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Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

## **A G E N D A**

**Delta City Council  
Regular Meeting**

**December 4, 2012  
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Rescheduling the January 1, 2013 Regular Meeting**
- F. Good Neighbor Policy for Customer Side Water Leaks**
- G. Contract for Wellness Pool**
- H. Council Bill #18, 2012; First Reading  
Storage of Explosives**
- I. Council Bill #19, 2012; First Reading  
Moratorium on Marijuana Businesses**
- J. Retail Liquor Store Renewal; Uptown Wines**
- K. 3.2% Beer Off Premises Renewal; Safeway #1863**
- L. City Attorney Comments**
- M. City Manager Comments**
- N. Councilmember Comments**

Amended 11/30/12 jn

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 Penick and seconded by Councilmember Raley to approve the minutes of the November 6, 2012 regular meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

Kami Collins, Executive Director of the Delta Area Chamber of Commerce introduced herself and stated she is excited for her new endeavors with the Chamber and looks forward to working with the Council.

**Public Hearing: New Liquor 3.2% Off-Premises Beer License; Maverick, Inc.**

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

City Clerk Jolene Nelson explained that Maverick, Inc. has submitted a 3.2% Beer Off-Premises Beer License for their new store located at 101 Hwy 92. She stated that the application is complete and all fees have been paid. A sign notifying the public of this hearing was posted at the construction site for the required time by law. She also stated that the background checks for Michael Val Call and Spencer Clawson Hewlett have not been received as of this hearing. She recommended approving the liquor license contingent on receiving favorable results on their fingerprint submissions.

Clerk Nelson introduced Holly Robb who is the licensing supervisor for Maverick.

Ms. Robb presented a packet of information regarding the business of Maverick and gave a brief summary of the information. She also introduced Tina Ervine who is the area supervisor and Clyde Wright who will be the store director.

Tina Ervine then presented their alcohol training and requirements for their business.

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

**Regular Meeting, Delta City Council, November 20, 2012 (cont.)**

**Public Hearing: New Liquor 3.2% Off-Premises Beer License; Maverick, Inc. (cont.)**

It was moved by Councilmember Cooper and seconded by Councilmember Jurca 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. All in favor, motion carried.

**Budget Updates**

City Manager Justin Clifton reported on following items that were discussed at the last meeting:

- Explained the Charter language and stated the budget is within compliance.
- A breakdown of professional services throughout the budget was presented.
- A summary of the police department increases slated for 2013.

Councilmember Penick questioned why there would be purchases within professional services in the ML&P budget.

Utilities Director Steve Glammeyer stated that is listed in there for the transmission improvement project.

Councilmember Jurca questioned if these were examples or if they are actual items listed in the 2013 budget.

Manager Clifton stated they are anticipated items. They took a look at past items and gave those as examples as well.

Councilmember Jurca stated his concern is having THK on the list. He wanted clarification if the City were paying them again in 2013.

Manager Clifton reported that was looking back and was given as an example.

Councilmember Cooper commented on the report presented for the police department salaries. She stated that the question was asked because other employees were questioning why the police department was getting step increases and no one else was. She wanted the employees to understand that this was not necessarily for time but for service and that is more common in a police department.

Manager Clifton explained that when Glen Black was Acting City Manager he put out to all departments a request of employees who were over do for step increases not only for time but also for earning that step increase.

Finance Director Tod DeZeeuw also stated that some employees are no longer allowed to get step increases because they have reached the limit.

Mayor Sisson questioned how long it takes to reach to top of the step increases.

Manager Clifton explained that there is an open position and there is a range. The timeline varies by employee. Some employees will move up quickly and others take more time depending on their job performance.

**Regular Meeting, Delta City Council, November 20, 2012 (cont.)**

**Budget Updates (cont.)**

Mr. DeZeeuw also explained that there was a freeze on the step increases for a few years due to budget concerns.

**Ordinance #17, 2012; Second and Final Reading  
2013 Appropriations**

Ordinance #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

Was introduced as Council Bill #17, 2012 and read by the Clerk.

Councilmember Penick stated he believes Council's questions have been answered.

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

Councilmember Raley stated that with the speculation of the coal industry having problems and the mines in the North Fork area being concerned about cutting production he would ask that the Finance Director to keep a close look at the sales tax revenue and possibly adjust the budget should it go down.

Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Penick, aye, Raley, aye and Sisson, aye. Council Bill #17, 2012 was adopted on second and final reading as Ordinance #17, 2012.

**Possible Code Revisions to Allow Bench and Bike Rack for CB's Tavern**

Manager Clifton reminded Council that this request is being brought to them on behalf of the applicant.

Community Development Director Glen Black summarized various ways other municipalities are handling these types of requests.

Councilmember Raley requested clarification on the City Attorney's recommendation.

City Attorney Michael Schottelkotte stated that the only thing he is uncertain about is the necessity of the insurance requirement. He also stated that he is satisfied with at least making it clear in the permit application that the business owner is on their own and they would have to indemnify the City.

Mayor Sisson questioned if this would cover the whole City.

Director Black stated it would be in the B-1 District.

**Regular Meeting, Delta City Council, November 20, 2012 (cont.)**

**Possible Code Revisions to Allow Bench and Bike Rack for CB's Tavern (cont.)**

Councilmember Penick stated it is his preference for the City to own and install the bike racks and/or benches.

