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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**

**November 20, 2012
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: New Liquor 3.2% Off-Premise Beer License; Maverick, Inc.**
- F. Budget Updates**
- G. Council Bill #17, 2012; Second and Final Reading
2013 Appropriations**
- H. Possible Code Revisions to Allow Bench and Bike Rack for CB's Tavern**
- I. Amending Conditional Use for the B-3, I, and I-R Zone Regarding Explosives**
- J. Discussion Regarding Golf Course Strategic Plan**
- K. Resolution #9, 2012; Golf Course Fees**
- L. Discussion on Retreat**
- M. Energy Impact Grant for Confluence Drive**
- N. Energy Impact Grant for the WWTP**
- O. Discussion Regarding Amendment 64**
- P. Retail Liquor Store Renewal; Peterson's Liquors**
- Q. Tavern Liquor License Renewal; Sports Center Lounge**
- R. City Attorney Comments**
- S. City Manager Comments**
- T. Councilmember Comments**

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

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Raley to approve the minutes of the October 16, 2012 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Hamon Contract

City Manager Justin Clifton complimented the team on working on this project and requested Public Works Director Jim Hatheway to present the contract.

Director Hatheway also complimented the individuals from Hamon as well as Stantec in the efforts to maximize cost savings on this project. Hamon has looked at the drawings of the project that were submitted and they have determined that they can construct and complete this project for \$17,969,000. There are some other items that can be considered at a later date for reduce the cost.

Mayor Sisson stated staff has done an amazing job on the getting the project to this point. He thanked Councilmember Cooper for her efforts on the project.

Manager Clifton reported that just to show the hands on cooperative approach the City has had with this project, Hamon was questioned if there were some additional savings they could look at considering that this is a very tight project for the City. They in turn gave an additional \$85,000 in savings coming off of the profit end of the project.

Councilmember Cooper stated that to think the City was going to have to settle for a two lane and now the project includes the four lanes as presented in the beginning.

Director Hatheway thanked Councilmember Cooper, Councilmember Penick, former Councilmember Pfalzgraff and Mr. Clifton for their efforts on the truck route committee.

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Hamon Contract (cont.)

Councilmember Penick also thanked Hamon for their wiliness to work with the City in presenting additional savings.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to award the construction contract for Confluence Drive to Hamon Contractors and authorize the City Manager to execute the construction contract. All in favor, motion carried.

Stantec Contract

Manager Clifton stated that Mr. Hatheway will present the Change Order for Stantec.

Director Hatheway stated that staff is recommending that City Council execute a Change Order for Stantec to allow them to transition into the construction management services and engineering services role for the Confluence Drive Project. He explained the components for the Change Order. He also stated that to verify the cost that Stantec was proposing to provide construction management services staff presented the construction management portion to Jacobs and have them provide a cost estimate of their own. When that was complete Jacobs presented a value of \$440,744. Stantec's proposal a year ago was \$412,000. There have been some minor adjustments; however, Stantec's proposal is coming in under Jacobs at \$429,150. He explained what the construction management services and the engineers services include.

Councilmember Cooper stated Stantec has done a good job for the City.

Councilmember Penick stated that under Exhibit B it says Stantec is projecting 14 months whereas Hamon has stated they can complete the project in 12 months. He questioned if there will be a cost savings if the project is completed within the 12 months.

Director Hatheway stated there will be and that this amount is a not to exceed amount.

It was moved by Councilmember Cooper and seconded by Councilmember Penick approve a Change Order to the Stantec Contract for Engineering, Construction Management and QA services for the Confluence Drive Project and authorize the Public Works Director to execute the Change Order. All in favor, motion carried.

Bruce Hamon with Hamon Contractors stated it has been a pleasure working with the City of Delta. He also stated this project has been one of the most memorable and heartfelt projects he has experienced.

2013 Budget Updates

City Manager Clifton stated that there are some questions that were brought up at the last meeting that he would like to cover before the budget reading. He provided a brief summary of the following items:

- Salaries
- Flower Program
- Wellness Pool

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Public Hearing: 2013 Budget

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

Gerald Roberts, 1962 Columbine Court, stated that we went through the proposed appropriations and the revenues are less than what the budget is. He also stated that in the City's Charter it states that the total anticipated revenues shall at least equal the total proposed expenditures in the budget. He would like Council to review the budget.

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

Councilmember Jurca stated he has a very similar question. He came up with a little different numbers than Mr. Roberts, but is concerned.

Councilmember Cooper reported that the one that does appear to have that concern is the recreation center. However, they have funds in reserve.

Councilmember Jurca questioned if Council could get an apples to apples comparison.

City Manager Clifton stated that there are several different ways to prepare a budget. There are some instances that reserve balances are calculated into revenue sources. He also stated that if there are any specific questions regarding a specific fund or projects staff can address those.

Councilmember Cooper questioned if they could receive that information before the second reading.

Mr. Clifton stated that they could. He questioned if there were any specific funds or any specific questions Council has regarding the budget.

Councilmember Cooper suggested getting the questions to staff and have staff bring it back in a memo like what was previously submitted.

Mr. Roberts questioned what the City's reserve fund is.

Mr. Clifton stated that reserves are by line item. Overall the reserve fund is very healthy.

There was additional discussion regarding the reserve funds.

Councilmember Penick stated that if staff can assure Council that revenues must equal expenses in the budget then he feels comfortable with it; however, he hasn't heard that for sure.

Finance Director Tod DeZeeuw explained the fund balances and how the Charter addresses those.

Councilmember Raley questioned the professional services funds for each department.

Mr. Clifton stated that the fund is used differently across departments. Professional services can be used for things like administration consulting, engineering services, attorney fees, etc.

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Public Hearing: 2013 Budget (cont.)

There was discussion regarding professional services.

Mr. Clifton suggested using the quarterly financial reports to show the use of the professional services funds.

Resolution #7, 2012; Setting the Mill Levy

Resolution #7, 2012

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR OF 2012 TO HELP DEFRAY THE COSTS OF GOVERNMENT OF THE CITY OF DELTA, COLORADO, FOR THE 2013 BUDGET YEAR

was read by the Clerk.

