



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 21, 2012
7:00 p.m.

- A. Pledge of Allegiance
- B. Changes to the Agenda
- C. Minutes
- D. Citizen Comments
- E. Appointments to the Planning Commission Board
- F. Public Hearing: Special Events Permit Application (Nelson)
Delta County Memorial Hospital Foundation
- G. Public Hearing: Special Events Permit Application (Nelson)
Delta Ducks Unlimited
- H. Bids for Pool Resurfacing (Erven)
- I. Resolution #4, 2012; GOCO Planning Grant (Suppes)
- J. Council Bill #5, 2012; First Reading
Power of Condemnation
- K. Council Bill #2, 2012; Second and Final Reading (Hatheway)
Vacating Segments of Third Street and Silver Street
- L. Council Bill #3, 2012; Second and Final Reading (Hatheway)
Conveyance of a Parcel of the City Property to High Quality Packing, Inc.
- M. Council Bill #4, 2012; Second and Final Reading (Hatheway)
Condemnation of Family Household Trust Property
- N. City Attorney Comments
- O. City Manager Comments
- P. 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 January 17, 2012 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Presentation of Award for the River Diffuser Project

Utilities Director Steve Glammeyer introduced Jim Hunyan who is the west slope branch president for the Colorado chapter of the APWA.

Mr. Hunyan presented Mayor Cooper with an award for design and construction of the river diffuser at the wastewater treatment plant. He thanked the City for their support to the APWA.

Approval of Contract for Improvements to the City of Delta Library based on Historical Structure Assessment

City Manager Joe Kerby stated that the City owns the library building itself, the County owns the land and the library district operates the library. In July of 2011 a historic assessment was completed on the building and there were a number of recommended improvements. Mr. Kerby asked Ladonna Gunn with the library district to summarize those recommendations.

Ms. Gunn reported on the process of the assessment. The assessment identified three different areas that included the following for consideration:

- Drainage mitigation
- Exterior wall repairs
- Mechanical improvements
- Roof improvements
- Entry area
- Interior modifications

As a result of the recommendation the library last spring applied for the State Historical Fund. They requested \$93,859 with a cash match of \$59,368. The project total amount is \$153,227. The focus on this grant will be on the critical areas, the drainage mitigation and stabilization of the building as well as the exterior walls.

The project will begin May 1st and run for two years, however, they do not expect it to take that long. It may be accomplished by the end of this construction season.

Ms. Gunn explained the different phases of the grant.

She reported that since the City owns the building they need signatures and acceptance of the contract from the City. They will also be getting the same from the County since they own the land.

Mr. Kerby pointed out that the library district is prepared to cover the entire cash match; however, they City can contribute if they would like.

Regular Meeting, Delta City Council, February 7, 2012 (Cont.)

Approval of Contract for Improvements to the City of Delta Library based on Historical Structure Assessment (cont.)

Ms. Gunn stated that in addition to what they call phase 1, there will also be phase 2 that will deal with the other recommendation. Depending on the grant cycles, it may be possible to apply again for the 2nd phase.

Mr. Kerby questioned if they have an estimated cost of phase 2.

Ms. Gunn reported that phase 2 will approximately cost around \$250,000.

They discussed the 25% cash match for that grant and applicants are more successful with an increased amount.

Councilmember Pfalzgraff stated that he would like to contribute something for this year; however, it makes more sense to contribute next year. Council could budget for the grant in 2013.

There was discussion regarding the budget for 2012 and having funds budgeted in 2013 for this project.

Ms. Gunn stated that they are waiting for results from the energy audit to determine the mechanical improvements.

Mr. Kerby stated that the library is part of the performance contracting that was awarded a few months ago.

Rod Myers with facilities stated that they are working on the performance contracting and he could ask them to move the library up on the list to complete.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to authorize the Mayor to sign contract #2012-01-070 with the State of Colorado, Delta County Library District and Delta County in the amount of \$153,227 with the City contribution a cash match to be considered at a later time. All in favor, motion carried.

Mr. Kerby stated that discussions regarding the City's possible contribution will likely take place in August for the upcoming 2013 budget.

Public Hearing: Naming of Lafarge Property

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

Parks Director Paul Suppes reported that back in December Council approved three names to be considered for the Lafarge property. The 30 day period to get public comment has been met and publication of this hearing was advertised in the Delta County Independent. At this time Council needs to select a name out of those three selected to name the property. Mr. Suppes explained the process of submitting the names.

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

There was discussion regarding River Wood Inn and the concern of naming the park River Wood Park.

It was moved by Councilmember Raley and seconded by Councilmember Sisson to name the Lafarge property River Bend Park and that all future references to the Lafarge property be called the same. All in favor, motion carried.

City Manager Joe Kerby thanked Mr. Suppes for the work he has completed at the park.

Regular Meeting, Delta City Council, February 7, 2012 (Cont.)

Council Bill #2, 2012; First Reading
Vacating Segments of Third Street and Silver Street

Council Bill #2, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
VACATING SEGMENTS OF THIRD STREET AND SILVER
STREET IN THE CITY LIMITS

was read by the Clerk.

Public Works Director Jim Hatheway stated that this is to execute and follow up on the agreement with High Quality.

Mayor Cooper stated that they received a copy of the ordinance this evening that has a few changes.

City Attorney Michael Schottelkotte reported that to save expense of publishing the map, therefore, he included language that the map does not need to be published.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Council Bill #2, 2012 on first reading. Roll call vote: Councilmembers Sisson, aye; Pfalzgraff, aye; Jurca, aye; Raley, aye and Cooper, aye. Motion carried.

Council Bill #3, 2012; First Reading
Conveyance of a Parcel of City Property to High Quality Packing, Inc.

Council Bill #3, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO
AUTHORIZING CONVEYANCE OF A PARCEL OF ITS
PROPERTY IN BLOCK 39, PLAT C OF THE DELTA TOWNSITE
TO HIGH QUALITY PACKING, INC.

was read by the Clerk.

Director Hatheway stated that this is also part of the negotiations with High Quality. This parcel has been termed an ear due to the shape of the parcel.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to adopt Council Bill #3, 2012 on first reading. Roll call vote: Councilmembers Sisson, aye; Pfalzgraff, aye; Jurca, aye; Raley, aye and Cooper, aye. Motion carried.

Council Bill #4, 2012; First Reading
Condemnation of Family Household Trust Property

Council Bill #4, 2012

AN ORDINANCE OF THE CITY OF DELTA AUTHORIZING THE
ACQUISITION OF CERTAIN REAL PROPERTY FROM FAMILY
HOUSEHOLD TRUST FOR THE CONFLUENCE DRIVE
PROJECT

was read by the Clerk.

Director Hatheway stated this ordinance will authorize city staff and city attorney to move forward with condemnation procedures should negotiations be unsuccessful. He explained where the property is located. There have been several attempts to communicate to the trustee. The trustee is located in Florida.

Attorney Schottelkotte reported that the deadline for the trustee to contact the City was 4:00pm today that was given to the law firm that is known to be for the trustee. All indications are that they are not going to engage.

Regular Meeting, Delta City Council, February 7, 2012 (Cont.)

Council Bill #4, 2012; First Reading (cont.)

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt Council Bill #4, 2012 on first reading. Roll call vote: Councilmembers Sisson, aye; Pfalzgraff, aye; Jurca, aye; Raley, aye and Cooper, aye. Motion carried.

Amended Council Bill #3, 2012; First Reading
Conveyance of a Parcel of City Property to High Quality Packing, Inc.

Attorney Schottelkotte asked that Council revisit Council Bill #3, 2012. There were a few references to a resolution rather than an ordinance.

Council Bill #3, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO
AUTHORIZING CONVEYANCE OF A PARCEL OF ITS
PROPERTY IN BLOCK 39, PLAT C OF THE DELTA TOWNSITE
TO HIGH QUALITY PACKING, INC.

was read by the Clerk.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to adopt Council Bill #3, 2012 as amended on first reading. Roll call vote: Councilmembers Sisson, aye; Pfalzgraff, aye; Jurca, aye; Raley, aye and Cooper, aye. Motion carried.

Approval of Contract with THK Associates, Inc. for the Golf Course Operational Review

Golf Pro Rob Sanders stated that RFPs were sent out late December for the operational review of the golf course. There were three bids that were received. Staff felt that two of them were competitive. Three of the advisory board members as well as the golf course superintendant helped interview the companies. They all felt unanimously that THK has more of a comprehensive plan and that they will provide some professional advice and service to the golf course and the City of Delta.

Councilmember Jurca questioned if THK has done projects like this before.

Mr. Sanders stated that they have done several some that were completed recently.

Peter Elzi with TKH reported that they have probably done 550 to 600 golf courses in the last 40 years. They just finished a revision to a very similar analysis for Cherokee Ridge Metropolitan in Colorado Springs. He also gave other examples of projects they have completed.

Manager Kerby stated that the contract in Council's packet references Exhibit B that is not reflected in their packets.

Attorney Schottelkotte questions Mr. Sanders if the contractor has seen this exhibit.

Mr. Sanders stated that they have.

Councilmember Pfalzgraff questioned the significant difference in the amount that was budgeted and the amount of the actual bid.

Mr. Sanders stated that the budgeted amount was staff's best guess. They were not able to find pricing that was within the scope of this review.

There was discussion regarding the other proposals that were received.

Mr. Kerby reported that a supplemental appropriation may be needed. Staff typically brings those to Council at the end of the budget year.

Councilmember Raley questioned if they should put this off until a later date.

Mr. Sanders stated that the timing of this would correlate with the budget task force that Council is going to put in place. It would also be hard to do something like this in the middle of the year due to the golf season and the dedication that that staff would need to have to work with THK for the review process.

Regular Meeting, Delta City Council, February 7, 2012 (Cont.)

Approval of Contract with THK Associates, Inc. for the Golf Course Operational Review (cont.)

