



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**

**November 5, 2013
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Region 10 Presentation**
- F. All Point Transit Presentation**
- G. Delta Housing Authority Request for Funding; Villas at the Bluff Phase II**
- H. 2014 Draft Budget**
- I. Hotel/Restaurant Liquor License Renewal; Fiesta Vallarta**
- J. Council Bill #7, 2013; First Reading
Rate Changes**
- K. City Attorney Comments**
- L. City Manager Comments**
- M. Councilmember Comments**
- N. Executive Session**
For discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; or more specifically for the City Manager's performance evaluation.

Item A:

Pledge of Allegiance



Item B:

Changes to the Agenda

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 David Smith. 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 October 1, 2013 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Dan Burke, 3283 Hwy 92, Hotchkiss, commented on the golf course stating that it is a wonderful course and it is managed well.

Joshua Applegate, 637 Howard Street, stated he also supports the golf course. He suggested increasing marketing efforts to help leverage opportunities for more revenues.

Sara Rapp, 1815 F Road, commented on the horse country arena. She recommended creating a club of arena supporters that could help increase interest.

Delta County Economic Development Presentation

Tom Huerkamp, Vice president of Delta County Economic Development, thanked the city for their support over the past several years. He requested Council's support in 2014. He commented on the recreation center and offered to help improve the conference rooms.

Councilmember Penick questioned if the golf course is a viable recruiting tool.

Mr. Huerkamp stated he believes the golf course is a tremendous asset. He suggested increasing the marketing efforts.

Councilmember Penick questioned if there were any statistics regarding the use of the golf course in recruiting efforts.

Mr. Huerkamp stated they do not have statistics specifically to the golf course.

Regular Meeting, Delta City Council, October 15, 2013 (cont.)

Public Hearing: Special Events Permit Application; Altrusa International, Inc. of Delta Colorado Foundation

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

The Clerk explained that Altrusa has submitted an application for a special events permit. The application states that they plan to sell malt, vinous and spirituous liquor on November 22nd, 2013 from 4:00pm to 10:00pm and on November 23rd, 2013 from 9:00am to 5:00pm. The application is complete and all fees have been paid. Staff recommends approval of the license.

Vickie Ripp with Altrusa introduced herself and was available for any questions.

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 Cooper to approve the special events permit application for Altrusa International. All in favor, motion carried.

Hotel/Restaurant Liquor License Transfer of Ownership: Devil's Thumb Golf Club

The Clerk reported that the City of Delta has submitted an application to transfer the hotel and restaurant liquor license at the golf course. The current application is held by Applegate Ventures, LLC and they are no longer renting the premises at the golf course. The application is complete and all fees will be paid if Council approves the transfer. The State did require that we submitted background information on the City Manager, Finance Director and the manager at the golf course. Those backgrounds have been submitted to CBI and we are waiting for the responses. A temporary license has been issued while the state reviews the application. Staff recommends approving the transfer of the liquor license.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the transfer of ownership for the Devil's Thumb Golf Club liquor license pending backgrounds checks. All in favor, motion carried.

3.2% Beer License Renewal; Maverik, Inc. #463

The Clerk stated that Maverik, Inc. #463 has submitted their renewal application for their 3.2% Beer Off Premises Liquor License. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to approve the 3.2% Beer Off Premises for Maverik, Inc. #463. All in favor, motion carried.

Temporary Closure Permit; Delta Area Chamber of Commerce Parade of Lights

The Clerk explained that the Delta Area Chamber of Commerce has submitted their annual application for temporary closure of Main Street for the Parade of Lights. The application states they plan to close Main Street from 9th Street to 3rd Street on December 6, 2013 for the parade. The application is complete and all fees have been paid.

Regular Meeting, Delta City Council, October 15, 2013 (cont.)

Temporary Closure Permit; Delta Area Chamber of Commerce Parade of Lights (cont.)

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the street closure permit for the Delta Area Chamber of Commerce Parade of Lights.

Councilmember Penick stated that in the memo it states there is no cost to the City; however, staff is being used to help with traffic. He suggested looking at the cost to determine what the actual cost is to the city. He also suggested possible increasing the fees to recuperate some of the costs.

Manager Clifton agreed with Councilmember Penick in that there is a cost to the city. He stated staff has collected cost information for other events and may have it for this event as well. He will make sure that staff gets the requested information and have a discussion regarding when it would be appropriate to collect fees or ask for support.

Councilmember Penick stated that providing traffic control is part of the city's job duties to help insure public safety.

The Mayor called for a vote. All in favor, motion carried.

Resolution #3, 2013; E-911 Surcharge

Resolution #3, 2013

A RESOLUTION OF THE CITY OF DELTA, COLORADO
INCREASING E-911 MONTHLY CHARGE

was read by the Clerk.

Manager Clifton reported that Sheriff McKee is requesting a rate increase for the surcharge on phone bills that helps support emergency communications. He stated that the city is not being charged for the emergency communications due to the E-911 fees that are collected.

Councilmember Raley stated that the collection of the fees is a very valuable tool used for emergency communication.

It was moved by Councilmember Raley and seconded by Councilmember Penick to adopt Resolution #3, 2013. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye, Penick, aye and Sisson, aye. Motion carried.

Resolution #4, 2013; Cable TV Permit Extension

Resolution #4, 2013

A RESOLUTION OF THE CITY OF DELTA, COLORADO,
EXTENDING THE CABLE TELEVISION SYSTEM PERMIT TO
CHARTER COMMUNICATIONS HOLDING COMPANY, LLC

was read by the Clerk.

Regular Meeting, Delta City Council, October 15, 2013 (cont.)

Resolution #4, 2013; Cable TV Permit Extension (cont.)

Manager Clifton stated that the resolution does need to reflect an amendment to the legal name being Bresnan Communications. Mr. Clifton stated that he hoped that they would get the permit within the last six months; however, due to the change in ownership they may need an additional six months.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to adopt Resolution #4, 2013 with the changes to the legal name as Bresnan Communications. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye, Penick, aye and Sisson, aye. Motion carried.

Proposal on Animal Control

Manager Clifton reported that there has been recent conversation regarding animal control. Staff is proposing to move animal control services to the code enforcement division of Community Development. He stated that there are numerous reasons as outlined in the memo. Essentially, staff would be dedicating additional resources to animal control without an increase in the budget. The current code enforcement officer is currently enforcing the municipal code similar to animal control and he also has history performing animal control services. There will be one full time code enforcement officer that will also handle animal control services and one part time individual that will help run the shelter or provide any other services that may be necessary. There will also be additional resources available within city hall that can help with various items.

Councilmember Penick stated that this transition has the potential to increase customer service and believes it is worth a try.

There was consensus amongst Council to move forward with the transition of animal control services to the Community Development Department.

City Manager Review

Manager Clifton outlined a process to move forward with the City Manager review. Council will be presented the self evaluation as well as the 360 evaluations from the leadership team by October 22nd, 2013. This will give Council some time to review those documents and be prepared for the executive session on November 5, 2013. Mr. Clifton suggested preparing one evaluation to be reviewed at the following meeting.

City Attorney Comments

There were none.

City Manager Comments

Manager Clifton discussed a work session for October 29th, 2013 at 5:00 pm.

Regular Meeting, Delta City Council, October 15, 2013 (cont.)

Councilmember Comments

Councilmember Cooper stated she would like some more time reviewing the golf course budget. She also recommended putting up more signs for the golf course.

Manager Clifton stated that staff and the golf course advisory board have been discussing the need for more signs directing patrons.

Councilmember Cooper also thanked the parks department for the wonderful flowers.

