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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**

**June 16, 2014  
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Fireworks Permit; Delta Volunteer Fire Department District No. 1**
- F. Public Hearing: Special Events Permit Application; Delta Lions Club**
- G. Council Bill #2, 2014; First Reading  
Lot 1 Allen #2 Minor Subdivision Disconnection**
- H. Bond Street Exchange**
- I. Tri-State DMEA Transmission Line Credit**
- J. 2014 Concrete Replacement Project**
- K. Council Bill #1, 2014; Second and Final Reading  
Rezone Hawkins Subdivision One, Lot 1**
- L. City Attorney Comments**
- M. City Manager Comments**
- N. 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 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 public hearing for Ken's Pit Stop can be removed.

### **Minutes**

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the minutes of the May 20, 2014 regular meeting with the corrections that was submitted by Councilmember Penick. All in favor, motion carried.

### **Citizen Comments**

The following individuals commented on feral cats and are requesting a meeting to discuss the feral cat program:

- Fran Goetz, 1053 Grand Ave, Delta.
- Melissa Heinzen, 511 Glen Way, Delta.
- Kim Kettle, 320 E. 2<sup>nd</sup> Street, Delta.

### **Bank of the West Landscaping Variance Request**

Manager Clifton explained this item was table at the last meeting. Council requested the applicant to present alternatives to be discussed at tonight's meeting.

Tracy German with Bank of the West stated that according to the existing ordinance 15.04.080 Bank of the West is in compliance. She stated that she measured the curbed island and they have 45% living material which is more than what is required by the ordinance. Ms. German also presented estimates for additional landscaping with a drip system and without a drip system.

Councilmember Penick stated that he does not see how the ordinance can be used in this case since it addresses new development not existing development. He believes staff is interpreting the new development regulations be also addressed for existing development. He also stated that in the strategic planning it states to encourage not require. He is in favor of giving a variance to the applicant.

Mayor Sisson agreed with approving a variance.

**Regular Meeting, Delta City Council, June 3, 2014 (cont.)**

**Bank of the West Landscaping Variance Request (cont.)**

Councilmember Raley stated that he has been contacted by some individuals stating that they think the bushes being gone have made the area safer coming out of the alley. He also heard that Bank of the West should take out the other bushes.

Councilmember Penick questioned what kind of a motion should be given since there is no variance to grant since they applicant is in compliance with the ordinance.

Manager Clifton suggested dismissing the request and direct staff to refrain from pursuing the issue.

City Attorney David Smith stated that for clarification in the record it would be easiest to make a motion to direct staff not pursue formal action.

It was moved by Councilmember Penick and seconded by Councilmember Raley to order staff not to pursue any action with Bank of the West's landscaping. All in favor, motion carried.

**Council Bill #1, 2014; First Reading**  
**Rezone Hawkins Subdivision One, Lot 1**

Community Development Director Glen Black reported that the Planning Commission heard this item at their June 2, 2014 meeting and is recommending approval of the rezone. The applicant is requesting the Hawkins Subdivision One, Lot 1 be rezoned from A-1 to I-R. The future land use map shows the area to be low density Residential-Rural. He presented a map showing the area and presented a summary of the lot.

Council Bill #1, 2014

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING THE ZONING DESIGNATION OF HAWKINS  
SUBDIVISION ONE, LOT 1 FROM A-1, AGRICULTURE  
DISTRICT TO I-R, INDUSTRIAL RESIDENTIAL DISTRICT

was read by the Clerk.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Council Bill #1, 2014 of first reading. Roll call vote: Councilmember Penick, aye, Raley, aye and Sisson, aye. Motion carried.

**1800 Road Overlay Project**

Manager Clifton stated that this item was discussed at a previous work session with the Delta County Commissioners.

City Engineer Jim Hatheway reported that the County is in agreement to provide a cost share for the 1800 Overlay Project. He outlined the cost for the County as well as the City. The total estimated cost for the City is \$120,164.00.

**Regular Meeting, Delta City Council, June 3, 2014 (cont.)**

**1800 Road Overlay Project (cont.)**

Councilmember Raley questioned if this is in the current budget.

Mr. Hatheway stated that it is within the street improvement budget under the city wide capital improvement fund.

It was moved by Councilmember Raley and seconded by Councilmember Penick to accept the agreement and proceed with sharing the expenses with Delta County on the 1800 Road overlay project. All in favor, motion carried.

Manager Clifton questions Mr. Hatheway as to if he anticipates and intergovernmental agreement (IGA) with the county.

Mr. Hatheway stated he had not anticipated an IGA. It was contemplated that this particular estimate would be what it will cost for the project and the county will invoice the city for its share of the work as outlined in the memo.

