



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, December 2, 2014 at 7:00 P.M.
in City Council Chambers at City Hall

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Regular Meeting of November 18 & Special Meeting of November 25, 2014
- 3) **PUBLIC HEARING** - New hotel and restaurant liquor license request by Jim and Marsha Royse d/b/a Royse's Black Jack Steakhouse at 225 W. Main Street
- 4) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 5) **COUNCIL REPORTS**
- 6) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 7) **UNFINISHED BUSINESS**
 - a) Findings and Decision regarding the Appeal of a decision of the Planning, Zoning and Variance Commission filed by CannaCo, Application #2014-RMS-24, #2014-RPMF-24, and #2014-RMCF-24, Request for Conditional Use Permit to establish a Retail Marijuana Store, Retail Product Manufacturing Facility, and a Retail Marijuana Cultivation Facility at 3019 Toupal Drive
 - b) Hotel and restaurant liquor license renewal request by Image Hospitality, Inc. d/b/a Quality Inn at 3125 Toupal Drive
- 8) **MISCELLANEOUS BUSINESS**
 - a) Modification of premises request by M & M Distributing, LLC at 422 N. Commercial Street
 - b) New Retail Marijuana Store license application filed by M & M Distributing, LLC at 422 N. Commercial Street
 - c) New Retail Marijuana Cultivation Facility license application filed by M & M Distributing, LLC at 422 N. Commercial Street
 - d) New Retail Liquor Store license request by El Paso Liquor, Inc. d/b/a El Paso Liquor at 1101 E. Main Street
 - e) First reading of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2015 and ending December 31, 2015; said ordinance being termed the annual appropriation bill for the 2015 fiscal year, and setting a hearing date for consideration of said ordinance
 - f) Resolution authorizing renewal of health insurance benefits for City employees and their dependents through CIGNA Health Care for plan year January 1, 2015 through December 31, 2015
 - g) Appointments to the Planning, Zoning and Variance Commission
 - h) Ratify approval of submission of grant request to Department of Local Affairs for Water Treatment Plant Upgrades (beyond what was approved on November 18, 2014)
 - i) Acquisition of CNG/gasoline trucks from Pioneer Natural Resources
 - j) Approval of process to interview applicants and ultimately select the City Manager

- 9) **BILLS**
- 10) **PAYROLL**, November 22, 2014 through December 5, 2014
- 11) **ADJOURNMENT**

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, November 18, 2014, at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

PROCLAMATION – Pancreatic Cancer Awareness Month – November, 2014. Councilmember Miles read aloud the Proclamation declaring November, 2014, Pancreatic Cancer Awareness Month in Trinidad. Mayor Reorda signed the Proclamation and it was presented to Louis Rino.

Mayor Reorda asked for a motion to move the public hearings to the end of the meeting. Councilmember Bolton made a motion to move the public hearings as requested and Councilmember Bonato seconded the motion. Upon roll call vote the motion carried unanimously.

APPROVAL OF THE MINUTES. Regular Meeting of November 5, 2014 and Special Meeting of November 14, 2014. A motion to approve the minutes as presented was made by Councilmember Miles and seconded by Councilmember Torres. The motion carried unanimously with the exception of Councilmember Bolton who abstained from the vote on the November 5th minutes due to her absence from that meeting.

UNFINISHED BUSINESS. Retail liquor store license renewal request by Trinidad Plaza Liquors, Inc. d/b/a Main Street Liquors at 803 E. Main Street. A representative was present. Councilmember Mattie made a motion to approve the license renewal and the motion was seconded by Councilmember Bolton. Roll call was taken on the motion and it carried unanimously.

MISCELLANEOUS BUSINESS. Club liquor license renewal request by BPOE Elks Lodge #181 at 120 S. Maple Street. A representative was present on behalf of the applicant. Councilmember Bolton moved for the license approval and Councilmember Fletcher seconded the motion. Upon roll call vote the motion carried unanimously.

3.2% Beer – On Premises – license renewal request by Creative Sale, Inc. at 700 Smith Street. Kim Schultz was present to represent the licensee. A motion to approve the license renewal was made by Councilmember Bolton and seconded by Councilmember Bonato. The motion carried unanimously upon roll call vote.

Hotel and restaurant liquor license renewal request by Image Hospitality, Inc. d/b/a Quality Inn at 3125 Toupal Drive. Councilmember Bolton moved to table the renewal for appearance as no representative was present. Councilmember Bonato seconded the motion, which upon roll call vote carried unanimously.

Ratification of letter in support of Mt. Carmel Health, Wellness & Community Center's Rural Health Care Services Outreach grant application. Councilmember Bolton moved to ratify the letter of support and Councilmember Fletcher seconded the motion. Upon roll call the motion carried unanimously.

Notice of nonrenewal of lease agreement for the property at 132 E. Main Street (being used as the Library Computer Center). Acting City Manager Garrett told Council that since there hadn't been much prior discussion on this item, if they would rather act on it at a later date that would be fine. Councilmember Fletcher moved to approve the nonrenewal notice and Councilmember Torres seconded the motion. Roll call was taken on the motion which carried unanimously.

Consideration of Professional Services Agreement with SGM, Inc. for the Purgatoire River Pedestrian Bridge Project engineering services. A motion to approve the Agreement was made by Councilmember Bolton and seconded by Councilmember Fletcher. The motion carried by a unanimous roll call vote.

Consideration of submission of grant request to Department of Local Affairs for Water Treatment Plant Upgrades. Councilmember Fletcher made a motion to approve the submission of the grant request and Councilmember Bolton seconded the motion. Upon roll call vote the motion carried unanimously.

Consideration of Colorado Department of Transportation Way-Finding Signage Grant. A motion to approve the grant agreement was made by Councilmember Miles. The motion was seconded by Councilmember Fletcher and carried by a unanimous roll call vote.

Consideration of consulting services for the Urban Renewal Authority requirements with Ricker/Cunningham. Councilmember Bonato questioned the timing. Intern Tara Marshall stated that the agreement is for the three documents that will be completed by the firm, a Conditions Survey, an Urban Renewal Plan, and an Impact Study. A motion to engage the services of Ricker/Cunningham was made by Councilmember Fletcher and seconded by Councilmember Bolton. The motion carried unanimously upon roll call vote.

Urban Renewal Authority boundary survey determination. Intern Tara Marshall told Council that in their packet is the suggested motion within the Council Communication form. It has been crafted with the help of Anne Ricker. She said

the suggested motion is to set the survey boundary for the Conditions Survey as all land and property within the City limits of the City of Trinidad excluding privately owned and occupied residential property. Ms. Marshall told Council that the chosen methodology was contained in their packets as well and has been reviewed by City Attorney Downs. He agreed that we were meeting the State statute requirements. A property owner list was obtained from the Las Animas County Assessor's office on October 23rd which will be within 30 days of the survey. Based on the list, Ricker/Cunningham will sort out those properties that are privately owned and occupied residential properties and send a survey notice to the rest of those on the list. Councilmember Bonato asked if this will affect residential properties and if it comes to be, and something is done to a building, who will own the building, the owner or will the City take it over. Ms. Marshall answered that it will be owned still by the owner. The City is not talking about taking ownership of any private property with the Urban Renewal Authority; the City is not in the real estate business. Urban Renewal Authorities do have broad power to take property by eminent domain but that would have to be approved by City Council in the Urban Renewal Plan if that was an approach they wished to take. She further clarified that this will affect all privately and publicly owned properties in the City excluding residential privately-owned and occupied properties. Councilmember Bolton made a motion to set the survey boundary for the Conditions Survey (blight study) as the City limits of the City of Trinidad excluding privately owned and occupied residential property. The motion was seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously. Ms. Marshall advised that the survey will begin tomorrow after the Mayor executes the Agreement with Ricker/Cunningham. The notices are anticipated to be mailed on November 24th and 25th. There will be four public meetings held the week of December 1st and a press release will be issued explaining what the notice means that will go to roughly 1,600 property owners. The meetings will be held at different times, 8:00 a.m., 10:00 a.m., 2:00 p.m., and 6:00 p.m. If that doesn't meet the public's needs, additional meetings will be held the following week.

PUBLIC HEARING. New Retail Marijuana Store license application filed by Peaceful Herbs, Ltd., LLC d/b/a Peaceful Herbs, Ltd. at 124 Santa Fe Trail. Mayor Reorda opened the hearing. Deepanshu Girdhar, applicant and representative for Peaceful Herbs, Ltd., LLC, addressed Council. Upon questioning from City Attorney Downs, Mr. Girdhar testified that the application is for one license, a retail store license. They will not be growing or manufacturing. It is not his intent at this time to apply for a cultivation license later. Peaceful Herbs, Ltd., LLC is the corporate name and Peaceful Herbs, Ltd. is the trade name. He is the only principal in the limited liability corporation. He has no other financial interest in any other marijuana business; this is his first marijuana business. He is the only investor in this business so far and is the only financial contributor to this business. He is leasing the premises at 124 Santa Fe Trail and his landlord is Michael Ryman. Mr. Girdhar testified that he has Mr. Ryman's permission to conduct a marijuana business at this location. Mr. Girdhar submitted all of the required documents in the application. With respect to the security agreement, he said he is waiting on the detail. He wants an analyst to come in and give the exact locations of the cameras. The corporation is in good standing with the Secretary of State. He has received conditional use approval by the Planning Commission. An application was filed with the Department of Revenue (Marijuana Division) and he received approval from them last week. He has approval and the State license is waiting on the City's approval. With respect to an anticipated opening date, Mr. Girdhar stated that he is working with Building Inspector Chris Kelley, but suggested it would be a few weeks out based on finding people to do the work and getting that work done, perhaps two to three weeks. There will be three employees in the beginning, himself, his wife, who already has her badge to work in the industry, and he didn't know who the third would be. Five to seven employees are anticipated later. Mr. Girdhar acknowledged his ongoing obligation to get approval from the City officials, including the Police and Fire Chiefs, Building Inspector, City Attorney and City Clerk. Mr. Girdhar said he has been working with the Police and Fire departments as well as the Building Inspector. He acknowledged that all employees have to be approved and names submitted in advance. He further acknowledged that he is responsible for complying with and familiarizing himself with the state laws and rules and regulations and City's ordinance with respect to the sale of marijuana. He said he has already tried to familiarize himself. He added that his wife has had her badge for over a year working as a manager at a dispensary in Denver and has moved through the process with the state law changes. The diagram is part of the application and it lays out the areas where marijuana will be. He has a security plan and everything else needed to undertake this business. Having reviewed his application he swore and affirmed that it was correct and that there were no material misrepresentations. He acknowledged that if there should be water issues or shortages in the City he may have his water supply discontinued. Mr. Girdhar told Council that he and his wife moved here from Denver in August and has tried to get some of his friends to move here. He also owns the Tower 64 Motel on Santa Fe Trail. He said he is here for the long run. Upon Mayor Reorda's inquiry, the location of the proposed premise was identified as the former Monte Cristo tavern. Councilmember Mattie noted that he testified that he will not be growing or manufacturing infused products. He asked Mr. Girdhar if he will be selling infused products. Mr. Girdhar responded affirmatively. Councilmember Mattie reminded Mr. Girdhar that he is authorized to proceed under municipal ordinance and state law, however marijuana is still a regulated substance under Federal law. The Federal government at any time may go a different direction with respect to marijuana. He asked if he is willing to take that risk. Mr. Girdhar answered that he is. Councilmember Miles asked his plans for parking, noting the limitations that exist. Mr. Girdhar said that there are a few spots outside of the property, six to eight in number. Councilmember Miles pointed out that those are shared by several neighboring merchants. Mr. Girdhar said there is additional parking available behind the business. Councilmember Bonato noted that Chief Glorioso indicated that the business is under renovation/construction and recalled his estimation in opening in about two weeks. He commented that if the building is under renovation it will be hard to get ready in two weeks. Mr. Girdhar said his opening will be contingent on getting the work and inspections done. He said he hasn't started any work yet; he was waiting on the City's approval. However, he said he completed the permit work today. Opening will depend on getting the permit passed and the compliance in. Mayor Reorda called for comments from the audience, for or against the application. Stephen Hamer stated that recently there was construction to the sidewalk there and a ramp was not installed. He asked if the business will be accessible to those with disabilities. They need ramps and need a designated parking area by law. Councilmember Bonato asked who did the work there. Mr. Hamer said the work was done in front of the liquor store (former). Public Works/Utilities Director Mike Valentine stated that the work had nothing to do with this address. A sewer line extension was done to the former liquor store property. Mr. Hamer said the access to wheelchairs in that area is constrained to say the least. He added that the applicants for all of these buildings, since they will be remodeling, must comport to the 2010 standards of the Americans with Disabilities Act. He asked the City to be cognizant of that and make sure people can access the buildings. Councilmember Miles asked Mr. Hamer if he is saying all businesses that open have to have handicap parking in front. Mr. Hamer said that area should. Councilmember Miles said that would take up all of the parking on Main Street. Mr. Hamer said they are researching that matter. He commented that there are serious issues with that intersection. People don't stop for anyone there, pedestrians or motorized chairs. City Attorney Downs said the

conversation was getting far afield from the hearing and suggested this particular conversation should continue under public comments. Mayor Reorda asked if anyone else wished to speak for or against the application. Mr. Hamer commented that he didn't know how he could be dismissed like that. He said he thought inclusion in any application is important. Mayor Reorda advised that the comments were not relevant to the approval of a marijuana business. City Attorney Downs added that no one was trying to exclude him. There being no further comment, the hearing was closed.

A motion to approve the license applications of Peaceful Herbs, Ltd., LLC d/b/a Peaceful Herbs, Ltd. at 124 Santa Fe Trail in Trinidad, Colorado, for a Retail Marijuana Store License, was made by Councilmember Mattie and seconded by Councilmember Bolton. The motion carried with all Council members voting aye except Councilmember Bonato who cast a dissenting vote. Mayor Reorda read the following findings into the record:

This matter came on for hearing on the application of Peaceful Herbs, Ltd., LLC d/b/a Peaceful Herbs, Ltd. at 124 Santa Fe Trail in Trinidad, Colorado, for a Retail Marijuana Store License before the City Council of the City of Trinidad, Colorado, acting in its capacity as the local licensing authority on November 18, 2014, in City Council Chambers in City Hall. The City Council having reviewed the application and supporting documents, reports of the City Clerk and other City staff, evidence at the hearing and testimony taken during the hearing, makes the following **FINDINGS**:

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

THEREFORE, the City Council of the City of Trinidad, Colorado, as the local marijuana licensing authority, hereby approves and grants a Retail Marijuana Store License to Peaceful Herbs, Ltd., LLC d/b/a Peaceful Herbs, Ltd. at 124 Santa Fe Trail in Trinidad, Colorado. The issuance of said licenses shall be withheld until a certificate of occupancy is issued by the Chief Building Official and upon his absolute confirmation of compliance with all codes adopted by the City of Trinidad.

Appeal of a decision of the Planning, Zoning and Variance Commission filed by CannaCo, Application #2014-RMS-24, #2014-RPMF-24, and #2014-RMCF-24, Request for Conditional Use Permit to establish a Retail Marijuana Store, Retail Product Manufacturing Facility, and a Retail Marijuana Cultivation Facility at 3019 Toupal Drive. Mayor Reorda declared the public hearing open. City Attorney Downs called to Council's attention at their seating places some additional information, including a couple of memorandums, most of which he had provided to them before but wanted them to be sure to have for consideration this evening. He said he is proposing for the hearing that there are three groups of people that he can identify to testify - 1) the applicant/aggrieved party, Josh Bleem of CannaCo being the primary individual; and Howard Lackey as the trustee for the Lackey Trust who owns the premise in question; 2) the concerned citizens or the opposition group. There are a number of people who oppose this application and were in front of the Planning Commission and are here this evening. They are made up of three groups of people - residents in the area, business owners in the area, and people who represent the Phil Long Toyota dealership, the premises in question. He pointed out that he didn't believe any of the residents are in the City limits and technically wouldn't then have standing. That area borders the County and some are in close proximity. The recommendation however is to let them speak. He further pointed out that the retail marijuana ordinance Council adopted provides that in marijuana hearings for the license application, Council can require one member from a citizens' group to address them. They will have only 20 minutes to speak, so he asked that they designate one person to speak on their behalf for the three constituent groups. He noted that Chris Furia spoke in the past and suggested he may be the one to speak for the people who reside in the area. He also suggested Lisa Camarillo may be the speaker for Phil Long Toyota and Bill Phillips for businesses. He asked that they divide it up and said one from each group can speak for them for 20 minutes. The last group to address Council will be him, representing the City. He will say what he has to say when it is his time to go. City Attorney Downs explained that part of the reason for the suggested procedure as compared to the conduct of the previous hearing is to avoid another lawsuit. He said although he can support the way the previous hearing went, if done that way again it would likely result in another lawsuit, meritorious or not, and he wanted to avoid another lawsuit being filed. Councilmember Miles asked if there is any objection from the Plaintiff. City Attorney Downs said that all of those groups are represented by Attorney Dennis Malone in the Forever Green/Terry Sanchez lawsuit. He said he contacted Mr. Malone at the middle to end of last week to advise him of this process. Councilmember Bonato asked City Attorney Downs why Howard Lackey would have to testify about this. He is the landlord and as the landlord he shouldn't have the ability to speak since we are talking about CUPs for marijuana at the location. City Attorney Downs answered that he believed that Mr. Lackey wants to say that with respect to the Conditional Use Permits held by Terry Sanchez on that property, he is no longer doing business with him. He pointed out that concerns about those CUPs have been raised. He said he didn't necessarily want to dictate who was going to speak for those groups. Bill Phillips, owner of Big O Tires and Grease Monkey, advised that they are aware of the situation and have identified Chris Furia to speak for the residents, he will speak for the businesses, and Gary Fentiman will speak for Phil Long Toyota. They were told they had about seven minutes each to speak. City Attorney Downs said it was great that Dennis Malone conveyed his message to them and suggested Josh Bleem from CannaCo go forward with his testimony. Josh Bleem addressed Council and thanked them for allowing him to speak with them at this appeal hearing. He said he has a written statement he would like to read and would thereafter be able to answer any questions Council may have. First he said he'd

like to tell them about himself. He said he is the President of CannaCo and the spokesperson for this corporation. He grew up in northern Colorado in the Ft. Collins area. He has a bachelor's degree in business management. He served in the United States Air Force as a military police officer stationed in Colorado Springs. He owns and operates a property maintenance business, owned and operated out of Denver, Colorado. He has spent the last ten years in the retail industry working for a Fortune 500 company as a senior manager. He has supervised over 1300 employees, controlled all aspects of sales, operations, HR, environmental, and theft and fraud of a multi-unit business with over \$400 million in annual sales. Mr. Bleem said he is a professional businessman and was approached by the shareholders of CannaCo to start up and run a retail cultivation and recreational store in Trinidad, as a result of his proven track record in business. He said his response to the CUP denial, because he feels as the representative of CannaCo that he needs to address the CUP denial as well as the individuals who got up here and spoke during the last hearing, is that it is his belief that CannaCo has been singled out and discriminated against by the Planning and Zoning Commission of the City of Trinidad based on biased opinion and consideration of information that was not relevant to this CUP. He said he provided all required information in the CUP application, completed 100% and in on time. He came to Trinidad in good faith that his company would be treated fairly and consistently. He has been professional, respectful and patient with this entire process, while he does not agree with the actions taken by the Planning and Zoning Commission. The negligent actions and abuse of authority by the Planning and Zoning Commission have cost him time and money that was not even necessary to begin with and has significantly delayed his project. When asked why those members of the Commission denied their CUP application, the first gentleman, Mr. George stated "I'm not explaining anything." Mr. Leone stated he was concerned with the traffic, referencing a CDOT access permit as a requirement. Nowhere in the application process did a CDOT access permit address a condition for denial for the CUP, but more a provision for approval. Mr. Bleem said he told the Commission several times that he would comply with all reasonable provisions set forth in the approval of the CUP. The Chairman, Mr. Davis, denied the application due to his opinion that multiple CUPs could not be held on the same property, after being told repeatedly by Mr. Downs and Mr. Fineberg that a recreational CUP and medical CUP at the same location were not conflicting. Mr. Bleem said he sat in this room and watched four other recreational CUPs get approved in October, and 21 total CUP approvals in Trinidad. There have been two denials, both at 3019 Toupal Drive. To him, that's discrimination he said. In response to public comment, Mr. Chris Furia, Ms. Carol Dillow Phillips, and the Phil Long Toyota group all got up in front of the Commission and presented information not relevant to the CUP hearing. He offered to address each one – for Mrs. Dillow Phillips he said she's been slandering both new business and the City Council of the City of Trinidad via social media. She calls the City Council bullies and their new business dangerous and illegitimate. Vagrancy is an issue everywhere and it is not solely isolated to marijuana facilities. As set forth in Colorado state regulations, they will provide round the clock security and surveillance of their property. Why is this issue being brought up for 3019 Toupal Drive? Why didn't it come up for all of the other 21 CUP applications? Mrs. Dillow Phillips has made repeated threats via social media outlets of closing her businesses if the CUP is approved. That is her prerogative and as a business and property owner she has the right to do so, just as the Lackey Trust has the right to lease their land and property to whomever they wish. Mr. Bleem urged Council to review the transcripts from the last meeting in October and he said he was confident that they would see that Mrs. Phillips' issue is with the legalization of marijuana which has already been voted on and approved. As for Mr. Furia, he has also publicly voiced his opinion on the legalization of marijuana via social media and letters to the editor. He states that marijuana was not voted on in Trinidad and is illegal. That's just not true. He also uses, with no disrespect whatsoever he said to Mr. Furia, his two daughters in one of those publications as a case for pushing denial on this commission and the Planning and Zoning Commission. The decisions he and his family make have no bearing on the suitability of 3019 Toupal Drive for a CUP for recreational marijuana. Mr. Bleem told Council that he has three children himself under the age of eight years old and he said he focuses on teaching them to do the right thing and make responsible, informed decisions. Mr. Furia also brings up the septic system and leach field, repeatedly saying 'how do we know it's up to code, not contaminated?' Mr. Bleem said what he thinks they are failing to understand here is that currently a full-service automotive dealership occupies this property. If we are going to discuss the disposal of hazardous waste, what about the oils, fuels, solvents, degreasers and other chemicals used by the current occupant? They are going to water plants. That argument is actually in their favor. So again, like Mrs. Phillips, this issue is with the legalization of marijuana and not the suitability of 3019 Toupal Drive. As for the Phil Long Toyota group, he said Mr. Cimino has indicated in a letter to the editor published in the Trinidad Chronicle on August 28th, that their proposed business is illegitimate and further discusses his contributions to the tax and employment base in Trinidad. CannaCo is a legitimate business in accordance with state and local regulations, ordinances and laws. In addition he said their tax contributions and employment base will far exceed Phil Long's contributions from a tax perspective. Mr. Bleem said he has nothing against Phil Long Ford or Mr. Cimino and the things that he has done for this community, but he does, and he hopes everyone else should, respect the decision of the property owner to do what he pleases with his land. That's an inalienable right of all U. S. citizens. Mr. Bleem concluded that he didn't wake up this morning and look in the mirror and say 'I'm going to half-heartedly start a business in Trinidad and fail miserably.' He reiterated that he has a proven track record as a successful business operation. His money and time are valuable to him as he is sure it is to everyone else. He said he has no intention of wasting his resources and Council's time in a failing endeavor. This is not a hobby for him. He said he has a wife and three children that look to him for financial and emotional security. He respectfully requested that Council reverse the decision made by the Planning and Zoning Commission and approve the CannaCo CUP at tonight's hearing so they are able to move forward with their project. Mr. Bleem thanked them for their time and said he looked forward to working with the City of Trinidad on this project and projects in the future.

Howard Lackey addressed Council. He said he was before them to visit again about what they are doing but Mr. Bleem has taken everything he was going to say right out of his script. He said the Lackey Trust, which he is a representative of, is leasing to CannaCo and is the only company that he will be leasing to, so there are no issues with anything else. They are a very stellar group. They've got their investment in place. They have good management in place and a great business plan in place which is going to do nothing but benefit everybody in Trinidad. It is a different path that they are taking, but sometimes with progress you have to take a different path. He said he wanted to let everyone know that if it wasn't a good thing they would not do it. He reiterated that he thinks Trinidad will benefit from it. He said they will find that CannaCo will be an extremely good business neighbor and a great supporter of the City and everything we are trying to do. He concluded that he is looking forward to a long-term relationship with them. City Attorney Downs asked Mr. Lackey if it is his desire, to the extent that Forever Green/Terry Sanchez has two medical marijuana Condition Use Permits on his property at 3019 Toupal Drive, those be essentially withdrawn to the extent he can. Are those off the table now? Mr. Lackey answered that they are off the table as far as the Trust is concerned because they will not be leasing anything to Forever Green. It is not a possibility. Councilmember Miles asked if there had ever been a lease to Forever Green. Mr. Lackey answered that there had not been. In the application process you have to have a facility to apply for the

CUP, and that's as far as it went. There was never a written lease. Councilmember Miles noted that you don't need actual possession until you seeking licensing. She asked when the lease was signed by CannaCo. Mr. Lackey said it was signed one to one and one-half months ago or better. There was an intent originally and then they followed through with the intent and CannaCo signed it. Upon inquiry he clarified that there is a formal lease in place. He offered to provide copies of the lease if Council so desired. Councilmember Bonato asked with respect to the leach lines, septic tanks and contamination of soil that was brought up by Mr. Bleem, if there was a study done or did anyone contact Mr. Martinez at the Health Department for a percolation test. Mr. Lackey responded affirmatively, one had been done five years ago when they upgraded the system. He said he is in contact with the County Health Department now to continue with it. He added that he spoke with the plumber who installed the system, a well-respected local plumber, and the capacity there is much greater than what will be needed for the next use of that building. He said he is still going to do all of the percolation tests and checks to make sure everything is okay. Councilmember Bonato asked if there was ever a study on the soil for contaminants. Mr. Lackey said when the system was put in they checked all of that and it passed the County Health and State. That's a big deal. Councilmember Bonato noted the Phil Long dealership has been there a number of years now. Mr. Lackey said they have to do that test. Councilmember Bonato asked the last time it was performed. Mr. Lackey answered that they (Phil Long) has not done one so he will. Councilmember Bonato surmised that the soil contamination is unknown. Mr. Lackey answered that he's assuming they are okay because there are rules and regulations about disposal of those kinds of things. He added that Phil Long, as good tenants, he hoped would adhere to that, but they will double check. Councilmember Bonato confirmed with City Attorney Downs that there has been no study as far as the City knows about leach lines, the septic, etc. He said these are questions he has that he still doesn't have the answers for. He said he has nothing against Mr. Bleem or marijuana, medical marijuana, they are just questions that need to be answered. Mr. Lackey said he'd be more than happy to do that because they are in the process of making sure those are okay. Some of the folks that live behind them were worried about the buffer zone, which will be kept in place, the trees, about two and one-half acres. Regarding the traffic study he said they are in touch with CDOT. Everything will be clean and ready to go so we don't have any issues. Councilmember Bonato suggested those kinds of issues should have been taken care of before it came to Council. Mr. Lackey said that's true, but at the same time they have had to fight the Planning and Zoning issue twice. He assured that it will be taken care of.

