



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**

**September 2, 2014
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: Discussion Regarding Ballot Language**
- F. Resolution # 1, 2014; Setting Ballot Language for November 4, 2014 Coordinated Election**
- G. Contracted Services Agreement – Electrical On-Call**
- H. Sub-grade Preparation Work for Paving at WWTP**
- I. Pioneer Road Overlay/WWTP Asphalt Replacement Project**
- J. Hotel/Restaurant Liquor License Renewal; The Garden Center**
- K. 3.2% Beer Off Premises Renewal; Maverik Inc. #463**
- 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, and Ray Penick along with City Manager Justin Clifton and City Attorney David Smith. Absent was Councilmember Mary Cooper. 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 stated that there was one correction to the attendance statement.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the minutes of the regular City Council meeting on August 5, 2014 as amended. All in favor, motion carried.

Citizen Comments

There were none.

Public Hearing; Special Events Permit; Knights of Columbus

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

The Clerk explained that Knights of Columbus has submitted a Special Events Permit application for their event scheduled for October 3, 2014 at the National Rifle Association's annual banquet. The application states that they plan to sell malt, vinous and spirituous liquor from 5:00pm to 11:00pm. The application is complete and all fees have been paid. A sign notifying the public of this hearing was posted at the site as required by law and no comments have been received.

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

It was moved by Councilmember Raley and seconded by Councilmember Penick to approve the special events permit for Knights of Columbus for October 3, 2014. All in favor, motion carried.

Snack Bar Contract for Bill Heddles Recreation Center

City Manager Justin Clifton stated that contract is being brought before Council due to requests from customers for healthy food alternatives at the recreation center. He also stated that Wilma Erven is here tonight to answer any questions.

Regular Meeting, Delta City Council, August 19, 2014 (cont.)

Snack Bar Contract for Bill Heddles Recreation Center (cont.)

Councilmember Penick questioned how staff arrived at the monthly figure with the area involved.

Recreation and Culture Director Wilma Erven reported that they contacted several different realtors in the area and asked them what the average rental rate is for businesses within an existing business. At that point, staff took the square footage and came up with the current figure.

Manager Clifton stated that staff has worked very well with the proposed tenants to work out the details of anything and everything, i.e.: design, construction, equipment etc.

There was discussion regarding the lease agreement being six months.

Councilmember Penick questioned if the area would affect any other events.

Ms. Erven responded that it will not affect the events.

Manager Clifton stated that the video games would go. He also stated that the city owned vending machines have been addressed.

Mayor Sisson questioned if the vending machines are staying.

Ms. Erven stated that the pop machines, games and the gum all are owned by a vendor. They will be removed. The company was notified of tonight's agenda and they chose not to come. The snack machine that is owned by the city will remain.

Councilmember Penick questioned what amount the city would lose with the machines being removed.

Ms. Erven stated the income from the vending machines is approximately \$700 a year.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to authorize the City Manager to sign the agreement for the snack bar at Bill Heddles Recreation Center. All in favor, motion carried.

Public Hearing; Discussion Regarding Ballot Language/Draft Resolution

The Mayor recessed the regular session and opened a public hearing. He called for public comment and when there was none he closed the public hearing and reconvened the regular meeting.

Manager Clifton stated that is a compilation of a lot of work starting back in 2012. The citizen financial task force was instituted to consider ways to put the city on a more stable financial track. As a result, the task force has recommended the two ballot questions. Additionally, Mr. Clifton stated that the City Council reviewed these ballot questions at previous work sessions. Staff has continued to try to engage the public with a few public meetings. In addition to that,

Regular Meeting, Delta City Council, August 19, 2014 (cont.)

Public Hearing; Discussion Regarding Ballot Language/Draft Resolution (cont)

staff has sent out some educational information regarding the questions in the utility bills and has made presentations at a number of service organizations.

Mr. Clifton explained that a lot of the feedback has been mild. The types of negatives comments that have been received relate to the TABOR question regarding local control. Some citizens feel that it's better that they have their hands on those rates. The recreation center tax question involves more discussion about the golf course. Some of the citizens are worried that the tax would go anywhere but the recreation center. Some citizens have expressed that it would be better to support the golf course through some kind of a sales tax, whether it's the existing recreation center tax or another. Some of the comments in favor of the questions are that the citizens feel that it is a smart idea and efficiency is good.

