



**CITY OF TRINIDAD
TRINIDAD, COLORADO**

The Regular Meeting of the City Council of the City of Trinidad, Colorado, will be held on Tuesday, May 17, 2011 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) **READING OF MINUTES**, Regular Meeting of May 3, 2011
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
 - a) Cheryl Clark – request to address Council regarding Run for the Wall
- 4) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 5) **COMMITTEE REPORTS**
- 6) **UNFINISHED BUSINESS**
- 7) **MISCELLANEOUS BUSINESS**
 - a) Hotel and restaurant liquor license renewal request by Fisher's Peak Lodging, LLC d/b/a Trinidad Holiday Inn Peaks Restaurant & Lounge at 3130 Santa Fe Trail Drive
 - b) Special events permit request (malt, vinous and spirituous) by Trinidad & Las Animas County Chamber of Commerce at 160 N. Commercial Street for June 10, 11, & 12, 2011 (Santa Fe Trail Festival)
 - c) Special events permit request (malt, vinous and spirituous) by Confederacion Mutualista Mexicana E Hispano-Americana at 206 N. Animas Street for June 4, 2011 (Rocky Mountain Elk Foundation Banquet)
 - d) New retail liquor store license request by Kenneth R. Gegelman d/b/a Trinidad Beer, Liquor & Wine Depot at 900 Arizona Avenue
 - e) New retail liquor store license request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue
 - f) First reading of an ordinance repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purpose of adopting by reference uniform codes for the regulation of buildings, to wit, the 2009 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Property Maintenance Code, and International Private Sewage Disposal Code, and setting a hearing date for consideration of said ordinance
- 8) **BILLS**
- 9) **PAYROLL**, April 30, 2011 through May 13, 2011
- 10) **ADJOURNMENT**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting Audra Garrett, City Clerk, 135 N. Animas Street, Phone (719) 846-9843, or FAX (719) 846-4140. At least a 48 hour advance notice prior to the scheduled meeting would be appreciated so that arrangements can be made to locate the requested auxiliary aid(s).

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, May 3, 2011 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Garduno, presiding
	Councilmembers	Aragon, Pando, Rino, Shew
Also present:	City Manager	Gil de Rubio
	City Attorney	Beatty
	City Clerk	Garrett
Absent:	Councilmembers	Toupal, Velasquez

The pledge of allegiance was recited.

READING OF THE MINUTES. A motion to approve the minutes of the regular meeting of April 19, 2011, as submitted was made by Councilmember Shew and seconded by Councilmember Aragon. The motion carried unanimously.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

REPORT BY CITY MANAGER. ARPA bill. City Manager Gil de Rubio called to Council's attention at their seating places a copy of the April ARPA bill dated May 4, 2011, and the financial reports and reminded them of the executive session later in the meeting. He noted that the energy cost adjustment for April is down to 5.6 mills, resulting in a considerable amount of savings as compared to the December bill which was over \$600,000. He said when he reviews the Power & Light Fund financial report they will see how significant that savings is. He added that there is supposed to be a special ARPA meeting in La Junta, if not this week, two weeks from now, regarding personnel matters probably in executive session. They should learn when the meeting is set in the next day or two.

Financial Reports (month end March, 2011). City Manager Gil de Rubio reviewed with Council the financial reports. He pointed to the General Fund and said that even though there have been significant savings with respect to expenditures, and through March expenditures should be around 25%, they came in at 3.2% under that mark. However, revenues are down 2% below the anticipated 25% mark, resulting in a negative fund balance of \$122,236. He said the General Fund is holding its own which is a good place to be at this time of the year, and we are still shooting to break even to balance this budget. City Manager Gil de Rubio then called their attention to the Power & Light Fund and pointed out that the fund finished out March \$50,000 in the negative. He said it is starting to level off, reminding Council that the City had to refund the rate payers a significant amount in January and February. Power & Light's net cash is \$946,701. If the ECA stays low and the City can keep the ARPA bill in the \$400,000 to \$500,000 range, he said he thought the fund will start climbing out of the hole. Councilmember Rino asked why the Power Plant operating expenses are at 44% three months into the year. City Manager Gil de Rubio said he would find out and get an answer to him. He then pointed to the Gas Fund and said that the accounting started to include the deferred gas cost, which has climbed to \$780,599 which is resulting in a negative balance of \$289,531 through the end of March. Net cash is at about \$1.5 million. Mike Dixon, the City's auditor, will address Council in executive session about the fund. City Manager Gil de Rubio reviewed the Water Fund with Council, stating that the fund has a positive \$142,483 balance for March. The net balance is currently a little over \$6 million, having climbed about \$150,000 for the month. The Sewer Fund yielded a negative balance at month end of \$224,560 and an overall net cash balance of negative \$366,061. City Manager Gil de Rubio advised that he has included the financial statements for the CIP budget, Lottery Fund, and Tourism Fund. He added that Council is now getting a summary of the budget on a monthly basis and should a question arise he can pull the history and answer it.

REPORT BY CITY ATTORNEY. Legislative update. City Attorney Beatty provided a legislative update. He reminded Council that he had informed them of two bills pending, Senate Bill 11-194 to allow full-strength beer sales in convenience stores, and House Bill 11-1284 to allow for its sale in convenience store and grocery stores. He advised that both bills have already been killed.

City legislative proposals. City Attorney Beatty advised that there are a number of City legislative proposals in the queue. The building codes adoption ordinance is finalized and will be re-presented at next Tuesday's work session, with an anticipated first reading on May 17th. He said the April 26th orientation session with the contractors was very well attended, with about 35 people appearing, and they have incorporated some revisions with the feedback provided. Additionally, he said staff met with local plumbers and clarified that this ordinance doesn't seek to replace the state inspections for plumbing or electrical work. The state will still handle those. Councilmember Rino asked how the orientation session was. City Attorney Beatty reiterated that it was well attended and noted that he attended it in the morning only because there was work session that afternoon. He also reminded Council that Mr. Rossmiller from Colorado Code Consultants assisted the City with the session. Councilmember Rino asked if there was any opposition. City Attorney Beatty said they received feedback concerning the International Residential Code's requirement for the placement of carbon monoxide detectors. The concern was if there was work being done on the exterior of a residence, it invoke the requirement for the detectors to be installed. Consequently the language in the ordinance was amended to exclude the requirement when roofing or siding work on a residence is being done, in which case it would only be optional. If the work is only exterior it would not invoke that requirement of the code. Councilmember Rino asked if as a whole the contractors agreed with the code's adoption. City Attorney Beatty said during the morning session he didn't encounter much negative feedback. The local plumbers were concerned with the City taking over inspections from the state. It was explained to them that it is a separate issue. Our adoption of the codes would not make that happen automatically. City staff agrees not to seek inspection oversight. City Manager Gil de Rubio added that he met with those plumbers this afternoon and the City is backing off. The state will continue to do inspections. Councilmember Pando said he knows the regulations are not yet approved but may be, and asked if they are already being enforced. City Attorney Beatty said they are not until they are approved by City Council.

MAY 3, 2011

Councilmember Pando said he had heard from a person renovating a building that they were told to meet certain code requirements even though they weren't actually approved yet because they were possibly going to be approved. He added that he didn't know if that assertion was true. City Attorney Beatty suggested he may have been speaking of a party seeking a variance from the 2003 International Building Code currently in effect. Additionally, he reported that Planning Director Louis Fineberg is fine-tuning an ordinance regarding revisions to the zone district regulations for the down town district. He said he has been working on the ordinance for some time with the Planning Commission and they will meet once more on May 10th before it is presented to Council at a work session on May 24th. He also reported that he and City Clerk Garrett have been working with Tami Tanoue, CIRSA's general counsel, regarding possible revisions to the City's Home Rule Charter; however they are not yet finalized. Ms. Tanoue's visit has been postponed to June 14th or 28th. Finally, he advised that as City Manager Gil de Rubio mentioned, staff will very likely be coming forth with a gas supply charge ordinance for Council's consideration in June and July.

Recycling. City Attorney Beatty said that ReGroup recently held another very successfully recycling event whereby citizens filled nearly six recycling bins with recyclables.

Comcast Cares Day. City Attorney Beatty reported that the Comcast Cares Day was also successful and that Mayor Garduno was part of the opening ceremonies.

Annual leave. City Attorney Beatty informed Council that he intends to take Friday off because his mother is coming to Trinidad to visit him.

Recycling. Councilmember Shew noted that he learned that Raton is doing recycling all of the time at their landfill and that they purchased a compactor through a grant. He asked if the City could contact Raton. Planning Director Fineberg said that he's already been in touch with them and they've talked about Trinidad taking its recyclables to Raton. He said he would keep Council apprised.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Appointments (2) to the Board of Appeals. Councilmember Rino moved for the re-appointment of Wayne Pritchard and the appointment of Sam Coker. The motion was seconded by Councilmember Aragon and carried by a unanimous roll call vote of Council members. Councilmember Rino asked the status of the Planning Commission with respect to vacancies. City Clerk Garrett answered that the Commission is lacking one member.

Resolution regarding proposed amendments to the National Public Gas Agency's Amended and Restated Interlocal Agreement. Utilities Supt. Fernandez addressed Council. He said that he and City Attorney Beatty have spoken to NPGA's attorney regarding the proposed amendment to the agreement and recommended the City approve it. City Attorney Beatty reminded Council that as of last Tuesday they had been in touch with NPGA's general counsel who informed them that they already had received responses for 12 members, 11 of whom voted in favor of the amendment. Therefore, it is going to pass regardless of how Trinidad acts. He suggested that Trinidad should provide a response to NPGA. He added that the City got clarification from NPGA that if they were to terminate, expel, etc. Trinidad as a member of NPGA, the terms of the gas supply agreement would not be affected such that we would still be provided gas for the three years. That was a concern with this proposed amendment that was alleviated through their discussions with NPGA. Councilmember Aragon made a motion to adopt the resolution and the motion was seconded by Councilmember Shew. Roll call was taken on the motion, which carried unanimously.

Consideration of professional services bids for preparation of North Lake Emergency Action Plan. Utilities Supt. Fernandez advised Council that two bids were received to prepare the plan. He recommended Council accept the low bid received from W. W. Wheeler in the amount of \$27,000. Councilmember Rino asked why we are dealing specifically with North Lake and not Monument Lake, and asked if it is because of North Lake's condition. Supt. Fernandez answered that the City will need one for Monument Lake as well. He explained that the requirement for the plan is coming from the State. Their focus is on North Lake now because of the condition of the North Lake dam. Sooner or later the City will need a plan for Monument Lake also. Councilmember Aragon made a motion to accept the low bid from W. W. Wheeler in the amount of \$27,000. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote.

