



CITY OF TRINIDAD  
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,  
Colorado, will be held on Tuesday, July 2, 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 June 18, 2013 and Special Meeting of June 25, 2013
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
  - a) 2012 Audit report by Dixon, Waller & Associates
  - b) Rachel Theler, Watershed Coordinator for the Purgatoire Watershed Partnership
- 4) **COUNCIL REPORTS**
- 5) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 6) **UNFINISHED BUSINESS**
- 7) **MISCELLANEOUS BUSINESS**
  - a) Special Events Permit (malt, vinous and spirituous) request by Arthur Roy Mitchell Memorial, Inc. at 150 E. Main Street for July 20, 2013 (Quick Draw Event)
  - b) Resolution determining that an election is required to consider one or more ballot issues and to elect the Mayor and four City Council Members and that such election should be held as a coordinated election
  - c) Renewal of Intergovernmental Agreement with Las Animas County for the conduct of the November 5, 2013 Regular Election as a Coordinated Election
  - d) Consideration of First Amendment to the City Attorney's employment contract
- 8) **BILLS**
- 9) **PAYROLL**, June 22, 2013 through July 5, 2013
- 10) **EXECUTIVE SESSION** - 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 of Syncora Answer and ARPA litigation
- 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, June 18, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

**APPROVAL OF THE MINUTES.** Regular Meeting of June 4, 2013 and Special Meeting of June 11, 2013. A motion to approve the minutes as presented was made by Councilmember Mattie and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote.

**PUBLIC HEARING.** New Hotel and Restaurant Liquor License request by RGS Sawaya, LLC d/b/a Café What a Grind at 341 N. Commercial Street. Mayor Baca Gonzalez declared the hearing open and announced that she would be presiding over the hearing. She stated the purpose, an application for the issuance of a new Hotel and Restaurant Liquor License request by RGS Sawaya, LLC d/b/a Café What a Grind at 341 N. Commercial Street. Mayor Baca Gonzalez advised that the procedure for receiving evidence concerning the applicant's request for issuance of a new Liquor License will be governed by state law and city ordinances. The Applicant has the burden of establishing that the City's granting of the Applicant's request is warranted under applicable law. Mayor Baca Gonzalez asked the applicant if they wished to provide an opening statement and said the information required to be elicited would be through questioning by the City Attorney. Richard Sawaya addressed Council and said that the reason they decided to ask for this license is to provide a service to their customers in the evening, since they will be opening for dinner. People have asked them why they don't serve liquor. Mr. Sawaya said they've put in a full kitchen having decided to make it a full restaurant. He said the request for the liquor license is for the convenience of their customers. They will not be staying open until 2:00 a.m. City Attorney Downs declined to provide an opening statement. He asked Mr. Sawaya a series of questions to which Mr. Sawaya provided the following testimony: Mr. Sawaya provided his full name as Richard George Sawaya, the principal of RGS Sawaya, LLC. The business was set up because of the restaurant and he said he has some other properties that will sooner or later become part of the limited liability corporation. For instance, the building itself in a few years will be incorporated into that part of the restaurant. RGS Sawaya, LLC owns Café What a Grind which has been in business for seven, going on eight, months. What a Grind under previous ownership was there for about five years before he took the business over as owner. The premise is located at 341 N. Commercial Street and he testified that he made application for the license on April 15, 2013. Currently he employs eight people and of them probably seven will be serving alcohol, the eighth will probably have to take TIPS training if he stays. Of the seven employees two have had TIPS training and this Saturday all of the rest will be trained, including him. Mr. Sawaya also testified that he owns the premises and is the landlord who rents to Café What a Grind. He has owned the building since 1982. He said he and his niece were the petition circulators. Lorin Manuel (his niece) will be the General Manager and two current employees, Ruben and Frankie, will also have managerial responsibilities to allow Ms. Manuel the ability to take time off because she has a young boy who needs special care. He testified that he and Lorin Manuel have submitted to background checks however results have not been returned that he is aware of. Further he testified that he has complied with everything the state and local staff have asked of him for this application. He said he anticipates the results of the background check to be positive for both he and Ms. Manuel, clear of any criminal convictions. Regarding the petition he said they had no problem having people sign it and 100% of the signers were in favor of the granting of the license. A lot of times they ran out of paper and people signed the back of the petition. Some of the signers were not citizens of Trinidad but are employed in Trinidad. Besides the Circle Lounge this would be the only liquor licensed establishment on Commercial Street, and the only restaurant on Commercial Street serving alcohol. Having circulated the petition Mr. Sawaya said it is his belief that the neighborhood's needs are not being met by the existing establishments in the neighborhood. Mr. Sawaya said it is isolated down in that area and in his own way he is trying to start something in the area. A lot of people come down and he said he thinks having a liquor license would give them a choice. It is needed down there. He further provided that in having circulated the petition he believes it is the desire of the adult inhabitants of the neighborhood that the liquor license be granted. A diagram was submitted and he said he understands their obligation that alcohol not be removed from the licensed premises. They are not a liquor store and will follow the laws as closely as they can. They will not serve intoxicated persons; they are there as a restaurant and will stop serving someone who wants to sit in there all day. City Attorney Downs, having completed his questioning, submitted the application packet into the record. Mayor Baca Gonzalez asked Mr. Sawaya if he had any questions of the City or of City Council. Mr. Sawaya told Council that the intersection in their area is becoming a traffic hazard. He said watching from his business four out of 15 cars that he saw never stopped at the stop sign at Commercial and Cedar Street from the Cedar Street side. Also people have hit the stop sign many times and people don't stop for pedestrians. Ms. Manuel told Council that she was the one who took the petition around to businesses and those businesses were very excited because they hope it brings more traffic to the area. Customers are also very supportive. She added that another reason they are seeking the license is because she's literally had tables walk out on her when she told them she didn't serve alcohol. Mayor Baca Gonzalez confirmed there to be no rebuttal and no interested parties who wished to speak on this matter. Councilmember Mattie commented that Richard Sawaya is a life-long resident of the community, and has been a business man with a stellar reputation, having spent the majority of his life in the furtherance of our economic well-being. This is yet another avenue to further the economic benefit to the community and said he is wholly supportive of it. Mayor Baca Gonzalez thanked Mr. Sawaya for investing in our town. She called for closing arguments. City Attorney Downs submitted that it appears that the applicant has met the legal standard for issuance of the license. Mayor Baca Gonzalez closed the hearing. Councilmember Mattie stated the following for the record: This matter came on for hearing on the application of RGS, Sawaya, LLC d/b/a

