

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, and Ed Sisson, along with City Manager Joe Kerby. Absent were Councilmember Guy Pfalzgraff and City Attorney Michael 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 Joe Kerby reported that an amended agenda was posted on Monday adding and the approval of a purchase contract with Hi Quality Packing, Inc. He also stated that he would recommend going into executive session before the items regarding Hi Quality Packing, Inc.

Council agreed to move the executive session before the items stated.

**Minutes**

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

**Citizen Comments**

There were none.

**Request from Lee Marts VFW Post 3571 for Sewer Tap at 1576 H25 Road**

Manager Kerby invited Paul Carter to address Council regarding this request.

Paul Carter with Lee Marts VFW Post 3571 presented Council with a letter requesting a waiver of the fee for a sewer tap at 1576 H25 Road. He explained to Council what their plans are for the building and any new development they may have for that address.

Mayor Cooper question what time frame they are looking at.

Mr. Carter stated it is variable at this time.

Manager Kerby reported that the City has not chosen to waive fees in the past. When requests similar to this have been submitted in the past Council has taken monies out of their donation fund to keep the sewer fund financially solid. At this time staff would suggest that if Council wants to proceed with the request to consider using their donation fund.

Councilmember Sisson questioned how much a tap would cost.

Utilities Director Steve Glammeyer stated the fee is \$5450.00.

There was discussion regarding the amount in the Council's donation fund and what other funds may be available to help with the request.

Mayor Cooper suggested that Council table the item for now until the applicant can give a more precise time frame.

Councilmember Jurca stated that he feels Council should not open this door. Once we support this type of request for one individual there will be more requests in the future.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to deny the request to waive the sewer tap for the Lee Marts VFW Post 3571. Voting aye: Councilmembers Jurca, Sisson and Cooper. Voting nay: Councilmember Raley. Motion carried.

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

### **CAWS Agreement**

Chief Robert Thomas reported that in their packets is an animal shelter proposal that has been completed by the Delta County Citizens for Animal Welfare (CAWS) and the Delta Police Department. If the proposal is approved tonight, they will work with the City Attorney to develop a memorandum of understanding and lease agreement.

Chief Thomas presented a brief description regarding the reductions to the animal shelter budget. The Police Department has had to evaluate the day to day operations due to the reductions. As an alternative to continued reductions in hours of operation or eliminating staff, he submitted a request for qualifications (RFQ) to various Western Colorado animal organizations. Staff received two RFQs from two different organizations. After consulting with the City Manager and upon reviewing the qualifications from those organizations, staff decided to explore a collaborative partnership with CAWS. He introduced Joanne Kalenak and Allison Lepage who are with CAWS.

This contract will allow the City to resume business as a full time animal shelter with a part time animal control officer. If this proposal is approved the enforcement officer will resume investigating animal related crimes and impound the lost and/or abandoned animals within the City of Delta.

Mr. Thomas presented an overview of the animal control budget over the last two years. With the partnership with CAWS the cost would be \$47,264. He believes this to be a win/win situation with CAWS.

Joanne Kalenak with CAWS stated that it has been great working with the Police Department over the last several months. CAWS feels they can be of a great service to the City of Delta.

Ms. Kalenak presented an overview of CAWS' operation and how their operation has been a success. What they are lacking is a facility to administer their foster and adoption program. She suggested working together to allow animal services to the citizens' as well as provide a facility to administer the foster and adoption programs. She reported that several other communities are also exploring these types of partnerships.

CAWS and the City will work in close partnership from day one. They will conduct a formal evaluation of shelter operations after six months and make any changes if necessary. She explained how shelter operations will be handled. She stated that animal control will have 24/7 access to the shelter.