Mr. Kerby stated that he feels the timing of this is critical at this point. He suggested moving forward with the award and make adjustments to the budget. Adjustments are common throughout the year. He believes that throughout the year staff may be able cover those additional costs.

There was discussion regarding the cost being substantially higher than what was budgeted.

Councilmember Pfalzgraff stated that he doesn't have any issue with the concept of the review.

Mr. Kerby commented that they could ask the contractor to adjust the amount if possible.

Mr. Elzi Peter reported that they provide information on managing golf course; they do not have anything to sell the City once the recommendations are submitted. They would work with the City as far as when the payment needs submitted.

Mayor Cooper questioned if they could give some ideas of their successes in the past.

Mr. Elzi stated that their most successful projects was in Alberque, NM. This was a privately owned golf course. He explained the project. He also provided several other reviews they have done that were successful.

Councilmember Sisson questioned if they have ever recommended closing a golf course.

Mr. Elzi stated that they have suggested better use of property for a par 3 course in Texas that was along an interstate.

Councilmember Raley stated that the City needs to move forward with the review. The City is facing some difficult decisions in the coming year.

It was moved by Councilmember Raley and seconded by Councilmember Sisson to approve the contract with THK and Phelps & Atkinson for the operational review of the golf course in the amount of \$17,200 and authorize the City Manager to sign said contract. All in favor, motion carried.

Approval of Ferganchick Water Shares Purchase

Director Glammeyer reported that this is a contract to purchase 5.5 shares of stock of the Battlement Mesa Ditch & Reservoir. This makes the City the sole owner of all the shares. He stated that this is a good price and a good year to purchase water. This is not budgeted; however, there is able reserve in the water fund to purchase the shares for this amount.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to enter into contract to purchase shares of stock from the Estate of Tony Ferganchick in the amount of \$66,000 and authorize the City Manager to sign said contract. All in favor, motion carried.

Resolution of the Board of the Directors of the Battlement Mesa Ditch & Reservoir Company

The Mayor closed the regular meeting and convened a meeting for the Battlement Mesa Ditch & Reservoir Company.

Director Glammeyer reported that this is a resolution for the board to amend the bylaws and appoint the board of directors.

It was moved by Director Pfalzgraff seconded by Director Jurca to adopt the resolution for the Directors of Battlement Mesa Ditch & Reservoir Company. All in favor, motion carried.

The Mayor closed the meeting of the Battlement Mesa Ditch & Reservoir Company and reconvened the regular meeting.

Jim Brown stated that the Ferganchick estate did sign the contract and they are ready to close.

Regular Meeting, Delta City Council, February 7, 2012 (Cont.)

City Attorney Comments

There were none.

City Manager Comments

Manager Kerby reported on the following item:

- Petitions for City Council are available for circulation.
- Refinancing the USDA sewer loan.
- To help reduce costs on credit card transaction staff has sent out RFPs.
- The pool at the recreation center will be closed for the full month of April.
- Planning Commission has three openings.
- The water has been released at the Hartland Dam.
- Golf Course Advisory meeting will be held tomorrow at 6:00pm here at City Hall.
- Community meeting regarding a community garden will be held February 16th from 7:00pm to 9:00pm at the recreation center.
- February 28^h Colorado Canyons Association will be holding board meeting at the golf course.
- Will be out of the office Thursday and Friday attending the Colorado City Manager's winter conference in Glenwood Springs.

Mr. Kerby asked Utilities Director Steve Glammeyer to provide an update on the transmission line.

Director Glammeyer stated that he was able to attend a project partner meeting this morning. This is for the 115kb loop feed line that has been in the process for about 10 years. The Star Nelson to Doughspoon substation east/west portion of this project is energized. The north/south has been broken down into two projects. He explained the locations of those two projects. The first of which is out to bid. The Gunnison valley substations as well as the Garnet Mesa substation both need to be worked on. Those bids will be going out shortly. Both the substations upgrades and the first section from Doughspoon to Gunnison Valley construction will start May 1st and should be completed by the middle of August. The smaller section is planned to bid out during construction of the first section.

Councilmember Pfalzgraff stated that he is glad to see an end to the project.

Councilmember Comments

Councilmember Sisson commented on judging the children that participate in the Congress activity at the High School.

Mayor Cooper commented on attending the Club 20 annual meeting at the Capital. She was encouraged to learn that Colorado is becoming #1 in the industry for agriculture. She questioned individuals about Sweitzer Lake. The lake will be put on hold for the time being.

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Raley 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 and also for discussions regarding the water bill due by the Delta Center PUD property owners.

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

At 9:19 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 Robert Jurca, Bill Raley, Guy Pfalzgraff and Ed Sisson; along with City Manager Joe Kerby, City Attorney Michael Schottelkotte, Public Works Director Jim Hatheway and Brad Rodenburg. 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

Regular Meeting, Delta City Council, February 7, 2012 (Cont.)

Executive Session (cont.)

Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

Amending Council Bill #4, 2012; First Reading

Attorney Schottelkotte recommended revisiting Council Bill #4, 2012. There are some simple changes in the first Whereas paragraph striking "within the County" as well as in the 4th Whereas at the end changing the "city limits" to "county". On the second page in paragraph on the 5th line, "located in the City of Delta", change city to county.

Council Bill #4, 2012

AN ORDINANCE OF THE CITY OF DELTA AUTHORIZING THE
ACQUISTION OF CERTAIN REAL PROPERTY FROM FAMILY
HOUSEHOLD TRUST FOR THE CONFLUENCE DRIVE
PROJECT

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt Council Bill #4, 2012 on first reading as amended. Roll call vote: Councilmembers Sisson, aye; Pfalzgraff, aye; Jurca, aye; Raley, aye and Cooper, aye. Motion carried.

The meeting was immediately adjourned.

Jolene E. Nelson, City Clerk



CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE: February 21, 2012

Name: Jolene E. Nelson **Date Memo/Packet Submitted to City Clerk:** 2/17/2012

(Due no later than Thursday @ 12:00pm)

Dept: City Clerk **Description:** DCMH Foundation Special Events Permit **Phone:** 874-7902

...ALL QUESTIONS must be answered...

Discussed with City Manager? No	Reviewed by City Attorney? No
Included in Current Year Budget? N/A	Program is...
Budgeted Amount \$ _____ If not budgeted explain:	TEMPORARY
Purchase Amount \$ _____	
Is this a Bid Award? No	Subject to Annual Renewal? No
Bidders and Bid Amounts – Attach a Summary of Bids Received	Renewal Date: _____
What process was used? _____ Informal Bid _____ RFP _____ Bid _____ RFQ _____ Other (explain)	Is this a Grant? No What is the City's Match?
Is this to be communicated to the Public? No _____ Press Release _____ Newsletter Article _____ Channel 10 _____ City website _____ Other	Is an Ordinance Required? No Is Resolution Required? No Are there any publishing requirements? No

SUMMARY: See attached memo



MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: February 17, 2012
Subject: Delta County Memorial Hospital Foundation Special Events Permit Application

Recommendation

Staff sees no problem in approving this application for a Special Events Liquor Permit to the DCMH Foundation for their event scheduled for February 25, 2012.

Background

The Delta County Memorial Hospital Foundation has submitted an application for a Special Events Liquor Permit for a fund raising event at 1501 E. 3rd Street. The application specifies that they plan to sell malt, vinous and spirituous liquor from 3:00 pm to 2:00 am. The application is complete and the fees, \$35 to the City, and \$25.00 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.

Cost

There is no cost to the City.

Action 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 it and issue the permit.

Suggested Motion

I move to approve the Delta County Memorial Hospital Foundation's application for a special events liquor permit for February 25, 2012.

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

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:	DO NOT WRITE IN THIS SPACE
2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	LIQUOR PERMIT NUMBER
2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>Delta County Memorial Hospital Foundation</i>	State Sales Tax Number (Required) <i>98-00207</i>
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>1501 E. 3rd St. Delta, CO 81416</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>1501 E. 3rd St. Delta, CO 81416</i>
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Carol Wickburg - President</i>		<i>3603 Cedar Dr. Delta CO 81416</i>	<i>970-874-9215</i>
5. EVENT MANAGER <i>Thelma Starner</i>		<i>13583 F Rd Delta CO 81416</i>	<i>970-874-3242</i>

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
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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	Date
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
<i>2/25/12</i>	<i>2/26/12</i>			
<i>3 p .m.</i>	<i>2 a .m.</i>			

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>Kathleen D Starner</i>	TITLE <i>Foundation Treasurer</i>	DATE <i>1/6/2012</i>
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

