



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**

**January 8, 2013
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: Special Events Permit Application; Delta County Memorial Foundation**
- F. Hotel and Restaurant Liquor License Renewal; Ocean Pearl**
- G. Resolution #1, 2013; Good Neighbor Policy for City of Delta Water Customers**
- H. Council Bill #18, 2012; Second and Final Reading
Storage of Explosives**
- I. Council Bill #20; 2012; Second and Final Reading
2012 Supplemental Appropriations**
- J. City Council Retreat**
- K. City Manager Quarterly Report**
- L. City Attorney Comments**
- M. City Manager Comments**
- N. Councilmember Comments**

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca and Mary Cooper along with City Manager Justin Clifton and City Attorney Mike Schottelkotte. Councilmember Ray Penick was absent. 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

Mayor Sisson stated the Proclamation will be read after citizen comments.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Raley to approve the minutes of the December 4, 2012 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Dennis Phillips, 1906 1600 Road, commented on Devil's Thumb Golf Club and presented a letter to Council.

Proclamation; Garnet Mesa Elementary

Mayor Sisson read the proclamation.

Posting Site for 2013

City Clerk Jolene Nelson explained that Council needs to designate a posting site for all public notices in 2013. In the past we have used the south window at City Hall. Staff would recommend using this site again for 2013.

It was moved by Councilmember Raley and seconded by Councilmember Cooper to designate the south window at City Hall as the official site for posting of City meeting notices in 2013. All in favor, motion carried.

**Council Bill #18, 2012; First Reading
Storage of Explosives**

City Manager Justin Clifton stated that at the last meeting there was a work session discussing the storage of explosives. After the discussions staff and the City Attorney have prepared an ordinance that narrows things down to known materials that are indentified, classified and regulated. It does provide some room for items that are not fully addressed that the Planning Commission could come up with some specifics in regards to the performance standards.

Mayor Sisson questioned why the applicant wants to store the explosives in Delta.

Regular Meeting, Delta City Council, December 18, 2012 (cont.)

Council Bill #18, 2012; First Reading (cont.)

Councilmember Raley stated that it's because they own property here.

Manager Clifton stated that staff prepared this ordinance to fit any and all applicants that may want to store explosives in the City of Delta. In addition, there is language that disallows materials that do not have significant oversight.

Councilmember Cooper stated that the wording captured what Council addressed at the last meeting.

Councilmember Jurca stated he does not like the idea. He thinks it needs to be a lot narrower than what is being presented.

Councilmember Raley questioned if any applicant would have to go before the Planning Commission before being approved.

Manager Clifton stated that it would be brought to the Planning Commission as a conditional use with these performance standards. Staff can make the language narrower if Council should want to do so.

Councilmember Jurca stated that it needs to be as tight as possible. Other communities in the area are not allowing this type of storage.

Councilmember Raley suggested revising the ordinance to accommodate the applicant's request at this time.

Councilmember Cooper stated that they are trying to have an ordinance in place for any future requests as well.

City Attorney Michael Schottelkotte stated that the way it is being presented there is an appeal process that will also be in place which will ultimately have Council rule on those types of things.

Councilmember Raley has no opposition in the way it is being presented.

Greg Turner, 621 E. 5th Street, stated that he owns a business here that involves storing small-type explosives and he has to store them outside the State of Colorado at this time. He believes he can generate more revenue for the City of Delta if he were allowed to conduct his business here. He presented a summary of his law enforcement K-9 business. He suggested using ATF regulations.

Council Bill #18, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO
AMENDING CHAPTER 17.04.160 and 17.04.190 OF THE DELTA
MUNICIPAL CODE FOR THE PRIMARY PURPOSE OF ADDING
AND REGULATING STORAGE OF EXPLOSIVES AND OTHER
NON-FUEL HAZARDOUS MATERIALS AS A CONDITIONAL
USE IN THE B-3 AND I ZONES

Regular Meeting, Delta City Council, December 18, 2012 (cont.)