Councilmember Raley questioned who would enforce any violations if they were owned by the business.

Attorney Schottelkotte stated the City has the right to enforce any violations.

Manager Clifton stated that it is a valid approach to have the City own the improvements. The challenges would be funding and also there may be a certain amount of interest on owner obligated improvement. If this becomes a free improvement there may be a lot of interest. The City needs to have a program to answer any questions as to what, when, who and how.

Director Black stated that CB's has a willingness to purchase these and possibly donate them to the City. The other concern is how the City wants to handle the benches that are already privately installed on public property.

Councilmember Penick stated that he is still in favor of the City owning, maintain the benches and funding can come from private sources.

Councilmember Cooper questioned what department would be in control of them.

Manager Clifton recommended going back and filling in the blanks. If the Council wants to be specific about the public or private funding approaches they can take a look at those as well.

Councilmember Raley stated Council will be setting a policy and it needs to be good this year and in the future.

There was additional discussion regarding the direction Council would like to proceed with.

Attorney Schottelkotte stated that recognizing the fact that CB's is anxious in getting direction he suggested using the partnership approach allowing them to purchase the items and have the City install and maintain them. There is no obligation for the City beyond that to keep it there if things don't work out and there's no obligation to refund them the amount of the purchase.

Councilmember Penick stated that there is a concern as to where the bike racks would be installed. There is an ordinance that states that they would have to be nine feet away from the curb.

Director Black stated that the ordinance is addressing sale items.

There was discussion regarding the placement of the bike racks.

It was moved by Councilmember Raley and seconded by Councilmember Cooper to allow CB's Tavern to buy the bike rack and bench for placement in front of their business and donate it to the City. The City shall have oversight in the design and shall install the equipment. All in favor, motion carried.

**Regular Meeting, Delta City Council, November 20, 2012 (cont.)**

**Amending Conditional Use for the B-3, I and I-R Zone Regarding Explosives**

Director Black stated his department has been approached by one of the local mining companies to get permission to store explosives within the City of Delta. They do own property within city limits that is zone B-3; however they do not conduct business in city limits. The City code discusses hazardous fuels but does not discuss explosives. The applicant is requesting a response as to whether they can or cannot store their explosives on that property. Mr. Black explained that there are State and Federal regulations that also govern the storage of the explosives. He stated that after speaking with Mr. Schottelkotte, he felt that this can be disallowed based on that they are such dangerous materials.

Attorney Schottelkotte stated that Council can disallow certain things from the public health and safety aspect. He explained that if it is regarding a zoning issue strictly then it would have to be allowed in one zone or another. The State and Federal regulations will also need to be followed.

Mayor Sisson questioned what they are requesting to store and where.

Director Black stated that he would assume that it would be dynamite and possibly what they call ammonium nitrate fuel oil mixes. He explained that when we are talking about zoning Council needs to look at all zones. He showed Council on the map the zones that are being discussed. He did state that the property owned by the mining company is on the west side of North Delta. He clarified to Council that they are not just looking at this property but looking at all properties within these zoning districts.

Councilmember Jurca stated that his concern is how much residential is around a property zoned like that.

Councilmember Cooper reported that the State and Federal regulations are very stringent.

Manager Clifton stated that Council could also consider a possible amendment to the code that would relate to conditional approval.

Director Black stated staff does recommend a conditional use that will get reviewed by Planning Commission. He also stated that this is probably going to be very limited; there are not many companies that will request this type of permission.

Councilmember Penick stated that he feels the City should disallow them. He is concerned about the safety issues for the citizens.

Councilmember Cooper stated that she would like Council to move forward with the conditional use and having the hearings.

Attorney Schottelkotte reported that he can draft an ordinance after reviewing the State and Federal regulations.

Director Black stated that staff would recommend only looking at the B-3 and I zones which allow the storage of hazardous fuels and also be contingent on them having their State and Federal permits as well.

**Regular Meeting, Delta City Council, November 20, 2012 (cont.)**

**Amending Conditional Use for the B-3, I and I-R Zone Regarding Explosives (cont.)**

There was discussion regarding the State and Federal regulations.

Councilmember Penick questioned if they will be incorporating hazardous materials and explosives.

Director Black stated that all that is addressed now is the hazardous fuels. That does bring up a question as to hazardous materials.

Attorney Schottelkotte suggested a few different directions Council can take a look at.

Councilmember Penick questioned if Council does not do anything at this point where does the request stand.

Director Black stated they would not be allowed to store the explosives.

There was additional discussion regarding which direction Council would like to proceed with.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to direct staff to prepare an ordinance for consideration for storage of explosives.

Councilmember Penick stated he is still in favor of doing nothing. He is concerned about the public safety aspect for the City.

Mayor Sisson called for a vote. Councilmembers Cooper, Raley and Mayor Sisson voted aye. Councilmembers Jurca and Penick voted no.

**Discussion Regarding Golf Course Strategic Plan**

Manager Clifton stated that this item returns to Council it was suggested to begin to undertake a more comprehensive and strategic plan at the golf course. 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.

Manager Clifton stated staff developed fourteen different questions that may be important in making a comprehensive assessment. Staff is looking for additional direction should there be any from Council.

