



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**

**November 3, 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. Club Liquor License Renewal; BPOE Lodge No 1235**
- G. Hotel/Restaurant Liquor License Renewal; Fiesta Vallarta**
- H. Hotel/Restaurant Liquor License Renewal and Report of Changes;
Devil's Thumb Golf Club**
- I. Report of Changes; El Tapatio**
- J. Retail Liquor Store License Renewal; Grand Valley Liquors**
- K. Announcement of City Manager Finalists**
- L. City Attorney Comments**
- M. City Manager Comments**
- N. Councilmember Comments**
- O. Executive Session – Litigation Update**
For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e).

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 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 Jurca and seconded by Councilmember Penick to approve the minutes of the October 6, 2015 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Public Hearing: Hotel/Restaurant Liquor License; Fiesta Vallarta Paonia, Inc.

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

The Clerk reported that Fiesta Vallarta Paonia, Inc. has submitted a Hotel/Restaurant Liquor License. She stated that the following are the findings after review of the application:

- The owner of Fiesta Vallarta Paonia, Inc. is Felix Barron-Jimenez.
- Mr. Barron-Jimenez has been subject to a criminal records check through the Colorado Bureau of Investigation and no record was found.
- The location of the business is 350 Stafford Lane, Suite 3512 & 3513 in Delta.
- There has not been a denial of an application for a Hotel/Restaurant Liquor License at the location for which the application is made.
- The applicant has provided proof of possession of the premises that is proposed to be licensed.
- Selling Spirituous liquors in the manner proposed in the application is not in violation of the zoning, fire, and other applicable laws of the City of Delta, or any laws, rules or regulations of the City/County Health Department or the laws of the State of Colorado. The applicant has been in contact with the City's Community Development Department.
- The property does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
- A sign was posted at the site as required by law.
- A public notice was in the Delta County Independent as required by law.
- A petition was submitted for the needs and desires.

Regular Meeting, Delta City Council, October 20, 2015 (cont.)

Public Hearing: Hotel/Restaurant Liquor License; Fiesta Vallarta Paonia, Inc. (cont.)

- Within the corporate limits of the City of Delta, there are the following existing liquor outlets:
 - Beer and Wine 1
 - Club 1
 - Hotel & Restaurant 9
 - Retail Liquor Store 6
 - Tavern 3
 - 3.2% Beer Off Premises 4
 - 3.2% Beer On Premised 1

The Clerk stated that Aaron Clay, representing the applicant, is present to answer any questions Council may have.

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

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the application for a Hotel/Restaurant Liquor License for Fiesta Vallarta Paonia, Inc. dba Sol Margaritas. All in favor, motion carried.

Transfer of Ownership: Tavern Liquor License; K&L Enterprises Corporation

The Clerk explained that K&L Enterprises Corporation has submitted a Transfer of Ownership application for Throttle and Spur Saloon's Tavern Liquor License. She stated that K&L Enterprises, LLC changed to a Corporation therefore requiring the transfer. The following are the findings after review of the application:

- The owners of K&L Enterprise Corporation are Kenneth McClain and Laura Smith.
- Mr. McClain has been subject to a criminal records check through the Colorado Bureau of Investigation and no record was found. Ms. Smith was not required to have a background investigation.
- The location of the business is 1410 Valley View Drive, Suite 190 in Delta.
- There has not been a denial of an application for a Tavern Liquor License at the location for which the application is made.
- The applicant has provided proof of possession of the premises that is proposed to be licensed.
- Selling Spirituous liquors in the manner proposed in the application is not in violation of the zoning, fire, and other applicable laws of the City of Delta, or any laws, rules or regulations of the City/County Health Department or the laws of the State of Colorado. The applicant has been in contact with the City's Community Development Department.
- The property does not appear to be within 500 feet from any public or parochial school or the principal campus of any college, university or seminary.
- Within the corporate limits of the City of Delta, there are the following existing liquor outlets:
 - Beer and Wine 1
 - Club 1
 - Hotel & Restaurant 9

Regular Meeting, Delta City Council, October 20, 2015 (cont.)

