



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

March 6, 2012
7:00 p.m.

- A. Pledge of Allegiance
- B. Changes to the Agenda
- C. Minutes
- D. Citizen Comments
- E. Financial Report (DeZeeuw)
- F. Tavern Liquor License Renewals; (Nelson)
 - Hoolie's Place
 - CB's Tavern
- G. Council Bill #6, 2012; First Reading (Glammeyer)
Municipal Energy Agency of Nebraska Participation
- H. Appointment to MEAN Board (Glammeyer)
- I. Council Bill #7, 2012; First Reading (Black)
Preference for Local Business Bidding
- J. Off-Street Parking Paving Requirements (Black)
- K. Approve a contract to purchase property from Hildebrand Enterprises, LLC (Hatheway)
- L. McDonald's Assistance Request (Hatheway)
- M. Council Bill #5, 2012; Second and Final Reading
Power of Condemnation
- 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 Sisson and seconded by Councilmember Jurca to approve the minutes of February 7, 2012 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Appointments to the Planning Commission Board

Mayor Cooper reported that interviews were conducted during the work session for Planning Commission.

It was moved by Councilmember Raley and seconded by Councilmember Pfalzgraff to appoint Richard Simmons to a second term, Terry Osborne to a first term and Barry Singleton to a first term. All in favor, motion carried.

**Public Hearing: Special Events Permit Application
Delta County Memorial Hospital Foundation**

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

City Clerk Jolene Nelson explained that the Delta County Memorial Foundation has submitted a special events permit application for their annual fund raising event. The event is scheduled for February 25, 2012. Due to an unexpected family emergency of the Clerk, she stated the posting requirements would not have been for the last meeting. The posting requirements have been met for this hearing and no comments have been received. She also stated the application is complete and all fees have been paid. The State has been contacted to expedite approval as quickly as possible.

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

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the Delta County Memorial Hospital Foundation's special events liquor permit for February 25, 2012. All in favor, motion carried.

**Public Hearing: Special Events Permit Application
Delta Ducks Unlimited**

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

Clerk Nelson reported that Delta Ducks Unlimited, Inc. has also submitted a special events permit application for their annual fund raising event that is scheduled for March 3, 2012. The application is complete and all fees have been paid. Posting of this meeting has been met as requirement by law and no comments have been

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

Regular Meeting, Delta City Council, February 21, 2012 (Cont.)

**Public Hearing: Special Events Permit Application
Delta Ducks Unlimited (cont.)**

It was moved by Councilmember Jurca and seconded by Councilmember Raley to approve Ducks Unlimited, Inc.'s application for a special events liquor permit for March 3, 2012. All in favor, motion carried.

Bids for Pool Resurfacing

Assistant Recreation Director Renee Ealey stated that this contract will get the pools resurfaced at the recreation center. The last time the pools were resurfaced was in 2000 and it is now time to have them redone. Staff researched various companies and followed the recommendation that was put in the RFP.

Ms. Ealey explained that five bids were received. Two of the bids did not meet the minimum requirements for this project and one was submitted past the deadline; therefore staff reviewed the two remaining bids. Ms. Ealey outlined each bid. She also explained the bids included bringing the VGB drains within code. Staff recommends awarding the bid to High Country Pools & Spas with an amount not to exceed \$153,130.

Councilmember Jurca questioned the significant difference in the bids and if there were any concerns in the work being completed.

Ms. Ealey reported that staff is not concerned after looking at the portfolio and receiving a recommendation from Barker, Rinker Seacat the master plan company staff is working with. Staff also contacted their references and received favorable responses.

Councilmember Jurca also questioned what a VGB drain is.

Ms. Ealey explained that are drain covers to keep entrapment from happening at the bottom of the pool. The current drain does not meet the requirements and this will upgrade the drain to meet those requirements.

City Manager Kerby recommended amending the motion that is suggested in their packets if Council were to award the contract to reflect awarding to High County Pools & Spas and authorize the City Manager to sign the contract.

It was moved by Councilmember Sisson and seconded by Councilmember Raley that the Bill Heddles Recreation Center's pool resurfacing project be awarded to High Country Pools & Spas from Fort Collins, Colorado in the amount of \$153,130 and authorize the City Manager to sign said contract All in favor, motion carried.

Resolution #4, 2012; 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

was read by the Clerk.

Parks Director Paul Suppes stated that staff has been working on a grant application with Third Sector Innovations for a planning grant. The grant is requesting fund in the amount of \$75,000 with a match from the City of \$35,000. This would allow getting a consultant on board to develop a future plan with the trail system as well as the rivers. The application is almost complete. This resolution is a requirement from GOCO when submitting the grant application.

Manager Kerby also stated that there are two note-worthy items that have happened over the last year one being the completion of the Hartland Dam Project which allows passage for rafters as well as the fish ladder; the other being the purchase of River Bend Park. River Bend Park is now part to the City's park portfolio which gives the City immediate river access. Staff is working on what that means. GOCO likes to see a planning study as part of the process to gain

Regular Meeting, Delta City Council, February 21, 2012 (Cont.)

Resolution #4, 2012; GOCO Planning Grant (cont.)

funds from the grant cycles. He also reminded Council of the tour of Buena Vista and how GOCO helped fund that project.

Councilmember Raley questioned if this would be budgeted in 2012.

Mr. Suppes explained that there are reserve funds in the conservation trust funds that could be used for this project. However, staff will be looking at budgeting funds in 2013 due to the timeline of receiving the grant.

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

**Council Bill #5, 2012; First Reading
Power of Condemnation**

Council Bill #5, 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).

was read by the Clerk.

City Attorney Michael Schottelkotte stated that while working with staff on the truck route he assumed that Council had the power to authorize condemnation by resolution. The City's Charter reads that all powers of the City shall be exercised in the manner prescribed by this Charter or if the manner is not prescribed then in such a manner prescribed by ordinance. The manner is not specifically prescribed by the Charter. Therefore, he prepared a procedure to help the process for all future condemnations being authorized by a resolution.

Mr. Schottelkotte addressed Council Bill #4, 2012 and the need to move it to an emergency ordinance.

Councilmember Jurca questioned how other municipalities handle condemnations.

Mr. Schottelkotte stated that he talked with John Kappa and reported that Mr. Kappa was surprised the City didn't have a condemnation procedure. He stated that he does not have any information of other municipalities.

Councilmember Pfalzgraff stated that this would just be streamlining the process.

Mr. Schottelkotte agreed.

Manager Kerby reported that the ordinance honors what the City's Charter reflects as well as state statute.

There was discussion regarding what the state statute requirements are.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Council Bill #5, 2012 on first reading. Roll call vote: Councilmembers Jurca aye; Sisson, aye; Pfalzgraff, aye; Raley, aye and Cooper, aye. Motion carried

**Ordinance #2, 2012; Second and Final Reading
Vacating Segments of Third Street and Silver Street**

Ordinance #2, 2012

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

Regular Meeting, Delta City Council, February 21, 2012 (Cont.)

Ordinance #2, 2012 (cont.)

was introduced as Council Bill #2, 2012 and read by the Clerk.

Public Works Director Jim Hatheway stated this is a contractual agreement with High Quality Packing, Inc.

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

Ordinance #3, 2012; Second and Final Reading
Conveyance of a Parcel of the City Property to High Quality Packing, Inc.

Ordinance #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 introduced as Council Bill #3, 2012 and read by the Clerk.

Director Hatheway again stated this is a contractual agreement with High Quality Packing, Inc.

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

Council Bill #4, 2012; Second and Final 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 AND RELATED
RIGHTS FROM FAMILY HOUSEHOLD TRUST FOR THE
CONFLUENCE DRIVE PROJECT AND DECLARING AN
EMERGENCY

was read by the Clerk.

Director Hatheway stated that they have tried to contact the representative for Family Household Trust and there has been no response. At this time, the City needs to proceed forward with condemnation.

Councilmember Jurca questioned why Council was not approached about changing the ordinance to be an emergency.

Councilmember Pfalzgraff stated that he recommended it at the last meeting.

Councilmember Jurca stated that he does not see this as an emergency. The City has dragged their feet and now trying to cover their tracks.

Mayor Cooper commented that staff has tried to negotiate.

Councilmember Pfalzgraff stated that to get this done in a timely manner he feels it is an emergency.

Attorney Schottelkotte reported that emergency ordinances are declared in the most common situations. He shares the philosophy of not generating emergency ordinances commonly. In this case he believes it to be materially strong based on the City moving forward to get a contract with SEMA. He can't recommend signing the contract without knowing what is going to happen with this property.

Regular Meeting, Delta City Council, February 21, 2012 (Cont.)

Council Bill #4, 2012; Second and Final Reading (cont.)

There was discussion regarding the contract and the two different phases.

Additionally, there was discussion regarding the process and timelines with the condemnation process.

Councilmember Raley stated that the City is not being unfair to proceed with the emergency ordinance.

Attorney Schottelkotte commented that if there was ever a time for one this is it.

Councilmember Jurca disagreed stating that this should have been done with a higher regard. He will not support the ordinance as an emergency.

Manager Kerby updated Council on the challenges staff is currently facing other than the acquisition of this property.

Director Hatheway reported that the staff is currently working on the railroad exchange agreement.

Councilmember Raley stated that there are different types of emergencies and you can't lump them all together.

City Council discussed with the Attorney the process for condemnation and the timelines that will affect the notice to proceed date.

Manager Kerby suggested Council considering tabling the item until after the executive session. He explained there might be some information that will be useful in determining how they wish to go forward with the ordinance.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Raley to table Council Bill #4, 2012 until after the Executive Session. All in favor, motion carried.

City Attorney Comments

Attorney Schottelkotte stated that a resolution has been reached with the Delta Center water bill.

City Manager Comments

Manager Kerby commented on the following items:

- The Citizen's Financial Task Force will begin meeting on March 8th.
- At the March 6th meeting, Finance Director Tod Dezeeuw will be presenting the 2011 financial update.
- The community garden meeting was held last week. The next meeting will be March 1st.
- Colorado Canyon's Association will be holding their board meeting next Tuesday at Devil's Thumb Golf Course.
- There was vandalism at Mountain View and Cleland Parks.
- Paul Suppes has been nominated for Chamber volunteer of the year.
- Chamber banquet will be on March 10th.
- Base paint will be put on the mural at the power plant sometime next week. The artist will be starting within the next two weeks.
- Staff is working with Maverick who has purchased the property at 1st and Main to put a mural on that building.
- At the next work session staff will be presenting the salary survey.
- Staff will be attending a meeting Thursday morning with the County regarding their long terms plans for their campus.
- Ron Bell has submitted a letter regarding code enforcement concerns.
- A liaison from Council needs to be appointed for the facility energy analysis to replace Councilmember Pfalzgraff. Councilmember Sisson volunteered.
- The Delta County Housing Task Force also needs to have a Councilmember appointed to that board. Councilmember Raley volunteered to continue.

Regular Meeting, Delta City Council, February 21, 2012 (Cont.)

Councilmember Comments

Councilmember Jurca questioned the list of individuals that are on the financial task force.