Intergovernmental agreement between the City and Trinidad Ambulance District for the placement of automated external defibrillators. City Attorney Beatty addressed Council and advised that there've been a few changes since the work session. He pointed out Brandon Chambers, Executive Director of the Trinidad Ambulance District, in the audience to answer any questions. City Attorney Beatty continued that the agreement was revised with the addition of a few provisions and specific language regarding the useful life of the units. A new provision was also included to specify that the IGA has a one year term and shall renew automatically in one year increments, however either party may terminate the agreement subject to a 30-day advance notice. He advised that the agreement has a new indemnification clause which the City's insurer, CIRSA, has deemed acceptable. He said he'd like to see the arbitration provision removed, but it is not a deal-breaker. He's seeking its removal and a new severability provision. City Attorney Beatty provided clarification from the work session with respect to the cost associated with training classes by the District. He explained that he misstated the cost during the work session because he was reading from the for-profit rates of \$150 for six people. He corrected that Trinidad Ambulance District will provide the training free of charge except for the current \$4 per person cost of the American Heart Association student completion card, which is a minimal cost, but may increase or decrease going forward. Some of the City's personnel have already received the CPR training and City Manager Gil de Rubio is in the process of scheduling for most all of the personnel to acquire that training. Those courses will include defibrillator operation training. Councilmember Rino asked if the units are battery operated, if they are checked throughout the year to ensure they are operational, and when will it be done, because batteries can go dead. Brandon Chambers answered that these AEDs were purchased specifically for this purpose – they are public accessible AEDs, not generally used by health care providers. He explained that the AEDs have a big open area for the expiration date for the pads. That's one thing that can go wrong. The gel in the pads of the units can dry up or with heat and cold can break down. With respect to the battery life, the unit cycles

each day and has a green light on it. If the green light goes out the unit emits a beeping sound that someone will hear. He added that according to the provisions of the contract, the District will be notified quarterly of inspection items. The City must change the pads and batteries as needed. The pads have an expiration date that provides a good time line, however battery life is unpredictable, but he thought they should last a substantial period of time. He said he believes shelf-life is five years. Councilmember Pando asked City Attorney Beatty if he understood correctly that there will be no training costs.

City Attorney Beatty reiterated that the only cost is for the student completion cards at \$4 per student. He also told Council that the City would be required to provide written reports regarding maintenance of the units. The District will ensure the units are operable and are being monitored. Mayor Garduno asked about #8, the indemnification and hold harmless clause for possible damages sustained to the AED unit during its operation. She asked if the City has liability for failure of the AED. City Attorney Beatty said the manufacturer of the unit would indemnify the City for its operation, and CIRSA has accepted the indemnification provision. In addition the City enjoys governmental immunity, therefore if the City or its employees are acting in good faith it would be difficult to hold us liable. Mayor Garduno asked if Council should vote on this without confirmation of whether the arbitration clause is removed. Mr. Chambers said for its removal he would have to take it back to their legal counsel and the back to the Ambulance District Board of Directors. Mayor Garduno asked if Council should table action then. City Attorney Beatty reiterated that it is not a deal breaker and recommended Council proceed with the agreement because the only reason he wanted it removed is because both parties to the agreement are governmental and arbitrators are sometimes known to disregard the Governmental Immunity Act. After additional deliberation, City Attorney Beatty said the clause is not a deal breaker and he'd like to see the units available in the City's facilities and the agreement doesn't have to be conditional. A motion to approve the IGA was made by Councilmember Rino and the motion was seconded by Councilmember Aragon. Roll call was taken and the motion carried by a unanimous roll call vote.

BILLS. A motion to approve the bills was made by Councilmember Rino. The motion was seconded by Councilmember Aragon. Roll call was taken on the motion. The motion carried unanimously.

PAYROLL, April 16, 2011 through April 29, 2011. A motion to approve the payroll was made by Councilmember Pando and seconded by Councilmember Shew. The motion carried unanimously.

EXECUTIVE SESSION – for a conference with legal counsel for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b), regarding a Gas Cost Adjustment for the Trinidad Municipal Natural Gas Department. A motion to enter into executive session for the stated purpose was made by Councilmember Shew and seconded by Councilmember Aragon. The motion carried unanimously by a roll call vote of Council and the executive session ensued at 7:36 p.m.

I, Jerod A. Beatty, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 3rd day of May, 2011, 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.


 Jerod A. Beatty
 City Attorney

Upon conclusion of executive session at 8:33 p.m., Councilmember Rino moved to resume the regular meeting. Councilmember Shew seconded the motion which carried unanimously.

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

ATTEST:

 JENNIE GARDUNO, Mayor

 AUDRA GARRETT, City Clerk

ITEM NO. **7a**

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON May 17, 2011

ITEM: Hotel and restaurant liquor license renewal request by Fisher's Peak Lodging, LLC
d/b/a Trinidad Holiday Inn Peaks Restaurant & Lounge at 3130 Santa Fe Trail
Drive

**REQUEST
MADE BY:** Fisher's Peak Lodging, LLC

**CONTENTS/
COMMENTS:** Renewal Application
Departmental reports
Fees have been paid

ITEM NO. **7a**

4/25/11

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

Applicant: Fisher's Peak Lodging, LLC

dba: Trinidad Holiday Inn

Address: 3130 Santa Fe Trail Dr.

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT COUNCIL MEETING DATE: May 17, 2011, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Inspected OK

Inspected OK by Capt. [Signature]

4-28-11
Date
[Signature]
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 12, 2011

4/25/11

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

Applicant: Fisher's Peak Lodging, LLC

dba: Trinidad Holiday Inn

Address: 3130 Santa Fe Trail Dr.

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT COUNCIL MEETING DATE: May 17, 2011, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: no change

4-28-11
Date
[Signature]
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 12, 2011

4/25/2011

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

Applicant's Name: Fisher's Peak Lodging, LLC

DBA: Trinidad Holiday Inn/Peaks Restaurant

Business Address: 3130 Santa Fe Trail

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT COUNCIL MEETING DATE: May 17, 2011, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No records found

Date 4.27.11


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 12, 2011

Audra Garrett

From: John Martinez [jmartinez@la-h-health.org]
Sent: Monday, April 25, 2011 3:41 PM
To: Audra Garrett
Subject: RE: liquor license

Audra,

The Fisher's Peak Lodging, LLC dba Trinidad Holiday Inn is in compliance with our Department. If you need further information, let me know.

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

Las Animas-Huerfano Counties District Health Department

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

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

From: Audra Garrett [mailto:audra.garrett@trinidad.co.gov]
Sent: Monday, April 25, 2011 3:34 PM
To: John Martinez
Subject: liquor license

Hi John,

Please confirm compliance with your department for purposes of the liquor license renewal of Fisher's Peak Lodging, LLC dba Trinidad Holiday Inn at 3130 Santa Fe Trail Drive.

Thanks,
Audra Garrett, City Clerk

City of Trinidad
135 N. Animas Street
Trinidad, CO 81082
(719) 846-9843 ext. 135
(719) 846-4140 fax

ITEM NO. 7b

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON May 17, 2011

ITEM: Special events permit request (malt, vinous and spirituous) by Trinidad & Las Animas County Chamber of Commerce at 160 N. Commercial Street for June 10, 11, & 12, 2011 (Santa Fe Trail Festival)

**REQUEST
MADE BY:** Trinidad & Las Animas County Chamber of Commerce

**CONTENTS/
COMMENTS:** Application
Departmental reports
Fees have been paid

ITEM NO. 7b

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input type="checkbox"/>	FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>Trinidad & Las Animas County Chamber of Commerce</i>	State Sales Tax Number (Required) <i>27-04909-0000</i>
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (include street, city/town and ZIP)
*136 W. Main St.
 Trinidad, CO 81082*

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (include street, city/town and ZIP)
*160 N. Commercial St.
 Trinidad, Co 81082*

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Janny Tranter</i>	[REDACTED]	[REDACTED] Trinidad, CO 81082	[REDACTED]
5. EVENT MANAGER <i>Kim Schultz</i>	[REDACTED]	[REDACTED] Trinidad, Co 81082	[REDACTED]

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? _____

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
 NO YES TO WHOM? _____

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

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

Date	Hours From	To	Date	Hours From	To	Date	Hours From	To	Date	Hours From	To
<i>June 10, 2011</i>	<i>12 P.m.</i>	<i>11:30 P.m.</i>	<i>June 11, 2011</i>	<i>12 P.m.</i>	<i>11:30 P.m.</i>	<i>June 12, 2011</i>	<i>12 P.m.</i>	<i>5:30 P.m.</i>			

OATH OF APPLICANT

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

SIGNATURE <i>Kim Schultz</i>	TITLE <i>Executive Dir / CEO</i>	DATE <i>Dec 4/2011</i>
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

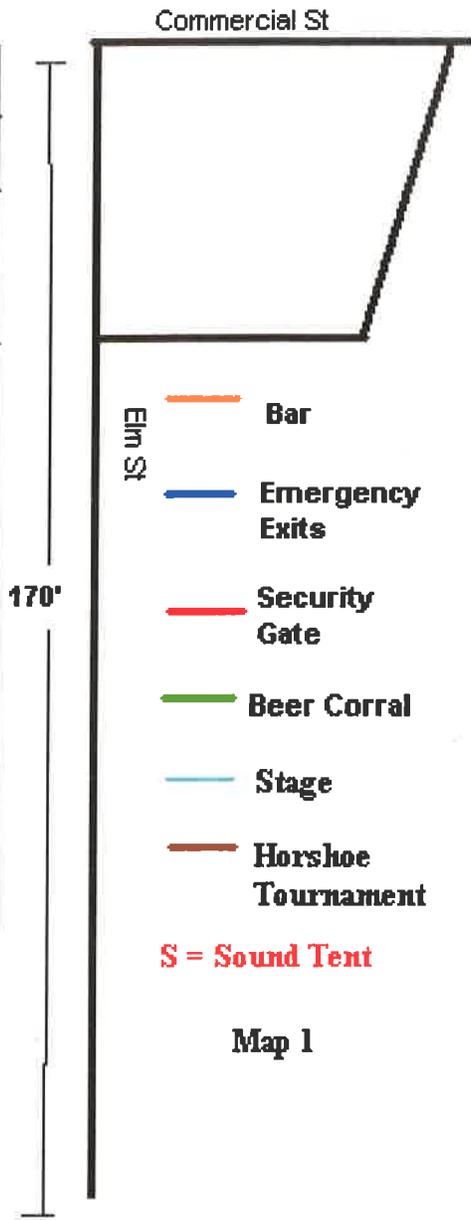
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

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

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

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$



Commercial St

Elm St

- Bar
- Emergency Exits
- Security Gate
- Beer Corral
- Stage
- Horseshoe Tournament

S = Sound Tent

Map 1

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

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

TRINIDAD-LAS ANIMAS COUNTY CHAMBER OF COMMERCE

is a **Nonprofit Corporation** formed or registered on 01/13/1999 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19991007228.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/18/2011 that have been posted, and by documents delivered to this office electronically through 03/23/2011 @ 23:53:04.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 03/23/2011 @ 23:53:04 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 7900241.



