



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, June 18, 2013 at 7:00 P.M.
in City Council Chambers at City Hall

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Regular Meeting of June 4, 2013 and Special Meeting of June 11, 2013
- 3) **PUBLIC HEARING**
 - a) New Hotel and Restaurant Liquor License request by RGS Sawaya, LLC d/b/a Café What a Grind at 341 N. Commercial Street
- 4) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 5) **COUNCIL REPORTS**
- 6) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 7) **UNFINISHED BUSINESS**
 - a) Public hearing for consideration of an ordinance amending Article 1 (“Utility Billing”) of Chapter 12 (“Municipal Utilities”) of the Code of the City of Trinidad, Colorado, to allow budget billing for all utility customers
 - 1) Second reading of an ordinance amending Article 1 (“Utility Billing”) of Chapter 12 (“Municipal Utilities”) of the Code of the City of Trinidad, Colorado, to allow budget billing for all utility customers
 - b) Public hearing for consideration of an ordinance repealing and re-enacting Chapter 14, Planning and Zoning, Article 4, Zoning Ordinance, Division 1, General Provisions, Section 14-27(1)(b) Conditional Uses, of the Code of Ordinance of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits
 - 1) Second reading of an ordinance repealing and re-enacting Chapter 14, Planning and Zoning, Article 4, Zoning Ordinance, Division 1, General Provisions, Section 14-27(1)(b) Conditional Uses, of the Code of Ordinance of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits
- 8) **MISCELLANEOUS BUSINESS**
 - a) Retail liquor store license renewal request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue
 - b) Tavern liquor license renewal request by Gina Louise Lujan d/b/a El Rancho Restaurant at 1901 Santa Fe Trail Drive
 - c) Temporary modification of premises request by Mount Carmel Health, Wellness and Community Center at 911 Robinson Avenue (July 12, 13, & 14, 2013 – Mt. Carmel Festival)
 - d) Consideration of 2013-2014 Colorado Welcome Center Statement of Work
- 9) **EXECUTIVE SESSION** - For a conference with the City’s attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding ARPA litigation
- 10) **MISCELLANEOUS BUSINESS (Cont.)**
 - e) Potential motion regarding Stipulations in the ARPA lawsuit
- 11) **BILLS**
- 12) **PAYROLL**, May 25, 2013 through June 7, 2013 and June 8, 2013 through June 21, 2013



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13) **ADJOURNMENT**

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

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, June 4, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of May 21, 2013 and Special Meeting of May 28, 2013. Councilmember Miles noted a correction to the May 21st minutes under Council Communications whereby she reported that mediation for the ARPA litigation was taking place on Thursday only rather than Thursday and Friday as recorded in the minutes. Councilmember Bolton also indicated that she informed the City Clerk that a last name had been misspelled. A motion to approve the minutes as amended was made by Councilmember Shew and seconded by Councilmember Velasquez. The motion carried by a unanimous roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Funeral registers. Ken Fletcher, resident of Trinidad, addressed Council. He first brought to City Attorney Downs' attention a concern he had about the City possibly being in violation of copyright laws. Secondly he told Council he was here to collect his private property that he understands is being stored in a closet on this (the third) floor of City Hall. For the benefit of the City Manager, City Attorney and Councilmember Miles he outlined some things that occurred prior to their respective tenures. He said in August, 2012, he came before Council and presented a notarized letter dated June 30, 2011, from Ralph Gagliardi saying if anything were to happen to his wife, Jamie Sue Gagliardi, he wished for the funeral records of the Sipe family, who owned a mortuary on Commercial Street and were relatives of Jamie Sue, to be given to him. Mrs. Gagliardi died three years ago. He said she was a friend and like a sister to him. They enjoyed old things and the people who built them. A copy of the notarized letter was given to City Manager Ed Gil de Rubio and he asked the City Manager to please let the library director know that they were his property and he wanted them out of the library before they were destroyed. He passed around pictures of that person's office and of how the ledgers were kept and the condition they were getting into. Mr. Fletcher said that Councilmember Mattie had shared the name of the person who was digitizing those records - Mr. Mendekowski. No one knew he was already doing that and that there was already a flash drive. The records were removed from the building but they didn't take them out without asking and letting the staff know they were being moved to a safe place. The library director was on vacation at the time. He continued that Councilmember Mattie verified that the ledgers were the property of Jamie Sue Gagliardi, reading from previous Council minutes. He also read that "Councilmember Baca Gonzalez asked Mr. Fletcher if he had any objection to the City retaining one or more electronic versions of these records and Mr. Fletcher said that he did not." "Councilmember Baca Gonzalez explained her interest in protecting the interests of the City and patrons of the library." Mr. Fletcher said he knew something was up and he came prepared. He said he has done a lot in the past and has given back a lot to this town. Mr. Fletcher detailed what he had done with respect to preservation of historical documents and also detailed for Council his work history, particularly with his involvement in light rail and the Navy, providing documentation for the record to support the same. Mr. Fletcher told Council he wants the records to go the Colorado Historical Society in Denver where they will be protected in a climate-controlled facility. Mayor Baca Gonzalez asked Mr. Fletcher if he knew where the coroner records are. Mr. Fletcher said he had called the present County Coroner and asked him where the coroner records are kept. He was told that the records are scattered all over the place. He said he then called the County Clerk at the Courthouse and asked him if he'd have a place for those records. County Clerk Bernard Gonzalez came over to the bank with a couple of workers and took them to the vault in the County Clerk & Recorder's Office. To Councilmember Mattie's inquiry, Mr. Fletcher said he witnessed their removal and placement at the Clerk's office. Mayor Baca Gonzalez asked Mr. Fletcher if he is in possession of the mortuary/funeral registers. Mr. Fletcher said he is and that they are his. Mayor Baca Gonzalez asked on what basis he is asserting a claim of ownership. Mr. Fletcher answered that Ralph Gagliardi turned them over to him from Jamie Sue Gagliardi. Mayor Baca Gonzalez asked if Jamie Sue Gagliardi had an estate, a will that was probated or a letter of instruction signed by her. Mr. Fletcher said she told her husband to give the records to him because he would take care of them. He said he also had the notarized letter that was given to the City Manager. The letter was signed by Ralph Gagliardi and a copy was given to the City on August 21, 2012. Mayor Baca Gonzalez stated that she has used those records and appreciated the help Mr. Fletcher gave her in the past. She said she also had contributed money to preserve photos. Mayor Baca Gonzalez said that right now artifacts extracted from the Pinon Canyon Maneuver Site have been removed to Colorado Springs and photos from the Aultman studio were removed to Denver. She told Mr. Fletcher he was asserting a claim to records of historical significance to this County to be moved to Denver. She asked him if he can appreciate how some individuals could perceive that as basically exploiting the historical records of this County and moving them to a place where they really shouldn't be. Mr. Fletcher said that the records were of Jamie Sue Gagliardi's and that they had been on loan to the library. She had spent her own money to put some of them on microfilm. Mayor Baca Gonzalez responded that Mrs. Gagliardi had turned the records over to the library in 1980. In April, 2010, she passed away and then two and one-half years later Mr. Fletcher came forward and asserted a claim to them. Mr. Fletcher reiterated that he has a notarized letter and accused the Mayor of taking things and turning them around to fit her way of thinking. He said those records are important to the state to maintain in a safe position and the City has no place to have them here. Mr. Fletcher said they belong to him and added that he could not steal from the City and get away with it. Mayor Baca Gonzalez said he cannot steal from the City of Trinidad, Colorado, reiterating that these are historical records. She further added that she doesn't know if he has a bona fide claim to them or not. She said she wanted to clarify where the records are located and thanked Mr. Fletcher for his input. Mr. Fletcher said he wanted a decision on getting his property out of here. He said he didn't want to prolong this business and that it is not necessary to prolong. He added that the records are available to anyone at the library on a flash drive. Mayor Baca Gonzalez advised that Council would take his concerns under advisement and that the matter was not posted for a vote this evening.

Marijuana. Mick Clark addressed Council. First he said he wanted to talk about the unfortunate firing of the coaches in our county. It brings up one issue that's most important and the root cause of the lack of school funds and the cause of many of the City's financial woes – there are no jobs in Trinidad. Three years ago he said he and his brother brought a proposal to the Las Animas County Commissioners that would have brought 60 well-paying jobs in the first year. Having studied economics in 1970, he said he learned there is a multiplier effect of six times for every job you bring to the economy. Every job brings five more jobs with it as the money flows through society. The proposal could have ultimately produced as many as 360 jobs. The Commissioners would have none of it because the proposal was a medical marijuana related business. The county administrator at that time told them that's how politics are played in Trinidad. He told them that he never even read their packet of information, that he was willfully ignorant of this issue, but against them and would do everything in his power to stop them from succeeding. He said that commissioner was not his enemy but willful ignorance is. The proposal included twenty small farms supplying medical marijuana to dispensaries in Denver. These were farmers who had to sell their cattle because they couldn't afford to feed them and they were agreeable to the proposal. Mr. Clark said the county's ban on medical marijuana businesses has cost the County dearly. He opined that the cause of the problem stems from deep seated social prejudice, fear and ignorance, as well as a lack of imagination. He continued that with the ban in place the City and county are now three years behind the rest of the state. Because of the City's ban on medical marijuana dispensaries, the City is now at least a year away from making any revenue from the sale of recreational marijuana. Mr. Clark said that Amendment 64 brings many other job creating issues because it also speaks of hemp. He said in reading the City's discussions, it seems the City knows nothing of the hemp industry or the possibilities it represents to the Trinidad job market. He and his brother are long time hemp activists and would like to offer their services to help educate the City on the medical benefits of marijuana, the economic possibilities related to recreational marijuana, the economic possibilities related to hemp, hemp and global warming or climate change, the ban on social clubs and its implications concerning civil rights, and the ban on social clubs and its implications concerning the freedom of religion. He said all of those issues must be understood if Council is to make an informed decision on the matter. Mr. Clark said they are also forming a group of concerned citizens to insure the will of the voters is accomplished, to implement Amendment 64 in its entirety. The voters don't share the negative view of marijuana businesses, especially medical marijuana dispensaries. He concluded that the really sad part of his story is that the county never asked if medical marijuana really works.

Tom Clark addressed Council and identified himself as Mick Clark's brother. He passed out to Council an information packet about marijuana, explaining that there is a real ignorance and fear about marijuana. We all grow up with misinformation about this plant, practically none of which is true. Mr. Clark said that the U. S. Government, the DEA and FDA, claim that there's no scientific proof to support medical use of marijuana. There have been over 100,000 tests and studies done since California made marijuana legal. However, the government would not look at those tests because they were not done under the FDA supervision and standards. The tests were conducted by MIT, Harvard, and Stanford to name some. He passed out a handout entitled Marijuana and the Human Brain. He said it is a very informative article done in 1995. Until a couple of months ago they had nothing to stand on that the government would look at. Then his daughter-in-law did some research regarding patents on marijuana and found some, mostly medical. Pointing to the information passed out to Council, he called to their attention the patent issued October 7, 2003 for canninoids as antioxidants and neuroprotectants under the United States of America represented by the Department of Health and Human Services. The next one dated March 7, 2013 was for phytocannabinoids in the treatment of cancer, preferably cancer of the prostate, breast or colon. He said it actually stops cancer from metastasizing and tumors from growing, shrinks and eradicates them. The next patent was for treatment of peripheral neuropathic pain. The ones following regarded treatment of COPD, chronic obstructive pulmonary disease, treating or preventing diabetes with cannabidiol, anti-nausea and anti-vomiting, use of cannabinoids as anti-inflammatory agents for arthritis. These have been proven and will work. They exist but no one is talking about them. Mr. Clark said that his daughter-in-law has now found 153 patents. Seventeen states have laws about medical marijuana and recreational use marijuana. Seventeen to twenty states plan to have a measure on their next general election ballot in 2014 and each think it will pass. The Washington polls show that in all 50 states there is a majority of the citizens who would like to see marijuana legal. Mr. Clark said that he has a medical marijuana license and knows that it works. Several in the community have licenses. People who live here have to drive to Pueblo to get medical marijuana – 200 miles round trip. Any other prescription a person can go to three pharmacies right here in town and pick it up. There is a need for a medical marijuana dispensary in the area. He said he didn't think there was current moratorium on medical dispensaries or on medical infused product companies or on off-site grow facilities in the state. He thinks the moratorium has been gone for a full year. There's an opportunity for people to work in those areas if the ban were lifted. Mayor Baca Gonzalez encouraged the Clarks to have further dialogue with City Manager Acre and City Attorney Downs. Council will have to wrestle with this issue. Mr. Clark said it should be looked into and they cannot rule out tourism. It may mean the difference between someone stopping or passing by. Hemp is a huge benefit and could be a life stream for the farmers. Mayor Baca Gonzalez suggested Council will need a work session dedicated to issues created by Amendment 64 as they move forward. She asked that the Clarks provide information they would like Council to consider to City Attorney Downs to make Council aware of their viewpoints. Mr. Clark said he understands that the City has something in place for a length of time. He said he hoped to go away thinking Council has started to take a look at the plant. Councilmember Bonato told Mr. Clark that the City has a moratorium in place until October. He asked if they are trying to get marijuana businesses in the City. Mr. Clark said they are. Councilmember Bonato said the City's hands are tied right now until we get something from the state level. Councilmember Miles recalled the description of the Commissioners' reaction and told the Clarks that they won't get the same reaction from Council. They are more open-minded. Mayor Baca Gonzalez said they are concerned about the economic impact. The majority of the voters voted for it. There's a lot to think about and digest. She added that she'd appreciate them attending the work session when this is the topic.

Funeral registers. Loretta Martin addressed Council. She reminded Council that she had been here once before asking that they help protect Trinidad's history and our property. She said they would like to ask Council, even though the records are digitized, to retain the original records here in our county. Ms. Martin said they are our history, not Mr. Fletcher's. She said Mr. Fletcher hasn't given Council the whole story. Ms. Martin said they witnessed Mr. Fletcher take advantage of all of the stuff in the library and he personally abused it. He'd take huge books, bend them and put them on the copy machine. She said it's pretty ironic that now that he's used them he is very concerned about the stability of these records. She asked Council to think about this. She said she's not an attorney, but they've come to the conclusion that these records came to the library mid 1980s, almost 30 years ago, from Jamie Sue Gagliardi. She suggested adverse possession may apply. Jamie Sue Gagliardi entrusted the care of the records to the library and made them available for research – that should say volumes. She did not want one individual to have possession of these records; they were to be used. Ms. Martin also corrected a few things. She said the local historical society digitized ten registers in memory of Jamie Sue Gagliardi.

All of them were friends. Also, the records are so large they don't fit on a flash drive. An external drive has to be used. She said she'd like to see if there's a technicality. She added that she finds it very disheartening that Mr. Gagliardi gave these records to Mr. Fletcher after Mrs. Gagliardi died. We only have his word. She asked why 30 years ago Jamie Sue would have left them at the library for all this time. If she really wanted Mr. Fletcher to have them, she would have given them to him before she got sick and died. Ms. Martin concluded re-asking that Council please help them keep these records here in our town. Don't let it be another thing that if we want to use them we have to go to Denver.

Economy. Lee Hadaway addressed Council in three capacities – a City employee, the Union President of the City employees and as a concerned citizen. He said we all know that last year was terrible and full of turmoil. In December, 2012, Council was situated and we had a new City Manager. It's been six months now and he said he literally has people coming to him asking what the plan is. Where are we going? What are we doing? What we are hearing is about the art district, Art Trek and walking trails. Mr. Hadaway said we don't need more walking trails; we can't maintain the ones we have. The art district is a good idea but its gravy. With respect to tourism he said you can see people carrying Trinidad brochures, but that runs from May through September. He asked about the Industrial Park and what kind of incentives the City can give businesses and industries. He suggested giving them free land with the caveat that they provide a certain number of jobs in a certain number of years or else they lose the land. Another suggestion he made was that they defer their taxes or give a tax credit. Run ads in the paper. Get people here. Regarding the former Cash Advance building donation, Mr. Hadaway said it will cost \$160,000 to bring the building up to code. It is hard for the City to do that. Then he said he read about it being suggested that it be given to a non-profit, but the City funds a number of non-profits. He suggested it be given to someone trying to make a profit, again for a certain number of jobs to put money into the economy. Mr. Hadaway reiterated that this is the stuff he is hearing. He added that there doesn't seem to be any urgency. He said he's worked eight years for the City this coming August and has only had one raise in that time. He added that he's got 20 years to go before he can retire and at this rate he'll have gotten two raises in 20 years. Mr. Hadaway told Council that he's asking that they light a fire and try to get things going. Let's be proactive rather than reactive. One thing that bothered him for instance was the woman who set up the candy shop and painted it pink and people got upset – she's trying. He suggested the City is liable to protect this town into extinction. You've got to open your mind and let stuff come in. He commended the Mayor and Council members Bonato, Bolton and Mattie for attending the community meeting last Friday at the community center regarding the school district. A year ago we lost 43 employees with the district. That was a lot of money not begin spent at the stores. That number has reached 65 over the last two years. If you average a \$30,000 salary, we are looking at \$2 million per year that's gone from this community. He said he knows it is tough for City Council to get involved with the school district, but what if it were another major employer having difficulties – wouldn't we try to step in and try to preserve jobs here in this community? We are losing jobs and students. He suggested that there are a lot of different avenues that need to be approached and aggressively pursued. Councilmember Miles commented that progress can be slow and she shared his sense of urgency, however there is not zero progress. A year ago there were only two members of the Board of Trinidad & Las Animas County Economic Development and as of two months ago we now they have a full board. At their last meeting they were pulling together a strategic plan to be presented to Council in connection with their request for second half funding. There is motion going on. Will there be follow through? She said she doesn't know but hopes there will be and she is trying to encourage the process the best she can. She agreed that progress has been slow and she shared his sense of urgency. She said she hoped if the board could inspire confidence in the citizens of Trinidad she would love to see incentives provided by the City and they might be funded through tax increases. We need people of Trinidad to support the board and need that board to inspire the confidence of the citizens. She urged Mr. Hadaway to contact Steven Kelly at TLACED regarding things going on. Mr. Hadaway said that we don't need a secret plan. Everything that comes to the table and is thrown out there we perceive as something that's happening. We have two good newspapers doing a pretty good job. Every day he said he hopes there's something. Councilmember Miles said she doesn't think everything gets reported. All Economic Development meetings are open to the public, excepting executive sessions, and some are fairly well attended. She said she didn't think he would leave feeling his concerns are relieved but nonetheless encouraged him to attend the next couple of meetings.