Mr. Clifton stated that the proposed language reflects the will of Council as set out a few months ago. He reminded Council that tonight they are approving the language not the resolution. The resolution will be brought back at the next meeting with any changes they would like to incorporate. He presented a few different options should Council like to revise the language.

Mayor Sisson commented that there are some citizens that are concerned about the golf course.

Councilmember Penick stated that he likes the way the ballot language is worded now.

Councilmember Raley stated that the only questions he has received are regarding the transfer from Municipal Light and Power (ML&P) to the golf course. The comments were if the city is going to use tax money to support the golf course then the city should not be transferring money from ML&P.

Mr. Clifton clarified that the city would still need the same amount from ML&P; however, the way staff proposes moving forward is to use those ML&P monies for the general services in the general fund.

Councilmember Jurca stated that he likes the language.

Councilmember Penick questioned if the City Attorney has approved the language.

City Attorney David Smith stated he submitted the language.

Mr. Clifton stated that staff did work with the City Attorney quite a bit on the language. He also stated that one of the difficult things with the TABOR language is to preserve what is trying to be accomplished here, which is unrestricting a few select revenue sources. If the language is written to narrowly and one is left out then we do a TABOR calculation for minimal amounts.

There was a consensus amongst Council to go with the proposed language.

Mr. Clifton reminded Council of the next public information meeting on August 26, 2014.

Item D:

Citizen Comments



Item E:

Public Hearing: Discussion Regarding Ballot Language



Resolution No. 1, 2014

A RESOLUTION OF THE DELTA CITY COUNCIL, AUTHORIZING A TABOR ELECTION ON NOVEMBER 4, 2014, FIXING BALLOT TITLES AND QUESTIONS, AND SETTING FORTH OTHER DETAILS RELATING THERETO.

WHEREAS, the City of Delta (the “City”), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City; and

WHEREAS, the members of the City Council of the City (the “Council”) have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for the extension of any existing and expiring taxes, for the creation of certain debt and for spending certain moneys above limits established by TABOR; and

WHEREAS, TABOR requires the City to submit ballot issues (as defined in TABOR) to the City’s electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 4, 2014, is the date of the next regular election in the City and one of the election dates at which ballot issues may be submitted to the eligible electors of the City pursuant to TABOR; and

WHEREAS, pursuant to Article VII of the City’s Charter, the Council may refer matters to the electorate, and the conduct of the election shall be governed by applicable Colorado statutes; and

WHEREAS, the City has determined that the City Clerk (the “Clerk”) will conduct the election on November 4, 2014 as a coordinated mail ballot election pursuant to the Colorado Municipal Election Code and Article 7.5 of the Uniform Election Code; and

WHEREAS, the Council hereby determines that it is necessary to submit to the electors of the City, at the regular election to be held on November 4, 2014, questions concerning the extension and use of an existing sales tax and a question seeking to remove the TABOR limitations on a few specifically identified sources of revenue for the City, as further described in the ballot issues set forth below; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election.

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

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Municipal Election Code and the Uniform Election Code.

Section 3. The Council hereby determines that the regular election to be held on November 4, 2014, shall be conducted as a coordinated mail ballot election pursuant to Article 7.5 of the Uniform Election Code; however, to the extent that procedures for the election are not provided in Article 7.5 of the Uniform Election Code, the Municipal Election Code shall apply.

Section 4. The Council hereby determines that at the regular election to be held on November 4, 2014, there shall be submitted to the eligible electors of the City the questions set forth in Sections 5 and 6 hereof.

