



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, April 2, 2013 at 7:00 P.M.
in City Council Chambers at City Hall

The following items are on file for consideration of Council:

**** PROCLAMATION – WEEK OF THE YOUNG CHILD, APRIL 14 – 20, 2013****

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Regular Meeting of March 19, 2013 and Special Meeting of March 26, 2013
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 4) **COUNCIL REPORTS**
- 5) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 6) **UNFINISHED BUSINESS**
 - a) Public hearing for consideration of an ordinance providing for a moratorium until October 1, 2013, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, test, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes
 - i) Second reading of an ordinance providing for a moratorium until October 1, 2013, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, test, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes
- 7) **MISCELLANEOUS BUSINESS**
 - a) Hotel and restaurant liquor license renewal request by Bella Luna, LLC d/b/a Bella Luna Pizzeria at 121 W. Main Street
 - b) Hotel and restaurant liquor license renewal request by LMR, Inc. d/b/a Purgatoire & A Little Catering Company at 516 E. Elm Street
- 8) **BILLS**
- 9) **PAYROLL**, March 16, 2013 through March 29, 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).

Office of the Mayor
Trinidad, Colorado
Proclamation



"WEEK OF THE YOUNG CHILD"
April 14 - 20, 2013

WHEREAS, Week of the Young Child is an annual celebration sponsored by the National Association for the Education of Young Children; and

WHEREAS, the purpose of Week of the Young Child is to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meeting those needs; and

WHEREAS, Las Animas County Early Childhood Agencies (HULA Council - Huerfano-Las Animas Early Childhood Advisory Council, South Central Council of Governments, RMSEER Head Start, A World of Discovery, Kiddy Korner, Trinidad School District #1, Hoehne School, Primero School, Branson School, Kim School, Children's First Resource & Referral, Spanish Peaks Behavioral Health and SCDDS) in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child, April 14 through April 20, 2013, whose theme this year is "Early Years are Learning Years"; and

WHEREAS, by calling attention to the need for high-quality early childhood services for all children and families within our community, state, and nation, these groups hope to improve the quality and availability of such services; and

WHEREAS, high-quality early childhood services represent a worthy commitment to our children's future; and

WHEREAS, these vital services provide the building blocks necessary to form a strong educational and health foundation for our community and country.

NOW, THEREFORE, I, BERNADETTE BACA GONZALEZ, MAYOR OF THE CITY OF TRINIDAD, COLORADO, do hereby proclaim the week of April 14 - 20, 2013 as:

"WEEK OF THE YOUNG CHILD"

in the City of Trinidad, and encourage all citizens to support and recognize the needs of young children in our community and the organizations who provide early childhood services to these children.

*In witness whereof I have hereunto set my hand
and caused the seal of this city to be affixed.*

Mayor _____

Date _____



The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, March 19, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

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

PROCLAMATION – TRINIDAD HIGH SCHOOL MINER GIRLS’ BASKETBALL TEAM WEEK. Mayor Baca Gonzalez recognized Coach George Dasko in the audience. Mr. Dasko addressed Council. Mr. Dasko explained that a number of the girls on the team are now in other sports and were consequently unable to attend. He said the team is a great bunch of girls. He commended their hard work, dedication, teamwork and admiral behavior. He explained that their behavior is important to him. They want to win, but want to build solid citizens. Mr. Dasko said he, the schools and the community are proud of the team. If they keep knocking on the door they will win the State Championship. Mayor Baca Gonzalez read aloud the proclamation naming March 17th through March 23rd, 2013 as Trinidad High School Miner Girls’ Basketball Team Week.

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of March 5, 2013. Councilmember Bolton pointed out under the City Manager’s report that in the portion where he spoke about the CML conference there is a word omitted in the last sentence. A motion to approve the minutes as corrected was made by Councilmember Bonato and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote of Council members present, excepting Councilmember Velasquez who abstained due to her absence from that meeting.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

REPORT BY CITY MANAGER. Spring Clean Up. City Manager Acre pointed out at Council’s seating places a flier reminding about the spring clean up event slated for this weekend being coordinated with Parks & Blvds. Supt. Dave Esquibel and Wayne Pritchard. People will meet at Cimino Park and divide and conquer. He said there is a potential for some weather but if it is just cold people can bundle up and still get some work done. City Manager Acre concluded that he hoped to get a good turnout.

