



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

A G E N D A

**Delta City Council
Regular Meeting**

**January 7, 2014
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: 2013 Supplemental Appropriations**
- F. Council Bill #11, 2013; Second and Final Reading
2013 Supplemental Appropriations**
- G. Public Hearing: Special Events Permit Application; BPOE No 1235**
- H. Retail Liquor Store Transfer of Ownership; Uptown Wines**
- I. Hotel/Restaurant Liquor License Renewal; Ocean Pearl**
- J. Renewal of Hawkins/Myers Lease for Water on Grand Mesa**
- K. Equipment Purchase for Bill Heddles Recreation Center**
- L. CDBG Grant Application**
- M. City Attorney Comments**
- N. City Manager Comments**
- O. Councilmember Comments**

Item A:

Pledge of Allegiance



Item B:

Changes to the Agenda

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Mary Cooper, and Ray Penick along with City Manager Justin Clifton and City Attorney David Smith. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

The Public Hearing regarding Butch's Café needs to be removed from the Agenda.

Minutes

Councilmember Raley requested that the minutes be corrected. Councilmember Raley stated that he had voted nay on the rate change ordinance.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve the minutes of the December 3, 2013 regular meeting with the changes as stated. All in favor, motion carried.

Citizen Comments

There were none.

Selection of Auditor

City Manager Justin Clifton stated that staff is recommending approval of the selection of Holscher, Mayberry & Company, LLC for the City's auditors with a three year contract. He explained the process in which bids were solicited and that Holscher, Mayberry & Company, LLC was the only firm that submitted a proposal.

It was moved by Councilmember Raley and seconded by Councilmember Jurca to offer a three year contract to Holscher, Mayberry & Company, LLC for auditor services. All in favor, motion carried.

Council Bill #11, 2013; First Reading
2013 Supplemental Appropriations

Council Bill #11, 2013

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 2013 BUDGET YEAR

Regular Meeting, Delta City Council, December 17, 2013 (cont.)

Council Bill #11, 2013; First Reading (cont.)
2013 Supplemental Appropriations

was read by the Clerk.

Manager Clifton stated that Council Bill #11, 2013 addresses funds that went over the amount that was budgeted for 2013. The City is self insured for dental and this reflects the amount that was needed to pay all of the dental claims. Mr. Clifton stated that in the future staff might look at more traditional dental insurance.

Manager Clifton clarified the changes to the recreation fund. Mr. Clifton stated that Council had approved the additional \$190,000 to complete the full scope of the expansion project. He reported that a couple of years ago tile work was not completed satisfactory; therefore, funds were being held. Staff did reach a settlement with the contractor so the funds can be released.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to adopt Council Bill #11, 2013 on first reading. Roll call vote: Councilmembers Cooper, aye; Penick, aye; Jurca, aye; Raley, aye and Sisson, aye. Motion carried.

Resolution #7, 2013; April 1, 2014 Mail Ballot Election

Resolution #7, 2013

A RESOLUTION OF THE CITY OF DELTA, COLORADO,
AUTHORIZING THE April 1, 2014 REGULAR MUNICIPAL
ELECTION TO BE CONDUCTED BY MAIL BALLOT

was read by the Clerk.

The Clerk explained that this Resolution is to approve the City to conduct the April 2014 election by mail ballot.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to adopt Resolution #7, 2013 on first reading. Roll call vote: Councilmembers Cooper, aye; Penick, aye; Jurca, aye; Raley, aye and Sisson aye. Motion carried.

Intergovernmental Agreement with Delta County Clerk and Recorder

The Clerk stated that this is the Intergovernmental Agreement with the Delta County Clerk and Recorder who will assist in the mail ballot election that Council just approved. The estimated cost of the election has increased due to the new laws the State has implemented with House Bill 1303.

Mayor Sisson questioned if an election can be cancelled.

The Clerk explained that there are two seats that will be open for the election and if they are uncontested seats and there is no other question on the ballot the election can be cancelled. There will be some costs associated with the preparing for the election.

Regular Meeting, Delta City Council, December 17, 2013 (cont.)

Intergovernmental Agreement with Delta County Clerk and Recorder (cont.)

