



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**

**June 7, 2016
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Presentation from Hannah Owens Regarding Youth Council**
- F. Delta County Volunteer Fire Department's Request for the Annual 4th of July Fireworks**
- G. Public Hearing: Sales and Use Tax License; Ken's Pit Stop**
- H. Public Hearing: Tavern Liquor License; The Chicken Roost, LLC**
- I. Street Closure Permit; Delta Area Chamber of Commerce**
- J. Ordinance #5, 2016; Second and Final Reading
Rezone of 618 & 620 Bridge Street**
- K. City Attorney Comments**
- L. City Manager Comments**
- M. Councilmember Comments**
- N. Executive Session**
For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions (pending litigation update) 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 Ron Austin, Gerald Roberts and Christopher Ryan along with Acting City Manager Steve Glammeyer. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

The Clerk stated that the consideration to authorize filing a lawsuit can be removed.

Minutes

It was moved by Councilmember Roberts and seconded by Councilmember Austin to approve the minutes of May 3, 2016 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Authorization of Letter to Governor Requesting a Veto on HB16-1309

The Clerk stated that this comes as a recommendation of the City Attorney.

It was moved by Councilmember Austin and seconded by Councilmember Ryan to authorize the Mayor to sign a letter to the Governor requesting a veto on HB16-1309. All in favor, motion carried.

Ordinance #5, 2016: First Reading
Rezone of 618 & 620 Bridge Street

Ordinance No. 5, 2016

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING THE ZONING DESIGNATION 618 and 620 BRIDGE
STREET FROM MHR TO I

was read by the Clerk.

Community Development Director Glen Black stated that Planning Commission held a public hearing on a request for a zoning amendment for property addressed as 618 and 620 Bridge Street on May 2, 2016. The zoning amendment requests that the current Mobile Home Residential (MHR) be changed to Industrial (I). Planning Commission is recommending approval with the requirement that screening be installed along the street frontage and between existing residential areas.

Regular Meeting, Delta City Council, May 17, 2016 (cont.)

**Ordinance #5, 2016; First Reading
Rezone of 618 & 620 Bridge Street (cont.)**

Mr. Black presented the applicable Delta Municipal Code.

There was discussion regarding the fencing requirement.

It was moved by Councilmember Roberts and seconded by Councilmember Austin to adopt Ordinance #5, 2016 on first reading. Roll call vote: Councilmembers Roberts, aye; Austin, aye; Ryan, aye; and Sisson, aye. Motion carried.

City Attorney Comments

There were none.

City Manager Comments

There were none.

Councilmember Comments

Councilmember Austin recognized the Delta High School baseball. He commented on a meeting he attended with Delta County Economic Development.

The meeting was adjourned at 7:07 p.m.

Jolene E. Nelson, CMC, City Clerk

Item D:

Citizen Comments



Item E:

Presentation from Hannah Owens Regarding Youth Council



MEMO

To: City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: June 7, 2016
Subject: Fireworks Permit; Delta Volunteer Fire Department



Office of the City Clerk

Recommendation:

Staff recommends approval of the request from the Delta Volunteer Fire Department to conduct their annual 4th of July fireworks show at Confluence Park.

Background:

The Delta Volunteer Fire Department has submitted a request to conduct their annual 4th of July fireworks show. This event will be held on the 4th of July at Confluence Park. They have submitted proof of insurance as required by the Delta Municipal Code.

Cost:

Staff does provide dumpsters for the event. We also provide one staff member to operate equipment to help with setup.

Alignment With Strategic Planning:

The Delta Municipal Code Section 8.28.010B it states “No fireworks display may be conducted without the approval of the City Council.”

Actions To Be Taken if Approved:

Should Council approve the request, the Clerk will issue a permit to the Delta Volunteer Fire Department

CITY OF DELTA

NOTICE OF HEARING

In the matter of)
 the revocation of) **NOTICE OF HEARING**
 the Delta Municipal Sales and Use Tax License of)

Kens Pit Stop
 188 Gunnison River Drive
 Delta, Colorado 81416

SALES & USE TAX LICENSE #1738

To: Kenneth Wood

You are hereby notified that a hearing will be held before the Delta City Council at 360 Main Street, Delta, Colorado on the 7th, day of June 2016 at 7:00 PM. The purpose of this hearing is to determine whether your license to engage in the business of selling at retail should be revoked. The hearing has been called, because there is probable cause to believe that you are in violation of provisions of the Delta Municipal Sales and Use Tax Ordinance as found in Chapter 3.04 of the Delta Municipal Code.

Specifically, there is probable cause that:

You have been delinquent in filing returns or paying the sales tax, penalty and interest due, in accordance with the Delta Municipal Sales and Use Tax Ordinance for the period(s) of January 2015, February 2015, April 2015 through October 2015 and January 2016 through March 2016 .

You may appear at the hearing to show cause why your license should not be suspended or revoked. You may be represented by counsel at the hearing. You may testify on your own behalf or present other witnesses, and shall have the right to cross-examine any adverse witnesses. Subpoenas will be issued if requested.

Issued this 18th, day of May 2016 in the City of Delta, Colorado.