Café What A Grind at 341 N. Commercial Street in Trinidad, Colorado, for a Hotel and Restaurant Liquor License, before the City Council of the City of Trinidad, Colorado, acting in its capacity as the local licensing authority on June 18, 2013, in City Council Chambers in City Hall. The City Council having reviewed the application and supporting documents, letters of recommendation, reports of the City Clerk and other City staff, petitions admitted into evidence at the hearing and testimony taken during the hearing makes the following **FINDINGS**:

1. The neighborhood consists of that area located within the City's corporate limits.
2. Mr. (Richard George) Sawaya testified in favor of granting the license. No other persons testified in favor of or in opposition to the granting of the license.
3. The City Clerk's report showed that there are 39 liquor-licensed outlets within the neighborhood. Of these, there are four 3.2% Beer Off-Premises licenses, one 3.2% Beer On-Premises license, one Club license, 12 Hotel and Restaurant licenses, one of which has Optional Premises, eight Liquor Store licenses, and 11 Tavern licenses, one Arts license and one Beer and Wine license.
4. The applicant submitted a petition regarding the liquor license application, which was admitted into evidence. A total of 65 signatures appeared on the petition, of which 52 were residents or business owners/managers from within the neighborhood, 21 years of age or older, all favoring issuance of a liquor license at this location. No petitions opposing the issuance of the license were submitted.
5. The applicant through testimony and other evidence, made a prima facie showing that the reasonable requirements of the neighborhood are not being met by existing liquor outlets, and that the adult inhabitants of the neighborhood favor issuance of the license.
6. Based on the evidence presented at the hearing and the investigative materials provided for the hearing, the City Council finds that the reasonable requirements of the neighborhood are not being met by the existing liquor outlets, that the adult inhabitants of the neighborhood favor issuance of the license to the applicant, and that the applicant officers are of satisfactory moral character.

THEREFORE, the City Council of the City of Trinidad, Colorado, as the local liquor licensing authority, hereby approves the application of RGS Sawaya, LLC d/b/a Café What a Grind at 341 N. Commercial Street in Trinidad, Colorado. Mayor Baca Gonzalez asked if the approval should be conditioned on favorable fingerprint results. City Attorney Downs recommended Council approve the liquor license conditioned upon satisfactory results of the background checks. Councilmember Bolton so moved and Councilmember Bonato seconded the motion. Roll call was taken and the motion carried unanimously.

**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** None.

**COUNCIL REPORTS.** Councilmember Bonato reported that he attended the community meeting regarding the Trinidad prison facility. He said he was glad to see a good turnout, including several members of Council and the Mayor. Also present was the County Commissioners and Sheriff Casias. He said we need to keep fighting to keep the prison open. We can't suffer any more job losses. He thanked everyone who attended. The meeting was very productive and a lot of questions were asked. It was clear that we can't lose our prison and Council and the Commissioners are supporting the prison. Councilmember Bonato also reported on his attendance of the Santa Fe Trail Festival. He said it was nice to have the coal car race back. The UMWA team won the race and he thanked the Fire Department for their participation and the City for having a coal car in the race. Everyone was very competitive. He added that we need to get the word out that photo identifications are needed to enter the area where alcohol is being served. Councilmember Bonato opined that a shaded area needs to be provided for senior citizens to sit and enjoy the music. We need common sense with some requirements next year. It was a nice event. Finally Councilmember Bonato reported that on Friday he attended a ceremony at Trinidad Elks Lodge where they showed the proper way to dispose of the American flag. He told Council he has been a member of the Elks for 23 years and this was the first time he had seen such a ceremony. Veterans were on hand to include Mr. Rios and Mr. DeBono. He thanked the Elks and Masons for being so important to our community and bringing people together. Wherever there are veterans there will be Elks. He also thanked the Elks for putting the flag up on Simpson's Rest.

Councilmember Miles reported she also attended Santa Fe Trail Festival and echoed Councilmember Bonato's complimentary remarks. She said she too attended the prison assessment meeting and that there was a good turnout of over 100 people. There were some very pointed and vehement comments expressed to the people who are doing the study. The community support for the prison was well represented that night. She said she received an e-mail from City Manager Acre providing a way to dial into a proceeding of this panel on June 20th. She asked Acting City Manager Fineberg to ask City Manager Acre or Executive Assistant Anna Ridolfi to please get the information out to the media about the link for the dial in connection. She continued that while at the prison utilization meeting she and Councilmember Bolton were able to talk to State Senator Larry Crowder about the Southwest Chief and started promoting his involvement with it. He will be here to meet with Council on July 2<sup>nd</sup>. She said her impression was that it was clear he hadn't thought a lot about the issues, but is generally supportive. It will be a good opportunity to get solid facts and figures in front of him. Councilmember Miles said she also got a call from Representative Tim Dore today whereby they spoke in excess of fifteen minutes. Representative Dore will likewise be at the meeting here on July 2<sup>nd</sup>. He thought the idea of him getting together with Senator Crowder, U.S. Representative Cory Gardner and Council would be good and he promised to get more up to speed. He expressed frustration about how rail is handled in Colorado and she said she took away from the conversation that he would like to help Trinidad if the facts bare out. Councilmember Miles suggested the City get representatives from La Junta here as well for that meeting. Senator Crowder also mentioned that he'd perhaps get CDOT involved for Colorado matching funding for the TIGER grant. Councilmember Miles next pointed out that the Downtown Assessment has been published. There are interesting things going on in Trinidad. We may be on the verge of a Creative District designation. With the combination of that and strategic work that is going on at the Economic Development office, she suggested they have a work session to try to figure out to what extent Economic Development, the Tourism Board, the City and the Arts and Culture Commission should be involved. Mayor Baca Gonzalez said City Manager Acre is starting to sketch out up-coming work sessions so this

Councilmember Mattie said he too attended the Santa Fe Trail Festival. He said he heard a concern from Paula Manini at the History Museum about the boundary not including the museum. She was told to talk to the City Manager and after she did she was satisfied with the resolution reached. He said he attended the prison meeting. There will be a conference of the State Planning and Budgeting Office on Thursday, June 20<sup>th</sup> from 1:30 p.m. to 3:30 p.m. He offered to provide the link to listen in. Mayor Baca Gonzalez said she would provide a copy of the handout with the link to the media. Finally he reported on his attendance at the last Conversations with Council at the Community Center that was poorly attended. Reporter Steve Block from the Times Independent suggested it was poorly attended because there were five separate meetings that day.

