



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad, Colorado, will be held on Tuesday, August 20, 2013 at 7:00 P.M. in City Council Chambers at City Hall

The following items are on file for consideration of Council:

****PROCLAMATION – “SMITHSONIAN WEEK” – September 1, 2013 through September 7, 2013****

- 1) **ROLL CALL**
- 2) **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) – ARPA litigation
- 3) **APPROVAL OF MINUTES**, Regular Meeting of August 6, 2013
- 4) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 5) **COUNCIL REPORTS**
- 6) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 7) **UNFINISHED BUSINESS**
 - a) Hotel and Restaurant liquor license renewal request by Wonderful House Trinidad, Inc. d/b/a Wonderful House Trinidad at 415 University
 - b) Public hearing for consideration of an ordinance submitting a proposed Home Rule Charter amendment regarding circumstances pertaining to contract effective dates to the registered electors of the City at the Regular Municipal Election to be held on November 5, 2013
 - 1) Second reading of an ordinance submitting a proposed Home Rule Charter amendment regarding circumstances pertaining to contract effective dates to the registered electors of the City at the Regular Municipal Election to be held on November 5, 2013
- 8) **MISCELLANEOUS BUSINESS**
 - a) New hotel and restaurant liquor license application filed by PGE Enterprises, LLC d/b/a Krackalack Sports Grill at 416 University
 - b) New beer and wine liquor license application filed by Mattorano Enterprise, Inc. d/b/a Lee’s Bar-B-Q at 825 San Pedro Avenue
 - c) Consideration of Water Lease Agreement between the Wall of Legends, LLC and the City of Trinidad
 - d) Resolution supporting application to the Great Outdoors Colorado Local Government Park, Outdoor Recreation and Environmental Education Grant Program to obtain funding to make renovations and additions to Central Park
 - e) Motion to authorize sponsorship of a grant application to DOLA on behalf of the Trinidad Housing Authority for upgrades to the Corazon Square Senior Housing Complex
- 9) **BILLS**
- 10) **PAYROLL**, August 3, 2013 through August 16, 2013
- 11) **ADJOURNMENT**

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

Office of the Mayor
Trinidad, Colorado
Proclamation



"SMITHSONIAN WEEK"
September 1, 2013 through September 7, 2013

WHEREAS, the historic Santa Fe Trail that pioneers of the western frontier traveled in the early 1800s and 1900s, traverses directly through the City of Trinidad and Las Animas County; and

WHEREAS, the Smithsonian Institution and the Colorado State Humanities Council, in partnership, will share with our community the Celebration of the Museum on Main Street Exhibition of "Journey Stories"; and

WHEREAS, "Journey Stories" is a national interactive presentation which brings to life the stories of people's journeys as they made their way to Southern Colorado, California and Oregon; and

WHEREAS, the stories will touch on the trials and tribulations, as well as the many successes, of individuals and families who were relocating in search of a better life, traveling by foot, waterways, trains, railroads, and eventually cars and trucks; and

WHEREAS, the Arthur Roy Mitchell Memorial Museum will be hosting this national event commencing with the opening presentation at 5:30 p.m. on September 6, 2013.

NOW, THEREFORE, I, BERNADETTE BACA GONZALEZ, MAYOR OF THE CITY OF TRINIDAD, COLORADO, do hereby proclaim September 1, 2013 through September 7, 2013 as:

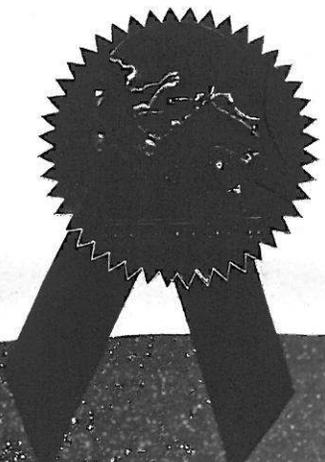
"SMITHSONIAN WEEK"

in the City of Trinidad, and encourage all citizens to attend and support this prestigious national event featuring stories of perhaps many of our own ancestors.

*In witness whereof I have hereunto set my hand
and caused the seal of this city to be affixed.*

Mayor _____

Date _____



The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, August 6, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of July 16, 2013 and Special Meeting of July 30, 2013. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Mattie. The motion carried unanimously.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. None.

COUNCIL REPORTS. Councilmember Bolton reminded of a previous announcement she had made regarding a discussion she had with higher-ups from the Boy Scouts of America organization regarding the Southwest Chief operation. She said the Boy Scout representatives followed up by transmitting information to their headquarters and have indicated that she should expect to hear from them soon. She next reported that the Creative District block party was held on Sunday, July 28th, and was quite successful despite the weather. Approximately 65 people participated and fun was had by all present, two and four-legged. They are looking forward to planning another outing. Councilmember Bolton concluded with a reminder of the Creative District meeting to discuss the Community Assessment slated for August 26th at 5:30 p.m. at the Famous Performing Arts Center. Lee Merkel from Department of Local Affairs will facilitate the meeting and she said she hopes it will be well attended.

Councilmember Shew thanked Mayor Baca Gonzalez and Councilmember Bonato for having manned the Tourism Board trailer Friday night for the ArtTrek. He said the event will be held again on the last Friday in August. Councilmember Velasquez said it is hers and Councilmember Mattie's turn to man the booth. City Manager Acre commented that the Tourism Board will move the trailer to spread the visibility around.

Councilmember Mattie told Council that on July 25th the Colorado Department of Transportation (CDOT) came to the South Central Council of Government's meeting. He said he participated in listing priorities. They tried to make it known how important CDOT projects are for this area and for them to try to not discount this part of the state. Mayor Baca Gonzalez commented that Councilmember Mattie was very strong advocate for Las Animas County regarding allocation of funds.

Councilmember Velasquez reported on her attendance of Fire Chief Leroy Perea's retirement party. She said it was a great party and very well attended by the Fire Department.

Councilmember Bonato echoed Councilmember Velasquez's comments about the Fire Chief's retirement party and added that the Council Members present wished Chief Perea a lot of luck. He continued that on Saturday he attended the 4-H bar-b-que at the Las Animas County Fairgrounds. He said he was able to mingle with people and commended the youth who participated for their hard work year around to raise and then show their animals. He said he'd like to see the City, County and Roundup Association get more things for the kids to do.

Mayor Baca Gonzalez said she too had the privilege to attend the Creative District block party and noted Councilmember Bonato's presence as well. They had a good time. She added that she and Councilmember Bonato had been invited to and attended the Trinidad Inn Nursing Home's annual picnic. She said she hadn't been there for over a year and was able to visit with the residents. It was very uplifting to see all of those people.

REPORT BY CITY MANAGER. North Lake. City Manager Acre told Council that the City's engineering representative for the North Lake Project has relayed concerns to the contractor and to the City that they may not be able to meet the September 5, 2013 substantial completion deadline. He has requested an updated and revised schedule from him. In talking to staff overseeing the project he said they feel that the work will be complete by the end of the contract deadline. They are having problems with dewatering and some concerns with some of the pipe routing. City Manager Acre added that he has spoken to the State Dam Engineer recently who said he's been watching the project and said it is good work.

Wayfinding Signage. City Manager Acre told Council that staff is currently reviewing two bids received from two qualified bidders for the Wayfinding Signage Project. The City has requested some samples of some of the products.

Paving. City Manager Acre informed Council that the paving contractor is making progress on the project despite the rain. They are currently working on Willow and Tillotson Streets. Next they will work on Pinto Street where it was not finished in previous years. Curb and gutter work is ongoing at Industrial Park. They have been slowed some by the rain.

Spray Feature at Cimino Park. Council was updated by City Manager Acre that the switch for the spray feature at Cimino Park is being fabricated. The person fabricating the switch is waiting for parts to come in and it may be done by the end of August. The old switch is no longer being manufactured. The season will almost be over by the time the switch is

done so he wasn't sure if we'd get much use of it this year; but it will be ready for next year.

Kit Carson Bandstand. City Manager Acre told Council that the work to be done on the Kit Carson Bandstand had been let out for bid and two bids came back both over the engineering estimate. Staff is reviewing the bids and they may re-bid the work. He said staff thinks the numbers are high.

Financial Reports. City Manager Acre called to Council's attention at their seating places the most recent financial reports. He said even though there are a lot of red numbers, it is in line with where the budget was set. Staff has been asked to reduce expenses and for ideas on what we can do for revenue.

Small Business Administration (SBA). Council was advised by City Manager Acre that he and Intern Tara Marshall met with representatives from the Small Business Administration recently. The SBA representatives want to get more active in this area of the state. Those representatives also met with Economic Development and the Chamber of Commerce. City Manager Acre pointed to a publication produced by the SBA and said they left him with several copies of this resource. He opined that it is another tool for people to start a business in town. City Manager Acre said he had asked representatives from SBA to come here when he saw them at the CML conference. The SBA is offering to do training and educate people on what the SBA has to offer.

Landfill. City Manager Acre told Council that the City is re-implementing the requirement that loads brought to the landfill be covered. The requirement has been in place since 2002 and is part of the Operation Plan. The complaint received recently was that the City was asking residents and contractors to cover their loads but the City wasn't doing it. Consequently, City Manager Acre said he will put out a no tolerance memo tomorrow morning to staff.

Governor's visit. City Manager Acre informed Council of an e-mail invitation he received from the State advising of a visit from the Governor. The surprise tour will bring the Governor to Trinidad on August 14th at 7:30 a.m. at the A. R. Mitchell Memorial Museum. They are requesting an RSVP by next week. A light breakfast will be available. It is expected that the Governor will discuss the drought and water and rural issues.

SCRT. City Manager Acre told Council that Executive Secretary Anna Ridolfi is working on getting information out to staff on the City SCRT evening. She is trying to get an idea on the number of people who will attend. If there are at least 20, a discount will be offered. It is slated for August 17th at 7:30 p.m. which is the final performance for SCRT this year.

Paving. Councilmember Mattie asked with respect to the overlay being done on Tillotson and Willow Streets if they are roto-milling and re-laying it or if it is just an overlay. City Manager Acre said it is being overlaid and he doesn't think there will be the same issue with that area as was seen on Colorado Avenue. Councilmember Mattie confirmed that there will be proper oversight to ensure that pooling at driveway doesn't happen. City Manager Acre said his understanding is that on Colorado Avenue some of the curbing was falling apart at the median so it was purposefully done at that level because it was more than the City could afford to do to fix the medians. Staff is looking at some of those long-term projects like Colorado Avenue so we have a clear picture for the next five years of what needs to be done.

Water. Mayor Baca Gonzalez commented to City Manager Acre that she appreciated the fact that he has expertise in the area of water. With the Statewide Plan she suggested there is a possibility that rural area's water resources might be moved to the metro area.

Public Works Director. Councilmember Bolton asked the status of the Public Works Director. City Manager Acre said he has two applications that he has looked at. He said he wants to put it back out. He thought the salary may be too low for a Public Works and Utility Director and suggested it should be \$85,000 to \$125,000. City Manager Acre said he will put it out for an additional two weeks. He said he considered the two applicants to be strong applicants. Councilmember Bolton reminded that Council asked for a copy of the job description for this position and the prior position at the July 23rd meeting and hadn't gotten them and it is not on-line either. City Manager Acre said he'd get it out to Council.

REPORT BY CITY ATTORNEY. Marijuana. City Attorney Downs advised Council that at their ensuing work session next week, Rachel Allen from Colorado Municipal League will be in attendance to talk to Council about medicinal and retail marijuana. He said he hoped they received the information he prepared for them and this will begin the discussion of marijuana in earnest. Councilmember Bolton asked if Ms. Allen will be providing Council with additional information either at the meeting or prior to it. City Attorney Downs answered that it is expected that she will provide information prior to the meeting. He said he would provide any information he receives from her to Council. Mayor Baca Gonzalez asked if he would see if Ms. Allen would also give Council an update on the recent activism by the federal government in the state of Washington. She said her understanding is that eight warrants were served on medicinal marijuana facilities. According to the report she heard, they anticipated as many as 18 would be raided. The federal government may be beginning to assert their authority in that domain. City Attorney Downs pointed out that those outlets were suspected of additional illegal activity. He added that 19 states have medical marijuana and Washington will also be allowing retail. They are waiting to convert. He suggested that if the federal government would interject it would make this easier. Councilmember Bonato asked if marijuana will be the only topic, explaining that he doesn't want to have another four-hour meeting because it gets hard. He added that this is such an important issue that they should just have it on the work session alone. City Attorney Downs deferred to City Manager Acre for the scheduling of Council's sessions and noted that Ms. Allen is ready to address Council for one hour and answer any questions they may have thereafter. City Manager Acre said in addition to this item there will be a water lease and consideration of a GOCO grant to do improvements at Central Park. He said he was trying to limit the items to minor ones. Mayor Baca Gonzalez said over the last several months they've had a lot of challenges and work. They have also had a number of special meetings. She requested that here and after they call special meetings only if necessary to lessen the workload on the City Clerk's office. City Manager Acre acknowledged the added work and said he is trying to be cautious. With that he said staff will be working on a three-month look-ahead calendar that they will share with Council. The idea behind it is so we are forward thinking and not coming up with items last minute.