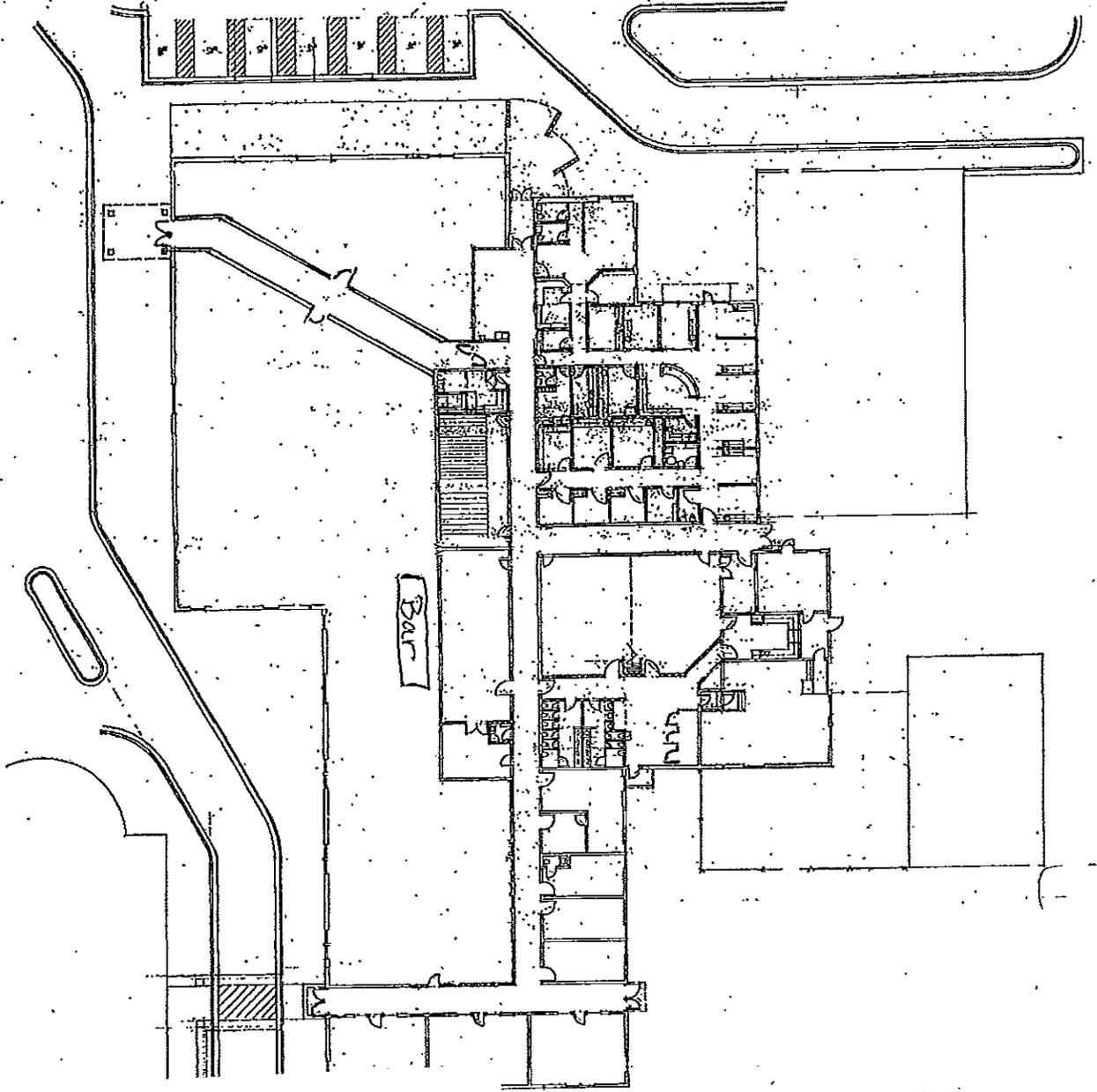
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

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

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

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



whole building

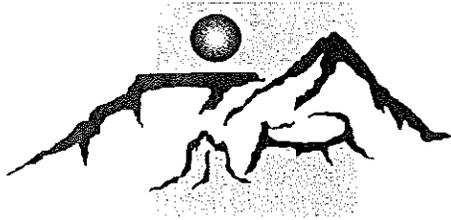
1
12.5.03
CHAMBERLAIN REMODELED FLOOR PLAN
North

A-1	DATE	12.5.03
PROJECT	REMODEL OF OLD DELTA MEMORIAL HOSPITAL	
OWNER		
ARCHITECT	THOMAS R. CHAMBERLAIN ARCHITECT	
SCALE		

REMODEL OF
OLD DELTA MEMORIAL
HOSPITAL

Thomas R. Chamberlain
ARCHITECT
14401 6215 Road
Montrose, Colorado 81401
970-240-7995 (Phone & Fax)



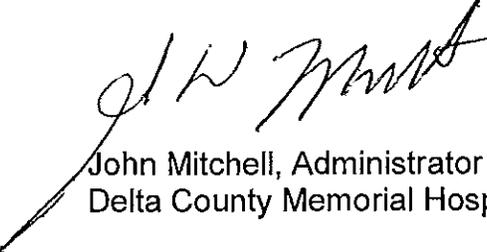


DELTA COUNTY
Memorial
HOSPITAL

January 6, 2012

To Whom It May Concern:

On behalf of Delta County Memorial Hospital, the Delta County Memorial Hospital Foundation has permission to utilize the Oncology and Education Building to hold the upcoming Foundation Event on February 25, 2012.


John Mitchell, Administrator
Delta County Memorial Hospital

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO
CERTIFICATE OF REGISTRATION

I, Scott Gessler, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

DELTA COUNTY MEMORIAL HOSPITAL FOUNDATION

is a **Charitable Organization** registered to solicit contributions in Colorado as required by the Colorado Charitable Solicitation Act, Title 6, Article 16, C.R.S.

This organization has been assigned a registration number of 20043003790.

The status of its registration is **GOOD**, and this status has been in effect since 06/07/2011.

The organization's registration is or was due to be renewed by 05/15/2012.

Registrations in good or delinquent status remain valid until the registration becomes suspended or revoked. An organization whose registration has been suspended is prohibited by law from soliciting contributions, providing consulting services in connection with a solicitation campaign, or conducting a solicitation campaign in Colorado.

This certificate reflects facts established or disclosed by documents delivered to this office electronically through 01/06/2012.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Great Seal of Colorado, at the City of Denver on 01-06-2012 09:13:57



A handwritten signature in black ink, appearing to read "Scott Gessler".

Secretary of State of the State of Colorado

APPLICATION INFORMATION AND CHECKLIST

THE FOLLOWING SUPPORTING DOCUMENTS MUST BE ATTACHED TO THIS APPLICATION FOR A PERMIT TO BE ISSUED:

- Appropriate fee.
- Diagram of the area to be licensed (not larger than 8 1/2" X 11" reflecting bars, walls, partitions, ingress, egress and dimensions.
Note: If the event is to be held outside, please submit evidence of intended control, i.e., fencing, ropes, barriers, etc.
- Copy of deed, lease, or written permission of owner for use of the premises.
- Certificate of good corporate standing (NONPROFIT) issued by Secretary of State within last two years; or
 - If not incorporated, a NONPROFIT charter; or
 - If a political Candidate, attach copies of reports and statements that were filed with the Secretary of State.

- APPLICATION MUST FIRST BE SUBMITTED TO THE LOCAL LICENSING AUTHORITY (CITY OR COUNTY) AT LEAST THIRTY (30) DAYS PRIOR TO THE EVENT.
- THE PREMISES TO BE LICENSED MUST BE POSTED AT LEAST TEN (10) DAYS BEFORE A HEARING CAN BE HELD. (12-48-106 C.R.S.)
- AN APPROVED APPLICATION MUST BE RECEIVED BY THE LIQUOR ENFORCEMENT DIVISION AT LEAST TEN (10) DAYS PRIOR TO THE EVENT.
- CHECK PAYABLE TO THE COLORADO DEPARTMENT OF REVENUE

(12-48-102 C.R.S.)

A Special Event Permit issued under this article may be issued to an organization, whether or not presently licensed under Articles 46 and 47 of this title, which has been incorporated under the laws of this state for the purpose of a social, fraternal, patriotic, political or athletic nature, and not for pecuniary gain or which is a regularly chartered branch, lodge or chapter of a national organization or society organized for such purposes and being non profit in nature, or which is a regularly established religious or philanthropic institution, and to any political candidate who has filed the necessary reports and statements with the Secretary of State pursuant to Article 45 of Title 1, C.R.S. A Special Event permit may be issued to any municipality owning arts facilities at which productions or performances of an artistic or cultural nature are presented for use at such facilities.

If an event is cancelled, the application fees and the day(s) are forfeited.



CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE: February 21, 2012

Name: Jolene E. Nelson **Date Memo/Packet Submitted to City Clerk:** 2/17/2012

(Due no later than Thursday @ 12:00pm)

Dept: City Clerk **Description:** Ducks Unlimited, Inc. Special Events Permit **Phone:** 874-7902

...ALL QUESTIONS must be answered...

Discussed with City Manager? No	Reviewed by City Attorney? No
Included in Current Year Budget? N/A Budgeted Amount \$ _____ If not budgeted explain: Purchase Amount \$ _____	Program is... TEMPORARY
Is this a Bid Award? No Bidders and Bid Amounts – Attach a Summary of Bids Received	Subject to Annual Renewal? No Renewal Date: _____
What process was used? _____ Informal Bid _____ RFP _____ Bid _____ RFQ _____ Other (explain)	Is this a Grant? No What is the City's Match?
Is this to be communicated to the Public? No _____ Press Release _____ Newsletter Article _____ Channel 10 _____ City website _____ Other	Is an Ordinance Required? No Is Resolution Required? No Are there any publishing requirements? No

SUMMARY: See attached memo



MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: February 17, 2012
Subject: Ducks Unlimited, Inc. Special Events Permit Application

Recommendation

Staff sees no problem in approving this application for a Special Events Liquor Permit to Ducks Unlimited, Inc. for their event scheduled for March 3, 2012.

Background

Ducks Unlimited, Inc. has submitted an application for a Special Events Liquor Permit for a fund raising event at Bill Heddles Recreation Center on March 3, 2012. The application specifies that they plan to serve malt, vinous and spirituous liquor from 4:00 pm to 11:00 pm. The application is complete and the fees, \$35 to the City, and \$25.00 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's office.

Cost

There is no cost to the City.

Action 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 it and issue the permit.

Suggested Motion

I move to approve Ducks Unlimited, Inc.'s application for a special events liquor permit for March 3, 2012.



**CITY COUNCIL
MEETING AGENDA
ITEM**

MEETING DATE: February 21, 2012

Name: Jolene E. Nelson Date Memo/Packet Submitted to City Clerk: 2/17/2012
 (Due no later than Thursday @ 12:00pm)
 Dept: City Clerk Description: Ducks Unlimited, Inc. Special Events Permit Phone: 874-7902

...ALL QUESTIONS must be answered...

