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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

April 17, 2012  
7:00 p.m.

- A. Pledge of Allegiance
- B. Oath of Office: Councilmembers Mary Cooper, Robert Jurca, Ray Penick and Bill Raley
- C. Election of Mayor and Mayor Pro Tem
- D. City Council Board & Committee Appointments
- E. Minutes
- F. Citizen Comments
- G. Council Bill #10, 2012; First Reading (Walker)  
101 Grand Avenue Rezone
- H. Landscape Requirements (Black)
- I. Council Bill #8, 2012; Second and Final Reading (Black)  
Parking and Paving
- J. Council Bill #9, 2012; Second and Final Reading (Black)  
Storage Sheds and Travel Homes
- K. Hotel/Restaurant Liquor License Renewals: (Nelson)
  - Stockyards Restaurant
  - Devil's Thumb Bar and Grill
- L. Arbor Day Proclamation (Suppes)
- M. City Attorney Comments
- N. City Manager Comments
- O. 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 and for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

OATH OF OFFICE

STATE OF COLORADO )  
COUNTY OF DELTA ) ss.  
CITY OF DELTA )

I, Mary Cooper, do solemnly swear/affirm by the ever living God, that I will support the Constitution of the United States and of the State of Colorado, the ordinances and Charter of the City of Delta, and faithfully perform the duties of the office of Councilmember, District B, upon which I am about to enter.

\_\_\_\_\_  
Mary Cooper

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

My Commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

OATH OF OFFICE

STATE OF COLORADO )  
COUNTY OF DELTA ) ss.  
CITY OF DELTA )

I, Robert Jurca, do solemnly swear/affirm by the ever living God, that I will support the Constitution of the United States and of the State of Colorado, the ordinances and Charter of the City of Delta, and faithfully perform the duties of the office of Councilmember, At Large, upon which I am about to enter.

\_\_\_\_\_  
Robert Jurca

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

My Commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

OATH OF OFFICE

STATE OF COLORADO )  
COUNTY OF DELTA ) ss.  
CITY OF DELTA )

I, Raymond L. Penick, do solemnly swear/affirm by the ever living God, that I will support the Constitution of the United States and of the State of Colorado, the ordinances and Charter of the City of Delta, and faithfully perform the duties of the office of Councilmember, District A, upon which I am about to enter.

\_\_\_\_\_  
Raymond L. Penick

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

My Commiission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

OATH OF OFFICE

STATE OF COLORADO )  
COUNTY OF DELTA ) ss.  
CITY OF DELTA )

I, William H. Raley, do solemnly swear/affirm by the ever living God, that I will support the Constitution of the United States and of the State of Colorado, the ordinances and Charter of the City of Delta, and faithfully perform the duties of the office of Councilmember, District C, upon which I am about to enter.

\_\_\_\_\_  
William H. Raley

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

My Commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



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**Date:** *April 12, 2012*  
**To:** *City Council, City Manager*  
**From:** *Jolene E. Nelson, City Clerk*  
**RE:** *Council Board and Committee Appointments*

The following appointments have previously been made to provide Council representation to the various Boards and Committees:

Juvenile Diversion; twice a yearly (next mtg. 8/31/2012 @ 1:30pm) – Robert Jurca

Delta County Economic Development; monthly 2<sup>nd</sup> Thursday – Mary Cooper

Historic Preservation; TBA (at least monthly) – Ed Sisson

Region 10; TBA – Guy Pfalzgraff

Delta Area Chamber of Commerce; monthly 2<sup>nd</sup> Thursday @ 7:00am – Ed Sisson

Project 7; monthly 4<sup>th</sup> Thursday @ 4:30pm – Mary Cooper, Alternate Steve Glammeyer

FORE Alliance/Regional Energy Steering Committee; 4<sup>th</sup> Thursday monthly @ 2 - 4pm – Guy Pfalzgraff

Delta Housing Authority Board; monthly 4<sup>th</sup> Wednesday @ 3:00pm – Robert Jurca

Board of County Commissioners; 1<sup>st</sup> & 3<sup>rd</sup> Mondays @ 8:30am – Joe Kerby and Guy Pfalzgraff

Municipal Quarterly, TBA – Guy Pfalzgraff

Delta County Housing Task Force; quarterly 2<sup>nd</sup> Thursday @ 9:00am – Bill Raley

Employee Benefits Task Force; TBA – Guy Pfalzgraff

Pro Challenge Bicycle Race; TBA – Guy Pfalzgraff

Truck Route Committee; Thursdays at 8:00am – Mary Cooper, Guy Pfalzgraff

Recycle Task Force; TBA – Robert Jurca and Guy Pfalzgraff

Citizen's Financial Task Force – 2<sup>nd</sup> & 4<sup>th</sup> Mondays @ 5:30-7:00pm

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 stated that there is a change on Item J.

**Minutes**

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of March 20, 2012 as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

Michael Long, 640 Munroe Street, commented on the City's ordinance regarding quarantine of an animal after an animal bite.

**Recognition of Guy Pfalzgraff**

Mayor Cooper presented a plaque to Guy Pfalzgraff for recognition of his service as a Councilmember At Large.

**Appointment to the Golf Course Advisory Board**

Golf Pro Rob Sanders stated that the Dennis Phillips has served on the Golf Course Advisory Board for a one year term. Mr. Phillips has submitted a letter of interest in being reappointed for a two or three year term. There are currently three vacancies.

It was moved by Councilmember Raley and seconded by Councilmember Pfalzgraff to appointment Dennis Phillips for a three year term to the Golf Course Advisory Board. All in favor, motion carried.

**Public Hearing: Special Events Permit Application; NRA Foundation Inc.**

Mayor Cooper closed the regular meeting and convened a public hearing.

