



CITY OF TRINIDAD  
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,  
Colorado, will be held on Tuesday, March 5, 2013 at 7:00 P.M.  
in City Council Chambers at City Hall

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Regular Meeting of February 19, 2013
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 4) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 5) **COMMITTEE REPORTS**
- 6) **UNFINISHED BUSINESS**
  - a) 3.2% Beer Retail License (Off-Premises) renewal request by Walmart Stores, Inc. d/b/a Walmart #962 at 2921 Toupal Drive
- 7) **MISCELLANEOUS BUSINESS**
  - a) Tavern liquor license renewal request by Monte Cristo Bar, Inc. at 124 Santa Fe Trail
  - b) Tavern liquor license renewal request by Lumber Jacks Bar & Grill, LLC d/b/a Lumber Jacks Bar & Grill at 1133 N. Linden Avenue
  - c) Appointment to the Arts and Culture Advisory Commission
  - d) First reading of an ordinance amending Chapter 10, Municipal Court, Section 10-5, Municipal Judges – Appointment; oath; salary; powers – by adding subsection (6) to provide the Municipal Judge the authority to order restitution, and setting a hearing date for consideration of said ordinance
  - e) Consideration of Third Amendment to Provide Untreated Water to Colarelli International Resorts and Fine Living, LLC
- 8) **BILLS**
- 9) **PAYROLL**, February 16, 2013 through March 1, 2013
- 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 regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, February 5, 2013 at 7:21 p.m. in City Council Chambers at City Hall.

There were present:	Mayor Pro-Term	Shew, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles, Velasquez
Also present:	Acting City Manager	Fineberg
	City Attorney	Downs
	City Clerk	Garrett
Absent:	City Manager	Acre
	Mayor	Baca Gonzalez

The pledge of allegiance was recited.

**APPROVAL OF THE MINUTES.** Special Meeting of February 5, 2013, Regular Meeting of February 5, 2013 & Special Meeting of February 8, 2013. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Miles. The motion carried by a unanimous roll call vote.

**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** Mt. San Rafael Hospital. Karl Gabrielson, Mt. San Rafael Hospital/Trinidad Area Health Association Board of Directors, addressed Council. He thanked Council for the opportunity to address them and provide information and perspective about several recently raised issues concerning the hospital. He said they have been criticized in the press recently and at Council's work session. He addressed the County Commissioners today where they received criticism again in the press for not addressing issues specifically. He said he'd be happy to address issues and answer any questions Council had tonight or at any time in the future. Mr. Gabrielson told Councilmember Miles that she made a statement at the retreat that people are angered by recent reports of the hospital having huge deficits, bloated salaries and questioned where the hospital was getting all the money to pay for judgments against it in several recent lawsuits. Mr. Gabrielson said the hospital did run a deficit last year and had realized losses for the previous three years. Over those three years the hospital provided about \$7.5 million in charity care. They also had over \$22 million in write-offs, including bad debts, discounted care and charity care, over that same three-year period. He clarified that charity care is providing health care to those in the community who can't afford to pay for it but still need their help. Last year alone he said the hospital incurred \$2,744,634 in charity care and \$8,166,532 in write-offs, all without any tax support – not one dime from the City or County. Mr. Gabrielson continued that in their 124 years of service to this community the hospital has not received one dollar in tax support. Mt. San Rafael Hospital is one of two hospitals out of 46 critical access hospitals in Colorado that does not have tax support. Regarding the statement about bloated salaries, Mr. Gabrielson said physicians are well paid. Councilmember Miles corrected that she never made a statement about bloated salaries. She reported that allegations were made and added that she did not say that she believed them. Councilmember Miles said she knows there is one side of the story, there's the other side of the story and then there's the truth. She said that's a motto she has lived by for years. She asked that he please not attribute those allegations to her. She reported that they existed and that people are angry – both are true. She also said that the hospital is in a difficult financial situation, in large part because of what Mr. Gabrielson just talked about. Councilmember Miles said she is concerned about the sustainability of this hospital and if you look at the financial statements she questioned where the money is coming from. Is it existing reserve, cash balances, debt financing? Mr. Gabrielson answered that it is from existing reserves. Councilmember Miles noted that cash balances had gone down substantially in 2011. She said she hasn't seen 2012 but would love to see it when it is available. She urged transparency. There's a combination of an institution that is critical to this community and it influences a large part of our economic development and attracting retired people here. There also are people who are making very specific allegations. She reiterated her urge of transparency. She said she thinks it is important and is of concern to the citizens. She reiterated that she never made those allegations; rather she said that she heard them. When people come to her store and she has to listen to them, she can't sort it out. She expressed her appreciation for their presence, repeated that she did not say she believed the allegations, but feels that allegations made in a public forum need to be responded to. Mr. Gabrielson said they agree 100% on transparency. Seven years ago under similar allegations the Trinidad Area Health Association opened their meetings to the public. They are a private, non-profit – not a public entity – who opened up their meetings for that sole reason. Five years ago the Board came to City Council and offered an appointed position to Council as a representative. In the five years, none of the City Councils have asked their representative one question or asked him to come before Council and address any issues. Mr. Gabrielson said he can't count the number of times he approached current and past mayors and the past four City Managers the City has had in the last year alone to ask if the City had any questions they could come and address. He said he is passionate about health care and would come before them any day and talk until he is blue in the face when it comes to health care. All they need to know is what the City needs them to talk about, what questions the City has. Councilmember Miles asked about the hospital's sustainability. Mr. Gabrielson said five weeks ago the hospital held a public meeting that Council was notified of and invited to as well as the Las Animas County Commissioners. Only one person from either entity showed up. That meeting was specifically to address sustainability – the hospital's model. The model is broken. There are more federal mandates coming down that will require them to provide more charity care and things of that nature. He said while they understand that, when you put that on top of a local economic cycle it is difficult. Pioneer Natural Resources announced more layoffs today and every week we see another business is closing or is struggling and having to do away with benefits. That's why over the past five years their charity care cases have gone up over 87% and that's why their model is unsustainable. Local economic cycles are putting the hospital in a very difficult position. Councilmember Miles told Mr. Gabrielson that she understands and knows they are looking for support and taxpayer support, but all she is saying is that taxpayers are not happy. She stressed that she is not saying she is not happy or making these allegations. Jenny Vincent is making the allegations and she said she realizes there are elements of disgruntled employees in these situations. She said that her comment at the retreat was that it would be difficult to raise taxes when there's so much suspicion in the community. She added that there were other allegations beyond finances. Mr. Gabrielson told Council the Board values their input and that was why there were present this

evening. He asked that Council let them know what they need to do. If Council has a question, ask, and the Board will answer. Councilmember Miles said this is an invitation to respond to the allegations. She added that she is not putting him on the hot seat and didn't at the retreat; however he was putting her on the hot seat this evening. She said if there's a good answer here, a good explanation, a good plan, let's fix it, let's do it. Mr. Gabrielson said they will come forward with a plan. There's a real simple plan -- the hospital is a non-profit and the City gives out money to non-profits every year. The hospital has never asked and the City has never given them anything. The hospital is operating at a deficit. Should we sit down and have a discussion? Councilmember Miles said they are asking for money from the taxpayers and all she said was maybe some of the suspicions should be addressed because it would make it a lot easier to get taxpayer support. Mr. Gabrielson asked what suspicions and how they want the Board to address them. Councilmember Miles answered that Council was given a packet of public information. She added that she's not saying she believes it and added that she is not an enemy of the hospital but is just urging non-silence about some of the things that were said to City Council. Mayor Pro-Tem Shew asked Mr. Gabrielson if the Hospital Board could address Council at a future work session and bring back information. He added that he didn't know that Council had a representative on the Board. Mr. Gabrielson said Victor Becco was appointed by City Council to the Board five years ago. Mayor Pro-Tem Shew asked if Mr. Becco has ever reported to Council. Mr. Becco, who was in the audience, answered that he has never been asked to report. Mayor Pro-Tem Shew suggested he should have reported back to Council. Mr. Becco said at that time Council thought the Board was doing a good job. The Board had a period of turmoil and it was taken care of. He said basically there was never really anything to report other than that they were trying to provide the best services possible in the way of health care to our community. Mayor Pro-Tem Shew reiterated his sentiment that he should have reported back to Council as Council's appointee. Whether it is good or bad information that is reported, it is important to Council and that's how communication gets lost. He asked that Mr. Becco and Mr. Gabrielson come back and report to Council at a work session. He concluded that they are not against the hospital and he personally thinks it is a great place. When people come to Council members and they don't know the facts, if they are given those facts Council can sort them out. Council has no control over what the papers print and they took the information from the people who addressed Council. If the City had the money he said they would take care of it because it is important to have the hospital. Mr. Gabrielson said he was addressing specific comments made by Council at these meetings. Councilmember Miles stated that the Times Independent had an accurate characterization of her comments. Those accusations did not come from her nor did she say she believed them. She implied these are issues for the hospital to deal with if taxes are going to be discussed to be raised. Councilmember Bolton asked if the City's appointment of Mr. Becco was an open-ended appointment with no term limit. Mr. Gabrielson answered that board members serve four-year terms with an eight-year term limit. The agreement at the time was that Council provide two names and the Board chose one of the two. Councilmember Bolton asked how long Mr. Becco has remaining on his term. Mr. Becco answered that he has been on for seven years so he only has one year left. Councilmember Bonato clarified a point and disagreed with a statement made by Mr. Gabrielson about the hospital never coming to the City for assistance. He said he remembered in 2000 the Hospital Board came to the City regarding its utilities, however the City couldn't get involved with that because of ownership issues, he thought. He added that to every problem there is a solution. If some people have to give they have to. Both sides have to agree. He said Mr. Gabrielson's voice and the way he presented himself seemed aggrieved. We need our hospital, he said, and reiterated that to every problem there is a solution. We all have to work together and we all have to bend and come together. He concluded that the way Mr. Gabrielson addressed himself tonight bothered him. Mr. Gabrielson rebutted that City Council's actions of late have bothered him. There is a fantastic hospital board who has been working a tremendous number of hours to try to help this out. He questioned what they are supposed to do -- he has gone to City Councils and City Managers time and time again and offered to answer questions or address issues at public meetings. Councilmember Miles pointed out that she has been on City Council for three months, she is concerned about the hospital and its importance to this community and that he is reading more into her comments than what is there. She said the board needs to get their story out. Maybe they haven't felt the need before, but what happened at the last Council meeting prompted it. She encouraged a response and an open dialogue because that's what will help them with the taxpayers. Mayor Pro-Tem Shew recalled that over the years that he had been on Council, the hospital would have a manager come to Council meetings and give a report. He said that was a good deal however it hasn't happened for a while. He suggested maybe they could work on doing that again. Mr. Gabrielson responded that over the last three months no less than eight times he has asked to do specifically that. Councilmember Bolton commented that it's time to open that dialogue. Mayor Pro-Tem Shew added that the City wants to work together and would like to have them come back.

