



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

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**

**September 6, 2011
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Request to Disconnect part of Jennings Landing No. 3 (Black)**
- F. Purchase of a Van for Public Works (Myers)**
- G. Vacation of 6th & 7th Street per Contract with Producers Coop (Schottelkotte)**
- H. Hotel and Restaurant Liquor License Renewal: (Nelson)
Gabriela's Family Mexican Restaurant**
- I. Proclamation: Patriot's Day**
- J. City Attorney Comments**
- K. City Manager Comments**
- L. Councilmember Comments**

EXECUTIVE SESSION

For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e); or more specifically for discussions regarding Confluence Drive.

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

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of August 2, 2011 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Orval Proctor, 665 Main Street, commented on the process to receive an accident report from the Delta Police Department. He asked that the process be revisited to become more useable to the citizens.

Appointment to the Delta Housing Authority Board

The Clerk explained that there is an opening on the Delta Housing Authority Board. She stated that staff advertised the opening for two consecutive weeks and only one application was received. Cindy Warren submitted the application and has been on the board in the past. The Clerk also stated that the Executive Director of Delta Housing Authority has commented that Ms. Warren has done an excellent job for the board.

Councilmember Jurca agreed what Ms. Warren has done an excellent job on the board.

It was moved by Councilmember Jurca and seconded by Councilmember Pfalzgraff to appoint Cindy Warren to the Delta Housing Authority Board. All in favor, motion carried.

Region 10 Annual Update

Paul Gray, Executive Director of Region 10 summarized their fiscal year. He reported on the following accomplishments in FY2011:

- Area Agency on Aging
- Business Loan Fund
- Enterprise Zone
- Enterprise Center
- Transportation and Transit Planning and Development
- Economic Development
- Region 10 Member Assessments
- Cost-Benefit Analysis

City Manager Joe Kerby questioned Mr. Gray about Extra Aircraft and also Greyhound.

Mr. Gray stated that he believes Extra going to Arizona and that they are talking with Greyhound to get further information.

Manager Kerby also questioned if Volunteers of America's term on their current contract.

Mr. Gray stated that the contract is for one year. However, he believes they will continue forward for some time.

Mr. Gray thanked Council for their contributions to Region 10 and looks forward to working with the City in the future.

Regular Meeting, Delta City Council, August 16, 2011 (Cont.)

2011 Concrete Replacement Project Bids

Public Works Director Jim Hatheway reported that there were four bids received for the 2011 concrete replacement project. Willow Creek Construction submitted the most favorable bid. He explained that this company completed the 2010 project. This project is budgeted primarily under the citywide capital improvements fund. He also stated that there were nine cost share requests this year.

Manager Kerby questioned if the improvements on Main Street are included in this bid and if not can the City do a change order to include them.

Mr. Hatheway stated that it does not include the Main Street improvements. He also stated that he can work with the contractor and CDOT to possibly make that happen.

Mr. Kerby addressed concerns of the curb erosion along Main Street and also the medians.

Mr. Hatheway reported that every one of the medians is different in some way and so trying to spec the construction is difficult. He did state that the curb by Ocean Pearl will be fixed.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to award the contract for the 2011 concrete replacement project to Willow Creek Construction. All in favor, motion carried.

Stone Mountain, Filing 3, Review of Final Plat

Community Development Director Glen Black reported that earlier tonight in the work session this item was addressed. Staff is now requesting Council to give a consensus that the applicant would be able to apply for a final plat as it was approved on December 4, 2007 with all staff recommendations.

Councilmember Pfalzgraff added that during the work session it was explained that this was a consensus without committed to approve or not approve anything at a later date.

There was a consensus amongst Council.

Resolution #5, 2011; GOCO Grant Application for LaFarge Property

RESOLUTION # 5, 2011

A RESOLUTION OF THE CITY OF DELTA, COLORADO,
SUPPORTING THE GRANT APPLICATION FOR A LOCAL
PARKS AND OUTDOOR RECREATION LAND ACQUISITION
GRANT FROM THE STATE BOARD OF THE GREAT
OUTDOORS COLORADO TRUST FUND AND THE
COMPLETION OF THE LAFARGE PROPERTY PURCHASE

was read by the Clerk.

Parks Director Paul Suppes explained that the City is applying for a grant for reimbursement on the purchase of the LaFarge property. Mr. Suppes requested Council to approve this resolution to support staff in going forward with the grant.

