



CITY OF TRINIDAD  
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,  
Colorado, will be held on Tuesday, May 6, 2014 at 7:00 P.M.  
in City Council Chambers at City Hall

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Regular and Special Meeting of April 15, 2014, Special Meetings of April 17, 2014 and April 22, 2014
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 4) **COUNCIL REPORTS**
- 5) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 6) **UNFINISHED BUSINESS**
  - a) Public hearing for consideration of an ordinance providing for the control of cross-connections in order to prevent backflow and protect the City's water supply system from contamination
    - i) Second reading of an ordinance providing for the control of cross-connections in order to prevent backflow and protect the City's water supply system from contamination
- 7) **MISCELLANEOUS BUSINESS**
  - a) Hotel & Restaurant liquor license renewal request by RGS Sawaya, LLC d/b/a Café What a Grind at 341 N. Commercial Street
  - b) Arts license renewal request by Southern Colorado Repertory Theatre at 131 W. Main Street
  - c) Beer and wine license renewal request by Mt. Carmel Health, Wellness & Community Center at 911 Robinson Avenue
  - d) Resolution modifying the restriction for use of the Trinidad landfill by Las Animas County businesses and residents
- 8) **BILLS**
- 9) **PAYROLL**, April 26, 2014 through May 9, 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, April 15, 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, April 15, 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 a conference with the City’s Attorneys for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Legal advice concerning pending and/or potential employment-related claims; and, discussion regarding ARPA litigation

The meeting was called to order at 5:40 p.m.

Roll call was taken.

There were present:      Mayor Pro-Tem      Bolton, presiding  
   Councilmembers      Bonato, Fletcher, Mattie, Miles, Torres  
   Mayor                      Reorda

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

Executive session - For a conference with the City’s Attorneys for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Legal advice concerning pending and/or potential employment-related claims; and, discussion regarding ARPA litigation. A motion to enter into executive session for the stated purposes was made by Councilmember Fletcher. Mayor Reorda seconded the motion. Upon roll call vote the motion carried unanimously. The executive session ensued at 5:41 p.m. Upon conclusion of executive session at 7:07 p.m., Councilmember Fletcher moved to resume the special meeting and Councilmember Mattie seconded the motion. Upon roll call vote the motion carried unanimously and the special meeting resumed.

*I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 15<sup>th</sup> day of April, 2014, was permissible under CRS Section 24-6-402 (4)(b).*

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

  
Les S. Downs  
City Attorney

There being no further business, the meeting was adjourned.

ATTEST:

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CAROL BOLTON, Mayor Pro-Tem

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AUDRA GARRETT, City Clerk

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, April 15, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor Pro-Tem	Bolton, presiding
	Councilmembers	Bonato, Fletcher, Mattie, Miles, Torres
	Mayor	Reorda
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The meeting was called to order at 7:15 p.m. The pledge of allegiance was recited.

**PROCLAMATION** – Arbor Day, April 25, 2014. Councilmember Miles read aloud the Proclamation declaring April 25, 2014 as Arbor Day in the City of Trinidad.

**APPROVAL OF THE MINUTES.** Regular and Special Meeting of April 1, 2014, and Special Meeting of April 8, 2014. Councilmember Bonato made a correction to the Special Meeting minutes of April 8<sup>th</sup> whereby he pointed out that he cast a dissenting vote on the approval of the first reading of the ordinance amending the number of medical marijuana licenses that may be issued within the corporate City limits, however the minutes reflected a unanimous approval. Councilmember Bolton stated that she made minor corrections to the minutes as well and the City Clerk provided replacement copies of those pages affected to Council with the corrections reflected. A motion to approve the minutes as corrected was made by Mayor Reorda and seconded by Councilmember Mattie. The motion carried unanimously upon roll call vote.

**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** William Beaty addressed Council concerning the Parks Department. Mr. Beaty read a prepared statement as follows: “Mr. Mayor, Ladies and Gentlemen of the City Council – My name is William Beaty and I have worked for the City of Trinidad for 27 years. I currently work at the Parks Department and I have held that position for 14 years. The Parks Department employees have never had their own shop. The City Manager had a meeting with the Parks employees and told us to come up with ideas to save money, to improve morale and efficiency. This does all three. But NOTHING is being done about it. That is why I am here tonight representing the Parks Department asking for your help. Every morning we start our work day by driving to the Community Center, get our work assignments for the day, get in our own PERSONAL VEHICLE, which is a very HUGE let alone a risky liability to the CITY in itself alone! Again get in our own PERSONAL VEHICLE drive to the City Garage, get in our work trucks then start our day. We have to FIX THIS PROBLEM! We would like to see a shop built at Central Park. I have talked to Dave (Esquibel) and Kirby (Robert Bonato) AND the City Manager about this. All three said it was a “good idea” but it STOPPED THERE!! Every time I spoke with the City Manager he says I’m still thinking about it. Well while he’s thinking about it you just might have a liability on your hands that would cost you a lot more than this project would. Our plan is quite simple. Move the time clock to Central Park, build a fence for our trucks, fix up the existing garage for winter use, move all the tools and equipment to Central (Park) and finally give the Parks Department their own shop that they DESERVE! This can be done at little cost compared to the amount the Council would (pay) for another facility. We just need Council to get behind this and do it instead of us hearing “It sounds good OR I’m still thinking about it” and it will happen.”

Thomas Murphy addressed Council regarding utilities. Mr. Murphy told Council that next year will be 10 years that he has been sitting in the audience filming, observing and participating in local government. He told Mayor Reorda that the previous Council passed a rule a year or two ago that people are only supposed to address the Chair. He said he knows that it is the Mayor’s desire that all City business be conducted here in Council meetings. He explained that makes the Mayor the focal point and so if he just stares at him, not take it personally. Mr. Murphy continued that it has been his observation after nine years of filming that if someone speaks to this body, it is not so much the content of what they have to say but it is the ego of this City Council. If the tone and attitude of the people that come here to speak is not appropriate, or someone has passion or anger, they are usually dismissed by this Council. He said it is not much different than an adult-version of high school. He concluded that portion of his address by quoting: “When people fear government we have tyranny; when government fears people we have democracy;” and “The best predictor of future behavior is past behavior.” Mr. Murphy next addressed Council concerning utilities. He reminded those present that several years ago he, Dave Grugel, and three others sued the City over utilities. According to Mr. Grugel’s calculations, people were being overcharged to the tune of millions of dollars. He came to the City repeatedly, he was dismissed repeatedly, and he was branded a trouble maker. That brought the lawsuit and the settlement. Mr. Murphy said from that a number of people were upset with him because they weren’t included in it. But, Mr. Grugel went from person to person and from business to business. Each and every one of them told him they were afraid of the City. Mr. Murphy said he was the last to sign up and the group decided as long as they had him they were going to do this. He said their goal was not to bankrupt the City, which was certainly a possibility, it was to do it right. Mr. Murphy said he currently has two friends who are no longer occupying their homes but their utilities are on. Their bills have skyrocketed recently, as has his, he said. He said he keeps his home very, very cool. He said he suspects, because the City staff has admitted, that they didn’t overcharge but apparently a City staff worker was injured and so they just estimated. His friend who is not even occupying his house said they tripled his utilities. He reminded that five people sued the City and won. He suggested this time there may be 100 people who would sue the City and maybe bankrupting the City is what needs to happen. Mr. Murphy said if anyone on Council has the courage, they need six answers – who, what, when, where, why and how? Answer those questions in this body and they will avert another lawsuit.

**COUNCIL REPORTS.** Councilmember Bonato reported on his attendance at an agricultural tourism meeting held last Wednesday at the College with Tara Marshall. He said it was an interesting meeting with the involvement of the County

Commissioners as well as County Administrator LeAnn Fabec and others. He deferred to Ms. Marshall to speak briefly on the meeting. Mr. Marshall told Council that in 2013 the State funded a strategic plan for agricultural tourism across the state to determine how to define it and how to build activities. The state is defining agri-tourism as activities located on farms and ranches. Our agriculture is suffering economically just as everything else is. The state's strategic plan seeks to find ways to provide opportunities to farmers and ranchers to create alternative revenue streams. One example used was a farmer in the northwest with a 400 acre farm took five acres and planted a pumpkin patch. That pumpkin patch alone during six weeks in the fall is drawing 20,000 people to come out and pay \$30 to get their picture taken and select a pumpkin. She concluded that the main thing the state is doing right now is that they are sponsoring legislation which is going through the Assembly that will offer liability insurance to these farmers and ranchers for agri-tourism events that happen on their property, similar to the way the ski industry is now indemnified. She noted that Councilmember Bonato participated in the afternoon meeting and Mayor Pro-Tem Bolton came to the lunch with the Creative District team.

