

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 Justin Clifton 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 Jurca and seconded by Councilmember Raley to approve the minutes of the October 16, 2012 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Hamon Contract

City Manager Justin Clifton complimented the team on working on this project and requested Public Works Director Jim Hatheway to present the contract.

Director Hatheway also complimented the individuals from Hamon as well as Stantec in the efforts to maximize cost savings on this project. Hamon has looked at the drawings of the project that were submitted and they have determined that they can construct and complete this project for \$17,969,000. There are some other items that can be considered at a later date for reduce the cost.

Mayor Sisson stated staff has done an amazing job on the getting the project to this point. He thanked Councilmember Cooper for her efforts on the project.

Manager Clifton reported that just to show the hands on cooperative approach the City has had with this project, Hamon was questioned if there were some additional savings they could look at considering that this is a very tight project for the City. They in turn gave an additional \$85,000 in savings coming off of the profit end of the project.

Councilmember Cooper stated that to think the City was going to have to settle for a two lane and now the project includes the four lanes as presented in the beginning.

Director Hatheway thanked Councilmember Cooper, Councilmember Penick, former Councilmember Pfalzgraff and Mr. Clifton for their efforts on the truck route committee.

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Hamon Contract (cont.)

Councilmember Penick also thanked Hamon for their wiliness to work with the City in presenting additional savings.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to award the construction contract for Confluence Drive to Hamon Contractors and authorize the City Manager to execute the construction contract. All in favor, motion carried.

Stantec Contract

Manager Clifton stated that Mr. Hatheway will present the Change Order for Stantec.

Director Hatheway stated that staff is recommending that City Council execute a Change Order for Stantec to allow them to transition into the construction management services and engineering services role for the Confluence Drive Project. He explained the components for the Change Order. He also stated that to verify the cost that Stantec was proposing to provide construction management services staff presented the construction management portion to Jacobs and have them provide a cost estimate of their own. When that was complete Jacobs presented a value of \$440,744. Stantec's proposal a year ago was \$412,000. There have been some minor adjustments; however, Stantec's proposal is coming in under Jacobs at \$429,150. He explained what the construction management services and the engineers services include.

Councilmember Cooper stated Stantec has done a good job for the City.

Councilmember Penick stated that under Exhibit B it says Stantec is projecting 14 months whereas Hamon has stated they can complete the project in 12 months. He questioned if there will be a cost savings if the project is completed within the 12 months.

Director Hatheway stated there will be and that this amount is a not to exceed amount.

It was moved by Councilmember Cooper and seconded by Councilmember Penick approve a Change Order to the Stantec Contract for Engineering, Construction Management and QA services for the Confluence Drive Project and authorize the Public Works Director to execute the Change Order. All in favor, motion carried.

Bruce Hamon with Hamon Contractors stated it has been a pleasure working with the City of Delta. He also stated this project has been one of the most memorable and heartfelt projects he has experienced.

2013 Budget Updates

City Manager Clifton stated that there are some questions that were brought up at the last meeting that he would like to cover before the budget reading. He provided a brief summary of the following items:

- Salaries
- Flower Program
- Wellness Pool

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Public Hearing: 2013 Budget

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

Gerald Roberts, 1962 Columbine Court, stated that we went through the proposed appropriations and the revenues are less than what the budget is. He also stated that in the City's Charter it states that the total anticipated revenues shall at least equal the total proposed expenditures in the budget. He would like Council to review the budget.

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

Councilmember Jurca stated he has a very similar question. He came up with a little different numbers than Mr. Roberts, but is concerned.

Councilmember Cooper reported that the one that does appear to have that concern is the recreation center. However, they have funds in reserve.

Councilmember Jurca questioned if Council could get an apples to apples comparison.

City Manager Clifton stated that there are several different ways to prepare a budget. There are some instances that reserve balances are calculated into revenue sources. He also stated that if there are any specific questions regarding a specific fund or projects staff can address those.

Councilmember Cooper questioned if they could receive that information before the second reading.

Mr. Clifton stated that they could. He questioned if there were any specific funds or any specific questions Council has regarding the budget.

Councilmember Cooper suggested getting the questions to staff and have staff bring it back in a memo like what was previously submitted.

Mr. Roberts questioned what the City's reserve fund is.

Mr. Clifton stated that reserves are by line item. Overall the reserve fund is very healthy.

There was additional discussion regarding the reserve funds.

Councilmember Penick stated that if staff can assure Council that revenues must equal expenses in the budget then he feels comfortable with it; however, he hasn't heard that for sure.

Finance Director Tod DeZeeuw explained the fund balances and how the Charter addresses those.

Councilmember Raley questioned the professional services funds for each department.

Mr. Clifton stated that the fund is used differently across departments. Professional services can be used for things like administration consulting, engineering services, attorney fees, etc.

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Public Hearing: 2013 Budget (cont.)

There was discussion regarding professional services.

Mr. Clifton suggested using the quarterly financial reports to show the use of the professional services funds.

Resolution #7, 2012; Setting the Mill Levy

Resolution #7, 2012

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR OF 2012 TO HELP DEFRAY THE COSTS OF GOVERNMENT OF THE CITY OF DELTA, COLORADO, FOR THE 2013 BUDGET YEAR

was read by the Clerk.

Councilmember Jurca stated the amount is set at zero.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to adopt Resolution #7, 2012. Roll call vote: Councilmembers Cooper, aye; Penick, aye; Raley, aye; Jurca, aye and Sisson, aye. Motion carried.