Regular Meeting on August 20th. City Manager Acre told Council that August 20th is their next regular meeting and

the last day of the Main Street Boot Camp. He questioned how many members of Council will be attending the Boot Camp to establish if a quorum would be present at the regular meeting that evening. It was determined that Councilmember Bolton was the only member of Council who indicated that she would be attending the boot camp, along with City Planner Louis Fineberg and Intern Tara Marshall. City Manager Acre said the information from the boot camp will be shared with Council.

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance amending sections contained in Chapter 4 ("Animals"), Article 2 ("Impounding") and Article 3 ("Dogs and Cats"), of the Code of Ordinances of the City of Trinidad for the purpose of decreasing the required impoundment duration of animals and to more closely align said Chapter to the Colorado Revised Statutes pertaining to dogs. Mayor Baca Gonzalez declared the public hearing open and called for comments. There were none. She ascertained that Council and staff likewise had no comments or questions. Mayor Baca Gonzalez thanked City Attorney Downs for taking the initiative in working with the Municipal Judge and representatives from Noah's Ark to update the ordinances to track with the Colorado Revised Statutes. The hearing was closed.

Second reading of an ordinance amending sections contained in Chapter 4 ("Animals"), Article 2 ("Impounding") and Article 3 ("Dogs and Cats"), of the Code of Ordinances of the City of Trinidad for the purpose of decreasing the required impoundment duration of animals and to more closely align said Chapter to the Colorado Revised Statutes pertaining to dogs. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Shew and seconded by Councilmember Bolton. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 1942

AN ORDINANCE AMENDING SECTIONS CONTAINED IN CHAPTER 4 ("ANIMALS"), ARTICLE 2 ("IMPOUNDING") AND ARTICLE 3 ("DOGS AND CATS"), OF THE CODE OF ORDINANCES OF THE CITY OF TRINIDAD FOR THE PURPOSE OF DECREASING THE REQUIRED IMPOUNDMENT DURATION OF ANIMALS AND TO MORE CLOSELY ALIGN SAID CHAPTER TO THE COLORADO REVISED STATUTES PERTAINING TO DOGS

MISCELLANEOUS BUSINESS. Hotel and Restaurant liquor license renewal request by David H. Liu d/b/a Chef Liu's Chinese Restaurant at 1423 Santa Fe Trail. Mayor Baca Gonzalez noted the presence of David Liu. A motion to approve the license renewal was made by Councilmember Bolton and seconded by Councilmember Velasquez. The motion carried unanimously upon roll call vote.

Special Events Permit application (malt, vinous and spirituous) by Arthur Roy Mitchell Memorial, Inc. at 150 E. main Street for September 6 & 14, 2013 (Smithsonian Show on 9/6 & Cardango for the Artocade on 9/14). Susan Palmer, a volunteer for the A. R. Mitchell Museum addressed Council. She told Council that the first event is the Smithsonian Journey Stories. The Smithsonian is bringing to us their traveling exhibit that is circulating around the country. The permit is for the opening reception on September 6th. The event slated for September 14th is part of the ArtoCade three-day festival called the Cardango. The permit is for a party for the participants of the ArtoCade parade on that day. Ms. Palmer said they are expecting about 5,000 people in town for the ArtoCade and they are hoping for quite a crowd on that Saturday night. Councilmember Bolton moved for the approval of the permits as requested and Councilmember Velasquez seconded the motion. Upon roll call vote, the motion carried unanimously.

Hotel and Restaurant liquor license renewal request by Wonderful House Trinidad, Inc. d/b/a Wonderful House Trinidad at 415 University. Mayor Baca Gonzalez ascertained the absence of a representative. City Attorney Downs said he intended to call the licensee to remind her to be in attendance and suggested the item be continued to the next regular meeting. A motion to table the renewal request to allow for appearance was made by Councilmember Bolton. Councilmember Bonato seconded the motion which carried by a unanimous roll call vote.

Hotel and Restaurant liquor license renewal request by Rino's Restaurant, LLC d/b/a Rino's Restaurant at 400 E. Main Street. A motion to approve the renewal was made by Councilmember Bonato. Councilmember Bolton seconded the motion. Councilmember Shew asked if the fire extinguishers have been inspected. Frank Cordova on behalf of Rino's Restaurant, LLC, answered that they have been. Roll call was taken and the motion carried unanimously excepting Councilmember Velasquez who abstained. Mr. Cordova clarified that he has asked for more time on the fire extinguishers but has called ACME to service them. It will cost \$1,400 but he said he'd get them done as soon as possible. All of the others were done through a local company.

Special Events Permit application (malt, vinous and spirituous) by Trinidad Roundup Association at 206 N. Animas Street (Sebastiani Gym) for August 31, 2013 (Labor Day Queen Dance). Ron Galasso, Secretary of the Association, addressed Council. He said the permit is requested for the annual Queen's dance/coronation for the winners of the junior and senior contest. Mayor Baca Gonzalez asked the admission fee. Mr. Galasso said they are considering it still with the economy. He noted that the use of the gym is costing the Association more than normal this year. Mayor Baca Gonzalez asked him to send an invitation to Council in advance. Mr. Galasso said he'd give the City Clerk a letter from him and the board. A motion to approve the permit was made by Councilmember Shew. Councilmember Bolton seconded the motion. Roll call was taken and the motion carried unanimously.

First reading of an ordinance submitting proposed Home Rule Charter amendments regarding composition of board and commissions, contracts for improvements, and circumstances pertaining to contract effective dates to the registered electors of the City at the Regular Municipal Election to be held on November 5, 2013, and setting a hearing date for consideration of said ordinance. Mayor Baca Gonzalez reminded that this was discussed that the prior work session and confirmed the deadline for inclusion on the ballot is September 6th. The ordinance was introduced by Councilmember Bolton. Mayor Baca Gonzalez said she is concerned that they are taking three matters to the voters and her understanding is there will be the issue of retail marijuana tax and excise tax, and a proposition called Initiative 22 for school finance as well as the fact that the County may seek to de-Bruce and possibly seek a mill levy increase. She said it concerns her that three more issues may be confusing to the voters. Councilmember Velasquez asked if they should look at

them separately, agreeing with Mayor Baca Gonzalez's assessment. Councilmember Bolton questioned if three would really be too burdensome. Councilmember Bonato said he found it to be confusing and said that he didn't want to neglect Section 9.24 of the Charter about bonding. Of the three, he said that was the most important. The ordinance was 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 August 20, 2013, was made by Councilmember Bolton. The motion was seconded by Councilmember Mattie. Mayor Baca Gonzalez asked if Ms. Tami Tanoue from CIRSA has suggested any language for the question to eliminate Section 9.24. City Manager Acre answered that she has not yet, but may have some thoughts between first and second reading given her schedule. He added that he understands where the Mayor is coming from. He reminded that what is proposed would appear as three separate questions on the ballot. He suggested that the ordinance would have to be approved on first reading with Council directing that it be modified for second reading on August 20th. City Attorney Downs agreed. Councilmember Bolton said that she didn't feel Council is responsible for how many other propositions are up for vote. In two years there may be just as many or more for the voters to consider. She pointed out that Council has spent a lot of time on this and suggested they should see if the questions pass on the ballot. She concluded that she didn't see the point on carving them down. Mayor Baca Gonzalez reiterated that there will be a proposition on the ballot concerning school financing and she believes that if there are too many questions voters might vote no on each one. The one that is a make or break deal is Section 9.24. With that provision in the Charter it is preventing the City from getting low-interest loans which resulted in the City having to take money out of reserve because we could not take advantage of a very low-interest loan from the State. Councilmember Bolton said these are changes that will not cost the tax payers money and it is Council's job to educate the voters. Councilmember Bonato commented that if there are too many things on the ballot it is very hard for elderly people and they'll vote no on everything. He reiterated that the elimination of Section 9.24 from the Charter is the most important issue. Councilmember Mattie said it is going to be a complicated ballot according to the County Clerk and will involve a lot on the part of the voters. The larger issues will likely take precedence in the minds of the voters. He suggested Council needs to prioritize what they are trying to accomplish. City Manager Acre suggested that Section 9.23 could be considered a cleanup of language; it is more of a current best practice. He reminded that next year the City have the sales tax extension on the ballot for the one-cent sales tax for Capital Improvement Projects. Mayor Baca Gonzalez said the City will be dead if that doesn't pass. She reiterated that she's afraid if we put too much on the ballot we are liable to shoot ourselves in the foot. Additional discussion was held. The consensus of Council was to approve the ordinance on first reading and bring it back on second reading modified to only include the ballot question to eliminate Section 9.24. City Manager Acre said he'd bring it back at the work session on August 13th before second reading on August 20th. Roll call was taken to approve the ordinance on first reading and it carried unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, SUBMITTING PROPOSED HOME RULE CHARTER AMENDMENTS REGARDING COMPOSITION OF BOARD AND COMMISSIONS, CONTRACTS FOR IMPROVEMENTS, AND CIRCUMSTANCES PERTAINING TO CONTRACT EFFECTIVE DATES TO THE REGISTERED ELECTORS OF THE CITY AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2013

First reading of an ordinance to amend those sections of the Code of Ordinances of the City of Trinidad, Colorado, which set forth a residency requirement for membership on City boards and commissions, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Shew 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 August 20, 2013, was made by Councilmember Mattie. The motion was seconded by Councilmember Velasquez. Mayor Baca Gonzalez suggested that in looking at the previous ordinance coming back with only one proposed change to the Charter, Council can vote no on this ordinance because this issue will not be coming back. City Manager Acre clarified that one section of this proposed ordinance concerning the Board of Appeals and is really a housekeeping item. It can come back in a separate ordinance. Upon further inquiry he said all of the boards and commissions that exist currently will stay the same. There are two Boards of Appeal in the code, one for building code interpretations and one for Planning and Zoning Commission decisions. That is the area that a separate ordinance can be brought forward for housekeeping purposes. Roll call was taken, and the motion to approve the ordinance on first reading failed unanimously.

ORDINANCE NO.

AN ORDINANCE TO AMEND THOSE SECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF TRINIDAD, COLORADO, WHICH SET FORTH A RESIDENCY REQUIREMENT FOR MEMBERSHIP ON CITY BOARDS AND COMMISSIONS

Resolution updating the City of Trinidad Three-Mile Area Plan. Upon inquiry, City Manager Acre told Council that the City's Three-Mile Area Plan will be unchanged from last year. An update is required each year by Statute. A motion to adopt the resolution was made by Councilmember Bolton and seconded by Councilmember Velasquez. The motion carried unanimously upon roll call vote.

RESOLUTION NO. 1417

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, UPDATING THE CITY OF TRINIDAD THREE-MILE AREA PLAN

Appointments to the City Tree Board. Mayor Baca Gonzalez identified that Peter Gintautas and Robert Compton have requested reappointment to the City Tree Board for full three-year terms. She reminded Council that they were selected to fill an initial staggered one-year term when the board was formed last year. One vacancy will still remain on the board due to the resignation of Francesa Villani. A motion to reappoint Peter Gintautas and Robert Compton was made by Councilmember Bonato and seconded by Councilmember Bolton. Roll call was taken and the motion carried unanimously.

Memorandum of Agreement for Participation in the Colorado Department of Local Affairs' Main Street Program. Mayor Baca Gonzalez reminded Council of their discussion at work session and that this would be in effect until December 31, 2013 if approved. Councilmember Bolton made a motion to authorize the Mayor to execute the Memorandum of Agreement to allow the City to participate in the Main Street Program. The motion was seconded by Councilmember Shew. Mayor Baca Gonzalez reiterated that they are approving participation just until December 31, 2013 to evaluate the program to see what it can do for the City. Should Council choose to do something different this will not be a bar to the City. This will not cost us a lot of money or affect employees or the ability to budget for salaries or benefits. Councilmember Shew asked that information from Lamar's participation in the program be brought back to Council, as well as from other communities. City Manager Acre said the City would only be obligated to participate through the end of the year. Council would then have to enter into a MOA for 2014; however nothing says the City has to participate in 2014. By then the City will identify if there are other costs. He confirmed that by taking this action there would be no impact on employees. Rather, he hoped it would benefit them by increasing the City's revenues in time. Mayor Baca Gonzalez encouraged educating the community about the program because she believes the perception is that the City will eventually be committing substantial financial resources. City Manager Acre agreed and said staff would do their part. He reminded that there will be community input and a lot of people are pushing for this. The Main Street Program is a community-driven program not a City-driven program. Roll call was taken and the motion carried unanimously.

