



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**

**June 2, 2015
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: Retail Liquor Store License Application; HOGO, LLC dba Whiskey's**
- F. Public Hearing: Special Events Permit Application; Delta Area Chamber of Commerce – 680 1800 Road**
- G. Public Hearing: Special Events Permit Application; Delta Area Chamber of Commerce – 4th Street between Main St. and Meeker St.**
- H. Beer & Wine License Renewal; House of Chin**
- I. 3.2% Beer Off Premises Renewal; Walmart**
- J. Delta Housing Authority Board Appointment**
- K. Ordinance #4, 2015; First Reading
Zoning Amendment for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street; two of the parcels are not addressed) from B-1 to B-2**
- L. City Attorney Comments**
- M. City Manager Comments**
- N. Councilmember Comments**

Item A:

Pledge of Allegiance



Item B:

Changes to the Agenda

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 Interim City Manager Glen Black and City Attorney David McConaughy. 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 Jurca to approve the minutes of the May 5, 2015 regular meeting and the May 12, 2015 special meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Public Hearing: Zoning Amendment/Rezone Request for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street; two of the parcels are not addressed) from B-1 to B-2

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

City Clerk Jolene Nelson reported that all proper notices were met.

Interim City Manager Glen Black stated that applicant is requesting that the above property's zoning designation be amended (rezoned) from B-1 to B-2. The B-2 zone is intended for a large variety of uses to conveniently serve customers. According to section 17.04.270 of the Delta Municipal Code, amendments to the Zoning Map involving any change in the boundaries of an existing district or changing the district designation of an area shall be allowed only upon findings as follows:

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

The future land use map shows the area on the east side of Main Street from the 100 Block to 7th Street as B-1. The Master Comprehensive Plan states that the Desired Future Condition as "Growth and development are managed to preserve and enhance the quality of life that makes Delta an attractive place to live and visit. The downtown core is revitalized as a walk able village

Regular Meeting, Delta City Council, May 19, 2015 (cont.)

Public Hearing: Zoning Amendment/Rezone Request for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street; two of the parcels are not addressed) from B-1 to B-2 (cont.)

center with a well designed mix of residential and commercial uses that serve both residents and visitors. Edges of the community are clearly defined by surrounding agricultural land and future growth is concentrated within the present City boundaries.” Policy 4 from the Master Comprehensive Plan states “Downtown should become a mixed use area with single family and multifamily residences, offices and retail establishments that serve the needs of residents and tourists.” Policy 5 from the Master Comprehensive Plan states “Improve the appearance of downtown.”

Manager Black presented some slides showing the B-1 and B-2 districts in the area.

Manager Black also stated that there were 13 petitions mailed out (including to the applicant) and currently there have been 6 petitions turned in approving of the rezone (including the applicant), 2 objecting to the rezone.

Councilmember Penick questioned what the date was when it was last zoned.

Manager Black stated he believes it was done with the 1999 legislative rezone.

Councilmember Jurca questioned if this could be considered spot zoning if approved.

City Attorney David McConaughy stated that procedurally if it meets the criteria to rezone, there would not be an issue regarding spot zoning because it is adjacent to both districts.

Councilmember Raley questioned what the zoning was before the rezone in 1999.

Manager Black stated his is unaware of what it was previously zoned.

Councilmember Cooper questioned if staff could explain the legislative rezone.

Manager Black explained that back in 1999 Council updated the zoning map under a legislative rezone. The current zone districts and the residential that surround downtown where set at that time.

There was additional discussion regarding the legislative rezone and the new zone districts.

Councilmember Penick questioned what the difference of the B-1 and B-2 zones.

Attorney McConaughy presented Council a copy of the code outlining both districts.

Councilmember Jurca requested clarification of the criteria to rezone.

Manager Black summarized the criteria.

Councilmember Cooper questioned if the Master Plan defines the core downtown area.

Regular Meeting, Delta City Council, May 19, 2015 (cont.)

Public Hearing: Zoning Amendment/Rezone Request for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street; two of the parcels are not addressed) from B-1 to B-2 (cont.)

Manager Black stated that the future land use map left the downtown district exactly as it was. The downtown area is from 100 Block of Main to 7th Street.

The Mayor requested the applicant for his presentation.

Orval Proctor stated that to answer some of the questions regarding the rezoning. He tried to do some research to see how it was zoned before. He was concerned how Consolidated Finance opened a car lot in 1997 and continued to operate until 2012. There was no variance to operate the car lot. He stated that in the 1960s the old City Market parking lot extended to Main Street which was zoned B-2. It was a shame that West Star purchased all those lots along Main Street and tore out the buildings to build a new bank and never did. He stated that when he inquired about the property it was being advertised as a B-2 district so he didn't believe he would have a problem conducting his car business on those lots.

Mr. Proctor presented information regarding how he would like to improve the lots he is requesting to be rezoned.

Mayor Sisson questioned if he would have purchased the property had he known the lots were zoned B-1.

Mr. Proctor stated he really doesn't know if he would have or not. The lots have not been improved for several years. He stated that everyone would like to have a new business build something on the lots; however, if you look up and down Main Street you see several vacant buildings and he feels it is a pretty slim chance that would happen. Mr. Proctor stated that the lots are all within 100 feet of other properties that are zoned B-2. He is not looking at licensing the property as a car lot. He just wants the ability to display his cars. There are several individuals that enjoy looking at the collectible cars. He believes that tourists remember the flowers and the collectible cars.

Councilmember Raley questioned if Mr. Proctor was going to put a fence up along Main Street.

Mr. Proctor stated he was not. He reported that he parked his 2 ton truck and a 1970 Ford over on the lots to start cleaning up some of the trash. He also parked a tractor and forklift to help with the cleaning. He then received a letter from the City regarding parking unlicensed vehicles on the lots.

Attorney McConaughy cautioned Council that the nuisance citation is not at issue tonight.

Mr. Proctor stated that he does plan to install a 6 foot fence along the alley.