Mayor Sisson stated he believes staff is working in the right direction.

Manager Clifton reported that their intention is to be very broad and transparent. He explained how staff will proceed forward.

There was a consensus amongst Council that this is the right direction to move forward with.

**Regular Meeting, Delta City Council, November 20, 2012 (cont.)**

**Discussion Regarding Golf Course Strategic Plan (cont.)**

Manager Clifton stated staff will create a timeline and start moving forward.

**Resolution #9, 2012; Golf Course Fees**

Manager Clifton stated that one of the outcomes from the THK report was the fees at the golf course. He also stated one thing to note with the changes is that the quarterly and monthly fees vary by season.

Councilmember Jurca reported that the golf course committee is in favor of the changes.

Resolution #9, 2012

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

was read by the clerk.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to adopt Resolution #9, 2012. Roll call votes: Councilmembers Cooper, aye; Jurca, aye; Penick, aye, Raley, aye and Sisson, aye. Motion carried.

**Discussion on Retreat**

Manager Clifton requested some feedback on the general direction Council would like to take with the retreat so staff can begin planning.

There was consensus to have the retreat on a Saturday in January. The City Manager will begin to find a facilitator as well as a location to host the event.

**Energy Impact Grant for Confluence Drive**

Manager Clifton stated that this is a requirement from DOLA to submit the grants. He also stated that staff has been diligently working to find additional funding for Confluence Drive. This grant may be difficult to obtain at this point. He suggested that if a motion is made that it authorize staff to submit the grant for an amount deemed appropriate because that might need to be adjusted.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to authorize staff to submit an Energy and Mineral Impact Grant requesting \$1,000,000 from DOLA for the Confluence Drive project.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to amend the previous motion to read as \$1,000,000 or an appropriate amount. All in favor, motion carried.

**Regular Meeting, Delta City Council, November 20, 2012 (cont.)**

**Energy Impact Grant for the WWTP**

Utilities Director Steve Glammeyer stated that there are three projects that staff is planning to complete next year. He explained those projects. These projects project to cost approximately \$400,000 and staff is applying for a tier one grant which is up to \$250,000 to meet the 50/50 match requirement.

It was moved by Councilmember Raley and seconded by Councilmember Cooper to authorize staff to submit the DOLA for the wastewater treatment plant. All in favor, motion carried.

**Discussion Regarding Amendment 64**

Manager Clifton reported that as a result of the election and passage of Amendment 64 he is bringing before Council to discuss their options on how to deal with the changes. The City has until July of 2013 to create regulations governing facilities that would sell marijuana to users. He presented Council with the history on how Council dealt with medical marijuana. He also presented the results for Delta County for Amendment 64. He stated there is adequate precedence if the City wants to move forward with imposing a moratorium or more quickly prohibiting this type of businesses.

Councilmember Cooper questioned if the moratorium has to have a time frame.

Attorney Schottelkotte stated Council will need to have a time limit on the moratorium.

There was discussion regarding the time limit of the moratorium.

Councilmember Jurca questioned if there have been discussions with law enforcement.

Manager Clifton stated they have had discussions; however, they have not received clarification from the local District Attorney's office at this point. It's his understanding that they will be following what other communities are doing and that is cease writing citations for crimes of possession of one ounce or less of marijuana and they are 21 years of age or older.

Councilmember Jurca questioned who is staying involved with the State discussions.

Manager Clifton stated that there are a lot of organizations that the City is involved with that are following this topic.

It was moved by Councilmember Penick and seconded by Councilmember Raley to direct staff and the City Attorney to draft an ordinance declaring a moratorium on the establishment and operation of marijuana businesses for a nine month period.

Attorney Schottelkotte suggested listing the ordinance as an emergency ordinance.

The motion was amended to include the language declaring an emergency. All in favor, motion carried.

**Regular Meeting, Delta City Council, November 20, 2012 (cont.)**

**Retail Liquor Store Renewal; Peterson's Liquor**

The Clerk explained that Peterson's Liquor has submitted their retail liquor store renewal application. The application is complete and all fees have been paid. The police department has recommended renewal.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the retail liquor store renewal for Peterson's Liquor. All in favor, motion carried.

**Tavern Liquor License Renewal; Sports Center Lounge**

The Clerk stated that Sports Center Lounge has submitted their tavern liquor license renewal. The application is complete and all fees have been paid. The police department has recommended renewal.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to approve the tavern liquor license renewal for Sports Center Lounge. All in favor, motion carried.

**City Attorney Comments**

Attorney Schottelkotte updated Council on the completion of property acquisitions for the truck route.

**City Manager Comments**

Manager Clifton stated that at the last meeting there was a concern brought forward regarding the City's ordinance on graffiti. He recommends not changing the policy. He stated that enforcement issues play out and take some time allowing the owner to clean it up.

He also reported that on December 4<sup>th</sup> there will be a work session regarding the technical energy audit.

**Councilmember Comments**

Councilmember Cooper commented on the recent DCED meeting. She also commented on the incredible sport abilities the school district has this year.

Councilmember Jurca stated that the Delta Housing Authority has discussed the option of expanding. He stated that the Delta High School took 5<sup>th</sup> at the state competition in band and Cedaredge High School took 1<sup>st</sup>.