Discussed with City Manager? <input type="checkbox"/> No	Reviewed by City Attorney? <input type="checkbox"/> No
Included in Current Year Budget? <input type="checkbox"/> N/A Budgeted Amount \$ _____ If not budgeted explain: Purchase Amount \$ _____	Program is... TEMPORARY
Is this a Bid Award? <input type="checkbox"/> No Bidders and Bid Amounts – Attach a Summary of Bids Received	Subject to Annual Renewal? <input type="checkbox"/> No Renewal Date: _____
What process was used? _____ Informal Bid _____ RFP _____ Bid _____ RFQ _____ Other (explain)	Is this a Grant? <input type="checkbox"/> No What is the City's Match?
Is this to be communicated to the Public? <input type="checkbox"/> No _____ Press Release _____ Newsletter Article _____ Channel 10 _____ City website _____ Other	Is an Ordinance Required? <input type="checkbox"/> No Is Resolution Required? <input type="checkbox"/> No Are there any publishing requirements? <input type="checkbox"/> No

SUMMARY: See attached memo

DR 8439 (06/28/06)
 COLORADO DEPARTMENT OF REVENUE
 LIQUOR ENFORCEMENT DIVISION
 1375 SHERMAN STREET
 DENVER CO 80261
 (303) 205-2300

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
Delta Ducks Unlimited State Sales Tax Number (Required)
98-04669-0000

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (Include street, city/town and ZIP)
*820 Jensen Dr.
 Delta Co 81416*

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (include street, city/town and ZIP)
*530 Gunnison River Dr.
 Delta Co 81416*

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE <i>Peter Schopp</i>		<i>820 Jensen Dr Delta Co</i>	<i>970 234 4413</i>
5. EVENT MANAGER <i>Peter Schopp</i>		<i>SAME</i>	<i>SAME</i>
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____		7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> 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	Date
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
<i>3-3-12</i> From <i>4:00 a.m.</i> To <i>11:00 p.m.</i>				

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>Peter Schopp</i>	TITLE <i>Chairman</i>	DATE <i>1-12-12</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.

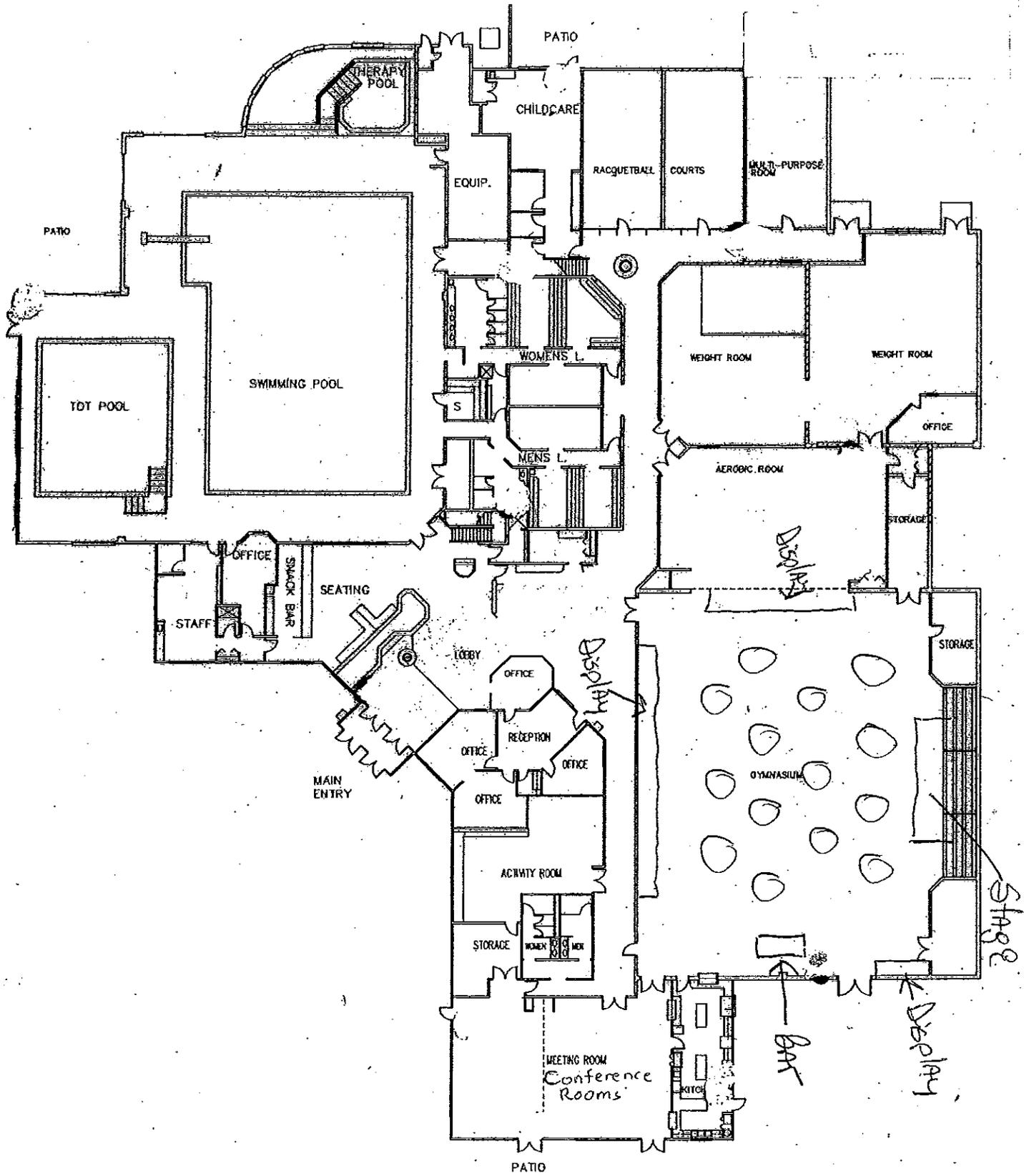
LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

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

LIABILITY INFORMATION

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

DIGG HUBBLEB RECREATION CENTER
DELTA COLORADO



OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

I, Bernie Buescher, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

DUCKS UNLIMITED, INC.

is an entity formed or registered under the law of **District Of Columbia** has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19891072746.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 01/15/2010 that have been posted, and by documents delivered to this office electronically through 01/21/2010 @ 22:54:51.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 01/21/2010 @ 22:54:51 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 7554501.



A handwritten signature in cursive script that reads 'Bernie Buescher'. The signature is written in black ink on a white background.

Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us>: click Business Center and select "Frequently Asked Questions."

Bill Heddles Recreation Center RENTAL AGREEMENT



The below named User, in consideration of being permitted to use the areas specified below, hereby agrees to comply with all the terms and conditions of this agreement, as well as the rules and regulations of the Bill Heddles Recreation Center.

ALL CHARGES & DAMAGE DEPOSIT MUST BE PAID AT LEAST 10 DAYS PRIOR TO THE SCHEDULED RENTAL!

GROUP NAME: Delta Ducks Unlimited

RESPONSIBLE PARTY: Pete Schopp

ADDRESS: 820 Jensen Dr
Delta CO 81414

PHONE: (Work) _____ (Home) 234-4413 Pete

TYPE OF USER (Please Circle): CORPORATION NON-PROFIT INDIVIDUAL CITY OF DELTA OTHER

SIZE OF GROUP: 150-200 CATERER NAME: _____

2012

DATE(S) OF USE	TIME OF USE
<u>1st March 3</u>	<u>8:00am -</u>

ITEMS REQUIRED (\$5 FEE FOR EACH)	
TV/VCR	
MICROPHONE	
SLIDE PROJECTOR/SCREEN	
DRY ERASE BOARD	
COFFEE MAKER	
OTHER:	
OTHER:	

ROOM SET-UP OPTIONS (Please check one)

- THEATER STYLE – Chairs set-up in a row as in a movie theater _____
- CLASSROOM STYLE – Chairs set-up along tables _____
- SQUARE – Tables set-up in a square with chairs along tables _____

ROOM RENTAL POLICIES Full Gym, Kitchen, Conference Room

CANCELLATIONS

Refunds of rental fees for cancellation by the User will occur as follows: NEED Proof of Insurance

1. Event cancelled within 30 days of scheduled event = 100% refund and damage deposit
2. Event cancelled within 7-29 days of scheduled event = 50% refund and damage deposit
3. Event cancelled less than 7 days of scheduled event = **NO REFUND** and damage deposit

SET-UP

Formal set-up arrangements performed by Recreation Center Staff will include: Cannot bring in items until after 2:00pm on Fri

1. Tables, chairs, and rented audio/visual equipment
2. Set-ups are performed from the information provided on the Rental Agreement Form. To ensure correct set-ups, please submit any changes at least 7 days in advance.
3. All other set-up arrangements are the responsibility of the User

CLEAN-UP

Rooms must be cleaned by the User immediately after use. Cleaning must include:

1. Removal of all decorations/items, trash from floor, fixtures, tables, chairs, walls, etc.
2. Removal of all food and beverages. Clean up of all spills.
3. Trash must be deposited in provided receptacles.
4. Cleaning of kitchen area, tables, chairs, and counters



**CITY COUNCIL
MEETING AGENDA
ITEM**

MEETING DATE: February 21, 2012

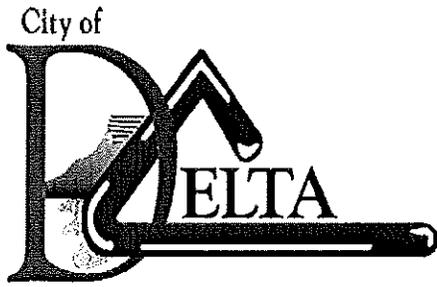
Name: Wilma Erven/Renee Ealey Date Memo/Packet Submitted to City Clerk: February 16, 2012
(Due no later than Thursday @ 12:00pm)

Dept: Recreation Center Description: Pool Re-finish Project Phone: 970-874-0923

...ALL QUESTIONS must be answered...