Councilmember Jurca stated the amount is set at zero.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to adopt Resolution #7, 2012. Roll call vote: Councilmembers Cooper, aye; Penick, aye; Raley, aye; Jurca, aye and Sisson, aye. Motion carried.

Resolution #8, 2012; Adopting the 2013 Budget

Resolution #8, 2012

A RESOLUTION ADOPTING A BUDGET FOR THE CITY OF DELTA, COLORADO, FOR THE CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY, 2013, AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER, 2013

was read by the Clerk.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Resolution #8, 2012. Roll call vote: Councilmembers Cooper, aye Penick, aye; Raley, aye; Jurca, aye and Sisson, aye. Motion carried

Council Bill #17, 2012; First Reading
2013 Appropriations

Council Bill #17, 2012

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Council Bill #17, 2012; First Reading (cont.)

FOR THE CITY OF DELTA, COLORADO, FOR THE 2013
BUDGET YEAR

was read by the Clerk.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Council Bill #17, 2012 on first reading.

Councilmember Penick stated since he has received some assurances from staff that Council should go ahead and approve on first reading. He also stated that there will be further input presented at a later date.

Roll call vote: Councilmembers Cooper, aye Penick, aye; Raley, aye; Jurca, aye and Sisson, aye. Motion carried.

Hotel and Restaurant Liquor License Renewal; Days Inn

The Clerk explained that Days Inn has submitted their renewal application for their Hotel and Restaurant Liquor License. The application is complete and all fees have been paid. The Delta Police is recommending renewal.

Councilmember Cooper questioned if they have enough time.

The Clerk explained that as long as the renewal is submitted before the expiration date they are in compliance. The State is behind on renewals as well.

Mayor Sisson questioned if they expired last year.

The Clerk stated they were. They had to submit a report of changes for their name change this year.

Councilmember Penick questioned a few of the questions on the application not being complete.

The Clerk explained that since this is just a renewal those questions do not apply. Days Inn misplaced their renewal application therefore having to use the State's standard form.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the Hotel/Restaurant Liquor License renewal for Days Inn. All in favor, motion carried.

Bike Racks and Benches along Main Street

City Manager Clifton stated that this is being brought back to the table from the previous meeting.

Community Development Director Glen Black stated that staff took a look at some possible code language that might allow the bike racks and benches. This is Council discretion as to

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Bike Racks and Benches along Main Street (cont.)

what they would like to move forward to allowing these or what kind of restrictions they would like to see.

Mayor Sisson stated he would like to see the City move forward with allowing them.

City Attorney Michael Schottelkotte stated that he would prefer the City to install and maintain the racks and benches. He addressed concerns regarding liability should Council move forward with allowing businesses to install and maintain them.

Mr. Clifton reported that staff is looking for directions from Council. Staff can continue with what is proposed or prepare an ordinance if this is what Council would like to move forward with or Council can simply disallow these types of things; however then there will need to be discussions regarding what to do with some of the existing uses.

Councilmember Penick questioned if Council decides to go the route that the Mr. Schottelkotte suggested will there still have to be some changes in the ordinances.

Mr. Schottelkotte stated that the City owns the property and they can do whatever they want on their own property.

There was discussion regarding which department that would be under and that there would need to be a budget established.

Mr. Schottelkotte addressed the statutory waiver of immunity for sidewalks.

Councilmember Raley stated that CB's Tavern is willing to pay for it; they just wanted permission to do so.

Kathy Boyd with CB's Tavern stated that they are requesting to place a bike rack and a bench in front of their business. She explained the type of racks they are looking at installing that don't take up much space on the sidewalk.

Councilmember Penick stated that he believes Council should consider moving forward in such a manner that it does not create concerns in the future. He feels this needs more study and more work. He is in favor of allowing the bike racks.

Mr. Clifton suggested that one of the options on the table is Council give direction to staff to find some precedence in other municipalities.

Mr. Schottelkotte stated that this is workable either way. He can create an ordinance that would require the business owner to assume liability and have them submit insurance coverage with the City as being additional insured.

There was discussion regarding the requirement of the insurance.

There was a consensus amongst Council to have staff to do some further research and bring back to Council at the next meeting.

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Updates and Follow Up

City Manager Clifton stated that this is a new protocol he is suggesting. He explained that it is really important to everyone when Council has questions either individually or as a whole that those questions get addressed. At the last meeting there were some questions. He will send an email out stating these are the questions staff heard and ask if there any additional questions that need to be addressed. Staff will then put together the information and have it together in the packet for review. If Council should have any additional questions they can be addressed under this item on the agenda.

Mr. Clifton then addressed the questions regarding the Police Department that were mentioned at the last meeting.

City Attorney Comments

City Attorney Michael Schottelkotte reported on the truck route condemnations as well as the railroad exchange agreement.

City Manager Comments

City Manager Clifton reported that he will be closing the offices on Christmas Eve as well as New Year's Eve. Staff will be required to use their PTO for that day; it will not be an additional paid holiday. If for some reason the employee does not have the PTO to take off, they will either have the day off with no pay or the supervisor can find projects for them to work on while the office is closed. He also stated that the first meeting in January for Council is January 1st which is a holiday. He is suggesting moving the meeting to a different date.

Mr. Clifton stated that the leadership team and he have been working on a path forward on how they would like to move forward. Therefore, he is suggesting the leadership team and Council have a daylong retreat to come together with a common vision and way of doing business so that we can be as good as we possibly can.

Councilmember Penick commented on having participated in retreats, they are very beneficial and is in favor of doing so.

Councilmember Comments

Councilmember Cooper commented on attending the legislation meeting at CML. She stated that she received a call from a citizen that has had some issues regarding the City's ordinance regarding removing graffiti from their business. She congratulated Mr. Hatheway on the truck route.

Councilmember Penick also thanked Mr. Hatheway. He questioned when the groundbreaking would be.