Update on North Lake Dam Project. Supt. Jim Fernandez identified Mike Graber, RJH Engineering to Council. He reminded Council that Mr. Graber is doing the design work and oversight engineering on the North Lake Dam project. Mr. Graber addressed Council. He said he's had a long working relationship with Utilities Superintendent Jim Fernandez and Linda Vigil, having been a previous State Dam Safety Engineer for 20 years and working with RJH for the past four years. Mr. Graber said he is very familiar with North Lake Dam and didn't realize what a tremendous asset it is to the City, it and Monument Lake, until he assisted the City with a water conservation study and learned that those two reservoirs supply water to about 85% of the population in Las Animas County – from North Lake to Pinon Canyon Maneuver Site. It takes in a huge area of Las Animas County. He reiterated that it is a tremendous asset and added that it is critical infrastructure. Mr. Graber provided a brief report on the project. He said in the first week of September, 2012, the project started and continued until the last week of November, 2012. The construction was split into two phases. The first phase did not get completed. Sun Construction removed the spillway and grouted one abandoned outlet pipe. The primary work that did not get completed in phase one was construction of the spillway. It will be constructed under phase two. The contractor was behind on phase one and was asked to revise the construction schedule. It is an aggressive schedule that shows him to be complete by September 5, 2013 when he is contractually required to be substantially complete. November 20, 2013 is the final completion deadline. Work to-date includes removal of the spillway and grouting of the abandoned outlet pipe that was in the in-take structure as it were. There was one below the dam had been previously grouted but was leaking water so a secondary grouting was done this spring. Also a section of existing outlet pipe was removed and a new pipe put in. Originally there was a bypass designed around this outlet pipe, however Gil Ramirez was able to get the pipeline from Monument Lake functional to the Water Treatment Plant, eliminating the need for the bypass. The work is complete and Mr. Ramirez is running off of North Lake, where the water quality is higher, rather than Monument Lake. The contractor is constructing the filter drain that will go at the bottom of the stability berm. This will take up most of the month of June. It is a combination sand and gravel filter that gets covered with embankment material, in places as much as forty feet high. The spillway is not expected to start construction until late July or early August. The pipe is being made. The contractor is currently on schedule, maybe even a day or two ahead of the revised schedule. Mayor Baca Gonzalez asked if he's concerned with the project not being complete by the end of November, 2013. Mr. Graber said they review the schedule each week and if they fall behind the contractor is asked to revise the schedule; however they haven't had to do that as the contractor has been making good progress. Councilmember Miles asked what things might make them miss the schedule. Mr. Graber answered a spillway pipe delivery delay might, but there's no reason that it should. He explained that the pipe

wasn't ordered until May, 2013, but should have been ordered in September, 2012. If the schedule isn't met it will be on the contractor for not ordering the pipe in a timely fashion. The manufacturer is in Denver, he said, and he believes they will make it but the turnaround time is usually several months. Had the pipe been ordered last fall it could be getting installed now. Councilmember Mattie asked his opinion on the quality of work. Mr. Graber described it as really good. He said he has no issues. There is a full time engineer on site inspecting the work and requiring removal of anything not approved. There hasn't been much fight back from Sun Construction in that regard. All contractors get in a hurry and will cut corners if someone isn't watching. Councilmember Mattie asked Mr. Graber if he is personally there daily. Mr. Graber said he is there on a weekly basis but he has a junior level engineer on site all of the time. Mr. Graber said sometimes he has to be on site more often, such as last week whereby he was there four days. Councilmember Bonato asked if the City will have to drop the water level any more. Mr. Graber said the level will only be dropped by what is used. The restricted level is five foot below the old spillway and it was brought to that level until construction is substantially complete. Next fall some time the state should remove the restriction. He added that Gil Ramirez is putting about two and one-half acre feet into the reservoir right now and there is a fair amount of snow on the upper north fork still. Councilmember Bolton asked about the circumstances of the change order. Mr. Graber said it was for the manhole steps in the old outlet tower. A periodic inspection and evaluation of the valves inside of the outlet tower is necessary. The steps initially installed in the tower were bent pieces of rebar steel and the water had corroded them to a reduced thickness. It was a safety issue. Utilities Supt. Fernandez requested RJH investigate an alternative. RJH came up with a poly-coated rebar step that will not corrode. Mr. Graber said there is also a couple of pending change orders. One is to eliminate the bypass outlet around the new replacement line. That is a no cost, no time change. The second change order is for a change in the spillway pipe. He said he thinks probably the big reason the spillway pipe didn't get ordered in time was because Sun Construction significantly underbid the pipe at \$62,000. A pipe quote from the same supplier was \$213,000, not installed. Mr. Graber said there's been a lot of back and forth on the spillway pipe. They've agreed to a lesser pipe encased in concrete that will be a significant savings to the contractor. For the change, they have asked for \$100,000 back from the contractor to the City. Mayor Baca Gonzalez asked if that alternative is safe and durable. Mr. Graber answered that it is. Mayor Baca Gonzalez asked Mr. Graber to look at the schedule and in collaboration with Utilities Supt. Fernandez and City Manager Acre see if there are any potential areas to bird dog the work to meet the target dates of September 5th for substantial completion and November 20th for completion. Mr. Graber said the only glitch would be if the pipe is not delivered when it is supposed to be or he the contractor failed to put it in. Once it is delivered the contractor should make good progress. He added that he'd get an update from the pipe supplier. City Manager Acre concluded that he and Supt. Fernandez will try to visit the site this or next week.

COUNCIL REPORTS. Councilmember Bolton reported that she as well as other members of Council attended the joint meeting with the school board. She also attended the Friday night meeting at the community center regarding the school. Additionally she said on May 30th she participated in the Colorado Creative Industries site visit by Executive Director of Colorado Creative Industries Margaret Hunt and Maryo Ewell. A group of them spent the afternoon touring and introducing the representatives to various downtown merchants, getting them to different places and making introductions for interviews. She said she feels they made a very positive impression and she is anxiously awaiting word on their application. By June 14th the City will know whether it will receive a Creative District designation. Councilmember Bolton thanked everyone who made their visit a success.

Councilmember Mattie told Council that he also attended the joint meeting with the school board where the discussion surrounded how they can collaborate to provide activities for the youth. Friday night's meeting he said he attended as a citizen. Finally he reported that last Thursday he attended the Council of Governments (COG) meeting. COG is coming along and is concerned with finances like everyone else.

Councilmember Bonato said that last Sunday he enjoyed a great spaghetti dinner at the Senior Citizens' Center. A good number of people attended the dinner. He added that it was great food and he had a relaxing good visit.

Councilmember Miles reported on efforts to save the Southwest Chief. She said she's had conversations with former County Commissioner Jim Vigil and Republican Party Chair Tim Peters. They have been very helpful in getting the City introductions to State Senator Crowder, Representative Tim Dore and U. S. Representative Cory Gardner. She said they were in conversation with State Senator Crowder about setting up a meeting and coordinating schedules. She said she hopes Mr. Vigil and Mr. Peters participate in that meeting, as well as Councilmember Bolton. They hope to get some motion. It is never too early to start squawking. The time is right. She also reported that Conversations with Council has been set up for this coming Tuesday, June 11th at the Community Center in the daycare room from noon until 1:15p.m. Council will have their regular work session at 1:30 p.m. in Council Chambers thereafter.

Mayor Baca Gonzalez thanked Ms. Ewell who was part of the Creative Industries team. She said she had been interviewed by her and commented that her inaction as an elected official was good. She added that she hoped all of their visits and interviews positioned the City over that tipping point. Mayor Baca Gonzalez also strongly encouraged attendance by all citizens at a meeting to be held on June 11, 2013 at 7:30 p.m. at the Pioneer Room at Trinidad State Junior College regarding the Trinidad Correctional Facility, called the Trinidad Prison Utilization Committee Meeting. Some believe unless we have a huge turnout we may be in jeopardy of losing jobs at the prison. She asked that people make plans to attend because we can't afford to lose more jobs. Mayor Baca Gonzalez also reminded Council of the second I-25 Economic Development meeting in Pueblo on Friday from 10:00 a.m. until noon at the Pueblo Chamber of Commerce building. She also reminded Council that if they have suggested changes to the Charter they get them to City Manager Acre by no later than Thursday. Lastly, Mayor Baca Gonzalez reported on her attendance of a CDOT meeting at the County Courthouse recently, intended to be the first of two meetings. It was basically brainstorming and coming up with a wish list of potential CDOT projects in Las Animas County. She said at the table where she sat they put out a lot of ideas, such as widening the shoulders to Raton, signals at Exit 11, etc. The next meeting will be in July where they will come back together and pool their suggestions and prioritize them. Those who missed the meeting in June are encouraged to participate in the July meeting.

REPORT BY CITY MANAGER. Southwest Chief. City Manager Acre told Council that he received word this afternoon from Representative Gardner's office that they are planning a meeting on July 2nd at City Hall from 10:30 a.m. to 11:30 a.m. with Council and Department Heads. He asked Council to let him know as soon as possible if that will work for

them. His office will be holding several meetings around the State.

Southwest Chief. City Manager Acre reminded Council that the Southwest Chief Rural Rail Coalition working through Garden City, Kansas, submitted a TIGER grant for \$15 million in federal funds to start the rail replacement. He said they've asked Senators Udall and Bennett for support letters. The Senators are working with Congressman Cory Gardner for support letters to the United States Department of Transportation. It would be a good thing to get in. City Council's resolution went into the packet as well. He continued that he and La Junta City Manager Rick Klein attended a meeting in Pueblo last Thursday regarding high speed rail from Fort Collins to Pueblo. They asked why they would stop at Pueblo and not come to Trinidad. One attendee asked about extending it into New Mexico. They encouraged them to include Trinidad in the plans now rather than be an after-thought. There was no good reason why they did not include Trinidad. They are trying to get the word out to not forget the southeastern part of the state.

Upcoming Meetings. City Manager Acre told Council that the next Network Council meeting will be held on Thursday at 8:00 a.m. There will be updates about what is going on. He said he plans on attending that meeting. Also on June 10th there will be a SET meeting in Walsenburg. It is a facilitative meeting to help finalize the planning. He said he is going to try to attend that meeting as well.

Building Codes. City Manager Acre asked Council for their additional comments regarding the proposed building code changes. He said maybe at the next work session they could get it scheduled.

Coal Car Race. City Manager Acre asked if any Council member wanted to participate in the coal car race. He said they had an offer from some Triggers baseball players to help the City out. The race is at noon on Saturday. He said they need the team member names and he would wait to hear back from Council.

Sculpture. City Manager Acre thanked and recognized everyone who helped with the Arts and Culture Advisory Commission's project and for their contribution of the new sculpture to the community, adding that it is a wonderful addition to public art.

Kit Carson Park. City Manager Acre told Council the design work is complete for repairs to the Kit Carson Park gazebo and Building Inspector Chris Kelley will work with the engineer to get specifications to solicit bids. He said he'd bring it back to Council.

Recreation. Council was informed by City Manager Acre that the swimming pool is open. They are missing shade structures at the pool because the ones there were not holding up to the wind. The City has some permanent shade structures on order but they are probably four weeks out. Temporarily they will be putting up pop-up tent type structures for the time being. Also, lap swimming will start in the mornings on Mondays, Wednesdays, and Fridays and a sign has been posted accordingly. He added that regarding a suggestion from a senior citizen about a water exercise program, it would require a certified instructor to do that properly. They will look at alternative exercises that the seniors can do on their own.

Pedestrian Crossing Signs. City Manager Acre told Council that regarding the pedestrian crossing signs, he spoke with the Street & Bridge Foreman about moving the one at Beech Street to Convent and Main Streets and finding out if other intersections need them. Councilmember Bolton said she thinks other areas do. City Manager Acre asked Council to send their suggestions to him. City Planner Fineberg suggested the pedestrian crossing signs should be looked at and coordinated through the CDOT project. City Manager Acre said the signs he is referring to are temporary signs in the middle of the streets.

Pothole and street cut repairs. Council was advised by the City Manager that the City is using the asphalt plant north of the City for material to make pothole and street cut repairs. It is more cost effective. They should see a lot of activity. Councilmember Miles asked for repairs to potholes on the Animas Street Bridge.

Retirement. City Manager Acre announced that Fire Chief Leroy Perea informed him of his intent to retire after 31 years. He said he and the Chief will start the process of updating his job description which hasn't been updated since 2008. City Manager Acre said he plans to open the position up outside of the City as well as inside. Chief Perea would like to retire in August but said he'd help with the transition.

Employment. Mayor Baca Gonzalez asked the status of filling the Finance Director's position and the Public Works Director's position. City Manager Acre said he's made an offer to one of the applicants for the Finance Director position and provided information about the benefits, but he hasn't talked to him this week. They are in the negotiation stage. The job announcement for the Public Works Director is being finalized to post on the ICMA, CML and APWA websites. He said he will open it for one month. Also, he said when he is at the CML conference he will talk to fellow City Managers about Public Works Director candidates. It will be a combination Public Works Director and Utilities Director, working with Utilities Supt. Jim Fernandez. City Manager Acre said he hoped to hire the Finance Director this week. He said they originally had three good applicants. One withdrew her name because she had another opportunity arise. The second one said he wasn't quite ready for this step. He concluded it is nice to have choices.

Juvenile Diversion Program. Councilmember Bonato reported that he attended the unveiling of the art done by the kids in the Juvenile Diversion Program headed by Tony Diego at Kit Carson Park on Thursday. Councilmember Velasquez was present as well. He said he was a little disappointed there wasn't a better turnout, especially because Mr. Diego is leaving in July. He said he hoped they can get someone in his place as good as he is. Mr. Diego did a lot of good work for the kids. He also reminded Council about Frank Leone's donation of concrete for the art sculpture. Councilmember Bonato said Mr. and Mrs. Leone are always stepping up to the plate to help the City. City Manager Acre agreed and said he would make sure to properly thank them.

Recreation. City Manager Acre told Council that the spray park feature at Cimino Park is inoperable because the switch to turn on the water sustained damages. It will be several weeks before the City can get a switch because the one that was there is no longer manufactured and they will have to replace it with something that can be retrofitted and withstand the

abuse it is getting. Councilmember Mattie asked if the damage was from use or vandalism. City Manager Acre said it sounds like it was from overuse. The protective cover was broken.

JUNE 4, 2013

REPORT BY CITY ATTORNEY. City Attorney Downs told Council that he received an e-mail from Ed Mansell from the law firm of Jenner & Block regarding the building proposed to be donated to the City located at 219 W. Main Street. Mr. Mansell said that it was his understanding that one reason why Council did not act on the donation was the \$13,000 initial investment for repairs that will be required. As such, Mr. Mansell said they would be interested in arranging to pay for a portion of it to be repaired if it would interest Council further in the donation. City Manager Acre added that they were contacted by the Trinidad Community Foundation who is seriously taking a look at the building.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance correcting errors and omissions within Section 12-12 of Article 2 of Chapter 12, of the Code of Ordinance of the City of Trinidad relating to the City's Electric Service, Power and Energy Rates. Mayor Baca Gonzalez declared the public hearing open. City Manager Acre pointed out to Council that in the information provided them that staff has made one modification to the ordinance since first reading. He said the ordinance had a kilowatt charge identified under the street lamp table. That charge was used to calculate the monthly lamp charge, but with it included under the table it inferred that the street lights were subject to an additional kilowatt energy charge as well as the monthly charge. He reiterated that it was used in the calculation but is not a separate charge. Mayor Baca Gonzalez called for comments from the audience. There were none. City Manager Acre said if the ordinance is approved staff will work with local newspapers to get the information out. Councilmember Miles asked if the City is moving forward with filing an insurance claim. City Manager Acre answered that he will talk to Phil Euler, but reminded Council that the City is a member of NMPP and so we don't want to sue ourselves. There being no further comment, Mayor Baca Gonzalez closed the hearing.

Second reading of an ordinance correcting errors and omissions within Section 12-12 of Article 2 of Chapter 12, of the Code of Ordinance of the City of Trinidad relating to the City's Electric Service, Power and Energy Rates. The title was read aloud. A motion to approve the ordinance on second reading (as amended) was made by Councilmember Bolton. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote of Council.

ORDINANCE NO. 1939

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

MISCELLANEOUS BUSINESS. Hotel & Restaurant with Optional Premises renewal request by B & G, Inc. d/b/a The Clubhouse Grille at 1415 Nolan Drive. David Griego presented himself on behalf of B & G, Inc. Councilmember Miles asked the status of the hood system. Mr. Griego said that he contacted the company out of Pueblo and hopes to have it re-inspected within the week. Fire Chief Perea addressed Council. He advised that the Fire Department will be conducting their annual inspections. With there only being one or two fire extinguisher companies locally, they will be really busy. This time of year he said they give the businesses extra time to get their fire extinguishers done. It is not a life safety issue and he said he knows the businesses will take care of it. Chief Perea recommended Council not hold up the license. A motion to renew the license renewal was made by Councilmember Shew and Councilmember Velasquez seconded the motion. Upon roll call vote, the motion carried unanimously.

Tavern liquor license renewal request by JuJo's Pub, Inc. d/b/a JuJo's Pub and Dance Hall at 125 N. Chestnut Street. Shirley and Joe Incitti were present on behalf of the applicant entity. A motion to approve the license renewal was made by Councilmember Bolton and seconded by Councilmember Bonato. Councilmember Miles asked if the exit lights are being repaired. Mrs. Incitti answered that they are done. Roll call was taken on the motion and carried unanimously.

First reading of an ordinance amending Article 1 ("Utility Billing") of Chapter 12 ("Municipal Utilities") of the Code of Ordinance of the City of Trinidad, Colorado, to allow budget billing for all utility customers, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bonato and read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on June 18, 2013 was made by Councilmember Mattie. The motion was seconded by Councilmember Shew. Councilmember Bolton asked upon formal approval how soon the service can be used. City Manager Acre answered that in speaking with staff it can begin immediately. Although the City typically works with the residential customers to get them set up on budget billing in May, staff will begin the process beginning in the month following final approval of the ordinance. Next year, however, they will begin in May for everyone. He said they want to provide the benefit as quickly as possible. Roll call was taken and the motion carried by a unanimous vote.

