

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**

The public hearing for the Sales and Use Tax can be taken off the agenda.

**Minutes**

It was moved by Councilmember Jurca and seconded by Councilmember Raley to approve the minutes of the March 3, 2015 regular meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

Pam Sallee, 212 Columbia Street, commented on the feral cats in her neighborhood.

Councilmember Penick questioned what Ms. Sallee is claiming to be feral cats.

Ms. Sallee stated that these are cats that are just rooming and being fed on city property by Fran Goetz. However, she believes these cats are now the pets of Ms. Goetz due to the fact that they go up to her and they let her pet them. Ms. Sallee would like to see the cats trapped and moved.

**Appointments to the Planning Commission**

City Manager Justin Clifton stated that there are a few vacancies on the Planning Commission.

Community Development Director Glen Black reported that there are currently three openings on the Planning Commission. Staff has received two applications from Richard Simmons and Carl Jahn. Mr. Simmons has served previously on the Planning Commission and has served two terms (six consecutive years). Mr. Jahn was appointed in May of 2013 to fill a partial first term. Mr. Black summarized the section of the Charter regarding terms of Planning Commissioners which states "no commissioner eligible to serve more than six consecutive years. Therefore, it appears that Mr. Simmons would not be eligible at this time to be appointed.

Mr. Black stated that staff will continue to advertise for the open positions.

Mayor Sisson questioned if Mr. Simmons is termed out.

## **Regular Meeting, Delta City Council, March 17, 2015 (cont.)**

### **Appointments to the Planning Commission (cont.)**

Mr. Black stated Mr. Simmons is term out. He explained Mr. Simmons is willing to be appointed to an additional term. He proposed an option to let Mr. Simmons' term expire and then have some kind of a term period and then have him apply at that time; which Council has done in the past. There has been some discussion in the past to remove the terms limits; however, it would have to go to a vote at the next election for approval.

Mayor Sisson questioned if legally Council can appoint Mr. Simmons at this time.

Mr. Black stated that at this meeting probably not.

City Attorney David McConaughy stated that Council could read it as long as it is not consecutive maybe that would be alright. He stated that his concern is that Council may be exposing a Planning Commission decision to a challenge. He suggested advertising for a period of time to see if there are any additional applicants.

Councilmember Penick questioned if the Planning Commission has items scheduled for the next few months.

Mr. Black reported that there are just a few things like the three mile plan and they have an application for a rezone. There is not a lot going on.

Attorney McConaughy also suggested appointing a Councilmember to the Planning Commission if need be.

Mr. Black stated that if Council should choose to appoint Carl Jahn the commission would still have a quorum.

There was a discussion to continue to advertise and wait to appoint Mr. Simmons.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to appoint Carl Jahn to the Planning Commission and continue to advertise for the additional two seats. All in favor, motion carried.

### **Delta County Historical Society Civil War Commemoration Request to Waive Fees**

Manager Clifton stated that this was presented at the last meeting. There was some conversation regarding the fees and the possibility to waive those fees.

Parks, Recreation and Culture Director Wilma Erven reported that a copy of the contract for the Civil War Commemoration Community has been presented to Council in their packets. There is a total fee of \$250, mainly because the city would not be able to rent out the Lion's Pavilion during the event.

Councilmember Jurca questioned if the fee would allow the use of the parking lot.

There was discussion regarding having Council waive the fees.

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

**Delta County Historical Society Civil War Commemoration Request to Waive Fees (cont.)**

Attorney McConaughy stated that \$50 of the fee is for a deposit.

Councilmember Raley suggested requiring them to submit proof of insurance.

Councilmember Cooper also suggested requiring them to pay the deposit.

It was moved by Councilmember Raley and seconded by Cooper to waive the fees for the use of the commons area at Lion's Pavilion, with the applicant paying the \$50 deposit and submitting proof of insurance. All in favor, motion carried.

**Tavern Liquor License Renewal; Hoolie's Place**

The Clerk reported that Hoolie's Place 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 Jurca and seconded by Councilmember Penick to approve the tavern liquor license renewal for Hoolie's Place. All in favor, motion carried.

