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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

Delta City Council  
Regular Meeting

December 6, 2011  
7:00 p.m.

- A. Pledge of Allegiance
- B. Changes to the Agenda
- C. Minutes
- D. Citizen Comments
- E. Presentation to North American Fence Contractors Association and Fred Venette
- F. Contract Award for Energy Service Company (Hatheway)
- G. Council Bill #7, 2011; First Reading (DeZeeuw)  
2011 Supplemental Appropriations
- H. Council Bill #6, 2011; Second and Final Reading (DeZeeuw)  
2012 Appropriations
- I. Liquor License Renewals: (Nelson)  
3.2% Beer Retail License; Safeway Store #1863  
Retail Liquor Store License; Uptown Wines
- J. City Attorney Comments
- K. City Manager Comments
- L. Councilmember Comments

## EXECUTIVE SESSION

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); or more specifically for discussions regarding application of Section 141 of the Delta Municipal Charter.

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**

City Manager Joe Kerby reported that an amended agenda was sent out yesterday afternoon adding an additional item to the Executive Session.

**Minutes**

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of November 1, 2011 as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Public Hearing: 2012 Budget**

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

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

**Resolution #8, 2011; Setting the Mill Levy****Resolution #8, 2011**

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR OF 2011 TO HELP DEFRAY THE COSTS OF GOVERNMENT OF THE CITY OF DELTA, COLORADO, FOR THE 2012 BUDGET YEAR

was read by the Clerk.

The Finance Director explained that adoption of Resolution #8, 2011, will set the mill levy at zero mills.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Raley to adopt Resolution #8, 2011. Roll call vote: Councilmember Jurca, aye; Raley aye; Pfalzgraff, aye; Sisson, aye; and Cooper, aye. Motion carried.

**Resolution #9, 2011; Adopting the 2012 Budget****Resolution #9, 2011**

A RESOLUTION ADOPTING A BUDGET FOR THE CITY OF DELTA, COLORADO, FOR THE CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY, 2012, AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER, 2012

was read by the Clerk.

Manager Kerby reported that there was a calculation error on the Debt Service Fund. The corrected amount is \$1,779,305.

Councilmember Raley stated that after the article in the paper was released he has received several phone calls from citizens and business owners regarding the Pow Wow. They voiced concerns about the Pow Wow continually losing money year after year.

**Regular Meeting, Delta City Council, November 15, 2011 (Cont.)**

**Resolution #9, 2011 (cont.)**

Councilmember Sisson also received phone calls stating the same concerns. He stated that with the budget as tight as it is he doesn't think the City can afford to lose money on the event.

Councilmember Pfalzgraff questioned if the amount of the Pow Wow is currently in the budget under the Recreation Center Fund.

Councilmember Raley suggested taking it out of the budget.

Manager Kerby reported that the budget at this time does include \$55,000 in the Recreation Center Fund for the Pow Wow.

Mayor Cooper stated that if the Recreation Center believes they can handle this in the budget then we should allow it to remain. She also stated she understands the concerns, however, she feels the City needs to do something. If the Pow Wow is dropped and the City doesn't do anything she is concerned about Delta in general. She will support Council however they wish to proceed.

Councilmember Pfalzgraff questioned what the options are to continue.

Manager Kerby recommended that if Council wants to proceed without the Pow Wow being funded that they approve the budget as presented with an amendment to the Recreation Center Fund.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to adopt Resolution #9, 2011 with amendments to the Recreation Fund to reflect a decrease of \$55,000.

Councilmember Pfalzgraff voiced his concern on how this is being handled. He stated that these concerns should have been brought up during the work sessions.

Roll call vote: Councilmember Jurca, aye; Raley aye; Pfalzgraff, nay; Sisson, aye; and Cooper, nay. Motion carried.

**Council Bill #6, 2011; First Reading  
2012 Appropriations**

Council Bill #6, 2011

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 2012 BUDGET YEAR

was read by the Clerk.

Director DeZeeuw stated that there will need to be amendments made to the Recreation Fund to reflect an amount of \$2,680,980 and the Debt Service Fund in the amount of \$1,779,305.

Councilmember Raley questioned the request from the Center for Mental Health.

Manager Kerby reported that request has not been funded in the past few years. The budget does not reflect the amount requested.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to adopt Council Bill #6, 2011 on first reading with the amendments to the Recreation Center Fund to reflect \$2,680,980 and the Debt Service Fund to reflect \$1,779,305. Roll call vote: Councilmember Jurca, aye; Raley aye; Pfalzgraff, nay; Sisson, aye; and Cooper, aye. Motion carried.