Manager Kerby stated that he is continuing to work on the list. He will bring the information to Council once it is completed.

Councilmember Sisson commented on the high school basketball teams. He encouraged everyone to support these teams as they move to the playoffs.

Councilmember Pfalzgraff reported on the Pro Cycle Challenge.

Manager Kerby stated that there will be a presentation for Council in the near future.

Attorney Schottelkotte stated that before Council moves into executive session he wanted to advise them that they cannot discuss Council Bill #4, 2012. If Council chooses to discuss the mention Council Bill they need to include it in the motion to go into executive session. He suggested adding the language regarding attorney/client privilege should they choose to do so.

Executive Session

It was moved by Councilmember Sisson 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); and also for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b); or more specifically for discussions regarding Confluence Drive.

At 7:52 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 8:40 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 Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated

Ordinance #4, 2012; Second and Final 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 AND RELATED RIGHTS FROM FAMILY HOUSEHOLD TRUST FOR THE CONFLUENCE DRIVE PROJECT AND DECLARING AN EMERGENCY

was introduced as Council Bill #4, 2012 and read by the Clerk.

Attorney Schottelkotte summarized Council's options with this ordinance.

There was discussion regarding rejecting the ordinance as an emergency and amending the ordinance for second reading.

Additionally, there was discussion regarding the amendments of the ordinance since first reading.

It was clear that the emergency ordinance is not unanimously agreed upon.

Regular Meeting, Delta City Council, February 21, 2012 (Cont.)

Council Bill #4, 2012; Second and Final Reading (cont.)

Attorney Schottelkotte suggested a motion amending the ordinance as follows:

- Amended Council Bill #4, 2012 be adopted on second and final reading without referencing in the title to declaring and emergency, without the final whereas paragraph on page 2 referring to circumstances of emergency, without paragraph four in the actual body of the ordinance on the bottom of page 2 which declares the emergency and with adequate amendment of the capitalized language on page 3 of the council bill making reference to an emergency being declared.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt Council Bill #4, 2012 on second and final reading as suggested by City Attorney Michael Schottelkotte. Roll call vote: Councilmembers Jurca, aye; Sisson, aye; Pfalzgraff, aye; Raley, aye and Cooper, aye. Motion carried

The meeting was adjourned at 8:47 p.m.

Jolene E. Nelson, City Clerk

City of Delta
City Council Monthly Financial Report
For Period Ended December 31, 2011
Preliminary

Fund	Budget	12/31/2011 Year to Date Actual	Actual Percent of Budget
Refuse Fund			
Revenues	637,920	651,680	102.16%
Expenditures	553,133	624,242	112.86%
Golf Course Fund			
Revenues	989,500	1,061,507	107.28%
Expenditures	987,886	1,061,300	107.43%
Perpetual Care Fund			
Revenues	4,000	4,900	122.50%
Expenditures	0	950	0.00%
Unemployment Taxes Fund			
Revenues	20,000	23,536	117.68%
Expenditures	20,000	48,785	243.93%
Internal Service Fund			
Revenues	972,420	1,143,040	117.55%
Expenditures	1,222,357	1,116,056	91.30%
Employee Dental Fund			
Revenues	54,000	42,920	79.48%
Expenditures	54,000	52,538	97.29%
Capital Project Fund			
Revenues	2,928,500	59,422	2.03%
Expenditures	24,945,001	4,221,142	16.92%
Debt Service Fund			
Revenues	1,852,807	1,852,802	100.00%
Expenditures	1,852,802	1,852,802	100.00%



CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE: March 6, 2012

Name: Jolene E. Nelson **Date Memo/Packet Submitted to City Clerk:** March 1, 2012

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

Dept: City Clerk **Description:** Hoolie's Place Liquor License Renewal **Phone:** 874-7902

...ALL QUESTIONS must be answered...

Discussed with City Manager? Yes	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? N/A _____ 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



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

MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: March 1, 2012
Subject: Tavern Liquor License Renewal for Hoolie's Place

Recommendation

Staff recommends approval of the Tavern License Renewal for Rebecca Angel, LLC dba Hoolie's Place located at 220 Main Street. The Police Department's report and recommendation is attached.

Background

The current liquor license expires April 6, 2012.

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. The City's \$500 liquor occupation tax for a tavern liquor license will be collected after the renewal license has been issued by the State.

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 tavern liquor license renewal for Rebecca Angel, LLC dba Hoolie's Place.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**



REBECCA ANGEL LLC
 HOOLIES PLACE
 220 MAIN STREET
 DELTA CO 81416-1836

License Number 42-56528-0000	License Type 2010
Liability Information 18 011 722110 B 040708	
Business Location 220 MAIN STREET DELTA CO	
Current License Expires APR 06, 2012	
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.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

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>Rebecca S. Angel</i>	Date 2-13-12	Business Phone 970-874-7060
Title <i>Owner</i>	Sales Tax Number 42-56528	

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 HOOLIES PLACE	LICENSE NUMBER (Use for all reference) 42-56528-0000		PERIOD 04-13
TYPE OF LICENSE ISSUED TAVERN LIQUOR LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 2010-750(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 \$ _____

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 <i>Rebecca Angel LLC</i>		State License Number <i>42-56528</i>					
1. Operating Manager <i>Rebecca Angel</i>		Home Address <i>10318 3300 Rd Hotchkiss Co 81419</i>					
2. Do you have legal possession of the premises for which this application for license is made? Are the premises owned or rented: _____ If rented, expiration date of lease: _____			<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No						
<input checked="" type="checkbox"/>	<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.			<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No						
<input checked="" type="checkbox"/>	<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.			<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No						
<input type="checkbox"/>	<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.			<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No						
<input type="checkbox"/>	<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.			<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No						
<input type="checkbox"/>	<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:			<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No						
<input type="checkbox"/>	<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?			<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No						
<input type="checkbox"/>	<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?			<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No						
<input type="checkbox"/>	<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 <i>Rebecca S Angel</i>		Printed name <i>Rebecca S Angel</i>					
			Date <i>2-13-12</i>				



CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE: March 6, 2012

Name: Jolene E. Nelson **Date Memo/Packet Submitted to City Clerk:** March 1, 2012

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

Dept: City Clerk **Description:** CB's Tavern Liquor License Renewal **Phone:** 874-7902

...ALL QUESTIONS must be answered...

Discussed with City Manager? Yes	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? N/A _____ 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



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

MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: March 1, 2012
Subject: Tavern Liquor License Renewal CB's Tavern

Recommendation

Staff recommends approval of the Tavern License Renewal for Cboydbusi, LLC dba CB's Tavern at 334 Main Street. The Police Department's report and recommendation is attached.

Background

The current liquor license expires April 25, 2012.

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 the City's \$500 liquor occupation tax for a tavern 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 tavern liquor license renewal for CB's Tavern.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

License Number 12-91403-0000	License Type 2010
Liability Information 18 011 722410 B 042611	
Business Location 344 MAIN ST DELTA CO	
Current License Expires APR 25, 2012	
DEPARTMENTAL USE ONLY	
Total Amount Due	
Total Paid \$	Date



CBOYDBUSI LLC
 CB'S TAVERN
 334 MAIN STREET
 DELTA CO 81416-1837

- 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.

This application for renewal must be returned to your CITY OR COUNTY Licensing Authority at least 45 days prior to the expiration date of your current license. Failure to do so may result in your license not being renewed. Include both pages of this renewal and payment.

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>Amie Boyd</i>	Date 2/9/2012	Business Phone 3039032172
Title Owner	Sales Tax Number 27-5107231	

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 CB'S TAVERN	LICENSE NUMBER (Use for all reference) 12-91403-0000	PERIOD 04-13
TYPE OF LICENSE ISSUED TAVERN LIQUOR LICENSE - MALT, VINOUS, AND SPIRITUOUS	CASH FUND 2320-100(999) \$ 50.00	STATE FEE 2010-750(999) \$ 25.00
		CITY 85% DAP 2180-100(999) \$ 425.00

SUB-TOTAL \$ 500.00

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

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 CBoydbosille DBA CB's Tavern		State License Number 12-91403-0000
1. Operating Manager Carrie Boyd	Home Address 707 Dodge St Delta CO 81416	
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>5/31/2013</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: (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? (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? (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.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 checked="" 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 Carrie Boyd	Printed name Carrie Boyd	Date 2/9/2012



CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE: March 6, 2012

Name: Steve Glammeyer

Date Memo/Packet Submitted to City Clerk: February 29, 2012

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

Dept: Utilities **Description:** Council Bill #6 - MEAN Participation **Phone:** 874-7901

...ALL QUESTIONS must be answered...

Discussed with City Manager? Yes / No	Reviewed by City Attorney? Yes / No
Included in Current Year Budget? Yes / No N/A Budgeted Amount \$ _____ If not budgeted explain:	Program is... NEW ONGOING TEMPORARY
Is this a Bid Award? Yes / No Bidders and Bid Amounts – Attach a Summary of Bids Received	Subject to Annual Renewal? Yes / No Renewal Date: _____
What process was used? N/A _____ Informal Bid _____ RFP _____ Bid _____ RFQ _____ Other (explain)	Is this a Grant? Yes / No
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? N/A
Purchase Amount: N/A	Is an Ordinance Required? Yes / No Is Resolution Required? Yes / No Are there any publishing requirement? Yes / No

SUMMARY: The attached Council Bill is for the City of Delta to become a member of MEAN which allows us the ability to participate in future business of MEAN including future rate hearings.



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

MEMO

To: Mayor and Council
From: Steve Glammeyer, Utilities Director
Date: February 29, 2012
Subject: Council Bill #6 – MEAN Participation

Recommendation

It is recommended that the Council approve the attached Ordinance determining the need for the City to become a participant in the operations of the Municipal Energy Agency of Nebraska (MEAN).

Background

With the recent approval of the 28 year purchased power contract with MEAN, staff feels it should have representation on the Board of Directors for MEAN. The process is set forth by the MEAN Board of Directors and approval ultimately will come from that board. The first step is to adopt the ordinance you have before you tonight and then the MEAN Board will review that and approve or deny our request. As a member of the board, staff will be able to have a voice into the many activities and actions of MEAN including future rate hearings.

Cost

There is no cost to the City.

Action to be Taken if Approved

The Council needs to appoint a director and an alternate director tonight.

Suggested Motion

I move for adoption of Council Bill #6, 2012 on first reading.

