



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad, Colorado, will be held on Tuesday, February 4, 2014 at 7:00 P.M. in City Council Chambers at City Hall

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Special and Regular Meeting of January 21, 2014 & Special Meeting of January 30, 2014
- 3) **PUBLIC HEARING** - Appeal from a decision of the Planning, Zoning and Variance Commission filed by Lex and Alyce Vollmer, Application #2013-15, Request for variance to place an accessory structure with a 4/12 roof-pitch and to exceed the allowable square footage of accessory structure, located at 203 E. North Avenue
- 4) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 5) **COUNCIL REPORTS**
- 6) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 7) **UNFINISHED BUSINESS**
- 8) **MISCELLANEOUS BUSINESS**
 - a) 3.2% Beer Retail License (Off-Premises) renewal request by Walmart Stores, Inc. d/b/a Walmart #962 at 2921 Toupal Drive
 - b) Ad-hoc appointments (without voting rights) to the Arts and Cultural Advisory Commission
 - c) Appointments to the Tourism Board
 - d) Appointment to the Parks & Recreation Advisory Committee
 - e) Appointments to the Board of Building Code Appeals (1 permanent and 2 alternates)
 - f) Appointments to the Urban Renewal Authority
 - g) Appointments as Council liaisons to various City boards and commissions
 - h) Consideration of Memorandum of Understanding between the City and Colorado Department of Local Affairs regarding the Colorado Main Street Candidate Program for 2014
 - i) Authorization to waive fees associated with the tavern applications only as it pertains to those licensees affected by a 2013 Liquor Enforcement Division directive
 - j) First reading of an ordinance adjusting the City of Trinidad landfill fees, and setting a hearing for consideration of said ordinance
 - k) First reading of an ordinance revising the City's water rate schedule and the City's plant investment fees, and setting a hearing for consideration of said ordinance
 - l) First reading of an ordinance adjusting the City's rates for sewer service, and setting a hearing for consideration of said ordinance
- 9) **BILLS**
- 10) **PAYROLL**, January 18, 2014 through January 31, 2014
- 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).

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, January 21, 2014, at 6:00 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, January 21, 2014, at 6:00 p.m. in the Council Chambers at City Hall

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

- 1) Executive session – For a conference with the City’s attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding ARPA mediation; and b) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) and/or to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) – Discussion of Economic Development matters

The meeting was called to order at 6:00 p.m.

Roll call was taken.

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

Also present:	City Manager	Acre
	City Attorney	Downs
	City Clerk	Garrett

The pledge of allegiance was recited.

Executive session - For a conference with the City’s attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding ARPA mediation; and b) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e) and/or to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) – Discussion of Economic Development matters. A motion to enter into executive session for the stated purposes was made by Councilmember Bolton. Councilmember Fletcher seconded the motion which carried by a unanimous roll call vote. The executive session ensued at 6:03 p.m. Upon conclusion of executive session at 6:54 p.m., the special meeting resumed. That portion of the executive session not constituting legal advice was electronically recorded in accordance with the Open Meetings Law of the state of Colorado.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 21st day of January, 2014, was permissible under CRS Section 24-6-402 (4)(b).

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

Les S. Downs
City Attorney

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

ATTEST: _____
JOSEPH A. REORDA, Mayor

AUDRA GARRETT, City Clerk

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, January 21, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of January 7, 2014. A motion to approve the minutes as presented was made by Councilmember Miles and seconded by Councilmember Bolton. The motion carried unanimously upon roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Jim Vigil to address Council concerning: 1) Update on Trinidad Lake State Park and introduction of new manager; and 2) Update on Rural Philanthropy Days to be held in Trinidad in September, 2014. Mr. Vigil addressed Council and thanked them for the opportunity. He reminded Council that he is a Colorado Parks & Wildlife Commission appointee, which among other things oversees the 42 state parks in Colorado. Mr. Vigil said our Trinidad Lake State Park is his favorite. He introduced Crystal Dryling, the new manager of Trinidad Lake State Park. Ms. Dryling addressed Council. She told them that Trinidad has been very welcoming to her and it has been a pleasure to be here and she will continue to work with the City. Ms. Dryling said that the perception is that employees of the state parks in Colorado get moved against their will; however she had her sites on Trinidad for a long time and had done research before putting in for the position here. She said she's only been here one month and came from the Denver area. The park has been a big part of this community from what she can tell, seeing about 120,000 visitors per year. That visitation has been stable but growing, as has the revenue each year. She said she recently learned about the master trail plan from the City to Trinidad Lake State Park which will be an exciting project and important to the park and to her on a personal level. Mayor Reorda encouraged Ms. Dryling to come back to Council with updates, adding that the City wants to protect its part of the pool, and work with her and the state. Ms. Dryling said it would be her pleasure to return. Mr. Vigil told Council that with respect to the trail to the lake that is in the planning stage, there is grant funding that comes through the Parks & Wildlife Commission, for which he will have a say on both ends, trying to drive it from this end and also at the approval end. The last grant submitted by the City was for a bridge over the river. The state is divided into four regions. Trinidad is in the southwest region. That project is #2 in the region's priority list and he said he has promoted that project. Mr. Vigil next told Council that he is a member of the steering committee of the Southeast Rural Philanthropy Days. He explained that back in the 1990s the major grant funders in Colorado, located mostly in Boulder, Denver and Colorado Springs, realized that the vast majority of the funding they were giving out to non-profits was going to the metro area non-profit agencies, from Boulder down to Colorado Springs. Essentially nothing was allocated to rural Colorado, maybe 3%. The funders driven by the Anschutz Foundation decided to place more funds in rural Colorado. So they formed Rural Philanthropy Days which has evolved since the 1990s. This program brings the funders, non-profits and agencies together for technical training and for making pitches for funding of the non-profits. The event takes place for three days every four years in each region. He announced that in 2014, Rural Philanthropy Days will be held in Trinidad for the first time ever. This event has always been held previously in La Junta. Our region consists of eight counties – Las Animas, Huerfano, Otero, Crowley, Kiowa, Prowers, Baca and Bent Counties. Rural Philanthropy Days will be held from September 24th through September 26th in Trinidad. Mr. Vigil described it as a big deal, bringing about 300 people into the City and 20 major funders. The whole event is being organized by a steering committee of about 25 individuals. There are a number of those individuals from our community. The steering committee is led by three chairwomen. Mr. Vigil identified two of the three present in the audience – Linda Perry and Harriet Vaugeois. Linda Perry addressed Council and said this is a fabulous opportunity for our community. She said she's taken on this role because of her passion for this region, community, our state and the non-profits. Rural Philanthropy Days will be the community's non-profits' opportunity to tell their story to funders and it can impact our community in an outstanding and positive way. She noted that the third tri-chairwoman is from La Junta. She brings experience, having worked on the Rural Philanthropy Days committees when it was in La Junta. She reiterated that this is a great opportunity for our community. Ms. Vaugeois said she loves working with Ms. Perry and Jim Vigil in this capacity. If they listed the involvement with the people in this room it will levitate the City this summer because of the positive energy and all that is happening in this community. She said she and Ms. Perry weren't involved throughout the past 16 years in this region and they've found that Trinidad is really the outlier of the region. We were not part of the planning. Now we have the opportunity to show other counties in the region what is happening in our town and show it to the funders and other government agencies. She said they are so excited about the local planning. The other counties with convention centers or colleges had everything in one place, so people visiting for the Rural Philanthropy Days didn't see the area. It will not be done that way in Trinidad. What we can show off in our new creative district is amazing. Ms. Vaugeois said Council, as the government representatives, are critical components in this event. There will be an April listening tour. The listening tour is where the funders come down ahead of time and meet with the major stakeholders in government, the schools and the college and just listen about what is happening in our town, who we are, and what we have been able to do with a little bit. At a meeting in Crowley County, they had an ice-breaker whereby they asked why anybody should fund each individual's community. Kim Lucero, who represents our hospital, gave the answer that our community should be funded because we do big things with a little bit of money. They will be listening - it is time for us to put into words why we stay here, why we love this place and why we deserve to be supported. Ms. Perry announced that the next steering committee meeting will be on Thursday, February 20th at Mt. Carmel from 11:00 a.m. to 2:00 p.m. and she asked that those interested RSVP to Mt. Carmel. Mayor Reorda asked what positions the expected 300 people will be from. Ms. Vaugeois said there will be about 15 major funders, 30 government officials and the rest are non-profits from our eight-county region, plus there is a youth track. There will be a special program for the youth coming from all of the counties

learn how to turn their passion into action, how you give back, and how you make a difference. Mayor Reorda encouraged them to use Council. Mr. Vigil added that under the steering committee there are several subcommittees where a lot of specialized work gets done, such as the programs, hospitality, marketing, fundraising, youth track and funder and government engagement. He said the latter's role, of which he is a co-chair, is to produce an eight to ten minute video showcasing our whole region to be shown to the funders. They also have to reach out to the local, state and federal government, such as the rural development arm under the Department of Agriculture, to have them at the table. That's what he is doing right now. This event will be a great opportunity to showcase our community and show what it has to offer and to get funding for the non-profits. The expenses to host the event are estimated at \$50,000 and so fundraising will be key. For the first time the Rural Philanthropy Days event received a major contribution challenge. They received a \$25,000 challenge grant from Pioneer Natural Resources, whereby all they will have to do is raise the other \$25,000. The \$25,000 to be raised will come from the eight-county region. Mr. Vigil pointed out that the biggest benefactor of the event will be Trinidad and Las Animas County. Since we are hosting the event the restaurants and hotels should experience the kick and hopefully there will be some shopping at our businesses. We need to have an event in this community we can all be proud of. He told Council that they are all welcome to attend the next meeting. Mayor Reorda suggested Council could organize a fundraiser.

Tom Murphy addressed Council regarding transparency. He spoke of a recent County Commissioner's meeting he attended where they discussed the fact that parts of the roof of the courthouse failing. The roof was repaired in 1998 or 1999 and was supposed to last 40 years. The taxpayers again will get left holding the bag. The company is no longer in business and the County will pursue litigation. He questioned who they would hold responsible. The elected officials and administrators are no longer in office. He said the issue reminded him and so he questioned what is happening with the North Lake Dam. This was supposed to be a 2004/2005 project. They were assured last year that the project would be completed by December, 2013. There's been nothing on the agenda and nothing in the City Manager report, nothing that he's seen that says it was done or not done. Mr. Murphy said he hopes this is not another boondoggle like the Justice Center, the jail conversion for social services, the million dollar barn at the fairgrounds or the ultimate boondoggle - ARPA. He asked who will take responsibility for these large failures. Other than the air we breathe, water is critical to our survival. He said he has questions that he would like answers for next week or the following at a public meeting - what was the original cost of the dam project? How many change orders were added to the project? When will the project be completed? He said he might have additional questions he will e-mail. Mr. Murphy said Trinidad has the one-cent sales tax ballot question in November. If this is a boondoggle he doubted people would support the sales tax. All you have to do is see what happened in November with the hospital. The last Public Works Director left after being drug through the mud for a minor project. He saw the handwriting on the wall and went back to where he came from. Mr. Murphy said he believes the City should have a surplus of funds for capital improvements left over. How much do you have or did it get put into the general fund? There are a lot of contractors just waiting for work, so hopefully we can get started on that. He asked Council, if they did know about this, when they found out, adding that he didn't hear any reports in the meetings he has attended. If they don't know, he asked why they didn't because this is vital to the survival of this community. He asked that it be reported in a public meeting because spring is right around the corner and we can't survive without water. He said his understanding is the contractor pulled out until spring. If that is true, when will it be done? Also, a man lost his life on the project, yet he didn't see anyone asking for an investigation. Maybe the City's hands were tied legally, but it was a real tragedy. Mayor Reorda responded that he would get the answers.

COUNCIL REPORTS. None.

REPORTS BY CITY MANAGER. Financial Reports. City Manager Acre pointed out that he sent Council a copy of the November, 2013 financial reports and sales tax report. He said there will be a brief work session item on them next week. He asked Council to let him know if they have advance questions.

Amtrak. City Manager Acre reminded that he also sent out a couple of e-mails to Council regarding an Amtrak Bill going through the legislature right now proposed to form a commission to try to come up with funding and work out details for extending the Amtrak rail line through Pueblo with a potential stop in Walsenburg. He said he along with the City Managers in La Junta and Lamar are watching the Bill closely to make sure we don't get left out and to make sure it is reasonable. One of their initial thoughts is the way this Bill is written currently, if Pueblo is not included the commission goes away. They think the commission should stay regardless.

Telephone polling. City Manager Acre said Councilmember Mattie raised a question with him concerning some telephone polling that is going on. The Impact Group is doing the polling. It is comprised of the metro area Mayors and Action 22 and a few other groups across the state trying to gage the public's taste for a ballot measure to add another 0.7% sales tax to help fund transportation. The articles from newspapers up north indicate that they are going to pull that from consideration. Councilmember Mattie said there were three questions: Are you aware that Amtrak runs through La Junta and Lamar through Trinidad and to Raton? They are really targeting and asking questions such as if we know about the rail; Are you aware it goes through Raton? Are you aware that the tracks are in need of repair? Are you willing to have the state expend 10% of 1/3 of the transportation budget to rectify that problem?

Financial reports. Mayor Reorda asked if the union was provided a copy of the financial reports. City Manager Acre responded affirmatively.

REPORTS BY CITY ATTORNEY. Legislative Changes. City Attorney Downs told Council that there are a number of legislative changes winding their way through the Legislature. One that is big for Trinidad is a change in the Colorado Open Records Act. He said the legislation can be followed through CML's newsletter or through their website.

Medical Marijuana. City Attorney Downs told Council that there was a good article in the Chronicle News yesterday talking about places in Washington State where communities have been sued for not having enacted a prohibition or moratorium to allow them to be in the marijuana business. If they don't have something in place banning marijuana businesses they are suing to be allowed to do it. There was also an item in the Pueblo Chieftain that talked about that. We are dealing with this. We are getting a tremendous amount of phone calls about recreational and medical marijuana. One

individual who he said he spoke to came through real estate agent Ed Trommeter about cultivation in Industrial Park. He is very interested. He is looking at taking the old Pepsi building and turning it into a cultivation facility. Councilmember Bonato commented that to be the best place for it. Mayor Reorda commented that we need to open it up to locals first. Councilmember Miles asked City Attorney Downs to talk to Council their quasi-judicial role in talking to potential licensees. City Attorney Downs said Council wears many hats. He suggested they will have every licensee coming before them asking for a license. Likely they will have people, and some they know, interested in being in the medical marijuana business. He said they need to be very independent and not be lobbied by people telling them what they want or what they are seeking. They cannot be in a quasi-judicial position and appropriately deal with these things. He suggested they be sent to him. He said he's sure they will be subjected to that. Councilmember Miles asked if they'd be talking about the ordinance at the next work session. City Attorney Downs said that would be great. Mayor Reorda said he'd appreciate someone in this office getting something in the paper to discuss these matters with staff and not with Council members. He added that they need to get on this matter. City Attorney Downs asked Council to let him know in advance if they have any areas of concern.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Consideration of bid results for the purchase of aluminum sulfate for the City of Trinidad Water Treatment Plant. City Manager Acre advised Council that each year the City goes out to bid for aluminum sulfate which is used to purify the City's water supply. Three bids were received, from DPC Industries, Treatment Technology, and Univar. He further advised that DPC Industries was the low bidder, noting that they were likewise the low bidder last year and the City was satisfied with their service. He recommended the approval of the low bid from DPC Industries. A motion to accept the low bid submitted by DPC Industries, Inc., in the amount of \$32,634.00 was made by Councilmember Bolton and seconded by Councilmember Torres. Upon roll call vote the motion carried unanimously.

Transfer of ownership of a retail liquor store license by Elizabeth Jameson d/b/a Drop City Liquor at 155 Elm Street (formerly Johnny M. and Elizabeth A. Jameson). Ms. Jameson's presence in the audience was noted. Councilmember Miles asked for a description of what is transpiring. City Attorney Downs explained that the license is being proposed for transfer from two individuals to one. Elizabeth Jameson was on the license before and it will be transferring to her as a sole proprietor. He advised that Council needs to set the request for public hearing. A motion to set the transfer application for consideration at a public hearing on Tuesday, February 18, 2014 at 7:00 p.m. was made by Councilmember Bolton and seconded by Councilmember Fletcher. The motion carried unanimously upon roll call vote.

Temporary permit request by Elizabeth Jameson d/b/a Drop City Liquor at 155 Elm Street. Mayor Reorda asked about the disclosure statement provided to Council. Councilmember Miles explained that because she has an interest in a liquor store, it might be a perceived conflict of interest for her to act on liquor licenses. City Attorney Downs added that it is essentially a disclaimer the City has divulging the fact that she has a license. Mayor Reorda confirmed that it does not preclude her from voting one way or another on liquor matters. Councilmember Fletcher made a motion to approve the temporary permit and the motion was seconded by Councilmember Bonato. Upon roll call vote, the motion carried unanimously.

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

PAYROLL, January 4, 2014 through January 17, 2014. Councilmember Fletcher asked about a payroll expense in the Police Department entitled Holiday Compensation in the amount of \$45,677.71. Finance Director Medina explained that when employees work holidays or more hours and get comp time the City pays it at one time at the end of November for the year. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Bonato. Roll call was taken and the motion carried unanimously.

Water. Councilmember Bonato asked if the City knows what the snowpack is. Administrative Assistant Linda Vigil said she did not. City Manager Acre said he would get the information for Council. Councilmember Bonato said he heard on the news that this area is at 100%. Mayor Reorda added that he read an article that said there are eleven states considered as drought areas.

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

ATTEST:

JOSEPH A. REORDA, Mayor

AUDRA GARRETT, City Clerk

The City Council of the City of Trinidad, Colorado met in Special Session on Thursday, January 30, 2014, at 4:00 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Thursday, January 30, 2014, at 4:00 p.m. in the Council Chambers at City Hall

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

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

The meeting was called to order at 4:00 p.m.

Roll call was taken.

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

Also present:	City Manager	Acre
	City Clerk	Garrett

The pledge of allegiance was recited.

Executive session - For a conference with the City’s attorney (outside counsel) for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Discussion regarding potential litigation. A motion to enter into executive session for the stated purpose was made by Councilmember Bolton. Councilmember Bonato seconded the motion which carried by a unanimous roll call vote. The executive session ensued at 4:03 p.m. Councilmember Mattie and outside legal counsel participated in the executive session via a conference call. Upon conclusion of executive session at 4:52 p.m., the special meeting resumed.

I, Les S. Downs, City Attorney for the City of Trinidad, do hereby attest that the executive session held on this 30th day of January, 2014, was permissible under CRS Section 24-6-402 (4)(b).

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

Les S. Downs
City Attorney

There being no further business, Councilmember Bolton moved to adjourn the special meeting and Councilmember Bonato seconded the motion. Pursuant to a unanimous roll call vote, the meeting was adjourned.

ATTEST:

JOSEPH A. REORDA, Mayor

AUDRA GARRETT, City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

3

CITY COUNCIL MEETING: February 4, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 11

SUBJECT: Appeal from a decision of the Planning, Zoning and Variance Commission filed by Lex and Alyce Vollmer, Application #2013-15, Request for variance to place an accessory structure with a 4/12 roof-pitch and to exceed the allowable square footage of accessory structure, located at 203 E. North Avenue

PRESENTER: Les Downs, City Attorney/Louis Fineberg, Planning Director
Lex and Alyce Vollmer

RECOMMENDED CITY COUNCIL ACTION: Conduct the public hearing for the appeal

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

POLICY ISSUE: The appeal process provides for due process. This is a quasi-judicial matter.

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- An appeal was filed with the City Clerk on December 13, 2013.
- On January 7, 2014, Council set this matter for hearing.
- Notice requirements as set for by ordinance were met.

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CITY OF TRINIDAD
PLANNING, ZONING & VARIANCE COMMISSION
December 10th, 2013
REGULAR MEETING AGENDA - 5:30 PM

1. Roll Call
2. Reports:
 - A. Planning, Zoning and Variance Commission Chair
 - B. Commission Members
 - C. Planning Director
3. Public Comments on Any Issues Not Listed on the Agenda
4. Approval of Minutes:
 - A. November 12, 2013 Regular Meeting
5. Public Hearing(s)
 - A. Lex & Alyce Vollmer (Application # 2013-15) – Request for a variance to place an accessory structure with a 4/12 roof pitch and exceed the allowable square footage of accessory structures, located at 203 E. North Ave.
 - B. Mount Carmel (applications # 2011-06 and # 2011-08) – Conditional Use Permit (CUP) Review, 911 Robinson Ave.
 - C. Trinidad Ambulance District (2009 & 2010 applications) – Conditional Use Permit (CUP) Review, 939 Robinson Ave.
6. Adjournment

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the Planning Department, at 719-846-9843 ext. 130, Fax to 719-846-4140, or email to planning@historictinidad.com, at least 48 hours prior to the meeting to set up the aid(s).



