



**CITY OF TRINIDAD
TRINIDAD, COLORADO**

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, June 7, 2011 at 7:00 P.M.
in City Council Chambers at City Hall

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **READING OF MINUTES**, Regular Meeting of May 17, 2011 & Special Meeting of May 24, 2011
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 4) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 5) **COMMITTEE REPORTS**
- 6) **UNFINISHED BUSINESS**
 - a) Public hearing for consideration of an ordinance repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purpose of adopting by reference uniform codes for the regulation of buildings, to wit, the 2009 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Property Maintenance Code, and International Private Sewage Disposal Code
 - 1) Second reading of an ordinance repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purpose of adopting by reference uniform codes for the regulation of buildings, to wit, the 2009 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Property Maintenance Code, and International Private Sewage Disposal Code
- 7) **MISCELLANEOUS BUSINESS**
 - a) Tavern liquor license renewal request by Gina Louise Lujan d/b/a El Rancho Restaurant at 1901 Santa Fe Trail
 - b) Modification of premises (temporary) request by Gina Louise Lujan d/b/a El Rancho Restaurant at 1901 Santa Fe Trail for August 26 through August 27, 2011 for the Pre-Blues Fest party
 - c) Tavern liquor license renewal request by JuJo's Pub, Inc. d/b/a JuJo's Pub and Dance Hall at 125 N. Chestnut Street
 - d) First reading of an ordinance of the City of Trinidad, Colorado, amending select subsections of Section 14-104 ("Non-Conforming Uses and Structures") of Chapter 14 ("Planning and Zoning"), of the Code of the City of Trinidad, Colorado, for the purposes of (i) allowing, under certain circumstances, the restoration or replacement of non-conforming structures; and (ii) moderating restrictions on the discontinuance of non-conforming uses, and setting a hearing date for consideration of said ordinance
 - e) Public hearing and first reading of an ordinance of the City of Trinidad, Colorado, (I) amending the City's Official Zoning Map for the purpose of subdividing the "HP - Corazon de Trinidad Historic Preservation District" into an "HP - Corazon de Trinidad Historic Preservation Residential District" and an "HP - Corazon de Trinidad Historic Preservation Mixed-Use District" and (II) amending Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), of the Code of the City of Trinidad, Colorado, by (i) re-naming Division 12 "Zone District Regulations for the HP - Corazon de Trinidad Historic

7) **MISCELLANEOUS BUSINESS (Cont.)**

Preservation Residential District” and (ii) adding a new Division 12.1 entitled “Zone District Regulations for the HP – Corazon de Trinidad Historic Preservation Mixed-Use District”, and setting a hearing date for consideration of said ordinance

- f) First reading of 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, and setting a hearing date for consideration of said ordinance

8) **BILLS**

9) **PAYROLL**, May 14, 2011 through May 27, 2011

10) **ADJOURNMENT**

MAY 17, 2011

CITY OF TRINIDAD
TRINIDAD, COLORADO

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, May 17, 2011 at 7:00 p.m. in City Council Chambers at City Hall.

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

The pledge of allegiance was recited.

READING OF THE MINUTES. A motion to approve the minutes of the regular meeting of May 3, 2011, as submitted was made by Councilmember Shew and seconded by Councilmember Velasquez. The motion carried unanimously, excepting Councilmember Toupal who abstained due to his absence from that meeting.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Cheryl Clark request to address Council regarding Run for the Wall. Ms. Clark passed out a brief propaganda to Council. She said that on behalf of the Trinidad-Las Animas County Chamber of Commerce and a number of their local businesses, she was proud to announce that they are holding a first annual Armed Forces Day Parade in Trinidad and Las Animas County. Ms. Clark continued that as has happened in past years, the Run for the Wall will be coming through Trinidad on Armed Forces Day. The Run for the Wall participants stopping in Trinidad consist of approximately 250 motorcyclists, on the southern route, catching up with those on the northern route who all then head to the Vietnam Memorial in Washington, D.C. Ms. Clark extended an invitation to each Councilmember to attend the parade on Armed Forces Day at 11:00 a.m. which will begin on Animas Street and end on Main Street in front of Mullare-Murphy Funeral Home. She added that it will be broadcast live to people who cannot attend. Also there will be a meet and greet in the Miner's Memorial Park prior to and after the parade. They will be serving lunch to the Ft. Carson troop members who will be in attendance, donated by a number of the local businesses. Mayor Garduno has agreed to sign a proclamation to present to the Run to the Wall participants. Ms. Clark said they will have what is called a three-minute rolling stop in Trinidad, which equates to enough time for the last ones in the run to catch up with the first ones that pull into town. She concluded that it is a nice thing to offer them on behalf of our City and will be great for the soldiers to visit with citizens. There are a lot of people in town with veteran family members or active military family members or friends and it is a good thing for Trinidad citizens to honor all of them.

Clubhouse. Ken Fletcher addressed Council concerning the municipal golf course clubhouse building (referred to by Mr. Fletcher as the country club). He first posed a question to City Manager Gil de Rubio, asking how much money the City has spent on the clubhouse to-date. City Manager Gil de Rubio answered that the City has spent about \$35,000, not counting the purchase of the building. Public Works Director Valentine corrected that it is upwards of \$60,000 at this point with the roof construction. Mr. Fletcher recalled that the building acquisition cost \$280,000, and surmised that the total is over \$300,000 thus far. He then asked if the \$60,000 includes just the roof. City Manager Gil de Rubio said it is for the completion of the roof and structure work in the sub-roof area as well as some required electrical work to complete the job. Having had his questions answered, Mr. Fletcher advised Council that he was before them to express his concerns about the clubhouse. He said had he been asked about his knowledge of that building and others in the City, he would have told Council to not touch it because major alterations have occurred with that building. He showed Council nine pictures from 1921 illustrating its original condition and pictures of the alterations that have been made to the building over the years. He said he felt that the integrity of the original Pueblo revival design has been severely compromised by alterations and additions to several areas of the building's exterior. He said he did not think the building could be placed on the state let alone the national register of historical places. He suggested that an architect/engineer should have surveyed the building before the City contacted the Colorado Historical Society for funding. He said as far as he knows there are no original architectural drawings of the building and he has gone through Trinidad newspapers from 1888 to 1930 on microfilm to collect information about the Rapp buildings and other historical architects' buildings in Trinidad and has contacted ancestry of those local historically-known architects and learned that none of them have any plans on that building. Additionally, he visited the University of New Mexico in Albuquerque because they hold plans of some of the Rapp building plans, however none were there for this building either. The changes to the building have nothing to do with the current roof construction. Mr. Fletcher explained the photos whereby he circled the areas of alterations as compared to the building's original state. One picture showed where there was water that had pooled on the floor and he said that he spoke to the person who last sanded the floor who told him that it couldn't be sanded anymore because it is down to the tongue and groove. He surmised that it will have to be replaced at an additional minimum charge of what he estimated to be \$200,000. He estimated the kitchen equipment at another \$200,000 and said it will cost close to \$1 million dollars before the building is available for lease. Lastly he said he contacted a lady with the Colorado Historical Society in Denver who said "current roof work, which I believe does not include the viegas in that work, and is only dealing with the flat portion behind the parapets..." Unfortunately he said the parapets have been removed too -- more damage. Mr. Fletcher concluded that the next time the City gets into a can of worms before they enter it, he suggested they not start vast projects with half-vast ideas.

REPORT BY CITY MANAGER. Recycling. City Manager Gil de Rubio advised Council that he and City Planner Fineberg met with Neil Segata, Mayor, and Scott Berry, City Manager, of Raton to start a dialogue with them about recycling. He said they hope to come back to Council after some scenarios are mapped out with the City of Raton.

Roundtable discussions. City Manager Gil de Rubio said he was part of the roundtable discussions in Denver over the weekend to discuss the government's role in providing quality public services. He said the forum was sponsored by the Colorado Fraternal Order of Police, Colorado Professional Firefighters, the Denver Classroom Teachers' Association, and

AFSCME. There were three or four State Representatives, the Speaker of the Senate, and several city council members from the Denver area as well as several Colorado mayors. He said the event was well attended and invigorating. It was an eye-opener on labor and issues facing cities across the nation. He concluded that he was honored to be chosen to participate.

Ribbon Cutting. City Manager Gil de Rubio announced a ribbon-cutting ceremony that San Isabel Electric Association will be having for their El Moro and Starkville substations commission on Thursday, May 26th. He said that a shuttle bus will be leaving the parking lot of the Sullivan Center at the college at 10:30 a.m. at will travel to the substations. At 12:00 p.m. lunch and a presentation will be held at the TSJC Leone lounge.

Main Street clean-up. Council was informed by City Manager Gil de Rubio of the efforts being made by City crews and Department of Corrections inmates. They will be planting flowers and cleaning parking lots on Main Street and the surrounding streets in preparation of the Armed Forces Day Parade. The efforts will continue, periodically throughout the summer.

Dedication Ceremony. City Manager Gil de Rubio announced that there will be a dedication ceremony honoring Nick DeBono on Wednesday, May 25th at 5:00 p.m. sponsored by the Las Animas & Huerfano Counties District Health Department, Board of Health at 412 Benedicta Avenue. Members of the City Council were invited.

Library update. City Manager Gil de Rubio provided Council with an update regarding the improvements being done at the library. They are hoping for a re-opening date of June 1st. A sort of ribbon cutting ceremony will be done, to include light refreshments. The computer center on Main Street will be opening some time after the June 1st date. They've been discussing the computers they have received from the Bill & Melinda Gates Foundation.

REPORT BY CITY ATTORNEY. Legal updates. City Attorney Beatty advised Council that at their seating places was a confidential memorandum he prepared updating them regarding ARPA and Cougar Canyon. He also reported that the State of Colorado's 2011 Legislative Session adjourned last Thursday. The most notable legislation affecting the City is Senate Bill 11-164 which passed and was signed into law by Governor Hickenlooper. This Bill backfills the State's budget shortfall by transferring \$107 million from various funds to finance local government. It includes a transfer of \$70 million from local government severance tax fund and \$15 million from the local government mineral impact fund. Last year the City received \$182,000 in severance tax and \$177,000 in mineral impact funds. This year the City budgeted an increase in those amounts totaling \$50,000 in added revenues. However, he said that figure might be slightly over estimated. He concluded that the impact of the Bill with respect to the City's budget is not yet known.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Hotel and restaurant liquor license renewal request by Fisher's Peak Lodging, LLC d/b/a Trinidad Holiday Inn Peaks Restaurant & Lounge at 3130 Santa Fe Trail Drive. Councilmember Toupal, having confirmed that the paperwork was in order with the City Clerk, moved to approve the license renewal. The motion was seconded by Councilmember Pando and carried by a unanimous roll call vote.

Special events permit request (malt, vinous and spirituous) by Trinidad & Las Animas County Chamber of Commerce at 160 N. Commercial for June 10, 11, & 12, 2011 (Santa Fe Trail Festival). Membership Director and Event Coordinator Tom Davis presented himself to answer questions. Councilmember Toupal recalled that last year the Chamber had a violation and asked if they have personnel arranged for this year's event to ensure that will not happen again. Mr. Davis answered that one of the board members last year was cited for selling to a minor during a sting operation. This year they are enforcing that the whole staff will be TIPS certified. Otherwise, they cannot be behind the bar area. Mr. Davis added that he has become a trained TIPS trainer. He said he's been training and currently six of their volunteers are not trained, however will be prior to the event. Councilmember Pando commented that he is very pleased to see in the paperwork that the Chamber has done a number of things to address concerns. He added that last year he personally saw the lack of attention being paid to where liquor was served. He further commented that if they carry out what is provided in the paperwork, the event will be tremendous and he commended the Chamber and he looks forward to them having a successful Santa Fe Trail Festival. Mayor Garduno asked if the fire safety plan had been approved by the Fire Chief. Mr. Davis said it has. She noted that the plan states that the occupancy load is to be determined by the Chief for the beer garden and asked if it will be done when they are setting up. Mr. Davis answered that it will be at the time that they are setting up, explaining that the Chief wants to take into consideration the square footage of the beer garden less the tables, chairs, stage, bar, and the horseshoe tournament area. Once those things are set up on Thursday night, the occupancy will be determined and it will be posted at their gate. Mayor Garduno asked for clarification regarding the operation plan. She noted that it says there will be two officers to patrol this event. She asked if they will be at the beer garden or patrolling the entire event. Police Chief Glorioso answered that they will be covering both the beer garden and down town. Mayor Garduno asked if she's correct that one will be on foot and one on bike patrol. Chief Glorioso responded affirmatively. He added that there will be four additional officers for the street dance. Mayor Garduno asked if they will be off duty. Chief Glorioso answered that they will be. A motion to approve the permit was made by Councilmember Shew and seconded by Councilmember Toupal. The motion carried unanimously upon roll call vote.

Special events permit request (malt, vinous and spirituous) by Confederacion Mutualista Mexicana E Hispano-Americana at 206 N. Animas Street for June 4, 2011 (Rocky Mountain Elk Foundation Banquet). Councilmember Toupal moved for the approval of the permit request and Councilmember Aragon seconded the motion. Roll call was taken, and the motion carried unanimously.

New retail liquor store license request by Kenneth R. Gegelman d/b/a Trinidad Beer, Liquor & Wine Depot at 900 Arizona Avenue. Councilmember Toupal moved to set the tentative neighborhood boundary as the corporate City limits and the hearing for 7:00 p.m. on June 21, 2011. The motion was seconded by Councilmember Velasquez and carried unanimously upon roll call vote.

MAY 17, 2011

New retail liquor store license request by Robinson Liquor, LLC d/b/a Arizona Liquor Store at 847 Arizona Avenue. Councilmember Pando made a motion to set the tentative neighborhood boundary as the corporate City limits and the hearing for 7:00 p.m. on June 21, 2011. The motion was seconded by Councilmember Shew and carried unanimously upon roll call vote.

First reading of an ordinance repealing and re-enacting Chapter 5 ("Buildings"), and Article 1 of Chapter 8 ("Fire Prevention"), of the Code of the City of Trinidad, Colorado, for the purpose of adopting by reference uniform codes for the regulation of buildings, to wit, the 2009 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, International Existing Building Code, International Property Maintenance Code, and International Private Sewage Disposal Code, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Shew and was read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on June 7, 2011 was made by Councilmember Pando and seconded by Councilmember Toupal. The motion carried unanimously.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, REPEALING AND RE-ENACTING CHAPTER 5 ("BUILDINGS"), AND ARTICLE 1 OF CHAPTER 8 ("FIRE PREVENTION"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSE OF ADOPTING BY REFERENCE UNIFORM CODES FOR THE REGULATION OF BUILDINGS, TO WIT, THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, AND INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE

BILLS. Councilmember Pando called to Council's attention check #37043, payable to Colorado Floors and Blinds. He explained that he had a copy of the bid results for the carpet for the library. He passed out copies of the bid results and pointed out that there were two other bids considerably lower than the one chosen. He stated that he felt all of the people responsible for the selection of this bid in this difficult economic time are highly responsible. You can take \$3,500 and pitch it out the window. It seems when it's not your money it is very easy to do. He added that he doesn't know why the lowest bid wasn't taken and that the only bid specification was for good, serviceable commercial quality carpet. He reiterated that the people making the decision are highly responsible. It's done, but they can't do these kinds of things when we are trying to balance budgets and being short of money. City Manager Gil de Rubio responded that this bid went out and fell within the guidelines of the City's procurement policy. At times, the lowest bid is not the best bid. The former library Board of Trustees reviewed and acted on this bid. They chose this bid because of the heavier fabric and the presentation of the bidder. He added that it is a shame that the issue wasn't brought to the City's attention right after the bid opening, but he assured that the money was not waste and was spent wisely. He suggested they take a look at the product. He concluded that he stands behind the Library Board of Trustee's decision and reiterated that the best is not always lowest bid. Councilmember Pando agreed that the lowest is not always the best, but argued that the playing field has to be level. If they wanted a heavier carpet, they should have specified that and if they wanted a presentation to the Board, that should have been specified. He said he finds this totally irregular. Bidding is done to save money. He added that he's been involved in bidding for many years. He commented about the efficiency of the bidding process at Trinidad State Junior College. Councilmember Pando questioned why the low bidder didn't get the opportunity to present to the Board. Everyone presented a bid for 26 ounce carpet except this one individual (who was selected). Aside from the weight, the lowest bidder bid two types of carpet, nylon or olefin carpet, with nylon being good and olefin better carpet. He said it should have been fair to everyone. City Manager Gil de Rubio said if there was a question, it should have been posed at the bid opening or shortly thereafter, not after the carpet was installed. Councilmember Pando responded that he was not aware of this. He said he learned that he wasn't the lower bidder from City Attorney Beatty, noting that he was glad because he didn't want a conflict. His next question was who was chosen and who was the lowest bidder. He said he assumed they would choose the low bidder. All the specifications called for was a good commercial quality carpet. City Manager Gil de Rubio said the review board called in specific bidders and questioned them and made their decision accordingly. Councilmember Pando questioned if they called in all of the bidders and when City Manager Gil de Rubio answered that he thought it was a couple, Councilmember Pando asked how many. Jane Besel addressed the question. She answered that there were five who came in. They were Randy Panter, Al Pando on the phone, Chris Crisler from Colorado Floors and Blinds, Lynn Smith, and Kingdom Carpet through several phone calls. Mr. Pando said Randy Panter did not make a presentation. Councilmember Pando asked how many did, stating that to his knowledge it was only one - Colorado Blinds and Floors. Ms. Besel compared it to buying a car and needing it to be serviceable. She pointed out that it was a decision of the Library Board. She continued that if she is looking for a product and somebody goes the extra mile that is probably someone she would go with because that's indicative of the kind of service they will provide. If somebody comes to her when they have put out a bid for carpeting and makes the extra effort to show her samples and give her advice on what type of carpeting is and is not appropriate for its use, and provides four pages of referrals, that's probably the one that is going to make the greatest impression. Councilmember Pando said with regard to the comparison, she was comparing a person to City government, and with City government you can't just pick. There's supposed to be a bidding process and if they didn't pick the lowest, the Board should have a reason why. They didn't have a reason. Ms. Besel said they felt the quality of the product and its suitability for the library was best, reiterating that it was the Board's decision. Councilmember Aragon called for point of order. Mayor Garduno asked if the weight of the carpet was specified. Ms. Besel said she believes the specifications called for carpet for a commercial setting with high traffic, with hundreds of visitors per day. Councilmember Pando said he believes the process was absolutely wrong. Mayor Garduno asked about check #37125 on page 6 which was payment for K-9 training in the amount of \$5,995.00. She said she thought the City didn't have a K-9 anymore. City Manager Gil de Rubio said Pioneer Natural Resources donated money to cover most of the cost, \$5,900.00. Chief Glorioso said it's a wash. City Manager Gil de Rubio said the department is reinstating the K-9 unit with that donation. Chief Glorioso said the officer, Detective Sgt. Phil Martin, goes to school in June. A motion to approve the bills was made by Councilmember Shew. The motion was seconded by Councilmember Velasquez. Roll call was taken on the motion. The motion carried

unanimously, however excepting Councilmember Pando's specific disapproval of check #37043.

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PAYROLL, April 30, 2011 through May 13, 2011. A motion to approve the payroll was made by Councilmember Toupal and seconded by Councilmember Aragon. 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 Aragon and seconded by Councilmember Shew. The meeting was adjourned by unanimous vote of Council.

ATTEST:

JENNIE GARDUNO, Mayor

AUDRA GARRETT, City Clerk

DRAFT

MAY 24, 2011

CITY OF TRINIDAD
TRINIDAD, COLORADO

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, May 24, 2011 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, May 24, 2011 at 1:30 p.m. in the Council Chambers at City Hall

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

- 1) Public hearing – New Optional Premises liquor license application filed by Trinidad-Las Animas County Golf Association, Inc. at 1417 Nolan Drive

The meeting was called to order at 1:30 p.m.

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

Public hearing -- New Optional Premises liquor license application filed by Trinidad-Las Animas County Golf Association, Inc. at 1417 Nolan Drive. Mayor Garduno called the hearing to order and announced that she would be presiding over the hearing. She stated the purpose, an application for the issuance of a new optional premises liquor license filed by Trinidad-Las Animas County Golf Association, Inc. at 1417 Nolan Drive, Trinidad, Colorado. Mayor Garduno then instructed those present on the order in which evidence and testimony would be heard as follows: Opening statements or remarks from the applicant followed by the same by the City Attorney, then applicant's evidence and testimony of witnesses. Next she advised that she would call for the City's evidence and testimony of witnesses. She then advised that she would thereafter call for a presentation of evidence and any testimony of witnesses by any party in interest. Rebuttal evidence would then be called for and finally closing arguments by the applicant, the City and any party in interest. Mayor Garduno said that the hearing would then be closed and she would call for a motion and discussion. She additionally advised that an executive session may follow the hearing, or the authority may choose to postpone its decision on the matter for a period of up to 30 days. She asked anyone who was going to testify to come forward and be administered the oath and said she reserved the right to limit testimony or questioning that was repetitive, cumulative, or argumentative and to set a limit on the duration of testimony if necessary. Also, formal rules of evidence would not be followed and the testimony and exhibits will be liberally admitted. She told those present that if they had an objection they should raise their hand and she would call upon them. She advised that she would rule on the objection and it would stand unless a council member requests a vote on that ruling, in which case admissibility of the testimony would be decided by a majority vote of Council present. Mayor Garduno announced that the neighborhood boundary set by the Liquor Licensing Authority is the corporate City limits and that the application packet constitutes the exhibits for this hearing in addition to any other documents offered by the applicant. Mayor Garduno asked the applicants, Joey DeGarbo and Kent Eberhart, if they were present and if they were satisfied with the rules. Both responded affirmatively. Mayor Garduno called for opening statements from the applicant, if any, reminding that opening statements are not evidence but rather an opportunity to briefly summarize each respective position on this matter, but opening statements may be waived by either party. Kent Eberhart, identified himself and his position as Vice President of the Association. He stated that the Association is applying for a liquor license for a one-year period. He said he thinks it is a great opportunity to increase their income by having sales of beer on the course, as most golf courses do. He thanked the City for the opportunity to do this and reminded them that any opportunity the Association has to make more money should offer relief to the City for any money they have had to request of it in the past. City Attorney Beatty offered an opening statement. He said that the Association is seeking the liquor authority's issuance of an optional premises license. He explained that an optional premises license is a unique type of license in that it must relate to an outdoor activity, pursuant to State statute. Prior to the State's issuance of this type of license, the city must have adopted standards for this type of license. The City of Trinidad in Section 3-21 of the Code has done so and has further limited the outdoor activity to mean a golf course. Therefore very few entities are eligible to obtain this type of license. The lessor of the golf course is one. If granted it would be the only stand-alone optional premise license in Trinidad. Mayor Garduno called for questions by the City. There were none. She then called for presentation of evidence and testimony by the applicant. There was none. She called for questions by the City. City Attorney Beatty asked Mr. DeGarbo and Eberhart if the Trinidad-Las Animas County Golf Association, Inc. is non-profit. They both responded affirmatively. He asked if it is accurate that neither are an actual shareholder of the corporation. Mr. DeGarbo said there are no shareholders. City Attorney Beatty asked if either one has operated a liquor licensed business before. Both responded that they have not. City Attorney Beatty asked if they will be involved in the day-to-day operations and Mr. DeGarbo answered that they are just board members and will not be servers. City Attorney Beatty asked if they will oversee all personnel to which they responded affirmatively. City Attorney Beatty asked if all personnel in charge of liquor sales will be TIPS trained. Mr. DeGarbo said he guessed they should. City Attorney Beatty noted that the applicant provided a lot of information in the packet including diagrams of the proposed optional premises which identified one main point of sale at the Pro Shop with an explanation that they may have a beverage cart. Mr. Eberhart said they don't have a cart at this point, but may later. City Attorney Beatty asked about other points of sale. Mr. DeGarbo said hole #5 is a covered and locked up area used in the past

for tournaments as an extra outlet. When asked if they were considering that location by City Attorney Beatty, Mr. Eberhart said they are using the Pro Shop primarily. City Attorney Beatty reminded the applicant that they have the initial burden of proving that the reasonable requirements of the neighborhood and the desire of the adult inhabitants are not being satisfied by existing liquor licensed outlets. He asked if in their view there is a need for this license. Mr. Eberhart answered yes, to operate as a full golf course, and Mr. DeGarbo also answered yes. Councilmember Shew asked about the ability to use a second sale point. City Attorney Beatty said the application identifies the Pro Shop and a cart. He said as such he would advise both the applicant and Council that the use of the shelter at hole #5 may need to be clarified in the future. It should only be the Pro Shop and cart at this point. Mr. Eberhart asked if they would be infringing if they were to park the cart at a convenient location with shelter from the weather. City Attorney Beatty said if it were from the cart it would be appropriate but not from the shelter. Mr. Eberhart discussed the logistics of the API Tournament and City Attorney Beatty explained that the Association would be the retailer at the tournament and cautioned them to take precaution with how the alcohol is distributed to ensure they are not serving underage people. He suggested they be TIPS trained. Mayor Garduno called for questions from the Authority. There were none. Councilmember Toupal commented that he has never personally seen a golf course without liquor or beer on the course. Mayor Garduno called for presentation of the City's evidence and testimony of witnesses. City Attorney Beatty said he had nothing to present. He pointed to the City Clerk's staff report and overview of the application outlining the fact that the Fire Chief and Building Inspector have conducted inspections and signed off on the application. In accordance with the City's code, Kent Eberhart and Joey DeGarbo submitted letters of reference. However, neither are 10% or more shareholders and therefore their moral character is not on trial here. Mayor Garduno called for questions of the City Attorney by the applicants and then the Authority. The applicants had none. Councilmember Shew asked if once the clubhouse becomes available will they have to re-do the license or will it transfer over. City Attorney Beatty said the clubhouse and surrounding five acres of land that the City recently acquired is a separate premise. This application comprises the 84-acre golf course and the Pro Shop. He said that when we get further down the line it is hoped that there will be cooperation between the entity that operates the clubhouse and the Association. He clarified that this application excludes the clubhouse building from being part of the licensed premise. Mayor Garduno confirmed the absence of interested parties and called for rebuttal. Mr. DeGarbo stated that with respect to the clubhouse, they will cross that bridge when they get there. It is the City's golf course and the Association's job is to make sure they follow the right flow for everyone. City Attorney Beatty offered no closing statement. Mayor Garduno called for a motion or discussion. Councilmember Toupal moved for the approval of the Optional Premises license as requested. The motion was seconded by Councilmember Aragon and upon roll call the motion carried unanimously.

There being no further business, Councilmember Shew moved to adjourn the meeting and the motion was seconded by Councilmember Toupal. The motion carried unanimously and the meeting was adjourned.

ATTEST:

JENNIE GARDUNO, Mayor

AUDRA GARRETT, City Clerk

ITEM NO. 6

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON June 7, 2011

ITEM: UNFINISHED BUSINESS

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

**REQUEST
MADE BY:**

**CONTENTS/
COMMENTS:** Ordinance

ITEM NO. 6

CITY OF TRINIDAD, COLORADO

ORDINANCE NO. _____

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

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

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

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

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

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

CHAPTER 5. BUILDINGS.

ARTICLE 1. INTERNATIONAL CODES.

Section 5-1. International Building Code.

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

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

- (a) Amend IBC § 101.1, **Title**, as follows: insert “the City of Trinidad, Colorado” where indicated.
- (b) Amend IBC § 109.2, **Schedule of permit fees**, as follows: insert the following Schedule of Permit Fees:

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

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

Section 5-2. International Residential Code.

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

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

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

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

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

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

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

**TABLE R302.1
EXTERIOR WALLS**

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5-3. International Plumbing Code.

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

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

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

(b) Amend IPC § 106.1, **Permits – when required**, to read: Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the *occupancy* of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work; provided, however, that such a permit shall only be required from the City of Trinidad, Colorado, if the City, rather than the State of Colorado, is performing plumbing inspections.

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

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

(d) Amend IPC § 106.6.3, **Fee refunds**, as follows: insert “fifty percent (50%)” as the specified percentage in both locations.

(e) Amend IPC § 108.4, **Violation penalties**, to read: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter, or repair plumbing work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed in §§ 1-8 and 1-9 of the Code of the City of Trinidad, Colorado.

(f) Amend IPC § 108.5, **Stop work orders**, to read: Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as

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

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

Section 5-4. International Mechanical Code.

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

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

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

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

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

Section 5-5. International Fuel Gas Code.

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

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

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

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

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

Section 5-6. International Energy Conservation Code.

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

Section 5-7. International Existing Building Code.

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

Section 5-8. International Property Maintenance Code.

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

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

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

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

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

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

Section 5-9. International Private Sewage Disposal Code.

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

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

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

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

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

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

ARTICLE 2. BOARD OF APPEALS.

Section 5-10. Board of Appeals.

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

Section 5-11. Appeals process.

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

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

Section 5-12. Conduct of hearing.

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

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

ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

CHAPTER 8. FIRE PREVENTION.

ARTICLE 1. INTERNATIONAL FIRE CODE.

Section 8-1. International Fire Code.

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

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

ITEM NO. **7a**

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON June 7, 2011

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

**REQUEST
MADE BY:** Gina Louise Lujan

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

ITEM NO. **7a**

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

**LUJAN GINA LOUISE
 EL RANCHO RESTAURANT
 1901 SANTA FE TRAIL
 TRINIDAD CO 81082-3609**

License Number	42-08578-0000	License Type	2010
Liability Information	05 102 722110	I	071505
Business Location	1901 SANTA FE TRAIL TRINIDAD CO		
Current License Expires	JUL 14, 2011		
DEPARTMENTAL USE ONLY			
Total Amount Due		Date	
Total Paid		Date	

This renewal reflects no changes from the last application. Complete page 2 and file now!

Yes there are changes from the last application. If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 48 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

OATH OF APPLICANT

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

Authorized Signature: Gina Lujan Date: 5-11-11 Business Phone: 719 816 9419

Title: owner Sales Tax Number: 0212085780000

REPORT AND 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.

Local Licensing Authority for: Trinidad Title: Mayor Date: _____

Signature: _____ Title: Mayor Date: _____

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Make check payable to Colorado Department of Revenue. The State may convert your check to a credit card or debit card at any time. If you are a business, 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 banking account electronically.

Business Name	EL RANCHO RESTAURANT	License Number (use for all references)	42-08578-0000	Period	07-12
Type of License Issued	CASH FUND	State Fee	2010-750(999)	City 85% GAP	2180-100(999)
Tavern Liquor License - Malt, Vinous, and Spirituous			\$ 50.00		\$ 425.00

ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 210-100(999)
 SUB-TOTAL \$ 500.00
 TOTAL AMOUNT DUE \$ _____

**ATTACHMENT TO LIQUOR OR
 3.2 BEER LICENSE RENEWAL APPLICATION**

This page must be completed and attached to your signed renewal application form. Failure to include this page with the application may result in your license not being renewed.

Trade Name of Establishment	<u>El Rancho Restaurant</u>	State License Number	<u>42-08578-0000</u>
Operating Manager	<u>Gina Lujan</u>	Home Address	[REDACTED]
1. Do you have legal possession of the premises for which this application for license is made?	<u>Yes</u>	Date of Birth	[REDACTED]
2. Are the premises owned or rented? <u>owned</u> If rented, expiration date of lease: _____	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
7. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. (a) Since the date of filing of the last annual license application: (i) Are there or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license? (ii) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license? (c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships: EVIDENCE OF LAWFUL PRESENCE Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card. In lieu of Form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one): <input checked="" type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-6-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Signature	<u>Gina Lujan</u>	Printed name	<u>Gina Lujan</u>
		Date	<u>5-11-11</u>

5/12/11

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

Applicant: Gina Louise Lujan

dba: El Rancho Restaurant

Address: 1901 Santa Fe Trail Dr.

Type of License: Tavern

Renewal Transfer Change of Location New Special Event

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

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Amended OK

Date 5/19/11 Signature [Signature]

RETURN TO THE CITY CLERK'S OFFICE BEFORE: MAY 31, 2011

5/12/11

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

Applicant: Gina Louise Lujan

dba: El Rancho Restaurant

Address: 1901 Santa Fe Trail Dr.

Type of License: Tavern

Renewal Transfer Change of Location New Special Event

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

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: no change

Date 5-16-11 Signature [Signature]

RETURN TO THE CITY CLERK'S OFFICE BEFORE: MAY 31, 2011

5/12/2011

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

Applicant's Name: Gina Louise Lujan

DBA: El Rancho Café

Business Address: 1901 Santa Fe Trail

Type of License: Tavern

Renewal Transfer Change of Location New Special Event

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

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

No records found

Audra Garrett

From: John Martinez [jmartinez@e-h-health.org]
Sent: Monday, May 16, 2011 9:06 AM
To: Audra Garrett
Subject: RE: liquor

Audra;

The El Rancho Restaurant has been licensed by this agency for the 2011. It also was inspected on 5-4-2011 and is approved by this office.

