



---

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**

**February 5, 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; Kiwanis Club of Delta**
- F. Public Hearing: Special Events Permit Application; Delta Ducks Unlimited**
- G. Renewal of Lease with Ms. Hawkins and Ms. Myers**
- H. Contract for Construction Management of the Wellness Pool and Multipurpose Fitness Room at Bill Heddles Recreation Center**
- I. RFP for City Attorney**
- J. City Attorney Comments**
- K. City Manager Comments**
- L. Councilmember Comments**

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Mary Cooper, and Ray Penick along with City Manager Justin Clifton 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 Penick and seconded by Councilmember Raley to approve the minutes of the January 8, 2013 regular meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Purchase of Golf Carts**

City Manager Justin Clifton stated that rather than leasing golf carts staff has looked at purchasing them. He explained that although there is an increase in the estimated cost that was budgeted for 2013 of approximately \$51,000, this would be an annual savings of approximately \$8,000 for the first 10 years and additional savings thereafter. In working with the Fleet Manager Rod Myers and the Golf Pro Rob Sanders it appears that all things will be relatively equal with maintenance costs.

Mayor Sisson questioned why they are moving away from electric to gas carts.

Golf Pro Rob Sanders explained that staff was looking at keeping the golf carts for a longer period of time. In keeping the electric carts longer the batteries would need to be replaced which would be a large cost. So they looked at what the maintenance cost would be over a ten year period of time and it was determined that gas would be less expensive.

Councilmember Raley questioned where they would be stored.

Mr. Sanders stated that the golf course is able to house either gas or electric.

Councilmember Penick questioned if the carts are kept for ten years is that still providing a good golfing experience.

Mr. Sanders stated that it might be slightly diminished. He does not believe they will be turning golfers away because of having the gas carts.

**Regular Meeting, Delta City Council, January 22, 2013 (cont.)**

**Purchase of Golf Carts (cont.)**

Councilmember Cooper stated that she remembers when it was discussed going from gas to electric because gas was getting too expensive and the maintenance costs were high, and now they are going back to gas. She questioned if the electric carts they have now are leased?

Mr. Sanders reported that they are lease/purchase to buy with a balloon payment. He also explained the concerns about electric carts.

Councilmember Cooper questioned why the lease company is not replacing the batteries.

Mr. Sanders stated that the warranty ended in September.

City Attorney Michael Schottelkotte questioned the balloon payment.

Mr. Sanders stated that in the purchase agreement Yamaha is agreeing to pay the balance on the lease payments as well as the balloon payment.

Mr. Schottelkotte stated that has been the procedure in the past.

Mr. Sanders stated that Mr. Myers and he have been working with the Finance Director.

Councilmember Penick questioned if the maintenance of the carts can be done up at the golf course.

Mr. Sanders stated it would be.

There was discussion regarding the lifetime of the golf carts.

Councilmember Cooper questioned if going from 58 carts to 50 is acceptable.

Mr. Sanders stated that staff believes they can maintain with the rounds they do now they can maintain 50 golf carts which will also be a cost savings. He explained how they are going to use the courtesy carts.

Manager Clifton stated that they are looking at cutting annual costs at the golf course. If they have to sacrifice a small amount of customer service to receive a savings like this, staff is willing to take that risk. This is an effort to reduce cost on a permanent basis.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to purchase 50 Yamaha golf carts from Masek Golf Cars of Colorado for \$191,500.00.

Gerald Roberts questioned how much money the golf course has put into the internal service fund to purchase these golf carts.

Manager Clifton stated that it's not clear if the amount of money that is put in the internal service fund is exactly parallels purchases. The internal service fund would front the cost for these golf carts and that over a ten year period it would be paid in full with enough reserves to purchase new golf carts in ten years.

## **Regular Meeting, Delta City Council, January 22, 2013 (cont.)**

### **Purchase of Golf Carts (cont.)**

Mr. Roberts questioned how the fund keeps up with what the City needs.

Manager Clifton stated that is part of the challenge of an internal service fund in general. That is why they are getting the actual number that reflects the cost to make it stable in the future.

Mr. Roberts questioned if the internal service fund has the amount to purchase the carts.

Manager Clifton stated that it does.

Mayor Sisson called for a vote. All Councilmembers voted aye.

### **RFP for City Attorney**

Manager Clifton presented Council with a draft outline for the potential process in appointing a City Attorney since Michael Schottelkotte has stated he will be retiring at the end of the summer.

There was a consensus that the outline would work just fine.

