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

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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**  
**Amended**

**Delta City Council**  
**Regular Meeting**

**September 20, 2011**  
**7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: Special Events Permit; Delta Area Chamber of Commerce (Nelson)**
- F. Parade Permit; Delta High School Homecoming Parade (Nelson)**
- G. Retail Liquor Store License Renewal; Moonshine Liquor (Nelson)**
- H. Resolution #5, 2011; Construction of the Delta Welcome Center (Erven)**
- I. City Attorney Comments**
- J. City Manager Comments**
- K. Councilmember Comments**

**EXECUTIVE SESSION**

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); or more specifically for discussions regarding Confluence Drive.

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Guy Pfalzgraff, and Ed Sisson, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. 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 Sisson to approve the minutes of August 16, 2011 as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Request to Disconnect Part of Jennings Landing No. 3**

Community Development Director Glen Black reported that this property is located near Sweitzer's Lake. Aaron Clay is present who is representing the property owner. Mr. Black explained that Jennings Landing No. 3 was annexed in May of 2007 and that the addition was subsequently zone R-2. The property is currently being used for agriculture purposes. The property owner has completed a Development and Land Use Application indicating their desire to disconnect from the City of Delta. The request to disconnect includes the three privately owned parcels located south of E Road. To create contiguity to City boundaries, the annexation of Jennings Landing No 3 included all of E Road and a portion of Highway 50. Staff recommends requiring the disconnect map to include all of E Road and part of Highway 50.

Staff has discussed this and looked at the importance to the City. During those discussions staff did not see any reasons to keep the property in the City.

Mr. Black explained that Council has not adopted a fee for disconnect application and review. He suggested that Council imposed a fee for staff and City Attorney review. The current fee to consider an annexation request is \$300.00 and staff feels that a similar fee would be appropriate to cover the City's costs for this review. At this time staff would like Council to direct them on how they wish to proceed.

Councilmember Raley questioned what the investment that the City has in this property.

Director Black stated that the infrastructure was not completed. There are no City facilities on the property at this point. He explained that the City is responsible for maintaining the road and providing police protection.

Mayor Cooper questioned if it will affect the lines serving the Vo-tech.

Mr. Black stated it would not affect those lines.

Manager Kerby asked if there have been conversations with the County.

Mr. Black stated that they have not had conversations with any others. Staff wanted to see which direction Council wanted to proceed before those conversations took place.

City Attorney Michael Schottelkotte commented that disconnecting is governed by state statute and informed Council of the pertinent language.

Councilmember Pfalzgraff stated that he is concerned about unintended consequences that could impact the ability to expand the city limits when it would be necessary to expand. He also stated that it would help get some out of the loop as far as potential to annex in the City. He

## **Regular Meeting, Delta City Council, September 6, 2011 (Cont.)**

### **Request to Disconnect Part of Jennings Landing No. 3 (cont.)**

doesn't believe this is necessary at this point. It may also have the potential to open up more de-annexing issues.

Mayor Cooper questioned what the reasoning is for disconnecting.

Mr. Clay reported that his client has realized that in the current economy this property is not going to be developed. It is not feasible to have a piece of property in the City that is going to be agriculture use only. This will change his tax status because is not in the City. The main reason is to keep it agriculture property.

There was discussion amongst Council regarding the reasons to disconnect this property.

Manager Kerby reminded Council that there are no fees established for disconnecting and that Council would need to consider how to proceed with that fee.

Mr. Black indicated he would like a consensus including the fee.

Mayor Cooper stated that there is a four out of five consensus.

Mr. Kerby questioned if the current owner has any potential of developing this property.

Mr. Clay stated that this property is not going to get developed. The property will be sold as agriculture. It is not the intention of the applicant to go to the County because it's easier to develop.

### **Purchase of a Van for Public Works**

Fleet Manager Rod Myers explained that the City's DOC van was involved in an accident recently and the insurance companies have determined the vehicle to be a total loss. The insurance company is going pay the City \$6800 for the current value of the vehicle. Mr. Myers explained that staff solicited bids to replace the van and explained the bids that were received. The money is available in the 2011 vehicle replacement fund for the balance of this purchase.