**Regular Meeting, Delta City Council, November 15, 2011 (Cont.)**

**Ordinance #5, 2011; Second and Final Reading  
2012 Electric Rates**

Ordinance #5, 2011

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING SECTION 13.04.120 OF THE DELTA MUNICIPAL  
CODE TO ESTABLISH NEW ELECTRIC RATES

was introduced as Council Bill #5, 2011 and read by the Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Council Bill #5, 2011 on second and final reading. Roll call vote: Councilmembers Jurca, aye; Raley, aye; Pfalzgraff, aye; Sisson, aye; and Cooper, aye. Motion carried. Council Bill #5, 2011 was adopted on second and final reading as Ordinance #5, 2011.

**Parade Permit; Delta Area Chamber of Commerce**

City Clerk Jolene Nelson explained that the Delta Area Chamber of Commerce has submitted an application for a parade permit for the Parade of Lights. She stated that the permit is complete and all fees have been paid. She contacted the Police Department as well as the Public Works Department and they have expressed concerns regarding having the parade end at 2<sup>nd</sup> Street.

Manager Kerby presented Council with the concerns regarding bringing the parade to 2<sup>nd</sup> Street. He stated that staff feels this is a safety concern for the fact that they have traffic coming off of Main Street until 2<sup>nd</sup> Street.

Councilmember Raley reported that for years the parade only went to 3<sup>rd</sup> Street.

There was discussion regarding business owners on the two hundred block of Main Street who voiced concerns about ending the parade at 3<sup>rd</sup> Street.

It was moved by Councilmember Raley and seconded by Councilmember Jurca to approve the Parade Permit for the Delta Area Chamber of Commerce's Parade of Lights scheduled for December 2, 2011 with the parade ending at 3<sup>rd</sup> and Main for safety concerns. All in favor, motion carried.

**Liquor License Renewals:**

**Retail Liquor Store; Grand Valley Liquors**

**Club Liquor License; BPOE Lodge No 1235**

**Tavern Liquor License; Sports Center Lounge**

The Clerk reported that Grand Valley Liquors has submitted their Retail Liquor Store renewal. The application is complete and all fees have been paid. The Delta Police Department has recommended renewal.

She also reported that BPOE Lodge No 1235 has submitted their Club Liquor License renewal. Their application is also complete and all fees have been paid. The Delta Police Department has recommended renewal.

Ms. Nelson also stated that Sports Center Lounge has submitted their Tavern Liquor License Renewal. They also have completed the application and paid all fees. The Delta Police Department has also recommended renewal for this license.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Raley to approve the Retail Liquor Store License for Grand Valley Liquors, the Club Liquor License for BPOE Lodge No 1235 and the Tavern Liquor License for Sports Center Lounge. All in favor, motion carried.

**City Attorney Comments**

City Attorney Michael Schottelkotte stated that he is glad to be back from his vacation.

## **Regular Meeting, Delta City Council, November 15, 2011 (Cont.)**

### **City Manager Comments**

Manager Kerby reported on the following items:

- Business after hours is this Thursday at the Library.
- The name contest for the open space property is underway. The submissions are due by November 30, 2011.
- The Recreation Center pool pack bids were due today.
- A TABOR refund will be issued to residents in the amount of approximately \$75,000 for 2010 budget year. The refund will be issued as a credit to the utility bills.
- A special meeting is scheduled for next Monday at 5:00pm. There will be two public hearings, one for Best Western Sundance Liquor License and also for the CDBG grant application that is due December 1<sup>st</sup>, 2011. There also will be a liquor license renewal for Peterson's Liquors.
- City offices will be closed Thursday and Friday for observance of Thanksgiving.
- Centennial Park is currently under remodel.
- Great Outdoors Colorado staff has recommended approval for the GOCO grant that the City submitted for the reimbursement of the purchase of the open space property. The grant amount was for \$175,000.

### **Councilmember Comments**

There were none.

### **Executive Session**

It was moved by Councilmember Jurca and seconded by Councilmember Raley 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 and also for discussions regarding the water bill due by the Delta Center PUD property owners. All in favor, motion carried.