Chris Furia addressed Council. He thanked Council for allowing them to voice their opinions and that he appreciated the time. He said he is speaking for home owners, residents that are not in City limits, but is not just speaking for himself but for those others. Whether they want to speak tonight or not, it doesn't sound like that's going to be allowed. He said he has a question for Council and for Mr. Downs who doesn't need to address it until it is his time to speak. He asked why they are getting to do this now. Three months ago when the other appeal for Forever Green was here, nobody was allowed to speak in opposition. He said they appreciate what they are doing but questioned what has changed as far as the City laws or regulations that they are allowed to do this now but were not allowed to do it basically three months ago. He said they have a packet of documents that they've been wanting to submit for the record for some time and as they can see it's very lengthy, many pages, numerous documents, and it basically states their arguments and their evidence of why they feel the application should not be overturned. He asked to submit those to Council at this time and they were tendered to City Attorney Downs. Mr. Furia reiterated that they are arguments and evidence that they have as the opposition. It disputes many of the things that Mr. Lackey and Mr. Bleem said about what they feel is correct. There are also many more relevant things that aren't contained in that packet that they haven't been able to completely uncover. He said the things he'd like to speak about tonight, which were some of the things of why the Planning and Zoning Board denied them, was the safety and health issues that go with that location up there. We are residents back there; there's businesses back there. There's one intersection coming off of the interstate. That makes that an extremely unique situation. We are not picking on anybody and nobody is being singled out. It's a unique situation that needs to be addressed. The traffic, the CDOT approval - CDOT has required the City or any applicants up there to do studies. It has to be approved by them. He said they have that in their documents. There have been no traffic counts. The only way in and out for emergency vehicles is on that exit - fire, police. Mr. Sanchez, when he was applying for his CUP said one to two percent of I-25 traffic may enter that intersection. Those are safety issues which have not been addressed fully yet. Another safety issue is the vagrancy problem. He said he's sure every one of them spends numerous trips to go to Walmart, to the hotels to eat, and hopefully to Big O Tires to do service with them. They should see what goes on with the vagrancy back there. It's an ongoing problem and statistics show that it is only going to get worse according to what marijuana industry brings to a certain location. The police and fire have long response times; they are not in City limits as far as the residents go. Minimum response time for the Sheriff's Office is six to eight minutes and he didn't know about the response time for their fire district. There is still some uncertainty as far as they are concerned about CUPs that are still in effect by Forever Green, LLC. Is it clear that there can be two different entities at the same location? He said he has yet to hear the exact or the correct response to that. In closing he said there are numerous regulations that they don't have, but he urged Council to be responsible and look into them on their behalf before making any decisions. He asked them to deny the appeal because they don't have all of the information needed to approve it and it lacks the jurisdiction possibly to even consider the appeal, or delay their decision until all of the information in the packet they provided to Council is reviewed because it is very relevant, along with any other information Council needs to make their final decision. They need specific conditions that address these important questions. If they decide to approve the appeal tonight he asked that they do so only with specific conditions so that all of their questions can be answered and Council knows the conditions meet what they want before approval - the traffic study and all of the health and safety issues he brought forth. He thanked Council for taking time to listen to him tonight and stated that Bill Phillips will speak next concerning the businesses and other conditions he wants to address. Councilmember Miles asked if she is correct that the packet was not submitted to Planning and Zoning. Mr. Furia said many of the items were. Councilmember Miles said that when she reviewed the transcript and the audio she heard a lot of conjecture. She didn't see hard evidence and that is one of her concerns. She asked if it will be new information that will be presented. Mr. Furia said that some of the stuff is new information. Councilmember Miles said for instance that saying vagrancy is a problem can be countered by a response that we have vagrancy problems all over the City and they existed before marijuana. She asked if they have hard statistics. Mr. Furia answered that there are hard statistics from articles that have come out throughout the state. A few of those articles are included in the packet. He said that's a good question because his response is as the responsible parties for making decisions for the people and the City they have to find out those things to make sure their decision is correct. Councilmember Miles explained that Council needs to be presented with evidence and they rule on evidence. One of the problems she said she had was that there wasn't any statistics. They are good questions, but the question in her mind is there are three choices - 1) if questions are being asked but there's not enough time to present the evidence, you table; 2) if you think it is likely based on the good faith of the applicant, all of the things they are saying, that they are going to comply with CDOT and the septic

inspections, and so forth, you grant subject to that condition. That's not what Planning and Zoning did. They said no and she said she is worried that might be the one wrong answer because there may not be evidence here sufficient for a no vote. She asked Mr. Furia if he wished there were things he would have presented to the Planning Commission. Mr. Furia said that it seems like to him that she is taking the side that says unless they show evidence to the contrary Council is going to grant it. He asked why she was not taking the side that says until the applicant shows that they have met these conditions that Council is not going to grant it. Councilmember Miles answered it is because there are problems and then there are imagined problems. How do you prove that I didn't beat my husband? How do you prove the negative? One can come up with any litany of things and say 'I'm asking this question and you have to prove to my satisfaction as a citizen that you have uncovered every single stone.' That's not the way the law works often. Councilmember Miles added she thought the burden was upon him to show hard evidence as to why this is a concern because otherwise there could be any litany of possible bats in the belfry. She added that she understands his concern and the need to answer these questions, but the question is does that warrant a no vote. She said she is thinking that you need hard evidence to vote no and to deprive someone of wanting the highest and best use of their property. Mr. Furia said they feel they have arguments and evidence in that packet. Councilmember Miles pointed out that it wasn't presented to the Planning Commission. Mr. Furia said it was. There was evidence presented. Councilmember Miles said she did not see one statistic in the transcript and asked Mr. Furia to point it out to her. Mr. Furia said there was a very specific one as far as they are concerned which was the CDOT correspondence through e-mails that said specifically CDOT needed to be involved in the process. Councilmember Miles asked if that is a basis upon which to vote no or to put a condition on the CUP and say let's move forward based on the best information CDOT can uncover. She said as far as she heard, the Lackey Trust and Mr. Bleem were more than willing to go along with that. The other alternative was that Planning Commission could have said they were going to table it until they heard from CDOT. That would be within their purview. But, neither of those two things happened. Instead this new enterprise in Trinidad was shot dead in its tracks. Mr. Furia corrected that there was a motion to approve the CUP and it never passed by the Planning Commission. He said he didn't know that there was an option to table it after that. He concluded that as a spokesman for his group they are challenging Council to be the responsible parties and make the correct decision for everybody, whether that decision is to deny it or to approve it with specific conditions. He reiterated that they are asking Council to be responsible. Councilmember Miles asked City Attorney Downs if she is correct that this is to be an up or down vote and that no additional conditions can be imposed by Council. However if the decision was to reverse the Commission's decision, this could be raised again at the licensing hearing with specific evidence, perhaps what is in the packet of information the group provided. City Attorney Downs advised that she was absolutely correct. He suggested that Mr. Bleem and Lackey understand and know they will have to provide Council with information concerning the questions raised at the licensing hearing. Councilmember Miles said she thought they were legitimate concerns but the question is whether there is sufficient evidence to warrant the no vote. City Attorney Downs noted that there is only one copy of the packet information. He identified in the packet an outline talking about Council lacking jurisdiction concerning this appeal; there being a case presently before the District Court, Case 14CV030098, the lawsuit that is pending; a medical marijuana CUP already exists on the same property; what are the official rules for Council acting as an appeals board for a CUP appeal; a CDOT e-mail regarding Exit 11 traffic; a letter from Big O Tires authored by Mr. Phillips; a Colorado Department of Public Health and Environment Water Control Commission copy of water regulations; and then there is a lot of stuff regarding this particular application for appeal. He said if he wanted to tender this, copies could be made for Council but he didn't think there was anything that would cause them to not be able to act on this hearing tonight. He opined that there wasn't anything contained in the packet that was new information. Councilmember Miles reiterated that the packet was not presented to the Planning Commission so it may be subject for a licensing hearing. City Attorney Downs accepted it as part of the record.

Bill Phillips addressed Council and identified himself as the owner of Big O Tire and Grease Monkey in Trinidad. He thanked Council for allowing them to speak and for representing them, noting that it is not an easy job and it can be difficult. He reminded Council that not all residents of Trinidad or businesses of Trinidad are in favor of marijuana or facilities being located close to their residences or businesses. He apologized if the residents or businesses haven't submitted substantial information, but they worked hard because they don't approve of this facility being a marijuana facility. He asked that they look at all of the information they presented because they worked hard, and make an informed decision from what they've presented, be it good or bad. He also asked them to uphold the decision of the Planning Commission. They are the checks and balances system that Council put into place. They denied the CUP and he requested they uphold that decision. Mr. Phillips said from a business perspective, he said he is personally opposed to this type of a conditional use permit that CannaCo is requesting for 3019 Toupal Drive. It is nothing personal against the business owner, he just didn't feel that he would like a marijuana facility at that location. He said he is an engineer and a business person, so he said he is very logical. He believes 3019 Toupal Drive is zoned commercially and should be reserved for "like businesses" that are in concert with the residents and the rest of the surrounding businesses. He continued that he believes the consideration of like businesses is well within the responsibility of the Planning and Zoning Commission. If it weren't there wouldn't be an Industrial Park or motor cities. That's part of the Planning and Zoning decisions. Mr. Phillips commended City Council for their choice of Planning Commission members. They have done a wonderful job. He reiterated that they are part of the checks and balances for the people. He thanked each of them by name, recent past, and present. He reiterated that they have done a great job for Council and the people. They have years of experience in construction, general contracting, residential, commercial, one is a past fire chief with extensive experience with health and safety issues. He also thanked Council for taking off of the agenda consideration of removal of members of the Planning Commission. He said he believes it upset the community. Mr. Phillips told Council that he read the Charter. As he reads it the Planning and Zoning Commission is responsible for the physical development of the City of Trinidad while looking out for the safety, health and well being of the community. He stated that he believes that the Planning and Zoning Commission did the right thing in considering the CannaCo CUPs. They considered physical development, health, safety and well being. They considered all of the pros and cons from the community and they gave them unlimited time. They considered the legal ramifications of multiple CUPs at that location. This is still a very litigious issue and will continue to be as he understands that CannaCo has applied for CUPs that Sanchez and Forever Green holds. They considered living near marijuana facilities with children. They considered traffic, CDOT requirements, no sidewalks, no street lights, one way in, one way out, vagrancy, like businesses, and septic systems. They did their job and they made the right decision. He said the septic issue is meaningful to him at his business because they have very similar septic systems. More importantly, it has to do with the safety and health of the surrounding residents and businesses due to ground water contamination. He passed around a copy of State Regulation 43 governing wastewater systems. Mr. Phillips stated that the septic system at 3019 Toupal Drive is considered a residential septic system governed by State Regulation 43. If this facility is approved as a marijuana grow facility, the system transitions into a

commercial system. If the commercial grow facility uses this septic system in any way, because of its effect on ground water the system needs approval by the EPA. Once the EPA gets involved, noting he has had conversations with the local health department, state health department and the EPA in order to get this information for Council, they will require from the business an operational plan prepared by a certified environmental engineering firm with hydroponic experience. The approval process for all of this starts with the Las Animas County Health Department, and this has not been done by the current applicant. He said his understanding from communicating with Kerry Taube is that the City has requested health department approval for 3019 Toupal Drive but it was denied. Why the City made such a request and not the applicant is not known. There was a reason it was denied - the health department has no process to deal with marijuana facilities and wastewater systems or septic systems. He concluded that if these conditional use permits are granted, conditions must be met for the safety, health and well being of the community. The use of a residential wastewater system at 3019 Toupal Drive needs to be approved as a commercial wastewater system through the Las Animas/Huerfano County District Health Department, the Colorado Department of Public Health and by the United States Environmental Protection Agency per their requirements. City Attorney Downs stated that he received the packet from Mr. Phillips containing a letter from him and a copy of the regulation. He opined that it did constitute new information but said Council would receive a copy.

Gary Fentiman clarified that while they are empathetic to the lawsuit that's been filed by Mr. Malone, Phil Long Toyota is not party to it. Mr. Fentiman introduced himself as the Chief Operating Officer of Phil Long Dealerships and Phil Long Toyota. He stated that eight years ago United Toyota was on its way out of Raton and was being relocated to Alamosa. Jay Cimino and Phil Long Dealerships stepped in with Howard Lackey and negotiated a sale and relocated United Toyota to Trinidad. Establishing Toyota in Trinidad was driven by Jay Cimino's love and commitment to the Trinidad community. Obviously, as a market it is small. Our stores generally tend to be in a Denver-Colorado Springs type market. But, it was really for the community that Jay made the investment here, Mr. Fentiman said. Here we are again at the same crossroads. Do we stay or do we go? He said he wanted to be clear that Phil Long Toyota wants to stay in Trinidad and on Toupal Drive. He stated that he had with him an unexecuted letter of intent to purchase the Toyota building from the Lackey Trust. There was a verbal agreement between Jay Cimino and Howard Lackey to purchase the building for \$1.5 million, which was a fair price as it was appraised for \$1.081 million at the time of their discussion. Due to the death of their CFO, Greg Nelson, who handled their real estate transactions, the signing of the letter of intent fell through the cracks. Mr. Fentiman said upon Mr. Nelson's death the responsibility of the real estate purchases fell to him and he wasn't aware that the document had not been executed. Mr. Fentiman said he would see Howard Lackey on a monthly basis; he was their partner. He worked in their Toyota facility and was there every day. Mr. Lackey never brought up the purchase or lease documents to him once, not a call, not a letter, not a word. In fact they were notified of Mr. Lackey's intent to convert the dealership to a marijuana facility through a public notice posting in the Chronicle News newspaper. Mr. Lackey was unavailable for comment for days when they called to ask what was going on. He said he understands that it is not City Council's responsibility to intervene in real estate transactions between two parties. He asked that Council not override again the Planning Commission's decision to deny the CUP for marijuana sales on Toupal Drive, based upon the health and well being of the surrounding neighborhood. By overriding the Planning Commission's decision, he suggested Council would be encouraging Howard Lackey to act in bad faith relative to their agreement and fuel actions that may lead to Phil Long Toyota leaving Trinidad. He said it they didn't want to stay they wouldn't have committed over \$1 million in improvements to Toyota Motor USA on Toupal Drive. As a result of the looming loss of the building, Toyota Motor USA has notified them that they will terminate their franchise on December 31, 2014, if 1) they don't have a lease or purchase executed on Toupal Drive; 2) they have the option to sell the franchise to Mike Goodhart or relocate it to the City of Alamosa; 3) build a new facility meeting Toyota's design requirements for a budget of about \$3 million. He said their desire is to stay on Toupal Drive. Their back up plan is to build on Commercial Street, but the Commercial Street option is problematic because the construction estimate is \$4.5 million and Toyota Motor USA's target budget is \$3 million. So, to bridge the gap, Jay Cimino has already told Toyota that he will donate the land on Commercial Street to Toyota for the facility. Mr. Fentiman said they are working with Louis Fineberg (Planning Director) to develop a Department of Local Affairs grant proposal which they request City Council review with them next Tuesday at their meeting. It would be to develop Cedar Street from Commercial Street to Chestnut Street as the design from Toyota requires. They are also working with local subcontractors to try to bring that cost down. If they are unable to bridge the gap, their only choice is to sell or relocate the Toyota store to Alamosa. Mr. Fentiman said it would be a shame for Jay Cimino and the 28 families who work and live here in Trinidad, 28 employees whose average income is over \$43,000 who patronize local restaurants, small businesses, own homes and whose children attend our schools. It is a shame for the City and Las Animas County whose charge is to create jobs and provide opportunity to the residents of Trinidad. In 2014 alone, Phil Long Toyota will generate over \$531,000 in tax revenues to support the City, County and State government. It is a shame for the youth of Trinidad, who after graduating from high school or Trinidad State, leave town because there's not enough jobs. It is a shame for their neighbors on Toupal Drive who are here tonight asking for support, who are asking to keep marijuana out and are supporting Phil Long's fight to keep Toyota at its current location. Going forward he said they will add four or five new jobs if they wind up on Commercial Street or do the remodel. But, if they are forced to leave they will lose 28 to 33 good paying jobs. The people who are relocated currently live here in the community. Relative to Council's consideration to the second CUP on Toupal Drive, he said he believed Council is putting themselves in jeopardy should they issue the second CUP. First the Planning and Zoning Commission denied the CUP application. According to the City Charter, acting as zoning Board of Appeals, he said Council is limited to considering appeals for variance decisions and they are not permitted to consider CUP decisions. The argument is presently before District Court. He suggested that Council should not act until the present lawsuit is completed and the law is made clear. Secondly, if the CUP is determined to be valid, then a medical CUP already exists on the property. It has not been formally abandoned by Forever Green, nor rescinded by the Council, so it still exists. Without clearing the property of the prior CUP, the appeal for a new conflicting CUP cannot be approved and should be denied. In closing he thanked Council for the opportunity to speak and asked that they do what is right by law, the neighborhood and surrounding businesses who oppose the approval of a second CUP, and by Phil Long Toyota who is committed to its employees and customers, keeping the store in Trinidad. Councilmember Miles said she's been thinking about one of the points raised, that being the layering of CUPs. She said she's been told they run with the property. That's advice of counsel. Mr. Fentiman is saying that there's some significance to the CUP although there's no lease and no possibility of bringing a business to fruition. She asked if it also cuts the same way that if Mr. Sanchez never vacates the CUP that Phil Long can't operate on Toupal Drive? You can't have a car dealership and a marijuana facility in the same place. She said if he is claiming that you can't layer a marijuana CUP on a marijuana CUP, you can't have a car dealership layered on a marijuana CUP. She asked Mr. Fentiman if he thought that through. He answered that he has and doesn't believe Council has the authority to override Planning Commission. Councilmember Miles surmised he is saying that the CUP is in place and that it conveys some rights. Mr.

Fentiman said he is saying that should it be determined by the court that Council had the authority to have overridden Planning Commission, then they believe there's a second CUP that first needs to be vacated before they can vote. Councilmember Miles said by that logic if Mr. Sanchez never vacates that CUP, then Phil Long will have to move. Mr. Fentiman agreed. He added that regardless of that, Mr. Lackey has the decision of whether Phil Long can stay or go, relative to the CUP. Phil Long doesn't have a lease with Mr. Lackey. It ends December 31st, and he has no legal requirement to do it; he has a moral involvement and commitment. Councilmember Miles asked if he thinks Mr. Sanchez has a veto right over whether Phil Long operates that location. Mr. Fentiman answered that he just doesn't think the right actions have taken place to relinquish that CUP at this point to be able to vote on it tonight. He said that was a question from Mr. Malone.

City Attorney Downs addressed Council and answered why he recommended the hearing be conducted this way tonight. He reminded that he explained in his preliminary remarks that he, as City Attorney, is supposed to avoid lawsuits for the City, most fundamentally. He said whatever his opinion is on the Malone lawsuit, the Furia, Big O and Grease Monkey lawsuit, he needs to try to avoid having any more filed. The lawsuit alleges that these people, the opposition group, was deprived due process in the last hearing by not being able to meaningfully participate. He reminded that Attorney Steven McConnell from the firm of Camm and McConnell represented the applicant/appellant and Mr. McConnell called his witnesses and conducted his portion of the hearing. City Attorney Downs reminded Council that he then got up and said that he agreed. That was how the hearing went and it resulted in the Malone lawsuit. Thereafter he was told by Andy Nathan, one of our CIRSA lawyers, that he was supposed to conduct the hearing the way it was conducted tonight to help minimize the likelihood of another lawsuit. He said he didn't like being told that. He said he wanted to stick with what he had done before because he thought the way it was previously conducted was the correct way an appeal hearing was supposed to be conducted. But deferring to Mr. Nathan's experience, he was persuaded because he doesn't want another lawsuit. That was why he told Mr. Malone as soon as he knew that was going to be his suggestion for the conduct of this hearing. City Attorney Downs continued that he wasn't going to stand before them and tell them that he thinks a majority of Planning and Zoning was right or wrong. Council has the evidence in front of them. They also have the record, everything done as part of that hearing. He added that while he has done everything possible to avoid further litigation, by far the greatest risk of further litigation would be if Council continues the denial of the CUP by Planning and Zoning rendered on October 14, 2014. He clarified that is not a personal opinion, but that they have had legal advice from a number of lawyers. He further stated the absolute authority Council has to hear the appeal from a denial of a Conditional Use Permit from the Planning Commission. It is as fundamental as the law gets. The Charter and ordinances provide for it and he has spent a lot of time telling people that Council is the jurisdictional entity for someone who is denied a Conditional Use Permit. Council absolutely has that jurisdiction. He advised that overlapping CUPs is not a problem, factually and legally. What has happened and continues to happen is that people want Council to go down various avenues to be distracted and overwhelmed to make them not sure what they are supposed to do. City Attorney Downs said he knows what to do and that is why they are here and considering this. He pointed out that Planning Director Louis Fineberg was present and Council may have questions of him or Planning Director Fineberg. He reiterated that the record is clear and is properly in front of Council. The issues are framed and the case is ready for Council to rule on. Mayor Reorda asked City Attorney Downs if it is correct that he and Planning Director Fineberg were at each CUP hearing and if Planning Commission ever considered all of these other things they are considering with the Phil Long Toyota location. Did they worry about the traffic, sewer line, etc.? He asked why they just picked on this one to consider all of these things. City Attorney Downs answered that they did consider it and raised it. It was discussed on a number of occasions. Mayor Reorda asked if it was for every one of them. City Attorney Downs said it wasn't on each of them and he and Planning Director Fineberg discussed that fact. He said it seemed as though there was a heightened sense of concern and more issues raised for these applications for CUPs than others. He pointed out that to Councilmember Miles' question, Mr. Fentiman stated he wouldn't want Council to overturn the decision of Planning and Zoning regarding the prior Conditional Use Permits. City Attorney Downs emphasized that it wasn't the Planning Commission that put the conditions on. If the Planning Commission's decision had been upheld by Council, those conditional use permits would still not be on the property. He opined that it was an apt line of questioning because you can't have your cake and eat it too. If Howard Lackey and the Lackey Trust now decide to walk away from marijuana, if any other business comes in that has a requirement to obtain a Conditional Use Permit, for example a daycare facility, and the Lackeys agreed to move forward, there wouldn't be all of these concerns, but it is folly to think that a Conditional Use Permit for a daycare facility couldn't be issued because there are two to five Conditional Use Permits there for marijuana. There is absolutely no prohibition, no limitation, no restriction, no inability by Planning and Zoning or Council to say they could have a daycare Conditional Use Permit for 3019 Toupal Drive. There's nothing legally that exists that says that. To answer his question he said it was discussed but rather than possibly saying they wanted to add more conditions, that wasn't done and Council knows what the outcome was. Mayor Reorda asked why the Planning Commission treated one different than all of the rest of the CUPs. It looks like they made a bigger issue out of the location. Any location we pick there will be families and all kind of things there. They didn't question them on the other CUPs. City Attorney Downs stated that from a legal perspective that was a very great concern of his. He raised that at the hearings, on Forever Green/Terry Sanchez when he was here for a two-hour hearing before the Planning and Zoning Commission before getting his denial, and the CannaCo hearing for close to two hours. It seemed like there was a heightened sense of scrutiny that Planning and Zoning had for this CUP and this application. All the more reason why he said he was more concerned from a legal standpoint if Council were to say no to the proposed reversal of the CUP and uphold Planning and Zoning and continue the denial. Councilmember Bonato said that it seems to him that the Planning and Zoning Commission made a decision and the questions that were asked by Planning and Zoning were legitimate questions. They asked to have a traffic study done up there. He said he understood that it had been e-mailed to one of our City staff from CDOT saying this has to be done. We don't own that highway. The State of Colorado owns it and it is up to them if they want to have a traffic control study. Then it's up to Council to find out what is going in. He said he respects what City Attorney Downs is saying and the people involved in the lawsuits, but Council is damned if they do and damned if they don't because we already have one lawsuit and there may be one forthcoming if Council denies this one. City Attorney Downs answered that he didn't believe they were damned if they do because as Councilmember Miles said, the options are to table or to say we are absolutely adding this condition to an approval of the CUP. He said it is absolutely legitimate and it has arisen on other CUP hearings. Commissioner Davis schooled him once when he said he hadn't thought it to have come up before and Commissioner Davis corrected that it had on the Fabec application on Hainlen Street. He suggested the appropriate course of action would be to table or approve with conditions. Councilmember Mattie asked City Attorney Downs to speak to the concept of layering Conditional Use Permits and how they run with the land for clarification. City Attorney Downs explained that layering is a term that has come up. He said he didn't really think there was a layering. A Conditional Use Permit stays with the land. What exists right now are two medical marijuana CUPs for Forever Green/Terry Sanchez, and retail CUPs for CannaCo.

There's no layering; you can have 10 CUPs. One way to remove a CUP is to have the person who holds those CUPs who is never going to use them come in and remove them from the property. Mr. Sanchez was going to do that and then for whatever reason decided to not take them off. They stay. If you are going to be the new medical marijuana person there you are going to take over those medical marijuana CUPs. You are not going to do new ones. You have to adhere to the same conditions placed earlier. A person can't take their CUP and go elsewhere. It stays on that property. The Sanchez CUPs are abandoned unless and until CannaCo decides they want to be in the medical marijuana field. Councilmember Miles surmised that if one concludes that you can't layer CUPs, that would then give Mr. Sanchez a property interest in Mr. Lackey's property because unless he were willing to vacate it you could never put anything there, because there is no business that is compatible with marijuana. Marijuana has to be standalone. He could prevent a daycare center or a church or a yarn shop from opening. It seems illogical that a one hour hearing process in Planning and Zoning could basically result in confiscating the Lackey Trust property, because he could hold out and say now we are 50/50 partners if you want to do anything with the property. City Attorney Downs agreed with her assessment. Councilmember Miles added that it is illogical that the law would work that way, that Mr. Sanchez would have these rights. Councilmember Torres asked if Mr. Sanchez wants a CUP in another location, can he do it, or because he has one already would it preclude him. City Attorney Downs reminded that Mr. Sanchez had a CUP on Cedar Street and he was allowed to move it to 3019 Toupal Drive. He corrected that he didn't move a CUP, rather he got a new CUP. There is still one on Cedar Street. Councilmember Torres asked if he should have to cancel the one he has before he applies for a new one. City Attorney Downs said you would think so, but he doesn't especially now that there's no limit on the number of Conditional Use Permits that the City will issue, adding that he was very glad that is the rule now. Councilmember Bolton commented that regarding the overlapping CUP issue, even though Terry Sanchez still has CUPs on Toupal Drive, he has absolutely no lease agreement to enable him to inhabit the property on Toupal Drive. Without a lease agreement with the landowner they are totally worthless and without any impact or affect. He can never move forward with them. City Attorney Downs agreed. He added that it would give Mr. Sanchez a property interest in a property he has never leased, purchased or otherwise had an interest in if it was true that a Condition Use Permit gave you that kind of authority over a property. Mayor Reorda asked Planning Director Fineberg if he wished to comment. Planning Director Fineberg offered to answer questions. Councilmember Mattie asked Planning Director Fineberg if his assessment was accurate in that marijuana is a whole new foreign area for us to be involved in. When an entrepreneur approaches Planning and Zoning, and they are seeking a Conditional Use Permit, it is a two-prong situation. One is the moral character of the applicant – does he have felony convictions, ties with drug cartels? The second prong is the facility where he is going to house that business proposition. Is it in an area zoned for that kind of enterprise? Is it 1000 feet away from a school? Does it comply with the things that state law and City ordinance regulate? Then based on information provided by the applicant about himself and the location he is choosing, a Conditional Use Permit is granted to that individual, as would be the case with Mr. Sanchez when he went first to Cedar Street and then to Toupal Drive. He compared it to applying for a loan with a temporary approval of the location and the applicant fitting the bill. Since there has been a separation of Mr. Sanchez at the 3019 Toupal Drive address, all that remains up there is not a legal attachment that belongs to Mr. Sanchez for that facility, but a pre-approval, if you will, for that facility to be used as that kind of a business. Planning Director Fineberg corrected that the moral character of the applicant is something Council deals with at the licensing stage; it is not a consideration of the Planning Commission. He confirmed that CUPs run with the land. There can be two scenarios – a property owner who applies for a CUP, whereby the property owner would also be the applicant; and the second, such as the one at 3019 Toupal Drive, where you have a property owner and a different applicant. In order to make the second scenario work with that CUP he said you need both of those people to want it to move forward. As Councilmember Bolton referenced, there's no lease agreement and no interest in the property owner wanting to move forward with the medical CUP with Mr. Sanchez. Without the concurrence of the property owner they really can't move anywhere. So, he said there is no property interest held by the applicant. He added that it is not a layering of CUPs. The CUP still remains with the land even though Mr. Sanchez was the applicant. If CannaCo wanted to get into the medical marijuana business, all they would need to do is agree to the conditions placed on Mr. Sanchez. Councilmember Mattie concluded that CannaCo would accept the prequalification conditions. Planning Director Fineberg explained that CannaCo would need to give the City a letter that says they agree to those conditions. There being no further comments, the hearing was closed.

Councilmember Miles asked for clarification that Council can only vote yes or no. Any additional conditions or questions that need to be answered would be the subject of a resubmission at Planning and Zoning. Mayor Reorda asked what the motions would be. City Attorney Downs said it would either be to reverse Planning and Zoning and thereby approve the CUP; or uphold and affirm the decision thereby denying the CUP. Councilmember Bolton stated that since Council has 30 days to render a decision and since they have been given new information from the opposing parties, and since there's a possibility that Council's decision may be appealed to a higher tribunal, she moved to take the appeal under advisement for a very brief period of time and establish a deadline for each Councilmember to submit to the City Attorney written findings in support of their yes or no vote, and then City Attorney Downs could prepared findings of fact based on what each of the Council Members have provided. Councilmember Miles agreed, except said she didn't think they should consider any new information. That information would become subject to licensing or reapplication. Council is ruling on what happened that night. If information wasn't submitted that night, it is not a basis for approving or disapproving. Councilmember Bolton withdrew that portion of her motion about reviewing new evidence. She restated the motion for clarity that Council take this appeal under advisement for a brief time period and that there be a deadline established for each Councilmember to submit to the City Attorney written findings in support of their yes or no vote who would then prepare the official findings of fact similar to those used when approving liquor or marijuana licenses. Councilmember Miles seconded the motion which carried unanimously. Council agreed that the deadline for Council to submit their written findings to City Attorney Downs would be noon on Monday, November 24, 2014. Councilmember Torres asked if Council would be copied with the information submitted this evening. City Attorney Downs said the information is not germane to their consideration. Councilmember Miles commented that it could be provided at the licensing hearing or a reapplication to Planning and Zoning. She reiterated that they have to rule on what the thinking was that night. Councilmember Bonato confirmed that Council's ruling could be appealed to a higher court. Councilmember Miles commented that the new information could come into effect at the time of licensing. Howard Lackey asked how they would be informed of the decision. City Attorney Downs said the decision will be rendered in a public meeting pursuant to Council's vote. Mr. Bleem asked about the conditions Council will place. Planning Director Fineberg clarified that if the decision of the Planning Commission is reversed, the only conditions would be those contained in the staff report, no additional ones. Howard Lackey commented that Council has information that wasn't presented before and he suggested they could have a second motion to require them to adhere to additional conditions. Councilmember Miles disagreed and said that should they

have to reapply to Planning Commission that information could come to bear. Also, if Council rules against the Planning Commission's decision, then when this comes before Council for licensing those questions will be raised. Councilmember Bolton pointed out that the motion by Planning Commissioner Pritchard included requirements for a CDOT access permit and a review of the septic system accessibility. A representative clarified that they were denied. City Attorney Downs said if the decision from the Planning Commission is reversed there will be standard conditions going forward initially. Any additional conditions can be imposed at the licensing hearing before Council. He suggested they will want to comply with the previous conditions. Councilmember Bonato asked who commented from the audience about them being denied. City Attorney Downs identified him as Mr. Genova, who is in a lot of the dealings with Mr. Bleem and Mr. Lackey. Councilmember Mattie said during the hearing Councilmember Bonato suggested there exists e-mails between CDOT and staff. He asked if they exist and if we have access to them. Public Works/Utilities Director Valentine said they do. Mr. Fentiman said that he knows there is a concern about entering new evidence. He pointed out part of the reason it is new is because they didn't have an opportunity to present it at the last meeting. The e-mail is contained in the new evidence. Councilmember Mattie stated that it wasn't necessarily his concern that it was new evidence but rather that it was a communication directly to the City which means it should be allowable for Council as representatives to the City to consider. After brief discussion, it was determined that the vote and presentation of the findings and decision will be done at the next regular meeting on December 2, 2014.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Stephen Hamer, ADA. Mr. Hamer thanked Council for the opportunity to address them, but said Council doesn't address the disabled. He stated that six months ago he objected to the lack of an accessible restroom at City Hall and was met with contempt. He said he went to former City Manager Tom Acre and agreed with him on putting a port-a-potty at City Hall until the City could install one unisex toilet. He said he told him that if it goes into the winter months he would object. People can use the restroom inside in relative comfort and the handicap cannot. He asked where their compassion was. They have a right to use the restroom in warmth, with light and be able to maneuver. None of them have to go outside. He asked that they consider putting in one handicap accessible toilet in the building. It can be unisex under the law. Mr. Hamer added that it is degrading and demeaning and illegal. He said he will not allow this City to continue to do this and will file a lawsuit against the City. He said if the City want to avoid a lawsuit, show some compassion. He asked that they please consider one toilet in this building.

