martinez
Environmental Health Specialist III
jmartinez@la-h-health.org

Las Animas-Huerfano Counties District Health Department

Trinidad Office
412 Benedicta Ave
Trinidad, CO 81082
(Ph) 719-846-2213
(Fax)719-846-4472

Walsenburg Office
119 E. Fifth Street
Walsenburg, CO 81089
(Ph)719-738-2650
(Fax)719-738-2653

From: Audra Garrett [<mailto:audra.garrett@trinidad.co.gov>]
Sent: Wednesday, February 19, 2014 1:04 PM
To: John Martinez
Subject: liquor

Hi again, John,
Please confirm compliance with your office for Lumber Jacks Bar & Grill, LLC at 1133 N. Linden Avenue.

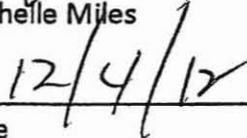
Audra Garrett City Clerk
City of Trinidad
135 N. Animas Street
Trinidad, CO 81082
(719) 846-9843 ext. 135

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



Date

7b



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: March 18, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 6

SUBJECT: Hotel and restaurant liquor license renewal request by Brix, Inc. d/b/a Brix at 231 E. Main Street

PRESENTER: Brix, Inc. 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 that the fire extinguisher needs to be inspected.
- The Building Inspector advises the need to inspect the fire extinguisher and that the air gap in the ice machine needs to meet code.
- The Police Department had one call for service.
- The Health Department reported compliance.
- Disclosure statements provided by Councilmember Miles is attached.
- Appropriate fees have been paid.

7b

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	
Storage Permit \$100 x _____	_____
Optional Premise \$100 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 Brix		DBA Brix	
Liquor License # 42-91562 0000	License Type Hotel and Restaurant	Sales Tax License # 42915626000	Expiration Date 4-19-14
Street Address 231 E Main Trinidad, CO 81082		Due Date 3-5-14	
Mailing Address PO Box 450 Trinidad, CO 81082		Phone Number 719-422-8273	
Operating Manager Joey Salazar	Date of Birth [REDACTED]	Home Address [REDACTED]	Phone Number [REDACTED]

1. 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 01-31-2020
2. 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.
3. 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
4. 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
5. 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
6. **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 Joey Salazar	Title President
Signature <i>Joey Salazar</i>	Date 2-28-14

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

3/4/14

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

Applicant: Brix, Inc.

dba: Brix

Address: 231 E. Main Street

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

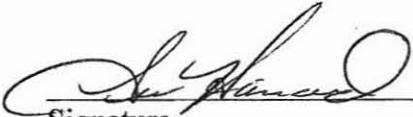
FOR CONSIDERATION AT
COUNCIL MEETING DATE: March 18, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: need extinguisher inspected

3-13-14
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 13, 2014

3/4/14

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

Applicant: Brix, Inc.

dba: Brix

Address: 231 E. Main Street

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE:

March 18, 2014

10:00 - 3-14-14

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: RA creat Finz ref

Air gap ice machine needs to meet code

3-14-2014
Date

Chris S. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 13, 2014

3/4/2014

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

Applicant's Name: Brix, Inc.

DBA: Brix

Business Address: 231 E. Main Street

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: March 18, 2014

DEPARTMENT REVIEW

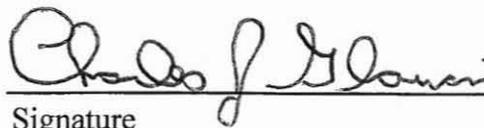
DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

<u>Date</u>	<u>Sequence Number</u>	<u>Call Type</u>	<u>Case number</u>
10/5/2013	TPD201315548	Bar disturbance	13-03282
Male party causing disturbance - placed at DETOX			

3-12-14

Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE:

March 13, 2014

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201315548

Call Answered 10/05/2013 23:32:23	Call Code BARDIS	Case Number TPD201303282
Created 10/05/2013 23:32:17	Dispatched 10/05/2013 23:34:42	Completed 10/05/2013 23:56:49
		Disposed 10/07/2013 03:02:20

Response Information

Response Type : BARDIS
Reason for Stop :
Stop Statute :
Primary Resource : T114
Primary Trooper : SARACINO,ANDREW
Response Origin : CAD
Disposition Codes : RPT

Incident Information Validated Address :: No Value

Common Place : Zone :
House Number : City :
Street Name : State:
Suffix : ZIP Code :
Street Type : X Coordinate
Cross Streets: Y Coordinate
Free Format Address : THE BRIX

Location History

<u>Date/Time</u>	<u>Address</u>	<u>Dispatcher / Position</u>
10/05/2013 23:32:17	THE BRIX	GUTIERREZ,COREY / POSITION1

Person 1 of 1

Last Name : SIMMONS	First Name : MARK	Middle Name : MARK
Suffix :	DOB : ██████████	SOC : ██████████
Involvement : SUBJECT	DL State : CO	DL Number : ██████████
Perceived Race :	Perceived Gender :	Address :
Race :	Gender : MALE	Phone :
Notes :		

