



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, June 4, 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 May 21, 2013 & Special Meeting of May 28, 2013
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
 - a) Update on North Lake Dam Project
- 4) **COUNCIL REPORTS**
- 5) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 6) **UNFINISHED BUSINESS**
 - a) Public hearing for consideration of an ordinance correcting errors and omissions within Section 12-12 of Article 2 of Chapter 12, of the Code of Ordinances of the City of Trinidad relating to the City's Electric Service, Power and Energy Rates
 - 1) Second reading of an ordinance correcting errors and omissions within Section 12-12 of Article 2 of Chapter 12, of the Code of Ordinances of the City of Trinidad relating to the City's Electric Service, Power and Energy Rates
- 7) **MISCELLANEOUS BUSINESS**
 - a) Hotel & Restaurant with Optional Premises renewal request by B & G, Inc. d/b/a The Clubhouse Grille at 1415 Nolan Drive
 - b) Tavern liquor license renewal request by JuJo's Pub, Inc., d/b/a JuJo's Pub and Dance Hall at 125 N. Chestnut Street
 - c) First reading of an ordinance amending Article 1 ("Utility Billing") of Chapter 12 ("Municipal Utilities") of the Code of the City of Trinidad, Colorado, to allow budget billing for all utility customers, and setting a hearing date for consideration of said ordinance
 - d) First reading of an ordinance repealing and re-enacting Chapter 14, Planning and Zoning, Article 4, Zoning Ordinance, Division 1, General Provisions, Section 14-27(1)(b) Conditional Uses, of the Code of Ordinance of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits, and setting a hearing date for consideration of said ordinance
- 8) **BILLS**
- 9) **PAYROLL**, May 25, 2013 through June 7, 2013
- 10) **EXECUTIVE SESSION**
 - a) 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
 - b) For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees – Informal City Attorney evaluation
- 11) **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, May 21, 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, Shew, Velasquez
Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The pledge of allegiance was recited. A moment of quiet reflection was taken at the request of Councilmember Mattie for the people in Oklahoma following the devastating tornado that hit there very recently.

APPROVAL OF THE MINUTES. Regular Meeting of May 7, 2013. City Clerk Garrett pointed to four replacement pages that contain corrections to typographical errors. A motion to approve the minutes as amended was made by Councilmember Velasquez and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

PUBLIC HEARING. Transfer of ownership of 3.2% Beer (On-Premises) License request by Creative Sale, Inc. at 700 Smith Street (Formerly Trinidad & Las Animas County Chamber of Commerce). Mayor Baca Gonzalez opened the hearing and announced the date and purpose. She further announced that the entity is currently operating under a temporary permit. She called upon City Manager Acre for introductory comments because City Attorney Downs is an officer of the Chamber of Commerce. City Manager Acre told Council that there had been some questions by members of Council regarding this transfer. He pointed to the information provided and reviewed it with Council. He said the questions include whether the transfer from a non-profit to a for-profit is legally permissible. The answer provided by both CML and State Liquor Enforcement was yes. The next question was whether a new organization needs a new license. The answer provided was no. They've applied for a transfer and that is what is appropriate to take ownership of the license. Another question was the legal limits or prohibitions on any transfer of a liquor license. He said there are some ownership identities and local authorities' limitations where it lists quite a bit of detail, but he said that the transferee meets all of those conditions. The next question was about the fact that it is an out of state company seeking the license. He said it doesn't prevent the transfer. City Manager Acre added that documentation illustrating eligibility to conduct business in the state is provided in the packet. City Attorney Downs told Council that the standard for a transfer of license is easily met. There are only two criteria, that being whether the applicant is over the age of 21, the legal age to possess, and whether the applicant is of sufficient moral character so as to not prevent them from holding a liquor license. Andrew Dunn, Creative Sale, Inc. was called upon to address Council. To inquiry, Mr. Dunn advised that he is the one member of a one-member S Corporation in Texas, he's 36 years old and his date of birth is November 11, 1976. He also answered that he submitted the application paperwork that is before Council in support of the application for a transfer. City Attorney Downs asked the nature of his business. Mr. Dunn answered that it is professional baseball. He said he owns eight professional teams from Alpine, Texas, to Trinidad and that he is the commissioner of the Pecos League under which the teams are formed. Mr. Dunn testified that, as reported on his application forms, he has no criminal convictions. He further testified that he hasn't been charged with any crimes nor has he been a defendant in any large lawsuits. City Attorney Downs asked if correct and accurate information was provided to substantiate his moral character. Mr. Dunn answered affirmatively. City Attorney Downs announced that the background check is not back yet. He opined that with Mr. Dunn's answers he has met the burden of proof for good moral character. He submitted for the record all of the exhibits contained in the packet in support of application for the transfer. Mayor Baca Gonzalez announced that the contents of agenda item 3a in their packets were admitted into the record. Councilmember Bonato asked if sales will be confined within the grandstands. Mr. Dunn answered that they will, just like last year. Nothing can come in or go out. Councilmember Bonato asked if they will only serve 3.2% beer. Mr. Dunn answered affirmatively. Councilmember Bonato commented that he heard a couple of times last year when the Triggers were playing there was hard liquor sold out of the grandstands, when the tents were up. Mr. Dunn said he is unaware of that having occurred and said he is only eligible to sell 3.2% beer and would not try to do otherwise. Have people tried to sneak things in? Probably, he said. They have found things that are not sold in the grandstands in the trash cans previously. He reiterated that he will sell 3.2% beer and will follow the rules. Councilmember Bonato reminded Mr. Dunn that with him being the sole owner of the liquor license Council is putting their trust in him to make sure nothing is done outside of the grandstand. Mr. Dunn said he wouldn't take that risk. Councilmember Bonato further commented that the Police Department will probably be keeping an extra eye on it. If anything happens he said he trusted Mr. Dunn would contact the police. Mr. Dunn said he will only be buying from Budweiser 3.2% beer in 12 ounce cans. Councilmember Miles commented that in order for a wholesaler to sell to a retailer they have to present their liquor license to them. She recalled that at the last meeting when they approved other licenses they made it contingent on receipt of fingerprints. City Attorney Downs said that was in part because it was for a new license and the standards for a transfer are lower. If the applicant were found to be untruthful, Council could suspend the license. For a transfer it is sufficient that they represent that they are answering questions truthfully. Councilmember Miles expressed concern for equal treatment and consistency and recommended that they all be treated equally. City Attorney Downs said Council can grant the license contingent upon receipt of the background check. Mayor Baca Gonzalez commented that there has been a considerable uptick in the demand for background checks probably related to firearms transactions. She asked if it is recommended that approval be given contingent on satisfactory receipt of background check information. City Attorney Downs said that it is recommended. Councilmember Miles asked if the state would approve a license without fingerprints. City Attorney Downs said his understanding is that they would and if necessary suspend the license if moral character is not satisfactory. Councilmember Miles said she thought the answer given previously is that the state would not issue without the fingerprint results. City Clerk Garrett said the State would be in the same situation whereby they would have the power to revoke that license if fingerprints came back unsatisfactory. She said she doubted the state had fingerprint results yet either. Councilmember Miles said she doesn't want to impede commerce; she just wants the three parties to be treated equally. She asked what action would be required to grant the licenses to Mt. Carmel and SCRT and advise that it would be revoked if backgrounds are unsatisfactory since Council approved them contingent upon background checks. City Clerk Garrett asked

her to recall that at the last meeting she asked Council for clarification whether she could issue the licenses without the fingerprints being back and was told she could. She noted that if the fingerprints were unsatisfactory the applicant would still be afforded due process and Council or the State would afford the applicant a hearing to revoke the license. Councilmember Miles asked if the state will allow them to sell liquor before they get fingerprint results back. City Clerk Garrett said they would and added that Mt. Carmel and SCRT both have their liquor licenses in hand, and has had since the Thursday following their hearings. Additional discussion was held regarding issuance of licenses. Councilmember Miles said as long as they were treating everyone equally she was fine. Mayor Baca Gonzalez called for comment from the audience. Ralph Ponce, President of Confederacion Mutualista Mexicana e Americana, addressed Council and asked who will be liable for any accidents if someone were to get hurt or killed as a result of his transfer of license. Mayor Baca Gonzalez answered that Creative Sale, Inc. is required to have liability insurance. Councilmember Miles pointed out that the proof of insurance was provided by Griego Insurance. There being no further comments, the hearing was closed. A motion to approve the transfer of the 3.2% beer on-premises license to Creative Sale, Inc. at 700 Smith Street, Central Park ballpark (grandstands), contingent upon satisfactory evidence of background checks was made by Councilmember Miles and seconded by Councilmember Bolton. The motion carried unanimously upon roll call vote.

