

Mayor Kevin Carlson called the meeting to order at 7:00 p.m. Also present were Councilmembers Cathy Boyd, William Tedrow, Ryan Crick and Mark Broome, along with City Manager Elyse Casselberry and City Attorney David McConaughy. 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 in remembrance of Pearl Harbor.

**Citizen Comments**

There were none.

**Approval of the November 21, 2023 Regular Meeting Minutes**

It was moved by Councilmember Tedrow and seconded by Councilmember Boyd to approve the November 21, 2023 Regular Meeting Minutes as presented. All in favor, motion carried.

**Public Hearing: Tavern Liquor License Application; Ute St Tavern and Delta Tin Hall on the Back 40, LLC**

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

City Clerk Jolene Nelson reported that St Tavern and Delta tin Hall on the Back 40, LLC has applied for a Tavern Liquor License. After review of the application staff has determined the following preliminary findings:

- The owner of the LLC is Robert Miller.
- Has been subject to a criminal record check through the Colorado Bureau of Investigation and no record within the last 15 years was located.
- The location of the business is 209-215 Ute Street in Delta.
- No information has been provided on the control plan
- No information has been provided on how the applicant will comply with the food requirements.
- The diagram of the proposed area has not been determined to be in possession of the applicant. It is difficult to determine with the proposed area is within the leased area as defined in the lease agreement.
- The applicant will need to work with the Community Development Department to obtain a certificate of occupancy of the proposed building/location for the business type they are proposing.
- There has not been a denial of an application for a Tavern License at the location for which the application is made.
- A sign was posted at the site as required by law.

**Regular Meeting, Delta City Council, December 5, 2023 (Cont.)**

**Public Hearing: Tavern Liquor License Application; Ute St Tavern and Delta Tin Hall on the Back 40, LLC (cont.)**

- A public notice was in the Delta County Independent as required by law and posted on the City's website.
- Within the corporate limits of the City of Delta, there are the following existing liquor outlets:

Beer and Wine	3
Club	1
Hotel & Restaurant	12
Retail Liquor Store	4
Tavern	0
Fermented Malt Beverage and Wine	6

Dan Carr with Dill Carr Stonraker Hutchings is representing the applicant which is owned by Robert Miller. He stated that this is a difficult real estate project that the applicant is working through. He has submitted a residential development site plan as well. Before the residential project moves forward, the applicant would like to use the area for an event venue to bring in some entertainment. They will work with the Community Development Department to obtain all necessary building permits and certificates required before operating the business in the property location. They will have the requirement food during regular business hours and will have food trucks for the events. The proposed area is completely fenced. That area will not be utilized all of the time. He has one witness to present this evening to address the needs and desires component of the application.

Chris Miller, 245 Columbia Street, who is of no relation to the applicant, stated that Delta is starting to be known for the music and events. The proposed application will add value to the community and the outdoor entertainment area.

There was extension discussion regarding the proposed licensed area. Mr. Carr explained that the two buildings on Ute Street will be the main operational and the larger area is for events. It was requested that there be some clarification that the proposed area is within the licensed area.

Councilmember Broome questioned where and how the liquor will be stored.

Mr. Carr reported that the liquor will be in the building at 209 Ute Street under lock and key. Personnel only will have access to the alcohol.

Councilmember Tedrow questioned the location as the address on the application reads 209-215 Ute Street. He questioned if it is just 209 and 215 Ute Street.

Mr. Carr stated that 209 and 215 Ute Street are the two building right next to each other and connected by a breeze way.

City Attorney David McConaughy stated that there are few items that the applicant needs to address. At this time, Council could continue the public hearing to allow the applicant to present the questions they have regarding the application as it has been submitted.

It was moved by Councilmember Crick and seconded by Councilmember Broome to continue the public hearing for the proposed liquor license until December 19, 2023 to allow the applicant to

**Regular Meeting, Delta City Council, December 5, 2023 (Cont.)**

**Public Hearing: Tavern Liquor License Application; Ute St Tavern and Delta Tin Hall on the Back 40, LLC (cont.)**

address the proposed license area, diagram of the building to show storage of the liquor, amending the application to reflect the proposed addresses. All in favor, motion carried.

**Reconsideration of Bids and Award of Contract for the Hillside Reconstruction Project**

City Manager Elyse Casselberry reported that at the November 7, 2023 meeting Council award a bid for the Hillside Reconstruction Project which was not the ultimate low bid. That award was contingent upon CDOT's approval. On November 21, 2023 right before the Council meeting, staff received notice from CDOT that declined that award as they believe the City did not provide adequate information to move forward with the second lowest bid. At this time, staff is recommending that Council rescind their prior motion and move forward with awarding the bid/contract to K&K Concrete.

Councilmember Boyd questioned when they would begin construction.

Drew Abbott with K&K Concrete stated that they are excited to move forward with this job and will begin after the first of the year.

It was moved by Councilmember Boyd and seconded by Councilmember Broome to rescind the November 7<sup>th</sup>, 2023 motion awarding the Hillside Reconstruction Project to Well Excavating and award the contract to K&K Concrete. Voting in favor: Councilmembers Broome, Crick, Boyd and Carlson. Voting against: Councilmember Tedrow.

**Public Hearing: Utility Rates**

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

Electric Department Manager Adam Suppes stated these rates have been discussed in great detail during the last few years. The goal is to level out the rates over time rather than having one large increase. The proposed rates are still competitive regionally. These rate changes will help keep the fund balances in the black.

City Clerk Jolene Nelson reported that notification of this hearing has been completed as required by law.

Ouida Touchon, 545 Howard Street, commented on the rate increase. She believes that Delta is a unique community. She is concerned about the broad group of seniors in Delta with limited income being able to handle the increase. She suggested to seek alternative solutions and to creatively think about what is actually needed opposed to increasing rates.