Resolution #8, 2012; Adopting the 2013 Budget

Resolution #8, 2012

A RESOLUTION ADOPTING A BUDGET FOR THE CITY OF DELTA, COLORADO, FOR THE CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY, 2013, AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER, 2013

was read by the Clerk.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Resolution #8, 2012. Roll call vote: Councilmembers Cooper, aye Penick, aye; Raley, aye; Jurca, aye and Sisson, aye. Motion carried

Council Bill #17, 2012; First Reading
2013 Appropriations

Council Bill #17, 2012

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Council Bill #17, 2012; First Reading (cont.)

FOR THE CITY OF DELTA, COLORADO, FOR THE 2013
BUDGET YEAR

was read by the Clerk.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Council Bill #17, 2012 on first reading.

Councilmember Penick stated since he has received some assurances from staff that Council should go ahead and approve on first reading. He also stated that there will be further input presented at a later date.

Roll call vote: Councilmembers Cooper, aye Penick, aye; Raley, aye; Jurca, aye and Sisson, aye. Motion carried.

Hotel and Restaurant Liquor License Renewal; Days Inn

The Clerk explained that Days Inn has submitted their renewal application for their Hotel and Restaurant Liquor License. The application is complete and all fees have been paid. The Delta Police is recommending renewal.

Councilmember Cooper questioned if they have enough time.

The Clerk explained that as long as the renewal is submitted before the expiration date they are in compliance. The State is behind on renewals as well.

Mayor Sisson questioned if they expired last year.

The Clerk stated they were. They had to submit a report of changes for their name change this year.

Councilmember Penick questioned a few of the questions on the application not being complete.

The Clerk explained that since this is just a renewal those questions do not apply. Days Inn misplaced their renewal application therefore having to use the State's standard form.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the Hotel/Restaurant Liquor License renewal for Days Inn. All in favor, motion carried.

Bike Racks and Benches along Main Street

City Manager Clifton stated that this is being brought back to the table from the previous meeting.

Community Development Director Glen Black stated that staff took a look at some possible code language that might allow the bike racks and benches. This is Council discretion as to

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Bike Racks and Benches along Main Street (cont.)

what they would like to move forward to allowing these or what kind of restrictions they would like to see.

Mayor Sisson stated he would like to see the City move forward with allowing them.

City Attorney Michael Schottelkotte stated that he would prefer the City to install and maintain the racks and benches. He addressed concerns regarding liability should Council move forward with allowing businesses to install and maintain them.

Mr. Clifton reported that staff is looking for directions from Council. Staff can continue with what is proposed or prepare an ordinance if this is what Council would like to move forward with or Council can simply disallow these types of things; however then there will need to be discussions regarding what to do with some of the existing uses.

Councilmember Penick questioned if Council decides to go the route that the Mr. Schottelkotte suggested will there still have to be some changes in the ordinances.

Mr. Schottelkotte stated that the City owns the property and they can do whatever they want on their own property.

There was discussion regarding which department that would be under and that there would need to be a budget established.

Mr. Schottelkotte addressed the statutory waiver of immunity for sidewalks.

Councilmember Raley stated that CB's Tavern is willing to pay for it; they just wanted permission to do so.

Kathy Boyd with CB's Tavern stated that they are requesting to place a bike rack and a bench in front of their business. She explained the type of racks they are looking at installing that don't take up much space on the sidewalk.

Councilmember Penick stated that he believes Council should consider moving forward in such a manner that it does not create concerns in the future. He feels this needs more study and more work. He is in favor of allowing the bike racks.

Mr. Clifton suggested that one of the options on the table is Council give direction to staff to find some precedence in other municipalities.

Mr. Schottelkotte stated that this is workable either way. He can create an ordinance that would require the business owner to assume liability and have them submit insurance coverage with the City as being additional insured.

There was discussion regarding the requirement of the insurance.

There was a consensus amongst Council to have staff to do some further research and bring back to Council at the next meeting.

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

Updates and Follow Up

City Manager Clifton stated that this is a new protocol he is suggesting. He explained that it is really important to everyone when Council has questions either individually or as a whole that those questions get addressed. At the last meeting there were some questions. He will send an email out stating these are the questions staff heard and ask if there any additional questions that need to be addressed. Staff will then put together the information and have it together in the packet for review. If Council should have any additional questions they can be addressed under this item on the agenda.

Mr. Clifton then addressed the questions regarding the Police Department that were mentioned at the last meeting.

City Attorney Comments

City Attorney Michael Schottelkotte reported on the truck route condemnations as well as the railroad exchange agreement.

City Manager Comments

City Manager Clifton reported that he will be closing the offices on Christmas Eve as well as New Year's Eve. Staff will be required to use their PTO for that day; it will not be an additional paid holiday. If for some reason the employee does not have the PTO to take off, they will either have the day off with no pay or the supervisor can find projects for them to work on while the office is closed. He also stated that the first meeting in January for Council is January 1st which is a holiday. He is suggesting moving the meeting to a different date.

Mr. Clifton stated that the leadership team and he have been working on a path forward on how they would like to move forward. Therefore, he is suggesting the leadership team and Council have a daylong retreat to come together with a common vision and way of doing business so that we can be as good as we possibly can.

Councilmember Penick commented on having participated in retreats, they are very beneficial and is in favor of doing so.

Councilmember Comments

Councilmember Cooper commented on attending the legislation meeting at CML. She stated that she received a call from a citizen that has had some issues regarding the City's ordinance regarding removing graffiti from their business. She congratulated Mr. Hatheway on the truck route.

Councilmember Penick also thanked Mr. Hatheway. He questioned when the groundbreaking would be.

Mr. Hatheway stated they are planning on having it on December 7th.

Mayor Sisson complimented Utilities Director Steve Glammeyer and his staff on their hard work during the water breaks.

Regular Meeting, Delta City Council, November 6, 2012 (cont.)

The meeting was adjourned at 8:15 p.m.

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