



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**

**March 3, 2015
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Delta County Historical Society Civil War Commemoration Request**
- F. Public Hearing: Special Events Permit Application; Delta Area Chamber of Commerce**
- G. Hotel/Restaurant Liquor License Renewal; Daveto's**
- H. Vehicle Purchases**
- I. Ordinance #2, 2015; Second and Final Reading
E-Cigarettes**
- J. Ordinance #3, 2015; Second and Final Reading
Juvenile Curfew**
- K. City Attorney Comments**
- L. City Manager Comments**
- M. Councilmember Comments**

Item A:

Pledge of Allegiance



Item B:

Changes to the Agenda

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Mary Cooper, and Ray Penick along with City Manager Justin Clifton 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 Jurca to approve the minutes of the February 3, 2015 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Public Hearing: Special Events Permit Application; Kiwanis

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

The Clerk reported that Kiwanis Club of Delta has submitted an application for a special events permit for their fund raising event to be held on March 14, 2015 at Bill Heddles Recreation Center. The application states that they plan to sell liquor from 3:00pm to 9:00pm. 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 Raley and seconded by Councilmember Penick to approve the special events permit application for Kiwanis Club of Delta. All in favor, motion carried.

Tavern Liquor License Approval; CB's Tavern

The Clerk stated that CB's Tavern has 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 Cooper and seconded by Councilmember Jurca to approve the renewal for CB's Tavern. All in favor, motion carried.

Regular Meeting, Delta City Council, February 17, 2015 (cont.)

**Ordinance #2, 2015; First Reading
E-Cigarettes**

Ordinance #2, 2015

AN ORDINANCE OF THE DELTA CITY COUNCIL AMENDING
CHAPTER 8.36 TO RESTRICT THE USE OF ELECTRONIC
CIGARETTES AND OTHER SMOKING DEVICES

was read by the Clerk.

City Manager Justin Clifton stated that at the last work session it was discussed that there was some concern that some vaporizer or e-cigarette type devices might be in use; however, staff could not enforce the ordinance because they could not prove what type of substance was in use in the device. The ordinance was adjusted accordingly to include the terms "any other substance".

It was moved by Councilmember Jurca and seconded by Councilmember Raley to adopt Ordinance #2, 2015 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye; Penick, aye and Sisson aye. Motion carried.

**Ordinance #3, 2015; First Reading
Juvenile Curfew**

Ordinance #3, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
REPEALING AND REPLACING SECTION 9.04.250 OF THE
DELTA MUNICIPAL CODE

was read by the Clerk.

Manager Clifton stated that this ordinance was also discussed at the last work session. The language has been adjusted per the recommendations of the attorney.

Councilmember Cooper questioned how this ordinance would affect emancipated juveniles.

City Attorney David McConaughy stated that emancipated juveniles are not excluded in the ordinance.

Councilmember Jurca questioned how this ordinance would affect juveniles going home from the movie theater.

Attorney McConaughy stated that the ordinance does have the ability for the parent/guardian to authorize those types of situations.

Councilmember Penick questioned what the changes are from the existing ordinance.

Regular Meeting, Delta City Council, February 17, 2015 (cont.)

Ordinance #3, 2015; First Reading (cont.)
Juvenile Curfew

Manager Clifton stated that the only importance substantive change is the existing code addresses loitering which is pretty expansive. This ordinance addresses curfew.

Attorney McConaughy stated that loitering is difficult to enforce.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Ordinance #3, 2015 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye; Penick, aye and Sisson aye. Motion carried.

Award Storm Water Project

Manager Clifton stated that in the initial stages of the budget preparations there were funds that were set aside to pair with funding from the Department of Local Affairs (DOLA) grant. Staff now has the opportunity to increase the size of the grant therefore increasing the size of the project. This will complete a \$1.5 million project. Since the consideration to go out to bid, staff has received some clarification regarding trenching, the trenching will be completed down the middle of the road, DOLA does not want to cover the cost to resurface the road. However, DOLA would allow a bid alternative to the contract for the incremental cost difference for performing the resurfacing of the streets. He explained how the bids were received.