Resource Activity Statuses

<u>Date/Time</u>	<u>Unit ID</u>	<u>Status</u>	<u>Dispatcher / Position</u>
10/05/2013 23:35:08	T108	DP	GUTIERREZ,COREY / POSITION1
10/05/2013 23:35:11	T108	EN	GUTIERREZ,COREY / POSITION1
10/05/2013 23:35:46	T108	IA	GUTIERREZ,COREY / POSITION1
10/05/2013 23:44:30	T108	ED	GUTIERREZ,COREY / POSITION1
10/05/2013 23:46:52	T108	AD	GUTIERREZ,COREY / POSITION1
10/05/2013 23:56:49	T108	CL	GUTIERREZ,COREY / POSITION1
10/05/2013 23:34:48	T114	DP	GUTIERREZ,COREY / POSITION1
10/05/2013 23:34:54	T114	AR	GUTIERREZ,COREY / POSITION1
10/05/2013 23:45:46	T114	EN	GUTIERREZ,COREY / POSITION1
10/05/2013 23:56:49	T114	CL	GUTIERREZ,COREY / POSITION1
10/05/2013 23:34:42	T119	DP	GUTIERREZ,COREY / POSITION1
10/05/2013 23:34:46	T119	Abandon	GUTIERREZ,COREY / POSITION1
10/05/2013 23:34:49	T119	DP	GUTIERREZ,COREY / POSITION1
10/05/2013 23:34:52	T119	EN	GUTIERREZ,COREY / POSITION1
10/05/2013 23:35:43	T119	AR	GUTIERREZ,COREY / POSITION1
10/05/2013 23:44:33	T119	AD	GUTIERREZ,COREY / POSITION1
10/05/2013 23:44:35	T119	ED	GUTIERREZ,COREY / POSITION1
10/05/2013 23:46:54	T119	AD	GUTIERREZ,COREY / POSITION1
10/05/2013 23:56:49	T119	CL	GUTIERREZ,COREY / POSITION1

Incident Notes

<u>Date/Time</u>	<u>Note</u>	<u>Dispatcher / Position</u>
10/05/2013 23:32:39	RP STATED DISTURBANCE AT BRIX	GUTIERREZ / POSITION1
10/05/2013 23:34:26	RP CALLED BACK STATED HE IS NOW AT MAPLE/4TH	GUTIERREZ / POSITION1
10/05/2013 23:34:36	DK AND OUT OF CONTROL	GUTIERREZ / POSITION1
10/05/2013 23:37:50	PER C40 1 MALE DETAINED	GUTIERREZ / POSITION1
10/05/2013 23:44:23	PER 215 M 95 ED	GUTIERREZ / POSITION1
10/05/2013 23:46:01	103 BACK ENRT TO BRIX MOTHER OF PARTY IS GOING TO PAY HIS BAR TAB FOR HIM	GUTIERREZ / POSITION1
10/05/2013 23:56:44	PER C40 MALE PLACED WITHOUT INCIDENT	GUTIERREZ / POSITION1

Audra Garrett

From: John Martinez [jmartinez@la-h-health.org]
Sent: Tuesday, March 04, 2014 2:11 PM
To: Audra Garrett
Subject: RE: liquor

Brix at 231 E. Main Street is in compliance with this Agency.. John

John Martinez
Environmental Health Specialist III
jmartinez@la-h-health.org

From: Audra Garrett [mailto:audra.garrett@trinidad.co.gov]
Sent: Tuesday, March 04, 2014 11:08 AM
To: John Martinez
Subject: liquor

Please confirm compliance with your office for Brix at 231 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

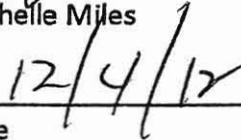


DISCLOSURE STATEMENT

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.

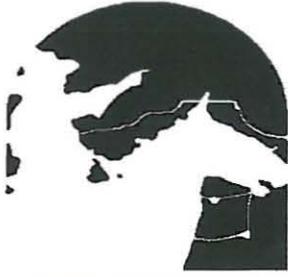


Michelle Miles



Date

7c



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: March 18, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 11

SUBJECT: Special events permit application (malt, vinous and spirituous) filed by The Kiwanis Club of Trinidad, Colorado, at 206 N. Animas Street for April 5, 2014 (Peacock Ball)

PRESENTER: Kiwanis Club representative

RECOMMENDED CITY COUNCIL ACTION: Consider approval of the permit as requested

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 Building Inspector and Fire Chief did not indicate any issues. The Fire Department Safety Plan was approved by the Fire Chief.
- Police Department recommends following the security plan.
- Disclosure statement is provided by Councilmember Miles.
- Appropriate fees have been paid.

7c

DR 8439 (06/28/06)
COLORADO DEPARTMENT OF REVENUE
 LIQUOR ENFORCEMENT DIVISION
 1375 SHERMAN STREET
 DENVER CO 80261
 (303) 205-2300

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|------------------------------------|---|--|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input checked="" type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input checked="" type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
 2110 MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
 2170 FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE
 LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE
 The Kiwanis Club of Trinidad, Colorado State Sales Tax Number (Required)

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (include street, city/town and ZIP)
 PO Box 808
 Trinidad, CO 81082

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (include street, city/town and ZIP)
 206 N. Animas St.
 Trinidad, CO 81082

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Brian A. Blasi, President			
5. EVENT MANAGER Brian A. Blasi			

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? _____

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
 NO YES TO WHOM? _____

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
April 5, 2014				
Hours From 5:00 p.m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To 11:59 p.m.	To .m.	To .m.	To .m.	To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE <i>Brian A. Blasi</i>	TITLE President	DATE 2/21/14
------------------------------------	--------------------	-----------------

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) Trinidad	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK (719) 846-9843
SIGNATURE	TITLE Mayor	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.

