



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**

**August 4, 2015
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Approval of Recruiting Firm Contract**
- F. Hotel/Restaurant Liquor License Transfer of Ownership;
DAVine Venture, LLC dba Cynthia's**
- G. Hotel/Restaurant Liquor License Renewal;
Maa Delta Sundance Hospitality, LLC dba Days Inn Sundance**
- H. 3.2% Beer Off Premises Liquor Renewal;
Dillon Companies, Inc. dba City Market #4**
- I. Update on Negotiations with Stantec and Approval to Submit Complaint with the
Delta District Court**
- J. Approval to Purchase Bleachers for Recreation Center**
- K. Intergovernmental Agreement with the Delta County Clerk & Recorder for the
November 3, 2015 Election**
- 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. 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

Councilmember Penick stated that there is a sentence on page two that should be removed.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the minutes of the July 6, 2015 special meeting and the July 7, 2015 regular meeting with the corrections as stated. All in favor, motion carried.

Citizen Comments

Josh Applegate, 637 Howard Street, thanked the City of Delta for its support of Deltarado Days. He presented Council with a summary of the events.

Matthew Horn, 8194 Horn Road, requested that the Council consider updating the municipal code to allow tastings in the City.

John Silva commented on the City Manager position.

Approval to Participate in the November 2015 Election; Senate Bill 152

Interim City Manager Glen Black reported that Senate Bill 152 restricts municipalities to provide telecommunication services, advanced services or cable television services. The City is currently working with Delta County, Delta County Economic Development and Region 10 on providing broadband to our area. Senate Bill 152 may pose an obstacle to that process

It was moved by Councilmember Cooper and seconded by Councilmember Penick to authorize the City Clerk to notify the Delta County Clerk and Recorder that the City of Delta will participate in the November 3, 2015 election submitting a question regarding SB 152. All in favor, motion carried.

Purchase Agreement for 602 W. 4th Street

Utilities Director Steve Glammeyer stated that staff negotiated a contract with the seller of 602 W. 4th Street. The property is needed to complete the extension of Kellogg Street to 5th Street to

Regular Meeting, Delta City Council, July 21, 2015 (cont.)

Purchase Agreement for 602 W. 4th Street (cont.)

allow better traffic flow and business access now that Confluence Drive is complete. Staff budgeted funds to pursue the acquisition of the property and the negotiated price of \$45,000 is under the budgeted amount. The anticipated title work will cost approximately \$495. Staff has prepared a simple purchase contract and the owner of the property has signed the contract.

Councilmember Raley questioned if there were other properties that are needed to complete the extension of Kellogg Street.

Director Glammeyer stated staff is working on acquiring additional properties for the completion.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the City Manager to sign the purchase contract for 602 W. 4th Street in the sum of \$45,000 and anticipated closing costs of \$495. All in favor, motion carried.

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Cooper 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 discussion of matters personal to particular employees. All in favor, motion carried.

At 7:15 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 7:54 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, Bill Raley and Ray Penick along with Interim City Manager Glen Black. 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.

Appointment of City Manager

It was moved by Councilmember Cooper and seconded by Councilmember Raley approve the appointment of Mark Collins to the City Manager position with an anticipated start date of September 14th, 2015; authorizing the Mayor to complete contract negotiations and sign the employment contract.

Councilmember Penick stated he does not agree with the contract as written with 10 days of paid time off (PTO) upon commencement of employment. He believes that is an incentive for the employee to come to the City of Delta. He has no objection to paying the high salary but is not in favor of the PTO.

Regular Meeting, Delta City Council, July 21, 2015 (cont.)

Appointment of City Manager (cont.)

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

City Attorney Comments

There were none.

City Manager Comments

Manager Black commented on the citizen surveys that have been completed the last two years. Staff is preparing the survey and the surveys should be sent out in August.

Director Glammeyer presented an update on the storm sewer project on West 5th Street.

Manager Black thanked Director Glammeyer, his staff and the contractor for the diligence in trying to get this project complete working nights and weekends.

Manager Black questioned Council if they would like to have a work session to discuss the Model Traffic Code before it is presented for approval, the 2nd quarter financial report and the auditor's report. There was consensus to have a work session on August 4th, 2015.

