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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**

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

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Hotel/Restaurant Liquor License Renewal; Stockyards Restaurant**
- F. Tavern Liquor License Renewal; CB's Tavern**
- G. DIP request for Building Fee Contribution**
- H. Department of Local Affairs Grant Approval**
- I. City Attorney Comments**
- J. City Manager Comments**
- K. Councilmember Comments**
- L. Potential Executive Sessions**
  - 1. For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) concerning the notice of claim under the Colorado Governmental Immunity Act filed by Ken's Pit Stop.**
  - 2. 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) concerning threatened litigation by the Delta Montrose Electric Association.**

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**

City Manager Justin Clifton stated that the Silver Street Purchase Contract will be after Citizen Comments.

### **Minutes**

It was moved by Councilmember Cooper and seconded by Councilmember Raley to approve the minutes of the February 18, 2014 regular meeting as submitted by the Clerk. All in favor, motion carried.

### **Citizen Comments**

There were none.

### **Silver Street Purchase Contract**

Manager Clifton reported the amended contract being presented for approval.

City Attorney David Smith stated that each title company handles the process a little bit differently; a formal resolution may need to be brought back for approval. He suggested in the motion that it empower the Mayor to execute all necessary documents that are needed at the property closing.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to allow the City Manager to sign the contract for the Silver Street property and to allow the Mayor to sign any necessary closing documents. All in favor, motion carried.

### **Public Hearing: Retail Liquor Store License; Delta Liquor**

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

The Clerk stated that W & J Enterprises, Inc. has submitted an application for a Retail Liquor Store. The Clerk reported that the application is complete and all fees have been paid to the State as well as the City. The following items were also presented:

- There has not been a denial of a liquor license at that location.
- The applicant has legal possession of the premises.
- The location is in a zone that would allow retail liquor sales.

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

#### **Public Hearing: Retail Liquor Store License; Delta Liquor (cont.)**

- The location is not within 500 ft. of a public or parochial school or the principal campus of any college, university or seminary.
- Background investigations were completed on all members of W & J Enterprises, Inc. and no records were found.
- A sign was posted at the site as required by law and a notice was put in the local paper. 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.

Attorney Smith stated he would suggest the motion to include subject to findings that were presented tonight.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve the Retail Liquor Store License for Delta Liquor subject to the findings presented. All in favor, motion carried.

#### **Public Hearing: Special Events Permit; Kiwanis Club of Delta**

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

The Clerk stated that Kiwanis Club of Delta has submitted a special events permit application for their fund raising event scheduled at Bill Heddles Recreation Center on March 22, 2014. The application states they plan to sell malt, vinous and spirituous liquor from 4:00pm to 10:00pm. The application is completed 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.

Councilmember Jurca questioned if staff does an investigation on the applicant before bringing the approval to Council.

Ms. Nelson explained that law enforcement as well as the State Liquor Authority would notify staff of any issues that may have happened at the last event and staff has not received any notifications.

It was moved by Councilmember Jurca and seconded by Councilmember Raley to approve the Special Events Permit for Kiwanis Club of Delta for March 22, 2104. All in favor, motion carried.

#### **Tavern Liquor License Renewal; Hoolie's Place**

The Clerk reported that Hoolie's Place has submitted their annual tavern liquor license renewal. The license fees have been paid and the occupation tax will be collected at the time the license is issued. The police department is recommending renewal.

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

**Tavern Liquor License Renewal; Hoolie's Place (cont.)**

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the tavern liquor license renewal for Hoolie's Place. All in favor, motion carried.

**Hillside Street HDPE Project**

Manager Clifton stated that this approval is for ditch improvements on Hillside Street.

Public Works Director Jim Hatheway reported that in October staff completed the 1<sup>st</sup> phase of the Hillside Street project. He explained that this is a continuation of that project. Staff is recommending the low bidder, Bob Brewer Construction.

Councilmember Cooper questioned if the recommended contractor has previously done work for the city.

Director Hatheway stated that they have and did a good job.

Councilmember Jurca questioned where Bob Brewer is located.

Director Hatheway reported that they located in Cedaredge.