Attorney Smith suggested Council clarify the motion not to exceed the amount stated and if costs exceed that amount staff will need to bring back for Council's consideration.

Councilmember Penick if the motion needs to be amended.

Manager Clifton stated that if the costs exceed the amount as stated in the memo staff will bring this item back for consideration.

**Public Hearing: Special Events Permit Application; Delta County Memorial Hospital Foundation**

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

The Clerk reported that the Delta County Memorial Hospital Foundation has submitted a Special Events Permit application for their fund raising event to be held on September 13, 2014 from 7:00am to 6:00pm at Lion's Pavilion. The application is complete and all fees have been paid. A sign was posted at the site as required by law and no comments have been received.

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

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the Special Events Permit application for the Delta County Memorial Hospital Foundation. All in favor, motion carried.

**Public Hearing: Special Events Permit Application; Delta Elks No. 1235**

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

The Clerk stated that the Delta Elks Lodge No. 1235 has submitted a Special Events Permit application for their fund raising event to be held on July 12, 2014 from 6:00pm to 2:00am at

**Regular Meeting, Delta City Council, June 3, 2014 (cont.)**

**Public Hearing: Special Events Permit Application; Delta Elks No. 1235 (cont.)**

563 Main Street in Delta. The application is complete and all fees have been paid. A sign was posted at the site as required by law and no comments have been received.

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

It was moved by Councilmember Raley and seconded by Councilmember Penick to approve the Special Events Permit application for Delta Elks Lodge No. 1235 for July 12, 2014. All in favor, motion carried.

**Approval of Quit Claim Deed; 3<sup>rd</sup> Street ROW Vacation at Hi-Quality**

Manager Clifton stated that this is just some cleanup from the prior approval for the 3<sup>rd</sup> Street right of way vacation at HI-Quality. He explained that the ordinances were approved in the wrong order therefore the need to have Council formally recognize the correction and that the terms of the contract are being met.

It was moved by Councilmember Penick and seconded by Councilmember Raley to recognize the Mayor's signature on the quit claim deed vacating the 3<sup>rd</sup> Street property to Hi-Quality flowed from the contract to purchase property from Hi-Quality. All in favor, motion carried.

**City Attorney Comments**

There were none.

**City Manager Comments**

There were none.

**Councilmember Comments**

Mayor Sisson commented on ISI's equipment presentation. He explained that if this piece of equipment is approved, ISI will expand their business and hire additional employees here in Delta.

**Executive Session**

It was moved by Councilmember Penick and seconded by Councilmember Raley to convene an Executive Session 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); and more specifically concerning the Delta District Court lawsuit filed by the Delta Montrose Electric Association against the City. All in favor, motion carried.

At 7:33 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

**Regular Meeting, Delta City Council, June 3, 2014 (cont.)**

**Executive Session (cont.)**

At 8:12 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, and Ray Penick, as well as City Manager Justin Clifton, City Attorney David Smith, Utilities Director Steve Glammeyer and Craig Johnson via telephone. 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, CMC, City Clerk

Item D:

Citizen Comments



# MEMO

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To: City Council  
From: Jolene E. Nelson, CMC, City Clerk  
Date: June 16, 2014  
Subject: Fireworks Permit; Delta Volunteer Fire Department



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*Office of the City Clerk*

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**Recommendation:**

Staff recommends approval of the request from the Delta Volunteer Fire Department to conduct their annual 4<sup>th</sup> of July fireworks show at Confluence Park.

**Background:**

The Delta Volunteer Fire Department has submitted a request to conduct their annual 4<sup>th</sup> of July fireworks show. This event will be held on the 4<sup>th</sup> of July at Confluence Park. They have submitted proof of insurance as required by the Delta Municipal Code.

**Cost:**

There is no cost to the City.

**Alignment With Strategic Planning:**

The Delta Municipal Code Section 8.28.010B it states “No fireworks display may be conducted without the approval of the City Council.”

**Actions To Be Taken if Approved:**

Should Council approve the request, the Clerk will issue a permit to the Delta Volunteer Fire Department



# **DELTA VOLUNTEER FIRE DEPARTMENT**

**District No. 1**

285 East 5th Street

Delta, CO 81416-0731

To whom it my concern,

The Delta Fire Department is requesting a fireworks permit for are annual firework show at confluence park on Friday July 4<sup>th</sup> 2014. If you are to have any questions please contact us at 874-9655.

Thank you,

A handwritten signature in black ink, appearing to read "Shannon Crespin".