Transfer of ownership of a Retail Liquor Store License request by Trinidad Beer, Liquor & Wine Depot, LLC d/b/a Trinidad Beer, Liquor & Wine Depot at 111 E. Kansas Avenue. Mayor Baca Gonzalez opened the hearing and announced the purpose. City Attorney Downs called upon the applicant to answer some questions. Kenneth R. Gegelman addressed Council. To questioning, Mr. Gegelman answered that he is over the age of 21, and that he is the applicant for a transfer of ownership along with his wife, Olga Gegelman. He further testified that he was the sole proprietor of Trinidad Beer, Liquor & Wine Depot and that it will be transferred to a limited liability corporation if granted. City Attorney Downs asked if they submitted to background checks and answered questions on the forms, and if so did they do so accurately and correctly. Mr. Gegelman responded affirmatively to each question. City Attorney Downs asked how long he has lived in this area. Mr. Gegelman said that he has lived in Trinidad since 1976. Mayor Baca Gonzalez ascertained that no one else wished to pose questions to the applicant. She took notice and accepted into the record the entire packet for agenda item 3b. City Attorney Downs stated that the background check from the Trinidad Police Department indicated no criminal record locally, noting the lengthy time that the Mr. Gegelman has lived here. He opined that Mr. and Mrs. Gegelman meet the criteria to hold the license. There being no further questions from anyone present, the hearing was closed. Councilmember Bolton moved for the approval of the transfer of ownership of a Retail Liquor Store License request by Trinidad Beer, Liquor & Wine Depot, LLC d/b/a Trinidad Beer, Liquor & Wine Depot at 111 E. Kansas Avenue. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Marilyn Leuszler, Trinidad Arts and Culture Advisory Commission, addressed Council regarding the Commission and the Creative District. She pointed to the information provided about the purchase of the Michael Musselwhite sculpture by the Commission. She said that working with City Planner Louis Fineberg the Commission has a location for the placement of the sculpture on the grass area by City Hall. She said that the Creative District team is coming on May 30th to inspect the community and said they are in need of a concrete pedestal for the placement of the sculpture. Mr. Musselwhite will install the base with bolts into the concrete pedestal and utility locates are to be done by Thursday afternoon. If possible she said they would like to arrange for the base to be poured on Friday so that it could set up over the weekend and Mr. Musselwhite could install the art piece. A plaque will also be placed in honor of ranchers, farmers and miners of Las Animas County. She said they would love to have the project completed by May 30th. Councilmember Mattie ascertained that the intent of the art piece placement is permanent and asked if Ms. Leuszler knows what the cost of the pedestal will be. Ms. Leuszler said she did not know, but noted that there had been discussions previously about the City taking care of it. City Manager Acre said that the Parks & Boulevards Department can do the work. Ms. Leuszler can work through his office and he would work with Parks & Boulevards to get the project done. Ms. Leuszler presented a copy of the Arts and Culture Advisory Commission's financial report that was approved at their most recent meeting. She also showed Council a double-sided sign that will be provided by the Arts and Culture Advisory Commission to the local businesses that reads "This Business is Proud to be a Colorado Creative Industry." She reminded those present that being a Creative District is not just about the arts. It is about new ways to work through a difficult economy. This is a way to recognize businesses supportive of the creative district designation. Ms. Leuszler added that tomorrow afternoon at 1 o'clock at City Hall they will be holding a writing session for the final application to Creative Industries. Last year about 20 people from around the community had updates on things happening in their organization or business. She reminded that the application is due May 24th and complimented City Planner Fineberg and Tara Marshall for gathering things for the application. She also thanked Council for the resolution on the agenda this evening because it illustrates collaboration. Councilmember Bolton announced that the results of this effort will be known by June 14th. Ms. Leuszler added that this round is important because Trinidad is only competing against twelve other Emerging and Prospective Districts and they will be awarding five of them with the Creative District designations. However in 2014 Trinidad would be applying against the entire state. She said that they have found tremendous support in the community. Last year they gathered 220 signatures and 22 letters of support and this year they have over 650 signatures and close to 50 letters of support. Ms. Leuszler said they have really been going hard and heavy for it and thanked the City. She said the Arts and Culture Advisory Commission has also provided funding to the Trinidad Community Foundation/ Mount Carmel who have printed posters that will go up around town supporting Art Trek. Mayor Baca Gonzalez asked if she's correct that if the City is given the designation it is ours and we don't have to reapply. Ms. Leuszler said that is correct and added that the City would get \$25,000 from the state for technical support, which they would hope to leverage up to \$75,000. We would also get signage from CDOT along I-25 in both directions saying "You are entering a Colorado Creative District." We would tie into Colorado's tourism and marketing dollars without having to put anything into it. Creative Industries currently has grant funding through 2014. If the funding is discontinued there may only be 12 Creative Districts in the state. This designation ties into so many things on a larger scale that will be helpful to us for economic growth. Councilmember Mattie asked if other communities seeking the designation are on an interstate. Ms. Leuszler said Pueblo and Colorado Springs are; there are several. Trinidad got a designation the first round. Pueblo is a Prospective Creative District so they are one tier above Trinidad. Colorado Springs and Parker are on the same level as Trinidad. The ones we are vying against are places like Ridgeway and Telluride. At the recent Creative Industries summit in Pueblo they overheard Parker representatives who were upset that their City Council couldn't figure out where to spend \$25 million - whether to upgrade their arts and cultural center or build a new police station. So, she said they hope they see it the way we see it, in that places like Telluride and Parker don't really need this - Trinidad really needs this. We want it to be a sustainable economic engine that will help everyone in the community, not just the arts.

COUNCIL REPORTS. Councilmember Bonato reminded everyone about the annual spaghetti dinner at the Harry Sayre Senior Center on Sunday, June 2nd and encouraged people to attend to support the seniors. He said it is from 11:00 a.m. to 1:30 p.m. and the cost he believed is \$7.00 per person. Secondly he thanked everyone who participated in the Armed Forces Day parade held last Saturday. In particular he extended appreciation to the Girl Scouts and Kiwanis who provided the food at Cimino Park after the parade.

Councilmember Velasquez reminded everyone about the Santa Fe Trail Festival coming up on June 7th and 8th. There will be a street dance and live entertainment, children's games, food and craft vendors as well as the coal car race again this year. She encouraged people to support this local event.

Councilmember Miles reported that she and Councilmember Shew and City Manager Acre will be participating in mediation for the ARPA lawsuit this week. She said they can't comment publicly on it, however if Council members wanted an update they could either call she or Councilmember Shew. Mediation is scheduled for this Thursday and Friday.

Councilmember Mattie said he anticipates the COG meeting next week.

Councilmember Bolton thanked the organizers of the Water Festival. It was an incredible day for our community's children. She said she participated as the 'Water Wizard' and there were several City employees who assisted. She reiterated that it was a great day.

Mayor Baca Gonzalez thanked the Chamber of Commerce for organizing the Armed Forces Day parade. It was a pleasure and it is beautiful to honor our veterans. She said she hoped next year's event is even bigger. Councilmember Bonato added that he had a chance to visit with Lt. Col. Joseph Mauer who, along with his unit, will be stationed in California in the hot desert for the next month. He asked people to keep them in their prayers. Mayor Baca Gonzalez said they will be deployed to the Middle East this October and with the issues in Syria, Iran and North Korea they will be in harm's way and so the troops need our support.

Councilmember Bolton asked if the City will be participating in the coal car race and if we still have the car. City Manager Acre said we still have the car and can recruit a team. He suggested getting together a Council/staff team.

REPORT BY CITY MANAGER. Commendation. City Manager Acre called to Council's attention at their seating places a commendation the City received from the Colorado House of Representatives for City of Trinidad National Train Day Showcase. He said it showed up in his office with no note on Friday. He thanked whoever was behind this honor being bestowed upon the City. He added that we had a good showing at the train station for National Train Day.

Transportation Meeting. City Manager Acre said he and La Junta City Manager Rick Klein are trying to coordinate what they are saying at the Regional Transportation meeting to get CDOT's attention.

Electric Rates. City Manager Acre said regarding the questions about General Electric versus Large Light and Power rates and the difference, it is related to the demand placed on the electric utility.

Regional Transportation Meeting. City Manager Acre pointed to the information about the upcoming Regional Transportation meeting provided to Council.

Trinidad State Junior College. City Manager Acre told Council that he met with Dr. Boehn from TSJC and was able to tour the campus. He said he will be providing information on some of the programs and the economic benefit of having the college in Trinidad. As Dr. Boehn is leaving, he will be introduced to the new President. He said there is a good relationship between the County, School District and College being formed.

Fort Carson. City Manager Acre said he met with the feasibility collaboration group at Fort Carson on May 20th. He said the program pre-dated his employment with the City and it is about working with the Army to look for cost savings and joint efforts. The most significant effort is working on recycling. They currently are not recycling at Pinon Canyon so recyclables are being disposed of at our landfill. They are looking for cost effective solutions.

Library. City Manager Acre told Council he read Duck on a Bike last week at the library.

Miscellaneous. City Manager Acre said he's also attended an Economic Development meeting, a SET meeting, and the Southern Colorado working group meeting was here in Trinidad at the courthouse. Out of that meeting he and the County Administrator are trying to put together a plan to have some PTAC training. City Manager Acre said he's talked to representatives at Fort Carson on providing some mentorship to businesses working to gain experience. He added that he is still in the throes of deciding on a Finance Director and he hoped to make a decision next week. Mayor Baca Gonzalez said she liked the PTAC training and mentorship idea. She said Redwing Electric has been through that training and are now eligible for government contract work. If other local merchants can take advantage it will be helpful to them and they'll be more competitive. Councilmember Miles thanked City Manager Acre for getting the flags up. She asked if they are different than the ones that were there before. City Manager Acre said he hoped they are more weather resistant and the new flags are slightly smaller in size. He told Council that the Charter information he provided them can be discussed at their next work session or their first meeting in June. Councilmember Miles anticipated it to be a lengthy discussion and Councilmember Bolton suggested the earlier the better because there's a lot to go over. City Manager Acre said it can be on May 28th and he won't include the building code item on that same agenda. He also reminded Council of the joint meeting with the School District that evening. Councilmember Miles suggested the Charter item be on the May 28th meeting to at least get the discussion started. Councilmember Bolton asked if the non-profit funding will be on that work session. City Manager Acre answered they would.

