



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

Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

A G E N D A

**Delta City Council
Regular Meeting**

**July 15, 2014
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Hotel and Restaurant Liquor License Renewals:**
 - a. Delta El Tapatio, Inc. dba El Tapatio**
 - b. MAA Delta Sundance Hospitality, LLC dba Days Inn Sundance**
- F. 3.2% Beer Off Premises License Renewals:**
 - a. Walmart Stores, Inc. dba Walmart #5458**
 - b. Dillon Companies, Inc. dba City Market #4**
- G. Approval Hamon COR 25—Contract Extensions for Hamon**
- H. Formal Action for Participation in the November 4, 2014 Coordinated Election**
- I. Light Pole Paint Color**
- J. Council Bill #3, 2014; First Reading
Emergency Management**
- 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

The Clerk suggested a change regarding the passage of Council Bill #1, 2014 being adopted as Ordinance #1, 2014.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the minutes of the June 16, 2014 regular meeting as amended. All in favor, motion carried.

Citizen Comments

Tina Naugle, 1030 Main Street, commented on the trees throughout the City and the tree board that has been dissolved.

Temporary Parking Lot Closure; Hoolie's Place

The Clerk reported that Rebecca Angel with Hoolie's Place has submitted their annual application to close the parking lot adjacent to their establishment. The application is complete and all fees have been paid.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to approve the special permit for temporary closure for Hoolie's Place for July 12, 2014 from 8am to 5pm. All in favor, motion carried.

Rebecca Angel, owner of Hoolie's Place, questioned why parades are not going to 2nd Street. She stated that in the past the parade always went to 2nd Street and now the parade only goes to 3rd Street. This affects her business greatly. She requested that the City investigate why this has changed.

Retail Liquor Store Renewal; Moonshine Liquor

The Clerk reported that Moonshine Liquor has submitted their Retail Liquor Store renewal. The application is complete and all fees have been paid. The Delta Police Department is recommending renewal.

Regular Meeting, Delta City Council, July 1, 2014 (cont.)

Retail Liquor Store Renewal; Moonshine Liquor (cont.)

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the retail liquor store renewal for Moonshine Liquor. All in favor, motion carried.

Ordinance #2, 2014; Second and Final Reading

Ordinance #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

was introduced as Council Bill #2, 2014 and read by the Clerk.

City Manager Clifton stated that the only change is the addition of the annexation agreement.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to adopt Council Bill #2, 2014 on second and final reading.

Councilmember Penick stated that this is not in the best interest of the City. This parcel still receives city services and there is no reason for the applicant to de-annex from the City. He is not in favor of de-annexing if the applicant is receiving city services. He also stated that there may be other issues in the future such as property tax that they city may need to use in the future. He suggested that if the applicant wants to de-annex that they should disconnect all city services as well.

The Clerk called roll: Councilmembers Cooper, aye; Jurca, aye; Penick, no; Raley, aye and Sisson, aye. Motion carried. Council Bill #2, 2014 was adopted on second and final reading as Ordinance #2, 2014.

Golf Course Advisory Board Bylaw Amendments

Manager Clifton stated that there is a minor recommended change to the Golf Course Advisory Board bylaws; these recommendations are being submitted by the Golf Course Advisory Board. He explained that in the current bylaws it states specific dates as to when certain meetings shall be held. It's important for standing committees to be transparent and part of that is being predictable. The language has been amended to suggest that the advisory board meetings shall be held in regular intervals. The other changes were more formatting changes to make the bylaws a little cleaner and also to clarify the meetings are to be held at regular intervals and that the first meeting of the year will be the annual meeting.

Regular Meeting, Delta City Council, July 1, 2014 (cont.)

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the Mayor signing the submitted golf course advisory board bylaws as being reviewed and approved. All in favor, motion carried.

City Attorney Comments

There were none.

City Manager Comments

Manager Clifton reported on the following items:

- Emergency Management table top exercise that staff participated in with FEMA and other local agencies. He complimented Chief Thomas in his efforts to help prepare the City of Delta should an emergency arise.
- David Smith will be taking a position outside of law. He stated that Council may want to talk with an attorney within Garfield & Hecht since there is a current agreement with them. Should they want to do that, staff can schedule a work session to have those discussions. He also stated that Council could go back out to bid.

Councilmember Comments

Councilmember Cooper suggested meeting with an attorney with Garfield & Hecht. She commented on the annual fireworks show being held by the fire department on the 4th of July.