Councilmember Penick questioned if there will be a TABOR question.

City Attorney David Smith stated that it is a safer choice to wait until November due to the way the Charter is written.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the Intergovernmental Agreement with the Delta County Clerk and Recorder. All in favor, motion carried.

Villas at the Bluff Lot 2B, Lot Split

Community Development Director Glen Black stated the Planning Commission is recommending approval of the Villas at the Bluff Lot 2B Lot Split with the deviation from the minimum design standards that all lots shall have direct access to a dedicated street. Mr. Black stated that the Planning Commission reviewed the proposed Lot Split at their December 2, 2013 regular meeting. He explained that lots splits are traditionally handled administratively; however, this lot split request requires a deviation from the normal minimum design standards as set forth in the Delta Municipal Code Section 16.04.070. Mr. Black summarized the code. The split is needed to separate Phase II of the Villas at the Bluff from Phase I for financing requirements. This plat cannot be recorded until February 3, 2014, because the Villas at the Bluff Resubdivision of Lot 2B was recorded on February 3, 2011 to meet the three year requirement between abbreviated subdivision processes.

Councilmember Penick stated that it's his understanding that the ownership and maintenance will be the responsibility of the Villas at the Bluff.

Mr. Black agreed stating that since this will be two separate lots, Oak Way will be clearly listed out with plat notes that in perpetuity both lots will be responsible of maintenance of Oak Way and will allow for public access.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the Villas at the Bluff Lot 2B Lot Split with the deviation as presented. All in favor, motion carried.

Maverik-Delta Subdivision Preliminary Plat

Director Black stated that the Planning Commission is recommending approval of the Maverik-Delta Subdivision Preliminary Plat with all staff and Planning Commission recommendations. The Planning Commission reviewed the Maverik-Delta Preliminary Plat at their December 2, 2013 regular meeting. Mr. Black stated that the applicant and owner is Maverik Inc. and the property is located at the intersection of Hwy 92 and Hwy 50. The applicant is requesting to divide 6.371 acres into 3 parcels. The following are conditions of approval:

- Corrections need to be made to the construction drawings and preliminary plat prior to a preconstruction meeting. The City requires 3 wet-stamped sets of approved engineered plans.
- The development must comply with all City of Delta requirements and other regulatory/permitting agency requirements

Regular Meeting, Delta City Council, December 17, 2013 (cont.)

Maverik-Delta Subdivision Preliminary Plat (cont.)

- Preliminary Plat approval expires 2 years from the date of such approval.

The following will need to be completed prior to final plat submittal:

- All improvements must be constructed, including electrical, water, sewer, storm sewer and Hwy 92.
- Cross access/maintenance agreements must be signed.
- Traffic light SIA completed.

There was discussion regarding the stop light. Mr. Black stated that a corridor study will need to be completed to determine the location of the stop light.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to approve the Maverik-Delta Subdivision Preliminary Plat with the recommendations as stated. All in favor, motion carried.

Ordinance #9, 2013; Second and Final Reading
Flood Damage Prevention

Ordinance #9, 2013

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING TITLE 15 CHAPTER 15.56 OF THE DELTA
MUNICIPAL CODE

was introduced as Council Bill #9, 2013 and read by the Clerk.

Manager Clifton reported that there are only some formatting changes to this ordinance since last reading.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to adopt Council Bill #9, 2013 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Raley, aye; Jurca, aye; Penick, aye and Sisson, aye. Motion carried. Council Bill #9, 2013 was adopted on second and final reading as Ordinance #9, 2013.

Ordinance #10, 2013; Second and Final Reading
Revised Rate Tables

Ordinance #10, 2013

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
PROVIDING REVISED WATER, SEWER, ELECTRIC AND
TRASH RATES, AND AMENDING THE MUNICIPAL CODE
CONCERNING THE SAME

was introduced as Council Bill #10, 2013 and read by the Clerk.

Regular Meeting, Delta City Council, December 17, 2013 (cont.)

Ordinance #10, 2013; Second and Final Reading (cont.)
Revised Rate Tables

It was moved by Councilmember Penick and seconded by Councilmember Jurca to adopt Council Bill #10, 2013 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Raley, nay; Jurca, aye; Penick, aye and Sisson, aye. Motion carried. Council Bill #10, 2013 was adopted on second and final reading as Ordinance #10, 2013.