Councilmember Miles reported that she attended the most recent I-25 Summit Meeting which is an endeavor to brand Southern Colorado, similar to the way Southern California has its own unique identity. They are busy at work getting rack cards to place in the Welcome Centers and throughout town. She added that 7-11 has announced that they have agreed to provide about \$80,000 worth of coupons to try to drag people off the highway into the communities of Colorado Springs, Pueblo, Walsenburg, Aguilar and Trinidad. They are looking at branding each of those exits coming off of I-25. She encouraged those with a retail store or museum, etc. who want to participate as a distributor or as a merchant in the coupon program to contact Kim Schultz. Next she reported on Council's attendance of the County Commissioner's meeting which focused on Economic Development. She said Marsha Royse and staff did a good job on updating everyone on Economic Development's activities over the past year, including cleaning up the non-audited financial statements. That will prep Economic Development to be ready to receive grants. She said there was a very pointed discussion on the need for an Economic Development Director. However, they discussed various ways in which that position might be funded and there were unfortunately no obvious solutions. It is being focused on and perhaps with a combination of grants and City and County funding, they may make it happen.

Mayor Reorda responded to Mr. Murphy's comments regarding utilities that some of the current Council members ran was because of the electric situation, and they are on top of it. He said there are some things that Council can't disclose, but they are working very hard on it and he will see some results.

Councilmember Fletcher added that regarding their meeting with the County Commissioners she felt that it was productive. One thing discussed was a possible ballot issue to have a sales tax strictly dedicated to economic development. Pueblo recently passed a one-half cent sales tax for that purpose. Mayor Reorda noted that we have to keep in mind the City's ballot question will come up in November also. Councilmember Fletcher told Council that the Friends of the Library, who operates the used bookstore to help fund the library, will be placing some of their excess books in various tourist locations in the state with colorful stickers on them advertising the used bookstore's address telling them to come visit the store in Trinidad.

Councilmember Mattie noted his attendance at the joint City/County meeting and said anything he would offer would be redundant.

Mayor Pro-Tem Bolton told Council that National Train Day is on May 10<sup>th</sup>. Trinidad will be participating in the national event and a Trinidad National Train Day 2014 Facebook page was recently set up. She said she hopes to have information out to the media in the near future. She encouraged participation and said they'd like to see people bring signs to save the Southwest Chief and people boarding the train on a special trip to Las Vegas, New Mexico, and back that same day. They will have the opportunity to visit with dignitaries from the north and some who will be joining the train ride in Raton and meeting those on the trip in Las Vegas.

**REPORTS BY CITY MANAGER.** General Maintenance staff. City Manager Acre invited Foreman Ken Asevedo and the staff from the City's maintenance garage up to publicly thank them for some recent work they did. He explained that last fall they worked with Trinidad State Junior College students on repairs to a backhoe. He continued that the City's sweeper is 14 years old and these employees put their heart and soul into some major repairs in hopes that it will work for a couple more years. Ken Asevedo introduced himself as Foreman, and also introduced Mike Montoya and Vernon Sanchez, Maintenance Mechanic I employees and Lee Hadaway, their go-to guy. He said Mr. Hadaway has been saving the City quite a bit of money, going out and getting bids. He's also been working with Mary Santistevan from Alta to start buying oil in bulk and saving \$1.00 per quart. He extended appreciation to his crew. City Manager Acre added that Mr. Hadaway has been putting together information about maintenance of each City vehicle. A new sweeper would cost \$220,000 to \$240,000. Mr. Asevedo said they saved \$22,000 by doing the work on the sweeper themselves. They made and rebuilt parts for the machine. Councilmember Bonato asked if it is a vacuum sweeper. Mr. Asevedo said it is. It blows and pushes the dirt to one side and then is sucked up on that side. It is the best kind of sweeper for this town. He continued that we had a regular broom sweeper but it doesn't work on the City's streets because the broom wears out on one side because of the crown on the streets. They would have to replace the broom each month at a cost of \$600. Councilmember Mattie commented that at times like this he is reminded of a poster he once read: 'We, the willing, led by the unknowing are doing the impossible for the ungrateful; we have done so much for so long with so little, we can now do anything with nothing.' Mayor Pro-Tem Bolton thanked each of the employees for all they do and added that she has seen their creativity. Mayor Reorda also commented on how clean they keep their facility.

**Purgatoire Watershed Partnership.** City Manager Ace informed Council that there will be a Purgatoire Watershed Partnership meeting tomorrow evening at 6:00 p.m. at Primero School that he and Councilmember Bonato will be attending. A representative from the Inter-Basin Compact Committee, the statewide committee on water, will be coming to tell the group about the Governor's state-wide water plan. The Governor has charged each of the basin roundtables with helping to guide the state with respect to water for the future. He added that he's been asked to serve on the basin roundtable from a water standpoint for the City. There will be additional meetings in the future to obtain public input on the water plan.

Ludlow. City Manager Acre reminded Council that this Sunday is the official 100 year anniversary of the Ludlow

massacre. Many events will take place after that. He said he'd said out an updated schedule to Council tomorrow.

**REPORTS BY CITY ATTORNEY.** Planning Commission. City Attorney Downs advised County that the Planning, Zoning and Variance Commission meeting that was scheduled for April 8<sup>th</sup> was continued to tomorrow, April 16<sup>th</sup> at 5:30 p.m. The work session is a meeting to help them get ready for the April 22<sup>nd</sup> meeting whereby they will be considering the Conditional Use Permit applications of those interested in a medical marijuana business. That meeting is scheduled for April 22<sup>nd</sup> at 5:30 p.m. Councilmember Miles commented that in the past they have stated that the Planning Commission's purview is zoning and distance from schools, however nuisance abatement is also in their purview. City Attorney Downs agreed. The Commission will be giving the applicants instructions on their continuing obligation to comply with all municipal officials and to address odor, traffic, etc. He added that the equivalent of a written advisement is being considered and may be required to be signed by the applicant. They must understand and agree to the conditions.

**UNFINISHED BUSINESS.** Public hearing for consideration of an ordinance adjusting the City of Trinidad landfill rates. Mayor Pro-Tem Bolton 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 adjusting the City of Trinidad landfill rates. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Mayor Reorda. The motion was seconded by Councilmember Miles and carried by a unanimous roll call vote.

ORDINANCE NO. 1957

AN ORDINANCE ADJUSTING THE CITY OF TRINIDAD LANDFILL RATES

First reading of an ordinance providing for the control of cross-connections in order to prevent backflow and protect the City's water supply system from contamination, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bonato and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on May 6, 2014, was made by Councilmember Torres and seconded by Mayor Reorda. Mayor Reorda asked if the City is providing the backflow preventer. City Manager Acre answered that the customers will have to provide them. Mayor Reorda asked if any plumber can install them. City Manager Acre said that the plumber will have to meet the requirements of the regulations to be able to install them. Roll call was taken on the motion which carried unanimously.

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE CONTROL OF CROSS-CONNECTIONS IN ORDER TO PREVENT BACKFLOW AND PROTECT THE CITY'S WATER SUPPLY SYSTEM FROM CONTAMINATION

**MISCELLANEOUS BUSINESS.** 3.2% Beer Off-Premises liquor license renewal request by Safeway Store Forty-Six, Inc. d/b/a Safeway Store #722 at 457 W. Main Street. Arlene Gutierrez addressed Council on behalf of Safeway Store #722. Mayor Pro-Tem Bolton asked if the issues raised by the Building Inspector have been addressed. Ms. Gutierrez advised that they all have been. A motion to approve the renewal was made by Councilmember Fletcher and was seconded by Mayor Reorda. Upon roll call vote the motion carried unanimously.