Councilmember Jurca and Councilmember Raley agreed with meeting with an attorney with Garfield & Hecht.

Councilmember Penick commented on the current contract with Garfield & Hecht and agreed to meet with an attorney with that firm. He also thanked staff for the sign that was put up regarding the trash service for the 4th of July holiday.

Mayor Sisson agreed with the Council's recommendation to meet with an attorney with Garfield & Hecht. He commented on the recent CML conference that he attended.

The meeting was adjourned at 7:25 p.m.

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

Item D:

Citizen Comments



MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: July 15, 2014
Subject: Hotel/Restaurant Liquor License Renewal; El Tapatio



Office of the City Clerk

Recommendation:

Staff recommends approval of a retail liquor store license renewal for Days Inn Sundance located at 903 Main Street. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires August 19th, 2014.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$500.00 renewal fee to the State, the City renewal fee of \$150.00 as well as the City liquor occupation tax of \$400.00.

Alignment With Strategic Planning:

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

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the renewal application, and the Clerk will mail it to the State, who will review the application and issue the State license.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

EL TAPATIO
 353 MAIN ST
 DELTA CO 81416-1815

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 DELTA EL TAPATIO INC		DBA EL TAPATIO		
Liquor License # 12779300000	License Type Hotel & Restaurant (city)	Sales Tax License # 12779300000	Expiration Date 8/19/2014	Due Date 7/5/2014
Street Address 353 MAIN ST DELTA CO 81416-1815				Phone Number (970) 434 1703
Mailing Address 353 MAIN ST DELTA CO 81416-1815				
Operating Manager Blanca R Delcoid	Home Address 571 DAWN ST APT #1	Phone Number 970-778-7693		

- 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 05-01-2018
- 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 BLANCA RUTH DELCUID ROMERO	Title MANAGER
Signature <i>[Signature]</i>	Date 06-20-2014

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Delta El Tapatio, Inc.
DBA: El Tapatio

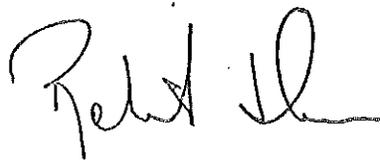
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend Liquor license renewal.



Robert Thomas, Chief of Police

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: July 15, 2014
Subject: Hotel/Restaurant Liquor License Renewal; Days Inn Sundance



Office of the City Clerk

Recommendation:

Staff recommends approval of a retail liquor store license renewal for Days Inn Sundance located at 903 Main Street. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires August 14th, 2014.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$500.00 renewal fee to the State, the City renewal fee of \$150.00 as well as the City liquor occupation tax of \$400.00.

Alignment With Strategic Planning:

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

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the renewal application as well as the report of changes, and the Clerk will mail it to the State, who will review the application and issue the State license.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	0
Optional Premise \$100 x _____	0
Related Resort \$75 x _____	0
Amount Due/Paid	\$500.00

DAYS INN SUNDANCE
 151 N KRAEMER BLVD STE 120
 PLACENTIA CA 92870

RECEIVED
 JUN 23 2014

LIQUOR ENF. DIV.

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 MAA DELTA SUNDANCE HOSPITALITY LLC		DBA DAYS INN SUNDANCE		
Liquor License # 4701398	License Type Hotel & Restaurant (city)	Sales Tax License #	Expiration Date 8/14/2014	Due Date 6/30/2014
Street Address 903 MAIN ST DELTA CO 81416				Phone Number (714) 854 0529
Mailing Address 151 N KRAEMER BLVD STE. 120 PLACENTIA CA 92870				
Operating Manager Veronica Salazar	Date of Birth	Home Address 21969 F. Rd. Delta, CO 81416	Phone Number (970) 874-9781	

- 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

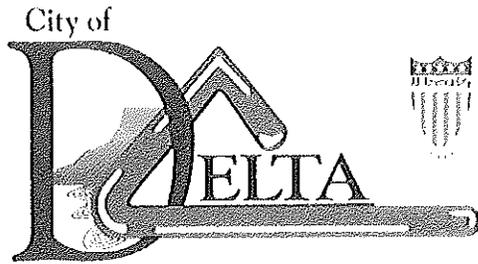
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Bharat Maru	Title Managing Member
Signature <i>Bharat Maru</i>	Date 06/16/14

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



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Maa Delta Sundance Hospitality, LLC
DBA: Days Inn Sundance

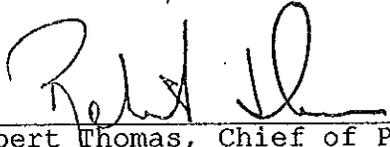
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: July 15, 2014
Subject: 3.2% Beer License Renewal; Walmart #5458



Office of the City Clerk

Recommendation:

Staff recommends approval of a beer and wine license renewal for the Walmart #5458 located at 37 Stafford Lane. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires August 24, 2014.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$96.25 renewal fee to the State, the City renewal fee of \$78.75 as well as the City liquor occupation tax of \$150.00.

