

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 Interim City Manager Glen Black 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 Penick and seconded by Councilmember Jurca to approve the minutes of July 3, 2012 meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Policy and Procedures Manual

Human Resources Director Jeri Karsten reported that these policies and procedures have been in place over the years. They have been compiled together and put into a manual form. Staff is requesting approval to implement these into the manual form. She stated that staff and the City Attorney have them.

Councilmember Penick questioned the cell phone allowance policy. He stated that there is nothing mentioned of a review for usage over 50 minutes.

Ms. Karsten explained the choices that are offered.

Councilmember Penick stated that if the employee is not using the minutes that they should be cut back on the stipend.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to allow the Interim City Manager to implement the City of Delta Policies and Procedures Manual. All in favor, motion carried.

Mayor Sisson recognized Ms. Karsten's retirement and presented her with a vase for her dedicated service to the City of Delta.

Approval of Permit for Fireworks Show on July 28th, 2012

City Clerk Jolene Nelson explained that the Delta Volunteer Fire Department has submitted a request for a permit to conduct a fireworks show on July 28th, 2012. Council issued a permit for

Regular Meeting, Delta City Council, July 17, 2012 (Cont.)

Approval of Permit for Fireworks Show on July 28th, 2012 (cont.)

a fireworks show for the 4th of July that was cancelled by the Fire Board. The Fire Department now wants to conduct the show since the area has received some rain and there no longer is a concern about setting fires.

Councilmember Raley questioned if the fire department believes it is safer now to do the show.

Jason Cooley, Station Manager with the fire department, stated that there has been a lot of moisture in the area over the last couple of weeks. There were 13 active wildfires in the State of Colorado the Saturday before the 4th of July. They believed that with those fires taken into consideration it was safest to reschedule the show. He explained that they picked the 28th of July because it was between Deltarado Days, Sweet Corn Festival and the Delta County Fair. They also wanted to do it as close to the 4th of July as possible.

Councilmember Penick questioned if they considered another holiday.

Mr. Cooley stated that they have not talked about that. They have always done it on the 4th of July. They also have a show in Orchard City in August and ordering needs to coincide with that.

Councilmember Cooper questioned if they will have enough time to advertise properly.

Mr. Cooley stated that they have talked about having a banner in the Deltarado Day's parade as well as advertising in the local newspapers. He commented that word of mouth usually is pretty viable as well.

Manager Black stated that there is some concern that this might be a wasted effort to have it on the 28th. There have been comments about saving it for a bigger better show for next year.

Mr. Cooley explained the process of firing off the fireworks. To have a bigger show would require purchasing more equipment that would not be cost effective.

There was discussion regarding when to have the show.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the permit for a fireworks show conducted by the Delta Volunteer Fire Department at Confluence Park on July 28th, 2012. All in favor, motion carried.

Public Hearing: Special Events Permit Application; Delta County Memorial Hospital Foundation

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

The Clerk stated that the Delta County Memorial Hospital Foundation has submitted an application for a special events permit. They plan to have a fundraising event on September 22, 2012 from 7:00am to 3:00pm at Lion's Pavilion. The application states that they will be serving malt, vinous and spirituous liquor during that time. A sign notifying the public of this hearing was posted at the site as required by law. No comments have been received.

Regular Meeting, Delta City Council, July 17, 2012 (Cont.)

Public Hearing (cont.)

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

Councilmember Penick questioned if Chief Robert Thomas has any concerns.

Chief Thomas stated he does not.

It was moved by Councilmember Raley and seconded by Councilmember Jurca to approve the Delta County Memorial Hospital Foundation's application for a special events liquor permit for September 22, 2012. All in favor, motion carried.

Retail Liquor Store License Renewal; Spirits, Inc./DBA Moonshine Liquors

The Clerk reported that Moonshine Liquors has submitted their renewal application. The application is complete and all fees have been paid. The Delta Police Department has recommended renewal.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the retail liquor store license renewal for Spirits, Inc./DBA Moonshine Liquor. All in favor, motion carried.

Sign for Devil's Thumb Golf Club

Golf Pro Rob Sanders stated that staff has been working with CDOT to install a new sign on Hwy 50 at H-38 Road directing citizens to the golf course and has come to an agreement. During the budget process last year there was no guarantee that an agreement could be reached, therefore staff did not budget for the signs. At this time staff is requesting Council approve the purchase of the signs with a supplemental appropriation.

Mr. Sanders reported that they submitted three different types of drawings to CDOT and that they approved a couple of the drawings. He showed pictures of how the signs would look.

Councilmember Penick questioned where the funds would be coming from.

Mr. Sanders stated that they will be taking some of the funds from the marketing account, however, this was not a budgeted item and there are not enough funds. He explained that staff has contacted local vendors to try to keep the cost amount down. Staff is recommending In Design Signs due to their references. The low bid did not provide any references. Staff felt uneasy proceeding with the lower bidder for that reason.

Councilmember Cooper stated it seems to be a large amount of money for the signs.

Mr. Sanders explained the type of sign and why the cost is higher.

There was discussion regarding the sign and the area that the sign will be installed at.

