



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**

**June 3, 2014
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Public Hearing: Sales and Use Tax License #1738 Kens Pit Stop**
- F. Bank of the West Landscaping Variance Request (tabled from last meeting)**
- G. Council Bill #1, 2014; First Reading
Rezone Hawkins Subdivision One, Lot 1**
- H. 1800 Road Overlay Project**
- I. Public Hearing: Special Events Permit Application; Delta County Memorial Hospital Foundation**
- J. Public Hearing: Special Events Permit Application; Delta Elks No. 1235**
- K. Approval of Quit Claim Deed; 3rd Street ROW Vacation at Hi-Quality**
- L. City Attorney Comments**
- M. City Manager Comments**
- N. Councilmember Comments**
- O. Executive Session**
For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b); and more specifically concerning the Delta District Court lawsuit filed by the Delta Montrose Electric Association against the City

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, 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 Penick and seconded by Councilmember Raley to approve the minutes of the May 6, 2014 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Bank of the West Landscaping Variance Request

City Manager Justin Clifton stated that a lot of the City's efforts and discussions recently have been centered around how to build a quality community without appearing insensitive to the difficulties that will be presented by the applicant in replacing some landscaping. The City invests a lot in the downtown area such as flowers. Staff is always trying to expand the landscaping throughout the city. There are also discussions to possibly form a business improvement district and generally speaking investing in making the downtown a more inviting place. The basis of staff's recommendation is to hold the line on current landscaping and if anything, make improvements to the aesthetics of the area. These kinds of variance requests generally oppose that direction and lose some of the aesthetics.

Community Development Director Glen Black stated that Bank of the West had some landscaping damaged by vandals and the city is requesting that Bank of the West replace the damaged living material with new living material. He provided some information from the Comprehensive Plan and the Delta Municipal Code regarding policies for landscaping in the downtown area. He stated that new development requires 40% of the landscaping to be living materials. Areas that are not new developments, staff is requiring that landscaping be replaced with similar landscaping material.

Mr. Black presented some photos of the Bank of the West landscaping showing they replaced the shrubs with rock. He also presented photos of various areas in the downtown area showing the various landscaping. He stated that staff's recommendation is to replace the removed landscape

Regular Meeting, Delta City Council, May 20, 2014 (cont.)

Bank of the West Landscaping Variance Request (cont.)

with similar material; it is the intent of the code to maintain existing landscaping in an appealing manner.

Mr. Black stated that staff would also recommend that the code be amended to make the code clearer on existing properties that landscaping would have to be replaced/maintained with living materials.

Councilmember Cooper questioned if there has been vandalism in this particular area before.

Mr. Black stated not to his knowledge.

Tracy German with Bank of the West stated this is the first vandalism that she is aware of.

Councilmember Cooper questioned if they could replace with a different material.

Mr. Black stated that there were discussions regarding xerioscape type plants that would be low maintenance. Staff stated they requested Bank of the West to propose something.

Councilmember Cooper questioned if Bank of the West feels this is a burden.

Ms. German stated that there is no irrigation to the island so in order for them to replant they would have to run irrigation. She commented on the trees that were removed in front of the church across that street that were not replaced. She stated that it's not that they can't do it; they don't think it's feasible.

There was discussion regarding xerioscaping.

Ms. German also commented on various other businesses that have removed their living landscape material and replaced it with decorative rock.

Mayor Sisson questioned how the existing plants are being watered.

Ms. German stated that to her knowledge they are not being watered.

Councilmember Penick questioned how section 15.04 of the code addresses this issue with Bank of the West.

Mr. Black stated that if any property is being commercially developed they have to develop to those standards. He explained that staff is using the intent of the code and the intent of the comprehensive plan to recommend that the applicant replace the landscaping with similar material. He stated that with new developments there are actual recorded maintenance agreements.

Councilmember Penick questioned what codes are being used to address this issue because section 15.04 of the code is for development and not existing properties.