Council Bill #18, 2012; First Reading (cont.)

was read by the Clerk.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to adopt Council Bill #18, 2012 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, nay; Raley, aye and Sisson, aye. Motion carried.

**Council Bill #20, 2012; First Reading
2012 Supplemental Appropriations**

Manager Clifton stated this is to supplement some changes that occurred for the 2012 budget. He also stated that the golf course fund is about \$90,000 better than anticipated when the budget was completed.

Council Bill #20, 2012

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE
VARIOUS FUNDS AND SPENDING AGENCIES IN THE
AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW
FOR THE CITY OF DELTA, COLORADO, FOR THE 2012
BUDGET YEAR

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to adopt Council Bill #20, 2012 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye and Sisson, aye. Motion carried.

**Ordinance #18, 2012; Second and Final Reading
Moratorium on Marijuana Businesses**

Ordinance #18, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
DECLARING A MORATORIUM ON REVIEW OF APPLICATIONS
RELATING TO COMMERCIAL DISPENSARIES OF MARIJUANA
WITHIN THE CITY OF DELTA PENDING CONSIDERATION OF
ALL PERTINENT LOCAL IMPLICATIONS OF COLORADO
CONSTITUTIONAL AMENDMENT NO. 64 AND ADOPTION OF
ANY NECESSARY LOCAL LEGISLATION

was introduced as Council Bill #19, 2012 and read by the Clerk.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to adopt Council Bill #19, 2012 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye and Sisson, aye. Council Bill #19, 2012 was adopted on second and final reading as Ordinance #18, 2012.

Regular Meeting, Delta City Council, December 18, 2012 (cont.)

Vehicle Purchases

Manager Clifton stated that these vehicle purchases are for the 2013 budget year.

Councilmember Cooper questioned if staff used the governmental pool to get pricing on these vehicles.

Fleet Manager Rod Myers stated that they did look at that and their pricing was about the same as the local company.

It was moved by Councilmember Cooper and seconded by Council Jurca to purchase one 2013 Taurus Police Patrol Sedan for \$27,775.00 from Hellman Motor Company and one 2013 Equinox Crossover Sedan for \$25,292.00 for Hellman Chevrolet Buick. All in favor, motion carried.

Manager Clifton stated there is one other purchase for a trash truck that needs addressed.

Mayor Sisson stated that it's his understanding that the truck the City has now has been in four times.

Mr. Myers reported that it has. However, other truck manufactures were having the same problem and it is believed to have been fixed in the newer models.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to purchase two 2013 model year Jacobsen Greens Mowers from C&M Golf & Grounds Equipment for \$52,740.00 and to purchase one 2013 model year Peterbilt truck chassis from Grand Junction Peterbilt for \$126,747.00 and one 2013 model Bridgeport Refuse body from American Transportation & Equipment Company for \$91,030.00. All in favor, motion carried.

Garnet Mesa HDPE Project

Public Works Director Jim Hatheway stated that this project is to replace an aging CMP pipe that is used to convey water in the Garnet Mesa Ditch which is basically the seep ditch on the west side of Garnet Mesa. They are replacing the pipe with a HDPE pipe to help with root intrusion that staff has been dealing with for some time.

There was discussion regarding the differences in the bids.

It was moved by Councilmember Jurca and seconded by Councilmember Raley to award the contract for the Garnet Mesa HDPE Pipe Replacement Project to Wells Excavation & Farming. All in favor, motion carried.

Retreat Discussion

Manager Clifton reported that he has been working on finalizing the details for the retreat. The facilitator that he believes will serve the City's needs is only available on the 5th or 26th.

There was a consensus amongst Council to proceed with the retreat on January 26th.

Regular Meeting, Delta City Council, December 18, 2012 (cont.)

Retreat Discussion (cont.)

Mr. Clifton stated that the retreat will be held at the Montrose Pavilion. A questionnaire will be provided before the retreat from the facilitator. He will have more information at the first or second Council meeting in January.

