

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 Kerby stated that following the appointment of the Municipal Judge, the Clerk will administer the oath of office to the new Judge. This should be added as an Agenda item. Council agreed to add the oath of office for the Municipal Judge to the Agenda.

Minutes

Councilmember Pfalzgraff noted that the draft minutes for the February 15th regular meeting included a statement from the City Attorney concerning the settlement of all eminent domain issues prior to issuing a notice to proceed for the truck route project. He stated that since there are no eminent domain issues at this time on the project, the minutes should be amended to reflect that situation. The City Attorney agreed that his comment should read "should any outstanding eminent domain issues occur, they would need to be settled prior to issuing a notice to proceed."

It was moved by Councilmember Pfalzgraff to approve the minutes of the regular meeting of February 15, 2011 with the amendment noted above, and the minutes of the special meetings of February 15 and 22, 2011 as submitted by the Clerk. The motion was seconded by Councilmember Sisson. All in favor, motion carried.

Appointment of Councilmember District C

Councilmember Jurca noted that one of the applicants for the District C seat is his cousin; however, since that relationship will have no bearing on his decision, he will not recuse himself from discussion or from participating in the appointment.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to appoint William Raley to fill the vacant Council seat in District C. All in favor, motion carried.

Oath of Office Councilmember District C

The Acting City Clerk administered the oath of office to Councilmember Raley. Mr. Raley took his seat at the Council table.

Citizen Comments

Bob Neirinckx of 1113 Howard Street commented on the process used to select the new Municipal Judge. He stated that all applicants for all City positions should be interviewed in the future.

Barbara Hulet addressed Council concerning the location of the handicapped parking space in front of the Post Office.

Davina Ryska presented two DVDs concerning fluoride in the water, and an open records request for financial information.

Municipal Judge Appointment

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to appoint John Baier as the new Municipal Judge. All in favor, motion carried.

Mayor Cooper noted that Judge Baier will take the bench in Municipal Court on March 16, 2011.

Regular Meeting, Delta City Council, March 1, 2011 (Cont.)

Oath of Office

The Acting City Clerk administered the oath of office to Judge Baier.

Golf Course Pond Liners

Using a Power Point presentation, Devil's Thumb Golf Club General Manager Rob Sanders outlined the planned project to line and fill water features at the golf course. The presentation illustrated the importance of going ahead with this project, not only for aesthetic reasons, but to protect the golf course turf in the event of a serious drought. Assisting Mr. Sanders in his presentation were Golf Professional Assistant Bernie Blan, and Golf Advisory Board members Cody Carlson and Dennis Phillips.

The project would involve lining and filling Ponds #1 and #2, and Creeks #1 and #2. Pond #3 would be backfilled and Creek #2 would be extended through to Pond #4 for recirculation. The current bridge would be replaced with a concrete cart path.

In response to concerns voiced by Council about selenium problems, Mr. Sanders explained that based on the success of the previous pond-lining project, the Selenium Task Force is supportive of this project. He added that the lining material will carry a warranty and that the contract for this project is based on the contract for the previous project.

Mr. Sanders reported that four firms bid on the project. Staff recommends awarding the contract to H. H. Huff, Inc, with H&H Environmental, Inc. as subcontractor. The cost of the project would be \$67,889 plus \$190 per hour for piping and excavation work. The funds for the project would be taken from the earnest monies received from Bray and Co. in 2009.

Councilmember Pfalzgraff pointed out that the bids from the other three bidders were considerably higher than Huff's bid. Mr. Sanders stated that he had reviewed the Huff bid for accuracy and had met with Mr. Huff, and was satisfied that he understood the scope of the project. One difference in the price could be accounted for by the lack of an up-charge for the liners in the Huff bid.

Betsey Frazier and Jim Timmerwicke both addressed Council on the importance of completing the pond lining project.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to award the contract for the pond liners to H. H. Huff, Inc. in the amount of \$67,889, plus \$190 per hour for piping and excavation work, pending City Attorney approval, and authorize the City Manager to sign the contract. All in favor, motion carried.

Electric Distribution Extension Supplies

Utilities Director Steve Glammeyer explained that staff is recommending approval of the purchase of supplies for the extension of the City's electric distribution system on Garnet Mesa. He explained that the system will be extended into territory currently served by Delta Montrose Electric Assn. Funds were included in the 2011 budget to purchase the materials and supplies needed for this project; however, since the total amount exceeds \$20,000, the purchase must be approved by Council.