Regular Meeting, Delta City Council, May 20, 2014 (cont.)

Bank of the West Landscaping Variance Request (cont.)

Mr. Black reported that they are using section 15.04 to enforce the intent of the code regarding landscaping.

Mr. Clifton stated that he believes it's implied in the code. He also stated that prior to having an actual landscaping agreement; staff would rely on the current code language. The code does not say put the landscaping in and keep it; however, similar to sidewalks, if they removed them after a week, staff would require them to put them back in. Since the city has instituted a landscaping agreement it's not been necessary to go back and clarify that putting it in means keeping it.

Councilmember Penick stated that he agrees that if the city removes trees they should be replaced. If the city is expecting business to replace their removed landscaping with similar material then the city should be following those guidelines as well.

Mr. Clifton stated that a private property is contained in one spot and staff is requesting 40% of the landscaping to be living material. He believes you can take the same approach with the public space, where the city has more trees and landscaping in the inventory and more every year. Overall, staff is not diminishing the inventory of the landscaping throughout the community.

Councilmember Penick stated that the problem is the scope of the ownership of the property.

Mr. Clifton reported that staff honors the code as it is written, to have living landscape all around.

Councilmember Penick also questioned if xeriscaping is historical in the downtown area.

Mr. Black stated that staff runs on how Council wants them to interpret the code. Staff is requesting direction as to what Council would like to see.

There was discussion regarding historic landscaping.

Councilmember Raley questioned what Bank of the West is wanting.

Ms. German stated they were not planning on putting any other living material in the area. She explained that they have a very large area of landscaping that currently has living material. The bushes that were lost to the vandalism helped create a better view of traffic coming out of the alley. She stated that if their company is required to do it, then everyone else should be required to do it.

Mr. Clifton stated that it is Council's discretion; however, if the precedent is that interpretation of the code is to recognize these hardships then you may see these variances become more common.

Councilmember Raley questioned if the vandals are going to pay for the costs.

Regular Meeting, Delta City Council, May 20, 2014 (cont.)

Bank of the West Landscaping Variance Request (cont.)

Ms. German stated that they have not submitted the amount for restitution as of yet. She explained that the improvements, so far, has cost \$2100.

Councilmember Cooper stated she is inclined not to approve the variance.

Councilmember Penick questioned what the time frame is for Bank of the West to replace the material.

Mr. Black reported that they have an administrative process that staff follows allowing them some time to get it completed.

Councilmember Cooper stated she believes Council needs more information.

Ms. German presented some photos of various businesses that do not having living landscaping.

Mr. Clifton stated that staff agrees that there may be areas that staff has missed; if there was another instance that staff felt they were not in accordance with the code it's a reasonable request to take the same approach and that would be his recommendation as well.

Councilmember Raley suggested looking into plants that would not require a drip system. He would like more information before approving the variance.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to table the Bank of the West landscaping variance request to a later date until Council can receive additional information. All in favor, motion carried.

Mr. Clifton stated that for clarification purposes, what he understands is that Council does not have enough information to sufficiently determine that a variance is required. If the applicant would like to come back and further explain hardship they can do that. As it stands right now the variance is tabled and not approved so staff will continue to move forward with the request to replace the damaged landscaping with living material.

Street Closure Permits for Delta Area Chamber of Commerce, Deltarado Days Parade (Main and 9th Streets)

The Clerk reported that the Delta Area Chamber of Commerce has submitted an application for street closure for their annual Deltarado Days Parade. The application states they would like to close 9th Street between Main Street and Grand Avenue at 8:00am for parade lineup and Main Street from 9th Street to 3rd Street at 8:45am for the parade that will start at 9:00am. All fees have been paid to the City.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to approve the street closure permit for 9th Street between Main Street and Grand Avenue as well as Main Street from 9th Street to 3rd Street for the Deltarado Days Parade. All in favor, motion carried.