Shannon Crespin

Station Manager

# MEMO

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To: Mayor and City Council  
From: Jolene E. Nelson, CMC, City Clerk  
Date: June 16, 2014  
Subject: Special Events Permit Application;  
Delta Lions Club



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*Office of the City Clerk*

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**Recommendation:**

Staff recommends approving the application for a Special Events Liquor Permit for the Delta Lions Club.

**Background:**

The Delta Lions Club has submitted an application for Special Events Liquor Permit for their event to be held at Cleland Park/Riley Pavilion. The application is for their fund raising event being held on August 16, 2014. The application specifies that they plan to sell alcoholic beverages from 3:00 p.m. to 7:00 p.m. The application is complete and the fees, \$35 to the City, and \$25 to the State have been paid.

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

**Cost:**

There is no cost to the City.

**Alignment With Strategic Planning:**

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

**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.

## APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

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

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>Delta Lions Club</i>	State Sales Tax Number (Required) <i>19871426618</i>
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>Po. Box 141, Delta, CO 81416</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>Riley Pavilion at Cleland Park 7th &amp; Howard</i>
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES/SECY OF ORG. or POLITICAL CANDIDATE <i>Alan King</i>		<i>4415 1900 Rd Delta, CO 81416</i>	<i>210-4135</i>
5. EVENT MANAGER <i>Don Chapman</i>		<i>304 Leon St, Delta, CO 81416</i>	<i>874-7238</i>

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

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

Date	Date	Date	Date	Date
Hours From	Hours From	Hours From	Hours From	Hours From
To	To	To	To	To
<i>8-16-2014</i>				
<i>3 P.m.</i>				
<i>7 P.m.</i>				

**OATH OF APPLICANT**

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

SIGNATURE <i>Alan M. King</i>	TITLE <i>Secretary</i>	DATE <i>6-5-2014</i>
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**REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)**

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

**THEREFORE, THIS APPLICATION IS APPROVED.**

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

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

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

# MEMO

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To: Mayor, City Council, City Manager  
From: Glen L. Black *GLB*  
Date: June, 16, 2014  
Subject: West End Addition (A portion of)  
Lot 1, Allen #2 Minor Subdivision Disconnection



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*Community Development*

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**Recommendation:** Consider the request from Casey Bradford to disconnect from the City of Delta. If Council is in favor of the disconnection request, staff would recommend an agreement be executed as shown in 13.04.030.B.2 and 13.04.210 of the City Code.

**Background:** Casey Bradford, owner of Lot 1, Allen #2 Minor Subdivision, represented by Aaron Clay, requested disconnection from the City of Delta by letter and application on April 30, 2014. The property is on the edge of the City boundaries, with County on two sides. The City provides water services to the property. If the property is disconnected, the water rates will be billed at Outside City Limits water rates. The property is accessed by H Lane which is not maintained by the City.

**Cost:** There is no cost to the City.

**Alignment With Strategic Planning:** Staff is not aware of plans contemplating disconnection from the City. The City Code 13.04.030 lists conditions for providing new electric, water or sewer services including agreements for service lines and annexation. The City Code 13.04.210 lists provisions for an annexation agreement.

**Actions To Be Taken if Approved:** Consider adopting Council Bill # \_\_\_\_ on first reading.

**CLAY and DODSON, P.C.**  
**Attorneys at Law**  
**415 Palmer St.**  
**P.O. Box 38**  
**Delta CO 81416**  
**(970) 874-9777**  
**Fax 970-874-7224**  
**aaronclay@qwestoffice.net**

April 30, 2014

**City of Delta Planning**

RE: Casey Bradford de-annexation request

Hand delivered

Dear Glenn:

Enclosed is an application to de-annex Casey Bradford's property in North Delta. He is at the edge of the city limits, with County on both sides. His access is by a private road owned by Ernie Schaaf, who won't allow City vehicles to use the road. Thus, Casey is prevented from getting City services, and wished not to be part of the City.

Please call me or Casey if you have questions.

Sincerely,



Aaron R. Clay





**DEVELOPMENT & LAND USE APPLICATION**

Subdivision	Fee	X	Land Use Requests	Fee	X	Other	Fee	X
Boundary Adjustment	250		Cond'l Use/Change in Non-Conf. Use	200		Site Development	-	
Lot Split	250		Variance	200		Annexation	300	
Minor Sub	250		Zoning Amend/Add	300		Mbl/Trvl Park	250+10/lot	
Replat/Amendment	250					Mbl/Trvl License	10/lot	
Sketch Plan	100+10/lot					Temporary Use	-	
Preliminary Plat	500+20/lot							
Final Plat	250+10/lot							

<b>Project Name:</b>	Bradford	<b>Application Date:</b>	
<b>Site Location:</b>	1233 H Lane	<b>Current Land Use:</b>	home
<b>Assessor Parcel #:</b>	345709301001	<b>Current Zoning:</b>	
<b>Proposed # of Lots:</b>		<b>Size – Acres/Sq Ft:</b>	4.62 acres
<b>Project Description:</b> Disconnection of Lot 1, Allen #2 Minor Subdivision from the City.			