Mayor Sisson congratulated the local high school football teams.

The meeting was adjourned at 8:28 p.m.

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



## MEMO

To: City Council  
From: Justin Clifton, City Manager  
Date: November 30, 2012  
Subject: January Meeting

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### **RECOMMENDATION**

Select a date for the first January meeting.

### **BACKGROUND**

The first Tuesday in January this year is on the New Years Day. The City Council expressed a desire to change the date of the meeting to accommodate the holiday. The Council may wish to consider the date of its retreat before changing the date. However, staff and Council are waiting for clarity from Council Member Jurca regarding his schedule prior to selecting a date for the retreat. The Council may wish to look at simply moving the meeting to Wednesday January 2<sup>nd</sup> or considering selecting another week. There five Tuesdays in January (1<sup>st</sup>, 8<sup>th</sup>, 15<sup>th</sup>, 22<sup>nd</sup> and 29<sup>th</sup>).

### **COST** NA

**ACTIONS TO BE TAKEN IF APPROVED** Motion to move the first regular business meeting in January.

### **SUGGESTED MOTION**

I move that the City move its first regularly scheduled business meeting from January 1<sup>st</sup> to \_\_\_\_\_ in consideration of the New Year Holiday.



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# Memo

**To:** City Council / City Manager  
**From:** Steve Glammeyer, P.E., Utilities Director  
**Date:** 11/27/2012  
**Re:** Customer side water leak policy

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All,

This memo is in response to a recent request to consider a policy to help citizens that experience water leaks/breaks on their side of the meter with the cost of the excess water lost through the leak/break. I searched and obtained information from various other Colorado cities to help in formulating a policy and have summarized those responses below for your use.

The majority of the communities treat this as Delta does now, that is, the homeowner is responsible for the water lost as we have already paid for it. Most communities will work with the homeowner on a payment plan.

There were a few other unique responses that I will attempt to highlight here:

- City of Evans – Will pay for lost water from breaks that occur in an area they consider “undetectable” such as the line from the meter to the house/crawlspace. In this case, the homeowner is required to pay for the average usage for that month from the prior year plus 1/3 of the amount attributed to the leak above normal usage, the city pays the other 2/3.
- City of Loveland – Informal practice of a discounted rate (wholesale) for the overage. Based on the customer having repaired the leak and that having been verified by City.
- Town of Cedaredge – Has a form and policy in place to help pay up to 50% of the lost water at the discretion of the PW Director. If not, they offer a payment plan. Several questions have to be answered to qualify.
- Town of Breckenridge/Crestone – Same policy of a “one-time” mitigation/forgiveness. Breckenridge will charge the average of the previous 2 billing cycles and Crestone charges 3X the average of the previous 6 months.

So, to start some conversation should Council wish to create a policy, staff would propose a hybrid of some of the policies out there. Perhaps we could allow a one-time adjustment for leaks that occur in an undetectable area. The adjustment would be to charge the wholesale rate for all water usage during the break. This way the City is made whole on the cost of the water and the customer isn't hit with the full amount either. In any area that should be detected (i.e. crawlspace, sprinkler system, leaking toilet, etc.) customer pays the full bill at the normally charged rate.

Thanks,

Steve

# Memo

Date: December 4, 2013  
To: Mayor Sisson and Council  
CC: Justin Clifton, City Manager  
From: Wilma Erven, Culture & Recreation Director  
Subject: Wellness Pool & Fitness Room Construction Documents/Administration

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## **Recommendation**

Staff recommends awarding a contract for the Construction Documents & Administration for the Wellness Pool and Multipurpose Fitness Room at the Recreation Center, to Bruce Flynn Architecture, Denver, CO. for a total amount not to exceed \$180,000.

## **Background**

Bruce Flynn is the Architect from Barker, Rinker, Seacat Architecture, that has done all of the documents for the Recreation Center since the Master Plan was created in 2009. Mr. Flynn has since left the Barker Rinker Seacat firm and is working on his own. He had a discussion with the firm that if the City of Delta continued with the construction of the Wellness Pool and chose to continue with the firm, he would be the architect that would be doing the work. The firm has released the project to Mr. Flynn. The mechanical and electrical consultants that worked on all of the original documents would continue with Mr. Flynn on this project.

During the bidding for the architect for the master plan there were eight bids ranging in cost from 8 to 16 % of the total cost of the project. The proposed \$180,000 not to exceed price is 7.75% of the estimated construction cost.

As we have discussed, all of the Design Documents are up to date and done for the Wellness Pool part of the project. However, construction drawings for the Wellness Pool and complete design and construction documents for the Multipurpose Fitness Room have not been done and will need to be completed in order to go out to bid. Completing the projects simultaneously will save on design, construction and construction management costs.

Continuing services with Mr. Flynn will ensure the City takes advantage of cost savings based on work already performed. Staff would like to recommend that the City continue its contract with Bruce Flynn.

## **Costs**

The cost for the construction documents and administration of the same from Bruce Flynn Architecture, Denver, CO would be, not to exceed \$180,000. Staff has this fee in the estimated \$2.5 million for the project, which is in the 2013 Budget.

