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

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## AGENDA

Delta City Council  
Special Meeting

November 21, 2011  
5:00 p.m.

- A. **Public Hearing: Hotel/Restaurant Liquor License  
Pramukh Hospitality, LLC DBA Best Western Sundance**
- B. **Public Hearing: Community Development Block Grant Application**
- C. **Resolution #10, 2011; CDBG Grant Application**
- D. **Resolution #11, 2011; Excessive Force for Non-Violent Civil Rights Demonstrations**
- E. **Retail Liquor Store License Renewal: Peterson's Liquors**



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## MEMO

To: City Council, City Manager  
From: Jolene E. Nelson, City Clerk  
Date: November 18, 2011  
Subject: Pramukh Hospitality, LLC DBA Best Western Sundance

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### **Background**

Pramukh, Hospitality, LLC , DBA Best Western Sundance has submitted a Hotel and Restaurant Liquor License for their location at 903 Main Street. The applicant previously held this type of license at this location; however, it expired in November of 2010. Therefore, the applicant needed to apply for a new liquor license. The application is complete and is available for review.

A notice of public hearing was posted at the store and was also published in the Delta County Independent.

### **Cost**

There is no cost to the City to approve this license. The applicant has paid the \$1,625 application fee to the State, and the City's fee of \$250.00. The occupation tax of \$400.00 will be collected at the time of issuance of the license.

### **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 the application and issue the State license.

### **Suggested Motion**

I move to approve the Hotel and Restaurant Liquor License for Pramukh, Hospitality LLC DBA Best Western Sundance.

**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  
 Pramiukh Hospitality    26 2440949

2a. Trade Name of Establishment (DBA)    State Sales Tax No.    Business Telephone  
 Best Western Sundance    42 65817000    970.874.9781

3. Address of Premises (specify exact location of premises)  
 403 Main St

City    Delta    County    Delta    State    CO    ZIP Code    81416

4. Mailing Address (Number and Street)    City or Town    State    ZIP Code

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  
 Best Western Sundance    12367640    Hotel/restaurant    11/20/10

LIAB SECTION A    NONREFUNDABLE APPLICATION FEES		LIAB SECTION B (CONT.)    LIQUOR LICENSE FEES	
2306 <input checked="" type="checkbox"/> Application Fee for New License	\$1,025.00	1985 <input type="checkbox"/> Resort Complex License (City)	\$500.00
2302 <input checked="" type="checkbox"/> Application Fee for New License - w/Concurrent Review	\$1,125.00	1986 <input type="checkbox"/> Resort Complex License (County)	\$500.00
2310 <input type="checkbox"/> Application Fee for Transfer	\$1,025.00	1988 <input type="checkbox"/> Add Related Facility to Resort Complex ... \$ 75.00 X	Total
<b>LIAB SECTION B    LIQUOR LICENSE FEES</b>		1990 <input type="checkbox"/> Club License (City)	\$308.75
1905 <input type="checkbox"/> Retail Gaming Tavern License (City)	\$500.00	1991 <input type="checkbox"/> Club License (County)	\$308.75
1906 <input type="checkbox"/> Retail Gaming Tavern License (County)	\$500.00	2010 <input type="checkbox"/> Tavern License (City)	\$500.00
1940 <input type="checkbox"/> Retail Liquor Store License (City)	\$227.50	2011 <input type="checkbox"/> Tavern License (County)	\$500.00
1941 <input type="checkbox"/> Retail Liquor Store License (County)	\$312.50	2012 <input type="checkbox"/> Manager Registration - Tavern	\$ 75.00
1950 <input type="checkbox"/> Liquor Licensed Drugstore (City)	\$227.50	2020 <input type="checkbox"/> Arts License (City)	\$308.75
1951 <input type="checkbox"/> Liquor Licensed Drugstore (County)	\$312.50	2021 <input type="checkbox"/> Arts License (County)	\$308.75
1960 <input type="checkbox"/> Beer and Wine License (City)	\$351.25	2030 <input type="checkbox"/> Racetrack License (City)	\$500.00
1961 <input type="checkbox"/> Beer and Wine License (County)	\$436.25	2031 <input type="checkbox"/> Racetrack License (County)	\$500.00
1970 <input type="checkbox"/> Hotel and Restaurant License (City)	\$500.00	2040 <input type="checkbox"/> Optional Premises License (City)	\$500.00
1971 <input type="checkbox"/> Hotel and Restaurant License (County)	\$500.00	2041 <input type="checkbox"/> Optional Premises License (County)	\$500.00
1975 <input type="checkbox"/> Brew Pub License (City)	\$750.00	2045 <input type="checkbox"/> Vintners Restaurant License (City)	\$750.00
1976 <input type="checkbox"/> Brew Pub License (County)	\$750.00	2046 <input type="checkbox"/> Vintners Restaurant License (County)	\$750.00
1980 <input checked="" type="checkbox"/> Hotel and Restaurant License w/opt premises (City)	\$500.00	2220 <input type="checkbox"/> Add Optional Premises to H & R	\$100.00 X Total
1981 <input type="checkbox"/> Hotel and Restaurant License w/opt premises (County)	\$500.00	2370 <input type="checkbox"/> Master File Location Fee	\$ 25.00 X Total
1983 <input type="checkbox"/> Manager Registration - H & R	\$ 75.00	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	
				\$	