The Deputy Clerk explained that the NRA Foundation Inc. has submitted a special events permit application for their fundraising event scheduled on May 11, 2012 at Bill Heddles Recreation Center. They plan to sell malt, vinous and spirituous liquor from 9:00am to 10:00pm. The application is complete and all fees have been paid. A sign notifying the public of this hearing was posted as required by law and there have been no comments received by the City Clerk.

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

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to approve the NRA Foundations, Inc.'s application for a special events permit for May 11, 2012. All in favor, motion carried.

**Council Bill #8, 2012; First Reading  
Parking and Paving****Council Bill #8, 2012**

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING SECTIONS 15.04.080.B.1.b, 17.04.230.E.4 AND  
17.04.230.G OF THE DELTA MUNICIPAL CODE FOR THE  
PURPOSE OF REVISING CERTAIN PARKING AND PAVING  
REGULATIONS APPLICABLE TO PROPERTY DEVELOPMENT

**Regular Meeting, Delta City Council, April 3, 2012 (Cont.)**

**Council Bill #8, 2012; First Reading (cont.)**

WITHIN THE CITY LIMITS

was read by the Deputy Clerk.

Councilmember Raley questioned if this addresses Phillips.

Community Development Glen Black stated that this does address the industrial zones.

It was moved by Councilmember Raley and seconded by Councilmember Sisson to adopt Council Bill #8, 2012 on first reading. Roll call votes: Councilmembers Jurca, aye; Raley, aye, Pfalzgraff, aye, Sisson, aye and Cooper aye. Motion carried.

**Council Bill #9, 2012; First Reading  
Storage Sheds and Travel Homes**

Council Bill #9, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING PARTS OF SECTION 17.04.220.B.1. OF THE  
DELTA MUNICIPAL CODE FOR THE PURPOSE OF REVISING  
TABULATED REGULATIONS LIMITING PLACEMENT AND  
MAINTENANCE OF TRAVEL HOMES AND STORAGE  
STRUCTURES ON PROPERTY WITHIN THE CITY LIMITS

was read by the Deputy Clerk.

Director Black reported that he would request to eliminate the section that references specific sections and only reference the City of Delta standard and specifications.

City Attorney Michael Schottelkotte stated he has no problem with that change.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt Council Bill #9, 2012 on first reading with the amendment removing section 6.17.00 from the last paragraph. Roll call votes: Councilmembers Jurca, aye; Raley, aye, Pfalzgraff, aye, Sisson, aye and Cooper aye. Motion carried.

**Beer and Wine Liquor License Renewal; Daveto's Italian Restaurant**

The Deputy Clerk explained that Daveto's has submitted their renewal application for their Beer and Wine liquor license. The application is complete and all fees have been paid. The Delta Police Department has recommended renewal.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the Beer and Wine License Renewal Application for HAP Food Enterprises, dba Daveto's Italian Restaurant. All in favor, motion carried.

**Pramukh Hospitality, LLC Trade Name Change**

The Deputy Clerk stated that Pramukh Hospitality, LLC has changed their trade name from Best Western Sundance to Days Inn. This is a formality that is required by the State for the name change on the liquor license.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to approve the trade name change for Pramukh Hospitality, LLC. All in favor, motion carried.

**City Attorney Comments**

City Attorney Michael Schottelkotte commented on a Family Household Trust property that the City is working on acquiring for the truck route.

**City Manager Comments**

City Manager Joe Kerby commented on the following items:

- The City has received an award for the River Diffuser Project from MEAN.

## **Regular Meeting, Delta City Council, April 3, 2012 (Cont.)**

### **City Manager Comments (cont.)**

- The Leaf and Branch drop off will be occurring over Memorial Day weekend on Saturday and Monday.
- The Community Garden is moving forward.
- Paul Suppes is now working with the safety committee so that Jim Hatheway can focus more on the truck route.
- An employee update meeting as well as safety training will be held on April 25<sup>th</sup>.
- Tod DeZeeuw is working on refinancing the sewer bonds.
- The new utility bills will be starting this month.
- Devil's Thumb Golf Course has installed a new POS system
- The golf course also has a new website.
- Staff has been working with CDOT to install a new sign for the golf course at Hwy 50 and H38 Road.
- Reminded Council of the pool closure.
- THK has submitted a draft report regarding the operational review of the golf course. Staff will be reviewing that report and then get that to Council in a work session.
- A meeting with the Corp of Engineers is scheduled for Friday to discuss the truck route.
- Various boards that Council provides a representative to attend meetings and be a liaison for the City. These appointments will be held at the next City Council meeting.
- The Community Development Block Grant that the City applied for may be receiving \$250,000 from that grant.

Mayor Cooper presented the results from the election.

### **Councilmember Comments**

Councilmember Jurca thanked all his supporters.

Councilmember Pfalzgraff thanked the Mayor, City Manager, City Council and staff for all of their hard works that everyone has been putting in various projects for the City. It has been a wonderful experience being involved with the community in this capacity. He will be taking some time off; however, he would like to come back in the future.

Councilmember Sisson commented on the work out at Alta Vista de le Montana.

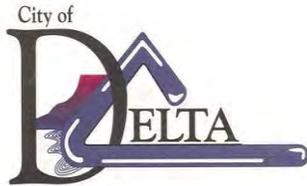
### **Executive Session**

It was moved by Councilmember Sisson 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 for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees.

At 7:32 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 8:29 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, City Attorney Michael Schottelkotte, Public Works Director Jim Hatheway, Rob Pratt and Jeff Perrot. 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.