Councilmember Raley commented that he usually recommends buying local when the City can. However, if the bid is extensively different in pricing then we need to consider the bid.

There was discussion regarding the specs of the vehicle and the bids that were received.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to purchase a new 15 passenger van for the public works department to be used for transporting the DOC crew in the amount of \$23,300 as through the state bid process from Heritage Ford in Loveland, Colorado. All in favor, motion carried.

### **Vacation of 6<sup>th</sup> & 7<sup>th</sup> Streets per Contract with Producers Coop**

Attorney Schottelkotte reported that this is part of the Olathe Producers Coop contract. He explained the requirement in the contract to vacate 6<sup>th</sup> and 7<sup>th</sup> Streets. He also explained the law governing the ability to do the vacation.

Brad Rodenberg with Transportation Resource Services stated that the City needs to reserve utility easements down the street. He reported that the reason they requested this is to allow them to maneuver their large vehicles.

Mr. Schottelkotte stated that the City may also want to consider the alley between 6<sup>th</sup> and 7<sup>th</sup> Street.

There was discussion regarding the alley.

There was consensus amongst Council to have the City Attorney start the process on the vacation of 6<sup>th</sup> and 7<sup>th</sup> Street to include the alley.

## **Regular Meeting, Delta City Council, September 6, 2011 (Cont.)**

### **Hotel and Restaurant Liquor License Renewal: Gabriela's Family Mexican Restaurant**

The Clerk explained that Gabriela's Family Mexican Restaurant has submitted their Hotel and Restaurant Liquor License renewal application. She reported that the application is complete and all fees have been paid. The Police Department has recommended renewal.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the hotel and restaurant liquor license for Gabriela's Family Mexican Restaurant. All in favor, motion carried.

### **Patriot's Day Proclamation**

Mayor Cooper read the proclamation.

### **City Attorney Comments**

There were none.

### **City Manager Comments**

City Manager Joe Kerby reported on the following items:

- Club 20's fall meeting is this Friday and Saturday. He will be attending.
- Orval Proctor's concern regarding receiving accident reports has been addressed. The Police Department will provide a copy of the accident report for the same fee that is online.
- He will be out of the office the week of September 19<sup>th</sup> attending the ICMA conference in Milwaukee.
- The Delta County Board of Commissioners has invited staff and Council to attend their meeting next Monday. They will be discussing several items that the City may have interest in.
- The City will be receiving mineral lease funds in the amount of \$268,000 and also severance tax in the amount of \$101,000.
- September 9<sup>th</sup> at 9:00am there will be a tree planting ceremony in recognition of Patriot's Day at Lincoln Elementary.
- September 11<sup>th</sup> there will also be a recognition ceremony at Lion's Pavilion from the Western Slope Patriots.
- Peak to Peak is an organization coming from the front range on September 14<sup>th</sup>. They will be presenting some monies to a local nonprofit organization at Miller's Deitch Haus.

Recreation and Culture Director Wilma Erven presented an update on the Pow Wow. She also presented Council an agenda for the events.

Mr. Kerby thanked Ms. Erven for all her hard work on the Pow Wow.

### **Councilmember Comments**

Mayor Cooper stated that they have received an invitation to attend an open house for the Delta Public Library on September 15<sup>th</sup> from 6pm to 8pm. They have received a grant for broadband technology services.

Manager Kerby also reported that there will not be a work session on September 20<sup>th</sup>, however, there is tentatively a budget work session scheduled for September 27<sup>th</sup> at 5:30pm.

### **Executive Session**

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to convene an Executive Session 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); or more specifically for discussions regarding Confluence Drive. All in favor, motion carried.

At 7:41 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

**Regular Meeting, Delta City Council, September 6, 2011 (Cont.)**

**Executive Session (cont.)**

At 8:16 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Ed Sisson, Bill Raley, Guy Pfalzgraff and Robert Jurca; along with City Manager Joe Kerby, Public Works Director Jim Hatheway and Brad Rodenberg. 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, City Clerk



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## MEMO

To: City Council, City Manager  
From: Jolene E. Nelson, City Clerk  
Date: September 16, 2011  
Subject: Delta Area Chamber of Commerce Special Events Permit Application

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### **Recommendation**

Staff sees no problem in approving this application for a Special Events Liquor Permit to Delta Area Chamber of Commerce for an event scheduled for October 19, 2011 at Bill Heddles Recreation Center.

