

The meeting was called to order at 7:00 p.m. by Mayor Bob Jay. Also present were Councilmembers Gerald Roberts, Bonnie Thompson and Guy Pfalzgraff, along with City Manager Les Rumburg and City Attorney John Kappa. Councilmember Bob Harding was absent. A meeting notice was posted on the City Hall bulletin board at least twenty-four hours in advance of the meeting.

Minutes

It was moved by Councilmember Thompson and seconded by Councilmember Pfalzgraff to approve the minutes of the previous meeting as submitted by the Clerk. All in favor, motion carried.

Accounts Payable

There were no questions or comments concerning the Accounts Payable.

Citizen Comments

Ove Johannsen commented on the need for restrooms in downtown Delta and on the west side of Confluence Lake.

Public Hearing: Annexation of Leavitt Additions

Mayor Jay recessed the regular meeting and convened the public hearing.

Council reviewed the official files containing the annexation petitions and maps, as well as proof of publication and mailing of the notices of annexation as required by law.

Copies of the prepared testimony of Planning Technician Nomi Gray were distributed.

The Mayor called for public comment. Greg and Candice Leavitt, owners of the property proposed for annexation, were present and expressed their desire to have their property annexed.

When there were no further public comments, the Mayor closed the public hearing and reconvened the regular meeting.

Resolutions #34, and #35, 1995; Setting Forth Findings of Fact with Respect to the Annexation of Leavitt Additions #1 and #2

## Resolution #34, 1995

A RESOLUTION OF THE CITY OF DELTA, COLORADO,  
SETTING FORTH FINDINGS OF FACT AND CONCLU-  
SIONS WITH RESPECT TO THE ANNEXATION OF THE  
LEAVITT ADDITION #1

and

## Resolution #35, 1995

A RESOLUTION OF THE CITY OF DELTA, COLORADO,  
SETTING FORTH FINDINGS OF FACT AND CONCLU-  
SIONS WITH RESPECT TO THE ANNEXATION OF THE  
LEAVITT ADDITION #2

Regular Meeting, Delta City Council, December 5, 1995 (Cont.)Resolution #34 and #35, 1995 (Cont.)

were read by the Clerk.

It was moved by Councilmember Roberts and seconded by Councilmember Thompson to adopt Resolutions #34 and #35, 1995. Roll call vote: Councilmembers Roberts, aye; Thompson, aye; Pfalzgraff, aye; and Jay, aye. Motion carried.

Council Bill #35 and #36, 1995; First Reading; Annexation of Leavitt Additions #1 and #2

## Council Bill #35, 1995

AN ORDINANCE OF THE CITY OF DELTA, COLORADO  
FOR THE ANNEXATION OF THE LEAVITT ADDITION #1  
AND DECLARING AN EMERGENCY

and

## Council Bill #36, 1995

AN ORDINANCE OF THE CITY OF DELTA, COLORADO  
FOR THE ANNEXATION OF THE LEAVITT ADDITION #2  
AND DECLARING AN EMERGENCY

were read by the Clerk.

It was moved by Councilmember Thompson and seconded by Councilmember Pfalzgraff to adopt Council Bills #35 and #36, 1995, on first reading. Roll call vote: Councilmembers Roberts, aye; Thompson, aye; Pfalzgraff, aye; and Jay, aye. Motion carried.

Council Bill #37, 1995; First Reading; Initial Zoning for the Leavitt Additions

The Planning and Zoning Commission held a public hearing on November 6, 1995, concerning proposed zoning for the Leavitt Additions. They recommended Residential 2 consistent with the proposed use of the property, the existing zoning of the surrounding area, the expressed desires of the property owners, and the public health, safety and welfare.

## Council Bill #37, 1995

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
DESIGNATING THE LEAVITT ADDITIONS #1 AND #2 AS  
AN R-2 USE DISTRICT AND DECLARING AN EMER-  
GENCY

was read by the Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Thompson to adopt Council Bill #37, 1995, on first reading. Roll call vote: Councilmembers Roberts, aye; Thompson, aye; Pfalzgraff, aye; and Jay, aye. Motion carried.

**Regular Meeting, Delta City Council, December 5, 1995 (Cont.)**

**Egyptian Theatre Restoration**

Assistant City Manager Rich Englehart reported that the City has been awarded a grant in the amount of \$97,827 for the restoration of the 1928 facade of the Egyptian Theatre and for reconstruction of murals and other decorative elements, both inside and outside the theater building. Mr. Englehart explained that the City will be the responsible agency for the project, with administration being handled cooperatively by himself and Linda Loftis.

