



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 19, 2013
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Appointment of Lynn Williams to the Planning Commission Board**
- F. Public Hearing: Special Events Permit Application; Delta Area Chamber of Commerce**
- G. Tavern Liquor License Renewal; CB's Tavern**
- H. Council Bill #1, 2013; First Reading
Rezone of Vista Del Monte**
- I. 2nd Street Storm Water Improvements Contract**
- J. RFP for City Attorney**
- K. Discussion Regarding Senate Bill 25**
- L. Confluence Drive**
 - **Change Order**
 - **Railroad Exchange Agreement**
 - **Updates**
- M. City Attorney Comments**
- N. City Manager Comments**
- O. 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 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 Raley and seconded by Councilmember Penick to approve the minutes of the January 22, 2013 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Public Hearing: Special Events Permit Application; Kiwanis Club of Delta

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

The Clerk reported that Kiwanis Club of Delta has submitted an application for a Special Event Permit for their fund raising event to be held on March 2, 2013 at Bill Heddles Recreation Center. The application states that they plan to sell malt, vinous and spirituous liquor from 3:00pm to 9:00pm. The application is complete and all fees have been paid. A sign was posted as required by law to notify the public of this hearing and no comments have been received.

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

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the special events liquor permit for Kiwanis Club of Delta for March 2, 2013. All in favor, motion carried.

Public Hearing: Special Events Permit Application; Delta Ducks Unlimited

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

The Clerk reported that Delta Ducks Unlimited of Delta has submitted an application for a Special Event Permit for their fund raising event to be held on March 9, 2013 at Bill Heddles Recreation Center. The application states that they plan to sell malt, vinous and spirituous

Regular Meeting, Delta City Council, February 5, 2013 (cont.)

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

liquor from 5:00pm to 11:00pm. The application is complete and all fees have been paid. A sign was posted as required by law to notify the public of this hearing and no comments have been received.

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

It was moved by Councilmember Jurca and seconded by Councilmember Penick to approve the special events liquor permit for Delta Ducks Unlimited for March 9, 2013. All in favor, motion carried.

Renewal of Lease with Ms. Hawkins and Ms. Myers

City Manager Justin Clifton stated that this is a lease renewal of the water rights from the Maude S. Ditch that the City owns. The only change to the agreement is the increase of fee from \$700 to \$800. Staff is recommending approval.

Councilmember Penick questioned how long they have had the lease.

Utilities Director Steve Glammeyer stated that it has been a long time. He explained that it was with the Austin's for a number of years and then Ms. Hawkins and Ms. Myers assumed the lease three or four years ago.

Councilmember Penick then questioned if there is any other interest in this lease.

Mr. Glammeyer stated that the tap is specifically for the Doughspoon Ranch. He did confirm with Ms. Hawkins and Ms. Myers that they did want to continue with the lease with the increase in fee.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the lease for Ms. Hawkins and Ms. Myers with the increase from \$700 to \$800. All in favor, motion carried.

Contract for Construction Management of the Wellness Pool and Multipurpose Fitness Room at Bill Heddles Recreation Center

City Manager Justin Clifton stated that staff is excited to present a recommendation for approval of a contract for this important project. He explained the process in which staff came to a recommendation. FCI is the lowest cost and also provided the most value especially having pool experience. He also explained that this is a CMGC process in which the guaranteed maximum price is not submitted at this point. The contract commits a small amount of \$9,500 for the pre-con engineering phase and it's expressly written in the contract that if approved the guaranteed maximum price comes back before Council.

Mayor Sisson questioned why there is such a big difference in the bids.

Regular Meeting, Delta City Council, February 5, 2013 (cont.)

Contract for Construction Management of the Wellness Pool and Multipurpose Fitness Room at Bill Heddles Recreation Center (cont.)

Manager Clifton stated that it was a competitive bid process. Staff requested a firm general conditions cost and a firm overhead percentage knowing that they have not received the subcontractor bids as of yet. It is up to the company to compete based on their work load and how bad they want the project. He also did some further research in addition to review the proposals and FCI had by far the best reputation.