Section 5. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the City and shall appear on the ballot of the City of Delta at the November 4, 2014 election:

WITHOUT RAISING OR INCREASING ANY TAXES IN EFFECT CURRENTLY, BEGINNING ON JANUARY 1, 2015 SHALL THE 0.75% SALES TAX ORIGINALLY APPROVED BY ORDINANCE NO. 8, 1991, WHICH CURRENTLY IS SET TO EXPIRE IN 2020 AND IS TO BE USED ONLY FOR CAPITAL, OPERATIONS AND MAINTENANCE AT THE BILL HEDDLES RECREATION CENTER, BE EXTENDED IN PERPETUITY AND BE PERMITTED TO BE USED FOR THE PARKS, RECREATION, TRAIL, AND OPEN SPACE USES OF THE CITY GENERALLY, INCLUDING, BUT NOT LIMITED TO OPERATIONS, MAINTENANCE, AND CAPITAL IMPROVEMENTS OF THE RECREATION CENTER, ALL CITY-OWNED PARKS AND TRAILS, THE DEVIL'S THUMB GOLF COURSE, CITY RECREATION PROGRAMS AND ACTIVE AND PASSIVE OPEN SPACE USES, AND SHALL SUCH TAX REVENUES BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY RESTRICTIONS UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 6. The following ballot issue, certified in substantially the form set forth below, is hereby referred to the registered electors of the City and shall appear on the ballot of the City of Delta at the November 4, 2014 election:

WITHOUT RAISING OR IMPACTING TAXES, BEGINNING IN FISCAL YEAR 2014 AND CONTINUING THEREAFTER SHALL THE CITY OF DELTA BE PERMITTED TO COLLECT, RETAIN AND EXPEND ALL REVENUE DERIVED FROM ALL OF THE CITY'S FEES, CHARGES AND OTHER SOURCES RELATED TO USE OF CITY FACILITIES INCLUDING MUNICIPAL COURT AND FRANCHISE FEES AND THE REVIEW AND ISSUANCE OF PERMITS AND LICENSES BY THE CITY INCLUDING BUILDING AND LAND USE APPLICATION FEES AND INVESTMENT INCOME TO THE EXTENT SUCH REVENUE SOURCES ARE LIMITED BY AND EXCEED THE CONSTITUTIONAL LIMITATIONS ON REVENUE FOUND IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND SHALL SUCH REVENUES BE COLLECTED, RETAINED AND SPENT AS A VOTER APPROVED REVENUE CHANGE, NOTWITHSTANDING ANY RESTRICTIONS UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Section 7. The Clerk is hereby appointed as the designated election official of the City for purposes of performing acts required or permitted by law in connection with the election.

Section 8. The City acting through the Council shall be authorized to proceed with the necessary action to implement and enforce either or both of the questions above if such measure is approved by the registered electors of the City.

Section 9. Pursuant to Section 31-10-1308(2), C.R.S. and Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 10. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 11. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 12. The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of Delta, Colorado, on September 2, 2014.

(S E A L)

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

6. Notice of the regular meeting of September 2, 2014, in the form attached hereto as Exhibit A was posted at the City Hall not less than twenty-four hours prior to the meeting in accordance with law.

City Clerk

(SEAL)

EXHIBIT A



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**

**September 2, 2014
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: Discussion Regarding Ballot Language**
- F. Resolution # 1, 2014; Setting Ballot Language for November 4, 2014 Coordinated Election**
- G. Contracted Services Agreement – Electrical On-Call**
- H. Sub-grade Preparation Work for Paving at WWTP**
- I. Pioneer Road Overlay/WWTP Asphalt Replacement Project**
- J. Hotel/Restaurant Liquor License Renewal; The Garden Center**
- K. 3.2% Beer Off Premises Renewal; Maverik Inc. #463**
- L. City Attorney Comments**
- M. City Manager Comments**
- N. Councilmember Comments**

MEMO

To: City Council
From: Steve Glammeyer, P.E.
Date: September 2, 2014
Subject: Contracted Services Agreement – Electrical On-Call



Utilities Department

Recommendation:

Staff is recommending that Council approve the attached contract with Tiger Electric for electrical on-call services for the remainder of 2014 and for the fiscal year of 2015.

Background:

Staff has found that there are times when an on-call electrician is needed for minor repairs and upgrades to City facilities and buildings. In order to facilitate an on-call company, staff solicited bids for these services. We received two bids as follows:

Rapid Energy

| | |
|--------------------------|----------------|
| Owner/Master Electrician | \$60.00 per hr |
| Journeyman Electrician | \$60.00 per hr |
| Apprentice/Laborer | \$45.00 per hr |

Tiger Electric

| | |
|---------------------------|----------------|
| Owner /Master Electrician | \$60.00 per hr |
| Journeyman Electrician | \$60.00 per hr |
| Apprentice/Laborer | \$30.00 per hr |

Both companies are local companies and have completed work for the City in the past. Based on the bid results, staff is recommending Tiger Electric to the on-call services contract for the remainder of 2014 and for the fiscal year of 2015. These numbers are less than we have paid for electrical work in the past so the competitive bid process and commitment to the on-call seems to have worked.