Daryl Shoupe addressed Council concerning thoughts on security and vagrancy. He said he has worked around marijuana facilities and suggested that he has found that they make the area more secure. Regarding the nice people who have the former Budweiser building and water issues, it was said we have plenty of water. People are quick to rush to judgment. As it pertains to this issue he said he thought as things settle down they will take care of themselves. Mr. Shoupe said he has a family, a ten year old son and a daughter. His son attends Holy Trinity Academy. He said he hopes people commit to putting back into the community. He added that he feels they are all acting in good faith. Life is not simple. Steady hand always prevails. Let's look at the facts.

COUNCIL REPORTS. Councilmember Bolton reported that today she attended the community meeting at the Trinidad History Museum, having received rather short notice of the meeting on Friday evening. It was a brainstorming meeting with members of the community and people from History Colorado to talk about how to enhance and retain our history museum. There will be several more meetings in the upcoming months. She encouraged all people to participate. It is important to us and we don't want to see it closed down.

REPORTS BY CITY MANAGER. Meetings. Acting City Manager Garrett called to Council's attention in their information items the invitation to the Economic Development Planning follow-up meeting from the September 18th meeting hosted by Action 22 to be held on November 24th at 11:30 a.m. at Mt. Carmel. She asked Council to RSVP to her so arrangements could be made for the luncheon. Councilmember Miles asked that Economic Development Director Walt Boulden be invited. Councilmembers Bolton, Bonato, Fletcher and Mayor Reorda advised that they will attend.

Town of Cokedale request. Acting City Manager Garrett pointed to a letter received today from the Town of Cokedale at Council's seating places relative to work they are undertaking on their lagoon system. She explained that the Town of Cokedale is asking for a reduction in the costs being assessed by the City for disposal of sludge at the Wastewater Treatment Plant and biosolids at the City's landfill. She advised that unless Council had some concerns, an offer to waive the fees at the landfill will be offered because the material can be used as cover at the landfill and it is consistent with past practice, however the fees associated with the disposal at the Wastewater Treatment Plant will be assessed due to the impact on the City's system. Mayor Reorda asked what former City Manager Acre promised. Acting City Clerk Garrett said their letter does not say. Councilmember Bonato stated that he received a call regarding this from a number of people from Cokedale who asked him to check into it. He was told they had an agreement with former City Manager Tom Acre about disposing the solids at the landfill but that they had to pay for disposal at the Wastewater Treatment Plant. He said Acting City Manager Garrett and Public Works Director/Utilities Director Valentine made the decision already. Acting City Manager Garrett said that was correct, but the letter was addressed to Council and she wanted to be sure Council had no issues with that approach to answering the request. Council voiced no objections.

Schedule. Acting City Manager Garrett asked for and received Council's concurrence to hold an executive session following their work session on November 25th for an executive session for Union negotiations.

City Manager applications. Council was advised that copies of the City Manager application will be provided to Council on Wednesday, November 19th at their work session rather than tonight as there wasn't enough time to compile them by this evening's meeting. She reminded of their Work Session with Steve Thomas of Colorado Code Consulting at 1:30 p.m. tomorrow. Intern Tara Marshall also reminded that the public meeting is tomorrow and upon inquiry from Councilmember Miles said she didn't recommend Council attend the public meeting but they are welcome to.

Power at Industrial Park. Councilmember Miles asked if staff has thoughts about providing power at Industrial Park. Public Works/Utilities Director Mike Valentine said staff has done a map of the one and one-half miles from the nearest point where the City has power available. Currently they are looking into easements. There is option is to run it along the railroad or up the old highway on the other side of the interstate past Linden Avenue. They are looking at the cost. Staff

will be speaking with facility owners who are locating in the Industrial Park to figure out their expected power usage to see if it is feasible. Councilmember Miles asked if he thought it was worth taking the next step. PWD/Utilities Director Valentine said he doesn't know yet. Councilmember Miles asked if permitting will be a lengthy process. PWD/Utilities Director Valentine said it will depend on if we need easements or if we can go up the County road.

Dog Park. Councilmember Fletcher asked Planning Director Fineberg the timing on the dog park. Have the papers been signed? City Attorney Downs stated that Planning Director Fineberg has the deed. Planning Director Fineberg said he is waiting on it to be signed.

Cedar Street. Councilmember Mattie asked about Mr. Fentiman's suggestion that Cedar Street may be extended. Planning Director Fineberg said the concept will be presented at the next work session.

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

UNFINISHED BUSINESS. Public hearing for consideration of an ordinance regarding the provision of natural gas service by the Trinidad Municipal Natural Gas Department, and increasing the gas supply charge applicable to all customer service classifications. Mayor Reorda opened the hearing and called for comments. Ed Griego asked what prompts the increase. PWD/Utilities Director Valentine stated that our gas consultant, Mike McFadden, presented to Council on the gas supply cost recently. There is a straight pass-through on the City's gas purchase to the customers. What gas is purchased for is what the City sells it for. Because gas isn't the same price throughout the year, the cost is projected. The City is currently charging \$0.4295 per cubic foot. It is projected to go to \$0.4490 per cubic foot. It is a difference of \$0.195 per cubic foot to strictly cover the gas supply cost. Councilmember Miles noted that this rate is only one component of the gas charge. She asked the percentage change, recalling it to be very minimal. PWD/Utilities Director Valentine said that of \$1.00 for total gas charges, the gas cost is \$.607; Operation & Maintenance is \$.295; \$.034 is assessed for payment in lieu of taxes and transfers; and capital is \$.064. The increase in the overall gas cost is 1.51%. Councilmember Miles said she sees it all the time at ARPA because the electricity purchases are based upon the marginal cost of gas, and 2014 has not been as happy a year as 2013. This is actually fairly modest given some of the fluctuations we've seen in the gas markets. There being no further comments, the hearing was closed.

Second reading of an ordinance regarding the provision of natural gas service by the Trinidad Municipal Natural Gas Department, and increasing the gas supply charge applicable to all customer service classifications. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously. The ordinance was adopted and will become effective on November 28, 2014.

ORDINANCE NO. 1970

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, REGARDING THE PROVISION OF NATURAL GAS SERVICE BY THE TRINIDAD MUNICIPAL NATURAL GAS DEPARTMENT, AND INCREASING THE GAS SUPPLY CHARGE APPLICABLE TO ALL CUSTOMER SERVICE CLASSIFICATIONS

ANNEXATION - Triple D Family Limited Partnership LLLP and Jose Manuel Garcia and Maria Nelly Garcia – Southside Annexation. Public hearing for consideration of an ordinance annexing certain territory to the City. Mayor Reorda declared the public hearing open and called for comments for or against the annexation. There being none, the hearing was closed.

Second reading of an ordinance annexing certain territory to the City. The ordinance title was read aloud. City Attorney Downs asked that Council move to amend the ordinance on second reading to remove reference to an annexation agreement as there was not one done as part of this. Upon inquiry he explained that the City has landowner permission to annex. Annexation is usually part of a development project and then you have an annexation agreement. It is not part of a development in this instance. In terms of the Garcias, he reminded Council that the City agreed to provide them with natural gas service as part of them signing the annexation petition. That was the carrot. He explained that they didn't have to sign the annexation petition but we wanted them to for the sales tax revenue. The City agreed to run a gas line to Tequilla's Restaurant and to the residence to the east of the restaurant as the Garcias requested. They own that residence. The Garcias will pay however for the cost of the pipe and the City's crew will do the work. Councilmember Bonato asked if it is allowable to run gas to the house because it is in the County. City Attorney Downs advised that it is legal to do that and in fact the City has a number of gas customers in the County that are City gas customers. A motion to approve the ordinance on second reading with a modification in the fourth whereas clause to end the sentence with the word required was made by Councilmember Miles. She clarified that they are striking the language that reads "and this ordinance is contingent on the execution of an annexation agreement". The motion was seconded by Councilmember Mattie. The motion carried unanimously upon roll call vote.

ORDINANCE NO. 1971

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF TRINIDAD, COLORADO

Public hearing for consideration of an ordinance amending the zone map by establishing the zone class of certain land annexed into the City of Trinidad to Established-Community Commercial. Mayor Reorda declared the public hearing open and called for comment for or against the ordinance. Ed Griego, operator and franchisee of Wendy's, asked when this annexation becomes official. Acting City Manager Garrett answered that the annexation will be effective in ten days, on November 28th, except for purposes of property taxes which will become effective next year. Mr. Griego said he just wanted to know the timing because it means he will become a tax collector for the City of Trinidad. There being no further

comment, the hearing was closed.

NOVEMBER 18, 201

Second reading of an ordinance amending the zone map by establishing the zone class of certain land annexed into the City of Trinidad to Established-Community Commercial. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton and seconded by Councilmember Fletcher. The motion carried unanimously upon roll call vote.

ORDINANCE NO. 1972

AN ORDINANCE AMENDING THE ZONE MAP OF THE CITY OF TRINIDAD,
COLORADO, BY ESTABLISHING THE ZONE CLASSIFICATIONS OF CERTAIN
LAND ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF TRINIDAD,
COLORADO

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

PAYROLL, November 8, 2014 through November 21, 2014. A motion to approve the payroll was made by Councilmember Fletcher and seconded by Councilmember Bolton. Roll call was taken and the motion carried unanimously.

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

ATTEST:

JOSEPH A. REORDA, Mayor

DONA VALENCICH, Asst. City Clerk

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, November 25, 2014, immediately following Work Session at 1:30 p.m. in City Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADO

SPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, November 25, 2014, immediately following Work Session at 1:30 p.m. in the Council Chambers at City Hall

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

- 1) Executive session – For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) – Union Negotiations

The meeting was called to order at 4:50 p.m.

Roll call was taken.

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

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

Executive session - For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. Section 24-6-402(4)(e) – Union Negotiations. A motion to enter into executive session for the stated purposes was made by Councilmember Bolton. Councilmember Bonato seconded the motion. Upon roll call vote the motion carried unanimously. The executive session ensued at 4:51 p.m. and was electronically recorded as required by the Open Meetings Act.

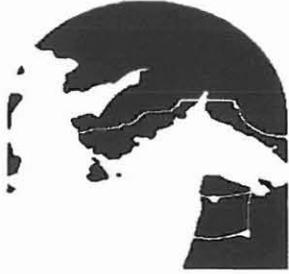
Upon conclusion of executive session at 5:05 p.m. the special meeting resumed.

A motion to adjourn the special meeting was made by Councilmember Bolton and seconded by Councilmember Fletcher. Upon roll call vote, the motion carried unanimously and the meeting was adjourned.

ATTEST:

JOSEPH A. REORDA, Mayor

DONA VALENCICH, Acting City Clerk



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

3

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Audra Garrett, ACM/City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*

SUBJECT: PUBLIC HEARING - New hotel and restaurant liquor license request by Jim and Marsha Royse d/b/a Royse's Black Jack Steakhouse at 225 W. Main Street

PRESENTER: Jim and Marsha Royse

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

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

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

The application packet is the record for the hearing. Fingerprint results are pending for Marsha Royse. Should something arise concerning her background, Council would take separate action. However, nothing is anticipated. The fingerprints were too low of quality to be processed.

Petitions were submitted in support of the granting of the license. There were a total of 69 valid signatures.

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INVESTIGATIVE REPORT

Applicant: Jim Royse and Marsha Royse

Business Name: Royse's Black Jack Steakhouse

Business Address: 225 W. Main Street

Date of Application: October 17, 2014

Date Application Filed with Local Authority: October 21, 2014

Type of Request: New License

Type of License: Hotel and Restaurant

Hearing Date: Tuesday, December 2, 2014, 7:00 p.m.

APPLICATION CONTENTS -

Applicant's Documents: Liquor License Application - Form #DR8404
Diagram of Premises
Purchase Agreement
Individual History Records-Form #DR8404-I
Letters of Reference
Fingerprints

City Documents: Notice of Public Hearing
Certificate of Mailing
Proof Publication on 10/31/2014
Certificate of Posting
Departmental Reports
Correspondence to Applicant
Neighborhood Boundary Map

STATE AND LOCAL FEES -

State Fees:	Investigation	\$1,125.00
	License	<u>500.00</u>
	Total	\$1,625.00

Local Fees:	Investigation	\$ 625.00
	License	<u>75.00</u>
	Total	\$ 700.00

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

LETTERS OF REFERENCE -

Letters of reference for Jim Royse received from:

Robert Bruce, Trinidad, CO
Walter T. Boulden, Trinidad, CO
Joseph V. DeGarbo, Trinidad, CO
Carlos Chacon, Trinidad, CO
Steve Block, Raton, NM

Letters of reference for Marsha Royse received from:

Daryl Aubuchon, Trinidad, CO
Carlos Chacon, Trinidad, CO
Steve Block, Raton, NM
Vibeke S. Adkisson, Trinidad, CO

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

FINGERPRINTING -

Fingerprint cards were submitted to CBI/FBI on 10/20/14. Results have been received for Jim Royse and are consistent with the information disclosed on the Individual History Record. Marsha Royse's fingerprint quality was too low to be used and she will have to be reprinted.

PURCHASE AGREEMENT -

The purchase agreements dated 10/8/2014 and 10/27/2014 is for the sale of the property

at 225 W. Main Street. The Seller is International Bank and the Buyer is James Royse and Marsha Royse. Date of closing and possession was November 14, 2014.

DIAGRAM OF PREMISES -

The diagram identifies the proposed premises. It encompasses the ground level facility and the area downstairs. It identifies the seating areas, kitchen, grill, and bar on the ground level as well as the seating and bar in the downstairs portion of the building. Alcohol is proposed to be served throughout the entire two levels of the proposed premise.

SALES TAX LICENSE -

Sales Tax License #27767204-0000 was verified.

FOOD SERVICE LICENSE -

A copy of the food service license receipt was provided.

NOTICE OF HEARING -

Mailed to applicant – 10/24/14.

Published – 10/31/14.

Posted on the premises – 11/3/14.

DEPARTMENTAL REPORTS -

Fire Chief Tim Howard conducted his inspection on 11/12/2014. He reported that the premises is under construction. A follow up inspection will be required.

Building Inspector Chris Kelley advises that the premise is currently under construction.

The Police Department reported having no issues with the application on 11/5/2014.

CORRESPONDENCE TO APPLICANT -

A letter dated 11/5/2014 was sent to Jim and Marsha Royse advising of the procedures to follow at the hearing. A sample petition was also provided as well as a map of the designated neighborhood.

ZONING –

The proposed premise is zoned Historic Preservation.

SCHOOL DISTANCES –

There is a 500-foot limitation from a school for a Tavern license type specifically. While the limitation does not exist for a Hotel and Restaurant license, information is provided for informational purposes only. The nearest school property is Goal Academy which is 767.66 feet from the nearest point of this property.

LICENSED OUTLETS WITHIN THE NEIGHBORHOOD -

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

There are forty-one (41) licensed outlets within the City limit boundary. Of the forty-one (41) licensed premises, fourteen (14) are licensed as Hotel and Restaurants.

The outlets are:

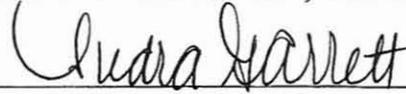
3.2% - Off	J. R.'S Fuel Stop #810	731 E. Main Street
	J. R.'S #811	110 E. Colorado Avenue
	Safeway Store #722	457 W. Main Street
	Wal-Mart #962	2921 Toupal Drive
	Count: 4	
3.2% - On Premises	Creative Sale, Inc.	700 Smith Street
	Count: 1	
Club	Elks, BPOE	120 S. Maple
	Count: 1	
Hotel/Rest.	Black Jack's Saloon & Steakhouse	225 W. Main Street
	Chef Liu's Restaurant	1423 Santa Fe Trail
	Mission at the Bell Restaurant	134 W. Main Street
	Quality Inn	3125 Toupal Drive
	Rino's Restaurant	400 E. Main Street
	Wonderful House Restaurant	415 University Street
	Bella Luna Pizzeria	121 W. Main Street
	Trinidad Holiday Inn	3130 Santa Fe Trail Drive
	Main St. Tap House	308 W. Main Street
	Brix	231 E. Main Street
	Café What a Grind	341 N. Commercial Street
Krackalack Sports Grill	416 University Street	

Hotel/Rest w/Op Premises	Ristras Restaurant and Cantina, LLC Clubhouse Grille, The	516 E. Elm Street 1415 Nolan Dr.
	Count: 14	
Liquor Store	Drop City Liquor Main Street Liquors Mountain Liquor Santa Fe Trail Hops & Vines Tire Shop Wine & Spirits Trinidad Beer, Liquor & Wine Depot Arizona Liquor RJ's Discount Liquor	155 Elm Street 803 E. Main Street 1144 Robinson 1530 Santa Fe Trail 601 W. Main Street 111 E. Kansas Avenue 847 Arizona Avenue 2132 Freedom Road
	Count: 8	
Tavern	Great Wall El Rancho Cafe Gino's Sports Bar JuJo's Pub and Dance Hall Lumber Jacks Bar & Grill Mantelli's Monte Cristo Bar The Park Trinidad Lanes, LLC Ole's Tavern	321 State Street 1901 Santa Fe Trail 991 E. Main Street 125 N. Chestnut Street 1133 N. Linden Ave. 137 W. Main Street 124 Santa Fe Trail 608 Arizona Avenue 823 Van Buren 2833 Toupal Drive
	Count: 10	
Arts	Southern Colorado Repertory Theatre	131 W. Main Street
	Count: 1	
Beer and Wine	Mt. Carmel Health, Wellness & Community Center Lees' Bar B-Q	911 Robinson Avenue 1133 North Linden Avenue
	Count: 2	

Disclosure statements are provided by Councilmember Michelle Miles and Councilmember Liz Torres.

Dated this 26th day of November, 2014.

CITY OF TRINIDAD, COLORADO

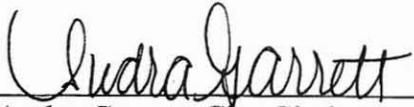


Audra Garrett, City Clerk

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of November, 2014, I mailed a copy of the Investigative Report, by Certified Mail, to:

Jim Royse and Marsha Royse
d/b/a Royse's Black Jack Steakhouse
225 E. Main Street
Trinidad, CO 81082
Certified Mail # 7012 3050 0000 2305 4912


Audra Garrett, City Clerk

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of November, 2014, I mailed a copy of the Investigative Report, by Certified Mail, to:

Jim Royse and Marsha Royse
d/b/a Royse's Black Jack Steakhouse
[REDACTED] County Rd. 430
Trinidad, CO 81082
Certified Mail # 7012 3050 0000 2305 4912



Audra Garrett, City Clerk

APPLICATION DOCUMENTS CHECKLIST AND WORKSHEET

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

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

I. APPLICANT INFORMATION

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

II. DIAGRAM OF THE PREMISES

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

III. PROOF OF PROPERTY POSSESSION

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

IV. BACKGROUND INFORMATION AND FINANCIAL DOCUMENTS

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

V. CORPORATE APPLICANT INFORMATION (If Applicable)

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

VI. PARTNERSHIP APPLICANT INFORMATION (If Applicable)

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

VII. LIMITED LIABILITY COMPANY APPLICANT INFORMATION (If Applicable)

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

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

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

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

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

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

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

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

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

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

Landlord	Tenant	Expires

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

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

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
International Bank			building

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

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

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

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

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

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

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

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

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

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

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

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

19. If applicant is a corporation, partnership, association or limited liability company, applicant **must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS.** In addition applicant **must list** any stockholders, partners, or members with **OWNERSHIP OF 10% OR MORE IN THE APPLICANT.** ALL PERSONS LISTED BELOW must also attach form DR 8404-1 (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Jim Rayse	[REDACTED] Trinidad CO	[REDACTED]	Mgr	50%
Marsha Rayse	[REDACTED] Trinidad CO	[REDACTED]	Mgr	50%

*If total ownership percentage disclosed here does not total 100% applicant must check this box

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

Additional Documents to be submitted by type of entity

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

Registered Agent (if applicable)

Address for Service

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature

James J. Rayse

Title

OWNER

Date

10-12-14

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

Date application filed with local authority

Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1)) C.R.S.

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

That each person required to file DR 8404-1 (Individual History Record) has:

Yes No

Been fingerprinted

Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)

Date of Inspection or Anticipated Date _____

Upon approval of state licensing authority.

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

Local Licensing Authority for

Telephone Number

- TOWN, CITY
 COUNTY

Signature

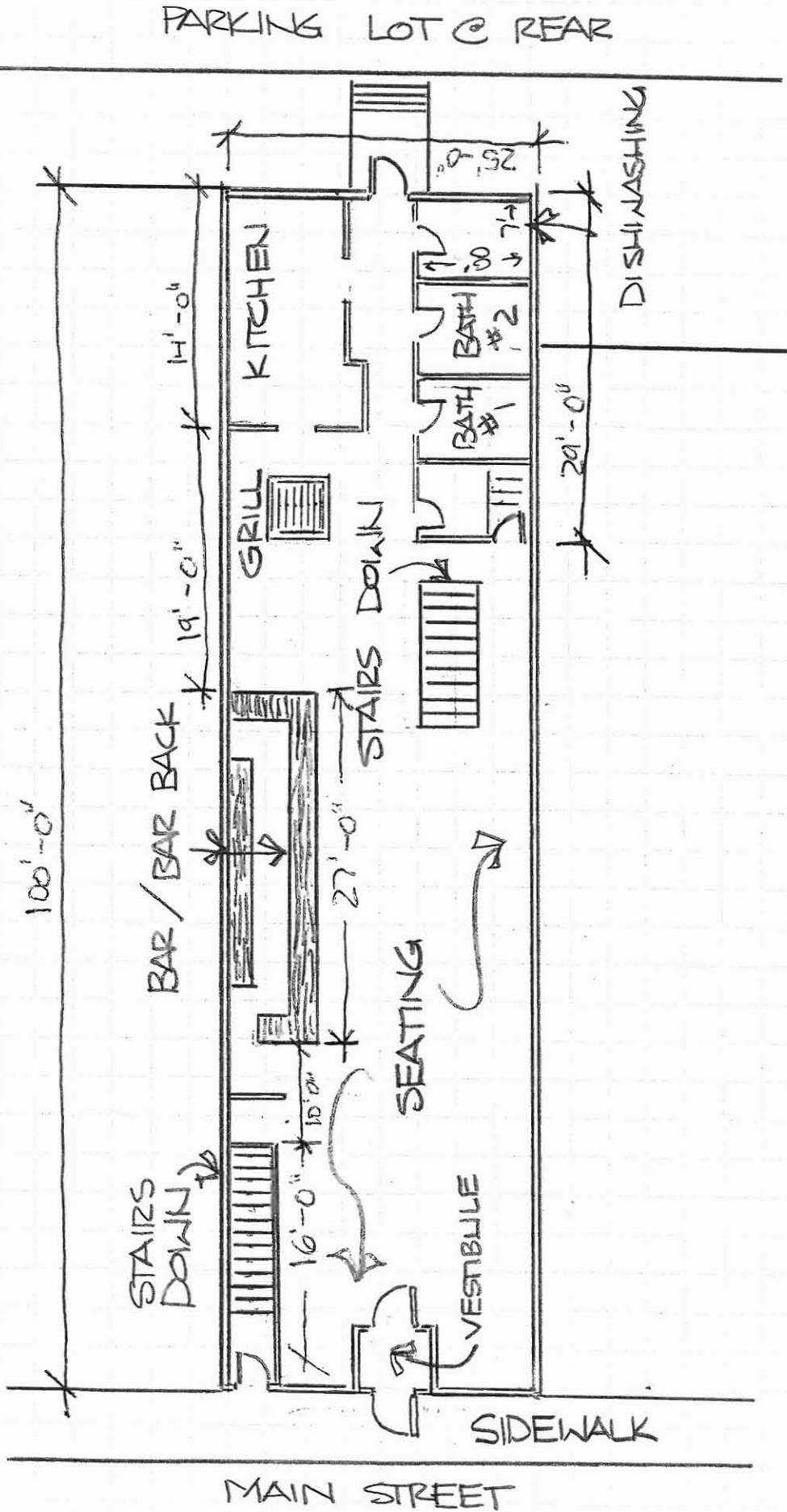
Title

Date

Signature (attest)

Title

Date

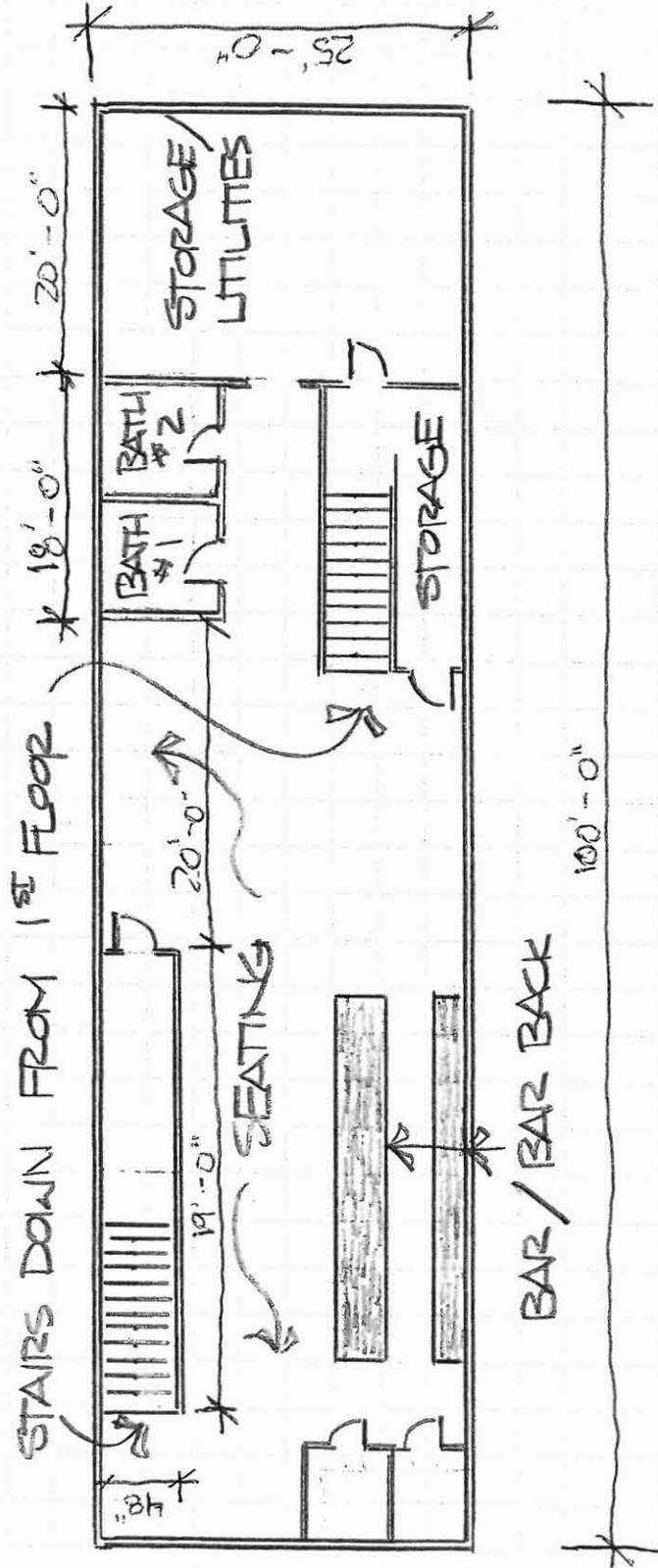


NO SCALE
10-18-14
1 OF 2

ROYCE STEAK HOUSE
225 WEST MAIN
TRINIDAD, COLORADO

225

FIRST FLOOR LAY-OUT



ROYCE STEAKHOUSE
 225 WEST MAIN
 TRINIDAD, COLORADO

NO SCALE
 10-18-14
 2 OF 2

BASEMENT FLOOR LAY-OUT

PURCHASE AGREEMENT

DATE: October 8, 2014

Received of James and Marsha Royse

The sum of six thousand seven hundred fifty as Earnest Money Deposit, the receipt of which is hereby acknowledged, to be held in Escrow by International Bank _____ on behalf of the parties, on the purchase of the following property:

Belonging to: International Bank, 320 N Convent St, Trinidad, CO 81082

Located at: 225 West Main Street, Trinidad, CO 81082

Legal Description: N/A

The FULL PURCHASE PRICE is\$ 45,000.00

to be paid as follows:

Earnest Money Deposit.....\$ _____

Remainder of Down Payment (to be paid _____)\$ 6,750.00

Balance of Purchase Price.....\$ 38,250.00

TOTAL \$ _____

The price includes the following personal property: Equipment and all other supplies and materials

The SELLERS agree to furnish a merchantable title by Warranty Deed and XX Title Insurance Policy or XX Title Opinion, acceptable to BUYERS or their attorney.