Utilities Director Steve Glammeyer stated that paving was also added that is not ancillary to the storm water project; staff put overlaying Palmer Street from 5th Street to 1st Street in the bid.

Councilmember Cooper questioned if Highway 50 would be affected.

Mr. Glammeyer reported that the work that will be done across Highway 50 will be to lower the water line and to install the storm sewer line that will be open cut. He is working with the contractor as well as Colorado Department of Transportation to see if they could work 24 hours to try to get that area completed as quickly as possible. However, Main Street will have to be closed for a period of time. The truck route will be used to help with the flow of traffic.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to award the storm water project contract to Wells Excavation & Farming, LLC in the amount of \$1,522,359.80. All in favor, motion carried.

Vehicle/Equipment Purchases

Manager Clifton stated this is another round of purchases for the fleet department that were budgeted. He reiterated that staff is creating a more versatile fleet.

Councilmember Jurca questioned if the other vehicles did not meet the specifications only because of the power seats.

Director Glammeyer stated it's his understanding that only the driver seat would have the power seat and that the passenger seat did not. He stated that the power seat to him is not a concern.

Regular Meeting, Delta City Council, February 17, 2015 (cont.)

Vehicle/Equipment Purchases (cont.)

There was discussion regarding the power seats and it was suggested to save funds by going with the lower bid that does not include power seats.

Councilmember Raley questioned what the difference between the Ford Focus and the Chevy Sonic.

Director Glammeyer stated there are no concerns with either vehicle.

Councilmember Penick questioned if the combination of these two purchases are within budget.

Director Glammeyer stated they are under budget.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper authorize the purchase of a Chevy Sonic from Hellman Chevrolet for \$18,160 and a Kubota 2690E from Western Implement for \$21,960. All in favor, motion carried.

City Attorney Comments

There were none.

City Manager Comments

Manager Clifton reported on the following items:

- The ordinance for the marijuana concentrate is being reviewed by the attorney.
- There has been progress with broadband and gave a summary of the project.
- Interviews for the Golf Pro will be conducted tomorrow. He invited Council to attend the luncheon to meet the candidates.

Councilmember Comments

Councilmember Cooper recognized City Manager Justin Clifton in his work with the broadband project. She also thanked Chief Robert Thomas for the heads up on various activities the police department has been dealing with.

Mayor Sisson commented on the CML legislative session and summarized the possible bills that may be of interest to the City.

Executive Session

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to convene an 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), 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). All in favor, motion carried.

Regular Meeting, Delta City Council, February 17, 2015 (cont.)

Executive Session (cont.)

At 7:24 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 8:03 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, Robert Jurca, Ray Penick and Bill Raley, as well as City Manager Justin Clifton, City Attorney David McConaughy, Utilities Director Steve Glammeyer leaving at 7:32 p.m. and Community Development Director Glen Black joining the meeting at 7:33 p.m. 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.

Approval of Mediation Agreement

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the mediation agreement as presented. All in favor, motion carried.

The meeting was adjourned at 8:04 p.m.

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

Item D:

Citizen Comments



Item E:

Delta County Historical Society Civil War Commemoration Request



MEMO

To: Mayor and City Council
From: Jolene E. Nelson, City Clerk
Date: March 3, 2015
Subject: Delta Area Chamber of Commerce Special Events Permits



Office of the City Clerk

Recommendation:

Staff recommends approving two applications for Special Events Liquor Permits for Delta Area Chamber of Commerce.

Background:

The Delta Area Chamber of Commerce has submitted an application for Special Events Liquor Permits for their two events to be held at Bill Heddles Recreation Center. The first event is for their Annual Meeting and Awards Banquet being held on March 28, 2015. The application specifies that they plan to sell alcoholic beverages from 4:00 p.m. to 10:00 p.m. The second event is scheduled on April 17, 2015. The application specifies that they plan to sell alcoholic beverages from 4:20pm to 9:30pm.

