



CITY OF TRINIDAD
TRINIDAD, COLORADO

The Regular Meeting of the City Council of the City of Trinidad,
Colorado, will be held on Tuesday, May 5, 2015 at 7:00 P.M.
in City Council Chambers at City Hall

****PROCLAMATION – “NATIONAL SERVICE RECOGNITION DAY”****

The following items are on file for consideration of Council:

- 1) **ROLL CALL**
- 2) **APPROVAL OF MINUTES**, Regular Meeting of April 21, 2015 and Special Meeting of April 28, 2015
Members of the public may comment on matters within the jurisdiction of the City but not on the agenda. The Council's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.
- 3) **PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN**
- 4) **UNFINISHED BUSINESS**
- 5) **MISCELLANEOUS BUSINESS**
 - a) Special event permit request (malt, vinous and spirituous) by Confederacion Mutualista Mexicana e Hispano-Americana for May 30, 2015 (Rocky Mountain Elk Foundation Banquet) at 206 N. Animas Street
 - b) New retail marijuana store application filed by Freedom Road Garden LTD d/b/a Freedom Road at 2600 Freedom Road
 - c) New retail marijuana cultivation facility application filed by Freedom Road Garden LTD d/b/a Freedom Road at 2600 Freedom Road
 - d) New medical marijuana center application filed by Freedom Road Garden LTD d/b/a Freedom Road at 2600 Freedom Road
 - e) New medical marijuana optional premise cultivation operation application filed by Freedom Road Garden LTD d/b/a Freedom Road at 2600 Freedom Road
 - f) New retail marijuana store application filed by Colorado Cannabis Associates d/b/a The Spot at 453 N. Commercial Street
 - g) Consideration of extraterritorial water tap request by Kelly Rivera to serve 37830 County Rd. 32.4 (El Moro Road)
 - h) Consideration of extraterritorial water tap request by Trent Mantelli to serve 37811 County Rd. 32.4 (El Moro Road)
 - i) Consideration of an agreement between Model Land & Irrigation Company and the City of Trinidad for use of the Hoehne and Model Return Flow Structures located on the Purgatoire River
- 6) **COUNCIL REPORTS**
- 7) **REPORTS BY CITY MANAGER AND CITY ATTORNEY**
- 8) **BILLS**
- 9) **PAYROLL**, April 25, 2015 through May 8, 2015
- 10) **ADJOURNMENT**

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



City of Trinidad, Colorado
1878

CITY OF TRINIDAD
TRINIDAD, COLORADO

S P E C I A L M E E T I N G

There will be a Special Meeting of the City Council of
the City of Trinidad, Colorado, on Friday, May 8, 2015,
at 2:00 p.m. in the
Council Chambers at City Hall

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

- 1) **EXECUTIVE SESSION**
 - a) For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under 24-6-402(4)(e) – Possible economic development opportunity

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City of Trinidad

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www.trinidad.co.gov

MEMO

TO: Gabe Engeland, City Manager
Mayor Reorda
City Council Members

FROM: Michael Valentine, Public Works/Utilities Director *MV*

DATE: May 1, 2015

RE: Extraterritorial Water Tap Requests: T. Mantelli and K. Rivera

The two extraterritorial water tap requests are routine tasks which require City Council approval as per Resolution #1327 dated May 6, 2008. Rather than delay the application process of extraterritorial water tap requests, I have requested the agenda items to go before council at your regular meeting of May 5, 2015.



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MEMO

TO: Gabe Engeland, City Manager
Mayor Reorda
City Council Members

FROM: Michael Valentine, Public Works/Utilities Director *MV*

DATE: May 1, 2015

RE: Hoehne and Model Return Flow Structures Agreement

The City of Trinidad has several agreements that are routine and they require City Council approval such as the Model Land & Irrigation Company. City staff along with our water attorneys have reviewed and discussed the agreement. Rather than delay the agreement, I have requested the agenda item to go before council at your regular meeting of May 5, 2015.

Office of the Mayor
Trinidad, Colorado
Proclamation



"NATIONAL SERVICE RECOGNITION DAY"
May 6, 2015

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our citizens and counties, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service represents a unique public-private partnership that invest in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 7, 2015.

NOW, THEREFORE, I, Joseph A. Reorda, Mayor of the City of Trinidad, Colorado, on behalf of the entire Trinidad City Council, do hereby proclaim May 6, 2015, as:

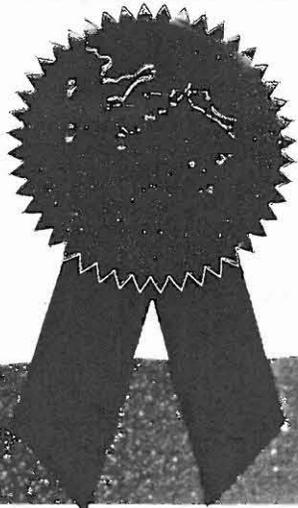
"NATIONAL SERVICE RECOGNITION DAY"

in the City of Trinidad, and encourage residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities.

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

Mayor _____

Date _____



The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, April 21, 2015, at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Reorda, presiding
	Councilmembers	Bonato, Fletcher, Mattie, Miles, Torres
Also present:	City Manager	Engeland
	City Attorney	Downs
	Asst. City Clerk	Marquez
Absent:	Councilmember	Bolton

The pledge of allegiance was recited.

PROCLAMATION – George Ortiz Day – April 22, 2015; Arbor Day – April 24, 2015; and Trinidad State Junior College Day – April 20, 2015. The Proclamations were read aloud and then presented to representatives of the individual and organizations honored.

APPROVAL OF THE MINUTES. Regular Meeting of April 7, 2015 and Special Meeting of April 14, 2015. A correction was noted by Councilmember Miles on page 5 of the April 7th minutes to reflect the name Babcock and Wilcox in the report she gave that evening relative to ARPA. A motion to approve the minutes as corrected was made by Councilmember Mattie and seconded by Councilmember Bonato. The motion carried unanimously.

PUBLIC HEARING. Change of Location application filed by Ristras Restaurant and Cantina, LLC d/b/a Ristras Restaurant and Cantina from 516 E. Elm Street to 1415 Nolan Drive. Mayor Reorda declared the public hearing open and called for comments for or against the application. To City Attorney Downs' questions, Reuben Torres, Sr., testified that this application seeks to move their liquor license from Ristras former location at 516 Elm Street to its new location at 1415 Nolan Drive. All of the required documents were submitted as well as a petition in support of the Change of Location. The petition was circulated by the licensee and all who signed were in favor of the change of location. Mr. Torres asked for the community's support. City Attorney Downs submitted that the application was complete for Council's consideration. A motion to approve the Change of Location application was made by Councilmember Torres and seconded by Councilmember Fletcher. Upon roll call vote the motion carried unanimously, however with Councilmember Torres abstaining from the vote.

New Retail Marijuana Store license application filed by Dessimals, Inc. d/b/a Lucky Monkey Buds at 137 W. Cedar Street; New Retail Marijuana Cultivation Facility license application filed by Dessimals, Inc. d/b/a Lucky Monkey Buds at 137 W. Cedar Street; New Medical Marijuana Center license filed by Dessimals, Inc. d/b/a Lucky Monkey Buds at 137 W. Cedar Street; and New Medical Marijuana Infused-Products Manufacturer license application filed by Dessimals, Inc. d/b/a Lucky Monkey Buds at 137 W. Cedar Street. Mayor Reorda declared the public hearing open. City Attorney Downs identified Dr. Markus Hamm and Ken Waller, the applicant, who were then sworn in. He noted that Karen Waller was unable to be here this evening. Mr. Waller testified that he was representing the applicant this evening, Dessimals, Inc. doing business as Lucky Monkey Buds. He stated that they are seeking the retail license just to support the medical side, which is their main focus. They will make lotions, creams and infused products. Regarding cultivation he said they have to cultivate so many plants on their own. Dr. Hamm is employed as a consultant and eventual employee. He confirmed that they are applying for the retail marijuana store, medical marijuana center and retail marijuana cultivation facility. They will be applying for a medical marijuana cultivation facility license eventually he said and then said they would be doing both now. Dr. Hamm will largely be consulting in the operation of the medical marijuana infused-products manufacturing. The building is known in Trinidad as the Lucky Monkey where they will do business, 137 West Cedar Street. Mr. Waller further testified that they have a lease for the building from Neil Spencer. The monthly rent payment is \$1,500. Dr. Hamm upon inquiry stated that Karen Waller was not present this evening having been recently diagnosed with breast cancer and undergoing chemotherapy. She is very tired and susceptible to viruses. Ken Waller testified that he and Karen Waller are 50/50 owners of Dessimals. In response to whether they are 50/50 shareholders, Mr. Waller stated that they will not have any stock. Mr. Waller said he is the President and Karen is the Vice President and Secretary/Treasurer of Dessimals, Inc. Their business form is a Colorado corporation in good standing, but they also have a partnership agreement. Only Ken Waller and Karen Waller are owners. Mr. Waller said the primary financial contributors to their business will be he and Karen, through a 401k. He explained that he worked for a utility company for over 30 years and saved a lot of money that they will be utilizing. At some point Dr. Hamm will be financially invested in the business. When that happens, Council will be provided with documentation to reflect the same; Dr. Hamm is not currently contributing. Dr. Hamm told Council that he will be involved in research and development of products that contain CBD (cannabidiol) for the treatment of asthma, cancer, arthritis, seizures, ADD, ADHD, and other abnormalities that are plaguing our society today. He testified that he has not previously been involved in a medical marijuana facility. Mr. Waller said this is his first as well and he has no financial interest in any other marijuana businesses. To inquiry, Dr. Hamm said he went into this area of medicine because he is in emergency medicine and sees patients regularly who suffer from cancer and the abnormalities he just described and think they can provide an alternate source of treatment and does not cause so many side effects. He stated that he is a medical doctor as opposed to a PhD. He provided his prior work history as a medical doctor. He intends to partially relocate here. Mr. Waller said he may eventually relocate here. The applicants presented a Power Point handout to Council and reviewed it with them (a copy was provided and is on file). Mr. Waller testified that his is the totality of the financial contributions to the company. Eventually Dr. Hamm will buy into the business. They have not yet begun working on the building. They are waiting on approval of their licenses. He added that they want to preserve the history of the building as much as they can. They will meet with the State for the state license and submit that application on May 7th. Mr. Waller

