



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**

**July 7, 2015  
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: Special Events Permit Application; Delta Elks Lodge #1235**
- F. Public Hearing: Special Events Permit Application; Delta County Memorial Hospital Foundation**
- G. Public Hearing: Special Events Permit Application; Delta Area Chamber of Commerce**
- H. Special Permit for Temporary Closure; Hoolie's Place**
- I. Retail Liquor Store License Renewal; Moonshine Liquors**
- J. Zoning Amendment/Rezone; JCS Subdivision Ordinance #5, 2015; Second and Final Reading Zoning Amendment for 791 1550 Road**
- K. Consider Authorizing the City Attorney to File a Complaint Against Stantec Consulting, Inc in the Delta County District Court**
- L. City Attorney Comments**
- M. City Manager Comments**
- N. Councilmember Comments**
- O. Executive Session**  
For discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS Section 24-6-402(4)(a).

Item A:

**Pledge of Allegiance**



Item B:

**Changes to the Agenda**

Mayor Ed Sisson called the meeting to order at 8:00 a.m. Also present were Councilmembers Robert Jurca, Mary Cooper, and Ray Penick along with Interim City Manager Glen Black. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**City Manager Interviews**

Council conducted three interviews for the City Manager position.

**Executive Session**

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to convene an Executive Session or discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. All in favor, motion carried.

At 12:56 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 1:20 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Mary Cooper, Robert Jurca, and Ray Penick. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned

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Jolene E. Nelson, CMC, City Clerk

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Robert Jurca, Mary Cooper, and Ray Penick along with Interim City Manager Glen Black. 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**

There were none.

**Minutes**

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the minutes of the June 2, 2015 regular meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Public Hearing: Special Events Permit Application; Delta Elks Lodge #1235**

The Mayor recessed the regular meeting and convened a public hearing.

The Clerk reported that the Delta Elks Lodge #1235 has submitted an application for a special events permit. The application states that they plan to sell liquor at the Delta Elks Lodge on July 11, 2015 from 8:00am to 2:00am. All fees have been paid and the application is complete. A sign was posted at the site as required by law and no comments have been received.

The Mayor called for comment and when there was none he closed the public hearing and reconvened the public hearing.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to approve the special events permit application for the Delta Elks Lodge #1235. All in favor, motion carried.

**Public Hearing: Special Events Permit Application; HopeWest**

The Mayor recessed the regular meeting and convened a public hearing.

The Clerk reported that HopeWest has submitted an application for a special events permit. The application states that they plan to sell liquor at the Bill Heddles Recreation Center on August 22, 2015 from 4:00pm to 12:00am. All fees have been paid and the application is complete. A sign was posted at the site as required by law and no comments have been received.

**Regular Meeting, Delta City Council, June 15, 2015 (cont.)**

**Public Hearing: Special Events Permit Application; HopeWest (cont.)**

The Mayor called for comment and when there was none he closed the public hearing and reconvened the public hearing.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to approve the special events permit application for HopeWest. All in favor, motion carried.

**Hotel/Restaurant Liquor License Renewal; El Tapatio**

The Clerk stated that El Tapatio has submitted their hotel/restaurant liquor license renewal. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the hotel/restaurant liquor license renewal for Delta El Tapatio. All in favor, motion carried.

**Fireworks Permit; Delta Volunteer Fire Department District No. 1**

The Clerk stated that the Delta Volunteer Fire Department District No. 1 has submitted a request for a fireworks permit for their annual 4<sup>th</sup> of July firework show. The clerk as received a certificate of insurance as required.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to approve a fireworks permit for the Delta Volunteer Fire Department. All in favor, motion carried.

**Zoning Amendment/Rezone; J C S Subdivision  
Ordinance #5, 2015; First Reading  
Zoning Amendment for 791 1550 Road**

Interim City Manager Glen Black reported that the Planning Commission held a Public Hearing to review a Zoning Amendment/Rezone Request for 791 1550 Road, J C S Subdivision Lot 1. The applicant is requesting the location be rezoned from A-1 to R-1A. The 2008 Comprehensive Master Plan Future Land Use Map shows the area to be zoned Medium Density Residential, which include the current zoning designations of R1, R-1a and R2. There is a 46.4 acre piece of property across the road and a .26 acre piece of property located to the south of the property (not adjacent) that are currently zoned R-1A. The Planning Commission is recommending City Council approve the Zoning Amendment.