**Approval to Submit a DOLA Grant for Broadband**

Manager Clifton stated that staff is seeking approval to be part of a regional broadband grant with the Department of Local Affairs. Partners in Montrose and Delta County (perhaps others) would like to submit the grant by the April 1, 2015 deadline to take advantage of \$20M that has been set aside for broadband projects. Although the cost is greater than any previous allocation in the budget, Mr. Clifton believes some of the costs may be inflated based on the consultant using a standard formula for build-out without consideration that the City owns poles and is capable of hanging line. Council could allocate funding over the next two fiscal years and use some of the Tri-state buy back funding in Municipal Light and Power. This might mean refraining from or delaying one of the anticipated acquisitions from Delta Montrose Electric Association.

If Council is inclined to move forward he suggested to include in the motion approval to participate in the grant with the contemplated scope of work and anticipated cost as presented.

It was moved by Councilmember Cooper and seconded by Councilmember Jurca to approve submitting of a DOLA Grant for broadband and also approved participating in the grant with the contemplated scope of work and anticipated costs.

**Appointment of Interim City Manager**

Mayor Sisson stated that Council had a special meeting last Thursday and there was consensus to move forward with appointing Glen Black as Interim City Manager.

Councilmember Penick suggested possibly looking outside of staff for the Interim City Manager. Since the meeting last Thursday there have been some items to consider. There are a few individuals in the County that may be interested in being appointed.

## **Regular Meeting, Delta City Council, March 17, 2015 (cont.)**

### **Appointment of Interim City Manager (cont.)**

Councilmember Cooper disagreed with not appointing Mr. Black. She stated he currently is involved in a lot of the contracts the city is evolved with at this time.

Councilmember Penick stated that the Interim City Manager can let Mr. Black continue with those items. He believes with the current situations that Council look at going outside of staff.

It was moved by Councilmember Cooper and seconded by Councilmember Raley to appoint Glen Black as Interim City Manager.

Councilmember Jurca questioned if there is any interest outside of staff.

Councilmember Penick stated it has not been advertised to get interest.

Councilmember Cooper called for a roll call vote: Councilmembers Cooper, aye; Jurca, nay; Penick, nay; Raley, aye; and Sisson, aye. Motion carried.

### **Discussion Regarding the Process for Filling the City Manager Vacancy**

Mayor Sisson stated that Council has decided to advertise for the City Manager vacancy in-house. Staff will prepare the advertisement and submit it at the direction of Council.

Councilmember Cooper stated that Council retains the right to take a different route should they not be successful in getting applicants in-house.

It was moved by Councilmember Penick and seconded by Councilmember Jurca that the search for the new City Manager be conducted in-house with the closing date of the applications being April 24<sup>th</sup>, 2015 at 5:00pm. All in favor, motion carried.

### **City Attorney Comments**

There were one.

### **City Manager Comments**

Manager Clifton stated that his priorities over the next few weeks is just to tie up any lose ends. There will be a vacancy with the Human Resources position. It has been posted internally for one week. If there is not any interest staff will start advertising next week.

### **Councilmember Comments**

Councilmember Cooper commented on the upcoming Delta County Economic Development annual meeting on April 20<sup>th</sup>, 2015.

Councilmember Penick and Raley commended Justin Clifton for his time with the City of Delta.

Mayor Sisson also thanked Mr. Clifton.

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

**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) and 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. All in favor motion carried.

At 7:30 p.m., Mayor Sisson recessed the Regular Meeting and convened the Executive Session.

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, Robert Jurca, Ray Penick and Bill Raley, as well as City Manager Justin Clifton, City Attorney David McConaughy and Community Development Director Glen Black., 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.

**Approval of Settlement Agreement with Hamon**

It was moved by Councilmember Jurca and seconded Councilmember Cooper to accept the change order request #34 final settlement agreement with Hamon Contractors, Inc. dated March 17, 2015. All in favor, motion carried.

The meeting was adjourned at 7:45 p.m.

/s/ Jolene E. Nelson  
Jolene E. Nelson, CMC, City Clerk