



CITY OF TRINIDAD  
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,  
Colorado, will be held on Tuesday, June 3, 2014 at 7:00 P.M.  
in City Council Chambers at City Hall

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Regular Meeting of May 20, 2014 and Special Meeting of May 27, 2014
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 4) **COUNCIL REPORTS**
- 5) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 6) **UNFINISHED BUSINESS**
- 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) New Medical Marijuana Center application filed by T. P. Main Street, LLC at 821 W. Main Street
  - c) New Medical Marijuana Optional Premise Cultivation Operation application filed by T. P. Main Street, LLC at 821 W. Main Street
  - d) New Medical Marijuana Infused-Products Manufacturer application filed by T. P. Main Street, LLC at 821 W. Main Street
  - e) Consideration of bid results for industrial mowers
  - f) Resolution supporting the agreement between the City and the State Board of the Great Outdoors Colorado Trust Fund to complete the Boulevard Addition Pedestrian Bridge
- 8) **BILLS**
- 9) **PAYROLL**, May 24, 2014 through June 6, 2014
- 10) **ADJOURNMENT**

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, May 20, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

**APPROVAL OF THE MINUTES.** Regular Meeting of May 6, 2014. A motion to approve the minutes as presented was made by Councilmember Miles and seconded by Councilmember Bolton. The motion carried unanimously upon roll call vote of Council members present.

**PROCLAMATION – EMERGENCY MEDICAL SERVICES WEEK, May 18, 2014 through May 24, 2014.** Mayor Reorda read aloud a proclamation naming May 18 through May 24<sup>th</sup> as Emergency Medical Services Week in Trinidad. The proclamation was presented to Trinidad Ambulance Service District Chief Dan Moynihan.

**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** Tom Murphy addressed Council regarding age. Mr. Murphy told Council that Al Neuharth, founder of USA Today, in his weekly column on Friday, March 11, 2011, wrote: Headline – “Age 80” “Today, really like yesterday, 60? One of the world’s smartest and most successful media moguls who owns and bosses the Wall Street Journal, Fox Network and other major entities here and abroad turns 80 today. Rupert Murdoch, despite his awesome record, doesn’t know how to let go of the reins. It is a prime example of a growing number of aging business or political leaders who believe that today’s 80 is like yesterday’s 60. They’re wrong. True, most of us are living longer; the life expectancy in the USA is now 77.8. But, mentally and physically we start to slow down in our late 60s. That doesn’t mean you can’t still be productive and successful in your field of work or a new endeavor. It does mean that if you are running the joint it’s time to turn the top job over to someone else. If we choose a successor wisely the person will take what we’ve done and preserve the best and improve the rest. When we started USA Today I was 58. I made it very clear that I would retire at 65. That inspired younger colleagues who had hopes of succeeding me and resulted in overall better team performance. Two very successful leaders in business and politics who like Murdoch don’t know when to quit – Warren Buffet, 80, legendary oracle of Omaha, and Senator John McCain, 74, of Arizona. If Buffet quit as the boss now, and held his umbrella over his successor, shareholders of his Brookshire Hathaway would be much more comfortable and he would be even more respected. If McCain announced he would give up his Senate seat when he was 79, instead of gearing up for another re-election, he’d be revered rather than resented. There’s a time to lead and there’s a time to leave.” Mr. Murphy told Mayor Reorda that his hissy fit two weeks ago is an ethics violation and he is trying to decide whether or not he is going to file that. He told the Mayor that it was nice to know what he really thought of him after all this time. But the reality is there’s only one person out to get Joe Reorda and that is Joe Reorda. Mr. Murphy told Mayor Reorda that if Mayor Reorda believed in his heart that he has that type of malice toward him, then the Mayor doesn’t know him or anything about him. But he said he can understand his reasoning because that’s the attitude he’s grown up with here and he doesn’t know any better. He added that a part of him feels sorry for Mayor Reorda, but then today when he paid his utility bill to ARPA he recalled that Mayor Reorda was the party to that who signed off on it time after time after time. That is his legacy. He concluded that he didn’t need a silver bullet, that is Mayor Reorda’s legacy and every time he pays that bill he thinks about him.

Stephen Hamer addressed Council regarding ADA noncompliance. He said he wanted to bring to Council an emerging concern he has. Mr. Hamer explained that at an eating establishment in the City they have bolted the tables in the middle of the sidewalk in front of their business. He said it creates a hazard for the blind and because you have to go around it. They also haven’t had a license in four years for the outdoor seating. He presumed they would get one now due to the courtesy and patience of the City. Mr. Hamer said people need to think of those riding in a wheel chair. They are starting to see in addition to that tables and chairs, A-frame signs and flower pots on the sidewalks. It is becoming increasingly difficult with the tourist traffic. He urged Council to consider an ordinance. The ADA requires a 36 inch path of travel through all sidewalks. Even store isles have to be 36 inches wide. He said when you start putting chairs around the tables you encroach on the three-foot path of travel. He said he ran across a man on the sidewalk who wouldn’t move for him to get by and told him that he couldn’t help that he was disabled. He said he is asking for three feet of travel for the disabled community and that it be enforced. It will continue to be a problem. Mayor Reorda asked Planning Director Fineberg if he had checked into the concern. Planning Director Fineberg said he did because a complaint was filed about the bolted-down tables. He and Chief Building Official Chris Kelley looked into and haven’t found anything in the ADA code that says the tables can’t be bolted down. In talking with the owners, the tables can be quickly unbolted. He was told that they were bolted down largely so that they wouldn’t be pushed out into the sidewalk. Mr. Hamer stated that if you add in the size of the chairs and allow for foot space there’s no way there’s 36 inches of travel space. He said he’s offered to lend City Manager Acre his wheelchair. He concluded that he is in favor of outdoor seating but not when you bolt tables to the sidewalks. In checking with seven other cities he was told that in their cities they would get a ticket for it.

