



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

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**

**October 16, 2012
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Club Liquor License Renewal; BPOE Lodge No 1235 (Nelson)**
- F. Retail Liquor Store License Renewal; Grand Valley Liquors (Nelson)**
- G. Hotel and Restaurant Liquor License Renewal; Fiesta Vallarta (Nelson)**
- H. Report of Changes; House of Chin, Inc. (Nelson)**
- I. CDOT Property Acquisition (Hatheway)**
- J. City Attorney Comments**
- K. City Manager Comments**
- L. Councilmember Comments**

Councilmember Robert Jurca called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, and Ray Penick along with City Manager Justin Clifton and City Attorney Mike Schottelkotte. Absent were Mayor Ed Sisson and Councilmember Mary Cooper. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

Councilmember Jurca led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the minutes of the September 18, 2012 meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Appointment to Planning Commission Board

Community Development Director Glen Black stated that Pat Dearmin submitted a letter of resignation on September 10, 2012 and the Planning Commission accepted the resignation. Staff then advertised for the vacancy receiving one application. Gerald Roberts, who has previously served on the board, submitted his application to be appointed to the board. Staff recommends appointing Mr. Roberts to fill the remainder of Pat Dearmin's term.

Councilmember Jurca stated that per the Charter Mr. Roberts may be termed limited and not able to be appointed at this time.

City Attorney Michael Schottelkotte asked for clarification from Mr. Black on when Mr. Roberts served.

Mr. Black stated that Mr. Roberts did serve two three year terms, however; there has been a gap of several months and he would be serving a different seat. He also stated that Mr. Roberts was the only applicant.

Mr. Schottelkotte reported that there is no legal problem with Mr. Roberts being appointed to serve the remainder of Mr. Dearmin's term.

Regular Meeting, Delta City Council, October 2, 2012 (cont.)

Appointment to Planning Commission Board (cont.)

It was moved by Councilmember Raley and seconded by Councilmember Penick to appoint Gerald Roberts to fill the remainder of Pat Dearmin's term on the City of Delta's Planning Commission. All in favor, motion carried.

Public Hearing: Special Events Permit Application; Altrusa

Councilmember Jurca recessed the regular meeting and convened a public hearing

The Clerk reported that Altrusa International of Delta Colorado Foundation has submitted a special events permit application for their fund raising event to be held on November 16th and 17th, 2012 at Bill Heddles Recreation Center. The application states that they plan to sell malt, vinous, and spirituous liquor from 4:00pm to 10:00pm on November 16th and from 9:00am to 5:00pm on November 17th. The fees for the permit have been paid to the City as well as the State. A sign notifying the public of this hearing was posted at the site as required by law and no comments have been received.

Councilmember Jurca then called for public comment and when there was none he closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve Altrusa's application for a special events liquor permit for November 16 and 17, 2012. All in favor, motion carried.

Final Settlement with SEMA

Public Works Director Jim Hatheway stated that staff is recommending that the Council approve the settlement agreement with SEMA. SEMA submitted a bill for value engineering in the amount of \$124,000. At that time Council requested staff to negotiate with SEMA to try to get a lower amount on the settlement. Staff submitted a proposal of \$50,000 and SEMA accepted that amount.

It was moved by Councilmember Raley and seconded by Councilmember Penick to pay \$50,000 to SEMA to fully compensate SEMA for time and materials expended during their involvement with the Confluence Drive value engineering process. All in favor, motion carried.

Purchase of Wire Inventory ML&P

Utilities Director Steve Glammeyer stated that staff budgeted for wire to be purchased into inventory for continued extension into territory currently served by DMEA and also to relocate facilities needed to be moved for the Confluence Drive project. Bids were received from three suppliers that could provide the quantity of wire staff requested. The low bidder was IRBY for a total cost of \$68,240.00. This wire will be purchased out of the inventory account and then charged out to the various projects next year. Staff has budgeted for the projects next year however; staff is getting Council's approval tonight as some of the wire has a 14 week lead time.

Councilmember Penick questioned if this would come out of the 2013 budget.

Regular Meeting, Delta City Council, October 2, 2012 (cont.)

Purchase of Wire Inventory ML&P (cont.)

