

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Robert Jurca and Mary Cooper along with City Manager Justin Clifton and City Attorney Mike Schottelkotte. Councilmember Ray Penick was absent. 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

Mayor Sisson stated the Proclamation will be read after citizen comments.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Raley to approve the minutes of the December 4, 2012 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Dennis Phillips, 1906 1600 Road, commented on Devil's Thumb Golf Club and presented a letter to Council.

Proclamation; Garnet Mesa Elementary

Mayor Sisson read the proclamation.

Posting Site for 2013

City Clerk Jolene Nelson explained that Council needs to designate a posting site for all public notices in 2013. In the past we have used the south window at City Hall. Staff would recommend using this site again for 2013.

It was moved by Councilmember Raley and seconded by Councilmember Cooper to designate the south window at City Hall as the official site for posting of City meeting notices in 2013. All in favor, motion carried.

**Council Bill #18, 2012; First Reading
Storage of Explosives**

City Manager Justin Clifton stated that at the last meeting there was a work session discussing the storage of explosives. After the discussions staff and the City Attorney have prepared an ordinance that narrows things down to known materials that are indentified, classified and regulated. It does provide some room for items that are not fully addressed that the Planning Commission could come up with some specifics in regards to the performance standards.

Mayor Sisson questioned why the applicant wants to store the explosives in Delta.

Regular Meeting, Delta City Council, December 18, 2012 (cont.)

Council Bill #18, 2012; First Reading (cont.)

Councilmember Raley stated that it's because they own property here.

Manager Clifton stated that staff prepared this ordinance to fit any and all applicants that may want to store explosives in the City of Delta. In addition, there is language that disallows materials that do not have significant oversight.

Councilmember Cooper stated that the wording captured what Council addressed at the last meeting.

Councilmember Jurca stated he does not like the idea. He thinks it needs to be a lot narrower than what is being presented.

Councilmember Raley questioned if any applicant would have to go before the Planning Commission before being approved.

Manager Clifton stated that it would be brought to the Planning Commission as a conditional use with these performance standards. Staff can make the language narrower if Council should want to do so.

Councilmember Jurca stated that it needs to be as tight as possible. Other communities in the area are not allowing this type of storage.

Councilmember Raley suggested revising the ordinance to accommodate the applicant's request at this time.

Councilmember Cooper stated that they are trying to have an ordinance in place for any future requests as well.

City Attorney Michael Schottelkotte stated that the way it is being presented there is an appeal process that will also be in place which will ultimately have Council rule on those types of things.

Councilmember Raley has no opposition in the way it is being presented.

Greg Turner, 621 E. 5th Street, stated that he owns a business here that involves storing small-type explosives and he has to store them outside the State of Colorado at this time. He believes he can generate more revenue for the City of Delta if he were allowed to conduct his business here. He presented a summary of his law enforcement K-9 business. He suggested using ATF regulations.

Council Bill #18, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO
AMENDING CHAPTER 17.04.160 and 17.04.190 OF THE DELTA
MUNICIPAL CODE FOR THE PRIMARY PURPOSE OF ADDING
AND REGULATING STORAGE OF EXPLOSIVES AND OTHER
NON-FUEL HAZARDOUS MATERIALS AS A CONDITIONAL
USE IN THE B-3 AND I ZONES

Regular Meeting, Delta City Council, December 18, 2012 (cont.)

Council Bill #18, 2012; First Reading (cont.)

was read by the Clerk.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to adopt Council Bill #18, 2012 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, nay; Raley, aye and Sisson, aye. Motion carried.

**Council Bill #20, 2012; First Reading
2012 Supplemental Appropriations**

Manager Clifton stated this is to supplement some changes that occurred for the 2012 budget. He also stated that the golf course fund is about \$90,000 better than anticipated when the budget was completed.

Council Bill #20, 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 2012
BUDGET YEAR

was read by the Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to adopt Council Bill #20, 2012 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye and Sisson, aye. Motion carried.