City Attorney Comments

There were none.

City Manager Comments

Manager Clifton stated that he would like Council's feedback on holding a retreat in January and/or April after the election.

Councilmember Comments

Councilmember Cooper commented on the recent CML Executive Board meeting she attended. She stated that during the next legislature session they are considering looking at changing whether home rule municipalities can collect their own sales tax.

Councilmembers Cooper, Penick, Raley, and Sisson commented on the Christmas Party the City had last Friday. They all wished everyone a Merry Christmas and Happy New Year.

The meeting was adjourned at 7:28 p.m.

/s/ Jolene E. Nelson
Jolene E. Nelson, City Clerk

Item D:

Citizen Comments



MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: January 7, 2014
Subject: Public Hearing: 2013 Supplemental Appropriations



Office of the City Clerk

Recommendation:

Staff recommends holding a Public Hearing before approving Council Bill #11, 2013 on second and final reading.

Background:

At the last meeting when Council Bill #11, 2013 was adopted on first reading it was brought to our attention that a public hearing needs to be held when a supplemental to the budget is presented which also requires notice to the public. A notice was in the Delta County Independent December 25, 2013 edition.

Cost:

The publication of the notice is the only cost.

Alignment With Strategic Planning:

The local budget law at section 29-1-109(2)(a) states: “Any transfer, supplemental appropriation, or revised appropriation made pursuant to this section shall be made by ordinance or resolution which complies with the notice provisions of section 29-1-106”

Actions To Be Taken if Approved:

A Public Hearing will be held to allow for any public comment.

Council Bill #11, 2013

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 2013 BUDGET YEAR

WHEREAS, the City Council has adopted the annual budget on November 6, 2012; and

WHEREAS, the City has received additional and unanticipated revenues in the form of grants and other revenue sources and there exists unappropriated surplus in the various funds; and

WHEREAS, it is not only required by law, but also necessary to appropriate the additional revenues and surplus to and for the purposes described below, so as not to impair the operations of the City.

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

Section 1. That the following supplemental appropriations, in addition to those appropriated by Ordinance #17, Series of 2012, are hereby appropriated from the revenue and surplus of each fund, to each fund, as follows:

Employee Dental Fund	\$ 19,000
Recreation Center Fund	265,000

ADOPTED on first reading and ordered published this _____ day of _____, 2013.

Mayor

ATTEST:

City Clerk

ADOPTED on second and final reading and ordered published
this _____ day of _____, 2014.

Mayor

ATTEST:

City Clerk

MEMO

To: Mayor and City Council
From: Jolene Nelson, City Clerk
Date: January 7, 2014
Subject: Public Hearing: Delta Elks No. 1235 Special Events Permit



Office of the City Clerk

Recommendation:

Staff recommends approving the application for a Special Events Liquor Permit to Delta Elks Lodge No. 1235 for their annual Charity Ball Event scheduled for February 14, 2014.

Background:

Delta Elks Lodge No. 1235 has submitted an application for a Special Events Liquor Permit for their annual Charity Ball on February 14, 2014. The application specifies that they plan to sell alcoholic beverages from 10:00 a.m. to 2:00 a.m.

The application is complete and the fees; \$35 to the City and \$25 to the State have been paid.

A sign notifying the public of this hearing has been posted at the site for at least ten days as required by law. As of the writing of this memo, no comments, either for or against the approval of the application, have been received by the City Clerk.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 “the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code.”

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the application, and the Clerk will mail it to the State, who will review it and issue the permit.

