



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 6, 2015
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Parade/Street Closure Permit; Delta Area Chamber of Commerce Parade of Lights**
- F. 3.2% Beer Off Premises License Renewal; Maverik Inc #463**
- G. City Attorney Comments**
- H. City Manager Comments**
- I. 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 Glen Black. 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 1, 2015 regular meeting and the September 8, 2015 special meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Barry Vollmert, 722 Silver Street, comment on the chicken processing plant that is proposed to be put in across the street from his home. Mr. Vollmert is requesting Council deny the request.

Abraham Connection Financial Request

Carol Rhan, 1750 Lynx Street, Pastor of the Delta United Methodist Church, stated that she is speaking on behalf of The Abraham Connection. She has extensive work history in the homeless community in other cities as well as 20 years in law enforcement. The need to help people who are temporarily out of housing and people that chronic homeless is a function of county, city and national government. She believes it is our obligation. There is support in the community for The Abraham Connection. It is necessary and the responsibility of the government to help.

Cheryl Oeltjenbruns, President of the Board of The Abraham Connection, stated that in attendance with her tonight is Dick Kirkpatrick, general contractor; 8 of the 12 board members and a representative from the Department of Local Affairs. The Abraham Connection is constructing a permanent shelter. The board did submit a letter requesting the City consider helping with the project. The past five seasons they were housed at the Delta United Methodist Church. She stated that due to a short fall in monies, the board is seeking grant funds to help complete the project and doing various fund raising events throughout the community. One of the funders, the Anschutz Foundation, did a site visit and questioned what the City and County have done to support Abraham Connection financially. The comment the foundation made was that if the City and County does not support Abraham Connection why should a funder out of Denver help. Ms. Oeltjenbruns stated that was a difficult question to answer. She invited Dick Kirkpatrick to discuss the short fall in more detail.

Regular Meeting, Delta City Council, September 15, 2015 (cont.)

Abraham Connection Financial Request (cont.)

Dick Kirkpatrick stated that the letter that was submitted addresses all the issues they had. There were some items that they had not anticipated because of the city requirements that they were not aware of. The lot was purchased for \$40,000, of which \$20,000 was donated by the City. He explained the problems they came had regarding concrete removal, the requirement to put in a six inch water line, the retention pond, and the additional funds to pay for a tap fee. At this time, The Abraham Connection is requesting financial assistance as well as allowing for some variance for the granting of a Certificate of Occupancy (CO). The variances would allow them to carry some of the required items over until next year without the required funding being in an escrow account.

City Manager Glen Black stated that after meeting with The Abraham Connection he did some additional research into what the City has done. Again, the City donated \$20,000 toward the purchase of the lot. The City also moved a sewer line that cost \$18,605. He questioned whether that information was given to the funders.

Mr. Black also stated that staff is willing to work with The Abraham Connection to allow them to get a temporary CO. In the past staff has engaged in development improvement agreements that allow them to get the temporary CO. The temporary CO would be revoked if the improvements were not completed by the deadline in the agreement. He explained that the system improvement fees and building permit fees were charged to The Abraham Connection.

Mayor Sisson questioned how The Abraham Connection is going to staff the shelter.

Ms. Oeltjenbruns stated that they will continue to use volunteers. She explained that they have a policy that all volunteers must comply with.

Councilmember Jurca questioned how much money would The Abraham Connection have to come up with to get the CO with the development improvement agreement.

Mr. Kirkpatrick stated it would estimate the amount to be around \$8000. He stated that if they had those funds they would not be requesting the funds or variances.

Councilmember Cooper stated that she recalls helping a church in North Delta giving them a variance to give them an extension on landscaping and parking.

Mr. Kirkpatrick explained that giving them the additional time to complete the requirements would help.

Councilmember Cooper stated that the purchase of the lot was written with the \$20,000 donation to help The Abraham Connection obtain grant funds. The idea that the City has not helped and has not been involved does not sit well with her.

Ms. Oeltjenbruns stated that they did let the funders know what the City has contributed. She also advised the funders about the Councilmembers volunteering.