The Assistant City Manager went on to explain that owner Jeanne Dewsnap is making a \$10,000 cash contribution to the project. The City will contribute \$5,000 in cash, along with in-kind services which will consist mainly of removing the cobra head light and replacing it with low level lighting.

The total cost of the project is \$121,127.

Mr. Englehart asked Council to authorize the Mayor to sign all documents related to the project.

It was moved by Councilmember Roberts and seconded by Councilmember Pfalzgraff to authorize Mayor Jay to sign all documents related to the Egyptian Theatre restoration project. All in favor, motion carried.

**Historic Preservation Regulations**

The Assistant City Manager reported that a Citizens' Task Force survey presented to Council in December of 1993 recommended four historic projects for City involvement in 1994. These included reconstruction of the Methodist Church, facade restoration for the Egyptian Theatre, restoration of historic windows and awnings at City Hall, and encouragement for local business owners to restore historic facades when new construction takes place. The first three items recommended have either been completed or are currently in process. The final recommendation, however, has been put on hold pending the development of a preservation plan.

Mr. Englehart presented the proposed historic preservation regulations, which establish an Historic Preservation Board who will have responsibility for historic preservation matters. The regulations also provide procedures and criteria related to designating local historic buildings, sites and districts.

After some discussion, it was moved by Councilmember Roberts and seconded by Councilmember Pfalzgraff to adopt the historic preservation regulations as presented by the Assistant City Manager. All in favor, motion carried.

**Uncompahgre Valley Water Users Agreement**

City Attorney Kappa noted that the agreement before Council provides for the City to take over the operation and maintenance of a drain pipe at Riley Lane and Third Street which was installed in a joint City/Water Users project in 1994.

It was moved by Councilmember Roberts and seconded by Councilmember Thompson to approve the Uncompahgre Valley Water Users Agreement. All in favor, motion carried.

**Regular Meeting, Delta City Council, December 5, 1995 (Cont.)**

**Council Bill #38, 1995; First Reading: Increasing Water, Sewer and Trash Rates**

Council Bill #38, 1995

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
PROVIDING REVISED WATER, SEWER AND TRASH  
RATES

was read by the Clerk.

It was moved by Councilmember Thompson and seconded by Councilmember Pfalzgraff to adopt Council Bill #38, 1995, on first reading. Roll call vote: Councilmembers Roberts, aye; Thompson, aye; Pfalzgraff, aye; and Jay, aye. Motion carried.

**Animal Control Penalty Assessments**

Police Chief Paul Suppes asked Council to act on the changes in animal control penalty assessments presented to them at the last meeting.

It was moved by Councilmember Thompson and seconded by Councilmember Pfalzgraff to endorse the animal control impound fees and penalty assessments proposed by the Police Chief. All in favor, motion carried.

**Resolution #33, 1995; Providing for Defense and Indemnity**

Resolution #33, 1995

A RESOLUTION OF THE CITY OF DELTA, COLORADO,  
PROVIDING FOR A DEFENSE AND INDEMNITY OF  
PUNITIVE DAMAGE CLAIMS AGAINST INDIVIDUAL  
CITY OFFICERS AND EMPLOYEES IN THE CASE OF  
SHUTT V. CITY OF DELTA, ET. AL., 95 CV 82

was read by the Clerk.

It was moved by Councilmember Thompson and seconded by Councilmember Pfalzgraff to adopt Resolution #33, 1995. Roll call vote: Councilmembers Roberts, abstain; Thompson, aye; Pfalzgraff, aye; Jay, abstain. Motion carried.

**Liquor License Renewals: Wanda's Place Tavern License; Davetos Wine and Beer License**

The Clerk reported that Wanda's tavern license renewal application was complete and that all fees had been paid. The Police Chief reported no problems with this applicant during the past year and recommended approval of the renewal.

It was moved by Councilmember Roberts and seconded by Councilmember Pfalzgraff to approve the tavern license renewal application for Wanda's Place. All in favor, motion carried.

The Clerk explained that Davetos renewal application did not appear on the agenda and asked Council to consider it. Council agreed.

The Clerk reported that the application was complete and the fees had all been paid. Chief Suppes reported no problems with this applicant during the past year and recommended approval of the renewal.

Regular Meeting, Delta City Council, December 5, 1995 (Cont.)Liquor License Renewals (Cont.)

It was moved by Councilmember Thompson and seconded by Councilmember Roberts to approve the beer and wine license renewal application for Davetos. All in favor, motion carried.