Larry Carnes addressed Council. He said he has a passion for this community and really three passions -- faith, education and health care. They drive everything he does. Mr. Carnes said he believes in transparency and openness. In 2007 he said he went to work to help establish a Health Care District because he believed the community needed to come together to work with those that need help. On the scale of health conditions, Huerfano and Las Animas County are way down there and there's a lot of room for improvement in this community. The Health Care District was created with the help of \$10,000 that the hospital gave to the effort to gather information and to build consensus amongst the community to create the district. It went to the ballot. Because of TABOR when you create a district you have to separate the creation of the district from the funding of it. The voters voted it (the funding) down even though the needs assessment illustrated the need for better health care. City Council passed a resolution supporting the Health Care District. Mr. Carnes said we are in the same place now as we were then. A recent needs assessment showed a lot of the problems we had then are the same as those we have today. We have a difficult time keeping physicians. So does many of the other rural counties because the demand is exceeding the supply of practitioners. We need to create more practitioners because headhunters are buying and selling doctors like stockbrokers buy and sell stocks. It's all to the highest bidder. They will come here, fulfill their contract and go somewhere else. He added that health care, education, law enforcement, parks and recreation, schools, etc., are the pillars of economic development. He suggested Council may want to look at the Health Care District as a venue to channel money to the hospital since the district still exists. Mr. Carnes said he will have served four years on the Health Board as of this April. Because of the demands of the School District he said he is not sure he will be able to continue to do both. He said the School District has had difficulty with funding and has been struggling, however they are maintaining operations within their budget this year and if he can help it will continue to do so. Mr. Carnes said we need to work together and have a positive dialogue. He said he has been chewed out by two mayors when he was involved in difficult decisions regarding the hospital. He responded to one of the mayors by pointing out that there have been times that the mayor had been called to make difficult decisions and a lot of times people didn't understand those decisions, but he knew in his heart the decision made was the right and only decision he could have made. He said he challenged that mayor that before he pass judgment he keep in mind the kinds of things you have to channel and make decisions about. He said the recent decisions at the hospital were management decisions that were made in an informed way. They were decisions of the decision-makers that it is the best thing to do given all of the circumstances. He asked Council to be open to a positive

dialogue and give them an opportunity to work together to build this community up and to not tear each other down. Mr. Carnes closed by saying that he respects all of Council, having watched them through the years. He said he is new here still but is trying to make a difference and every opportunity he has to do that he will take it. A challenge doesn't bother him. Councilmember Miles commented that no one is taking sides, but there are people in the community that are concerned. Mr. Carnes responded that he understands and knows those people are Council's constituents and Council has to listen to them all. He reiterated that he believed the decisions at the hospital had to be done given the circumstances. Clearly the bottom line is driving those decisions.

Mike Tranter addressed Council. He said he is the newest member of the Hospital Board and the newly appointed Secretary/Treasurer of the Board. He said he had a personal agenda for joining the Hospital Board as a payback for the services this hospital offered his father in the last seven months of his life. Mr. Tranter said he can't tell them the amount of respect he developed for the doctors, nurses, and administration during that time. He added that in another situation he personally received life-saving care and life-style change advice from the hospital. Mr. Tranter encouraged Council and especially the community to entertain an open and constructive dialogue. He said he thinks the hospital is very good but can be improved. He doesn't want to see this community continue with types of comments that encourage people to go outside the community for their health care. We need to work together to make the hospital the best it can be. Mr. Tranter added that he is still learning about the hospital, but knows that the current CEO is making some very difficult decisions that need to be made that are directly tied to the hospital's sustainability. The Hospital Board supports his actions and what he is doing. The CEO is coming under fire but Mr. Tranter said he feels much of it is misdirected and misplaced. The Hospital Board probably needs to get that word out a little more proactively.

Mayor Pro-Tem Shew extended appreciation to those who attended. He pointed out that everyone who addresses Council gets a chance to speak. Most of the information that comes is from the public. Council is for the hospital and we need it to make this community a better community. He added that Council supports the hospital 100% they just want the information and dialogue from the Hospital Board. He asked that they please come back to a work session so Council can see what they can do to help each other. The best information Council can get is the factual information.

**REPORT BY CITY MANAGER.** Governor's Cabinet Visit. Acting City Manager Fineberg deferred to Tara Marshall to update Council regarding the status of the Governor's Cabinet visit. Ms. Marshall advised Council that she received word that the City was chosen for a Governor's Cabinet visit. It will be from June 10<sup>th</sup> through June 12<sup>th</sup>, however at this point she said she did not know what Trinidad's time frame will be. The time will be shared with Lamar and Salida. Ms. Marshall said they will be working with Action 22 on the details of the visit and Trinidad will be requesting an overnight visit. She concluded that as soon as she gets an agenda she would let Council know and encouraged their attendance.

**REPORT BY CITY ATTORNEY.** City Attorney Downs deferred comment until Council's consideration of forthcoming agenda items. He had nothing to report.

**COMMITTEE REPORTS.** None.

**UNFINISHED BUSINESS.** None.

**MISCELLANEOUS BUSINESS.** 3.2% Beer Retail License (Off-Premises) renewal request by Walmart Stores, Inc. d/b/a Walmart #962 at 2921 Toupal Drive. Mayor Pro-Tem Shew called upon a representative, however none was present. City Clerk Garrett advised that the Manager was specifically asked to attend. A motion to table consideration of the renewal until the next regular meeting so a representative will be present was made by Councilmember Bolton and seconded by Councilmember Bonato. The motion carried unanimously.

Tastings permit renewal request by Opera House Wine & Spirits, LLC d/b/a Tire Shop Wine & Spirits at 601 W. Main Street. Michelle Miles addressed Council and advised that tastings have been popular and have been going well. A motion to approve the tastings permit was made by Councilmember Velasquez. The motion was seconded by Councilmember Bolton. The motion carried unanimously excepting Councilmember Miles who abstained.

Special event permit request by Trinidad State Junior College Educational Foundation, Scott Gymnasium, 600 Prospect Street, for March 9, 2013. Karl Gabrielson presented himself on behalf of the request. Upon inquiry he advised that this is the annual fundraiser for the Foundation. A motion to approve the permit was made by Councilmember Bolton and seconded by Councilmember Velasquez. Upon roll call vote, the motion carried unanimously.

Retail liquor store license renewal request by Luis A. Lopez II d/b/a Santa Fe Trail Hops & Vines at 1530 Santa Fe Trail Drive. Luis Lopez addressed Council to answer any questions. A motion to approve the license renewal was made by Councilmember Miles and it was seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

Consent and confirmation of City Manager Acre's designation of an Acting City Manager. Councilmember Bolton moved for the consent and confirmation of City Manager Acre's designation of Louis Fineberg and Audra Garrett as Acting City Manager. The motion was seconded by Councilmember Bonato and carried unanimously.

Authorize Mayor's execution of a letter of support for the "Fishing is Fun" grant application by the City of Trinidad. Acting City Manager Fineberg told Council that this item was not on the previous work session agenda due to the timing of the grant. He explained that the City is applying for this approximately \$90,000 grant to be matched by the City up to \$30,000 to extend the work that has been done by the local chapter of Trout Unlimited to the area proximate to the Boulevard Addition that the City is in the process of acquiring. He said the grant will be tough to get. The higher level officials at the Colorado Parks and Wildlife have said that until the river gets a permanent flow to sustain the trout habitat on an on-going basis they won't support it. However, the local Parks and Wildlife agents support the project so the City will be applying anyway. Mayor Pro-Tem Shew asked if there are any plans for the river to run full time and if there's anything Council can do. Acting City Manager Fineberg deferred to Jim Muzzlin to talk about a proposal that would allow for enough of a flow to sustain the fish population. Jim Muzzlin, President of the local Trout Unlimited chapter, addressed Council. He said the water flow in the winter time is minimal. He said he will be addressing Council at a future work session to discuss another reach project which is the third phase of their river project. That reach project will begin and be

complete in March. They have the permits for it in order. Mr. Muzzlin said he would bring the information back that shows how much water is required to sustain the fishery through Trinidad. He said to have sustainable water flow is not a lot of water – about five CFS flow on a regular basis or 125 acre feet for three months. Councilmember Mattie asked if the current flow substantiates the grant application. Acting City Manager Fineberg said that staff and the local Parks and Wildlife agents felt the project was successful for the summer months and the fish are restocked at the beginning of the fishing season anyhow, it really should not matter that much. He added that the project was successful in other ways as well, such as people enjoying swimming, using the other improvements, etc. Mr. Muzzlin agreed, adding that the improvements were used. Acting City Manager Fineberg said if the City is not awarded the grant this time he would like to track how many people use the facilities to make a stronger future application. Mr. Muzzlin said Parks & Wildlife are concerned with the flow because they don't want to see a lot of fish dying in the river. They have agreed to do a fish survey in the first part of March where they shock the fish to make an assessment at the end of the winter flow. Councilmember Mattie asked if the City has the required match, up to \$30,000. Acting City Manager Fineberg said it would be a 2014 budget item. The City would have to commit funds. Councilmember Mattie noted that former County Commissioner Jim Vigil sits on the Parks and Wildlife Board. Councilmember Bolton pointed out that in the information provided to Council it indicates that the local Trout Unlimited chapter will be providing \$6,900 in in-kind contribution towards the City's up to \$30,000 match. Acting City Manager Fineberg said the reason the match is up to \$30,000 is because there are several other possible sources of funding. Worst case scenario the City would step up with a \$30,000 match, however it should be less than that. Councilmember Mattie applauded the efforts of Trout Unlimited, adding that the City just has to be mindful in allocating money. A motion to authorize the Mayor's execution of a letter of support for this grant application was made by Councilmember Bolton and seconded by Councilmember Velasquez. The motion carried unanimously upon roll call vote.

