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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

Amended

**Delta City Council
Regular Meeting**

**January 22, 2013
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Purchase of Golf Cars**
- F. RFP for City Attorney**
- G. Updates**
- H. City Attorney Comments**
- I. City Manager Comments**
- J. 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); or more specifically for discussions regarding Confluence Drive.

Amended 1/18/2013 jn

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 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 Jurca and seconded by Councilmember Raley to approve the minutes of the December 18, 2012 regular meeting as submitted by the Clerk. All in favor, motion carried.

Councilmember Penick stated there is a grammatical error on page 2.

Citizen Comments

There were none.

Public Hearing: Special Events Permit Application; Delta County Memorial Hospital Foundation

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

The Clerk explained that the Delta County Memorial Hospital Foundation has submitted a special events permit application for their fund raising event to be held on March 2, 2013 the Oncology and Education Building. They plan to sell malt, vinous and spirituous liquor from 3:00 pm to 2:00am. The application is complete and all fees have been paid. A sign notifying the public of this hearing was posted at the site as required by law and no comments have been received. Staff recommends approval of the permit.

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 Delta County Memorial Hospital Foundation's application for a special events liquor permit for March 2, 2013. All in favor, motion carried.

Regular Meeting, Delta City Council, January 8, 2013 (cont.)

Hotel and Restaurant Liquor License Renewal; Ocean Pearl

The Clerk reported that Ocean Pearl has submitted their hotel and restaurant renewal application. The application is complete and all fees have been paid. The police department has recommended renewal.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the hotel/restaurant liquor license for Ocean Pearl. All in favor, motion carried.

Resolution #1, 2013; Good Neighbor Policy for City of Delta Water Customers

City Manager Justin Clifton stated that this was discussed previously. There is language in the resolution to cover what constitutes an undetectable area. This is being implemented only when customers are caught off guard by an undetectable water leak.

Resolution #1, 2013

A RESOLUTION ADOPTING A GOOD NEIGHBOR POLICY
REGARDING WATER LEAKS FOR CITY OF DELTA WATER
CUSTOMERS

was read by the Clerk.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to adopt Resolution #1, 2013. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Penick, aye; Raley, aye and Sisson, aye. Motion carried.

Councilmember Penick stated he appreciates staff working on the policy. He believes it will benefit our citizens.

Ordinance #19, 2012; Second and Final Reading
Storage of Explosives

Manager Clifton stated that he has received a number comments and questions from residents concerned about this ordinance primarily having explosives within city limits. He also stated that there was some confusion over the language because the term explosive which has more to do with the intent of the material than its character or nature. He wanted to be sure Council received that feedback if they had not received those comments or questions.

Mayor Sisson reported that he has field several phone calls all to the negative. Most residents are very opposed to this.

Councilmember Cooper stated that she feels the restrictions are tight enough and the ability to control it on the City's side strong enough that if there is a need for it they can handle it.

Councilmember Jurca stated that he went to the ATF website and there are three pages regarding control explosives. He feels that they should leave well enough alone. There is no benefit to the City to allow the storage.

Regular Meeting, Delta City Council, January 8, 2013 (cont.)

Ordinance #19, 2012; Second and Final Reading (cont.)

Councilmember Raley stated that as far as safety for the City, they can purchase property right outside town and do the same thing if the County will approve it.

Councilmember Penick questioned if Councilmember Jurca looked at the requirements for the storage of the explosives on the website.

Councilmember Jurca stated that it appears distance and such applies to everything on their list.

Mayor Sisson stated they can limit this as much as they can, however, with moving forward with this he believes this may not be a good thing for the City.

Councilmember Penick stated that he was against this in the beginning, however, with the work session where Council was explained how well it was regulated by other agencies he has changed his opinion if they follow those reviews.

Councilmember Raley also is not opposed to the ordinance. He stated that a lot of the public that is upset didn't see the work session.

Ordinance #19, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO AMENDING CHAPTER 17.04.160 and 17.04.190 OF THE DELTA MUNICIPAL CODE FOR THE PRIMARY PURPOSE OF ADDING AND REGULATING STORAGE OF EXPLOSIVES AND OTHER NON-FUEL HAZARDOUS MATERIALS AS A CONDITIONAL USE IN THE B-3 AND I ZONES

was introduced as Council Bill #18, 2012 and read by the Clerk.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to adopt Council Bill #18, 2012 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Jurca, nay; Penick, aye; Raley, aye and Sisson, nay. Motion carried. Council Bill #18, 2012 was adopted on second and final reading as Ordinance #19, 2012.

