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

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

## **A G E N D A**

**Delta City Council  
Regular Meeting**

**October 21, 2014  
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Discussion with MEAN**
- F. Council Bill #4, 2014; First Reading  
Vacating Segments of 12<sup>th</sup> Street and Main Street**
- G. Approval for quit claim deed with Delta Holdings**
- H. Truck Route Update**
- I. Hotel/Restaurant Liquor License Renewals**
  - **Fiesta Vallarta**
  - **Devil's Thumb Golf Club**
- J. City Attorney Comments**
- K. City Manager Comments**
- L. Councilmember Comments**

Item A:

**Pledge of Allegiance**



Item B:

**Changes to the Agenda**

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Mary Cooper, and Ray Penick along with City Manager Justin Clifton. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Pledge of Allegiance**

The Mayor led everyone present in the Pledge of Allegiance.

**Changes to the Agenda**

There were none.

**Minutes**

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve the minutes of the September 16, 2014 regular meeting and the September 23, 2014 special meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**JROTC Request to Conduct Service Work at Confluence Park**

Cadet Yvette Arano with the JROTC at Delta High school requested permission to provide cleanup at Confluence Park.

There was discussion regarding the two different troops that will conduct service at Confluence Park.

The Council approved JROTC to conduct service work.

**Public Hearing: Special Events Permit Application, Altrusa**

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

The Clerk explained that Altrusa has submitted an application for a Special Events Permit. The application states that they plan to sell liquor at Bill Heddles Recreation Center on November 14, 2014 from 4:00pm to 10:00pm and November 15, 2014 from 9:00am to 5:00pm. The application is complete and all fees have been paid. A sign was posted at the site as required by law and no comments have been received.

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

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the Special Events Permit with Altrusa for November 14 and 15, 2014. All in favor, motion carried.

**Regular Meeting, Delta City Council, October 7, 2014 (cont.)**

**Tavern Liquor License Renewal; Throttle and Spur Saloon**

The Clerk reported that K&L Enterprises, Inc./dba Throttle and Spur Saloon submitted their annual Tavern Liquor License renewal. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Raley and seconded by Councilmember Penick to approve the Tavern Liquor License Renewal for Throttle and Spur Saloon. All in favor, motion carried.

**Resolution #3, 2014; Open Records Policy**

Resolution #3, 2014

A RESOLUTION OF THE CITY OF DELTA, COLORADO ADOPTING A POLICY REGARDING REQUESTS FOR INSPECTION AND PRODUCTION OF THE PUBLIC RECORDS OF THE CITY OF DELTA PURSUANT TO THE COLORADO OPEN RECORDS ACT

was read by the Clerk.

The Clerk stated that the State of Colorado adopted the Colorado Open Records Act ("Act"). The Act has been amended by the passage of House Bill 14-1193 requiring the City's custodian of public records to either post on the custodian's website or otherwise publish a written policy that specifies the applicable conditions concerning the research and retrieval of public records by the custodian. The updated City Public Records Policy includes the fee amounts allowed by the Act.

Councilmember Penick stated that "town" needs to be changed to "city".

There was discussion regarding the fees to produce records.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to adopt Resolution #3, 2014. Roll call vote: Councilmembers Cooper, aye; Jurca, aye, Raley, aye, Penick, aye and Sisson, aye. Motion carried.

**Delta Visitor's Center Phase 1 Project Award**

City Manager Justin Clifton stated that this project is for a parking lot that will include the RV dump station at Lion's Pavilion. He also stated that there were three bids that were received and staff is recommending approval of the low bid from Wells Excavation and Farming.

Councilmember Raley questioned if the contractor started work without the approval from Council.

Utilities Director Steve Glammeyer stated that the contractor has been on site starting some work. Staff did explain to them that the contract was not an approved project and Wells Excavation and Farming chose to continue starting the dirt work so that they don't get into winter complications.

**Regular Meeting, Delta City Council, October 7, 2014 (cont.)**

**Delta Visitor's Center Phase 1 Project Award**

Councilmember Penick questioned the amount that was budgeted and the amount of the bid.

Mr. Glammeyer stated that the low bid is under budget. Staff is looking at completing some additional improvements to the curb and gutter and some additional sidewalk work. Any additional work would be handled under change orders.

There was discussion regarding whether to approve the contracted amount or the full budgeted amount. Any change orders would need to be brought back to Council for approval.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to award the Lion's Parking Lot project to Wells Excavation and Farming, LLC in the amount of \$458,688.10 with the provision that staff may come back with change orders not to exceed \$525,458. All in favor, motion carried.

**Resolution #4, 2014; Support of Ballot Questions**

RESOLUTION #4, 2014

A RESOLUTION OF THE CITY OF DELTA, COLORADO SUPPORTING  
QUESTIONS 2D AND 2E ON THE NOVEMBER 4, 2014 BALLOT

was read by the Clerk.

Manager Clifton stated that it is allowable under the Fair Campaign Practices Act (FCPA) that Council may approve a Resolution in support of the ballot questions that the City has submitted for the November 4, 2014 election if they so choose. He explained the restrictions of FCPA.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to adopt Resolution #4, 2014. Roll call vote: Councilmembers Cooper, aye; Jurca, aye, Raley, aye, Penick, aye and Sisson, aye. Motion carried.

**City Attorney Comments**

There were none.

**City Manager Comments**

Manager Clifton stated that he will be taking vacation from December 19, 2014 to January 2, 2015. Glen Black will be Interim City Manager during his absence.

**Councilmember Comments**

Councilmember Jurca commented on Jo Rosenquist retiring from the Delta Housing Authority. He also explained the process the board is proceeding with for the hiring of a new director.

**Regular Meeting, Delta City Council, October 7, 2014 (cont.)**

**Councilmember Comments (cont.)**

Councilmember Penick and Mayor Sisson both commented on the recent Municipal Quarterly meeting they attended in Crawford.

Mayor Sisson reminded everyone of the museum's 50<sup>th</sup> Anniversary event scheduled on Saturday, October 11<sup>th</sup>.

**Executive Session**

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to convene an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e) and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS Section 24-6-402(4)(a). All in favor, motion carried.

At 7:22 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 7:33 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Mary Cooper, Bill Raley, Ray Penick and Robert Jurca, as well as City Manager Justin Clifton and Community Development Director Glen Black, For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

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

Item D:

Citizen Comments



# MEMO

To: City Council  
From: Steve Glammeyer, P.E., Director of Utilities/Public Works  
Date: October 21, 2014  
Subject: Discussion with MEAN Executive Director Gary Stauffer



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*Utilities/Public Works Department*

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Gary Stauffer, Executive Director for the Municipal Energy Agency of Nebraska is attending to discuss various issues with the City Council as they relate to our membership and financial obligations on the purchase of power. Mr. Stauffer will provide some context as it relates to recent rate increases, the recent SPP tariff violation, the recent Pooled Energy Adjustments, WAPA replacement energy, and any other topics the Council desires to discuss about the organization.

Additionally, Mr. Stauffer intends to provide Council with information regarding the recent EPA Clean Power Plan.

Mr. Stauffer would like this to be an open discussion with questions and answers and does not intend to provide a formal presentation.

Some items to think about and formulate questions for Mr. Stauffer might include:

- Recent continued rate increases despite over inflated revenues and under inflated expenses annually.
  - 2011/12 Revenue Budget vs. Projected = \$7.5 over estimated and Expense Budget vs. Projected = \$7.7M under estimated
    - MEAN was approved for a rate increase (% over 5)
  - 2012/13 Revenue Budget vs. Projected = \$2.3M under estimated however Expense Budget vs. Project = \$2.4M under estimated
    - MEAN was approved for a rate increase of 7.35%
  - 2013/14 Revenue Budget vs. Projected = \$1.7M over estimated and Expense Budget vs. Projected = \$800k savings
    - MEAN was approved for a rate increase of 9.75%
  - 2014/15 Budget without a rate increase shows a deficit in revenue of \$11.4M and an increase of expenses of \$5.5M over the 2013/14 projected budget
    - MEAN was approved for a winter season increase of 6.5% with the anticipation of a new customer charge to be implemented that would be an additional 8.8% increase.
- Continued pay increases for staff despite underperforming revenues and over performing expenses and during the last several years.
- MEAN shows the need to add 6 new full time employees during the 2014/15 budget season despite declining revenues and energy sales.

# MEMO

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To: City Council  
From: Justin Clifton, City Manager  
Date: October 21, 2014  
Subject: Council Bill #4, 2014



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*Office of the City Manager*

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## **Recommendation:**

Staff recommends approval of Council Bill #4, 2014 vacating segments of right of way at 12<sup>th</sup> Street and Main Street as obligated in a Settlement Agreement between Jeri Roberts and Dianne Anderson dba Stockyards Restaurant, Inc. and the City of Delta dated June 1, 2013.

## **Background:**

The City entered into a Settlement Agreement with Stockyards Restaurant as part of global negotiations for the City's Truck Route project. The agreement obligates the vacation of ROW as a way to provide parking in front of the restaurant as indicated on the enclosed exhibit. The City retains a utility easement over this section of right of way to ensure no disruption to current utility lines in the area.

**Cost:** NA

## **Alignment With Strategic Planning:**

This action was obligated through negotiations with Council and integral for completion of the City's Alternate Truck Route.

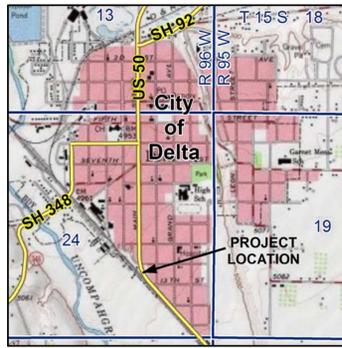
## **Actions To Be Taken if Approved:**

Staff will execute and record documents appropriately.

PRELIMINARY PLAT

# Replat of Block A, and Map of Adjoining Areas in the Map of South Delta

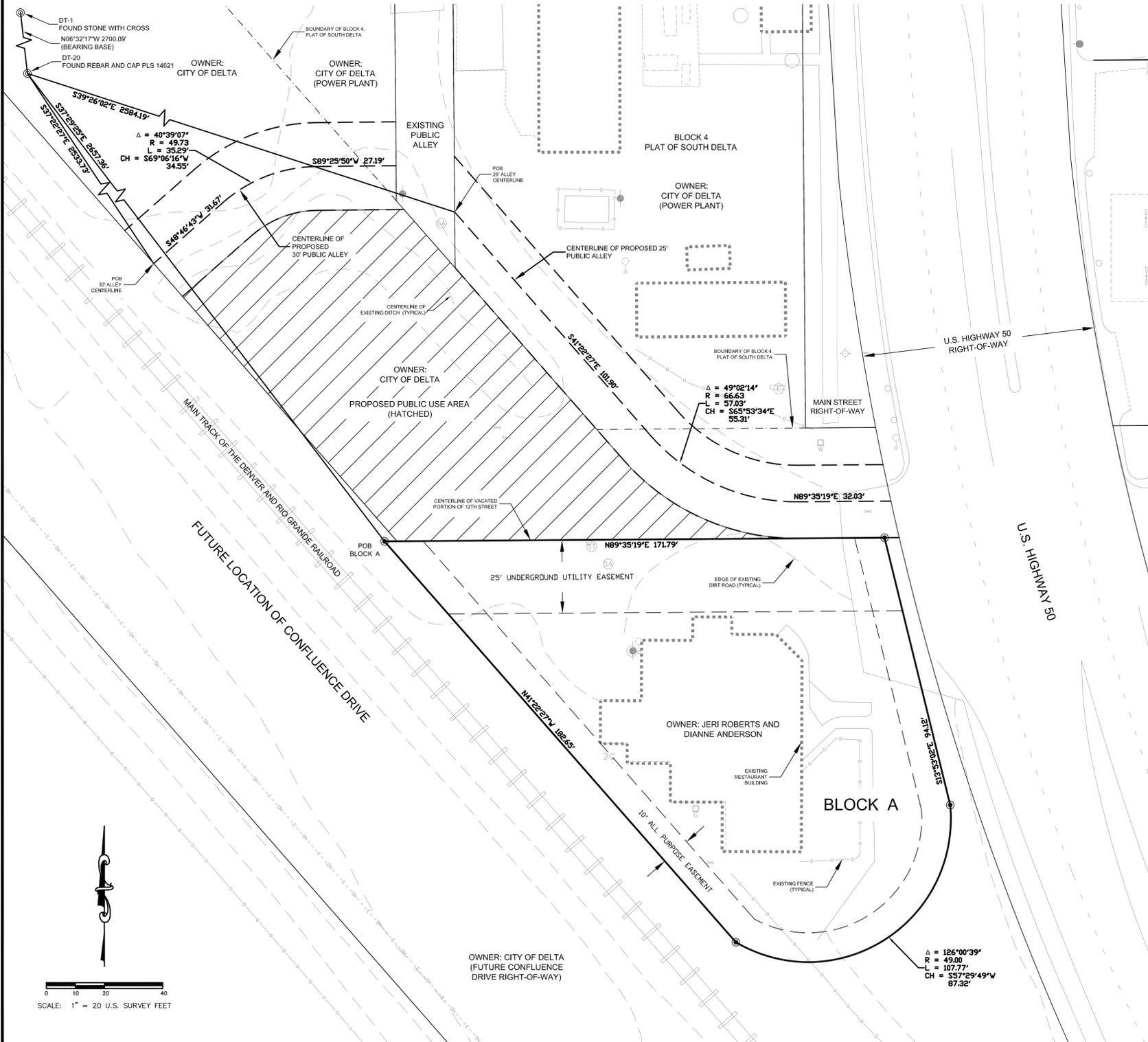
SE 1/4 SECTION 24, T15S, R96W OF THE 6TH P.M.  
CITY OF DELTA, COLORADO



VICINITY MAP  
SCALE: 1" = 2000'

PREPARED BY:  
JSC, INC.  
P.O. BOX 1153  
MEEKER, CO 81641

OWNED BY:  
1. CITY OF DELTA, COLORADO  
2. JERI ROBERTS AND DIANNE ANDERSON  
c/o STOCKYARDS RESTAURANT  
1205 MAIN ST. DELTA, CO 81614



**LEGEND**

- DENOTES RE-PLATTED BOUNDARY OF BLOCK A
- ⊙ DENOTES SET NO. 5 REBAR AND CAP (RLS 36574)
- ⊙ DENOTES POWER POLE
- ⊙ DENOTES ELECTRIC RISER
- ⊙ DENOTES LIGHT POLE
- ⊙ DENOTES WATER METER
- ⊙ DENOTES WATER VALVE
- ⊙ DENOTES FIRE HYDRANT
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊙ DENOTES GAS METER

**ACREAGE ANALYSIS**

TYPE OF USE	ACREAGE	PERCENT
25' PUBLIC ALLEY	0.12 AC.	14%
30' PUBLIC ALLEY	0.07 AC.	8%
PUBLIC USE AREA BLOCK A	0.25 AC.	30%
	0.40 AC.	48%
<b>TOTAL</b>	<b>0.84 AC.</b>	<b>100%</b>

**PLAT NOTICES**

- No structures or improvements shall be placed within any easement which impedes the use or prevents reasonable ingress/egress across such easement.
- This subdivision is outside the 100 year flood plain, according to FEMA flood insurance rate map number 08029C0602D, effective August 19, 2010.

**SURVEYOR'S CERTIFICATE**

I, Jonathan Leif Joy, hereby certify that this plat accurately represents a survey, performed either by me or under my supervision, and that it conforms with the current Standards for Land Surveys of the Colorado AES Board of Registration, as well as with related survey requirements of current versions of the Colorado Revised Statutes and City of Delta regulations. This certificate is not intended to be an express or implied warranty or guarantee of any matters except those stated in the preceding sentence.

BY: JONATHAN LEIF JOY RLS 36574  
DATE: \_\_\_\_\_

**NOTES:**

BEARING BASE - N06°32'17"W FROM DELTA TOWNSITE CORNER 20 (ALUMINUM CAP LS 36067) TO DELTA TOWNSITE CORNER 1 (STONE WITH A CUT CROSS IN CONCRETE).  
EXISTING IMPROVEMENTS WERE NOT SURVEYED BY JSC, INC. IMPROVEMENTS SHOWN HEREON ARE BASED ON DATA PROVIDED BY STANTEC, INC.

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

**CERTIFICATE OF DEDICATION AND OWNERSHIP**

KNOW ALL MEN BY THESE PRESENTS that the undersigned, being the owner(s) of certain lands in the City of Delta, Colorado, to wit:  
A PARCEL OF LAND IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 SOUTH, RANGE 96 WEST OF THE 6TH P.M., CITY OF DELTA, COUNTY OF DELTA, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT DELTA TOWNSITE CORNER 20 (ALUMINUM CAP LS 36067), WHENCE DELTA TOWNSITE CORNER 1 (STONE WITH A CUT CROSS IN CONCRETE) BEARS N06°32'17"W, 2700.09 FEET;  
THENCE S37°29'25"E, 2657.36 FEET TO A POINT ON THE CENTERLINE OF THE VACATED PORTION OF 12TH STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING;  
THENCE N89°35'19"E ALONG SAID CENTERLINE, 171.79 FEET;  
THENCE S13°53'02"E, 94.12 FEET TO A POINT ON A CURVE TO THE RIGHT HAVING A RADIUS OF 49.00 FEET AND A CENTRAL ANGLE OF 126°00'39", THE CHORD OF WHICH ARC BEARS S57°29'49"W, 87.32 FEET;  
THENCE ALONG THE ARC OF SAID CURVE, 107.77 FEET;  
THENCE N41°22'27"W ALONG A LINE PARALLEL WITH THE MAIN TRACK OF THE DENVER AND RIO GRANDE RAILROAD, 182.65 FEET TO THE POINT OF BEGINNING.  
CONTAINING 17,411 SQUARE FEET OR 0.40 ACRES, MORE OR LESS.

Have by these presents laid out and re-platted the same, as shown on this plat, under the name of "Replat of Block A, and Map of Adjoining Areas in the Map of South Delta," and do hereby dedicate, grant and convey to the City of Delta, State of Colorado, for the use of the public, the two alleys hereon shown. Also the following easements are dedicated, granted and conveyed to the City of Delta, Colorado as shown:

- Utility easement for City utilities (including storm drainage) and public utilities;
- General purpose easement to include road maintenance and utilities;

Private easements are reserved or conveyed for purposes as indicated on the plat.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_.

CITY OF DELTA, COLORADO

BY: ED SISSON, MAYOR OF DELTA DATE \_\_\_\_\_

ATTEST: JOLENE NELSON, CITY CLERK DATE \_\_\_\_\_

BY: JERI ROBERTS DATE \_\_\_\_\_

BY: DIANNE ANDERSON DATE \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF COLORADO )

)SS.

COUNTY OF DELTA )

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY ED SISSON, MAYOR OF CITY OF DELTA, AND JOLENE NELSON, CITY CLERK OF THE CITY OF DELTA.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

STATE OF COLORADO )

)SS.

COUNTY OF DELTA )

THE FOREGOING CERTIFICATE OF DEDICATION AND OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY JERI ROBERTS AND DIANNE ANDERSON.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

**CITY MANAGER'S CERTIFICATE**

APPROVED FOR RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

JUSTIN CLIFTON, CITY MANAGER

**CITY ATTORNEY'S CERTIFICATE**

APPROVED FOR RECORDING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CITY ATTORNEY

**RECORDER'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF DELTA COUNTY, COLORADO.

DELTA COUNTY CLERK AND RECORDER

**PRELIMINARY**

SUBDIVISION REPLAT SE1/4 SECT. 24 T15S R96W, CITY OF DELTA, CO	
CITY OF DELTA	
JSC, INC.	DRAWN BY ALW
P.O. BOX 1153 MEEKER, CO 81641	DATE 08-20-2013
PHONE: (970) 878-5292 FAX: 878-5392	JOB NO. 2212-01
	CHECKED BY JLU

SCALE: 1" = 20 U.S. SURVEY FEET

**COUNCIL BILL #4, 2014**

**AN ORDINANCE OF THE CITY OF DELTA, COLORADO, VACATING SEGMENTS OF TWELFTH STREET AND MAIN STREET IN DELTA, CO.**

WHEREAS, under Article I, Section 3 of Delta's Municipal Charter, and under C.R.S. 31-15-702(1)(a) and 43-2-303(1)(a), the City has general municipal power to vacate streets and roadways, particularly those that are determined not to be needed for public purposes; and

WHEREAS, the City Council has approved an agreement between the City and Jeri Roberts and Dianne Anderson, proprietors of the Stockyards restaurant dated June 1, 2013 that stipulates vacation of segments of Twelfth Street and Main Street, and;

WHEREAS, the City Council has determined that vacating the subject segments of Twelfth Street and Main Street will not result in the isolation of any private land from public access, and is especially warranted by circumstances surrounding the completion of the City's Alternate Truck Route, and

WHEREAS, the area proposed for vacation by this Ordinance is outside any documented right of way for U.S. Highway 50; and

WHEREAS, the City Council has determined that its actions contemplated under this ordinance will otherwise comply with applicable provisions of law set forth in C.R.S. 43-2-101 *et seq.*

NOW, THEREFORE, be it ordained by the City Council of Delta, Colorado as follows:

1. The recitals set forth above are incorporated by reference as findings of the Delta City Council.
2. The aforementioned segments of Twelfth Street and Main Street, as specifically described and mapped by the attached Exhibit A are hereby permanently vacated; provided, however, that a portion of the vacated area as designated on Exhibit A as the "utility easement" area is nevertheless hereby permanently reserved as a public easement held by the City of Delta for the continued use, operation, maintenance, repair and replacement of all existing sewer, gas, water, or similar pipelines and appurtenances, and for electric, telephone, and similar lines and appurtenances as deemed necessary by the Delta City Council.
3. Title to the vacated street segments, subject to the aforementioned reservations, shall vest in

the owners of adjoining lands according to the provisions of C.R.S. 43-2-302(1)(c).

4. The City's Mayor and Clerk, in consultation with the City Attorney, are hereby authorized to make, execute, obtain and record any and all documentation that they may deem necessary or prudent for the proper implementation of this ordinance and for the revision of official maps of the City.

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

CITY OF DELTA, COLORADO

\_\_\_\_\_  
Mayor

ATTEST:

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

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

CITY OF DELTA, COLORADO

\_\_\_\_\_  
Mayor

ATTEST:

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

# MEMO

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To: City Council  
From: Justin Clifton, City Manager  
Date: October 21, 2014  
Subject: Quit Claim Deed—Delta Holding Company, LLLP



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*Office of the City Manager*

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## **Recommendation:**

Staff recommends approval for the Mayor to sign the enclosed quit claim deed as obligated by Agreement to Buy and Sell Property between Delta Holding Company, LLLP and the City of Delta dated July 18, 2011.

## **Background:**

This quit claim deed was obligated as a part of negotiations to acquire property for the Truck Route Project. The property is located at 430 West 8<sup>th</sup> Street (known as the Skyland Building). As part of the deal to acquire property for the Truck Route the City agreed to convey a small parcel at the south east corner of the building near the end of Dodge Street as shown on the attached exhibits to the quit claim deed. The property being quit claimed was acquired from UPRR after the property exchange with the City that closed September 24, 2014. The property was part of a rail spur owned by UPRR.

**Cost:** NA

## **Alignment With Strategic Planning:**

This action was obligated through negotiations with Council and integral for completion of the City's Alternate Truck Route.

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

Staff will execute and record documents appropriately.



PLAT FOR  
**SKYLAND GROUP LLC.**  
 PART OF SECTION 24, T15S, R96W, 6th P.M.  
 CITY OF DELTA, COLORADO

**LEGAL DESCRIPTION:**  
 A parcel of land situated in part of Section 24, T15S, R96W of the 6th P.M., consisting of part of Block 9, 10, 11, part of Block Street (hereinafter referred to as "Block Street") and part of the original right-of-way of the Denver and Rio Grande Railroad (hereinafter referred to as "the Railroad"), all these parts being in Plat "A", Delta, Colorado, more particularly described as follows:

**Beginning at a point on the South right-of-way line of Block 9 from whence the intersection of Block 9 and Columbia Plat "A" of Delta Township bears S 83°45'23" E a distance of 107.60 feet and continuing thence the line between the intersection of Block 9 and Columbia and Block 9 and Delta 654 Bearing of S 83°55'00" W and all other bearings relative thereto:**

1. Thence S 83°55'00" W along the South right-of-way line of Block 9 to an existing metal building a distance of 31.67 feet;
  2. Thence S 90°00'00" E to a building corner a distance of 2.44 feet;
  3. Thence S 83°55'00" W along the South right-of-way line of Block 9 a distance of 2.11 feet;
  4. Thence S 89°05'54" E along said right-of-way line a distance of 35.13 feet;
  5. Thence S 89°05'54" E along said right-of-way line of Block 9 to the extended line of Lot 14, Block 11 of said Plat "A" a distance of 100.00 feet;
  6. Thence S 09°01'00" E along the extended East line of said lot 14 to the SE corner of said lot 14 a distance of 121.00 feet;
  7. Thence S 15°00'00" E to the W corner of Lot 1, Block 10 of said Plat "A" a distance of 100.00 feet;
  8. Thence S 55°00'00" E along the South right-of-way line of Block 9, to the SE corner of Lot 2, Block 10 of said Plat "A" a distance of 27.00 feet;
  9. Thence S 33°00'00" E along the West line of said lot 2 to the intersection with the West right-of-way line of Block 9 a distance of 101.00 feet;
  10. Thence S 09°01'00" W along said West right-of-way line to a metal building a distance of 61.45 feet;
  11. Thence S 09°01'00" E to a building corner a distance of 1.40 feet;
  12. Thence S 89°01'00" W along said metal building to a building corner a distance of 30.00 feet;
  13. Thence S 89°01'00" W to the West right-of-way line of Block 9 a distance of 1.58 feet;
  14. Thence S 89°01'00" W along said West right-of-way line to a metal building a distance of 123.96 feet;
  15. Thence S 89°01'00" E to a building corner a distance of 1.40 feet;
  16. Thence S 09°01'00" E along said metal building to a building corner a distance of 24.25 feet;
  17. Thence S 89°01'00" W to the West right-of-way line of Block 9 a distance of 1.47 feet;
  18. Thence S 09°01'00" W along West right-of-way line a distance of 7.43 feet;
  19. Thence S 89°01'00" E to a building corner a distance of 175.00 feet;
  20. Thence S 15°00'00" E (formerly described as S 09°01'00" E) to an existing brick structure a distance of 72.50 feet;
  21. Thence S 09°01'00" E (formerly described as S 09°01'00" E) along said structure a distance of 45.45 feet;
  22. Thence S 09°01'00" E parallel with the center line of the Union Pacific Railroad a distance of 2.74 feet;
  23. Thence S 09°01'00" W to a right angle to said Railroad a distance of 15.00 feet;
  24. Thence S 09°01'00" E parallel with the center line of said Railroad a distance of 200.00 feet;
  25. Thence S 89°01'00" W to a right angle to said Railroad to a point 23 feet from the center line of said Railroad a distance of 162.00 feet;
  26. Thence S 09°01'00" W parallel with said 23 feet line of the center line of said Railroad a distance of 55.00 feet;
  27. Thence S 09°01'00" W to a point on the West line of Block 11 of Plat "A" a distance of 121.00 feet;
  28. Thence S 40°01'00" W along said line to the South right-of-way line of Block 9 a distance of 87.01 feet;
  29. Thence along the arc of a curve to the right a distance of 65.34 feet, the radius of said curve being 6123 feet, the long chord of which bears S 90°01'00" W a distance of 64.01 feet to the point of beginning.
- Containing 9.58 acres.

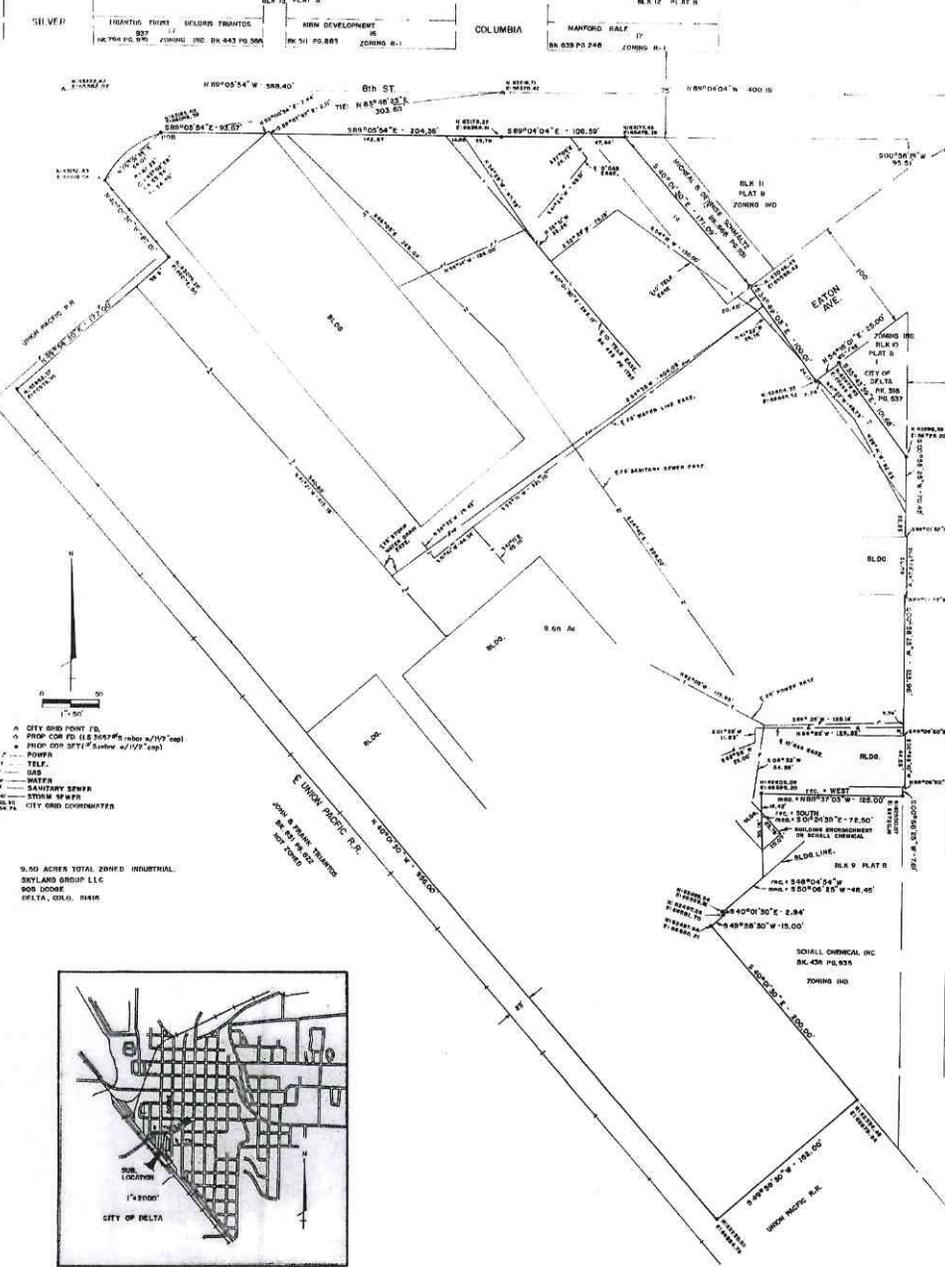
**NOTE:** Easement and right-of-way intersection taken from a Government Plat Title No. 999361 as prepared by the Title Company of Delta County CO dated March 23, 1999.