Hillary Showalter, 1150 E. 7th Street, stated that she has been a resident of the City for 23 years. She is aware of the rezone from Mr. O'Clair as well as seeing it in the paper. These issues are mostly from a citizen's point of view. She is hopeful that since she is a citizen in the city that she has some say. Her short term concerns are for George O'Clair he would see a decline in his property values. His property serves a dual purpose as his home and his

Regular Meeting, Delta City Council, May 19, 2015 (cont.)

Public Hearing: Zoning Amendment/Rezone Request for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street; two of the parcels are not addressed) from B-1 to B-2 (cont.)

business. His view will be only of cars. She stated that most of the friends she has talked with about this property, they are either indifferent or don't want to see another car lot of that sort on Main Street. She is personally opposed to seeing that type of car lot on Main Street. The main concerns for Mr. O'Clair are for his property value, at some point he will need to sale his property and she is concerned that his particular property could be destroyed as well. This would affect the sale. What would prevent Mr. Proctor from purchasing Mr. O'Clair's property at a devalued price and tearing that building down to extend that car lot? She stated she would request Council to consider what would be attractive on Main Street.

Councilmember Penick questioned if Ms. Showalter has any documentation showing the property would lose value.

Ms. Showalter stated she does not have any documentation; however, she is aware that Mr. O'Clair has spoken with three different realtors.

Marvin Cox, 1140 Howard Street, stated that he was born and raised in Delta. There is a concern about getting access for the apartments behind the property; however, there would be nothing different than when there were homes there. He believes he will be able to work with Mr. Proctor to ensure there would be no issues. The vacant lot is now detractive. He believes others will be attracted to the cars that Mr. Proctor would put on the lot. He has no objection to the rezone. As he remarked in the response that he sent it, it certainly won't be a whole lot different than the area in front of Sisson's Feed and Ranch.

George O'Clair, 660 Main Street, adjacent property owner to the property in question, apologized for his exit at the last meeting. He explained why he was upset. He felt he had no chance. He commented on tourists coming to town that photograph thousands of different things not just the old cars. The other property owners will not be able to see the property like he does. He reminded Council of the antique mint condition automobiles that were given to the City; however the City didn't have the money to house them so they went to Gateway.

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

Councilmember Penick stated that there are two criteria that have to be met. He doesn't believe the existing zoning is erroneous. He struggles with whether the substantial conformity of the Master Plan and also with whether the conditions have materially been changed. One of the two has to be met in order to approve the rezone.

Councilmember Cooper stated that the City did substantially change the vision of that block when the houses were removed.

Councilmember Jurca agreed with Councilmember Cooper.

Mayor Sisson questioned when the houses were removed.

Regular Meeting, Delta City Council, May 19, 2015 (cont.)

Public Hearing: Zoning Amendment/Rezone Request for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street; two of the parcels are not addressed) from B-1 to B-2 (cont.)

Attorney McConaughy stated that there was testimony that stated it was 1999.

Councilmember Cooper stated that it appears the main objection is about the beauty of Main Street; however, there is a lot just like it across the street. The objection to the property values is just an opinion; there was no evidence to support the objection. There were 13 letters sent out to adjacent property owners and only 2 objected.

Councilmember Raley stated that Council should be careful on how things are changed because once you change it you live with it. He has no objection to what Mr. Proctor wants to do with the property; however, he is very apprehensive with zoning changes.

Councilmember Cooper reported that when North Delta was annexed there was discussion regarding zoning being contiguous; we've got the contiguous property in this request.

Councilmember Penick stated that Council should not be basing the decision on what the applicant is proposing to do with the property. The decision needs to be made on what is best for the City and not what is being proposed for use of the property.

Councilmember Cooper stated that's not what she looking at. The continuity of the zoning in the area she believes will be met.

Councilmember Jurca stated that he is struggling with this property being in the core of the downtown area although the Master Plan lines that out. He does like that there is some continuity.

Councilmember Penick stated that continuity is not one of the criteria that have to be met in order to approve the rezone.

Attorney McConaughy stated that what the Council is reading are the factors in the code to change zoning. The zoning has to be rational. He believes either district would be rational.

Councilmember Penick explained why he struggles whether it is in substantial conformity of the Master Plan.

Councilmember Raley stated that the conditions of the area have changed once they tore the down the houses.

Councilmember Cooper also stated that if someone wants to build on the lot they would have to follow the building regulations.

Mayor Sisson stated that the lot is bare now and he would like to see something done with it.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to approve the zoning change for the above listed property from B-1 to B-2.

Regular Meeting, Delta City Council, May 19, 2015 (cont.)

Public Hearing: Zoning Amendment/Rezone Request for Lots 19-26, Block 7 Town of Delta (632, 640 & 654 Main Street; two of the parcels are not addressed) from B-1 to B-2 (cont.)

Councilmember Penick questioned which item under criteria #2 are being met.

Councilmember Cooper stated it is under C – the conditions have changed and because there is continuity. She believes it is a more reasonable change.

The Mayor requested a roll call vote.

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

Public Hearing: Special Events Permit Application; Delta Lion's Club

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

The Clerk stated that the Delta Lion's Club submitted a Special Events Permit application for their fund raising event being held at Cleland Park Riley Pavilion on August 15, 2015 from 3:00pm to 8:00pm. The application is complete and all fees have been paid. A sign was posted at the site as required by law and no comments have been received.

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

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the special events permit application for the Delta Lion's Club on August 15, 2015. All in favor, motion carried.

Public Hearing: Special Events Permit Application; Western Colorado Interpretive Association

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

The Clerk reported that the Western Colorado Interpretive Association submitted a Special Events Permit application for their open house at Fort Uncompaghre on June 12, 2015 from 4:30pm to 9:00pm. The application is complete and all fees have been paid. A sign was posted at the site as required by law and no comments have been received.

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

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the special events permit application for the Western Colorado Interpretive Association on June 12, 2015. All in favor, motion carried.

Regular Meeting, Delta City Council, May 19, 2015 (cont.)

3.2% On Premises Beer License Renewal; Pizza Hut

The Clerk stated that Pizza Hut has submitted their 3.2% On Premises Beer License. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the 3.2% On Premises Beer License for Pizza Hut. All in favor, motion carried.