Councilmember Bolton reported that she attended the prison meeting, but didn't elaborate because she thought Councilmembers Bonato, Miles and Mattie adequately addressed it. She thanked those people who did attend the prison meeting because it needs all the support it can get.

Councilmember Bonato asked if it is known whether City Manager Acre got in touch with Pat Patrick, Chairman of the Tourism Board, about attending the next I-25 Economic Development Coalition meeting. He said it would be really important because they are trying to draw tourism. The next meeting is on June 24<sup>th</sup>.

Mayor Baca Gonzalez provided the dial-in link information for the Prison Utilization Study meeting coming up on June 20<sup>th</sup>. She provided the information to the City Clerk who provided it to the media. She said people can dial in and listen to the discussion about the state-wide issue affecting the prisons.

Councilmember Bonato reported that today there was a group of college students from Denver that visited the Ludlow memorial. The group is involved with historic sites and goes to different ones to provide some renovation work to them. He said they will be at the memorial tomorrow to paint the fence around the monument and memorial and do some weed cutting. Pankaj Khadka from the Chronicle News said the group will be here in Trinidad thereafter to visit the Baca House and Bloom Mansion and then will travel back to Pueblo. Mayor Baca Gonzalez asked Acting City Manager Fineberg to make a note to send the students a thank you letter to be signed by all members of Council. They are working hard and expending their time and effort, the least we can do is acknowledge their good citizenship. Councilmember Bonato said to get in touch with Mike Romero for their address.

**REPORT BY CITY MANAGER.** Creative District. Acting City Manager Fineberg reported that his understanding is that last Friday the Selection Committee for Creative Industries chose five Creative Districts, however they haven't released which ones were chosen yet. He said he hoped to know next week some time through a Creative Industries' announcement. They are coordinating a press release with the Governor's office. Mayor Baca Gonzalez offered to make it available to the media once received.

Vehicle Traffic. Acting City Manager Fineberg said regarding the concerns raised by Mr. Sawaya about cars not stopping at the corner of Cedar and Commercial Streets, it wasn't the first time he's heard that. He suggested the City may have a chance to address it with implementation of the DOLA project through traffic calming devices.

**REPORT BY CITY ATTORNEY.** CML Conference. City Attorney Downs advised Council that he will be attending the CML conference in Vail for the next three days.

**UNFINISHED BUSINESS.** Public hearing for consideration of an ordinance amending Article 1 ("Utility Billing") of Chapter 12 ("Municipal Utilities") of the Code of Ordinance of the City of Trinidad, Colorado, to allow budget billing for all utility customers. Mayor Baca Gonzalez declared the hearing open and called for public comment. There was none. She asked for Council comments and there were none. She stated that she was pleased this was on their agenda because for a long time budget billing has been available only to residential customers and this opens it up to businesses and non-profits. She added that she thinks it will help them to control the sometimes big fluctuations in utility costs. There being no further comments, the hearing was closed.

Second reading of an ordinance amending Article 1 ("Utility Billing") of Chapter 12 ("Municipal Utilities") of the Code of Ordinance of the City of Trinidad, Colorado, to allow budget billing for all utility customers. The title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote of Council.

ORDINANCE NO. 1940

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

Public hearing for consideration 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 Ordinances of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits. Mayor Baca Gonzalez declared the public hearing open and called for comments from the audience, Council and staff. There were none. She thanked all members of Council for doing a very good job in reviewing the ordinances and staff for updating the ordinances. The hearing was closed.

Second 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 Ordinances of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits. The

ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Shew. The motion was seconded by Councilmember Bonato and carried by a unanimous roll call vote of Council.

ORDINANCE NO. 1941

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

**MISCELLANEOUS BUSINESS.** Retail liquor store license renewal request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue. Greg Robinson, owner of Arizona Liquor Store, addressed Council. A motion to approve the renewal was made by Councilmember Miles and was seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote of Council.

Tavern liquor license renewal request by Gina Louis Lujan d/b/a El Rancho Restaurant at 1901 Santa Fe Trail Drive. Gina Lujan addressed Council. Councilmember Bolton made a motion to renew the tavern license and Councilmember Shew seconded the motion. Upon roll call vote, the motion carried unanimously.

Temporary modification of premises request by Mount Carmel Health, Wellness and Community Center at 911 Robinson Avenue (July 12, 13, & 14, 2013 – Mt. Carmel Festival). Karl Gabrielson addressed Council on behalf of Mt. Carmel. He told Council that this is the 3<sup>rd</sup> annual festival. It will start Friday evening and there will be music and events. It is a mini festival similar to the Santa Fe Trail Festival in that they will have food and craft vendors and entertainment in the evening. The event will run all day and evening on Saturday and on Sunday they are having a benefit for the building fund for the Catholic Church. It is the Our Lady of Mount Carmel Feast. A motion to approve the temporary modification as requested was made by Councilmember Bonato and seconded by Councilmember Shew. The motion carried unanimously upon roll call vote.

Consideration of 2013-2014 Colorado Welcome Center Statement of Work. Mayor Baca Gonzalez reminded that this item was presented at their last work session. Councilmember Miles recalled that in their work session packet they had been presented a copy of last year's contract. Mayor Baca Gonzalez said it was provided as an example because the current one hadn't yet been received. Councilmember Miles said the one being considered this evening seems to be a laymen's definition of the work and asked City Attorney Downs if there are any important legal provisions that have been taken out of it, such as insurance requirements. City Attorney Downs said he hadn't compared the two documents. Councilmember Miles expressed concern for the lack of legal language. For instance she said there are no defaults, no remedies for defaults; she wouldn't know what happens if the work isn't done and it was previously fairly clearly defined in the contract. There were notice periods and opportunities to remedy. Councilmember Bonato asked if it could be tabled. Councilmember Miles said a lot has changed and City Attorney Downs agreed and noted that he wasn't asked to render an opinion on the document. He added that it would be appropriate to table it. Councilmember Bolton asked if there are time constraints. City Clerk Garrett said she believed it needed to be approved by July 1<sup>st</sup> and that this is a continuing agreement. Councilmember Miles suggested it be tabled to a special meeting on June 25<sup>th</sup>. Mayor Baca Gonzalez suggested that it could be that the Office of Economic Development and International Trade simply changed their paperwork to a different format. Councilmember Bolton agreed and said the information they received cites that this year the Colorado Tourism Office has simplified the contract to be an easy to understand Statement of Work. Councilmember Miles asked where that leaves the City with this simplified statement of work. Mayor Baca Gonzalez said the relevant question is whether this new paperwork puts the City at a disadvantage. She asked City Attorney Downs to talk to the Colorado Tourism Office. Councilmember Miles asked what if there are disputes. A motion to table consideration of 2013-2014 Colorado Welcome Center Statement of Work to a special meeting on June 25<sup>th</sup> was made by Councilmember Miles. Councilmember Bolton seconded the motion which carried unanimously pursuant to a roll call vote.