Alignment With Strategic Planning:

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

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the renewal application, and the Clerk will mail it to the State, who will review the application and issue the State license.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$96.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

WALMART #5458
 702 SW 8TH STDEPT 8916
 BENTONVILLE AR 72716-6209

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.

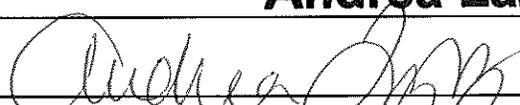
PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name WAL MART STORES INC		DBA WALMART #5458		
Liquor License # 09495180078	License Type 3.2% Beer Off Premises (city)	Sales Tax License # 09495180078	Expiration Date 8/24/2014	Due Date 7/10/2014
Street Address 37 STAFFORD LANE DELTA CO 81416-2229				Phone Number (970) 874 1585
Mailing Address 702 SW 8TH STDEPT 8916 BENTONVILLE AR 72716-6209				
Operating Manager KIMBERLY CHAMPLIN		Home Address 648 KAREN LEE DR GRAND JUNCTION CO 81504		Phone Number 970-270-7323

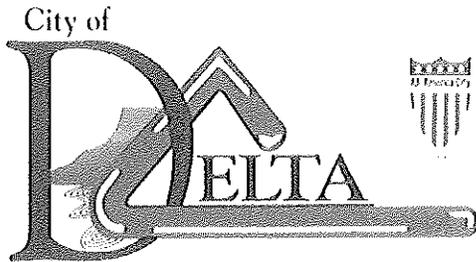
- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, 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 Andrea Lazenby	Title Assistant Secretary
Signature 	Date 05/14/2014

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY
 The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Walmart Stores, Inc.

DBA: Walmart Supercenter #5458

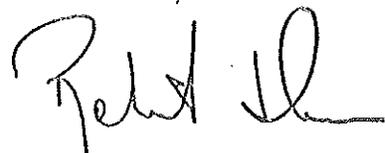
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: July 15, 2014
Subject: 3.2% Beer License Renewal; City Market #4



Office of the City Clerk

Recommendation:

Staff recommends approval of a beer license renewal for the City Market #4 located at 122 Gunnison River Drive. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires September 17, 2014.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$96.25 renewal fee to the State, the City renewal fee of \$78.75 as well as the City liquor occupation tax of \$150.00.

Alignment With Strategic Planning:

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

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the renewal application, and the Clerk will mail it to the State, who will review the application and issue the State license.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

CITY MARKET #4
 PO BOX 305103
 NASHVILLE TN 37230-5103

Fees Due	
Renewal Fee	\$96.25
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 DILLON COMPANIES INC		DBA CITY MARKET #4		
Liquor License # 01107790123	License Type 3.2% Beer Off Premises (city)	Sales Tax License # 01107790123	Expiration Date 9/17/2014	Due Date 8/3/2014
Street Address 122 GUNNISON RIVER DR DELTA CO 81416-1856				Phone Number (970) 874 9718
Mailing Address PO BOX 305103 NASHVILLE TN 37230-5103				
Operating Manager Ed Abilla	Home Address 5869 Sawmill Mesa Rd, Delta, CO 81416			Phone Number 970 874 9718

- 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. **N/A**

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 Russ Dispense	Title Vice President
Signature <i>Russ Dispense</i>	Date 6-12-14

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



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of City Market #4
DBA: _____

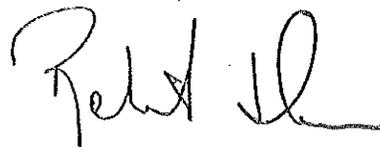
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

MEMO

To: City Council
From: Jim Hatheway, Project Manager/City Engineer
Date: 15 July 2014
Subject: Change Order Approval



Public Works

Recommendation:

City Staff is recommending approval of the attached change order negotiated with Hamon to complete Confluence Drive project south of 5th Street. In February City Council approved a daily rate that was higher than what is identified in the change order.