City Attorney Comments

There were none.

City Manager Comments

Manager Clifton stated that Colorado Wildlife has invited Council to their event on Thursday. He will email the details to Council.

Councilmember Comments

Councilmember Cooper thanked Wilma Erven for the wonderful Christmas Party. She also congratulated Ms. Erven on her 50th wedding anniversary. She also commended Justin Clifton on the job he has done thus far in the City Manager position.

City Council wished everyone a Merry Christmas and a Happy New Year.

Executive Session

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

At 7:35 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 8:18 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Bill Raley, Mary Cooper and Robert Jurca; along with City Manager Justin Clifton, City Attorney Michael Schottelkotte, Public Works Director Jim Hatheway. 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.

The meeting was immediately adjourned.

/s/ Jolene E. Nelson
Jolene E. Nelson, City Clerk



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MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: January 3, 2013
Subject: Delta County Memorial Hospital Foundation Special Events Permit Application

Recommendation

Staff recommends approval of the application for a Special Events Liquor Permit to the DCMH Foundation for their event scheduled for March 2, 2013.

Background

The Delta County Memorial Hospital Foundation has submitted an application for a Special Events Liquor Permit for a fund raising event at 1501 E. 3rd Street. The application specifies that they plan to sell malt, vinous and spirituous liquor from 3:00 pm to 2:00 am. The application is complete and the fees, \$35 to the City, and \$25.00 to the State, have been paid. A sign notifying the public of this hearing has been posted at the site for at least ten days as required by law. As of the writing of this memo, no comments either for or against the approval of the application have been received.

Cost

There is no cost to the City.

Action to be Taken if Approved

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

Suggested Motion

I move to approve the Delta County Memorial Hospital Foundation's application for a special events liquor permit for March 2, 2013.

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT
 AND ONE OF THE FOLLOWING (See back for details.)

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

| | |
|---|-----------------------------------|
| LIAB | DO NOT WRITE IN THIS SPACE |
| 2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY | LIQUOR PERMIT NUMBER |
| 2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY | |

| | |
|--|--|
| 1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE DELTA COUNTY MEMORIAL HOSPITAL FOUNDATION | State Sales Tax Number (Required) 98-00207 |
|--|--|

| | |
|--|---|
| 2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) 1501 E. 3RD ST. DELTA, CO 81416 | 3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) 1501 E. 3RD ST DELTA, CO 81416 |
|--|---|

| | | | |
|---|---------------|---|---------------------|
| NAME | DATE OF BIRTH | HOME ADDRESS (Street, City, State, ZIP) | PHONE NUMBER |
| 4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE CAROL WICBURG - PRES. | | 3603 CEDAR DR, DELTA, CO 81416 | 970 874-9215 |
| 5. EVENT MANAGER THELMA STARNER | | 13583 FRD, DELTA, CO 81416 | 970 874-3242 |

| | |
|---|--|
| 6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____ | 7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____ |
|---|--|

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

| | | | | |
|--------------------------|--------------------|------------|------------|------------|
| Date 3-2-13 | Date 3/3/13 | Date | Date | Date |
| Hours From 3 P.m. | Hours From | Hours From | Hours From | Hours From |
| To | To 2 a.m. | To | To | To |

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

| | | |
|-----------------------------------|-------------------------|---------------------|
| SIGNATURE Patricia Kalalou | TITLE MGR EDITOR | DATE 12/2/12 |
|-----------------------------------|-------------------------|---------------------|

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

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

THEREFORE, THIS APPLICATION IS APPROVED.

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

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

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

(Instructions on Reverse Side)



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MEMO

To: City Council, City Manager
From: Jolene Nelson, City Clerk
Date: January 3, 2013
Subject: Hotel/Restaurant Liquor License Renewal for Ocean Pearl Delta

Recommendation

Staff recommends approval of the Hotel/Restaurant License Renewal for Ocean Pearl located at 109 Main Street. The Police Department's report and recommendation is attached.

