



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**

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

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. JROTC Request to Conduct Service Work at Confluence Park**
- F. Public Hearing: Special Events Permit Application; Altrusa**
- G. Tavern Liquor License Renewal; Throttle and Spur Saloon**
- H. Resolution #3, 2014; Open Records Policy**
- I. Delta Visitor's Center Phase 1 Project Award**
- J. Resolution #4, 2014; Support Ballot Questions**
- K. City Attorney Comments**
- L. City Manager Comments**
- M. Councilmember Comments**
- N. 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).

Item A:

Pledge of Allegiance



Item B:

Changes to the Agenda

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Mary Cooper, and Ray Penick along with City Manager Justin Clifton and City Attorney David McConaughy. 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 September 2, 2014 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Discussion Regarding Potential Department of Local Affairs Intern

City Manager Justin Clifton stated that the City has an opportunity to participate in the Department of Local Affairs' (DOLA) "Best and Brightest" program. The program is generally for students in their first year of their Masters Program. This internship would be for approximately two years. The intern would be an assistant to the City Manager assisting in special projects and completing any number of high administrative tasks. DOLA would assume 50% of the cost. The cost to the City would be approximately \$17,000 a year.

There was a discussion on various projects the intern may be able to help with.

There was consensus amongst Council to pursue an intern with the Best and Brightest program through DOLA providing that the intern would be a right fit for the City of Delta.

Maverik-Delta Subdivision Final Plat

Community Development Director Glen Black stated that the Planning Commission reviewed the Maverik-Delta Preliminary plat at the regular meeting on December 2, 2013. The City Council approved the Maverik-Delta Preliminary Plat at the December 17, 2013 City Council meeting. The final plat has not changed substantially from preliminary plat approval and all conditions of preliminary plat approval have been met, except as listed below, therefore the final plat does not need to be reviewed by the Planning Commission per Delta Municipal Code 16.04.050.E.9.

- Applicant and owner is Maverik Inc.
- Location: Northeast corner of intersection of Hwy 92 and Hwy 50

Regular Meeting, Delta City Council, September 16, 2014 (cont.)

Maverik-Delta Subdivision Final Plat (cont.)

- Zone: B-2
- Size: approximately 6.371 acres to be divided into 3 parcels

The following are conditions of approval:

1. The development must comply with all City of Delta requirements and other regulatory/permitting agency requirements.
2. Final Plat approval expires 90 days from the date of such approval.

The following were requirements of preliminary plat and have been completed:

1. All improvements have been constructed, including electrical, water, sewer, storm sewer and Highway 92.
2. Payment of \$14,000 for future traffic light has been received.

The following were requirements of preliminary plat that have NOT been completed and are conditions of final plat approval:

1. Cross access/maintenance agreements must be signed.
2. Receive corrected copies of as-builts.
3. Receive two properly executed mylars of the final plat.

Councilmember Penick questioned the second condition of approval "final plat approval expires 90 days from the date o such approval".

Mr. Black stated that is per the Delta Municipal Code that the applicant must comply with all conditions within 90 days of such approval.

City Attorney David McConaughy stated that it would be helpful to get the attorney's certificate with a draft first. If any lien holders are identified then a lien holder's consent certificate must be added to the plat.

Mr. Black advised that there are no lien holders with this property. He also explained the process that staff has in place to ensure that those items are addressed.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the Maverik-Delta Subdivision final plat with all listed conditions. All in favor, motion carried.

Discussion of City Manager Time Off Requests

Manager Clifton stated that he is requesting feedback on how Council would like him to request time off. He commented on the upcoming Thanksgiving and Christmas holiday season and he would like to either take one week during Thanksgiving and one during Christmas or two weeks during Christmas and New Years.

Councilmember Cooper stated that there is no reason to come before Council to get approval. She suggested just notifying the Council when you are taking time off.

There was a consensus amongst Council to allow the City Manager to take off time off without having to go before the Council for approval.

Regular Meeting, Delta City Council, September 16, 2014 (cont.)