Howard Lackey addressed Council concerning I-25 Economic Development. He said he read an article in last week’s paper that peaked his interest with regard to what Council is considering concerning marijuana laws. He said he thinks it would be a mistake to make the Industrial Park the only place someone can grow. It restricts free trade and for instance someone may have a warehouse on the east side of town and he’s going to employ 20 people in a grow operation. It’s not

the City's position to say he can't do it. He said he hoped in addition to medical marijuana Council considers retail at the same time. He said he calculated tax on one pound of marijuana over one year's time and came up with \$31,600 on the wholesale side and \$75,844 on the retail side, calculated using the 4% on the retail and the \$31,600 is the 5% surcharge the state is supposed to give to the City on the wholesale side. The retail as well as medical will be extremely important. Mr. Lackey said he thought there to be less than 50 cardholders in the community. Medical facilities would not be able to make it and are going to have to generate more income. The practice of selling medical marijuana for a year probably isn't the wisest thing to do. That would be like a liquor store owner only selling 3.2% beer for a year before they can sell 6%. The revenue lost over that year would be phenomenal. The money could be used to widen sidewalks and plant parks, etc. This is an opportunity to mine the biggest gold mine in this area, which is I-25, with 2.5 million cars traveling through per year; 2.5 million people; 6.25 million people at 5% that may stop to partake equals 312,500 people multiplied by \$65 per one-eighth ounce for \$20,312,000 per year. That buys a lot of things. Both medical and retail need to happen. He reiterated that this is the opportunity to mine I-25 that we've been looking at. He asked Council to think about it, concluding that it makes a lot of sense.

**COUNCIL REPORTS.** Mayor Reorda said he and Councilmember Mattie attended the UMWA 100-year anniversary of the strikers. They held the prayer and then allowed the City to address the crowd first. He thanked staff for the beautiful proclamation. He also thanked Councilmember Mattie for his address to those present and reading of the proclamation, saying that he had many of them in tears.

Councilmember Mattie said he is a fourth-generation decedent of Italian immigrants who came here for the purpose of mining coal. He said he had some resentment for the other communities for their claim of this event. Councilmember Mattie said there were representatives from Las Animas County, Pueblo City and Pueblo County as well as dignitaries from the UMWA national level. He said he was surprised to learn that the UMWA is involved in a lot of things besides coal mine unions, involving over 800 million members. He said he grew up in a UMWA household and his parents enjoyed union benefits beyond compare and belief. He thanked the Mayor for the opportunity to read the proclamation. He was told there were between 1,200 and 1,500 people in attendance, from West Virginia, Kentucky, Ohio, Utah and 30 union memberships of the UMWA present from all over the country. It was quite impressive. Councilmember Mattie commented that we all know the role the train played in the tragedy, providing a physical barrier for cover. During one presentation a 100-car train went through there. He said it couldn't have been better orchestrated. It was a meaningful moment.

Councilmember Fletcher reported that she too attended the commemoration. She said it was very touching and very well done by Mr. Bob Butero. She also reported that she participated in National Train Day and rode the train to Las Vegas, New Mexico, along with Mayor Reorda and Councilmember Bolton. Las Vegas, New Mexico, was their destination and they turned around there. They were a recipient of the Main Street grant that Trinidad is about to commence and it has turned the town around. It looked good and their stores were filled. There was great community participation. They have what's called the 'façade god,' a brigade of volunteers who goes down town and cleans on the weekends. She said our local 'lipstick and rouge' group is comparable. Las Vegas has had such a drought that many homes have Astroturf in their yards. Consequently people congregate in the parks with grass. Councilmember Fletcher also told Council that she attended a Parks & Recreation Board meeting last night that was very productive. Planning Director Louis Fineberg and Parks Superintendent Dave Esquibel were in attendance. They had a lot to say and input to provide. One thing they pointed out was that the City doesn't have any municipal tennis courts. There will be a group campaigning for that. The old tennis courts at the golf course were discussed. A Trinidad golf and tennis club would be a good idea. Pickle ball was likewise discussed. It is a slower tennis game. Mayor Reorda added that it is played with huge paddles. Councilmember Fletcher concluded that Dave Esquibel was very accommodating saying that all that would need to be done for indoor play at the recreation center is to put different color lines. Mayor Reorda commented that the City named the community center complex after Coach John Gagliardi, the highest winning coach in the country. He asked if there is a sign there that shows the name. City Manager Acre said he would check into it.

Councilmember Bolton thanked everyone who came down on May 10<sup>th</sup> to make National Train Day in Trinidad a success. She announced that there will be a Trinidad Creative District Community Open House on June 4<sup>th</sup> from 5:30 p.m. to 7:00 p.m. at the Trinidad State Junior College Pioneer Room. The presentation will include the Trinidad Downtown Creative District Plan, brand and logo. She concluded that additional information will be forthcoming soon.

Councilmember Miles told Council that she attended the 100-year commemoration of Ludlow as well. She said although she missed the Mayor and Councilmember Mattie speak, she understands the speeches were very well received and noted that last year the City wasn't invited to speak. She said she found it very inspiring. We all get caught up in our petty problems and if you want a lesson in gratitude just remember the hardships everyone went through during that era. Councilmember Miles said she also attended the gathering for the National Train Day but wasn't able to join them on the trip to Las Vegas. It was great to see the sense of community. She estimated there to be over 100 people there, including a lot of kids. She added that she felt a sense of pride in the community. Councilmember Miles said she attended the Water Festival and thought it was very nice to see the children in the beautiful green t-shirts. It was a great week for inspiration. She also told Council of a bocce ball league at Cimino Park that has drawn as many as 20 to 30 people on any given night. She encouraged people to come down and support the players. Regarding Economic Development she said they received an expression of interest from an entrepreneur who is looking at Industrial Park and other places. He likes the access to I-25 to start a bio-diesel fueling facility, made up of cellulose. She said she's looked at his financing plan and thinks he has some things to put into place, but he's someone who is attracted to our town and we should be proud of that.

Councilmember Mattie noted that at the Ludlow event there were two great-nephews of Louis Tikkas in attendance with their spouses, one from Florida and one from Greece. In addition Frank Petrucci was there. His mother and siblings were in the cellar. He lost his three siblings, but his mother survived. One of those siblings, Frank Petrucci, perished in the fire. The Frank Petrucci present at the commemoration had been re-named after his deceased sibling.