Background

The current liquor license expires February 25, 2013.

Cost

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

Action to be Taken if Approved

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

Suggested Motion

I move to approve the hotel/restaurant liquor license renewal for Ocean Pearl Delta.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

| Fees Due | |
|--------------------------------|----------|
| Renewal Fee | \$500.00 |
| Storage Permit \$100 x _____ | _____ |
| Optional Premise \$100 x _____ | _____ |
| Amount Due/Paid | |

OCEAN PEARL DELTA
 PO BOX 1931
 GLENWOOD SPRINGS CO 81602-1931

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

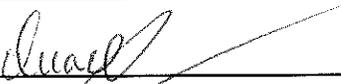
PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

| | | | | |
|---|--|---|-------------------------------------|---------------------------------------|
| Licensee Name OCEAN PEARL DELTA LLC | | DBA OCEAN PEARL DELTA | | |
| Liquor License # 42558800000 | License Type Hotel & Restaurant (city) | Sales Tax License # 42558800000 | Expiration Date 2/25/2013 | Due Date 1/11/2013 |
| Street Address 109 MAIN STREET DELTA CO 81416-1838 | | | | Phone Number (970) 874 1888 |
| Mailing Address PO BOX 1931 GLENWOOD SPRINGS CO 81602-1931 | | | | |
| Operating Manager Le Le Quach | Home Address 126 Meeker, Delta, CO 81416 | Phone Number (970)8741888 | | |
| <p>1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Is the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>12/31/2015</u></p> <p>2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.</p> <p>3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>6. SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS: Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.</p> | | | | |

AFFIRMATION & CONSENT

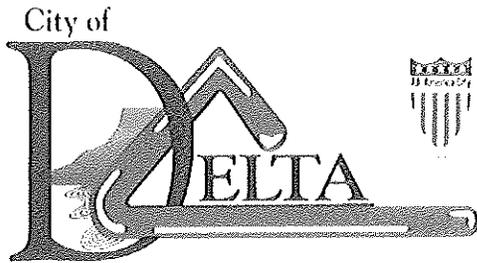
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

| | |
|--|-------------------------|
| Type or Print Name of Applicant/Authorized Agent of Business Le Le Quach | Title Member |
| Signature  | Date 12/10/12 |

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

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

| | |
|-------------------------------|--------|
| Local Licensing Authority For | Date |
| Signature | Title |
| | Attest |



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Ocean Pearl LLP
DBA: Ocean Pearl

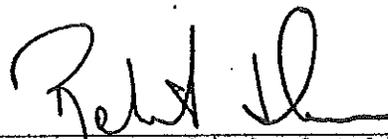
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police



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MEMO

To: Mayor and Council
From: Steve Glammeyer, Utilities Director
Date: January 3, 2013
Subject: Good neighbor policy for water leaks

Recommendation

It is recommended that the Council approve the attached resolution adopting a good neighbor policy for customer side water breaks/leaks.

Background

The attached resolution is in response to citizen and staff requests to consider a good neighbor policy that will help offset water costs for water breaks or leaks on the customer side of the water meter. Staff drafted the resolution based on comments received from Council in December.

Cost

There is no cost to the City.

Action to be Taken if Approved

Staff will implement the policy.

Suggested Motion

I move for adoption of Resolution #1, 2013.

Resolution # ____, 2013

A RESOLUTION ADOPTING A GOOD NEIGHBOR POLICY
REGARDING WATER LEAKS FOR CITY OF DELTA WATER
CUSTOMERS

WHEREAS, after due consideration, the City Council finds it appropriate to implement a good neighbor policy for water customers; and

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

Section 1: For City of Delta water customers the City of Delta will allow a one-time adjustment for water break and/or leaks that occur in undetectable areas. The undetectable area will be defined as any area were the resident would reasonably be precluded from detecting the leak within a time frame necessary to complete improvements prior to increased water usage. The allowable adjustment would charge the wholesale rate for all additional water usage above the average usage determined on a case by case basis during the break and/or leak and is allowable for only the current billing month and will not be adjustable for any prior months. The average usage as determined on a case by case basis will be charged at the normal rate for the current billing month. In any area that should be detected (i.e. crawlspace, sprinkler system, leaking toilet, etc.) the customer shall pay the full bill at the normally charged rate.