# CITY COUNCIL MEETING

## AGENDA ITEM

**MEETING DATE:** April 17, 2012     **Date Memo/Packet Submitted to City Clerk:** April 12, 2012  
 (Due no later than Thursday @ 12:00pm)

**Name:** Sharleen R. Walker     **Dept:** Community Development     **Phone:** 970-874-7903  
**Description:** 101 Grand Avenue Rezone

***...ALL QUESTIONS must be answered...***

Discussed with City Manager?     Yes	Discussed with City Attorney?     Yes
Included in Current Year Budget?     No  Budgeted Amount \$ _____ If not budgeted explain:	Program is...  NEW
Is this a Bid Award?     No  Bidders and Bid Amounts – Attach a Summary of Bids Received	Subject to Annual Renewal?     No  Renewal Date: _____
What process was used? _____ Informal Bid     _____ RFP _____ Bid     _____ RFQ _XX_ Other (explain) Planning Commission Public Hearing and Recommendation	Is this a Grant?     No
Is this to be communicated to the Public? No _____ Press Release     _____ Newsletter Article _____ Other     _____ Channel 10     _____ City website	What is the City's Match?     N/A
Purchase Amount:	Is an Ordinance Required?     Yes  Is Resolution Required?     No  Are there any publishing requirement?     Yes

**SUMMARY:** Hearing requirements have been met. Planning Commission held a Public Hearing and has recommended approval of the zoning amendment (rezone) for 101 Grand Avenue. Consider adopting Council Bill # \_\_\_\_\_, 2012 on First Reading.

# MEMO

## Community Development

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**Date:** April 17, 2012  
**To:** Mayor, City Council and City Manager  
**From:** Sharleen R. Walker, Planning Technician *slw*  
**Re:** 101 Grand Avenue Rezone from R-4 to B-2

### RECOMMENDATION

Planning Commission has recommended that City Council approve the zoning amendment for 101 Grand Avenue from R-4 to B-2.

### BACKGROUND

- Owner/Applicant – Glen L. Black
- Zoning Amendment Application Completed
- Fees Paid
- Public Notice published in the Delta County Independent for the Public Hearing at the Planning Commission meeting
- Notices mailed to property owners within 100 feet of the property
- Sign posted on the property
- Public hearing held at Planning Commission meeting on April 2, 2012 (see attached Planning Commission Staff Report)
- Planning Commission has recommended approval of the zoning amendment (rezone)

### STAFF REVIEW AND DISCUSSION

The applicant is requesting that 101 Grand Avenue's zoning designation be amended (rezoned) from R-4 to B-2. The B-2 zone is intended to provide for businesses oriented toward serving the vehicular customer. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City. Please see section 17.04.150 for further clarifications regarding Uses by Right, Conditional Uses and Performance Standards.

#### **Criteria for Rezoning:**

According to section 17.04.270 of the City Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed **only** upon findings as follows:

1. The amendment is not adverse to the public health, safety, and welfare; **and**
2. a. The amendment is in substantial conformity with the Master Plan; **or**  
b. The existing zoning is erroneous; **or**

- c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

**Petitions:** There were fourteen petitions mailed out and there were four petitions turned in, all in favor of the rezone.

**Planning Commission Recommendation:**

Planning Commission recommends approval of the requested zone change based on the following:

1. The amendment appears to not be adverse to the public health safety, and welfare.
2. a. The amendment is in substantial conformity with the Master Plan; **and**
  - b. N/A
- c. The area affected has changed since the lot was last zoned. 115 Grand (in 2006) and 106 Grand (in 2005) were both rezoned from R-4 to OR. The requested zoning designation is compatible with the surrounding neighborhood, properties directly to the north and to the west are currently zoned B-2.

**CITY COUNCIL ACTION TO BE TAKEN**

Delta Municipal Code Section:

17.04.290 Review procedure.

H. 1. The Planning Commission's decision with respect to requests for changes to the Zoning Map shall be submitted to the City Council as a recommendation. The Council may without further review implement such recommended change by adoption of a rezoning ordinance or take no action if no change is recommended, unless an appeal is filed as set out below, or it may decide in its discretion to hear the matter *de novo* as set out in Subsection (3) below.

**ACTION TO BE TAKEN IF APPROVED**

Adopt Council Bill # 32 , 2012 on First Reading.

**SUGGESTED MOTION**

I would move to adopt Council Bill 32. 2012 on first reading. (Disapproval would be indicated by a “nay” vote)

Thank you for your attention.

## 101 Grand Avenue Rezone Request

Planning Technician:	Sharleen Walker	Date:	4/2/2012
Owner:	Glen L. Black	Applicant:	Glen L. Black
Location:	1 <sup>st</sup> and Grand Ave.	Parcel #:	3457-134-12001
Zone District:	R-4	Parcel Size:	0.172 acres

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### **Request:**

The applicant is requesting that 101 Grand Avenue's zoning designation be amended (rezoned) from R-4 to B-2. The B-2 zone is intended to provide for businesses oriented toward serving the vehicular customer. This district provides for the convenient exchange of goods and services along the major thoroughfares of the City. Please see section 17.04.150 for further clarifications regarding Uses by Right, Conditional Uses and Performance Standards.

### **Criteria for Rezoning:**

According to section 17.04.270 of the City Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed **only** upon findings as follows:

1. The amendment is not adverse to the public health, safety, and welfare; **and**
2. a. The amendment is in substantial conformity with the Master Plan; **or**
  - b. The existing zoning is erroneous; **or**
  - c. Conditions in the area affected or adjacent areas have changed materially since the area was last zoned.

**Petitions:** There were fourteen petitions mailed out and currently there have been three petitions turned in, all in favor of the rezone.

### **Staff Recommendations:**

Staff recommends approval of the requested zone change based on the following:

1. The amendment appears to not be adverse to the public health safety, and welfare.
2. a. The amendment is in substantial conformity with the Master Plan; **and**
  - b. N/A

- c. The area affected has changed since the lot was last zoned. 115 Grand (in 2006) and 106 Grand (in 2005) were both rezoned from R-4 to OR. The requested zoning designation is compatible with the surrounding neighborhood, property directly across the street and to the west is currently zoned B-2.

**Example Motion:**

1. I move that Planning Commission **recommend/not recommend** approval to City Council the request to change the zone district of 101 Grand Avenue from R-4 to B-2.