It was moved by Councilmember Raley and seconded by Councilmember Penick to accept the bid from Bob Brewer Construction in the amount of \$37,470 to complete the HDPE Project.

**Letter of Support for Sawmill Mesa Area Bike Trail**

Manager Clifton stated that in the work session Council received a presentation from the National Conservation Area advisory council. He opted to put this item on the agenda after being approached by NCA members. He thinks that Council may want to weigh in regardless of their position. The BLM is in consideration of these types of proposals and they stand to impact the City of Delta in various ways. He stated it is Council's decision if a letter is to be formed and what that letter would include.

Councilmember Raley questioned how much the city is being obligated for if they choose to submit the letter.

Manager Clifton stated there is no obligation; the letter would simply state Council's position for this proposal.

Councilmember Jurca stated he is against closing more roads. He doesn't have a problem with adding bike trails without closing more roads.

Mayor Sisson favored the multiuse of the area.

Councilmember Cooper stated that if they allow multiuse sooner or later someone gets hurt and then organizations start limiting access. She believes there needs to be some democracy in the planning of the area.

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

**Letter of Support for Sawmill Mesa Area Bike Trail (cont.)**

Councilmember Raley agreed with not closing more roads.

Manager Clifton stated that he could draft a letter stating the Council is in support of creating new trails for mountain bikes; however, they do not support the closure of existing roads.

There was a consensus amongst Council to have the City Manager draft the letter and have the Mayor sign.

**City Attorney Comments**

There were none.

**City Manager Comments**

Manager Clifton updated Council on the recent Community Revitalization Program meeting. He stated that the local merchants are considering establishing a formal organization like a Business Improvement District.

**Councilmember Comments**

Councilmember Cooper commented on the Delta County Economic Development's involvement with broadband improvements.

Councilmember Jurca stated that the Delta Housing Authority had their bid opening on the 23<sup>rd</sup>. One bid was received and the bid that was received was from the same contractor that built the 1<sup>st</sup> phase of Villas at the Bluff.

The meeting was adjourned at 7:27 p.m.

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

Item D:

Citizen Comments



# MEMO

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To: Mayor and City Council  
From: Jolene E. Nelson, City Clerk  
Date: March 18, 2014  
Subject: Hotel/Restaurant Liquor License Renewal;  
The Stockyards Restaurant



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*Office of the City Clerk*

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**Recommendation:**

Staff recommends approval of the Tavern License Renewal for Stockyards Restaurant Inc. dba The Stockyards Restaurant located at 1205 Main Street. The Police Department's report and recommendation is attached.

**Background:**

The current liquor license expires April 9, 2014.

**Cost:**

There is no cost to the City. The applicant has paid the \$500 renewal fee to the State and the City renewal fee of \$150 as well as the City's \$400 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 Mayor and Clerk will sign the applications, and the Clerk will mail them to the State, who will review them and issue the permits.

**LIQUOR OR 3.2 BEER LICENSE  
 RENEWAL APPLICATION**

STOCKYARDS RESTAURANT THE  
 1205 MAIN ST  
 DELTA CO 81416-1850

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 STOCKYARDS RESTAURANT INC		DBA STOCKYARDS RESTAURANT THE		
Liquor License # 2844086000	License Type Hotel & Restaurant (city)	Sales Tax License # 28440860000	Expiration Date 4/9/2014	Due Date 2/23/2014
Street Address 1205 MAIN DELTA CO 81416-1850				Phone Number (970) 874 4222
Mailing Address 1205 MAIN ST DELTA CO 81416-1850				
Operating Manager Jeri Roberts		Home Address 3275 Hwy 348 Delta CO 81416		Phone Number 874-4222

- 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**

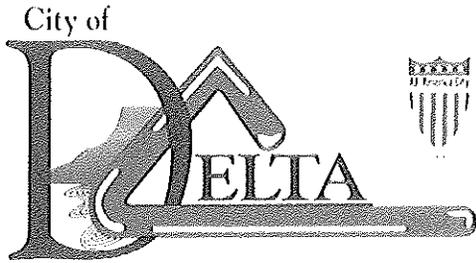
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Jeri Roberts	Title President
Signature <i>Jeri Roberts</i>	Date 2-27-14

**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



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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of Stockyards Restaurant, Inc.