Councilmember Jurca questioned if the motion should include the total cost in the chart.

Manager Clifton stated that it would be sufficient to have a motion to award a contract to FCI based on their proposal for general conditions and overhead noting that a guaranteed maximum price will come back to Council.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to award a contract to FCI based on their proposal for general conditions and overhead noting that a guaranteed maximum price will come back to Council for approval. All in favor, motion carried.

RFP for City Attorney

City Manager Clifton stated that this is a draft RFP for the City Attorney. He explained how he drafted the document. At this time he is requesting Council to give him some feedback as to whether there is anything they want to delete or add. A final draft will be presented at the next meeting for approval and then staff will move forward with advertising.

Councilmember Penick questioned the format regarding the statement of "proposed firm and/or individuals". His concern is if they hire a firm will they have the same individual coming to the meetings each time. He would like to have the same person.

Manager Clifton stated that is certainly the discretion of the Council. He explained that it was written this way because it's possible that a firm may say that they have someone for general attorney services, however, they may have other attorneys that can help with other areas of concern.

Manager Clifton also stated that staff has gathered general information to be prepared to answer questions regarding the number of hours and work load.

There was a consensus amongst Council to proceed with the draft that is presented with a few minor corrections.

Manager Clifton stated he would bring a final draft to the next meeting for approval.

City Attorney Comments

City Attorney Michael Schottelkotte updated Council on the trade corridor. He stated he would not be in attendance at the next council meeting.

Regular Meeting, Delta City Council, February 5, 2013 (cont.)

City Manager Comments

City Manager Justin Clifton reported on the following items:

- Gail Schwartz will be holding a town hall meeting February 10th at Memorial Hall in Hotchkiss.
- The City has been asked to provide a letter of support for land and water conservation and explained that request.
- Optimum has submitted a letter stating they are changing some of their fees.
- Sales tax for 2012 was 2.8% above what was budgeted. Staff budgeted 1% above the 2012 budget for 2013.
- There will be a work session at the next meeting to discussion various topics.

Councilmember Comments

Councilmember Cooper stated she doesn't believe the letter of support from Delta will make much of a difference. She will not be at the next meeting.

Councilmember Jurca stated he is not in favor of the letter of support.

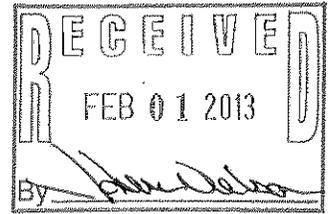
Councilmember Raley agreed with Councilmember Jurca especially when it involved the federal government.

Councilmember Penick stated that the letter of support is taking part in the democratic process. He does feel that the City should be concerned about more local and state concerns rather than federal. Mr. Penick also stated that the six month evaluation for the City Manager is coming up and he would like to see the evaluation ahead of time.

Mayor Sisson also agreed that the letter of support regarding federal matters is too much for the City to be concerned about. He presented a letter from Gail Schwartz regarding the Confluence Drive project.

The meeting was adjourned at 7:20 p.m.

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



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Board, Commission or Committee Application

Please return to: City of Delta, 360 Main Street, Delta, Colorado 81416

Name Lynn Williams Date 2-1-13

Mailing Address P.O. Box 544, Delta, Co 81416

Street Address 717 NuVue Phone Number 216-3031

City Delta State Co Zip Code 81416

Occupation Retired Municipal Clerk

How many years (months) have you lived in the: City of Delta 35 years?
Delta County 55 years?

Board or Commission Applying for:

Planning Commission

Delta Housing Authority

Other (please list) _____

How did you hear about this opening?

I read about the opening in the DCI.

Please comment on why you desire to be appointed?

I think my experience gained during the years I worked for the City could be useful ~~to~~ now that I have retired. We all need to feel we are making a contribution.

Have you ever been on a Board or Commission before? (If yes please describe)

I served for several years as Secretary to the Planning Commission and for 30+ years as Secretary to the City Council. I have never been a voting member of a Board.

Please explain the purpose of the Board or Commission you are applying for as you understand it.

The function of the Planning Commission is to make recommendations to the City Council concerning land use issues in the City of Delta.