Taxes, assessments, insurance, rents, trust funds, interest, etc., to pro-rated as of closing. The buyers have inspected the property.

Date of Closing: TBD Date of Possession: Date of Closing

SELLERS agree to pay the Realtor a N/A% commission, plus New Mexico sales tax, or half of any forfeited deposit up to the full commission.

The SELLERS agree to SELL, and the BUYERS agree to BUY said property on the above price and terms.

This offer shall become null and void if not accepted by the seller prior to N/A.



SELLER International Bank by
Lois Johnson

SELLER

REALTOR



BUYER James Royse



BUYER Marsha Royse

SALESPERSON

PURCHASE AGREEMENT

DATE: October 27, 2014

Received of James and Marsha Royse

The sum of twenty three thousand two hundred fifty as Earnest Money Deposit, the receipt of which is hereby acknowledged, to be held in Escrow by International Bank _____ on behalf of the parties, on the purchase of the following property:

Belonging to: International Bank, 320 N Convent St, Trinidad, CO 81082

Located at: 225 West Main Street, Trinidad, CO 81082

Legal Description: Part of Lot 3, Block 113, Original Townsite, Trinidad, CO 81082

The FULL PURCHASE PRICE is\$ 155,000.00

to be paid as follows:

Earnest Money Deposit.....\$ _____

Remainder of Down Payment (to be paid _____) \$ 23,250.00

Balance of Purchase Price.....\$ 131,750.00

TOTAL \$ _____

The price includes the following personal property: Building located at 225 W Main St, Trinidad, CO 81082

The SELLERS agree to furnish a merchantable title by Warranty Deed and XX Title Insurance Policy or XX Title Opinion, acceptable to BUYERS or their attorney.

Taxes, assessments, insurance, rents, trust funds, interest, etc., to pro-rated as of closing. The buyers have inspected the property.

Date of Closing: November 14, 2014 Date of Possession: November 14, 2014

SELLERS agree to pay the Realtor a N/A % commission, plus New Mexico sales tax, or half of any forfeited deposit up to the full commission.

The SELLERS agree to SELL, and the BUYERS agree to BUY said property on the above price and terms.

This offer shall become null and void if not accepted by the seller prior to N/A.

Lois Johnson
SELLER International Bank by
Lois Johnson

SELLER

REALTOR

James Royse
BUYER James Royse

Marsha Royse
BUYER Marsha Royse

SALESPERSON

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

Royse's Black Jack Steakhouse

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

Restaurant

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

This document contains additional information as provided by law.

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

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

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

Notice:

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

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

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

<u>Ritchie</u>	<u>Lana</u>		
(Last)	(First)	(Middle)	(Suffix)
<u>██████████</u>			
(Street number and name or Post Office Box information)			
<hr/>			
<u>Hedley</u>	<u>TX</u>	<u>79237</u>	
(City)	(State)	(Postal/Zip Code)	
<u></u>	<u>United States</u>		
(Province – if applicable)	(Country – if not US)		

- (If the following statement applies, adopt the statement by marking the box and include an attachment.)
- This document contains the true name and mailing address of one or more additional individuals causing the document to be delivered for filing.

Disclaimer:

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

INDIVIDUAL HISTORY RECORD

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

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

1. Name of Business Rouse's Black Jack Steakhouse				
2. Your Full Name (last, first, middle) Rouse Jim L			3. List any other names you have used. JAMES L Rouse	
4. Mailing address (if different from residence)				
5. List current residence address. Include any previous addresses within the last five years (attach separate sheet if necessary).				
STREET AND NUMBER		CITY, STATE, ZIP	FROM	TO
Current ██████████ 43██		Trinidad CO 81082	7/12	Pres
Previous				
6. List all employment within the last five years. Include any self employment. (Attach separate sheet if necessary)				
NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Rouse Ranch B+B	██████████ Trinidad	Owner	7/12	Pres
Rouse Cattle Co	Pampa TX	owner	1/1990	7/12
7. List the name(s) of relatives working in or holding a financial interest in the Colorado alcohol beverage industry.				
NAME OF RELATIVE	RELATIONSHIP TO YOU	POSITION HELD	NAME OF LICENSEE	
N/A				
8. Have you ever applied for, held, or had an interest in a Colorado Liquor or Beer License, or loaned money, furniture, fixtures, equipment or inventory to any licensee? If yes, answer in detail.				
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. Have you ever received a violation notice, suspension, or revocation for a liquor law violation, or have you applied for or been denied a liquor or beer license anywhere in the United States? If yes, explain in detail.				
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

11/24/14
GAP

10. Have you ever been convicted of a crime or received a suspended sentence, deferred sentence, or forfeited bail for any offense in criminal or military court or do you have any charges pending? (If yes, explain in detail.)
 Yes No DUI in 2000 in Pampa, TX

11. Are you currently under probation (supervised or unsupervised), parole, or completing the requirements of a deferred sentence? (if yes, explain in detail.)
 Yes No

12. Have you ever had any professional license suspended, revoked, or denied? (if yes, explain in detail.)
 Yes No

PERSONAL AND FINANCIAL INFORMATION

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

13a. Date of Birth <u>[REDACTED]</u>	b. Social Security Number SSN <u>[REDACTED]</u>	c. Place of Birth <u>Elk City, OK</u>	d. U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. If Naturalized, State where		f. When	g. Name of District Court
h. Naturalization Certificate Number	i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number	k. Permanent Residence Card Number
l. Height <u>6'0</u>	m. Weight	n. Hair Color <u>Grey</u>	o. Eye Color <u>Blue</u>
p. Sex <u>M</u>	q. Race <u>CAUCASIAN</u>	r. Do you have a current Driver's License? If so, give number and state <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>[REDACTED]</u>	

14. Financial Information.

a. Total purchase price \$ 200,000 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ 260,000

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 260,000

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

Type: Cash, Services or Equipment	Source	Amount
CASH	SALE OF STOCKS & BONDS	60,000
NOTE FOR BUILDING	INTERNATIONAL BANK FINANCED	200,000

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

Name of Lender	Address	Term	Security	Amount
INTERNATIONAL BANK	320 N CONVENT	25 YRS	Building	200,000

Oath of Applicant

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

Authorized Signature <u>[Signature]</u>	Title <u>OWNER</u>	Date <u>10-17-14</u>
--	-----------------------	-------------------------

DATE 11/11/2014

PD TRINIDAD
2309 E MAIN ST
TRINIDAD, CO 81082

RE: ROYSE, JAMES LOWELL
SOC: [REDACTED]

DATE OF BIRTH: [REDACTED]

No Colorado record of arrest has been located based on above name and date of birth or through a search of our fingerprint files.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests which are not supported by fingerprints will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records, and juvenile records are not available to the public.

Since a record may be established after the time a report was requested, the data is only valid as of the date issued. Therefore, if there is a subsequent need for the record, it is recommended another check be made.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
Ronald C. Sloan, Director
Colorado Bureau of Investigation

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

CO0360100

ICN E2014315000000083475

THE FOLLOWING FBI IDENTIFICATION RECORD FOR 79086PB9 IS FURNISHED FOR
OFFICIAL USE ONLY.

DESCRIPTORS ON FILE ARE AS FOLLOWS:

NAME ROYSE, JAMES LOWELL

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
M	W	[REDACTED]	600	225	GREEN	GRAY

BIRTH CITY	BIRTH PLACE
UNREPORTED	OKLAHOMA

CITIZENSHIP
UNITED STATES

OTHER BIRTH DATES	SCARS-MARKS-TATTOOS	SOCIAL SECURITY	MISC NUMBERS
NONE	NONE	[REDACTED]	NONE

ALIAS NAME(S)
ROYSE, JIM

END OF COVER SHEET

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

C00360100

ICN E2014315000000083475

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

THIS RECORD IS SUBJECT TO THE
FOLLOWING USE AND DISSEMINATION RESTRICTIONS

UNDER PROVISIONS SET FORTH IN TITLE 28, CODE OF FEDERAL REGULATIONS (CFR), SECTION 50.12, BOTH GOVERNMENTAL AND NONGOVERNMENTAL ENTITIES AUTHORIZED TO SUBMIT FINGERPRINTS AND RECEIVE FBI IDENTIFICATION RECORDS MUST NOTIFY THE INDIVIDUALS FINGERPRINTED THAT THE FINGERPRINTS WILL BE USED TO CHECK THE CRIMINAL HISTORY RECORDS OF THE FBI. IDENTIFICATION RECORDS OBTAINED FROM THE FBI MAY BE USED SOLELY FOR THE PURPOSE REQUESTED AND MAY NOT BE DISSEMINATED OUTSIDE THE RECEIVING DEPARTMENT, RELATED AGENCY OR OTHER AUTHORIZED ENTITY. IF THE INFORMATION ON THE RECORD IS USED TO DISQUALIFY AN APPLICANT, THE OFFICIAL MAKING THE DETERMINATION OF SUITABILITY FOR LICENSING OR EMPLOYMENT SHALL PROVIDE THE APPLICANT THE OPPORTUNITY TO COMPLETE, OR CHALLENGE THE ACCURACY OF, THE INFORMATION CONTAINED IN THE FBI IDENTIFICATION RECORD. THE DECIDING OFFICIAL SHOULD NOT DENY THE LICENSE OR EMPLOYMENT BASED ON THE INFORMATION IN THE RECORD UNTIL THE APPLICANT HAS BEEN AFFORDED A REASONABLE TIME TO CORRECT OR COMPLETE THE INFORMATION, OR HAS DECLINED TO DO SO. AN INDIVIDUAL SHOULD BE PRESUMED NOT GUILTY OF ANY CHARGE/ARREST FOR WHICH THERE IS NO FINAL DISPOSITION STATED ON THE RECORD OR OTHERWISE DETERMINED. IF THE APPLICANT WISHES TO CORRECT THE RECORD AS IT APPEARS IN THE FBI'S CJIS DIVISION RECORDS SYSTEM, THE APPLICANT SHOULD BE ADVISED THAT THE PROCEDURES TO CHANGE, CORRECT OR UPDATE THE RECORD ARE SET FORTH IN TITLE 28, CFR, SECTION 16.34.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

END OF PART 1 - PART 2 TO FOLLOW

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

CO0360100
PART 2

ICN E2014315000000083475

- FBI IDENTIFICATION RECORD - FBI NO.-79086PB9

NAME	FBI NO.	DATE REQUESTED
ROYSE, JAMES LOWELL	79086PB9	2014/11/12

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
M	W	[REDACTED]	600	225	GRN	GRY

BIRTH PLACE
OKLAHOMA

CITIZENSHIP
UNITED STATES

1-ARRESTED OR RECEIVED 2000/05/14 SID- TX05789061
AGENCY-DEPT OF PUB SAFETY AMARILLO (TXDPS6300)
AGENCY CASE-0042206669

FINGERPRINT INFORMATION
BSI/1000067040569
PRINT DATE/2000/09/05

CHARGE 1-DRIVING WHILE INTOXICATED

COURT-COUNTY COURT PAMPA (TX090013J)
CHARGE-DRIVING WHILE INTOXICATED
2000-09-01 CONVICTED TME-3D FNE-0750 CST-0200

RECORD UPDATED 2014/11/12

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

INDIVIDUAL HISTORY RECORD

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

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

1. Name of Business
 Royse's Black Jack Steakhouse

2. Your Full Name (last, first, middle)
 Royse, Marsha

3. List any other names you have used.
 Hale, Marsha

4. Mailing address (if different from residence)

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

STREET AND NUMBER	CITY, STATE, ZIP	FROM	TO
Current ██████████ 430	Trinidad CO 81082	7/12	Pres
Previous			

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

NAME OF EMPLOYER OR BUSINESS	ADDRESS (STREET, NUMBER, CITY, STATE, ZIP)	POSITION HELD	FROM	TO
Royse Ranch B+B	██████████ 430 Trinidad CO	Owner	7/12	Pres

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

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

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

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

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

Yes No

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

Yes No

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

Yes No

PERSONAL AND FINANCIAL INFORMATION

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

13a. Date of Birth	b. Social Security Number SSN	c. Place of Birth	d. U.S. Citizen?
[REDACTED]	[REDACTED]	Lamesa, TX	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
e. If Naturalized, State where		f. When	g. Name of District Court
h. Naturalization Certificate Number		i. Date of Certification	j. If an Alien, Give Alien's Registration Card Number
k. Permanent Residence Card Number	l. Height	m. Weight	n. Hair Color
	5'5"	[REDACTED]	Blonde
			o. Eye Color
			Blue
			p. Sex
			F
			q. Race
			W
			r. Do you have a current Driver's License? If so, give number and state
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

14. Financial Information.

a. Total purchase price \$ 200,000.00 (if buying an existing business) or investment being made by the applying entity, corporation, partnership, limited liability company, other \$ 260,000.00

b. List the total amount of your investment in this business including any notes, loans, cash, services or equipment, operating capital, stock purchases or fees paid \$ 260,000.00

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

Type: Cash, Services or Equipment	Source	Amount
CASH	sell of stock & Bonds	100,000.00
Note for Bradley	International Bank Trivia	200,000.00

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

Name of Lender	Address	Term	Security	Amount
First NAT: Bank	300 N Coward	25yrs	Build	200,000.00

Oath of Applicant

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

Authorized Signature <i>Maister Weisse</i>	Title OWNER	Date 10-17-14
---	----------------	------------------

NAME: ROYSE, MARSHA WATSON
CBI PCN: 014C0000226138
STATE ID NUMBER:
FBI PCN: E2014312000000058948
FBI NUMBER:
DATE OF BIRTH: ██████████
SSN: ██████████
DCL:
REASON FOR REJECTION: L0008 - The quality of the characteristics is too low to be used.

DATE 11/08/2014

PD TRINIDAD
2309 E MAIN ST
TRINIDAD, CO 81082

RE: ROYSE, MARSHA WATSON
SOC: ██████████

DATE OF BIRTH: ██████████

No Colorado record of arrest has been located based on above name and date of birth or through a search of our fingerprint files.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests which are not supported by fingerprints will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records, and juvenile records are not available to the public.

Since a record may be established after the time a report was requested, the data is only valid as of the date issued. Therefore, if there is a subsequent need for the record, it is recommended another check be made.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
Ronald C. Sloan, Director
Colorado Bureau of Investigation

Concept LLC
227 Elm Street
Trinidad, CO 81082
719 680 9520

October 18th, 2014

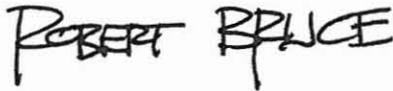
Attn: To Whom It May Concern

RE: Personal Recommendation

It is my pleasure to know James Royce and wholeheartedly vouch for his personal character. I have know James Royce in a variety of capacities for over the past fourteen (14) months, both on a social and personal level, and find his character to be responsible and competent.

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

Sincerely,

A handwritten signature in black ink that reads "ROBERT BRUCE". The letters are in all caps and have a slightly stylized, cursive-like appearance.

Robert Bruce

verified 11/5/14
mess 11/3/14

Walter T Boulden, PhD
711 W. Colorado Ave
Trinidad, CO 81082

10/20/14

RE: Character Reference for James Royse

To Whom It May Concern:

It is with great pleasure that I write the Character Reference for James (Jim) Royse, of Royse Ranch Bed and Breakfast. I have known Jim for years. He has an outstanding work ethic, matched only by his integrity and honesty. He serves as an excellent mentor and role model for the young adults who work for him at his Bed and Breakfast. He is fair, patient, and a true asset to the Trinidad community. I would work for Jim in a heartbeat, and would just as quickly hire him as an employee, if either opportunity ever presented itself.

If you have any questions feel free to contact me.

Sincerely:



Walter T Boulden, PhD
Executive Director, TLAC Economic Development
136 W. Main, #101
Trinidad, CO 81082

verified 11/4/14
mess 11/3/14

October 17th, 2014

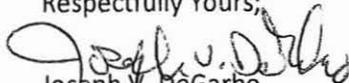
To Whom It May Concern:

James Royce has been with International Bank Trinidad since 6-2012. He has numerous accounts with International Bank and has been very good customer for the bank. James also has been very progressive in the community and has a positive attitude towards the growth of his business and the well being of the area.

James will be very responsible with his application for a liquor license, he has the ability and the knowledge to handle individuals that participate at his business, in a manner that will impress upon the public that he is a class act.

If you have any further questions concerning James Royce, please feel free to contact me at your convenience.

Respectfully Yours;


Joseph Y. DeGarbo
President

9 N ANGEL FIRE RD
PO BOX 459
ANGEL FIRE, NM 87710
575-377-2326
FAX 575-377-6321

24450 E SMOKY HILL RD
AURORA, CO 80016
303-805-0321
FAX 303-805-0613

31062 HWY 64
PO BOX 417
CIMARRON, NM 87714
575-376-2274
FAX 575-376-2604

200 S SECOND ST
PO BOX 1028
RATON, NM 87740
575-445-2221
FAX 575-445-9003

1300 S SECOND ST
PO BOX 1020
RATON, NM 87740
575-445-2321

419 MAXWELL
PO BOX 607
SPRINGER, NM 87747
575-483-3080
FAX 575-483-3082

320 N CONVENT ST
PO BOX 920
TRINIDAD, CO 81032
719-846-1600
FAX 719-846-1611

verified 11/3/14



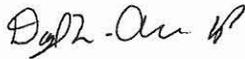
October 20, 2014

To Whom It May Concern:

As a matter of character reference for Marsha Royse.

I have known Marsha for the past three years both on a professional and personal level. She demonstrates a high level of character and will be a great asset as business member in the community.

Sincerely,



Daryl W. Aubuchon
Vice President



Untitled

Phone (719) 846-9253
Fax (719) 846-2927
cat_331@hotmail.com

Trinidad, Co 81082
Oct. 20, 2014

To Whom it may concern,

Re- James L. Royse and Marsha C. Royse.

I have known Mr. & Mrs Royse for past 3 years when they purchased Dr. & Mrs Colt Bed & Breakfast business. I have insured them for past 3 years. We have attended their fine parties at their B&B business and find them to serve the very best of food. These folks are a great asset to our community and I know they will operate a high quality business.

I highly recommend Mr. & Mrs James Royse.

Sincerely

A handwritten signature in black ink, appearing to read "Carlos Chacon", written over the typed name and company information.

Carlos Chacon
Chacon Insurance Service, Inc.

verified
11.2.14

TO THE MEMBERS OF THE TRINIDAD
CITY COUNCIL:

I have known both Jim and Marsha Royce for the past few years. I know them both to be persons of integrity, honesty and diligence in all of my dealings with them. I have visited their Royse Ranch Bed and Breakfast, and found to a clean, efficient and well-run business operation. I would give them both my highest recommendation. Marsha's leadership of the Board of Directors of the Trinidad-Las Animas County Economic Development has been excellent, from what I have observed in attending several Board meetings.

Sincerely yours,

Steve Block

Steve Block

Reporter, The Chronicle-News October 20,
2014

*Verified
11/3/14*



Purgatoire River
TRADING COMPANY

20 October 2014

Re: Character Reference for Marsha Royce

To Whom It May Concern:

It is my pleasure to provide a letter of recommendation for Marsha Royce, an outstanding business woman and resident of Las Animas County, Colorado.

For the past three years I have had the privilege of Ms. Royce's acquaintance. During these three years, I have known Marsha both through conducting business transactions with her at the Royce Ranch and on numerous occasions at social events in the community. I have found Marsha Royce to be extremely trustworthy, honest and above reproach.

Ms. Royce has a proven background as an honest hard working business woman. The business dealings I have contracted for with Marsha through Royce Ranch have resulted in the receipt of outstanding quality, only the very best experiences. Marsha has also contributed greatly to the betterment of Trinidad and Las Animas County as a member of their joint Economic Development Board, currently serving as it's president.

In short, I vouch for Marsha Royce enthusiastically and without reservation. If you have any further questions with regard to background or personal integrity of Ms. Royce, please do not hesitate to contact me.

Respectfully,



Vibeke S. Adkisson, business owner

719-845-0202

witnessed Vibeke
bring to office
10/20/14

11/3/14

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

Applicant: Jim and Marsha Royse

dba: Royse's Black Jack Steakhouse

Address: 225 W. Main Street

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 2, 2014, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: under construction

11/12/14
Date

[Signature]
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 20, 2014

11/3/14

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

Applicant: Jim and Marsha Royse

dba: Royse's Black Jack Steakhouse

Address: 225 W. Main Street

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 2, 2014, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: under construction

11-24-14
Date


Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 20, 2014

11/3/14

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

Applicant: Jim and Marsha Royse

dba: Royse's Black Jack Steakhouse

Address: 225 W. Main Street

Type of License: Hotel and Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: December 2, 2014, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: No concerns

11-5-14
Date

Charles J. St. Janice
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 20, 2014



Trinidad Police Department

2309 E Main St.

Trinidad, Co 81082

(719) 846-4441 (719) 846-3728 (fax)

November 6, 2014

To Audra Garrett, City Clerk
From Det Sgt Phil Martin *PM*
RE : Royse's Black Jack Steakhouse

To whom it may concern

The Trinidad Police Department has conducted a check of various public data bases and NO record was found on James and Marsha Royse

If additional information is needed please feel free to contact this agency

STATE OF COLORADO)

COUNTY OF LAS ANIMAS) SS

CITY OF TRINIDAD)

CERTIFICATE OF POSTING

I, Audra Garrett, City Clerk of the City of Trinidad, Colorado, do hereby certify that pursuant to the laws of the State of Colorado, Jim Royse and Marsha Royse d/b/a Royse's Black Jack Steakhouse, 225 W. Main Street, Trinidad, Colorado, which business has applied for a new hotel and restaurant license to sell malt, vinous and spirituous liquors at said location, was duly posted for not less than fifteen continuous days, with the first day of posting occurring on the 3rd day of November, 2014.

WITNESS, my hand and the official seal of the City of Trinidad, Colorado, this 3rd day of November, 2014.

CITY OF TRINIDAD, COLORADO

(SEAL)



Audra Garrett, City Clerk

NOTICE OF PUBLIC HEARING

PURSUANT TO THE LIQUOR LAWS OF COLORADO, Jim Royse and Marsha Royse d/b/a Royse's Black Jack Steakhouse, 225 W. Main Street, Trinidad, CO, has requested the licensing officials of the City of Trinidad to grant a new hotel and restaurant license at this location to sell malt, vinous and spirituous liquors.

Hearing on application will be held on Tuesday, December 2, 2014, at 7:00 p.m. in the Council Chambers, City Hall, 135 N. Animas Street, Trinidad, CO.

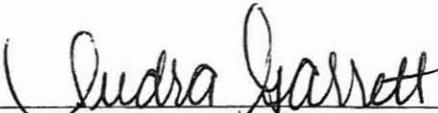
Date of Application: October 21, 2014

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

Dated this 24th day of October, 2014.

By order of the Trinidad City Council.

CITY OF TRINIDAD, COLORADO

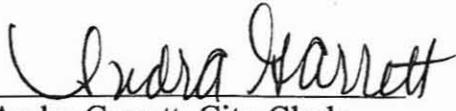


Audra Garrett, City Clerk

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of October, 2014, I mailed the Notice of Public Hearing by first-class mail, postage pre-paid to:

Jim and Marsha Royse
Royse's Black Jack Steakhouse
10000 County Rd. 43.6
Trinidad, CO 81082


Audra Garrett, City Clerk

PROOF OF PUBLICATION

STATE OF COLORADO
COUNTY OF LAS ANIMAS} SS

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

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

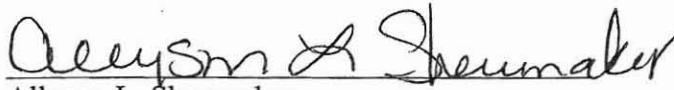
55821

October 31, 2014



Krysta E. Toci

Subscribed and sworn to before me this
31 day of October
A. D., 2014.



Allyson L. Sheumaker

My commission expires on August 26, 2015

NOTICE OF PUBLIC HEARING

PURSUANT TO THE LIQUOR LAWS OF COLORADO, Jim Royse and Marsha Royse d/b/a Royse's Black Jack Steakhouse, 225 W. Main Street, Trinidad, CO, has requested the licensing officials of the City of Trinidad to grant a new hotel and restaurant license at this location to sell malt, vinous and spirituous liquors.

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Remonstrances may be filed with the City Clerk's Office,

135 N. Animas, Trinidad, CO.

Dated this 24th day of October, 2014.

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

Published: October 31, 2014

55821

ALLYSON L SHEUMAKER
NOTARY PUBLIC, STATE OF COLORADO

My Comm. Expires August 26, 2015



CITY of TRINIDAD

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

November 5, 2014

Jim Royse and Marsha Royse
d/b/a Royse's Black Jack Steakhouse
10000 County Rd. 43.6
Trinidad, CO 81082

Dear Applicant:

You recently applied for a new hotel and restaurant liquor license. The Trinidad City Council as the local liquor licensing authority has scheduled a hearing on your application for Tuesday, December 2, 2014, at 7:00 p.m. The City Council has also tentatively established the boundaries of the neighborhood in which the establishment is proposed to be located as the area within the corporate boundaries of the City of Trinidad. A map identifying the neighborhood boundaries is attached.

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

Procedures to be followed at hearing:

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

Jim Royse and Marsha Royse
d/b/a Royse's Black Jack Steakhouse
November 5, 2014
Page 2

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

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

If you have any questions, please call.

Sincerely,

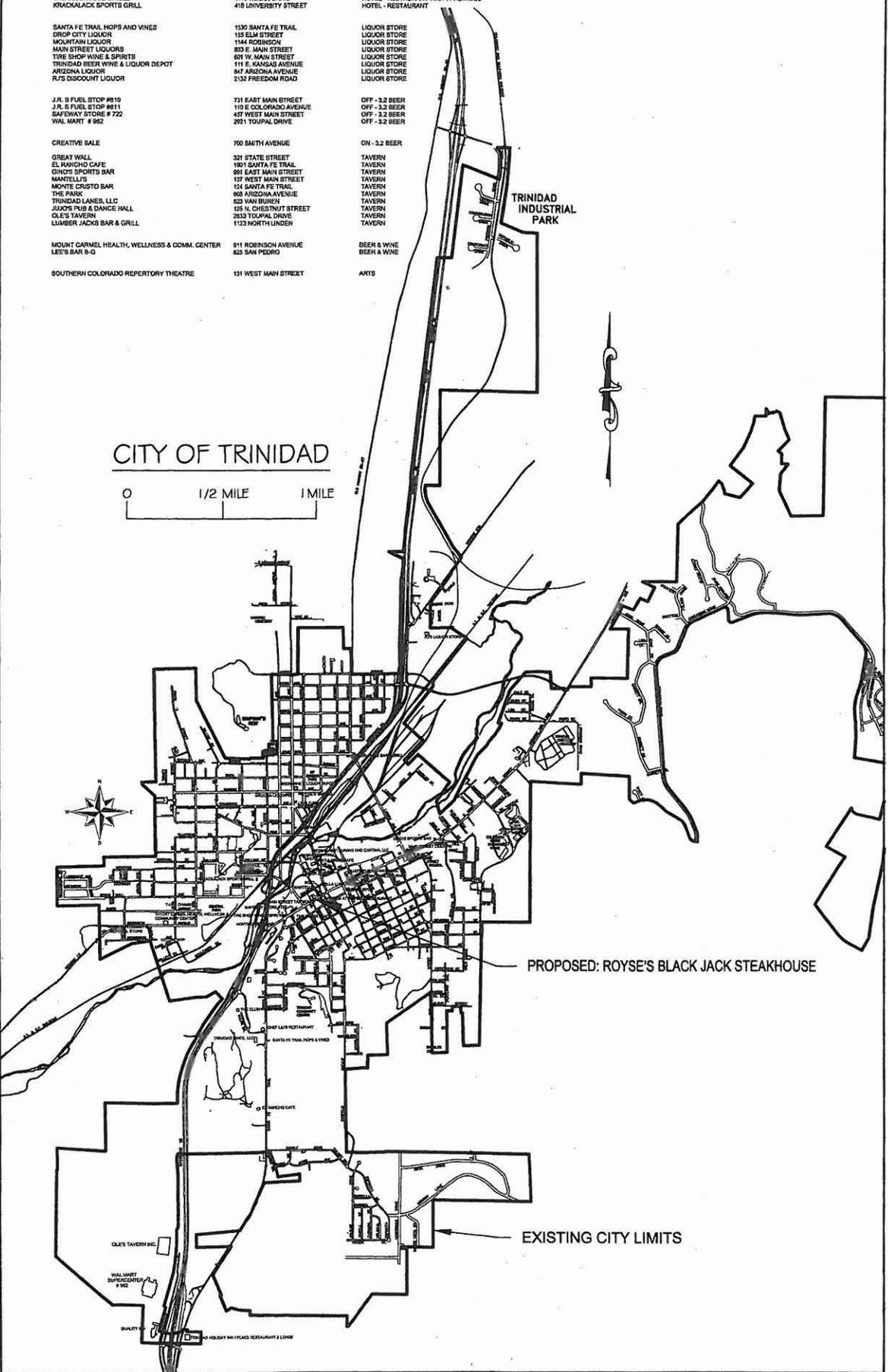
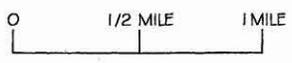

Audra Garrett
City Clerk

Encs.