MEETING DATE: Tuesday, December 10, 2013

TO: Planning, Zoning and Variance Commission

FROM: City Staff

SUBJECT: Lex & Alyce Vollmer (Application # 2013-15) – Request for a variance to place an accessory structure with a 4/12 roof pitch and to exceed the allowable square footage of accessory structures, located at 203 E. North Ave.

CITY COUNCIL MEETING: NA

GENERAL INFORMATION:

Applicant(s): Lex & Alyce Vollmer

Property Owner(s): Lex & Alyce Vollmer

Purpose: Request for a variance to place an accessory structure with a 4/12 roof pitch and to exceed the allowable square footage of accessory structures.

Location: The subject property is located at 203 E. North Avenue.

Size: 1.38 Acres

Existing Land Use: Residential

Surrounding Land Uses: Residential

Existing Zoning: E-LDR (Established—Low Density Residential)

Previous Applications: #2013-13

BACKGROUND INFORMATION

The applicant is seeking to construct an accessory structure, to be utilized as a workshop, on the property located at 203 E. North Avenue that will require two (2) variances for:

1. The addition of an accessory structure with a less than 6/12 roof pitch within the E-Established Zone District [§14-26(10)(a)]; and
2. Exceeding the maximum allowable square footage for accessory structures in the LDR District [§14-23(1)(e)] as follows:
 - a. The proposed structure measures sixty feet (60') by twenty-five feet (25'), for a total of 1,500 square feet (SF).
 - b. The principal structure has an area of 2,844 SF, 75% of which equals **2,133 SF**.
 - c. The property presently has accessory structures for a total of 5,183 SF, an overage of 3,050 SF of usable space.
 - d. Constructing the 1,500 SF accessory structure would bring the usable space overage to **4,550 SF**.
 - e. The property size is approximately 60,113 SF.

POLICIES AND STANDARDS FOR VARIANCES

Section 14-118 of the City of Trinidad Code of Ordinances specifies that the Planning Commission may grant a variance only if it makes findings that all of the following requirements, insofar as applicable, have been satisfied:

- (1) That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property;
- (2) That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located;
- (3) That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformance with the provisions of the Zoning Ordinance;
- (4) That such unnecessary hardship has not been created by the applicant;
- (5) That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provision, which is in question.

LEGAL ISSUES:

Because this is a quasi-judicial matter, the decision-makers, shall not have direct contact with the parties involved in this matter prior to a decision. Any possible or potential conflict of interest matters should be disclosed to and/or discussed with the City Attorney prior to any hearing on the matter. If you have any questions, please contact the City Attorney.

RECOMMENDATIONS

Should the Planning, Zoning and Variance Commission decide to grant the variance request, approval should be conditional upon compliance with all applicable permit and building code requirements.

Proposed Accessory Structure Description

#2013-15

Width: 25'

Length: 60'

Height: 12' Sidewalls. 16' Peak

Trusses: Trusses are pre-engineered to enhance structural stability and integrity.

Roof Pitch: 4/12

Metal: Colored Central States; galvanized and 26 gauge optional

2 Doors included with each basic structure.



Man door will be in the back on north side, as depicted here, opposite from front drive.
Small entry roof over rear man door may be installed.



Proposed color scheme, which matches main residence.
Roof will match door & trim.
West side will have one sliding door.
Roof will have gutters and downspouts.



1101 Stonewall, Coca Residence
Application #2013-12 Approved 09/10/13
Similar style except man door will be on north side.

Manufacturer:

J and H Barn Builders, LLC

<http://www.jandhbarns.com>

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

PROJECT NAME: 203 E. North Ave.	COUNTY ASSESSOR'S PARCEL ID#
DATE SUBMITTED:	APPLICATION FEE: \$50 Pd 11/13/13

CK # **473**

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

PRE-APPLICATION CONFERENCE WAS HELD WITH: **Louis / Karen / Tom** Date: **11/13/13**

Applicant's Name: Lex & Alyce Vollmer	Site/Project Location/Address: 203 E. North Ave.
Applicant's Mailing Address: 203 E. North Ave.	Existing Use:
Trinidad, CO 81082	Proposed Use:
Phone/Fax/Email: (719) 680-0329 alyvollmer@aol.com	Existing Zoning:
Relation to Property Owner: Self Agent	Proposed Zoning:
Is site within Trinidad's Planning Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Legal Description of Property (location within section, section, township and range):

Total Acreage of Property under Consideration:

Number of Existing Residential Lots:	Number of Proposed Residential Lots:
Number of Existing Commercial Lots:	Number of Proposed Commercial Lots:
Number of Existing Industrial Lots:	Number of Proposed Industrial Lots:

ADDITIONAL CONTACTS

Property Owner: Lex Vollmer	Consultant:
Address: See applicant address	Address:
City/State/Zip:	City/State/Zip:
Phone/Fax/Email: alyvollmer@aol.com	Phone/Fax/Email:
Property Owner: Alyce Vollmer	Consultant:
Address:	Address:
City/State/Zip:	City/State/Zip:
Phone/Fax/Email: (719) 680-0329, 680-9785	Phone/Fax/Email:

Ivory
chocolate brown trim

ACCESS, TRANSPORTATION, PARKING Street Connections: Sidewalks: Parking Requirements:	UTILITY PROVISION (if other than City) Water: Sewer: Gas: Power: Other:
PARKS, OPEN SPACE AND RECREATION Proposed park dedication and/or trail construction:	ENVIRONMENTAL ISSUES Property in floodplain: <input type="checkbox"/> Yes <input type="checkbox"/> No Stormwater Issues: <input type="checkbox"/> Yes <input type="checkbox"/> No Sensitive Viewshed: <input type="checkbox"/> Yes <input type="checkbox"/> No Steep Slope: <input type="checkbox"/> Yes <input type="checkbox"/> No
IMAGE AND DESIGN Gateway: <input type="checkbox"/> Yes <input type="checkbox"/> No Downtown: <input type="checkbox"/> Yes <input type="checkbox"/> No Historic: <input type="checkbox"/> Yes <input type="checkbox"/> No	IF THIS IS A VARIANCE REQUEST, DESCRIBE WHAT IS BEING REQUESTED:
CERTIFICATION <p>I certify that I am the lawful owner of the parcel(s) of land which this application concerns. I consent to this action and authorize the applicant to act on my behalf on this matter.</p> Owner: <u><i>[Signature]</i></u> Date: <u>11/13/13</u> <p>I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. In filing this application I am acting with the knowledge and consent of the property owners. I understand that all materials and fees required by the City of Trinidad must be submitted prior to having this application processed.</p> Applicant: <u><i>[Signature]</i></u> Date: <u>11/13/13</u>	
STAFF USE ONLY APPLICATION ACCEPTED: Date: _____ By: _____ Fee Paid: _____ Scheduled Hearing Dates Planning Commission: _____ City Council: _____ Final Action Taken: _____	

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

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

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





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

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

I, Lex & Alyce Vollmer, acknowledge that I have received one copy of the public notice
(Printed Applicant Name)

for City of Trinidad land development application number #2013-15 from the City
(Application Number)

of Trinidad Planning Department on 11/22/13. I further understand that I must deliver
(MM/DD/YYYY)

one copy of the above-referenced public notice to the owner(s) of each property abutting the

parcel(s) comprising the project site per the requirements of Chapter 14, Article 1, Section 14-

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

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

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

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

Variance Commission meeting scheduled on 12/10/2013. I further understand that
(MM/DD/YYYY)

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

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

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

application.

(Applicant Signature)

11/22/13
(Date)

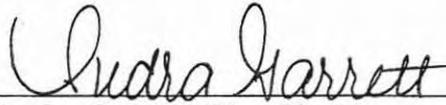
NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Trinidad, Colorado, acting in its capacity as the Board of Appeals of the City of Trinidad, will hold a public hearing on Tuesday, February 4, 2014, at the hour of 7:00 P.M. in City Council Chambers, Third Floor, City Hall, 135 North Animas Street, Trinidad, Colorado, on the appeal of Lex and Alyce Vollmer of the denial of an application for variance to place an accessory structure with a 4/12 roof pitch and to exceed the allowable square footage of accessory structures, located at 203 E. North Avenue in Trinidad by the City's Planning, Zoning and Variance Commission. Interested persons shall be afforded the opportunity to comment and testify at the public hearing concerning this appeal.

Dated this 8th day of January, 2014.

By order of the Trinidad City Council.

CITY OF TRINIDAD, COLORADO



Audra Garrett, City Clerk

CERTIFICATE OF PERSONAL SERVICE

I hereby certify that on the 8th day of January, 2014, I personally handed a copy of the Notice of Public Hearing by first-class mail, postage pre-paid to:

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


Audra Garrett, City Clerk

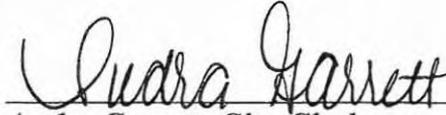
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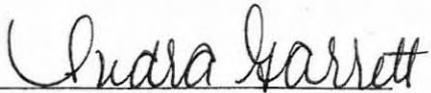


Audra Garrett, City Clerk

CERTIFICATE OF MAILING

I hereby certify that on the 8th day of January, 2014, I mailed the Notice of Public Hearing by first-class mail, postage pre-paid to:

Lex and Alyce Vollmer
203 E. North Avenue
Trinidad, CO 81082



Audra Garrett, City Clerk

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

Publish: Friday, January 17, 2014
Furnish Proof of Publication

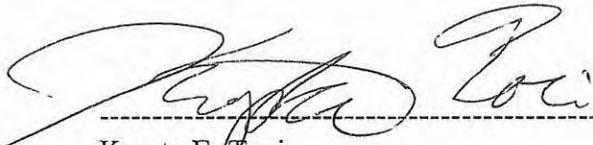
PROOF OF PUBLICATION

STATE OF COLORADO
COUNTY OF LAS ANIMAS } SS

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

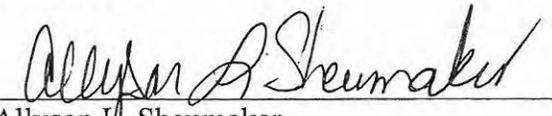
The attached Notice was published in said newspaper in its issue(s) dated

51749 January 17, 2014



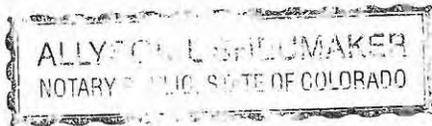
Krysta E. Toci

Subscribed and sworn to before me this
21 day of January,
A. D., 2014.



Allyson L. Sheumaker

My commission expires on August 26, 2015



My Comm. Expires August 26, 2015

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

Published: January 17, 2014

51749

ARTICLE 6. BOARD OF APPEALS.

Section 14-137. City Council designated as Board of Appeals.

The City Council is designated as the Board of Appeals for the City of Trinidad pursuant to Section 8.5 of the Charter of the City of Trinidad.

Section 14-138. Powers and duties.⁴⁰

The City Council, in its capacity as the Board of Appeals, shall hear and decide appeals from decisions of the City Planning, Zoning and Variance Commission either granting or denying requests for variances and with respect to applications for a conditional use or special use permit, and from orders of the Building Inspector to repair or demolish buildings. All decisions shall be final. (Ord. 1632, eff., 6/30/00)

Section 14-139. Appeals from Planning, Zoning and Variance Commission - Procedure.⁴¹

Any person aggrieved by a decision of the Planning, Zoning and Variance Commission granting or denying a variance request, or any officer or department of the City, may appeal such decision to the City Council. Any applicant for a conditional use or special use permit within a zone district whose application has been denied by the Planning, Zoning and Variance Commission or who is dissatisfied with the decision imposing conditions on the conditional or special use by the Planning, Zoning and Variance Commission, may appeal such decision to the City Council. Such appeal must be in writing and filed with the City Clerk no later than fifteen (15) days following the issuance of the decision by the Planning, Zoning and Variance Commission. The appeal shall contain, at a minimum, a brief statement setting forth the basis for the appeal. The City Clerk shall refer the appeal to the City Council, which shall schedule a hearing to be held no less than ten (10) days nor more than sixty (60) days from the date the appeal was filed with the City Clerk. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the Appellant by the City Clerk, by causing a copy of such notice to be delivered to the Appellant personally or by mailing a copy thereof, postage prepaid, addressed to the Appellant at his/her address as shown on the appeal. The City Planner shall be served with the notice in the same manner. In the case of an appeal of a variance decision, the person who requested the variance shall also be served in the same manner. Notice of such hearing shall also be published at least ten (10) days prior to the date of the hearing. (Ord. 1632, eff., 6/30/00)

Section 14-140. Appeals from orders of Building Inspector - Procedures.

Appeals from orders of the Building Inspector to repair or demolish buildings shall be made in the manner set forth in Chapter 5 of the Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition.

⁴⁰

Chapter 14, Article 6, Section 14-138 repealed and reenacted. (Ord 1632, eff., 6/30/00)

⁴¹

Chapter 14, Article 6, Section 14-139 is repealed and reenacted. (Ord 1632, eff., 6/30/00)

**TRINIDAD PLANNING, ZONING AND VARIANCE COMMISSION
MINUTES OF DECEMBER 10, 2013**

The Trinidad Planning, Zoning and Variance Commission met for a special meeting on Wednesday, December 10, 2013 at 5:30 p.m. in City Council Chambers at City Hall, 135 N. Animas Street, Trinidad, Colorado.

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

ROLL CALL.

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

Absent: Commissioner Kent Eberhart
 Commissioner Bill Winter

Also present was: Planning Director Louis Fineberg
 Planning Assistant Karen Wolf
 City Attorney Les Downs

REPORT OF THE CHAIR, COMMISSION MEMBERS, PLANNING STAFF, PUBLIC WORKS DIRECTOR.
None.

PUBLIC COMMENTS.
None.

MINUTES.

Commissioner Leone made a motion to accept the minutes from the November 12, 2013 meeting as written. Commissioner Patrick seconded the motion and following roll call, the motion carried (Commissioner Pritchard abstained from voting as he was not seated on the board until the December 10, 2013 meeting).

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

5. PUBLIC HEARING(S).

- A. Lex & Alyce Vollmer (Application #2013-15) - Request for a variance to place an accessory structure with a 4/12 roof ptch and exceed the allowable square footage of accessory structures, located at 203 E North Avenue.**

Chairman Davis opened the public hearing at 5:32 p.m.

Director Fineberg stated that this is a new application rather than an appeal as staff felt it is substantially different from the application submitted last month. Fineberg passed out a subdivision map of City View Heights. This subdivision was divided into 5 phases or

filings; the area shaded yellow is Filing 5. The property immediately to the west (left) is the Vollmer property. There was a preliminary subdivision plat filed for these lots but there was never a final filed. As such, they do not exist and, on that basis, staff would recommend that you not consider this a corner a lot as it is not technically a corner lot. There may have been at one point plans to put a road through but as we stand today there are no lots there and no platted road. The lot is a corner lot on the other side where San Pedro and North Avenue come together. With regard to sight distance issues, the Vollmers are proposing to place this shed 59 feet back from the intersection. The City has a 30 foot sight distance triangle requirement so the structure (at 59 feet) will clearly be out of the sight distance triangle.

Lex Vollmer was present to represent this application. The building being requested is 1500 square feet and the lot is 60,113 square feet. This will result in a 4225 square foot coverage with the current buildings and the accessory building he plans to place there. The 4/12 pitch meets all the wind and snow load as per the Building Inspector. One of these buildings was just put on a lot in October and the Inspector said it was fine with a 4/12 pitch.

Commissioner Patrick stated that in the packet there are some sample pictures from J&S Barn Builders, LLC and asked which of these structures best represents the building to be placed on this property. Vollmer stated it is a straight gable with no porch and has one man door and one side door.

Chairman Davis confirmed that from the street there will be no door visible with doors on the west and north sides. Vollmer stated he will match the colors as closely as possible with the existing home.

Commissioner Leone confirmed that there will be gutters all around the building to divert water towards North Avenue.

Commissioner Pritchard confirmed that there will be a 5' setback from the property line and requested a clarification of the total square footage issue. Chairman Davis explained that on Page 2, Item 2 of the packet there is an explanation of the zoning requirements for the LDR District. It states that you can only have a total of 75% of the area of the principle structure which would limit the total accessory buildings to 2133 feet for this property. Currently there is already 3050 feet of accessory structures on this property and this building will add another 1500 square feet to bring the total square footage of accessory structures to just over 4500 square feet. That is the reason for the variance request. This would be a more significant issue on a lot of 6000 square feet but this lot is 60,000 square feet.

Ms. Diane Santistevan approached the Commission stating that in November numerous issues were discussed regarding this building as well as Rosita Avenue which she happens to own. She received a second notice that this issue was coming before the Planning Board again and called the City Planner and discussed with him that she felt this was an appeal that should not be before this board again. If the applicant was not happy he should have appealed to City Council. She was informed by the City Planner that she was incorrect and that this is a new application even though we are looking at the same two issues and there have been no changes. She was informed that the Planning Board made a mistake and since they did not identify each issue on the previous application it opens the door for a new application. In the minutes from the previous meeting on page 6, in the second paragraph from the bottom of the page it states, "*Commissioner Winter made a motion to deny the application as it does not meet the requirements necessary in section 14-118. Commissioner George seconded the motion and following roll call the motion carried.*" That motion was made on the whole application. It was not just made on the issue concerning Rosita Avenue. All three variance requests were denied during this meeting, therefore, she believes an appeal should have been put into play and we should not be here again. She feels that changes to Section 14-118 that Mr.

Winter discussed, and all the information, without taking up a lot of your time, is in the minutes. Mr. Leone did question several issues of the building, a motion was made to look into it for more information concerning Rosita Avenue (which was being discussed at the time) and that motion did not carry. The application does not meet Section 14-118 no matter how you look at it. This building does not belong in this neighborhood; it is a hindrance to City View Heights and a hindrance to my property. If you look at Camillus Avenue on the map provided by Mr. Fineberg, above the yellow, is my intersection. There are curb cuts in that street and utilities 45 feet that run into this street. Santistevan did not bring the ordinance with her but it states that as a developer when you are developing property a legal plat indicates you must develop actual streets and potential streets. It does not say all streets, it says potential streets. Rosita Avenue is legally platted on Filing 3, curb cuts are in and utilities are in. It is stamped and named in the legal plat at the Courthouse, it is a potential street. Therefore this gentleman's property is a corner lot. This was accepted by City Council years back, so whether it is developed or not makes no difference as it is a potential street on a legal plat. We cannot say this corner of the lot is legal and identified but a few feet down is no man's land. A street is a street, it is one block with two corners. Santistevan does not know how we are coming up with it not being identifiable. It is not platted and she have no intention of platting this any time soon but the street does exist. In addition to Rosita Avenue, she also owns that property to the west and to the north. She owns all around this property and this is legally platted. She is uncertain if this building will block the vision of these lots and will the view of Fisher's Peak be taken away from my homeowners in this development. We don't know, she doesn't know what it is going to look like, but she does know that the building is too large for this neighborhood and she is only asking to reinstate what Mr. Winter said and the last meeting. This does not meet Section 14-118 and Santistevan is asking that this application be denied once again.

Chairman Davis asked Director Fineberg the process for an appeal for a decision made by this board for a variance. Fineberg stated that it would go before City Council. Commissioner Leone asked if it is true that potential streets do not have to be platted. Fineberg stated that he is not aware of that particular requirement. However, there is even a question in my mind about whether this configuration would be permissible today. CDOT has a requirement that new road cuts not be within a certain distance of a driveway. In this case, you have Mr. Vollmer's driveway very close to that intersection. So Fineberg would have to see that particular CDOT requirement to see if this configuration is permissible. The point being, that what was approved 8 years ago is not what will necessarily end up happening there. That road may be taking a different path through that property. With that being said, it would seem to Fineberg to be almost a taking, if not a taken, to hold Mr. Vollmer to a standard that doesn't exist, a configuration that doesn't exist. As Ms. Santistevan pointed out, she has no plans any time soon to plot that property. It is unknown if it will ever be platted, so for that particular reason we cannot force Mr. Vollmer to consider that a corner lot. Commissioner Leone asked why CDOT would be involved with a street in the City. Fineberg stated that they have standards that the City utilizes for road projects, not that CDOT oversees it, they just have regulations that the City Public Works Department uses in certain instances.