Mary Lynn Williams
Signature of Applicant

Page 2 for Planning Commission Applicants only:

In making appointments to the Planning Commission, the Delta City Council desires information from each applicant relative to the following topics. Please complete this information to the best of your ability.

How do you feel growth in the City of Delta should be handled?

Growth should be encouraged to develop in an orderly manner, protecting the small town character of our community. Development needs to "pay its own way" by contributing to needed infrastructure such as utilities, streets and sidewalks. We should always keep in mind that we are dependent upon sales taxes as our tax base, and encourage retail development.

What are your feelings regarding land use controls?

Land use controls are essential to orderly development to ensure that, for example, feed lots are not built next door to restaurants! Land use controls help protect property values, residential neighborhoods, retail centers and industrial areas alike. They help us ensure that schools, parks, trails and other amenities are appropriately located.

How do you feel about Planning?

Planning is a long-range tool used to guide the community's future development. A perfect example is Confluence Park. While the present-day park doesn't exactly resemble the park visualized in a Master Plan developed in the late 1970's, the park and trail system were imagined in that document years before they became a reality.

May Lynn Williams
Signature of Applicant



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MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: February 15, 2013
Subject: Delta Area Chamber of Commerce Special Events Permit Application

Recommendation

Staff recommends approving this application for a Special Events Liquor Permit to Delta Area Chamber of Commerce for an event scheduled for April 5, 2013 at Bill Heddles Recreation Center.

Background

Delta Area Chamber of Commerce has submitted an application for a Special Events Liquor Permit for their Home, Garden and Recreation Show on April 5, 2013. The application specifies that they plan to serve malt, vinous and spirituous liquor from 5:30 pm to 7:30 pm. The application is complete and the fees, \$35 to the City, and \$25 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.

Cost

There is no cost to the City.

Alignment With Strategic Planning

Per Delta Municipal Code 5.10.010 “the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code.”

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.

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 checked="" 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 type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

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

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>Delta Area Chamber of Commerce</i>	State Sales Tax Number (Required) <i>0040 876-0000</i>
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>301 Main St Delta CO 81414</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>530 Gunnison River Dr Delta CO 81414</i>
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE <i>Gynel Thomassen</i>		<i>14310 Sunny Slope Dr, Eckert CO 81488</i>	<i>970-835-8424</i>
5. EVENT MANAGER <i>Kami Collins</i>		<i>938 Meeker St, Delta CO 81414</i>	<i>970-874-0340</i>

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____
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8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

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

Date	Date	Date	Date	Date
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
<i>4-5-13</i> From 530 p.m. To 730 p.m.				

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>K Collins</i>	TITLE <i>Exec. Dir.</i>	DATE <i>1-31-13</i>
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

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

THEREFORE, THIS APPLICATION IS APPROVED.

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

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

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



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MEMO

To: City Council, City Manager
From: Jolene E. Nelson, City Clerk
Date: February 15, 2013
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, 2013.

Cost

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

Alignment With Strategic Planning

Per Delta Municipal Code 5.10.010 "the Delta City Council is hereby designated the local licensing authority for the purposes of exercising the duties and powers provided for in the Colorado Beer Code and the Colorado Liquor Code."

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.

**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	

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

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 CBOYDBUSI LLC		DBA CB'S TAVERN	
Liquor License # 12914030000	License Type Tavern (city)	Sales Tax License # 12914030000	Expiration Date 4/25/2013
Street Address 344 MAIN ST DELTA CO 81416-1837			Due Date 3/11/2013
Mailing Address 334 MAIN STREET DELTA CO 81416-1837			Phone Number
Operating Manager Carrie Boyd	Date of Birth 08/16/1982	Home Address 707 Dodge St Delta CO 81416	Phone Number 303-903-2122

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *if rented, expiration date of lease May 31 2014
- 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. YES 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.
- 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. YES NO
- 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. YES NO
- 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. YES NO
- 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.