testified that the area of concentration will be medical marijuana and its benefits. There is 1000 square foot planned for retail; the building is very large. The majority will be medical. He confirmed that he and Karen Waller submitted their fingerprints. His results were received, however Karen's were not. He explained that Karen's fingerprints are worn off. She submitted to printing two times unsuccessfully – once digitally. There are ways to complete a background investigation without fingerprints. A letter can be submitted to CBI explaining that the prints cannot be attained after more than one attempt. He understood that approval, if given by Council, would be contingent on Karen's background being satisfactory. He testified that he reviewed his application before submitting it and it is complete. All application fees have been paid. All answers contain in the application are true. He also acknowledged his obligation to comply with all municipal officials during the licensing process and thereafter. City Attorney Downs told Mr. Waller that he has a presumed knowledge of the City's marijuana ordinance and the State code and regulations regarding marijuana. Anyone who works for him likewise has that presumption. Mr. Waller agreed. To inquiry he said he anticipates employing just one person initially and thereafter two or three more. He also acknowledged that he cannot have marijuana until his license is approved by both the City and State. He understood the dual licensing authority arrangement with this business type. He acknowledged that during times of water austerity that his water may be cut off. Mr. Waller acknowledged that the industry is beholden to Federal law and the future may be uncertain. Councilmember Bonato commented that he was supportive of them working with those who will benefit from the medicinal use of marijuana, but expressed concern about the number of licenses being given out in the City of Trinidad. He added that in his discussions with businesses on Commercial Street, they are concerned about the parking behind the Lucky Monkey. He asked if once their business is open they would allow parking in their lot. Dr. Hamm answered affirmatively. Councilmember Bonato said there is a City alleyway that goes through the lot and he was unsure of how the easement is laid out. It is used for deliveries to some of those businesses. He reiterated his support of their medical marijuana endeavor and said he appreciated their help with the parking. Dr. Hamm and Mr. Waller both expressed their willingness to assist with the parking. Councilmember Fletcher told Dr. Hamm that in watching documentaries about medical marijuana she was interested to learn that not all marijuana has intoxicating or euphoric affects. Dr. Hamm said THC is what provides the euphoric affects. The non-euphoric is CBD, which will be their focus. He told the history of the medical marijuana product known as Charlotte's Web that was used to treat a child suffering from seizures. He said that was what made him interested in the business. He also said the non-euphoric products can be used for cancer and nausea as well as a number of other ailments. There has not been much success with its use in treating Parkinson's Disease, however they plan to change that. He noted that some of the intoxicating THC when added to the CBD can have a positive effect in some instances where a product with no THC is not working. Councilmember Torres said she's happy they want to invest in our community, but asked why they chose Trinidad because it doesn't sound like they are planning on being permanent residents here. Dr. Hamm said he would like to become a resident, depending on his family and job in the south. He commended the City's staff for being so accommodating, nice and kind, adding that was one of the reasons they are here. Other municipalities were not as accommodating in comparison. He also complimented their local realtor as well as others they have met who they plan to hire to do some of the renovations and upgrades. Mr. Waller added that they plan on being active in the community, and named a few examples or potentials. Councilmember Miles asked them to speak to the research and impediments to research with THC being a Class I banned substance. Dr. Hamm said CBD is not a Schedule I drug. He provided history on the research of THC and CBD use over the past 40 years. America is a little behind because of politics, he said. Councilmember Miles said she was surprised to hear that there would only be one employee. Mr. Waller said that may change. Their main concentration has been trying to get licensed. Once up and running, Dr. Hamm said they would probably have six to seven employees to begin with. He referred to the 35-page business plan's discussion of internal and external security which they said they will be spending time in those areas initially. Councilmember Miles commented that a previous applicant talked about contributing to animal rescue in the community and the homeless. With homelessness being a concern, she said she hoped they would get involved in that area. Mayor Reorda asked Dr. Hamm if he would be issuing prescriptions. Dr. Hamm answered that he would not be at this time because he thought it would be a conflict of interest. As of yet he has not issued a prescription for anyone. If in the future he changes his mind he said he would set up an office so that it would be separate from the business. Councilmember Mattie thanked the applicants for their interest in locating their business in Trinidad. He asked why Trinidad captured their attention. Mr. Waller said a lot of the cities around Denver have moratoriums and the ones that don't have unbelievable fees. The warehousing is limited; there's basically nothing. Dr. Hamm added that other communities were not very patient and didn't want to answer their questions or become involved in what they were doing. Councilmember Mattie asked who Tyler Waller is. Ken Waller answered that is his son. Councilmember Mattie asked about the Transfer of Control document. Mr. Waller explained that this was actually his mom's business who gave it to his son (Tyler) who eventually gave it to them. Councilmember Mattie asked, understanding that some citizens feel Trinidad is already saturated with marijuana businesses, how they distinguish their business from others and how it will be good for Trinidad and how they intend to address competition. Dr. Hamm answered that CBD at this point can be transferred across the state boarder. He said he thought they could attract people in to inoculate the community with some funds. Councilmember Mattie asked what they envision for the marijuana industry at the state and national level in the next few years. Dr. Hamm said he hopes THC and cannabis in general gets off the Schedule I designation because it never should have been there to begin with. He said heroin should, methamphetamine should, but even cocaine has a use medically; CBD and THC absolutely not, nor should the combination thereof. He said he hopes the country will open up and allow this to happen so people have access to this miraculous plant. Councilmember Mattie asked Mr. Waller, understanding the concern of saturation of retail locations, would he be agreeable to proceeding as a cultivation facility for retail and medical marijuana as well as a manufacturer for infused products, without having a retail store license. Dr. Hamm said they definitely would because he thought they could spread their product throughout the state. Councilmember Mattie said when he was formulating that question in his mind he was thinking the last thing we need is another head shop. On the other hand, he said he's open to the idea of a research facility and making this more of a scientific endeavor. Dr. Hamm spoke of the possibility of another doctor opening a lab here if this gets off the ground. He noted that it would take many months of red tape with the state. Councilmember Miles agreed that she'd like to see something new come to Trinidad, not another head shop. She said there are economic incentives that are being administered locally, with one of the qualifications being diversity. She said while she didn't think a dispensary qualifies, the research facilities might be eligible. Councilmember Bonato said he has heard that they don't intend to open until Commercial Street is done. He asked if that is true. Dr. Hamm said that is not true. It takes the state two months, maybe less, to review an application and grant the license. He said they are anticipating opening mid-July, but said it could be sooner or later. The state has given them a lot of conflicting information. City Attorney Downs asked with their concentration in the medicinal use, why they are not applying now for the medical marijuana cultivation license. Dr. Hamm thought they did apply. City Attorney Downs corrected that it is not one of the four they are applying for this evening. He said they will want to follow up

with that. Mayor Reorda called for testimony in opposition. Gloria Ahern, Healthy Changes, LLC, better known as Curves in Trinidad on Commercial Street, addressed Council. She said their rear entrance is between 100 to 150 feet to the front door of this business. She applauded the applicant for upgrading the building and she expressed her appreciation to Councilmember Bonato for raising the issue of the alleyway behind the building. Ms. Ahern said she has an afternoon exercise shift for ladies who are principally 50 and older. In the winter it will be dark at 7:00 p.m. when she is leaving the business after cleaning up or customers who are coming to the facility after dark. She said she has already heard concerns that they will not be comfortable going to that entrance. Until Commercial Street is finished, that is the only entrance they can really get to unless they park on Cedar Street and walk down the sidewalk. Two weeks ago she said she walked during their break from 1:00 to 4:00 p.m. from the front door of Lucky Monkey Buds to the front door of M & M Distributing across the street from her business, and it is a mere 200 steps. She opined that is way too many in one place. She said her operating business is being overrun by the marijuana dispensaries if all of the licenses are issued and it doesn't make her comfortable from a security standpoint. Once the street is finished she said she might have to park in the front of her business instead of the back because it is such an isolated area where her back door is. She will not go out after dark. The parking is a constant problem with many businesses that need a lot of parking. They are feeling the effects of that. The presentation was interesting she said, and she learned a lot that she did not know, however people showing up to purchase marijuana at retail or medically is not what she wants at her back door. There being no further testimony, the hearing was closed. Councilmember Fletcher moved to approve the licenses and Councilmember Miles seconded the motion. Upon roll call vote the motion carried with all Councilmembers voting aye with the exception of Councilmember Bonato who cast a dissenting vote. Mayor Reorda read the following into the record:

This matter came on for hearing on the applications of Dessimals, Inc. d/b/a Lucky Monkey Buds at 137 W. Cedar Street; New Retail Marijuana Cultivation Facility license application filed by Dessimals, Inc. d/b/a Lucky Monkey Buds at 137 W. Cedar Street; New Medical Marijuana Center license filed by Dessimals, Inc. d/b/a Lucky Monkey Buds at 137 W. Cedar Street; and New Medical Marijuana Infused-Products Manufacturer license application filed by Dessimals, Inc. d/b/a Lucky Monkey Buds at 137 W. Cedar Street, before the City Council of the City of Trinidad, Colorado, acting in its capacity as the local licensing authority on April 21, 2015, in City Council Chambers in City Hall. The City Council having reviewed the application and supporting documents, reports of the City Clerk and other City staff, evidence at the hearing and testimony taken during the hearing, makes the following **FINDINGS**:

1. The applications are complete and signed by the applicant, and the applicant has paid the appropriate application and license fees.
2. The applications appear to be in substantial compliance with all of the requirements of Article 11, of Chapter 14 of the Trinidad Municipal Code. The applicant has testified to their willingness to comply with any and all areas of said Article whereby compliance at this time cannot be fully attained or substantiated.
3. According to the testimony of the applicant, the applications do not contain any material misrepresentations.
4. The proposed marijuana businesses comply with applicable zoning regulations. The City Council hereby finds that based upon the testimony of the applicant, the building in which the proposed marijuana business will be located will conform to the Trinidad City Codes, including the zoning code and all International City Codes adopted by the City.
5. Kenneth Waller and Dr. Markus Hamm testified in favor of granting the license. Gloria Ahern testified in opposition to the granting of the license. No other persons testified in favor of or in opposition to the granting of the license.
6. The applicant through the facts and evidence adduced as a result of the City's investigation and testimony provided, made a prima facie showing that the applicant owner is of good moral character and any employees of this entity will likewise be of good moral character.
7. The City Clerk's report showed that there are currently 19 medical and retail marijuana licenses overall approved within the City of Trinidad, with seven ownerships, at eight addresses.
8. Based on the evidence presented at the hearing and the investigative materials provided for the hearing, the City Council finds that the locations of the businesses is appropriate, and that the applicant is of satisfactory moral character and there is a willingness by the applicant to fully cooperate with the officials of the City in the operation of this business.

THEREFORE, the City Council of the City of Trinidad, Colorado, as the local marijuana licensing authority, hereby approves and grants a Retail Marijuana Store, Retail Marijuana Cultivation Facility, Medical Marijuana Center and Medical Marijuana Infused-Products Manufacturer at 137 W. Cedar Street in Trinidad, Colorado. The issuance of said licenses shall be withheld until a certificate of occupancy is issued by the Chief Building Official and upon his absolute confirmation of compliance with all codes adopted by the City of Trinidad. The licensee is not permitted to possess product in advance of the license being issued.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. Stephen Hamer addressed Council. He said he is very disappointed with the conduct of some City employees on Friday afternoon. He said he got off the elevator where employees were congregated at the City Clerk's office. He claimed that they mocked him in common then feign going into Ms. Garrett's office. He said he found it repugnant, disrespectful, and unprofessional. Mr. Hamer said he realizes there is conflict because of his complaint to the Department of Justice, but he expects to be treated with respect when he comes into City Hall. City Attorney Downs responded that he was one of the people there talking with people at the City Clerk's counter. They were laughing as he was getting off of the elevator. No one knew who was getting off of the elevator. He added that in going into Ms. Garrett's office, they were laughing but it had nothing to do with Mr. Hamer. He apologized that it was perceived that way. Mr. Hamer said there was an independent witness he could call upon that would take exception to what City Attorney Downs said. City Attorney Downs reiterated that his perception was inaccurate. Secondly, Mr. Hamer said there is an immediate threat to people who are mobility impaired with the curb cut at the southwest corner of Raton and First Streets. He said he got with Ms. Garrett about it who got with Ms. Shier at the Housing Authority about it. They agreed to share the costs between the City and the Housing Authority to correct the curb cut. He reminded that there was an incident where someone got flipped out of a wheelchair coming down the steep curb cut there. The ADA Coordinator, Chris Kelley, met him there some months ago and measured it. He agreed it to be over two times the steepness allowed by the ADA. He asked for the placement of cones until it is corrected and that the issue be revisited. City Manager England said he would inspect it tomorrow.

