



CITY OF TRINIDAD  
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,  
Colorado, will be held on Tuesday, August 5, 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 July 15, 2014, Special Meetings of July 22 and 29, 2014
- 3) **PUBLIC HEARING** - Appeal of a decision of the Planning, Zoning and Variance Commission filed by Forever Green, LLC, Application #2014-MMC-16 and 2014-OPCO-16, Request for Conditional Use Permit to establish a Medical Marijuana Center and a Medical Marijuana Optional Premise Cultivation Operation at 3019 Toupal Drive
- 4) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 5) **COUNCIL REPORTS**
- 6) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 7) **UNFINISHED BUSINESS**
  - a) Modification (permanent) of premises request by Image Hospitality, LLC d/b/a Quality Inn at 3125 Toupal Drive
- 8) **MISCELLANEOUS BUSINESS**
  - a) Beer and Wine liquor license renewal request by Mattorano Enterprise, Inc. d/b/a Lee's Bar B-Q at 825 San Pedro Avenue
  - b) Hotel and restaurant liquor license renewal request by David J. Liu d/b/a Chef Liu's Chinese Restaurant at 1423 Santa Fe Trail
  - c) Resolution supporting an increase in the member contribution rate for City participants in the Fire and Police Pension Association Statewide Defined Benefit Plan
  - d) Consent and confirmation of Council of Acting City Manager designation pursuant to Section 6.3 of the Home Rule Charter for the City of Trinidad
  - e) Ratify amended letter of support for CNG fueling project
  - f) Consideration of Planning, Zoning and Variance Commission's recommendation regarding the request to name the North Lake Dam in honor of James A. Fernandez
  - g) Approval of temporary contract with Audra Garrett to serve as the Acting City Manager
  - h) Approval of grant application for Commercial Street Phase III
  - i) Letter of commitment in support of a grant application to be submitted to the Colorado Division of Homeland Security and Emergency Management for generators for the Trinidad Fire Department and committing the 12.5% local grant match; and adopting the resolution designating Fire Chief Tim Howard as the agent for the grant
  - j) First reading of an ordinance to extend the one percent sales tax originally authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects, and setting a hearing date for consideration of said ordinance

8) **MISCELLANEOUS BUSINESS (Cont.)**

- k) First reading of an ordinance submitting to the voters of the City of Trinidad at the General Election to be held on Tuesday, November 4, 2014, a measure which would extend the one percent sales tax authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects, and setting a hearing date for consideration of said ordinance
- l) First reading of an ordinance imposing a sales tax of five percent (5%), commencing January 1, 2015, in the City of Trinidad, Colorado, on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution, and setting a hearing date for consideration of said ordinance
- m) First reading of an ordinance submitting to the registered electors of the City of Trinidad at the General Election to be held on November 4, 2014 the question of whether, commencing January 1, 2015, the City of Trinidad should impose a sales tax of five percent (5%) on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution, and setting a hearing date for consideration of said ordinance
- n) Consideration of bid results for the Water Treatment Plant Improvements Phase I Project

9) **BILLS**

10) **PAYROLL**, July 19, 2014 through August 1, 2014

11) **ADJOURNMENT**

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, July 15, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

**PROCLAMATION – “MARY MARTINEZ DAY – July 16, 2014.”** Councilmember Torres, on behalf of the entire City Council, read and presented Mary Martinez with a proclamation recognizing her as a Centenarian of Trinidad and Las Animas County.

**APPROVAL OF THE MINUTES.** Special Meetings of June 26, 2014, June 30, 2014 and July 1, 2014 and Regular Meeting of July 1, 2014. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Miles. The motion carried unanimously, excepting the July 1<sup>st</sup> regular and special minutes whereby Councilmember Bonato abstained due to his absence from those meetings.

City Attorney Downs stated that he wanted to begin this evening by mentioning that all of the members of Council have been subjected to a tremendous amount of pressure and lobbying on a current pending marijuana license application, which is on their agenda this evening. It concerns the denial of a conditional use permit in the Planning and Zoning Commission hearing held on July 8, 2014. He told Council that they will set the appeal for hearing. He reminded and emphasized that this is a quasi-judicial matter and that they all must do everything they can to remain free of influence and pressure and lobbying. When Council comes for the hearing their job will be to make up their mind during the hearing and not before. City Attorney Downs elaborated that he hears things in his office and is already very afraid that one or more Council members may have to disqualify themselves. He asked and reminded them to remain free from lobbying. Everyone who comes before the Planning and Zoning Commission and before Council deserves a fair shake. This business is no different than any other kind of business, except not all have to come before Council for a license. Marijuana license applicants deserve a fair shake he said, and added that he is afraid they will not get it if Council or the Planning and Zoning Commission members allow themselves to be influenced. He reminded them of their obligation with respect to this. Mayor Reorda told those present that if they were present to speak against marijuana tonight those comments wouldn't be taken this evening. City Attorney Downs added that those people present wanting to speak on the Forever Green application refrain from addressing Council until the hearing. Tonight's agenda item is only to set the matter for hearing. The hearing is not tonight. He clarified that if they want to comment on marijuana they could, just not on this specific issue.

**PUBLIC HEARING.** New Medical Marijuana Center, Optional Premise Cultivation Operation and Infused-Products Manufacturer application filed by T. P. Main Street, LLC at 821 E. Main Street. Mayor Reorda opened the hearing and called for comments for or against the application. Tim and Juanita Peters addressed Council and were sworn in. Mr. Peters said Juanita is the one who does the paperwork and that they run four corporations. He is the up-front person and she is the face behind the scenes. To City Attorney Downs' questions, Tim Peters, on behalf of the applicant, testified as follows: He is a principal in T. P. Main Street, LLC, the business form that is going to be the license holder if approved. The limited liability corporation is comprised of Tim Peters as a 90% manager and Juanita Peters as a 10% partner. The premise is located at 821 E. Main Street, Trinidad, currently a vacant lot. If the licenses are approved they will construct a building thereafter. The business name is Trinidad Leaf and they are applying for three licenses, a Medical Marijuana Center, Optional Premises Cultivation Operation and Infused-Products Manufacturer license. If approved, all three licenses will be held by T. P. Main Street, LLC. T. P. Main Street, LLC is a Colorado corporation in good standing. Mr. Peters further testified that he and Juanita Peters as principals in the corporation have submitted to criminal background checks and have been issued their badges and approvals from the State of Colorado today. The background criminal checks came back clear, indicating they are of good moral character. He stated that they do not know who their employees are at this point but understands they too are required to submit to background checks through the City and state and get badges from the State of Colorado. Mr. Peters testified that he has revealed all of their financial commitments and backing as part of the City and State application. The property where the premise is to be located was purchased in 2008 and held by Trinidad Pumping, Inc., a company he is the main owner of also and remains to be. Trinidad Pumping, Inc. has transferred ownership of the lot to T. P. Main Street, LLC, however Trinidad Pumping, Inc. is still responsible for any money owed on the property through the obligation of a loan on the lot. City Attorney Downs asked Mr. Peters if he anticipates any other financial obligations being undertaken to start the business or build the building. Mr. Peters stated that he is currently paying 8% interest on a vacant lot. He said they will refinance it and get a construction loan. He testified that he understands the problem with banking with a marijuana operation. They have no other profit-sharing arrangements or financial commitments to anyone. He stated that he understands his requirement to disclose any investors or financial backers in the future. He stated he understood as part of the application process he is representing that the answers given to the city and state are correct and has made no material misrepresentations. He said he hopes to start in a month or so on the building. He is currently working on a house in La Veta representing a prior commitment. The plans are drawn up but couldn't contract it without approvals. He will get it done as soon as possible and the required security contract will be done at a later date. They have the diagram and proposed schematic which was submitted with the application. Mr. Peters said he will be building the building himself. He testified that he knows the zone classification and regulations and understands the license types. They intend to cultivate from seed for their center and infused-products on the premises and if lawful will try to buy from outside sources as the business starts up. He said if they are able to buy from outside sources to get started and it is legal they will do that too. He testified that he has familiarized himself with the Trinidad ordinance, Department of Revenue regulations and state code on

medical marijuana. They intend to also be in the retail marijuana business, the same types of licenses, and intend to submit an application for the same as soon as they reasonably can. He also testified that they understand their commitment to everything in the city and State Department of Revenue officials, including ongoing compliance requirements with the City Clerk, Building Official, Chief of Police and Police Department, Fire Department and City Attorney's office and State Department of Revenue officials. They will have to use the MITS system and everyone associated with the business will have to have that training. Councilmember Miles stated that it is a requirement that all people involved in the limited liability corporation need to be disclosed. She pointed out that in their LLC meeting minutes of April 22, 2014, "A motion was made to bring in Adam Schrepfer as a new member of the corporation and at this point would have no stock or voting rights and that legal counsel should be consulted on the proper way to do this." Mr. Peters stated that it ultimately did not happen. He and Juanita are 50/50 partners in everything. His wife is not excited about this business so she gave him 40% because she didn't want to have to go to Denver to be fingerprinted, etc. She wanted to have less than 10% ownership interest. Adam Schrepfer is Juanita's son and his stepson and reiterated that it is just he and Juanita. Councilmember Mattie told Mr. Peters that the licenses are issued by the State of Colorado and the City of Trinidad and neither have any control over the Federal government wherein marijuana still lies as a controlled substance. And while at the moment it appears they may support the efforts of the States of Colorado and Washington, it is subject to the whims of the Federal government. He asked if he understood that, to which Mr. Peters responded affirmatively. City Attorney Downs submitted to Council that the application is complete and Tim and Juanita Peters have appeared and have sworn that everything is truthful. Mr. Peters stated that one material change that happened since the Planning, Zoning and Variance Commission meeting is that initially they were going to build a big metal building and bring in all of the lights, which he has come to realize makes no sense. Therefore they will be switching to a greenhouse setup in an effort to keep the cost of business down using the sun we have. They will augment power with solar. He added that he is taking advantage of very smart, experienced people. All components will be there, it will just be shifted around to fit on the lot. City Attorney Downs confirmed with Mr. Peters his requirement to submit plans to the City. Councilmember Bonato asked if the change is known to the Planning, Zoning and Variance Commission. Mr. Peters said it is not. It is still the same square footage but he won't be using 400,000 watt lights. He didn't have enough solar space to make it cost effective. City Attorney Downs told Mr. Peters he will want to let the Planning Department know first and if anything needs to be done through that process they will need to do it. Councilmember Miles moved to approve the three licenses and recited the following:

This matter came on for hearing on the application of T. P. Main Street, LLC at 821 E. Main Street in Trinidad, Colorado, for a Medical Marijuana Center License and a Medical Marijuana Optional Premise Cultivation Operation License, and Medical Marijuana Infused-Products Manufacturer before the City Council of the City of Trinidad, Colorado, acting in its capacity as the local licensing authority on July 15, 2014, in City Council Chambers in City Hall. The City Council having reviewed the application and supporting documents, reports of the City Clerk and other City staff, evidence at the hearing and testimony taken during the hearing, makes the following **FINDINGS**:

1. The application is complete and signed by the applicant, and the applicant has paid the appropriate application and license fee.
2. The application appears to be in substantial compliance with all the requirements of Article 11, of Chapter 14 of the Trinidad Municipal Code. The applicant has testified to their willingness to comply with any and all areas of said Article whereby compliance at this time cannot be fully attained or substantiated.
3. According to the testimony of the applicant, the application does not contain any material misrepresentations.
4. The proposed medical marijuana businesses comply with applicable zoning regulations. The City Council hereby finds that based upon the testimony of the applicant, the building in which the proposed medical marijuana businesses will be located will conform to the Trinidad City Codes, including the zoning code and all International Codes adopted by the City.
5. Mr. Tim Peters testified in favor of granting the license. No one testified in opposition.
6. The applicant through the facts and evidence adduced as a result of the City's investigation and testimony provided, made a prima facie showing the members of the limited liability corporation are of good moral character and any employees of their entity will likewise be of good moral character.
7. The City Clerk's report showed that there are currently two medical marijuana-licensed businesses within the City of Trinidad with one ownership, at one address.
8. Based on the evidence presented at the hearing and the investigative materials provided for the hearing, the City Council finds that the location of the business is appropriate, and that the applicant officers are of satisfactory moral character and there is a willingness by the applicants to fully cooperate with the officials of the City in the operation of this business.

THEREFORE, the City Council of the City of Trinidad, Colorado, as the local marijuana licensing authority, hereby approves and grants a Medical Marijuana Center License and a Medical Marijuana Optional Premise Cultivation Operation License and Medical Marijuana Infused-Products Manufacturer License to T. P. Main Street, LLC at 821 E. Main Street in Trinidad, Colorado. The issuance of said licenses shall be withheld until a certificate of occupancy is issued by the Chief Building Official and upon his absolute confirmation of compliance with all codes adopted by the City of Trinidad. The motion was seconded by Councilmember Torres and carried by a unanimous roll call vote, excepting Councilmember Bonato who cast a dissenting vote.

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

**COUNCIL REPORTS.** Councilmember Mattie reported that he attended Conversations with Council hosted at the Visitor's Center and that it was well attended and they had a meaningful discussion. They talked about marijuana and the existing visitor's center and the decision to proceed with the rehabilitation of that facility. Secondly he reported that he had

occasion to be in contact with Sergeant Duran of the Trinidad Police Department who in light of the tours the Council is doing of City facilities and visit with City employees, has invited Council to participate in a ride along. He said it would be an interesting opportunity.

Councilmember Fletcher reported on the recent visit City Council made on July 7<sup>th</sup> to the City departments. There was a good exchange of information and felt the lines of communication were very much open. She echoed Councilmember Mattie's comment relative to Conversations with Council on July 8<sup>th</sup>. On July 9<sup>th</sup> she said she attended the Chamber of Commerce meeting as the liaison. Ms. Marshall presented a three-year plan they have completed. The areas to be addressed in that plan are 1) small business development; 2) communication; 3) network and events; 4) tourism and relocation; 5) agriculture and land owner support; and 6) public affairs. She said she was also pleased to hear that it is anticipated that the Chamber will be totally out of debt by September. On July 14<sup>th</sup> she told Council that she attended a combined Chamber and Economic Development meeting, as did Councilmember Miles. She said the meeting was very productive and a lot of ideas were shared. There is a foregone conclusion that there will be facilities that will be shared by both entities. Collaboration is much on the horizon for these two groups. The Chamber has good news on the horizon in the area of finances which will be disclosed as they develop. Mayor Reorda complimented Councilmember Fletcher on the notes she took and provided to Council from the visits at the City departments. He corrected a portion where it indicated that he said superintendents, etc. needed a raise. He corrected that he said he said we need to make all of them equal.

Councilmember Bolton said she wouldn't repeat what was already covered by other Council member that she also attended, but reported that she, Councilmember Miles and the Mayor were invited to join Amtrak dignitaries for a special breakfast in La Junta to thank the City for our efforts in retaining the Southwest Chief. Everyone is very optimistic about being able to retain that line. After leaving Trinidad they continued their travel to Raton headed to Springer to visit the Philmont Boy Scout Ranch. Each of the communities was presented with special signage that depicts them as a community who supports Amtrak. The Mayor was presented with two signs and she understands two more will be forthcoming to place in appropriate areas throughout town. It was a very nice breakfast and trip.

Councilmember Miles added to Councilmember Bolton's comments about the Amtrak trip. She said that included in the dignitaries was the CEO of Amtrak, which signifies the commitment to the Southwest Chief. Mayor Reorda said that he came on his own train and that it was a great day.

Councilmember Torres reported that the Hispanic Chamber of Commerce held their annual fundraiser over the weekend and it was a huge success. She thanked Council and community members for their support and reminded that the funds are used for scholarships for area students.

Councilmember Bonato stated that he participated in the meeting at the Welcome Center as well. He said the understanding he got from the volunteers was that the City would lose the grant for the building they occupy if the money wasn't put into that building. He asked Ms. Marshall to explain what will happen with the grant and building. Tara Marshall said she thinks there are two issues. The question addressed last Tuesday relates to the 2012 grant for the \$350,000 project, of which \$281,000 is from National Scenic Byways program to renovate the current Welcome Center at 309 Nevada Avenue. Council gave the go ahead for that project last Tuesday by authorizing the contact and it was received by CDOT. The City is waiting on a letter of award to proceed and the renovation will begin thereafter. Separately, conversations will continue with Jay Cimino, Karl Gabrielson and Chuck Murphy regarding the potential eventual relocation of the Colorado Welcome Center. Relocation of the Welcome Center is anticipated several years down the line since finance sources haven't been identified as of yet. There are two projects and both have good merit. We should proceed with the renovation and also proceed with the discussions for potential relocation. Councilmember Bonato asked if this has been discussed with the volunteers because they seemed confused. Ms. Marshall answered that they were confused. She thanked Council for coming to the Welcome Center and straightening them out. She said she felt he was able to solve their confusion and answer their questions. Councilmember Bonato commented that they are important to the City.

Councilmember Fletcher passed out the three-year plan from the Chamber of Commerce for Council to look at.

Councilmember Miles reported that in addition to the train ride, the Economic Development and Chamber meetings, Conversations with Council and the City facility tour and visit, she and Councilmember Bolton attended the CLG task force meeting. She explained that CLG (Certified Local Government) is a state-wide program which works in conjunction with federal grant money. It is being expanded in Colorado. It provides tax incentives for building renovations that preserve historic local character. Prior to this program's availability the only buildings eligible for these sorts of tax credits were those registered with the National Historic Register. This program opens Trinidad up for more tax incentives. That along with House Bill 1311 effective January, 2015, provides tax credits that will be expanded on the state level, \$35 million worth over the next four years. There is a Colorado state tax credit of 20% for projects up to \$2 million and 25% for projects in excess of \$2 million; a 30% tax credit is available to disaster relief situations. There is 20% at the federal level additionally. They think this could have the potential to spur investments which are marginal. Tara Marshall, Tim Stroh and Lee Merkel hosted the meeting and about 15 or 16 people attended. There are a number of things that need to be resolved. She asked that it be included on a work session agenda. There are pros and cons and is something Council needs to seriously address. Councilmember Miles continued that she spent the afternoon with a group called the Geothermal Research Group. Under the coal bed methane strata here there is a very, very significant geothermal resource that has worldwide interest. It is perhaps the most significant geothermal resource given the fact that it is shallow and that it has a steep temperature gradient, which allows us to achieve commercially reasonable temperatures to power perhaps power plants or district heating at much lower depths than other geothermal resources in the continental United States. She said she was absolutely impressed with the group that assembled today. There were representatives from Colorado School of Mines, Altarock Energy, Inc., a well-respected early-stage geothermal developer, Sandia Labs, TSJC, a professor who is the Chair of the Geology Department from the University of Oakland, New Zealand, University of Oklahoma, New Mexico Bureau of Geology, Pioneer Natural Resources, people from all over the world. New Zealand is perhaps in the world the most recognized geothermal resource. In the long term the goal is to develop perhaps a geothermal power plant which could provide in the hundreds of megawatts of installed capacity. This is very early stage. The tie with the college is they are setting up an open experimental field laboratory which they want to model for the country. Thermal resource is so interesting that they think it could be a magnet

for scientists from around the country and perhaps around the world. TSJC is very interested in teaming up in making Colorado a geothermal center. There are long-term applications and some near-term as far as becoming an academic center here in Trinidad. Mt. Carmel expressed interest in developing spa resources. Finally, Councilmember Miles reported on the community meeting provided by the General Manager of ARPA (Arkansas River Power Association). She said they heard an update on what the impact to rate payers would be with the closing of the facility and various other aspects of moving forward with the mediated settlement. Also ARPA received a small upgrade from a weak triple D with a negative outlook to a weak triple D with a stable outlook. The previous rating restricts access to the capital markets (creditors). The fact that ARPA now has a stable outlook will open its access to the capital markets which can only improve the situation.

Mayor Reorda told Council that he attend an ethics, liability and best practices meeting. The meeting was attended by about 50 other elected people. He said he learned a lot and that Council needs a refresher course.

**REPORTS BY CITY ATTORNEY.** City Attorney Downs had nothing to report this evening.

**REPORTS BY CITY MANAGER.** Action 22. Acting City Manager Garrett stated that Council had pointed out that with the departure of the former City Manager there were some board vacancies created from seats he filled. Among them is the seat on the Action 22 board. She asked if a member of Council would like to sit on that board in his place. Mayor Reorda volunteered to serve on the board and Council concurred.

Special work session. Acting City Manager Garrett asked Council's availability for a special work session at 9:00 a.m. on Thursday, July 24, 2014, to hear a presentation from Lee Merkel of the Department of Local Affairs regarding Priority Based Budgeting. The majority of Council expressed availability. Councilmember Miles said she would see if her schedule could be changed.

Purgatoire Watershed Partnership. Councilmember Bonato stated that he is on the Purgatoire Watershed Partnership board and former City Manager Acre was as well, again resulting in a vacancy. He said several board members asked that Gilbert Ramirez from the City's Water Treatment Plant be asked to serve in his place. Acting City Clerk Garrett said he was aware of it and would confirm with him his willingness to serve on that board.

Economic Development Board of Directors. Councilmember Miles told Council that former City Manager Tom Acre resigned today from the Trinidad-Las Animas County Economic Development Board and asked Acting City Manager Garrett if she would be willing to serve in his place. She answered that she would and will submit a letter of interest to the Board.

**UNFINISHED BUSINESS.** None.

**MISCELLANEOUS BUSINESS.** Special Events Permit (malt, vinous and spirituous) request by Trinidad Community Foundation at 206 N. Animas Street for September 13, 2014 – ArtoCade Cardango. Phil Rico was present on behalf of the applicant. A motion to approve the permit was made by Councilmember Bolton. The motion was seconded by Councilmember Fletcher and carried unanimously upon roll call vote.

Retail liquor store license renewal request by Opera House Wine & Spirits, LLC d/b/a Tire Shop Wine & Spirits at 601 W. Main Street. Michelle Miles was present on behalf of the applicant. A motion to approve the license renewal was made by Councilmember Mattie and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously, excepting Councilmember Miles who abstained from the vote.

Modification of premises request by Image Hospitality, LLC d/b/a Quality Inn at 3125 Toupal Drive. Due to the lack of representation, Councilmember Bolton moved to table the modification of premises request to the next meeting and the motion was seconded by Councilmember Torres. Roll call was taken on the motion and it carried unanimously.

Consideration of Contract Amendment to the Nomination and Construction Documents of Fish Hatchery and Zoo at Monument Lake Park. A motion to approve the contract amendment was made by Councilmember Bolton and Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

Appointment of Acting City Manager. Councilmember Mattie moved to continue the filling of the Acting City Manager vacancy with Audra Garrett. Councilmember Bonato seconded the motion. Councilmember Bolton commented that she thought Council was overlooking a very qualified person who is currently attending the Best and Brightest program to be a City Manager. She said she's not recommending a joint Acting City Manager position but was recommending Council consider appointing Tara Marshall as Acting Deputy City Manager. Councilmember Fletcher echoed the idea. Mayor Reorda asked what the Charter says. City Attorney Downs told Council that an Acting Deputy City Manager is not provided for in the Charter and thought this would be creating a new position. Councilmember Fletcher asked if there needed to be. City Attorney Downs said he didn't know and would need to research it. Mayor Reorda said a job description would need to be written up. He added that in the meeting with staff they started with three and they agreed they would rather have Audra Garrett as Acting City Manager alone. Councilmember Bolton clarified that she wasn't suggesting they combine the two. She said she's suggesting Ms. Garrett be named the Acting City Manager and they use Tara Marshall in some position to assist the Acting City Manager. Councilmember Miles said right now Ms. Marshall is an intern and has been utilized to a much greater extent than an intern and should be recognized as such. She echoed some of the comments made by Councilmember Bolton and Fletcher made. She questioned if there needed to be a Charter provision for an Acting Deputy City Manager. City Attorney Downs said the Charter discusses the role of the City Manager. He added that he didn't know if the people who are strict constructionists of the Charter would think it was tacitly modifying the Charter. Councilmember Miles said they could create a position called Deputy City Manager and questioned why they couldn't create one called Acting Deputy City Manager. Acting City Manager Garrett said not to discount Ms. Marshall at all, but she asked Council to keep in mind that we have a number of department heads with a lot of years of experience and she does not want any animosity to be created out of this. Some of the department heads work very strongly together and she doesn't want to create more of a problem than it needs to be. Councilmember Bonato asked if Ms. Garrett were to be gone who would be in

charge. City Attorney Downs advised that the Charter requires the City Manager to appoint someone once they become the City Manager. He exemplified how former City Manager Acre designated Audra Garrett and Louis Fineberg, previously. Councilmember Mattie reminded Council of his suggestion of a triad work effort between Ms. Garrett, Ms. Marshall and Mr. Downs and that wasn't able to work. He commented that it seems logical to take advantage of Ms. Marshall's expertise and talent. He asked if her present capacity as intern it could be expanded to be more helpful and a more meaningful role. He asked if that would avoid the complications of a new position. City Attorney Downs said it avoids the short term question. He added that it would be hard for Ms. Marshall to become more helpful. There are a number of ways this could be done without the creation of a new position. Councilmember Fletcher urged Council to consider giving Ms. Marshall a title; she does a lot of traveling and contacts in Denver and having a title would behoove the City in her representation of Trinidad. Mayor Reorda asked what is in a title. Councilmember Miles said it helps with credibility. Councilmember Bonato agreed that the other department heads need to be considered. He said Mike Valentine is very qualified and would be very good, not saying Ms. Marshall wouldn't be. He oversees eight departments already. Councilmember Miles responded that Ms. Marshall is unique in that she has an outreach role with the Colorado Municipal League, in outside functions that Trinidad really didn't avail itself to for years. She thought it wouldn't be something Mr. Valentine would be interested in given his myriad of responsibilities, such as going to Denver for a two-day conference and networking. She added that she didn't think there was any intention of whoever is appointed as Deputy City Manager going over the heads of existing department heads. She said she thought it to be a role that Ms. Marshall uniquely would have skills in, such as the outreach, bringing Lee Merkel to town, getting the Certified Local Government going, Creative District, Main Street Program. Council Fletcher said they are also asking her to free up time. Ms. Marshall pointed to Trinidad Municipal Code, Chapter 2, Administration, Article 4, City Manager, Section 2-23, which calls for an Assistant City Manager which is appointed with specific duties. Mayor Reorda asked who makes that appointment. Ms. Marshall answered that it doesn't say but it calls for it in the ordinance. Mayor Reorda said that the City Manager appoints, or hires and fires. He suggested staff discuss it and bring it back to Council. Ms. Marshall said that she and Ms. Garrett did speak about it previously. Acting City Manager Garrett agreed that the subject was discussed and she told Ms. Marshall that she was willing to work with whoever was willing to work hard. After her conversation with Ms. Marshall she said she had concerns because she has the department heads who are willing to work hard as well. She added that she has reservations about actually naming someone with a title. She said she's not sure if the intent is just to share the outreach responsibilities but reiterated her concern about the other department heads' feelings on the matter and she doesn't want to discount their feeling in the whole scheme of things either. Councilmember Miles said her intent was that it focus on outreach. City Attorney Downs said there are a number of unanswered questions, for instance if the position would continue beyond the Best and Brightest program. Councilmember Bolton questioned if this is something Council wants to carry over to the next work session. Council agreed. Councilmember Mattie made a motion to appoint Audra Garrett as Acting City Manager. Councilmember Bolton seconded the motion. City Attorney Downs, upon inquiry said that salary discussion needs to be done publicly and could be done at a later date. Upon roll call vote the motion carried unanimously.

**Appointment of Director of Emergency Management pursuant to Section 12.4 of the Home Rule Charter.** Acting City Manager Garrett reminded Council of her request that they appoint Police Chief Charles Glorioso as the City's Director of Emergency Management and of his interest in updating the local emergency plan. Councilmember Bolton moved for the appointment of Chief Glorioso as recommended and Councilmember Fletcher seconded the motion. The motion carried unanimously upon roll call vote.

**Letter of Support for a CNG Fueling Station in Trinidad.** Councilmember Fletcher made a motion to approve the letter of support and Councilmember Bolton seconded the motion. Roll call was taken and the motion carried unanimously.

**Appeal of a decision of the Planning, Zoning and Variance Commission filed by Forever Green, LLC, Application #2014-MMC-16 and 2014-OPCO-16, Request for Conditional Use Permit to establish a Medical Marijuana Center and a Medical Marijuana Optional Premise Cultivation Operation at 3019 Toupal Drive.** Mayor Reorda expressed his interest in expediting the hearing and asked about the possibility of a special meeting. City Attorney Downs advised that he has heard opposition to the calling of a special meeting for this purpose. He reminded that if any Council member objects to the purpose of a special meeting that item cannot be heard. Councilmember Bolton moved to set the appeal of the decision of the Planning, Zoning and Variance Commission filed by Forever Green, LLC, Application #2014-MMC-16 and 2014-OPCO-16, Request for Conditional Use Permit to establish a Medical Marijuana Center and a Medical Marijuana Optional Premise Cultivation Operation at 3019 Toupal Drive for public hearing at 7:00 p.m. on August 5, 2014. The motion was seconded by Councilmember Bonato and carried unanimously upon roll call vote. City Attorney Downs told Council that he may be asking for an executive session at the beginning or end of next week's work session on this matter. Councilmember Miles stated she would welcome legal advice.

**BILLS.** Councilmember Bolton moved to approve the bills and Councilmember Torres seconded the motion. The motion carried unanimously upon roll call vote.

**PAYROLL, July 5, 2014 through July 18, 2014.** A motion to approve the payroll was made by Councilmember Fletcher and seconded by Councilmember Bonato. 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 Bonato. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

\_\_\_\_\_  
JOSEPH A. REORDA, Mayor

\_\_\_\_\_  
DONA VALENCICH, Asst. City Clerk



The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, July 29, 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, July 29, 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 Attorney(s) for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – For discussion of ARPA/Syncora litigation
- 2) Consideration of final settlement terms regarding the ARPA/Syncora litigation
- 3) Ratification of letter requesting initiation of Colorado Department of Local Affairs’ Fiscal Health/Fiscal Wellness Modeling program

The meeting was called to order at 1:00 p.m.

Roll call was taken.

There were present: Mayor Reorda, presiding  
Councilmembers Bonato, Bolton, Fletcher, Mattie, Miles

Also present: Acting City Manager Garrett  
City Attorney Downs  
Interim City Clerk Valencich

Absent: Councilmember Torres

Executive session - For a conference with the City’s Attorney(s) for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – For discussion of ARPA/Syncora litigation. A motion to enter into executive session for the stated executive session purpose was made by Councilmember Bolton. Councilmember Miles seconded the motion. Upon roll call vote the motion carried unanimously. The executive session ensued at 1:02 p.m. Upon conclusion of executive session, Councilmember Miles moved to resume the special meeting. Councilmember Bolton seconded the motion and upon a unanimous roll call vote, 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 29th day of July, 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

Consideration of final settlement terms regarding the ARPA/Syncora litigation. A motion to approve the Mayor’s execution of the Settlement Agreement was made by Councilmember Bolton and seconded by Councilmember Miles. The motion carried by a unanimous roll call vote. Upon advice from Attorney Dixie Newnam, Councilmember Miles moved for the adoption of Resolution #1432. The motion was seconded by Councilmember Bolton and carried unanimously. A motion to approve the Agreement Regarding the Lamar Repowering Project was made by Councilmember Miles. Councilmember Fletcher seconded the motion which carried by a unanimous roll call vote.

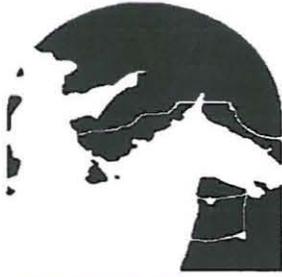
Ratification of letter requesting initiation of Colorado Department of Local Affairs’ Fiscal Health/Fiscal Wellness Modeling Program. A motion to ratify the letter was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously.

There being no further business the meeting was adjourned.

ATTEST:

\_\_\_\_\_  
JOSEPH A. REORDA, Mayor

\_\_\_\_\_  
DONA VALENCICH, Interim City Clerk



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Mngr  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

3

**SUBJECT:** Appeal of a decision of the Planning, Zoning and Variance Commission filed by Forever Green, LLC, Application #2014-MMC-16 and 2014-OPCO-16, Request for Conditional Use Permit to establish a Medical Marijuana Center and a Medical Marijuana Optional Premise Cultivation Operation at 3019 Toupal Drive

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Conduct the hearing

**SUMMARY STATEMENT:** Due process is provided for persons aggrieved by a decision of the Planning, Zoning and Variance commission

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** TMC Section 14-139 sets for the procedure for appeals from the Planning, Zoning and Variance Commission.

**ALTERNATIVE:** None

### BACKGROUND INFORMATION:

- The Planning, Zoning and Variance Commission heard the two CUP requests on Tuesday, July 8, 2014.
- Mr. Sanchez, representative of Forever Green, LLC, submitted a signed letter appealing the decision of the Planning Commission to the City Clerk's office on Friday, July 11, 2014.
- The contents of the Council packet for this item are part of the record.

3



City of Trinidad

JUL 11 2014

City Clerk's Office

7/10/2014

To: City Council Trinidad, Colorado

From: Terry Sanchez, Owner Forever Green LLC

Dear Council Members,

I am requesting that the council hears my appeal pursuant to Section 14-139 of the City of Trinidad Municipal Code, related to the decision the Planning and Zoning Committee made regarding my application for a CUP to be located at 3019 Toupal Drive, Trinidad, CO 81082 on Tuesday 7/8/2014. My CUP request was denied.