Councilmember Pfalzgraff stated that the purchase of this property has been discussed for some time now and this is a great opportunity to help with the funding.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to adopt Resolution #5, 2011. Roll call vote: Councilmembers Sisson aye, Raley aye, Jurca aye, Pfalzgraff aye and Cooper aye. Motion carried.

Authorization for City Manager to sign Closing Documents for Open Space Purchase

Manager Kerby reported that the closing for the LaFarge property is scheduled for August 22 at 3:00pm. At this time he is asking for Council's approval to sign the closing documents.

City Attorney Mike Schottelkotte stated that the contract itself was approved some time ago. He believes that all the matters that were initial concerns to the City have come together very well.

Regular Meeting, Delta City Council, August 16, 2011 (Cont.)

Open Space Purchase (cont.)

It was moved by Councilmember Raley and seconded by Councilmember Sisson to authorize the City Manager to sign closing documents for the Open Space purchase. All in favor, motion carried.

City Attorney Comments

There were none.

City Manager Comments

Manager Kerby updated Council on the following items:

- Employee appreciation breakfast is scheduled for August 19th.
- The design on the Visitor's Center is still continuing.
- Pow Wow is still moving forward. He explained the press release that was sent out that had incorrect information.
- The WWTP digester project is currently in the evaluation stage.
- Confluence Park is being watered during the day due to a pump issue.
- Sales tax through July is down from last year by \$53,000. However, it is within the projected amount for 2011.
- Chief Robert Thomas is having a table top emergency management excise on September 27th.
- The Police Department hosted training for shooting in schools.
- CML's District 10 meeting is being hosted by the City of Delta on October 19th.
- Natural Green Solutions will be in compliance by September 1st. They have requested a letter of reference from the City for their future business operations.
- Devil's Thumb Golf Course has scheduled several tournaments for the month of August.
- The Library received a historical construction grant to address structure and moisture concerns for the building.
- Greyhound is changing some routes and it will affect routes that come through Delta.
- Utilities Director Steve Glammeyer will be attending the MEAN quarterly meeting later this week.
- On September 9th there will be a tree planting ceremony at Lincoln Elementary in remembrance of 9/11.
- The Western Slope Patriot's will also be holding a remembrance at Lion's Pavilion on September 11th.
- During September he will be attending a conference for International City and County Manager's Association meeting in Milwaukee.

Councilmember Sisson questioned the Greyhound cancellations.

Mr. Kerby stated he would follow up with them regarding the routes that will be cancelled.

Councilmember Comments

Councilmember Sisson reported that he has received several comments on the City's flowers.

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Pfalzgraff to convene an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e); or more specifically for discussions regarding Confluence Drive. All in favor, motion carried.

At 7:47 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 8:19 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Ed Sisson, Bill Raley, Guy Pfalzgraff and Robert Jurca; along with City Manager Joe Kerby, Public Works Director Jim Hatheway and Brad Rodenberg. 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

Regular Meeting, Delta City Council, August 16, 2011 (Cont.)

Executive Session (cont.)

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 Nelson, City Clerk

MEMO



Community Development
www.cityofdelta.net

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

Date: September 6, 2011
To: Mayor, City Council and City Manager
From: Glen L. Black, Director of Community Development
Re: Request to Disconnect Part of Jennings Landing No. 3

A handwritten signature in purple ink, appearing to be 'GLB', located to the right of the 'From' field.

REQUESTING CITY COUNCIL DIRECTION REGARDING DISCONNECTION

City Council would direct staff to prepare necessary documents to consider the disconnection of an annexation known as a part of Jennings Landing Addition No. 3. This addition is located west of and adjacent to Sweitzer Lake and is zoned R-2. If Council agrees to proceed with the disconnection, then Council would direct staff to proceed with preparing the necessary documents to consider the disconnection.

Since an application has been received, Council would have to consider an Ordinance, unless the application is withdrawn. Staff is simply getting direction from Council, in order for the applicant to make an informed decision regarding preparation of the disconnection map.

BACKGROUND

City Council annexed Jennings Landing Addition No. 3 in May 2007 and the addition was subsequently zoned R-2. The owner of the property has completed a Development and Land Use Application indicating their desire to disconnect from the City of Delta.

STAFF REVIEW AND DISCUSSION

Council has not adopted a fee for a disconnect application and review. Staff would suggest Council impose a fee for staff and City Attorney review. The current fee to consider an annexation request is \$300.00 and staff feels that a similar fee would be appropriate to cover the City's costs for this review.

Applicant has requested to disconnect the three privately owned parcels located south of E Road. To create contiguity to City boundaries, the annexation of Jennings Landing Addition No. 3 included all of E Road and a portion of Highway 50. Staff would recommend requiring the disconnect map to include all of E Road and part of Highway 50.