Councilmember Raley stated that he appreciated the information on the golf course before the discussion as this gives Council time to look through the information and come prepared with questions.

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); and specifically to discuss the acquisition of land from the Senteney Family Trust. All in favor, motion carried.

At 7:32 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 7:56 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, Public Works Director Jim Hatheway and City Attorney David Smith. 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

Item D:

Citizen Comments



Region 10 Presentation



All Point Transit Presentation



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: November 1, 2013
Subject: Delta Housing Authority Request



Office of the City Manager

Recommendation:

Staff recommends that Council consider a request from the Delta Housing Authority (DHA) to provide financial support to Phase II of the Villas at the Bluff housing project.

Background:

In 2008, the City contributed \$25,000 toward tap fees and or building permit fees and \$30,000 toward the construction of a park for phase I. DHA is asking for a similar contribution for phase II, although it appears as though phase II does not include further park improvements. As I understand it, the City has an informal policy not to “waive” fees as an incentive for certain projects. Rather, the City actually covers the cost of any contribution. In 2008 for instance, the \$25,000 contribution was applied to the sewer tap fees. Rather than waiving the cost of the fees, the City transferred money from its General Fund to its Sewer Fund to cover the cost.

Cost:

The cost to the City swings on how much financial contribution, if any, the Council wants to make. Because the City does not support a “waiver” system, the impact of any contribution will impact the General Fund. If Council decides to apply any contribution to the site development/ building permit fees, the impact will come by way of forgone revenues to the General Fund. If Council decides to apply any contribution to water and/or sewer taps the General Fund will collect all of the revenues for permit fees but transfer any contribution to the Water and/or Sewer Fund. In either case the impact is the same.

Alignment With Strategic Planning:

The City Charter does not reference or require any department or service area be dedicated to housing. The 2008 Comprehensive Plan dedicates Chapter 4 to housing. The emphasis on affordable is not totally clear. The Plan references a 2003 County Housing Assessment recommendation to, “Consider fee waivers or deferrals for affordable housing projects.” However, the City Comprehensive Plan itself outlines 3 policies, none of which relate to a sponsorship of affordable housing projects. However, the City did contribute \$50K to phase I of the project in 2008, indicated some level of priority.

Actions To Be Taken if Approved: Staff will allocate funds as directed by Council.



October 29, 2013

City of Delta
Attn: Mayor Sisson & Council members
360 Main Street
Delta, CO 81416

As the Housing Authority of the City of Delta, DHA submitted an application in July 2013 for a reservation of tax credits to build Phase II of the affordable workplace housing known as Villas at the Bluff. We were successful in our application and have now been awarded that tax credit reservation. It was a very competitive round with 29 applications for development and only 6 applications funded.

Our success was largely due to the outstanding project we now own and manage, Phase I of Villas at the Bluff. Phase I was completed in 2009, leased up quickly and remains at 100% occupancy; clearly meeting a need for safe, decent, affordable housing in Delta. In November of 2012, DHA hired a contractor to conduct a Housing Needs Assessment which revealed the need for a minimum of an additional 200 affordable housing units over the next five years. With that in mind, we determined the need was now here for Phase II of Villas at the Bluff.

In support of Phase I, the City of Delta committed \$25,000 to the project by allowing a downward ledger adjustment on the tap fees and building permits. And additionally, the City provided a \$30,000 cash to complete the playground.

We come to you now, seeking your support once again to complete the mission with which the City has charged us, "to provide safe, decent, and affordable housing" for its most vulnerable citizens. Phase II of Villas at the Bluff will consist of 32 additional units built on the current site. While budget constraints are always at play, the anticipated tap and permit fees generated by this project would exceed \$300,000 and would surely be a welcome income source for the City. So while we are asking for your support financially, we believe we can make the City's support affordable by the revenue we will generate. That does not even take into account the many local workers and sub-contractors who will be put to work on this project and the sales tax dollars they will generate. This project is good for Delta!

Please consider our request to provide a contribution to financially support Phase II of Villas at the Bluff and match the contribution you made to Phase I.

Respectfully,

A handwritten signature in black ink that reads "Cindy Warren".

Delta Housing Board of Commissioners
Cindy Warren, Chair

A handwritten signature in black ink that reads "Jo Rosenquist".

Delta Housing Authority
Jo Rosenquist, Executive Director

MEMO

To: City Council
From: Justin Clifton, City Manager
Date: November 1, 2013
Subject: Draft Budget



Office of the City Manager

Recommendation:

Staff recommends City Council carefully consider the 2014 draft budget.

Background:

We have been holding budget discussions since June of this year. We introduced a lot of new information and process this year. However, this is the first time the Council will see the budget in total. The budget is scheduled for formal adoption on November 19th with second reading for appropriations scheduled for December 3rd. While we want the budget to be a good guideline for 2014 priorities, the Council always has discretion to supplement the budget at a later date as needed.

Cost:

The budget appropriates more than \$20M in total expenditures. There is very little cost in the approval itself (accept for advertising and printing costs for final copies).

Alignment With Strategic Planning:

Article V of the City Charter outlines requirements for approving an annual budget. The City is scheduled appropriately to approve the budget by resolution before December 1st.

Actions To Be Taken if Approved:

Staff will incorporate any changes as directed by Council before preparing a final draft for approval on November 19, 2013.

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: October 31, 2013
Subject: Hotel/Restaurant Liquor License Renewal for
Fiesta Vallarta Delta, Inc.



Office of the City Clerk

Recommendation:

Staff recommends approval of the Hotel/Restaurant Liquor License Renewal for Fiesta Vallarta Delta, Inc. located at 447 Main Street. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires November 28, 2013.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$500 renewal fee to the State, the City renewal fee of \$150 as well as the City liquor occupation tax of \$400.

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."

Actions 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

FIESTA VALLARTA DELTA
 447 MAIN ST
 DELTA CO 81416-1816

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

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 FIESTA VALLARTA DELTA INC		DBA FIESTA VALLARTA DELTA		
Liquor License # 12684120000	License Type Hotel & Restaurant (city)	Sales Tax License # 12684120000	Expiration Date 11/28/2013	Due Date 10/14/2013
Street Address 447 MAIN ST DELTA CO 81416-1816				Phone Number (970) 874 6877
Mailing Address 447 MAIN ST DELTA CO 81416-1816				
Operating Manager Alfredo Gomez	Home Address 604 Ray Ct, Delta, CO 81416	Phone Number 970-874-6877		

1. 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 12-31-16
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. 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.
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. YES NO
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. YES NO
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. YES NO
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.

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 Jose Alfredo Gomez	Title President
Signature Alfredo Gomez	Date 10-22-13

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 Fiesta Vallarta Delta, Inc.
DBA: Fiesta Vallarta Delta

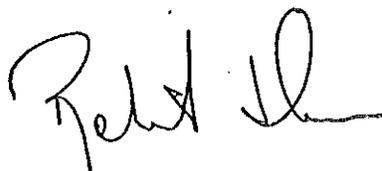
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

MEMO

To: City Council
From: Steve Glammeyer, Utilities Director
Date: October 24, 2013
Subject: Utility Rate Increase Council Bill #7



Utilities Department

Recommendation:

Staff is recommending the adoption of Council Bill #7 increasing the utility rates for water, sewer, trash, and electric effective January 1, 2014.

Background:

During the budget work sessions, staff presented Council with proposed increases to utility rates in all four utility funds. Rate increases are necessary to help balance revenues over expenditures. Additionally, staff is proposing increases to the late payment penalty and non-payment shut-off fees to more accurately reflect our cost to provide this service. Attached, please find a comparison of current rates to proposed rates.

