



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**

**February 2, 2016  
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: Special Events Permit; Delta Area Chamber of Commerce**
- F. Public Hearing: Special Events Permit; Ducks Unlimited**
- G. Transfer of Ownership; Retail Liquor Store: Highpeak Systems, LLC**
- H. Retail Liquor Store License Renewal; Uptown Wines, LLC**
- I. Resolution #1, 2016; Water Rights**
- J. Ordinance #2, 2016; Second and Final Reading  
Liquor License Approvals**
- K. City Attorney Comments**
- L. City Manager Comments**
- M. Councilmember Comments**
- N. Executive Session**  
For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b).

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 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**

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the minutes of the January 5, 2016 regular meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Planning Commission Appointment**

It was moved by Councilmember Cooper and seconded by Councilmember Raley to appoint Mark Lee to the Planning Commission. All in favor, motion carried.

**Delta County Economic Development Funding Request**

Trish Thibodo, Delta County Economic Development Director, stated that they are requesting that the City of Delta join in sponsoring the soil health conference. She explained the levels of sponsorship.

There was discussion regarding the soil health conference and the funding the Council has approved for DCED.

There was consensus not to sponsor the soil health conference.

**Equipment and Vehicle Purchases**

Utilities and Public Works Director Steve Glammeyer reported that Fleet Manager Rod Myers has done a great job in outlining the various vehicles and equipment that was budgeted for this year. He listed the following vehicles and equipment staff is requesting approval for:

- Refuse truck, \$189,442
- Two tri-plex mowers, \$50,917.84

## **Regular Meeting, Delta City Council, January 19, 2016 (cont.)**

### **Equipment and Vehicle Purchases (cont.)**

- Two message boards, \$36,073.16
- Flail mower, \$15,620.00

The total amount for all the listed items is \$292,375.74.

Mayor Sisson questioned if the refuse truck is the same as the one that staff has been having concerns with.

Mr. Myers stated that this is a different body and doesn't believe there will be the same concerns.

Councilmember Penick questioned if the message boards would display speeds to help with speed control in the City.

Mr. Myers stated that they can purchase the component to allow for speed display for approximately \$1500.

It was moved by Councilmember Jurca and seconded by Councilmember Raley to approve the purchase of a refuse truck for \$189,442, two tri-plex mowers for 50,917.84, two messages boards for \$36,073.16 and a flail mower for \$15,620 for a total amount of \$292,375.74. All in favor, motion carried.

### **Renewal of Lease with Ms. Hawkins and Myers for use of City Water on the Grand Mesa**

Director Glammeyer stated this is an annual lease of water on the Doughspoon. There are no changes from last year.

Councilmember Penick questioned if the water usage is being monitored.

Director Glammeyer stated that the lessees do have it on file with the water commissioner.

It was moved by Councilmember Penick and seconded by Councilmember Jurca approve the lease of water with Ms. Lydia Hawkins and Verra Sue Myers. All in favor, motion carried.

### **Center for Mental Health Community Development Block Grant**

City Manager Glen Black reported that the Center for Mental Health is requesting that the City of Delta be a pass through agency for a Community Development Block Grant they are looking at applying for. The grant is to help renovated part of the building that was previously occupied by another agency. They are also requesting consideration of the city donating the building permit fees.

Janey Sorenson and Ashley Newby presented Council with project description. Ms. Sorenson explained that their client base has increased significantly and the need for the additional space is greatly needed. The project would meet the current needs and satisfy the five year growth they are anticipating.

**Regular Meeting, Delta City Council, January 19, 2016 (cont.)**

**Center for Mental Health Community Development Block Grant (cont.)**

Councilmember Cooper questioned how much the project is estimated to cost.

Ms. Sorenson stated that the project is just under \$1 million and they are requesting \$600,000 in the grant application.

Manager Black reported that there will be staff time with monitoring the grant. He also reported that depending on the threshold it may trigger additional audits. As the project currently is proposed it may not require the additional audits. It may also require a supplemental appropriation since this was budgeted.

Ms. Sorenson stated that the center would cover any expenses that the city may incur.

Councilmember Jurca stated that the city has done this in the past and it was worked well. He is not in favor of donating the building permit fees.

Councilmember Cooper agreed with Councilmember Jurca.

