

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

A correction was made regarding Christopher Ryan being present.

It was moved by Councilmember Roberts and seconded by Councilmember Raley to approve the minutes of the August 1, 2017 regular meeting with the correction as stated. All in favor, motion carried.

Citizen Comments

Alan Story, 3622 1600 Road, commented on the Community Development Department. He also commented on the respect people should have for the police.

Delta Area Chamber of Commerce Funding Request

City Manager David Torgler stated that Darnell Place-Wise, Executive Director for the Delta Area Chamber Commerce is requesting the funds that the City had budgeted for Deltarado Days. He explained that there was discussion during the work session.

It was moved by Councilmember Ryan and seconded by Councilmember Raley to approve the Delta Area Chamber of Commerce's request for \$3000. All in favor, motion carried.

Animal Shelter Lease Agreement with TAILS

Community Development Director Glen Black stated that TAILS (The Animal Interest League and Sanctuary) has submitted an agreement with the City for the lease of the animal shelter. He explained that the agreements are similar to those that the City had with CAWS. The only change is a request for a monthly stipend.

Councilmember Raley stated that at first he was very concerned about the stipend; however, with further explanation that was given during the work session he now understands the need.

Councilmember Roberts also commented on the stipend request. He suggested TAILS contact Delta County as well to help with funding.

Regular Meeting, Delta City Council, August 15, 2017 (cont.)

Animal Shelter Lease Agreement with TAILS (cont.)

City Manager David Torgler stated that the City has a joint meeting with the County and that staff will suggest that as an agenda item to discuss.

City Attorney David McConaughy stated that to comply with the City Charter as well as the State Constitution there should be a clause in the agreement stating the stipend would be subject to annual appropriations.

It was moved by Councilmember Ryan and seconded by Councilmember Austin to approve the animal shelter lease agreement with TAILS subject to the City Attorney review. All in favor, motion carried.

Animal Shelter Operating Agreement with TAILS

Community Development Director Glen Black stated that this agreement with TAILS is for the animal shelter operations. This is where the monthly stipend is listed.

It was moved by Councilmember Ryan and seconded by Councilmember Raley to approve the animal shelter operation agreement with TAILS subject to the City Attorney review. All in favor, motion carried.

Extend Legal Representative Agreement with Brownstein Hyatt Farber Schreck

City Manager David Torgler reported that the agreement with Brownstein Hyatt Farber Schreck has expired and he is recommending extending the contract for an additional six months. The cost for the remaining six months will be \$6000 per month. He explained that once DURA has a budget the City can enter into an agreement to receive the funds back.

Councilmember Ryan questioned what the specific dollar amount outside of the contract, since the contract is currently lapsed, that we will be billed for. To be specific Thursday's meeting, what would the hourly rate and travel expense be?

Mr. Torgler stated that the agreement states that we do not get billed for the travel time only for the incidentals. If we are outside of the contract he does not know what we would be billed for.

Mayor Sisson commented that this company has taken us this far and he doesn't believe switching attorneys now would be wise.

Councilmember Austin questioned if the current agreements that are being considered have expiration.

Mr. Torgler stated that the intergovernmental agreements that DURA has been entering into do not terminate. One district has stated in the agreement that if we were not successful entering into an agreement with a developer within two years they would require renegotiation of the agreement. With respect to the 120 days to enter into an agreement with the taxing districts before mediation, that deadline is August 19, 2017.

Regular Meeting, Delta City Council, August 15, 2017 (cont.)

Extend Legal Representative Agreement with Brownstein Hyatt Farber Schreck (cont.)

Councilmember Austin questioned that without the representation of this law firm to handle the mediation moving forward, are we in a position to handle the mediation ourselves.

Mr. Torgler stated that they would not be in position to handle mediation without an attorney. Any new representatives will have to be brought up to speed on the current negotiations which would take some time.

Councilmember Austin questioned with the additional six months where will the DURA project plan be.

Mr. Torgler stated everything should be done.

There was discussion regarding the timeline that has been followed and what the deadline is. It was questioned whether the current law firm would continue after all negotiations are complete. It was stated that DURA will then make a decision whether to continue with the law firm at that point.

There was also discussion regarding the project being based on a report from Better Cities and the project including a hotel development.