Cost:

The only cost is to publish the ordinance in a local newspaper as required by Charter.

Alignment With Strategic Planning:

The City Charter states, "The City Council shall by ordinance fix rates, establish regulations for use of water by consumers, provide for the orderly administration of the department, and impose fines and penalties for the violation thereof.", for the Department of Water and Sewer. The Charter further states, "The City Council shall by ordinance establish regulations and fix rates to be charged for electric service furnished by the City owned and operated electric light and power plant and system, provide for the orderly administration of the department to be administered as an entity, and impose fines and penalties for the violation thereof.", for the Department of Light and Power. Finally, Council is charged with preparing a budget that provides for revenues to exceed expenditures for each fund within the City by the Charter.

Actions To Be Taken if Approved:

The ordinance will be published as required by Charter and rates will be set to take effect January 1, 2014.

Water	Service Size/Type	Existing Base Charge	Existing Consumption Charge	Proposed Base Charge	Proposed Consumption Charge	Total Estimated Revenue Increase	
	3/4" or smaller	\$24.00	\$2.50/1000 gallons	\$26.00	\$2.65/1000 gallons	Water	\$150,000
	1"	\$40.00	\$2.30/1000 gallons	\$42.00	\$2.45/1000 gallons	Sewer	\$70,000
	1-1/4"	\$55.00	\$2.30/1000 gallons	\$58.00	\$2.45/1000 gallons	Electric	\$200,000
	1-1/2"	\$81.00	\$2.30/1000 gallons	\$85.00	\$2.45/1000 gallons	Trash	\$60,000
	2"	\$127.00	\$2.30/1000 gallons	\$135.00	\$2.45/1000 gallons		
	3"	\$253.00	\$2.30/1000 gallons	\$265.00	\$2.45/1000 gallons		
	4"	\$363.00	\$2.30/1000 gallons	\$380.00	\$2.45/1000 gallons		
	6"	\$664.00	\$2.30/1000 gallons	\$700.00	\$2.45/1000 gallons		
	Irrigation service	\$15.00	\$2.50/1000 gallons	\$16.00	\$2.65/1000 gallons		
	City buildings service		\$1.60/1000 gallons	N/A	\$1.70/1000 gallons		
	Outside City limit 3/4"	\$29.00	\$3.10/1000 gallons	\$31.00	\$3.25/1000 gallons		
	Construction meter	\$15.00	\$2.50/1000 gallons	\$20.00	\$2.65/1000 gallons		

Sewer	Service Size/Type	Existing Base Charge	Existing Consumption Charge	Proposed Base Charge	Proposed Consumption Charge
	3/4" or smaller	\$23.50/Unit	N/A	\$25.00/Unit	N/A
	1"				
	1-1/2"				
	2"				
	3"				
	4"				
	6"				
	8"				
	All other users (commercial, etc.)	\$23.50	\$1.55/1,000 gallons	\$25.00	\$1.65/1,000 gallons

Electric	Service Size/Type	Existing Base Charge	Existing Consumption Charge	Existing Demand Charge	Proposed Base Charge	Proposed Consumption Charge	Proposed Demand Charge
Street Lights	N/A	\$0.0835/KWH	N/A	N/A	\$0.0895/KWH	N/A	
Single Phase Commercial	\$23.50	\$0.0893/KWH	N/A	\$25.00	\$0.0925/KWH	N/A	
Three Phase Commercial	\$41.00	\$0.0893/KWH	N/A	\$41.00	\$0.0925/KWH	N/A	
Industrial	\$130.00	\$0.0575/KWH	\$10.61	\$140.00	\$0.0571/KWH	\$11.00	
City buildings service	N/A	\$0.0835/KWH	N/A	N/A	\$0.0895/KWH	N/A	

Refuse	Container Size (gallons)	Existing Base Charge	Existing Extra Pickup	Proposed Base Charge	Proposed Extra Pickup
300	\$25.00	\$37.50	\$27.00	\$40.25	
Over 300	0.085/gal	\$0.1275/gal	\$0.90/gal	\$0.135/gal	
Shared containers	\$10.50/unit	\$15.75/unit	\$12.00/unit	\$17.75/unit	

Late Payment Penalty and Non-Payment/Resumption of Service Fees		Existing	Proposed
Late Payment		\$5.00	\$25.00
Non-Payment penalty*		\$27.00	\$40.00
*After hours shall be double			

Council Bill # _____, 2013

Ordinance No. _____, 2013

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
PROVIDING REVISED WATER, SEWER, ELECTRIC AND
TRASH RATES, REVISED WATER AND SEWER SYSTEM
IMPROVEMENT AND TAPPING FEES, AND AMENDING
THE MUNICIPAL CODE CONCERNING THE SAME.

WHEREAS, pursuant to Article IV of the Home Rule Charter and Title 31 the City is responsible for setting the fees and costs associated with the operation of municipal utilities within the City; and

WHEREAS, the City Council is desirous of amending the municipal code to adjust current rates and make it easier to adjust rates in the future; and

WHEREAS,

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

Section 1. The foregoing recitals are incorporated herein as findings of the City Council.

Section 2. Subsection 8.12.100(A) of the Delta Municipal Code is amended to read as follows:

A. The owner, tenant and occupant of premises to which trash collection service is provided by the City or charges due there from shall be jointly and severally liable for the charges as set out in Section 8.12.160.

Section 3. Subsection 8.12.130(D) of the Delta Municipal Code is amended to read as follows:

D. All bills shall specify a due date. Bills not paid by the due date shall be subject fees as set out in Section 13.04.270.

Section 4. There is hereby added a section 8.12.160 of the Delta Municipal Code as follows:

8.12.160 Trash Collection Fees/Rates Table.

Refuse			
	Container Size (gallons)	Monthly Base Charge	Extra Pickup
	90	\$12.00	\$17.75
	300	\$27.00	\$40.25
	Over 300	\$0.90/gal	\$0.135/gal
	Shared containers	\$12.00/unit	\$17.75/unit

Section 4. Title 13, Chapter 13.04 of the Delta Municipal Code is repealed and readopted as follows:

Chapter 13.04

ELECTRIC, WATER AND SEWER SYSTEMS

Sections:

- 13.04.010 Applicability.
- 13.04.020 Application for service.
- 13.04.030 Conditions of and application for connection.
- 13.04.040 Water and sewer system improvement and tap fees.
- 13.04.050 Installation and maintenance responsibilities.
- 13.04.060 Electric, water and sewer use charges--General provisions.
- 13.04.070 Remedies for nonpayment.
- 13.04.080 Specifications and standards.
- 13.04.090 Electric, water and sewer extensions.
- 13.04.100 Right of entry.
- 13.04.110 Monthly water rates.
- 13.04.120 Monthly electric rates.
- 13.04.130 Monthly sewer rates.
- 13.04.140 Non-Payment, termination, and resumption of electric, water and sewer service.
- 13.04.150 Restriction of water use.
- 13.04.160 Use of fire hydrants.
- 13.04.170 Tampering with utilities.
- 13.04.180 Groundwater.
- 13.04.190 Special provisions for Garnet Mesa Sewer Extension Project.
- 13.04.200 Construction surcharges.
- 13.04.210 Outside City service.
- 13.04.220 Additional water company requirements.
- 13.04.230 Special provisions for the North Delta Sewer Project.