Financial Report. City Manager Acre also pointed out at Council’s seating a copy of the latest financial report. He said there are some concerns in the general fund because of continued decrease in sales tax revenue. Although January through March are not good months typically, there has been a decline in sales tax since July, 2012. January, 2013, yielded an 8% decrease compared to last year. He said he’ll be meeting with departments to see how expenses can be decreased and how to possibly increase revenues. While it’s not good news, he said he didn’t think it was terrible news either. As the City looks to close out 2012, he said it looks like preliminarily we won’t have to dip into our reserves as much as had been budgeted. It was budgeted that about \$900,000 would come out of reserves to balance the budget but it appears that it will be around \$400,000 instead. He said he will also work with the new Finance Director on some ideas he has to reduce expenses and increase revenues.

Finance Director Position. City Manager Acre advised Council that he, Rose Blatnik and Leanne Fabec from the County will be conducting four interviews tomorrow for the Finance Director’s position, one of which will be by phone. He said he’s planning some informal interactions between the finance and billing staff and other staff who would work with the Finance Director and the interviewees. They have four good candidates.

Pioneer Natural Resources. City Manager Acre told Council he had a good meeting with Karen Brown from Pioneer Natural Resources last week. She will bring together people from Pioneer Natural Resources for a report in April. He said he hoped to have good news on what they’ve been working on that will benefit the City, although it is not more jobs.

Mt. San Rafael Hospital. Council was informed by City Manager Acre of a meeting he had with the CEO of the hospital, Mr. Quist, to discuss concerns about them being open and transparent. He said he’d try to have a dialogue with him on a monthly basis. He said they are also discussing ways that the City, the hospital and the school district can decrease health costs looking at 2014 because we are using the same insurance broker.

County. City Manager Acre said that he and County Administrator Leanne Fabec are trying to coordinate a joint meeting between Council and the Commissioners, perhaps at an April work session. Also, he reminded that Executive Assistant Anna Ridolfi may have talked to Council about setting up a meeting with the State Representative, Senator and the head of the Department of Corrections. He said he thought they had a date set but there was a conflict with DOC Director Clements’ schedule so they are trying to rearrange the meeting. Mayor Baca Gonzalez commented that we would like to have Mr. Clements and our representatives here to see how critical it is that we keep the Trinidad Correctional Facility.

Sales Tax. Councilmember Miles said she is concerned about the sales tax revenue trend. The decline seems to be accelerating. She said it is a good idea to be looking for revenues elsewhere. City Manager Acre said he’s asked Rose Blatnik to have a conversation with the State to ensure the City is getting all of the sales tax we can get. He added that when he was at his City/County Managers’ Association meeting the economist who addressed the group said this part of the state

is not quite out of the recession yet. He said it seems Trinidad lagged going into it and so we are lagging coming out of it. City Manager Acre said he's not sure if people are just tightening their belts with recent restructuring and layoffs with Pioneer Natural Resources or if people are just being more cautious. We need to monitor the sales tax until we see a reverse in that trend.

North Lake. Councilmember Mattie said since we are at the close of winter and the onset of spring, the City needs to redirect its attention to the North Lake Project. City Manager Acre agreed and said the work should start back up in April. Mayor Baca Gonzalez said she hoped to get an update at an April meeting, recalling that during the winter months the engineer had some ordering and other things to get things geared up. City Manager Acre said when the remobilization date becomes more solid he can schedule an update.

Central Park Concessions. City Manager Acre advised that an RFP has been let out for concessions at the Central Park ballfield. He said he had one person who has expressed interest and that the Triggers may still take a look at it.

REPORT BY CITY ATTORNEY. Task Force Recommendations. City Attorney Downs told Council he hoped they had received his reading he sent via e-mail of the 165 page report on Amendment 64 from the Governor's Task Force. It is now going to be sent over to an ad hoc legislative committee who will be making recommendations in terms of how it goes forward. Mayor Baca Gonzalez commented that the three or four page report that accompanied the Task Force report is a good cheat sheet because it was comprehensive in summarizing the committees work.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. Public hearing for consideration 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. Mayor Baca Gonzalez reminded at this item was discussed at work session of February 26th and approved on first reading on March 5th. She declared the public hearing open and called for public comment and those from the City Manager, staff or City Council. There being none, the hearing was closed.

Second 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. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Miles. The motion was seconded by Councilmember Velasquez and carried by a unanimous roll call vote. The ordinance was approved and will become effective on March 29, 2013.