Authorize Mayor's execution of a letter of support for a Colorado Department of Public Health & Environment Recycling Resources Economic Opportunity Fund Grants Program application. Acting City Manager Fineberg told Council that at this point the City is not the applicant for this grant. The question is whether or not to support the application on behalf of a private entity. He noted their presence in the audience. He continued that he and the applicants are discussing the application and its merits and at this point staff feels there are some issues with the application and whether or not it can be successful. He requested Council agree to provide a letter of support contingent upon a satisfactory application being put together. Councilmember Mattie asked the applicants if they were agreeable to that. Kellie and Jeremy Van Matre addressed Council and agreed to the suggestion. Acting City Manager Fineberg expressed his appreciation to the Van Matres for their effort to pursue this. Councilmember Mattie added that support of recycling is unanimous. Ms. Van Matre told Council that Planning Director Fineberg has been a great help to them. Councilmember Mattie commented that this is an example of working together for the common good. He wished them luck. Councilmember Bolton made a motion to authorize Mayor's execution of a letter of support for a Colorado Department of Public Health & Environment Recycling Resources Economic Opportunity Fund Grants Program application. The motion was seconded by Councilmember Bonato and carried by a unanimous roll call vote.

Consideration of proposed dates of active suspension to be served by Mantelli Partnership d/b/a Mantelli's at 137 W. Main Street. City Attorney Downs told Council that Pat Mantelli's attorney, Rudy Reveles, submitted the dates which he was told needed to be five 24-hour periods for which she is to be closed as a sanction. Mr. Reveles wanted to break up the dates but he was told they needed to be consecutive. City Attorney Downs said that although the first date, February 24<sup>th</sup> is a Sunday, with that establishment he didn't think there is a time that's better or worse than another time. The people who frequent her establishment do so during the week and during the day time hours. They don't necessarily have a larger flow on the weekends. He concluded that he agreed to those dates but that it is up to Council if they have strong feelings to the contrary. A motion to accept the dates proposed for active suspension to be served by Mantelli Partnership d/b/a Mantelli's at 137 W. Main Street as February 24<sup>th</sup> through February 28, 2013 was made by Councilmember Bolton. The motion was seconded by Councilmember Velasquez and upon roll call vote carried unanimously.

**BILLS.** Councilmember Bonato questioned payment to Auto Zone, check #42341 on page 8, whereby it indicated it was for S&B #7 for a radiator in the amount of \$126.29 and a second entry with the same information was listed. He asked why two radiators would be needed for the same vehicle. Acting City Manager Fineberg advised that he would look into it and get back to Council. A motion to approve payment of the bills as presented was made by Councilmember Velasquez. The motion was seconded by Councilmember Bolton. Roll call was taken on the motion to approve the bills and it carried unanimously.

**PAYROLL,** February 2, 2013 through February 15, 2013. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Velasquez. The motion carried unanimously.

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

ATTEST:

FRANKLIN SHEW, Mayor Pro-Tem

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO  
1878

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** March 5, 2013  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 6

**SUBJECT:** 3.2% Beer Retail License (Off-Premises) renewal request by Walmart Stores, Inc. d/b/a Walmart #962 at 2921 Toupal Drive

**PRESENTER:** Audra Garrett, City Clerk

**RECOMMENDED CITY COUNCIL ACTION:** Consider renewal of 3.2% Beer License

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** This item was tabled at the February 19, 2013 meeting due to lack of representation at that meeting. A representative is required to be present pursuant to Chapter 3, Section 3-7(6) of the Trinidad Municipal Code.

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- The renewal application is in order.
- Departmental reports from the Fire Department and Building Inspector indicate a remodel is being undertaken. Police Department reports two calls for service.
- Disclosure statements provided by Councilmember Miles and Councilmember Velasquez are attached.
- Appropriate renewal fees have been paid.
- A phone call was placed to the Assistant Manager Cheri Wall at Walmart on February 20<sup>th</sup> to explain that the license was tabled and rescheduled to the meeting on March 5<sup>th</sup> and that a representative MUST be present.

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$96.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Amount Due/Paid	

WALMART #962  
 702 SW 8TH STDEPT 8916  
 BENTONVILLE AR 72716-6209

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 WAL MART STORES INC		DBA WALMART #962		
Liquor License # 09495180009	License Type 3.2% Beer Off Premises (city)	Sales Tax License # 09495180009	Expiration Date 4/22/2013	Due Date 3/8/2013
Street Address 2921 TOUPAL DR TRINIDAD CO 81082				Phone Number (719) 846 4477
Mailing Address 702 SW 8TH STDEPT 8916 BENTONVILLE AR 72716-6209				
Operating Manager Robert J Jones	Date of Birth [REDACTED]	Home Address [REDACTED]		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 Feb 1st 2017
- 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 Amy Thrasher	Title Assistant Secretary
Signature <i>Amy Thrasher</i>	Date 1/23/2013

**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

2892	Supercenter	Parker	CO	March-09	\$0.00	Sale to Minor	5 days suspension (2 additional days held in abeyance for 1 yr period)
966	Supercenter	Cortez	CO	December-03	\$200.00	Sale to Minor	
966	Supercenter	Cortez	CO	December-04	0.00	Sale to Minor	15 day suspension with 8 days held in abeyance
953	Supercenter	Loveland	CO	March-09		Failure to change agent	5 day suspension, 5 days in abeyance
953	Supercenter	Loveland	CO	March-11		Failure to change agent	3-day suspension 7 days in abeyance
3227	Supercenter	Cotrez	CO	April-00	\$0.00	Sale to Minor	
4599	Supercenter	Timnath	CO	June-11	\$371.25	Sale to Minor	
5232	Supercenter	Rifle	CO	June-11	\$313.35	Sale to Minor	5-day suspension 10 days abeyance
966	Supercenter	Cotrez	CO	June-03	\$0.00	Sale to Minor	
5033	Wal-Mart	Aorora	CO	June-09	\$200.00	Sale to Minor	
5051	Wal-Mart	Brighton	CO	February-12	\$582	Sale to Minor	
924	Supercenter	Sterling	CO	May-10	\$0.00	Sale to Minor	20 day suspension 11 active, 9days in abeyance
3484	Supercenter	Westminster	CO	5/7/2012	\$0.00	Sale to Minor	
1252	Supercenter	Highlands Ranch	Co	5/18/2012	\$0.00	Sale to Minor	
3313	Supercenter	Centennial	CO	6/1/2012	\$0.00	Sale to Minor	
1095	Supercenter	Glenwood Springs	CO.	7/12/2012	\$0.00	sales to minor	
2125	Supercenter	Lakewood	CO	10/3/2012	\$0.00	sales to minor	
1273	Supercenter	Fountain	CO	10/17/2012	\$0.00	sales to minor	

STORE #	TYPE	CITY	STATE	DATE	FINE AMOUNT	REASON FOR CITATION	Disposition
2125	Supercenter	Lakewood	CO	February-06	\$389.79	Sale to Minor	
869	Supercenter	Alamosa	CO	April-06	\$0.00	Sale to Minor	10 day suspension taken 8-1-06 through 8-10-06
5051	Supercenter	Greely	CO	January-07	\$200.00	Sale to minor	In lieu of 5 day suspension
1019	Wal-Mart	Canyon City	CO	March-07	\$0.00	Sale to minor	3 day suspension
5033	Supercenter	Fort Morgan	CO	January-08	\$200.00	sale to minor	5 day suspension held in abeyance for 1 yr
5033	Supercenter	Ft Morgan	CO	January-08	2 day suspension with 5 days held in abeyance	Sale to minor	No fine offered, just suspension
1384	Supercenter	La Junta	CO	January-08	\$200.00	Sale to minor	
3227	Supercenter	Monument	CO	October-08	\$200 + 2 day suspension	sale to minor	in lieu of 7 day suspension (2 days served plus fine of \$200 and 5 days in abeyance)
3227	Supercenter	Monument	CO	October-08	\$200 and a 2 day suspension	Sale to minor	5 days suspension held in abeyance
3227	Supercenter	Monument	CO	October-08	\$200 and 7 day suspension	Sale to Minor	5 days held in abeyance
924	Supercenter	Sterling	CO	June-97	\$0.00	Sale to Minor	
924	Supercenter	Sterling	CO	March-09	\$200.00	Sale to Minor	in lieu of 2 day suspension
2892	Supercenter	Parker	CO	December-00		Sale to Minor	
2892	Supercenter	Parker	CO	May-12	\$0.00	Sale to Minor	
2270	Supercenter	Durango	CO	June	\$116.40	Sale to Minor	
2892	Supercenter	Parker	CO	August-12	\$0.00	Sale to Minor	5 day suspension