## ZONE CHANGE REQUEST

Applicant: Glen Black  
Location: 101 Grand Ave. (Lots 1 and 2 in Block 1 of the original Plat of the Town, now the City of Delta.  
Request: Change from R4 Residential zone to B2 Business zone.

I am requesting a zone change for my vacant property located at 101 Grand Ave. (the corner lot of Grand Ave and 1<sup>st</sup> St.). My hope is that by changing the zone to a business zone, it may make the property more attractive to potential developers.

### Background

The property had a dilapidated house on it which was in process of being condemned in 2006 – 2007. The property was purchased and the house demolished to create the vacant lot which exists at this time. The developer proposed putting an office building on the lot, but never went through the zone change process. I purchased the property in 2008 and was considering building a 4-plex on the property. The slow down in the housing market has shown that constructing housing units would not be economically wise at this time. Since the property has set vacant for five years, it is my hope that the business B2 zone would allow more potential for development.

### Criteria

The amendment is not adverse to the public health, safety and welfare. All the property surrounding 101 Grand are already zoned for business. The Kaup building is to the northeast and is currently zoned B2, a small strip mall is directly to the north and is also zoned B2. The property to the northwest is Moonshine Liquors which is zoned B2. The property to the west contains an auto repair business and is zoned B2. The property to the south was rezoned in April of 2006 to OR office residential and is the location of the Aspen Professional Building (counseling offices). And finally, the property directly east was rezoned to OR in 2005.

The Master Plan for this area of the City allows for neighborhoods to transition through normal zone change processes. The proposal would not be a spot zone due to adjacent B2 zoned properties.

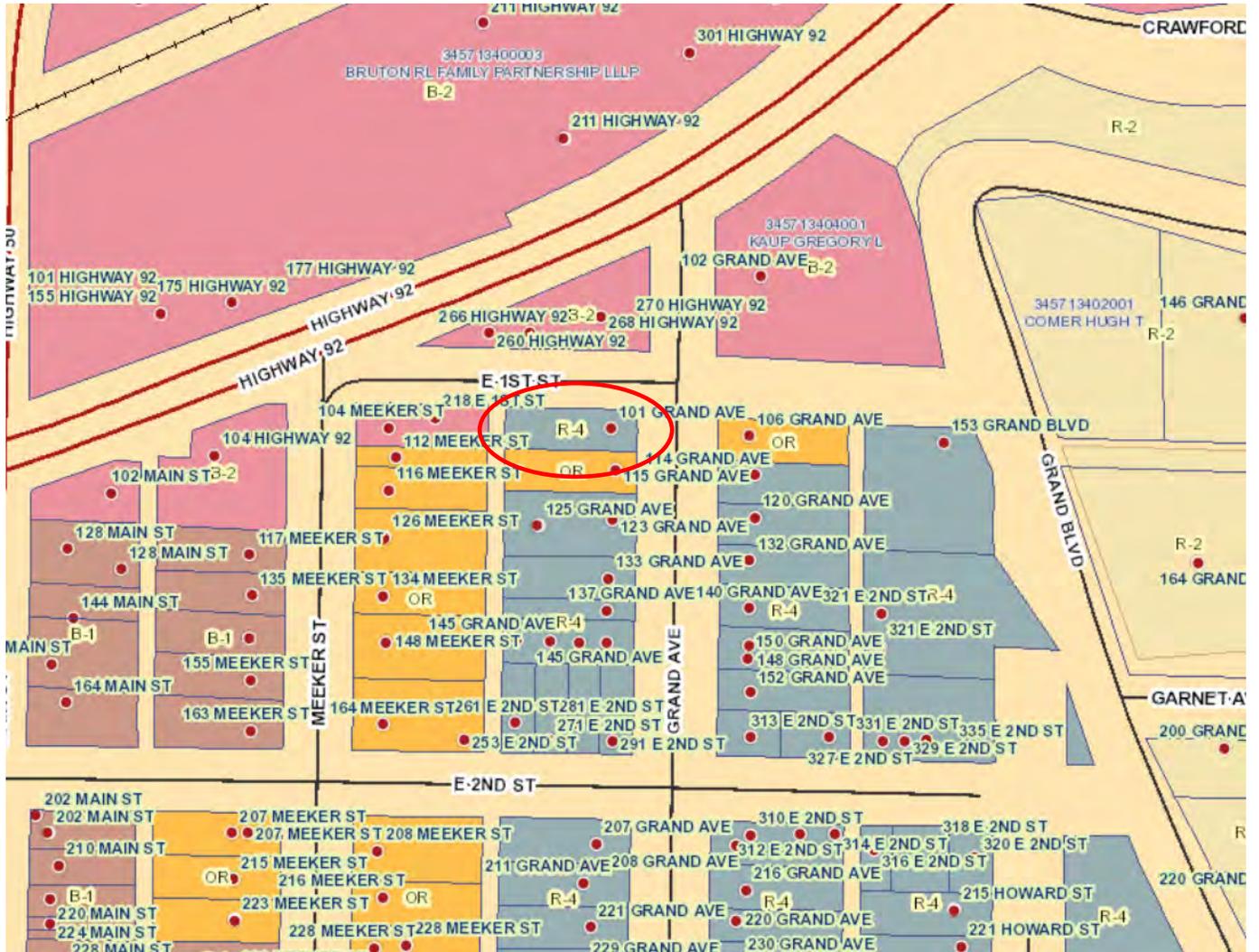
Conditions in the area have changed with the zoning of property directly west and directly south to the OR office residential zone. Considering the B2 uses surrounding the property, it seems that the B2 zone is a natural fit for the property.