A handwritten signature in black ink, appearing to read "Scott Gessler".

Secretary of State of the State of Colorado

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

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

Fire Safety Plan
26th Annual Santa Fe Trail Festival
June 10-12, 2011

I. Purpose

To highlight both the fire and safety plans in case of an emergency during the Santa Fe Trail Festival. This policy has been approved by the Trinidad Fire Chief, Leroy Pere.

II. Definitions

- A. "Special Event" means any event that has requested a Special Event liquor permit
- B. "Beer Garden" means any area within a Special Event that is designated for the sale and consumption of alcoholic beverages. The intent of a "Beer Garden" is to limit the area of sale and consumption of alcohol in order to maintain control of the licensed premise, and to avoid sale to underage and/or overly intoxicated persons.

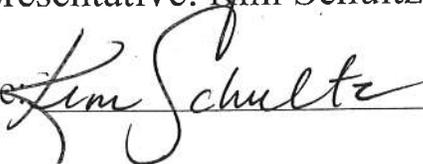
III. Preventative Measures.

- A. All food vendors and/or vendors with heat producing equipment will have a fire extinguisher in or adjacent to their booth.
- B. There will be a fire extinguisher located within 10-15' of all generators and/or power distribution panels, and sound/lighting equipment.
- C. There will be a 12' fire line on each street within the festival grounds for emergency use by fire, ambulance and/or police vehicles. There will also be ample room left at each intersection for turning of said vehicles. This lane is to be kept clear at all times of infrastructure, vendors and displays.
- D. The Beer Garden will have one (1) primary entrance for all entry and exit traffic. There will also be three (3) panels setup in a way that they can be easily removed in case of emergency egress.

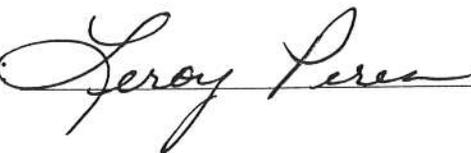
There will be one of these emergency exits located on each fenced side of the beer garden.

- E. The Cultural and Heritage stage will not be fenced; therefore no emergency exits are required.
- F. Emergency personnel on site. Representatives from the City of Trinidad Police Department will be patrolling the event site. Also space will be provided to both the Trinidad Ambulance District and the City of Trinidad Fire Department. Personnel from these departments may not always be onsite due to being called off premise for other situations in the community.
- G. The occupancy load of the Beer Garden will be determined by the City of Trinidad Fire Department and will be strictly adhered to by the Trinidad & Las Animas County Chamber of Commerce and their staff/security.

Submitted by: The Trinidad & Las Animas County Chamber of Commerce
Key Representative: Kim Schultz Executive Director/CEO

Signature:  Date: 4-20-11

Approved by: City of Trinidad Fire Department
Key Representative: Chief of Fire, Leroy Perea

Signature:  Date: 4-20-11

Operations Plan Santa Fe Trl Days

Date of Operation: June 10, 2011 through June 12, 2011

Operational Period's: 1000-1500 1500-2330

Pre-Operation Briefing: To be assigned

Operations Supervisor: To be assigned

Location of operation: Main and Animas east to Main and Walnut. Main and Commercial north to Commercial and Plum. Commercial and Plum east to Plum and Elm. Municipal Lot at Commercial and Elm. *Add Carnivul*

On June 6, 2011 the affected area for this event will be posted to designate the affected area as a "NO PARKING" area from June 9, 2011 to June 12, 2011.

Operation Objectives: Provide security for the Santa Fe trail days festival, maintain public peace and order during this event. Provide security in the operational area to include beer garden and nightly dances. A map is attached to this plan to show the operational area.

Radio Frequency: Officers assigned to this detail will set all 800 MGZ radios to TPD TAC 3. This will allow communications between officers and the Trinidad Communications Center. STAFF EVENT PERSONNEL will make contact with officers via the COMMUNICATIONS CENTER. *- dispatch?*

Event staffing (Security): there will be two (2) officers per operational period assigned to patrol this event. One (1) of these officers will be assigned to Bike Patrol. Four (4) additional officers will be assigned to work the street dance on June 10, 2011 and June 11, 2011. This dance will be held from 1900 to 2300 hours.

One (1) Additional officer per operational Period will be assigned to the Beer Garden.

Officer assignments will be assigned below.

Handling of calls within operations area: Officers assigned to this detail will take all call's for service that occur within the park area. Violation of Statute will be handled accordingly by officers assigned to this operation. Any need for transport to jail and/or Detox will be done by patrol, a request will be made via TPD TAC 3 to the communications center. Officers will be responsible for affidavits and associated paper work upon the completion of their assignment. Custody I's will be turned over to the transporting officer upon turning the suspect over to transport.

Officers should note that the staff operating the "beer garden" have received TIPS training.

ALL persons who enter the beer garden shall be 21 years of age. Prior to entering the beer garden, ALL ID's will be checked. Only persons of legal age to consume alcohol will be permitted In the beer garden. ALL persons of legal drinking age will have a color band placed on them. NO BAND NO ALCOHOL.

Officers AND BEER GARDEN STAFF should pay special attention to ensure that underage persons ARE NOT being served alcohol. Also officers should ensure that overly intoxicated persons are not being served (As per CRS and Municipal Code). Any violations of the Colorado Beer and Alcohol Code and Trinidad Municipal Alcohol Code shall be handled accordingly.

NO PERSON WHO IS NOT DESIGNATED BY THE SANTA FE TRAIL DAYS FESTIVAL STAFF, AS A BAR EMPLOYEE WILL BE ALLOWED BEHIND THE BAR. Any unauthorized person found behind the bar will be removed from the park area. Appropriate enforcement action will also be taken.

The BAR will have in place an accounting system for tracking all bar receipts and tip receipts. A "TIP" Jar will not be left where it can be accessed by unauthorized persons. TIP jars will be emptied and accounted for during normal cash drops.

No person is allowed to bring alcoholic beverages into the BEER GARDEN area. No person is allowed to take alcoholic beverages out of the BEER GARDEN area. Appropriate action will be taken for said violations.

Person(s) assigned to the BAR shall wear a distinctive colored shirt that is NOT the same color as other event staff. This is so they can be easily identified as being authorized to work in the BAR area.

Officer Safety: All officers assigned to this operation will be in full uniform and will be required to wear their ballistic vests.

Critical Incidents: Any incident requiring command staff notification will be immediately reported to the operations commander. He will make the appropriate notifications.

Officer assignments:

OFFICER ASSIGNMENTS WILL BE ASSIGNED UPON FINAL SUBMISSION OF OP PLAN

Breaks: Operations supervisor will make sure that officers are periodically given a break.

Prepared by: _____



Date: 8-1-11

Approved by: _____

Date: _____



CITY OF TRINIDAD

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

MEMORANDUM

TO: Audra Garrett, City Clerk

FROM: Ed Gil de Rubio, City Manager 

SUBJECT: Special Event – June 10, 11, & 12, 2011

DATE: April 27, 2011

The City of Trinidad has authorized use of the municipal parking lot at 160 N. Commercial Street for the Santa Fe Trail Festival on June 10-12, 2011 to Trinidad & Las Animas County Chamber of Commerce, Inc. for liquor concessions during the hours indicated on the special events permit application.

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

CERTIFICATE OF POSTING

I, Audra Garrett, City Clerk of the City of Trinidad, Colorado, do hereby certify that pursuant to the laws of the State of Colorado, and the ordinances of the City of Trinidad, Trinidad & Las Animas County Chamber of Commerce, 136 W. Main Street, Trinidad, Colorado, which business has applied for a Special Events Permit, to sell and dispense Malt, Vinous and Spirituous Liquors at 160 N. Commercial Street, Trinidad, Colorado, on June 10, 11, & 12, 2011, was duly posted for no less than ten continuous days, with the first day of posting occurring on the 27th day April, 2011.

WITNESS, my hand and the official seal of the City of Trinidad, Colorado, this 27th day of April, 2011.

CITY OF TRINIDAD, COLORADO

Audra Garrett
Audra Garrett, City Clerk

(S E A L)

4/27/11

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

Applicant: Trinidad-Las Animas County Chamber of Commerce

dba: Santa Fe Trail Festival – 6/10, 11 & 12

Address: 160 N. Commercial Street

Type of License: SEP – Malt, Vinous and Spirituous

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE:

May 17, 2011, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

no concerns - LP

4-28-11
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 11, 2011

4/27/11

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

Applicant: Trinidad-Las Animas County Chamber of Commerce

dba: Santa Fe Trail Festival – 6/10, 11 & 12

Address: 160 N. Commercial Street

Type of License: SEP – Malt, Vinous and Spirituous

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE:

May 17, 2011, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

4-29-11
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 11, 2011

ITEM NO. 7c

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON May 17, 2011

ITEM: Special events permit request (malt, vinous and spirituous) by Confederacion Mutualista Mexicana E Hispano-Americana at 206 N. Animas Street for June 4, 2011 (Rocky Mountain Elk Foundation Banquet)

**REQUEST
MADE BY:** Confederacion Mutualista Mexicana E Hispano-Americana

**CONTENTS/
COMMENTS:** Application
Departmental reports
Fees have been paid

ITEM NO. 7c

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR	\$25.00 PER DAY
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer)	\$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>La Confederacion aka La Casa</i>	State Sales Tax Number (Required) <i>41-72221-001</i>
---	--

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (include street, city/town and ZIP)
*34451 Highway 12
 Trinidad, CO 81082*

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (include street, city/town and ZIP)
*Sebastiani Gym
 206 North Annas
 Trinidad, CO 81082*

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
------	---------------	---	--------------

4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Ralph Ponce</i>	[REDACTED]	HOME ADDRESS (Street, City, State, ZIP) <i>Trinidad, CO 81082</i>	PHONE NUMBER [REDACTED]
---	------------	--	----------------------------

5. EVENT MANAGER <i>Ralph Ponce</i>	//	//	//
--	----	----	----

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? _____

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
 NO YES TO WHOM? _____

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

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

Date	Date	Date	Date	Date
Hours From	Hours From	Hours From	Hours From	Hours From
To	To	To	To	To
<i>6-4-11</i>				
<i>5pm</i>				
<i>To 10 P.</i>				

OATH OF APPLICANT

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

SIGNATURE <i>Ralph Ponce</i>	TITLE <i>President (La Casa)</i>	DATE <i>4-26-11</i>
---------------------------------	-------------------------------------	------------------------

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

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

THEREFORE, THIS APPLICATION IS APPROVED.