It was moved by Councilmember Cooper and seconded by Councilmember Raley that the City be the pass through agency for the Center of Mental Health's Community Development Block grant application and allow the Mayor to sign requirement documents for the grant. All in favor, motion carried.

**Ordinance #1, 2016; First and Final Reading  
Election Code**

Ordinance #1, 2016

AN ORDINANCE OF THE DELTA CITY COUNCIL AMENDING  
CHAPTER 2.68 OF THE DELTA MUNICIPAL CODE  
CONCERNING ELECTIONS

was read by the Clerk.

City Clerk Jolene Nelson explained that with the election code changes in Title 1 and Title 31 of the Colorado Revised Statutes (CRS) require municipalities to have ordinances in place regarding write-in candidates and for cancelling an election. The attached ordinance is directly from the CRS. Staff is requesting this be adopted as an emergency should there be a need to cancel the upcoming election in April.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Ordinance #1, 2016 on first and final reading. Roll call vote: Councilmember Cooper, aye; Raley, aye; Jurca, aye; Penick, aye and Sisson, aye. Motion carried.

The Clerk updated Council and the current petitions for the upcoming election.

**Regular Meeting, Delta City Council, January 19, 2016 (cont.)**

**Ordinance #2, 2016; First Reading  
Liquor License Approvals**

Ordinance #2, 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO AMENDING THE CITY'S LIQUOR LICENSING REGULATIONS SO AS TO ALLOW THE CITY CLERK TO ISSUE LICENSE RENEWALS AND TRANSFERS, SPECIAL EVENT PERMITS, AND TEMPORARY PERMITS

was read by the Clerk.

It was moved by Councilmember Raley and seconded by Councilmember Jurca to adopt Ordinance #2, 2016 on first reading. Roll call vote: Councilmember Cooper, aye; Raley, aye; Jurca, aye; Penick, aye and Sisson, aye. Motion carried.

**City Attorney Comments**

There were none.

**City Manager Comments**

City Manager Glen Black stated that the Planning Commission will be review the sign code on February 1<sup>st</sup>, 2016.

**Councilmember Comments**

Councilmember Cooper congratulated Mark Lee on being appointed to the Planning Commission. She also commended staff on their efforts with snow removal.

Councilmember Raley thanked Steve Glammeyer and his staff for their help with his water issue he had. He also thanked Glen Black for stepping in as City Manager during the City Manager search.

Councilmember Jurca also thanked Mr. Black.

Councilmember Penick thanked the individuals that are taking an interest in the community.

Mayor Sisson commented on judging at the speech meet this past weekend.

The meeting was adjourned at 7:41 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: February 2, 2016  
Subject: Delta Area Chamber of Commerce Special Events Permit



---

*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 Bill Heddles Recreation Center on March 12, 2016. The application specifies that they plan to sell alcoholic beverages from 12:00 p.m. to 9:30 p.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 type="checkbox"/> SOCIAL    | <input type="checkbox"/> ATHLETIC                                      | <input type="checkbox"/> PHILANTHROPIC INSTITUTION           |
| <input type="checkbox"/> FRATERNAL | <input checked="" 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  MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY

2170  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 State Sales Tax Number (Required)

Delta Area Chamber of Commerce, Inc.

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP)

301 Main St  
Delta, CO 81416

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP)

531 N. Palmer  
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>Heather Redden</i>		<i>2033 Ridge Rd, Delta, CO 81416</i>	<i>970-874-8793</i>
5. EVENT MANAGER <i>Holly D. Piatek</i>		<i>18308 F Rd, Delta, CO 81416</i>	<i>970-874-8616</i>

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?

NO  YES HOW MANY DAYS? \_\_\_\_\_

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 To	Hours From To	Hours From To	Hours From To
<i>3/12/16</i> 12:00 p.m. To 9:30 p.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>Holly D. Piatek</i>	TITLE <i>Executive Director</i>	DATE <i>1/16/16</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)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

**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, City Clerk  
Date: February 2, 2016  
Subject: Ducks Unlimited, Inc. Special Events Permit



---

*Office of the City Clerk*

---

**Recommendation:**

Staff recommends approving an application for Special Events Liquor Permits for Ducks Unlimited, Inc.