Allison Lepage also with CAWS provided the financial overview of the proposal. She reported that CAWS will be assuming \$39,650 in expenses representing the majority of the annual costs of operation of the shelter. The City of Delta will be providing the use of the facility, including utilities and any needed repairs as well as to pay CAWS approximately \$7000 in fees associated with the care and feeding for any animals that are impounded or quarantined by animal control. Animal control, in keeping with agriculture requirements, has a five day impound requirement. If the animal is claimed within those five days there will be no cost to the City. The fees will then be collected by the animal owner. The fines that are collected for any animal control violations issued by the City will still be collected by the City. She explained the process if the animal were not claimed by the owner.

Ms. Lepage also presented estimates of unclaimed animals between 2008 and 2010.

Grants and donations comprise of most of the budget for CAWS. Currently there are two grants that have been submitted.

Councilmember Raley questioned if this proposal is currently in the draft budget.

Manager Kerby stated that the budget is based on the approval of this proposal.

Councilmember Jurca questioned how their volunteer program works.

Ms. Kalenak reported that they have a very successful volunteer program. There are other organizations that have been approached to also help with the program.

Councilmember Jurca also questioned what experience they have in running an animal shelter.

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

### **CAWS Agreement (cont.)**

Ms. Kalenak stated that they currently have no experience running a shelter. They have asked to shadow the current individuals who are running the shelter for a period of three months to gain that knowledge needed to run the shelter.

Manager Kerby also stated that there will be a part time employee currently working for the City that will be retained by CAWS.

Councilmember Jurca questioned the donation trends.

Ms. Lepage explained that they have a strong donation base. She also explained the grants that they plan to obtain. They have been contacted by two different foundations that are interesting in following this partnership to possibly provide funding collaborations.

It was moved by Councilmember Raley and seconded by Councilmember Sisson to enter into an agreement with CAWS to manage the animal shelter as presented. All in favor, motion carried.

Manager Kerby stated that staff will be working with the City Attorney to develop a formal contract that will then be brought back to Council for their approval.

Dr. Gretta Carmichael, 443 Dodge Street, presented concerns regarding the statement of the no-kill shelter. She questioned how they will handle the animals once the shelter is full.

Chief Thomas stated that the program will be evaluated to see what is working and what needs to be addressed. There are going to be some challenges. Staff will work with all individuals to get the program running.

Fran Goetz, 1053 Grand Avenue, also commented on the animals that are currently not being picked up. She believes the shelter will be full within two weeks.

Chief Thomas explained that they have been picking some animals up. He explained that process in which they are using currently to impound animals.

There was discussion regarding the current operations of the animal control and animal shelter.

### **Quarterly Financially Report**

Finance Director Tod DeZeeuw presented the quarterly financial report ending September 30, 2011.

### **Storm Water Utility Contract**

Public Works Director Jim Hatheway explained the process of storm water utility and the different phases that will need to be taken to complete the project. He also explained that the City is being proactive with storm water. He believes that the MS4 requirements from the State and Federal level will be coming to the City in the future. He explained those requirements.

The estimated revenue for storm water will be \$250,000 to \$450,000 annually. Mr. Hatheway reported that within phase two development of the program there will be an establishment of a technical advisory committee which will be primarily be comprised of several different staff members from various departments. The committee will be expanded to individuals that have an interest in storm water. He continued to explain the process in which the storm water utility will be established.

Phase three will be working with the finance department to develop a billing system. During this process there will be public hearings to educate the community.

Mr. Hatheway presented various examples of rate structures for storm water the same size of Delta.

The design of the capital improvements has already begun. The first project that has been designated to begin with is the downtown drainage improvements. Staff is currently looking for monies to begin this project to include a CDBG grant that will be submitted this year. There are several areas in the City that do not have infrastructure and they will be looking at those.

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

**Storm Water Utility Contract (cont.)**

Mr. Hatheway explained the concern of lack on infrastructure in the various area of the City. The business plan will include the engineering, personnel cost, mapping, photography and the maintenance process.

The current maintenance activities that are in place are streets, replacements of curbs and gutters. Staff is regularly dealing with culverts for drainage.

The partnerships with irrigation companies and other water companies will be expanded.