ORDINANCE NO. 1936

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

MISCELLANEOUS BUSINESS. Special events permit application (malt, vinous and spirituous) filed by Confederacion Mutualista Mexicana e Hispano Americana at 150 E. Main Street for April 6, 2013 (Peacock Ball). Ralph Ponce, President of Confederacion Mutualista Mexicana e Hispano Americana, addressed Council. Councilmember Bolton asked if the emergency backup lights have been fixed (as noted in the inspection reports). City Clerk Garrett advised that there is still an issue. The Fire Chief will continue to follow up and the Director at the A. R. Mitchell is aware of the problem. The Fire Chief suggested Council approve the application conditioned upon the matter being corrected as it is a life/safety issue. Councilmember Miles asked if the servers will be TIPS certified. Mr. Ponce answered that they are all TIPS certified. A motion to approve the permit with the stipulation that it is conditioned upon the backup lights being corrected was made by Councilmember Bolton. Councilmember Miles seconded the motion. Upon roll call vote, the motion carried unanimously.

Hotel and restaurant liquor license renewal request by Brix at 231 E. Main Street. Clayton Marquez and Joey Salazar presented themselves on behalf of the application. Mr. Salazar told Council that they are finally finished and ready for business. Councilmember Bolton asked if the issue with the emergency backup lights has been corrected. Mr. Salazar answered that it has been. Councilmember Bolton complimented the beautiful facility and wished them luck. Councilmember Miles also extended compliments and congratulations. Councilmember Velasquez moved for the renewal of the license. The motion was seconded by Councilmember Bolton and carried by a unanimous roll call vote. Mr. Salazar said they are opening on Thursday (March 21st) at 6:00 p.m.

New tavern liquor license request by Mount Carmel Health, Wellness & Community Center at 911 Robinson Avenue. City Attorney Downs noted the presence of Scott Candland to represent the applicant. He told Council this is a new tavern liquor license application and the only appropriate matters for Council to undertake this evening are to set the public hearing date on a date outside of 30 days and to tentatively set the neighborhood boundary, which has historically been City limits, for purpose of petitioning for the liquor licensing application. Mayor Baca Gonzalez asked an appropriate hearing date. City Clerk Garrett said the earliest regular meeting date is May 7th, however Council could consider an earlier date at a special meeting at the request of the applicant, noting there was no official request made by this or the ensuing applicant for an earlier hearing date. Mr. Candland told Council that May 7th would be fine. He said he hoped there are no unexpected problems in obtaining the license and added that they feel like they contribute to the community. A motion to set the matter for public hearing at 7:00 p.m. on May 7th and set the tentative neighborhood boundary as the corporate City limits was made by Councilmember Bolton and seconded by Councilmember Velasquez. The motion carried by a unanimous roll call vote.

New tavern liquor license request by Southern Colorado Repertory Theatre, Ltd., at 131 W. Main Street. Mayor Baca Gonzalez said it appears that the same situation exists with this application as the previous item. She recognized Jim

Davis to represent the application. City Attorney Downs said that is correct - the same considerations are to be given. It is for a new tavern liquor license for SCRT. He also pointed out that SCRT has a special events permit (for certain dates). Mayor Baca Gonzalez asked if May 7th is a suitable date for the hearing. Mr. Davis said their application is complete and filed and noted that the Planning Commission has recommended approval with two conditions - if SCRT ceases operations the conditional use permit expires and they can only offer liquor during theatrical performances or other events. City Attorney Downs informed Council that another thing a new license applicant has to do is to petition or canvas the neighborhood to show the needs are not being met by existing establishments and that it is the desire of the adult inhabitants that the license be issued. Councilmember Bonato made a motion to set the matter for public hearing at 7:00 p.m. on May 7th and set the tentative neighborhood boundary as the corporate City limits. The motion was seconded by Councilmember Mattie. Councilmember Miles advised that she is on SCRT's Board and will be abstaining. Councilmember Bonato asked if Mr. Davis will have to get signatures in the neighborhood. City Attorney Downs answered affirmatively and added that Mt. Carmel will have to as well. Councilmember Mattie asked if this is for a permanent license and if they have a temporary license to cover the upcoming performances. Mr. Davis said it is and that they applied for Special Event Permits for seven dates, four in February and three in March. Mr. Davis said the whole purpose of having the tavern license is to be able to have more than 15 events (dates) that will produce revenue to help SCRT survive. Mr. Davis asked if under a typical time table with the hearing on May 7th if they would be able to secure a license by the beginning of June. City Clerk Garrett advised that Council can take up to 30 days to render a decision or could render one immediately. With SCRT having paid for concurrent review it expedites the State's processing. The motion carried by a unanimous roll call vote.