Thank you for your consideration,



Glen L. Black

# Zone Map



Aerial Photo



## Excerpt From Master Plan (pg 3-13)

### *Desired Future Condition, Policies and Action Items*

#### *Desired Future Condition*

Growth and development are managed to preserve and enhance the quality of life that makes Delta an attractive place to live and visit. The downtown core is revitalized as a walkable village center with a well-designed mix of residential and commercial uses that serve both residents and visitors. Edges of the community are clearly defined by surrounding agricultural land and **future growth is concentrated within the present City boundaries.**

#### *Policies and Action Items*

**Policy 1** --Growth will be controlled preserving green spaces at critical locations.

**Policy 2** --Future growth should be planned under the medium to high growth scenarios.

**Policy 3** --New development should pay its own way.

**Policy 4** --**Downtown should become a mixed use area with single family and multi family residences, offices and retail establishments that serve the needs of residents and tourists.**

An action item to implement this policy would be:

Amend the land use code to include a new mixed use district in the downtown area with appropriate land uses and design guidelines.

**Policy 5** --Improve the appearance of downtown

**Policy 6** --The City of Delta should encourage commercial growth along US 50 to the north and south.

**Policy 7** -- **The City of Delta should encourage commercial growth along the highway corridor to the east**

**Policy 8** -- The City of Delta should encourage growth along the railroad and recycle the old industrial buildings and agribusiness buildings into small scale industrial and commercial businesses.

Council Bill No. \_\_\_\_\_, 2012

Ordinance No. \_\_\_\_\_, 2012

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING THE ZONING DESIGNATION OF LOTS 1 AND  
2, BLOCK 1, OF THE ORIGINAL PLAT OF DELTA FROM  
R-4 TO B-2.**

WHEREAS, the owners of property described as Lots 1 and 2, Block 1, of the original plat of the City of Delta, Colorado, located at 101 Grand Avenue, have applied for its re-zoning in order to accommodate a range of future business usage; and

WHEREAS, the Planning Commission, following a hearing, has recommended that zoning for the property be changed, as requested, from its present designation as R-4 to a new designation of B-2; and

WHEREAS, the City Council finds that the requested amendment will not be adverse to the public health, safety and welfare and that conditions in the area affected, or in adjacent areas, have changed materially since the property was last zoned. Therefore, the requested zoning amendment meets the criteria for zoning changes set forth in Delta Municipal Code Section 17.04.270.

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

**Section 1.** The zoning designation for the property described as Lots 1 and 2, Block 1, of the Original Plat of the City of Delta, Colorado is hereby changed from R-4 to B-2.

**Section 2.** The official zoning map of the City shall be amended as soon as practicable to reflect the aforementioned zoning change.

ADOPTED on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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

ADOPTED on second and final reading and ordered published this  
\_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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



# MEMO

## Community Development

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**Date:** April 17, 2012  
**To:** Mayor, City Council and City Manager  
**From:** Glen L. Black, Director of Community Development  
**Re:** Landscape Requirements

A handwritten signature in purple ink, appearing to read 'GLB'.

### RECOMMENDATION

City Council consider changing the Landscape requirements per Planning Commission recommendation.

### BACKGROUND

The City Council requested that the Planning Commission make a recommendation regarding Landscape Requirements at the City Council Work Session held on December 6, 2011.

The Planning Commission reviewed this item at the Planning Commission meeting held on April 2, 2012. Below is the recommendation from the Planning Commission meeting.

### STAFF REVIEW AND DISCUSSION

Suggested code changes are below:

#### **Delta Municipal Code Section 15.04.080.B.1.d.iv: percentage of living material:**

iv. Such landscaping shall consist of trees, shrubs, and ground covers, and may include up to a maximum of ~~20%~~ **60%** coverage in inert materials such as decorative paving stones, lava rock, pea gravel, etc., except to the extent such area is lawfully covered by a building.

**Section 15.04.080.B.1.d.i: regarding linear frontage of landscaping required.** Consensus of Planning Commission is that this section is okay as it is.

#### **Delta Municipal Code Section 15.04.080.B.1.d.ii: regarding percentage of entire lot required to be landscaped.**

ii. Inclusive of the above frontage requirement, landscaping shall be required in at least 15% of that part of the site not covered by buildings for sites located in residential zoning districts; at least ~~8%~~ **6%** of that part of the site not covered by buildings for sites located in commercial zoning districts; and at least ~~4%~~ **2%** of that part of the site not covered by buildings for sites located in industrial zoning districts.

**Section 15.04.080.B.1.d.iii: regarding requirements for landscaped islands in parking areas.** Consensus of Planning Commission is that this section is okay as it is

**Section 15.04.090.A.4: regarding landscape requirements on frontage on highway corridors.** Consensus of Planning Commission is that this section is okay as it is

**ACTION TO BE TAKEN IF APPROVED**

Direct staff to draft an Ordinance for City Council consideration to enact the proposed changes.

Thank you for your attention.



COUNCIL BILL NO. \_\_\_\_\_, 2012

ORDINANCE NO. \_\_\_\_\_, 2012

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING SECTIONS 15.04.080.B.1.b, 17.04.230.E.4 AND  
17.04.230.G OF THE DELTA MUNICIPAL CODE FOR THE  
PURPOSE OF REVISING CERTAIN PARKING AND  
PAVING REGULATIONS APPLICABLE TO PROPERTY  
DEVELOPMENT WITHIN THE CITY LIMITS.**

WHEREAS, at the request of the Delta City Council, the City Planning Commission has reviewed certain regulations in the Delta Municipal Code pertaining to the construction and surfacing of parking areas for properties being developed within the City limits; and

WHEREAS, following its process of review, the Planning Commission has made recommendations to the Council for revising some of the pertinent regulations; and

WHEREAS, the City Council finds the recommendations of the Planning Commission to be reasonable and necessary for the promotion of public safety and welfare.

