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

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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 18, 2014  
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Colorado American Public Works Association Award Presentation**
- F. 2014 Posting Site**
- G. Hotel/Restaurant Liquor License Renewal and Report of Changes; Daveto's Italian Restaurant**
- H. Police Department & Wastewater Treatment Plant HVAC Project**
- I. Stantec Change Order for Eng Construction Services**
- J. Hamon Daily Rate Approval**
- K. City Attorney Comments**
- L. City Manager Comments**
- M. Councilmember Comments**

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. 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 Jurca to approve the minutes of the January 21, 2014 regular meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

Lynn Shirk, 367 Violeta Road, commented on the need for a bigger venue for events. She suggested Council approve the expansion of the conference rooms at the recreation center.

**Public Hearing: Special Events Permit Application; Ducks Unlimited, Inc.**

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

The Clerk reported that Ducks Unlimited, Inc. has submitted an application for a Special Events Permit. They plan to sell malt, vinous and spirituous liquor at their annual fund raising event being held at Bill Heddles Recreation Center on March 8, 2014 from 8:00am to 11:00pm. The application is complete and all fees have been paid. A sign was posted at the site notifying the public of this hearing and no comments have been received.

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

It was moved by Councilmember Jurca and seconded by Councilmember Raley to approve the special events permit for Ducks Unlimited. All in favor, motion carried.

**Public Hearing: Special Events Permit Application; Delta Area Chamber of Commerce**

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

The Clerk stated that the Delta Area Chamber of Commerce has submitted two applications for a Special Events Permit. The first application states that they plan to sell malt, vinous and spirituous liquor at their event being held at Bill Heddles Recreation Center on March 1, 2014 from 5:00pm to 10:00pm. The second application states that they plan to sell malt, vinous and

**Regular Meeting, Delta City Council, February 4, 2014 (cont.)**

**Public Hearing: Special Events Permit Application; Delta Area Chamber of Commerce (cont.)**

spirituous liquor at their event at Bill Heddles Recreation Center on March 28, 2014. The applications are complete and all fees have been paid. A sign was posted at the site notifying the public of this hearing and no comments have been received.

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

It was moved by Councilmember Penick and seconded by Councilmember Cooper to approve the special events permits for the Delta Area Chamber of Commerce. All in favor, motion carried.

**Financial Approval for Possible Fleet Equipment**

City Manager Justin Clifton explained that the purchasing policy requires that any purchases over \$20,000 should come before Council. Occasionally staff has an opportunity to replace items that are on the schedule for replacement like equipment or vehicles that are used with a really good deal. Unfortunately, most of the time when that kind of a deal comes around there is not enough time to come before Council before it is sold to another buyer. This is a request to only purchase any items that are already slated to be purchased this year and is in the budget even if it goes over \$20,000. There are only a few pieces of equipment that would be well suited for purchasing used.

Fleet Manager Rod Myers stated that the biggest item to be replacement is the mower at the golf course. That mower can cost up to \$58,000 new and used would be roughly up to \$30,000 in good condition. Good used equipment is plentiful. Also, there is some possibility to purchase some used vehicles that are scheduled to be replaced.

Mayor Sisson stated that his concern is giving staff a blank check.

Councilmember Cooper stated that staff would still have to go through the City Manager to get approval.

Manager Clifton reported that all purchases would have to get the approval of the City Manager and the Finance Director.

Councilmember Cooper stated Council has approved this before.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to allow the purchase of used equipment at the discretion of the City Manager and the Finance Director. Voting aye: Councilmembers Cooper, Raley, Penick and Sisson. Voting nay: Councilmember Jurca. Motion carried.

**City Attorney Comments**

There were none

**Regular Meeting, Delta City Council, February 4, 2014 (cont.)**

**City Manager Comments**

Manager Clifton stated that on February 11<sup>th</sup> there is a meeting regarding organization of a downtown development group. He also stated that on February 12<sup>th</sup> there will be a Council Work Session starting at 5:00pm.

**Councilmember Comments**

Councilmember Cooper commented on the recent CML Executive Board meeting she attended. She suggested that anyone with Facebook like CML's page to get updated information daily.

