

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Robert Jurca, Mary Cooper, and Ray Penick along with Interim City Manager Glen Black and City Attorney David McConaughy. Absent was Councilmember Bill Raley. 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 Jurca to approve the minutes of the June 12, 2015 special meeting, the June 15, 2015 regular meeting and the June 25, 2015 special meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Public Hearing: Special Events Permit Application; Delta Elks Lodge #1235**

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

The Clerk reported that the Delta Elks Lodge #1235 has submitted a special events permit application for the following dates and times:

- August 22, 2015 for a Family Back to School Night; from 5:00pm to 1:00am
- September 26, 2015 for the Hunter's Ball; from 5:00pm to 1:00am
- October 31, 2015 for the Halloween Ball; from 6:00pm to 1:00am
- November 22, 2015 for the Holiday Kickoff Event; from 6:00pm to 1:00am

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 Jurca and seconded by Councilmember Cooper to approve the Special Events Permit Application submitted by Delta Elks Lodge #1235 for listed dates. All in favor, motion carried.

**Regular Meeting, Delta City Council, July 7, 2015 (Cont.)**

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

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

The Clerk stated that the Delta County Memorial Hospital has submitted a special events permit application for their event scheduled on September 12, 2015 at Lions 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.

Sisson, times 7:39am

It was moved by Councilmember Cooper and seconded by Councilmember Penick to approve the special events permit application for the Delta County Memorial Hospital Foundation for September 12, 2015. All in favor, motion carried.

**Public Hearing: Special Events Permit Application; Delta Area Chamber of Commerce**

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

The Clerk stated that the Delta Area Chamber of Commerce has submitted an application for a special events permit. Previously the Chamber had submitted and was approved for a special events permit at 680 1800 Road, July 18, 2015. However, they now want to expand the area to allow liquor. The Clerk contacted the State and the State is requiring the Chamber to submit a new application. Staff met with the Chamber and is satisfied that all concerns have been addressed.

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.

Councilmember Jurca questioned the times on the application.

The Clerk reported that there will be events at the location throughout the day and therefore the Chamber is requesting the permit from 10:00am to midnight.

Councilmember Cooper questioned if the State will be available to issue the permit in such short notice.

The Clerk stated that the State will have the license in time for the event.

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 Penick to approve the special events permit application for the Delta Area Chamber of Commerce for July 18, 2015. All in favor, motion carried.

**Regular Meeting, Delta City Council, July 7, 2015 (Cont.)**

**Special Permit for Temporary Closure; Hoolie's Place**

The Clerk reported that Hoolie's Place has submitted an application for a special permit for temporary closure for their annual motorcycle show on July 11, 2015 located in the parking lot next to their business. The application is complete and all fees have been paid.

Councilmember Penick stated that he has received comments regarding the cleanliness of that parking lot.

The Clerk explained that staff does inspect the parking lot after use and before refunding the deposit.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper to approve the special permit for temporary closure for Hoolie's Place. All in favor, motion carried.

**Retail Liquor Store License Renewal; Moonshine Liquors**

The Clerk reported that Moonshine Liquors has submitted their retail liquor store license renewal. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the retail liquor store license renewal for Moonshine Liquors. All in favor, motion carried.

**Zoning Amendment/Rezone; J C S Subdivision  
Ordinance #5, 2015; Second and Final Reading  
Zoning Amendment for 791 1550 Road**

Ordinance No. 5, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING THE ZONING DESIGNATION OF 791 1550 Road (J  
C S Minor Subdivision, Lot 1) from A-1, Agriculture District to R-  
1A, Residential District

was read by the Clerk.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to adopt Ordinance #5, 2015 on second and final reading. Roll call vote: Councilmember Cooper, aye; Jurca, aye; Penick, aye and Sisson, aye. Motion carried.

**Consider Authorizing the City Attorney to File a Complaint Against Stantec Consulting, Inc in the Delta County District Court**

City Attorney David McConaughy reminded Council that a few months ago Stantec was presented an ultimatum to engage in conversation regarding their contract with the City of Delta. Stantec has declined to engage in conversation. Mr. McConaughy requested to put on tonight's agenda the approval to file a complaint with the Delta County District Court. Today, he received a FedEx package from Stantec making an offer to decrease the amount of the bill. He is still

### **Regular Meeting, Delta City Council, July 7, 2015 (Cont.)**

requesting Council approval to submit the complaint with the understanding that the attorney will make one more phone call to try to engage in a conversation and perhaps to a pre-case mediation.

Mayor Sisson questioned if the recommendation is not to take the offer Stantec has submitted.

There was discussion regarding the offer.

Manager Black stated that staff has been working with the Colorado Department of Transportation regarding site distances that are of concern. The agreement with Stantec was to get a design that would be to CDOT standards. There are some issues that need to be resolved.

There was a consensus to bring this agenda item back at the next meeting.

### **City Attorney Comments**

Attorney McConaughy updated Council on the water files that his office has been working. He stated the next step is to create a comprehensive report of the water rights portfolio.

There was consensus amongst Council to consider the water report during budget discussions.

Mr. McConaughy also updated Council on the sign code. The Supreme Court completely changed how sign codes can be written. The City of Delta needs to amend its sign code to meet the requirements set out by the Supreme Court Decision.

Council suggested the attorney work with staff and present a draft to Council at a future work session.

Mr. McConaughy stated that the Department of Justice is actively inspecting municipalities regarding the American with Disabilities Act requirements. He suggested Council work with staff to see that the City of Delta is in compliance.

Mr. McConaughy presented Council with an updated fee schedule for his office. He explained that he honored Dave Smith's rates for one year. The proposed changes would go into effect on August 1<sup>st</sup>, 2015.

Councilmember Jurca questioned Manager Black if the City is happy with the services provided by Mr. McConaughy.

Manager Black stated that there are several items that Mr. McConaughy is currently working on. He suggested possibly looking at a RFP once the new City Manager is in office.

It was moved by Councilmember Penick and seconded by Councilmember Cooper that Council accept the City Attorney rate proposal as submitted. All in favor, motion carried.

### **City Manager Comments**

Manager Black requested that Utilities Director Steve Glammeyer update Council about the upcoming Colorado Municipal Utilities Association conference being held in Delta.

## **Regular Meeting, Delta City Council, July 7, 2015 (Cont.)**

### **City Manager Comments (cont.)**

Director Glammeyer stated that the City of Delta is hosting the CMUA July 15, 2015 through July 17, 2015. He presented the schedule to Council and invited them to various events.

Manager Black updated Council on the following items:

- Senate Bill 152 Election to be held in November. Staff will be bringing information to Council at the next meeting.
- Staff is working on presenting the Model Traffic Code 2010 for adoption.

### **Councilmember Comments**

Mayor Sisson stated that they may have an announcement on the City Manager after the executive session.

### **Executive Session**

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to convene an Executive Session for discussion of a personnel matter under CRS Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees and to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS Section 24-6-402(4)(a). All in favor, motion carried.

At 7:38 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

At 8:25 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, Robert Jurca, and Ray Penick along with Interim City Manager Glen Black, City Attorney David McConaughy and Utilities Director Steve Glammeyer who exited at 7:50pm. 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.

There was discussion regarding the announcement of the City Manager. There was a consensus to wait until the candidate accepts the offer.

The meeting was immediately adjourned.

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Jolene E. Nelson, CMC, City Clerk