Regular Meeting, Delta City Council, May 20, 2014 (cont.)

Street Closure Permits for Delta Area Chamber of Commerce, Deltarado Days Street Dance (4th Street)

The Clerk stated that the Delta Area Chamber of Commerce also submitted an application for street closure for the Deltarado Days Street Dance. The application stated they would like to close E. 4th Street between Main and Meeker Streets from 6:00pm to 11:30pm. All fees have been paid to the City.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the street closure permit for 4th Street between Main and Meeker Streets for the Deltarado Days Street Dance. All in favor, motion carried.

Public Hearing: Special Events Permit Application Delta Area Chamber of Commerce (Cleland Park)

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

The Clerk stated that the Delta Area Chamber of Commerce has submitted a Special Events Permit Application for their event during Deltarado Days on July 19, 2014 from 10:00am to 11:30pm at Cleland Park. The application is complete and all fees have been paid. A sign notifying the public of this hearing was posted at the location as required by law and no comments have been received by the Clerk.

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 Cooper and seconded by Councilmember Raley to approve the Special Events Permit Application for the Delta Area Chamber of Commerce on July 19, 2014 at Cleland Park. All in favor, motion carried.

Public Hearing: Special Events Permit Application Delta Area Chamber of Commerce (4th Street)

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

The Clerk stated that the Delta Area Chamber of Commerce has submitted a Special Events Permit Application for their event during Deltarado Days on July 18, 2014 from 5:00pm to 11:30pm on 4th Street between Main and Meeker Streets. The application is complete and all fees have been paid. A sign notifying the public of this hearing was posted at the location as required by law and no comments have been received by the Clerk.

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

It was moved by Councilmember Raley and seconded by Councilmember Penick to approve the Special Events Permit Application for the Delta Area Chamber of Commerce on July 18, 2014 on 4th Street between Main and Meeker Streets. All in favor, motion carried.

Regular Meeting, Delta City Council, May 20, 2014 (cont.)

Hotel/Restaurant Liquor License Renewal and Report of Changes; Gerhards

The Clerk reported that Delta Fireside Inn, Inc. dba Gerhards has submitted their annual hotel/restaurant liquor license renewal. She stated that the application is complete and all fees have been paid. The police department is recommending renewal.

The Clerk also reported that Gerhards has submitted a Report of Changes. The form stated that Karen Sue Avila will be the new manager of the restaurant. Ms. Avila's fingerprint card has been submitted to obtain her criminal background. Staff recommends approving the change contingent upon receiving favorable results of the background investigation.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve the renewal for Gerhards and also approve the report of changes contingent on receiving favorable results for the background check on the new manager. All in favor, motion carried.

Beer and Wine License Renewal; House of Chin

The Clerk stated that House of Chin has submitted their annual Beer and Wine License Renewal. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the Beer and Wine License Renewal for House of Chin. All in favor, motion carried.

Rescheduling of the June 17, 2014 City Council Meeting

It was moved by Councilmember Penick and seconded by Councilmember Raley to reschedule the June 17, 2014 regular meeting to June 16, 2014. All in favor, motion carried.

Discussion Regarding Funding of Ballot Question Educational Materials

Manager Clifton stated that Council is considering two proposed ballot questions for the upcoming November election. He also stated that there have been discussions regarding providing citizens with some educational materials to help them understand the questions. He provided some information as to the cost of providing those materials.

There was discussion on what type of materials will be provided and the cost.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to authorize staff to spend up to and not to exceed \$10,000 for the educational materials for the two proposed ballot questions. All in favor, motion carried.

Discussion Regarding Funding of Ballot Question Educational Materials (cont.)

Mr. Clifton stated that he will report back to over the course of time and provide what has been produced and receive feedback from Council.