DATE	BY	SCALE	PROJECT NO.	SHEET NO.	TOTAL SHEETS
				1	1
City of Trinidad Engineering Department					
City of Trinidad - Liquor License Map					

TRADE NAME	BUSINESS ADDRESS	TYPE OF LICENSE
ELKS, BPOE	120 SOUTH MAPLE STREET	CLUB
QUALITY INN	3125 TROUPAL DRIVE	HOTEL - RESTAURANT
PISTRAS RESTAURANT AND CANTINA, LLC	1415 NOLAN DR.	HOTEL - RESTAURANT
CHEF LUIS RESTAURANT	1423 SANTA FE TRAIL	HOTEL - RESTAURANT
RINCO'S RESTAURANT	400 EAST MAIN STREET	HOTEL - RESTAURANT
MISSION AT THE BELL RESTAURANT	154 WEST MAIN STREET	HOTEL - RESTAURANT
WONDERFUL HOUSE RESTAURANT	415 UNIVERSITY STREET	HOTEL - RESTAURANT
BELLA LUNA PIZZERIA	121 WEST MAIN STREET	HOTEL - RESTAURANT
TRINIDAD HOLIDAY INN	3106 SANTA FE TRAIL DRIVE	HOTEL - RESTAURANT
MAIN STREET TAP HOUSE	308 WEST MAIN STREET	HOTEL - RESTAURANT
BIOL, INC.	231 EAST MAIN STREET	HOTEL - RESTAURANT
CAFE WHAT A GRIND	311 N COMMERCIAL STREET	HOTEL - RESTAURANT
THE CLUBHOUSE GRILLE	1415 NOLAN DRIVE	HOTEL - RESTAURANT W/OOP, PREMISES
KRACKLACK SPORTS GRILL	418 UNIVERSITY STREET	HOTEL - RESTAURANT
SANTA FE TRAIL HOPS AND WINES	1530 SANTA FE TRAIL	LIQUOR STORE
DROP CITY LIQUOR	155 ELM STREET	LIQUOR STORE
MOUNTAIN LIQUOR	1144 ROBINSON	LIQUOR STORE
MAIN STREET LIQUORS	803 E. MAIN STREET	LIQUOR STORE
TRE SHOP WINE & SPIRITS	601 W. MAIN STREET	LIQUOR STORE
TRINIDAD BEER WINE & LIQUOR DEPOT	111 E. KANSAS AVENUE	LIQUOR STORE
ARIZONA LIQUOR	847 ARIZONA AVENUE	LIQUOR STORE
RJS DISCOUNT LIQUOR	2132 FREEDOM ROAD	LIQUOR STORE
J.R. S FUEL STOP #810	731 EAST MAIN STREET	OFF - 3.2 BEER
J.R. S FUEL STOP #811	119 E COLORADO AVENUE	OFF - 3.2 BEER
SAFWAY STORE # 722	57 WEST MAIN STREET	OFF - 3.2 BEER
WAL MART # 952	2921 TROUPAL DRIVE	OFF - 3.2 BEER
CREATIVE SALE	700 SMITH AVENUE	ON - 3.2 BEER
GREAT WALL	321 STATE STREET	TAVERN
EL RANCHO CAFE	1801 SANTA FE TRAIL	TAVERN
RINCO'S SPORTS BAR	601 EAST MAIN STREET	TAVERN
MANTELL'S	137 WEST MAIN STREET	TAVERN
MONTIE CRISTO BAR	524 SANTA FE TRAIL	TAVERN
THE PARK	608 ARIZONA AVENUE	TAVERN
TRINIDAD LANES, LLC	523 VAN BUREN	TAVERN
JUJOS PUB & DANCE HALL	152 N. CHESTNUT STREET	TAVERN
OLE'S TAVERN	2833 TROUPAL DRIVE	TAVERN
LUMBER JACKS BAR & GRILL	1133 NORTH LINDEH	TAVERN
MOUNT CARMEL HEALTH, WELLNESS & COMM. CENTER	811 ROBINSON AVENUE	BEER & WINE
LEE'S BAR B-Q	825 SAN PEDRO	BEER & WINE
SOUTHERN COLORADO REPERTORY THEATRE	131 WEST MAIN STREET	ARTS

CITY OF TRINIDAD



PROPOSED: ROYSE'S BLACK JACK STEAKHOUSE

EXISTING CITY LIMITS

PETITION

Applicant: Jim and Marsha Royse
 Trade Name of Establishment: Royse's Black Jack Steakhouse
 Proposed Location: 225 W. Main Trinidad, CO
 Application for (Type Of License): Restaurant liquor license
 Public Hearing before the local Licensing Authority:
 Date and Time: Tuesday, December 2, 2014 at 7:00pm
 Location: City Hall of Trinidad CO

DO NOT SIGN THIS PETITION UNLESS:

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

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

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

Name - Signature	Complete Home Address (Include Space/Apt. No)	Age	Support	Oppose	Date Signed
David Rollins David Rollins	933 Atchison	47	✓		11-20-14
Lynda Pachetti Lynda Pachetti	1512 Storewall Ave	52	✓		11-20-14
Barry Mullan Barry Mullan	1517 GARFIELD AVE	56	✓		11/20/14
Kate Kate	719 E 2nd	55	✓		11-20-14
Crystal Crystal	1517 Garfield Ave	38	✓		11/20/14
Jeanette Jeanette	1701 Santa Fe #42	53	✓		11-20-14
Marie Marie	1011 E 9th St	34	✓		11-20-14
Shila Valdez Shila Valdez	2642 Aguiar Dr	32	✓		11-20-14
Ann Nuschy Ann Nuschy	1215 Alta	55	✓		11/20/14

5

Residents

Applicant Jim and Marsha Royse
 Trade Name of Establishment Royse's Black Jack Steakhouse
 Proposed Location 225 W. Main Trinidad, CO
 Application for (Type of License) Restaurant liquor license

Name - Signature	Complete Home Address (Street Address/Apt #)	Age	Support	Oppose	Date Signed
Nedra Russell	1003 SAN JUAN	41	X		11/20/14
Tom Macaluso	203 Estrella Trinidad	52	X		11-20-14
Lori Navarette	313 S Oak St Trinidad	49	X		11-20-14
Sharon Hanson / Diana Hanson	712 Tillotson St.	59	X		11-20-14
Mark Hanson	712 Tillotson st	58	X		11-20-14
April Tovar	508 e 7th st	25	X		11/20/14
Lisa Hallinan	318 E 7th	65	X		11/20/14
George Trujillo	1505 - E MAIN ST	49	X		11/19/14
Mark Hour	2625 Espinosa St	44	X		11/20/14
Staci Frye	933 Atchison Ave.	26	X		11-20-14
Deborah	800 Rico St.	65	X		11-20-14
Janet Melosh	820 Colorado	61	X		11/20/14
Janie Gallegos	24 Oarica	57	X		11/20/14
John Williams	933 Atchison Ave	33	X		11/20/14
Charles Rortel	811 So Chestnut	52	X		11-20-14
John	506 NORTH AVE	53	X		11-20-14
Ann	815 E 9th	55	X		11/20/14
Erin NUN KECH	400 SAN JUAN H 21	57	X		11/20/14
Erin	2624 Espinosa St.	54	X		11/20-14
Jan	1037 Robinson Ave	36	X		11-20-14
Janie Sanders	1037 Robinson Ave	34	X		11-20-14

Residents

Applicant Jim and Marsha Royse
 Trade Name of Establishment Royse's Black Jack Steakhouse
 Proposed Location 225 W. Main Trinidad, CO
 Application for (Type of License) Restaurant + liquor license

Name - Signature	Complete Home Address (Street Address/Apt #)	Age	Support	Oppose	Date Signed
Ross Williams	318 EAST 7TH ST	60	✓		11-20-14
Dorian Trancoso	2642 Espinoza st	26	✓		11/20/14
Barney Holbeck	213 C. FROST AVE	89	✓		11/20/14
Maria Sitias	1105 SAN ANTONIO TRINIDAD	57	✓		11-20-14
Vanessa Chavez	2058 Adam rd	31	✓		10/20/14
Kasey D. Ortega	237 Waverly Ave	41	✓		11/20/14
MARILYN J. LEVIZLER	2405 DESPERADO DR	69	✓		11/20/14
Dolly Padilla	206 Garcia Street	73	✓		11/20/14
RENEE WALKER	222 LEA, TRINIDAD, CO	40	✓		11-20-14
Renee Curro	2655 Aguilar Dr.	44	✓		11-20-14
Al W. Fiver	700 Park St., Trinidad, CO	68	✓		11-20-14
Paul S.	1117 SMITH AVE	46	✓		11-20-14
Desiree Valdez	35092 CR 20.8 Lot C-5	34	✓		11-20-14
Ter Davis	802 134 W. Main	53	✓		11/20/14
Amitha Campbell	1400 SAN Pedro	62	✓		11-20-14
Sean K. Bellin	933 Atchison Ave	47	✓		11/20/14

Applicant Jim and Marsha Royse
 Trade Name of Establishment Royse's Black Jack Steakhouse
 Proposed Location 225 W. Main Trinidad, CO
 Application for (Type of License) Restaurant + liquor license

AFFIDAVIT

I, Susan Renae Rollins, do hereby state that I was the circulator of said petition consisting of 4 pages including this page, and further state that I personally witnessed each signature appearing on said petition, and that each signature thereon is the signature of the person whose name it purports to be; further, that the address given opposite that person's name is the true address of the person signing; that every person who signed, represented himself or herself to be 21 years of age or older; that each person signing the petition read or had read to him the statement appearing on that page one (1) hereof, and understood the nature of the petition. I also hereby swear or affirm that no promises, threats, or inducements were employed whatsoever in connection with the presentation of this petition, and that every signature appearing hereon was completely free and voluntarily given.

Circulator Susan Renae Rollins

Date Signed 11-24-2014

State of Colorado }
 County of LAS ANIMAS } ss.

Subscribed and sworn before me this 24 day of November, ~~1999~~ ²⁰¹⁴. My commission expires August 26, 2015

Notary Public Allyson L Sheumaker



My Comm. Expires August 26, 2015

PETITION

Applicant Jim and Marsha Royse
 Trade Name of Establishment Royse's Black Jack Steakhouse
 Proposed Location 225 W. Main Trinidad, CO
 Application for (Type Of License) Restaurant liquor license
 Public Hearing before the local Licensing Authority:
 Date and Time Tuesday, December 2, 2014 at 7:00pm
 Location City Hall of Trinidad, CO

DO NOT SIGN THIS PETITION UNLESS:

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

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

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

Name - Signature Specify Owner/Manager	Business Name & Address	Age	Support	Oppose	Date Signed
<i>Carilla Campbell</i>	Curlys Beads 301 W Main Trinidad	62	✓		11-20-14
<i>Walter Dettw</i>	Walter Contractor	62	✓		11/20/14
<i>Tom Nixia</i>	Sub Three of Nine	58	X		11/20/14
<i>Janice Rowley</i>	Star Office	63	X		11/20/14
<i>Crystal Villa</i>	Love Is In The Hair	28	X		11/20/14
<i>Don Hill</i>	Edward Jones	50	✓		11/20/14
<i>Janice Selby</i>	GAZI ELSEBZY 134 W. MAIN ST	64	✓		11-20-14
<i>[Signature]</i>	Public Defender - Trinidad	46	✓		11/20/14
<i>Patrick</i>	Trinidad Pediatric and Adult Help	40	✓		11-20-14

Businesses

Applicant Jim and Marsha Royse
 Trade Name of Establishment Royse's Black Jack Steakhouse
 Proposed Location 225 W. Main Trinidad CO
 Application for (Type of License) Restaurant liquor license

Name - Signature Specify Owner/Manager	Business Name & Address	Age	Support	Oppose	Date Signed
<i>Doc [Signature]</i>	Corral Pawn	34	✓		11-20-14
<i>Shirley [Signature]</i>	Corral Pawn	27	✓		11-20-14
<i>Valerie [Signature]</i>	Corral Pawn ^{Trinidad} Co.	54	✓		11-20-14
<i>[Signature]</i>	Pawn Shop Tattoo	41	✓		11-20-14
<i>Chloe R. Butler</i>	Gallery Main/TAAC	47	✓		11-20-14
<i>Shirley [Signature]</i>	Shirley's Thrift	53	✓		11-20-14
<i>Louise Grosso</i>	Shirley's Thrift	56	✓		11-20-14
<i>Karen Malone</i>	Mamposa Rehab	54	✓		11/20/14
<i>Joseph Terry</i>	Teri's Hallmark		✓		11/20/14
<i>Louise Terry</i>	Teri's Hallmark		✓		11/20/14
<i>Brody [Signature]</i>	Mgr Flower Shop		✓		
<i>J. E. Schatzman</i>	Mgr. Carson on Mallory		✓		11-20-14
<i>Tom [Signature]</i>	Lucy's Fetching ^{Frnt}		✓		11-20-14
<i>Carlos [Signature]</i>	CHAACON Ink Service ^{Inc}		✓		11/20/14
<i>Carl D. Howell</i>	(HAD) Creations	50	✓		11-20-14
<i>Misty Schreiner</i>	Awaken Salon & Spa	29	✓		11-20-14
<i>Valerie [Signature]</i>	Purgatoire River ^{Trading} B. 135 E Main St	70	✓		20 Nov. 2014
<i>Luz Morris</i>	112 N Commercial	50	✓		11/20/14
<i>Rebecca Plemons</i>	114 N Commercial	60	✓		11-20-14
<i>[Signature] Owner</i>	Fabric Repl Prop (Bill Bib)	68	✓		11-20-14
<i>Les D. [Signature]</i>	134 W. Main #2	53	✓		11/20/14

Applicant Jim and Marsha Royse
 Trade Name of Establishment Royse's Black Jack Steakhouse
 Proposed Location 225 W. Main Trinidad CO
 Application for (Type of License) Restaurant liquor license

AFFIDAVIT

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

Circulator Leslie Fisher

Date Signed 11-24-2014

State of Colorado }
 County of Las Animas } ss.

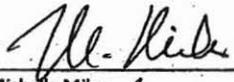
Subscribed and sworn before me this 24 day of November, ~~1999~~ ²⁰¹⁴. My commission expires August 26, 2015.

Notary Public Allyson L Sheumaker



DISCLOSURE STATEMENT

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



Michelle Miles
12/4/12

Date

DISCLOSURE STATEMENT

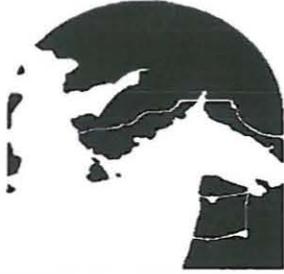
I, Liz Torres, hereby state and affirm that I am a member of Ristras Restaurant and Cantina, LLC, a Colorado limited liability company formed on February 13, 2014, whose principal office address is 516 Elm Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Ristras Restaurant and Cantina, a hotel and restaurant licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 516 Elm Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 34% interest in Ristras Restaurant and Cantina, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.



Liz Torres
4.8.14

Date

7b



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Audra Garrett, Acting City Manager
DEPT. HEAD SIGNATURE: *Audra Garrett*

SUBJECT: Hotel and restaurant liquor license renewal request by Image Hospitality, Inc. d/b/a Quality Inn at 3125 Toupal Drive

PRESENTER: Image Hospitality, Inc., representative

RECOMMENDED CITY COUNCIL ACTION: Consider renewal of the license

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application is in order.
- The departmental reports from the Building Inspector and Fire Department indicate compliance.
- The Police Department had no calls for service.
- The Health Department reported compliance.
- Disclosure statements provided by Councilmembers Miles and Torres are attached.
- Appropriate fees have been paid.
- This item was tabled at the November 18, 2014 meeting due to lack of representation.

7b

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

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

QUALITY INN
 3125 TOUPAL DR
 TRINIDAD, CO 81082-8742

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 IMAGE HOSPITALITY LLC		DBA QUALITY INN		
Liquor License # 42870940000	License Type Hotel & Restaurant (city)	Sales Tax License # 42870940000	Expiration Date 11/17/2014	Due Date
Street Address 3125TOUPAL DRIVE TRINIDAD CO 81082-8742				Phone Number (719)497-8000
Mailing Address 3125 TOUPAL DRIVE TRINIDAD CO 81082-8742				
Operating Manager Harry Patel	Date of Birth [REDACTED]	Home Address [REDACTED]		Phone Number 719-497-8000

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. 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 HARRY PATEL	Title owned
Signature <i>[Signature]</i>	Date 11/6/14

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

Image Hospitality, LLC
d/b/a Quality Inn
3125 Toupal Drive
Trinidad, CO 81082

November 5, 2014

Liquor Enforcement Division
1881 Pierce Street, Suite 108
Lakewood, CO 80214

Re: Application for Modification of Premises - #42870940000

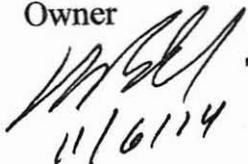
Dear Sir or Madam:

With this letter I hereby submit a formal request to withdraw my recent application for a Modification of Premises at the above named location (signed 6/27/2014) and request a refund of the fee that was submitted for that purpose. If a refund is authorized, please remit it to the address above.

If any additional information is needed, please don't hesitate to contact me.

Sincerely,

Harry Patel
Owner



11/6/14

11/6/14

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

Applicant: Image Hospitality, LLC

dba: Quality Inn

Address: 3125 Toupal Drive

Type of License: Hotel and restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: November 18, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: inspection on file

11-7-14
Date

[Signature]
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 12, 2014

11/6/14

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

Applicant: Image Hospitality, LLC

dba: Quality Inn

Address: 3125 Toupal Drive

Type of License: Hotel and restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: November 18, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Approved

11-10-2014
Date

Michael Kelley
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 12, 2014

11/6/2014

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

Applicant's Name: Image Hospitality, LLC

DBA: Quality Inn

Business Address: 3125 Toupal Drive

Type of License: Hotel & Restaurant

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: November 18, 2014

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No records found

11-12-14
Date

Charles J. Hanson
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: November 12, 2014

Tom Acre

From: John Martinez [jmartinez@la-h-health.org]
Sent: Friday, November 07, 2014 8:06 AM
To: Audra Garrett
Subject: RE: liquor

Hi Audra;
The Quality Inn at 3125 Toupal Drive has a Food license and is approved by this Office.

John Martinez
Las Animas-Huerfano Counties District Health Department
Environmental Health Specialist III
jmartinez@la-h-health.org

From: Audra Garrett [mailto:audra.garrett@trinidad.co.gov]
Sent: Thursday, November 06, 2014 3:21 PM
To: John Martinez
Subject: liquor

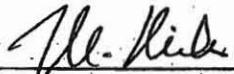
Hi John,
Please confirm compliance with your office for Quality Inn at 3125 Toupal Drive. They have rescinded the application to build the kitchen in the bar area, so this is for the permanent kitchen. Thank you.

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



DISCLOSURE STATEMENT

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



Michelle Miles
12/4/12

Date

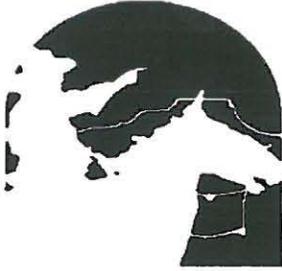
DISCLOSURE STATEMENT

I, Liz Torres, hereby state and affirm that I am a member of Ristras Restaurant and Cantina, LLC, a Colorado limited liability company formed on February 13, 2014, whose principal office address is 516 Elm Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Ristras Restaurant and Cantina, a hotel and restaurant licensed entity, licensed under Title 12, Articles 46 or 47, CRS 1973, as amended of the State of Colorado and under Chapter 3 of the Municipal Code of the City of Trinidad, located at 516 Elm Street, in the City of Trinidad, County of Las Animas, State of Colorado; that I hold a 34% interest in Ristras Restaurant and Cantina, LLC; and, that I am able to act independently upon liquor licensing matters that come before the Trinidad City Council, the local liquor licensing authority, of which I am a member.



Liz Torres
4.8.14

Date



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Audra Garrett, ACM/City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*

SUBJECT: Modification of premises request by M & M Distributing, LLC at 422 N. Commercial Street

PRESENTER: M & M Distributing, LLC

RECOMMENDED CITY COUNCIL ACTION: Consider approval of the modifications as requested

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application is in order. The licensee seeks to modify the licensed premise as follows:

Medical Marijuana Center – Reposition cameras and add three additional cameras; and indicate the second story over the center is not being used for the business.

Medical Marijuana Optional Premise Cultivation Operation – Indicate the basement area and attic area will not be used for the business; additional cameras will be installed per the MMED requirements and interpretation; and reduction of the map of the licensed premises to include only the current area used.

M & M Distributing, LLC

November 19, 2014

City of Trinidad
Audra Garrett, Acting City Mgr.
125 N Animas St.
Trinidad, CO. 81082

Re: Report of Changes, Marijuana Enforcement Division Form DR 8545,
402-00949, Dispensary and 403-01495 OPC

Audra,

Pursuant to our inspection from the MMED on November 12, 2014 we are required to make some minor changes. Most changes are a result of the subjective language described in the Colorado Revised Statutes as it relates to security and surveillance requirements. It is our intention to meet their interpretation of these requirements to avoid any violations or lack of sufficient security. The attached changes identify the items we need to have completed for MMED acceptance.

Changes requested for 402-00949:

1. Reposition cameras and add 3 additional cameras in dispensary
2. Indicate the second story over the dispensary is not being used for the business.

Changes requested for 403-01495

1. Indicate the basement area and attic area will not be used for the business.
2. Additional cameras will be installed per the MMED requirements and interpretation.
3. Reduce the map of the licensed premises to include only the current area used.

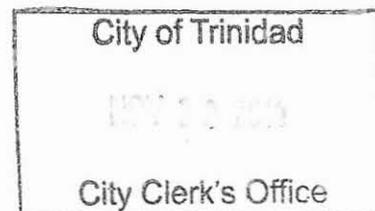
We appreciate your help and understanding as we try to comply with the MMED warning letter issued November 13, 2014. A copy of the letter is attached that describes the changes on the above mentioned forms.

Sincerely,



Gerri DeAngelis
M & M Distributing, LLC

Attachments



DR 8545 (08/29/14)
 COLORADO DEPARTMENT OF REVENUE
 Marijuana Enforcement Division
 455 Sherman Street, Suite 390
 Denver, CO 80203

Marijuana Enforcement Division Report of Changes

Current License Number (All Answers Must Be Printed Legibly or Typewritten) 402-00949			
1. Name of Business requesting changes or Person requesting duplicate badge M & M Distributing LLC			
2. Trade Name M & M Distributing LLC			
3. Business address or personal address if requesting a duplicate badge 422 N. Commercial St.		City Trinidad	State ZIP CO 81082
Select the Appropriate Section Below and Proceed to The Instructions on Page2. (Please refer to fee schedule on the website— www.colorado.gov/revenue/med)			
Section A—Duplicate License		Section B	
<input type="checkbox"/> Duplicate Business License	\$	<input type="checkbox"/> Change Corp. or Trade Name Permit (ea)	\$
<input type="checkbox"/> Duplicate Badge	\$	<input type="checkbox"/> Change Location Permit – Medical	\$
		<input type="checkbox"/> Change Location Permit – Retail	\$
		<input checked="" type="checkbox"/> Change, Alter or Modify Premises	
	\$ 120.00	x	Total Fee \$ 120.00
Oath of Applicant (For Duplicate License or Badge Only)			
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.			
Signature		Date 11/18/14	
<small>The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.</small>		Total Amount Due	\$ 120.00

I-Center

City of Trinidad
NOV 20 2014
City Clerk's Office

3. Modification of Premises

(Note: Licensees may not modify their licensed premises until approved by state and local authorities.)

A. Describe Change proposal

- 1.) Second story over Dispensary will not be used for this business
- 2.) Reposition the cameras in the dispensary and add 3 cameras per the MMED inspection report

B. If the modification is temporary, when will the proposed change:

Start (MM/DD/YY)	End (MM/DD/YY)
------------------	----------------

C. Will the proposed change result in the licensed premises now being located within 1000 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

(If yes, explain in detail, describe any exemptions that apply and provide a copy of the exemption or local ordinance) Yes No

D. Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises include security equipment locations.

E. Attach any existing lease that is revised due to the modification.

Oath of Applicant

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

Signature <i>Ferris De Arzola</i>	Title Sec/Treas	Date 11/18/14
--------------------------------------	--------------------	------------------

Report and Approval of Local Licensing Authority (City / County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Article 43.3 or 43.4, C.R.S. , as amended. **Therefore, this application is approved.**

Local Licensing Authority (City or County)	Date Filed With Local Authority
--	---------------------------------

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

Report of State Licensing Authority

The foregoing has been examined and complies with the filing requirements of Title 12, Article or 43.4, C.R.S., as amended.

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

RETAIL MARIJUANA OWNERSHIP AND FUNDING CERTIFICATION:

On behalf of the Applicant, I certify under the penalty of perjury on the date signed:

The ownership described below is accurate and complete and includes **all** shareholders or other owners of the Applicant business entity, including members of business entities that share in the ownership in the Applicant business entity, no matter how slight the ownership interest.

The list of associated persons below is complete and includes **all** corporate or company officers, directors (including outside or independent directors), partners, and all persons who have the ability to exercise control over the management policies of the Applicant entity, along with accurate titles or positions. Note: Business entities that own the Applicant business entity, in whole or in part, must provide details of their ownership structure.

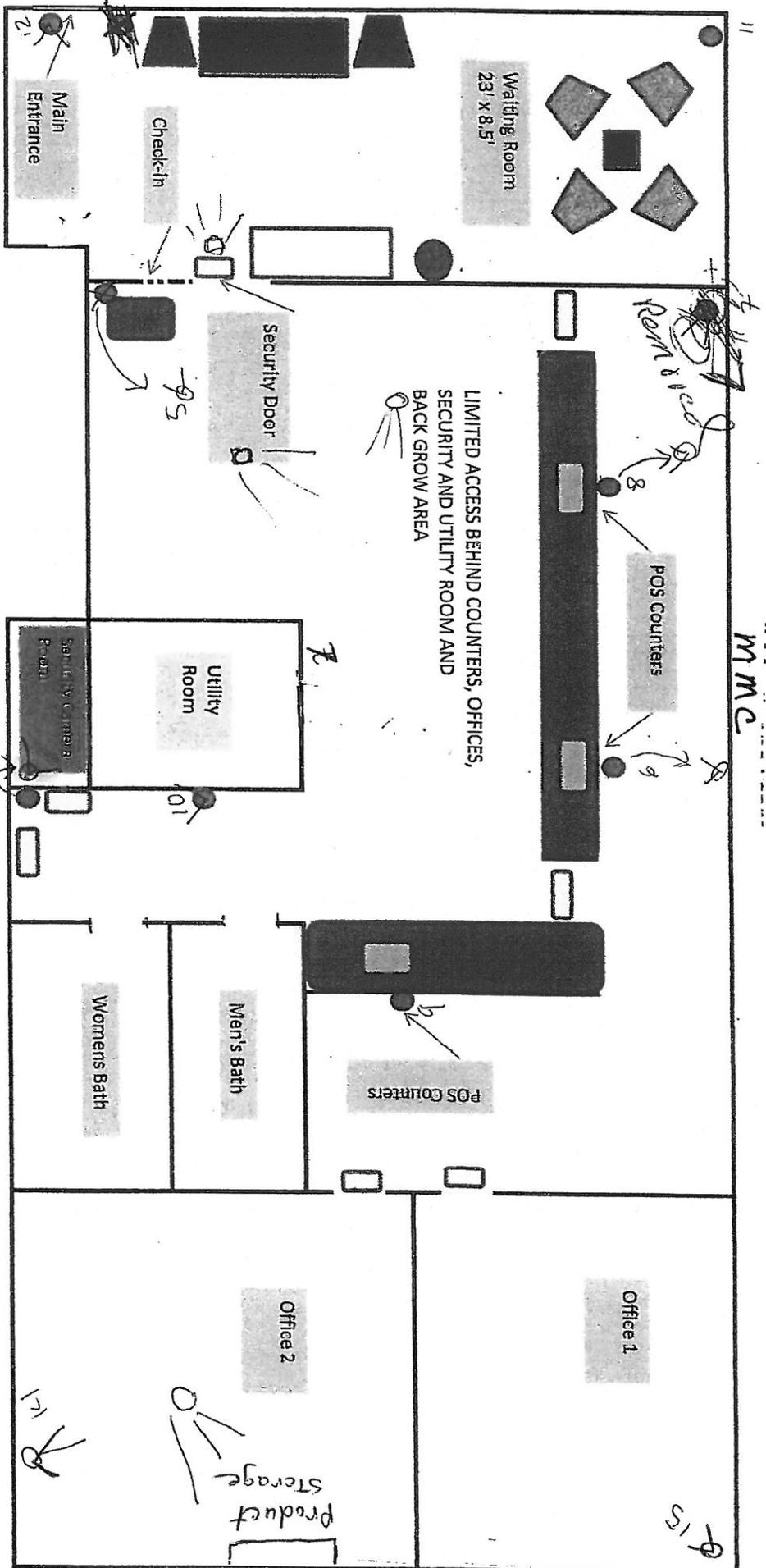
On behalf of the Applicant, I further certify under the penalty of perjury that on the date signed:

All investments and funds used to start and/or finance this Applicant's business entity have been disclosed and accurately reported. These investments and funds were obtained from fully disclosed, legal and legitimate sources. These investments and funds are not involved in any criminal or money laundering activity, are clear and unencumbered, and are not derived from any illegal activities.