ORDINANCE NO.

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

First reading of an ordinance repealing and re-enacting Chapter 14, Planning and Zoning, Article 4, Zoning Ordinance, Division 1, General Provisions, Section 14-27(1)(b), Conditional Uses, of the Code of Ordinances of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Bolton and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on June 18, 2013, was made by Councilmember Shew. The motion was seconded by Councilmember

Velasquez and carried unanimously upon a roll call vote.

ORDINANCE NO.

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

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

PAYROLL, May 25, 2013 through June7, 2013. A motion to approve the payroll was made by Councilmember Miles and seconded by Councilmember Velasquez. The motion carried unanimously.

EXECUTIVE SESSION. For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C. R. S. Section 24-6-402(4)(e); and/or for a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402-(4)(b) – Discussion regarding status of ARPA litigation.

For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees – Informal City Attorney evaluation.

A motion to enter into executive session for the stated purposes was made by Councilmember Bolton and seconded by Councilmember Bonato. Upon roll call vote the motion carried unanimously. The executive session ensued at approximately 9:10 p.m. That portion of the executive session not constituting legal advice was electronically recorded pursuant to the Colorado Open Meetings/Open Records Act.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 4th day of June, 2013, was permissible under CRS Section 24-6-402 (4)(b).

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

Les S. Downs
City Attorney

Upon conclusion of the executive session at 10:55 p.m., the meeting resumed.

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

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, June 11, 2013, immediately following Work Session at 1:30 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, June 11, 2013, immediately following Work Session at 1:30 p.m. in the Council Chambers at City Hall

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

- 1) Executive session –
 - a) For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees – Finance Director position
 - b) For a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding Syncora and ARPA litigation
- 2) Authorization to retain special legal counsel for representation in the Syncora litigation
- 3) Resolution of the City of Trinidad, Colorado, supporting rebranding of Southern Colorado as an economic development tool

The meeting was called to order at 3:51 p.m.

Roll call was taken.

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

The pledge of allegiance was recited.

Executive session – a) For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees – Finance Director position; and b) For a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding Syncora and ARPA litigation. A motion to enter into executive session for the stated purposes was made by Councilmember Bolton. Councilmember Shew seconded the motion which carried by a unanimous roll call vote. The executive session ensued at 3:55 p.m. and that portion not constituting legal advice was recorded electronically in accordance with Colorado law. Upon conclusion of executive session at 4:57 p.m., the special meeting resumed.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 11th day of June, 2013, was permissible under CRS Section 24-6-402 (4)(b).

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

Les S. Downs
City Attorney

Authorization to retain special legal counsel for representation in the Syncora litigation. Councilmember Bolton made a motion to authorize the retention of the law firms of Stelzner, Winter, Warburton, Flores, Sanchez & Dawes and Newnam Land as special legal counsel for special representation in the Syncora litigation. For the record, Mayor Baca Gonzalez identified the litigation as Syncora Guarantee, Inc. vs. the City of Trinidad, Colorado, Civil Action No. 13-CV-01332-REB-KMT in the United States District Court for the District of Colorado. The motion was seconded by Councilmember Shew and carried unanimously upon roll call vote.

Resolution of the City of Trinidad, Colorado, supporting rebranding of Southern Colorado as an economic

development tool. City Manager Acre pointed to some background material at Council's seating places. He reminded Council that this was an effort started in the first part of May in Trinidad, led by Lou Mellini and Jay Cimino of Colorado Springs. It is an effort to try to get people off of the highway to spend some time in these communities. There are ten interchanges identified, including one in Walsenburg. City Manager Acre said with two meetings in as many months they have gotten a resolution drafted that he believed each entity will pass sometime this week. The effort is to start with some awareness now through our existing channels. They talked about creating an application for use on the web and phones to tell people what's going on in each of the communities. Their first action item was to get our Chambers of Commerce to coordinate with each other to advertise to people what is going on in each of the communities to try to attract people into staying as they travel up the highway. City Manager Acre pointed to a budget that was included in the packet of information that was also talked about at the preceding meeting. Councilmember Bonato and Mayor Baca Gonzalez were also in attendance at that meeting. Realizing budgets are already set for this year, they set a goal to work to get businesses to help finance this effort as well and take a look at existing ways of getting information out. He added that it was suggested that the Tourism Board should also be included. He concluded that the resolution shows that we are trying to work together as a larger region to encourage economic development to happen in our area. A motion to adopt the resolution supporting rebranding of Southern Colorado as an economic development tool was made by Councilmember Bolton and was seconded by Councilmember Bonato. Roll call was taken on the motion and carried unanimously.

RESOLUTION NO. 1413

RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING REBRANDING OF SOUTHERN COLORADO AS AN ECONOMIC DEVELOPMENT TOOL

Prior to adjournment, City Manager Acre reminded Council that he would be attending the CML conference next week, leaving Tuesday afternoon. City Planner Louis Fineberg will cover the Council meeting that evening. City Attorney Downs will be also attending the conference, however leaving on Wednesday, after the Council meeting, and Tara Marshall will be attending as part of the Best and Brightest Program. Mayor Baca Gonzalez will be attending as well. Councilmember Bonato asked if a date was ever provided for the next I-25 Economic Development Coalition meeting. City Manager Acre said one was not yet provided, and Mayor Baca Gonzalez added that her understanding was that they wanted to make sure Mayor Bach was able to attend so they were coordinating with his office. She said it is anticipated that they will receive word so that it can be scheduled. Councilmember Bonato encouraged Council Members to attend the next meeting if possible. City Manager Acre said this effort has gotten the attention of Senator Udall and the Governor. Councilmember Mattie commented that it creates a bridge and says we are part of Colorado. Councilmember Bolton added that this is a great grass-roots effort.

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

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO
1875

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 18, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 29

SUBJECT: New Hotel and Restaurant Liquor License request by RGS Sawaya, LLC d/b/a Café What a Grind at 341 N. Commercial Street

PRESENTER: RGS Sawaya, LLC representatives

RECOMMENDED CITY COUNCIL ACTION: Conduct the public hearing. City Council may take up to 30 days thereafter to render a decision on the application.

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: This is an application for a new license. The requirements to be illustrated by the applicant to the local liquor licensing authority are 1) the needs of the neighborhood are not being met by existing establishments; 2) it is the desire of the adult inhabitants of the neighborhood that this license be granted; and 3) the licensee is of good moral character to hold a liquor license.

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- Matters raised during the State’s concurrent review have been addressed satisfactorily.
- To-date, fingerprint results have not been received.
- A petition presented in support of the license issuance was received on June 13, 2013 and is included for Council’s consideration.



INVESTIGATIVE REPORT

Applicant: RGS Sawaya, LLC
Business Name: Café What a Grind
Business Address: 341 N. Commercial Street
Date of Application: April 15, 2013
Date Application Filed with Local Authority: May 7, 2013
Type of Request: New License
Type of License: Hotel and Restaurant
Hearing Date: Tuesday, June 18, 2013, 7:00 p.m.

APPLICATION CONTENTS -

Applicant's Documents: Liquor License Application - Form #DR8404
Articles of Organization
Statement of Trade Name of a Reporting Entity
Certificate of Good Standing
Diagram of Premises
Lease
Individual History Records-Form #DR8404-I w/attachments
Letters of Reference
Fingerprints

City Documents: Notice of Public Hearing
Certificate of Mailing
Proof Publication on 5/17/13
Certificate of Posting
Departmental Reports
Correspondence to Applicant
Neighborhood Boundary Map

STATE AND LOCAL FEES -

State Fees:	Investigation	\$1,125.00
	License	500.00
	Manager's Regis.	<u>75.00</u>
	Total	\$1,700.00

Local Fees:	Investigation	\$ 625.00
	License	75.00
	Manager's Regis.	<u>75.00</u>
	Total	\$ 775.00

Local and state fees have been paid. Applicant has been advised the City's and State's investigation fee is non-refundable and in the event the liquor license is denied, license fees only shall be refunded.

LETTERS OF REFERENCE -

Letters of reference for Richard Sawaya received from:

Charles Simpleman, Trinidad, CO
J. Dennis Scott, Trinidad, CO
Jeff Mangino, Trinidad, CO

Letters of reference for Lorin Manuel received from:

Kurtis Aragon, Trinidad, CO
Angie Mullet, Trinidad, CO
Sandra Nichols, Trinidad, CO

Three letters of reference each have been verified, as required by ordinance.

FINGERPRINTING -

Fingerprint cards were submitted to CBI/FBI on 4/26/2013. Results had not been received as of the date of this report.

LEASE -

The lease is by and between Richard Sayawa as an individual to RGS Sawaya, LLC d/b/a Café What A Grind for the complete first floor of the building located at 341 N. Commercial Street. The initial term of the lease is from July 1, 2012 through June 30, 2014.

DIAGRAM OF PREMISES -

The diagram identifies the leased premises, which is the entire first floor of the building. It identifies the dining area, kitchen, and bar area as well as access points. Although there is a bar area in the premises, alcohol is proposed to be served throughout the entire first floor.

SALES TAX LICENSE -

Sales Tax License #27547394 was verified.

FOOD SERVICE LICENSE -

The applicant has provided a copy of the required food service license.

NOTICE OF HEARING -

Mailed to applicant – 5/8/13.

Published – 5/17/13.

Posted on the premises – 5/8/13.

DEPARTMENTAL REPORTS -

Fire Chief Leroy Perea conducted his inspection on 5/2/2013 and found the applicant to be in compliance with codes.

Building Inspector Chris Kelley conducted his inspection also on 5/2/2013 and likewise found the applicant to be in compliance with codes.

The Police Department reported having no issues with the application on 5/3/2013.

CORRESPONDENCE TO APPLICANT -

A letter dated 5/9/2013 was sent to RGS Sawaya, LLC, advising of the procedures to follow at the hearing. A sample petition was also provided as well as a map of the designated neighborhood.

ZONING –

The proposed premise is zoned Established-Historic Preservation.

SCHOOL DISTANCES –

There is a 500-foot limitation from a school for a Tavern license type specifically. While the limitation does not exist for a Hotel and Restaurant license, information is provided for informational purposes only. The nearest school property is Trinidad Middle School which is approximately 2,244 feet from the nearest point of this property.

LICENSED OUTLETS WITHIN THE NEIGHBORHOOD -

The neighborhood boundary was set as the corporate boundaries of the City.

There are thirty-nine (39) licensed outlets within the City limit boundary. Of the thirty-nine (39) licensed premises, twelve (12) are licensed as Hotel and Restaurants.

The outlets are:

3.2% - Off	J. R.'S Fuel Stop #810	731 E. Main Street
	J. R.'S #811	110 E. Colorado Avenue
	Safeway Store #722	457 W. Main Street
	Wal-Mart #962	2921 Toupal Drive
	Count: 4	
3.2% - On Premises	Creative Sale, Inc.	700 Smith Street
	Count: 1	
Club	Elks, BPOE	120 S. Maple
	Count: 1	
Hotel/Rest.	Black Jack's Saloon & Steakhouse	225 W. Main Street
	Chef Liu's Restaurant	1423 Santa Fe Trail
	Mission at the Bell Restaurant	134 W. Main Street
	Quality Inn	3125 Toupal Drive
	Rino's Restaurant	400 E. Main Street
	Wonderful House Restaurant	415 University Street
	Bella Luna Pizzeria	121 W. Main Street
	Trinidad Holiday Inn	3130 Santa Fe Trail Drive
	Main St. Tap House	308 W. Main Street
	Brix	231 E. Main Street
	Purgatoire & A Little Catering Co.	516 E. Elm Street
	Hotel/Rest w/Op Premises	Clubhouse Grille, The
	Count: 12	

Liquor Store	Drop City Liquor	155 Elm Street
	Main Street Liquors	803 E. Main Street
	Mountain Liquor	1144 Robinson
	Santa Fe Trail Hops & Vines	1530 Santa Fe Trail
	Tire Shop Wine & Spirits	601 W. Main Street
	Trinidad Beer, Wine & Liquor Depot	900 Arizona Avenue
	Arizona Liquor	847 Arizona Avenue
	RJ's Discount Liquor	2132 Freedom Road

Count: 8

Tavern	Great Wall	321 State Street
	El Rancho Cafe	1901 Santa Fe Trail
	Gino's Sports Bar	991 E. Main Street
	JuJo's Pub and Dance Hall	125 N. Chestnut Street
	Lumber Jacks Bar & Grill	1133 N. Linden Ave.
	Mantelli's	137 W. Main Street
	Monte Cristo Bar	124 Santa Fe Trail
	The Park	608 Arizona Avenue
	Trinidad Lanes, LLC	823 Van Buren
	Trinidad Lounge	421 N. Commercial St.
	Ole's Tavern	2833 Toupal Drive

Count: 11

Arts	Southern Colorado Repertory Theatre	131 W. Main Street
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Count: 1

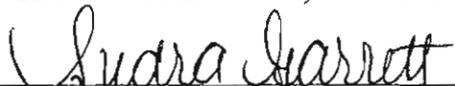
Beer and Wine	Mt. Carmel Health, Wellness & Community Center	911 Robinson Avenue
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Count: 1

Disclosure statements are provided by Councilmember Linda Velasquez and Councilmember Michelle Miles.

Dated this 31st day of May, 2013.

CITY OF TRINIDAD, COLORADO


 Audra Garrett, City Clerk

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of May, 2013, I mailed a copy of the Investigative Report, by Certified Mail, to:

RGS Sawaya, LLC
Café What a Grind
341 N. Commercial Street
Trinidad, CO 81082
Certified Mail # 7012 2920 0000 8652 0068


Audra Garrett, City Clerk

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: RS 6-12-13

Landlord	Tenant	Expires
<u>Richard Sawaya</u>	<u>RS Sawaya, LLC</u>	<u>6-30-2014</u>

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
<u>- NONE -</u>			

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**
 Has a local ordinance or resolution authorizing optional premises been adopted? Yes No

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

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

15. **Club Liquor License applicants answer the following and attach:**
 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? N/A Yes No
 (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? _____ (Three years required)
 (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?

16. **Brew-Pub License or Vintner Restaurant Applicants answer the following:**
 (a) Has the applicant received or applied for a Federal Permit?
 (Copy of permit or application must be attached) N/A

17a. Name of Manager (for all on-premises applicants) Worin Mauer (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). [REDACTED] 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? If yes, provide an explanation and include copies of any payment agreements. Yes No

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*
RICHARD SAWAYA	[REDACTED], TRINIDAD, CO	[REDACTED]	PRESIDENT	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 Incorpor. 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 _____

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>Richard Sawaya</i>	Title <i>Owner / President</i>	Date <i>4/11/2013</i>
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

Date application filed with local authority <i>R4/15/2013 - filed 5/17/2013</i>	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. <i>6/18/2013</i>
--	---

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- That each person required to file DR 8404-I (Individual History Record) has:
- | | | |
|--|-------------------------------------|--------------------------|
| | Yes | No |
| <input checked="" type="checkbox"/> Been fingerprinted | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Been subject to background investigation, including NCIC/CCIC check for outstanding warrants | <input checked="" 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 *5/31/2013*
 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 <i>Trinidad</i>	Telephone Number <i>(719) 846-9843</i>	<input checked="" type="checkbox"/> TOWN, CITY <input type="checkbox"/> COUNTY
Signature	Title <i>Mayor</i>	Date
Signature (attest)	Title <i>City Clerk</i>	Date



Colorado Secretary of State
 Date and Time: 07/16/2012 11:44 AM
 ID Number: 20121383575
 Document number: 20121383575
 Amount Paid: \$50.00

Document must be filed electronically.
 Paper documents will not be accepted.

Document processing fee
 Fees & forms/cover sheets
 are subject to change.

\$50.00

To access other information or print
 copies of filed documents,
 visit www.sos.state.co.us and
 select Business Center.

ABOVE SPACE FOR OFFICE USE ONLY

Articles of Organization

filed pursuant to § 7-80-203 and § 7-80-204 of the Colorado Revised Statutes (C.R.S.)

1. The domestic entity name of the limited liability company is

RGS Sawaya, LLC

(The name of a limited liability company must contain the term or abbreviation "limited liability company", "ltd. liability company", "limited liability co.", "ltd. liability co.", "limited", "l.l.c.", "llc", or "ltd.". See §7-90-601, C.R.S.)

(Caution: The use of certain terms or abbreviations are restricted by law. Read instructions for more information.)

2. The principal office address of the limited liability company's initial principal office is

Street address

321 Garrett Drive

(Street number and name)

Trinidad

(City)

CO

(State)

81082

(ZIP/Postal Code)

United States

(Province - if applicable)

(Country)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City)

(State)

(ZIP/Postal Code)

(Province - if applicable)

(Country)

3. The registered agent name and registered agent address of the limited liability company's initial registered agent are

Name

(if an individual)

(Last)

(First)

(Middle)

(Suffix)

OR

(if an entity)

(Caution: Do not provide both an individual and an entity name.)

Century Financial Group

Street address

109 West Main

(Street number and name)

Trinidad

(City)

CO

(State)

81082

(ZIP Code)

Mailing address

(leave blank if same as street address)

(Street number and name or Post Office Box information)

(City) CO _____
(State) (ZIP Code)

(The following statement is adopted by marking the box.)

The person appointed as registered agent has consented to being so appointed.

4. The true name and mailing address of the person forming the limited liability company are

Name
(if an individual)

Sawaya Richard
(Last) (First) (Middle) (Suffix)

OR

(if an entity)
(Caution: Do not provide both an individual and an entity name.)

Mailing address

321 Garrett Drive
(Street number and name or Post Office Box information)

Trinidad CO 81082
(City) (State) (ZIP/Postal Code)

United States
(Province - if applicable) (Country)

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

The limited liability company has one or more additional persons forming the limited liability company and the name and mailing address of each such person are stated in an attachment.

5. The management of the limited liability company is vested in

(Mark the applicable box.)

one or more managers.

OR

the members.

6. (The following statement is adopted by marking the box.)

There is at least one member of the limited liability company.

7. (If the following statement applies, adopt the statement by marking the box and include an attachment.)

This document contains additional information as provided by law.

8. (Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document is/are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is named in the document as one who has caused it to be delivered.