At 7:28 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 8:18 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 Robert Jurca, Bill Raley, Guy Pfalzgraff and Ed Sisson; along with City Manager Joe Kerby. 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

Mayor Mary Cooper called the meeting to order at 5:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Ed Sisson and Guy Pfalzgraff, along with City Manager Joe Kerby. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Public Hearing: Hotel and Restaurant Liquor License; Pramukh Hospitality, LLC/DBA Best Western Sundance**

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

The Clerk explained that Best Western Sundance's liquor license expired back in November 2010. The State law requires the applicant to resubmit an application once 90 days has passed after the expiration. Best Western Sundance has submitted an application for a Hotel and Restaurant Liquor License. She explained that the application is complete and has been forwarded to the State for approval under the concurrent review process to expedite the process. The State will consider approval once the Local Licensing Authority approves on the local level.

Ms. Nelson suggested recommendation to approve the liquor license contingent on receiving favorable fingerprints. She reported that the applicant's fingerprints have been submitted and needed to be taken again at the request of the Colorado Bureau of Investigations.

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

Councilmember Pfalzgraff questioned how long the process will once Council approves the license.

Ms. Nelson stated that it depends on the State. She also stated that she will be calling the State first thing tomorrow morning to see if they can get it in the next few days.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the Hotel and Restaurant Liquor License for Best Western Sundance contingent on receiving favorable fingerprints from the applicant. All in favor, motion carried.

**Public Hearing: Community Development Block Grant Application**

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

Clerk Nelson reported that staff has been working on a Community Development Block Grant for storm water infrastructure improvements for the 2<sup>nd</sup> Street Corridor. Staff is requesting grant funds in the amount of \$500,000 to complete this project. She stated that the application is due on December 1, 2011. The application requires a public hearing for public comment.

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

**Resolution #10, 2011; CDBG Grant Application**

Resolution # 10, 2011

A RESOLUTION AUTHORIZING THE CITY OF  
DELTA TO SUBMIT A COMMUNITY  
DEVELOPMENT BLOCK GRANT

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Raley to adopt Resolution #10, 2011. Roll call vote: Councilmembers Sisson, aye; Jurca, aye; Raley, aye; Pfalzgraff, aye; and Cooper aye. Motion carried.

**Regular Meeting, Delta City Council, November 21, 2011 (Cont.)**

**Resolution #11, 2011; Excessive Force for Non-violent Civil Rights Demonstrations**

Resolution # 11, 2011

A RESOLUTION OF THE CITY OF DELTA, COLORADO  
PROHIBITING THE USE OF EXCESSIVE FORCE AGAINST  
INDIVIDUALS IN NON-VIOLENT CIVIL RIGHTS  
DEMONSTRATION

was read by the Clerk.

Ms. Nelson explained that this is part of the grant application as previously commented on.

There was discussion regarding the requirement for this policy.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Resolution #11, 2011. Roll call vote: Councilmembers Sisson, aye; Jurca, aye; Raley, aye; Pfalzgraff, aye; and Cooper aye. Motion carried.

**Retail Liquor Store License Renewal: Peterson's Liquors**

The Clerk reported that Peterson's Liquors has submitted their retail liquor store license renewal. The application is complete and all fees have been paid. The Delta Police department has recommended renewal.

It was moved by Councilmember Raley and seconded by Councilmember Sisson to approve the retail liquor store license renewal for Peterson's Liquors. All in favor, motion carried.

The meeting was adjourned at 5:09 p.m.

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Jolene E. Nelson, City Clerk



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## MEMO

To: Mayor and Council  
From: Rod Myers – Fleet/Facilities Manager  
Date: November 30, 2011  
Subject: Performance Contracting Project

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### Recommendation

To move forward with the Technical Energy Audit (TEA) with Ennovate Corporation.

### Background

Staff has been directed to work on a performance-contracting project. The first step to completing the project was to go through the Governors Energy Office (GEO) process to select an Energy Services Company (ESCO). On September 14<sup>th</sup>, the City held a mandatory pre-proposal meeting that 11 ESCO's attended. Staff received eight proposals on October 13, 2011. A committee of eight people was put together to aid in making a short list. Three ESCO's were short listed (Con Edison, Ennovate and McKinstry). On November 30, 2011 interviews were conducted with the 3 short listed companies. Ennovate Corporation was selected by the committee.

The TEA is an extensive energy audit of selected city facilities that comes at a cost of \$0.30 per sq ft as dictated by the GEO. Facilities for consideration are City Hall, Waste Water Treatment Plant, Golf Course Clubhouse, Golf Maintenance Building, Museum, Library, Police Department, Recreation Center, ML&P, Chamber of Commerce, and Senior Center. Each facility has budgeted the money for 2012 for the TEA project.

### Cost

\$33,189.00 to complete the TEA. If a project is selected for performance contracting, staff will return for council approval before moving forward.

