

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**

City Manager Joe Kerby presented a change on Resolution #5, 2012 discussion. The first sentence should read "... Senate Concurrent resolution..."

It was moved by Councilmember Cooper and seconded by Councilmember Raley to approve the minutes of May 1, 2012 with the above corrections. All in favor, motion carried.

**Citizen Comments**

Mayor Sisson presented City Manager Joe Kerby a plaque and recognized his service to the City of Delta.

**Request from Lincoln Elementary Destination Imagination Teams**

Scott Moore, teacher with Lincoln Elementary presented Ana Jurca, Hailey Curry and Kaitlin Sharpe from the Destination Imagination Teams.

Ms. Jurca, Ms. Curry and Ms. Sharpe presented Council with a brief summary of the program and their accomplishments this year. They will be attending the global competition in Tennessee the week of May 21<sup>st</sup> and is currently trying to raise money to go to the competition. They are requesting City Council consider giving a donation to help them.

Mayor Sisson questioned how many teams are going from Colorado.

Mr. Moore stated there are 60 teams out of 1100 going. There are teams from all over the world attending.

Councilmember Penick questioned how many teams will be at the global competition.

Mr. Moore reported more than 1300.

Manager Kerby questioned how much money they are trying to raise.

Mr. Moore stated that their goal is \$25,000. They have received approximately \$17,000 at this point.

There was discussion regarding if the City had any monies to donate.

It was moved by Councilmember Raley and seconded by Councilmember Penick to give \$150 to Lincoln Elementary Destination Imagination Teams. All in favor, motion carried.

**ACEC National Award Presentation**

Utilities Director Steve Glammeyer introduced Tim Boltz from URS Corporation.

Mr. Boltz stated that he had the opportunity to go to Washington D.C. to attend the annual awards banquet for the American Society of Engineer Council. He explained the different awards that were presented. The City of Delta was given an award for the river diffuser project.

Mr. Boltz presented the award to Mayor Sisson.

## **Regular Meeting, Delta City Council, May 15, 2012 (Cont.)**

### **Purchase of New Aeration Equipment for WWTP**

Director Glammeyer stated that staff has been working on an upgrade to improve the digesters out at the WWTP. In 2011 staff consulted with a firm out of Glenwood Springs to design new aeration system and a cover for the digesters. The approval from the State is forthcoming.

Mr. Glammeyer explained that at this time he is requesting Council approve the purchase of the equipment that will be installed. Normally that purchase of equipment would be put into the package with the contractor; however, this equipment is specialized. Staff has looked at several different systems and has determined this system would benefit the City. He explained how this system works.

Mr. Glammeyer also explained the timeline for the project. The total amount of the purchase of this equipment is \$162,870.

Councilmember Penick questioned if there is any concerns with contractors bidding the installation without having any input on the equipment.

Mr. Glammeyer stated that the contractors wouldn't have any input anyway. This project would have been designed and the contractors would be given a set of design drawings with the equipment already specified. The City would have to deal with the manufacture for warranty concerns if any should arise.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to authorize the purchase of the aeration equipment for \$162,870 from Water Technology Group. All in favor, motion carried.

### **Presentation from Senteney Family Trust Regarding Confluence Drive**

Manager Kerby reported that staff received a letter yesterday from Mr. Senteney stating he would not be available to attend tonight's meeting. He is requesting to have a meeting with three member of Council, with one of those being Mr. Penick. Staff needs direction from Council on how they wish to proceed with Mr. Senteney.

City Attorney Michael Schottelkotte stated due to the open meetings law they could not comply with Mr. Senteney's request.

Councilmember Penick stated that Council cannot negotiate with Mr. Senteney, those negotiations need to be with Brad Rodenberg. He stated that either Council allows Mr. Senteney an opportunity at the next City Council meeting to be heard or have him submit his positions in writing.

Councilmember Jurca stated that as a citizen Mr. Senteney has the ability to contact any of the Councilmembers individually.

Attorney Schottelkotte reported that he is concerned about the term he used "represent". Mr. Senteney cannot have a body of this Council represent him. He can have some present for him if he chooses to.

Councilmember Cooper and Mayor Sisson agreed that he has had his chance and now he needs to talk with Mr. Rodenberg.

Brad Rodenberg stated that he has no vested interest in the ultimate settlement price. He is just following the process that is set by state statutes.

There was a consensus amongst Council to give Mr. Senteney an opportunity to present his position at the next City Council meeting or to have him provide a written presentation.

Attorney Schottelkotte stated that the appraisal process will continue forward in the mean time.

Mr. Rodenberg stated that Mr. Senteney can definitely be heard during this process.

Mr. Schottelkotte will write a letter and encourage Mr. Senteney to work with Mr. Rodenberg and that he can have an opportunity to present his position to Council and the next regular meeting.

**Regular Meeting, Delta City Council, May 15, 2012 (Cont.)**

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

Chief Robert Thomas reported that DOW is requesting a variance to the ordinance prohibiting discharge of guns with the City. DOW is proposing to use their portable shooting trailer for hunter safety at the Heritage Days. This is a good opportunity to learn about gun safety and fire a weapon in a secure manner. He is recommending Council approve the variance.