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 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 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 Area Chamber of Commerce</i>	State Sales Tax Number (Required) <i>00401876-0000</i>
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2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) <i>301 Main Street Delta, CO 81416</i>	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) <i>531 North Palmer Street</i> <i>530 Gunnison River Drive</i> <i>Delta, CO 81416</i>
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NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES./SECY OF ORG. or POLITICAL CANDIDATE <i>Joshua T. Applegate</i>		<i>637 Howard St. Delta, CO 81416</i>	<i>970-250-3877</i>
5. EVENT MANAGER <i>Leslie C. Workman</i>		<i>5942 5825 Rd Olathe, CO 81425</i>	<i>303-906-2750</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 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	Hours	From	To	Date	Hours	From	To	Date	Hours	From	To
<i>3/28/15</i>		<i>4:00</i>	<i>p.m.</i>	<i>4/17/15</i>		<i>4:30</i>	<i>p.m.</i>				
		<i>10:00</i>	<i>p.m.</i>			<i>9:30</i>	<i>p.m.</i>				

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>Joshua Applegate</i>	TITLE <i>PRESIDENT</i>	DATE <i>2/5/14</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: Jolene E. Nelson, CMC, City Clerk
Date: May 20, 2014
Subject: Hotel/Restaurant Liquor License Renewal; Daveto's



Office of the City Clerk

Recommendation:

Staff recommends approval of the Hotel/Restaurant Liquor License Renewal for HAP Food Enterprises, Inc./dba Daveto's Italian Restaurant located at 520 Main Street. The Police Department's report and recommendation is attached.

Background:

The current license expires March 26, 2015.

Cost:

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

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 license.

SUBMIT TO LOCAL LICENSING AUTHORITY

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

DAVETO'S ITALIAN RESTAURANT
 520 MAIN ST
 DELTA CO 81416

RECEIVED
 FEB 09 2015
 LIQUOR ENF. DIVISION
 RECEIVED
 FEB 09 2015
 LIQUOR ENF. DIVISION

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 HAP FOOD ENTERPRISES, INC.		DBA DAVETO'S ITALIAN RESTAURANT		
Liquor License # 4701073	License Type Hotel & Restaurant (city)	Sales Tax License # 02862119-0000	Expiration Date 3/26/2015	Due Date 2/9/2015
Street Address 520 MAIN ST DELTA CO 81416				Phone Number (970) 874 8277
Mailing Address 520 MAIN ST DELTA CO 81416				
Operating Manager Craig Hasto	Home Address 520 Main Delta Co 81416	Phone Number 970 209 9577		
<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 checked="" type="checkbox"/> Owned <input type="checkbox"/> Rented* *If rented, expiration date of lease _____</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 Craig Hasto	Title Owner
Signature Craig Hasto	Date 2-4-15

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 Delta City	Date
Signature	Title
	Attest

MEMO

To: City Council
From: Rod Myers, Fleet/Facilities Manager
Date: March 3, 2015
Subject: Equipment / Vehicle purchases



Fleet / Facility Manager

Recommendation:

Staff is recommending approval from Council to purchase the equipment and vehicles listed below.

1. Van for animal control
2. PD patrol Sedan
3. Street sweeper
4. Maintenance vehicle for golf course

Background:

During the 2015 budget process, staff budgeted for several pieces of equipment and vehicles that are scheduled for replacement. The vehicles and equipment scheduled for replacement are the animal control vehicle, a patrol vehicle in PD, a maintenance vehicle for the golf course, and a street sweeper.

Staff solicited bids from local and regional companies as follows:

PD Patrol Sedan

Bids were solicited from Hellman Motor Co (Ford) in Delta, Hellman Chevrolet in Delta, and Flower Motor Co in Montrose. Two bids were received from Hellman Motor Co and Flower Motor Co.

Van for animal control:

Bids were solicited from Hellman Motor Co (Ford) in Delta, Hellman Chevrolet in Delta, Fuoco Motors in Grand Junction, and Flower Motor Co in Montrose. Additionally, staff also used the National Joint Purchasing Alliance website (NJPA) for comparisons. Four bids were received from Hellman Ford, Fuoco Motors, Flower Motors, and the NJPA.

Golf course maintenance vehicle:

The current maintenance vehicle for the golf course is a John Deere multi-use piece of equipment with attachments. Staff sent out a Request for Qualifications (RFQ) to three vendors, C&M golf & grounds equipment of Commerce City (Jacobsen), LL Johnson of Denver (Toro), and Potesio Brothers of Colorado Springs (John Deere) to see if the current

attachments would be compatible with their units. John Deere was the only vendor that was able to meet the RFQ requirements.