Santistevan added that she read in the ordinance that a block should be no more than 300 lineal feet. If you look at the map and look at the size of Camillus Avenue you will see that this avenue is somewhere around 900 lineal feet. This is a very long block, actually almost 3 blocks long. We have one (1) intersection at San Pedro and the other intersection is at Clark Avenue which sits on Linden Avenue. For safety reasons alone, Rosita Avenue needed to be identified on my plat for Filing 3. There is no other intersection here and if Rosita Avenue was not platted, we would have had a 900 foot

block and no way to get into it. People are using this roadway now, it is not developed, but traffic goes through there. I am surprised the City Planner is not aware of how long a City block should be. Fineberg stated that he is aware of that, but his point is that if this were to be developed today the road may take a different path.

Commissioner Pritchard asked Mr. Vollmer why on a lot this large would he chose this location for such a large building that is so visible from a residential street, why not place it somewhere else on the lot. Vollmer answered that he wanted it to be straight across from his house and based on the size of the lot, later on down the road, if things change he can utilize the rest of the back of the property. It can split or whatever, and he is trying to maximize the use of the property and think ahead and not place something in a place where something else could go later. Also, Vollmer went down to the title company and has copies of maps from 1948 and the original disposition from 1906 on the lots and there is right-of-ways granted for San Pedro and Camillus that were granted in 1906. There is no lot or no granting of any right-of-way from 1906 to present that shows Rosita going through at all. But it does show all the rest of the streets and it shows Clark and everything else where you would come into the subdivision.

Chairman Davis stated that the location of this street now or in the future or in the past really is not an issue for this hearing. Based upon what we currently have in front of us we are not dealing with a setback. If there is a disagreement with the action of this Commission, then the appropriate appeals process can be taken as well as any legal process.

Commissioner George asked if the property in questions is covered with a privacy fence. Vollmer answered that it has a 6 foot fence around the entire property except for the very front.

Vollmer stated that when he was in the Planning Director's office the City Manger, Tom Acre, came in and stated that it would not be an appeal if you file a new application requesting different issues and that he felt this would be the best course of action now. Santistevan stated that she spoke with Mr. Vollmer and was informed that the reason the building is being placed here because in the future he plans on building some duplex units. I also was informed that the reason this building is so big is because he is going to be building cabinets in this building. Santisteven asked if the City is going to allow people to put businesses in their backyards and building these expensive, large buildings when we have the downtown area with a lot of vacant buildings. Santisteven closed by saying she still feels this was voted on in the past.

Director Fineberg stated that the variance is considering the structure and Davis confirmed that should Mr. Vollmer decide he would like to use the building in a way other than a personal garage or storage, he would need to follow the appropriate City ordinances.

Chairman Davis closed the public hearing at 5:56p.m

Commissioner Patrick questioned if the request must meet all the requirements in Section 14-118. Chairman Davis stated that all items in 14-118, as applicable, must be satisfied. Patrick asked if we can take each item in that section one at a time to determine if each item has been met.

Davis reiterated each item:

Item 1: *"That there are unique physical circumstances or conditions, such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical conditions peculiar to the affected property."* Davis stated that he feels this item speaks to the size of the lot stating that if the shallowness or narrowness of a lot can be taken in as a unique physical circumstance that the size of the lot can also be taken as a unique physical circumstance.

Item 2: *“That the unusual circumstances or conditions do not exist throughout the neighborhood or district in which the property is located.”* Davis asked if there are irregular lot sizes or unusual conditions in the neighborhood. He continued on to stated that based upon the evidence in front of the Commissioner the other lots appear to be of regular size.

Item 3: *“That because of such physical circumstances or conditions, the property cannot reasonably be developed in conformance with the provisions of the Zoning Ordinance.”* Pritchard asked if the manufacturer of the building provides a 6/12 roof pitch. Vollmer stated that the building only comes in 3/12 and 4/12 roof pitches. Pritchard asked if this then becomes a non-issue to which Fineberg stated that any movement from the 6/12 required roof pitch becomes a variance issue. Davis asked the average pitch of the homes in the area. Vollmer stated that there is varying pitches throughout the surrounding homes. Santistevan stated that her subdivision has a blanket variance allowing a 5/12 roof pitch and stated that any roof pitch can be requested or upgraded at additional cost. Fineberg stated that he was unaware of the blanket roof pitch variance for that subdivision and stated that as a result a 4/12 pitch would not be as out of place.

Item 4: *“That such unnecessary hardship has not been created by the applicant.”* Davis stated that this item is often the judgment call. If the applicant does not apply, then there must not be a hardship.

Item 5: *“That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provision, which is in question.”* Patrick confirmed that if the applicant is denied, they can appeal to City Council. If the applicant is approved, can the citizen in opposition appeal to City Council. City Attorney stated that would be allowable for either party.

Commissioner Patrick made a motion, based on this information in the ordinance, to deny the variance request as it is presented containing both the roof pitch and the square footage issues. Commissioner George seconded the motion and following roll call the motion carried.

B. Mount Carmel (Applications #2011-06 and #2011-08) - Conditional Use Permit (CUP) Review, 911 Robinson Avenue.

Chairman Davis opened the public hearing at 5:57 p.m.

Planning Assistant Wolf stated that last month she supplied the Commission with a print-out of the CUP review process and at this meeting we are beginning with Mt. Carmel and the Trinidad Ambulance District. In reference to Mt. Carmel we have a number of applications as shown in the staff memo on Page 2. There have been 6 different applications and we will be addressing all of those at this meeting. There are a number of items to address so it may be easier to work off of the site map provided. Everything shown in the “cloud” is still in progress and with a site this large, delays are “normal.” Progress has not stopped but many items are not completely finished as it would be impossible to get every single thing on this property done in a year. Further discussion was held to determine the best approach for review of the CUP.

Mr. Karl Gabrielson was present to address this item. Gabrielson stated that he went through the CUP’s with Wolf and the only issue he saw that was really outstanding is the area in the bubble. This area was added in 2012 is basically the Caretaker’s residence. The parking, storm water and egress are really the key item in this portion. The building consisted of an interior remodel with only minor exterior work adding some deck space. They did commit to add parking spaces behind the building as well as the egress and there is also some fairly significant storm water detention that is a requirement since they are adding pavement in the area behind the house. This

detention is actually beneath the parking area that is directly behind this building. This project was scheduled to be completed by now and went out to bid in July or early August, but during the bid process it was discovered that there was a bust in the engineering. This has now been fixed and it is scheduled to go back out to bid and should be substantially complete sometime this spring.

Commissioner Patrick asked for the status of the amphitheatre. Gabrielson stated that there are still some aesthetics that need to be completed. The framework of the amphitheatre is there but right now you can see exposed concrete block and they are actually still working on what they are going to do with that area. It sounds like right now they are going to stucco over that and are trying to place a memorial there to honor fallen miners in Las Animas County. The plan right now is to take the 500 plus miners that have lost their lives, put them in bronze and place them on that wall. There is also a 2D kind of sculpture that mounts on that wall as well. Additionally there are some steel horizontal aesthetic pieces that have not been placed leaving the entire area at approximately 75% complete.

Commissioner Patrick mentioned that a piece of the conditional use permit involved the sound system of this structure, the hours of operation and the volume. Chairman Davis stated that he thought some of this was changed in the last revision when it was stated that the amphitheatre wasn't going to be as originally planned and some of the area was converted to parking. Gabrielson stated that there is parking behind and in front and on the Mt. Carmel side. It was modified because of concerns that the amphitheatre was going to eliminate some parking spaces on an already tight site. So this was modified and shrunk considerably and those parking spaces are in place. It actually is more of an aesthetic improvement to the site than an amphitheatre, although it does get used at the Mt. Carmel Festival and is used for bands. We have not heard any complaints from any of the surrounding neighbors. We would hope to use the outdoor amphitheatre more in the future but still only a few times per year. It has changed significantly from the original proposal as the original proposal was denied and was then modified.

Gabrielson stated that the site has been maximized with regard to parking and they have crammed every parking space they can possibly get in there. In this last phase that we are talking about, one of the reasons they added the parking and egress is that they understood that parking is a concern of the Planning Commission and they wanted to add additional parking spaces. And once again they squeezed as many parking spaces as they could. Gabrielson confirmed that for the year they will be installing curb, gutter, paving and landscaping with work underneath involving storm water detention and utility work.

Commissioner Pritchard asked Gabrielson to explain the water retention under the pavement. Gabrielson stated that in an effort to avoid having to remove parking spaces to add an at-grade storm water detention pond they have engineered an underground vault that will slowly drain the water off-site. Gabrielson stated that he is 100% sure that the storm water detention shown on the map immediately adjacent to the Caretaker building will not be there.

Chairman Davis confirmed with Director Fineberg that upon completion of the work at this site it will still be necessary to review this CUP on a regular basis.

Chairman Davis closed the public hearing at 6:29p.m.

Commissioner Leone made a motion to approve the application as submitted and stated that to complete a project of this size, including all of the modifications, is noteworthy. Commissioner Patrick seconded the motion and following roll call the motion carried. Chairman Davis added to Leone's accolade stating that this project is an asset to the community.

C. Trinidad Ambulance District (2009 and 2010 Applications) - Conditional Use Permit (CUP) Review, 939 Robinson Avenue.

Chairman Davis opened the public hearing at 6:30 p.m.

Planner Wolf stated the Ambulance District has two applications. The first application was to create an ambulance district in a medium-density residential district, which has been completed with a number of conditions and standards, and the second application was to expand the property. There is now one owner and one address. Wolf stated the photos have been included to show how it appears today and it appears that they have followed all of the conditions with the sound wall, the driveway and the architectural structure. It is very well-kept and very clean.

Commissioner Patrick asked staff if there is a need for continued litigation. Director Fineberg stated that he sees no need for a vote to continue it. This hearing is to find out if there are any problems. If there was a problem then it is recommended that the item be placed on the agenda to take action at a future meeting. Commissioner Patrick clarified his question stating that Mt. Carmel will be returning in a year as they are still working on that project, however, with the Ambulance District is there a need for them to return as the project is complete. Fineberg stated that it is necessary to confirm that they are still meeting the conditions to which they have agreed. Patrick went on to confirm that once a CUP is approved they are required to have a yearly review as long as that entity exists under that CUP. Chairman Davis gave an example of the property issued up on North Avenue that was issued either a zone, a CUP or a Special Use Permit. That facility has clearly not abided by what they told us they were going to do. That is an incidence that even though it has been there for 3 or 4 years now, they are not living up to what they said they were going to do. If it comes up as a CUP then we will review it. Fineberg stated that the ordinance stated no less than one year but it could be 2 year or 3 year reviews. Maybe the Planning Commission can decide as a matter of policy that what we see here is sufficient to warrant not having them come back next year but rather a longer amount of time.

Dan Moinihan, the EMS Chief for the Trinidad Ambulance was present to address this item. After a review of the conditions it appears that everything we stated we would do it continuing to be done. No changes to that are anticipated. The crews have been told that it is not necessary to turn the siren as soon as they go out onto the street and so they wait until they are further down from their area.

Chairman Davis directed attention to Item C, page 7, regarding "Access, ingress and egress." The District did agree to install warning lights in coordination with CDOT in the original CUP. There appears to be a sign but no lights. Moinihan answered that upon review of that it was determined that CDOT does not require the warning light but only the sign. Chairman Davis stated that we may want to remove that requirement from the CUP so it is not addressed at each review.

Chairman Davis closed the public hearing at 6:38p.m.

Commissioner Patrick made a motion to approve the continuation of this permit conditional upon compliance with all applicable permit and building code requirements. Commissioner Leone seconded this motion stating that this building is an asset to the entire block and looks very nice. Following roll call the motion carried.

Director Fineberg stated that when this ordinance was written it was the intention that every permit may not need to be seen once a year. It was specifically stated that we can see a permit more than one year, but one year was intended to be the minimum amount of time required. Fineberg deferred to City Attorney Downs for interpretation of this clause, but stated the intent was to be able to say that the applicant does not need to return for whatever length of time the Planning Commission would see sufficient. Fineberg stated he can see a situation arising that if the Planning Commission is reviewing CUP's every year, and taking into account

the number of CUP's granted, that this could lead to be a burden for a future Planning Commission.

City Attorney Downs stated that he would rather error on the side of "more review is better" and with equal protection considerations being what they are, what is good for one is good for others. Although the intent is clearly known to Director Fineberg, Downs feels that even though it may become cumbersome or difficult until this wording is changed, what is done for one should be done for all CUP holders. Downs agreed with Chairman Davis' interpretation that the ordinance is written to require review at least once a year. Downs went onto state that it seems like what they were trying to say is not consistent with what they accomplished. It seems like you should say "you shall review this not less than yearly" or something to that effect, meaning that you should review it annually. Anyway the intent is that you don't have to review it for a year, but the implication is still you have to review it yearly or annually. Further discussion was held concerning the review order, the number of permits in existence and if reviews have been held in the past.

Planner Wolf stated if one looks at the Conditional Use Permit review process in Part 1, Letter C, it states "any conditional use that is not established within 1 year of approval, discontinued for at least 1 year or replaced by another use of the land, shall expire." So CUP's have to be reviewed each year or they expire. Last February it was Wolf's job to go out and see if people were following their CUP's and then report to the Commission. What happened is that one of the CUP holders stated they wanted to be notified before going in front of the Planning Commission. So, at your request Fineberg drafted this procedure. Therefore, what has become the most work is notifying CUP holders and then them having the option to show up or not. So, it would be nice to not have to go back yearly and, being a small community, we can walk through Mt. Carmel, as an example, and know that they are following their CUP for the most part. Now that we have a procedure which requires us to notify all CUP holders it is necessary for us to review several each month to even get caught up in a year. Fineberg interjected that we could see a glitch in the ordinance language and say that the Commission has the discretion to say that a CUP holder does not have to return for 3 years. Chairman Davis stated that this cannot be done until the ordinance is changed.

Commissioner Leone asked for the definition of "progress" in reference to a CUP. Fineberg stated that the Building Inspector described to him that progress is not really defined in the building code. Chairman Davis clarified that in reference to a building permit, progress can be defined as putting in one nail as there is really no definition to progress. In reference to a CUP, it has to do with the "use" of the property and whether or not they are making progress on fulfilling their CUP. Either way, progress is not clearly defined in the ordinances. Fineberg stated that the general idea is that they were allowed to do a certain use under certain conditions and if they are doing the use without meeting the conditions that is where the burden of proof lies.

Chairman Davis went on to state that some of the CUP's have been as specific as to state what type of lighting will be put on the building and has been included in the CUP. Therefore, if they decide to change their lights it is a violation of their CUP.

ADJOURNMENT.

With there being no further business to come before the Board, Commissioner Patrick made a motion to adjourn. Commissioner Eberhart seconded the motion and the meeting was adjourned at 6:50p.m.

ATTEST:

Glenn Davis, Chairman

Dona Valencich, Asst. City Clerk

Approved: _____

Appeal Request: Planning, Zoning and Variance Commission Decision
Decision Date: December 10, 2013
Applicants: Lex and Alyce Vollmer
Subject: Application # 3013-15- Request for variance to place an accessory structure with a 4/12-roof pitch and to exceed the allowable square footage of accessory structures, located at 203 E. North Ave.

Basis for Appeal

Applicants believe the Planning, Zoning and Variance Commissioners erroneously did not apply the law in the same standards to applicants as they had to previous applicants seeking the same variances under the same conditions.

Applicants previously applied for a three part variance (Application #2013-13)- Request for variance to place a manufactured shed with a 4/12 roof pitch within the 5' residential setback and to exceed the allowable square footage of accessory structures, located at 203 E. North Ave. Application was denied on November 12, 2013. Denial was based on applicant's failure to meet the five criteria in the Polices and Standards For Variances as follows in Section 14-118 of the City of Trinidad Code of Ordinances.

1. On September 10 2013, Geraldine and Orlando Coca came before the Planning, Zoning and Variance Commission with the same three part variance request as follows: Request for a variance to place a manufactured

shed in the residential setback, with a less than 6/12 roof pitch, and exceed the allowable combined usable area (in square footage) of accessory structures at 1101 Stonewall Ave. Applicants were granted all three variances in less than 15 minutes and at no time subjected to questions regarding the five criteria stipulated in the Policies and Standards for Variances.

2. Rather than filing an appeal on the November 12, 2013 decision, applicants were advised by the City Manager, City Planner and Assistant City Planner to submit a new application thus dropping the request for variance to place proposed structure into the residential 5' setback. This advisement was based on the above-mentioned individuals discussions with members of the Planning, Zoning and Variance Commission. Applicants agreed to resubmit knowing that they would incur a substantial amount of additional costs in the relocation of their driveway, relocation of fencing and placement of garden walls.
3. Upon Vollmer's initial application it was noted by planning personnel that Coca's property located at 1101 Stonewall Avenue is identical to Vollmer's in the following:
 - A. Size: Coco's lot is considered oversized for the neighborhood at .49 acres.
 - B. Existing Land Use: Residential
 - C. Surrounding Land Use: Residential
 - D. Existing Zoning: E-LDR (Established-Low Density Residential)

E. Previous Applications: None

4. Vollmer's property located at 203 E. North Avenue is identical to Coca's in the following

A. Size: Vollmer's lot is considered oversized for the neighborhood at 1.38 acres.

B. Existing Land Use: Residential

C. Surrounding Land Use: Residential

D. Existing Zoning: E-LDR (Established-Low Density Residential)

E. Previous Applications: None

5. In addition to the comparisons listed in above sections #3 and #4, Coca and Vollmer properties share additional commonalities;

A. Gated Entries

B. Privacy Fencing

C. Existing Garages

D. Existing Outbuildings

In filing this appeal, applicants believe the Planning, Zoning and Variance Commissioners erroneously did not apply the same protocol in rendering their decisions as demonstrated in their expeditious ruling of the Coca application, wherein they failed to address the Policies and Standards for Variances as noted in the September 10th, 2013 minutes. Vollmer's have owned property in the Trinidad area since 1997 and as taxpayers believe they should be held to the same standards as long time Trinidad residents. Foremost, applicants' only desire is to improve their property in the same way that others have been given the right to.



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: February 4, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 5

Sa

SUBJECT: 3.2% Beer Retail License (Off-Premises) renewal request by Walmart Stores, Inc. d/b/a Walmart #962 at 2921 Toupal Drive

PRESENTER: Walmart representative

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The renewal application is in order.
- Fees have been paid.
- The departmental report from the Fire Department and Building Inspector indicated no issues.
- The Police Department had no calls for service in the past year.
- Disclosure statement from Councilmember Miles is attached.
- Appropriate fees have been paid.
- Brandy, the Assistant Manager at our local store, was notified on January 30, 2014 of the fact that someone needs to be present at the meeting to represent Walmart.