I believe the P & Z Committee treated my application and me in an inconsistent manner as compared to the other applications it has reviewed. I feel that the questioning and the length of questioning I endured was biased and delivered with extreme prejudice. I was present at previous hearings and none of the applicants were subjected to the questioning and conjecture that I was made to endure. I understand that is it the responsibility of the P & Z committee to base their decisions on facts and the ability of a business location to meet with the rules and regulations adopted by the City of Trinidad. This was not the case in my situation as it became increasingly obvious that certain committee members had a personal bias. This is not only unfair; it is unprofessional and not becoming of individuals charged with making decisions of this nature.

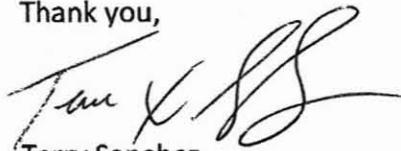
Two committee members stated why they denied my application. First, Mr. Leone stated that he was denying my application based on "safety" issues. He did not state what these issues were. I was not questioned about safety issues other than concerns for the cleanliness of the physical property I intend to lease. I answered with my plans to address this concern. All of the other applicants face the same and or similar safety concerns. They were not denied their CUP for this reason.

The second member, Mr. Winters stated that he was denying my request based on the type of business it is and its possible effects on surrounding businesses. Again I state that no other applicants, all of which are entering into this exact same business, were denied the CUP for this reason. Is it his responsibility to determine what type of business goes where? I do not believe so.

A traffic study was perseverated on ad nauseam based on hypothetical information under the guise of "environmental impact". Again I assert that whether the traffic is going to my place of business or any of the other businesses reviewed, it's a concern. I don't understand why my location was singled out so intently versus the other applicants. In all reality, my location has the most parking and ease of access as compared to other locations reviewed. Those other businesses reviewed were not met with such scrutiny to the point of harassment.

I can go on and look forward to doing so at the appeal hearing. All in all, I assert that I did not receive the same courtesy and professionalism as the other applicants in this line of business. I feel I was treated unfairly and with prejudice and discrimination. I ask that this matter be heard in a timely fashion. I implore you to review the minutes and video of this meeting.

Thank you,

A handwritten signature in black ink, appearing to read "Terry Sanchez", with a stylized flourish extending to the right.

Terry Sanchez

Forever Green LLC

Owner

**Letter to Editor:**

**Dear Editor:**

**Seldom in the course of human events are there critical decision points which alter the landscape of a community like the upcoming vote approving the eviction of the PHIL LONG TOYOTA business, for the implementation of a Marijuana Distribution Center in the City of Trinidad.**

**Critically, the issue is a much broader statement beyond the typical "GOOD FOR YOU" verses "NOT GOOD FOR YOU" drug argument. The heart of the matter lies at the fundamentals of what business is safe to conduct business within the city limits of Trinidad, or face being closed down on the whims of a niche establishment by a City government more concerned with themselves than the overall survivability of the community.**

**This issue has evolved a lot further than the PHIL LONG TOYOTA business itself, as this business now represents every business or potential business within the City of Trinidad. For it is how the City of Trinidad treats this business, who's owner is a son of the community and has been the philanthropical heart of the city, that will measure how any other business stands to be treated while operating here. Even far greater, and most importantly, the impact to any future business hoping to open here.**

**This is a fundamental economic measurement of trading one set of employment circumstances, representing the SALES, SERVICE, FINANCE and MANAGERIAL jobs of the Phil Long Business – with the meager potential of a few counter persons at a "POT DISTRIBUTION CENTER".**

**It is the understanding by the City Council of the economics required behind such an adventure – for there has to be "grow" facilities in a City unable to keep sufficient drinking water levels. And these growing facilities require being powered by a City Utility that has one of the highest utility rates in the state. Utility Rates that are**

directly tied to a financially draining Arkansas River Power Authority (ARPA) power station project whose cost can only be seconded by the "BIG DIG" of Massachusetts.

It will test the City's ability to understand its economic base, particularly its visitors, and the potential trade-off of one set of visitors for another. Understanding the majority of its visitors into the community come from the areas of TEXAS; particularly Amarillo. That a simple passing by that City to legalize Marijuana, or the change in a federal administration may bring a serious halt to any potential benefit of adding such a niche business to the Trinidad community. Once again, crating that single "one off" volatile economic environment like the coal mining, and gas drilling has done.

More interesting is the understanding of the current "visitor" traffic to existing pot sites, where the "typical" visitor comes for two – three days, stays with a group – solely to make multiple purchases to travel product out of state. Thereby, drawing the attention of State and Federal law enforcement to the community AND out of state law enforcement attention to Colorado licensed vehicles.

A simple focus by New Mexico State Police at the Raton Pass on vehicles traveling out of Trinidad would be detrimental to this niche business. States of Wyoming and Kansas are already looking at holding Colorado liable for their increased enforcement cost – and as politics travels, those cost will eventually filter down to the communities purportedly benefiting from the sales.

The community of Trinidad has so many positive things to offer in the way of architecture, nature and art. The last thing it needs is a stigma that a drug community will have on traveling families. Traveling families are its prime staple for tourism traffic.

The City needs to fix its infrastructure to make business affordable in Trinidad. It needs to create an economic package to entice new business to arrive here. Most importantly, it needs persons on the City Council able to think "outside the box" – as the current practice of voting and voting the same individuals into office with hopes they will do something different is insanity.

To destroy the current job market in hopes of creating another is ludicrous – and ignores the time honored saying, "a bird in the hand, is worth two in the bush."

Respectfully:

**D. Lee Phelan SR**  
**Business Owner See More**

## Tom Acre

---

**From:** Mike Valentine [mike.valentine@trinidad.co.gov]  
**Sent:** Friday, July 11, 2014 5:01 PM  
**To:** valerie.sword@state.co.us  
**Cc:** Audra Garrett; Louis Fineberg  
**Subject:** RE: I-25 in Trinidad

**Categories:** Red Category

Valerie:

It was good talking to you again the other day. Coming back to the city has been a challenge but it's good to be back.

As far as the access permit at the proposed medical marijuana facility there is an existing car dealership with access already in place. I overlooked the fact that a new access permit to the frontage road may be required by the state. I can forward your contact information to him or you can contact him via email. The applicant is Terry Sanchez and his email address is [forevergreenmmj@outlook.com](mailto:forevergreenmmj@outlook.com)

Please advise.

Thanks  
mike

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**From:** Louis Fineberg  
**Sent:** Friday, July 11, 2014 11:25 AM  
**To:** Mike Valentine  
**Subject:** FW: I-25 in Trinidad

Mike,

See below.

Louis

---

**From:** "<Sword - CDOT>", Valerie <[valerie.sword@state.co.us](mailto:valerie.sword@state.co.us)>  
**Date:** Friday, July 11, 2014 11:05 AM  
**To:** Louis Fineberg <[louis.fineberg@trinidad.co.gov](mailto:louis.fineberg@trinidad.co.gov)>  
**Subject:** Fwd: I-25 in Trinidad

Good Morning Louis,

I tried to send this to Mike Valentine but the message didn't go through. Please forward to as appropriate and contact me with any questions.

Thanks,

Valerie Sword  
Access Manager  
Traffic and Safety



P [719.546.5407](tel:719.546.5407) | C [719.251.7804](tel:719.251.7804) | F [719.562-5523](tel:719.562-5523)  
905 N Erie Avenue, PO Box 536 Pueblo, CO 81002  
[valerie.sword@state.co.us](mailto:valerie.sword@state.co.us) | [www.coloradodot.info](http://www.coloradodot.info) | [www.cotrip.org](http://www.cotrip.org)

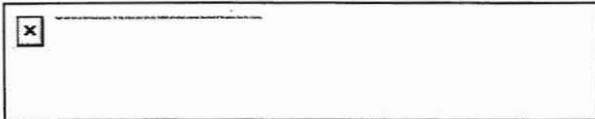


----- Forwarded message -----

From: **Sword - CDOT, Valerie** <[valerie.sword@state.co.us](mailto:valerie.sword@state.co.us)>  
Date: Fri, Jul 11, 2014 at 9:56 AM  
Subject: Re: I-25 in Trinidad  
To: "Duncan - CDOT, Debra" <[debra.duncan@state.co.us](mailto:debra.duncan@state.co.us)>  
Cc: Tara Galvez - CDOT <[tara.galvez@state.co.us](mailto:tara.galvez@state.co.us)>, [mike@historict Trinidad.com](mailto:mike@historict Trinidad.com), Carl Buford - CDOT <[Carl.Buford@state.co.us](mailto:Carl.Buford@state.co.us)>

I just spoke with Arlene. She has legitimate concerns and I have copied the City on this email since they have not provided me with a referral request for comment on this commercial development proposal. The developer will be required to submit an application for access permit to the frontage road and go through the review process as with any new development with the potential to impact the highway system.

**Valerie Sword**  
**Access Manager**  
Traffic and Safety



P [719.546.5407](tel:719.546.5407) | C [719.251.7804](tel:719.251.7804) | F [719.562-5523](tel:719.562-5523)  
905 N Erie Avenue, PO Box 536 Pueblo, CO 81002  
[valerie.sword@state.co.us](mailto:valerie.sword@state.co.us) | [www.coloradodot.info](http://www.coloradodot.info) | [www.cotrip.org](http://www.cotrip.org)



On Thu, Jul 10, 2014 at 3:46 PM, Duncan - CDOT, Debra <[debra.duncan@state.co.us](mailto:debra.duncan@state.co.us)> wrote:

Thanks Val.

**Debra Duncan**  
**Program Assistant I**  
Traffic & Safety



P 719.546.5418 | F 719.546.5141  
905 N. Erie Avenue, Creekside Bldg, Pueblo, CO 81001  
[debra.duncan@state.co.us](mailto:debra.duncan@state.co.us) | [www.coloradodot.info](http://www.coloradodot.info) | [www.cotrip.org](http://www.cotrip.org)



On Thu, Jul 10, 2014 at 3:36 PM, Sword - CDOT, Valerie <[valerie.sword@state.co.us](mailto:valerie.sword@state.co.us)> wrote:

Will do.

**Valerie Sword**  
Access Manager  
Traffic and Safety



P 719.546.5407 | C 719.251.7804 | F 719.562-5523  
905 N Erie Avenue, PO Box 536 Pueblo, CO 81002  
[valerie.sword@state.co.us](mailto:valerie.sword@state.co.us) | [www.coloradodot.info](http://www.coloradodot.info) | [www.cotrip.org](http://www.cotrip.org)

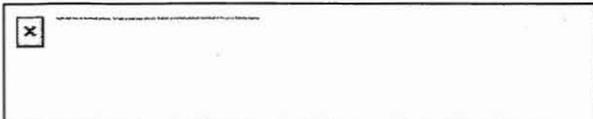


On Thu, Jul 10, 2014 at 1:29 PM, Duncan - CDOT, Debra <[debra.duncan@state.co.us](mailto:debra.duncan@state.co.us)> wrote:

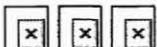
Val, can you handle this and let me know what you tell the customer so HQ can close this ticket out?

Thanks!

**Debra Duncan**  
Program Assistant I  
Traffic & Safety



P 719.546.5418 | F 719.546.5141  
905 N. Erie Avenue, Creekside Bldg, Pueblo, CO 81001  
[debra.duncan@state.co.us](mailto:debra.duncan@state.co.us) | [www.coloradodot.info](http://www.coloradodot.info) | [www.cotrip.org](http://www.cotrip.org)



----- Forwarded message -----

From: **Galvez - CDOT, Tara** <[tara.galvez@state.co.us](mailto:tara.galvez@state.co.us)>  
Date: Thu, Jul 10, 2014 at 1:16 PM  
Subject: I-25 in Trinidad  
To: Debra Duncan - CDOT <[debra.duncan@state.co.us](mailto:debra.duncan@state.co.us)>

Received a call from Arlene Robinson who is concerned about a marijuana business opening up off of Exit 11 on I-25 in Trinidad. She was wondering if CDOT needed to be notified of this business since it would take quite a bit of traffic off the interstate at this location. It is behind her home so she is naturally opposed to the shop being there but wanted to know what if any involvement CDOT would have. Her home number is [719-846-6250](tel:719-846-6250) and her cell number is [719-989-9897](tel:719-989-9897). Could someone contact her? Thank you!

Tara

## Tom Acre

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**From:** Carolyn Dillow Phillips [cjdillow@gmail.com]  
**Sent:** Saturday, July 12, 2014 4:49 PM  
**To:** Bernadette Baca Gonzalez; William Phillips  
**Subject:** Medical Marijuana Sales Tax Exempt Clarification  
**Attachments:** Medical MarijuanaTaxExemptStatus.dat  
  
**Categories:** Red Category

Apparently, Mr. Sanchez was shaking his head no when my opposition letter stated that Medical Marijuana was Sales Tax Exempt.

To clarify the statement, I have attached a detailed answer provided by the State of Colorado regarding this matter and a pointer to the 2012 U.S. Census statistics on Las Animas County:

<http://quickfacts.census.gov/qfd/states/08/08071.html>

Short answers:

- 1) The Colorado Department of Health and Environment (CDPHE) will issue a patient a tax exempt medical marijuana registry card that has a tax exempt status notation. A person qualifies for the tax exempt status if his or her income is below certain levels.
- 2) In 2012, 18.6% of the population in Las Animas County fell below the poverty level as compared to 12.9% of the State of Colorado according to the U.S. Census Bureau.

I don't believe that it is inaccurate to "forecast" that most of the medical marijuana patients in Las Animas County will obtain a sales tax exempt certificate from CDPHE. Hence my argument that a Medical Marijuana facility will not generate sales tax revenue to the City of Trinidad that is "consistent" with the existing businesses and the amount of revenue they generate!

Since this issue may arise during the appeal hearing for Forever Green, LLC, please feel free to distribute this additional information to those who have a need to know.

Thanks! Carol

--

Carol  
*Chief Financial Officer*  
*Big O Tires & Grease Monkey*  
2803 Toupal Drive, Trinidad, CO 81082  
719-351-6254 (cell)

Tom Acre

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From: Carolyn Dillow Phillips [cjdillow@gmail.com]  
Sent: Friday, July 04, 2014 4:33 PM  
To: louis.fineberg@trinidad.co.gov; audra.garrett@trinidad.co.gov  
Subject: Fwd: Opposition to Application #2014-MMC-16 & #2014-OPCO-16

**I am forwarding the following opposition letter to you directly to ensure that it is considered before the Planning, Zoning and Variation Commission on Tuesday, July 8. I cannot attend that hearing in person but feel strongly about my opposition as a business owner, resident, and parent to an application being considered at this hearing.**

**Thank you,**

----- Forwarded message -----

From: **Carolyn Dillow Phillips** <cjdillow@gmail.com>  
Date: Fri, Jul 4, 2014 at 4:08 PM  
Subject: Opposition to Application #2014-MMC-16 & #2014-OPCO-16  
To: [planning@trinidad.co.gov](mailto:planning@trinidad.co.gov)  
Cc: William Phillips <wmdphillips@gmail.com>

As a business owner in the city of Trinidad, a resident of Las Animas County, and as a parent, I am writing to voice my extreme opposition to the CUP applications being considered for a Medical Marijuana Center submitted by Forever Green, LLC (Application 2014-MMC-16) and the request to establish an Optional Premises Cultivation Operation (Application #2014-OPCO-16) at 3019 Toupal Drive, Trinidad, CO 81082.

My reasons for opposition are many but I will highlight a few:

1) This location is right off from Exit 11 on the west side of I-25. The following west-side business locations are directly impacted by this proposed facility: Quality Inn, Walmart, O'Reilly Auto Parts, LaQuinta Inn, Big O Tires, and Grease Monkey. In addition, the location is currently occupied by Phil Long Toyota. All the named businesses contribute heavily to the sales tax base of the City of Trinidad. A *medical* marijuana facility is NOT going to be contributing to this sales tax base as they are tax-exempt! In addition, a medical marijuana facility is not consistent with the current revenue-generating businesses located off from Exit 11.

2) 3019 Toupal Drive is viewable from I-25 and is accessible off from Exit 11, the last exit to the city of Trinidad going south and the first exit to the city going north on the interstate. In other words, a gateway to Trinidad. We do NOT need a marijuana facility as the first thing/last thing seen by those traveling on the interstate to represent our city.

3) How many schools are within 5 miles of 3019 Toupal Drive? Too many....I don't need to name all of them because you know where they are. I personally believe our children are our future and marijuana facilities so close to these schools do NOT represent the positive guidance we should be providing to our children as our next community leaders!

4) The city of Trinidad does NOT have the infrastructure in place to monitor and control a marijuana facility at this location. We already have issues with lack of city infrastructure support at businesses located off from Exit 11, even though the businesses contribute heavily to the city's sales tax revenue. By granting this application, you are literally introducing more chaos to the remaining businesses in this area. How long do you think the remaining businesses will stay with a marijuana facility so close?

5) Our businesses donate heavily to many agencies within both the city and county. We strongly believe in our law enforcement and fire protection agencies and are contributors to our schools and programs to create strong leaders of our youth. Are you really willing to jeopardize these contributions because that is what you will do by introducing a marijuana facility within our shopping center that threatens our livelihood!

In summary, I strongly oppose the CUP applications by Forever Green, LLC at 3019 Toupal Drive.

Respectfully submitted,

Carolyn J. Dillow

33822 Fishers Peak Pkwy.

Trinidad, CO 81082

719-351-6254 (cell)

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Carolyn J. Dillow

*Chief Financial Officer*

*Big O Tires & Grease Monkey*

*2803 Toupal Drive, Trinidad, CO 81082*

**719-846-0800 (Big O Tires)**

**719-845-0200 (Grease Monkey)**



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Carol

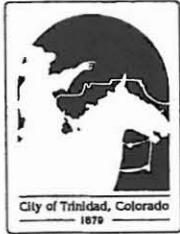
*Chief Financial Officer*

*Big O Tires & Grease Monkey*

*2803 Toupal Drive, Trinidad, CO 81082*

*719-351-6254 (cell)*





# CITY of TRINIDAD

P. O. Box 880  
TRINIDAD, COLORADO 81082  
TELEPHONE (719) 846-9843  
FAX NO. (719) 846-4140

## NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Trinidad, Colorado, acting in its capacity as the Board of Appeals of the City of Trinidad, will hold a public hearing on Tuesday, August 5, 2014, at the hour of 7:00 P.M. in City Council Chambers, Third Floor, City Hall, 135 North Animas Street, Trinidad, Colorado, on the appeal of Forever Green, LLC, of the denial of an application for three conditional use permits to allow for the establishment of a Medical Marijuana Center and a Medical Marijuana Optional Premise Cultivation Operation at 3019 Toupal Drive in Trinidad by the City's Planning, Zoning and Variance Commission. Interested persons shall be afforded the opportunity to comment and testify at the public hearing concerning this appeal.

Dated this 16th day of July, 2014.

By order of the Trinidad City Council.

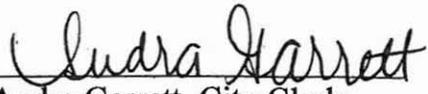
CITY OF TRINIDAD, COLORADO

Audra Garrett, City Clerk

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of July, 2014, I mailed the Notice of Public Hearing by first-class mail, postage pre-paid to:

Forever Green, LLC  
730 W. Colorado Avenue  
Trinidad, CO 81082

  
Audra Garrett, City Clerk

CERTIFICATE OF PERSONAL SERVICE

I hereby certify that on the 16th day of July, 2014, I personally handed a copy of the Notice of Public Hearing to:

Louis Fineberg, Planning Director  
City of Trinidad  
135 N. Animas Street  
Trinidad, CO 81082

  
Audra Garrett, City Clerk

**Tom Acre**

---

**From:** Audra Garrett [audra.garrett@trinidad.co.gov]  
**Sent:** Wednesday, July 16, 2014 11:06 AM  
**To:** 'tdad3311'  
**Subject:** legal

Please publish the following as a legal on July 18, 2014. If I need to send it as an attachment, let me know. Thank you.

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that the City Council of the City of Trinidad, Colorado, acting in its capacity as the Board of Appeals of the City of Trinidad, will hold a public hearing on Tuesday, August 5, 2014, at the hour of 7:00 P.M. in City Council Chambers, Third Floor, City Hall, 135 North Animas Street, Trinidad, Colorado, on the appeal of Forever Green, LLC, of the denial of an application for three conditional use permits to allow for the establishment of a Medical Marijuana Center and a Medical Marijuana Optional Premise Cultivation Operation at 3019 Toupal Drive in Trinidad by the City's Planning, Zoning and Variance Commission. Interested persons shall be afforded the opportunity to comment and testify at the public hearing concerning this appeal.

For the City of Trinidad, CO  
Audra Garrett, City Clerk

Publish: Friday, July 18, 2014  
Furnish Proof of Publication

*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)



PROOF OF PUBLICATION

STATE OF COLORADO  
COUNTY OF LAS ANIMAS } SS

Krysta E. Toci, of lawful age, being first duly sworn upon oath, deposes and says that she is the authorized agent of The Chronicle-News, daily newspaper of general circulation which is published and circulated in the City of Trinidad, Las Animas County, Colorado, that said newspaper is a newspaper of general circulation complying with all of the requirements of Articles I to VII, Chapter 130, 1935, Colorado Statutes Annotated, and all other laws of said State, and that said legal / notice has been so published for the period of time prescribed in said newspaper proper and not a supplement.

The attached Notice was published in said newspaper in its issue(s) dated

54437

June 18, 2014

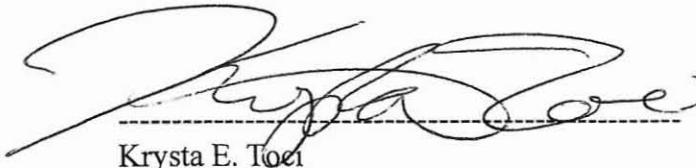
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54437



Krysta E. Toci

Subscribed and sworn to before me this

22 day of July,  
A. D., 2014.



Allyson L. Sheumaker

My commission expires on August 26, 2015



My Comm. Expires August 26, 2015

**TRINIDAD PLANNING, ZONING AND VARIANCE COMMISSION  
MINUTES OF JULY 8, 2014**

The Trinidad Planning, Zoning and Variance Commission met for a regular meeting on Wednesday, July 8, 2014 at 5:30 p.m. in City Council Chambers at City Hall, 135 N. Animas Street, Trinidad, Colorado.

Chairman Glenn Davis, presiding, called the meeting to order.

**ROLL CALL.**

There were present:                   Commissioner Kent Eberhart  
                                                  Commissioner Richard George  
                                                  Commissioner Frank Leone  
                                                  Commissioner Pat Patrick  
                                                  Commissioner Wayne Pritchard  
                                                  Commissioner Bill Winter  
                                                  Chairman Glenn Davis

Absent:

Also present:                            Planning Director Louis Fineberg  
                                                  City Attorney Les Downs  
                                                  Asst. City Planner Victor Gutierrez

**REPORT OF THE CHAIR, COMMISSION MEMBERS, PLANNING STAFF, PUBLIC WORKS DIRECTOR.**

A brief discussion was held concerning the status of the wayfinding signage and the location of the new dog park.

**PUBLIC COMMENTS.**

None.

**MINUTES.**

Commissioner Leone made a motion to accept the minutes from the April 22, 2014 special meeting as written. Commissioner George seconded the motion and following roll call, the motion carried.

Commissioner Winter made a motion to accept the minutes from the May 13, 2014 regular meeting as written. Commissioner Leone seconded the motion and following roll call, the motion carried.

Chairman Davis stated that the Items C, D, E, H, I, J, K, L have been rescheduled for the August 12, 2014 meeting.

Chairman Davis asked Attorney Downs to read Section 8.4(d) of the City Charter referring to the duties and responsibilities of the Planning Commission.

“Where not otherwise provided in this Charter or by ordinance, the Planning, Zoning and Variance Commission shall have the powers, perform the functions, and follow the procedures set forth in the statutes and laws of the State of Colorado or of the United States.”

Chairman Davis confirmed that this section of the Charter allows the Planning Commission, even though the State of Colorado has approved the cultivation and sale of marijuana, to perform the function to the approval without liability on their part.

Chairman Davis asked the audience that in the interest of time comments be limited to three (3) minutes. Davis stated that we are not here tonight to debate the virtues, or lack thereof, of the sale and cultivation of marijuana, that decision was made by City Council. We are acting under the powers vested in us by the ordinance City Council has enacted. If you have concerns about those issues, whether you

are in favor or opposed, those issues go before City Council, they are not for our discussion tonight and we will try to limit that. The decisions made here tonight by Commission members are not reflective of their personal positions on marijuana, for or against, it is in regards to the task in with which we have been charged. The ordinance clearly explains "parties of interest" and so when I ask for those that wish to speak in favor or against any application, please indicate for us that you are a "party of interest" and if you have a question about that we can have Mr. Downs clarify your position in that regard.

## **PUBLIC HEARING(S) / ACTION ITEM(S).**

### **5. PUBLIC HEARING(S).**

#### **A. Forever Green, LLC (Application #2014-MMC-16) - Request for a CUP to establish a medical Marijuana Center at 3019 Toupal Drive.**

Chairman Davis opened the public hearing at 5:42 p.m.

Terry Sanchez was present to represent his application. Sanchez stated that he is the owner of Forever Green.

City Attorney Downs asked Commission members to consider both applications. City Council did this at a previous meeting since it is basically the same applicant for two (2) different kinds of licenses. Davis reminded the Attorney that previously they were told to consider them separately but based upon this opinion we will combine these to quicken the process. Downs acknowledged that he was changing his opinion. Davis stated that this public hearing will now consider both Item A (Medical Marijuana Center) and Item B (Optional Premise Cultivation Operation).

Sanchez continued stated that this is an ideal location with adequate parking and hopes the site plan is sufficient. We plan on operating a high end operation that will not only represent the City of Trinidad but also the State of Colorado in the utmost professional manner.

Commissioner Patrick asked Mr. Sanchez if he was a previous applicant. Sanchez stated that he received a CUP for a location on Cedar Street but has since chosen this new location. Patrick confirmed that this eliminates the previous site from consideration.

Commissioner Leone asked if the applicant had to pay a new relocation fee. Fineberg stated that there is no fee for a CUP permit. Leone pointed out a "Change of location" fee is \$1500.00. Downs corrected Leone stating that applies to an application submitted to the City Clerk. If they move their location prior to filing their application or abandon a CUP to go someplace else they do not have to pay as there is no application fee for the CUP process.

Commissioner Pritchard asked about the plans included in the packet and Sanchez pointed out the correct plans for his location and clarified his plans with the Commission. Sanchez clarified that the grow area will be located in the garage and hopefully in the future there will be greenhouses in the area where the cars are presently. Pritchard asked for the opening timeline and Sanchez stated he is hoping to open in October.

Commissioner Eberhart asked to clarify with the City Attorney the CUP process. Eberhart asked if someone gets a CUP for any location can they then transfer that to any other location. Fineberg answered that CUP's are site specific. So if a CUP is granted for one location that does not mean that you have to open there, but if you want to go somewhere else then you must come back before the Commission and get a new CUP for the new location. Any CUP will expire after a year if it is not acted upon.

Pritchard asked the applicant if he has any idea how many employees he will hire. Sanchez answered that initially he is looking at a minimum of 15 employees. Once the grow expands and ultimately once the business plan is acted on fully, he could be looking at upwards of 60 people. Pritchard asked the typical wage range. Sanchez stated that there will be a whole range of employees, i.e. customer service representatives in the front assisting customers making approximately \$10.00 per hour. There will be people assisting with the grow and I have built \$15.00 per hour into my business plan for those. There will be business office personnel and management personnel that could be making upwards of 60,000 to 80,000 per year. If the full business plan is realized there will be a range from \$10 per hour to \$30 or \$40 per hour. Pritchard asked if Sanchez will be training local people to fill those jobs. Sanchez answered that that is his plan realizing that you have to uphold a certain standard and people need to be trained, well spoken and well versed in the intricacies of customer care and customer service. In

addition, when you have a medical patient come in to visit they must be knowledgeable about what types of products to recommend and what may be able to help that person. I have a 20 year background in health care so I will be a big part of that. There will also be training at the State level for the inventory control processes. Obviously there will be the handling of money so the business office personnel may be better paid than those at the front end retail positions and the master grow person will be well compensated. So, training and trying to find individuals with experience in this area will not be easy. Finding individuals that have the ability to learn and can be well spoken who can be part of the custom service process is going to be huge. This is not going to be a pot shop that has Grateful Dead music blaring over the radio when you walk in and Jimmy Hendrix posters on the wall (although I am a big Jimmy Hendrix fan) but rather a high end vibe, a classy vibe. We understand that this town in general cannot support the number of marijuana dispensaries as well as large grows so we have to rely on tourism. We are going to be in many cases the first business a tourist coming from the south encounters and there are approximately 2.5 million cars a year that pass through this town on the interstate and we are going to be one of their first stops so we must make sure we are representing the City of Trinidad and the State of Colorado in the most professional manner. So if I can find the entire workforce for this business here in Trinidad then absolutely. I don't think that is going to be possible so we may have to import people from elsewhere in the state or country but I hope that the majority of employees will come from Trinidad or the Trinidad area.

Commissioner Winter asked if there are 15 licenses to be issued. Downs answered that there is a limit of 15 licenses for medical marijuana dispensaries but no limit on the number of retail marijuana licenses. Winter went on to state that 2 months ago we approved the CUP for the Cedar Street location and that is still active. Fineberg stated that the Commission could make this new CUP contingent upon the extinguishing of the other. Sanchez stated that he requested went on to state that he is lucky that the area was kept very clean but he is planning to have this thoroughly cleaned and exterminated. The doors need work to make it completely weatherproof and bug proof and there will be quite a bit of work put into this area. We will need at least a 10,000 ton air conditioning unit and will completely paint the walls and floor. There will be a lot of work going into that maintenance area. In my inspection of that area it does not look like it has been a car maintenance area for a long time as they have been very good at keeping the floors clean and the grease down and it is not dirty at all for all intensive purposes. Leone asked if Sanchez knew when this building was built. Sanchez answered that he thought it was built in 1986. Leone asked if Sanchez thought there might be some asbestos in this building and if he should have this checked. Sanchez answered that he could have this checked if this is desired. Leone stated that going from a garage to a grow area and giving this to people is a big difference. Sanchez agreed and said this grow building is very large with very large ceilings. To be able to seal off and grow your cultivation properly, you have to have cloning areas, vegetative areas, flowering areas and those are going to be completely separate within the garage. I don't want to have to air condition and heat that entire warehouse since that would cost way too much. So we are going to have buildings inside of that building; large rooms that are going to be sealed off from the rest of the warehouse as well. Leone stated that what he is concerned about is a safety and health issue. Sanchez stated that he understands the point and if that is what this Commission desires then that can be done. Sanchez stated that he personally and folks that he has had in the building do not see this as an issue.

Commissioner Patrick asked Sanchez about the actual impact on tourism and asked Sanchez if he knows how much money the State plans on putting into the promotion of marijuana. Sanchez answered that he has no idea. Patrick stated that this Commission has put many hours into working on things like wayfinding signage and gateway signage to make the gateway to Trinidad look as good as we possibly can. Patrick continued on to say that this location might be in question for him and asked Sanchez if he has a long term plan to be part of the community and contributing to the economy and is so perhaps he could elaborate. Sanchez stated that if a person is coming from the south their last stop was Albuquerque and they've been on the road for a while. He is lucky to have an entire car dealership showroom to establish retail space as well as a waiting area. He is going to dedicate about 1/3 of the entire showroom into a waiting area that will have public restrooms and water. He plans to promote the City of Trinidad in that waiting area and has already begun working with other local businesses to establish a working relationship. He would love to get the art community involved as well. He hopes that people will come to Trinidad and visit the dispensary and then eat at one of the restaurants or stay at one of the hotels. He is definitely going to promote the City of Trinidad and the various

businesses, activities, museums and art within the waiting area. He understands that this is going to be the 1<sup>st</sup> dispensary that many people traveling into the State see and that offers many things. This is a great opportunity from a business point of view in that people that do come to Colorado do not have to travel all the way to Pueblo to get their product. At the same time it is a highly visible space and area and we need to do things 100% right in order to make this place a go. Not only is the City going to be watching us but citizens are going to be watching us as well. This is a brand new concept for the city, it is a huge change and scary for many people. His responsibility is to follow the rules and regulations to the letter of the law and has every intention of doing that. Number one, I don't want to be shut down and I don't want to be fined. If this is the law then it is my obligation to follow it. At the same time opening up a facility that is going to be inviting and is not intimidating to the average person coming in to this location is huge. It is not only going to represent the store, but the City and its citizens as well as the state of Colorado. If you have anything less than what we are envisioning and what we plan on opening, I don't know that this would be a good thing. This is going to be something that you are going to be proud of as a City, there is no doubt in my mind and we are going to represent the City and the State at the highest level.