Mr. Hatheway stated they are planning on having it on December 7th.

Mayor Sisson complimented Utilities Director Steve Glammeyer and his staff on their hard work during the water breaks.

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

The meeting was adjourned at 8:15 p.m.

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



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MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: November 15, 2012
Subject: 3.2% Off-Premises Beer License for Maverick, Inc.

Recommendation

Staff recommends approval of a 3.2% Off-Premises Beer License for Maverick, Inc. located at 101 Hwy 92 contingent of receiving favorable fingerprint results from CBI on Michael Val Call and Spencer Clawson Hewlett.

Background

Maverick, Inc. has submitted an application for a 3.2% Off-Premises Beer License. The complete application is available for Council to review. The application is complete and it has been sent to the State for concurrent review. Mr. Call is the President/CEO and Mr. Hewlett is the CFO of the company; therefore their fingerprints were forwarded to CBI for a background check. As of writing this memo the City has not received the results. However, the Delta Police Department has completed a local background check and there were no findings.

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

Cost

There is no cost to the City to approve this license. The applicant has paid the \$1125.00 application fee to the State, the City's fee of \$178.75 as well as the City's \$150.00 liquor occupation tax.

Action to be Taken if Approved

The Mayor and Clerk will sign the application, and the Clerk will notify the State of the local approval so that they can continue their review process. Once we receive the license from the State the Mayor and Clerk will issue the license.

Suggested Motion

I move to approve the 3.2% Off-Premises Beer License for Maverick, Inc. contingent on receiving favorable fingerprints on Michael Val Call and Spencer Clawson Hewlett.



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: November 16, 2012
Subject: Budget Updates

RECOMMENDATION

The enclosed reports address questions and/or comments about the budget made at the November 6, 2012 meeting and in subsequent conversations with City Council members since then.

BACKGROUND

Council members brought up three issues:

1. Compliance with the City Charter for expenses not exceeding revenues
2. A breakdown of professional services throughout the budget
3. A summary of Police Department step increases slated for 2013

COST

NA

ACTIONS TO BE TAKEN IF APPROVED

Discussion and additional direction as needed

SUGGESTED MOTION



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: November 16, 2012
Subject: City Charter: Revenues and Expenses

RECOMMENDATION

Please consider the following information regarding 2013 Budget compliance with the City Charter as it pertains to revenues and expenses.

BACKGROUND

This item was brought up during public comment on November 6, 2012. A document was circulated citing the City Charter requirements that expenses not exceed revenues. The same document included a summary of revenues and expenses that indicated that expenses exceeded revenues by approximately \$8 million across all City Funds.

Article 5 of the City Charter addresses the budget. Section 62 titled Revenues to Equal Expenditures states, "The total anticipated revenues shall at least equal the total proposed expenditures." What is important to note is that Section 71 titled Anticipated Revenues lists four types of revenues, including: "(1) unexpended fund balances as estimated to exist at the end of the current budget year, to be reapportioned as provided by the budget." The document that was circulated to Council did not include reserve balances as revenue.

As the Council is aware, there are numerous instances where fund balances are accrued and spent in different fiscal years. As an example, when the City collected \$22 million in bond proceeds for the Truck Route in 2011 it was posted as a revenue. In 2012, any unspent portion of the \$22 million was counted as revenue again but was considered a fund balance. This is most common in Funds that include capital projects but fund balances also grow and shrink in operating accounts. The Council can get an excellent snap shot of fund balances by looking at the cover page of each fund found directly behind the fund tab. Fund balances are listed at the top. Remember however that balances are often estimated low for the upcoming fiscal year because of conservative budgeting practices.

COST: NA

ACTIONS TO BE TAKEN IF APPROVED: Discussion and possible additional direction only

SUGGESTED MOTION: NA



Memo

To: City Council
From: Justin Clifton, City Manager
Date: November 16, 2012
Subject: Professional Services

BACKGROUND

The report below outlines costs for Professional Services included in the 2013 budget. This information is intended for discussion purposes only.

General Fund

Total Amount Budgeted **\$155,151**

Items budgeted by various departments include the following services:

- Attorney's fees
- Independent Contractors for - veterinary services, psychological services, newsletter services, translator services, engineering services and information technologies services

Rec Center Fund

Total Amount Budgeted **\$43,000**

Items budgeted by various departments include the following services:

- Attorney's fees
- Independent Contractors for - yoga, tai chi and dance instructors, leak detection services, and engineering services

City Wide Capital Improvements Fund

Total Amount Budgeted **\$1,551,043**

Items budgeted by various departments include the following services:

- Attorney's fees
- Storm Water Consultants
- Independent Contractors for - concrete services, painting services, excavation services and engineering services

M.L.&P. Fund

Total Amount Budgeted **\$1,701,463**

Items budgeted by various departments include the following services:

- Attorney's fees
- Purchase of materials for major projects such as the transmission project
- Electrical Consultants
- Independent Contractors for - construction services, engineering services and line locate services

Sewer Fund

Total Amount Budgeted **\$896,938**

Items budgeted by various departments include the following services:

- Attorney's fees
- Pretreatment Laboratories services
- Sewage Consultants
- Independent Contractors for - construction services, engineering services and lab testing services

Water Fund

Total Amount Budgeted **\$467,300**

Items budgeted by various departments include the following services:

- Attorney's fees
- Project 7 Water Treatment
- Sewage Consultants
- Independent Contractors for - line locate services and printing services

Refuse Fund

Total Amount Budgeted **\$1,224**

- Attorney's fees
- Refuse Consultants

Golf Course Fund

Total Amount Budgeted **\$15,529**

Items budgeted by various departments include the following services:

- Attorney's fees
- Golf Consultants (THK)
- Independent Contractors for - soil testing services and alarm services

Capital Project Fund (Truck Route)

Total Amount Budgeted **\$18,523,357**

- Attorney's fees
- Project Consultants
- Independent Contractors for - design services and engineering services