Mr. Hatheway explained some concerns that he has in the future as it applies to drainage that will be tied to the truck route.

The estimate that URS has provided is \$51,000 for phase two and \$65,000 for phase three. There may be some savings if the processes are run parallel to each other.

The next steps will be to develop a funding source. Mr. Hatheway would recommend Council approving this contract with URS not to exceed \$116,000 to begin starting phase two and three. Staff will begin to solicit public participation for the storm water advisory committee midyear 2012 and also implement the utility fee.

There was discussion regarding the intent regarding where the storm water utility will be addressed. Mr. Hatheway stated it will be for the entire City limits.

Manager Kerby stated that while staff is looking for additional funding through the CDBG grant process one of the evaluation criteria that they will look at is what is the City doing to improve the storm water system and if the City is going to impose a fee to help increase the revenues to provide for infrastructure and maintenance.

Mr. Hatheway reported that the biggest challenge is that storm water was not a consideration when a lot of the infrastructure was developed. So trying to find a way to handle the storm water and finding a place to take it is going to be a challenge.

Manager Kerby asked Mr. Hatheway how ERC has become involved.

Mr. Hatheway explained that ERC is a subcontractor with URS and provided a brief history of their company.

Manager Kerby questioned the company as to their rates.

Angie Fowler reported that engineering firms typically increase rates on an annual basis. However, they respect the challenging budget concerns. They will be willing to work with the City to determine how to share the work to come in lower than projected with the rate.

Manager Kerby questioned if they would be willing to negotiate.

Ms. Fowler stated that the fee stated would be not to exceed the stated amount. They will work with City staff to see where they can provide the work so that the fee may come in lower.

Councilmember Jurca questioned how many years into the future will there be a complete storm water system.

Mr. Hatheway stated that it will take many years. He explained the different areas that will be looked at and how large the scope of the project is. He reported that on the 2<sup>nd</sup> Street project will be from Columbia Street to Main Street and the cost is estimated at \$500,000.

It was moved by Councilmember Raley and seconded by Councilmember Sisson to approve the storm water utility contract with URS for phases two and three not to exceed \$116,000 with City Attorney approval and authorize the City Manager to sign said contract. All in favor, motion carried.

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

**Council Bill #5, 2011; First Reading**  
**2012 Electric Rates**

Council Bill #5, 2011

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING SECTION 13.04.120 OF THE DELTA MUNICIPAL  
CODE TO ESTABLISH NEW ELECTRIC RATES

was read by the Clerk.

Utilities Director Steve Glammeyer explained the Council Bill before Council is to set forth new electric rates that were presented at a work session last month. These numbers were used to generate revenue for the 2012 budget. Staff recommends approval of this tonight so that staff can establish the budget appropriately.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to adopt Council Bill #5, 2011 on first reading. Roll call vote: Councilmembers Jurca, aye; Sisson, aye; Raley, aye and Cooper aye. Motion carried.

**Ordinance #3, 2011; Second and Final Reading**  
**Vacation of 6<sup>th</sup> and 7<sup>th</sup> Streets**

Ordinance #3, 2011

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
VACATING SEGMENTS OF SIXTH AND SEVENTH STREETS,  
AND ALSO CONNECTING ALLEYWAYS, ALL OF WHICH  
TRAVEL AREAS LIE BETWEEN THE WEST LINE OF SILVER  
STREET AND THE EAST LINE OF THE UNION PACIFIC  
RAILROAD RIGHT OF WAY IN THE CITY LIMITS

was introduced as Council Bill #3, 2011 and read by the Clerk.

Director Hatheway reported that this is per contractual agreement for the purchase of Producer's Coop.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt Council Bill #3, 2011 on second and final reading. Roll call vote: Councilmembers Jurca, aye; Sisson, aye; Raley, aye and Cooper aye. Motion carried. Council Bill #3, 2011 was adopted on second and final reading as Ordinance #3, 2011.