Bleachers

Exit

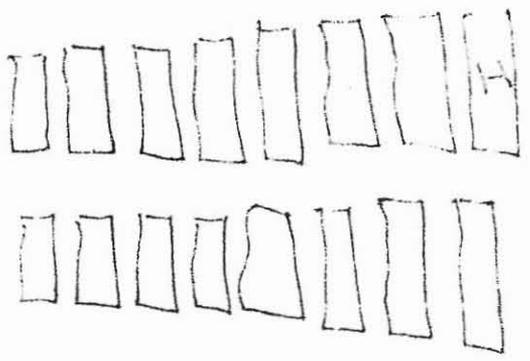
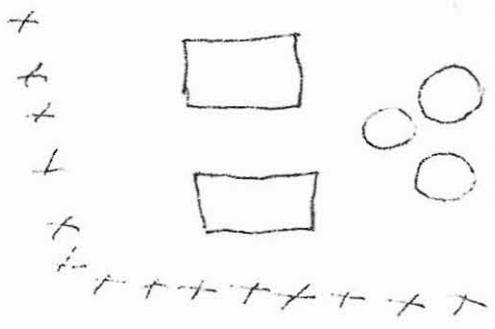
FN

Kiwanis Bar

Tickets Hostess

Christmas Street
Exit

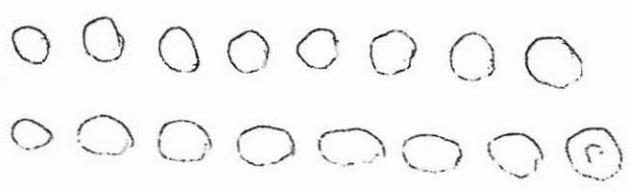
Raffle
Tickets



103'



Silent Auction



Dessert Table

Stage

*HOLY TRINITY PARISH
TRINIDAD AREA CATHOLIC COMMUNITY
235 N. CONVENT ST.
TRINIDAD, CO 81082*

February 21, 2014

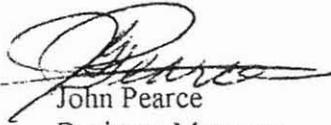
Mrs. Audra Fatur
City of Trinidad

RE: Peacock Ball/Kiwanis Club
Sebastiani Gym

This is to inform you that Holy Trinity Parish has given permission to the Kiwanis Club of Trinidad, to use Sebastiani Gym as the holder of the liquor license for the Peacock Ball/Banquet on Saturday, April 5, 2014.

If anything further is needed, please advise.

Sincerely,

A handwritten signature in black ink, appearing to read "John Pearce", written over a horizontal line.

John Pearce
Business Manager

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

THE KIWANIS CLUB OF TRINIDAD, COLORADO

is a **Nonprofit Corporation** formed or registered on 03/31/1986 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871664757.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 02/11/2014 that have been posted, and by documents delivered to this office electronically through 02/12/2014 @ 15:16:32.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 02/12/2014 @ 15:16:32 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8762812.



A handwritten signature in black ink, appearing to read "Scott Gessler".

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

3/4/14

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

Applicant: The Kiwanis Club of Trinidad, Colorado

dba: Peacock Ball – April 5th

Address: 206 N. Animas Street

Type of License: Malt, Vinous and Spirituous

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: March 18, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: inspected ok - safety plan on file

3-5-14
Date

[Signature]
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 13, 2014

February 20, 2014

Fire Safety Plan
Kiwanis Club of Trinidad
Noah's Ark Animas Welfare Association
Annual Peacock Ball Fundraiser – Sabastani Gym 206 N. Animas St., Trinidad, CO 81082

Dear Chief Howard,

We are submitting the following information to you for approval of our fire safety plan for the Peacock Ball to be held at Sabastani Gym on April 5, 2014 from 5:00 p.m. to 12:00 a.m. The ball will consist of a mixer from 5:00 p.m. to 6:00 p.m., dinner from 6:00 p.m. to 7:30 p.m., a raffle during the entire event, silent auction during the entire event, and dancing from 8:00 p.m. to 12:00 a.m.

Our fire safety plan is as follows:

1. Exit routes are clearly marked.
2. The means of egress are illuminated at all times.
3. The building served by the means of egress is occupied.
4. The flow of egress travel will not be interrupted by any building element.
5. Obstructions shall not be placed in the required width of means of egress.
6. The occupancy load as determined by the Trinidad Fire Department will be strictly adhered to by the Noah's Ark Peacock Ball Volunteers, staff, Kiwanis Volunteers, and security personnel of the Trinidad Police Department.
7. Fire extinguishers shall be appropriate to the special event in quality and size, and shall have been inspected by a certified inspection company.
8. Smoke and carbon monoxide detectors are present and operable.
9. Volunteers will refrain from using excessive extension cords.
10. All liquor sales will be provided by The Kiwanis Club of Trinidad.
11. All dinner items will be prepared off premises. No cooking will be done at the gym.

Please contact me if you need any additional information.

