



360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776

Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

A G E N D A

Delta City Council
Regular Meeting

January 6, 2015
7:00 p.m.

- A. Pledge of Allegiance
- B. Changes to the Agenda
- C. Minutes
- D. Citizen Comments
- E. Council Bill #7, 2014; Second and Final Reading
2014 Supplemental Appropriations
- F. Lease Renewal with Ms. Hawkins and Myers for Use of City Water on the Grand Mesa
- G. 2015 Official Posting Site
- H. City Attorney Comments
- I. City Manager Comments
- J. Councilmember Comments
- K. 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) and 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.

Item A:

Pledge of Allegiance



Item B:

Changes to the Agenda

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

City Manager Justin Clifton requested an addition to the agenda regarding NCA Council.

Minutes

It was moved by Councilmember Raley and seconded by Councilmember Jurca to approve the minutes of the December 2, 2014 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Dennis Phillips, 1906 1600 Road, commented on the signs for the golf course.

Public Hearing: 2014 Supplemental Appropriations

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

Gerald Roberts, 1962 Columbine Court, questioned if the sewer fund has enough to support the \$750,000 transfer.

Manager Clifton stated that there is money is available. He explained that the amount could not be appropriated to cover this cost because they were otherwise appropriated by Council in the 2015 budget. Council has the option of not spending money in the city-wide fund next year and paying that money back right away; however, those dollars have been spoken for because the 2015 budget was adopted before the supplemental appropriation was submitted and those funds cannot be encumbered twice. The balance of the sewer fund is very strong and can sustain the \$750,000 loan. That amount can be paid back at any rate.

Mr. Roberts also questioned the additional funds needed for the refuse fund and if that amount included transfers to the golf course.

Manager Clifton explained that there were expenses that were over the budgeted amount as well as support for the transfer to the golf course. He explained the expenses that were over budget.

The Mayor called for further public comment and when there was none he closed the public hearing and reconvened the regular meeting.

Regular Meeting, Delta City Council, December 16, 2014 (cont.)

Council Bill #7, 2014; First Reading
2014 Supplemental Appropriations

Council Bill #7, 2014

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 2014 BUDGET YEAR

was read by the Clerk.

Manager Clifton stated that most of the questions may have been previously addressed. He also stated that it is common to create a supplemental appropriation to cover costs that have already been discussed and some costs that have not been discussed. One that has been discussed is the increased cost to the city wide capital improvements fund to cover anticipated overruns for the truck route. Those overruns were summarized by Mr. Clifton.

The golf course fund was discussed during budget time and the really ambitious target to reduce transfers to \$355,000 was simply not realized. The estimated budget still puts the city as having the best financial year for the golf course.

Lastly, as far as the refuse fund, there is the gap of \$70,000 for the transfer. Otherwise, it was anticipated costs of tipping fees and purchases of cans that is requiring the additional funds to be allocated. All funds are relatively healthy.

Councilmember Raley stated that supplemental appropriations are common; however, in the past Council has not had to deal with such a large amount.

Councilmember Jurca commented that this is to close out the truck route and that this should be the only time Council sees this type of amount.

Manager Clifton stated that it was anticipated that the city wide fund would struggle after the completion of the truck route. As the truck route costs have expanded over time, which created an additional burden on the fund.

Councilmember Cooper questioned the timing of the passage of the ordinance.

The Clerk reported that typically the supplemental ordinances are submitted so that the 2nd reading occurs in January.

It was moved by Councilmember Cooper and seconded by Councilmember Penick to adopt Council Bill #7, 2014 on first reading. Roll call vote: Councilmembers Cooper, aye; Jurca, aye, Penick, aye; Raley, aye and Sisson, aye. Motion carried.

Regular Meeting, Delta City Council, December 16, 2014 (cont.)

Lease Renewal for Property Adjacent to the Wastewater Treatment Plant

Manager Clifton reported that this lease has been in place for quite some time. This is for property adjacent to the wastewater treatment plant for grazing purposes.

Councilmember Penick questioned the additional three months on the lease without any increased in rent.

Utilities Director Steve Glammeyer stated that the lease is through the winter, should the current lessee not be successful at the end of term, when it goes out for bid again. The lease can be changed to reflect a prorated amount for the three additional months.

Councilmember Penick also stated that the address of the lessee is not listed on page 1.

Councilmember Raley questioned if the current lessee is successful in obtaining the lease again, how the additional three months reflect on the new lease.