**Ordinance #20, 2012; Second and Final Reading
2012 Supplemental Appropriations**

Ordinance #20, 2012

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 2012 BUDGET YEAR

was introduced as Council Bill #20; 2012 and read by the Clerk.

Regular Meeting, Delta City Council, January 8, 2013 (cont.)

Ordinance #20, 2012; Second and Final Reading (cont.)

It was moved by Councilmember Penick and seconded by Councilmember Jurca to adopt Council Bill #20, 2012 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Penick, aye; Jurca, aye; Raley, aye; and Sisson, aye. Motion carried. Council Bill #20, 2012 was adopted on second and final reading as Ordinance #20, 2012.

City Council Retreat

Manager Clifton stated that a draft agenda has been included in the Council packets. He requested information on the questions listed.

Councilmember Raley questioned why the City is having the retreat outside of Delta County. He stated there are several places within the County that could have been used.

Manager Clifton stated that he did request feedback from Council regarding the location and there was a consensus amongst Council to have the location in Montrose.

Councilmember Raley questioned the cost of the retreat.

Manager Clifton stated that he looked at several facilitators and the one chosen was the most competitive on the bid. He believes she will also be a good fit for the City.

Councilmember Cooper stated that a lot more can be done with a professional facilitator.

Manager Clifton questioned if Council would be willing to complete a survey before the retreat to get some information to the facilitator.

All agreed to complete the survey.

Councilmember Penick stated he would like to address needs, wants and long range requests.

There was discussion on hospitality needs.

City Manager Quarterly Report

Manager Clifton stated that he has prepared this quarterly report for Council to make them aware of things that staff is working on. He also stated that if there is something going on in the City that the Council needs to know immediately he will continue to update them on those types of items. He requested feedback from Council as to if they would like him to continue in this direction.

Councilmember Penick commented that he appreciates the report. Some of the information is too much for him but he likes knowing what is there.

There was additional discussion regarding what information will be provided in the reports.

Regular Meeting, Delta City Council, January 8, 2013 (cont.)

City Manager Quarterly Report (cont.)

Manager Clifton stated the he and the leadership team have prepared an action plan that looks forward. He questioned if Council would like to take a look at that.

All agreed to take a look at the action plan.

Manager Clifton stated he will put it on the next meeting's agenda.

City Attorney Comments

City Attorney Michael Schottelkotte updated Council on the condemnation hearing that is set for Friday.

City Manager Comments

There were none.

Councilmember Comments

Councilmember Cooper commented that it is a new year and everyone is looking forward.

Councilmember Penick stated that it was his idea to bring his laptop tonight to use it during the meeting.

Mayor Sisson commented on a couple City employees who cooked and served a meal at the homeless shelter.

The meeting was adjourned at 7:28 p.m.

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

MEMO

To: City Council, City Manager
From: Rob Sanders, PGA & Rod Meyers, Fleet Director
Date: January 18, 2013
Subject: Purchase of Golf Car Fleet

Recommendation

It is recommended that the Council approve the purchase of 50 Yamaha gas operated golf cars.

Background

The City has 58 Electric Club Car golf cars, presently used by the golf course and while still operable, the golf cars are no longer considered a good investment for the 2013 season. The cost to replace batteries alone would \$16,384 over the next 6 months. All 58 Golf Cars were scheduled to be replaced September 15th, 2013 with a new fleet. The city would get more value by purchasing new cars before the golf season begins.

The City went out to bid and received three bids back and Masek Golf Cars was the low bid at \$191,500. Ez-Go Company's bid came in at \$199,758 and Colorado Golf & Turf came in at \$214,600.

Cost

The cost to the city is \$191,500, which is \$51,500 more than estimated in the 2013 budget. However we were under budget for other equipment purchases by \$11,860. The remaining \$39,640 difference between the budgeted estimate and the actual bid price is justified based on overall savings outlined below.