Sa

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

WALMART #962
 702 SW 8TH STDEPT 8916
 BENTONVILLE AR 72716-6209

Fees Due	
Renewal Fee	\$96.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name WAL MART STORES INC		DBA WALMART #962		
Liquor License # 09495180009	License Type 3.2% Beer Off Premises (city)	Sales Tax License # 09495180009	Expiration Date 4/22/2014	Due Date 3/8/2014
Street Address 2921 TOUPAL DR TRINIDAD CO 81082				Phone Number (719) 846 4477
Mailing Address 702 SW 8TH STDEPT 8916 BENTONVILLE AR 72716-6209				
Operating Manager ROBERT JONES	Date of Birth 7/15/1982	Home Address [REDACTED], RATON, NM 87740		Phone Number [REDACTED]

1. 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 2/1/2017
2. 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.
3. 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
4. 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
5. 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
6. **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 ANDREA LAZENBY	Title ASSISTANT SECRETARY
Signature 	Date 1/16/2014 1/16/2014

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

Local Licensing Authority For Trinidad	Date
Signature	Title Mayor
	Attest

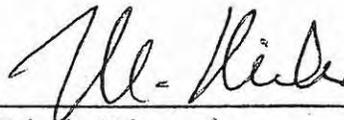
Store Type	Store #	Store Address	Store City	State	Zip	State Lic. Type	State Lic. #	Exp. Date	County	City Lic. Type	City Lic.#	City Exp.Date	FEIN #	
Supercenter	842	4200 DILLON DR	PUEBLO	CO	81008	3.2 Beer	09-49518-0055	8/26/2014	Pueblo County	3 2 BEER	09-49518-55P	8/26/2014	71-0415188	
Supercenter	869	3333 CLARK ST	ALAMOSA	CO	81101	3.2 Beer	09-49518-0002	4/18/2014	Alamosa County	3 2 BEER	n/a	4/18/2014	71-0415188	
Supercenter	905	2285 KEN PRATT BLVD	LONGMONT	CO	80501	3.2 Beer	09-49518-0003	12/20/2014	Boulder County	3 2 BEER	09-49518-0098	12/20/2014	71-0415188	
Supercenter	921	7865 W US HIGHWAY 50	SALIDA	CO	81201	3.2 Beer	09-49518-0005	9/1/2013	Chaffee County	3 2 BEER	09-49518-0003	9/1/2013	71-0415188	
Supercenter	924	1510 W MAIN ST	STERLING	CO	80751	3.2 Beer	09-49518-0007	7/10/2014	Logan County	3 2 BEER	1099	7/10/2014	71-0415188	
Supercenter	953	1325 DENVER AVE	LOVELAND	CO	80537	3.2 Beer	09-49518-0009	3/25/2014	Larimer County	3 2 BEER	n/a	3/25/2014	71-0415188	
Supercenter	962	2921 TOUPAL DR	TRINIDAD	CO	81082	3.2 Beer	09-49518-0008	4/22/2014	Las Animas County	3 2 BEER	0239	4/22/2014	71-0415188	
Supercenter	966	1835 E MAIN ST	CORTEZ	CO	81321	3.2 Beer	09-4918-0011	1/12/2014	Montezuma County	3 2 BEER	6095	1/12/2014	71-0415188	
Supercenter	980	3103 S 23RD AVE	GREELEY	CO	80631	3.2 Beer	09-49518-0010	8/14/2013	Weld County	3 2 BEER	09-49518-0011	8/14/2013	71-0415188	
Supercenter	984	133 SAM WALTON LANE	CASTLE ROCK	CO	80104	3.2 Beer	09-49518-0010	1/11/2014	Douglas County	3 2 BEER	09495180010	1/11/2014	71-0415188	
Wal-Mart	986	840 SUMMIT BLVD.	FRISCO	CO	80443	3.2 Beer	09-49518-0012	6/23/2014	Summit County	3 2 BEER	n/a	6/23/2014	71-0415188	
Supercenter	1001	4080 W NORTHERN AVE	PUEBLO	CO	81005	3.2 Beer	09-49518-0013	6/19/2014	Pueblo County	3 2 BEER	09-49518-13P	6/19/2014	71-0415188	
Supercenter	1008	250 W 65TH ST	LOVELAND	CO	80538	3.2 Beer	09-49518-0089	8/27/2014	Larimer County	3 2 BEER	n/a	8/27/2014	71-0415188	
Supercenter	1019	3105 E US HIGHWAY 50	CANON CITY	CO	81212	3.2 Beer	09-49518-0015	5/18/2014	Fremont County	3 2 BEER	09-49518-0015	5/18/2014	71-0415188	
Supercenter	1045	745 US HIGHWAY 287	LAFAYETTE	CO	80026	3.2 Beer	09-49518-0016	8/23/2014	Boulder County	3 2 BEER	09-49518-0016	8/23/2014	71-0415188	
Supercenter	1058	16750 S TOWNSEND AVE	MONTROSE	CO	81401	3.2 Beer	09-49518-0017	10/15/2014	Montrose County	3 2 BEER	1050	10/15/2014	71-0415188	
Wal-Mart	1095	3010 BLAKE AVE	GLENWOOD SPRINGS	CO	81601	3.2 Beer	09-49518-0018	9/16/2014	Garfield County	3 2 BEER	none	9/16/2014	71-0415188	
Supercenter	1199	171 YODER AVENUE	AVON	CO	81620	3.2 Beer	09-49518-0019	6/16/2014	Eagle County	3 2 BEER	2065	6/16/2014	71-0415188	
Supercenter	1200	3201 E PLATTE AVE	COLORADO SPRINGS	CO	80909	3.2 Beer	09-49518-0021	5/27/2014	El Paso County	3 2 BEER	654	5/27/2014	71-0415188	
Supercenter	1231	9901 GRANT ST	THORNTON	CO	80229	3.2 Beer	09-49518-0022	11/17/2013	Adams County	3 2 BEER	BE-0039	11/17/2013	71-0415188	
Supercenter	1252	6675 BUSINESS CENTER DR	HIGHLANDS RANCH	CO	80130	3.2 Beer	09-49518-0047	5/1/2014	Douglas County	3 2 BEER	882	5/1/2014	71-0415188	
Supercenter	1273	6310 S US HIGHWAY 85-87	FOUNTAIN	CO	80817	3.2 Beer	09-49518-0024	6/8/2014	El Paso County	3 2 BEER	10-764	6/8/2014	71-0415188	
Supercenter	1280	2881 NORTH AVE	GRAND JUNCTION	CO	81501	3.2 Beer	09-49518-0025	9/11/2014	Mesa County	3 2 BEER	5020317	9/11/2014	71-0415188	
Wal-Mart	1308	7700 W QUINCY AVE	LITTLETON	CO	80123	3.2 Beer	09-49518-0094	12/17/2013	Denver County	4 2 BEER		102651	12/17/2013	71-0415188
Supercenter	1384	6 CONLEY RD	LA JUNTA	CO	81050	3.2 Beer	09-49518-0029	3/29/2014	Otero County	3 2 BEER	n/a	3/29/2014	71-0415188	
Supercenter	1434	707 S 8TH ST	COLORADO SPRINGS	CO	80905	3.2 Beer	09-49518-0049	9/9/2014	El Paso County	3 2 BEER	1568	9/9/2014	71-0415188	
Wal-Mart	1492	14000 E EXPOSITION AVE	AURORA	CO	80012	3.2 Beer	09-49518-0030	9/7/2014	Arapahoe County	3 2 BEER	168133	9/7/2014	71-0415188	
Wal-Mart	1550	900 N MAIN ST	GUNNISON	CO	81230	3.2 Beer	09-49518-0031	7/27/2014	Gunnison County	3 2 BEER	10-40	7/27/2014	71-0415188	
Supercenter	1659	60 W BROMLEY LN	BRIGHTON	CO	80601	3.2 Beer	09-49518-0032	6/6/2014	Adams County	3 2 BEER	622	6/6/2014	71-0415188	
Supercenter	1689	5650 S CHAMBERS RD	AURORA	CO	80015	3.2 Beer	09-49518-0064	12/16/2013	Arapahoe County	3 2 BEER	130419	12/16/2013	71-0415188	
Wal-Mart	1808	1805 CENTRAL PARK DRIVE	STEAMBOAT SPRINGS	CO	80487	3.2 Beer	09-49518-0035	9/17/2014	Routt County	3 2 BEER	2010-56	9/17/2014	71-0415188	
Supercenter	1896	8250 RAZORBACK RD	COLORADO SPRINGS	CO	80920	3.2 Beer	09-49518-0037	2/4/2014	El Paso County	3 2 BEER	700806	2/4/2014	71-0415188	
Supercenter	2125	7455 W COLFAX AVE	LAKEWOOD	CO	80214	3.2 Beer	09-49518-0038	2/21/2014	Jefferson County	3 2 BEER	09-49518-0038	2/21/2014	71-0415188	
Supercenter	2223	9499 SHERIDAN BLVD	WESTMINSTER	CO	80031	3.2 Beer	09-49518-0046	9/21/2014	Jefferson County	3 2 BEER	1623301	9/21/2014	71-0415188	
Supercenter	2270	1155 S CAMINO DEL RIO	DURANGO	CO	81303	3.2 Beer	09-49518-0051	6/28/2014	La Plata County	3 2 BEER	10678	6/28/2014	71-0415188	
Supercenter	2293	952 SWEDE GULCH RD	EVERGREEN	CO	80439	3.2 Beer	09-49518-0048	10/3/2014	Jefferson County	4 2 BEER	2639	10/3/2014	71-0415188	
Supercenter	2672	1432 E OLIVE ST	LAMAR	CO	81052	3.2 Beer	09-49518-0054	9/29/2014	Prowers County	3 2 BEER	3059	9/29/2014	71-0415188	
Supercenter	2729	1250 E MAGNOLIA ST	FORT COLLINS	CO	80524	3.2 Beer	09-49518-0059	10/17/2014	Larimer County	3 2 BEER	09-49518-0059	10/17/2014	71-0415188	
Wal-Mart	2751	601 ENGLEWOOD PKWY	ENGLEWOOD	CO	80110	3.2 Beer	09-49518-0058	12/2/2013	Arapahoe County	3 2 BEER	177857	12/2/2013	71-0415188	
Supercenter	2752	5990 DAHLIA ST	COMMERCE CITY	CO	80022	3.2 Beer	09-4951-0056	10/6/2014	Adams County	3 2 BEER	11907	10/6/2014	71-0415188	
Supercenter	2892	11101 S PARKER RD	PARKER	CO	80134	3.2 Beer	09-49518-0057	9/12/2013	Douglas County	3 2 BEER	305	9/12/2013	71-0415188	
Supercenter	3227	16218 JACKSON CREEK PKWY	MONUMENT	CO	80132	3.2 Beer	09-49518-0084	9/8/2014	El Paso County	3 2 BEER	09-49518-0084	9/8/2014	71-0415188	
Supercenter	3313	10900 E BRIARWOOD AVE	CENTENNIAL	CO	80112	3.2 Beer	09-49518-0080	1/6/2014	Arapahoe County	3 2 BEER	01062012	1/6/2014	71-0415188	
Supercenter	3382	78 N MCCULLOCH BLVD	PUEBLO WEST	CO	81007	3.2 Beer	09-49518-0082	1/22/2014	Pueblo County	4 2 BEER	2800	1/22/2014	71-0415188	
Supercenter	3533	7800 SMITH RD	DENVER	CO	80207	3.2 Beer	09-49518-0062	1/22/2014	Denver County	5 2 BEER	100735	1/22/2014	71-0415188	
Supercenter	3566	9400 E HAMPDEN AVE	DENVER	CO	80231	3.2 Beer	09-49518-0061	8/20/2014	Arapahoe County	3 2 BEER	129991	8/20/2014	71-0415188	
Supercenter	3582	1575 SPACE CENTER DR	COLORADO SPRINGS	CO	80915	3.2 Beer	09-49518-0068	9/2/2014	El Paso County	3 2 BEER	716560	9/2/2014	71-0415188	
Supercenter	3805	19600 E US HIGHWAY 24	WOODLAND PARK	CO	80863	3.2 Beer	09-49518-0088	8/22/2014	Teller County	3 2 BEER	09-49518-0088	8/22/2014	71-0415188	
Supercenter	3824	7155 SHERIDAN BLVD	WESTMINSTER	CO	80003	3.2 Beer	09-49518-0091	4/3/2014	Adams County	3 2 BEER	2805501	4/3/2014	71-0415188	
Supercenter	3867	200 W 136TH AVE	WESTMINSTER	CO	80234	3.2 Beer	09-49518-0086	12/6/2013	Adams County	3 2 BEER	2687301	12/6/2013	71-0415188	
Supercenter	4284	440 WADSWORTH BLVD	LAKEWOOD	CO	80226	3.2 Beer	09-49518-0085	1/15/2014	Jefferson County	3 2 BEER	09-49518-0085	1/15/2014	71-0415188	
Supercenter	4288	4651 W 121ST AVE	BROOMFIELD	CO	80020	3.2 Beer	09-49518-0096	5/13/2014	Adams County	3 2 BEER	28-2010	5/13/2014	71-0415188	
Supercenter	4335	11550 MERIDIAN MARKET VW	FALCON	CO	80831	3.2 Beer	09-49518-0087	8/5/2014	El Paso County	4 2 BEER	n/a	8/5/2014	71-0415188	
Supercenter	4377	2000 W VICTORY WAY	CRAIG	CO	81625	3.2 Beer	09-49518-0090	10/24/2014	Moffat County	3 2 BEER	09-49518-0090	10/24/2014	71-0415188	
Supercenter	4567	7101 E 128TH AVE	BRIGHTON	CO	80602	3.2 Beer	09-49518-0097	6/21/2014	Adams County	3 2 BEER	BE-0047	6/21/2014	71-0415188	
Supercenter	4599	4500 WEITZEL ST	TIMNATH	CO	80547	3.2 Beer	09-49518-0092	4/21/2014	Larimer County	3 2 BEER	none	4/21/2014	71-0415188	
Supercenter	4639	2100 LEGACY CIR	ELIZABETH	CO	80107	3.2 Beer	09-49518-0093	7/14/2014	Elbert County	4 2 BEER	09-49518-0093	7/14/2014	71-0415188	
Supercenter	5033	1300 BARLOW RD	FORT MORGAN	CO	80701	3.2 Beer	09-49518-0067	12/31/2013	Morgan County	3 2 BEER	2010-19	12/31/2013	71-0415188	
Supercenter	5051	920 47TH AVE	GREELEY	CO	80634	3.2 Beer	09-49518-0069	3/20/2014	Weld County	3 2 BEER	state lic#09-49518-0069	3/20/2014	71-0415188	
Supercenter	5099	2545 RIMROCK AVE	GRAND JUNCTION	CO	81505	3.2 Beer	09-49518-0073	9/30/2014	Mesa County	3 2 BEER	5020316	9/30/2014	71-0415188	
Supercenter	5123	5550 E WOODMEN RD	COLORADO SPRINGS	CO	80920	3.2 Beer	09-49518-0075	12/22/2013	El Paso County	3 2 BEER	708427	12/22/2013	71-0415188	
Supercenter	5137	6101 S AURORA PKWY	AURORA	CO	80016	3.2 Beer	09-49518-0079	10/25/2014	Arapahoe County	3 2 BEER	141243	10/25/2014	71-0415188	

Supercenter	5232	1000 AIRPORT RD	RIFLE	CO	81650	3.2 Beer	09-49518-0072	9/18/2014	Garfield County	3 2 BEER	26-10	9/18/2014	71-0415188
Supercenter	5334	3301 TOWER RD	AURORA	CO	80011	3.2 Beer	09-49518-0081	9/28/2014	Adams County	3 2 BEER	146049	9/28/2014	71-0415188
Supercenter	5341	500 SUMMIT BLVD	BROOMFIELD	CO	80021	3.2 Beer	09-49518-0077	8/4/2014	Broomfield County	3 2 BEER	49-2010	8/4/2014	71-0415188
Supercenter	5370	2514 MAIN ST	LONGMONT	CO	80504	3.2 Beer	09-49518-0083	2/28/2014	Boulder County	3 2 BEER	09-49518-0083	2/28/2014	71-0415188
Supercenter	5458	37 STAFFORD LN	DELTA	CO	81416	3.2 Beer	09-49518-0078	8/24/2014	Delta County	3 2 BEER	none	8/24/2014	71-0415188
Sam's Club	6219	1850 E. WOODMAN RD	COLORADO SPRINGS	CO	80920	3.2 Beer	12-33986-0011	10/18/2014	El Paso County	3 2 BEER	N/A	10/18/2014	71-0794414
Sam's Club	6630	7370 W.N 52ND AVE.	ARVADA	CO	80002	Beer/Wine/Liquor	12-33986-0008	4/20/2014	Jefferson County	BEER WINE LIQUOR	14781	4/20/2014	71-0794414
Market	3020	14605 W 64th Ave	ARVADA	CO	80004	3.2 Beer	09-49518-0102	5/1/2014	Adams County	3 2 BEER	15139	5/1/2014	71-0415188
Market	3126	16746 E Smoky Hill Rd	CENTENNIAL	CO	80015	3.2 Beer	09-49518-0101	4/19/2014	Arapahoe County	3 2 BEER	N/A	4/19/2014	71-0415188
Market	3128	142 S parker Rd	DENVER	CO	80231	3.2 Beer	09-49518-1000	4/29/2014	Arapahoe County	3 2 BEER	09-49518-0000	4/29/2014	71-0415188
Market	3021	2253 S Monaco Pkwy	DENVER	CO	80222	3.2 Beer	46-00192-0000	9/30/2014	Denver County	3 2 BEER	1066930	9/30/2014	71-0415188
Market	3096	2972 Iris Avenue	BOULDER	CO	80301	3.2 Beer	46-00128-0000	8/24/2014	Boulder County	3 2 BEER	4600128	8/24/2014	71-0415188

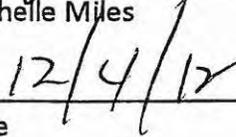
Store #	Store Name	City	State	Date	Amount	Description	Disposition	Notes
934	Wal-Mart	Sterling	CO	6/1/1997	\$0.00	Sale to minor.		
934	Wal-Mart	Sterling	CO	5/1/1998	\$0.00	Non-posting warning sign.		
966	Wal-Mart	Colorado Springs	CO	4/1/2000	\$0.00	Sale to minor.		
2892	Wal-Mart	Parter	CO	12/1/2000	\$0.00	Sale to minor.		
953	Wal-Mart	Loveland	CO	3/17/2011	10 day suspension	Failing to timely register a manager		7 days in absence. 3 day suspension
5051	Wal-Mart	Loveland	CO	4/24/2012	5 day suspension	Failing to a visibly intoxicated person		5 day in absence and paid a fine of \$720
5033	Wal-Mart	Fort Morgan	CO	1/7/2013	\$720.00	Sale to minor		
5033	Wal-Mart	Fort Morgan	CO	1/9/2013	\$200.00	Sale to minor		
1384	Wal-Mart	La Junta	CO	1/8/2013	2 day suspension with 5 days held in absence	Sale to minor		5 day suspension held in absence for 1 yr
1231	Wal-Mart	Thornton	CO	1/10/2013	\$450.00	Sale to minor		No fine offered, just suspension
4599	Wal-Mart	Timnath	CO	1/11/2013	\$0.00	Missing Signage/Sign Not Posted		
2270	Wal-Mart	Durango	CO	2/2/2013	\$0.00	Sale to minor		
1434	Wal-Mart	Colorado Springs	CO	2/6/2013	\$900.00	Sale to minor		
2125	Wal-Mart	Lakewood	CO	2/11/2013	\$0.00	Sale to minor		
3313	Wal-Mart	General Hill	CO	2/11/2013	\$0.00	Sale to minor		
2019	Wal-Mart	Canon City	CO	3/7/2013	\$0.00	Sale to minor		
993	Wal-Mart	Parter	CO	3/9/2013	\$0.00	Failure to change agent		3 day suspension
2892	Wal-Mart	Sterling	CO	3/9/2013	\$200.00	Sale to minor		5 days suspension; 5 days in absence
924	Wal-Mart	Colorado Springs	CO	4/1/2013	\$0.00	Sale to minor.		5 days suspension (2 additional days held in absence for 1 yr period)
1434	Wal-Mart	Alamosa	CO	4/6/2013	\$0.00	Sale to minor.		In lieu of 2 day suspension
869	Wal-Mart	Avon	CO	4/10/2013	\$200 with 5 days suspension held in absence	Sale to minor		10 day suspension taken 8-1-06 through 8-10-06
1199	Wal-Mart	Avon	CO	4/10/2013	\$0.00	Sale to minor		
924	Wal-Mart	Sterling	CO	4/10/2013	05 + 11 day suspension	Sale to minor		9 day; of 20 day suspension held in absence. 11 days served 7-18-10 through 7-28-10
924	Wal-Mart	Timnath	CO	4/10/2013	\$0.00	Sale to minor		
4599	Wal-Mart	Timnath	CO	4/11/2013	\$0.00	Sale to minor		
2125	Wal-Mart	LAKEWOOD	CO	4/13/2013	\$324.82	Sale to minor		
2892	Wal-Mart	Parter	CO	5/1/2013	\$0.00	Sale to minor.		
924	Wal-Mart	Sterling	CO	5/10/2013	\$0.00	Sale to minor		
1231	Wal-Mart	Thornton	CO	5/10/2013	\$450.00	Sale to minor		fine
2270	Wal-Mart	Durango	CO	5/11/2013	\$0.00	Sale to minor		
966	Wal-Mart	Corter	CO	6/3/2013	\$0.00	Sale to minor.		
5394	Wal-Mart	Acrona	CO	6/9/2013	\$200.00	Sale to minor.		
4284	Wal-Mart	Lakewood	CO	7/11/2013	\$0.00	Missing Signage/Sign Not Posted		
2892	Wal-Mart	Parter	CO	8/4/2013	\$0.00	5 day alcohol suspension, training not completed within 60 days of agreement by city		
2058	Wal-Mart	Montrose	CO	9/4/2013	\$0.00	Sale to minor		
3227	Wal-Mart	Monument	CO	10/8/2013	\$200 + 2 day suspension	Sale to minor		In lieu of 7 day suspension (2 days served plus fine of \$200 and 5 days in absence)
3227	Wal-Mart	Monument	CO	10/8/2013	\$200 and 2 day suspension	Sale to minor		5 days suspension held in absence
5232	Wal-Mart	Rule	CO	10/15/2013	\$0.00	Sale to minor		
1273	Wal-Mart	Fountain	CO	10/15/2013	\$0.00	Sale to minor		
2125	Wal-Mart	Lakewood	CO	10/17/2013	\$0.00	Sale to minor		Associate received citation, but store has not been cited
1199	Wal-Mart	Avon	CO	12/3/2013	\$200.00	Sale to minor		Associate received citation, but store has not been cited
1199	Wal-Mart	Avon	CO	12/3/2013	\$0.00	Sale to minor		Fine in lieu of 2 day suspension
4599	Wal-Mart	Timnath	CO	12/19/2013	\$0.00	Sale to minor		15 day suspension with 8 days held in absence. (7 days served)
1659	Wal-Mart	Brighton	CO	12/11/2013	\$116.00	Sale to minor		
4639	Wal-Mart	Elizabeth	CO	12/11/2013	\$0.00	Sale to minor		