Councilmember Cooper questioned what the County has submitted.

Regular Meeting, Delta City Council, September 15, 2015 (cont.)

Abraham Connection Financial Request (cont.)

Mr. Kirkpatrick stated that was what brought the question. They could not give the funder the same accolades that they could for the City. They are working with the County on some gravel for the parking lot.

Councilmember Jurca stated that he is not a fan of waiving fees; however, he would agree with an extension.

There was discussion on the site drainage and the parking lot.

Mr. Black stated that staff can work with The Abraham Connection to get them a temporary CO and the outstanding development requirements.

There was consensus amongst Council to allow staff to work with The Abraham Connection regarding the outstanding development requirements to obtain a temporary CO.

Public Hearing: Sales & Use Tax License; Brick Wall Eatery

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

Finance Director Tod DeZeeuw stated that Brick Wall Eatery has failed to pay the sales and use tax for the last four months. He reported that he was contacted by someone to pay half of what was owed; however, the amount has not been paid. There is a couple who is interested in purchasing the business and the taxes would then need to be paid by them. He stated that someone is running the business because it is open.

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

Councilmember Cooper questioned what Council's options were.

Mr. DeZeeuw stated that they can either work with them to get the amount paid or they can secure the business and sell items to recover the amount owed or lien the property.

Manager Black reported that he believes the building is being leased and the owners of the building are present.

Dan Korthius, 781 1600 Raod, stated that he disagrees with the lien. He sold the business and is leasing out the building. It is not his responsibility to pay the amount due to the City. It is not his business.

Mr. Black suggested getting the City Attorney to look at all agreements and give advice on how the City should proceed.

There was consensus amongst Council to have staff meet with the City Attorney and proceed accordingly.

Regular Meeting, Delta City Council, September 15, 2015 (cont.)

Public Hearing: Special Events Permit Application; Altrusa International

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

The Clerk reported that Altrusa has submitted an application for a special events permit. The application states that they plan to sell malt, vinous and spirituous liquor on November 13, 2015 from 4:00pm to 10:00pm and on November 14, 2015 from 9:00am to 5:00pm at Bill Heddles Recreation Center. 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 Jurca and seconded by Councilmember Raley to approve the Special Events Permit Application for Altrusa International for their event on November 13 and 14, 2015. All in favor, motion carried.

Water Booster Pump Station Phase 1 Bid Award

Utilities Director Steve Glammeyer explained that staff budgeted for a water booster pump station to be located near 13th and Pioneer Road on Garnet Mesa. The first phase of the project is to install water pipeline connections to the existing transmission and distribution lines in Pioneer Road. Staff solicited bids from qualified contractors and received two bids for this phase. There was a bid alternative for a loop feed system and that is being awarded tonight. The low bid for the alternative is \$29,311. The total budget for all phases of the project is \$400,000. Staff would like to include a 15% contingency to the project as they are unsure where and at what elevation the existing pipelines are and that may require additional piping and fittings to make the connections. The total would be \$33,707.65 which includes the 15% contingency.

Councilmember Penick questioned if the contingency fee is addressed in the contract.

Mr. Glammeyer stated that in the contract it will be a not to exceed amount based on time and materials.

Councilmember Jurca reported that the City has used Wells Excavation in the past and they have done good work.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to award Wells Excavation and Farming, LLC the water booster pump station phase 1 project with a not to exceed amount of \$33,707.65. All in favor, motion carried.

Sewer Line Replacement Project Bid Award

Utilities Director Steve Glammeyer stated that this project is replacement of sewer lines on Garnet Mesa. Staff is using the new sewer camera and is finding various lines that need to be replaced. A sewer line in the alley between Leon and Hastings and from 8th to 10th Streets is in need of immediate repair. The line has begun to collapse and material is beginning to fall into the line. Staff invited qualified contractors to a mandatory walkthrough and five contractors

Regular Meeting, Delta City Council, September 15, 2015 (cont.)