### **Background**

Delta Area Chamber of Commerce has submitted an application for a Special Events Liquor Permit for the CML District 10 meeting to be held on October 19, 2011. The application specifies that they plan to serve malt, vinous and spirituous liquor from 5:00 pm to 8:00 pm. The application is complete and the fees, \$35 to the City, and \$25.00 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.

### **Action 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.

### **Suggested Motion**

I move to approve Delta Area Chamber of Commerce's application for a special events liquor permit for October 19, 2011.

# APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

- |                                    |  |  |
|------------------------------------|--|--|
| <input type="checkbox"/> SOCIAL    | <input type="checkbox"/> ATHLETIC                              | <input type="checkbox"/> PHILANTHROPIC INSTITUTION           |
| <input type="checkbox"/> FRATERNAL | <input 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  
*Delta Area Chamber of Commerce* State Sales Tax Number (Required)  
*00401876-0000*

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

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT  
 (include street, city/town and ZIP)  
*530 Gunnison River Dr.  
 Delta CO 81416*

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
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4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE  
*Kristi Attarian*

*2801 S. Grand Mesa Dr. Delta CO 81413* *970-209-7425*

5. EVENT MANAGER  
*Linda Sanchez*

*670 W. Apple Dr. Delta CO 81416* *970-640-2715*

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
<i>10-19-11</i>				
<i>5:00 p.m.</i>				
<i>8:00 p.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>Linda Sanchez</i>	TITLE <i>Exec. Director</i>	DATE <i>7-27-11</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)  CITY  COUNTY TELEPHONE NUMBER OF CITY/COUNTY CLERK

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)	\$ .

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE**

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**DELTA AREA CHAMBER OF COMMERCE, INC.**

is a **Nonprofit Corporation** formed or registered on 04/19/1982 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19871472178.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 07/25/2011 that have been posted, and by documents delivered to this office electronically through 07/27/2011 @ 09:01:03.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 07/27/2011 @ 09:01:03 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 8004068.