Hotel/Restaurant Liquor License Renewal and Report of Changes; Gerhard's

The Clerk stated that Gerhard's has submitted their Hotel/Restaurant Liquor License renewal as well as a Report of Changes. The Report of Changes indicates that the manager of the restaurant will be solely the owner Ernst Schopp. The renewal application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Jurca and seconded by Councilmember Raley to approve the Report of Changes and the Hotel/Restaurant Liquor License Renewal for Gerhard's. All in favor, motion carried.

Street Closure Permits; Delta Area Chamber of Commerce

Deltarado Days Street Dance; July 17, 2015

Deltarado Days Parade; July 18, 2015

Downtown Deltafest; June 11, August 13 and September 10, 2015

The Clerk summarized the applications for street closures that have been submitted by the Delta Area Chamber of Commerce for their upcoming events.

Councilmember Penick questioned the parade application only being to 4th Street.

The Clerk explained that the parade will go to 2nd Street.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the street closure permits for the Chamber of Commerce as presented. All in favor, motion carried.

Appointment of Richard Simmons to the Planning Commission

Interim City Manager Glen Black stated that staff has been advertising for several months to get some applicants for the Planning Commission. Council may recall that Richard Simmons had applied; however, he was term limited at that time. There are currently two vacancies. Staff at this time would recommend Council to appoint Mr. Simmons to the Planning Commission.

Councilmember Jurca stated that although he likes term limits, the City Charter states there must be a Planning Commission and there has been no additional interest, Mr. Simmons should be appointed.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to appoint Richard Simmons to the Planning Commission. All in favor, motion carried.

Regular Meeting, Delta City Council, May 19, 2015 (cont.)

Letter of Support for the Delta Housing Authority

Ute Jantz, Executive Director of Delta Housing Authority (DHA), explained that DHA is submitting their annual grant to the Department of Local Affairs and is requesting a letter of support from the City of Delta.

There was discussion regarding the program. The City has budgeted \$1000 towards the program.

It was moved by Councilmember Penick and seconded by Councilmember Raley to authorize the letter of support for the Delta Housing Authority's grant to the Department of Local Affairs. All in favor, motion carried.

City Attorney Comments

Attorney McConaughy stated that he has not had any progress with Stantec. He has drafted a letter of complaint to send to Stantec. He questioned Council if they had any objection to the letter.

There was consensus amongst Council to send the letter of complaint.

City Manager Comments

Manager Black reported that he has been attending the Delta County Economic Development meetings which have been focusing on a strategic plan. This is a very energetic board that will be focusing on broadband, soil health program and with the Better Cities with the EDA grant.

Councilmember Comments

Councilmember Raley stated that he will be at the meetings in June due to medical reasons.

Councilmember Penick commented on the weeds coming into town on Hwy 92. He questioned who is responsible for trees in right of ways.

Manager Black stated that typically it is the property owner.

Councilmember Penick questioned if the City is planning on participating with CML's city fest to get some information out to our community.

Councilmember Cooper suggested tying it into the September City Fest event the Chamber is hosting on Main Street.

Executive Session

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

Regular Meeting, Delta City Council, May 19, 2015 (cont.)

Executive Session (cont.)

discussion of matters personal to particular employees. All in favor, motion carried.

At 8:14 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 8:39 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Mary Cooper, Robert Jurca, Ray Penick and Bill Raley, as well as Interim City Manager Glen Black and one City Manager candidate via Skype. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

Jolene E. Nelson, CMC, City Clerk

Mayor Ed Sisson called the meeting to order at 4:45 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Mary Cooper, and Ray Penick along with Interim City Manager Glen Black. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Executive Session

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

At 4:46 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 6:38 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Mary Cooper, Robert Jurca, Ray Penick and Bill Raley, as well as Interim City Manager Glen Black and four interviewees via Skype. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

Councilmember Cooper stated that they completed four very strong interviews for the City Manager.

The meeting was immediately adjourned

Mayor Ed Sisson called the meeting to order at 5:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Mary Cooper, and Ray Penick along with Interim City Manager Glen Black. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Executive Session

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

At 5:01 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 6:09 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Mary Cooper, Robert Jurca, Ray Penick and Bill Raley, as well as Interim City Manager Glen Black and two interviewees via skype. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned

Jolene E. Nelson, CMC, City Clerk

Mayor Ed Sisson called the meeting to order at 5:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Mary Cooper, and Ray Penick along with Interim City Manager Glen Black. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Announce City Manager Finalists

Mayor Sisson stated that Council has narrowed down the applicants to three really good candidates.

It was moved by Councilmember Penick and seconded by Councilmember Raley to enter the names of Jeffrey Hecksel, Christopher Lowe and Todd Hollenbeck as the finalists for the next City Manager position. All in favor, motion carried.

The meeting was adjourned at 5:01 p.m.

Jolene E. Nelson, CMC, City Clerk

Item D:

Citizen Comments



MEMO

To: Mayor and City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: June 2, 2015
Subject: Retail Liquor Store License;
HOGO Liquors, LLC/ dba Whiskey's



Office of the City Clerk

Recommendation:

Staff recommends approval of the Retail Liquor Store License for HOGO Liquors, LLC dba Whiskey's located at 1100 Hwy 92.

Background:

HOGO Liquors, LLC has applied for a Retail Liquor Store License. The application was filed on April 23, 2015 and is complete. An investigation on the premises was conducted and it is determined that the license locations will be compliant with the liquor laws. The owners, Matthew and Susie Horn were subject to a background investigation through the Colorado Bureau of Investigation. Mr. Horn's results showed no criminal history. Ms. Horn's shows violations in 2011 for Driving Under the Influence and a Stop Sign violation. That case has since been completed and closed. The building at 1100 Hwy 92 and is currently being renovated.

A notice of public hearing was posted at the site and was also published in the Delta County Independent as required by law. The clerk has not received any comments as of writing this memo.

Cost:

There is no cost to the City. The applicant has paid the \$927.50 fee to the State and the City fee of \$197.50 and the City's \$300 liquor occupation tax.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 "the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code."