Authorize purchase of four vehicles (from Pioneer Natural Resources – three for the Water Department and one for the Power & Light Department). City Manager Acre referring to his Council Communication said that his lower range was lower than what he had estimated. He said he discovered last week that there is a fourth vehicle. It is a 2011 regular cab F250 with about 27,000 miles and the price is \$15,700; the others are 2011s and one 2012 extended-cabs ranging from 36,000 miles to almost 43,000 miles priced from just under \$18,000 to \$18,500. He said his research this weekend yielded the cost for a new truck is \$50,000 to \$60,000. Used trucks are \$25,000 and up. He said he thought it to be a good value and leverages our resources. There was about \$100,000 budgeted for new vehicles this year. Staff agrees to look at used ones that are well taken care of. There is a need in the General Fund departments for newer vehicles that the City's been unable to budget for. Since the enterprise funds have more revenue, their vehicles will be replaced with these and those will then be passed on to other departments. Mayor Baca Gonzalez noted that the communication indicates the purchase is not to exceed \$75,000 and asked if they are to approve the purchase of four vehicles with that caveat. City Manager Acre said there may be some title fees, etc., which made him uncertain as to the total cost. He noted that the trucks have regular truck beds and they can be used as they are without having to change them to utility beds for the time being. It is a good addition to the City's fleet. Councilmember Bonato asked if the trucks are gas or diesel. City Manager Acre said they are gas engines. He explained that is why Pioneer is selling the trucks. They are converting their fleet to CNG (compressed natural gas). In the future he suggested the City should take a look at converting to CNG as well. He also noted that the trucks are four-wheel drives. A motion to approve the purchase of four vehicles for a total not to exceed \$75,000 from Pioneer Natural Resources was made by Councilmember Bolton and seconded by Councilmember Shew. Councilmember Mattie asked if there are other things we have to do to the trucks. City Manager Acre said radios and brush guards may need to be added, however one truck has a brush guard already. He also pointed out to Council that the City had three trucks donated to us this year, so we will have gained seven trucks for the price of four this year, all of similar type and age. He added that the City is trying to be very prudent in purchasing after-market accessories. Roll call was taken and the motion carried unanimously.

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

PAYROLL, July 20, 2013 through August 2, 2013. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Velasquez. The motion carried unanimously.

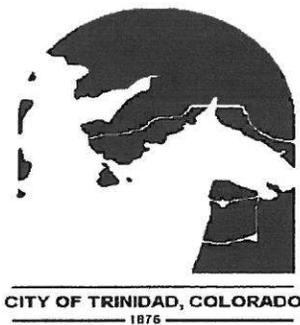
ADJOURNMENT. There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Velasquez and seconded by Councilmember Shew. The meeting was adjourned by unanimous voice vote of Council at 8:36 p.m.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk

7a



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: August 20, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 6

SUBJECT: Hotel and restaurant liquor license renewal request by Wonderful House Trinidad, Inc., d/b/a Wonderful House Trinidad at 415 University Street

PRESENTER: Representative of Wonderful House Trinidad, Inc.

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application is in order.
- The departmental reports from the Fire, Building Inspector and Police Department indicated no issues with the renewal.
- The Health Department reported compliance.
- Disclosure statements provided by Council members Miles and Velasquez are attached.
- Appropriate fees have been paid.
- This item was table at the meeting of August 6th due to lack of appearance. The applicant has been notified of the requirement to attend the meeting.

7a

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

WONDERFUL HOUSE TRINIDAD
 6793 W CANYON AVENUE, 13B
 LITTLETON CO 80128-5781

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

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name WONDERFUL HOUSE TRINIDAD INC		DBA WONDERFUL HOUSE TRINIDAD		
Liquor License # 42265420000	License Type Hotel & Restaurant (city)	Sales Tax License # 42265420000	Expiration Date 9/18/2013	Due Date 8/4/2013
Street Address 415 UNIVERSITY TRINIDAD CO 81082-2542				Phone Number (719) 845 1888
Mailing Address 6793 W CANYON AVENUE, 13B LITTLETON CO 80128-5781				
Operating Manager Kelly Voong	Date of Birth [REDACTED]	Home Address Trinidad Co 81082	Phone Number [REDACTED]	

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 9/16/15
- 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 Kelly Voong	Title President
Signature <i>[Signature]</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	Attest
Mayor	

7/22/13

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

Applicant: Wonderful House Trinidad, Inc.

dba: Wonderful House Trinidad

Address: 415 University

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: August 6, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

7-24-13
Date

Tim S. Kelley
Signature

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

7/22/2013

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

Applicant's Name: Wonderful House Trinidad, Inc.

DBA: Wonderful House Restaurant

Business Address: 415 University

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE:

August 6, 2013

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No records found

Date

Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE:

July 31, 2013

Audra Garrett

From: John Martinez [jmartinez@la-h-health.org]
Sent: Monday, July 22, 2013 3:16 PM
To: Audra Garrett
Subject: RE: liquor renewal

Hi Audra;
The Wonderful House Located at 415 University Trinidad, CO. Is in compliance with this Office.

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: Monday, July 22, 2013 3:11 PM
To: John Martinez
Subject: liquor renewal

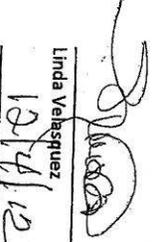
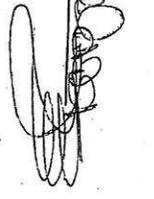
Hi John,
Please confirm compliance with your office for Wonderful House Trinidad at 415 University. Thank you.

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

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CITY OF TRINIDAD, COLORADO
1876

Council Communication

City Council Meeting: August 20, 2013
Prepared: August 7, 2013
Dept. Head Signature: 
of Attachments: 1

SUBJECT: Ordinance Setting Ballot Language for the November 5, 2013 Election Proposing a Change to Section 9.24 of the Home Rule Charter

Presenter: Tom Acre, City Manager and Audra Garret, City Clerk

Recommended City Council Action: Staff recommends City Council approve the ordinance on Second reading at the August 20, 2013 regular City Council meeting submitting a proposed home rule charter amendment to the registered electors of the City at the regular municipal election to be held on November 5, 2013.

Summary Statement: At the August 6, 2013 regular meeting, City Council approved on first reading the ordinance setting the ballot language reflecting proposed changes to the Home Rule Charter with the modification to reflect a proposed change in the Home Rule Charter to Section 9.24 Contracts Effective Only When Bond Funds are Available of the Home Rule Charter. The proposed ballot language is as follows, which reflects some additional proposed language to clarify the question:

Proposed Charter Amendment No. 1: SHALL SECTION 9.24, PARAGRAPH 1, OF CHAPTER IX ("BUDGET CONTROL AND FINANCING"), OF THE HOME RULE CHARTER FOR THE CITY OF TRINIDAD, COLORADO, BE DELETED FROM THE HOME RULE CHARTER SO AS TO NOT PREVENT THE CITY FROM LEVERAGING AVAILABLE FUNDS THROUGH THE USE OF LOW-INTEREST LOANS TO PROVIDE THE MOST BENEFIT TO THE TAXPAYERS; ALL AS SET FORTH IN TRINIDAD CITY ORDINANCE NO. _____, SECTION 1?

Expenditure Required: No expenditure is required at this time.

Source of Funds: Not applicable.

Policy Issue: Revision to the Home Rule Charter and potential ballot question for voter consideration at the November 5, 2013 election.

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Alternative: City Council could elect to not approve the Ordinance on Second Reading and not to proceed with this item.

Background Information: Information regarding suggested potential changes to the Home Rule Charter proposed by Staff, CIRSA, and City Council Members was previously provided and discussed with City Council at the May 28, 2013, June 11, 2013, July 9, 2013, July 23, 2013, July 30, 2013 City Council work sessions and the August 6, 2013 City Council meeting.

At the June 11, 2013 Work Session City Council provided general direction to staff to look at three areas for potential changes to the Home Rule Charter

At the July 9, 2013 City Council Work Session staff provided information for City Council consideration regarding potential changes to Sections 8.3-Composition of Boards and Commissions, 9.23 - Purchase and Contracts for Improvements, and 9.24 Contracts Effective Only When Bond Funds are Available as detailed below:

- **8.3. Composition of Boards and Commissions**

City Council suggested that the requirement that membership on City Boards and Commissions be changed to allow owners of business in the City to be considered eligible for membership.

If this Charter Amendment is approved by the voters, several sections of the Code of Ordinances will subsequently need to be changed. Staff has attached the proposed Ordinance to affect this change as well.

- **9.23 Purchases and Contracts for Improvements.**

City Council suggested changes this section of the Home Rule Charter to allow staff to accept bids from the lowest qualified responsible bidder instead of requiring the lowest bid to be accepted in all cases. This change is being suggested to allow the City flexibility in awarding contracts and to contain costs that may arise from the potential for a bidder to “buy a project” and increase cost to the project by adding changes orders.

- **9.24 Contracts Effective Only When Bond Funds are Available.**

City Council suggested this section be removed from the Home Rule Charter. This section in the Charter has been interpreted previously as to not allow the City to enter into leases for equipment and vehicles, prevented the City from using a low cost/low interest loan to complete a capital improvement project, and could prevent the City from being able to take advantage of the ability to do energy efficiency projects where improvements are made using the proceeds of loans being repaid by cost savings associated with reduced energy costs. This provision in the Charter prevents the City from leveraging available funds to provide the most benefit to the tax payers and is not necessary since the City operates from an approved budget and cannot commit to contracts if the funding has not been identified.

At the July 23, 2013 City Council Work Session staff provided revised proposed ballot language to City Council for consideration regarding potential changes to Sections 8.3-Composition of Boards and Commissions and 9.23 - Purchase and Contracts for Improvements. The following changes were made for City Council's review.

Section 8.3 Composition of Boards and Commissions. The language "*if any member of any board or commission ceases to reside in the city or ceases to own a business within the city if a county resident having qualified under the terms of this section, his/her membership on the board or commission shall immediately terminate*" has been added.

Section 9.23 Purchases and Contracts for Improvements. The proposed change has been changed to read "*to the lowest qualified responsible bidder, if any as determined by City Council upon the recommendation of staff.*"

At the July 23, 2013 City Council Work Session, City Council requested staff make an additional revision to Section 8.3 and accepted the changes presented for Section 9.23.

At the July 30, 2013 City Council Work Session, City Council agreed with staff's revisions to Section 8.3 adding the following language: *A member shall remain eligible to serve on a board or commission so long as they continue to meet the aforesaid criteria*" in lieu of the previously suggested language and asked staff to bring this matter for formal consideration at an upcoming City Council Meeting. Staff also sought input from CIRSA on the draft ballot language.

At the August 6, 2013 City Council meeting City Council considered and approved the Ordinance to place three proposed ballot questions on the November 5, 2013 general election. City Council made this approval following a discussion on how many questions should the City place on the ballot and determined for the public hearing and second reading the desire was to only place proposed changes to Section 9.24 of the Home Rule Charter on the ballot at this time.

This final ballot language was presented to council for discussion at the August 13, 2013 City Council Work Session and City Council elected to move forward with the second reading of the ordinance on August 20, 2013.

Attached to this communication is the revised Ordinance setting the ballot language to modify the Home Rule Charter.



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, SUBMITTING A PROPOSED HOME RULE CHARTER AMENDMENT REGARDING CONTRACT EFFECTIVE DATES TO THE REGISTERED ELECTORS OF THE CITY AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2013

WHEREAS, in accordance with Article XX of the Constitution of the State of Colorado, the registered electors of the City of Trinidad adopted a Home Rule Charter on November 2, 1993, to reserve unto the citizens of Trinidad the right and power of self-government; and

WHEREAS, the City Council of the City of Trinidad has conducted a review of the City's Home Rule Charter; and

WHEREAS, Section 9.24 of Chapter IX, Budget Control and Financing, has been interpreted previously as to not allow the City to enter into lease agreements for equipment and vehicles, prevented the City from using a low cost/low interest loan to complete a capital improvement project, and could potentially prevent the City from being able to take advantage of the ability to do energy efficiency projects where improvements are made using the proceeds of loans being repaid by cost savings associated with reduced energy costs; and

WHEREAS, this provision in the Charter prevents the City from leveraging available funds to provide the most benefit to the taxpayers and is not necessary since the City operates from an approved budget and cannot commit to contracts if the funding has not been identified; and

WHEREAS, the City Council has determined that a revision to the Home Rule Charter seeking the deletion of this provision should be submitted for consideration by the registered electors of the City.

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

Section 1. That the following proposed deletion of Section 9.24, Paragraph 1, of Chapter IX ("Budget Control and Financing") of the Home Rule Charter for the City of Trinidad, Colorado, be submitted to the registered electors of the City at said election: *

9.24. ~~Contracts Effective Only When Bond Funds Available.~~

* Dashes through words indicate deletions from existing Charter language.