Street sweeper:

Currently the city has two street sweepers up for replacement. Staff budgeted for 1 in the 2015 budget. Staff has determined that a mechanical street sweeper will better serve the City's needs more so than an air sweeper, which the city currently owns. Staff sent out an RFQ to three vendors that distribute mechanical sweepers. Only two of three responded and only one of the two met the requirements of the RFQ.

The Pelican Sweeper is sold through Faris Machinery in Grand Junction. The City's of Grand Junction, Fruita, Craig and Montrose currently operate Pelican sweepers and have been satisfied with their performance and longevity.

Cost:

\$28,000.00 was budgeted for the mini cargo van and Hellman Motor Co (Ford) of Delta was the successful bidder at \$ 23,895.00. No additional bids were received for this vehicle.

\$36,050.00 total was budgeted for the patrol vehicle with \$5,000.00 budgeted for the cost of equipment and labor to complete the new vehicle for use. Hellman motor was the low bid at \$27,775.00 total cost for the unit is \$32,775.00.

\$237,000.00 was budgeted for the Street sweeper. Faris Machinery of Grand Junction was the only qualifying bid of \$196,960.00. Faris Machinery will also give the City \$27,000.00 for the trade-in of both street sweepers. We will be soliciting to sell the sweepers to other agencies and companies prior to accepting the trade in offer.

\$26,000.00 was budgeted for the Golf Course maintenance vehicle. Potesio Brother of Colorado Springs was the only qualifying bid of \$20,985.00.

Cost recap	Cost	Budget	Savings
Mini cargo van	\$23,985.00	\$28,000.00	\$4,015.00
PD patrol sedan	\$32,775.00	\$36,050.00	\$3,275.00
Street sweeper	\$196,960.00	\$237,000.00	\$40,040.00
Golf Course maintenance vehicle	\$20,985.00	\$26,000.00	\$5,015.00
<hr/>			
Total	\$274,705.00	\$327,050.00	\$52,345.00

Alignment with Strategic Planning:

By replacing the fleet with newer models, it will lower maintenance/repair cost along with providing dependable equipments and vehicles for City staff to use.

Actions to be taken if approved:

Staff will circulate purchase orders to purchase the vehicles and equipment as listed.

Location	Dealer	Manufacturer	Model	Type	Base Cost	Meet spec	If no why	Warranty terms	Extended Warranty	Total cost	Amount Budgeted	Trade-in option
Animal Control Van												
Delta	Hellman Motor Co	Ford	Transit connect	Van	\$22,950.00	Yes		5yr/75000mi	\$945.00	\$23,895.00	\$28,000.00	No
National	National Auto Fleet Group	Ford	Transit connect	Van	\$23,843.00	Yes		5yr/75000mi	\$1,525.00	\$25,368.00		
National	National Auto Fleet Group	Dodge	Tradesman	Van	\$26,885.00	Yes						
Montrose	Flower Motor Co	Dodge	Tradesman	Van	No bid							
Grand Junction	Fuoco Motors	Nissan	NV200	Van	No bid							
National	National Auto Fleet Group	Nissan	NV200	Van	\$22,350.00	Yes		5yr/100,000	\$3,495.00	\$25,845.00		
Greeley	BradleySparr Ford	Ford	Transit connect	Van	\$22,049.66	No	Rear lift gate - spec doors					

												Estimated equipment & labor cost
Patrol Car												
Delta	Hellman Motor Co	Ford	Taurus /Interceptor	Car	\$27,775.00	Yes		\$5,000.00		\$32,775.00	\$36,050.00	No
Montrose	Flower Motor Co	Dodge	Charger	Car	\$32,175.00	Yes						
Delta	Hellman Chevrolet	Chevrolet	Caprice	Car	No Bid							

												Street Sweeper
Grand Junction	Faris Machinery	Elgin	Pelican	Street Sweeper	\$196,960.00	Yes				\$196,960.00	\$237,000.00	\$27,000.00