	Property Owner	Developer	Representative
Name	Casey S. Bradford		Aaron R. Clay
Address	1233 H Lane		PO Box 38
City/State/Zip	Delta CO 81416		Delta CO 81416
Phone	970-216-2612		970-874-9777
Fax			970-874-7224
E-mail			aaronclay@gwestoffice.net

Signature: *Casey Bradford* Date: 4.30.14

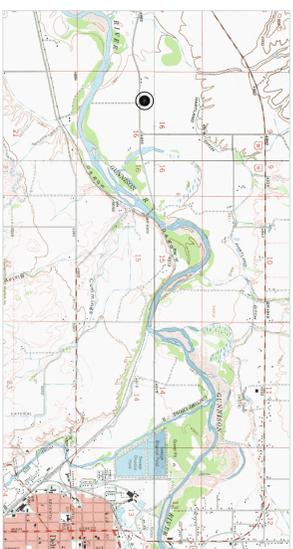


# Disconnection Map

## WEST END DISCONNECTION (a portion of) LOT 1, ALLEN #2 MINOR SUBDIVISION

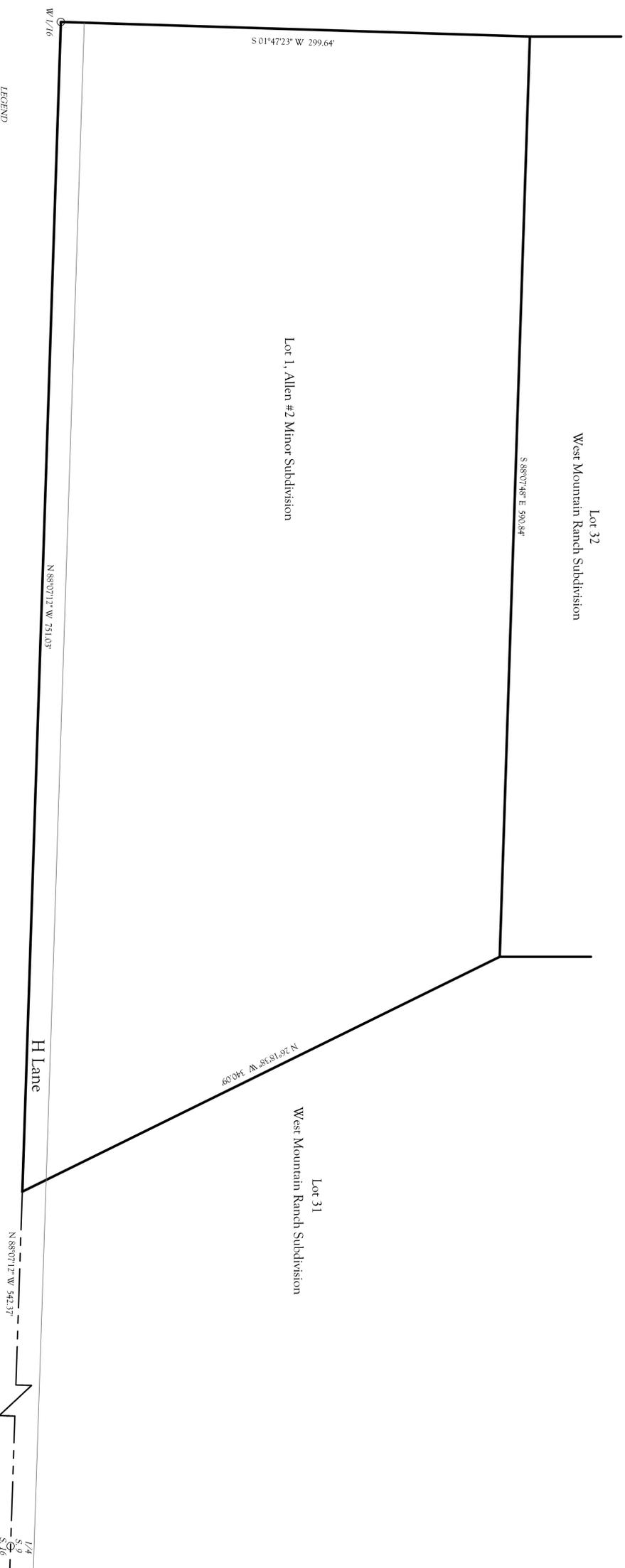
Section 9, Township 15 South, Range 66 West, of the 6th Principal Meridian  
Delta County, Colorado