Resolution # 10, 2011

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

WHEREAS, the City of Delta supports the Community Development Block Grant application for the construction of storm water infrastructure for the 2<sup>nd</sup> Street Corridor.

WHEREAS, the City of Delta supports the Citizen Participation Plan attached as Exhibit A.

WHEREAS, the City of Delta also supports the Statement of Assurances and Certifications

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO: the Delta City Council authorizes the following:

- The submission of the Community Development Block Grant application for storm water infrastructure for the 2<sup>nd</sup> Street Corridor.
- The Citizen Participation Plan.
- The Mayor to sign the grant application as well as the Statement of Assurances and Certifications.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

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

Exhibit A

**CITIZEN PARTICIPATION PLAN  
for the Community Development Block Grant (CDBG) Program**

Pursuant to Section 104(a)(3) of the Housing and Community Development Act of 1974, as amended, this Citizen Participation Plan is hereby adopted to ensure that the citizens of City of Delta, particularly persons of low and moderate income residing in slum and blight areas and in areas in which CDBG funds are proposed to be used, are provided the opportunity and encouraged to participate in the planning and implementation of CDBG-funded activities.

**PUBLIC HEARING**

Public hearings will be the primary means of obtaining citizen views and responding to proposals and questions related to community development and housing needs, proposed CDBG activities and past CDBG performance.

Prior to submitting a CDBG application to the State, the City of Delta will conduct at least one public hearing to identify community development and housing needs, including the needs of low and moderate income persons, as well as other needs in the community that might be addressed through the CDBG program, and to review proposed CDBG activities and the past performance of the City of Delta in carrying out its CDBG responsibilities. In the event CDBG funds are granted by the State, the City of Delta will conduct at least one additional public hearing to allow citizens to review and comment on its performance in carrying out its CDBG program.

A formal public notice will be published in a newspaper of general circulation in the area at least five (5) days prior to such public hearings. A public notice will also be posted in the south window of City Hall and in other places frequented by the public, especially low and moderate income persons and persons benefiting from or affected by proposed CDBG activities. As circumstances warrant and as the City of Delta determines necessary or appropriate, participation may additionally be specifically solicited from persons of low and moderate income, those benefiting from or affected by CDBG activities and/or representatives of such persons. Hearings will be held at times and locations convenient to potential and actual beneficiaries, and with accommodation for the handicapped. In the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate, arrangements will be made to have an interpreter present.

**PUBLIC INFORMATION AND RECORDS**

Information and records regarding the proposed and past use of CDBG funds will be available at 360 Main Street, Delta, CO during regular office hours. The public will be so informed by public notice. Special communication aids can be made available to persons upon request.

**TECHNICAL ASSISTANCE**

The City of Delta will provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing CDBG proposals. The level and type of assistance appropriate will be determined by the City of Delta based on its ability to provide or arrange for such assistance, the cost of providing such assistance and other relevant factors.

**WRITTEN COMMENTS AND RESPONSES**

The City of Delta will respond to written complaints and grievances in writing in a timely manner. When practicable, such written responses shall be made within fifteen (15) working days.