Some department's budget monies in their individual departments for these types of "professional services" and several City buildings are budgeted out of the General Fund Government Buildings account.

Cost:

Based on actual work performed department by department and facility by facility.

Alignment With Strategic Planning:

Under the City Charter Article 6, Section 88 titled "Competitive Bidding", staff is required to seek competitive bids as a fiduciary responsibility of tax payer and rate payer dollars.

Actions To Be Taken if Approved:

Staff will seek a signed contract by the bidder and City Manager set to expire on December 31, 2015.

CONTRACTED SERVICES AGREEMENT

THIS AGREEMENT is entered into by the City of Delta, Colorado, (City) and Tiger Electric, (Contractor).

In consideration of the mutual covenants and obligations set out herein, it is agreed by the Parties hereto as follows:

(1) Contractor shall perform the following services:

As set out in Exhibit A hereto.

(2) Contractor is customarily engaged in an independent trade, occupation, profession or business related to the services specified above. Contractor is not required to work exclusively for the City of Delta by this agreement. Contractor shall be free from the control and direction of the City in the performance of the services.

(3) Contractor shall be solely responsible for the means and methods and the proper performance of the work in compliance with the requirements and specifications of this Agreement.

(4) Contractor shall be paid at the following fixed contract rate for services properly completed in accordance with this contract as follows:

As set out in Exhibit A.

(5) Contractor warrants to the City that all materials incorporated into the work will be new unless otherwise specified and that the work will be of good quality, free from defects in materials or workmanship and in conformance with contract requirements.

(6) The City may terminate this contract on account of Contractor's violation of any of the terms or requirements or specifications of the contract by giving written notice of termination to Contractor, or may recover its damages or pursue any remedy allowed by law.

(7) Contractor shall provide for any training needed by Contractor and provide all tools necessary to perform the services, except that City shall supply the following materials and equipment:

(8) Contractor shall be responsible to set the time for performance of the services. Contractor shall proceed

with due diligence and properly complete the work with due diligence.

- (9) Payments from the City to Contractor shall be made in the trade or business name of the Contractor.
- (10) Contractor shall be responsible for the quality, technical accuracy, timely completion and coordination of all services to provided, and shall without additional compensation, properly remedy and correct any errors, omissions, or other deficiencies. Contractor shall defend and indemnify, save and hold harmless the City of Delta, Colorado, its officers, agents and employees from all claims made or adjudged against them arising directly or indirectly out of Contractor's performance of the services provided under this agreement, including any claims for copyright infringement.
- (11) Contractor hereby waives any claim for damage to Contractor's person or property against the City, its officers, agents and employees arising out of the performance of the services under this agreement, including any damage to, or loss of, any work or piece provide pursuant to Exhibit A.
- (12) **CONTRACTOR IS AN INDEPENDENT CONTRACTOR AND NOT AN EMPLOYEE OF THE CITY, AND IS NOT ENTITLED TO WORKERS' COMPENSATION BENEFITS AND IS OBLIGATED TO PAY FEDERAL AND STATE INCOME TAX ON ANY MONIES EARNED PURSUANT TO THIS AGREEMENT.**
- (13) Contractor hereby agrees to release, waive, save, and hold harmless, defend and indemnify the City, its officers, agents or employees on account of any claims arising out of the Workers' Compensation laws of the State of Colorado on behalf of Contractor or any Contractor employees, subcontractors, or subcontractors' employees. Contractor hereby agrees that it shall obtain statutorily required Workers' Compensation Insurance to cover Contractor's employees and provide the City a certificate of such insurance.
- (14) City hereby designates the Fleet/Facilities Manager or designee as its representatives with respect to this agreement.
- (15) This agreement may not be assigned by either party.
- (16) City's approval of any services shall not in any way relieve Contractor of the responsibility for the

technical accuracy and completeness of the services. The City's approval or acceptance of, or payment for any services shall not be construed as a waiver of any rights under this agreement, or of any cause of action arising out of the performance of this agreement.

