

Mayor Ed Sisson called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, Ron Austin, Christopher Ryan and Gerald Roberts, along with City Manager David Torgler and City Attorney David McConaughy. 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 Roberts and seconded by Councilmember Raley to approve the minutes of the October 4, 2016 regular meeting, as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Appoint Members to the Youth Council

Administrative Intern Matt Hirschinger stated that ten students from Delta High School have applied to be on the Youth Council. He introduced the students that were present and recommended that all ten students that applied be appointed to the Youth Council.

It was moved by Councilmember Raley and seconded by Councilmember Ryan to appoint Jaspe Arias, Reagan Clay, Claire Corbasson, Ashley Frentzel, Logan Goodrich, Sameha Haque, Meysa Mulford, Hannah Owens, Kaylie Rankin and Kayle Teel to the Youth Council. All in favor, motion carried.

Resolution #10, 2016; Intergovernmental Agreement with the Delta Urban Renewal Authority

City Clerk Jolene Nelson announced that the packet online contained the bylaws for DURA and the Intergovernmental Agreement. She stated that the agreement is available if anyone would like to see a copy. She also stated that it is the same agreement that was in the DURA packet.

RESOLUTION # 10, 2016

A RESOLUTION OF THE DELTA CITY COUNCIL AUTHORIZING
THE EXECUTION OF THE INTERGOVERNMENTAL
AGREEMENT BETWEEN THE CITY OF DELTA AND THE
DELTA URBAN RENEWAL AUTHORITY

was read by the Clerk.

It was moved by Councilmember Roberts and seconded by Councilmember Austin to adopt Resolution #10, 2016 approving the intergovernmental agreement with the Delta Urban Renewal Authority. Roll call vote: Councilmember Ryan, aye; Austin, aye; Raley, aye; Roberts, aye and Sisson, aye. Motion carried.

Approval to Submit a Community Development Block Grant Application for Blight Remediation

City Manager David Torgler reminded Council that at the last work session Council was advised about an opportunity to apply for a Community Development Block Grant to acquire blight properties and to remedy the properties. A public hearing was also held at the last regular meeting. Staff needs approval from Council at this time to submit the grant. He explained the process of notifying the property owners. The local match would be 20% of the \$507,000 that the city would be applying for.

Regular Meeting, Delta City Council, October 18, 2016 (cont.)

Approval to Submit a Community Development Block Grant Application for Blight Remediation (cont.)

There was discussion regarding the cost of possible asbestos removal in some of the properties as well as the budget.

It was moved by Councilmember Ryan and seconded by Councilmember Austin to authorize staff to submit a Community Development Block Grant for blight remediation. All in favor, motion carried.

Purchase and Acquisition of the 2016 Garnet Mesa Electric System and Customers from Delta Montrose Electric Association

Utilities Director Steve Glammeyer stated that staff budgeted in 2016 to acquire electrical customers from Delta Montrose Electric Association (DMEA). Staff has been working with DMEA and an agreement has been reached. The agreement is similar to past agreements with DMEA. The customers will be turned over to the city's system by the end of the year.

Councilmember Austin questioned how many more customers are pending to be switched over to the city system.

Mr. Glammeyer stated that the next series will be the Garnet Mesa area.

It was moved by Councilmember Ryan and seconded by Councilmember Roberts to approve the purchase and acquisition of the 2016 Garnet Mesa Electric System and Customers from Delta Montrose Electric Association in the amount of \$128,834.57. All in favor, motion carried.

**Ordinance #9, 2016; First Reading
Amending 13.04 of the Delta Municipal Code**

Ordinance No. 9, 2016

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING CHAPTER 13.04 OF THE DELTA MUNICIPAL
CODE

was read by the Clerk.

Utilities Director Steve Glammeyer reported that staff is recommending changes to the Delta Municipal Code regarding water, sewer and electric codes. The changes do not include any rate increases; however there will be a few new rates. These changes are to correct a few citations in the code and to fall in line with other utility companies in the area. Mr. Glammeyer explained the changes as follows:

- 13.04.050(C) – clarifies where the point of service begins for the City.
- 13.04.050(E) – corrects a reference.
- 13.04.060(A) – allows the billing department to only bill the owner of the property or service rather than billing both the owner and tenant.
- 13.04.120(B) – allows for a charge for new LED lighting technology that is being installed on street lighting.
- 13.04.140(B) – staff has been piloting a program to provide a 24-hour pre-disconnect notice to reduce the amount of shut-offs. This change allows staff to provide the service and collect a small fee.
- 13.04.140(I) – this allows staff to collect a small fee to cover the costs for either turn-on or turn-off requests that are “non-emergency” in nature.
- 13.04.170 – this change allows staff the ability to immediately cite an individual for tampering with utilities.
- 13.04.260 – this is the rate table to include the fees to the turn-on or turn-off as well including net metering charges.
- 13.04.270 – this table will now include the pre-disconnect notice fee.

