

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Robert Jurca, Guy Pfalzgraff and Ed Sisson, along with City Manager Joe Kerby 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**

City Manager Kirby pointed out that the two golf course items had been added to the Agenda on Monday, after the packets had gone out on Friday. The meeting notices were reposted on Monday morning and the additional information was sent to Council.

The City Manager also stated that the City Attorney has advised that the Columbia Street property purchases do not need to be the subject of an Executive Session at this point, so consideration of the purchase contracts could be moved to an earlier spot on the Agenda, before the Executive Session.

Council agreed to consider the purchase contracts for the Columbia Street properties following the second reading of Council Bill #1, 2011.

**Minutes**

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of January 18, 2011, as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were no comments.

**Public Hearing: Special Events Liquor Permit Application: Ducks Unlimited, Inc.**

Mayor Cooper recessed the Regular Meeting and opened the Public Hearing.

The Clerk reported that Ducks Unlimited, Inc. has submitted an application for a Special Events Liquor Permit for a fund raising event at Heddles Recreation Center on March 5, 2011. The application is complete and the City and State fees have been paid. A sign notifying the public of this hearing was posted for at least ten days as required by law. No comments either for or against approval of the application were filed with the City Clerk's office prior to the hearing.

The Mayor asked for public comment. When there was none, she closed the Public Hearing and reconvened the Regular Meeting.

It was moved by Councilmember Sisson and seconded by Councilmember Pfalzgraff to approve the Special Events Liquor Permit application for Ducks Unlimited for March 5, 2011. All in favor, motion carried.

**Ordinance #1, 2011; Second Reading; Prohibiting Establishment and Operation of Certain Medical Marijuana Businesses**

Ordinance #1, 2011

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, ADDING A NEW CHAPTER 8.34 TO THE DELTA MUNICIPAL CODE WHICH PROHIBITS THE ESTABLISHMENT AND OPERATION OF CERTAIN MEDICAL MARIJUANA BUSINESSES WITHIN THE CITY UNDER AUTHORITY CONFERRED BY C.R.S. 12-43.3-101 *ET SEQ.*, AND WHICH EXTENDS AN EXISTING CITY-WIDE MORATORIUM ON SUCH BUSINESSES, AND CONFIRMS THEM TO BE NUISANCES UNDER PRIOR CITY LEGISLATION

was introduced as Council Bill #1, 2011 and read by the Clerk.

## **Regular Meeting, Delta City Council, February 1, 2011 (Cont.)**

### **Ordinance #1, 2011 (Cont.)**

City Attorney Schottelkotte explained a minor amendment which was made to the proposed ordinance following its adoption on first reading. Some wording in Section 8.34.030 has been changed to make it consistent with statutory language. Specifically, at the end of the third line in that section, "patient care providers" was changed to read "patients and primary care givers."

The Mayor asked for public comment. Pete McFerrin of 415 "B" Street spoke in opposition to adopting the proposed ordinance.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt Council Bill #1, 2011, as amended, on second and final reading. Roll call vote: Councilmembers Pfalzgraff, aye; Jurca; aye; Sisson, aye; and Cooper, aye. Council Bill #1, 2011, as amended, was adopted on second and final reading as Ordinance #1, 2011.

### **Revision of Cellular Phone Policy and Waiver**

City Manager Kerby stated that following the recent adoption of the City's new cell phone policy, staff became aware of some issues which still need to be addressed. The first issue pertains to the "stipend policy" and concerns upgrades to cell phones, which under a typical contract are available every two years. The City Manager would like the option of allowing an upgrade when new technology becomes available. Under those circumstances, instead of being reimbursed for the purchase price of the phone on a one-time basis, the employee should be reimbursed for half the cost of the new phone at the time of an upgrade approved by the City Manager.

The second change addresses the current prohibition on using a cell phone while driving a City vehicle. After much discussion, staff decided to recommend requiring City employees to follow applicable State statutes when using their cell phones while operating a vehicle.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the revised Cellular Phone Policy and waiver form as submitted. All in favor, motion carried.

### **City of Delta Entry Signs**

Parks Director Paul Suppes requested Council to consider redoing the City's three entry signs. He explained that a couple of years ago, it was necessary to remove the sign located on the south end of town on Highway 50 due to wind damage. In addition, the sign located at Highway 50 and Gunnison River Drive will need to be removed due to the truck bypass/Confluence Drive project. Therefore, staff has been looking for two new locations for the signs, with the understanding that the third sign will stay at its current location on Highway 92.

Mr. Suppes gave a slide presentation showing the current locations of the three signs along with suggested future locations. He also presented several design suggestions – both for electronic signs and signs using marquee-style letters similar to the current design. He asked Council for direction concerning location, design, and finding funding for new signs.