Background:

The original construction contract for Hamon anticipated project completion in April 2014. Due to the unanticipated delays experienced by the project, the schedule has been extended through December 20, 2014. City staff has completed negotiations with Hamon to complete the remaining work.

Cost:

A highlight of the primary costs is provided below:

- Reimbursement for equipment standby from January through April 2014 of \$95,208.40
- Remobilization cost of \$26,895.00
- Daily rate reimbursement from January 1, 2014 through April 10, 2014 (100 days) at \$2131.26 (A 100 day credit will be issued upon Hamon remobilization). An additional 60 days is anticipated beyond the 100 day credit to complete the project.
- Minor costs including additional asphalt cost per ton, traffic control daily cost of \$150 per day, and remobilization costs for Balfour Beatty and Elam.
- Total additional cost is approximately \$716,379.70

Based on the estimate provided in February about budget status, prior to the daily rate approval in February the 2014 budget anticipated available revenues of \$7,227,893.83 with anticipated expenses of \$7,022,880.

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 the attached change order with Hamon.

7-8-14

City of Delta
Attn: Jim Hatheway, Public Works Director
360 Main Street
Delta, CO 81416



HAMON

Contractors, Inc.

5670 Franklin
Denver, Colorado 80216
(303) 297-0340
FAX (303) 296-9601

Ref: Confluence Drive – Alternate Truck Route
City of Delta Project
Hamon Project #99
Change Order Request #25 (“COR #25”) – Suspension of Project

Mr. Hatheway:

Hamon hereby requests a change order suspending the project on the terms and conditions identified herein. Hamon requests this change order based on the lack of access to the remaining project work due to owner delays in obtaining and executing a land exchange agreement between the City and the UPRR. Following is a summary of the costs associated with suspension of the project. Please note that the project Suspension Date is identified as **May 25, 2014**.

DESCRIPTION	UOM	QTY	UNIT PRICE	TOTAL
HAMON- OPERATING COST INCURRED TO BE REIMBURSED	DAY	100	\$2,131.26	\$213,126.00
HAMON-EQUIPMENT STAND BY COST	LS	1	\$95,208.40	\$95,208.40
HAMON-REMOBILIZATION POST UPRR/DELTA NEGOTIATIONS	LS	1	\$26,895.00	\$26,895.00
HAMON-DAILY RATE INCURRED FROM 4/10/14 THROUGH 5/25/14	DAY	45	\$2,131.26	\$95,906.70
ELAM-6" HMA HAUL ASPHALT FROM GJ (ADD TO EXISTING UNIT PRICE)	TON	9340	\$7.50	\$70,050.00
ELAM-HMA PATCHING & DRIVEWAY HAUL ASPHALT FROM GJ (ADD TO EXISTING UNIT PRICE)	TON	109	\$10.00	\$1,090.00
ELAM-REMOBILIZATION	LS	1	\$13,500.00	\$13,500.00
ELAMADDITIONAL MOBS PAVING CREW	EA	3	\$3,300.00	\$9,900.00
ELAM- ADDITIONAL BASE COURSE CREW	EA	3	\$2,100.00	\$6,300.00
YOUR WAY- FLAGGING (AFTER 5/25/14)	HR	360	\$24.80	\$8,928.00
YOUR WAY- TRAFFIC CONTROL INSPECTION	DAY	150	\$130.00	\$19,500.00
YOUR WAY-TRAFFIC CONTROL MANAGEMENT	DAY	40	\$540.00	\$21,600.00
YOUR WAY-PORTABLE MESSAGE SIGN PANEL (IF NEEDED)	DAY	40	\$120.00	\$4,800.00
YOUR WAY-ARROW BOARD (IF NEEDED)	DAY	40	\$70.00	\$2,800.00
YOUR WAY-CONSTRUCTION SIGN SPECIAL (IF NEEDED)	DAY	40	\$130.00	\$5,200.00
BALFOUR BEATTY RAIL- MOBIZATION	LS	1	\$6,500.00	\$6,500.00

Terms and Conditions:

- Parties agree that the Project Suspension Date is 5/25/14.
- The warranty period on all work north of 5th street shall commence on 25 May 2014 if contract work and the final punch list is completed by 31 July 2014 for the items identified in this paragraph. A summary of work remaining from the intermediate punch list provided by Parsons Brinkerhoff and the punch list provided by Stantec will be provided as a courtesy. The summary is anticipated to be provided by 11 July 2014 to Hamon. Warranty start date will be extended one day for each day the work is not com-

pleted after 31 July 2014 unless the list is not provided by 11 July 2014. Completion date will be extended one day for each day after 11 July 2014 until the summary is delivered. This includes MSE Walls, Drainage Improvements, Bridges, Pedestrian CBC, Asphalt, concrete curb/gutter/sidewalk, Bridge Rail, Guardrail, Fencing, and Earthwork from Station 10+00 to Station 54+00 of Confluence Drive and adjacent work of the same description on 1st Street, Frontage Road, 2nd Street, Palmer Street, Gunnison River Drive, Little Street and 3rd Street.