City Attorney Comments

Attorney McConaughy stated that he is happy to be on board and asks for everyone's patience as he learns the processes that are in place for the City of Delta.

City Manager Comments

Manager Clifton stated that there will not be a work session next week. The remainder of the budget presentations will be held at the October meetings.

Councilmember Comments

Councilmember Cooper commented on the upcoming executive session with the Colorado Municipal League.

Councilmember Penick stated that the Colorado Municipal League is opposing Amendment 68.

Mayor Sisson commented on the Mayor's Summit that he attended. He thanked Council for their teamwork.

Executive Session

It was moved by Councilmember Cooper and seconded by Councilmember Penick to convene an Executive Session For discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees and also 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). All in favor, motion carried.

At 7:16 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 7:40 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, City Attorney David McConaughy. 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

Mayor Pro Tem Mary Cooper called the meeting to order at 5:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, 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.

Resolution #2, 2014: Execution of Closing Documents Related to the Property Exchange Agreement between the City of Delta and the Union Pacific Railroad

RESOLUTION NO. 2, 2014

A RESOLUTION OF THE CITY OF DELTA, COLORADO AUTHORIZING EXECUTION OF CLOSING DOCUMENTS RELATED TO THE PROPERTY EXCHANGE AGREEMENT BETWEEN THE CITY OF DELTA AND THE UNION PACIFIC RAILROAD

was read by the Clerk

City Manager Justin Clifton stated that Council took action to approve the agreement with the Union Pacific Railroad back in 2013; however, the motion did not authorize the execution of the documents. There is nothing in the closing instructions that are different than what has been approved in the agreements. He explained that staff is waiting for the title company to get the final estimates on the escrow and title insurance amounts. The amounts are budgeted and staff is prepared to issue the payment. This resolution solidifies what has already been approved in the agreement and would allow the Mayor to sign the closing documents. The closing is scheduled for Thursday or Friday.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Resolution #2, 2014. Roll call vote: Councilmembers Penick; aye, Raley, aye; Jurca, aye and Cooper, aye. Motion carried.

The meeting was adjourned at 5:02 p.m.

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

Item D:

Citizen Comments



Item E:

JROTC Request to Conduct Service Work at Confluence Park



MEMO

To: Mayor and City Council
From: Jolene Nelson, City Clerk
Date: October 7, 2014
Subject: Special Events Permit Application – Altrusa



Office of the City Clerk

Recommendation:

Staff recommends approving the application for a Special Events Liquor Permit for Altrusa's fund raiser scheduled at Bill Heddles Recreation Center on November 14th and 15th, 2014.

Background:

Altrusa has submitted an application for a Special Events Liquor Permit for their fund raiser to be held at Bill Heddle Recreation Center on November 14th and 15th, 2014. The application specifies that they plan to sell alcoholic beverages from 4:00pm to 10:00pm on November 14th and 9:00am to 5:00pm on November 15th.

The application is complete and the fees, \$70 to the City and \$50 to the State for each day, have been paid.

A sign notifying the public of this hearing has been posted 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 application, and the Clerk will mail it to the State, who will review it and issue the permit.

DR 8439 (06/28/06)
 COLORADO DEPARTMENT OF REVENUE
 LIQUOR ENFORCEMENT DIVISION
 1375 SHERMAN STREET
 DENVER CO 80261
 (303) 205-2300

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

*Received
9/10/14
DD*

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

- | | | |
|------------------------------------|--|--|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input checked="" 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 MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
 2170 FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE
 LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE
ALTRUSA INTERNATIONAL Inc. of Delta CO Foundation State Sales Tax Number (Required) **27-64924**

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE
 (include street, city/town and ZIP)
**PO BOX 54
 DELTA CO 81416**

3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT
 (include street, city/town and ZIP)
**530 Gunnison River Dr.
 DELTA, CO 81416**