Councilmember Ryan stated that he is a strong proponent of the project. He questions the feasibility of staff handling the negotiations.

Mr. Torgler stated that after meeting with the County, the County has an opinion of certain revenue streams that can be applied to the project and our DURA attorney has a law firm of several individuals that can do research, which would be difficult for him to do without the backing of the law firm.

Councilmember Austin stated that there are a lot of legal issues, state requirements and laws that govern a URA.

Councilmember Ryan questioned if they are able to discuss publicly where they stand with the other taxing districts.

Mr. Torgler stated that a frank discussion was held at the DURA board meeting during executive session and that is not to be discussed. However, with the County specifically, there have been ongoing and continuing discussions on two basic issues. One being the county is requesting a small portion of the proposed boundary be removed. And the second is whether the County can give a pledge of their lodging tax.

City Attorney David McConaughy wanted to clarify a comment that was made earlier about not wanting to be the attorney for DURA. He never said he would not be the attorney only that Ms. White has experience in that field and he would have to get up to speed on the law and the direction DURA has provided. He also stated that even if they approve the extension of the contract with Ms. White's firm tonight, by law, DURA can terminate an attorney at any time.

Regular Meeting, Delta City Council, August 15, 2017 (cont.)

Extend Legal Representative Agreement with Brownstein Hyatt Farber Schreck (cont.)

Councilmember Ryan questioned Mr. Torgler whether he felt DURA needed Ms. White present on Thursday.

Mr. Torgler stated he believes they do. DURA is in the middle of negotiations with the County and that involve Ms. White and the County's attorney.

Councilmember Roberts stated that he does understand that you have to invest money to make money; however, there comes a time when you need to quit investing the money because the project is not moving forward. He commented that Council was told she believed she could have this all wrapped up in twelve months and now she's asking for a six month extension. How much more time do we need and how much more money do we need to invest? DURA has no money and the City is paying the bill right now.

Mr. Torgler stated that DURA's revenue income will begin once the project plan is adopted.

There was additional discussion regarding the DURA income.

It was moved by Councilmember Austin and seconded by Councilmember Ryan to approve the extension request for an additional six months at the rate of \$6000 a month with Brownstein Hyatt Farber Schreck. Roll call vote: Councilmember Roberts, nay; Raley, nay; Austin, aye, Ryan, aye and Sisson, aye. Motion carried.

**Ordinance #3, 2017; Second and Final Reading
Election Code**

Ordinance #3, 2017

AN ORDINANCE OF THE DELTA CITY COUNCIL REPEALING
AND RE-ENACTING CHAPTER 2.68 OF THE DELTA
MUNICIPAL CODE CONCERNING ELECTIONS

was read by the Clerk.

It was moved by Councilmember Roberts and seconded by Councilmember Ryan to adopt Ordinance #3, 2017 on second and final reading. Roll call vote: Councilmember Raley, aye; Austin, aye; Roberts, aye; Ryan, aye and Sisson, aye. Motion carried.

City Attorney Comments

There were none.

City Manager Comments

Parks, Recreation and Golf Director Wilma Erven commented on the recreation center's annual closure for deep cleaning, painting and additional projects that staff will complete during the closure.

Regular Meeting, Delta City Council, August 15, 2017 (cont.)

City Manager Comments (cont.)

There was discussion regarding Deltarado Days and how it affected the recreation center.

Councilmember Ryan questioned how the boulder park is coming.

Ms. Erven explained that she has not received the final results for the survey. She hopes she will have it by the end of the week.

Manager Torgler reported that staff has addressed the complaint that Council received on July 18th, 2017 regarding trees. He also reminded Council of the joint meeting with the County on August 22, 2017 at 5:30p and the DURA meeting on August 17, 2017 also at 5:30pm.

Councilmember Comments

Councilmember Austin stated he had received an inquiry whether the City waters all city parks with city water.

Ms. Erven stated some are and some are watered with water rights with ditch companies.

Councilmember Ryan thanked Mr. Torgler for the work sessions. He requested that Council have a bit more time during the work sessions.

Mayor Sisson commented on Deltarado Days.

The meeting was adjourned at 8:10 p.m.

Jolene E. Nelson, CMC, City Clerk