- The \$370,140.94 remaining of the **\$404,241.10** cost incurred by Hamon (Operating Cost, Daily Rate, and Equipment Stand By Cost) should be reimbursed after submission of the pay request for the remaining \$370,140.94 and approval of this change order by the Delta City Council at the 15 July 2014 meeting, and should be paid prior to Hamon's remobilization to the project, subject to Hamon submitting the pay request identified in this paragraph. The parties anticipate that payment will be made prior to 7/16/14, the date by which Delta would like Hamon to commence to perform tie-in work on the UPRR track.
- Hamon will remobilize for 100 consecutive calendar days without any additional reimbursement for Job Site Overhead during the 100 day grace period. The Remobilization Cost of **\$26,895.00** is due on the pay estimate for the month in which Hamon remobilizes to the site. Hamon anticipates that it will mobilize (assuming outstanding payments are brought current) and begin work on July 14, 2014 to complete the UPRR Tie Ins, and complete the 5th street pond and drainage improvements. After 10/21/14, Hamon will bill for daily job site overhead and indirect cost (Daily Rate of **\$2,131.26** until the project is completed and warranty commences on all work). The attached CPM schedule predicts a December 20, 2014 Completion Date which would warrant payment for 60 days of job site overhead and indirects.
- Attached is a CPM schedule for the remaining contract work. This schedule shall be the basis for completing the project and will be used for establishing a completion date for the project (December 20, 2014). Hamon will ensure that all subcontractors respond and complete the work in accordance with the schedule to avoid unnecessary delays to the project. The City will deliver the final remaining drawings south of 5th street to the match point at HWY 50 by 7/23/14. These drawings need to include Confluence Drive Roadway, Grading, Profiles, Drainage, and a Summary of remaining Quantities (Earthwork, Asphalt, Curb and Gutter). Durations on the remaining work may be revised depending on final quantities.
 - The CPM schedule does not include any weather days. Any loss due to weather will require at a minimum a day for day analysis for added time to the contract.
 - The CPM schedule does not include weekends, or holidays (Labor Day, Thanksgiving) as work days, and to require Hamon or its Subcontractors to work during these planned non-work days may require acceleration costs to be reimbursed by the City if the acceleration is at the City's request.
 - The CPM schedule includes 10 days for Souder Miller to recalculate the project south of 5th Street once final drawings are delivered and before construction can begin. The cost of this recalculation by Souder Miller must be reimbursed by the City to SMA.
 - The CPM Schedule includes an Activity A9230 which tracks the 100 day grace period.
 - The Critical Path (Shown in Red) can be significantly impacted with any deviation from the following events and assumptions:
 - UPRR Tie in work commences on 7/14/14 and completes no later than 7/30/14.
 - UPRR and the City of Delta close on the property no later than 9/1/14, or construction of Confluence Dr. Roadway south of 5th street is allowed to commence on 9/1/14.
 - Removal of the existing RR tracks can take place immediately following Activity R2067 "Switch Trains to New Tracks". If this happens after the season period is completed, the project cannot be completed in 2014.
- The City recognizes that any work not released to Hamon and other delays not caused by Hamon will require an extension to the contract time.

- The City reserves the right to enforce Liquidated Damages as outlined in the contract if the Hamon fails to complete the work as outlined in this change order by the agreed upon completion date of 12/20/14 (weather dependent).
- Starting 5/25/14 Hamon Contractors requests direct reimbursement for traffic control costs based on the Your Way Subcontract. Subcontract rates are above. This was originally a Lump Sum cost for 15 months of construction that has expired.
- Any additional subcontractor claims per CDOT specification 109, 104, and 108, that may arise, and not already identified are excluded. Hamon will use its best efforts to suspend and settle any subcontractor commitments but the City acknowledges that it will be responsible for the reasonable costs of same if any, subject to City review and approval.
- Any material price increases, are excluded. All material price increases will be submitted in writing, with supporting documentation for review and approval. The City reserves the right to rebid any work to confirm unit rates being proposed are in the City's and Project's best interest.
- Any acceleration of the work is excluded.
- If the project cannot be completed due to any issue considered an excusable delay (108.08), incomplete plans, weather, or plan errors by December 2014, remaining retention shall be released, and the warranty period started on all work in place, if found acceptable by the City. The City of Delta and Hamon Contractors will in good faith negotiate to complete the outstanding work during the 2015 construction season.