Councilmember Comments

Councilmember Cooper stated that she attended a few of the events for the Colorado Association of Municipal Utilities. She thanked the parks and recreation staff for the help with Deltarado Days.

Councilmember Raley stated is nice to be back and thanked Council for their understanding during his absence.

Councilmember Jurca reported that he will be out of town the week of August 3rd. He does have some questions regarding the model traffic code and will voice those to Mr. Black. He stated that he appreciated staff blocking off Main Street early to limit the parking for the parade.

Councilmember Penick commended the City for their entry in the parade. He thanked all of staff for their help during the interim period while searching for a City Manager.

Mayor Sisson agreed with Councilmember Penick on how staff has helped. He also agreed that Deltarado Days was a success.

Manager Black stated that the City has received a letter from CML regarding the policy committee. There was consensus to allow Mayor Sisson to continue on the policy committee.

The meeting was adjourned at 8:07 p.m.

Jolene E. Nelson, CMC, City Clerk

Mayor Ed Sisson called the meeting to order at 5:00 p.m. Also present were Councilmembers 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 Cooper and seconded by Councilmember Penick 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 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 5:24 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, and Ray Penick along with Interim City Manager Glen Black. 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.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to terminate the contract negotiations with Mark Collins and to direct staff to prepare a Request for Proposals for recruiting firms to continue forward with the City Manager search. Roll call vote: Councilmember Cooper, aye; Jurca, aye; Penick nay and Sisson aye. Motion carried.

The meeting was adjourned at 5:26 p.m.

Jolene E. Nelson, CMC, City Clerk

Item D:

Citizen Comments



Item E:

Approval of Recruiting Firm Contract



MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: August 4, 2015
Subject: Transfer of Ownership; Hotel/Restaurant Liquor License;
DAVine Venture, LLC dba Cynthia's



Office of the City Clerk

Recommendation:

Staff recommends approval of the Transfer of Ownership for a Hotel and Restaurant Liquor License application submitted by DAVine Venture, LLC dba Cynthia's.

Background:

DAVine Venture, LLC has applied for a Transfer of Owner for the Hotel and Restaurant Liquor License that is currently held by Delta Fireside Inn, Inc. dba Gerhard's. DAVine Venture, LLC has one member, Deon Appelgryn who has been fingerprinted and results show no record.

The location of the restaurant is 820 Hwy 92 in Delta.

Cost:

There is no cost to the City to approve this license. The applicant has paid the \$1100 application fee to the State, and the City's fee of \$200 as well as the \$400 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:

The application once approved will be signed by the Mayor and the Clerk and forwarded to the State for final approval.

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 No

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?

(b) Had an alcohol beverage license suspended or revoked?

(c) Had interest in another entity that had an alcohol beverage license suspended or revoked?

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.

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?

Waiver by local ordinance?
Other: _____

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 current financial interest in said business including any loans to or from a licensee.

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?

Ownership Lease 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 <i>ERNST G. SCHOPP TRUST</i>	Tenant <i>DAVINE VENTURE, LLC</i>	Expires <i>06/30/2017</i>
--	--------------------------------------	------------------------------

b. Is a percentage of alcohol sales included as compensation to the landlord? If yes complete question 13.

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	First Name	Date of Birth	FEIN or SSN	Interest/Percentage

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?

Number of additional Optional Premise areas requested. (See license fee chart)

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.

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?

(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?

(c) How long has the club been incorporated?

(d) Has applicant occupied an establishment for three years (three years required) that was operated solely for the reasons stated above?

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)

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 <i>DEON APELGRYN</i>	First Name of Manager <i>DEON</i>	Date of Birth <i>11/19/1964</i>
--	--------------------------------------	------------------------------------

18b. Does this manager act 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.

Name	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?

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% or more in the Applicant. All persons listed below must also attach form DR 8404-I (Individual History Record), and submit fingerprint cards to the local licensing authority.

Name <i>DEON APPELGRYN</i>	Home Address, City & State <i>3109 FERNHURST DR, RICHARDSON, TX 75082.</i>	DOB	Position <i>MANAGING MEMBER</i>	% Owned <i>100%</i>
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned
Name	Home Address, City & State	DOB	Position	% Owned

** If Applicant is owned 100% by a parent company, please list the designated principal officer on question #20
 ** Corporations - The President, Vice-President, Secretary and Treasurer must be accounted for on question #20 (Include ownership percentage if applicable)
 ** If total ownership percentage disclosed here does not total 100%, applicant must check this box:

Applicant affirms that no individual other than these disclosed herein, owns 10% or more of the applicant, and does not have ownership in a prohibited liquor license pursuant to Title 47 or 48, C.R.S.