Chairman Davis asked Sanchez how many of the 2.5 million cars coming into this area he anticipates will get off at that exit to visit his facility understanding that at this point he is asking for an application for a medical marijuana license. Sanchez stated that that is difficult to predict but if you just took a small percentage of that, perhaps 1 or 2 percent, business would be booming. Davis confirmed with Sanchez that if 1 percent of 2.5 million cars stopped at this facility that would be an additional 25,000 cars per year. Davis continued on stating that he is assuming that at some point Sanchez is anticipating opening a retail store at this same location. Sanchez agreed with that statement and Davis asked Sanchez if he has done any studies on the impact of that many additional cars in the area. Sanchez stated that of course that would greatly increase the amount of traffic but most would funnel directly into his large parking lot and right back out or go to Wendy's, WalMart or a nearby hotel. From a business standpoint, Sanchez stated that they have the room to accommodate those cars while they stop. Davis asked Fineberg if there is anything from Public Works in regards to the impact of additional traffic at this location and because there is a frontage road to I-25 do we have anything from CDOT, or will CDOT be required to look at the impact of an additional 25,000 cars per year. Fineberg answered that Public Works had no comments and he does not believe that CDOT needs to be involved. Leone answered that back in 2011 when the overpass was completed there was some type of study there for the City involving all those 8 intersections going across one (1) bridge. Fineberg stated that he was here in 2011 but does not recall that study. Fineberg stated that Walmart generates far more traffic than this site ever would. Leone stated that he understands that. Davis stated that although he is not a traffic engineer, he feels like the amount of traffic currently on that road is a lot and with the additional number of vehicles he cannot imagine Public Works not saying that there is some impact. Davis feels personally that this Commission should have heard that. Fineberg stated that the Public Works Director did sign the notice but made no specific comments. Fineberg went on to state that in the grand scheme of things, Walmart generates far more traffic and this site will not even be close to that and then you add the hotels to that. Fineberg does not feel that the additional traffic is going to be uncontrollable. City Attorney Downs stated that the primary question here is whether or not this is a permissible use in terms of the zoning code and although this is a valid concern other businesses do not have to provide a traffic impact kind of survey on what is going to happen and it does occur to me that if there is an area that can accommodate a large number of cars this is probably the area, although I don't want to be perceived as making an argument on behalf of the applicant. Also, in response to Mr. Patrick's earlier questions, advertising is very limited for these businesses and they are not allowed in any way to appeal to or make themselves known to interstate commerce. The federal government has made it very clear that if anyone is trying to appeal to interstate commerce and bring people over the border they will get involved and shut them down immediately. Signage and advertising is regulated by ordinance and is very limited. Commissioner Patrick commented that his earlier questions were alluding to the fact that a number of citizens might not want Trinidad promoted or advertised in this type of establishment. Commissioner Pritchard stated that 25,000 is a hypothetical figure just pulled out of the air and spread out over a full year. The number may be 10,000 or 13,000 and I have never been in a traffic jam on my way to Walmart under any circumstances and I do not believe we should be considering a hypothetical number in our discussion of this. I think this intersection is suitable

for a lot of business out there. Fineberg stated that if the Commission is thinking of going in the direction of requiring a traffic engineer, he would remind them that Walmart, Quality Inn, La Quinta, Holiday Inn, Wendy's was not required to do one. Chairman Davis interjected that all of the businesses that Fineberg mentioned did not require a CUP and were a use by right. That makes a difference as the ordinance clearly states that as the Planning Commission we are required to be provided with a list of things, i.e. site development plans, relationship to adjacent properties, improvements, availability of utilities, statement of time sequence of development and the environmental impact on properties in the immediate vicinity. So I believe this is a viable question. What is the environmental impact of additional traffic? I believe that if I were going to invest the kind of money that you are, that you would have an idea of what the impact is and following that this Commission shall be provided with that and that is our responsibility. Fineberg asked if the Commission has asked for the information from other applicants. Davis stated that the Commission has asked for that information and have approved the sites conditional upon that information being provided. Davis asked Fineberg if it has been provided. The condition that we had on all the others had to do with the fact that this site plan with this information would be provided to Planning and subsequently to City Council with the packet. Has it been provided? Fineberg questioned if they required a engineered traffic study on the other applications? Davis answered not necessarily a traffic study but what is the impact, that is my question and my right and our responsibility as Planning Commission. Downs stated that an impact study does not mean traffic flow and Director Fineberg's point here is that the other CUP applicants that have been approved by this Commission have not provided, nor have they been asked to provide, a traffic impact study or survey, nor have they been told that that is part of the environment impact statement. So I think we have a precedent here. The amount of traffic volume has been raised on a previous application but it is speculative. With all due respect it is not contemplated in the language of the environmental impact statement and is a new requirement and I don't understand why it is now being asked of and required for this particular application.

Patrick stated the difference for him for this application is the word "tipping point" that was stated earlier. When Walmart went in nothing was happening there, not even an exit for the State Park. Now there is a number of RV's coming across that exit with signage directing people out to the State Park. This is a different situation than some of the others and in my opinion it is because of its location. Sanchez stated that he disagrees with that statement and feels this location will relieve some of the traffic that businesses of his type will generate in downtown Trinidad. One of the reasons I abandoned Cedar Street was because of some of the concerns with traffic, parking and congestion and there is no way you can tell me that my business at this location is going to generate more congestion than what will be going on in the streets right outside of this building. So in all reality this location may relieve some of the pressure that the City will feel if all of these businesses do open their doors. Patrick stated that since this is speculative it sounds like to him that the Commission is headed in the direction of an objective professional that evaluates these types of things. Fineberg stated that he is concerned about consistency. I agree with Mr. Sanchez, we have reviewed facilities that are in the downtown area. You want to talk about tipping points, that is a tipping point. This is a peripheral location with a large parking lot and it comes down to consistency. Why one and not the other. Davis stated that when we attempted to take a look at traffic issues we were told that that really wasn't an issue, but he feels it is an issue and it is something that this Commission should deal with. Commissioner Leone stated that we are here to talk about this CUP and we are trying to ask you questions and you (Downs and Fineberg) are trying to talk us out of it. You are trying to tell us the way to vote. We are asking you questions and I don't want to have someone telling me in a position where I am a volunteer the way I should do things. This is a specific location that we are talking about now not the others. I don't want to sit here and hear you say that we didn't do this on another application and so you have to do this on this one. Fineberg asked Mr. Leone not to put words in his mouth and is concerned about the City's position from a liability standpoint. Mr. Sanchez stated that he just wants to be treated in the same light as everyone else. Mr. Davis stated that will be done but that this Commission needs to get their questions answered. Mr. Downs stated that he does not want to have a canned position except for consistency. Take for example the Micheliza's which have been approved by the City and are close to being approved by the State. For the sake of consistency and for any potential municipal liability, theirs is a much more constricted area much less capable of dealing with any high volume of traffic and never have the words "traffic impact" or "environmental impact" been

uttered regarding that application, and so I respectfully submit that the precedent has been set and it is not appropriate to add a new criteria from a legal standpoint. Commissioner Pritchard asked why everyone is exercised about traffic when there is no possible way to know the traffic impact and this is all conjectural. There is no way to make a decision based on a conjecture of how much business the applicant may or may not do, that is completely illogical. Director Fineberg clarified that he is paid to advise this board; his is an advisory role. It is the Board's choice whether or not to take his advice. I do not want to try to influence how you vote or what you do. My interest is only to advise you in the path that I think is correct. Commissioner George stated that the Board was told that traffic did not matter on the other applications and we were not to do anything about the traffic because it did not come before us and now he (Downs) is telling us a different story. Chairman Davis stated that he respectfully disagrees with Attorney Downs that on previous applications there were concerns in regards to traffic with the Micheliza's application voiced from the audience as well as this Commission. There have been concerns about traffic issues at other locations and understanding that City Council is in a great position since when they made a mistake on the ordinance they simply revised it. We do not have those opportunities to go back and revise anything. If we failed to do our due diligence and do our job in the previous applications and if any Commission member feels that they need to look at it in greater depth we cannot go back. We can only go forward. We have been forced to deal with this issue without prior experience. None of us were dealing with this two (2) years ago. We are learning as we go and will make mistakes as we go. If that creates a liability to the City then I am sorry. We are learning and we do have concerns. I do have concerns about traffic in that location I am concerned that we do not have that information and concerned that that information has not come back to us. I have gotten some of those site plans because I have asked for them. While the terms "environmental impact" may, in Mr. Downs' opinion, not speak of traffic, traffic is an environmental impact. Traffic that races up certain streets and down certain streets impacts the people that live in those areas. I think that is important and I think that is a part of what we are required to look at.

Hypothetically, Micheliza's could bring in half of 1% of the traffic and that is 12000 cars right here on Commercial. How can this (Sanchez) be an issue and that (Micheliza) not be an issue? It is completely inconsistent and illogical to saddle him with a hypothetical problem that the other applicants have not faced as a hypothetical problem. How are Michelizas or anybody else in town going to accommodate 12000 cars. Why is that not an issue and why is he (Sanchez) being hammered over a place where there is ample parking, ample on and off ramps and whereas here on Commercial St we are choked down to where you can't have 15 cars on the street at the same time. Why are we now hammering him with this traffic problem.

Attorney Downs realized that there have been concerns with traffic with the others applicants and he apologized for misspeaking. However those applications have been approved and it does seem ironic or paradoxical that traffic is now a concern for an area of Trinidad that is most able to accommodate a high level of traffic. This is a traffic overpass that feeds Walmart and the other businesses Mr. Fineberg mentioned earlier. This is about consistency and I know that people discuss things, but to now suggest that this particular location has a problem because of its ability to handle traffic is disingenuous because of all the applications and all the people that have come before you and all the others that have been approved, this one is most able to accommodate a heavy traffic flow.

Commissioner Leone confirmed with Attorney Downs that the Commission can place stipulations on this application.

Chairman Davis read a letter into the record from Carolyn Phillips (see attached).

Lisa Camarillo, General Manager of Phil Long Toyota addressed the Commission stating that she is here to say where people chose to sell this and what people chose to do is their American Dream. Mine also in the respect that I run a successful business, I run a chain. I am part of the community in addition to contributing with a business that comes in, employees people, both local and out of town, but the majority of our employees are local. I have 31 employees just at that establishment. The 50 cars that we sell every month, 28% come off of out of state sales that come off of that highway from broken down cars. They come because we are a beacon and a light that they see and notice from the highway. They come in and we service them and sell them new cars and they come back. While their stay here is very short, they stay. They stay because we have their car. They stay at the La Quinta, they go into town, the shop at our shops and participate at our restaurants. We stay at our town, we shop local, we participate at our restaurants. This is not an application for just a business. This is an application for me that is

coming in to take one business away and replace it with another. That is what it simply is for me. For me as a human and as a Mom and as a community person and as a leader, it is not how I can see a city being built on. This city has a history of mistakes that have been made of what we are known for. I do not believe this is not the direction this city wants to go in. I'm not saying we are not going to sell marijuana here I just don't believe this is the foundation we need to build our City on. The letter did say and I will repeat one time...we are a gateway. I came from Albuquerque a year and one half ago and this was not the place on my bucket list. I was running a dealership just fine selling 400 cars a month. Jay Cimino didn't ask me to come here to run a dealership. He asked me to wrap my arms around a town and by the way, sell some cars. That is what closed me. I am a woman of service, of passion, and I believe in building communities. I was known for two things in Albuquerque, I built managers and took big dealerships and give them a small town feel. My job here is the exact opposite. Last year we contributed \$83,000 into this community and this year we have donated already \$48,000 with months to go. We contribute back into this community. My little store does not produce millions of dollars, that is not why we are here, we are here for the community. We have 2900 documented service customers that come into our dealership. They are our clients. I field phone calls daily...are you going to be there for me? We are next to Walmart because it is an ideal situation. We lead the people back in, we keep them here, we take care of our community daily. We care about our community, we care about our youth, we care about our leaders. Commissioner Pritchard asked why they are leaving. Ms. Camarillo stated that they are looking for a place. By the way, the October date is not accurate. Lawyers have told us we have until the end of the year and also about current debt owed us from the landlord which would create a longer ability for us to have to stay. We were in the process of buying this facility and in order for us to stay per Toyota standards it is going to cost us about one (1) million dollars to renovate this building anyway and we are prepared for that. To renovate it for a pot situation is not going to be much less than that as far as EPA, ventilation, etc. It is a service department with oil, grease and sewage running right underneath it. It is a service area and that is what we do. It is disgusting and not clean and I do not frequent the area in these clothes. We would have to find a place and build from the ground up. I would actually prefer this as I would have a state of the art service department brand new building. But I would need to have that space available and would need a minimum of 7.5 months just to ground out a service department. I can sell cars out of a tent (I have done that before) but I need a service department. So I would need this minimal amount of time to create the minimum side of the dealership that serves the community. I understand I sell 50 cars a month which may not be the thriving side of the business but I service well more than that. Mr. Eberhart confirmed with Ms. Caramillo that she is not in favor of a marijuana business at this location. Commissioner George asked to confirm with Ms. Caramillo that they don't have to leave before the first of the year. Ms. Caramillo stated that according to the landlord's lawyers that is accurate.

Arlene Robinson addressed Commission member stating that she opposes this CUP application. She and her family have been living in their home for over 30 years and it sits directly behind this facility. The home has been a labor of love that they are very proud of. Robinson's concern is what will happen with property values with a pot shop. What happens to our safety and well-being. There are panhandlers up there now and her daughter went for a ride on the ATV the other day and there are panhandlers living up in the rural areas in the trees. Her fear is that with this business coming in there will be a bigger influx of transients in the area and their safety is a big concern for us. We are also concerned with traffic and although everyone says the area can handle the traffic, we have seen it when they can't. You go there when there is a snow storm and the road is closed, we have a huge problem there. Sometimes when a semi comes through and misses the corner and we have to wait for a tow truck to pull them out there is a huge traffic problem. Also in our neighborhood there are children and school buses going through there twice a day. We don't want to see our kids facing a pot shop every day, this is our neighborhood. I need to be reassured that the green belt is going to stay but Mr. Sanchez said that he may eventually put greenhouses back there and that is not sitting well with us. This is all new, something we have not been faced with before and we are afraid of the unknowns coming our way. There are too many unanswered questions. What about water pressure when they are watering. Will I only get a small trickle...how long will it take my washing machine to fill. What are the requirements, is it going to be 1000 or 2000 feet from the edge of their property to my yard. We are very opposed as there are too many unknowns.

Bernadette Baca-Gonzales addressed the Commission saying that she is concerned about the traffic. As a resident of Allendale she travels down Santa Fe Trail to the stop sign at the Holiday Inn. Then there is a 2<sup>nd</sup> intersection feeding the traffic off of the highway heading north and then going to the weigh facility. Then you go across the highway where there is the exit ramp for the traffic heading south and right across from there is the entrance ramp to catch the highway to continue on to Raton. Then there is another intersection which is the turnoff to go to Starkville or you make the right turn to go towards businesses located there. There is a huge bottleneck there. Every time I go to Walmart or go to patronize one of the other businesses, I stop, look, error on the side of making sure it is clear and hope I can get past the next intersection and across the bridge. I have seen accidents there where people have been T-boned and I think that at the minimum it is time to look at traffic signals and I think it is appropriate to make the inquires regarding whether a traffic study is needed. At one time I participated in some meetings at the Courthouse with CDOT where discussion were had about putting in signals so I think the time is here and because of the anticipated increase in traffic, a traffic study is appropriate.

Arlene Robinson submitted a letter from her neighbor, Chris Furia, to the Planning Director. Mr. Bill Phillips, owner of Big O/Grease Monkey, addressed the Commission. Mr. Phillips began by stating that he was having a hard time understanding what was transpiring in the beginning as he did not realize the Phil Long Toyota was going away. That helped put context behind it but I do not believe that is going to happen. I have to put myself in your position. You, as a Commission, represent us, the people, and us, the business owners. What is in the best interest of this community from a business and a citizen standpoint for zoning and commercial businesses in an area in Trinidad. In this area in particular if we look at what is there right now, Phil Long, hotels (the La Quinta, Quality Inn), Walmart, O'Reilly Auto Parts, Big O Tire, and Grease Monkey. These are all very complimentary businesses. I have to believe that everyone sitting up here realizes the revenue stream that is generated for the City from these businesses. I would strongly suggest that we do everything possible to maintain the integrity of the businesses that are there; to continue the revenue stream, to continue the development. I am sure that you are familiar with the Steven Tebow property that is next to us. We have been there for 12 years and our hope is that that property would have been developed previously but it has not yet. There is a very strong of avenue of planning and commercial development that could go on in that area. You, as Commissioners, have to ask yourself what is in the best interest of that development and the revenue stream that is going to be generated. Is it going to be the type of businesses that are there or the types of businesses that are petitioning for this use permit. My feeling is that if we are going to have marijuana facilities, whether medical or commercial, let's find a different place for it. I don't know where that is but I don't think it is off of Exit 11 in Trinidad. Chairman Davis read the letter from Chris Furia into the record.

Chairman Davis closed the public hearing at 6:59p.m

Commissioner Pritchard reiterated that it is not our obligation to determine where businesses go or what businesses are allowed in certain neighborhoods. We have no jurisdiction over which businesses go anywhere. Our job is to approve an application that is within the prescribed boundary not to make a judgment on which business should go in which location. (Downs stated that is correct as long as it is a permissible use.) Pritchard does not think it is within our responsibility to make hypothetical judgment about traffic impact when we don't know how much Walmart business has increased over the past years, it may be 25,000 cars, that is not our business. Our obligation is to approve a new business, this CUP just on the grounds it is a legal application within the bounds of the approved area, not to judge the suitability of a business in any location.

Commissioner Patrick stated that a traffic study would still be a projection. Patrick asked Attorney Downs if the Commission would be placing themselves, meaning the citizens of Trinidad who ultimately pick up the tab, in that big of liability financially if we felt that the traffic study should be completed before we make a decision. If we table this until we have that study would we be setting ourselves up for a liability situation. I do not see this as identical to the downtown situation. I was one who voted approval based on facts we had for Mr. Sanchez to have a business in another part of town. But I do see this affecting the environment that we live in so I do see this as an environmental situation. That is the way I come home from work and I am very familiar with that intersection. Can you give us a reading on that and would you like us

to table this to see if we would be placing the citizens in a bigger deficit than we would be if we started seeing a different kind of economic impact on our community.

Downs answered that anything can put us in a liability situation. This Commission can table this until the next meeting or put a condition on this application requiring a traffic study. However, if this application is denied that would put the City in a huge liability especially since no one else has been required to do this. I don't know if this individual will be required to commission a traffic study at whatever cost. Patrick answered that rather than place this on the applicant, perhaps the City could take a look at that intersection. Fineberg interjected that the City was approached by CDOT to look at some of the intersections that we felt were of concern. They required that they be City intersections. My feeling is that rather than help us with some of our issues they should look at their issues and suggested that they look at all the exits. I don't know if they will do that or not, but one of the big problems with the exits is CDOT jurisdiction. It is not like the City has complete control and can do as we wish, CDOT has to be part of the solution.

Patrick stated that when they were looking at Highway 12, they put in counters to check the volume of traffic. Perhaps it is something that simple to give us an idea of what is going on there. Perhaps that is something we can do in collaboration with CDOT for a length of time, perhaps the amount of time it is to table, i.e. a month. This is the busiest time of the year and so is a good time to do it.

Fineberg stated that a traffic study has to be done by an engineer to give it value. It is a large expense to be placed on the applicant. Davis questioned whether CDOT would have an idea of the capability of the intersection in their studies when they designed it. Is it too much to assume that when they designed it they determined the maximum amount of traffic it can handle. I think a simple question with a statement from CDOT can answer some of these questions. Commissioner Eberhart questioned Mr. Downs that he just told Commissioner Pritchard that the Board does not consider a business on location. What in the hell are we considering here. We have not had this come up before and we have 5 very viable objections to this business in this location and we have not had that before since we started 16 applications ago. If we are not supposed to consider what these people think that have come before us I think this is a major part of what we are supposed to do. Downs responded that we have had a number of people speaking against various CUP's. What this Commission is not is a political body and you are not to be lobbied and keep score. It is not a matter of you being subjected to public pressure or even, which is remarkably unprofessional, applause during a hearing. You are not to be lobbied and not to be influenced or to have something cheered upon or booed. This is not a Roman coliseum kind of setting. So the question is, in a very sterile clinical environment, is this an allowable use. Does it meet the criteria for conditional use permit for this kind of a business in this kind of location. Respectfully I believe it does, no matter how many people get up to speak in opposition or submit letters, or boo or applaud. It is an allowable business and that is the consideration of the Commission. Is it a valid consideration for traffic flow, sure it is but I don't know why it is coming up now. It is an allowable use in this zoning classification.

Patrick stated that this panel is made up of citizens and we are here representing our neighbors. If we don't have enough information then we probably shouldn't make a decision. But we have been told that we can't abstain and if we vote no we must give a reason. We cannot abstain unless we have a conflict. Downs confirmed that and went on to state that a matter can be tabled without a reason. Commissioner George asked if the intersection is in city limits. Fineberg clarified that half of the bridge and the roads north of the intersection belong to the City.

Pritchard went on to say that a traffic study is meaningless because there is no way to determine the traffic of Mr. Sanchez's business. Whatever numbers it comes up with will be irrelevant because you don't know what number to plug in for him. He said 1% is a pie in the sky number, not a definitive number. It may 1/10 of 1%, there is no way to know his impact therefore any study would be irrelevant.

Davis asked if that isn't always the case with the establishment of a new business. The relevance of a study is to make a decision and they are all projections. Prior to Walmart being there a study was done as to what the traffic pattern would be. Davis stated the Pritchard is making a blanket statement that a study is irrelevant but he is entitled to his own opinion.

Pritchard stated that he is also entitled to logic which I think some people are not adhering to. Chairman Davis stated that he feels he does not have enough information to make a decision.

Commissioner Patrick made a motion to table the application until we have an idea of the cost to get us the information we need. This motion died from lack of a second.

Commissioner Pritchard made a motion to approve the both CUP's with no riders or restrictions or studies and only with staff conditions as outlined in the staff recommendations. This motion died from a lack of a second.

Commissioner Eberhart made a motion to deny both CUP's and Commissioner George seconded the motion. Following roll call, the motion carried with a 4 to 3 vote (Ayes: Eberhart, George, Leone, Winter; Nays: Patrick, Pritchard, Davis).

Attorney Downs suggested that those members that voted "no" on the application should give their reason for voting against the CUP. Commissioner Leone stated that he voted no due to a safety issue. Winter stated that he voted this way because of the type of business and the other businesses that would be affected in the immediate area. Chairman Davis informed Mr. Sanchez that he can meet with Mr. Downs to get information relevant to the appeals process if that is what he desires.

\*\*\*\*\*The Commission took a 5 minute recess\*\*\*\*\*

- B. Forever Green, LLC (Application #2014-OPCO-16) - Request for a CUP to establish an Optional Premises Cultivation Operation at 3019 Toupal Dr.**

*Considered in conjunction with Item A.*

- C. Trinidad's Higher Calling, LLC (Application #2014-RMS-15) - Request for a CUP to establish a Retail Marijuana Store at 1000 Independence Rd.**

*Item tabled to future meeting*

- D. Trinidad's Higher Calling, LLC (Application #2014-RMCF-15) - Request for a CUP to establish a Retail Marijuana Cultivation Facility at 1000 Independence Rd.**

*Item tabled to future meeting*

- E. Trinidad's Higher Calling, LLC (Application #2014-RMPMF-15) - Request for a CUP to establish a Retail Marijuana Product Manufacturing Facility at 1000 Independence Rd.**

*Item tabled to future meeting*

- F. M & M Distributing, LLC (Application #2014-RMS-05) - Request for a CUP to establish a Retail Marijuana Store at 422 N. Commercial St.**

Chairman Davis opened the public hearing for both Item F and Item G at 7:26 p.m.

Director Fineberg stated that the applicant has already applied for and been approved for a medical marijuana facility at this location and are before you today for a retail facility.

John Micheliza and Jerry DeAngelis were present to represent their application saying that they are very excited. They have been approved for a City medical license and should be receiving their license from the State by the end of the week. The work on the building is going as planned with the office being brought up to code. As far as the medical license is concerned we have to have a patient and then grow six plants for that person and if here in



**MEETING DATE:** July 8, 2014

**TO:** Planning, Zoning & Variance Commission

**FROM:** Planning Department

**SUBJECT:** Request for a conditional use permit to place a Medical Marijuana Center at 3019 Toupal Drive.

**CITY COUNCIL MEETING:** NA

---

**GENERAL INFORMATION:**

**Applicant(s):** Forever Green, LLC (Terence Sanchez)

**Property Owner(s):** John H. & Marcia M. Lackey Trust

**Application #:** #2014-MMC-16

**Associated Applications:** #2014-OPCO-16 – Optional Premises Cultivation Operation (Formerly 123 Cedar St.)

**Purpose:** Request for a conditional use permit to place a Medical Marijuana Center at 3019 Toupal Drive.

**Location:** 3019 Toupal Drive

**Property Area:** 3 acres

**Existing Land Use:** Commercial

**Surrounding Land Uses:** A mix of commercial and residential uses.

**Existing Zoning:** CC—Community Commercial

## **RECOMMENDATIONS:**

Staff recommends that the Commission grant approval for the conditional use permit request as outlined above, subject to the following conditions:

1. The applicant must comply with all provisions outlined in Article 12 of Chapter 14 of the City of Trinidad Municipal Code of Ordinances as well as any and all applicable state and local statutes, ordinances, rules, and regulations regarding the operation of medical marijuana centers, and other statutes, ordinances, rules, and regulations for the operation of businesses within the City of Trinidad, including but not limited to City sales tax and the City's sign code.
2. The applicant must provide the City with an air filtration plan describing the filtration system and/or other method or methods to be used to minimize odors associated with the cultivation and sale of medical marijuana. Approval of said air filtration plan is subject to the approval of the City Building Inspector.
3. If the proposed conditional use is not established within one year of its approval, discontinued for at least one year, or replaced by another use of the land, the conditional use permit and all associated conditional use permits shall expire.
4. The applicant must comply with the reasonable requirements of all Trinidad Municipal Officials with respect to the establishment and operation of the proposed facility or facilities.



3019 Toupal Dr.



**MEETING DATE:** July 8, 2014

**TO:** Planning, Zoning & Variance Commission

**FROM:** Planning Department

**SUBJECT:** Request for a conditional use permit to place a Medical Marijuana Center at 3019 Toupal Drive.

**CITY COUNCIL MEETING:** NA

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4. The applicant must comply with the reasonable requirements of all Trinidad Municipal Officials with respect to the establishment and operation of the proposed facility or facilities.



3019 Toupal Dr.

# LAS ANIMAS COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0012217000

Parcel #: 12217000

Local #: 00

MH Seq #:

MH Space:

Appr Year: 2014

Levy: 50.215

# of Bldgs: 2

Create On:

Tax Dist: 19A

Map #:

LEA: 305100

Active On: 20030101

Assign To: UnAssigned

Initials: JODI

Acct Type: Comm Improved

Inactive On:

New Growth: 0

Last Updated: 1/3/2014

**Owner's Name and Address:**

**Property Address:**

IMAGE HOSPITALITY LLC

3125 TOUPAL DR  
TRINIDAD CO 810820000

**Street:** 3125 TOUPAL - QUALITY INN DR  
**City:** TRINIDAD

**Business:**

### Sales Summary

Sale Date	Sale Price	Deed Type	Reception #	Book	Page #	Grantor
8/20/2010	\$1,660,000	SW	708967	1093	947	STERLING BANK (PTD)
3/29/2010	\$0	PT	707141	1091	116	TRINIDAD HOSPITALITY LLC
6/25/2008	\$7,300,000	SW	1078000038	1078	38	SIDHU ENTERPRISES LLC
8/27/2007	\$0	SW	1070001790	1070	1790	TINWOODS INC
10/26/2006	\$5,450,000	SW	1062001953	1062	1953	TINWOODS INC
7/13/2004	\$3,900,000	SW	1040001056	1040	1056	HOLTRIX INC
2/6/1996	\$0	OR	0927000253	927	253	ORDINANCE #1524-ANNEXATION
1/30/1996	\$0	PA	0926000767	926	767	BALDWIN DORIS TRUSTEE
1/30/1996	\$0	PA	0926000766	926	766	BALDWIN DORIS
8/1/1994	\$3,300,000	WD	0906000709	906	709	BALDWIN CHARLES, DORIS & OWEN
7/31/1994	\$0	PA	0906000705	906	705	BALDWIN DORIS
7/31/1994	\$0	PA	0906000703	906	703	BALDWIN DORIS

### Legal Description

25-33-64 PT-SWSW- 26-33-64 PT-SESE- TOGETHER CONT-6.00 ACRS M/L

Subdivision Name:  
33-64 OUTSIDE TDAD

### Land Valuation Summary

Land Type	Ag Code	Abst Code	Square Feet	Unit of Measure	Number Of Units	Value Per Unit	Actual Value	Assmt Percent	*Assessed Value
Commercial	0 0	2001	261,360	Acres	6	\$75,000.00	\$450,000.00	0.29	\$130,500

# LAS ANIMAS COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0012217000

Parcel #: 12217000

Local #: 00

MH Seq #:

MH Space:

**Land Subtotal:** 6 \$450,000.00 \$130,500

### Land Attributes

Attribute	Description	Adjustment
LAD202	LAD202:0	0

### Buildings Valuation Summary

Abst Code	Abstract Description	Actual Value	Assmt Percent	*Assessed Value
2250	XTRA-FEATURES ON COMMERCIAL PRO	\$117,910	0.29	\$34,194
2200	HOTEL/MOTEL	\$1,016,133	0.29	\$294,679
<b>Improvements Subtotal:</b>		<b>\$1,134,043</b>		<b>\$328,873</b>

**Total Property Value** **\$1,584,043** **\$459,373**

\*Approximate Assessed Value

<b>Building #:</b> 1	<b>Condo SF</b>	<b>Condo % Land:</b>	<b>Condo % Bldg:</b>	<b>Unit Type:</b>	<b>Landscaping \$:</b>
<b>Property Type:</b> Commercial					\$0.00
<b>Quality:</b> Low	<b>Nbhd:</b> 2600			<b>Occupancy:</b> Hotel	
<b>Condition:</b> Average	<b>Nbhd Ext:</b> 00				
<b>Perimeter:</b> 2476	<b>Nbhd Adj:</b> 1				
<b>Percent Comp:</b> 100.00%	<b>Nbhd:</b> 2600				
	<b>Nbhd Ext:</b> 00				
	<b>Nbhd Adj:</b> 1				

# LAS ANIMAS COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0012217000

Parcel #: 12217000

Local #: 00

MH Seq #:

MH Space:

## Individual Built As Detail

<b>Built As:</b>	Hotel	<b>Year Built:</b>	1979
<b>Construction Type:</b>	D	<b>Year Remodeled:</b>	1979
<b>HVAC:</b>	Package Unit	<b>% Remodeled:</b>	1
<b>Interior Finish:</b>		<b>Adj Year Blt:</b>	1979
<b>Roof Cover:</b>		<b>Effective Age:</b>	33
<b>Built As SF:</b>	70720	<b>Mh Make:</b>	
<b># of Baths:</b>		<b>Tag Length/Width:</b>	X
<b># of Bdrms:</b>		<b>Tag Length/Width:</b>	X
<b># of Stories:</b>	2	<b>Mh Skirting LF:</b>	
<b>Story Height:</b>	8	<b>MH Skirting Type:</b>	
<b>Sprinkler SF:</b>		<b>Diameter:</b>	
<b>Capacity:</b>		<b>Height:</b>	

## Building Details

Bldg #: 1	Units	Units Price	RCN	Actual Value
<b>User</b>				
SubArea: CTF	26376			\$0.00
SubArea: CFF	44344			\$0.00

## Value Details

	<b>Other Obs %:</b>	0
	<b>Market/SF:</b>	\$55.28

# LAS ANIMAS COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0012217000

Local #: 00

Parcel #: 12217000

MH Seq #:

MH Space:

Building #: 2	Condo SF	Condo % Land:	Condo % Bldg:	Unit Type:	Landscaping \$:
Property Type: Out Building					\$0.00
Quality: Average	Nbhd: 2600	Occupancy: UNKNOWN			
Condition: Average	Nbhd Ext: 00				
Perimeter:	Nbhd Adj: 1				
Percent Comp: 100.00%	Nbhd: 2600				
	Nbhd Ext: 00				
	Nbhd Adj: 1				

### Individual Built As Detail

<b>Built As:</b>	UNKNOWN	<b>Year Built:</b>	1979
<b>Construction Type:</b>		<b>Year Remodeled:</b>	
<b>HVAC:</b>	None	<b>% Remodeled:</b>	1
<b>Interior Finish:</b>		<b>Adj Year Blt:</b>	
<b>Roof Cover:</b>		<b>Effective Age:</b>	2012
<b>Built As SF:</b>	1	<b>Mh Make:</b>	
<b># of Baths:</b>		<b>Tag Length/Width:</b>	X
<b># of Bdrms:</b>		<b>Tag Length/Width:</b>	X
<b># of Stories:</b>	1	<b>Mh Skirting LF:</b>	
<b>Story Height:</b>	8	<b>MH Skirting Type:</b>	
<b>Sprinkler SF:</b>		<b>Diameter:</b>	
<b>Capacity:</b>		<b>Height:</b>	

### Building Details

Bldg #: 2	Units	Units Price	RCN	Actual Value
<b>Add On</b>				
PRK LT-ASP	69544			\$86,235.00
CANOPY-ST	1517			\$9,715.00
POOL SML-A	800			\$21,960.00