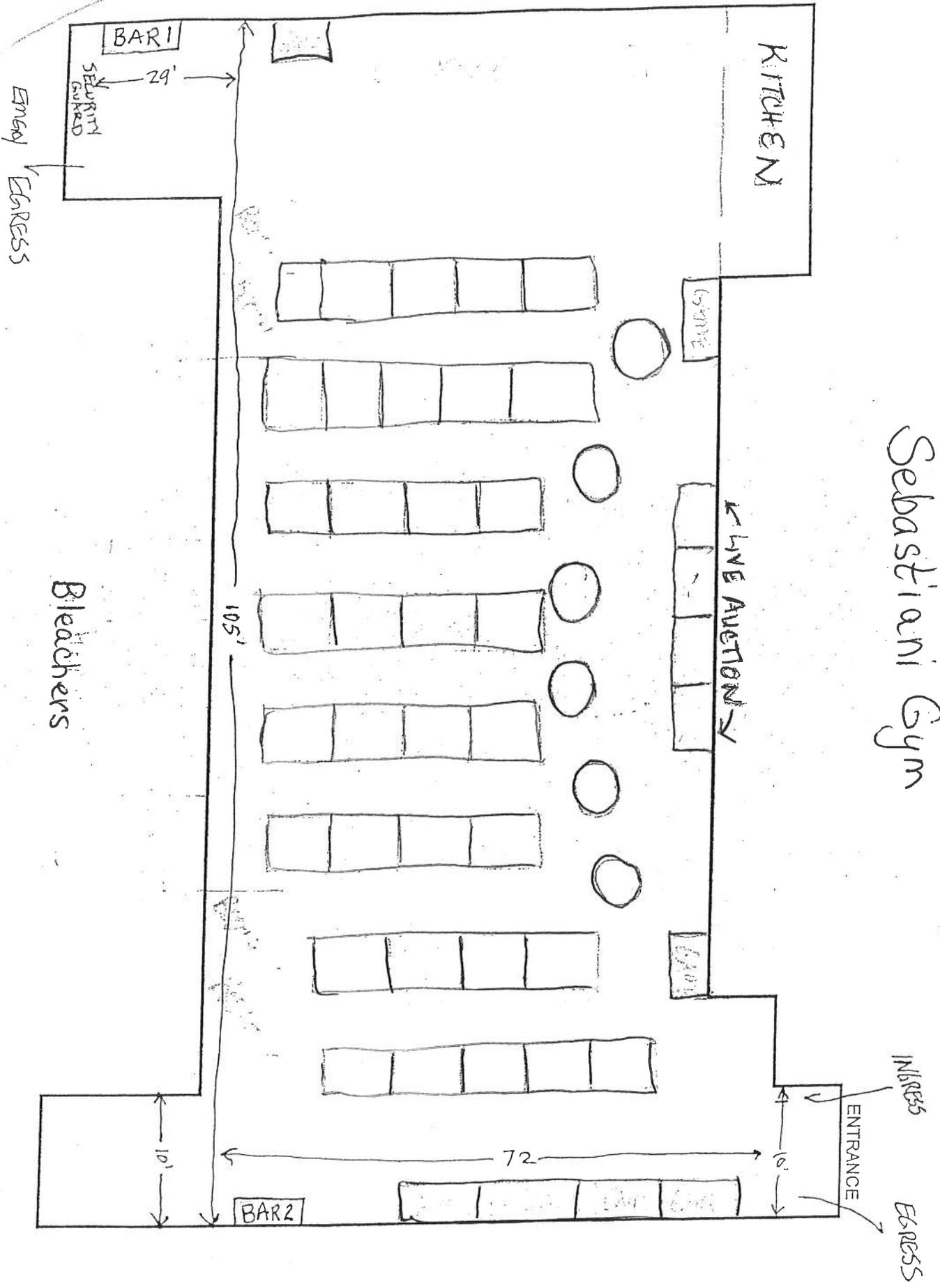
LOCAL LICENSING AUTHORITY (CITY OR COUNTY) <i>Trinidad</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK <i>(719) 846-9843</i>
SIGNATURE	TITLE <i>Mayor</i>	DATE

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

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

4/27/11

Sebastiani Gym



OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

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

CONFEDERACION MUTUALISTA MEXICANA E HISPANO-AMERICANA

is a **Nonprofit Corporation** formed or registered on 11/18/1930 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871092664.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 04/25/2011 that have been posted, and by documents delivered to this office electronically through 04/27/2011 @ 10:34:28.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 04/27/2011 @ 10:34:28 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 7931403.



A handwritten signature in cursive script, reading "Scott Gessler".

Secretary of State of the State of Colorado

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

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

**HOLY TRINITY PARISH
TRINIDAD AREA CATHOLIC COMMUNITY
235 N. CONVENT ST.
TRINIDAD, CO 81082**

April 26, 2011

Mrs. Audra Fatur
City of Trinidad

RE: Rocky Mountain Elk Foundation Dinner
Sebastiani Gym

This is to inform you that Holy Trinity Parish has given permission to the Rocky Mountain Elk Foundation to use Sebastiani Gym for a dinner on Saturday, June 4, 2011. The church is also aware that alcohol will be served. The liquor license is held by the La Confederacion Lodge.

If anything further is needed, please advise.

Sincerely,



Louise A. Slavec
Business Manager

Operations Plan
Rocky Mountain Elk Foundation Annual Fundraiser

Date of Operation: June 4, 2011
Operational Period's: 1630-2200
Pre-Operation Briefing: To be assigned
Operations Supervisor: To be assigned

COPY

Location of operation: Sebastiani Gym. Access to the gym will be via the front door with emergency exit being located adjacent to the BAR.

Operation Objectives: Provide security for the Rocky Mountain Elk Foundation Annual Fundraiser. Maintain public peace and order during this event. Provide security in the operational area to include event BAR. It should be noted that ingress/egress is located at the front entrance to the building (facing Animas). An emergency EGRESS is located adjacent to the bar and will NOT be used to allow access into the facility. A map is attached to this plan to show the operational area.

Radio Frequency: Officers assigned to this detail will set all 800 MGZ radios to TPD TAC 3. This will allow communications between officers and the Trinidad Communications Center. STAFF EVENT PERSONNEL will make contact with officers via the COMMUNICATIONS CENTER.

Event staffing (Security): two (2) officers will be assigned to this event. One officer will be assigned to work the bar area/emergency egress. One (1) officer will be assigned to work the main entrance to the event.

Handling of calls within operations area: Officers assigned to this detail will take all calls for service that occur within the event area. Violation of Statute will be handled accordingly by officers assigned to this operation. Any need for transport to jail and/or Detox will be done by patrol, a request will be made via TPD TAC 3 to the Communications Center. Officers will be responsible for affidavits and associated paper work upon the completion of their assignment. Custody forms will be turned over to the transporting officer upon turning the suspect over for transport.

Officers should note that the staff operating the "bar" are to have received TIPS training. It should be noted that the "La Confederacion" AKA "La Casa" will be operating the bar. ALL staff working the bar will have received TIPS training. All WAIT STAFF will have TIPS training.

ALL persons who enter the bar area shall be 21 years of age or older. Prior to entering the bar, ALL ID's will be checked. Only persons of legal age to consume alcohol will be permitted in the bar area. ALL persons of legal drinking age will have a color wristband placed on them. NO ID = NO BAND = NO ALCOHOL.

Officers AND bar staff should pay special attention to ensure that underage persons ARE NOT being served alcohol. Also officers should ensure that overly intoxicated persons are not being served (As per CRS and Municipal Code). Any violations of the Colorado Beer and Alcohol Code and Trinidad Municipal Alcohol Code shall be handled accordingly.

NO PERSON WHO IS NOT DESIGNATED BY THE ROCKY MOUNTAIN ELK FOUNDATION STAFF AND/OR LA CONFEDERACION, AS A BAR EMPLOYEE WILL BE ALLOWED BEHIND THE BAR. Any unauthorized person found behind the bar will be removed from the area. Appropriate enforcement action will also be taken.

The bar will have in place an accounting system for tracking all bar receipts and tip receipts. A "TIP" Jar will not be left where it can be accessed by unauthorized persons. TIP jars will be emptied and accounted for during normal cash drops.

No person is allowed to bring alcoholic beverages into the gym. No person is allowed to take alcoholic beverages out of the gym. Appropriate action will be taken for said violations.

Person(s) assigned to the bar shall wear a distinctive colored shirt that is NOT the same color as other event staff. This is so they can be easily identified as being authorized to work in the bar area.

Officer Safety: All officers assigned to this operation will be in full uniform and will be required to wear their ballistic vests.

Critical Incidents: Any incident requiring command staff notification will be immediately reported to the operations commander. He will make the appropriate notifications.

Officer assignments:

OFFICER ASSIGNMENTS WILL BE ASSIGNED UPON FINAL SUBMISSION OF OP PLAN

Breaks: Operations supervisor will make sure that officers are periodically given a break.

Prepared by: _____

Date: 4-29-11

Approved by: _____

Date: 4-29-11

Fire Safety Plan
Rocky Mountain Elk Foundation
Annual Banquet
June 4, 2011

Purpose:

To highlight both fire and safety plans in case of an emergency during the Rocky Mountain Annual Banquet held at the Sebastiani Gymnasium.

Preventive Measures:

A site plan and floor plan shall be submitted to the City Clerk.