Sincerely,

John Martinez

Environmental Health Specialist 111

From: Audra Garrett [mailto:audra.garrett@trinidad.co.gov]
Sent: Thursday, May 12, 2011 3:56 PM
To: John Martinez
Subject: liquor

Please verify that Gina Louise Lujan d/b/a El Rancho Restaurant at 1901 Santa Fe Trail is in compliance with your office for purposes of her liquor license renewal. Thanks much!

Audra Garrett, City Clerk

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



Audra Garrett
Signature

5.19.11

Date

RETURN TO THE CITY CLERK'S OFFICE BEFORE:

May 31, 2011

ITEM NO. 7b

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON June 7, 2011

ITEM: Modification of premises (temporary) request by Gina Louise Lujan d/b/a El Rancho Restaurant at 1901 Santa Fe Trail for August 26 through August 27, 2011 for the Pre-Blues Fest party

**REQUEST
MADE BY:** Gina Louise Lujan

**CONTENTS/
COMMENTS:** Application
Departmental reports
Fee has been paid

ITEM NO. 7b

PERMIT APPLICATION AND REPORT OF CHANGES

CURRENT LICENSE NUMBER 42085780000

ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN

LOCAL LICENSE FEE \$ _____

APPLICANT SHOULD OBTAIN A COLORADO LIQUOR & BEER CODE BOOK TO ORDER CALL (303) 370-2165

1. Applicant is a	PRESENT LICENSE NUMBER
-------------------	------------------------

- Corporation Individual
 Partnership Limited Liability Company

42-08578-0000

2. Name of Licensee <u>Gina Louise Lujan</u>	3. Trade Name <u>El Rancho Restaurant</u>
---	--

4. Location Address
1901 Santa Fe Trail

City <u>Trinidad</u>	County <u>Las Animas</u>	ZIP <u>81082</u>
-------------------------	-----------------------------	---------------------

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

Section A – Manager reg/change	Section C
• License Account No. _____ 1983-750 (999) <input type="checkbox"/> Manager's Registration (Hotel & Restr.)..\$75.00 2012-750 (999) <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses) NO FEE	2210-100 (999) <input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00 2200-100 (999) <input type="checkbox"/> Wholesale Branch House Permit (ea).... 100.00 2260-100 (999) <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) .50.00 2230-100 (999) <input type="checkbox"/> Change Location Permit (ea)..... 150.00 2280-100 (999) <input checked="" type="checkbox"/> Change, Alter or Modify Premises \$150.00 x <u>2</u> Total Fee <u>300.00</u>
Section B – Duplicate License	
• Liquor License No. _____ 2270-100 (999) <input type="checkbox"/> Duplicate License\$50.00	2220-100 (999) <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ 1988-100 (999) <input type="checkbox"/> Addition of Related Facility to Resort Complex \$75.00 x _____ Total Fee _____

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

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

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

STORAGE PERMIT

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

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

Address of storage premise: _____

City _____, County _____, Zip _____

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

CHANGE TRADE NAME OR CORPORATE NAME

6. Change of Trade Name or Corporation Name

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

Old Trade Name _____

New Trade Name _____

Old Corporate Name _____

New Corporate Name _____

CHANGE OF LOCATION

7. Change of Location

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

Date filed with Local Authority _____ Date of Hearing _____

(a) Address of current premises _____

City _____ County _____ Zip _____

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

Address _____

City _____ County _____ Zip _____

(c) New mailing address if applicable.

Address _____

City _____ County _____ State _____ Zip _____

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

CHANGE OF MANAGER	<p>8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)</p> <p>Former manager's name _____</p> <p>New manager's name _____</p> <p>(b) Date of Employment _____</p> <p>Has manager ever managed a liquor licensed establishment?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Does manager have a financial interest in any other liquor licensed establishment?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, give name and location of establishment _____</p>
-------------------	---

MODIFY PREMISES OR ADDITION OF OPTIONAL PREMISES OR RELATED FACILITY	<p>9. Modification of Premises, Addition of an Optional Premises, or Addition of Related Facility</p> <p>NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed <u>expand to include small portion of parking lot adjoining building for one night (special function pre-blues Fest party)</u></p> <p>(b) If the modification is temporary, when will the proposed change:</p> <p>Start <u>8-26-11</u> (mo/day/year) End <u>8-27-11</u> (mo/day/year)</p> <p>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?</p> <p>(If yes, explain in detail and describe any exemptions that apply)..... Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(d) Is the proposed change in compliance with local building and zoning laws?..... Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises or Resort Complex Related Facility, has the local authority authorized by resolution or ordinance the issuance of optional premises?..... Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification.</p>
--	---

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>Gina Louise Ryan</i>	Title <i>owner</i>	Date <i>5-24-11</i>
--------------------------------------	-----------------------	------------------------

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

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

Local Licensing Authority (City or County) <p style="text-align: center;">Trinidad</p>	Date filed with Local Authority <p style="text-align: center;">Rec. 5/24/11 / Considered 6/7/11</p>
---	--

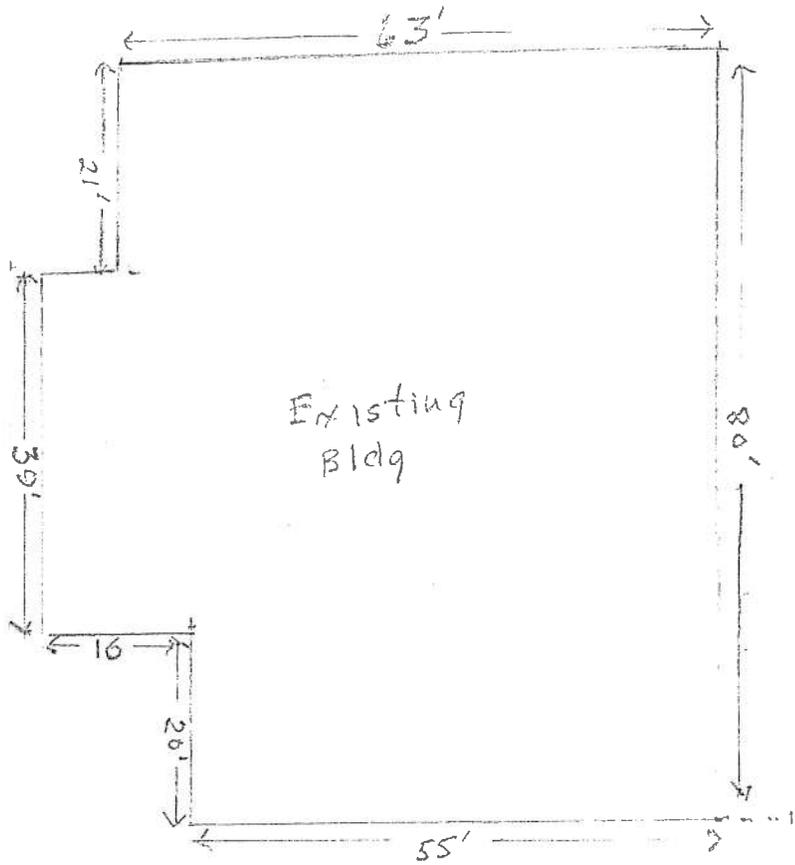
Signature	Title <p style="text-align: center;">Mayor</p>	Date
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REPORT OF STATE LICENSING AUTHORITY

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

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

El Rancho Bar & Cafe
Before



FRONT

ENTRANCE

Interior Before

STAGE

DANCE FLOOR

SITING AREA

MEN'S RESTRO

WOMEN RESTRO

STORAGE

DINING AREA

BAR

SIDE ENTRANCE

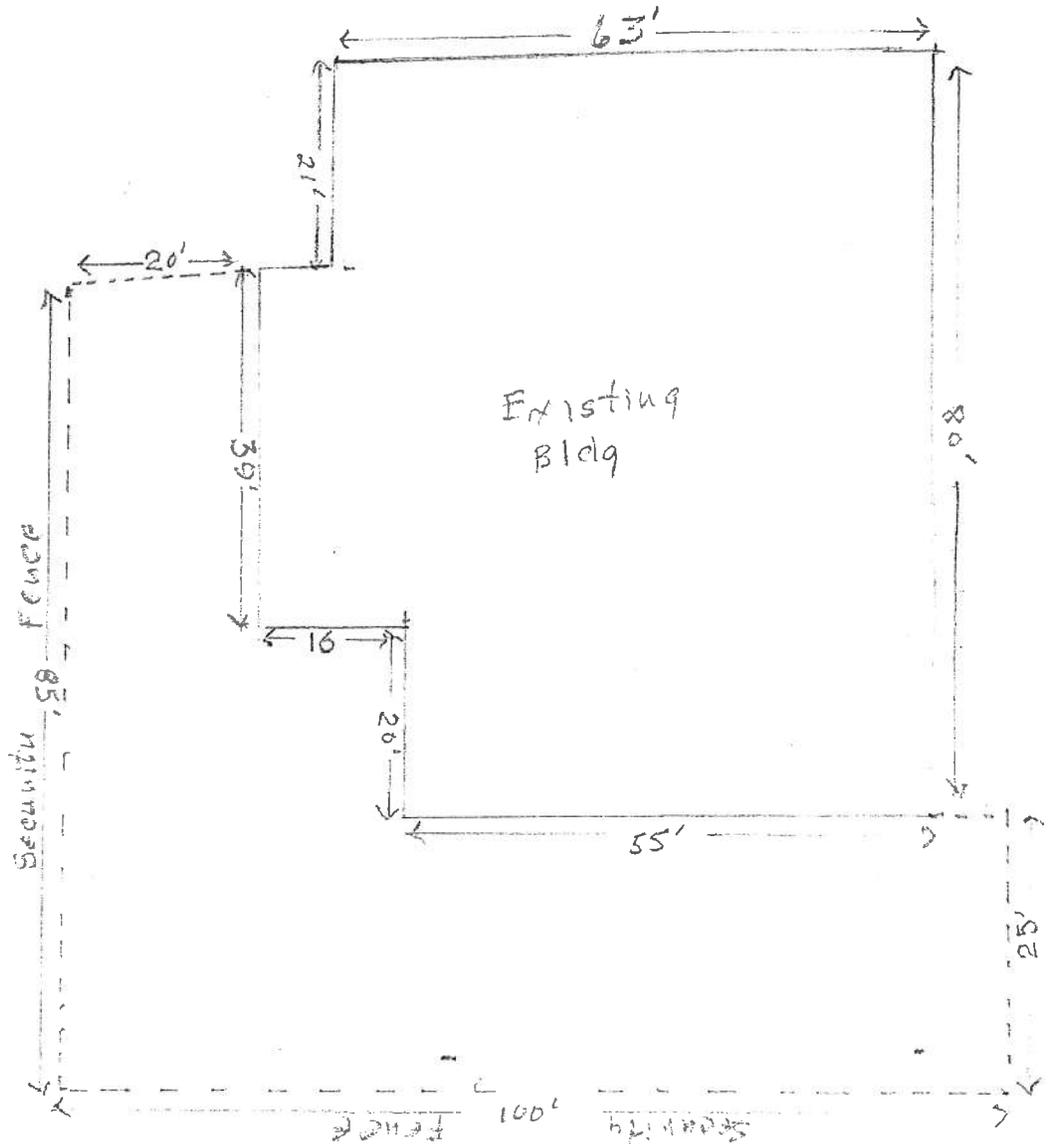
WAIT STAFF

Kitchen

REAR EXIT



El Rancho Blvd Case Proposed



Expansion Area Approx
4220 Sq. Ft.

5/24/11

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

Applicant: Gina Louise Lujan

dba: El Rancho Restaurant

Address: 1901 Santa Fe Trail Dr.

Type of License: Temporary Modification of Premises for Pre-Blues Fest Party 8-26 to 8-27-11

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: June 7, 2011, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

_____ *ok* *lp*

5-27-11
Date

Leroy Perea
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 2, 2011

5/24/11

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

Applicant: Gina Louise Lujan

dba: El Rancho Restaurant

Address: 1901 Santa Fe Trail Dr.

Type of License: Temporary Modification of Premises for Pre-Blues Fest Party 8-26 to 8-27-11

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: June 7, 2011, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: iF ok with Police + Fire
than OK

5-26-11
Date

[Signature]
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 2, 2011

5/24/11

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

Applicant: Gina Louise Lujan

dba: El Rancho Restaurant

Address: 1901 Santa Fe Trail Dr.

Type of License: Temporary Modification of Premises for Pre-Blues Fest Party 8-26 to 8-27-11

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT

COUNCIL MEETING DATE: June 7, 2011, 7:00 p.m.

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: _____

5-27-11
Date

Charles J. Lujan
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: June 2, 2011

ITEM NO. 7c

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON June 7, 2011

ITEM: Tavern liquor license renewal request by JuJo's Pub, Inc. d/b/a JuJo's Pub and
Dance Hall at 125 N. Chestnut Street

**REQUEST
MADE BY:** JuJo's Pub, Inc.

**CONTENTS/
COMMENTS:** Renewal application
Departmental reports
Fee has been paid

ITEM NO. 7c

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



JUJO'S PUB INC
 JUJO'S PUB AND DANCE HALL
 125 N CHESTNUT
 TRINIDAD CO 81082-2748

License Number 07-59112-0000	License Type 2010
Liability Information 05 102 722110 C 080699	
Business Location 125 N CHESTNUT TRINIDAD CO	
Current License Expires AUG 05, 2011	
DEPARTMENTAL USE ONLY	
Total Amount Due	
Total Paid \$	Date

- This renewal reflects no changes from the last application. Complete page 2 and file now!
- Yes there are changes from the last application.** If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

OATH OF APPLICANT		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct, and complete to the best of my knowledge.		
Authorized Signature <i>Shirley Incitti</i>	Date <i>May 25, 2011</i>	Business Phone 719-846-9162
Title <i>Sec. Pres. / Owner</i>	Sales Tax Number 07-59112	
REPORT AND 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
DO NOT DETACH	DO NOT DETACH	DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

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 of Revenue may collect the payment amount directly from your banking account electronically.

Business Name JUJO'S PUB AND	LICENSE NUMBER (Use for all reference) 07-59112-0000		PERIOD 08-12
TYPE OF LICENSE ISSUED TAVERN LIQUOR LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 2010-750(999) \$ 25.00	CITY 85% OAP 2180-100(999) \$ 425.00

SUB-TOTAL \$ 500.00
 ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$ _____
 TOTAL AMOUNT DUE \$ _____

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.
 Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment <i>JuJo's Pub, Inc</i>		State License Number <i>07-59112</i>	
1. Operating Manager <i>Joe / Shirley Incitti</i>		Home Address <i>[REDACTED] Trinidad</i>	Date of Birth <i>[REDACTED]</i>
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <i>owned</i> If rented, expiration date of lease: _____			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions.			
Since the date of filing of the last annual license application:			
(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.			
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:			
EVIDENCE OF LAWFUL PRESENCE			
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.			
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):			
<input type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States			
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.			
Signature <i>Joe Incitti</i>		Printed name <i>Joe Incitti, Shirley Incitti</i>	
			Date <i>5/25/11</i>

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201006751

Call Answered 05/08/2010 23:53:15	Call Code BARDIS	Case Number TPD201001412
Created 05/08/2010 23:53:15	Dispatched 05/08/2010 23:53:37	Completed 05/09/2010 00:52:56
		Disposed 05/10/2010 00:42:51

Response Information

Response Type : BARDIS
Reason for Stop :
Stop Statute :
Primary Resource : 208 ;ASHBY,JENNIFER
Primary Trooper : ASHBY,JENNIFER
Response Origin : CAD
Disposition Codes : AR

Incident Information

Validated Address :: True

Common Place : Zone :
House Number : 125 City :
Street Name : CHESTNUT State:
Suffix : N ZIP Code :
Street Type : ST X Coordinate 3290409.3654438900
Cross Streets: MAIN ELM Y Coordinate 1184749.8492856999
Free Format Address : 125 N CHESTNUT ST (E MAIN ST/ELM ST)

Location History

<u>Date/Time</u>	<u>Address</u>	<u>Municipality</u>	<u>Dispatcher / Position</u>
05/08/2010 23:53:15	125 N CHESTNUT ST (E MAIN ST/ELM ST)		GUTIERREZ,COREY / POSITION2

Person 1 of 2

Last Name : MONTERA First Name : TODD Middle Name : TODD JOSEPH
Suffix : DOB : ██████████ SOC :
Involvement : SUBJECT DL State : CO DL Number :
Perceived Race : Perceived Gender : Address :
Race : Gender : MALE Phone :
Notes :

