

Mayor Kevin Carlson called the meeting to order at 7:00 p.m. Also present were Councilmembers Cathy Boyd, William Tedrow and Mark Broome, along with City Manager Elyse Casselberry. Absent was Councilmember Ryan Crick. A meeting notice was posted on the City's website and 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

Councilmember Broome requested a moment of silence for the fallen in Israel.

Citizen Comments

There were none.

Approval of the October 17, 2023 Regular Meeting Minutes

It was moved by Councilmember Boyd and seconded by Councilmember Tedrow to approve the October 17, 2023 regular meeting minutes. All in favor, motion carried.

Public Hearing: 2024 Budget

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

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

Councilmember Tedrow questioned if the tennis courts lighting was included.

There needs to be additional research on the cost of the lighting and then staff will bring back the item for Council's consideration.

Councilmember Tedrow questioned the increase in murals and art line item.

City Manager Elyse Casselberry reported that \$15,000 is for mural repair that needs to happen on Davis Clothing building, and \$30,000 is for the façade and Main Street Alley activation program.

Resolution #13, 2023; Setting the Mill Levy**Resolution #13, 2023**

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR OF 2023 TO HELP DEFRAY THE COSTS OF GOVERNMENT OF THE CITY OF DELTA, COLORADO, FOR THE 2024 BUDGET YEAR

Regular Meeting, Delta City Council, November 7, 2023 (Cont.)

Resolution #13, 2023; Setting the Mill Levy (cont.)

was read by the Clerk.

It was moved by Councilmember Tedrow and seconded by Councilmember Boyd to adopt Resolution #13, 2023. Roll call vote: Councilmembers Broome, aye: Boyd, aye; Tedrow, aye and Carlson, aye. Motion carried.

Resolution #14, 2023; Adopting the 2024 Budget

Resolution #14, 2023

A RESOLUTION ADOPTING A BUDGET FOR THE CITY OF DELTA, COLORADO, FOR THE CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY, 2024, AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER, 2024

was read by the Clerk.

It was moved by Councilmember Boyd and seconded by Councilmember Broome to adopt Resolution #14, 2023. Roll call vote: Councilmembers Broome, aye: Boyd, aye; Tedrow, aye and Carlson, aye. Motion carried.

**Ordinance #11, 2023; First Reading
2024 Appropriations**

Ordinance #11, 2023

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 2024 BUDGET YEAR

was read by the Clerk.

It was moved by Councilmember Broome and seconded by Councilmember Boyd to adopt Ordinance #11, 2023 on first reading. Roll call vote: Councilmembers Broome, aye: Boyd, aye; Tedrow, aye and Carlson, aye. Motion carried.

Consideration of Proposals for the Design-Build Services for the Shelter Project

Assistant to the City Manager Meganne Robinson stated staff issued a request for proposals for the design-build for the new shelter. She summarized the bids and the process for the qualitative analysis. Staff is recommending awarding the contract to Stryker & Company.

City Manager Elyse Casselberry explained that this is similar to how Council proceeded on the Community Safety Center. We will start with the design-build portion and then request proposals for the construction at which time Council will then consider the construction contract.

Regular Meeting, Delta City Council, November 7, 2023 (Cont.)

Consideration of Proposals for the Design-Build Services for the Shelter Project (cont.)

Mayor Carlson questioned what exactly goes into the evaluation process.

Manager Casselberry stated that as the City is getting more responses, staff has created an evaluation process. We look at the following:

- Understanding of the project
- Proposed work plan and approach
- Project schedule
- Experience and qualifications
- Reference follow-up

It was moved by Councilmember Boyd and seconded by Councilmember Tedrow to award the design-build RFP to Stryker & Company in the amount of \$127,349.57. Voting in favor: Councilmembers Boyd, Tedrow and Carlson. Voting against: Councilmember Broome.

Consideration to apply for the Gray & Black-Market Enforcement Grant Program

Chief of Police Luke Fedler reported that he is seeking approval to submit the annual grant application for the Gray & Black-Market Enforcement Grant Program. He is proposing to use the funds if awarded for equipment and possibly for the new police department interview rooms. He anticipates being awarded approximately \$7500.

It was moved by Councilmember Broome and seconded by Councilmember Tedrow to approve the submission of the Gray & Black-Market Enforcement Grant. All in favor, motion carried.