* * *

~~No contract for the acquisition of property or the construction of improvements or other expenditures which is to be financed by bonds or other obligations shall be effective until the proceeds of the bonds or obligations are actually in the hands of the Director of Finance. Improvements to be paid for by special assessments shall be excepted from the provisions of this section.~~

Section 2. That the following question is hereby adopted for submitting the changes set forth in Section 1 above to the registered electors at said election:

Proposed Charter Amendment No. 1: **SHALL SECTION 9.24, PARAGRAPH 1, OF CHAPTER IX (“BUDGET CONTROL AND FINANCING”), OF THE HOME RULE CHARTER FOR THE CITY OF TRINIDAD, COLORADO, BE DELETED FROM THE HOME RULE CHARTER SO AS TO NOT PREVENT THE CITY FROM LEVERAGING AVAILABLE FUNDS THROUGH THE USE OF LOW-INTEREST LOANS TO PROVIDE THE MOST BENEFIT TO THE TAXPAYERS; ALL AS SET FORTH IN TRINIDAD CITY ORDINANCE NO. _____, SECTION 1?**

Section 3. Severability. If any section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. 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 BOLTON, READ AND ORDERED PUBLISHED this 6th day of August, 2013.

PASSED AND APPROVED this _____ day of August, 2013.

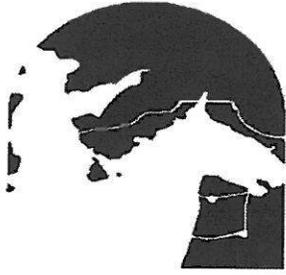
THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of August, 2013.

CITY OF TRINIDAD, COLORADO

BERNADETTE BACA GONZALEZ, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: August 20, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS:

SUBJECT: New hotel and restaurant liquor license application filed by PGE Enterprises, LLC d/b/a Krackalack Sports Grill at 416 University

PRESENTER: PGE Enterprises, LLC representatives

RECOMMENDED CITY COUNCIL ACTION: Set the matter for public hearing and identify the tentative neighborhood boundary.

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:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, it should be set for October 1, 2013 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- The historically identified tentative neighborhood boundary has been the corporate City limits of Trinidad.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

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

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

I. APPLICANT INFORMATION

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

II. DIAGRAM OF THE PREMISES

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

III. PROOF OF PROPERTY POSSESSION

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

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

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

V. CORPORATE APPLICANT INFORMATION (If Applicable)

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

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

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

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

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

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

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

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

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

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

9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

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

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

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

Landlord	Tenant	Expires

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

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

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
N/A			

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

13. **Optional Premises or Hotel and Restaurant Licenses with Optional Premises** Yes No

 Has a local ordinance or resolution authorizing optional premises been adopted?
 Number of separate Optional Premises areas requested. _____ (See License Fee Chart)

14. **Liquor Licensed Drug Store** applicants, answer the following: Yes No

 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.

15. **Club Liquor License** applicants answer the following and attach: Yes No

 (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?
 (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?
 (c) How long has the club been incorporated? _____ (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?
 (Three years required)

16. **Brew-Pub License or Vintner Restaurant Applicants** answer the following: Yes No

 (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

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

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

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? 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 A. Ewing	[REDACTED] Pueblo West CO	[REDACTED]	Member, Manager	51%
Roberta A. Ewing	[REDACTED] Pueblo West CO	[REDACTED]	Member	49%

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

Additional Documents to be submitted by type of entity

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

Registered Agent (if applicable) _____ Address for Service _____

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 	Title Member, Manager	Date 8/6/13
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY/COUNTY)

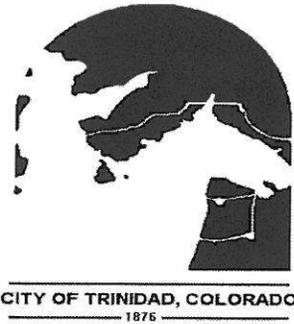
Date application filed with local authority (R 8/7/13) 8/20/13	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.
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THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

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

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

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



8b

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: August 20, 2013
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: New beer and wine liquor license application filed by Mattorano Enterprise, Inc. d/b/a Lee's Bar-B-Q at 825 San Pedro Avenue

PRESENTER: Mattorano Enterprise, Inc.

RECOMMENDED CITY COUNCIL ACTION: Set the matter for public hearing and identify the tentative neighborhood boundary.

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:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, it should be set for October 1, 2013 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- The historically identified tentative neighborhood boundary has been the corporate City limits of Trinidad.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

8b

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

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

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

I. APPLICANT INFORMATION

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

II. DIAGRAM OF THE PREMISES

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

III. PROOF OF PROPERTY POSSESSION

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

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

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

V. CORPORATE APPLICANT INFORMATION (If Applicable)

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

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

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

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

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

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

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

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

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

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

9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

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

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

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

Landlord <u>Bennett M Mattorano</u> <u>Paul D Mattorano</u>	Tenant <u>Mattorano Enterprises Inc</u>	Expires <u>6-1-15</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>Robert E Lee</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>50,000</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)

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. 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? 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? _____ (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?
 (Three years required)

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

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

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

18. **Tax Distraint Information.** Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? 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*
Frank Matorano	[REDACTED] Trinidad, CO	[REDACTED]	PRES.	50%
Bernadette Matorano	[REDACTED] Trinidad, CO	[REDACTED]	SECTreas	50%

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

Additional Documents to be submitted by type of entity

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

Registered Agent (if applicable) _____ Address for Service _____

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: [Signature] Title: President Date: 6-19-13

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

Date application filed with local authority: 8/20/13 filed 8/20/13 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.

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

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

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

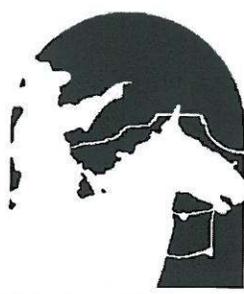
Local Licensing Authority for _____ Telephone Number _____

TOWN, CITY
 COUNTY

Signature _____ Title _____ Date _____

Signature (attest) _____ Title _____ Date _____

OC



CITY OF TRINIDAD, COLORADO
1876

Council Communication

City Council Meeting:

August 20, 2013

Prepared by:

Linda Vigil

Dept. Head Signature:

of Attachments:

1

SUBJECT: Consideration of Water Lease Agreement between the Wall of Legends, LLC and City of Trinidad

Presenter: Tom Acre, City Manager

Recommended City Council Action: Staff recommends City Council approve a motion allowing the Mayor to execute the Water Lease Agreement between the Wall of Legends, LLC and the City of Trinidad.

Summary Statement: The Wall of Legends, LLC is requesting 0.42 acre feet of water for use on an annual basis to be used to augment depletions for the well and for no other purpose. The Wall of Legends, LLC is seeking a fifteen (15) year lease. Based on the current lease, which is due to expire December 31, 2014, the amount of \$500.00 has been paid by the lessee in 2013. Beginning in 2014, the annual cost of the water lease will be \$1,000.00 and the annual cost will be adjusted in five (5) year intervals.

Expenditure Required: Some minor attorney fees not to exceed \$2,000 may be expended

Source of Funds: Wall of Legends will reimburse the City for any legal fees.

Policy Issue: Execution of long term lease of water.

Alternative: City Council could direct staff to not proceed with this agreement.

Background Information: Wall of Legends, LLC historically has leased one (1) acre feet of water from the City of Trinidad for the past ten (10+) plus years for well depletion augmentation. Historically they have not used the entire 1-acre-foot. The Wall of Legends, LLC is requesting 0.42 acre feet of water for use on an annual basis to be used to augment depletions for the well and for no other purpose. They are requesting the term of the lease be fifteen years to allow them to meet Water Court requirements to have a long term source of well depletion augmentation. The lease would allow extension by the parties by mutual agreement. The annual cost of the water lease will be adjusted in five (5) year intervals to reflect the market value of the water at the City's discretion. The Wall of Legends, LLC currently leases 0.42 acre-feet of water and the agreement would expire December 31, 2014. Upon approval and execution of this lease agreement, any and all previous leases executed will be terminated except that any water paid for by the Wall of Legends and not delivered in 2013 shall be delivered by the City.

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WATER LEASE AGREEMENT

1. **PARTIES.** The parties to this Water Lease Agreement are the **CITY OF TRINIDAD**, a Colorado municipal corporation ("City"), and **WALL OF LEGENDS, LLC** and **GAYLENE ANNE FURU VIGIL**, individually (collectively referred to as "Lessees").

2. **RECITALS.** Lessees operate the **Wall of Legends Resort including a restaurant, RV hook-ups, a lodge, cabins and other residences** ("the Facilities"). The water supply for the Facilities is a pre-1965 unpermitted well, structure ID number_1905221 (the well"). Operation of the well results in depletions to the Purgatoire River or its tributaries which must be replaced in accordance with Colorado law. The City is the owner of certain rights that may be used to augment the depletions from the well, including water stored by the City in Trinidad Reservoir. The City is willing to lease water to Lessees for use as described above under the following terms and conditions.

NOW, THEREFORE, the parties agree as follows:

3. **LEASE OF WATER.** The City will lease 0.42 acre feet of water to Lessees for use on an annual (January 1 to December 31) basis. The water lease may only be used to augment depletions for the well and for no other purpose.

4. **TERM.** The term for this lease shall be for fifteen years, which may be extended by the parties by mutual agreement. The annual cost of the lease shall be adjusted in five (5) year intervals as set forth below.

5. **CANCELLATION.** Lessees may cancel this lease after the initial five year period. In the event of a cancellation, Lessees shall be responsible for the payment of the lease cost during that year and for the next year. The City's obligation to replace depletions shall terminate as of ___ 100 days ___ following termination of the lease.

6. **PRICE.** The initial annual lease cost shall be payable as follows:

a. Lessees have already paid \$500 to the City for their 2013 lease obligation on the lease which expired on December 31, 2015 at the rate of \$500 per acre-foot. Since Lessees were not able to open for business until July 1 in this current year and will not use their full .42 acre feet through the remainder of 2013, Lessees' 2013 obligation under this lease shall be deemed paid in full.

b. Starting in 2014, the payment of \$1,000 as adjusted after each five (5) year period as provided hereinafter, shall be made to the City on or before January 31 of each year.

c. At the end of each five (5) year period (at the end of 2017, 2022 and 2027) the annual lease price shall be adjusted by the same percentage as the City has adjusted the annual cost per acre foot of its short term leases. That lease cost is presently Five Hundred Dollars (\$500.00) per acre foot so if that amount increases to \$750.00 in 2017, an increase of 50%, then the lease cost for this lease shall increase by 50% to \$1,500 annually. If the City no longer leases water short term, the parties agree to determine another index to reflect the adjustment in cost of leasing raw water from the City. Under no circumstances shall the annual lease cost be reduced.

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d. No water shall be delivered in any year until and unless the lease payment for that year is made.

7. **LESSEES' RESPONSIBILITY.** The City will make 0.42 acre feet of water available from the City's storage account in Trinidad Reservoir on an "as is" basis. The decreed uses of such water include augmentation as set forth in Case Nos. 88CW61 and 06CW78, District Court, Water Division No. 2, State of Colorado. It shall be the responsibility of the Lessees to obtain any additional approvals necessary to use the water for Lessees' intended purposes, including but not limited to the approvals by the Colorado Division of Water Resources and approvals of a plan for augmentation by the Water Court for water Division No. 2, State of Colorado. The City shall cooperate with the Lessees in obtaining any required additional approvals from any entity. The City makes no warranties or guarantees that such approvals can be obtained, and makes no warranties or guarantees whatsoever that such water will be found to be suitable for Lessees' uses.

8. **NO GUARANTEES OR WARRANTIES.** Because of the possibility of drought, mechanical failures at Trinidad Reservoir or other extraordinary circumstances, the City cannot guarantee delivery of water. If the City cannot deliver the full 0.42 acre feet of water to the Lessees, the City shall refund to Lessees the fee for any water paid for and requested in any year but not delivered at a rate of \$1,000 per 0.42 acre foot as adjusted. Such a refund shall be Lessees' sole and exclusive remedy against the City for any breach or non-performance of any obligation under this Lease.

9. **RELEASE OF WATER.** The water will be made available in Trinidad Reservoir upon the request of the Water Commissioner or Division Engineer. It is the responsibility of Lessees to coordinate with and contact the Water Commissioner and/or the Division Engineer to arrange the release of water for Lessees' benefit.

10. **NO CARRYOVER AND NO CREDIT TOWARD PAYMENTS.** Water not called for release by Lessees in any year shall not carry over for the benefit of the Lessees into the next year. In addition, Lessees shall not be entitled to a credit for payments made for water Lessees did not call for during the term of this Lease.

11. **ASSIGNMENT.** This Lease may not be assigned except with a sale or lease of the Facilities, the well and the property on which the Facilities are located. In the event of such a sale or lease, the City may approve the assignment which assignment shall not be unreasonably withheld.

12. **CANCELLATION OF PREVIOUS LEASES.** Upon execution of this lease, any and all previous leases executed by the parties shall be terminated by mutual agreement, except that any water paid for by Lessees and not delivered in 2013 shall be delivered by the City.