												Golf course Maintenance Vehicle
Colorado Springs	Potesio Brothers	John Deere	Pro-gator	Maintenance vehicle	\$20,985.00	Yes				\$20,985.00	\$26,000.00	No

**CITY OF DELTA, COLORADO
ORDINANCE #2, 2015**

AN ORDINANCE OF THE DELTA CITY COUNCIL
AMENDING CHAPTER 8.36 TO RESTRICT THE USE OF
ELECTRONIC CIGARETTES AND OTHER SMOKING
DEVICES

WHEREAS, the City of Delta (“City”) has prohibited smoking in indoor areas in order to reduce the levels of exposure to environmental tobacco smoke; and

WHEREAS, since Chapter 8.36 was adopted, electronic cigarettes and other smoking devices (“e-cigarettes”) have become an increasingly popular method of smoking tobacco and nicotine products; and

WHEREAS, environmental tobacco smoke and the vapors emitted from e-cigarettes can be a nuisance to others and interfere with the public’s use and enjoyment of public places; and

WHEREAS, the current language of Chapter 8.36 does not address or incorporate e-cigarettes, which limits the City’s ability to utilize the smoking ban to eliminate the nuisance caused by the use of e-cigarettes in its facilities and other public areas; and

WHEREAS, the City’s citizens remain susceptible to the negative impacts of smoking e-cigarettes indoors and in public areas; and

WHEREAS, C.R.S. § 25-14-207 authorizes a local jurisdiction such as the City to enact ordinances or regulations regarding smoking indoors and indoor air quality; and

WHEREAS, the Charter of the City of Delta and the City Council’s municipal police powers permit the Council to legislate and regulate the City as appropriate;

WHEREAS, the City Council has considered comments and testimony offered by members of the public offered at the public meetings where this Ordinance was considered; and

WHEREAS, the City Council has carefully considered the proposed amendment to Chapter 8.36 and the impacts of e-cigarettes on the use and enjoyment of public areas, the orderly operation of City facilities, and public safety and welfare in general, and has determined that the smoking of e-cigarettes should be prohibited to the same extent as traditional cigarettes and other tobacco products.

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

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Delta City Council.

2. Amendment. The City Council hereby amends the Delta Municipal Code by amending certain provisions of Chapter 8.36. Those provisions of Chapter 8.36 not explicitly changed herein shall remain in full force and effect. The amendments to Chapter 8.36 approved by this Ordinance are indicated in **bold** and **underlined** and are as follows:

Chapter 8.36 Control of Smoking

8.36.010 Legislative Declaration

The City of Delta hereby finds and determines that it is in the best interest of the people of this City to protect nonsmokers from involuntary exposure to environmental tobacco smoke in most indoor areas open to the public, public meetings, food service establishments, and places of employment. The City further finds and determines that a balance should be struck between the health **and environmental** concerns of nonconsumers of tobacco products and the need to minimize unwarranted governmental intrusion into, and regulation of, private spheres of conduct and choice with respect to the use or nonuse of tobacco products in certain designated public areas and in private places. Therefore, the City hereby declares that the purpose of this Chapter is to preserve and improve the health, comfort, and environment of the people of this City by limiting exposure to **environmental** tobacco smoke.

8.36.020 Definitions

(7) “Environmental tobacco smoke,” “ETS,” or “secondhand smoke” means the complex mixture formed from the **gases, particles, and vapors released during the burning, heating, or vaporization** of tobacco, **nicotine, marijuana, or any other substance or** product, also known as “sidestream smoke,” and **such gases, particles, and vapors** exhaled by the smoker.

(9.5) “Marijuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marihuana concentrate.

(14) **“Smoke” or “Smoking” means the burning, heating, electrical ignition, or vaporization** of a lighted cigarette, cigar, pipe, **vaporizer or other electronic smoking device,** or any other matter, substance, **or instrument** that contains tobacco, **nicotine, marijuana, or any other substance.**

(15) “Tobacco” means cigarettes, cigars, cheroots, stogies, and periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff and snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or for smoking in a cigarette, pipe, **vaporizer or other electronic smoking device,** or otherwise, or both for chewing and smoking. “Tobacco” also includes cloves and any other plant matter or product that is packaged for smoking.