**Executive Session**

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

At 7:13 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 7:31 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 Mary Cooper, Ray Penick, Robert Jurca and Bill Raley, City Manager Justin Clifton and Kim Guthrie-Burch. 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



Item E:

**Colorado American Public Works Association Award Presentation**



# MEMO

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To: City Council  
From: Jolene E. Nelson, City Clerk  
Date: February 18, 2014  
Subject: Designation of Official Posting Site



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*Office of the City Clerk*

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**Recommendation:**

Staff recommends designation of the bulletin board in the south window at City Hall as the official site for posting meeting notices in 2014.

**Background:**

State law requires Council to designate an official site for posting meeting notices. For the past several years, the official site has been the south window at City Hall. This seems to work well, since we see many citizens stopping on the sidewalk outside the window to check the notice board. Secondary posting sites have included the bulletin board in the lobby at City Hall, at the Recreation Center and on the City's website. These, however, have not been designated as "official" sites.

**Cost:**

There is no cost to the City to designate an official posting site.

**Alignment With Strategic Planning:**

C.R.S. Section 24-6-402(2)(c) states "... The public place or places for posting such notice shall be designated annually...."

**Actions To Be Taken if Approved:**

Notices of all City meetings will continue to be posted in the south window at City Hall as the City's official posting site.

# MEMO

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To: City Council  
From: Jolene E. Nelson, City Clerk  
Date: February 18, 2014  
Subject: Hotel/Restaurant Liquor License and Report of Changes  
Daveto's Italian Restaurant



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*Office of the City Clerk*

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**Recommendation:**

Staff recommends approval of the Hotel and Restaurant Liquor License application and the Report of Changes submitted by Daveto's Italian Restaurant.

**Background:**

The current license expires on March 26, 2014. The licensee has submitted a Report of Changes informing the liquor board and the State that David Purdum has resigned from the corporation and that Carl Craig Hasto and Teri Alexander will now be the shareholders.

**Cost:**

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

**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 application once approved will be signed by the Mayor and the Clerk and forwarded to the State for final approval.



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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of HAP Food Enterprises, Inc.  
DBA: Davetos Italian Restaurant

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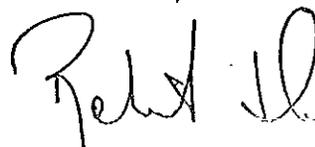
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



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Robert Thomas, Chief of Police

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

DAVETO'S ITALIAN RESTAURANT  
 520 MAIN ST  
 DELTA CO 81416

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

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 <b>HAP FOOD ENTERPRISES, INC.</b>		DBA <b>DAVETO'S ITALIAN RESTAURANT</b>		
Liquor License # <b>4701073</b>	License Type <b>Hotel &amp; Restaurant (city)</b>	Sales Tax License # <b>02862119-0000</b>	Expiration Date <b>3/26/2014</b>	Due Date <b>2/9/2014</b>
Street Address <b>520 MAIN ST DELTA CO 81416</b>				Phone Number <b>(970) 874 8277</b>
Mailing Address <b>520 MAIN ST DELTA CO 81416</b>				
Operating Manager <b>C.C. Hasto</b>	Home Address <b>7484 5500 Road Olathe Co 81425</b>	Phone Number <b>970-209-9577</b>		

- 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 \_\_\_\_\_
- 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 <b>Jeri Lea Alvarado</b>	Title <b>Secretary-Treasurer</b>
Signature 	Date <b>2-10-14</b>

**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

**CORPORATION, LIMITED LIABILITY  
 COMPANY AND PARTNERSHIP  
 Liquor and 3.2 Beer Licenses**

(2355)  LLC/PARTNERSHIP  
 (2350)  CORPORATION

SEE INSTRUCTIONS AND  
 FEE SCHEDULE ON PAGE 2

1. Corporate/L.L.C./Partnership Name <i>HAP FOOD ENTERPRISES, Inc.</i>		2. State Tax Account Number <i>02862119-0000</i>		3. State Liquor License Number <i>4701073</i>	
4. Trade Name <i>DIVATO'S Italian Restaurant</i>				5. Telephone Number <i>(970) 874-8277</i>	
6. Address of Licensed Premises <i>520 MAIN Street</i>		City <i>Delta</i>	State <i>CO</i>	ZIP Code <i>81416</i>	
7. Mailing Address if different than above <i>520 MAIN Street</i>		City <i>Delta</i>	State <i>CO</i>	ZIP Code <i>81416</i>	

8. LIST ALL officers, directors (corporation) or Managing Members (L.L.C.) or General Partner(s). Each Officer, Director, Managing Member or Partner MUST FILL OUT a DR 8404-I (Individual History Record).