Item D:

Citizen Comments



CITY OF DELTA

NOTICE OF HEARING

In the matter of _____)
the revocation of _____) NOTICE OF HEARING
the Delta Municipal Sales and Use Tax License of _____)

Kens Pit Stop
188 Gunnison River Drive
DELTA, COLORADO 81416

SALES & USE TAX LICENSE #1738

To: Kenneth,

You are hereby notified that a hearing will be held before the Delta City Council at 360 Main Street, Delta, Colorado on the 3rd day of June 2014 at 7:00 PM. The purpose of this hearing is to determine whether your license to engage in the business of selling at retail should be revoked. The hearing has been called, because there is probable cause to believe that you are in violation of provisions of the Delta Municipal Sales and Use Tax Ordinance as found in Chapter 3.04 of the Delta Municipal Code.

Specifically, there is probable cause that:

You have been delinquent in filing returns or paying the sales tax, penalty and interest due, in accordance with the Delta Municipal Sales and Use Tax Ordinance for the period(s) of February, March and April 2014.

You may appear at the hearing to show cause why your license should not be suspended or revoked. You may be represented by counsel at the hearing. You may testify on your own behalf or present other witnesses, and shall have the right to cross-examine any adverse witnesses. Subpoenas will be issued if requested.

Issued this 28th of May 2014 in the City of Delta, Colorado.

CITY OF DELTA, COLORADO



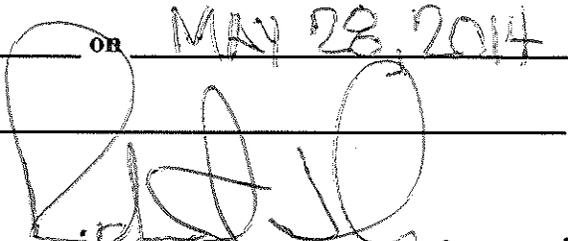
Tod DeZeeuw, Finance Director

The undersigned states that a copy of the within NOTICE OF HEARING was served upon

Ken Wood by handing him and/or her a copy or leaving a copy

hereof with _____ or MAY 28, 2014

at 0824 _____



Serving Officer

MEMO

To: Mayor, City Council and City Manager
From: Glen L. Black
Date: June 3, 2014
Subject: Landscaping Requirements



Community Development

Recommendation: It is staff's recommendation that the removed landscaping be replaced with similar material. It is the intent of the code to maintain existing landscaping in an appealing manner.

Background: City Council reviewed this at the May 20 meeting and tabled the item. The Applicant has requested to be allowed to present additional information to Council. As stated before, some landscaping at Bank of West was destroyed by vandals. Bank of the West has replaced the living landscape material with inert landscape material. The City is requiring the bank to replace the living material with living material. There are several options for living material that are low maintenance. Staff would like Council direction on replacement of living material. It may be appropriate to require replacement with living material which will match the existing living landscape.

Bank of the West is requesting a variance to the supplemental site development standards for highway corridors.

Staff would like to add clarification to the current municipal code regarding removed/destroyed landscaping that was installed prior to current regulations.

Cost: There is no cost to the City.

Alignment With Strategic Planning:
Comprehensive Plan, Chapter 2, Community Character and Design
Desired Future Condition, Policies and Action Items
Desired Future Condition

The City of Delta's atmosphere, historic character, pedestrian scale and agricultural heritage of Delta are preserved and enhanced. New development and redevelopment in older parts of Delta are visually compatible with historic character and pedestrian scale, and **streetscapes are attractive.**

Policies and Action Items

Policy 1 - Good design is appropriate in key areas of Delta to preserve and enhance community character and to foster economic development. Action items to implement this policy include:

1. Update the land use code to require design standards for new commercial development near U.S. 50 and State Highway 92

2. Update the land use code to encourage design guidelines for all new or renovated buildings in the proposed downtown mixed use zone (see Chapter 3).
3. Coordinate with CDOT to beautify U.S. 50 and State Highway 92 coming into town.
4. Update the land development code to encourage the preservation of structurally sound older houses, including those converted to businesses and other buildings with historic character.
5. Update the land use code to encourage the preservation of structurally sound older houses, including those converted to businesses and other buildings with historic character in the downtown area.
6. Update the land use code to require design standards for new commercial development
7. Update the land use code to encourage design guidelines for all new or renovated buildings in the proposed downtown mixed use zone.