Person 2 of 2

Last Name : GUZZO First Name : GREGORY GINO Middle Name : GREGORY GINO
Suffix : DOB : ██████████ SOC : ██████████
Involvement : REPORTING PARTY DL State : CO DL Number : ██████████
Perceived Race : Perceived Gender : Address :
Race : Gender : MALE Phone :
Notes :

Incident Notes

<u>Incident Note</u>	<u>Agent</u>	<u>Workstation</u>	<u>Time Stamp</u>
INSIDE 2	GUTIERREZ	POSITION2	05/08/2010 23:52:30
Incident Premises History check returns 1 occurrence(s) of the same location.	GUTIERREZ	POSITION2	05/08/2010 23:53:16
UNKNOWN WEAPONS	GUTIERREZ	POSITION2	05/08/2010 23:53:22
Response TPD201006751. Call code changed from FIGHTS to BARDIS.	GUTIERREZ	POSITION2	05/08/2010 23:53:35
PER 208 C4	GUTIERREZ	POSITION2	05/08/2010 23:55:00
95 MONTERA EH PER 302	GUTIERREZ	POSITION2	05/08/2010 23:58:47
C30 24 10-8 FROM COVER	GUTIERREZ	POSITION2	05/08/2010 23:59:27
GUZZO DID SUFFER INJURY TO LEFT EYE	GUTIERREZ	POSITION2	05/08/2010 23:59:33
HE STATES HE IS GOING TO SELF TRANSPORT TO ER	GUTIERREZ	POSITION2	05/08/2010 23:59:47
111 EP TO PU CAMERA	GUTIERREZ	POSITION2	05/09/2010 00:00:02
111 EH	GUTIERREZ	POSITION2	05/09/2010 00:22:04
PER 302 CLR ER 1 MED CLEARANCE OBTAINED	GUTIERREZ	POSITION2	05/09/2010 00:22:24
302 AJ WAITING IN SALLY PORT	GUTIERREZ	POSITION2	05/09/2010 00:27:02
FOR 111 TO GET PIC	GUTIERREZ	POSITION2	05/09/2010 00:27:06
S	GUTIERREZ	POSITION2	05/09/2010 00:27:07
PER 111 OUT AT LASO NO INJURIES TO PHOTOGRAPH	GUTIERREZ	POSITION2	05/09/2010 00:30:48
CLR JAIL EP FOR PAPERWORK	GUTIERREZ	POSITION2	05/09/2010 00:30:55

CAD Abstract

Number of Responses : 1

Sequence Number: TPD201016914

Call Answered 11/13/2010 01:02:35	Call Code BARDIS	Case Number TPD201003393
Created 11/13/2010 01:03:13	Dispatched 11/13/2010 01:03:44	Completed 11/13/2010 01:20:07
		Disposed 11/14/2010 00:49:35

Response Information

Response Type : BARDIS
Reason for Stop :
Stop Statute :
Primary Resource : 109
Primary Trooper : KNEZEL, TRAVIS
Response Origin : P911
Disposition Codes : RPT

Incident Information

Validated Address :: True

Common Place : Zone :
House Number : 125 City :
Street Name : CHESTNUT State:
Suffix : N ZIP Code :
Street Type : ST X Coordinate 3290409.3654438900
Cross Streets: MAIN ELM Y Coordinate 1184749.8492856999
Free Format Address : 125 N CHESTNUT ST (E MAIN ST/ELM ST)

Location History

Date/Time	Address	Municipality	Dispatcher / Position
11/13/2010 01:03:13	13701 Kunzite Rd - SW Sector, Trinidad, CO	Trinidad	TRUJILLO,RICH / POSITION3
11/13/2010 01:03:21	JUJOS		TRUJILLO,RICH / POSITION3
11/13/2010 01:03:41	125 N CHESTNUT		GUTIERREZ,COREY / POSITION2
11/13/2010 01:04:24	125 N CHESTNUT ST (E MAIN ST/ELM ST)		GUTIERREZ,COREY / POSITION2

Person 1 of 2

Last Name : ARAGON First Name : TRAVIS Middle Name : TRAVIS
Suffix : DOB : ██████████ SOC :
Involvement : SUBJECT DL State : CO DL Number :
Perceived Race : Perceived Gender : Address :
Race : Gender : MALE Phone :
Notes :

ITEM NO. 7d

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON June 7, 2011

ITEM:

First reading of an ordinance of the City of Trinidad, Colorado, amending select subsections of Section 14-104 (“Non-Conforming Uses and Structures”) of Chapter 14 (“Planning and Zoning”), of the Code of the City of Trinidad, Colorado, for the purposes of (i) allowing, under certain circumstances, the restoration or replacement of non-conforming structures; and (ii) moderating restrictions on the discontinuance of non-conforming uses, and setting a hearing date for consideration of said ordinance

**REQUEST
MADE BY:**

**CONTENTS/
COMMENTS:**

Ordinance

ITEM NO. 7d

CITY OF TRINIDAD, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, AMENDING SELECT SUBSECTIONS OF § 14-104 ("NON-CONFORMING USES AND STRUCTURES") OF CHAPTER 14 ("PLANNING AND ZONING"), ARTICLE 4 ("ZONING ORDINANCE"), DIVISION 14 ("SUPPLEMENTARY REGULATIONS"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, FOR THE PURPOSES OF (i) ALLOWING, UNDER CERTAIN CIRCUMSTANCES, THE RESTORATION OR REPLACEMENT OF NONCONFORMING STRUCTURES; AND (ii) MODERATING RESTRICTIONS ON THE DISCONTINUANCE OF NON-CONFORMING USES

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

WHEREAS, § 31-23-301 *et seq.*, C.R.S., confers general zoning powers upon the City for the purpose of promoting health, safety, morals, or the general welfare.

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

Section 1. Amendment of Subsection 14-104(4). Subsection 14-104(4) of Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), Division 14 ("Supplementary Regulations"), of the Code of the City of Trinidad, Colorado, are hereby amended to read in its entirety as follows:

(4) Restoration or replacement.

(a) A nonconforming structure that is damaged to the extent that the cost of restoration to its condition before the occurrence ("original condition") is less than fifty percent (50%) of the cost of replacing the entire structure may be restored to its original condition.

(b) A nonconforming structure that is damaged to the extent that the cost of restoration to its condition before the occurrence ("original condition") exceeds fifty percent (50%) of the cost of restoring the entire structure may be restored to its original condition only if (i) it cannot reasonably be brought into conformance, in whole or in part, with the requirements of the applicable zoning district, and (ii) said restoration is completed within twenty-four (24) months of the date of damage.

(c) A nonconforming structure may be replaced only if (i) the structure cannot reasonably be brought into conformance, in whole or in part, with the requirements of the applicable zoning district, and (ii) said replacement is substantially completed within twenty-four (24) months of the date on which the building permit was issued.

(d) The cost of land or any factors other than the cost of the nonconforming structure are excluded in the determination of the cost of restoration for any nonconforming structure.

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON June 7, 2011

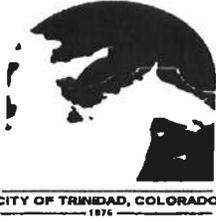
ITEM:

Public hearing and first reading of an ordinance of the City of Trinidad, Colorado, (I) amending the City's Official Zoning Map for the purpose of subdividing the "HP – Corazon de Trinidad Historic Preservation District" into an "HP – Corazon de Trinidad Historic Preservation Residential District" and an "HP – Corazon de Trinidad Historic Preservation Mixed-Use District" and (II) amending Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), of the Code of the City of Trinidad, Colorado, by (i) re-naming Division 12 "Zone District Regulations for the HP – Corazon de Trinidad Historic Preservation Residential District" and (ii) adding a new Division 12.1 entitled "Zone District Regulations for the HP – Corazon de Trinidad Historic Preservation Mixed-Use District", and setting a hearing date for consideration of said ordinance

**REQUEST
MADE BY:**

**CONTENTS/
COMMENTS:**

Staff memo dated 5/24/11
Ordinance



MEETING DATE: Workshop: Tuesday, May 24th, 2011
First Reading: Tuesday, June 7th, 2011
Second Reading: Tuesday, June 21st, 2011

TO: City Council

FROM: City Staff

SUBJECT: Planning, Zoning and Variance Commission (PC) recommendation to (i) divide the existing HP – Corazon de Trinidad Historical Preservation District into the HP – Corazon de Trinidad Historic Preservation Residential District (RD) and the HP – Corazon de Trinidad Historic Preservation Mixed-Use District (MUD) and (ii) to adopt new zone district regulations for the RD and the MUD.

GENERAL INFORMATION:

Purpose: To provide basic protections to historic structures in the Corazon de Trinidad and to ensure that new development is compatible with existing development within the District in accordance with the policy statements outlined in the City of Trinidad 2008 Comprehensive Plan.

Location: The existing HP – Corazon de Trinidad Historical Preservation District.

Size: The existing HP – Corazon de Trinidad Historical Preservation District is approximately 119 acres.

Existing Land Use: The existing HP – Corazon de Trinidad Historical Preservation District is comprised of two sub-districts, the RD and the MUD. The RD is predominantly residential in character while the MUD is characterized by the historic mixed-use buildings that define Trinidad's commercial core.

Surrounding Land Uses: The existing HP – Corazon de Trinidad Historical Preservation District is surrounded by residential uses to the east and south and commercial and industrial uses to the north and west.

Existing / New Zoning: E-HP / E-HPRD & E-HPMUD

BACKGROUND INFORMATION

The Planning, Zoning and Variance Commission (PC) is recommending approval of new zone district regulations for the El Corazon de Trinidad National Historic District. The new regulations are designed to offer basic protections to historic structures and guide new development in a manner that is compatible with and characteristic of the District and in accordance with the policies of the City of Trinidad 2008 Comprehensive Plan. The PC recommendation includes dividing the existing HP – Corazon de Trinidad Historical Preservation District into two new districts, the HP – Corazon de Trinidad Historic Preservation Residential District (RD) and the HP – Corazon de Trinidad Historic Preservation Mixed-Used District (MUD). These two sub-districts of the existing HP district differ substantially in form, scale, intensity and use, the former being comprised primarily of setback single-family residential uses and the latter comprised primarily of commercial and mixed-use buildings with no setbacks. The PC is recommending that the existing regulations for the HP – Corazon de Trinidad Historical Preservation District remain as the regulations for the new RD and that the new regulations should apply to the new MUD.

POLICY & STANDARDS FOR REZONING

- (1) Section 14-112 of the City of Trinidad Code of Ordinances requires that a rezoning will be allowed only if the applicant demonstrates by clear and convincing evidence that the rezoning is necessary because of one or more of the following reasons:
 - (a) The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the City Comprehensive Plan; or

The existing HP – Corazon de Trinidad Historical Preservation District regulations are not consistent with the policy objectives outlined in the 2008 Comprehensive Plan.

Policy CCLU-01 of the City of Trinidad 2008 Comprehensive Plan states that “the character of existing neighborhoods shall be protected through appropriate land use and building guidelines.” Under the actions section for this policy statement, the first bullet point reads “update the Planning and Zoning Code to revise standards for land use, block patterns, lot size and building coverage, setbacks, mass, and height that are based on existing development patterns.” Current regulations for the existing HP – Corazon de Trinidad Historical Preservation District do not adequately protect the character of the Historic District. The PC is therefore recommending that the proposed zone district amendment be adopted to ensure that the character of the District is protected as intended by the Comprehensive Plan.

Policy CCLU-04 of the City of Trinidad 2008 Comprehensive Plan states that “new development in the downtown shall be compatible with the existing historic structures and shall protect and enhance the integrity of the Corazon de Trinidad Historic District”. The first action item under this policy statement reads “create development guidelines for new nonresidential or mixed use buildings in the HP district that include “build-

to” lines that maintain the continuous street wall of the historic structures” and the second action item reads “Update the Planning and Zoning Code to prohibit metal buildings, except small backyard storage sheds.” The proposed amendments address both of these action recommendations.

- (b) The area for which rezoning is requested has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or a new approach to development; or

Not applicable.

- (c) The proposed rezoning is necessary in order to provide land for a community related use which was not contemplated at the time of development of the comprehensive plan.

Not applicable.

- (2) In addition, no rezoning will be allowed unless the following conditions have been met:

- (a) That a change in zoning will advance a more effective use of land in harmony with the City's Comprehensive Plan; and,

For the reasons outlined in item (1) (a) above, the requested change in zoning will advance a more effective use of land in harmony with the City's Comprehensive Plan.

- (b) The public interest has been met.

Adoption of the recommended ordinance revisions will serve the public interest as the regulations are designed to:

- (1) Preserve the historic character, pedestrian scale and architectural distinctiveness of the District;**
- (2) Produce infill development that is architecturally compatible with the historic structures of the District;**
- (3) Encourage the development of traditional mixed-use buildings within the District;**
- (4) Develop an urban form that is conducive to physical activity, alternative modes of transportation and increased opportunities for social interaction and community engagement; and**
- (5) Implement predictable, high-quality development in the District.**

CITY OF TRINIDAD, COLORADO

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, (I) AMENDING THE CITY'S OFFICIAL ZONING MAP FOR THE PURPOSE OF SUBDIVIDING THE "HP – CORAZON DE TRINIDAD HISTORICAL PRESERVATION DISTRICT" INTO AN "HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION RESIDENTIAL DISTRICT" AND AN "HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT AND (II) AMENDING CHAPTER 14 ("PLANNING AND ZONING"), ARTICLE 4 ("ZONING ORDINANCE"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, BY (i) RE-NAMING DIVISION 12 "ZONE DISTRICT REGULATIONS FOR THE HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION RESIDENTIAL DISTRICT" AND (ii) ADDING A NEW DIVISION 12.1 ENTITLED "ZONE DISTRICT REGULATIONS FOR THE HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT"

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

WHEREAS, § 31-23-301 *et seq.*, C.R.S., confers general zoning powers upon the City for the purpose of promoting health, safety, morals, or the general welfare.

WHEREAS, Section 14-112 of the City of Trinidad Code of Ordinances sets forth policy and standards for rezoning, and discourages rezoning unless to correct a manifest error or because of changed or changing conditions in a particular area of the City in general; and

WHEREAS, the City Council of the City of Trinidad recognizes the economic, architectural, cultural and historic significance of the existing HP - Corazon de Trinidad Historical Preservation District, and further recognizes the importance of protecting and preserving this valuable and irreplaceable resource; and

WHEREAS, upon review of the City's Official Zoning Map, the City of Trinidad has observed that the existing HP – Corazon de Trinidad Historical Preservation District encompasses two sub-districts that are substantially different in form, scale, intensity and use; and

WHEREAS, the City of Trinidad, in the interest of working toward a comprehensive revision of the City's zoning map, has made application to the City Planning, Zoning and Variance Commission and the City Council of the City of Trinidad, Colorado for a change in zoning classification of the described properties identified in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the City Council of the City of Trinidad, Colorado, finds that the proposed changes in zoning classifications of the properties described in Exhibit "A", do not materially alter the City Zoning Ordinance (Articles 4, 5 and 6 of Chapter 14, Planning & Zoning) and are in keeping with the Comprehensive Plan for the regulation of land uses within the City of Trinidad, Colorado.

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

Section 1. Amendment of Official Zoning Map. The Official Zoning Map of the City of Trinidad, Colorado, is hereby amended by subdividing the "HP – Corazon de Trinidad Historical Preservation District" into an "HP – Corazon de Trinidad Historic Preservation Residential District" and an "HP – Corazon de Trinidad Historic Preservation Mixed-Use District," as described in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. Chapter 14, Article 4, Division 12 Re-named. Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), Division 12 ("Zone District Regulations for the HP – Corazon de Trinidad Historical Preservation District"), of the Code of the City of Trinidad, Colorado, is hereby re-named as follows:

DIVISION 12. ZONE DISTRICT REGULATIONS FOR THE HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION RESIDENTIAL DISTRICT.

Section 3. Chapter 14, Article 4, Division 12.1 Added. Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), of the Code of the City of Trinidad, Colorado, is hereby amended by the addition of a new Division 12.1, which shall read in its entirety as follows:

DIVISION 12.1. ZONE DISTRICT REGULATIONS FOR THE HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT.

Section 14-88.1. Purpose.

To establish minimum regulatory standards for development in the HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT (herein referred to as the "District") in furtherance of:

- (1) Preserving the historic character, pedestrian scale and architectural distinctiveness of the District;
- (2) Producing infill development that is architecturally compatible with the historic structures of the District;
- (3) Encouraging the development of traditional mixed-use buildings within the District;
- (4) Developing an urban form that is conducive to physical activity, alternative modes of transportation and increased opportunities for social interaction and community engagement; and
- (5) Implementing predictable, high-quality development in the District.