Regular Meeting, Delta City Council, July 17, 2012 (Cont.)

Sign for Devil's Thumb Golf Club (cont.)

Councilmember Cooper questioned where the supplemental funds would come from.

Manager Black stated that it would likely come from the ML&P fund.

Mr. Sanders explained that they have worked with the sign company to curb some of the cost as much as possible.

Mayor Sisson questioned if the money is there to do this.

Mr. Black explained that the golf course marketing budget was used for the THK study, therefore there is not enough monies to cover the cost of the signs. The deficit is approximately \$4518. The THK study did talk about marketing and it has been a nice collaboration with CDOT to allow these signs in their right of way. This will likely require a supplemental appropriation at the end of the year.

Councilmember Penick questioned for which amount.

Mr. Black stated it would be for approximately \$4518.

There was discussion regarding other marketing recommendations from the THK study that will likely be brought to Council in a future meeting.

Councilmember Cooper stated the City needs to advertise.

Councilmember Jurca stated that his biggest concern is how CDOT will look at the City if they don't move forward with this.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca approve staff to proceed with purchasing signs for Devil's Thumb Golf Club. All in favor, motion carried.

Wastewater Treatment Plant Aeration System and Digester Cover Construction

Utilities Director Steve Glammeyer explained that this is the final step in the process of upgrading the digesters at the wastewater treatment plant. Last year Council approved a contract to design a new aeration system and covers for those digesters. Some of the equipment was purchased earlier this year.

Mr. Glammeyer also explained the bid process. These bids are to install the aeration equipment and build the cover system that has been designed by the engineers. Staff received four bids for this project. Velocity Constructors, Inc. was the lowest qualified bid. The budgeted amount for this project is \$800,000 which included the design, the equipment and this construction. The lowest bid will put this over budget in that line item just over \$5100. However, he stated he doesn't believe a supplemental appropriation will be needed due to the fact that various other projects that were budgeted that will likely not be completed this year. He also stated that if they do complete those projects there are reserves that could be used.

Regular Meeting, Delta City Council, July 17, 2012 (Cont.)

Wastewater Treatment Plant Aeration System and Digester Cover Construction (cont.)

Councilmember Jurca questioned if staff checked the references.

Mr. Glammeyer stated staff did contact the references. They gave a list of various projects they have completed.

It was moved by Councilmember Jurca and seconded by Councilmember Raley to award the aerobic digester improvements project to Velocity Constructors, Inc. in the amount of \$626,672 and authorize the City Manager to sign the forthcoming construction contract after approval from the City Attorney. All in favor, motion carried.

Council Bill #14, 2012; First Reading
Sign Code Regulations

Council Bill #14, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
ADDING AND MODIFYING VARIOUS PROVISIONS OF
CHAPTER 17.68 OF THE DELTA MUNICIPAL CODE
PERTAINING TO THE REGULATION OF SIGNS ON PROPERTY
WITHIN THE CITY LIMITS

was read by the Clerk.

Councilmember Raley addressed concerns regarding political signs. He stated the time frame that is in the ordinance doesn't take into consideration state and national elections. He suggested changing the amount of days before the election to allow the signs to be put up.

There was discussion regarding the time limit before elections as well as after.

City Attorney Michael Schottelkotte stated that they may find that they could be challenged for the time frame before the election.

Councilmember Raley stated that if you look at the current presidential election, they have been campaigning for a while now; however, they are just now starting to put out signs and there is 112 days to the election. He also stated maybe there shouldn't be a time frame.

Mr. Schottelkotte stated that if they don't have something on the tail end, then staff would not be able to enforce the ordinance.

There was more discussion regarding how many days to allow the signs before and after the election.

It was moved by Councilmember Raley and seconded by Councilmember Jurca to adopt Council Bill #14, 2012 with changing to the wording from 60 days to 180 days under section 1 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye; Penick, aye and Sisson, aye. Motion carried.

Regular Meeting, Delta City Council, July 17, 2012 (Cont.)

Council Bill #15, 2012 First Reading
Cluster Development, Planned Unit and Zero Lot Line Developments

Council Bill #15, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, DELETING FROM CHAPTER 17.72 OF THE DELTA MUNICIPAL CODE ALL PROVISIONS REGARDING PLANNED UNIT DEVELOPMENTS AND RE-INCORPORATING SUCH PROVISIONS, WITH CERTAIN AMENDMENTS AND ADDITIONS PERTAINING ALSO TO CLUSTER DEVELOPMENTS AND ZERO LOT LINE DEVELOPMENTS, INTO CHAPTER 16.05 OF THE DELTA MUNICIPAL CODE

was read by the Clerk.

Planning Technician Sharleen Walker stated that this ordinance represents the discussions at a previous Council meeting. There are a few minor changes that the City Attorney inserted. The first change is in 16.05.050B, excepting provisions of subsection 16.04.070E.

Councilmember Penick presented these following changes:

- 16.05.010 second paragraph, work Lone should read as "Line".
- 16.05.050Ca, take out second permitted or right.
- 16.05.070A4 should be a separate paragraph not included under the reductions.

Mr. Schottelkotte agreed it should be a separate paragraph.