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

Section 1. Section 15.04.080.B.1.b of the Delta Municipal Code is hereby amended to hereafter provide as follows:

“b. Required off-street parking spaces, including landscaped areas, and maneuvering areas adequate to avoid any need for vehicles to back onto sidewalks and other developed parts of adjoining streets, and adequate to meet all applicable requirements. The required parking and maneuvering areas shall be constructed and surfaced according to Section 17.04.230.G.”

Section 2. Section 17.04.230.E.4 of the Delta Municipal Code is hereby amended to hereafter provide as follows:

“4. Shared parking lots shall be allowed in all zoning districts where shared parking can be provided among a mix of land uses located in the same structure, or within the same property or use, or in adjoining structures, or on adjacent property not more than two hundred feet (200') from the property it is intended to serve; provided, however, that peak parking usage either reasonably projected or actually resulting from such multiple land uses and/or

activities will not exceed the number of parking spaces developed for the shared lot, and provided further that there be a recorded covenant or plat restriction to such effect on forms approved by the City as support for enforcement of compliance.”

Section 3. Section 17.04.230.G of the Delta Municipal Code is hereby amended to hereafter provide as follows:

“G. When twenty or more parking spaces are required under provisions of Section 17.04.230.C, the parking and maneuvering areas shall be paved in accordance with City specifications, unless exempted below:

1. When a street or other public access to a required parking lot/space is not paved at the time of construction of such lot/space, it may be temporarily surfaced with gravel; provided, however, that the lot/space must be subsequently paved in accord with City Standards and Specifications within no more than twelve months following the time that any part of adjoining public access has been paved.

2. When public access to a required parking lot/space is paved, but the parking lot or space is not required to be paved, a paved or concrete apron must nevertheless be installed according to City Standards and Specifications at all access points.

3. In the I, IR and B-3 zoning districts, parking and maneuvering areas for truck loading, employee parking and outside manufacturing may be surfaced with gravel. If a business includes retail sales, the customer parking area must always be paved according to City Standards and Specifications..

In all cases in which paving of a parking lot or space is not required under this article or under other development regulations of the City, the owner(s) of the pertinent property shall, at all times, be liable for proper maintenance of all graveled parking and maneuvering areas including, but not limited to, keeping accumulated gravel cleared from paved areas and/or concrete aprons, repairing potholes, controlling dust, and maintaining adequate gravel coverage to enable maneuvering of vehicles in all weather conditions. In the event that such maintenance is not properly performed, the City may, at any time after giving ten (10) days prior written notice of deficiencies to such owner(s), cause the maintenance work to be done, assess the costs thereof to the property owner(s), and certify the costs as delinquent charges to the Delta County Treasurer to be collected as, and along with, ordinary real property taxes. Alternatively, the City may record a lien for the costs incurred on the pertinent property of the delinquent owner(s), which lien may be foreclosed in any lawful manner, or may pursue any other legal and/or equitable remedy available for collection of costs incurred by the City in the course of performing or hiring the required parking area maintenance work.”

ADOPTED ON FIRST READING AND ORDERED PUBLISHED THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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



# CITY COUNCIL MEETING

## AGENDA ITEM

**MEETING DATE:** April 17, 2012      **Date Memo/Packet Submitted to City Clerk:** April 12, 2012  
 (Due no later than Thursday @ 12:00pm)

**Name:** Glen L. Black      **Dept:** Community Development      **Phone:** 970-874-7903  
**Description:** Ordinance Second Reading - Travel Home and Storage Shed setbacks

***...ALL QUESTIONS must be answered...***

Discussed with City Manager?      Yes	Discussed with City Attorney?      Yes
Included in Current Year Budget?      No  Budgeted Amount \$ _____ If not budgeted explain:	Program is...  Code Change
Is this a Bid Award?      No  Bidders and Bid Amounts – Attach a Summary of Bids Received	Subject to Annual Renewal?      No  Renewal Date: _____
What process was used? _____ Informal Bid      _____ RFP _____ Bid      _____ RFQ _XX_ Other (explain) Recommendation from Planning Commission	Is this a Grant?      No
Is this to be communicated to the Public? No _____ Press Release      _____ Newsletter Article _____ Other      _____ Channel 10      _____ City website	What is the City's Match?
Purchase Amount:	Is an Ordinance Required?      Yes  Is Resolution Required?      No Are there any publishing requirement?      Yes, Normal

**SUMMARY:** Council adopted Council Bill #9, 2012 on first reading amending the Delta Municipal Code sections 17.04.220.B.1.a and 17.04.220.B.1.c Tabulated Regulations – Travel Home and Storage Shed setbacks.

**SUGGESTED MOTION:** I move that Council adopt Council Bill #9, 2012 on second reading amending the Delta Municipal Code sections 17.04.220.B.1.a and 17.04.220.B.1.c Tabulated Regulations – Travel Home and Storage Shed setbacks.

COUNCIL BILL NO. \_\_\_\_\_, 2012

ORDINANCE NO. \_\_\_\_\_, 2012

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING PARTS OF SECTION 17.04.220.B.1. OF THE  
DELTA MUNICIPAL CODE FOR THE PURPOSE OF  
REVISING TABULATED REGULATIONS LIMITING  
PLACEMENT AND MAINTENANCE OF TRAVEL HOMES  
AND STORAGE STRUCTURES ON PROPERTY WITHIN  
THE CITY LIMITS.**

WHEREAS, upon request of the Delta City Council, the City Planning Commission has reviewed certain tabulated regulations of the Delta Municipal Code pertaining to the placement and maintenance of travel homes, storage structures and similar facilities on lots or parcels located within the City limits; and

WHEREAS, following its process of review, the Planning Commission has made recommendations to the Council for certain revisions of the pertinent regulations; and

WHEREAS, the City Council finds the recommendations of the Planning Commission to be reasonable and necessary for promotion of the public welfare.