Delta PD 2013 Step Summary

Position	2012 Step	2013 Step	2013 Hourly	Date of Hire	Years of Service	Date of Last Step/ Promotion
Commissioned Officers						
Police Chief	UNG	UNG	48.77	4/14/2008	5	1/1/2009
Police Commander	Open	Open	33.04	10/20/1997	15	7/23/2011
Police Sergeant #1	B	B	25.84	9/5/2005	8	1/21/2009
Police Sergeant #2	A	B	25.84	4/30/2007	6	6/1/2011
Police Sergeant #3	A	B	25.84	1/18/2010	3	8/1/2011
Police Sergeant #4	A	A	24.59	4/30/2012	1	4/30/2012
Police Officer #1	Open	Open	22.99	11/10/2005	8	NA
Police Officer #2	CP	CP	20.19	1/6/2009	4	NA
Police Officer #3	A	B	20.69	8/31/2009	4	12/1/2009
Police Officer #4	A	A	19.70	5/23/2011	2	NA
Police Officer #5	B	B	20.69	8/15/2011	2	NA
Police Officer #6	A	A	19.70	8/15/2011	2	NA
Police Officer #7	B	B	20.69	12/27/2011	2	NA
Police Officer #8	Open	Open	22.82	3/12/2012	1	NA
Police Officer #9	A	A	19.70	4/16/2012	1	NA
Police Officer #10	A	A	19.70	8/19/2012	1	NA
Police Officer #11	Open	Open	22.82	9/7/2012	1	NA
Police Officer #12	A	A	19.70	10/15/2012	1	NA
Non-Commissioned Officers						
Evidence and Records Custodian	B	C	18.27	3/22/1999	13	9/11/2009
PD Clerk	B	C	18.27	1/6/2006	7	7/1/2009
Victims Advocate Coordinator	B	B	19.70	7/9/2007	6	
Part Time						
Police Records Admin	A	A	11.71	4/25/2011	2	
Animal Control Officer	A	A	14.69	8/26/2010	2	4/1/2012

- Step A:** Introduction
- Step CP:** Completed Probation (usually 6 months)
- Step B** Merit Progression (after 1 year)
- Step C** Merit Progression (after 2 years)
- Open** Merit Progression (after 3 years)
- Range** Upper limits of position

: Positions slated for step increase

Council Bill #17, 2012

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 2013 BUDGET YEAR

WHEREAS, the City Council has adopted the annual budget on November 6, 2012; and

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

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

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

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

General Fund	\$ 5,145,951
Conservation Trust Fund	142,000
Recreation Center Fund	4,538,715
City-Wide Capital Improvements Fund	5,047,480
Municipal Light and Power Fund	7,245,947
Sewer Fund	1,894,743
Water Fund	1,963,513
Refuse Fund	648,716
Golf Course Fund	904,751
Internal Service Fund	1,481,139
Employees' Dental Insurance Fund	49,800
Capital Project Fund	22,823,319
Debt Service Fund	1,779,105
Perpetual Care Fund	1,000

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

www.cityofdelta.net

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Date: November 20, 2012
To: Mayor, City Council and City Manager
From: Glen L. Black, Director of Community Development *GLB*
Re: Possible Code Revisions to Allow Bench and Bike Rack for CB's Tavern

RECOMMENDATION

Staff is presenting information regarding research of various communities and how they process requests for benches and bike racks to be placed in the public right of way.

BACKGROUND

CB's Tavern requested permission to place a bench and bike rack in the front of CB's Tavern at 334 Main Street. City of Delta Municipal Code does not have a provision to clearly address this request.

This item was introduced at the October 16, 2012 City Council meeting. Staff and Council concluded that current Code language did not cover the use in question but expressed support for the idea. Council directed staff to propose revised language that would allow for the placement of such public use improvements while reserving control of public spaces.

This item was discussed at the November 6, 2012 City Council meeting. Council directed staff to conduct additional research to determine how other communities address requests to use public property for the placement of benches and bike racks.

STAFF REVIEW AND DISCUSSION

Staff contacted four communities regarding the private use of public right of ways. There were four different approaches to different types of requests to use public right of ways for private purposes. A summary of the different community responses are listed below (see attached detail of responses for more info):

- Montrose – Newspaper stands, outside dining and display of merchandise are allowed without a permit. (no mention of benches or bike racks)
- Durango – Benches and bike racks provided and installed by the City (It should be noted that usually about three weeks after bench is installed, the business owner asks to have the bench removed, because of smoke fumes drifting into the business and or maintenance, cleanup issues around the bench or the bench used for purposes not intended). Outside dining and newspaper stands are required to get a revocable right of way use permit.
- Glenwood Springs – City suggests type of bench to be used, must not block or preclude use of the sidewalk.
- Grand Junction – requires a revocable permit that is approved by the City Council, in order for the public to comment on the request. During the development review process, for new development, the City may require bike racks for many cases, depending upon the type and size of the development.

Please see City Attorney's comments below:

On the subject of benches and bicycle racks discussed last council meeting, I continue to prefer something like the following City Code addition if the Council ultimately decides against my preference for direct City placement and maintenance of such objects:

"B.4. Upon application by an owner of business property fronting on Main Street in the City's B-1 District, the City Manager or the City's Community Development Director may issue a special, revocable permit for the placement and maintenance of certain private facilities, such as benches, bicycle racks and the like, for public use within the public sidewalk area immediately adjoining such business property no closer than nine (9) feet from any curb or roadway. The form required to apply for such a permit shall be provided by the City. If, upon initial review, the application is found to demonstrate a practical public need for the pertinent facilities, the applicant shall be so notified and informed of any additional terms and/or conditions that will be imposed for secure location, size, quality, style and safety of the facilities under applicable City ordinances and/or deemed appropriate by the Community Development Department Director, in his or her sole and absolute discretion. Prior to the issuance of any final permit, the applicant shall provide a certificate of property liability insurance coverage in the amount of at least \$500,000.00, which certificate shall endorse the City of Delta as an additional insured party. Each issued permit shall expressly state that it remains fully terminable by the Delta City Council at any time, with or without cause, subject only to the requirement of mailing written notice of termination to the permit holder or successor. It shall also contain provisions notifying the pertinent owner/applicant of his or her exclusive responsibility for the payment of, providing insurance against, and indemnification of the City for any and all forms of damages, personal injuries and other losses determined to have been sustained by any person as proximate result of the placement and maintenance of the permitted facilities on City owned real property. In no event shall the issuance of a permit under this subsection B.4. imply any assumption of liability by the City for any such loss, damage or personal injury; nor shall it imply any vested right in the permit holder to either challenge, or recover damages for, any subsequent decision of the City Council to terminate the permit and require removal of the subject facilities from City property."