Councilmember Cooper stated that she has no problem with the rezone. However, she has been approached by neighbors in that area regarding the weeds, trash and junk.

Manager Black informed Council that code enforcement has been notified.

**Regular Meeting, Delta City Council, June 15, 2015 (cont.)**

**Zoning Amendment/Rezone; J C S Subdivision  
Ordinance #5, 2015; First Reading  
Zoning Amendment for 791 1550 Road (cont.)**

Ordinance No. 5, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING THE ZONING DESIGNATION OF 791 1550 Road (J  
C S Minor Subdivision, Lot 1) from A-1, Agriculture District to R-  
1A, Residential District

was read by the Clerk.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to adopt Ordinance #5, 2015 on first reading. Roll call vote: Councilmember Cooper, aye; Jurca, aye; Penick, aye and Sisson, aye. Motion carried.

**Ordinance #4, 2015; Second and Final Reading  
Zoning Amendment for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street;  
two of the parcels are not addressed) from B-1 to B-2**

Ordinance #4, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING THE ZONING DESIGNATION OF Block 7, Lots 19-  
26 Original Town of Delta – including 632-640 & 654 Main Street  
from B-1, Business District to B-2, Business District

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to adopt Ordinance #4, 2015 of Second and Final Reading. Roll call vote: Councilmember Cooper, aye; Jurca, aye; Penick, aye and Sisson, aye. Motion carried.

**City Attorney Comments**

There was none.

**City Manager Comments**

Manager Black updated Council on the following meetings he attended:

- Colorado Department of Transportation (CDOT) has pushed back the interconnect/signal reload project until the fall of 2016.
- A joint City and County meeting working with CDOT on the Hwy 50 & Hwy 92 access control plan. There will be a presentation at the August 18<sup>th</sup> Council meeting.
- Region 10 steering committee with Better Cities that is working on the report for the economic study. There is another meeting at the school district office in Reed tomorrow morning.

**Regular Meeting, Delta City Council, June 15, 2015 (cont.)**

**Councilmember Comments**

Mayor Sisson commented on the Veterans of Foreign Wars flag ceremony.

**Executive Session**

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to convene an Executive Session or discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. All in favor, motion carried.

At 7:12 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 7:41 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Mary Cooper, Robert Jurca, and Ray Penick along with Interim City Manager Glen Black. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

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Jolene E. Nelson, CMC, City Clerk

Mayor Ed Sisson called the meeting to order at 6:30 p.m. Also present were Councilmembers Robert Jurca, Mary Cooper, and Ray Penick along with Interim City Manager Glen Black. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Executive Session**

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to convene an Executive Session or discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. All in favor, motion carried.

At 6:30 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 7:46 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Mary Cooper, Robert Jurca, and Ray Penick, along with Interim City Manager Glen Black. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned

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Jolene E. Nelson, CMC, City Clerk

Item D:

Citizen Comments



# MEMO

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To: Mayor and City Council  
From: Jolene Nelson, City Clerk  
Date: July 7, 2015  
Subject: Public Hearing: Delta Elks No. 1235 Special Events Permit



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*Office of the City Clerk*

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## **Recommendation:**

Staff recommends approving the application for a Special Events Liquor Permit to Delta Elks Lodge No. 1235.

## **Background:**

Delta Elks Lodge No. 1235 has submitted an application for a Special Events Liquor Permit for their events on the following dates:

- August 22, 2015 for a Family Back to School Night; from 5:00pm to 1:00am
- September 26, 2015 for the Hunter's Ball; from 5:00pm to 1:00am
- October 31, 2015 for the Halloween Ball; from 6:00pm to 1:00am
- November 22, 2015 for the Holiday Kickoff Event; from 6:00pm to 1:00am

The application is complete and the fees; \$140 to the City and \$100 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

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

- ✓ CHECK ONE:
- SOCIAL
  - FRATERNAL
  - PATRIOTIC
  - POLITICAL
  - ATHLETIC
  - CHARTERED BRANCH, LODGE OR CHAPTER OF A NATIONAL ORGANIZATION OR SOCIETY
  - RELIGIOUS INSTITUTION
  - PHILANTHROPIC INSTITUTION
  - POLITICAL CANDIDATE
  - MUNICIPALITY OWNING ARTS FACILITIES

DO NOT WRITE IN THIS SPACE

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110	<input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170	<input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE  
 LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE  
 Delta Elks Lodge #1235