Council Bill # 6, 2012

AN ORDINANCE DETERMINING THE NEED FOR PARTICIPATION, AND AUTHORIZING AND DIRECTING SUCH PARTICIPATION BY THE CITY OF DELTA, COLORADO, IN THE OPERATION OF MUNICIPAL ENERGY AGENCY OF NEBRASKA AND TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF DELTA, COLORADO:

Section 1. The City Council hereby finds and declares that, in consideration of the present and future needs of this City for electric power and energy, and the inadequacy and unsuitability of the City's supply of electric power and energy available to meet those needs, and in consideration of the economic and other advantages which will be realized by cooperative action with other municipalities, it would be in the public welfare and in the interest of the customers of the City's electric utility that the City become a participant in the Municipal Energy Agency of Nebraska, an agency which has been formed pursuant to the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq., as a participating municipality. At the present time, the Agency is comprised of the municipalities of:

Nebraska: Alliance, Ansley, Arnold, Bayard, Beaver City, Benkelman, Blue Hill, Bridgeport, Broken Bow, Burwell, Callaway, Chappell, Crete, Curtis, Fairbury, Falls City, Gering, Grant, Imperial Public Power District, Kimball, Lyman, Mitchell, Morrill, Nebraska City, Oxford, Pender, Pierce, Red Cloud, Shickley, Sidney, Stuart, West Point, Wisner, Wood River;

Colorado: Aspen, Fleming, Fort Morgan, Fountain, Glenwood Springs, Gunnison, Haxtun, Julesburg, Lyons, Yuma;

Iowa: Breda, Indianola Municipal Utilities, Sergeant Bluff, Wall Lake, Waverly Light and Power;

Wyoming: Basin, Torrington

It is anticipated that there may be other municipalities that may become participants pursuant to the provisions of the Municipal Cooperative Financing Act.

The general description of the business in which the Agency engages, and the location and method of operation of the proposed plants and systems of the Agency are:

To generate and supply electrical energy and engage in the ownership and operation of power projects as defined in the Municipal Cooperative Financing Act, within and without the State of Nebraska, and exercise all other powers granted by law relating to the above activities. The principal place of business shall be Lincoln, Nebraska.

Section 2. It is hereby ordered and directed that the City of Delta, Colorado, acting through its Mayor and City Clerk, become a participating municipality in Municipal Energy Agency of Nebraska, an organization which has been created pursuant to the Municipal Cooperative Financing Act contained in the Nebraska Revised Statutes §18-2401 et seq. and do all things necessary to become a participant in such Agency. This would include the submission of an application to the Municipal Energy Agency of Nebraska expressing this City's desire and need to become a participating municipality and the appointment of a director to the Agency.

Section 3. This Ordinance shall be in full force and take effect after its passage, approval, and publication as provided by law.

Passed and approved on the _____ day of _____, 20__.

MAYOR

ATTEST:

CITY CLERK

(SEAL)

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

CITY OF DELTA, COLORADO

By _____
Mayor

ATTEST:

City Clerk



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

MEMO

To: Mayor and Council
From: Steve Glammeyer, Utilities Director
Date: February 29, 2012
Subject: Appointment to MEAN Board

Recommendation

It is recommended that the Council appoint Steve Glammeyer as Director and Joe Kerby as Alternate Director to the MEAN Board.

Background

With the recent approval of the 28 year purchased power contract with MEAN, staff feels it should have representation on the Board of Directors for MEAN. The process is set forth by the MEAN Board of Directors and approval ultimately will come from that board. The first step was adoption of Council Bill #6 tonight. If that was successful, then the second step is to appoint a Director and an Alternate Director. Staff recommends that you appoint Steve Glammeyer as the Director and Joe Kerby as the Alternate Director.

Cost

There is no cost to the City.

Action to be Taken if Approved

Staff will submit the appropriate forms to MEAN.

Suggested Motion

I move Council appoint Steve Glammeyer as Director and Joe Kerby as Alternate Director to the MEAN Board of Directors.

CERTIFICATE FOR APPOINTMENT OF A
DIRECTOR TO THE
MUNICIPAL ENERGY AGENCY OF NEBRASKA

This is to certify that on _____, 20____, in the City of
Delta, Colorado, I duly appointed _____ to serve
as director to represent the City of Delta, Colorado, on the Board of Directors of the
Municipal Energy Agency of Nebraska (MEAN). The appointment will run for a term of
three years with all the powers and duties incident to such office. This certificate is issued
in compliance with the Municipal Cooperative Financing Act contained in Nebraska Revised
Statutes §18-2401 et seq.

Mayor

This is to certify that the appointment set out above was approved by the City
Council at the City Council meeting of _____, 20____.

City Clerk

(SEAL)

CERTIFICATE FOR APPOINTMENT OF AN
ALTERNATE DIRECTOR TO THE
MUNICIPAL ENERGY AGENCY OF NEBRASKA

This is to certify that on _____, 20____, in the City of
Delta, Colorado, I duly appointed _____ to serve
as alternate director to represent the City of Delta, Colorado, on the Board of Directors of
the Municipal Energy Agency of Nebraska (MEAN). The appointment will run for a term
of three years with all the powers and duties incident to such office. This certificate is
issued in compliance with the Municipal Cooperative Financing Act contained in the
Nebraska Revised Statutes §18-2401 et seq.

Mayor

This is to certify that the appointment set out above was approved by the City
Council at the City Council meeting of _____, 20____.

City Clerk

(SEAL)



CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE: March 6, 2012

Name: Glen Black **Date Memo/Packet Submitted to City Clerk:** 3-1-12 (Due no later than Thursday @ 12:00pm)
Dept: Community Development **Description:** Local Preference Purchasing Policy Council Bill _____, 2012
Phone: ext: 227

...ALL QUESTIONS must be answered...

Discussed with City Manager? YES	Reviewed by City Attorney? YES
Included in Current Year Budget? N/A Budgeted Amount \$ _____ If not budgeted explain:	Program is... ONGOING
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 _____ X _____ Other (explain) CRP Committee ERC	Is this a Grant? NO
Is this to be communicated to the Public? NO _____ Press Release _____ Newsletter Article _____ Other _____ Channel 10 _____ City website	What is the City's Match? N/A
Purchase Amount: N/A	Is an Ordinance Required? YES Is Resolution Required? NO Are there any publishing requirement? Yes Normal

SUMMARY: Council reviewed this item at the work session on January 3, 2012 and requested changes that have been incorporated into the ordinance. This is for first reading of Council Bill _____, 2012.

MEMO



Community Development

www.cityofdelta.net

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

Date: March 6, 2012

To: Mayor, City Council and City Manager

From: Glen L. Black, Director of Community Development

A handwritten signature in purple ink, appearing to read "GLB".

Re: Local Purchase Preference Policy

RECOMMENDATION

City Council would review the ordinance authorizing certain preferences for local businesses bidding on City contracts.

BACKGROUND

The Community Revitalization Partnership (CRP) Program created an Economic Restructuring Committee (ERC). ERC has set as an objective to research and present for adoption a policy by which local businesses are given preference when competing in the bidding processes. Council reviewed a draft ordinance on January 3, 2012. ERC has made changes and is now re-submitting for Council input.

ACTION TO BE TAKEN IF APPROVED

City Council consideration of Council Bill _____, 2012 on first reading.

SUGGESTED MOTION

I would move to adopt Council Bill _____, 2012 on first reading. (Disapproval would be indicated by a "nay" vote)

Thank you for your attention.

COUNCIL BILL# _____, 2012

ORDINANCE NO. _____, 2012

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO ADDING
CHAPTER 2.75 TO THE DELTA MUNICIPAL CODE FOR THE
PURPOSE OF AUTHORIZING CERTAIN PREFERENCES FOR
LOCAL BUSINESSES BIDDING ON CITY CONTRACTS.**

WHEREAS, the Delta City Council recognizes that individuals and entities who have established businesses in the City limits contribute substantially to the local economy by, among other things, employing local residents and paying local sales taxes; and

WHEREAS, the Council believes that local business owners should be given certain preference over other contractors in contract settings that involve competitive bidding for City of Delta public works, services and material supply projects, provided that the local business owners are otherwise qualified to perform the contract work.

WHEREAS, available statistics indicate that for every \$100.00 spent in locally owned independent stores, as much as \$68.00 returns to the pertinent source community through taxes, payroll and other expenditures, while the same amount spent at national chains, outlets typically return as little as \$43.00 to the local community and the same amount spent for on-line purchases returns nothing to the community.

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

A new Chapter 2.75 is hereby added to the Delta Municipal Code which provides as follows:

Chapter 2.75

PREFERENCES FOR LOCAL CONTRACTORS BIDDING ON CITY PROJECTS.

Sections:

2.75.010 General Application

2.75.020 Exceptions

2.75.030 Penalties for Providing False Bid Information

2.75.010 General Application.

Except as otherwise provided in this Chapter, whenever competitive bidding is required by law for any contract involving materials, services and/or labor furnished to the City of Delta,

preference shall be given to each qualified local business in the manner more particularly described in this Section.

A. Definition of Qualified Local Business:

A qualified local business means an individual or entity who, at the time of submitting a bid for a contract relating to a City of Delta purchase or work project, (1) currently maintains one or more fixed business offices or taxable distribution points located within Delta County, Colorado, (2) has a pre-established mailing address, other than a mere post office box, also located in Delta County, Colorado and (3) the majority of employees performing the work are residents of Delta County.

B. Award of Specific Contracts:

In the course of evaluating bids or proposals pertaining to any contract for the purchase or lease of supplies, materials, equipment, or other personal property and/or any contract for labor to be performed on a public works project and/or any professional services contract, the City will strive to extend an five percent (5%) preference, but not to exceed Ten Thousand Dollars (\$10,000.00), to each otherwise eligible contract bidder who sufficiently demonstrates ownership of a qualified local business in the related bid proposal documents. It is provided, however, that when applying this provision to specific contract settings, the City will continue to give appropriate consideration and weight to all other relevant information and factors customarily used for comparison of bids in the process of selecting the lowest responsible bidder including, but not limited to the following: (1) the relative quality of any proposed material items and their conformity with pertinent contract specifications, (2) the relative benefit to the City of proposed delivery and discount terms and conditions and proposed terms of warranty and repair for material items, (3) the overall experience, qualification and reputation of the bidder for performance of similar contracts, etc.

2.75.020 Exceptions

The following contracts shall not be eligible for preferences contemplated by Section 2.75.010:

- A. Contracts for which application of the provisions of said Section would be prohibited by State or Federal law or regulations.
- B. Contracts funded in whole or in part by grants, donations or gifts to the City of Delta, the conditions of which prohibit or discourage preferences of the sort allowed by Section 2.75.010.
- C. Contracts for redressing emergency conditions in the City of Delta where any delay in completion or performance of the contract would jeopardize public health, safety or welfare, or where in the judgment of the City Manager, or his or her designee, the operational effectiveness of a significant City of Delta function would be seriously impaired if the contract were not entered into expeditiously without resort to competitive bidding processes.

- D. Contracts in which there is only one bidder for supplies, material, equipment or other property to be furnished to the City.
- E. Any other contract setting in which the City determines the application of a preference would be fundamentally adverse to the City of Delta's interests.

2.75.030 Penalties For Providing False Bid Information

If the City Manager, or his or her designee, determines that a person or entity submitting a bid for a City contract has made an intentional misstatement of fact to obtain a contract preference under this Chapter, the City of Delta may pursue all consistent legal and/or equitable remedies afforded by Colorado law and, in addition, may impose the following penalties:

- A. A finding of such an intentional misstatement by a contract bidder shall furnish a basis for disqualifying all current and future bids on City contracts from that bidder and his or its related business for a period of at least one full year from the date of the finding.
- B. An intentional misstatement made to obtain a price preference under this Chapter shall subject the recipient of any such price preference to a civil penalty of treble the amount of the price preference actually received, or Three Hundred Dollars (\$300.00), whichever is greater. The City may collect such penalty, plus all reasonable attorney fees and costs incurred in the course of collection efforts, through civil proceedings filed in the appropriate Court in Delta County, Colorado.

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

MEMO



Community Development

www.cityofdelta.net

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

Date: March 6, 2012
To: Mayor, City Council and City Manager
From: Glen L. Black, Director of Community Development
Re: Off-Street Parking Paving Requirements

A handwritten signature in purple ink, appearing to read "GLB".

RECOMMENDATION

City Council consider changing the Off-Street Parking Paving requirements.

BACKGROUND

The City Council requested that the Planning Commission make a recommendation regarding Off-Street Parking Paving at the City Council Work Session held on December 6, 2011.

The Planning Commission reviewed this item at the Planning Commission meetings held on January 9, 2012 and February 6, 2012. Below is the recommendation from the Planning Commission meeting held on February 6, 2012.

STAFF REVIEW AND DISCUSSION

15.04.080.B.1.b

b. Required off-street parking spaces, including landscaped areas, and maneuvering areas, adequate to avoid the necessity of backing onto the developed part of adjoining streets, and adequate to meet all applicable requirements. ~~When six or more spaces are required,~~ The required parking and maneuvering areas shall be ~~paved.~~ **constructed according to 17.04.230.G.**

17.04.230.E.4 Off-street parking requirements.

4. **Shared parking lots are allowed in all zone districts, where shared parking can be provided among a mix of land uses located in the same structure or on the same property or use or in adjacent structures, or on adjacent property, not more than two hundred and fifty feet (250') from the property it is intended to serve and the multiple uses or activities are not conducted during the same hours, or the hours of peak parking demand vary among the uses so long as the aggregate spaces required are provided and a recorded covenant or plat restriction on forms approved by the City allows the City to enforce compliance.**

17.04.230.G Off-street parking requirements.

G. When ~~six~~ **twenty** or more spaces are required, the parking and maneuvering areas shall be paved in accordance with City specifications, **unless exempted below:**

1. **Where public access to a required parking lot/space is not paved at the time of parking construction the lot/space may be graveled;**

however, it must be paved within twelve months of the time that any point of public access is paved.

2. Where public access to a required parking lot/space is paved and the parking lot is not required to be paved, a paved or concrete apron must be installed according to City Standards and Specifications at all access points.

3. In the I, IR and B-3 zone districts parking and maneuvering areas for truck loading, employee parking and outside manufacturing may be graveled. If the business includes retail sales the customer parking area must be paved according to these regulations.

A completed maintenance agreement, on City approved forms, is required in all cases where paving is not required. The maintenance agreement will include requirements for condition of parking lot, dust suppression, and tracking of materials onto adjacent streets.

The following language shall be included in the agreement, I ___(owner of property)_____ at _____(address)_____ shall be liable for the following at the above mentioned address: maintenance of all graveled parking and maneuvering areas including, but not limited to clearing gravel off of paved or concrete aprons, repairing potholes, controlling dust, and maintaining adequate gravel coverage to allow maneuvering of vehicles in all types of weather. In the event that said maintenance is not properly performed, the City of Delta may cause the work to be done, assess the cost to the said owners, may certify such charges as delinquent charges to the County Treasurer to be collected similarly to taxes, may record a lien on said lots which may be foreclosed in any lawful manner, or may pursue any other remedy available in order to collect such charges.

ACTION TO BE TAKEN IF APPROVED

Direct staff to draft an Ordinance for City Council consideration to enact the proposed changes.

Thank you for your attention.



CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE: 6 Mar

Name: Hatheway Date Memo/Packet Submitted to City Clerk: 28 Feb
(Due no later than Thursday @ 12:00pm)
 Dept: Public Works Description: Hilderbrand Purchase Phone: 4-7566

...ALL QUESTIONS must be answered...

Discussed with City Manager? <input checked="" type="radio"/> Yes / <input type="radio"/> No	Reviewed by City Attorney? <input checked="" type="radio"/> Yes / <input type="radio"/> No
Included in Current Year Budget? <input checked="" type="radio"/> Yes / <input type="radio"/> No Budgeted Amount \$ <u>2100⁰⁰</u> If not budgeted explain: <u>Truck Route Acquisition Budget</u>	Program is... NEW <input checked="" type="radio"/> ONGOING TEMPORARY
Is this a Bid Award? Yes / <input checked="" type="radio"/> No Bidders and Bid Amounts – Attach a Summary of Bids Received	Subject to Annual Renewal? Yes / <input checked="" type="radio"/> No Renewal Date: _____
What process was used? ____ Informal Bid ____ RFP ____ Bid ____ RFQ <input checked="" type="checkbox"/> Other (explain)	Is this a Grant? Yes / <input checked="" type="radio"/> No
Is this to be communicated to the Public? Yes / <input checked="" type="radio"/> No ____ Press Release ____ Newsletter Article ____ Other ____ Channel 10 ____ City website	What is the City's Match? <u>N/A</u>
Purchase Amount:	Is an Ordinance Required? Yes / <input checked="" type="radio"/> No Is Resolution Required? Yes / <input checked="" type="radio"/> No Are there any publishing requirement? Yes / <input checked="" type="radio"/> No

SUMMARY: See Memo



MEMO

To: *Mayor and Council*

From: *Jim Hatheway, Public Works Director* 

Date: *6 March 12*

Subject: *Property Acquisition – Confluence Drive*

RECOMMENDATION

The Public Works Department is recommending that the City move forward with the contract to purchase property from Hildebrand Enterprises, LLC.

BACKGROUND

Property is located roughly at 8th Street and SH 348. Small corner of the property is needed for improvements to the intersection at SH 348 and Confluence Drive. TRS developed a value finding and presented it to Hildebrand Enterprises. Offer was accepted and contract signed.

COST

Value for the property was determined to be \$2100.00

ACTIONS TO BE TAKEN IF APPROVED

City Manager will sign contract to complete transaction

SUGGESTED MOTION

I move the City approve the contract to purchase property from Hildebrand Enterprises for benefit of Confluence Drive. (Opposition to the motion will be signified by a vote against the motion)



TRANSPORTATION RESOURCE SERVICES, INC.

TRANSMITTAL CONTRACT APPROVAL

DATE: February 21, 2012
TO: Jim Hatheway, Public Works Director
FROM: Jeff Perret, Transportation Resource Services, Inc.
RE: Confluence Drive
Parcel 28 Hildebrand Enterprises, LLC
755 Silver Street, Delta, CO 81416
CC: Project File(s)

Attached you will find the following:

Original Contract to Buy and Sell Property between Hildebrand Enterprises, LLC and the City of Delta for review and signature by the City

Copy of Statement of Authority

Original W-9

Copy of Approved Value Finding Dated 2/15/12

Copy of Offer Letter and Summary Statement of Just Compensation

Copy of Notice of Intent dated 07/14/11

**Note that Page 5 requires Mr. Kerby's signature.*

Upon ordinance approving the purchase and Contract by the Delta City Council, TRS will obtain a Good Faith Estimate of Closing costs, and funds can be ordered to close this transaction. At that time, TRS will arrange to close on behalf of the City with Delta County Abstract Company.

Please return all original documents to TRS for record keeping.

CONTRACT TO BUY AND SELL PROPERTY

This Contract, made and entered into this 17th day of FEBRUARY, 2012 by and between Hildebrand Enterprises, LLC of 2028 West Liberty Court, Grand Junction, Colorado 81507, (hereinafter referred to as "Seller") and the City of Delta, a Colorado municipality, of 360 Main Street (P.O. Box 19) Delta, Colorado 81416 (hereinafter referred to as the "City") is to witness:

Recitals

Seller presently owns certain real estate located at 755 Silver Street, in Delta Colorado. The parties to this Contract have agreed upon the following arrangements for the sale and purchase of a portion of said real estate as described in Paragraph 1 below.

Agreement

1. General Premises. For and in consideration of the total price of **Two Thousand One Hundred and NO/100 Dollars (\$2,100.00)**, and other good and valuable consideration specified in this contract, to be paid as hereinafter provided, Seller agrees to sell and the City agrees to purchase the following real property (hereinafter referred to as "the Property") located in Delta County, Colorado and referenced by the exhibit attached hereto:

See **Exhibit "A"** legally describing and **Exhibit "B"** depicting Right of Way Parcel No. 28 of the City of Delta Alternate Truck Route;

Together with all improvements and fixtures thereon and appurtenances thereto. The Property shall be conveyed by Seller to the City by special warranty deed and other appropriate legal instruments at the time of closing of this contract. The consideration set forth herein is in full settlement of all and any damages, including any damages to the remainder, occurring to the Seller or Seller's Property, and includes full compensation for the Seller's interest, either present or future, the interest of lienors, and any and all interests, legal or equitable, which are or may be outstanding. The Seller shall pay from the proceeds of this Contract or otherwise, and shall satisfy or remove other outstanding interests. The Seller has entered into this contract solely because the City has the power of eminent domain, and requires the Property for a public purpose.

2. Purchase Price and Payment Terms. The aforementioned purchase price of Two Thousand One Hundred Dollars (\$2,100.00), plus closing costs related to this transaction, shall be fully paid by the City at closing in funds which comply with all applicable Colorado laws, including cash, electronic transfer funds, certified check, and/or cashier's check. Such payment shall be made to the Delta County Abstract Company acting as closing agent and trustee for the parties hereunder.

3. Evidence of Title. The City may secure a current commitment for the City's title insurance policy in an amount of its own choosing. Title insurance, if required, shall be secured by and at the expense of the City.

4. Title Review. The City shall have the right to inspect the aforementioned title documents. Written notice by the City of unmerchantability of title or of any other unsatisfactory title condition shown by the title documents shall be signed by or on behalf of the City and provided to the Seller. In addition to the title documents, Seller shall deliver to the City true copies of any and all leases and surveys in Seller's possession pertaining to the subject real property and shall disclose to the City all easements, liens or other title matters not shown by the public records of which Seller has actual knowledge prior to closing. The City shall have the right to inspect the Property to determine if third parties have any rights in the Property not shown by the public records. Written notice of any unsatisfactory conditions revealed by Seller's disclosures, or by such inspection conducted by the City, shall be signed by or on behalf of the City and given to Seller prior to the date of closing. If Seller does not receive any such notice from the City in advance of closing, the City shall be deemed to have accepted title subject to the existing conditions and rights of third parties revealed by Seller's disclosures or reasonably discernible from the City's inspection.

If Seller receives notice of any unmerchantability of title, or of any other unsatisfactory title conditions found by the City as provided in this Paragraph 4, Seller shall use reasonable efforts to correct said conditions prior to the date set for closing of this Contract. If Seller fails or is unable to correct such unsatisfactory conditions on or before the date of closing, this Contract shall then terminate unless the City instead elects to execute a written waiver of their objection to all such title conditions and proceed with closing.

5. Inspection. Upon execution of the Contract by the Seller, the City shall be permitted to enter upon the Property to perform site inspections and necessary due diligence that the City deems necessary for its benefit and protection. The City acknowledges that Seller has made no material representations about the physical condition or quality of the Property. Unless this Contract sooner terminates as provided above, the City agrees to accept the Property at the time of the hereinafter provided possession transfer date in the physical condition in which it then exists. Until the time of said possession transfer date, Seller agrees to maintain the Property in its present condition, ordinary wear and use excepted.

6. Closing of Contract and Payment of Related Costs. Closing of this Contract shall occur at the Delta County Abstract Company in Delta, Colorado no later than April 15, 2012. The date, hour and place of closing shall be determined by the Delta County Abstract Company, as closing agent, and communicated to the parties. Seller and the City shall each execute such customary documentation as may be required by said closing agent. Fees for the closing agent's services shall be paid at closing by the City. All other customary closing costs and recording fees shall be paid at closing by the appropriate party. The parties shall arrange with their respective attorneys for the preparation of any special documentation contemplated by this Contract that is not customarily prepared by the closing agent as part of its closing services. Each of the parties shall pay their own respective attorney fees; provided, however that the City shall pay any attorney fee for its preparation of this contract.

7. Transfer of Title. At the time of closing, Seller shall execute and deliver a good and sufficient special warranty deed, conveying to the City title to the Property. The Property shall be

free and clear of all taxes through the date of closing of this Contract, and also free and clear of all liens, encumbrances, defects, exceptions and conditions other than those accepted by the City after disclosure thereof by Seller and/or by the City's title insurance commitment in accord with Paragraph 3 of this Contract, and those conditions that are reasonably apparent from the City's diligent inspection of the Property, and subject to building, zoning and other governmental regulations.

8. Taxes and Utilities. Any and all unpaid *ad valorem* taxes assessed against the subject real and personal property for the years prior to 2012 shall be paid at or before closing by Seller. Such taxes for the year 2012 shall be prorated between the parties as of the date of closing of this contract, based upon the current assessment. Subject to the aforementioned proration obligation, the City shall be responsible for the timely payment of any and all taxes lawfully assessed upon the Property after closing of this Contract.

Utilities are not anticipated for transfer pursuant to this contact. In the event any utility is subject to transfer from the Seller to the City, the costs of all utilities that are assessed to the Property prior to the date of closing and possession transfer shall be paid by Seller, and all such costs thereafter shall be paid by the City. Seller shall be entitled to recover any and all utility deposits made by them to utility providers prior to the date of transfer of possession.

9. Possession. Provided that the City's title commitment pursuant to Paragraph No. 3 identifies merchantable title, the Seller understands and agrees that the City will take possession of the Property free from all interests, including leasehold interests and tenancies, when the City tenders payment to the Seller by depositing the above-stated total offer of just compensation with the City's closing agent, Delta County Abstract Company. The Seller further understands and agrees that the City will be entitled to specific performance of this Agreement upon tender by the City of the agreed consideration.

10. Condition of Property and Risk of Loss. The property shall be conveyed in the physical condition in which it presently exists, without any warranties or representations regarding such condition. Risk of loss by fire or other casualty affecting the improvements, if any, on the Property shall remain upon the Seller until the time of transfer of possession, whereupon such risk of loss shall pass to the City. If such loss occurs, the City shall be entitled to the full amount of any insurance proceeds receivable for the same.

11. Payment of Encumbrances. The Seller agrees that the consideration as agreed upon between the Seller and the City represents just compensation, and fully compensates the Seller for Seller's fee simple title and conveyance of the Property. The Seller further acknowledges, understands and agrees that the City is not and will not be responsible for paying, releasing or satisfying any judgment(s), lien(s) or other obligation(s) or indebtedness against the Property. The defense and/or settlement of claim(s) made by holders of any lien(s), judgment(s) or other obligation(s), whether by legal action or otherwise, for payment, satisfaction or release or payment of any contract term, provision or legal requirement is the sole responsibility of the Seller. The Seller understands, acknowledges and agrees that the beneficiaries of any unpaid mortgage(s), deed(s) of trust, taxes and/or other financial indebtedness secured by the Seller's Property may claim all or any portion of the compensation paid pursuant to this Contract. The

Seller agrees to execute and deliver to the City any and all documents necessary to convey to the City clear, unencumbered title to the above stated parcels. Failure of the Seller to secure release or subordination of all outstanding interests to the satisfaction of the City prior to closing may, at the City's sole option, render this Contract null and void.

12. Remedies for Breach. This Contract requires specific performance by the Seller, and the City may enforce specific performance of this Contract in the event the Seller fails or refuses to perform. Time is of the essence regarding the performance of all terms and conditions of this Contract. In the event of material breach by either party, the non-defaulting party shall be entitled to all consistent legal and equitable remedies afforded by Colorado law. Further, in the event of any litigation arising out of this Contract, the Court shall award to the prevailing party all reasonable costs and expenses incurred by such party during the pertinent litigation, including attorney fees.

13. Termination. If this Contract is terminated by the City for failure of any contingency specified in this Contract, neither party shall have further obligations hereunder.

14. Contingency and Additional Provisions. The parties agree upon the following contingencies and additional terms and provisions:

(a) This contract shall be contingent in all respects upon approval of its terms by a majority of a quorum of the Delta City Council at a public meeting conducted by no later than April 3, 2012. If said approval is not obtained by said date, this contract shall fully terminate.

(b) The City is represented in this transaction by the City Attorney Michael Schottelkotte. Seller is hereby advised to seek independent counsel for any and all legal and tax questions regarding this transaction. It is specifically provided that the City shall pay the full cost of preparation of this contract. All other attorney fees shall be paid by the party or parties who actually incur them.

(c) Facsimile signatures of the parties upon this contract shall be deemed valid for all purposes.

15. Assignment and Modification. Subject to the provisions of paragraph 14(c) above, no assignment or modification of the Contract by either party shall be permitted without the complete written consent of the other party.

16. Merger. This Contract contains the entire understanding of the parties regarding the subject matter; and there are no promises, covenants, warranties or other undertakings between them other than those expressly set forth herein. All prior discussions of the parties relating to the subject matter shall be deemed to be merged into this Contract.

17. Binding Effect and Survival of Provisions. This Contract shall be binding upon, and inure to the benefit of, the parties hereto and upon their respective heirs, survivors, successors, legal representatives and lawful assigns. Any obligation of this Contract which, by its terms, must be performed after closing of the Contract shall be deemed to survive the same.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day and year first above-written.

Seller: Hildebrand Enterprises, LLC

BY: 

Title: PRESIDENT - Sole Member

THE CITY OF DELTA, COLORADO

By: _____
Joe Kerby, City Manager

Telephone and fax information for notification purposes:

Sellers' phone: (970) 260-6822 cell
City's phone: (970) 874-7566 Fax: (970) 874-8776

John@autopaychecks.com
245-4244 office

EXHIBIT A
SHEET 1 OF 2

RIGHT OF WAY DESCRIPTION PARCEL 28

A PORTION OF THE DELTA TOWNSITE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 95 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 DCLC02 (2009);

COMMENCING AT CORNER NUMBER 20, DELTA TOWNSITE; THENCE S 41°22'27" E, ALONG THE HISTORIC NORTHEASTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD, A DISTANCE OF 306.99 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING S 41°22'27" E, A DISTANCE OF 26.82 FEET TO THE EASTERLY BOUNDARY OF THAT PARCEL OF LAND DEPICTED ON FOSTER BOUNDARY SURVEY, RECORDED AT RECEPTION NUMBER 2005712 IN THE DELTA COUNTY RECORDS;

THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING TWO (2) COURSES:

- 1. S 03°17'22" E, A DISTANCE OF 37.84 FEET;*
- 2. S 25°53'06" W, A DISTANCE OF 41.91 FEET;*

THENCE N 00°57'37" W, A DISTANCE OF 95.62 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 1,218 SQUARE FEET OR 0.028 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.*



EXHIBIT B

SHEET 2 OF 2



POINT OF COMMENCEMENT
DT-20
FND CAP LS 36067

BLOCK 14
PLAT B

S41°22'27"E, 306.99'

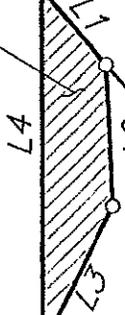
SILVER STREET

FOSTER BOUNDARY SURVEY
REC. NO. 2005712
BY J. S. REASE, PLS 36067
DATED 05/10/2005

POINT OF BEGINNING

W 8th STREET

PARCEL 28
1,218 SF
0.028 AC.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S41°22'27"E	26.82'
L2	S03°17'22"E	37.84'
L3	S25°53'06"W	41.91'
L4	N00°57'37"W	95.62'



GRAPHIC SCALE



ORIGINAL SCALE: 1" = 50'

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



Stantec

Stantec Consulting Inc.
2000 S Colorado Blvd
Suite 2-300
Denver, CO 80222
Tel. 303.758.4058
Fax. 303.758.4828
www.stantec.com

PROPERTY DESCRIPTION

RIGHT OF WAY PARCEL 28
ALTERNATE TRUCK ROUTE
HILDEBRAND ENTERPRISES LLC
DELTA TOWNSITE
CITY OF DELTA
DELTA COUNTY, STATE OF COLORADO

PROJECT NO.:
1876 07735

DATE:
02/18/11

CAD OPR.: AGW
SHEET: 2 OF 2

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity¹ named Hildebrand Enterprises LLC and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.²

2. The entity is a:

<input type="checkbox"/> Corporation	<input checked="" type="checkbox"/> Limited Liability Company
<input type="checkbox"/> Non-Profit Corporation	<input type="checkbox"/> General Partnership
<input type="checkbox"/> Trust	<input type="checkbox"/> Limited Partnership
<input type="checkbox"/> Business Trust	<input type="checkbox"/> Registered Limited Liability Partnership
<input type="checkbox"/> Governmental Subdivision or Agency	<input type="checkbox"/> Registered Limited Liability Limited Partnership
<input type="checkbox"/> Unincorporated Non-Profit Association	<input type="checkbox"/> Limited Partnership Association
<input type="checkbox"/> Other	

3. The entity was formed under the laws of the State of Colorado

4. The mailing address for the entity is: 2028 Liberty Court
Grand Junction, CO. 81507

5. The name and position of person or persons authorized to execute instruments conveying, encumbering or otherwise affecting title to real property on behalf of the entity is:
 - John B. Hildebrand, it's Member.
 - _____, it's _____.

6. (Optional)³ The authority of the foregoing person(s) to bind the entity [] is limited [] is not limited as follows: [_____].

7. (Optional) Other matters concerning the manner in which the entity deals with its interest(s) in real property: _____.

DATED: 1/15/12

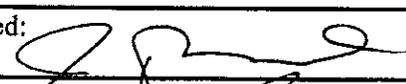
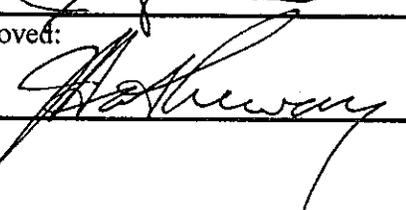
Hildebrand Enterprises LLC J.B. Hildebrand

21

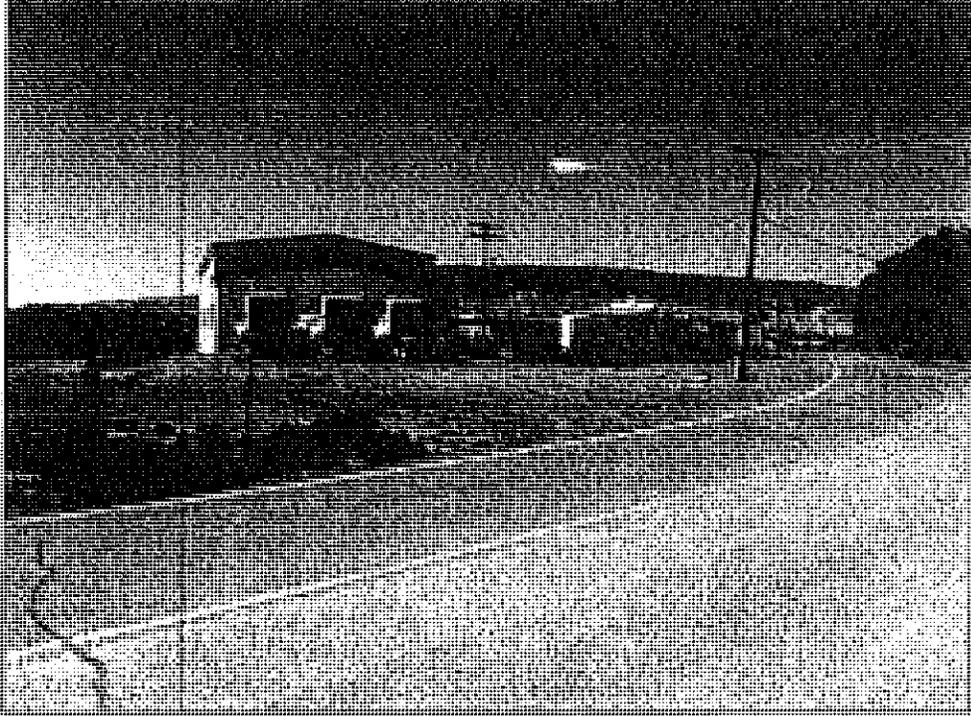
THE CITY OF DELTA, COLORADO DETERMINATION OF JUST COMPENSATION VALUE FINDING	Project: Delta Truck Bypass/Confluence Drive
	Location: 755 Silver Street
	Project Parcel No.: 28
	Tax Schedule No.: Part of APN:3457-242-00-026
	Owner(s): Hildebrand Enterprises LLC

Brief description of subject and taking: The subject property is located at the northwest corner of the three way intersection of 8th Street and State Highway 348 (Silver Street /Bridge Street) in Delta, Colorado. The Delta County Assessor's data indicates a land area of 0.59 acre (25,700 sf. more or less). The property is zoned I-2 (Industrial 2). It is improved with a 3,403 square foot warehouse/storage building with an additional 738 square foot attached office for a total building of 4,141 square feet. Access to the property is derived from Silver Street/State Highway 348. The City requires additional right of way in fee simple, identified as Project Parcel 28 to facilitate construction of the Delta Truck Bypass/Confluence Drive Project.

Parcel 28, to be acquired in fee simple, can be generally described as a trapezoid located at the southeast corner of the subject property along Silver Street. The perimeter dimensions of Parcel 28 are as follows: 95.62'x 41.91'x 37.84'x 26.82', for a total area of 1,218 square feet (0.028 acre), more or less. The legal description of Parcel 28 is attached hereto. This parcel will accommodate public improvements associated with the Delta Truck Bypass/Confluence Drive. The parent parcel is improved with the commercial structure as noted above, and the vertical improvements are unaffected. The property has been inspected by the agent, and a portion appears to lie within existing State Highway 348. The overall ground is improved with a dirt and gravel mix. No personal property was identified at the date of inspection that would require relocation.

Land:				
Parcel	Area	\$/Unit		
28	1,218/SF	\$1.60/SF	\$1,948.80	
			Total land	\$1,948.80
Improvements: 3/4" Road base \$16.75 Ton x 4 ton = \$67.00			Total improvements	\$ 67.00
TCE's	Purpose	Size	Unit price	% of unit price/term
				\$
Damages/cost to cure (describe)				\$
Total for temporary easement and damages				\$
Cost to cure				\$ -0-
I certify my estimate of Just Compensation is				\$2,100.00 (rounded)
Signed:				Date: February 14, 2012
Approved:				Date: 15 Feb 2012
	Jeff Perret, Right-of-Way Agent			
	Jim Hatheway, P.E., Public Works Director City of Delta			

Parcel 28 Hildebrand Enterprises



Looking from south to north



Looking from north to south

EXHIBIT
SHEET 1 OF 1

RIGHT OF WAY DESCRIPTION PARCEL 28

A PORTION OF THE DELTA TOWNSITE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 95 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF DELTA, COUNTY OF DELTA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING TWO (2) COURSES:

1. S 03°17'22" E, A DISTANCE OF 37.84 FEET;
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CONTAINING AN AREA OF 1,218 SQUARE FEET OR 0.028 ACRES, MORE OR LESS.

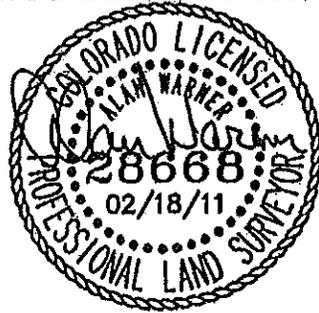
SURVEYOR'S STATEMENT

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.



EXHIBIT
SHEET 2 OF 2



POINT OF COMMENCEMENT
DT-20
FND CAP LS 36067

BLOCK 14
PLAT B

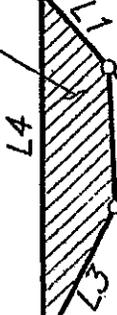
SILVER STREET

FOSTER BOUNDARY SURVEY
REC. NO. 2005712
BY J. S. REASE, PLS 36067
DATED 05/10/2005

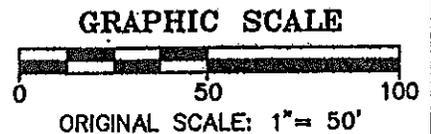
POINT OF BEGINNING

W 8th STREET

PARCEL 28
1,218 SF
0.028 AC.



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



Stantec

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2000 S Colorado Blvd
Suite 2-300
Denver, CO 80222
Tel. 303.758.4058
Fax. 303.758.4828
www.stantec.com

PROPERTY DESCRIPTION
RIGHT OF WAY PARCEL 28
ALTERNATE TRUCK ROUTE
HILDEBRAND ENTERPRISES LLC
DELTA TOWNSITE
CITY OF DELTA
DELTA COUNTY, STATE OF COLORADO

PROJECT NO.:		1876 07735	
DATE:		02/18/11	
CAD OPR.:	AGW	SHEET:	2 OF 2



TRANSPORTATION RESOURCE SERVICES, INC.

February 15, 2012

Hildebrand Enterprises LLC
ATTN: John B. Hildebrand
441 Colorado Avenue
Grand Junction, CO 81501-2510

RE: Offer to Acquire
Parcel No. 28
Part of Delta County APN: 3457-242-00-026
Part of 755 Silver Street, Delta, Colorado

Dear Mr. Hildebrand:

The City of Delta, Colorado (the "City") is proceeding with construction of its alternate truck route, otherwise known as Confluence Drive in Delta (the "Project"). The Project will require the acquisition of additional right-of-way to implement the necessary roadway improvements. The City has selected Transportation Resource Services, Inc. (TRS) to act as its representative for the acquisition of real property for this Project.

The City requires a portion of your property located at 755 Silver Street, in Delta Colorado, also identified by Delta County Assessor No. APN 3457-242-00-026 for the Project;

The parcel to be acquired:

Parcel 28: A tract or parcel of land, in fee simple, containing a total area of 1,218 square feet (0.028 acres), more or less.

As the value of the parcel to be acquired is estimated at less than \$5,000.00, TRS has prepared a value finding on behalf of the City, utilizing credible market data, to determine fair market value for the above referenced parcel. Based upon this value finding, the City is prepared to make you the following offer for said parcel:

**TWO THOUSAND ONE HUNDRED DOLLARS
(\$2,100.00)**

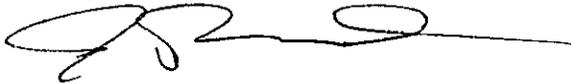
*Hildebrand Enterprises LLC
441 Colorado Avenue
Grand Junction, CO
Letter of Offer*

Accompanying this letter is a Summary Statement of Just Compensation which shows the basis for the amount offered. If you are in agreement with the City's offer, the City will present a contract to purchase said parcel for your signature.

As previously stated, TRS has been retained by the City as its representative for the acquisition of your property for the Project. I remain available to answer any questions you may have regarding this letter, the Summary Statement of Just Compensation, or the acquisition process.

Thank you very much for your continued cooperation and assistance with this important public improvement project. Please do not hesitate to contact me at either, (970) 985-1793 (mobile) or (877) 494-8067 (office).

Sincerely,



Jeff Perret
Right of Way Agent
Transportation Resource Services, Inc.

Enclosures: Legal Description and Exhibit
 Summary Statement of Just Compensation

cc: Jim Hatheway, P.E., Public Works Director, City of Delta

EXHIBIT
SHEET 1 OF 1

RIGHT OF WAY DESCRIPTION PARCEL 28

A PORTION OF THE DELTA TOWNSITE, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 5 SOUTH, RANGE 95 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-2D, 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 DCLC02 (2009);

COMMENCING AT CORNER NUMBER 20, DELTA TOWNSITE; THENCE S 41°22'27" E, ALONG THE HISTORIC NORTHEASTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD, A DISTANCE OF 306.99 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING S 41°22'27" E, A DISTANCE OF 26.82 FEET TO THE EASTERLY BOUNDARY OF THAT PARCEL OF LAND DEPICTED ON FOSTER BOUNDARY SURVEY, RECORDED AT RECEPTION NUMBER 2005712 IN THE DELTA COUNTY RECORDS;

THENCE ALONG SAID EASTERLY BOUNDARY THE FOLLOWING TWO (2) COURSES:

1. S 03°17'22" E, A DISTANCE OF 37.84 FEET;
2. S 25°53'06" W, A DISTANCE OF 41.91 FEET;

THENCE N 00°57'37" W, A DISTANCE OF 95.62 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 1,218 SQUARE FEET OR 0.028 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.



EXHIBIT
SHEET 2 OF 2



POINT OF COMMENCEMENT
DT-20
FND CAP LS 36067

BLOCK 14
PLAT B

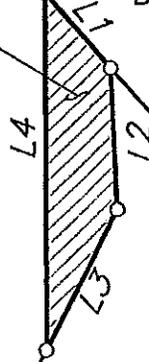
SILVER STREET

FOSTER BOUNDARY SURVEY
REC. NO. 2005712
BY J. S. REASE, PLS 36067
DATED 05/10/2005

POINT OF BEGINNING

W 8th STREET

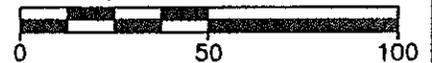
PARCEL 28
1,218 SF
0.028 AC.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S41°22'27"E	26.82'
L2	S03°17'22"E	37.84'
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L4	N00°57'37"W	95.62'



GRAPHIC SCALE



ORIGINAL SCALE: 1" = 50'

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



Stantec

Stantec Consulting Inc.
2000 S Colorado Blvd
Suite 2-300
Denver, CO 80222
Tel. 303.758.4058
Fax. 303.758.4828
www.stantec.com

PROPERTY DESCRIPTION
RIGHT OF WAY PARCEL 28
ALTERNATE TRUCK ROUTE
HILDEBRAND ENTERPRISES LLC
DELTA TOWNSITE
CITY OF DELTA
DELTA COUNTY, STATE OF COLORADO

PROJECT NO.:
1876 07735

DATE:
02/18/11

CAD OPR.: SHEET:
AGW 2 OF 2



TRANSPORTATION RESOURCE SERVICES, INC.

SUMMARY STATEMENT OF JUST COMPENSATION

February 15, 2012

Hildebrand Enterprises LLC
ATTN: John B. Hildebrand
441 Colorado Avenue
Grand Junction, CO 81501-2510

RE: Summary Statement
Parcel No. 28
Part of Delta County APN: 3457-242-00-026
Part of 755 Silver Street, Delta, Colorado

Dear Mr. Hildebrand:

This statement is intended to furnish you with a written summary of the City of Delta's (City's) basis for the amount established as just compensation for Parcel 28, required for the City's Truck Bypass/Confluence Drive Project, (the "Project") in Delta, CO. The City requires one (1) parcel in fee simple to accommodate Project improvements. A legal description of the parcel is attached hereto.

The offered sum for the above stated parcel and improvements is summarized as follows:

Parcel 28:

1,218 square feet x \$1.60 per square foot = \$1,948.80

Improvements:

3/4" Road base, 4 ton x \$16.75/T \$ 67.00

TOTAL OFFER OF JUST COMPENSATION: \$2,100.00 (rounded)

EXHIBIT
SHEET 1 OF 1

RIGHT OF WAY DESCRIPTION PARCEL 28

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COMMENCING AT CORNER NUMBER 20, DELTA TOWNSITE; THENCE S 41°22'27" E, ALONG THE HISTORIC NORTHEASTERLY RIGHT OF WAY LINE OF THE DENVER AND RIO GRANDE RAILROAD, A DISTANCE OF 306.99 FEET TO THE POINT OF BEGINNING;

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2. S 25°53'06" W, A DISTANCE OF 41.91 FEET;

THENCE N 00°57'37" W, A DISTANCE OF 95.62 FEET TO THE POINT OF BEGINNING;

CONTAINING AN AREA OF 1,218 SQUARE FEET OR 0.028 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.



EXHIBIT
SHEET 2 OF 2



POINT OF
COMMENCEMENT
DT-20
FND CAP LS 36067

BLOCK 14
PLAT B

SILVER STREET

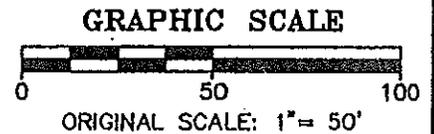
FOSTER BOUNDARY SURVEY
REC. NO. 2005712
BY J. S. REASE, PLS 36067
DATED 05/10/2005

POINT OF
BEGINNING

W 8th STREET

PARCEL 28
1,218 SF
0.028 AC.

LINE TABLE		
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PROPERTY DESCRIPTION
RIGHT OF WAY PARCEL 28
ALTERNATE TRUCK ROUTE
HILDEBRAND ENTERPRISES LLC
DELTA TOWNSITE
CITY OF DELTA
DELTA COUNTY, STATE OF COLORADO

PROJECT NO.:
1876 07735

DATE:
02/18/11

CAD OPR.: SHEET:
AGW 2 OF 2



PUBLIC WORKS DEPARTMENT

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

Project: Delta Truck Bypass/Confluence Drive
Location: Delta, Colorado
Parcel: 28
Date: July 14, 2011

NOTICE OF INTENT TO ACQUIRE REAL PROPERTY

Hildebrand Enterprises LLC
ATTN: John B. Hildebrand
441 Colorado Avenue
Grand Junction, CO 81501-2510

RE: Notice of Intent to Acquire
Parcel No. 28
Part of Delta County APN: 345724200026
Part of 755 Silver Street, Delta, Colorado

Dear Hildebrand Enterprises LLC:

The City of Delta, Colorado (the "City") has committed resources to construct a truck bypass, otherwise known as Confluence Drive (the "Project"), in Delta. The Project requires additional right-of-way and easements to facilitate the proposed improvements. The City has engaged the services of Transportation Resource Services, Inc. (TRS) to assist with the procurement of additional right of way and easements for the Project, and TRS is authorized by the City to provide you this letter.

The City is proceeding with the acquisition of property interests necessary to accommodate Project improvements. This letter serves as the City's notice of its intent to acquire from you the following real property:

Parcel 28: A tract or parcel of land, in fee simple, for public right of way containing a total area of 1,218 square feet (0.028 acres), more or less.

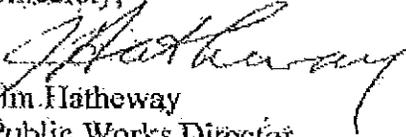
The above-referenced parcel is more particularly described in the legal description attached hereto.

The City has estimated the value of said parcel to be less than \$5,000. Therefore, pursuant to applicable City guidelines and Colorado law, TRS right-of-way staff will prepare an estimate of value (waiver valuation) based upon credible market data for the City's review and approval. The value approved by the City will be used as the basis for the City's offer to acquire the subject parcels.

As previously stated, the City has engaged the services of TRS to assist with acquiring rights of way and easements for the Project. TRS will coordinate an inspection of your property and the aforementioned parcel with you. Please feel free to share with TRS' agent any unique features concerning your property which might otherwise be overlooked.

An agent with TRS will be contacting you in the near future to discuss the Project and the right-of-way acquisition process in greater detail. If you have any questions regarding the property acquisition process, please feel free to contact Jeff Perret with TRS by telephone at 877-494-8067 or (970) 985-1793; or via email at jeff.perret@trscorp.us. If you have questions with regard to the Project design, please contact me at (970) 874-7912.

Sincerely,



Jim Hatheway
Public Works Director
City of Delta

Enclosures: Legal Description Parcel 28

cc: Transportation Resource Services, Inc.

EXHIBIT A
SHEET 1 OF 2

RIGHT OF WAY DESCRIPTION PARCEL 28

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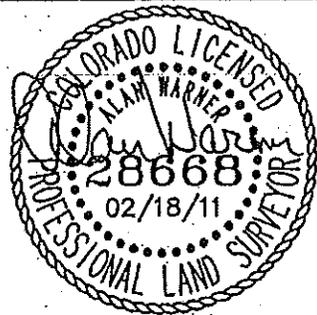
SURVEYOR'S STATEMENT

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



EXHIBIT B
SHEET 2 OF 2



POINT OF COMMENCEMENT
DT-20
FND CAP LS 36067

BLOCK 14
PLAT B

SILVER STREET

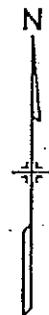
FOSTER BOUNDARY SURVEY
REC. NO. 2005712
BY J. S. REASE, PLS 36067
DATED 05/10/2005

POINT OF BEGINNING

W 8th STREET

PARCEL 28
1,218 SF
0.028 AC.

LINE TABLE		
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GRAPHIC SCALE



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ORIGINAL SCALE: 1" = 50'



Stantec

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PROPERTY DESCRIPTION
RIGHT OF WAY PARCEL 28
ALTERNATE TRUCK ROUTE
HILDEBRAND ENTERPRISES LLC
DELTA TOWNSITE
CITY OF DELTA
DELTA COUNTY, STATE OF COLORADO

PROJECT NO.:	
1876 07735	
DATE:	
02/18/11	
CAD OPR.:	SHEET:
AGW	2 OF 2



CITY COUNCIL MEETING AGENDA ITEM

MEETING DATE:
6 Mar 12

Name: Hatheway Date Memo/Packet Submitted to City Clerk: 1 Mar 12
(Due no later than Thursday @ 12:00pm)
 Dept: PW Description: McDonalds Reimburse Request Phone: 4-7566

...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 type="radio"/> No Budgeted Amount \$ _____ If not budgeted explain:	Program is... <input checked="" type="radio"/> NEW ONGOING TEMPORARY
Is this a Bid Award? Yes / <input checked="" type="radio"/> No Bidders and Bid Amounts – Attach a Summary of Bids Received	Subject to Annual Renewal? Yes / <input checked="" type="radio"/> No Renewal Date: _____
What process was used? <input type="checkbox"/> Informal Bid <input type="checkbox"/> RFP <input type="checkbox"/> Bid <input type="checkbox"/> RFQ <input checked="" type="checkbox"/> Other (explain) <u>Request Letter</u>	Is this a Grant? Yes / <input checked="" type="radio"/> No
Is this to be communicated to the Public? Yes / <input checked="" type="radio"/> No <input type="checkbox"/> Press Release <input type="checkbox"/> Newsletter Article <input type="checkbox"/> Other <input type="checkbox"/> Channel 10 <input type="checkbox"/> City website	What is the City's Match?
Purchase Amount:	Is an Ordinance Required? Yes / <input checked="" type="radio"/> No Is Resolution Required? Yes / <input checked="" type="radio"/> No Are there any publishing requirement? Yes / <input checked="" type="radio"/> No

SUMMARY: See Memo



MEMO

To: *Mayor and Council*

From: *Jim Hatheway, Public Works Director*

Date: *1 March 12*

Subject: *Request from Deborah Long Shea, Owner McDonalds*

RECOMMENDATION

The Public Works Department recommends that the City Council consider two different options as it relates to the request that is attached. First option is to honor the request as a Not To Exceed amount that will be paid as pay requests are submitted to the City. Second option is to consider constructing all improvements on the north side of the drive alley north of the restaurant when Confluence Drive is constructed.

BACKGROUND

Construction of Confluence Drive is forcing the City to close the three accesses used by McDonalds from Gunnison River Drive. The closures to the existing accesses are forcing the property owner to reconfigure the site layout and circulation of the site. In order to maintain circulation and access, Ms. Shea has negotiated a cross access agreement with the Kroger (City Market) to allow customers of both businesses to move across the shared property line south of McDonalds, next to the existing fueling station. These changes with the site configuration are coinciding with a remodel requirement placed on the owner by McDonalds Corporation. Ms. Shea employs several Delta citizens and is interested in becoming an involved part of the community.