Sincerely,

Brian A. Blasi
President
The Kiwanis Club of Trinidad

3/4/14

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

Applicant: The Kiwanis Club of Trinidad, Colorado

dba: Peacock Ball – April 5th

Address: 206 N. Animas Street

Type of License: Malt, Vinous and Spirituous

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: March 18, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: OK when Fire Chief signs off
on Fire exit plan

3-12-2014
Date

Chris S. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 13, 2014

3/4/14

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

Applicant: The Kiwanis Club of Trinidad, Colorado

dba: Peacock Ball – April 5th

Address: 206 N. Animas Street

Type of License: Malt, Vinous and Spirituous

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: March 18, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: FOLLOW ATTACHED SECURITY PLAN

03-14-14

Date



Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 13, 2014

**Operations Plan
2014 Peacock ball**

Date of Operation: April 5, 2014
Operational Period's: 1700-2400
Pre-Operation Briefing: To be assigned
Operations Supervisor: To be assigned

Location of operation: Sebastiani gym 206 N Animas. Access to the facility will be Via Animas St

Operation Objectives: Provide security for the PEACOCK BALL. Maintain public peace and order during this event. Provide security in the operational area to include event BAR. It should be noted that ingress/egress is located on Animas St. The back door to the gym will NOT be used to allow access into the facility. A map is attached to this plan to show the operational area.

Radio Frequency: Officers assigned to this detail will set all 800 MGZ radios to TPD TAC 3. This will allow communications between officers and the Trinidad Communications Center. STAFF EVENT PERSONNEL will make contact with officers via the COMMUNICATIONS CENTER.

Event staffing (Security): Two (2) officers will be assigned to this event. One (1) officer will be assigned to work the bar area. One (1) officer will be assigned to work the main entrance to the event.

Handling of calls within operations area: Officers assigned to this detail will take all calls for service that occur within the event area. Violation of Statute will be handled accordingly by officers assigned to this operation. Any need for transport to jail and/or Detox will be done by patrol, a request will be made via TPD TAC 3 to the Communications Center. Officers will be responsible for affidavits and associated paper work upon the completion of their assignment. Custody forms will be turned over to the transporting officer upon turning the suspect over for transport.

Officers should note that the staff operating the "bar" are to have received TIPS training. It should be noted that the "Kiwanis Club" will be operating the bar. ALL staff working the bar will have received TIPS training. All WAIT STAFF will have TIPS training.

ALL persons who enter the bar area shall be 21 years of age or older. Prior to entering the bar, ALL ID's will be checked. Only persons of legal age to consume alcohol will be permitted in the bar area. ALL persons of legal drinking age will have a color wristband placed on them. NO ID = NO BAND = NO ALCOHOL.

Officers AND bar staff should pay special attention to ensure that underage persons ARE NOT being served alcohol. Also officers should ensure that overly intoxicated persons are not being served (As per CRS and Municipal Code). Any violations of

the Colorado Beer and Alcohol Code and Trinidad Municipal Alcohol Code shall be handled accordingly.

NO PERSON WHO IS NOT DESIGNATED BY PEACOCK BALL STAFF AND/OR "Kiwaniis Club", AS A BAR EMPLOYEE WILL BE ALLOWED BEHIND THE BAR. Any unauthorized person found behind the bar will be removed from the area. Appropriate enforcement action will also be taken.

The bar will have in place an accounting system for tracking all bar receipts and tip receipts. A "TIP" Jar will not be left where it can be accessed by unauthorized persons. TIP jars will be emptied and accounted for during normal cash drops.

No person is allowed to bring alcoholic beverages into the gym. No person is allowed to take alcoholic beverages out of the gym. Appropriate action will be taken for said violations.

Person(s) assigned to the bar shall wear a distinctive colored shirt that is NOT the same color as other event staff. This is so they can be easily identified as being authorized to work in the bar area.

Officer Safety: All officers assigned to this operation will be in full uniform and will be required to wear their ballistic vests.

Critical Incidents: Any incident requiring command staff notification will be immediately reported to the operations commander. He will make the appropriate notifications.

Officer assignments:

Breaks: Operations supervisor will make sure that officers are periodically given a break.

Prepared by:  _____ Date: 3/14/14

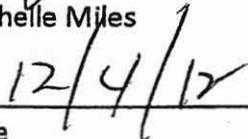
Approved by:  _____ Date: 3-14-14

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



Date

STATE OF COLORADO)
COUNTY OF LAS ANIMAS) SS
CITY OF TRINIDAD)

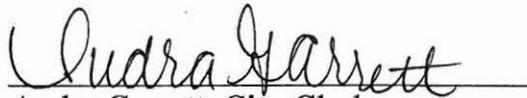
CERTIFICATE OF POSTING

I, Audra Garrett, City Clerk of the City of Trinidad, Colorado, do hereby certify that pursuant to the laws of the State of Colorado, and the ordinances of the City of Trinidad, The Kiwanis Club of Trinidad, Colorado, P. O. Box 808, Trinidad, Colorado, which business has applied for a Special Events Permit, to sell and dispense Malt, Vinous and Spirituous Liquors at 206 N. Animas Street, Trinidad, Colorado, on April 5, 2014, was duly posted for no less than ten continuous days, with the first day of posting occurring on the 4th day March, 2014.