13. **REIMBURSEMENT OF EXPENSES.** Upon execution of this Lease by the City, Lessees shall reimburse the City for its legal expenses incurred in this matter to the extent not already paid. Lessee shall deposit \$2,000 with the City to cover anticipated legal expenses. Should total legal expenses exceed \$2,000, the balance due shall be paid by Lessee to the City as a condition precedent to final execution of this lease by the City. Should the total legal expenses be less than \$2,000, the excess shall be credited toward Lessee's future lease payments or otherwise credited to Lessee's account under this lease.

14. **NOTICES.** Any notice required or permitted by this Lease shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified or registered mail, postage and fees prepaid, addressed to the party to whom such notice is intended to be given at the address set forth below, or at such other address as has been previously furnished in writing to the other party or parties. Such

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notice shall be deemed to have been given when deposited in the U.S. Mail or hand delivered to the other party.

CITY:

James Fernandez, Utilities Superintendent
City of Trinidad
135 North Animas
P.O. Box 880
Trinidad, CO 81082

COPY TO:

Jeffrey J. Kahn, Esq.
Lyons Gaddis Kahn & Hall PC
P.O. Box 978
Longmont, CO 80502-0978

LESSEES:

Gaylene Anne Furu Vigil
Wall of Legends, LLC
301 N. Commercial Street
Trinidad, CO 81082

COPY TO:

Gerald McDaniel
485 Guyout Ridge Ct.
Colorado Springs, CO 80919
719-260-9304
law@geraldmcdaniel.com

Dated: August 6, 2013.

CITY OF TRINIDAD,
a Colorado municipal corporation

By: _____
Name: _____
Its: _____

ATTEST:

City Clerk

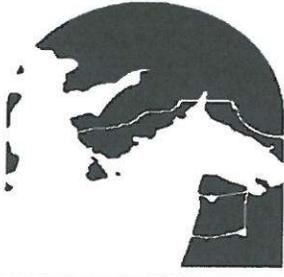
LESSEES:
WALL OF LEGENDS, LLC

By: Gaylene Anne Furu-Vigil
Name: The Wall of Legends LLC
Its: Manager

GAYLENE ANNE FURU VIGIL, individually

Gaylene Anne Furu-Vigil
Gaylene Anne Furu Vigil

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CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: August 20, 2013
PREPARED BY: Karen Wolf, Assistant Planner
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS: 2

SUBJECT: GOCO Local Government Park, Outdoor Recreation and Environmental Education (LPOR) Grant application to upgrade Central Park.

PRESENTER: Louis Fineberg, Planning Director

RECOMMENDED CITY COUNCIL ACTION: Staff recommends that City Council approve the resolution supporting the grant application, project and dedication of matching funds.

SUMMARY STATEMENT: Utilizing GOCO LPOR grant funds the City intends to update existing facilities and add amenities at Central Park.

EXPENDITURE REQUIRED: City and/or partner match of at least \$150,000.

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

POLICY ISSUE: Should a portion of the 2014 CIP and/or Lottery Funds be utilized to upgrade Central Park.

ALTERNATIVE: City Council could direct staff to consider a different project for the utilization of these funds.

BACKGROUND INFORMATION:

- LPOR Grants have a maximum limit of \$350,000; there is no maximum for the total project cost. Applicants must provide at least 30% of the total project cost in matching funds, at least 10% of which must be a cash match. The remaining 20% can be in-kind contributions.
- Total estimated Central Park project budget: \$500,000.
- The City is estimating a need of a **\$150,000** cash match (30%), with the potential to offset this amount with an in-kind match of \$40,000 from TSJC, therefore a **possible** cash match reduction to \$110,000 (22%). Additionally, the Trinidad Baseball Alumni Association is willing to commit approximately \$20,000 to the project that could be used for additional over match to the grant.
- Central Park is in need of a number of improvements. The project proposes the following renovations and additions:
 - Infield artificial turf (rough estimated cost of \$160,000).
 - Outfield grass turf replacement.
 - Irrigation system upgrades and replacement.
 - Dog park design and installation.



CITY OF TRINIDAD, COLORADO

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF TRINIDAD, COLORADO, SUPPORTING APPLICATION TO THE GREAT OUTDOORS COLORADO LOCAL GOVERNMENT PARK, OUTDOOR RECREATION AND ENVIRONMENTAL EDUCATION GRANT PROGRAM TO OBTAIN FUNDING TO MAKE RENOVATIONS AND ADDITIONS TO CENTRAL PARK

WHEREAS, the City of Trinidad supports the Great Outdoors Colorado grant application seeking funds to make renovations and additions to Central Park, and the City of Trinidad supports the completion of the project; and

WHEREAS, the City of Trinidad has requested \$350,000 from Great Outdoors Colorado to make said improvements; and

WHEREAS, the City Council of the City of Trinidad recognizes the tremendous community benefit of preserving and improving upon its parks and open space, including Central Park.

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

Section 1. The City Council of the City of Trinidad strongly supports the application and has agreed to appropriate matching funds for a grant with Great Outdoors Colorado.

Section 2. If the grant is awarded, the City Council of the City of Trinidad strongly supports the completion of the project.

Section 3. The City Council of the City of Trinidad authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.

Section 4. The project site is owned by City of Trinidad and will be owned by the City of Trinidad for the next 25 years.

Section 5. The City Council of the City of Trinidad will continue to maintain Central Park in a high quality condition and will appropriate funds for maintenance in its annual budget.

Section 6. If the grant is awarded, the City Council hereby authorizes the City Manager to sign the grant agreement with Great Outdoors Colorado.

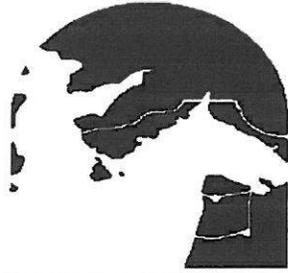
APPROVED and ADOPTED this ____ day of _____, 2013.

BERNADETTE BACA GOZALEZ,
MAYOR

ATTEST:

AUDRA GARRETT, CITY CLERK

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CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: August 16th, 2013
PREPARED BY: Louis Fineberg
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS: 1

SUBJECT: Sponsorship of grant application to DOLA on behalf of the Trinidad Housing Authority for upgrades to the Corazon Square Senior Housing Complex

PRESENTER: Louis Fineberg, Planning Director

RECOMMENDED CITY COUNCIL ACTION: A motion allowing Staff to work with the Housing Authority to apply for this grant.

SUMMARY STATEMENT:

The City of Trinidad would sponsor a grant application to DOLA on behalf of the Trinidad Housing Authority for upgrades to the Corazon Square Senior Housing Complex. The amount of the grant request has not yet been finalized but will be in the neighborhood of \$380,000. The grant project would include funds for environmental clearance, architectural services, construction and administration. Administration of the grant would be split between the City of Trinidad and the Trinidad Housing Authority and would be formalized through an interagency agreement prior to the approval of grant funds by DOLA. The City of Trinidad would be entitled to reimbursement for administrative expenses per the terms of the interagency agreement.

EXPENDITURE REQUIRED: No match from the City is required. The grant request will include a line item for administrative expenses in the amount of \$12K. The City of Trinidad would be entitled to reimbursement for administrative expenses per the terms of the interagency agreement.

SOURCE OF FUNDS: NA.

POLICY ISSUE: Should the City of Trinidad sponsor the grant request to DOLA on behalf of the Trinidad Housing Authority.

ALTERNATIVE: The City of Trinidad could deny the request to sponsor the grant.

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GRAY SHADED AREAS ARE FOR STAFF USE ONLY

Date Received

Project #

Application for: Loan/Grant Assistance
 Private Activity Bonds for rental projects
 Project Based Rental Assistance (with RFA only)

AMOUNT REQUESTED: \$ _____ Loan \$ 361,250.00 Grant \$ _____ PAB Volume Cap

APPLICANT INFORMATION

Organization Name and Address:
 Housing Authority of the City of Trinidad
 For Corazon Square Apartments
 128 W First Street
 Trinidad, Colorado 81082

Sub-grantee Name and Address, if applicable:

Chief Elected Official, Executive Director, or President:

Applicant Federal Tax ID #:

Name: Rosemarie Shier
Title: Executive Director
Address (if different from above): Same
Phone #: 719-846-7204
Fax #: 719-846-8217
Email: trinipop@qwestoffice.net

DUNS #: 037538493

To register: <https://www.bpn.gov/ccr/default.aspx>

Type of Organization (check as many as apply)

Municipality/County/Consortia

Nonprofit

CHDO (Community Housing Development Organization)

CBDO (Community Based Development Organization)

Public Housing Authority

Private For-Profit Developer

Designated Contact Person for Application:

Name: Rosemarie Shier
Title: Executive Director
Address (if different from above): Same
Phone #: 719-846-7204
Fax #: 719-846-8217
Email: trinipop@qwestoffice.net

PROJECT OR PROGRAM INFORMATION

Project Name: The Corazon Square Rental Rehabilitation Project

Project Location:

Street Address: _____ 201 Raton Street _____

City Trinidad County Las Animas Zip 81082 # Acres _____

**Attach Legal Description.

House District 4 (as of January 1, 2013) Senate District 2 (refer to www.votesmart.org)

TYPE OF PROJECT or PROGRAM		TYPE OF ACTIVITIES (check all of the activities involved in project or program)	
	Rental		New Construction
	Homeownership		Pre-Development
	Rental Assistance		CHDO Operating
	Group Home or Shelter		Down Payment Program
X	Other (Specify) <u>50 Unit HUD</u>		Acquisition
	<u>Elderly and Disabled Section 8 Multifamily Apartment Complex</u>	X	Rehabilitation
			Tenant-Based Rental Assistance
			Project-Based Rental Assistance
			Other (Specify) _____

PROJECT INFORMATION SHEET

PROJECT DESCRIPTION (100 words or less):

The Corazon Square Rental Rehabilitation Project is planned to be completed in four phases:

- Phase 1: Upgrade the heating, domestic hot water and air conditioning systems to increase energy efficiency and lower operational costs
- Phase 2: Installation of a fire suppression system to improve resident safety
- Phase 3: Modernize building exterior to increase energy efficiency and market sustainability
- Phase 4: Modernize unit and common area interiors including upgrading accessible features; install secondary elevator

The Trinidad Housing Authority is requesting funding to complete Phase 1 of the project through this application.

SITE CONTROL STATUS: (choose one and attach documentation)	<input checked="" type="checkbox"/> OWNED	<input type="checkbox"/> UNDER CONTRACT Expiration Date: _____	<input type="checkbox"/> LEASED Term: _____
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ZONING AND SITE PLAN STATUS:

Site is presently zoned (fill in zoning type and attach documentation): Planned Unit Development.

Is the present zoning conforming? Yes No

If nonconforming, when will zoning change or PUD be granted? (provide target date) _____

Is the site plan for your project approved? Yes No N/A

If not, when will site plan be approved? (provide target date) _____

SERVICES TO SITE: Are utilities and infrastructure in place to service site?

Street access? Yes No If no, expected completion date _____

Gas? Yes No If no, expected completion date _____

Electric? Yes No If no, expected completion date _____

Water? Yes No If no, expected completion date _____

Sanitary sewer? Yes No If no, expected completion date _____

Storm sewer? Yes No If no, expected completion date _____

COMMUNITY SUPPORT: Describe efforts made to build local support for this specific project and the results of those efforts.

Corazon Square enjoys local support and respect as a senior assisted housing complex with tenant referrals received from local social service agencies. Corazon Square staff serves on the county adult services protective team and has shared building rehabilitation plans with other team members. Corazon Square has met with city government officials to seek and obtain sponsorship of this project. This project was included in the Trinidad Housing Authority long range plan and is available for public review and comment. All comments received have been favorable.

Consolidated Plan Consistency Letter attached.

Letter from City of Trinidad and the Las Animas County Department of Social Services attached.

LOWERING THE COST OF AFFORDABLE HOUSING: What specific steps has the local government taken to lower the cost of affordable housing and/or otherwise help the project? (I.e. deferral of water tap fees, local funding, etc.)

The City of Trinidad will waive water tap fees for installation of fire suppression system.

APPLICATIONS FOR PRIVATE ACTIVITY BONDS
Rental Projects complete the following:

BOND ISSUANCE: Expected bond issuance date _____ N/A

EXPERIENCE:
 Has the governmental issuer and/or the private party utilized PABs in the past? Yes No
 If yes, identify financings by issuer, date, purpose, amount issued and maturity schedule for the past two years.

Issuer	Date	Purpose	Amount Issued	Maturity Schedule
--------	------	---------	---------------	-------------------

CREDIT ENHANCEMENT: Has the project received a preliminary commitment for credit enhancement? Yes No

If yes, attach copies of all other funding commitment letters and any conditions.

If no, when is the preliminary commitment anticipated? _____ Please submit when received.