Memorial resolution acknowledging the contributions of Ted Frank Martinez upon his passing. Mayor Baca Gonzalez read the resolution aloud. A motion to adopt the resolution to be forwarded to the family of Mr. Martinez was made by Councilmember Bonato and seconded by Councilmember Bolton. Roll call was taken on the motion and carried unanimously.

RESOLUTION NO. 1409

*A MEMORIAL RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO,
ACKNOWLEDGING THE CONTRIBUTIONS OF TED FRANK MARTINEZ UPON HIS PASSING*

*WHEREAS, Almighty God, in His infinite wisdom, has seen fit to take Ted Frank Martinez from this earthly life;
and*

WHEREAS, during his lifetime, Ted Frank Martinez, distinguished himself as an artist, civil servant and humanitarian; and

WHEREAS, Ted Frank Martinez faithfully served the people of the City of Trinidad as a member of the Home Rule Charter Commission in 1993; a member of the Arts and Culture Advisory Commission from May, 2007, to February, 2009; and, as City Councilmember from January, 1998, to January, 2002; and

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

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

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

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

INTRODUCED, READ AND ADOPTED this 19th day of March, 2013.

/s/ BERNADETTE BACA GONZALEZ, MAYOR

/s/FRANKLIN SHEW, Mayor Pro Tem

/s/CAROL BOLTON, Councilmember

/s/JOE BONATO, Councilmember

/s/ANTHONY MATTIE, Councilmember

/s/MICHELLE MILES, Councilmember

/s/LINDA VELASQUEZ, Councilmember

Consideration of Monument Lake 2103 Operations Proposal. Mayor Baca Gonzalez reminded that this matter was discussed at Council's work session on March 12th. She recognized Mike Robb in the audience, welcomed him and thanked him for attending. A motion to approve the 2013 Operations Proposal as presented was made by Councilmember Mattie and seconded by Councilmember Miles. Councilmember Bolton said she had an issue with it even being before Council for approval. She said if you read the park lease agreement it clearly states that the Plan of Operation is to be filed by February 1st of each year and that Council has 30 days in which to advise the lessee of acceptance or otherwise. It further states that failure to respond in writing within the 30-day period shall constitute acceptance of the plan. She opined that the plan has already self executed. We have nothing to vote on. City Manager Acre commented that someone pointed out to him that it is 30 days after the plan is submitted to Council. Councilmember Bolton said that is not how it reads. City Manager Acre said he guessed it could be interpreted either way but his interpretation is that the City Manager submits the plan to City Council and City Council has 30 days to advise the lessee as to whether it accepts or rejects the plan. He added that all it takes is a motion by City Council and he didn't think there was any dispute between the parties on what is in the plan. Councilmember Bolton reiterated her interpretation. Mayor Baca Gonzalez proposed the motion be amended to ratify approval of the proposal. Councilmember Bonato asked City Attorney Downs for his opinion. City Attorney Downs said he's discussed this with a number of people and feels the intent of the document is to say within 30 days of presentation to City Council it has to be acted on. He said he sees where it can be construed differently, but the intent is to not hold anyone's feet to the fire and to negotiate in good faith and have Council approve the plan every year going forward. He

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opined that the intent is that Council has 30 days from the day it is presented to them. He pointed out that Mr. Robb is present and Council has indicated that they are going to approve the plan anyway, and suggested that it be filed away for renewal next year. Councilmember Bolton argued that lack of action constitutes acceptance of the plan. It has already been accepted. Mr. Robb addressed Council and explained that the past practice has been that once it goes to City Council there is a 30 day timeframe. He said he submitted the plan at the end of January this year. There was a lag time in scheduling it on Council's agenda this year but, typically this is the way it has been handled - once it has gone to Council that's when the 30 day time period starts. Councilmember Mattie said it is a valid point but that it is an academic question at this point and the Mayor's suggested amended motion addresses that point. He suggested rather than arguing the point they move on with it and figure it out later so they are better prepared. Councilmember Mattie amended his motion to ratify the proposal as submitted. Councilmember Miles amended her second. Councilmember Bolton said this was just not handled properly, not saying Mr. Robb is at fault in any way. She repeated her interpretation that it has self executed and has been accepted. Roll call was taken on the motion. The motion carried with all Council members present voting aye excepting Councilmember Bolton who cast a dissenting vote. Mayor Baca Gonzalez said she would appreciate staff taking a hard look at it in the future so there are no ambiguities.

