

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca, Mary Cooper, and Ray Penick 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 Cooper and seconded by Councilmember Raley to approve the minutes of April 17, 2012 regular meeting as submitted by the Clerk.

It was moved by Councilmember Penick and seconded by Councilmember Raley to amend the motion to include the minutes of April 20, 2012 special meeting and April 24, 2012 special meeting. All in favor, motion carried.

Citizen Comments

There were none.

Resignation of Joseph Kerby

City Manager Joe Kerby stated that he has accepted a position with LaPlatta County. He has submitted his written resignation to Council. Council requested the resignation to be put as a formal agenda item at this meeting to discuss.

It was moved by Councilmember Jurca and seconded by Councilmember Raley to accept the resignation of Joseph Kerby. All in favor, motion carried.

Selection of Recruiting Firm for City Manager Position

Human Resource Director Jeri Karsten contacted three companies that were recommended by the Colorado Municipal League for recruiting City Managers. KRW submitted a proposal of \$8300 and Mercer Group submitted their proposal of \$16,600. The City has used KRW in the past for selection of the City Manager as well as the Chief of Police.

Councilmember Cooper commented on the work KRW had done for the City during those selections.

Councilmember Jurca questioned if they could have KRW insert a clause similar to the one Mercer Group submitted regarding if the position should become open within 24 months they would complete the process again at no additional charge.

Ms. Karsten stated she could ask them.

Councilmember Cooper commented on that fact the price has not increased from the last time.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve KRW to conduct the recruitment of the City Manager position. All in favor, motion carried.

Quarterly Financial Report

Finance Director Tod DeZeeuw presented the quarterly financial report for the period ending March 31, 2012.

Regular Meeting, Delta City Council, May 1, 2012 (Cont.)

Ordinance #11, 2012; First and Final Reading

Ordinance #11, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AUTHORIZING THE REFINANCING OF OUTSTANDING WATER AND SEWER REVENUE BONDS AT A LOWER INTEREST RATE; ESTABLISHING THE TERMS OF A DIRECT BANK LOAN TO ACCOMPLISH THE REFINANCING; PROVIDING FOR THE PAYMENT OF THE LOAN FROM THE SEWER FUND; AND DECLARING AN EMERGENCY

was read by the Clerk.

City Attorney Michael Schottelkotte stated that there is an alternative if Council is not willing to adopt as an emergency.

City Manager Joe Kerby requested Mr. DeZeeuw to address the importance of adopting as an emergency.

Mr. DeZeeuw reported that the emergency ordinance is to lock in the interest rate. He explained the process and the current interest rates.

Councilmember Penick questioned what the cost difference would be.

Mr. DeZeeuw stated it would be approximately \$1000 difference. He explained that it is not a huge concern at this point due to the interest rates not changing much.

Mr. DeZeeuw presented the changes of the ordinance that is in Council's packets to the one that is being presented this evening. Most of the changes were grammatical.

Mr. Kerby stated that the coverage on the bond is the same as what is on the truck route bonds.

Mr. DeZeeuw explained that there are two loans that were issued by USDA for the North Delta sewer project. The balance is around \$2.5 million and reducing the interest as well as the number of years on the loan will save the City some funds.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to adopt Council Bill #11, 2012 on first and final reading and declaring an emergency. Roll call vote: Councilmembers Cooper, aye; Raley, aye, Jurca, aye; Penick, aye and Sisson aye. Motion carried. Council Bill #11, 2012 was adopted on first and final reading as Ordinance #11, 2012.

Council Bill #12, 2012; First Reading

Council Bill #12, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO AMENDING CERTAIN SUB-PROVISIONS OF SECTIONS 15.04.080.B OF THE DELTA MUNICIPAL CODE TO MODIFY REQUIREMENTS FOR SITE DEVELOPMENT/ LANDSCAPING PLANS SUBMITTED IN SUPPORT OF APPLICATIONS FOR BUILDING PERMITS

was read by the Clerk.

Community Development Director Glen Black stated there are no additional comments since the last discussion regarding this topic.

It was moved by Councilmember Jurca and seconded by Councilmember Raley to adopt Council Bill #12, 2012 on first reading. Roll call vote: Councilmembers Cooper, aye; Raley, aye, Jurca, aye; Penick, aye and Sisson aye. Motion carried.