**Page 2**

**Actions To Be Taken If Approved**

Staff will issue a Notice of Award and forward our standard professional services contract agreement to Mr. Flynn for his signature. Once signed and the City Attorney has reviewed and approved, then staff will issue a Notice to Proceed and the project will be scheduled.

**Suggested Motion**

I move the City award the Construction Documents & Administration contract for the Wellness Pool & Multipurpose Fitness Room, at the Recreation Center to Bruce Flynn Architecture in the amount to not exceed \$180,000, and following City Attorney approval, authorize the City Manager to sign the contract.

# MEMO

## Community Development

www.cityofdelta.net



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Phone (970) 874-7903 • Fax (970) 874-6931

**Date:** December 4, 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 and I 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. The Council reviewed this request at the City Council meeting held on November 20, 2012 and directed staff to prepare an Ordinance for consideration.

### **STAFF REVIEW AND DISCUSSION**

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

Staff contacted City Attorney, Mike Schottelkotte to draft an Ordinance for Council consideration. Mr. Schottelkotte sent staff information to review (see fax cover page dated 11/26/12). Staff composed an Ordinance and sent the draft to Mr. Schottelkotte for review and received comments dated 11/28/12 (see attached).

Staff review of other municipalities found Montrose, Grand Junction, Durango and Rifle do not allow storage of explosives. Glenwood Springs and Craig allow explosives by a review process.

### **ACTION TO BE TAKEN IF APPROVED**

Consider adopting Council Bill # 18, 2012 on first reading.

### **SUGGESTED MOTION**

I move that Council direct staff to .....? or

I move that Council adopt Council Bill # 18, 2012 on first reading amending Chapter 17.04.160 and 17.04.190 of the Delta Municipal Code providing for storage of non-fuel hazardous materials such as explosives in the B-3 and I zones. Disapproval would be indicated by a nay vote.

Thank you for your attention.

**From:** Sharleen Walker [sharleen@cityofdelta.net]  
**Sent:** Wednesday, November 28, 2012 10:02 AM  
**To:** main@brownlawllc.com  
**Cc:** Glen Black  
**Subject:** Explosives Ordinance  
**Attachments:** Explosives2012.doc

Sheila,

Please have Mike review the attached draft Ordinance for conditional use of explosives.

Thanks,  
Sharleen

Sharleen -

The format of this ordinance is OK for purposes of meeting the Council's last instruction to present a new ordinance. We need to make clear, however, that this is by no means intended to be a final draft.

Assuming that the Council will be generally OK with allowing certain hazardous materials in either or both the B-3 and I zones, I would expect to add more performance standards and clarify those in place. Justin is aware of this approach and approves it.

Please call if you have questions.

Mike S.

11-28-12

cc: Justin Clifton

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Date: 11-26-12

Number of pages including this page: 6

To: Alan Bladen

Fax #: 874-8776

From: James D. Brown

Re: Zoning info

Message:

The attached pages may help you with the effort to develop new zoning regs for storage of explosive/hazardous materials in Delta. See especially my notes written on the fourth page.

cc: Justin Clifton

**THIS MESSAGE AND ALL ACCOMPANYING INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.**

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**AN ORDINANCE OF THE CITY OF DELTA, COLORADO AMENDING CHAPTER 17.04.160 and 17.04.190 OF THE DELTA MUNICIPAL CODE ADDING EXPLOSIVES AND OTHER NON-FUEL HAZARDOUS MATERIALS AS A CONDITIONAL USE IN THE B-3 AND I ZONES.**

WHEREAS, The City Council of Delta Colorado hereby desires to provide zones within the City of Delta that may allow the storage of non-fuel hazardous materials, including explosives;

WHEREAS, The City Council of Delta Colorado hereby recognizes that certain zones of the City are appropriate for the storage of non-fuel hazardous materials by conditional use reviewed by the Planning Commission;

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

Section 1. Chapter 17.04.160 is hereby amended as follows:

17.04.160 B-3 District.

A. INTENT: The B-3 District is intended for a large variety of uses that require large storage areas to conveniently serve customers.

B. USES BY RIGHT:

1. Uses listed as "uses by right" in the B-1 and B-2 Districts.

2. Electronic and telecommunications antennas, receivers and transmitters.

3. Mobile home sales or service establishments.

4. Machine and welding shops.

5. Large equipment rental businesses.

6. Feed storage and sales establishments.

7. Construction and contractors' office and equipment storage facilities.

8. Aboveground fuel storage facilities for hazardous fuels.

9. Warehouses and storage facilities. (Excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions)

10. Veterinary clinics or hospitals for large animals.

C. CONDITIONAL USES:

1. Uses listed as conditional uses in the B-1 and B-2 Districts not listed as a specified Use by Right in (B) above.

2. Manufacturing not allowed as a Use by Right in (B) (1) above.

3. Storage of non-fuel hazardous materials including explosives.

D. PERFORMANCE STANDARDS:

1. No use shall be established, maintained, or conducted in any B-3 District that will result in any public or private nuisance.

2. No Factory Built Housing, except for Allowed Modular Housing as defined in Section 17.04.020(A)(9), shall be authorized. Any Allowed Modular Unit(s) must be permanently attached to an engineered foundation and properly connected, completed and inspected on site in accord with the reasonably applicable provisions of Chapter 15.04 of the Delta Municipal Code as outlined in the pertinent building permit.