Supercenter	3582	1575 SPACE CENTER DR	COLORADO SPRINGS	CO	80915
Supercenter	3805	19600 E US HIGHWAY 24	WOODLAND PARK	CO	80863
Supercenter	3824	7155 SHERIDAN BLVD	WESTMINSTER	CO	80003
Supercenter	3867	200 W 136TH AVE	WESTMINSTER	CO	80234
Supercenter	4284	440 WADSWORTH BLVD	LAKWOOD	CO	80226
Supercenter	4288	4651 W 121ST AVE	BROOMFIELD	CO	80020
Supercenter	4335	11550 MERIDIAN MARKET VW	FALCON	CO	80831
Supercenter	4377	2000 W VICTORY WAY	CRAIG	CO	81625
Supercenter	4567	7101 E 128TH AVE	BRIGHTON	CO	80602
Supercenter	4599	4500 WEITZEL ST	TIMNATH	CO	80547
Supercenter	4639	2100 LEGACY CIR	ELIZABETH	CO	80107
Supercenter	5033	1300 BARLOW RD	FORT MORGAN	CO	80701
Supercenter	5051	920 47TH AVE	GREELEY	CO	80634
Supercenter	5099	2545 RIMROCK AVE	GRAND JUNCTION	CO	81505
Supercenter	5123	5550 E WOODMEN RD	COLORADO SPRINGS	CO	80920
Supercenter	5137	6101 S AURORA PKWY	AURORA	CO	80016
Supercenter	5232	1000 AIRPORT RD	RIFLE	CO	81650
Supercenter	5334	3301 TOWER RD	AURORA	CO	80011
Supercenter	5341	500 SUMMIT BLVD	BROOMFIELD	CO	80021
Supercenter	5370	2514 MAIN ST	LONGMONT	CO	80504
Supercenter	5458	37 STAFFORD LN	DELTA	CO	81416
Sam's Club	6219	1850 E. WOODMAN RD	COLORADO SPRINGS	CO	80920
Sam's Club	6630	7370 W.N 52ND AVE.	ARVADA	CO	80002
Market	3020	14605 W 64th Ave	ARVADA	CO	80004
Market	3126	16746 E Smoky Hill Rd	CENTENNIAL	CO	80015
Market	3128	142 S parker Rd	DENVER	CO	80231

Store Type	Store #	Store Address	Store City	State	Zip
Supercenter	842	4200 DILLON DR	PUEBLO	CO	81008
Supercenter	869	3333 CLARK ST	ALAMOSA	CO	81101
Supercenter	905	2285 KEN PRATT BLVD	LONGMONT	CO	80501
Supercenter	921	7865 W US HIGHWAY 50	SALIDA	CO	81201
Supercenter	924	1510 W MAIN ST	STERLING	CO	80751
Supercenter	953	1325 DENVER AVE	LOVELAND	CO	80537
Supercenter	962	2921 TOUPAL DR	TRINIDAD	CO	81082
Supercenter	966	1835 E MAIN ST	CORTEZ	CO	81321
Supercenter	980	3103 S 23RD AVE	GREELEY	CO	80631
Supercenter	984	133 SAM WALTON LANE	CASTLE ROCK	CO	80104
Wal-Mart	986	840 SUMMIT BLVD.	FRISCO	CO	80443
Supercenter	1001	4080 W NORTHERN AVE	PUEBLO	CO	81005
Supercenter	1008	250 W 65TH ST	LOVELAND	CO	80538
Supercenter	1019	3105 E US HIGHWAY 50	CANON CITY	CO	81212
Supercenter	1045	745 US HIGHWAY 287	LAFAYETTE	CO	80026
Supercenter	1058	16750 S TOWNSEND AVE	MONTROSE	CO	81401
Wal-Mart	1095	3010 BLAKE AVE	GLENWOOD SPRINGS	CO	81601
Supercenter	1199	171 YODER AVENUE	AVON	CO	81620
Supercenter	1200	3201 E PLATTE AVE	COLORADO SPRINGS	CO	80909
Supercenter	1231	9901 GRANT ST	THORNTON	CO	80229
Supercenter	1252	6675 BUSINESS CENTER DR	HIGHLANDS RANCH	CO	80130
Supercenter	1273	6310 S US HIGHWAY 85-87	FOUNTAIN	CO	80817
Supercenter	1280	2881 NORTH AVE	GRAND JUNCTION	CO	81501
Wal-Mart	1308	7700 W QUINCY AVE	LITTLETON	CO	80123
Supercenter	1384	6 CONLEY RD	LA JUNTA	CO	81050
Supercenter	1434	707 S 8TH ST	COLORADO SPRINGS	CO	80905
Wal-Mart	1492	14000 E EXPOSITION AVE	AURORA	CO	80012
Wal-Mart	1550	900 N MAIN ST	GUNNISON	CO	81230
Supercenter	1659	60 W BROMLEY LN	BRIGHTON	CO	80601
Supercenter	1689	5650 S CHAMBERS RD	AURORA	CO	80015
Wal-Mart	1808	1805 CENTRAL PARK DRIVE	STEAMBOAT SPRINGS	CO	80487
Supercenter	1896	8250 RAZORBACK RD	COLORADO SPRINGS	CO	80920
Supercenter	2125	7455 W COLFAX AVE	LAKEWOOD	CO	80214
Supercenter	2223	9499 SHERIDAN BLVD	WESTMINSTER	CO	80031
Supercenter	2270	1155 S CAMINO DEL RIO	DURANGO	CO	81303
Supercenter	2293	952 SWEDE GULCH RD	EVERGREEN	CO	80439
Supercenter	2672	1432 E OLIVE ST	LAMAR	CO	81052
Supercenter	2729	1250 E MAGNOLIA ST	FORT COLLINS	CO	80524
Wal-Mart	2751	601 ENGLEWOOD PKWY	ENGLEWOOD	CO	80110
Supercenter	2752	5990 DAHLIA ST	COMMERCE CITY	CO	80022
Supercenter	2892	11101 S PARKER RD	PARKER	CO	80134
Supercenter	3227	16218 JACKSON CREEK PKWY	MONUMENT	CO	80132
Supercenter	3313	10900 E BRIARWOOD AVE	CENTENNIAL	CO	80112
Supercenter	3382	78 N MCCULLOCH BLVD	PUEBLO WEST	CO	81007
Supercenter	3533	7800 SMITH RD	DENVER	CO	80207
Supercenter	3566	9400 E HAMPDEN AVE	DENVER	CO	80231

3.2 Beer	09-49518-0068	9/8/2012	El Paso County	3 2 BEER
3.2 Beer	09-49518-0088	8/22/2012	Teller County	3 2 BEER
3.2 Beer	09-49518-0091	4/3/2013	Adams County	3 2 BEER
3.2 Beer	09-49518-0086	12/6/2012	Adams County	3 2 BEER
3.2 Beer	09-49518-0085	1/15/2013	Jefferson County	3 2 BEER
3.2 Beer	09-49518-0096	5/13/2013	Adams County	3 2 BEER
3.2 Beer	09-49518-0087	6/24/2013	El Paso County	4 2 BEER
3.2 Beer	09-49518-0090	10/24/2012	Moffat County	3 2 BEER
3.2 Beer	09-49518-0097	5/10/2013	Adams County	3 2 BEER
3.2 Beer	09-49518-0092	4/21/2013	Larimer County	3 2 BEER
3.2 Beer	09-49518-0093	7/14/2012	Elbert County	4 2 BEER
3.2 Beer	09-49518-0067	11/24/2012	Morgan County	3 2 BEER
3.2 Beer	09-49518-0069	3/20/2013	Weld County	3 2 BEER
3.2 Beer	09-49518-0073	9/30/2012	Mesa County	3 2 BEER
3.2 Beer	09-49518-0075	12/22/2012	El Paso County	3 2 BEER
3.2 Beer	09-49518-0079	10/25/2012	Arapahoe County	3 2 BEER
3.2 Beer	09-49518-0072	9/18/2012	Garfield County	3 2 BEER
3.2 Beer	09-49518-0081	9/28/2012	Adams County	3 2 BEER
3.2 Beer	09-49518-0077	6/23/2012	Broomfield County	3 2 BEER
3.2 Beer	09-49518-0083	2/28/2013	Boulder County	3 2 BEER
3.2 Beer	09-49518-0078	8/24/2012	Delta County	3 2 BEER
3.2 Beer	12-33986-0011	10/18/2012	El Paso County	3 2 BEER
Beer/Wine/Liquor	12-33986-0008	3/9/2013	Jefferson County	BEER WINE LIQUOR
3.2 Beer	09-49518-0102	5/1/2013	Adams County	3 2 BEER
3.2 Beer	09-49518-0101	4/19/2013	Arapahoe County	3 2 BEER
3.2 Beer	09-49518-1000	4/29/2013	Arapahoe County	3 2 BEER