Fire Extinguishers shall be in place as required by NFPA 10 and the International Fire Codes as adopted by the City of Trinidad. Portable fire extinguishers shall be provided within a 50-foot travel distance. An automatic sprinkler system shall be installed in a commercial kitchen exhaust hood and duct system and shall be protected by a Class K rated portable fire extinguisher.

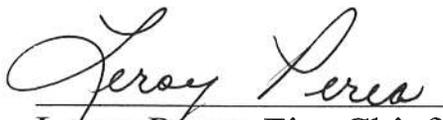
Exit routes shall be clearly marked. The means of egress, including exit discharge, shall be illuminated at all times the building served by the means of egress is occupied. The path of egress travel shall not be interrupted by any building element. Obstructions shall not be placed in the required width of means of egress.

An audible announcement shall be made not more than 10 minutes before the start of a program to notify the occupants of the location of the exits to be used in the event of a fire or other emergency.

The occupancy load of the building as determined by the Trinidad Fire Department will be strictly adhered to by the Rocky Mountain Elk Foundation, their staff and security.

Security for this event will be monitored by the City of Trinidad Police Department. The Trinidad Fire Department will not be on site but will be readily available in case of an emergency.

Submitted by the Trinidad Fire Department,


Leroy Perea, Fire Chief

5-12-11
Date

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

CERTIFICATE OF POSTING

I, Audra Garrett, City Clerk of the City of Trinidad, Colorado, do hereby certify that pursuant to the laws of the State of Colorado, and the ordinances of the City of Trinidad, Confederacion Mutualista Mexicana E Hispano-Americana, 34451 Highway 12, Trinidad, Colorado, which business has applied for a Special Events Permit, to sell and dispense Malt, Vinous and Spirituous Liquors at 206 N. Animas Street, Trinidad, Colorado, on June 4, 2011, was duly posted for no less than ten continuous days, with the first day of posting occurring on the 27 day April, 2011.

WITNESS, my hand and the official seal of the City of Trinidad, Colorado, this 27 day of April, 2011.

CITY OF TRINIDAD, COLORADO

(SEAL)



Audra Garrett, City Clerk

4/27/11

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

Applicant: Confederacion Mutualista Mexicana E Hispano-Americana

dba: Rocky Mountain Elk Foundation Banquet - 6/4

Address: 206 N. Animas Street

Type of License: SEP - Malt, Vinous and Spirituous

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: May 17, 2011, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: ceiling panels need repair/replace

Vertical opening in kitchen

Storage in front of electric panels

5-2-11
Date

Leroy Perco
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 11, 2011

4/27/11

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

Applicant: Confederacion Mutualista Mexicana E Hispano-Americana

dba: Rocky Mountain Elk Foundation Banquet - 6/4

Address: 206 N. Animas Street

Type of License: SEP - Malt, Vinous and Spirituous

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: May 17, 2011, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: 1) close panelwork in kitchen

2) ceiling panels 3) transition bar at ramp

4) remove items in front of recess panels

5-2-11
Date

Chi Kelly
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 11, 2011

ITEM NO. 7d

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON May 17, 2011

ITEM: New retail liquor store license request by Kenneth R. Geggelman d/b/a Trinidad Beer, Liquor & Wine Depot at 900 Arizona Avenue

**REQUEST
MADE BY:** Kenneth R. Geggelman

**CONTENTS/
COMMENTS:** Application

This item needs to be set for hearing and the tentative neighborhood boundary identified. The hearing cannot be held any earlier than 30 days from today. The earliest Regular meeting date is June 21st.

ITEM NO. 7d

COLORADO LIQUOR RETAIL LICENSE APPLICATION

NEW LICENSE TRANSFER OF OWNERSHIP LICENSE RENEWAL

- ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
- APPLICANT MUST CHECK THE APPROPRIATE BOX(ES)
- LOCAL LICENSE FEE \$ _____
- APPLICANT SHOULD OBTAIN A COPY OF THE COLORADO LIQUOR AND BEER CODE (Call 303-370-2165)

1. Applicant is applying as a
 Corporation
 Partnership (includes Limited Liability and Husband and Wife Partnerships)
 Individual
 Limited Liability Company
 Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation Fein Number
 Kenneth R. Gogelman

2a. Trade Name of Establishment (DBA) State Sales Tax No. Business Telephone
 Trinidad Beer Liquor + Wine Dept 04294039 719-859-3636

3. Address of Premises (specify exact location of premises)
 900 ARIZONA

City County State ZIP Code
 Trinidad L.A. CO 81082

4. Mailing Address (Number and Street) City or Town State ZIP Code
 900 ARIZONA Trinidad CO 81082

5. If the premises currently have a liquor or beer license, you MUST answer the following questions:

Present Trade Name of Establishment (DBA)	Present State License No.	Present Class of License	Present Expiration Date

LIAB	SECTION A	NONREFUNDABLE APPLICATION FEES	LIAB	SECTION B (CONT.)	LIQUOR LICENSE FEES
2300	<input type="checkbox"/>	Application Fee for New License	1985	<input type="checkbox"/> Resort Complex License (City)	\$500.00
2302	<input checked="" type="checkbox"/>	Application Fee for New License - w/Concurrent Review	1986	<input type="checkbox"/> Resort Complex License (County)	\$500.00
		\$1,125.00	1988	<input type="checkbox"/> Add Related Facility to Resort Complex ... \$ 75.00 X	Total
2310	<input type="checkbox"/>	Application Fee for Transfer	1990	<input type="checkbox"/> Club License (City)	\$308.75
		\$1,025.00	1991	<input type="checkbox"/> Club License (County)	\$308.75
			2010	<input type="checkbox"/> Tavern License (City)	\$500.00
			2011	<input type="checkbox"/> Tavern License (County)	\$500.00
			2012	<input type="checkbox"/> Manager Registration - Tavern	\$ 75.00
			2020	<input type="checkbox"/> Arts License (City)	\$308.75
			2021	<input type="checkbox"/> Arts License (County)	\$308.75
			2030	<input type="checkbox"/> Racetrack License (City)	\$500.00
			2031	<input type="checkbox"/> Racetrack License (County)	\$500.00
			2040	<input type="checkbox"/> Optional Premises License (City)	\$500.00
			2041	<input type="checkbox"/> Optional Premises License (County)	\$500.00
			2045	<input type="checkbox"/> Vintners Restaurant License (City)	\$750.00
			2046	<input type="checkbox"/> Vintners Restaurant License (County)	\$750.00
			2220	<input type="checkbox"/> Add Optional Premises to H & R	\$100.00 X Total
			2370	<input type="checkbox"/> Master File Location Fee	\$ 25.00 X Total
			2375	<input type="checkbox"/> Master File Background	\$250.00 X Total

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

LIABILITY INFORMATION					
County	City	Industry Type	License Account Number	Liability Date	License Issued Through (Expiration Date)
				FROM	TO
State _____-750 (999)	City 2180-100 (999)	County 2190-100 (999)	Managers Reg _____-750 (999)		
Cash Fund New License 2300-100 (999)				Cash Fund Transfer License 2310-100 (999)	
				TOTAL	
				\$.	

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

Instructions: This check list should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

ITEMS SUBMITTED, PLEASE CHECK ALL APPROPRIATE BOXES COMPLETED OR DOCUMENTS SUBMITTED

I. APPLICANT INFORMATION

- A. Applicant/Licensee identified.
- B. State sales tax license number listed or applied for at time of application.
- C. License type or other transaction identified.
- D. Return originals to local authority.
- E. Additional information may be required by the local licensing authority.

II. DIAGRAM OF THE PREMISES

- A. No larger than 8 1/2" X 11".
- B. Dimensions included (doesn't have to be to scale). Exterior areas should show control (fences, walls, etc.).
- C. Separate diagram for each floor (if multiple levels).
- D. Kitchen - identified if Hotel and Restaurant.

III. PROOF OF PROPERTY POSSESSION

- A. Deed in name of the Applicant ONLY (or)
- B. Lease in the name of the Applicant ONLY.
- C. Lease Assignment in the name of the Applicant (ONLY) with proper consent from the Landlord and acceptance by the Applicant.
- D. Other Agreement if not deed or lease.

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

- A. Individual History Record(s) (Form DR 8404-I).
- B. Fingerprints taken and submitted to local authority. (State authority for master file applicants.)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license.
- D. List of all notes and loans.

V. CORPORATE APPLICANT INFORMATION (If Applicable)

- A. Certificate of Incorporation (and/or)
- B. Certificate of Good Standing if incorporated more than 2 years ago.
- C. Certificate of Authorization if foreign corporation.
- D. List of officers, directors and stockholders of parent corporation (designate 1 person as "principal officer").

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife.

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office).
- B. Copy of operating agreement.
- C. Certificate of Authority (if foreign company).

VIII. MANAGER REGISTRATION FOR HOTEL AND RESTAURANT, TAVERN LICENSES WHEN INCLUDED WITH THIS APPLICATION

- A. \$75.00 fee.
- B. Individual History Record (DR 8404-I).

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);
 (a) been denied an alcohol beverage license?
 (b) had an alcohol beverage license suspended or revoked?
 (c) had interest in another entity that had an alcohol beverage license suspended or revoked?
 If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.

9. Are the premises to be licensed 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?

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee. SOLO

MONTE CRISTO BAR.

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?
 Ownership Lease Other (Explain in Detail)

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord	Tenant	Expires

Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
NAT / <i>NAT</i> / <i>BANK</i>	<i>BANK</i>		<i>Building</i>
<i>Kenneth R. Geglunas</i>			<i>100%</i>

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No
 Has a local ordinance or resolution authorizing optional premises been adopted?

Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. **Liquor Licensed Drug Store** applicants, answer the following: Yes No
 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.

15. **Club Liquor License** applicants answer the following and attach: Yes No
 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?
 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
 (c) How long has the club been incorporated? _____ (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?
 (Three years required)

16. **Brew-Pub License or Vintner Restaurant Applicants** answer the following: Yes No
 (a) Has the applicant received or applied for a Federal Permit?
 (Copy of permit or application must be attached)

17a. **Name of Manager (for all on-premises applicants)** *Kenneth R. Geglunas* (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). Date of Birth

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? Yes No

 If yes, provide an explanation and include copies of any payment agreements.