**REPORTS BY CITY MANAGER.** Public Works/Utilities Director. City Manager Acre introduced Mike Valentine as the newest addition to staff as the Public Works/Utilities Director. He said Mr. Valentine has been meeting with his staff and has touched base with him a couple of times. He said Mr. Valentine has been hard at it and City Manager

Acre said he looks forward to having more time to do other things. PW/Utilities Director Valentine said it has been good thus far. He said he's not sure if he's the prodigal son who needs a party or the bad penny. He concluded that he's already hit the ground running and hopes not to stumble too badly.

Councilmember Bolton asked if the project management grid will be included on the next work session agenda. City Manager Acre said it will be and asked Council to e-mail any questions they have regarding it to him. Councilmember Mattie said he looks at the grid as a road map and said it should be a topic of discussion at department head meetings every Monday. City Manager Acre said he thought with having Public Works/Utilities Director Valentine on board they will see more expedient progress. Councilmember Miles asked about the status of 'Conversations with Council.' City Clerk Garrett said she received three different responses regarding scheduling and asked for direction. City Manager Acre said staff would work to get one scheduled just prior to the next work session in June at TSJC from 11:00 a.m. to 1:00 p.m. Councilmember Fletcher encouraged consideration of an outdoor gathering in one of the parks, perhaps with food and refreshments. Mayor Reorda suggested they try the one indoors first and see what it looks like.

**REPORTS BY CITY ATTORNEY.** Marijuana. City Attorney Downs pointed out that in their Council packets the first medical marijuana application is on the agenda for this evening. He reminded Council that when it comes up on the agenda this evening they will set it for hearing. The hat they are going to be wearing is different from what they have been wearing. Now that the medical marijuana ordinance is in place it has become law. Council has gone from being a legislative body to being an adjudicatory or quasi-judicial body. As a legislative body, Council could be influenced or lobbied about issues. However, he said it is not appropriate now for them to be influenced. It is not appropriate for them to hear or listen to external or extraneous testimony or any kind of outside considerations. The City now has the ordinance in place and Council's job will be as the applicants come before them for a hearing that they follow the law. Medical marijuana is now allowed in Trinidad. Their consideration as an adjudicatory body will be if the applicant meets the criteria. If they do, Council must grant the license. Even if a Council member has personal opposition, they must follow the law and grant the license. In response to Howard Lackey's previous comments, City Attorney Downs said that there are actually between 450 and 480 medical marijuana card holders in the community – more than 50. He added that Council is hot on the heels of everything retail. He reiterated that it is now appropriate for Council to wear a different hat and not be lobbied by people. City Attorney Downs told Council that Tara Marshall has organized a wonderful marijuana tour for staff to travel to Pueblo County to meet with their County Clerk, Attorney and Planner – everyone that has anything to do with licensing. Thereafter staff will be touring a number of facilities. He noted that Ms. Marshall has gone to a tremendous amount of trouble to organize the tour. Mayor Reorda reminded Council of their previous discussions to refer people to the City Planner or City Attorney if they have questions or concerns about marijuana licensing. City Attorney Downs elaborated that if Council members allow themselves to be influenced they would have to recuse themselves. An issue already came up on a conditional use permit at the Planning Commission meeting. A commissioner should have recused himself and he failed to address it sufficiently. He said next Tuesday's work session will be very big on retail marijuana and he said he hoped to get direction from Council. He said he'd like to have an ordinance ready for first reading on June 3<sup>rd</sup> and second reading on June 17<sup>th</sup> to be effective on June 27<sup>th</sup> if approved. Council expressed interest in taking a similar tour. City Manager Acre said he'd ask staff to set one up for one-half a day plus travel time.

**UNFINISHED BUSINESS.** None.

**MISCELLANEOUS BUSINESS.** Consideration of SGM Professional Services Agreement for the Commercial Street Phases I and II Design and Construction Documents. A motion to approve the Professional Services Agreement with SGM, Inc. for the Commercial Street Phases I and II Design and Construction Documents was made by Councilmember Bolton and seconded by Councilmember Fletcher. The motion carried by a unanimous roll call vote.

Grant agreement between the City and the State Board of the Great Outdoors Colorado Trust Fund (GOCO) for the Boulevard Addition Pedestrian Bridge Project. Councilmember Fletcher asked if the design of the bridge will be like the one on the river walk by Noah's Ark. Planning Director Fineberg answered that they haven't picked out a final design. The bridge will be a pre-fabricated structure and there are several designs to choose from. There will be a small amount of site engineering. Councilmember Bolton moved to approve the grant agreement and Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

Approval of Boulevard Addition property acquisition. Planning Director Louis Fineberg addressed Council. He explained that this is the second half of the City's property acquisition. The City has already acquired the property in the Boulevard Addition inside of the City's limits. This is for the 14 acres adjacent to the City in the County. If acquired the City would own approximately 90 acres for the Boulevard Addition Park. Councilmember Fletcher asked if there will be a problem with getting access over the private property to the south. Planner Fineberg said they intentionally avoided acquiring it this time around because there is a lot of clean up required. Staff didn't want to deal with that as part of this project. Going forward it would behoove the City to acquire that property, however as part of the Old Sopris Trail Plan. He reiterated that extensive clean up is required. Councilmember Fletcher asked how people would access this property. Planner Fineberg said the pedestrian bridge will be accessed from the river walk. At the end of Boulevard there will be a trailhead. The trail system in the Boulevard Addition will have a low-water crossing using an existing road. The trail will generally parallel the river. Once the trail is complete he said he anticipates there will be at least three points of access from the Old Sopris Road to the river. He showed Council various potential access points on a map for trailheads and for emergency vehicles. Councilmember Fletcher asked if the 14 acres is for more trails. Planner Fineberg said it is to work toward the completion of the Old Sopris Trail Plan to connect downtown to Trinidad Lake State Park. He said one consideration in the planning process was rather than acquiring a ten-foot easement for a trail, given what this property is appraising for, it made more sense to acquire this land. People also get access to four miles of river. Councilmember Fletcher asked about a possible dog park. Planner Fineberg showed Council on a map the area he felt had potential for a dog park. He explained that if one is on the Exit 13A overpass looking down to the flood plain it would be in that area. Some of it the City has already acquired. He said it is a nice piece because they can include a piece of river. It also has a really high slope that would be like a natural barrier and another part of it is already fenced. He added that he is not suggesting only one dog park. Councilmember Mattie expressed interest in pulling people off of the interstate. Additional discussion was held concerning a possible dog park. Mayor Reorda asked if the area discussed was the same as what the dog committee is

suggesting. Planner Fineberg said it is not but is within the Boulevard Addition and he has agreed to meet with the dog committee on site next month. City Manager Acre suggested the dog park could be discussed further at the next work session. A motion to approve the Boulevard Addition property acquisition was made by Councilmember Miles and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote.