State Lic. Type	State Lic. #	Exp. Date	County	City Lic. Type
3.2 Beer	09-49518-0055	8/26/2012	Pueblo County	3 2 BEER
3.2 Beer	09-49518-0002	4/18/2013	Alamosa County	3 2 BEER
3.2 Beer	09-49518-0003	12/20/2013	Boulder County	3 2 BEER
3.2 Beer	09-49518-0005	9/1/2012	Chaffee County	3 2 BEER
3.2 Beer	09-49518-0007	7/10/2013	Logan County	3 2 BEER
3.2 Beer	09-49518-0009	3/25/2013	Larimer County	3 2 BEER
3.2 Beer	09-49518-0008	4/22/2013	Las Animas County	3 2 BEER
3.2 Beer	09-4918-0011	1/11/2013	Montezuma County	3 2 BEER
3.2 Beer	09-49518-0010	8/14/2012	Weld County	3 2 BEER
3.2 Beer	09-49518-0010	1/11/2013	Douglas County	3 2 BEER
3.2 Beer	09-49518-0012	5/12/2013	Summit County	3 2 BEER
3.2 Beer	09-49518-0013	6/19/2013	Pueblo County	3 2 BEER
3.2 Beer	09-49518-0089	8/27/2012	Larimer County	3 2 BEER
3.2 Beer	09-49518-0015	5/18/2013	Fremont County	3 2 BEER
3.2 Beer	09-49518-0016	8/26/2012	Boulder County	3 2 BEER
3.2 Beer	09-49518-0017	10/15/2012	Montrose County	3 2 BEER
3.2 Beer	09-49518-0018	9/16/2012	Garfield County	3 2 BEER
3.2 Beer	09-49518-0019	5/4/2013	Eagle County	3 2 BEER
3.2 Beer	09-49518-0021	4/15/2013	El Paso County	3 2 BEER
3.2 Beer	09-49518-0022	11/17/2012	Adams County	3 2 BEER
3.2 Beer	09-49518-0047	5/1/2013	Douglas County	3.2 BEER
3.2 Beer	09-49518-0024	6/8/2013	El Paso County	3 2 BEER
3.2 Beer	09-49518-0025	9/11/2012	Mesa County	3 2 BEER
3.2 Beer	09-49518-0094	12/17/2012	Denver County	4 2 BEER
3.2 Beer	09-49518-0029	3/29/2013	Otero County	3 2 BEER
3.2 Beer	09-49518-0049	6/9/2013	El Paso County	3 2 BEER
3.2 Beer	09-49518-0030	9/7/2012	Arapahoe County	3 2 BEER
3.2 Beer	09-49518-0031	7/27/2012	Gunnison County	3 2 BEER
3.2 Beer	09-49518-0032	5/2/2013	Adams County	3 2 BEER
3.2 Beer	09-49518-0064	12/16/2012	Arapahoe County	3 2 BEER
3.2 Beer	09-49518-0035	9/17/2012	Routt County	3 2 BEER
3.2 Beer	09-49518-0037	2/4/2013	El Paso County	3 2 BEER
3.2 Beer	09-49518-0038	2/21/2013	Jefferson County	3 2 BEER
3.2 Beer	09-49518-0046	9/21/2012	Jefferson County	3 2 BEER
3.2 Beer	09-49518-0051	6/28/2012	La Plata County	3 2 BEER
3.2 Beer	09-49518-0048	10/3/2012	Jefferson County	4 2 BEER
3.2 Beer	09-49518-0054	9/29/2012	Prowers County	3 2 BEER
3.2 Beer	09-49518-0059	10/17/2012	Larimer County	3 2 BEER
3.2 Beer	09-49518-0058	12/2/2012	Arapahoe County	3 2 BEER
3.2 Beer	09-4951-0056	10/6/2012	Adams County	3 2 BEER
3.2 Beer	09-49518-0057	9/12/2012	Douglas County	3 2 BEER
3.2 Beer	09-49518-0084	8/7/2012	El Paso County	3 2 BEER
3.2 Beer	09-49518-0080	1/6/2013	Arapahoe County	3 2 BEER
3.2 Beer	09-49518-0082	1/22/2013	Pueblo County	4 2 BEER
3.2 Beer	09-49518-0062	1/22/2013	Denver County	5 2 BEER
3.2 Beer	09-49518-0061	8/20/2012	Arapahoe County	3 2 BEER

716560	9/6/2012	71-0415188
09-49518-0088	8/22/2012	71-0415188
2805501	4/3/2013	71-0415188
2687301	12/6/2012	71-0415188
09-49518-0085	1/15/2012	71-0415188
28-2010	5/13/2013	71-0415188
n/a	6/24/2013	71-0415188
09-49518-0090	10/24/2012	71-0415188
BE-0047	5/10/2013	71-0415188
none	4/21/2013	71-0415188
09-49518-0093	7/14/2013	71-0415188
2010-19	11/22/2011	71-0415188
state lic#09-49518-0069	3/20/2013	71-0415188
5020316	9/30/2012	71-0415188
708427	12/22/2012	71-0415188
141243	10/25/2012	71-0415188
26-10	8/2/2012	71-0415188
146049	9/28/2012	71-0415188
49-2010	6/23/2012	71-0415188
09-49518-0083	2/28/2013	71-0415188
none	8/24/2012	71-0415188
N/A	10/8/2012	71-0794414
14781	3/9/2013	71-0794414
15139	5/1/2013	71-0415188
N/A	4/19/2013	71-0415188
09-49518-0000	4/29/2013	71-0415188

City Lic.#	City Exp.Date	FEIN #
09-49518-55P	8/26/2012	71-0415188
n/a	4/18/2013	71-0415188
09-49518-0098	12/20/2013	71-0415188
09-49518-0003	9/1/2012	71-0415188
1099	7/10/2013	71-0415188
n/a	3/25/2013	71-0415188
0239	4/22/2013	71-0415188
6095	1/11/2013	71-0415188
09-49518-0011	8/14/2012	71-0415188
09495180010	1/11/2013	71-0415188
n/a	5/12/2013	71-0415188
09-49518-13P	6/19/2013	71-0415188
n/a	8/27/2012	71-0415188
09-49518-0015	5/18/2013	71-0415188
09-49518-0016	8/23/2012	71-0415188
1050	10/15/2012	71-0415188
none	9/16/2012	71-0415188
2065	5/4/2013	71-0415188
654	4/15/2013	71-0415188
BE-0039	11/17/2012	71-0415188
882	5/12/2012	71-0415188
10-764	6/8/2013	71-0415188
5020317	9/11/2012	71-0415188
102651	12/17/2012	71-0415188
n/a	3/29/2013	71-0415188
1568	6/9/2013	71-0415188
168133	9/7/2012	71-0415188
10-40	7/27/2012	71-0415188
622	5/2/2013	71-0415188
130419	12/16/2012	71-0415188
2010-56	9/18/2012	71-0415188
700806	2/4/2013	71-0415188
09-49518-0038	2/21/2013	71-0415188
1623301	9/21/2012	71-0415188
10678	6/28/2012	71-0415188
2639	10/2/2012	71-0415188
3059	9/29/2012	71-0415188
09-49518-0059	10/17/2012	71-0415188
177857	12/2/2012	71-0415188
11907	10/6/2012	71-0415188
305	9/12/2012	71-0415188
09-49518-0084	8/7/2012	71-0415188
01062012	1/6/2013	71-0415188
2800	1/22/2013	71-0415188
100735	1/22/2013	71-0415188
129991	8/20/2012	71-0415188

1/29/13

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

Applicant: Walmart Stores, Inc.

dba: Walmart #962

Address: 2921 Toupal Drive

Type of License: 3.2% Beer Off Premises

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: February 19, 2013

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: \_\_\_\_\_

*ok*

*Remodeling store*

*1-30-13*

Date

*Teroy Lerua*  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: February 12, 2013

1/29/13

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

Applicant: Walmart Stores, Inc.

dba: Walmart #962

Address: 2921 Toupal Drive

Type of License: 3.2% Beer Off Premises

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: February 19, 2013

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DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Remedial in process

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

1-30-13  
Date

*R. A. Kelley*  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: February 12, 2013

1/29/2013

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

Applicant's Name: Wal-Mart Stores, Inc.

DBA: Wal-Mart Supercenter #962

Business Address: 2921 Toupal Drive

Type of License: 3.2% Off-Premises

Renewal     Transfer     Change of Location     New     Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: February 19, 2013, 7:00 p.m.

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DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

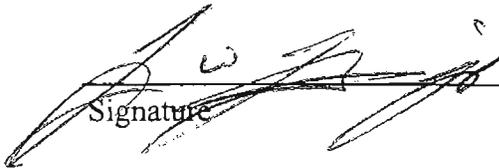
<u>Date</u>	<u>Sequence Number</u>	<u>Call Type</u>	<u>Case Number</u>
6/25/2012	TPD201209390	Drunks	No report

A male party was walking around the store drinking a beer

6/19/2012	TPD201209028	Drunks	No report
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A male party identified as Elias Mendoza was riding one of the wheelchairs. He was yelling at other customers and tried to run some of the over with the wheelchair. He was intoxicated. An ambulance responded and transported him to the hospital.

2-11-13  
Date

  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: February 12, 2013

**CAD Abstract**

Number of Responses : 1

Sequence Number: TPD201209390

Call Answered 06/25/2012 22:03:15	Call Code <b>DRUNKS</b>	Case Number
Created 06/25/2012 22:03:03	Dispatched 06/25/2012 22:03:09	Completed 06/25/2012 22:08:56
		Disposed 06/26/2012 03:50:43

Response Information

Response Type : DRUNKS  
 Reason for Stop :  
 Stop Statute :  
 Primary Resource : T116  
 Primary Trooper : GILLIS-TODD,MEGAN  
 Response Origin : CAD  
 Disposition Codes : CC

Incident Information

Validated Address : : No Value

Common Place : Zone :  
 House Number : City :  
 Street Name : State:  
 Suffix : ZIP Code :  
 Street Type : X Coordinate  
 Cross Streets: Y Coordinate  
 Free Format Address : 2921 TOUPAL

Location History

<u>Date/Time</u>	<u>Address</u>	<u>Dispatcher / Position</u>
06/25/2012 22:03:03	2921 TOUPAL	SCHLENSKER,MANDI / POSITION:

Resource Activity Statuses

<u>Date/Time</u>	<u>Unit ID</u>	<u>Status</u>	<u>Dispatcher / Position</u>
06/25/2012 22:03:09	T116	DP	SCHLENSKER,MANDI / POSITION2
06/25/2012 22:03:10	T116	EN	SCHLENSKER,MANDI / POSITION2
06/25/2012 22:03:56	T116	AR	SCHLENSKER,MANDI / POSITION2
06/25/2012 22:08:56	T116	CL	SCHLENSKER,MANDI / POSITION2

**Incident Notes**

<u>Date/Time</u>	<u>Note</u>	<u>Dispatcher / Position</u>
06/25/2012 22:03:52	107-STATES THAT THERE IS A MALE PT IN ILSE 2 THAT IS WALKING AROUND DRINKING A BEER	SCHLENSKER / POSITION2

## CAD Abstract

Number of Responses : 1

Sequence Number: TPD201209028

Call Answered 06/19/2012 21:24:22	Call Code <b>DRUNKS</b>	Case Number
Created 06/19/2012 21:21:40	Dispatched 06/19/2012 21:22:29	Completed 06/19/2012 21:52:36
		Disposed 06/20/2012 03:29:58

### Response Information

Response Type : DRUNKS  
 Reason for Stop :  
 Stop Statute :  
 Primary Resource : T116  
 Primary Trooper : GILLIS-TODD,MEGAN  
 Response Origin : CAD  
 Disposition Codes : CC