3. Rental storage operations must meet the criteria set out in Subsection 17.04.150(E)(3). (Ord. 4, §1, 1999; Ord. 4, §11, 2008; Ord. 4, §1, §3, 2011)

4. With regard to storage of explosives, chemicals and other allowed hazardous materials (excepting stored fuels), the following additional performance standards shall apply:

- a. No such materials shall be stored closer than \_\_\_\_\_ to any existing residence or other business or commercial buildings.
- b. Adequate fire suppression facilities shall be required to be installed and maintained on the site.
- c. Building materials and construction designed to contain explosions or chemical leakage shall be required as appropriate and, if deemed necessary, berming of property boundaries to appropriate heights may be required.
- d. In all cases, reasonable evidence shall be required to show that the storage facilitate will comply with all currently applicable State and Federal laws and regulations.

Section 2. Chapter 17.04.190 is hereby amended as follows:

17.04.190 I District.

A. INTENT: The purpose of the I-1 District is to accommodate manufacturing, commercial, and most industrial uses which need adequate space, light, and air, and whose operations are quiet and clean provided that they do not create a nuisance to other property by reasons of dust, odor, noise, light, smoke, vibrations or other adverse effects which cannot be effectively confined on the premises. This promotes the creations and maintenance of an environment which will serve the mutual interests of the community as a whole, of any adjacent residential areas and of the occupants of the industrial area.

B. USES BY RIGHT:

1. Uses which meet the intent of Subsection (A) and the performance standards of Subsection (C) of this Section, not including residential uses, are uses by right. Typical examples of such manufacturing and nonmanufacturing uses include warehouses, wholesalers, and manufacturing contained within buildings and accessory retail sales.

2. Industrial uses, including those with accessory retail sales operations such as:

- a. Manufacturing of any product.
- b. Wholesaling of any product.
- c. Warehousing and storage. (Excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions)
- d. Bulk storage.
- e. Processing of any manufactured product.
- f. General service and repair of automobiles, trucks, farm implements and construction equipment.
- g. Parking lots.
- h. Fabrication of any product.
- i. Agricultural products processing.
- j. Offices.
- k. Freight hauling facilities.
- l. Sawmills or planing mills.
- m. Aboveground fuel storage facilities for hazardous fuels.

3. Parks and open spaces.

4. Government buildings and facilities.

5. Public utility service facilities.

6. Electronic and telecommunications antennas, receivers and transmitters.

7. Accessory uses.

8. Sexually oriented business complying with the provisions of Chapter 8.32.

C. CONDITIONAL USES:

1. Any commercial or industrial use other than the uses by right which complies with the performance standards of Subsection C and is consistent with the intent of Subsection A above.

2. Automobile wrecking and salvage yards.

3. Junk yards.

4. Animal sales yards.

5. Mineral extraction and processing.

6. Trash disposal and recycling facilities.

7. Quarries and gravel operations. (Ord. 4, §1, 1999; Ord. 8, §4, 2004; Ord. 4, §4, 2011)

8. Storage of non-fuel hazardous materials including explosives.

D. PERFORMANCE STANDARDS:

1. No use shall be established, maintained or conducted in any I District that will result in any public or private nuisance.

2. No industrial structure shall be constructed within one hundred feet (100') of any existing Residential District, unless effectively buffered by landscaping, berms, fencing, or screening.

3. No use shall be established in the I District which results in an unreasonable hazard to the community or creates a public or private nuisance.

4. No noise, dirt, smoke, or odor shall be observable off of the premises.

5. Automobile wrecking and salvage yards and junk yards shall have screening.

6. Additionally, all outdoor storage may require screening to prevent industrial blight.

7. With regard to storage of explosives, chemicals and other allowed hazardous materials (excepting stored fuels), the following additional performance standards shall apply:

- a. No such materials shall be stored closer than \_\_\_\_\_ to any existing residence or other business or commercial buildings.
- b. Adequate fire suppression facilities shall be required to be installed and maintained on the site.
- c. Building materials and construction designed to contain explosions or chemical leakage shall be required as appropriate and, if deemed necessary, berming of property boundaries to appropriate heights may be required.
- d. In all cases, reasonable evidence shall be required to show that the storage facilities will comply with all currently applicable State and Federal laws and regulations.

Section 4. Except as amended or newly provided above, all other provisions of Chapter 17.04 of the Delta Municipal Code are hereby ratified and confirmed as presently written.

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

\_\_\_\_\_  
Mayor

ATTEST:

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

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

\_\_\_\_\_  
Mayor

ATTEST:

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



## MEMO

To: City Council  
From: Justin Clifton, City Manager  
Date: November 30, 2012  
Subject: Council Bill #19: First Reading Moratorium on Marijuana Businesses

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### **RECOMMENDATION**

Consider approval of a moratorium on marijuana businesses.

### **BACKGROUND**

At the last City Council meeting, Council gave direction to staff to draft a moratorium on marijuana businesses in light of the recent passage of Amendment 64. The City Attorney had indicated he would present the ordinance as an emergency ordinance as an extra measure of caution and to make certain the City would not receive applicants from marijuana businesses. In the week that followed however, Council Member Jurca conducted research and learned that it is unnecessary to utilize the emergency measure for passage of this ordinance. This is due to the fact that the State has until July 2013 to create regulations concerning the operation of marijuana businesses and until October 2013 to permit any businesses. I agree totally with Council Member Jurca's assessment and believe the City has no risk exposure by adopting the ordinance through two readings.