ACTION TO BE TAKEN IF APPROVED

Staff will prepare an ordinance for Council consideration, as directed by the City Council.

SUGGESTED MOTION

I would move that the City Council direct staff to prepare an ordinance to amend the Code as follows

Thank you for your attention.

City of Grand Junction

In many cases, the City requires a business to provide a bike rack with new development (but it depends on the type and size of the development). The City generally does not require benches. If they are required, the use is approved as part of the development review process. If a business owner would like to install a bench or bike rack without new development a Revocable Permit is issued for use of the public property or space for permanent or semi-permanent uses.

City Council has authority to grant the permit so a public hearing is held to give the public a chance to comment on the proposed use before the permit is granted.

If you would like more information about the Revocable Permit or the process to issue the permit please let me know. I can provide you copies of the permit and overall process.

City of Glenwood Springs

We allow folks to place street furnishings adjacent to sidewalks most places in town provided that it doesn't block the sidewalks and preclude their use. In the downtown core we try to require that property owners who place furniture on the sidewalks do so in compliance with our Streetscape Manual. This is an advisory document so it acts as a recommendation, not as the rule of law. We are trying to insure a high quality and consistent environment in our downtown. We have had some success to date. Let me know if you are interested and I can forward you the document.

City of Durango

Notes of a phone conversation with **Durango** re: benches and bike racks on public property:

The City of Durango keeps an inventory of benches for businesses to place in front of their business in the downtown area. Public works installs the bench, then more than likely the business will call up about three weeks later and ask that the bench be removed because people are smoking on the bench, homeless people are sleeping on the bench or someone is playing a musical instrument on the bench panhandling for money.

They do have a Revocable Right of Way permit for other things like tables and newsstands.

The city installs bike racks because they are a big biking community.

City of Montrose Code

Chapter 9-8

PRIVATE USE OF PUBLIC PROPERTY

Sections:

- 9-8-1 USE OF PUBLIC PROPERTY FOR PRIVATE PURPOSES
- 9-8-2 OBSTRUCTION OF RIGHTS OF WAY
- 9-8-3 PERMITS
- 9-8-4 STREET EVENTS

9-8-1: USE OF PUBLIC PROPERTY FOR PRIVATE PURPOSES

It shall be unlawful for any person to use public property or rights of way including, but not limited to, that portion of any street right of way outside of the road surface, for private purposes except as permitted by ordinance, regulation, franchise, public right, lease, permit, or otherwise in accordance with law. (Ord. 1772, 05-04-2000)

9-8-2: OBSTRUCTION OF RIGHTS OF WAY

(A) It shall be unlawful for any person to construct any fence or other improvement, to place anything upon, or to plant any hedge, shrubs, trees or other vegetation upon any public property, including any part of a street right of way outside the road surface, that would impede or obstruct normal pedestrian or vehicular traffic or would create a traffic hazard by sight barrier to or from motor vehicles, bicyclists and pedestrians, or would create any other safety hazard. (Ord. 1772, 05-04-2000)

(B) If the limitations of Subsection (A) above are met along with any other applicable requirements of City ordinances and regulations, the party in lawful possession of property abutting those street rights of way which are not being used for vehicular or pedestrian traffic, or other public use, may construct fencing improvements and/or landscaping upon such portions of the street rights of way. All fencing and landscaping improvements shall be in accordance with City specifications and regulations, and maintained accordingly. Areas between sidewalks and road surface shall not be fenced. (Ord. 1772, 05-04-2000)

- (C) Any and all other improvements, or temporary use of street rights of way for construction purposes, shall require issuance of an encroachment permit by the City, which permit shall be revocable in nature. (Ord. 1772, 05-04-2000)
- (D) No person using public street right of way or other property for any purpose allowed under this Section shall acquire any vested right or interest in any part of such public property by virtue of any such use or the installation and maintenance of improvements or landscaping upon it, and shall, upon the demand of the City, remove any improvements, landscaping, fencing, or other property from the public property affected, at his or her own cost. (Ord. 1772, 05-04-2000)
- (E) Any person using or maintaining public property as allowed by this Section shall do so in a careful and prudent manner and shall be responsible for any damages caused by their negligent acts or failure to act. (Ord. 1772, 5-4-2000)
- (F) No person shall remove or substantially alter any tree, shrub, lawn or ground cover on City owned property, streets or rights of way unless approved by the City by advance written notice. (Ord. 1772, 05-04-2000)
- (G) Newspaper and periodical stands shall be allowable on street rights of way as long as they meet the safety provisions of Subsection (A) above, are not located within ten feet of fire hydrants and intersection corners, are fastened or chained in place, and are kept in good and orderly condition. The City may remove any newspaper and periodical stands that do not comply with these provisions. (Ord. 1772, 05-04-2000)
- (H) The provisions of this Section may be supplemented as necessary by additional provisions as set forth in Chapter 3-5 of the City Regulations. (Ord. 1772, 05-04-2000)

9-8-3: PERMITS

- (A) The City Clerk shall have the authority to grant a special permit, subject to review and approval by the City Manager, for the temporary use or occupation of a street, alley or other public property for civic events, parades, special sales, or other events of a public or quasi-public nature. Any such permit shall be revocable in nature. (Ord. 1772, 05-04-2000)