Manager Clifton stated he would present a draft RFP at the next meeting.

It was explained that this would be handled internally and not through an outside agency.

### **Updates**

Manager Clifton reported on the following updates:

- City Manager's Action Plan. He stated it would be willing to answer any questions if Council had any.
- Confluence Drive activity and the updated budget for the project.

### **City Attorney Comments**

There were none.

### **City Manager Comments**

Manager Clifton stated that Council will be getting a survey for the retreat.

### **Councilmember Comments**

Councilmember Cooper stated that DCED will be having their quarterly meeting Thursday evening which is being tied in with the Soil Health Conference that is going on Thursday and Friday. She also stated that she was approached regarding the Lion's Club Carnival and the location they usually use not being available.

**Regular Meeting, Delta City Council, January 22, 2013 (cont.)**

**Executive Session**

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

At 7:20 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 8:08 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, Ray Penick and Robert Jurca; along with City Manager Justin Clifton, and City Attorney Michael Schottelkotte. 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



---

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: January 31, 2013  
Subject: Kiwanis Club of Delta Special Events Permit Application

---

### Recommendation

Staff recommends approving the application for a Special Events Liquor Permit for Kiwanis Club of Delta for their fund raiser scheduled at Bill Heddles Recreation Center on March 2, 2013.

### Background

Kiwanis has submitted an application for a Special Events Liquor Permit for their fund raiser to be held at the recreation center on March 2, 2013. The application specifies that they plan to sell malt, vinous and spirituous beverages from 3:00 p.m. to 9:00 p.m.

The application is complete and the fees - \$35 to the City, and \$25 to the State for each day – have been paid.

A sign notifying the public of this hearing has been posted at the site for at least ten days as required by law. As of the writing of this memo, no comments – either for or against the approval of the application - have been received by the City Clerk.

### Cost

There is no cost to the City.

### 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.

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

## APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

<b>LIAB</b>	<b>TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:</b>	
2110	<input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY	
2170	<input checked="" type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	

**DO NOT WRITE IN THIS SPACE**

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE State Sales Tax Number (Required)  
*Kiwanis Club of Delta* **04300488-0600**

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>P.O. Box 1153 Delta, Co 81416</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>Bill Heddles Recreation Center 530 Gunnison River DR Delta, Co 81416</i>
--	---

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE <i>Clay Spears</i>		<i>1120 Hartig Dr., Delta</i>	<i>874-0716</i>

5. EVENT MANAGER  
*Clay Spears*

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

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

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

Date		Date		Date		Date		Date	
Hours	From	Hours	From	Hours	From	Hours	From	Hours	From
	To		To		To		To		To
<i>March 2, 2013</i>	<i>3 p.m.</i>								
	<i>9 p.m.</i>								

**OATH OF APPLICANT**

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

SIGNATURE <i>Clay Spears</i>	TITLE <i>Treasurer</i>	DATE <i>1-11-2013</i>
---------------------------------	---------------------------	--------------------------

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

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

**THEREFORE, THIS APPLICATION IS APPROVED.**

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

SIGNATURE	TITLE	DATE
-----------	-------	------

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

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



---

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: January 31, 2013  
Subject: Ducks Unlimited, Inc. Special Events Permit Application

---

### **Recommendation**

Staff sees recommends approving this application for a Special Events Liquor Permit to Ducks Unlimited, Inc. for their event scheduled for March 9, 2013.

### **Background**

Ducks Unlimited, Inc. has submitted an application for a Special Events Liquor Permit for a fund raising event at Bill Heddles Recreation Center on March 9, 2013. The application specifies that they plan to serve malt, vinous and spirituous liquor from 5:00 pm to 11:00 pm. The application is complete and the fees, \$35 to the City, and \$25.00 to the State, have been paid. A sign notifying the public of this hearing has been posted at the site for at least ten days as required by law. As of the writing of this memo, no comments either for or against the approval of the application have been received by the City Clerk's office.

### **Cost**

There is no cost to the City.