State Sales Tax Number (Required)  
 04-01745

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
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4. PRES./SECY OF ORG. or POLITICAL CANDIDATE  
 Willie Gordon 1-20-51 707 New Vue St Delta Co 81416 970-778-1810

5. EVENT MANAGER  
 MUFF Husby 12-30-57 301 RIVERSIDE DR Olathe Co 81425 970-209-9023

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?  
 NO  YES HOW MANY DAYS? 5

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?  
 NO  YES TO WHOM? Delta Elk #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	Hours From	To	Date	Hours From	To	Date	Hours From	To	Date	Hours From	To
8-22-15	5:00 P.m.	1:00 A.m.	9-26-15	5:00 P.m.	1:00 A.m.	10-31-15	6:00 P.m.	1:00 A.m.	11-22-15	6:00 P.m.	1:00 A.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: M Husby TITLE: Manager 6-16-15

**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 46, C.R.S., as amended.  
**THEREFORE, THIS APPLICATION IS APPROVED.**

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)  CITY  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

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To: Mayor and City Council  
From: Jolene E. Nelson, CMC, City Clerk  
Date: July 7, 2015  
Subject: Special Events Permit Application;  
Delta County Memorial Hospital Foundation



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*Office of the City Clerk*

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## **Recommendation:**

Staff recommends approving the application for a Special Events Liquor Permit for the Delta County Memorial Hospital Foundation.

## **Background:**

The Delta County Memorial Hospital Foundation has submitted an application for Special Events Liquor Permit for their event to be held at the Lion's Pavilion. The application is for their fund raising event being held on September 12, 2015. The application specifies that they plan to sell alcoholic beverages from 7:00 a.m. to 4:30 p.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 applications, and the Clerk will mail them to the State, who will review them and issue the permits.

# 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 checked="" type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input 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

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE State Sales Tax Number (Required)  
**DELTA COUNTY MEMORIAL HOSPITAL FOUNDATION** **98-00207**

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE  
 (include street, city/town and ZIP)  
**1501 E. 3RD ST  
 DELTA, CO 81416**

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT  
 (include street, city/town and ZIP)  
**CONFERENCE PARK /  
 LIONS PAULICION 81416  
 205 GUNNISON RIVER DR DELTA CO**

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE <b>THELMA STARNER</b>	<b>4-14-34</b>	<b>13583 F RD DELTA, CO 81416</b>	<b>970 874-3342</b>
5. EVENT MANAGER <b>DENNIS DOELER</b>	<b>4-14-53</b>	<b>604 GRAND AVE DELTA, CO 81416</b>	<b>970 874-4996</b>

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

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?  
 NO  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	Hours From	Hours From	Hours From	Hours From
To	To	To	To	To
<b>9-12-15</b>				
From <b>7 a.m.</b>				
To <b>4:30 p.m.</b>				

**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 <b>Paul A. Kalalera</b>	TITLE <b>DELTA COUNTY FOUNDATION LIAISON</b>	DATE <b>06/19/15</b>
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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

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To: Mayor and City Council  
From: Jolene E. Nelson, CMC, City Clerk  
Date: July 7, 2015  
Subject: Delta Area Chamber of Commerce Special Events Permit  
680 1800 Road



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*Office of the City Clerk*

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**Recommendation:**

Staff recommends approving the application for Special Events Liquor Permit for Delta Area Chamber of Commerce.

**Background:**

The Delta Area Chamber of Commerce has submitted an application for Special Events Liquor Permits for their event to be at 680 1800 Road on July 18, 2015. The application specifies that they plan to sell alcoholic beverages from 10:00 a.m. to 12:00 a.m. As Council may recall, a special event permit was approved for this location on this date. The Chamber is now wanting to include arena stands to allow liquor. I contacted the State to change the diagram that was submitted to include that area and was advised the Chamber would have to reapply.

The application is complete and the fees, \$35 to the City, and \$25 to the State for each day, 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 applications, and the Clerk will mail them to the State, who will review them and issue the permits.

