

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 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

City Clerk Jolene Nelson stated that citizen comments were mistakenly omitted from the agenda and needs to be added.

Citizen Comments

Tom George, 258 Dodge Street, commented on the City of Delta taking steps to prevent the city becoming a sanctuary city.

Rochelle Russo, 144 Dodge Street, stated that an adjacent property has a sewer issue. The city should be more careful of providing information when advising property owners their options.

Ernie Norfleet, 1749 G Road, presented William Tedrow an invoice for work that has not been paid for from Mr. Tedrow's business.

Vivian Carruth, 585 Bluff Place, questioned what anyone is doing with the rubbish from Delta Dry Cleaners as it is an eye sore.

City Manager Elyse Casselberry reported that staff has been working with the property's owners communicating with the State as well as EPA to find a possible solution to help get the property cleaned up. There are excessive costs with the suspected asbestos in the pile of rubbish. They are waiting for final word; however, if the EPA selects the property there may be some financial support to clean up the property.

Consent Agenda

- a. Approval of the February 20, 2024 Regular Meeting Minutes**
- b. Approval of Street Closure Applications for the Western Sky Balloon Festival**
- c. Approval of Street Closure Application for Cinco De Mayo**
- d. Approval of Street Closure Application for Soap Box Derby Race**
- e. Approval of Police Patrol Units Purchase**

Councilmember Broome commented that the City of Delta should be exploring more cultural events not just Cinco De Mayo.

Mayor Carlson stated that if any organization would like to approach the City with a request, we would definitely take a look at doing something similar to Cinco De Mayo.

Regular Meeting, Delta City Council, March 19, 2024 (Cont.)

Consent Agenda (cont.)

It was moved by Councilmember Boyd and seconded by Councilmember Tedrow to approve the consent agenda as presented. All in favor, motion carried.

Resolution #4, 2024; Amending the Fee Schedule to Include Veteran Discount Bill Heddles Recreation Center

RESOLUTION NO. 4, 2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DELTA AMENDING THE CITY'S SCHEDULE OF FEES AND
CHARGES

was read by the Clerk.

Mayor Carlson questioned if the fee schedule included all City of Delta fees.

City Clerk Jolene Nelson explained that in 2022 the City Council adopted an ordinance that started the codification process. During that discussion, fees were taken out of the municipal code and a fee schedule was implemented. Staff continues to identify the fees that need to be added to the schedule.

It was moved by Councilmember Broome and seconded by Councilmember Boyd to adopt Resolution #4, 2024. Roll call vote: Councilmember Broome, aye; Tedrow, aye; Boyd, aye and Carlson, aye. Motion carried.

Consideration to Award and Approval Contract for Materials Testing for the Hillside Project

City Engineer David Hood reported that staff submitted a Request for Qualifications for the material testing for the Hillside Project. Staff rated the proposals based on their ability to do the required testing. Yeh and Associates, Inc. was within the matrix that staff used. Yeh also met CDOT's specification. This contract will be within the budgeted amount for the project.

There was some discussion regarding the testing requirements.

It was moved by Councilmember Carlson and seconded by Councilmember Broome to award the materials testing contract for the Hillside Project to Yeh Associates, Inc. as presented and authorize the Mayor to sign the contract. All in favor, motion carried.

Consideration to Renew and/or Schedule a Show Cause Hearing for the Quick Buy Wine & Liquor Retail Liquor Store License

City Clerk Jolene Nelson explained that Kohinoor LLC dba Quick Buy Wine & Liquor has submitted their annual liquor license renewal. Since the last renewal, the applicants have had another violation of selling alcohol to a minor. She explained that the municipal code requires the Clerk to submit the renewal to the Council for approval if there were any violations since the time of the last renewal. She also received a letter from Chief Luke Fedler of the Delta Police Department requesting the City Council to consider denial.

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Consideration to Renew and/or Schedule a Show Cause Hearing for the Quick Buy Wine & Liquor Retail Liquor Store License (cont.)

Clerk Nelson went on to say that the State and the applicant have not entered into a Stipulation Agreement regarding the violation as this time. The State is working with the applicant to determine what that might look like. She explained that the Council can approve the renewal this evening or they can schedule the matter for a show cause hearing to determine whether the renewal should be granted or if a suspension and/or denial should be considered. A show cause hearing would be before the City Council with all parties and held as a quasi-judicial hearing.

There was extensive discussion regarding the concern about liquor being sold to minors in this community. The Council is also concerned about the sale of tobacco to minors. The City of Delta does not have tobacco licensing requirements only the State issues licenses in this community at this time.

It was moved by Councilmember Broome and seconded by Councilmember Carlson to schedule Quick Buy Wine & Liquor's renewal application for a show cause hearing. All in favor, motion carried.

Ordinance #1, 2024; Second and Final Reading
Amending Chapter 8.24 of the Delta Municipal Code Declaring Gambling as a Public Nuisance

ORDINANCE NO. 1, 2024

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING CHAPTER 8.24 OF THE DELTA MUNICIPAL CODE
DECLARING GAMBLING AS A PUBLIC NUISANCE

was read by the Clerk.

It was moved by Councilmember Tedrow and seconded by Councilmember Boyd to adopt Ordinance #1, 2024 on second and final reading. Roll call vote: Councilmember Broome, aye; Tedrow, aye; Boyd, aye and Carlson, aye. Motion carried.

Ordinance #2, 2024; First Reading
Total Power Requirements Power Purchase Agreement Approval and Amending the Delta Municipal Code to Reaffirm and Codify the Establishment of an Electrical Utility Enterprise

Electric Department Manager Adam Suppes stated that staff met with the City Council in a work session regarding this agreement. This is an updated and reinstated agreement for the current power supplier which was originally created in 1982. All members of MEAN have been presented this agreement. Municipalities in Colorado has some concerns regarding the agreement and with the lead of our attorneys with Garfield and Hecht, there was amendments that were made. Most of the amendments were to become in compliance with TABOR.

There were some questions regarding the dates. Staff will confirm those dates and update the Council on second reading of the ordinance.

Regular Meeting, Delta City Council, March 19, 2024 (Cont.)

Ordinance #2, 2024 (cont.)

Councilmember Broome questioned the solar power limitation.

Manager Suppes explained that is only a limitation on the municipality generating the power and does not limit private land owners to use solar. The limitation can also be adjusted at any time by the MEAN Board's direction.

ORDINANCE NO. 2, 2024

AN ORDINANCE AUTHORIZING AND DIRECTING EXECUTION OF THE AMENDED AND RESTATED TOTAL POWER REQUIREMENTS POWER PURCHASE AGREEMENT BY THE CITY OF DELTA, COLORADO, WITH THE MUNICIPAL ENERGY AGENCY OF NEBRASKA; TO ACKNOWLEDGE AND PROVIDE FOR LIMITATIONS ON USE OF THE ELECTRICITY; AND AMENDING THE DELTA MUNICIPAL CODE TO REAFFIRM AND CODIFY THE ESTABLISHMENT OF AN ELECTRICAL UTILITY ENTERPRISE

was read by the Clerk.

It was moved by Councilmember Broome and seconded by Councilmember Boyd to adopt Ordinance #2, 2024 on first reading. Roll call vote: Councilmember Broome, aye; Tedrow, aye; Boyd, aye and Carlson, aye. Motion carried.

Consideration to Award RFP for IT Services and Approve Contract

City Manager Elyse Casselberry stated that the City has had some changes over the last several years for IT services. Recently the City hired a temporary IT service provider while the City sent out a Request for Proposals. Staff received ten responses and reviewed those responses to determine the services and the onsite needs the City has regarding the services. She summarized the bids received. Staff is recommending awarding the IT services contract to Trioptimum Technologies.

Mayor Carlson questioned if staff believed this company could meet the needs of the City.

Manager Casselberry stated staff has no concerns. In fact, they are the temporary provider that has been doing an exceptional job.

Councilmember Broome questioned if they could help with the audio and visual needs as well.

Manager Casselberry stated that is not the services they provide and the City would have to work with an AV company to help with those needs.

It was moved by Councilmember Boyd and seconded by Councilmember Tedrow to award the contract for IT services to Trioptimum Technologies, Inc. and authorize the Mayor to sign the contract. All in favor, motion carried.

Regular Meeting, Delta City Council, March 19, 2024 (Cont.)