(17) This agreement is dated _____.

CITY OF DELTA

CONTRACTOR

By _____

By _____

STATE OF COLORADO)
) ss.
COUNTY OF)

The foregoing instrument was acknowledged before me this ____ day of _____, by _____, of the City of Delta, Colorado.

Witness my hand and official seal.
My commission expires:

(SEAL)

Notary
Address

STATE OF COLORADO)
) ss.
COUNTY OF)

The foregoing instrument was acknowledged before me this _____ day of _____, by _____, dba _____.

Witness my hand and official seal.
My commission expires:

(SEAL)

Notary
Address

Exhibit A

Electrical Services Scope of Work

- Work to include, but not be limited to:
 - Minor rewiring.
 - Ballast changes on light bulbs.
 - Circuit tracing.
 - Adding circuits.
 - Replacing fixtures.
 - Installing new fixtures.
 - Installing IT communication wiring.
- Work to be “as needed” and be mutually scheduled between Contractor and City.
- Material to either be supplied directly by City or reimbursed based on receipts.
- Contractor to provide all tools and equipment needed to perform repairs.

Electrical Services Rates

Hourly rates:

Owner:

Sixty dollars (\$60.00)
(written amount)

Superintendent:

Sixty dollars (\$60.00)
(written amount)

Laborer:

Thirty dollars (\$30.00)
(written amount)

MEMO

To: City Council
From: Steve Glammeyer, P.E., Utilities/Public Works Director
Date: September 2, 2014
Subject: Sub-grade preparation work for paving at WWTP



Utilities/Public Works Department

Recommendation:

Staff is recommending Council award the sub-grade preparation bid to J&K Trucking, LLC in the amount of \$33,917.95.

Background:

During the 2014 budget process, staff budgeted money to repair the asphalt parking and loading area at the wastewater treatment plant. Staff bid this project in two components, the first of which you have before you tonight. Staff solicited bids from qualified contractors to remove the old asphalt and prepare the sub-base for new asphalt. Staff received 7 bids as detailed below.

| Contractor | Bid |
|---------------------------------|-------------|
| J & K Trucking, LLC | \$33,917.95 |
| Wells Excavation & Farming LLC. | \$39,026.69 |
| ECO Contracting, LLC. | \$42,615.00 |
| Farnsworth Cont. & Gravel Co. | \$43,974.63 |
| TSM Construction, LLC | \$48,000.00 |
| Upland Co. Inc. | \$54,511.50 |
| Reams Construction Co. | \$77,946.94 |

The second component of the project is repaving the site once prepared and that item is on the agenda later tonight. Both components are within the budgeted amount.

Cost:

\$33,917.95

Alignment With Strategic Planning:

While no clear planning document guides this work, it is recognized that the asphalt area has reached its useful life and therefore fits in the Fiscal Responsibility component of the City's Mission, Vision, and Values requiring an efficient and effective stewardship of public funds and resources.

Actions To Be Taken if Approved:

Staff will execute a contract with J&K Trucking, LLC.

MEMO

To: City Council
From: Jim Hatheway, Project Manager/City Engineer
Date: 22 August 2014
Subject: Pioneer Road Overlay/WWTP Asphalt Replacement Project



Public Works/Utilities

Recommendation:

The Public Works/Utilities Department is recommending that the City award the contract for the 2014 Street Overlay and WWTP parking area repaving to United Companies.

Background:

This project will place a 2" asphalt overlay on Pioneer Road between 7th and 16th Streets. This is a high traffic stretch of road that is starting to show exposed aggregate and has experienced damage in 2 places due to water line breaks.

This project also includes a paving project at the Wastewater Treatment Plant to replace aging and deteriorating asphalt in the main parking area. The project will improve the drainage around the building at this location. Subgrade preparation will be managed under a separate contract.

Cost:

Three bids were received on 20 August 2014 and are summarized below. The bid tab is attached. United Companies was the low bidder and has successfully completed other projects for and within the City.

| <i>Company</i> | <i>Pioneer Overlay</i> | <i>WWTP Paving</i> |
|-----------------------|-------------------------------|---------------------------|
| United Companies | \$257,075.00 | \$37,044.00 |
| Martin Construction | \$275,125.00 | \$44,604.00 |
| Elam Construction | \$375,713.25 | \$48,834.00 |

The Pioneer Road project is budgeted in 19-48-31600. The WWTP project is budgeted in 42-38-31600. Both projects are within budget.