Agreement between the City, Las Animas County and Trinidad-Las Animas County Economic Development Corporation for an Economic Development Administration (EDA) grant application. City Manager Acre reminded Council that this is for a grant that the City, Las Animas County and Trinidad-Las Animas County Economic Development are working together on through the Economic Development Administration. SCEDD asked them to put this agreement together. Las Animas County is the only county in Colorado eligible for the grant. To qualify the area had to be impacted by a coal mine closure. Las Animas County will be the lead with work and support from the City and TLAC Economic Development. He said the County and TLAC Economic Development will both be considering this agreement this week as well. Councilmember Miles asked the schedule. City Manager Acre said they are going after grant money for planning to get the Industrial Park shovel ready; a regional recycling center and airport. The grant is due at the end of the month. He noted that there will be more money coming later this fall. There is \$3 million available nationwide currently. He said he understands they want to see something happen in southern Colorado. Councilmember Miles asked if he's heard how the grant writing process is going with SCEDD. City Manager Acre said he hasn't heard. A motion to approve the agreement between the City, Las Animas County and Trinidad-Las Animas County Economic Development Corporation for an Economic Development Administration (EDA) grant application was made by Councilmember Bolton. Councilmember Miles seconded the motion. Upon roll call vote the motion carried unanimously.

New Medical Marijuana Center application filed by M & M Distributing, LLC at 422 N. Commercial Street. Councilmember Bolton moved to set the Medical Marijuana Center application filed by M & M Distributing, LLC at 422 N. Commercial Street for public hearing on July 1, 2014 at 7:00 p.m. Councilmember Fletcher seconded the motion. Councilmember Miles asked if that is the earliest possible date that the hearing could be held. City Attorney Downs said it is the earliest outside of the 30 day required period. The motion carried by a unanimous vote upon roll call.

New Medical Marijuana Optional Premise Cultivation Operation application filed by M & M Distributing, LLC at 422 N. Commercial Street. Councilmember Bolton made a motion to set a public hearing for the Medical Marijuana Optional Premise Cultivation Operation application filed by M & M Distributing, LLC at 422 N. Commercial Street for 7:00 p.m. on July 1, 2014. The motion was seconded by Councilmember Fletcher and carried by a unanimous roll call vote of Council members present.

**BILLS.** Councilmember Bolton stated that within the bills there is an area that reflects manual checks typically for refund of utility deposits. She said this reporting period there was about a page and one-half of those checks and some of them were quite sizable. She asked what they were for. City Manager Acre said he thought he knew what those checks were issued for, but would confirm and get back to Council. Councilmember Bolton asked if it is repayment of overcharges. City Manager Acre said he would find out and get back to Council on it tomorrow. A motion to approve payment of the bills with proper information to be provided to Council concerning her question was made by Councilmember Bolton. The motion was seconded by Councilmember Mattie. Roll call was taken on the motion and it carried unanimously.

**PAYROLL,** May 10, 2014 through May 23, 2014. A motion to approve the payroll was made by Councilmember Miles and seconded by Councilmember Fletcher. Roll call was taken and the motion carried unanimously.

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

ATTEST:

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JOSEPH A. REORDA, Mayor

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

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, May 27, 2014, at 1:00 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD  
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, May 27, 2014, at 1:00 p.m. in the Council Chambers at City Hall

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

- 1) Executive session – For a conference with the City’s Attorneys for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – ARPA litigation update

The meeting was called to order at 1:03 p.m.

Roll call was taken.

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

Executive session - For a conference with the City’s Attorneys for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – ARPA litigation update. A motion to enter into executive session for the stated purpose was made by Councilmember Bolton. Councilmember Miles seconded the motion. Upon roll call vote the motion carried unanimously. The executive session ensued at 1:03 p.m. Upon conclusion of executive session at 1:35 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 27<sup>th</sup> day of May, 2014, was permissible under CRS Section 24-6-402 (4)(b).*

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

\_\_\_\_\_  
*Les S. Downs*  
City Attorney

There being no further business, Councilmember Fletcher moved to adjourn the meeting and Councilmember Torres seconded the motion. Upon a unanimous roll call vote, the meeting was adjourned.

ATTEST:

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JOSEPH A. REORDA, Mayor

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

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### COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** June 3, 2014  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 6

**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 application is in order.
- The departmental report from the Fire Department states that the applicant's vent hood and extinguishers need to be inspected.
- The Building Inspector had no comments.
- The Police Department had no calls for service.
- The Health Department reported compliance.
- Disclosure statements provided by Councilmembers Miles and Torres are attached.
- Appropriate fees have been paid.

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**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

CLUBHOUSE GRILLE THE  
 1415 NOLAN DR  
 TRINIDAD CO 81082

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	
Optional Premise \$100 x <u>1</u>	\$100.00
Related Resort \$75 x _____	
<b>Amount Due/Paid</b>	<b>600<sup>00</sup></b>

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

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

**RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name <b>CLUBHOUSE GRILLE THE</b>		DBA <b>CLUBHOUSE GRILLE THE</b>		
Liquor License # <b>43039290000</b>	License Type <b>Hotel &amp; Restaurant / Optional (city)</b>	Sales Tax License # <b>043039290000</b>	Expiration Date <b>6/26/2014</b>	Due Date <b>5/12/2014</b>
Street Address <b>1415 NOLAN DR TRINIDAD CO 81082</b>				Phone Number <b>719-422-8188</b>
Mailing Address <b>1415 NOLAN DR TRINIDAD CO 81082</b>				
Operating Manager <b>David Griego</b>	Date of Birth [REDACTED]	Home Address <b>Trinidad, Co. 81082</b>	Phone Number [REDACTED]	