Josh Vigil, 1641 A Street, stated that when looking at a spreadsheet the questions becomes what is in the third column. Are we funding other things and are we treating our citizens right?

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

**Regular Meeting, Delta City Council, December 5, 2023 (Cont.)**

**Public Hearing: Utility Rates (cont.)**

City Manager Elyse Casselberry stated that she is willing to meet with anyone that has questions regarding the rate increase. She explained that there is a long-term imbalance that will need to be discussed in the near future and the community will need to help decide how the City should move forward.

**Ordinance #11, 2023; Second and Final 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 Crick and seconded by Councilmember Tedrow to adopt Ordinance #11, 2023 on second and final reading. Roll call vote: Councilmembers Broome, Crick, aye; Boyd, aye; Tedrow, aye and Carlson, aye. Motion carried.

**Resolution #16, 2023; 2024 Fee Schedule**

City Clerk Jolene Nelson reported that the fee schedule was amended from what is in the packet. The recreation center fees were not updated on that version. She provided Council the updated version. The fee schedule also reflects the changes as discussed during the budget process.

RESOLUTION NO. 16, 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA ADOPTING A SCHEDULE OF FEES FOR CITY SERVICES

was read by the Clerk.

Staff answered questions regarding animal licenses as well as Veteran discounts.

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

**Public Building Electrification Grant Commitment of Electrification of the Community Safety Center**

City Manager Elyse Casselberry stated that as Council may recall, staff recommended holding back the cost of the HVAC systems for the Community Safety Center's contract. Staff worked

**Regular Meeting, Delta City Council, December 5, 2023 (Cont.)**

**Public Building Electrification Grant Commitment of Electrification of the Community Safety Center (cont.)**

with the Governor's Energy Office to determine if they would be willing to help the City move forward in electrification of the building. This will reduce costs in the long term. The Energy Office has reported that they will assist the City of Delta in these costs. They need a letter of commitment to move forward with the grant.

It was moved by Councilmember Crick and seconded by Councilmember Boyd to submit a letter of commitment to the Governor's Energy Office for the electrification grant for the Community Safety Center and authorize the Mayor to sign the letter. All in favor, motion carried.

**Ordinance #13, 2023; Second and Final Reading  
Charter Commission**

ORDINANCE NO. 13, 2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
DELTA REGARDING THE FORMATION OF A CHARTER  
COMMISSION BY ELECTION

was read by the Clerk.

It was moved by Councilmember Tedrow and seconded by Councilmember Boyd to adopt Ordinance #13, 2023 on second and final reading. Roll call vote: Councilmembers Broome, aye; Crick, aye; Boyd, aye; Tedrow, aye and Carlson, aye. Motion carried.

City Clerk Jolene Nelson reminded Council of the fair campaign laws now that the ordinance is adopted.

**City Attorney Comments**

There were none.

**Monthly Manager Report/City Manager Comments**

Community Development Manager Joe Gillman provided Council information on the FEMA Flood Risk Map Update. Notices were sent out to property owners within the floodplain and information is also available on the City's website.

City Manager Elyse Casselberry let Council know that the Soper/Wang Appeal will be held in January due to timing of notices.

Manager Casselberry has been elected the Chair of the Colorado Leading Women Government that is part of the Colorado City & County Management Association.

## **Regular Meeting, Delta City Council, December 5, 2023 (Cont.)**

### **Councilmember Comments**

Councilmember Broome invited everyone to VFW and American Legion events in December. He would like to explore ideas on how to offer Veteran discounts. He commented on the rate increase and encouraged everyone to help their families and friends that have fixed incomes.

City Manager Elyse Casselberry reminded everyone about programs throughout the community that can also assist in utility bills.

Councilmember Crick thanked staff for the hard work they did on the budget. Although increasing rates is difficult, we have to keep up with the increasing costs to maintain the systems. He commented on the sidewalks along Highway 50 during the recent snow storm. He congratulated the Delta High School Football Team for becoming State Champions.

Councilmember Tedrow also thanked staff for all they do and congratulated the football team. He also commented on the street sweeper working diligently.

Councilmember Boyd stated that there is a news stations segment that did a great job on the football team. She is continually amazed at the work that staff accomplishes each month and thanked them for all they do. The work at the bottom of 9<sup>th</sup> Street Hill is great to see. She commented on the housing authority and the new unit. They are hoping to bring a proposal next year for another housing project. She commented on the parade of lights and Christmas at the Fort. She encouraged anyone that is able to help to participate in the Giving Tree. There are a lot of families in need at this time. She questioned if the City is serving at the Abraham Connection again this year.

Manager Casselberry stated that she will see if there is still availability to serve.

Mayor Carlson also commented on the Parade of Lights as well at the football team. He will be attending the Project 7 Resiliency meeting and will bring back the information. He was reminded why he is on this board and that he is the Mayor. He encouraged everyone to spend time with their families during the Christmas season. He also commented on the light along Main Street. He would like to see the City host a Christmas Light contest.

### **Executive Session**

It was moved by Councilmember Crick and seconded by Councilmember Boyd to convene an Executive Session To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under CRS Section 24-6-402(4)(a); more specifically to discuss purchase or acquisition of property located at 264 Main Street, Delta, CO. All in favor, motion carried.

At 8:50 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 9:13 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, Ryan Crick, William Tedrow, and Mark

**Regular Meeting, Delta City Council, December 5, 2023 (Cont.)**

**Executive Session (cont.)**

Broome, as well as City Manager Elyse Casselberry and City Clerk Jolene Nelson. 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.

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Jolene E. Nelson, CMC, City Clerk