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

Section 1. Section 17.04.220.B.1. of the Delta Municipal Code (including specifically subsections a. through c. thereof) are hereby amended to hereafter provide as follows:

- B. 1. No part of any building, except for the outer eighteen inches (18") of the eaves, may be located any closer to a property line than the setback specified in the table appearing on the following page, subject to the following exceptions:
- a. Travel homes and trailers may be parked anywhere upon property as long as such items are kept properly licensed, and maintained in a condition of neat appearance and good function for their intended purposes.
  - b. Awnings supported by only the building to which they are attached may extend into the rear setback of the related property in the B-1 zoning district to a point no closer than eighteen inches (18") from the property line.
  - c. Any storage structure (shed) accessory to a single family residence which is exempted from building permit requirements may be located within setback areas

of property which are not adjacent to a street, provided as follows:

- i. Any such structure must be located entirely behind the front setback line of the pertinent lot or parcel of property.
- ii. Any such structure must be set back a sufficient distance within the property boundary lines so that rain or snow falling upon the structure's roof will not be diverted onto the property of any neighboring owner.

A lot or parcel of property abutted by two or more parallel or intersecting streets may contain a storage structure located within the setback area abutting any street behind the pertinent single family residence, but not within any setback areas that overlap at rear corners of the property abutted by intersecting streets. It is further provided that no such structure shall be located at any place where it will constitute an unsafe impediment to the visibility of vehicle operators using streets abutting the pertinent lot or parcel, all as determined under applicable sight line provisions of the City of Delta's Standards and Specifications for Design and Construction of Public Improvements..

Section 2. All other provisions of Section 17.04.220.B.1 of the Delta Municipal Code (specifically subsections d. through 2 thereof) are hereby ratified and confirmed as presently written.

ADOPTED ON FIRST READING AND ORDERED PUBLISHED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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



# CITY COUNCIL MEETING AGENDA ITEM

**MEETING DATE:** March 6, 2012

**Name:** Jolene E. Nelson      **Date Memo/Packet Submitted to City Clerk:** April 12, 2012

(Due no later than Thursday @ 12:00pm)

**Dept:** City Clerk      **Description:** Hotel/Restaurant Liquor License Renewals

**...ALL QUESTIONS must be answered...**

Discussed with City Manager? <b>No</b>	Reviewed by City Attorney? <b>No</b>
Included in Current Year Budget? <b>N/A</b>  Budgeted Amount \$ _____ If not budgeted explain:  Purchase Amount \$ _____	Program is...  <b>TEMPORARY</b>
Is this a Bid Award? <b>No</b>  Bidders and Bid Amounts – Attach a Summary of Bids Received	Subject to Annual Renewal? <b>No</b>  Renewal Date: _____
What process was used? <b>N/A</b> _____ Informal Bid      _____ RFP _____ Bid      _____ RFQ _____ Other (explain)	Is this a Grant? <b>No</b>  What is the City's Match?
Is this to be communicated to the Public? <b>No</b> _____ Press Release      _____ Newsletter Article _____ Channel 10      _____ City website      _____ Other	Is an Ordinance Required? <b>No</b>  Is Resolution Required? <b>No</b>  Are there any publishing requirements? <b>No</b>

**SUMMARY:** See attached memo



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## MEMO

To: City Council, City Manager  
From: Jolene E. Nelson, City Clerk  
Date: April 12, 2012  
Subject: Hotel/Restaurant Liquor License Renewal for The Stockyards Restaurant

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### Recommendation

Staff recommends approval of the Hotel/Restaurant License Renewal for The Stockyards Restaurant located at 1205 Main Street. The Police Department's report and recommendation is attached.

### Background

The current liquor license expires April 9, 2012. The application was submitted on April 3, 2012; therefore they were allowed to continue liquor sells during the approval process.

### Cost

There is no cost to the City to renew this license. The applicant has paid the \$500 renewal fee to the State, and the City renewal fee of \$150 as well as the City's \$400 liquor occupation tax for a hotel/restaurant liquor 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 hotel/restaurant liquor license renewal for The Stockyards Restaurant.

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**



STOCKYARDS RESTAURANT INC  
 STOCKYARDS RESTAURANT THE  
 1205 MAIN ST  
 DELTA CO 81416-1850

License Number 28-44086-0000	License Type 1970
Liability Information 18 011 722110 C 041006	
Business Location 1205 MAIN DELTA CO	
Current License Expires APR 09, 2012	
DEPARTMENTAL USE ONLY	
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 3-30-12	Business Phone 970874-4220
Title President	Sales Tax Number 28-44086-0000	
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.

21

Business Name STOCKYARDS	LICENSE NUMBER (Use for all reference) 28-44086-0000		PERIOD 04-13
TYPE OF LICENSE ISSUED HOTEL AND RESTAURANT LIQUOR LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 1970-750(999) \$ 25.00	CITY 85% OAP 2180-100(999) \$ 425.00

SUB-TOTAL \$ 500.00

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>The Stockyards Restaurant Inc.</i>		State License Number <i>28-44-86-0000</i>
1. Operating Manager <i>Jeri Roberts</i>	Home Address <i>5275 Hwy 348 Delta</i>	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: _____ 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 checked="" 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. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. Since the date of filing of the last annual license application: (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? (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? (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.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:  <div style="text-align: center;"><b>EVIDENCE OF LAWFUL PRESENCE</b></div> 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 <i>Jeri Roberts</i>	Printed name <i>Jeri Roberts</i>	Date <i>3-30-10</i>



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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of Stockyards Restaurant, Inc.  
DBA: The Stockyards Restaurant

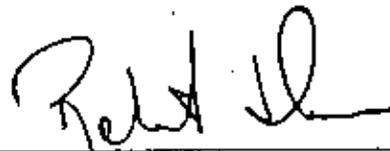
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations for the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



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Robert Thomas, Chief of Police



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## MEMO

To: City Council, City Manager  
From: Jolene E. Nelson, City Clerk  
Date: April 12, 2012  
Subject: Hotel/Restaurant Liquor License Renewal for Applegate Ventures, LLC/ dba Devil's Thumb Bar & Grill

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### Recommendation

Staff recommends approval of the Hotel/Restaurant License Renewal for Devil's Thumb Bar & Grill located at 9900 Devil's Thumb Road. The Police Department's report and recommendation is attached.