- 13.04.240 Water Fees/Rates Table
- 13.04.250 Sewer Fees/Rates Table
- 13.04.260 Electric Fees/Rates Table
- 13.04.270 Late Payment Penalty and Non-Payment/Resumption of Service Fees Table

13.04.010 Applicability.

A. All users of City electric, water or sewer services shall be subject to the terms and conditions as set out in this Chapter and shall be subject to all applicable regulations of the City Code and other ordinances, resolutions and regulations of the City, as they now exist or as they may be amended in the future.

B. The owner, lessee, party in possession and party actually using electric, water or sewer service, of any property served by City electric, water or sewer service, shall be jointly and severally liable for all fees, charges and penalties imposed by this Chapter and for compliance with other requirements of this Chapter, notwithstanding any agreement among themselves. (Ord. 23, §1(part), 1984)

13.04.020 Application for service.

A. Application for City electric, water or sewer service shall be made upon forms provided by the City, which forms shall require information as may be necessary for the proper billing and management of the electric, water or sewer system.

B. The City may grant permission for the use of electric, water or sewer service only upon receipt of the proper application and payment of all applicable fees, charges and deposits. (Ord. 23, §1(part), 1984; Ord. 20, §1, 1998)

13.04.030 Conditions of and application for connection.

A. Applications for connection to the City electric, water or sewer system shall be made upon forms provided by the City which forms shall require information as may be necessary for the proper management and operation of the systems. The application shall be accompanied by the system improvement and other fees imposed by this Chapter, a plan of the property to be served, and the evidence of title to, and legal description of, the property to be served.

B. If the property to be served is outside the City limits, the application shall be accompanied by:

1. A title memorandum furnished by a reputable title company, a copy of the applicant's deed or a copy of a title insurance policy showing the title status of the property, the owner of record, and the legal description of the property to be served; and

2. An agreement executed by the applicant and the owner which contains the following conditions and other conditions consistent with this Chapter:

a) All service lines between the City lines or mains and the building served shall be constructed and maintained in compliance with all City codes, standards and specifications.

b) The owner and applicant agree to annex, to execute a petition for annexation of the property served, and to vote for annexation at any annexation election to the City, upon the City's request, at any time that such property is eligible for annexation. They shall irrevocably appoint the City Clerk as their attorney-in-fact with respect to annexation proceedings. This agreement shall be binding upon and shall run with the land for which service is provided. The City may require immediate annexation at the applicant's expense.

c) The owner and applicant agree to comply with all provisions of this Chapter, as amended from time to time.

C. Whenever a City sewer main is installed within 400 feet of the premises upon which a structure requiring plumbing is located, the occupant or owner will, upon request of the City, connect to such sewer line and pay all system improvement and other fees, therefore, in accordance with City ordinances and regulations, as they may be amended from time to time.

D. Applications for connection to the City electric, water or sewer system shall be accompanied by properly executed documents granting the City all easements reasonably necessary for electric, water or sewer lines and facilities.

E. Applications for all connections must be reviewed and approved by the City Manager. If any City main or line extension is required, the connection shall not be approved unless the terms of the extension have been approved by the City. The application shall be denied if capacity is not available for utility related reasons.

F. The City Council may declare a moratorium on new connections at any time due to limitations on system capacity or other circumstances which require such action in their opinion.

G. Separate buildings shall require separate taps to a City water main and a City sewer main, or in the case of service provided through a water or sewer company, district or privately owned main, separate taps to the company, district or privately owned main. Provided, however, a garage, regularly used to house vehicles accessory only to a residence within the City, may have plumbing and plumbing fixtures served off of the residence's taps, if not intended to change the existing use. Separate system improvement and other fees shall be due for each tap onto a City, company, district or privately owned main, regardless of building ownership. Separate dwelling units in a travel home park or mobile home park shall require separate sewer taps to a City owned sewer lateral or main. The purchaser may purchase more than one tap to serve any building or dwelling unit. New summer irrigation water taps shall not be authorized.

H. No application for the connection of any private line, private electric, water or sewer company, or feeder district shall be approved. Provided, however, this shall not preclude approving connection for water service to a mobile home park, travel home park, apartment building or condominium building, through a master water meter. Existing water companies or other private lines served by the City shall submit an application for connection for any additional customers, dwelling units, buildings, or taps to be serviced by such companies accompanied by fees as set out in Section 13.04.040, on the same basis as if the connection was to be directly to a City main.

I. Taps may be used to serve only that property for which the tap was purchased and approved to serve.

J. All existing authorized summer taps shall be used solely for irrigation purposes. Any other use shall terminate the right to use such tap. The City shall turn such taps on and off at the customer's request. (Ord. 23, §1(part), 1984; Ord. 20, §1, 1998; Ord. 29, §1, 1999; Ord. 21, §3, 2002)

13.04.040 Water and sewer system improvement fees and tap fees.

A. General provisions applicable to water and sewer fees:

1. Fees imposed by this Section shall be due when any customer presently served by water or sewer extends his facilities or changes his use, if the expansion or change in use necessitates a larger connection or increases the number of units, or when a new connection to the system is required except

a connection solely for the purposes of repair of an existing adequately sized connection, in which case only actual costs of City material and labor will be charged. Such charges shall be paid prior to any expansion or connection or issuance of any permit therefore.

2. No connection to the City or existing private system shall be allowed which is smaller than reasonably necessary to serve the proposed use, as provided in City codes and specifications. No customer may make any changes or additions to property served which would substantially increase the amount of water used or sewage produced without obtaining an enlarged tap sufficient to accommodate such use.

3. If an existing connection is not of reasonably adequate size, a credit shall be allowed toward the fees imposed by this Chapter for an amount equivalent to the charge which would be imposed by this Chapter for a connection the same size as the one to be replaced by a new connection and taken out of service. Such credit may be applied only toward charges imposed by this Chapter. Provided, however, in all cases the applicant shall be charged at least for actual costs of material and labor expended by the City.

4. Private water or sewer systems shall be charged the charges imposed by this Chapter both for the connection of the private line to the City system and for each customer, building or dwelling unit served by such line, prior to connecting such customers. Private companies or systems shall also remit unit charges for each additional unit added to a multi-unit facility as specified in Subsections B and C below.

5. System improvement fees imposed upon property located outside the City limits shall be twice the charges specified in accordance with this Section. This shall not apply to water tapping fees.

6. If, at the time service is first initiated following connection, the amount of system improvement fees or water tapping charges has been increased by the City from what the applicant paid previously at the time he obtained the permit for connection or actually made the connection, he shall remit such additional amount at the time of initial service. Provided, however, this Subsection is not applicable to taps approved by the City before January 1, 2009.

B. Water connection fees and charges:

1. Charges are as set out in Section 13.04.240 and these charges shall be imposed and collected prior to connection to the water system, prior to the time of any occupancy permit, prior to the use of any such unit or dwelling, or as otherwise

required, pursuant to this Section.

2. No water tap larger than 2" shall be approved, except solely for a fire line, unless the City determines that adequate capacity is available to serve the use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity.

3. In addition to Water System Improvement Fees, a Water Tapping fee shall be paid as set out in Section 13.04.240 to cover City expenses incurred in tapping the main and installing pipe, meter and curb boxes, except when these facilities are provided by the developer, pursuant to the City Subdivision Regulations. Tapping fees shall be paid at the time the tap is purchased except when said tap has been purchased previously or credited through other means.

C. Sewer System Improvement Fees:

1. Charges are as set out in Section 13.04.250 and shall be imposed and collected prior to any connection to the sewer system, prior to the time of any occupancy permit, prior to the use of any such unit or dwelling, or as otherwise required, pursuant to this Section.