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS.** In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE IN THE APPLICANT.** ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Kenneth R Geigelman	FRIN: DAD, CO 81082	[REDACTED]	OWNER	100

*If total ownership percentage disclosed here does not total 100% applicant must check this box
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

- CORPORATION Cert. of Incorp. Cert. of Good Standing (if more than 2 yrs. old) Cert. of Auth. (if a foreign corp.)
 PARTNERSHIP Partnership Agreement (General or Limited) Husband and Wife partnership (no written agreement)
 LIMITED LIABILITY COMPANY Articles of Organization Cert. of Authority (if foreign company) Operating Agrmt.
 ASSOCIATION OR OTHER Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable)	Address for Service
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OATH OF APPLICANT

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. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature Kenneth R Geigelman	Title OWNER	Date 5-2-11
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

REC 5/3/11 JG

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.
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THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- That each person required to file DR 8404-I (Individual History Record) has: Yes No
- Been fingerprinted
 Been subject to background investigation, including NCIC/CCIC check for outstanding warrants
- That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license
- (Check One)
- Date of Inspection or Anticipated Date _____
 Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

ITEM NO. 7e

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON May 17, 2011

ITEM: New retail liquor store license request by Robinson Liquor, LLC d/b/a Arizona
Liquor Store at 847 Arizona Avenue

**REQUEST
MADE BY:** Robinson Liquor, LLC

**CONTENTS/
COMMENTS:** Application

This item needs to be set for hearing and the tentative neighborhood boundary identified. The hearing cannot be held any earlier than 30 days from today. The earliest Regular meeting date is June 21st.

ITEM NO. 7e

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

Instructions: This check list should be utilized to assist applicants with filing all required documents for licensure. All documents must be properly signed and correspond with the name of the applicant exactly. All documents must be typed or legibly printed. Upon final State approval the license will be mailed to the local licensing authority. Application fees are nonrefundable.

ITEMS SUBMITTED, PLEASE CHECK ALL APPROPRIATE BOXES COMPLETED OR DOCUMENTS SUBMITTED

I. APPLICANT INFORMATION

- A. Applicant/Licensee identified.
- B. State sales tax license number listed or applied for at time of application.
- C. License type or other transaction identified.
- D. Return originals to local authority.
- E. Additional information may be required by the local licensing authority.

II. DIAGRAM OF THE PREMISES

- A. No larger than 8 1/2" X 11".
- B. Dimensions included (doesn't have to be to scale). Exterior areas should show control (fences, walls, etc.).
- C. Separate diagram for each floor (if multiple levels).
- D. Kitchen - identified if Hotel and Restaurant.

III. PROOF OF PROPERTY POSSESSION

- A. Deed in name of the Applicant ONLY (or)
- B. Lease in the name of the Applicant ONLY.
- C. Lease Assignment in the name of the Applicant (ONLY) with proper consent from the Landlord and acceptance by the Applicant.
- D. Other Agreement if not deed or lease.

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

- A. Individual History Record(s) (Form DR 8404-I).
- B. Fingerprints taken and submitted to local authority. (State authority for master file applicants.)
- C. Purchase agreement, stock transfer agreement, and or authorization to transfer license.
- D. List of all notes and loans.

V. CORPORATE APPLICANT INFORMATION (If Applicable)

- A. Certificate of Incorporation (and/or)
- B. Certificate of Good Standing if incorporated more than 2 years ago.
- C. Certificate of Authorization if foreign corporation.
- D. List of officers, directors and stockholders of parent corporation (designate 1 person as "principal officer").

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

- A. Partnership Agreement (general or limited). Not needed if husband and wife.

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

- A. Copy of articles of organization (date stamped by Colorado Secretary of State's Office).
- B. Copy of operating agreement.
- C. Certificate of Authority (if foreign company).

VIII. MANAGER REGISTRATION FOR HOTEL AND RESTAURANT, TAVERN LICENSES WHEN INCLUDED WITH THIS APPLICATION

- A. \$75.00 fee.
- B. Individual History Record (DR 8404-I).

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state);
 (a) been denied an alcohol beverage license?
 (b) had an alcohol beverage license suspended or revoked?
 (c) had interest in another entity that had an alcohol beverage license suspended or revoked?
 If you answered yes to 7a, b or c, explain in detail on a separate sheet.

8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.

9. Are the premises to be licensed 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?

10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?
 Ownership Lease Other (Explain in Detail)

a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:

Landlord <i>John D. Tessari and Patricia Schlitt</i>	Tenant <i>Robinson Liquor LLC</i>	Expires <i>08-01-2012</i>
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Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
<i>International Bank</i>	<i>N/A</i>	<i>N/A</i>	<i>Loan note payment</i>

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No
 Has a local ordinance or resolution authorizing optional premises been adopted?

Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. **Liquor Licensed Drug Store applicants, answer the following:** Yes No
 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.

15. **Club Liquor License applicants answer the following and attach:** Yes No
 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?
 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
 (c) How long has the club been incorporated? _____ (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?
 (Three years required)

16. **Brew-Pub License or Vintner Restaurant Applicants answer the following:** Yes No
 (a) Has the applicant received or applied for a Federal Permit?
 (Copy of permit or application must be attached)

17a. Name of Manager (for all on-premises applicants) *Gregory Robinson* (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). Date of Birth *[REDACTED]*

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes No

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? Yes No

 If yes, provide an explanation and include copies of any payment agreements.

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS.** In addition applicant **must list any stockholders, partners, or members with OWNERSHIP OF 10% OR MORE IN THE APPLICANT.** ALL PERSONS LISTED BELOW must also attach form DR 8404-I (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Gregory R. Robinson	[REDACTED], Weston, CO	[REDACTED]	Owner	100%

*If total ownership percentage disclosed here does not total 100% applicant must check this box
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

- CORPORATION Cert. of Incorp. Cert. of Good Standing (if more than 2 yrs. old) Cert. of Auth. (if a foreign corp.)
 PARTNERSHIP Partnership Agreement (General or Limited) Husband and Wife partnership (no written agreement)
 LIMITED LIABILITY COMPANY Articles of Organization Cert. of Authority (if foreign company) Operating Agrmt.
 ASSOCIATION OR OTHER Attach copy of agreements creating association or relationship between the parties

Registered Agent (if applicable)	Address for Service
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OATH OF APPLICANT

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. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature <i>Gregory R. Robinson</i>	Title OWNER	Date 4-30-11
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.
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THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- | | | |
|---|--------------------------|--------------------------|
| That each person required to file DR 8404-I (Individual History Record) has: | Yes | No |
| <input type="checkbox"/> Been fingerprinted | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Been subject to background investigation, including NCIC/CCIC check for outstanding warrants | <input type="checkbox"/> | <input type="checkbox"/> |
| That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license | <input type="checkbox"/> | <input type="checkbox"/> |
- (Check One)
 Date of Inspection or Anticipated Date _____
 Upon approval of state licensing authority.

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S. **THEREFORE, THIS APPLICATION IS APPROVED.**

Local Licensing Authority for	Telephone Number	<input type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature	Title	Date
Signature (attest)	Title	Date

ITEM NO. 7f

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON May 17, 2011

ITEM:

First reading of an ordinance repealing and re-enacting Chapter 5 (“Buildings”), and Article 1 of Chapter 8 (“Fire Prevention”), of the Code of the City of Trinidad, Colorado, for the purpose of adopting by reference uniform codes for the regulation of buildings, to wit, the 2009 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Property Maintenance Code, and International Private Sewage Disposal Code, and setting a hearing date for consideration of said ordinance

**REQUEST
MADE BY:**

**CONTENTS/
COMMENTS:**

Ordinance

ITEM NO. 7f

CITY OF TRINIDAD, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, REPEALING AND RE-ENACTING CHAPTER 5 ("BUILDINGS"), AND ARTICLE 1 OF CHAPTER 8 ("FIRE PREVENTION"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSES OF (i) ADOPTING BY REFERENCE UNIFORM CODES FOR THE REGULATION OF BUILDINGS—TO WIT, THE 2009 EDITIONS OF THE *INTERNATIONAL BUILDING CODE*, *INTERNATIONAL RESIDENTIAL CODE*, *INTERNATIONAL FIRE CODE*, *INTERNATIONAL PLUMBING CODE*, *INTERNATIONAL MECHANICAL CODE*, *INTERNATIONAL FUEL GAS CODE*, *INTERNATIONAL ENERGY CONSERVATION CODE*, *INTERNATIONAL EXISTING BUILDING CODE*, *INTERNATIONAL PROPERTY MAINTENANCE CODE*, AND *INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE*; AND (ii) REPLACING CURRENTLY-ADOPTED BUILDING CODES IN CONFLICT THEREWITH

WHEREAS, Chapter II, § 2.4, of the Home Rule Charter for the City of Trinidad, Colorado, provides that "[t]he City shall have all powers of local self government and Home Rule possible for a city to have under the Constitution and laws of [the state of Colorado] as fully and completely as though they were specifically enumerated in this Charter."; and

WHEREAS, § 31-15-601 *et seq.*, C.R.S., confers upon the City general powers to establish building and fire safety regulations; and

WHEREAS, the City Council of the City of Trinidad, Colorado, herein desires to adopt by reference uniform codes for the regulation of buildings—to wit, the 2009 editions of the *International Building Code*, *International Residential Code*, *International Fire Code*, *International Plumbing Code*, *International Mechanical Code*, *International Fuel Gas Code*, *International Energy Conservation Code*, *International Existing Building Code*, *International Property Maintenance Code*, and *International Private Sewage Disposal Code*—to establish minimum requirements to safeguard the public health, safety, and general welfare from fire and other hazards attributed to the built environment.

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

Section 1. Repeal and Re-enactment of Chapter 5 ("BUILDINGS") of the Code of the City of Trinidad, Colorado. Chapter 5 ("BUILDINGS") of the Code of the City of Trinidad, Colorado, is hereby repealed and re-enacted in its entirety as follows:

CHAPTER 5. BUILDINGS.

ARTICLE 1. INTERNATIONAL CODES.

Section 5-1. International Building Code.

- (1) The *International Building Code*, 2009 Edition, including Appendix Chapter J ("Grading"), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Building Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Building Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Building Code*, 2009 Edition (“IBC”), are hereby revised:

(a) Amend **IBC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.