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 Carrie Boyd	Title Owner
Signature Carrie Boyd	Date 2/4/2013

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	Attest

MEMO



Community Development
www.cityofdelta.net

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

Date: February 19, 2013
To: Mayor, City Council and City Manager
From: Glen L. Black, Director of Community Development
Re: Vista Del Monte Plaza Expansion Rezone

RECOMMENDATION

The Planning Commission recommends rezoning 1527, 1529, 1531, 1533, 1535, 1541 N. Highway 50 and 1548 Vista Street (Lot 3) and lots 1, 2, 4, 5, 6 and 7 of the Vista Del Monte Plaza Expansion from B-2 to B-3.



BACKGROUND

The Planning Commission held a public hearing for the rezone request of Vista Del Monte Plaza Expansion on February 4, 2013. The Planning Commission determined the rezone request meets the criteria for zoning changes set forth in the Delta Municipal Code Section 17.04.270. The rezone request is to rezone 1527, 1529, 1531, 1533, 1535, 1541 N. Highway 50 and 1548 Vista Street (Lot 3) and lots 1, 2, 4, 5, 6 and 7 of the Vista Del Monte Plaza Expansion from B-2 to B-3.

CONFORMITY WITH COMPREHENSIVE PLAN

Chapter 3 Policy 6 states “The City of Delta should encourage commercial growth along Highway 50 to the North and South”. Also the area is designated as the Highway Commercial Design District, which includes the current zoning district designations B-2, OR, R-3 and R-4 and “commercial uses on deep lots as is now allowed in the Delta B-3 zone”.

ACTION TO BE TAKEN IF APPROVED

Consider adopting Council Bill #1, 2013 on first reading.

Council Bill No. 1, 2013

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING THE ZONING DESIGNATION OF CERTAIN
PROPERTIES IN, AND IMMEDIATELY ADJOINING, THE
VISTA DEL MONTE PLAZA EXPANSION SUBDIVISION IN
NORTH DELTA, COLORADO FROM B-2 TO B-3.**

WHEREAS, the owners of certain properties located in and about the so-called Vista Del Monte Plaza Expansion Subdivision in North Delta, Colorado have applied for re-zoning of their properties to a designation that will allow broader business usages that evolved after the properties were last classified for zoning purposes; and

WHEREAS, the properties to be included within the area of the requested re-zoning are specifically described on Schedule A attached hereto and have current individual addresses of 1527, 1529, 1531, 1533, 1535, and 1541 North Highway 50, and 1548 Vista Street, all in Delta, Colorado; and

WHEREAS, the City of Delta's Planning Commission, following a proper hearing of the re-zoning application, has recommended that the zoning classification for the properties be changed, as requested, from their present designation of B-2 to a new designation of B-3; and

WHEREAS, the Delta City Council finds that the requested zoning change will not be adverse to the public health, safety and welfare and that conditions in the area affected, or in adjacent areas, have changed materially since the properties were last zoned. Therefore, as previously determined by the City Planning Commission, the requested zoning amendment meets the criteria for zoning changes set forth in Delta Municipal Code Section 17.04.270.

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

Section 1. The zoning designation for the properties in the City of Delta, Colorado that are specifically described on the attached Schedule A, and that have the individual addresses listed above, is hereby changed from B-2 to B-3.

Section 2. The official zoning map of the City shall be amended as soon as practicable to reflect the zoning change for the subject properties as approved by this ordinance.

ADOPTED ON FIRST READING AND ORDERED PUBLISHED this ____ day
of _____, 2013.

Mayor

ATTEST:

City Clerk

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED this
____ day of _____, 2013.

Mayor

ATTEST:

City Clerk

Schedule A
Legal Description for Rezone
Recommended by Planning Commission
February 4, 2013

Lots 1, 2, 3, 4, 5, 6, and 7 of Vista Del Monte Plaza Expansion recorded in Book 4, Page 34 reception number 372467; also

Parcel A, B and C of Exemption Plat recorded at Book 456, Page 56, Reception Number 363540 for Derryl E and Mary Jane Place; also