Policy 2 - Encourage more aesthetic streetscapes such as street edge landscaping (including street trees), benches, gardens, ornamental light fixtures, hanging flower baskets, banners and works of art.

Delta Municipal Code States:

15.04.080.B.1.d.iv Such landscaping shall consist of trees, shrubs, and ground covers, and may include up to a maximum of 60% coverage in inert materials ...

15.04.090.A.4.a. Supplemental site development standards for highway corridors Landscaping shall be installed and maintained to a minimum depth of 15 feet along 70% of the frontages of highways, streets and roadways identified.....

b. Landscaping shall be installed and maintained to a minimum depth of 15 feet along a minimum of 25% of the secondary street frontages, excluding driveways and sidewalks.

Additionally, section 15.04.090.E provides a variance provision, “Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of these requirements, upon written application, the City Council may vary or modify the application of these requirements, so that the spirit of the requirements is observed, public safety and welfare secured and substantial justice done.

Section 15.04.080.F – No occupancy permit shall be issued until the required improvements are constructed and approve by the City in compliance with approved plans or secured for completion within 6 months, and a recordable maintenance covenant running with the land on forms provided by the City is executed, approved by the City, and recorded.

Actions To Be Taken if Approved:

If the variance is approved, Council may want to specify what landscaping is required.

If the variance is denied, staff will require the replacement of the removed/destroyed living landscape material per Council direction.

MEMO

To: Mayor, City Council & City Manager
From: Glen L. Black *GLB*
Date: June 3, 2014
Subject: Hawkins Subdivision One, Lot 1 Rezone Request



Community Development

Recommendation: The recommendation from the Planning Commission will be presented at the City Council meeting.

Background: The Planning Commission will review this request at the Planning Commission meeting on June 2, 2014.

The applicant is requesting that the above property's zoning designation be amended (rezoned) from A-1 to IR. The IR zone is intended to create a transition area between industrial districts and residential districts which will allow and encourage use and expansion of residential, uses, particularly those providing low cost housing stock, as a use by right, but also allow and encourage the expansion of industrial uses from the adjacent industrial districts. See Delta Municipal Code 17.04.210.A.

Cost: There is no cost to the City.

Alignment With Strategic Planning: The future land use map shows the area to be low density Residential-Rural (A-1 and RR).

The City of Delta Comprehensive Master Plan states on page 3-8, "The County total population rather than the City of "Delta population is used in this calculation because the commercial/industrial land uses serve much of the county population." Additionally, 3-9 states, "Based on the above assumptions and calculations, it appears that there is a sufficient supply of land now zoned commercial/industrial land within the City of Delta to accommodate 2030 demand for commercial/industrial square footage for the low growth scenario." (Currently our growth rate is between low to moderate.) Page 3-9 continues, "However, the potential supply falls short of the demand for commercial/industrial square feet for the moderate growth and high growth scenarios. It is likely that the shortfall could be accommodated within the plan outside the present City limits. Or the City could rezone some of the A-1 parcels within the City limits as commercial or industrial zones."

Actions To Be Taken if Approved: If Planning Commission recommends approval, consider the adoption of Council Bill #1, 2014; if Planning Commission recommends denial, no action is required; if an appeal is filed set a de novo hearing; or Council may set a de novo hearing at its discretion.

Council Bill No. 1, 2014

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

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

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

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

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

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

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

ADOPTED ON FIRST READING AND ORDERED PUBLISHED this ____ day of _____, 2014.

Mayor

ATTEST:

City Clerk

ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED this ____ day of _____, 2014.