### Incident Information

Validated Address : : True

Common Place : Zone :  
 House Number : 2921 City :  
 Street Name : TOUPAL State:  
 Suffix : ZIP Code :  
 Street Type : DR X Coordinate 3284807.6404370400  
 Cross Streets: Y Coordinate 1173318.0712049201  
 Free Format Address : 2921 TOUPAL DR

### Location History

<u>Date/Time</u>	<u>Address</u>	<u>Dispatcher / Position</u>
06/19/2012 21:21:40	2921 TOUPAL DR	SCHLENSKER,MANDI / POSITION:

### Person 1 of 1

Last Name : MENDOZA	First Name : ELIAS JOSEPH	Middle Name : ELIAS JOSEPH
Suffix :	DOB : 	SOC :
Involvement : DRIVER	DL State : CO	DL Number :
Perceived Race :	Perceived Gender :	Address :
Race :	Gender :	Phone :
Notes :		

**Resource Activity Statuses**

<u>Date/Time</u>	<u>Unit ID</u>	<u>Status</u>	<u>Dispatcher / Position</u>
06/19/2012 21:38:43	T108	DP	RIVAS,AMANDA / POSITION1
06/19/2012 21:38:45	T108	AR	RIVAS,AMANDA / POSITION1
06/19/2012 21:52:35	T108	CL	RIVAS,AMANDA / POSITION1
06/19/2012 21:24:19	T112	DP	SCHLENSKER,MANDI / POSITION2
06/19/2012 21:24:20	T112	AR	SCHLENSKER,MANDI / POSITION2
06/19/2012 21:24:24	T112	EN	SCHLENSKER,MANDI / POSITION2
06/19/2012 21:25:19	T112	CL	RIVAS,AMANDA / POSITION1
06/19/2012 21:38:42	T112	DP	RIVAS,AMANDA / POSITION1
06/19/2012 21:38:46	T112	EN	RIVAS,AMANDA / POSITION1
06/19/2012 21:38:48	T112	AR	RIVAS,AMANDA / POSITION1
06/19/2012 21:52:35	T112	CL	RIVAS,AMANDA / POSITION1
06/19/2012 21:22:28	T116	DP	RIVAS,AMANDA / POSITION1
06/19/2012 21:23:55	T116	AR	SCHLENSKER,MANDI / POSITION2
06/19/2012 21:52:35	T116	CL	RIVAS,AMANDA / POSITION1
06/19/2012 21:38:50	T124	DP	RIVAS,AMANDA / POSITION1
06/19/2012 21:38:52	T124	AR	RIVAS,AMANDA / POSITION1
06/19/2012 21:52:36	T124	CL	RIVAS,AMANDA / POSITION1

**Incident Notes**

<u>Date/Time</u>	<u>Note</u>	<u>Dispatcher / Position</u>
06/19/2012 21:22:15	RP STATES THAT THERE IS A DK MALE RIDING ONE OF THE WHEELCHAIRS AND IS YELLING AT OTHER CUSTOMERS AND TYRING TO RUN PEOPLE OVER	SCHLENSKER / POSITION2
06/19/2012 21:34:34	301 REQ MED ONLY	RIVAS / POSITION1
06/19/2012 21:46:44	108 PT EH BY MED FOR CL	RIVAS / POSITION1

**DISCLOSURE STATEMENT**

I, Linda Velasquez, hereby state and affirm that I am a member of Gino's Sports Bar, LLC, a Colorado limited liability company formed on September 9, 2011, whose principal office address is 310 Spruce Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Gino's Sports Bar, a tavern 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 991 E. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 25% interest in Gino's Sports Bar, 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.



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Linda Velasquez

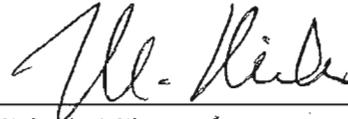
12/4/12

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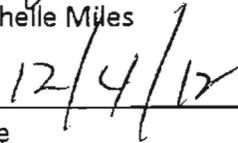
Date

**DISCLOSURE STATEMENT**

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



Michelle Miles



Date



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** March 5, 2013  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:**

**SUBJECT:** Tavern liquor license renewal request by Monte Cristo Bar, Inc. at 124 Santa Fe Trail

**PRESENTER:** Audra Garrett, City Clerk

**RECOMMENDED CITY COUNCIL ACTION:** Consider renewal of Tavern 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.
- Departmental reports from all services indicate their approval.
- Disclosure statements provided by Councilmember Miles and Councilmember Velasquez are attached.
- Appropriate renewal fees have been paid.

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

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

MONTE CRISTO BAR INC  
 124 SANTA FE TRL  
 TRINIDAD CO 81082-2906

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>MONTE CRISTO BAR INC</b>		DBA <b>MONTE CRISTO BAR INC</b>		
Liquor License # <b>06096940000</b>	License Type <b>Tavern (city)</b>	Sales Tax License # <b>06096940000</b>	Expiration Date <b>3/23/2013</b>	Due Date <b>2/6/2013</b>
Street Address <b>124 SANTA FE TRL TRINIDAD CO 81082-2906</b>				Phone Number <b>(719) 846-9020</b>
Mailing Address <b>124 SANTA FE TRL TRINIDAD CO 81082-2906</b>				<b>6314</b>
Operating Manager <b>Michael Ryman</b>	Date of Birth [REDACTED]	Home Address <b>[REDACTED] Trinidad, Co 81082</b>		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 <b>Michael R. Ryman</b>	Title <b>President</b>
Signature <b>Michael R. Ryman</b>	Date <b>2/11/13</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

2/11/13

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

Applicant: Monte Cristo Bar, Inc.

dba: Monte Cristo Bar, Inc.

Address: 124 Santa Fe Trail

Type of License: Tavern

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: March 5, 2013

\*\*\*\*\*

DEPARTMENT REVIEW

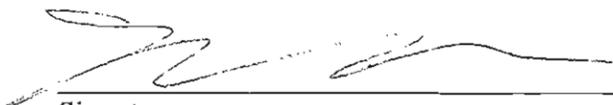
DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Looks good

Mike 764 2233

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2-14-13  
Date

  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: February 22, 2013

2/11/13

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

Applicant: Monte Cristo Bar, Inc.

dba: Monte Cristo Bar, Inc.

Address: 124 Santa Fe Trail

Type of License: Tavern

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: March 5, 2013

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: \_\_\_\_\_  
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2-13-2013  
Date

Chris S. Kelley  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: February 22, 2013

2/11/2013

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

Applicant's Name: Monte Cristo Bar, Inc

DBA: Monte Cristo Bar

Business Address: 124 Santa Fe Trail

Type of License: Tavern

X  Renewal           Transfer           Change of Location           New           Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: March 5, 2013, 7:00 p.m.

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No reports

2-14-13  
Date

Charles J. Dennis  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: February 22, 2013

## Audra Garrett

---

**From:** John Martinez [jmartinez@la-h-health.org]  
**Sent:** Monday, February 11, 2013 2:37 PM  
**To:** Audra Garrett  
**Subject:** RE: liquor renewal

Hi Audra;  
Monte Cristo Bar, inc. located at 124 Santa Fe Trail Drive, is in Compliance with this Agency.

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

### Las Animas-Huerfano Counties District Health Department

#### Trinidad Office

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

#### Walsenburg Office

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

**From:** Audra Garrett [mailto:[audra.garrett@trinidad.co.gov](mailto:audra.garrett@trinidad.co.gov)]  
**Sent:** Monday, February 11, 2013 11:58 AM  
**To:** John Martinez  
**Subject:** liquor renewal

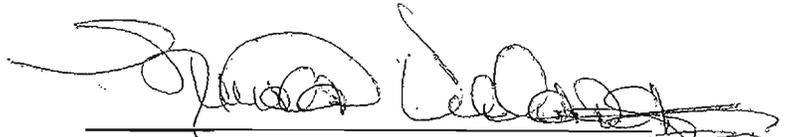
Hi John,  
Please verify compliance with your office for Monte Cristo Bar, Inc. at 124 Santa Fe Trail Drive. Thank you.

*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, Linda Velasquez, hereby state and affirm that I am a member of Gino's Sports Bar, LLC, a Colorado limited liability company formed on September 9, 2011, whose principal office address is 310 Spruce Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Gino's Sports Bar, a tavern 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 991 E. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 25% interest in Gino's Sports Bar, 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.



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Linda Velasquez

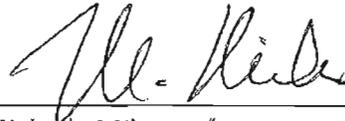
12/4/12

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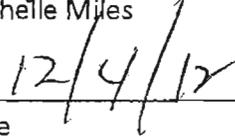
Date

DISCLOSURE STATEMENT

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



Michelle Miles



Date



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** March 5, 2013  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 7

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

**PRESENTER:** Audra Garrett, City Clerk

**RECOMMENDED CITY COUNCIL ACTION:** Consider renewal of Tavern 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.
- Departmental reports from all services indicate their approval.
- Disclosure statements provided by Councilmember Miles and Councilmember Velasquez are attached.
- Appropriate renewal fees have been paid.

## LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

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

LUMBERJACKS BAR & GRILL  
 1101 PORTLAND AVE  
 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 <b>LUMBERJACKS BAR &amp; GRILL LLC</b>		DBA <b>LUMBERJACKS BAR &amp; GRILL</b>		
Liquor License # <b>42907520000</b>	License Type <b>Tavern (city)</b>	Sales Tax License # <b>42907520000</b>	Expiration Date <b>4/5/2013</b>	Due Date <b>2/19/2013</b>
Street Address <b>1133 N LINDEN AVE TRINIDAD CO 81082-2157</b>				Phone Number <b>(719) 845-9244</b>
Mailing Address <b>1101 PORTLAND AVE TRINIDAD CO 81082</b>				<b>(719) 859-4712</b>
Operating Manager <b>JOYCE RAINE MILKE TYLER</b>	Date of Birth [REDACTED]	Home Address <b>[REDACTED] TRINIDAD, CO [REDACTED] AVE TRINIDAD, CO 81082</b>		Phone Number [REDACTED]

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

**AFFIRMATION & CONSENT**

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

Type or Print Name of Applicant/Authorized Agent of Business <b>Michael Tyler</b>	Title <b>owner - Manager</b>
Signature <i>Michael Tyler</i>	Date <b>FEB. 12, 2013</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

2/15/13

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

Applicant: Lumber Jacks Bar & Grill, LLC

dba: Lumber Jacks Bar & Grill

Address: 1133 N. Linden Avenue

Type of License: Tavern

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: March 5, 2013

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Inspected OK

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

2/19/13  
Date

[Signature]  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: February 22, 2013

2/15/13

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

Applicant: Lumber Jacks Bar & Grill, LLC

dba: Lumber Jacks Bar & Grill

Address: 1133 N. Linden Avenue

Type of License: Tavern

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT:  
COUNCIL MEETING DATE: March 5, 2013

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: \_\_\_\_\_  
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2-19-2013  
Date

*Theresa Kelly*  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: February 22, 2013

2-19  
3:00  
PM

2/15/2013

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

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

DBA:

Business Address: 1133 N. Linden

Type of License: Tavern

Renewal     Transfer     Change of Location     New     Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: March 5, 2013

\*\*\*\*\*

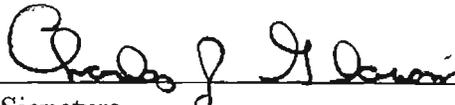
DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No reports

2-19-13  
Date

  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: February 22, 2013

## Audra Garrett

---

**From:** John Martinez [jmartinez@la-h-health.org]  
**Sent:** Friday, February 15, 2013 8:41 AM  
**To:** Audra Garrett  
**Subject:** RE: liquor license

Hi Audra;

Lumber Jacks Bar & Grill, LLC d/b/a Lumber Jacks Bar & Grill at 1133 N. Linden Avenue Trinidad, Co. is Approved by this Agency.

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

### Las Animas-Huerfano Counties District Health Department

#### Trinidad Office

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

#### Walsenburg Office

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

**From:** Audra Garrett [mailto:[audra.garrett@trinidad.co.gov](mailto:audra.garrett@trinidad.co.gov)]  
**Sent:** Friday, February 15, 2013 8:01 AM  
**To:** John Martinez  
**Subject:** liquor license

Hi John,

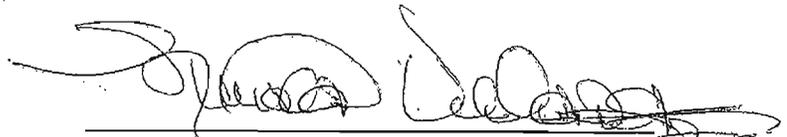
Please confirm compliance with your office for Lumber Jacks Bar & Grill, LLC d/b/a Lumber Jacks Bar & Grill at 1133 N. Linden Avenue.

*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, Linda Velasquez, hereby state and affirm that I am a member of Gino's Sports Bar, LLC, a Colorado limited liability company formed on September 9, 2011, whose principal office address is 310 Spruce Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Gino's Sports Bar, a tavern 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 991 E. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 25% interest in Gino's Sports Bar, 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.



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Linda Velasquez

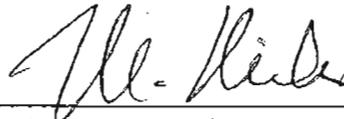
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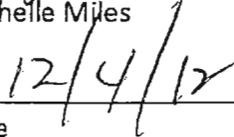
Date

**DISCLOSURE STATEMENT**

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



Michelle Miles



Date



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** March 5, 2013  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** Appointment to the Arts and Culture Advisory Commission

**PRESENTER:** Audra Garrett, City Clerk

**RECOMMENDED CITY COUNCIL ACTION:** Consider appointment of Bonnie Canizaro to the Commission to fill the unexpired term.

**SUMMARY STATEMENT:** The Arts and Culture Advisory Commission is a seven member board with terms matching Council terms.

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- This seven-member board currently lacks one member.
- The unexpired term Ms. Canizaro would fill would extend until January 7, 2014.

Arts and Culture Council  
City Hall  
Trinidad, Colorado

February 6, 2013

To Whom It May Concern:

I would like to express my interest in serving on the Arts and Culture Council for Trinidad, Colorado. I have been interested in the arts for most of my life and would like to return some of the joy I have received from all the exhibits and other artistic endeavors by working for art and culture in my community.

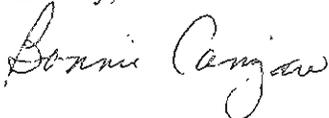
I moved to Trinidad September 29, 2011 to serve as the new pastor for the United Presbyterian Church in the city. I grew up in Austin, Texas, and have been active in the Royal Court Players (drama group) in high school, won ribbons (including the tri-color for best in division) in flower shows, majored in speech and drama at Baylor University, and have read widely in many of the arts. Three of my daughters are artists, and two of them have a painting on display this month at the "Intensity" exhibit. Now I mostly take photographs, one of which was in the local paper.

In a book I wrote in 2003, *Seasons of Lovers* by Mary Carol Lewis (my pen name), I painted time as seen in nature with these words in "Not Alone."

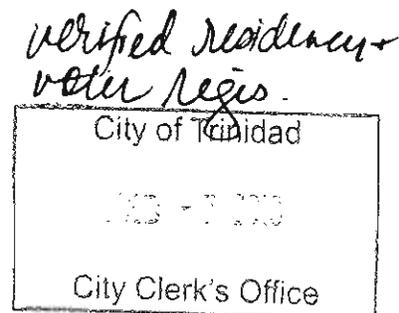
"These majestic gray-green stones were not dropped from heaven.  
Eons ago they were deposited in the bowels of the earth  
Under the ground that became this magnificent mountain.  
And little by little, as the centuries passed the upheavals came to stand them upright,  
And the top soil washed away. And the wind and rain rubbed them smooth  
And deposited sand at their base and turned them from white to gray  
And the green tufts of moss and brown tatters of lichens attached to their thin stone skin...  
And so what is this *time* I am concerned about? Creating and healing and change take time:  
Sometimes eons, sometimes decades and sometimes weeks.  
Now I am healing and creating and changing, and I am not alone."

Please consider my interest in serving on the Arts and Culture Council in Trinidad.

Sincerely,



Reverend Bonnie Canizaro  
721 Pine St.  
Trinidad, CO  
(719) 422-8035





CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** March 5, 2013  
**PREPARED BY:** Les Downs, City Attorney  
**DEPT. HEAD SIGNATURE:**  
**# OF ATTACHMENTS:** 1 *Les Downs*

**SUBJECT:** Ordinance amending Chapter 10, Municipal Court, Section 10-5, Municipal Judges – Appointment, oath; salary; powers – by adding subsection (6) to provide the Municipal Judge the authority to order restitution

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Consider approval of the ordinance of first reading and set it for hearing on March 29, 2013.

**SUMMARY STATEMENT:** The proposed ordinance would provide the Municipal Court Judge the authority to seek restitution for victims of damage or injury

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- Judge Garcia asked that this ordinance be drafted for Council's consideration
- This item was discussed at the work session on February 26, 2013

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 10, MUNICIPAL COURT, SECTION 10-5, MUNICIPAL JUDGES – APPOINTMENT; OATH; SALARY; POWERS - BY ADDING SUBSECTION (6) TO PROVIDE THE MUNICIPAL JUDGE THE AUTHORITY TO ORDER RESTITUTION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, that Section 10-5(6) of Chapter 10, of the Code of Ordinance, Municipal Judges - Appointment; oath; salary; powers, is hereby enacted as follows:

Section 10-5(6). The Municipal Judge is empowered to order a defendant who is found guilty of violating any provision of the City of Trinidad Municipal Code or any of the ordinances of the City, or who is granted a deferred prosecution or deferred sentence, to make restitution or reparation, or both, to the victim of the defendant's conduct for the damage or injury sustained.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_, READ AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2013.

FINALLY PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2013.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
BERNADETTE BACA GONZALEZ,  
Mayor

ATTEST:

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



## Council Communication

City Council Meeting: March 5, 2013

Prepared by: Linda Vigil

Reviewed by: Les Downs and Jim Fernandez

Dept. Head Signature: \_\_\_\_\_

# of Attachments: 3

SUBJECT: Consideration of 3<sup>rd</sup> Amendment to provide untreated water to Colarelli International Resorts and Fine Living, LLC

Presenter: Jim Fernandez

Recommended City Council Action: Consideration of 3<sup>rd</sup> Amendment to provide untreated water agreement between Colarelli International Resorts and Fine Living, LLC and the City of Trinidad

Summary Statement: Colarelli International Resorts and Fine Living LLC has requested consideration of payment installments for the 2012 Annual and 2013 Installment Payments. Colarelli has requested consideration from the city to accept ten (10) monthly installments for the repayment of two (2) separate charges due in 2013. The first charge is the 2012 Annual Payment in the amount of \$69,453.68, which was due February 8, 2013, pursuant to ¶ 4.2 (b) of the original Agreement and the second charge is the 2013 Installment Payment in the amount of \$70,200, which is due March 31, 2013 pursuant to ¶ 4.2 (a)(ii) of the Agreement.

Expenditure Required: N/A

Source of Funds: N/A

Policy Issue: N/A

Alternative: N/A

Background Information: On March 20, 2012, the City of Trinidad entered into the 2<sup>nd</sup> Amendment to the Agreement with Colarelli International Resorts and Fine Living, LLC, which is nearly identical, to the proposed agreement; however affecting the 2011 Annual Payment and 2012 Installment Payments over six-month period. Colarelli has expressed the desire to amend the Agreement in order to allow for payment of the 2012 Annual and 2013 Installment Payments, plus interest, over a ten (10) month period. In addition, Colarelli satisfied all requirements of last year's agreement in a timely manner.