Parcel 2 as described at Book 546 Page 273 reception number 422621 as follows: Part of the E1/2NW1/4 of Section 12, Township 15 South, Range 96 West of the 6th P.M., more particularly described as follows: Beginning at a point on the east edge of the Hartland Ditch whence the Southwest corner of the E1/2NW1/4 of Section 12, Township 15 South, Range 96 West of the 6th P.M., bears South 78°25'03" West a distance of 673.72 feet and considering the west line of said E1/2NW1/4 to bear South 00°10'42" West and all other bearings relative thereto; thence along the east edge of the Hartland Ditch the following courses and distances: North 53°45'00" East, 240 feet; thence North 53°20'45" East, 33.25 feet; thence West 220.18 feet to the Northeast corner of that tract of land as described in deed recorded in Book 456 at page 144; thence along the East line of said tract South 161.73 feet, more or less, to the point of beginning.



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Memorandum

To: Mayor and Council
From: Jim Hatheway, Public Works Director
Date: 12 February 2013
Subject: Phase One, 2nd Street Storm Sewer Improvements Bid Results

RECOMMENDATION

The Public Works Department is recommending that the City award the Contract for the 2nd St. Storm Sewer Project to Accurate Construction & Excavation.

BACKGROUND

The 2nd St. Storm Sewer Project from Columbia to Palmer St. is the first phase of a projected ten year long storm sewer up-grade project that will encompass 2nd, 5th and 7th streets when completed.

COST

This project is funded in part by a CDBG Grant of \$250,000 with additional funds committed by the City of \$128,904. Public Works Department received eleven bids on this project.

1. Accurate Construction	\$293,531.00	7. Williams Construction	\$385,155.60
2. Wells Excavation	\$299,805.85	8. Rundle Construction	\$386,470.03
3. All Concrete Solutions	\$317,605.65	9. M&A Concrete	\$406,140.50
4. Sorter Construction	\$339,701.00	10. Hudspeth & Assoc.	\$419,915.00
5. Skyline Contracting	\$346,413.00	11. United Companies	\$434,825.00
6. J&K Trucking LLC	\$352,031.88		

This project has been budgeted in 19-68-31600

ALIGNMENT WITH STRATEGIC PLANNING

This project is identified in the Stormwater Master Plan in the recommended Capital Improvement Project List to improve capacity. This project will connect with the Confluence Drive Stormwater system directing the stormwater to a water quality pond just east of Confluence Lake at the intersection of Uncompahgre and Kellogg Streets.

ACTION TO BE TAKEN IF APPROVED

Staff requests that City Council approve the award to Accurate Construction & Excavation.



City of Delta, Colorado

Request for Proposals
City Attorney Legal Service

RFP Issue Date: February 22, 2013

Proposal Due Date: March 25, 2013

RFP Summary

The City of Delta is seeking proposals from qualified law firms and individual attorneys wishing to provide legal services to the Town. 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, Golf, Finance, Community Development and Administrative Services. The City Attorney is a contract position appointed by City Council.

The City of Delta is a Charter City 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 contract/document review and drafting, ordinance and resolution drafting, 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 against liability and accomplish desired policy objectives.
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 traffic offenses and other crimes at Municipal Court
6. Litigation: Ability to manage, conduct and/or oversee litigation in all Courts. In special or complex matters, assist the City in obtaining services of outside counsel.

Criteria:

1. The Respondent must comply with all applicable laws and regulations governing the provision of legal services in the State of Colorado.
2. The Respondent must be licensed by the Colorado State Bar and in good standing.

3. The 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

Due Date: 4:00 PM MT Monday, March 25, 2013

Questions: All questions shall be submitted via email to Justin Clifton, City Manager at Justin@CityofDelta.net



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: February 15, 2013
Subject: Senate Bill 25

RECOMMENDATION

Staff recommends Council authorize the Mayor to sign letters addressed to our State Senate and House delegates and Governor Hickenlooper taking a position against Senate Bill 25 and any other legislation usurping local control over collective bargaining.

BACKGROUND

The Colorado State Senate has proposed SB25 mandating collective bargaining for fire fighters. Although the City of Delta does not provide fire response services, the proposed legislation is significant in that it supersedes local control and opens the door for law enforcement.