# 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 checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC                              | <input type="checkbox"/> PHILANTHROPIC INSTITUTION           |
| <input 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	<input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR	\$25.00 PER DAY
2170	<input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer)	\$10.00 PER DAY

**DO NOT WRITE IN THIS SPACE**

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE  
*Delta Area Chamber of Commerce*

State Sales Tax Number (Required)

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

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT  
 (include street, city/town and ZIP)  
*680 1800 Rd  
 Delta, CO 81416*

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Joshua T. Applegate</i>	<i>6/13/81</i>	<i>637 Howard St. Delta CO 81416</i>	<i>970 250 3977</i>

5. EVENT MANAGER <i>Leslie C. Workman</i>	<i>6/17/83</i>	<i>5942 5825 Rd Olathe CO 81425</i>	<i>303 906-2750</i>
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6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?  
 NO  YES HOW MANY DAYS? 3

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?  
 NO  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	Hours From	Hours From	Hours From	Hours From
To	To	To	To	To
<i>7/18/15</i>				
From <i>10:00 a.m.</i>				
To <i>12:00 a.m.</i>				

**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>Joshua Applegate</i>	TITLE <i>PRESIDENT</i>	DATE <i>6/11/15</i>
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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
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SIGNATURE	TITLE	DATE
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**DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY**

**LIABILITY INFORMATION**

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

# MEMO

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To: Mayor and City Council  
From: Jolene E. Nelson, CMC, City Clerk  
Date: July 7, 2015  
Subject: Special Permit for Temporary Closure Request  
From Hoolie's Place



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*City Clerk*

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## **Recommendation**

It is recommended that the Council approve the special permit for temporary closure request from Hoolie's Place for their event scheduled on July 11, 2015.

## **Background**

Rebecca Angel has submitted a special permit for temporary closure for their Annual Delta Motorcycle Show that is scheduled on July 11, 2015. She is requesting to close the parking lot located at 220 Main Street. The \$25.00 permit fee has been paid as well as the \$50 deposit.

## **Cost**

There is no cost to the City.

## **Alignment With Strategic Planning**

The Delta Municipal Code section 12.10-030 states: "the City Council may grant a special permit for the temporary use or occupation of a street, alley or other public property for civic events, parades, special sales or other events of a public or quasi-public nature."

## **Actions To Be Taken if Approved**

The Mayor will sign the special permit and the Clerk will notify Ms. Angel of the approval.

**City of Delta Special Permit for Temporary Closure  
Or Occupation of Public Right of Way (R.O.W.)**

Date of Application: 6-25-15

PLEASE PRINT OR TYPE

**Event Information:**

Date & Specific Time of Event: July 11, 2015 9Am - 5pm

Location(s) of Event: 220 Main St. Delta, Co

Name and Description of Event: Motorcycle Show

**Applicant:**

Name of Organization, Group, or Individual: Hoolie's - Rebecca Angel

Authorized Contact Person: Rebecca Angel

Mailing Address: 220 Main St., Delta Co. 81416

E-Mail Address: rsangel@tds.net

Phone Number: (Day) 970-874-7060 (Evening) Same

**Special Equipment Needs (power, water etc.):**

none

**The following items have been received by the City of Delta:**

- Application Fee of \$ 25
- Deposit of \$ 50 to be refunded no more than five (5) business days after the permitted event if the Right of Way (R.O.W.) closure area and adjoining property is made clean and litter free by applicant within 24 hours of the event.
- Proof of Special Event Insurance (\$1 million event liability policy).

**Conditions For Use**

1. Sales of food, beverage, and merchandise are not allowed without prior approval of the City.
2. A permit must be issued by the City of Delta Police Department for Beer and Wines to be sold and consumed on designated City property. If alcoholic beverages are to be distributed or sold, applicable State and Local Licenses must be obtained and approval from the City is required to obtain such permits. Permits are not available for distilled Liquor. Exact location of area proposed for sales and consumption of beer and/or wine during subject special event:

City of Delta Special Permit continued

Any authorized City of Delta representative may terminate the event at any time for any good cause and applicant must then immediately vacate. No refund will be given in such event.

**R.O.W. Closure Regulations:**

- No R.O.W. closure may occur in conjunction with any Special Events Liquor License, unless permission is granted by the City Council.
- No R.O.W. may be closed more than ten hours.
- Application must be submitted at least 30 days in advance of event.
- Event must conclude by 11:00 p.m.
- R.O.W. and adjoining walkway, etc. must be cleaned after event by applicant.

