

Councilmember Robert Jurca called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, and Ray Penick along with City Manager Justin Clifton and City Attorney Mike Schottelkotte. Absent were Mayor Ed Sisson and Councilmember Mary Cooper. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

Councilmember Jurca 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 Raley to approve the minutes of the September 18, 2012 meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Appointment to Planning Commission Board

Community Development Director Glen Black stated that Pat Dearmin submitted a letter of resignation on September 10, 2012 and the Planning Commission accepted the resignation. Staff then advertised for the vacancy receiving one application. Gerald Roberts, who has previously served on the board, submitted his application to be appointed to the board. Staff recommends appointing Mr. Roberts to fill the remainder of Pat Dearmin's term.

Councilmember Jurca stated that per the Charter Mr. Roberts may be termed limited and not able to be appointed at this time.

City Attorney Michael Schottelkotte asked for clarification from Mr. Black on when Mr. Roberts served.

Mr. Black stated that Mr. Roberts did serve two three year terms, however; there has been a gap of several months and he would be serving a different seat. He also stated that Mr. Roberts was the only applicant.

Mr. Schottelkotte reported that there is no legal problem with Mr. Roberts being appointed to serve the remainder of Mr. Dearmin's term.

Regular Meeting, Delta City Council, October 2, 2012 (cont.)

Appointment to Planning Commission Board (cont.)

It was moved by Councilmember Raley and seconded by Councilmember Penick to appoint Gerald Roberts to fill the remainder of Pat Dearmin's term on the City of Delta's Planning Commission. All in favor, motion carried.

Public Hearing: Special Events Permit Application; Altrusa

Councilmember Jurca recessed the regular meeting and convened a public hearing

The Clerk reported that Altrusa International of Delta Colorado Foundation has submitted a special events permit application for their fund raising event to be held on November 16th and 17th, 2012 at Bill Heddles Recreation Center. The application states that they plan to sell malt, vinous, and spirituous liquor from 4:00pm to 10:00pm on November 16th and from 9:00am to 5:00pm on November 17th. The fees for the permit have been paid to the City as well as the State. A sign notifying the public of this hearing was posted at the site as required by law and no comments have been received.

Councilmember Jurca then called for public comment and when there was none he closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve Altrusa's application for a special events liquor permit for November 16 and 17, 2012. All in favor, motion carried.

Final Settlement with SEMA

Public Works Director Jim Hatheway stated that staff is recommending that the Council approve the settlement agreement with SEMA. SEMA submitted a bill for value engineering in the amount of \$124,000. At that time Council requested staff to negotiate with SEMA to try to get a lower amount on the settlement. Staff submitted a proposal of \$50,000 and SEMA accepted that amount.

It was moved by Councilmember Raley and seconded by Councilmember Penick to pay \$50,000 to SEMA to fully compensate SEMA for time and materials expended during their involvement with the Confluence Drive value engineering process. All in favor, motion carried.

Purchase of Wire Inventory ML&P

Utilities Director Steve Glammeyer stated that staff budgeted for wire to be purchased into inventory for continued extension into territory currently served by DMEA and also to relocate facilities needed to be moved for the Confluence Drive project. Bids were received from three suppliers that could provide the quantity of wire staff requested. The low bidder was IRBY for a total cost of \$68,240.00. This wire will be purchased out of the inventory account and then charged out to the various projects next year. Staff has budgeted for the projects next year however; staff is getting Council's approval tonight as some of the wire has a 14 week lead time.

Councilmember Penick questioned if this would come out of the 2013 budget.

Regular Meeting, Delta City Council, October 2, 2012 (cont.)

Purchase of Wire Inventory ML&P (cont.)

Mr. Glammeyer explained that it would be out of the 2013 budget.

It was moved by Councilmember Penick and seconded Councilmember Raley to authorize staff to purchase wire into inventory from IRBY for a total cost of \$68,240. All in favor, motion carried.

Bench and Bike Racks for CB's Tavern

Community Development Director Glen Black stated that the owners of CB's Tavern have requested permission to install a bench and bike rack in front of their tavern. Staff reviewed the code under 12.10.10 which discusses using public property for private purposes. It does not specify whether benches and/or bike racks can be installed on the sidewalks along Main Street. Staff does have some concerns regarding the bench in front of the tavern. The code specifies that smoking shall be fifteen feet away from the entryway and assuming the bench would be used for smoking, then bench would then need to be fifteen feet away from the entryway which would put it in front of another business. Staff would like Council's direction on how they wish to proceed.

There was discussion regarding various benches throughout the City and Mr. Black presented a slide show of various benches. Some of the benches are owned by the City.

City Attorney Michael Schottelkotte stated that the ordinance is clear that Council can issue permits in a limited context. The ordinance can be amended and that would be his recommendation.

Councilmember Penick requested a clarification if the bench would be for private or public purposes.

There was discussion regarding the use of the bench.

Carrie Boyd, 707 Dodge Street, owner of CB's Tavern, stated that her intention is to make downtown more pedestrian and bike friendly.

Mr. Schottelkotte stated that Council could request a written statement stating that they intend for these items to be used for public use. He also stated there still is the concern about the fifteen feet that would need to be resolved.

Councilmember Penick commented that he does not see a problem with that. There is an ordinance that prohibits smoking within fifteen feet of the entryway and it is not the tavern's responsibility to police it.

There was discussion regarding the different types of bike racks and benches. They also discussed where the placement of bike racks along the sidewalk.

Mr. Schottelkotte stated that he suggest Council adjust the ordinance requiring a permit.

Regular Meeting, Delta City Council, October 2, 2012 (cont.)

Councilmember Penick suggested staff prepare an ordinance allowing permits for these types of requests and bring it back to Council.

Bench and Bike Racks for CB's Tavern (cont.)

Mr. Black requested clarification from Council as to what they would like to have in the ordinance.

There was more discussion regarding the types of benches and bike racks and the placement of such items.

City Manager Justin Clifton suggested criteria for a review process.

Mr. Schottelkotte stated that when you start to add a review process you start to create a similarity of a right. He stated they are dealing with City property and do not want to get a notion of a vested right in these type of things.

There was a consensus amongst Council to have staff draft an ordinance and bring it to a future meeting.

City Attorney Comments

Attorney Schottelkotte complimented Council's choice in the selection of Mr. Clifton. He also presented an update on the court proceedings for Confluence Drive.

City Manager Comments

Manager Clifton stated that he has enjoyed his first few days with the City. He did meet with several departments last week to get started. He also stated that he is excited to hear, listen and learn about the community and the City. He is also anxious to clearly understand Council's expectations.

Councilmember Comments

Councilmembers Raley, Penick and Jurca welcomed Mr. Clifton.

The meeting was adjourned at 7:45 p.m.

/s/ Jolene E. Nelson
Jolene E. Nelson, City Clerk