Consideration of Approval of the Wastewater Treatment Plant Land Lease with Eddie and Cherri Lilly

Wastewater Treatment Plant Manager Andy Mitchell stated that the City entered into a lease with Cindy McCollum in 2022 and there was a disagreement on several items once the lease was underway. It was mutually agreed to terminate the lease. After consulting with the City Attorney, the City could offer the lease to the second bidder which staff did. The Lilly's have agreed to the terms of the lease at the rate they bid in 2022. We will prorate the lease for 2023. We have had the Lilly's lease the property in the past and have had no issues.

City Clerk Jolene Nelson stated that there is only one change to the lease and that is to allow the Lilly's to sublease with the property. That sublease tenant must be approved by the City.

It was moved by Councilmember Boyd and seconded Broome to approve the lease of the WWTP land to Eddie and Cherri Lilly as presented. All in favor, motion carried.

Ordinance #12, 2023; First Reading

Consideration of WPCRF City of Delta Construction Loan Agreement

Wastewater Treatment Plant Manager Andy Mitchell reported that this is similar to what Council approved for the design and engineering for the digester project. This is for the construction loan.

Regular Meeting, Delta City Council, November 7, 2023 (Cont.)

Ordinance #12, 2023 (cont.)

He summarized the loan terms.

ORDINANCE NO. 12, 2023

AN ORDINANCE OF THE CITY OF DELTA, COLORADO, ACTING BY AND THROUGH ITS WATER ACTIVITY ENTERPRISE, AUTHORIZING A LOAN AGREEMENT WITH THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY

was read by the Clerk.

It was moved by Councilmember Broome and seconded by Councilmember Boyd to adopt Ordinance #12, 2023 on first reading. Roll call vote: Councilmembers Broome, aye; Boyd, aye; Tedrow, aye and Carlson, aye. Motion carried.

Consideration of Bids and Award of Contract for the Hillside Reconstruction Project

City Manager Elyse Casselberry stated that staff has received proposals for the construction of Hillside Street. The project is partially being funded from a grant from the Colorado Department of Transportation (CDOT) which they will have to sign off on the decision this evening. She summarized the bid process. She also summarized the bids received explaining the bid alternate. Staff is recommending the second lowest bid after qualitative analysis of the bids. During the analysis references in particular determined staff's recommendation to award the bid to Wells Excavating and Farming, LLC. Although their bid is slightly higher, staff believes they will be a better fit for the project. Should CDOT disagree, the contract will be brought back to Council for further approval.

Staff answered questions regarding grading and asphalt.

Councilmember Boyd questioned what the difference is in qualifications between the two contractors.

Manager Casselberry stated that each contractor submitted similar projects and references. Staff contacted those references and based on those responses staff is recommending Wells Excavating.

Drew Abbot with K&K Construction is surprised by the recommendation. He provided some history of his company. He is having a hard time believing they are not appropriated to complete the job.

Manager Casselberry stated that it is ultimately Council's decision and CDOT will have to agree with the award. She provided CDOT's definition of the lowest responsible bidder which determined staff's recommendation.

Mayor Carlson questioned the difference between the two bids.

Regular Meeting, Delta City Council, November 7, 2023 (Cont.)

Consideration of Bids and Award of Contract for the Hillside Reconstruction Project (cont.)

Manager Casselberry stated is it approximately \$75,000.

There was discussion regarding the bid differences in specific line items as well as discussion regarding asphalt.

Mayor Carlson commented that staff did the evaluation process of the bids and he is willing to support their decision.

Mr. Abbott stated that if Council is concerned about timing of the completion of this project, they are wasting time by not approving the lowest bid.

It was moved by Councilmember Broome and seconded by Councilmember Tedrow to award the Hillside Reconstruction Project to Well's Excavating and Farming, LLC in the amount of \$2,469,757.86 contingent on CDOT's approval. All in favor, motion carried.

Consideration of Agreement for Donation of Unit #4 Generator from Power Plant

Electric Department Manager Adam Suppes reported that this agreement is for the donation of Unit #4 Generator from the power plant. This was previously discussed and Council agreed to move forward with an agreement to bring back for approval. This is the agreement with a release of liability drafted by the City Attorney.

It was moved by Councilmember Boyd and seconded by Councilmember Tedrow to approve the agreement for donation of Unit #4 Generator and authorize the Mayor to sign the agreement. All in favor, motion carried.