Council Bill #39, 1995; First Reading; 1995 Supplemental Appropriations

## Council Bill #39, 1995

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 1995 BUDGET YEAR

was read by the Clerk.

It was moved by Councilmember Roberts and seconded by Councilmember Thompson to adopt Council Bill #39, 1995, on first reading. Roll call vote: Councilmembers Roberts, aye; Thompson, aye; Pfalzgraff, aye; and Jay, aye. Motion carried.

Council Bill #40, 1995; First Reading; 1996 Appropriations

## Council Bill #40, 1995

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 1996 BUDGET YEAR

was read by the Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Roberts to adopt Council Bill #40, 1995, on first reading. Roll call vote: Councilmembers Roberts, aye; Thompson, aye; Pfalzgraff, aye; and Jay, aye. Motion carried.

Ordinance #33, 1995; Second and Final Reading; Initial Zoning of the Blue Columbine Addition

## Ordinance #33, 1995

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, DESIGNATING THE BLUE COLUMBINE ADDITION AS AN A-1 USE DISTRICT

was introduced as Council Bill #34, 1995, and read by the Clerk.

It was moved by Councilmember Roberts and seconded by Councilmember Thompson to adopt Council Bill #34, 1995, on second and final reading. Roll call vote: Councilmembers Roberts, aye; Thompson, aye; Pfalzgraff, aye; and Jay, aye. Council Bill #34, 1995 was adopted on second and final reading as Ordinance #33, 1995.

Regular Meeting, Delta City Council, December 5, 1995 (Cont.)City Attorney Comments

There were none.

City Manager Comments

Mr. Rumburg indicated he had some matters subject to negotiation to discuss with Council in Executive Session.

Purchase of Skid Steer Loader

The City Manager reported that since the front end loader was sold in the recent auction of surplus equipment, Community Development Director Rich Sales and Utilities Director Fay Mathews have been considering the purchase of a small skid steer "bob cat" loader. The following base bids were received:

Bobcat Loader 853H	\$20,988.16
Case 1845C Unloader	\$23,192.00
Scat Trak SSL 1700 CX	\$21,616.60

The staff's recommendation is to purchase the Scat Trak, which comes equipped with a standard dirt bucket and a set of pallet forks. The addition of a grapple bucket and a heavy duty seat brings the total price to \$23,983.60. \$29,000 was budgeted.

It was moved by Councilmember Thompson and approved by Councilmember Pfalzgraff to approve the purchase of the Skat Trak for \$23,983.60. All in favor, motion carried.

Planning Commission Report

Manager Rumburg noted that only two applications had been received for the two expiring terms on the Planning and Zoning Commission. The Commission recommended that Ethel Jackson be reappointed and that Council defer filling the other seat until after the first of the year.

It was moved by Councilmember Thompson and seconded by Councilmember Pfalzgraff to reappoint Ethel Jackson to the Planning and Zoning Commission. All in favor, motion carried.

The City Manager suggested that Council consider submitting the matter of term limitations for the Planning and Zoning Commission to the voters in April.

The Planning Commission submitted the dates of January 11 and January 15 for the annual Commission/Council dinner. Council agreed that January 11 would be fine.

Forest Service Timber Sales

City Manager Rumburg reported that it appears that Blue Mesa Forest Products, based in Montrose, will be closing due to the way the Forest Service handles timber sales. Mr. Rumburg noted that even though this business is based in Montrose, its closure would adversely impact Delta as well. He suggested the Mayor send a letter to the U.S. Forest Service expressing Delta's concern about the loss of this light industry. Council agreed.

**Regular Meeting, Delta City Council, December 5, 1995 (Cont.)**

**City Manager Comments (Cont.)**

**Graffiti Removal**

Manager Rumburg reported that the City had purchased paint which was used by members of the Middle School's Outdoor Club to remove graffiti at a number of locations around town, including the drive-in theater on Crawford Avenue and a number of City dumpsters.

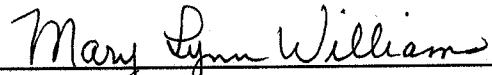
**Councilmember Comments**

There were none.

**Executive Session**

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Thompson to convene an Executive Session to discuss matters subject to negotiation. All in favor, motion carried.

The regular meeting was recessed at 8:20 p.m. and an Executive Session was convened a short time later. At 9:53 p.m., the Executive Session was adjourned and the regular meeting was reconvened. The Mayor reported that Council had not strayed from the announced topics and immediately adjourned the meeting.



Mary Lynn Williams, CMC, City Clerk