**COST** NA

### **ACTIONS TO BE TAKEN IF APPROVED**

Motion approving Council Bill #19

### **SUGGESTED MOTION**

I move that the City adopt Council Bill #19, creating a moratorium on Marijuana Businesses on first reading.

COUNCIL BILL #19, 2012

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO, DECLARING A MORATORIUM ON REVIEW OF APPLICATIONS RELATING TO COMMERCIAL DISPENSARIES OF MARIJUANA WITHIN THE CITY OF DELTA PENDING CONSIDERATION OF ALL PERTINENT LOCAL IMPLICATIONS OF COLORADO CONSTITUTIONAL AMENDMENT NO. 64 AND ADOPTION OF ANY NECESSARY LOCAL LEGISLATION.**

WHEREAS, a majority of the Colorado electorate voting in the most recent general election last month passed an amendment to the State constitution (hereinafter referred to simply as "Amendment No. 64") which enables recreational use of marijuana, and also contemplates commercial sales of marijuana within Colorado subject to certain parameters for State and local government regulation and alternative options for local government prohibition; and

WHEREAS, the Delta City Council desires to conduct reasonable studies of all regulatory and prohibitory options available to the City under Amendment No. 64, and to protect and preserve the health, safety and welfare of its citizens against any possibility of the proliferation of retail or wholesale marijuana shops and dispensaries in the meantime; and

WHEREAS, the City Council finds that the possession and sale of marijuana currently violates federal law, and that the proliferation of unregulated marijuana shops or dispensaries may have a correlation with increased criminal activity; and

WHEREAS, the City Council finds that the great majority of its voting citizenry has already favored prohibition of so-called "medical" marijuana dispensaries and related growing facilities in the City limits of Delta under a previous ballot initiative; and

WHEREAS, the City Council hereby determines that, under the evident circumstances, it is necessary and proper to impose a temporary moratorium on the authorization of City services and privileges such as water and sewer taps, site development and sign permits, business and sales tax licenses etc., for marijuana shops and dispensaries in order to protect and preserve the health, safety, welfare, and economic well-being of the City of Delta and its citizenry until a reasonable evaluation of the implications of Amendment No. 64 can be completed by City staff.

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

Section 1. A moratorium period of approximately nine (9) months is hereby declared to be in effect from the date of this ordinance until September 4, 2013, or until the occurrence of further action of the City Council ending or modifying this moratorium, whichever date or event occurs first. Any such further action on the effective existence of the moratorium may be taken by resolution of the City Council, and need not be taken by ordinance.

Section 2. During the moratorium period specified in the preceding Section 1 of this ordinance, no applications pertaining to the initiation and operation of retail or wholesale marijuana shops, dispensaries and growing facilities contemplated by the aforementioned Amendment No. 64 shall be accepted for review or action by the City of Delta, said applications being deemed to include, but not be limited to, those submitted for water or sewer taps, sales and use tax licenses, amendments to the official zoning map, site development plans, business operation licenses, sign permits or building and development permits.

Section 3. The provisions of this ordinance are declared to severable, and if any provision, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

ADOPTED ON FIRST READING AND ORDERED PUBLISHED this \_\_\_\_\_ day of December, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED this \_\_\_\_\_ day of December, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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



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## MEMO

To: City Council, City Manager  
From: Jolene E. Nelson, City Clerk  
Date: November 29, 2012  
Subject: Retail Liquor Store License Renewal for Uptown Wines

---

### **Recommendation**

Staff recommends approval of a retail liquor store license renewal for Uptown Wines located at 436 Main Street. The Police Department's report and recommendation is attached.

### **Background**

The current liquor license expires January 7, 2013.

### **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 Uptown Wines.

## LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

UPTOWN WINES  
 436 MAIN ST  
 DELTA CO 81416-1825

Fees Due	
Renewal Fee	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Amount Due/Paid	

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 <b>ARELLANO JR DELOARELLANO BARBARA K</b>		DBA <b>UPTOWN WINES</b>		
Liquor License # <b>26710140000</b>	License Type <b>Liquor Store (city)</b>	Sales Tax License # <b>26710140000</b>	Expiration Date <b>1/7/2013</b>	Due Date <b>11/23/2012</b>
Street Address <b>436 MAIN ST DELTA CO 81416-1825</b>				Phone Number <b>(970) 874 4709</b>
Mailing Address <b>436 MAIN ST DELTA CO 81416-1825</b>				
Operating Manager	Date of Birth	Home Address		Phone Number

1. 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 \_\_\_\_\_
2. 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.
3. 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
4. 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
5. 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
6. **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 <i>Helelo Arellano</i> <i>Barbara DePiano</i>	Title <i>OWNER</i>
Signature <i>Helelo Arellano</i> <i>Barbara DePiano</i>	Date <i>12-12-12</i>