TOWNSHIP MAP



Legal Description:

Lot 1, Allen #2 Minor Subdivision, Delta County Colorado



**LEGEND**

- Boundary Line
- Alliquot Lines
- Area to be deeded to County

The property described above is disconnected from the territorial limits of the City of Delta, Colorado, by Ordinance No. \_\_\_\_\_ adopted  
 By: \_\_\_\_\_  
 Mayor \_\_\_\_\_ Attest \_\_\_\_\_  
 City Clerk \_\_\_\_\_

I hereby Certify that this map was filed for record at the Delta County Clerk and Recorders Office.

**Surveyor's Certificate:**

I, Kenneth E. Schaaf, hereby certify that this map was prepared under my direct supervision and that it conforms to all the requirements of the Colorado Revised Statutes and the current versions of the Colorado revised statutes and the City of Delta regulations.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 License No 38114

**NORTH**

SCALE: 1"=40' U.S. Survey Feet

This disconnection map was prepared from documents of record.

U.S. MINERAL SURVEYORS REGISTERED LAND SURVEYORS IN COLORADO		<b>SOUTHWEST LAND SURVEYING LLC</b> 1315 Sandstone St., Silverton, CO 81432 (970) 325-0000, (970) 574-2890, Fax (970) 574-0883, Fax EMAIL: kenneths@aol.com	<b>Casey Bradford</b> 1233 H Lane Delta Colorado 81410
PLAN SCALE: 1"=40' U.S.S.F.	REVISIONS:		
FIELD CREW:			
DRAFTER: KES			
Disconnection Map			
SHEET 1 of 1			DATE: 9/27/14 JOB #: 09-14

Council Bill No. 2, 2014

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO DISCONNECTING FROM THE CITY'S TERRITORIAL LIMITS A PORTION OF PROPERTY PREVIOUSLY ANNEXED UNDER THE NAME OF THE WEST END ADDITION - SPECIFICALLY LOT 1, ALLEN #2 MINOR SUBDIVISION.**

WHEREAS, property known as Lot 1, Allen #2 Minor Subdivision, also known as 1233 H Lane, Delta, CO was annexed part of the West End Addition by the City of Delta Ordinance #4, 2002 on March 19, 2002;

WHEREAS, the property owner has applied for disconnection from the City's territorial limits as shown on the disconnection map prepared by SouthWest Land Surveying LLC under the date of May 27, 2014;

WHEREAS, the Delta City Council has determined, in accord with C.R.S. 31-12-501, that the best interests of the City will not be prejudiced by allowing the requested disconnection.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO AS FOLLOWS:

Section 1. The part of West End Addition, more particularly described as Lot 1, Allen #2 Minor Subdivision, is hereby disconnected from the territorial limits of the City of Delta.

Section 2. This ordinance and the aforementioned map of the area of property disconnected hereby shall be promptly recorded in the public records of Delta County, Colorado.

Section 3. Nothing herein is intended to preclude future re-annexation of said property if and when such action is determined to be necessary and proper.

ADOPTED ON FIRST READING AND ORDERED PUBLISHED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# MEMO

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To: Mayor, City Council and City Manager  
From: Glen L. Black *GLB*  
Date: June 16, 2014  
Subject: Bond Street Dedication / Water and Sewer  
System Improvement Fee Exchange



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*Community Development*

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**Recommendation:** To exchange a waiver of water and sewer system improvement fees for street dedication for the widening of Bond Street (extension of Pioneer Road) and 5<sup>th</sup> Street. The property owner would be responsible for paying the tapping fee for the water tap.