**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 ARPA litigation. A motion to enter into executive session for the stated purpose was made by Councilmember Bolton and seconded by Councilmember Shew. Upon roll call vote the motion carried unanimously. The executive session ensued at approximately 8:00 p.m.

*I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 18<sup>th</sup> day of June, 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.*

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Les S. Downs  
City Attorney

Upon conclusion of the executive session at 9:00 p.m., the meeting resumed.

**MISCELLANEOUS BUSINESS.** Potential motion regarding Stipulations in the ARPA lawsuit. As recommended by City Attorney Downs, Councilmember Bolton moved to accept the stipulation negotiated in mediation on May 23, 2013, in ARPA vs. City of Trinidad, 12CV44, pending in Prowers County Court. The motion was seconded by Councilmember Mattie and carried by a unanimous roll call vote. Upon the recommendation of City Attorney Downs, Councilmember Bolton made a motion to reject the negotiated stipulation reached in mediation on May 23, 2013, in Trinidad vs. ARPA, 11CV30, pending in Las Animas County District Court. Councilmember Shew seconded the motion. Roll call was taken

and the motion carried unanimously.

JUNE 18, 2013

**BILLS.** Councilmember Bonato questioned an expenditure on page 6 payable to Big O Tires in the amount of \$4,056.20. He said all it showed was the size of tires, but not how many were bought or what units they were for. He said the new police cars, the Chargers, come with 18s he believed and those cars should have a guarantee if they wear out a new set of tires on a new Chrysler. Mayor Baca Gonzalez elaborated that the payment is under Public Safety, check #43232. Mayor Baca Gonzalez said she would get the details. Councilmember Bolton questioned a payment identified on page 27, the last entry from the Capital Improvements fund, check #43389 in the amount of \$4,300 to White Wolf, for house/shed demolition. City Attorney Downs suggested that may be for a demolition of a condemned house owned that the building inspector has been working on. Acting City Manager Fineberg added that if that is the case a lien would be placed against the property. Councilmember Bolton questioned why it would have been paid from the Capital Improvements fund. Acting City Manager Fineberg said he'd look into it. 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 25, 2013 through June 7, 2013 and June 8, 2013 through June 21, 2013. A motion to approve the payroll was made by Councilmember Mattie and seconded by Councilmember Shew. The motion carried unanimously.

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

ATTEST:

BERNADETTE BACA GONZALEZ,  
Mayor

AUDRA GARRETT, City Clerk

The City Council of the City of Trinidad, Colorado, met in Special Session on Tuesday, June 25, 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, June 25, 2013, immediately following Work Session at 1:30 p.m. in the Council Chambers at City Hall

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

- 1) Consideration of 2013-2014 Colorado Welcome Center Statement of Work

The meeting was called to order at 3:07 p.m.

Roll call was taken.

There were present: Mayor Pro-Tem Velasquez, presiding  
Councilmembers Bolton, Bonato, Mattie, Miles, Shew

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

Absent: Mayor Baca Gonzalez

The pledge of allegiance was recited.

Consideration of 2013-2014 Colorado Welcome Center Statement of Work. Colorado Welcome Center Director Tara Marshall addressed Council. Ms. Marshall told Council that what they have before them is a Statement of Work from Kelly Barbello of the Colorado Tourism Office for execution by City Manager Acre and Colorado Tourism Office Executive Director Al White. She added that there is an additional contribution by the state of \$2,000 for the year. A motion to approve the Statement of Work was made by Councilmember Bolton and seconded by Councilmember Bonato. The motion carried unanimously upon roll call vote.

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

ATTEST:

LINDA VELASQUEZ, Mayor Pro-Tem

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** July 2, 2013  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** Rachel Theler, Watershed Coordinator for the Purgatoire Watershed Partnership, request to address Council

**PRESENTER:** Rachel Theler

**RECOMMENDED CITY COUNCIL ACTION:** N/A

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- Ms. Theler requested to address Council regarding the Purgatoire Watershed Partnership
- A summary of the Purgatoire Watershed Partnership has been provided by Ms. Theler

## Audra Garrett

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**From:** racheltheler@gmail.com on behalf of Rachel Theler [rachel@purgatoirepartnership.org]  
**Sent:** Thursday, June 27, 2013 12:12 PM  
**To:** audra.garrett@trinidad.co.gov  
**Subject:** Purgatoire Watershed Partnership City Council Insert  
**Attachments:** PWP Summary Sheet.pdf

Hi Audra,

Attached is a summary of the PWP that I would like included in city council's agenda packet. Please let me know if you have any questions.

Thanks!

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Rachel Theler  
Watershed Coordinator for the Purgatoire Watershed Partnership  
Office: 719-846-3681 ext.119  
Cell: 406-293-1198  
[www.purgatoirepartnership.org](http://www.purgatoirepartnership.org)



*The Purgatoire Watershed Partnership mission is to proactively acquire and maintain a watershed-wide stakeholder partnership aimed at the assessment, restoration, protection, and improvement of all aspects regarding the Purgatoire River watershed.*

The Purgatoire Watershed Partnership is a stakeholder watershed group that functions out of Trinidad, Colorado. The group was started by local citizens who were compelled to address and rectify ongoing concerns in the Purgatoire River Watershed. The group is comprised of stakeholders with diverse interests who have come together to form a cooperative partnership to work towards the conservation, protection and enhancement of their watershed's health. As the group continues to grow it is important that no local stakeholders are excluded, and that as many of the voices in the watershed are heard, as possible.

In September 2012 the Spanish Peaks/Purgatoire River Conservation District received a 2-year Bureau of Reclamation (BOR) Cooperative Watershed Management Grant, which led to the founding of the PWP. This grant was highly competitive and offered to 17 states located in the western U.S. The funding awarded will allowed the group to hire a watershed coordinator and, prospectively, a watershed consultant to carry out the group's objectives and goals. With a newly drafted mission statement, the group is now tasked with determining watershed management project concepts, and ultimately working to develop and implement a watershed restoration plan.

The Spanish Peaks/ Purgatoire River Conservation District is currently the fiscal agent for the Purgatoire Watershed Partnership. The Conservation District works in partnership with the NRCS to implement conservation practices that provide information and promote education activities. Work is primarily carried out in forestland, native rangeland, and irrigated cropland to benefit and address local resource concerns such as soil, water, animal health, and plant health.

The PWP has met throughout the past several months to provide valuable information on various topics to the community. There have been many featured guest speakers including Jeff Montoya the Water Commissioner for the Purgatoire watershed, Jeris Danielson from the Purgatoire Water Conservancy District, Steve Witte the Division Engineer from Division 2, Eve McDonald from the Attorney

General's Office, Wendy Ryan from the Colorado Climate Center, Taryn Finnessey with the Colorado Water Conservation Board, Dean Oatman from the CSU Extension Office, and Kevin Reidy from the Drought Planning office of the Colorado Conservation Board. Presentations given by guest speakers have addressed the administration of water rights, the history and current state of the watershed, the Kansas Compact and its effect on the river, climate and drought updates, weeds in the Purgatoire watershed, and water conservation initiatives. Presentations provide group members with insight on the watershed, which are valuable resources that will guide the group to make informed decisions in the future.

The first challenge the group worked through was drafting, finalizing and submitting their Articles and Bylaws necessary in gaining their Incorporated Status. At the January 9, 2013 PWP monthly meeting, the group was able to adopt their Bylaws, establish their membership base, and swear in an Official Board of Directors. The actions taken are crucial elements in providing the group with structure, stability and legal guidelines. The group also created subcommittees including both Board Members and PWP Members to begin working on targeted initiatives.

In March 2013, the Board was able to hire Rachel Theler as the PWP Watershed Coordinator. Ms. Theler is tasked with continuing outreach for stakeholder involvement, general group management, and designing the PWP website, [www.purgatoirepartnership.org](http://www.purgatoirepartnership.org).

Overall, the most important focus of the group is the protection of watershed health. Other issues and topics the group seeks to bring light to are: improved water quantity and quality, water education, forest health, gas development, coal mining, invasive species, aesthetic and recreational values, land development, agriculture, aquatic and wildlife habitat, and stream and riparian restoration, which all together play a significant role in the health and enhancement of the watershed. "Bringing together people, policies, priorities and resources through a watershed approach blends science and regulatory responsibilities with social and economic considerations" stated by Levi Montoya the District Conservationist at the Trinidad Natural Resources Conservation Service (NRCS) Field Office. Watershed planning is often too complex to be tackled by one interest group alone, and by weaving together partnerships the process can be strengthened with an end result of new ideas and resources that work to increase public understanding and communities committed to finding solutions.

PWP meetings are held monthly on the second Thursday of each month in Trinidad, CO at 6:30PM. For more information on upcoming meeting locations and agendas or to join the PWP at an annual membership due of \$10, please call Rachel Theler at 719-846-3681 ext. 119 or email her at [Rachel@purgatoirepartnership.org](mailto:Rachel@purgatoirepartnership.org).



## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** July 2, 2013  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 11

**SUBJECT:** Special Events Permit (malt, vinous and spirituous) request by Arthur Roy Mitchell Memorial, Inc. at 150 E. Main Street for July 20, 2013 (Quick Draw Event)

**PRESENTER:** Arthur Roy Mitchell Memorial, Inc.

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

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- The application is in order.
- The departmental report from the Police and Fire Chiefs indicate that the emergency/security plans are to be followed. The Building Inspector had no comments.
- Disclosure statements provided by Council members Miles and Velasquez are attached.
- Appropriate fees have been paid.

# APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

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

**DO NOT WRITE IN THIS SPACE**

LIQUOR PERMIT NUMBER

00607604-0000

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE  
*Arthur Roy Mitchell Museum Inc* State Sales Tax Number (Required)

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>150 E. Main St Trinidad, CO 81082</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>150 E. Main St. Trinidad, CO 81082</i>
--	---

NAME <i>Paula Little</i>	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES /SECY OF ORG. or POLITICAL CANDIDATE <i>Paula Little</i>		<i>31855 Old Sopris Rd</i>	<i>719 845-1385</i>
5. EVENT MANAGER <i>Paula Little</i>		" "	" "

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES HOW MANY DAYS? <u>1</u>	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
--	--

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

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

Date	Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
<i>July 20</i>				
<i>10:30<sup>am</sup> To 2:30<sup>pm</sup></i>				

### OATH OF APPLICANT

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

SIGNATURE <i>Paula Little</i>	TITLE <i>DIRECTOR</i>	DATE <i>6-11-13</i>
----------------------------------	--------------------------	------------------------

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

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

**THEREFORE, THIS APPLICATION IS APPROVED.**

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

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

### LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		<i>-750 (999)</i>	<b>\$</b>

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE**

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

**ARTHUR ROY MITCHELL MEMORIAL INC.**

is a **Nonprofit Corporation** formed or registered on 02/20/1979 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871365333.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 06/01/2011 that have been posted, and by documents delivered to this office electronically through 06/03/2011 @ 13:32:48.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 06/03/2011 @ 13:32:48 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 7961741.



A handwritten signature in cursive script, appearing to read "Scott Gessler".

Secretary of State of the State of Colorado

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

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

Recorder: Bernard J. Gonzalez

This Deed, Made this 31st day of May, 1970

between City of Trinidad, whose street address is 135 N. Animas, City of Trinidad.

County of Las Animas and State of Colorado, of the first part, and A. R. Mitchell Memorial, Inc. whose legal address is 131 West Main Street, City of Trinidad,

County of Las Animas and State of Colorado, of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Two Hundred Seventy-Eight Thousand Five Hundred (\$278,500.00) DOLLARS

(of which One Hundred Seventy-Eight Thousand Five Hundred Dollars (\$178,500.00) to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged), has granted, bargained, sold and conveyed, and by these does grant, bargain, sell, convey and confirm, unto the said party of the second part, its heirs and assigns forever, all the following described lots or parcels of land, situate, lying and being in the City of Trinidad, County of Las Animas and State of Colorado, to-wit:

All of Lot 2 in Block 100, in the City of Trinidad, Colorado, also the easterly 10 inches of Lot 3 in said Block 100, as more particularly described in Warranty Deed recorded July 21, 1905 in Book 128, at Page 200 of the records of the office of the County Clerk and Recorder of (continued on Page Two)

TOGETHER with all and singular the hereditaments and appurtenances thereunto belongi... and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD The said premises above bargained and described, with the appurtenances, unto the said party of the second part, and its heirs and assigns forever. And the said party of the first part, for it self... well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and encumbrances of whatever kind or nature soever.

Subject to the terms and conditions contained in the Contract for Sale of Real Property, entered into between the Party of the First Part and the Party of the Second Part on the above date which is attached hereto and incorporated herein by reference as Attachment "A".

and the above bargained premises in the quiet and peaceable possession of the said party of the second part, heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set its hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

[Handwritten signatures and three 'SEAL' stamps]

STATE OF COLORADO County of Las Animas

The foregoing instrument was acknowledged before me this 31st day of May, 1970, by Robert W. Gonzalez

My commission expires 1970 Witness my hand and official seal.

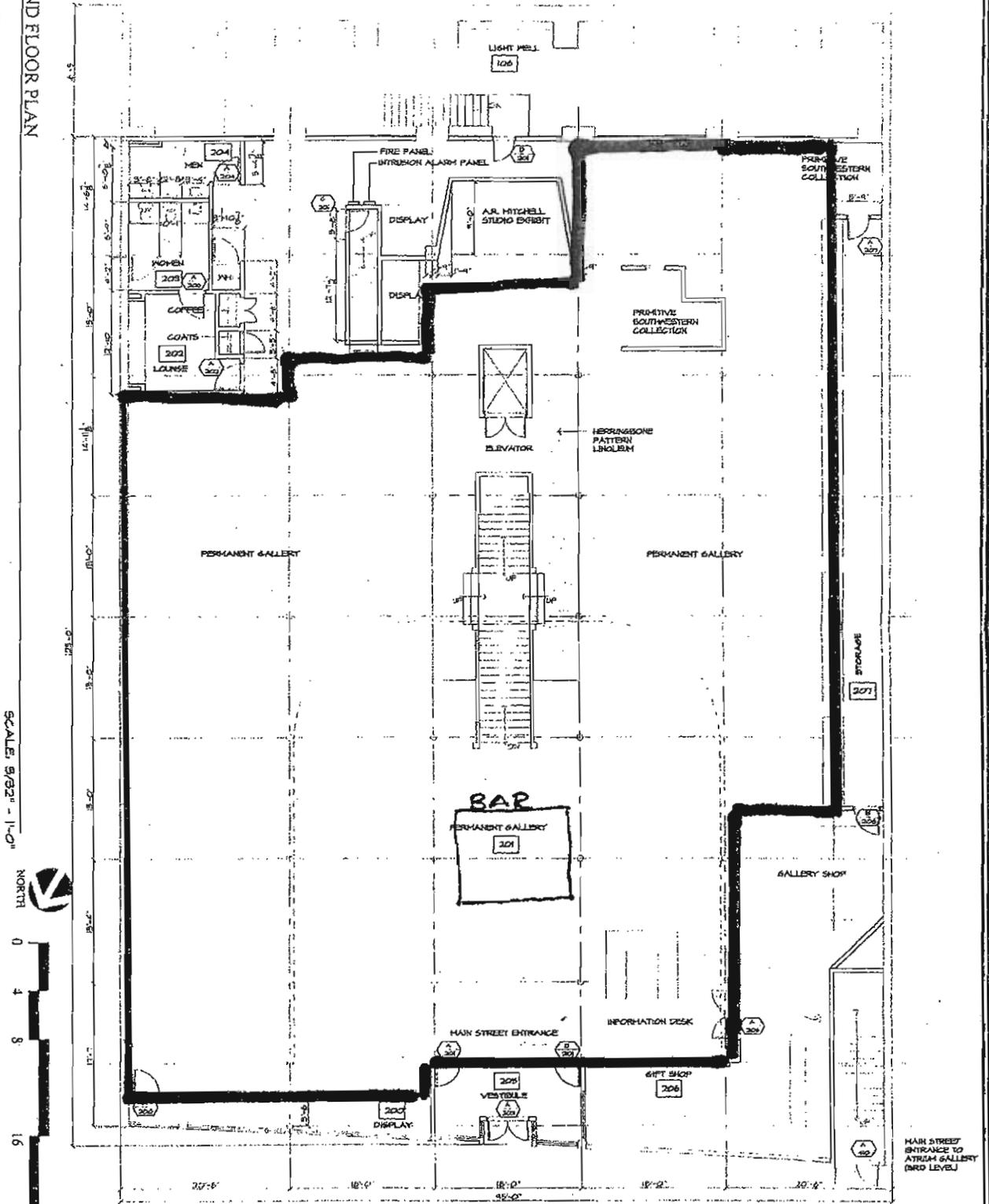
[Handwritten signature] Notary Public.

Blank Description Continued  
Page Two

of the County of Las Animas and State of Colorado subject to the terms and provisions of that certain contract and Deed dated June 22, 1905, and recorded July 21, 1905, in Book 134 at Page 295, said last mentioned records, together with all improvements thereon.

For Quick Draw on July 20th

GROUND FLOOR PLAN



SCALE: 1/8" = 1'-0"



0 4 8 16 32

**A1**  
120802

**A.R. MITCHELL MUSEUM**  
JAMISON BUILDING  
150 EAST MAIN STREET  
TRINIDAD, COLORADO

**THE FLORIN GROUP**  
In South Teyer Suite 102, Colorado Springs, Colorado 80903 (719) 471-8422  
Architectural Engineering, Historic Preservation

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

CERTIFICATE OF POSTING

I, Audra Garrett, City Clerk of the City of Trinidad, Colorado, do hereby certify that pursuant to the laws of the State of Colorado, and the ordinances of the City of Trinidad, Arthur Roy Mitchell Museum, Inc., 150 E. Main Street Trinidad, Colorado, which business has applied for a Special Events Permit, to sell and dispense Malt, Vinous and Spirituous Liquors at 150 E. Main Street, Trinidad, Colorado, on July 20, 2013, was duly posted for no less than ten continuous days, with the first day of posting occurring on the 18<sup>th</sup> day June, 2013.

WITNESS, my hand and the official seal of the City of Trinidad, Colorado, this 18<sup>th</sup> day of June, 2013.

CITY OF TRINIDAD, COLORADO

(S E A L)

Audra Garrett  
Audra Garrett, City Clerk

6/17/13

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

Applicant: Arthur Roy Mitchell Museum, Inc.

dba: Quick Draw Event – July 20, 2013

Address: 150 E. Main Street

Type of License: Malt, Vinous and Spirituous

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: July 2, 2013

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_ *OR* \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6-19-13  
Date

*Jeroy Area*  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 27, 2013

June 11,2013

**FIRE SAFETY PLAN FOR**

The Mitchell Museum

150 E. Main St.

Trinidad,CO 81082

719 846-4224

Mitchellmusuem@qwestoffice.net

**SPECIAL EVENT: Quick Draw and Auction**

**1.Sat. July 20, about 125 expected at the museum**

**Fund-raiser for the museum**

**Drinks will be served at the BAR in front of the stairwell on the 1<sup>st</sup> floor**

**1.Exit routes are clearly marked. There are 2 main exits near the front door.**

**2.The means of egress are illuminated at all times.**

**3.The building served by the means of egress is occupied.**

**4.The flow of egress travel will not be interrupted by any building element.**

**5.Obstructions shall not be placed in the required width of means of egress.**

**6.The occupancy load as determined by Trinidad Fire Department will be strictly adhered to by the A.R. Mitchell Museum and its staff and security.**

**7.Fire extinguishers shall be appropriate to the Special Event in quantity and size, and shall have been inspected by a certified inspection company.**

**8.Smoke and carbon monoxide detectors shall be operable.**

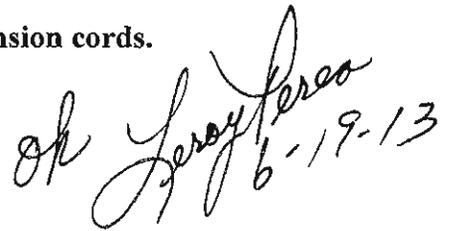
**9.The A.R. Mitchell Museum will not be using excessive extension cords.**

**Submitted by:**

**Paula Little**



**Director**



6/17/13

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

Applicant: Arthur Roy Mitchell Museum, Inc.

dba: Quick Draw Event – July 20, 2013

Address: 150 E. Main Street

Type of License: Malt, Vinous and Spirituous

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: July 2, 2013

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

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

6-19-13  
Date

*Ch. L. Kelley*  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 27, 2013

6/17/13

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

Applicant: Arthur Roy Mitchell Museum, Inc.

dba: Quick Draw Event – July 20, 2013

Address: 150 E. Main Street

Type of License: Malt, Vinous and Spirituous

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: July 2, 2013

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: FOLLOW APPROVED SECURITY PLAN - COPY ATTACHED.

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06-19-13  
Date

Charles J. Francis  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 27, 2013

June 11, 2013

**Security Plan for the A. R. Mitchell Museum  
Quick Draw & Auction on July 20, 2013  
Requesting a liquor license**

**I. DESCRIPTION**

This is an annual event. Artists paint on the Courthouse lawn, the visitors walk down to the museum where there is an auction of the paintings.

**II.** Mimosas will be served in the museum from 12-2

**III.** We are expecting about 125 people

**II. SECURITY The Mitchell will provide 8 volunteers for the event**

- 1. They will have security I.D.'s at the exit/entrance to the museum.**
- 2. They will carry cellphones to immediately notify law enforcement should the need arise.**
- 3. The Trinidad Police Department shall be notified of any and all criminal events like fights, theft, assault, etc. that occur during the event.**
- 4. Trinidad Police Dept. personnel shall conduct walk-throughs of the event as deemed necessary by the Chief of Police.**

**III. LIQUOR SERVICE**

- 1. All persons responsible for the service of alcoholic beverages shall be TIPS certified.**
- 2. The bar will require a minimum of 2 persons to operate the bar.**
- 3. No person selling alcohol will consume alcohol.**
- 4. Personnel operating the bar should pay special attention to ensure that underage person ARE NOT being served alcohol. Personnel will also ensure that overly intoxicated persons are not being served (As per CRS and Municipal Code.) Any violations of the Colorado Beer and Alcohol Code and Trinidad Municipal Alcohol Code shall be immediately brought to the attention of security, who shall immediately notify TPD.**
- 5. No person who is not designated as a bar employee will be allowed behind the bar. Any unauthorized person found behind the bar will be removed from the event. Security will notify TPD for appropriate enforcement action.**
- 6. The event will have in place an accounting system for tracking all bar receipts and tip receipts. A TIP jar will not be left where it can be accessed by unauthorized persons.**
- 7. No person will be allowed to bring alcoholic beverages into the event area. No person is allowed to take alcoholic beverages out of the event area. Appropriate action will be taken for said violations.**

8. A minimum of 1 person shall be assigned to the bar to check ID to ensure that customers are of the legal drinking age. NO ID NO ALCOHOL.

#### IV. MAP OF EVENT

1. A map is enclosed. This details the locations of restrooms, and emergency exit points, and location of bar.

#### V. OCCUPANCY CERTIFICATION

1. The events will not exceed the occupancy rating as provided by the Trinidad Fire Dept.
2. Exits shall be kept free-flowing and clear of obstruction at all times.

*Paula Little*  
6/11/13

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:** July 2, 2013  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** Resolution determining that an election is required to consider one or more ballot issues and to elect the Mayor and four City Council Members and that such election should be held as a coordinated election

**PRESENTER:** Audra Garrett, City Clerk

**RECOMMENDED CITY COUNCIL ACTION:** Consider approval for submission to the County Clerk's office

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** The election itself will have costs associated with it.

**SOURCE OF FUNDS:** City Clerk's budget - Elections

**POLICY ISSUE:** N/A

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- This resolution and IGA are a first step in the election process.
- The resolution is due to the County 100 days prior to election -- July 26<sup>th</sup>.
- The IGA is required 70 days prior to the election.
- Staff will be presenting specific language for the Charter amendment ballot questions at the July 9<sup>th</sup> City Council Work Session.
- September 6<sup>th</sup> is the last day to certify the ballot content to the County Clerk.



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL DETERMINING THAT AN ELECTION IS REQUIRED TO CONSIDER ONE OR MORE BALLOT ISSUES AND TO ELECT THE MAYOR AND FOUR CITY COUNCIL MEMBERS AND THAT SUCH ELECTION SHOULD BE HELD AS A COORDINATED ELECTION

WHEREAS, the City of Trinidad and Las Animas County entered into an Intergovernmental Agreement on August 20, 1993 for the administration of their respective duties concerning the conduct of the coordinated election held on November 2, 1993; and

WHEREAS, although the Agreement provides for automatic renewal unless terminated by one of the parties, actual use of the Agreement for any election by the City requires City Council to make a determination by Resolution, that an election is required and should be held as a coordinated election; and

WHEREAS, an election is required to consider one or more ballot issues and to elect the Mayor and four City Council Members; and

WHEREAS, City Council has determined that it is in the best interest of the City that the election to be held on November 5, 2013 should be held as a coordinated election for the reasons set forth in the Intergovernmental Agreement.

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

1. An election is required to consider one or more ballot issues and to elect the Mayor and four City Council Members.
2. The election to be held on November 5, 2013 should be held as a coordinated election.
3. A copy of this Resolution shall be delivered to the County Clerk at least one hundred (100) days prior to the date of the election.

INTRODUCED, READ AND ADOPTED this 2nd day of July, 2013.

BERNADETTE BACA GONZALEZ,  
Mayor

ATTEST:

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** July 2, 2013  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** Renewal of Intergovernmental Agreement with Las Animas County for the conduct of the November 5, 2013 Regular Election as a Coordinated Election

**PRESENTER:** Audra Garrett, City Clerk

**RECOMMENDED CITY COUNCIL ACTION:** Consider approval for submission to the County Clerk's office

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** The election itself will have costs associated with it.

**SOURCE OF FUNDS:** City Clerk's budget - Elections

**POLICY ISSUE:** N/A

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- This resolution and IGA are a first step in the election process.
- The resolution is due to the County 100 days prior to election -- July 26<sup>th</sup>.
- The IGA is required 70 days prior to the election.
- Staff will be presenting specific language for the Charter amendment ballot questions at the July 9<sup>th</sup> City Council Work Session.
- September 6<sup>th</sup> is the last day to certify the ballot content to the County Clerk.

RENEWAL OF INTERGOVERNMENTAL AGREEMENT

This Renewal of Intergovernmental Agreement is made and entered into this 2nd day of July, 2013 by and between the City of Trinidad ("City") and Las Animas County ("County"), collectively referred to herein as the "Parties", for continued administration of their respective duties concerning the conduct of the coordinated election to be held November 5, 2013.

WHEREAS, the "Parties" entered into the Intergovernmental Agreement ("Agreement") on August 20, 1993; and

WHEREAS, automatic renewal of the Agreement is subject to the provisions in Article 1 Purpose and General Matters, Section 1.04. Term, Renewal and Activation, Subsections A and B; and

WHEREAS, the City agrees to pay its proportional share of the actual costs incurred in conduct of the coordinated election upon receipt of an itemized statement by the "County". The actual costs are to be determined by the number of jurisdictions participating in the coordinated election to be held on November 5, 2013.

THEREFORE, the Parties agree that the Intergovernmental Agreement shall be renewed for conduct of a coordinated election to be held on November 5, 2013.

IN WITNESS WHEREOF, the Parties hereto have signed this RENEWAL OF INTERGOVERNMENTAL AGREEMENT, to be effective as of the date first written above.

CITY OF TRINIDAD

ATTEST:

\_\_\_\_\_  
Bernadette Baca Gonzalez, Mayor

\_\_\_\_\_  
Audra Garrett, City Clerk

LAS ANIMAS COUNTY

\_\_\_\_\_  
Bernard Gonzales, Clerk and Recorder

Date \_\_\_\_\_



CITY OF TRINIDAD, COLORADO  
1876

### COUNCIL COMMUNICATION

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

**SUBJECT:** Consideration of First Amendment to the City Attorney's employment contract

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Consider approval

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** N/A

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** Consider alternative language

**BACKGROUND INFORMATION:**

- An employment contract was entered into on 12/1/2012.
- This will be the first amendment to the same.
- The terms being amended affect representation of private clients, vacation time, and evaluations.

## FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

**PARTIES:** City of Trinidad, Colorado  
135 North Animas Street  
P. O. Box 880  
Trinidad, CO 81082

Mr. Les Downs  
134 W. Main Street  
Trinidad, CO 81082

### **RECITALS:**

Mr. Les Downs (hereinafter, "**Mr. Downs**" or the "**Employee**") is employed as the City Attorney of Trinidad, Colorado City of Trinidad, Colorado, a home rule municipal corporation of the County of Las Animas, State of Colorado (hereinafter, the "**City**"), under an Employment Agreement ("**Agreement**") with the City of Trinidad, Colorado, entered into the 1<sup>st</sup> day of December, 2012. The Agreement was filed of record on December 20, 2012 in Las Animas County, Colorado in Book 1107 at Pages 799-802.

The City Council of Trinidad Colorado has determined to make the following Amendments to the Agreement:

1. **Employment.** The second paragraph of the Agreement is amended to read as follows:

It is understood that Mr. Downs will continue to maintain and operate his private law practice at the Law Office of Les Downs while employed as the City Attorney for the City of Trinidad, except that effective immediately, Mr. Downs shall no longer accept nor undertake felony defense work for any case(s) filed by the Trinidad Police Department. Mr. Downs agrees to conclude the four (4) pending Trinidad Police Department felony cases as soon as practicable.

2. **Terms of Employment.** A new subparagraph (d) is added to read as follows:

(d) **Evaluations.**

- (1) **Formal Evaluations.** The Council shall formally review and evaluate the performance of Mr. Downs at least once annually in advance of the adoption of the annual operating budget. Said review and evaluation shall be in accordance with specific criteria or goals developed jointly by City and Mr. Downs. Said criteria may be added to or deleted from as the Council may from time to time determine, in consultation with Mr. Downs.
- (2) **Informal Evaluations.** Quarterly, the Council and Mr. Downs shall meet in executive session for the purpose of informally reviewing his performance and relationship to Council. It is anticipated that this requirement will only be necessary for the first year of his employment measured from December 1, 2012.



My commission expires \_\_\_\_\_.

EMPLOYMENT AGREEMENT Initials:                                            
Les Downs Bernadette Baca Gonzalez