**Sherman & Howard L.L.C.**

ATTORNEYS & COUNSELORS AT LAW  
90 SOUTH CASCADE AVENUE, SUITE 1500  
COLORADO SPRINGS, COLORADO 80903-4576  
TELEPHONE: (719) 475-2440  
FAX: (719) 635-4576  
WWW.SHERMANHOWARD.COM

Scott J. Mikulecky  
Direct Dial Number: (719) 448-4048  
E-mail: [smikulecky@shermanhoward.com](mailto:smikulecky@shermanhoward.com)

February 13, 2013

Mr. Tom Acre  
City Manager  
City of Trinidad  
135 N. Animas, P.O. Box 880  
Trinidad, CO 81082

RE: Water Payments for Colarelli International Resorts & Fine Living, LLC

Dear Mr. Acre:

We represent Colarelli International Resorts & Fine Living, LLC and have been asked to assist in structuring a payment plan for paying Invoice No. 3150 as well as the final installment on the water agreement. We would like to pay the two outstanding balances in twelve equal monthly installments. Please let me know if this is acceptable.

Thank you for your assistance.

Sincerely,



Scott J. Mikulecky

SJM/cs

Linda

---

**From:** Mikulecky, Scott J. [smikulecky@shermanhoward.com]

**Sent:** Thursday, February 21, 2013 10:34 AM

**To:** 'Linda'

**Subject:** RE: Colarelli International Resorts & Fine Living, LLC

Sorry for the delay. 10 month is fine, although we prefer 12 month if possible.

Scott J. Mikulecky  
Sherman & Howard L.L.C.  
90 S. Cascade Avenue, Suite 1500  
Colorado Springs CO 80903  
(719)475-2440  
(719)635-4576 facsimile  
[Smikulec@sah.com](mailto:Smikulec@sah.com)

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**From:** Linda [mailto:linda@historictrinidad.com]

**Sent:** Thursday, February 21, 2013 9:51 AM

**To:** Mikulecky, Scott J.

**Subject:** RE: Colarelli International Resorts & Fine Living, LLC

Hi Scott-

I was checking if you have heard from Colarelli concerning the 10-month or 12-month payment plan. Let me know.

Thanks,

Linda Vigil

City of Trinidad

P.O. Box 880

Trinidad, CO 81082

719-846-9843 Extension 124

Email: [linda@historict Trinidad.com](mailto:linda@historict Trinidad.com)

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-----Original Message-----

**From:** Mikulecky, Scott J. [<mailto:smikulecky@shermanhoward.com>]

**Sent:** Wednesday, February 20, 2013 10:32 AM

**To:** 'Linda'

**Subject:** RE: Colarelli International Resorts & Fine Living, LLC

Thanks very much, Linda. I greatly appreciate it!

Let me check with my client and get back to you soon.

Scott J. Mikulecky  
Sherman & Howard L.L.C.  
90 S. Cascade Avenue, Suite 1500  
Colorado Springs CO 80903  
(719)475-2440  
(719)635-4576 facsimile  
[Smikulec@sah.com](mailto:Smikulec@sah.com)

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**From:** Linda [<mailto:linda@historictrinidad.com>]  
**Sent:** Wednesday, February 20, 2013 9:37 AM  
**To:** Mikulecky, Scott J.  
**Cc:** Jim Fernandez; Les Downs  
**Subject:** Colarelli International Resorts & Fine Living, LLC

Good morning Scott-

We are in receipt of your letter concerning the payment plan for 2012 Annual and 2013 Installment Payments for Colarelli International Resorts & Fine Living, LLC. In your letter and our phone conversations, you expressed the possibility of a 12-month payment plan for the two payments. We would like to propose a 10-month payment plan in order to avoid payments going beyond the 2013 year and into the 2014 year. Please keep in mind that I will be billing in December 2013 or January 2014 for this year's non-potable water use. At your earliest convenience, please provide your thoughts and comments as soon as possible.

Also, I am in process of gathering the payment agreement and plan for your review. I should be finished with the document sometime today and I will forward a copy for your review and consideration.

Thanks,

**Linda Vigil**

**City of Trinidad**

**P.O. Box 880**

**Trinidad, CO 81082**

**719-846-9843 Extension 124**

**Email: [linda@historictrinidad.com](mailto:linda@historictrinidad.com)**

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THIRD AMENDMENT  
TO AGREEMENT TO PROVIDE UNTREATED WATER

This Third Amendment to Agreement to Provide Untreated Water ("Amendment") is effective this \_\_\_\_ of March, 2013 between the City of Trinidad, a municipal corporation of the State of Colorado ("City"), and Colarelli International Resorts & Fine Living, LLC, a Colorado limited liability company ("Colarelli"). The City and Colarelli shall be collectively referred to as the "Parties."

Recitals

- A. The City and Coastal/Trinidad, LLC ("Coastal") executed the Agreement to Provide Untreated Water on May 21, 2002 ("Agreement").
- B. Coastal assigned its rights under the Agreement to Trinidad Golf, LLC ("Trinidad Golf"), pursuant to the Assignment of Agreement to Provide Untreated Water dated December 21, 2004.
- C. Trinidad Golf executed the Collateral Assignment of Agreement to Provide Untreated Water on November 15, 2007 in favor of Bank of Wyoming and its successor National Servicing and Administration, LLC ("NSA").
- D. The City, Colarelli, Trinidad Golf, and NSA executed the Assignment and Amendment of Agreement to Provide Untreated Water on August 2, 2011, pursuant to which, among other things, Trinidad Golf assigned its rights under the Agreement to Colarelli.
- E. Colarelli, Colarelli Loan Procurement, LLC, and Colarelli Construction, Inc., executed the Collateral Assignment of Water Agreement on September 14, 2011 in favor of NSA.
- F. Colarelli has not yet paid sixty-nine thousand four hundred and fifty-three dollars and sixty-eight cents (\$69,453.68), which was due by February 8, 2013 pursuant to 4.2(b) of the Agreement ("2012 Annual Payment") by agreement of the parties.
- G. Colarelli would be in default of the Agreement if it does not timely pay seventy thousand two hundred dollars (\$70,200), on March 28, 2013 pursuant to 4.2(a)(ii) of the Agreement ("2013 Installment Payment").
- H. The City and Colarelli desire to amend the Agreement to allow Colarelli to pay the 2012 Annual and 2013 Installment Payments, plus interest, over a ten (10) month period in ten (10) separate payments and to eliminate the requirement for the City to provide two notices of default.

## AGREEMENT

THEREFORE, in consideration of the foregoing, the parties hereby agree to the following:

- I. The Parties specifically amend the following provisions of the agreement with regard to the 2012 Annual and 2013 Installment Payments only.
  - a. Paragraphs 4.2 (a)(ii) and 4.2(b) of the Agreement shall be amended. Colarelli shall make the 2013 Installment Payment of seventy thousand two hundred dollars (\$70,200), plus interest in ten (10) payments over a ten (10) month period. Colarelli shall make the 2012 Annual Payment of sixty-nine thousand four hundred fifty-three dollars and sixty-eight cents (\$69,453.68), plus interest, in ten (10) payments over a ten (10) month period.
    - i. The Parties agree that Colarelli shall owe the City \$146,518.79 or One hundred forty-six thousand five hundred eighteen dollars and seventy-nine cents in principal and accrued interest associated with the 2013 installment and the 2012 Annual Payments. This amount was computed based on the table attached as Exhibit A.
    - ii. The Parties agree that Colarelli shall make ten (10) payments of \$14,651.88 or Fourteen thousand six hundred fifty-one dollars and eighty-eight cents, which shall be received by the City no later than the 15<sup>th</sup> day of each month beginning on March 15, 2013 and continuing until December 15, 2013. This amount was computed based on the table attached as Exhibit A.
  - b. Paragraph 13.1 of the Agreement shall be amended solely for purpose of the payments outlined above to provide for one Notice of Default for payment made pursuant to this Amendment. The requirement that the City send two Notices of Default shall continue to apply to all other payments under the Agreement. Specifically, the parties agree that if Colarelli fails to timely make any payment specified in ¶ 1.a.ii. of this Amendment, then the City shall immediately issue a Notice of Default and shall suspend water releases or deliveries to Colarelli. The City shall only resume water releases or deliveries to Colarelli when and if Colarelli pays the monthly payments when due and owing pursuant to ¶ 1.a.ii. of this Amendment. If Colarelli has not paid the monthly payments when due and owing pursuant to ¶ 1.a.ii. of this Amendment within ninety (90) days of the Notice, then the Agreement shall be null and void and the City shall be relieved of all obligations and shall have no obligation to release or deliver water to Colarelli for use on the Golf Course Property. The City shall not be obligated to send a Second Notice of Default before exercising its rights set forth herein.

2. All provisions of the Agreement shall remain in full force and effect, unless specifically modified by this Amendment. Except as specifically modified herein for the 2012 Annual Payment, § 4.2(b) of the Agreement shall dictate when Colarelli shall make annual payments to the City. Except as specifically modified herein for the 2013 Installment Payment, § 4.2(a)(ii) of the Agreement shall dictate when Colarelli shall make installment payments to the City. Except as specifically modified herein for the 2012 Annual and 2013 Installment Payments, § 13.1 of the Agreement shall dictate the City's remedies for defaults by Colarelli.

IN WITNESS WHEREOF, the Parties have signed and delivered this Amendment as of the Effective Date, which may be executed in any number of facsimiled counterparts, each of which shall be deemed to be an original.

COLARELLI:

Colarelli International Resorts & Fine Living, LLC,  
a Colorado limited liability company

By: Colarelli Construction, Inc. a Colorado corporation, as  
Manager

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

State of Colorado        )  
                                  )ss.  
County of El Paso        )

The foregoing instrument was acknowledged, before me this \_\_\_\_\_ day of March 2013, by \_\_\_\_\_, as \_\_\_\_\_ of Colarelli Construction, Inc. as Manager of Colarelli International Resorts & Fine Living, LLC.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

CITY:

City of Trinidad,  
a municipal corporation of the State of Colorado

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk