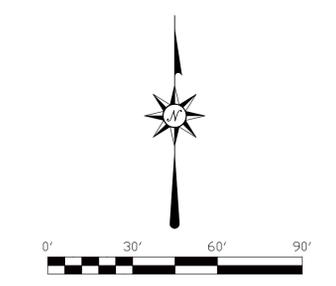
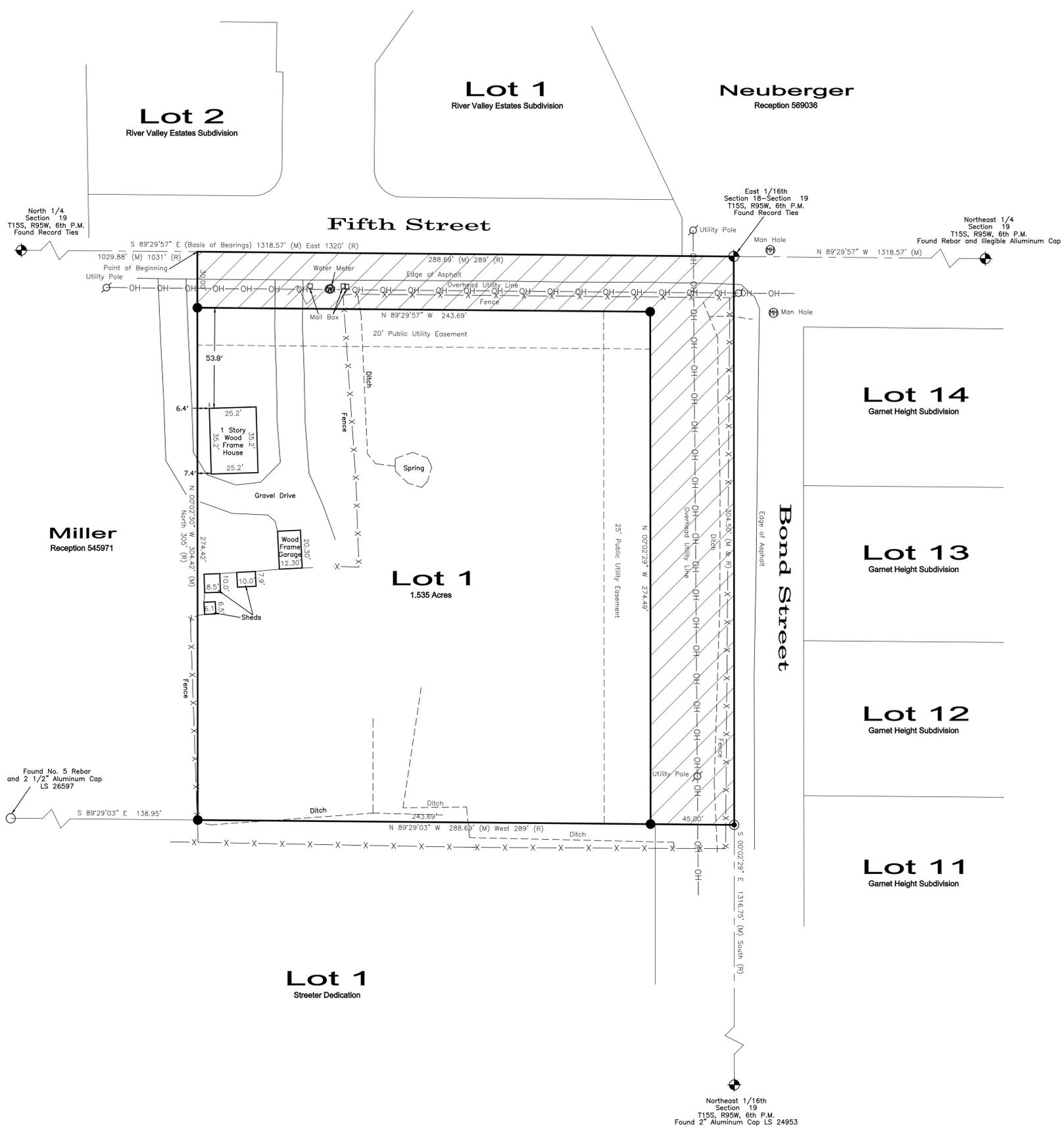
**Background:** Jaime Torres, approached staff for a building permit on his property located at 1270 E. 5<sup>th</sup> Street. This property is located at an important location for the extension of Pioneer Road. Pioneer Road is designated as a proposed minor arterial on the street master plan. Pioneer Road is projected to go all the way from Highway 50 and connect with Stafford Lane, on the street master plan. Mr. Torres offered the street dedication in exchange for the water and sewer taps. Mr. Torres had been approached by City staff to purchase the area to be dedicated for Pioneer Road in the past.

**Cost:** Water and sewer system improvement fees in the amount of \$8450.00.

**Alignment With Strategic Planning:** Pioneer Road is designated as a proposed minor arterial to connect Hwy 50 and Stafford Lane in the master street plan. Bond Street is in the alignment with Pioneer Road.

**Actions To Be Taken if Approved:** Approve the dedication plat.

**Parcel Plat**  
**Torres Dedication**  
**Portion of the NW 1/4 of the NW 1/4 Section 19, T 15 S, R 95 W, SIXTH P.M.**  
**City of Delta, County of Delta, State of Colorado**



- Legend**
- Set 18" No. 5 Rebar and 1 1/2" Aluminum Cap LS 38135
  - ⊙ Found No. 5 Rebar and 1 1/2" Aluminum Cap LS 14621
  - ⊕ Section Corner See Plat Note 4
  - (M) Measured
  - (R) Record

**SURVEYOR'S CERTIFICATE**

I, Peter C. Sauer, being a Professional Land Surveyor in the State of Colorado, do hereby certify that this plat was made by me or under my direct supervision and that said survey and plat conform to all applicable requirements of the Colorado Revised Statutes, and all applicable City of Delta regulations and that both are accurate to the best of my knowledge.

\_\_\_\_\_  
 Peter C. Sauer P.L.S. 38135

**NOTES**

1. BASIS OF BEARINGS:  
 The Bearing based on GPS Observation from the North 1/4 of Section 19 to the East 1/16 of Section 19 Bears S 89°29'57" E as shown hereon.

**NOTICE**

1. According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

2. No guarantee as to the accuracy of the information contained hereon is either stated or implied unless the copy bears an original signature and seal up the registered professional land surveyor hereon. Copies without an original signature and seal may contain unauthorized alterations and should not be relied upon or used in any manner.

3. Fence lines and ditches shown hereon proper graphical purposes only. They may not be relied upon for establishing boundaries.

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner of certain lands in the city of Delta, Colorado, to wit:

Beginning at a point from whence the North Quarter of said Section 19 bears North 89° 29' 57" West a distance of 1029.88 feet;  
 Thence South 89° 29' 57" East, a distance of 288.69 feet;  
 Thence South 00° 02' 29" East, a distance of 304.50 feet;  
 Thence North 89° 29' 03" West, a distance of 288.69 feet;  
 Thence North 00° 02' 30" West, a distance of 304.14 feet to the POINT OF BEGINNING,  
 Containing 2.017 acres.

Has by these presents submitted to the dedication, as shown on this plat, under the name of Torres Dedication, and does hereby dedicate, grant and convey to the City of Delta, State of Colorado, for the use of the public, the property shown hereon for the use as Bond Street (the extension of Pioneer Road) and 5th Street, in return, the City of Delta shall credit the dedicant the amount of the system improvement fee for a 3/4" water and sewer tap to serve the above referenced parcel of land. The tapping fee shall be due and payable upon application for the water and sewer service. Also the following easements are dedicated, granted and conveyed to the City of Delta, Colorado as shown:

Utility easement for City utilities (including storm drainage) and public utilities and private easements are reserved or conveyed for purposes as indicated on the plat.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014.

\_\_\_\_\_  
 Jaime Torres Lopez

STATE OF COLORADO )  
 ) ss  
 COUNTY OF OURAY )

The foregoing signature was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, AD, 2014 by Jaime Torres Lopez, Witness my hand and seal

\_\_\_\_\_  
 Notary Public

**CITY COUNCIL:**

Approved by the City of Delta Council this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014.

by \_\_\_\_\_, Mayor.

Attest \_\_\_\_\_, City Clerk

**CITY MANAGERS CERTIFICATE:**

Approved for Recording this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014.

by \_\_\_\_\_, City Manager.

**CITY ATTORNEY'S CERTIFICATE:**

Approved for recording this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
 City Attorney

**RECORDER'S CERTIFICATE**

This plat was filed for record in the office of Clerk and Recorder of Delta County at \_\_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2014, under Reception No. \_\_\_\_\_

By \_\_\_\_\_  
 Ann B. Eddins, Delta County Clerk and Recorder

\_\_\_\_\_  
 Deputy

PROJECT MANAGER: PS CADD TECH: PS CHECKED BY: PS START DATE: 4/16/14	REVISIONS	DATE	DESCRIPTION	BY
	1			
	2			
	3			
	4			
		OFFICE (970) 249-5349 - FAX (970) 626-6261 CELL (970) 729-1289 1147 OURAY COUNTY ROAD 22 - MONTROSE, COLORADO 81403 565 SHERMAN STREET, SUITE 10, RIDGWAY, COLORADO 81432 WWW.ORIONSURVEYING.COM		
DRAWING PATH: PLAT 4-14		SHEET No. 1 OF 1		PROJECT: 14027

# MEMO

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To: City Council  
From: Steve Glammeyer, P.E.,  
Director of Utilities/Public Works  
Date: June 16, 2014  
Subject: Rebate for overpayment of construction costs



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*Utilities Department*

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**Recommendation:**

Staff is recommending that Council approve an option in the contract for the Delta County 115 KV transmission improvement project allowing for payment and subsequent reduction in ownership of the facilities constructed.