Special events permit application (malt, vinous and spirituous) filed by Confederacion Mutualista Medica n a Hispano-Americana for May 31, 2014 (Rocky Mountain Elk Foundation Banquet). Kathy Bueno was present on behalf of the applicant. Councilmember Miles moved for the approval of the special events permit and Councilmember Torres seconded the motion. The motion carried by a unanimous roll call vote.

Appointment of Library Advisory Board members. Mallory Pillard, Director of the Library was introduced by City Manager Acre. He said she's been doing a wonderful job. City Clerk Garrett advised Council that since the work session Frank Hardy has submitted a letter indicating his interest in remaining on the board. She said he is a standing member with a term expiration in January, 2015. Councilmember Miles moved to appoint Olga Reorda, Cherie Kollander, Marjorie Kiefer and Lawrence Kiefer to the Board. Councilmember Bonato seconded the motion, which carried by a unanimous roll call vote of Council.

Consideration of an agreement between the City and Colorado Department of Local Affairs for the purpose of updating the City of Trinidad Comprehensive Plan, the Land Development Code and the Zoning Map. A motion to approve the agreement and authorize the Mayor to execute the same was made by Councilmember Fletcher and seconded by Councilmember Mattie. Roll call was taken and the motion carried unanimously.

Consideration of letter of professional services for the 2013 audit by Dixon, Waller & Co., Inc. Finance Director Lonny Medina told Council that the audit will start next Tuesday. Mayor Reorda asked where the City is with the internal audit. City Manager Acre answered that he is discussing timing with the two applicants to select one. Councilmember Mattie made a motion to approve the letter of professional services and Councilmember Miles seconded the motion. Upon roll call vote the motion carried unanimously.

Consideration of Water Lease Agreement between the City and Donald S. & Mary Jean Praeger. City Manager Acre told Council that this is another, new water lease agreement. The Praegers own property near Cuchara Pass and want to fill a pond. The agreement is a 15 year lease with a renewal option. City Manager Acre said it will be a benefit to the City. He added if there is not an adequate water supply the City doesn't have to allow the lease to continue. Upon Mayor Reorda's inquiry, he clarified that the Praegers will be augmenting with this lease the water they will be taking out of the Purgatoire

River to fill their pond. Councilmember Miles moved to approve the water lease agreement. Councilmember Torres seconded the motion which carried by a unanimous roll call vote.

APRIL 15, 2014

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

**PAYROLL,** April 12, 2014 through April 25, 2014. A motion to approve the payroll was made by Councilmember Fletcher and seconded by Councilmember Torres. 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 Mayor Reorda and seconded by Councilmember Bonato. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

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CAROL BOLTON, Mayor Pro-Tem

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AUDRA GARRETT, City Clerk

The City Council of the City of Trinidad, Colorado, met in Special Session on Thursday, April 17, 2014, at 1:00 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD  
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Thursday, April 17, 2014, at 1:00 p.m. in the Council Chambers at City Hall

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

- 1) Resolution approving the basic terms of settlement between the City of Trinidad, Arkansas River Power Authority and Syncora

The meeting was called to order at 1:00 p.m.

Roll call was taken.

There were present:	Mayor Pro-Tem	Bolton, presiding
	Councilmembers	Bonato, Fletcher, Mattie, Miles, Torres

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

Absent:	Mayor	Reorda
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Resolution approving the basic terms of settlement between the City of Trinidad, Arkansas River Power Authority and Syncora. City Manager Acre pointed to the resolution and basic terms of settlement and asked Council to approve the same. He stated the rationale is that they've had meetings and negotiated this almost three months ago. Since then there has not been much movement from Syncora. They feel this action will put pressure on Syncora to continue discussions with the City and move forward with continuing communication if desired and necessary. This is the first step in working with our legal counsel and with ARPA to try to enforce the basic terms of the settlement agreement. He said we are trying to put this back in Trinidad's seat as the driver instead of waiting for someone else. City Manager Acre told Council he's been working with Councilmember Michelle Miles and our legal counsel on a press release and he's been talking with ARPA so we are all on the same page. City Manager Acre provided Council with the basic terms of settlement, explaining that they are confidential until Council approves them. A motion to adopt the resolution approving the basic terms of settlement between the City of Trinidad, Arkansas River Power Authority and Syncora was made by Councilmember Mattie. The motion was seconded by Councilmember Bonato and carried by a unanimous roll call vote of Council members present.

RESOLUTION NO. 1427

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, APPROVING THE BASIC TERMS OF SETTLEMENT OF TRINIDAD V. ARPA AND SYNOCRA V. TRINIDAD LAW-SUITS AND REAFFIRMATION OF THE ORGANIC CONTRACT, POWER SUPPLY AGREEMENT AND BASIC TERMS OF SETTLEMENT

There being no further business, Councilmember Fletcher moved to adjourn the special meeting and Councilmember Bonato seconded the motion. Upon roll call vote, the meeting was adjourned unanimously.

ATTEST:

CAROL BOLTON, Mayor Pro-Tem

AUDRA GARRETT, City Clerk

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, April 22, 2014, immediately following the work session at 1:30 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, April 22, 2014, immediately following the work session at 1:30 p.m. in the Council Chambers at City Hall

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

- 1) Public hearing for consideration of an ordinance amending the number of medical marijuana licenses that may be issued within the corporate City limits
  - a) Second reading of an ordinance amending the number of medical marijuana licenses that may be issued within the corporate City limits
- 2) Approval of resolution and authorization to commit funds for support of the TIGER grant application
- 3) Motion implementing Ordinance #1957, an Ordinance Adjusting the City of Trinidad Landfill fees, effective June 1, 2014

The meeting was called to order at approximately 3:25 p.m.

Roll call was taken.

There were present:	Mayor Pro-Tem	Bolton, presiding
	Councilmembers	Bonato, Fletcher, Mattie, Miles, Torres
	Mayor	Reorda

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

Public hearing for consideration of an ordinance amending the number of medical marijuana licenses that may be issued within the corporate City limits. Mayor Pro-Tem Bolton declared the public hearing open and called for comments for or against the ordinance. Howard Lackey addressed Council. Mr. Lackey said in listening in at the last work session he wants to have a different focus. One of the things the community needs to look at is the fact that the economic development issues are lacking at this point because we've relied on someone else to tell us what we are going to be. Mr. Lackey suggested Trinidad needs to consider becoming a regional shopping area and get the benefit of the tax revenues. One thing that has worked in the past and probably can work again is the fact that tourism is an extremely important part of the world and he suggested that the Tourism Board be approached to help with the funding for Amtrak (TIGER grant), because they more than anybody will benefit from it. He said there is a situation where the City is running short on funds, so the Tourism Board should be approached about kicking in on the deal because they have a steady source of funds from the tourism tax. He continued that Trinidad needs to be looked at as a tourist destination. Our history and quality of life are very important to get people here, whether they come by plane, train, etc. We need to think about tourism as a bigger part of the economic development plan. He reiterated the need to build up a regional shopping area, adding that we are the only shopping for 80 miles to the south. Raton used to be but is pretty much gone. People are coming up from Las Vegas, out west, and out east because of Walmart - key on that. Figure out how to get them here and how to get them in the local businesses to spend a couple of bucks. Make them feel welcome and make them come into town. Mr. Lackey said when he was on the Economic Development Board he sat on the SCEDD Board and was chairman for three years. He urged they have Planning Director Fineberg raise his hand to get money. It is a very simple process. He said he was able to generate almost \$1.3 million for Trinidad to consolidate the Industrial Park. The money could be used to complete the infrastructure. When that happens, people will come in to build their facilities. He urged involvement with SCEDD and suggested the City bring them a plan on what it wants to do and how the City wants to do it, because SCEDD has money they want to give out. He added that Trinidad is due because we haven't received money from SCEDD in probably ten years. With regard to consideration of limitations on medical and recreational marijuana, he reiterated the need for Trinidad to focus on it being a quality place to come for that particular activity. We want Trinidad to be the first stop on I-25 going north and the last stop coming south. He suggested they look at this differently and make it a tourism attraction of sorts because that's what it is. Look at fewer recreational and medical sales locations and more grow facilities. The grow facilities will have the greatest number of employees. Employment is economic development. When you have a larger grow capacity in a community, the product could go north. Trinidad could have grow facilities that export the product north and bring back the cash. He also urged Council to start thinking about this process as a development process, not only for the product that is grown here but also for the product made from the oils, etc. That's where the largest growth will be, from medical marijuana. Recreational marijuana has about a five-year window before other places in the state and other states will have it. There'll be research facilities, production facilities, and grow facilities. Every one of them will employ three to four times more people than the recreational facilities will. As a community we need to look at a different approach to economic development. This is something we've never done before. He suggested they do a little research and figure out what will be the best thing for

Trinidad. We are the first place in Colorado and the best place in Colorado. Everyone has to go through Trinidad to get somewhere else. Mayor Pro-Tem Bolton confirmed there to be no further comments, and closed the hearing.

