

Mayor Kevin Carlson called the meeting to order at 7:00 p.m. Also present were Councilmembers William Tedrow, and Mark Broome, along with City Manager Elyse Casselberry and City Attorney Nicole Garrimone-Campagna via zoom. 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**

The Clerk reported that the executive session needs to read the City not District's Attorney and Water Rights.

### **Citizen Comments**

Josh Vigil, 1641 A Street, commented on the Hillside Street Project and the Veterans Park Design. He believes that the Veteran's Park is to help Veterans reflect and heal. He encouraged the City to find a local Veteran to be an advisor on the project.

### **Approval of the February 6, 2024 Special Meeting and Regular Meeting Minutes**

It was moved by Councilmember Tedrow and seconded by Councilmember Broome to approve the minutes of the February 6, 2024 special meeting and regular meeting as presented by the Clerk. All in favor, motion carried.

### **Colorado KAT Coalition Request**

The City Clerk provided a summary of the discussion last year during the budget process. There are no funds in the 2024 budget for Colorado KAT Coalition as there was not any direction to staff to put that in the budget.

Chaucey Edwards with Colorado KAT Coalition reported that their organization is working to increase the impact spay/neutering can have in Delta. They are working with Bergen who is also providing similar services in Delta. She provided information on the number of cats they have spayed or neutered. They are requesting \$15,000 to help with the costs of providing this service to the Delta community. This could cover the costs of spaying/neutering 200 cats.

City Manager Elyse Casselberry stated that these funds would come out of the general fund and would require a transfer from the reserves and/or transferred from other accounts.

There was discussion regarding the cat population and the need to educate the community regarding the increase in cat population.

There was consensus to have a work session on the topic to discuss the program further and whether the City can provide the funds as requested.

## **Regular Meeting, Delta City Council, February 20, 2024 (Cont.)**

### **Consideration of Veterans Park Design Bid Award and Contract**

City Manager Elyse Casselberry reported that back in 2020 there was a committee that was meeting regularly to discuss the Veterans Park. There were a lot of great ideas at that time, some more challenging than others. While those discussions are helpful in moving forward, engineering must be completed so that staff can seek grant funding for the installation. Staff will continue additional outreach to help with the project.

Parks Manager Shaun Barnard summarized the process of issuing an RFP for the design of the park. Staff received two bids and after review of the bids and determined that SCJ submitted a complete bid. Zeron only submitted for one phase of their proposed three-phase process.

Mayor Carlson questioned if the design has been completed.

Manager Barnard stated that a conceptual design has been done.

Councilmember Tedrow questioned if the funds for this contract are coming out of the conservation trust fund.

Staff clarified that this contract will come out of that fund.

It was moved by Councilmember Tedrow and seconded by Councilmember Broome to award the Veterans Park Design Bid to SCJ Alliance in the amount of \$54,000 and approve the contract. All in favor motion carried.

### **Consideration to Approve the Trimble Forensic X7 Scanning System, Subscription, Accessories and Training for the Delta Police Department**

Commander Jarrod Lang reported that staff did some further research to answer some of the questions Council had at the previous presentation of this system. The staff report was provided to Council in their packets.

Mayor Carlson thanked Commander Lang and his staff for the additional information.

City Manager Elyse Casselberry reminded Council that the current system that the police department has the software is no longer supported.

Commander Lang also stated that the system is not working properly. He also provided some examples of how the system works and the successes that can occur during court proceedings.

It was moved by Councilmember Broome and seconded by Councilmember Tedrow to approve the purchase of the Trimble Forensic X7 Scanning System, Subscription, Accessories and Training for the Delta Police Department in the amount of \$55,105. All in favor, motion carried.

### **Amendment to Stryker Contract for HVAC at the Community Safety Center**

City Manager Elyse Casselberry reminded Council that the HVAC units were removed from the construction contract with Stryker to allow staff time to work with the State to receive funding to help with electrification of the building and the purchase of the HVAC units. The State has

## **Regular Meeting, Delta City Council, February 20, 2024 (Cont.)**

### **Amendment to Stryker Contract for HVAC at the Community Safety Center (cont.)**

approved the award of the funding, the grant agreement has not been executed at this time. The contractor is at a point where the duct work needs to be completed. Staff is requesting to amend the contract with Stryker in the amount of \$396,199 to install the required electrical work and ducting for the new HVAC units. Once we have a grant agreement in place, there will be another amendment to purchase the units.

Councilmember Broome questioned if this is within the budget.

Manager Casselberry reported that there have been some change orders; however, the project remains to be within the budget at this time.

It was moved by Councilmember Carlson and Councilmember Tedrow to approve the amendment to the contract with Stryker for the HVAC system for \$396,199. All in favor, motion carried.

### **Consideration of the TWG Application for Economic Incentive**

City Manager Elyse Casselberry stated that last month Delta Housing Authority requested a letter of support for their next residential project. At that time, they provided information on the project which will be a multi-family unit facility. The letter of support was provided; however, staff did not have enough information to determine if the housing authority would meet the requirements of the economic incentive program. Since then, TWG, who will be the contractor on this project, applied for the City's economic incentives. The incentive committee reviewed their portion of the request and approved those items. The remainder of the request is to be brought before the Council for their consideration. She explained that this is similar to what was approved during the senior housing project. This is not a true cost to the City, rather a waiving of the revenue. The approval of the request will result in the housing authority's application for tax credits more competitive. There is concern that if this is not approved, the housing authority will not be able to move forward with the project as they will not receive the needed funding. The incentive committee approved the waiver of the fire hydrant fee and the building permits for a total amount of \$38,000.

There was extensive discussion regarding all the items the housing authority is requesting to be waived. They also discussed the project and the need for this type of housing in the community.