### Value Details

	<b>Other Obs %:</b>	0
	<b>Market/SF:</b>	\$121,410.00

# Sketches\Photos for Acct# R0012217000

BldgID: 1

\\ccilasanimas\photos\R0012217000 01front view.jpg



# LAS ANIMAS COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0014496600

Parcel #: 14496600

Local #: 00

MH Seq #:

MH Space:

Appr Year: 2014

Levy: 50.215

# of Bldgs: 2

Create On:

Tax Dist: 19A

Map #: TOUPAL DRIV

LEA: 305000

Active On: 20030101

Assign To: UnAssigned

Initials: JODI

Acct Type: Comm Improved

Inactive On:

New Growth: 0

Last Updated: 1/3/2014

**Owner's Name and Address:**

**Property Address:**

WAL-MART REAL ESTATE BUSINESS  
TRUST A DELWARE BUSINESS(QCD)  
C/O WAL-MART PROPERTY TAX DEPT  
P O BOX 8050 MS 0555  
BENTONVILLE AR 727128050

Street: WAL-MART STORE - NEW  
City: TRINIDAD

**Business:**

### Sales Summary

Sale Date	Sale Price	Deed Type	Reception #	Book	Page #	Grantor
5/15/1998	\$0	WD	0959000361	959	361	WAL-MART STORES INC
5/8/1998	\$0	EA	0959000001	959	1	WAL-MART REAL ESTATE BUS TRUST
3/17/1997	\$0	QC	0941000506	941	506	WAL-MART STORES INC
3/4/1997	\$1	WD	0941000159	941	159	L.A. COUNTY COMMUNITY RESOURCES
2/24/1997	\$800,000	SW	0940000559	940	559	BALDWIN CHARLES

### Legal Description

25-33-64 PART- CONT- 5.746 ACRS M/L 26-33-64 PART- CONT-15.071 ACRS M/L TOGETHER LEGAL CONT-21.41 ACS M/L NEW WAL-MART STORE AKA 2921 TOUPAL DR:

Subdivision Name:  
33-64 OUTSIDE TDAD

### Land Valuation Summary

Land Type	Ag Code	Abst Code	Square Feet	Unit of Measure	Number Of Units	Value Per Unit	Actual Value	Assmt Percent	*Assessed Value
Commercial	0 0	2000	906,919	Acres	20.82	\$0.00	\$1,561,500.00	0.29	\$452,835

# LAS ANIMAS COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0014496600

Parcel #: 14496600

Local #: 00

MH Seq #:

MH Space:

<b>Land Subtotal:</b>	20.82	\$1,561,500.00	\$452,835
<b>Land Attributes</b>			
<b>Attribute</b>	<b>Description</b>	<b>Adjustment</b>	
LAD202	LAD202:0	0	

### Buildings Valuation Summary

Abst Code	Abstract Description	Actual Value	Assmt Percent	*Assessed Value
2250	XTRA-FEATURES ON COMMERCIAL PRO	\$645,504	0.29	\$187,196
2210	WAREHOUSE/STORAGE	\$3,537,706	0.29	\$1,025,935
<b>Improvements Subtotal:</b>		<b>\$4,183,210</b>		<b>\$1,213,131</b>

**Total Property Value** **\$5,744,710** **\$1,665,966**

\*Approximate Assessed Value

<b>Building #:</b> 1	<b>Condo SF</b>	<b>Condo % Land:</b>	<b>Condo % Bldg:</b>	<b>Unit Type:</b>	<b>Landscaping \$:</b>
<b>Property Type:</b> Commercial					\$0.00
<b>Quality:</b> Average	<b>Nbhd:</b> 2600			<b>Occupancy:</b> Discount Store	
<b>Condition:</b> Average	<b>Nbhd Ext:</b> 00				
<b>Perimeter:</b> 1933	<b>Nbhd Adj:</b> 1				
<b>Percent Comp:</b> 100.00%	<b>Nbhd:</b> 2600				
	<b>Nbhd Ext:</b> 00				
	<b>Nbhd Adj:</b> 1				

# LAS ANIMAS COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0014496600

Local #: 00

Parcel #: 14496600

MH Seq #:

MH Space:

### Individual Built As Detail

<b>Built As:</b>	Discount Store	<b>Year Built:</b>	1998
<b>Construction Type:</b>	S	<b>Year Remodeled:</b>	1998
<b>HVAC:</b>	Package Unit	<b>% Remodeled:</b>	1
<b>Interior Finish:</b>		<b>Adj Year Blt:</b>	1998
<b>Roof Cover:</b>		<b>Effective Age:</b>	14
<b>Built As SF:</b>	153025	<b>Mh Make:</b>	
<b># of Baths:</b>		<b>Tag Length/Width:</b>	X
<b># of Bdrms:</b>		<b>Tag Length/Width:</b>	X
<b># of Stories:</b>	1	<b>Mh Skirting LF:</b>	
<b>Story Height:</b>	8	<b>MH Skirting Type:</b>	
<b>Sprinkler SF:</b>		<b>Diameter:</b>	
<b>Capacity:</b>		<b>Height:</b>	

### Building Details

Bldg #: 1	Units	Units Price	RCN	Actual Value
<b>AddOn</b>				
AC - Central	1			\$0.00
<b>User</b>				
SubArea: CFF	153025			\$0.00

### Value Details

	<b>Other Obs %:</b>	0.0545
	<b>Market/SF:</b>	\$34.21

# LAS ANIMAS COUNTY ASSESSOR PROPERTY PROFILE

Account #: R0014496600

Local #: 00

Parcel #: 14496600

MH Seq #:

MH Space:

Building #: 2

Condo SF

Condo % Land:

Condo % Bldg:

Unit Type:

Landscaping \$:

Property Type: Out Building

\$0.00

Quality: Average

Nbhd: 2600

Occupancy: UNKNOWN

Condition: Average

Nbhd Ext: 00

Perimeter:

Nbhd Adj: 1

Percent Comp: 100.00%

Nbhd: 2600

Nbhd Ext: 00

Nbhd Adj: 1

### Individual Built As Detail

<b>Built As:</b>	UNKNOWN	<b>Year Built:</b>	1998
<b>Construction Type:</b>		<b>Year Remodeled:</b>	
<b>HVAC:</b>	None	<b>% Remodeled:</b>	1
<b>Interior Finish:</b>		<b>Adj Year Blt:</b>	
<b>Roof Cover:</b>		<b>Effective Age:</b>	14
<b>Built As SF:</b>	1	<b>Mh Make:</b>	
<b># of Baths:</b>		<b>Tag Length/Width:</b>	X
<b># of Bdrms:</b>		<b>Tag Length/Width:</b>	X
<b># of Stories:</b>	1	<b>Mh Skirting LF:</b>	
<b>Story Height:</b>	8	<b>MH Skirting Type:</b>	
<b>Sprinkler SF:</b>		<b>Diameter:</b>	
<b>Capacity:</b>		<b>Height:</b>	

### Building Details

Bldg #: 2	Units	Units Price	RCN	Actual Value
<b>Add On</b>				
PRK LT-ASP	461870			\$572,579.00
PRK LT-CON	40290			\$72,925.00

### Value Details

	<b>Other Obs %:</b>	0
	<b>Market/SF:</b>	\$645,644.00

Sketches\Photos for Acct# R0014496600

BldgID: 1

\\ccilasanimas\photos\R0014496600 01front view.jpg

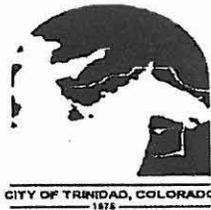


<b>ACCESS, TRANSPORTATION, PARKING</b> Street Connections: <i>No</i> Sidewalks: <i>No</i> Parking Requirements: <i>No</i>	<b>UTILITY PROVISION (if other than City)</b> Water: Sewer: Gas: Power: Other:
<b>PARKS, OPEN SPACE AND RECREATION</b> Proposed park dedication and/or trail construction:	<b>ENVIRONMENTAL ISSUES</b> Property in floodplain: <input type="checkbox"/> Yes <input type="checkbox"/> No Stormwater Issues: <input type="checkbox"/> Yes <input type="checkbox"/> No Sensitive Viewshed: <input type="checkbox"/> Yes <input type="checkbox"/> No Steep Slope: <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMAGE AND DESIGN</b> Gateway: <input type="checkbox"/> Yes <input type="checkbox"/> No Downtown: <input type="checkbox"/> Yes <input type="checkbox"/> No Historic: <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>IF THIS IS A VARIANCE REQUEST, DESCRIBE WHAT IS BEING REQUESTED:</b>
<b>CERTIFICATION</b> I certify that I am the lawful owner of the parcel(s) of land which this application concerns. I consent to this action and authorize the applicant to act on my behalf on this matter. Owner: <u><i>[Signature]</i></u> Date: <u><i>3/28/14</i></u> I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing this application I am acting with the knowledge and consent of the property owners. I understand that all materials and fees required by the City of Trinidad must be submitted prior to having this application processed. Applicant: <u><i>[Signature]</i></u> Date: <u><i>3/28/14</i></u>	
<b>STAFF USE ONLY</b> <b>APPLICATION ACCEPTED:</b> Date: _____ By: _____ Fee Paid: _____ <b>Scheduled Hearing Dates</b> Planning Commission: _____ City Council: _____ Final Action Taken: _____	

Please ensure that the application complies with applicable provisions of Chapter 14, and, at a minimum, include the following documents with the completed form:

1. Proof of Ownership (Copy of Recorded Deed or Title Insurance Commitment or Policy)
2. Survey or similar scaled map of the property (For subdivision applications, full size--24" x 36", and reduced size--8.5" x 11"--maps prepared by a professional land surveyor licensed in the State of Colorado or by a professional engineer registered in the State of Colorado must be submitted)
3. Site plan indicating proposed building footprints, improvements
4. List of owners (with mailing addresses) of abutting properties

Please check with Planning staff for any other required submittal materials that are needed for your specific application.



**CITY OF TRINIDAD, COLORADO  
LAND USE APPLICATION FORM**

PROJECT NAME:	COUNTY ASSESSOR'S PARCEL ID#
DATE SUBMITTED: 3/28/14	APPLICATION FEE:

TYPE OF APPLICATION		
<input checked="" type="checkbox"/> Annexation & Zoning	<input type="checkbox"/> Sketch Plan	<input type="checkbox"/> Minor Lot Line Adjust/Elimination
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Minor Subdivision Plat
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Final Plat (includes replat)	
<input type="checkbox"/> Rezone	<input type="checkbox"/> Subdivision Variance	
<input type="checkbox"/> Vacation	<input type="checkbox"/> Zoning Variance	

PRE-APPLICATION CONFERENCE WAS HELD WITH: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Name: <u>TERENCE X. SANCHEZ</u>	Site/Project Location/Address: <u>123 W. CEDAR</u>
Applicant's Mailing Address: <u>730 W. COLORADO AVE</u>	Existing Use: <u>SHIPPING STORE</u>
Phone/Fax/Email: <u>719 680-9214</u>	Proposed Use: <u>MEDICAL MARIJUANA DISPENSARY &amp; CULTIVATION</u>
Relation to Property Owner: Self Agent	Existing Zoning: <u>HISTORICAL PRESERVATION</u>
	Proposed Zoning: <u>SAUE</u>

Is site within Trinidad's Planning Area?  Yes  No

Legal Description of Property (location within section, section, township and range):  
BACA LAND PT LOT 7-40' 7 1/2" CEDAR NORTH WEST LINE OF LOT 38' SOUTH TO PLACE OF BEGINNING

Total Acreage of Property under Consideration: 0.208 86.8' EASTERLY

Number of Existing Residential Lots: <u>8</u>	Number of Proposed Residential Lots: <u>0</u>
Number of Existing Commercial Lots: <u>1</u>	Number of Proposed Commercial Lots: <u>1</u>
Number of Existing Industrial Lots: <u>0</u>	Number of Proposed Industrial Lots: <u>0</u>

ADDITIONAL CONTACTS	
Property Owner: <u>RONALD &amp; TAMMILY LAGERMAN</u>	Consultant:
Address: <u>123 W. CEDAR AVE</u>	Address:
City/State/Zip: <u>TRINIDAD, CO 81082</u>	City/State/Zip:
Phone/Fax/Email: <u>719 845-1300</u>	Phone/Fax/Email:
Property Owner:	Consultant:
Address:	Address:
City/State/Zip:	City/State/Zip:
Phone/Fax/Email:	Phone/Fax/Email:



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**CITY OF TRINIDAD, COLORADO  
LAND USE APPLICATION FORM**

PROJECT NAME:	COUNTY ASSESSOR'S PARCEL ID#
DATE SUBMITTED: <b>5/13/14</b>	APPLICATION FEE:

TYPE OF APPLICATION

<input type="checkbox"/> Annexation & Zoning	<input type="checkbox"/> Sketch Plan	<input type="checkbox"/> Minor Lot Line Adjust/Elimination
<input checked="" type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Minor Subdivision Plat
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Final Plat (includes replat)	
<input type="checkbox"/> Rezone	<input type="checkbox"/> Subdivision Variance	
<input type="checkbox"/> Vacation	<input type="checkbox"/> Zoning Variance	

PRE-APPLICATION CONFERENCE WAS HELD WITH: \_\_\_\_\_ Date: \_\_\_\_\_

**OWNER - TREBBIE SANCHEZ**

Applicant's Name: <b>FOREVER GREEN LLC</b>	Site/Project Location/Address: <b>3019 TOURAI DR., TRINIDAD, CO</b>
Applicant's Mailing Address: <b>730 W. COLORADO AVE TRINIDAD, CO 81082</b>	Existing Use: <b>AUTO DEALERSHIP</b>
Phone/Fax/Email: <b>719 680-9214</b>	Proposed Use: <b>MARIJUANA DISPENSARY, CULTIVATION &amp; MEP</b>
Relation to Property Owner: Self Agent <b>LESSEE</b>	Existing Zoning: <b>COMMERCIAL</b>
	Proposed Zoning: <b>COMMERCIAL</b>

Is site within Trinidad's Planning Area?  Yes  No

Legal Description of Property (location within section, section, township and range): **PART OF SW 1/4 SW 1/4, SECTION 25, & PART OF SE 1/4 SE 1/4, SECTION 26, TOWNSHIP 33 South, RANGE 64 WEST OF THE 6TH P.M.**

Total Acreage of Property under Consideration: **0.3**

Number of Existing Residential Lots:	Number of Proposed Residential Lots:
Number of Existing Commercial Lots: <b>1</b>	Number of Proposed Commercial Lots: <b>1</b>
Number of Existing Industrial Lots:	Number of Proposed Industrial Lots:

ADDITIONAL CONTACTS

**SCOTT H. & MELIA M. LARKEY TRUST**

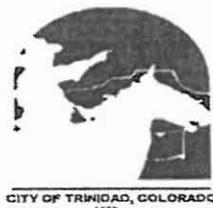
Property Owner: <b>PERSONAL REPRESENTATIVE HOWARD M. LARKEY</b>	Consultant:
Address: <b>PO BOX C / BOX 776</b>	Address:
City/State/Zip: <b>GRAND N. MEAD 87740 / TOWN OF GRAND N. MEAD CO 87740</b>	City/State/Zip:
Phone/Fax/Email: <b>575 447-7034</b>	Phone/Fax/Email:
Property Owner:	Consultant:
Address:	Address:
City/State/Zip:	City/State/Zip:
Phone/Fax/Email:	Phone/Fax/Email:

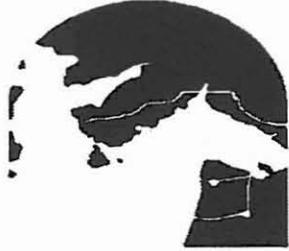
<b>ACCESS, TRANSPORTATION, PARKING</b> Street Connections: Sidewalks: Parking Requirements:	<b>UTILITY PROVISION (if other than City)</b> Water: Sewer: Gas: Power: Other:
<b>PARKS, OPEN SPACE AND RECREATION</b> Proposed park dedication and/or trail construction:	<b>ENVIRONMENTAL ISSUES</b> Property in floodplain: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Stormwater Issues: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Sensitive Viewshed: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Steep Slope: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>IMAGE AND DESIGN</b> Gateway: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Downtown: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Historic: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>IF THIS IS A VARIANCE REQUEST, DESCRIBE WHAT IS BEING REQUESTED:</b>
<b>CERTIFICATION</b> I certify that I am the lawful owner of the parcel(s) of land which this application concerns. I consent to this action and authorize the applicant to act on my behalf on this matter. Owner: <u>John &amp; Marie M. Lopez Per. Trust Landowner</u> <sup>POA</sup> Date: <u>5/13/2014</u> I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing this application I am acting with the knowledge and consent of the property owners. I understand that all materials and fees required by the City of Trinidad must be submitted prior to having this application processed. Applicant: <u>TERENCE SANITIZ</u> <u>Trinity</u> Date: <u>5/13/14</u>	
<b>STAFF USE ONLY</b> <b>APPLICATION ACCEPTED:</b> Date: _____ By: _____ Fee Paid: _____ <b>Scheduled Hearing Dates</b> Planning Commission: _____ City Council: _____ Final Action Taken: _____	

Please ensure that the application complies with applicable provisions of Chapter 14, and, at a minimum, include the following documents with the completed form:

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2. Survey or similar scaled map of the property (For subdivision applications, full size--24" x 36", and reduced size--8.5" x 11"--maps prepared by a professional land surveyor licensed in the State of Colorado or by a professional engineer registered in the State of Colorado must be submitted)
3. Site plan indicating proposed building footprints, improvements
4. List of owners (with mailing addresses) of abutting properties

Please check with Planning staff for any other required submittal materials that are needed for your specific application.





CITY OF TRINIDAD, COLORADO  
1878

Terence Sanchez  
730 W. Colorado Avenue  
Trinidad, CO 81082

April 25, 2014

RE: CUP Application #: 2014-MMC-16 and #2014-OPCO-16

Dear Applicant:

On April 22, 2014 the Planning, Zoning and Variance Commission approved your request for conditional use permits (CUP) to establish and operate a Medical Marijuana Center and an Optional Premise Cultivation Operation at 123 W. Cedar Street subject to the following conditions:

1. The applicant must comply with all provisions outlined in Article 12 of Chapter 14 of the City of Trinidad Municipal Code of Ordinances as well as any and all applicable state and local statutes, ordinances, rules, and regulations regarding the operation of medical marijuana centers, and other statutes, ordinances, rules, and regulations for the operation of businesses within the City of Trinidad, including but not limited to City sales tax and the City's sign code.
2. The applicant must provide the City with an air filtration plan describing the filtration system and/or other method or methods to be used to minimize odors associated with the cultivation and sale of medical marijuana. Approval of said air filtration plan is subject to the approval of the City Building Inspector.
3. If the proposed conditional use is not established within one year of its approval, discontinued for at least one year, or replaced by another use of the land, the conditional use permit and all associated conditional use permits shall expire.
4. The applicant must comply with the reasonable requirements of all Trinidad Municipal Officials with respect to the establishment and operation of the proposed facility or facilities.
5. The applicant must submit a revised site plan in accordance with the provisions of Section 14-88.4 of the City of Trinidad Municipal Code.

If you have any questions, please do not hesitate to contact me.

Thank you,

Louis Fineberg by KW

Louis Fineberg  
Planning Director

CC: Chris Kelley, Building Inspector  
Les Downs, City Attorney  
Audra Garrett, City Clerk  
File



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## Property Identification and Ownership

### Identification of the Property

The appraised property comprises a 16,370 square foot automotive dealership located at 3019 Toupal Drive, Trinidad, Colorado. The property is located on the southwestern corner of the intersection of County Road 20.2 with Toupal Drive. The improvements are situated on approximately 261,360 square foot of land or 6.00-acres. Site improvements include asphalt paving, concrete sidewalks and compound fencing.

### Legal Description

The subject property is legally described as follows:

A parcel of land located in the Southwest Quarter of the Southwest Quarter (SW/4SW/4) of Section 25, and in the Southeast Quarter of the Southeast Quarter (SE/4SE/4) of Section 26, Township 33 South, Range 64 West of the 6<sup>th</sup> P.M., County of Las Animas, State of Colorado, containing 6.0-acres, more or less and being more particularly described as follows:

Beginning at the Southwest corner of Section 25, which is marked by a 2" iron pin set by Frank R. Drexel, LS Number 2149; thence North 22 Degrees 3 Minutes 25 Seconds east, a distance of 621.56 feet to a point, which is the Southeast corner of this tract of land, and which is marked by an iron pin with an aluminum cap with the notation "RLS9480"; thence North 15 Degrees 16 Minutes 10 seconds East and running along the West right of way line of Interstate 25, to the intersection with the South right of way line of Las Animas County Road No. 69.1, being a distance of 422.95 feet more or less, said point being marked with an iron pin containing the notation on an aluminum cap "RLS10382"; thence westerly along the South right of way line of said County Road, North 88 Degrees 32 Minutes 20 Seconds West, a distance of 612.05 feet to a point; thence South 2 Degrees 5 Minutes 10 Seconds West, a distance of 405.25 feet to a point; thence South 87 Degrees 54 Minutes 50 Seconds East to the point and place of beginning, being a distance of 515.80 feet, being the Southeast corner of the said tract of land.

### History of the Property

The subject property was acquired by the current owner, John H. Lackey, in 1984 via Warranty Deed #560160 recorded in the Las Animas County Recorder of Deeds Office in Book 834 Page 867. The price paid is recorded as One Dollar. The seller is indicated as being Robert L. Sander. Since closing the ownership is indicated to be Circle Chevrolet-Buick Company. This is not considered to be an arms-length transaction as this company is controlled by John Lackey. The property has since closing been developed with an automotive dealership including sales/repair and parts department. A portion of the subject property is presently leased to Mountain Trailer Home Sales at \$1,000 per month. This company is controlled by a family member of John Lackey and as such is not considered to be an arms-length transaction. This lease has not been considered in the appraisal.

## LEASE AGREEMENT

THIS LEASE AGREEMENT is made and entered into, by and between The John H. Lackey and Marcia Lackey Revocable Trust ("Owner"), and Phil Long Automotive, LLC ("Tenant"), effective December 22, 2009.

WITNESSETH:

WHEREAS, the Owner owns and desires to lease the Property at 3019 Toupal Drive, Trinidad, Colorado 81082 more thoroughly described as

A parcel of land located in the Southwest Quarter of the Southwest Quarter (SW/SW) of Section 25, and in the Southeast Quarter of the Southeast Quarter (SE/SE) of Section 26, Township 33 South Range 64 West of the 6<sup>th</sup> P.M., County of Las Animas, State of Colorado, containing ~~5.0~~ acres, more or less, and being more particularly described as follows:

5.0

Beginning at the southwest corner of Section 25, which is marked by a 2" iron pin set by Frank R. Drexel, LS Number 2149; thence North 22° 3' 25" East, a distance of 621.56 feet to a point, which is the Southeast corner of this tract of land, and which is marked by an iron pin with an aluminum cap with the notation "RLS9480"; thence North 15° 16' 10" East and running along the West right of way line of Interstate 25, to the intersection with the South right of way line of Las Animas County Road No. 69.1, being a distance of 422.95 feet more or less, said point being marked with an iron pin containing the notation on an aluminum cap "RLS10382"; thence westerly along the South right of way line of said County Road, North 88° 32' 20" West, a distance of 612.05 feet to a point; thence South 2° 5' 10" West, a distance of 405.25 feet to a point; thence South 87° 54' 50" East to the point and place of beginning, being a distance of 515.80 feet, being the Southeast corner of the said tract of land.

(the "Property") to the Tenant and the Tenant desires to lease the Property under the terms, conditions and covenants hereinafter stated.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, it is hereby agreed by and between the parties as follows:

1. LEASEHOLD. Tenant, its successors and assigns do hereby lease from the Owner, and the Owner, its successors and assigns do hereby demise and lease to the Tenant the Property.
2. TERM AND PERMITTED USES. The permitted use of the Property by the Tenant shall be any lawful purpose, including leasing, sales, and service of automobiles, and the sale of parts thereto. The term of this Lease shall be for twenty-four months and expire on December 31, 2011.
3. IMPROVEMENTS. The Property and all improvements thereto, whether presently existing or added in the future, are not, at any time, to be considered the property of Tenant. Subsequent to the purchase of assets between Tenant and United Chevrolet Company, dba United Toyota, Owner shall be obligated to pay for fifty percent (50%) of improvements to the Property, not to exceed an amount of Ninety Thousand Dollars (\$90,000.00).
4. CONSIDERATION. The rent or lease payments shall be the sum of \$7,500.00 per month, payable in advance, on the first day of each month (unless such day is a Saturday, Sunday or legal holiday, in which case the rent shall be due on the first business day thereafter), (such payments to be hereafter referred to as the "rent," "basic rent," or "lease payments").

Tenant agrees to pay the real property taxes, special assessments, all costs of insurance (including any increases caused by improvements thereon) and maintenance associated with the Property. Tenant shall also pay all utilities for the Property (all of such payments to be hereafter referred to as "additional rent").

Owner shall have the right at all times to commingle with its own funds any rents (lease payments) or additional rents due under this Lease.

5. COMPLIANCE WITH LAW. Tenant hereby agrees that it will observe, comply with, be responsible for, and bear all the expenses of the observance and compliance with all laws, ordinances, rules, regulations, and requirements relative and applicable to the above described property and improvements thereon.

6. LIABILITY. The tenant specifically covenants and agrees that it will keep said Property, and all portions thereof, in a sanitary and cleanly condition, and that it alone shall be liable for and will save harmless, indemnify and defend the Owner from any and all liens, claims, penalties, damages or liabilities imposed, made or recovered by reason of the failure of the Tenant to observe the said laws, ordinances, rules, regulations or requirements as aforesaid or to keep the Property in a cleanly and sanitary condition, and it is expressly understood and agreed that should the Tenant fail or neglect promptly to execute and comply with such laws, ordinances, rules, regulations and requirements as aforesaid, then the Owner shall, at its option, have the right to comply with the same on account of the Tenant, and the Tenant agrees to immediately pay all expenses incurred in executing and complying therewith.

The Tenant alone shall be liable for damages, which may arise from any occurrence on said Property which is under the control of the Tenant by reason of the occupation or use of said Property, no matter how occasioned, and shall indemnify, save harmless and defend the Owner from any liability, claims, demands, action or damages therefore.

It is further understood and agreed that the Tenant shall pay for fire, wind and hail, property damage, public liability, personal injury, extended coverage, vandalism, malicious mischief, special extended perils, and comprehensive insurance coverage with companies and in amounts reasonably acceptable to the Owner, and shall pay all premiums thereon as additional rent hereunder for the period covered by the term of this Lease. The Owner shall be named coinsured in all of said policies as the Owner's interest shall apply. In the event of any damages by an event required to be covered by said policies, the total proceeds from said policies shall be used to replace and repair all such damage so as to place the demised property in as good condition as existed immediately prior to the date of such damage. If the proceeds of said policies are insufficient to replace and repair said damage, as aforesaid, then and in that event the Tenant will contribute the additional funds required to immediately make such repairs and replacements. If such repairs and replacements are not made with due diligence by the Tenant, then the Owner may make said repairs and replacements and charge the cost thereof to the Tenant, or the Owner may, at its election, terminate this Agreement, or sue for specific enforcement or damages. The limits of said insurance shall not limit the liability of Tenant hereunder.

Tenant shall indemnify and hold harmless Owner from and against any and all claims arising from Tenant's subletting, assignment or use of the Property, or from the conduct of Tenant's business or from any activity, work or things done, permitted or suffered by Tenant in or about the Property or elsewhere and shall further indemnify and hold harmless Owner from and against any and all claims arising from any breach or default in the performance of any obligation on Tenant's part to be performed under the terms of this Lease, or arising from any negligence of the Tenant or any of Tenant's agents, contractors or employees, and from and against all costs, attorney's fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon; and in case any action or proceeding be brought against Owner by reason of any such claim, Tenant, upon notice from Owner, shall defend the same at Tenant's expense by counsel satisfactory to Owner. Tenant, as a material part of the consideration to Owner, hereby assumes all risk of damage to

property or injury to persons, in, upon or about the Property arising from any cause and Tenant hereby waives all claims in respect thereof against Owner.

Tenant hereby agrees that Owner shall not be liable for injury to Tenant's business or any loss of income therefrom or for damage to goods, wares, merchandise or other property of Tenant, Tenant's employees, invitees, customers, or any other person in or about the Property, nor shall Owner be liable for injury to the person or property of Tenant, Tenant's employees, customers, invitees, agents, or contractors, or any other person or entity, whether such damage or injury is caused by or results from fire, steam, electricity, gas, water or rain, or from the breakage, leakage, obstruction or the damage or injury results from conditions arising upon the Property or upon other portions of the building of which the Property is a part, or from other sources or places and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Tenant.

If at any time during the term of this Lease there is damage from an event to the Property, any person, property, or entity, Tenant shall immediately pay to correct said damage. In the event it does not, Owner may at Owner's option either (1) repair such damage as soon as reasonably possible at Owner's expense and be immediately reimbursed by Tenant, in which event this Lease shall continue in full force and effect, or (2) give written notice to Tenant within thirty (30) days after the date of the occurrence of such damage of Owner's intention to cancel and terminate this Lease, as of the date of the occurrence of such damage. In the event Owner elects to give such notice of Owner's intention to cancel and terminate this Lease, Tenant shall have the right within ten (10) days after the receipt of such notice to give written notice to Owner of Tenant's intention to repair such damage at Tenant's expense, without reimbursement from Owner, in which event this Lease shall continue in full force and effect, and Tenant shall proceed to make such repairs as soon as reasonably possible. If Tenant does not give such notice within such ten (10) day period, this Lease shall be canceled and terminated as of the date of the occurrence of such damage. Owner and Tenant waive the provisions of any statutes which relate to termination of Lease when leased property is destroyed and agree that such event shall be governed by the terms of this Lease.

The provisions of this Article shall survive the expiration or any termination of this Lease.

7. CONDITION. Throughout the term of this Lease (whether or not any insurance proceeds or condemnation awards are available for the purpose), Tenant will take good care of the Property and will keep the same in good order and condition, and make all necessary repairs (ordinary, extraordinary, unforeseen and foreseen) thereto, for the interior, exterior of buildings and site improvements. Owner warrants that the structure, roof, heating and air conditioning are in good repair at the beginning of this lease term. Tenant will not do or suffer any waste or damage or injury to the Property or any part thereof. When used in this Article, the term "repairs" shall include all replacement, renewals, alterations and additions. All repairs made by Tenant shall be equal in quality and class to the original work. Owner shall not be required to make any repairs in or to the Property.

Tenant shall not, without Owner's prior written consent, make any alterations, improvements, additions, or installations in, on or about the Property. Unless Owner requires their removal, all alterations, improvements, additions or installations, which may be made on the Property, shall become the property of Owner and remain upon and be surrendered with the Property at the expiration of the term.

8. ASSIGNMENT BY TENANT. The Tenant may not (by operation of law or otherwise) assign this Lease or sublet the Property or any portion thereof, transfer, mortgage or otherwise encumber all or any part of the Property or Tenant's interest therein, without the prior express written consent of Owner, which may be withheld in Owner's sole discretion. The restriction on assignment herein applies with equal force to an assignment by operation of law, nor shall restriction be deemed waived or terminated after an assignment made with Owner's consent or otherwise pursuant to the terms thereof. Any assignment or sublease consented to by

Owner shall not release Tenant from liability under this Lease unless such release from liability is expressly given in writing by Owner.

The acceptance of lease payments or rent by Owner from any other person or entity shall not be deemed to be a waiver by Owner of any provision thereof. Consent to one assignment or subletting shall not be deemed consent to any subsequent assignment or subletting. In the event of default by any assignee or Tenant or any successor of Tenant, in the performance of any of the terms thereof, Owner may proceed directly against Tenant without the necessity of exhausting remedies against said assignee or successor. Owner may consent to subsequent assignments or subletting of this Lease or amendments or modifications to this Lease with assignees of Tenant, without notifying Tenant, or any successor of Tenant, and without obtaining its or their consent thereto and such action shall not relieve Tenant of liability under this Lease.

9. ASSIGNMENT FOR THE BENEFIT OF CREDITORS, BANKRUPTCY. Any assignment for the benefit of creditors or by operation of law shall not be effective to transfer any rights hereunder to the said assignee without the written consent of the Owner first having been obtained. It is further agreed between the parties hereto that if Tenant shall be declared insolvent or bankrupt, or if any assignment of Tenant's Property or leasehold interest herein, shall be made for the benefit of creditors or otherwise, or if Tenant's leasehold interest herein shall be levied upon under execution, or seized by virtue of any writ of any Court of Law, or a Trustee in Bankruptcy or a Receiver be appointed for the property of Tenant, whether under the operation of State or Federal statutes, then and in any such case, Owner may, at its option, immediately, with or without notice (notice being expressly waived), terminate this Lease and immediately retake possession of said Property using such force as may be necessary, without being guilty in any manner of trespass or forcible entry or detainer, and without the same working any forfeiture of the obligations of Tenant hereunder.

In the case the Tenant is adjudicated a bankrupt, or proceeds, or proceeded against under any laws, State or Federal, for relief of debtors, or in case a Receiver is appointed to wind up and liquidate the affairs of the Tenant, the Owner, at its election, shall have a provable claim in bankruptcy or receivership in an amount equal to at least the equivalent of the amount of the rent and additional rent which would be payable under this Lease by Tenant if this Lease were still in effect for the remainder of the term, which sum is fixed and liquidated by the parties hereto as the minimum amount of the damages sustained by the Owner as a result of the bankruptcy or receivership of the Tenant, and the amount of said damages may be satisfied, at the election of the Owner, out of any monies or securities deposited hereunder as security for payment by Tenant of the rent or additional rent herein provided for.