Date of R.O.W. Closure: not needed

Start Time of Closure: \_\_\_\_\_ Ending Time of Closure: \_\_\_\_\_

Describe R.O.W. area to be closed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Barricades, cones and signs needed:**

Barricades: \_\_\_\_\_ Signs: \_\_\_\_\_ Cones: \_\_\_\_\_

Time and Date for Delivery: \_\_\_\_\_

Time and Date for Pickup: not needed

**Parade Regulations:**

- Application must be submitted at least 60 days in advance of event.
- Each parade must organize and stage on 9<sup>th</sup> Street from Grand Avenue to Main Street with additional staging area on Main Street from 9<sup>th</sup> Street to 11<sup>th</sup> Street on the East side. The parade must then travel North on Main Street to 4<sup>th</sup> Street, turning off of Main Street, East onto 4<sup>th</sup> Street.
- Throwing candy and other items from moving vehicles is prohibited.

I understand that the City of Delta has no liability and provides no insurance for the protection of the applicant or event spectators. The applicant agrees to save and hold harmless the City and its employees from any and all claims and demands arising out of the use of the permitted areas and will defend any cause of action brought to enforce any such claims or demands against the City and/or its Employees.

Rebecca S. Aug. J  
Signature of Applicant or Representative

6-25-15  
Date

\*\*\*\*\*

The foregoing application for a special permit is hereby granted, subject to all terms, conditions and regulations previously stated and subject to all other applicable City Code regulations.

\_\_\_\_\_  
Mayor of the City of Delta

\_\_\_\_\_  
Date

# MEMO

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To: City Council  
From: Jolene E. Nelson, CMC, City Clerk  
Date: July 7, 2015  
Subject: Retail Liquor Store Renewal; Moonshine Liquors



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*Office of the City Clerk*

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**Recommendation:**

Staff recommends approval of a retail liquor store license renewal for Spirits, Inc. /DBA Moonshine Liquor located at 268 Hwy 92. The Police Department's report and recommendation is attached.

**Background:**

The current liquor license expires September 6, 2015.

**Cost:**

There is no cost to the City to renew the license. The applicant has paid the \$227.50 renewal fee to the State, the City renewal fee of \$97.50 as well as the City liquor occupation tax of \$300.00.

**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	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
<b>Amount Due/Paid</b>	

MOONSHINE LIQUOR  
 268 HWY 92  
 DELTA CO 81416-2044

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 <b>SPIRITS INC</b>		DBA <b>MOONSHINE LIQUOR</b>		
Liquor License # <b>25435970000</b>	License Type <b>Liquor Store (city)</b>	Sales Tax License # <b>25435970000</b>	Expiration Date <b>9/6/2015</b>	Due Date <b>7/23/2015</b>
Street Address <b>268 HIGHWAY 92 DELTA CO 81416-2044</b>				Phone Number <b>(970) 874 4828</b>
Mailing Address <b>268 HWY 92 DELTA CO 81416-2044</b>				
Operating Manager <b>Toni Lackey</b>	Date of Birth <b>12/26/47</b>	Home Address <b>640 Leon St., Delta, CO 81416</b>		Phone Number <b>970-901-0288</b>

1. Do you have legal possession of the premises at the street address above?  YES  NO  
 Is the premises owned or rented?  Owned  Rented\* \*If rented, expiration date of lease 2/23/2017
2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.  YES  NO  
**NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:** If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation.  YES  NO
4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  YES  NO
5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  YES  NO
6. **SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

**AFFIRMATION & CONSENT**

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

Type or Print Name of Applicant/Authorized Agent of Business <b>Toni Lackey</b>	Title <b>president</b>
Signature <i>Toni Lackey</i>	Date <b>11 June 2015</b>

**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

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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of Spirits, Inc.  
DBA: Moonshine Liquors

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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.

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Robert Thomas, Chief of Police

Ordinance No. 5, 2015

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AMENDING THE ZONING DESIGNATION OF 791 1550 Road (J C S Minor Subdivision, Lot 1) from A-1, Agriculture District to R-1A, Residential District.**

WHEREAS, the owners of 791 1550 Road (J C S Minor Subdivision, Lot 1) located in Delta, Colorado have applied for rezoning of their property to a designation that will allow and additional single family homes on the parcel; and

WHEREAS, the City of Delta's Planning Commission, following a proper hearing of the rezoning application, has recommended that the zoning classification for the property be changed, as requested, from their present designation of A-1 to a new designation of R-1A; and

WHEREAS, the Delta City Council finds that the requested zoning change will not be adverse to the public health, safety and welfare and that the request substantially meets the City of Delta, Comprehensive Master Plan and future land use map. Therefore, as previously determined by the City Planning Commission, the requested zoning amendment meets the criteria for zoning changes set forth in Delta Municipal Code Section 17.04.270.