Mr. Glammeyer explained that it would be out of the 2013 budget.

It was moved by Councilmember Penick and seconded Councilmember Raley to authorize staff to purchase wire into inventory from IRBY for a total cost of \$68,240. All in favor, motion carried.

Bench and Bike Racks for CB's Tavern

Community Development Director Glen Black stated that the owners of CB's Tavern have requested permission to install a bench and bike rack in front of their tavern. Staff reviewed the code under 12.10.10 which discusses using public property for private purposes. It does not specify whether benches and/or bike racks can be installed on the sidewalks along Main Street. Staff does have some concerns regarding the bench in front of the tavern. The code specifies that smoking shall be fifteen feet away from the entryway and assuming the bench would be used for smoking, then bench would then need to be fifteen feet away from the entryway which would put it in front of another business. Staff would like Council's direction on how they wish to proceed.

There was discussion regarding various benches throughout the City and Mr. Black presented a slide show of various benches. Some of the benches are owned by the City.

City Attorney Michael Schottelkotte stated that the ordinance is clear that Council can issue permits in a limited context. The ordinance can be amended and that would be his recommendation.

Councilmember Penick requested a clarification if the bench would be for private or public purposes.

There was discussion regarding the use of the bench.

Carrie Boyd, 707 Dodge Street, owner of CB's Tavern, stated that her intention is to make downtown more pedestrian and bike friendly.

Mr. Schottelkotte stated that Council could request a written statement stating that they intend for these items to be used for public use. He also stated there still is the concern about the fifteen feet that would need to be resolved.

Councilmember Penick commented that he does not see a problem with that. There is an ordinance that prohibits smoking within fifteen feet of the entryway and it is not the tavern's responsibility to police it.

There was discussion regarding the different types of bike racks and benches. They also discussed where the placement of bike racks along the sidewalk.

Mr. Schottelkotte stated that he suggest Council adjust the ordinance requiring a permit.

Regular Meeting, Delta City Council, October 2, 2012 (cont.)

Councilmember Penick suggested staff prepare an ordinance allowing permits for these types of requests and bring it back to Council.

Bench and Bike Racks for CB's Tavern (cont.)

Mr. Black requested clarification from Council as to what they would like to have in the ordinance.

There was more discussion regarding the types of benches and bike racks and the placement of such items.

City Manager Justin Clifton suggested criteria for a review process.

Mr. Schottelkotte stated that when you start to add a review process you start to create a similarity of a right. He stated they are dealing with City property and do not want to get a notion of a vested right in these type of things.

There was a consensus amongst Council to have staff draft an ordinance and bring it to a future meeting.

City Attorney Comments

Attorney Schottelkotte complimented Council's choice in the selection of Mr. Clifton. He also presented an update on the court proceedings for Confluence Drive.

City Manager Comments

Manager Clifton stated that he has enjoyed his first few days with the City. He did meet with several departments last week to get started. He also stated that he is excited to hear, listen and learn about the community and the City. He is also anxious to clearly understand Council's expectations.

Councilmember Comments

Councilmembers Raley, Penick and Jurca welcomed Mr. Clifton.

The meeting was adjourned at 7:45 p.m.

/s/ Jolene E. Nelson
Jolene E. Nelson, City Clerk



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

MEMO

To: City Council, City Manager
From: Jolene Nelson, City Clerk
Date: October 9, 2012
Subject: Club Liquor License Renewal for BPOE Lodge No. 1235 (Elks)

Recommendation

Staff recommends approval of the club liquor license renewal for the Elks Lodge located at 563 Main Street. The Police Department's report and recommendation is attached.

Background

The current club liquor license expires December 30, 2012. The Elks hold the only club liquor license in Delta.

Cost

There is no cost to the City to renew this license. The applicant has paid the \$308.75 renewal fee to the State, and the City renewal fee of \$116.25 as well as the City's \$200 Liquor Occupation Tax.

