

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, 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

There were none.

Minutes

It was moved by Councilmember Raley and seconded by Councilmember Sisson to approve the minutes of May 3, 2011 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Robert Laitres expressed his objection to the City's request for County funding for the truck bypass.

Division of Wildlife Request for Variance to Ordinance Prohibiting Discharge of Guns within the City Limits

Ryan Swygman, District Wildlife Manager for the Division of Wildlife, requested a permit under Delta Municipal Code Section 9.04.100(C), which authorizes City Council to permit the discharge of firearms within the City limits for a special event, providing Council determines that no nuisance, unreasonable noise, or safety hazard will be created.

Mr. Swygman proposed the use of a self-contained Hunter Education Trailer for the live fire shooting requirement for Hunter Education classes. He described the trailer's safety features and the firearms allowed to be used with the trailer. The trailer would be used in conjunction with the Middle School's Hunter Education Class on June 11, and for the Heritage Days event to be held at Heddles Recreation Center on July 9.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to permit the use of the self-contained trailer for the Middle School Hunter Education Class on June 11 and for the Heritage Days event at the recreation center on July 9, as no nuisance, unreasonable noise, or safety hazard will be created by such use. All in favor, motion carried.

3.2% Beer License Renewal Application: Walmart Supercenter

The Clerk reported that the local Walmart Supercenter has applied for a renewal of their 3.2% beer license. She added that the application is complete and the fees have been paid. The Police Department reported no liquor violations during the past twelve months and recommended approval of the renewal.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the 3.2% beer license renewal application for Walmart Supercenter. All in favor, motion carried.

Parade and Street Closure Permit Application for Deltarado Days; Delta Area Chamber of Commerce

The Clerk reported that the Delta Area Chamber of Commerce has submitted an application for the Deltarado Days Parade scheduled for July 16, 2011. The application fee of \$25 and the refundable deposit of \$500 have been paid, and proof of insurance has been submitted as required. Staff recommends approval of the application.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to approve the parade and street closure permit application for the Deltarado Days Parade on July 16, 2011. All in favor, motion carried.

Additional Police Officer Position

City Manager Kerby reported that after meeting with Chief Robert Thomas and Finance Director Tod DeZeeuw, he has been able to identify \$41,000 which could be used to hire one additional Police Officer for the six months remaining in 2011. This additional officer would also be funded in the 2012 budget. The majority of the funds are now available due to Chief Thomas's ability to rearrange some of his budget priorities. Manager Kerby stated that staff would re-evaluate the situation in the third quarter of 2011 to see if it would be possible add a second additional officer as originally requested by the Police Department.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the additional Police Officer position as outlined by the City Manager. All in favor, motion carried.

Chamber of Commerce Request for Funding for Summer Events

Manager Kerby reported that at Council's direction, he had identified \$5,000 which could be donated to the Delta Area Chamber of Commerce – in addition to funds already committed to them – to be used in funding their summer events.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to approve the Chamber of Commerce request for funding in the amount of \$5,000 to be used for their summer events coordinator. All in favor, motion carried.

Housing Authority Request to Participate in Recreation Center and Golf Course Employee Discount Memberships

The City Manager noted that at a recent work session with Delta Housing Authority Executive Director Jo Rosenquist, Ms. Rosenquist had requested that Council consider including Housing Authority employees in a benefit which City employees receive, namely a free membership to the recreation center and Devil's Thumb Golf Club for the employee, and discounted memberships for the employee's family.

Mr. Kerby added that a 2005 agreement with Delta County provides County employees with a 30% discount on rec center passes. Although the formal agreement expired in 2008, the discount continues to be given to County employees.

Culture and Recreation Director Wilma Erven stated that a previous City Manager had directed her to continue to give County employees the discount. Ms. Erven explained that the discount for County employees was initiated in 1993 when the recreation center opened as a "thank you" for assistance provided by the County in building the facility. Initially, the discount was applied to both County employees and their families but was later changed to employees only. The County discount currently applies to an annual membership for the employee only.

Director Erven went on to explain that full-time City employees receive an annual membership free of charge. Annual memberships for the employee's family are \$100 for the significant other and \$25 for each child.

Manager Kerby added that Delta County military personnel on active duty may use the rec center and Devil's Thumb Golf Course free of charge.

Mr. Kerby went on to explain that the Housing Authority has a total of seven full-time employees. Council has the authority to include them under the City's policies if they wish to do so. He also indicated that it would be best to formally renew the County agreement if Council wishes to continue to grant County employees the 30% discount.

Councilmember Jurca noted that Housing Authority employees have not received a salary increase in some time. He supported granting their request. However, he asked for information concerning how many County employees are using the County's discount before making a decision about continuing it.