APPLICATIONS FOR PROJECT BASED VOUCHERS

Census Tract Number: _____ Poverty Rate of Census Tract: _____%

Total Proposed DOH PBV units: _____ Other PBV units: _____ Non-PBV units: _____

Written Commitment for Other Agency PBV Units: Yes No **TOTAL UNITS:** _____

PBV units serve special needs population? Yes No Population Served _____

NARRATIVE

1. Type of Housing

The Corazon Square is a 50 unit, three story, multifamily apartment complex. The project serves low income seniors, 65 and older and persons with disabilities. It is funded through a Housing Assistance Contract, with the US Department of Housing and Urban Development, (HUD) Section 8 New Construction program. The facility was constructed in 1983. Corazon maintains a 90% plus occupancy rate.

2. Location

The Corazon Square is located in the "Corazon de Trinidad" (the heart of Trinidad), at 201 Raton Street, Trinidad, Colorado. It is in close proximity to the Trinidad Downtown area. This area serves as the primary business and service hub for the city. Both the County Courthouse and City Hall are located within walking distance of Corazon Square as are four banks, a full service grocery store with a pharmacy, several retail outlets, churches, a movie theater and the Las Animas County Department of Social Services.

Other destinations and services including local health care can be accessed by car or the community transit system operated by the Las Animas Huerfano Council of Governments.

3. Population served

Tenant demographics as of 12/10/2012 are as follows:

Gender: N=50	Elderly/Disabled Household Status N=49	Age Group N=50	Average Annual Income	Medium Annual Income
Male 26%	Elderly 70%	90+ 08%	11,897.84	11,092.00
Female 74%	Elderly/Disabled 07%	80-89 16%		
	Disabled 23%	70-79 24%		
		60-69 28%		
		50-59 22%		
		40-49 02%		

4. Bedroom mix

Number of Bedrooms	Number of Units
1	45
2	5
Total Units	50

5. Unit and project amenities

Although Corazon Square has been in operation for 33 years, it remains a secure, well maintained and esthetically pleasing apartment complex. Simple and practical in design, Corazon Square offers an on-site coin operated laundry facility, covered parking, and a common area furnished with a big screen television, a fully equipped kitchen, and a pool table. Individual units are carpeted and contain major appliances and a garbage disposal. The one bedroom units are approximately 533 square feet and the two bedroom units are approximately 712 square feet.

Tenants have access to emergency staff 24 hours per day, seven days per week. Corazon Square provides regularly scheduled recreational and social activities.

6. Source of financing:

Funds committed to date include \$5,000.00 (non-federal funds) pledged by the Trinidad Housing Authority and \$5,000.00 pledged from the Corazon Square Residual Receipt account.

7. Local, State and Federal subsidies:

Non at this time.

8. "Green Build" materials and designs to be used for water conservation and energy efficiency.

Materials and designs will meet the most recently released International Energy Efficiency Codes (IECC).

9. Timeline

- | | |
|---|---|
| a. Completion of zoning/planning approvals | Zoning is PUD / planning approval not required. |
| b. Local funding commitments | Local commitments in place |
| c. Construction/permanent financing commitments | March 30, 2013 |
| d. Start of construction | June 1, 2013 |
| e. Certificate of Occupancy | N/A |
| f. Lease-up | N/A |

10. Development and Property Management Experience:

While employed by Southern Colorado Developmental Disability Services, (SCDDS) as Residential Director, the Trinidad Housing Authority, (THA) Executive Director served as lead staff person in obtaining US Department of Housing and Urban Development, (HUD), Section 811 funding to construct group homes in Las Animas, Huerfano and Otero Counties. The Director successfully managed one Housing Assistance Contract, (HAP) and two Project Rental Assistance Contracts. (PRAC), with HUD during her tenure with SCDDS. Trinidad Housing Authority also sponsored a Community Development Block Grant awarded to Community Housing Services in 2009.

Additionally, the THA Executive Director and THA Contract Administrator administered a 444,654 American Recovery and Reinvestment (ARRA) capital fund grant awarded in 2009. Use of those funds included both construction and rehabilitation projects. Staff of the THA continue to administer and maintain 198 low rent public housing units and administer up to 83 Section 8 vouchers.

11. Service Commitments:

The Corazon Square does not contract with any third party service providers. Corazon staff does however, work cooperatively with the Las Animas County Department of Social Services and other private providers to insure that residents receive care that may be needed.



HOUSING DEVELOPMENT ANALYSIS SPREADSHEET

Project Name:

Date: 7/19/2013

Applicant:

Spreadsheet Version:

PAGE #1

Development Costs

APPLICANTS MUST COMPLETE FORM

(RENTAL AND HOMEOWNERSHIP PROJECTS)

Development Costs by Line Item	Total Cost	Cost/Unit	Cost/Sq Ft
ACQUISITION COSTS			
Land		0	0.00
Existing Structures *		0	0.00
SUBTOTAL	0	0	0.00
SITE IMPROVEMENTS			
Off Site Infrastructure *		0	0.00
On Site Infrastructure *	361,250	7,225	8.97
Demolition*		0	0.00
SUBTOTAL	361,250	7,225	8.97
CONSTRUCTION			
Building Permit Fees *		0	0.00
Tap Fees *		0	0.00
Construction / Rehabilitation *		0	0.00
Landscaping *		0	0.00
Contingency *		0	0.00
Other (contractor profit)*		0	0.00
SUBTOTAL	0	0	0.00
PROFESSIONAL FEES			
Architect Fees	5,000	100	0.12
Engineering Fees	5,000	100	0.12
Real Estate Attorney Fees		0	0.00
Soils Tests		0	0.00
Surveys		0	0.00
Green Planning and Design Fees		0	0.00
Other (please specify)		0	0.00
SUBTOTAL	10,000	200	0.25
CONSTRUCTION FINANCE			
Construction Insurance		0	0.00
Construction Loan Orig. Fee		0	0.00
Construction Interest		0	0.00
Attorney Fees		0	0.00
Title and Recording		0	0.00
Other (please specify)		0	0.00
SUBTOTAL	0	0	0.00
PERMANENT FINANCE AND SYNDICATION			
Loan Fees & Expenses		0	0.00
LIHTC Fees		0	0.00
Attorney Fees		0	0.00
Title and Recording		0	0.00
Other (placement fees, 1.5%)		0	0.00
SUBTOTAL	0	0	0.00
SOFT COSTS			
Appraisals & Market Study		0	0.00
Environmental Reports		0	0.00
Capital Needs Assessment		0	0.00
Temporary Relocation		0	0.00
Permanent Relocation		0	0.00
Taxes During Construction		0	0.00
Marketing		0	0.00
Soft Cost Contingency		0	0.00
Other (accounting/organization)		0	0.00
SUBTOTAL	0	0	0.00
DEVELOPER FEE / PROFIT			
Developer's Fee		0	0.00
Consultants		0	0.00
Administration Fee		0	0.00
SUBTOTAL (ie - maximum developer fee)	0	0	0.00
RESERVES			
Operating Reserve		0	0.00
Debt Service Reserve		0	0.00
Lease-up Reserve		0	0.00
Replacement Reserve		0	0.00
Other (Working capital)		0	0.00
SUBTOTAL	0	0	0.00
TOTAL DEVELOPMENT EXPENSES	\$371,250	\$7,425	\$9.22

Total Square Feet in Units	27,586
Non Living Square Footage	12,671
Total Project Square Feet	40,257
Number of Units	50

0.00% % of construction

0.0% % of Total (less Dev. Fee, reserves and

0.0 months of expenses
0.0 months of debt

TOTAL HOME ELIGIBLE EXPENSES 371,250

Hard Cost Per Unit	\$7,225.00	97.3%
Land Cost Per Unit	\$0.00	0.0%
Soft Cost Per Unit	\$200.00	2.7%
Hard Cost Per Square Foot	\$8.97	
Soft Cost Per Square Foot	\$0.25	

*costs included in hard cost evaluation.

PROJECT PROFORMA

Replace this page with the DOH Project Proforma Excel Spreadsheet that can be found on the DOH website <http://dola.colorado.gov/doh-application>. In addition to the submitted paper copy, send the proforma electronically to your Regional DOH Development Specialist.

- If applicable, submit the completed Colorado Housing and Finance Authority's (CHFA) Tax Credit Application. *Please note any variances from tax credit application must be explained.* (Electronic submission is preferred).
- For CHDO operating funds, please attach the operating budget and other documents requested on the website: <http://www.colorado.gov/cs/Satellite?c=Page&childpagename=DOLA-Main%2FCBONLayout&cid=1251596560269&pagename=CBONWrapper>.
- For Single-family Owner-occupied Housing Rehabilitation and Down Payment Assistance Programs, complete the DOH Program Spreadsheet at <http://dola.colorado.gov/doh-application>.

REGULATORY INFORMATION

Please answer the following questions to the best of your ability, so DOH may provide technical assistance on compliance with applicable federal regulations. For more information, contact your regional Housing Development Specialist.

Relocation and 1-for-1 Replacement		
Will the proposed project activity directly cause any demolition or conversion of any existing residential or commercial units resulting in permanent, temporary or economic displacement of existing tenants? <i>See HUD Handbook 1378, 24 CFR 92.354 & DOLA CDBG Guidebook Sec VII</i> http://www.hud.gov/offices/cpd/library/relocation/policyandguidance/handbook1378.cfm	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, attach General Notice and Rent Roll
If yes, are the displaced households considered low-income?		Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, attach Residential Anti-displacement and Relocation Assistance Plan (Att. D) describing the steps taken to minimize displacement, including what assistance/benefits will be provided to displaced households and what plans have been developed to replace the units and ensure that they stay at or below Fair Market Rent for 10 years.		
Davis- Bacon Wages		
Does the project include Davis-Bacon wages? (see Att. F) <i>See HUD Guidebook 1344 & DOLA CDBG Guidebook Sec VIII</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Environmental Review		
Have you started the Environmental Release of Funds (ROF) Process? <i>See 24 CFR Parts 58 & DOLA CDBG Guidebook Sec IV &</i> http://dola.colorado.gov/cdh/developers/documents/TA_on_ROF_22610.pdf		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Will the project be undertaken in flood hazard areas? <i>For questions: Thuy Patton, Colorado Water Conservation Board, 303-866-3441 x 3230</i> <i>All applicants must attach a flood plain map.</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, attach a description of your mitigation plans
Will the project be near a geological hazard area, or affect historical, archeological or cultural resources? <i>For questions: Pat Rodgers, Colorado Geological Survey, (303) 866-2611, Dan Corson, State Historical Society, (303) 866-2673</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, attach a description of your mitigation plans
Will the project be located within 1,000 feet of a major highway, 3,000 feet of a railroad, 15 miles of a commercial airport or near military airfields or some other major noise source?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, attach a description of your mitigation plans
Will the project be located within one-mile of aboveground storage tanks, transmission pipelines or loading facilities for explosive or fire-prone substances?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, attach a description of your mitigation plans

Lead-Based Paint

If the property was built before 1978, is it exempt from lead-based paint abatement? http://edocket.access.gpo.gov/cfr_2003/apr/qtr/pdf/24cfr35.115.pdf List reason _____ N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>	Attach record indicating year of construction or proof of exemption
Property Built in 1983		
If no, has the property been evaluated? N/A N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>	Attach record indicating year of construction and proof of exemption
Does the property need remediation? If yes, the regulations at 24 CFR Parts 35 apply http://www.hud.gov/offices/lead/library/enforcement/24CFR35_SubpartA.pdf	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Asbestos

For projects involving rehabilitation, has there been an evaluation of asbestos hazards? http://www.cdphe.state.co.us/ap/asbestos/renodemo.pdf	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If Yes, attach a copy of the report(s).
Does property need Asbestos remediation? If yes, contact a state-certified asbestos inspector.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

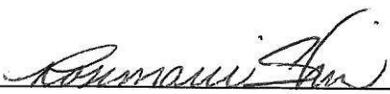
ADA Accessibility & Visitability

Does the project have 5 or more units? If yes, for new construction or substantial rehabilitation, at least 5% (or 1, whichever is greater) must be accessible to persons with mobility impairments and 2% (or 1, whichever is greater) must be accessible to persons with sensory impairments. The remaining units must meet the accessibility requirements of the Federal and State Fair Housing Act, which require that all units in elevator buildings and ground units in other buildings be ADA accessible. http://www.hud.gov/offices/fheo/disabilities/fhguidelines/fhfa5.cfm#sect3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Number of units for persons with mobility impairment? (5%) 5	
Number of units for persons with sensory impairment? (2%) 3	
Number of visitable units? 50 See DOH Visitability policy http://dola.colorado.gov/cdh/statehousingboard/index.htm#anchpolicies	
Send copy of Agency's Section 504 Compliance plan See 24 CFR Part 8 & DOLA CDBG Guidebook Sec V http://www.dola.state.co.us/dlg/fa/cdbg/docs/guidebook/PF07CIVILRIGHTSEXH-C.pdf	

Fair Housing	
Has the agency established Steps to Affirmatively Further Fair Housing? <i>See 24 CFR 570.487(b) & 24 CFR 92.351</i> <i>See Att. N http://www.hud.gov/offices/adm/hudclips/forms/files/935-2a.pdf</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Procurement	
Will DOH funds be used for purchasing goods or services? If yes , which procurement policies will be followed? <i>See DOLA CDBG Guidebook Sec II</i> http://dola.colorado.gov/dlg/fa/cdbg/cdbg_guidebook.html#section_ii	Yes <input type="checkbox"/> No <input type="checkbox"/>
Will DOH funds be used for construction? If yes , the Debarred Checklist applies <i>See https://www.epls.gov/ & DOLA CDBG Guidebook Sec VIII</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Will there be over \$200,000 of federal funds in the project?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Financial Management	
Does the applicant's financial management comply with OMB Circular A-87 & 24 CFR Parts 85 & DOLA CDBG Guidebook Sec II-C?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does the applicant's audit/records comply with OMB Circular A-133 & 24 CFR 570.490(d) & DOLA CDBG Guidebook Sec II?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Program Income	
Will the project generate Program Income? If yes , indicate which: <input type="checkbox"/> HOME <input type="checkbox"/> CDBG	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Examples of program income include, but are not limited to: revenue from the loans made through Down Payment Assistance (DPA) programs and Single-family Owner-occupied rehab (SFOO) programs.	
Projected Program Outcomes	
ENERGY STANDARDS: "Green Build" materials and designs to be used for water conservation and energy efficiency. Materials and designs will meet the most recently released International Energy Efficiency Codes (IECC). How many units will meet Energy Star Standards or standard listed above? 50	
SPECIAL NEEDS: Number of units designated for persons with disabilities? 5 units	
HOMELESSNESS: Number of units designated for homeless persons? -0- Of those, number of units designated for the chronically homeless? N/A	
HIV/AIDS: Number of units designated for persons with HIV/ AIDS? -0- Of those, number of units for chronically homeless with HIV/AIDS? N/A	

AUTHORIZED SIGNATURE SHEET

I certify to the best of my knowledge and belief, statements and data in this application, including the required Statement of Assurances and Certifications (Attachment A), attached tables and other documentation, are true and correct.