Tom Murphy addressed Council. He said he did a CORA request recently about some financial history of ARPA. Having covered ARPA himself, and after receiving the response, he said he was a little concerned about some of the

numbers they threw out. He corrected that he's not concerned, rather he didn't think they jived. He asked City Manager Engeland to answer his publicly-asked questions publicly in two weeks. Two of the things ARPA put out was that the original cost was \$66 million, but in an article in the Pueblo Chieftain in August they put it at \$40 million. ARPA also said the current debt is about \$147 million; however he said he knows it to be about \$175 million. The newspaper isn't the source, but he hoped they would fact check. He again requested they be answered in public.

Charles Bonino addressed Council regarding a recent meeting with Council and the public about the possibility of making Rice School the Police Department and also home to the Parks & Rec. Department and the Street & Bridge Department. There were a number of people who were slightly against it and there were a number of reasons why they spoke up. He said he didn't know if they were being considered but provided Council with a handout. He said there are a number of people concerned with repurposing buildings for a purpose they were not designed for. In the case of Rice School there are a number of issues and he opined that the cost factors that it would take to repurpose that building would outweigh the benefits from it. The boiler is old; the furnishings currently at the police department probably wouldn't be appropriate; the fencing and security may not be compatible with the City's. Almost every police department that he knows of has a backup generator, but he didn't believe Rice School has one. The utility costs of maintaining the school have been an issue to the School District, so what would it be for the City, he asked. Is the county facility really that expensive to maintain for the police department? He said he didn't have the figures. The housing of prisoners won't be done at Rice School. They will have to be transported. Will they be interrogated at the Police Department initially and then transported to Rice? Will they be going back and forth to the Courthouse? The county facility was originally planned to house both the City and the County. Tax dollars were spent on it. There was a lot of discussion on it initially. Virtually everyone in town was in agreement that the City and the County needed to start working together on programs. He concluded that he thinks this is a slap in the face to that program that was initially started. Parking is always an issue up by the courthouse and housing City facilities up there and eliminating that top parking lot would be a problem. He didn't know if any businesses in the area, the alternative school, chiropractor's office, had been contacted or approached or any mention made of it about what is being considered.

Phil Rico addressed Council. He commended City Council for their participation in the upcoming Comcast Cares Day. In 2007 TCF and Comcast decided to collaborate in this effort. It started with the river bottom and that has been the area of concentration. Last year, however, they decided to expand out into the other parts of the community, including Santa Fe Trail, I-25 corridor, Highway 350 corridor, Highway 12, Central Park, Trinidad Catholic Cemetery. Six or seven groups will be involved. He asked Dan Ruscetti from the City's Street & Bridge Department what needed to be done. He suggested the painting of the curbs and gutters. Mr. Rico asked Council if they would be willing to accomplish the painting. He concluded that the effort is a positive thing for the community and input is welcome. Audience participation was welcomed and he said they would be fed in the morning by the Autism Group. Lunch will also be provided. A bus is needed for transportation between the destinations. At Councilmember Torres's suggestion, City Manager Engeland said the trolley's use would be arranged.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. 3.2% Beer Off Premises liquor license renewal request by Safeway Store Forty-Six, Inc. d/b/a Safeway Store #722 at 457 W. Main Street. A representative was present on behalf of the licensee. Councilmember Bonato made a motion to approve the license renewal. The motion was seconded by Councilmember Fletcher. Roll call was taken on the motion and carried unanimously.

Beer and Wine liquor license renewal request by Mt. Carmel Health, Wellness and Community Center at 911 Robinson Avenue. A representative was present on behalf of the licensee. A motion to approve the license renewal was made by Councilmember Fletcher and seconded by Councilmember Torres. Upon roll call vote the motion carried unanimously.

Modification of Premises application filed by M & M Distributing, LLC at 422 N. Commercial Street. John Micheliza was present on behalf of the request. A motion to approve the modification was made by Councilmember Fletcher and seconded by Councilmember Miles. Upon roll call vote the motion carried unanimously.

COUNCIL REPORTS. Councilmember Mattie had nothing to report.

Councilmember Bonato reminded about the upcoming Armed Forces Day Parade on May 16th. He said they have been working hard and it is on the right track. He said they hope for good participation and he encouraged people to build floats and support the troops. He added that they will feed the soldiers and have a ceremony behind the gymnasium. He asked for the City's participation.

Councilmember Torres reported that they got the Trinidad Golf Course clubhouse restaurant reopened. She encouraged people to support the Golf Association with membership. It is a gem.

Councilmember Fletcher reported about the Chamber of Commerce luncheon whereby City Manager Engeland was the speaker. She said she was happy to see that the Chamber membership seems to be increasing. She said the Peacock Ball was well attended and such a worthwhile event for fundraising. Councilmember Fletcher said she recalled the days before we had Noah's Ark and it was sad and dismal for our animals. Lastly she reported that the Parks & Recreation Advisory Committee had a meeting last night and the members have an idea where they want to get public input now that the Capital Improvement monies are less than what was thought.

Councilmember Miles agreed that the Peacock Ball was great and extremely well attended. She noted that it was at Brix for the first time and said they did an excellent job. With 150 to 175 people there it was packed. She thanked the community for supporting a wonderful cause, Noah's Ark. Finally, she said at Councilmember Fletcher's suggestion she went for a ride-along with Sgt. Massarotti. She said they ran code and it was exciting and she was really quite impressed and had a chance to learn a little more about the job. She encouraged others to participate in a ride-along. A waiver is required.

REPORTS BY CITY MANAGER. CIP. City Manager Engeland said next Monday the City will be hosting a Capital Improvement Project meeting for any interested citizens who want to comment on the City's capital improvement plans prior to making a recommendation to City Council. Plans will go out tonight after the meeting. He said he would be meeting with Mr. Bonino after the meeting as well to address some of his specific questions he raised tonight.

ADA. City Manager Engeland said the Department of Justice is currently reviewing the City's ADA compliance that was submitted to them, including curb cuts. They have asked and the City has agreed not to go forward with any unapproved plans. Instead they want to come up with a comprehensive plan. It is a current agreement the City has with the Department of Justice. Mr. Hamer was made aware of that several weeks ago.

Employment. City Manager Engeland told Council that Karen Wolf had her second first day with the City of Trinidad yesterday as the new Development Administrator. He reminded that she worked here until a year ago. He also gave a shout out to Kim Marquez for covering the meeting tonight for the first time since being appointed Assistant City Clerk.

CIP. Councilmember Fletcher asked if the April 27th CIP meeting would be open to the public. City Manager Engeland advised that it will be and will be held from 5:30 p.m. to 7:00 p.m. Invites will be sent to encourage citizen attendance to garner their input.

Economic Development. City Manager Engeland announced that the City is hosting a group tomorrow at Mt. Carmel that is considering purchasing space in Industrial Park, about 50 acres, and creating a year-around vegetable greenhouse to ship vegetables throughout the United States. Trinidad is currently one of three finalists. He said he's been working with Walt and the Trinidad-Las Animas County Economic Development Board and are proud of the presentation they have put together. They will be touring the site tomorrow after lunch at around 1:00 p.m. All of Council was invited. Councilmember Miles complimented those involved. She mentioned that they had about 48 hours notice and had to work around the clock for two days. City Manager Engeland confirmed that some of the Council members have committed to participating in the visit. They will be meeting at around 11:45 a.m. at Mt. Carmel for lunch.

Commissioners' Breakfast. Councilmember Torres asked when the breakfast meeting with the Commissioners is scheduled. Mayor Reorda answered that it is on April 27th at 8:00 a.m. at the Courthouse.

REPORTS BY CITY ATTORNEY. Trinidad Urban Renewal Authority (TURA). City Attorney Downs told Council that the TURA had their regularly scheduled meeting last Thursday, April 16th and a special meeting today at noon. They unanimously approved a resolution today making the lots available for sale near the new CNG facility. A posting will be had in the newspaper to invite bids for purchase the property. The lots are landlocked and have a diminished value. Councilmember Bonato asked the timeline for the CNG station. He hoped it could be expedited. City Attorney Downs said the sale will be posted two times per week for two weeks. That is the minimum. He said the City doesn't have the old Urban Renewal Plan. Because this land sale is for the elimination of slum and blight, and that is the purpose of all URAs, the URA counsel, Malcolm Murray, and attorney Bob Land agreed and advised the Board that they could do this and move forward without having the old plan document. There had been some talk of not being able to post for four months. He said they hoped the sale of the property will be done by early May.

Chenoweth Awards. City Attorney Downs reminded everyone that the Chenoweth Awards will be held on May 2nd. They are presented by the Chamber of Commerce. He said he has tickets for sale.

ARPA. Councilmember Miles told City Attorney Downs that she asked Rick Rigel to have Craig Johnson give him a call about an executive session regarding the Babcock and Wilcox lawsuit. City Attorney Downs said he hasn't received a call yet. Councilmember Miles asked him to contact Mr. Johnson.

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

PAYROLL, April 11, 2015 through April 24, 2015. A motion to approve the payroll was made by Councilmember Mattie and seconded by Councilmember Miles. Roll call was taken and the motion carried unanimously.

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

ATTEST:

JOSEPH A. REORDA, Mayor

KIM MARQUEZ, Asst. City Clerk

CITY OF TRINIDAD
TRINIDAD, COLORADO

The City Council of the City of Trinidad, Colorado met in Special Session on Tuesday, April 28, 2015, following the Work Session at 1:30 p.m. in Council Chambers at City Hall pursuant to the following call:

CITY OF TRINIDAD
TRINIDAD, COLORADOSPECIAL MEETING

There will be a Special Meeting of the City Council of the City of Trinidad, Colorado, on Tuesday, April 28, 2015, following the Work Session at 1:30 p.m. in the Council Chambers at City Hall

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

1) **EXECUTIVE SESSION**

- a) For a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) – Marijuana sign code and standards for allowable number of marijuana facilities

The meeting was called to order at 2:20 p.m. A short recess was taken.

Roll call was taken.

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

Executive Session - for a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b) - Marijuana sign code and standards for allowable number of marijuana facilities. A motion to enter into executive session for the stated purpose was made by Councilmember Fletcher and seconded by Councilmember Bolton. Upon roll call vote the motion carried unanimously and the executive session ensued at 2:35 p.m.