**Background:**

The Ducks Unlimited, Inc. has submitted an application for Special Events Liquor Permit for their event to be held at Bill Heddles Recreation Center on March 5, 2016. The application specifies that they plan to sell alcoholic beverages from 5:00 p.m. to 11:00 p.m.

The application is complete and the fees, \$35 to the City, and \$25 to the State, 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.



# MEMO

---

To: City Council  
From: Jolene E. Nelson, CMC, City Clerk  
Date: February 2, 2016  
Subject: Transfer of Ownership: Retail Liquor Store;  
Highpeak Systems, LLC



---

*Office of the City Clerk*

---

**Recommendation:**

Staff recommends approval of the Transfer of Ownership Application submitted by Highpeak Systems, LLC dba Green Valley Liquor for a Retail Liquor Store License located at 750 Main Street, Delta, CO.

**Background:**

Highpeak Systems, LLC has submitted an application to transfer the Retail Liquor Store License that Grand Valley Liquors currently holds. The owner of Highpeak Systems, LLC, Venkata Alete has submitted his fingerprints and the results from CBI shows no record. The application is complete and available for review. Highpeak Systems, LLC currently has a temporary license to continue operation until the approval of the transfer.

**Cost:**

There is no cost to the City to transfer this license. The applicant has paid the \$827.50 transfer fee to the State, the City's fee of \$247.50 as well as the City's \$300 liquor occupation tax for a Retail Liquor Store License.

**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 application, and the Clerk will mail it to the State, who will review the application and issue the State license.

# 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](http://www.colorado.gov/enforcement/liquor)
- Local License Fee \$ \_\_\_\_\_

1. Applicant is applying as a/an  Individual  
 Corporation  Limited Liability Company  
 Partnership (includes Limited Liability and Husband and Wife Partnerships)  Association or Other

2. Applicant If an LLC, name of LLC; if partnership, at least 2 partner's names; if corporation, name of corporation FEIN Number  
 HIGHPEAK SYSTEMS LLC 27-3990471

2a. Trade Name of Establishment (DBA) State Sales Tax Number Business Telephone  
 GREEN VALLEY LIQUOR 49451442 720.375.655

3. Address of Premises (specify exact location of premises, include suite/unit numbers)  
 750 E MAIN ST, DELTA, CO

City DELTA	County DELTA	State CO	ZIP Code 81416
---------------	-----------------	-------------	-------------------

4. Mailing Address (Number and Street) City or Town State ZIP Code

5. Email Address  
 VREDDY44@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) GRAND VALLEY LIQUORS	Present State License Number 40926720000	Present Class of License Retail Liquor	Present Expiration Date 12-5-2016
---	---	---	--------------------------------------

Section A Nonrefundable Application Fees	Section B (Cont.) Liquor License Fees
<input type="checkbox"/> Application Fee for New License..... \$ 600.00 <input type="checkbox"/> Application Fee for New License w/Concurrent Review .... \$ 700.00 <input checked="" 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 <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
Section B Liquor License Fees	
<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"/> Distillery Pub License (City).....\$750.00 <input type="checkbox"/> Distillery Pub License (County) .....\$750.00 <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	

**Questions? Visit: [www.colorado.gov/enforcement/liquor](http://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  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?

or  
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	Tenant	Expires

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
<i>NONE</i>				

**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	First Name of Manager	Date of Birth
<i>AE ALETZ</i>	<i>VENKATA</i>	<i>8/15/67</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 <b>VENKATA ALETE</b>	Home Address, City & State <b>20935 E SEPPERSON AVE, AURORA, CO - 80013</b>	DOB	Position <b>DIRECTOR</b>	% Owned <b>100</b>
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 <b>VENKATA ALETE</b>	Date <b>12/22/15</b>
--	--	-------------------------

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

**1/15/16**

Date application filed with local authority	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, CMC, City Clerk  
Date: February 2, 2016  
Subject: Retail Liquor Store Renewal – Uptown Wines



---

*Office of the City Clerk*

---

**Recommendation:**

Staff recommends approval of the Retail Liquor Store Renewal for Uptown Wines, located at 436 Main Street.

**Background:**

The current liquor license expires March 24, 2016.

**Cost:**

There is no cost to the City to renew the license. The applicant has paid the \$227.50 renewal fee to the State, the City renewal fee of \$97.50 as well as the City liquor occupation tax of \$300.