DIRECTION TO STAFF

If Council wishes to proceed with the disconnection, then Council should direct staff to prepare the necessary documents, which would be an Ordinance to complete the disconnection. The applicant would also need to prepare a disconnection map. Please give direction on fees and the extent of the map.

If Council does not want to proceed with the disconnection, then Council should direct staff to prepare an Ordinance and inform the applicant regarding the direction of Council. An application has been filed; therefore an Ordinance has to be considered, if the applicant does not withdraw the application.

Thank you for your attention.



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MEMO

To: Mayor and Council
From: Rod Myers – Fleet Manager
Date: September 6, 2011
Subject: Transport Van for Department of Correction (DOC) workers

Recommendation

Purchase a new DOC van.

Background

On August 8, 2011 the City's 2002 van was involved in an accident at 5th and Main streets. This van is used to transport the City's DOC crew from the Department of Correction to various areas within the city to work and then transport them back to the Department of Corrections at the end of the day. According to our insurance company as well as the other drivers insurance company the van is a total loss. The City will receive \$6,800.00 for the current value of the van. Staff has solicited bids to replace the van. Bids were sent to Hellman Motor Company, Hellman Chevrolet, and Turner GMC. Colorado State bid has also been included. There is money available in the 2011 vehicle replacement fund for this purchase.

Cost

Hellman Chevrolet- Delta, Colorado - \$ 27,535.00

Turner Chevrolet- Montrose, Colorado- \$ 27,390.00

Johnson Auto Plaza- Brighton, Colorado \$ 27,339.00

Hellman Motor Company Delta, Colorado- \$ 26,600.00

Colorado State Bid-Mike Shaw GMC- Colorado Springs, Colorado- \$ 25,003.00 The delivery charge of \$ 350.00 is included in the price but is optional.

Colorado State Bid-Heritage Ford Loveland Colorado- \$ 23,300.00- The delivery charge of \$ 322.00 and is optional. (Van is in stock).

Action to be taken if approved

Since the low bid is an out of county dealer staff would like direction from council which way to proceed if approved.

Suggested Motion

I move the City of Delta purchase a new 15 passenger van for the Public Works Department to be used for transporting the DOC crew.



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MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: August 31, 2011
Subject: Hotel/Restaurant Liquor License Renewal for Gabriel's Family Mexican Restaurant

Recommendation

Staff recommends approval of the Hotel/Restaurant License Renewal for Gabriela's Family Mexican Restaurant located at 420 Main Street. The Police Department's report and recommendation is attached.

Background

The current liquor license expires October 12, 2011. As Council may recall Gabriela's Inc., completed a transfer of the liquor license from Medrano Inc. last year.

Cost

There is no cost to the City to renew this license. The applicant has paid the \$500 renewal fee to the State, and the City renewal fee of \$150 as well as the City's \$400 liquor occupation tax for a hotel/restaurant liquor license.

Action to be Taken if Approved

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

Suggested Motion

I move to approve the hotel/restaurant liquor license renewal for Gabriela's Family Mexican Restaurant.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



GABRIELA'S INC
 GABRIELA'S FAMILY MEXICAN RESTAURANT
 708 S JUNCTION AVE
 MONTROSE CO 81401-4416

License Number 42-85727-0000	License Type 1970
Liability Information 18 011 722110 C 101310	
Business Location 420 MAIN ST DELTA CO	
Current License Expires OCT 12, 2011	
DEPARTMENTAL USE ONLY	
Total Amount Due	
Total Paid \$	Date

- This renewal reflects no changes from the last application. Complete page 2 and file now!
- Yes there are changes from the last application.** If applicant is a Corporation or Limited Liability company, use DR 8177 and send in with this renewal. Any other changes of ownership require a transfer of ownership. See your Local Licensing Authority immediately.

Wholesaler, manufacturer, importer, and public transportation system license renewals do not need Local Licensing Authority approval and must be returned directly to the Colorado Department of Revenue at least 30 days prior to the current license expiration date.