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 checked="" type="checkbox"/> FRATERNAL | <input 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:
 2110 MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
 2170 FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE
 LIQUOR PERMIT NUMBER
0401 745 0001

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE
Delta Elks Lodge # 1235 State Sales Tax Number (Required)
04-01-745

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (include street, city/town and ZIP)
563 Main St
 Delta CO 81416

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (include street, city/town and ZIP)
563 Main St
 Delta CO 81416

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE Joe Siemnicki		21170 Pleasant Valley Rd 81416 Delta CO	874-1918
5. EVENT MANAGER Jackie Goodman		1106 Catherine Ave Place Delta CO 81416	874-4552

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? 2

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
 NO YES TO WHOM? BDOE 1235

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
2-14-14 From 10a.m. To 2a.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 Jackie Goodman	TITLE Manager	DATE 12-8-13
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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)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

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

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

MEMO

To: Mayor and City Council
From: Jolene E. Nelson, City Clerk
Date: January 7, 2014
Subject: Transfer of Ownership: Uptown Wines



Office of the City Clerk

Recommendation:

Staff recommends approval of the Transfer of Ownership Application submitted by Uptown Wines, LLC dba Uptown Wines for a Retail Liquor Store License located at 436 Main Street, pending receipt of favorable FBI and CBI fingerprint reports on the new owners.

Background:

Uptown Wines was a husband/wife partnership and the husband has recently passed. Mrs. Barbara Arellano requested to add her daughter Cheryl Arellano to the license. Cheryl and Barbara have now formed an LLC to be able to transfer the liquor license to show both names as owners. Both individuals have submitted their fingerprint cards that were sent to CBI. Staff is waiting for those results. A temporary license was issued to continue operation until the approval of the transfer application.

Cost:

There is no cost to the City to transfer this license. The applicant has paid the \$1252.50 transfer fee to the State, the City's fee of \$147.50 as well as the City's \$300 liquor occupation tax for a retail liquor store license. The \$100 fee for the temporary license was also paid.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 "the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code."

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the application, and the Clerk will mail it to the State, who will review the application and issue the State license.

**COLORADO LIQUOR
 RETAIL LICENSE APPLICATION**

NEW LICENSE TRANSFER OF OWNERSHIP LICENSE RENEWAL

- ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN
- APPLICANT MUST CHECK THE APPROPRIATE BOX(ES)
- LOCAL LICENSE FEE \$ _____
- APPLICANT SHOULD OBTAIN A COPY OF THE COLORADO LIQUOR AND BEER CODE (Call 303-370-2165)

1. Applicant is applying as a
 Corporation Individual
 Partnership (includes Limited Liability and Husband and Wife Partnerships) Limited Liability Company
 Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation Fein Number
 Uptown Wines LLC 46-4246715

2a. Trade Name of Establishment (DBA) State Sales Tax No. Business Telephone
 Uptown Wines Pennine 970-874-4709

3. Address of Premises (specify exact location of premises)
 436 MAIN ST

City DELTA County DELTA State CO ZIP Code 81416

4. Mailing Address (Number and Street) City or Town State ZIP Code
 436 MAIN ST DELTA CO 81416

5. If the premises currently have a liquor or beer license, you MUST answer the following questions:

Present Trade Name of Establishment (DBA) Present State License No. Present Class of License Present Expiration Date
 Uptown Wines 02671014-0000 Retail Store 12-31-2013

LIAB	SECTION A	NONREFUNDABLE APPLICATION FEES	LIAB	SECTION B (CONT.)	LIQUOR LICENSE FEES
2300	<input type="checkbox"/>	Application Fee for New License	1985	<input type="checkbox"/>	Resort Complex License (City)
2302	<input type="checkbox"/>	Application Fee for New License - w/Concurrent Review	1986	<input type="checkbox"/>	Resort Complex License (County)
2310	<input checked="" type="checkbox"/>	Application Fee for Transfer	1988	<input type="checkbox"/>	Add Related Facility to Resort Complex... \$ 75.00 X Total
			1990	<input type="checkbox"/>	Club License (City)
			1991	<input type="checkbox"/>	Club License (County)
			2010	<input type="checkbox"/>	Tavern License (City)
			2011	<input type="checkbox"/>	Tavern License (County)
			2012	<input type="checkbox"/>	Manager Registration - Tavern
			2020	<input type="checkbox"/>	Arts License (City)
			2021	<input type="checkbox"/>	Arts License (County)
			2030	<input type="checkbox"/>	Racetrack License (City)
			2031	<input type="checkbox"/>	Racetrack License (County)
			2040	<input type="checkbox"/>	Optional Premises License (City)
			2041	<input type="checkbox"/>	Optional Premises License (County)
			2045	<input type="checkbox"/>	Vintners Restaurant License (City)
			2046	<input type="checkbox"/>	Vintners Restaurant License (County)
			2220	<input type="checkbox"/>	Add Optional Premises to H & R
			2370	<input type="checkbox"/>	Master File Location Fee
			2375	<input type="checkbox"/>	Master File Background