COST

Ms. Shea has sent the remodel and site reconfiguring project out to bid and has awarded the project to Ridgway Valley Enterprises, Inc. She is requesting a 50% cost share of \$104,000 project. The attached spreadsheet shows the estimated impact to this business due to the access closures.

Second option is to include the construction of improvements north of the drive aisle that is north of the building when the improvements are made to Confluence Drive. Estimated cost of these improvements is \$30,000 to \$40,000

If approved by council, this project will be paid from the 80-19 fund.

ACTIONS TO BE TAKEN IF APPROVED

Staff requests that council review Ms. Shea's request and consider the 2 options available. If the cash option is selected, the dollar figure selected by council will be a Not To Exceed amount that

will be reimbursed to the owner as invoices are provided to the city. If Council selects the second option, SEMA will be used to construct the improvements identified north of the drive aisle, north of the building, when Confluence Drive is constructed adjacent to McDonalds.

SUGGESTED MOTION

I move the City grant (not grant) Ms Shea's requests for shared funding not to exceed \$52,000 (*or other dollar amount*) for the site improvements at McDonalds due to the access closures created by the Construction of Confluence Drive.

Optional Motion: I move that the City construct the identified improvements north of the drive aisle north of the existing building as part of the Confluence Drive project.

Description	Quantity	Unit	Comments	RW Unit Price	RW Total Price	City Percentage	City Cost
Construct							
New Curb/Gutter	1560	LF	Some double counted; not all due to access closure	\$19.60	\$30,576.00	48.00%	\$14,676.48
New AC Paving	9800	SF	Can be attributed to access closure	\$2.35	\$23,030.00	50.00%	\$11,515.00
New 2' Cross Pan	131	LF	Can be attributed to access closure	\$12.25	\$1,604.75	50.00%	\$802.38
New ADA Ramp	4	EA	2 in ROW; 2 due to remodel	\$796.25	\$3,185.00	0.00%	\$0.00
New Class 6	1000	TN	Can be attributed to access closure	\$22.05	\$22,050.00	50.00%	\$11,025.00
New Concrete Pavement	2400	SF	Can be attributed to access closure	\$5.21	\$12,504.00	50.00%	\$6,252.00
Striping	1	LS	Can be attributed to access closure	\$1,849.75	\$1,849.75	50.00%	\$924.88
Replace Existing Walks	200	SF	Part of remodel per notes	\$6.13	\$1,226.00	0.00%	\$0.00
Compaction Testing	1	LS	Partially due to access closure	\$2,695.00	\$2,695.00	50.00%	\$1,347.50
Concrete Testing	1	LS	Partially due to access closure	\$1,960.00	\$1,960.00	50.00%	\$980.00
Winter Protection	1	LS	Partially due to access closure	\$1,470.00	\$1,470.00	50.00%	\$735.00
						Total Construct	\$48,258.23
Demo							
Curb/Gutter	1540	LF	Some double counted; not all due to access closure	\$3.68	\$5,667.20	46.00%	\$2,606.91
Existing Paving	4200	SF	Can be attributed to access closure	\$0.25	\$1,050.00	50.00%	\$525.00
Existing Base Course	180	CY	Can be attributed to access closure	\$4.90	\$882.00	50.00%	\$441.00
Existing Landscaping	10000	SF	Can be attributed to access closure	\$0.25	\$2,500.00	50.00%	\$1,250.00
Move Transformer/Pad	1	LS	Can be attributed to access closure	\$1,470.00	\$1,470.00	50.00%	\$735.00
Move Electrical Disconnect	1	LS	Can be attributed to access closure	\$490.00	\$490.00	50.00%	\$245.00
Move Air/Water Station	1	LS	Can be attributed to access closure	\$735.00	\$735.00	50.00%	\$367.50
Sawcut AC	3300	INFT	Can be attributed to access closure	\$0.92	\$3,036.00	50.00%	\$1,518.00
						Total Demo	\$7,688.41
						Total Estimated Impact of Access Closure	\$55,946.64

February 24, 2012

To: Jim Hatheway, P.E., Public Works Director
City of Delta, Public Works
360 Main Street
Delta, Colorado, 81416

Please accept this letter for review and approval of my request for assistance pertaining to the road improvement and the subsequent site work at my McDonald's restaurant.

As a significant taxpaying business, positive contributor to the city and employer of many jobs, I am hopeful that you will approve my request to assist me in paying for the site work which is a result of the new truck pass being constructed along Gunnison River Rd.

In March of 2012, my McDonald's restaurant will be undergoing a major remodel project which will positively impact the City of Delta. This remodel will update the exterior and interior of my restaurant. Included in this project is the elimination of the mansard roof and replacement with an updated exterior image. The interior will also be updated with a new layout, new restrooms and an interior remodel including graphics and lighting. Once complete, customers will be able to enjoy meals, relax with friends and take advantage of our free wi-fi in a new, comfortable, welcoming and modern environment.

One major deterring factor for the project is the cost associated with the Gunnison River Rd. work. This project will affect the ingress/egress to my restaurant. Consequently, there is a site work which is a result of the new truck pass which will be constructed. We would prefer that nothing happen with our entrances and exits but, according to the City: in order for the new truck route to be completed, these closures are necessary.

The site work necessary to accommodate the road work and minimize the impact to my restaurant is \$104,000.00. I would request that the City Council approve my request for reimbursement of 50% of these costs. Further, I would like to ensure that the approved site plan remain valid until 12 months after the completion of said road work. This will allow my work to be completed with no change in current design or cost. I would ask that City Council determine the method by which this occur. Further, upon completion of my building project, I would ask that the city issue a certificate of completion which will allow me to realize the benefits of doing this work during calendar year 2012.

I would like to thank the City of Delta for considering my request. I look forward to this being a mutually beneficial project for the city as well as my business.

Sincerely,

Deborah Long Shea

McDonalds Owner/operator of Delta, Colorado

970.417.8448



Ridgway Valley Enterprises, Inc.

236 S. Third St., #335
 Montrose, CO 81401
 970-249-9453 * 970-249-9589 Fax

Project : McDonald's Major Remodel - Delta, CO Date: 2/9/2012

PROPOSAL

Attention: Mike Nelson
 Company: M Squared Inc
 Phone: 801-633-1374
 Fax: _____

We hereby propose to furnish the materials, equipment and perform the labor necessary for the completion of and limited to:

Site Demolition

Description	Quantity	Unit	Unit Price	Total
Remove Curb & Gutter	1540	LF	\$ 3.68	\$ 5,659.50
Remove Existing AC Paving	4200	SF	\$ 0.25	\$ 1,029.00
Remove Existing Base (4200sf X 12")	180	CY	\$ 4.90	\$ 882.00
Remove Existing Landscaping	10000	SF	\$ 0.25	\$ 2,450.00
Move Existing Transformer and Pad	1	LS	\$ 1,470.00	\$ 1,470.00
Move Existing Electrical Disconnect	1	LS	\$ 490.00	\$ 490.00
Move Existing Air and Water Station	1	LS	\$ 735.00	\$ 735.00
Sawcut Existing AC (1100' X 3")	3300	INFT	\$ 0.92	\$ 3,031.88
Total Site Demo				\$ 15,747.38

Building Demolition

Description	Quantity	Unit	Unit Price	Total
Demo Existing Signs	4	HRS	\$ 47.78	\$ 191.10
Demo Roofing on Upper & Lower Roof	16	HRS	\$ 47.78	\$ 764.40
Demo Projection/Sheathing on Lower Roof	64	HRS	\$ 47.78	\$ 3,057.60
Demo Frieze	4	HRS	\$ 47.78	\$ 191.10
Demo Interior Walls	8	HRS	\$ 47.78	\$ 382.20
Demo Interior Floors	4	HRS	\$ 47.78	\$ 191.10
Demo Interior Ceilings	2	HRS	\$ 47.78	\$ 95.55
Demo Mansard Beams	11	HRS	\$ 47.78	\$ 525.53
Demo Exterior Walls, Bay Windows and Window	80	HRS	\$ 47.78	\$ 3,822.00
Temporary Bracing of Roof During Wall Demo	1	LS	\$ 612.50	\$ 612.50
Tools and Equipment	1	LS	\$ 1,531.25	\$ 1,531.25
Total Building Demo				\$ 11,364.33

Site Work

Description	Quantity	Unit	Unit Price	Total
New Curb & Gutter	1560	LF	\$ 19.60	\$ 30,576.00
New AC Paving (3"=150tn)	9800	SF	\$ 2.35	\$ 23,049.60
New 2' Cross Pan	131	LF	\$ 12.25	\$ 1,604.75
New ADA Ramp	4	EA	\$ 796.25	\$ 3,185.00
New Class 6 Under New Site Work	1000	TN	\$ 22.05	\$ 22,050.00
New Concrete Pavement	2400	SF	\$ 5.21	\$ 12,495.00
Parking Lot Striping (Standard Colors Only)	1	LS	\$ 1,849.75	\$ 1,849.75
Replace Existing Sidewalks	200	SF	\$ 6.13	\$ 1,225.00
Compaction Testing	1	LS	\$ 2,695.00	\$ 2,695.00
Concrete Testing	1	LS	\$ 1,960.00	\$ 1,960.00
Winter Protection	1	LS	\$ 1,470.00	\$ 1,470.00
Total Site Work				\$ 102,160.10

Foundation

Description	Quantity	Unit	Unit Price	Total
Sawcutting Existing Foundation	384	INFT	\$ 1.53	\$ 588.00
Remove Existing Foundation	305	SF	\$ 4.90	\$ 1,494.50
Excavate for New Footer	44	CY	\$ 58.80	\$ 2,587.20
New Footer (Includes Rebar)	4	CY	\$ 490.00	\$ 1,960.00
Dowel and Epoxy to Existing Foundation	120	EA	\$ 9.80	\$ 1,176.00
New Stemwall	170	SF	\$ 39.20	\$ 6,664.00
Backfill Stemwall	60	TN	\$ 36.75	\$ 2,205.00
New Slab	290	SF	\$ 7.35	\$ 2,131.50
Column Base Inbeds	11	EA	\$ 55.13	\$ 606.38
Total Foundation				\$ 19,412.58

Framing and Structural Steel

Description	Quantity	Unit	Unit Price	Total
Provide and Install Structural Steel	1	LS	\$ 22,324.72	\$ 22,324.72
Exterior Wall and Parapet Materials	1	LS	\$ 7,232.99	\$ 7,232.99
Exterior Wall and Parapet Labor (4 Man Crew)	1	LS	\$ 13,759.20	\$ 13,759.20
Light Gauge Steel Stud Material	1	LS	\$ 1,667.16	\$ 1,667.16
Light Gauge Steel Stud Labor (2 Man Crew)	1	LS	\$ 764.40	\$ 764.40
Total Framing and Structural Steel				\$ 45,748.46

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