The total price for the supplies, to be purchased from low bidder Border States Electric Supply is \$37,014.64.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to purchase the necessary supplies for the extension of the City electric distribution system into Garnet Mesa from Border States Electric Supply in the amount of \$37,014.64. All in favor, motion carried.

At Manager Kerby's request, Mr. Glammeyer updated Council on the diffuser project at the Wastewater Treatment Plant. He explained that the contractor had gotten a late start on the project. In the meantime, the Bureau of Reclamation has released water from Blue Mesa on two separate occasions, which has caused the contractor some unanticipated problems. The coffer dam has been built, but the contractor is now struggling to keep water out of the trench where the manhole for the diffuser will be installed.

Regular Meeting, Delta City Council, March 1, 2011 (Cont.)

Amendment to Personnel Regulations: Special Benefit to Long-term Employees upon Voluntary Severance of Employment

City Manager Kerby stated that when this item was approved by Council at the previous meeting, it was tied to the annual budget process. After reviewing the issue, however, the City Attorney now recommends making it a part of the City's personnel regulations, avoiding the need for annual adoption by Council.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve and adopt the addition of 1.7.5 to the City's Personnel Regulations, Article 7 – Compensation and Pay. All in favor, motion carried.

Resolution #1, 2011; Regarding Opposition to Potential Closure of Paonia State Park and Sweitzer Lake State Park

Resolution #1, 2011

REGARDING OPPOSITION TO POTENTIAL CLOSURE OF
PAONIA STATE PARK AND SWEITZER LAKE STATE PARK

was read by the Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Resolution #1, 2011. Roll call vote: Councilmembers Pfalzgraff, aye; Jurca, aye; Raley, aye; Sisson, aye; and Cooper, aye. Motion carried.

City Attorney Comments

City Attorney Schottelkotte stated he would be gone the last week of March.

The City Attorney reported on the appeal in the Simmons case. He explained that a judgment favorable to the City issued in 2009 is now up on appeal, so Council will see activity in the City Attorney's office as they handle the appeal. Mr. Schottelkotte added that he is confident that the trial judge's opinion will be upheld on appeal.

City Manager Comments

City Manager Kerby had the following comments:

- The Delta County Housing Task Force needs a representative from Council. Mr. Jurca has been serving in that capacity, but his work schedule makes it hard for him to attend the meetings. Councilmember Raley volunteered to attend the Task Force's quarterly meetings.
- A decision should be made in the next couple of days concerning redirection of the transportation enhancement grant from the Town of Paonia to the City of Delta.
- Ground has been broken in the migrant housing project on Highway 50.
- With the appointment of Mr. Raley to Council, two vacancies will exist on the Planning Commission.
- The Finance Department is in the process of converting utility billing from three cycles to one cycle. A third party billing system is also being considered.
- The due date for truck route bids has been extended to March 10, 2011, due to the necessity to respond to a number of questions being received, and because of changes made to the bid documents regarding possible tax credits.
- The seasonal hiring process is underway.
- The Health Fair will be held on March 17 at the recreation center.
- The City Manager asked for permission to consider selling two unused buildings located near the boat ramp at Confluence Park. Council agreed.
- The Police Department has identified a body recently discovered near the railroad tracks behind Starvin Arvins. The name will be released after the family has been notified.
- A work session will be held at 5:30 p.m. on March 15.
- The final draft of the Downtown Assessment should arrive in the next week or so.
- On Tuesday, March 8, several Council and staff will attend a meeting at the Montrose Pavilion concerning the Governor's Office's bottom up economic development plan.
- Manager Kerby will make a presentation next week to the local Rotary Club concerning the truck route project.
- DCED's quarterly meeting is Wednesday, March 2.

Regular Meeting, Delta City Council, March 1, 2011 (Cont.)

City Manager Comments (Cont.)

- Manager Kerby reported on a recent audit of the CFL project.
- Auditors will be gathering information for the 2010 audit next week.

Councilmember Comments

Councilmember Raley stated he is honored to be appointed to Council.

Councilmember Sisson reported on the Chamber of Commerce's annual banquet held last Saturday night.

Mayor Cooper will not be present for the March 15th meeting.

The meeting was adjourned at 8:29 p.m.

Mary Lynn Williams, Acting City Clerk