(b) Amend **IBC § 109.2, Schedule of permit fees**, as follows: insert the following Schedule of Permit Fees:

Schedule of Permit Fees	
Total Valuation:	Fee:
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00; plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00; plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00; plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00; plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00; plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00; plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 and up	\$18,327 for the first \$5,000,000.00; plus \$1.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees:	
1. Plan review fee.....	Fifty percent (50%) of the permit fee
2. Inspections outside of normal business hours.....	\$50.00 per hour* (Minimum charge – two hours)
3. Reinspection fees assessed under provisions of IBC § 108.4.....	\$50.00 per hour*
4. Inspections for which no fee is specifically indicated.....	\$50.00 per hour*
5. Additional plan review required by changes, additions, or revisions to plans.....	\$50.00 per hour*
6. For use of outside consultants for plan checking and inspections, or both.....	Actual Cost**
7. For issuance of each temporary Certificate of Occupancy.....	\$750.00***
<p>* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.</p> <p>** Actual costs include administrative and overhead costs.</p> <p>*** \$500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.</p>	

- (c) Amend **IBC § 114.4, Violation penalties**, to read: Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (d) Amend **IBC § 115.3, Unlawful continuance**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (e) Amend **IBC § 1612.3, Establishment of flood hazard areas**, as follows: insert name of jurisdiction as “the City of Trinidad, Colorado,” and insert “April 3, 1984,” as the date of issuance.
- (f) Amend **IBC § 3412.2, Applicability**, as follows: insert date of “January 1, 1950.”

Section 5-2. International Residential Code.

- (1) The *International Residential Code*, 2009 Edition, including Appendix Chapters E, L, F, and M, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Residential Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Residential Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Residential Code*, 2009 Edition (“IRC”), are hereby revised:
 - (a) Amend **IRC § R101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
 - (b) Amend **IRC § R108.2, Schedule of permit fees**, as follows: insert the following Schedule of Permit Fees:

Schedule of Permit Fees	
Total Valuation:	Fee:
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00; plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00; plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00; plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00; plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00; plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and

	including \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00; plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 and up	\$18,327 for the first \$5,000,000.00; plus \$1.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees:	
1. Plan review fee.....	Fifty percent (50%) of the permit fee
2. Inspections outside of normal business hours.....	\$50.00 per hour* (Minimum charge – two hours)
3. Reinspection fees assessed under provisions of IRC § R108.4.....	\$50.00 per hour*
4. Inspections for which no fee is specifically indicated.....	\$50.00 per hour*
5. Additional plan review required by changes, additions, or revisions to plans.....	\$50.00 per hour*
6. For use of outside consultants for plan checking and inspections, or both.....	Actual Cost**
7. For issuance of each temporary Certificate of Occupancy.....	\$750.00***
* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.	
** Actual costs includes administrative and overhead costs.	
*** \$500.00 shall be refunded if a Certificate of Occupancy is issued prior to the expiration of the Temporary Certificate of Occupancy.	

- (c) Amend IRC § R113.4, **Violation penalties**, to read: Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, construct, alters, or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (d) Amend IRC § R114.2, **Unlawful continuance**, to read: Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (e) Amend IRC Table R301.2(1), **Climatic and geographic design criteria**, as follows:
Insert the following table:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Roof Snow Load	Wind Speed (mph)	Seismic Design Category	SUBJECT TO DAMAGE FROM				Winter Design Temp	Ice Shield Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay					
30 psf	90 mph Exposure "B"	"B"	Severe	32"	Slight to Moderate	None to Slight	1° F	No	Varies	597	51.7° F

- (f) Delete IRC Table R302.1 and replace with:

**TABLE R302.1
EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	5 feet ¹
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	5 feet ²
Openings	Not allowed	Not applicable	< 3 feet
	25% maximum of wall area	0 hours	>= 3 feet and < 5 feet
		0 hours	>= 5 feet
Penetrations	All	Comply with IRC § R302.4	< 3 feet
		None required	>= 3 feet

1. Fire separation distance of three (3) feet can be used if the exterior wall cladding and trim are of noncombustible material. (Refer to IRC § R202 for a definition of “noncombustible material.”)
2. Fire separation distance of three (3) feet can be used if the soffit cladding and fascia board are of noncombustible material. (Refer to IRC § R202 for a definition of “noncombustible material.”)

- (g) Amend the exception to **IRC § R302.2, Townhouses**, as follows:

Exception: a common 2-hour [The remainder is unchanged.]

- (h) Amend **IRC § R302.2.4, Structural independence**, by deleting exception No. 5 and replacing it as follows:

5. *Townhouses* separated by a common 2-hour fire-resistance-rated wall as provided in Section R302.2.

- (i) Amend **IRC § R313.1, Townhouse automatic fire sprinkler systems**, to read: Effective January 1, 2014, an automatic residential fire sprinkler system shall be installed in *townhouses*.

- (j) Amend **IRC § R313.2, One- and two-family dwellings automatic fire systems**, to read: Effective January 1, 2014, an automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

- (k) Amend **IRC § R315.1, Carbon monoxide alarms**, to read: For new construction, an approved carbon monoxide alarm shall be installed within fifteen feet (15') of the entrance to each bedroom in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

- (l) Add an exception to **IRC § 315.2, Where required in existing buildings**, as follows:

Exception: Work involving the exterior surfaces of dwelling units, such as the replacement of roofing or siding, the addition or replacement of windows or doors, or the addition of a porch or deck, is exempt from the requirements of this Section.

- (m) Delete **IRC Chapter 11, entitled “ENERGY EFFICIENCY,”** in its entirety. Please refer to the International Energy Conservation Code, adopted in Section 5-6 of this Article, for energy conservation requirements.

- (n) Amend IRC § P2603.6.1, Sewer depth, as follows: insert “thirty-two (32)” in two locations.

Section 5-3. International Plumbing Code.

(1) The *International Plumbing Code*, 2009 Edition, including Appendix Chapters C, D, and E, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Plumbing Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Plumbing Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.

(2) The following sections of the *International Plumbing Code*, 2009 Edition (“IPC”), are hereby revised:

- (a) Amend IPC § 101.1, Title, as follows: insert “the City of Trinidad, Colorado” where indicated.
- (b) Amend IPC § 106.1, Permits – when required, to read: Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work; provided, however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing plumbing inspections.
- (c) Amend IPC § 106.6.2, Fee schedule, to read: The fees for all plumbing work requiring a permit from the City of Trinidad shall be as indicated in the following schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$10.00 per each \$1,000.00 valuation or fraction thereof.

- (d) Amend IPC § 106.6.3, Fee refunds, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.
- (e) Amend IPC § 108.4, Violation penalties, to read: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (f) Amend IPC § 108.5, Stop work orders, to read: Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as

that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

- (g) Amend **IPC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.
- (h) Delete **IPC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.
- (i) Amend **IPC § 305.6.1, Sewer depth**, as follows: insert “thirty-two (32)” in two locations.
- (j) Amend **IPC § 904.1, Roof extension**, as follows: insert “six (6)” where indicated.

Section 5-4. International Mechanical Code.

- (1) The *International Mechanical Code*, 2009 Edition, including Appendix Chapter A (“Combustion Air Openings and Chimney Connector Pass-Throughs”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Mechanical Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Mechanical Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Mechanical Code*, 2009 Edition (“IMC”), are hereby revised:
 - (a) Amend **IMC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
 - (b) Amend **IMC § 106.5.2, Fee schedule**, as follows: insert the following fee schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$10.00 per each \$1,000.00 valuation or fraction thereof.

- (c) Amend **IMC § 106.5.3, Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.
- (d) Amend **IMC § 108.4, Violation penalties**, to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (e) Amend **IMC § 108.5, Stop work orders**, to read: Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous

or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

- (f) Amend **IMC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.
- (g) Delete **IMC §§ 109.2 through 109.6**, regarding membership and procedures of the board of appeals.

Section 5-5. International Fuel Gas Code.

- (1) The *International Fuel Gas Code*, 2009 Edition, including Appendix Chapters A, B, C, and D, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Fuel Gas Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Fuel Gas Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Fuel Gas Code*, 2009 Edition ("IFGC"), are hereby revised:
 - (a) Amend **IFGC § 101.1, Title**, as follows: insert "the City of Trinidad, Colorado" where indicated.
 - (b) Amend **IFGC § 106.1, Where required**, to read: An owner, authorized agent, or contractor who desires to erect, install, enlarge, alter, repair, remove, convert, or replace an installation regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work; provided, however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing fuel gas inspections.

Exception: Where *appliance* and *equipment* replacements and repairs are required to be performed in an emergency situation, the permit application shall be submitted within the City's next working business day.

- (c) Amend **IFGC § 106.6.2 Fee schedule**, to read: The fees for all fuel gas work requiring a permit from the City of Trinidad shall be as indicated in the following schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$10.00 per each \$1,000.00 valuation or

- (d) Amend IFGC § 106.6.3, **Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.
- (e) Amend IFGC § 108.4, **Violation penalties**, to read: Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof, or erect, install, alter, or repair work in violation of the *approved construction documents* or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (f) Amend IFGC § 108.5, **Stop work orders**, to read: Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner’s agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
- (g) Amend IFGC § 109.1, **Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.
- (h) Delete IFGC §§ 109.2 through 109.6, regarding membership and procedures of the board of appeals.

Section 5-6. International Energy Conservation Code.

- (1) The *International Energy Conservation Code*, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Energy Conservation Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Energy Conservation Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Energy Conservation Code*, 2009 Edition (“IECC”), are hereby revised:
 - (a) Amend IECC § 101.1, **Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
 - (b) Amend IECC § 108.4, **Failure to comply**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

Section 5-7. International Existing Building Code.

- (1) The *International Existing Building Code*, 2009 Edition, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Existing Building Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, and changes prescribed in this Section. At least one (1) copy of said *International Existing Building Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Existing Building Code*, 2009 Edition (“IEBC”), are hereby revised:
 - (a) Amend **IEBC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
 - (b) Amend **IEBC § 1301.2, Applicability**, as follows: insert “January 1, 2010” as the specified date.
 - (c) Amend **IEBC § 113.4, Violation penalties**, to read: Any person who violates a provision of this code or who fails to comply with any of the requirements thereof, or who *repairs*, alters, or changes the occupancy of building or structure in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
 - (d) Amend **IEBC § 114.3, Unlawful continuance**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

Section 5-8. International Property Maintenance Code.