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

01/22/14

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

Applicant: Wal Mart Stores, Inc.

dba: Walmart #962

Address: 2921 Toupal Drive

Type of License: 3.2% Beer Retail Off Premises

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: February 4, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: inspection of file

1-23-14
Date

[Signature]
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: January 29, 2014

01/22/14

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

Applicant: Wal Mart Stores, Inc.

dba: Walmart #962

Address: 2921 Toupal Drive

Type of License: 3.2% Beer Retail Off Premises

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: February 4, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Approved

1-23-2014
Date

Chris J. Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: January 29, 2014

1/22/2014

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

Applicant's Name: Wal-Mart Stores, Inc.
DBA: Wal-Mart Supercenter #962
Business Address: 2921 Toupal Drive
Type of License: 3.2% Off-Premises

Renewal Transfer Change of Location New Special Event

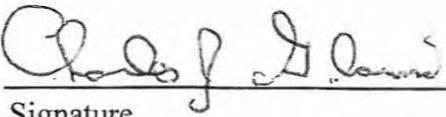
FOR CONSIDERATION AT
COUNCIL MEETING DATE: February 4, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:
No records

1-27-14
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: January 29, 2014



COUNCIL COMMUNICATION

8b

CITY COUNCIL MEETING: February 4, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 2

SUBJECT: Ad-hoc appointments to the Art & Cultural Advisory Commission

PRESENTER: Audra Garrett, City Clerk

RECOMMENDED CITY COUNCIL ACTION: Consider the applicants

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Advertisement was made seeking applicants to fill the vacancies as required by ordinance

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

Advertisement was had seeking applicants to fill vacancies. Letters of interest were received as follows:

Arts and Culture Advisory Commission – 3 vacancies – Bruce Leonard, Vilas Tonape (neither applicant meets the qualification with respect to the one-year residency requirement; however, it was suggested they be appointed as ad-hoc members without voting rights until they reach the one-year residency threshold)

8b

January 23, 2014

Dear Mr. Mayor and City Council Members,

After having interviewed Marilyn Leuszler for a feature I write for The Chronicle-News called Artist of the Week, she asked me if I would like to serve on the Arts & Culture Advisory Commission. I said "yes" before either of us realized that potential members have to reside in Trinidad for at least a year.

Although I arrived in the city six months ago — to become the editor of The Chronicle-News — I have been informed that I may be eligible to become an ad hoc member of the Arts & Culture Advisory Committee, without voting privileges, and I'm perfectly comfortable with that option.

Before arriving in Trinidad, I had been a travel writer for decades, having had many hundreds of my stories about cities, towns, resorts, museums, outdoor adventures and numerous other subjects published in dozens of publications, including the Robb Report, National Parks, the L.A. Weekly, Highways and Travel+Leisure Golf. And I have recently sold a story that features Trinidad prominently to an Internet site.

When circumstances permit, I write an Artist of the Week column about local artists for The Chronicle-News, and I have conceived of and contributed to A Thousand Words, which is a photographic section in the newspaper that features what I hope are good photos of the region. I have also introduced Spotlight on Business, which is a method by which to promote the people and the businesses that make Trinidad special.

I have shown my paintings in galleries in Ojai, California, sold paintings in various spaces in Los Angeles, and my work is currently on display in Raton, N.M. and in Gallery Main, here in Trinidad. My photos have graced magazine covers, I have written songs that have been performed onstage by others, and 10 of my books are available on Amazon.com.

In other words, I have a background in arts and culture, and I believe that I would be an asset to the Arts & Culture Advisory Committee.

Thank you for your time and consideration.

All the best,
Bruce Leonard

Audra Garrett

From: Tonape, Vilas [Vilas.Tonape@trinidadstate.edu]
Sent: Friday, January 10, 2014 3:35 PM
To: audra.garrett@trinidad.co.gov
Cc: LMLeuszler@aol.com
Subject: Serve on Trinidad Arts & Cultural Advisory Commission
Attachments: TONAPE resume.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Audra Garrett,

I am Vilas Tonape, a professor of art at Trinidad State Junior College. I recently moved to Trinidad area, and have been enjoying my life with the cultural and artistic aspect of Trinidad area since August of last year. I am an artist working in both figurative as well as non-representational mode. To view some of my artworks, visit www.VilasTonape.com. I have an interest in being involved in the community and its various artistic initiatives and adventures. Recently I was invited to serve as member of Board of Directors for the A.R. Mitchell Memorial Museum of Western Art in downtown, Trinidad. It has been great to serve on this board, which consists of diverse, artistic, enthusiastic and more importantly, knowledgeable individuals. As a board member, I am already learning so much about the museum and the area - it continues to be rewarding.

Per Marilyn Leuszler's advice, I am writing to express my interest to serve on the Trinidad Arts & Cultural Advisory Commission. This would further my goal of being involved with community's artistic endeavors, while I strongly believe that I would in turn be able to bring my expertise as an artist to the commission.

I am attaching my resume to this email for your review and consideration. Please do not hesitate to contact me if you have any questions or concerns.

I look forward to hearing from you.

Regards,
Vilas

Professor Vilas Tonape
Art Department Chair
Trinidad State Junior College
600 Prospect Street
Trinidad, CO 81082
Office: 719-846-5594
Cell: 912-844-2745
www.VilasTonape.com

801 Stonewall Avenue, Trinidad, Colorado 81082
vilas.tonape@TrinidadState.edu; www.VilasTonape.com; 912-844-2745

Vilas Tonape

EDUCATION

- 1996 MFA in Painting, Texas Christian University, Fort Worth, Texas
1992 BFA in Painting, Sir J.J. School of Art, University of Bombay, Bombay, India

TEACHING EXPERIENCE

- Present Professor, Trinidad State Junior College, Trinidad, Colorado
12-13 Associate Director, Center for Arts and History, Lewis-Clark State College, Lewiston, Idaho
08-12 Professor, Polk State College, Winter Haven, Florida
05-06 Professor, Savannah College of Art and Design, Savannah, Georgia
03-04 Visiting Artist, Ringling College of Art and Design, Sarasota, Florida
99-02 Instructor, Painting and Drawing, School of Art, Armory Art Center, West Palm Beach, Florida
94-96 Teaching Assistant, Texas Christian University, Fort Worth, Texas

SELECTED INVITATIONAL SOLO EXHIBITIONS

- 2010 Kruti, Melvin Art Gallery, Florida Southern College, Lakeland, Florida
2007 Varṇa, Krempp Gallery, Jasper Arts Center, Jasper, Indiana
2005 Indic Roots, Infusion Gallery, Los Angeles, California
2001 Unfinished/Finished, Ann Norton Sculpture Gardens Gallery, West Palm Beach, Florida
1998 Local Artist Spotlight, Greater Lafayette Museum of Art, Lafayette, Indiana
1996 MFA Thesis Exhibition, J.M. Moudy Art Gallery, Texas Christian University, Fort Worth, Texas

SELECTED NATIONAL AND INTERNATIONAL CURATED GROUP EXHIBITIONS

- 2013 Creative Endeavors, Elm Street Gallery, Trinidad, Colorado
2012 Group Art Exhibition, Rainbow Art Gallery, Mumbai, India
Group Art Exhibition, Tay-Cho Art Gallery, Bartow, Florida
2010 Group Art Exhibition, Museum of Science and Industry, Tampa, Florida
2009 Colours of India: Exhibition of Paintings and Prints, Common Ground Art Gallery, Windsor, Ontario, Canada
2008 Group Exhibition, West Main Art Gallery, Statesboro, Georgia
2005 Group Exhibition, Infusion Gallery, Los Angeles, California
2004 Nudes, two-person show, The Gallery, Sarasota, Florida
2003 Guru-Shishya, two-person show, Shagun Art Gallery, Bombay, India
2002 Palms and Portraits, two-person show, Martin County Arts Council, Cultural Center Gallery, Stuart, Florida
2001 Group Exhibition, Art Space at City Place: Visual Arts & New Urbanism, West Palm Beach, Florida
1998 Spirit that is India, Indianapolis Art Center, Indianapolis, Indiana
1996 Four-Person Exhibition, Gallery Ten, Fort Worth, Texas
Group Exhibition, Gallery Ten, Fort Worth, Texas
1995 In One Room, Haggart Gallery, University of Dallas, Dallas, Texas
1992 Monsoon Art Show, Jehangir Art Gallery, Bombay, India
1991 Group Exhibition, Plaza Art Gallery, Bombay, India

SELECTED AWARDS AND GRANTS

- 2010 Honorable Mention, Watermedia Showcase International
2008 Grand Prize and Honorable Mention, 10th Annual Pastel 100, The Pastel Journal
2006 Canson Award & Purchase Award, 34th National, Pastel Society of America, National Arts Club Grand Gallery, NY
Honorable Mention, 3rd National Exhibition, Art League of Northern California, Novato Arts Center, Novato, CA
2005 Martin and Sanford Award, 37th Annual National Visual Arts Exhibition, Visual Arts Society of Texas, Denton, Texas
2004 Finalist Winner, 21st Annual Art Competition, Artist's Magazine
Honorable Mention, International Multi-Media Biennial Exhibition, Nathan D. Rosen Museum Gallery, Boca Raton, FL

- Third Place, Fourth Biennial National Art Exhibit, Charlotte County Arts Guild , Visual Arts Center, Punta Gorda, Florida
 Faculty Professional Development Grant award, Ringling School of Art and Design, Sarasota, Florida
- 2003 Honorable Mention, The Face of Alabama, The Rosa Parks Museum, Montgomery, Alabama
- 2000 First Place, Juried Competition, Ann Norton Sculpture Gardens, West Palm Beach, Florida
- 1999 Best Titled Interpretation, Wabash Artists Alliance Art Competition, Lafayette, Indiana
- 1996 Third Place, "Cross Talk", Texas Christian University, Fort Worth, Texas
- 1995 First Place, "Cross Talk", Texas Christian University, Fort Worth, Texas
- 1992 Teaching Fellowship (Foundation), Sir J.J. School of Art, University of Bombay, India
 Gold Award, Best of the Show, Sir J.J. School of Art, Bombay, India
 Award for Figurative Painting, Annual Art Competition, The Art society of India, India
- 1990 Best Portrait Painting of the Show, Sir J.J. School of Art, Bombay, India
 Award for Drawing, Sketch-Club, Sir J.J. School of Art , Bombay, India
 Second Place, Dolly Cursetjee Mural Drawing Competition, Sir J.J. School of Art, Bombay, India
- 1989 Award for Portrait Painting, State Art Competition, India
 Second Place, "On the Spot" portrait painting, Nasik Kala Niketan, Nasik, India
 Award for Portrait Painting, Sir J.J. School of Art, Bombay, India
- 1988 First Place, "On the Spot" portrait painting, Nasik Kala Niketan, Nasik, India
 Award for Head-Study Painting, Sir J.J. School of Art, Bombay, India

JURIED EXHIBITIONS

Over 35 National and International Exhibitions

REPRESENTATION

Sutlej Art Gallery, New York, New York
 Infusion gallery, Los Angeles, California
 Houston Art Consultant, Houston, Texas

SELECTED REVIEWS

- 2013 The Chronicle News, Trinidad, Colorado, Front Page—August 28, "Noted Artist Joins TSJC Faculty," by Pankaj Khadka
- 2010 Khaasbaat, Florida, Page 17—September, "Lakeland Artist/Teacher Vilas Tonape takes Center Stage," by Nitish S. Rele
 Today and Tonight, Polk County, FL, Page 13—September, "A Teacher that Remains a Student of Life," by Mary Joye
- 2009 Pastel Journal, USA—April, by Jessica Canterbury
- 2008 The Ledger, Winter Haven, Florida—March 20, "PCC Professor: Art, Teaching Are Natural," by Donna Kelly
- 2003 The Indian Express, Mumbai Newsline, Mumbai, India—December 17, "Art Beat" (Culture Club), by Georgina L. Maddox
 SAHARA Metro TV Channel, Bombay, India—December 3, Telecast: Exhibition and Interview
 Mahanagar Daily, Bombay, India—November 25, "Guru Shishya," by Mahendra Damle
- 2002 Palm Beach Post, Florida – November 17, "Cultural Collage on Display for Viewing, Collecting Pleasure," by Katie Deits
- 2001 The Palm Beach Post, TGIF, West Palm Beach, Florida, Page 46—December 7, "Art," by Larry Aydlette
- 1991 The Observer of Business & Politics, Bombay, India—March 11, "High Order Art Again," by Dnyaneshwar Nadkarni

SELECTED ART JUDGING/JURYING

- 2012 Strawberry Festival Art Exhibition, Plant City, Florida
- 2011 Figuratively Speaking, Art League of Daytona Beach, Daytona Beach, Florida
 Winthrop Art Festival, Riverview, Florida
 Annual Fine Art Exhibition, Arts on the Park, Lakeland, Florida
- 2010 Visual Arts Alliance, Annual Juried Exhibition, Carrollwood Cultural Center, Tampa, Florida
 Fifty-Ninth Annual, Under the Oaks, National Juried Fine Art Exhibition, Vero Beach, Florida
 Fourth Annual Plein-Air, Bartow Art Guild, Bartow, Florida
 Platform Art 15 - Art in Motion, Lakeland, Florida
 Tenth Annual Florida Outdoor Sculpture Competition, Winter Haven, Florida
- 2009 Mayfaire by-the-Lake, 38th Annual, Lakeland, Florida
 Municipal Fine Art Show, Lake Wales, Florida

- Ninth Annual Florida Outdoor Sculpture Competition, Winter Haven, Florida
 Central Park Arts Festival, Ridge Art Association, Winter Haven, Florida
 Polk County High School Invitational Art Exhibition, Arts on the Park Gallery, Lakeland, Florida
 Race for the Arts, Polk Arts Alliance, Lakeland, Florida
 2008 Annual Student Art Exhibition, Florida Southern College, Lakeland, Florida
 Art From the Found Objects, Ridge Art Association, Winter Haven, Florida
 2007 Wild Life Exhibition, Averitt Center for the Arts, Statesboro, Georgia
 2001 Members' Annual Juried Art Show, Lake Worth Art League, Lake Worth, Florida
 9th Annual Juried Art Exhibition, Women in the Visual Arts, Boca Raton, Florida
 1998 Annual High School Art Competition, Fatima High School, Bombay, India

SELECTED LECTURES AND WORKSHOPS

- 2012 Guest Artist, Lecture, S.N.D.T. Women's University, Bombay, India
 Instructor, one-week Art Educator Summer Institute, Polk County School Board/Polk Museum of Art, Lakeland, Florida
 Guest Critic, Bartow Art Guild, Bartow, Florida
 Guest Artist, Oil Portraiture Workshop, Tampa Regional Artists, Hyde Park Art Center, Tampa, Florida
 2011 Guest Artist, Professional Development Workshop, Fort Worth Independent School District, Fort Worth, Texas
 Guest Artist, Watercolor Workshop, Tampa Regional Artists, Hyde Park Art Center, Tampa, Florida
 Visiting Artist, Art Educator Summer Institute, Texas Christian University, Fort Worth, Texas
 2010 Guest Artist, Lecture, Sir J.J. School of Art, Bombay, India
 Guest Artist, Demonstration, New Era School, Panchgani, India
 Visiting Artist, Watercolor Workshop, Tampa Regional Artists, Hyde Park Art Center, Tampa, Florida
 Guest Artist, Demonstration, Bartow Art Guild, Bartow, Florida
 Visiting Artist, Art Educator Summer Institute (NAEA co-sponsored academy), Texas Christian University, Fort Worth, TX
 2009 Visiting Artist, one-week Art Educator Summer Institute, Texas Christian University, Fort Worth, Texas
 Guest Artist, Portrait Painting Demonstration, Bartow Art Guild Annual Plein Air Festival, Bartow, Florida
 Guest Artist, Pastel Portraiture Demonstration, Lakeland Art Guild, Lakeland, Florida
 2008 Guest Critic, View & Review: Critiquing Emerging Artists, Polk Museum of Art, Lakeland, Florida
 Guest Speaker, A discourse on Human Ego and Plein Air Painting, Bartow Annual Plein Air Festival, Bartow, Florida
 Visiting Artist, one-week Art Educator Summer Institute, Texas Christian University, Fort Worth, Texas
 2007 Visiting Artist, one-week Art Educator Summer Institute, Texas Christian University, Fort Worth, Texas
 2003 Guest Artist, Slide Presentation and Critique, S.N.D.T. Women's College of Fine Arts, Bombay, India
 Visiting Artist, Graduate Critique, Texas Christian University, Fort Worth, Texas
 2002 Guest Artist, Lecture and Demonstration, Martin County Arts Council, Court House Cultural Center, Stuart, Florida
 Guest Artist, Portrait Painting Demonstration, Lake Worth Art League, Florida
 2001 Guest Artist, Lecture and Demonstration, Portrait Painting, Stella Maris College of Fine Arts, Madras, India
 Guest Artist, Portrait Painting Demonstration, The Riverbridge Art League, Greenacres, Florida
 2000 Guest Artist, Portrait Painting Demonstration, The Friends of the Lake Worth Library, Lake Worth, Florida
 1999 Guest Speaker, A discourse on Art Appreciation, The Riverbridge Art League, Greenacres, Florida
 1998 One-week workshop, Life Drawing, High School students, Greater Lafayette Museum of Art, Lafayette, Indiana
 Artist Talk, Greater Lafayette Museum of Art, Lafayette, Indiana
 Guest Artist, Watercolor Landscape Demonstration, Jefferson High School, West Lafayette, Indiana
 1997 Two One-Day Workshops, Life Drawing, High School students, Greater Lafayette Museum of Art, Lafayette, Indiana
 1993 Guest Lecturer Associate, one-month Painting Workshop, Stella Maris College of Fine Arts, Madras, India
 1991 Visiting Artist, Lecture and Student Critiques, S.N.D.T. Women's College of Fine Arts, Bombay, India

EXHIBIT CURATION

- 2012 Allegories with Sacred Canon, Center for Arts and History, Lewis-Clark State College, Lewiston, Idaho
 Prodromes, One-Person Exhibition, Center for Arts and History, Lewis-Clark State College, Lewiston, Idaho
 2011 Encounters: Vis-à-Vis, One-Person Show, Jehangir Art Gallery, Mumbai, India
 2010 Line Shape Color, Two-Person Show, Arts on the Park, Lakeland, Florida
 2009 Plein Air Exhibition, Sixteen Emerging Artists, Lake Wales Arts Center, Lake Wales, Florida

SAMPLE REVIEWS OF WORK

"Tonape's use of realism and the abstract clarifies the American shock on his Indic roots."

-Kate Petre, *News Writer, Los Angeles City Beat*

"[Vilas Tonape's] oil, *Colors of Self*, is a portrait of a man's head, ringed by tiny, colorful brushstrokes, set against a brown-washed background. It's one of those pictures where a simple scheme is immensely satisfying because of the artist's eye for spatial composition and facial detail. (Why can't we have more of these?)"

-Larry Aydlette, *Art Critic, The Palm Beach Post*

"Tonape has traveled from Florida, where he teaches at the Ringling School of Art and Design, for this show at the Shagun Art Gallery, Mumbai, India...Tonape's canvases have the same methodical construction. A band of brilliant color is interrupted by bands of white or beige."

-Georgina L Maddox, *Art Critic, Mumbai Newsline*

"Vilas Tonape's abstracts have a unique force."