**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	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
<b>Amount Due/Paid</b>	

**RECEIVED**  
 JAN 05 2016

UPTOWN WINES  
 436 MAIN ST  
 DELTA CO 81416

**RECEIVED**  
 JAN 05 2016  
 BY: \_\_\_\_\_

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

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**
**RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name <b>UPTOWN WINES LLC</b>		DBA <b>UPTOWN WINES</b>		
Liquor License # <b>4702577</b>	License Type <b>Liquor Store (city)</b>	Sales Tax License # <b>27823541</b>	Expiration Date <b>3/24/2016</b>	Due Date <b>2/8/2016</b>
Street Address <b>436 MAIN ST DELTA CO 81416</b>				Phone Number <b>(970) 874 4709</b>
Mailing Address <b>436 MAIN ST DELTA CO 81416</b>				
Operating Manager <b>CHERYL ARELLANO</b>	Home Address <b>325 PALMER ST DELTA CO 81416</b>			Phone Number <b>970-874-3464</b>

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 <b>CHERYL ARELLANO</b>	Title <b>member</b>
Signature <i>Cheryl Arellano</i>	Date <b>1-5-16</b>

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

Local Licensing Authority For	Date
Signature	Title
	Attest

**CITY OF DELTA, COLORADO**  
**RESOLUTION NO. 1**  
**(Series of 2016)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA  
AUTHORIZING CITY STAFF TO TAKE CERTAIN ACTIONS REGARDING  
CITY WATER RIGHTS.

WHEREAS, the City owns and leases water rights that have been approved by the District Court in and for Water Division No. 4 concerning water rights tributary to the Gunnison and Uncompahgre Rivers and their tributaries; and

WHEREAS, water court applications are published in the regional newspapers each month in the "Water Resume;" and

WHEREAS, the City reviews the Water Resume to determine if there are applications filed that might affect City water rights or property; and

WHEREAS, in order to monitor the progression and outcome of water court applications, the Water Court Rules require a interested party to file a Statement of Opposition; and

WHEREAS, in November 2015, the Colorado Water Conservation Board ("CWCB") filed an application for approval of an instream flow right in Alkali Creek, Case No. 15CW3079, for which the deadline for filing a Statement of Opposition was January 31, 2016; and

WHEREAS, the City owns water rights in Alkali Creek that could be adversely affected by the granting of the CWCB's Application; and

WHEREAS, the only way for the City to participate in and monitor the terms and conditions of the progress of the CWCB's Application was to file a Statement of Opposition; and

WHEREAS, City staff concluded, based upon the information the Water Resume, that it was prudent for the City to file a Statement of Opposition to the CWCB Application; and

WHEREAS, City Staff supports the filing of statements of opposition in water court cases where the City's water rights and/or real property rights may be affected; and

WHEREAS, the City owns certain conditional water rights for which applications for findings of reasonable diligence or to make water rights absolute must be filed in order to maintain such water rights; and

WHEREAS, it is necessary and prudent for City Staff and its consultants to have authorization to file these diligence applications as they come due without having to consult with City Council prior to each filing.

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

Section 1. The foregoing recitals are incorporated by reference as findings and determinations of the City Council.

Section 2. City Staff and the City's water rights consultants are hereby authorized to continue monthly review of the Water Resume and to file, on the City's behalf, statements of opposition to water court applications that they determine the City may have an interest in.

Section 3. The filing of the Statement of Opposition by the City in the CWCB's Case No. 15CW3079 is hereby specifically ratified and approved.

Section 4. City Staff and the City's water rights consultants are hereby authorized to file applications for reasonable diligence and/or to make water rights absolute for the City's water rights as such applications become due.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the City Council of the City of Delta, Colorado, held on Tuesday, February 2, 2016.

CITY OF DELTA, COLORADO

By:

\_\_\_\_\_  
Edward C. Sisson, Mayor

ATTEST:

\_\_\_\_\_  
Jolene E. Nelson, City Clerk

Ordinance #2, 2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO AMENDING THE CITY'S LIQUOR LICENSING REGULATIONS SO AS TO ALLOW THE CITY CLERK TO ISSUE LICENSE RENEWALS AND TRANSFERS, SPECIAL EVENT PERMITS, AND TEMPORARY PERMITS

WHEREAS, the City Council desires to streamline and make more efficient the procedures by which the City reviews and approves applications for the transfer and/or renewal of liquor license; and

WHEREAS, the City Council also desires to streamline and make more efficient the procedures by which the City reviews and approves applications for special event permits and temporary permits.