\_\_\_\_\_  
Signature of Chief Elected Official

\_\_\_\_\_  
Date

**Community Development Block Grant Program  
APPLICANT STATEMENT OF ASSURANCES AND CERTIFICATIONS**

The applicant hereby assures and certifies that:

(a) It:

(1) Possesses legal authority to apply for the grant and to execute the proposed project, and its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer and/or other designated official representatives to act in connection with the application and to provide such additional information as may be required; and

(2) Has developed its application, including its projected use of funds, so as to give maximum feasible priority to activities that will benefit low and moderate income persons or aid in the prevention or elimination of slums or blight. (The requirement for this certification will not preclude the State from approving an application where the applicant certifies and the State determines, that all or part of the proposed project activities are designed to meet other community development needs that have arisen during the preceding twelve-month period and have particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and where other financial resources are not available to meet such needs.) Furthermore:

(A) With respect to activities it claims benefit low and moderate income persons, it has determined and documented that not less than fifty-one percent (51%) of the beneficiaries of the activity are low and moderate income persons; and

(B) With respect to activities it claims aid in the elimination of slums or blight, it has determined and documented:

(i) For activities to address slums or blight on an area basis:

(I) The area meets a definition of a slum, blighted, deteriorated or deteriorating area under State or local law;

(II) Throughout the area, at least twenty-five percent (25%) of the buildings are in a state of deterioration or two or more types of public improvements are in a state of deterioration;

(III) Documentation is being maintained on the boundaries of the area and the condition which qualified the area at the time of its designation; and

(IV) The assisted activity addresses one or more of the conditions which contributed to the deterioration of the area.

(V) Rehabilitation will only be undertaken on residential structures which are not occupied by low and moderate income persons if such structures are substandard under local definition, and provided that all deficiencies making such structure substandard must be corrected before less critical work on the structure may be undertaken;

(ii) For activities to address slum or blight on a spot basis, the activities must be designed to eliminate specific conditions of blight or physical decay and must be limited to acquisition, clearance, relocation, historic preservation and rehabilitation of buildings, but only to the extent necessary to eliminate specific conditions detrimental to public health and safety.

(b) It is following a detailed citizen participation plan which:

(1) Provides for and encourages citizen participation with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which Community Development Block Grant (CDBG) funds are proposed to be used;

(2) Provides citizens with reasonable and timely access to local meetings, information, and records relating to its proposed and actual use of CDBG funds;

- (3) Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the applicant;
- (4) Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;
- (5) Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and
- (6) Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

(c) It has provided for and encouraged citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which CDBG funds are proposed to be used, by:

- (1) Furnishing citizens information concerning the amount of funds available for proposed community development and housing activities and the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income and its plans for minimizing displacement of persons as a result of activities assisted with CDBG funds and to assist persons actually displaced as a result of such activities;
- (2) Publishing a proposed project plan/application in such a manner to afford citizens an opportunity to examine its content and to submit comments on the proposed project plan/application and on the community development performance of the jurisdiction(s);
- (3) Holding one or more public hearings, as indicated below, to obtain citizen views and to respond to proposals and questions related to community development and housing needs, proposed activities and past CDBG performance. All hearings were held no sooner than five days after notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped and for the needs of non-English speaking residents where a significant number of such residents could have been reasonably expected to participate.

<u>Applicant/Participant *</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
City of Delta	November 21, 2011	5 :00pm	360 Main St., Delta, CO

\* In the case of a "multi-jurisdictional" application, each participating municipality and county must hold at least one public hearing.

- (4) As applicable, providing citizens with reasonable and timely access to local meetings, information and records regarding its proposed and past use of CDBG funds;
- (5) In preparing its project plan/application, considering any such comments and views and, if deemed appropriate, modifying the proposed project plan/application;
- (6) Making the final project plan/application available to the public;
- (7) Identifying its community development and housing needs, including the needs of low and moderate income persons, and the activities to be undertaken to meet such needs.

(d) In the event it is awarded CDBG funds by the State it will:

- (1) Follow a residential antidisplacement and relocation assistance plan which shall:
  - (A) In the event of such displacement, provide that:

- (i) Governmental agencies or private developers shall provide within the same community comparable replacement dwellings for the same number of occupants as could have been housed in the occupied and vacant occupiable low and moderate income dwelling units demolished or converted to use other than for housing for low and moderate income persons, and provide that such replacement housing may include existing housing assisted with project based assistance provided under Section 8 of the United States Housing Act of 1937;
  - (ii) Such comparable replacement dwellings shall be designed to remain affordable to persons of low and moderate income for 10 years from the time of initial occupancy;
  - (iii) Relocation benefits shall be provided for all low or moderate income persons who occupied housing demolished or converted to a use other than for low or moderate income housing, including reimbursement for actual and reasonable moving expenses, security deposits, credit checks, and other moving-related expenses, including any interim living costs; and, in the case of displaced persons of low and moderate income, provide either:
    - (I) compensation sufficient to ensure that, for a 5-year period, the displaced families shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30 percent; or,
    - (II) if elected by a family, a lump-sum payment equal to the capitalized value of the benefits available under subclause (I) to permit the household to secure participation in a housing cooperative or mutual housing association.
  - (iv) Persons displaced shall be relocated into comparable replacement housing that is:
    - (I) decent, safe, and sanitary;
    - (II) adequate in size to accommodate the occupants;
    - (III) functionally equivalent; and,
    - (IV) in an area not subject to unreasonably adverse environmental conditions;
  - (B) persons displaced shall have the right to elect, as an alternative to the benefits under this subsection to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and,
  - (C) where a claim for assistance under subparagraph (A)(iv) is denied by grantee, the claimant may appeal to the State, and that the decision of the State shall be final unless a court determines the decision was arbitrary and capricious.
- (2) Comply with the provisions of the above paragraph (1) except that paragraphs (A)(i) and (A)(ii) shall not apply in any case in which the Secretary of the U.S. Department of Housing and Urban Development finds, on the basis of objective data, that there is available in the area an adequate supply of habitable affordable housing for low and moderate income persons. A determination under this paragraph is final and nonreviewable.
  - (3) Provide citizens with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of CDBG funds from one eligible activity to another by following the same procedures required in paragraph (c) for the preparation and submission of the final project plan/application.
- (e) It will:

(1) Minimize displacement of persons as a result of activities assisted with CDBG funds and provide for reasonable benefits to any person involuntarily and permanently displaced as a result of the use of CDBG funds to acquire or substantially rehabilitate property;

(2) Affirmatively further fair housing in addition to conducting and administering its project in conformity with Public Law 88-352 and Public Law 90-284 as certified in paragraph (h) hereinafter;

- (3) Not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
  - (A) CDBG funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than the CDBG program, or
  - (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income who are not persons of low income, it certifies that it lacks sufficient CDBG funds to comply with the requirements of subparagraph (A);
- (f) Its chief executive officer or other officer of the applicant approved by the State:
  - (1) Consents to assume the status of responsible Federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of Federal law, as specified in 24 CFR Part 58, which further the purposes of NEPA, insofar as the provisions of such Federal law apply to the Colorado Community Development Block Grant (CDBG) Program;
  - (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (g) It will comply with the financial management regulations, policies, guidelines and requirements set forth in the CDBG Public Facilities and/or Housing Guidebook.
- (h) It will comply with:
  - (1) Section 110 of the Housing and Community Development Act of 1974, as amended, and any State regulations regarding the administration and enforcement of labor standards;
  - (2) Davis-Bacon Fair Labor Standards Act (40 USC 276a - 276a-5) requiring that, on all prime contracts which exceed \$2,000 for federally-assisted construction, alteration or rehabilitation, laborers and mechanics employed by contractors or subcontractors shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor. (This requirement applies to the rehabilitation of residential property only if such property is designed for use of eight or more families.)
  - (3) Contract Work Hours and Safety Standards Act of 1962 (40 USC 327 et seq.) requiring that mechanics and laborers employed on federally-assisted contracts which exceed \$2,000 be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty in a work week.
  - (4) Copeland "Anti-Kickback" Act of 1934 (40 USC 276 (c)) prohibiting and prescribing penalties for "kickbacks" of wages in federally- financed or assisted construction activities.
- (i) It will comply with:
  - (1) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 USC 2000 (d)) prohibiting discrimination on the basis of race, color, religion or religious affiliation, or national origin in any program or activity receiving federal financial assistance.
  - (2) The Fair Housing Act (42 USC 3601-20), as amended, prohibiting housing discrimination on the basis of race, color, religion, sex, national origin, handicap, and familial status.
  - (3) Section 109 of the Housing and Community Development Act of 1974 (42 USC 5309), as amended, providing that no person shall be excluded from participation (including employment), denied program benefits or subjected to discrimination on the basis of race, color, national origin or sex under any program or activity funded in whole or in part under Title I (Community Development) of the Housing and Community Development Act.
  - (4) Executive Order 11063 (1962), as amended by Executive Order 12259, requiring equal opportunity in housing by prohibiting discrimination on the basis of race, color, religion, sex or national origin in the sale or rental of housing built with federal assistance.

