

## RIFLE CITY COUNCIL MEETING

Wednesday, September 7, 2011

REGULAR MEETING

7:00 p.m. \* Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Keith Lambert.

**PRESENT ON ROLL CALL:** Councilors Alan Lambert, Jay Miller, Jonathan Rice, Jen Sanborn, Jeanette Thompson, Randy Winkler, and Mayor Keith Lambert.

**OTHERS PRESENT:** John Hier, City Manager; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Channel 10 Manager; Michael Churchill, Channel 10 Assistant Manager; Dick Deussen, Utility Director; Daryl Meisner, Police Chief; Charles Kelty, Finance Director; Tom Whitmore, Parks Director; Blair Bracken, Recreation Coordinator – Special Events; Mike Braaten, Government Affairs Coordinator; Frank Shaw, Public Works Superintendent; Shaun Brainard; Suleiman Abuhalmeh; Annie Schmidt; Edward Schmidt; Mary Schmidt; Kyle Mickelson; Christi Patterson; Miranda Raines; Celeste Tovar; Sam Mamet; Jim Berger; Tom Baker; Don Van Devander; Herman Aardsma; Larry Green; Heidi Rice; Wilma Paddock; and Chris Manera.

### **CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:**

- A. Minutes from the August 17, 2011 Regular Meeting
- B. Liquor License Renewals: Rifle Brewing Company; Cheermeister
- C. Rifle Airpark PUD Utility Stub-Out Dedication Agreement
- D. Memorandum of Understanding with Bureau of Land Management for Cooperating Agency Status on the Oil Shale Tar Sands Programmatic Environmental Impact Statement
- E. Intergovernmental Agreement with Garfield County Clerk for use of County's ballot counting equipment
- F. Purchase vehicles for Water and Wastewater Departments
- G. Adopt Health Reimbursement Arrangement and Cafeteria Plan – Resolution No. 12, Series of 2011
- H. Parks and Recreation Advisory Board Appointments
- I. Visitor Improvements Fund Advisory Board Recommendation for Board Appointments
- J. July Sales Tax Report
- K. July Financial Statements
- L. Accounts Payable

Councilor A. Lambert moved to approve Consent Agenda Items A, B, C, D, E, F, H, I, J, and K; seconded by Councilor Miller.

Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert

With respect to Consent Agenda Item G (Adopt Health Reimbursement Arrangement and Cafeteria Plan – Resolution No. 12, Series of 2011), staff answered questions about administration of the Arrangement and the Plan.

Councilor Rice moved to approve Consent Agenda Item G; seconded by Councilor Miller.

Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert

With respect to Consent Agenda Item L (Accounts Payable), staff answered questions about wire transfer fees that the City had paid.

Councilor Rice moved to approve Consent Agenda Item L; seconded by Councilor A. Lambert.

Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler (abstaining), K. Lambert

**CITIZEN COMMENTS AND LIVE CALL-IN**

Garfield County Commissioner Mike Samson requested that Council table action on the contract for solid waste collection services to allow time for the County Commission to meet with Council and discuss issues related to the contract.

Shelly Aibner asked Council to consider improving sidewalk connections from the west side of Rifle to the downtown area.

There were no other citizen comments or live call-ins.

***PROCLAMATION HONORING ANNIE SCHMIDT FOR WINNING “IF I WERE MAYOR” CONTEST***

Mayor Lambert read and presented to Rifle student Annie Schmidt a proclamation honoring her for winning the Colorado Municipal League’s (CML) “If I Were Mayor” essay contest.

Councilor Rice moved to approve the proclamation; seconded by Councilor Thompson.

Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert

CML Executive Director Sam Mamet presented a proclamation from the National League of Cities honoring Ms. Schmidt.

Ms. Schmidt read her essay aloud.

***RECEIVE PRESENTATION CONCERNING THE COLORADO MUNICIPAL LEAGUE***

Mr. Mamet presented information about CML.

***RECEIVE PRESENTATION CONCERNING COLOTRUST***

COLOTRUST Marketing Director Jim Berger presented information about COLOTRUST.

***ACKNOWLEDGE COUNCILOR JEANETTE THOMPSON’S YEARS OF SERVICE***

Mayor Lambert presented a plaque to Councilor Thompson thanking her for serving the community as a member of the Planning and Zoning Commission and the City Council.

***CONSIDER INTERGOVERNMENTAL AGREEMENT WITH GARFIELD CLEAN ENERGY (GCE)***

City Attorney Jim Neu and GCE Special Projects Coordinator Tom Baker reminded Council that in 2008, the City, along with 8 government partners in Garfield County, joined together with Clean Energy Economy for the Region (CLEER) and applied for a Department of Local Affairs (DOLA) New Energy Communities Initiative Grant. The grant allowed for multiple governments to join together to create a countywide program that has resulted in significant energy efficiency and energy and economic development targets. GCE wants to continue this collaboration beyond the DOLA grant. Creating an authority pursuant to an intergovernmental agreement between its members best met GCE’s long term governance structure goals.