Discussed with City Manager? X Yes / No	Reviewed by City Attorney? Yes / XNo
Included in Current Year Budget? X Yes / No	Program is... NEW ONGOING TEMPORARY Maintenance
Budgeted Amount \$ <u>250,000</u> If not budgeted explain:	
Purchase Amount \$ _____	
Is this a Bid Award? X Yes / No	Subject to Annual Renewal? Yes / X No
Bidders and Bid Amounts – Attach a Summary of Bids Received	Renewal Date: _____
What process was used? _____ Informal Bid <u>X</u> RFP _____ Bid _____ RFQ _____ Other (explain)	Is this a Grant? Yes / X No
Is this to be communicated to the Public? Yes / X No _____ Press Release _____ Newsletter Article _____ Channel 10 _____ City website _____ Other	What is the City's Match? NO
	Is an Ordinance Required? Yes / X No
	Is Resolution Required? Yes / X No
	Are there any publishing requirements? Yes / X No

SUMMARY: This project is that needs to be completed
See attached summary



Bill Heddles Recreation Center

530 Gunnison River Drive • Delta, Colorado 81416 • Phone (970) 874-0923 • Fax 970-874-1353

The surfaces of the main & tot swimming pools at the Bill Heddles Recreation Center are in great need of resurfacing. The last time these pools were resurfaced was in early 2000. There are several large areas in the pools that the years of chemicals have simply "eaten" the plaster down to concrete.

During 2012 budget staff did a great deal of research on current pool surfaces, also spent time with the consultants from Water Technology to review with them the newest types of surfaces.

Staff put the resurfacing project out in an RFP and we received 5 bids. Two bids were thrown out, because they did not meet the minimum requirements for this project as listed in the RFP and we received one after the bid deadline. We therefore only received two qualified bids on the project:

High Country Pools & Spas, Fort Collins, CO

Base Bid: \$135,130, with not to exceed \$18,000 for VGB drain

Total Bid: \$153,130

The Pool Company, Tacoma, WA

Base Bid: \$185,000

Total Bid: \$213,000, with not to exceed \$28,000 for the VGB drain

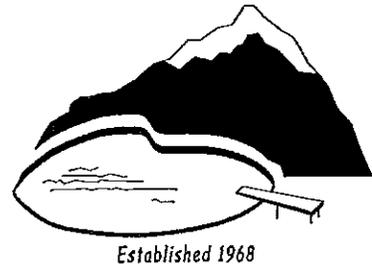
After reviewing all of the companies, staff would like to recommend that the City of Delta award the pool resurfacing to High Country Pools & Spas in the amount of \$153,130.

Suggested motion:

I move that the Bill Heddles Recreation Center's Pool Resurfacing project to High Country Pools & Spas from Fort Collins, CO in the amount of \$153,130.

HIGH COUNTRY POOLS & SPAS

we take FUN seriously!



February 14, 2012

Bill Heddles Recreation Center
530 Gunnison River Drive
Delta, CO 81416

Attn: Renee Ealey
Re: Bill Heddles Pool Replaster

High Country Pools, Inc will provide the following in accordance to the RFP issued 2.02.12 and specifications that were included. We received addendum #1...

1. Demolition of all existing Marcite plaster finish- Main Pool and Youth Pool
2. Removal of existing deck equipment to be stored on site.
3. Re-grout up to 25% of existing tile as needed.
4. Install Bond Coat for new exposed aggregate finish- Main Pool and Youth Pool
5. Install new Exposed aggregate finish- Main Pool and Youth Pool
6. Vacuum and Clean pool up to two weeks after pool is filled.

Exclusions

1. Water for demolition and filling of pool.
2. Access and parking at facility.
3. Plaster pump access.
4. Dumpster for trash.
5. Chemicals to balance pool.
6. Fall Protection for pool
7. Clean up of demo dust- dust control with be attempted, but cleaning of facility not included.
8. Taxes and other fees
9. Permit not required

Quote:

Base Bid:	\$ 152,350.00
Alternate Bid:	\$ 135,130.00
-	Removal of only loose plaster and sawcut around tile and gutter (6")
Alternate #1:	\$ 0.00
-	Analysis of VGB Requirements
Alternate #2:	\$ TBD

- ❑ When it comes to pricing this particular option it wouldn't be useful to give an allowance as the VGB requirements have too many variables per each case. In this particular case we need to assess each pool as they could vary in cost by thousands of dollars. Each pool is definitely going to need new grates that comply which would be a fixed cost, but without field measurements it would difficult to get a price, and we would not be able to get those costs within the one day allotted to this particular addendum.
- ❑ Our best guess for getting these into compliance would be in the range of \$6,000 to \$10,000. Please keep in mind that these prices could be high or low pending our investigation.

We would highly recommend using the alternative bid, as it would eliminate any thought that the schedule would not be able to be met. The alternative bid method is the typical method of re-plastering pools. When using the alternative method, we will definitely comb over the entire pool to find any type of dead spot or hollow spot and chip them on top of chipping around tile and gutter lines.

With the base bid, we would prefer to lean on the side of caution and say that it would take more time than the allotted schedule by about a week. It is hard to say how easily the old plaster will be able to be demolished, and therefore is more unpredictable.

Please let me know if you have any questions or concerns. We look forward to hearing from you and hope we are the successful contractor to partake in assisting in the improvements for your facility. Thanks again...

Respectfully Submitted,

Tyler Westerman
Project Manager
High Country Pools, Inc

2/15/2012

Bill Heddles Recreation Center	
Delta, Colorado	
Proposal	
The following Scope of Work is the basis of The Pool Company Inc.'s proposal. This Scope of Work is not intended to be all-inclusive, but rather a highlight of the work to be performed.	
General Requirements:	
Local Prevailing Wages have been accounted for in this proposal	No
Taxes included in our proposal	No
The Pool Company Inc. will provide a Bond to the owner/general contractor if required at a rate of 1.02%	Yes
Power, garbage, water, and toilet facilities are to be provided by the General Contractor	Yes
Proposal good for 45 days	Yes
The Pool Company Inc. has received addendum	1
Specific Scope Items	
<i>Administrative</i>	
The Pool Company Inc. will provide the scope of work described in the RFP and will not be responsible for labor, materials, apparatus or drawings not shown or specified.	
The Pool Company Inc. expects to sign a subcontract such as the AIA 401-1997	
<i>Concrete</i>	
Supply and install the concrete and required reinforcements located in the pool slab to make pools VGB compliant if alternate #2 is accepted	If Selected
<i>Demolition</i>	
Cut existing 7" thick pool slabs around main drains to bring pool into compliance.	Yes
Any and all demolition not required to bring the pools into VGB compliance	No
<i>Pool Finish</i>	
remove all existing plaster from the pool service	Yes
Re-plaster the pool with Quartz Aggregate finish and re-grout the existing tile as needed	Yes
Remove all the plaster 6" from the edge of all tile and gutter surfaces, then chip out the loose and cracked plaster	If Selected
<i>Startup</i>	
The Pool Company Inc. will commission and start up the pools ONLY when all work by others in the mechanical room and around the pool are 98% complete	Yes
Owner/GC to provide 2 water fills for specified pool structure leak test if required	Yes
Provide required chemicals for pool start up	Yes
Reasonable access must be provided to The Pool Company Inc. for tasks included in this proposal	Yes
<i>Bill Heddles Recreation Center - Re-Plaster</i>	
Two Hundred Fifteen Thousand Dollars and Zero Cents	\$ 215,000.00
<i>Alternate #1:</i>	
Provide a thorough VGB evaluation of all drains within the pools	
There will be no charge for this if we are already on site to re-plaster the pools	No Charge
<i>Alternate #2:</i>	
Provide an allowance for all materials and labor to bring the pools into VGB compliance	ADD
Twenty Eight Thousand Dollars and Zero Cents	\$ 28,000.00
<i>Alternate plaster removal:</i>	
Completely remove the plaster 6" for the edge of all tile or gutter surfaces and then chip out the loose and cracked plaster	DEDUCT
Thirty Thousand Dollars and Zero Cents	\$ 30,000.00



CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE: Feb 21st 2012

Name: Support Resolution

Date Memo/Packet submitted to City Clerk: _____

(Due no later than Thursday @ 12:00pm)

Dept: Parks Dept

Phone: 874-7973

...ALL QUESTIONS must be answered...

Discussed with City Manager? <input checked="" type="radio"/> Yes / <input type="radio"/> No	Reviewed by City Attorney? Yes / <input checked="" type="radio"/> No
Included in Current Year Budget? Yes / <input checked="" type="radio"/> No	Program is...
If no explain: <u>Awarded fall Budget</u>	<input checked="" type="radio"/> NEW ONGOING TEMPORARY
Is this a Bid Award? Yes / <input checked="" type="radio"/> No	Subject to Annual Renewal? Yes / <input checked="" type="radio"/> No
Bidders and Bid Amounts – Attach a Summary of Bids Received	Renewal Date: _____
What process was used? _____ Informal Bid _____ RFP _____ Bid _____ RFQ _____ Other (explain)	Is this a Grant? <input checked="" type="radio"/> Yes / <input type="radio"/> No <u>GoCs Grant Request, \$75,000</u> <u>Matching funds \$35,000.00</u>
Is this to be communicated to the Public? Yes / No _____ Press Release _____ Newsletter Article _____ Other _____ Channel 10 _____ City website	What is the City's Match? <u>\$35,000</u>
Purchase Amount:	Is an Ordinance Required? Yes / <input checked="" type="radio"/> No
	Is Resolution Required? <input checked="" type="radio"/> Yes / <input type="radio"/> No
	Are there any publishing requirement? Yes / <input checked="" type="radio"/> No

SUMMARY: Grant Request for River Corridor



Paul Suppes
Parks Director
874-7973

Memo

To: Mayor and Council
From: Paul Suppes Parks Director
Date: 2-8-12
Subject: GOCO Grant Request, Support Resolution

Recommendation

wls
gll I am requesting that the City Council approve the Support Resolution for a Planning Grant from GOCO to develop a River Corridor Master plan, this plan would include the ability for White Water River sports to trails from Cottonwood to the Treatment plant property.