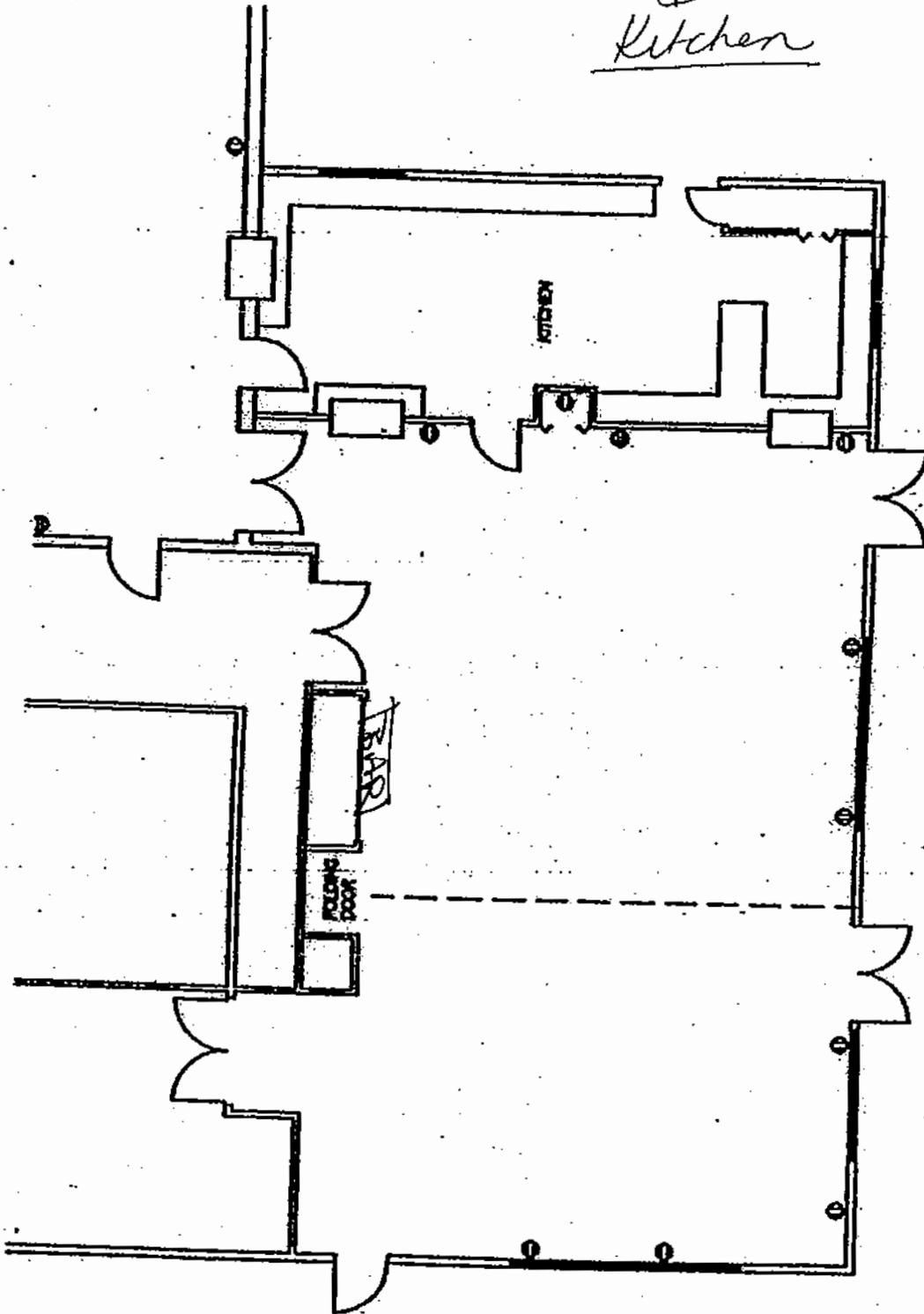
Secretary of State of the State of Colorado

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

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

C.M.L  
Wed Oct 19, 2011

Full Conference  
&  
Kitchen



# Bill Heddles Recreation Center RENTAL AGREEMENT



The below named User, in consideration of being permitted to use the areas specified below, hereby agrees to comply with all the terms and conditions of this agreement, as well as the rules and regulations of the Bill Heddles Recreation Center.

*Meeting (cmc)*

ALL CHARGES & DAMAGE DEPOSIT MUST BE PAID AT LEAST 10 DAYS PRIOR TO THE SCHEDULED RENTAL!

GROUP NAME: City of Delta / Delta Area Chamber of Commerce  
 RESPONSIBLE PARTY: Joe Kurby / Linda Sanchez  
 ADDRESS: P.O. Box 19 301 Main St  
Delta CO 81416

PHONE: (Work) City 874-7566 Chamber 874-8616 (Home) \_\_\_\_\_

TYPE OF USER (Please Circle): CORPORATION NON-PROFIT INDIVIDUAL CITY OF DELTA OTHER

SIZE OF GROUP: 50+ CATERER NAME: \_\_\_\_\_

*2011*

DATE(S) OF USE	TIME OF USE
<u>Wed Oct 19</u>	<u>3pm - 9pm</u>

ITEMS REQUIRED (\$5 FEE FOR EACH)	
TV/VCR	
MICROPHONE	
SLIDE PROJECTOR/SCREEN	
DRY ERASE BOARD	
COFFEE MAKER	
OTHER:	
OTHER:	

**ROOM SET-UP OPTIONS (Please check one)**

- THEATER STYLE -- Chairs set-up in a row as in a movie theater \_\_\_\_\_  
 CLASSROOM STYLE -- Chairs set-up along tables \_\_\_\_\_  
 SQUARE -- Tables set-up in a square with chairs along tables \_\_\_\_\_

**ROOM RENTAL POLICIES**  
**CANCELLATIONS**

*Full Conference & Kitchen*

Refunds of rental fees for cancellation by the User will occur as follows:

1. Event cancelled within 30 days of scheduled event = 100% refund and damage deposit
2. Event cancelled within 7-29 days of scheduled event = 50% refund and damage deposit
3. Event cancelled less than 7 days of scheduled event = **NO REFUND** and damage deposit

**SET-UP**

Formal set-up arrangements performed by Recreation Center Staff will include:

1. Tables, chairs, and rented audio/visual equipment
2. Set-ups are performed from the information provided on the Rental Agreement Form. To ensure correct set-ups, please submit any changes at least 7 days in advance.
3. All other set-up arrangements are the responsibility of the User.