- (B) If the limitations of Subsection (A) above are met along with other applicable requirements of City ordinances and regulations, parties in lawful possession of property in "B-1" Central Business District may utilize that portion of sidewalk right of way closest to and adjoining their property for display of merchandise or outside dining facilities as long as such usage only occurs during business hours and does not impede with or obstruct pedestrian traffic. (Ord. 1772, 05-04-2000)

9-8-4: **STREET EVENTS**

- (A) The City Clerk shall have authority to close parts of streets or State highways within the City, subject to review and approval by the City Manager, for purposes of parades, athletic events or special events pursuant to the requirements of this Section and other applicable City regulations. (Ord. 1772, 05-04-2000)
- (B) An application for a permit to hold a parade, athletic event or special event on a City street or State highway shall be submitted on a form provided by the City which may require all information necessary or convenient for the administration of this Section, and supplementing provisions as set forth in Chapter 3-5 of the City Regulations. (Ord. 1772, 05-04-2000)
- (C) The City Clerk shall not approve any street closure if the City does not have sufficient resources to properly manage the event in a manner consistent with the preservation of the public peace, health and safety and to provide for adequate traffic control, or if an adequate alternate route is not available if applicable. (Ord. 1772, 05-04-2000)
- (D) Any person aggrieved by the denial of a permit by the City Clerk pursuant to this Section, or seeking variance from any of the applicable provisions herein or in supplementing regulations, may appeal to the City Council by filing a written request within five (5) days of denial with the City. (Ord. 1772, 05-04-2000)

MEMO



Community Development
www.cityofdelta.net

360 Main St. • Delta, Colorado 81416
Phone (970) 874-7903 • Fax (970) 874-6931

Date: November 20, 2012
To: Mayor, City Council and City Manager
From: Glen L. Black, Director of Community Development *GLB*
Re: Amending Conditional Uses for the B-3, I, and I-R zones regarding Explosives

RECOMMENDATION

Consider adding sections to the Delta Municipal Code to allow storage of explosives and other hazardous materials, possibly in the B-3 and I zones as a Conditional Use if Federal and State regulations are followed.

BACKGROUND

Staff has received a request from a business owner in the B-3 zone to allow storage of explosives on the property.

STAFF REVIEW AND DISCUSSION

The City of Delta Municipal Code allows aboveground fuel storage facilities for hazardous fuels in the B-3, I and I-R Zone Districts, however there is not a zone within the City of Delta that allows storage of explosives or other non fuel hazardous materials. Should Council want to allow storage of non fuel hazardous materials such as explosives, Staff would suggest making them a Conditional Use possibly in the B-3 and I zones. Conditional Use applications are reviewed and decided by Planning Commission.

Possible language could be: Storage of hazardous materials subject to applicable Federal and State regulations.

ACTION TO BE TAKEN IF APPROVED

Should Council want to modify the Code, direct staff to prepare an Ordinance for Council's consideration.

SUGGESTED MOTION

I would move to direct staff to prepare an Ordinance for consideration to

Thank you for your attention.



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: November 16, 2012
Subject: Golf Course Assessment and Strategic Plan

RECOMMENDATION

City Council should discuss the list of critical questions needing answers in staff pursuit of comprehensive assessment and strategic plan for the Golf Course.

BACKGROUND

In my short time with the City I have heard numerous opinions about the Golf Course. Council has expressed frustration that we don't have clear direction and a clear goal in mind for both the short term and long term. Staff put together a recommended process for completing an assessment and developing a strategic plan for the Council to consider. As a reminder, the general process recommended by staff includes:

1. Identify critical information needed to make an evaluation
2. Evaluate the information to set priorities and create goals
3. Develop and implement strategy to achieve goals
4. Monitor performance and adjust as necessary

Asking the right questions is the most critical component of getting good answers. Staff has begun working on listing the questions we feel are most important in making a thorough assessment. Staff is seeking input regarding other questions that need to be asked and answered to inform us on creating a good strategic plan.

COST: NA

ACTIONS TO BE TAKEN IF APPROVED: Discussion and direction only.

SUGGESTED MOTION: NA

Devi's Thumb Golf Course
Assessment and strategic Plan
STEP #1: Identifying Critical Information

“Successful people ask better questions, and as a result, they get better answers.” --*Tony Robbins*

The questions below are intended to assist the City Council in determining what constitutes success and failure for the short and long term operations of the Devil's Thumb Golf Course:

1. What can we learn from the history of Devil's Thumb operations?
2. What studies have been done and what do they tell us?
3. Who golfs and who doesn't?
4. Who's voice should be heard and why?
5. How do we assess the Course's value as a recruitment tool?
6. How do we assess the Course's value in brining retail shoppers to Delta?
7. What are the historical trends of membership?
8. What long term development value exists?
9. Are there alternatives in operation models that could lower costs?
10. How much financial contribution should be made from other funds?
11. Are there more and less appropriate sources of funding?
12. Are there new sources of funding sources to consider?
13. Are there long term factors that will make a meaningful impact?
14. What are the impacts of failure?



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: November 16, 2012
Subject: Resolution #9, 2012: Golf Course Fees

RECOMMENDATION

Staff recommends approval of the enclosed Resolution #9 to increase membership fees at the Golf Course.

BACKGROUND

Staff is proposing rate increases at the Golf Course based on recommendations from the THK report and direction from Council to increase revenues in order to decrease transfers to the Golf Course Fund. The rates included in the Resolution have been presented to the Council at previous budget work sessions. Certain rates, such as the quarterly and monthly rates, are seasonal to allow staff to make adjustments based on demand.

COST

Increased rates are partially responsible for the estimated increase in revenues to the Golf Course Fund proposed in the 2013 budget. Memberships are proposed to increase from \$68,000 to \$75,000.

ACTIONS TO BE TAKEN IF APPROVED: Approval of Resolution #9, 2012.

SUGGESTED MOTION

I move that the City approve Resolution #9, 2012; a resolution setting membership fees at the Devils Thumb Golf Course.