Background

The Parks Dept. is requesting from GoCo a River planning grant to hire a Consultant to develop a Master plan. This plan would study the feasibility of the River corridor as a recreational area either for White water sports or Floating and fishing and also to include the possibilities of a Trail System from Confluence Park to Cottonwood and the possible extension to the Treatment Plant.

Costs

The current Budget for the Grant is requesting \$75,000 with a grant match of \$35,000.

budget in 2013

Actions To Be Taken If Approved

With the approval of the Council of the Resolution the grant request will be submitted and if the grant is approved a Consultant will be hired and a Master Plan will be developed with the buy in of the Community and the private Landowners.

Suggested Motion

I move the City approve the Resolution of Support for the GOCO Planning grant.

Resolution #4, 2012

A RESOLUTION OF THE CITY OF DELTA, COLORADO SUPPORTING THE GRANT APPLICATION FOR A LOCAL GOVERNMENTAL PLANNING GRANT FROM THE STATE BOARD OF THE GREAT OUTDOORS COLORADO FOR THE GUNNISON RIVER MASTER PLAN

WHEREAS, the City of Delta is requesting \$75,000 from Great Outdoors Colorado to develop a master plan for the Gunnison River.

WHEREAS, Great Outdoors Colorado requires that the City Council of the City of Delta state its support for the Great Outdoors Colorado grant application for the Gunnison River Master Plan. And if the grant is awarded, the City of Delta supports the completion of the project.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY OF THE DELTA THAT:

- Section 1:** The City Council of the City of Delta strongly supports the application to Great Outdoors Colorado for the Gunnison River Master Plan.
- Section 2:** If the grant is awarded, the City Council of the City of Delta strongly supports the completion of the project.
- Section 3:** The City Council of the City of Delta acknowledges that the grant application includes matching funds which the City of Delta is solely responsible to provide if a grant is awarded.
- Section 4:** The City Council of the City of Delta will appropriate those matching funds and authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
- Section 5:** If the grant is awarded, the City Council hereby authorizes the City Manager to sign the grant agreement with Great Outdoors Colorado.
- Section 6:** This resolution to be in full force and effect from and after its passage and approval.

ADOPTED this ____ day of _____, 2012.

Mayor

ATTEST:

City Clerk

COUNCIL BILL NO. _____, 2012

ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO TO ADD
CHAPTER 1. 12 TO THE DELTA MUNICIPAL CODE ESTABLISHING
THE PROCEDURE FOR AUTHORIZING EXERCISE OF THE CITY'S
POWER OF CONDEMNATION (EMINENT DOMAIN).**

WHEREAS, the last sentence of Article I, Section 2 of the Delta Municipal Charter allows the City of Delta to provide, by ordinance, the manner in which its municipal powers may be exercised, and

WHEREAS, among the City's powers expressly listed in Article I, Section 3 of said Charter is the power to acquire property within or outside of its corporate limits by purchase, gift, devise, lease or condemnation; and

Whereas the Delta City Council desires to hereby enact an amendment of the Delta Municipal Code establishing the manner in which the City's power of condemnation may be properly exercised.

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

A new Chapter 1.12 is hereby added to the Delta Municipal Code which provides as follows:

"Chapter 1.12

General Provisions for Exercise of City Condemnation Power.

Sections:

1.12.010 Compliance with Statutory Pre-Requisites.

1.12.020 Adoption of Resolution to Condemn.

1.12.010 Compliance with Statutory Pre-Requisites. Before authorizing the condemnation of any real or personal property located within or outside of the City limits of Delta, Colorado needed for any lawful public purpose, the City shall comply with the procedures prescribed by Colorado law, specifically those which presently appear in Title 38, Articles 1 and 6

of the Colorado Revised Statutes. In particular, the City shall make reasonable efforts to acquire title to the property from the pertinent owner or owners through good faith negotiations for purchase before invoking its power of condemnation (eminent domain).

1.12.020 Adoption of Resolution to Condemn. Upon finding that, despite reasonable efforts, the City has been unable to acquire title to property needed for a public purpose by means of good faith purchase negotiations with the owner(s), the City Council may adopt, by simple majority vote, a formal resolution authorizing acquisition of the property through a condemnation proceeding filed in the District Court for Delta County, Colorado as contemplated by applicable Colorado statutes. Any such resolution adopted by the Council either before or, retroactively, after the actual filing of a condemnation petition shall be valid for all purposes. Other than evidence of the actual adoption of said resolution, no other form or record of authorization shall be required as proof of the Council's decision to exercise the City's power of eminent domain. Neither the adoption of a resolution, nor the filing of a civil action, for the City's condemnation of real or personal property shall be deemed to prevent the City from attempting further negotiations for acquisition of the subject property through a conventional sale and purchase arrangement with the concerned property owner(s)."

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

Mayor

ATTEST:

City Clerk

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

Mayor

ATTEST:

City Clerk

ORDINANCE NO. _____

COUNCIL BILL NO. _____

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO, VACATING
SEGMENTS OF THIRD STREET AND SILVER STREET IN THE CITY LIMITS.**

WHEREAS, under Article I, Section 3 of Delta's Municipal Charter, and under C.R.S. 31-15-702(1)(a), the City has general municipal power to vacate streets and roadways, particularly those that are determined not to be needed for public purposes; and

WHEREAS, the City Council has determined that there is no need to maintain present or future rights of general public access across, through or upon segments of Third Street and Silver Street in Delta, Colorado which segments contain a total of 0.28 acres and are more particularly described by a surveyor's instrument prepared on January 25, 2012 by JSC, Inc. of Meeker, Colorado, a copy of which is labeled and attached hereto as "Exhibit A"; and

WHEREAS, the City Council has determined that vacating the subject segments of Third Street and Silver Street will not result in the isolation of any private land from public access, and is especially warranted by circumstances surrounding a new City project for development of a public roadway to be known as Confluence Drive, and

WHEREAS, the City Council has determined that its actions contemplated under this ordinance will otherwise comply with applicable provisions of law set forth in C.R.S. 43-2-101 *et seq.*

NOW, THEREFORE, be it ordained by the City Council of Delta, Colorado as follows:

1. The aforementioned segments of Third Street and Silver Street, as specifically described by the attached Exhibit A, are hereby permanently vacated; provided, however, that the vacated area is nevertheless hereby permanently reserved for the construction, maintenance, repair and use of all public utility lines and related facilities deemed necessary by the Delta City Council, and also temporarily reserved for all necessary purposes relating to construction of the aforementioned Confluence Drive.

2. Title to the vacated street segments, subject to the aforementioned reservations, shall vest in the owners of adjoining lands according to the provisions of C.R.S. 43-2-302(1)(c).

3. The City's Mayor and Clerk, in consultation with the City Attorney, are hereby authorized to make, execute, obtain and record any and all documentation that they may deem necessary or prudent for the proper implementation of this ordinance and for the revision of official maps of the City.

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

CITY OF DELTA, COLORADO

ATTEST:

City Clerk

By: _____
Mayor

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

CITY OF DELTA, COLORADO

ATTEST:

City Clerk

Mayor

EXHIBIT A

JSC, INC.

P.O. Box 1153

Meeker, CO 81641

Phone (970) 878-5292 Fax (970) 979-5392

3RD STREET VACATION PLAT C DELTA TOWNSITE

A PARCEL OF LAND LYING IN PLAT C DELTA TOWNSITE, A SUBDIVISION PLAT RECORDED IN BOOK 2 PAGE 2 OF THE TOWN OF DELTA PLAT BOOK RECEPTION NO. 7297, LOCATED IN SECTION 13, TOWNSHIP 15 SOUTH, RANGE 96 WEST OF THE 6TH P.M., CITY OF DELTA, COUNTY OF DELTA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT DELTA TOWNSITE CORNER NO. 1 (STONE WITH A CUT CROSS IN CONCRETE), WHENCE DELTA TOWNSITE CORNER DT-2 (3-1/4 INCH ALUMINUM CAP IN RANGE BOX STAMPED COLO DOT DT-2 2001 BLACK 10513) BEARS N79°13'51"E, 2173.02 FEET;

THENCE S39°37'26"E, 727.15 FEET TO NORTHEAST CORNER OF BLOCK 39 OF SAID PLAT C DELTA TOWNSITE, BEING THE TRUE POINT OF BEGINNING;

THENCE S89°28'58"W, ALONG THE NORTH LINE OF SAID BLOCK 39, 115.97 FEET;

THENCE N36°09'44"W, 92.29 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 3RD STREET;

THENCE N89°28'58"E, ALONG SAID NORTH RIGHT-OF-WAY LINE, 201.37 FEET;

THENCE S19°25'57"W, 92.66 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 39;

THENCE N00°29'39"W, ALONG SAID EAST LINE, 12.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.28 ACRES MORE OR LESS.

COUNCIL BILL NO. 3, 2012

ORDINANCE NO. ____, 2012

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO AUTHORIZING
CONVEYANCE OF A PARCEL OF ITS PROPERTY IN BLOCK 39, PLAT C OF
THE DELTA TOWNSITE TO HIGH QUALITY PACKING, INC.**

WHEREAS, the City recently purchased certain real property from High Quality Packing, Inc., a Colorado corporation, (hereinafter referred to as "High Quality") for purposes of developing a new public roadway to be known as Confluence Drive; and

WHEREAS, the contract of sale and purchase for the aforementioned transaction provided that the City would, upon proper prior approval of the City Council, convey, in exchange, a small piece of its own property to High Quality; and

WHEREAS, the subject property contains approximately .18 acres, is located in Block 39, Plat C, of the original Delta Townsite, and is more particularly described by the survey and mapping instruments prepared by JSC Inc. of Meeker, Colorado on or about January 25, 2012, true copies of which instruments (labeled Exhibit A) are on file in the office of the Delta City Clerk but not published herewith; and

WHEREAS, pursuant to Section 141 of the Delta Municipal Charter, the City has authority to sell any real property that is determined not to be presently used or needed for public purposes; and

WHEREAS, the City Council has determined that the property to be conveyed to High Quality is, in fact not used or needed for public purposes and that, in any event, the property recently acquired from High Quality more than adequately substitutes for the City property to be exchanged under this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Delta, Colorado as follows:

1. The aforementioned parcel of City property in Block 39, Plat C of the original Delta Townsite containing approximately 0.18 acres is hereby authorized for conveyance as required by the aforementioned sale and purchase contract between the City and High Quality.
2. The City's Manager and Clerk, in consultation with the City Attorney, are hereby authorized to make, execute, obtain and record any and all documentation that they may deem necessary or prudent for the proper implementation of this ordinance.