Mayor

ATTEST:

City Clerk

MEMO

To: City Council
From: Jim Hatheway
Date: 29 May 2014
Subject: 1800 Road Overlay Project



Public Works

Recommendation:

The Public Works Department is requesting approval to partner with Delta County to overlay 1800 Road from Highway 92 to G Road.

Background:

City staff has been in discussion to partner with Delta County Road and Bridge to overlay 1800 Road. 1800 Road is on the jurisdictional boundary of the City resulting in a split jurisdictional maintenance requirement from both agencies. The County Commissioners have provided concurrence to Larry Record (Delta County Road and Bridge District 1 Foreman) to work with the City to share costs to complete the project.

Cost:

A cost estimate is provided with this memo. The items in blue are those costs that are proposed to be covered by the City. The estimated cost, with a 10% contingency, is \$120,164.00. Overlay projects are contemplated in the 2014 City Wide Capital Improvements budget in 19-48-36100. This project falls within budget. Larry is taking his proposal to the Commissioners for their review and approval as well.

Alignment With Strategic Planning:

- Maintenance activities of roads are a core function of Public Works.
- Developing better strategic relationships with other agencies is captured as a goal for City staff.

Actions To Be Taken if Approved:

Staff will finalize the agreement with Delta County with paving anticipated to take place in June.



DELTA COUNTY, COLORADO

ROAD & BRIDGE DISTRICT NO. 1
18830 "G" ROAD, DELTA, COLORADO 81416
PHONE : (970) 874-2133 FAX: (970) 874-0246
WEB: www.lrecord@deltacounty.com

FOREMAN: LARRY R. RECORD

May 22, 2014

*June
Pave*

City of Delta (1800 Rd)

(G Rd to Hwy 92)

Hot Mix:

3" x 24' x 6000 Ft	2480 Tons	
Hot Mix @ County cost \$47.74		118,395.00
6 Tankers @ \$ 15,000		90,000.00
Fuel at Hot Plant 2400 Gals @\$3.50		8,680.00
Difference		19,715.00
<u>Laydown/Paving/Trucking</u>		26,154.00
<u>Rebase 6" Class 6</u>		34,322.00
<u>Wertgen Fuel</u>		900.00
<u>Trucking Fuel</u> 165Hr + 111 Hrs x 10 gal \$3.50		9,660.00
Total City Cost		109,240.00
+10% Contingency		<u>10,924.00</u>
		\$120,164.00

MEMO

To: Mayor and City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: June 3, 2014
Subject: Special Events Permit Application;
Delta County Memorial Hospital Foundation



Office of the City Clerk

Recommendation:

Staff recommends approving the application for a Special Events Liquor Permit for the Delta County Memorial Hospital Foundation.

Background:

The Delta County Memorial Hospital Foundation has submitted an application for Special Events Liquor Permit for their event to be held at the Lion's Pavilion. The application is for their fund raising event being held on September 13, 2014. The application specifies that they plan to sell alcoholic beverages from 7:00 a.m. to 6:00 p.m. The application is complete and the fees, \$35 to the City, and \$25 to the State have been paid.

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

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

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

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the applications, and the Clerk will mail them to the State, who will review them and issue the permits.

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

LIAB TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR: 2110 <input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY 2170 <input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY	DO NOT WRITE IN THIS SPACE LIQUOR PERMIT NUMBER
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1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE DELTA COUNTY MEMORIAL HOSPITAL FOUNDATION BOB		State Sales Tax Number (Required) 98-00207	
2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) 1501 E. 3RD ST. DELTA, CO 81416		3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) LION'S BLISS PARK/PAVILLION CONFLUENCE DELTA, CO 81416	
NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE THERMA STARNER		13583 F. RD DELTA, CO 81416	970 874-3242
5. EVENT MANAGER DENNIS DOERER		644 GRAND AVE DELTA, CO 81416	970 216-3899
6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____		7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES TO WHOM? _____	

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

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

Date 9-13-14	Date	Date	Date	Date
Hours From 7 A .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To 6 P .m.	To .m.	To .m.	To .m.	To .m.