### **Action to be Taken if Approved**

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

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

## APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

**LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:**  
 2110  MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY  
 2170  FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

**DO NOT WRITE IN THIS SPACE**  
 LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE State Sales Tax Number (Required)  
*Delta Docks Unlimited* *04295951-0000*

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE  
 (include street, city/town and ZIP)  
*453 Main Street  
 Delta CO 81416*

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

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE <i>Shawn Becker</i>		<i>550 Bond St</i>	<i>640-2666</i>

5. EVENT MANAGER  
*Same*

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?  
 NO  YES HOW MANY DAYS? \_\_\_\_\_

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?  
 NO  YES TO WHOM? \_\_\_\_\_

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

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

Date	Date	Date	Date	Date
Hours From	Hours From	Hours From	Hours From	Hours From
To	To	To	To	To
<i>3-9-13</i>				
<i>5 A.m.</i>				
<i>11 P.m.</i>				

**OATH OF APPLICANT**

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

SIGNATURE <i>Shawn Becker</i>	TITLE <i>Chairman</i>	DATE <i>1-21-13</i>
----------------------------------	--------------------------	------------------------

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

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

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

SIGNATURE	TITLE	DATE
-----------	-------	------

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

**LIABILITY INFORMATION**

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

(Instructions on Reverse Side)



---

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: January 3, 2013  
Subject: Renewal of lease with Ms. Hawkins and Myers for use of City water on the Grand Mesa

---

### Recommendation

It is recommended that the Council approve the lease agreement with Ms. Hawkins and Myers for the use of City water on Grand Mesa.

### Background

The attached lease is for City owned water on Grand Mesa. We have historically had a lease agreement with Ms. Hawkins and Myers to use water under the City's decrees for the Maude S. Ditch and other City-owned flow decrees from the Doughspoon Creek for purposes of stock water. In 2007 we set the price of the water at \$700 staff feels a slight increase to \$800 would be appropriate this year. The current lease expired in December of 2012 and the lessees would like to continue this lease for 2013 under the same terms and conditions. Staff would recommend to Council that the City continue this agreement for 2013. A copy of this year's agreement is attached for your use.

### Cost

There is no cost to the City.

### Action to be Taken if Approved

The City Manager and Ms. Hawkins and Myers will need to sign the agreement for it to be in effect.

## WATER LEASE AGREEMENT

This lease is entered into between the City of Delta, Colorado (City), and Lydia Hawkins and Varra Sue Myers (Lessee) as follows:

1. The City hereby leases to Lessee water available under the City's decree for the Maude S. Ditch and other City-owned flow decrees from Doughspoon Creek for the calendar year 2013 for the amount of \$ 800.00 paid herewith to the City.
2. A. Attached as Exhibit "A" is a letter from Clyde Albright, past Delta City Manager, granting an undefined right to use a tap on the City's pipeline for stock water purposes. The parties agree that such document shall be of no further force and effect and is superceded by the provisions of this paragraph.  
  
B. The City has previously installed a sufficient tap, with an appropriate valve, on the pipeline in the vicinity of its crossing of Doughspoon Creek, from which Lessee may draw water for the purpose of filling a single stock water tank. By granting this right, the City shall be under no obligation to maintain any flow of water in the pipeline, or to maintain the pipeline in existence, and Lessee may utilize such water only at such times as approved by the City when water is available and such use will not interfere with the City's use of the water.
3. Lessee shall use such water lawfully in accordance with the limitations and requirements of the decree and cooperate with the Division Engineer and Water Commissioner in the administration of the diversions.
4. The water shall be used in the vicinity of the Doughspoon Ranch.
5. The City reserves the right to divert the Maude S. and other leased decrees at their alternative points of diversion for use of the City through its pipeline or elsewhere when, in the opinion of the City, it becomes desirable to do so.

6. The City may sell reservoir water to Lessee or others at a market price to be quoted by the City at such time it may determine it has available surplus reservoir water not needed by the City for other uses in 2013.
7. Lessee agrees to hold harmless, defend and indemnify the City on any claim made or adjudged against the City or damages incurred arising out of Lessee's use of the water hereunder.
8. Nothing herein shall convey any title to the City's water decrees to Lessee, but merely leases the right to use water available under said decree in calendar year 2013.
9. Lessee shall not initiate or prosecute any water rights application for water from sources from which the City has water rights decrees without the City's written consent.
10. The City is exempt from taxes. In the event any ad valorem or other taxes may be assessed on account of this lease, Lessee shall pay such taxes.
11. This lease is dated \_\_\_\_\_.

CITY OF DELTA

LESSEE

By \_\_\_\_\_  
City Manager

By \_\_\_\_\_  
Lydia Hawkins

By \_\_\_\_\_  
Varra Sue Myers

# Memo

Date: February 5, 2013  
To: Mayor Sisson and Council  
From: Wilma Erven, Culture & Recreation Director  
Subject: Agreement with Contractor for Construction Management

---

## **Recommendation**

Staff recommends awarding a contract for Construction Management of the Rec Center Wellness Pool and Multipurpose Fitness Room to FCI Constructors, Inc., Grand Jct, CO.