- Do you have legal possession of the premises at the street address above?  YES  NO  
 Is the premises owned or rented?  Owned  Rented\* \*If rented, expiration date of lease 5-1-17
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.  YES  NO  
**NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:** If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation.  YES  NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  YES  NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  YES  NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and **attach a copy of their driver's license, state-issued ID or valid passport.**

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

Type or Print Name of Applicant/Authorized Agent of Business <b>David B. Griego</b>	Title <b>Owner</b>
Signature <b>David B. Griego</b>	Date <b>5-8-14</b>

**REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY**

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

Local Licensing Authority For <b>Trinidad</b>	Date
Signature	Title <b>Mayor</b>
	Attest

5/14/14

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

Applicant: B & G, Inc.

dba: Clubhouse Grille, The

Address: 1415 Nolan Drive

Type of License: Hotel and Restaurant with Optional Premises

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: June 3, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Vent hood & extinguishers need  
inspection

5/16/14  
Date

[Signature]  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 27, 2014

5/14/14

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

Applicant: B & G, Inc.

dba: Clubhouse Grille, The

Address: 1415 Nolan Drive

Type of License: Hotel and Restaurant with Optional Premises

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: June 3, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

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

5-20-2014  
Date

*Chris S. Kelley*  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 27, 2014

5/14/2014

**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 3, 2014

\*\*\*\*\*

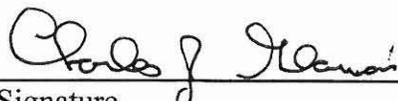
**DEPARTMENT REVIEW**

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No records found

05-16-14  
Date

  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 27, 2014

## Audra Garrett

---

**From:** John Martinez [jmartinez@la-h-health.org]  
**Sent:** Wednesday, May 14, 2014 3:49 PM  
**To:** Audra Garrett  
**Subject:** RE: liquor

Hi Audra;

B&G, d/b/a The Clubhouse Grille Located at 1415 Nolan Drive Trinidad, Colorado is Approved by this agency.

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

**From:** Audra Garrett [<mailto:audra.garrett@trinidad.co.gov>]  
**Sent:** Wednesday, May 14, 2014 3:00 PM  
**To:** John Martinez  
**Subject:** liquor

Hi John

Please verify 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](mailto:audra.garrett@trinidad.co.gov)



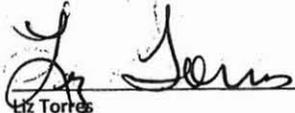
**DISCLOSURE STATEMENT**

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

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

**DISCLOSURE STATEMENT**

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

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

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### COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** June 3, 2014  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** New Medical Marijuana Center application filed by T. P. Main Street, LLC at 821 W. Main Street

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Set the matter for public hearing.

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** This is an application for a new license.

**ALTERNATIVE:** N/A

**BACKGROUND INFORMATION:**

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is July 15, 2014 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

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**CITY OF TRINIDAD**  
 City Clerk's Office  
 135 N Animas St  
 P.O. Box 880  
 Trinidad, Colorado 81082  
 719-846-9843

City of Trinidad  
 MAY 19 2014  
 City Clerk's Office

MEDICAL MARIJUANA LICENSE APPLICATION	
<input checked="" type="checkbox"/> New License Application Fee \$2,500.00	<input checked="" type="checkbox"/> License Fee/Renewal Fee \$1,000.00
<input type="checkbox"/> Transfer of Ownership Application Fee \$1,500.00	<input type="checkbox"/> Change of Location \$1,500.00
LICENSE TYPE	
<input checked="" type="checkbox"/> Medical Marijuana Center	<input checked="" type="checkbox"/> Medical Marijuana Infused-Products Manufacturer
<input checked="" type="checkbox"/> Medical Marijuana-Optional Premises Cultivation Operation	
TYPE OF BUSINESS	
<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership
<input checked="" type="checkbox"/> Limited Liability Corporation	<input type="checkbox"/> Other
<input type="checkbox"/> Individual*	
*Sole Proprietorship (Individual) – Verification of Lawful Presence is required per State law (Signed Affidavit and Photo ID)	

Applicant T.P. Main Street LLC  
 (Corporation/LLC)

Applicant \_\_\_\_\_  
 (Sole Proprietor) First Name Middle Initial Last Name

Trade Name of Establishment (DBA) ~~TPA~~ - Trinidad Leaf

Address of Premise 821 E. Main Street, Trinidad, Co. 81082

Mailing Address 16018 Manila Lane, Boncarbo, Co. 81024

Telephone \_\_\_\_\_ Email Address trinidadpeters@live.com

Contact Person/Manager Tim Peters Title MANAGER

Telephone \_\_\_\_\_ Email Address trinidadpeters@live.com

Does the Applicant have legal possession of the premise for at least one (1) year from the date that this license will be issued by virtue of ownership, lease or other arrangement?

Ownership  Lease  Other (explain in detail)

If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:\*\*  
 Landlord Trinidad Pumping Inc. Tenant TP Main Street LLC Expires continuous until cancelled.

\*\*If premises are leased, attach notarized consent by the owner of the property to the licensing of the premises for a medical marijuana facility.

**ADDITIONAL DOCUMENTS TO BE SUBMITTED WITH APPLICATION**

Individual History Records attached and completed by each individual applicant, all general partners of a partnership, and limited partners owning 10% (or more) of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation; all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company and all managers and employees of a Medical Marijuana License.

1. Fingerprinting by the Trinidad Police Department for:

- ~~all~~ general partners of a partnership and limited partners owning 10% (or more) of a partnership;
- all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation;
- all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company; and
- all managers and employees of a Medical Marijuana License

with the appropriate fee payable to Colorado Bureau of Investigation (currently \$38.50, March, 2014)

*Done*

2. Lease or Deed – Evidence of Possession ✓

3. Conditional Use Permit approval ✓

4. Copy of alarm system contract *pending*

5. Copy of state sales tax license ✓

6. Certificate of Good Standing ✓

7. Affidavit of Lawful Presence (Sole Proprietors only) *NA*

8. Diagram of Premises:

- A floor plan, drawn to scale on 8-1/2 x 11" paper, showing the layout of the center and the principal uses of the floor area. Floor plan must include location of lighting and cameras required by state rules.

