

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. Absent was City Attorney Michael 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 April 16, 2013 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Reschedule Regular Council Meeting of June 18th, 2013

City Manager Justin Clifton explained that CML is holding their annual conference June 18th – 21st. There will be three Councilmembers attending the conference as well as a few staff members. He suggested changing the regular meeting on June 18th to either the June 11th, 17th or 25th.

It was moved by Councilmember Raley and seconded by Councilmember Jurca to reschedule the regular meeting schedule on June 18, 2013 to June 17, 2013. All in favor, motion carried.

CML Board Applications

Manager Clifton stated that CML has recently released a call for members for the Executive Board. Mary Cooper has served on their Policy Committee so it makes sense to try to elevate that position and get some more representation. The criteria for the application require board support to apply for the position.

Councilmember Cooper stated that she has enough time to travel back and forth.

It was moved by Councilmember Penick and seconded by Councilmember Raley to that the board support Mary Cooper for the CML Executive Board. All in favor, motion carried.

Councilmember Cooper thanked everyone for their support.

Regular Meeting, Delta City Council, May 7, 2013 (cont.)

1397 E. 7th Street Lease Agreement

Manager Clifton reported that this agreement has been vetted in a couple executive sessions. He did make on minor alteration after the attorney review it. In section 7 under maintenance and repairs there was reference to a document titled "exhibit A" that has been removed. The repairs that were to be completed before move in were repairs that needed to be completed whether or not the house been occupied or not like tree trimming or removal and some asbestos abatement in the basement. So he didn't believe it needed to be referenced.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the lease agreement for 1397 E. 7th Street.

Councilmember Penick stated that this is a win/win situation for all parties involved.

Mayor Sisson called for a vote; all voted in favor, motion carried.

Exchange and Relocation Agreements

Manager Clifton stated that agreements with the railroad are ready for Council's approval and signature. There have been a lot of negotiations regarding these agreements. The agreements are quite extensive and were not put in the packets because of their size. However, they have been available at City Hall for anyone to review.

Public Works Director Jim Hatheway reported that the attorney has approved the contract. This and been a very lengthy process.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to adopt the exchange and relocation agreements and authorize the City Manager to execute said agreements. All in favor, motion carried.

Confluence Drive Change Order

Manager Clifton stated that staff is trying to provide Council with everything. A project of this scope, size and one that is under taken by moving forward with construction while still negotiating with the railroad have some of the uncertainties and some of those are coming forward now. There are some specific change orders. Staff wanting to make sure that they are disclosing everything they know on any given day. The memo of information that has been provided includes other potential costs as well as savings. As it stands now, this change order not only will exhaust and exceed contingencies but likely there will be a need for additional funds. They are estimating potential overruns in the amount of \$656,000.

Director Hatheway reported that this change order is a result of UP not allowing access until after construction of the rail which includes a 30 day seasoning period, which will allow access in mid November. Staff essentially now has two projects; one from 5th Street north is now an import heavy project and the other to the south is now an export driven project. He explained that on the positive side of this, public works will now be able to help the parks department in the reclamation project at River Bend Park. They will use materials from that site for the truck route which is a savings of approximately \$500,000. There are some additional savings that are summarized in the supplemental information as well as possible costs.

Regular Meeting, Delta City Council, May 7, 2013 (cont.)

Confluence Drive Change Order (cont.)

Mayor Sisson questioned what the seasoning period is.

Director Hatheway stated that the seasoning period runs until after they have trains on the track to verify that it will withstand the train.

There was additional discussion regarding the seasoning period as well as why UP will not allow access until after that period has run.

Director Hatheway explained that within his memo he tried to provide realistic view as to where we stand moving forward as best as he can look into the future. Depending on how other aspects work out there are certainly potential scheduled implications.

Councilmember Cooper stated she believes the City is getting treated pretty fairly.

Manager Clifton agreed. He also explained that Hamon is doing the best they can to work with the City. He stated that to address the budget generally; the City has also received an award for an additional \$1 million for DOLA. That amount also in the budget. If some of these additional savings and costs materialize the City will possibly need to transfer funds from the citywide fund of approximately \$850,000. The impact on the fund will reduce the balance to less than \$1 million. That may create a significant challenge in that fund to have a period of recovery. The City may not be able to complete larger projects without grant funding or other means. The good news is the funds are there and is available if needed.

It was moved by Councilmember Cooper and seconded by Councilmember Raley approve the Confluence Drive change orders as presented at this time. All in favor, motion carried.

Wetlands Mitigation Project Award

Manager Clifton stated that project is as a result of the truck route. This is within budget so staff is recommending awarding the project to the low bidder.

Director Hatheway reported that staff has begun the work. He explained the requirements of the 404 permit from the Army Corps of Engineers. He also explained the bids.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper award Wells Excavation & Farming, LLC the wetlands mitigation project for \$31,990.00. All in favor, motion carried.

Director Hatheway invited Council to come down to the site if they would like to see how the project is moving forward.

City Attorney Comments

There were none.

Regular Meeting, Delta City Council, May 7, 2013 (cont.)

City Manager Comments

Manager Clifton commented on the following items:

- He handed out the Golf Week magazine recognizing Devil's Thumb Golf Course as the 7th best course in the state. He stated it has some historic information included in the article.
- He also handed out thank you cards from organizations that have used the golf course.
- The Delta Police Department has promoted Chris Bentler and Everett Neil to Sergeants.
- Rod Myers has also been promoted to a department head position in the internal services department.

Councilmember Comments

Councilmember Cooper thanked everyone for their support in proceeding for with applying for the CML Executive Board. She stated that as of last Friday she has been a Councilmember for eight year.

Councilmember Jurca commented on his vacation.

Councilmember Penick stated that CML is having their luncheon next week and he plans on attending.

Mayor Sisson recognized the Delta Police Department for dealing with the plane landing on Highway 50.

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Penick 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 discussion regarding the City Attorney RFPs and also for discussion regarding the Silver Street Property Appraisal. All in favor, motion carried.

At 7:23 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 7:44 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 Mary Cooper, Ray Penick and Bill Raley City Manager Justin Clifton and 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.

Jolene E. Nelson, City Clerk