First reading of an ordinance providing for a moratorium until October 1, 2013, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, test, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes, and setting a hearing date for consideration of said ordinance. Mayor Baca Gonzalez reminded that this ordinance was discussed at the last work session. City Attorney Downs commented that with the passage of time it seems more clear how urgent it is to have a moratorium. There are more and more difficulties. The ordinance was introduced by Councilmember Bolton and read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing on April 2, 2013 was made by Councilmember Mattie. The motion was seconded by Councilmember Miles and carried by a unanimous roll call vote. Councilmember Bolton commented that she feels it is important to let the media and public know that this is a temporary moratorium through October 1, 2013, and not permanent in any way.

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR A MORATORIUM UNTIL OCTOBER 1, 2013, ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS AND THE LICENSING, PERMITTING, ESTABLISHMENT OR OPERATION OF ANY RECREATIONAL MARIJUANA BUSINESS THAT SELLS, CULTIVATES, MANUFACTURES, PREPARES, PACKAGES, PURCHASES, TEST, OR OTHERWISE PROVIDES FOR OR ALLOWS THE USE OF MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO AMENDMENT 64 APPROVED BY THE VOTERS OF THE STATE OF COLORADO AT THE NOVEMBER 6, 2012, GENERAL ELECTION, AND CODIFIED AS ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION, INCLUDING THE USE OF LAND FOR SUCH PURPOSE OR PURPOSES

Appointment to the Southern Colorado Economic Development District Board of Directors. Councilmember Velasquez moved for the re-appointment of Louis Fineberg. Councilmember Miles seconded the motion which carried by a unanimous roll call vote.

Resolution designating a representative of the City to the NPGA Board of Directors and to the GSA Management Committee, and alternate representatives to the same. A motion to adopt the resolution naming City Manager Acre as the representative on the board and the committee and Utilities Superintendent Jim Fernandez as the alternative representative to both was made by Councilmember Bolton and seconded by Councilmember Bonato. Roll call was taken on the motion and carried unanimously. City Manager Acre said he looks forward to serving the City on the board and hopes to make more than just the one required meeting, noting that he may attend via phone.

RESOLUTION NO. 1410

RESOLUTION DESIGNATING A REPRESENTATIVE OF THE CITY TO THE NPGA BOARD OF DIRECTORS AND TO THE GSA MANAGEMENT COMMITTEE, AND ALTERNATE REPRESENTATIVES TO THE SAME

Consideration of amending Council rules and order of business as it pertains to the Regular Meeting Agendas of the Trinidad City Council to identify Committee Reports only when there are reports to be provided and to add Council Reports. City Manager Acre said it was suggested during the work session discussion that Council Reports be moved up from where it was presented at the work session. He suggested it be prior to the City Manager and City Attorney Reports. When there are committee reports it would be in the same order as it appears presently. He said he believes they only need a motion to change the order of business. Councilmember Bolton moved to amend the Council rules and order of business to identify Committee Reports only when needed and add Council Reports prior to the City Manager and City Attorney's report. The motion was seconded by Councilmember Velasquez and carried by a unanimous roll call vote.

Authorize Mayor's execution of a letter of support for Las Animas and Huerfano Counties SHIP (State Health Insurance Program). Councilmember Bonato made a motion to authorize the Mayor's execution of the letter and Councilmember Miles seconded the motion. Several Council members commented on the importance of retaining this program. Mayor Baca Gonzalez added that the provisions for selecting Medicare and Part D are becoming so complicated and will become more so with Obama care. Funding a program like this to meet with senior citizens to assist them in making informed decisions is very important. She extended appreciation to Ms. Georgette Santistevan for bringing this concern to Council's attention. It's not a lot of money, but the money spent will go a long way in helping our senior

citizens. The motion carried unanimously upon roll call vote.

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

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

Communications with Council. Councilmember Miles announced that the second session of Communications with Council is scheduled for Tuesday, March 26th from 5:00 until 6:45 p.m. in the Pioneer Room at TSJC. She said at the suggestion of some people they will alternate it between lunch time and the evening hour. City Manager Acre said it would be published in the newspaper as well.

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

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, March 26, 2013 at 1:30 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, March 26, 2013 at 1:30 p.m. in the Council Chambers at City Hall

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

- 1) Executive session – For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and/or for a conference with the City’s attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding status of ARPA litigation

The meeting was called to order at 1:29 p.m.

Roll call was taken.

There were present:	Mayor	Baca Gonzalez, presiding
	Councilmembers	Bolton, Bonato, Mattie, Miles, Shew, Velasquez

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

The pledge of allegiance was recited.