Second reading of an ordinance amending the number of medical marijuana licenses that may be issued within the corporate City limits. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Miles. The motion was seconded by Councilmember Mattie and carried by a majority vote upon roll call, with all Council members voting aye except Councilmember Bonato who cast a dissenting vote.

ORDINANCE NO. 1958

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, AMENDING THE NUMBER OF MEDICAL MARIJUANA LICENSES THAT MAY BE ISSUED WITHIN THE CORPORATE CITY LIMITS

Approval of resolution and authorization to commit funds for support of the TIGER grant application. City Manager Acre advised that they have two letters to consider. He made a change to the original letter to read that Trinidad is making a \$10,000 commitment as an option to consider, rather than a \$25,000 commitment. He read from the letter "With this in mind, please accept this letter of support and commitment for funding for the referenced TIGER VI grant in the amount of \$10,000. Trinidad will continue to work with the other partners in SE Colorado to explore the potential for additional funding." He told Council that just before the meeting he ran it by Jim Souby who has been leading this charge and learned that they have reached their \$250,000 goal including Trinidad's suggested commitment of \$25,000. They got a private donor in Colorado Springs. He told Mr. Souby that Council was still going to be voting on it. Councilmember Fletcher asked if they need the \$25,000 from Trinidad. City Manager Acre answered that they still need the money, but that it is up to Council whether they want to commit \$10,000 or \$25,000. As of yesterday they didn't know where they were going to come up with the money. Mayor Pro-Tem Bolton said it took a grandiose effort on their part to reach that goal. Councilmember Miles asked if the City only commits \$10,000 rather than \$25,000 will the grant not be submitted. City Manager Acre said he thinks they will still submit the grant. He stated that he asked Mr. Souby what impact Trinidad committing just \$10,000 would have, but hasn't heard back from him. He reiterated that he thinks they will still submit the grant and commit \$235,000 from Colorado versus the \$250,000. City Manager Acre added that he thought by the City committing to work with the other partners in southeast Colorado to come up with the difference it illustrates that we are still committed. This just shows we can only give what we can give. Mayor Pro-Tem Bolton commented that she hates the fact that they reached the goal based on Trinidad proposing an amount and now we are backing down on it. City Manager Acre commented that they knew up front that City Council's approval was needed. He added that we are making our best effort and that's all they can expect of us. Councilmember Mattie commented that he would feel embarrassed had we committed to the \$25,000 and changed our minds, but in this instance they suggested the amount to Trinidad and have proceeded on an assumption that Trinidad would ratify the \$25,000 commitment they suggested. Mayor Pro-Tem Bolton asked if it was our suggestion or their suggestion. City Manager Acre said he wasn't involved in the discussion where the \$25,000 commitment was discussed; he said he learned about it after. City Attorney Downs said the Mayor was in his office when a call came in from Sal Pace. He said that the dollar amount was suggested to us. City Manager Acre agreed. Councilmember Mattie moved to commit \$10,000 to the TIGER grant fund with the consideration that if circumstances present themselves that we can increase that amount in conjunction with other areas we will continue to help out as much as we can. He further moved to approve the resolution. The motion was seconded by Councilmember Fletcher and carried by a majority vote upon roll call, with all Council members voting aye except Mayor Reorda who cast a dissenting vote.

RESOLUTION NO. 1428

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, ENDORSING EFFORTS TO MAINTAIN AMTRAK'S SOUTHWEST CHIEF PASSENGER RAIL SERVICE THROUGH THE CITY OF TRINIDAD, COLORAD

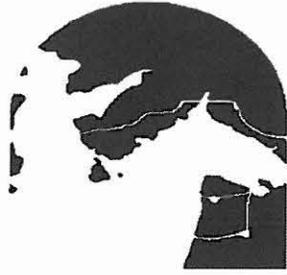
Motion implementing Ordinance #1957, an Ordinance Adjusting the City of Trinidad Landfill fees, effective June 1, 2014. Mayor Reorda moved to implement Ordinance #1957 effective June 1, 2014. Councilmember Fletcher seconded the motion. Councilmember Mattie confirmed that this is being done in consideration of the billing cycles of the hauling businesses. The motion carried by a unanimous roll call vote.

There being no further business, Mayor Reorda moved to adjourn the special meeting and Councilmember Torres seconded the motion. Upon roll call vote the meeting was adjourned.

ATTEST:

CAROL BOLTON, Mayor Pro-Tem

AUDRA GARRETT, City Clerk



**CITY OF TRINIDAD, COLORADO**  
1876

## COUNCIL COMMUNICATION

6a

**CITY COUNCIL MEETING:**

May 6, 2014

**PREPARED:**

April 30, 2014

**DEPT. HEAD SIGNATURE:**

**# OF ATTACHMENTS:** 1

**SUBJECT:** Consideration of an Ordinance providing for the control of cross-connections in order to prevent backflow and protect the City's water supply system from contamination

**PRESENTER:** Tom Acre, City Manager

**RECOMMENDED CITY COUNCIL ACTION:** The 1<sup>st</sup> reading of the ordinance was approved at the City Council's Regular Meeting on April 15, 2014 and staff is recommending conduct of a public hearing and approval on 2<sup>nd</sup> reading.

**SUMMARY STATEMENT:**

The purpose of the Backflow Prevention/Cross Connection Program is to reduce the risk of contamination or pollution of the city's public water system, comply with Article 12 of the Colorado Drinking Water Regulations and protect the city's water supply. The ordinance shall allow staff to implement the program to identify possible cross connections, ensure that cross connection control devices are installed where needed, and to set forth the schedule of periodic testing of the installed control devices. It should be noted that the city is not in compliance and may be subject to future penalties.

**EXPENDITURE REQUIRED:** The costs associated with the installation, maintenance and the inspection of the backflow preventers will be the customer's responsibility; however, city facilities will be required to comply with the ordinance and staff will have to survey the needs of city facilities to determine the cost.

**SOURCE OF FUNDS:** City Department Budgets - based upon designated location of backflow device within city owned facilities.

**POLICY ISSUE:**

A Backflow Prevention/Cross Connection Program is mandated and necessary to comply with Article 12 of the Colorado Drinking Water Regulations. The approval of the ordinance will allow staff to implement and enforce the program and protect the City's water supply by preventing cross connection and backflow problems.

**ALTERNATIVE:** City Council could request modifications to the proposed ordinance.

6a

**BACKGROUND INFORMATION:**

The purpose of the Backflow Prevention/Cross Connection Program is to reduce the risk of contamination or pollution of the public water system, comply with Article 12 of the Colorado Drinking Water Regulations and protect the city's water supply. The implementation of the program will allow staff to identify possible cross connections, ensure that cross connection control devices are installed where needed, and ensure the installed devices are tested regularly. The cross connection/backflow prevention ordinance was provided to City Council on January 10, 2012 for discussion during a work session by then Superintendent Jim Fernandez. The cost to the customers was discussed by City Council members at length and at the time City Manager Gil de Rubio was also working on an energy audit in hopes of offsetting some of the cost to the customers created by the imposition of requirements of the ordinance. The implementation of the program was postponed at that time and due to employee turnover the ordinance was further delayed. It is now necessary to bring this issue to the forefront to comply with the state mandate.



ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE CONTROL OF CROSS-CONNECTIONS  
IN ORDER TO PREVENT BACKFLOW AND PROTECT THE CITY'S WATER  
SUPPLY SYSTEM FROM CONTAMINATION

**WHEREAS**, the City of Trinidad's Water Department is a water activity enterprise of the City of Trinidad that operates and maintains a public water system for the use and benefit of the inhabitants of the City and other water users within its service area; and

**WHEREAS**, the federal Safe Drinking Water Act, codified as 42 USC § 300f, et seq., and the regulations promulgated with respect thereto, create a duty for federal, state and local authorities to do those things necessary to protect public water systems, such as the City's, from the entry of contaminants that could be harmful to the health of persons connected to and otherwise using such system; and

**WHEREAS**, federal law authorizes civil and criminal actions against persons, including governmental entities that operate water supply systems, that fail to comply with lawful orders issued pursuant to the Safe Drinking Water Act and associated regulations; and

**WHEREAS**, the State of Colorado has adopted a statute generally making it unlawful for any person, including local governments and the officials thereof, to willfully violate, disobey or disregard any public health law of the state (see § 25-1-114, C.R.S.); and

**WHEREAS**, in response to the federal mandate in the Safe Drinking Water Act, this Colorado statute specifically makes it unlawful for any person to make, install or maintain any cross-connection between a water system providing drinking water to the public and any pipe, plumbing fixture or water system which contains water of a quality below the minimum general standards for drinking water supplied to the public [§ 25-1-114(1)(h), C.R.S.]; and

**WHEREAS**, in addition to possible criminal penalties, Colorado law permits the institution of civil actions and the imposition of civil penalties against those who violate state public health standards and regulations (§ 25-1-114.1, C.R.S.); and

**WHEREAS**, the Colorado Primary Drinking Water Regulations, contained in Article 11 as it currently exists or as may be amended thereof, mandates that a public water system shall have no uncontrolled cross connections to pipes, fixtures or supplies that contain water not meeting minimum state standards for drinking water and also require all public water system operators to protect their water supply systems from contamination; and

**WHEREAS**, said regulations also enumerate four ways in which a supplier of water "shall protect the public water system," including:

- a. Identification of hazardous service connections;
- b. Requiring system users to install and maintain containment devices on

health hazard service connections;

c. Requiring that containment devices be approved by the water supplier prior to installation; and

d. Requiring that all containment devices be tested and maintained as necessary upon installation and at least annually thereafter, by a trained and certified cross-connection control technician as referenced in the Hazardous Cross Connection Section of the Colorado Primary Drinking Water Regulations; and

**WHEREAS**, in order to comply with the foregoing federal and state mandates, and more importantly to do what is necessary and prudent to protect the City's water supply system and the health and welfare of those connected to its system, the City Council of the City of Trinidad has determined that a cross-connection control ordinance, as hereinafter set forth, should be adopted and enforced.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TRINIDAD**, as follows:

Section 12-86 is hereby added to the City of Trinidad's Municipal Code to read as follows:

CHAPTER 12, ARTICLE 5  
BACKFLOW PREVENTION AND CROSS-CONNECTIONS

Sections:

12-86(1)	Definitions
12-86(2)	Requirements
12-86(3)	Compliance procedures
12-86(4)	Appeals
12-86(5)	Jurisdictional issues and conflicts
12-86(6)	Violation and Penalties

12-86

(1) Definitions

Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

a. "Approved backflow prevention assembly" means a backflow prevention assembly described in Foundation for Cross-Connection Control and Hydraulic Research's (FCCC&HR) most current "list of approved backflow prevention assemblies" or American Society of Sanitary Engineers (ASSE).

b. "Backflow" means the undesirable reversal of the direction of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable water supply from any source(s) caused by backpressure and/or backsiphonage.

- c. "Backflow preventer" means a device designed to prevent backflow created by backpressure or backsiphonage.
- d. "Backpressure" means backflow caused by a pump, elevated tank, boiler or means that could create an elevated pressure within the nonpotable system greater than the supply pressure.
- e. "Backsiphonage" means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by negative or sub-atmospheric pressure in the potable water supply system.
- f. "Certified cross-connection control technician" means a person who has the responsibility for the testing, operation and maintenance of cross-connection control devices and is certified as specified in accordance with the provisions of Article 11 of the Colorado Primary Drinking Water Regulations.
- g. "Colorado Cross-Connection Control Manual" means the most recent edition of a manual that has been published by the state addressing cross-connection control practices which will be used as a guidance document for the utility in implementing a cross-connection control program as outlined in Section 12-86(2)
- h. "Containment" means the installation of an approved backflow prevention device, or method, on the water service line(s), so that water delivered to the service line cannot return to the City potable water distribution system due to any backpressure and/or backsiphonage condition which might arise.
- i. "Contamination" means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.
- j. "Cross-connection" means any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains, or may contain, contaminated water, sewage or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, four-way valve connections, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.
- k. "City Manager" means the City Manager of the City of Trinidad or, if this person is not available, his or her subordinate designated by the City Manager in writing.

- l. "Hazard degree" means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
- m. "Isolation" means a backflow device installed on a branch of the internal plumbing to protect the customer's water system.
- n. "Non-potable water" means water that is not safe for human consumption or that is of questionable quality.
- o. "Plumbing Codes" means the most recent edition of the plumbing codes that has been published by International Code Council and adopted by city ordinance.
- p. "Pollution" means the presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality so as to constitute a hazard or impair its usefulness.
- q. "Potable water" means water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical and radiological quality shall conform with State of Colorado Department of Public Health and Environment Primary Drinking Water Regulations.
- r. "Utility" means the City of Trinidad's Water Department, a water activity enterprise of the City of Trinidad.
- s. "Water service connection" means the customer's water service connection from the point of tap on the public potable water system; to the point where the service line enters the customer's structure (residential or business) including the customer's stop box or shut-off valve or meter, whichever comes first, from the utility water main. There shall be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include any other temporary or emergency water service connections from a fire hydrant or any connection to the public potable water system.

## (2) Requirements

- a. Implementation and Enforcement of a Cross-Connection Control Program
  - (I) The City Manager and/or his or her designee is vested with the authority and responsibility for implementing and enforcing an effective cross-connection control program in accordance with the provisions of this Chapter.
- b. Backflow Preventers Required At All Service Connections.

(I) The City Manager and/or his or her designee will identify those customers who are likely to have a cross connection and an approved backflow preventer shall be required to be installed at any uncontrolled water service connection for the safety and protection of the City's water supply system and water users connected to that system.

(II) Property owner's and/or Agent's of the property shall be required to obtain a Backflow Service Permit (BSP) prior to the installation of the backflow prevention device. The installation of the backflow preventer must be performed by a licensed plumber or certified cross connection control technician. The city reserves the right to impose a fee for the issuance of the Backflow Service Permit.

c. The City Manager and/or his or her designee shall have the authority to specify the type of backflow preventer to be installed at each service connection. The decision with respect to the type of backflow preventer that will be required in any specific situation shall be based upon:

(I) The degree of hazard posed by the facility connected or to be connected to the City water supply system.

(II) The degree of hazard shall be determined on a case-by-case basis, depending upon the circumstances of each particular case.

(III) In making determinations as to the degree of hazard and the type of device required, owners shall rely upon the latest published edition of the Colorado Cross-Connection Control Manual for guidance and may rely upon other generally accepted authorities, including but not limited to the official publications of the American Society of Sanitary Engineering and Section 608 of the International Plumbing Codes.

(IV) The City Manager and/or his or her designee may give notice in writing to the customer to install such an approved backflow prevention device at each service connection to the customer's premises.

d. Inspections and Testing Procedures

(I) The City Manager and/or his or her designee has the authority to inspect any system owned and maintained by a utility customer to determine the extent and degree of hazard.

e. The City Manager and/or his or her designee shall notify the utility customer/owner at any premises where containment backflow preventers are installed to have certified inspections and operational tests made upon installation of the containment device and at least once per year

thereafter.

(I) The City Manager and/or his or her designee may require certified tests at more frequent intervals if the potential hazard is deemed to be great enough. These inspections and tests shall be performed by a certified cross-connection control technician.

f. The City Manager and/or his or her designee reserves the right to inspect or require the inspection of installed backflow preventers at any time to ensure the devices are in proper working order. The devices shall be repaired, overhauled or replaced whenever they are found to be defective. These inspections, tests and repairs shall be at the owners' expense. Records of such tests, repairs and overhaul, including materials and parts changed, shall be filed with the City Manager's office within ten days of such activities. The Utility shall keep and maintain such records in accordance with the requirements of applicable law.