**CLEAN-UP**

Rooms must be cleaned by the User immediately after use. Cleaning must include:

1. Removal of all decorations/items, trash from floor, fixtures, tables, chairs, walls, etc.
2. Removal of all food and beverages. Clean up of all spills.
3. Trash must be deposited in provided receptacles.
4. Cleaning of kitchen area, tables, chairs, and counters

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

Date of Application: AUGUST 23, 11

PLEASE PRINT OR TYPE

**Event Information:**

Date & Specific Time of Event: FRIDAY SEPTEMBER 30, 2011 2:00PM

Location(s) of Event: MAIN STREET

Name and Description of Event: DELTA HS. HOMECOMING PARADE

**Applicant:**

Name of Organization, Group, or Individual: BRUCE KEITH DELTA HIGH

Authorized Contact Person: BRUCE KEITH

Mailing Address: 1400 PIONEER ROAD

E-Mail Address: bkeith@deltaschools.com

Phone Number: (Day) 874-8031 (Evening) 874-9560

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

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

- Application Fee of \$ 25<sup>00</sup>
- Deposit of \$ 500<sup>00</sup> 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:  

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Mr. Clay has met with  
Office Cot.

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: Friday 9-30-11  
 Start Time of Closure: 1:00 PM Ending Time of Closure: 3:00 PM

Describe R.O.W. area to be closed:  
2nd Street to 9th Street

Barricades, cones and signs needed:

Barricades: ✓ Signs: \_\_\_\_\_ Cones: ✓  
 Time and Date for Delivery: 1:00 PM  
 Time and Date for Pickup: 3:00 PM

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.

Bruce Keith 8-31-11  
 Signature of Applicant or Representative 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

**CERTIFICATE OF LIABILITY INSURANCE**

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

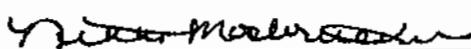
<b>PRODUCER</b> Flood & Peterson Ins., Inc. P. O. Box 578 Greeley, CO 80632 970 356-0123		<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): 970 356-0123      FAX (A/C, No): 9705066836 E-MAIL ADDRESS: PRODUCER CUSTOMER ID #:	
<b>INSURED</b> Delta County School District 50 J 7655 2075 Road Delta, CO 81416-9364		INSURER A: Glafelter Public Practice INSURER B: Pinnacol Assurance INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES      CERTIFICATE NUMBER:      REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATION MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR NSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO. JECT <input type="checkbox"/> LOC		CPO906304703	08/01/2011	08/01/2012	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMPOP AGG \$2,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		BAP906304803 UMB906304903	08/01/2011 08/01/2011	08/01/2012 08/01/2012	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N    N/A	4115520	07/01/2011	07/01/2012	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Re: Homecoming Parade 09/30/2011

<b>CERTIFICATE HOLDER</b> City of Delta 360 Main St Delta, CO 81416	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

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## MEMO

To: City Council, City Manager  
From: Jolene E. Nelson, City Clerk  
Date: September 8, 2011  
Subject: Retail Liquor Store License Renewal for Spirits, Inc. /DBA Moonshine Liquor

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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 expired September 6, 2011. Toni Lackey, owner of Moonshine, came into my office on September 6, 2011 to inquire about her license. I contacted the State and they agreed that if she submitted a renewal application on that day they would recognize her to be able to continue to operate while the approval process takes place. Ms. Lackey did submit her renewal on September 6, 2011 including payment for all fees listed below.

### **Cost**

There is no cost to the City to renew this 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.