Section 14-88.2. Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

- (1) "**Floor Area Ratio**" means the ratio of a building's gross floor area to the area of the lot on which the building is located.
- (2) "**Gross Floor Area**" is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include accessory parking, basements when at least one-half the floor-to-ceiling height is below grade, attic space having a

floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps and/or inner courts.

- (3) **“Mixed-Use Building”** means a building that contains at least one floor devoted to allowed nonresidential uses in accordance with Section 14-87 of this Division and at least one devoted to allowed residential uses in accordance with Section 14-87 of this Division.
- (4) **“Historic Structure”** means any structure that was substantially completed prior to 1950.

Section 14-88.3. Uses.

(1) Commercial Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
<u>Commercial</u>		
Use	Street and Sub-Street Level	Above Street Level
Retail Sales	P	C
Wholesale Establishments:		
<i>Less Than or Equal to 1,500 Square Feet of Floor Area</i>	P	C
<i>Greater Than 1,500 Square Feet of Floor Area</i>	C	C
Business, Professional and Semi-Professional Services	P	P
Personal Services Including Health Clubs and Gyms	P	C
Eating and Drinking Establishments:		
<i>Restaurant</i>	P	C
<i>Tavern</i>	C	C
Art Galleries	P	C
Art Studios	C	P
Theater or Performance Art Center*:		
<i>Small (1-149 Seats)</i>	P	C
<i>Large (150+ Seats)</i>	C	C
Medical Services	C	C
Hotels and Other Lodging Establishments*:		
<i>Small (1-16 Rooms)</i>	P	P
<i>Large (17+ Rooms)</i>	C	C
Mortuary or Funeral Home	C	C
Vehicle Sales	C	N
Vehicle Repairs	C	N
Drive Through Facilities	N	N

*Theaters, performing art centers, museums, libraries, hotels and lodging establishments must feature first floor lobbies, restaurants and/or retail space along the property frontage.

(2) Industrial and Manufacturing Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
<u>Industrial and Manufacturing</u>		
Use	Street and Sub-Street Level	Above Street Level
Fabrication or Assembling Incidental to Retail		
<i>Less Than or Equal to 25% of Total Floor Area</i>	P	C
<i>Greater Than 25% of Total Floor Area</i>	C	C
Brewery	C	C

(3) Residential Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
<u>Residential</u>		
Use	Street and Sub-Street Level	Above Street Level
Apartments	C	P
Assisted Living	C	C
Nursing Home	C	C

(4) Public and Community Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
<u>Public and Community</u>		
Use	Street and Sub-Street Level	Above Street Level
Government Offices and Services	C	C
Colleges, Universities and Public Schools	C	C
Libraries*	C	C
Museums*	P	C
Cultural Exhibits	C	C
Child Day Care	C	C
Religious Assembly	C	C
Parking Facilities (Not Ancillary to a Given Structure):	C	C
<i>Surface</i>	C	N
<i>Deck</i>	C	C
Parks and Recreational Facilities	C	C
Public Utilities:		
<i>Electric Substations</i>	C	C
<i>Gas Regulator Stations</i>	C	C
<i>Fire Stations</i>	C	C
<i>Police Stations</i>	C	C
<i>Telephone Exchanges</i>	C	C
<i>Water Storage Facilities</i>	C	C
<i>Water Pumping Stations</i>	C	C
<i>Sewer Lift Stations</i>	C	C

*Theaters, performing art centers, museums, libraries, hotels and lodging establishments must feature first floor lobbies, restaurants and/or retail space along the property frontage.

(5) Individual Levels in Mixed-Use Buildings

Individual levels in mixed-use buildings may not have a combination of residential uses and non-residential uses unless the non-residential uses are disconnected from the residential uses with separate points of ingress and egress.

Section 14-88.4. Conditional uses.

- (1) A non-conforming use associated with an historic structure in the District may be reestablished as a conditional use if the design of the historic structure reasonably implies the use of the structure and/or precludes the establishment of a conforming use within the District as defined in Section 14-88.3 of this Division.
- (2) For each proposed conditional use, the applicant shall provide the Commission with site development plans showing the proposed development or use and its relationship to adjacent properties. Said site development plans shall show existing contours of the site at two foot (2') intervals, the location of all structures and appurtenances, the location of improvements on the site, the height and bulk of proposed structures, description and placement of screening, availability of utilities if applicable and a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity. The City may, within reason, prescribe any additional conditions regarding intensity, limitation of use, appearance, hours of operation, required open space or any other such condition which may be deemed necessary and in the public interest.

Section 14-88.5. Building and Area Regulations.

(1) *Building Height*

No building or accessory to said building shall exceed five (5) stories or fifty (50) feet in height.

(2) *Floor Area*

The maximum floor area ratio shall be [5.0] for all mixed-use buildings and [3.0] for all single-use buildings.

(3) *Floor-to-Floor Height for Street Level Space*

All street level space must have a minimum floor-to-ceiling height of ten (10) feet.

(4) *Minimum Residential Floor Area*

- (a) Studio, efficiency or one (1) bedroom units – 650 square feet.
- (b) Two (2) bedroom units – 800 square feet.
- (c) Three (3) bedroom units – 900 square feet.
- (d) Four (4) bedroom units – 1000 square feet

(5) *Residential Density*

Residential density shall not exceed twenty-five (25) dwelling units per acre.

(6) *Minimum Lot Area*

The minimum lot area shall be two-thousand five-hundred (2,500) square feet.

(7) *Minimum Lot Frontage*

The minimum lot frontage shall be twenty-five (25) feet.

(8) *Setbacks*

(a) Front

The front yard setback for structures in the District shall be zero (0) feet. The entire building façade must abut street side property lines.

(b) Side and Rear

No interior side yard setback or rear yard setback is required for structures in the District unless the property on which the structure is to be located abuts an alley or a fenestrated building face on one or more sides. The minimum setback shall be five (5) feet from all property lines that abut an alley or fenestrated building face.

Section 14-88.6. Parking

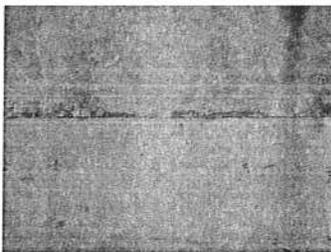
- (1) No off-street parking is required for non-residential uses in the District.
- (2) Off-street parking must be provided for all residential uses in accordance with the requirements of Section 14-100 of the City of Trinidad Code of Ordinances.
- (3) All off-street parking shall be located to the rear of the principal building and shall be screened with landscaping or a masonry wall so as to not be visible from any public right-of-way or residential zoning districts. A screening plan showing all proposed screening must be submitted with the land development and building permit applications.

Section 14-88.7. Architectural and Design Standards

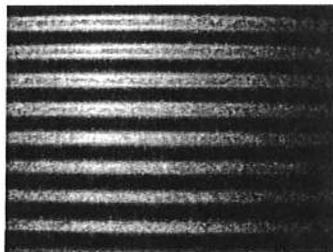
A detailed set of architectural drawings must be included with all land development and building permit applications. In addition to building massing, location and design, said architectural drawings must indicate all proposed building materials, architectural detailing, color schemes, street furniture, landscaping and all other significant design features in accordance with the following architectural and design standards:

- (1) Use of the following materials on building façades is prohibited:
 - (a) smooth-faced concrete;
 - (b) concrete block;
 - (c) metal or vinyl siding; and
 - (d) materials of similar nature to those listed above.

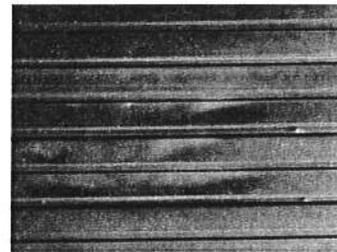
Examples of façade materials that are prohibited in the Corazon de Trinidad Historic District



Smooth-Faced Concrete



Corrugated Metal



Pre-Fabricated Metal Panels

- (2) The principal materials used on building façades shall be indigenous to the Corazon de Trinidad National Historic District, particularly high quality brick, stone and/or wood.

Examples of façade materials that are indigenous to the Corazon de Trinidad Historic District



Brick



Stone

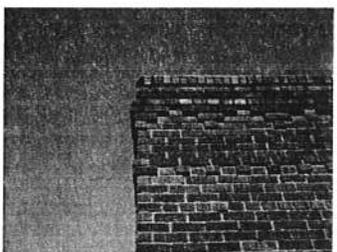
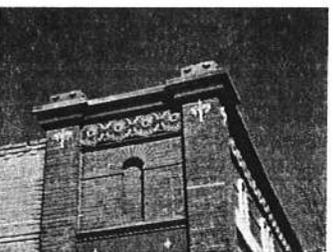
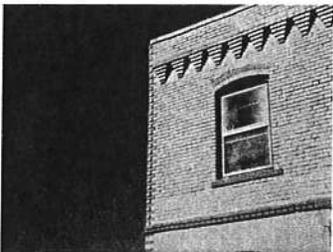
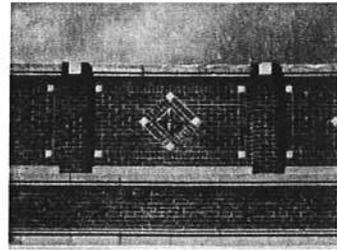
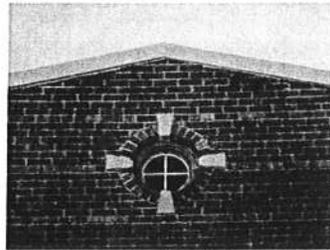
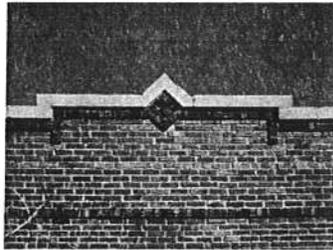


Wood

- (3) Long blank walls are prohibited.

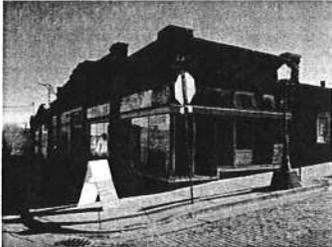
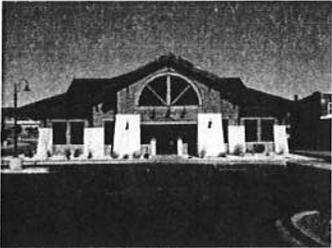
(4) Building façades shall be articulated by the use of architectural treatments characteristic of the Corazon de Trinidad National Historic District.

Examples of architectural treatments that are characteristic of the Corazon de Trinidad Historic District



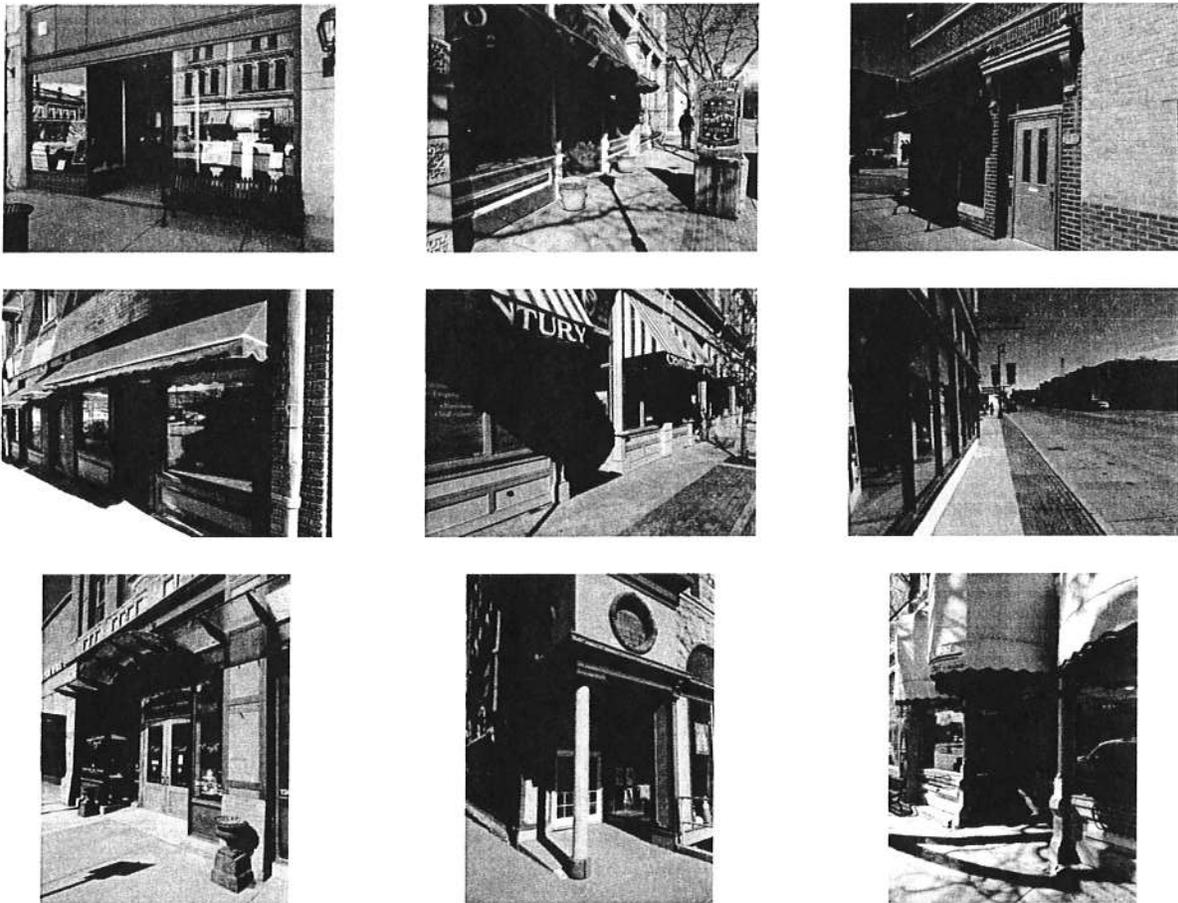
(5) Building design must be characteristic of the Corazon de Trinidad National Historic District.

Examples of building designs that are characteristic of the Corazon de Trinidad Historic District



- (6) Ground floor façades abutting public roads and/or parking lots shall feature display windows and entry areas on no less than sixty (60) percent of the horizontal façade length.
- (7) Ground floor display windows must be internally lighted, must have a minimum height of four (4) feet and may not be more than three and one-half (3.5) feet above the adjacent sidewalk measured from the bottom of the window.
- (8) Building façades shall have clearly defined customer entry areas that utilize distinguishing architectural features such as overhangs, recesses, arches, display windows and/or planters. Said entry areas must be located along a public sidewalk if possible.

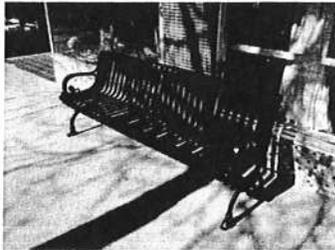
Examples of storefronts and entry areas in the Corazon de Trinidad Historic District



- (9) Mechanical equipment such as HVAC units, solar panels or similar equipment must be located out of public view. Architecturally appropriate parapets must be used to conceal all rooftop equipment. The height of said parapets shall not exceed fifteen (15) percent of the supporting wall.
- (10) Overhanging eaves shall extend no more than three (3) feet past the supporting wall.

- (11) Sloping roofs must not exceed the average height of the supporting walls. All sloping roofs must feature a gutter system that prevents snow, water and debris from falling onto any adjacent sidewalk or public space.
- (12) No more than one curb cut will be allowed per building and curb cuts are not allowed for lots that abut alleys.
- (13) The façade design and material composition of all accessory structures must be compatible with the façade design and material composition of the main building.
- (14) All proposed street furniture and landscaping must be compatible with existing street furniture and landscaping in the District.

Examples of street furniture in the Corazon de Trinidad Historic District



14-88.8. Historic structure preservation, restoration and rehabilitation.

(1) No historic structure located in the District may be demolished or otherwise removed unless said historic structure has been certified as both structurally compromised and irreparable by a structural engineer licensed in the State of Colorado.