Ryan Swigman with DOW stated that they are providing a safe and controlled setting to help the youth learn about hunter safety. He explained how the trailer is designed and what it is used for.

Councilmember Raley commented on last year's event, he was impressed with the supervision of the event.

Mr. Swigman stated their goal is to provide a safe environment.

Councilmember Penick questioned how frequently the trailer is used.

Mr. Swigman reported on using the trailer throughout the western slope.

Manager Kerby questioned if he is asking for approval just for Heritage Days or for a blanket approval for any hunter safety class within the City.

Mr. Swigman stated he would like to have a blanket approval for the year; however, would also accept an approval just for Heritage Days.

There was discussion regarding the variance.

Attorney Schottelkotte stated that the ordinance does say that the application for a permit varying is limited to a special event.

It was moved by Councilmember Raley and seconded by Councilmember Penick to approve a variance for ordinance prohibiting discharge of guns for the hunter safety training for the Colorado Parks and Wildlife for the rest of 2012. All in favor, motion carried.

Manager Kerby asked for clarification if that pertains only to the portable shooting trailer.

All Councilmembers agreed.

**Resolution #6, 2012; Appointment of interim City Manager**

Manager Kerby stated that this resolution is for the appointment of the Interim City Manager. He stated that Council did direct him to draft the resolution appointing Glen Black.

Resolution #6, 2012

APPOINTING GLEN L. BLACK AS INTERIM  
CITY MANAGER

was read by the Clerk.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Resolution #6, 2012. Roll call vote: Councilmembers Coopers, aye; Raley, aye; Penick, aye; Jurca, nay and Sisson, aye. Motion carried.

**Approval of Foster Farms Contract**

Public Works Director Jim Hatheway stated that staff is requesting approval of the purchase of Foster Farms. They have agreed to the purchase price that was offered to them of \$56,507.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the property acquisition contract with Foster Farms in the amount of \$56,507. All in favor, motion carried.

## **Regular Meeting, Delta City Council, May 15, 2012 (Cont.)**

### **Delta Area Chamber of Commerce: First Saturday Market**

Linda Sanchez, Executive Director of the Delta Area Chamber of Commerce stated that she is here tonight to answer the follow up questions that were brought up at the last meeting. The Chamber Board is in support of this event. The Chamber has contacted members of the farmers market and invited them to attend the event with the offer of free space. Ms. Sanchez explained the differences between the farmer's market and the 1<sup>st</sup> Saturday Market.

Councilmember Cooper questioned if they don't have the farmer's market participate who will they get for vendors.

Ms. Sanchez stated that they have spoken with several individuals who are interested in attending; some of which are organic and/or regular produce as well as other types of producers in the County.

Councilmember Penick questioned if they have chosen a venue.

Ms. Sanchez reported that they are looking at 3<sup>rd</sup> Street between Main and Palmer. She will get with staff to discuss what the requirements would be. At this time, they are just looking for approval to use the money designated for the block parties to be used for this event.

Councilmember Cooper questioned what they would be using the money for.

Ms. Sanchez stated they plan to use the funds for marketing.

There was discussion on using local musicians as well the use of the money.

It was moved by Councilmember Raley and seconded by Councilmember Jurca to approve the \$5000 that was budgeted for block parties to be used for the 1<sup>st</sup> Saturday Market events. All in favor, motion carried.

### **Public Hearing: Special Events Permit Application; Hospice & Palliative Care of Western Colorado**

The Mayor closed the regular meeting and convened a public hearing.

City Clerk Jolene Nelson explained that Hospice & Palliative Care of Western Colorado has submitted a special event permit application for their fundraising event scheduled on September 8, 2012 from 4:00pm to 12:00am at Bill Heddles Recreation Center. The application is complete and all fees have been paid to the City as well as the State. A sign notifying the public of this hearing was posted on the site as required by law and no comments have been received.

The Mayor called for public comment and when there was none he closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Jurca and seconded by Councilmember Raley to approve the Hospices & Palliative Care of Western Colorado's application for a special events liquor permit for September 8, 2012. All in favor, motion carried.

### **Special Permit for Temporary Closure; Delta Area Chamber of Commerce**

Clerk Nelson stated that the Delta Area Chamber of Commerce has submitted a special permit for temporary closure for Deltarado Days. There are two permits, one requesting closure of Main Street for the Parade and the other for closure of 5<sup>th</sup> Street between Main Street and Palmer Street. The applications are complete and all fees have been paid.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve the special permits for temporary closure for the Delta Area Chamber of Commerce's events scheduled for July 20, 2012 through July 22, 2012.

### **Special Permit for Temporary Closure; Rebecca Angel**

The clerk reported that Rebecca Angel has also submitted a special permit for temporary closure for the 5<sup>th</sup> Annual Bike Show. The application is requesting closure of the parking lot south of Hoolie's on Main Street. The fees as well as the deposit have been paid.