**Ordinance #4, 2011; Second and Final Reading**  
**New Zoning Ordinances**

Ordinance #4, 2011

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
DELETING AND AMENDING VARIOUS PROVISIONS OF  
TITLES 17 AND 8 OF THE DELTA MUNICIPAL CODE IN  
ORDER TO ELIMINATE THE B-4, I-1 AND 1-2 ZONING  
DISTRICTS AND RE-CLASSIFY THE AFFECTED AREAS  
WITHIN NEW OR OTHER EXISTING ZONING DISTRICTS

was introduced as Council Bill #4, 2011 and read by the Clerk.

Community Development Director Glen Black reported that he has not received any additional comments and has nothing new to report.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to adopt Council Bill #4, 2011 on second and final reading. Roll call vote: Councilmembers Jurca, aye; Sisson, aye; Raley, aye and Cooper aye. Motion carried. Council Bill #4, 2011 was adopted on second and final reading as Ordinance #4, 2011.

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

### **Hotel and Restaurant Liquor License Renewal; Fiesta Vallarta Delta**

The Clerk explained that Fiesta Vallarta Delta has submitted their Hotel/Restaurant Liquor License Renewal. The application is complete and all fees have been paid. The Delta Police Department has recommended renewal.

It was moved by Councilmember Raley and seconded by Councilmember Sisson to approve the Hotel/Restaurant Liquor License Renewal for Fiesta Vallarta Delta. All in favor, motion carried.

### **Proclamation; Buddy Poppies**

The Mayor read the proclamation.

### **City Attorney Comments**

There were none.

### **City Manager Comments**

Manager Kerby presented the following updates:

- The Delta Police Department will be attending a shoot/don't shoot training.
- KUBC radio program will be talking about various projects within the City.
- Devil's Thumb Golf Club will be hosting a PGA member seminar.
- The recycling task force will be meeting on November 7<sup>th</sup> at 4:00pm at the Middle School Library.
- The County Commissioners will be discussing a curb side recycling program.
- The recreation center pool pack project is moving forward with November 15<sup>th</sup> being the due date for bids to be submitted.
- Fall cleanup will be completed by the end of the week.
- Utility bill format change will be completed by the end of the first quarter of next year.
- Abraham House, the homeless shelter here in Delta, opens tonight.
- The Hartland Dam project.
- The migrant housing personnel are looking for a temporary office. The City may provide them use of the extra office at City Hall.
- He will be attending a class in Denver the end of next week for the certified manger's program.
- There will be changes to Centennial Park.

### **Councilmember Comments**

Councilmember Sisson complimented Parks Director Paul Suppes on the new dog park.

### **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 instructing negotiators on aspects of Confluence Drive project issues. All in favor, motion carried.

At 8:21 p.m., Mayor Cooper recessed the Regular Meeting and convened the Executive Session.

At 8:55 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, 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

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

**Resolution #7, 2011; Acquire Real Property from Hi-Quality Packing, Inc.**

Resolution #7, 2011

A RESOLUTION OF THE CITY OF DELTA AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN REAL PROPERTY FROM HI-QUALITY PAKCING, INC. FOR THE CITY'S CONFLUENCE DRIVE PROJECT

was read by the Clerk.

It was moved by Councilmember Raley and seconded by Councilmember Sisson to deny approval of Resolution #7, 2011. Roll call vote: Councilmembers Jurca, aye; Sisson, aye; Raley, aye; and Cooper aye. Motion carried.

**Purchase Contract with Hi-Quality Packing, Inc.**

Director Hatheway reported that this is a contract that has been negotiated with Hi-Quality Packing, Inc. to purchase a small piece of land on the easterly boundary of the their property. The purchase price of this property is \$135,000 and also some property trades and concessions that the City has made in the contract. Staff recommends approval of the contract subject to City Attorney review.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to approve the contract to purchase property from Hi-Quality Packing, Inc. with the City Attorney approval of the contract. All in favor, motion carried.

The meeting was adjourned at 8:57 p.m.

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Jolene E. Nelson, City Clerk