**Ordinance #18, 2012; Second and Final Reading
Moratorium on Marijuana Businesses**

Ordinance #18, 2012

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
DECLARING A MORATORIUM ON REVIEW OF APPLICATIONS
RELATING TO COMMERCIAL DISPENSARIES OF MARIJUANA
WITHIN THE CITY OF DELTA PENDING CONSIDERATION OF
ALL PERTINENT LOCAL IMPLICATIONS OF COLORADO
CONSTITUTIONAL AMENDMENT NO. 64 AND ADOPTION OF
ANY NECESSARY LOCAL LEGISLATION

was introduced as Council Bill #19, 2012 and read by the Clerk.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to adopt Council Bill #19, 2012 on second and final reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye and Sisson, aye. Council Bill #19, 2012 was adopted on second and final reading as Ordinance #18, 2012.

Regular Meeting, Delta City Council, December 18, 2012 (cont.)

Vehicle Purchases

Manager Clifton stated that these vehicle purchases are for the 2013 budget year.

Councilmember Cooper questioned if staff used the governmental pool to get pricing on these vehicles.

Fleet Manager Rod Myers stated that they did look at that and their pricing was about the same as the local company.

It was moved by Councilmember Cooper and seconded by Council Jurca to purchase one 2013 Taurus Police Patrol Sedan for \$27,775.00 from Hellman Motor Company and one 2013 Equinox Crossover Sedan for \$25,292.00 for Hellman Chevrolet Buick. All in favor, motion carried.

Manager Clifton stated there is one other purchase for a trash truck that needs addressed.

Mayor Sisson stated that it's his understanding that the truck the City has now has been in four times.

Mr. Myers reported that it has. However, other truck manufactures were having the same problem and it is believed to have been fixed in the newer models.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to purchase two 2013 model year Jacobsen Greens Mowers from C&M Golf & Grounds Equipment for \$52,740.00 and to purchase one 2013 model year Peterbilt truck chassis from Grand Junction Peterbilt for \$126,747.00 and one 2013 model Bridgeport Refuse body from American Transportation & Equipment Company for \$91,030.00. All in favor, motion carried.

Garnet Mesa HDPE Project

Public Works Director Jim Hatheway stated that this project is to replace an aging CMP pipe that is used to convey water in the Garnet Mesa Ditch which is basically the seep ditch on the west side of Garnet Mesa. They are replacing the pipe with a HDPE pipe to help with root intrusion that staff has been dealing with for some time.

There was discussion regarding the differences in the bids.

It was moved by Councilmember Jurca and seconded by Councilmember Raley to award the contract for the Garnet Mesa HDPE Pipe Replacement Project to Wells Excavation & Farming. All in favor, motion carried.

Retreat Discussion

Manager Clifton reported that he has been working on finalizing the details for the retreat. The facilitator that he believes will serve the City's needs is only available on the 5th or 26th.

There was a consensus amongst Council to proceed with the retreat on January 26th.

Regular Meeting, Delta City Council, December 18, 2012 (cont.)

Retreat Discussion (cont.)

Mr. Clifton stated that the retreat will be held at the Montrose Pavilion. A questionnaire will be provided before the retreat from the facilitator. He will have more information at the first or second Council meeting in January.

City Attorney Comments

There were none.

City Manager Comments

Manager Clifton stated that Colorado Wildlife has invited Council to their event on Thursday. He will email the details to Council.

Councilmember Comments

Councilmember Cooper thanked Wilma Erven for the wonderful Christmas Party. She also congratulated Ms. Erven on her 50th wedding anniversary. She also commended Justin Clifton on the job he has done thus far in the City Manager position.

City Council wished everyone a Merry Christmas and a Happy New Year.

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, under CRS Section 24-6-402(4)(e); or more specifically for discussions regarding Confluence Drive.

At 7:35 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 8:18 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 Bill Raley, Mary Cooper and Robert Jurca; along with City Manager Justin Clifton, City Attorney Michael Schottelkotte, Public Works Director Jim Hatheway. 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.

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