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

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the City Council.

2. Amendment to Chapter 5.10 "Alcoholic Beverage" Chapter 5.10 of the Delta Municipal Code is hereby amended by adding Section 5.10.070 and to read as follows:

5.10.070 Delegation of authority to City Clerk to issue licenses.

The City Clerk is vested with authority to review and approve applications for liquor license renewals and transfers, special event permits and temporary permits pursuant to the following criteria:

A. Renewals and Transfers:

- a. The timely submission of a complete application and the payment of all fees by the applicant.
- b. The referral of the application by the City Clerk to the police department and other appropriate city departments for review and comment.
- c. For license transfers, whether the applicant satisfies the eligibility criteria set forth in CRS 12-47-307 and complies with CRS 12-47-303.
- d. Whether there exist facts or information on the application, or as provided in referral comments, illustrating reasonable grounds or good cause to deny the application.

B. Special Event Permits

- a. Pursuant to CRS 12-48-107(5)(a) the City Council of the City of Delta, acting as the local licensing authority, hereby elects to exercise exclusive local control over the issuance of liquor license special event permits for events with the City. The preceding recitals are adopted as specific findings of the determination of the Council

- b. The timely submission of a complete application and the payment of all fees by the applicant.
- c. The referral of the applications by the City Clerk to the police department and other appropriate city departments for review and comment.
- d. The timely and property posting of a conspicuous public notice of the proposed licensed and protest procedures at the location sought to be licensed.
- e. Whether the application and applicant satisfy the eligibility set forth in CRS 12-48-102 and 12-48-103.
- f. Whether there exists facts or information on the application, or as provided in referral comments or a protest against the license filed by affected person, illustrating grounds or good cause to deny the application.

C. Temporary Permits

- a. The timely submission of a complete application and the payment of all fees by the applicant.
- b. The timely filing of an application for the transfer of the liquor license corresponding to the application for a temporary permit.
- c. Whether the premises subject to the proposed temporary permit is currently subject to a valid liquor license.

D. In the event the City Clerk cannot or will not approve a transfer or renewal of a license, or issuance of a special event permit or temporary permit, then the Clerk shall automatically and promptly schedule for consideration before the City Council acting as the local liquor licensing authority. Additionally, any license or permit applicant dissatisfied with a decision of the City Clerk under this section may appear same to the City Council by filing a written protest with the City Clerk no less than ten days after the date of the decision appealed from. The City Clerk shall promptly set the appeal for hearing for the City Council in accordance with the procedures required by this code and Colorado Revised Statutes.

E. The city Clerk shall not approve an application for renewal or transfer of a license, nor issue a special event permit, where the police department has timely submitted a written objection to the Clerk concerning such action. Whenever such an objection is received, the Clerk shall set the application for hearing before the City Council in accordance with the procedures set forth in subsection D above.

F. The City Clerk, for good cause, may waive the forty-five day time requirement for filing a license renewal application.

3. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the City's home rule authority and under the general police power of the City of Delta and that it is promulgated for the protection of health, safety, and

welfare of the citizens of the City of Delta. The City Council further determines that this Ordinance bears a rational relationship to the legislation proposed herein.

5. Effective Date. This Ordinance shall become effective thirty (30) days after final publication as provided in City Charter and C.R.S. section 31-16-105.

ADOPTED on first reading and ordered published this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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

ADOPTED on second and final reading and ordered published this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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

Items: K, L & M

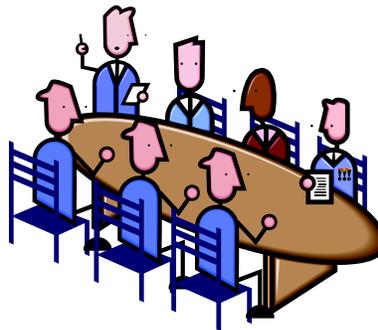
Attorney Comments



City Manager Comments



Councilmember Comments



**Item N:**

**Executive Session:**

**For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b)**