Ms. Walker stated there is also a change on page 5, 16.05.060A1, staff took out some redundancy.

It was moved by Councilmember Penick and seconded by Councilmember Cooper to adopt Council Bill #15, 2012 with the presented changes on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye; Penick, aye and Sisson, aye. Motion carried.

Council Bill #16, 2012; First Reading
Burn Restrictions

Council Bill #16, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO REVISING CHAPTER 8.08 OF THE DELTA MUNICIPAL CODE WITH REGARD TO REGULATION OF BURNING ACTIVITIES WITHIN THE CITY LIMITS

was read by the Clerk.

Regular Meeting, Delta City Council, July 17, 2012 (Cont.)

Council Bill #16, 2012; First Reading (cont.)

Ms. Walker stated that this was also brought to Council at a previous meeting. At that time the City Attorney requested some additional time for review. The ordinance that is being brought to Council tonight has been prepared by the City Attorney. She explained that Mr. Schottelkotte did consult with Dan Reardon the fire marshal for the City of Delta. She also explained the changes in the ordinance.

Mr. Schottelkotte stated that he had some conceptual concerns. His concern is licensing an individual to light a fire in any zoning district in the City. He explained the limitations will help in clarifying the ability to burn.

Ms. Walker stated that agricultural burning is very limited.

Mr. Schottelkotte reported that he believes the limitations are not for safety concern but for air pollution.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to adopt Council Bill #16, 2012 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye; Penick, aye and Sisson, aye. Motion carried.

2012 Concrete Replacement Project

Public Works Director Jim Hatheway stated that Phil Riley, the City's engineering technician, put this project together which is similar to concrete replacement projects that have been completed in the past. There are three applicants for the 50/50 cost share program. Staff put this out for bid and has received three bids. The low bid was submitted by All Concrete Solutions, LLC in the amount of \$29,560.82.

Councilmember Cooper questioned if the City has worked with them before.

Mr. Hatheway stated they have. The company was formally BPS, they went through some changes, however; it's the same company.

Councilmember Sisson questioned if this is a budgeted item and if it's within budget.

Mr. Hatheway stated that it is a budgeted item and they are within that budget amount.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to award the 2012 concrete replacement project to All Concrete Solutions, LLC. All in favor, motion carried.

Exchange Agreement and Rail Relocation Agreement with Union Pacific

Mr. Hatheway reported that staff has come to the point with negotiations with the railroad that staff feels comfortable recommending to Council to move forward with this particular part of the Confluence Drive project. He explained that there are 7 acres that the City is trading with the railroad to relocate the railroad. The railroad will in turn trade 17 acres to the City that is needed for the corridor as well as 10 acres that they have identified as uneconomic remainders. There have been several iterations on the price of the exchange. Staff has worked with the railroad to

Regular Meeting, Delta City Council, July 17, 2012 (Cont.)

Exchange Agreement and Rail Relocation Agreement with Union Pacific (cont.)

get the price down from \$1.2 million to the \$855,000. He believes this price is the best staff is going to get for this negotiation. There is also an additional \$109,468 to compensate the railroad for lost lease payments.

Mr. Hatheway stated that at this time staff is recommending Council approve the dollar amounts so that they can move forward with finalizing the agreement with the railroad and authorize the City Manager to execute the exchange agreement and the track relocation agreement upon final City Attorney review.

Councilmember Cooper reported that Brad Rodenberg has worked very hard on this negotiation and has helped the City a considerable amount. Mr. Rodenberg believes this is the best the City is going to get.

Councilmember Jurca stated that this is a tough decision; however, the options have become severely limited.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to authorize the City Manager to execute the property exchange agreement and track relocation agreement with the Union Pacific Railroad for benefit of the Confluence Drive project; and approve the payment of \$855,000 for the exchange properties and the lease buyout of \$109,468. All in favor, motion carried.

City Attorney Comments

Attorney Schottelkotte reported that he has received a contract from Paul Senteney to sell property from the Senteney Family Trust to the City of Delta for the Confluence Drive project. He also commented on Jeri Karsten's retirement.

City Manager Comments

Manager Black thanked Jeri Karsten for her years of service. He also thanked staff for their efforts in getting Ms. Karsten's gift and cards for her retirement.

Councilmember Comments

Councilmember Cooper commented on the amount of money Council approved staff to spend tonight. She stated that without staff being fiscally responsible this would not be possible. She thanked staff for their efforts. She also presented an update on the Forest Service building.

Councilmember Penick stated that the next financial task force meeting is next Monday night. They are progressing forward with some recommendations. He stated that there are rumors out there that this task force is looking at firing individuals. That is not correct. They are looking at providing services to the citizens more efficiently.

Mayor Sisson thanked the utilities crew for working on the water break near his house.

Regular Meeting, Delta City Council, July 17, 2012 (Cont.)

Executive Session

It was moved by Councilmember Cooper and seconded by Councilmember Jurca 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 8:01 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 9:17 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 Interim City Manager Glen Black, City Attorney Michael Schottelkotte, Public Works Director Jim Hatheway and Brad Rodenberg 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 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