2. No sewer tap larger than 6 inches shall be approved unless the City determines that adequate capacity is available to serve the proposed use without adverse effects, or unless the applicant pays for the cost of installing necessary system capacity. (Ord. 23, \$1(part), 1984; Ord. 1, \$1, 1998; Ord. 20, \$1 & \$3, 1998; Ord. 16, \$1, 2001; Ord. 34, \$1, 2002; Ord. 9, \$20, 2004; Ord. 21 \$1, 2004; Ord. 8, \$4, 2006; Ord. \$12, 2008)

13.04.050 Installation and maintenance responsibilities.

A. Water system - The City shall make and maintain all connections to the City water system, shall provide and maintain 3/4-inch meters with related pits and yokes, shall install and maintain water service lines from the City main to the customer's curb box, and shall install and maintain the curb box, except as otherwise provided by contract for existing private companies, or pursuant to City Subdivision Regulations. The owner shall purchase from the City all water meters larger than 3/4-inch, along with a yoke and a pit and related materials, including asphalt replacement, if required, at the time the tap is purchased. The City will install the tap, all meters and service line from the main to the meter. The owner shall install and maintain all other water lines and facilities

to serve owner's property. The location of all meters must be approved by the City prior to installation. No occupancy permit shall be issued by the City for any building requiring water service until a meter has been installed, inspected and approved in accordance with these provisions. The City will own and maintain all water meters after proper installation. All meters shall be obtained through the City.

B. Sewer system - The customer shall be responsible for the connection, installation and maintenance of all sewer lines and facilities, including the entire length of sewer lateral between the City owned main and the customer's premises and for plumbing facilities serving his property.

C. Electric system

1. The City shall install, own and maintain all electric meters, lines, facilities, and service connections up to the customer's meter box. All costs the City incurs in extending service to the customer's building or facility shall be paid to the City by the customer, except that the City shall bear the first \$300 of costs to extend service to permanent individually owned residential dwelling units. The City's estimated costs of extending service shall be paid by the customer in advance, unless otherwise provided by contract.

2. Subdividers shall, at their cost, establish the permanent "rough grade" prior to installation of underground facilities.

3. The City shall convert overhead facilities to underground facilities where practical at the customer's request and expense.

4. All customers with motors 20 HP or greater shall install compensating starters and obtain a permit therefore prior to operation, unless other adequate protection is demonstrated to the City's satisfaction.

D. If any portion of the water, electric, or sewer lines or other facilities for which the customer is responsible is in need of repair and the customer fails to make such repairs following notice from the City, the City may either terminate water or electrical service or make repairs and bill them to the customer. Such charges shall become a lien upon the property and may be collected as other charges imposed by this Chapter.

E. Separate Non-Residential Irrigation Meters. The City will install, own and maintain all meters and related back-flow prevention devices requested by a customer to utilize the

landscape irrigation rate of subsection 13.04.110(G). The customer shall reimburse the City for the cost of such installation and shall be responsible for the installation and ownership of all landscape irrigation facilities downstream of the back-flow prevention devices. (Ord. 23, §1(part), 1984; Ord. 11, §2, 1994; Ord. 1, §2, 1998; Ord. 16, §1, 2001)

13.04.060 Electric, water and sewer use charges--General provisions.

A. Charges for water, sewer and electric service shall be payable, assessed and billed at periodic intervals specified by the City Council.

B. Monthly water, electric and sewer charges shall commence when service is first utilized.

C. Sewer and electric charges may be billed with the water bills or otherwise, as determined by the City Council.

D. All bills shall specify a due date. Bills not paid by the due date shall be subject to a late payment penalty as set out in Section 13.04.270.

E. Minimum charges for minimum periods of less than one month shall be prorated.

F. All charges and fees imposed by this Chapter shall become a lien on the property served as of the date they are billed or due. (Ord. 23, §1(part), 1984; (Ord. 5, §1, 2001)

13.04.070 Remedies for nonpayment. In addition to any other remedies which the City may have, the City may take the following action upon failure to pay any charges or fees by the date specified as due upon the bill, or when they are otherwise due:

A. The City may foreclose the lien imposed by this Chapter in accordance with law.

B. The City may maintain an action for the amount of charges due in a court of competent jurisdiction including interest as allowed by law.

C. The City may certify the amount of any charge due to the County Treasurer to become an assessment upon such property served to be collected as taxes upon such property are collected.

D. It shall be unlawful to fail to pay the charges imposed by this Chapter.

E. The City may shut off water or electricity to any premises for which the bill is not paid in accordance with the procedures set forth in Section 13.04.140 of this Chapter. (Ord. 23, §1(part), 1984)

13.04.080 Specifications and standards. The materials used and installation of all components of the City electric, water and sewer system, service lines and plumbing systems connected thereto and served thereby shall be in accordance with standards, regulations, and specifications approved by the City, and in accordance with all City building, electrical and plumbing regulations and other applicable regulations. Such City standards, specifications and regulations may include but not be limited to the installation, location, and type of material of water and sewer mains, electric lines, service lines, curb boxes, valves, corporation stops, meters, meter pits, meter yokes, and other fixtures and facilities. All such facilities shall also comply with all applicable State and Federal regulations and The National Electric Safety Code. (Ord. 23, §1(part), 1984)

13.04.090 Electric, water and sewer extensions.

A. No water or sewer main, or electrical lines or facilities of the City may be extended without the approval of the City.

B. The City may, at its own expense, extend its water or sewer mains and electric lines as deemed feasible or necessary. The City may provide for such extensions in accordance with its Subdivision Regulations or by contract with any person desiring such extensions or by improvement district. Any such contract shall be on terms approved by the City and may provide for the size of the mains or lines to be extended, the apportionment of the costs of the extensions, reimbursement provisions for subsequent taps onto such extension, or such other provisions as the City Council deems in the public interest.

C. All such mains, lines and facilities connected to the City system shall be conveyed and dedicated to the City, and the appurtenance easements shall be conveyed to the City, free and clear of all liens and encumbrances. (Ord. 23, §1(part), 1984)

13.04.100 Right of entry.

A. Whenever necessary to make an inspection or investigation to perform any duty, or to enforce any of the provisions of this Chapter, any authorized City representative may enter upon any building or premises served by City electric, water or sewer at any reasonable time for such purposes. If the building is occupied, he shall present proper credentials and request entry.

If such building is unoccupied, he shall make reasonable efforts to locate the owners or persons in possession of the premises and request entry. If entry is refused, he shall have recourse to all remedies provided by law to secure entry, including issuance of an inspection warrant by the Municipal Court.

B. The right of entry shall apply but not be limited to the following functions: To determine the location and conditions of all hydrants, pipes, fixtures, electrical facilities and meters, to read meters, to make repairs, to perform dye and smoke tests, and to investigate violations of this Chapter. (Ord. 23, §1(part), 1984)

13.04.110 Monthly water rates.

A. Single family homes, parsonages, duplexes, apartments, condominiums, rooming houses, mobile home parks and other multiple unit dwelling facilities providing permanent residences shall be subject to the monthly rates as set out in Section 13.04.240 for each meter serving the customer. Provided, however, use through an authorized summer irrigation tap shall be combined with use through the household meter for purposes of the application of rates as set out in Section 13.04.240.

B. Existing authorized summer irrigation taps shall pay charges as set out in Section 13.04.240 for each month the tap is in use

C. Existing customers for which the City has determined that the installation of a meter is physically unfeasible shall pay the $\frac{3}{4}$ " or smaller fee per commercial unit per month as set out in Section 13.04.240.