### **Action 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.

### **Suggested Motion**

I move to approve the retail liquor store license renewal for Spirits, Inc. /DBA Moonshine Liquor.

**COLORADO LIQUOR  
 RETAIL LICENSE APPLICATION**

NEW LICENSE     TRANSFER OF OWNERSHIP     LICENSE RENEWAL

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

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

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation    Fein Number  
Spirits, Inc.    83-0433076

2a. Trade Name of Establishment (DBA)    State Sales Tax No.    Business Telephone  
Moonshine Liquors    25-43597    970 874 4828

3. Address of Premises (specify exact location of premises)  
268 Hwy 92

City    County    State    ZIP Code  
Delta    Delta    CO    81416

4. Mailing Address, (Number and Street)    City or Town    State    ZIP Code  
268 Hwy 92    Delta    CO    81416

5. If the premises currently have a liquor or beer license, you MUST answer the following questions:  
 Present Trade Name of Establishment (DBA)    Present State License No.    Present Class of License    Present Expiration Date  
Moonshine Liquors    25-43597       9/06/11

LIAB	SECTION A	NONREFUNDABLE APPLICATION FEES	LIAB	SECTION B (CONT.)	LIQUOR LICENSE FEES		
2300	<input type="checkbox"/>	Application Fee for New License	1985	<input type="checkbox"/>	Resort Complex License (City)	\$1,025.00	\$500.00
2302	<input type="checkbox"/>	Application Fee for New License - w/Concurrent Review	1986	<input type="checkbox"/>	Resort Complex License (County)	\$1,125.00	\$500.00
2310	<input type="checkbox"/>	Application Fee for Transfer	1988	<input type="checkbox"/>	Add Related Facility to Resort Complex	\$1,025.00	\$ 75.00 X Total
			1990	<input type="checkbox"/>	Club License (City)		\$308.75
			1991	<input type="checkbox"/>	Club License (County)		\$308.75
			2010	<input type="checkbox"/>	Tavern License (City)		\$500.00
			2011	<input type="checkbox"/>	Tavern License (County)		\$500.00
			2012	<input type="checkbox"/>	Manager Registration - Tavern		\$ 75.00
			2020	<input type="checkbox"/>	Arts License (City)		\$308.75
			2021	<input type="checkbox"/>	Arts License (County)		\$308.75
			2030	<input type="checkbox"/>	Racetrack License (City)		\$500.00
			2031	<input type="checkbox"/>	Racetrack License (County)		\$500.00
			2040	<input type="checkbox"/>	Optional Premises License (City)		\$500.00
			2041	<input type="checkbox"/>	Optional Premises License (County)		\$500.00
			2045	<input type="checkbox"/>	Vintners Restaurant License (City)		\$750.00
			2046	<input type="checkbox"/>	Vintners Restaurant License (County)		\$750.00
			2220	<input type="checkbox"/>	Add Optional Premises to H & R		\$100.00 X Total
			2370	<input type="checkbox"/>	Master File Location Fee		\$ 25.00 X Total
			2375	<input type="checkbox"/>	Master File Background		\$250.00 X Total

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

LIABILITY INFORMATION

County	City	Industry Type	License Account Number	Liability Date	License Issued Through (Expiration Date)
				FROM	TO
State _____-750 (999)	City 2180-100 (999)	County 2190-100 (999)	Managers Reg _____-750 (999)		

Cash Fund New License 2300-100 (999)	Cash Fund Transfer License 2310-100 (999)	TOTAL
		\$ _____

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

7. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):  
 (a) been denied an alcohol beverage license?    
 (b) had an alcohol beverage license suspended or revoked?    
 (c) had interest in another entity that had an alcohol beverage license suspended or revoked?    
 If you answered yes to 7a, b or c, explain in detail on a separate sheet.

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

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

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

11. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?  
 Ownership  Lease  Other (Explain in Detail)

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

Landlord <i>Vic Clamitt</i>	Tenant <i>Toni Lackey</i>	Expires <i>02/2012</i>
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Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11". (Doesn't have to be to scale)

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

NAME	DATE OF BIRTH	FEIN OR SSN	INTEREST
<i>Toni Lackey</i>	<i>[REDACTED]</i>	<i>[REDACTED]</i>	<i>owner/president</i>

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

13. Optional Premises or Hotel and Restaurant Licenses with Optional Premises Yes  No   
 Has a local ordinance or resolution authorizing optional premises been adopted?