### Action to be taken if approved

Award the project to Ennovate Corporation and begin the TEA process.

### Suggested Motion

I move the City of Delta move forward with awarding the TEA project to Ennovate Corporation.

Council Bill #7, 2011

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 2011 BUDGET YEAR

WHEREAS, the City Council has adopted the annual budget on November 16, 2010; and

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

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

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

**Section 1.** That the following supplemental appropriations, in addition to those appropriated by Ordinance #3, Series of 2010, are hereby appropriated from the revenue and surplus of each fund, to each fund, as follows:

Perpetual Care Fund	\$	1,500
Employee Dental Fund		5,000
Conservation Trust Fund		10,000
General Fund		60,000
Refuse Fund		110,000
Golf Course Fund		100,000
Unemployment Fund		30,000

ADOPTED on first reading and ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

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

ADOPTED on second and final reading and ordered published  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

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

Council Bill #6, 2011

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 2012 BUDGET YEAR

WHEREAS, the City Council has adopted the annual budget on November 15, 2011; and

WHEREAS, the City Council has made provision therein for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget; and

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

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

**Section 1.** That the following sums are hereby appropriated from the revenue of each fund, to each fund, as follows:

General Fund	\$ 5,044,293
Conservation Trust Fund	121,100
Recreation Center Fund	2,735,980
City-Wide Capital Improvements Fund	3,326,348
Municipal Light and Power Fund	8,173,554
Sewer Fund	2,332,603
Water Fund	1,991,753
Refuse Fund	599,772
Unemployment Tax Fund	30,000
Internal Service Fund	1,330,193
Employees' Dental Insurance Fund	54,000
Golf Course Fund	878,491
Capital Project Fund	20,416,885
Debt Service Fund	1,779,104
Perpetual Care Fund	1,000

ADOPTED on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

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

ADOPTED on second and final reading and ordered published  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

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

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**



SAFeway STORE #1863  
 MS#6519  
 PO BOX 29096  
 PHOENIX AZ 85038-9096

License Number 21-70664-0063	License Type 2122
Liability Information 18 011 445110 C 011001	
Business Location 1550 HWY 92 DELTA CO	
Current License Expires JAN 09, 2012	
<b>DEPARTMENTAL USE ONLY</b>	
Total Amount Due	
Total Paid \$	Date

- This renewal reflects no changes from the last application. Complete page 2 and file now!
- Yes there are changes from the last application.** If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

**This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.**

**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.

Authorized Signature 	Date 1/12/11	Business Phone 623-869-3765
Title Don R. Johnson Director Financial Reporting	Sales Tax Number 21-70664-0063	

**REPORT AND 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	

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

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 of Revenue may collect the payment amount directly from your banking account electronically.

**21**

Business Name SAFeway STORE #1863	LICENSE NUMBER (Use for all reference) 21-70664-0063		PERIOD 01-13
TYPE OF LICENSE ISSUED 3.2 PERCENT BEER RETAIL LICENSE (OFF PREMISES)	CASH FUND 2330-100(999) \$ 50.00	STATE FEE 2122-750(999) \$ 25.00	CITY 85% OAP 2180-100(999) \$ 21.25

TOTAL AMOUNT DUE \$ 96.25

78.75  
 # 135459

## ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

This page must be completed and attached to your signed renewal application form.  
 Failure to include this page with the application may result in your license not being renewed.

Trade Name of Establishment <b>Safeway Stores 46, Inc. #1863</b>		State License Number <b>21-70664-0063</b>	
1. Operating Manager <b>Chris Davison</b>		Home Address <b>622 30 Road, Grand Junction, CO 81504</b>	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <u>owned</u> If rented, expiration date of lease: _____			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <p style="text-align: center;"><i>- See Attached -</i></p>			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation. <p style="text-align: center;"><i>- See Attached -</i></p>			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>7. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. Since the date of filing of the last annual license application:</b>			
(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.			
<b>8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:</b>			
<b>EVIDENCE OF LAWFUL PRESENCE</b>			
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.			
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):			
<input type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States			
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.			
Signature		Printed name	
		Date	

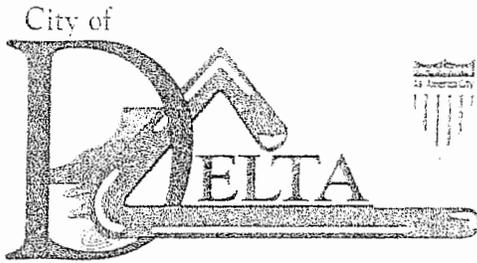
ATTACHMENT TO BEER LICENSE APPLICATION FOR  
SAFEWAY STORES 45, INC. and SAFEWAY STORES 46, INC.