Transfer of Ownership: Tavern Liquor License; K&L Enterprises Corporation (cont.)

- Retail Liquor Store 6
- Tavern 3
- 3.2% Beer Off Premises 4
- 3.2% Beer On Premises 1

It was moved by Councilmember Cooper and seconded by Councilmember Raley to approve the transfer of ownership for a Tavern Liquor License for K&L Enterprises Corporation. All in favor, motion carried.

Resolution #3, 2015; MEAN Appointments

Utilities Director Steve Glammeyer recommended that Council approve the resolution being presented to appoint Adam Suppes as Director and himself as alternate director for the MEAN Board. He explained that Mr. Suppes has been attending the meetings and it is appropriate to make him Director for the MEAN board. MEAN requires a resolution be passed making the appointments.

Resolution #3, 2015

Member Resolutions for Appointments to Board of Directors
of the Municipal Energy Agency of Nebraska.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to adopt Resolution #3, 2015. Roll call vote: Councilmember Cooper, aye; Raley, aye; Jurca, aye; Penick, aye and Sisson, aye. Motion carried.

City Attorney Comments

There were none.

City Manager Comments

City Manager Glen Black stated that Gary Suiter with the Mercer Group has received 45 applications for the City Manager position. He will be preparing a short list for Council and would like to set a meeting to review those applications. He presented a few possible dates that Mercer Group would be available. He also presented dates to conduct the interviews.

There was consensus amongst Council to have a special meeting with Mercer Group to review the applications on October 29th, 2015 at 5:00pm and to hold the interviews on November 23rd and 24th.

Manager Black updated Council on the grant that was awarded for broadband.

Councilmember Comments

Councilmember Cooper stated that she is grateful to see the City Manager search moving forward.

Regular Meeting, Delta City Council, October 20, 2015 (cont.)

Councilmember Comments (cont.)

Councilmember Raley thanked staff for their work on the budget.

The meeting was adjourned at 7:14 p.m.

Jolene E. Nelson, CMC, City Clerk

Item D:

Citizen Comments



MEMO

To: Mayor and City Council
From: Jolene Nelson, CMC, City Clerk
Date: November 3, 2015
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.

Background:

Delta Elks Lodge No. 1235 has submitted an application for a Special Events Liquor Permit for their event on the November 21, 2015 for the Holiday Kickoff Event; from 6:00pm to 1:00am.

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

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

DO NOT WRITE IN THIS SPACE

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
 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
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE WILLIE GORPON		707 NuVue St Delta Co 81416	970-778-1810
5. EVENT MANAGER MUFF Husby		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? 9

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
11-21-15	12 P.m.	2 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

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) 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

To: City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: November 3, 2015
Subject: Club Liquor License Renewal –
BPOE Lodge No 1235



Office of the City Clerk

Recommendation:

Staff recommends approval of the Club Liquor License Renewal for BPOE Lodge No 1235, located at 563 Main Street. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires December 30, 2015.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$308.75 renewal fee to the State, the City renewal fee of \$116.25 as well as the City liquor occupation tax of \$200.

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

BPOE LODGE NO 1235
 563 MAIN ST
 DELTA CO 81416-1817

Fees Due	
Renewal Fee	\$308.75
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

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 BPOE LODGE NO 1235		DBA BPOE LODGE NO 1235		
Liquor License # 04017450001	License Type Club License (city)	Sales Tax License # 04017450001	Expiration Date 12/30/2015	Due Date 11/15/2015
Street Address 563 MAIN ST DELTA CO 81416-1817				Phone Number 970 874 3624
Mailing Address 563 MAIN ST DELTA CO 81416-1817				
Operating Manager Martha Husby	Home Address 301 Riverside Dr Olathe Co 81425	Phone Number 970-209-9023		

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

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

Type or Print Name of Applicant/Authorized Agent of Business Martha Husby	Title Manager
Signature <i>M Husby</i>	Date 10-20-15

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

MEMO

To: City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: November 3, 2015
Subject: Hotel/Restaurant Liquor License Renewal for
Fiesta Vallarta Delta, Inc.