Executive session – For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and/or for a conference with the City’s attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding status of ARPA litigation. A motion to enter into executive session for the stated purpose(s) was made by Councilmember Velasquez. Councilmember Miles seconded the motion which carried by a unanimous roll call vote. The executive session ensued at 1:31 p.m. and was recorded electronically in accordance with Colorado law. Upon conclusion of executive session at 3:21 p.m., the special meeting resumed.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 26th day of March, 2013, was permissible under CRS Section 24-6-402 (4)(b).

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



Les S. Downs
City Attorney

There being no further business, Councilmember Bolton moved to adjourn the special meeting and Councilmember Shew seconded the motion. The motion carried unanimously upon roll call vote and the meeting adjourned.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: April 2, 2013
PREPARED BY: Les Downs, City Attorney
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS: 1 *Les Downs*

SUBJECT: Ordinance providing for a moratorium until October 1, 2013, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides form or allows the use of marijuana or marijuana products to Amendment 64 approved by the votes of the state of Colorado at the November 6, 2012, General Election, and codified as Article XVIII, Section 16 of the Colorado Constitution, including the use of land for such purpose or purposes

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Consider approving the ordinance on second reading

SUMMARY STATEMENT: The proposed ordinance would provide a moratorium that would allow time for some legislation to be created on the state level, perhaps the City level and time to see how this matter is addressed on the federal level.

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- This item was discussed at a work session on February 26, 2013 and March 12, 2013 and information has been provided. It was subsequently approved on first reading on March 19, 2013.
- City Ordinance No. 1892, amending §9-4 of the Trinidad Municipal Code of Ordinances, effective 11/27/2009, made it unlawful for any person to carry on or engage in any business within the City limits that is in violation of any federal law or any law of the State of Colorado. This ordinance would specifically address Amendment 64 and use of marijuana.
- The ordinance is patterned after one adopted by Lafayette, Colorado, that seems to adequately address the preliminary issues of this matter.



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, PROVIDING FOR A MORATORIUM UNTIL OCTOBER 1, 2013, ON THE SUBMISSION, ACCEPTANCE OR PROCESSING OF APPLICATIONS AND THE LICENSING, PERMITTING, ESTABLISHMENT OR OPERATION OF ANY RECREATIONAL MARIJUANA BUSINESS THAT SELLS, CULTIVATES, MANUFACTURES, PREPARES, PACKAGES, PURCHASES, TESTS, OR OTHERWISE PROVIDES FOR OR ALLOWS THE USE OF MARIJUANA OR MARIJUANA PRODUCTS PURSUANT TO AMENDMENT 64 APPROVED BY THE VOTERS OF THE STATE OF COLORADO AT THE NOVEMBER 6, 2012, GENERAL ELECTION, AND CODIFIED AS ARTICLE XVIII, SECTION 16 OF THE COLORADO CONSTITUTION, INCLUDING THE USE OF LAND FOR SUCH PURPOSE OR PURPOSES

WHEREAS, at the November 6, 2012, general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution ("Amendment 64") which is codified as Article XVIII, § 16 of the Colorado Constitution; and

WHEREAS, Amendment 64 permits persons twenty-one years of age and older to possess, use, display, purchase or transport one ounce or less of marijuana, or marijuana accessories, to grow limited amounts of marijuana and manufacture and sell marijuana accessories; and

WHEREAS, Amendment 64 also provides for the establishment of marijuana establishments, which include cultivating, testing and product manufacturing facilities, and retail marijuana stores; and

WHEREAS, Amendment 64 requires that by no later than July 1, 2013, the Colorado Department of Revenue shall adopt regulations to implement Amendment 64; and

WHEREAS, Amendment 64 provides that by October 1, 2013, the Colorado Department of Revenue is to begin accepting and processing license applications for marijuana establishments; and

WHEREAS, Amendment 64 further provides that local governmental entities may enact ordinances and regulations governing the time, place, manner and number of marijuana establishments and that by October 1, 2013, each locality adopt marijuana establishment licensing regulations in the event the Colorado Department of Revenue fails to adopt regulations or accept applications; and

WHEREAS, on December 10, 2012, Governor John Hickenlooper established a Task Force regarding the implementation of Amendment 64 whose goal is to assist the legislature and the Department of Revenue to enact efficient and effective laws and regulations that provide for the implementation of Amendment 64; and

WHEREAS, the Task Force has identified areas subject to the state's regulation which include, but are not limited to, blending medical marijuana regulation with recreational marijuana, consideration of state operated recreational dispensaries, impact of state licensing upon local authority, regulation of personal grows, definition of "openly and publicly", regulatory framework for all types of consumption, pre-emption of local regulations and grower regulations; and