(2) Removal or alteration of any original architectural feature on an historic structure in the District is prohibited unless said architectural feature has been certified as both structurally compromised and irreparable by a structural engineer licensed in the State of Colorado. Significant architectural details include, but are not limited to:

- Roofs
- Exterior Walls
- Pediments
- Cornices
- Windows and Window Frames
- Belt Courses
- Transoms
- Piers
- Columns
- Doors
- Kickplates

(3) Repairs made to historic structures in the District must be made in accordance with the Secretary of the Interior's Standards for Rehabilitation:

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated

from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

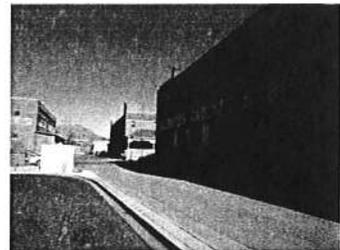
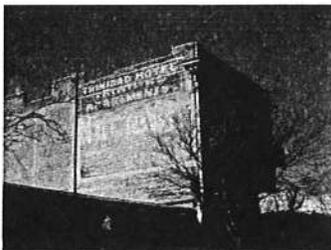
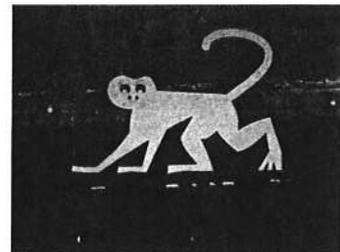
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

14-88.9. Signage.

The requirements of Article 4, Division 13 of the City of Trinidad Code of Ordinances shall apply to all land development projects in the District. In addition:

- (1) A sign plan shall be included as part of all development proposals within the District;
- (2) Signs for all uses within a given development project must be uniform in style, materials and illumination and be compatible with and respectful of the historic nature of the District;
- (3) Sign location shall be limited to building surfaces, canopies, overhangs and behind storefront doors or display window glass. No freestanding and/or rooftop signs will be allowed in the District;
- (4) Replication of Trinidad’s historic painted signs is strongly encouraged on all new development projects.
- (5) Removal or destruction of painted ‘ghost’ signage on existing structures is prohibited.

Examples of signage that are characteristic of the Corazon de Trinidad Historic District



Section 3. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or of any of the primary or secondary codes adopted by reference herein, be judicially determined unconstitutional or invalid for any reason, such decision shall not affect the validity or

constitutionality of the remaining portions of this Ordinance or codes adopted by reference. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 4. Effective Date. This ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER _____; READ AND ORDERED PUBLISHED this _____ day of _____, 20____; PASSED AND APPROVED this _____ day of _____, 20____.

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the _____ day of _____, 20____.

CITY OF TRINIDAD, COLORADO

JENNIE GARDUNO, Mayor

ATTEST:

By: _____
AUDRA GARRETT, City Clerk

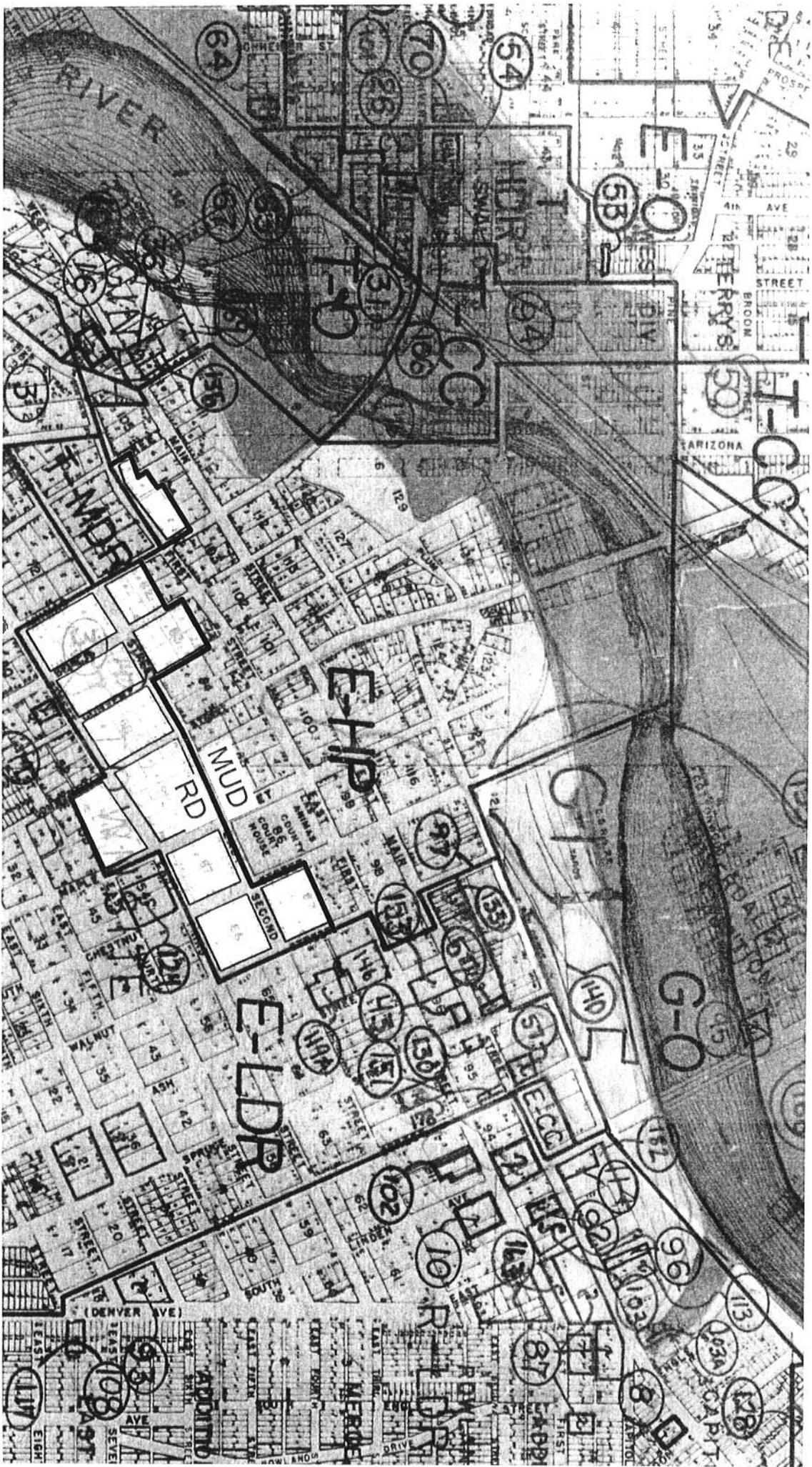


Exhibit 'A'

ITEM NO. 7f

ITEM TO BE PLACED ON THE AGENDA FOR THE
REGULAR MEETING OF THE CITY COUNCIL TO
BE HELD ON June 7, 2011

ITEM: First reading of 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, and setting a hearing date for consideration of said ordinance

**REQUEST
MADE BY:**

**CONTENTS/
COMMENTS:**

Ordinance
Report from McFadden Consulting Group, Inc.

ITEM NO. 7f

ORDINANCE NO. _____

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

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

WHEREAS, by City Ordinance No. 1866, the City Council of the City of Trinidad, Colorado, previously adopted “Gas Tariff No. 1” to govern the provision of natural gas service by the Trinidad Municipal Natural Gas Department; and

WHEREAS, Gas Tariff No. 1 mandates the calculation of a Gas Supply Charge on a periodic basis to recover the costs of purchasing natural gas for the City’s customers, which costs include the costs of upstream pipeline transportation, storage, and other costs incurred to deliver natural gas supplies to the City’s distribution system at the City’s receipt point; and

WHEREAS, based upon the Trinidad Municipal Natural Gas Department’s most recent Gas Supply Charge calculation, the City Council seeks to increase the Gas Supply Charge applicable to all customer service classifications from \$0.3791 per one hundred cubic feet (“CCF”) to \$0.5638 per CCF.

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

1. **Gas Supply Charge.** The Gas Supply Charge applicable to all natural gas service classifications—Residential Sales (“RS”), Commercial Sales (“CS”), and Special Contract (“SC”)—of the Trinidad Municipal Natural Gas Department pursuant to Gas Tariff No. 1, as adopted by City Ordinance No. 1866, is hereby increased from \$0.3791 per CCF to \$0.5638 per CCF. This Gas Supply Charge increase shall become effective upon the effective date of this Ordinance, and shall be reflected on utility bills issued on and after August 1, 2011.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED
PUBLISHED this ____ day of _____, 20__;

FINALLY PASSED AND APPROVED this ____ day of _____, 20__.

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of
_____, 20__.

JENNIE GARDUNO, MAYOR

ATTEST:

AUDRA GARRETT, CITY CLERK

**City of Trinidad
Gas Department
Gas Supply Charge**



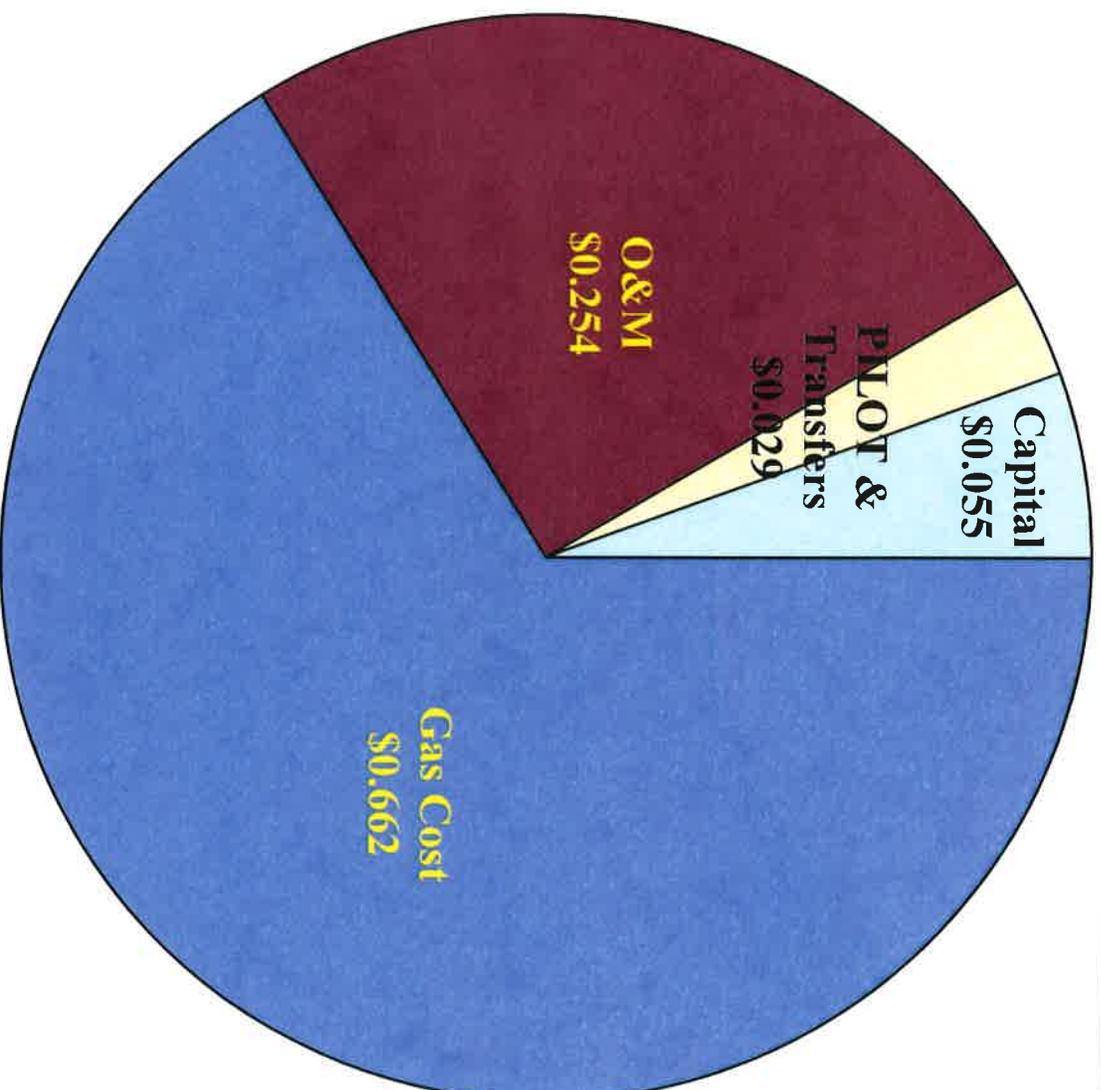
City of Trinidad, Colorado
1876

Agenda



- Gas Supply Charge analysis
 - ✓ Recommended to be effective August 1, 2011
- Consider two alternatives
 - ✓ Gas Supply Charge with normal calculation
 - ✓ Gas Supply Charge reflecting 50% write-off of December 31, 2010 Deferred Gas Cost balance

Cost of Gas Per Dollar of Revenue



City of Trinidad, Colorado
1878

Gas Supply Charge



City of Trinidad, Colorado
1878

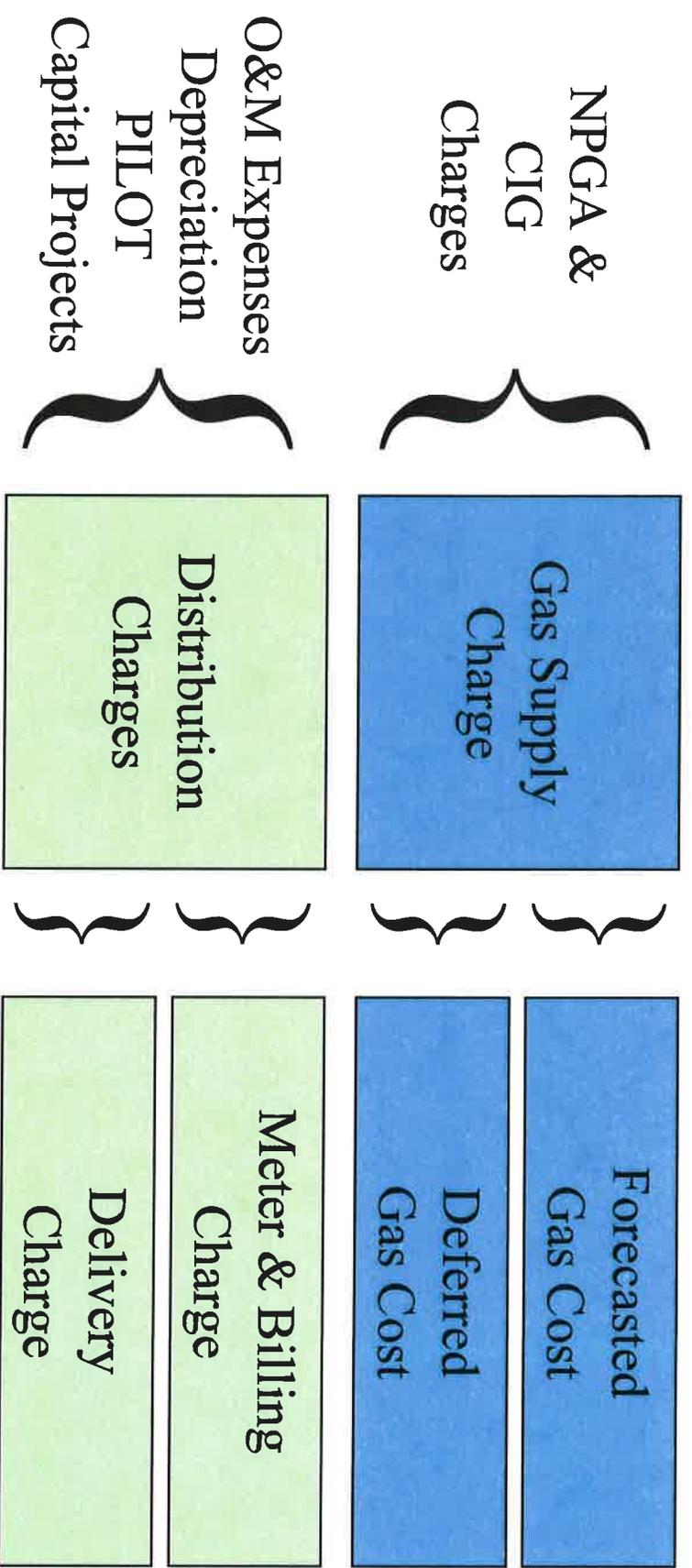
- Designed to recover all upstream gas supply, transportation, & storage costs
 - ✓ Costs not controlled by City
- Mechanism and initial GSC approved by City Council effective December 1, 2008
- Provides for annual true-up that assures dollar for dollar recovery of gas cost
 - ✓ Over- and under-recovery reflected in subsequent Gas Supply Charges
- Mitigates price volatility

Composition of Gas Rate



City of Trinidad, Colorado
1876

Total Gas Rate



Change in Gas Supply Charge



City of Trinidad, Colorado
1878

Residential, Commercial, & Special Contract Customers

	Current	Proposed	Increase or (Decrease)
Gas Supply Charge 100%	\$ 0.3791	\$ 0.5638	\$ 0.1847
Gas Supply Charge 50%	\$ 0.3791	\$ 0.5091	\$ 0.1300