Alignment With Strategic Planning:

- Maintenance activities of roads are a core function of Public Works.
- Street maintenance activities have been identified as a priority by City Council
- Street maintenance activities have a low satisfaction level and have been identified as a high priority in the citizen surveys of 2013 and 2014

Actions To Be Taken if Approved:

Staff will execute a contract with United Companies and will develop a schedule for paving.

BID SHEET

| PIONEER ROAD BID TAB | | | | City Estimate | | United | | Martin | | Elam | |
|---|--|----------|------|---------------|---------------------|----------|---------------------|-----------|---------------------|--|---------------------|
| BID ITEM # | DESCRIPTION | QUANTITY | UNIT | UNIT \$ | COST | UNIT \$ | COST | UNIT \$ | COST | UNIT \$ | COST |
| 1 | 2" ASPHALT OVERLAY (inc. tack coat @ 0.1 gal/sy) | 2100 | TONS | 120.00 | 277,200.00 | 92.00 | 193,200.00 | 96.00 | 201,600.00 | 130.00 | 273,000.00 |
| 2 | ASPHALT LEVELLING COURSE | 315 | TONS | 125.00 | 39,375.00 | 96.00 | 30,240.00 | 110.00 | 34,650.00 | 138.00 | 43,470.00 |
| 3 | 2" MILL (butt joints at intersections/select loc'ns) | 8500 | SF | 1.00 | 8,500.00 | 0.75 | 6,375.00 | 0.66 | 5,610.00 | 1.00 | 8,500.00 |
| 4 | SHOULDERING | 135 | TONS | 20.00 | 2,700.00 | 37.00 | 4,995.00 | 38.00 | 5,130.00 | 46.00 | 6,210.00 |
| 5 | ADJUST MANHOLE LIDS | 2 | EA | 175.00 | 350.00 | 120.00 | 240.00 | 150.00 | 300.00 | 765.00 | 1,530.00 |
| 6 | ADJUST WATERVALVE COVERS | 10 | EA | 75.00 | 750.00 | 25.00 | 250.00 | 75.00 | 750.00 | 32.00 | 320.00 |
| 7 | ADJUST SURVEY CONTROL BOX | 3 | EA | 75.00 | 225.00 | 25.00 | 75.00 | 95.00 | 285.00 | 37.00 | 111.00 |
| 8 | STRIPING (inc. Inlaid Thermoplastic Crosswalks) | 1 | LS | 8,300.00 | 8,300.00 | 7,400.00 | 7,400.00 | 10,800.00 | 10,800.00 | 2,808.25 | 7,230.25 |
| 9 | TRAFFIC CONTROL | 1 | LS | 7,500.00 | 7,500.00 | 7,300.00 | 7,300.00 | 12,000.00 | 12,000.00 | 16,865.00 | 16,865.00 |
| 10 | MOBILIZATION | 1 | LS | 7,500.00 | 7,500.00 | 7,000.00 | 7,000.00 | 4,000.00 | 4,000.00 | 18,477.00 | 18,477.00 |
| TOTAL PIONEER ROAD PROJECT | | | | | \$352,400.00 | | \$257,075.00 | | \$275,125.00 | | \$375,713.25 |
| Bid Options | | | | | | | | | | | |
| 1 | 4" ASPHALT PLACEMENT @ WWTP | 378 | TONS | 135.00 | 51,030.00 | 98.00 | 37,044.00 | 118.00 | 44,604.00 | 128.00 | 48,384.00 |
| | | | | | | | | | | Striping bid in 2 line items & combined here | |
| NOTE: QUANTITIES ARE ESTIMATED TO BE AS ACCURATE AS POSSIBLE. FINAL PAYMENT WILL BE MADE ON ACTUAL QUANTITIES. LEVELLING COURSE ESTIMATED AT 15% OF OVERLAY TONNAGE. | | | | | | | | | | | |