I, Les S. Downs, Attorney for the City of Trinidad, do hereby attest that the executive session held on this 28th day of April, 2015, was permissible under CRS Section 24-6-402 (4)(b).

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

Les S. Downs, City Attorney

Upon conclusion of executive session at 3:34 p.m. Councilmember Fletcher moved to conclude the executive session and resume the special meeting and Councilmember Bolton seconded the motion. The motion carried unanimously upon roll call vote.

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

ATTEST:

JOSEPH A. REORDA, Mayor

AUDRA GARRETT, City Clerk

5a



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 5, 2015
PREPARED BY: Audra Garrett, ACM/City Clerk
PRESENTER: Representative of the applicant
DEPT. HEAD SIGNATURE: *Audra Garrett*
CITY MANAGER SIGNATURE: *Audra Garrett, ACM*

SUBJECT: Special event permit request (malt, vinous and spirituous) by Confederacion Mutualista Mexicana e Hispano-Americana for May 30, 2015 (Rocky Mountain Elk Foundation Banquet) at 206 N. Animas Street

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

- SUMMARY STATEMENT:** N/A
- EXPENDITURE REQUIRED:** No
- SOURCE OF FUNDS:** N/A
- POLICY ISSUE:** N/A
- ALTERNATIVE:** N/A

BACKGROUND INFORMATION:

- The application is in order.
- The Fire Chief indicates that the inspection is on file.
- The departmental report from the Building Inspector indicated his approval once the Fire Chief approves.
- The Police Chief approved the security plan.
- Disclosure statements are provided by Councilmembers Miles and Torres.
- Appropriate fees have been paid.

5a

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

**IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
 AND ONE OF THE FOLLOWING (See back for details.)**

- | | | |
|------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input checked="" type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	LIQUOR PERMIT NUMBER
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>Cooperacion Mutualista Mexicana E Hispano Americana</i>		State Sales Tax Number (Required) <i>44-72221-0001</i>	
2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>3445i Hwy 12 Trinidad, CO 81082</i>		3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>Sebastiani Gym 206 N Animas Trinidad, CO 81082</i>	
NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Katherine M Bueno</i>		<i>Trinidad, CO 81082</i>	
5. EVENT MANAGER <i>Tim NASH</i>		<i>Trinidad, CO 81082</i>	
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____		7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____	

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
<i>MAY 30, 2015</i> From <i>4 C</i> .m. To <i>10 P</i> .m.				

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>Katherine M. Bueno</i>	TITLE <i>President</i>	DATE <i>3/25/15</i>
----------------------------------------	---------------------------	------------------------

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR 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 provisions of Title 12, Article 48, C.R.S., as amended.
THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) <i>Trinidad</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK <i>719-846-9843</i>
SIGNATURE	TITLE <i>Mayor</i>	DATE

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

LIABILITY INFORMATION			
License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

KMEF - KIMMAD CHAPTER - MAY 30th 4:00 PM - 10:00 PM

KITCHEN

STAGE
LIVE AUCTION

105'

REGISTRATION
FINANCE

EXIT

Pre-Registration

SPONSOR
MEMBERSHIP

BOARDS
RAFFLES

FOOD & DRINKS

GENERAL RAFFLE

72'

YARD
SALE

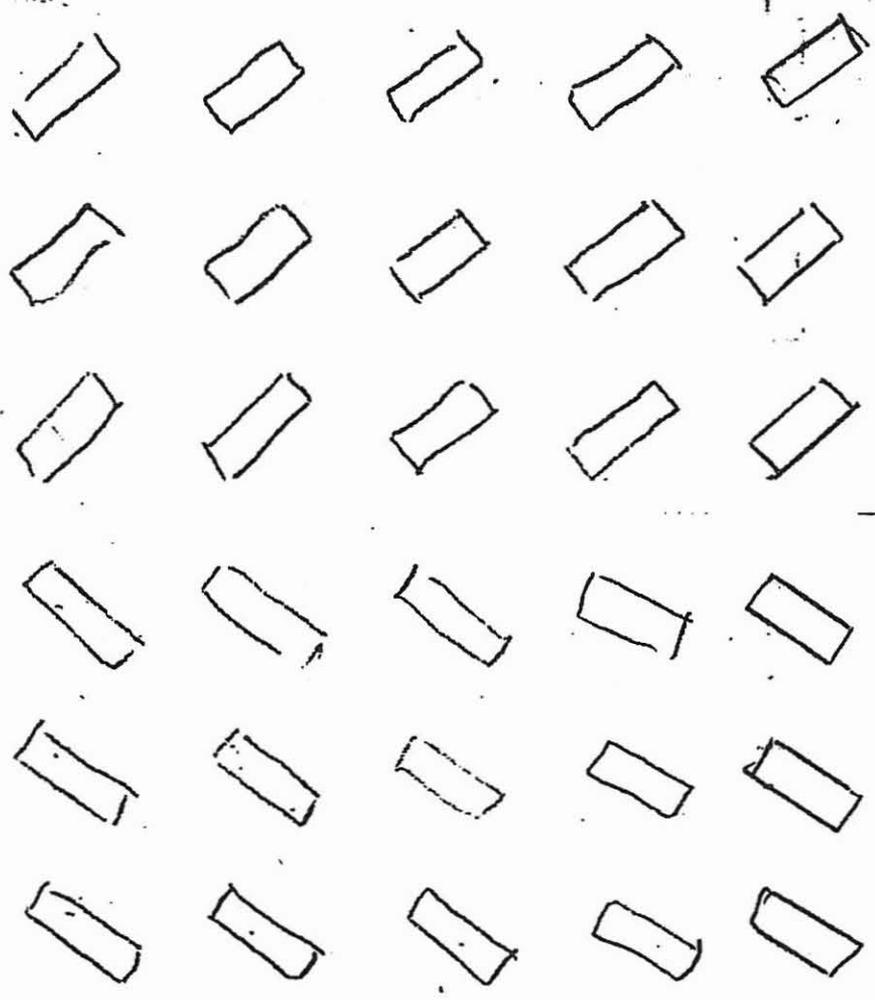
HAI
RAFFLE

EIK HERD
RAFFLES

Mystery
BOX

PICK
OF
THE
HERD

PARKS
&
WILDLIFE



BAR

REGISTRATION ROOM

Silent Auction

**HOLY TRINITY PARISH
TRINIDAD AREA CATHOLIC COMMUNITY
235 N. CONVENT ST.
TRINIDAD, CO 81082**

March 26, 2015

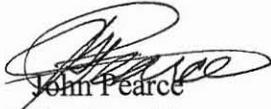
Mrs. Audra Fatur
City of Trinidad

RE: Rocky Mountain Elk Foundation
Sebastiani Gym

This is to inform you that Holy Trinity Parish has given permission to Confederacion Mutualista Mexicana E Hispana Americana to use Sebastiani Gym as the holder of the liquor license for a Banquet on Saturday, May 30, 2015, for The Rocky Mountain Elk Foundation.

If anything further is needed, please let me know.

Sincerely,


John Pearce
Business Manager

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

CONFEDERACION MUTUALISTA MEXICANA E HISPANO-AMERICANA

is a **Nonprofit Corporation** formed or registered on 11/18/1930 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871092664.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 03/20/2015 that have been posted, and by documents delivered to this office electronically through 03/23/2015 @ 10:52:51.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 03/23/2015 @ 10:52:51 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9132798.



A handwritten signature in cursive script that reads "Wayne W. Williams".

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

STATE OF COLORADO)
COUNTY OF LAS ANIMAS) SS
CITY OF TRINIDAD)

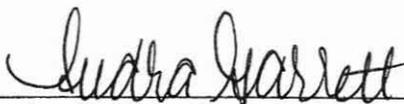
CERTIFICATE OF POSTING

I, Audra Garrett, City Clerk of the City of Trinidad, Colorado, do hereby certify that pursuant to the laws of the State of Colorado, and the ordinances of the City of Trinidad, Confederacion Mutualista Mexicana e Hispano Americana, 34451 Highway 12, Trinidad, Colorado, which business has applied for a Special Events Permit, to sell and dispense Malt, Vinous and Spirituous Liquors at 206 N. Animas Street, Trinidad, Colorado, on May 30, 2015, was duly posted for no less than ten continuous days, with the first day of posting occurring on the 16th day April, 2015.

WITNESS, my hand and the official seal of the City of Trinidad, Colorado, this 16th day of April, 2015.

CITY OF TRINIDAD, COLORADO

(SEAL)



Audra Garrett, City Clerk

4/17/15
~~4/7/15~~

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

Applicant: Confederacion Mutualista Mexicana e Hispano Americana

dba: Rocky Mountain Elk Foundation Banquet

Address: 206 N. Animas Street

Type of License: Malt, Vinous and Spirituous

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE:

May 5
~~April 21, 2015~~

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS:

inspection on file

4/16/15
Date

[Signature]
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: April 15, 2015

**Fire Safety Plan
Rocky Mountain Elk Foundation
Annual Banquet
May 30, 2015**

Purpose:

To highlight both fire and safety plans in case of an emergency during the Rocky Mountain Annual Banquet held at the Sebastiani Gymnasium.

Preventive Measures:

A site plan and floor plan shall be submitted to the City Clerk.

Fire Extinguishers shall be in place as required by NFPA 10 and the International Fire Codes as adopted by the City of Trinidad. Portable fire extinguishers shall be provided within a 50-foot travel distance. An automatic sprinkler system shall be installed in a commercial kitchen exhaust hood and duct system and shall be protected by a Class K rated portable fire extinguisher.

Exit routes shall be clearly marked. The means of egress, including exit discharge, shall be illuminated at all times the building served by the means of egress is occupied. The path of egress travel shall not be interrupted by any building element. Obstructions shall not be placed in the required width of means of egress.

An audible announcement shall be made not more than 10 minutes before the start of a program to notify the occupants of the location of the exits to be used in the event of a fire or other emergency.

The occupancy load of the building as determined by the Trinidad Fire Department will be strictly adhered to by the Rocky Mountain Elk Foundation, their staff and security.

Security for this event will be monitored by the City of Trinidad Police Department. The Trinidad Fire Department will not be on site but will be readily available in case of an emergency.

Submitted by the Trinidad Fire Department,


Tim Howard, Fire Chief

4-6-15
Date

4/17/15
4/7/15

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

Applicant: Confederacion Mutualista Mexicana e Hispano Americana

dba: Rocky Mountain Elk Foundation Banquet

Address: 206 N. Animas Street

Type of License: Malt, Vinous and Spirituous

Renewal Transfer Change of Location New Special Event

FOR CONSIDERATION AT
COUNCIL MEETING DATE: May 5
April 21, 2015

DEPARTMENT REVIEW

DEPARTMENT: FIRE / INSPECTION / POLICE / HEALTH DEPARTMENT

COMMENTS: Approved when Fire Chief Approves

4-20-15
Date

Chris S. Kelly
Signature

RETURN TO THE CITY CLERK'S OFFICE BEFORE: April 15, 2015

**Operations Plan
Rocky Mountain Elk Foundation Annual Fundraiser 2015**

Date of Operation: May 30, 2015

Operational Period's: 1630-2230

Pre-Operation Briefing:

Operations Supervisor:

Location of operation: Sebastiani Gym. Access to the gym will be via the front door with emergency exit being located adjacent to the BAR.

