

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 Penick and seconded by Councilmember Raley to approve the minutes of the November 6, 2012 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Kami Collins, Executive Director of the Delta Area Chamber of Commerce introduced herself and stated she is excited for her new endeavors with the Chamber and looks forward to working with the Council.

Public Hearing: New Liquor 3.2% Off-Premises Beer License; Maverick, Inc.

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

City Clerk Jolene Nelson explained that Maverick, Inc. has submitted a 3.2% Beer Off-Premises Beer License for their new store located at 101 Hwy 92. She stated that the application is complete and all fees have been paid. A sign notifying the public of this hearing was posted at the construction site for the required time by law. She also stated that the background checks for Michael Val Call and Spencer Clawson Hewlett have not been received as of this hearing. She recommended approving the liquor license contingent on receiving favorable results on their fingerprint submissions.

Clerk Nelson introduced Holly Robb who is the licensing supervisor for Maverick.

Ms. Robb presented a packet of information regarding the business of Maverick and gave a brief summary of the information. She also introduced Tina Ervine who is the area supervisor and Clyde Wright who will be the store director.

Tina Ervine then presented their alcohol training and requirements for their business.

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

Regular Meeting, Delta City Council, November 20, 2012 (cont.)

Public Hearing: New Liquor 3.2% Off-Premises Beer License; Maverick, Inc. (cont.)

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the 3.2% Off-Premises Beer License for Maverick, Inc. contingent on receiving favorable fingerprints on Michael Val Call and Spencer Clawson Hewlett. All in favor, motion carried.

Budget Updates

City Manager Justin Clifton reported on following items that were discussed at the last meeting:

- Explained the Charter language and stated the budget is within compliance.
- A breakdown of professional services throughout the budget was presented.
- A summary of the police department increases slated for 2013.

Councilmember Penick questioned why there would be purchases within professional services in the ML&P budget.

Utilities Director Steve Glammeyer stated that is listed in there for the transmission improvement project.

Councilmember Jurca questioned if these were examples or if they are actual items listed in the 2013 budget.

Manager Clifton stated they are anticipated items. They took a look at past items and gave those as examples as well.

Councilmember Jurca stated his concern is having THK on the list. He wanted clarification if the City were paying them again in 2013.

Manager Clifton reported that was looking back and was given as an example.

Councilmember Cooper commented on the report presented for the police department salaries. She stated that the question was asked because other employees were questioning why the police department was getting step increases and no one else was. She wanted the employees to understand that this was not necessarily for time but for service and that is more common in a police department.

Manager Clifton explained that when Glen Black was Acting City Manager he put out to all departments a request of employees who were over do for step increases not only for time but also for earning that step increase.

Finance Director Tod DeZeeuw also stated that some employees are no longer allowed to get step increases because they have reached the limit.

Mayor Sisson questioned how long it takes to reach to top of the step increases.

Manager Clifton explained that there is an open position and there is a range. The timeline varies by employee. Some employees will move up quickly and others take more time depending on their job performance.

Regular Meeting, Delta City Council, November 20, 2012 (cont.)

Budget Updates (cont.)

Mr. DeZeeuw also explained that there was a freeze on the step increases for a few years due to budget concerns.

**Ordinance #17, 2012; Second and Final Reading
2013 Appropriations**

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

Was introduced as Council Bill #17, 2012 and read by the Clerk.

Councilmember Penick stated he believes Council's questions have been answered.

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

Councilmember Raley stated that with the speculation of the coal industry having problems and the mines in the North Fork area being concerned about cutting production he would ask that the Finance Director to keep a close look at the sales tax revenue and possibly adjust the budget should it go down.

Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Penick, aye, Raley, aye and Sisson, aye. Council Bill #17, 2012 was adopted on second and final reading as Ordinance #17, 2012.

Possible Code Revisions to Allow Bench and Bike Rack for CB's Tavern

Manager Clifton reminded Council that this request is being brought to them on behalf of the applicant.