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SEC'Y OF ORG. or POLITICAL CANDIDATE VICKI RIPP	4/3/58	DELTA CO 81416 3990 OLD WAGON RD	970 874 5127
5. EVENT MANAGER E LAINE LANG	2/25/66	783 1675 Rd Delta CO 81416	970-209-5084

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? _____

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
 NO 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	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
NOV. 14, 2014				NOV 15, 2014							
		4 p.m.	10 p.m.			9 a.m.	5:00 p.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>Vicki Ripp</i>	TITLE PRESIDENT	DATE 9/10/14
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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: October 7, 2014
Subject: Tavern Liquor License Renewal; Throttle and Spur Saloon



Office of the City Clerk

Recommendation:

Staff recommends approval of the Tavern License Renewal for K&L Enterprises, LLC dba Throttle and Spur Saloon located at 1410 Valley View Drive #190. The Police Department's report and recommendation is attached.

Background:

The current liquor license expires November 4, 2014.

Cost:

There is no cost to the City. The applicant has paid the \$500 renewal fee to the State and the City renewal fee of \$150, the City's \$500 liquor occupation tax will be collected at the time the license is issued.

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.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

THROTTLE AND SPUR SALOON
 236 S 3RD ST #292
 MONTROSE CO 81401

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

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 K&L ENTERPRISES, LLC		DBA THROTTLE AND SPUR SALOON		
Liquor License # 4702096	License Type Tavern (city)	Sales Tax License # 29918481	Expiration Date 11/4/2014	Due Date 9/20/2014
Street Address 1410 VALLEY VIEW DR # 190 DELTA CO 81416				Phone Number (970) 874 3130
Mailing Address 236 S 3RD ST #292 MONTROSE CO 81401				
Operating Manager Ken McClain	Date of Birth 5-30-61	Home Address 236 S. 3rd St # 292 Montrose CO 81401		Phone Number 619-322-2618
<p>1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Is the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease 8-31-17</p> <p>2. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>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.</p> <p>3. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>4. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>5. 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. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>6. 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.</p>				

AFFIRMATION & CONSENT

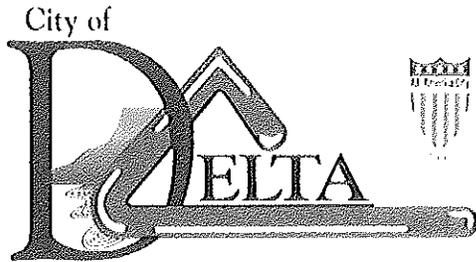
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Kenneth McClain	Title Owner
Signature <i>Kenneth McClain</i>	Date 9/10/14

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 K&L Enterprises, LLC

DBA: Throttle and Spur Saloon

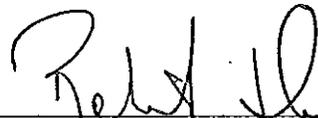
The report sheets show the following liquor violations for the past twelve months for the above named applicant:

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.



Robert Thomas, Chief of Police

MEMO

To: Mayor and City Council
From: Jolene E. Nelson, CMC, City Clerk
Date: October 7, 2014
Subject: Resolution #3, 2014 Open Records Policy



Office of the City Clerk

Recommendation:

Staff recommends approval of Resolution #3, 2014 adopting the City's Public Record Policy.

Background:

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.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

C.R.S. §§24-72-200.1 to 24-72-206 sets forth the public policy of the State of Colorado regarding public records being open for inspection.

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the Resolution and the Clerk will post the Public Records Policy on the City's website .