Actions To Be Taken if Approved:

Should the application be approved, the Mayor and Clerk will sign the application, and the Clerk will notify the State of the approval.

Colorado Liquor Retail License Application

New License
 New-Concurrent
 Transfer of Ownership

- All answers must be printed in black ink or typewritten
- Applicant must check the appropriate box(es)
- Applicant should obtain a copy of the Colorado Liquor and Beer Code: www.colorado.gov/enforcement/liquor
- Local License Fee \$ _____

1. Applicant is applying as a/an

<input type="checkbox"/> Corporation	<input type="checkbox"/> Individual
<input type="checkbox"/> Partnership (includes Limited Liability and Husband and Wife Partnerships)	<input checked="" type="checkbox"/> Limited Liability Company
	<input type="checkbox"/> Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation

HOGO Liquors, LLC	FEIN Number 47-3455015
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2a. Trade Name of Establishment (DBA) Whiskey's	State Sales Tax Number 31235055	Business Telephone 970) 874-9463
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3. Address of Premises (specify exact location of premises, include suite/unit numbers)
1100 Hwy 92

City Delta	County Delta	State CO	ZIP Code 81416
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4. Mailing Address (Number and Street) 1100 Hwy 92	City or Town Delta	State CO	ZIP Code 81416
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5. Email Address
mhornliquor@gmail.com

6. If the premises currently has a liquor or beer license, you must answer the following questions

Present Trade Name of Establishment (DBA)	Present State License Number	Present Class of License	Present Expiration Date
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Section A	Section B (Cont.)
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Nonrefundable Application Fees	Liquor License Fees
<input type="checkbox"/> Application Fee for New License \$ 600.00 <input checked="" type="checkbox"/> Application Fee for New License w/Concurrent Review \$ 700.00 <input type="checkbox"/> Application Fee for Transfer \$ 600.00	<input type="checkbox"/> Liquor Licensed Drugstore (City)..... \$227.50 <input type="checkbox"/> Liquor Licensed Drugstore (County) \$312.50 <input type="checkbox"/> Manager Registration - H & R \$ 75.00 <input type="checkbox"/> Manager Registration - Tavern \$ 75.00

Section B	Liquor License Fees
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<input type="checkbox"/> Add Optional Premises to H & R.....\$100.00 X _____ Total _____ <input type="checkbox"/> Add Related Facility to Resort Complex.....\$ 75.00 X _____ Total _____ <input type="checkbox"/> Arts License (City)\$308.75 <input type="checkbox"/> Arts License (County)\$308.75 <input type="checkbox"/> Beer and Wine License (City).....\$351.25 <input type="checkbox"/> Beer and Wine License (County).....\$436.25 <input type="checkbox"/> Brew Pub License (City)\$750.00 <input type="checkbox"/> Brew Pub License (County).....\$750.00 <input type="checkbox"/> Club License (City).....\$308.75 <input type="checkbox"/> Club License (County)\$308.75 <input type="checkbox"/> Hotel and Restaurant License (City).....\$500.00 <input type="checkbox"/> Hotel and Restaurant License (County)\$500.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises (City).....\$600.00 <input type="checkbox"/> Hotel and Restaurant License w/one opt premises(County).....\$600.00	<input type="checkbox"/> Master File Location Fee\$ 25.00 X _____ Total _____ <input type="checkbox"/> Master File Background\$250.00 X _____ Total _____ <input type="checkbox"/> Optional Premises License (City).....\$500.00 <input type="checkbox"/> Optional Premises License (County)\$500.00 <input type="checkbox"/> Racetrack License (City).....\$500.00 <input type="checkbox"/> Racetrack License (County)\$500.00 <input type="checkbox"/> Resort Complex License (City).....\$500.00 <input type="checkbox"/> Resort Complex License (County).....\$500.00 <input type="checkbox"/> Retail Gaming Tavern License (City)\$500.00 <input type="checkbox"/> Retail Gaming Tavern License (County).....\$500.00 <input checked="" type="checkbox"/> Retail Liquor Store License (City).....\$227.50 <input type="checkbox"/> Retail Liquor Store License (County)\$312.50 <input type="checkbox"/> Tavern License (City)\$500.00 <input type="checkbox"/> Tavern License (County).....\$500.00 <input type="checkbox"/> Vintners Restaurant License (City)\$750.00 <input type="checkbox"/> Vintners Restaurant License (County).....\$750.00
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Questions? Visit: www.colorado.gov/enforcement/liquor for more information

Do not write in this space - For Department of Revenue use only

Liability Information

License Account Number	Liability Date	License Issued Through (Expiration Date)	Total
			\$