Sewer Line Replacement Project Bid Award (cont.)

attended. Staff received two bids for the project. The low bid for the project was \$108,455 including possible alternative items. The total budget for this work was \$150,000.

Councilmember Penick questioned if Wells Excavation has experience in replacing sewer lines.

Mr. Glammeyer stated that they do have experience in both live and not live sewer replacement.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to award the sewer line replacement project to Wells Excavation and Farming, LLC in the amount of \$108,455. All in favor, motion carried.

Councilmember Penick stated that the amount of the second bid was \$261,870.30.

Appointment of City Manager/Employment Agreement Approval

Manager Black stated that the Charter has a provision regarding an Acting City Manager being appointed for only 180 days. It had been proposed by Council that he be appointed as City Manager during the time which Council continues to search and fill the position with the assistance of Mercer Group.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to appoint Glen Black as City Manager until Council has selected and hired a permanent City Manager with the current employment agreement which is in place and authorize Mayor to sign said employment agreement. All in favor, motion carried.

City Attorney Comments

There were none.

City Manager Comments

Director Glammeyer presented an update on the storm water project at the request of Mr. Black.

Mr. Black updated Council on the City Manager selection process. The ads have been placed and Mercer Group is now accepting applications. He also outlined the next few meetings.

Councilmember Comments

Councilmember Raley commented on the repairs to the railroad crossing.

Councilmember Jurca stated that there will be an open house at Villas at the Bluff on Sept. 23rd.

The meeting was adjourned at 8:00 p.m.

Jolene E. Nelson, CMC, City Clerk

Item D:

Citizen Comments



MEMO

To: Mayor and City Council
From: Jolene Nelson, CMC, City Clerk
Date: October 6, 2015
Subject: Delta Area Chamber of Commerce Street Closure;
Parade of Lights



Office of the City Clerk

Recommendation:

It is recommended that the Council approve the special permit for the temporary closure request from the Delta Area Chamber of Commerce for the Parade of Lights scheduled on December 4, 2015.

Background:

The Delta Area Chamber of Commerce is requesting the closure of East 9th Street, between Main and Meeker Streets, as well as Main Street from 9th to 2nd Streets for the Parade of Lights on December 4, 2015. The application requests closures begin at 4:00pm and will reopen after the parade at approximately 9:00pm. The application is complete and the application fees have been paid.

Cost:

There is no cost to the City

Alignment With Strategic Planning:

The Delta Municipal Code section 12.10-030 states: “the City Council may grant a special permit for the temporary use or occupation of a street, alley or other public property for civic events, parades, special sales or other events of a public or quasi-public nature.”

Actions To Be Taken if Approved:

The Mayor will sign the special permits and the Clerk will notify the Chamber of the approval.

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**City of Delta Special Permit for Temporary Closure
Or Occupation of Public Right of Way (R.O.W.)**

Date of Application: 9/23/15

PLEASE PRINT OR TYPE

Event Information:

Date & Specific Time of Event: Friday, December 4th, 6:00 pm

Location(s) of Event: Main Street - 9th - 2nd Streets

Name and Description of Event: 2015 Parade of Lights

Applicant:

Name of Organization, Group, or Individual: Delta Area Chamber of Commerce

Authorized Contact Person: Leslie Workman

Mailing Address: 301 Main Street, Delta CO 81416

E-Mail Address: director@delta.colorado.org

Phone Number: (Day) 874-8666 (Evening) _____

Special Equipment Needs (power, water etc.):

none

The following items have been received by the City of Delta:

- Application Fee of \$ 25
- Deposit of \$ 500 to be refunded no more than five (5) business days after the permitted event if the Right of Way (R.O.W.) closure area and adjoining property is made clean and litter free by applicant within 24 hours of the event.
- Proof of Special Event Insurance (\$1 million event liability policy).