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 	Printed Name and Title <i>DEON APPELGRYN, MANAGER</i>	Date <i>7/6/2015</i>
---	--	-------------------------

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

Date application filed with local authority <i>7/10/2015</i>	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.)
---	---

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	Telephone Number	<input type="checkbox"/> Town, City <input type="checkbox"/> County	
Signature	Print	Title	Date
Signature (attest)	Print	Title	Date

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: August 4, 2015
Subject: Hotel/Restaurant Liquor License Renewal;
Days Inn Sundance



Office of the City Clerk

Recommendation:

Staff recommends approval of a hotel/restaurant liquor license renewal for the MAA Delta Sundance Hospitality, LLC dba Days Inn Sundance located at 903 Main Street. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires August 14, 2015.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$500.00 renewal fee to the State, the City renewal fee of \$150 as well as the City liquor occupation tax of \$400.00.

Alignment With Strategic Planning:

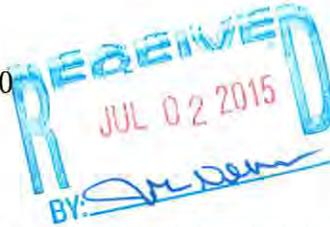
Per Delta Municipal Code 5.10.010 "the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code."

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

DAYS INN SUNDANCE
 151 N KRAEMER BLVD STE 120
 PLACENTIA CA 92870



Fees Due	
Renewal Fee	\$500.00
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 MAA DELTA SUNDANCE HOSPITALITY LLC		DBA DAYS INN SUNDANCE		
Liquor License # 4701398	License Type Hotel & Restaurant (city)	Sales Tax License #	Expiration Date 8/14/2015	Due Date 6/30/2015
Street Address 903 MAIN ST DELTA CO 81416				Phone Number (714) 854 0529
Mailing Address 151 N KRAEMER BLVD STE 120 PLACENTIA CA 92870				
Operating Manager Veronica Salazar	Date of Birth	Home Address 21969 F. Rd. Delta, CO 81416		Phone Number (970) 874-9781

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

AFFIRMATION & CONSENT

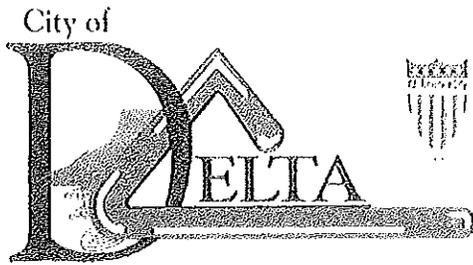
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business X BHARAT MARU	Title Managing Member
Signature X [Signature]	Date X 05/12/15

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 Maa Delta Sundance Hospitality, LLC
DBA: Days Inn Sundance

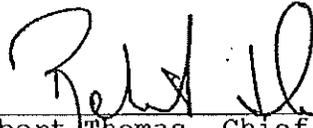
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violation for 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: August 4, 2015
Subject: 3.2% Beer License Renewal; City Market #4



Office of the City Clerk

Recommendation:

Staff recommends approval of a beer license renewal for the City Market #4 located at 122 Gunnison River Drive. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires September 17, 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

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

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 DILLON COMPANIES, INC		DBA CITY MARKET #4		
Liquor License # 01107790123	License Type 3.2% BEER OFF PREMISES (CITY)	Sales Tax License # 01107790123	Expiration Date 09/17/2015	Due Date 08/03/2015
Street Address 122 GUNNISON RIVER DR., DELTA, CO 81416-1856				Phone Number 970-874-9718
Mailing Address P.O. BOX 305103 NASHVILLE, TN 37230-5103				
Operating Manager EDWARD J ABILA	Home Address 5869 SAWMILL MESA RD., DELTA, CO 81416	Phone Number 970-874-8843		

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 RUSS DISPENSE	Title VICE PRESIDENT
Signature 	Date 7-6-15

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 City Market #4

DBA: _____

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

No liquor violations in the past twelve months.