7. Is the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager under the age of twenty-one years?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
8. Has the applicant (including any of the partners, if a partnership; members or manager if a limited liability company; or officers, stockholders or directors if a corporation) or manager ever (in Colorado or any other state):			
(a) Been denied an alcohol beverage license?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If you answered yes to 8a, b or c, explain in detail on a separate sheet.			
9. Has a liquor license application (same license class), that was located within 500 feet of the proposed premises, been denied within the preceding two years? If "yes", explain in detail.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Are the premises to be licensed within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Waiver by local ordinance? Other: _____		<input type="checkbox"/>	<input type="checkbox"/>
11. Has a liquor or beer license ever been issued to the applicant (including any of the partners, if a partnership; members or manager if a Limited Liability Company; or officers, stockholders or directors if a corporation)? If yes, identify the name of the business and list any <u>current</u> financial interest in said business including any loans to or from a licensee.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Does the Applicant, as listed on line 2 of this application, have legal possession of the premises by virtue of ownership, lease or other arrangement?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Ownership <input checked="" type="checkbox"/> Lease <input type="checkbox"/> Other (Explain in Detail) _____			
a. If leased, list name of landlord and tenant, and date of expiration, exactly as they appear on the lease:			
Landlord Delta Dollar, LLC	Tenant HOGO Liquors, LLC	Expires 06-30-2018	
b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Attach a diagram and outline or designate the area to be licensed (including dimensions) which shows the bars, brewery, walls, partitions, entrances, exits and what each room shall be utilized for in this business. This diagram should be no larger than 8 1/2" X 11".			
13. Who, besides the owners listed in this application (including persons, firms, partnerships, corporations, limited liability companies), will loan or give money, inventory, furniture or equipment to or for use in this business; or who will receive money from this business. Attach a separate sheet if necessary.			
Last Name Horn	First Name Susan		Interest/Percentage Loan Repmnt
Last Name Horn Properties, LLC	First Name		Interest/Percentage Loan Repmnt
Attach copies of all notes and security instruments, and any written agreement, or details of any oral agreement, by which any person (including partnerships, corporations, limited liability companies, etc.) will share in the profit or gross proceeds of this establishment, and any agreement relating to the business which is contingent or conditional in any way by volume, profit, sales, giving of advice or consultation.			
14. Optional Premises or Hotel and Restaurant Licenses with Optional Premises: Has a local ordinance or resolution authorizing optional premises been adopted?		<input type="checkbox"/>	<input type="checkbox"/>
Number of additional Optional Premise areas requested. (See license fee chart)		<input type="text"/>	
15. Liquor Licensed Drug Store applicants, answer the following:			
(a) Does the applicant for a Liquor Licensed Drug Store have a license issued by the Colorado Board of Pharmacy? If "yes" a copy of license must be attached.		<input type="checkbox"/>	<input type="checkbox"/>
16. Club Liquor License applicants answer the following: Attach a copy of applicable documentation			
(a) Is the applicant organization operated solely for a national, social, fraternal, patriotic, political or athletic purpose and not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>
(b) Is the applicant organization a regularly chartered branch, lodge or chapter of a national organization which is operated solely for the object of a patriotic or fraternal organization or society, but not for pecuniary gain?		<input type="checkbox"/>	<input type="checkbox"/>
(c) How long has the club been incorporated?		<input type="text"/>	
(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?		<input type="checkbox"/>	<input type="checkbox"/>
17. Brew-Pub License or Vintner Restaurant Applicants answer the following:			
(a) Has the applicant received or applied for a Federal Permit? (Copy of permit or application must be attached)		<input type="checkbox"/>	<input type="checkbox"/>
18a. For all on-premises applicants. (If this is an application for a Hotel, Restaurant or Tavern License, the manager must also submit an individual History Record - DR 8404-I)			
Last Name of Manager	First Name of Manager	Date of Birth	
18b. Does this manager acts as the manager of, or have a financial interest in, any other liquor licensed establishment in the State of Colorado? If yes, provide name, type of license and account number.		<input type="checkbox"/>	<input type="checkbox"/>
Type of License		Account Number	
19. Tax Distraint Information. Does the applicant or any other person listed on this application and including its partners, officers, directors, stockholders, members (LLC) or managing members (LLC) and any other persons with a 10% or greater financial interest in the applicant currently have an outstanding tax distraint issued to them by the Colorado Department of Revenue?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If yes, provide an explanation and include copies of any payment agreements.			

20. **If applicant is a corporation, partnership, association or limited liability company, applicant must list all officers, directors, general partners, and managing members. In addition, applicant must list any stockholders, partners, or members with ownership of 10% of more in the applicant. All persons listed below must also attach form DR8404-I (Individual History Record), and submit fingerprint cards to their local licensing authority.

Name Matthew L. Horn	Home Address, City & State 8194 Horn Road Delta, CO 81416		Position Owner	% Owned 50
Name Susie M. Horn	Home Address, City & State 8194 Horn Road Delta, CO 81416		Position Owner	% Owned 50
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** Limited Liability Companies and Partnerships - 100% of ownership must be accounted for on question #20

** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)

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. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Liquor or Beer Code which affect my license.

Authorized Signature <i>Matthew Horn</i>	Printed Name and Title Matthew Horn owner/manager	Date 4/23/15
---	--	-----------------

Report and Approval of Local Licensing Authority (City/County)

Date application filed with local authority 4/23/15	Date of local authority hearing (for new license applicants; cannot be less than 30 days from date of application 12-47-311 (1) C.R.S.) June 2, 2015
--	---

The Local Licensing Authority Hereby Affirms that each person required to file DR 8404-I (Individual History Record) has:

- Been fingerprinted
- Been subject to background investigation, including NCIC/CCIC check for outstanding warrants

That the local authority has conducted, or intends to conduct, an inspection of the proposed premises to ensure that the applicant is in compliance with, and aware of, liquor code provisions affecting their class of license

(Check One)

- Date of inspection or anticipated date _____
- Will conduct inspection upon approval of state licensing authority

The foregoing application has been examined; and the premises, business to be conducted, and character of the applicant are satisfactory. We do report that such license, if granted, will meet the reasonable requirements of the neighborhood and the desires of the adult inhabitants, and will comply with the provisions of Title 12, Article 46 or 47, C.R.S.

Therefore, this application is approved.

Local Licensing Authority for <i>City of Delta</i>	Telephone Number 0708747902	<input checked="" type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date
Signature (attest)	Print	Title	Date

MEMO

To: Mayor and City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: June 2, 2015
Subject: Delta Area Chamber of Commerce Special Events Permit
680 1800 Road



Office of the City Clerk

Recommendation:

Staff recommends approving the application for Special Events Liquor Permit for Delta Area Chamber of Commerce.

Background:

The Delta Area Chamber of Commerce has submitted an application for Special Events Liquor Permits for their event to be at 680 1800 Road on July 18, 2015. The application specifies that they plan to sell alcoholic beverages from 10:00 a.m. to 12:00 a.m.

The application is complete and the fees, \$35 to the City, and \$25 to the State for each day, have been paid.

A sign notifying the public of this hearing has been posted at the site for at least ten days as required by law. As of the writing of this memo, no comments – either for or against the approval of the application - have been received by the City Clerk.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 “the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code.”

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the applications, and the Clerk will mail them to the State, who will review them and issue the permits.