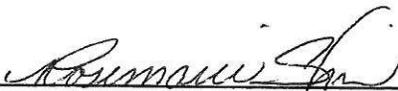
		
Signature	Signature	Signature
Rosemarie Shier		
Name (Typed or Printed)	Name (Typed or Printed)	Name (Typed or Printed)
Executive Director		
Title	Title	Title
07/19/2013		
Date	Date	Date
Signature	Signature	Signature
Name (Typed or Printed)	Name (Typed or Printed)	Name (Typed or Printed)
Title	Title	Title
Date	Date	Date

The above must be signed by the Chief Elected Official of the governmental unit, officer of the private corporation or other appropriate and authorized signatory for the applicant. Documentation proving signer is authorized must be provided. In the case of multi-jurisdictional applications for CDBG funds, an executed Intergovernmental Agreement must be submitted, designating a lead governmental agency as the applicant and administrator of any award. If an IGA is not available, the Chief Elected Official of EACH local government must sign.

ATTACHMENT A APPLICANT STATEMENT OF ASSURANCES AND CERTIFICATIONS

The application must adhere to the following assurances and certification, that it:

- 1) possesses legal authority to apply for the loan/grant and to execute the proposed project, and its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances required, and directing and authorizing the applicant's chief executive officer and/or other designated official representatives to act in connection with the application and to provide such additional information as may be required;
- 2) will give the State, the U.S. Department of Housing and Urban Development (HUD), and any state authorized representatives access to and the rights to examine all records, books, papers or documents related to the application and grant;
- 3) has provided for and encouraged citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of areas in which CDBG, HOME, HDG and HDLF funds are proposed to be used; by:
 - I. providing citizens with reasonable and timely access to local meetings, information, and records relating to its proposed and actual use of CDBG, HOME, HDG and HDLF funds;
 - II. furnishing citizens information concerning the amount of funds available for proposed housing activities and the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income. Its plans for minimizing displacement of persons as a result of activities assisted with CDBG, HOME, HDG and HDLF funds and its plan for assisting persons actually displaced as a result of such activities;
 - III. publishing a proposed project plan/application in such a manner to afford citizens an opportunity to examine its content and to submit comments on the proposed project plan/application and on the community development performance of the jurisdiction(s);
 - IV. holding one or more public meetings, to obtain citizens view and responses to proposals and questions related to community development and housing needs, proposed activities and past CDBG, HOME, HDG, and HDLF performances. All meetings were held no sooner than five days after notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped.
 - V. providing for a timely answer to written complaints and grievances, within 15 working days where practicable; and
 - VI. identifying how the needs of non-English speaking residents will be met in the case of public meetings where a significant number of non-English speaking residents can be reasonably expected to participate.



Signature, Chief Elected Official/Executive Director/President

7/19/2013
Date

ATTACHMENT B

Intentionally Omitted

**ATTACHMENT C
SUGGESTED FORMAT FOR LEGAL NOTICE**

This legal notice must be published as a legal notice in a newspaper of general circulation in the area of the project for one day at least five days prior to the public meeting. *If applicant is applying to the local jurisdiction for matching funds, a combined public notice may be published although it must distinguish each funding request separately.* In the case of a multi-jurisdictional application, a legal notice must be published in each participating municipality or county.

If a project is awarded CDBG funds, a post-award legal notice must be published upon project closeout.

(Replace this sample with notarized proof of publication as Attachment C)

The _____ (Name of Applicant) will submit an application to the Colorado Division of Housing (DOH). The purpose of this application is to request (Amount of DOH Funding Request) to develop (Number of Units) of rental or homes for purchase at (Street Address of Property). The request of funding from DOH is to benefit persons with low and moderate incomes by increasing the availability of affordable housing in _____ (Name of Community). It is not the intent to cause displacement from any existing housing; however, if persons are displaced from their existing residences reasonable housing alternatives shall be offered.

All interested persons are encouraged to contact the applicant for further information. Written comments should be sent to _____ (Mailing Address of Applicant) or (email address) and will be forwarded to DOH for consideration during the application process.

Members of the public may request a public meeting and should arrange a request with the Applicant. Applicant shall post notice of meeting (Date, Time, and Location) to ensure other members of the public are aware of meeting. If reasonable accommodations are needed for persons attending the public meeting, please contact the Applicant.

**ATTACHMENT D – Not Applicable as the Project does not require displacement of tenants
RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN**

The (City, Town or County) will replace all occupied and vacant occupy-able low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with CDBG funds, as required by Section 104(d) of the Housing and Community Development Act of 1974, as amended (the Act), and implementing regulations at 24 CFR 570.496a.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the (City, Town or County) will make public and submit to the State the following information in writing:

1. Description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and,
6. The basis for concluding that each replacement dwelling unit will remain in a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.

The (City, Town or County) will provide relocation assistance, as described in 570.496a(b)(2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the (City, Town or County) will take the steps indicated below to minimize the displacement of persons from their homes.*

* **The following are examples of steps to minimize displacement. The first two are required. The others are optional. Only check those which are appropriate for the project and local circumstances. Add other steps as necessary or appropriate.**

- Consider all practical alternatives to any proposed project that may result in residential displacement. Alternatives to be considered include other sites for the proposed facilities/project. Also to be considered are the costs and benefits, both financial and nonfinancial, of each alternative.
- Provide counseling and referral services to assist displacees find alternative housing in the community.
- Work with area landlords and real estate brokers to locate vacancies for households facing displacement.
- Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units first so they can be rehabilitated first and tenants moved in before rehab on occupied units or buildings is begun.
- Establish temporary relocation facilities in order to house families whose displacement will be of short duration, so they can move back to their neighborhoods after rehabilitation or new construction.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent their placing undue financial burden on long-established owners or on tenants of multi-family buildings.

Develop displacement watch systems in cooperation with neighborhood organizations to continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

Signature of Chief Elected Official

Date

NOTE: EACH MUNICIPALITY AND COUNTY DIRECTLY PARTICIPATING IN A MULTI-JURISDICTIONAL APPLICATION IS REQUIRED TO HAVE A RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN.

**ATTACHMENT E
ACQUISITION OF LAND AND/OR BUILDINGS
SUGGESTED FORMAT FOR LETTER TO OWNER
(Replace this form with your signed letter on agency letterhead)**

Date:

Owner Name:

Owner Address:

Re: Property at: (list address here)
 Purchase Price:
 Buyer: (agency, developer, or community name)

This is to inform you that (buyer) would like to purchase the property listed above. We have offered you the purchase price listed above for clear title to the property under the conditions described in the contract of sale.

Because Federal funds may be used in the purchase, however, we are required to disclose to you the following information:

1. This sale is voluntary. If you do not wish to sell, (buyer) will not acquire your property. (Insert buyer's name) does not have the authority to acquire your property by force.
2. We estimate the fair market value of the property to be \$ _____: (value).

Since the purchase would be a voluntary, arm's length transaction, you would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation.

If you have any questions about this matter, please contact (contact person) at (phone number).

Sincerely,

Applicant signature: _____ Date: _____

I have read the above and agree with the statements therein:

Owner signature: _____ Date: _____



Check here if this is **not applicable** to your project

Reason: Applicant owns building

**ATTACHMENT F
DAVIS-BACON EXCEPTION CHECKLIST**

EXCEPTIONS

The Applicant Trinidad Housing Authority for Corazon Square Apartments affirms that (part/all) of its CDBG/HOME project is excepted from Davis-Bacon Prevailing Wage Rate Provision because:

- (a) The prime construction contract funded in whole or in part with CDBG/HOME funds is less than \$2,000.
- (b) The entire project consists solely of demolition. (CDBG Only)
- (c) CDBG funds will be used for rehabilitating property that was designed for fewer than eight (8) households (See Note* Below)
- (d) HOME funds will be used for construction or rehabilitating property that was designed for fewer than 12 HOME- designated units (See Note ** Below)
- (e) Part/all of the project consists solely of delivery of goods or services. (No construction contract.)
- (f) Part/all of the project will be done through a force account. (See Note* Below)
- (g) There are no federal monies in the construction contract.
- (h) All or a portion of the CDBG/HOME funds shall be used for the purchase of equipment:
 - 1) Installation of equipment is incidental (less than 13%) of the total cost (equipment PLUS installation - this requires a separate quote for equipment and the installation);
 - 2) NO installation costs are included in the purchase of equipment.
- (i) Proceeds of the CDBG/HOME loan shall be used for working capital ONLY.
- (j) The CDBG funds are used for acquisition ONLY and there is no construction.

NOTE:
*Any employees hired through a force account for a CDBG funded project will be considered Section 3 employees.
**Grantee should confirm with their state monitor regarding this option. Clarification is necessary because some housing type projects will qualify as PUBLIC facilities and not as HOUSING.

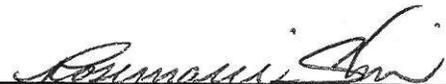
NO EXCEPTIONS – DAVIS BACON APPLICABLE

If there is no exception, check here if Davis-Bacon is applicable to your project

Reason Davis-Bacon is triggered: Project Cost Exceeds \$2,000.

Are Davis-Bacon wages included in construction cost estimates? YES NO

Lead Agency to monitor compliance with Davis- Bacon Trinidad Housing Authority



Rosemarie Shier / Executive Director
Signature, Chief Elected Official/Executive Director/President

07/19/2013
Date

**ATTACHMENT G
IMMIGRATION POLICY**

Federal and State laws require Grantees to verify lawful presence of beneficiaries of public funds. The requirements to ensure lawful presence vary by the funding sources used to finance projects, as follows:

Federal HOME Investment Partnership or Community Development Block Grant Programs

If the funding is HOME or CDBG, the Welfare Reform Act does not require a non-profit charitable organization to determine, verify or otherwise require proof of lawful presence. If the managing member is a non-profit or if the general partner of a LIHTC ownership entity is a non-profit, this also applies. If the funding is provided to a for-profit, government, or quasi-government entity, all adult family members will have to sign a **Declaration of Residency** form.

State of Colorado funds (HDG and HDLF)

If the funding is State of Colorado Housing Development Grant (HDG) funds or Housing Development Loan Funds (HDLF) Grantees must confirm that any individual natural person 18 years of age and older is lawfully present in the United States pursuant to CRS 24-76.5-101, et seq., when each individual applies for public benefits by requiring the applicant to:

- a) produce:
 - 1.) a valid Colorado driver's license or a Colorado identification card, issued pursuant to Article 2 of Title 42 CRS; or
 - 2.) a U S military or a military dependent's identification card; or
 - 3.) a US Coast Guard Merchant Mariner card; or
 - 4.) a Native American Tribal Document; or
 - 5.) a document as described in 2.1.2 and 2.1.3 in the Colorado Department of Revenue's Rules for Lawful Presence section on Identification.
- b) and execute an **Affidavit of Legal Residency** stating:
 - 6.) That he or she is a United States citizen or legal permanent resident; or
 - 7.) That he or she is otherwise lawfully present in the US pursuant to Federal law.