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: September 2, 2014
Subject: Hotel/Restaurant Liquor License Renewal;
The Garden Center



Office of the City Clerk

Recommendation:

Staff recommends approval of a retail liquor store license renewal for The Garden Center located at 1970 South Main Street. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires November 20, 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**

GARDEN CENTER THE
 1970 S MAIN ST
 DELTA CO 81416

| 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 WILLIAMS CELLARS LLC | | DBA GARDEN CENTER THE | | |
| Liquor License # 4702205 | License Type Hotel & Restaurant (city) | Sales Tax License # 27650110 | Expiration Date 11/20/2014 | Due Date 10/6/2014 |
| Street Address 1970 S MAIN ST DELTA CO 81416 | | | | Phone Number (970) 874 9009 |
| Mailing Address 1970 S MAIN ST DELTA CO 81416 | | | | |
| Operating Manager Dan Williams | | Home Address 250 S. Grand Mesa Dr Cedaredge Co | | Phone Number 9702347000 |

- 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 *see attachment*
- 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

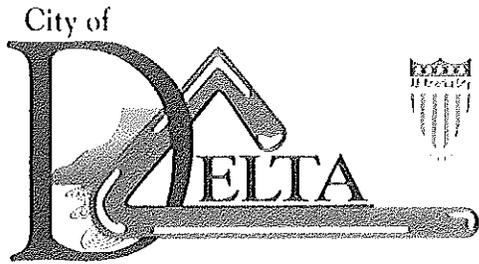
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

| | |
|---|------------------------|
| Type or Print Name of Applicant/Authorized Agent of Business DAN WILLIAMS | Title member |
| Signature <i>Dan Williams</i> | Date 8-18-14 |

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 Williams Cellars LLC

DBA: The Garden Center

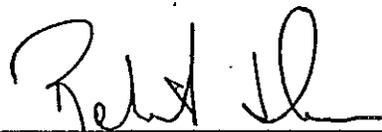
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

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: September 2, 2014
Subject: 3.2% Beer Off Premises Renewal; Maverik, Inc. #463



Office of the City Clerk

Recommendation:

Staff recommends approval of the 3.2% Beer Off Premises License for Maverik, Inc. #463 located at 101 Hwy 92. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires November 26, 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.

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 | |

MAVERIK INC #463
 880 W CENTER ST
 NORTH SALT LAKE UT 84054

Occupational tax - 150.00
 City - 78.75

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

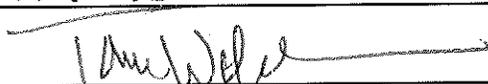
RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

| | | | | |
|--|--|--|--------------------------------------|---------------------------------------|
| Licenses Name MAVERIK INC | | DBA MAVERIK INC #463 | | |
| Liquor License # 4600064 | License Type 3.2% Beer Off Premises (city) | Sales Tax License # 0422730 | Expiration Date 11/26/2014 | Due Date 10/12/2014 |
| Street Address 101 HWY 92 DELTA CO 81416 | | | | Phone Number (801) 683 3628 |
| Mailing Address 880 W CENTER ST NORTH SALT LAKE UT 84054 | | | | |
| Operating Manager Clyde Wright | | Home Address 1112 Park Ridge Ct, Delta, CO 81416 | | Phone Number 970-560-3702 |

- 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

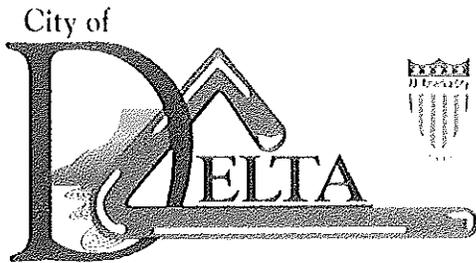
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

| | |
|--|-------------------------------|
| Type or Print Name of Applicant/Authorized Agent of Business Tom Welch | Title PRESIDENT/CEO |
| Signature  | Date 8/19/14 |

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 Maverik, Inc. #463

DBA: Maverik, Inc. #463

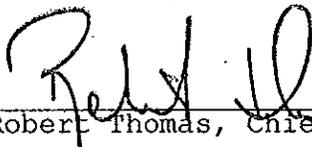
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

Attorney Comments



City Manager Comments



Councilmember Comments

