

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 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 Penick and seconded by Councilmember Jurca to approve the minutes of the February 3, 2015 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Public Hearing: Special Events Permit Application; Kiwanis

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 events permit for their fund raising event to be held on March 14, 2015 at Bill Heddles Recreation Center. The application states that they plan to sell liquor from 3:00pm to 9:00pm. 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 Kiwanis Club of Delta. All in favor, motion carried.

Tavern Liquor License Approval; CB's Tavern

The Clerk stated that CB's Tavern has submitted their annual tavern liquor license renewal. The application is complete and all fees have been paid. The police department is recommending renewal.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve the renewal for CB's Tavern. All in favor, motion carried.

Regular Meeting, Delta City Council, February 17, 2015 (cont.)

Ordinance #2, 2015; First Reading
E-Cigarettes

Ordinance #2, 2015

AN ORDINANCE OF THE DELTA CITY COUNCIL AMENDING
CHAPTER 8.36 TO RESTRICT THE USE OF ELECTRONIC
CIGARETTES AND OTHER SMOKING DEVICES

was read by the Clerk.

City Manager Justin Clifton stated that at the last work session it was discussed that there was some concern that some vaporizer or e-cigarette type devices might be in use; however, staff could not enforce the ordinance because they could not prove what type of substance was in use in the device. The ordinance was adjusted accordingly to include the terms "any other substance".

It was moved by Councilmember Jurca and seconded by Councilmember Raley to adopt Ordinance #2, 2015 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye; Penick, aye and Sisson aye. Motion carried.

Ordinance #3, 2015; First Reading
Juvenile Curfew

Ordinance #3, 2015

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
REPEALING AND REPLACING SECTION 9.04.250 OF THE
DELTA MUNICIPAL CODE

was read by the Clerk.

Manager Clifton stated that this ordinance was also discussed at the last work session. The language has been adjusted per the recommendations of the attorney.

Councilmember Cooper questioned how this ordinance would affect emancipated juveniles.

City Attorney David McConaughy stated that emancipated juveniles are not excluded in the ordinance.

Councilmember Jurca questioned how this ordinance would affect juveniles going home from the movie theater.

Attorney McConaughy stated that the ordinance does have the ability for the parent/guardian to authorize those types of situations.

Councilmember Penick questioned what the changes are from the existing ordinance.

Regular Meeting, Delta City Council, February 17, 2015 (cont.)

Ordinance #3, 2015; First Reading (cont.)
Juvenile Curfew

Manager Clifton stated that the only importance substantive change is the existing code addresses loitering which is pretty expansive. This ordinance addresses curfew.

Attorney McConaughy stated that loitering is difficult to enforce.

It was moved by Councilmember Penick and seconded by Councilmember Raley to adopt Ordinance #3, 2015 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye; Raley, aye; Penick, aye and Sisson aye. Motion carried.

Award Storm Water Project

Manager Clifton stated that in the initial stages of the budget preparations there were funds that were set aside to pair with funding from the Department of Local Affairs (DOLA) grant. Staff now has the opportunity to increase the size of the grant therefore increasing the size of the project. This will complete a \$1.5 million project. Since the consideration to go out to bid, staff has received some clarification regarding trenching, the trenching will be completed down the middle of the road, DOLA does not want to cover the cost to resurface the road. However, DOLA would allow a bid alternative to the contract for the incremental cost difference for performing the resurfacing of the streets. He explained how the bids were received.

Utilities Director Steve Glammeyer stated that paving was also added that is not ancillary to the storm water project; staff put overlaying Palmer Street from 5th Street to 1st Street in the bid.

Councilmember Cooper questioned if Highway 50 would be affected.

Mr. Glammeyer reported that the work that will be done across Highway 50 will be to lower the water line and to install the storm sewer line that will be open cut. He is working with the contractor as well as Colorado Department of Transportation to see if they could work 24 hours to try to get that area completed as quickly as possible. However, Main Street will have to be closed for a period of time. The truck route will be used to help with the flow of traffic.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to award the storm water project contract to Wells Excavation & Farming, LLC in the amount of \$1,522,359.80. All in favor, motion carried.

Vehicle/Equipment Purchases

Manager Clifton stated this is another round of purchases for the fleet department that were budgeted. He reiterated that staff is creating a more versatile fleet.

Councilmember Jurca questioned if the other vehicles did not meet the specifications only because of the power seats.

Director Glammeyer stated it's his understanding that only the driver seat would have the power seat and that the passenger seat did not. He stated that the power seat to him is not a concern.

Regular Meeting, Delta City Council, February 17, 2015 (cont.)

Vehicle/Equipment Purchases (cont.)

There was discussion regarding the power seats and it was suggested to save funds by going with the lower bid that does not include power seats.

Councilmember Raley questioned what the difference between the Ford Focus and the Chevy Sonic.

Director Glammeyer stated there are no concerns with either vehicle.

Councilmember Penick questioned if the combination of these two purchases are within budget.

Director Glammeyer stated they are under budget.

It was moved by Councilmember Jurca and seconded by Councilmember Cooper authorize the purchase of a Chevy Sonic from Hellman Chevrolet for \$18,160 and a Kubota 2690E from Western Implement for \$21,960. All in favor, motion carried.

City Attorney Comments

There were none.

City Manager Comments

Manager Clifton reported on the following items:

- The ordinance for the marijuana concentrate is being reviewed by the attorney.
- There has been progress with broadband and gave a summary of the project.
- Interviews for the Golf Pro will be conducted tomorrow. He invited Council to attend the luncheon to meet the candidates.

Councilmember Comments

Councilmember Cooper recognized City Manager Justin Clifton in his work with the broadband project. She also thanked Chief Robert Thomas for the heads up on various activities the police department has been dealing with.

Mayor Sisson commented on the CML legislative session and summarized the possible bills that may be of interest to the City.

Executive Session

It was moved by Councilmember Cooper and seconded by Councilmember Jurca 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), 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). All in favor, motion carried.