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
 AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | FACILITIES |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110	<input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170	<input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE
 LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE
Delta Area Chamber of Commerce State Sales Tax Number (Required)
004018760000

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (include street, city/town and ZIP)
*301 Main Street
 Delta, CO 81416*

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (include street, city/town and ZIP)
*Round Up Club Arena 620 1800 Rd
 1800 Rd. Delta, CO 81416*

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Joshua Applegate</i>	[REDACTED]	<i>637 Howard St, Delta CO 81416</i>	<i>970-250-3877</i>
5. EVENT MANAGER <i>Leslie C. Workman</i>	[REDACTED]	<i>5942 5825 Rd Olathe, CO 81425</i>	<i>303-906-2750</i>

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? 2

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
 NO YES TO WHOM?

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date
Hours From	Hours From	Hours From	Hours From
<i>7/18/2015</i>			
From <i>10:00 a.m.</i>	From	From	From
To <i>12:00 a.m.</i>	To	To	To

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE <i>Leslie C. Workman</i>	TITLE <i>Executive Director</i>	DATE <i>5-18-15</i>
---------------------------------------	------------------------------------	------------------------

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.
THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY) CITY COUNTY TELEPHONE NUMBER OF CITY/COUNTY CLERK

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

LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$

MEMO

To: Mayor and City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: June 2, 2015
Subject: Delta Area Chamber of Commerce Special Events Permit
4th Street between Main and Meeker



Office of the City Clerk

Recommendation:

Staff recommends approving the application for Special Events Liquor Permit for Delta Area Chamber of Commerce.

Background:

The Delta Area Chamber of Commerce has submitted an application for Special Events Liquor Permits for their event to be on 4th Street between Main and Meeker on July 17, 2015. The application specifies that they plan to sell alcoholic beverages from 5:00 p.m. to 12:00 a.m.

The application is complete and the fees, \$35 to the City, and \$25 to the State for each day, have been paid.

A sign notifying the public of this hearing has been posted at the site for at least ten days as required by law. As of the writing of this memo, no comments – either for or against the approval of the application - have been received by the City Clerk.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 “the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code.”

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the applications, and the Clerk will mail them to the State, who will review them and issue the permits.

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110 <input checked="" type="checkbox"/>	MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170 <input type="checkbox"/>	FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>Delta Area Chamber of Commerce</i>	State Sales Tax Number (Required) <i>004018760000</i>
---	--

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (include street, city/town and ZIP)
*301 Main Street
 Delta, CO 81416*

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (include street, city/town and ZIP)
*4th Street between Main St and Meekers St
 Delta, CO 81416*

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Joshua Applegate</i>		<i>637 Howard Street Delta, CO 81416</i>	<i>970-250-3877</i>
5. EVENT MANAGER <i>Leslie C. Workman</i>		<i>5942 5825 Rd Olathe, CO 81425</i>	<i>303-906-2750</i>

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? 2

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
 NO YES TO WHOM? _____

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date
<i>7-17-2015</i>			
Hours From 5:00 p.m. To 12:00 a.m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE <i>Leslie C. Workman</i>	TITLE <i>Executive Director</i>	DATE <i>5-18-15</i>
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
--	--	---------------------------------------

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

LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.

MEMO

To: City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: June 2, 2015
Subject: Beer and Wine License Renewal; House of Chin



Office of the City Clerk

Recommendation:

Staff recommends approval of a beer and wine license renewal for House of Chin Inc. /dba House of Chin located at 142 Eaton Ave. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires July 1, 2015.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$351.25 renewal fee to the State, the City renewal fee of \$123.75 as well as the City liquor occupation tax of \$250.00.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 "the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code."

Actions 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.

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

HOUSE OF CHIN
 142 EATON AVE
 DELTA CO 81416-1812

Fees Due	
Renewal Fee	\$351.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 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 HOUSE OF CHIN INC		DBA HOUSE OF CHIN		
Liquor License # 25547940000	License Type Beer & Wine (city)	Sales Tax License # 25547940000	Expiration Date 7/1/2015	Due Date 5/17/2015
Street Address 142 EATON AVE DELTA CO 81416-1812				Phone Number (970) 874 4884
Mailing Address 142 EATON AVE DELTA CO 81416-1812				
Operating Manager Zong Yong He	Home Address 1507 Yankee Girls st Delta, CO	Phone Number 970-874-4884		

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 Jan 2020
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 Zong Yong He	Title President
Signature ZONG YONG HE	Date 5-11-15

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



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of House of Chin, Inc.
DBA: House of Chin

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

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: June 2, 2015
Subject: 3.2% Beer Off Premises License Renewal;
Walmart #5458



Office of the City Clerk

Recommendation:

Staff recommends approval of a beer and wine license renewal for the Walmart #5458 located at 37 Stafford Lane. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires August 24, 2015.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$96.25 renewal fee to the State, the City renewal fee of \$78.75 as well as the City liquor occupation tax of \$150.00.

Alignment With Strategic Planning:

Per Delta Municipal Code 5.10.010 "the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code."

Actions 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.

LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

WALMART #5458
 702 SW 8TH STDEPT 8916
 BENTONVILLE AR 72716-6209

Fees Due	
Renewal Fee	\$96.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 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 WAL MART STORES INC		DBA WALMART #5458		
Liquor License # 09495180078	License Type 3.2% Beer Off Premises (city)	Sales Tax License # 09495180078	Expiration Date 8/24/2015	Due Date 7/10/2015
Street Address 37 STAFFORD LANE DELTA CO 81416-2229				Phone Number (970) 874 1585
Mailing Address 702 SW 8TH STDEPT 8916 BENTONVILLE AR 72716-6209				
Operating Manager Kimberly Champlin		Home Address 648 Karen Lee Dr. Grand Junction, CO 81504		Phone Number 970-270-7323

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 Terry Held	Title Licensing Compliance Manager
Signature 	Date 5-21-15

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



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Walmart Stores, Inc.
DBA: Walmart Supercenter #5458

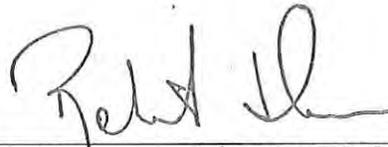
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