(I) Containment devices will be tested annually according to the Colorado Revised Statutes and Colorado Department of Public Health and Environment Primary Drinking Water Regulations.

(II) If such devices are allowed by the City Manager and/or his or her designee as an acceptable alternative to total containment, isolation devices used to isolate and lower the overall degree of hazard for a property will be tested on a schedule determined by the City Manager and/or his or her designee.

(III) Isolation devices used on lawn irrigation sprinkler devices will be tested upon installation, repair or relocation, but in any event no less often than once annually.

g. Policy

(I) No water service connection to any premises shall be installed or maintained unless the water supply is protected as required by Colorado Revised Statutes, the regulations of the Colorado Department of Public Health and Environment and by this Chapter.

(II) Water service to any premises shall be denied or discontinued, as the case may be, by the Utility if:

(A) A backflow preventer required by this Chapter is not installed within the time period specified; or

(B) An approved backflow preventer has been

removed or bypassed; or

(C) An unprotected cross-connection exists on the premises; or

(D) An approved backflow preventer is not maintained.

(III) Whenever service is denied or discontinued, it shall not be provided or restored until the condition or defect identified in subparagraph 12-86(2)(g)(II) has been corrected.

(IV) The customer's system shall be open for inspection at all reasonable times to authorized representatives of the City Manager and/or his or her designee to determine whether cross-connections or other structural or sanitary hazards, including violations exist.

(V) When, as a result of an inspection, a condition involving a violation results in a health or sanitary hazard is determined to exist, or a utility customer and/or owner fails to properly test, repair, or otherwise maintain a backflow preventer as required, the City Manager and/or his or her designee shall have the option of immediate discontinuance of water service to the premises until the condition has been corrected, or may specify a date for compliance after which time the City Manager and/or his or her designee may discontinue service until the customer has corrected the condition.

h. Installations of Backflow Prevention Devices

(I) At the customer's expense, backflow preventers shall be installed immediately downstream of the water service customer's water meter, whether the meter is a pit set or an interior set. In all cases, backflow preventers must be installed before the first branch line leading off the service line.

(II) With the City Manager and/or his or her designee approval, a backflow preventer may be installed to isolate a hazard and lower the degree of hazard for containment. Such approval shall not be given unless the City Manager and/or his or her designee is convinced that the use of the isolation device will pose no threat to the public water supply system.

(III) All backflow preventers shall be located and installed according to the manufacturer's specifications and in accordance with the Colorado Cross-Connection Control

Manual. The City Manager and/or his or her designee shall review and approve all plans as to the type, location and installation of backflow prevention devices.

(IV) Utility customers and/or owners shall be responsible for the design, installation and maintenance of properly sized and located drains and drain systems whenever the type of backflow preventer specified or approved by the City Manager and/or his or her designee requires a drain.

(V) Plans shall not be modified relative to the type, location or installation of any backflow preventer approved by the City Manager and/or his or her designee without the City Manager and/or his or her designee's prior knowledge and written authorization.

(VI) If the location or removal of the backflow preventer results in the meter becoming contaminated, the customer shall bear the cost of decontamination.

i. Device Testing Equipment

(I) The acceptability of any testing gauge or apparatus shall be determined by the City Manager and/or his or designee.

(II) Any testing gauge, apparatus or scientific instrument utilized for the testing of backflow prevention devices shall be checked for accuracy at least yearly and be in calibration as certified by the cross connection technicians who perform the testing. The City Manager and/or his or her designee may require written certificates or other proof of calibration for such items to be filed with the utility.

(III) At a minimum, all test gauges must meet ASSE-1064 Standards for Gauges.

(IV) All Certified Cross-Connection Technicians who perform work in the City shall obtain a contractor's license and file copies of their licenses.

j. Listings Identifying Approved Backflow Prevention Devices

(I) Any approved backflow prevention assembly required shall be of a type and size approved by the City Manager and/or his or her designee and listed in the FCCC & HR's List of Approved Backflow Prevention Assemblies, American Society of Sanitary Engineers (ASSE) Series 5000 and/or Colorado Plumbing Codes.

### (3) Compliance Procedures

#### a. Installation of Required Devices

(I) Upon completion of inspection of the premises, or, in the case of new construction, on review of the construction plans, the City Manager and/or his or her designee shall notify the owner in writing of the type of device that will be required at each service connection within the owner's facility.

(II) The owner shall, at its expense, purchase and install the device and any necessary plumbing or construction. Such plumbing and construction shall meet all provisions of the Colorado Cross-Connection Control Manual, Plumbing Codes and/or City of Trinidad design standards and construction specifications and must be inspected and approved by the City Manager and/or his or her designee. The device, including any device installed prior to the effective date of this ordinance, shall be the property of the owner.

#### b. Compliance Required

(I) The utility will take necessary action to ensure compliance with the Colorado Department of Health, Primary Drinking Water Regulations, 5 CCR 1003-1, and more specifically Article 11 thereof, and the Colorado Revised Statutes, Section 25-1-114, as amended.

(II) The owner of the premises is required to permit entry to the premises for inspection, testing and maintenance purposes at reasonable times. Failure to permit entry to the premises will result in the premises being regarded as a high hazard, and a reduced-pressure-principle device will be required to protect the City of Trinidad's water supply system.

(III) The owner is required to provide all necessary plumbing and construction needed for the installation of the device. Failure to provide such required plumbing and construction will result in action being taken as provided for in Section 12-86(6).

(IV) A member of the board of appeals or employee of the City of Trinidad charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of

any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provision of this code shall be defended by a legal representative of the jurisdiction until the final termination of the proceedings. The City Manager or any subordinate shall not be liable for the cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

#### (4) Appeals

a. Any decision of the City Manager and/or his or her designee concerning the type of backflow preventer required with respect to any water service connection, may be appealed to the City of Trinidad Board of Building Code Appeals, provided the owner files a notice of appeal to the Office of the City Clerk within 15 days following the date upon issuance of the city's written notice.

b. The notice of appeal shall identify the property owner by name, mailing address, telephone number and email address, if any, and include the address of the owner's facility. In addition, the notice shall:

(I) Identify the City Manager and/or his or her designee's decision, which is being appealed; and

(II) Identify the type of backflow preventer that the owner believes should be installed at the owner's facility; and

(III) Include the owner's reasons for preferring such backflow preventer, instead of the backflow preventer designated by the City Manager and/or his or her designee, with or without written documentation supporting the owner's position.

c. After owner's and/or agent's filing of the notice of appeal, the City Clerk, by written notice specifying the date, time and place of the hearing, shall schedule a hearing. Such hearing shall be conducted within 20 days following the date upon which the notice of appeal was filed, unless the owner and the City Manager both agree to a later hearing date. At the hearing, the owner may present testimony, evidence and arguments in support of the owner's position and the City Manager and/or his or her designee may present testimony, evidence and arguments in support of the City Manager and/or his or her designee's decision.

d. The City Manager's and/or his or her designee's decision shall be affirmed unless the Board of Building Code of Appeals finds that the City Manager's and/or his or her designee's decision was arbitrary or capricious or that such decision violates applicable federal, state or local law. The Board of Building Code of Appeal's decision shall be rendered at the said hearing and the decision shall be final.

e. The paramount issue with respect to any appeal will be whether the type of backflow preventer authorized will adequately protect the public water supply system.

f. Before deciding any appeal, the Board of Building Code of Appeals shall consider:

(I) Whether the backflow preventer specified by the City Manager and/or his or her designee is necessary to adequately protect the City's water supply system;

(II) Whether the backflow preventer preferred by the owner would adequately protect the City's water supply system;

(III) Whether the use of the backflow preventer preferred by the owner, when compared to the backflow preventer designated by the City Manager and/or his or her designee, is likely to result in a material decrease in the level of protection to the public water supply system.

g. In cases where an existing structure is being remodeled or reconstructed or where a change in the use of an existing structure will or may create a greater degree of hazard to the public water supply system than previously existed, the City Manager may consider:

(I) Differences in the type of devices and backflow prevention assemblies, when comparing the type of backflow preventer specified by the City Manager and/or his or her designee to the type of backflow preventer preferred by the owner;

(II) Differences in the installation and maintenance of the two types of backflow preventers being compared;

(III) Other significant differences or practical difficulties associated with the use, installation and/or maintenance of the backflow preventers being compared;

(IV) Other relevant life, safety or health concerns raised by the City Manager and/or his or her designee or the owner.