Regular Meeting, Delta City Council, May 1, 2012 (Cont.)

Confluence Drive – Supplemental Site Development Standards for Highway Corridors

Director Black reported that with the pending construction of Confluence Drive, staff suggests incorporating Confluence Drive into the Supplemental Site Development Standards for Highway Corridors since Confluence Drive will be a main thoroughfare for the City of Delta.

Councilmember Penick questioned what the differences would be.

Mr. Black stated that the amount of landscaping along the frontages and some architectural standards. Those are the two primary items that are required; there may be a few others.

Councilmember Penick commented on Confluence Drive not being an entrance itself to the City.

Mr. Black stated that Crawford Avenue is also within these standards since it is considered a high traffic area. He read the code to Council.

Councilmember Cooper stated that this is going to be a mix of residential and/or commercial properties.

There was discussion on the exceptions.

There was a consensus amongst Council to have staff bring this item before them in a work session with some additional information.

Insurance Service Office (ISO)/Building Code Effectiveness Grading Schedule (BCEGS)

Director Black stated this was discussed at a work session previously and that Council requested this be brought before them to take action on. If Council chooses not to participate in the ISO/BCEGS the Mayor will sign a letter stating that they do not wish to participate.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to authorize staff to prepare a letter stating the City will no longer participate in the ISO/BCEGS program. All in favor, motion carried.

Delta Area Chamber of Commerce: First Saturday Market

Manager Kerby reported that Linda Sanchez presented a new idea to be considered for this summer as opposed to the block parties that were put on last year. He felt that it was important for the Chamber to present this to Council since they have provided some funding to help with the block parties. The Chamber is requesting those monies to be used for their new event which will be First Saturday Market.

Executive Director Linda Sanchez stated that they received some monies from Council to help promote the summer block parties. She explained how the block parties were promoted and how the Chamber Board is considering changing to the First Saturday Market. Ms. Sanchez reported on the statistics on the block parties.

Ms. Sanchez reported that Delta County is one of the largest producers of organic produce in the State of Colorado. The Chamber would like to capitalize on that by promoting an event that will help the local growers and create a signature event. She presented Jessica Good who will be the Chairman of the event.

Jessica Good stated she will be overseeing the event. She stated that this will benefit the City in more ways than just bringing businesses. They will be working with growers, meat producers, providing things for children, dance groups, musicians, crafters and artists. She also explained how the event would be run. They are looking for a venue and are considering 5th or 3rd Street between Main and Palmer.

Mayor Sisson questioned if they are looking for additional money.

Ms. Sanchez stated that they are requesting the monies that were donated for the block parties be used for this event.

Councilmember Cooper questioned how they are going to work with the current farmer's market that is held on Saturdays and Wednesdays.

Regular Meeting, Delta City Council, May 1, 2012 (Cont.)

Delta Area Chamber of Commerce: First Saturday Market (cont.)

Ms. Sanchez stated they have contacted them and invited them to attend. This will give them bigger exposure.

There was discussion regarding working with the current farmer's market and getting more coordination for the event before Council agrees to the request.

Ms. Sanchez stated she will get with the Chamber Board as well as the current farmer's market and come back to Council with a more decisive plan.

RFP for City Attorney

City Attorney Michael Schottelkotte stated that he had sent Council a memo that reports he plans to retire in August of 2013. Councilmember Jurca had mentioned wanting to put a RFP out for the selection of the City Attorney position. Mr. Schottelkotte wanted to bring the Council's attention of his retirement so that they can make a decision whether to go with the RFP now or wait until closer to his retirement. He would like to see Council have an attorney in place before he retires for the transition. He is not trying to discourage Council to go with a RFP now.

There was a consensus amongst Council to wait to put out a RFP until January.

**Liquor License Renewals:
Retail Liquor Store, D&B Liquors
3.2% Beer License; Pizza Hut**

The Clerk explained that D&B Liquors and Pizza Hut have submitted their liquor license renewals. Both applications are complete and all fees have been paid. The police department has recommended approval of both licenses.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the liquor license renewals for D&B Liquors and Pizza Hut. All in favor, motion carried.