Dated this ____ day of _____, 2013.

Mayor

ATTEST:

City Clerk

AN ORDINANCE OF THE CITY OF DELTA, COLORADO AMENDING CHAPTER 17.04.160 and 17.04.190 OF THE DELTA MUNICIPAL CODE FOR THE PRIMARY PURPOSE OF ADDING AND REGULATING STORAGE OF EXPLOSIVES AND OTHER NON-FUEL HAZARDOUS MATERIALS AS A CONDITIONAL USE IN THE B-3 AND I ZONES.

WHEREAS, The City Council of Delta Colorado hereby desires to provide zones within the City of Delta that may allow the storage of non-fuel hazardous materials, including explosives;

WHEREAS, The City Council of Delta Colorado hereby recognizes that certain zones of the City are appropriate for the storage of non-fuel hazardous materials by conditional use reviewed by the Planning Commission;

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

Section 1. Chapter 17.04.160 is hereby amended to read as follows:

17.04.160 B-3 District.

A. INTENT: The B-3 District is intended for a large variety of uses that require large storage areas to conveniently serve customers.

B. USES BY RIGHT:

1. Uses listed as "uses by right" in the B-1 and B-2 Districts.
2. Electronic and telecommunications antennas, receivers and transmitters.
3. Mobile home sales or service establishments.
4. Machine and welding shops.
5. Large equipment rental businesses.
6. Feed storage and sales establishments.
7. Construction and contractors' office and equipment storage facilities.
8. Aboveground fuel storage facilities for hazardous fuels.
9. Warehouses and storage facilities. (Excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions)
10. Veterinary clinics or hospitals for large animals.

C. CONDITIONAL USES:

1. Uses listed as conditional uses in the B-1 and B-2 Districts not listed as a specified Use by Right in (B) above.

2. Manufacturing not allowed as a Use by Right in (B) (1) above.

3. Storage of non-fuel hazardous materials including explosives.

D. PERFORMANCE STANDARDS:

1. No use shall be established, maintained, or conducted in any B-3 District that will result in any public or private nuisance.

2. No Factory Built Housing, except for Allowed Modular Housing as defined in Section 17.04.020(A) (9), shall be authorized. Any Allowed Modular Unit(s) must be permanently attached to an engineered foundation and properly connected, completed and inspected on site in accord with the reasonably applicable provisions of Chapter 15.04 of the Delta Municipal Code as outlined in the pertinent building permit.

3. Rental storage operations must meet the criteria set out in Subsection 17.04.150(E) (3). (Ord. 4, §1, 1999; Ord. 4, §11, 2008; Ord. 4, §1, §3, 2011)

4. With regard to storage of explosives, chemicals and other allowed hazardous materials (excepting stored fuels), the following additional performance standards shall apply:

- a. No materials shall be allowed other than those that are identified, classified and regulated by a State or Federal agency.
- b. No materials shall be allowed where a regulatory agency is found to lack significant and regular oversight adequate to ensure compliance with respective regulations.
- c. No materials shall be allowed without adequate separation from existing and/or potential future habitable sites or structures.
- d. In all cases, conditional use approvals shall be limited to the specified owner and the specific location, type and operation of all facilities approved for the conditional use. Any changes in ownership, location of or specified type or operation of facilities will constitute revocation of the conditional use.

Section 2. Chapter 17.04.190 is hereby amended to read as follows:

17.04.190 I District.

A. INTENT: The purpose of the ~~I-1~~ I District is to accommodate manufacturing, commercial, and most industrial uses which need adequate space, light, and air, and whose operations are quiet and clean provided that they do not create a nuisance to other property by reasons of dust, odor, noise, light, smoke, vibrations or other adverse effects which cannot be effectively confined on the premises. This promotes the creations and maintenance of an environment which will serve the mutual interests of the community as a whole, of any adjacent residential areas and of the occupants of the industrial area.