D. The rates for water sold at the City dispenser shall be as set out in Section 13.04.240.

E. All other customers, including churches and apartments who so elect, shall be charged, unless otherwise provided by an existing contract, as set out in Section 13.04.240.

F. Customers with a water account subject to the rates in subsection (E) who have installed a separate 2 inch or smaller meter to supply water exclusively for irrigation of lawn, trees, shrubs and other decorative landscaping plantings shall be charged an irrigation water rate for each such meter, 2 inches in size or less, as set out in Section 13.04.240.

G. Water used by the City shall be charged to the appropriate City fund at the rate as set out in Section 13.04.240.

H. Water used by construction meter shall be charged as set out in Section 13.04.240. (Ord. 23, \$1(part), 1984; Ord. 13, \$1, 1988; Ord. 11, \$2, 1990; Ord. 13, 1990; Ord. 12, \$2, 1992; Ord. 11, \$1, 1994; Ord. 27, \$1, 1994; Ord. 37, \$2, 1995; Ord. 37, \$1, 1996; Ord. 1, \$3, 1998; Ord. 20, \$1, 1998; Ord.29, \$1 & 4; 1999; Ord. 34, \$2, 2002; Ord. 8, \$2, 2006; Ord. \$12, 2008)

13.04.120 Monthly electric rates.

A. Monthly charges for residential customers (including single family homes, parsonages, duplexes, apartments, condominiums, apartment houses, rooming houses, mobile homes, and other multiple unit dwelling facilities providing permanent residences) shall be charged as set out in Section 13.04.260 for each meter serving the customer.

B. Security lights and yard lights shall be charged as set out in Section 13.04.260 per light per month. Street lighting, electricity for traffic lights, and other electricity used by the City shall be charged as set out in Section 13.04.260. KWH for nonmetered street lights shall be determined as follows:

- 100 Watt High Per Sodium Light - 40 KWH per month.
- 250 Watt High Per Sodium Light - 115 KWH per month.
- 400 Watt High Per Sodium Light - 192 KWH per month.

C. All other customers, other than those provided for in Subsections A and B above, shall be charged for electric service as set out in Section 13.04.260. Single phase and Three phase are defined as less than 50 KVA of installed transformer capacity. Customers with 50 KVA or more of installed transformer capacity shall pay rates indicated as Industrial in Section 13.04.260. Provided, however, those Industrial customers whose meter is on the line side of the transformer

shall receive a 2% discount on the energy charge.

D. Wholesale (City) customers shall be charged at the rates as set out in Section 13.04.260. (Ord. 23, §1(part), 1984; Ord. 4, §1, 1990; Ord. 14, 1991; Ord. 37, §2, 1996; Ord. 23, §1, 2002; Ord. 8, §3, 2006; Ord. §12, 2008. Ord. 5, §1, 2011)

13.04.130 Monthly sewer rates.

A. Charges for sewer service shall be as set out in Section 13.04.250.

B. A monthly surcharge for any users other than the residential class discharging waste water with biological oxygen demand or concentrations of suspended solids other than those of the average residential user* shall be computed in accordance with the formula as set out in Section 13.04.250 and added to the charge provided for in Subsection A.

C. 1. If any user is discharging toxic or other pollutants in concentrations higher than that of a residential user which causes increased treatment or system costs, an additional surcharge may be imposed based upon the excess concentrations.

2. Industrial users who exceed limits in their Discharge Authorization Order may be subject to additional surcharges.

3. Any restaurant which does not have a grease trap and any service station or car wash without a sandtrap shall be subject to an additional surcharge equal to 50% of the BOD surcharge computed pursuant to Subsection B above.

D. Each user shall be notified at least annually in conjunction with a regular bill of the rate and that portion of the use charges which are attributable to wastewater treatment services.

E. Each customer's BOD and SS will be assigned pursuant to City regulations by the City Manager based upon available data from the Colorado Department of Health Individual Sewage Disposal System Guidelines or the best available engineering data, except when data based upon actual composite sampling, done in accordance with minimum State Health Department sampling procedure guidelines, is available, in which event such data shall be utilized.

F. Customers served by water utilities other than the City shall provide their actual water consumption data to the City. Failure to provide such data shall be reason to terminate City sewer service.

G. Water delivered through an authorized landscape irrigation meter shall not be utilized in determining charges due under this section. (Ord. 2, §1(part), 1985; Ord. 4, §1, 1985; Ord. 11, §3, 1990; Ord. 12, §3, 1992; Ord. 43, §1, 1993; Ord. 11, §3, 1994; Ord. 4, §1, 1995; Ord. 37, §3, 1995; Ord. 37, §4, 1995; Ord. 1, §4, 1998; Ord. 29, §2, 1999; Ord. §12, 2008)

13.04.140 Non-Payment, termination, and resumption of electric, water and sewer service.

A. In case any person fails or refuses to pay any charges or penalties for City water, electric or sewer service or shall fail to comply with the provisions of this Chapter or other regulations applicable to the City electric, water or sewer service, the City may shut off the electricity or water to the premises.

B. Prior to shutting off the electricity or water, the City shall send a notice to the address of the customer concerned, as shown on City records, stating the reason for the shut off, and the date upon which service may be shut off unless the charges are paid or other specified violation is corrected. Such date shall be at least ten (10) days after the deposit of the letter giving notice of the shut off in the mail.

C. The customer shall be entitled to a hearing with a City representative for the purpose of resolving any dispute concerning the amount due or the violation specified. The notice of shut off shall so advise the customer.

D. If the customer requests a hearing, an informal hearing shall be scheduled as soon as possible by the City.

E. If the City representative, following the hearing, determines the matter adverse to the customer, service may be shut off immediately or on the date specified in the notice of shut off, whichever is later.

F. The customer may appeal any such decision to the City Council where he will be allowed a hearing, providing he makes a deposit with the City in the amount of any charges due.

G. If the City shuts off electric or water service pursuant to this Chapter, service will not be restored until all overdue charges, penalties, other applicable charges which have been billed, and a non-payment penalty charge as set out in Section 13.04.270 have been paid to the City. These charges shall be paid even if service has not been shut off.

H. Customers whose premises will be vacant may request water, sewer and electric service to be shut off. Monthly charges shall not be due during months in which service is shut off during the entire month. (Ord. 23, §1(part), 1984)

13.04.150 Restriction of water use.

A. The City Council may by resolution limit the use of City water to specific times, days and uses.

B. It shall be unlawful for any person to sell or give water away to be used on premises other than those for which service is authorized.

C. It shall be unlawful to open or close any fire hydrant, stop or curb valve, or to turn on or turn off the water service to any property without lawful authority to do so.

D. It shall be unlawful to cause or allow any pollutant to be introduced in the City water system or to cross connect it with any irrigation water system. (Ord. 23, §1(part), 1984)

13.04.160 Use of fire hydrants.

A. When it is necessary to use water temporarily at a place where the water supply is inadequate, application may be made to the City for a permit to use water from a fire hydrant. It shall be unlawful to use water from, or connect any apparatus to, a fire hydrant without first obtaining a permit.

