

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 Raley and seconded by Councilmember Penick to approve the minutes of the January 22, 2013 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Public Hearing: Special Events Permit Application; Kiwanis Club of Delta

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

The Clerk reported that Kiwanis Club of Delta has submitted an application for a Special Event Permit for their fund raising event to be held on March 2, 2013 at Bill Heddles Recreation Center. The application states that they plan to sell malt, vinous and spirituous liquor from 3:00pm to 9:00pm. The application is complete and all fees have been paid. A sign was posted as required by law to notify the public of this hearing and no comments have been received.

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

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the special events liquor permit for Kiwanis Club of Delta for March 2, 2013. All in favor, motion carried.

Public Hearing: Special Events Permit Application; Delta Ducks Unlimited

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

The Clerk reported that Delta Ducks Unlimited of Delta has submitted an application for a Special Event Permit for their fund raising event to be held on March 9, 2013 at Bill Heddles Recreation Center. The application states that they plan to sell malt, vinous and spirituous

Regular Meeting, Delta City Council, February 5, 2013 (cont.)

Public Hearing: Special Events Permit Application; Delta Ducks Unlimited (cont.)

liquor from 5:00pm to 11:00pm. The application is complete and all fees have been paid. A sign was posted as required by law to notify the public of this hearing and no comments have been received.

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

It was moved by Councilmember Jurca and seconded by Councilmember Penick to approve the special events liquor permit for Delta Ducks Unlimited for March 9, 2013. All in favor, motion carried.

Renewal of Lease with Ms. Hawkins and Ms. Myers

City Manager Justin Clifton stated that this is a lease renewal of the water rights from the Maude S. Ditch that the City owns. The only change to the agreement is the increase of fee from \$700 to \$800. Staff is recommending approval.

Councilmember Penick questioned how long they have had the lease.

Utilities Director Steve Glammeyer stated that it has been a long time. He explained that it was with the Austin's for a number of years and then Ms. Hawkins and Ms. Myers assumed the lease three or four years ago.

Councilmember Penick then questioned if there is any other interest in this lease.

Mr. Glammeyer stated that the tap is specifically for the Doughspoon Ranch. He did confirm with Ms. Hawkins and Ms. Myers that they did want to continue with the lease with the increase in fee.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the lease for Ms. Hawkins and Ms. Myers with the increase from \$700 to \$800. All in favor, motion carried.

Contract for Construction Management of the Wellness Pool and Multipurpose Fitness Room at Bill Heddles Recreation Center

City Manager Justin Clifton stated that staff is excited to present a recommendation for approval of a contract for this important project. He explained the process in which staff came to a recommendation. FCI is the lowest cost and also provided the most value especially having pool experience. He also explained that this is a CMGC process in which the guaranteed maximum price is not submitted at this point. The contract commits a small amount of \$9,500 for the pre-con engineering phase and it's expressly written in the contract that if approved the guaranteed maximum price comes back before Council.

Mayor Sisson questioned why there is such a big difference in the bids.

Regular Meeting, Delta City Council, February 5, 2013 (cont.)

Contract for Construction Management of the Wellness Pool and Multipurpose Fitness Room at Bill Heddles Recreation Center (cont.)

Manager Clifton stated that it was a competitive bid process. Staff requested a firm general conditions cost and a firm overhead percentage knowing that they have not received the subcontractor bids as of yet. It is up to the company to compete based on their work load and how bad they want the project. He also did some further research in addition to review the proposals and FCI had by far the best reputation.

Councilmember Jurca questioned if the motion should include the total cost in the chart.

Manager Clifton stated that it would be sufficient to have a motion to award a contract to FCI based on their proposal for general conditions and overhead noting that a guaranteed maximum price will come back to Council.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to award a contract to FCI based on their proposal for general conditions and overhead noting that a guaranteed maximum price will come back to Council for approval. All in favor, motion carried.

RFP for City Attorney

City Manager Clifton stated that this is a draft RFP for the City Attorney. He explained how he drafted the document. At this time he is requesting Council to give him some feedback as to whether there is anything they want to delete or add. A final draft will be presented at the next meeting for approval and then staff will move forward with advertising.

Councilmember Penick questioned the format regarding the statement of "proposed firm and/or individuals". His concern is if they hire a firm will they have the same individual coming to the meetings each time. He would like to have the same person.

Manager Clifton stated that is certainly the discretion of the Council. He explained that it was written this way because it's possible that a firm may say that they have someone for general attorney services, however, they may have other attorneys that can help with other areas of concern.

Manager Clifton also stated that staff has gathered general information to be prepared to answer questions regarding the number of hours and work load.

There was a consensus amongst Council to proceed with the draft that is presented with a few minor corrections.

Manager Clifton stated he would bring a final draft to the next meeting for approval.

City Attorney Comments

City Attorney Michael Schottelkotte updated Council on the trade corridor. He stated he would not be in attendance at the next council meeting.

Regular Meeting, Delta City Council, February 5, 2013 (cont.)

City Manager Comments

City Manager Justin Clifton reported on the following items:

- Gail Schwartz will be holding a town hall meeting February 10th at Memorial Hall in Hotchkiss.
- The City has been asked to provide a letter of support for land and water conservation and explained that request.
- Optimum has submitted a letter stating they are changing some of their fees.
- Sales tax for 2012 was 2.8% above what was budgeted. Staff budgeted 1% above the 2012 budget for 2013.
- There will be a work session at the next meeting to discussion various topics.

Councilmember Comments

Councilmember Cooper stated she doesn't believe the letter of support from Delta will make much of a difference. She will not be at the next meeting.

Councilmember Jurca stated he is not in favor of the letter of support.

Councilmember Raley agreed with Councilmember Jurca especially when it involved the federal government.

Councilmember Penick stated that the letter of support is taking part in the democratic process. He does feel that the City should be concerned about more local and state concerns rather than federal. Mr. Penick also stated that the six month evaluation for the City Manager is coming up and he would like to see the evaluation ahead of time.

Mayor Sisson also agreed that the letter of support regarding federal matters is too much for the City to be concerned about. He presented a letter from Gail Schwartz regarding the Confluence Drive project.

The meeting was adjourned at 7:20 p.m.

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