Position Held	Names	Home Address	DOB	Replaces
<i>President</i>	<i>Carl Craig Hasto</i>	<i>7484 5500 Rd Olathe Co 81425</i>	<i>[REDACTED]</i>	<i>DAVID V PURDUM</i>
<i>Sec-Treas</i>	<i>Keli Lea Alexander</i>	<i>7276 5550 Road Olathe Co 81425</i>	<i>[REDACTED]</i>	<i>DAVID V PURDUM</i>

9. LIST ALL 10% (or more) Stockholders or 10% (or more) Members or 10% (or more) Limited Partners. Each person listed Must Fill out a DR 8404-I (Individual History Record)

Stockholders/Members/Partners owning 10% (or more) of business	% Owned	Home Address	DOB	Replaces

10. Registered Agent	Address For Service

**OATH OF APPLICANT**

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

11. Authorized Signature <i>[Signature]</i>	Title <i>Sec-Treas</i>	Date <i>2-10-14</i>
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**REPORT OF LOCAL LICENSING AUTHORITY**

The foregoing changes have been received and examined by the Local Licensing Authority.

12. Local Licensing Authority For		<input type="checkbox"/> County	<input type="checkbox"/> Town/City
Signature	Title	Date	
Attest		Date	

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

**LIABILITY INFORMATION**

License Account Number	Period	Cash Fund	TOTAL
		<i>-100 (999)</i>	

# MEMO

**To:** City Council  
**From:** Rod Myers, Director of Fleet /Facilities  
**Date:** February 18, 2014  
**Subject:** Police Department & Wastewater Treatment Plant HVAC



*Fleet and Facilities*

**Recommendation:**

Staff would like approval from Council to authorize staff to execute a contract with Arctic Cooling & Heating for the Police Department and Wastewater Treatment Plant HVAC project.

**Background:**

Both Projects are 2014 budgeted items. The police department project is to replace the two old RTU units and to install temperature zoning. The Wastewater Treatment Plant project is to replace RTUs that serve the office and lab areas, along with the headwork's section. Staff advertised the project for two weeks and received 5 bids.

**Cost:**

Low bid was from Arctic Cooling & Heating- PD- \$ 18,095.00, WWTP -\$ 90,304.00  
Total - \$ 108,399.00. The table below outlines the bid results:

	PD	WWTF	Total
Arctic Cooling & Heating	\$18,095.00	\$90,304.00	\$108,399.00
Coolings Heating & Cooling	\$18,250.00	\$91,500.00	\$109,750.00
2H Mechanical LLC	\$19,750.00	\$111,279.00	\$131,029.00
Airtech Refrigeration	\$19,500.00	\$116,000.00	\$135,500.00
Grand Valley Sheet Metal	\$20,255.00	\$121,255.00	\$141,510.00

**Alignment With Strategic Planning:**

Keeping the facility equipment up to date is going to save the city in repair cost and utility cost. Both projects were identified as high priorities in the energy audit completed in 2012 and the capital improvements plans in prior budgets.

**Actions To Be Taken if Approved:**

Staff will get contract documents signed and then issue a notice to proceed.

# MEMO

To: City Council  
From: Jim Hatheway, Public Works Director  
Date: February 18, 2014  
Subject: Stantec Change Order for Eng Construction Services



*Public Works*

## **Recommendation:**

City staff is recommending approval of the attached change order request from Stantec due to the additional time to complete the project construction.

## **Background:**

Stantec has been providing Engineering Support, Construction Observation and Quality Assurance testing for the project. The original contract approved in October 2012 contemplated 12 months of services. Due to delays in negotiations with UPRR and other unforeseen circumstances, the project duration has been extended into Fall 2014. During the slowdown through April, City personnel are performing the Construction Observation to save project dollars. City personnel, Stantec and Hamon are continuing to evaluate areas for cost savings on the project.

The change order also includes additional scope to redesign a portion of the truck route between 5<sup>th</sup> Street and Highway 348 to reduce the amount of excavation materials that need to be hauled off (saving cost).

