

Mayor Pro Tem Ron Austin called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Raley, 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 August 16, 2016 regular meeting, as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Appointment of Substitute Municipal Judge

The Clerk explained that pursuant to CRS 13-10-105 the municipal governing body may appoint substitute judges as circumstances may require. From time to time circumstances may arise that both Judge John F. Baier and Substitute Judge Brad Kolman would have a possible conflict with a case at which time another judge would need to be called. Currently there is one such case where both Judge Baier and Judge Kolman have a conflict.

Judge Baier was contacted earlier this year by W. Bruce Joss stating he would welcome the opportunity to serve as a substitute judge in Delta Municipal Court. Mr. Joss' resume is attached to this memo outlining his experience.

It was moved by Councilmember Raley and seconded by Councilmember Ryan to appoint W. Bruce Joss as a substitute municipal Judge for Delta Municipal Court with his term to be run with Judge John F. Baier. All in favor, motion carried.

City Attorney Comments

City Attorney David McConaughy stated that the legislature has amended the election statutes for write in candidates and the City will need to amend the municipal code to reflect the changes.

City Manager Comments

There were none.

Regular Meeting, Delta City Council, September 6, 2016 (cont.)

Councilmember Comments

Councilmember Ryan commented on the tablets Council has received. He invited everyone to the Patriot's Day tree planting on September 12, 2016 at 9:00am at the Vision Charter Academy on Pioneer Road.

Executive Session

It was moved by Councilmember Roberts 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 (potential settlement of Stantec litigation) under CRS Section 24-6-402(4)(b). All in favor, motion carried.

At 7:07 p.m., Mayor Pro Tem Austin recessed the Regular Meeting and convened the Executive Session.

At 7:16 p.m., the Mayor Pro Tem Austin 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, Christopher Ryan and Gerald Roberts as well as City Manager David Torgler, City Attorney David McConaughy and Community Development Director Glen Black, Utilities Director Steve Glammeyer and City Clerk Jolene Nelson. For the record, the Mayor Pro Tem 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 Stantec Settlement Agreement

It was moved by Councilmember Ryan and seconded by Councilmember Raley to enter into a settlement agreement and mutual release with Stantec. All in favor, motion carried

Executive Session

It was moved by Councilmember Roberts and seconded by Councilmember Raley to convene an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e). All in favor, motion carried.

At 7:17 p.m., Mayor Pro Tem Austin recessed the Regular Meeting and convened the Executive Session.

At 7:50 p.m., the Mayor Pro Tem Austin 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, Christopher Ryan and Gerald Roberts as well as City Manager David Torgler, City Attorney David McConaughy and Utilities Director Steve Glammeyer, Electric Superintendent Adam Suppes and City Clerk Jolene Nelson. For the record, the Mayor Pro Tem asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion

Regular Meeting, Delta City Council, September 6, 2016 (cont.)

Executive Session. cont.

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 Clerk stated that the Mayor is out of town and requested who could sign the settlement agreement.

Attorney McConaughy stated that the Council can make a motion authorizing the City Manager to sign the settlement agreement.

It was moved by Councilmember Roberts and seconded Raley to authorize the City Manager to sign the Settlement Agreement and Mutual Release. All in favor, motion carried.

The meeting was immediately adjourned.

Jolene E. Nelson, CMC, City Clerk