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

**WARNING REFERENCE:** The line between the intersections of Block 9 and Columbia and Block 9 and Delta 654 Bearing of S 83°55'00" W.

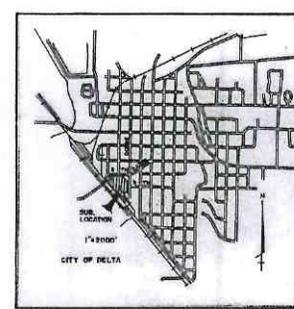
**SURVEYOR'S CERTIFICATE:**  
 This is to certify that the above survey was made by me and is based upon my knowledge, information and belief and is true and correct according to the best of my knowledge and belief.  
 I, Sharon L. Hester, Surveyor  
 My Comm. No. 2008  
 Date: December 2, 2008  
 This plat was recorded in the 50th day of DECEMBER, in the year 2008, at 9:23 A.M. in Book 100 of the County Surveyor's land survey plats at Delta, Colorado.  
 Received by: 200802

1	10000	BLK 10 PLAT B
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46	10000	BLK 10 PLAT B
47	10000	BLK 10 PLAT B
48	10000	BLK 10 PLAT B
49	10000	BLK 10 PLAT B
50	10000	BLK 10 PLAT B



- A CITY GRID POINT (E)
- B PROP COR (E) (S 89°01'00" W) (1/2" = 100')
- C PROP COR (E) (S 89°01'00" W) (1/2" = 100')
- D POWER
- E TEL
- F GAS
- G WATER
- H SANITARY SEWER
- I STORM WATER
- J BIRCHALL CITY GRID CORNER

9.50 ACRES TOTAL ZONED INDUSTRIAL  
 SKYLAND GROUP LLC  
 908 5000E  
 DELTA, CO. 80424

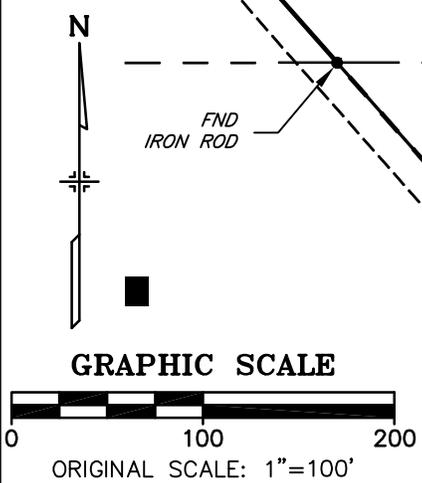
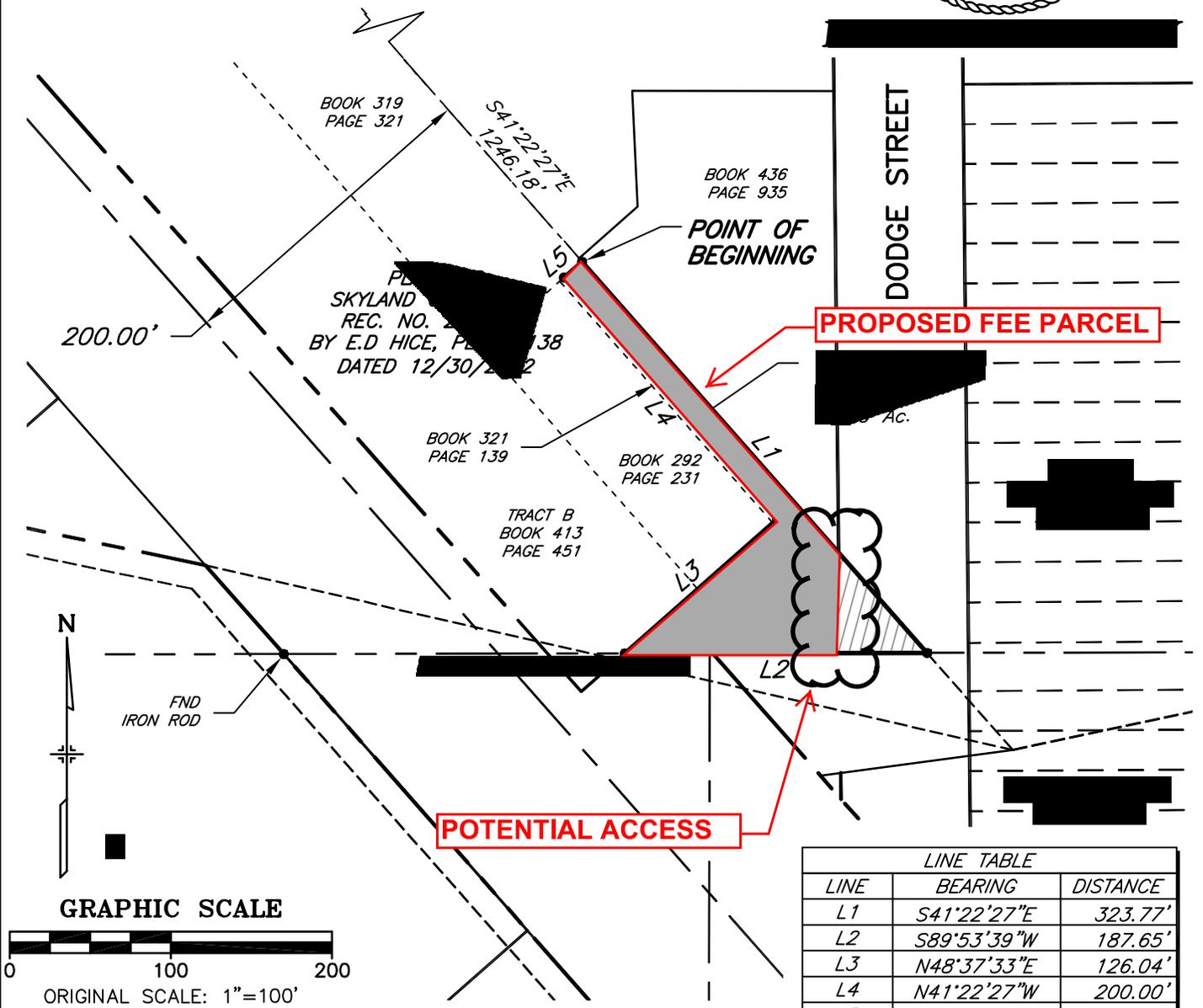


SKYLAND GROUP LLC.	
DATE	EXHIBIT A
DATE	SEE SURVEYS
DATE	RES 2100 RD
DATE	AUSTIN, CO. ROAD
DATE	PL 2100-2100-2100
DATE	SHEET 1 of 1

# EXHIBIT B



**POINT OF COMMENCEMENT**  
DT-20  
FND CAP LS 36067



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S41°22'27"E	323.77'
L2	S89°53'39"W	187.65'
L3	N48°37'33"E	126.04'
L4	N41°22'27"W	200.00'
L5	N48°37'33"E	15.00'

THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

 <p><b>Stantec Consulting Inc.</b> 2000 S Colorado Blvd Suite 2-300 Denver, CO 80222 Tel. 303.758.4058 Fax. 303.758.4828 www.stantec.com</p>	<p><b>PROPERTY DESCRIPTION</b> RIGHT OF WAY PARCEL 32 ALTERNATE TRUCK ROUTE UNION PACIFIC RAILROAD CITY OF DELTA DELTA COUNTY, STATE OF COLORADO</p>	PROJECT NO.:	1876 07735
		DATE:	03/11/11
		CAD OPR.:	SHEET:

# MEMO

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To: City Council  
From: Justin Clifton, City Manager  
Date: Oct 21, 2014  
Subject: Truck Route Update



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*Office of the City Manager*

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You may have noticed a lot of work being done at the Truck Route. Below is a summary to let you know how we are doing:

## **Schedule:**

We are tentatively on track to complete the project in 2014. The caveat has been weather and soils stabilization play a big role in determining how much progress can be made each day and each week. We have had a few rain delays in the last few weeks and have had a ton of soils stabilization. Nevertheless, our current schedule has us resuming paving between HWY 348 and 5<sup>th</sup> street the week of Oct 20<sup>th</sup> and commencing paving south from HWY 348 to the tie in at HWY 50 in early November. Paving, concrete work and striping all require moderate temperatures (generally 50 degrees and rising). For this reason, the weather concern is not just rain and snow but cold temperatures. We are working the schedule so that regardless of whether we complete the entire project, we will certainly be able to open the project from north HWY 50 to HWY 348.

## **Budget:**

There are a number of smaller overruns during this phase of the project. Changes to the contract with Hamon include additional mobilization to subcontractors based on the delayed schedule (less than \$30,000), purchase of stabilization materials (primarily large scrap concrete; \$15,000-\$30,000) and addition crew time to over-excavate, haul and place stabilization materials. There will be significant expense related to hauling and placing stabilization materials but those costs are unknown until the stabilization effort is complete. Nevertheless, with the UP property exchange closed and reviewing our total budget we are still on track to stay within funds allocated in the 2014 budget. The caveat again here is that soils stabilization can eat up a lot of dollars fast; especially if we run short on local stock-piles and have to haul materials from at a greater distance. Bear in mind that these costs are unavoidable as the road cannot be built on a soft foundation. It was also near impossible to predict the extent of soft soils as much of the area where stabilization is needed is right under the old rail tracks, which have only recently been removed. Even with soft soils identified, the difference in time requirements and total cost come down to the extent of the softness. In some areas over-excavation is limited to 2' and in some areas 5' is required.

## **Local Issues:**

A couple of local issues have come to light after recent progress with the project. The issues primarily concern how the Truck Route is constraining space and altering traffic patterns in specific areas. At HWY 348 for instance, farmers have complained that the west bound lane is too narrow for wider equipment. The narrow lane is a factor of the UPRR track crossing arms, which prevent large equipment from over-hanging. It is not clear if this issue was missed during planning. However, this area involves both CDOT and UPRR right of way, so any changes during design or after construction require additional approvals.

The Grain Elevator at 5<sup>th</sup> and confluence in another area of concern. The elevator has historically relied on public property to complete turning movements out of the east side. It appears as though this issue was addressed thoroughly during design, as evidenced by the City shifting 5<sup>th</sup> street 11 feet to better accommodate turning vehicles. However, it will be difficult for larger vehicles to make the turn and the proximity to the intersection makes it necessary to constrain vehicles to the property. This may require vehicle to back up and complete turning movements at the north end of the property.

## **Planning:**

City staff has taken advantage of the transition in personnel to step up efforts to complete the project. We have moved to twice weekly meetings and multiple daily field checks to better anticipate and address potential bottle necks. Glen Black has taken the lead as “boots on the ground” and has done an outstanding job getting up to speed quickly and keeping daily and weekly activities in focus. Phil Riley continues to be the Construction Technician involved in keeping track of daily work progress, quality control and verifying work completed, materials delivered and overall cost. At this point I feel confident that if we fall short of completing the project it will not be the fault of good project planning. I am more confident than ever that with reasonable luck we will be done this year.

# MEMO

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To: City Council  
From: Jolene E. Nelson, City Clerk  
Date: October 21, 2014  
Subject: Hotel/Restaurant Liquor License Renewal for  
Fiesta Vallarta Delta, Inc.



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*Office of the City Clerk*

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**Recommendation:**

Staff recommends approval of the Hotel/Restaurant Liquor License Renewal for Fiesta Vallarta Delta, Inc. located at 447 Main Street. The Police Department's report and recommendation is attached.

**Background:**

The current liquor license expires November 28, 2014.

**Cost:**

There is no cost to the City to renew the license. The applicant has paid the \$500 renewal fee to the State, the City renewal fee of \$150 as well as the City liquor occupation tax of \$400.

**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**

FIESTA VALLARTA DELTA  
 447 MAIN ST  
 DELTA CO 81416-1816

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

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

**PLEASE VERIFY & UPDATE ALL INFORMATION BELOW**

**RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name <b>FIESTA VALLARTA DELTA INC</b>		DBA <b>FIESTA VALLARTA DELTA</b>		
Liquor License # <b>12684120000</b>	License Type <b>Hotel &amp; Restaurant (city)</b>	Sales Tax License # <b>12684120000</b>	Expiration Date <b>11/28/2014</b>	Due Date <b>10/14/2014</b>
Street Address <b>447 MAIN ST DELTA CO 81416-1816</b>				Phone Number <b>(970) 874 6877</b>
Mailing Address <b>447 MAIN ST DELTA CO 81416-1816</b>				
Operating Manager <b>Alfredo Gomez</b>	Home Address <b>604 Ray Ct, Delta, CO 81416</b>	Phone Number <b>970-874-6877</b>		

- Do you have legal possession of the premises at the street address above?  YES  NO  
 Is the premises owned or rented?  Owned  Rented\* \*If rented, expiration date of lease 12-31-16
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.  YES  NO  
**NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS:** If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation.  YES  NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  YES  NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  YES  NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

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

Type or Print Name of Applicant/Authorized Agent of Business <b>Felipe Bedoy</b>	Title <b>Fiesta Vallarta Partner</b>
Signature <i>Felipe Bedoy</i>	Date <b>10-09-14</b>

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

Local Licensing Authority For	Date
Signature	Title
	Attest



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

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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of Fiesta Vallarta Delta, Inc.

DBA: Fiesta Vallarta Delta

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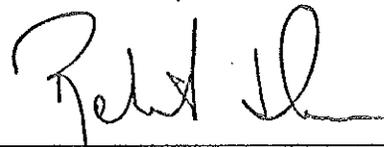
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



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Robert Thomas, Chief of Police

# MEMO

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To: City Council  
From: Jolene E. Nelson, City Clerk  
Date: October 21, 2014  
Subject: Hotel/Restaurant Liquor License Renewal for Devil's Thumb Golf Club



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*Office of the City Clerk*

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**Recommendation:**

Staff recommends approval of the Hotel/Restaurant Liquor License Renewal for Devil's Thumb Golf Club located at 9900 Devil's Thumb Road. The Police Department's report and recommendation is attached.

**Background:**

The current liquor license expires December 19, 2014.

**Cost:**

There is no cost to the City to renew the license. The applicant has paid the \$500 renewal fee to the State, the City renewal fee of \$150 as well as the City liquor occupation tax of \$400.

**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**

DEVIL'S THUMB GOLF CLUB  
 360 MAIN ST  
 DELTA CO 07208

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 CITY OF DELTA		DBA DEVIL'S THUMB GOLF CLUB		
Liquor License # 4702249	License Type Hotel & Restaurant / Optional (city)	Sales Tax License # 04050920004	Expiration Date 12/19/2014	Due Date 11/4/2014
Street Address 9900 DEVIL'S THUMB ROAD DELTA CO 81416				Phone Number (970) 874 7566
Mailing Address 360 MAIN ST DELTA CO 07208				
Operating Manager Rob Sanders	Home Address 7086 Archway Rd, Delta CO 81416			Phone Number (970) 901-6645

- 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**

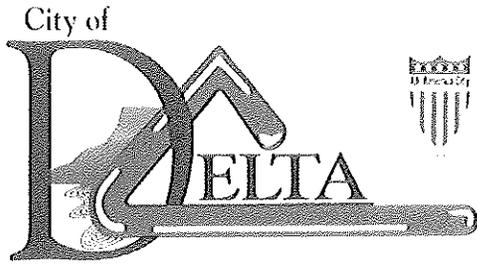
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Justin Clifton	Title City Manager
Signature <i>Justin Clifton</i>	Date Oct 1, 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

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**LIQUOR LICENSE RENEWAL RECOMMENDATION**

To: City Council

Re: Application of City of Delta  
DBA: Devil's Thumb Golf Club

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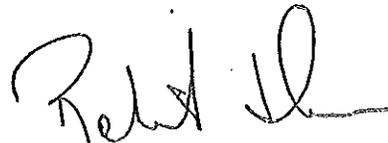
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



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Robert Thomas, Chief of Police

**Attorney Comments**



**City Manager Comments**



**Councilmember Comments**