## **Background**

Similar to the Truck Route project, staff is moving forward with a Construction Manager/General Contractor (CMGC) approach. Staff issued a Request for Qualifications for qualified contractors and received five proposals. The Architect, Recreation Director and City Manager narrowed that field to three firms to interview. Interviews were conducted and staff selected FCI Constructors, Inc. from Grand Jct., CO. as the preferred choice.

Staff is requesting that we enter into a contract with FCI Constructors to begin value engineering and reviewing construction documents, which are 75% complete at this time. FCI Constructors comes to us as a highly recommended firm and is also the low bidder. We will not enter into a full construction contract until the value engineering is completed and we have a Guaranteed Maximum Price. Staff remains committed to fully engage in value engineering and if necessary, to reduce the scope of work to ensure the final GMP presented to Council is within budget.

## **Costs**

Below please see a summary of the key selection factors for the three firms:

<b>Firm</b>	<b>Pool Exp</b>	<b>General Conditions</b>	<b>Overhead %</b>	<b>Total Cost (assuming \$2.4mil project)</b>
<b>FCI</b>	YES	\$172,400	4.5%	\$280,400
<b>Shaw</b>	YES	\$208,464	5.8%	\$347,664
<b>Kissner</b>	NO	\$163,700	6.9%	\$329,300

At this point the contract with FCI would lock in general conditions costs, the overhead percentage and \$9,500 for value engineering. Council will still approve the GMP contract once design is complete and subcontractor bids have been tabulated.

## **Actions To Be Taken If Approved**

Staff will issue a Notice of Award and forward our standard professional services contract to FCI Constructors, Inc. for their signature. Once signed and the City Attorney has reviewed and approved, then staff will issue a Notice to Proceed and the project will be scheduled.



City of Delta, Colorado

Request for Proposals  
City Attorney Legal Service

RFP Issue Date:

Proposal Due Date:

## **RFP Summary**

The City of Delta is seeking proposals from qualified law firms and individual attorneys wishing to provide legal services to the City. The Legal Services sought include the traditional legal services needed by a municipal corporation that operates its own Police Department, Water, Wastewater and Electric Power Utilities, Public Works, Parks, Recreation, Finance, Community Development and Administrative Services. The City Attorney is a contract position appointed by City Council.

The City of Delta is a Home Rule Municipality with a population of approximately 9,000 with 90-160 employees depending on the season. The City Attorney reports directly to a 5 member City Council and works closely with the City Manager and Department Heads.

### **Scope of Legal Services**

Legal Services required by the City include but are not limited to:

1. General Government: This work includes drafting and reviewing contracts/documents, drafting and reviewing ordinances and resolutions, Charter, City Code and State Statute interpretation and providing written and oral legal opinions to City Council and staff.
2. City Council: Attend City Council meetings at least twice per month (generally on the first and third Tuesdays of every month) and special meetings as required by City Council, provide analysis, strategy and legal advice to protect the City Council against liability and accomplish desired policy outcomes.
3. Real Estate: This work includes the purchase, sale and transfer of land and improved property including use of eminent domain.
4. Land Use: This work includes drafting and interpreting land use code, advising staff and City Council concerning policy and enforcement.
5. Criminal Law: Advise Police Department on proper police operating procedures when requested, confidentiality, strategies, provide opinions and occasionally prosecute crimes at Municipal Court.
6. Litigation: Ability to manage, conduct and/or oversee litigation in all Courts.

### **Criteria:**

1. The Respondent must comply with all applicable laws and regulations governing the provision of legal services in the State of Colorado.
2. Respondents must be licensed by the Colorado State Bar and in good standing.
3. Respondent must have at least 5 years experience providing legal services with preference given to experience in local government.

## RFP Procedures

### Proposal Format:

- A. Name(s) of proposed firm and/or individuals to provide legal services including background and experience with emphasis in municipal or other government work provided.
- B. Cost for any and all services to be provided including hourly rates and reimbursable expenses if any.
- C. At least 3 References, preferably from local governments or other political subdivisions.

**Submittal:** All proposals should be submitted electronically to Jolene Nelson, City Clerk at [jolene@cityofdelta.net](mailto:jolene@cityofdelta.net)

### Due Date:

**Questions:** All questions shall be submitted via email to Justin Clifton, City Manager at [justin@cityofdelta.net](mailto:justin@cityofdelta.net)