Resolution #9, 2012

A RESOLUTION OF THE CITY OF DELTA SETTING
MEMBERSHIP FEES AT DEVIL'S THUMB GOLF CLUB

WHEREAS, the City Council has determined that all fees and charges imposed by the City should reflect as much as possible the actual costs and expenses incurred by the City; and

WHEREAS, the City Council has determined that the fees and charges established by this Resolution are reasonable and not excessive;

WHEREAS, after due consideration, the City Council finds it appropriate to raise the membership fees at Devil's Thumb Golf Club; and

WHEREAS, adoption of this Resolution to establish membership fees at Devil's Thumb Golf Club is in the best interest of the City.

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

Section 1. Membership fees for Devil's Thumb Golf Club shall be as follows:

- Unrestricted Membership fees
 - o Yearly \$1000
 - o Couple Yearly \$1500
 - o Quarterly varies by season
 - o Monthly varies by season
- Cart Fees
 - o 9 Holes \$ 10
 - o 18 Holes \$ 16
 - o Annual cart \$ 600
 - o Couple cart \$ 950
 - o Monthly cart varies by season
 - o Quarterly cart varies by season
- Green Fees
 - o 9 Holes weekday \$ 18
 - o 18 Holes weekday \$ 29
 - o 9 Holes weekend \$ 22
 - o 18 Holes weekend \$ 39

Section 2. Membership fees at Devil's Thumb Golf Club shall be in effect starting January 1, 2013.

ADOPTED this _____ day of _____, 2012.

Mayor

ATTEST:

City Clerk



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: November 16, 2012
Subject: Council Retreat

RECOMMENDATION

Council should discuss and consider some general parameters for the retreat.

BACKGROUND

It's important that we make the most of an opportunity to have a retreat. With people's busy schedule, it is not likely that we can have a retreat more than once or twice per year. The first order of business should be to pick a date and location. I would like to shoot for one of the first few weekends in January, simply so that our retreat corresponds to the beginning of a new fiscal year. It is often suggested to hold retreats out of town. The reason is that it is often beneficial to get outside of familiar settings and distractions. However, we can make the most of an in-town retreat as well.

The second order of business is to discuss the goals for a retreat so that we can get the most out of the time invested. My personal goals are: 1) to spend some time discussing "how" we do business together. This could include a discussion of expectations and communication protocols. 2) I would like some additional direction on broad policy goals. This will help to make sure my agenda flows from the direction from Council.

Lastly, I would like to pursue hiring a facilitator to run the retreat. The reason to use a facilitator is to make sure I can participate fully. I am simply not able to participate in a retreat that I design and facilitate. I am also not likely to get the challenges and learning opportunities from a program that I help develop.

COST: NA

ACTIONS TO BE TAKEN IF APPROVED

At this point, I only need direction from the Council concerning date, location (in-town or out of town) and feedback on using a facilitator. Additional discussion from the Council on goals or desired outcomes will help me to begin setting a draft agenda.

SUGGESTED MOTION: NA



MEMO

To: *Mayor and Council*

From: *Jim Hatheway, Public Works Director*

Date: *13 November 2012*

Subject: *Confluence Drive Energy and Mineral Impact Grant Request*

RECOMMENDATION

The Public Works Department is requesting City Council to approve the submission of a grant application for Energy and Mineral Impact Dollars for the Confluence Drive Project.

BACKGROUND

Since the City was awarded a SB232 Grant from DOLA for \$2.8 million, staff has been evaluating ways to adjust the design to fit within the limited funding available. When the grant was awarded, the project was identified as a 2-lane project. Since that time, through the Value Engineering process, several improvements to the project have been identified and we are now able to move forward with a 4-lane project. However, this requires additional funding above the original budget provided to DOLA in 2009. To help fund these enhancements, the City is proposing to request an additional \$1,000,000 from DOLA .

COST

This project has been budgeted in 80-19.

ACTIONS TO BE TAKEN IF APPROVED

Staff requests that City Council approve the submission of an Energy and Mineral Impact Grant for \$1,000,000 for benefit of Confluence Drive.

SUGGESTED MOTION

I move the City authorize staff to submit an Energy and Mineral Impact Grant requesting \$1,000,000 from DOLA for the Confluence Drive project. (Opposition to the motion would be indicated by a 'no' vote)



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

MEMO

To: Mayor and Council
From: Steve Glammeyer, Utilities Director
Date: November 9, 2012
Subject: DOLA Grant for 2013 WWTP Improvement Projects

Recommendation

It is recommended that the Council authorize staff to submit a grant for improvements scheduled at the wastewater treatment plant (WWTP).

Background

The attached Department of Local Affairs Energy & Mineral Impact grant application is to help defray costs of improvements planned at the WWTP for the 2013 budget year. Staff has completed the application, which is due December 1, and is asking for Council approval to submit the application.

Cost

There is no cost to the City.

Action to be Taken if Approved

Staff will submit the application to the Department of Local Affairs.

Suggested Motions

I move the Council authorize staff to submit the attached DOLA grant. (Denial of this request would be indicated by a Nay vote).



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: November 16, 2012
Subject: Amendment 64

RECOMMENDATION

Staff is seeking direction from Council regarding the recent passage of Amendment 64, which legalizes recreational marijuana use for adults 21 and older in Colorado. Staff recommends imposing a moratorium on marijuana businesses.

BACKGROUND

On November 6, 2012 voters in Colorado passed a Constitutional Amendment legalizing recreational use of marijuana for adults 21 and older. The law is not currently in effect but will be sometime in January unless the federal government intervenes. The state has been given until July, 2013 to create regulations governing facilities that will sell marijuana.

This issue is somewhat similar to previous Constitutional Amendments relating to medical marijuana and dispensaries. Although Amendment 64 will likely have far-reaching impacts, the first order of business for the Council should be to consider action and stay out in front of this issue.