Nothing contained in this Article 9 shall be construed to limit to any other remedies set forth for Owner in this Lease.

10. CONDEMNATION. It is easily understood between the parties hereto that at some future time or times during the term of this Lease portion or portions of the demised property may be taken for appropriate purpose under condemnation proceedings conducted according to law. In the event the above does in fact occur, it is mutually understood and agreed by and between the parties that all of the provisions contained in this Lease shall nonetheless continue in full force and effect including the lease payment and the payment of additional rents, and be binding upon the parties hereto as to the remaining property unless as a result of such condemnation proceeding or proceedings the said premises are so materially altered as to render them unfit for the uses to be conducted thereon by Tenant. Such determination of unfitness shall be made mutually by Tenant and Owner, and based upon a standard of reasonableness in the industry of which Tenant is a part. Owner shall be entitled to receive the full amount of any proceeds from a condemnation proceeding.

11. SURRENDER. Tenant shall, on the last day of the term of this Lease or upon any earlier termination of this Lease, surrender and deliver up the Property into the possession and use of Owner without fraud or delay and in good order, condition and repair, except for reasonable wear and tear since the last necessary repair

replacement, restoration or renewal, free and clear of all lettings and occupancies unless expressly permitted by Owner in writing, free and clear of all liens and encumbrances other than those created by Owner.

Any personal property of Tenant, any assignee or any sub-tenant which shall remain on the Property after the termination of this Lease and the removal of Tenant, any assignee and such sub-tenant from the Property, may, at the option of Owner, be deemed to have been abandoned by Tenant, any assignee or such sub-tenant and either may be retained by Owner as its property or be disposed of, without accountability, in such manner as Owner may see fit. However, Owner shall also have the right to require Tenant, its assignee or sub-tenant, to remove any such personal property at such time at that party's own cost and expense, provided that Owner shall give that party written notice requesting the removal thereof by that party from the Property.

Owner shall not be responsible for any loss or damage occurring to any property owned by Tenant, its assignee, or any sub-tenant, unless caused by the negligence or other misconduct of Owner, its agents, employees, or invitees.

The provisions of this Article shall survive the expiration or any termination of this Lease.

12. DEFAULT AND REMEDIES. If Tenant shall, at any time, fail to pay any Imposition or fail to make any other payment or perform any other act on its part to be made or performed under this Lease, then Owner, after ten (10) days' notice to Tenant (or without notice in the case of failure to pay the monthly rental payments, or payments of additional rent, or in the case of emergency) and without waiving or releasing Tenant from any obligation of Tenant contained in this Lease, may (but shall be under no obligation to):

I. Pay any Imposition for which Tenant is responsible, or;

II. Make any other payment or perform any other act on Tenant's part to be made or performed as in this Lease provided, and may enter upon the Property for these purposes and take all such action thereon as may be necessary therefore.

If any one or more of the following events (herein sometimes called "Events of Default") shall happen, Tenant shall be deemed to be in default of this Agreement:

A. if default shall be made in the due and punctual payment of any rent or additional rent or in the payment of any other sums required to be paid by Tenant under the provisions of this Lease for a period of ten (10) days after the same shall become due and payable; or

B. if default shall be made by Tenant in the performance of or compliance with any of the covenants, agreements, terms or conditions contained in this Lease other than those referred to in the foregoing subdivision (A), and such default shall continue for a period of ten (10) days after written notice thereof from Owners to Tenant (provided that if Tenant proceeds with due diligence during such ten (10) day period to cure such default and is unable by reason of the nature of the work involved, to cure the same within the said ten (10) days, its time to do so shall be extended for such additional periods as shall be necessary to cure the same); or

C. if Tenant shall file a voluntary petition in bankruptcy or shall be adjudicated a bankrupt or insolvent or shall take the benefit of any relevant legislation that may be in force for bankrupt or insolvent debtors or shall file any petition or answer seeking any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief for itself under any present or future federal, state, or other statute, law or regulation, or if Tenant shall seek or consent to or acquiesce in the appointment of any Trustee, receiver or liquidator of Tenant or of all or any substantial part of its properties, or shall make any general assignment for the benefit of creditors; or

D. if a petition shall be filed against Tenant seeking any re-organization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any present or future federal, state or other Statute, law or regulation and shall remain undismissed or unstayed for ninety (90) days, or if any trustee, receiver or liquidator of Tenant, or if all or any substantial part of its properties shall be appointed without the consent or acquiescence of Tenant and such appointment shall remain unvacated or unstayed for ninety (90) days; or

E. if Tenant shall perform or fail to perform any act which performance or non-performance constitutes a default under the terms of any mortgage covering the Property or any interest therein or portion thereof or under the terms of any lease covering the Property or portion of the Property and the default caused by such performance or non-performance shall not have been cured within ten (10) days following notice thereof from Owner to Tenant, subject to such lesser period as may be provided for curing default in such leasehold mortgage or lease;

(1) then and in such event, Owner at any time thereafter, shall give written notice to Tenant specifying such event or events of default and stating that this Lease and term hereby demised shall expire and terminate on the date specified in such notice, which shall begin ten (10) days after the giving of such notice, and upon the date specified in such notice this Lease and term hereby demised and all rights of Tenant under this Lease shall expire and terminate as though such date was the date originally set forth herein for the termination thereof

(2) Upon any such expiration or termination of this Lease, Tenant shall quietly and peacefully surrender the Property to Owner. At any time on or after any such expiration or termination, or if Tenant shall be in default in the payment of rent and additional rent, Owner may without notice enter upon and re-enter the Property and possess and repossess itself thereof, by force, summary proceedings, ejectment or otherwise, and may dispossess Tenant and remove Tenant and may have, hold and enjoy the Property and the right to receive all income of and from the same, without being liable for such actions in any respect.

(3) At any time, or from time-to-time, after any expiration or termination of this Lease as provided in this Article or by summary proceedings, ejection or otherwise, Owner may relet the Property or any part thereof, in the name of Owner or otherwise, for such term or terms (which may be greater or less than the period which would otherwise have constituted the balance of the term of this Lease) and on such conditions (which may include concessions or free rent) as Owner, may determine and may collect and receive the rent therefore. Owner shall in no way be responsible or liable for any failure to relet the Property or any part thereof, or for any failure to collect any rent due upon such reletting.

(4) No such expiration or termination of this Lease shall relieve Tenant of its liability and obligations under this Lease, and such liability and obligations shall survive any such expiration or termination. No such expiration or termination shall be construed as a surrender and acceptance. In the event of any such expiration or termination, whether or not the Property or any part thereof shall have been relet, Tenant shall pay to Owner the rent and additional rent required to be paid by Tenant up to the time of such expiration or termination of this Lease, and thereafter, Tenant, until the end of what would have been the term of this Lease in the absence of such expiration or termination, shall be liable to Owner for, and shall pay to Owner as and for liquidated and agreed current damages for Tenant's default the equivalent of the amount of the rent and additional rent which would be payable under this Lease by Tenant if this Lease were still in effect for the remainder of the term. Owner and Tenant acknowledge that the damages incurred by Owner in the event of Tenant's default would be difficult to ascertain and that the amount of rent and additional rent which would be payable under this Lease for the remainder of the term is a fair estimate of Owner's damages and thus does not constitute a penalty.

(5) Tenant shall pay such current damages (herein called "Deficiency") to Owner on the days on which the rent and additional rent would have been payable under this Lease if this Lease were still in effect, and Owner shall be entitled to recover from Tenant each deficiency as the same shall arise. Nothing herein

contained shall limit or prejudice the right of Owner to prove for and obtain as liquidated damages by reason of such termination, an amount equal to the maximum allowed by any statute or rule of law in effect at the time of default, and governing the proceedings in which such damages are to be proved, whether or not such amount be greater, equal to, or less than the amount of the difference referred to above.

(6) At any time, (a) within fifteen (15) days prior to the expiration of the term of this Lease, or (b) after Tenant shall have been served any notice of termination of this Lease, but prior to the date of termination, or (c) after Owner shall have commenced a summary dispossession proceeding or any appropriate action or proceeding to recover possession of the premises, but prior to the termination of this Lease by reason of the issuance of a warrant in the dispossession proceeding, or the entry of a judgment in such other action or proceeding, any or all subleases theretofore executed by or assigned by Tenant and the rents and additional rents payable thereunder, at the option of Owner (such option to be exercised by notice to Tenant) shall be assigned and transferred by Tenant to Owner as of the date of the service of such notice. Such assignment and transfer shall be in effect without execution by Tenant of any instrument. However, Tenant, at Owner's request, shall execute, acknowledge and deliver to Owner an instrument, in recordable form, confirming such assignment and transfer, and in the event the Tenant shall fail or refuse to execute, acknowledge, or deliver such instrument, Owner, in addition to any other rights and remedies, may, as the agent or attorney-in-fact of Tenant, execute, acknowledge and deliver it and Tenant hereby irrevocably, constitutes and appoints Owner Tenant's proper and legal attorney-in-fact for such purposes, as coupled with an interest, hereby ratifying all that Owner may do as such agent or attorneys-in-fact of Tenant.

(7) In the event of any breach by Tenant of any of the covenants, agreements, terms or conditions contained in this Lease, Owner, in addition to any and all other rights, shall be entitled to enjoin such breach and shall have the right to invoke any right and remedy allowed by law or in equity or by statute or otherwise for such breach as though re-entry, summary proceedings, and other remedies were not provided for in this Lease. In the event of Tenant's failure to pay rent or additional rent within ten (10) days of the date when due, Tenant shall pay Owner as a late charge or penalty that sum equal to five percent (5%) of the amount due, but in no event an amount greater than permitted by law, but this shall in no way limit any claim for damages by Owner for any breach or default by Tenant.

(8) If this Lease shall terminate as provided in this Article 13, Owner, in addition to any other rights under this Lease, shall be entitled to recover as damages (a) the cost of performing any work required to be done by Tenant under this Lease and all damages resulting from Tenant's default in performing such work, and (b) the cost of placing the Property in the same condition as Tenant is required to surrender it under this Lease.

(9) If Owner at any time by reason of any default by Tenant is compelled to pay or elects to pay any sum of money or do any act which will require the payment of any sum of money, or is compelled to incur any expense including reasonable attorney's fees, the sum or sums to be paid by Owner with interest thereon at the rate of sixteen percent (16%) per annum, from the date of payment thereof, shall be deemed additional rent and be due from Tenant to Owner on the first day of the month following the payment of such respective sums or expenses.

(10) The provisions of this Article shall survive the expiration or termination of the term of this Lease.

13. ASSIGNMENT BY OWNER. Tenant acknowledges that Owner has the right at all times to assign this Lease.

14. OWNER'S ACCESS. Owner and Owner's agents shall have the right to enter the Property at reasonable times for the purpose of inspecting the same, showing the same to prospective purchasers, lenders, or tenants, and making such alterations, repairs, improvements or additions to the Property or to the building of which it is a part as Owner may deem necessary or desirable. Absent Tenant's exercise of its option to purchase set forth

herein, Owner may at any time during the last ninety (90) days of the term hereof place on or about the Property any ordinary "For Lease" signs, all without rebate or rent or liability to Tenant.

15. SIGNS. Tenant shall not place any sign upon the Property without Owner's prior written consent. The parties agree that Tenant shall be able to place its own sign, as agreed upon by the parties, advertising its existence.

15. MERGER. The voluntary or other surrender of this Lease by Tenant, or a mutual cancellation thereof, or a termination by Owner, shall not work as a merger, and shall, at the option of Owner, terminate all or any existing sub-tenancies or may, at the option of Owner, operate as an assignment to Owner of any or all of such sub-tenancies.

16. EASEMENTS. Owner reserves to itself the right, from time-to-time, to grant such easements, rights and dedications that are required by a public authority and to cause the recordation to Parcel Maps and restrictions, so long as such easements, rights, dedications, Maps and restrictions do not unreasonably interfere with the use of the Property by Tenant. Tenant shall reasonably cooperate with Owner and execute any of the aforementioned documents upon request of Owner and failure to do so shall constitute a material breach of this Lease.

18. WAIVER. No failure by Owner to insist upon the strict performance of any covenant, agreement, term or condition of this Lease or to exercise any right or remedy consequent upon a breach thereof, and no acceptance of full or partial rent during the continuance of any such breach, shall constitute a waiver of any such breach or of such covenant, agreement, term or condition of this Lease to be performed or complied with by Owner or Tenant, and no breach thereof, shall be waived, altered or modified, except by a written instrument executed by the party to be charged therewith. No waiver of any breach shall affect or alter this Lease, but each and every covenant, agreement, term and condition of this Lease shall continue in full force and effect with respect to any other existing or subsequent breach thereof.

19. SEVERABILITY. The invalidity of any provision of this Lease as determined by a Court of competent jurisdiction, shall in no way affect the validity of any other provision hereof.

20. ESTOPPEL CERTIFICATE. Tenant shall at any time upon not less than ten (10) days' prior written notice from Owner or Owner's lender(s), execute, acknowledge and deliver to Owner a statement in writing (i) certifying that this Lease.. is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certify that this Lease, as so modified, is in full force and effect) and the date to which the rent and other charges are paid in advance, if any, and (ii) acknowledge that there are not, to Tenant's knowledge, any uncured defaults on the part of Owner hereunder, or specifying such defaults if any are claimed. Any such statement may be conclusively relied upon by any prospective purchaser or encumbrances of the Property.

At Owner's option, Tenant's failure to deliver such statement within such time shall be a material breach and default of this Lease or shall be conclusive upon Tenant (i) that this Lease is in full force and effect, without modification except as may be represented by Owners, (ii) that there are no uncured defaults in Owner's performance, and (iii) that not more than one month's lease payment has been paid in advance.

If Owner desires to finance, refinance, or sell the Property or the building of which the Property is a part, Tenant hereby agrees to deliver to any lender or purchaser designated by Owner such financial statements of Tenant as may be reasonably required by such lender or purchaser. Such statements shall include the past three years' financial statement of Tenant. All such financial statements shall be received by Owner and such lender or purchaser in confidence and shall be used only for the purposes herein set forth.

21. INCORPORATION OF PRIOR AGREEMENTS, AMENDMENTS. This Lease contains all agreements of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective. This Lease may be modified in writing only, signed by the parties in interest at the time of the modification.
22. NOTICE. Any notice, required or permitted to be given hereunder shall be in writing and may be given by personal delivery or by certified mail, return receipt requested, and if given personally or by mail, shall be deemed sufficiently given if addressed to Phil Long Automotive, LLC, P.O. Box 85, Colorado Springs, CO 80901, and The John H. Lackey and Marcia Lackey Revocable Trust at 3019 Toupal Drive, Trinidad, CO 81082.
23. HOLDING OVER. If Tenant, with Owner's consent, remains in possession of the Property, or any party thereof, after the expiration of the term hereto such occupancy shall be a tenancy from month-to-month upon all the provisions of this Lease pertaining to the obligations of the Tenant.
24. CUMULATIVE REMEDIES. No remedy or election hereunder shall be deemed exclusive, but shall, whenever possible, be cumulative with all other remedies at law or in equity.
25. RELATIONSHIP OF PARTIES. Nothing contained in this Lease shall be deemed, construed or implied as creating the relationship of principal and agent, partnership, joint venture or any other relationship of Owner and Tenant.
26. OWNER'S LIABILITY. The term "Owner" as used herein shall mean only the Owner or Owners, at the time in question of the fee title, and, in the event of any transfer of such title or interest, Owner herein named (and in case of any subsequent transfers then the grantor) shall be relieved from and after the date of such transfer of all liability as respects Owner's obligations thereafter to be performed, provided that any such funds in the hands of Owner or the then grantor at the time of such transfer, in which Tenant has an interest, shall be delivered to the grantee. The obligations contained in this Lease to be performed by Owner shall, subject as aforesaid, be binding on Owner's successors and assigns, only during their respective periods of Ownership.
27. BINDING EFFECT: CHOICE OF LAW. Subject to any provisions hereof restricting assignment or subletting by Tenant, this Lease shall bind the parties, their personal representatives, successors and assigns. This Lease shall be governed by the laws of the State of Colorado.
28. TIME OF ESSENCE. Time is of the essence in this Lease.
29. GENDER AND NUMBER. In this Lease, unless the context requires otherwise, the masculine, feminine and neuter genders, and the singular and the plural shall be deemed to include one another, as appropriate.
30. CAPTIONS. The captions used herein are for convenience only and are not a part of this Lease and do not in any way limit or amplify the terms and provisions hereof.
31. COUNTERPARTS. This Lease may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument.
32. COVENANTS AND CONDITIONS. Each provision of this Lease performable by Tenant shall be deemed both a covenant and a condition.

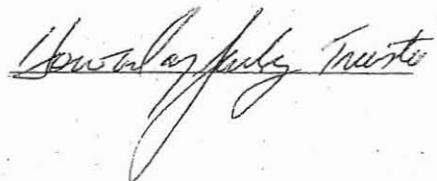
33. OPTION TO PURCHASE. Owner hereby grants to Tenant the Option to Purchase the Property, upon giving written Notice of Intent to Purchase to Owner on or before October 1, 2011. All terms and conditions for the process of Tenant's purchase are contained in the attached and incorporated **Exhibit A**, which is a Contract to Buy and Sell Real Estate. Owner hereby agrees that Owner will not sell the Property to anyone or any entity before December 31, 2011.

WHEREFORE, the parties have set their hands.

Phil Long Automotive, LLC  
Tenant

\_\_\_\_\_

The John H. Lackey and Marcia  
Lackey Revocable Trust,  
Owner



Pindon Ridge Subdivision

House # 6 20.20.2

34904

34902

34400

34800

34770

34821

34820

34 930

34 850

34 906

34 918

34 840

~~34~~ 900



City of Trinidad  
135 N. Animas  
Trinidad, Colorado 81082  
Telephone (719) 846-9843x130  
Fax (719) 846-4140  
Email: [planning@trinidad.co.gov](mailto:planning@trinidad.co.gov)

**Receipt of Public Notice Form (Planning, Zoning and Variance Commission Meeting)**

I, TERRY SWICITZ, acknowledge that I have received one copy of the public notice  
(Printed Applicant Name)

for City of Trinidad land development application number(s) 2014-MMC-16 from the  
City 2014-OPCO-16  
(Application Number)

of Trinidad Planning Department on 04/03/14. I further understand that I must deliver  
(MM/DD/YYYY)

one copy of the above-referenced public notice to the owner(s) of each property abutting the  
parcel(s) comprising the project site per the requirements of Chapter 14, Article 1, Section 14-

7(1) of the City of Trinidad Code of Ordinances and that I must supply the City of Trinidad

Planning Department with a proof of mailing receipt from the United States Postal Service for

each property owner. I further understand that the above-referenced public notice must be

received by said property owner(s) a minimum of ten days prior to the Planning, Zoning and

Variance Commission meeting scheduled on 04/22/2014. I further understand that  
(MM/DD/YYYY)

failure to comply with all of the notification requirements outlined in Chapter 14, Article 1,

Section 14-7(1) of the City of Trinidad Code of Ordinances may invalidate any action taken by

City of Trinidad Planning, Zoning and Variance Commission regarding the above-referenced

application.

Terry Swicitz  
(Applicant Signature)

04/03/14  
(Date)

**PLEASE COMMENT BY April 21, 2014**

**CITY OF TRINIDAD  
DEPARTMENT HEAD REVIEW SHEET**

**Application:**

Terence Sanchez (Application #2014-MMC-16) – Request for a CUP to establish a Medical Marijuana Center at 123 W. Cedar St.

Terence Sanchez (Application #2014-OPCO-16) – Request for a CUP to establish an Optional Premises Cultivation Operation at 123 W. Cedar St.

**Comments:** Please indicate if comments are attached on a separate sheet.

**Planning Commission Meeting Date:** April 22, 2014.

DEPARTMENT	COMMENT	RECOMMENDATION	INITIAL/ DATE
INSPECTION	<i>will need to meet code requirements</i>		<i>CSK 4-15-14</i>
PUBLIC WORKS			
POWER & LIGHT	<i>NEED to know the size of the Electrical Service</i>		<i>DD 4/16/14</i>
UTILITIES <sup>Gas</sup>	<i>Need to know BTU Rating</i>		<i>JC 4-16-14</i>
CITY ATTORNEY			
POLICE			
FIRE	<i>meet code req.</i>		<i>AV 4-16-14</i>
PLANNING			
CITY MANAGER	<i>SATISfies requirem<sup>t</sup>s of CUP, ord and specific Dept. requirem<sup>t</sup>s</i>		<i>AA 4/17/14</i>

**PLEASE COMMENT BY July 8, 2014**

**CITY OF TRINIDAD  
DEPARTMENT HEAD REVIEW SHEET**

**Application:**

Forever Green, LLC (Application #2014-MMC-16) – Request for a CUP to establish a Medical Marijuana Center at 3019 Toupal Dr.

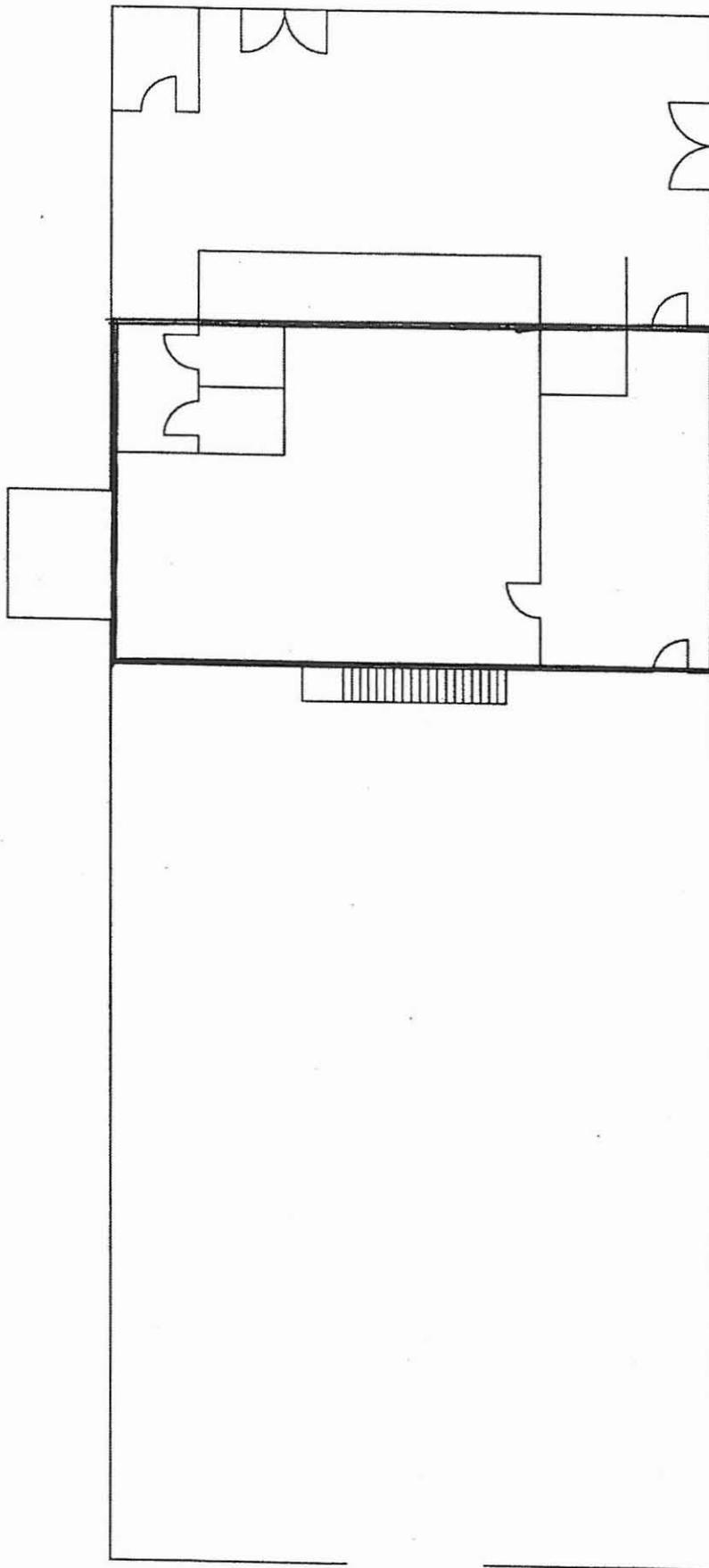
Forever Green, LLC (Application #2014-OPCO-16) – Request for a CUP to establish an Optional Premises Cultivation Operation at 3019 Toupal Dr.

**Comments:** Please indicate if comments are attached on a separate sheet.

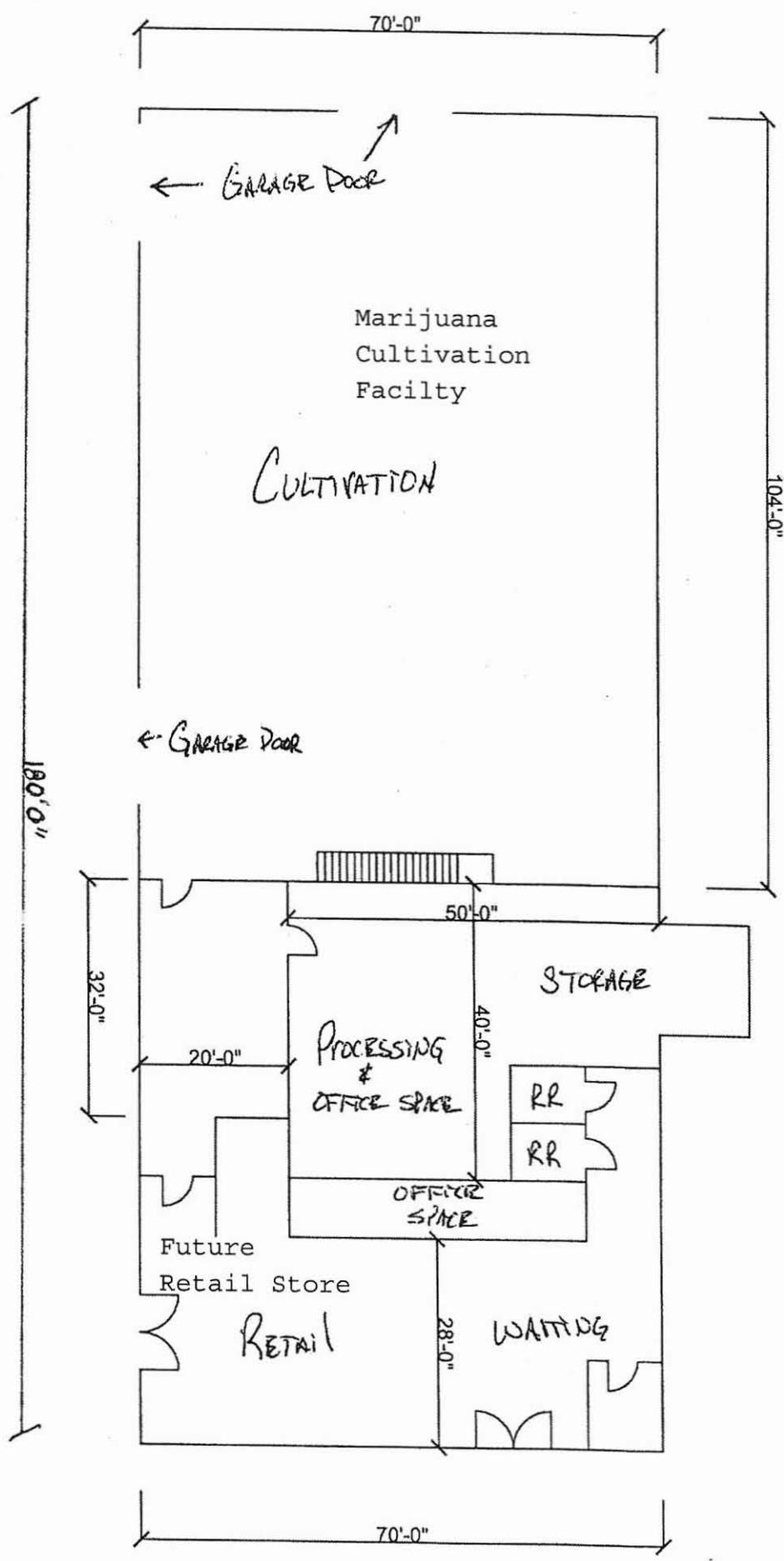
**Planning Commission Meeting Date:** July 8, 2014.

DEPARTMENT	COMMENT	RECOMMENDATION	INITIAL/ DATE
INSPECTION			
<b>PUBLIC WORKS</b>			* MV 7/8/14
POWER & LIGHT	ELECTRIC SERVICE SIZE ?		* MV 7/8/14
UTILITIES	GAS - BTU RATING		* MV 7/8/14
CITY ATTORNEY			
POLICE			
FIRE			
PLANNING			
CITY MANAGER	need authorization to allow Cup to be applied for + for medical marijuana business; need "contour site plan	provide documentation for hearing	AG 7/7/14

\* ANY INFRASTRUCTURE UPGRADES ARE RESPONSIBILITY OF APPLICANT.



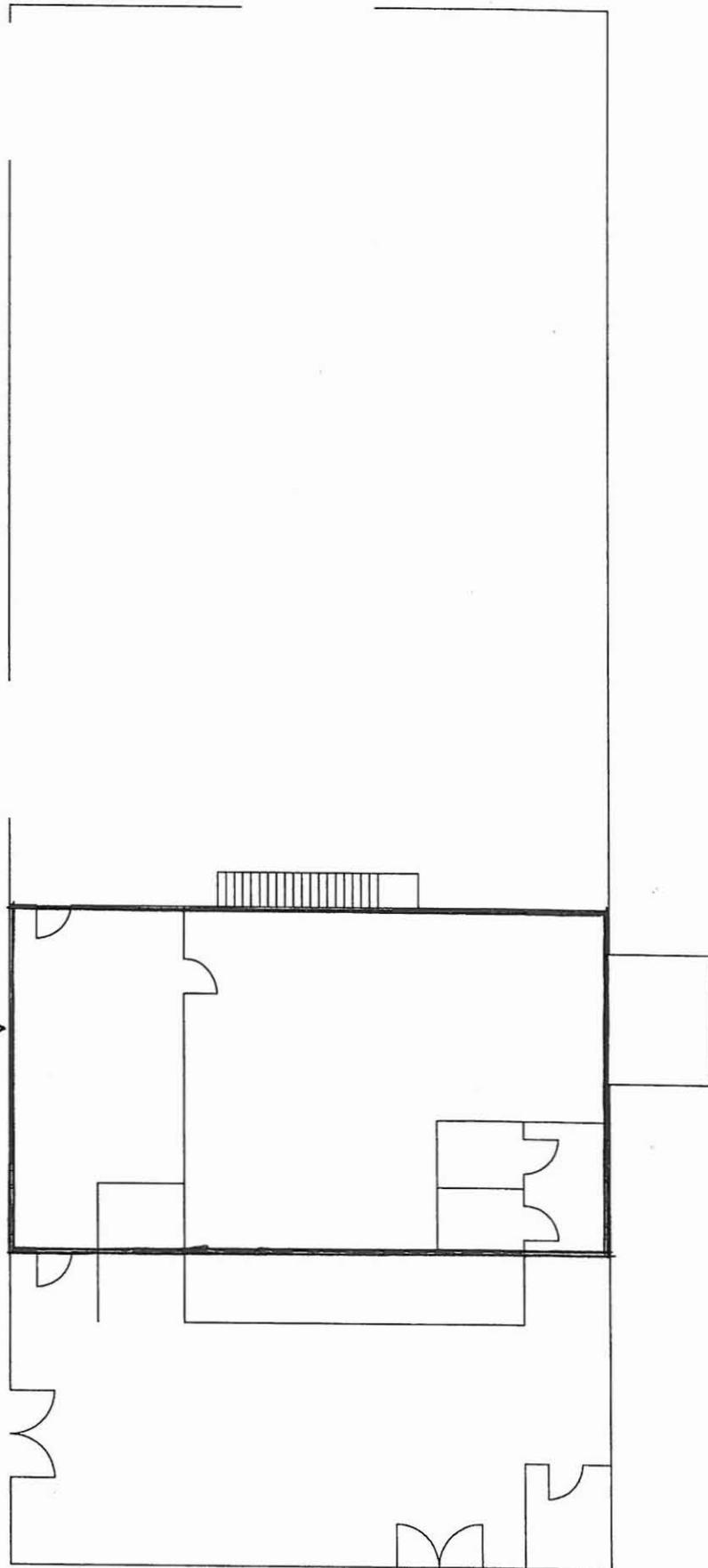
UPSTAIRS AREA  
STORAGE ←

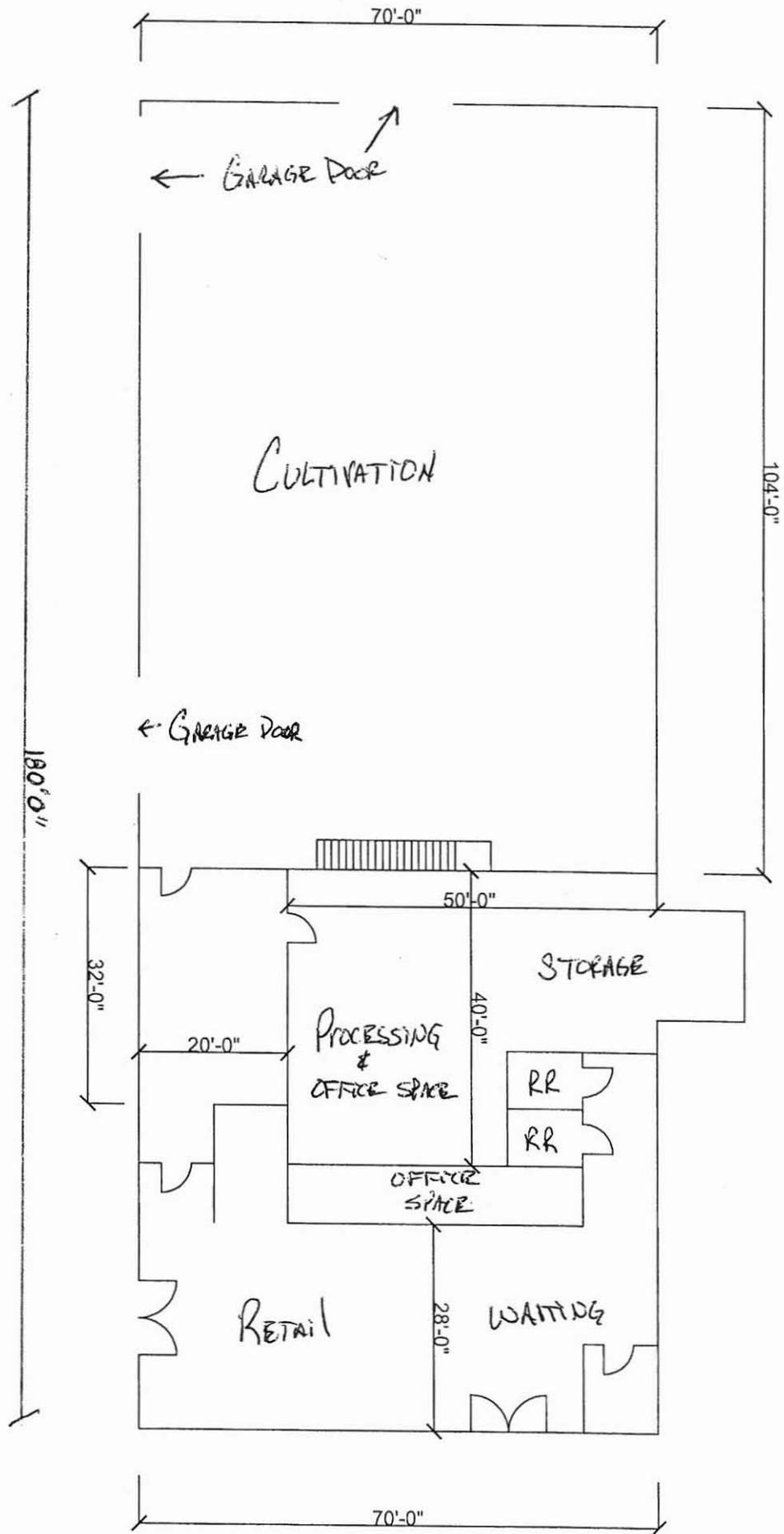






UPSTAIRS AREA  
STORAGE →





## **Time Sequence of Development**

### **Intro:**

The sequence of development is crucial not only to the success of the proposed business but also relates to the ability of the business to meet established regulations. Specifically, the ability of the business to produce 70% of products sold within 90 days of beginning operations.