- (1) The *International Property Maintenance Code*, 2009 Edition, including Appendix Chapter A (“Boarding Standard”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Property Maintenance Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Property Maintenance Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Property Maintenance Code*, 2009 Edition (“IPMC”), are hereby revised:
 - (a) Amend **IPMC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
 - (b) Amend **IPMC § 103.5, Fees**, as follows: insert the following fee schedule:

Fee Schedule	
Total Valuation:	Fee:
\$1.00 to \$500.00	\$24.00
\$501.00 to \$2,000.00	\$24.00 for the first \$500.00; plus \$3.00 for each additional \$100.00 or fraction thereof, to and including \$2,000.00

\$2,001.00 to \$40,000.00	\$69.00 for the first \$2,000.00; plus \$11.00 for each additional \$1,000.00 or fraction thereof, to and including \$40,000.00
\$40,001.00 to \$100,000.00	\$487.00 for the first \$40,000.00; plus \$9.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$1,027.00 for the first \$100,000.00; plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,827.00 for the first \$500,000.00; plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 to \$5,000,000.00	\$6,327.00 for the first \$1,000,000.00; plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$5,000,000.00
\$5,000,001.00 and up	\$18,327 for the first \$5,000,000.00; plus \$1.00 for each additional \$1,000.00 or fraction thereof
Other Inspections and Fees:	
1. Plan review fee.....Fifty percent (50%) of the permit fee	
2. Inspections outside of normal business hours.....\$50.00 per hour* (Minimum charge – two hours)	
3. Inspections for which no fee is specifically indicated.....\$50.00 per hour*	
4. Additional plan review required by changes, additions, or revisions to plans.....\$50.00 per hour*	
5. For use of outside consultants for plan checking and inspections, or both.....Actual Cost**	
* Or the total hourly cost to the City, whichever is greatest. The cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.	
** Actual costs include administrative and overhead costs.	

- (c) Amend **IPMC § 106.4, Violation penalties**, to read: Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (d) Amend **IPMC § 111.1, Application for appeal**, to read: Any person directly affected by an order, decision, or determination of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed no later than fifteen (15) days following the issuance of the order, decision, or determination. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.
- (e) Delete **IPMC §§ 111.2 through 111.6**, regarding membership and procedures of the board of appeals.
- (f) Amend **IPMC § 112.4, Failure to comply**, to read: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of

not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

- (g) Amend **IPMC § 302.4, Weeds**, as follows: insert “six inches (6”).”
- (h) Amend **IPMC § 304.14, Insect screens**, as follows: insert “January 1 to December 31.”
- (i) Amend **IPMC § 602.3, Heat supply**, as follows: insert “January 1 to December 31.”
- (j) Amend **IPMC § 602.4, Occupiable work spaces**, as follows: insert “January 1 to December 31.”

Section 5-9. International Private Sewage Disposal Code.

- (1) The *International Private Sewage Disposal Code*, 2009 Edition, including Appendix Chapter A (“System Layout Illustrations”), as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Private Sewage Disposal Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Private Sewage Disposal Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Private Sewage Disposal Code*, 2009 Edition (“IPSDC”), are hereby revised:

- (a) Amend **IPSDC § 101.1, Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
- (b) Amend **IPSDC § 106.4.2, Fee schedule**, as follows: insert the following fee schedule:

Fee Schedule	
Valuation of Work:	Permit Fee:
Not more than \$2,000.00	\$30.00
More than \$2,000.00	\$10.00 per each \$1,000.00 valuation or fraction thereof.

- (c) Amend **IPSDC § 106.4.3, Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.
- (d) Amend **IPSDC § 108.4, Violation penalties**, to read: Any person who shall violate a provision of this code or fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair private sewage disposal work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
- (e) Amend **IPSDC § 108.5, Stop work orders**, to read: Upon notice from the code official, work on any *private sewage disposal system* that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition,

shall be liable for a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

- (f) Amend **IPSDC § 109.1, Application for appeal**, to read: Any person shall have the right to appeal an order, decision, or determination of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed no later than fifteen (15) days following the issuance of the order, decision, or determination.
- (g) Delete **IPSDC § 405**, entitled “**SOIL VERIFICATION.**”

ARTICLE 2. BOARD OF APPEALS.

Section 5-10. Board of Appeals.

- (1) Creation, existence, and continuation. In accordance with § 8.5 of the Home Rule Charter for the City of Trinidad, Colorado; Ordinance No. 1711 of the City of Trinidad, Colorado; § 113 of the *International Building Code*; § R112 of the *International Residential Code*; § 108 of the *International Fire Code*; § 109 of the *International Plumbing Code*; § 109 of the *International Mechanical Code*; § 109 of the *International Fuel Gas Code*; § 109 of the *International Energy Conservation Code*; § 112 of the *International Existing Building Code*; § 111 of the *International Property Maintenance Code*; and § 109 of the *International Private Sewage Disposal Code*, the creation, existence, and continuation of a Board of Appeals is hereby recognized. The Board of Appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official and/or code official relative to the application and interpretation of the International Codes adopted by reference in Article 1 of this Chapter.
- (2) Membership. The Board of Appeals shall consist of three (3) members who shall be appointed by the City Council. Two (2) members were initially appointed to two (2) year terms, and the remaining member was initially appointed to a one (1) year term. Thereafter, all terms shall be two (2) years.
- (3) Removal; vacancies. The Board of Appeals members shall be subject to removal for just cause by a majority vote of the City Council. Just cause shall include, without limitation, inefficiency, neglect of duty, acts detrimental to the City’s interests, malfeasance in office, or excessive absences. Absences by members of the Board of Appeals of three (3) consecutive meetings shall be cause for evaluation by the City Council for consideration of the member’s removal. The City Clerk shall advertise vacancies in a newspaper of general circulation requesting that interested individuals submit a letter so indicating their interest and qualifications for the position advertised.
- (4) Residency requirement. If any member ceases to reside in the City, his or her membership on the Board shall immediately terminate.
- (5) Chairperson. The Board of Appeals shall elect a chairperson from among the appointed members who shall preside over all hearings held by the Board. The term of the chairperson shall be one (1) year, with eligibility for re-election.

Section 5-11. Appeals process.

Any person aggrieved by an order, decision, or determination made by the building/code official relative to the application and interpretation of the International Codes adopted by reference in Article 1 of this Chapter may appeal such order, decision, or determination to the Board of Appeals. Such appeal shall be in writing and filed with the building/code official no later than fifteen (15) days following the issuance of the order, decision, or determination. The appeal shall contain, at a minimum, a brief statement setting forth the basis of the appeal. A

hearing shall be scheduled before the Board of Appeals no less than ten (10) days nor more than forty-five (45) days from the date the appeal was filed. Written notice of the time and place of the hearing shall be given at least seven (7) days prior to the date of the hearing to the Appellant by the building/code official, by causing a copy of such notice to be delivered to the Appellant personally or by mailing a copy thereof, addressed to the Appellant at his/her address as shown on the appeal.

Section 5-12. Conduct of hearing.

The following rules shall be observed in the conduct of hearings before the Board of Appeals:

- (1) Each party shall have these rights among others:
 - (a) To call and examine witnesses on any matters relevant to the issues of the hearing;
 - (b) To introduce documentary and physical evidence;
 - (c) To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - (d) To impeach any witness regardless of which party first called him/her to testify;
 - (e) To rebut the evidence against him/her; and
 - (f) To represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.
- (2) No Board member who was not present at the hearing shall take part in the decision.
- (3) At the conclusion of any hearing, or within not more than thirty (30) days thereafter, the Board of Appeals shall render its decision either orally or in writing. Such decision shall set forth findings of fact and conclusions based thereon. The Appellant shall be issued a copy of the written decision of the Board of Appeals or a written notice of the oral decision of the Board of Appeals as soon as practicable after the decision has been rendered.

ARTICLE 3. GENERAL PROVISIONS.

Section 5-13. Furnishing grade of street by City Engineer.

It shall be unlawful for any person to commence the construction of any building upon the line of any street or public highway within the City where the grade has not been established, unless he/she shall apply to the City Engineer for the grade of such street, and it is the duty of the City Engineer to furnish to such person the grade of such street or public highway.

Section 5-14. Minimum elevation of awnings and shades.

All awnings and shades erected before any house, shop or store in any street or alley shall be elevated at least seven feet (7') at the lowest point thereof above the sidewalk, and all awnings shall be of canvas supported from the adjacent building with iron fastenings.

Section 2. Repeal and Re-enactment of Chapter 8 ("FIRE PREVENTION"), Article 1, of the Code of the City of Trinidad, Colorado. Article 1 of Chapter 8 ("FIRE PREVENTION") of the Code of the City of Trinidad, Colorado, is hereby repealed and re-enacted in its entirety as follows:

CHAPTER 8. FIRE PREVENTION.

ARTICLE 1. INTERNATIONAL FIRE CODE.

Section 8-1. International Fire Code.

- (1) The *International Fire Code*, 2009 Edition, including Appendix Chapters C and D, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 (headquarters), is hereby adopted by reference as the Fire Code of the City of Trinidad, Colorado, as if fully set forth in this ordinance, together with the additions, insertions, deletions, and changes prescribed in this Section. At least one (1) copy of said *International Fire Code*, 2009 Edition, shall remain on file in the Office of the City Clerk and open to public inspection.
- (2) The following sections of the *International Fire Code*, 2009 Edition (“IFC”), are hereby revised:
 - (a) Amend **IFC § 101.1, Title**, as follows: insert: “the City of Trinidad, Colorado” where indicated.
 - (b) Amend **IFC § 109.3, Violation penalties**, to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair, or do work in violation of the *approved construction documents* or directive of the *fire code official*, or of a permit or certificate used under provisions of the this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.
 - (c) Amend **IFC § 111.4, Failure to comply**, to read: Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00).
 - (d) Amend **IFC § 3404.2.9.6.1, Locations where above-ground tanks are prohibited**, to read: The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.
 - (e) Amend **IFC § 3406.2.4.4, Locations where above-grounds tanks are prohibited**, to read: The storage of Class I and II liquids in above-ground tanks is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.
 - (f) Amend **IFC § 3506.2, Limitations**, to read: The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.
 - (g) Amend **IFC § 3804.2, Maximum capacity within established limits**, to read: Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L). Such storage is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district and only by special use permit.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Trinidad; that it is promulgated for the health, safety and welfare of the public; and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or of any of the primary or secondary codes adopted by reference herein, be judicially determined unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance or codes adopted by reference. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 5. Repeal. Any and all ordinances, codes, or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance, code, or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded, and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 6. Effective Date. This Ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED
this _____ day of _____, 2011.

FINALLY PASSED AND APPROVED this _____ day of _____, 2011.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the _____ day of _____, 2011.

CITY OF TRINIDAD, COLORADO

JENNIE GARDUNO, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk