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*360 Main St. • Delta, Colorado 81416 • Phone (970) 874-7566 • Fax (970) 874-8776*

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Council may take formal action on any item appearing on this Agenda. However, formal action WILL NOT be taken at this meeting on any item of business first identified during the course of the meeting as a change to the Agenda, other business, or Citizen, Councilmember and Staff Comments.

## **A G E N D A**

**Delta City Council  
Regular Meeting**

**August 7, 2018  
7:00 p.m.**

- A. Pledge of Allegiance**
- B. Changes to the Agenda**
- C. Minutes**
- D. Citizen Comments**
- E. Presentation of Delta County Economic Development's Quarterly Report**
- F. Public Hearing: Sales and Use Tax License; T's Concessions**
- G. City Attorney Comments**
- H. City Manager Comments**
- I. Councilmember Comments**

Item A:

**Pledge of Allegiance**



Item B:

**Changes to the Agenda**

Mayor Ron Austin called the meeting to order at 7:09 p.m. Also present were Councilmembers Nathan Clay, Kevin Carlson, Christopher Ryan and Gerald Roberts, along with City Manager David Torgler. 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**

Councilmember Roberts stated that there is a correction under the Executive Session changing Councilmember Austin to Mayor Austin.

It was moved by Councilmember Roberts and seconded by Councilmember Clay to approve the minutes of the July 10, 2018 regular meeting, as amended. All in favor, motion carried.

**Citizen Comments**

There were none.

**Delta Housing Authority Board Appointments**

Mayor Austin stated that the Council conducted interviews at the work session this evening.

There was discussion regarding the applicants.

It was moved by Councilmember Clay and seconded by Councilmember Roberts to appoint Carrie Champion-Williams and Eddie Sandford to the Delta Housing Authority Board. All in favor, motion carried.

**Consider Approval of Settlement Agreement in Delta County District Court Case no. 2016 CV22, Hanke et al. v. Esplin et al.**

The Clerk reported that City Attorney David McConaughy is recommending that Council approve the settlement agreement in the Hanke v. Esplin case.

It was moved by Councilmember Roberts and seconded by Councilmember Clay to authorize the Mayor and City Clerk to execute the settlement documents in the Hanke vs. Esplin litigation, including authorization to correct a minor typographical error in the easement deed if agreed by all other parties. All in favor, motion carried.

## **Regular Meeting, Delta City Council, July 24, 2018 (cont.)**

### **Consider Approval of Property Exchange of 235 Columbia Street**

Community Development Director Glen Black reported that this is a boundary adjustment between a private property owner and the City of Delta as a result of Confluence Drive. He explained the access.

It was moved by Councilmember Clay and seconded by Councilmember Carlson to approve the property exchange of 235 Columbia Street. All in favor, motion carried.

### **Consideration to Participate in the November 2018 Coordinated Election**

The Clerk reminded Council that this is to approve the City Clerk to notify the Delta County Clerk and Recorder that the City of Delta plans to participate in the upcoming November election. She also provided a timeline for the election.

It was moved by Councilmember Carlson and seconded by Councilmember Ryan to direct the City Clerk to notify the Delta County Clerk and Recorder that the City of Delta plans to participate in the November 2018 Election. All in favor, motion carried.

### **Consideration to Award a Contract for the WWTP Retention Pond Liner Replacement**

Public Works and Utilities Director Betsy Suerth stated that staff is recommending awarding a contract in the amount of \$24,700 to remove and replace the WWTP retention pond liner project to Wells Excavating and Farming, LLC. The contract amount includes a 10% contingency to be expended should unanticipated costs arise during the project.

Director Suerth explained the WWTP is regulated under a Colorado Department of Public Health and Environment industrial stormwater permit which requires retaining any runoff from the biosolids composting pad. The purpose of the retention pond is to hold and permanently retain that runoff from the composting pad. The current pond liner has multiple holes and tears that have appeared to the point where the liner is not repairable. The expected lifespan of the new liner is 25 years.

Councilmember Ryan questioned why there is a need to hire this project out and not complete it with city staff.

Director Suerth stated that her department does not have the labor to spare to complete a project of this scope.

There was discussion regarding the pond liner and the need to get it replaced.

It was moved by Councilmember Clay and seconded by Councilmember Ryan to award a contract to Wells Excavating and Farming, LLC for the pond liner replacement at the WWTP in the amount of \$24,700 which includes a 10% contingency. All in favor, motion carried.

### **City Attorney Comments**

There were none.

## **Regular Meeting, Delta City Council, July 24, 2018 (cont.)**

### **City Manager Comments**

Public Works and Utilities Director Betsy Suerth provided information on the cross connection ordinance that has been drafted. She explained that although the City has been practicing these guidelines an ordinance needs to be in place.

Mayor Austin questioned what the anticipated administrative cost would be and what the cost would be to the property owners.

City Manager David Torgler stated that there are no additional costs due to the fact that City is already practicing the guidelines.

Director Suerth also provided an update on the sewer extensions on Vine and King Streets.

Manager Torgler stated that the Mayor at the last meeting reported he received a call about a tree in front of a business. Staff is working on regulations on trees. The draft regulations will be brought to the Council the 2<sup>nd</sup> meeting in August.

Manager Torgler also reminded Council about the meeting on July 31, 2018 regarding possible property exchange.

### **Councilmember Comments**

Councilmember Carlson commented on the speed limits on Highway 50. He is looking forward to the tour this Friday. He challenged everyone to think about what is the city's identity.

Councilmember Clay commented on the grant that the city received that will help with branding Delta. He questioned where Council is with the Coffee with Council.

Councilmember Roberts stated that there are several elm trees with branches hanging over streets that needs addressed.

Councilmember Ryan also commented on the city's identity. He applauded Chief Fedler and his staff in working on the K-9 program. Mr. Ryan stated that he will be bringing information to the next meeting regarding Coffee with Council.

Mayor Austin reported on a few calls he received where staff was very responsive and addressed accordingly. He questioned where the city is at with the ballot questions.

There was discussion regarding the timeline for the ballot questions.

The meeting was adjourned at 8:15 p.m.

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Jolene E. Nelson, CMC, City Clerk

Item D:

Citizen Comments



Item E:

**Presentation of Delta County Economic Development's Quarterly Report**





# CITY OF DELTA

## NOTICE OF HEARING

In the matter of )  
 the revocation of ) NOTICE OF HEARING  
 the Delta Municipal Sales and Use Tax License of )

T's Concessions LLC  
 490 W Main Street SALES & USE TAX LICENSE #4681,#4759,#4794 & #4795  
 Cedaredge, CO 81413

To: Anthony Chavez,

You are hereby notified that a hearing will be held before the Delta City Council at 360 Main Street, Delta, Colorado on the 7<sup>th</sup>, day of August 2018 at 7:00 PM. The purpose of this hearing is to determine whether your license to engage in the business of selling at retail should be revoked. The hearing has been called, because there is probable cause to believe that you are in violation of provisions of the Delta Municipal Sales and Use Tax Ordinance as found in Chapter 3.04 of the Delta Municipal Code.

Specifically, there is probable cause that:

You have been delinquent in filing returns or paying the sales tax, penalty and interest due, in accordance with the Delta Municipal Sales and Use Tax Ordinance for the period(s) of April, May & June 2018.

You may appear at the hearing to show cause why your license should not be suspended or revoked. You may be represented by counsel at the hearing. You may testify on your own behalf or present other witnesses, and shall have the right to cross-examine any adverse witnesses. Subpoenas will be issued if requested.

Issued this 30<sup>th</sup>, day of July 2018 in the City of Delta, Colorado.

CITY OF DELTA, COLORADO


  
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 Tod DeZeeuw, Finance Director

The undersigned states that a copy of the within NOTICE OF HEARING was served upon

Amy Baier Amy Baier by handing him and/or her a copy or leaving a copy

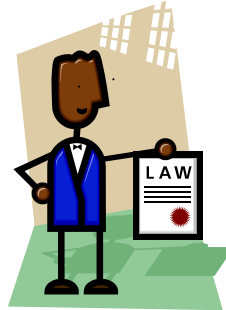
hereof with \_\_\_\_\_ on \_\_\_\_\_

at 531 N Palmer (Rec Center)

  
 \_\_\_\_\_  
 Serving Officer

**Items: G, H & I**

**Attorney Comments**



**City Manager Comments**



**Councilmember Comments**