9. The true name and mailing address of the individual causing the document to be delivered for filing are

Grove	Dave		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
109 West Main			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
Trinidad	CO	81082	
<small>(City)</small>	<small>(State)</small>	<small>(ZIP/Postal Code)</small>	
<small>(Province -- if applicable)</small>	United States		
	<small>(Country)</small>		

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

This form/cover sheet, and any related instructions, are not intended to provide legal, business or tax advice, and are furnished without representation or warranty. While this form/cover sheet is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form/cover sheet. Questions should be addressed to the user's legal, business or tax advisor(s).



Colorado Secretary of State
 Date and Time: 07/16/2012 12:28 PM
 ID Number: 20121383717
 Document number: 20121383717
 Amount Paid: \$20.00

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 Paper documents will not be accepted.

Document processing fee \$20.00
 Fees & forms/cover sheets
 are subject to change.

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 copies of filed documents,
 visit www.sos.state.co.us and
 select Business Center.

ABOVE SPACE FOR OFFICE USE ONLY

Statement of Trade Name of a Reporting Entity

filed pursuant to §7-71-103 and §7-71-107 of the Colorado Revised Statutes (C.R.S)

1. For the reporting entity delivering this statement, its ID number, true name, form of entity and the jurisdiction under the law of which it is formed are

ID Number	<u>20121383575</u> <i>(Colorado Secretary of State ID number)</i>
True name	<u>RGS Sawaya, LLC</u>
Form of entity	<u>Limited Liability Company</u>
Jurisdiction	<u>Colorado</u>

2. The trade name under which such entity transacts business or conducts activities or contemplates transacting business or conducting activities in this state is

Cafe What A Grind

3. A brief description of the kind of business transacted or activities conducted or contemplated to be transacted or conducted in this state under such trade name is

Real Estate/Restaurant Management

4. *(If the following statement applies, adopt the statement by marking the box and include an attachment.)*

This document contains additional information as provided by law.

5. *(Caution: Leave blank if the document does not have a delayed effective date. Stating a delayed effective date has significant legal consequences. Read instructions before entering a date.)*

(If the following statement applies, adopt the statement by entering a date and, if applicable, time using the required format.)

The delayed effective date and, if applicable, time of this document are _____
(mm/dd/yyyy hour:minute am/pm)

Notice:

Causing this document to be delivered to the Secretary of State for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that such document is such individual's act and deed, or that such individual in good faith believes such document is the act and deed of the person on whose behalf such individual is causing such document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S. and, if applicable, the constituent documents and the organic statutes, and that such individual in good faith believes the facts stated in such document are true and such document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the Secretary of State, whether or not such individual is identified in this document as one who has caused it to be delivered.

6. The true name and mailing address of the individual causing this document to be delivered for filing are

Grove	Dave		
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
109 West Main Street			
<small>(Street number and name or Post Office Box information)</small>			
<hr/>			
Trinidad	CO	81082	
<small>(City)</small>	<small>(State)</small>	<small>(Postal/Zip Code)</small>	
United States			
<small>(Province – if applicable)</small>		<small>(Country – if not US)</small>	

(If the following statement applies, adopt the statement by marking the box and include an attachment.)

- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

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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,

RGS Sawaya, LLC

is a **Limited Liability Company** formed or registered on 07/16/2012 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 20121383575.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 04/05/2013 that have been posted, and by documents delivered to this office electronically through 04/08/2013 @ 15:00:03.

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 04/08/2013 @ 15:00:03 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8509494.



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."

Net Lease

1. Names

This lease is made by private ownership (Landlord) and ~~Cafe What A Grind~~, a Colorado limited liability company (Tenant).

Richard Sawaya RGS Sawaya LLC
DBA
R.S. 6-13-2013

2. Premises Being Leased

Landlord is leasing to Tenant, and Tenant is leasing from Landlord, a portion of the following premises:

341 North Commercial
Trinidad, Colorado 81082

Specifically, Tenant is leasing Complete first floor of building.

3. Term of Lease

This lease begins on July 1, 2012 and ends on June 30, ~~2014~~ 2014 R.S.

4. Rent

Tenant will pay rent in advance on the first day of each month.

Tenant's first rent payment will be on July 1, 2012. Tenant will pay rent of \$750 per month for the first year of the lease. Rent will increase each year, on the anniversary of the starting date in paragraph 3, as follows:

The rent will increase to \$1000.00 per month commencing the second year of the lease and the following year lease will be determined at the end of the second year.

5. Option to Extend Lease

Landlord grants Tenant the option to extend this lease for an additional 5 years on the same terms except as follows:

To be determined at end of lease.

Tenant may exercise this option only if Tenant is in substantial compliance with the terms of this lease. To exercise this option, Tenant must give Landlord written notice on or before May 1, ~~2013~~

~~RS 2014~~
If Tenant exercises the option granted above, Tenant will then have the option to extend this lease for 5 years beyond the first option period on the same terms except as follows:

None.

Tenant may exercise this additional option only if Tenant is in substantial compliance with the terms of this lease. To exercise this option, Tenant must give Landlord written notice on or before May 1, 2017.

6. Improvements by Landlord

Before the lease term begins, Landlord (at Landlord's expense) will make the repairs and improvements listed in Attachment 1 to this lease.

7. Improvements by Tenant

Tenant may make alterations and improvements to the premises after obtaining the Landlord's written consent, which will not be unreasonably withheld. At any time before this lease ends, Tenant may remove any of Tenant's alterations and improvements, as long as Tenant repairs any damage caused by attaching the items to or removing them from the premises.

8. Tenant's Use of Premises

Tenant will use the premises for the following business purposes:

Restaurant and bar.

Tenant will also use the premises for purposes reasonably related to the main use.

9. Landlord's Representations

Landlord represents that:

- A. At the beginning of the lease term, the premises will be properly zoned for Tenant's stated use and will be in compliance with all applicable laws and regulations.
- B. The premises have not been used for the storage or disposal of any toxic or hazardous substance and Landlord has received no notice from any governmental authority concerning removal of any toxic or hazardous substance from the property.

10. Utilities and Services

Tenant will pay for utilities and services as described in this section.

A. Separately Metered Utilities

Tenant will pay for the following utilities and services that are separately metered or billed to Tenant:

- TV

B. Shared Utilities

Tenant will pay 70% of the following utilities and services that are not separately metered to Tenant:

- water
- electricity
- gas
- trash collection

Tenant will pay for these utilities in monthly installments on or before the 15th day of each month, in advance, in an amount estimated by Landlord. Every three months, Landlord will give Tenant copies of the bills sent to Landlord. If Tenant's share of the actual costs for utilities and services exceeds the amount paid in advance by Tenant, Tenant will pay Landlord the difference within 30 days. If Tenant has paid more than Tenant's share of the actual costs, Tenant will receive a credit for the overage which will be applied to reduce the next installments due from Tenant.

11. Maintenance and Repair of Common Areas

Landlord will maintain and make all necessary repairs to the common areas of the building and adjacent premises and keep these areas safe and free of trash. This includes:

- restroom facilities
- sidewalks and driveways

Tenant will pay Landlord 50% of the cost of such maintenance and repairs. Tenant will pay these amounts in monthly installments on or before the 15th day of each month, in advance, in an amount estimated by Landlord. Within 90 days after the end of each lease year, Landlord will give Tenant a statement of the actual amount of Tenant's share of such costs for such period. If Tenant's share of the actual costs exceeds the amount paid in advance by Tenant, Tenant will pay Landlord the difference within 30 days. If Tenant has paid more than Tenant's share of the actual costs, Tenant will receive a credit for the overage which will be applied to reduce the next installments due from Tenant.

12. Maintenance and Repair of Leased Premises

Landlord will maintain and make all necessary repairs to the following parts of the building in which the leased premises are located:

- roof
- foundation and structural components
- exterior walls
- interior common walls

- exterior doors and windows
- plumbing system
- sewage disposal system
- electrical system
- heating, ventilating and air-conditioning systems
- sprinkler system

Tenant will maintain and repair the leased premises and keep the leased premises in good repair except for those items specified above as being Landlord's responsibility.

13. Insurance

- A. Tenant will carry public liability insurance, which will include Landlord as an additional insured party. The public liability coverage for personal injury will be in at least the following amounts:
 - \$100,000 per occurrence, and
 - \$1,000,000 in any one year.
- B. Landlord will carry fire and extended coverage insurance on the building. Tenant will pay Tenant's proportionate share (0%) of such insurance within ten days after receiving a statement from Landlord as to the cost.
- C. Landlord and Tenant release each other from any liability to the other for any property loss, property damage or personal injury to the extent covered by insurance carried by the party suffering the loss, damage or injury.
- D. Tenant will give Landlord, and Landlord will give Tenant, a certificate of insurance for all insurance policies that this lease requires Tenant and Landlord to obtain.

14. Taxes

- A. Tenant will pay 50% of all taxes that may be levied against the building and the land for the period of the lease. Tenant will pay these taxes in monthly installments on or before the last day of each month, in advance, in an amount estimated by Landlord. Landlord will give Tenant copies of the tax bills as Landlord receives them. If Tenant's share of the actual taxes exceeds the amount paid in advance by Tenant, Tenant will pay Landlord the difference within 30 days. If Tenant has paid more than Tenant's share of the actual taxes, Tenant will receive a credit for the overage which will be applied to reduce the next installments due from Tenant. Taxes to be paid by Tenant will be prorated on a due date basis and will be assumed to cover a period of one year from the due date.

- B. Tenant will pay all personal property taxes levied and assessed against Tenant's personal property.

15. Subletting and Assignment

Tenant will not assign this lease or sublet any part of the premises without the written consent of Landlord. Landlord will not unreasonably withhold such consent.

16. Damage to Premises

- A. If the premises are damaged through fire or other cause not the fault of Tenant, Tenant will owe no rent for any period during which Tenant is substantially deprived of the use of the premises.
- B. If Tenant is substantially deprived of the use of the premises for more than 90 days because of such damage, Tenant may terminate this lease by delivering written notice of termination to Landlord.

17. Notice of Default

Before starting a legal action to recover possession of the premises based on Tenant's default, Landlord will notify Tenant in writing of the default. Landlord will take legal action only if Tenant does not correct the default within ten days after written notice is given or mailed to Tenant.

18. Quiet Enjoyment

As long as Tenant is not in default under the terms of this lease, Tenant will have the right to occupy the premises peacefully and without interference.

19. Eminent Domain

This lease will become void if any part of the leased premises or the building in which the leased premises are located are taken by eminent domain. Tenant has the right to receive and keep any amount of money that the agency taking the premises by eminent domain pays for the value of Tenant's lease, Tenant's loss of business and for moving and relocation expenses.

20. Holding Over

If Tenant remains in possession after this lease ends, the continuing tenancy will be from month to month.

21. Disputes

If a dispute arises, either party may take the matter to court.

22. Additional Agreements

There are no additional agreements.

23. Entire Agreement

This is the entire agreement between the parties. It replaces and supersedes any and all oral agreements between the parties, as well as any prior writings.

24. Successors and Assignees

This lease binds and benefits the heirs, successors and assignees of the parties.

25. Notices

All notices must be in writing. A notice may be delivered to a party at the address that follows a party's signature or to a new address that a party designates in writing. A notice may be delivered:

- in person
- by certified mail, or
- by overnight courier.

26. Governing Law

This lease will be governed by and construed in accordance with the laws of the state of Colorado.

27. Counterparts

This lease may be signed by the parties in different counterparts and the signature pages combined will create a document binding on all parties.

28. Modification

This lease may be modified only by a written agreement signed by the parties.

29. Waiver

If one party waives any term or provision of this lease at any time, that waiver will be effective only for the specific instance and specific purpose for which the waiver was given. If either party fails to exercise or delays exercising any of its rights or remedies under this lease, that party retains the right to enforce that term or provision at a later time.

30. Severability

If any court determines that any provision of this lease is invalid or unenforceable, any invalidity or unenforceability will affect only that provision and will not make any other

provision of this lease invalid or unenforceable and shall be modified, amended or limited only to the extent necessary to render it valid and enforceable.

LANDLORD

Dated: 7-1-2012

By: Richard Sawaya

private ownership
321 Garrett Dr.
Richard Sawaya, Colorado 81082

TENANT

RGS Sawaya LLC
~~Cafe What A Grind,~~

a Colorado limited liability company
341 North Commercial
Trinidad, Colorado 81082

RS. 6-13-2013

Dated: 7-1-2012

By: Richard Sawaya

Richard Sawaya
Owner / president

INDIVIDUAL HISTORY RECORD

To be completed by each individual applicant, all general partners of a partnership, and limited partners owning 10% (or more) of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation; all limited liability company **MANAGING** members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company and all managers of a Hotel and Restaurant or a Tavern License.

NOTICE: This individual history record provides basic information which is necessary for the licensing authority investigation. All questions must be answered in their entirety or your application may be delayed or not processed. **EVERY** answer you give will be checked for its truthfulness. A deliberate falsehood or omission will jeopardize the application as such falsehood within itself constitutes evidence regarding the character of the applicant.

1. Name of Business
 Cafe What A Grind (RGS Sawaya LLC)

2. Your Full Name (last, first, middle) 3. List any other names you have used.
 Sawaya Richard George Buzz

4. Mailing address (if different from residence) Home Telephone
 321 Garrett Dr. 719-846-6959

5. List all residence addresses below. Include current and previous addresses for the past five years.

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current 321 Garrett Dr	Trinidad CO 81082	2009	2013
Previous 225 Garcia St	Trinidad CO 81082	1983	2009

6. List all current and former employers or businesses engaged in within the last five years (Attach separate sheet if necessary)

NAME OF EMPLOYER	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Self employed Pioneer Motor of Trinidad	426 E Main Trinidad CO 81082	Partner/ Owner	1989	2012

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
None			

8. Have you ever applied for, held, or had an interest in a State of Colorado Liquor or Beer License, or loaned money, furniture or fixtures, equipment or inventory, to any liquor or beer licensee? If yes, answer in detail. Yes No

9. Have you ever received a violation notice suspension or revocation, for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the U.S.? If yes, explain in detail. Yes No

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? Include arrests for DUI and DWAI. (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any STATE issued licenses suspended, revoked, or denied including a drivers license? (if yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law in 24-72-204 C.R.S., information provided below will be treated as CONFIDENTIAL.

Colorado liquor licensing authorities require the following personal information in order to determine your suitability for licensure pursuant to 12-47-307 C.R.S.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth		d. U.S. Citizen?	
[REDACTED]		[REDACTED]		[REDACTED]		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
[REDACTED]				[REDACTED]		[REDACTED]	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
l. Height	m. Weight	n. Hair Color	o. Eye Color	p. Sex	q. Race	r. Do you have a current Driver's License? If so, give number and state	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [REDACTED]	

14. Financial Information.

a. Total purchase price \$ [REDACTED] (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ [REDACTED]

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases and fees paid \$ [REDACTED]

c. Provide details of investment. You must account for the sources of ALL cash (how acquired). Attach a separate sheet if needed.

Type: Cash, Services or Equipment	Source: Name of Bank; Account Type and Number	Amount
[REDACTED] equipment and working capital	First National Bank (CK)	[REDACTED]
	From the Sale of building to Pioneer Motor of Trinidad	[REDACTED]

d. Loan Information (attach copies of all notes or loans)

Name of Lender and Account Number	Address	Term	Security	Amount
First National Bank Trinidad	100 E Main Trinidad	180 payment	building	[REDACTED]
	know paying \$1200 per month and will finish in less than 5 years for equipment		34 N Commercial St. Trinidad, CO 81082	
	remaining balance \$48,046.13			

15. Give name of bank where business account will be maintained; Account Name and Account Number; and the name or names of persons authorized to draw thereon.

Bank of The West, Cafe What A Brind
[REDACTED] Richard Sawaya

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.

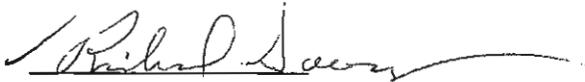
Authorized Signature Richard Sawaya	Title Owner/President	Date 4-11-2013
--	--------------------------	-------------------

Affidavit Of Richard Sawaya

Richard Sawaya, 321 Garrett Drive, Trinidad, Colorado 81082 upon oath states as follows:

1. Lorin Manuel is my neice. Lorin Manuel no longer has any ownership interest in What A Grind, a coffee shop and restaurant.
2. I have formed a Limited Liability Corporation, known as RGS Sawaya, LLC, and I am now the sole owner of Café What A Grind, a coffee shop and restaurant located at 341 North Commercial Trinidad, Colorado 81082.
3. The business loan at First National Bank of Trinidad originally taken out by Lorin Manuel and myself is now my sole responsibility.
4. I have made arrangements with the First National Bank of Trinidad to be solely responsible for this loan.

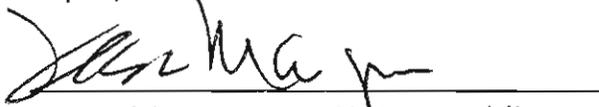
Further, Affiant Sayeth Naught



Richard Sawaya

State of Colorado, County of Las Animas]

Sworn To and Subscribed before me by Richard Sawaya this 15th day of April, 2013.



Jesse Manzanares, Notary Public

My Commission Expires: February 20, 2015



My Commission Expires 02/20/2015

LORIN MANUEL; RICHARD SAWAYA 1017 COLORADO AVE TRINIDAD, CO 81082 BORROWER'S NAME AND ADDRESS *I includes each borrower above, jointly and severally.	THE FIRST NATIONAL BANK IN TRINIDAD P.O. BOX 759 100 E. MAIN ST TRINIDAD, CO 81082-0759 LENDER'S NAME AND ADDRESS *You" means the lender, its successors and assigns.	Loan Number 101168 Date <u>08-28-2008</u> Maturity Date <u>09-01-2023</u> Loan Amount \$ <u>70,000.00</u> Renewal Of <u>NEW</u>
--	---	--

For value received, I promise to pay to you, or your order, at your address listed above the **PRINCIPAL** sum of SEVENTY THOUSAND AND NO/100 Dollars \$ 70,000.00

Single Advance: I will receive all of this principal sum on 08-29-2008. No additional advances are contemplated under this note.
 Multiple Advance: The principal sum shown above is the maximum amount of principal I can borrow under this note. On _____ I will receive the amount of \$ _____ and future principal advances are contemplated.
 Conditions: The conditions for future advances are _____

Open End Credit: You and I agree that I may borrow up to the maximum amount of principal more than one time. This feature is subject to all other conditions and expires on _____
 Closed End Credit: You and I agree that I may borrow up to the maximum only one time (and subject to all other conditions).