REPORT BY CITY ATTORNEY. Amendment 64. City Attorney Downs told Council that the Governor will be signing legislation next Tuesday at 11:00 a.m. started by Amendment 64. Legislation was passed before the session ended on May 8th. He said he called the Governor's office because he had not read anything about it. Mayor Baca Gonzalez asked

AN ORDINANCE CORRECTING ERRORS AND OMISSIONS WITHIN SECTION 12-12 OF ARTICLE 2 OF CHAPTER 12, OF THE CODE OF ORDINANCE OF THE CITY OF TRINIDAD RELATING TO THE CITY'S ELECTRIC SERVICE, POWER AND ENERGY RATES

Resolution supporting application to the Colorado Office of Economic Development and International Trade – Creative Industries Program – to secure a Creative District designation. A motion to adopt the resolution was made by Councilmember Miles and seconded by Councilmember Velasquez. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 1411

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING APPLICATION TO THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE – CREATIVE INDUSTRIES PROGRAM – TO SECURE A CREATIVE DISTRICT DESIGNATION

Consideration of professional service agreement with Black & Veatch for engineering for Water Treatment Plant improvements design. Utilities Superintendent Jim Fernandez addressed Council. He said the agreement has been approved by Black & Veatch. He called to Council's attention the inclusion of a paragraph on page three setting forth a force majeure clause and a signature page that wasn't included in the copy provided at work session. Also included was Exhibit A, the scope of services, which is the proposal Kevin Meador presented to Council at an earlier meeting. He concluded that the agreement is a City document and that approval is recommended. Councilmember Bonato asked if in his professional opinion the \$91,900 expenditure is pretty close to what needs to be done. Supt. Fernandez reminded Council that the expenditure is not for the physical work; rather it is for the engineering work to design the changes at the plant. He said he realized that it is expensive and wished it was cheaper, but we pay for quality. A motion to approve the agreement as presented was made by Councilmember Shew and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote of Council.

Discussion regarding scheduling of informal evaluation of City Attorney. Mayor Baca Gonzalez pointed out that Council conducted an informal evaluation of the City Manager on April 16, 2013. She said in the interest of being fair and consistent with those whom Council supervises she asked that this item be placed on the agenda so Council could discuss if they wish to conduct a similar informal evaluation of the City Attorney. She clarified that the actual evaluation would not be discussed this evening. Councilmember Miles asked City Attorney Downs how he felt about the review process. She sought his input on how it should be conducted or not be conducted. City Attorney Downs responded that he welcomed being evaluated by them and didn't care if it was done publicly or privately or formally or informally. He pointed out that Mr. Acre has it in his contract that he will be evaluated. He said he by contrast was a local attorney and signed the first contract that was put in front of him, without changes. He said he asked for a certain amount of money and that's what he got. He said not the Charter, code of ordinances or his contract requires him to be evaluated. City Attorney Downs said that his respectful objection to Council was that prior to 3:00 p.m. on Friday, had any of them come to him and said Council wanted to evaluate him, he would have signed up for it under any conditions. Instead there was no Council communication and he had no idea it was coming. A member of staff came to him and told him that Council wants to evaluate you. He said that was pretty rough and he was afforded less courtesy and consideration than what he would afford anyone. He added that he is not a victim. If they want to evaluate him he said that's fine, but the first thing they might want to do is reconsider his contract because he said he thinks it needs to be in his contract. He reiterated that had he been asked he would have done an evaluation without concession or consideration. He also reminded Council that his contract does not have an allowance for annual leave for six months or severance pay. He asked that they have an executive session where they renegotiate his contract to have in there that Council will evaluate him and agree on a procedure. This came up on Friday and he sent an e-mail to Council on Saturday. He said he didn't know how or why this came up. He continued that he works his butt off for Council and that is one reason it is astounding to him that this was just added on and it affects him personally and professionally. He had no indication as to why or what precipitated this. He said he didn't want to bring about drama or perpetuate it. Councilmember Mattie commented that if his contract didn't include a clause about an evaluation it probably should have and it was an oversight on Council's part. He said he got the sense that City Attorney Downs felt disrespected or dissed, and he respected that. At the same time performance evaluations could be a good thing. How do you know you are not getting a big raise for doing a good job for the City? Every employee is subject to evaluation. The fact that he was not notified doesn't mean a lot to him, he said because of his personal and professional experiences. He explained that if he were told to do something he didn't always know why for instance. It could be a mutual exchange of information. It could be an opportunity for him to call to their attention what they don't recognize and for them to offer him guidance of what their expectations are. He said he gets the sense that until his contract is renegotiated to include such a clause he is reluctant to do so. City Attorney Downs said there is a way things are done in city government. It is appropriate to let someone know something will be on the agenda especially when that person is accessible seven days a week, 24 hours a day. There was no Council communication. Although he said he thought it should probably be in his contract, he doesn't want to be unevaluable. He wants to be evaluated. He said he understands they need to decide with his feedback whether they want it in executive session. It can be in executive session with just the seven of them and him. Councilmember Mattie said he didn't mean to minimize or scoff his point. They have enjoyed a pretty healthy relationship and he apologized if he is responsible for him being offended. He said there was a big to-do over something minor in his mind. It shouldn't be an obstacle to a continued meaningful and healthy relationship that they've had to this point and asked when would be a good time to do the evaluation. City Attorney Downs said it is not minor when you don't know how this came up or why. Everything else on the agenda has a Council communication but this did not. An oversight like this need not happen. Councilmember Bolton asked why this item was on a meeting agenda when it isn't an action item. Discussions are meant for work sessions. What is the urgency? Councilmember Velasquez said she didn't think this was urgent and told City Attorney Downs that she thought he was making it bigger than what it really is. Mr. Acre was evaluated, so what is so wrong with it? Councilmember Bolton pointed out that the Charter is silent as to an evaluation of the City Attorney, but not the

if after the signing there will be a flurry of information from Colorado Municipal League and the state. City Attorney Downs said there will be and the state will be trying to get the Department of Revenue's regulations in place by July. He said it will be nice to attend the CML conference in June. There will be a big presentation on Amendment 64 then. It will also be nice to visit with other municipal people. To begin with it looks like only medicinal marijuana dispensaries will be allowed to sell recreational marijuana for the first year. That will be a legal requirement. Since Trinidad doesn't have any dispensaries we will not be able to participate in 2014.

UNFINISHED BUSINESS. 3.2% Beer Retail (Off-Premises) renewal request by Safeway Stores, Inc. d/b/a Safeway Store #722 at 457 W. Main Street. Mayor Baca Gonzalez ascertained that a representative was present. Steve Forbes, Store Manager, addressed Council. A motion to approve the license renewal was made by Councilmember Shew and seconded by Councilmember Bolton. Roll call was taken and the motion carried with all Council members present voting aye, except Councilmember Velasquez who abstained.

Public hearing for consideration of an ordinance amending Chapter 14, Planning and Zoning, Division 11, Zone District Regulations for the PUD – Planned Unit Development District, Section 14-74, Conditional Uses, Section 14-76(4)(b) and (6), Standards and Design Requirements, Section 14-78(4), Review and Approval, Section 14-79, Failure to Meet Development Schedule, and Section 14-80, Zoning Review, of the Code of Ordinances of the City of Trinidad, Colorado, to provide greater flexibility within the Planned Unit Development Zoning District. Mayor Baca Gonzalez declared the public hearing open and called upon anyone wishing to make comments to step forward. There were none. She ascertained that neither staff members nor City Council members had comments or questions, and closed the hearing.

Second reading of an ordinance amending Chapter 14, Planning and Zoning, Division 11, Zone District Regulations for the PUD – Planned Unit Development District, Section 14-74, Conditional Uses, Section 14-76(4)(b) and (6), Standards and Design Requirements, Section 14-78(4), Review and Approval, Section 14-79, Failure to Meet Development Schedule, and Section 14-80, Zoning Review, of the Code of Ordinances of the City of Trinidad, Colorado, to provide greater flexibility within the Planned Unit Development Zoning District. The ordinance title was read aloud. A motion to approve the ordinance was made by Councilmember Mattie. Councilmember Shew seconded the motion which carried by a unanimous roll call vote.

ORDINANCE NO. 1938

AN ORDINANCE AMENDING CHAPTER 14, PLANNING AND ZONING, DIVISION 11, ZONE DISTRICT REGULATIONS FOR THE PUD – PLANNED UNIT DEVELOPMENT DISTRICT, SECTION 14-74, CONDITIONAL USES, SECTION 14-76(4)(B) AND (6), STANDARDS AND DESIGN REQUIREMENTS, SECTION 14-78(4), REVIEW AND APPROVAL, SECTION 14-79, FAILURE TO MEET DEVELOPMENT SCHEDULE, AND SECTION 14-80, ZONING REVIEW, OF THE CODE OF ORDINANCES OF THE CITY OF TRINIDAD, COLORADO, TO PROVIDE GREATER FLEXIBILITY WITHIN THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT

MISCELLANEOUS BUSINESS. Special events permit request (malt, vinous and spirituous) by Trinidad & Las Animas County Chamber of Commerce, Inc. at 160 N. Commercial Street for June 7 & 8, 2013. Chamber Board President Tara Marshall addressed Council. She told them that this application is for the Santa Fe Trail Festival the evening of Friday, June 7th, and all day Saturday, June 8th. She said the coal car race will be a part of the festival and that they would love the City to participate. They will have a country and western band on Friday night and Tobias Rene on Saturday. Band 7 will open for Tobias Rene on Saturday. In addition at the Miner's Memorial there will be stage performances including historical renditions and special performances by SCRT and Daughters of the American Revolution, dancing by K-Inspire, and KCRT Radio will be holding an American Idol-type singing challenge. The event will be driven toward family and kids during the day. There will be approximately 40 vendors. She said the special event permit being considered is for the municipal parking lot this side of the Work Force Center. The fenced beer garden will operate from 3:00 p.m. to 11:00 p.m. on Friday and 10:00 a.m. to midnight on Saturday. They will have a horseshoe tournament on Saturday. Everywhere else will be alcohol free. A firefighter challenge and a euro bungee will also be featured. Ms. Marshall encouraged Council to join them at the festival. Councilmember Bonato asked if the number of vendors is up or down from last year. Ms. Marshall answered that it is up from last year but down from previous years when there were 60 to 70 vendors. They are including a lot of local non-profit groups. Upon inquiry from Mayor Baca Gonzalez, Ms. Marshall said the Kiwanis will hold the annual duck race again this year at 5:00 p.m. on Saturday. She added that the festival will not be held on Sunday this year. A motion to approve the special events permit was made by Councilmember Velasquez and seconded by Councilmember Bolton. The motion carried unanimously upon roll call vote.