OATH OF APPLICANT

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

SIGNATURE Patricia A Kalaban	TITLE FOUNDATIONS LIAISON	DATE 5/13/14
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

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

THEREFORE, THIS APPLICATION IS APPROVED.

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

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

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

MEMO

To: Mayor and City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: June 3, 2014
Subject: Special Events Permit Application;
Delta Elks Lodge #1235



Office of the City Clerk

Recommendation:

Staff recommends approving the application for a Special Events Liquor Permit for the Delta Elks Lodge #1235.

Background:

The Delta Elks Lodge #1235 has submitted an application for Special Events Liquor Permit for their event to be held at 563 Main Street. The application is for their fund raising event being held on July 12, 2014. The application specifies that they plan to sell alcoholic beverages from 6:00 p.m. to 2:00 a.m. The application is complete and the fees, \$35 to the City, and \$25 to the State have been paid.

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

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

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

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the applications, and the Clerk will mail them to the State, who will review them and issue the permits.

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

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

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

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

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE <i>Delta Elks Lodge #1235</i>	State Sales Tax Number (Required) <i>04-01745</i>
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>563 main street Delta Colo 81416</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>563 main street Delta Colo 81416</i>
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y. OF ORG. or POLITICAL CANDIDATE <i>Tom D. Rowan</i>		<i>740 1575 Rd, Delta, CO 81416</i>	<i>874-6146</i>
5. EVENT MANAGER <i>Jackie Subboelman</i>		<i>1106 Catherine Place</i>	<i>874-4552</i>

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES HOW MANY DAYS? _____	7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES TO WHOM? <i>Delta Elks #1235</i>
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8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

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

Date	Date	Date	Date	Date
Hours From To	Hours From To	Hours From To	Hours From To	Hours From To
<i>7-12-14</i> From <i>600</i> p.m. To <i>800</i> a.m.				

OATH OF APPLICANT

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

SIGNATURE <i>Jackie Subboelman</i>	TITLE <i>Manager</i>	DATE <i>5-20-14</i>
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REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

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

THEREFORE, THIS APPLICATION IS APPROVED.

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

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

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

MEMO

To: City Council
From: Justin Clifton, City Manager
Date: June 3, 2014
Subject: Approval of Quit Claim Deed



Office of the City Manager

Recommendation:

Staff is asking Council to ratify the recent signing of a quit claim deed associated with property at Hi-Quality.

Background:

In November 2011, the City Council approved a contract to buy property from Hi-Quality to build the truck route. The terms of the contract stated that the City would vacate a portion of 3rd Street as well as convey a parcel south of 3rd Street to Hi-Quality. In February 2012, City Council passed two ordinances to handle the vacation and the property conveyance. Unfortunately, the ordinances were presented out of sequence. The right of way vacation was first, causing ½ of the ROW to revert to the owner of the property south of the ROW, which was still the City's. The City then conveyed only the parcel to the south to Hi-Quality but not including the ROW. This technically means that one half of the ROW appears to be owned by the City. Based on the approved contract and language in the approved ordinances, authority was provided that the Mayor could sign a quit claim deed clarifying the ½ of 3rd street ROW, which he did on May 29, 2014. Council now needs to pass a motion ratifying the execution of the quit claim deed as a means of honoring the City's obligation under the contract and clear intent of previous actions of Council. The motion is only needed to provide ultimate clarification in the public record in the very unlikely event that there was ever a question or conflict with the trail of documents and approvals.

Cost: NA

Alignment With Strategic Planning:

Compliance with contract to purchase property dated November 16, 2014.

Actions To Be Taken if Approved:

None.

Attorney Comments



City Manager Comments



Councilmember Comments



Item O:

Executive Session:

For a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b); and more specifically concerning the Delta District Court lawsuit filed by the Delta Montrose Electric Association against the City