Mr. Glammeyer stated that the new lease would then commence on the 1st of April for 12 consecutive months.

It was moved by Councilmember Penick and seconded by Councilmember Raley to approve the lease agreement with Scott Huffington for property adjacent to the wastewater treatment plant, with the addition of \$400 for the extra 3 months and the addition of his address on page 1 of the lease. All in favor, motion carried.

Draft Agreement with Interpretive Association of Western Colorado

Manager Clifton stated that before Council tonight is a draft memorandum of understanding for the operations of Fort Uncompahgre with the Interpretive Association. There may be a number of items that need to be addressed. Generally, this agreement outlines major terms and intent. He explained how staff arrived with this format of the agreement.

City Attorney David McConaughy requested that Council authorize the City Manager to make changes with the attorney approval should there be any that need to be made.

Councilmember Penick questioned that 10% administrative fee for grants.

Manager Clifton stated that if a grant allowed reimbursement for administrative support that amount would be forwarded to the Interpretive Association.

Councilmember Penick stated he likes the concept with the annual review to see how things are going.

It was moved by Councilmember Penick and seconded by Councilmember Jurca to approve the concept of the memorandum of understanding between the City of Delta and the Interpretive Association of Western Colorado allowing the City Manager to make the adjustments specifically in paragraph F and any other areas that may arise after the City Attorney review. All in favor, motion carried.

Regular Meeting, Delta City Council, December 16, 2014 (cont.)

Hotel/Restaurant Liquor License Renewal; Ocean Pearl

The Clerk reported that Ocean Pearl has submitted the hotel/restaurant 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 Raley to approve the hotel/restaurant liquor license renewal for Ocean Pearl. All in favor, motion carried.

National Canyonlands Association Council

Manager Clifton stated that the National Canyonlands Association (NCA) has an opening on their advisory committee. He is requesting approval to submit his name for the position. He believes it would benefit the city to have input on recreational areas. The nomination requires a letter of support from the Council.

There was consensus amongst Council to allow the City Manager to submit his name for an advisory position with the NCA.

City Attorney Comments

There were none.

City Manager Comments

Manager Clifton reported that the City won 1st prize at the Parade of Lights. He also stated that he will be out of the office from December 19th to January 15th. Glen Black will be acting city manager during his absence.

Councilmember Comments

The Council wished everyone a Merry Christmas.

Executive Session

It was moved by Councilmember Jurca and seconded by Councilmember Cooper 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.

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

At 7:51 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

Regular Meeting, Delta City Council, December 16, 2014 (cont.)

Executive Session (cont.)

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.

The meeting was immediately adjourned.

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

Item D:

Citizen Comments



Council Bill #7, 2014

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 2014 BUDGET YEAR

WHEREAS, the City Council has adopted the annual budget on November 19, 2013; and

WHEREAS, the City has received additional and unanticipated revenues in the form of grants and other revenue sources and there exists unappropriated surplus in the various funds; and

WHEREAS, it is not only required by law, but also necessary to appropriate the additional revenues and surplus to and for the purposes described below, so as not to impair the operations of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DELTA, COLORADO:

Section 1. That the following supplemental appropriations, in addition to those appropriated by Ordinance #8, Series of 2013, are hereby appropriated from the revenue and surplus of each fund, to each fund, as follows:

Golf Course Fund	\$ 20,000
City Wide Capital Improvement Fund	\$ 1,100,000
Refuse Fund	\$ 120,000

ADOPTED on first reading and ordered published this _____ day of _____, 2014.

Mayor

ATTEST:

City Clerk

ADOPTED on second and final reading and ordered published
this _____ day of _____, 2014.

Mayor

ATTEST:

City Clerk

MEMO

To: City Council
From: Steve Glammeyer, Utilities/Public Works Director
Date: January 6, 2015
Subject: Renewal of lease with Ms. Hawkins and Myers for use of City water on the Grand Mesa



Utilities/Public Works Department

Recommendation:

It is recommended that the Council approve the attached 2015 lease agreement with Ms. Hawkins and Myers for the use of City water on Grand Mesa.

