

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

City Manager Joe Kerby presented the following proposed changes:

- Page 2 under the title "Bids for Pool Resurfacing" the 1st paragraph word change from recommendation to specification.
- Page 5 under Council Bill #4, 2012, 2nd to last paragraph where it begins "Manager Kerby"; interject "shared in the executive session" in the 2nd sentence after "he explained there might be some information".

It was moved by Councilmember Raley and seconded by Councilmember Sisson to approve the minutes of February 21, 2012 as amended. All in favor, motion carried.

Citizen Comments

There were none.

Financial Report

Finance Director Tod DeZeeuw presented the financial report for period ending December 31, 2011 and answered questions from Council.

**Tavern Liquor License Renewals:
Hoolie's Place and CB's Tavern**

The Clerk explained that both renewal applications are complete and the renewal fees have been paid with the exception of Hoolie's Place's liquor occupation tax which will be collect at the time the license is received by the State. She also explained that the police department's recommendations are included in their packets. She stated that Chief Robert Thomas is present to provide some additional information.

Mayor Cooper requested that Council address Hoolie's Place and then move to CB's Tavern.

Chief Robert Thomas reported that the Delta Police Department is recommending approval the liquor license for Hoolie's Place at this time. However, they continuously monitor the establishment. The police department has responded to numerous calls regarding alleged offenses over the last several years. Mr. Thomas stated that he has talked with the owners regarding their ability to police themselves.

Rebecca Angel, 10318 3300 Rd, Hotchkiss, stated that Hoolie's is a place to have enjoyment and good food. They have done various fund raisers this year that has raised funds for individuals within the community. She stated that they take their business seriously. They are individuals who come take part in food and spirit. At times they may take in a little too much spirit. They will keep working their hardest to keep things in control.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to approve the renewals for Rebecca Angel, LLC dba Hoolie's Place. All in favor, motion carried.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the renewals for CB's Tavern. All in favor, motion carried.

Regular Meeting, Delta City Council, March 6, 2012 (Cont.)

Council Bill #6, 2012; First Reading
Municipal Energy Agency of Nebraska Participation

Council Bill #6, 2012

AN ORDINANCE DETERMINING THE NEED FOR PARTICIPATION, AND AUTHORIZING AND DIRECTING SUCH PARTICIPATION BY THE CITY OF DELTA, COLORADO, IN THE OPERATION OF MUNICIPAL ENERGY AGENCY OF NEBRASKA AND TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT

was read by the Clerk.

Utilities Director Steve Glammeyer explained that this sets forth the process to have the City be a member of MEAN's board as a seated member. The next step is to appoint a director and alternate director to represent the City on that board.

Mayor Cooper stated that the City have been a member of MEAN for many years.

Mr. Glammeyer reported that the City is about to finish up their 15th year with MEAN and the City has just entered into a 28 year contract that will start in October.

Manager Kerby stated that this takes an additional step over and above what the City has done in the past. He has asked Mr. Glammeyer to become actively involved in the governance of MEAN since the City has a vested interest with the long term contract with them.

Councilmember Pfalzgraff questioned if there are other Colorado municipalities participating.

Mr. Glammeyer reported that there are currently ten other Colorado municipalities participating. He explained that if you are not a long term purchase power contract you can be on the board however there's not much need to be on the board due to the fact that the board handles business particularly to set rates for the long term contract. The management community, which the City is a part of, set the rates for the shorter term contracts. Since we are moving to a long term contract becoming a member of the board would allow the City to have a voice on setting rates.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Council Bill #6, 2012 on first reading. Roll call vote: Councilmembers Pfalzgraff, aye; Sisson, aye; Raley, aye and Cooper, aye. Motion carried.

Appointment to MEAN Board

Director Glammeyer stated that since they have moved forward with becoming a board member, Council now needs to appoint a director and alternate director. Staff recommends appointing Steve Glammeyer as director and Joe Kerby as alternate director.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to appoint Steve Glammeyer as director and Joe Kerby as alternate director to the MEAN Board of Directors. All in favor, motion carried.

Councilmember Pfalzgraff commented on making a good choice in choosing these individuals to serve on the MEAN board as they both have knowledge on municipal power.