B. USES BY RIGHT:

1. Uses which meet the intent of Subsection (A) and the performance standards of Subsection (C) of this Section, not including residential uses, are uses by right. Typical examples of such manufacturing and nonmanufacturing uses include warehouses, wholesalers, and manufacturing contained within buildings and accessory retail sales.

2. Industrial uses, including those with accessory retail sales operations such as:

- a. Manufacturing of any product.
 - b. Wholesaling of any product.
 - c. Warehousing and storage. (Excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions)
 - d. Bulk storage.
 - e. Processing of any manufactured product.
 - f. General service and repair of automobiles, trucks, farm implements and construction equipment.
 - g. Parking lots.
 - h. Fabrication of any product.
 - i. Agricultural products processing.
 - j. Offices.
 - k. Freight hauling facilities.
 - l. Sawmills or planing mills.
 - m. Aboveground fuel storage facilities for hazardous fuels.
3. Parks and open spaces.
 4. Government buildings and facilities.
 5. Public utility service facilities.
 6. Electronic and telecommunications antennas, receivers and transmitters.
 7. Accessory uses.
 8. Sexually oriented business complying with the provisions of Chapter 8.32.

C. CONDITIONAL USES:

1. Any commercial or industrial uses other than the uses by right, which ~~complies~~ **comply** with the performance standards of Subsection ~~E~~ **D below** and ~~is~~ **are** consistent with the intent of Subsection A above.

2. Automobile wrecking and salvage yards.

3. Junk yards.

4. Animal sales yards.

5. Mineral extraction and processing.

6. Trash disposal and recycling facilities.

7. Quarries and gravel operations. (Ord. 4, §1, 1999; Ord. 8, §4, 2004; Ord. 4, §4, 2011)

8. Storage of non-fuel hazardous materials including explosives.

D. PERFORMANCE STANDARDS:

1. No use shall be established, maintained or conducted in any I District that will result in any public or private nuisance.

2. No industrial structure shall be constructed within one hundred feet (100') of any existing Residential District, unless effectively buffered by landscaping, berms, fencing, or screening.

3. No use shall be established in the I District which results in an unreasonable hazard to the community or creates a public or private nuisance.

4. No noise, dirt, smoke, or odor shall be observable off of the premises.

5. Automobile wrecking and salvage yards and junk yards shall have screening.

6. Additionally, all outdoor storage may require screening to prevent industrial blight.

7. With regard to storage of explosives, chemicals and other allowed hazardous materials (excepting stored fuels), the following additional performance standards shall apply:

a. No materials shall be allowed other than those that are identified, classified and regulated by a State or Federal agency.

b. No materials shall be allowed where a regulatory agency is found to lack significant and regular oversight adequate to ensure compliance with respective regulations.

c. No materials shall be allowed without adequate separation from existing and/or potential future habitable sites or structures.

- d. In all cases, conditional use approvals shall be limited to the specified owner and the specific location, type and operation of all facilities approved for the conditional use. Any changes in ownership, location of or specified type or operation of facilities will constitute revocation of the conditional use.

Section 4. Except as amended or newly provided above, all other provisions of Chapter 17.04 of the Delta Municipal Code are hereby ratified and confirmed as presently written.

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 _____, 2013.

Mayor

ATTEST:

City Clerk

Council Bill #20, 2012

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 2012 BUDGET YEAR

WHEREAS, the City Council has adopted the annual budget on November 15, 2011; and

WHEREAS, the City has received additional and unanticipated revenues in the form of grants and other revenue sources and there exists unappropriated surplus in the various funds; and

WHEREAS, it is not only required by law, but also necessary to appropriate the additional revenues and surplus to and for the purposes described below, so as not to impair the operations of the City.