Upon signature below the applicant also understands and agrees no change of ownership or change of location will be accepted by the State Licensing Authority, Marijuana Enforcement Division until the applicant's license(s) are approved.

x <u>Geraldine DeAngelis</u> Signature	<u>Sec / Treas</u> Title or Position	<u>11-18-14</u> Date
<u>Geraldine DeAngelis</u> Typed or Printed Name	<u>m+m Distributing</u> Business Name	<u>402-00949</u> License #
x <u>JAC Michals</u> Signature	<u>President</u> Title or Position	<u>11-18-14</u> Date
<u>John E Michals</u> Typed or Printed Name	<u>m+m Distributing LLC</u> Business Name	<u>402-00949</u> License #
x <u>JAC Michals</u> Signature	_____ Title or Position	_____ Date
_____ Typed or Printed Name	_____ Business Name	_____ License #
<u>Keith Kuntzsch</u> Witnessed By	<u>CI</u> Title	<u>11-18-14</u> Date

Changes being made



- Legend:
- Video Camera
 - POS System
 - Limited Access

M305 - Security Alarm System and Lock Standards Summary;
 Installed by Alarm Inst. Company
 All Perimeter entry points and perimeter windows
 Continuously monitored, monitoring service ok.
 Schematic of all security Zones

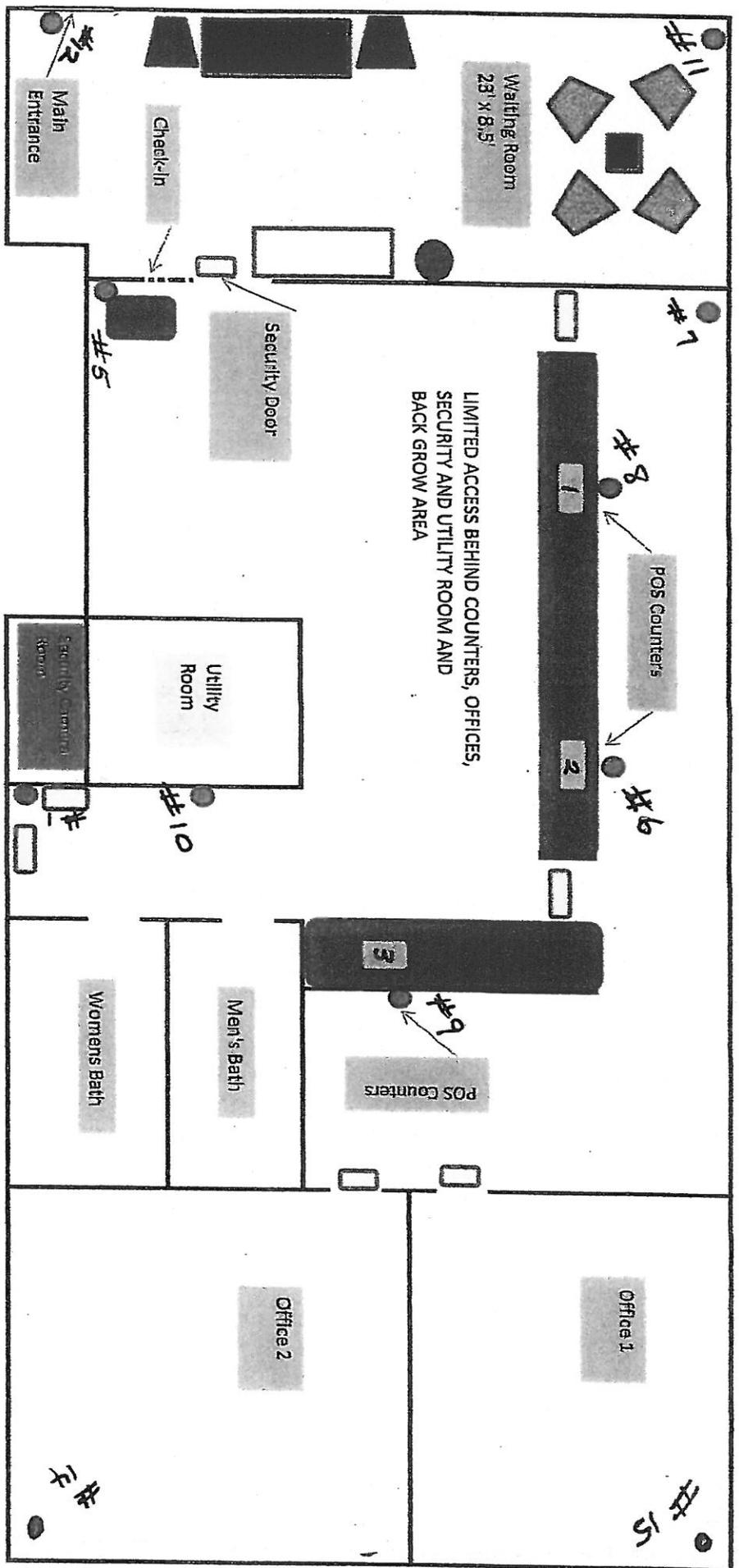
M306 Video Surveillance
 Stored in secure location
 Digital quality, still photo capable, print to color printer
 4hr min., battery back-up
 All limited access areas, point of Sale

Locations:
 All Limited Access
 Point of Sale
 Security Room
 All points of Ingress or egress
 to limited access areas
 Display Areas
 All point of Ingress or egress
 to exterior.

Entrance and Exits recorded
 from both indoor and outdoor
 24 hrs./dy

Remove camera 7
 install 2 to face budtenders
 install 1 to come into main
 door - so face exposed
 Additional 1 to
 include upstairs

Remove in 1st



Legend:

-  Video Camera
-  POS System
-  Limited Access

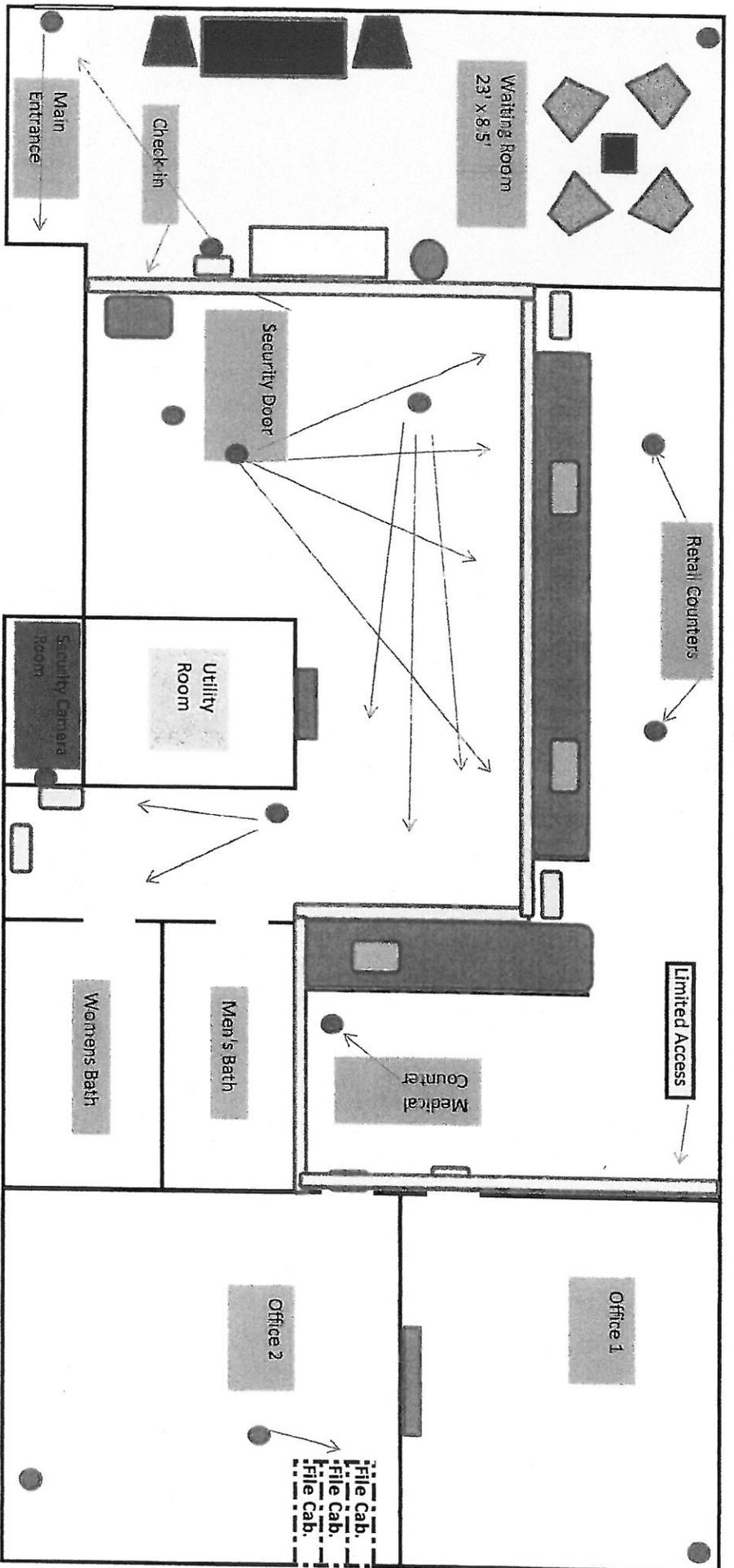
M305 - Security Alarm System and Lock Standards Summary:

- Installed by Alarm Inst. Company
 - All Perimeter entry points and perimeter windows
 - Continuously monitored, monitoring service ok.
 - Schematic of all security Zones
- M306 Video Surveillance**
- Stored in secure location
 - Digital quality, still photo capable, print to color printer
 - 4hr m/n, battery back-up
 - All limited access areas, point of Sale

Locations:

- All Limited Access
- Point of Sale
- Security Room
- All points of Ingress or egress to limited access areas
- Display Areas
- All point of Ingress or egress to exterior.
- Entrance and Exits recorded from both indoor and outdoor
- 24 hrs./dy

M&M Distributing LLC, Office Diagram



- Legend:**
- Video Camera
 - ☐ POS System
 - ▭ Limited Access

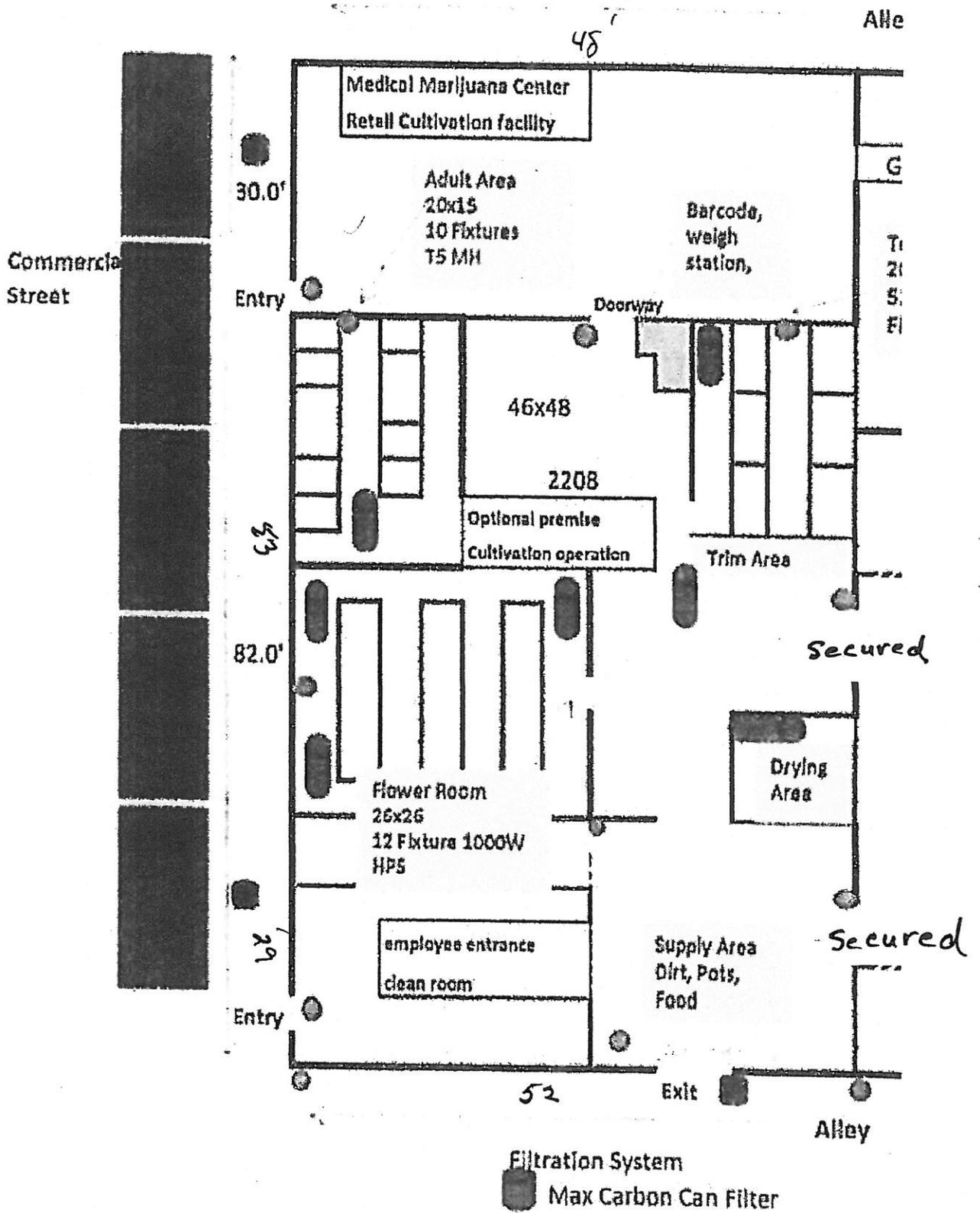
M305 - Security Alarm System and Lock Standards Summary:
 Installed by Alarm Inst. Company
 All Perimeter entry points and perimeter windows
 Continuously monitored, monitoring service ok.
 Schematic of all security Zones

M306 Video Surveillance
 Stored in secure location
 Digital quality, still photo capable, print to color printer
 4hr min., battery back-up
 All limited access areas, point of Sale

Locations:
 All Limited Access
 Point of Sale
 Security Room
 All points of ingress or egress
 to limited access areas
 Display Areas
 All point of ingress or egress
 to exterior.

Entrance and Exits recorded
 from both indoor and outdoor
 24 hrs./dy

M&M Distributing, LLC
422 N Commercial, Trinidad CO

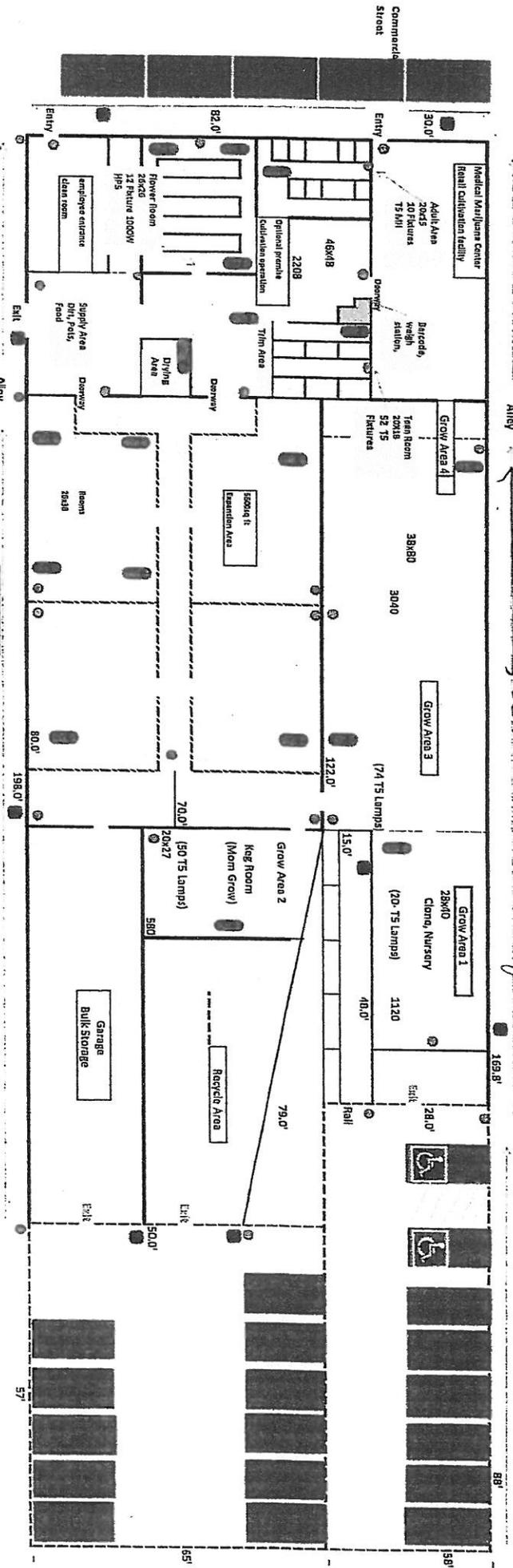


Licensed Premise

M&M Distributing, LLC
422 N Commercial, Trinidad CO

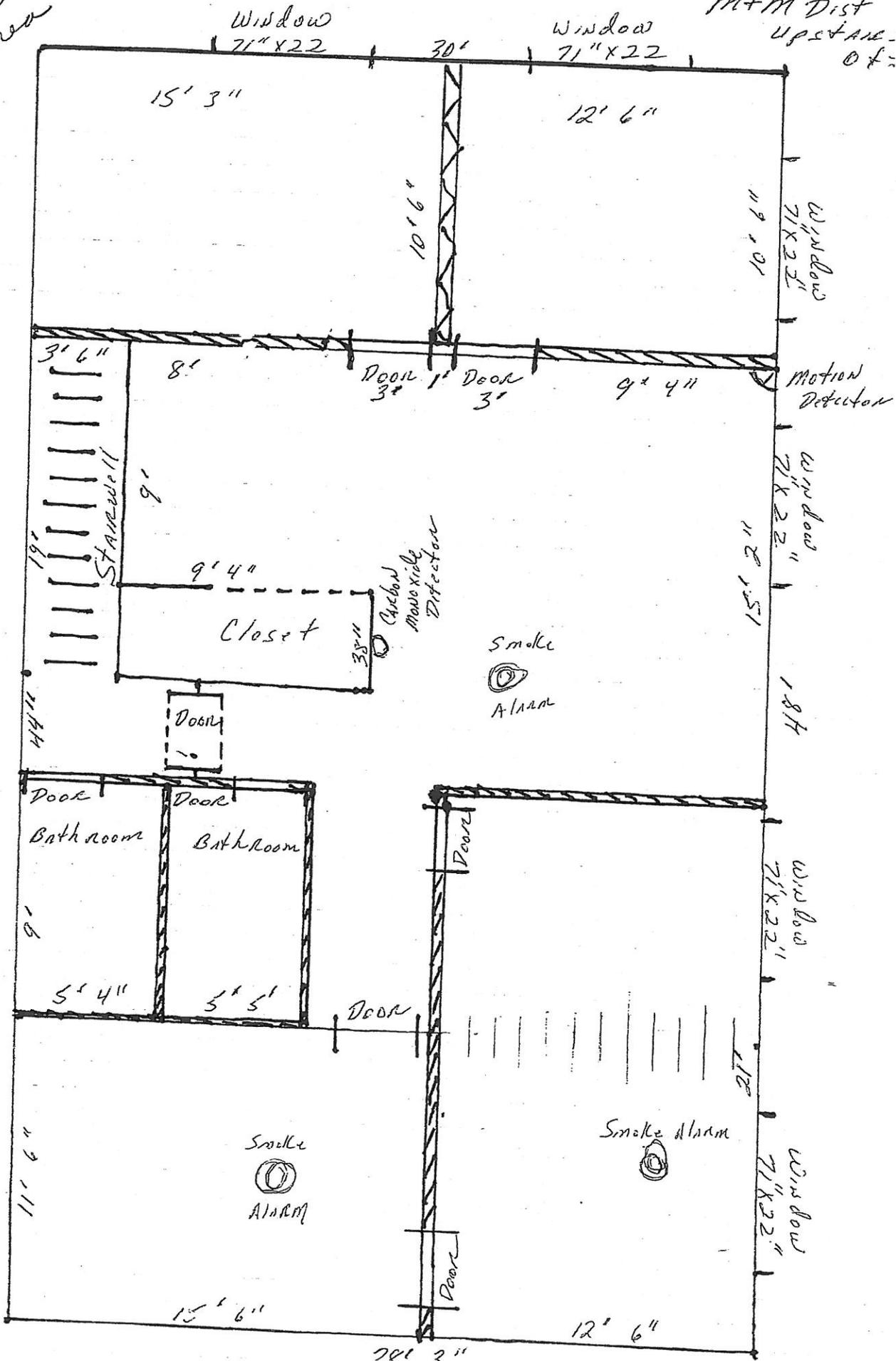
Commercial Premise

on file

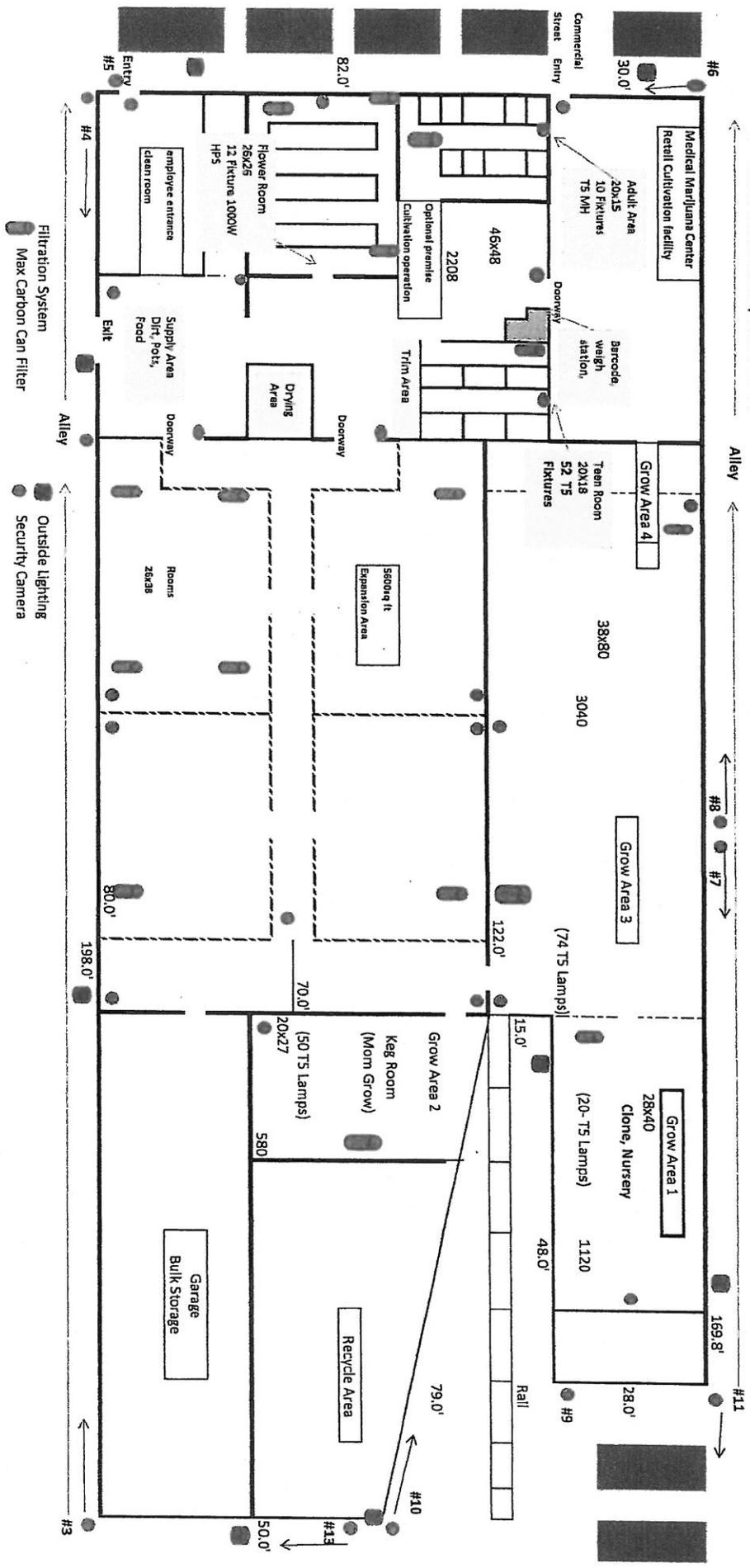


Motion
sensored
area

M+M Dist
UPSTAIR
0 f:



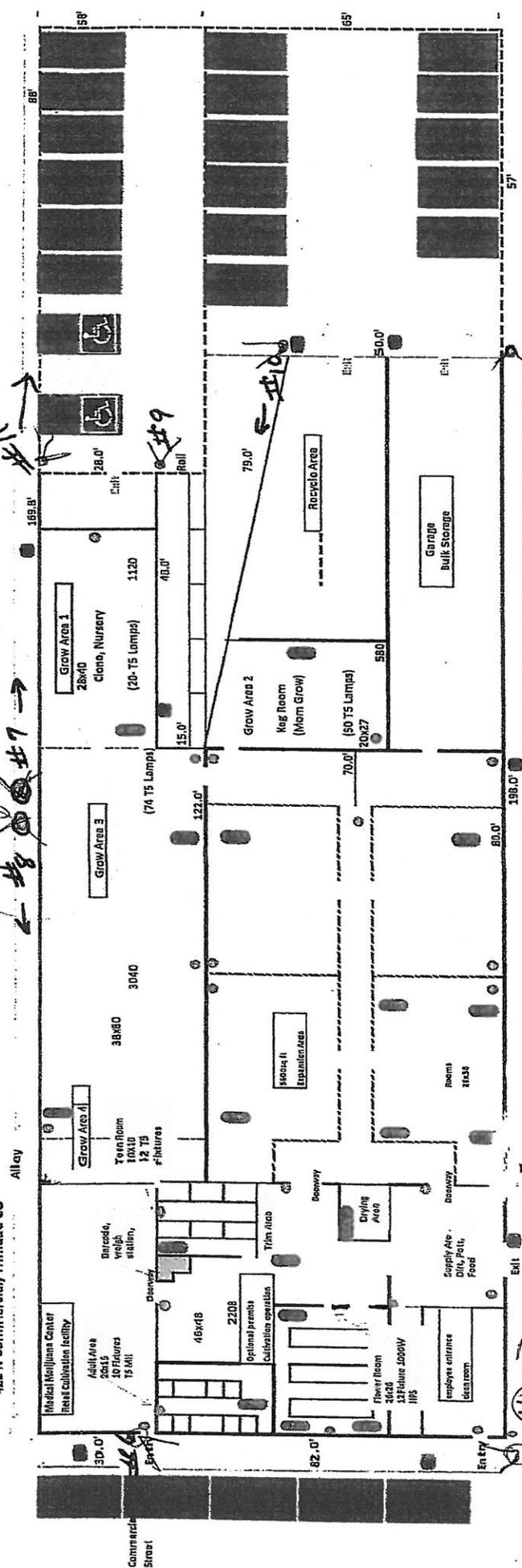
M&M Distributing, LLC
 4222 N Commercial, Trinidad CO



changes to be made

exercise space
single down
collect water

M&M Distributing, LLC
422 N Commercial, Trinidad CO



- Outside Lighting
- Security Lighting
- ADA Standard 8'x18'
- 60" Wide marked access aisle
- Perking Space 9' x 18'
- Cameras
- Filtration System
- Max Carbon Len

#8 needs to be adjusted
so water doesn't accumulate on lense

cameras being installed in grow area

DR 8545 (08/29/14)
 COLORADO DEPARTMENT OF REVENUE
 Marijuana Enforcement Division
 455 Sherman Street, Suite 390
 Denver, CO 80203

Marijuana Enforcement Division Report of Changes

Current License Number (All Answers Must Be Printed Legibly or Typewritten) 403-01495			
1. Name of Business requesting changes or Person requesting duplicate badge M & M Distributing LLC			
2. Trade Name M & M Distributing LLC			
3. Business address or personal address if requesting a duplicate badge 422 N. Commercial St.		City Trinidad	State ZIP CO 81082
Select the Appropriate Section Below and Proceed to The Instructions on Page2. (Please refer to fee schedule on the website— www.colorado.gov/revenue/med)			
Section A—Duplicate License		Section B	
<input type="checkbox"/> Duplicate Business License	\$	<input type="checkbox"/> Change Corp. or Trade Name Permit (ea)	\$
<input type="checkbox"/> Duplicate Badge	\$	<input type="checkbox"/> Change Location Permit – Medical	\$
		<input type="checkbox"/> Change Location Permit – Retail	\$
		<input checked="" type="checkbox"/> Change, Alter or Modify Premises	
	\$ 120.00 x	Total Fee	\$ 120.00
Oath of Applicant (For Duplicate License or Badge Only)			
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.			
Signature			Date 11/18/14
The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.			Total Amount Due \$ 120.00

2-Optional Premise
Cultivation

City of Trinidad
 737 29 000
 City Clerk's Office

3. Modification of Premises

(Note: Licensees may not modify their licensed premises until approved by state and local authorities.)