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 club liquor license renewal for BPOE Lodge No. 1235.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



BPOE LODGE NO 1235
 563 MAIN ST
 DELTA CO 81416-1817

License Number 04-01745-0001	License Type 1990
Liability Information 18 011 813410 A 123189	
Business Location 563 MAIN ST DELTA CO	
Current License Expires DEC 30, 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 <i>Dave J. Shrews</i>	Date 10-2-12	Business Phone 970-874-3624
Title <i>Manager</i>	Sales Tax Number 04-01745	
REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.		
Local Licensing Authority for	Date	
Signature	Title	Attest

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

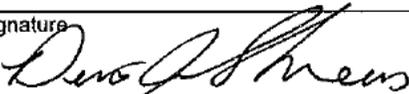
21

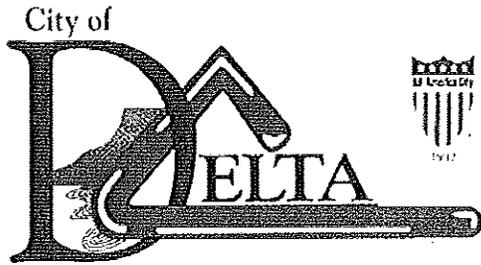
Business Name	LICENSE NUMBER (Use for all reference)		PERIOD
BPOE LODGE NO 1235	04-01745-0001		12-13
TYPE OF LICENSE ISSUED CLUB LIQUOR LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND	STATE FEE	CITY 85% OAP
	2320-100(999)	1990-750(999)	2180-100(999)
	\$ 50.00	\$ 25.00	\$ 233.75

SUB-TOTAL \$ 308.75
 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 BPO 12 Lodge No. 1235		State License Number 04-01745-0001
1. Operating Manager Dennis J. Shreeves	Home Address 6726 1900 Rd Delta CO. 81416	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises <u>owned</u> 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?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.		
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:		
EVIDENCE OF LAWFUL PRESENCE		
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.		
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):		
<input type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States		
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.		
Signature 	Printed name Dennis J. Shreeves	Date 10-2-12



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LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of BPOE Lodge No 1235

DBA: _____

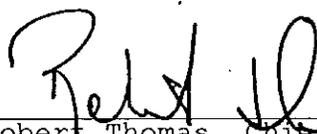
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police



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

MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: October 9, 2012
Subject: Retail Liquor Store License Renewal for Grand Valley Liquors

Recommendation

Staff recommends approval of a retail liquor store license renewal for Grand Valley Liquors located at 750 Main Street. The Police Department's report and recommendation is attached.

Background

The current liquor license expires December 5, 2012.

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 Grand Valley Liquors.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



GRAND VALLEY CONVEN STORE LLC
 GRAND VALLEY LIQUORS
 766 MAIN ST
 DELTA CO 81416-1828

License Number 40-92672-0000	License Type 1940
Liability Information 18 011 445120 B 120606	
Business Location 750 MAIN ST DELTA CO	
Current License Expires DEC 05, 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 <i>Limi Abani</i>	Date 10.03.12	Business Phone 874.0858
Title <i>Owner</i>	Sales Tax Number 40-92672-0000	
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. THEREFORE THIS APPLICATION IS APPROVED.		
Local Licensing Authority for		Date
Signature	Title	Attest

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

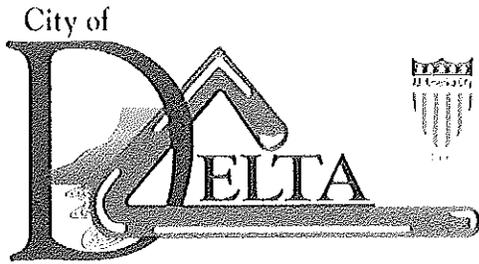
Business Name GRAND VALLEY LIQUORS	LICENSE NUMBER (Use for all reference) 40-92672-0000		PERIOD 12-13
TYPE OF LICENSE ISSUED RETAIL LIQUOR STORE LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND	STATE FEE	CITY 85% OAP 2180-100(999) \$ 127.50
	2320-100(999) \$ 50.00	1940-750(999) \$ 50.00	

SUB-TOTAL \$ 227.50
 ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$ _____
TOTAL AMOUNT DUE \$ _____