Operation Objectives: Provide security for the Rocky Mountain Elk Foundation Annual Fundraiser. Maintain public peace and order during this event. Provide security in the operational area to include event BAR. It should be noted that ingress/egress is located at the front entrance to the building (facing Animas). An emergency EGRESS is located adjacent to the bar and will NOT be used to allow access into the facility. A map is attached to this plan to show the operational area.

Radio Frequency: Officers assigned to this detail will set all 800 MGZ radios to TPD TAC 3. This will allow communications between officers and the Trinidad Communications Center. STAFF EVENT PERSONNEL will make contact with officers via the COMMUNICATIONS CENTER.

Event staffing (Security): two (2) officers will be assigned to this event. One officer will be assigned to work the bar area/emergency egress. One (1) officer will be assigned to work the main entrance to the event.

Handling of calls within operations area: Officers assigned to this detail will take all calls for service that occur within the event area. Violation of Statute will be handled accordingly by officers assigned to this operation. Any need for transport to jail and/or Detox will be done by patrol, a request will be made via TPD TAC 3 to the Communications Center. Officers will be responsible for affidavits and associated paper work upon the completion of their assignment. Custody forms will be turned over to the transporting officer upon turning the suspect over for transport.

Officers should note that the staff operating the "bar" are to have received TIPS training. It should be noted that the "La Confederacion" AKA "La Casa" will be operating the bar. ALL staff working the bar will have received TIPS training. All WAIT STAFF will have TIPS training.

ALL persons who enter the bar area shall be 21 years of age or older. Prior to entering the bar, ALL ID's will be checked. Only persons of legal age to consume alcohol will be permitted in the bar area. ALL persons of legal drinking age will have a color wristband placed on them. NO ID = NO BAND = NO ALCOHOL.

Officers AND bar staff should pay special attention to ensure that underage persons ARE NOT being served alcohol. Also officers should ensure that overly intoxicated persons are not being served (As per CRS and Municipal Code). Any violations of the Colorado Beer and Alcohol Code and Trinidad Municipal Alcohol Code shall be handled accordingly.

NO PERSON WHO IS NOT DESIGNATED BY THE ROCKY MOUNTAIN ELK FOUNDATION STAFF AND/OR LA CONFEDERACION, AS A BAR EMPLOYEE WILL BE ALLOWED BEHIND THE BAR. Any unauthorized person found behind the bar will be removed from the area. Appropriate enforcement action will also be taken.

The bar will have in place an accounting system for tracking all bar receipts and tip receipts. A "TIP" Jar will not be left where it can be accessed by unauthorized persons. TIP jars will be emptied and accounted for during normal cash drops.

No person is allowed to bring alcoholic beverages into the gym. No person is allowed to take alcoholic beverages out of the gym. Appropriate action will be taken for said violations.

Person(s) assigned to the bar shall wear a distinctive colored shirt that is NOT the same color as other event staff. This is so they can be easily identified as being authorized to work in the bar area.

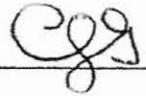
Officer Safety: All officers assigned to this operation will be in full uniform and will be required to wear their ballistic vests.

Critical Incidents: Any incident requiring command staff notification will be immediately reported to the operations commander. He will make the appropriate notifications.

Officer assignments:

Breaks: Operations supervisor will make sure that officers are periodically given a break.

Prepared by:  Date: 2-17-15

Approved by:  Date: 2-18-15

DISCLOSURE STATEMENT

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



Michelle Miles

12/4/12

Date

DISCLOSURE STATEMENT

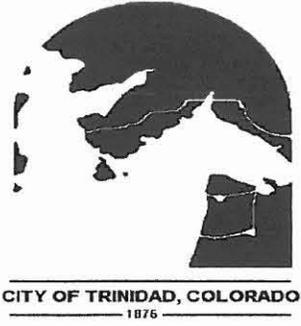
I, Liz Torres, hereby state and affirm that I am a member of Ristras Restaurant and Cantina, LLC, a Colorado limited liability company formed on February 13, 2014, whose principal office address is 516 Elm Street, Trinidad, Colorado, 81082; that said limited liability company owns and operates Ristras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



Liz Torres

4.8.14

Date



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 5, 2015
PREPARED BY: Audra Garrett, ACM/City Clerk
PRESENTER: Les Downs, City Attorney
DEPT. HEAD SIGNATURE: *Audra Garrett*
CITY MANAGER SIGNATURE: *Audra Garrett, ACM*

SUBJECT: New retail marijuana store application filed by Freedom Road Garden LTD d/b/a Freedom Road at 2600 Freedom Road

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

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

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is June 16, 2015 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.



CITY OF TRINIDAD

City Clerk's Office

135 N Animas St

P.O. Box 880

Trinidad, Colorado 81082

719-846-9843

RETAIL MARIJUANA LICENSE APPLICATION

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

LICENSE TYPE

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

TYPE OF BUSINESS

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

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

Applicant (Corporation/LLC) Freedom Road Garden LTD

Applicant (Sole Proprietor) First Name _____ Middle Initial _____ Last Name _____

Trade Name of Establishment (DBA) Freedom Road Garden LTD

Address of Premise 2600 Freedom Road, Trinidad, CO 81082

Mailing Address 19435 Broken Fence Way, Monument, CO 80132

Telephone 720-350-0076 Email Address d.snow@me.com

Contact Person/Manager David Snow Title Owner

Telephone 720-350-0076 Email Address d.snow@me.com

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

- Ownership Lease Other (explain in detail)

R4/29/15

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

Landlord	Tenant	Expires
O'Donnell Investments, LLC	Freedom Road Garden LTD	03/10/20

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

ADDITIONAL DOCUMENTS TO BE SUBMITTED WITH APPLICATION

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

1. Fingerprinting by the Trinidad Police Department for: *only David*
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 - all limited liability company *MANAGING* members, and officers or other limited liability company members with a 10% (or more) ownership interest in such company; and
 - all managers and employees of a Retail Marijuana License with the appropriate fee payable to Colorado Bureau of Investigation (currently \$39.50, March, 2014)

- ~~2. Lease or Deed – Evidence of Possession~~
- ~~3. Conditional Use Permit approval~~
- ~~4. Copy of alarm system contract *need Boyd's sig.*~~
- ~~5. Copy of state sales tax license~~
- ~~6. Certificate of Good Standing~~
- ~~7. Affidavit of Lawful Presence (Sole Proprietors only)~~
- ~~8. Diagram of Premises:
 - A floor plan, drawn to scale on 8-1/2 x 11" paper, showing the layout of the center and the principal uses of the floor area. Floor plan must include location of lighting and cameras required by state rules.~~

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

- ~~9. Copy of State Application with attachments~~
sent from state

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

1. Name: David Allen Snow Title: Owner
Address: [REDACTED] Monument, CO 80132
Financial Interest: 95%

2. Name: Erin Elizabeth Phillips Title: Owner
Address: [REDACTED] Arvada, CO 80005
Financial Interest: 5%

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

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

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

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

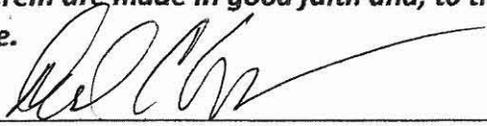
7. Name: _____ Title: _____
Address: _____
Financial Interest: _____

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

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

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

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

Signed:  Title: Owner
(Must be signed by Individual Owner, Partner, or Officer)

Printed Name: David Allen Snow Date: 4/6/15



City of Trinidad, Colorado
1878

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

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

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

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

David Allen Snow
Printed Name of Licensee

[Signature]
Authorized Signature of Licensee/Title

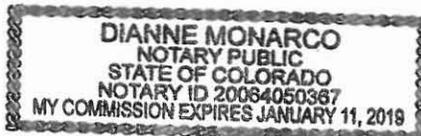
4/29/15
Date

STATE OF Colorado)
COUNTY OF San Juan) ss.

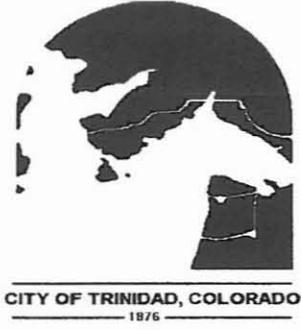
Subscribed and sworn to before me this 29th day of April, 2015.

Dianne Monarco
Notary Public Signature

My Commission Expires: 01/11/19



5c



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 5, 2015
PREPARED BY: Audra Garrett, ACM/City Clerk
PRESENTER: Les Downs, City Attorney
DEPT. HEAD SIGNATURE: *Audra Garrett*
CITY MANAGER SIGNATURE: *Audra Garrett, ACM*

SUBJECT: New retail marijuana cultivation facility application filed by Freedom Road Garden LTD d/b/a Freedom Road at 2600 Freedom Road

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

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

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is June 16, 2015 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

5c



CITY OF TRINIDAD

City Clerk's Office
135 N Animas St
P.O. Box 880

Trinidad, Colorado 81082
719-846-9843

RETAIL MARIJUANA LICENSE APPLICATION		
<input checked="" type="checkbox"/> New License Application Fee	\$2,500.00	<input checked="" type="checkbox"/> License Fee/Renewal Fee \$2,500.00
<input type="checkbox"/> Transfer of Ownership Application Fee	\$1,500.00	<input type="checkbox"/> Change of Location \$1,500.00
<input type="checkbox"/> \$1.00 per square foot cultivation fee _____	Square feet = \$ _____	
<input checked="" type="checkbox"/> Expansion of cultivation area @ \$1.00 per square foot charge for that additional area \$ _____		
LICENSE TYPE		
<input type="checkbox"/> Marijuana Store	<input type="checkbox"/> Marijuana Product Manufacturing Facility	
<input checked="" type="checkbox"/> Marijuana Cultivation Facility	<input type="checkbox"/> Marijuana Testing Facility	
TYPE OF BUSINESS		
<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Individual*
<input checked="" type="checkbox"/> Limited Liability Corporation	<input type="checkbox"/> Other	
*Sole Proprietorship (Individual) – Verification of Lawful Presence is required per State law (Signed Affidavit and Photo ID)		

2950 sq ft = \$2950.00

Applicant Freedom Road Garden LTD

(Corporation/LLC)

Applicant _____

(Sole Proprietor)

First Name Middle Initial Last Name

Trade Name of Establishment (DBA) Freedom Road Garden LTD

Address of Premise 2600 Freedom Road, Trinidad, CO 81082

Mailing Address 19435 Broken Fence Way, Monument, CO 80132

Telephone 720-350-0076 Email Address d.snow@me.com

Contact Person/Manager David Snow Title Owner

Telephone 720-350-0076 Email Address d.snow@me.com

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

- Ownership
 Lease
 Other (explain in detail)

R 4/29/15

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

Landlord	Tenant	Expires
O'Donnell Investments, LLC	Freedom Road Garden LTD	03/10/20

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

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

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~~2. Lease or Deed – Evidence of Possession~~

~~3. Conditional Use Permit approval~~

~~4. Copy of alarm system contract~~ *need Boyd's signature*

~~5. Copy of state sales tax license~~

~~6. Certificate of Good Standing~~

~~7. Affidavit of Lawful Presence (Sole Proprietors only)~~

~~8. Diagram of Premises:~~

- A floor plan, drawn to scale on 8-1/2 x 11" paper, showing the layout of the center and the principal uses of the floor area. Floor plan must include location of lighting and cameras required by state rules.