WITNESS, my hand and the official seal of the City of Trinidad, Colorado, this 4th day of March, 2014.

CITY OF TRINIDAD, COLORADO

(SEAL)


Audra Garrett, City Clerk

7d



CITY OF TRINIDAD, COLORADO
1876

Council Communication

City Council Meeting:	March 18, 2014
Prepared:	March 13, 2014
Dept. Head Signature:	
# of Attachments:	1

Subject: Consideration of Water Lease Agreement between the Torres Trout Hatchery/Ken Torres and City of Trinidad

Presenter: Tom Acre, City Manager

Recommended City Council Action: Staff recommends City Council approve a motion allowing the Mayor to execute the Water Lease Agreement between the Torres Trout Hatchery/Ken Torres and the City of Trinidad.

Summary Statement: The Torres Trout Hatchery/Ken Torres is requesting 6.85 acre feet of water for use on an annual basis to be used to augment depletions for two (2) fish hatchery ponds and for no other purpose. The Torres Trout Hatchery/Ken Torres is seeking a fifteen (15) year lease. Based on the current lease, which is due to expire December 31, 2015, the amount of \$500.00 has been paid by the lessee in 2014. Beginning in 2015, the annual cost of the water lease will be \$1,000.00 and the annual cost will be adjusted in five (5) year intervals.

Expenditure Required: Some minor attorney fees not to exceed \$2,000.

Source of Funds: Torres Trout Hatchery and Ken Torres will reimburse the City for any legal fees.

Policy Issue: Execution of long term lease of water.

Alternative: City Council could direct staff to not proceed with this agreement.

Background Information: Torres Trout Hatchery/Ken Torres historically has leased 6.85 acre feet of water from the City of Trinidad for the past ten (10+) plus years to augment depletions from the ponds and resulting in depletions to the Purgatoire River. The Torres Trout Hatchery/Ken Torres is requesting 6.85 acre feet of water for use on an annual basis to be used to augment depletions and for no other purpose. He is requesting the term of the lease be fifteen years to allow them to meet Water Court requirements to have a long term source of depletion augmentation. The lease would allow extension by the parties by mutual agreement. The annual cost of the water lease will be adjusted in five (5) year intervals to reflect the market value of the water at the City's discretion.

The Torres Trout Hatchery/Ken Torres currently leases 6.85 acre-feet of water and the agreement will expire on December 31, 2015. Upon approval and execution of this lease agreement, any and all previous leases executed will be terminated and replaced by this lease agreement.

7d

WATER LEASE AGREEMENT

1. PARTIES. The parties to this Water Lease Agreement are the **CITY OF TRINIDAD**, a Colorado municipal corporation ("City"), and **TORRES TROUT HATCHERY and KEN TORRES**, principal, individually (collectively referred to as "Lessees").

2. RECITALS. Lessees operate the Torres Trout Hatchery in the South Fork of the Purgatoire Basin near Torres, Colorado. Lessees desire to obtain a long-term lease from the City for use in their pending application for a plan for augmentation in Case No. 2002CW151, District Court, Water Division No. 2, State of Colorado. The hatchery ponds result in depletions to the Purgatoire River or its tributaries, which must be replaced in accordance with Colorado law. The City is the owner of certain rights that may be used to augment the depletions from the ponds, including water stored by the City in Trinidad Reservoir. The City is willing to lease water to Lessees for use described above under the following terms and conditions.

NOW, THEREFORE, the parties agree as follows:

3. LEASE OF WATER. The City will lease six and eighty-five hundredths (6.85) acre feet of water to Lessees for use on an annual (January 1 to December 31) basis. This Lease may only be used to augment depletions for the hatchery ponds and for no other purpose. Of the four (4) ponds on the property, only the two (2) ponds described below shall be augmented by this Lease:

Torres Fisheries Pond Nos. 3 and 4 located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 24, Township 34 South, Range 69 West of the 6th P.M. as described in the application in Case No. 12CW127, District Court, Water Division No. 2.

4. TERM. The term for this Lease shall be fifteen (15) years, which may be extended by the parties by mutual agreement.

5. CANCELLATION. Lessees may cancel this Lease after the initial five (5) year period. In the event of a cancellation, Lessees shall be responsible for the payment of the lease cost during that year and for the next year. The City's obligation to make releases shall terminate 100 days following cancellation of the Lease.

6. PRICE.

A. In 2014, Lessees shall pay to the City three thousand four hundred and twenty five dollars (\$3425).

B. Starting in 2015, Lessees shall pay to the City six thousand eight hundred and fifty dollars (\$6,850), as adjusted after each five (5) year period as provided in ¶ 6.C. herein, on or before January 31 of each year.

C. At the end of each five (5) year period (i.e., at the end of 2019, 2024 and 2029) the annual lease price shall be adjusted by the same percentage as the City has adjusted the annual price per acre foot of its short term leases. That lease price is presently five hundred dollars (\$500) per acre foot. So, for example, if that amount increases to \$750 per acre-foot in 2018, an increase of 50%, then the lease price per acre-foot for this Lease shall increase by 50% or \$1500 per acre-foot annually. If the City no longer leases water short term, the parties agree to determine another index to reflect the adjustment in the price of leasing raw water from the City. Under no circumstances shall the annual lease price be reduced.