Conditions For Use

1. Sales of food, beverage, and merchandise are not allowed without prior approval of the City.
2. A permit must be issued by the City of Delta Police Department for Beer and Wines to be sold and consumed on designated City property. If alcoholic beverages are to be distributed or sold, applicable State and Local Licenses must be obtained and approval from the City is required to obtain such permits. Permits are not available for distilled Liquor. Exact location of area proposed for sales and consumption of beer and/or wine during subject special event: _____

City of Delta Special Permit continued

Any authorized City of Delta representative may terminate the event at any time for any good cause and applicant must then immediately vacate. No refund will be given in such event.

R.O.W. Closure Regulations:

- No R.O.W. closure may occur in conjunction with any Special Events Liquor License, unless permission is granted by the City Council.
- No R.O.W. may be closed more than ten hours.
- Application must be submitted at least 30 days in advance of event.
- Event must conclude by 11:00 p.m.
- R.O.W. and adjoining walkway, etc. must be cleaned after event by applicant.

Date of R.O.W. Closure: Friday, December 4th
 Start Time of Closure: 4:00pm Ending Time of Closure: 9:00pm

Describe R.O.W. area to be closed:
Main Street from 9th street intersection to
2nd street intersection

Barricades, cones and signs needed:

Barricades: X Signs: X Cones: X
 Time and Date for Delivery: 12/4 @ 4pm
 Time and Date for Pickup: 12/4 @ 9pm

Parade Regulations:

- Application must be submitted at least 60 days in advance of event.
- Each parade must organize and stage on 9th Street from Grand Avenue to Main Street with additional staging area on Main Street from 9th Street to 11th Street on the East side. The parade must then travel North on Main Street to 2nd St. turning off of Main Street, East onto ~~4th Street~~ 2nd Street
- Throwing candy and other items from moving vehicles is prohibited.

I understand that the City of Delta has no liability and provides no insurance for the protection of the applicant or event spectators. The applicant agrees to save and hold harmless the City and its employees from any and all claims and demands arising out of the use of the permitted areas and will defend any cause of action brought to enforce any such claims or demands against the City and/or its Employees.

Leslie C. A. Workman 9/23/15
 Signature of Applicant or Representative Date

The foregoing application for a special permit is hereby granted, subject to all terms, conditions and regulations previously stated and subject to all other applicable City Code regulations.

 Mayor of the City of Delta Date

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: October 6, 2015
Subject: 3.2% Beer Off Premises Renewal; Maverik, Inc. #463



Office of the City Clerk

Recommendation:

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

Background:

The current liquor license expires November 26, 2015.

Cost:

There is no cost to the City to renew the license. The applicant has paid the \$96.25 renewal fee to the State, the City renewal fee of \$78.75 as well as the City liquor occupation tax of \$150.

Alignment With Strategic Planning:

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

Actions To Be Taken if Approved:

The Mayor and Clerk will sign the renewal application, and the Clerk will mail it to the State, who will review the application and issue the State license.

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

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

Fees Due	
Renewal Fee	\$96.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

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

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name MAVERIK INC		DBA MAVERIK INC #463		
Liquor License # 4600064	License Type 3.2% Beer Off Premises (city)	Sales Tax License # 0422730	Expiration Date 11/26/2015	Due Date 10/12/2015
Street Address 101 HWY 92 DELTA CO 81416				Phone Number (801) 683 3628
Mailing Address 880 W CENTER ST NORTH SALT LAKE UT 84054				
Operating Manager Clyde Wright	Date of Birth 9/21/66	Home Address 1112 Park Ridge Ct., Delta, CO 81416	Phone Number 970-560-3709	

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

AFFIRMATION & CONSENT

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

Type or Print Name of Applicant/Authorized Agent of Business Lance Dunkley	Title V.P. Real Estate
Signature <i>L. Dunkley</i>	Date 9/23/15

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	Date
Signature	Title
	Attest



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

LIQUOR LICENSE RENEWAL RECOMMENDATION

To: City Council

Re: Application of Maverik, Inc. #463
DBA: Maverik, Inc. #463

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

No liquor violations in the past twelve months.

Remarks:

Police Department recommendation:

Recommend liquor license renewal.

Charles Kettle, Interim Chief of Police

Items: G, H & I

Attorney Comments



City Manager Comments



Councilmember Comments