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

~~9. Copy of State Application with attachments~~

SEM from state

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

1. Name: David Allen Snow Title: Owner

Address: [REDACTED] Monument, CO 80132

Financial Interest: 95%

2. Name: Erin Elizabeth Phillips Title: Owner

Address: [REDACTED] Arvada, CO 80005

Financial Interest: 5%

3. Name: _____ Title: _____

Address: _____

Financial Interest: _____

4. Name: _____ Title: _____

Address: _____

Financial Interest: _____

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Address: _____

Financial Interest: _____

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Address: _____

Financial Interest: _____

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Address: _____

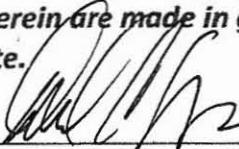
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The applicant hereby acknowledges that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, that the City of Trinidad accepts no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

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

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

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

Signed:  Title: Owner
(Must be signed by Individual Owner, Partner, or Officer)

Printed Name: David Allen Snow Date: 4/6/15

5d



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 5, 2015
PREPARED BY: Audra Garrett, ACM/City Clerk
PRESENTER: Les Downs, City Attorney
DEPT. HEAD SIGNATURE: *Audra Garrett*
CITY MANAGER SIGNATURE: *Audra Garrett, ACM*

SUBJECT: New medical marijuana center application filed by Freedom Road Garden LTD d/b/a Freedom Road at 2600 Freedom Road

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

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

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is June 16, 2015 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

5d



CITY OF TRINIDAD

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

MEDICAL MARIJUANA LICENSE APPLICATION		
<input checked="" type="checkbox"/> New License Application Fee \$2,500.00	<input checked="" type="checkbox"/> License Fee/Renewal Fee \$1,000.00	
<input type="checkbox"/> Transfer of Ownership Application Fee \$1,500.00	<input type="checkbox"/> Change of Location \$1,500.00	
LICENSE TYPE		
<input checked="" type="checkbox"/> Medical Marijuana Center	<input type="checkbox"/> Medical Marijuana Infused-Products Manufacturer	
<input type="checkbox"/> Medical Marijuana-Optional Premises Cultivation Operation		
TYPE OF BUSINESS		
<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Individual*
<input checked="" type="checkbox"/> Limited Liability Corporation	<input type="checkbox"/> Other	
*Sole Proprietorship (Individual) – Verification of Lawful Presence is required per State law (Signed Affidavit and Photo ID)		

Applicant Freedom Road Garden LTD

(Corporation/LLC)

Applicant _____

(Sole Proprietor)

First Name

Middle Initial

Last Name

Trade Name of Establishment (DBA) Freedom Road Garden LTD

Address of Premise 2600 Freedom Road, Trinidad, CO 81082

Mailing Address 19435 Broken Fence Way, Monument, CO 80132

Telephone 720-350-0076 Email Address d.snow@me.com

Contact Person/Manager David Snow Title Owner

Telephone 720-350-0076 Email Address d.snow@me.com

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

Ownership

Lease

Other (explain in detail)

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

Landlord

Tenant

Expires

O'Donnell Investments, LLC Freedom Road Garden LTD 03/10/20

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

R 4/29/15

ADDITIONAL DOCUMENTS TO BE SUBMITTED WITH APPLICATION

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

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- with the appropriate fee payable to Colorado Bureau of Investigation (currently \$38.50, March, 2014)

\$39.50, June

2. Lease or Deed – Evidence of Possession
3. Conditional Use Permit approval *waiting on*
4. Copy of alarm system contract *need Boyd's sig.*
5. Copy of state sales tax license
6. Certificate of Good Standing
- ~~7. Affidavit of Lawful Presence (Sole Proprietors only)~~
8. Diagram of Premises:
- A floor plan, drawn to scale on 8-1/2 x 11" paper, showing the layout of the center and the principal uses of the floor area. Floor plan must include location of lighting and cameras required by state rules.
9. Copy of State Application with attachments

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

1. Name: David Allen Snow Title: Owner
Address: [REDACTED] Monument, CO 80132
Financial Interest: 95%

2. Name: Erin Phillips Title: Owner
Address: [REDACTED] Aravada, CO 80005
Financial Interest: 5%

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

4. Name: _____ Title: _____

Address: _____

Financial Interest: _____

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Address: _____

Financial Interest: _____

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Address: _____

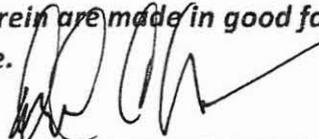
Financial Interest: _____

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

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

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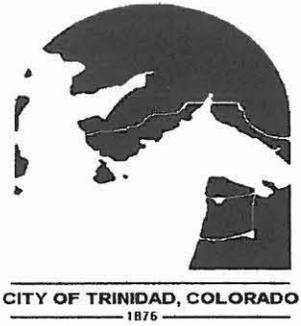
I declare, under penalty of perjury, that this application has been examined by me; that the statements made herein are made in good faith and, to the best of my knowledge and belief, true, correct and complete.

Signed:  Title: Owner

(Must be signed by Individual Owner, Partner, or Officer)

Printed Name: David Allen Snow Date: 4/6/15

5e



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 5, 2015
PREPARED BY: Audra Garrett, ACM/City Clerk
PRESENTER: Les Downs, City Attorney
DEPT. HEAD SIGNATURE: *Audra Garrett*
CITY MANAGER SIGNATURE: *Audra Garrett, ACM*

SUBJECT: New medical marijuana optional premise cultivation operation application filed by Freedom Road Garden LTD d/b/a Freedom Road at 2600 Freedom Road

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

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

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is June 16, 2015 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
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5e



CITY OF TRINIDAD

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

MEDICAL MARIJUANA LICENSE APPLICATION		
<input checked="" type="checkbox"/> New License Application Fee \$2,500.00	<input checked="" type="checkbox"/> License Fee/Renewal Fee \$1,000.00	
<input type="checkbox"/> Transfer of Ownership Application Fee \$1,500.00	<input type="checkbox"/> Change of Location \$1,500.00	
LICENSE TYPE		
<input type="checkbox"/> Medical Marijuana Center	<input type="checkbox"/> Medical Marijuana Infused-Products Manufacturer	
<input checked="" type="checkbox"/> Medical Marijuana-Optional Premises Cultivation Operation		
TYPE OF BUSINESS		
<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Individual*
<input checked="" type="checkbox"/> Limited Liability Corporation	<input type="checkbox"/> Other	
*Sole Proprietorship (Individual) – Verification of Lawful Presence is required per State law (Signed Affidavit and Photo ID)		

Applicant Freedom Road Garden LTD
(Corporation/LLC)

Applicant _____
(Sole Proprietor) First Name Middle Initial Last Name

Trade Name of Establishment (DBA) Freedom Road Garden LTD

Address of Premise 2600 Freedom Road, Trinidad, CO 81082

Mailing Address 19435 Broken Fence Way, Monument, CO 80132

Telephone 720-350-0076 Email Address d.snow@me.com

Contact Person/Manager David Snow Title Owner

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

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

Landlord	Tenant	Expires
<u>O'Donnell Investments, LLC</u>	<u>Freedom Road Garden LTD</u>	<u>03/10/20</u>

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R 4/29/15

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- ~~2. Lease or Deed – Evidence of Possession~~
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Financial Interest: 95%

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Address: _____
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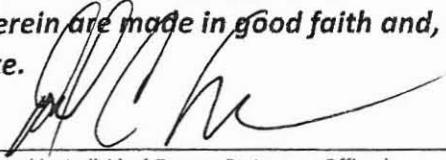
Financial Interest: _____

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

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

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

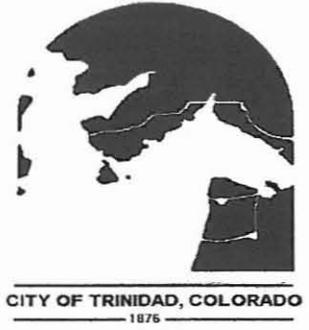
I declare, under penalty of perjury, that this application has been examined by me; that the statements made herein are made in good faith and, to the best of my knowledge and belief, true, correct and complete.

Signed:  Title: Owner

(Must be signed by Individual Owner, Partner, or Officer)

Printed Name: David Allen Snow Date: 4/6/15

5f



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 5, 2015
PREPARED BY: Audra Garrett, ACM/City Clerk
PRESENTER: Les Downs, City Attorney
DEPT. HEAD SIGNATURE: *Audra Garrett*
CITY MANAGER SIGNATURE: *Audra Garrett, ACM*

SUBJECT: New retail marijuana store application filed by Colorado Cannabis Associates d/b/a The Spot at 453 N. Commercial Street

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

SUMMARY STATEMENT: N/A

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

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

ALTERNATIVE: N/A

BACKGROUND INFORMATION:

- The application appears to be in order and will be processed accordingly. A complete application packet will be provided for the hearing.
- City Council may not hold the hearing any earlier than 30 days from today. Therefore, the earliest a hearing may be set is June 16, 2015 at 7:00 p.m., the earliest regular Council meeting date following 30 days.
- Pursuant to TMC 14-204(f), the Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- This is a quasi-judicial matter and as such Council should only consider evidence and testimony provided during the public hearing you set.