Background:

The attached lease is for City owned water on Grand Mesa. We have historically had a lease agreement with Ms. Hawkins and Myers to use water under the City's decrees for the Maude S. Ditch and other City-owned flow decrees from the Doughspoon Creek for purposes of stock water. In 2012 we set the price of the water at \$800 and staff feels that price would be appropriate again this year. The current lease expired in December of 2014 and the lessees would like to continue this lease for 2015 under the same terms and conditions. Staff would recommend to Council that the City continue this agreement for 2015. A copy of this year's agreement is attached for your use.

Cost:

There is no cost to the City.

Alignment With Strategic Planning:

While we cannot find a clear statement covering City owned raw water and our strategic plan for it, we feel we should capture some revenue from the ownership of this resource and this lease allows us to do that.

Actions To Be Taken if Approved:

The City Manager and Ms. Hawkins and Myers will need to sign the agreement for it to be in effect.

WATER LEASE AGREEMENT

This lease is entered into between the City of Delta, Colorado (City), and Lydia Hawkins and Varra Sue Myers (Lessee) as follows:

1. The City hereby leases to Lessee water available under the City's decree for the Maude S. Ditch and other City-owned flow decrees from Doughspoon Creek (hereinafter "Water Right") for the calendar year 2015 for the amount of \$ 800.00 paid herewith to the City.
2. The City has previously installed a sufficient tap, with an appropriate valve, on the pipeline in the vicinity of its crossing of Doughspoon Creek, from which Lessee may draw water for the purpose of filling a single stock water tank. By granting this right, the City shall be under no obligation to maintain any flow of water in the pipeline, or to maintain the pipeline in existence, and Lessee may utilize such water only at such times as approved by the City when water is available and such use will not interfere with the City's use of the water.
3. Lessee shall use such water lawfully in accordance with the limitations and requirements of the decree and cooperate with the Division Engineer and Water Commissioner in the administration of the diversions.
4. The water shall be used in the vicinity of the Doughspoon Ranch.
5. The City reserves the right to divert the Maude S. and other leased decrees at their alternative points of diversion for use of the City through its pipeline or elsewhere when, in the opinion of the City, it becomes desirable to do so.
6. The City may sell reservoir water to Lessee or others at a market price to be quoted by the City at such time it may determine it has available surplus reservoir water not needed by the City for other uses in 2014.
7. Lessee agrees to hold harmless, defend and indemnify the City on any claim made or adjudged against the City or damages incurred arising out of Lessee's use of the water

hereunder.

8. Nothing herein shall convey any title or consumptive use right in the Water Rights to Lessee, but merely leases the right to use water available under said decree in calendar year 2014.
9. Lessee shall not initiate or prosecute any water rights application for water from sources from which the City has water rights decrees without the City's written consent.
10. The City is exempt from taxes. In the event any ad valorem or other taxes may be assessed on account of this lease, Lessee shall pay such taxes.
11. The City does not represent or warrant the legal or physical availability or suitability of the Water Rights for the uses desired by Lessee. Lessee shall maintain records of its use of the Water Rights, copies of which shall be provided to the City upon request. The City expressly reserves the right to all historical use and credit associated with Lessee's use of the Water Rights, none of which may be claimed by Lessee. Lessee shall cooperate with City, State, and/or ditch company personnel and all applicable laws, rules and regulations in the administration and use of these Water Rights.
12. This lease is dated effective January 7, 2015 regardless of the date of execution.

CITY OF DELTA

LESSEE

By _____
City Manager

By _____
Lydia Hawkins

By _____
Varra Sue Myers

MEMO

To: City Council
From: Jolene E. Nelson, City Clerk
Date: January 6, 2015
Subject: Designation of Official Posting Site



Office of the City Clerk

Recommendation:

Staff recommends designation of the bulletin board in the south window at City Hall as the official site for posting meeting notices in 2015.

Background:

State law requires Council to designate an official site for posting meeting notices. For the past several years, the official site has been the south window at City Hall. This seems to work well, since we see many citizens stopping on the sidewalk outside the window to check the notice board. Secondary posting sites have included the bulletin board in the lobby at City Hall, at the Recreation Center and on the City's website. These, however, have not been designated as "official" sites.

Cost:

There is no cost to the City to designate an official posting site.

Alignment With Strategic Planning:

C.R.S. Section 24-6-402(2)(c) states "... The public place or places for posting such notice shall be designated annually...."

Actions To Be Taken if Approved:

Notices of all City meetings will continue to be posted in the south window at City Hall as the City's official posting site.

Attorney Comments



City Manager Comments



Councilmember Comments



Item: K

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) and 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.