Should you require additional information or want to discuss the issue further, please do not hesitate to contact me. If you agree to the foregoing terms and conditions, please execute the attached Change Order.

Sincerely,

HAMON CONTRACTORS, INC.

Brad Davis

Project Manager

cc: Job 99 File, Daniel Aupperle, Austin Konkle, Craig Leigh, Tom Evered, Judy Law, Rusty Swerdfeger

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: July 15, 2014
Subject: Participation in the November 4, 2014 Coordinated Election



Office of the City Clerk

Recommendation:

Staff recommends approving the City Clerk to notify the Delta County Clerk and Recorder that the City of Delta will participate in the November 4, 2014 coordinated election.

Background:

The County Clerk and Recorder requires the City to notify them of participation in an election within 100 days of the election.

Cost:

An estimated cost of the election will be submitted at an upcoming Council meeting with an Intergovernmental Agreement.

Alignment With Strategic Planning:

Per CRS 1-7-116(5); "If, by one hundred days before the election, a political subdivision has taken formal action to participate in a general election or other election that will be coordinated by the county clerk and recorder, the political subdivision shall notify the county clerk and recorder in writing.

Actions To Be Taken if Approved:

The Clerk will notify the Delta County Clerk and Recorder that the City of Delta will participate in the November 4, 2014 coordinated election in writing.

MEMO

To: City Council
From: Justin Clifton, City Manager
Date: July 15, 2014
Subject: Light Pole Color



Office of the City Manager

Recommendation:

Staff is requesting feedback from Council regarding repainting of downtown light poles.

Background:

It is time to paint light poles downtown. This creates an opportunity to consider a different color (or shade). The light poles are currently a fairly light and bright green. It is possible to stick with the same color shade if that is what Council desires. If Council would like to consider a new color or shade we are limited in the kinds of paint we can use so only have a few options to choose from. Staff will have 4 shades of green to choose from at the meeting.

Cost:

There is no additional cost for the color of paint used. The cost will also be budgeted over multiple years as it will take some time to repaint the poles.

Alignment With Strategic Planning:

The light poles set a tone for our downtown and thus we have an opportunity to preserve or enhance the look of our public infrastructure in accordance with our Comprehensive Plan.

Actions To Be Taken if Approved:

Staff will commence repainting.

MEMO

To: City Council
From: Justin Clifton, City Manager
Date: July 15, 2014
Subject: Emergency Ordinance



Office of the City Manager

Recommendation:

Staff recommends approval of Council Bill #3, 2014 regarding emergency management.

Background:

Council likely recalls that Council Bill #3, 2014 was discussed at a previous work session. The Council Bill is needed to give basic guidance to Council and administrative staff in the event of a disaster or emergency.

Cost:

NA

Alignment With Strategic Planning:

This ordinance helps the Council preserve health and safety during a disaster or emergency.

Actions To Be Taken if Approved:

The Council Bill will be brought back for final reading with any changes as directed by Council.

Council Bill #3, 2014

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
REGARDING DISASTER EMERGENCY REGULATIONS OF
THE DELTA MUNICIPAL CODE

WHEREAS, the City Council of the City of Delta is aware that certain dangerous or catastrophic conditions potentially exist, such as an act of nature or man-made circumstances, that result in a disaster emergency;

WHEREAS, the City Council of the City of Delta acknowledges the necessity of adopting a plan for handling emergency situations; and

WHEREAS, an Emergency and Disaster Emergency ordinance has been developed to provide the Council and City Manager direction in order to protect life and mitigate property damage in the instance of a Disaster Emergency situation.