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

**Section 1.** The zoning designation for the property in the City of Delta, Colorado that is specifically described as 791 15.50 Road (J C S Minor Subdivision, Lot 1) is hereby changed from A-1 to R-1A.

**Section 2.** The official zoning map of the City shall be amended as soon as practicable to reflect the zoning change for the subject properties as approved by this ordinance.

ADOPTED ON FIRST READING AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**GLENWOOD SPRINGS OFFICE**  
The Denver Center  
420 Seventh Street, Suite 100  
Glenwood Springs, Colorado 81601  
Telephone (970) 947-1936  
Facsimile (970) 947-1937

**GARFIELD & HECHT, P.C.**  
ATTORNEYS AT LAW  
Since 1975  
[www.garfieldhecht.com](http://www.garfieldhecht.com)

*Nicole Garrimone-Campagna*  
*[ngarrimone@garfieldhecht.com](mailto:ngarrimone@garfieldhecht.com)*

June 30, 2015

**MEMORANDUM**

TO: Delta City Council

FROM: Nicole Garrimone-Campagna, Assistant City Attorney

RE: Stantec Complaint

---

You previously authorized us to send a demand letter to Stantec regarding the truck bypass project. Enclosed is the response letter we received from Stantec, which fails to present any offer of resolution.

Accordingly, we request the City Council's authorization to file and serve a Complaint and Jury Demand against Stantec Consulting, Inc. in the Delta County District Court.

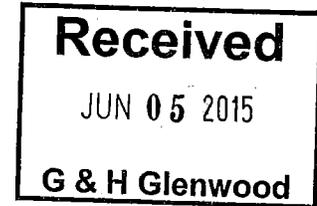
Enclosure (letter from Stantec dated June 3, 2015)



Stantec Consulting Services Inc.  
8160 South Highland Drive Suite A4, Sandy UT 84093-7402

June 3, 2015

**Attention: David H. McConaughy**  
Garfield & Hecht, P.C.  
The Denver Center  
420 Seventh Street, Suite 100  
Glenwood Spring, Colorado 81601



Dear Mr. McConaughy,

**Reference: City of Delta Alternate Truck Route**

This letter is in response to your letter dated May 20, 2015, in which the City has requested that Stantec present an offer to resolve the City's claims against it with respect to the above-referenced project "(the "Project").

As we have previously indicated, the City has not articulated any real exposure regarding Stantec's alleged negligence based upon the facts. Despite repeated requests, the City has failed to provide a demand that will allow us to assess alleged damages and evaluate potential liability before we will agree to participate in mediation.

Feel free to contact me if you have any questions or wish to discuss this matter further.

Regards,

**STANTEC CONSULTING SERVICES INC.**

Cate Bernardo  
Corporate Counsel  
Phone: (801) 943-4144 x 1102  
Fax: (801) 942-1852  
cate.bernardo@stantec.com

Attachment: Invoice numbers 851133 and 863011

c. Justin Clifton, City Manager  
Robb Pratt, Construction Manager  
Glen Black, Interim City Manager

cb document3

Design with community in mind

GLENWOOD SPRINGS OFFICE  
The Denver Center  
420 Seventh Street, Suite 100  
Glenwood Springs, Colorado 81601  
Telephone (970) 947-1936  
Facsimile (970) 947-1937

# GARFIELD & HECHT, P.C.

ATTORNEYS AT LAW

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[www.garfieldhecht.com](http://www.garfieldhecht.com)

*David H. McConaughy, Esq.*  
[dmcconaughey@garfieldhecht.com](mailto:dmcconaughey@garfieldhecht.com)

June 12, 2015

Glen Black  
City of Delta  
360 Main Street  
Delta, CO 81416

Dear Glen,

Our firm is proud to offer superior legal services to public entities such as the City of Delta at rates much lower than those charged to our private clients. My general rate for most local government clients has been \$175 per hour for over 10 years. My private client rate is currently \$405 per hour.

As you know, our original proposal to the City of Delta was for Dave Smith to act as City Attorney. Dave took a job with the local school district last year, and the City Council appointed me as City Attorney in August 2014. At that time, I promised that I would honor Dave's billing rate at \$160 per hour for a year after my appointment, even though it was lower than my already-discounted rate for other municipal clients.