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

WHEREAS, the state of Colorado has adopted the Colorado Open Records Act (the “Act”) at C.R.S. §§24-72-200.1 to 24-72-206; and

WHEREAS, as set forth in the Act, it is the public policy of the state of Colorado that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by the Act or other applicable law; and

WHEREAS, the Act establishes the grounds under which the custodian of the public records of the City of Delta (“City”) shall allow or deny inspection of the City’s public records and the procedures therefore; and

WHEREAS, the Act provides that the City’s custodian of public records may make rules regarding the inspection of the City’s public records as are reasonably necessary for the protection of the City’s public records and the prevention of unnecessary interference with the regular performance of duties by the City custodian of public records or the employees of the office of the Town’s custodian; and

WHEREAS, the Act provides that the City’s custodian of records may charge fees for the retrieval and research of the City’s public records, including the time it takes to identify and segregate records that need not be disclosed, and for the manipulation of data and production of copies of the City’s public records pursuant to a request under the Act; and

WHEREAS, the amendments to §24-72-205 of the Act effected by the passage of House Bill 14-1193 require that the City’s custodian of public records shall 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, including the amount of any current fee; and

WHEREAS, the City Council desires to adopt a written policy and rules regarding inspection of the City’s public records and the fees for production thereof, including the City’s fees for the research, retrieval, identification, and segregation of City public records which need not be disclosed pursuant to a request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DELTA THAT:

Section I. The “City of Delta Public Records Policy” as attached hereto is hereby adopted and is to be published on the City’s website and used in the City’s response to open records requests submitted to the City.

Section II. This Resolution shall take effect immediately upon its passage.

INTRODUCE, APPROVED AND ADOPTED this ____ day of October, 2014.

ATTEST:

CITY OF DELTA

City Clerk

Mayor

City of Delta
Public Records Policy

1.0 PURPOSE/POLICY

1.1 To set forth a general policy and procedures for providing access to public records maintained by the City in compliance with the standards and requirements of the Colorado Open Records Act, C.R.S. §§ 24-72- 101 *et seq* (“CORA”).

1.2 To establish reasonable and standardized fees for producing copies of and information from City maintained records as authorized by law.

1.3 It is the policy of the City that public records shall be open for inspection at reasonable times in accordance with CORA. Public records, under certain circumstances, include electronic mail messages (email).

2.0 SCOPE

2.1 The policy shall apply to all City records and copies of all information requested and/or released with the exception of those records covered under the Colorado Criminal Justice Records Act, C.R.S. §§ 24-72-301 *et seq.* (“CCJRA”) in which case only the fees contained herein shall apply. If the records requested are criminal justice records as defined in the CCJRA, the requestor must file a records request with the Delta City Police Department.

3.0 CUSTODIAN

As designated by Charter, the City Clerk is the custodian of all public records which are maintained in the office of the City Clerk. Department Heads are the official custodians of all records maintained within their departments. Except; however, that each individual is the custodian of his or her incoming and outgoing email. It is the responsibility of each Department Head to become familiar with and to educate his/her affected employees with the standards and requirements of this Policy.

4.0 PROCEDURES

4.1 An Open Records Request Form must be filed with the City Clerk or appropriate Department Head to initiate a request for a public record under CORA (except where the request is for a single page document, in which case a request form is not necessary).

4.2 Except as provided in Sections 4.3, 4.4 and 4.5 of this Policy, all public records as defined in CORA shall be open for inspection in the office of the records custodian during normal office hours observed by the Administrative Offices of the City of Delta.

4.3 Upon written request of the applicant specifying exactly which documents are being requested, the custodian shall set a date and hour, within the following three full working days unless extenuating circumstances exist, at which time the records will be available for inspection.

In the event that extenuating circumstances exist as defined in the law; the custodian shall have seven full working days. If the public records requested are in the custody and control of the records custodian, but are in active use or in storage and, therefore, not available at the time an applicant asks to examine them, the custodian shall notify the applicant, in writing if requested by the applicant, and shall notify them of the date and time when the records will be made available for inspection.

4.4 If the public records requested are not in the custody or control of the person to whom application has been made, that person shall notify the applicant, in writing if requested by the applicant. In such notification the person shall state in detail to the best of that person's knowledge and belief the reason for the absence of the records from such person's custody or control, their location and what person has custody or control of the records.

4.5 Inspection of the following public records shall not be permitted:

4.5.1 If upon consultation with the City Attorney, it is determined that inspection is prohibited by CORA or would be contrary to any other state statute, federal statute, or regulation issued thereunder or is prohibited by the order of any court.