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

Section 1. That the following supplemental appropriations, in addition to those appropriated by Ordinance #6, Series of 2011, are hereby appropriated from the revenue and surplus of each fund, to each fund, as follows:

| | |
|----------------------|----------|
| Employee Dental Fund | \$ 7,000 |
| General Fund | 95,000 |
| Golf Course Fund | 22,000 |
| Unemployment Fund | 17,000 |

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 _____, 2013.

Mayor

ATTEST:

City Clerk



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: January 4, 2013
Subject: City Council Retreat

RECOMMENDATION

Please consider the attached draft outcomes/agenda, and other questions for the City Council retreat.

BACKGROUND

I am looking for feedback on the following questions in an effort to finalize details for the retreat.

Please consider the following questions:

1. Are the draft outcomes/ agenda drafted appropriate?
2. Are there any other outcomes or agenda items that should be added?
3. Is the Council willing to complete a survey in advance of the retreat to assess perceived strengths and weaknesses?
4. Is the Council agreeable to have the Manager and Leadership Team outline respective needs to be fully effective in advance to be presented at the retreat?
5. Are there preferences for food and beverages?

COST

The cost for facilitation services will be \$1,400. The only other costs incurred will be for food and beverages.

ACTIONS TO BE TAKEN IF APPROVED

Discussion and feedback only.

SUGGESTED MOTION

NA

**City of Delta – Council Planning/Training Retreat
Saturday, January 26, 2013**

Intended Outcomes

- To engage in discussion/planning and training to ensure effective Council and staff leadership and management in guiding City of Delta efforts in 2013 and beyond.
- To explore Council/staff expectations regarding respective roles and responsibilities; to discuss and design best systems for Council/staff communications and development/continuation of a quality organizational culture for effective implementation of planned activities.
- To engage in an enjoyable, motivating and productive time of discussion and information sharing that positions both the Council and staff to effectively continue forward in the efforts of the City of Delta.

Agenda

| | | |
|------------|---|------------------------|
| 9 a.m. | Welcome and Goals/Desired Outcomes | Mayor, Manager |
| 9:10 a.m. | Introductions, Rules of Engagement | Illene |
| 9:30 a.m. | 2020 Vision for City of Delta | Facilitated Discussion |
| 10:30 a.m. | Break | |
| 10:45 a.m. | Short-Term (1-3 year) Priorities | Facilitated Discussion |
| 11:45 a.m. | Lunch | |
| 12:30 p.m. | Pursuing the Vision: Role and Responsibilities of Council | Training/Discussion |
| 2 p.m. | Break | |
| 2:15 p.m. | Pursuing the Vision: Other Internal Considerations Culture Council/Staff Mutual Expectations Results of survey/ other input Communications Decision making Protocols for problem solving | Facilitated Discussion |
| 3:45 p.m. | Wrap-Up Discussion, Next Steps Evaluation of Session | |
| 4 p.m. | Adjournment | |



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: January 4, 2013
Subject: Quarterly Report

RECOMMENDATION

Please review the enclosed report on the 4th quarter of 2012.

BACKGROUND

It is important to me that the Council stays informed of the work of the City Manager and other departments. Although much of my workload will come by way of a Council directive or policy decision, many other work related items originate with me or other City departments. We have yet to finalize protocols for regular reporting. I created the enclosed report so you have a better view of the kinds of things I'm focused on. My hope is that this report will help Council to hold me accountable and to get a deeper understanding of broader management initiatives, which will in turn help the Council set policy.

Please recognize that the enclosed report respects a "high level" view of daily operations. I am looking for feedback on how to establish the best balance between keeping the Council informed and respecting the roles and responsibilities of the Manager-Council form of government. I also want to be respectful of the Council's time and only present information that is useful.

I can answer any detailed questions about the information provided or other daily work related items at the meeting.

COST NA

ACTIONS TO BE TAKEN IF APPROVED

Direction and/or feedback only.