It is proposed that the Internal Service Fund purchase the new cars. Over the next 10 years, the Golf Course Fund will be able to repay Internal Service for the 50 cars purchased in 2013 and pay for the replacement cost of all 50 cars for less than the current cost of leasing cars. Annual savings for this proposed arrangement will look as follows:

Annual Cost	Years 1-10	Years 10+
Lease	\$44,306	\$44,306
Purchase/ Pay Back	\$36,000	\$18,000
Total Saved Annually	\$8,306	\$26,306

Action to be Taken if Approved

If City Council approves the purchase, staff will order and make arrangements for delivery of new cars and Masek golf car company will pick up the existing fleet. This would happen the second week of March.

Suggested Motion

I move the City purchase 50 Yamaha golf carts from Masek Golf Cars of Colorado for \$191,500.



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: January 18, 2013
Subject: City Attorney Appointment

RECOMMENDATION

Staff is looking for discussion and direction moving forward with appointment of a City Attorney.

BACKGROUND

As the Council is aware, City Attorney Mike Schottelkotte is planning to retire in August of this year. In addition to providing years excellent service to the City, Mr. Schottelkotte done the City a huge favor and provided ample time to prepare for his replacement. This is a position of great importance, as sound legal advice is critical to a successful local government.

Article II, Section 12.(2) "CITY ATTORNEY" of the City Charter states, "The Council shall appoint a City Attorney who shall be a licensed attorney and who shall have practiced in the state for at least two years, who shall be the legal adviser of the Council and of all other city officials, and shall perform such other duties as required by ordinance. The Council may also employ special counsel."

Staff recommends hiring a new attorney well in advance of Mr. Schottelkotte's retirement. This will allow Council and staff to use discretion assigning new work to a newly appointed attorney while allowing Mr. Schottelkotte to complete existing assignments. This will also allow substantial time for Mr. Schottelkotte to bring a new attorney up to speed on current City business and provide historical perspective.

I've provided a draft schedule of events for Council's consideration:

February 5th: Review draft RFP for attorney services
February 19th: Review and approve final RFP
March 19th: Review candidate proposals and select short list for interviews
April: Conduct interviews and make selection
May: New attorney begins work on part time basis
August: New attorney begins work full time

COST

It should be noted that hiring a new attorney could affect the budget. We will not know until we receive proposals if we will be able to hold hourly rates close to where they are today. Similarly, a new attorney will have different proficiencies that may lead to changes in work load and billing.

ACTIONS TO BE TAKEN IF APPROVED

Give direction on the proposed schedule and any feedback on the appointment process

SUGGESTED MOTION

NA



MEMO

To: City Council
From: Justin Clifton, City Manager
Date: January 18, 2013
Subject: Updates

RECOMMENDATION

The enclosed updates are for information and discussion purposes only.

BACKGROUND

Enclosed please see two updates for your review. The first is my annual Action Plan. The Action Plan is a kind of road map that outlines priority objectives with specific strategies and measurements to ensure accountability. The second document is a Truck Route update.

COST

NA

ACTIONS TO BE TAKEN IF APPROVED

NA

SUGGESTED MOTION

NA

Action Planning

Why?: Action planning provides an opportunity to organize thoughts about achieving and maintaining excellence within your department and for you as a leader. Without planning, we tend to focus on daily tasks and workload; reacting to challenges and neglecting to put lessons learned into action.

Purpose:

- To think proactively about end goals; develop strategies and measurements to link means to ends.
- To organize thoughts about organizational, programmatic and personal goals/ strategies
- To have a system for assessment and reassessment
- To have better ways of measuring performance and value

Who?: All employees can benefit from tools for forward thinking and planning. All employees with leadership responsibilities should engage in some form of action planning.

Topic Areas: Plans should include but are not limited to major projects, organizational improvement, new programs and professional development

Format: Broad Goals – Objectives – Strategies – Measurements –Assessment (at year end)

Hint: Does your plan pass the “SMART” test? (**S**pecific, **M**easurable, **A**ggressive yet attainable, **R**esults oriented and **T**ime bound)



2013 Action Plan

Justin Clifton, City Manager

Personal Mission Statement:

Achieve a high standard of professionalism, develop credibility and improve the organization.