Council Bill #7, 2012; First Reading
Preference for Local Business Bidding

Council Bill #7, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO ADDING CHAPTER 2.75 TO THE DELTA MUNICIPAL CODE FOR THE PURPOSE OF AUTHORIZING CERTAIN PREFERENCES FOR LOCAL BUSINESSES BIDDING ON CITY CONTRACTS

was read by the Clerk.

Regular Meeting, Delta City Council, March 6, 2012 (Cont.)

Council Bill #7, 2012 (cont.)

Gyneer Thomassen reported that this was presented to Council during a work session previously. They received comments at that time and went back and made the changes that Council requested. She stated that their purpose is to be supportive of local businesses.

Ms. Thomassen explained that for every \$100 spent locally at an independent business, \$68 returns to the community. For \$100 spent at a national chain, \$43 returns to the community. She stated that whenever competitive bidding is required preference should be given to qualified local businesses. She explained those requirements for the local business. She also summarized an example of local business bidding.

Councilmember Pfalzgraff commended the group for working on this and incorporating the changes Council requested into the policy.

Attorney Schottelkotte presented a change on the 3rd whereas, stating it should read "chain outlets".

Manager Kerby stated that Councilmember Pfalzgraff referred this to a policy when in fact this would be adopted as an ordinance rather than a policy.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Council Bill #7, 2012 on first reading. Roll call vote: Councilmembers Pfalzgraff, aye Sisson, aye; Raley, aye and Cooper, aye. Motion carried.

Off-Street Parking Paving Requirements

Community Director Glen Black explained that at the December 6th, 2011 work session Council asked that Planning Commission review the paving standards. Before Council tonight are those recommendations.

Councilmember Pfalzgraff questioned what the basis was for the change under 17.04.230(g).

Mr. Black stated that there were several businesses that were looking at redevelopment with an existing building with gravel parking lots that felt that was rather erroneous to have to pave a six space requirement. They stated that if it would change the economics enough that would make the project no longer viable. He also addressed the concern of the landscaping requirements of parking lots.

There was discussion regarding the changes to the paving of parking lots as well as implementing a maintenance agreement for the gravel parking lots.

Attorney Schottelkotte suggested rather than having an agreement put the requirement into an ordinance.

Mr. Black stated that staff is looking for Council's direction as to what they want to see in the ordinance.

There was more discussion of having the maintenance requirement put into the ordinance.

It was moved by Councilmember Raley and seconded by Councilmember Pfalzgraff to instruct staff to proceed with the recommendations along with City Attorney recommendations to combine into one ordinance. All in favor, motion carried.

Approve a Contract to Purchase Property from Hildebrand Enterprises, LLC

Public Works Director Jim Hatheway stated that this is property located 8th Street and Highway 348 which is currently being used by Dairy Farmers of America. Staff offered them \$2100 and they accepted the offer.

It was moved by Councilmember Sisson and seconded by Councilmember Raley to approve the contract to purchase property from Hildebrand Enterprises for benefit of Confluence Drive in the amount of \$2100 and authorize the City Manager to sign said contract. All in favor, motion carried.

Regular Meeting, Delta City Council, March 6, 2012 (Cont.)

McDonald's Assistance Request

Director Hatheway reported that part of the truck route process on Gunnison River Drive is evaluating access and clean up those accesses, one of the accesses that will result in closure in McDonald's. They currently have three accesses and those would be consolidated into a single access. He explained that there is some impact to the property because of the closure of the accesses. Because of those impacts the business owner Debbie Long-Shea has requested that the City consider some kind of cost share to mitigate the cost of her business to adapt of the loss of those accesses. Ms. Shea is working with Kroger to come to an agreement to have an access adjacent to the fueling facilities. McDonald's is also going through a remodel process which is dictated by their corporate office.

Mr. Hatheway explained the options that have been proposed to the City. The first being a 50% cost share is an option due to the bulk of that contract can be contributed to the loss of the accesses. The second option would be to allow the City's contractor to make the improvements to the property as part of the truck route. Ms. Shea did contact the corporate office and it's their understanding that McDonald's will not accept the City's contractor. The option would then be to pay McDonald's contractor to make those improvements to the frontage as opposed to the City.