A. Describe Change proposal

- 1.) Basement and attic will not be used for this business
- 2.) Additional Cameras will be installed per the MMED inspection report
- 3.) Reduce the map of the licensed premises to include only the current area used.

B. If the modification is temporary, when will the proposed change:

Start (MM/DD/YY)

End (MM/DD/YY)

C. Will the proposed change result in the licensed premises now being located within 1000 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

(If yes, explain in detail, describe any exemptions that apply and provide a copy of the exemption or local ordinance)

Yes No

D. Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises include security equipment locations.

E. Attach any existing lease that is revised due to the modification.

Oath of Applicant

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

Signature

Geri DeAngelis

Title

Sec/Treas

Date

11/18/14

Report and Approval of Local Licensing Authority (City / County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 12, Article 43.3 or 43.4, C.R.S., as amended. **Therefore, this application is approved.**

Local Licensing Authority (City or County)

Date Filed With Local Authority

Signature

Title

Date

Report of State Licensing Authority

The foregoing has been examined and complies with the filing requirements of Title 12, Article or 43.4, C.R.S., as amended.

Signature

Title

Date

RETAIL MARIJUANA OWNERSHIP AND FUNDING CERTIFICATION:

On behalf of the Applicant, I certify under the penalty of perjury on the date signed:

The ownership described below is accurate and complete and includes *all* shareholders or other owners of the Applicant business entity, including members of business entities that share in the ownership in the Applicant business entity, no matter how slight the ownership interest.

The list of associated persons below is complete and includes *all* corporate or company officers, directors (including outside or independent directors), partners, and all persons who have the ability to exercise control over the management policies of the Applicant entity, along with accurate titles or positions. Note: Business entities that own the Applicant business entity, in whole or in part, must provide details of their ownership structure.

On behalf of the Applicant, I further certify under the penalty of perjury that on the date signed:

All investments and funds used to start and/or finance this Applicant's business entity have been disclosed and accurately reported. These investments and funds were obtained from fully disclosed, legal and legitimate sources. These investments and funds are not involved in any criminal or money laundering activity, are clear and unencumbered, and are not derived from any illegal activities.

Upon signature below the applicant also understands and agrees no change of ownership or change of location will be accepted by the State Licensing Authority, Marijuana Enforcement Division until the applicant's license(s) are approved.

x 
Signature

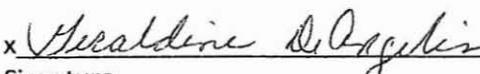
President
Title or Position

11-18-14
Date

John E. Michelina
Typed or Printed Name

m+m Distributing LLC
Business Name

403-01495
License #

x 
Signature

Sec/Treas
Title or Position

11-18-14
Date

Geraldine DeAngelis
Typed or Printed Name

m+m Distributing LLC
Business Name

403-01495
License #

x _____
Signature

Title or Position

Date

Typed or Printed Name

Business Name

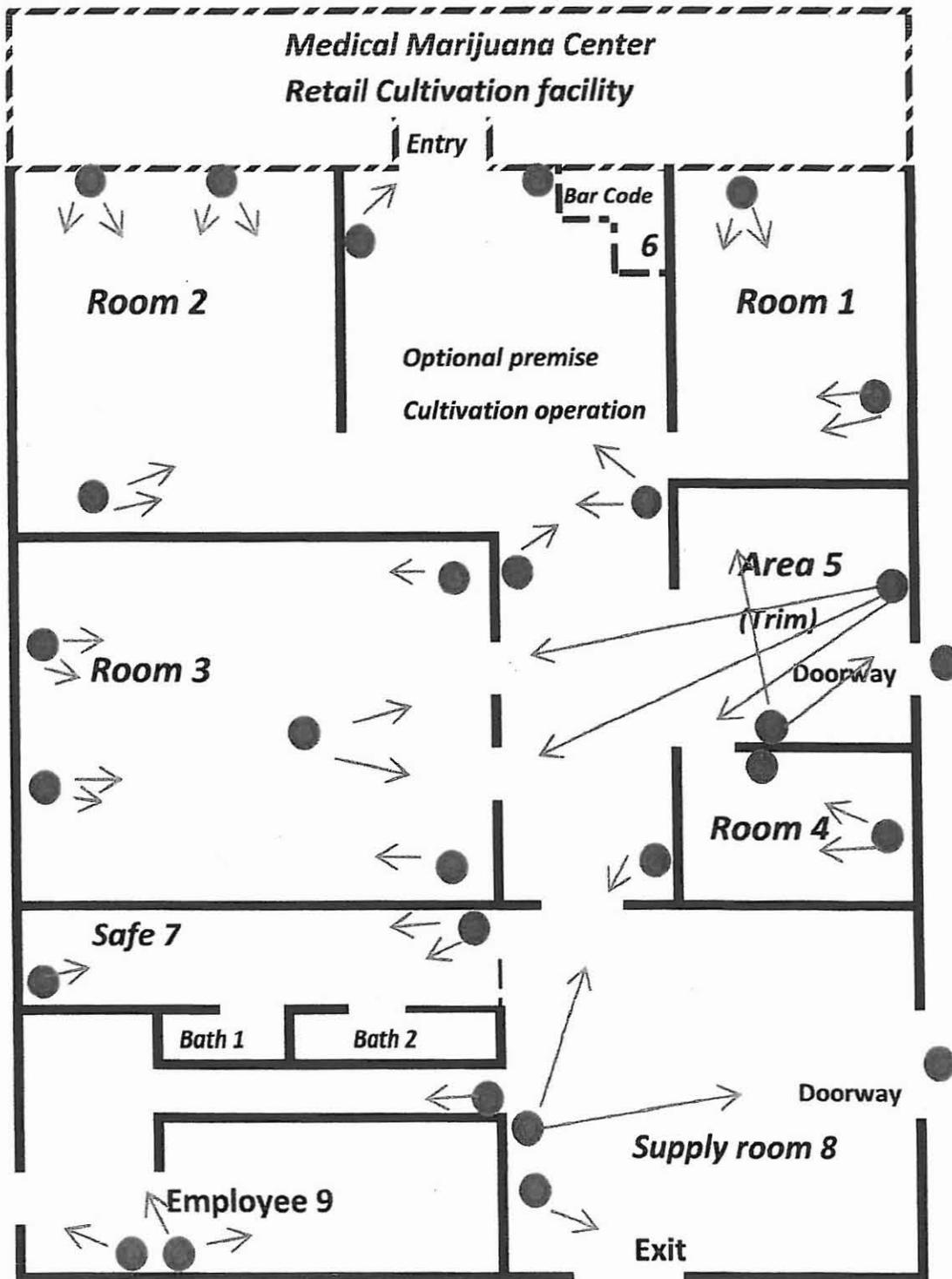
License #


Witnessed By

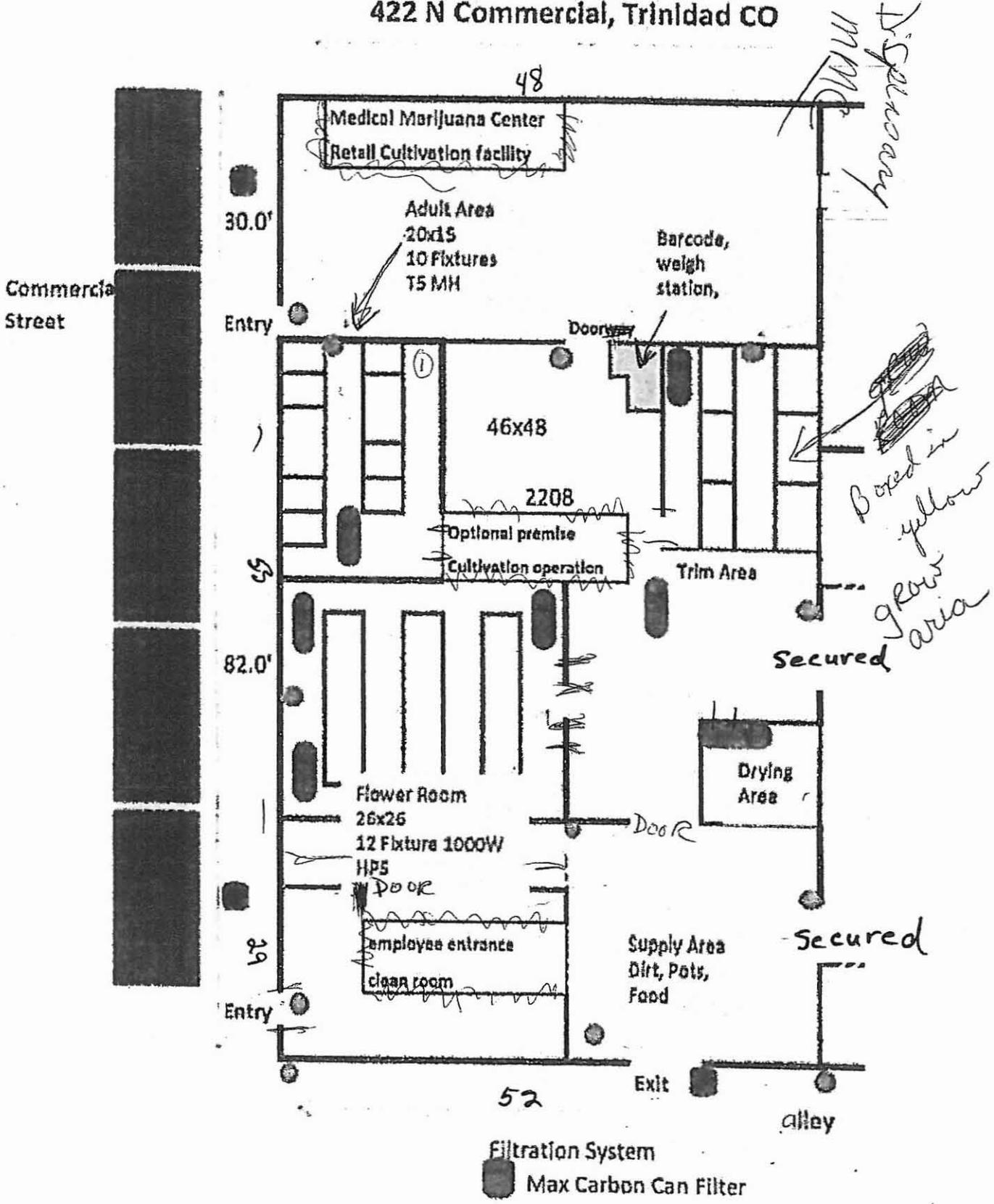
CI
Title

11-18-14
Date

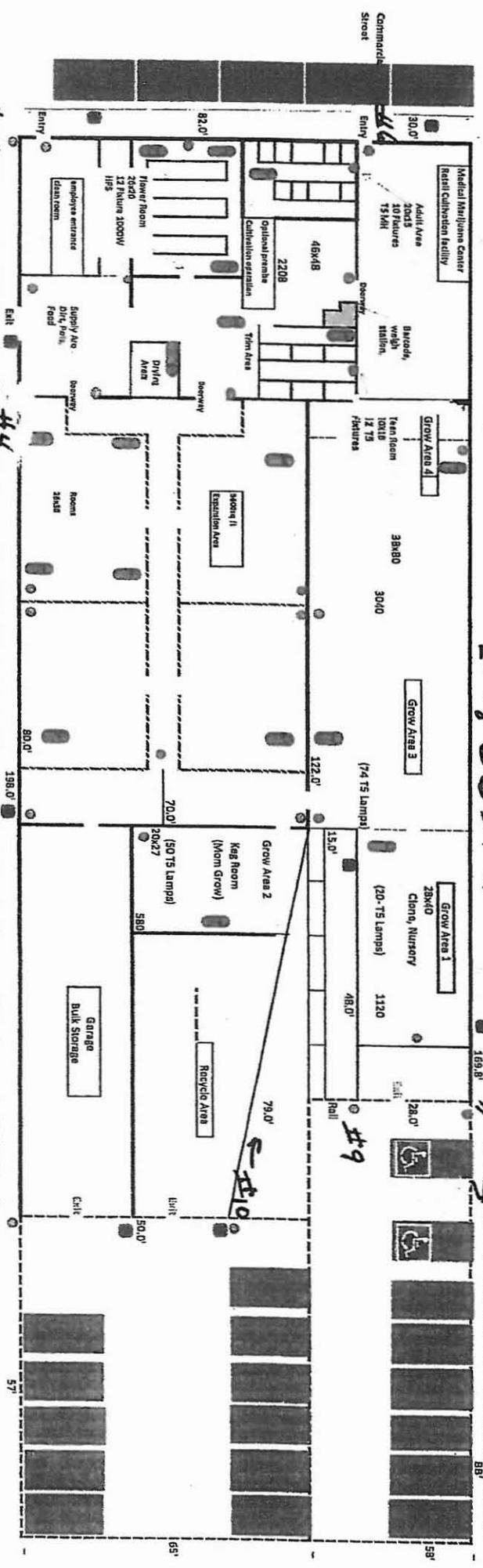
M&M Distributing, LLC
422 N Commercial, Trinidad CO



M&M Distributing, LLC
 422 N Commercial, Trinidad CO

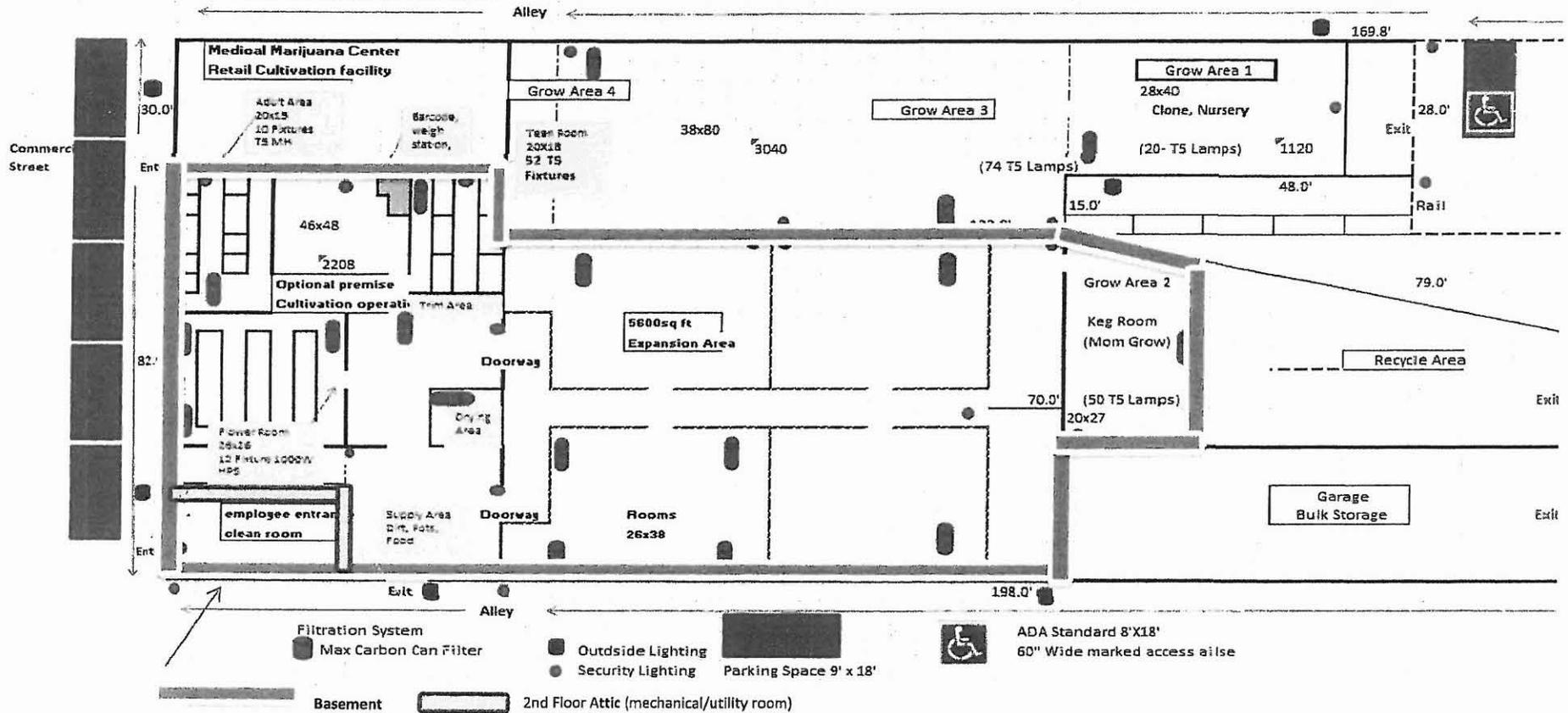


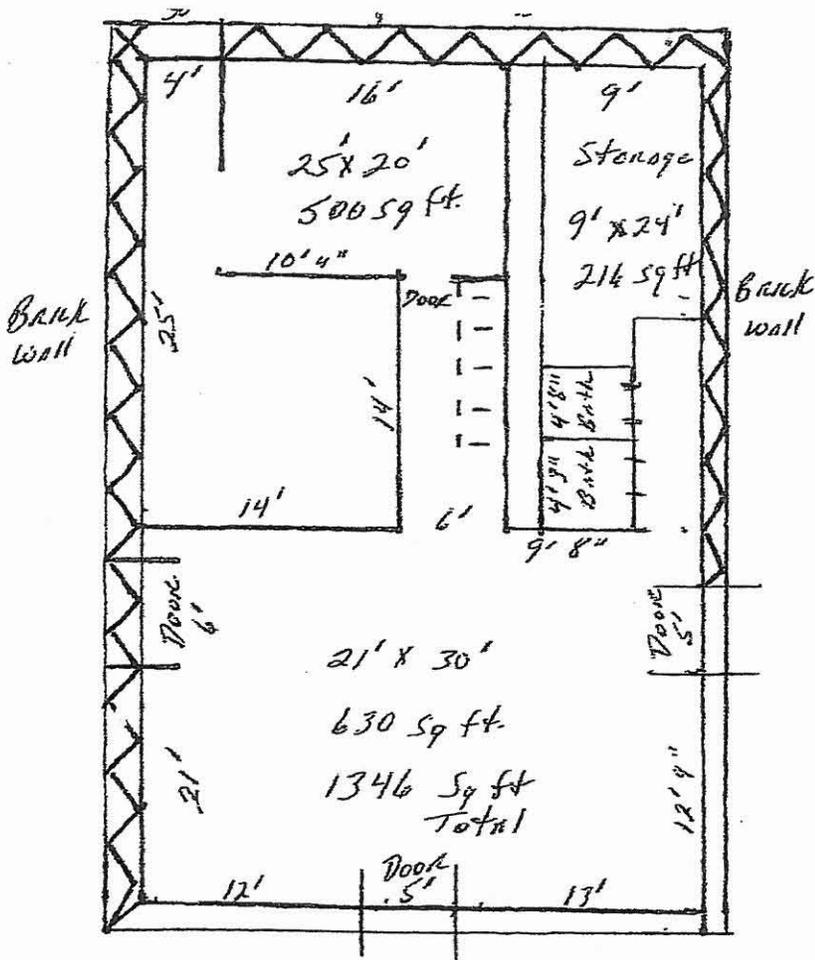
M&M Distributing, LLC
 422 N Commercial, Trinidad CO



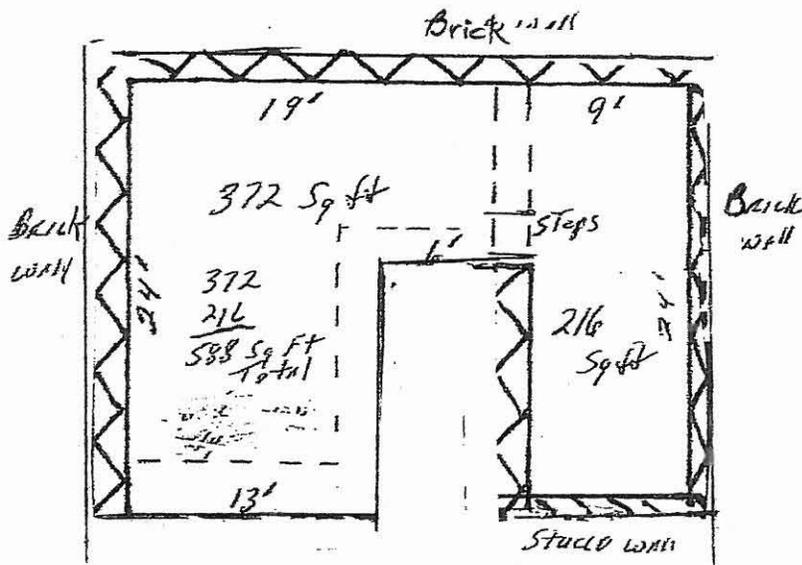
on file

M&M Distributing, LLC
422 N Commercial, Trinidad CO





employee
entrance /
clean room
(main floor)



Add
2nd Floor -
* Attic
mechanical room
utility room
not used for
business -

Will be secured
at all times

* mechanical / utility room
is a secured attic.
It will be blocked off.

STATE OF COLORADO

DEPARTMENT OF REVENUE
Marijuana Enforcement Division
455 Sherman St., Suite 390
Denver, Co 80203



WARNING LETTER

John J. Hickenlooper
Governor

Barbara J. Brohl
Executive Director

Ron Kammerzell
Deputy Senior
Enforcement Director

Lewis Koski
Division Director

November 13, 2014

M&M Distributing, LLC
Lic. No. 402-00949 and 403-01495
c/o Geraldine DeAngelis
422 N. Commercial St.
Trinidad, CO 81082

Reference Number: 14-01720

Dear Mrs. DeAngelis:

This letter is to notify you of a violation of the Colorado Medical Marijuana Code which may result in disciplinary action before the State Licensing Authority. Read this letter carefully!

Pursuant to §12-43.3-202(1)(a) the State Licensing Authority shall, grant or refuse state licenses for the cultivation, manufacture, distribution, and sale of medical marijuana as provided by law; suspend, fine, restrict, or revoke such licenses upon a violation of this article, or a rule promulgated pursuant to this article; and impose any penalty authorized by this article or any rule promulgated pursuant to this article. The State Licensing Authority may take any action with respect to a registration pursuant to this article as it may with respect to a license pursuant to this article, in accordance with the procedures established pursuant to this article.

You have ten days from the date of this letter to reply, in writing, to respond to the violations and if necessary, to resolve the violation described. In your response, explain your plan for correcting the listed violation(s) and preventing future violations. Include a telephone number and address. As discussed with the Investigators at the facility, these issues must be addressed prior to you opening the business to which the violation applies. Note your reference (investigation) number of 14-01720 in your response and mail it to:

Department of Revenue
Marijuana Enforcement Division
1030 South Academy Blvd.
Colorado Springs, Co 80910
c/o Investigator Brian Soule
Colorado Springs Field Enforcement Section

Your failure to respond to this letter, and your failure to take appropriate corrective measures, may result in disciplinary action by the State Licensing Authority upon re-inspection after your facilities have opened for business.

The noted areas to be corrected are set forth below. Read the Complaint carefully; if you don't understand it, you may contact the investigator listed below. This warning letter will become a permanent part of your licensing file. While this letter does not carry a specific penalty at this time, the Division and the State Licensing Authority reserve the right to pursue this matter further at a later date. The fact that you received this warning letter must be disclosed on your next Colorado license application, and may be considered by the State Licensing Authority when it reviews

the application. Subsequent warnings, either for the same or for different violations, are likely to result in a more formal disciplinary action. At such time, this warning letter may be considered in determining the appropriate administrative action to be taken in that matter. If the noted areas of non-compliance are corrected upon re-inspection, that will reflect favorably in the next inspection.

If you have any questions, contact Investigator Brian Soule at (719) 570-5628 or via email at brian.soule@state.co.us. Have your reference number ready when you call and include it with any email communications.



Sincerely,

Brian Osterhouse
 Supervisory Investigator
 Colorado Springs Field Enforcement Section

COMPLAINT

Date of Violation: 20141112	Division Complaint No.: None (Investigation 14-01720) Investigator: Brian Soule
Location of Violation: 422 N. Commercial Street, Trinidad, CO, 81082	
Employee(s) Involved: Gerri DeAngelis (M17068)	
Statute(s), Regulation(s) Violated: 1 CCR 212-1 M 305 (A) (1) Each Licensed Premises shall have a Security Alarm System, installed by an Alarm Installation Company, on all perimeter entry points and perimeter windows. 1 CCR 212-1 M 301 C. Required Signage . All areas of ingress and egress to Limited Access Areas on the Licensed Premises shall be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height, which shall state, "Do Not Enter - Limited Access Area – Access Limited to Licensed Personnel and Escorted Visitors". <i>Post signs on door between OPC and MMC, on the surveillance room door, and on the door between the employee lounge and OPC.</i> 1 CCR 212-1 M 301 D Diagram for Licensing Licensed Premises . All Limited Access Areas shall be clearly identified to the Division or relevant local licensing authority and described by the filing of a diagram of the Licensed Premises reflecting walls, partitions, counters and all areas of ingress and egress. The diagram shall also reflect all Propagation, cultivation, manufacturing, and Restricted Access Areas. <i>Submit the Modification to the Licensed Premises as discussed with Investigators Soule and Hauck; include the basement and second floor mechanical/utility room on the modification stating that they are not used for the business. Reduce the size of the licensed premises to the appropriate area as discussed with the Investigators. Please review Rule M 303-Changing, Altering or Modifying Licensed Premises and remember changes must approved IN ADVANCE.</i> 1 CCR 212-1 M306 C. Placement of Cameras and Required Camera Coverage. <i>Below is the</i>	

applicable regulations we discussed with regards to adding more cameras:

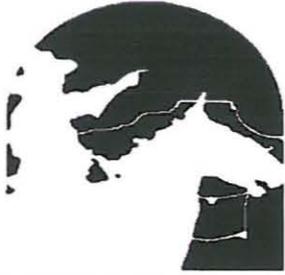
1. Camera coverage is required for all Limited Access Areas, point-of-sale areas, security rooms, all points of ingress and egress to Limited Access Areas, all areas where Medical Marijuana or Medical Marijuana-Infused Product is displayed for sale, and all points of ingress/egress to the exterior of the Licensed Premises.
 2. Camera placement shall be capable of identifying activity occurring within 20 feet of all points of ingress and egress and shall allow for the clear and certain identification of any individual and activities on the Licensed Premises.
 3. At each point-of-sale location, camera coverage must enable recording of the patients, caregiver or customer(s) and employee(s) facial features with sufficient clarity to determine identity.
 4. All entrances and exits to the facility shall be recorded from both indoor and outdoor vantage points.
 5. The system shall be capable of recording all pre-determined surveillance areas in any lighting conditions. If the Licensed Premises has a Medical Marijuana cultivation area, a rotating schedule of lighted conditions and zero-illumination can occur as long as ingress and egress points to Flowering areas remain constantly illuminated for recording purposes.
 6. Areas where Medical Marijuana is grown, tested, cured, manufactured, or stored shall have camera placement in the room facing the primary entry door at a height which will provide a clear unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.
 7. Cameras shall also be placed at each location where weighing, packaging, transport, preparation, or tagging activities occur.
 8. At least one camera must be dedicated to record the access points to the secured surveillance recording area.
- 1 CCR 212-1 M306 D 3. Licensees must keep a current list of all authorized employees and service Personnel who have access to the surveillance system and/or room on the Licensed Premises. Licensees must keep a surveillance equipment maintenance activity log on the Licensed Premises to record all service activity including the identity of the individual(s) performing the service, the service date and time and the reason for service to the surveillance system. ***Per our discussion, place the access roster for the surveillance room in the door of the surveillance room and create an activity log for the room.***

Brief Description of Incident and Violation(s):

Conducted an inspection of the licensed premises ***prior to the facility receiving product or opening***, on November 12, 2014 and noted the above violations to correct to be in full compliance. Investigators Soule and Hauck informed the respondent that the minimum security requirements (alarm and surveillance regulations) must be met for the MMC prior to opening for business.

cc: MED Field Enforcement Section Investigation File

8b



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Audra Garrett, ACM/City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*

SUBJECT: New Retail Marijuana Store license application filed by M & M Distributing, LLC at 422 N. Commercial Street

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Set the matter for public hearing.