### **Background and philosophy:**

I have been and still am an 18 year Registered Nurse. My license is in good standing and does not have a single blemish. Being a RN has afforded me the medical training and experience needed to deal with and understand persons with medical conditions in which medical marijuana can help. Growing and selling marijuana and products made from marijuana is relatively easy. The hard part is growing and producing a product to meet the specific needs of individuals with varying needs. Just growing "pot" isn't good enough. Knowing what strains and being able to discuss the effects of these strains is vital to the safety and well being of consumers.

When people think of the medical properties of marijuana, they immediately associate its effects with delta-9-tetrahydrocannabinol (THC), the most psychologically active compound in cannabis. But what most people don't know is that there are actually 483 different identifiable chemical constituents found in cannabis. Many of these constituents are non-psychoactive components, and many of them are found in other plants. Only 66 of these constituents—called cannabinoids—are unique to the Cannabis plant. But that does not mean there are 66 different cannabinoid effects or interactions. Most of the cannabinoids are closely related and oftentimes they work together to create the healing properties of pot. For example, in 2001, GW Pharmaceuticals found that only a combination of CBD and THC offered analgesic effects for MS patients. Taken alone, neither CBD nor THC was as effective in treating chronic pain as they were in combination. Medical marijuana studies have shown that the non-psychoactive cannabinoids found in medical marijuana have medical properties. For example, cannabidiol (CBD) has sedative, analgesic and antibiotic properties, and appears to heighten the depressant effects and moderate the euphoric effects. And studies suggest that cannabigerol (CBG) may reduce intraocular pressure and contribute to marijuana's antibiotic properties.

There are literally hundreds of variant strains of marijuana. The percentage and ratio of the most beneficial constituents is well documented and understood. Producing the variety needed to meet the needs of the population is essential. Understanding the condition and the strain that can best help the individual is crucial. My background in medicine as well as biology and chemistry allows me to be very well suited to meet these needs.

### **Method and Timeline:**

If a license is granted, I intend to cultivate hydroponically. I also plan to use the Sea of Green and Screen of Green methods. This allows for an increased rate of harvest but more importantly eliminates the variables linked to inconsistency in the chemical ratios of the various strains. Cloning allows for every plant to be genetically identical to its source.

- **Day 1 to day 5:**

Germination of 10 identified strains of marijuana. These will include pure Sativas, pure Indicas and crosses between the two that have documented chemical ratios to address a wide variety of ailments. Only feminized seeds will be used ensuring flowering plants. 5 seeds of each strain will be germinated. Germination will take between 3 and 5 days. This will be done in a sealed and controlled environment. In addition to germination, the initial setup of T5 Florescent lighting and Metal Halide (MH) lighting will be set up. 1000 watt MH lights will be used to ensure maximum coverage.

10 Deep water culture systems will be used as well. This hydroponic method allows for a highly controllable grow environment and is relatively simple to maintain given one has a reasonable understanding of chemistry. pH, nutrient concentration, water purity and temperature, grow medium properties, etc is all essential. I have a broad understanding of all of these variables.

Of these initial 50 plants, 30 will become "mother" plants. Mother plants will be kept in a continuous vegetative state meaning that they will be kept in a constant state of growth. They will be trimmed and allowed to become "bushy". The reason for this is to allow for the largest amount of clippings taken for cloning. Cloning will be the primary source of new plants and overall production of product.

- **Day 5 – day 30:**

All germinated plants will be transferred to the growing medium and placed in the deep water cultures. They will be kept on a light cycle consistent with maximum growth. At day 30 these plants should be approximately 3 feet tall and very bushy. Clones will be taken at this time and prepared for rooting. This will be done weekly from this point on.

Additional areas will be established consisting of a “vegetative” growth area and a “flowering” growth area. These areas will be sealed from the overall environment as well as from each other. The lighting and chemical nutrient needs are different for these phases. A cloning room and harvesting room will be established as well.

In addition to plant production, the initial 30 days focus will also be on storefront and retail space. The procurement and installation of various display cabinets and other infrastructure components will be completed with the intention of opening the doors by day 30 if not sooner.

Product to be sold initially will be procured from established growers around the state. Initial talks and agreements have been initiated.

- **Day 45 – day 60:**

The initial clones harvested from day 30 will be moved to the “flowering” room.

Flowering is the production phase that produces the end product or “buds”. Every week a new set of clones will be moved to this area. 20 of the initial plants will be moved to this phase as well.

- **Day 60 – day 90:**

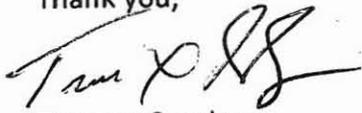
Continued monitoring and maintenance of the environment. Initial harvest of the first set of clones and 20 plants with anticipated yield of at least 5 pounds of sellable product. Clones will be harvested weekly from this point on.

## Summary

Although ambitious, this plan is very doable if one knows how to do it. I have a variety of experiences and resources that make me uniquely suited for such an endeavor. This is a very brief overview of all that will go into the entire 90 process. Construction of water / nutrient transport systems, CO2 emitters, temperature control both ambient and at the root zone, water purity, etc. will all be addressed. Though not cheap to set up, the overall cost is relatively inexpensive for a startup business.

I look forward to hearing from the council and am available to answer any and all questions if needed.

Thank you,

A handwritten signature in black ink, appearing to read "Terence Sanchez", written in a cursive style.

Terence Sanchez

719 680-9214

## Environmental Impact

Environment impact will be minimal as all functions of this business will be indoors. The basement has ventilation ducts running through the walls and to the roof. Ducting from each grow area will run to these ducts and controlled via fans on timers. The fans will ventilate the rooms once an hour. Prior to ventilation, the rooms will be flooded with ozone generators which produce O3. O3 will eliminate all odor thus the ventilated air will have no scent whatsoever.

Parking will be in front of the building.

Snow removal will be minimal and will be done by business owner.

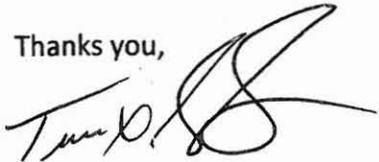
There will be no noise above general talking. All fans and pumps will be in the basement.

Any barring of windows for security will be done from the inside of the window and will be made to mimic the window patterns already in place.

Numerous security cameras will be located in unobvious locations.

The building will look minimally different from how it looks today.

Thanks you,

A handwritten signature in black ink, appearing to read 'Terence Sanchez', written in a cursive style.

Terence Sanchez



City of Trinidad  
135 N. Animas  
Trinidad, Colorado 81082  
Telephone (719) 846-9843x130  
Fax (719) 846-4140  
Email: [planning@trinidad.co.gov](mailto:planning@trinidad.co.gov)

**Receipt of Public Notice Form (Planning, Zoning and Variance Commission Meeting)**

I, TERENCE SANCHEZ, acknowledge that I have received one copy of the public notice  
(Printed Applicant Name)

for City of Trinidad land development application number(s) \_\_\_\_\_ from the City  
(Application Number)

of Trinidad Planning Department on 6/27/2014. I further understand that I must deliver  
(MM/DD/YYYY)

one copy of the above-referenced public notice to the owner(s) of each property abutting the  
parcel(s) comprising the project site per the requirements of Chapter 14, Article 1, Section 14-

7(1) of the City of Trinidad Code of Ordinances and that I must supply the City of Trinidad

Planning Department with a proof of mailing receipt from the United States Postal Service for

each property owner. I further understand that the above-referenced public notice must be

received by said property owner(s) a minimum of ten days prior to the Planning, Zoning and

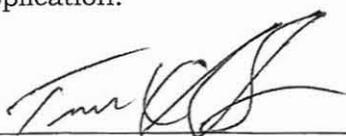
Variance Commission meeting scheduled on 07/08/2014. I further understand that  
(MM/DD/YYYY)

failure to comply with all of the notification requirements outlined in Chapter 14, Article 1,

Section 14-7(1) of the City of Trinidad Code of Ordinances may invalidate any action taken by

City of Trinidad Planning, Zoning and Variance Commission regarding the above-referenced

application.

  
(Applicant Signature)

6/27/2014  
(Date)



## COUNCIL COMMUNICATION

7a

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Mngr  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 7

**SUBJECT:** Modification of premises request by Image Hospitality, LLC d/b/a Quality Inn at 3125 Toupal Drive

**PRESENTER:** Image Hospitality, LLC, LLC

**RECOMMENDED CITY COUNCIL ACTION:** Consider approval of the modification 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 licensee seeks to modify the licensed premise by building a small kitchen in the bar area on the west side of the building and omitting the kitchen and dining area as a licensed area. They seek to lease the kitchen and dining area and provide meals to patrons of the bar area and rooms from the leased premise.
- The Fire Chief indicates a fire inspection is required upon completion of the new kitchen.
- The Building Inspector indicates a building permit is required for the new kitchen.
- The Police Chief states an inspection was done on July 2, 2014 and no issues were found.
- Disclosure statements provided by Council members Miles and Torres are attached.
- Appropriate fee has been paid.
- This item was tabled for lack of representation on July 15, 2014.
- The applicant has been advised of the necessity that he appear before Council for the request to be heard.

7a

## PERMIT APPLICATION AND REPORT OF CHANGES

**CURRENT LICENSE NUMBER** \_\_\_\_\_  
**ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN**  
**LOCAL LICENSE FEE \$** \_\_\_\_\_  
**APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165**

1. Applicant is a		PERMIT CHANGE FEE
<input type="checkbox"/> Corporation ..... <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Partnership ..... <input type="checkbox"/> Limited Liability Company		
2. Name of Licensee <u>Image Hospitality LLC</u>	3. Trade Name <u>Quality Inn</u>	
4. Location Address		
<u>Quality Inn</u>		
<u>3125 Toupal Dr.</u>		
City	County	ZIP
<u>Trinidad</u>	<u>Las Animas</u>	<u>81082</u>

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A - Manager reg/change	Section C
<p>• License Account No. <u>42870940000</u></p> <p><b>1983-750 (999)</b> <input type="checkbox"/> Manager's Registration (Hotel &amp; Restr.)...\$75.00</p> <p><b>2012-750 (999)</b> <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00</p> <p><input type="checkbox"/> Change of Manager (Other Licenses) NO FEE</p>	<p><b>2210-100 (999)</b> <input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00</p> <p><b>2200-100 (999)</b> <input type="checkbox"/> Wholesale Branch House Permit (ea).... 100.00</p> <p><b>2260-100 (999)</b> <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) .50.00</p> <p><b>2230-100 (999)</b> <input type="checkbox"/> Change Location Permit (ea)..... 150.00</p> <p><b>2280-100 (999)</b> <input checked="" type="checkbox"/> Change, Alter or Modify Premises                      \$150.00 x <u>2</u> Total Fee <u>300</u></p> <p><b>2220-100 (999)</b> <input type="checkbox"/> Addition of Optional Premises to Existing H/R                      \$100.00 x _____ Total Fee _____</p> <p><b>1988-100 (999)</b> <input type="checkbox"/> Addition of Related Facility to Resort Complex                      \$75.00 x _____ Total Fee _____</p>
Section B - Duplicate License	
<p>• Liquor License No. _____</p> <p><b>2270-100 (999)</b> <input type="checkbox"/> Duplicate License .....\$50.00</p>	

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

<b>11</b> DATE LICENSE ISSUED	LICENSE ACCOUNT NUMBER	PERIOD
<u>NO-18-13</u>		
<b>-750 (999)</b>	<b>-100 (999)</b>	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 of Revenue may collect the payment amount directly from your bank account electronically.
<b>TOTAL AMOUNT DUE</b>		<b>\$ 300 .00</b>

## INSTRUCTION SHEET

FOR ALL SECTIONS, COMPLETE QUESTIONS 1-4 LOCATED ON PAGE 1

**Section A**

**To Register or Change Managers**, check the appropriate box in section A and complete question 8 on page 4. Proceed to the Oath of Applicant for signature (Please note: Hotel, Restaurant, and Tavern licensees are required to register their managers).

**Section B**

**For a Duplicate license**, be sure to include the liquor license number in section B on page 1 and proceed to page 4 for Oath of Applicant signature.

**Section C**

Check the appropriate box in section C and proceed below.

- 1) **For a Retail Warehouse Storage Permit**, go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 2) **For a Wholesale Branch House Permit**, go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 3) **To Change Trade Name or Corporation Name**, go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 4) **To modify Premise**, go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 5) **For Optional Premises or Related Facilities** go to page 4 and complete question 9. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.
- 6) **To Change Location**, go to page 3 and complete question 7. Submit the necessary information and proceed to page 4 for Oath of Applicant signature.

STORAGE PERMIT	<p><b>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</b></p> <p><input type="checkbox"/> <b>Retail Warehouse Permit for:</b></p> <p style="margin-left: 20px;"><input type="checkbox"/> On-Premises Licensee (Taverns, Restaurants etc.)</p> <p style="margin-left: 20px;"><input type="checkbox"/> Off-Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> <b>Wholesalers Branch House Permit</b></p> <p>Address of storage premise: _____</p> <p>City _____, County _____, Zip _____</p> <p>Attach a deed/ lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.</p>			
	CHANGE TRADE NAME OR CORPORATE NAME	<p><b>6. Change of Trade Name or Corporation Name</b></p> <p><input type="checkbox"/> Change of Trade name / DBA only</p> <p><input type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <p style="margin-left: 20px;">1. Certificate of Amendment filed with the Secretary of State, or</p> <p style="margin-left: 20px;">2. Statement of Change filed with the Secretary of State, <u>and</u></p> <p style="margin-left: 20px;">3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.</p>		
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">Old Trade Name</td> <td style="width: 50%; padding: 2px;">New Trade Name</td> </tr> <tr> <td style="width: 50%; padding: 2px;">Old Corporate Name</td> <td style="width: 50%; padding: 2px;">New Corporate Name</td> </tr> </table>	Old Trade Name	New Trade Name
Old Trade Name	New Trade Name			
Old Corporate Name	New Corporate Name			
CHANGE OF LOCATION	<p><b>7. Change of Location</b></p> <p><b>NOTE TO RETAIL LICENSEES:</b> An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 12-47-311 (1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> <p>Date filed with Local Authority _____ Date of Hearing _____</p> <p>(a) Address of current premises _____</p> <p style="margin-left: 20px;">City _____ County _____ Zip _____</p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p style="margin-left: 20px;">Address _____</p> <p style="margin-left: 20px;">City _____ County _____ Zip _____</p> <p>(c) New mailing address if applicable.</p> <p style="margin-left: 20px;">Address _____</p> <p style="margin-left: 20px;">City _____ County _____ State _____ Zip _____</p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p>			

CHANGE OF MANAGER

**8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.**

(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)

Former manager's name \_\_\_\_\_

New manager's name \_\_\_\_\_

(b) Date of Employment \_\_\_\_\_

Has manager ever managed a liquor licensed establishment?..... Yes  No

Does manager have a financial interest in any other liquor licensed establishment?..... Yes  No

If yes, give name and location of establishment \_\_\_\_\_

**9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility**

NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.

(a) Describe change proposed exclude current kitchen and dining area; building small kitchen in bar area

(b) If the modification is temporary, when will the proposed change:

Start \_\_\_\_\_ (mo/day/year) End \_\_\_\_\_ (mo/day/year)

NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00

(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

(If yes, explain in detail and describe any exemptions that apply) ..... Yes  No

(d) Is the proposed change in compliance with local building and zoning laws?..... Yes  No

(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises?

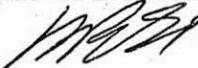
..... Yes  No

(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.

(g) Attach any existing lease that is revised due to the modification.

**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 	Title <u>owner</u>	Date <u>6/27/14</u>
--------------------------------------------------------------------------------------------------	-----------------------	------------------------

**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY / 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 applicable provisions of Title 12, Articles 46 and 47, C.R.S., as amended. THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County)	Date filed with Local Authority
Signature	Title
	Date

**REPORT OF STATE LICENSING AUTHORITY**

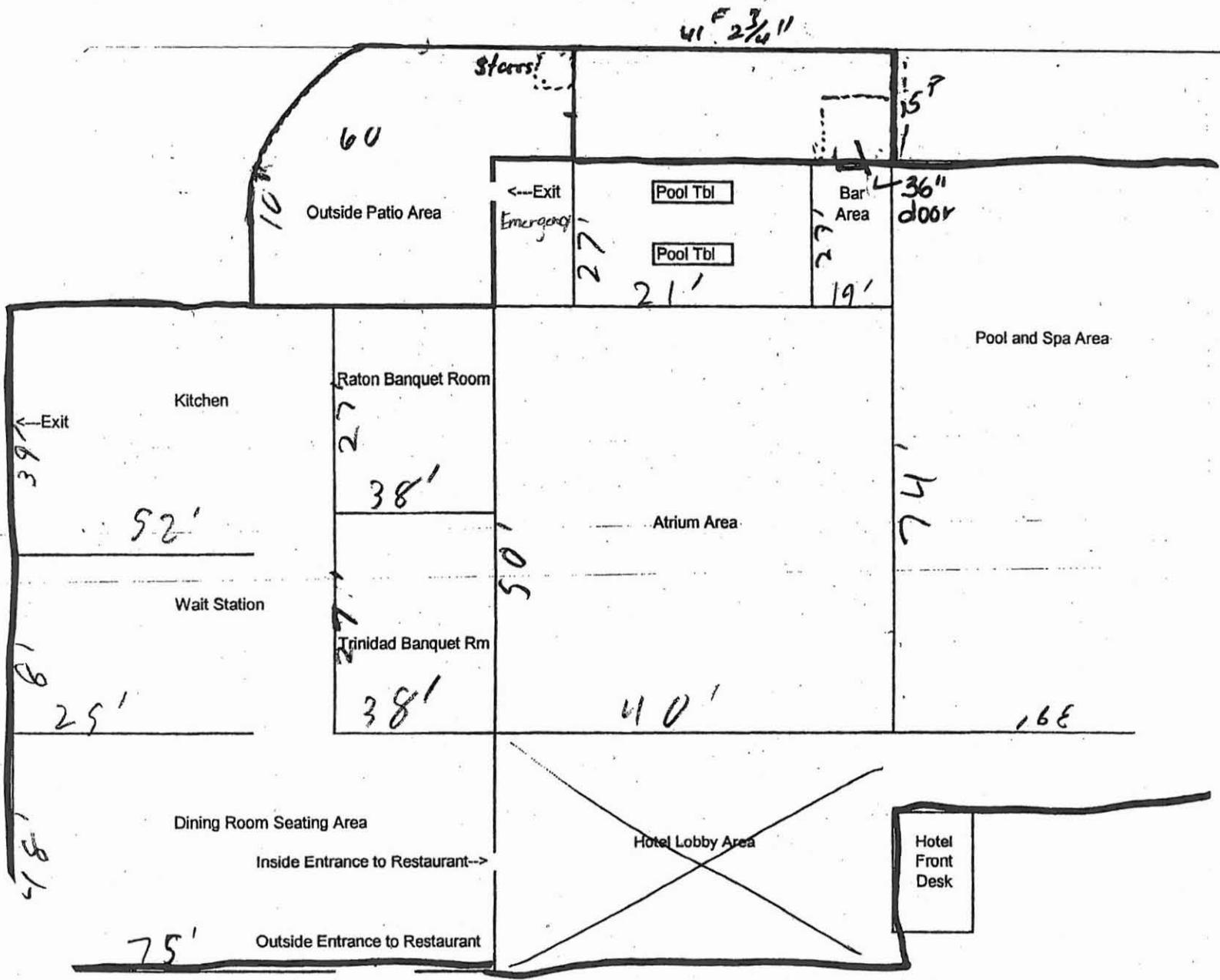
The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S., as amended.

Signature	Title	Date
-----------	-------	------

MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY

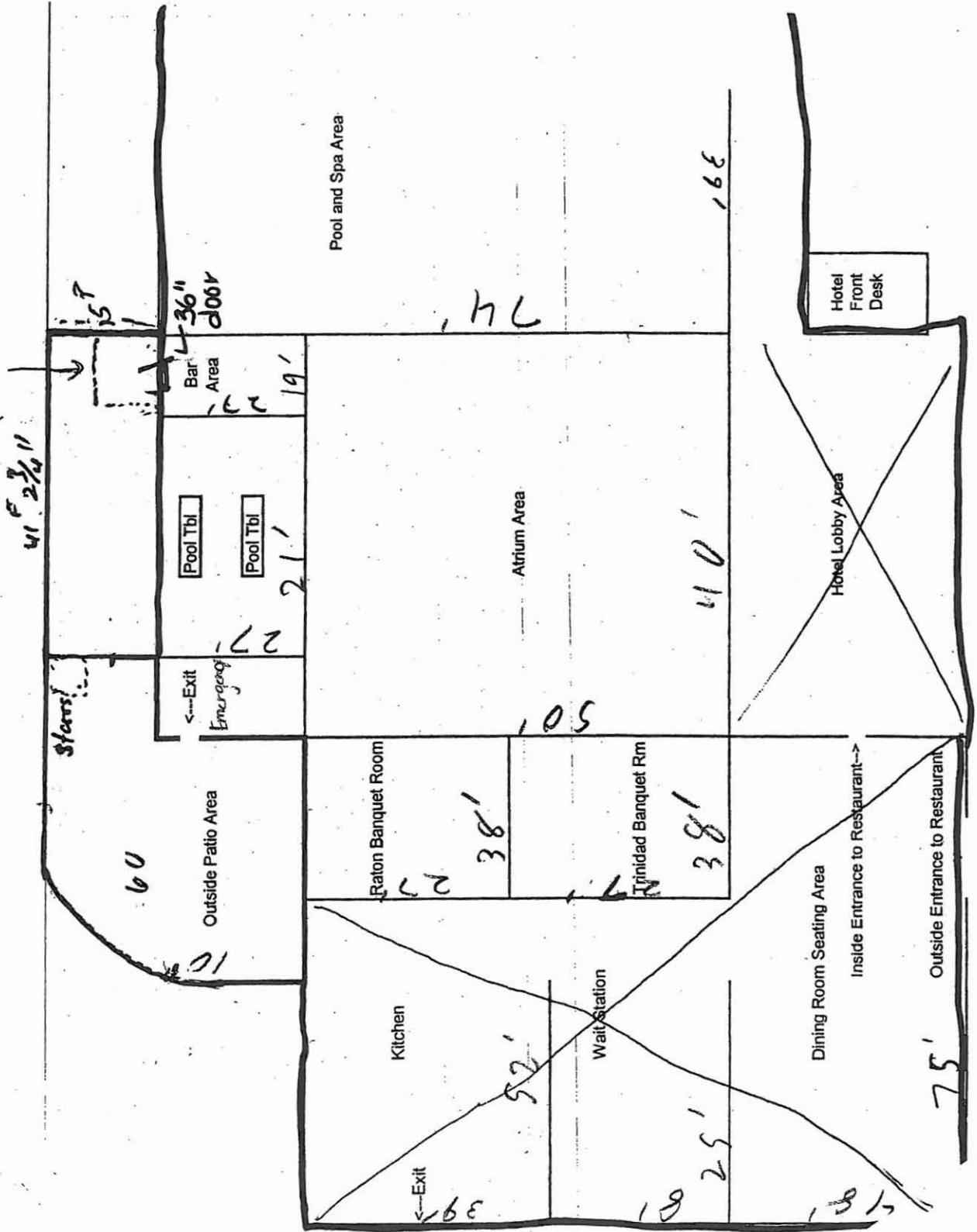
Current

Lumber Railing Surrounding deck



Proposed

Lumber Railing Surrounding deck  
Propose new kitchen



Basic Terms of Lease

Rent shall be a flat \$5,000.00 per month and include equipment, general property and liability insurance,

July: \$3,000.00

August: \$5,000.00 + \$1,500.00

September: \$5,000.00 + \$1,500.00

October: \$5,000.00 + \$1,500.00

November \$5,000.00 + \$1,500.00

December \$5,000.00 + \$1,000.00

January, 2015 \$5,000.00 going forward unless by mutual agreement.

Tenant reserves the right to prepay above "+" amounts at any time;

The rent shall exclude the restaurants share of the natural gas, electrical, cable television, trash and water expenses and shall be paid to Landlord within 24 hours of receipt of billing provided by Landlord;

Tenant shall provide Landlord with all copies of licenses and insurance necessary to protect Landlord from liability of restaurant operations;

Tenant will provide a continental breakfast for guests of the hotel at its expense in exchange for a \$3.00 fee paid by Landlord for each food voucher redeemed at restaurant by hotel guests on a monthly basis. Landlord may, at his discretion, apply monthly voucher redemptions to Tenant's rent. Hours of offered continental breakfast shall be daily from 6 a.m. until 9:30 a.m.;

Tenants shall be responsible for the upkeep and maintenance of all equipment and contents of the restaurant and will be responsible for any repairs or replacement for said contents at its own expense including 2 roof top air conditioners and 1 swamp cooler;

Tenants shall be responsible for employees it hires and any insurance, payroll, taxes and any other actions its employees may take;

Tenant understands that it may offer room service, banquet, catering and food delivery at its own expense and profit. Tenant also understands that Landlord may charge Tenant a fee to use banquet rooms under mutually agreeable terms;

Tenant and Landlord agree that the operation of the restaurant and other food services provided by Tenant will be conducted under separate companies and that co-mingling of funds is prohibited;

Tenant agrees to maintain restaurant hours from 6:00 a.m. until 9:00 p.m. Monday - Sunday but may close on certain holidays with advance notice to Landlord. The hours may be changed only by mutual consent of both parties;

Landlord agrees that Tenants may advertise its restaurant at its own expense and will pay 25% of any mutual advertising previously agreed to by both parties;

Both parties agree that this lease expires at midnight on December 31<sup>st</sup>, 2016 unless extended or terminated by mutual consent;



Rent shall be due by the 5<sup>th</sup> day of each month. If rent is paid on the 6<sup>th</sup> or thereafter, Tenant agrees to pay a late fee of \$150.00;

Landlord reserves right to inspect property at any time. If a maintenance issue is discovered, Landlord will provide a written request for repair. If repair is not made within a reasonable time frame or constitutes an imminent danger to Landlords property or guests, Landlord may revoke lease;

If Tenant breaks lease in violation of above stated conditions, Tenant will surrender deposit of \$5000.00. When at mutual lease termination, Tenant agrees to pay for damages above normal wear and tear;

In the event Tenant loses legal action brought by Landlord for violating any of the clauses in this agreement, Tenant agrees to pay all legal costs associated with the legal action;

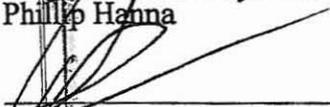
Tenants agree to provide documentation establishing legal name and residency within the United States;

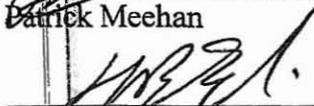
Tenants agree to assume the restaurant "as-is" and will be responsible for any work needed prior to opening. Landlord represents the property to be in good working order and agrees to repair, at his expense, any items needed for opening the restaurant. When Tenant opens the restaurant on the first day of the lease, all repairs and maintenance become the responsibility of the Tenant (see above);

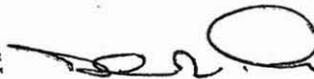
Tenant agrees that all employees of the restaurant shall park in the northern area of the parking lot only;

6-21-14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Phillip Hanna

  
\_\_\_\_\_  
Patrick Meehan

  
\_\_\_\_\_  
Harry Patel

witness:   
Delvis Molina

7/1/14

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

Applicant: Image Hospitality, LLC

dba: Quality Inn - Permanent Modification of Premises Request

Address: 3125 Toupal Drive

Type of License: Hotel & Restaurant

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: July 15, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: fire inspection must be completed  
after new kitchen is built

7/1/14  
Date

[Signature]  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 6, 2014

7/1/14

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

Applicant: Image Hospitality, LLC

dba: Quality Inn – Permanent Modification of Premises Request

Address: 3125 Toupal Drive

Type of License: Hotel & Restaurant

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: July 15, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: NEEDS a permit iF he is adding  
A kitchen no permit has been applied for

7-3-2014  
Date

Chris S. Kelley  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 6, 2014

7/1/14

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

Applicant: Image Hospitality, LLC

dba: Quality Inn – Permanent Modification of Premises Request

Address: 3125 Toupal Drive

Type of License: Hotel & Restaurant

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: July 15, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Premises inspected on 7-2-14  
no issues found.

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

7-3-14  
Date

Gregory Heaner  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 6, 2014

7/1/2014

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

Applicant's Name: Opera House Wine & Spirits, LLC

DBA: Tire Shop Wine & Spirits

Business Address: 601 W. Main Street

Type of License: Retail Liquor Store

X Renewal             Transfer             Change of Location             New             Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: July 15, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No reports

7-11-14  
Date

Charles J. DeCicco  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 6, 2014

**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



## COUNCIL COMMUNICATION

8a

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City  
Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 6

**SUBJECT:** Beer and Wine liquor license renewal request by Mattorano Enterprise, Inc. d/b/a Lee's Bar B-Q at 825 San Pedro Avenue

**PRESENTER:** Mattorano Enterprise, Inc. representative

**RECOMMENDED CITY COUNCIL ACTION:** Consider renewal of the license

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- The renewal application is in order.
- The departmental report from the Fire Department indicated no issues.
- The Building Inspector identified compliance
- The Police Department had no calls for service in the past year.
- The Health Department reported compliance.
- Disclosure statements from Councilmembers Miles & Torres are attached.
- Appropriate fees have been paid.