DBA: The Stockyards Restaurant

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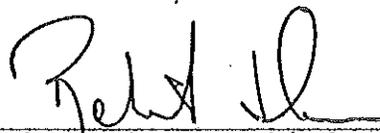
The report sheets show the following liquor violations for the past twelve months for the above named applicant;

No liquor violations in the past twelve months.

Remarks:

Recommend liquor license renewal.

Police Department recommendation:



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Robert Thomas, Chief of Police

# MEMO

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To: Mayor and City Council  
From: Jolene E. Nelson, City Clerk  
Date: March 18, 2014  
Subject: Tavern Liquor License Renewal; CB's Tavern



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*Office of the City Clerk*

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**Recommendation:**

Staff recommends approval of the Tavern License Renewal for Cboydbusi, LLC dba CB's Tavern located at 344 Main Street. The Police Department's report and recommendation is attached.

**Background:**

The current liquor license expires April 25, 2014.

**Cost:**

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

**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 applications, and the Clerk will mail them to the State, who will review them and issue the permits.

## LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

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

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>CBOYDBUSI LLC</b>		DBA <b>CB'S TAVERN</b>		
Liquor License # <b>12914030000</b>	License Type <b>Tavern (city)</b>	Sales Tax License # <b>12914030000</b>	Expiration Date <b>4/25/2014</b>	Due Date <b>3/11/2014</b>
Street Address <b>344 MAIN ST DELTA CO 81416-1837</b>				Phone Number <b>970-399-3292</b>
Mailing Address <b>334 MAIN STREET DELTA CO 81416-1837</b>				
Operating Manager <b>Carrie Boyd</b>		Home Address <b>707 Dodge St Delta CO 81416</b>		Phone Number <b>970-399-3141</b>
<p>1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                  Is the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>5/31/2016</u></p> <p>2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><b>NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:</b> If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.</p> <p>3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>6. <b>SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:</b> Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.</p>				

**AFFIRMATION & CONSENT**

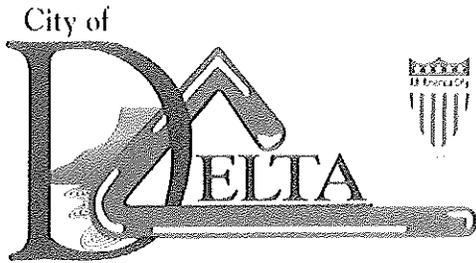
*I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.*

Type or Print Name of Applicant/Authorized Agent of Business <b>Cboydbusi LLC Carrie Boyd</b>	Title <b>Owner</b>
Signature <b>Carrie Boyd</b>	Date <b>1/20/2014</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



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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of CBoydbusi LLC  
DBA: CB's Tavern

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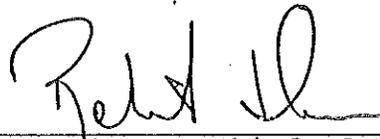
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

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

# MEMO

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To: City Council  
From: Justin Clifton, City Manager  
Date: March 18, 2014  
Subject: Development Fee Contribution Request



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*Office of the City Manager*

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## **Recommendation:**

Staff recommends that Council consider a request from DIP to waive or contribute development/ building permit fees and possible use tax associated with a building expansion that will support 2 newly created jobs. The total estimated fees are \$7,400.

## **Background:**

The City has not fully determined what route to take with requests for fee contributions. Council most recently requested to take these requests on a case by case basis. DIP is requesting the contribution based on the commitment to invest an estimated \$180,000 in capital improvements and the creation of 2 jobs at an estimated \$80,000 in total payroll. This information was gleaned from a state REDI grant application for \$40,000. Additional information from the business has not been provided.

## **Cost:**

Waiving or contributing to these costs will impact the City's General Fund commensurate with whatever dollar amount provided in incentive.

## **Alignment With Strategic Planning:**

The City Council has identified economic development and business friendly practices in its 2013 and 2014 Council planning/ priorities meetings. However, the Council also has fiduciary responsibility to use tax dollars in a way that is responsible and advances community goals.

## **Actions To Be Taken if Approved:**

Staff will execute waiver/ contribution of any fees as directed by Council.