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: This is an application for a new license.

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is January 6, 2015 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

8b



CITY OF TRINIDAD

City Clerk's Office
135 N Animas St
P.O. Box 880
Trinidad, Colorado 81082
719-846-9843

RETAIL MARIJUANA LICENSE APPLICATION

- | | | | |
|--|-------------|---|---------------|
| <input checked="" type="checkbox"/> New License Application Fee | \$2,500.00 | <input checked="" type="checkbox"/> License Fee/Renewal Fee | \$2,500.00 |
| <input type="checkbox"/> Transfer of Ownership Application Fee | \$1,500.00 | <input type="checkbox"/> Change of Location | \$1,500.00 |
| <input checked="" type="checkbox"/> \$1.00 per square foot cultivation fee | <u>535.</u> | Square feet = \$ | <u>535.00</u> |
| <input type="checkbox"/> Expansion of cultivation area @ \$1.00 per square foot charge for that additional area \$ _____ | | | |

LICENSE TYPE

- | | |
|--|---|
| <input checked="" type="checkbox"/> Marijuana Store | <input type="checkbox"/> Marijuana Product Manufacturing Facility |
| <input checked="" type="checkbox"/> Marijuana Cultivation Facility | <input type="checkbox"/> Marijuana Testing Facility |

TYPE OF BUSINESS

- | | | |
|---|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Partnership | <input type="checkbox"/> Individual* |
| <input checked="" type="checkbox"/> Limited Liability Corporation | <input type="checkbox"/> Other | |

*Sole Proprietorship (Individual) – Verification of Lawful Presence is required per State law (Signed Affidavit and Photo ID)

Applicant
(Corporation/LLC)

M+M Distributing, LLC

Applicant

(Sole Proprietor)

First Name

Middle Initial

Last Name

Trade Name of Establishment (DBA) M+M Distributing, LLC

Address of Premise 422 N. Commercial ST., Trinidad, CO 81082

Mailing Address 422 N. Commercial ST., Trinidad, CO 81082

Telephone 719-680-1019 Email Address jjdeangelis@hotmail.com

Contact Person/Manager John Micheliza Title President

Telephone 719-680-1019 Email Address jjdeangelis@hotmail.com

Does the Applicant have legal possession of the premise for at least one (1) year from the date that this license will be issued by virtue of ownership, lease or other arrangement?

Ownership

Lease

Other (explain in detail)

City of Trinidad

NOV 20 2019

City Clerk's Office

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

Landlord *see attachment* Tenant Expires *March 11, 2016*

****If premises are leased, attach notarized consent by the owner of the property to the licensing of the premises for a retail marijuana facility.**

ADDITIONAL DOCUMENTS TO BE SUBMITTED WITH APPLICATION

Individual History Records attached and completed by each individual applicant, all general partners of a partnership, and limited partners owning 10% (or more) of a partnership; all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation; all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company and all managers and employees of a Retail Marijuana License.

1. Fingerprinting by the Trinidad Police Department for: - *On file*
 - all general partners of a partnership and limited partners owning 10% (or more) of a partnership;
 - all officers and directors of a corporation, and stockholders of a corporation owning 10% (or more) of the stock of such corporation;
 - all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company; and
 - all managers and employees of a Retail Marijuana License with the appropriate fee payable to Colorado Bureau of Investigation (currently \$39.50, March, 2014)
2. Lease or Deed – Evidence of Possession
3. Conditional Use Permit approval
4. Copy of alarm system contract
5. Copy of state sales tax license
6. Certificate of Good Standing
7. Affidavit of Lawful Presence (Sole Proprietors only)
8. Diagram of Premises:
 - A floor plan, drawn to scale on 8-1/2 x 11" paper, showing the layout of the center and the principal uses of the floor area. Floor plan must include location of lighting and cameras required by state rules.

A one-time fee of \$1.00 per square foot of that portion of the licensed premises in which plants are located for cultivation purposes, including greenhouses, shall be due to the City. Any expansion of the licensed premises in which plants are located for cultivation purposes shall result in an additional \$1.00 per square foot charge for that additional area.
9. Copy of State Application with attachments

LIST OF OWNERS, OFFICERS, MANAGERS, EMPLOYEES & OTHERS WITH DIRECT OR INDIRECT FINANCIAL INTEREST

1. Name: John Micheliza Title: President
Address: [REDACTED], Trinidad, CO 81082
Financial Interest: 50 %

2. Name: Geraldine DeAngelis Title: Sec / Treas.
Address: [REDACTED], Trinidad, CO 81082
Financial Interest: 50 %

3. Name: _____ Title: _____
Address: _____
Financial Interest: _____

4. Name: _____ Title: _____
Address: _____
Financial Interest: _____

5. Name: _____ Title: _____
Address: _____
Financial Interest: _____

6. Name: _____ Title: _____
Address: _____
Financial Interest: _____

7. Name: _____ Title: _____
Address: _____
Financial Interest: _____

The applicant hereby acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, that the City of Trinidad accepts no legal liability in connection with the approval and subsequent operation of the retail marijuana business; and that the application and documents submitted for other approvals relating to the retail marijuana business operation are subject to disclosure in accordance with the Colorado Open Records Act.

By accepting a license issued pursuant to this ordinance, a licensee releases the City, its officers, elected officials, appointed officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

By accepting a license issued pursuant to this ordinance a licensee, jointly and severally if more than one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and demands, on account of injury, loss, or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the retail marijuana business that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees.

I declare, under penalty of perjury, that this application has been examined by me; that the statements made herein are made in good faith and, to the best of my knowledge and belief, true, correct and complete.

Signed: Geraldine De Angelis Title: Sec/Treas
(Must be signed by Individual Owner, Partner, or Officer)

Printed Name: Geraldine DeAngelis Date: 10/7/14



City of Trinidad, Colorado
1878

**CITY OF TRINIDAD, COLORADO
OFFICE OF THE CITY CLERK**

**LICENSEE'S STATEMENT REGARDING KNOWLEDGE
OF THE STATE OF COLORADO'S RETAIL MARIJUANA CODES AND
REGULATIONS AND THE CITY OF TRINIDAD'S ORDINANCES AND LOCAL
RULES OF PROCEDURE GOVERNING RETAIL MARIJUANA BUSINESSES**

The Local Licensing Authority, as the enforcement agency for the for the City of Trinidad, expects a Retail Marijuana Business licensee to be knowledgeable of the State of Colorado's and the City of Trinidad's Retail Marijuana laws, codes, regulations and ordinances and to seek further clarification of such information if necessary.

I, Geraldine DeAngelis, hereby state that I have read Article 43.4 of Title 12, C.R.S., as amended, and the regulations promulgated thereunder, and the City of Trinidad Municipal Code regarding general business licensing and Retail Marijuana business licensing and understand the contents thereof.

Geraldine DeAngelis
Printed Name of Licensee

Geraldine DeAngelis, Sec Treas.
Authorized Signature of Licensee/Title

10/7/14
Date

STATE OF Colorado)
COUNTY OF Los Animos)

ss.

Subscribed and sworn to before me this 7th day of October, 20 14.

Beth S. Plant
Notary Public Signature

My Commission Expires: 08/24/2018

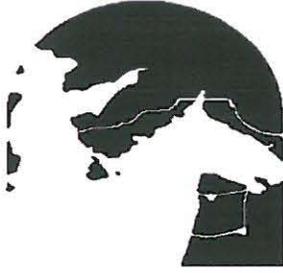
Lease

Landlord . John E. Micheliza
Geraldine DeAngelis

Nicholas Reyes
Michael Reyes
Alicia Reyes
Trustees of the Judith A. Reyes Revocable Trust, U/T/D May 24, 2007

Tenant M & M Distributing, LLC

Expires March 11, 2016



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Audra Garrett, ACM/City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*

SUBJECT: New Retail Marijuana Cultivation Facility license application filed by M & M Distributing, LLC at 422 N. Commercial Street

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Set the matter for public hearing.

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: This is an application for a new license.

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is January 6, 2015 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

See previous item for copy of application.



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Audra Garrett, ACM/City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*

SUBJECT: New Retail Liquor Store license request by El Paso Liquor, Inc. d/b/a El Paso Liquor at 1101 E. Main Street

PRESENTER: Les Downs, City Attorney

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

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

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, it should be set for January 6, 2015 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- The historically identified tentative neighborhood boundary has been the corporate City limits of Trinidad.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state); (a) been denied an alcohol beverage license? <input type="checkbox"/> (b) had an alcohol beverage license suspended or revoked? <input type="checkbox"/> (c) had interest in another entity that had an alcohol beverage license suspended or revoked? <input type="checkbox"/> If you answered yes to 7a, b or c, explain in detail on a separate sheet.	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>		
8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.	<input type="checkbox"/> <input checked="" type="checkbox"/>		
9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?	<input type="checkbox"/> <input checked="" type="checkbox"/>		
10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	<input type="checkbox"/> <input checked="" type="checkbox"/>		
11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement? <input checked="" type="checkbox"/> Ownership <input type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____ <input checked="" type="checkbox"/>			
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:			
Landlord _____	Tenant _____	Expires _____	
Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)			
12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.			
NAME NONE	DATE OF BIRTH	FEIN OR SSN	INTEREST
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.			
13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises Has a local ordinance or resolution authorizing optional premises been adopted?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Number of separate Optional Premises areas requested. <u>0</u> (See License Fee Chart)			
14. Liquor Licensed Drug Store applicants, answer the following: (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
15. Club Liquor License applicants answer the following and attach: (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? <input type="checkbox"/> (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? <input type="checkbox"/> (c) How long has the club been incorporated? _____ (Three years required) <input type="checkbox"/> (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above? <input type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
16. Brew-Pub License or Vintner Restaurant Applicants answer the following: (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
17a. Name of Manager (for all on-premises applicants) <u>IOANNIS G SMIRMOTIS</u> (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I).	Date of Birth _____		
17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
18. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

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

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
IOANNIS G SMIRMOTIS	[REDACTED]	[REDACTED]	President	100%
	TRIMIDAD CO 81082			

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

Additional Documents to be submitted by type of entity

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

Registered Agent (if applicable) **ANDRIANAKOS ANASTASIOS G** Address for Service **1325 S. Colorado Blvd #500 DENVER 80222**

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature  Title **President** Date **11/24/14**

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

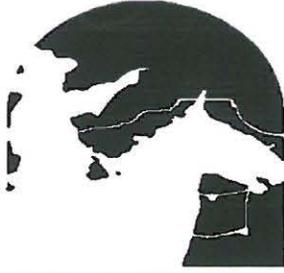
Date application filed with local authority **Rec 11/25/14 - filed 12/2/14** Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.)

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

- That each person required to file DR 8404-I (Individual History Record) has:
- | | | |
|---|--------------------------|--------------------------|
| <input type="checkbox"/> Been fingerprinted | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Been subject to background investigation, including NCIC/CCIC check for outstanding warrants | <input type="checkbox"/> | <input type="checkbox"/> |
- That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license
- (Check One)
- Date of Inspection or Anticipated Date _____
- Upon approval of state licensing authority.

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

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



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Audra Garrett, ACM/City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*

SUBJECT: First reading of an ordinance appropriating certain sums of money out of the revenues of the City of Trinidad, Colorado, to defray and meet the liabilities of the City of Trinidad for the fiscal year beginning January 1, 2015 and ending December 31, 2015; said ordinance being termed the annual appropriation bill for the 2015 fiscal year, and setting a hearing date for consideration of said ordinance

PRESENTER: Audra Garrett, ACM/City Clerk

RECOMMENDED CITY COUNCIL ACTION: Approve the ordinance on first reading and consider it further at a public hearing on December 16, 2014

SUMMARY STATEMENT: Statutory and Charter requirements being met by setting the budget for the ensuing fiscal year

EXPENDITURE REQUIRED: Yes

SOURCE OF FUNDS: All funds

POLICY ISSUE: Set the annual budget

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

The City has met each requirement set forth in the Charter to prepare the 2015 Annual Budget. Much work and attention has gone into the budget. The budget needs to be set by ordinance.



ORDINANCE NO.

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY OUT OF THE REVENUES OF THE CITY OF TRINIDAD, COLORADO, TO DEFRAY AND MEET THE LIABILITIES OF THE CITY OF TRINIDAD FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015; SAID ORDINANCE BEING TERMED THE ANNUAL APPROPRIATION BILL FOR THE 2015 FISCAL YEAR

WHEREAS, in order to defray all expenses and liabilities for the fiscal year beginning January 1, 2015, and ending December 31, 2015, it is deemed necessary by the City Council of the City of Trinidad to appropriate the sums of money hereinafter set out.

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

Section 1: That the following sums of money be and the same are hereby appropriated out of the revenues of the City of Trinidad, Colorado, for the object and purpose as specified immediately preceding each sum to defray the expenses and meet the liabilities of the City of Trinidad, Colorado, for the fiscal year beginning January 1, 2015 and ending December 31, 2015, in accordance with the budget to be adopted by said Council of the City of Trinidad, Colorado, pursuant to and in compliance with Title 31 of the Colorado Revised Statutes of the State of Colorado:

GENERAL FUND

TOTAL EXPENDITURES \$ 9,695,300

POWER AND LIGHT FUND

TOTAL EXPENDITURES \$ 8,615,000

WATER FUND

TOTAL EXPENDITURES \$ 7,908,600

GAS FUND

TOTAL EXPENDITURES \$ 4,411,100

SEWER FUND

TOTAL EXPENDITURES \$ 2,074,200

CAPITAL PROJECTS FUND

TOTAL EXPENDITURES \$ 6,541,900

LOTTERY FUND

TOTAL EXPENDITURES \$ 168,500

TOURISM FUND

TOTAL EXPENDITURES \$ 190,000

TOTAL OF ALL FUND EXPENDITURES \$39,604,600

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED this 2nd day of December, 2014.

FINALLY PASSED AND APPROVED this 16th day of December, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE THE ____ day of December, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

DONA VALENCICH, Acting City Clerk



COUNCIL COMMUNICATION

8f

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Audra Garrett, ACM
DEPT. HEAD SIGNATURE: *Audra Garrett*

SUBJECT: Resolution authorizing renewal of health insurance benefits for City employees and their dependents through CIGNA Health Care for plan year January 1, 2015 through December 31, 2015

PRESENTER: Audra Garrett, ACM

RECOMMENDED CITY COUNCIL ACTION: Consider adoption of the resolution

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: Yes

SOURCE OF FUNDS: All Funds

POLICY ISSUE: N/A

ALTERNATIVE:

BACKGROUND INFORMATION:

- The City has had insurance coverage for its employees and their dependents for the past year through CIGNA.
- Alternative quotes were solicited by the City's broker and a favorable quote was received from CIGNA Health Plans, ultimately at overall approximately 10% above current rates.
- The Insurance Committee has agreed to renew with CIGNA.
- The City's percentage of funding of the monthly premiums is set forth in the resolution and has been agreed to by the Union.

8f



RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO AUTHORIZING RENEWAL OF HEALTH INSURANCE BENEFITS FOR CITY EMPLOYEES AND THEIR DEPENDENTS THROUGH CIGNA HEALTH CARE FOR PLAN YEAR JANUARY 1, 2015 THROUGH DECEMBER 31, 2015

WHEREAS, the City of Trinidad provides as a benefit to its employees and their dependents, group medical health insurance coverage; and

WHEREAS, the City of Trinidad previously secured such coverage from the underwriting company of CIGNA for plan year January 1, 2014 to December 31, 2014; and

WHEREAS, a favorable renewal was received from CIGNA for the ensuing coverage period.

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

1. The City of Trinidad, acting by and through its Mayor and City Council does hereby authorize renewal of health insurance benefits for employees and dependents with CIGNA Health Plans for the coverage period of January 1, 2015 through December 31, 2015.
2. The level of benefit provided shall be in accordance with the plan designed under the coverage known as the CIGNA Open Access Plus OAP (Brand) \$3k deductible – 80/50 Plan, and the premium rates associated with that coverage plan.
3. A second optional level of benefit is offered with the plan designed under the coverage known as the CIGNA Open Access Plus OAP Generic \$3k deductible – 80/50 Plan, and the premium rates associated with that coverage plan.
4. The cap on City's payment toward monthly premiums of an employee's coverage for the OAP (Brand) plan, described in paragraph 2 above, shall be 74% of the total premium associated with the level of coverage selected for the period beginning January 1, 2015 through December 31, 2015.
5. The cap on the City's payment toward monthly premiums of an employee's coverage for the OAP Generic plan, described in paragraph 3 above, shall be 79% of the total premium associated with the level of coverage selected for the period beginning January 1, 2015 through December 31, 2015.

6. The ACA taxes and fees the plan will be subject to, projected to be close to \$20,000 again in 2015, will be paid by the City of Trinidad split among each of the funds proportionately.

INTRODUCED, READ AND ADOPTED this ____ day of December, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

DONA VALENCICH, Acting City Clerk



COUNCIL COMMUNICATION

8g

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Audra Garrett, ACM/City Clerk
DEPT. HEAD SIGNATURE: *Audra Garrett*

SUBJECT: Appointments to the Planning, Zoning and Variance Commission

PRESENTER: Audra Garrett, ACM/City Clerk

RECOMMENDED CITY COUNCIL ACTION: Consider appointment of two applicants

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

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

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

Letters of interest were received from Robert Bruce, Tom Potter, and Jim Begano. All meet the requirements for appointment. There are two vacancies.

8g

To: City of Trinidad Staff, Mayor of Trinidad, and Trinidad City Council Members

I, James F. Begano Jr., would appreciate your consideration of my application for a member on the City of Trinidad's Planning, Zoning, and Variance Board. I served on the board as a member and chairman for several years. I also served on the Appeals Board both as a member and chairman.

My employment background has covered a wide range but for the most part was in one type or another of construction. I owned and operated a construction company, Heartwood Construction LLC, for 14 years. I also owned a gym and weightlifting manufacturing company called Bergy's Iron Works for 13 years. Other employment included railroad conductor, electrical engineer, welder, gas station attendant, and coal miner. I am presently employed at the New Elk Coal Co. in Weston, Colorado as the warehouse and purchasing manager as well as the construction supervisor.

As for education I attended Trinidad schools and have a college degree in electronics.

I believe all people should try to serve the community in which they live and take an interest in its everyday role in our lives. This can be done politically, serving on boards or committees, or volunteering on projects. I personally believe our city's future lies in change and vision from a different point of view. I am not sure I can provide a different point of view but would appreciate the opportunity to try.

Thank You

James F. Begano Jr.

November 12, 2014

*RJC
AK6*

*verified voter
registration &
residency*

Tom Potter
403 N Commercial St
Apt 301
Trinidad CO 81082

November 3, 2014

Ms Audra Garrett
City Manager
Trinidad CO 81082

Dear Audra

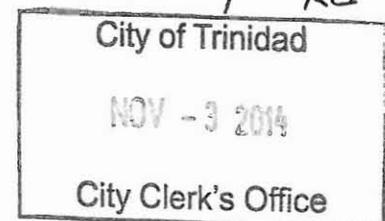
I would be interested in serving on the Planning Commission should a vacancy occur.

Thanks



Tom Potter

*verified voter regis
+ residency AC*



Robert Bruce
227 Elm Street
Trinidad, CO 81082
719 680 9520

October 28th, 2014

City of Trinidad
135 North Animas
Trinidad, CO 81082

Attn: Audra Garret, City Manager

RE: City Planning, Zoning, and Variance Committee

Dear Audra

I am inquiring about an open position on the City of Trinidad's "Planning, Zoning and Variance Committee". I feel my knowledge and experience in both construction and design would be a considerable asset to the board and the various challenges they face.

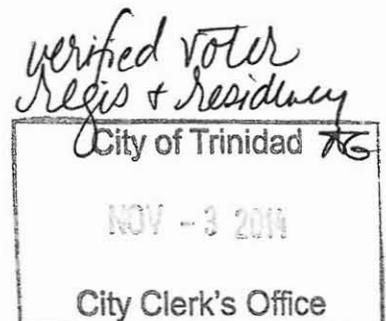
I have currently been residing at the aforementioned address for the past fifteen years. During this time I have been serving Trinidad and Southern Colorado as a general contractor, historic preservationist, woodworker & mason. Enclosed please find my personal resume.

I look forward to hearing from you,

Sincerely,

ROBERT BRUCE

Robert Bruce



PERSONAL RESUME

Robert Bruce
227 Elm Street
Trinidad, CO 81082
719 846 3709

Education:

Lake Forest High School-Lake Forest, Illinois-Graduate, 1981
Western Illinois University-Macomb, Illinois, 1981-1985
Bachelor Degree-Industrial Technology, specialization in Construction Management

Work Experience:

2008-Present Concept LLC Trinidad, Colorado
Owner, General Contractor & lead carpenter/fabricator for a variety of high quality Projects, including ,but not limited to, residences, cabinets & furniture.

1998-2008 Southerm Colorado Woodworks LLC Trinidad, Colorado
Owner, General Contractor & lead carpenter. Custom home in La Veta, Colorado, 1999-2000. Ran woodworking shop full-time 2001-2004, kitchens, built-ins, furniture. Completed a variety of restoration project in Trinidad, CO, Denver, CO and Fire Island, New York.

1992-1998 Self-employed Carpenter Denver, Colorado
Specialized in Restoration of Victorian and Arts & Crafts style homes and associated period woodworking and stained glass. Projects thru-out Denver's older neighborhoods.

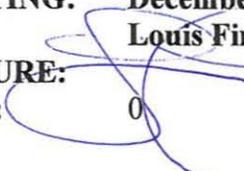
1990-1992 Interior Woodworking Inc. Longmont, Colorado
Purchasing Agent/ Shop hand for retail fixtures. Clients included Coach Leatherware and Metropolitan Museum of Art Shops.

1985-1990 Capital Construction Group Inc. Chicago, Illinois
Estimator/Project Manager for interior tenant finish project. Projects included Retail build-outs @ 900 North Michagan ave., Lobby Renovations @ 500 North Michigan Ave. & over 200,000 s.f. of office space thru-out downtown Chicago.



COUNCIL COMMUNICATION

8h

CITY COUNCIL MEETING: December 2nd, 2014
PREPARED BY: Louis Fineberg
DEPT. HEAD SIGNATURE: 
OF ATTACHMENTS: 0

SUBJECT: DOLA EIAF Grant Request for Water Treatment Plant Upgrades

PRESENTER: Louis Fineberg, Planning Director

RECOMMENDED CITY COUNCIL ACTION: Council should approve the request.

SUMMARY STATEMENT:

The grant request would be for \$2M with a \$3.5M City match from the Water Fund.

EXPENDITURE REQUIRED: \$2M.

SOURCE OF FUNDS: Water Fund.

POLICY ISSUE: Should the Council approve the grant request?

ALTERNATIVE: The Council could decide not to approve the grant request.

8h



COUNCIL COMMUNICATION

8i

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Audra Garrett, Acting City Manager
DEPT. HEAD SIGNATURE: *Bill A. Roberts*
OF ATTACHMENTS: 1

SUBJECT: Discussion regarding an offer for the City to purchase CNG/gasoline trucks from Pioneer Natural Resources

PRESENTER: Mike Valentine, Public Works/Utilities Director

RECOMMENDED CITY COUNCIL ACTION: Consider the offer.

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: This item is for discussion.

SOURCE OF FUNDS:

Departmental budgets as listed:	
Power and Light	\$38,320
Gas	\$38,500
Water	\$25,300
Sewer	\$17,800
Landfill	\$14,900
Street and Bridge	\$20,000
Total	\$154,820

POLICY ISSUE: N/A

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

Pioneer Natural Resources has offered to sell to the City some CNG/gas and gas only trucks at reduced cost.

8i



INVOICE PNRDT111714

DATE: 11/17/2014

Terms: Net 30 Days

To: City of Trinidad
135 N Animas
Trinidad, CO 81082

Description: 9 Ford F-250 Pickups

ITEM	QUANTITY	UNT NUMBER	DESCRIPTION	MILEAGE	UNIT \$	TOTAL \$
1	1	11628	2012 F-250 Super Cab XLT + Utility Body CNG Altec Conversion Vin# CEA89029	40586	\$18,100.00	\$18,100.00
2	1	11625	2012 F-250 Super Cab XLT + Utility Body CNG Altec Conversion Vin# CEA89029	22078	\$20,400.00	\$20,400.00
3	1	11587	2012 F-250 Super Cab XLT + Utility Body CNG Altec Conversion Vin# CEA89029	21633	\$20,400.00	\$20,400.00
4	1	11702	2012 F-250 Super Cab XLT + Utility Body CNG Altec Conversion Vin# CEA89029	66614	\$17,800.00	\$17,800.00
5	1	11708	2012 F-250 Super Cab XLT + Utility Body CNG Altec Conversion Vin# CEA89029	43782	\$20,000.00	\$20,000.00
6	1	12804	2012 F-250 Crew Cab XLT + CNG Westport Conversion Vin# C95471	15,361	\$25,300.00	\$25,300.00
7	1	12315	2012 F-250 Super Cab XLT + CNG Westport Conversion Vin# C12171	7,512	\$17,920.00	\$17,920.00
8	1	4537	2011 Ford F-250 Regular Cab XL Gas Vin# BEB10707	53620	\$14,900.00	\$14,900.00
9	1	4368	2008 Ford F-250 Super Cab XLT Gas Vin# EA89392	98,000	\$8,400.00	8,400.00
					TOTAL	\$163,220.00

154,820

Address questions to:

Jeff Smith (719) 845-4596, (791) 845-7087

Please remit to:
Pioneer Natural Resources
27000 Hwy 12
Trinidad, CO 81082
Attn: Jeff Smith



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: December 2, 2014
PREPARED BY: Les S. Downs
DEPT. HEAD SIGNATURE: *Les S. Downs*
OF ATTACHMENTS: 1

8j

SUBJECT: Procedure for Selection of City Manager Finalists

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: To discuss and possibly decide upon a process for the selection of City Manager Finalists, from amongst the pool of applicants that have been received by the City

SUMMARY STATEMENT: A sample motion is attached, which closely patterns the procedure that was followed by City Council in selecting City Manager finalists previously.

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Whether Council is desirous of implementing and agreeing upon the proposed procedure for narrowing down the pool of applicants.

ALTERNATIVE: To agree upon a different procedure.

BACKGROUND INFORMATION: None presently.

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MOTION REGARDING SELECTION OF CITY MANAGER FINALISTS:

I MOVE THAT WE ADOPT THE FOLLOWING PROCEDURE FOR SELECTION OF CITY MANAGER FINALISTS, TO AID CITY COUNCIL IN BEING ABLE TO EVENTUALLY SELECT A CITY MANAGER CANDIDATE:

WHILE IN EXECUTIVE SESSION, WE WILL, FROM AMONGST THE POOL OF CANDIDATES WHO HAVE APPLIED, EACH VOTE FOR THE TOP SIX CANDIDATES THAT WE, AS INDIVIDUAL COUNCILPERSONS, PREFER . EACH COUNCILPERSON IS NOT ONLY ALLOWED SIX VOTES, BUT IS REQUIRED TO CAST AND UTILIZE ALL SIX OF THEIR VOTES. FROM THOSE, THE INITIAL "TOP VOTE GETTERS" WILL BE THE FIRST ROUND OF FINALISTS.

"TOP VOTE GETTERS," SHOULD BE COMPRISED OF ANY CANDIDATE WHO RECEIVES MORE THAN THREE VOTES IN THE FIRST ROUND OF VOTING. ANY CANDIDATE GETTING TWO OR FEWER WILL BE ELIMINATED FROM THE FIRST ROUND OF VOTING. ANY CANDIDATE WITH MORE THAN THREE VOTES WILL SURVIVE UNTIL THE NEXT ROUND OF VOTING.

IN THE SECOND ROUND, EACH COUNCILPERSON WILL BE ALLOWED FOUR VOTES. EACH COUNCILPERSON MUST CAST FOUR VOTES. FROM THAT VOTE, THERE WILL BE A NUMBER OF FINALISTS, OR SECOND ROUND "TOP VOTE GETTERS." THOSE FINALISTS WILL PROCEED TO THE THIRD ROUND OF VOTING.

IF NECESSARY, THERE WILL BE A THIRD ROUND OF VOTING. THAT WILL BE DETERMINED BY HOW MANY FINALISTS SURVIVE THE FIRST TWO ROUNDS OF VOTING. IF THERE ARE MORE THAN FIVE FINALISTS, THEN YOU WILL PROCEED TO A THIRD ROUND OF VOTING.

IN THE THIRD ROUND OF VOTING, EACH COUNCIL PERSON WILL HAVE TWO VOTES. EACH COUNCIL PERSON MUST CAST BOTH VOTES. AFTER THE THIRD ROUND OF VOTING, YOU WILL HAVE THE FINALISTS.