SUGGESTED MOTION NA

**City Manager
Quarterly Report
4th Quarter 2012**

What?: The following report is intended to be a broad overview of work completed over a 3 month period. This report is not inclusive of day to day operations. Rather, this report provides information at the appropriate “purview level” to create accountability of the City Manager to City Council and provide City Council with information needed to set policy as illustrated below.

Why?: The purpose of this report is to provide City Council with information regarding general direction of management, priorities, challenges and accomplishments.

The Purview Pyramid



Summary:

My first 90 days on the job focused primarily on getting to know the community and organization. I invested a great deal of time to meet with key stakeholders one on one and in group settings. After completing an organizational assessment, I've determined that my management priorities focus attention internally to the organization. In other words, I would like to focus on building a highly professional and motivated culture, long range planning, accountability, efficiency, financial sustainability, performance management, customer service, citizen engagement and employee satisfaction. New capital projects, grant acquisition, creation of new services etc. will be secondary priorities. Below please find a summary of initiatives from the 4th quarter 2012.

1. Completed Organizational Assessment

- Met with all department leaders to discuss status, needs, challenges, opportunities etc.
- Met with ground level employees through department wide meetings
- Reviewed critical documents
 - City Charter
 - Personnel Regulations/ Policies and Procedures
 - Comprehensive Plan
 - 1998 and 2006 citizen surveys
 - THK and other Golf Course studies
- Analyzed systems of accountability, efficiency and management
- Reviewed financial documentation including budget, audit and long range plans
- Reviewed current projects
- Assessed organizational culture, morale, attitude

2. Established Leadership Team

- Transitioned away from Department Head model:
 - Focus on one City of Delta Team opposed to individual departments
 - Focus on consensus wherever possible
 - Focus on empowerment to establish priorities
- Developed priorities including:
 - Accountability, Efficiency, Citizen Engagement, Employee Satisfaction, Customer Service, Performance Management, Departmental Integration, City Council Relations and HR protocols
- Set weekly Leadership Team meeting and biweekly one on one meetings
- Established protocols for reports and communications with City Council

3. Community Involvement

- Initiated contact with key agencies including:
 - Delta County, Delta Chamber of Commerce, DCED, All Points Transit, Delta School District, Financial Task Force, Golf Course Advisory Board and Western Slope Managers
- Met one on one with community leaders
- Participated in community events as schedule allowed
- Attended service organization meetings and joined Kiwanis

4. Initiated "Whole Cost" Financial Analysis
 - Consulted Leadership Team to identify financial analysis "gaps" including:
 - Fleet Management, Road Maintenance, Facility Planning, Rec Center funding, Golf Course and all Utility Funds
 - Debriefed from 2013 budget process and created a list of targeted improvements for the 2014 budget process

5. Developed Systems for Improved Accountability
 - Refined and completed a performance evaluation form and process
 - Developed protocols and documents for 360° evaluations
 - Created an Action Plan template to be used by the Leadership Team
 - Identified areas for improvement
 - Organized efforts for major projects
 - Integrated information with performance evaluation process
 - Reviewed job descriptions

6. Reviewed/ Amended HR Documents and Protocols
 - Began review of City of Delta Personnel Regulations
 - Reviewed for consistency with PD regs
 - Amended forms/ protocols for personnel actions
 - Enhanced HR integration with Departments including better employee outreach

7. Initiated Golf Course Assessment and Strategic Plan
 - Established broad strategic plan outline
 - Received City Council approval
 - Reviewed historic documents
 - Established timelines for critical milestones

8. Began Discussing/ Implementing Performance Management System
 - Established buy-in from Leadership Team
 - Incorporated performance measures within Action Plans
 - Focus on key efficiency measures
 - Began teaching performance measurement basics to department teams

9. Departmental Support
 - Provided project management, contract and logistical support for Truck Route
 - Provided project management and contract support for the Wellness Pool
 - Provided input to Community Development projects
 - Worked with HR on all pending personnel issues