Remarks:

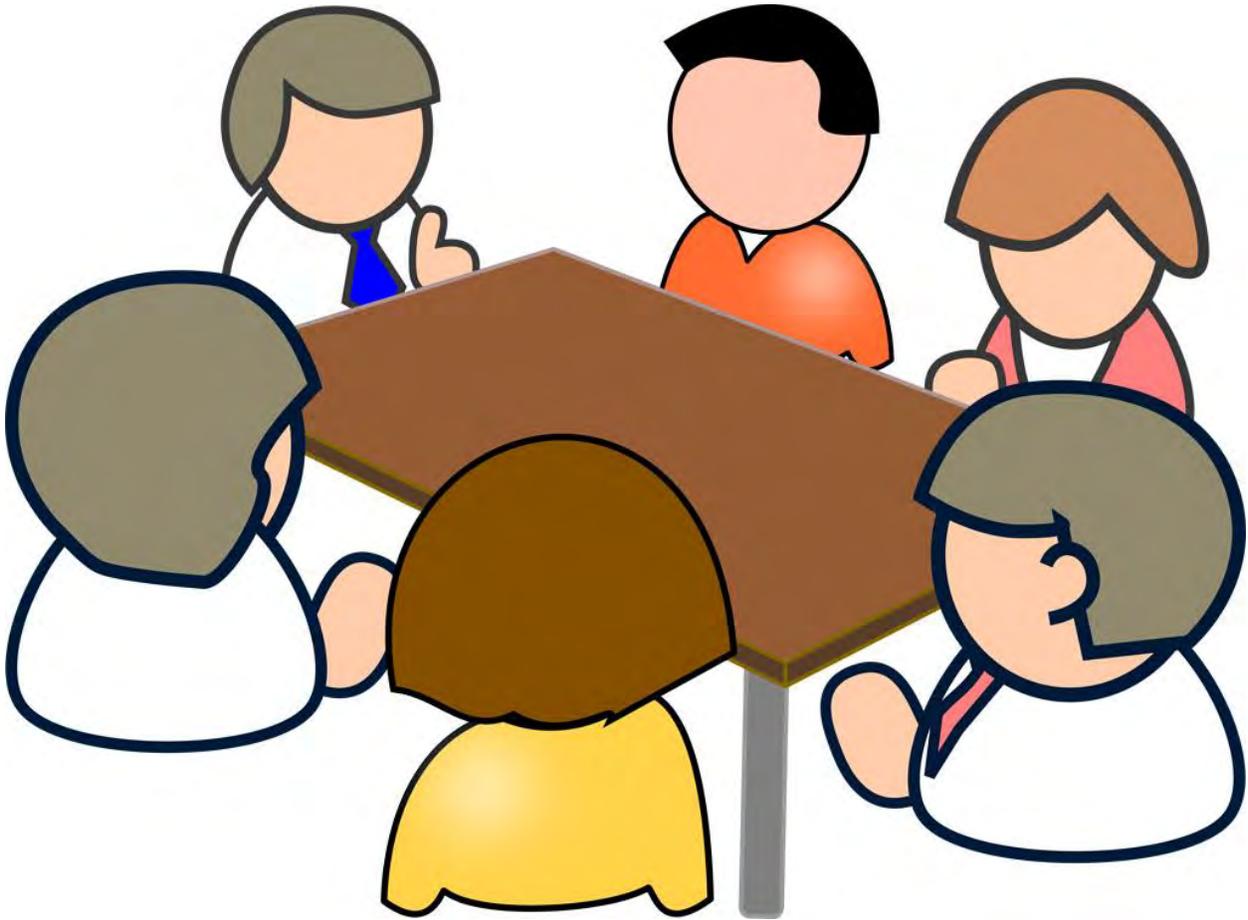
Police Department recommendation:

Recommend liquor license renewal.

Robert Thomas, Chief of Police

Item I:

**Update of Negotiations with Stantec and Approval to Submit Complaint with
the Delta District Court**



MEMO

To: Mayor and City Council
From: Wilma Erven, Parks & Recreation Director
Date: July 31, 2015
Subject: Bleachers for Recreation Center



Parks & Recreation Department

Recommendation

Replace the bleachers in the gymnasium for safety reasons, with new remotely operated bleachers that are handicapped accessible.