8a

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

LEE'S BAR-B-Q  
 37300 COUNTY ROAD 26-1  
 TRINIDAD CO 81082

Fees Due	
Renewal Fee	\$351.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

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

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

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

Licensee Name <b>MATTORANO ENTERPRISE INC</b>		DBA <b>LEE'S BAR-B-Q</b>		
Liquor License # <b>4701970</b>	License Type <b>Beer &amp; Wine (city)</b>	Sales Tax License # <b>04304085000</b>	Expiration Date <b>10/1/2014</b>	Due Date <b>8/17/2014</b>
Street Address <b>825 SAN PEDRO AVE TRINIDAD CO 81082</b>				Phone Number <b>(719) 846 7621</b>
Mailing Address <b>37300 COUNTY ROAD 26-1 TRINIDAD CO 81082</b>				
Operating Manager <b>Frank Mattorano</b>	Date of Birth [REDACTED]	Home Address [REDACTED]	<b>Trinidad, CO</b>	Phone Number [REDACTED]

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

**AFFIRMATION & CONSENT**

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

Type or Print Name of Applicant/Authorized Agent of Business <b>Lee's Bar-B-Q - Mattorano Enterprise</b>	Title <b>Owner/operator</b>
Signature <b>[Signature]</b>	Date <b>7-12-14</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 [REDACTED]	Title <b>Mayor</b>
	Attest

7/15/14

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

Applicant: Mattorano Enterprise, Inc.

dba: Lee's Bar B-Q

Address: 825 San Pedro Avenue

Type of License: Beer & Wine

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: August 5, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: inspected OK

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

7/15/14  
Date

[Signature]  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 28, 2014

7/15/14

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

Applicant: Mattorano Enterprise, Inc.

dba: Lee's Bar B-Q

Address: 825 San Pedro Avenue

Type of License: Beer & Wine

Renewal     Transfer     Change of Location     New     Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: August 5, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: approved

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

7-22-2014  
Date

Chris S. Kelley  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 28, 2014

7/14/2014

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

Applicant's Name: Mattorano Enterprise Inc.

DBA: Lee's Bar-B-Q

Business Address: 825 San Pedro Ave

Type of License: Beer & Wine

Renewal     Transfer     Change of Location     New     Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: August 5, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No reports

7-22-14  
Date

  
\_\_\_\_\_  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 28, 2014

## Tom Acre

---

**From:** John Martinez [jmartinez@la-h-health.org]  
**Sent:** Tuesday, July 15, 2014 2:25 PM  
**To:** Audra Garrett  
**Subject:** RE: liquor

Lee's Bar B. Q. located at 825 San Pedro Avenue Trinidad, Colorado is in compliance with 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](mailto:audra.garrett@trinidad.co.gov)]  
**Sent:** Tuesday, July 15, 2014 1:41 PM  
**To:** John Martinez  
**Subject:** liquor

Hi John,  
Please verify compliance with your office for Lee's Bar B-Q at 825 San Pedro Avenue. 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)



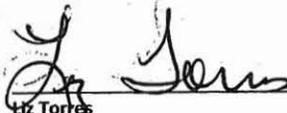
DISCLOSURE STATEMENT

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



## COUNCIL COMMUNICATION

86

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 6

**SUBJECT:** Hotel and restaurant liquor license renewal request by David J. Liu d/b/a Chef Liu's Chinese Restaurant at 1423 Santa Fe Trail

**PRESENTER:** David J. Liu or a 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 indicates compliance.
- 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.

86

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

CHEF LIU'S CHINESE RESTAURANT  
 1423 SANTA FE TRAIL  
 TRINIDAD CO 81082

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
<b>Amount Due/Paid</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>CHEF LIU'S CHINESE RESTAURANT</b>		DBA <b>CHEF LIU'S CHINESE RESTAURANT</b>		
Liquor License # <b>4700077</b>	License Type <b>Hotel &amp; Restaurant (city)</b>	Sales Tax License # <b>43036030000</b>	Expiration Date <b>9/5/2014</b>	Due Date <b>7/22/2014</b>
Street Address <b>1423 SANTA FE TRAIL TRINIDAD CO 81082</b>				Phone Number <b>(719) 846 3333</b>
Mailing Address <b>1423 SANTA FE TRAIL TRINIDAD CO 81082</b>				
Operating Manager <i>David H Liu</i>	Date of Birth _____	Home Address _____	Phone Number <b>TRINIDAD, CO 81082</b>	

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

**AFFIRMATION & CONSENT**

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

Type or Print Name of Applicant/Authorized Agent of Business <b>CHEF LIU'S CHINESE RESTAURANT</b>	Title <i>owner</i>
Signature <i>David H Liu</i>	Date <i>7/23/2014</i>

**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

7/24/14

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

Applicant: David H. Liu

dba: Chef Liu's Chinese Restaurant

Address: 1423 Santa Fe Trail

Type of License: Hotel and Restaurant

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: August 5, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: inspection ok

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

8-1-14  
Date

[Signature]  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 31, 2014

7/24/14

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

Applicant: David H. Liu

dba: Chef Liu's Chinese Restaurant

Address: 1423 Santa Fe Trail

Type of License: Hotel and Restaurant

Renewal  Transfer  Change of Location  New  Special Event

FOR CONSIDERATION AT  
COUNCIL MEETING DATE: August 5, 2014

\*\*\*\*\*

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Approved

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

7-29-2014  
Date

Shirley S. Kelley  
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: July 31, 2014

**Tom Acre**

---

**From:** John Martinez [jmartinez@la-h-health.org]  
**Sent:** Friday, July 25, 2014 7:56 AM  
**To:** Audra Garrett  
**Subject:** RE: liquor

Hi Audra;  
David H. Liu d/b/a Chef Liu's Chinese Restaurant at 1423 Santa Fe Trail is in compliance with 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:** Thursday, July 24, 2014 6:24 PM  
**To:** John Martinez  
**Subject:** liquor

Hi John,  
Please verify compliance with your office for David H. Liu d/b/a Chef Liu's Chinese Restaurant at 1423 Santa Fe Trail.  
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



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** Consideration of resolution supporting a member contribution rate increase to the FPPA Statewide Defined Benefit Plan

**PRESENTER:** Audra Garrett, Acting City Manager

**RECOMMENDED CITY COUNCIL ACTION:** Consider support of the member increase  
**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** The increase must be supported by 50% of the member employers

**ALTERNATIVE:** Council may elect not to support the increase

### BACKGROUND INFORMATION:

- FPPA, the statutory retirement organization for police and fire departments, recently held a member election to consider an increase in the member contribution rate to the Statewide Defined Benefit Plan to support the plan into the future.
- 68% of the members across the state voted in favor of the increase.
- 100% of the local members of the fire department voted in favor of the increase.
- 50% of the employers of the members must now vote in favor of the increase to implement it in January, 2015.

SC

SC



## RESOLUTION NO.

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO SUPPORTING AN INCREASE IN THE MEMBER CONTRIBUTION RATE FOR CITY PARTICIPANTS IN THE FIRE AND POLICE PENSION ASSOCIATION STATEWIDE DEFINED BENEFIT PLAN

WHEREAS, the City of Trinidad Fire Department has employees who participate in the Fire and Police Pension Association Statewide Defined Benefit Plan; and

WHEREAS, the active members in the Statewide Defined Benefit Plan had an opportunity to vote on a proposal to increase the member contribution rate to the Statewide Defined Benefit Plan; and

WHEREAS, a majority of the members of the Statewide Defined Benefit Plan voted in favor of the Primary Proposal to increase the member contribution rate to the Statewide Defined Benefit Plan by 4%, phased in at ½% per year over eight years; and

WHEREAS, Section 31-31-408(1.5), C. R. S., as amended, authorizes the Board of Directors of the Fire and Police Pension Association (“the FPPA Board”) to increase the member contribution rate for pension benefits for participating public safety officers with respect to the members of the Statewide Defined Benefit Plan (“the Plan”), as established pursuant to Section 31-31-402, C.R.S., upon the meeting of certain conditions; and

WHEREAS, pursuant to FPPA Resolution No. 2014-05, the FPPA Board has directed an election of the participating Employers in the plan be conducted with regard to an increase in the member contribution rate for the Plan by an additional 4% of base salary, to be implemented by an annual increase in the member contribution of ½% of base salary paid beginning in 2015. The member contribution rate shall be increased by an additional ½% of base salary paid in each of the seven following years, through 2022, until the cumulative increase in the member contribution rate is 4% of base salary paid; and

WHEREAS, employees in the City’s Fire Department earn service credit towards retirement and are thereby members of the Plan administered by FPPA; and

WHEREAS, the City of Trinidad is thereby eligible to vote in the Employer election

concerning the membership contribution rate, being conducted at the direction of the FPPA Board.

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

1. The City of Trinidad, acting by and through its Mayor and City Council does hereby vote in favor of increasing the member contribution rate for the Statewide Defined Benefit Plan, by an additional 4% of base salary paid, to be implemented by an annual increase in the member contribution of ½% of base salary paid beginning in 2015. The member contribution rate shall be increased by an additional ½% of base salary paid in each of the seven following years, through 2022, until the cumulative increase in the member contribution rate is 4% of base salary paid.

2. The City Clerk is directed to file a certified copy of this resolution with the Fire and Police Pension Association.

INTRODUCED, READ AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
JOSEPH A. REORDA, Mayor

ATTEST:

\_\_\_\_\_  
DONA VALENCICH, Interim City Clerk



## COUNCIL COMMUNICATION

8d

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** Appointment of Acting City Manager during temporary absence of the Acting City Manager

**PRESENTER:** Audra Garrett, Acting City Manager

**RECOMMENDED CITY COUNCIL ACTION:** Consent to and confirm the appointment of Mike Valentine as Acting City Manager

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No

**SOURCE OF FUNDS:** N/A

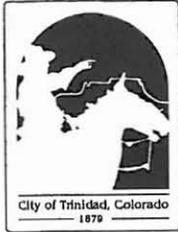
**POLICY ISSUE:** This is a requirement of Section 6.3 of the Home Rule Charter

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- Section 6.3 of the Home Rule Charter the filing of an appointment letter naming a qualified administrative City employee to act as Acting City Manager during a temporary absence or disability of the City Manager.

8d



# CITY of TRINIDAD

P. O. Box 880  
TRINIDAD, COLORADO 81082  
TELEPHONE (719) 846-9843  
FAX NO. (719) 846-4140

MEMO

TO: Mayor & City Council

FROM: Audra Garrett, Acting City Manager *A. Garrett*

SUBJECT: Appointment of Acting City Manager in my absence

DATE: July 18, 2014

Please accept my recommendation of Public Works/Utilities Director Mike Valentine as Acting City Manager during any temporary absence or disability I may realize, pursuant to Section 6.3 of the Trinidad Home Rule Charter. Mr. Valentine has indicated his willingness to accept the duties should the need arise.

Thank you for your consideration.



## COUNCIL COMMUNICATION

*Se*

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** Ratify amended letter of support for a CNG Fueling Station in Trinidad

**PRESENTER:** Audra Garrett, Acting City Manager

**RECOMMENDED CITY COUNCIL ACTION:** Ratify the letter of support which accompanied the grant application due July 24<sup>th</sup> to the Colorado Energy Office.

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** Yes. The City had to retain a specialized engineer to provide a modeling of our gas system. However, the model will be useful for the City to have. Also, at some point when the fueling station is established, they hope to see the City convert some of our fleet to CNG.

**SOURCE OF FUNDS:** Gas Fund

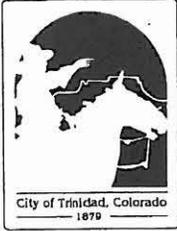
**POLICY ISSUE:** N/A

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- This project has been in the works for some time.
- The a grant submission deadline was July 24, 2014.
- Staff has provided information necessary to submit with the grant application.
- This letter amends a previously approved letter to indicate the proposed location to now be 806 Goddard Avenue, Exit 15.

*Se*



# CITY of TRINIDAD

P. O. Box 880  
TRINIDAD, COLORADO 81082  
TELEPHONE (719) 846-9843  
FAX NO. (719) 846-4140

July 18, 2014

Mr. Norman Herrera  
Sparq Natural Gas, LLC  
3555 Northwest 58<sup>th</sup> Street  
Suite 625 West  
Oklahoma City, OK 73112

Support Letter - CNG Fueling: Trinidad, Colorado

Dear Mr. Herrera:

The City of Trinidad is pleased to offer this Letter of Support to Sparq Natural Gas, LLC ("Sparq") and look forward to the opportunity for Sparq to provide compressed natural gas ("CNG") fueling services to the City's fleet vehicles. In total, the City of Trinidad owns and/or intends to deploy an estimated 3 fleet vehicles which can be fueled with CNG and desire a reliable fueling vendor that can make CNG available as we move forward to increase the number of vehicles in our fleet that can be fueled with CNG.

Sparq Natural Gas is an experienced operator, and the City of Trinidad believes Sparq has the requisite capabilities to provide CNG in our area allowing the City as well as several other companies in our area consistent access to CNG. Additionally, due to the location of Trinidad on the I-25 corridor, this partnership with Sparq will make CNG available to the many tractor trailers that travel through our area daily.

The City of Trinidad would like to enter into a set of understandings with Sparq to expedite the provisioning of CNG and offers the supporting document as Exhibit A to facilitate our mutual requirements. The City understands the environmental, energy security, and cost benefits to transitioning to compressed natural gas, and strongly supports compressed natural gas operations at the Duran Oil Company location at 806 Goddard Ave at Exit 15, Trinidad, CO 81082.

We look forward to working with Sparq and Duran Oil on this important effort to support Colorado's leadership efforts behind the alternative Fuel Vehicle Station Grant Program administered by the Colorado Energy Office.

Sincerely,

  
Joseph A. Reorda  
Mayor  
City of Trinidad

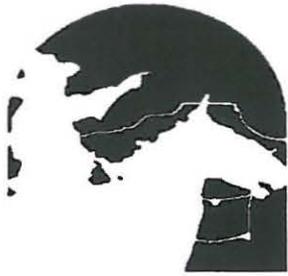
EXHIBIT A

COMMITMENT OF SUPPORT

1. The City of Trinidad intends to timely replace or improve its fleet of vehicles fueled in the Trinidad, CO area with CNG and/or CNG bi-fuel vehicles in quantities noted below. The chart below reflects the gasoline usage for 3 of our fleet vehicles and we expect to purchase CNG in the quantity equivalent to these gasoline gallons commencing upon completion of construction and operational readiness of CNG fueling capabilities at Sparq's Trinidad, CO CNG location.
2. At the request of Sparq, the City may provide certain specifications to inform the construction of, and equipment related to, the CNG station, but shall not be responsible or liable for any use, performance, or warranty thereof. Sparq, at its own expense, shall be fully responsible for the construction, operation, use, and maintenance of the CNG station, including all CNG-related equipment.

Estimated Fleet Size and Fuel Demand

	<u>Year1</u>	<u>Year 2</u>	<u>Year 3</u>
Number of Vehicles	3	3	3
Fuel Volume (gasoline)	3316.5	3347.47	3354.84



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 2

**SUBJECT:** Consideration of Planning, Zoning and Variance Commission's recommendation regarding the request to name the North Lake Dam in honor of James A. Fernandez

**PRESENTER:** Audra Garrett, Acting City Manager

**RECOMMENDED CITY COUNCIL ACTION:** Discuss the recommendation and decide how Council wishes to proceed

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** None at this time if Council concurs with the recommendation

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- Some time ago Councilmember Bolton suggested the North Lake Dam Project be named in honor of retired Utilities Superintendent James Fernandez.
- On July 16, 2013, a policy for the naming of public property was adopted by resolution.
- The official naming of the dam would fall under the guidelines of the adopted policy.
- A petition form has been created for this purpose and is included, as is the official policy.
- The petition was presented to the Planning Commission on July 8, 2014 and they have returned a recommendation to deny the request.
- At the work session held on July 22, 2014, Councilmember Miles suggested the policy be amended, Section 4-4(1) to stipulate considerations to be considered could include:
  - a) That the person was a life-long City or County resident in good standing / with good moral character.
  - b) That the person faces a condition of eminently declining health.

**TRINIDAD PLANNING, ZONING AND VARIANCE COMMISSION  
MINUTES OF JULY 8, 2014**

The Trinidad Planning, Zoning and Variance Commission met for a regular meeting on Wednesday, July 8, 2014 at 5:30 p.m. in City Council Chambers at City Hall, 135 N. Animas Street, Trinidad, Colorado.

**M. Request to name the North Lake Dam in honor of James A. Fernandez.**

Chairman Davis asked Director Fineberg to introduce this item since there was no information in the packet and asked if he has a copy of the naming policy.

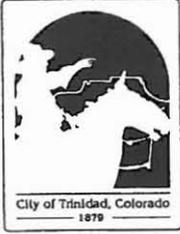
Director Fineberg stated that there is a request to name North Lake Dam, upon completion, after James Fernandez, our last Utilities Superintendent. There was a petition submitted with 100 signatures.

Commissioner George asked if there wasn't a stipulation on death or a number of years in the policy. Fineberg confirmed that requirement. George went on to ask if this is a request to change the name of North Lake or just the dam. Fineberg said this request only applies to the dam.

Fineberg stated that he thought the stipulation of the naming policy is 25 years. Davis stated that on page 4 says the policy reads, "The naming of a Public Building, Public Park, or Public Facility after an individual is encouraged only for an individual who is deceased. Typically, such naming should not occur until the individual has been deceased and the individual's significance and good reputation have been secured in the history and lore of the City. The person for whom the street or building or site will be named must have resided in the community with an exception for a person of State or national prominence. Exceptions for the naming of a Public Building, Public Park, or Public Facility for a living individual may occur as described in §4-5 herein regarding Substantial Donations."

Fineberg stated that most likely refers to money and Davis confirmed that. Fineberg interjected that perhaps "substantial donation" could include 40 years of work for the City. George stated that he was paid for those 40 years of employment. Fineberg stated that in his mind, 40 years of service, whether you are paid or not, is a donation of sorts. Davis asked if there have been other employees that have worked that long. A few names were mentioned. Commissioner Patrick stated that this Commission spent a lot of time of this policy trying to think through every aspect of the process and we didn't make stipulations for that reason. We modeled it after several other excellent models for naming things in cities and I think we should adhere to the hard work we put in. We did that before we knew this person's name or who might come up in the future. That is my position...one man, one vote.

Commissioner Winter made a motion to deny this request. Commissioner George seconded the motion and following roll call the motion carried. (Ayes: George, Patrick, Pritchard, Winter, Davis; Nays: Eberhart, Leone)



# CITY of TRINIDAD

P. O. Box 880  
TRINIDAD, COLORADO 81082  
TELEPHONE (719) 846-9843  
FAX NO. (719) 846-4140

July 16, 2014

**To:** Audra Garrett

**Reference:** Request to name the North Lake Dam in honor of James A. Fernandez.

A petition for the Naming of Public Property for the proposed naming of The North Lake Dam in honor of James A. Fernandez was presented to the Planning, Zoning and Variance Commission on July 8, 2014.

Request for the renaming was denied by the commissioners in accordance Article 6 which states as follows:

**Article 6 / § 4-4. Proposals to Name or Rename After Exceptional Individuals**

The following guidelines shall apply to proposals to name or rename a Public Building, Public Park or Public Facility after an exceptional individual:

(1) Time. The naming of a Public Building, Public Park, or Public Facility after an individual is encouraged only for an individual who is deceased. Typically, such Naming should not occur until the individual has been deceased and the Individual's significance and good reputation have been secured in the history And lore of the City. The person for whom the street or building or site will be Named must have resided in the community with an exception for a person of State or national prominence. Exceptions for the naming of a Public Building,



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Public Park, or Public Facility for a living individual may occur as described in §  
4-5 herein regarding Substantial Donations.

Commissioner Winter made a motion to deny this request. Commissioner George seconded  
the motion and following roll call the motion carried.

Thank you,

Victor Gutierrez  
Assistant Planner  
City of Trinidad  
135 N Animas Street  
Trinidad, CO 81082  
719-846-9843 Ext. 136



## COUNCIL COMMUNICATION

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**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** Approval of temporary contract with Audra Garrett to serve as the Acting City Manager

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Formalize the arrangement with approval of the contract

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** Salary identified within the contract

**SOURCE OF FUNDS:** City Manager Department, General Fund

**POLICY ISSUE:** None

**ALTERNATIVE:** N/A

**BACKGROUND INFORMATION:**

- This item was discussed at the work session on July 29, 2014 and the suggested change is incorporated.

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## ADDENDUM TO EMPLOYMENT AGREEMENT

This Addendum to Employment Agreement ("**Agreement**") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, between the City of Trinidad, Colorado, a home rule municipal corporation of the County of Las Animas, State of Colorado (hereinafter, the "**City**"), and Audra Garrett, a natural person (hereinafter, "**Clerk/ACM**").

### RECITALS

WHEREAS, the City employs Audra Garrett as the City Clerk of the City of Trinidad; and

WHEREAS, the City desires to employ the services of Audra Garrett as Acting City Manager for the City of Trinidad, Colorado, and Clerk/ACM desires to accept employment as Acting City Manager for said City.

WHEREAS, it is the desire of both parties to formally establish certain conditions and benefits of employment for said Clerk/ACM.

NOW, THEREFORE, in consideration of the respective rights and obligations set forth herein, the parties hereto agree as follows:

1. **Employment.** The City hereby employs Clerk/ACM as Acting City Manager for the City of Trinidad, Colorado, to provide the services described herein, subject to the terms, covenants, and conditions of this Agreement for a period of 180 days. Clerk/ACM's employment as Acting City Manager for the City shall commence on July 15, 2014.

In addition to those duties set forth in the Employment Agreement dated March 14, 2005, Clerk/ACM shall perform the following additional duties:

2. **Manager's Duties.**

- (a) **Duties Prescribed by Charter.** In accordance with Chapter VI, § 6.5, of the Home Rule Charter for the City of Trinidad, Colorado (the "**Charter**"), Manager shall serve as the chief administrative officer of the City and shall be responsible to the City Council for all City affairs placed in his/her charge by the Charter, the City Council, or by law. Pursuant to the Charter, Manager shall have the following powers and duties:
  - (i) Be responsible for the enforcement of laws and ordinances for the City;
  - (ii) Hire, suspend, transfer, and remove City employees for cause, except as otherwise provided in this Charter;
  - (iii) Make appointments on the basis of executive and administrative ability, training, and experience related to the work which they are to perform;
  - (iv) Cause a proposed budget to be prepared annually and submit it to the City Council and be responsible for the administration of the budget after its adoption;
  - (v) Prepare and submit to the City Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the City Council make written and verbal reports at any time concerning the affairs of the City;

- (vi) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations to the City Council for adoption as he/she may deem necessary or expedient;
  - (vii) Exercise supervision and control over all executive and administrative departments, and recommend to the City Council any proposal he/she thinks advisable to establish, consolidate, or abolish administrative departments;
  - (viii) Be responsible for the enforcement of all terms and conditions imposed in favor of the City in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the City Council for such action and proceedings as may be necessary to enforce the same;
  - (ix) Attend Council meetings and participate in discussions with the Council in an advisory capacity;
  - (x) Establish a system of accounting and auditing for the City which shall reflect, in accordance with generally accepted accounting principles, the financial condition of the City;
  - (xi) Establish, subject to approval by the City Council, appropriate personnel rules and regulations governing officers and employees of the City; and
  - (xii) Perform such other duties as may be prescribed by the Home Rule Charter of the City, or by ordinance, or required of him/her by City Council which are not inconsistent with the City Charter.
- (b) Duties Prescribed by Ordinance. Pursuant to Article 4 of Chapter 2 of the Code of Ordinances of the City, Manager shall have the following additional duties:
- (i) Be responsible for the preparation of plans and specifications, estimating cost, advertising for bids, supervision, and approval of any public work or special improvement;
  - (ii) Establish and maintain proper relationships with other levels of government and public service agencies and conduct all business negotiations between them and the City, the nature of which does not require the personal attention of the elected officers of the City;
  - (iii) Act as an ex-officio member of all agencies, boards, commissions, and bureaus established by the City.
- (c) Other. Clerk/ACM shall not enter into any multi-year agreements that would in any way alter or modify any employee's existing employment, salary, or employment contract without first notifying City Council of the same.

### 3. Compensation.

- (a) Salary. The base salary to be paid to Clerk/ACM for her services as Clerk/Acting City Manager shall be Ninety-Two Thousand Five Hundred Dollars (\$92,500.00) annually, which shall be paid in equal installments every two weeks, or at such other intervals as may be set by the City. Such salary may be revised from time to time by appropriate action of the City Council at any time. Such salary, and all other monetary compensation, is subject to employer withholdings, e.g., for FICA, Medicare, any applicable occupational

privilege tax, and any court-ordered deductions such as garnishments. Such salary may also be reduced by deductions that the Clerk/ACM authorizes for insurance, retirement plan contributions, and other similar purposes.

- (b) Benefits. In addition to such base salary, Clerk/ACM shall receive such other benefits as provided through her existing employment as City Clerk, including health and life insurance, social security, vacation and sick leave, paid holidays, personal leave days, and retirement plan benefits.

4. Term of Agreement. This agreement for purposes of serving as the Acting City Manager shall remain in full force and effect for a period of up to 180 days.

5. General Provisions.

- (a) This Agreement constitutes the entire addendum to the employment agreement dated March 14, 2005, between the parties, and shall not be construed to supersede the March 14, 2005 agreement.
- (b) Effective Date. This Agreement shall become effective commencing on the date first written above.
- (c) Severability. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be deemed servable, shall not be affected, and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties and/or their duly authorized officials have executed this Agreement.

**THE CITY OF TRINIDAD, COLORADO**

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

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
DONA VALENCICH, INTERIM CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Les Downs, City Attorney

\_\_\_\_\_  
CLERK/ACM

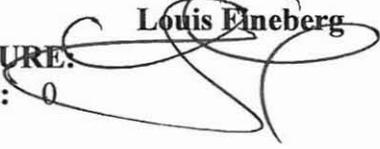


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CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

CITY COUNCIL MEETING: August 5th, 2014  
PREPARED BY: Louis Fineberg  
DEPT. HEAD SIGNATURE:   
# OF ATTACHMENTS: 0

**SUBJECT:** Commercial Street Phase III Grant Application

**PRESENTER:** Louis Fineberg, Planning Director

**RECOMMENDED CITY COUNCIL ACTION:** Council should authorize \$25K in matching funds toward the project.

### SUMMARY STATEMENT:

1. Discussion of DOLA EIAF grant application due August 1<sup>st</sup>, 2014 for the design of a roundabout at the five point intersection proximate to I-25 Exit 14.

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**EXPENDITURE REQUIRED:** Total Project Cost - \$100K / City Match - \$25K

**SOURCE OF FUNDS:** CIP Fund.

**POLICY ISSUE:** Should the City pursue the above-referenced grant opportunity?

**ALTERNATIVE:** The City of Trinidad could decide not to pursue the above-referenced grant opportunity.

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## COUNCIL COMMUNICATION

8i

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 5

**SUBJECT:** Letter of commitment in support of a grant application to be submitted to the Colorado Division of Homeland Security and Emergency Management for generators for the Trinidad Fire Department and committing the 12.5% local grant match; and adopting the resolution designating Fire Chief Tim Howard as the agent for the grant

**PRESENTER:** Tim Howard, Fire Chief

**RECOMMENDED CITY COUNCIL ACTION:** Consider whether to authorize submission of the grant application

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** Yes, \$6,250

**SOURCE OF FUNDS:** 2015 CIP Fund

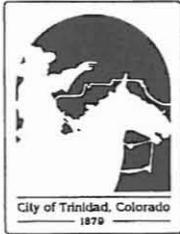
**POLICY ISSUE:** None

**ALTERNATIVE:** N/A

### BACKGROUND INFORMATION:

- Chief Howard discussed this grant application with Council on July 29, 2014.

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# CITY of TRINIDAD

P. O. Box 880  
TRINIDAD, COLORADO 81082  
TELEPHONE (719) 846-9843  
FAX NO. (719) 846-4140

August 1, 2014

Colorado Division of Homeland Security  
And Emergency Management  
9195 E Mineral Ave., Ste. 200  
Centennial, Colorado 80112

To Whom It May Concern:

This letter shall serve as the City of Trinidad City Council's support of the Hazard Mitigation Grant Program which will allow each of our Fire Stations to receive a much needed generator that would otherwise be unaffordable to our small community. We are committed to completing this application process and dedicating the 12.5% local cost match to see it through to fruition.

Thank you for consideration of this grant request.

Sincerely,

Joseph A. Reorda  
Mayor



## Tim Howard

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**From:** Valentine, Kari [Kari.Valentine@amec.com]  
**Sent:** Tuesday, July 22, 2014 1:31 PM  
**To:** tim.howard@trinidad.co.gov  
**Subject:** RE: Proposed generator project at fire stations

Hello Chief Howard,

I called for you today and I understand you are out until next week. I wanted to let you know that your generator project will be considered as a 5% initiative project under the Hazard Mitigation Grant Program. All proposed generator projects are going to be considered that way so that benefit cost analyses do not have to be completed.

So please continue developing your HMGP generator application and I am available to assist you with items needed. AMEC can send the letters on your behalf for the Environmental Consultation Requirements and cc you for this application. I will need a detailed scope of work from you and a map of where the generator is proposed to be located. I can also get a site map done for you if needed.

When you meet with your City Council please get a Commitment Letter from them supporting this project and the 12.5% local cost match.

Please let me know if I can assist with the application development.

Thanks Kari

**Kari Valentine, CFM  
Mitigation Planner**

AMEC Environment & Infrastructure, Inc.  
100 SE 9th Street, Suite 400, Topeka, KS 66612, USA  
Tel +1 (816) 436-6351  
mobile/cell +1 (816) 868-6629  
[kari.valentine@amec.com](mailto:kari.valentine@amec.com)  
[amec.com](http://amec.com)

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**From:** Valentine, Kari  
**Sent:** Wednesday, July 16, 2014 2:48 PM  
**To:** 'tim.howard@trinidad.co.gov'  
**Subject:** Proposed generator project at fire stations

Hello Chief Howard,

It was good to speak with you today about your proposed generator projects with HMGP funds. I work for AMEC that is under contract with the Colorado DHSEM to complete the HMGP applications. I'm glad to hear you already have the application and have a date to meet with the City Council. I am in the process of contacting Katie Young at CDM Smith about your initial Benefit/Cost Ratio that has to be a 1.0 or greater for the application to be viable.

I will be in contact soon,

Thank you, Kari

**Kari Valentine, CFM  
Mitigation Planner**

## 8. GETTING THE APPLICANTS PROPOSAL STARTED:

Once an applicant decides to pursue a HMGP grant a series of sequenced steps should occur.

### A. Applicant's Authorized Agent:

The applicant must pick an individual to manage development of the proposal. In many cases this individual will be an employee of the applicant who has knowledge of the applicant's organizational structure, local ordinances, and is aware of the problem(s) to be addressed through hazard mitigation. The selected individual is designated the "applicant's agent", and a resolution appointing the agent must be forwarded to the Grantee with the applicant's NOI (*see sample Designation of Agent Resolution form*).

### B. Duties Assigned to the Applicant's Authorized Agent:

The applicant's agent should become familiar with the laws, rules, regulations, and guidance that pertain to the HMGP. The State of Colorado provides assistance to help guide the agent through this process and much of the information necessary to manage the application's development is included in this handbook. The applicant's agent will ultimately manage development of the applicant's HMGP proposal; to include assigning tasks to others; while retaining overall responsibility for the work. In many cases the applicant's agent will become the Subgrantee's Project Officer if and when the proposal is approved.

### C. Pay Requests:

Federal HMGP funds are awarded to cover the federal share of all direct project costs. A portion of the project's non-federal required matching funds may be awarded by the State of Colorado or provided under the CDBG if so approved. The remaining non-federal share must be matched from the source(s) indicated in the applicant's proposal. Generally, funds are provided on a reimbursement basis. Although the Grantee reserves the right to waive the reimbursement rule for extraordinary circumstances, in most cases this action will be reserved to advancing funds necessary to acquire those real properties scheduled for closing within thirty days of the request for funds. Therefore, if your community does not have the financial resources to cover payments before receiving grant funds, you may want to plan ahead when it comes to scheduling closings or paying invoices.

Access to these funds will be through a Letter of Credit Pay Request (format to be supplied by the Grantee during the kick-off meeting). The Letter of Credit Pay Request must be accompanied by supporting documentation showing expense(s) for which reimbursement is being sought. The State Hazard Mitigation Officer reviews all pay requests and documentation before processing the request. From that point each request generally takes 10-15 days before funds are deposited electronically into the applicant's account. In the event the subgrantee does not have electronic

STATE OF COLORADO  
HAZARD MITIGATION GRANT PROGRAM  
GENERATOR PROJECTS

1. INTRODUCTION:

Hazard mitigation is any sustained action taken to reduce or eliminate long-term risk to people and property from natural hazards and their effects. Therefore, hazard mitigation actions are measured in terms of long-term hazard risk reductions and, when possible, the goal of hazard mitigation should be the permanent elimination of negative consequences resulting from a hazard. It is important to differentiate hazard mitigation from other phases of emergency management; chiefly because preparedness, response and recovery measures address the needs created by the occurrence of a disaster or emergency, rather than interrupting or eliminating the disaster caused cycle of damage, recovery and re-damage.

For the reason outlined above, the State of Colorado Division of Homeland Security and Emergency Management (DHSEM) encourages public and non-governmental agencies and organizations, private business and industry, and all Colorado citizens, to integrate hazard mitigation activities into their future development and sustainability plans.