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

CITY OF DELTA, COLORADO

ATTEST:

City Clerk

By: _____
Mayor

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

CITY OF DELTA, COLORADO

ATTEST:

City Clerk

By: _____
Mayor

EXHIBIT A

JSC, INC.

P.O. Box 1153

Meeker, CO 81641

Phone (970) 878-5292 Fax (970) 979-5392

CITY PARCEL IN BLOCK 39 **PLAT C DELTA TOWNSITE**

A PARCEL OF LAND LYING IN BLOCK 39 PLAT C DELTA TOWNSITE, A SUBDIVISION PLAT RECORDED IN BOOK 2 PAGE 2 OF THE TOWN OF DELTA PLAT BOOK RECEPTION NO. 7297, LOCATED IN SECTION 13, TOWNSHIP 15 SOUTH, RANGE 96 WEST OF THE 6TH P.M., CITY OF DELTA, COUNTY OF DELTA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT DELTA TOWNSITE CORNER NO. 1 (STONE WITH A CUT CROSS IN CONCRETE), WHENCE DELTA TOWNSITE CORNER DT-2 (3-1/4 INCH ALUMINUM CAP IN RANGE BOX STAMPED COLO DOT DT-2 2001 BLACK 10513) BEARS

N79°13'51"E, 2173.02 FEET;

THENCE S39°37'26"E, 727.15 FEET TO NORTHEAST CORNER OF SAID BLOCK 39 BEING THE TRUE POINT OF BEGINNING;

THENCE S89°28'58"W, ALONG THE NORTH LINE OF SAID BLOCK 39, 115.97 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 124.50 FEET AND A CENTRAL ANGLE OF 27°50'38";

THENCE ALONG THE ARC OF SAID CURVE 60.50 FEET, THE CHORD OF SAID ARC BEARS S18°31'52"E, 59.91 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 100.50 FEET AND A CENTRAL ANGLE OF 01°35'01";

THENCE ALONG THE ARC OF SAID CURVE 2.78 FEET, THE CHORD OF SAID ARC BEARS S05°24'04"E, 2.78 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE LEFT HAVING A RADIUS OF 39.50 FEET AND A CENTRAL ANGLE OF 154°22'28";

THENCE ALONG THE ARC OF SAID CURVE 106.43 FEET, THE CHORD OF SAID ARC BEARS S83°22'49"E, 77.03 FEET;

THENCE N19°25'57"E, 60.86 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 39;

THENCE N00°29'39"W, ALONG SAID EAST LINE, 12.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.18 ACRES MORE OR LESS.

EXHIBIT A

DT-2
 FND 3 1/2" ALUM. CAP IN RANGE BOX
 STAMPED: COLO DOT
 DT-2 2001 BLACK 10513

CITY OF DELTA,
 DELTA COUNTY
 COLORADO

(BASIS OF BEARING-ASSUMED)
 N79°13'51"E
 2173.02'

POINT OF
 COMMENCEMENT
 DT-1
 FND STONE
 WITH CROSS



SCALE: 1" = 100 U.S. SURVEY FEET

S39°37'26"E
 727.15'

2ND STREET

SILVER STREET

COLUMBIA STREET

LOT 32

LOT 1

BLOCK 35

PLAT C
 DELTA TOWNSITE

LOT 17

LOT 16

3RD STREET

CONTAINING 0.18 ACRES +/-

LOT 32

L1 POB

C1 C2

C3

L2 L3

BLOCK 39

LOT 32

LOT 1

BLOCK 34

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY.
 IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

SHEET 1 OF 2

CITY PARCEL IN BLOCK 39
 PLAT C DELTA TOWNSITE

LYING IN SECTION 13, T15S, R96W OF THE 6TH P.M.
 CITY OF DELTA, DELTA COUNTY, COLORADO

JSC, INC.

P.O. BOX 1153 MEEKER, CO 81641
 PHONE: (970) 878-5292 FAX: 878-5392

DRAWN BY	SEC
DATE	1-25-2012
JOB NO.	2212-01
CHECKED BY	

AMENDED

COUNCIL BILL NO. 4, 2012

ORDINANCE NO. ____, 2012

AN ORDINANCE OF THE CITY OF DELTA AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AND RELATED RIGHTS FROM FAMILY HOUSEHOLD TRUST FOR THE CONFLUENCE DRIVE PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of Delta, Colorado (“the Council”) has determined the need to construct a new public roadway or thoroughfare to be known as Confluence Drive; and

WHEREAS necessary funding for the Confluence Drive project has been acquired by the City of Delta (“the City”); and

WHEREAS, as part of the overall Confluence Drive construction project, the Council has determined the need to obtain certain private property for the planned construction corridor, some of which property will need to be traded or exchanged by the City for property within such corridor that is now owned by the Union Pacific Railroad Company; and

WHEREAS, one of the areas of private property (“the subject property”) that needs to be acquired and exchanged for property owned by said Railroad Company, for ultimate purposes of completing the corridor for the City’s Confluence Drive construction project is located in Section 24, Township 15 South, Range 96 West of the 6th P.M., South of Highway 348 and between the Uncompahgre River and the Union Pacific Railroad tracks within the County of Delta, Colorado; and

WHEREAS, the subject property is presently titled in the name of the Family Household Trust, a Florida Trust (“the Trust”); and

WHEREAS, the only address for the Trust known to the City is c/o Raymond Miller, Trustee, 218 Harbor Drive, Venice, Florida 34285, as shown by local records of the Delta County Treasurer and Assessor and by a Statement of Authority recorded by the Trust pursuant to C.R.S. 38-30-172 on August 17, 2005 under Reception No. 594641 of the Delta County Colorado records; and

WHEREAS, the City has presented said registered Trustee, and other legal representatives of the Trust at its above listed address, with good faith offers to purchase the subject property, and with related requests for information, none of which offers or requests have been answered by the Trust or by anyone purporting to act on its behalf; and

WHEREAS, it currently appears that further efforts to negotiate a conventional purchase of the subject property from the uncommunicative Trust would be futile; and

WHEREAS, although a conventional purchase of the subject property would be preferable, the Council nevertheless concludes that the exercise of the City's power of eminent domain is the only practical means for acquiring unencumbered title to the subject property from the Trust under the current circumstances; and

WHEREAS, the City Council finds there to be a special emergency requiring the immediate exercise of the City's eminent domain power in this case in order to preserve the public peace and welfare, it being specifically determined that time is now of crucial essence in protecting the status of bids and plans for a construction contract previously obtained at great cost to the City for the Confluence Drive project.

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

1. City staff members, including particularly the City attorney, shall be and are hereby authorized to commence and pursue with diligence, for purposes of the initial exchange and ultimate public road construction purposes stated above, the acquisition, by proper eminent domain proceedings, of title to, and possession of, the subject property of the Family Household Trust located in the County of Delta, Colorado. The subject property consists of seven (7) parcels, all of which are located in the aforementioned Section 24, Township 15 South, Range 96 West of the Sixth P.M., and are more particularly described on surveyor maps and descriptions thereof prepared by Stantec Consulting, Inc. of Denver, Colorado between the dates of November 17 and November 24, 2011 and designated as project no.1876-07735 (and including a corrected survey map and description of parcel 20A prepared on February 15, 2012). Additional property rights of the Trust to be affected by the City's exercise of its eminent domain power authorized hereby are described in an amended offer of purchase presented to the Trust which bears the date of February 16, 2012.

2. Copies of the above referenced surveyor maps and descriptions of the subject property, as well as a copy of the above referenced offer letter of February 16, 2012 describing other property rights of the Trust affected by the City's exercise of its eminent domain power hereunder, shall be retained with the executed original of this ordinance in the office of the City Clerk, but need not be included in any newspaper publications of the ordinance.

3. Nothing in this ordinance shall be deemed to preclude a conventional purchase of the subject property by the City on reasonable terms if the Trust hereafter offers to engage in direct negotiations.

4. The Delta City Council hereby declares that, for the reasons previously stated, there is a special emergency requiring the immediate passage of this ordinance for the preservation of the public peace and welfare. Therefore, in accord with the provisions of Article II, Section 19 of the Delta Municipal Charter, this ordinance shall be deemed fully effective upon a unanimous vote of approval by all members of the Council.

THE FOREGOING ORDINANCE, AS AMENDED, WAS ADOPTED AND ORDERED TO BE IMMEDIATELY EFFECTIVE AS AN EMERGENCY MEASURE BY UNANIMOUS VOTE OF ALL MEMBERS OF THE DELTA CITY COUNCIL ON SECOND READING, AND WAS ALSO ORDERED PUBLISHED, THIS _____ DAY OF FEBRUARY, 2012.