**SAMPLE FORM 1
AFFIDAVIT OF LEGAL RESIDENCY**

I, (applicant), swear or affirm under penalty of perjury under the laws of the State of Colorado that (check one):

- I am a United States citizen, or
- I am a **Permanent Resident of the United States**, or
- I am lawfully present in the United States pursuant to Federal law.

I that this sworn statement is required by law because I have applied for a public benefit or I am a sole proprietor entering into a contract or purchase order with the State of Colorado. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit or prior to entering into a contract with the State. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under CRS §18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature of Applicant

Date

I agree to provide and maintain the legal resident requirements as described above



Signature, Chief Elected Official/Executive Director/President

7/19/2013

Date

ATTACHMENT H

STANDARD INSURANCE REQUIREMENTS

State of Colorado insurance requirements are as follows and apply to all DOH-funded projects. Grantee and its sub-grantees and subcontractors shall obtain and maintain insurance as specified in this section at all times during the term of this Grant: All policies evidencing the insurance coverages required hereunder shall be issued by insurance companies satisfactory to Grantee and the State.

Grantee

Public Entities

If Grantee is a "public entity" within the meaning of the Colorado Governmental Immunity Act, CRS §24-10-101, et seq., as amended (the Governmental Immunity Act"), then Grantee shall maintain at all times during the term of this Grant such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under such Act. Grantee shall show proof of such insurance satisfactory to the Department, if requested by the Department. Grantee shall require each grant or contract with a sub-grantee or subcontractor which is a public entity, providing Goods or Services in connection with this Grant, to include the insurance requirements necessary to meet sub-grantees liabilities under the Act.

Non-Public Entities

If Grantee is not a "public entity" within the meaning of the Governmental Immunity Act, Grantee shall obtain and maintain during the term of this Grant insurance coverage and policies meeting the same requirements with respect to sub-grantees and sub-contractors which are not "public entities".

Sub-grantees and Subcontractors

Grantee shall require each contract with a sub-grantee or subcontractor, other than those that are public entities, providing Goods or Services in connection with this Grant to include insurance requirements substantially similar to the following:

Worker's Compensation

Worker's Compensation Insurance as required by State statute, and Employer's Liability Insurance covering all of sub-grantee or subcontractor employees acting within the course and scope of their employment.

General Liability

Commercial General Liability Insurance written on ISO occurrence form CG 00 01 10/93 or equivalent, covering premises operations, fire damage, independent contractors, products and completed operations, blanket contractual liability, personal injury, and advertising liability with minimum limits as follows:

- \$1,000,000 each occurrence;
- \$1,000,000 general aggregate;
- \$1,000,000 products and completed operations aggregate; and
- \$50,000 any one fire.

If any aggregate limit is reduced below \$1,000,000 because of claims made or paid, sub-grantee or subcontractor shall immediately obtain additional insurance to restore the full aggregate limit and furnish to Grantee a certificate or other document satisfactory to Grantee showing compliance with this provision.

Automobile Liability

Automobile Liability Insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit.

Additional Insured

Grantee and the State shall be named as additional insured on the Commercial General Liability and Automobile Liability Insurance policies (leases and construction contracts require additional insured coverage for completed operations on endorsements CG 2010 11/85, CG 2037, or equivalent).

Primacy of Coverage

Coverage required of the sub-grantee or subcontractor shall be primary over any insurance or self-insurance program carried by Grantee or the State.

Cancellation

The above insurance policies shall include provisions preventing cancellation or non-renewal without at least 45 days prior notice to the Grantee and the State by certified mail.

Subrogation Waiver

All insurance policies in any way related to the Grant and secured and maintained by Grantee's sub-grantees or subcontractors as required herein shall include clauses stating that each carrier shall waive all rights of recovery, under subrogation or otherwise, against Grantee or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

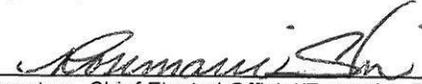
Malpractice/Professional Liability Insurance

Professional Liability Insurance Policy may apply in the minimum amount of \$1,000,000 per occurrence and \$3,000,000 in the aggregate, written on an occurrence form, that provides coverage for its work undertaken pursuant to this Grant. If a policy written on an occurrence form is not commercially available, the claims-made policy shall remain in effect for the duration of the Grant and for at least two years beyond the completion and acceptance of the work under the Grant, or, alternatively, a two year extended reporting period must be purchased.

Certificates

Each of Grantee's subcontractors and subgrantees shall provide certificates showing insurance coverage required hereunder to Grantee within seven business days of the Effective Date, but in no event later than the commencement of the Services or delivery of the Goods under the subcontract or subgrant. No later than 15 days prior to the expiration date of any such coverage, each subcontractor or subgrantee shall deliver to Grantee certificates of insurance evidencing renewals thereof upon request by the Department or at any other time during the term of a subcontract or subgrantee, Grantee may request in writing, and the subcontractor or subgrantee shall thereupon within 10 days supply to Grantee, evidence satisfactory to Grantee and the Department of compliance with the provisions of this section.

I agree to provide and maintain the insurance as described above



Signature, Chief Elected Official/Executive Director/President

7/19/2013
Date

**ATTACHMENT I
INTERGOVERNMENTAL AGREEMENT
FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT (Sample)**

THIS AGREEMENT, made this _____ day of _____, 20___, by and among the following:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

WHEREAS, the parties to this Agreement have the authority pursuant to Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, et. seq., Colorado Revised Statutes, to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually.

WHEREAS, the parties to this Agreement desire to cooperate in developing and carrying out a Community Development Block Grant (CDBG) project, the purpose of which is to:

NOW THEREFORE, the parties hereby mutually agree as follows:

1. Designation of Lead Party. (Lead Party) shall act as the lead party in developing and carrying out said proposed CDBG project.
2. Responsibilities of Lead Party. In its capacity of lead party, (Lead Party) shall by the lead jurisdiction in making application to the State Department of Local Affairs (State) for CDBG funds and shall be the grantee of the State for such funds, if awarded. As the grantee of the State, it shall be fully and solely responsible to the other parties to this Agreement for compliance with all financial management, environmental review, labor standards, civil rights, record-keeping, reporting and other requirements of the CDBG program contained in the Applicant Statement of Assurances and Certifications, and in the grant contract with the state, except those specified in Paragraph 3 hereinafter.
3. Responsibilities of All Parties. Each party to this Agreement shall be individually responsible for compliance with the following requirements of the CDBG program:
 - a) adopting a required Citizen Participation Plan, and providing to its citizens information and opportunities to comment as required by the State in developing an application and substantially changing project activities;
 - b) identifying its community development and housing needs, including the needs of low and moderate income persons, and the activities to be undertaken to meet such needs; and
 - c) adopting a required Antidisplacement and Relocation Assistance Plan which calls for replacement of demolished or converted low/moderate income housing units and provision of necessary relocation assistance; and,
 - d) taking actions to affirmatively further fair housing.

Furthermore, each party shall provide documentation to (Lead Party) demonstrating its compliance with the requirements specified in the Paragraph 3 and (Lead Party) shall retain such documentation and other required records and documents for the period of time specified by the State.

4. Contracting. (Lead Party) shall contract with _____ or, with other eligible individuals or entities to carry out all or any portion of the responsibilities assumed by

(Lead Party) under this Agreement and its grant contract with the State.

- 5. Term of Agreement. This Agreement shall remain in full force and effect for so long as the parties to this Agreement are pursuing CDBG funding for said proposed project or, if awarded, carrying out such project activities. Any party to this Agreement may, however, terminate its participation in this Agreement six months after providing written notice of such termination to the other parties of this Agreement. This Agreement may be terminated at any time by agreement of all parties to this Agreement unless a grant contract is in effect with the State. In this case, the State must approve such termination and arrangements for completing the project.

- 6. Modification and Changes. The terms of this Agreement may be modified or changed at any time by agreement of all parties to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first above written.

(Lead Party)

By

Position

(Party)

By

Position

ATTACHMENT J
W-9 STATE OF COLORADO VERSION
<http://dola.colorado.gov/cdh/section8/W9Docs/W-9.pdf>

Substitute Form W-9	REQUEST FOR TAXPAYER IDENTIFICATION NUMBER (TIN) VERIFICATION	State of Colorado Do NOT send to IRS
PRINT OR TYPE Legal Name <small>(WHICHEVER OF THE TIN OR SSN AS NAMED APPEARS ON IRS OR SOCIAL SECURITY ADMINISTRATION RECORDS)</small> DO NOT ENTER THE BUSINESS NAME OF A SOLE PROPRIETORSHIP ON THIS LINE - See Reverse for Important Information		RETURN TO ADDRESS BELOW
Trade Name — complete only if doing business as (D/B/A)		
Remit Address		
Purchase Order Address — Optional		PART II See Part II Instructions on Back of Form
Check legal entity type and enter 9 digit Taxpayer Identification Number (TIN) below: (SSN = Social Security Number EIN = Employer Identification Number)		Do Not enter an SSN or EIN that was not assigned to the legal name entered above
<input type="checkbox"/> Individual (Individual's SSN) <small>NOTE: If no name is circled on a Joint Account when there is more than one name, the number will be considered to be that of the first name listed.</small>		_____
<input type="checkbox"/> Sole Proprietorship (Owner's SSN or Business EIN) SSN Note: Enter both the owner's SSN and the business EIN (if you are required to have one) EIN		_____ _____
<input type="checkbox"/> Partnership <input type="checkbox"/> General <input type="checkbox"/> Limited (Partnership's EIN)		_____
<input type="checkbox"/> Estate/Trust (Legal Entity's EIN) <small>NOTE: Do not furnish the identification number of the personal representative or trustee unless the legal entity itself is not designated in the account title. List and circle the name of the legal trust, estate, or personal trust.</small>		_____
<input type="checkbox"/> Other > _____ (Entity's EIN) Limited Liability Company, Joint Venture, Club, etc.		_____
<input type="checkbox"/> Corporation Do you provide medical services? <input type="checkbox"/> Yes <input type="checkbox"/> No (Corp's EIN) Includes corporations providing medical billing services		_____
<input type="checkbox"/> Government (or Government Operated) Entity (Entity's EIN)		_____
<input type="checkbox"/> Organization Exempt from Tax under Section 501(a) (Org's EIN) Do you provide medical services? <input type="checkbox"/> Yes <input type="checkbox"/> No		_____
<input type="checkbox"/> Check Here if you do not have a SSN or EIN, but have applied for one. See reverse for information on <i>How to Obtain A TIN</i>		
Licensed Real Estate Broker? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Under Penalties of Perjury, I certify that:		
(1) The number listed on this form is my correct Taxpayer Identification Number (or I am waiting for a number to be issued to me) AND		
(2) I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding (does not apply to real estate transactions, mortgage interest paid, the acquisition or abandonment of secure property, contributions to an individual retirement arrangement (IRA), and payment other than interest and dividends).		
CERTIFICATION INSTRUCTIONS — You must cross out item (2) above if you have been notified by the IRS that you are currently subject to backup withholding because of under reporting interest or dividends on your tax return. (See Signing the Certification on the reverse of this form.)		
THE INTERNAL REVENUE SERVICE DOES NOT REQUIRE YOUR CONSENT TO ANY PROVISION OF THIS DOCUMENT OTHER THAN THE CERTIFICATIONS REQUIRED TO AVOID BACKUP WITHHOLDING.		

NAME (Print or Type) _____	TITLE (Print or Type) _____
AUTHORIZED SIGNATURE _____	DATE _____ PHONE (____) _____
DO NOT WRITE BELOW THIS LINE	RETURN BOTH COPIES TO ADDRESS ABOVE
AGENCY USE ONLY	
Agency _____	Approved by _____ Date _____
1099: Yes _____ No _____	Action Completed by _____ Date _____
VENDOR: Addition _____ Change _____	

ATTACHMENT K

**SAMPLE RESOLUTION TO APPLY AND
SIGNATORY AUTHORITY AND DELEGATION OF SIGNATORY
AUTHORITY**

Please copy the following onto your Corporate Letterhead

Date:

WHEREAS, the _____ (Applicant) has approved an application to the Colorado Department of Local Affairs/
Division of Housing for funds for _____ (Project); and

WHEREAS, the _____ (Applicant) certifies by

Board Resolution Bylaws Policy Other: _____
(please attach backup documentation)

that the person named below has full signatory authority in regard to all contracts and corresponding
documents associated with agreements entered into by _____ (Applicant)

Name of Authorized Signatory

Title

Signature

Furthermore, if applicable, this statement certifies and hereafter delegates _____ (Name and Title), an
agent of _____ (Applicant) for the purpose of authorizing and signing:

<input type="checkbox"/>	Payment Requests
<input type="checkbox"/>	Quarterly Financial Status Reports
<input type="checkbox"/>	Quarterly Project Performance Reports
<input type="checkbox"/>	Monitoring Documents
<input type="checkbox"/>	Other _____

DOH Asset Manager will complete the following

The above designation will commence on the date of this statement and will apply for the duration of the
Contract(s):

Contract Encumbrance Number or Reference
• _____
• _____
• _____