Consideration of Proposed Right-of-Way Vacation and Easement Use Agreement – LOOK Industrial Park, LLC

Community Development Manager Joe Gillman reported that staff and Council have been working with LOOK Buildings regarding a property located next to their business. The request this evening is for approval to move forward with a City right-of-way vacation and associated easement use agreement for approximately .02 acres portion of a 1.3-acre parcel. He provided some history of the past discussion. It has been determined that this should be processed as a right-of-way vacation pursuant to the roadway vacation procedures. Pending direction from Council, a surveyor will be directed to prepare a right-of-way vacation plat. A right-of-way vacation ordinance, right-of-way plat and easement use agreement will then be drafted and presented to the City council for official consideration and adoption.

LOOK Buildings has agreed to pay for appraisal, survey, preparation of the plat, plat review, plat filing and attorney fees associated with this proposal. The City will then agree to transfer the parcel at no cost to LOOK Buildings. This proposal will allow the City to maintain its ability to utilize the remainder of the right-of-way for infrastructure purposes as needed.

Councilmember Broome questioned if this will create conflict on the proposed changes to that intersection.

City Manager Elyse Casselberry stated the property in question is more south of that intersection.

It was moved by Councilmember Broome and seconded by Councilmember Tedrow to move forward with the proposed right-of-way vacation and easement use agreement with LOOK Buildings. All in favor, motion carried.

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

City Manager Elyse Casselberry stated that this is an updated purchase and sale agreement with Mainspring Foundation for the Municipal Light & Power building. She provided some history on this project. She also summarized the amendments to the agreement which include language around the ability for Mainspring to back out of the contract before it closes. This change is slightly better for the City. The second change was around liens, although there cannot be liens on local government property, Mainspring was concerned and so the attorneys agreed on some language that would address those concerns.

City Attorney Nicole Garrimone-Campagna also stated that there were some changes in warranties which increased to three years. She also stated that there are a few legal matters that she needs to discuss with the Council in executive session.

Executive Session

It was moved by Councilmember Carlson and seconded by Councilmember Boyd 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

Regular Meeting, Delta City Council, March 19, 2024 (Cont.)

Executive Session (cont.)

negotiations, developing strategy for negotiations, and/or instructing negotiators regarding the proposed contract for sale of property to Mainspring. All in favor, motion carried.

At 8:13 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 8:25 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, as well as City Manager Elyse Casselberry, City Attorney Nicole Garrimone-Campgana and Electric Department Manager Adam Suppes. 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.

Consideration of Purchase and Sale Agreement with Mainspring Foundation for the Property Located at 1133 Main Street, Delta, CO (cont.)

It was moved by Councilmember Boyd and seconded by Councilmember Tedrow to approve the Purchase and Sale Agreement with Mainspring Foundation for the property located at 1133 Main Street, Delta, CO. All in favor, motion carried.

City Attorney Comments

There were none.

Monthly Managers Report/City Manager Comments

City Manager Elyse Casselberry provided an update on the following:

- Grant for the shelter project. Staff received notification today that the \$1 million digester loan was approved.
- Received notification today \$1 million digester was approved
- Bids are out for the 16th and A Streets overlay

Councilmember Comments

Councilmember Broome wants to continue the discussion with the County regarding the criminal justice reform and how it is affecting our community. He would like to see more municipalities and counties jump on board. Discussion need to also be had about the sanctuary city issue.

Councilmember Tedrow stated that he is looking forward to the upcoming events. Huge thanks to staff for all they do.

Councilmember Boyd thanked City Engineer David Hood for the clarification on the Hillside Project and relaying that to neighbors. She congratulated Amanda Hatch for Coach of the Year for the swim team. The DHA Debate team also had a successful year. She reminded staff about the door at the library. Support your local businesses.

Regular Meeting, Delta City Council, March 19, 2024 (Cont.)

Councilmember Comments (cont.)

Mayor Carlson wished Whitnee Lear with Community Engagement a Happy Birthday. He also thanked staff for all they do. He would like to see the speech and debate team come to Council to recognize them. He stated that the City is trying to be proactive and not just reactive. It takes one step at a time. He thanked Mark Broome and Cathy Boyd for their involvement on the Council.

The meeting was adjourned at 8:42pm.

Jolene E. Nelson, CMC, City Clerk