MEMO

To: City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: June 2, 2015
Subject: Delta Housing Authority Board Appointment



Office of the City Clerk

Recommendation:

Staff recommends that Council review the Delta Housing Authority bylaws and the current application that are both attached to this memo. After review of the bylaws and application the Council may choose to:

- Review application and appoint applicant;
- Set time to interview the applicant;
- Continue advertising for the position for some time period

Background:

There is currently one opening on the Delta Housing Authority Board. The Clerk has advertised for the opening in the Delta County Independent on May 13th and 20th, 2015. The deadline to submit applications was May 28, 2015 at 12:00pm. The Clerk has received one applicant. Since the applicant does not live within City limits the Clerk reviewed the current bylaws to determine if the applicant was eligible to be appointed. The bylaws state: "Appointments to the Board of Commissioners shall be as per 1973 Senate Bill No. 360 Section 1. 69-3-5 of CRS (1963) consisting of at least five Board of Commissioners appointed by the Mayor". The Clerk contacted the City Attorney to get an opinion on whether the applicant was eligible to be appointed. The City Attorney stated that CRS 69-3-5 has been amended to CRS 29-4-205 which does not state that an applicant must reside within the jurisdiction of the Board.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

The Delta City Council adopted a resolution in 1973 stating "... the local governing body must meet and appoint Commissioners to its Local Housing Authority"

Actions To Be Taken if Approved:

Council may choose to:

- Review application and appoint applicant;
- Set time to interview the applicant;
- Continue advertising for the position for some time period



Delta Housing Authority

ADMINISTRATION CENTER

Phone 970.874.7266 • FAX 970.874.8612 • TDD 1.800.545.1833
511 East 10th Street • Delta, CO 81416



600020

BOARD RESOLUTION 277-05

A RESOLUTION OF THE DELTA HOUSING AUTHORITY BOARD OF DIRECTORS, AUTHORIZING AMENDMENTS TO THE BY-LAWS

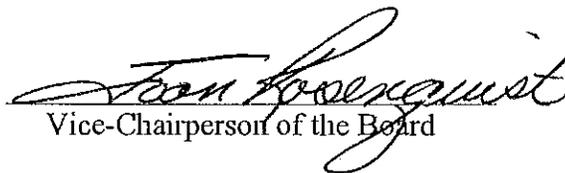
WHEREAS, the current bylaws were last amended April 25, 2005; and

WHEREAS, the Delta Housing Authority Board of Commissioners have expressed a desire to make comprehensive amendments to the bylaws; and

WHEREAS, the Delta Housing Authority Board of Commissioners have requested the changes to best accommodate the tenants, residents, public and the Board members for the overall good of the program; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE DELTA HOUSING AUTHORITY, after proper notification as required in Article IV of the By-Laws, at this Regular Meeting of October 3, 2005, approved the amendments to the By-Laws as discussed and agreed upon.

ADOPTED this 3rd day of October, 2005.


Vice-Chairperson of the Board



Delta Housing Authority

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511 East 10th Street • Delta, CO 81416



BYLAWS OF THE HOUSING AUTHORITY OF THE CITY OF DELTA, COLORADO

ARTICLE I - THE AUTHORITY

Section 1 - Name of Authority. The name of the Authority shall be "Housing Authority of the City of Delta, Colorado."

Section 2 - Seal of Authority. The seal of the Authority shall be in the form of a circle and shall bear the name of the Authority.

Section 3 - Office of Authority. The office of the Authority shall be at such place in the City of Delta, State of Colorado, as the Authority may from time to time designate by resolution.

ARTICLE II - OFFICERS

Section 1 - Officers. The officers of the Authority shall be a Chairman, a Vice Chairman, and a Secretary who shall be Executive Director.

Section 2 - Chairman. The Chairman shall preside at all meetings of the Authority. Except as otherwise authorized by resolution of the Authority, the Chairman shall sign all contracts, deeds and other instruments made by the Authority. At each meeting, the Chairman shall submit such recommendations and information as the Chairman may consider proper concerning the business affairs and policies of the Authority.(revised res. #277-05)

Section 3 - Vice Chairman. The Vice Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman; and in case of the resignation or death of the Chairman, the Vice Chairman shall perform such duties as are imposed on the Chairman until such time as the Authority shall select a new Chairman.

Section 4 - Secretary. The Secretary shall be the Executive Director of the Authority and, as such, shall have general supervision over the administration of its business and affairs, subject to the direction of the Authority. The Executive Director shall be charged with the management of housing projects of the Authority in a journal of proceedings to be kept for such purpose, and shall perform all duties incident to his office. The Executive Director shall keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority.(revised res. #277-05)

The Executive Director shall have the care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such banks as the Authority may select. The Executive Director shall sign all orders and checks for the payment of money and shall pay out and disburse such moneys under the direction of the Authority. Except as otherwise authorized by resolution of the Authority, all such orders and checks shall be countersigned by the Chairman. The Executive Director shall keep regular books and accounts showing receipts and expenditures and shall render to the Authority, at each regular meeting (or oftener when requested), an account of his transactions and also of the financial condition of the Authority. The Executive Director shall give such bond for the faithful performance of this duties as the Authority may designate. **(revised res. #277-05)**

The compensation of the Executive Director shall be determined by the Board of Commissioners of the Authority. In circumstances where a temporary appointee selected from among the Commissioners of the Authority serves in the absence of the Executive Director, they shall do so without compensation (other than the payment of necessary expenses). **(revised res. #277-05)**

Section 5 - Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the bylaws or rules and regulations of the Authority.