OATH OF APPLICANT

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

Authorized Signature <i>[Signature]</i>	Date 8/23/11	Business Phone
Title President	Sales Tax Number	

REPORT AND APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

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

THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority for	Date
Signature	Title
Attest	

DO NOT DETACH

DO NOT DETACH

DO NOT DETACH

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

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

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Business Name GABRIELA'S FAMILY	LICENSE NUMBER (Use for all reference) 42-85727-0000	PERIOD 10-12
TYPE OF LICENSE ISSUED HOTEL AND RESTAURANT LIQUOR LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 1970-750(999) \$ 25.00
		CITY 85% OAP 2180-100(999) \$ 425.00

SUB-TOTAL \$ 500.00

ADD \$100.00 TO RENEW RETAIL WAREHOUSE STORAGE PERMIT 2210-100(999) \$

TOTAL AMOUNT DUE \$ 500.00

ATTACHMENT TO LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

**This page must be completed and attached to your signed renewal application form.
 Failure to include this page with the application may result in your license not being renewed.**

Trade Name of Establishment Gabriela's, Inc.		State License Number 42-85727	
1. Operating Manager Gabriela Torres De Medrano		Home Address 708 S. Junction Ave, Montrose, CO 81401	
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: <u>Rented</u> If rented, expiration date of lease: <u>Year to Year</u>			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
3. Has there been any change in financial interest (new notes, loans, owners, etc.) since the last annual application? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders or owners, (other than licensed financial institutions) are materially interested.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Since the date of filing of the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been denied an alcoholic beverage license, had an alcoholic beverage license suspended or revoked, or had interest in any entity that had an alcoholic beverage license denied, suspended or revoked? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
6. Does the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), have a direct or indirect interest in any other Colorado liquor license (include loans to or from any licensee, or interest in a loan to any licensee)? If yes, attach a detailed explanation.			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
7. Corporation or Limited Liability Company (LLC) or Partnership applicants must answer these questions. Since the date of filing of the last annual license application:			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(a) Are there, or have there been: any officers or directors; or managing members; or general partners added to or deleted from applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(b) Are there or have there been: any stockholders with 10% or more of the issued stock of the Corporation; or any members with 10% or more membership interest in the LLC; or any partners with 10% or more interest in the partnership added to or deleted from the applicant for renewal of a 3.2 beer or liquor license?			Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
(c) If Yes to (a) or (b), complete and attach Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, and all supporting documentation, and fees your Local Licensing Authority immediately.			
8. Sole proprietorships, Husband-Wife Partnerships or Partners in General Partnerships:			
EVIDENCE OF LAWFUL PRESENCE			
Each person identified above must complete and sign the following affidavit. Please make additional copies if necessary. Each person must also provide a copy of their driver's license or state issued identification card.			
In lieu of form DR 4679, the undersigned swears or affirms under penalty of perjury under the laws of the State of Colorado that (check one):			
<input type="checkbox"/> I am a United States Citizen			
<input type="checkbox"/> I am not a United States Citizen but I am a Permanent Resident of the United States			
<input type="checkbox"/> I am not a United States Citizen but I am lawfully present in the United States pursuant to Federal Law			
<input type="checkbox"/> I am a foreign national not physically present in the United States			
I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, or fraudulent statement or misrepresentation in this sworn affidavit is punishable under the criminal laws of Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.			
Signature 		Printed name Gabriela Torres De Medrano	
		Date 8/23/11	



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LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Gabriela's Inc.
DBA: Gabriela's Family Mexican Restaurant

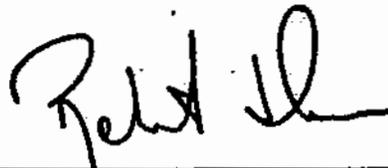
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

Patriots Day

Proclamation

Whereas, the Citizens of Delta are extremely proud of this Nation's more than 200-year heritage of freedom and are loyal to the ideals, traditions and institutions which have made our Nation so great; and

Whereas, their obvious education to our way of life is indicative of a strong, continued desire to preserve our priceless American heritage; and

Whereas, Delta's Citizens are proud to stand and publicly declare their determination to actively and positively safeguard our freedoms against foreign or domestic enemies;

Now, therefore, I, Mary Cooper, Mayor of the City of Delta, do hereby call upon all my fellow Citizens to take full advantage of this special occasion known as ***Patriots Day, "A Day to Remember,"*** to recognize this day in honor of the men and women who made sacrifices and suffered hardships that fateful day, ***September 11, 2001***, as an incentive for every true American to reaffirm his or her love of flag and country. I urge all individuals, business establishments, institutions, organizations, schools, churches and homes within the City of Delta to proudly display the flag of the United States, and to participate in the public ***Patriots Day*** activities on ***Patriots Day, September 11, 2011***.

Given under my hand and the Seal of the City of Delta, Colorado this 6th day of September, 2011.

Mayor

ATTEST:

City Clerk