INTEREST: I agree to pay interest on the outstanding principal balance from 08-29-2008 at the rate of 7.25% per year until 08-30-2008

Variable Rate: This rate may then change as stated below.
 Index Rate: The future rate will be EQUAL TO the following index rate: THE FIRST NATIONAL BANK IN TRINIDAD'S CURRENT COMMERCIAL-AGRICULTURAL RATE ON LOANS OF THIS TYPE.

No Index: The future rate will not be subject to any internal or external index. It will be entirely in your control.
 Frequency and Timing: The rate on this note may change as often as EVERY DAY BEGINNING 08-30-2008
 A change in the interest rate will take effect ON THE FOLLOWING DAY
 Limitations: During the term of this loan, the applicable annual interest rate will not be more than _____% or less than _____%. The rate may not change more than _____% each _____.

Effect of Variable Rate: A change in the interest rate will have the following effect on the payments:
 The amount of each scheduled payment will change. The amount of the final payment will change.

ACCUAL METHOD: Interest will be calculated on a ACTUAL/ACTUAL basis.

POST MATURITY RATE: I agree to pay interest on the unpaid balance of this note owing after maturity, and until paid in full, as stated below:
 on the same fixed or variable rate basis in effect before maturity (as indicated above).
 at a rate equal to _____

LATE CHARGE: If a payment is made more than 10 days after it is due, I agree to pay a late charge of 5.000% OF THE LATE AMOUNT

ADDITIONAL CHARGES: In addition to interest, I agree to pay the following charges which are are not included in the principal amount above: LOAN ORIGINATION \$350.00; DDC PREP \$275.00; O&E \$75.00; FILING FEES \$55.00

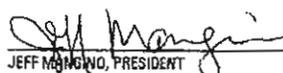
PAYMENTS: I agree to pay this note as follows: AND FINAL PAYMENT
180 MONTHLY PAYMENTS OF \$839.29 BEGINNING 10-01-2008. THIS IS A VARIABLE RATE LOAN AND THE PAYMENT AMOUNTS MAY CHANGE.

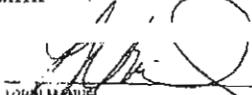
ADDITIONAL TERMS:
 I AGREE TO PAY A MINIMUM FINANCE CHARGE OF \$25.00 IF I PAY THIS LOAN OFF BEFORE YOU HAVE EARNED THAT MUCH IN FINANCE CHARGES

 THIS LOAN IS SECURED BY A 2ND DEED OF TRUST AT 341 N COMMERCIAL ST, TRINIDAD, CO 81082 AND ALL FURNITURE, FIXTURES, AND EQUIPMENT LOCATE AT 341 N. COMMERCIAL ST., TRINIDAD, CO 81082. AND ASSIGNMENT OF RENTS DATED AUGUST 29, 2008 GIVEN BY RICHARD GEORGE SAWAYA.
 DEPOSIT TO DDA#38-388-B \$89,245.00; LOAN ORIG \$350.00; DDC PREP FEE \$275.00; O&E \$75.00; FILING FEES \$55.00.

SECURITY: This note is separately secured by (describe separate document by type and date):
2ND DDT AT 341 N COMMERCIAL ST, TRINIDAD, CO 81082 & SECURITY AGREEMENT DATED AUGUST 29, 2008 FOR \$70,000.00 GIVEN BY LORIN MANUEL AND RICHARD SAWAYA & ASSIGNMENT OF RENTS 8-9-08 BY RICHARD GEORGE SAWAYA
(If the security for this loan is not a separate security document, does not meet the agreement will not secure this note.)

PURPOSE: The purpose of this loan is BUSINESS; PURCHASE FUNDS FOR EQUIPMENT/INCOME FROM NEW BUSINESS & APARTMENT RENT
SIGNATURES: I AGREE TO THE TERMS OF THIS NOTE (INCLUDING THOSE ON PAGE 2). I have received a copy on today's date.

Signature for Lender

 JEFF MANGINO, PRESIDENT


 LORIN MANUEL

 RICHARD SAWAYA

INDIVIDUAL HISTORY RECORD

To be completed by the following persons, as applicable: sole proprietors; general partners regardless of percentage ownership, and limited partners owning 10% or more of the partnership; all principal officers of a corporation, all directors of a corporation, and any stockholder of a corporation owning 10% or more of the outstanding stock; managing members or officers of a limited liability company, and members owning 10% or more of the company; and any intended registered manager of Hotel and Restaurant or Tavern class of retail license.

NOTICE: This individual history record requires information that is necessary for the licensing investigation or inquiry. All questions must be answered in their entirety or the license application may be delayed or denied. If a question is not applicable, please indicate so by "N/A". Any deliberate misrepresentation or material omission may jeopardize the license application.

1. Name of Business: **CAFE WHAT A BLEND**

2. Your Full Name (last, first, middle): **MANUEL WORI SUE**

3. List any other names you have used: **WORI MANUEL**

4. Mailing address (if different from residence):

5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current 6012 DESPERADO DR.	TRINIDAD, CO 81082	ADDO	PRESNT
Previous 1077 COLORADO DR.	TRINIDAD, CO 81082	ADDO	AD10

6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
CAFE WHAT A BLEND	34 N. COMMERCIAL TRINIDAD CO 81082	MANAGER	07/12	PRESNT
WHAT A BLEND	34 N. COMMERCIAL, TRINIDAD, CO 81082	OWNER	10/08	06/12

7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.

NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE
- NONE -			

8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.

Yes No

9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.

Yes No

(Removal of time from)

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)

Yes No

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)

Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (If yes, explain in detail.)

Yes No

PERSONAL AND FINANCIAL INFORMATION

Unless otherwise provided by law, the personal information required in question #13 will be treated as confidential. The personal information required in question #13 is solely for identification purposes.

13a. Date of Birth		b. Social Security Number SSN		c. Place of Birth		d. U.S. Citizen?	
[REDACTED]		[REDACTED]		[REDACTED]		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
e. If Naturalized, State where				f. When		g. Name of District Court	
[REDACTED]				[REDACTED]		[REDACTED]	
h. Naturalization Certificate Number		i. Date of Certification		j. If an Alien, Give Alien's Registration Card Number		k. Permanent Residence Card Number	
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
l. Height	m. Weight	n. Hair Color	o. Eye Color	p. Sex	q. Race	r. Do you have a current Driver's License? If so, give number and state	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [REDACTED]	

14. Financial Information.

a. Total purchase price \$ 0 NONE (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ 0 NONE

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 0 NONE

c. Provide details of the investment described in 14.b. You must account for all of the sources of this investment. Attach a separate sheet if needed.

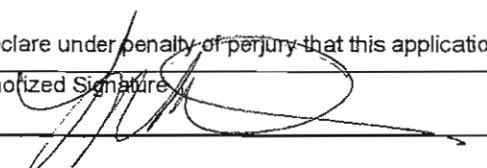
Type: Cash, Services or Equipment	Source	Amount
<u>NONE -</u>		

d. Loan Information (attach copies of all notes or loans)

Name of Lender	Address	Term	Security	Amount
<u>- NONE -</u>				

Oath of Applicant

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

Authorized Signature 	Title <u>MANAGER</u>	Date <u>7/14/13</u>
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March 1, 2013

To Whom It May Concern:

It is my pleasure to recommend to your attention Mr. Richard Sawaya who is applying for a Colorado Liquor License.

I have known Mr. Sawaya for forty years or more, during that time we taught in the same school in Trinidad, Colorado. As a teacher his record was outstanding, he had proven himself to be capable and efficient in and out of the classroom.

After teaching for twenty years, Mr. Sawaya decided to buy a car dealership, Pioneer Motors. I have bought several vehicles from Mr. Sawaya and observed his ability to relate effectively with me and other customers. I know Mr. Sawaya accepts responsibility readily and carries out his duties with efficiency and dispatch. He seems to have the ability to sense the needs and feelings of others and make others feel that they are a contributing part of the whole picture. I spent many hours visiting with Mr. Sawaya at his auto dealership, at that time I got to know many of his employees, they always spoke highly of him, respected him, and felt he was a very fair and a good person to work for. When Mr. Sawaya decided to sell his business, many employees expressed to me how they hated to see him leave.

In the field of community relations, especially, Mr. Sawaya was able to bring about positive community involvement. He served on the Mt. San Rafael Hospital Board, he was very dedicated to this committee and was constantly trying to improve Trinidad's health issues by bringing new and more doctors to town.

In short, Mr. Sawaya has proven himself to be an outstanding friend, teacher, businessman, and community member, the Colorado Liquor Board would do well to seriously consider his application for a Liquor License.

If you have any further questions, I would be happy to discuss them with you. My phone number is 719-846-6364.

Sincerely,



Charles Simpleman
Retired School Administrator

verified
6/9/13

J Dennis Scott
33711 Mountain View
Santa Fe Trail Ranch
Trinidad CO 81082-3994

February 23, 2013

To Whom It May Concern, reference a liquor license application by Richard Sawaya of Trinidad CO for Café What a Grind.

I have known Richard for the entire time I have lived in Trinidad, having moved here 13 years ago. I first observed him in his business..... service and sales of various makes and models of automobiles and trucks. He and his employees were always fair and honest as I had my Ford Expedition and Dodge Dakota serviced there. I next encountered him when he was on the Board of the Mt San Rafel Hospital here in Trinidad. It seemed to me that his behavior and conversation on the issues in question were always appropriate. Many of his suggestions were adopted in total by the Board. Next I worked very close with Richard as a member and officer of the Trinidad Rotary Club. For the last several years he served as a board member, vice president, president and currently he is the immediate past president and treasurer . Richard was honored by Rotary International for his support of the Rotary Foundation. He lives by the Rotary motto, "Service Above Self". And, he operates in personal and business actions by the Rotary 4 Way code of ethics....."Of all the things I will think, say, or do...Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned?"

Around town he is known for his concern toward others and as a man of his word. He is both responsible and trustworthy. The bottom line for me is that Richard Sawaya is a man of impeccable character and principal.

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

Respectfully,



J. Dennis Scott, Colonel US Air Force, Retired.
jdennis.scott@gmail.com 719-845-8660

verified
5/9/13

The First National Bank in Trinidad

Member FDIC



Jeff Mangino
President
jeff.mangino@fnbtrinidad.com
NMLS ID# 459420

March 04, 2013

To Whom It May Concern:

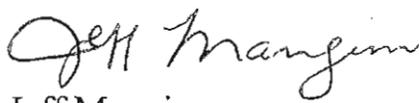
This letter is to consider Richard Sawaya for approval of a liquor license in our community.

Mr. Sawaya is a well-known individual primarily for his auto dealership at Pioneer Motors. My first acquaintance with him was in his capacity as an instructor at Trinidad High School. For the past 14 years I have gotten to know him better as a customer of our Bank. During this time he has handled his financial affairs in an efficient and prudent manner as evidenced by his success with the auto dealership and with another business downtown.

I'm sure he will provide the necessary due diligence, professionalism, financial acumen, and courtesy to the public while overseeing the responsibilities of this license.

If you require additional information or would like to further discuss his capabilities and character, please do not hesitate to contact me via email or the telephone number listed.

Regards,


Jeff Mangino

verified
5/9/13



April 11, 2013

To whom it may concern:

It is with great honor that I write this character reference letter for my dear colleague and close friend, Lorin Manuel. It has come to my attention that she wishes to be granted a license to sell liquor at her restaurant. I, personally, could not think of a more responsible and trustworthy person to be granted this privilege.

I have known Ms. Manuel for well over two years, and have come to know her on a professional as well as a bosom level. She has catered for my dance studio's formal shows for several years, and I believe that by being able to serve alcohol at our functions (and the many others she does in and around the Trinidad community), her business would benefit tremendously. I am confident that her maturity and strong moral values will uphold all that is required in obtaining and maintaining such license.

Thank you for taking the time to consider my letter in making your decision. I recommend all that this woman is without reservation. Because of the importance of this matter to Ms. Manuel, I implore you to please contact me if there is anything that I have failed to mention regarding her.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Kurtis Aragon", with a horizontal line drawn through it.

Kurtis Aragon
Owner/Artistic Director
K(INspire) Pre-Professional Dance Studio

135 East Main Street
Suite # 11
Trinidad, CO 81082
T 720-244-8083
aragonkj@gmail.com
www.kinspiredance.com

verified
5/9/13



*Mt. Carmel Health, Wellness
& Community Center*

April 13, 2013

Dear Sir or Madam,

I am writing this reference for Lorin Manuel, who is applying for a liquor license so that she can sell liquor at her restaurant, Café What a Grind.

I am the director of the Mt. Carmel Community Center, an establishment located in Trinidad, Colorado. Over the last year, I have had the opportunity to work with Lorin on several projects, including her valuable time as a consultant for our café, and to form a personal friendship as well.

During the course of our professional relationship, I found Lorin to be punctual, efficient, calm in stressful situations and extremely knowledgeable in the retail food industry and the guidelines for serving alcohol at our catered events. Lorin exceeded all expectations I held for her.

In addition, I find Lorin to be highly ethical and honest. She is dedicated to her business and is a true professional. Most people would consider our café at Mt. Carmel to be direct competition for Lorin's business but she did not hesitate to extend her hand in friendship and help us get our business going. I value Lorin's opinion, insight and friendship.

Thank you for your consideration,

Angie Mullet

Angie Mullet
Director, Mt. Carmel Community Center
911 Robinson Ave.
Trinidad, Co. 81082
719.499.1729
719.575.7085

mess. 5/9/13
5/29/13
verified 5/31/13

April 14, 2013

Dear Sir or Madam,

It is with pleasure and complete confidence that I write this letter of reference for Lorin Manuel.

I have known Lorin Manuel for almost 5 years now as a fellow restaurant owner/operator and personal friend.

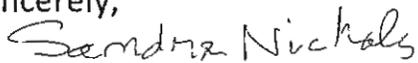
I can confirm that she is a person of quality character who runs her business professionally. She is a dedicated family woman who has long standing ties to this community.

For your information, I am Sandra Nichols, co-owner and operator of Bella Luna Pizzeria. I believe that Lorin /Café What a Grind receiving a liquor license would be an asset to our town. As a restaurant owner and resident of Trinidad, I often hear people expressing their desire to have more choices where they could have a quality dinner and a beer in a place that is run with care and sense of family.

To summarize, I hope that you will seriously consider granting Lorin /Café What a Grind a liquor license.

Please feel free to contact me with any questions that you may have regarding Lorin Manuel.

Sincerely,


Sandra Nichols

verified 5/16/13

NOTICE OF PUBLIC HEARING

PURSUANT TO THE LIQUOR LAWS OF COLORADO, RGS Sawaya, LLC d/b/a Café What a Grind, 341 N. Commercial Street, Trinidad, CO, has requested the licensing officials of the City of Trinidad to grant a new hotel and restaurant license at this location to sell malt, vinous and spirituous liquors.

Hearing on application will be held on Tuesday, June 18, 2013, at 7:00 p.m. in the Council Chambers, City Hall, 135 N. Animas Street, Trinidad, CO.

Date of Application: May 7, 2013

Remonstrances may be filed with the City Clerk's Office, 135 N. Animas, Trinidad, CO.

Dated this 8th day of May, 2013.

By order of the Trinidad City Council.

CITY OF TRINIDAD, COLORADO



Audra Garrett, City Clerk

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of May, 2013, I mailed the Notice of Public Hearing by first-class mail, postage pre-paid to:

RGS Sawaya, LLC
d/b/a Café What a Grind
341 N. Commercial Street
Trinidad, CO 81082


Audra Garrett, City Clerk

PROOF OF PUBLICATION

STATE OF COLORADO
COUNTY OF LAS ANIMAS } SS

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

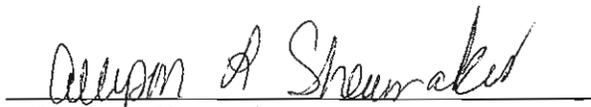
The attached Notice was published in said newspaper in its issue(s) dated

48111 May 17, 2013



Krysta E. Toci

Subscribed and sworn to before me this
17 day of May,
A. D., 2013.



Allyson L. Sheumaker

My commission expires on August 26, 2015


ALLYSON L SHEUMAKER
NOTARY PUBLIC, STATE OF COLORADO
My Comm. Expires August 26, 2015

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Dated this 8th day of May, 2013.

By Order of the Trinidad City Council
Audra Garrett, City Clerk

Published: May 17, 2013

48111

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, RGS Sawaya, LLC d/b/a Café What a Grind, 341 N. Commercial Street, Trinidad, Colorado, which business has applied for a new hotel and restaurant license to sell malt, vinous and spirituous liquors at said location, was duly posted for not less than fifteen continuous days, with the first day of posting occurring on the 8th day of May, 2013.

WITNESS, my hand and the official seal of the City of Trinidad, Colorado, this 8th day of May, 2013.

CITY OF TRINIDAD, COLORADO

(S E A L)



Audra Garrett, City Clerk

4/26/13

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

Applicant: RGS Sawaya, LLC

dba: Café What a Grind

Address: 341 N. Commercial Street

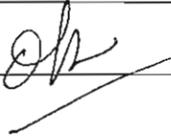
Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

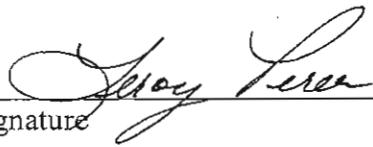
FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____
_____  _____

5-2-13
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 31, 2013

4/26/13

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

Applicant: RGS Sawaya, LLC

dba: Café What a Grind

Address: 341 N. Commercial Street

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

5-2-2013
Date

Chris L. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 31, 2013

4/26/13

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

Applicant: RGS Sawaya, LLC

dba: Café What a Grind

Address: 341 N. Commercial Street

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: No issues

5-3-13
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: May 31, 2013



Trinidad Police Department

2309 E Main St.
Trinidad, Co 81082
(719) 846-4441 (719) 846-3728 (fax)

May 13, 2013

Audra Garrett, City Clerk
135 N Animas St
Trinidad, CO 81082

RE: background liquor license

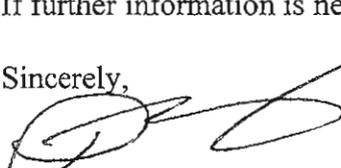
To whom it may concern:

The Trinidad Police Department checked various public access databases on the below listed individuals. NO RECORD WAS FOUND.