Office of the City Clerk

Recommendation:

Staff recommends approval of the Hotel/Restaurant Liquor License Renewal for Fiesta Vallarta Delta, Inc. located at 447 Main Street. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires November 28, 2015.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$500 renewal fee to the State, the City renewal fee of \$150 as well as the City liquor occupation tax of \$400.

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	500.00

FIESTA VALLARTA DELTA
 447 MAIN ST
 DELTA CO 81416-1816

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 FIESTA VALLARTA DELTA INC		DBA FIESTA VALLARTA DELTA		
Liquor License # 12684120000	License Type Hotel & Restaurant (city)	Sales Tax License # 12684120000	Expiration Date 11/28/2015	Due Date 10/14/2015
Street Address 447 MAIN ST DELTA CO 81416-1816				Phone Number (970) 874 6877
Mailing Address 447 MAIN ST DELTA CO 81416-1816				
Operating Manager Alfredo Gomez	Home Address 604 Ray Ct, Delta, CO 81416	Phone Number 970-874-6877		

- 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 12-31-16
- 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 <u>Felipe Bedoy H.</u>	Title <u>Ass. of Manager</u>
Signature <u>Felipe Bedoy H.</u>	Date <u>10-19-15</u>

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 Fiesta Vallarta Delta, Inc.
DBA: Fiesta Vallarta Delta

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.

Charles Kettle, Interim Chief of Police

MEMO

To: City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: November 3, 2015
Subject: Hotel/Restaurant Liquor License Renewal for Devil's Thumb Golf Club



Office of the City Clerk

Recommendation:

Staff recommends approval of the Hotel/Restaurant Liquor License Renewal for Devil's Thumb Golf Club located at 9900 Devil's Thumb Road. The Police Department's report and recommendation is attached. Staff is also recommending approval of the Report of Changes for the Manager Registration.

Background:

The current liquor license expires December 19, 2015.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$500 renewal fee to the State, the City renewal fee of \$150 as well as the City liquor occupation tax of \$400.

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**

DEVIL'S THUMB GOLF CLUB
 360 MAIN ST
 DELTA CO 81416

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	
Optional Premise \$100 x <input checked="" type="checkbox"/>	100.00
Related Resort \$75 x _____	
Amount Due/Paid	\$ 600.00

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 CITY OF DELTA		DBA DEVIL'S THUMB GOLF CLUB		
Liquor License # 4702249	License Type Hotel & Restaurant / Optional (city)	Sales Tax License # 04050920004	Expiration Date 12/19/2015	Due Date 11/4/2015
Street Address 9900 DEVIL'S THUMB ROAD DELTA CO 81416				Phone Number (970) 874 7566
Mailing Address 360 MAIN ST DELTA CO 81416				
Operating Manager KEV BROWN	Date of Birth	Home Address		Phone Number

- 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 _____
- 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 Wilma E. Erven	Title Director
Signature Wilma E. Erven	Date 10-27-15

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 City of Delta
DBA: Devil's Thumb Golf Club

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.

Charles Kettle, Interim Chief of Police

PERMIT APPLICATION AND REPORT OF CHANGES

CURRENT LICENSE NUMBER 4702249

ALL ANSWERS MUST BE PRINTED IN BLACK INK OR TYPEWRITTEN

LOCAL LICENSE FEE \$ 600.00

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

1. Applicant is a <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership..... <input type="checkbox"/> Limited Liability Company	PRESENT LICENSE NUMBER 4702249
---	--

2. Name of Licensee City of Delta	3. Trade Name Devil's Thumb Golf Club
--------------------------------------	--

4. Location Address
 9900 Devil's Thumb Road

City Delta	County Delta	ZIP 81416
---------------	-----------------	--------------