4.5.2 Communications from attorneys in the City Attorney's Office or other special counsel should not be released to any individuals other than those to whom the communication was directed without the consent of the attorney who wrote the communication or the City Attorney.

4.5.3 If, in the opinion of the record custodian, disclosure of the contents of any public record would do substantial injury to the public interest. Notwithstanding the fact that said record might otherwise be available for public inspection under the provisions of this policy, the records custodian may deny access to such public record, and at the direction of the City Council, the City Attorney's Office may apply to the Delta County District Court for an order permitting the records custodian to restrict such disclosure.

4.6 If a public record which is requested contains information which is exempt from disclosure (i.e. is not to be disclosed) under this Policy or the law together with information which may be disclosed under this Policy or the law, the records custodian shall not release such record. Except as determined by the records custodian, public records shall not be altered to permit disclosure where inspection of the public record without alteration, would otherwise be contrary to this Policy or the law. The records custodian is not under a duty to create any new public record in response to a request.

4.7 Questions concerning requests for information should be directed immediately to the Office of the City Attorney.

4.8 In all cases in which a person has the right to inspect any public record pursuant to this Policy, copies, printouts, plots, or photographs of such records may be provided to the applicant. Prior to the reproduction and/or receipt of such record, the applicant shall pay a reasonable fee for such service as set forth in the City's adopted Fee Schedule. The costs of reproduction as

stated in this section have been determined to be the cost of the City in producing such documents.

4.8.1 Periodically situations will arise concerning the charging of fees that will require flexibility and common sense. To provide that flexibility, Department Heads are authorized to make decisions on situations not specifically covered by this Policy. All decisions must be made within the general intent of this Policy and in the best interest of the City.

4.8.2 Brochures and pamphlets produced specifically for assistance and convenience of citizens and businesses in complying with municipal regulations are not affected by this Policy and may be distributed free of charge.

4.8.3 Copies of any books the City has printed, i.e. the Code book, are available at the City's cost to have them printed.

4.8.4 No fee will be charged to employees of the City for copies, up to 25 pages per year, of information maintained by the Human Resources Department, provided the information specifically pertains to the requesting employee. Copies of personnel information otherwise requested by an employee under the provisions of the law will be provided at the rate set forth in the Fee Schedule.

4.8.5 No fee will be charged to employees of the City for copies of documents required in carrying out their officially assigned duties within the scope of public service.

4.8.6 The office of the City Clerk will provide copies of the Council agenda with no fee being charged.

4.9 Upon receipt of a request for copies or where the documents are not immediately available for inspection the Clerk shall prepare a cost estimate of the cost of service, including copying charges for any copies requested and any research and retrieval or other fees. If the cost estimate exceeds \$50.00, the applicant must pay a deposit of \$50.00 in advance. By signing the estimate, the applicant shall agree to pay the total cost when the records are made available. The City Clerk will research and compile the records in response to the request and shall notify the applicant of the completion of the request, the availability of the records, and shall collect any remaining fees due before any copies of records are turned over to the applicant.

General Fees

All fees must be applied consistently.

Audio Tapes/CDs	\$5 per tape/CD
Photo Copies	\$.25 a page copied
Certified Copies	\$1.25 per page
Emailed Copies	
Research Fees	\$30 per hour for requests requiring more than one hour of staff time,
Telefaxed copies	\$.25 for each page faxed
Postage Fees	Actual cost
City Code	\$50.00 each
Annual Supplement	\$10.00/year
Standards & Specs	\$30.00 each
Photographs	\$5.00 plus cost of reproduction
<u>Map and Plat Fees</u>	
Black line copies	\$5.00
Colored Zoning Map	
E size (36x48)	\$5.00
Wall size (70x100)	\$20.00
Public Works/Utilities Map	
Water/sewer	
D size (24x36)	\$5.00
2003 B&W 6" pixel orthophotos and 2ft contours on CD	\$25.00
2009 Color 6" pixel orthophotos And 2ft contours on CD	\$50.00
Any GIS data loaded onto CD, etc.	\$5.00
8/5x11 color plots	\$1.50 per page
11x17 color plots	\$2.00 per page
C size (17x24)-D size (24x36)	\$5.00 per page
E size (36x48)	\$10.00 per page