Council Bill #10, 2012; Second and Final Reading

Council Bill #10, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING THE ZONING DESIGNATION OF LOTS 1 AND 2,
BLOCK 1, OF THE ORIGINAL PLAT OF DELTA FROM R-4 TO
B-2

was read by the Clerk.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to adopt Council Bill #10, 2012 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Raley, aye, Jurca, aye; Penick, aye and Sisson aye. Motion carried.

Resolution #5, 2012; Opposing Senate Concurrent Resolution – 3

Resolution #5, 2012

TO PROTECT THE CURRENT LOTTERY DISTRIBUTION
FORMULA

was read by the Clerk.

Manager Kerby stated that recently there was a Senate Concurrent review that was introduced to the Senate to redirect GOCO funds that are available through lottery proceeds. The bill intends to redirect the funds to the state education fund. There was a hearing last Friday where the bill was defeated by a vote of 3-2. Council can still take action if they choose to show support for GOCO to help protect the grant funds.

There was discussion regarding whether to move forward with the resolution.

Regular Meeting, Delta City Council, May 1, 2012 (Cont.)

Resolution #5, 2012; Opposing Senate Concurrent Resolution – 3 (cont.)

It was moved by Councilmember Raley and seconded by Councilmember Penick to adopt Resolution #5, 2012. Roll call vote: Councilmembers Cooper, aye; Raley, aye, Jurca, aye; Penick, aye and Sisson aye. Motion carried.

City Attorney Comments

Attorney Schottelkotte stated that Paul Senteney is in the audience and he arrived after the citizen comment time. He asked Mr. Senteney if he wanted to make any comments to Council this evening. Mr. Schottelkotte explained to Mr. Senteney that his property is not an agenda item for open session, however, the Mayor can allow him to make comments if he would like and that Council will not be able to respond to his comments at this time.

Paul Senteney, 715 1800 Road, commented on the acquisition of his property for the truck route.

Mr. Schottelkotte explained that Council cannot negotiate this evening regarding this matter.

Mr. Senteney stated he would like to set up a time to present his argument with the acquisition.

There was discussion regarding whether to discuss this in open session or to allow Mr. Senteney to present his argument to Council. It was determined to talk have Mr. Schottelkotte notify Mr. Senteney of how Council wishes to proceed after holding the executive session this evening.

City Manager Comments

Manager Kerby reported on the following items:

- Acknowledged Wilma Erven on reopening the pool today as scheduled.
- The Golf Course Operational Review's final report should be available next Monday.
- Centennial Park is being worked on this week.
- At the Planning Commission meeting next Monday night they will be discussing architectural standards.
- Stantec will be beginning the process of soil samples.
- The Police Department collected over 50 lbs of prescription drugs last Saturday during their event.
- Kyle Petty will be coming through town with 175 motorcyclists in the group. They plan to make a stop at the Western Convenience north of town.
- Update on the following meetings:
 - Procycle Challenge May 9th at 8:30am
 - Employee benefits tomorrow at 8:30am
 - Truck route this Thursday at 8:00am
 - CRP May 9th at 5:30pm
 - Citizen's financial May 14th at 5:30pm
- Requests from Lincoln Elementary as well as the High School for donations.

Councilmember Jurca questioned what the amount is in the budget for donations.

There was discussion regarding what amount they may have for donations. Mr. Kerby will get with the finance director to list what donations have been approved and what amount is in the budget. At the next meeting Council will discuss the donations.

Mr. Kerby also reported that Council may want to consider rescheduling the 2nd meeting in June due to the CML conference. There was consensus to schedule the 2nd meeting for June 18th. The Clerk will put this discussion on the next agenda.

Councilmember Comments

Councilmember Cooper reported on Project 7 meeting stating water use is up and they are very concerned about drought.

Councilmember Penick commented on truck route meeting he attended as well as the citizen financial task fork.

Regular Meeting, Delta City Council, May 1, 2012 (Cont.)

Councilmember Comments (cont.)

Mayor Sisson stated that he attended a meeting with the State Demography's office. They are anticipating Delta County to double in growth over the next 10 to 20 years.

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Cooper 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 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.

At 8:15 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 9:35 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Councilmembers Robert Jurca, Bill Raley, Ray Penick and Mary Cooper; along with City Manager Joe Kerby, City Attorney Michael Schottelkotte, Public Works Director Jim Hatheway, Brad Rodenberg and Rob Pratt. 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