9. Copy of State Application with attachments

**LIST OF OWNERS, OFFICERS, MANAGERS, EMPLOYEES & OTHERS WITH DIRECT OR INDIRECT FINANCIAL INTEREST**

1. Name: Tim Peters Title: Managing Member  
Address: 16018 Manilla Lane, Boncarbo, Co, 81024  
Financial Interest: 90%

2. Name: Juanita Peters Title: Member  
Address: 16018 Manilla Lane, Boncarbo Co 81024  
Financial Interest: 10%

3. Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Financial Interest: \_\_\_\_\_

4. Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Financial Interest: \_\_\_\_\_

5. Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Financial Interest: \_\_\_\_\_

6. Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Financial Interest: \_\_\_\_\_

7. Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Financial Interest: \_\_\_\_\_

The applicant hereby acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, that the City of Trinidad accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana business; and that the application and documents submitted for other approvals relating to the medical marijuana business operation are subject to disclosure in accordance with the Colorado Open Records Act.

By accepting a license issued pursuant to this ordinance, a licensee releases the City, its officers, elected officials, appointed officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

By accepting a license issued pursuant to this ordinance a licensee, jointly and severally if more than one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana dispensary that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees.

***I declare, under penalty of perjury, that this application has been examined by me; that the statements made herein are made in good faith and, to the best of my knowledge and belief, true, correct and complete.***

Signed: Tim Peters  
(Must be signed by Individual Owner, Partner, or Officer)

Title: Managing Member

Printed Name: Tim Peters

Date: 5-15-2014



7c



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** June 3, 2014  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** New Medical Marijuana Optional Premise Cultivation Operation application filed by T. P. Main Street, LLC at 821 W. Main Street

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Set the matter for public hearing.

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** This is an application for a new license.

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is July 15, 2014 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

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## Appendix A

Colorado Marijuana Licensing Authority

### Optional Premise Cultivation License

Business Applicant must fill out an Appendix A for EACH Cultivation it is applying for. Please see website for fee table.

Applicant's Legal Business Name (Please Print) <i>T.P. Main Street LLC</i>		Marijuana License Number (Assigned by Division)	
Trade Name (DBA) (Provide Trade Name Registration) <i>Trinidad Leaf</i>		Website Address <i>No site yet</i>	
<b>Physical Address</b>			
Street Address of Optional Premises Cultivation <i>821 E Main Street</i>		City <i>Trinidad</i>	State <i>Co</i>
		ZIP <i>81082</i>	
Business Phone Number <i>719-680-2101 (For now)</i>		Home Phone Number [REDACTED]	Email Address <i>trinidadpeters@live.com</i>
<b>Mailing Address (if different from Business Address)</b>			
Address <i>16018 Manilla Lane</i>		City <i>Boncarbo</i>	State <i>Co</i>
		ZIP <i>81024</i>	
On a separate sheet, list all principal places of business for the past 5 years if different from above.			
Primary Contact Person for Business <i>Tim Peters</i>		Title <i>Managing Member</i>	Primary Contact Phone Number <i>719-680-2101</i>
Primary Contact Address (city, state ZIP) <i>16018 Manilla Lane, Boncarbo Co 81024</i>		Primary Contact Fax Number <i>NA</i>	
Federal Taxpayer ID [REDACTED]	Colorado Sales Tax License # [REDACTED]	Email Address <i>trinidadpeters@live.com</i>	
Does the applicant have legal possession of the premises by virtue of ownership, lease or other arrangement? <input checked="" type="checkbox"/> Ownership <input type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____			
(a) If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:			
Landlord <i>NA</i>	Tenant		Expires
Attach a diagram of the premises to be licensed and outline or designate the area (including dimensions) which shows the limited access areas, walls, partitions, entrances, exits and what each room shall be utilized for in this business, including security equipment locations. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)			
Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies, trusts), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money or profits from this business. Attach a separate sheet if necessary.			
Name		Date of Birth	FEIN or SSN
Interest			
<i>None</i>			
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.			
<b>Local Licensing Authority (To be completed by Applicant)</b>			
Local Licensing Authority/Department <i>City of Trinidad - Clerk</i>		Address <i>135 N Animas St, Trinidad Co 81082</i>	
Local Licensing Authority contact name <i>Audra Garrett</i>		Contact Number <i>719-246-9813</i>	Contact Email <i>audra.garrett@trinidad.co.gov</i>
Date of application with local authority		Date of approval from local authority, if any	
Are you requesting a concurrent review? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

\*  
got it

\*

\*

?



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** June 3, 2014  
**PREPARED BY:** Audra Garrett, City Clerk  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** New Medical Marijuana Infused-Products Manufacturer application filed by T. P. Main Street, LLC at 821 W. Main Street

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Set the matter for public hearing.

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** This is an application for a new license.

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is July 15, 2014 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

7d

7d



# CITY OF TRINIDAD

City Clerk's Office  
135 N Animas St  
P.O. Box 880  
Trinidad, Colorado 81082  
719-846-9843

City of Trinidad  
MAY 19 2014  
City Clerk's Office

## MEDICAL MARIJUANA LICENSE APPLICATION

New License Application Fee \$2,500.00       License Fee/Renewal Fee \$1,000.00  
 Transfer of Ownership Application Fee \$1,500.00       Change of Location \$1,500.00

### LICENSE TYPE

Medical Marijuana Center       Medical Marijuana Infused-Products Manufacturer  
 Medical Marijuana-Optional Premises Cultivation Operation

### TYPE OF BUSINESS

Corporation       Partnership       Individual\*  
 Limited Liability Corporation       Other

\*Sole Proprietorship (Individual) – Verification of Lawful Presence is required per State law (Signed Affidavit and Photo ID)

Applicant T.P. Main Street LLC  
(Corporation/LLC)  
Applicant \_\_\_\_\_  
(Sole Proprietor)      First Name      Middle Initial      Last Name

Trade Name of Establishment (DBA) ~~TPD~~ - Trinidad Leaf

Address of Premise 821 E. Main Street, Trinidad, Co. 81082

Mailing Address 16018 Manilla Lane, Boncarbo, Co. 81024

Telephone \_\_\_\_\_ Email Address Trinidadpeters@live.com

Contact Person/Manager Tim Peters Title MANAGER

Telephone \_\_\_\_\_ Email Address Trinidadpeters@live.com

Does the Applicant have legal possession of the premise for at least one (1) year from the date that this license will be issued by virtue of ownership, lease or other arrangement?

