

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 David Smith. 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**

City Manager Justin Clifton stated that the public hearing for Ken's Pit Stop can be removed.

### **Minutes**

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the minutes of the May 20, 2014 regular meeting with the corrections that was submitted by Councilmember Penick. All in favor, motion carried.

### **Citizen Comments**

The following individuals commented on feral cats and are requesting a meeting to discuss the feral cat program:

- Fran Goetz, 1053 Grand Ave, Delta.
- Melissa Heinzen, 511 Glen Way, Delta.
- Kim Kettle, 320 E. 2<sup>nd</sup> Street, Delta.

### **Bank of the West Landscaping Variance Request**

Manager Clifton explained this item was table at the last meeting. Council requested the applicant to present alternatives to be discussed at tonight's meeting.

Tracy German with Bank of the West stated that according to the existing ordinance 15.04.080 Bank of the West is in compliance. She stated that she measured the curbed island and they have 45% living material which is more than what is required by the ordinance. Ms. German also presented estimates for additional landscaping with a drip system and without a drip system.

Councilmember Penick stated that he does not see how the ordinance can be used in this case since it addresses new development not existing development. He believes staff is interpreting the new development regulations be also addressed for existing development. He also stated that in the strategic planning it states to encourage not require. He is in favor of giving a variance to the applicant.

Mayor Sisson agreed with approving a variance.

**Regular Meeting, Delta City Council, June 3, 2014 (cont.)**

**Bank of the West Landscaping Variance Request (cont.)**

Councilmember Raley stated that he has been contacted by some individuals stating that they think the bushes being gone have made the area safer coming out of the alley. He also heard that Bank of the West should take out the other bushes.

Councilmember Penick questioned what kind of a motion should be given since there is no variance to grant since they applicant is in compliance with the ordinance.

Manager Clifton suggested dismissing the request and direct staff to refrain from pursuing the issue.

City Attorney David Smith stated that for clarification in the record it would be easiest to make a motion to direct staff not pursue formal action.

It was moved by Councilmember Penick and seconded by Councilmember Raley to order staff not to pursue any action with Bank of the West's landscaping. All in favor, motion carried.

**Council Bill #1, 2014; First Reading**  
**Rezone Hawkins Subdivision One, Lot 1**

Community Development Director Glen Black reported that the Planning Commission heard this item at their June 2, 2014 meeting and is recommending approval of the rezone. The applicant is requesting the Hawkins Subdivision One, Lot 1 be rezoned from A-1 to I-R. The future land use map shows the area to be low density Residential-Rural. He presented a map showing the area and presented a summary of the lot.

Council Bill #1, 2014

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING THE ZONING DESIGNATION OF HAWKINS  
SUBDIVISION ONE, LOT 1 FROM A-1, AGRICULTURE  
DISTRICT TO I-R, INDUSTRIAL RESIDENTIAL DISTRICT

was read by the Clerk.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Council Bill #1, 2014 of first reading. Roll call vote: Councilmember Penick, aye, Raley, aye and Sisson, aye. Motion carried.

**1800 Road Overlay Project**

Manager Clifton stated that this item was discussed at a previous work session with the Delta County Commissioners.

City Engineer Jim Hatheway reported that the County is in agreement to provide a cost share for the 1800 Overlay Project. He outlined the cost for the County as well as the City. The total estimated cost for the City is \$120,164.00.

**Regular Meeting, Delta City Council, June 3, 2014 (cont.)**

**1800 Road Overlay Project (cont.)**

Councilmember Raley questioned if this is in the current budget.

Mr. Hatheway stated that it is within the street improvement budget under the city wide capital improvement fund.

It was moved by Councilmember Raley and seconded by Councilmember Penick to accept the agreement and proceed with sharing the expenses with Delta County on the 1800 Road overlay project. All in favor, motion carried.

Manager Clifton questions Mr. Hatheway as to if he anticipates and intergovernmental agreement (IGA) with the county.

Mr. Hatheway stated he had not anticipated an IGA. It was contemplated that this particular estimate would be what it will cost for the project and the county will invoice the city for its share of the work as outlined in the memo.

Attorney Smith suggested Council clarify the motion not to exceed the amount stated and if costs exceed that amount staff will need to bring back for Council's consideration.

Councilmember Penick if the motion needs to be amended.

Manager Clifton stated that if the costs exceed the amount as stated in the memo staff will bring this item back for consideration.

**Public Hearing: Special Events Permit Application; Delta County Memorial Hospital Foundation**

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

The Clerk reported that the Delta County Memorial Hospital Foundation has submitted a Special Events Permit application for their fund raising event to be held on September 13, 2014 from 7:00am to 6:00pm at Lion's Pavilion. The application is complete and all fees have been paid. A sign was posted at the site as required by law 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 Penick and seconded by Councilmember Raley to approve the Special Events Permit application for the Delta County Memorial Hospital Foundation. All in favor, motion carried.

**Public Hearing: Special Events Permit Application; Delta Elks No. 1235**

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

The Clerk stated that the Delta Elks Lodge No. 1235 has submitted a Special Events Permit application for their fund raising event to be held on July 12, 2014 from 6:00pm to 2:00am at

**Regular Meeting, Delta City Council, June 3, 2014 (cont.)**

**Public Hearing: Special Events Permit Application; Delta Elks No. 1235 (cont.)**

563 Main Street in Delta. The application is complete and all fees have been paid. A sign was posted at the site as required by law 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 Raley and seconded by Councilmember Penick to approve the Special Events Permit application for Delta Elks Lodge No. 1235 for July 12, 2014. All in favor, motion carried.

**Approval of Quit Claim Deed; 3<sup>rd</sup> Street ROW Vacation at Hi-Quality**

Manager Clifton stated that this is just some cleanup from the prior approval for the 3<sup>rd</sup> Street right of way vacation at HI-Quality. He explained that the ordinances were approved in the wrong order therefore the need to have Council formally recognize the correction and that the terms of the contract are being met.

It was moved by Councilmember Penick and seconded by Councilmember Raley to recognize the Mayor's signature on the quit claim deed vacating the 3<sup>rd</sup> Street property to Hi-Quality flowed from the contract to purchase property from Hi-Quality. All in favor, motion carried.

**City Attorney Comments**

There were none.

**City Manager Comments**

There were none.

**Councilmember Comments**

Mayor Sisson commented on ISI's equipment presentation. He explained that if this piece of equipment is approved, ISI will expand their business and hire additional employees here in Delta.

**Executive Session**

It was moved by Councilmember Penick and seconded by Councilmember Raley to convene an Executive Session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b); and more specifically concerning the Delta District Court lawsuit filed by the Delta Montrose Electric Association against the City. All in favor, motion carried.

At 7:33 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

**Regular Meeting, Delta City Council, June 3, 2014 (cont.)**

**Executive Session (cont.)**

At 8:12 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, and Ray Penick, as well as City Manager Justin Clifton, City Attorney David Smith, Utilities Director Steve Glammeyer and Craig Johnson via telephone. 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, CMC, City Clerk