- (5) **Executive Order 11246 (1965)**, as amended by Executive Orders 11375, prohibiting discrimination on the basis of race, color, religion, sex or national origin in any phase of employment during the performance of federal or federally-assisted contracts in excess of \$2,000.
- (6) **Section 3 of the Housing and Community Development Act of 1968 (12 USC 1701 (u))**, as amended, providing that, to the greatest extent feasible, opportunities for training and employment that arise through HUD-financed projects, will be given to lower-income persons in the unit of the project area, and that contracts be awarded to businesses located in the project area or to businesses owned, in substantial part, by residents of the project area.
- (7) **Section 504 of the Rehabilitation Act of 1973 (29 USC 793)**, as amended, providing that no otherwise qualified individual shall, solely by reason of a handicap, be excluded from participation (including employment), denied program benefits or subjected to discrimination under any program or activity receiving federal funds. Effective communication with persons of all types of disabilities must be ensured.
- (8) **Age Discrimination Act of 1975, (42 USC 6101)**, as amended, providing that no person shall be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funds.

(j) It will comply with:

- (1) **Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 USC 5301)**, known as the "Barney Frank Amendment," and the HUD implementing regulations at 29 CFR Part 570, requiring that local grantees follow a residential antidisplacement and relocation assistance plan which provides for the replacement of all low/moderate-income dwelling units that are demolished or converted to another use as a direct result of the use of CDBG funds, and which provides for relocation assistance for all low/moderate-income households so displaced.
- (2) **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended -- Title III, Real Property Acquisition (Pub. L. 91-646 and HUD implementing regulations at 49 CFR Part 24)**, providing for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by federal or federally- assisted programs and establishing uniform and equitable land acquisition policies for federal assisted programs. Requirements include bona fide land appraisals as a basis for land acquisition, specific procedures for selecting contract appraisers and contract negotiations, furnishing to owners of property to be acquired a written summary statement of the acquisition price offer based on the fair market price, and specified procedures connected with condemnation.
- (3) **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended -- Title II, Uniform Relocation Assistance (Pub. L. 91-646 and HUD implementing regulations at 49 CFR Part 24)**, providing for fair and equitable treatment of all persons displaced as a result of any federal or federally-assisted program. Relocation payments and assistance, last-resort housing replacement by displacing agency, and grievance procedures are covered under the Act. Payments and assistance will be made pursuant to state or local law, or the grant recipient must adopt a written policy available to the public describing the relocation payments and assistance that will be provided. Moving expenses and up to \$22,500 or more for each qualified homeowner or up to \$5,250 or more for each tenant are potential costs.

(k) It will comply with:

- (1) **National Environmental Policy Act of 1969 (42 USC 4321 et seq.)**, as amended, and the implementing regulations of HUD (24 CFR Part 58) and of the Council on Environmental Quality (40 CFR Parts 1500 - 1508) providing for establishment of national policy, goals, and procedures for protecting, restoring and enhancing environmental quality.
- (2) **National Historic Preservation Act of 1966 (16 USC 470 et seq.)**, as amended, requiring consideration of the effect of a project on any district, site, building, structure or object that is included in or eligible for inclusion in the National Register of Historic Places.
- (3) **Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921 et seq.)** requiring that federally-funded projects contribute to the preservation and enhancement of sites, structures and objects of historical, architectural or archaeological significance.

- (4) The Archaeological and Historical Data Preservation Act of 1974, amending the Reservoir Salvage Act of 1960 (16 USC 469 et seq.), providing for the preservation of historic and archaeological data that would be lost due to federally-funded development and construction activities.
- (5) Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951 et seq.) prohibits undertaking certain activities in flood plains unless it has been determined that there is no practical alternative, in which case notice of the action must be provided and the action must be designed or modified to minimize potential damage.
- (6) Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961 et seq.) requiring review of all actions proposed to be located in or appreciably affecting a wetland. Undertaking or assisting new construction located in wetlands must be avoided unless it is determined that there is no practical alternative to such construction and that the proposed action includes all practical measures to minimize potential damage.
- (7) Safe Drinking Water Act of 1974 (42 USC 201, 300 f et seq., 7401 et seq.), as amended, prohibiting the commitment of federal financial assistance for any project which the Environmental Protection Agency determines may contaminate an aquifer which is the sole or principal drinking water source for an area.
- (8) The Endangered Species Act of 1973 (16 USC 1531 et seq.), as amended, requiring that actions authorized, funded, or carried out by the federal government do not jeopardize the continued existence of endangered and threatened species or result in the destruction or modification of the habitat of such species which is determined by the Department of the Interior, after consultation with the State, to be critical.
- (9) The Wild and Scenic Rivers Act of 1968 (16 USC 1271 et seq.), as amended, prohibiting federal assistance in the construction of any water resources project that would have a direct and adverse affect on any river included in or designated for study or inclusion in the National Wild and Scenic Rivers System.
- (10) The Clean Air Act of 1970 (42 USC 1857 et seq.), as amended, requiring that federal assistance will not be given and that license or permit will not be issued to any activity not conforming to the State implementation plan for national primary and secondary ambient air quality standards.
- (11) HUD Environmental Criteria and Standards (24 CFR Part 51) providing national standards for noise abatement and control, acceptable separation distances from explosive or fire prone substances, and suitable land uses for airport runway clear zones.