Councilmember Sisson questioned where the accesses will be.

Mr. Hatheway stated that they are consolidating three accesses into one off of Gunnison River Drive. He explained where the access would be and the impact it has on McDonald's.

Debbie Long-Shea, 3325 Mahogany Drive, Montrose, stated that McDonald's is a positive contributor to the City and employer over 50 people. She explained the remodel that they are required to and the site work that is also being required due to the truck route she cannot do both of them financially. She also explained the impacts of the consolidation of once access and the traffic flow concern.

Mayor Cooper questioned if the 50% is the break point.

Mr. Shea stated that even the 50% is difficult for her. She explained that the cost of the remodel is around \$600,000 and McDonald's corporation is only paying 45% of that. So with the remodel and now the site work it has impacting her business greatly.

There was discussion regarding when the improvements on Gunnison River Drive would take place should the City approve the 50% cost share as well as when the remodel would begin.

Councilmember Pfalzgraff questioned the 50% cost share.

Mr. Hatheway explained that the request is 50% of \$104,000 which is \$52,000. As the improvements are made to the site that are outlined by staff, staff would verify them and then Ms. Shea would provide the invoice from her contractor for the work completed and then the City would reimburse 50% of the value of those improvements.

Councilmember Pfalzgraff questioned if that would only be improvements on the north side of the building.

Mr. Hatheway stated that Ms. Shea is requesting is 50% of all of site work. Staff is brining this to Council for them to decide whether they want to just fund the improvements on the north side or fund the entire site improvements or come up with some other amount to help fund the improvements.

There was additional discussion regarding the 50% of \$104,000 cost share.

It was moved by Councilmember Raley and seconded by Councilmember Sisson grant Ms. Shea's request for shared funding not to exceed the amount of \$52,000 for the site improvements at McDonald's due to the access closures created by the Construction of Confluence Drive. All in favor, motion carried.

Regular Meeting, Delta City Council, March 6, 2012 (Cont.)

Ordinance #5, 2012; Second and Final Reading Power of Condemnation

Ordinance #5, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO TO ADD CHAPTER 1.12 TO THE DELTA MUNICIPAL CODE ESTABLISHING THE PROCEDURE FOR AUTHORIZING EXERCISE OF THE CITY'S POWER OF CONDEMNATION (EMINENT DOMAIN).

was read by the Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Council Bill #5, 2012 on second and final reading. Roll call vote: Councilmembers Pfalzgraff, aye; Sisson, aye; Raley, aye and Cooper, aye. Motion carried. Council Bill #5, 2012 was adopted on second and final reading as Ordinance #5, 2012.

City Attorney Comments

There were none.

City Manager Comments

Manager Kerby commented on the following items:

- The new mural is being completed.
- Staff continues to do improvement the Gunnison Valley substation for preparation of the ongoing construction of the transmission line.
- Utilities Director Steve Glammeyer and his staff have done a great job in getting water down from the mesa to start watering at the golf course.
- Improvements to the Fairlamb Plaza will resume in the next week.
- The Parks Department has been working on the dog park to get an irrigation system in place.
- The pool will be closed April 1st for at least 30 days for the improvements that Council approved.
- At the next City Council meeting they will be recognizing Gerald Roberts and Tish Oelke for the service in the planning commission.
- The Chamber's annual banquet is scheduled for Saturday at the Elks.
- Staff will be bringing the salary survey as well as the health benefits to Council in May.
- The auditors are here conducting the audit for 2011.

Councilmember Comments

Mayor Cooper commented on the arrival of her new grand baby.

Executive Session

It was moved by Councilmember Sisson and seconded by Councilmember Pfalzgraff 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.

At 7:56 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 Robert Jurca, Bill Raley, Guy Pfalzgraff and Ed Sisson; along with City Manager Joe Kerby, City Attorney Michael Schottelkotte, Public Works Director Jim Hatheway and Rob Pratt and Brad Rodenburg via phone. 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

Regular Meeting, Delta City Council, March 6, 2012 (Cont.)

Executive Session (cont.)

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