### Background

The current liquor license expires May 17, 2012.

### Cost

There is no cost to the City to renew this license. The applicant has paid the \$500 renewal fee to the State, and the City renewal fee of \$150 as well as the City's \$400 liquor occupation tax for a hotel/restaurant liquor 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 hotel/restaurant liquor license renewal for Applegate Ventures, LLC/dba Devil's Thumb Bar & Grill.



## 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>DEVIL'S THUMB BAR + GRILL</b>		State License Number
1. Operating Manager <b>JOSHUA T. APPELEGATE</b>	Home Address <b>637 HOWARD ST. DELTA CO 81416</b>	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <b>RENTED</b> If rented, expiration date of lease: <b>04/01/2015</b>	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 checked="" 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> Since the date of filing of the last annual license application: (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? (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? (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.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 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 18-6-500 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.		
Signature 	Printed name <b>JOSHUA T. APPELEGATE</b>	Date <b>03/29/12</b>



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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of Applegate Ventures, LLC  
DBA: Devil's Thumb Bar and Grill

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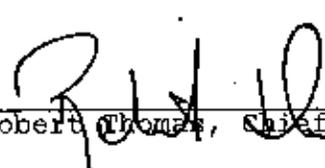
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.

  
\_\_\_\_\_  
Robert Thomas, Chief of Police



# CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE: 4-12-12

Name: Arbor Day Proclamation Date Memo/Packet submitted to City Clerk: 4-9-12  
(Due no later than Thursday @ 12:00pm)

Dept: Parks Description: \_\_\_\_\_ Phone: \_\_\_\_\_

**...ALL QUESTIONS must be answered...**

<p>Discussed with City Manager? <input checked="" type="radio"/> Yes / <input type="radio"/> No</p> <p>Included In Current Year Budget? <input checked="" type="radio"/> Yes / <input type="radio"/> No</p> <p>Budgeted Amount \$ <u>350.00</u> If not budgeted explain:</p> <p>Purchase Amount \$ <u>332.10</u></p> <p>Is this a Bid Award? Yes <input type="radio"/> <input checked="" type="radio"/> No</p> <p>Bidders and Bid Amounts - Attach a Summary of Bids Received</p> <p>What process was used?  <input type="checkbox"/> Informal Bid      <input type="checkbox"/> RFP  <input type="checkbox"/> Bid                      <input type="checkbox"/> RFQ  <input type="checkbox"/> Other (explain)</p> <p>Is this to be communicated to the Public? <input checked="" type="radio"/> Yes / <input type="radio"/> No  <input checked="" type="checkbox"/> Press Release      <input checked="" type="checkbox"/> Newsletter Article  <input type="checkbox"/> Channel 10      <input type="checkbox"/> City website      <input type="checkbox"/> Other</p>	<p>Reviewed by City Attorney? Yes / No</p> <p>Program is...  NEW      <input checked="" type="radio"/> ONGOING      TEMPORARY</p> <p>Subject to Annual Renewal? <input type="radio"/> Yes / <input checked="" type="radio"/> No</p> <p>Renewal Date: _____</p> <p>Is this a Grant? Yes <input type="radio"/> <input checked="" type="radio"/> No</p> <p>What is the City's Match?</p> <p>Is an Ordinance Required? Yes <input type="radio"/> <input checked="" type="radio"/> No</p> <p>Is Resolution Required? Yes <input type="radio"/> <input checked="" type="radio"/> No</p> <p>Are there any publishing requirements? Yes <input type="radio"/> <input checked="" type="radio"/> No</p>
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SUMMARY: Arbor Day Proclamation, and tree  
Program to 4<sup>th</sup> Graders



Paul Suppes  
Parks Director  
874-7973

# Memo

To: Mayor and Council  
From: Paul Suppes Parks Director  
Date: 4-09-12  
Subject: Arbor Day Proclamation

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## Recommendation

It is requested that the Council approve the Mayor to do a proclamation for Arbor Day for the City of Delta

## Background

April 20<sup>th</sup> 2012 is Arbor Day for the State of Colorado and the Parks Dept. is requesting that the Mayor of the City of Delta proclaim April 20<sup>th</sup> as Arbor Day for the City. This allows the City to Celebrate this day by planting trees in our community. There by providing more shade and environmental health to our community. This year the Parks Dept. has purchased 190 trees for the 4<sup>th</sup> Graders of Delta to plant at their homes. Therefore spreading the tree plantings all over the City and County area.

## Costs

The Parks Dept. did purchase the trees from the Fourth Grade Foresters program. These trees were packaged by the Workers with Disabilities program. The cost was \$332.10 The Parks usually buys 1 to 2 trees every year for about \$150 to \$300 for planting around the Schools or other buildings

## Actions To Be Taken If Approved

The Mayor will proclaim by Proclamation that the 20<sup>th</sup> of April be declared Arbor Day for the City of Delta.

## Suggested Motion

No motion is required.



- Whereas,* In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- Whereas,* this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
- Whereas,* Arbor Day is now observed throughout the nation and the world, and
- Whereas,* trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and
- Whereas,* trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and
- Whereas,* trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and
- Whereas,* trees, wherever they are planted, are a source of joy and spiritual renewal.

*Now, Therefore, I,* \_\_\_\_\_, Mayor of the City of  
\_\_\_\_\_, do hereby proclaim  
\_\_\_\_\_ as

# Arbor Day

In the City of \_\_\_\_\_, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

*Further,* I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

*Dated this* \_\_\_\_\_ day of \_\_\_\_\_  
Mayor \_\_\_\_\_