Special events permit request (malt, vinous and spirituous) by Confederacion Mutualista Mexicana e Americana for June 1, 2013 (Rocky Mountain Elk Foundation Banquet) at 206 N. Animas Street (Sebastiani Gym). Ralph Ponce, President of Confederacion Mutualista Mexicana e Americana, addressed Council. He said the Rocky Mountain Elk Foundation members have asked their organization to again serve spirits for them at the event. So far in the past it has been pretty good, he said, adding that it has been a money maker for their organization for school supplies in August and coats for their coat drive in October. It is a lot of work, but they enjoy it. Councilmember Bonato moved for the approval of the permit. The motion was seconded by Councilmember Velasquez and carried by a unanimous roll call vote.

First reading of an ordinance correcting errors and omissions within Section 12-12 of Article 2 of Chapter 12, of the Code of Ordinance of the City of Trinidad relating to the City's Electric Service, Power and Energy Rates, and setting a hearing date for consideration of said ordinance. 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 at 7:00 p.m. on June 4, 2013 was made by Councilmember Mattie. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote of Council.

City Manager. This is one of the numerous things that need to be addressed in the Charter review. An evaluation was not in the prior City Attorney's contract either. Councilmember Velasquez said she understands but asked City Attorney Downs if he wouldn't want to know how each one of them feels. Who is to say what they are going to say? She reiterated her sentiment that he was over-reacting. City Attorney Downs respectfully disagreed. If you have an agenda in any business or office you notify people who are affected by that agenda. He stressed that he is always reachable and added that Mr. Acre's contract states that in the first year he will be reviewed each 90 days. Councilmember Bonato asked City Attorney Downs to put his personal feelings aside. He said the way he was talking to City Council and responding was because his feelings were hurt. He said he thinks there's a possibility that by doing the evaluation there are questions City Council has of him and he has of City Council. He asked if he is willing to do the evaluation or not since he's pointed out that it is not in his contract. Councilmember Mattie commented that his feelings are his. What he is trying to find out is what it takes to get past this so Council can provide him with feedback and he can present his considerations to Council. He concluded that they screwed up and he's sorry. City Attorney Downs said they can get past this. He said they can do an evaluation in executive session at the next regular meeting. Councilmember Bolton re-asked what the urgency is that made this go on the agenda. Councilmember Miles commented that she thinks he should have been notified and added that she read about it when she got City Attorney Downs' e-mail. She also asked if they can move past this. She said if he wants to extend the conversation that was fine but didn't think that anyone intended to hurt him. She acknowledged that it is not in his contract and he should have been notified, but that it was inadvertent and asked to move on. City Attorney Downs said he feels very strongly that this was an important point that needed to be made and they can move on. In the future it should be in his contract. He agreed to be evaluated on June 4th in executive session. Councilmember Bolton said she doesn't know how they can do what the Charter doesn't say they can do. Councilmember Miles said it doesn't say they can't, rather it is silent. Mayor Baca Gonzalez told City Attorney Downs that when she received his e-mail where he claimed that City Council could not evaluate him she took that claim very seriously and talked to Tami Tanoue at CIRSA asking her if since it is not in his contract or in the Charter if they need to pull this agenda item. Ms. Tanoue told her in no uncertain terms that he is subject to evaluation and the fact that it is not in the Charter is not a limitation. Something has to be stated positively in the Charter to be prohibited. At the end of the day she told him he is paid with taxpayer money and it would seem to her that they need to get on and do the evaluation. This item was properly posted and they can set the date for the evaluation. City Attorney Downs said that if he previously said they could not evaluate him he didn't mean to say that.

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

PAYROLL, May 11, 2013 through May 24, 2013. A motion to approve the payroll was made by Councilmember Mattie and seconded by Councilmember Velasquez. The motion carried unanimously.

Marilyn Leuszler announced to Council that after her presentation to them, Frank Leone offered to supply the concrete for the pedestal for the structure free of charge. Council expressed their sincere appreciation to Mr. Leone for his generosity.

EXECUTIVE SESSION. To discuss the purchase, acquisition, lease, transfer, or sale of real, personal or other property interest under C. R. S. Section 24-6-402(4)(a); and/or 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) – School District No. 1 Administration Building; and for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402-(4)(b) – Potential litigation regarding rate misquotes by NMPP. A motion to enter into executive session for the stated purposes was made by Councilmember Bonato and seconded by Councilmember Velasquez. Upon roll call vote the motion carried unanimously. The executive session ensued at 8:53 p.m. That portion of the executive session not constituting legal advice was electronically recorded pursuant to the Colorado Open Meetings/Open Records Act.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 21st day of May, 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

Upon conclusion of the executive session at 9:30 p.m., the meeting resumed.

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

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, May 28, 2013, immediately following Work Session at 1:30 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, May 28, 2013, immediately following Work Session at 1:30 p.m. in the Council Chambers at City Hall

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

- 1) Approval of Donation Agreement by and between Mendes Colorado, LLC, Empco Real Estate, LLC, and the City of Trinidad for donation of real property known as 219 West Main Street
- 2) Resolution endorsing efforts to maintain Amtrak's Southwest Chief Passenger Rail Service through the City of Trinidad, Colorado
- 3) 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 3:39 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.

Approval of Donation Agreement by and between Mendes Colorado, LLC, Empco Real Estate, LLC, and the City of Trinidad for donation of real property known as 219 West Main Street. Mayor Baca Gonzalez stated that this item was discussed at the work session today and she believed the consensus was to take action to table this agenda item for six to eight weeks. Councilmember Shew moved to table the item for six to eight weeks and the motion was seconded by Councilmember Velasquez. Upon roll call vote the motion carried unanimously.

Resolution endorsing efforts to maintain Amtrak's Southwest Chief Passenger Rail Service through the City of Trinidad, Colorado. City Manager Acre told Council that the Southwest Chief working group, primarily led by the City Manager of Garden City, Kansas, and Rick Klein, La Junta City Manager, have been discussing with the lobbyist pursuit of a TIGER grant. In 2011 the same group went after a TIGER grant through the Federal Highway Administration for funding. This grant application will be in the amount of \$15 million for track maintenance. For rural communities there is no match, whereas typically there is a 20% match required. This group is looking for some match to sweeten the pot, however he said they are not asking the City for financial support, just an updated resolution from that provided in 2011. He continued that on June 3rd the grant application will be submitted and reiterated that they are asking for continued support. City Manager Acre said that on another similar note, he and Rick Klein will be attending a meeting in Pueblo about high speed rail in Colorado. He said they are trying to put together discussion points to suggest that before they start funding high speed rail someplace else, they should share some of that wealth with southeastern Colorado – trying to put some pressure. They have also been trying to get meetings with CDOT staff as well. Councilmember Miles is making calls to other elected officials to try to get our state representatives and federal legislators to get their attention. He recommended approval of the resolution to be sent to the group applying for the TIGER grant along with a letter stating we support their pursuit of funding. Councilmember Bolton moved for adoption of the resolution endorsing efforts to maintain Amtrak's Southwest Chief Passenger Rail Service through the City of Trinidad, Colorado. The motion was seconded by Councilmember Bonato and carried unanimously upon roll call vote.

RESOLUTION NO. 1412

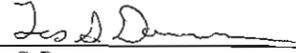
A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, ENDORSING EFFORTS
TO MAINTAIN AMTRAK'S SOUTHWEST CHIEF PASSENGER RAIL SERVICE
THROUGH THE CITY OF TRINIDAD, COLORADO

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 Mattie. Councilmember Bolton seconded the motion which carried by a unanimous roll call vote. The executive session ensued at 3:45 p.m. and was recorded electronically in accordance with Colorado law. Upon conclusion of executive session at 4:46 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 28th day of May, 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

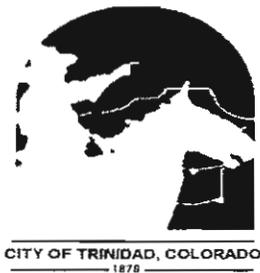
There being no further business, Councilmember Shew moved to adjourn the special meeting and Councilmember Miles seconded the motion. The motion carried unanimously upon roll call vote and the meeting adjourned.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk

3



Council Communication

City Council Meeting: June 4, 2013 Regular Meeting

Prepared by: Linda Vigil

Dept. Head Signature: J.F. by LVigil

of Attachments: None

SUBJECT: North Lake Dam Rehabilitation Project Update

Presenter: Mike Graber, RJH Consultants, Project Manager/Jim Fernandez, Utilities Superintendent

Recommended City Council Action: No action is required as this is just an update on the construction phase of the project by Mike Graber, Project Engineer.

Summary Statement: Phase II construction on North Lake Dam Project began on May 6, 2013 and the project is underway with completion anticipated in the fall of 2013. The project manager has assured the city that Sun Construction is on schedule and making satisfactory progress. The following work has been accomplished or is currently underway:

1. The old abandoned 15 inch diameter drain line has been excavated, grouted and the end section removed as required by Change Order #1
2. The section of existing outlet pipe has been removed and a new section installed in a more straight alignment as required by Change Order #1. An additional four feet of old pipe at the downstream connection to the existing pipe had to be removed and replaced due to a hole in the pipe which had been previously repaired but was currently leaking.
3. The new outlet pipe has been bedded in concrete and is currently being backfilled with moisture-density controlled berm fill.
4. The left groin, downstream slope and toe area of the dam has been cleared and stripped in preparation for filter and berm fill placement.

Expenditure Required: Monthly Pay Applications submitted by Contractor & Engineer

Source of Funds: Water Department Reserve & CWCB Grant

Policy Issue: N/A

Alternative: N/A

Background Information: On July 25, 2012, Sun Construction, Inc. was awarded the job for an initial contract amount of \$972,417.67. On August 3, 2012, City Council approved an additional funding of \$272,000 bringing the contract total to \$1,244,417.67. The City of Trinidad was awarded a grant in the amount of \$739,235 from the Colorado Water Conservation Board (CWCB) for the North Lake Dam Rehabilitation Project and the remaining funds will be paid from the Water Department Reserve.