-Dnyaneshwar Nadkarni, *Art Critic, The Observer of Business and Politics*

"Tonape's painting can be described as classically inspired, contemporary-realism—interpretive images that enchant the eye."

-Katie Deits, *Palm Beach Post Writer, The Palm Beach Post*



COUNCIL COMMUNICATION

8C

CITY COUNCIL MEETING: February 4, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 4

SUBJECT: Appointments to the Tourism Board

PRESENTER: Audra Garrett, City Clerk

RECOMMENDED CITY COUNCIL ACTION: Consider the applicants

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Advertisement was made seeking applicants to fill the vacancies as required by ordinance

ALTERNATIVE: N/A

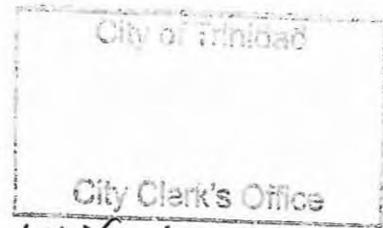
BACKGROUND INFORMATION:

Advertisement was had seeking applicants to fill vacancies. Letters of interest were received as follows:

Tourism Board – 4 vacancies – Lou Girodo, Pat Patrick, Susan Palmer, Fred Vaugeois (the vacant slots are 3 in the ‘miscellaneous’ category and 1 in restaurant; all four applicants would be eligible in the miscellaneous category; all except Fred Vaugeois reside in the City; the ordinance reads: “The five members shall be either (i) residents and registered voters of the City of Trinidad, or (ii) residents and registered voters of Las Animas County, Colorado, who own a tourism-related business within the City of Trinidad.”)

8C

January 13, 2014



*verified voter regis +
residency*

Audra Garrett, City Clerk
City of Trinidad, Colorado

Dear Audra;

Please accept this letter of interest in reappointment to the
City Tourism Board of Trinidad.

I feel that my experience gained by serving on this Board
Qualifies me for this position.

I have found it to be satisfying serving on the Board and
With the consent of the members of the Trinidad City
Council would like to continue to do so.

Respectfully yours;

A handwritten signature in cursive script that reads "Lou Girodo".

Lou Girodo

January 4th 2014

Dear Mayor and Members of City Council

I am writing to express my interest and your consideration of my re-appointment to the City of Trinidad Tourism Board.

I am currently employed in the tourism industry as a seasonal Park Ranger/Interpreter at Trinidad Lake State Park where I perform duties that bring me in contact with hundreds of visitors to our area each year. I was the director of the A.R. Mitchell Museum for 9 ½ years and am currently Volunteer Manager of Collections.

I have previously served on the Tourism Board having been appointed when the initial board was established this resulted in a complete understanding of the ordinance that established the lodging tax. During my tenure I served as chair the City of Trinidad received the Governors Award of Excellence in Tourism Initiates. I participated in the budget and marketing plan development. In my capacity as chair I had occasion to interact with City Council various department heads, the City Manager, City Attorney, City Planner, and City Engineer on issues directly related to tourism thus providing me with a through understanding of how our city government operates. Through training I attended provided by the Colorado Municipal League I acquired an in dept understanding of the application of the "Sunshine Law" and the requirements for open meetings in government. My tenure included working closely with the chambers of commerce and economic development wherever possible on issues common to the good of community while maintaining the anonymity required by the stipulations in the lodging tax ordinance.

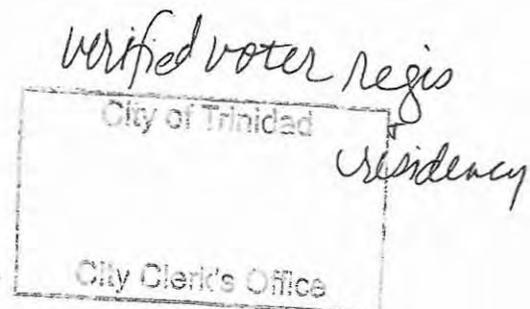
Currently I serve as a member of the Planning and Zoning Commission and participated in the development of the 2008 Comprehensive Plan and the 2011 Wayfinding Signage Plan.

I have also served as a volunteer member on the following Boards, Commissions and Task Groups:

- o Parks and Recreation Advisory Commission,
- o Arts and Cultural Advisory Board Chairman
 - Chairman Subcommittee grass roots effort that raised funds for public art sculpture for library
- o Downtown Revitalization Commission
- o Comcast Cares Day Team leader 2009-11
- o Trinidad Area Art Council
- o Trinidad-Las Animas County Chamber of Commerce
- o Kiwanis Club Vice President
- o Trinidad Car Club
- o Chair Task Group that developed the 2008 Purgatorire River Trail System Master Plan
- o Registered Volunteer with the Colorado Division of Wildlife.
- o Chair task Group that researched and provided recommendations for bear resistant trash receptacles for Cimino Park
- o Chair Task Group that provided recommendations for City of Trinidad Tree Board
- o Current member of the 2012 Water Festival Planning Group

Thank you for your consideration of my application and I look forward to the opportunity to serve my community as a member of the City of Trinidad Tourism Board.

Sincerely
Pat Patrick



Audra Garrett

From: Susan Palmer [susanpalmer49@yahoo.com]
Sent: Thursday, January 02, 2014 9:34 AM
To: audra.garrett@trinidad.co.gov
Subject: Tourism Board Member Application Letter

*Verified voter regis.
& residency*

Dear City Council,

Please accept this e-mail as my "letter of interest" to be appointed a member of Trinidad's Tourism Board for 2014. I have been attending both work sessions and regularly scheduled meetings for the past two months in order to familiarize myself with the workings and scope of participation on the Board. In addition, I have talked with its President, Pat Patrick, on a number of occasions to ask for greater details and have additional of my questions answered.

I believe I am a good candidate for this position for a number of reasons. Along with Rodney Wood, I made an informed decision to relocate to Trinidad after searching for a place that seem ideal to us. We chose Trinidad as our permanent home. Over two years ago we purchased a building in the historic section of downtown and opened several business there including an art gallery/studio (Rodney), and a massage studio and quilt studio (Susan) and rental units upstairs. In addition, we have both become very involved in the community on many levels having organized the very successful 2013 ArtoCade and CARdango events. I intend Trinidad and our business here to be life long commitments.

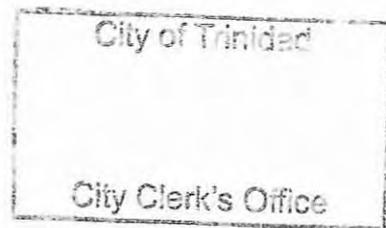
Besides being an participant in both the business life and community life in my new home (quilt group, art venues, volunteer at the Mitchell Museum and city clean-up in the spring, etc.), I have actively traveled in small town America: three years ago when Rodney and I made a 5-month sojourn through 28 of our states seeking out visionary artists, outside artists, and unusual museums to visit. As an observant person and former executive assistant whose job required attention to details of all sorts, we talked about and chronicled what we found in many of these towns -- what was shared in common (businesses closing and populations leaving), what was uncommon (several towns which found a unique tourist draw that revitalized their economies), and details (like way-finding signage or lack thereof) that frustrated us. I have also traveled extensively in my personal/professional life requiring a number of physical relocations -- I am comfortable with landing in a new town/job/home and getting "up to speed" quickly.

As I no longer work full-time, I also have the time to devote to the activities of participating on the Tourism Board -- attending all meetings, being prepared for work sessions, and being informed and ready to vote on issues at regular meetings.

I look forward to serving Trinidad beginning January 2014 should the Council find my application for the Board member position acceptable. Thank you for your consideration.

Susan Palmer
Oasis Studios
218 E. Main Street

Tom Acre, City Manager
City of Trinidad
135 N. Animas
Trinidad, Co 81082



Mr. Acre;

It has come to my attention that an "at large" position will become available on the Tourism Board of Directors for the upcoming year. I would like to take this opportunity to submit my name for consideration for that position.

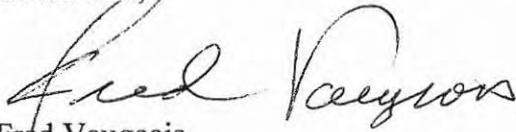
As the Artistic Director for the Southern Colorado Repertory Theatre, I have a good knowledge of the need for Tourism in Trinidad and would appreciate the opportunity to offer my experience to the Board. Tourism is the economic future of Trinidad as the economy turns from its historic norms to a new dynamic force. As the Colorado economy slowly begins to emerge from the downturn of the past 8 years, Trinidad is poised to benefit from the curiosity that we see in tourists as they appreciate the Corazon, the natural beauty of the surrounding mountains, stream fishing, the performing arts, recreation and camping in our state park.

With the newly appointed Creative District and Main Street designations and the beginning of new construction on Main St., future stakeholders will certainly be visiting Trinidad to see what we have to offer. I would like to be a part of creating the curiosity and helping businesses to capitalize on new tourism.

I hope you will consider my application for the open position. I am enclosing my resume indicating my educational background.

Thank you for your consideration.

all the best,


Fred Vaugeois
Artistic Director, SCRT

Fred Vaugeois

33059 Trail Ridge, Trinidad, Co 81082
719-845-9213, 719-859-1325

Employment History

Artistic Director

2001-present Southern Colorado Repertory Theatre, Trinidad, Co

- Establish Professional Company production annually
- Recruit nationally for actors, directors, designers
- Select productions and report activities to Board of Directors

Independent Production Director

1985--2000 Partners Contracting, LaVerne, Ca 91750

- Production Director
- Recruiting and casting productions
- Directing production from casting through final performance

Freelance Actor and Director

1970-2000

- Acted and Directed in Professional Theatre throughout Detroit and Los Angeles

Technical Director/Lighting Designer

1971-2000 Fred Vaugeois, LaVerne, Ca 91750

- Design lights for theatrical productions
- Design theatrical scenery
- Built professional scenery for television and theatrical productions

Director of Facilities and Support Services (1985-2000)

Theatre Manager (1971-1985)

1971-2000 Citrus College, Glendora, Ca

- Responsible for staff of 60+
- Annual \$5M budget
- Established short range and long range planning for the college for capital projects.

Education

Cornish School of Allied Arts, Seattle Washington

Pasadena Playhouse of Performing Arts, Pasadena, Ca.

Scholarship student yrs 2 & 3

- C.T.A.

Cal State University @ Fullerton,, Fullerton, Ca

- B.A. in Theatre
- Awarded annual scholarship for achievement
-

Wayne State University, Detroit, Mi

- M.F.A. in acting (Fellowship Scholar)
- Received numerous scholarships for graduate school, including Yale and Stanford.

Other Experience

Designed scenery and lighting for Mexican Government in Acapulco, Mex.

References

References are available on request.



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: February 4, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 1

SUBJECT: Appointment to the Parks & Recreation Advisory Committee

PRESENTER: Audra Garrett, City Clerk

RECOMMENDED CITY COUNCIL ACTION: Consider the applicants

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Advertisement was made seeking applicants to fill the vacancies as required by ordinance

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

Advertisement was had seeking applicants to fill vacancies. Letters of interest were received as follows:

Parks & Recreation Advisory Committee – 3 vacancies - Diane Beach

Jan. 07. 2014.

To whom it may concern:

Thank you. for allowing me to serve on
the Park & Rec. board in 2013.

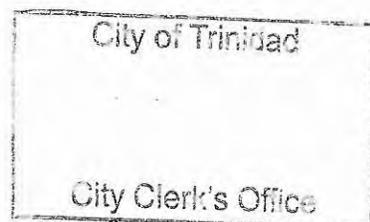
I would like to be considered again
to serve on the Park & Rec. board in 2014.

We have beautiful parks in Trinidad
and our Community Center provides
entertainment for families & visitors.

We need to keep them that way.

Thank you.

Liane Beach



verified residency
with regis.
410 W. Beach St.

✓



COUNCIL COMMUNICATION

Se

CITY COUNCIL MEETING: February 4, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 3

SUBJECT: Appointments to the Board of Building Code Appeals

PRESENTER: Audra Garrett, City Clerk

RECOMMENDED CITY COUNCIL ACTION: Consider the applicants

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Advertisement was made seeking applicants to fill the vacancies as required by ordinance

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

Advertisement was had seeking applicants to fill vacancies. Letters of interest were received as follows:

Board of Building Code Appeals – 1 plus 2 alternates – Carl Goodall, Jim Dunford, Jerome Begley

Se

I Carl (rusty) Goodall do hereby express my interest to serve on the grievance and appeals board for the Trinidad building department. I have been a contractor in Trinidad and las animas county for the past 15 years.

Thank you for your consideration.

Carl goodall *1-14-2014*
Carl Goodall
1701 santa fe trail, Trinidad, co 81082

719-859-0523

*verified voter regis
+ residency*
City of Trinidad
City Clerk's Office

JIM DUNFORD

1510 Stonewall Avenue
Trinidad, CO 81082
(719) 859-4740

January 20, 2014

Trinidad City Council
135 North Animas Street
Trinidad, CO 81082

Reference: Vacancy on Board of Building Code of Appeals

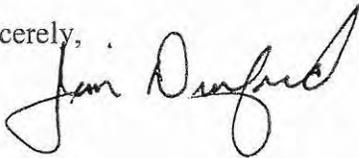
Thank you in advance for giving me this opportunity to be considered for this board seat. I would be an asset on this board because I have been a licensed contractor since 1988 and I am currently the owner and operator of Rocky Mountain Construction. I am currently licensed to operate in Las Animas, Huerfano, Pueblo, and El Paso counties. My work expertise ranges from residential homes both new and remodels, commercial projects and design build specialty projects including log cabins and steel buildings.

I have helped fuel the local economy by employing crews ranging from 6 to 18 men. I stay up to date on new building codes and city and state regulations. I am fair and open minded. I am a contractor by trade and I believe in safety first and strongly believe in code compliance and OSHA regulations.

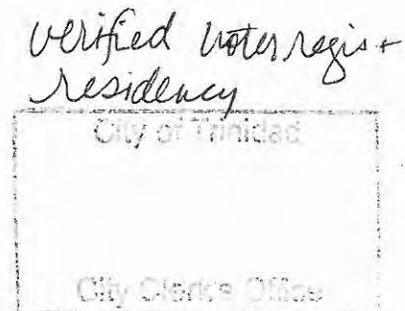
I am a lifetime resident of Trinidad, CO in which I've seen a lot of changes and growth. I have taken every opportunity to be part of the growth of the City and County. I am willing to help our community to grow and work with City Council, fellow board members and any other entity willing to share in this goal.

If you appoint me to the board I will consider all facts as they are presented to the issues at hand and I will be as fair and equitable as possible. I will use my knowledge, ability, and experience and give 110% to all decisions I must make as it pertains to the issues at hand.

Sincerely,



Jim Dunford



JB Builders, Inc.

1218 Nevada Avenue
Trinidad, CO 81082
USA

Phone 845-0289
Fax 845-0289

TO: AUDRA GARRETT- CITY OF TRINIDAD

FROM: JERRY BEGLEY-JB BUILDERS INC. *JB*

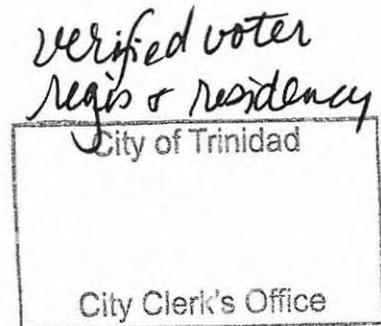
SUBJECT: ALTERNATE CHAIR PERSON

DATE: JANUARY 24, 2014

I WILL ACCEPT THE ALTERNATE CHAIR POSITION FOR THE REVIEW BUILDING CODE COMMITTEE FOR THE CITY OF TRINIDAD, CO. AS REQUESTED BY THE CITY BUILDING INSPECTOR, CHRIS KELLEY, FOR THIS NEW TERM.

JEROME P. BEGLEY- OWNER OF JB BUILDERS INC.

Jerome P. Begley
THANK YOU!





COUNCIL COMMUNICATION

8f

CITY COUNCIL MEETING: February 4, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 2

SUBJECT: Appointments to the Urban Renewal Authority

PRESENTER: Audra Garrett, City Clerk

RECOMMENDED CITY COUNCIL ACTION: Consider the applicants

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Advertisement was made seeking applicants to fill the vacancies as required by ordinance

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

Advertisement was had seeking applicants to fill vacancies. Letters of interest were received as follows:

Urban Renewal Authority – 5 vacancies – Cherie Kollander, David Barrack

8f

Audra Garrett

From: Cherie Kollander [kollcpa@gmail.com]
Sent: Saturday, December 21, 2013 12:00 PM
To: audra.garrett@trinidad.co.gov
Subject: Board re-appointment

Dear Ms Garrett,

I would like to be considered for re-appointment to the Parks and Recreation Board.

Also, if there are other board openings for which my skills would be appropriate, such as Urban Development and/or Recycling please throw my proverbial hat into the ring.

Just as an after thought, lets avoid the Tree, Arts and Hospital boards.

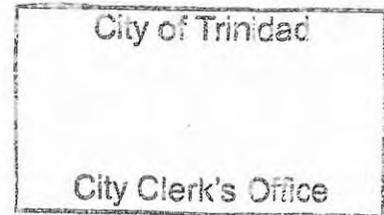
Thanks for considering me.

Sincerely,

Cherie
G. Kollander
719-890-0290

*verified residency
& voter
registration*

David J. Barrack
115 E. Elm Street
Trinidad, CO 81082
719-846-4367
dbarrack@me.com



*verified voter
registration &
residency
814 Jaccosa*

December 12, 2013

City Council
City of Trinidad Colorado
135 West Animas
Trinidad, Colorado

Dear Council Members:

Councilman Anthony Matte approached me about placing my name into consideration a position on the Urban Renewal Board for the City of Trinidad. I spent several days seeking advice and considering said advice. I have decided that I do have something to offer to the City of Trinidad in downtown revitalization.

Specifically I have over 30 years experience in business development and management in Trinidad Colorado. I have built, remolded and maintained commercial properties inside and outside of the Historic District. I have served on our City Council and the Planning and Zoning Commission. I have also spent 14 years as a board member of the Ambulance District. I currently serve on the 911 Authority Board.

I understand many of the issues facing the Urban Renewal Board and believe I have much to offer.

I will make myself available to you for an interview and am willing to provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "David Barrack".

David J. Barrack

David J. Barrack
115 E. Elm Street
Trinidad, CO 81082
719-846-4367
dbarrack@me.com

Current Employment

Assistant Professor, Trinidad State Junior College – Teaching Economics, business and Graphic Design Classes. August 2006

Owner/Operator, Spot Free Wash – A self service car wash in Trinidad, CO, Built and opened. December 1988

Owner/Operator, Barrack Properties – A commercial property ownership and management business in Trinidad, CO. December 1988

Past Employment

Owner/Operator, Barrack Real Estate – A full service Real Estate and Appraisal business In Trinidad, CO. November 1979 to December 2009

Sales Associate, Brothers 3 Realty – Listed and Sold Real Estate in Fort Collins, CO. August 1978 to October 1979

Education

M.B.A, Colorado State University – Colorado State University, Fort Collins, CO, 1978

Bachelor of Science, Business Administration – Colorado State University, Fort Collins, CO, 1976

AA, Business Administration – Trinidad State Junior College, Trinidad, CO 1974

Professional Certification

Certified Administrative Manager (C.A.M.), Administrative Management Society, 1980



COUNCIL COMMUNICATION

89

CITY COUNCIL MEETING: February 4, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 0

SUBJECT: Appointment of Council liaisons to the various Boards and Commissions

PRESENTER: Audra Garrett, City Clerk

RECOMMENDED CITY COUNCIL ACTION: Consider appointments as discussed at work session on January 28, 2014

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: A few boards currently have Council liaisons and others do not. It was suggested that they all should.

ALTERNATIVE: N/A

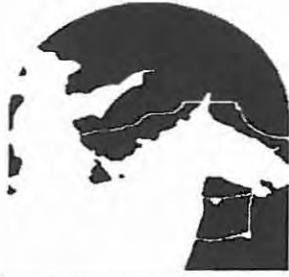
BACKGROUND INFORMATION:

The following appointments as Council liaisons to the City's boards and commissions were discussed:

Councilmember Pat Fletcher – Library and Park & Recreation Advisory Committee
Councilmember Torres – Tree Board, Tourism Board

89

8h



CITY OF TRINIDAD, COLORADO
1875

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: February 4, 2014
PREPARED BY: Tara Marshall
DEPT. HEAD SIGNATURE: *Tom*
OF ATTACHMENTS: 1

SUBJECT: Consideration of Memorandum of Understanding between City of Trinidad and Department of Local Affairs regarding the Colorado Main Street Candidate Program for 2014.