Section 6 - Election or Appointment. The Chairman and Vice Chairman shall be elected at the annual meeting of the Authority from among the commissioners of the Authority, and shall hold office for one year or until their successors are elected and qualified. Appointments to the Board of Commissioners shall be as per 1973 Senate Bill No. 360 Section 1. 69-3-5 of CRS (1963) consisting of at least five Board of Commissioners appointed by the Mayor. **(revised res. #277-05)**

Section 7 - Terms and Conditions of Commissioners. The Commissioners, once appointed by the Mayor, shall serve a five year term and may serve no more than two consecutive terms. Of the five appointed Commissioners, no more than one of such Commissioners may be a city official and one of such Commissioners shall be a resident of a Public Housing Unit representing the tenants as per a HUD form 50075 Section 18B of the Annual Plan. For appointments filling a term that has been vacated prior to completion, the appointment shall be for the balance of the vacated term. The individual filling the term may reapply for consideration for a second consecutive appointment. **(revised res. #277-05)**

Section 8 - Vacancies. Should the officers of Chairman or Vice Chairman become vacant, the Authority shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office. When the office of Secretary becomes vacant, the Authority shall appoint a successor, as aforesaid.

Section 9 - Additional Personnel. The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the "The Housing Authorities Law" of Colorado and all other Laws of the State of Colorado applicable thereto. The selection and compensation of such personnel (including the Secretary) shall be determined by the Authority subject to the laws of the State of Colorado.

ARTICLE III - MEETINGS

Section 1 - Annual Meeting. The Annual Meeting of the Board of Commissioners shall be held on the Forth Monday in July at 3:30 p.m. at the Office of the Authority, 511 E. 10th Street, Delta, Colorado to coincide with the Regular Meeting in July.(revised res. #277-05)

Section 2 - Regular Meeting. Regular meetings will be held on the Fourth Monday of each month at 3:30 p.m. at the Community Room of the Authority, 511 E. 10th Street, Delta, Colorado, and are open to the public as decreed by law.(revised res. #273-05)

Section 3 - Special Meeting. The Chairman of the Authority may, when he deems it expedient, and shall, upon the written request of two members of the Authority, call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting may be delivered to each member of the Authority or may be mailed to the business or home address of each member of the Authority at least two days prior to the date of the such special meeting. At such special meeting no business shall be considered other than as designated in the call, but if all the members of the Authority are present at a special meeting, any and all business may be transacted at such special meeting.

Section 4 - Quorum. The powers of the Authority shall be vested in the Commissioners thereof in office from time to time. Three Commissioners shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, but a smaller number may convene, from time to time, until a quorum is obtained. When a quorum is in attendance, action may be taken by the Authority upon a vote of a majority of the Commissioners present.(revised res. #277-05)

Section 5 - Terms Order of Business. At the regular meetings of the Authority the following shall be included as part of the order of business.

1. Roll Call.
2. Reading and approval of the minutes of the previous meeting.
3. Financial Report.
4. Operational Report(s)
5. Business Items.
6. Executive Director Report.
7. Commissioners Comments.
8. Adjournment.

All resolutions shall be in writing and shall be copied in the official minute book or journal of the proceedings of the Authority.(revised res. #277-05)

Section 6 - Manner of Voting. The voting on all questions coming before the Authority shall be by roll call, and the ayes and nays shall be entered upon the minutes of such meeting, except on the election of officers which may be by ballot.

ARTICLE IV - AMENDMENTS

Amendments to Bylaws. The bylaws of the Authority shall be amended only with the approval of all active Commissioners of the Authority at a regular or a special meeting, but no such amendment shall be adopted unless at least thirty (30) days written notice thereof has been previously given to all of the Commissioners of the Authority. Board adopted amendments will supersede previously adopted amendments unless otherwise noted.(revised res. #277-05)

Previous Adopted: 01-10-1985
Previous Revision: 12-07-1998 (Res. # 205)
Previous Revision: 04-25-2005 (Res. #273-05)
Latest Revision: 10-03-2005 (Res. #277-05)

City of



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

Board, Commission or Committee Application

Please return to: City of Delta, 360 Main Street, Delta, Colorado 81416

Name Tracy German Date 5.26.15

Mailing Address 402 Main St. Delta, CO 81416 970-874-7948-WK

Street Address 2809 Covington Way Phone Number 970-275-0639-cell

City Montrose State CO Zip Code 81401

Occupation Branch Manager - Bank of the West - Delta

How many years (months) have you lived in the: City of Delta ?
Delta County ?

Board or Commission Applying for:

- Planning Commission
- Delta Housing Authority
- Other (please list)

How did you hear about this opening?

I was approached by Ute Janty.

Please comment on why you desire to be appointed?

To be a part of the Community. Offer and assist with my banking experience

Have you ever been on a Board or Commission before? (If yes please describe)

Yes. Finance officer for Delta Chamber of Commerce.

Please explain the purpose of the Board or Commission you are applying for as you understand it.

Review and approve reports, help in decision making on tasks assigned to Board members. Participate in Committees

Tracy German
Signature of Applicant

Ordinance No. 4, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AMENDING THE ZONING DESIGNATION OF Block 7, Lots 19-26 Original Town of Delta - including 632-640 & 654 Main Street from B-1, Business District to B-2, Business District.

WHEREAS, the owner of Block 7, Lots 19-26 Original Town of Delta - including 632-640 & 654 Main Street (some lots do not have assigned addresses) located in Delta, Colorado has applied for rezoning of his property to a designation that will allow additional business uses including vehicle sales; and

WHEREAS, the City of Delta's Planning Commission, following a proper hearing of the rezoning application, has recommended that the zoning classification for the property not be changed, as requested, from the present designation of B-1 to a new designation of B-2; and

WHEREAS, the applicant filed an appeal with the City Clerk of the Planning Commission's decision; and

WHEREAS, the Delta City Council held a *De Novo* hearing on May 19, 2015 after proper notice; and

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

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

Section 1. The zoning designation for the property in the City of Delta, Colorado that is specifically described as Block 7, Lots 19-26 Original Town of Delta - including 632-640 & 654 Main Street (some lots do not have assigned addresses) is hereby changed from B-1 to B-2.

Section 2. The official zoning map of the City shall be amended as soon as practicable to reflect the zoning change for the subject properties as approved by this ordinance.

ADOPTED ON FIRST READING AND ORDERED PUBLISHED this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED this _____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

Items: L, M & N

Attorney Comments



City Manager Comments



Councilmember Comments