The construction phase of North Lake Dam Project began in late August 2012 and shutdown occurred during the first part of November 2012. There has been one approved Change Order in the amount of \$5,321.74. The total contract is \$1,249,739.41. As of the current date, the contractor has been paid \$359,107.81 less retainage of \$35,910.78, which equates to 25.86% of the project cost.

3



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 4, 2013
PREPARED BY: Tom Acre, City Manager
DEPT. HEAD SIGNATURE: 
OF ATTACHMENTS: 1

SUBJECT: Public hearing and Second reading of an ordinance correcting errors and omissions within Section 12-12 of Article 2 of Chapter 12, of the Code of Ordinances of the City of Trinidad relating to the City's Electric Service, Power and Energy Rates

PRESENTER: Tom Acre, City Manager

RECOMMENDED CITY COUNCIL ACTION: Consider approval of the ordinance on second reading

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: The ordinance would correct an error and an omission in the current ordinance

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- Council discussed this issue at work session on May 14, 2013
- The ordinance has been change since the work session to indicate that collection of the additional \$6.00 per month charge shall be reflected on utility bills issued on and after July 1, 2013
- The ordinance was approved on first reading on May 21, 2013
- The reference to a KWH energy charge for street lights should not have been included in the ordinance on first reading and has been removed from the ordinance for second reading and your final consideration. It implied that in addition to the monthly charge listed in the table, a \$.1555/KWH charge was to be applied. The \$.1555/KWH charge is that amount used to calculate the monthly charge based on the assumed usage for the lamp size.



CITY OF TRINIDAD, COLORADO

ORDINANCE NO. _____

AN ORDINANCE CORRECTING ERRORS AND OMISSIONS WITHIN SECTION 12-12 OF ARTICLE 2 OF CHAPTER 12, OF THE CODE OF ORDINANCES OF THE CITY OF TRINIDAD RELATING TO THE CITY'S ELECTRIC SERVICE, POWER AND ENERGY RATES

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

The Code of Ordinances of the City of Trinidad, Colorado, Section 12-12(3)(c) General Electric Service, is corrected as follows:

(3) GENERAL ELECTRIC SERVICE:

(c) Monthly Rate: The established rate for electric service, power, and energy delivered shall be as follows, and shall be reflected on utility bills issued on and after June 1st through the last day of September for Summer rates and on and after October 1st through the last day of May for Winter rates:

	Summer (June-September)	Winter (Oct-May)
Monthly Charge:	\$15.00	\$15.00
First 500 KWH	\$0.1590/KWH	\$0.1590/KWH
Next 1,000 KWH	\$0.1590/KWH	\$0.1390/KWH
Over 1,500 KWH	\$0.1590/KWH	\$0.1190/KWH

The Code of Ordinances of the City of Trinidad, Colorado, Section 12-12(6)(c) Street Lighting, is corrected as follows:

(6) STREET LIGHTING:

(c) Monthly Rate:

Lamp Charge	\$/mo.
175 W MV	12.65
200 W MV	13.65
400 W MV	26.62
100 W HPS	8.16
150 W HPS	12.24
200 W HPS	17.34
250 W HPS	17.34
400 W HPS	26.52
165 W INDUCT	12.65
70 W MH	12.65
65 W INDUCT	12.65

All corrections identified herein shall be reflected on utility bills issued on and after July 1, 2013.

INTRODUCED BY COUNCILMEMBER BOLTON, READ AND ORDERED
PUBLISHED this 21st day of May, 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



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 4, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS:

SUBJECT: Hotel & Restaurant with Optional Premises renewal request by B & G, Inc. d/b/a The Clubhouse Grille at 1415 Nolan Drive

PRESENTER: B & G, Inc. representative

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The renewal application is in order.
- Fees have been paid.
- The departmental report dated 5/15/13 from the Fire Department indicates that the hood system needs to be inspected.
- The Building Inspector had no issues to report.
- The Police Department had one call for service in the past year.
- Disclosure statements from Council Members Miles and Velasquez are attached.

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	
Optional Premise \$100 x <u>1</u>	<u>100.00</u>
Amount Due/Paid	\$600.00

CLUBHOUSE GRILLE THE
 1415 NOLAN DR
 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 CLUBHOUSE GRILLE THE		DBA CLUBHOUSE GRILLE THE		
Liquor License # 43039290000	License Type Hotel & Restaurant / Optional (city)	Sales Tax License # 43039290000	Expiration Date 6/26/2013	Due Date 5/12/2013
Street Address 1415 NOLAN DR TRINIDAD CO 81082				Phone Number
Mailing Address 1415 NOLAN DR TRINIDAD CO 81082				
Operating Manager David Griego	Date of Birth [REDACTED]	Home Address Trinidad, Co 81082	Phone Number 720-277-2938	

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 5-1-2017
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 David B. Griego	Title Treas BIG INC
Signature <i>David B. Griego</i>	Date 5-12-13

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

B & G, Inc.
The Clubhouse Grille
1415 Nolan Drive
Trinidad, CO 81082

May 15, 2013

Liquor Licensing Authorities:

This notice is given pursuant to the requirements imposed by C.R.S. 12-47-310(3) and City Municipal Code Section 3-21:

Please be advised that B & G, Inc., will utilize its optional premises authority year around from 7:30 a.m. to 1:30 a.m. Typically serving of alcohol on the optional premises does not extend beyond 8:00 p.m. , however. This notice term commences 48 hours from the license renewal date and includes the ensuing 180 days. Current operation on the optional premises is under previous licensure/notice which extends through midnight June 26, 2013.

Respectfully,

A handwritten signature in black ink that reads "David Griego". The signature is written in a cursive style with a large, looping "G" at the end.

David Griego
President

5/14/13

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

Applicant: B & G, Inc.

dba: The Clubhouse Grille

Address: 1415 Nolan Drive

Type of License: Hotel & Restaurant with Optional Premises

Renewal Transfer Change of Location New Special Event

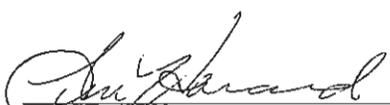
FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 4, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Hood system needs inspected
reinspect in 2 wks

5-15-13
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 29, 2013

5/14/13

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



Applicant: B & G, Inc.

dba: The Clubhouse Grille

Address: 1415 Nolan Drive

Type of License: Hotel & Restaurant with Optional Premises

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 4, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

5-24-2013
Date

Shirley S. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 29, 2013

5/22/2013

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

Applicant's Name: B & G Inc

DBA: The Clubhouse Grille

Business Address: 1415 Nolan Drive

Type of License: Hotel & Restaurant with optional premises

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: June 4, 2013

DEPARTMENT REVIEW

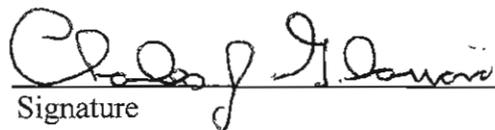
DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

<u>Date</u>	<u>Sequence Number</u>	<u>Call Type</u>	<u>Case number</u>
6/19/2012	TPD201209004	Drunks	No report

Male party bothering people, he was picked up and taken to Detox

5-28-13
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 29, 2013

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201209004

Call Answered 06/19/2012 13:21:30	Call Code DRUNKS	Case Number
Created 06/19/2012 13:21:30	Dispatched 06/19/2012 13:22:06	Completed 06/19/2012 13:34:33
		Disposed 06/20/2012 03:29:45

Response Information

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

Incident Information Validated Address : : False

Common Place : Zone :
House Number : City :
Street Name : State:
Suffix : ZIP Code :
Street Type : X Coordinate
Cross Streets: Y Coordinate
Free Format Address : 1415 NOLAN DR#MUNI GOLF COURSE (VAN BUREN ST/)

Location History

Date/Time	Address	Dispatcher / Position
06/19/2012 13:21:30	1415 NOLAN	MANTELLI,BRYAN / POSITION1
06/19/2012 13:22:01	1415 NOLAN DR (VAN BUREN ST/)	MANTELLI,BRYAN / POSITION1
06/19/2012 13:22:17	1415 NOLAN DR#MUNI GOLF COURSE (VAN BUREN ST/)	MANTELLI,BRYAN / POSITION1

Person 1 of 1

Last Name : KOKJOHN	First Name : FRED	Middle Name : FRED
Suffix :	DOB : [REDACTED]	SOC :
Involvement : SUBJECT	DL State : CO	DL Number :
Perceived Race :	Perceived Gender :	Address :
Race :	Gender : MALE	Phone :
Notes :		

Resource Activity Statuses

<u>Date/Time</u>	<u>Unit ID</u>	<u>Status</u>	<u>Dispatcher / Position</u>
06/19/2012 13:22:06	T105	DP	MANTELLI,BRYAN / POSITION1
06/19/2012 13:22:08	T105	EN	MANTELLI,BRYAN / POSITION1
06/19/2012 13:27:38	T105	AR	ZUNIGA,KRISTINA / POSITION2
06/19/2012 13:34:33	T105	CL	MANTELLI,BRYAN / POSITION1

Incident Notes

<u>Date/Time</u>	<u>Note</u>	<u>Dispatcher / Position</u>
06/19/2012 13:21:54	PER DE10-RECEIVED A CALL THAT FRITZ KOKJOHN IS AT THE MUNI GOLF COURSE BOTHERIG PEOPLE	MANTELLIB / POSITION1
06/19/2012 13:21:57	C10-ADVISED AND EN	MANTELLIB / POSITION1
06/19/2012 13:22:01	Address of TPD201209004 has been modified from 1415 NOLAN to 1415 NOLAN DR (VAN BUREN ST/).	MANTELLIB / POSITION1
06/19/2012 13:22:17	Address of TPD201209004 has been modified from 1415 NOLAN DR (VAN BUREN ST/) to 1415 NOLAN DR#MUNI GOLF COURSE (VAN BUREN ST/).	MANTELLIB / POSITION1
06/19/2012 13:34:30	C10-FOUND KOKJOHN AND HE WAS ADVISED TO MOVE ON	MANTELLIB / POSITION1