On March 30, 2011, President Obama signed Presidential Policy Directive 8: National Preparedness (PPD-8), and the National Mitigation Framework was finalized in May 2013. The National Mitigation Framework comprises seven core capabilities, including Threats and Hazard Identification, Risk and Disaster Resilience Assessment, Planning, Community Resilience, Public Information and Warning, Long-term Vulnerability Reduction, and Operational Coordination. The Federal Emergency Management Agency's (FEMA's) Hazard Mitigation Assistance (HMA) programs provide funding for eligible activities that are consistent with the National Mitigation Framework's Long-term Vulnerability Reduction capability.

The Hazard Mitigation Grant Program (HMGP) is one of the HMA grant programs that support implementation of the National Mitigation Framework. The HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, as amended), hereinafter referred to by the simplified title "Stafford Act", and implemented by Title 44, Code of Federal Regulations, Sub-Part N, Part 206.431. Further, FEMA's Hazard Mitigation Assistance Unified Guidance, dated June 12, 2013, outlines eligibility criteria and grant utilization methodologies for HMA grants.

Any use of coercive methods, police powers, or eminent domain condemnation used in connection to any FEMA funded mitigation project is prohibited. Additionally, Section 308 of the Stafford Act and Title VI of the Civil Rights Act of 1964 require administration of all HMA programs in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.



## COUNCIL COMMUNICATION

8j

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** First reading of an ordinance to extend the one percent sales tax originally authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects, and setting a hearing date for consideration of said ordinance

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Consider approval of the ordinance to forward to a public hearing on August 19, 2014.

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No.

**SOURCE OF FUNDS:** N/A

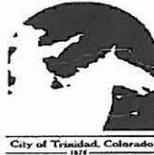
**POLICY ISSUE:** N/A

**ALTERNATIVE:** Suggest alternative language

### BACKGROUND INFORMATION:

- The City Clerk's office has notified the County Clerk in writing that it has taken formal action to participate in the General Election, as required 100 days before the same.
- An intergovernmental agreement was signed by the County Clerk and the City to participate in the coordinated election (No later than 70 days before the General Election).
- September 5<sup>th</sup> is the last day for the designated election official of each political subdivision to certify the ballot order and content (No later than 60 days before the General Election).
- The ordinance was prepared to include construction, maintenance, and improvement of public works.

8j



ORDINANCE NO.

AN ORDINANCE TO EXTEND THE ONE PERCENT SALES TAX ORIGINALLY AUTHORIZED BY VOTE OF THE PEOPLE ON NOVEMBER 4, 1980 AND EXTENDED BY VOTE OF THE PEOPLE ON JULY 23, 1991, NOVEMBER 5, 1996, NOVEMBER 5, 2002, AND NOVEMBER 4, 2008 AND TO PROVIDE FOR DEDICATION OF THE REVENUE FROM SUCH TAX TO CAPITAL PROJECTS

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

SECTION 1. The purpose of this Ordinance is to extend the one percent sales tax Authorized by vote of the people on November 4, 1980 and by Ordinance Number 1181, and extended by vote of the people on July 23, 1991 and by Ordinance Number 1398, and by vote of the people on November 5, 1996 and by Ordinance Number 1539, and by vote of the people on November 5, 2002 and by Ordinance Number 1697 and by vote of the people on November 4, 2008 and by Ordinance Number 1857 and to provide for the dedication of the revenue from such tax for capital projects.

SECTION 2. Sections 7-7, 7-10(1), 7-10(2), 7-10(3), 7-10(6), 7-10(7), 7-13(1), 7-19(1)(b), and 7-19(2) of the Code of Ordinances of the City of Trinidad, Colorado, are hereby repealed and re-enacted as follows:

Section 7-7. Purpose of Article.

The purpose of this Article is to impose a sales tax on the sale of tangible personal property at retail and the furnishing of services within the City.

Section 7-10. Taxable transactions - Exemptions.

(1) There is hereby levied and shall be collected and paid a tax in the amount stated in Section 7-13 of this Article on the sale of tangible personal property at retail and the furnishing of services within the City. The tangible personal property and services taxable pursuant to this Article shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., and subject to the same exemptions as those specified in Section 39-26-713, C.R.S., except the exemption allowed by Section 39-26-709, C.R.S. for purchases of machinery or machine tools, the exemptions of sales and purchases of those items in Section 39-26-715(1)(a)(II), C.R.S., the exemption for sales of

food specified in Section 39-26-707, C.R.S., the exemptions for vending machine sales of food set forth in Section 39-26-714(1)(b), C.R.S., the exemption for occasional sales by a charitable organization set forth in Section 39-26-718, C.R.S., the exemption for sales and purchases of farm equipment and farm equipment under lease or contract specified in Section 39-26-716(2)(3)(4), C.R.S., and the exemption for sales of low-emitting motor vehicles, power sources, or parts used for converting such power sources as specified in Section 39-26-719, C.R.S.

(2) All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the tax imposed by this Article when such sales meet both of the following conditions:

(a) The purchaser is a non-resident of or has his/her principal place of business outside of the City; and

(b) Such personal property is registered or required to be registered outside the City limits under the laws of the State of Colorado.

(3) The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, C.R.S.

(6) This sales tax shall not apply to the sale of food purchased with food stamps. For the purpose of this subsection (6), "food" shall have the same meaning as provided in 7 U.S.C. Section 2012(g), as such section existed on October 1, 1987, or as thereafter amended.

(7) This sales tax shall not apply to the sale of food purchased with funds provided by the special supplemental food program of women, infants, and children, 42 U.S.C., 1786. For purposes of this subsection (7), "food" shall have the same meaning as provided in 42 U.S.C. Section 1786, as such section existed on October 1, 1987, or as thereafter amended.

#### Section 7-13. Schedule of taxes.

(1) There is hereby imposed upon sales of tangible personal property and the furnishing of services as specified in Section 7-10 of this Article a tax at the rate of four percent (4%) of the amount of sale, to be computed in accordance with schedules or systems approved by the executive director.

#### Section 7-19. Use of proceeds of tax.

(1) Tax monies collected pursuant to this Article shall be used as follows:

(b) The sum equal to the remaining twenty-five percent (25%) of the amount shall be set aside in a reserve fund and shall be used to pay for capital projects, including the construction, maintenance and improvement of public works, and the purchase of land and buildings, as determined by City Council. City Council shall hold at least one public hearing per year for the purpose of providing an opportunity for the public to express opinions as to how such monies should be spent.

(2) The allocation of the tax monies collected pursuant to this Article set forth in subsection (1) of this Section, shall remain in effect until December 31, 2020. Unless the one percent (1%) sales tax to be used for capital projects is extended by vote of the people prior to that date, the rate of sales tax shall decrease to three percent (3%) on January 1, 2021, and from that date forward all tax monies collected pursuant to this Article shall be deposited in the general fund of the City.

SECTION 3. Effective dates.

(1) This ordinance shall not become effective unless and until it shall have been approved in the state general election to be held on November 4, 2014 by a majority vote of the registered electors voting thereon.

(2) The tax imposed by this ordinance shall not be levied until January 1, 2015.

(3) In the event that this ordinance is approved, the City Clerk shall notify the Executive Director of the Department of Revenue at least forty-five days prior to the effective date of this tax.

(4) In the event that this ordinance is approved, the four percent (4%) sales tax shall remain in full force and effect until December 31, 2020, after which date the rate of sales tax shall decrease to three percent (3%) unless the one percent (1%) sales tax to be used for capital projects is extended by vote of the people prior to that date.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_, READ AND ORDERED  
PUBLISHED this 5<sup>th</sup> day of August, 2014.

FINALLY PASSED AND APPROVED this \_\_\_\_ day of August, 2014.

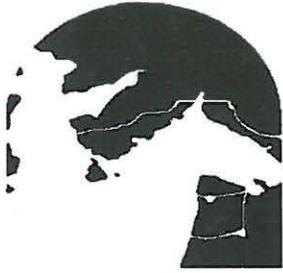
EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE \_\_\_\_ day of August, 2014.

\_\_\_\_\_  
JOSEPH A. REORDA, Mayor

ATTEST:

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DONA VALENCICH, Interim City Clerk



CITY OF TRINIDAD, COLORADO  
1876

## COUNCIL COMMUNICATION

8k

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** First reading of an ordinance submitting to the voters of the City of Trinidad at the General Election to be held on Tuesday, November 4, 2014, a measure which would extend the one percent sales tax authorized by vote of the people on November 4, 1980 and extended by vote of the people on July 23, 1991, November 5, 1996, November 5, 2002, and November 4, 2008 and to provide for dedication of the revenue from such tax to capital projects, and setting a hearing date for consideration of said ordinance

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Consider approval of the ordinance to forward to a public hearing on August 19, 2014.

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No.

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** Suggest alternative language

**BACKGROUND INFORMATION:**

- The City Clerk's office has notified the County Clerk in writing that it has taken formal action to participate in the General Election, as required 100 days before the same.
- An intergovernmental agreement was signed by the County Clerk and the City to participate in the coordinated election (No later than 70 days before the General Election).
- September 5<sup>th</sup> is the last day for the designated election official of each political subdivision to certify the ballot order and content (No later than 60 days before the General Election).
- The ordinance was prepared to include construction, maintenance, and improvement of public works within the question to be submitted to the voters.

8k



ORDINANCE NO.

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF TRINIDAD AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, A MEASURE WHICH WOULD EXTEND THE ONE PERCENT SALES TAX AUTHORIZED BY VOTE OF THE PEOPLE ON NOVEMBER 4, 1980 AND EXTENDED BY VOTE OF THE PEOPLE ON JULY 23, 1991, NOVEMBER 5, 1996, NOVEMBER 5, 2002, AND NOVEMBER 4, 2008, AND DEDICATE THE REVENUES OF SUCH SALES TAX TO CAPITAL PROJECTS

WHEREAS, by vote of the electorate within the City of Trinidad on November 4, 1980, a one percent sales tax was authorized and committed to debt retirement for the restoration of City Hall, the renovation and expansion of the Monument Lake facility, and the improvements and expansion of recreational facilities within the City; and

WHEREAS, the one percent sales tax was extended until December 31, 1996 by vote of the electorate on July 23, 1991, and committed to the development and construction of capital improvement projects; and

WHEREAS, the one percent sales tax was again extended until December 31, 2002 by vote of the electorate on November 5, 1996, with the revenues of such tax dedicated to capital projects; and

WHEREAS, the one percent sales tax was extended until December 31, 2008 by vote of the electorate on November 5, 2002, and with the revenues of such tax dedicated to capital projects; and

WHEREAS, the one percent sales tax was most recently extended until December 31, 2014 by vote of the electorate on November 4, 2008, and with the revenues of such tax dedicated to capital projects; and

WHEREAS, the City Council of the City of Trinidad, Colorado, has approved an ordinance which would extend the one percent sales tax; and

WHEREAS, Article X, Section 20 of the Colorado Constitution and Section 102, Article 2, Title 29, C.R.S., require that said ordinance be submitted to the registered electors of the City for approval; and

WHEREAS, Article X, Section 20, requires that proposals to extend an expiring tax be decided in a state general election, biennial local district election, or on the first Tuesday in November of odd-numbered years.

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

Section 1. At the state general election to be held on Tuesday, November 4, 2014, there shall be submitted to the voters of the City of Trinidad a proposal to extend a one percent sales tax, until December 31, 2020, which would maintain the total amount of City sales tax at four percent with the proceeds of the one percent sales tax segregated from any other sales tax revenues of the City and used solely for capital projects, including the construction, maintenance and improvement of public works, and the purchase of land and buildings, as determined by City Council.

Section 2. The question submitted to the electorate shall be as follows:

SHALL THE CITY OF TRINIDAD EXTEND UNTIL DECEMBER 31, 2020, THE ADDITIONAL ONE PERCENT SALES TAX ORIGINALLY APPROVED IN 1980 AND EXTENDED IN 1991, 1996, 2002 AND 2008 BY VOTE OF THE PEOPLE, SCHEDULED TO EXPIRE DECEMBER 31, 2014, TO PROVIDE FUNDING FOR CAPITAL PROJECTS, INCLUDING THE CONSTRUCTION, MAINTENANCE AND IMPROVEMENT OF PUBLIC WORKS, AND THE PURCHASE OF LAND AND BUILDINGS, AS DETERMINED BY CITY COUNCIL?

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_, READ AND ORDERED PUBLISHED this \_\_\_\_ day of August, 2014.

FINALLY PASSED AND APPROVED this \_\_\_\_ day of August, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE \_\_\_\_ day of August, 2014.

\_\_\_\_\_  
JOSEPH A. REORDA, Mayor

ATTEST:

\_\_\_\_\_  
DONA VALENCICH, Interim City Clerk



## COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:** 1

**SUBJECT:** First reading of an ordinance imposing a sales tax of five percent (5%), commencing January 1, 2015, in the City of Trinidad, Colorado, on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution, and setting a hearing date for consideration of said ordinance

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Consider approval of the ordinance to forward to a public hearing on August 19, 2014.

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No.

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** Suggest alternative language

### BACKGROUND INFORMATION:

- The City Clerk's office has notified the County Clerk in writing that it has taken formal action to participate in the General Election, as required 100 days before the same.
- An intergovernmental agreement was signed by the County Clerk and the City to participate in the coordinated election (No later than 70 days before the General Election).
- September 5<sup>th</sup> is the last day for the designated election official of each political subdivision to certify the ballot order and content (No later than 60 days before the General Election).
- The definitions were amended as suggest at the work session on June 22, 2014.
- Section 7-57 was amended since the work session to indicate that the tax will be collected by the City's Finance Director.



## CITY OF TRINIDAD, COLORADO

### ORDINANCE NO.

#### **AN ORDINANCE IMPOSING A SALES TAX OF FIVE PERCENT (5%), COMMENCING JANUARY 1, 2015, IN THE CITY OF TRINIDAD, COLORADO, ON THE RETAIL SALE OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA ACCESSORIES BY LICENSED MARIJUANA ESTABLISHMENTS AS A NEW TAX PURSUANT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION**

WHEREAS, the City of Trinidad ("City") is a municipal home-rule corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law; and

WHEREAS, pursuant to § 31-20-101, C.R.S., the City has the power to levy taxes, the same kinds and classes, upon taxable property, real, personal and mixed, within its municipal limit as are subject to taxation for state or county purposes; and

WHEREAS, pursuant to Section 20 of Article X of the Colorado Constitution, the City must have voter approval in advance for any new tax; and

WHEREAS, on November 6, 2012, the voters of the State of Colorado approved the addition of Section 16 to Article VIII of the Colorado Constitution concerning personal use and regulation of marijuana; and

WHEREAS, pursuant to § 12-43.4-101, *et seq.*, C.R.S., otherwise known as the Colorado Retail Marijuana Code, a state licensing authority is authorized to issue licenses for the lawful sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments; and

WHEREAS, the City anticipates that on or about December 1, 2014, marijuana, marijuana products and marijuana accessories will be sold within its municipal limits by licensed marijuana establishments; and

WHEREAS, the City presently imposes a sales tax of four percent (4%) on all retail sales of tangible property pursuant to Article 2 of Chapter 7 of the City of Trinidad Municipal Code but does not impose a separate and additional sales tax on the retail sale of marijuana, marijuana products and marijuana accessories within its municipal limits;

WHEREAS, the City, through the City Council, finds and determines that the imposition of a separate and additional sales tax on the retail sale of marijuana, marijuana products and marijuana accessories within its municipal limits is necessary to protect the public health, safety and welfare of the City and its inhabitants and that revenues from the new sales tax proposed through this ordinance should be used for the City's general purposes in order to better serve its residents and fund necessary maintenance and improvements within the City.

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

Section 1: Addition to Municipal Code. A new Article 9 is added to Chapter 7 of the City of Trinidad Municipal Code providing in its entirety the following:

**ARTICLE 9  
MARIJUANA SALES TAX**

**Section 7-54. Purpose.** The purpose of this Article is to impose a separate and additional sales tax on the lawful retail sale of marijuana, marijuana products and marijuana accessories within the City.

**Section 7-55. Definitions.**

For purposes of this Article, the following words shall have the following meanings:

- (a) “Consumer” shall have the meaning attributed to it section (2)(b) of Section 16 of Article VIII of the Colorado Constitution;
- (b) “Lawful retail sale of marijuana, marijuana products and marijuana accessories” shall mean the sale of marijuana, marijuana products and marijuana accessories by a licensed retail marijuana store to a consumer in compliance with Section 16 of Article VIII of the Colorado Constitution and § 12-43.4-101, *et seq.*, C.R.S.;
- (c) “Marijuana” shall have the meaning attributed to it in section (2)(f) of Section 16 of Article VIII of the Colorado Constitution;
- (d) “Marijuana Accessories” shall have the meaning attributed to it in section (2)(g) of Section 16 of Article VIII of the Colorado Constitution;
- (e) “Marijuana Establishment” shall have the meaning attributed to it in section 2(i) of Section 16 of Article VIII of the Colorado Constitution;
- (f) “Marijuana Products” shall have the meaning attributed to it in section (2)(k) of Section 16 of Article VIII of the Colorado Constitution; and
- (g) “Retail marijuana store” shall have the meaning attributed to it in section (2)(n) of Section 16 of Article VIII of the Colorado Constitution.

**Section 7-56. Tax Imposed.**

- (a) A tax is levied and shall be collected upon the lawful retail sale of marijuana, marijuana products and marijuana accessories within the City at a rate of five percent (5%) of the price paid by the consumer thereof rounded off to the nearest penny.
- (b) The sale tax imposed by this section shall be in addition to and not in lieu of the sales tax imposed on the retail sale of tangible personal property pursuant to Article 2 of this Chapter.

**Section 7-57. Collections, administration and enforcement.**

The collection, administration and enforcement of the sales tax imposed by this Article shall be performed by the City of Trinidad Director of Finance in a manner similar to the collection, administration and enforcement of the state-collected City sales tax as provided in Article 26 of Title 39 of the Colorado Revised Statutes.

Section 2: Effective dates.

(1) This ordinance shall not become effective unless and until it shall have been approved in the state general election to be held on November 4, 2014 by a majority vote of the registered electors voting thereon.

(2) The tax imposed by this ordinance shall not be levied until January 1, 2015.

(3) In the event that this ordinance is approved, the City Clerk shall notify the Executive Director of the Department of Revenue at least forty-five days prior to the effective date of this tax.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_, READ AND ORDERED  
PUBLISHED this 5<sup>th</sup> day of August, 2014.

FINALLY PASSED AND APPROVED this \_\_\_\_ day of August, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE \_\_\_\_ day of August, 2014.

\_\_\_\_\_  
JOSEPH A. REORDA, Mayor

ATTEST:

\_\_\_\_\_  
DONA VALENCICH, Interim City Clerk



# COUNCIL COMMUNICATION

**CITY COUNCIL MEETING:** August 5, 2014  
**PREPARED BY:** Audra Garrett, Acting City Manager  
**DEPT. HEAD SIGNATURE:** *Audra Garrett*  
**# OF ATTACHMENTS:**

**SUBJECT:** First reading of an ordinance submitting to the registered electors of the City of Trinidad at the General Election to be held on November 4, 2014 the question of whether, commencing January 1, 2015, the City of Trinidad should impose a sales tax of five percent (5%) on the retail sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments as a new tax pursuant to Section 20 of Article X of the Colorado Constitution, and setting a hearing date for consideration of said ordinance

**PRESENTER:** Les Downs, City Attorney

**RECOMMENDED CITY COUNCIL ACTION:** Consider approval of the ordinance to forward to a public hearing on August 19, 2014.

**SUMMARY STATEMENT:** N/A

**EXPENDITURE REQUIRED:** No.

**SOURCE OF FUNDS:** N/A

**POLICY ISSUE:** N/A

**ALTERNATIVE:** Suggest alternative language

**BACKGROUND INFORMATION:**

- The City Clerk’s office has notified the County Clerk in writing that it has taken formal action to participate in the General Election, as required 100 days before the same.
- An intergovernmental agreement was signed by the County Clerk and the City to participate in the coordinated election (No later than 70 days before the General Election).
- September 5<sup>th</sup> is the last day for the designated election official of each political subdivision to certify the ballot order and content (No later than 60 days before the General Election).
- Definitions were amended pursuant to the discussion at the June 22, 2014 work session.
- The estimated first year tax increase is identified as \$100,000. That number is based on \$2 million in retail sales.



## CITY OF TRINIDAD, COLORADO

### ORDINANCE NO.

**AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF TRINIDAD AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 THE QUESTION OF WHETHER, COMMENCING JANUARY 1, 2015, THE CITY OF TRINIDAD SHOULD IMPOSE A SALES TAX OF FIVE PERCENT (5%) ON THE RETAIL SALE OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA ACCESSORIES BY LICENSED MARIJUANA ESTABLISHMENTS AS A NEW TAX PURSUANT TO SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION**

WHEREAS, the City of Trinidad (“City”) is a municipal home-rule corporation and body politic organized under the laws of the State of Colorado and possessing the maximum powers, authority and privileges to which it is entitled under Colorado law; and

WHEREAS, pursuant to § 31-20-101, C.R.S., the City has the power to levy taxes, the same kinds and classes, upon taxable property, real, personal and mixed, within its municipal limit as are subject to taxation for state or county purposes; and

WHEREAS, pursuant to Section 20 of Article X of the Colorado Constitution, the City must have voter approval in advance for any new tax; and

WHEREAS, on November 6, 2012, the voters of the State of Colorado approved the addition of Section 16 to Article VIII of the Colorado Constitution concerning personal use and regulation of marijuana; and

WHEREAS, pursuant to § 12-43.4-101, *et seq.*, C.R.S., otherwise known as the Colorado Retail Marijuana Code, a state licensing authority is authorized to issue licenses for the lawful sale of marijuana, marijuana products and marijuana accessories by licensed marijuana establishments; and

WHEREAS, the City anticipates that on or about December 1, 2014, marijuana, marijuana products and marijuana accessories will be sold within its municipal limits by licensed marijuana establishments; and

WHEREAS, the City presently imposes a sales tax of four percent (4%) on all retail sales of tangible property pursuant to Article 2 of Chapter 7 of the City of Trinidad Municipal Code but does not impose a separate and additional sales tax on the retail sale of marijuana, marijuana products and marijuana accessories within its municipal limits;

WHEREAS, the City, through the City Council, finds and determines that the imposition of a separate and additional sales tax on the retail sale of marijuana, marijuana products and marijuana accessories within its municipal limits is necessary to protect the public health, safety and welfare of the City and its inhabitants and that revenues from the new sales tax proposed through this ordinance should

be used for the City's general purposes in order to better serve its residents and fund necessary maintenance and improvements within the City.

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

Section 1: Addition to Municipal Code. A new Article 9 is added to Chapter 7 of the City of Trinidad Municipal Code providing in its entirety the following:

**ARTICLE 9**

**MARIJUANA SALES TAX**

**Section 7-54. Purpose.** The purpose of this Article is to impose a separate and additional sales tax on the lawful retail sale of marijuana, marijuana products and marijuana accessories within the City.

**Section 7-55. Definitions.**

For purposes of this Article, the following words shall have the following meanings:

(a) "Consumer" shall have the meaning attributed to it section (2)(b) of Section 16 of Article VIII of the Colorado Constitution;

(b) "Lawful retail sale of marijuana, marijuana products and marijuana accessories" shall mean the sale of marijuana, marijuana products and marijuana accessories by a licensed retail marijuana store to a consumer in compliance with Section 16 of Article VIII of the Colorado Constitution and § 12-43.4-101, *et seq.*, C.R.S.;

(c) "Marijuana" shall have the meaning attributed to it in section (2)(f) of Section 16 of Article VIII of the Colorado Constitution;

(d) "Marijuana Accessories" shall have the meaning attributed to it in section (2)(g) of Section 16 of Article VIII of the Colorado Constitution;

(e) "Marijuana Establishment" shall have the meaning attributed to it in section 2(i) of Section 16 of Article VIII of the Colorado Constitution;

(f) "Marijuana Products" shall have the meaning attributed to it in section (2)(k) of Section 16 of Article VIII of the Colorado Constitution; and

(g) "Retail marijuana store" shall have the meaning attributed to it in section (2)(n) of Section 16 of Article VIII of the Colorado Constitution.

**Section 7-56. Tax Imposed.**

(a) A tax is levied and shall be collected upon the lawful retail sale of marijuana, marijuana products and marijuana accessories within the City at a rate of five percent (5%) of the price paid by the consumer thereof rounded off to the nearest penny.

(b) The sale tax imposed by this section shall be in addition to and not in lieu of the sales tax imposed on the retail sale of tangible personal property pursuant to Article 2 of this Chapter.

**Section 7-57. Collections, administration and enforcement.**

The collection, administration and enforcement of the sales tax imposed by this Article shall be performed by the City of Trinidad Director of Finance in a manner similar to the collection, administration and enforcement of the state-collected City sales tax as provided in Article 26 of Title 39 of the Colorado Revised Statutes.

Section 2: Election. A General Election will be held on Tuesday, November 4, 2014.

Section 3: Ballot Question. At the election authorized by this ordinance, the following ballot question will be submitted to the registered electors of the City:

SHALL CITY OF TRINIDAD TAXES BE INCREASED BY \$100,000.00 (FIRST FISCAL YEAR DOLLAR INCREASE) IN THE FISCAL YEAR COMMENCING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015 AND BY SUCH AMOUNTS AS MAY BE COLLECTED ANNUALLY THEREAFTER BY THE IMPOSITION ON JANUARY 1, 2015 OF A NEW SALES TAX ON THE RETAIL SALE OF MARIJUANA, MARIJUANA PRODUCTS AND MARIJUANA ACCESSORIES BY LICENSED MARIJUANA ESTABLISHMENTS AT A RATE OF FIVE PERCENT (5%), WITH SUCH ADDITIONAL REVENUES AS ARE GENERATED BY THE NEW TAX TO BE COLLECTED, RETAINED AND SPENT FOR THE PURPOSE OF FUNDING COMMUNITY DEVELOPMENT, PUBLIC SAFETY, YOUTH PROGRAMS, MUNICIPAL SERVICES AND OPERATIONS AND/OR OTHER LAWFUL GENERAL MUNICIPAL PURPOSES, AS A VOTER APPROVED REVENUE CHANGE, OFFSET AND EXCEPTION TO THE LIMITS WHICH WOULD OTHERWISE APPLY UNDER SECTION 20 OF ARTICLE X OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES \_\_\_\_\_

NO \_\_\_\_\_

Section 4: Conduct of Election: The election authorized by this ordinance will be conducted in accordance with the City of Trinidad Municipal Code, the Colorado Municipal Election Law and all other applicable laws, rules and regulations. The election will be conducted as a coordinated election with Las Animas County. The City Clerk is authorized to enter into such agreements on behalf of the City with Las Animas County regarding conduct of the election and the preparation and mailing of notices required by Section 20 of Article X of the Colorado Constitution as necessary to ensure that the election is conducted in accordance with all applicable rules, laws and regulations. The City designates the City Clerk to serve as its designated election official for the purpose of performing acts permitted or required by law in connection with the election.

Section 5: Effect of Election: If a majority of the votes cast at the election authorized by this ordinance are in favor of the ballot question set forth in Section 3, the additions to the City of Trinidad Municipal Code set forth in Section 1 will be deemed to have been adopted and shall become effective on January 1, 2015 and on such date the City will be authorized to collect, retain and expend the full amount of revenues collected by the City as a result of the imposition of the new sales tax approved by the ballot question. If a majority of the votes cast at the election authorized by this ordinance are opposed to the ballot question set forth in Section 3, the additions to the City of Trinidad Municipal Code set forth in Section 1 shall not go into effect and will be deemed to be null and void in all respects.

Section 6: Declaration. The City Council finds, determines and declares that this ordinance is necessary to protect the public health, safety and welfare of the City and its inhabitants and pertains to a matter of local concern.

Section 7: Authorization. The Council, Manager, Clerk, Finance Director and Attorney are authorized and directed to take such further action as necessary and appropriate to effectuate the provisions of this ordinance and ensure that the ballot question set forth in Section 3 is lawfully and properly submitted to the City's registered electors on November 4, 2014.

Section 8: Severability. If any section, paragraph, clause, provision or part of this ordinance is for any reason held to be invalid or unenforceable, the remainder of this ordinance shall continue in full force and effect, it being the legislative intent that this ordinance would have been adopted even if such invalid or unenforceable matter had not been included therein. It is further declared that if any section, provision or part of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance and the application thereof to other persons shall not be affected thereby.

Section 9: Effective Date. This ordinance shall become effective ten (10) days after publication following final passage and upon approval by the City's registered electors at the November 4, 2014 election.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_, READ AND ORDERED  
PUBLISHED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2014.

FINALLY PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE \_\_\_\_\_ day of \_\_\_\_\_,  
2014.

CITY OF TRINIDAD, COLORADO

\_\_\_\_\_  
JOSEPH A. REORDA, Mayor

ATTEST:

\_\_\_\_\_  
DONA VALENCICH, Interim City Clerk



CITY OF TRINIDAD, COLORADO  
1876

## Council Communication

City Council Meeting: August 5, 2014

Prepared by: August 1, 2014

Dept. Head Signature: *Will A. Watson*

# of Attachments: 1

**SUBJECT:** Water Treatment Plant Improvements, Phase 1 Project

**Presenter:** Mike Valentine, Public Works/Utilities Director

**Recommended City Council Action:** Consideration of the bid results for the Water Treatment Plant Improvements, Phase 1 Project. Based on discussion at the last work-session meeting, my recommendation is to accept the low bid from Velocity Construction, Inc. in the amount of \$2,682,182.00 and enter into agreement with the contractor.

**Summary Statement:** In June 2014, Black & Veatch Project Engineer requested bids from the four pre-qualified contractors for the work of Electrical Design, Backwash Valve Specifications, Sedimentation Basin Pump Design, Valve Construction/Installation, and the Chlorine System Modification.

**Expenditure Required:** \$2,682,182.00

**Source of Funds:** Water Department Reserve Fund (\$1,860,000 budgeted in the Trinidad Water Treatment Plant Improvement line item which was based upon engineer's estimate.)

**Policy Issue:** Upgrades and maintenance at the Trinidad Water Treatment Plant are required to provide a reliable water supply and to meet required State standards for public health and safety.

**Alternative:** City Council could decide not to proceed forward with the project at this time.

**Background Information:** In 2013, City Council approved the engineering contract with Black & Veatch to conduct the Water Treatment Plant Improvements Design. The requested work was in response to a sanitary survey and inspection from the Colorado Department of Public Health and Environment at the WTP in 2011. During the inspection, CDPHE pointed out the need for the City to upgrade the WTP facility to include (1) refurbishing or abandoning the standing water tank, (2) modify and upgrade the chlorine disinfection system, (3) construct new filter backwash tank system, (4) replace existing filter bed backwash valves and actuators and WTP inlet and drain valves, and (5) design new residuals storage pond. Kevin Meador, Project Engineer provided City Council a report on the findings and recommendations. In the presentation, Black & Veatch identified the necessary improvements and recommendations for 2013, 2014, 2015 and 2016. Recently, city staff conducted a bid opening and received bids from three of four pre-qualified contractors. The contractor submitted their bids for the upgrades at the WTP facility to include (1) modify and upgrade the chlorine disinfection system, (2) construct new filter backwash tank system, and (4) replace existing filter bed backwash valves and actuators and WTP inlet and drain valves.

PROJECT: Water Treatment Plant Improvements-Phase 1DATE: June 17, 2014Time: 2:00 p.m. (M.S.T)

No.	Pre-Qualified Bidder's Name	Lump Sum Amount	Required Documents
1	Aslan Construction, Inc 120 Bunyan Avenue, Suite 200 Berthoud, Colorado 80513 970-344-1040	\$2,943,435 <sup>00</sup> AIA: \$10,000	<input checked="" type="checkbox"/> Bid Form Signed <input checked="" type="checkbox"/> Addendum No. 1 acknowledged <input checked="" type="checkbox"/> List of Subcontractors <input checked="" type="checkbox"/> Equipment Questionnaire <input checked="" type="checkbox"/> Bid Bond Included
2	Glacier Construction Co. 8490 E. Crescent Parkway, Suite 250 Greenwood Village, Colorado 80111 303-221-5383	\$2,868,000 <sup>00</sup> AIA: \$7,800	<input checked="" type="checkbox"/> Bid Form Signed <input checked="" type="checkbox"/> Addendum No. 1 acknowledged <input checked="" type="checkbox"/> List of Subcontractors <input checked="" type="checkbox"/> Equipment Questionnaire <input checked="" type="checkbox"/> Bid Bond Included
3	Moltz Construction, Inc. 8807 County Road 175 P.O. Box 729 Salida, Colorado 81201 719-539-7319	No Bid	<input type="checkbox"/> Bid Form Signed <input type="checkbox"/> Addendum No. 1 acknowledged <input type="checkbox"/> List of Subcontractors <input type="checkbox"/> Equipment Questionnaire <input type="checkbox"/> Bid Bond Included
4	Velocity Construction, Inc. 1330 South Cherokee Street Denver, Colorado 80223 303-984-7800	\$2,682,182 <sup>00</sup> AIA: \$7,512	<input checked="" type="checkbox"/> Bid Form Signed <input checked="" type="checkbox"/> Addendum No. 1 acknowledged <input checked="" type="checkbox"/> List of Subcontractors <input checked="" type="checkbox"/> Equipment Questionnaire <input checked="" type="checkbox"/> Bid Bond Included

Bids opened and read aloud on June 17, 2014 @ 2:00 pm by David A. Petersonand witnessed by Julia Vigil