My other primary municipal clients, De Beque and New Castle, authorized a \$10 increase to my general rate effective as of May 1, 2015. Our various special district clients have also approved the increase, and we have been in the process of equalizing our rates for all local government clients of the firm. These clients are located across the Western Slope from Granby to Snowmass Village and from Rangely to Delta. I would like to adjust Delta's rates to be consistent with these other local government clients.

Many of our clients use a two-tiered rate system where there is a lower general rate as well as a slightly higher, but still below-market, rate for work that can be charged back to developers. This allows us to keep the general rate lower.

We are proposing the following hourly rates to be effective as of August 1, 2015:

David McConaughy:	\$185 general work \$225 developer reimbursable work
Haley Carmer:	\$150 general work (no change) \$165 developer reimbursable work
Other associate attorneys:	\$175 general work \$225 developer reimbursable work

The City will not be billed for attorneys' travel time to and from one City Council meeting per month. Travel requested by the City for special board meetings or for other purposes would be billed at ½ the regular hourly rate (i.e., one-way travel, which is a

GARFIELD & HECHT, P.C.

City of Delta  
June 12, 2015  
Page 2

discount from our current arrangement). If two attorneys from our office attend a meeting for the City, we will not bill for the second attorney's time at such a meeting. Mileage will be billed for City-related travel at the IRS rate.

Because the City, a municipal corporation, is our client, we represent only the City and not its elected officials, officers, or staff members. This means it is our duty to place the City's welfare and interests ahead of the interests of any of the individual Councilors, officers, or other staff members. As the attorneys for the City, we cannot ethically conceal a problem we discover in the course of our representation concerning the City or any Councilors, officers, or other staff members relating to the City. Instead, we would be required to disclose that information to the City Council even if that disclosure could be to the detriment of one or more of the elected officials, officers, or other staff members.

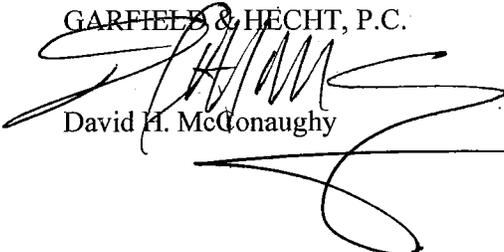
Please be assured we always protect our clients' privacy. In particular, we adhere to professional and ethical standards regarding attorney-client privilege and the confidentiality requirements of the applicable ethics rules. Confidential information may be shared with other attorneys, paralegals, contract attorneys or legal assistants and outside consultants retained on the City's behalf whose services are necessary in the course of our representation. Confidential information may also be disclosed to third parties where such disclosure is implied from the legal services you have requested us to provide.

The City is responsible for reimbursing the firm for expenditures made on its behalf. The City is also responsible for paying promptly for legal services rendered and to pay all expenses incurred in connection therewith, such as long distance, court reporters, data compilation and management, office copying service postage, Federal Express or other overnight carriers, filing and recording fees, secretarial overtime, and the like allocated to City legal matters. As mentioned previously, we may also incur mileage at the applicable IRS rate, lodging, and subsistence expenses for which the City is responsible. In certain matters, we will need to retain consultants, vendors, and experts on the City's behalf, and the City will be responsible for the fees and costs incurred for those services. We will attempt to obtain the City's consent before incurring such costs in excess of \$500, but certain circumstances may make it impracticable to obtain consent before incurring such costs.

Our commitment is to excellence so that we may provide you with the finest legal services available. Please provide this letter to the City Council for consideration at the July 7 meeting, which I plan to attend. We enjoy working for the City and appreciate its continued business.

Very truly yours,

GARFIELD & HECHT, P.C.

  
David H. McGonaghy

Items: I, J & K

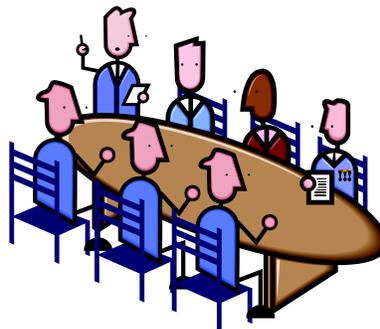
Attorney Comments



City Manager Comments



Councilmember Comments



**Item O:**

**Executive Session:**

For discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS Section 24-6-402(4)(a).