B. Each permit shall specify the terms and conditions of use and the fire hydrant or hydrants authorized to be used. No person shall attach to the operating stem or cap of a fire hydrant any wrench or tool that is not approved by the City for use on fire hydrants. In addition to any other remedy available to the City, any wrench, connection apparatus, valve, hose, or other item attached to a fire hydrant in violation of this Chapter shall be subject to removal and confiscation by the City. (Ord. 12, §1(part), 1984)

13.04.170 Tampering with and unauthorized use of utilities and service. It shall be unlawful to tamper with, damage or destroy any City water, sewer or electric lines, mains, meters or facilities, or to utilize any City utility service without lawful authority, or to operate any City utility facilities without lawful authority. (Ord. 23, §1(part), 1984)

13.04.180 Groundwater. All groundwater from the Dawson, Denver, Arapahoe, Laramie-Fox Hills, and Dakota aquifers, and other nontributary groundwater underlying land included within the corporate limits of the City of Delta as of January 1, 1985, is hereby incorporated in the actual municipal service plan of the City, pursuant to and in accordance with the provisions and exceptions of C.R.S. 37-90-137. (Ord. 11, 1985)

13.04.190 Special provisions for Garnet Mesa Sewer Project

A. The provisions of this Section shall supersede any conflicting provisions in this Chapter with respect to connections to the sewer mains constructed as part of the 1995/1996 Garnet Mesa Sewer Extension Project (Project).

B. "5th & B" and "Quakie" segments.

1. Taps purchased utilizing the "5th and B" and "Quakie" segments prior to construction of them shall be charged the inside City rate for System Improvement Fees (SIF). If the Project does not receive the full package of grants and loans, each such tap shall be billed for an additional amount to bring the total up to the outside City rate for System Improvement Fees, unless the owner of the tap has not connected to the system and decides to surrender the tap, in which event the owner shall receive a refund of amounts paid except for \$500 which the City shall retain.

2. Taps purchased subsequent to construction shall be subject to standard outside City rates for SIF's.

C. "Pioneer Road" segment.

1. Taps purchased prior to construction for the Pioneer Road segment may be purchased at the inside City rate for System Improvement Fees.

2. If the full package of state and federal loan and grant funds is not obtained for the Project, persons purchasing a tap pursuant to paragraph 1 above shall have the option of voiding the tap and receiving a refund of everything but \$500, or paying an additional surcharge equal to the applicable outside City System Improvement Fees to retain the tap. Taps which are voided pursuant to this paragraph shall result in the

property in question being required to pay standard City System Improvement Fees as applicable in the future, plus an additional 50% surcharge for taps repurchased thereafter.

3. Property for which no tap is purchased pursuant to paragraph 1 which utilizes the Pioneer Road segment shall be subject to standard System Improvement Fees and other charges at any time in the future for connection if the Project is constructed with the full package of state and federal grant and loan financing, plus a 50% surcharge if the Project does not receive the full package of state and federal loan and grant financing.

D. General project provisions.

1. Taps purchased for Project mains prior to July 15, 1995, not covered by (B) or (C) above may be purchased at the inside City rate for System Improvement Fees. Taps purchased thereafter, but before construction of the main is completed at the tap's connection point, may be purchased for 1.5 times the inside City rate for System Improvement Fees.

2. Taps purchased thereafter shall be at standard outside City rates for SIF's.

E. Taps purchased which will utilize mains constructed by the Project, including segments referenced in (B), (C) and (D) above, which are not activated and subject to standard monthly charges shall be subject to a monthly base charge equal to one half of the applicable standard monthly minimum charge commencing after completion of construction. If such property has an existing septic system, it will not be required to connect to the sewer system until an individual sewage disposal system installation or repair permit is necessary to replace or repair the septic system.

F. For taps purchased pursuant to paragraphs (B)(1), (C)(1) and (D)(1) above, the City will make the tap and extend the service line to the edge of the street where applicable. (Ord. 23 §1, 1995; Ord. §12, 2008)

13.04.200 Construction surcharge.

A. Connections to the water system constructed pursuant to the Alsdorf Water Main Extension Project shall be subject to a surcharge of \$1,250 prorated for each 3/4" connection or equivalent, until further action by City Council.

B. Connections to the water system constructed pursuant to the 2005 5th Street Water Main Extension Project shall be

subject to a surcharge of \$550 prorated for each $\frac{3}{4}$ " connection or equivalent, until further action by City Council. Such surcharge shall be payable on the sooner of payment of a tapping fee for any tap, payment of the system investment charge for any tap, or sale of any lot in a subdivision planned to be served by such main, including Fox Hollow Subdivision Filing No. 1. (Ord. 20, §2, 1998; Ord. 20, §1, 2004)

13.04.210 Outside City services. The City may require as a condition of continuing to provide service outside the City from its water, sewer, or electric system, a contemporaneous agreement executed by the owner of the property served, agreeing to annex and appointing the Delta City Clerk irrevocably as the owner's attorney-in-fact for the purposes of executing petitions to annex. (Ord. 20, §2, 1998)

13.04.220 Additional water company requirements. Each water company served by the City shall furnish monthly to the City of Delta a list of its current customers by name and address. They'll notify the City immediately upon any changes in the customers served or new taps. No new taps shall be authorized by any company until approved by the City with payment of applicable fees and charges. (Ord. 20, §2, 1998)

13.04.230 Special provisions for the North Delta Sewer Project.

A. The provisions of this Section shall supersede any conflicting provisions in this Chapter, with respect to connections to the sewer mains constructed as part of the 2000 North Delta Sewer Extension Project (Project). The System Improvement Fees for taps purchased on the Project by June 23, 2000, shall be at the inside City rate and may be paid in installments due on or before June 23, 2000 and December 20, 2000. Taps purchased after June 23, 2000, but before construction of the main is completed at the tap's connection point, may be purchased for 1.5 times the inside City rate for System Improvement Fees. Outside city taps purchased thereafter shall be subject to standard outside City rates for System Improvement Fees as in effect from time to time.

B. Taps purchased which will utilize mains constructed by the Project which are not activated shall be subject to a monthly base charge equal to one half of the applicable standard monthly minimum charge. If such property has an existing septic system which is operating properly, it will not be required to connect to the sewer system until an individual sewage disposal

system installation or repair permit is necessary to repair or replace the septic system.

C. Taps purchased to be served by the Project's mains which are purchased before construction of the main is completed at the tap's connection point will be provided the physical tap and extension of the service line to the edge of the street, where applicable, and any necessary pump to serve an existing structure, if service is initiated within one year of completion of the project, at the cost of the Project. All such pumps and appurtenances will be installed, owned and maintained at the cost of the customer thereafter.

D. The City will deny future taps to property owners for significant new facility construction to be located in designated flood hazard areas unless there were no practical alternative. A "designated flood hazard area" would be a floodway or floodplain, so determined by FEMA or another responsible agency of Federal, State or local government involving a 500-year frequency flood hazard in the case of a Critical Action or involving a 100-year frequency flood hazard in all other instances. A "Critical Action" constitutes any action which would create or extend the useful life of the following facilities: 1) facilities which produce, use or store highly volatile, flammable, explosive, toxic, or water reactive materials; 2) schools, hospitals, and nursing homes which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; 3) emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and 4) multi-family housing facilities designed primarily (over 50 percent) for individuals with disabilities. This special mitigation measure will only pertain to newly issued taps within the impact area of the project to be financed by the RUS, and will not involve any other areas within the City of Delta's overall service area. This "impact area of the project" has been determined to be that portion of the North Delta area served by RUS-funded sewer mains, lying generally north of the Gunnison River, east of 1400 Lane extended, west of 1675 Road, and south of the North Delta Canal. (Ord. 23, §1, 2000)