Change in GSC Components



City of Trinidad, Colorado
1976

Residential, Commercial, & Special Contract Customers

	Current	Proposed	Increase or (Decrease)
Gas Supply Charge 100%	\$ 0.4674	\$ 0.4295	\$ (0.0379)
Projected Gas Cost	\$ (0.0883)	\$ 0.1343	\$ 0.2226
Deferred Gas Cost	\$ 0.3791	\$ 0.5638	\$ 0.1847
Gas Supply Charge	\$ 0.4674	\$ 0.4295	\$ (0.0379)
Projected Gas Cost	\$ (0.0883)	\$ 0.0796	\$ 0.1679
Deferred Gas Cost	\$ 0.3791	\$ 0.5091	\$ 0.1300
Gas Supply Charge			

Change in Total Rate



City of Trinidad, Colorado
1976

Residential, Commercial, & Special Contract Customers

	Current	Proposed	Increase or (Decrease)
Gas Supply Charge 100%			
Meter & Billing Charge	\$ 9.60	\$ 9.60	\$ 0.00
Delivery Charge	\$ 0.2095	\$ 0.2095	\$ 0.0000
Gas Supply Charge	\$ 0.3791	\$ 0.5638	\$ 0.1847
Change in Total Rates is an increase of 27.67%			
Gas Supply Charge 50%			
Meter & Billing Charge	\$ 9.60	\$ 9.60	\$ 0.00
Delivery Charge	\$ 0.2095	\$ 0.2095	\$ 0.0000
Gas Supply Charge	\$ 0.3791	\$ 0.5091	\$ 0.1300
Change in Total Rates is an increase of 19.47%			

Impact on Customers' Average Monthly Bill



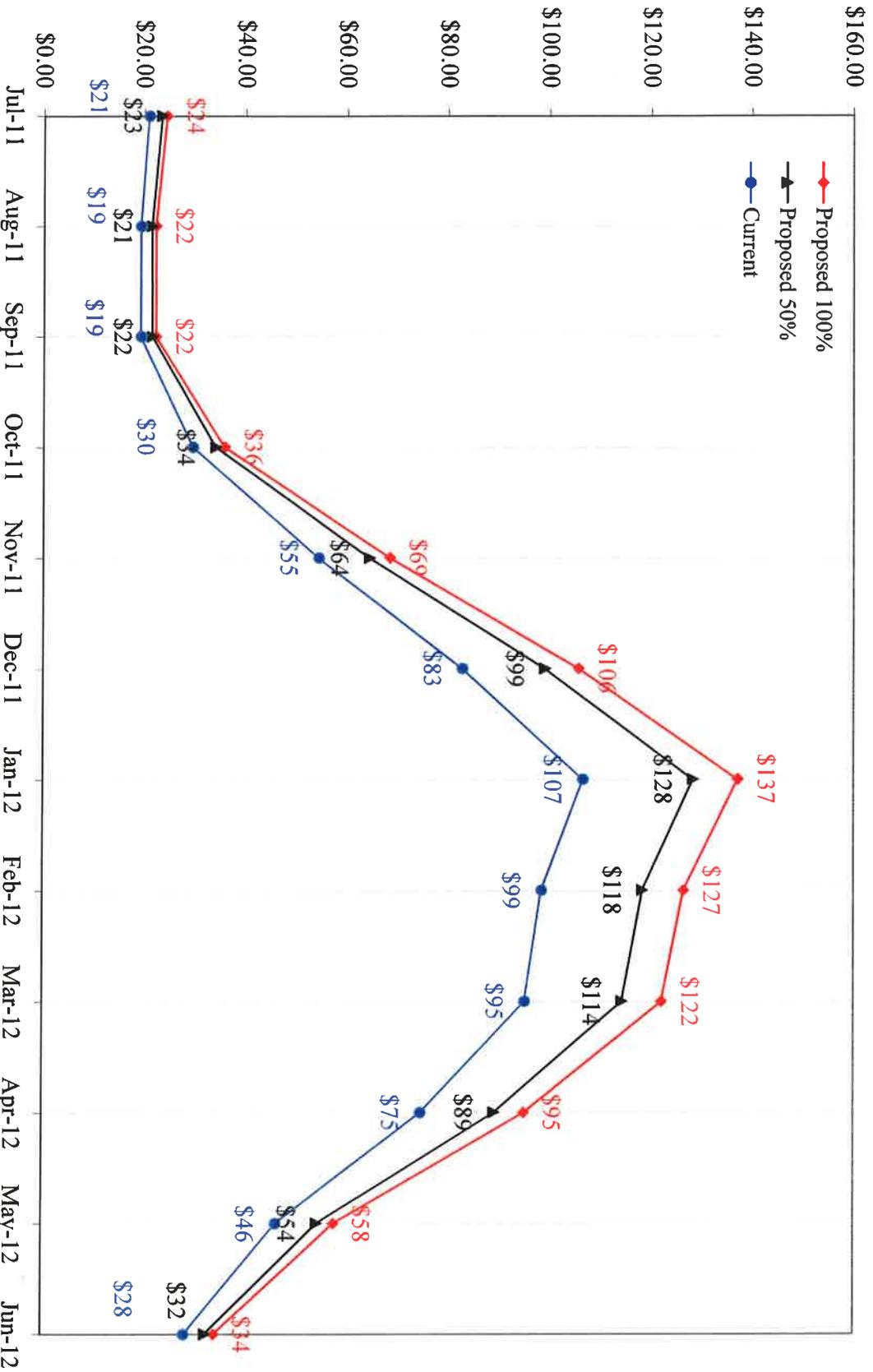
City of Trinidad, Colorado
1876

<i>Residential, Commercial, & Special Contract Customers</i>				Increase or (Decrease)
	Current	Proposed		
Gas Supply Charge 100%				
Residential	\$ 56.44	\$ 71.14	\$	14.70
Commercial	\$ 230.20	\$ 299.42	\$	69.22
Special Contract	\$ 10,323.30	\$ 13,559.94	\$	3,236.64
Gas Supply Charge 50%				
Residential	\$ 56.44	\$ 66.79	\$	10.35
Commercial	\$ 230.20	\$ 278.92	\$	48.72
Special Contract	\$ 10,323.30	\$ 12,601.39	\$	2,278.09

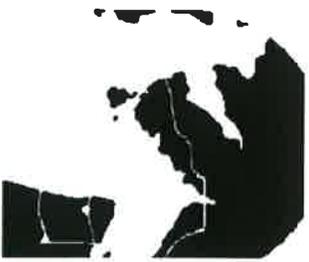
Impact on Residential Customers



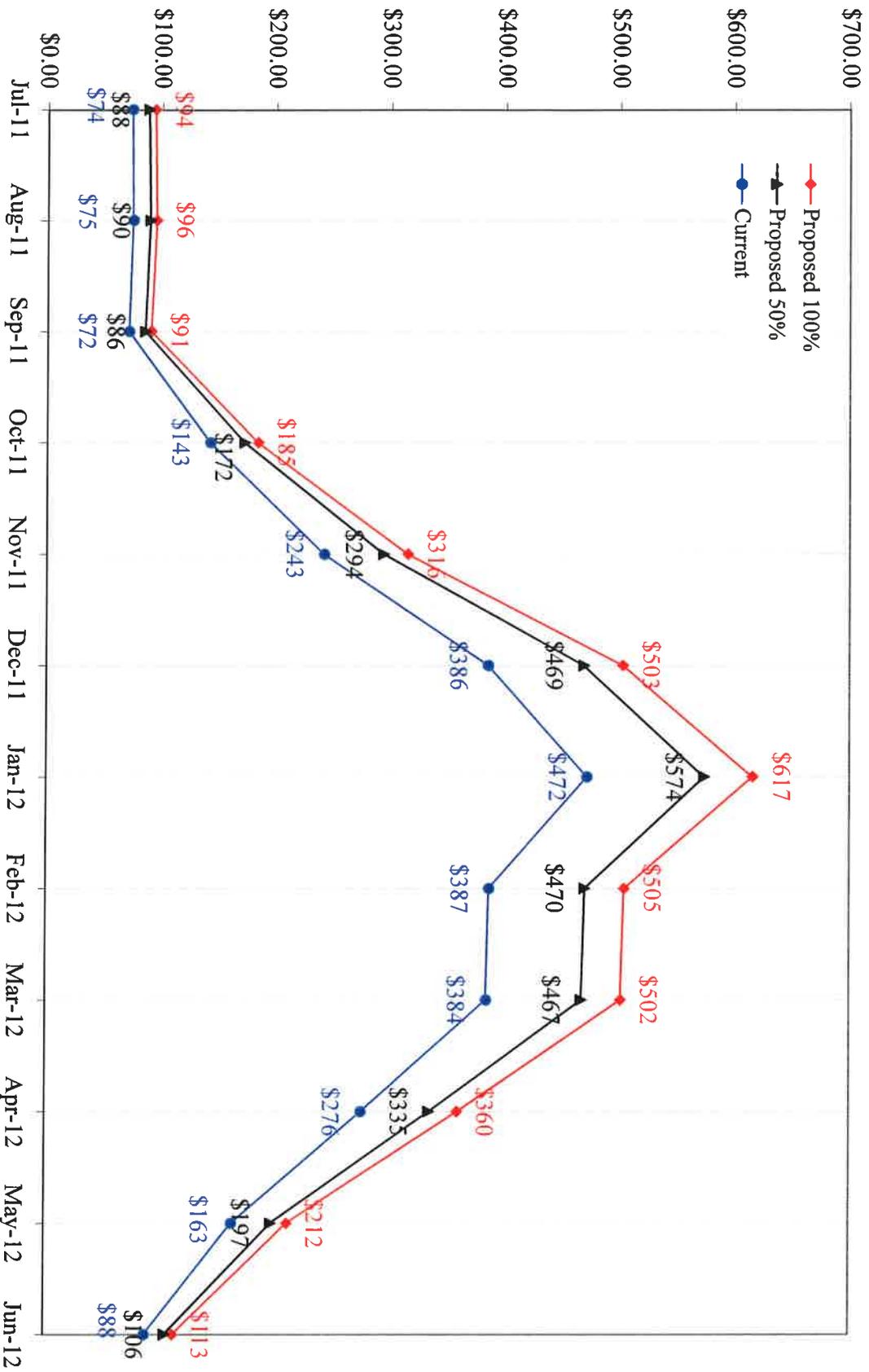
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Impact on Commercial Customers



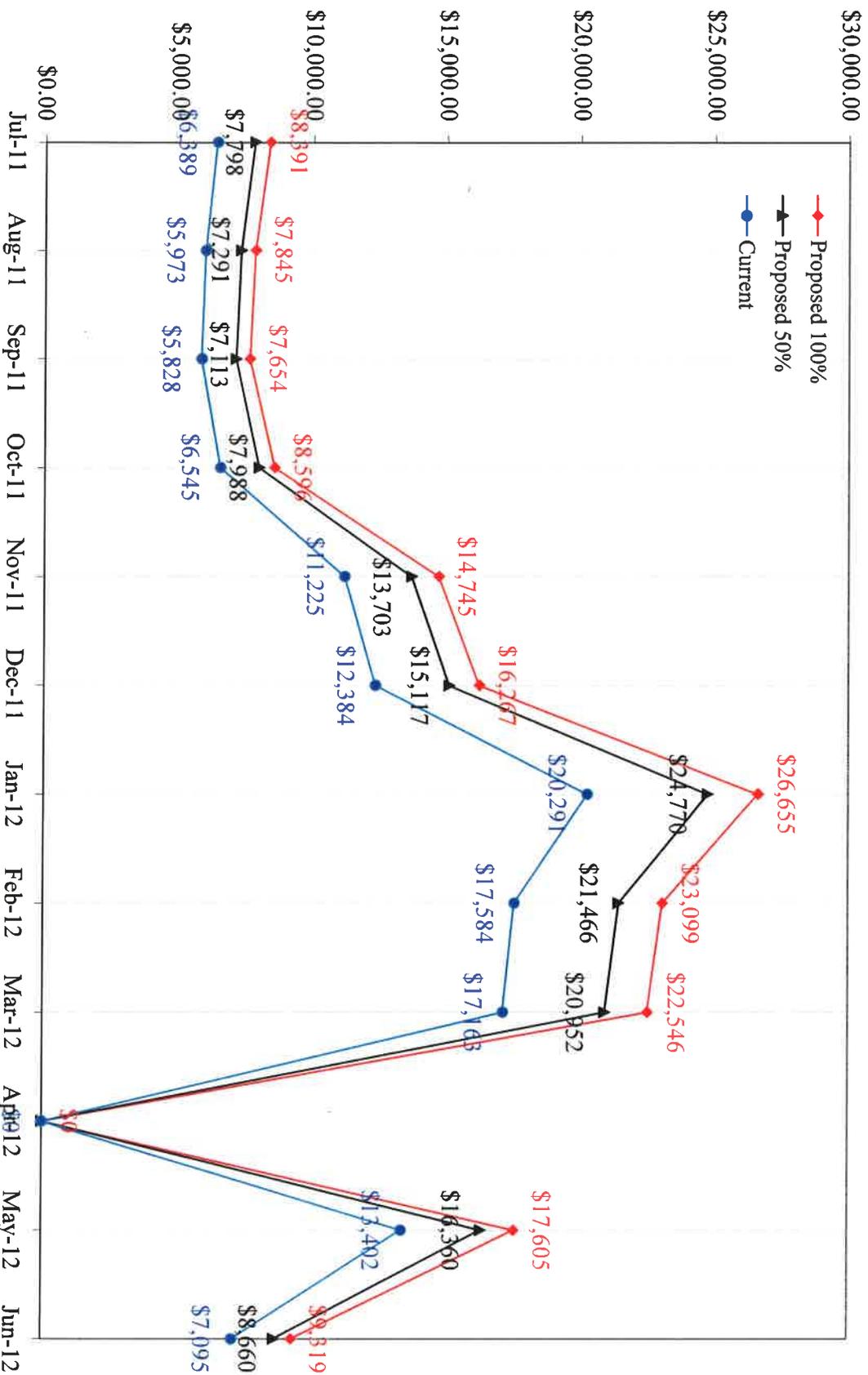
City of Trinidad
Colored
1576



Impact on Special Contract Customer



City of Trinidad, Colorado
1976



Impact on Gas Department Revenue



City of Trinidad, Colorado
1876

	Current	Proposed	Increase or (Decrease)
Gas Supply Charge 100%			
Total Rate Revenue	\$4,068,182	\$5,193,758	\$ 1,125,576
<i>Percentage Decrease</i>			27.67%
Gas Supply Charge 50%			
Total Rate Revenue	\$4,068,182	\$4,860,412	\$ 792,230
<i>Percentage Decrease</i>			19.47%
Distribution Revenue	\$1,757,918	\$1,757,918	\$ 0

Reason for Changes



City of Trinidad, Colorado
1871

- Gas prices fell since Dec-09 GSC
 - ✓ 12/1/09 GSC forecasted cost was \$5.62/Dth
 - ✓ 8/1/10 GSC forecasted cost is \$5.16/Dth
- Deferred Gas Cost balance was
 - ✓ \$539,160 over-recovered at Aug-09 (Nov-09 GSC)
 - ✓ \$666,471 under-recovered at Dec-10
 - ✓ \$780,558 under-recovered at Mar-11
 - \$447,323 if write-off ½ Dec-10 balance

Reason for Changes (cont'd)



City of Trinidad, Colorado
1976

- Deferred Gas Cost increment increasing
 - ✓ \$(0.0883)/Dth to \$0.1343/Dth absent write-off
 - ✓ \$(0.0883)/Dth to \$0.0796/Dth with write-off

Write-Off Considerations



- Write-off is not free
 - ✓ \$333,235 is a cost
 - ✓ Need to remember that the Gas Fund is not cash
 - Simply an accounting of the sum of the net income earned by Gas Department since it began operations
 - Similar to retained earnings for a corporation
 - Only cash is in the cash accounts
 - ✓ Reduces cash available to Gas Department and any potential transfers to General Fund

Write-Off Considerations (cont'd)



- Reducing cash inflows will require adjustments elsewhere
 - ✓ Will require cuts and/or tax/rate increases unless the City has and extra \$333,235 in a cash account
- Inconsistent with purpose of GSC
 - ✓ Designed to recover gas cost dollar-for-dollar
 - ✓ Mitigates price volatility
 - Natural gas has historically been the most volatile priced commodity in the world

Write-Off Considerations (cont'd)



City of Trinidad, Colorado
1978

- Deferred Gas Cost is the mechanism ensuring cost dollar-for-dollar gas cost recovery
 - ✓ Writing-off ½ of Dec-10 deferred balance does not solve the problem
- Mitigates price volatility
 - ✓ Natural gas has historically been the most volatile priced commodity in the world
 - ✓ Gas Supply Charge is the most cost effective way for the City to mitigate such price volatility to its citizens

Write-Off Considerations (cont'd)



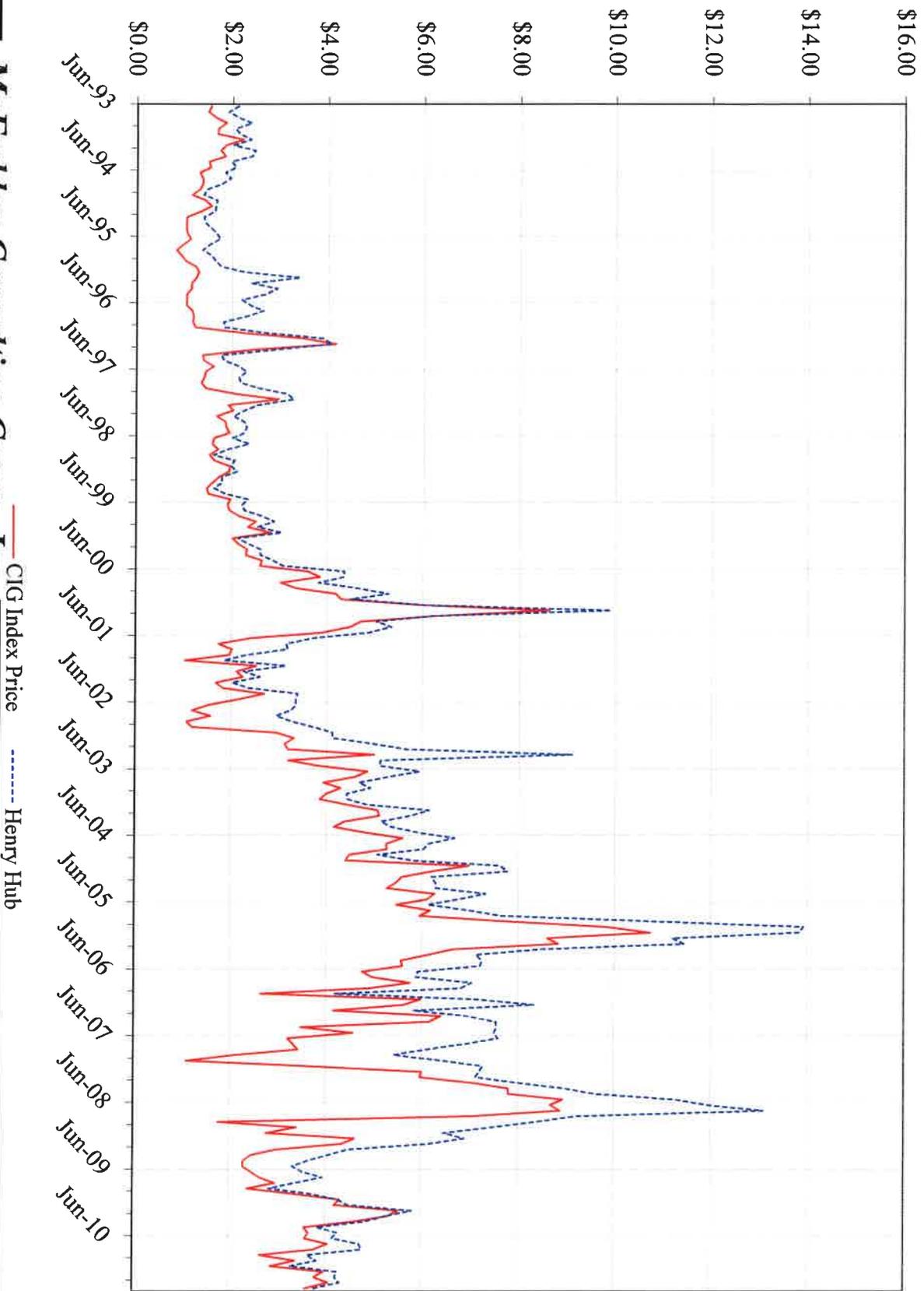
City of Trinidad, Colorado
1876

- Gas Supply Charge mitigates price volatility
 - ✓ Natural gas has historically been the most volatile priced commodity in the world
 - ✓ Gas Supply Charge is the most cost effective way for the City to mitigate such price volatility to its citizens
 - ✓ Citizens have already benefited by paying less last winter
 - If rates reflected actual cost last year customers would have paid approximately \$0.23 per CCF more

CIG & Henry Hub Prices



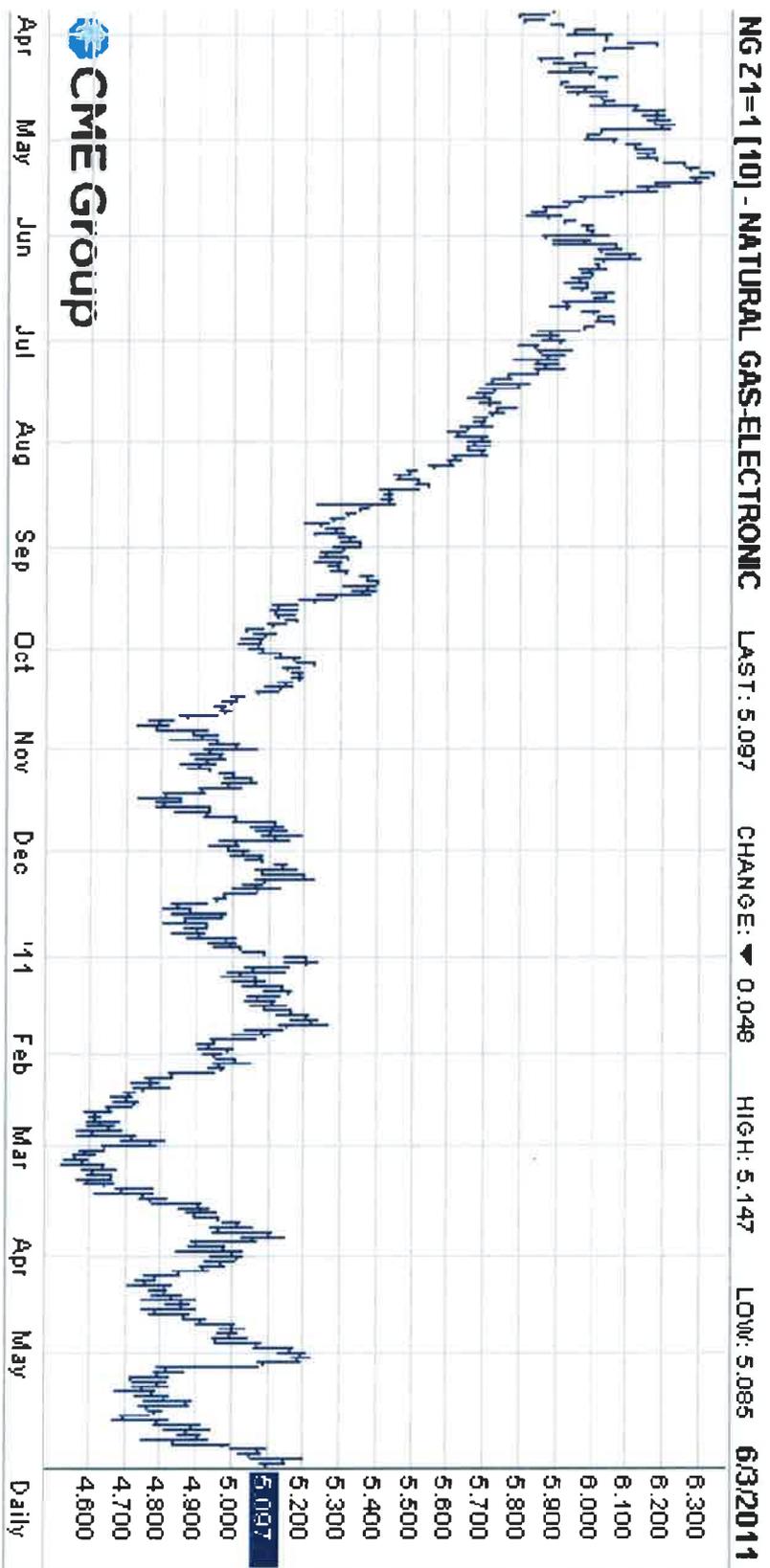
City of Trinidad, Colorado
1876



NYMEX Price for Dec-10 Gas



City of Trinidad, Colorado
1878



CME Group

Contract:

Period:

Month: Year:

Style:

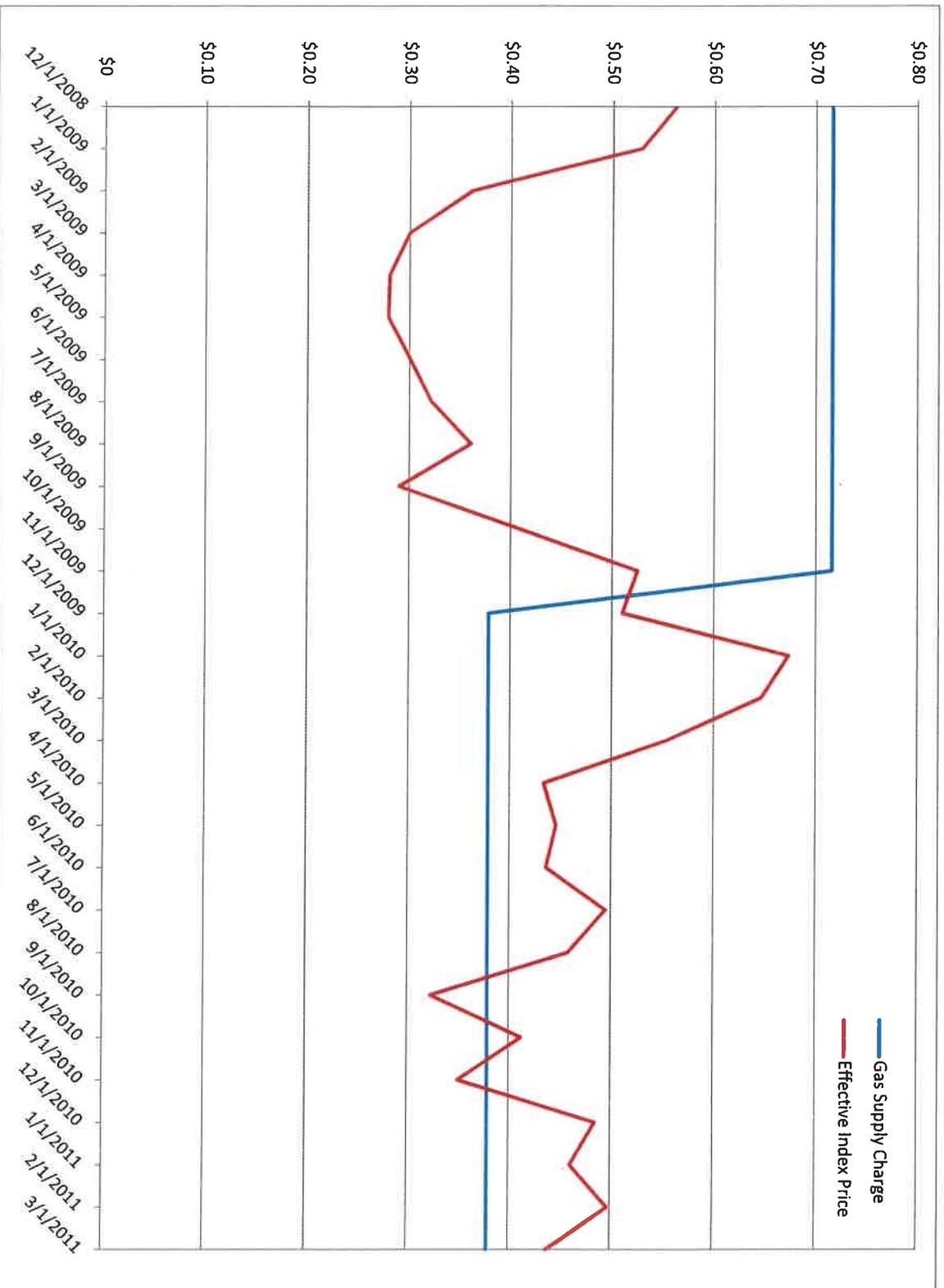
Density:

5 min 15 min 30 min 60 min Daily Weekly Monthly

Trinidad's Gas Price v CIG Index



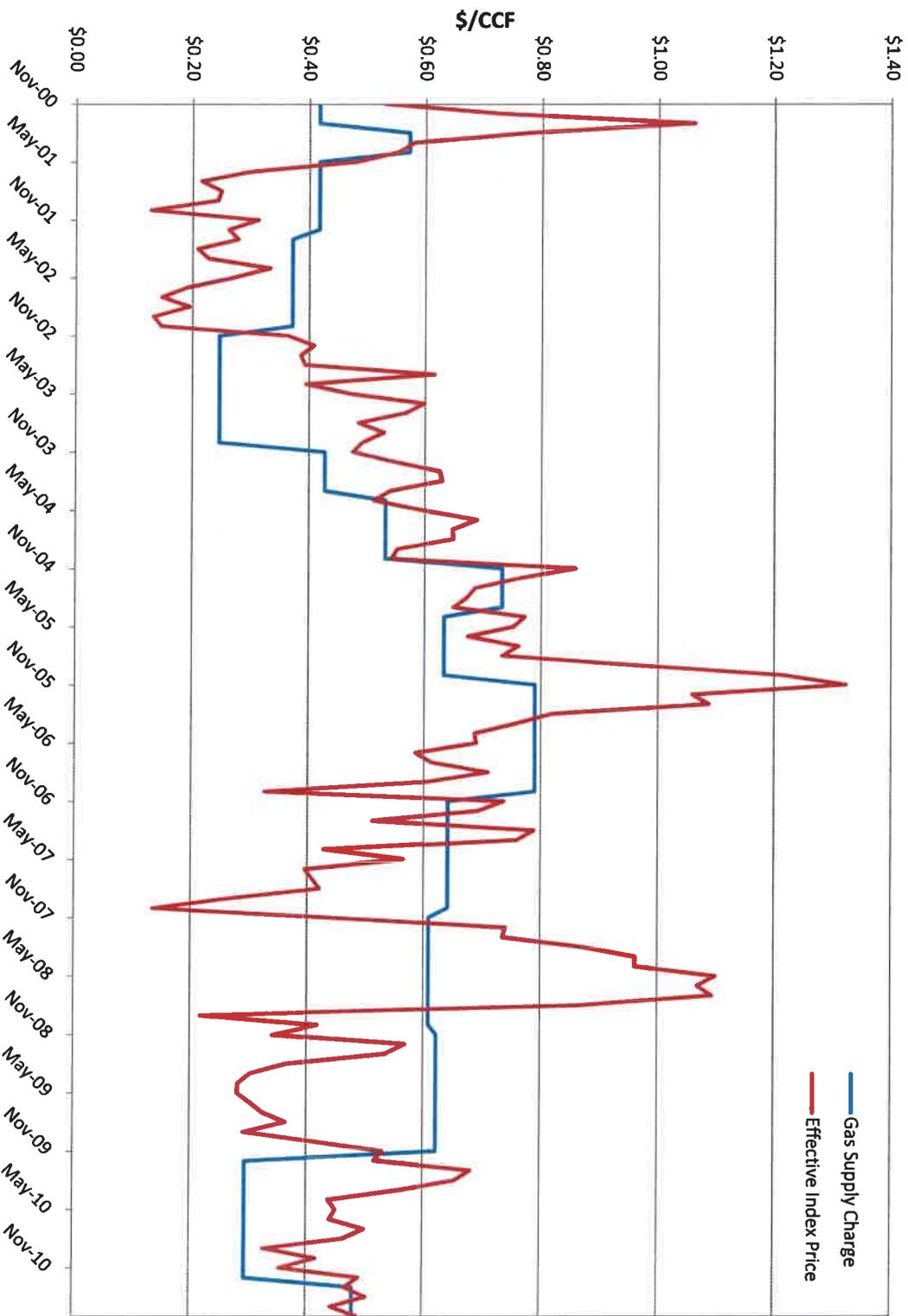
City of Trinidad, Colorado
1971



Similar City's Prices v CIG Index



City of Trinidad, Colorado
1871



Next Steps

- Questions, Comments, Concerns, & Discussion



City of Trinidad, Colorado
1876