INTRODUCED on February 17, 2015, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and

ordered published in full and posted in at least two public places within the City as required by the Charter.

CITY OF DELTA, COLORADO

By: _____
Edward C. Sisson, Mayor

ATTEST:

Jolene E. Nelson, City Clerk

INTRODUCED a second time at a regular meeting of the Council of the City of Delta, Colorado on _____, 2015, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

CITY OF DELTA, COLORADO

By: _____
Edward C. Sisson, Mayor

ATTEST:

Jolene E. Nelson, City Clerk

CERTIFICATE

STATE OF COLORADO)
) ss.
CITY OF DELTA)

I, Jolene E. Nelson, City Clerk of the City of Delta, Colorado, do hereby certify that the above and foregoing ordinance was introduced, read in full, and passed on first reading at a regular meeting of the City Council of the City of Delta on _____, and published in the Delta County Independent, a newspaper of general circulation published in the City of Delta in its issue of _____, and was finally adopted and approved at a regular meeting of the City Council on _____, and ordered published as Ordinance No. _____, Series of 2015, of said City as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the City of Delta, Colorado, this ____ day of _____, 2015.

(SEAL)

City Clerk

Ordinance #____, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
REPEALING AND REPLACING SECTION 9.04.250 OF
THE DELTA MUNICIPAL CODE

WHEREAS, the adoption of Article II, Section 3 of the Colorado Bill of Rights states the freedom of movement of a juvenile is not a fundamental right. Therefore, individual cities and towns within the State of Colorado may set and enforce curfews for juveniles (People in Interest of J.M., 768 P.2d 219 (Colo. 1989); and

WHEREAS, following its process of review, staff has made recommendations to the City Council for revising the juvenile loitering ordinance; and

WHEREAS, the City Council finds the recommendation of staff to be reasonable and necessary for the promotion of public health, safety and welfare.

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

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

Section 2. Section 9.04.250 of the Delta Municipal Code is hereby repealed and replaced as follows:

9.04.250 Juvenile Curfew

A. No juvenile under eighteen years of age shall be or remain upon any public street, sidewalk, or any other public place or right of way within the City of Delta between midnight and 5 a.m., except as provided in Subsection (C) of this section.

B. It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a juvenile under the age of eighteen years to knowingly permit or allow such juvenile to remain upon any public street, sidewalk or public place in violation of Subsection (A) of this section, except as provided in Subsection (C) of this section. The term knowingly includes knowledge which a parent should be reasonably expected to have concerning the whereabouts of a juvenile in that parent or guardian's custody.

C. In the following exceptional cases, a juvenile may be or remain in a public place beyond the hours set forth in Subsection (A) of this section:

1. When accompanied by a parent or legal guardian.
2. When traveling directly from a recognized community event (e.g. school function, movie theatre).
3. For one-half hour before or after employment hours when commuting directly to and from such employment and when carrying an employer's certification of time and place of employment.
4. The juvenile received authorization from a parent or legal guardian.

D. A police officer who has probable cause to believe that a juvenile is in violation of this section shall take such juvenile into protective custody and immediately contact the juvenile's parent or guardian. If, after this contact, there is probable cause to believe that the juvenile was violating this section, the juvenile sixteen years of age or under shall be turned over to the custody of the Delta County Health and Human Services until a parent or guardian can take custody of the juvenile.

E. Any juvenile and/or parent, or legal guardian served with a citation under this section shall appear in Municipal Court.

F. There is no defense that a parent or guardian, or other person having the care and custody of the juvenile was indifferent to the activities, conduct or whereabouts of such juvenile.

Section 4. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part thereof.

Section 5. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated pursuant to the City's home rule authority and under the general police power of the City of Delta and that it is promulgated for the protection of the health, safety, and welfare of the citizens of the City of Delta. The City Council further determines that this Ordinance bears a rational relationship to the legislation proposed hereof

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days after final publication as provided in City Charter and C.R.S. section 31-16-105.

ADOPTED on first reading and ordered published this ____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

ADOPTED on second and final reading and ordered published this ____ day of _____, 2015.

Mayor

ATTEST:

City Clerk

Items: K, L & M

Attorney Comments



City Manager Comments



Councilmember Comments