PRESENTER: Tom Acre, City Manager
Tara Marshall, City Management Intern

RECOMMENDED CITY COUNCIL ACTION: Motion to authorize the Mayor to sign the Memorandum of Understanding (MOU) between the City of Trinidad and Department of Local Affairs (DOLA) for the Colorado Main Street Candidate Program for 2014.

SUMMARY STATEMENT:

In the Trinidad Community Assessment completed in October 2012, Downtown Colorado Inc. recommended the Colorado Main Street Candidate Program. Following this recommendation staff prepared the Letter of Intent to enter the program and City Council authorized this action on Monday, July 1, 2013. Upon receiving notification from DOLA that Trinidad was selected to enter the program, the 2013 Trinidad City Council approved the first MOU with DOLA, which expired on December 31, 2013.

The MOU between the City of Trinidad and the Department of Local Affairs for the Main Street Program is effective for 2014 only. This MOU requires the City of Trinidad to dedicate staff time to attend 3 identified trainings, respond to emails and phone calls from the Colorado State Main Street Coordinator and complete and file quarterly reports to DOLA. This MOU will expire on December 31, 2014.

The MOU under consideration is for 2014 and does not bind the City to any additional commitment to the program. Moving forward, each year, the City of Trinidad will receive an MOU from DOLA for continued participation in the program. Participation from year to year is dependent on available funds, staff resources and the necessary community involvement to make the program a success.

8h

The Colorado Main Street Candidate Program is designed to fit very well with the current Creative District efforts and with the combined reporting and training schedules, the City is able to participate in the Colorado Main Street Program without significant additional cost. Other benefits of the Colorado Main Street Candidate Program are the training received by staff and community volunteers in the areas of design, promotion, organization and economic restructuring and the use of a full time historic preservation architect to consult with the City on building and design codes. Finally, Trinidad will receive generous, free, statewide public relations about the City's revitalization efforts from the Department of Local Affairs.

EXPENDITURE REQUIRED: Travel/Meal/Hotel Expenses for 3 trainings, which have been included in the Planning and Creative District budgets for 2014. Staff time to complete reporting and training responsibilities.

SOURCE OF FUNDS: Travel expenses from already established within the Planning and Welcome Center Budgets

POLICY ISSUE: City of Trinidad's participation in the Colorado Main Street Program

ALTERNATIVE: Not to participate in the Colorado Main Street Program.

BACKGROUND INFORMATION:

Trinidad entered the Colorado Main Street Program in late 2013. This MOU is to continue our participation in the program as a Candidate community.

Memorandum of Agreement for Participation in the Colorado Department of
Local Affairs' Main Street Program

This Agreement is entered into and executed by the Colorado Department of Local Affairs (DOLA) and the City of Trinidad (Community).

I. Agreement

Whereas, this Agreement is for the purpose of said Community to participate in the Colorado Main Street Program, and

Whereas, DOLA administers the Colorado Main Street Program and provides technical assistance and training to selected communities, and

In consideration of the foregoing and of the mutual promises set forth herein, and intending to be legally bound, the parties hereto agree to the following specifics regarding the Colorado Main Street Program:

A. DOLA agrees to:

1. Act as liaison and facilitate communications between the Local Program, the Colorado Main Street Program, other Colorado communities, State agencies, non-profits, foundations, and the National Main Street Center, as they relate to the local Main Street Program.
2. As requested, conduct orientation for new board members and new program managers. This orientation could take place on-site, via webinar, or in Denver.
3. Conduct up to two training sessions in the community. Trainings could include: annual work planning facilitation, historic preservation, training for one of the four points, or a specialized topic.
4. Facilitate and promote ongoing press and/or online coverage of the Colorado Main Street Program and its individual Local Programs, including maintaining the Colorado Main Street Facebook page.
5. Provide access to resource materials relating to downtown revitalization and specifically resources in: organization, design, promotion and economic restructuring.
6. Publish a quarterly Main Street Newsletter, highlighting Local Programs, partners, trainings, and resources.
7. As requested, assist the Main Street Local Program in building local organizational and fundraising capacity. Assistance may come from additional meetings with DOLA Regional Managers, Main Street Staff, local or state-wide foundations, other state agencies or from established Main Street Communities or through the sharing of written materials.

Memorandum of Agreement for Participation in the Colorado Department of
Local Affairs' Main Street Program

8. Review quarterly reports and provide guidance and advice for the Local Program to obtain National Accreditation.
9. Establish benchmarks with the Local Program to ensure successful growth and sustainability of the program.
10. Conduct the annual accreditation and year end assessment.
11. Make available a historic preservation architect.

B. Local Program agrees to:

1. Send new managers to training within the first year of holding the position.
2. Raise and expend funds and in-kind services for continuation of the Local Program, including, but not limited to maintaining an office with the necessary travel and operating budget for the Local Program.
3. Continue the comprehensive approach to downtown revitalization following the Four-Point Approach and Eight Guiding Principles recommended by the National Main Street Center and the Colorado Main Street Program, including development of annual written work plans for the Local Main Street Program and the establishment of a strong, broad-based organizational system to include but not be limited to the following committees: organization, promotion, design, and economic restructuring.
4. Concentrate the Local Program activities within the boundaries of the target area that is designated by the Local Program.
5. Maintain data for monitoring the progress of the Local Program. Submit required quarterly and annual progress reports using formats provided by DOLA and provide other information as requested by DOLA on or before the identified deadlines. Failure to submit quarterly progress reports may jeopardize standings with the Colorado Main Street Program and the National Main Street Center. Additionally, failure to comply may result in a loss of Main Street Program services and funding.
6. Provide the Local Program office with a computer and email connection which is signed up to receive National Main Street listserve emails and Colorado Main Street Program communications.
7. Local Program managers, volunteers, and/or board members must collectively attend at least three of the following training opportunities in the year:
 - a. Downtown Colorado Inc. (DCI) Downtown Institutes (Attending at least two or more out of the four quarterly Institutes constitutes one training)

Memorandum of Agreement for Participation in the Colorado Department of
Local Affairs' Main Street Program

- b. National Main Streets Conference
- c. International Downtown Association Spring or Annual Conference
- d. Colorado Preservation Inc. Annual Conference
- e. DCI Annual Conference
- f. Main Street webinars conducted by DOLA or other approved organization
- g. Colorado Brownfields Foundation Annual Conference
- h. Economic Development Council of Colorado Spring or Fall Conference
- i. Historic Preservation Commission Training
- j. Sonoran Institute (various offerings)

The Local Program shall be responsible for the manager's travel costs and expenses associated with these meetings.

- 8. Assist in local arrangements during on-site visits and technical assistance visits to the community.
- 9. Provide DOLA with one (1) copy of any materials and/or publications relating to the Local Main Street Program. Materials may include board meeting minutes, approved budgets, local training flyers, newsletters, and promotional materials, etc.
- 10. Present an annual "State of Main Street" report to the local elected body. Submit a copy of the report to DOLA.
- 11. Agree to acknowledge being an official Colorado Main Street Community and properly use the name, trademark and logo. Use the Colorado Main Street logo on all DOLA sponsored Main Street trainings, websites, reports and other materials.

C. Community agrees to:

- 1. Maintain an ongoing and supportive relationship with the Local Program.
- 2. Work with DOLA and the Local Program to resolve any issues.
- 3. Act as the fiscal agent for all contracts or purchase orders from DOLA on behalf of the Local Program.

D. Local Program agrees to work towards the following benchmarks in 2014:

- 1. Work on organizational structure and committee formation.

Memorandum of Agreement for Participation in the Colorado Department of
Local Affairs' Main Street Program

2. Send staff and volunteers to Main Street trainings.
3. Submit an annual work plan with one or two goals in each point.
4. Local Program will submit the reports used for the Creative Districts in order to minimize administrative burdens. However, if the Colorado Main Street program needs additional information, Trinidad will provide the information upon request.

E. Other conditions:

1. The term of this Agreement shall be for one year, beginning _____(Date) and ending December 31, 2014. It may be extended or revised only with the approval of the DOLA Main Street Coordinator, the President of the Board of the Local Program and the Mayor of the Community.
2. Notwithstanding any other provisions of this Agreement, if funds anticipated for continued fulfillment, at the time of the Agreement are, at any time, not forthcoming or insufficient, then DOLA shall have the right to amend or terminate this Agreement without penalty by giving the community not less than sixty (60) days written notice.
3. If the Local Program or Community fails to fulfill its obligations under this Agreement in a timely and proper manner, or if the community violates any terms of this Agreement, DOLA shall have the right to terminate this Agreement and withhold further services by giving the community not less than sixty (60) days written notice.

II. Representations and Warranties

All parties to this agreement represent and warrant (i) that they have no obligations, legal or otherwise, inconsistent with the terms of this Agreement, (ii) that the performance of the services called for by this Agreement does not and will not violate any applicable law, rule or regulation or any proprietary or other right of any third party, (iii) that the parties will not use in the performance of responsibilities under this Agreement any confidential information or trade secrets of any other person or entity and (iv) that neither party has entered into nor will enter into any agreement (whether oral or written) in conflict with this Agreement.

III. Entire Agreement and Notice

This Agreement contains the entire understanding of the parties and may not be amended without the specific written consent of all parties. Any notice given under this Agreement will be sufficient if it is in writing and if sent by certified or registered mail.

Memorandum of Agreement for Participation in the Colorado Department of
Local Affairs' Main Street Program

IV. Compliance with Law

In connection with his/her services rendered hereunder, all parties agree to abide by all federal, state, and local laws, ordinances and regulations.

V. Governing Law

This Agreement will be construed in accordance with, and all actions arising hereunder will be governed by, the laws of the State of Colorado.

BY: _____
Mayor's Signature Date

Print Name Community

BY: _____
Representative Date

Print Name DOLA

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CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: February 4, 2014
PREPARED BY: Audra Garrett, City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*
OF ATTACHMENTS: 2

SUBJECT: Consideration of fees associated with tavern applications as it pertains to those licensees affected by a 2013 Liquor Enforcement Division directive

PRESENTER: Audra Garrett, City Clerk

RECOMMENDED CITY COUNCIL ACTION: Consider whether or not to impose full tavern licensing fees, waive said fees, or collect a reduced fee for tavern applications, if requested, by licensees affected by the 2013 LED directive

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The Liquor Enforcement Division issued a directive in May, 2013 which affected two liquor license applicants, Mt. Carmel and SCRT, resulting in them changing the license type they pursued and ultimately were granted.
- The directive was re-considered in December, 2013, and options are available to the licensees.
- The state has agreed to waive the fee associated with the alternative available to them.
- The question is what the City wishes to do with respect to the fee.
- Some considerations include that the processing of a new license is labor intensive on the part of the City; however, these are non-profit entities and through their licensing and ultimate sale of alcohol they pay sales tax back to the City.
- If either entity decides to pursue changing their license type to tavern, they will have to register a manager and incur a \$75 manager's registration fee and \$37.50 for fingerprints.
- The license cost difference (which the City refunded to the applicants when they had to change the license type they were applying for) is \$33.75 (SCRT) and \$26.25 (Mt. Carmel). The full license fee is \$75.00.

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MEMO

TO: Mayor and City Council

FROM: Audra Garrett, City Clerk



SUBJECT: LED Directive on Taverns

DATE: January 24, 2014

On May 2, 2013, I received a correspondence from Colorado Liquor Enforcement Division by e-mail entitled "New LED Directives". It addressed five separate issues that the State was attempting to rectify. Among the issues was one that concerned the licensing of Taverns. The licensing specialist that sent the communication had been assigned the concurrent review of Mount Carmel Health, Wellness & Community Center and Southern Colorado Repertory Theatre, both of which had applied for Tavern licenses and had been set for a local public hearing on May 7th. He immediately thought of the relevance of this new directive to those license applications. The result of the directive forced those two entities to change the license type they were seeking. Mount Carmel chose to pursue a Beer and Wine License and Southern Colorado Repertory Theatre chose to pursue an Arts License. At that time I sought a legal opinion from City Attorney Downs as to whether the hearings could proceed as planned on May 7th with the change in license type and the fact that they were advertised and posted as seeking tavern licenses. He opined that public notice was provided that a liquor license was being sought at those locations. The change in license type from Tavern to Beer and Wine and Arts was a less intrusive type of license to the neighborhood.

I received a correspondence dated December 23, 2013, from the Colorado Liquor Enforcement Division, explaining that they have re-evaluated their previous decision and have provided for some allowances. Please see the enclosed correspondence. The circumstances that are relevant to Mount Carmel and Southern Colorado Repertory Theatre are contained in 2b of the document.

The purpose of my memorandum is to update Council concerning: 1) the possibility of new license application being filed for these entities; and 2) to ascertain Council's position with respect to the appropriate fee the City should collect. As you will see, the State is willing to change the license type without a state fee. Once Council provides direction regarding the fee, I will send a letter to each of the two entities. These entities provide revenue to the City that would be enhanced by the sale of spirituous alcohol should they choose to change their license type.

STATE OF COLORADO

DEPARTMENT OF REVENUE

Liquor Enforcement Division
1881 Pierce Street, Suite 108A
Lakewood, Colorado 80214
Phone (303) 205-2300
FAX (303) 205-2341



E-mail: dor_led@state.co.us

Website: www.colorado.gov/revenue/liquor

John Hickenlooper
Governor

Barbara J. Brohl
Executive Director

Patrick Maroney
Acting Division Director

December 23, 2013

Dear Clerks,

Earlier this year, the Liquor Enforcement Division (Division) decided to take a stronger stance on the issuance of tavern licenses in an effort to be more in line with the definition of a tavern, which states (emphasis added):

12-47-103(38) - "Tavern" means an establishment serving alcohol beverages in which the principal business is the sale of alcohol beverages at retail for consumption on the premises and where sandwiches and light snacks are available for consumption on the premises.

The Division worked with many clerks across the state and provided other options to help ensure applicants were able to obtain a liquor license to better fit the law. This included switching to a different license type (i.e. beer and wine) or modifying the premises so it only included the area where the principal business is the sale of alcohol.

Even though the intent of this decision was to better adhere to the liquor code, the Division has decided to re-evaluate this decision. Some aspects of this issue will change immediately, while others will take several months.

Below is the Division's plan on addressing this issue:

1. Effective immediately, license applications for taverns will be allowed to include non-traditional tavern establishments as we did before the decision earlier this year. This includes movie theaters, bowling alleys, nail salons, etc..
2. The Division will work with local licensing authorities to identify those licensees that were issued under the following criteria:
 - a. If the application was initially approved by the local licensing authority as a tavern but changed at the direction of the Division, the Division is willing to change the license type to tavern without a state fee.

b. If the application was submitted to the local licensing authority as a tavern but was changed at the direction of the Division prior to local approval, the Division is willing to change the license type to tavern without a state fee. The local licensing authority may process this change as a new license in order to establish the needs and desires of the neighborhood since the initial approval was not for a tavern.

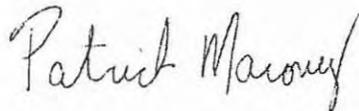
c. If the local licensing authority initially approved a license type other than a tavern and the licensee wants to change the type of license, the normal process would be followed. This includes a new application process and fees.

The Division will process the requests giving priority to those in paragraph a, then b, then c.

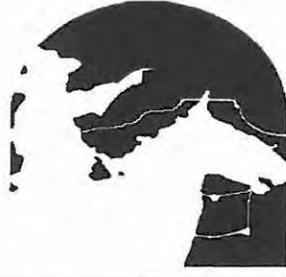
3. The Division will have meetings with stakeholders to help determine the best approach in addressing the problem of issuing a tavern license to a business that does not fit the definition. You and other stakeholders will have an opportunity to provide input and suggestions on how compliance can be gained in accordance with the laws and rules. Meeting notices will be sent to the clerks, other stakeholders and will be posted on the Division's website.

The Division appreciates your patience as we move forward to resolve this problem.

Sincerely

A handwritten signature in cursive script that reads "Patrick Maroney".

Patrick Maroney
Acting Director
Liquor Enforcement Division



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: January 28, 2014
PREPARED BY: Tara Marshall
DEPT. HEAD SIGNATURE: Tom
OF ATTACHMENTS: 1

8j

SUBJECT: Consideration of an Ordinance Adjusting Trinidad Landfill Fees.

PRESENTER: Tom Acre, City Manager

RECOMMENDED CITY COUNCIL ACTION: Provide input to staff regarding, recommended Landfill Fees increase and scheduling the Ordinance for a regular meeting of the City Council.

SUMMARY STATEMENT:

It has been more than 10 years since the rates at the Trinidad Landfill were adjusted. Since this time, several important updates have been done at the site; in addition, the cost of operating the Landfill has increased. The City is also required by State mandate to maintain funds for the closure and post closure monitoring of the Landfill.

Staff researched comparable landfills in the region and used these findings to recommend the following fee increases. The current Landfill rates and recommended increases are as follows:

	Current Rate	Recommended Increase	New Rate
Resident of City:			
Typical Waste	\$4.00/cubic yard(cyd)	\$2.00/cyd	\$6.00/cyd
Construction Waste	\$4.00/cyd	\$3.00/cyd	\$7.00/cyd
Yard Waste	\$4.00/cyd	\$3.00/cyd	\$7.00/cyd
35 Gallon Bag Sticker	\$0.65/bag	\$0.35/bag	\$1.00/bag
Resident of County:			
Typical Waste	\$4.00/cyd	\$2.50/cyd	\$6.50/cyd
Construction Waste	\$4.00/cyd	\$4.00/cyd	\$8.00/cyd
Yard Waste	\$4.00/cyd	\$4.00/cyd	\$8.00/cyd
35 Gallon Bag Sticker	\$0.65/bag	\$0.60/bag	\$1.25/bag
Commercial:			
Typical Waste	\$4.00/cyd	\$2.00/cyd	\$20.00/ton = \$6.00cyd
Construction Waste	\$4.00/cyd	\$3.00/cyd	\$23.33/ton = \$7.00cyd
Special Waste:	\$6.00/cyd	\$4.00/cyd	\$10.00/cyd
Tires:	\$1.00 - \$2.50 - \$15.00	\$1.00 - \$1.50 - \$3.00	\$2.00 - \$4.00 - \$18.00

8j

Based on the three year average (2010, 2011, 2012) the Trinidad Landfill processed 42,953 cubic yards of refuse. Using this average, staff conservatively estimates an increase in Landfill revenue of \$86,000 per year based on new rates. It can be anticipated with the other fee changes we should see additional increase in revenue.

Interest has been expressed from an individual to lease and operate the scale for a set fee payable to the City. Staff is anticipating receiving a written proposal and will evaluate the feasibility of the proposal and need to solicit additional proposals. This will potentially enhance revenue from landfill operations as well.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

POLICY ISSUE: Increasing the City of Trinidad Landfill Fees as recommended.

ALTERNATIVE: City Council could elect to approve a greater fee increase, modify the recommendations presented or could elect to not increase fees.

BACKGROUND INFORMATION:

The City of Trinidad owns and operates the Trinidad Landfill located at 2401 North State Street. The Landfill is open to the public Monday – Friday from 7:00 to 3:00 and Saturday from 8:00 to 12:00. The City currently employs 3 full time personnel at the Landfill.

It has been in excess of 10 years since the rates at the Landfill were adjusted. Since this time, several important updates have been done at the site. The City purchased a scale, which will allow vehicles to be weighed and waste to be calculated by weight rather than cubic yard. Also, the City purchased additional land that will be used to provide necessary cover (dirt) for the deposited waste in the future.



ORDINANCE NO.

AN ORDINANCE ADJUSTING THE CITY OF TRINIDAD
LANDFILL FEES

WHEREAS, the City of Trinidad owns and operates a municipal solid waste disposal facility; and

WHEREAS, it has been in excess of ten years since the City adjusted landfill fees; and

WHEREAS, since the last time rates were adjusted, the City of Trinidad acquired a scale for the landfill to have the ability to charge by weight as opposed to volume, a more equitable means of determining the volume of solid waste being disposed of;

WHEREAS, a rate increase is necessary in order to provide sufficient revenues to cover operation and maintenance of the municipal landfill.

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

1. Section 11-12, City Landfill Fees of Chapter 11, Municipal Solid Waste, of the Code of Ordinances of the City of Trinidad is repealed and re-enacted in its entirety as follows:

Section 11-12. City Landfill Fees.