Council and staff discussed two suggested locations for the second sign on Highway 50 on the south end of town. The property at H-38 Road and Highway 50 was mentioned as a possible location for the third sign. The H-38 Road location belongs to CDOT and formerly was the site of a roadside park. Mr. Suppes suggested that not only could this piece of land be developed as a green belt, but that it could also be the site of an entry sign incorporating signage for the golf course.

After reviewing the information presented, Council agreed that they liked the stone design Mr. Suppes had shown them and were in favor of going to electronic signs. They also agreed that funding sources, such as grants, foundations, and CDOT, should be investigated.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to give staff permission to research the costs of new entry signs and new locations for placement of the new signs with approval from CDOT. All in favor, motion carried.

### **Golf Advisory Board Bylaws**

Rob Sanders, General Manager of Devil's Thumb Golf Club, presented proposed bylaws for the Devil's Thumb Golf Club Golf Advisory Board. When asked how the bylaws presented differed

## **Regular Meeting, Delta City Council, February 1, 2011 (Cont.)**

### **Golf Advisory Board Bylaws (Cont.)**

from the bylaws of the previous advisory board, Mr. Sanders explained that the new bylaws will allow members of the golf club who live outside the City limits to serve on the board.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt the bylaws of the Devil's Thumb Golf Club Golf Advisory Board as presented. All in favor, motion carried.

### **Golf Advisory Board Member Appointments**

General Manager Sanders recommended the following appointments to the Devil's Thumb Golf Club Golf Advisory Board: Vicki Ripp, Barb Thurman, Becky Brown, Cal Letey, Dennis Phillips, Cody Carlson, and Frank Marshall. Councilmember Jurca offered to serve as the Council representative.

By consensus, Council endorsed the list of members of the Golf Advisory Board presented by Manager Sanders. City Manager Kerby pointed out that according to the bylaws just approved, these first appointments will actually be made by the General Manager. Thereafter, appointments will be made by the City Council and City Manager.

### **Purchase of Properties at 215 Columbia Street, 227 Columbia Street, and 223 Columbia Street**

Mayor Cooper recused herself from discussion of this item due to a remote connection to one of the properties under consideration. Mayor Pro Tem Pfalzgraff presided over this portion of the meeting.

Public Works Director Jim Hatheway asked Council to approve the purchase of the three properties which are needed as right-of-way for the truck bypass project. He explained that the properties have been appraised, and that offers have been made based on the appraisals. The owners of all three properties have accepted the offers made to them.

Councilmember Sisson wondered why the appraised values were so much higher than the County's assessed valuation. For one property, the difference was significant.

Manager Kerby stated that staff can either have another appraisal done, or ask the assessor or the appraiser to address the discrepancy and bring more information to Council.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to table this item until the next meeting, at which time staff will bring additional information addressing the discrepancy between the assessed valuations and the appraisals. All in favor, motion carried.

Mayor Cooper returned to the Council Chambers and presided over the remainder of the meeting.

### **City Attorney Comments**

The City Attorney commented briefly on Mayor Cooper's decision to recuse herself from discussion of the City's purchase of property from the Triantos Family Trust for the new truck route. He noted that the Mayor's relationship as the mother-in-law of a member of the Triantos family was too remote to create any financial conflict of interest requiring her recusal under applicable laws, but that her recusal decision was nevertheless within her proper discretion to make.

### **City Manager Comments**

The City Manager had the following comments:

- Truck route project update. Eight responses were received to the City's request for qualifications. The evaluation team eliminated three contractors, leaving five who have been invited to submit bids based on price. These bids are due the first Thursday in March.
- CDOT meeting. The City Manager, along with Mr. Hatheway, Mr. Suppes, and other staff, met with local CDOT maintenance representatives concerning maintenance issues on Main Street and the City's entrance corridors.

## **Regular Meeting, Delta City Council, February 1, 2011 (Cont.)**

### **City Manager Comments (Cont.)**

- Transportation Enhancement Grant. A grant previously awarded to Delta County may be now available for use on the local visitors' center. We are currently waiting to see if the Gunnison Valley Transportation Planning Region will approve transfer of the grant funds from a project in Paonia to the Delta project.
- Haller Gravel Pit. Mr. Kerby asked for a work session on February 8 to discuss a response to the County concerning the City's position on approval of a gravel pit permit application. Council agreed to meet at City Hall at 5:00 p.m. to tour the gravel pit site prior to meeting at 5:30 p.m. on February 8, 2011.
- Manager Kerby reported that he and Utilities Director Steve Glammeyer had appeared on the KUBC radio show earlier in the day.
- Jack Kirtland has been hired to assist the City in locating funding for the truck route project.
- Culture and Recreation Director Wilma Erven and Manager Kerby will be meeting with representatives from the Montrose Powwow on Thursday.
- The City Manager will be meeting with staff to discuss possible uses for the 7<sup>th</sup> Street property purchased several years ago for use in a possible connection between Stafford Lane and Pioneer Road. Staff will bring their recommendations to Council.
- The City is now working with Painted Sky on a potential micro hydro project coming off Grand Mesa for the golf course.
- The final report on the Downtown Assessment should be available within the next two weeks. Another work session will be needed when the report is ready.
- Mr. Kerby will attend the Colorado City/County Managers' Association winter conference February 17 and 18.