7. LESSEES' RESPONSIBILITY. The City will make six and eighty-five hundredths (6.85) acre feet of water available from the City's storage account in Trinidad Reservoir on an "as is" basis. The decreed uses of such water include augmentation as set forth in Case Nos. 88CW61 and 06CW78, District Court, Water Division No. 2, State of Colorado. It shall be the responsibility of the Lessees to obtain any additional approvals necessary to use the water for Lessees' intended purposes, including but not limited to the approvals by the Colorado Division of Water Resources and approvals of a plan for augmentation by the Water Court for Water Division No. 2, State of Colorado. The City shall cooperate with the Lessees in obtaining any required additional approvals from any entity. The City makes no warranties or guarantees that such approvals can be obtained, and makes no warranties or guarantees whatsoever that such water will be found to be suitable for Lessees' uses.

8. NO GUARANTEES OR WARRANTIES. Because of the possibility of drought, mechanical failures at Trinidad Reservoir or other extraordinary circumstances, the City cannot guarantee delivery of water. If the City cannot deliver the full six and eighty-five hundredths (6.85) acre feet of water to the Lessees, the City shall refund to Lessees the fee for any water paid for and requested in any year but not delivered at a rate of five hundred dollars (\$500) per acre-foot in 2014 and one thousand dollars (\$1000) per acre foot in 2015 and thereafter as adjusted. Such a refund shall be Lessees' sole and exclusive remedy against the City for any breach or non-performance of any obligation under this Lease.

9. RELEASE OF WATER. The water will be made available in Trinidad Reservoir upon the request of the Water Commissioner or Division Engineer. It is the responsibility of Lessees to coordinate with and contact the Water Commissioner and/or the Division Engineer to arrange the release of water for Lessees' benefit.

10. NO CARRYOVER AND NO CREDIT TOWARD PAYMENTS. Water not called for release by Lessees in any year shall not carry over for the benefit of the Lessees into the next year. In addition, Lessees shall not be entitled to a credit or refund for payments made for water Lessees did not call for on an annual basis.

11. REMEDIES FOR NON-PAYMENT. If Lessees fail to make payment pursuant to ¶ 6, the City may refrain from releasing any water until and unless the payment for that year is made by Lessees, or the City may declare this Lease terminated and notify the Water Commissioner. Such actions shall be the City's sole and exclusive remedies against the Lessees for nonpayment under this Lease.

12. ASSIGNMENT. This Lease may not be assigned except with a sale or lease of the hatchery ponds. In the event of such a sale or lease, the City may approve the assignment, which assignment shall not be unreasonably withheld.

13. CANCELLATION OF PREVIOUS LEASES. Upon execution of this Lease, any and all previous leases executed by the parties shall be terminated.

14. REIMBURSEMENT OF EXPENSES. Upon execution of this Lease by the City, Lessees shall reimburse the City for its legal expenses incurred in this matter to the extent not already paid. Lessees shall deposit one thousand dollars (\$1,000) with the City to cover anticipated legal expenses. Should total legal expenses exceed one thousand dollars (\$1,000), the balance due shall be paid by Lessees to the City as a condition precedent to final execution of this Lease by the City. Should the total legal expenses be less than one thousand dollars (\$1,000), the excess shall be credited toward Lessees' future lease payments or otherwise credited to Lessees' account under this Lease.

15. INCLUSION IN PURGATOIRE RIVER WATER CONSERVANCY DISTRICT. Lessees acknowledge that Lessees' property may need to be included into the Purgatoire River Water Conservancy District's boundaries in order to continue to augment using the City's water. If the City provides written notice to Lessees that inclusion is necessary, then Lessees shall file a petition for inclusion within ninety (90) days and diligently prosecute the petition. If Lessees fail to timely file a petition or diligently prosecute the petition, then the City, at its sole discretion, may terminate this Lease. Termination shall be effective as of December 31 of such year, and Lessees shall not be entitled to any refund pursuant to ¶ 8.

16. NOTICES. Any notice required or permitted by this Lease shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified or registered mail, postage and fees prepaid, addressed to the party to whom such notice is intended to be given at the address set forth below, or at such other address as has been previously furnished in writing to the other party or parties. Such notice shall be deemed to have been given when deposited in the U.S. Mail or hand delivered to the other party.

CITY:

Tom Acre, City Manager
City of Trinidad
135 North Animas
P.O. Box 880
Trinidad, CO 81082
719-846-9843
tom.acre@trinidad.co.gov

COPY TO:

Jeffrey J. Kahn
Lyons Gaddis Kahn Hall Jeffers Dworak & Grant PC
P.O. Box 978
Longmont, CO 80502-0978
303-776-9900
jkahn@lgkhlaw.com

LESSEES:

Ken Torres
c/o Diamond T Enterprises
208 Prospect St.
Trinidad, CO 81082
719-846-7109 off ph
719-859-3151 cell
ken@diamondtenterprises.com
robin@diamondtenterprises.com

COPY TO:

Gerald McDaniel
485 Guyout Ridge Ct.
Colorado Springs, CO 80919
719-260-9304
law@geraldmcdaniel.com

Dated: _____.