(1) Fees assessed for the disposal of garbage, trash, and tire carcasses, and all other types of acceptable refuse at the Trinidad Landfill shall be at the following rates for each delivery:

(a) City residents

- (I) Typical municipal waste, \$5.75 per cubic yard
- (II) Construction waste, \$6.75 per cubic yard
- (III) Yard waste, \$6.75 per cubic yard
- (IV) One dollar (\$1.00) per container of waste material not to exceed thirty-five (35) gallons in volume

(b) County residents

- (I) Typical municipal waste, \$6.25 per cubic yard

- (II) Construction waste, \$7.75 per cubic yard
- (III) Yard waste, \$7.75 per cubic yard
- (IV) One dollar and twenty-five cents (\$1.25) per container of waste material not to exceed thirty-five (35) gallons in volume

(c) Commercial haulers, roll offs and any other non-residential large scale vehicle

- (I) Typical municipal waste, \$20.00 per ton (equivalent to \$5.75 per cubic yard plus \$0.25 surcharge referenced in Section 11-12(1)(e))
- (II) Construction waste, \$23.33 per ton (equivalent to \$6.75 per cubic yard plus \$0.25 surcharge referenced in Section 11-12(1)(e))

(d) Special waste shall not be subject to the rate set forth in subsection (a) or (b), but instead shall be subject to the following rates.

	Disposal fee
(I) Special wastes such as contaminated soil, sand trap waste, non-friable asbestos, and other similar wastes which require additional handling by landfill personnel	\$9.75 per cubic yard minimum fee, special negotiation may be required.
(II) Passenger car tires and light truck tires up to and including a 16 ½" wheel size	\$2.00 per tire
(II) Medium duty and heavy duty truck tires ranging in size larger than a 16 ½" wheel up to and including a 22 ½" wheel	\$4.00 per tire
(III) All tires sizes larger than a 22 ½" wheel up to and including heavy equipment tires	\$18.00 per tire

(e) A surcharge of \$0.25 per cubic yard for anticipated future landfill closure expenses shall be added to the foregoing fees, set forth in subsections (a)(b)(c) and (d)(I) with the revenues from such surcharge to be placed in a restricted fund, to be used for landfill closure purposes only.

(2) Such fees shall be in effect and added to the monthly utility bill commencing with the adoption of this ordinance and shall be due and payable with said utility bill. Any individual who is not a customer of one or more of the City's utility services shall be billed the following month for the prior month's charges and payments are due and payable upon receipt of statement.

(3) All garbage, rubbish, or other waste material under the control of the City at the City landfill, shall be the property of the City, and it shall be unlawful for any person to enter upon such sites, or carry off, dispose of, burn or in any manner disturb or molest any matter

or item deposited or existing upon such sites, except under the direction or authority of the Public Works Director or his/her designee.

(4) All vehicles hauling municipal waste for disposal at the landfill shall be enclosed or tarped. Any person who does not comply with this requirement shall be assessed a double charge for disposal of his/her load.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED, this ___ day of _____, 2014.

FINALLY PASSED AND APPROVED this ___ day of _____, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ___ day of _____, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

AUDRA GARRETT, City Clerk

8k



COUNCIL COMMUNICATION

CITY COUNCIL WORK SESSION: January 28, 2014
PREPARED BY: Tara Marshall
DEPT. HEAD SIGNATURE: *Tom*
OF ATTACHMENTS: 1

SUBJECT: Consideration of an Ordinance Revising the City's Water Rate Schedule

PRESENTER: Tom Acre, City Manager

RECOMMENDED CITY COUNCIL ACTION: Provide input to staff regarding recommended Water Rates increase and scheduling the Ordinance for a regular meeting of the City Council.

SUMMARY STATEMENT:

It has been more than 20 years since the City of Trinidad adjusted the water rates. Since that time, the operation and maintenance of the City's water source and delivery system have significantly increased. The latest utility rate study completed by the Colorado Municipal League (CML) shows that more than 70% of Colorado cities and towns have implemented water rate increases over the past 3 years. In addition, the City has recently made significant improvements at North Lake Dam.

Based on an across the board 10% increase in rates, staff recommends the following rate increases. Staff estimates the rate increase will result in an estimated additional \$194,600 in revenue for the Water Department. The current Water rates and recommended increases are as follows:

	Current Rate	Recommended Increase	New Rate
Urban: Residential, Small Commercial			
Minimum Fee	\$15.00/month	\$1.50/month	\$16.50/month
Rate above Minimum	\$1.50/cubic foot	\$0.15/cubic foot	\$1.65/cubic foot
Urban: Large Commercial			
1 1/2" Meter Minimum	\$26.25	\$2.63	\$28.88
2" Meter Minimum	\$52.50	\$5.25	\$57.75
3" Meter Minimum	\$105.00	\$10.50	\$115.50
4" Meter Minimum	\$187.50	\$18.75	\$206.25
6" Meter Minimum	\$420.00	\$42.00	\$462.00
8" Meter Minimum	\$750.00	\$75.00	\$825.00
Rate above Minimum	\$1.50/cubic foot	\$0.15/cubic foot	\$1.65/cubic foot

8k

	Current Rate	Recommended Increase	New Rate
Rural: Residential, Small Commercial			
Minimum Fee	\$25.00/month	\$2.50/month	\$27.50/month
Rate above Minimum	\$2.50/cubic foot	\$0.25/cubic foot	\$2.75/cubic foot
Rural: Large Commercial			
1 ½" Meter Minimum	\$52.50	\$5.25	\$57.75
2" Meter Minimum	\$105.00	\$10.50	\$115.50
3" Meter Minimum	\$210.00	\$21.00	\$231.00
4" Meter Minimum	\$375.00	\$37.50	\$412.50
6" Meter Minimum	\$840.00	\$84.00	\$924.00
8" Meter Minimum	\$1,500.00	\$150.00	\$1,650.00
Rate above Minimum	\$3.00/cubic foot	\$0.30/cubic foot	\$3.30/cubic foot

In addition to the tables above, the permit issued for the re-sale of water would increase from \$100 to a cost of \$125. Staff will also look into a future project to evaluate the sewer system infrastructure condition and a rate study to allow for infrastructure improvements in the future.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

POLICY ISSUE: Increasing the City of Trinidad Water Rates

ALTERNATIVE: City Council could elect to not increase the City of Trinidad Water Rates or request modifications to the proposed fee increase.

BACKGROUND INFORMATION:

The City of Trinidad owns and operates its own water source and its own treatment and distribution system. The Water Department employs 14 full time individuals that work in the areas of treatment, distribution and administration. The City's primary water source is North Lake.



ORDINANCE NO.

AN ORDINANCE REVISING THE CITY'S WATER RATE SCHEDULE AND THE CITY'S PLANT INVESTMENT FEES

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

- 1. Sections 12-74(1) and 12-85(1) and (5) and Sections 12-67(1) and (2) are repealed and reenacted as follows:

Section 12-74. Water service rates – Schedule.

(1) A proportion of the revenues generated by the following established Water Service Rate Schedule in the amount of three dollars (\$3.00) per month per customer shall be set aside in a restricted water fund to provide for payment of bonded indebtedness retirement, loan repayment, and capital improvements as provided for in the annual budgets of the Water Department:

(a) W-1 Urban Residential and Small Commercial.

- (I) Applicability. Applicable for water service within the corporate limits of the City to all services with a smaller than one and one half inch (1-1/2") meter.
(II) All water usage shall be billed at a rate of one dollar and sixty-five cents (\$1.65) per 100 cubic feet (750 gallons) beyond the minimum amount.
(III) Minimum charge per month: Water Amount:
Meter smaller than 1-1/2" 1,000 cubic feet
(\$16.50) (7,500 gallons)

(b) W-2 Urban Large Commercial and Large Residential.

- (I) Applicability. Applicable for water service within the corporate limits of the City to all services with a one and one half-inch (1-1/2") meter or larger.
(II) All water usage shall be billed at a rate of one dollar and sixty-five cents (\$1.65) per 100 cubic feet (750 gallons) beyond the minimum amount.
(III) Minimum charge per month: Water Amount:

1-1/2" meter	\$28.88	1,750 cu. ft. (13,125 gallons)
2" meter	\$57.75	3,500 cu. ft. (26,250 gallons)
3" meter	\$115.50	7,000 cu. ft. (52,500 gallons)
4" meter	\$206.25	12,500 cu. ft. (93,750 gallons)
6" meter	\$462.00	28,000 cu. ft. (210,000 gallons)
8" meter	\$825.00	50,000 cu. ft. (375,000 gallons)

(c) W-3 Rural Residential and Small Commercial

(I) Applicability. Applicable for water service outside the corporate limits of the City to all services with a smaller than one and one half inch (1-1/2") meter.

(II) All water usage shall be billed at a rate of two dollars and seventy-five cents (\$2.75) per 100 cubic feet (750 gallons) beyond the minimum amount.

(III) Minimum charge per month: Water Amount:

Meter smaller than 1-1/2": \$27.50 1,000 cubic feet (7,500 gallons)

(d) W-4 Rural Large Commercial, Industrial and Association.

(I) Applicability. Applicable for water service outside the corporate limits of the City to all services with a one and one-half inch (1-1/2") meter or larger.

(II) All water usage shall be billed at a rate of three dollars and thirty cents (\$3.30) per 100 cubic feet (750 gallons) beyond the minimum amount.

(III) Minimum charge per month: Water Amount:

1-1/2" meter	\$57.75	1,750 cu. ft. (13,125 gallons)
2" meter	\$115.50	3,500 cu. ft. (26,250 gallons)
3" meter	\$231.00	7,000 cu. ft. (52,500 gallons)
4" meter	\$412.50	12,500 cu. ft. (93,750 gallons)
6" meter	\$924.00	28,000 cu. ft. (210,000 gallons)
8" meter	\$1,650.00	50,000 cu. ft. (375,000 gallons)

Section 12-85 Permits to re-sell water.

(1) Any person wishing to re-sell water obtained from the City Water Utility shall first obtain an annual permit from the City Manager to re-sell water and pay a fee of \$125.00. The permit shall expire one year after its issuance. The permittee may apply for a renewal within ninety (90) days before the expiration date. The permit for resale of water is required in addition to any of the other permits required for water connections prescribed by this chapter.

The City Manager shall not issue a water resale permit without first finding that:

- (a) The applicant has already obtained the required permit for main connections with City Water Utility;
 - (b) The applicant has obtained product insurance to protect and hold the city harmless in the event there is any damage or injury resulting from the quality of the water sold to and resold by the permit holder; and
 - (c) The estimated quantity of water to be resold will not be of such a volume to interfere with the water service to be provided to existing water utility customers.
- (5) Any person who resells water obtained from the City Water Utility must have an additional meter installed on his/her residential and/or commercial water tap to separately measure the volume of water used for resale purposes. Such person shall be charged a base amount of \$11.00 per 1,000 gallons (133 cubic feet) used for resale purposes.

Section 12-67. Plant Investment Fee.

Before a City water service shall be allowed or approved for any premises in any territory, area or subdivision, developed or undeveloped, there shall be an initial water service charge to compensate the City partially for the base water supply, treatment facilities and mains required to provide service. Such a charge, generally referred to as the Plant Investment Fee, shall be as follows:

(1) Water Plant Investment Fee - Inside City

3/4" tap \$ 1,250.00

1" tap \$ 2,250.00

1-1/2" tap \$ 3,500.00

2" tap \$ 4,000.00

3" tap \$ 7,000.00

4" tap \$ 12,500.00

The Plant investment fee for a 6" or larger tap is subject to negotiation, to be based on projected revenue from the project.

- (a) Where a tap is made on the main to serve any non-metered private fire hydrant, fire sprinkler system, or standpipe, and a smaller tap is made for metered domestic, commercial or industrial use, the Plant Investment Fee shall be based on the size of the metered tap.

(b) These charges are in addition to the actual costs in physically tapping the main by City forces.

(2) Water Plant Investment Fee - Outside City

3/4" tap \$ 3,200.00

1" tap \$ 4,750.00

1-1/2" tap \$ 7,250.00

2" tap \$ 9,500.00

3" tap \$ 21,500.00

4" tap \$ 37,500.00

The Plant investment fee for a 6" or larger tap is subject to negotiation, to be based on projected revenue from the project.

(a) Where a tap is made on the main to serve any non-metered private fire hydrant, fire sprinkler system, or standpipe, and a smaller tap is made for metered domestic, commercial or industrial use, the Plant Investment Fee shall be based on the size of the metered tap.

(b) These charges are in addition to the actual costs in physically tapping the main by City forces.

INTRODUCED BY COUNCIL MEMBER _____, READ AND ORDERED PUBLISHED this ___ day of _____, 2014.

FINALLY PASSED AND APPROVED this ___ day of _____, 2014.

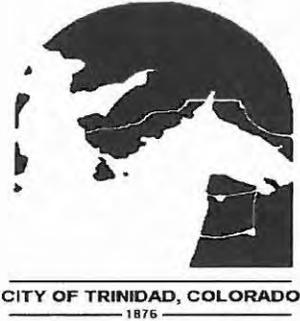
EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ___ day of _____, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

AUDRA GARRETT, City Clerk

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COUNCIL COMMUNICATION

CITY COUNCIL WORK SESSION: January 28, 2014
PREPARED BY: Tara Marshall
DEPT. HEAD SIGNATURE: Tom
OF ATTACHMENTS: 1

SUBJECT: Consideration of an Ordinance Adjusting the City's Rates for Sewer Service

PRESENTER: Tom Acre, City Manager

RECOMMENDED CITY COUNCIL ACTION: Provide input to staff regarding, recommended Sewer Rate increase and scheduling the Ordinance for a regular meeting of the City Council.

SUMMARY STATEMENT:

The City of Trinidad has not adjusted the Sewer Rates since the upgrades were made to the Wastewater Treatment Plant in 2000. At that time, rates were increased to cover the cost of the project's debt service. Unfortunately, no rate increase was considered to cover the ongoing cost of operation and maintenance of the facility. This combined with the increased usage of electricity at the Plant has raised the current Sewer expenditures beyond anticipated costs and the past rate increase does not currently cover the monthly debt service.

Staff is recommending an initial rate increase of 10% across the board that will result in an estimated \$126,000 increase in revenue. The current Sewer rates and recommended increases are as follows:

	Current Rate	Recommended Increase	New Rate
Urban Residential			
Monthly Minimum	\$22.00/month	\$0.00/month	\$22.00/month
Rate/100 cubic feet of Water Used/Month	\$0.50/100 cubic feet	\$0.50/100 cubic feet	\$1.00/100 cubic feet
Urban Commercial			
85% of Monthly Water Charge plus	Large - \$6.00/month Small - \$6.00/month	Large - \$1.00/month Small - \$1.00/month	Large - \$7.00/month Small - \$7.00/month
Rural Residential			
Monthly Minimum	\$30.00/month	\$0.00/month	\$30.00/month
Rate/100 cubic feet of Water Used/Month	\$0.50/100 cubic feet	\$0.50/100 cubic feet	\$1.00/100 cubic feet
Rural Commercial			
85% of Monthly Water Charge plus	Large - \$6.00/month Small - \$7.00/month	Large - \$1.00/month Small - \$1.00/month	Large - \$7.00/month Small - \$8.00/month

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Staff will also look into a future project to evaluate the sewer system infrastructure condition and a rate study to allow for infrastructure improvements in the future.

EXPENDITURE REQUIRED: N/A

SOURCE OF FUNDS: N/A

POLICY ISSUE: Increasing the City of Trinidad Sewer Rates

ALTERNATIVE: City Council could elect to not increase the City of Trinidad Sewer Rates or to request a modification of the proposed increase.

BACKGROUND INFORMATION:

The City of Trinidad owns and operates its own sewer collection and treatment system. The Sewer Department employs 10 full time individuals that work in the areas of treatment, collection and administration.

In 2000, the City of Trinidad expanded the capacity at our Wastewater Treatment Plant from ½ million gallons processed per day to be 2 million gallons processed per day. At this time, sewer rates were increased to cover the debt service cost of the project. No increase was done however to cover the cost of increasing operation and maintenance on the facility.

ORDINANCE NO.

AN ORDINANCE ADJUSTING THE CITY'S RATES FOR SEWER SERVICE

WHEREAS, the Colorado Water Resources and Power Development Authority authorized a loan of \$6,600,000 to the City of Trinidad for improvements to the City's sewer system; and

WHEREAS, it is necessary to increase sewer rates in order to provide sufficient revenues to continue payment of that loan; and to provide funds to operate and maintain the City's sewer system;

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

1. Section 12-53(1)(a)(b)(d)(e) of the Code of Ordinances of the City of Trinidad is repealed and re-enacted as follows:

(a) S-1 URBAN RESIDENTIAL

(I) Applicability. Applicable for sewage service within the corporate limits of the City to all residential customers.

(II) Monthly minimum per living unit in any month water service is furnished by the City shall be twenty-two dollars (\$22.00).

(III) Monthly incremental charge based upon potable water consumed in the dwelling as measured through the water service meter. The rate shall be one dollar (\$1.00) per 100 cubic feet of water consumed up to a maximum of 1,000 cubic feet or ten dollars (\$10.00). This charge shall be in addition to the monthly minimum charge above.

(IV) For the user of sewer service of less than a month, the charge shall be as follows:

0 to 10 days-----1/3 of the monthly minimum
11 to 20 days----- 2/3 of the monthly minimum
21 to 30 days-----full monthly minimum plus
the monthly incremental charge

(b) S-2 URBAN COMMERCIAL & INDUSTRIAL

(I) Large Commercial & Industrial

(A) Applicability. Applicable for sewage service within the corporate limits of the City to all commercial and industrial customer served by a water meter larger than a one and one-fourth-inch (1 1/4") meter and not using

process water in a manufacturing, bottling or canning operation.

(B) The charge per month shall be an amount equal to eighty-five percent (85%) of the same month's water charges plus seven dollars (\$7.00), or an amount equal to the monthly minimum water charge for Urban Large Commercial and Residential customers set forth in Section 12-74(1)(b)(III) and any amendment thereto, plus ten dollars (\$10.00), whichever amount is greater.

(II) Small Commercial & Industrial

(A) Applicability. Applicable for sewage service within the corporate limits of the City to all commercial and industrial customers served by a water meter larger than a one and one-fourth-inch (1 1/4") or smaller water meter and not using process water in a manufacturing, bottling or canning operation.

(B) The charge per month shall be an amount equal to eighty-five percent (85%) of the same month's water charges plus seven dollars (\$7.00), or twenty-two dollars (\$22.00), whichever amount is greater.

(d) S-4 RURAL RESIDENTIAL.

(I) Applicability. Applicable for sewage service to all residential customers outside the corporate limits of the City.

(II) Monthly minimum per living unit in any month water service is furnished by the City shall be thirty dollars (\$30.00).

(III) Monthly incremental charge based upon potable water consumed in the dwelling as measured through the water service meter. The rate shall be one dollar (\$1.00) per 100 cubic feet of water consumed up to a maximum of 1,000 cubic feet or ten dollars (\$10.00). This charge shall be in addition to the month minimum charge above.

(IV) For any user of sewer service of less than a month the charge will be as follows:

0 to 10 days-----1/3 of the monthly minimum

11 to 20 days-----2/3 of the monthly minimum

21 to 30 days-----full monthly minimum plus
the monthly incremental charge

(e) S-5 RURAL COMMERCIAL AND INDUSTRIAL

(I) Large Commercial, Industrial and Association.

(A) Applicability. Applicable for sewage service outside the corporate limits of the City to all commercial, industrial and association customers served by a water meter larger than one and one-fourth inch (1 1/4") meter, and not using process water in a manufacturing, bottling or canning operation.

(B) The charge per month shall be an amount equal to eighty-five percent (85%) of the same month's water charges plus seven dollars (\$7.00), or an amount equal to the monthly minimum water charge for Rural Large Commercial, Industrial and Association customers set forth in Section 12-74(1)(d)(III) and any amendment thereto, plus ten dollars (\$10.00) whichever amount is greater.

(II) Small commercial & Industrial

(A) Applicability. Applicable for sewage service outside the corporate limits of the City to all commercial and industrial customers served by one and one-fourth inch (1 1/4") or smaller water meter, and not using process water in a manufacturing, bottling or canning operation.

(B) The charge per month shall be an amount equal to eighty-five percent (85%) of the same month's water charges plus eight dollars (\$8.00), or thirty dollars (\$30.00), whichever amount is greater.

INTRODUCED BY COUNCIL MEMBER _____, READ AND ORDERED PUBLISHED this ___ day of _____, 2014.

FINALLY PASSED AND APPROVED this ___ day of _____, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ___ day of _____, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

AUDRA GARRETT, City Clerk