(5) Jurisdictional issues and conflicts:

In the event the provisions of 12-86 are in conflict with the requirements of any plumbing code or regulation applicable in the City of Trinidad, the provisions of 12-86 shall apply to the extent necessary to resolve the conflict and shall be binding upon all plumbing officials performing official duties within the City.

(6) Violations and Penalties

a. The City Manager and/or his or her designee shall notify the owner, or authorized agent of the owner, of the building or premises of a violation of this Chapter. The City Manager and/or his or her designee shall set a specific time for the owner to have the violation removed or corrected. If the owner fails to correct the violation in the specified time, the City Manager and/or his or her designee may, if in his or her judgment decide the connection poses an imminent health hazard, suspend water service to the building or premises. Additional fines or penalties may also be invoked following suspension of service.

b. Violations of this Chapter may be prosecuted in municipal court and, upon conviction thereof, a violator may be fined at a minimum of \$300 and not to exceed \$2,650 per violation, per day.

INTRODUCED BY COUNCILMEMBER BONATO, READ AND ORDERED  
PUBLISHED, this 15th day of April, 2014.

FINALLY PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the \_\_\_\_ day of  
\_\_\_\_\_, 2014.

\_\_\_\_\_  
JOSEPH A. REORDA, Mayor

ATTEST:

\_\_\_\_\_  
AUDRA GARRETT, City Clerk



## COUNCIL COMMUNICATION

7a

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

**SUBJECT:** Hotel & Restaurant liquor license renewal request by RGS Sawaya, LLC  
d/b/a Café What a Grind at 341 N. Commercial Street

**PRESENTER:** RGS Sawaya, LLC representative

**RECOMMENDED CITY COUNCIL ACTION:** Consider renewal of the license

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- The application is in order.
- The departmental report from the Fire Department states that the applicant has minor violations and the extinguisher and hood system need to be inspected.
- The Building Inspector advises that the applicant will make repairs to the air gap and boiler clearance.
- The Police Department had no calls for service.
- The Health Department reported compliance.
- Disclosure statements provided by Councilmembers Miles and Torres are attached.
- Appropriate fees have been paid.

7a

## LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

CAFE WHAT A GRIND  
 341 N COMMERCIAL ST  
 TRINIDAD CO 81082

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

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 <b>RGS SAWAYA LLC</b>		DBA <b>CAFE WHAT A GRIND</b>		
Liquor License # <b>4701486</b>	License Type <b>Hotel &amp; Restaurant (city)</b>	Sales Tax License # <b>27547394</b>	Expiration Date <b>6/18/2014</b>	Due Date <b>5/4/2014</b>
Street Address <b>341 N COMMERCIAL ST TRINIDAD CO 81082</b>				Phone Number <b>(719) 846 0505</b>
Mailing Address <b>341 N COMMERCIAL ST TRINIDAD CO 81082</b>				
Operating Manager <b>Lorin Manuel</b>	Date of Birth _____	Home Address _____ - <b>Trinidad, CO 81082</b>	Phone Number _____	

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 <b>Richard G Sawaya</b>	Title <b>Sole owner</b>
Signature <i>Richard G Sawaya</i>	Date <b>- 4-21-2014</b>

**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 <b>Trinidad</b>	Date _____
Signature _____	Title <b>Mayor</b>
Attest _____	

4/21/14

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

Applicant: RGS Sawaya, LLC

dba: Café What a Grind

Address: 341 N. Commercial Street

Type of License: Hotel & Restaurant

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: May 6, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: minor violations EXTINGUISHER + HOOD SYSTEM  
need inspected

4-24-14  
Date

[Signature]  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 1, 2014

4/21/14

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

Applicant: RGS Sawaya, LLC

dba: Café What a Grind

Address: 341 N. Commercial Street

Type of License: Hotel & Restaurant

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: May 6, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: will make repairs / Air gap  
boiler water clearance

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4-23-14  
Date

Chris S. Kelly  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 1, 2014

4/21/2014

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

Applicant's Name: RGS Sawaya, LLC.

DBA: Café What a Grind

Business Address: 341 N. Commercial Street

Type of License: Hotel & Restaurant

Renewal     Transfer     Change of Location     New     Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: May 6, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No records found

5-1-14  
Date

Charles J. Heenan  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 1, 2014

## Audra Garrett

---

**From:** John Martinez [jmartinez@la-h-health.org]  
**Sent:** Tuesday, April 22, 2014 8:13 AM  
**To:** Audra Garrett  
**Subject:** RE: liquor renewal

Hi Audra;  
Café What a Grind located at 341 N. Commercial Street is in compliance with this Office. John

John Martinez  
Environmental Health Specialist III  
[jmartinez@la-h-health.org](mailto:jmartinez@la-h-health.org)

**From:** Audra Garrett [<mailto:audra.garrett@trinidad.co.gov>]  
**Sent:** Monday, April 21, 2014 3:45 PM  
**To:** John Martinez  
**Subject:** liquor renewal

Please confirm compliance with your office for Café What a Grind at 341 N. Commercial 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](mailto:audra.garrett@trinidad.co.gov)



**DISCLOSURE STATEMENT**

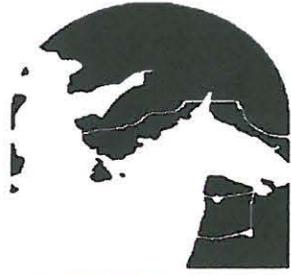
I, Michelle Miles, hereby state and affirm that I am a member of Opera House Wine & Spirits, LLC, a Colorado limited liability company formed on February 22, 2010, whose principal office address is 601 W. Main Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Tire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

  
\_\_\_\_\_  
Michelle Miles  
12/4/12  
\_\_\_\_\_  
Date

**DISCLOSURE STATEMENT**

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

  
\_\_\_\_\_  
Liz Torres  
4.8.14  
\_\_\_\_\_  
Date



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** May 6, 2014  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 5

76

**SUBJECT:** Arts license renewal request by Southern Colorado Repertory Theatre at 131 W. Main Street

**PRESENTER:** Southern Colorado Repertory Theatre 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.
- The Fire Department reported the need for the fire extinguishers to be inspected.
- The Building Inspector indicated no issues.
- The Police Department reported no calls for service.
- Disclosure statements provided by Council members Miles and Torres are attached.
- Appropriate fees have been paid.

76

## LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	\$308.75
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
<b>Amount Due/Paid</b>	<b>\$308.75</b>

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 Southern Colorado Repertory Theatre, Ltd		DBA Southern Colorado Repertory Theatre (SCRT)		
Liquor License # 0939	License Type Arts License (City)	Sales Tax License # 26576710000	Expiration Date 05/07/2014	Due Date
Street Address 131 W Main St Trinidad, CO 81082				Phone Number 719-846-4765
Mailing Address Same				
Operating Manager V James Davis	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 12/31/2014 *(Renews automatically)*
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 Southern Colorado Repertory Theatre, Ltd by V James Davis	Title President and Operating Manager
Signature 	Date 04/14/2014

**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

4/22/14

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

Applicant: Southern Colorado Repertory Theatre

dba:

Address: 131 W. Main Street

Type of License: Arts

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: May 6, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: extinguishers need inspection

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4-24-14  
Date

[Signature]  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 1, 2014

4/22/14

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

Applicant: Southern Colorado Repertory Theatre

dba:

Address: 131 W. Main Street

Type of License: Arts

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: May 6, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: ~~not with existing~~ approved

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4-25-2014  
Date

Chris S. Kelley  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 1, 2014

4/22/2014

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

Applicant's Name: Southern Colorado Repertory Theatre

DBA:

Business Address: 131 W. Main

Type of License: Arts

Renewal       Transfer       Change of Location       New       Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: May 6, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No reports