Resolution #15, 2023; Authorized Signatory for the Transformational Homeless Res[pose Grant Agreement

RESOLUTION NO. 15, 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, CONFIRMING THE DESIGNATION OF AUTHORIZED OFFICERS FOR THE TRANSFORMATIONAL HOMELESS RESPONSE GRANT AGREEMENT

was read by the Clerk.

City Manager Elyse Casselberry stated that this resolution is to grant signatory authority which is required before the grant agreement can be completed.

It was moved by Councilmember Boyd and seconded by Councilmember Tedrow to adopt Resolution #15, 2023. Roll call vote: Councilmembers Broome, aye; Boyd, aye; Tedrow, aye and Carlson, aye. Motion carried.

Regular Meeting, Delta City Council, November 7, 2023 (Cont.)
Resolution #16, 2023; Authorized Signatory for the Transformational Affordable Housing Grant Agreement

RESOLUTION NO. 16, 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, CONFIRMING THE DESIGNATION OF AUTHORIZED OFFICERS FOR THE TRANSFORMATIONAL AFFORDABLE HOUSING GRANT AGREEMENT

was read by the Clerk.

It was moved by Councilmember Boyd and seconded by Councilmember Tedrow to adopt Resolution #16, 2023. Roll call vote: Councilmembers Broome, aye; Boyd, aye; Tedrow, aye and Carlson, aye. Motion carried.

Consideration of Purchase and Sale Agreement with Mainspring Foundation for 1133 Main Street, Delta, CO

City Manager Elyse Casselberry stated that this consideration is for the sale of the Municipal Light and Power building. Staff has been working with the City Attorney in drafting the proposed purchase and sale agreement with Mainspring. She summarized the sale and also stated that the City will lease back the portion of the building that houses the Carrier Neutral Location for broadband. The lease is for a fifty-year period; however, since Council cannot make future fiscal obligations the amount will be paid in full at the time of the signing of the lease. We hope to close by December 31, 2024 as we continue to remove the engines. The sale price is \$425,000 and the lease back amount if \$186,000.

Mayor Carlson questioned if there are any hazardous materials that need to be removed.

Electric Department Manager Adam Suppes reported that an analysis was completed about two years ago and there are some recommendations that need to be completed such as air sampling.

Councilmember Broome questioned if the City has the option to get out of the lease in the future.

Manager Casselberry stated that there is a provision to terminate the lease; however, there is no refund on the amount paid. She explained that moving the CNL would be extremely costly and likely not possible.

There was discussion regarding Mainspring's plan for the building. Those plans have not changed since the proposal to purchase. Their focus is farm to table and beverage making as well as housing a business incubation. Mainspring's plans will compliment the plans at the library for the makerspace as well as business support for the food and beverage industry.

It was moved by Councilmember Boyd and seconded by Councilmember Tedrow to approve the Purchase and Sale Agreement with Mainspring Foundation for 1133 Main Street granting authority to the City Manager to sign the agreement after final City Attorney review and approval. All in favor, motion carried.

Regular Meeting, Delta City Council, November 7, 2023 (Cont.)

City Attorney Comments

There were none.

Monthly Manager Report/City Manager Comments

The monthly managers' report was provided to Council in their packets.

City Manager Elyse Casselberry reported that she will be on vacation starting November 17, 2023. As per the City Charter, she has provided notification that Joe Gillman will be Acting City Manager during her absence.

Councilmember Comments

Councilmember Broome commented on Veteran's Day thanking all those that have served. He also commented on the conflict in the Middle East and encourage sending support packages.

Councilmember Boyd thanked the staff and encouraged everyone to support their local businesses.

Mayor Carlson also thanked staff. As we head into the holiday season some individuals experience difficulties during these times and he encouraged everyone to take that extra step to help those around us.

Executive Session

It was moved by Councilmember Boyd and seconded by Councilmember Broome to convene an Executive Session for a conference with the City Attorney for the purposes of receiving legal advice on specific legal questions under CRS Section 24-6-402(4)(b); or more specifically discussions regarding Pittman Horses. All in favor, motion carried.

At 8:32 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 9:07 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 Cathy Boyd, William Tedrow, and Mark Broome, and City Manager Elyse Casselberry, Commander Jarrod Lang, Chief of Police Luke Fedler and City Attorney Christine Gazda. 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.

Jolene E. Nelson, CMC, City Clerk