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

LIABILITY INFORMATION					
County	City	Industry Type	License Account Number	Liability Date	License Issued Through (Expiration Date)
				FROM	TO
State -750 (999)	City 2180-100 (999)	County 2190-100 (999)	Managers Reg -750 (999)		
Cash Fund New License 2300-100 (999)				Cash Fund Transfer License 2310-100 (999)	
				TOTAL	
				\$.	

6. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												
7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state); (a) been denied an alcohol beverage license? (b) had an alcohol beverage license suspended or revoked? (c) had interest in another entity that had an alcohol beverage license suspended or revoked? If you answered yes to 7a, b or c, explain in detail on a separate sheet.	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>												
8. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes," explain in detail.	<input type="checkbox"/> <input checked="" type="checkbox"/>												
9. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?	<input type="checkbox"/> <input checked="" type="checkbox"/>												
10. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current or former financial interest in said business including any loans to or from a licensee.	<input checked="" type="checkbox"/> <input type="checkbox"/>												
11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement? <input checked="" type="checkbox"/> Ownership <input type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____	<input type="checkbox"/> <input type="checkbox"/>												
a. If leased, list name of landlord and tenant, and date of expiration, EXACTLY as they appear on the lease:													
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%; padding: 2px;">Landlord</td> <td style="width:35%; padding: 2px;">Tenant</td> <td style="width:30%; padding: 2px;">Expires</td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> </tr> </table>	Landlord	Tenant	Expires										
Landlord	Tenant	Expires											
Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)													
12. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.													
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:35%;">NAME</th> <th style="width:15%;">DATE OF BIRTH</th> <th style="width:20%;">FEIN OR SSN</th> <th style="width:30%;">INTEREST</th> </tr> </thead> <tbody> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST									
NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST										
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.													
13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises Has a local ordinance or resolution authorizing optional premises been adopted?	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												
Number of separate Optional Premises areas requested. _____ (See License Fee Chart)													
14. Liquor Licensed Drug Store applicants, answer the following: (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.	Yes No <input type="checkbox"/> <input type="checkbox"/>												
15. Club Liquor License applicants answer the following and attach: (a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain? (b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain? (c) How long has the club been incorporated? _____ (Three years required) (d) Has applicant occupied an establishment for three years that was operated solely for the reasons stated above?	Yes No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>												
16. Brew-Pub License or Vintner Restaurant Applicants answer the following: (a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)	Yes No <input type="checkbox"/> <input type="checkbox"/>												
17a. Name of Manager (for all on-premises applicants) _____ (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-1).	Date of Birth <input type="text"/>												
17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.	Yes No <input type="checkbox"/> <input type="checkbox"/>												
18. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? If yes, provide an explanation and include copies of any payment agreements.	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>												

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

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
BARBARA K. ARELLANO	352 E 13 th St DELTA CO	[REDACTED]	member	50%
CHERYL A ARELLANO	325 PALMER St DELTA CO	[REDACTED]	member	50%

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

Additional Documents to be submitted by type of entity

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

Registered Agent (if applicable) _____ Address for Service _____

OATH OF APPLICANT

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

Authorized Signature: Cheryl A Arellano Title: member Date: 12-10-13

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

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

THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:

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

Been fingerprinted Yes No

Been subject to background investigation, including NCIC/CCIC check for outstanding warrants Yes No

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license Yes No

(Check One)

Date of Inspection or Anticipated Date _____

Upon approval of state licensing authority.

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

Local Licensing Authority for _____ Telephone Number _____ TOWN, CITY COUNTY

Signature _____ Title _____ Date _____

Signature (attest) _____ Title _____ Date _____

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: January 7, 2014
Subject: Hotel/Restaurant Liquor License Renewal; Ocean Pearl



Office of the City Clerk

Recommendation:

Staff recommends approval of the Hotel/Restaurant License Renewal for Ocean Pearl located at 109 Main Street. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires February 25, 2014.