Kenneth Gegelman, Olga Gegelman, Andrew Dunn, Loren Sue Manuel, Richard Sawaya

If further information is needed, please feel free to contact this agency

Sincerely,



Phil A. Martin Jr #0857
Sergeant
Criminal Investigations



CITY of TRINIDAD

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

May 9, 2013

RGS Sawaya, LLC
d/b/a Café What a Grind
341 N. Commercial Street
Trinidad, CO 81082

Dear Applicant:

You recently applied for a new hotel and restaurant liquor license. The Trinidad City Council as the local liquor licensing authority has scheduled a hearing on your application for Tuesday, June 18, 2013, at 7:00 p.m. The City Council has also tentatively established the boundaries of the neighborhood in which the establishment is proposed to be located as the area within the corporate boundaries of the City of Trinidad. A map identifying the neighborhood boundaries is attached.

Below are procedures you should follow at the hearing. Remember that the approval of this application and the granting of the requested license are not automatic. Well in advance of the hearing, the information provided in the application and the other forms and questionnaires, particularly with respect to criminal convictions, needs to be reviewed. Any corrections, alterations, deletions or additions need to be provided to the City Clerk no later than one week before the scheduled hearing. A knowing misstatement in any of these forms constitutes grounds for denial of the license.

Procedures to be followed at hearing:

- A. Avoid repetitive testimony which adds little to your case.
- B. All applicants (with the exception of club licenses) have the burden of proving that the needs of the neighborhood and desires of the inhabitants are not being met. Present your evidence to support this as concisely as possible. This may be in the form of verbal testimony, petitions, or other means.

RGS Sawaya, LLC d/b/a Café What a Grind
May 9, 2013
Page 2

- C. Petitions - Before any liquor or beer license can be issued, two requirements must be affirmatively established that (1) the reasonable requirements of the neighborhood are not being met by existing outlets, and (2) that the inhabitants of the neighborhood desire that it be issued. One manner of showing this is by circulating petitions within the defined neighborhood (affected area). Many applicants use a marketing survey firm to circulate petitions. A sample petition is enclosed should you decide to do your own survey.

Please remember that because the applicant has received approval of the application by the local authority does not mean that a license will ultimately be issued. Every application is subject to review by the State of Colorado, and the Colorado Department of Revenue Liquor Enforcement Division must issue a State License before the City of Trinidad may issue a City License. The process of getting the application to the State, their review and issuance of their license, often takes three to four weeks to complete (less time if concurrent review is requested). You will be notified immediately when both the State and City licenses are ready to be mailed or picked up.

If you have any questions, please call.

Sincerely,

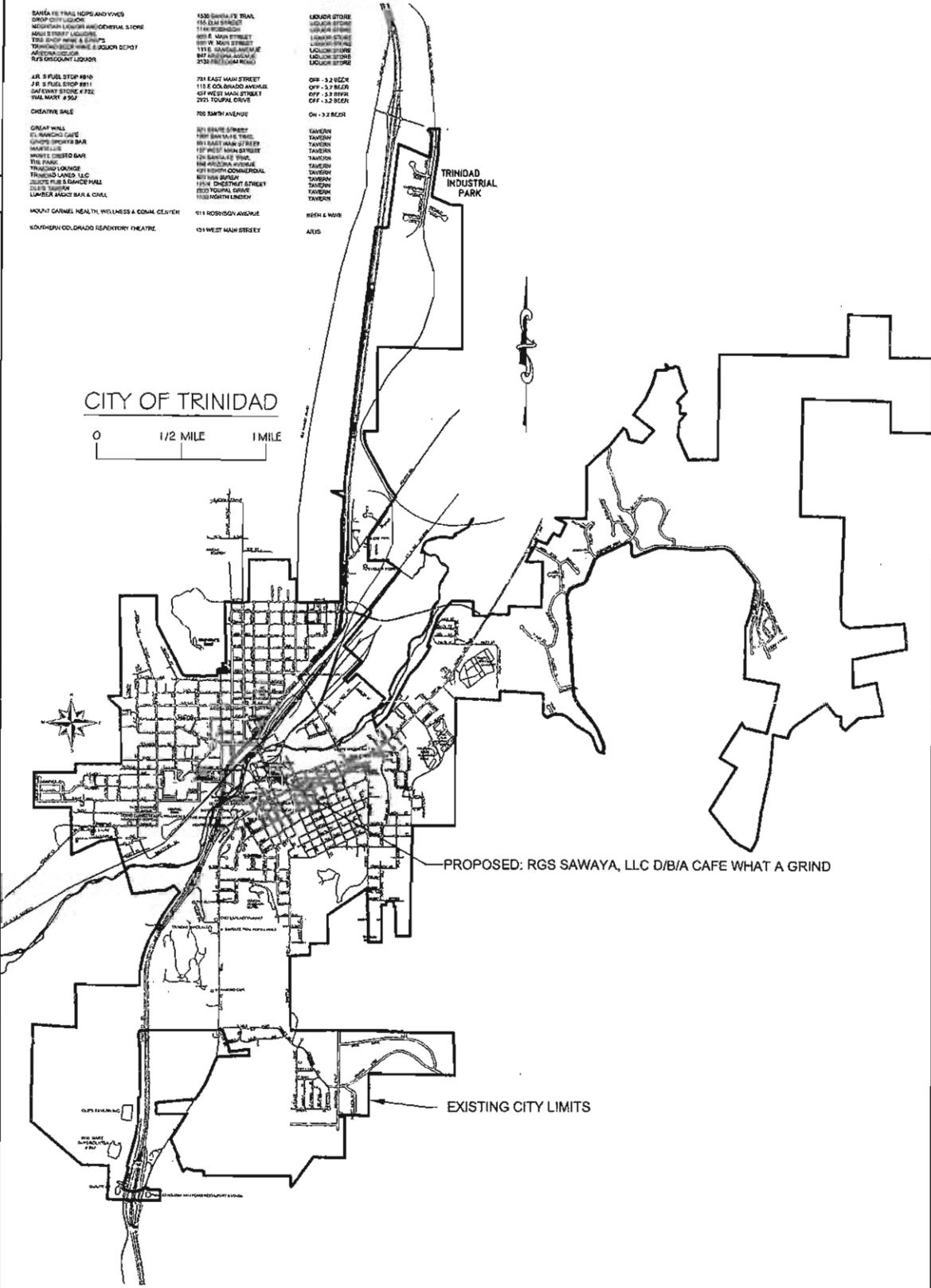
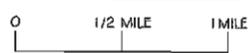


Audra Garrett
City Clerk

Encs.

LEGAL NAME	BUSINESS ADDRESS	TYPE OF LICENSE
CLUB EDGE	120 SOUTH MAPLE STREET	CLUB
QUIN JAY INN	2422 SOUTH BIRCH	HOTEL - RESTAURANT
REAR HOUSE BELMONT STEAK HOUSE	222 WEST MAIN STREET	HOTEL - RESTAURANT
CHRYSTAL RESTAURANT	122 SOUTH 1ST STREET	HOTEL - RESTAURANT
MARQUAT THE PUB RESTAURANT	200 EAST MAIN STREET	HOTEL - RESTAURANT
CHOCOLATE HOUSE RESTAURANT	120 WEST MAIN STREET	HOTEL - RESTAURANT
WELLSVILLE RESTAURANT	410 CHESTNUT STREET	HOTEL - RESTAURANT
TRINIDAD THE PLAY HOUSE RESTAURANT & VOUCHER	3122 SANTA FE TRAIL DRIVE	HOTEL - RESTAURANT
MAIN STREET TAP HOUSE	222 WEST MAIN STREET	HOTEL - RESTAURANT
BECK INN	224 EAST MAIN STREET	HOTEL - RESTAURANT
PURVISOR & LITTLE CATERING COMPANY	8 W. COLMAN AVENUE	HOTEL - RESTAURANT
THE CLUBHOUSE GRILLE	340 SOLAR DRIVE	HOTEL - RESTAURANT W/OP. PREMISES
SANTA FE TRAIL HORSE AND VINES	1222 SANTA FE TRAIL	LIQUOR STORE
DROP OFF LIQUOR	142 ELM STREET	LIQUOR STORE
NEIGHBOR LIQUOR AND CONSUMABLE STORE	114 WOODBUSH	LIQUOR STORE
AMBI STREET LIQUOR	800 E. MAIN STREET	LIQUOR STORE
TRINIDAD LIQUOR	100 W. MAIN STREET	LIQUOR STORE
TRINIDAD LIQUOR & LIQUOR DEPOT	112 E. WASHINGTON AVENUE	LIQUOR STORE
ARIZONA LIQUOR	847 ARIZONA AVENUE	LIQUOR STORE
RFS DISCOUNT LIQUOR	200 W. COLMAN AVENUE	LIQUOR STORE
JR & PUEL STOP #810	720 EAST MAIN STREET	OFF - 3.2 BEER
JR & PUEL STOP #811	112 E. COLMAN AVENUE	OFF - 3.2 BEER
SAVENY STORE #722	427 WEST MAIN STREET	OFF - 3.2 BEER
VALMART #352	200 TOWNA DRIVE	OFF - 3.2 BEER
CREATIVE SALE	700 BARTH AVENUE	ON - 3.2 BEER
GREAT HALL	201 BIRCH STREET	TAVERN
EL RANCHO CAFE	1001 BIRCH STREET	TAVERN
GRACE SPORTS BAR	101 BIRCH STREET	TAVERN
MAVERICK	107 WEST MAIN STREET	TAVERN
MOBILE CIGARETTE BAR	120 BIRCH ST. SW.	TAVERN
THE PUB	800 ARIZONA AVENUE	TAVERN
TRINIDAD LOUNGE	427 NORTH CONNORIAL	TAVERN
TRINIDAD LOUNGE, LLC	101 W. BIRCH	TAVERN
JUSTICE PUB & GARDEN HALL	1518 CHESTNUT STREET	TAVERN
CLUB TRINIDAD	2222 TOWNA DRIVE	TAVERN
LUMBER SHOP BAR & CHILL	1000 NORTH LINDEEN	TAVERN
MOUNT CARMEL HEALTH, WELLNESS & COSMETIC CENTER	911 ROBINSON AVENUE	BEER & WINE
SOUTHERN COLORADO RECREATION THEATRE	131 WEST MAIN STREET	ALYS

CITY OF TRINIDAD



Open Urban

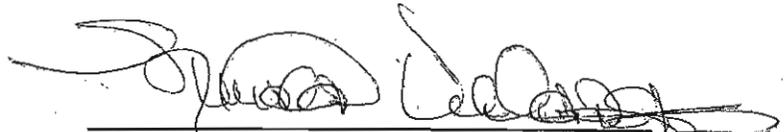


City of Trinidad Engineering Department

PROJECT NO.	
SHEET NO.	1
TOTAL SHEETS	1

DISCLOSURE STATEMENT

I, Linda Velasquez, hereby state and affirm that I am a member of Gino's Sports Bar, LLC, a Colorado limited liability company formed on September 9, 2011, whose principal office address is 310 Spruce Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Gino's Sports Bar, a tavern licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 991 E. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 25% interest in Gino's Sports Bar, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.



Linda Velasquez
12/4/12

Date

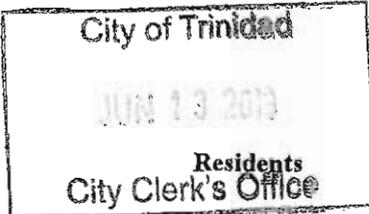
DISCLOSURE STATEMENT

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



Michelle Miles
12/4/12

Date



PETITION

Applicant RGS, SAWAYA INC.
 Trade Name of Establishment CAFE WHAT A BRIND
 Proposed Location 341 N. COMMERCIAL ST. TRINIDAD, CO. 81082
 Application for (Type Of License) NEW HOTEL & RESTAURANT NOODLE W/CELIAC
 Public Hearing before the local Licensing Authority:
 Date and Time JUNE 18, 13 @ 7:00 pm
 Location CITY HALL, 135 N. ANIMAS ST., TRINIDAD, CO.

DO NOT SIGN THIS PETITION UNLESS:

1. You are at least twenty-one (21) years of age.
2. You are a resident within the designated affected area(see attached map).
3. You sign your name only (first, middle and last name). You cannot sign for another individual.
4. You have not signed another petition concerning the same application.
5. You have read the petition in its entirety and understand its meaning.
6. The petition circulator witnesses your signature.

Check the SUPPORT column if you desire that this type of license be issued and/or the existing outlets do not adequately serve the reasonable requirements of the designated affected area.

Check the OPPOSE column if you desire that this type of license not be issued and/or the existing outlets adequately serve the reasonable requirements of the designated affected area.

Name - Signature	Complete Home Address (Include Space/Apt. No)	Age	Support	Oppose	Date Signed
Monica Monique	602 S Indiana	51	X		5/11/13
Keenan Morris	602 S Indiana	24	X		5/10/13
Carol Potter	403 N. COMMERCIAL	62	X		5/10/13
Tom Potter	403 N. COMMERCIAL	66	X		5/10/13
Royce Munoz	2508 Desperada Dr	24	X		5/10/13
Consuelo Central	322 E. Johnson av.	40	X		5/10/13
Shirley Padilla	322 E. Johnson	65	X		5/10/13
Dore E. Padilla	322 E. Johnson	68	X		5/10/13
J. Vaughn	131 W MAIN	24	X		5/10/13

10/11

Residents

Applicant R/S Saurana Inc.
 Trade Name of Establishment CAFE WHAT A BEHIND
 Proposed Location 341 N. Commercial St. TRINIDAD CO
 Application for (Type of License) NEW HOTEL & RESTAURANT WOULD LICENSE

Name - Signature	Complete Home Address (Street Address/Apt #)	Age	Support	Oppose	Date Signed
<i>Jesse Manzanera</i>	207 N. W. Ave	74	✓		5/12/13
<i>Maria Mercedes</i>	<i>USA</i>	36	✓		5/11/13
<i>William Brown</i>	2637 Espinoza St	32	✓		5/12/13
<i>Tom Taylor</i>	804 Nickerson	32	✓		5/12/13
<i>Mel Habler</i>	206, S. Annas	74	✓		5/12/13
<i>Brittany P. Casiro</i>	230 Lia St. Trinidad, Co.	24	✓		5/14/13
<i>John A. [unclear]</i>	304 E. 6th St. Trinidad CO	40	✓		5-14-13
<i>Amberlee [unclear]</i>	304 E 10th St. Trinidad	37	✓		5-14-13
<i>Gonzales</i>	321 GROVE, TRINIDAD	46	✓		05.14.13
<i>Rachel A. Apple</i>	110 W. 10th Trinidad	43	✓		5/14/13
<i>Henry A. [unclear]</i>	301 N. Commercial	62	✓		5/14/13
<i>Ann. [unclear]</i>	218 N. Ave Trinidad	62	✓		5/14/13
<i>Marcia [unclear]</i>	269 N. Commercial	49	✓		5/14/13
<i>Liz Torres</i>	257 N. Comm. St.	46	✓		5/14/13
<i>Elizabeth [unclear]</i>	708 E. Gooding Ave	24	✓		5/14/13
<i>Jim [unclear]</i>	414 S Commercial St	55	✓		5/14/13
<i>[unclear]</i>	234 N. Commercial	60	✓		5/14/13
<i>Melrose [unclear]</i>	219 E 10th St	35	x		5/14/13
<i>Edward L. [unclear]</i>	300 N. Commercial ^{Trinidad CO}	61	✓		5/14/13
<i>Tarroy T. [unclear]</i>	123 W CEDAR ST ^{TRINIDAD CO}	52	✓		5/14/13
<i>Dan [unclear]</i>	202 Estrella St	29	✓		5/14/13

SEE BACK



<u>Name & address</u>	<u>Age</u>	<u>Support</u>	<u>Oppose</u>	<u>Date</u>
Lynn Reynolds 8361 Cord 690	33	K		15-May 2013
PEGGY WESTMORELAND 111 E Topoka Ave	54	support		5-17-13
Melissa Mastas 33971 crd 82-6	37	support		5-16-13
Alicia Campos	22	Support		5-16-13
Terri Thomas 10555 CR 855	27	support		5-16-13

PETITION

Applicant RBS SAWAHA LLC
 Trade Name of Establishment CAFE WHAT A GRILL
 Proposed Location 341 N. COMMERCIAL ST. TRINIDAD, CO 81082
 Application for (Type Of License) NEW HOTEL & RESTAURANT NOODLE LICENSE
 Public Hearing before the local Licensing Authority:
 Date and Time JULY 18, 13 @ 7:00AM
 Location CITY HALL 135 N. ARIZONA ST. TRINIDAD, CO 81082

DO NOT SIGN THIS PETITION UNLESS:

1. You are at least twenty-one (21) years of age.
2. You are the owner or manager of a business located within the designated affected area(see attached map).
3. You sign your name only (first, middle and last name). You cannot sign for another individual.
4. You have not signed another petition concerning the same application.
5. You have read the petition in its entirety and understand its meaning.
6. The petition circulator witnesses your signature.

Check the SUPPORT column if you desire that this type of license be issued and/or the existing outlets do not adequately serve the reasonable requirements of the designated affected area.

Check the OPPOSE column if you desire that this type of license not be issued and/or the existing outlets adequately serve the reasonable requirements of the designated affected area.