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

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

Section 2. The City Council hereby amends the Delta Municipal Code by the addition of a new Chapter 8.40 as follows:

Chapter 8.40
DISASTER EMERGENCY REGULATIONS

Sections:

- 8.40.010 Definitions.
- 8.40.020 Procedures.
- 8.40.030 Disaster Emergency Response Powers.
- 8.40.040 Compensation.
- 8.40.050 Line of Succession.
- 8.40.060 Conflicting Ordinances, Orders, Rules and Regulations Suspended
- 8.40.070 Violation of Regulations
- 8.40.080 Penalty
- 8.40.090 Applicability of State Law

8.40.010 Definitions.

1. Disaster Emergency: An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin, including but not limited to fire, flood, earthquake, wind, storm, wave action, hazardous substance incident, oil spill, or water contamination requiring action to avert danger or damage, volcanic activity, epidemic, air pollution, blight, drought, infestation, explosion, civil disturbance, hostile military or paramilitary action, or a condition of riot, insurrection, or invasion existing in the City.

2. Emergency: A serious situation or occurrence that happens unexpectedly and demands immediate action, or creates urgent need for action or assistance.

8.40.020 Procedures

A. Declaration of Disaster Emergency. The City Council shall have the power to declare through a resolution that a disaster emergency exists and resources for the emergency are at or beyond city capacity, or the threat of such event is imminent. If a quorum of the City Council cannot be formed, the Mayor shall have the authority to declare a disaster or emergency on a temporary basis until a quorum of Council can be seated.

B. Declaration in Writing. The resolution declaring a State of Disaster Emergency by the Council or Mayor shall be in writing and shall describe the nature of the emergency; the area threatened, the conditions which have brought it about, and the conditions that would remedy it in the opinion of Council based on the available information. The City Manager shall be responsible for publication and dissemination of information to the public and shall file the declaration with the City Clerk and forward a copy to the Colorado Division of Homeland Security and Emergency Management.

C. Effect of Declaration. The issuance of a declaration of a disaster emergency shall automatically empower the City Manager to exercise any and all of the emergency powers permitted by state and local law and as set forth in the resolution. The City Council shall convene to perform its legislative powers as the situation demands and shall receive reports through the City Manager and evaluate and enact policies and other incident support as required. In case of a disaster emergency requiring immediate action of the City Council to protect public health, safety, or welfare, the City Council may

convene an emergency meeting without any advance public notice or with such limited advance public notice as the Mayor or other presiding officer finds feasible in circumstances, with full compliance with the Charter requirements relating to notice to be achieved as soon as possible thereafter. Nothing in this Chapter shall abridge or curtail the powers of the City Council to properly and adequately respond to the emergency. A declaration of disaster emergency may grant the City Manager the authority to access emergency reserves, including reserves maintained pursuant to Section 5 of Article XX of the Colorado Constitution, and to request assistance from the Colorado Division of Homeland Security and Emergency Management.

D. Duration. A state of disaster emergency shall remain in effect until the Council or City Manager declares that the threat of danger has passed or that the disaster emergency conditions no longer exist. Notwithstanding the forgoing, a state of disaster emergency shall not be continued or renewed for a period in excess of seven days unless the City Council expressly approves a longer duration. The City Council may by motion terminate the state of disaster emergency at any time. Upon continuation or termination of a state of disaster emergency, the City Manager shall immediately issue and publish a notice affecting the same. Any declaration continuing or terminating a state of disaster emergency shall be filed with the City Clerk and a copy shall be forwarded to the Colorado Division of Homeland Security and Emergency Management.

8.40.030 Disaster Emergency Response Powers.

A. Upon the issuance of the declaration of disaster emergency and for as long as said declaration is in effect, the City Manager of this code shall have and may exercise any and all emergency powers granted by applicable state or local law subsequent to issuance of the disaster emergency declaration.

B. During the course of a declared disaster emergency a city employee or authorized agent may enter onto or upon private property if the employee or authorized agent has reasonable grounds to believe that an emergency situation exists and that an entry on private property is required in order to protect life or minimize an imminent threat to property.

C. During the course of a declared disaster emergency, the City Manager may, on behalf of the city, enter into reciprocal aid, mutual aid, joint powers agreements, intergovernmental assistance agreements or other contracts or plans with other governmental entities necessary for the protection of life and

property. Such agreements may include the furnishing or exchange of supplies, equipment, facilities, personnel and/or services.

D. During the course of a declaration disaster emergency, the City Manager may promulgate such regulations as the manager deems necessary, to protect life and property and preserve critical resources. These regulations shall be confirmed at the earliest practical time by the City Council, shall be circulated to the public, and shall be disseminated to the news media. These regulations may include, but shall not be limited to powers granted by applicable state or local law. Specifically, during the course of any declared emergency, the City Manager may:

1. Suspend the provisions of this code that prescribe conduct of city business, if strict compliance would in any way prevent, hinder, or delay necessary action in coping with the emergency.