Councilmember Pfalzgraff stated he would support giving the Delta Housing Authority the same discount currently enjoyed by County employees. However, he was unsure whether continuing the discount for County employees could be justified at this time.

Regular Meeting, Delta City Council, May 17, 2011 (Cont.)

Housing Authority Request (Cont.)

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to include full-time Delta Housing Authority employees under the same policies applied to full-time City employees regarding memberships for Heddles Recreation Center and Devil's Thumb Golf Club. Voting aye: Councilmembers Jurca, Sisson, Raley, and Cooper. Councilmember Pfalzgraff voted nay. Motion carried.

Purchase of Replacement Loader

Fleet/Facilities Manager Rod Myers reported the loss of the City's 1989 wheel loader on April 12, 2011. The loader caught fire while being used to load soil into trucks for the golf course project. CIRSA, the City's insurance carrier, has declared the loader a complete loss.

CIRSA determined the replacement cost of the loader to be \$134,512, based on the cost of a comparable replacement – a 2011 Komatsu. However, Mr. Myers was able to find a 2011 John Deere loader with forks for a total cost of \$129,292. Staff recommends purchase of the John Deere loader, since the John Deere will meet the City's needs, and the lower cost will offset the \$5,000 deductible.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to purchase one 2011 John Deere wheel loader model 524K with forks for \$129,292 from Honnen Equipment using the money from the City's insurance company. All in favor, motion carried.

City Attorney Comments

City Attorney Schottelkotte reported that he had been contacted by the attorney representing Natural Green Solutions, the local medical marijuana dispensary. The owners of the dispensary are concerned that if the Council's ordinance banning medical marijuana dispensaries is upheld by the voters at the July 12th election, they will be required to immediately close their business. The attorney asked if Council would consider giving the business some time to close out their operations. Council agreed to discuss the request at their June 7th meeting.

The City Attorney also noted that he has some concern about his lack of expertise in certain matters related to the truck route project. He asked Council's permission to approach an attorney who worked with the City of Grand Junction on the Riverside Parkway Project. He explained this would be an exploratory conversation in which he would ask for information on the other attorney's fees. Council agreed Mr. Schottelkotte should speak with the other attorney.

City Manager Comments

The City Manager gave the following report:

- Business after Hours will be held Thursday, May 19 at Delta Bank.
- He thanked those who participated in the "charrette" for the proposed welcome center.
- Mr. Kerby stated that he will continue to spend a great deal of time working with Public Works Director Jim Hatheway on right-of-way and property acquisition matters related to the Confluence Drive Project.
- The City Manager reported that the City has been notified of approval of a \$250,000 community development block grant to assist with property acquisition for the truck route. However, there are strings attached which may make it necessary to decline the grant. Mr. Kerby is working with Reeves Brown of the Department of Local Affairs on the matter.
- Manager Kerby stated that names of those interested in serving on the Citizen Task Force need to be submitted to him in the next couple of days.

Councilmember Comments

Councilmember Raley reported on a recent recycling meeting.

Mayor Cooper reminded Council of the retirement party for Dick Margetts of Project 7. It will be held on May 26 from 6:00 to 8:00 p.m. at the Montrose Holiday Inn.

Regular Meeting, Delta City Council, May 17, 2011 (Cont.)

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Pflanzgraff to convene an Executive Session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS Section 24-6-402(4)(a), or more specifically, to discuss the purchase of right-of-way for the truck bypass (Confluence Drive) project and the possible purchase of open space property; and for 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 this body or any elected official; the appointment of any person to fill an office of this body 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 7:45 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 8:49 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, Bill Raley and Ed Sisson, along with City Manager Joe Kerby, and City Attorney Mike Schottelkotte. Mr. Kerby left the room during the personnel discussion. Acting City Clerk Mary Lynn Williams entered the room for a couple of minutes at the end of the session to handle the tape recorder. 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.

City Manager Package

City Manager Kerby re-entered the room.

The Mayor explained that during the Executive Session, Council had completed the City Manager's performance review. She gave Mr. Kerby a compilation of the Council's comments on his performance. Council offered the City Manager the use of the house at 7th Street and Pioneer Road (the old Streeter residence), \$5,000 in training funds, and the use of a City vehicle. Mr. Kerby accepted.

Contract to Buy & Sell Real Estate for Open Space

Mayor Cooper reported that during the Executive Session, Council had discussed a contract to purchase property for open space use.

It was moved by Councilmember Pflanzgraff and seconded by Councilmember Sisson to approve the contract to purchase the LaFarge property for open space for the contract amount of \$250,000, with changes deemed necessary by the City Manager and the City Attorney. All in favor, motion carried.

The meeting was adjourned at 8:55 p.m.

Mary Lynn Williams, Acting City Clerk