MEMO

To: City Council
From: Public Works Department
Date: October 7, 2014
Subject: Delta Visitors Center Project Award



Public Works

Recommendation: The Public Works Department is recommending that Council award the construction bid to Wells Excavation and Farming for the Delta Visitors Center Project.

Background: During the budget process last year, staff was awarded money through the local transportation planning region to construct phase I of a new visitor's center project. The money is a grant from the Federal Highway Administration (FHWA). The project consists of improvements to the dirt lot east of the Lyons Pavilion and will include concrete curb and gutter, sidewalk and paved parking, with new planter areas. Staff has also incorporated the relocation of the RV dump station from behind the Chamber building into this project.

Cost: The City has budgeted \$115,458 to match the grant from FHWA which totals \$410,000 for a total budget of \$525,458. Staff solicited bids from qualified contractors and three responses were received as indicated below:

1. Wells Excavation & Farming LLC.	\$458,688.10
2. Mountain Valley Contractors	\$505,035.50
3. United Companies	\$507,784.50

Alignment With Strategic Planning: Completion of a new visitor's center area near the recreation center and adjacent to Confluence Drive has been identified as a way to prevent traffic traveling along Confluence Drive from by-passing Delta.

Actions To Be Taken if Approved: Staff requests that council award the Delta Visitors Center Project to Wells Excavation in the amount of \$458,688.10 and authorize staff to sign and execute a construction contract agreement.

RESOLUTION NO. 4, 2014

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

WHEREAS, the Delta City Council passed Resolution #1, 2014 placing two questions on the November 4, 2014 ballot asking citizens to approve the “de-Brucing” of certain revenues restricted by the Colorado Constitution and renewing and expanding the use of a .75 cent sales tax currently dedicated to Bill Heddles Recreation Center; and

WHEREAS, “de-Brucing” means the growth of certain City revenues would not be stuck at a lower rate after recovery from a recession; and

WHEREAS, the Citizen Financial Task Force, a citizen group charged with examining the city’s finances and making recommendations to improve financial stability, recommended both ballot questions for City Council approval and supports the Resolution #1, 2014; and

WHEREAS, the City Council believes passage of both ballot questions will help address long term financial stability and will enhance the ability of the City to meet the needs of citizens without raising taxes.

NOW, THEREFORE, IT IS RESOLVED by the City Council of Delta, Colorado as follows:

The City Council supports the passage of questions 2D and 2E on the November 4, 2014 ballot for the following reasons:

Ballot Question 2D (Recreation Tax)

1. It is not a new tax.
2. It makes permanent a sales tax due to sunset in future years, helping to ensure we maintain an excellent Recreation Center in perpetuity.
3. It helps ensure the City has funding for other recreational amenities like parks, sports fields, trails, river trails, open space and other recreation improvements.
4. It saves money by consolidating funds and creating a single Parks and Recreation Department.
5. It creates a single fund where general sales tax (in addition to the sales tax on the ballot question) can be added to help supplement programs including Devil’s Thumb Golf Course, reducing or eliminating the need to use utility funds for support.

Ballot Question 2E (TABOR)

1. It is not a new tax.
2. It allows the City to keep and use revenues that originate from special services such as development review and building inspections; helping to ensure general services are not cut and

growth pays its own way.

3. It allows revenues to fall during recession but recover during economic expansion.
4. It is consistent with previous de-Brucing questions passed by City of Delta voters and in other communities throughout Colorado.

ADOPTED THIS 7TH DAY OF OCTOBER, 2014.

CITY OF DELTA, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

Attorney Comments



City Manager Comments



Councilmember Comments



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).