(i) It will:

- (1) Comply with The Lead-Based Paint Poisoning Prevention Act -- Title IV (42 USC 4831) prohibiting the use of lead-based paint in residential structures constructed or rehabilitated with federal assistance, and requiring notification to purchasers and tenants of such housing of the hazards of lead-based paint and of the symptoms and treatment of lead-based paint poisoning.
- (2) Comply with the Armstrong/Walker "Excessive Force" Amendment, (P.L. 101-144) & Section 906 of Cranston-Gonzalez Affordable Housing Act of 1990, which requires that a recipient of HUD funds must certify that they have adopted or will adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within their jurisdiction against individuals engaged in nonviolent civil rights demonstrations; or fails to adopt and enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.
- (3) Comply with the "Government-wide Restriction on Lobbying, (P.L. 101-121), which prohibits spending CDBG funds to influence or attempt to influence federal officials; which requires the filing of a disclosure form when non-CDBG funds are used for such purposes; which requires certification of compliance by the state; and which requires the state to include the certification language in grant awards it makes to units of general local government at all tiers and that all subrecipients shall certify accordingly as imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.



Resolution # 11, 2011

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

WHEREAS, the City of Delta, State of Colorado, has made application for  
Community Development Block Grant (CDBG) funds from the State of Colorado; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD  
Appropriations Act requires certain Statement of Assurances and Certifications;

NOW THEREFORE BE IT RESOLVED that pursuant to the City of Delta being  
granted CDBG funds by the State; the City of Delta, by administrative act, does adopt a  
statement of policy prohibiting the use of Excessive Force by law enforcement agencies  
within its jurisdiction against any individuals engaged in non-violent civil rights  
demonstrations.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

ATTEST:

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



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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: November 18, 2011  
Subject: Retail Liquor Store License Renewal for Peterson Liquors

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### **Recommendation**

Staff recommends approval of a retail liquor store license renewal for Peterson Liquors located at 455 W. 8<sup>th</sup> Street. The Police Department's report and recommendation is attached.

### **Background**

The current liquor license expires December 2, 2011. Craig Triantos has held the license since 1997.

### **Cost**

There is no cost to the City to renew this license. The applicant has paid the \$227.50 renewal fee to the State, and the City renewal fee of \$97.50 as well as the City's \$300 liquor occupation tax for a retail liquor store license.

### **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 Peterson Liquors.

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**



TRIANOS CRAIG A  
 PETERSON LIQUOR  
 455 W 8TH  
 DELTA CO 81416-1637

License Number 12-39414-0000	License Type 1940
Liability Information 18 011 445310 I 120397	
Business Location 455 W 8TH DELTA CO	
Current License Expires DEC 02, 2011	
<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:



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>Craig A Peterson</i>	Date 11-3/11	Business Phone 970 874 4313
Title OWNER	Sales Tax Number	
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. <b>THEREFORE THIS APPLICATION IS APPROVED.</b>		
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 PETERSON LIQUOR	LICENSE NUMBER (Use for all reference) 12-39414-0000		PERIOD 12-12
TYPE OF LICENSE ISSUED RETAIL LIQUOR STORE LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 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 \$ \_\_\_\_\_





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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of Triantos, Craig A.  
DBA: Peterson Liquor

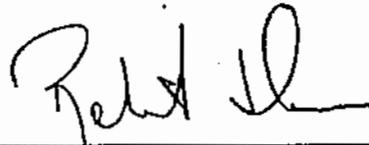
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

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

Remarks:

Police Department recommendation:

**Recommend liquor license renewal.**



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Robert Thomas, Chief of Police