Background

The bleachers at the recreation center have been in place for 22 years. Due to their size and inability to go flat against the wall, when a special event occurs they must be removed to the outside area next to the gym. Over the years the moving in and out has caused damage to the seating area and the edges where the handler must hold on to them, as well as along the bottom edges. To move them they must be laid down and the areas you see in the pictures have cut the gym floor. This is a safety issue for the basketball players. We have just resurfaced the gym floor and do not want to cut the new flooring.

The safety of handling these bleachers is becoming more of an issue, as patrons think they are in the way, during pickleball, and the patrons have started handling them. If they were to fall on someone's foot severe damage could occur from these cut areas. This did happen to a custodian moving them out for an event and there was a worker's comp claim.

The bleachers that staff is requesting to purchase are all automated, wheelchair accessible, and fold up with only 3 feet extending from the wall. They are bolted to the wall. Seating capacity will increase from 120 to 160, which is a huge factor especially during youth basketball league.

Cost

This is not a item that is in the 2015 budget, however, during budget, staff was given figures from two different pool contractors for replacing the tot sand filter that proved to be much higher than it actually cost, which created a savings of \$25,000.

That savings would cover the \$23,000-\$24,000 cost of these bleachers. Staff has researched estimates and has received information from three different companies, in order to review the possibilities, if this was a project that staff could bring to Council for consideration to be done within the 2015 allotted funding.

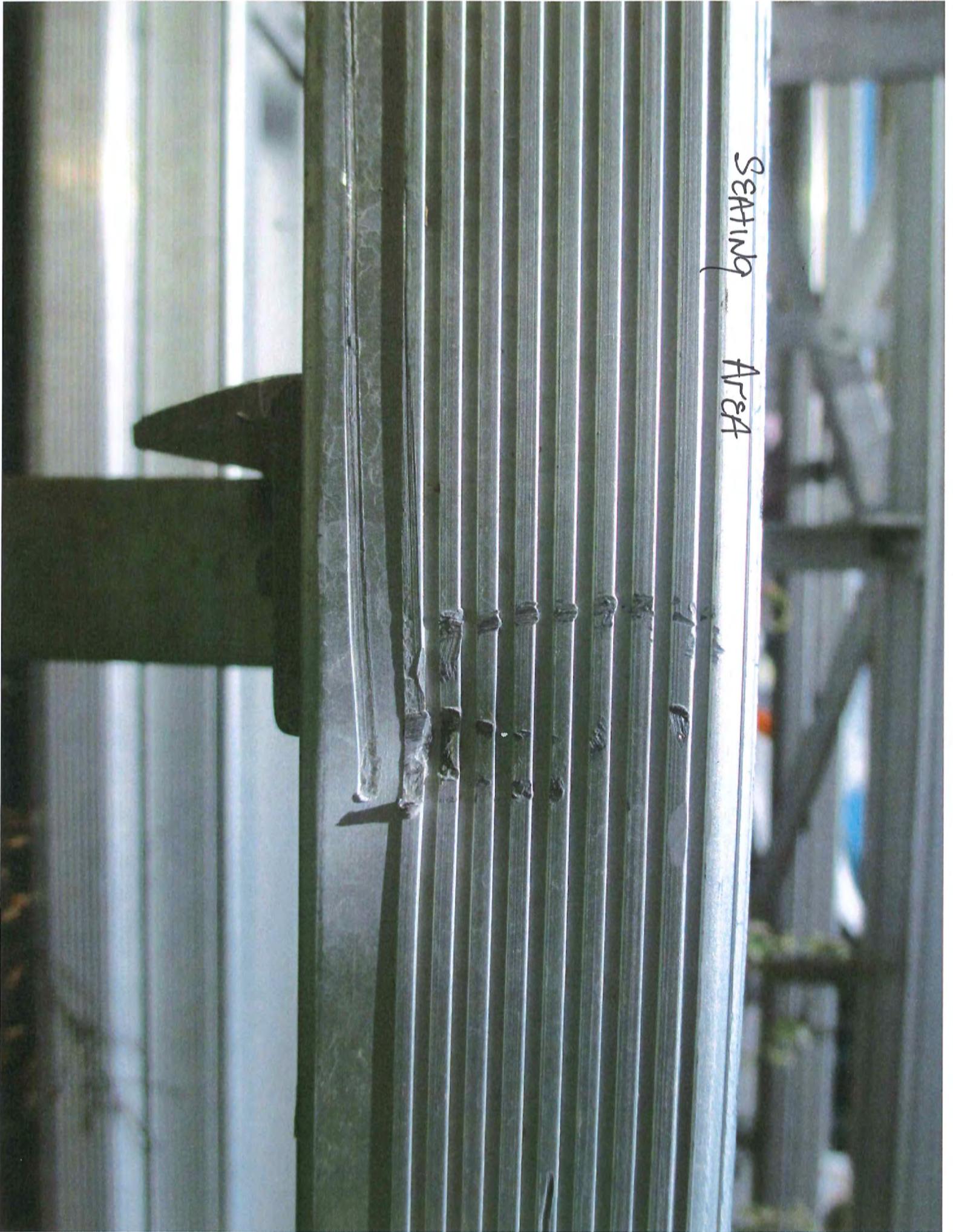
Alignment With Strategic Planning:

Safety to all patrons/staff taking part in activities at the Recreation Center.

Actions To Be Taken if Approved

Award the bid to a low bidder allowing them to order the construction of the bleachers, which would be installed in late November or December 2015.

SEATING AREA



Sitting Area

Rough Edge



HAND HOLDS

WAYS FLAT CUTS FLOOR
WHEN MOUNTING

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: August 4, 2015
Subject: Intergovernmental Agreement for November 3, 2015
Coordinated Election



Office of the City Clerk

Recommendation:

Staff recommends that City Council authorize the City Clerk to sign the Intergovernmental Agreement with the Delta County Clerk and Recorder for the November 3, 2015 Coordinated Election.

Background:

The Intergovernmental Agreement with the Delta County Clerk and Recorder for the conduct of the election is now being presented for approval. This form of the IGA has been used for the past few elections. There are no changes since the last election.

Cost:

The estimated cost of the election is \$10,000.00.

Alignment With Strategic Planning:

Per CRS 1-7-116(2) “The political subdivision for which the county clerk and recorder will conduct the coordinated election shall enter into an agreement with the county clerk and recorder for the county or counties in which the political subdivision is located concerning the conduct of the coordinated election.”

Actions To Be Taken if Approved:

The City Clerk will sign the IGA with the Delta County Clerk and Recorder.



DELTA COUNTY, COLORADO
TERI A. STEPHENSON, COUNTY CLERK & RECORDER

COUNTY COURTHOUSE · 501 PALMER STREET · SUITE 211 · DELTA · COLORADO · 81416

PHONE: (970) 874-2150 FAX: (970) 874-2161

www.deltacounty.com

INTERGOVERNMENTAL AGREEMENT

1. **PURPOSE:** Pursuant to the terms of this agreement the Clerk and the City agree to the scheduling of a Coordinated Election on November 3, 2015 by Mail Ballot. Such Coordinated Election may involve more than one political subdivision or special district with overlapping boundaries and the Clerk shall serve as the Election Official for all political subdivisions and special districts involved in this election. This election shall be under the provisions of Title 1 of the Colorado Revised Statutes and Colorado Secretary of State Election Rules.

2. **VOTER SERVICE AND POLLING LOCATIONS:** Voter Service and Polling centers Locations are available for voters to register to vote, change address, request ballots or replacement ballots, vote and/or deposit mail ballots. The following locations and dates are as follows:

VOTER SERVICE AND POLLING CENTER LOCATIONS

DELTA COUNTY CLERK AND RECORDER'S OFFICE

501 PALMER ST. SUITE 211

DELTA, CO 81416

Starting October 14, 2015

Hours 8:30 a.m. to 4:30 p.m. Monday – Friday

9:00 a.m. to 1:00 p.m. Saturday October 31, 2015

7:00 a.m. to 7:00 p.m. Election Day November 3, 2015

NORTH FORK ANNEX CLERK'S OFFICE

196 W. HOTCHKISS AVE.

HOTCHKISS, CO 81419

Starting October 14, 2015

Hours 8:30 a.m. to 4:30 p.m. Monday – Friday

7:00 a.m. to 7:00 p.m. Election Day November 3, 2015

24 HOUR DROP OFF LOCATION

DELTA COUNTY COURTHOUSE

501 PALMER ST.

DELTA CO 81416

(On front steps of Courthouse open starting October 14, 2015)