**Background:**

On May 20<sup>th</sup>, 2005, the City entered into a contract with Tri-State Generation & Transmission (Tri-State) and Delta-Montrose Electric Association (DMEA) for the construction of a new 115kV transmission line and facilities. The contract called for a project “ceiling” for Delta to be \$3,750,000. The project was finally completed around the end of 2013 with Delta paying \$5,148,781 in total to the project. The total amount of overpayment is \$1,398,781.

The contract entered into in 2005 contains a provision to remedy any overpayment above the ceiling. The first remedy is for Delta to simply agree to have overpaid and accept ownership as indicated in the contract. The second option, titled “Step-up with optional buy-back” allows Tri-State and DMEA to “step-up” ownership in the project and “buy-back” Delta’s amount of overpayment. Delta would see a reduction in ownership of the transmission line.

Staff has looked at a 20 year load projection and we feel that a reduction in ownership would not be an issue.

**Cost:**

There is no cost.

**Alignment With Strategic Planning:**

The contract stated that Delta’s estimated share would be \$3,244,327 and was made prior to final design, bidding, construction, and acquisitions. In order to continue a strong financial position in the Municipal Light and Power Fund, a credit is warranted.

**Actions To Be Taken if Approved:**

Staff has prepared a letter for the Mayor to sign exercising the step-up with optional buy-back provision with Tri-State and DMEA. Staff will overnight the signed letter to both parties.



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

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June 16, 2014

Delta-Montrose Electric Association  
Attn: Kent Davenport  
Manager of Engineering  
P.O. Box 910  
Montrose, CO 81402

Tri-State Generation & Transmission Association, Inc.  
Attn: Grant Lehman  
Senior Manager, Transmission Engineering & Construction  
3761 Eureka Way  
Frederick, CO 80516

Re: Delta County 115 kV Transmission Improvement Project (Contract # TS-04-0031)

Dear Sirs:

This letter is in response to your letter dated May 16, 2014 regarding Delta's overpayment for construction of the above referenced project. Delta has elected to exercise the option explained in the contract under Section 12.2.2 titled "The Step-Up with Optional Buy-Back Remedy". Delta feels the reduced ownership capacity will be able to serve our needs far into the future.

If you have any questions regarding this letter, please contact Steve Glammeyer at (970) 874-7901.

Sincerely,

Edward C. Sisson  
Mayor

Cc: File

# MEMO

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To: City Council  
From: Public Works Department  
Date: 16 June 2014  
Subject: 2014 Concrete Replacement Project



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*Public Works*

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**Recommendation:** The Public Works Department is recommending C&N Construction, Inc. for the 2014 Concrete Replacement Project.

**Background:** This year's project is targeting sidewalk improvements around the Delta County Center for the Performing Arts and Delta Middle School areas. The project includes ADA ramp up-grades, both new and replacement side walk and the City's annual cost share program. The project has been budgeted in the following line items: 19-25, 19-36 and 19-48.

**Cost:** The City received two responses to the request for proposals as identified below.

1. C&N Construction, Inc.	\$ 42,547.66
2. All Concrete Solutions LLC	\$ 45,703.47

**Alignment With Strategic Planning:** This project is budgeted for 2014 as an ongoing process to improve concrete infrastructure in the City. Improvements of pedestrian facilities are also identified in the 2008 Comprehensive Plan.

**Actions To Be Taken if Approved:** Staff requests that council award the 2014 Concrete Replacement Project to C&N Construction.

Council Bill No. 1, 2014

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO, AMENDING THE ZONING DESIGNATION OF Hawkins Subdivision One, Lot 1 from A-1, Agriculture District to I-R, Industrial Residential District.**

WHEREAS, the owners of Hawkins Subdivision One, Lot 1 located in Delta, Colorado have applied for rezoning of their property to a designation that will allow mineral extraction and processing with an approved conditional use; and

WHEREAS, the City of Delta's Planning Commission, following a proper hearing of the rezoning application, has recommended that the zoning classification for the property be changed, as requested, from their present designation of A-1 to a new designation of I-R; and

WHEREAS, the Delta City Council finds that the requested zoning change will not be adverse to the public health, safety and welfare and that the request substantially meets the City of Delta, Comprehensive Master Plan. Therefore, as previously determined by the City Planning Commission, the requested zoning amendment meets the criteria for zoning changes set forth in Delta Municipal Code Section 17.04.270.

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

**Section 1.** The zoning designation for the property in the City of Delta, Colorado that is specifically described as Hawkins Subdivision One, Lot 1 is hereby changed from A-1 to I-R.

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

ADOPTED ON FIRST READING AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Attorney Comments**



**City Manager Comments**



**Councilmember Comments**