Ownership       Lease       Other (explain in detail)

If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:\*\*  
Landlord Trinidad Pumping Inc. Tenant TP Main Street LLC Expires continuous until cancelled.

\*\*If premises are leased, attach notarized consent by the owner of the property to the licensing of the premises for a medical marijuana facility.

**ADDITIONAL DOCUMENTS TO BE SUBMITTED WITH APPLICATION**

Individual History Records attached and completed by each individual applicant, all general partners of a partnership, and limited partners owning 10% (or more) of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation; all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company and all managers and employees of a Medical Marijuana License.

1. Fingerprinting by the Trinidad Police Department for:

- all general partners of a partnership and limited partners owning 10% (or more) of a partnership;
- all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation;
- all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company; and
- all managers and employees of a Medical Marijuana License

with the appropriate fee payable to Colorado Bureau of Investigation (currently \$38.50, March, 2014)

2. Lease or Deed – Evidence of Possession ✓

3. Conditional Use Permit approval ✓

4. Copy of alarm system contract ... pending

5. Copy of state sales tax license ✓

6. Certificate of Good Standing ✓

7. Affidavit of Lawful Presence (Sole Proprietors only) NA.

8. Diagram of Premises:

- A floor plan, drawn to scale on 8-1/2 x 11" paper, showing the layout of the center and the principal uses of the floor area. Floor plan must include location of lighting and cameras required by state rules.

9. Copy of State Application with attachments

**LIST OF OWNERS, OFFICERS, MANAGERS, EMPLOYEES & OTHERS WITH DIRECT OR INDIRECT FINANCIAL INTEREST**

1. Name: Tim Peters Title: MANAGING Member  
Address: 16018 MANILLA LANE, BONCARBO, CO, 81024  
Financial Interest: 90%

2. Name: JUANITA Peters Title: Member  
Address: 16018 MANILLA LANE, BONCARBO CO 81024  
Financial Interest: 10%

3. Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Financial Interest: \_\_\_\_\_

4. Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Financial Interest: \_\_\_\_\_

5. Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Financial Interest: \_\_\_\_\_

6. Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Financial Interest: \_\_\_\_\_

7. Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Financial Interest: \_\_\_\_\_

The applicant hereby acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, that the City of Trinidad accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana business; and that the application and documents submitted for other approvals relating to the medical marijuana business operation are subject to disclosure in accordance with the Colorado Open Records Act.

By accepting a license issued pursuant to this ordinance, a licensee releases the City, its officers, elected officials, appointed officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

By accepting a license issued pursuant to this ordinance a licensee, jointly and severally if more than one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana dispensary that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees.

***I declare, under penalty of perjury, that this application has been examined by me; that the statements made herein are made in good faith and, to the best of my knowledge and belief, true, correct and complete.***

Signed: Tim Peters Title: Managing Member  
(Must be signed by Individual Owner, Partner, or Officer)

Printed Name: Tim Peters Date: 5-15-2014



City of Trinidad, Colorado  
1876

**CITY OF TRINIDAD, COLORADO  
OFFICE OF THE CITY CLERK**

**LICENSEE'S STATEMENT REGARDING KNOWLEDGE  
OF THE STATE OF COLORADO'S MEDICAL MARIJUANA CODES AND  
REGULATIONS AND THE CITY OF TRINIDAD'S ORDINANCES AND LOCAL  
RULES OF PROCEDURE GOVERNING MEDICAL MARIJUANA BUSINESSES**

The Local Licensing Authority, as the enforcement agency for the for the City of Trinidad, expects a Medical Marijuana Business licensee to be knowledgeable of the State of Colorado's and the City of Trinidad's Medical Marijuana laws, codes, regulations and ordinances and to seek further clarification of such information if necessary.

I, Tim Peters, hereby state that I have read Article 43.3 of Title 12, C.R.S., as amended, and the regulations promulgated thereunder, and the City of Trinidad Municipal Code regarding general business licensing and Medical Marijuana business licensing and understand the contents thereof.

Tim Peters

Printed Name of Licensee

Tim Peters

Authorized Signature of Licensee/Title

KAREN S. TOKAR  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20054016083  
MY COMMISSION EXPIRES 04/21/2017

May 15 - 2014

Date

STATE OF COLORADO )

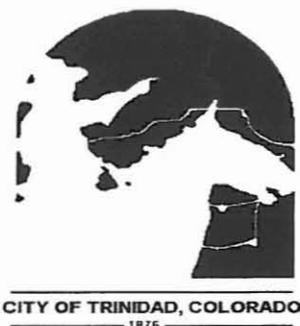
COUNTY OF LAS ANIMAS )

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Subscribed and sworn to before me this 15 day of May, 2014.

Karen S. Tokar  
Notary Public Signature

My Commission Expires: 4/21/2017



## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** June 3, 2014  
**PREPARED BY:** Dave Esquibel, Parks Supt.  
**DEPT. HEAD SIGNATURE:**  
**# OF ATTACHMENTS:** 2

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**SUBJECT:** Consideration of bid results for industrial mowers

**PRESENTER:** Dave Esquibel, Parks Supt.

**RECOMMENDED CITY COUNCIL ACTION:** Consider the bids.

**SUMMARY STATEMENT:** Five bids were received. The apparent low bid is not the recommended bid because it is not the most qualified. The low bidder's mowing units have catch bags that sit very low to the ground. Once full, those bags must be removed from the unit and picked up by hand to remove the clippings to the back of a pickup (bid from Monte Vista Cooperative). The mower units that are recommended for purchase sit higher up and are hydraulic. Once full the hydraulic unit lifts the bag high enough to dump into the back of a truck. This difference represents a time savings and is safer for the employees in that they do not have to physically lift a full bag into the back of a truck (bid from Horizon Distributors, Inc.).