2. Transfer, reassign or otherwise change the direction, personnel, or functions of city departments for the purpose of performing or facilitating emergency services.

3. Direct and compel evacuation of persons from any stricken or threatened area within the city if the City Manager deems the action necessary for the immediate preservation of life or property or other emergency mitigation, response, or recovery measures.

4. Prescribe routes, modes of transportation, and destinations in connection with an evacuation.

5. Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises therein.

6. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, or combustibles within the city.

7. Make provision for the availability and use of temporary emergency housing.

8. Waive all provisions for competitive bidding and direct the purchase agent to purchase necessary supplies in the open market at not more than commercial prices.

9. Prohibit or restrict the movement of vehicles in order to facilitate the work of disaster response forces or to facilitate the mass movement of persons to or from critical areas within or without the city.

10. Declare a public curfew.

11. Close or regulate the business hours of any commercial establishment in the city when such closing or regulation is in the public interest.

12. Cause to be carried out such other reasonable measures or regulations as are necessary to preserve public peace, health, and safety.

E. During the course of a declared disaster emergency, the City Manager is authorized to exercise all powers permitted by the City Charter and state law to require emergency services of any city officer or employee and command the aid of as many citizens of the city as the manager deems necessary in the execution of the manager's duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for civil defense workers.

8.40.040 Compensation. Compensation for services or private property used by the city in responding to an emergency shall be compensated as specified by contract or as required by state law, subject to the principals and procedures set forth in C.R.S. 24-32-2111 and Articles 1 to 7 of Title 38 of the Colorado Revised Statutes.

8.40.050 Line of Succession.

A. If the Mayor is unable to perform the duties of the Mayor set forth in this Chapter, then the duties conferred upon the Mayor shall be performed in descending order, as follows: by the Mayor Pro-Tem, then by the City Council Member most senior in length of service, then by the City Council Member whose last name begins with a letter that is closest to the beginning of the alphabet.

B. The City Manager shall, at the start of each calendar year, publish and submit to City Council an order of succession of city officials who shall execute the duties and powers described in this Chapter for execution by the City Manager in the event that the City Manager is unavailable to manage a disaster emergency.

C. In any calendar year in which the City Manager fails to publish and submit such list to City Council, the line of succession of authority to manage a disaster emergency shall include those occupying the following positions (if applicable) in the following order:

1. The City Manager or Acting City Manager
2. The Deputy/Assistant City Manager
3. The last appointed Acting City Manager still employed with the City
4. The Community Development Director
5. The Director of Public Works

6. The Finance Director; or
7. The Chief of Police
8. In the event none of the above noted people are available to serve, the next highest ranking person within each of the various departments, in the line of succession as indicated above, shall serve.

D. However, the succession of authority provided in this section shall always be subject to the power of the City Council to determine, by appropriate motion, that any Council Member or staff member shall take responsibility for the management of a disaster emergency.

8.40.060. Conflicting Ordinance, Orders, Rules and Regulations Suspended. Any ordinances, orders, rules or regulations promulgated during a declared disaster emergency shall take precedence over existing ordinances, orders, rules and regulations if a conflict arises during the state of disaster emergency.

8.40.070 Violation of Regulations. It shall be unlawful for any person to violate any of the provisions of this Chapter or of the ordinances, orders, rules or regulations issued pursuant to the authority contained in this Chapter, or to willfully obstruct, hinder, or delay any person in the exercise of any duty or authority pursuant to the provisions of this chapter. Police, code enforcement and such other law enforcement and peace officers as may be authorized by the City Manager shall be authorized to enforce the ordinances, orders, rules and regulations made or issued pursuant to this Chapter.

8.40.080 Penalty. Any person convicted of a violation of any section of this Chapter or any ordinance, order, rule or regulation issued pursuant to the authority contained herein shall be punished by a fine (of up to?) or by imprisonment (of up to?) or by both such fine and imprisonment.

8.40.090 Applicability of State Law. The Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.*, as amended, shall govern the implementation of the duties, powers, immunities and other provisions set forth in this Chapter to the extent applicable.

The State of Colorado Emergency Relief statute (C.R.S. 24.33.5-1102) allows the Governor to provide the distribution of medicine, food, and supplies.

The State of Colorado Grants to Individuals statute (C.R.S. 24-33.5-1106) authorizes the Governor to accept a grant from the federal government to provide financial assistance to an individual or family in a single major disaster declared by the President.

Section 3. All other ordinance or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

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