3. **ELECTION JUDGES:** All Election Judges shall be the responsibility of the Clerk.
4. **LEGAL NOTICES:** All legal notices concerning the Coordinated Election which are to be published prior to certification of the ballot content to the Clerk shall be the responsibility of the City. A copy of such published legal notice(s) shall be submitted to the Clerk for her records. Publication of legal notices concerning the Coordinated Election, which are required to be published after certification of the ballot contents to the Clerk, shall be the responsibility of the Clerk.
5. **BALLOT CONTENT:** In accordance with Colorado law, the ballot content must be certified to the Clerk by the City, in its exact and final form, no later than 4:30 p.m. on September 4, 2015. Such ballot content must be delivered to the Clerk at the Delta County Courthouse, 501 Palmer Street, Suite 211, Delta, CO. If Possible the Clerk would prefer an electronic copy as well. Email to tstephenson@deltacounty.com and rloy@deltacounty.com
6. **TESTING AND AUDITING:** Conduct of the required tests and audits of the voting system prior to and after the Election pursuant to C.R.S. 1-7-509 and SOS Election Rule 11 shall be the responsibility of the Clerk.



DELTA COUNTY, COLORADO
TERI A. STEPHENSON, COUNTY CLERK & RECORDER

COUNTY COURTHOUSE · 501 PALMER STREET · SUITE 211 · DELTA · COLORADO · 81416

PHONE: (970) 874-2150 FAX: (970) 874-2161

www.deltacounty.com

- 7. **CONDUCT OF THE ELECTION:** The Clerk shall be responsible for preparing and printing the ballots, and sample ballots for the Coordinated Mail Ballot Election, as well as the preparation of the Electronic Voting Equipment used by the Delta County Clerk. Ballots will be mailed to each active registered voter between October 13th, 2015 and October 16, 2015 per C.R.S. 1-7.5-107(3) (a), Military and Overseas electors will be mailed by September 18, 2015 per C.R.S. 1-8.3-110. The Clerk shall also be responsible for coordinating and conducting the actual election. The Election will be conducted according to Title 1, C.R.S., Secretary of State Election Rules, Colorado Constitution and HAVA requirement.
- 8. **TABULATION OF BALLOTS:** All processes relating to the tabulation of ballots shall be the responsibility of the Clerk. An unofficial cumulative total of votes will be provided to the City, upon completion of the counting of all ballots.
- 9. **CANVASS OF VOTES:** The canvass of votes will be the responsibility of the Clerk. Official results of the canvass will be provided to all political subdivisions participating in the Coordinated Election no later than November 20, 2015
- 10. **ALLOCATION OF COST OF ELECTION.** The Clerk shall determine the cost allocation for each political subdivision participating in the Coordinated Election. The City shall reimburse the Clerk for its fair share of the costs, including but not limited to, publication costs, printing costs, mailing costs, judges' fees, voter location/drop off fees, mileage. Such reimbursement shall be made to the Clerk within thirty days from receipt of billing from the Clerk.
- 11. **CANCELLATION OF ELECTION:** In the event that the City resolves not to hold the election, then notice of such resolution shall be provided to the Clerk immediately. In the event that the City resolves not to hold the election after the ballots have been printed the text provided by the City cannot be removed from the ballot and/ or the Ballot Issue notice (TABOR Notice) The ballot issues and ballot questions shall be deemed to have not been submitted and votes cast on the ballot issues and ballot questions shall either not be counted or shall be deemed invalid by action of the governing body. Notice of such cancellation shall be published in order to inform the electors and shall be the responsibility of the City. Any expenditure already incurred shall be the responsibility of the City in the event of cancellation.
- 12. **INDEMNIFICATION.** The City agrees to indemnify, defend and hold harmless the Clerk from any and all loss, costs, demands or actions, arising out of or related to any actions, error or omissions of the City in completing its responsibilities relating to the November 3, 2015, Coordinated Election.

DELTA COUNTY CLERK AND RECORDER

CITY OF DELTA

By _____

DATE _____

Title _____

DATE _____

THIS AGREEMENT MUST BE SIGNED AND RETURNED TO THE DELTA COUNTY CLERK AND RECORDER BY AUGUST 25, 2015.

Items: I, J & K

Attorney Comments



City Manager Comments



Councilmember Comments