The costs by category are summarized below. These costs are estimated to complete the project assuming the field conditions match those shown in the pre-construction soil borings.

<b><i>Description</i></b>	<b><i>Cost</i></b>	<b><i>Comments</i></b>
Redesign profile 5 <sup>th</sup> to 348 to reduce soil export	\$24,452	Expected to save export cost of approx. \$50,000
Construction Engineering	\$119,376	Covers cost of engineering review of contractor questions and structure certifications
Construction Observation	\$96,000	\$4800/wk for 20 weeks starting 1 <sup>st</sup> wk of April
QA	\$96,322	Materials and spec confirmation
Direct Expenses	\$40,000	Travel and incidental cost
<b><i>Total</i></b>	<b><i>\$376,150</i></b>	

## **Cost:**

\$376,150 on a time and materials basis. All efforts will be made to utilize City forces to minimize the impact of this change order.

To provide project budget context, this is an anticipated expense. The 2014 project budget anticipates available revenues at \$7,227,893.83 while anticipated expenses are projected at \$7,022,880 (which includes a 5% contingency).

**Alignment With Strategic Planning**

Confluence Drive is identified in the Master Roads plan and was supported by an overwhelming majority of voters for the issuance of bonds in support of construction of the truck route.

**Actions To Be Taken if Approved:**

City staff will execute a change order with Stantec for the scope identified in the attached document.

**Delta Confluence Drive**  
**MANHOUR DETAIL FOR**  
**DESIGN SERVICES EXTENSION, Change Order #20**  
**January 27, 2014**

Task Code	Specific Task Description	Project Manager \$148.00	Senior Engineer \$125.00	Engineer \$100.00	Technician \$70.00	CD Civil Design \$95.00	Construction Observer \$96.00	Admin \$108.00	Total Hours	Total Task Cost
Regrade 5th to 348	Reduction up to 14000 CY of dirt to haul off (\$70,000 +/-)								264	\$ 24,452.00
	<del>Regrade 5th to 348 South</del>									
<b>Future Design Options</b>										
<b>Construction Engineering</b>										
On Going Services	Stanlec		512	200					712	\$ 100,776.00
On Going Services	PB									\$ 18,600.00
<b>Construction Observation</b>										
Stanlec - Roy							1,000			\$ 96,000.00
<b>Kleinfeilder</b>										
Outstanding Inspection	Inspection performed beyond scope									\$ 32,172.00
Additional Laboratory Service	Tests already performed									\$ 3,150.00
Future Inspection	4 Months									\$ 60,000.00
Future Lab										\$ 1,000.00
<b>Expenses</b>										
<b>Expenses</b>										
<b>Sub Total</b>										
<b>Sub Total</b>										
<b>Sub Total</b>										
<b>Sub Total</b>										

# MEMO

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To: City Council  
From: Jim Hatheway, Public Works Director  
Date: February 18, 2014  
Subject: Hamon Daily Rate Approval



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*Public Works*

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**Recommendation:**

City staff is recommending approval of the daily rate provided by Hamon to complete the Confluence Drive project.

**Background:**

The original construction contract for Hamon included costs for overhead and expenses to April 10, 2014. Due to the unanticipated delays experienced by the project, the schedule has been extended through October 15, 2014 or 189 calendar days. The daily overhead rate to complete the remaining work calculated by Hamon not to exceed \$2,381.62/calendar day. This rate has been reduced from around \$3,000/ calendar day after weeks of negotiation.

**Cost:**

\$450,126.18 to be paid in total if the project is completed as anticipated on October 15, 2014. All efforts will be made by City staff to complete the project as efficiently and quickly as possible to minimize the total cost reflected.

To provide project budget context, this is an anticipated expense. The 2014 project budget anticipates available revenues at \$7,227,893.83 while anticipated expenses are projected at \$7,022,880 (including a 5% contingency).

**Alignment With Strategic Planning:**

Confluence Drive is identified in the Master Roads plan and was supported by an overwhelming majority of voters for the issuance of bonds in support of construction of the truck route.

**Actions To Be Taken if Approved:**

City staff will execute a change order with Hamon for the daily overhead rate identified above.

**Attorney Comments**



**City Manager Comments**



**Councilmember Comments**