CITY OF DELTA, COLORADO


 Tod DeZeeuw, Finance Director

The undersigned states that a copy of the within NOTICE OF HEARING was served upon

Kens Pit Stop by handing him and/or her a copy or leaving a copy
 hereof with Kenneth Wood on 05/18/16 @ 0909
 at 339 Main Street Delta, CO 81416

Chief Charles Kettle,
 Serving Officer



MEMO

To: Mayor and City Council
From: Jolene E. Nelson, City Clerk
Date: June 7, 2016
Subject: Tavern Liquor License;
The Chicken Roost, LLC dba The Chicken Roost



Office of the City Clerk

Background:

The Chicken Roost, LLC dba The Chicken Roost has applied for a Tavern Liquor License. The application was filed on April 7, 2016. A public hearing was set for June 7, 2016 at 7:00pm. A notice of the public hearing was posted at the site and was published in the Delta County Independent as required by law.

The applicant will be represented by Aaron Clay at the hearing. The application is attached.

Cost:

There is no cost to the City. The applicant has paid the \$1200 fee to the State and the City fee of \$250 and the City's \$400 liquor occupation tax.

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 should Council approve the request.

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years? Yes No

8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):

(a) Been denied an alcohol beverage license?

(b) Had an alcohol beverage license suspended or revoked?

(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?

If you answered yes to 8a, b or c, explain in detail on a separate sheet.

9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.

10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?

Waiver by local ordinance? or

Other: _____

11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any current financial interest in said business including any loans to or from a licensee.

12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?

Ownership Lease Other (Explain in Detail) 3-31-2019 cm

a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:

Landlord	Tenant	Expires
<u>Chicken Enterprises LLC</u>	<u>The Chicken Roast LLC</u>	<u>3-31-2019</u>

b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.

c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".

13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.

Last Name	First Name	Date of Birth	FEIN or SSN	Interest/Percentage

Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.

14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises:
Has a local ordinance or resolution authorizing optional premises been adopted?

Number of additional Optional Premise areas requested. (See license fee chart)

15. Liquor Licensed Drug Store applicants, answer the following:
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy?
If "yes" a copy of license must be attached.

16. Club Liquor License applicants answer the following: **Attach a copy of applicable documentation**

(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?

(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?

(c) How long has the club been incorporated?

(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?

17. Brew-Pub License or Vintner Restaurant Applicants answer the following:
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)

18a. For all on-premises applicants.
(If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-I)

Last Name of Manager <u>Menzel</u>	First Name of Manager <u>Cydne</u>
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18b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.

Name	Type of License	Account Number

19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?

If yes, provide an explanation and include copies of any payment agreements.

20. If applicant is a corporation, partnership, association or limited liability company, applicant must list all **Officers, Directors, General Partners, and Managing Members**. In addition, applicant must list any stockholders, partners, or members with **ownership of 10% or more in the Applicant**. All persons listed below must also attach form DR 8404-I (Individual History Record), and submit fingerprint cards to the local licensing authority.

Name <i>Tammy M. Murray</i>	Home Address, City & State <i>1410 Valley View Dr #316</i>	DOB [REDACTED]	Position <i>Owner</i>	% Owned <i>100</i>
Name	Home Address, City & State <i>Delta, CO 81416</i>	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:
 Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant, and does not have ownership in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.

Oath Of Applicant

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

Authorized Signature 	Printed Name and Title <i>Owner</i>	Date <i>4-7-16</i>
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Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority <i>4/7/2016</i>	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.)
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The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

Been fingerprinted

Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)

Date of inspection or anticipated date _____

Will conduct inspection upon approval of state licensing authority

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

Local Licensing Authority for <i>City of Delta</i>	Telephone Number <i>9708747902</i>	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date
Signature (attest)	Print	Title	Date

MEMO

To: Mayor and City Council
From: Jolene Nelson, CMC, City Clerk
Date: June 7, 2016
Subject: Delta Area Chamber of Commerce Street Closure;
Deltarado Days



Office of the City Clerk

Recommendation:

It is recommended that the Council approve the Delta Area Chamber of Commerce's application for street closure permit.

Background:

The Delta Area Chamber of Commerce is requesting the following street closure for the Deltarado Days Parade. The previously received a permit for Main Street and in now requesting 9th Street between Main and Grand Ave as well as Grand Ave between 8th and 10th Streets. This is to help with safety as they line up the floats along Grand Ave.

Cost:

There is no cost to the City to approve the permits.

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 permits and the Clerk will notify the Chamber of the approval.

Ordinance No. 5, 2016

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AMENDING THE ZONING DESIGNATION 618 and 620 Bridge Street from MHR TO I

WHEREAS, the owners of 618 and 620 Bridge Street located in Delta, Colorado have applied for rezoning of their property to a designation that will allow for storage and repair of automobiles 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 the present designation of MHR to a new designation of I; 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 previous zoning was erroneous. 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 618 and 620 Bridge Street be changed from MHR to I District.

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 _____, 2016.

Mayor

ATTEST:

City Clerk

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED this ____ day of _____, 2016.

Mayor

ATTEST:

City Clerk

Items: K, L & M

Attorney Comments



City Manager Comments



Councilmember Comments



Item N:

Executive Session:

For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions (pending litigation update) 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).