5-1-14  
Date

  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 1, 2014

DISCLOSURE STATEMENT

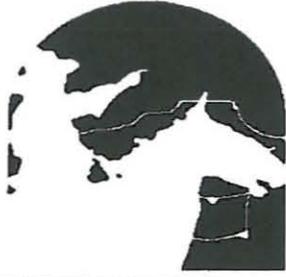
I, Michelle Miles, hereby state and affirm that I am a member of Opera House Wine & Spirits, LLC, a Colorado limited liability company formed on February 22, 2010, whose principal office address is 601 W. Main Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Tire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

  
\_\_\_\_\_  
Michelle Miles  
12/4/12  
\_\_\_\_\_  
Date

DISCLOSURE STATEMENT

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

  
\_\_\_\_\_  
Liz Torres  
4.8.14  
\_\_\_\_\_  
Date



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

7c

**CITY COUNCIL MEETING:** May 6, 2014  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 5

**SUBJECT:** Beer and wine license renewal request by Mt. Carmel Health, Wellness & Community Center at 911 Robinson Avenue

**PRESENTER:** Mt. Carmel Health, Wellness & Community Center 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.
- The Fire Department indicated compliance.
- The Building Inspector indicated no issues.
- The Police Department reported no calls for service.
- Disclosure statements provided by Council members Miles and Torres are attached.
- Appropriate fees have been paid.

7c

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$308.75
Storage Permit \$100 x <u>AG</u>	\$351.25
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
<b>Amount Due/Paid</b>	

MT CARMEL HEALTH, WELLNESS & COMMUNITY

CENTER

PO BOX 504  
 TRINIDAD CO 81082

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 MT CARMEL HEALTH, WELLNESS & COMMUNITY CENTER		DBA MT CARMEL HEALTH, WELLNESS & COMMUNITY CENTER		
Liquor License # 4701275	License Type Art License (city) Beer and Wine	Sales Tax License # 26595008	Expiration Date 5/7/2014	Due Date 3/23/2014
Street Address 911 ROBINSON AVENUE TRINIDAD CO 81082				Phone Number (719) 845 4800
Mailing Address PO BOX 504 TRINIDAD CO 81082				
Operating Manager KARL GABRIELSON	Date of Birth [REDACTED]	Home Address [REDACTED] TRINIDAD CO 81082		Phone Number [REDACTED]

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

**AFFIRMATION & CONSENT**

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

Type or Print Name of Applicant/Authorized Agent of Business KARL GABRIELSON, COO	Title CHIEF OPERATIONS OFFICER
Signature 	Date 4/23/14

**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

4/23/14

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

Applicant: Mt. Carmel Health, Wellness & Community Center

dba:

Address: 911 Robinson Avenue

Type of License: Beer & Wine

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: May 6, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: inspected OK

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4-24-14  
Date

[Signature]  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 1, 2014

4/23/14

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

Applicant: Mt. Carmel Health, Wellness & Community Center

dba:

Address: 911 Robinson Avenue

Type of License: Beer & Wine

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: May 6, 2014

\*\*\*\*\*  
DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: where Fire exit plans is approved by the  
Fire Chief ok approved

4-24-2014  
Date

Chris S. Kelley  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 1, 2014

4/23/2014

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

Applicant's Name: Mount Carmel Health, Wellness & Community Center

DBA:

Business Address: 911 Robinson Avenue

Type of License: Beer & Wine

Renewal     Transfer     Change of Location     New     Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE:

May 6, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

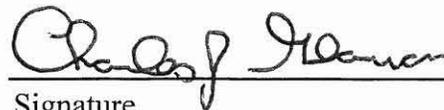
DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No records found

5-1-14

Date

  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE:

May 1, 2014

**DISCLOSURE STATEMENT**

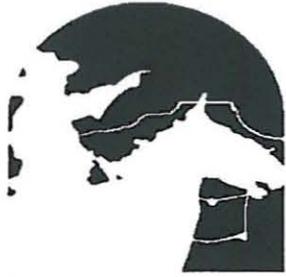
I, Michelle Miles, hereby state and affirm that I am a member of Opera House Wine & Spirits, LLC, a Colorado limited liability company formed on February 22, 2010, whose principal office address is 601 W. Main Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Tire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

  
\_\_\_\_\_  
Michelle Miles  
12/4/12  
\_\_\_\_\_  
Date

**DISCLOSURE STATEMENT**

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

  
\_\_\_\_\_  
Liz Torres  
4.8.14  
\_\_\_\_\_  
Date



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:**  
**PREPARED:**  
**DEPT. HEAD SIGNATURE:**  
**# OF ATTACHMENTS:**

May 6, 2014  
April 29, 2014

  
1

7d

**OBJECT:** Approval of a Resolution Modifying the Restriction for use of the Landfill by Las Animas County Businesses and Residents.

**PRESENTER:** Tom Acre, City Manager

**RECOMMENDED CITY COUNCIL ACTION:** Staff recommends City Council approve the Resolution.

**SUMMARY STATEMENT:** In July 2006 the City restricted the use of the Trinidad Landfill to Las Animas residents and businesses due to the increased amount of waste coming into the landfill and concerns regarding the life of the landfill. In recent years we have seen a decrease in the amount of waste coming into the landfill. Businesses located in Trinidad and Las Animas County have expressed interest in being allowed to bring waste in from projects they work on that are located outside of Las Animas County. The modification proposed would benefit the City through increased fees collected at the landfill and improve health of businesses in Las Animas County. Staff will monitor how this change impacts the volume of waste being brought into the landfill and may suggest further modification in the future.

**EXPENDITURE REQUIRED:** N/A

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** Allowing waste from outside of Las Animas County to be deposited into the Trinidad Landfill.

**ALTERNATIVE:** City Council could elect to not reconsider the 2006 Resolution or to request modifications to the proposed Resolution.

**BACKGROUND INFORMATION:** This item was discussed at the April 22, 2014 Work Session and recommended for consideration at a future regular meeting. See the summary statement above for additional information.

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## CITY OF TRINIDAD, COLORADO

### RESOLUTION NO.

#### A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, MODIFYING THE RESTRICTION FOR USE OF THE TRINIDAD LANDFILL BY LAS ANIMAS COUNTY BUSINESSES AND RESIDENTS

WHEREAS, through Resolution No. 1298 adopted July 5, 2006, the City restricted the use of the Trinidad Landfill to Las Animas County businesses and residents thereby disallowing the acceptance of solid waste at the Municipal Landfill from businesses and residents who reside outside of Las Animas County; and

WHEREAS, the restriction was based upon the results of a routine inspection conducted by the Colorado Department of Public Health and Environment at the municipal landfill to ensure lawful compliance with Solid Waste Regulations; and

WHEREAS, at that time the inspection noted a substantial increase in waste being brought to the landfill from other counties which caused the Colorado Department of Public Health and Environment to anticipate future non-compliance due to the inability to provide adequate daily cover of the solid waste; and

WHEREAS, the City has seen a significant decrease in the amount of solid waste being deposited at the landfill and has acquired additional land to provide for daily cover material to sustain the life of the landfill; and

WHEREAS, the Trinidad Landfill exists for the benefit of residents of the City of Trinidad and Las Animas County and the City sees a benefit to local businesses that may have work outside of Las Animas County who wish to use the Municipal Landfill for disposal of debris resulting from that work.

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

Effective as of the date of this resolution, the City of Trinidad may accept solid waste at the Municipal Landfill from businesses licensed to operate within Las Animas County who may have solid waste to dispose of from outside Las Animas County. Businesses shall abide by the City's Landfill Ordinance and regulations for accepting waste. Prior to disposing of waste originating from outside Las Animas County, businesses shall be required to notify in writing the Director of Public Works or his/her designee to include the quantity and type of waste. An additional fee of \$1.50 per cubic yard or \$5.00 per ton will be assessed for said disposal to be earmarked for future landfill expansion and compliance efforts. Due to the costs associated with handling special waste, tires and yard waste these materials will be considered on a case by case basis. An additional fee to cover the cost of handling this waste may be required.

INTRODUCED, READ AND ADOPTED this 6th day of May, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

AUDRA GARRETT, City Clerk