Community Development Director Glen Black summarized various ways other municipalities are handling these types of requests.

Councilmember Raley requested clarification on the City Attorney's recommendation.

City Attorney Michael Schottelkotte stated that the only thing he is uncertain about is the necessity of the insurance requirement. He also stated that he is satisfied with at least making it clear in the permit application that the business owner is on their own and they would have to indemnify the City.

Mayor Sisson questioned if this would cover the whole City.

Director Black stated it would be in the B-1 District.

Regular Meeting, Delta City Council, November 20, 2012 (cont.)

Possible Code Revisions to Allow Bench and Bike Rack for CB's Tavern (cont.)

Councilmember Penick stated it is his preference for the City to own and install the bike racks and/or benches.

Councilmember Raley questioned who would enforce any violations if they were owned by the business.

Attorney Schottelkotte stated the City has the right to enforce any violations.

Manager Clifton stated that it is a valid approach to have the City own the improvements. The challenges would be funding and also there may be a certain amount of interest on owner obligated improvement. If this becomes a free improvement there may be a lot of interest. The City needs to have a program to answer any questions as to what, when, who and how.

Director Black stated that CB's has a willingness to purchase these and possibly donate them to the City. The other concern is how the City wants to handle the benches that are already privately installed on public property.

Councilmember Penick stated that he is still in favor of the City owning, maintain the benches and funding can come from private sources.

Councilmember Cooper questioned what department would be in control of them.

Manager Clifton recommended going back and filling in the blanks. If the Council wants to be specific about the public or private funding approaches they can take a look at those as well.

Councilmember Raley stated Council will be setting a policy and it needs to be good this year and in the future.

There was additional discussion regarding the direction Council would like to proceed with.

Attorney Schottelkotte stated that recognizing the fact that CB's is anxious in getting direction he suggested using the partnership approach allowing them to purchase the items and have the City install and maintain them. There is no obligation for the City beyond that to keep it there if things don't work out and there's no obligation to refund them the amount of the purchase.

Councilmember Penick stated that there is a concern as to where the bike racks would be installed. There is an ordinance that states that they would have to be nine feet away from the curb.

Director Black stated that the ordinance is addressing sale items.

There was discussion regarding the placement of the bike racks.

It was moved by Councilmember Raley and seconded by Councilmember Cooper to allow CB's Tavern to buy the bike rack and bench for placement in front of their business and donate it to the City. The City shall have oversight in the design and shall install the equipment. All in favor, motion carried.

Regular Meeting, Delta City Council, November 20, 2012 (cont.)

Amending Conditional Use for the B-3, I and I-R Zone Regarding Explosives

Director Black stated his department has been approached by one of the local mining companies to get permission to store explosives within the City of Delta. They do own property within city limits that is zone B-3; however they do not conduct business in city limits. The City code discusses hazardous fuels but does not discuss explosives. The applicant is requesting a response as to whether they can or cannot store their explosives on that property. Mr. Black explained that there are State and Federal regulations that also govern the storage of the explosives. He stated that after speaking with Mr. Schottelkotte, he felt that this can be disallowed based on that they are such dangerous materials.

Attorney Schottelkotte stated that Council can disallow certain things from the public health and safety aspect. He explained that if it is regarding a zoning issue strictly then it would have to be allowed in one zone or another. The State and Federal regulations will also need to be followed.

Mayor Sisson questioned what they are requesting to store and where.

Director Black stated that he would assume that it would be dynamite and possibly what they call ammonium nitrate fuel oil mixes. He explained that when we are talking about zoning Council needs to look at all zones. He showed Council on the map the zones that are being discussed. He did state that the property owned by the mining company is on the west side of North Delta. He clarified to Council that they are not just looking at this property but looking at all properties within these zoning districts.

Councilmember Jurca stated that his concern is how much residential is around a property zoned like that.