Name - Signature Specify Owner/Manager	Business Name & Address	Age	Support	Oppose	Date Signed
<i>[Signature]</i>	Cedar St Printing	51	✓		5/14/13
<i>[Signature]</i>	Challenge Main	53	✓		5-18-13
<i>[Signature]</i> Manager	Lucky Fetching Finds	42	✓		5-16-13
<i>[Signature]</i>	1406 San Juan	57	✓		5-16-13
<i>[Signature]</i>	1400 San Juan St	43	✓		5-16-13
<i>[Signature]</i>	705 Sheshone	60	✓		5-17-13
<i>[Signature]</i>	216 DOLE ST	44	✓		5-17-13
<i>[Signature]</i>	1406 San Juan	62	✓		5/17/13
<i>[Signature]</i>	Tami's Fl. Tric	58	✓		5-19-13

Businesses

Applicant R/S SAWAUA INC. LLC.
 Trade Name of Establishment CAFE WHATA GRINDS
 Proposed Location 341 N. COMMERCIAL ST TRINIDAD, CO 81082
 Application for (Type of License) NEW HOTEL & RESTAURANT MOBILE LICENSE

Name - Signature Specify Owner/Manager	Business Name & Address	Age	Support	Oppose	Date Signed
	A-1 Automotives	49	Yes		5/20/13
	308 Avenue	32	Yes		5/21/13
	KUNspire) 135 E Main #11	26	Yes		5/21/13
	Mt. Carmel 911 Robinson	46	Yes		5/21/13
		39	yes		5-22-13
	1721 San Pedro	37	yes		5-22-13
	Curves 413 N Comm.	59	yes		5-23-13
	Curves 413 N Comm.	24	yes		5-23-13
	Around Town 440.com	29	Yes		5-23-13
	Classic Cuts 615 Starwood TRINIDAD	34	Yes		5-23-13
	516 W. Main St	59	Yes		5/24/13
	908 Robinson Ave	21	yes		5/24-13
	823 Pine St	57	yes		5/24/13
	1490 E Penny Ln	62	Yes		5/29/13
	P.O. Box 26003 Prescott AZ	51	yes		5/29/13
	4588 Corp 40.5, Trinidad	38	yes		5/29/13
	R/P 413 N Comm	61	Yes		5/29/13
	3318 Callias Hwy	42	yes		5/29/13
		72	yes		5/29/13
	315 Grove St.	21	yes		5/29/13
	1509 Rosita	51	yes		5/30/13

Affidavit 21 Years of Age

Applicant PLS SAWAYA LLC, LLC.
 Trade Name of Establishment CAFE WHAT A BIRNIO
 Proposed Location 341 N. COMMERCIAL ST. TRINIDAD, CO 81082
 Application for (Type of License) NEW RESTAURANT & HOTEL LIQUOR LICENSE

AFFIDAVIT

I, LORIN MANUEL, do hereby state that I was the circulator of said petition consisting of 6 pages including this page, and further state that I personally witnessed each signature appearing on said petition, and that each signature thereon is the signature of the person whose name it purports to be; further, that the address given opposite that person's name is the true address of the person signing; that every person who signed, represented himself or herself to be 21 years of age or older; that each person signing the petition read or had read to him the statement appearing on that page one (1) hereof, and understood the nature of the petition. I also hereby swear or affirm that no promises, threats, or inducements were employed whatsoever in connection with the presentation of this petition, and that every signature appearing hereon was completely free and voluntarily given.



Circulator [Signature]

Date Signed June 13, 13

State of Colorado
 County of Las Animas }

ss.

Subscribed and sworn before me this 13 day of June, ~~1999~~ ²⁰¹³. My commission expires 11-15-14.

Notary Public Glenna Zamora



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 18, 2013
PREPARED BY: Tom Acre, City Manager
DEPT. HEAD SIGNATURE: 
OF ATTACHMENTS: 1

SUBJECT: Public hearing for consideration of an ordinance amending Article 1 (“Utility Billing”) of Chapter 12 (“Municipal Utilities”) of the Code of the City of Trinidad, Colorado, to allow budget billing for all utility customers

1) Second reading of an ordinance amending Article 1 (“Utility Billing”) of Chapter 12 (“Municipal Utilities”) of the Code of the City of Trinidad, Colorado, to allow budget billing for all utility customers

PRESENTER: Tom Acre, City Manager

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: None required at this time

SOURCE OF FUNDS: N/A

POLICY ISSUE: Extension of budget billing option to non-residential customers

ALTERNATIVE: Council could direct staff to make additional changes prior to approval on second reading

BACKGROUND INFORMATION:

- Council discussed this issue at work session on May 28, 2013 and recommended changes were made to the ordinance prior to its consideration on first reading.
- The ordinance was approved on first reading on June 4, 2013.



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

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

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

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

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

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

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

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

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

Section 12-2. Utility billing.

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND APPROVED this ____ day of _____, 2013.

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

BERNADETTE BACA GONZALEZ,
MAYOR

ATTEST:

AUDRA GARRETT, CITY CLERK



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 18, 2013
PREPARED BY: Louis Fineberg, City Planner
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS: 1

SUBJECT: Public hearing for consideration of an ordinance repealing and re-enacting Chapter 14, Planning and Zoning, Article 4, Zoning Ordinance, Division 1, General Provisions, Section 14-27(1)(b) Conditional Uses, of the Code of Ordinance of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits

1) Second reading of an ordinance repealing and re-enacting Chapter 14, Planning and Zoning, Article 4, Zoning Ordinance, Division 1, General Provisions, Section 14-27(1)(b) Conditional Uses, of the Code of Ordinance of the City of Trinidad, Colorado, to provide a clear procedure for the application, approval and review of conditional use permits

PRESENTER: Louis Fineberg, City Planner

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

SUMMARY STATEMENT: Proposed amendment to Chapter 14, Planning and Zoning, Article 4, Zoning Ordinance, Division 1, General Provisions, Section 14-27(1)(b) Conditional Uses, of the Code of Ordinance

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Conditional use Permit Ordinance

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The Planning, Zoning and Variance Commission and Planning Department would like to establish procedures for administering and reviewing CUPs
- Council discussed this issue at work session on May 28, 2013 and recommended changes were made to the ordinance prior to its consideration on first reading.
- The ordinance was approved on first reading on June 4, 2013.



CITY OF TRINIDAD, COLORADO

ORDINANCE NO. ____

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

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

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

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

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

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

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

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

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

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

- A) All CUP conditions shall be set forth by the Planning, Zoning and Variance Commission (hereinafter referred to as the Commission) and shall be agreed to and carried out by the property owner or by a duly authorized agent of the property owner.
- B) Under no circumstance shall a Certificate of Occupancy be issued by the Building Inspector for any structures associated with the CUP until all of the conditions specified by the Commission have been met. Exception for multiple structures under one CUP: A Certificate of Occupancy may be issued for each structure within the CUP once all conditions specific to an individual structure have been met.
- C) All CUP approvals shall remain in effect for a specified period of time with the following exceptions:
 - 1. Any conditional use that is not established within one year of its approval, discontinued for at least one year or replaced by another use of the land shall expire.
 - 2. Before a conditional use can be transferred to a new owner, said new owner must submit a letter to the Commission agreeing to the CUP terms and conditions. No business license shall be issued to the new owner and/or an agent of the new owner

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

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

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

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

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

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

FINALLY PASSED AND APPROVED this ____ day of _____, 2013.

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

BERNADETTE BACA GONZALEZ,
Mayor

ATTEST:

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 18, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 5

SUBJECT: Retail liquor store license renewal request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue

PRESENTER: Robinson Liquor, LLC representative

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The renewal application is in order.
- Fees have been paid.
- The departmental report dated 6/5/13 from the Fire Department was returned with no issues of concern.
- The Building Inspector indicated that the smoke/CO detector was not working and the fire extinguisher required certification
- The Police Department had no calls for service in the past year.
- Disclosure statements from Council Members Miles and Velasquez are attached.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Amount Due/Paid	227.50

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name <i>Robinson Liquor LLC</i>		DBA <i>Arizona Liquor Store</i>	
Liquor License # <i>42-93639-000</i>	License Type <i>Retail Liquor Store</i>	Sales Tax License # <i>04293639-0000</i>	Expiration Date <i>Jun 21, 13</i>
Street Address <i>847 Arizona Ave Trinidad CO 81082</i>			Phone Number <i>719846-8494</i>
Mailing Address <i>Same</i>			
Operating Manager <i>Gregory Robinson</i>	Date of Birth [REDACTED]	Home Address [REDACTED] <i>Trinidad CO</i>	Phone Number <i>719859-5912</i>

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease *July 2014*
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and **attach a copy of their driver's license, state-issued ID or valid passport.**

AFFIRMATION & CONSENT

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

Type or Print Name of Applicant/Authorized Agent of Business <i>Gregory Robinson</i>	Title <i>Owner/Manager</i>
Signature <i>Gregory R Robinson</i>	Date <i>5/29/13</i>

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

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

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

5/30/13

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

Applicant: Robinson Liquor, LLC

dba: Arizona Liquor Store

Address: 847 Arizona Avenue

Type of License: Retail Liquor Store

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Inspected OK

6-5-13
Date

[Signature]
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 12, 2013

5/30/13



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

Applicant: Robinson Liquor, LLC

dba: Arizona Liquor Store

Address: 847 Arizona Avenue

Type of License: Retail Liquor Store

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: smoke / c.o. detector not working
Fire replunger contribution

6-5-2013
Date

Cheri S. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 12, 2013

5/30/2013

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

Applicant's Name: Robinson Liquor, LLC

DBA: Arizona Liquor Store

Business Address: 847 Arizona Avenue

Type of License: Retail Liquor Store

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No records

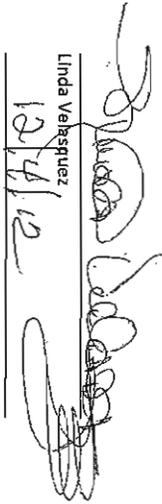
6-11-13
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 12, 2013

DISCLOSURE STATEMENT

I, Linda Velasquez, hereby state and affirm that I am a member of Gino's Sports Bar, LLC, a Colorado limited liability company formed on September 9, 2011, whose principal office address is 310 Spruce Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Gino's Sports Bar, a tavern licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 991 E. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 25% interest in Gino's Sports Bar, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.


Linda Velasquez
Date 12/4/12

DISCLOSURE STATEMENT

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


Michelle Miles
Date 12/4/12



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 18, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 6

SUBJECT: Tavern liquor license renewal request by Gina Louise Lujan d/b/a El Rancho Restaurant at 1901 Santa Fe Trail Drive

PRESENTER: Gina Louise Lujan

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The renewal application is in order.
- Fees have been paid.
- The departmental reports from the Fire Department and Building Inspector were returned with no issues of concern.
- The Health Department reported compliance on the part of the applicant.
- The Police Department had no calls for service in the past year.
- Disclosure statements from Council Members Miles and Velasquez are attached.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Amount Due/Paid	

EL RANCHO RESTAURANT
 1901 SANTA FE TRAIL
 TRINIDAD CO 81082-3609

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name LUJAN GINA LOUISE		DBA EL RANCHO RESTAURANT		
Liquor License # 42085780000	License Type Tavern (city)	Sales Tax License # 42085780000	Expiration Date 7/14/2013	Due Date 5/30/2013
Street Address 1901 SANTA FE TRAIL TRINIDAD CO 81082-3609				Phone Number (719) 846 9049
Mailing Address 1901 SANTA FE TRAIL TRINIDAD CO 81082-3609				
Operating Manager Gina Lujan	Date of Birth [REDACTED]	Home Address [REDACTED]	Phone Number 719 846 9049	

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

AFFIRMATION & CONSENT

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

Type or Print Name of Applicant/Authorized Agent of Business Gina Louise Lujan	Title owner
Signature <i>Gina Louise Lujan</i>	Date 5-29-13

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

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

Local Licensing Authority For Trinidad	Date
Signature	Title Mayor
	Attest

5/31/13

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

Applicant: Gina Louise Lujan

dba: El Rancho Restaurant

Address: 1901 Santa Fe Trail

Type of License: Tavern

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: inspected ok

6-5-13
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 12, 2013

5/31/13

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

Applicant: Gina Louise Lujan

dba: El Rancho Restaurant

Address: 1901 Santa Fe Trail

Type of License: Tavern

Renewal Transfer Change of Location New Special Event

2:15

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

6-5-2013
Date

Chris S. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 12, 2013

5/31/2013

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

Applicant's Name: Gina Louise Lujan

DBA: El Rancho Café

Business Address: 1901 Santa Fe Trail

Type of License: Tavern

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No records found

6-11-13

Date

Charles J. McManis
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE:

June 12, 2013

Audra Garrett

From: John Martinez [jmartinez@la-h-health.org]
Sent: Friday, May 31, 2013 12:04 PM
To: Audra Garrett
Subject: RE: liquor

Audra,
El Rancho Restaurant 1901 Santa Fe Trail is in compliance with this office.

John

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

Las Animas-Huerfano Counties District Health Department

Trinidad Office

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

Walsenburg Office

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

From: Audra Garrett [mailto:audra_garrett@trinidad.co.gov]
Sent: Friday, May 31, 2013 10:13 AM
To: John Martinez
Subject: liquor

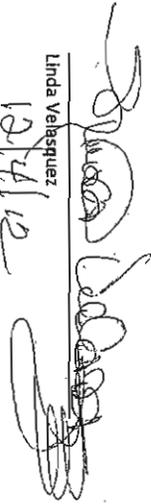
Hi John,
Please verify compliance with your office for Gina Lujan d/b/a El Rancho Restaurant at 1901 Santa Fe Trail. Thank you.

Audra Garrett, City Clerk
City of Trinidad
135 N. Animas Street
Trinidad, CO 81082
(719) 846-9843 ext. 135
(719) 846-4140 fax
audra.garrett@trinidad.co.gov



DISCLOSURE STATEMENT

I, Linda Velasquez, hereby state and affirm that I am a member of Gino's Sports Bar, LLC, a Colorado limited liability company formed on September 9, 2011, whose principal office address is 310 Spruce Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Gino's Sports Bar, a tavern licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 991 E. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 25% interest in Gino's Sports Bar, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.


Linda Velasquez
Date 12/4/12

DISCLOSURE STATEMENT

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


Michelle Miles
Date 12/4/12



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 18, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 7

SUBJECT: Temporary modification of premises request by Mount Carmel Health, Wellness and Community Center at 911 Robinson Avenue (July 12, 13, & 14, 2013 – Mt. Carmel Festival)

PRESENTER: Representatives of Mount Carmel Health, Wellness and Community Center

RECOMMENDED CITY COUNCIL ACTION: Consider modification request

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application is in order.
- Before/after diagrams are attached.
- Departmental reports from the Building Inspector and Fire Chief and Police Chief indicate they have no issues with the request.
- Disclosure statements provided by Council members Miles and Velasquez are attached.
- Appropriate fees have been paid.

PERMIT APPLICATION AND REPORT OF CHANGES

CURRENT LICENSE NUMBER 0940
 ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
 LOCAL LICENSE FEE \$ 300
 APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165

1. Applicant is a		PRESENT LICENSE NUMBER
<input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company		0940
2. Name of Licensee <u>MT CARMEL HEALTH, WELLNESS & COMMUNITY CTR</u>		3. Trade Name <u>MOUNT CARMEL HEALTH, WELLNESS & COMMUNITY CTR.</u>
4. Location Address <u>911 ROBINSON AVE</u>		
City <u>TRINIDAD</u>	County <u>LAS ANIMAS</u>	ZIP <u>81082</u>

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

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

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

DATE LICENSE ISSUED	LICENSE ACCOUNT NUMBER	PERIOD
-750 (999)	-100 (999)	TOTAL AMOUNT DUE \$ _____ .00

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

INSTRUCTION SHEET

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

Section A

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

Section B

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

Section C

Check the appropriate box in section C and proceed below.

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

STORAGE PERMIT

5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit

- Retail Warehouse Permit for:
 - On-Premises Licensee (Taverns, Restaurants etc.)
 - Off-Premises Licensee (Liquor stores)
- Wholesalers Branch House Permit

Address of storage premise: _____
 City _____, County _____, Zip _____

Attach a deed/ lease or rental agreement for the storage premises.
 Attach a detailed diagram of the storage premises.

CHANGE TRADE NAME OR CORPORATE NAME

6. Change of Trade Name or Corporation Name

- Change of Trade name / DBA only
- Corporate Name Change (Attach the following supporting documents)
 1. Certificate of Amendment filed with the Secretary of State, or
 2. Statement of Change filed with the Secretary of State, and
 3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

Old Trade Name	New Trade Name
Old Corporate Name	New Corporate Name

CHANGE OF LOCATION

7. Change of Location

NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 12-47-311 (1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.

Date filed with Local Authority _____ Date of Hearing _____

(a) Address of current premises _____

City _____ County _____ Zip _____

(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)

Address _____

City _____ County _____ Zip _____

(c) New mailing address if applicable.

Address _____

City _____ County _____ State _____ Zip _____

(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.