**Regular Meeting, Delta City Council, May 15, 2012 (Cont.)**

**Special Permit for Temporary Closure; Rebecca Angel (cont.)**

Rueben Neuschwander with Hoolie's stated that this is their annual bike show.

Councilmember Raley questioned if there have been any problems in the past.

Chief of Police Robert Thomas reported that there have been no problems with this event. He also stated that since their liquor renewal the items that were addressed at that time have been taken care of and there have been no problems at Hoolie's.

Councilmember Penick questioned if there was an entrance off of Main Street.

Manager Kerby stated there is not.

It was moved by Councilmember Raley and seconded by Councilmember Jurca to approve the special permit for temporary closure for Rebecca Angel for the event scheduled on June 9, 2012. All in favor, motion carried.

**Walmart 3.2% Beer Retail License Renewal and Report of Changes**

Clerk Nelson reported that Walmart has submitted their 3.2% Beer Retail License as well as a Report of Changes. The renewal is complete and all fees have been paid. The police department has recommended renewal. The Report of Changes reports that they are requesting a name change from Wal Mart Supercenter #5458 to Walmart #5458. The fee to the State has been paid and there is no fee to the City for the change.

Councilmember Penick stated there is an error on the Report of Changes on the address.

Clerk Nelson stated she would have Walmart correct that change before sending it forward to the State.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the renewal application as well as the report of changes for Walmart #5458. All in favor, motion carried.

**Reschedule Regular Council Meeting on June 19, 2012 to June 18, 2012**

The Clerk explained that this was discussed at the last City Council meeting. She stated that June 19<sup>th</sup>, 2012 is the regularly scheduled Council meeting; however, CML is having their annual conference starting that day. Staff is requesting to move the meeting up one day since there will be some Councilmembers as well as staff attending the conference.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to reschedule the June 19<sup>th</sup>, 2012 Council meeting to June 18<sup>th</sup>, 2012. All in favor, motion carried.

**Ordinance #12, 2012; Second and Final Reading  
Landscaping Requirements**

Ordinance #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 introduced as Council Bill #12, 2012 and read by the Clerk.

Community Development Director Glen Black stated there is no additional information to report since the last meeting.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Council Bill #12, 2012 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Raley, aye; Penick, aye; Jurca, aye and Sisson, aye. Council Bill #12, 2012 was adopted on second and final reading as Ordinance #12, 2012.

## **Regular Meeting, Delta City Council, May 15, 2012 (Cont.)**

### **Site Development Standards for Highway Corridors**

Director Black stated that this is the last of the review that Planning Commission was asked to look at from Council. He presented the recommendation from Planning Commission. Staff is looking for direction whether to proceed forward with an ordinance.

Councilmember Cooper commented that this is to help become more business friendly.

There was consensus amongst Council to direct staff to present an ordinance with the changes.

### **City Attorney Comments**

There were none.

### **City Manager Comments**

Manager Kerby reported on the following items:

- The City is receiving \$77,483 from Rocky Mountain Health Plans from the shared funding program.
- Jolene Nelson is continuing to work on the survey for the CDBG grant.
- Closing will take place Friday for the sewer bonds.
- Banners will be up soon along Main Street.
- Glen Black is meeting with Montrose to partner with them for IT backup.
- CDOT will be starting the chip & seal on Hwy 50.
- Tennis courts will be out of service May 28<sup>th</sup>.
- Cottonwood Park is being irrigated by the Hartland Ditch due to the North Delta Canal concerns.
- Flowers are being planted on Main Street this week.
- A work session is scheduled for May 22<sup>nd</sup> to have discussions with KRW Associates regarding the City Manager position.
- A work session is also scheduled for May 29<sup>th</sup> to discuss the golf course operational review.
- Davis Clothing will be celebrating their 100<sup>th</sup> year anniversary.

Mr. Kerby asked Mr. Black to provide an update on eagle net.

Mr. Black provided an update on eagle net. The City has been approached by eagle net to connect to the City's power system. They are looking at providing broadband and are looking for partnerships. This will allow for a carrier neutral locations to help become more economically priced. Mr. Black explained the proposed areas they are looking at. Glen Black provided an update on eagle net

There was discussion regarding the need for broadband in this area.

### **Councilmember Comments**

Councilmember Cooper commented on the community garden. She also thanked Mr. Kerby for his dedicated service to the City.

Councilmember Raley also thanked Mr. Kerby for his service.

Councilmember Penick reported that he attended the employee's benefit meeting as well as the citizen's financial task force. He also thanked Mr. Kerby.

Councilmember Jurca wished Mr. Kerby the best of luck.

Mayor Sisson commented on the scholarship breakfast he attended for the high school. He has a new grandchild that was born. He also thanked Mr. Kerby.

### **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,

**Regular Meeting, Delta City Council, May 15, 2012 (Cont.)**  
**Executive Session (cont.)**

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. All in favor, motion carried.

At 8:25 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 9:07 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, Community Development Director Glen Black 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.

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Jolene E. Nelson, City Clerk