Audra Garrett

From: John Martinez [jmartinez@la-h-health.org]
Sent: Wednesday, May 15, 2013 9:26 AM
To: Audra Garrett
Subject: RE: liquor renewal

Hi Audra;

B&G, Inc. d/b/a The Clubhouse Grille at 1415 Nolan Drive, is approved by this agency. If you have questions please let me know.....John

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

Las Animas-Huerfano Counties District Health Department

Trinidad Office

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

Walsenburg Office

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

From: Audra Garrett [<mailto:audra.garrett@trinidad.co.gov>]
Sent: Tuesday, May 14, 2013 10:46 AM
To: John Martinez
Subject: liquor renewal

Hi John,

Please confirm compliance with your office for B&G, Inc. d/b/a The Clubhouse Grille at 1415 Nolan 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



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
Date 12/4/12

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 12/4/12



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 4, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS:

SUBJECT: Tavern liquor license renewal request by JuJo's Pub, Inc., d/b/a JuJo's Pub and Dance Hall at 125 N. Chestnut Street

PRESENTER: JuJo's Pub, Inc. representative

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The renewal application is in order.
- Fees have been paid.
- The departmental report dated 5/24/13 from the Fire Department indicates that the fire extinguishers need to be re-inspected and emergency light in the front area are recommended.
- The Building Inspector indicated two emergency exit lights (battery backups) are not working – near a flag and in the hallway area; they have a cracked window above the sidewalk area.
- The Police Department had two calls for service in the past year.
- Disclosure statements from Council Members Miles and Velasquez are attached.

**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	

JUJO'S PUB AND DANCE HALL
 125 N CHESTNUT
 TRINIDAD CO 81082-2748

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 JUJO'S PUB INC		DBA JUJO'S PUB AND DANCE HALL		
Liquor License # 07591120000	License Type Tavern (city)	Sales Tax License # 07591120000	Expiration Date 8/5/2013	Due Date 6/21/2013
Street Address 125 N CHESTNUT TRINIDAD CO 81082-2748				Phone Number (719) 846 6658
Mailing Address 125 N CHESTNUT TRINIDAD CO 81082-2748				
Operating Manager Joe Incitti	Date of Birth [REDACTED]	Home Address [REDACTED], Trinidad, CO	Phone Number 719-846-6658	

- 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 Shirley Incitti	Title Sec/Treas (Co-Owner)
Signature <i>Shirley Incitti</i>	Date 5-22-13

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

5/22/13

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

Applicant: JuJo's Pub, Inc.

dba: JuJo's Pub and Dance Hall

Address: 125 N. Chestnut Street

Type of License: Tavern

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 4, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: 846-6658

Extinguisher need re-inspected - Emergency Lighting
Light switch plate -
Recommend emergency lights in front AREA

5-24-13
Date

Jeroy Perera
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 29, 2013

5/22/13



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

3:00 JMK

Applicant: JuJo's Pub, Inc.

dba: JuJo's Pub and Dance Hall

Address: 125 N. Chestnut Street

Type of License: Tavern

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 4, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: 2 report ⁸⁷⁶⁻⁶⁶³⁸ lights (Emergency) (Bath hallway)
cracked window sidewalk area

5-24-2013
Date

Ann S. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 29, 2013

5/22/2013

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

Applicant's Name: JuJo's Pub, Inc.

DBA: JuJo's Pub & Dance Hall

Business Address: 125 N. Chestnut Street

Type of License: Tavern

X Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: June 4, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

<u>Date</u>	<u>Sequence Number</u>	<u>Call Type</u>	<u>Case number</u>
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7/12/2012	TPD201210596	Disturbance in progress	No report
Group of people outside having a verbal argument - officers cleared the area			

9/21/2012	TPD201221264	Fights	No report
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Male party disputed bar tab. Was told to leave the premises.

05-28-13

Date

Charles J. Hannon
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 29, 2013

Detail Report

Response Detail

Seq Number	Agency	Creation Time
TPD201210596	TPD	07/15/2012 01:31:56

Identification

Free Format Address	Response Type	Priority
125 N CHESTNUT#JUJOS	DISPRG	P2

Caller Info

Name	Phone Number	Ext	Address
106			

Question & Answer

Question	Answer	Agent	Workstation

Caller Notes

Call Note	Agent	Workstation	Time Stamp

Response Notes

Response Note	Agent	Workstation	Time Stamp

Confidential Notes

Confidential Note	Agent	Workstation	Time Stamp

Response Detail

Incident Notes

Incident Note	Agent	Workstation	Time Stamp
DISTURBANCE AT JUJOS	RIVAS	POSITION1	07/15/2012 01:32:04
106 C4	RIVAS	POSITION1	07/15/2012 01:32:07
Address of TPD201210596 has been modified from JUJOS to 125 N CHESTNUT#JUJOS.	RIVAS	POSITION1	07/15/2012 01:32:35
106-CLR FROM HERE IT WAS PARTIES JUST HAVING AN ARGUMENT	BATCHELDE R	POSITION2	07/15/2012 01:36:43

Disposition Notes

Disposition Note	Agent	Workstation	Time Stamp
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Response Detail

Modification

Attribute	Value	Agent	Time Stamp
SEQUENCENUMBER	TPD201216921	RIVAS	08/06/2012 16:45:48
STATUS	Disposed	SALAS	07/16/2012 00:14:54
STATUS	CL	BATCHELDER	07/15/2012 01:36:47
HANDLINGUNIT	(T)T114	BATCHELDER	07/15/2012 01:36:47
UNIT STATUS	Unit T114: CL	BATCHELDER	07/15/2012 01:36:47
UNIT STATUS	Unit T117: CL	BATCHELDER	07/15/2012 01:36:47
UNIT STATUS	Unit T107: CL	BATCHELDER	07/15/2012 01:36:47
DISPOSITION CODE	AR	BATCHELDER	07/15/2012 01:36:45
DISPOSITION CODE	CC	BATCHELDER	07/15/2012 01:36:45
UNIT STATUS	Unit T117: AR	BATCHELDER	07/15/2012 01:32:58
UNIT STATUS	Unit T117: EN	BATCHELDER	07/15/2012 01:32:57
UNIT STATUS	Unit T117: DP	BATCHELDER	07/15/2012 01:32:54
CALLER NAME	106	RIVAS	07/15/2012 01:32:39
ADDRESS	125 N CHESTNUT#JUJOS	RIVAS	07/15/2012 01:32:35
UNIT STATUS	Unit T107: AR	BATCHELDER	07/15/2012 01:32:24
UNIT STATUS	Unit T114: AR	BATCHELDER	07/15/2012 01:32:23
STATUS	AR	BATCHELDER	07/15/2012 01:32:23
UNIT STATUS	Unit T107: EN	BATCHELDER	07/15/2012 01:32:16
UNIT STATUS	Unit T117: EN	BATCHELDER	07/15/2012 01:32:15
UNIT STATUS	Unit T114: EN	BATCHELDER	07/15/2012 01:32:14
STATUS	EN	BATCHELDER	07/15/2012 01:32:14
UNIT STATUS	Unit T107: DP	BATCHELDER	07/15/2012 01:32:11
UNIT STATUS	Unit T117: DP	BATCHELDER	07/15/2012 01:32:10
STATUS	DP	BATCHELDER	07/15/2012 01:32:10
PRIMARYUNIT	T114	BATCHELDER	07/15/2012 01:32:10

Response Detail

HANDLINGUNIT	(A)T114	BATCHELDER	07/15/2012 01:32:10
UNIT STATUS	Unit T114: DP	BATCHELDER	07/15/2012 01:32:10
MVR ACTIVE	1	RIVAS	07/15/2012 01:31:56
SEQUENCENUMBER	TPD201210596	RIVAS	07/15/2012 01:31:56
CALL CODE	DISPRG	RIVAS	07/15/2012 01:31:56
PRIORITY	P2	RIVAS	07/15/2012 01:31:56
STATUS	PENDING	RIVAS	07/15/2012 01:31:56
CREATION TIME	2012-07-15T01:31:56.025	RIVAS	07/15/2012 01:31:56
ADDRESS	JUJOS	RIVAS	07/15/2012 01:31:56

Activity Log

Status	Agent	Workstation	Time Stamp
PENDING	RIVAS	POSITION1	07/15/2012 01:31:56
DP	BATCHELDER	POSITION2	07/15/2012 01:32:10
EN	BATCHELDER	POSITION2	07/15/2012 01:32:14
AR	BATCHELDER	POSITION2	07/15/2012 01:32:23
CL	BATCHELDER	POSITION2	07/15/2012 01:36:47
Disposed	SALAS	POSITION2	07/16/2012 00:14:54

Case Number

Case Number	Note	Agent
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Primary Unit Information

Resource	Agent	Workstation	Time Stamp
T114	BATCHELDER	POSITION2	07/15/2012 01:32:10

Response Detail

Assigned Resources & Agents

Resource Name	Agent	Badge Number
T107	C30	T107
T114	105	T114
T117	108	T117

Disposition Codes

Dispositon Code	Agent	Time Stamp
CC	BATCHELDER	07/15/2012 01:36:45

Affected Person

Name	Gender	Race	Hair Color	Weight	Height
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Vehicle Affected

VIN	Model	Year	Color	Owner	License Number
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Affected Property

Name	Type	Serial Number	Quantity	Description
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Affected Building

Name	Floor	Structure	Involvement	Owner
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Detail Report

Response Detail

Seq Number	Agency	Creation Time
TPD201221264	TPD	09/21/2012 23:25:44

Identification

Free Format Address	Response Type	Priority
125 N CHESTNUT, TRINIDAD, CO	FIGHTS	P3

Caller Info

Name	Phone Number	Ext	Address
MALE REFUSED	719 846-9162		125 N CHESTNUT, TRINIDAD, CO

Question & Answer

Question	Answer	Agent	Workstation
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Caller Notes

Call Note	Agent	Workstation	Time Stamp
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Response Notes

Response Note	Agent	Workstation	Time Stamp
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Confidential Notes