Question #5

Safeway Stores 45, Inc. and Safeway Stores 46, Inc. currently hold numerous 3.2% licenses in Colorado. Both of these entities have occasionally had a license suspended. See attached list for suspensions within the past year. Safeway Stores 46, Inc. Yes, had a Safeway application denied in the City of Aurora (January, 2002) based on needs and desires issues. However, the application was reconsidered and unanimously approved in February of 2002. Safeway Stores 45, Inc. have had not had any applications for 3.2% beer denied.

Question #6

Safeway Stores 45, Inc. and Safeway Stores 46, Inc. are subsidiaries of Safeway Denver, Inc., which is a subsidiary of Safeway, Inc. Safeway Stores 45, Inc. and Safeway Stores 46, Inc. hold over 100% 3.2% licenses in Colorado.



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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of Safeway Store Forty Six, Inc.

DBA: Safeway Store #1863

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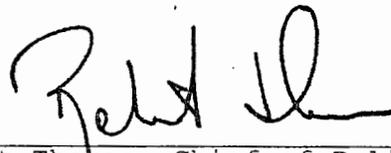
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

**No violations in the past twelve months.**

Remarks:

Police Department recommendation:

**Recommend liquor license renewal.**



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Robert Thomas, Chief of Police

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**



ARELLANO JR DELO ARELLANO BARBARA K  
 UPTOWN WINES  
 436 MAIN ST  
 DELTA CO 81416-1825

License Number 26-71014-0000	License Type 1940
Liability Information 18 011 445310 P 010807	
Business Location  436 MAIN ST DELTA CO	
Current License Expires JAN 07, 2012	
<b>DEPARTMENTAL USE ONLY</b>	
Total Amount Due	
Total Paid \$	Date

- This renewal reflects no changes from the last application. Complete page 2 and file now!
- Yes there are changes from the last application.** If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.

**This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.**

**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.

Authorized Signature <i>Barbara K Arellano</i>	Date 11-14-11	Business Phone 970-878-4709
Title <i>Uptown Wine</i>	Sales Tax Number 26-71014-0000 726-098593	

**REPORT AND 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

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

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 of Revenue may collect the payment amount directly from your banking account electronically.

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Business Name	LICENSE NUMBER (Use for all reference)		PERIOD
UPTOWN WINES	26-71014-0000		01-13
TYPE OF LICENSE ISSUED	CASH FUND	STATE FEE	
RETAIL LIQUOR STORE LICENSE - MALT, VINOUS, AND SPIRITUOUS	2320-100(999) \$ 50.00	1940-750(999) \$ 50.00	CITY 85% OAP 2180-100(999) \$ 127.50

SUB-TOTAL \$ 227.50

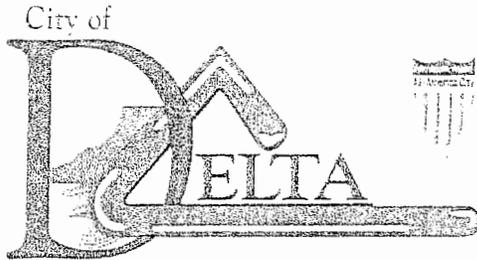
ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$ \_\_\_\_\_

TOTAL AMOUNT DUE \$ \_\_\_\_\_

## ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.  
 Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment <i>Uptown Wine</i>		State License Number <i>26-7104</i>
1. Operating Manager <i>Barbara Arrollano</i>	Home Address <i>3528 E. 13th St. Delta, Co.</i>	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <i>Owned</i> If rented, expiration date of lease: _____	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
7. <b>Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions.</b> <b>Since the date of filing of the last annual license application:</b>	Yes	No
(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.		
8. <b>Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:</b>		
<b>EVIDENCE OF LAWFUL PRESENCE</b>		
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.		
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):		
<input checked="" type="checkbox"/> I am a United States Citizen		
<input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States		
<input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law		
<input type="checkbox"/> I am a foreign national not physically present in the United States		
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.		
Signature <i>Barbara Arrollano</i>	Printed name <i>Barbara Arrollano Tr</i>	Date <i>11-14-11</i>



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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 Delo and Barbara Arellano  
DBA: Uptown Wines

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

**No liquor license violations in the past twelve months.**

Remarks:

Police Department recommendation:

**Recommend liquor license renewal.**

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Robert Thomas, Chief of Police