Cost:

There is no cost to the City to renew this license. The applicant has paid his \$500 renewal fee to the State, and his \$150 City license renewal fee, along with the City's \$400 liquor occupation tax for a hotel/restaurant liquor license.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 "the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code."

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the renewal application and the Clerk will mail it to the State, who will review the application and issue the State license.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

OCEAN PEARL DELTA
 PO BOX 1931
 GLENWOOD SPRINGS CO 81602-1931

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name OCEAN PEARL DELTA LLC		DBA OCEAN PEARL DELTA		
Liquor License # 42558800000	License Type Hotel & Restaurant (city)	Sales Tax License # 42558800000	Expiration Date 2/25/2014	Due Date 1/11/2014
Street Address 109 MAIN STREET DELTA CO 81416-1838				Phone Number (970) 874 1888
Mailing Address PO BOX 1931 GLENWOOD SPRINGS CO 81602-1931				
Operating Manager Le Le Quach	Home Address 126 Meeker, Delta, CO 81416			Phone Number 970-874-1888

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *if rented, expiration date of lease 12/31/2015
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

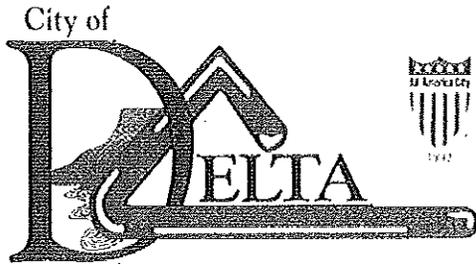
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Le Le Quach	Title Member
Signature 	Date 12/13/13

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

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

Local Licensing Authority For	Date
Signature	Title
	Attest



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Ocean Pearl LLP
DBA: Ocean Pearl

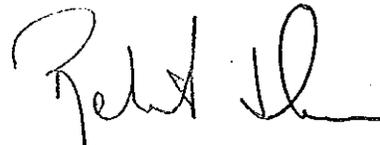
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

MEMO

To: City Council
From: Steve Glammeyer, Utilities Director
Date: January 7, 2014
Subject: Renewal of lease with Ms. Hawkins and Myers for use of City water on the Grand Mesa



Utilities Department

Recommendation:

It is recommended that the Council approve the attached 2014 lease agreement with Ms. Hawkins and Ms. Myers for the use of City water on Grand Mesa.

Background:

The attached lease is for City owned water on Grand Mesa. We have historically had a lease agreement with Ms. Hawkins and Myers to use water under the City's decrees for the Maude S. Ditch and other City-owned flow decrees from the Doughspoon Creek for purposes of stock water. In 2012 we set the price of the water at \$800 and staff feels that price would be appropriate again this year. The current lease expired in December of 2013 and the lessees would like to continue this lease for 2014 under the same terms and conditions. Staff would recommend to Council that the City continue this agreement for 2014. A copy of this year's agreement is attached for your use.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

While we cannot find a clear statement covering City owned raw water and our strategic plan for it, we feel we should capture some revenue from the ownership of this resource and this lease allows us to do that.

Actions To Be Taken if Approved:

The City Manager and Ms. Hawkins and Ms. Myers will need to sign the agreement for it to be in effect.

WATER LEASE AGREEMENT

This lease is entered into between the City of Delta, Colorado (City), and Lydia Hawkins and Varra Sue Myers (Lessee) as follows:

1. The City hereby leases to Lessee water available under the City's decree for the Maude S. Ditch and other City-owned flow decrees from Doughspoon Creek for the calendar year 2014 for the amount of \$ 800.00 paid herewith to the City.
2. A. Attached as Exhibit "A" is a letter from Clyde Albright, past Delta City Manager, granting an undefined right to use a tap on the City's pipeline for stock water purposes. The parties agree that such document shall be of no further force and effect and is superceded by the provisions of this paragraph.