Confidential Note	Agent	Workstation	Time Stamp
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Response Detail

Incident Notes

Incident Note	Agent	Workstation	Time Stamp
FIGHT AT JUJOS	GUTIERREZ	POSITION1	09/21/2012 23:25:37
UNKNOWN WEAPONS	GUTIERREZ	POSITION1	09/21/2012 23:25:54
207-4 MALES WALKING AROUND CORNER WITH "CHOLO" CLOTHES	ZUNIGA	POSITION2	09/21/2012 23:29:06
104-VEH ON 200 BLOCK ELM, [REDACTED] 2 CLIMBING IN	ZUNIGA	POSITION2	09/21/2012 23:30:02
C40-VEH WITH 4 HERE	ZUNIGA	POSITION2	09/21/2012 23:30:07
104-CLEAR, PTS WERE CONTACTED, DISPUTE OVER MONEY IN THE BAR ON BAR TAB, WORDS EXCHANGED AND THEN MALE LEFT, NO ONE IN THE BAR WANTED TO DO ANYTHING AND THESE PTS WERE ADVISED TO LEAVE	ZUNIGA	POSITION2	09/21/2012 23:37:46

Disposition Notes

Disposition Note	Agent	Workstation	Time Stamp
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Response Detail

Modification

Attribute	Value	Agent	Time Stamp
STATUS	Disposed	ZUNIGA	09/23/2012 06:12:16
STATUS	CL	ZUNIGA	09/21/2012 23:37:51
HANDLINGUNIT	(T)T108	ZUNIGA	09/21/2012 23:37:51
UNIT STATUS	Unit T108: CL	ZUNIGA	09/21/2012 23:37:51
UNIT STATUS	Unit T116: CL	ZUNIGA	09/21/2012 23:37:51
UNIT STATUS	Unit T112: CL	ZUNIGA	09/21/2012 23:37:51
DISPOSITION CODE	CC	ZUNIGA	09/21/2012 23:37:50
PERSON ADD/MODIFY (FIRSTNAME)	ROBERT CHARLES	ZUNIGA	09/21/2012 23:36:41
PERSON ADD/MODIFY (FIRSTNAME)	DAVID PAUL	ZUNIGA	09/21/2012 23:36:17
PERSON ADD/MODIFY (FIRSTNAME)	JOSEPH JOHN	ZUNIGA	09/21/2012 23:35:46
PERSON ADD/MODIFY (FIRSTNAME)	ARMANDO	ZUNIGA	09/21/2012 23:35:15
PERSON ADD/MODIFY (LASTNAME)	HERRADA	ZUNIGA	09/21/2012 23:35:10
UNIT STATUS	Unit T112: AR	ZUNIGA	09/21/2012 23:35:04
PERSON ADD/MODIFY (FIRSTNAME)	ROBERT	GUTIERREZ	09/21/2012 23:34:51
PERSON ADD/MODIFY (LASTNAME)	TONEY	GUTIERREZ	09/21/2012 23:34:49
PERSON ADD/MODIFY (FIRSTNAME)	DAVID	GUTIERREZ	09/21/2012 23:33:53
PERSON ADD/MODIFY (LASTNAME)	GONZALES	GUTIERREZ	09/21/2012 23:33:52
PERSON ADD/MODIFY (FIRSTNAME)	JOSEPH	GUTIERREZ	09/21/2012 23:33:13
PERSON ADD/MODIFY (LASTNAME)	ARELLANO	GUTIERREZ	09/21/2012 23:33:09
PERSON ADD/MODIFY (FIRSTNAME)	ROMANDO	GUTIERREZ	09/21/2012 23:32:55
PERSON ADD/MODIFY (LASTNAME)	HERR	GUTIERREZ	09/21/2012 23:32:53
VEHICLE ADD/MODIFY (LICENSE NUMBER)	[REDACTED]	GUTIERREZ	09/21/2012 23:30:00
UNIT STATUS	Unit T112: EN	ZUNIGA	09/21/2012 23:28:36

Response Detail

UNIT STATUS	Unit T112: DP	ZUNIGA	09/21/2012 23:28:35
UNIT STATUS	Unit T108: AR	ZUNIGA	09/21/2012 23:28:11
STATUS	AR	ZUNIGA	09/21/2012 23:28:09
UNIT STATUS	Unit T116: AR	ZUNIGA	09/21/2012 23:28:09
UNIT STATUS	Unit T116: EN	ZUNIGA	09/21/2012 23:26:02
STATUS	EN	ZUNIGA	09/21/2012 23:26:01
UNIT STATUS	Unit T108: EN	ZUNIGA	09/21/2012 23:26:01
CALLER NAME	MALE REFUSED	GUTIERREZ	09/21/2012 23:26:00
HANDLINGUNIT	(A)T108	ZUNIGA	09/21/2012 23:25:59
PRIMARYUNIT	T108	ZUNIGA	09/21/2012 23:25:59
STATUS	DP	ZUNIGA	09/21/2012 23:25:59
UNIT STATUS	Unit T108: DP	ZUNIGA	09/21/2012 23:25:58
UNIT STATUS	Unit T116: DP	ZUNIGA	09/21/2012 23:25:58
ADDRESS	125 N CHESTNUT, TRINIDAD, CO	GUTIERREZ	09/21/2012 23:25:44
SEQUENCENUMBER	TPD201221264	GUTIERREZ	09/21/2012 23:25:44
MVR ACTIVE	1	GUTIERREZ	09/21/2012 23:25:44
CALL CODE	FIGHTS	GUTIERREZ	09/21/2012 23:25:44
PRIORITY	P3	GUTIERREZ	09/21/2012 23:25:44
STATUS	PENDING	GUTIERREZ	09/21/2012 23:25:44
CREATION TIME	2012-09-21T23:25:44.231	GUTIERREZ	09/21/2012 23:25:44
CALLER PHONE NUMBER	719 846-9162	ZUNIGA	09/21/2012 23:25:32
CALLER PHONE NUMBER	719 846-9162	GUTIERREZ	09/21/2012 23:25:32
CALLER NAME	JUJO'S PUB INC	ZUNIGA	09/21/2012 23:25:32
CALLER NAME	JUJO'S PUB INC	GUTIERREZ	09/21/2012 23:25:32
CALLER PHONE NUMBER	7198469162	GUTIERREZ	09/21/2012 23:25:31

Response Detail

Activity Log

Status	Agent	Workstation	Time Stamp
PENDING	GUTIERRE Z	POSITION1	09/21/2012 23:25:44
DP	ZUNIGA	POSITION2	09/21/2012 23:25:59
EN	ZUNIGA	POSITION2	09/21/2012 23:26:01
AR	ZUNIGA	POSITION2	09/21/2012 23:28:09
CL	ZUNIGA	POSITION2	09/21/2012 23:37:51
Disposed	ZUNIGA	POSITION1	09/23/2012 06:12:16

Case Number

Case Number	Note	Agent
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Primary Unit Information

Resource	Agent	Workstation	Time Stamp
T108	ZUNIGA	POSITION2	09/21/2012 23:25:59

Assigned Resources & Agents

Resource Name	Agent	Badge Number
T108	C40	T108
T112	104	T112
T116	107	T116

Disposition Codes

Dispositon Code	Agent	Time Stamp
CC	ZUNIGA	09/21/2012 23:37:50

Response Detail

Affected Person

Name	Gender	Race	Hair Color	Weight	Height
HERRADA, ARMANDO	MALE	WHITE	BLK	250	509
ARELLANO, JOSEPH JOHN	MALE	WHITE	BRO	195	508
GONZALES, DAVID PAUL	MALE	WHITE	BRO	140	506
TONEY, ROBERT CHARLES	MALE	WHITE	BRO	150	506

Vehicle Affected

VIN	Model	Year	Color	Owner	License Number
		2004	RED	HERRADA, ARMANDO AND MATA-FLORES, SILVIA E	

Affected Property

Name	Type	Serial Number	Quantity	Description
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Affected Building

Name	Floor	Structure	Involvement	Owner
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Audra Garrett

From: John Martinez [jmartinez@la-h-health.org]
Sent: Thursday, May 23, 2013 7:59 AM
To: Audra Garrett
Subject: RE: liquor

Yes Jujo's Pub, Inc. 125 N. Chestnut Street is in compliance with this agency.....John

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

Las Animas-Huerfano Counties District Health Department

Trinidad Office

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

Walsenburg Office

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

From: Audra Garrett [mailto:audra.garrett@trinidad.co.gov]
Sent: Wednesday, May 22, 2013 11:25 AM
To: John Martinez
Subject: liquor

Hi John,
Please verify compliance with your office for JuJo's Pub, Inc. at 125 N. Chestnut 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 8362 (20130522)

The message was checked by ESET NOD32 Antivirus.

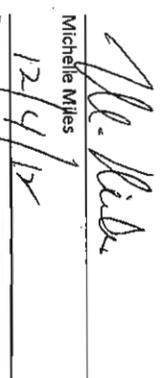
DISCLOSURE STATEMENT

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
12/4/12
Date

7c



Council Communication

City Council Meeting: June 4, 2013
Prepared: May 31, 2013
Dept. Head Signature: *[Signature]*
of Attachments: 1

CITY OF TRINIDAD, COLORADO
1876

SUBJECT: Budget Billing for Non-Residential Utility Customers

Presenter: Tom Acre, City Manager

Recommended City Council Action: City Staff recommends City Council approve on first reading the revised Section 12.2 of the Code of Ordinances - Chapter 12, Article 1. Utility Service and Billing.

Summary Statement: This item was discussed at the May 28, 2013 Work Session and direction given to staff to proceed with the proposed change. At the request of City Council additional changes were made to Section 12.2(7)(a) of the ordinance to reflect issuance of billing credits in lieu of issuing checks for budget billing year end settlements and Section 12.2(7)(e) reflecting a change in when budget billing amounts could be adjusted if needed by the City.

Expenditure Required: No expenditure is required at this time.

Source of Funds: Not applicable.