It was moved by Councilmember Carlson and Councilmember Tedrow to approve the water/sewer tap fees in the amount \$268,900 for the TWG multi-family unit project with the additional \$38,000 approved by the incentive committee for a total amount of \$306,900. All in favor, motion carried.

### **Consideration of Youth Pool Resurfacing at Bill Heddles Recreation Center Bid Award and Contract**

Recreation Manager Renee Ealey reported that the youth pool at the recreation center is needing to be resurfaced. Staff did put this in the budget for 2024. This pool was last resurfaced approximately 14 years ago. She summarized the bid process and the bids that were received. Staff is recommending Mid-America in the amount of \$75,000 for the resurfacing project.

**Regular Meeting, Delta City Council, February 20, 2024 (Cont.)**

**Consideration of Youth Pool Resurfacing at Bill Heddles Recreation Center Bid Award and Contract (cont.)**

Mayor Carlson questioned if the whale is being removed.

Manager Ealey stated the whale will remain the same.

City Attorney Nicole Garrimone-Campagna requested that Exhibit B of the contract be removed as that provision no longer applies.

It was moved by Councilmember Tedrow and seconded by Councilmember Broome to award the Youth Pool Resurfacing Bid to Mid-America in the amount of \$75,000 and approve the contract removing Exhibit B. All in favor motion carried.

**Resolution #3, 2024; Condemnation of Property Located at the Intersection of West 5<sup>th</sup> Street and Confluence Drive**

Electric Department Manager Adam Suppes stated that staff is seeking to obtain property that is at the corner of 5<sup>th</sup> Street and Confluence Drive for the traffic light being proposed at that intersection. Staff has worked with Delta County to try to contact the owners of the property and have learned that they are deceased. We have not been able to find the next of kin or a trust for the property. After consulting with the City Attorney, the best path forward is to move forward with condemnation. This is the first step into the process.

City Attorney Nicole Garrimone-Campagna explained the process. She also stated that Exhibit A of the resolution will be forthcoming as they are working with the County to get that finalized.

RESOLUTION NO. 3, 2024

RESOLUTION OF THE DELTA CITY COUNCIL AUTHORIZING THE CITY ATTORNEY TO NEGOTIATE THE PURCHASE OF AND, IF NECESSARY, TO CONDEMN CERTAIN REAL PROPERTY KNOWN AS DELTA COUNTY ASSESSOR PARCEL NO. 345724207003 FOR THE PUBLIC PURPOSE OF CONSTRUCTING A TRAFFIC SIGNAL AT THE INTERSECTION OF WEST 5<sup>TH</sup> STREET AND CONFLUENCE DRIVE

was read by the Clerk

It was moved by Councilmember Broome and seconded by Councilmember Tedrow to adopt Resolution #3, 2024. Roll call vote: Councilmembers Broome, aye; Tedrow, aye and Carlson, aye. Motion carried.

**Executive Session**

It was moved by Councilmember Carlson and seconded by Councilmember Tedrow to convene an Executive Session Pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the City's attorney for the purpose of receiving legal advice on specific legal questions and/or pursuant to C.R.S. § 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators

## **Regular Meeting, Delta City Council, February 20, 2024 (Cont.)**

### **Executive Session (cont.)**

regarding the City's water rights and pending water court Case No. 22CW3046. All in favor, motion carried.

At 8:34 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 9:01 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 William Tedrow, and Mark Broome, as well as City Manager Elyse Casselberry, City Clerk Jolene Nelson and City Attorney Nicole Garrimone-Campagna. 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.

### **Consider Approval of Proposed Stipulation with State and Division Engineers for Settlement of the City's Abandonment Protest, Case No. 22CW3046**

City Attorney Nicole Garrimone-Campagna stated that in 2020 the Division Engineer listed one of the City of Delta's water rights on the abandonment list. At that time, her office filed a protest on behalf of the City. Since that time, staff has been working with the Division Engineer to possibly reach a settlement agreement. She summarized the proposed agreement. This agreement will resolve the City's water right on the abandonment list.

It was moved by Councilmember Carlson and seconded by Councilmember Tedrow to approve the Stipulation with State and Division Engineers for Settlement of the City's Abandonment Protest, Case No. 22CW3046 and authorize the City Attorney to sign the stipulation. All in favor, motion carried.

### **City Attorney Comments**

There were none.

### **City Manager Comments**

City Manager Elyse Casselberry stated that the position for the work space and business incubator have been filled. Kara Riddle will be working for the business incubator and David Faires will be in the work space. Staff is actively doing the tool raiser for wood working and fabrications tools. She also stated that the Chamber has moved in to the work space area and is actively seeking membership.

### **Councilmember Comments**

Councilmember Broome stated that he is happy to see the Veterans Park moving forward. He commented on the criminal reform and is grateful staff is putting together a joint meeting to discuss with the County.

**Regular Meeting, Delta City Council, February 20, 2024 (Cont.)**

**Councilmember Comments (cont.)**

Councilmember Tedrow commented on the 4<sup>th</sup> Street Hill project. He would like to see a tour of the Armory.

Manager Casselberry reported that the contractor intends to bring staff and Council through the building in April.

Councilmember Tedrow also commented on the recent CML and Club 20 meetings he attended. He stated that the Attorney General is concerned about social media, although it can be used as a tool it can also be used as a weapon.

Councilmember Broome questioned if he was able to talk with CML about the criminal reform.

Councilmember Tedrow stated that there are individuals looking into the topic and hopes to have some bills coming forward to address the criminal reform concerns.

Mayor Carlson thanked the citizens that are getting involved. He also thanked the local businesses for all that they do to support this community. He encouraged everyone to support the local businesses.

The meeting was adjourned at 9:17 p.m.

---

Jolene E. Nelson, CMC, City Clerk