CITY OF DELTA, COLORADO

By _____ Mayor

ATTEST:

City Clerk

EXHIBIT 4
SHEET 1 OF 2

RIGHT OF WAY DESCRIPTION PARCEL 20A

A PORTION OF THAT PARCEL OF LAND KNOWN AS PARCEL A DESCRIBED IN BOOK 866 AT PAGE 261 OF THE RECORDS OF DELTA COUNTY AND LOCATED IN THE SOUTH HALF OF SECTION 24, TOWNSHIP 15 SOUTH, RANGE 96 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF DELTA, COUNTY OF DELTA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE LINE BETWEEN DT-1, MONUMENTED BY A STONE WITH A CUT CROSS IN CONCRETE, AND DT-20, MONUMENTED BY A 2-1/2 INCH DIAMETER ALUMINUM CAP STAMPED LS36067, BEARS S 06°32'17" E, A DISTANCE OF 2700.09 FEET, BEARINGS ARE BASED ON THE MESA COUNTY LOCAL COORDINATE SYSTEM KNOWN AS DCLCO2 (2009);

COMMENCING AT CORNER NUMBER 20, DELTA TOWNSITE; THENCE S30°19'43"E A DISTANCE OF 1,564.53 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE S 48°37'33" W, A DISTANCE OF 120.32 FEET AND THE POINT OF BEGINNING;

THENCE S 41°22'27" E, A DISTANCE OF 517.14 FEET TO THE NORTHWESTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN BOOK 247 AT PAGE 519;

THENCE ALONG SAID LINE, S 48°37'33" W, A DISTANCE OF 40.00 FEET;

THENCE N 41°22'27" W, A DISTANCE OF 517.14 FEET;

THENCE N 48°37'33" E, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 20,686 SQUARE FEET OR 0.475 ACRES, MORE OR LESS.

SURVEYOR'S STATEMENT

I HEREBY STATE THAT THE ATTACHED PROPERTY DESCRIPTION WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ALAN WARNER, PLS 28668
FOR AND ON BEHALF OF
STANTEC CONSULTING INC.



LAW OFFICES OF
BROWN, SCHOTTELKOTTE, STIMPERT & VAUGHN, LLC
550 PALMER ST., SUITE 201
P.O. BOX 43
DELTA, COLORADO 81416-0043

COPY

(for City records)
(Attached to Council Bro.
No 4, 2012)

A. Allen Brown (1904-1983)
Telephone 970-874-4451
Facsimile 970-874-7433

James D. Brown
Michael Schottelkotte
Michael D. Vaughn

Marc Stimpert - Of Counsel
Also Admitted in Wyoming and Oklahoma

February 16, 2012

Family Household Trust
c/o Mr. Raymond Miller, Trustee and/or Mr. Adam Miller, Attorney
Miller Law Office
218 Harbor Drive South
Venice, FL 34285
Sent by Certified Mail #7010 2780 0003 1052 2352
Also sent by facsimile transmission to: (941)484-9534

Re: Amended Offer of City of Delta, Colorado to Acquire Properties Owned
by the Family Household Trust

Gentlemen:

Upon examining title work relating to the property that the City of Delta needs to acquire from Family Household Trust by either purchase or condemnation for its Confluence Drive Project, three additional aspects of the acquisition were discovered that I believe should be identified as part of the City's pending offer of purchase made on January 20, 2012 and reiterated on January 31, 2012. Those three aspects are described as follows:

1. There is an old and poorly defined reference in County title records to a shared access roadway which seems to affect a piece of property now owned by the City of Delta and seems to have been intended for the benefit of adjoining property now owned by the Family Household Trust. The evident purpose of the roadway was to provide, temporarily at least, an "outlet" for the property now owned by the Family Household Trust to a railroad crossing near 11th Street in Delta. The reference does not appear to create or extend rights of access across the railroad property to any public street or roadway. In fact, the title work that I have reviewed expressly indicates that the entirety of the Trust's property currently lacks legal rights of access attributable to any rules etc. of the Denver and Rio Grande Western Railroad. Railroad companies, by the way, have established legal options to either allow or prevent crossing of their properties at will. In any event, the old reference to the pertinent "outlet" roadway appears in a deed recorded on June 1, 1944 in Book 277 at Page 539 under Reception No. 212621 of the Delta County Colorado records, an underlined copy of which deed accompanies this letter. To the extent that the roadway and related access rights may be legally and physically viable today, they will need to be extinguished as part of the overall transaction by which the City acquires Family Household Trust property. The City, and its appraiser, contend that no compensable loss to the Trust will result from any municipal action which has the effect of terminating this very dubious access right. Moreover, as represented in its previous offers of purchase, the City will be providing the Trust with a permanent new legal access between the Trust's residual property and an open City street known as Bridge Street (State Highway 348) as part of the Confluence Drive project. This new access should substantially increase the overall value of the Trust's residual property.

2. Family Household Trust property in Delta is apparently entitled to irrigation water rights from the Delta Canal Company. Although the City does not need to acquire those rights, it will need to relocate part of the ditch that carries the represented water. The ditch relocation work expected will not significantly alter the point of delivery of water to the Family Household Trust property; nor will it interfere with historically evident irrigation patterns. In fact, the relocation work should enable the Trust to gain additional points of delivery of its water from the ditch along the new east line of its property resulting from the pending City acquisitions.

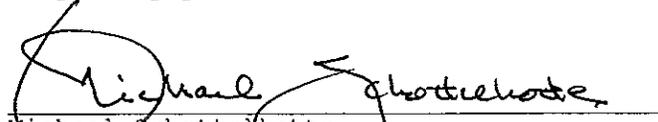
3. An error was very recently discovered in the surveyed legal description of Parcel 20A to be acquired by the City. A survey course was erroneously labeled on the initial survey as running SW (southwest), when it should have instead been labeled SE (southeast). The corrected survey description and map accompany this letter. The correction does not alter the area of property to be acquired by the City under its offer of January 20, 2012 and, therefore, has no effect on the appraised fair market value of the property supporting that offer.

Although, as noted above, no additional damage or loss to Family Household Trust interests will result from correction of the description of Parcel 20A, or from either termination of the subject access right or relocation of the subject ditch, the City nevertheless hereby offers to substantially increase the amount of its pending purchase offer from \$53,400.00 to \$80,000.00. This amended offer to the Trust will remain open for yet another extended period until 5:00 p.m. MST on Friday, March 5, 2012. It should be considered the City's final offer for all purposes, including those contemplated by C.R.S. 38-1-122. This amended offer is, of course, also made subject to the City's receipt of unencumbered and merchantable title from the Trust and all other pertinent terms and conditions specified in the City's earlier offer of January 20, 2012.

Once again, we urge some immediate indication of how the Trust plans to proceed in this matter. An ordinance authorizing the City's acquisition/termination/modification of the Trust's involved property rights by formal condemnation proceedings is now in process. Nevertheless, as I have repeatedly stated before, a negotiated purchase arrangement would be far preferable to the City and probably more beneficial to the Trust. If some Trust representative will simply engage in discussions with us, there is still hope for a negotiated resolution.

Thank you very much for your consideration.

Very truly yours,


Michael Schottelkotte
Delta City Attorney

cc: Mr. Brad Rodenberg, Property Acquisition Agent
Mr. Joe Kerby, Delta City Manager

MS/ss

This Deed, Made this 29th day of May in the year of our Lord one thousand nine hundred and forty-four, between Bernard Barrere

of the County of Delta and State of Colorado, of the first part, and

The Delta County Canning Company, a corporation

of the County of Delta and State of Colorado, of the second part;

Witnesseth, That the said part y of the first part, for and in consideration of the sum of

One and no/100 (and other valuable consideration) Dollars, to the said part y of the first part in hand paid by the said part y of the second part, the receipt whereof is hereby confessed and acknowledged, be granted, bargained, sold and conveyed, and by these presents do es grant, bargain, sell, convey and confirm unto the said part y of the second part, its heirs and assigns forever, all the following described lot s or parcel s of land, situate, lying and being in the County of Delta and State of Colorado, to-wit:

Commencing at a point on the West line of the Denver and Rio Grand Western Railroad Company right of way, which is north 41° 30' West 600.6 feet along said West line of said right of way from its intersection by the North line of the Southwest Quarter of the Southeast Quarter of said Section 24, in Township 15 South Range 98, West of the Sixth Principal Meridian, thence from said point of beginning, as follows: South 48° 30' West 350 feet, thence South 41° 30' East 60 feet, thence North 48° 30' East 350 feet, thence North 41° 30' West 60 feet to beginning, being a part of the Northeast Quarter of the Southwest Quarter of Section 24, Township 15 South of Range 98, West of the Sixth Principal Meridian.

First party reserves the right to use jointly with second party the road-way furnishing an outlet at the present time to what is known as the 11th Street Railroad Crossing, and also the right jointly with second party to use the roadway along the westerly line of said right of way of said railroad to the North line of second party's land.

First party also reserves the right to extend existing rights of way for electric wires and pipe line to service lands owned by first party further south.

Together With all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever of the said part y of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To Have and to Hold The said premises above bargained and described, with the appurtenances, unto the said part y of the second part, its heirs and assigns forever. And the said

part y of the first part, for himself, his heirs, executors and administrators, do es covenant, grant, bargain and agree to and with the said part y of the second part, its heirs and assigns, that at the time of the sealing and delivery of these presents, he was well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and in his good right, full power and lawful authority to grant, bargain, sell and convey the same, in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever;

and the above bargained premises, in the quiet and peaceable possession of the said part y of the second part, its heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said part y of the first part shall and will Warrant and Forever Defend.

In Witness Whereof, The said part y of the first part by his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Bernard Barrere

D. S. Documentary Notary Stamp

STATE OF COLORADO, County of Delta, I, Ella Duncan, a Notary Public in and for said County,

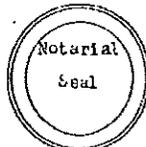
In the State aforesaid, do hereby certify that Bernard Barrere, who is personally known to me to be the person whose name is subscribed to the foregoing Deed, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 31st day of May, A. D. 19 44.

My commission expires April 8, 19 45.

Ella Duncan

Notary Public



Filed for record the 1st day of June, A. D. 19 44, at 4:35 o'clock P.M.

O. A. Ehrigott RECORDER.

By R. E. Finer DEPUTY.

bis