

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with Acting City Manager Glen Black and City Attorney Mike Schottelkotte. 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 Carlquist and seconded by Councilmember Pfalzgraff to approve the minutes of January 5, 2010 regular meeting and January 12, 2010 special meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Public Hearing: Special Events Permit Application, Delta Area Chamber of Commerce**

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

The Clerk reported that the Delta Area Chamber of Commerce has submitted a special events permit application for their annual banquet to be held on February 27, 2010 from 6:00pm to 10:00pm. The banquet will be held at Miller's Deitch Haus. The application is complete and all fees have been paid to the City as well as the State. A sign notifying the public of this hearing was posted at the premises for at least 10 days as required by law. There have been no comments for or against the approval. Staff recommends approval of the application.

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

It was moved by Councilmember Jurca and seconded by Councilmember Seuell to approve Delta Area Chamber of Commerce's special events permit for February 27, 2010. All in favor, motion carried.

**Designation of Official Posting Site**

The Clerk explained that State law requires Council to designate an official site for posting of meeting notices. The official site for the City has been the south window at City Hall for the past couple of years.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to designate the south window at City Hall as the official site for posting notices of City meetings in 2010. All in favor, motion carried.

**Mail Ballot Plan for the April 6, 2010 Mail Ballot Election**

The Clerk stated that this is for information only. The Secretary of State requires the plan to be submitted to the governing body and therefore the reason why it is on the agenda tonight. The plan will be submitted to the Secretary of State's office at least 55 days before the election.

**Resolution #2, 2010; Setting the Ballot Title and Content**

Resolution #2, 2010

A RESOLUTION TO SUBMIT AT THE CITY'S APRIL 6, 2010  
REGULAR ELECTION A BALLOT QUESTION TO EXPAND THE  
PERMITTED USES OF THE EXISTING SALES AND USE TAX  
SUPPORTING THE BILL HEDDLES RECREATION CENTER;

**Regular Meeting, Delta City Council, January 19, 2010 (Cont.)**

**Resolution #2, 2010**

AND SETTING THE BALLOT TITLE AND CONTENT FOR THE  
BALLOT QUESTION.

was read by the Clerk.

Acting City Manager Glen Black explained that with the prior ballot question the language included maintenance and operation only. This would add language to allow for expansion of the recreation center. He stated that City Attorney Michael Schottelkotte has reviewed the resolution and suggested some changes and explained those changes.

City Attorney Michael Schottelkotte stated that the vote of the people doesn't institute the change; it's the ordinance that you are being authorized to do by the vote therefore the change in the wording on the resolution.

Councilmember Carlquist questioned if the wording in the first paragraph stating "the election shall be held" should be changed.

Mr. Schottelkotte agreed that it should read "the election to be held".

Councilmember Pfalzgraff stated that this does not increase the tax, this just allows for the existing tax to be used for expansion.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Resolution #2, 2010 with the corrections stated. Roll call vote: Councilmembers Jurca aye, Seuell aye, Pfalzgraff aye, Carlquist aye and Cooper aye. Motion carried.

**Settlement Agreement with Tri County Water Conservancy District**

Mr. Black reported that this is the final settlement agreement with Tri County Water. He stated that Tri County has agreed to the settlement. Earl Rhodes has recommended proceeding with this agreement. He also stated that it is his understanding that all parties involved have agreed to this settlement agreement.

There was discussion regarding any new allocation of water under this agreement.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to authorize the Mayor to sign the settlement agreement concerning Tri County Water Conservancy District, City of Montrose, City of Delta and the Town of Olathe. All in favor, motion carried.

**City Attorney Comments**

City Attorney Michael Schottelkotte commented on the medical marijuana dispensary moratorium.

**City Manager Comments**

Mr. Black reported that Jim Hatheway has stated that the 1600 Road traffic signal is moving forward. They plan to have packages out by February 1<sup>st</sup>.

**Councilmember Comments**

Councilmember Pfalzgraff stated that he enjoyed tour of the Confluence Drive Project.

Councilmember Carlquist commented on the presentation stating it was good.

Mayor Cooper reported on a DCED meeting she attended. She also stated that on Friday there will be a press release out regarding the finalists for the City Manager position. She did state that there were 56 applicants. They plan to have a tour with the finalists on February 11<sup>th</sup> and interviews February 12<sup>th</sup>.

The meeting was adjourned at 7:16 p.m.

/s/ Jolene E. Nelson

Jolene E. Nelson, City Clerk