As a reminder of the historic precedent for this issue, the following events shaped the City's position regarding medical marijuana dispensaries:

- November 3, 2009: Council adopted an ordinance declaring a moratorium on dispensaries
- February 1, 2011: Council adopted an ordinance amending the City Code to prohibit dispensaries
- March 10, 2011: Citizens introduced a referendum challenging the Feb 1, 2011 ordinance
- July 12, 2011: Citizens vote to uphold the Feb 1, 2011 ordinance 1215 votes to 564

It should be noted that Delta County voted against Amendment 64 56% to 44%. Staff expects results of City voters even more heavily favor defeat of Amendment 64.

The historic precedent would suggest the Council would be interested in prohibiting marijuana businesses that same way it prohibited medical marijuana businesses. The extensive process undertaken to address medical marijuana businesses also provides ample "due process" for making a decision in this case; without an lengthy public process. However, since the law was recently passed and the state has 8 months to create regulations governing businesses, it is worth

imposing a temporary moratorium in order to wait and see if the landscape looks any different over the next few months. It is uncertain at this point if the federal government will intervene, if local prohibition will resemble those of medical marijuana facilities or if new findings of fact are used as the basis of any new prohibitions.

COST: NA

ACTIONS TO BE TAKEN IF APPROVED:

Staff is seeking action from Council to declare a moratorium on marijuana businesses.

SUGGESTED MOTION

I move that the City direct staff and the City Attorney to draft an ordinance declaring a moratorium on the establishment and operations of marijuana businesses.



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MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: November 15, 2012
Subject: Retail Liquor Store License Renewal for Peterson Liquors

Recommendation

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

Background

The current liquor license expires December 2, 2012. Craig Triantos has held the license since 1997.

Cost

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

Action to be Taken if Approved

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

Suggested Motion

I move to approve the retail liquor store license renewal for Peterson Liquors.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



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

License Number 12-39414-0000	License Type 1940
Liability Information 18 011 445310 I 120397	
Business Location 455 W 8TH DELTA CO	
Current License Expires DEC 02, 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>Craig A Peterson</i>	Date 10-28/12	Business Phone 970 974-4313
Title OWNER	Sales Tax Number 12-39414-0000	
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

**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.

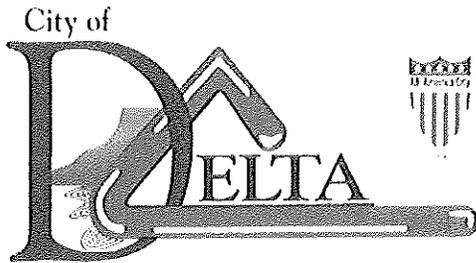
Business Name PETERSON LIQUOR	LICENSE NUMBER (Use for all reference) 12-39414-0000		PERIOD 12-13
TYPE OF LICENSE ISSUED RETAIL LIQUOR STORE LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 1940-750(999) \$ 50.00	CITY 85% OAP 2180-100(999) \$ 127.50

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

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>Peterson Liquor</i>		State License Number <i>1239418-0000</i>
1. Operating Manager <i>Craig Triantos</i>	Home Address <i>Sundown</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 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 type="checkbox"/> I am a United States Citizen</p> <p><input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States</p> <p><input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law</p> <p><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>Craig Triantos</i>	Printed name <i>CRAIG TRIANTOS</i>	Date <i>10/28/12</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 Triantos, Craig A.
DBA: Peterson Liquor

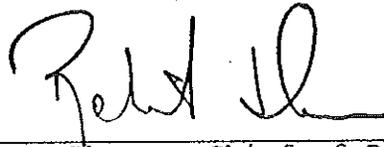
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



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: November 15, 2012
Subject: Tavern Liquor License Renewal for Sewells, LLC dba Sports Center Lounge

Recommendation

Staff recommends approval of the Tavern License Renewal for Sewells, LLC dba Sports Center Lounge located at 1410 Valley View Drive #190. The Police Department's report and recommendation is attached.

Background

The current liquor license expires January 3, 2013.

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 \$500 liquor occupation tax for a tavern 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 tavern liquor license renewal for Sewells, LLC dba Sports Center Lounge.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Amount Due/Paid	

SPORTS CENTER LOUNGE
 1410 VALLEY VIEW DR #190
 DELTA CO 81416-3130

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name SEWELLS LLC		DBA SPORTS CENTER LOUNGE		
Liquor License # 15635620000	License Type Tavern (city)	Sales Tax License # 15635620000	Expiration Date 1/3/2013	Due Date 11/19/2012
Street Address 1410 VALLEY VIEW DR #190 DELTA CO 81416-3130				Phone Number (970) 874 3130
Mailing Address 1410 VALLEY VIEW DR #190 DELTA CO 81416-3130				
Operating Manager BERNADETTE SEWELL	Date of Birth 5-28-52	Home Address 1743 BLACK BEAR ST, DELTA, CO.		Phone Number 970-261-6398

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease June 2014
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

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.

Type or Print Name of Applicant/Authorized Agent of Business BERNADETTE SEWELL	Title OWNER
Signature <i>Bernadette Sewell</i>	Date 9-19-2012

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

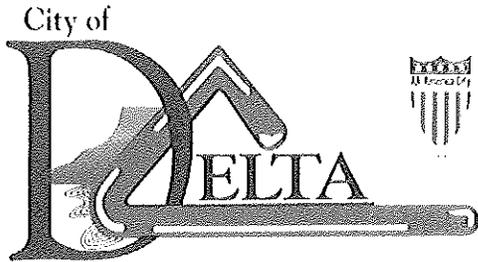
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest

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 SPORTS CENTER LOUNGE	State License Number
1. Operating Manager BERNADETTE SEWELL	Home Address 1743 BLACK BEAR ST.
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: RENTED If rented, expiration date of lease: June 2012	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"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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 checked="" type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.	
Signature Bernadette Sewell	Printed name BERNADETTE SEWELL
Date 9-19-12	



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Sewells, LLC
DBA: Sports Center Lounge

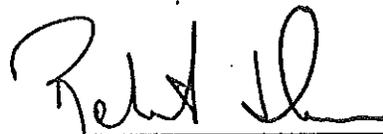
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police