Dick Moore, 8332 Trap Club Road, commented on the proposed change to bill only the property owner. He disagrees with the change as it would adversely affect him as a property owner. He questioned why the city allows individuals to leave unpaid utilities at one location yet allow them

Regular Meeting, Delta City Council, October 18, 2016 (cont.)

Ordinance #9, 2016; First Reading
Amending 13.04 of the Delta Municipal Code

to open another account at a different location. It is a burden on the property owner. He also questioned what the loss of revenue is for the city as the city already puts a lien on a property that has unpaid utilities.

Mr. Glammeyer stated that it does take many months to collect on a lien. He does not have the amount that the city has lost in revenue.

Leroy Black, 629 Crawford Ave, questioned how the ordinance is written or how it is going to be put into effect. He stated that the landlords may not be able to turn off the utilities as the proposed ordinance is being presented. Property owners can use utilities when evicting a tenant. He request the city continue to the way it is.

John Vigil, 1407 Criterion Street, stated that his wife is the property manager of Windsor apartments. They have improved the apartment complex by 99% to the positive. He also stated that the city has never lost revenue from their apartments. He questioned if the landowners would be able to shut off utilities when rent payments are subsidized by HUD. The landlords cannot afford to pay the utilities.

Mark Lee, 1591 I Road, also commented on the change in billing the owners for utilities. He questioned the City Attorney whether the landlords can shut off the utilities.

City Attorney David McConaughy stated that he cannot give him legal advice as he works for the Council.

There was discussion regarding leases and credit checks. The City Attorney stated that ultimately the policy is up to the City Council.

Councilmember Ryan questioned the City Attorney is he should vote on the proposed ordinance. He stated that he is a property owner with tenants.

Mr. McConaughy stated that is was good that he disclosed that information. He also stated that he didn't feel he needed to step down for the vote.

There was additional discussion regarding section 8 housing the HUD requirements.

Councilmember Austin stated that there have been enough questions raised that he would like to be answered, before Council moves forward with the ordinance.

Councilmember Raley agreed that more information is needed on billing the owner for utilities. He stated the rest of the ordinance looks great.

Mr. McConaughy outlined the options Council has tonight. They can approve as presented, amend the ordinance or table it and bring it back at a later date.

It was moved by Councilmember Austin and seconded by Councilmember Ryan to table Ordinance #9, 2016 until November 1, 2016. Roll call vote: Councilmember Ryan, aye; Austin, aye; Raley, aye; Roberts, nay and Sisson, aye. Motion carried.

City Attorney Comments

There were none.

City Manager Comments

City Manager David Torgler commented on the Delta Urban Renewal Authority meeting earlier this evening. He stated there will be a budget work session tomorrow evening starting at 5:30pm.

Utilities Director Steve Glammeyer reported on the fall cleanup.

Community Development Director Glen Black provided an update on the broadband work that is being completed.

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City Manager Comments (cont.)

Mr. Torgler thanked Mr. Black for his efforts with broadband.

Parks, Recreation and Culture Director Wilma Erven stated that staff was working with the North Delta Canal regarding a grant they are getting and the need for habitat mitigation. At this time, the city did not have any projects that would fit their need. Staff will possibly work with them in the future with some additional work the canal may need.

Councilmember Roberts questioned if Ms. Erven has received notification if the city was awarded the trail grant that was applied for.

Ms. Erven stated that the city was not awarded that grant.

Ms. Erven reported that the Historic Preservation Board has been inactive for many years as the board has not received any applications for historic designations. Staff has recently received an application and Ms. Erven would like Council's direction on how to proceed. She stated that staff can review the application and work with the applicant to get all requirements met.

There was consensus among the Council to allow staff to work with the applicant at this time.

Councilmember Comments

Councilmember Ryan thanked staff for all the updates. He recognized the landlords that were in attendance and thanked them for their comments.

Councilmember Austin stated that the city is fortunate to have some great staff. He reminded everyone to vote.

Councilmember Roberts and Raley also thanked staff.

The meeting was adjourned at 8:22 p.m.

Jolene E. Nelson, CMC, City Clerk