

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 Jurca and seconded by Councilmember Sisson to approve the minutes of August 16, 2011 as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Request to Disconnect Part of Jennings Landing No. 3

Community Development Director Glen Black reported that this property is located near Sweitzer's Lake. Aaron Clay is present who is representing the property owner. Mr. Black explained that Jennings Landing No. 3 was annexed in May of 2007 and that the addition was subsequently zone R-2. The property is currently being used for agriculture purposes. The property owner has completed a Development and Land Use Application indicating their desire to disconnect from the City of Delta. The request to disconnect includes the three privately owned parcels located south of E Road. To create contiguity to City boundaries, the annexation of Jennings Landing No 3 included all of E Road and a portion of Highway 50. Staff recommends requiring the disconnect map to include all of E Road and part of Highway 50.

Staff has discussed this and looked at the importance to the City. During those discussions staff did not see any reasons to keep the property in the City.

Mr. Black explained that Council has not adopted a fee for disconnect application and review. He suggested that Council imposed a fee for staff and City Attorney review. The current fee to consider an annexation request is \$300.00 and staff feels that a similar fee would be appropriate to cover the City's costs for this review. At this time staff would like Council to direct them on how they wish to proceed.

Councilmember Raley questioned what the investment that the City has in this property.

Director Black stated that the infrastructure was not completed. There are no City facilities on the property at this point. He explained that the City is responsible for maintaining the road and providing police protection.

Mayor Cooper questioned if it will affect the lines serving the Vo-tech.

Mr. Black stated it would not affect those lines.

Manager Kerby asked if there have been conversations with the County.

Mr. Black stated that they have not had conversations with any others. Staff wanted to see which direction Council wanted to proceed before those conversations took place.

City Attorney Michael Schottelkotte commented that disconnecting is governed by state statute and informed Council of the pertinent language.

Councilmember Pfalzgraff stated that he is concerned about unintended consequences that could impact the ability to expand the city limits when it would be necessary to expand. He also stated that it would help get some out of the loop as far as potential to annex in the City. He

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Request to Disconnect Part of Jennings Landing No. 3 (cont.)

doesn't believe this is necessary at this point. It may also have the potential to open up more de-annexing issues.

Mayor Cooper questioned what the reasoning is for disconnecting.

Mr. Clay reported that his client has realized that in the current economy this property is not going to be developed. It is not feasible to have a piece of property in the City that is going to be agriculture use only. This will change his tax status because is not in the City. The main reason is to keep it agriculture property.

There was discussion amongst Council regarding the reasons to disconnect this property.

Manager Kerby reminded Council that there are no fees established for disconnecting and that Council would need to consider how to proceed with that fee.

Mr. Black indicated he would like a consensus including the fee.

Mayor Cooper stated that there is a four out of five consensus.

Mr. Kerby questioned if the current owner has any potential of developing this property.

Mr. Clay stated that this property is not going to get developed. The property will be sold as agriculture. It is not the intention of the applicant to go to the County because it's easier to develop.

Purchase of a Van for Public Works

Fleet Manager Rod Myers explained that the City's DOC van was involved in an accident recently and the insurance companies have determined the vehicle to be a total loss. The insurance company is going pay the City \$6800 for the current value of the vehicle. Mr. Myers explained that staff solicited bids to replace the van and explained the bids that were received. The money is available in the 2011 vehicle replacement fund for the balance of this purchase.

Councilmember Raley commented that he usually recommends buying local when the City can. However, if the bid is extensively different in pricing then we need to consider the bid.

There was discussion regarding the specs of the vehicle and the bids that were received.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to purchase a new 15 passenger van for the public works department to be used for transporting the DOC crew in the amount of \$23,300 as through the state bid process from Heritage Ford in Loveland, Colorado. All in favor, motion carried.

Vacation of 6th & 7th Streets per Contract with Producers Coop

Attorney Schottelkotte reported that this is part of the Olathe Producers Coop contract. He explained the requirement in the contract to vacate 6th and 7th Streets. He also explained the law governing the ability to do the vacation.

Brad Rodenberg with Transportation Resource Services stated that the City needs to reserve utility easements down the street. He reported that the reason they requested this is to allow them to maneuver their large vehicles.

Mr. Schottelkotte stated that the City may also want to consider the alley between 6th and 7th Street.

There was discussion regarding the alley.

There was consensus amongst Council to have the City Attorney start the process on the vacation of 6th and 7th Street to include the alley.

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Hotel and Restaurant Liquor License Renewal: Gabriela's Family Mexican Restaurant

The Clerk explained that Gabriela's Family Mexican Restaurant has submitted their Hotel and Restaurant Liquor License renewal application. She reported that the application is complete and all fees have been paid. The Police Department has recommended renewal.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the hotel and restaurant liquor license for Gabriela's Family Mexican Restaurant. All in favor, motion carried.

Patriot's Day Proclamation

Mayor Cooper read the proclamation.

City Attorney Comments

There were none.

City Manager Comments

City Manager Joe Kerby reported on the following items:

- Club 20's fall meeting is this Friday and Saturday. He will be attending.
- Orval Proctor's concern regarding receiving accident reports has been addressed. The Police Department will provide a copy of the accident report for the same fee that is online.
- He will be out of the office the week of September 19th attending the ICMA conference in Milwaukee.
- The Delta County Board of Commissioners has invited staff and Council to attend their meeting next Monday. They will be discussing several items that the City may have interest in.
- The City will be receiving mineral lease funds in the amount of \$268,000 and also severance tax in the amount of \$101,000.
- September 9th at 9:00am there will be a tree planting ceremony in recognition of Patriot's Day at Lincoln Elementary.
- September 11th there will also be a recognition ceremony at Lion's Pavilion from the Western Slope Patriots.
- Peak to Peak is an organization coming from the front range on September 14th. They will be presenting some monies to a local nonprofit organization at Miller's Deitch Haus.

Recreation and Culture Director Wilma Erven presented an update on the Pow Wow. She also presented Council an agenda for the events.

Mr. Kerby thanked Ms. Erven for all her hard work on the Pow Wow.

Councilmember Comments

Mayor Cooper stated that they have received an invitation to attend an open house for the Delta Public Library on September 15th from 6pm to 8pm. They have received a grant for broadband technology services.

Manager Kerby also reported that there will not be a work session on September 20th, however, there is tentatively a budget work session scheduled for September 27th at 5:30pm.

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to convene an 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. All in favor, motion carried.

At 7:41 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

Regular Meeting, Delta City Council, September 6, 2011 (Cont.)

Executive Session (cont.)

At 8:16 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 Ed Sisson, Bill Raley, Guy Pfalzgraff and Robert Jurca; along with City Manager Joe Kerby, Public Works Director Jim Hatheway and Brad Rodenberg. 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.

Jolene E. Nelson, City Clerk