Councilor Miller moved to approve the Intergovernmental Agreement Establishing an Authority Called “Garfield Clean Energy Collaborative;” seconded by Councilor Rice.

Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert

***CONSIDER AWARDING CONTRACT FOR RIFLE CREEK PLAZA LANDSCAPING AND APPROVING CHANGE ORDER TO RIFLE CREEK PLAZA IMPROVEMENTS PHASE I***

Utility Director Dick Deussen explained that Rifle Creek Plaza Improvements Phase II includes (1) theatre plaza with pavers including film strip; (2) landscaping and irrigation for the entire 5 acre site plus West 2<sup>nd</sup> Street and West Avenue; (3) maintenance for 12 months from the completion of the project; (4) installation of storm water facility with design emphasis of natural pollutant attenuation; and (5) \$25,000 contingency. The sole bidder for this work was Johnson Construction for \$543,400.

The proposed change order to Phase I would authorize the installation of pavers along portions of West Avenue, West 2<sup>nd</sup> Street, and within the project in lieu of stamped concrete. The cost of this work was \$42,000 more than using concrete. Staff feels the aesthetic value and durability of pavers used in this fashion warrants the expenditure. Johnson Construction has offered to donate \$14,500 toward the cost of this work.

Councilor Sanborn moved to authorize the award to Johnson Construction of a contract not to exceed \$543,400 for Rifle Creek Plaza Improvements Phase II, and to authorize a change order to Phase I in the amount of \$42,000 to allow inclusion of pavers; seconded by Councilor A. Lambert.

Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert

***CONSIDER REVISING PUBLIC WORKS MANUAL’S RETENTION PROVISIONS - RESOLUTION NO. 13, SERIES OF 2011***

Mr. Neu informed Council that effective August 10, 2011, the Colorado State Legislature adopted amendments to Colorado Revised Statutes §24-91-103, which regulates partial payments for public entity construction contracts in excess of \$150,000. The primary effect of the amendments is to reduce the amount of retainage that may be withheld by a public entity from partial payments on a construction contract from 10% of the calculated value of the work to 5% of such value. The City is required to comply with these provisions. Staff recommends deleting the existing retainage procedure for contracts between \$80,000 and \$150,000 in value for greater flexibility and ease of administration and adopting the statutory procedure for larger contracts. For smaller construction contracts, the Public Works Department will typically require 5% retainage on partial payments but may consider other terms for a particular project.

Councilor A. Lambert moved to approve Resolution No. 13, Series of 2011, amending Section 2.30 of the Rifle Public Works Manual regarding partial payments for city construction contracts; seconded by Councilor Sanborn.

Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert

***CONSIDER AWARDING CONTRACT FOR SOLID WASTE COLLECTION SERVICES TO MOUNTAIN ROLLOFFS, INC.***

Councilor A. Lambert moved to table consideration of the awarding of a contract for solid waste collection services to Mountain Rolloffs, Inc. until Council has met with the Garfield County Commissioners regarding the contract; seconded by Councilor Rice.

Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert

## **ADMINISTRATIVE REPORTS**

Mr. Hier reported to Council on the following issues: street improvements; code enforcement; City Engineer recruitment; 2012 budget; Hyland Enterprises; banner poles; and Pioneer Mesa. On behalf of staff, he thanked Councilor Thompson for her service to the community.

Ms. Cain updated Council on the September 13 municipal election.

Government Affairs Coordinator Mike Braaten reported to Council on the following issues: community survey; Xcel power line upgrades; City presentation to Metro Mayors Caucus on renewable energy efficiency; severance tax; and Anvil Points cleanup funds.

## **COMMENTS FROM MAYOR AND COUNCIL**

Councilor Winkler encouraged residents to use the CacaLoco composting operation.

Councilor Sanborn is going to serve on the advisory board of Collaborative Solutions, a branch of Roaring Fork Leadership.

Councilor Miller reminded residents to vote in the City Council election.

Mayor K. Lambert and Councilors A. Lambert and Rice expressed their appreciation to Councilor Thompson.

Councilor Thompson expressed her gratefulness to staff and Council.

## **EXECUTIVE SESSION**

***EXECUTIVE SESSION FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS 24-6-402(4)(B); AND FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER CRS SECTION 24-6-402(4)(E)***

Councilor Rice moved to adjourn to executive session to receive legal advice and to discuss negotiations; seconded by Councilor A. Lambert (8:34 p.m.).

Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert

Councilor Rice moved to adjourn from Executive Session; seconded by Mayor K. Lambert (9:19 p.m.).

Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert

Meeting adjourned at 9:20 p.m.

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Lisa H. Cain  
City Clerk

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Keith Lambert  
Mayor