Councilmember Cooper reported that the State and Federal regulations are very stringent.

Manager Clifton stated that Council could also consider a possible amendment to the code that would relate to conditional approval.

Director Black stated staff does recommend a conditional use that will get reviewed by Planning Commission. He also stated that this is probably going to be very limited; there are not many companies that will request this type of permission.

Councilmember Penick stated that he feels the City should disallow them. He is concerned about the safety issues for the citizens.

Councilmember Cooper stated that she would like Council to move forward with the conditional use and having the hearings.

Attorney Schottelkotte reported that he can draft an ordinance after reviewing the State and Federal regulations.

Director Black stated that staff would recommend only looking at the B-3 and I zones which allow the storage of hazardous fuels and also be contingent on them having their State and Federal permits as well.

Regular Meeting, Delta City Council, November 20, 2012 (cont.)

Amending Conditional Use for the B-3, I and I-R Zone Regarding Explosives (cont.)

There was discussion regarding the State and Federal regulations.

Councilmember Penick questioned if they will be incorporating hazardous materials and explosives.

Director Black stated that all that is addressed now is the hazardous fuels. That does bring up a question as to hazardous materials.

Attorney Schottelkotte suggested a few different directions Council can take a look at.

Councilmember Penick questioned if Council does not do anything at this point where does the request stand.

Director Black stated they would not be allowed to store the explosives.

There was additional discussion regarding which direction Council would like to proceed with.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to direct staff to prepare an ordinance for consideration for storage of explosives.

Councilmember Penick stated he is still in favor of doing nothing. He is concerned about the public safety aspect for the City.

Mayor Sisson called for a vote. Councilmembers Cooper, Raley and Mayor Sisson voted aye. Councilmembers Jurca and Penick voted no.

Discussion Regarding Golf Course Strategic Plan

Manager Clifton stated that this item returns to Council it was suggested to begin to undertake a more comprehensive and strategic plan at the golf course. The general process recommended by staff includes:

1. Identify critical information needed to make an evaluation.
2. Evaluate the information to set priorities and create goals.
3. Develop and implement strategy to achieve goals.
4. Monitor performance and adjust as necessary.

Manager Clifton stated staff developed fourteen different questions that may be important in making a comprehensive assessment. Staff is looking for additional direction should there be any from Council.

Mayor Sisson stated he believes staff is working in the right direction.

Manager Clifton reported that their intention is to be very broad and transparent. He explained how staff will proceed forward.

There was a consensus amongst Council that this is the right direction to move forward with.

Regular Meeting, Delta City Council, November 20, 2012 (cont.)

Discussion Regarding Golf Course Strategic Plan (cont.)

Manager Clifton stated staff will create a timeline and start moving forward.

Resolution #9, 2012; Golf Course Fees

Manager Clifton stated that one of the outcomes from the THK report was the fees at the golf course. He also stated one thing to note with the changes is that the quarterly and monthly fees vary by season.

Councilmember Jurca reported that the golf course committee is in favor of the changes.

Resolution #9, 2012

A RESOLUTION OF THE CITY OF DELTA SETTING
MEMBERSHIP FEES AT DEVIL'S THUMB GOLF CLUB

was read by the clerk.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to adopt Resolution #9, 2012. Roll call votes: Councilmembers Cooper, aye; Jurca, aye; Penick, aye, Raley, aye and Sisson, aye. Motion carried.

Discussion on Retreat

Manager Clifton requested some feedback on the general direction Council would like to take with the retreat so staff can begin planning.

There was consensus to have the retreat on a Saturday in January. The City Manager will begin to find a facilitator as well as a location to host the event.