Policy Issue: Extension of budget billing option to non-residential customers.

Alternative: City Council could direct staff to make additional changes to the ordinance.

Background Information: The City of Trinidad currently provides residential customers the ability to pay utilities on a budget billing plan. City Council and Staff discussed the option to allow non-residential customers the option to participate in budget billing on May 28, 2013. The attached ordinance reflects the proposed changes as discussed at the Work Session and is being presented for approval and adoption by City Council.

7c



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLE 1 ("UTILITY BILLING") OF CHAPTER 12 ("MUNICIPAL UTILITIES") OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, TO ALLOW BUDGET BILLING FOR ALL UTILITY CUSTOMERS

WHEREAS, Article XX of the Colorado Constitution authorizes home rule municipalities to own and operate public utilities within and without their territorial limits; and

WHEREAS, the City of Trinidad, Colorado, is a home rule city created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, Chapter XI, § 11.1, of the Home Rule Charter for the City of Trinidad, Colorado, confers upon the City Council "all municipal powers relating to all utilities and franchises including, but without limitation to, all powers and authority now existing and which may be hereafter provided by the Constitution or Statutes of the State of Colorado, or by ordinance or by this Charter."; and

WHEREAS, the City Council of the City of Trinidad, Colorado, hereby determines that the amendment of an existing provision to allow all utility customers the ability to participate in budget billing is prudent and advantageous to those City's utility customers.

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

Section 1. Amendment of Section 12-2(7) of the Code of the City of Trinidad, Colorado.

Chapter 12 ("Municipal Utilities"), Article 1 ("Utility Billing"), of the Code of the City of Trinidad, Colorado, Section 12-2(7), is hereby amended as set forth in its entirety as follows:

Section 12-2. Utility billing.

(7) Budget Billing Plan. Utility customers may elect to pay monthly bills for service on a Budget Billing Plan subject to the terms and conditions set forth herein.

(a) Any customer electing the Budget Billing Plan shall pay a monthly amount equal to the minimum of one-eleventh (1/11th) of the total utility bills for the most recent twelve (12) months, adjusted to fully reflect any rate increases that may have become effective during said twelve (12) month period. Said monthly payment shall be made for the following eleven (11) successive months with the final or twelfth (12th) month's payment being a settlement amount equal to the difference between the total payments made during the prior eleven (11) months and the actual amount due for purchases for the twelve (12) month period. If the settlement amount is a credit balance the City shall issue a credit against the customer's settlement month utility bill. If the settlement amount is a balance owed by the customer, the total balance shall be due and payable on the due date indicated on the bill for the settlement month.

(b) To be eligible to participate in the Budget Billing Plan, a customer shall meet the following requirements:

(i) A customer shall have been served by the City at such customer's current premises for a period of at least twelve (12) consecutive months.

(ii) The customer shall owe no amounts to the City for electrical, natural gas, sewer, or water service, except for the current bill.

(iii) The customer shall execute a standard form "Agreement for Budget Billing Plan" at least fifteen (15) days prior to the beginning of the Budget Billing Plan year.

(c) Normal collection procedures shall be applicable if a customer fails to pay the budget billing amount in any month when due. If the customer fails to pay the budget billing amount following due notice by the City in accordance with Section 12-4, the customer shall be removed from the Budget Billing Plan, the entire outstanding amount of the account shall be due and payable, and utility service to the customer may be discontinued.

(d) If utility service is discontinued for any reason to a customer on the Budget Billing Plan, the customer shall be removed from the Plan and the entire outstanding amount of the account shall be due and payable.

(e) The monthly budget billing amount may be adjusted, at the option of the City, for any increase in the City's rates of two percent (2%) or more. Said monthly budget billing amount may also be adjusted at the option of the City if the customer's use of electrical, natural gas, sewer, and/or water service increases greater than ten percent (10%). In such cases, the utility department will notify the utility customer of the need for adjustment.

(f) The customer may elect to terminate the Budget Billing Plan at any time by notifying the City in writing and by paying in full the entire outstanding amount of the account.

(g) If a customer is removed from the Budget Billing Plan for any reason, the customer shall not be eligible to participate in the plan again for one (1) year.

Section 2. Effective Date. This ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED this 4th day of June, 2013.

PASSED AND APPROVED this ____ day of _____, 2013.

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

BERNADETTE BACA GONZALEZ,
MAYOR

ATTEST:

AUDRA GARRETT, CITY CLERK



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 4, 2013
PREPARED BY: Karen Wolf, Asst. Planner
DEPT. HEAD SIGNATURE: *Karen Wolf*
OF ATTACHMENTS: 1

SUBJECT: Conditional Use Permit Code of Ordinances Amendment

PRESENTER: Louis Fineberg

RECOMMENDED CITY COUNCIL ACTION: Adoption of the Amendment.

SUMMARY STATEMENT: Proposed amendments to Chapter 14, Division 1. General Provisions, Section 14-27(1)(b) Conditional Uses, of the Code Of Ordinances of the City Of Trinidad.

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Conditional Use Permit Ordinance.

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The Planning, Zoning and Variance Commission and the Planning Department wish to establish procedures for administering and reviewing Conditional Use Permits (CUP's).
- Changes and additions to the CUP Ordinance include the following topics:
 - Property owner responsibility to meet conditions of CUP.
 - Clarification of approval and fulfillment of standard conditions.
 - CUP application procedures.
 - CUP review procedures.
- Changes were incorporated into the draft ordinance following the work session discussion on May 28th. Those changes are on page one, in italics, and underlined for illustration purposes for Council only.



CITY OF TRINIDAD, COLORADO

ORDINANCE NO. ____

AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 14, PLANNING AND ZONING, ARTICLE 4, ZONING ORDINANCE, DIVISION 1, GENERAL PROVISIONS, SECTION 14-27(1)(b) CONDITIONAL USES, OF THE CODE OF ORDINANCES OF THE CITY OF TRINIDAD, COLORADO, TO PROVIDE A CLEAR PROCEDURE FOR THE APPLICATION, APPROVAL AND REVIEW OF CONDITIONAL USE PERMITS

WHEREAS, Conditional uses is defined within the Trinidad Municipal Code of Ordinances as "uses specifically allowed within a zone district provided certain conditions are met"; and

WHEREAS, the City of Trinidad in considering requests for conditional use permits, must be ever mindful of the potential impacts to neighboring properties and should be allowed to place reasonable conditions and safeguards when considering the same; and

WHEREAS, a conditional use permit review process will allow the City of Trinidad to consistently, effectively and impartially determine and guarantee that conditions of said permits are being met.

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

Section 14-27(1)(b) of the Code of Ordinances of the City of Trinidad, Colorado, is hereby repealed and re-enacted as follows:

Section 14-27. Uses by right, conditional uses and special uses.

(1) Each zone district provides for use characteristics peculiar to it; thus all allowable uses require controls complimentary thereto. Two (2) groups of uses are provided for each district as follows:

(b) Conditional uses - Uses specifically allowed within a zone district provided certain conditions are met by the property owner.

(l) Standard Conditional Use Permit (CUP) conditions.

A) All CUP conditions shall be set forth by the Planning, Zoning and Variance Commission (hereinafter referred to as the Commission) and shall be agreed to and carried out by the property owner or by a duly authorized agent of the property owner.

B) Under no circumstance shall a Certificate of Occupancy be issued by the Building Inspector for any structures associated with the CUP until all of the conditions specified by the Commission have been met. Exception for multiple structures under one CUP: A Certificate of Occupancy may be issued for each structure within the CUP once all conditions specific to an individual structure have been met.

C) All CUP approvals shall remain in effect for a specified period of time with the following exceptions:

1. Any conditional use that is not established within one year of its approval, discontinued for at least one year or replaced by another use of the land shall expire.
2. Before a conditional use can be transferred to a new owner, said new owner must submit a letter to the Commission agreeing to the CUP terms and conditions. No business license shall be issued to the new owner and/or an agent of the new owner

until said letter is submitted to the Commission. If the new owner does not feel that he or she can fully comply with the terms and conditions of the CUP, he or she may submit an application to the Commission for a CUP modification.

(II) Conditional Use Permit (CUP) application procedures.

- A) The Commission shall schedule and hold a public hearing for all CUP applications.
- B) Notice of the time and place of each CUP hearing shall appear at least ten (10) days prior to the hearing in a newspaper of general circulation in the City of Trinidad.
- C) The Commission shall keep a record of the proceedings from each hearing, a copy of which shall be available to any party for a reasonable fee.
- D) At the conclusion of the hearing or within not more than thirty (30) days thereafter, the Commission shall render its decision either orally or in writing. The applicant shall be issued a copy of the written decision of the Commission or a written notice of the oral decision of the Commission as soon as practicable after the decision has been rendered. Unless such decision shall be appealed to the Board of Appeals in accordance with Section 14-139 of the City of Trinidad Code of Ordinances, the decision shall become final at the end of the (15) day appeal period.

(III) Conditional Use Permit (CUP) periodic review procedures.

- A) The Commission shall schedule and hold a public hearing to review CUPs at an interval not less than once per year to ensure that the conditions associated with the CUP continue to be met by the property owner.
- B) Notice of the time and place of said public hearing before the Commission shall appear at least ten (10) days prior to the hearing in a newspaper of general circulation in the City of Trinidad. Written notice of the hearing must also be delivered by the City to the property owner at least thirty (30) days prior to the scheduled hearing date.
- C) The Commission shall keep a record of the proceedings from each hearing, a copy of which shall be available to any party for a reasonable fee.
- D) At the conclusion of the hearing or within not more than thirty (30) days thereafter, the Commission shall render its decision to reapprove or revoke the CUP either orally or in writing. The applicant shall be issued a copy of the written decision of the Commission or a written notice of the oral decision of the Commission as soon as practicable after the decision has been rendered. Unless such decision shall be appealed to the Board of Appeals in accordance with Section 14-139 of the City of Trinidad Code of Ordinances, the decision shall become final at the end of the (15) day appeal period.

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