CML is lobbying against this legislation and is encouraging local governments to make similar lobbying efforts.

COST NA

ALIGNMENT WITH STRATEGIC PLANNING

Preserving local control is a central theme for Home Rule municipalities. The 2013 Council Retreat included discussion on active participation in regional and when necessary, state issues.

ACTIONS TO BE TAKEN

Authorization to sign letters as outlined above.



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

MEMORANDUM

TO: City Council

FROM: Jim Hatheway

DATE: 19 February 2013

Re: Truck Route Update

In an effort to provide City Council members with regular updates on the construction of Confluence Drive, I will be preparing these memos for your use and information on a monthly basis. Below you will find information regarding work started and scheduled in the near future.

Work Completed this period

- Pile Driving
- Caisson construction
- Pier construction
- Building Removal
- Delta Ditch Relocation

Work in Progress

- Continuing to address RFIs and Shop Drawing approvals
- Material Delivery continues
- Beet Waste Excavation temporarily delayed due to instability of material below beet waste. A stabilization design has been completed and work will begin again this week. Once the subgrade is stabilized, fills and wall construction will start in
- Stormwater Infrastructure installation has started
- Exchange Agreement with UPRR projected by UPRR to be signed by March. Minutia has been addressed.
- Excavation of Water Quality pond started
- Minor traffic implications to travelers on 1st and 2nd Streets between Palmer and Dodge over the next few weeks as underground work continues

- Hand tunneling of 60” bore under railroad has started.

Month Look Ahead

- Set box culverts for drainage and pedestrian tunnel
- Wall construction
- Fills for grade and wall construction
- No major impacts to traffic are anticipated

Change Orders Approved/Pending

- CO#1 Removal of PDA testing from Hamon Contract – Activity and cost moved to C/M contract (decrease of \$14,400 to Hamon Contract)
- CO#2 Addition of a line item for surveying services outside scope of project (activity must be approved prior to executing activity) (approved for up to 90 hours at \$115.50/hour)
- CO#3 (pending) Stabilization of subgrade material beneath beet waste excavation. (COR on a unit rate basis estimated at \$395,795.33)
- Future COR to add coping to retaining walls. (Hamon is currently evaluating cost impacts of this addition to the project)

Please let me know if you hear any concerns/complaints or if you have any questions. Additionally, if you'd like to visit the site, please let me know and I'll make arrangements. Thanks, Jim



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

Memorandum

To: Mayor and Council
From: Jim Hatheway, Public Works Director
Date: 14 February 2013
Subject: Approval to escrow funds for UPRR Exchange Agreement

RECOMMENDATION

The Public Works Department is requesting approval to escrow funds prior to closing the Property Exchange Agreement with UPRR.

BACKGROUND

City staff has been actively engaged in negotiating a Property Exchange Agreement with UPRR for property to accommodate the Confluence Drive alignment. Ordinarily, UPRR would not allow any work to be completed on its property ahead of the property closing. However, due to performance requirements that the City must complete ahead of the closing, the UPRR has given some indication that they would consider allowing Hamon Contractors to begin construction of railroad improvements on UPRR property ahead of the closing subject to certain conditions including escrowing the funds due at closing.

COST

The costs associated with this agreement include:

- \$855,000.00 to cover the value of the excess property being conveyed to the City
- \$121,000.00 (est.) to buyout leases that will exist in the property being conveyed to the City (value to be calculated at time of closing)
- \$14,000.00 to replace storage buildings that cannot be moved in the Delta UPRR yard
- \$10,000 (est.) to secure additional easements for Bridge Street to cross UPRR property

The total estimated escrow amount is estimated at \$1,000,000. This expense has been budgeted in 80-19-42100

ALIGNMENT WITH STRATEGIC PLANNING

- This project is identified in the Master Road Plan in the Comprehensive Plan
- The bond approved by voters
- Council approval to award the contract for construction

ACTION TO BE TAKEN IF APPROVED

Staff will finalize the exchange agreement with UPRR, pursue permission to begin rail construction prior to closing the exchange agreement, and escrow the agreed upon funds to secure the right to enter UPRR property.