Number of separate Optional Premises areas requested. \_\_\_\_\_ (See License Fee Chart)

14. Liquor Licensed Drug Store applicants, answer the following: Yes  No   
 (a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? COPY MUST BE ATTACHED.

15. Club Liquor License applicants answer the following and attach: Yes  No   
 (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 that was operated solely for the reasons stated above?    
 (Three years required)

16. Brew-Pub License or Vintner Restaurant Applicants answer the following: Yes  No   
 (a) Has the applicant received or applied for a Federal Permit?    
 (Copy of permit or application must be attached)

17a. Name of Manager (for all on-premises applicants) \_\_\_\_\_ (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an Individual History Record (DR 8404-I). Date of Birth \_\_\_\_\_

17b. Does this manager act as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number. Yes  No

18. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue? Yes  No   
 If yes, provide an explanation and include copies of any payment agreements.

19. If applicant is a corporation, partnership, association or limited liability company, applicant must list ALL OFFICERS, DIRECTORS, GENERAL PARTNERS, AND MANAGING MEMBERS. In addition applicant must list any stockholders, partners, or members with OWNERSHIP OF 10% OR MORE IN THE APPLICANT. ALL PERSONS LISTED BELOW must also attach form DR 8404-1 (Individual History record), and submit finger print cards to their local licensing authority.

NAME	HOME ADDRESS, CITY & STATE	DOB	POSITION	% OWNED*
Tom Lackey	18595 Ward Creek Rd. Cedaredge CO.	[REDACTED]	president	100%
Brita Padgett	2353 N 42nd Rd. Norwood CO.	[REDACTED]	secretary	0%

\*If total ownership percentage disclosed here does not total 100% applicant must check this box

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant

**Additional Documents to be submitted by type of entity**

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

Registered Agent (if applicable)

Address for Service

**OATH OF APPLICANT**

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

Authorized Signature

*Tom Lackey*

Title

President

Date

9/6/11

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

Date application filed with local authority

9/16/2011

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

**THE LOCAL LICENSING AUTHORITY HEREBY AFFIRMS:**

That each person required to file DR 8404-1 (Individual History Record) has:

Yes No

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

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

(Check One)

- Date of Inspection or Anticipated Date \_\_\_\_\_  
 Upon approval of state licensing authority.

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

Local Licensing Authority for

Telephone Number

- TOWN, CITY  
 COUNTY

Signature

Title

Date

Signature (attest)

Title

Date



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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 for the past twelve months.

Remarks:

Police Department recommendation:

Recommend a liquor license renewal.

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Robert Thomas, Chief of Police

**RESOLUTION #5, 2011**

**A RESOLUTION OF THE CITY OF DELTA AUTHORIZING A CONTRACT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR FUNDING CONSTRUCTION OF THE DELTA WELCOME CENTER.**

Whereas, the City Council of Delta, Colorado has determined the need to construct a public facility to be known as the Delta Welcome Center on real property owned by the City and located at 502 Gunnison River Drive in the City limits of Delta, Colorado; and

Whereas, funding for the construction project is available from or through the State of Colorado Department of Transportation (“CDOT”) on specified terms and conditions; and;

Whereas, the pertinent contract (more specifically identified by Routing #12 HA3 35309 and ID #331000457), setting forth the terms and conditions for CDOT funding of the pertinent project, has been reviewed by City staff and recommended to the Council for approval; and

Whereas, entering the contract with CDOT for funding of the City’s Welcome Center project. is essential for the project’s implementation.

NOW, THEREFORE, it is resolved by the Delta City Council that the said contract with CDOT be and is hereby approved for signature by the City Manager on behalf of the City.

The foregoing resolution was adopted by the City Council of Delta, Colorado this \_\_\_\_ day of \_\_\_\_\_, 2011.

The City of Delta, Colorado

By: \_\_\_\_\_  
Mayor Pro Tem

Attest:

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