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

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

Trade Name of Establishment <i>GRAND Valley Liquors</i>	State License Number <i>40-92672-0000</i>
1. Operating Manager <i>LIVIU ASAVEI</i>	Home Address <i>638 MEEKER</i>
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <u><i>Owned</i></u> If rented, expiration date of lease: _____	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.	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 type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships: <div style="text-align: center;">EVIDENCE OF LAWFUL PRESENCE</div> <p>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.</p> <p>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):</p> <p><input checked="" type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States</p> <p>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.</p>	
Signature <i>Liviu Asavei</i>	Printed name <i>LIVIU ASAVEI</i>
Date <i>10.02.12</i>	



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Grand Valley Convenience Store LLC

DBA: Grand Valley Liquors

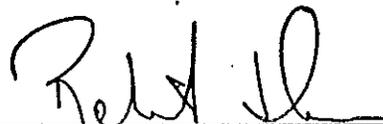
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No Liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police



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MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: October 9, 2012
Subject: Hotel/Restaurant Liquor License Renewal for Fiesta Vallarta

Recommendation

Staff recommends approval of the Hotel/Restaurant License Renewal for Fiesta Vallarta located at 447 Main Street. The Police Department's report and recommendation is attached.

Background

The current liquor license expires November 28, 2012.

Cost

There is no cost to the City to renew this license. The applicant has paid the \$500 renewal fee to the State, the City renewal fee of \$150 and the City liquor occupation tax of \$300.00.

Action to be Taken if Approved

The Mayor and Clerk will sign the renewal application, and the Clerk will mail it to the State, who will review the application and issue the State license.

Suggested Motion

I move to approve the hotel/restaurant liquor license renewal for Fiesta Vallarta.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



FIESTA VALLARTA DELTA INC
 FIESTA VALLARTA DELTA
 447 MAIN ST
 DELTA CO 81416-1816

License Number 12-68412-0000	License Type 1970
Liability Information 18 011 722110 C 112904	
Business Location 447 MAIN ST DELTA CO	
Current License Expires NOV 28, 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 <i>Javier Gomez</i>	Date 10-9-12	Business Phone 874-6877
Title <i>president</i>	Sales Tax Number 12-68412	

REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S.
THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority for	Date
Signature	Title
Attest	

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your banking account electronically.

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Business Name FIESTA VALLARTA	LICENSE NUMBER (Use for all reference) 12-68412-0000		PERIOD 11-13
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) \$ --.00

TOTAL AMOUNT DUE \$ 500.00

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 Fiesta Vallarta Delta, Inc.		State License Number 01268412
1. Operating Manager Alfredo Gomez	Home Address 604 Ray Ct, Delta, CO 81416	
2. Do you have legal possession of the premises for which this application for license is made? Yes Are the premises owned or rented: <u>Rented</u> If rented, expiration date of lease: <u>12-31-16</u>		Yes No <input checked="" type="checkbox"/> <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 No <input type="checkbox"/> <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 No <input type="checkbox"/> <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 No <input type="checkbox"/> <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 No <input type="checkbox"/> <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?		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?		Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.		
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:		
EVIDENCE OF LAWFUL PRESENCE		
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.		
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):		
<input type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States		
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.		
Signature	Printed name	Date



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Fiesta Vallarta Delta, Inc.

DBA: Fiesta Vallarta Delta

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

No liquor license violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.

Robert Thomas, Chief of Police



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

MEMO

To: City Council, City Manager
From: Jolene E. Nelson City Clerk
Date: October 9, 2012
Subject: Report of Changes for House of Chin, Inc.

Recommendation

Staff recommends approval of the Report of Changes for House of Chin located at 142 Eaton Avenue.

Background

The liquor license expires July 1, 2013. On October 1, 2012 Zong Yong He purchased 80% of stock from Bobby Trinh who owned 100% of the stock. Mr. Trinh still owes 20% of the stock. Mr. He is subject to a background investigation since he was not previously on the liquor license. His fingerprints have been submitted to CBI. Staff recommends approving the changes contingent upon receiving favorable results on his fingerprints.

Cost

There is no cost to the City to process the report of changes. The applicant has paid a \$100 fee to the City.

Action to be Taken if Approved

The Mayor and Clerk will sign the report, and the Clerk will mail it to the State for approval.

Suggested Motion

I move to approve the Report of Changes for House of Chin, Inc. contingent upon receiving favorable results from CBI for Zong Yong He.

**CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP
 Liquor and 3.2 Beer Licenses**

(2355) LLC/PARTNERSHIP
 (2350) CORPORATION

SEE INSTRUCTIONS AND
 FEE SCHEDULE ON PAGE 2

1. Corporate/L.L.C./Partnership Name House of Chin Inc		2. State Tax Account Number 02554794		3. State Liquor License Number 25-54794-0000	
4. Trade Name				5. Telephone Number 970-874-4884	
6. Address of Licensed Premises 142 Eaton Ave		City Delta	State CO	ZIP Code 81416	
7. Mailing Address if different than above		City	State	ZIP Code	

8. LIST ALL officers, directors (corporation) or Managing Members (L.L.C.) or General Partner(s). Each Officer, Director, Managing Member or Partner MUST FILL OUT a DR 8404-I (Individual History Record).

Position Held	Names	Home Address	DOB	Replaces
President	Bobby Trinh	3168 Stoneburro Grand Junction CO 81504	[REDACTED]	N/A
Vice Pres	Zong Yong He	360 Howard St Delta CO 81416	[REDACTED]	Bought 80%

9. LIST ALL 10% (or more) Stockholders or 10% (or more) Members or 10% (or more) Limited Partners. Each person listed Must Fill out a DR 8404-I (Individual History Record)

Stockholders/Members/Partners owning 10% (or more) of business	% Owned	Home Address	DOB	Replaces
Bobby Trinh	20	3168 Stoneburro Grand Junction CO 81504	[REDACTED]	N/A
Zong Yong He	80	360 Howard St Delta CO 81416	[REDACTED]	N/A

10. Registered Agent Address For Service
 Hale Bookkeeping Service Inc 853 Ouray Ave Grand Junction CO 81501

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.

11. Authorized Signature Title Date
Zong Yong He Vice President 10/09/2012

REPORT OF LOCAL LICENSING AUTHORITY
 The foregoing changes have been received and examined by the Local Licensing Authority.

12. Local Licensing Authority For County Town/City

Signature Title Date
 Attest Date

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

LIABILITY INFORMATION

License Account Number	Period	Cash Fund	TOTAL
		-100 (999)	



MEMO

To: *Mayor and Council*

From: *Jim Hatheway, Public Works Director*

Date: *11 October 2012*

Subject: *Confluence Drive Property Acquisitions*

RECOMMENDATION

The Public Works Department is recommending that the City move forward with purchasing the properties and interests listed below to meet the ROW needs for Confluence Drive.

BACKGROUND

CDOT has completed the appraisal process for the drainage ditch property needed for the truck route. CDOT's appraiser determined the value to be between \$3,898 and \$19,524 based on varying methods. Tim Woodmansee, CDOT Region 3 Right of Way Manager has used that information and assigned a value of \$4,881. When approved by Council, CDOT will prepare a deed and deliver the deed upon receipt of the \$4,881. The deed will then be recorded by the City.

COST

The contract price of \$4,881.00 will be paid from 80-19-42100.

ACTIONS TO BE TAKEN IF APPROVED

Staff requests that City Council approve the offered price and authorize staff to complete the transaction.

SUGGESTED MOTION

I move the City approve the property acquisition from CDOT for **\$4,881.00** and authorize the City Manager to complete the transaction. (Opposition to the motion would be indicated by a 'no' vote)

Jim -

I just completed reviewing Corbett Brasher's appraisal of the CDOT parcels the City wishes to acquire. In accordance with CDOT policy & procedural directives, Corbett's appraisal provides a range of values as determined by the Across the Fence Stand-Alone methodology, the Enhancement or Plottage methodology and the Liquidation methodology. The consequential value estimates range from \$3,898 - \$19,524.

After reviewing the salient facts and approaches to value, I believe I can justify selling the parcels to the City for the sum of **\$4,881**. Please let me know if the City would agree to purchase the parcels for this amount. If so, this would be a simple cash for deed transaction.

I am leaving CDOT effective October 19 and would like to wrap this up for the City prior to my departure.

Don't hesitate to contact me if you have questions or concerns.

Thanks Jim -

Tim Woodmansee
CDOT - Region 3 Right-of-Way Manager