### **Councilmember Comments**

Councilmember Jurca mentioned that he had completed a "ride along" with Police Sergeant Kettle. He commended Sgt. Kettle's professionalism.

Councilmember Sisson reported being at a recent high school game where emotions ran high. He stated that when members of the Delta Police Department appeared, the crowd quickly settled down.

Mayor Cooper reported on a recent Project 7 meeting. She stated that a hydro unit had been installed when the Project 7 building was remodeled. As a result, the electric bill went from over \$3,000 in December of 2009 to under \$600 in 2010. She pointed out that significant savings can result from the use of hydro power.

The Mayor also mentioned a letter from Hibbert Sports which needs to be discussed at a later meeting.

### **Executive Session**

It was moved by Councilmember Robert Jurca and seconded by Councilmember Pflanzgraff to convene an Executive Session for the purpose of discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving any specific employees who have requested discussion of the matter in open session; any member of City Council or any elected official; the appointment of any person to fill an office of the City Council or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. All in favor, motion carried.

At 8:05 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 8:41 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Guy Pflanzgraff, Robert Jurca, and Ed Sisson, along with City Manager Joe Kerby, Human Resources Director Jeri Karsten and City Attorney Mike Schottelkotte. 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.

The meeting was immediately adjourned.

Mayor Mary Cooper called the meeting to order at 6:30 p.m. Also present were Councilmembers Robert Jurca, Guy Pflanzgraff and Ed Sisson, along with City Manager Joe Kerby. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Public Works Director Jim Hatheway explained that a fourth contract (for 131 Columbia Street) has been added to the list first presented at the February 1<sup>st</sup> Council meeting.

County Assessor Debbie Griffith and Brad Rosenberg were present to address questions which had arisen at the previous meeting concerning the difference between the County's assessed valuations and the appraised values of the properties. Assessor Griffith explained the process her office follows (dictated by State law) in determining assessed valuations. She contrasted that process with the one used by appraisers when they produce "fee appraisals."

#### **Contract for Purchase of Property at 215 Columbia Street**

The Public Works Director noted that the greatest difference between the "fee appraisal" and the assessed valuation involved the property at 215 Columbia. He explained that the appraisal was done in late 2009. In January 2010, with the future of the truck route project still in some doubt, the purchase of the property at 215 Columbia was put on hold. When the project went forward, Mr. Hatheway hesitated to ask for another appraisal and decided to proceed based on the 2009 appraisal. The County Assessor commented that the difference between the assessed valuation and the appraisal for this property was within accepted parameters.

It was moved by Councilmember Pflanzgraff and seconded by Councilmember Sisson to approve the contract for purchase of the property at 215 Columbia Street and authorize the City Manager to execute the contract. All in favor, motion carried.

#### **Contract for Purchase of Property at 223 Columbia Street**

It was moved by Councilmember Pflanzgraff and seconded by Councilmember Sisson to approve the contract for purchase of the property at 223 Columbia Street and authorize the City Manager to execute the contract. All in favor, motion carried.

#### **Contract for Purchase of Property at 131 Columbia Street**

Mr. Rodenburg explained that the City's offer on this project was the appraised value of \$99,000. The owner had obtained an appraisal of \$112,000. In negotiating a settlement, the owner agreed to leave the property vacant after the existing tenant moved out on November 1, 2010, saving the City the cost of relocating the tenant. In return, the City added \$1,950 (three months rent). An additional \$7,000 was added as a compromise at the midpoint of the two appraisals.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the contract for purchase of the property at 131 Columbia Street and authorize the City Manager to execute the contract. All in favor, motion carried.

#### **Contract for Purchase of Property at 227 Columbia Street**

Mayor Cooper recused herself from participating in the discussion or the decision on this item due to a remote connection to the owners of the property at 227 Columbia. Mayor Pro Tem Pflanzgraff presided over this portion of the meeting.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the contract for purchase of the property at 227 Columbia Street and authorize the City Manager to execute the contract. All in favor, motion carried.

Mayor Cooper presided over the remainder of the meeting.

The meeting was adjourned at 7:00 p.m.