CHANGE OF MANAGER

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

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

Former manager's name _____

New manager's name _____

(b) Date of Employment _____

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

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

If yes, give name and location of establishment _____

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

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

(a) Describe change proposed On July 12-14 we are hosting our 3rd Annual Summer festival. Most activities will take place on our West Side parking lot and amphitheater

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

Start July 12, 2013 (mo/day/year) End July 14, 2013 (mo/day/year)

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

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

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

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

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

..... N/A..... Yes No

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

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

MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY

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 [Signature]

Title MANAGER

Date 6/4/13

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

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

Local Licensing Authority (City or County)

TRINIDAD

Date filed with Local Authority

JUNE 12, 2013

Signature

Title

Date

MAYOR

REPORT OF STATE LICENSING AUTHORITY

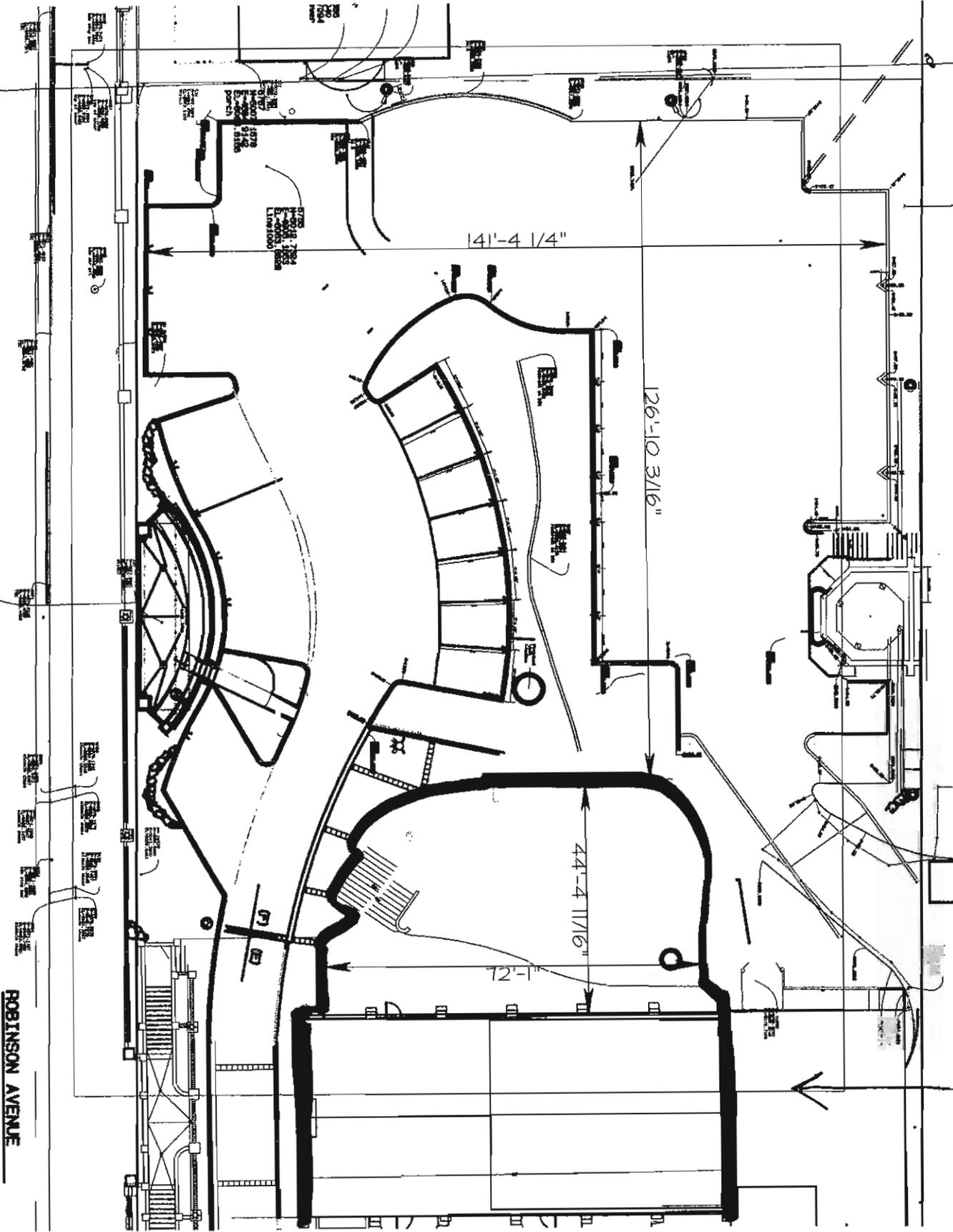
The foregoing has been examined and complies with the filing requirements of Title 12, Article 47, C.R.S. as amended.

Signature

Title

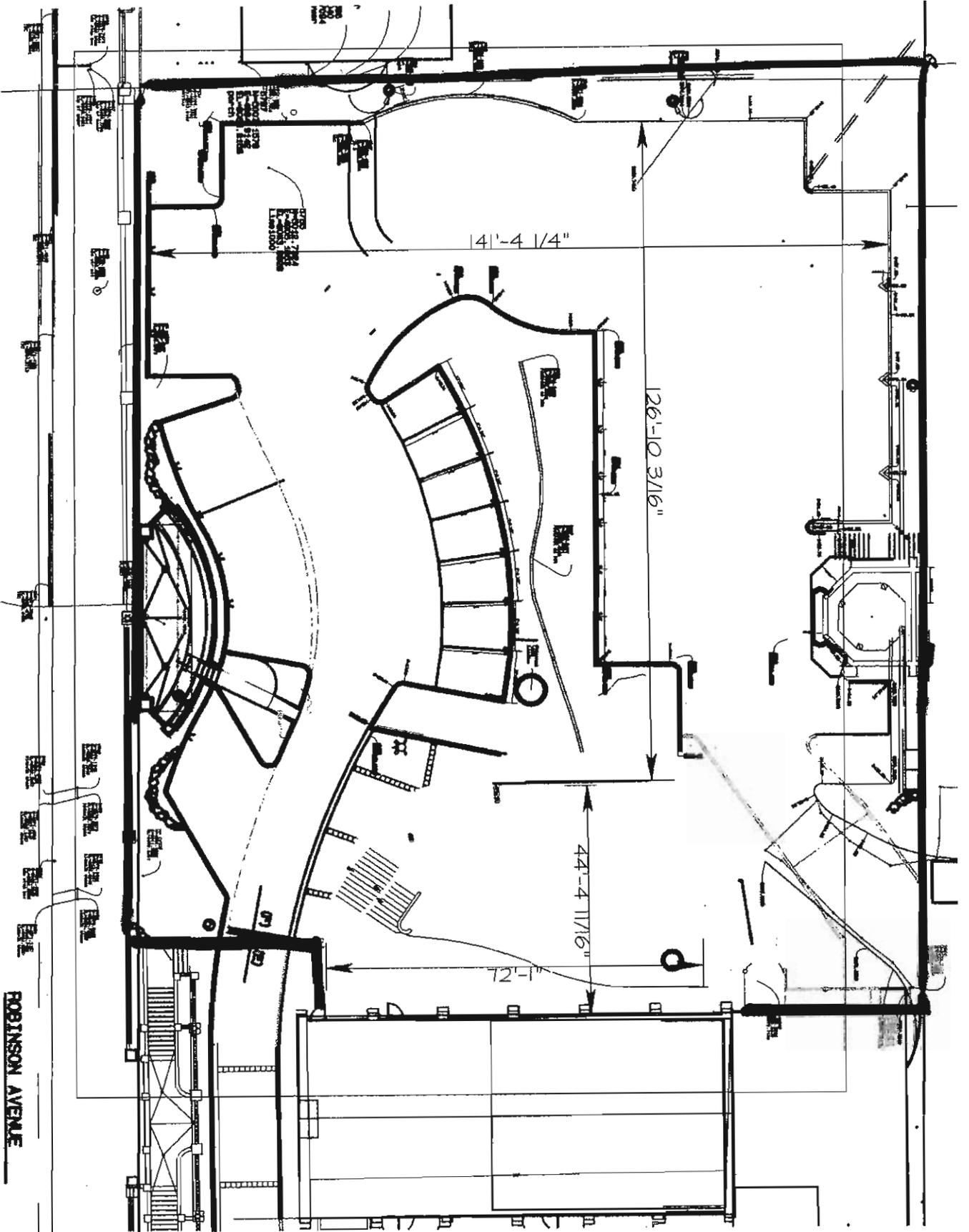
Date

CURRENT PREMISES - WEST BOUNDARY



ROBINSON AVENUE

PROPOSED TEMPORARY MODIFICATION



6/12/13

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

Applicant: Mount Carmel Health, Wellness & Community Center

dba: Mount Carmel Festival - July 12, 13, & 14, 2013

Address: 911 Robinson Avenue

Type of License: Temporary Modification of Premises to include West Side Parking Lot

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____
_____ *ok* _____

6-12-13
Date

Lucy Area
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 14, 2013

6/12/13

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

Applicant: Mount Carmel Health, Wellness & Community Center

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Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

6-12-2013
Date

Chris S. Kelly
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 14, 2013

6/12/13

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

Applicant: Mount Carmel Health, Wellness & Community Center

dba: Mount Carmel Festival – June 12, 13, & 14, 2013

Address: 911 Robinson Avenue

Type of License: Temporary Modification of Premises to include West Side Parking Lot

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: June 18, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: No ISSUES

6-14-13
Date

Charles J. Hoover
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 14, 2013

DISCLOSURE STATEMENT

I, Linda Velasquez, hereby state and affirm that I am a member of Gino's Sports Bar, LLC, a Colorado limited liability company formed on September 9, 2011, whose principal office address is 310 Spruce Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Gino's Sports Bar, a tavern licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 991 E. Main Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 25% interest in Gino's Sports Bar, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.

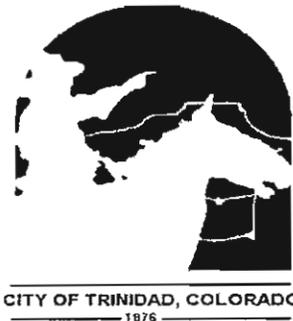

Linda Velasquez
Date 12/4/12

DISCLOSURE STATEMENT

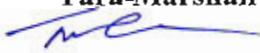
I, Michelle Miles, hereby state and affirm that I am a member of Opera House Wine & Spirits, LLC, a Colorado limited liability company formed on February 22, 2010, whose principal office address is 601 W. Main Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates The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


Michelle Miles
Date 12/4/12

8d



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: June 18, 2013
PREPARED BY: Tara Marshall
DEPT. HEAD SIGNATURE: 
OF ATTACHMENTS: 2

SUBJECT: 2013-2014 Welcome Center Statement of Work and the 2013-2014 Welcome Center Budget.

PRESENTER: Tara Marshall, Welcome Center Director

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the 2013-2014 Welcome Center Statement of Work between the City of Trinidad and the Colorado Tourism Office.

SUMMARY STATEMENT:

Annually the City of Trinidad enters into a contract for the management of the Colorado Welcome Center. The contract is with the Colorado Tourism Office and the period of the contract each year is the state fiscal, which is July 1st to June 30th. This year the Colorado Tourism Office has simplified the contract to be an easy to understand "Statement of Work." Additionally, this year the Colorado Tourism Office has increased its annual allocation to the City of Trinidad by \$2,000.

EXPENDITURE REQUIRED: \$17,500 which is the City's portion of the Colorado Welcome Center Budget. The Colorado Tourism portion by contract will be \$64,278

SOURCE OF FUNDS: City of Trinidad - \$17,500 from General Fund
Colorado Tourism Office - \$64,278 from State

POLICY ISSUE: Management of the Colorado Welcome Center, Trinidad

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

1. 2013-2014 Welcome Center Contract/Statement of Work
2. 2013-2014 Welcome Center Budget

8d

STATEMENT OF WORK

- **General description of project:**

The contractor shall operate as a State of Colorado Welcome Center, as referred to as, "CWC" and offer customer service and Colorado travel information to visitors.

- **Justification:**

Official Colorado Welcome Centers are located throughout the state. They are easily accessed from every major highway leading into Colorado. These visitor services sites provide indispensable local and statewide travel information. Colorado Welcome Center volunteer experts provide area-specific brochures, detailed maps and face-to-face travel consultation and advice, free of charge.

- **Definitions:**

The State of Colorado Welcome Center is defined as the building located at:

309 Nevada Avenue
Trinidad, CO 81082

The Colorado Tourism Office is referred to as, "CTO"

State of Colorado Welcome Center, is referred to as, "CWC"

Visitors are defined as any person(s) stopping at a CWC

The State of Colorado Welcome Center Manager is referred to as, "WC Manager"

- **Deliverables (Goods/Services):**

Operations

The CWC, WC Manager, staff and volunteers will operate the Welcome Center from 8:00 A.M. until 6:00 P.M. during the summer season (beginning Memorial Day weekend in May through Labor Day) and from 8:00 A.M. until 5:00 P.M. during the winter season (the Tuesday after Labor Day through the Friday before Memorial Day weekend in May); unless circumstances do not allow and prior notice is provided and agreed upon.

The CWC, WC manager, staff and volunteers will interact with travelers in such a way as to provide information on events, attractions, activities and accommodations throughout the state without bias to any community, organization, association or business. This is not intended to prohibit the CWC from providing information on local and regional events, attractions, activities and accommodations.

The CWC will comply with the CWC Brochure Distribution Guidelines by maintaining a minimum of 90 percent of the required brochures listed in the policy as "Required Brochures for Display at a Colorado Welcome Center." The CWC will obtain WC Director approval for all brochures and pamphlets prior to display or distribution. State approval will be based on the brochure distribution guidelines contained in the Managers Operation Manual for the Colorado Welcome Center Program.

The CWC will prohibit advertising displays, signs, or posters, solicitations or sales transactions of any kind on those portions of the premises used for Welcome Center operations; unless approved by the CTO such as those for the "Transparency Program".

The CWC and the WC Manager will comply with the policy and procedures contained in the "Manager's Operations Manual", provided by the CTO.

The WC Manager shall submit to the WC Director the monthly visitation (domestic and foreign) reports, origination reports, visitor logs, updates on activities with staff and volunteers and any special promotion

inventory by 5 p.m. on the twenty-ninth day of each month, unless other arrangements are specified in advance.

The WC Manager and staff will maintain the Welcome Center property in good condition, keeping the premises accessible and clean.

The WC Manager will communicate with the CWC Director concerning any building closings or emergency situations.

The WC Manager will obtain approval from the WC Director to use the Welcome Center facilities for any purpose other than standard operations, i.e. non-CTO sponsored surveys and activities.

CWC will provide all liability insurance for the premises and workers compensation insurance for the employees of the WC and shall provide the State with a certificate of insurance.

The CWC will participate fully in an annual assessment of Colorado Welcome Center services and operations and implement assessment findings and suggestions. The WC Manager will participate in an annual performance evaluation. The CWC and the WC Program Manager will work together to develop an implementation plan and timeline.

The CWC or the WC manager will contact the CTO for approval before releasing any information to the media on behalf of the CTO or the CWC.

Staffing

CWC will recruit, select and employ a WC Manager and any paid or volunteer staff necessary to operate the Welcome Center as CWC's employees. The Welcome Center Director shall have the right to approve the employees CWC has selected as manager and staff to perform work as outlined. If work is performed unsatisfactorily by any CWCC employee, the State may require that CWC take appropriate corrective action or require CWC to select different employee(s) to perform the work. The State shall have the right to closely monitor CWC's performance and to require the submission of monthly reports in the manner and form directed by the State.

Training & Events

The WC manager will attend and participate in all Welcome Center Manager's Meetings, Welcome Center promotional programs, and the annual Colorado Governor's Tourism Conference unless prior notice is provided and agreed upon.

The WC manager will provide official CWC training to all new travel counselors. This training program and material will be provided by the CTO and includes an overview of all official state travel resources including the Official State Vacation Guide, www.Colorado.com, and the Official State Map.

The WC Manager will hold at least six meetings per year for the volunteer travel counselors, presenting CTO updates and offering opportunities to the travel industry to make presentations to the travel counselors.

Twice a year, the WC Manager will host an informational study tour for travel counselors, visiting a designated travel region. The number and duration of study tours may vary at the discretion of the WC Manager and the WC Director.

- **Personnel:**
 - Tara Marshall – Trinidad CWC Manager
- Carol Patrick – Trinidad CWC Assistant Manager

- **Amount: \$64,278**

Welcome Center Salary and Benefits	\$29,834
Welcome Center Operations	\$23,944
Volunteer Enhancement	\$9,000
Travel	\$1,500
Total	\$64,278

- **Time Frames and Deadlines:**

Payments

The State, in consideration for the services to be provided by the CWC during the term of this SOW, shall pay the CWC upon receipt and approval of invoices from the CWC summarizing personnel, volunteer training and enhancement, travel, and major categories of operating and capital outlay expenses incurred for the operation of the Welcome Center. A letter requesting reimbursement payments for expenditures to operate a CWC for a specific period of time should be sent to the CWC Program Manager. This letter should be accompanied with copies of all invoices, including backup documentation. These can be mailed or sent electronically. CWC should request payment at least quarterly and no more frequently than monthly.

Reporting

The WC Manager shall submit to the WC Director the monthly visitation (domestic and foreign) reports, origination reports, visitor logs, updates on activities with staff and volunteers and any special promotion inventory by 5 p.m. on the twenty-ninth day of each month, unless other arrangements are specified in advance.

Please add a start and end date 7/1/2013 - 6/30/2014

Vendor Contact Information:

Tom Acre
 Trinidad City Manager
 719-846-9843 x133
 tom.acre@trinidad.co.gov

Please enter the Funding/Grant you want to use to Encumber Funds
 13N/305/WTRI

THE PARTIES HERETO HAVE EXECUTED THIS STATEMENT OF WORK

**Contractor
City of Trinidad**

By: Tom Acre
Title: City Manager, Trinidad

*Signature

Date: _____

**STATE OF COLORADO
Office of Economic Development & International Trade
Colorado Tourism Office**

By: Al White
Title: Executive Director, CTO Executive Director

*Signature

Date: _____

Colorado Welcome Center of Trinidad Budget - July 1, 2013 to June 30, 2014

CATEGORY	SUB-CATEGORY	CTO	CITY	TOTAL
SALARY		29,834.00	\$15,000.00	\$44,834.00
	Director Salary			
	Assistant Director Salary			
	FICA			
	MEDICARE			
	Retirement			
	Insurance			
OPERATIONS		23,944.00	\$0.00	\$23,944.00
	Telephone			
	Building Maintenance/Cleaning			
	Office/Computer Supplies			
	Utilities			
	Small Equipment			
	Uniforms/Nametags			
	Coffee Bar			
TRAVEL		1,500.00	\$2,500.00	\$4,000.00
	Welcome Center Travel			
	City of Trinidad Travel			
VOLUNTEER ENHANCEMENT		9,000.00	\$0.00	\$9,000.00
	Weekend Warrior			
	Study Tour			
	Monthly Volunteer Events			
	Volunteer Training			
ANNUAL BUDGET TOTAL				\$81,778.00
		2013-2014 WELCOME CENTER BUDGET		
		CTO		\$64,278.00
		CITY		\$17,500.00
		TOTAL		\$81,778.00

10e



CITY OF TRINIDAD, COLORADO
1876

Council Communication

City Council Meeting: June 18, 2013
Prepared: June 14, 2013
Dept. Head Signature:
of Attachments: N/A

SUBJECT: Potential motion regarding Stipulations in ARPA Lawsuit

Presenter: Les Downs, City Attorney

Recommended City Council Action: Motion by City Council on stipulations in the Trinidad vs. ARPA Lawsuit filed In Las Animas County and the in the ARPA vs. Trinidad Lawsuit filed in Prowers County.

Summary Statement: On May 23, 2013 representatives from the City of Trinidad and ARPA met in Pueblo for mediation on the above lawsuits. Tentative agreements were reached for filing of Stipulations for each lawsuit. Action is required by City Council and the ARPA Board of Directors on the Stipulations.

Expenditure Required: Expenditure required is dependent upon action on Stipulations.

Source of Funds: Power and Light Fund

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

Alternative: Action on Stipulations is required.

Background Information: The City of Trinidad and ARPA have been in ligation for several years regarding the Lamar Repowering Project. Mediation was held as required by the District Court. A mediation session was held on May 23, 2013 in Pueblo and stipulations were drafted for the two lawsuits. City Council is considering action on the Stipulations.

10e