**EXPENDITURE REQUIRED:** Yes

**SOURCE OF FUNDS:** 2013 and 2014 Budget, Lottery Fund, #9310 Equipment Acquisition, \$25,000 each year; #9334 Park Maintenance

**POLICY ISSUE:** The bidding policy was adhered to for the acquisition of the mowers.

**ALTERNATIVE:** N/A - Current equipment is no longer adequate and recommended bid is the most qualified bid.

### BACKGROUND INFORMATION:

- The current mowers are 16 years old and Parks Department employees are credited with sustaining their useful life. The recommended mowers are the same make as the current units. Current mowers are hydraulic. Therefore the recommended units are like units.
- Last budget year the purchase was delayed due to budgetary constraints. We are at a point where the equipment is necessary to maintain the parks adequately and efficiently.

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MEMO

TO: Tom Acre, City Manager  
Mayor Reorda and Members of City Council

FROM: David L. Esquibel, Parks & Boulevards Superintendent

SUBJECT: Award of Bid for TWO (2)  
New Industrial Grade Mowers

DATE: April 16, 2014



Council approved on this years budget the purchase of One Industrial Grade Mower and One in last year budget (not Purchased) for the Parks & Boulevards Department. Bid specifications for a two new 2014 industrial grade mowers were published, March 13<sup>th</sup>, 17<sup>th</sup> and 21<sup>st</sup>, 2014 in our local news paper, along with a hand delivered copy to one local business and four out-of-town businesses. Bid specifications are on file with the Parks & Boulevards Department.

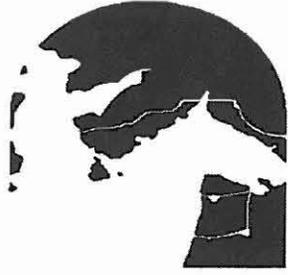
Sealed bids were received until 1:30 PM on April 11, 2014 at which time were publicly opened and read at the Parks & Boulevards Department. Bids were received from five businesses, some meet all our specifications others did not.. The bid opening is now documented and on file with our department.

My recommendation for the Parks and Boulevards Department if approved by City Council is to purchase two new 2014 Industrial Grade Mowers from Horizon Distributors Inc. of Littleton, CO. in the amount of \$51,744.24. The other bids that came in are listed on page two. Please understand that Horizon Distributors Inc. was not the low bid, but is my recommendation.

PROJECT: # 2014-4513-9310

DATE: 04/11/14 TIME: 1:30 p.m.

No.	Bidder's Name	Amount	Addendum Acknowledged
1	<del>THE L. JOHNSON DISTRIBUTING Co.</del>	\$25,403.00	DID NOT MEET ALL SPECIFICATIONS SHOWED 62" NOT A 72" FRONT DECK SMALL MARCHING PAIR (?)
2	MONTE VISTA COOPERATIVE	\$50,880.00	MEETS ALL SPECIFICATIONS QUESTION FRONT DIGITAL PANEL FRIGHT NOT INCLUDE (?)
3	CANON City TRUE VALUE	\$14,950.00	NO WRITTEN SPECIFICATIONS DID NOT QUALIFY
4	<del>RECORD'S HARDWARE &amp; RENTAL</del>	\$53,000.00	MEETS SPECIFICATIONS SHOWED 60" NOT A 72" FRONT DECK
5	HORIZON DISTRIBUTORS INC	51,774. <sup>24</sup>	MEETS ALL SPECIFICATIONS
6			
7	<del>THE L. JOHNSON DISTRIBUTING Co.</del>		SIDE GRASS CATCHER NOT REAR
8	<del>RECORD'S HARDWARE &amp; RENTAL</del>		NO BROCHURE? HIGHEST BIDDER
9			
10			



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** June 3, 2014  
**PREPARED BY:** Karen Wolf, Assistant Planner  
**DEPT. HEAD SIGNATURE:** *Karen Wolf*  
**# OF ATTACHMENTS:** 1

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**SUBJECT:** GOCO agreement regarding the State Trails Program, Colorado Parks & Wildlife, Non-Motorized Recreational Trails Large Construction and Maintenance Grant for the Boulevard Addition Pedestrian Bridge Project

**PRESENTER:** Louis Fineberg, Planning Director

**RECOMMENDED CITY COUNCIL ACTION:** Approval of the resolution to support the agreement between the City of Trinidad and the State Board of the Great Outdoors Colorado Trust Fund to complete the Boulevard Addition pedestrian bridge.

**SUMMARY STATEMENT:** This resolution supports the contract with GOCO for the installation of a pedestrian bridge over the Purgatoire River in the Boulevard Addition Nature Park.

**EXPENDITURE REQUIRED:** \$84,525

**SOURCE OF FUNDS:** 2014 CIP and/or Lottery Funds and partner matches.

**POLICY ISSUE:** Contract approval accompanied by a resolution

**ALTERNATIVE:** NA

### BACKGROUND INFORMATION:

- The agreement with the State Board of the Great Outdoors Colorado Trust Fund was approved on May 20, 2014.
- Grant funds awarded from the State Trails Program: 70% = \$197,255.
- Matching funds required, cash and in-kind: 30% = \$84,525.
- Minimum cash match required: 3% of total project cost = \$8,452.

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**CITY OF TRINIDAD, COLORADO**

**RESOLUTION NO.**

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING THE AGREEMENT BETWEEN THE CITY OF TRINIDAD AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND TO COMPLETE THE BOULEVARD ADDITION PEDESTRIAN BRIDGE

WHEREAS, the City of Trinidad supports the completion of the Boulevard Addition Pedestrian Bridge Project; and

WHEREAS, the City of Trinidad has received a grant from Great Outdoors Colorado to fund the Boulevard Addition Pedestrian Bridge Project, subject to the execution of a grant agreement.

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

**Section 1.** The City Council of the City of Trinidad hereby authorizes the Mayor to execute the grant agreement with Great Outdoors Colorado.

**Section 2.** The City Council of the City of Trinidad hereby authorizes the expenditure of funds as necessary to meet the terms and obligations of the grant agreement and application.

**Section 3.** This resolution to be in full force and effect from and after its passage and approval.

APPROVED and ADOPTED this 3rd day of June, 2014.

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JOSEPH A. REORDA, MAYOR

ATTEST:

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AUDRA GARRETT, CITY CLERK