**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 <i>Uptown Wine</i>		State License Number <i>267 101 40000</i>
1. Operating Manager <i>Barbara K. Arellano</i>	Home Address <i>3528 13th St. Delta Co. 81416</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. <b>Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions.</b> <b>Since the date of filing of the last annual license application:</b> (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. <b>Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:</b>		
<b>EVIDENCE OF LAWFUL PRESENCE</b>		
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.		
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):		
<input checked="" type="checkbox"/> I am a United States Citizen <input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States <input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law <input type="checkbox"/> I am a foreign national not physically present in the United States		
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.		
Signature <i>Barbara K. Arellano</i>	Printed name <i>Barbara K. Arellano</i>	Date



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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of Delo and Barbara Arellano

DBA: Uptown Wines

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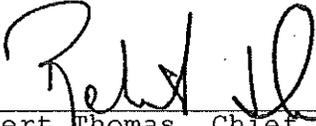
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor 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: November 29, 2012  
Subject: 3.2% Beer License Renewal for Safeway #1863

---

### **Recommendation**

Staff recommends approval of a 3.2% beer license renewal for the Safeway Store #1863 located at 1550 Highway 92. The Police Department's report and recommendation is attached.

### **Background**

The current 3.2% beer license expires January 9, 2013.

### **Cost**

There is no cost to the City to renew this license. The applicant has paid the \$96.25 renewal fee to the State, and the City renewal fee of \$78.75, as well as the City's \$150 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 3.2% beer license renewal for Safeway Store #1863.

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

LIQ 135459 78.75

Fees Due	
Renewal Fee	\$96.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Amount Due/Paid	

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

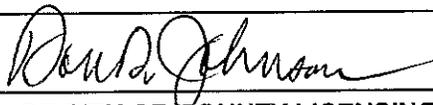
Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient 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 <b>SAFeway STORE FORTY SIX INC</b>		DBA <b>SAFeway STORE #1863</b>		
Liquor License # <b>21706640063</b>	License Type <b>3.2% Beer Off Premises (city)</b>	Sales Tax License # <b>21706640063</b>	Expiration Date <b>1/9/2013</b>	Due Date <b>11/25/2012</b>
Street Address <b>1550 HWY 92 DELTA CO 81416</b>				Phone Number <b>623 869 3765</b>
Mailing Address <b>PO BOX 29096 PHOENIX AZ 85038-9096</b>				
Operating Manager <b>Natasha Blade Mader</b>	Date of Birth <b>11/4/88</b>	Home Address <b>407 Palmer St. Delta Co 81416</b>		Phone Number <b>170 874-9032</b>
<p>1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                  Is the premises owned or rented? <input checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____</p> <p>2. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  <b>NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:</b> 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.</p> <p>3. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>4. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>5. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>6. <b>SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:</b> 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.</p>				

**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 <b>Don R. Johnson</b>	Title <b>Director Financial Reporting</b>
Signature 	Date <b>11/14/12</b>

**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

# STATE OF COLORADO

LIQUOR ENFORCEMENT DIVISION  
Department of Revenue

Business Location  
1801 Pierce Street, Suite 100A, Lakewood, CO 80214  
Phone (303) 205-2300  
FAX (303) 205-2341

E-mail: [soliver-cole@rsolike.dor.state.co.us](mailto:soliver-cole@rsolike.dor.state.co.us)

Website: [www.revenue.state.co.us/liquor\\_dir/liquor.html](http://www.revenue.state.co.us/liquor_dir/liquor.html)



Bill Ritter  
Governor

Isaiah Hauer  
Executive Director

Dan Hartman  
Acting Division Director

May 14, 2007

SAFEWAY STORE FORTY FIVE INC  
ATTN: LIQUOR LICENSING  
PO BOX 29096  
PHOENIX AZ 82038-9096

License # 21-79919-0000

Dear Licensee:

Every time the State of Colorado Liquor Enforcement Division receives a renewal application for one of our Safeway stores we received the attached information packet. We do not require this, even if there are changes to the corporate structure because Safeway Store Forty Five Inc & Safeway Stores Inc is a Master File. Therefore the information only need be changed on the Master File only when necessary. If the local licensing authority for each jurisdiction requires it then forgive me for bringing it up. I felt I should try to save your company on the postage.

Please contact our office at (303) 205-2300 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Sheila".

Sheila Oliver-Cole  
Licensing Specialist

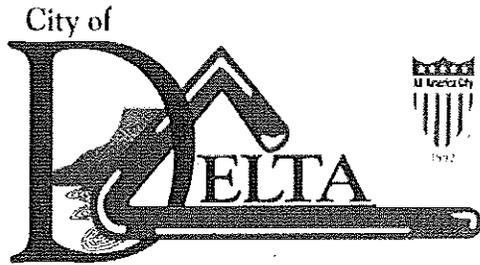
ATTACHMENT TO BEER LICENSE APPLICATION FOR  
SAFEWAY STORES 45, INC. and SAFEWAY STORES 46, INC.

Question #5

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

Question #6

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



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

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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of Safeway Store Forty Six, Inc.  
DBA: Safeway Store #1863

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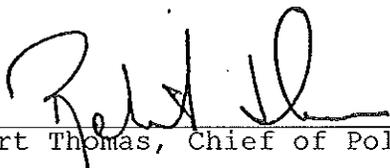
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



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Robert Thomas, Chief of Police