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

Section A – Manager reg/change	Section C
• License Account No. <u>4702249</u> 1983-750 (999) <input checked="" type="checkbox"/> Manager's Registration (Hotel & Restr.)..\$75.00 2012-750 (999) <input type="checkbox"/> Manager's Registration (Tavern).....\$75.00 <input type="checkbox"/> Change of Manager (Other Licenses) NO FEE	2210-100 (999) <input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00 2200-100 (999) <input type="checkbox"/> Wholesale Branch House Permit (ea).... 100.00 2260-100 (999) <input type="checkbox"/> Change Corp. or Trade Name Permit (ea) .50.00 2230-100 (999) <input type="checkbox"/> Change Location Permit (ea)..... 150.00 2280-100 (999) <input type="checkbox"/> Change, Alter or Modify Premises \$150.00 x _____ Total Fee _____
Section B – Duplicate License	
• Liquor License No. _____ 2270-100 (999) <input type="checkbox"/> Duplicate License\$50.00	2220-100 (999) <input type="checkbox"/> Addition of Optional Premises to Existing H/R \$100.00 x _____ Total Fee _____ 1988-100 (999) <input type="checkbox"/> Addition of Related Facility to Resort Complex \$75.00 x _____ Total Fee _____

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

DATE LICENSE ISSUED	LICENSE ACCOUNT NUMBER	PERIOD
---------------------	------------------------	--------

-750 (999)	-100 (999)	The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.	TOTAL AMOUNT DUE	\$ _____ .00
-------------------	-------------------	---	-----------------------------	--------------

STORAGE PERMIT

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

Retail Warehouse Permit for:

- On-Premises Licensee (Taverns, Restaurants etc.)
- Off-Premises Licensee (Liquor stores)

Wholesalers Branch House Permit

Address of storage premise: _____

City _____, County _____, Zip _____

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

CHANGE TRADE NAME OR CORPORATE NAME

6. Change of Trade Name or Corporation Name

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

Old Trade Name	New Trade Name
Old Corporate Name	New Corporate Name

CHANGE OF LOCATION

7. Change of Location

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

Date filed with Local Authority _____ **Date of Hearing** _____

(a) Address of current premises _____

City _____ County _____ Zip _____

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

Address _____

City _____ County _____ Zip _____

(c) New mailing address if applicable.

Address _____

City _____ County _____ State _____ Zip _____

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

CHANGE OF MANAGER	<p>8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only)</p> <p>Former manager's name <u>Robert Sanders</u></p> <p>New manager's name <u>Ken Brown</u></p> <p>(b) Date of Employment <u>02/23/2015</u></p> <p>Has manager ever managed a liquor licensed establishment?..... Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Does manager have a financial interest in any other liquor licensed establishment?..... Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, give name and location of establishment _____</p>
-------------------	--

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

OATH OF APPLICANT

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

Signature <i>Wilma E. Erwen</i>	Title <i>Director</i>	Date <i>10-27-15</i>
------------------------------------	--------------------------	-------------------------

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

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

Local Licensing Authority (City or County)	Date filed with Local Authority
--	---------------------------------

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

REPORT OF STATE LICENSING AUTHORITY

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

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

MEMO

To: City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: November 3, 2015
Subject: Report of Changes; El Tapatio



Office of the City Clerk

Recommendation:

Staff recommends approval of the Report of Changes that has been submitted.

Background:

El Tapatio is changing their registered manager and therefore has submitted a report of changes.

Cost:

There is no cost to the City. The applicant has paid the \$75.00 renewal fee to the State.

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 report of changes and the Clerk will mail it to the State.

STORAGE PERMIT

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

Retail Warehouse Permit for:

On-Premises Licensee (Taverns, Restaurants etc.)