Section 1. Relationships and People

Objective #1: Establish a good working relationship with City Council based on trust and credibility including mutually agreed upon expectations and measurements

Strategies:

- Hold a retreat to discuss roles, responsibilities, protocols and expectations in January 2013
- Establish clear protocols for reports and verbal communication by January 2013
- Emphasize and “brand” the importance of the relationship and meeting expectations
- Make time for one on one relationships and communication—try to meet at least quarterly
- Include informal meetings at lunch or after work to make personal connections

Measurements:

- Feedback from Council on clarity of reports and verbal communication
- Results of the City Manager Performance Evaluation on trust and credibility
- Level of engagement in meetings and one on one discussions with Council members

Objective #2: Establish positive and productive relationships with the Leadership Team and individual Department Heads

Strategies:

- Establish a Leadership Team emphasizing empowerment, consensus and active participation by January 2013
- Invest time and energy in each department—participate in meetings for each department at least twice per year
- Solicit feedback and tailor relationships to individual needs

Measurements:

- Results of the City Manager Performance Evaluation on building positive relationships
- Solicit Feedback on satisfaction through employee survey questionnaire

Objective #3: Develop good community relations

Strategies:

- Reach out to key stakeholders throughout the region including public, non-profit and businesses
 - Include all key public and non-profit organizations by January 2013
 - Include Main Street business owners by March 31, 2013
- Attend major events including 6 Chamber after hours 4 Service organization fundraisers and any community wide events possible

- Join 1 service organization by January 31, 2013
- Make connections with Executive counterparts in the region—propose quarterly meetings

Measurements:

- Success in making contacts
- Feedback from City Council and community members

Section 2. Systems and Programs

Objective #5: Assess/ implement systems of accountability

Strategies:

- Empower Leadership Team members to oversee accountability in their respective departments
- Develop and implement systems from best practice sources for assessing accountability
- Emphasize utilization of annual action planning, assessment and performance evaluation tools
 - Set performance evaluation process and expectations by January 31, 2013
 - Revisit evaluations at least once by July 31, 2013
 - Have complete assessments by December 21, 2013
- Work towards implementing a performance management system focusing on preliminary efficiency measures by March 30, 2013

Measurements:

- Alignment between expectations, action plan and annual assessment
- Achieve 100% utilization of performance evaluation among permanent staff
- Achieve full engagement among Leadership Team for use of efficiency measures

Objective #6: Assess the long term financial position of the City and implement budget tools that utilize “whole cost” financial planning

Strategies:

- Charge Leadership Team with identifying “gaps” in financial planning by November, 2012
- Enlist the support of the Citizen Financial Task Force by November 2012
- Create Financial Assessment document that captures gaps in long term funding by June 2013
- Present Financial Assessment to Council as the basis for budget discussions
- Capture highlights of Financial Assessment in 2014 Budget

Measurements:

- Assess Leadership Team buy-in and engagement by the completeness of department analyses
- User’s comprehension of Financial Assessment documents
- Impact of Financial Assessment to budget decisions

Objective #7: Create a customer service program

Strategies:

- Empower Leadership Team members to generate customer service initiatives
- Develop critical first steps of program development such as what/where/when/why/who/how by June 30, 2013

- Develop tools such as surveys, comment cards etc. by June 30, 2013
- Begin assessing baseline customer service by September 30, 2013

Measurements:

- Ideas generated by Leadership Team members to improve customer service
- Creation of department plans for improved customer service

Objective #8: Lay the ground work for implementation of a performance measurement system

Strategies:

- Study performance measurement/ management systems by March 31, 2013
- Discuss/ get buy-in for performance measurement with the Leadership Team
- Provide presentations to all departments to increase knowledge of performance measurements by June 30th
- Begin capturing output and efficiency measurements by September 30, 2013

Measurements:

- Completion of key dates
- Well organized consistently formatted measurements included in yearend assessments
- Understanding of performance measurement among Leadership Team members

Objective #9: Complete an Assessment and Strategic Plan for Devil's Thumb Golf Course

Strategies:

- Create outline for process by January 1, 2012
- Get buy in from Council
- Reach out to advisory boards, commissions and citizens
- Empower Rob to play active role in information gathering and strategy creation
- Complete assessment and strategic plan by August, 2013

Measurements:

- Recognition of Assessment and Strategic Plan by Council
- Impact to 2014 budget
- Stability in financial decisions concerning Golf Course

Section 3. Professional Development

Objective #10: Increase knowledge of Performance Management

Strategies:

- Purchase and read leading sources for Performance Measurements and Management
- Join ICMA Center for Performance Measurement

Objective#11: Pursue ICMA Voluntary Credentialing

Strategies:

- Complete knowledge assessment in 2012

- Create personal development plan in 2012
- Apply for program by Jan 1, 2013

Measurements:

- Completion of all milestones
- Acceptance into the program

Objective #12: Build professional network

Strategies:

- Establish regular meetings with regional executive staff
- Attend annual CML conference
- Attend regional ICMA conference

Measurements:

- New contacts
- Ideas about new programs/projects/ initiatives generated



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MEMORANDUM

TO: City Council

FROM: Jim Hatheway

DATE: 22 January 2013

Re: Truck Route Update

In an effort to provide City Council members with regular updates on the construction of Confluence Drive, I will be preparing these memos for your use and information on a monthly basis. Below you will find information regarding work started and scheduled in the near future.

- Working through RFIs and shop drawing approvals
- Material Delivery has started for underground pipe and piling
- Beet Waste Excavation has started. Finding waste to an approximate depth of 8 feet.
- Stormwater Infrastructure installation to begin end of January
- Pile Driving and drilling for caissons to begin end of January
- Delta Ditch relocation nearly complete. Backfill of improvements and grading of road to be done once it warms up. Improvements complete.
- Removal of buildings nearly complete. Concrete removal at Triantos and Ag Services properties remaining.
- Valuation trial complete for corridor condemnation. Commissioners recommended no payment since they did not find any material damages
- Exchange Agreement with UPRR nearing completion. Dealing with minor comments on minutia to reach a final approval.
- Excavation of Water Quality pond on Kellogg to begin end of January

The expenditures for the project are reflected on the attached budget summary.

Please let me know if you hear any concerns/complaints or if you have any questions.

Thanks, Jim

Confluence Drive 2012/13 Project Budget

EXPENDITURES			
	Actual	Budget	Unspent
Design/Consulting			
STANTEC	\$1,599,342	\$1,607,225	\$7,884
Right of Way			
ROW CONSULTANT (TRS/WAAS)	\$211,479	\$257,300	\$45,821
PURCHASE/RELOCATE/APPRAISE	\$3,364,930	\$3,600,000	\$235,070
DEMOLITION	\$93,475	\$120,000	\$26,525
Railroad			
PUC/UPRR ATTY (HILLYARD)	\$24,242	\$35,000	\$10,758
UPRR DESIGN REVIEW	\$37,819	\$45,000	\$7,181
UPRR ROW COST	\$47,047	\$1,030,500	\$983,453
REIMBURSED CONSTRUCTION	\$0	\$400,000	\$400,000
AG SERVICES CLEANUP	\$0	\$200,000	\$200,000
Overhead			
PERSONNEL	\$51,210	\$125,000	\$73,790
CITY ATTORNEY	\$46,560	\$50,000	\$3,440
OTHER/INSURANCE	\$31,931	\$75,000	\$43,069
TRAVEL	\$880	\$2,500	\$1,620
MEALS	\$248	\$1,000	\$752
PR/GROUND BREAKING	\$315	\$2,000	\$1,685
Construction			
HAMON	\$596,651	\$18,500,000	\$17,903,349
SEMA SETTLEMENT	\$50,000	\$50,000	\$0
WETLAND MITIGATION	\$0	\$100,000	\$100,000
ENGINEERING SERVICES/CM/QA	\$0	\$952,768	\$952,768
CITY PAID SUBS	\$4,209	\$50,000	\$45,791
Contingency @5%			
		\$1,080,938	
Grand Total			
	\$6,160,339	\$28,284,232	\$20,842,954

REVENUES			
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BOND (From start of 2011)	\$21,997,676	
2011 INTEREST	\$58,122	
2012 INTEREST (estimated)	\$34,000	
DOLA	\$2,800,000	
DELTA COUNTY	\$100,000	Received 11/19/12.
UPRR	\$150,000	To be paid at end of project
DOLA DESIGN CLOSEOUT	\$50,000	Received 10/11/12
CWCI CONTINGENCY	\$2,094,434	
		Over/Under
Grand Total		-\$1,000,000

POSSIBLE NEW REVENUE SOURCES			
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NEW DOLA GRANT	\$1,000,000.00
TOTAL	\$1,000,000.00