# MEMO

To: City Council  
From: Justin Clifton, City Manager  
Date: March 18, 2014  
Subject: DOLA Grant Approval



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*Office of the City Manager*

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## **Recommendation:**

Staff recommends that Council consider approval to submit a grant request from DOLA to help provide cash match for a comprehensive economic development plan as part of an EDA grant.

## **Background:**

City staff recently met with a representative from the Federal Economic Development Agency (EDA), along with representatives from DCED, Delta County, Gunnison County and Region 10. The meeting was called to generate ideas on how to deal with the likely economic impact from the recent mine layoffs. At the meeting it became apparent that both Delta and Gunnison Counties are uncertain about how to approach economic diversification. The EDA recommended that both counties engage in a comprehensive planning process. However, this recommended process is different from the typical "asset based" facilitated plan. Rather, what is proposed is that the two counties hire a national economic development firm that can come in and conduct intensive market analysis. From this analysis the firm can help each county identify current and emerging sectors, articulate business development opportunities and identify real and actionable priorities. The goal of this project is not to gather in a room and discuss what we already know. Rather, this firm will be asked to come in and tell us the real state of our economy and help us to better understand where our real growth potential lies, even if it is contrary to popular belief.

This EDA project (and grant money) is available because of the recent mine closures. However, EDA typically requires a 50% cash match. However, if DOLA is asked to be a partner we have the potential to develop a scope of work worth \$200K for only \$25,000 in cash match. (EDA= \$100K, DOLA=\$75, Communities=\$25K). The best part of this is the local match would be provided by a partnership between multiple entities between Delta and Gunnison counties. DCED seems to be very interested in helping fund this opportunity and the County also seems willing. Staff would like to volunteer the City to be the fiscal agent for this grant. This is based on Delta's positive relationship with DOLA and familiarity administering these kinds of grants. In a worst case scenario where no financial partners could be found other than the City and Delta County, the total financial obligation to the City would be \$6,250 (\$12,500 for each County; the Delta portion split between the

County and City. However, I fully expect additional support from DCED and/or industry partners.

**Cost:**

Staff believes the maximum out of pocket cost would be \$6,250 plus reasonable staff time to administer the grant. However, a broad partnership should reduce this cost. The City may be able to leverage the administration of the grant into a greatly reduced and or even zero dollar contribution.

**Alignment With Strategic Planning:**

This grant fulfills numerous strategic initiatives identified in the 2013 and 2014 Council planning/priorities meetings. First, Council supported the idea completing an economic development analysis but only if grant funds could be secured. Second, Council has emphasized the need to work regionally. Bringing together two counties, numerous municipalities and economic development groups continues to foster regional solutions to some of our most pressing challenges. Third, this project flows directly from work that has been underway for some time. Delta, DCED and Region 10 have all been grappling with how to prioritize economic development strategies. Similarly, all three entities participated in the Community Builders Leadership program where development of a primary business retention and expansion program was identified as one of the highest priorities. Lastly, completing this kind of master strategy will not only help guide our economic development efforts but will act as a spring board to future grant opportunities as our needs will be fully articulated and prioritized. It will help us potentially get EDA money for broadband projects, other infrastructure or money to build industrial parks, incubators and/or other economic develop facilities.

**Actions To Be Taken if Approved:**

If given approval staff will proceed with submitting the grant request to DOLA and pursuing the EDA grant.

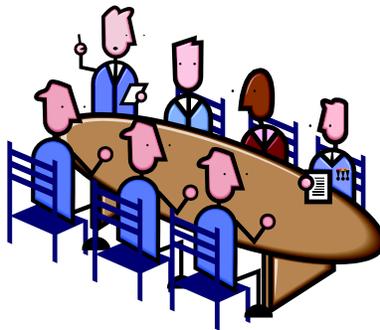
**Attorney Comments**



**City Manager Comments**



**Councilmember Comments**



**Item L:**

**Potential Executive Sessions**

- 1. For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b) concerning the notice of claim under the Colorado Governmental Immunity Act filed by Ken's Pit Stop.**
- 2. 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) concerning threatened litigation by the Delta Montrose Electric Association.**