5f



CITY OF TRINIDAD

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

RETAIL MARIJUANA LICENSE APPLICATION		
<input checked="" type="checkbox"/> New License Application Fee	\$2,500.00	<input checked="" type="checkbox"/> License Fee/Renewal Fee \$2,500.00
<input type="checkbox"/> Transfer of Ownership Application Fee	\$1,500.00	<input type="checkbox"/> Change of Location \$1,500.00
<input type="checkbox"/> \$1.00 per square foot cultivation fee _____	Square feet = \$ _____	
<input type="checkbox"/> Expansion of cultivation area @ \$1.00 per square foot charge for that additional area \$ _____		
LICENSE TYPE		
<input checked="" type="checkbox"/> Marijuana Store	<input type="checkbox"/> Marijuana Product Manufacturing Facility	
<input type="checkbox"/> Marijuana Cultivation Facility	<input type="checkbox"/> Marijuana Testing Facility	
TYPE OF BUSINESS		
<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Individual*
<input checked="" type="checkbox"/> Limited Liability Corporation	<input type="checkbox"/> Other	
*Sole Proprietorship (Individual) – Verification of Lawful Presence is required per State law (Signed Affidavit and Photo ID)		

Applicant Colorado Cannabis Associates
(Corporation/LLC)

Applicant Robert Joe Lucero
(Sole Proprietor) First Name Middle Initial Last Name

Trade Name of Establishment (DBA) The Spot

Address of Premise 453 N Commercial Street Trinidad, CO 81082

Mailing Address 748 E Industrial Blvd Pueblo West, CO 81007

Telephone (719) 547-8011 Email Address robert@thespot420.com

Contact Person/Manager David Munn Title Manager

Telephone (720) 530-3426 Email Address dave@thespot420.com

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

- Ownership Lease Other (explain in detail)

RA/30/15

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

Landlord Robert Lucero Tenant Colorado Cannabis Assets LLC Expires JAN 1, 2016
December 29, 2015
The Spot

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

ADDITIONAL DOCUMENTS TO BE SUBMITTED WITH APPLICATION

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

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

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

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

1. Name: Robert Lucero Title: Owner
Address: [REDACTED] Pueblo, CO 81003
Financial Interest: 100%

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

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

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

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

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

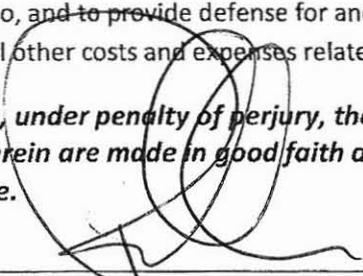
7. Name: _____ Title: _____
Address: _____
Financial Interest: _____

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

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

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

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

Signed:  _____
(Must be signed by Individual Owner, Partner, or Officer)

Title: Owner

Printed Name: Robert Lucero

Date: 3/25/2015



City of Trinidad, Colorado
1876

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

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

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

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

Robert J. Lucero
Printed Name of Licensee

[Signature] *managing member*
Authorized Signature of Licensee/Title

4/30/2015
Date

STATE OF Colorado)
COUNTY OF Pueblo)

ss.

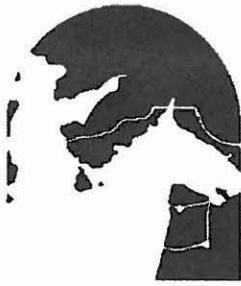
Subscribed and sworn to before me this 30 day of April, 2015.

[Signature]
Notary Public Signature

My Commission Expires: Oct 12, 2015

JODIE ROBERTS
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires Oct. 12, 2015

5g



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 5, 2015
PREPARED BY: Linda Vigil, April 20, 2015
PRESENTER: Mike Valentine, PW/Utilities Director
DEPT. HEAD SIGNATURE: *Mike A. Valentine*
CITY MANAGER SIGNATURE: *Judra Garrett, ACM*

SUBJECT: Consideration of an extraterritorial water tap request from Kelly Rivera

PRESENTER: Michael Valentine, Public Works/Utilities Director

RECOMMENDED CITY COUNCIL ACTION: Staff is recommending approval of extraterritorial water tap request by Kelly Rivera.

SUMMARY STATEMENT: Kelly Rivera has requested a ¾" extraterritorial water tap to service his home located at 37830 County Road 32.4 (aka El Moro Rd). Upon approval by city council, Mr. Rivera will be required to pay the necessary fees of \$6,470.00. In addition, staff is reviewing whether the water rights acquisition fee of \$2,500 will be applicable by verifying the physical address of the house and the city limits boundaries.

EXPENDITURE REQUIRED: None, the water department would be able to utilize revenue generated from both the fees of the water tap and the monthly service costs.

SOURCE OF FUNDS: N/A

POLICY ISSUE: Resolution #1327 (5-6-08)

ALTERNATIVE: Council could elect not to approve the extraterritorial water tap request and potentially lose revenue and a customer.

BACKGROUND INFORMATION: The city has received several inquiries about water availability at the eastern part of El Moro Road. The water department recently re-activated the 8" ductile iron water main which runs along County Road 32.4 and previously serviced the Department of Army and Department of Corrections. This section of pipe remains in fairly good condition and has been pressurized to ensure the use of the pipeline. Kelly Rivera has requested a ¾" extraterritorial water tap to service his home located at 37830 County Road 32.4 (aka El Moro Rd). Upon approval by city council, Mr. Rivera will be required to pay the necessary fees of \$6,470.00. In addition, staff is reviewing whether the water rights acquisition fee of \$2,500 will be applicable by verifying the physical address of the house and the city limits boundaries.

CONTACT FOR INFORMATION:

Mike Valentine, Public Works/Utilities Director
(719) 846-9843, ext. 122

5g



CHECKLIST FOR WATER TAP APPLICATIONS

- 1) PROOF OF OWNERSHIP: Deed to property with legal description
- 2) COPY OF BUILDING PERMIT: Las Animas County
- 3) LETTER OF APPROVAL FROM COUNTY PLANNER
- 4) SURVEY PLAT OR DRAWING
- 5) COPY OF INDIVIDUAL DISPOSAL SYSTEM PERMIT: SIGNED
- 6) SIGNED AND NOTARIZED WATER TAP APPLICATION
- 7) RIGHT-OF-WAY EASEMENTS, IF APPLICABLE
- 8) PAYMENT OF APPROPRIATE FEES, FOLLOWING CITY COUNCIL APPROVAL



CITY OF TRINIDAD WATER TAP REQUEST FORM APPLICATION AND AGREEMENT

I (We), the undersigned, owner(s) of record of the land described herein, do hereby consent and agree to abide by and to adhere to all the requirements of the applicable Code of Ordinances of the City of Trinidad and more specifically, and in accordance with the provisions of Chapter 12, of the City of Trinidad Code of Ordinances as amended, in return for the provision of water service by the City of Trinidad as follows:

Requirements

1) TITLE:

Prior to the approval by the City of Trinidad for a water tap or taps, the applicant must submit documents from the Las Animas County Government stating that compliance has been met with all:

- a) Zoning and Planning Regulations
- b) Land Use Regulations
- c) Subdivision Regulations
- d) State (Colorado Department of Health) Regulations for individual or public wastewater disposal systems

2) EASEMENTS/RIGHTS OF WAY:

The applicant must provide to the City of Trinidad copies of all acquired easements and rights-of-way necessary for the installation of the applicant's water service line. In no case will a water tap be granted on a city water main if there is not full and complete legal access from the water main to the applicant's development site.

3) SURVEY PLAT/DRAWINGS:

The applicant shall provide to the city a copy of the legal survey of land area which is requested to receive the water tap. In the event the property has not been recently surveyed, the applicant shall submit a drawing of the proposed development site which is in conformance to the current recorded deed for the land.

4) PAYMENT OF FEES:

The applicant will be required to pay the Plant Investment Fee (PIF), Water Rights Acquisition Fee and other related charges for the water tap according to the size (diameter) requested as established by Chapter 12 of the City Code of Ordinances.

5) ANNEXATION:

The applicant agrees to apply for or consent to the annexation of the land, or any portion thereof, described herein, when such land becomes eligible for annexation pursuant to the provisions of Part 1, Article 12, of Title 31, C.R.S. The term "to apply for or consent to the annexation" as used herein includes, without limitation:

- a) the signing of a petition to annex the land to the City without an election within ten (10) days after request by the city;
- b) voting for annexation if the land or any part thereof is included in an area proposed to be annexed to the city in proceedings requiring an annexation election; and
- c) not signing or initiating a petition for an annexation election. Said agreement shall run with the land and be binding upon the owners, their heirs, successors, and assigns.

6) **WATER TAP AND LAND INFORMATION:** (Complete a – f, in addition to signatures)

- a. Name of parties requesting tap Kelly Rivera
- b. Physical Address of tap 37830 C.R. 32.4
- c. Legal Description of property SW 1/4 SE 1/4 of Section 29, Township 32 South, Range 63 West of the 6th PM., lying South of C.R. 32.4 County of Las Animas.
- d. Size of Tap Requested (Circle One) 3/4" 1" 1 1/2" 2" Other _____
- | | Single Family | Multi-Family | Commercial Industrial | Other |
|--------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| e. Proposed Use of Land and Tap | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Number of Dwellings, Buildings, or Structures | <u>1</u> | _____ | _____ | _____ |

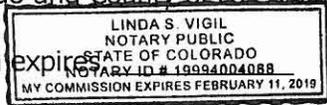
Agreed to this 14 day of April, 2015, by the undersigned on behalf of the applicant by the owner(s) of record.

Kelly Rivera

(SEAL)

The foregoing instrument was acknowledged before me this 14th day of April, 2015, by Kelly Rivera in the State of Colorado and County of Las Animas.

My Commission expires 2/11/2019



John S. Vigil
(Notary Public)

Agreed to this _____ day of _____, 20____, by the undersigned on behalf of the City of Trinidad by the Utilities Superintendent subject to the approval by City Council and the recording of said action by the City Clerk.

ATTEST:

Utilities Superintendent

Audra Garrett, City Clerk

54



COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 5, 2015
PREPARED BY: Linda Vigil, April 20, 2015
PRESENTER: Mike Valentine, PW/Utilities Director
DEPT. HEAD SIGNATURE: *Mike Valentine*
CITY MANAGER SIGNATURE: *Judith Barrett, ACM*

SUBJECT: Consideration of an extraterritorial water tap request from Trent Mantelli

PRESENTER: Michael Valentine, Public Works/Utilities Director

RECOMMENDED CITY COUNCIL ACTION: Staff is recommending approval of extraterritorial water tap request by Trent Mantelli.

SUMMARY STATEMENT: Trent Mantelli has requested a 3/4" extraterritorial water tap to service his home located at 37811 County Road 32.4 (aka El Moro Rd). Upon approval by city council, Mr. Mantelli will be required to pay the necessary fees of \$6,470.00. In addition, staff is reviewing whether the water rights acquisition fee of \$2,500 will be applicable by verifying the physical address of the house and the city limits boundaries.

EXPENDITURE REQUIRED: None, the water department would be able to utilize revenue generated from both the fees of the water tap and the monthly service costs.

SOURCE OF FUNDS: N/A

POLICY ISSUE: Resolution #1327 (5-6-08)

ALTERNATIVE: Council could elect not to approve the extraterritorial water tap request and potentially lose revenue and a customer.

BACKGROUND INFORMATION: The city has received several inquiries about water availability at the eastern part of El Moro Road. The water department recently re-activated the 8" ductile iron water main which runs along County Road 32.4 and previously serviced the Department of Army and Department of Corrections. This section of pipe remains in fairly good condition and has been pressurized to ensure the use of the pipeline. Trent Mantelli has requested a 3/4" extraterritorial water tap to service his home located at 37811 County Road 32.4 (aka El Moro Rd). Upon approval by city council, Mr. Mantelli will be required to pay the necessary fees of \$6,470.00. In addition, staff is reviewing whether the water rights acquisition fee of \$2,500 will be applicable by verifying the physical address of the house and the city limits boundaries.