B. The City has previously installed a sufficient tap, with an appropriate valve, on the pipeline in the vicinity of its crossing of Doughspoon Creek, from which Lessee may draw water for the purpose of filling a single stock water tank. By granting this right, the City shall be under no obligation to maintain any flow of water in the pipeline, or to maintain the pipeline in existence, and Lessee may utilize such water only at such times as approved by the City when water is available and such use will not interfere with the City's use of the water.
3. Lessee shall use such water lawfully in accordance with the limitations and requirements of the decree and cooperate with the Division Engineer and Water Commissioner in the administration of the diversions.
4. The water shall be used in the vicinity of the Doughspoon Ranch.
5. The City reserves the right to divert the Maude S. and other leased decrees at their alternative points of diversion for use of the City through its pipeline or elsewhere when, in the opinion of the City, it becomes desirable to do so.

6. The City may sell reservoir water to Lessee or others at a market price to be quoted by the City at such time it may determine it has available surplus reservoir water not needed by the City for other uses in 2014.
7. Lessee agrees to hold harmless, defend and indemnify the City on any claim made or adjudged against the City or damages incurred arising out of Lessee's use of the water hereunder.
8. Nothing herein shall convey any title to the City's water decrees to Lessee, but merely leases the right to use water available under said decree in calendar year 2014.
9. Lessee shall not initiate or prosecute any water rights application for water from sources from which the City has water rights decrees without the City's written consent.
10. The City is exempt from taxes. In the event any ad valorem or other taxes may be assessed on account of this lease, Lessee shall pay such taxes.
11. This lease is dated _____.

CITY OF DELTA

LESSEE

By _____
City Manager

By _____
Lydia Hawkins

By _____
Varra Sue Myers

MEMO

To: City Council
From: Wilma Erven, Culture & Recreation Director
Date: January 7, 2014
Subject: 2014 Equipment Request



Office of Culture & Recreation

Recommendation:

Staff recommends awarding a contract for six Life Fitness Treadmills for the Rec Center to Advanced Exercise Equipment of Littleton, CO. in the amount of \$28,200.

Background:

The Recreation Center has been doing yearly replacement of Fitness Equipment to get all of the equipment updated. In 2013 we were doing the expansion and chose to use the equipment funds that were in the budget to assist with the cost of the expansion.

There are six treadmills that have been in the fitness department for 20 years. Staff has continued to have quarterly maintenance done on the machines. However, they truly have reached their full length of commercial life. These machines will be offered for sale to private users.

Cost:

This project was put out to bid with the following companies submitting:

Advanced Exercise Equipment, Littleton, CO	\$28,200
Push-Pedal-Pull Exercise Equipment, Aurora, CO	\$30,075
Fitness Systems, Colorado Springs, CO	\$32,880

All bids are for 6 Treadmills, with sound receivers, 3 years parts and labor warranty, shipping and installation.

There is a \$30,000 line item for fitness equipment in the 2014 budget.

Alignment With Strategic Planning:

The 2013 Citizen survey suggested very high utilization of the Recreation Center. Replacement of equipment ensures we maintain a safe and highly functioning facility.

Actions To Be Taken if Approved:

With the approval of City Council, staff will proceed forward with the ordering of the equipment and the notification that the Treadmills that we have will be offered for sale for individual usage to the highest bidder.

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: January 7, 2014
Subject: Community Development Block Grant Application



Office of the City Clerk

Recommendation:

Staff recommends approving the submittal of the Community Development Block Grant Application to the Department of Local Affairs for the next phase in the 2nd Street Corridor Storm Water Project.

Background:

The City has been working on storm water improvements. In 2012 the City applied for and received CDBG monies to help with the cost of the improvements. This phase of the project is estimated to cost \$1,023,439. The application is requesting \$500,000 with the City matching \$523,439. This project will construct storm water infrastructure improvements in an area that is identified as the 2nd Street Corridor. This project will install 1400 Ln. Ft. of storm drain pipe ranging in size from 54 inches to 18 inches.

Cost:

The estimated cost of the project is \$1,023,439.

Alignment With Strategic Planning:

The Comprehensive Plan states that if population reaches 10,000 the City of Delta will be required to comply with State and Federal wp3 storm water regulations. Staff has planned for long range drainage improvements to address this concern.

Actions To Be Taken if Approved:

The Mayor will sign the application and staff will forward on to DOLA who will review all application submitted and

Attorney Comments



City Manager Comments



Councilmember Comments