WHEREAS, in addition to awaiting direction from the state, because marijuana is a controlled

substance under federal law, both state and local authorities are uncertain as to what action, if any, the federal government may pursue regarding "recreational marijuana businesses", which includes but is not limited to cultivation, product manufacturing and testing facilities along with retail marijuana stores and other uses of property for the commercial consumption of marijuana and marijuana products; and

WHEREAS, absent any definitive direction or guidelines from either the state or federal government regarding the regulation of recreational marijuana businesses, the City cannot at this time determine its position regarding what if any regulations or prohibitions, including land use regulations, it may or must impose on recreational marijuana businesses; and

WHEREAS, the imposition of a moratorium until October 1, 2013, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64, including the use of land for such purpose or purposes, is reasonable and necessary for the City to develop, if necessary, its own licensing scheme for marijuana establishments and to have had an opportunity to investigate, develop, adopt and implement, and if necessary amend regulations it deems appropriate to regulate recreational marijuana businesses as necessary to protect the public's health safety, and welfare.

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

Section 1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council of the City of Trinidad, Colorado.

Section 2. Upon the adoption of this Ordinance a moratorium is imposed until October 1, 2013, on the submission, acceptance, or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64 approved by the voters of the State of Colorado at the November 6, 2012, general election and codified as Article XVIII, § 16 of the Colorado Constitution, and upon the use of land for such purpose or purposes.

Section 3. During the pendency of this moratorium, City staff shall review all laws and regulations enacted by the state or actions of the federal government regarding recreational marijuana businesses and advise Council of the same and, if so directed by Council, prepare ordinances and or regulations with respect to the time, place, manner, licensing and other regulations regarding recreational marijuana businesses.

Section 4. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 6. The repeal or modification of any provision of the Code of Ordinances of the City of Trinidad, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose or sustaining any and all proper actions, suits, proceeding and prosecutions for enforcement of the penalty,

forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED BY COUNCILMEMBER BOLTON, READ AND ORDERED PUBLISHED this 19th day of March, 2013;

FINALLY PASSED AND APPROVED this ____ day of _____, 2013.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of _____, 2013.

CITY OF TRINIDAD, COLORADO

BERNADETTE BACA GONZALEZ, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: April 2, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 7

SUBJECT: Hotel and restaurant liquor license renewal request by Bella Luna, LLC
d/b/a Bella Luna Pizzeria at 121 W. Main Street

PRESENTER: Representatives of Bella Luna, LLC

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The renewal application is in order.
- Departmental reports from the Building Inspector and Fire Chief indicate that the the front exit sign is inoperable. The Fire Chief has further documented that a Class K fire extinguisher is needed and carbon dioxide bottles need to be secured. He indicated his intent to follow up in two weeks. The Police Department reported no calls for service in the past year. Health Department reports compliance.
- Disclosure statements provided by Councilmembers Miles and Velasquez are attached.
- Appropriate 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	

BELLA LUNA PIZZERIA
 PO BOX 6
 TRINIDAD CO 81082-0006

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 BELLA LUNA LLC		DBA BELLA LUNA PIZZERIA		
Liquor License # 42593620000	License Type Hotel & Restaurant (city)	Sales Tax License # 42593620000	Expiration Date 5/7/2013	Due Date 3/23/2013
Street Address 121 W MAIN ST TRINIDAD CO 81082-2617				Phone Number (303) 946 2318
Mailing Address PO BOX 6 TRINIDAD CO 81082-0006				
Operating Manager Soren J. Quinn	Date of Birth [REDACTED]	Home Address [REDACTED] TRINIDAD CO 81082	Phone Number [REDACTED]	

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 4/1/14
- 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 John J. Quinn Sandra R. Nichols	Title OWNERS
Signature <i>[Handwritten Signatures]</i>	Date 3-1-13

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

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

Local Licensing Authority For Trinidad	Date
Signature	Title Mayor
	Attest

3/11/13

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

Applicant: Bella Luna, LLC

dba: Bella Luna Pizzeria

Address: 121 W. Main Street

Type of License: Hotel & Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: April 2, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

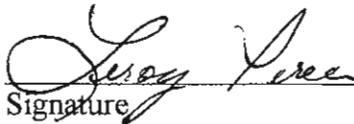
Exit Sign needs repair.

Class "K" extinguisher needed

Secure CO2 Bottles

Will Re Inspect in 2 wks.