CONTACT FOR INFORMATION:

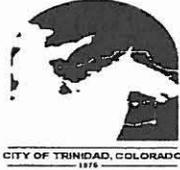
Mike Valentine, Public Works/Utilities Director
(719) 846-9843, ext. 122

54



CHECKLIST FOR WATER TAP APPLICATIONS

- 1) PROOF OF OWNERSHIP: Deed to property with legal description
- 2) COPY OF BUILDING PERMIT: Las Animas County
- 3) LETTER OF APPROVAL FROM COUNTY PLANNER
- 4) SURVEY PLAT OR DRAWING
- 5) COPY OF INDIVIDUAL DISPOSAL SYSTEM PERMIT: SIGNED
- 6) SIGNED AND NOTARIZED WATER TAP APPLICATION
- 7) RIGHT-OF-WAY EASEMENTS, IF APPLICABLE
- 8) PAYMENT OF APPROPRIATE FEES, FOLLOWING CITY COUNCIL APPROVAL



CITY OF TRINIDAD WATER TAP REQUEST FORM APPLICATION AND AGREEMENT

I (We), the undersigned, owner(s) of record of the land described herein, do hereby consent and agree to abide by and to adhere to all the requirements of the applicable Code of Ordinances of the City of Trinidad and more specifically, and in accordance with the provisions of Chapter 12, of the City of Trinidad Code of Ordinances as amended, in return for the provision of water service by the City of Trinidad as follows:

Requirements

1) TITLE:

Prior to the approval by the City of Trinidad for a water tap or taps, the applicant must submit documents from the Las Animas County Government stating that compliance has been met with all:

- a) Zoning and Planning Regulations
- b) Land Use Regulations
- c) Subdivision Regulations
- d) State (Colorado Department of Health) Regulations for individual or public wastewater disposal systems

2) EASEMENTS/RIGHTS OF WAY:

The applicant must provide to the City of Trinidad copies of all acquired easements and rights-of-way necessary for the installation of the applicant's water service line. In no case will a water tap be granted on a city water main if there is not full and complete legal access from the water main to the applicant's development site.

3) SURVEY PLAT/DRAWINGS:

The applicant shall provide to the city a copy of the legal survey of land area which is requested to receive the water tap. In the event the property has not been recently surveyed, the applicant shall submit a drawing of the proposed development site which is in conformance to the current recorded deed for the land.

4) PAYMENT OF FEES:

The applicant will be required to pay the Plant Investment Fee (PIF), Water Rights Acquisition Fee and other related charges for the water tap according to the size (diameter) requested as established by Chapter 12 of the City Code of Ordinances.

5) ANNEXATION:

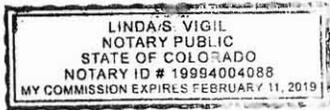
The applicant agrees to apply for or consent to the annexation of the land, or any portion thereof, described herein, when such land becomes eligible for annexation pursuant to the provisions of Part 1, Article 12, of Title 31, C.R.S. The term "to apply for or consent to the annexation" as used herein includes, without limitation:

- a) the signing of a petition to annex the land to the City without an election within ten (10) days after request by the city;
- b) voting for annexation if the land or any part thereof is included in an area proposed to be annexed to the city in proceedings requiring an annexation election; and
- c) not signing or initiating a petition for an annexation election. Said agreement shall run with the land and be binding upon the owners, their heirs, successors, and assigns.

6) **WATER TAP AND LAND INFORMATION**: (Complete a - f, in addition to signatures)

- a. Name of parties requesting tap Trent Louis Mantelli
- b. Physical Address of tap 37811 Cty Rd 32.4
- c. Legal Description of property see "Exhibit A" of Warranty Deed
- d. Size of Tap Requested (Circle One) 3/4" 1" 1 1/2" 2" Other _____
- | | Single Family | Multi-Family | Commercial Industrial | Other |
|--------------------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| e. Proposed Use of Land and Tap | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Number of Dwellings, Buildings, or Structures | <u>1</u> | _____ | _____ | _____ |

Agreed to this 7th day of April, 2015, by the undersigned on behalf of the applicant by the owner(s) of record.



(SEAL)

[Signature]

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ in the State of Colorado and County of Las Animas.

My Commission expires: _____ (Notary Public)

Agreed to this _____ day of _____, 20____, by the undersigned on behalf of the City of Trinidad by the Utilities Superintendent subject to the approval by City Council and the recording of said action by the City Clerk.

ATTEST: _____ Utilities Superintendent

Audra Garrett, City Clerk



COUNCIL COMMUNICATION

5i

CITY COUNCIL MEETING: May 1, 2015
PREPARED BY: Linda Vigil
PRESENTER: Mike Valentine, PW/Utilities Dir.
DEPT. HEAD SIGNATURE: *Mike Valentine*
CITY MANAGER SIGNATURE: *Judith Hammett, ACM*

SUBJECT: Consideration of the agreement with Model Land & Irrigation Company and the City of Trinidad for the use of the Hoehne and Model Return Flow Structures located on the Purgatoire River.

RECOMMENDED CITY COUNCIL ACTION: Staff is recommending approval of the agreement

SUMMARY STATEMENT: The five year agreement is necessary to the city for the allowance and use of administrative water exchange in the Model Exclusive Storage Account

EXPENDITURE REQUIRED: Yes, operation and maintenance fees in the amount of \$8,000 per year.

SOURCE OF FUNDS: Water Department – General Administration, Ditch Assessment.

POLICY ISSUE: N/A

ALTERNATIVE: If the agreement is not renewed, the city loses the ability to store and exchange water for the beneficial use of our water storage accounts, which are necessary for water right accounting purposes.

BACKGROUND INFORMATION:

Mr. Tony Paradisa of Model Land & Irrigation Company owns the property near the respective headgates of the Hoehne and Model Ditches. The five year agreement is necessary to the city for the allowance and use of administrative water exchange in the Model Exclusive Storage Account. Without the agreement, the city is not allowed to store water and this will cause future problems with the city owned water rights.

CONTACT FOR INFORMATION:

Mike Valentine, Public Works/Utilities Director
(719) 846-9843, ext. 122

5i

April __, 2015

Terms and Agreement

This Agreement describes the terms and conditions between the City of Trinidad ("City") and the Model Land & Irrigation Company ("Model") for the use of the Hoehne and Model Return Flow Structures, located near the respective headgates of the Hoehne and Model Ditches, located on the Purgatoire River. The parties agree to the following terms and conditions:

1. Term – This Agreement is valid from the date signed by both parties until December 31, 2019.
2. Water to Model – The City hereby grants exclusive use to Model five hundred (500) acre-feet of the City's Model Exclusive Storage Account dedicated to the City for each year of the Agreement, pursuant to the provisions of the agreement entered into on August 1, 1981 and recorded as instrument number 20000064912 in the real estate records of Las Animas County, Colorado (otherwise referred to as the "Separation Agreement.")

The City will be responsible for paying the annual assessments to the Purgatoire River Water Conservancy District associated with the five hundred (500) acre-feet of the Model Exclusive Account (i.e. repayment and operation and maintenance costs of the five hundred acre-feet.) Model will also be responsible for all approvals required for the use of the Model Exclusive Account by Model during each of the irrigation seasons of this Agreement, including notification requirements and approval from the Purgatoire River Water Conservancy District and the Division Engineer. The City shall cooperate with and assist Model to assure that all such approvals are obtained.

3. License to City – Model hereby grants the City a non-exclusive license to use a portion of Model's flow capacity at the Model and Hoehne Return Flow Structures for the purposes of measuring and bypassing return flow water back to the Purgatoire River pursuant to the terms and conditions of the City's decrees in Case No. 88CW061, Case No. 06CW78 and Case No. 08CW101.

4. Routine Repair at Hoehne Return Flow Structure – Model shall be responsible for conducting and/or contracting for the routine repair for the Hoehne Return Flow Structure.

- 4b. Routine Operation, Maintenance and Repair at Model Return Flow Structure – Model shall be responsible for conducting and/or contracting for the routine operation, maintenance and repair for the Model Return Flow Structure.

5. Payments of Costs for Routine Operation, Maintenance, and Repair – The City shall make an annual payment of \$7,000 to Model for costs associated with (1) the routine operation, maintenance, and repair of the Model Return Flow Structure, and (2) the routine repair at the Hoehne Return Flow Structure, by no later than April 1 of each year of this Agreement. The City shall be responsible for 6% of the direct flow Model water that it owns and separately pay an operation and maintenance fee to the Hoehne Ditch Company for the operation and maintenance of the Hoehne Return Flow Structure.

6. Measuring – The City will be responsible for the collection, accounting and reporting of water data as required in Case Nos. 88CW061, 06CW78 and 08CW101. Model shall grant the City the right to access the Model Return Flow Structures for measuring, data collection, and reporting purposes. At no point during the term of this agreement shall the City divert and measure in excess of 3.5 cubic feet per second through the Model and Hoehne Return Flow Structures.

7. Liability and Indemnification – By virtue of entering into this Agreement, Model: (1) assumes no liability for the City's use, operations or maintenance of the Model and Hoehne Return Flow Structures; and (2) assumes no additional responsibilities or obligations for the City's future or additional proposed uses of the Model and Hoehne Return Flow Structures. Model shall not be liable for any damage to persons or property associated with the City's operation, maintenance or repair of the structures and facilities described in this Agreement, including but not limited to damages due to overtopping the Model or Hoehne Ditches, seepage from the Model or Hoehne Ditches, or persons or parties falling into the Model or Hoehne Ditches. Model agrees to indemnify and hold harmless the City from all claims and liability for damage or injury to property or persons arising or caused directly or indirectly by Model's operation, construction, restoration, maintenance of, or failure to maintain the structures and facilities described in this Agreement.

8. Future negotiations – Model and the City agree to negotiate in good faith on any future matters that may cause a modification and/or amendment to the Agreement. Specifically, at such time that the Model-Hoehne Agreement expires, it is anticipated that a renewal agreement with Hoehne Ditch Company, it is agreed upon by Model and the City that terms herein regarding the use of the Hoehne Return Flow Structure may need to be modified and amended or this agreement may be canceled by the City at the option of the City. If the agreement is cancelled by the City before December 31 of any year, the City will not be responsible for the annual payment for that year pursuant to Section 5 of this Agreement. If the cancellation occurs after the annual payment for that year is made pursuant to Section 5 of this Agreement, the cancellation shall take effect on December 31 of that year and no refund shall be made by Model to the City. If the City cancels this Agreement, each party shall be relieved of all obligations to the other party as of the date that the cancellation takes effect.

Approved and Accepted by:

The Model Land & Irrigation Company

City of Trinidad

By: _____
Tony Paradisa

By: _____
City Mayor

Date: _____

Date: _____

ATTEST:

ATTEST:

_____, Secretary

_____, City Clerk

Model Land & Irrigation Company

Average Annual Expenses Related to Return Flow Structure Operation and Maintenance Pursuant to the City of Trinidad's Water Court Case Nos. 88CW61, 06CW78, and 08CW101

ITEM

1. Routine Ditch Maintenance - including channel maintenance (debris clearing within structure, removal of sand, silt, and debris from the Model river headgate to the Return Flow Channel headgate, minor repairs on the Return Flow Structure and river headgate)
Cost: \$3,000/year
2. Routine Ditch Operations/Ditch Rider Fees - including: (1) daily inspection of the Model Ditch river headgate; (2) daily setting of the flow rates through the Model Ditch river headgate, and (3) daily setting of the flow rates through the Return Flow Channel headgate and structure.
Cost: \$3,000/year
3. Routine Annual Weed Control of Return Flow Structure facilities' area.
Cost: \$1,000/year