Energy Impact Grant for Confluence Drive

Manager Clifton stated that this is a requirement from DOLA to submit the grants. He also stated that staff has been diligently working to find additional funding for Confluence Drive. This grant may be difficult to obtain at this point. He suggested that if a motion is made that it authorize staff to submit the grant for an amount deemed appropriate because that might need to be adjusted.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to authorize staff to submit an Energy and Mineral Impact Grant requesting \$1,000,000 from DOLA for the Confluence Drive project.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to amend the previous motion to read as \$1,000,000 or an appropriate amount. All in favor, motion carried.

Regular Meeting, Delta City Council, November 20, 2012 (cont.)

Energy Impact Grant for the WWTP

Utilities Director Steve Glammeyer stated that there are three projects that staff is planning to complete next year. He explained those projects. These projects project to cost approximately \$400,000 and staff is applying for a tier one grant which is up to \$250,000 to meet the 50/50 match requirement.

It was moved by Councilmember Raley and seconded by Councilmember Cooper to authorize staff to submit the DOLA for the wastewater treatment plant. All in favor, motion carried.

Discussion Regarding Amendment 64

Manager Clifton reported that as a result of the election and passage of Amendment 64 he is bringing before Council to discuss their options on how to deal with the changes. The City has until July of 2013 to create regulations governing facilities that would sell marijuana to users. He presented Council with the history on how Council dealt with medical marijuana. He also presented the results for Delta County for Amendment 64. He stated there is adequate precedence if the City wants to move forward with imposing a moratorium or more quickly prohibiting this type of businesses.

Councilmember Cooper questioned if the moratorium has to have a time frame.

Attorney Schottelkotte stated Council will need to have a time limit on the moratorium.

There was discussion regarding the time limit of the moratorium.

Councilmember Jurca questioned if there have been discussions with law enforcement.

Manager Clifton stated they have had discussions; however, they have not received clarification from the local District Attorney's office at this point. It's his understanding that they will be following what other communities are doing and that is cease writing citations for crimes of possession of one ounce or less of marijuana and they are 21 years of age or older.

Councilmember Jurca questioned who is staying involved with the State discussions.

Manager Clifton stated that there are a lot of organizations that the City is involved with that are following this topic.

It was moved by Councilmember Penick and seconded by Councilmember Raley to direct staff and the City Attorney to draft an ordinance declaring a moratorium on the establishment and operation of marijuana businesses for a nine month period.

Attorney Schottelkotte suggested listing the ordinance as an emergency ordinance.

The motion was amended to include the language declaring an emergency. All in favor, motion carried.

Regular Meeting, Delta City Council, November 20, 2012 (cont.)

Retail Liquor Store Renewal; Peterson's Liquor

The Clerk explained that Peterson's Liquor has submitted their retail liquor store renewal application. The application is complete and all fees have been paid. The police department has recommended renewal.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the retail liquor store renewal for Peterson's Liquor. All in favor, motion carried.

Tavern Liquor License Renewal; Sports Center Lounge

The Clerk stated that Sports Center Lounge has submitted their tavern liquor license renewal. The application is complete and all fees have been paid. The police department has recommended renewal.

It was moved by Councilmember Jurca and seconded by Councilmember Penick to approve the tavern liquor license renewal for Sports Center Lounge. All in favor, motion carried.

City Attorney Comments

Attorney Schottelkotte updated Council on the completion of property acquisitions for the truck route.

City Manager Comments

Manager Clifton stated that at the last meeting there was a concern brought forward regarding the City's ordinance on graffiti. He recommends not changing the policy. He stated that enforcement issues play out and take some time allowing the owner to clean it up.

He also reported that on December 4th there will be a work session regarding the technical energy audit.

Councilmember Comments

Councilmember Cooper commented on the recent DCED meeting. She also commented on the incredible sport abilities the school district has this year.

Councilmember Jurca stated that the Delta Housing Authority has discussed the option of expanding. He stated that the Delta High School took 5th at the state competition in band and Cedaredge High School took 1st.

Mayor Sisson congratulated the local high school football teams.

The meeting was adjourned at 8:28 p.m.

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