Off-Premises Licensee (Liquor stores)

Wholesalers Branch House Permit

Address of storage premise: _____

City _____, County _____, Zip _____

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

CHANGE TRADE NAME OR CORPORATE NAME

6. Change of Trade Name or Corporation Name

Change of Trade name / DBA only

Corporate Name Change (Attach the following supporting documents)

1. Certificate of Amendment filed with the Secretary of State, or
2. Statement of Change filed with the Secretary of State, and
3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.

Old Trade Name	New Trade Name
Old Corporate Name	New Corporate Name

CHANGE OF LOCATION

7. Change of Location

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

Date filed with Local Authority _____ **Date of Hearing** _____

(a) Address of current premises _____

City _____ County _____ Zip _____

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

Address _____

City _____ County _____ Zip _____

(c) New mailing address if applicable.

Address _____

City _____ County _____ State _____ Zip _____

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

CHANGE OF MANAGER	<p>8. Change of Manager or to Register the Manager of a Tavern or a Hotel and Restaurant liquor license.</p> <p>(a) Change of Manager (attach Individual History DR 8404-I H/R and Tavern only) Former manager's name <u>BLANCA RUTH DELCRO ROMERO</u> New manager's name <u>CESAR VELAZQUEZ</u></p> <p>(b) Date of Employment <u>05/16/2015</u> Has manager ever managed a liquor licensed establishment?..... Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Does manager have a financial interest in any other liquor licensed establishment?..... Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, give name and location of establishment _____</p>
-------------------	---

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

OATH OF APPLICANT

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

Signature <u>CESAR VELAZQUEZ</u>	Title <u>MANAGER</u>	Date <u>10/16/15</u>
-------------------------------------	-------------------------	-------------------------

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

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

Local Licensing Authority (City or County)	Date filed with Local Authority
Signature	Title

REPORT OF STATE LICENSING AUTHORITY

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

Signature	Title	Date

MEMO

To: City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: November 3, 2015
Subject: Retail Liquor Store Renewal –
Grand Valley Liquors



Office of the City Clerk

Recommendation:

Staff recommends approval of the Retail Liquor Store License Renewal for Grand Valley Liquors, located at 750 Main Street. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires December 5, 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.

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

GRAND VALLEY LIQUORS
 766 MAIN ST
 DELTA CO 81416-1828

Fees Due	
Renewal Fee	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

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 GRAND VALLEY CONVENIENCE STORE LLC		DBA GRAND VALLEY LIQUORS		
Liquor License # 40926720000	License Type Liquor Store (city)	Sales Tax License # 40926720000	Expiration Date 12/5/2015	Due Date 10/21/2015
Street Address 750 MAIN ST DELTA CO 81416-1828				Phone Number (970) 471 3424
Mailing Address 766 MAIN ST DELTA CO 81416-1828				970 874 9621
Operating Manager Livia Asavei	Home Address 638 Meeker Delta Co 81416/970	Phone Number 874-9621		

1. Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____

2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.

3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO

4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO

5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO

6. **SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

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

Type or Print Name of Applicant/Authorized Agent of Business Livia Asavei	Title Owner
Signature <i>Livia Asavei</i>	Date 10.22.15

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

City of



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Grand Valley Convenience Store LLC
DBA: Grand Valley Liquors

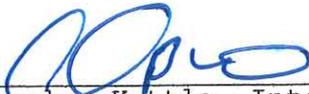
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Charles Kettle, Interim Chief of Police

Item K:

City Manager Finalists



Items: L, M & N

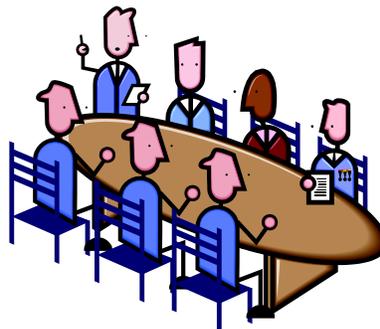
Attorney Comments



City Manager Comments



Councilmember Comments



Item O:

Executive Session – Litigation Update:

For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) and for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e).