3-14-13
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 26, 2013

3/11/13

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

Applicant: Bella Luna, LLC

dba: Bella Luna Pizzeria

Address: 121 W. Main Street

Type of License: Hotel & Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: April 2, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Front Front Sign not working

3-18-2013
Date

Tim J. Kelly
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 26, 2013

3/11/2013

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

Applicant's Name: Bella Luna, LLC

DBA: Bella Luna Pizzeria

Business Address: 121 W. Main Street

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: April 2, 2013, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No records found

Date

Charles J. Francis
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE:

March 26, 2013

Audra Garrett

From: John Martinez [jmartinez@la-h-health.org]
Sent: Tuesday, March 12, 2013 7:58 AM
To: Audra Garrett
Subject: RE: liquor license

Hi Audra;
Bella Luna Pizzeria located at 121 W. Main Street is in Compliance with this Agency.

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

Las Animas-Huerfano Counties District Health Department

Trinidad Office

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

Walsenburg Office

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

From: Audra Garrett [<mailto:audra.garrett@trinidad.co.gov>]
Sent: Monday, March 11, 2013 4:37 PM
To: John Martinez
Subject: liquor license

Hi John,
Please verify compliance with your office for Bella Luna Pizzeria at 121 W. Main Street.

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



DISCLOSURE STATEMENT

I, 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.



Linda Velasquez

12/4/12

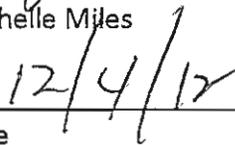
Date

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
1976

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: April 2, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 7

SUBJECT: Hotel and restaurant liquor license renewal request by LMR, Inc. d/b/a Purgatoire & A Little Catering Company at 516 E. Elm Street

PRESENTER: Representatives of LMR, Inc.

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The renewal application is in order.
- Departmental reports from the Building Inspector and Fire Chief indicate that the fire extinguishers need re-certification. The Police Department reported no calls for service in the past year. Health Department reports compliance.
- Disclosure statements provided by Councilmembers Miles and Velasquez are attached.
- Appropriate fees have been paid.

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

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

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name LMR INC.		DBA Purgatoire + A Little Catering Co.		
Liquor License # 43-02469	License Type H + R	Sales Tax License # 43-02469	Expiration Date 3-20-13	Due Date
Street Address 516 E. ELM ST TRINIDAD, CO 81082				Phone Number 719-846-3901
Mailing Address SAME				

Operating Manager RICK COLANDER	Date of Birth [REDACTED]	Home Address [REDACTED] TRINIDAD CO 81082	Phone Number [REDACTED]
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1. Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease **12-31-14**
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 RICHARD COLANDER	Title VP
Signature 	Date 3/15/13

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

Local Licensing Authority For Trinidad	Date
Signature	Title Mayor
	Attest

3/18/13

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

Applicant: LMR, Inc.

dba: Purgatoire & A Little Catering Company

Address: 516 E. Elm Street

Type of License: Hotel & Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT :

COUNCIL MEETING DATE: April 2, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Fire Extinguishers need re-certification
2:30 PM Fri. (will be done next week per call to Company)

Recommend Approval

3-22-12
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 26, 2013

3/18/13

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

Applicant: LMR, Inc.

dba: Purgatoire & A Little Catering Company

Address: 516 E. Elm Street

Type of License: Hotel & Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: April 2, 2013

2:30 *Fridsy*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Fire inspection need to be re certified

3-22-2013
Date

Shirley S. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: March 26, 2013

3/18/2013

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

Applicant's Name: LMR, Inc.

DBA: Purgatoire & A Little Catering Company

Business Address: 516 E. Elm Street

Type of License: Hotel & Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: April 2, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No reports

3-27-13

Date

Chad J. Henner
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE:

March 26, 2013

Audra Garrett

From: John Martinez [jmartinez@la-h-health.org]
Sent: Monday, March 18, 2013 3:02 PM
To: Audra Garrett
Subject: RE: liquor

Hi Audra,
Purgatorie & A Little Catering company located at 516 E. Elm Street is in Compliance with this Agency.

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

Las Animas-Huerfano Counties District Health Department

Trinidad Office

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

Walsenburg Office

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

From: Audra Garrett [mailto:audra.garrett@trinidad.co.gov]
Sent: Monday, March 18, 2013 11:25 AM
To: John Martinez
Subject: liquor

Please verify compliance with your office for Purgatoire & A Little Catering Company at 516 E. Elm Street.

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



Information from ESET NOD32 Antivirus, version of virus signature database 8130 (20130318)

The message was checked by ESET NOD32 Antivirus.

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.



Linda Velasquez

12/4/12

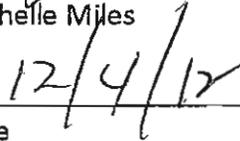
Date

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