CITY OF TRINIDAD,
a Colorado municipal corporation

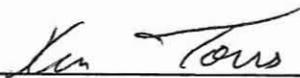
By: _____
Name: _____
Its: _____

ATTEST:

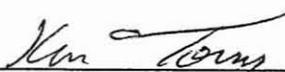
City Clerk

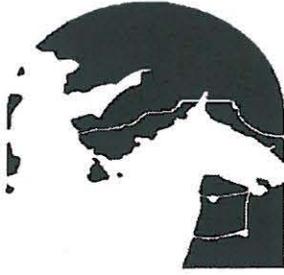
LESSEES:

TORRES TROUT HATCHERY

By: 

Ken Torres, Principal Partner


KEN TORRES, individual



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: March 18, 2014
PREPARED BY: Karen Wolf, Assistant Planner
DEPT. HEAD SIGNATURE: 
OF ATTACHMENTS: 2

SUBJECT: State Historical Fund (SHF, Competitive Grant over \$35,000, Trinidad Power & Light Building Rehabilitation

PRESENTER: Louis Fineberg

RECOMMENDED CITY COUNCIL ACTION: Staff recommends that City Council approve supporting the grant application, project and dedication of matching funds.

SUMMARY STATEMENT: SHF grants can be used for acquisition and development. The Trinidad Power & Light Building's roof, masonry, doors, windows and/or storefront will be targeted for rehabilitation with these funds.

EXPENDITURE REQUIRED: \$188,714

SOURCE OF FUNDS: 2015 CIP and/or Lottery Funds.

POLICY ISSUE: Should a portion of the 2015 CIP and/or Lottery Funds be utilized for the Trinidad Power & Light Building rehabilitation.

ALTERNATIVE: Not applicable.

BACKGROUND INFORMATION:

- The City of Trinidad owns the Power & Light Building (Hughes Lumber, 127 Plum Street) and tentatively intends to use the building for offices, storage and non-profit or education-related rental space.
- The grant budget includes the rehabilitation of all of the following:
 - Roof
 - Masonry
 - Doors
 - Windows
 - Storefront.
- Project Budget: \$388,714
 - SHF Grant Request: \$200,000
 - Cash Match: \$188,714 = 48.54% (25% is required.)



SCHUEBER + DARDEN
architects llc

PO BOX 608
PARLER, COLORADO 80844
BOULDER

CITY OF TRINIDAD
HUGHES LUMBER
COMPANY
SHELF PROJECT
#2510-11P-0281

**CONSTRUCTION
DOCUMENTS**

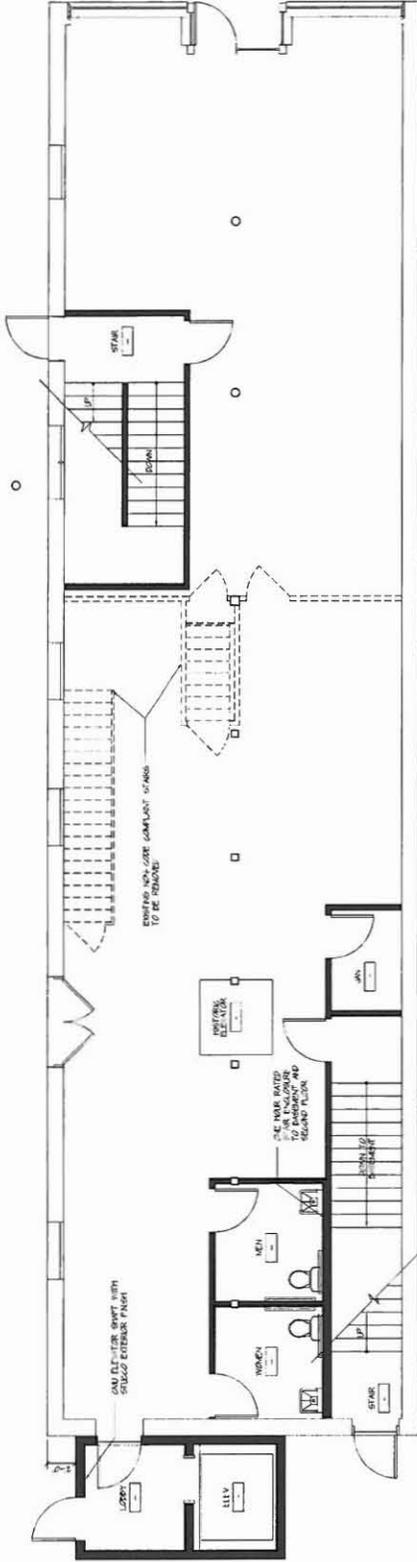
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DATE: FEBRUARY 10, 2014
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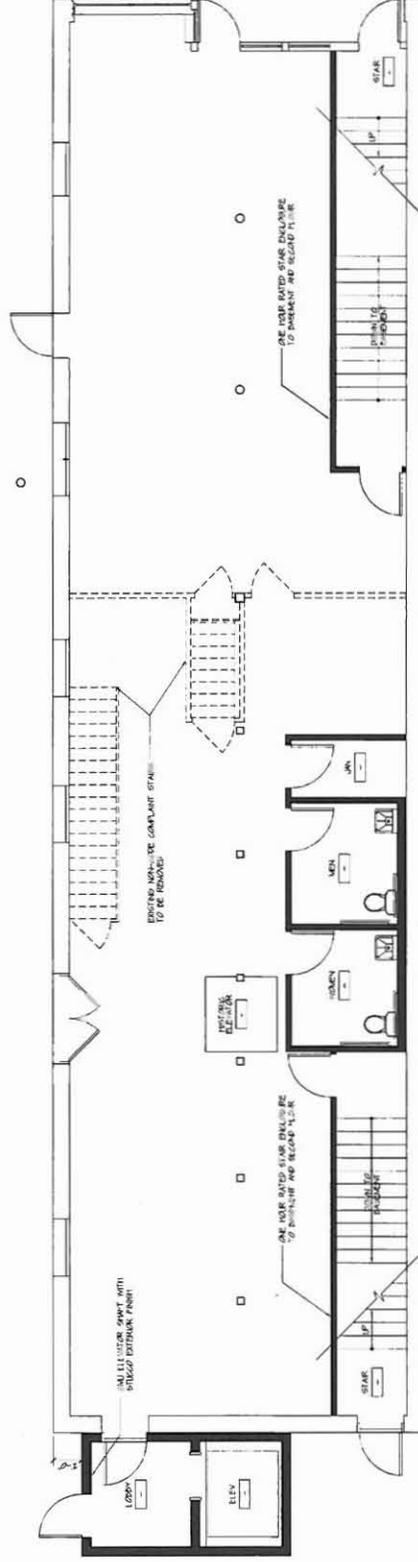
FLOOR PLAN

A1.0

THIS PROJECT IS PARTIALLY FINISHED BY A DRAWING FROM THE COLORADO HISTORICAL SOCIETY STATE HISTORICAL PARK



1. FLOOR PLAN - ALT 1
SCALE: 1/4" = 1'-0"



2. FLOOR PLAN - ALT 2
SCALE: 1/4" = 1'-0"

SCHUBERT + DARDEN
architects llc

PO BOX 600
PARRIS, MO 64654

CITY OF TRINDAD
HUGHES LUMBER
COMPANY

**CONSTRUCTION
DOCUMENTS
FOR**

PROJECT 1000-10-002

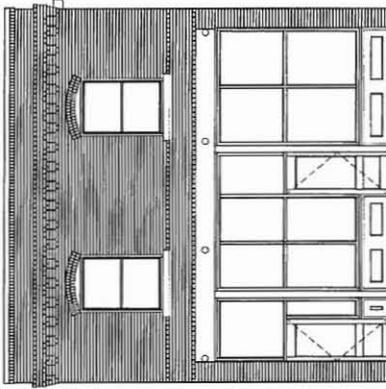
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DATE: FEBRUARY 12, 2014
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DRAWN BY: MS
CHECKED BY: RD
COMPUTER FILE:

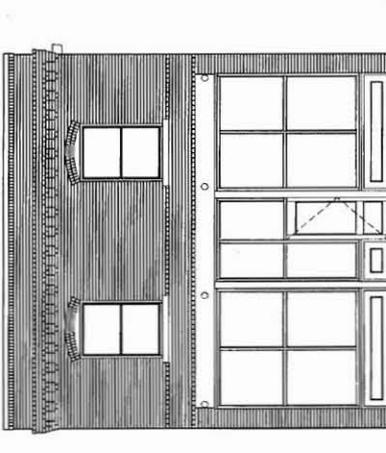
ELEVATIONS

A2.0

THIS PROJECT IS PARTIALLY FINANCED BY A GRANT FROM THE COLORADO HISTORICAL SOCIETY STATE HISTORICAL PARK



ELEVATION - ALT 2
SCALE 1/4" = 1'-0"



ELEVATION - ALT 1
SCALE 1/4" = 1'-0"



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

7f

CITY COUNCIL MEETING: March 18, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: First reading of an ordinance correcting the article number identified in Ordinance No. 1955, which established regulations and licensing requirements for medical marijuana businesses, and setting a hearing date for consideration of said ordinance

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Approve the ordinance on first reading and set it for public hearing on April 1, 2014

SUMMARY STATEMENT: The proposed ordinance would correct an error in Ordinance No. 1955

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The error in the Article number was discovered when Ms. Marshall was codifying the ordinance.

7f

ORDINANCE NO.

AN ORDINANCE CORRECTING THE ARTICLE NUMBER IDENTIFIED IN ORDINANCE NO. 1955, WHICH ESTABLISHED REGULATIONS AND LICENSING REQUIREMENTS FOR MEDICAL MARIJUANA BUSINESSES

WHEREAS, Ordinance 1955, finally passed and approved on March 4, 2014, designated Article 12 as the location in the Code of Ordinances for the repeal and re-enactment of the code affecting medical marijuana businesses; and

WHEREAS, Article 12, as it exists in the Code of Ordinances, pertains to the Retail Marijuana Local Licensing Authority; and

WHEREAS, both ordinances are in full force and effect; and

WHEREAS, it is City Council's desire to correct the discrepancy and codify the ordinance language accordingly.

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

The Code of Ordinances of the City of Trinidad, Colorado is amended by the assignment of the adopting ordinance of the Medical Marijuana Regulations and Licensing Requirements, Ordinance No. 1955, as referenced above, to Article 11 of Chapter 14.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED this 18th day of March, 2014.

FINALLY PASSED AND APPROVED this ____ day of April, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of April, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

AUDRA GARRETT, City Clerk