13.04.240 Water Fees/Rates Table.

Water	Service Size/Type	Basic System Improvement Fee*	Basic System Imp. Fee - Unit Charge	Tapping Fee	Monthly Base Charge	Monthly Included Consumption (Gal)	Consumption Charge
	3/4" or smaller	\$3,000.00	Multiple unit residences/facilities shall be charged \$1,500 per unit for each unit after the first unit which is served by	\$1,400.00	\$26.00	4,000	\$2.65/1000 gallons
	1"	\$5,800.00		\$1,500.00	\$42.00	10,000	\$2.45/1000 gallons
	1-1/4"	N/A	City water out of a single tap. Hotels, motels and travel home parks shall be charged \$600 per unit for each unit after the first unit which is served by	N/A	\$58.00	15,000	\$2.45/1000 gallons
	1-1/2"	\$12,200.00		\$1,700.00	\$85.00	25,000	\$2.45/1000 gallons
	2"	\$21,400.00	City water out of a single tap.	\$1,900.00	\$135.00	40,000	\$2.45/1000 gallons
	3"	\$48,700.00		\$2,100.00	\$265.00	80,000	\$2.45/1000 gallons
	4"	\$86,100.00	City water out of a single tap.	\$2,500.00	\$380.00	100,000	\$2.45/1000 gallons
	6"	N/A		N/A	\$700.00	150,000	\$2.45/1000 gallons
	Irrigation service				\$16.00	N/A	\$2.65/1000 gallons
	City buildings service				N/A	N/A	\$1.70/1000 gallons
	Construction meter**				\$20.00	N/A	\$2.65/1000 gallons
	Outside City limit 3/4"				\$31.00	N/A	\$3.25/1000 gallons
	City water dispenser						\$4.00/1000 gallons
	* Outside City limit BSIF's shall be double						
	** Set up fee of \$50.00						

13.04.250 Sewer Fees/Rates Table.

Sewer	Service Size/Type	Basic System Improvement Fee*	Basic System Imp. Fee - Unit Charge	Monthly Base Charge	Consumption Charge
	3/4" or smaller	\$5,450.00	Multiple unit residences/facilities shall be charged \$2,600 per unit for each unit after the first unit which is served by	Permanant residential customers, including single family homes, parsonages, duplexes, apartments, condominiums, moble home parks, trailer courts, and other individually owned units of multiple dwelling facilities and nonmetered commerical units.	N/A
	1"	\$9,850.00			
	1-1/2"	\$21,700.00			
	2"	\$38,650.00			
	3"	\$86,700.00			
	4"	\$154,000.00			
	6"	\$346,700.00			
	8"	\$617,400.00			
	* Outside City limit BSIF's shall be double			\$25.00/Unit	
				All other users (commercial, etc.)	\$25.00 \$1.65/1,000 gallons
				BOD Surcharge** ((Volume)x(BOD-1.669)x(\$0.44))+((Volume)x(SS-BOD-2.087)x(K))	
				K=0 if SS is less than or equal to (BOD+2.087)	
				K=\$0.44 if SS is greater than (BOD+2.087)	
				** BOD surcharge shall be added if discharge has greater than average residential BOD*** or SS****	
				***Avg. res. BOD = 1.669 pounds/1,000 gal.	
				****Avg. res. SS = 2.087 pounds/1000 gal.	

13.04.260 Electric Fees/Rates Table.

Electric	Service Size/Type	Monthly Base Charge	Consumption Charge	Demand Charge
	Residential	\$17.00	\$0.0941/KWH	N/A
	Security/Yard Lights	\$10.00	N/A	N/A
	Street Lights	N/A	\$0.0895/KWH	N/A
	Single Phase Commercial	\$25.00	\$0.0925/KWH	N/A
	Three Phase Commercial	\$41.00	\$0.0925/KWH	N/A
	Industrial	\$140.00	\$0.0571/KWH	\$11.00
	City buildings service	N/A	\$0.0895/KWH	N/A

13.04.270 Late Payment Penalty and Non-Payment/Resumption of Service Fees Table.

Late Payment Penalty and Non-Payment/Resumption of Service Fees	
Late Payment	\$25.00
Non-Payment penalty*	\$40.00
*After hours shall be double	

Section 6. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Section 7. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the City's home rule authority and under the general police power of the City of Delta and that it is promulgated for the protection of health, safety, and welfare of the citizens of the City of Delta. The City Council further determines that this Ordinance bears a rational relationship to the legislation proposed herein.

Section 8. Effective Date. This Ordinance shall be effective thirty (30) days after final publication as required by the City Charter and C.R.S. § 31-16-105.

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

Attorney Comments



**City Manager
Quarterly Report
3rd Quarter 2013**

Summary:

In the third quarter of 2013 I focused primarily on the budget process and teaching the performance measurement approach to the Leadership Team. In order to establish buy-in and ensure a successful transition, significant time was spent proceeding through the budget process in a consensus oriented fashion. Citizen surveys were collected and tabulated and I worked with departments to establish key indicators and begin collecting data. I continued to become more familiar with local agencies, establish positive relationships and represent City interests.

1. Enhance Learning and Engagement of the Leadership Team

- Worked one-on-one and in within the team to identify performance measurements
- Worked with department heads to collect, organize and interpret data
- Implemented consensus budget approach whereby Department Heads established a “one team, one bank account” approach to budgeting; emphasizing accountability to one another
- Delegated certain work to the Employee Committee with first focus to work on building the “one team” atmosphere

2. Community/ Agency Relationships

- Began attending CDOT meetings to pursue a jurisdictional swap of the Alt. Truck Route
- Participated in a Grand Mesa tour with the Forest Service and Delta County to examine roadways, waterlines and reservoirs
- Gave a City update at Kiwanis Club
- Held meeting with County Manager and Sheriff to coordinate certain budget items and discuss areas where we can better cooperate
- Attended Forest Service meetings to vet the Dominquez/ Escalante NCA
- Held numerous meetings with animal advocates to consider options to improve services
- Addressed numerous citizen complaints/ requests
- Helped organize CML district meeting
- Began meeting with Living History representatives to create local events in Delta in 2014
- Met with Library District representatives to help vet historical society grant
- Continued pushing broadband meetings

3. Administered Budget Process

- Created a uniform system for budget presentations with new informational cover pages and interactive graphs
- Held numerous budget work sessions with Council to provide additional operational context
- Identified the first key indicators in pursuit of a more data driven, performance oriented approach

- Conducted numerous Leadership Team meetings, department meetings and one “all employee” meetings to discuss budget process and possible changes
- Re-examined and changed the General Fund administration fee, resulting in an additional \$220K in contribution from the Rec Center Fund without any new impact to Utility Funds
- Held budgets mostly flat or with decline with the exception of certain on-time expenditures
- Gave presentation to the Financial Task Force and got buy in for moving forward with the budget and tax strategy

4. Completed Golf Course Assessment and Strategic Plan

- Presented information to Council
- Reported zip code data to better understand customer base
- Created customer survey
- Implemented change in the vendor contract and resumed food and beverage operations
- Received support to pursue a 3-5 plan targeting a reduction in subsidy to debt service plus \$150K-\$200K

5. Continued Implementing Performance Management System

- Held performance measurement training through ICMA
- Established initial measurement areas and key indicators
- Tabulated Citizen Survey, including benchmarks where available

6. Departmental Support

- Increased participation in Truck Route project and facilitated resolution to numerous conflicts between design and contractor teams
- Worked with HR on all pending personnel issues
- Worked with all teams find efficiencies and encouraged continued focus on organizational improvement—resulting in additional staff reduction
- Worked with all departments on budgets and efficiency analysis
- Completed new attorney search

7. Other Projects

- Completed solicitation ordinance
- Held meetings with Charter to speed up discussions for franchise renewal
- Completed plan to transition Animal Control services from PD to Community Development

Councilmember Comments



Executive Session:

For discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; or more specifically for the City Manager's performance evaluation.