



Jay Miller, Mayor
Alan Lambert, Mayor Pro Tem
Richard Carter, Councilor
Keith Lambert, Councilor
Jonathan Rice, Councilor
Jennifer Sanborn, Councilor
Randy Winkler, Councilor

City Hall
City Council Chambers
202 Railroad Avenue
Rifle, CO

Cablecast Live on
Comcast Channel 10

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**REGULAR MEETING
April 4, 2012**

**WORKSHOP 6:00 P.M.
CONFERENCE ROOM**

6:00 P.M. Water Rate Discussion (John Hier)

**REGULAR MEETING 7:00 P.M.
COUNCIL CHAMBERS**

The City Council may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

- 7:00 p.m. 1. Regular Meeting Call to Order and Roll Call

- 7:03 p.m. 2. Consent Agenda – consider approving the following items:
 - A. Minutes from the March 21, 2012 Regular Meeting
 - B. January 2012 Financial Report
 - C. Accounts Payable

- 7:08 p.m. 3. Citizen Comments and Live Call-In ((970) 665-6406)
(For issues NOT on the Agenda. Please limit comments to 3 minutes.)

- 7:11 p.m. 4. Action, if any, on Workshop Items (Mayor Miller)

- 7:15 p.m. 5. Proclamation - Arbor Day – April 27 (Tom Whitmore)

- 7:20 p.m. 6. Public Hearing - Consider request to extend The Farm Preliminary Plan-Resolution , Series 2012. (John Savage) 10 min
- 7:30 p.m. 7. A. Public Hearing –Sunset Townhomes Annexation - Ordinance No. 8, Series of 2012 (first reading) and Resolution Nos. 9 and 10, Series of 2012) (Jim Neu)
B. Consider Ordinance No. 9, Series of 2012 - Sunset Townhomes Zoning (first reading)
- 7:45 p.m. 8. Consider position on BLM Oil shale PEIS (Braaten)
- 7:55 p.m. 9. Consider Ordinance on Court Surcharge to fund victim Services (Daryl Meisner)
- 8:05 p.m. 10. Consider Ordinance No. 10, Series of 2012 - (Water Service Charge Amendments) (first reading) (John Hier)
- 8:50 p.m. 11. Consider Ordinance No. 11, Series of 2012 (Approval of \$25,500,00 Water and Power Loan Agreement for New Water Treatment Plant)
- 9:10 p.m. 12. Administrative Reports
A. City Manager Report
B. Other Reports
- 9:25 p.m. 13. Comments from Mayor and Council
- 9:35 p.m. 14. Executive Session - Discussion of a personnel matter under CRS 24-6-402(2)(f) and not involving: (1) any specific employees who have requested discussion of the matter in open session; (2) any member of this body or any elected official; (3) the appointment of any person to fill an office of this body or of an elected official; or (4) personnel policies that do not require the discussion of matters personal to particular employees (John Hier)

The order and times of agenda items listed above are approximate and intended as a guideline for the City Council.

Next Regular Meeting of Council: April 18, 2012 at 7:00 p.m.



RIFLE CITY COUNCIL MEETING

Wednesday, March 21, 2012

REGULAR MEETING

7:00 p.m. * Council Chambers

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Jay Miller.

PRESENT ON ROLL CALL: Councilors Rich Carter, Alan Lambert, Keith Lambert, Randy Winkler, and Mayor Jay Miller.

Councilor A. Lambert moved to excuse Councilors Jonathan Rice and Jen Sanborn from tonight's meeting; seconded by Councilor Winkler. Roll Call: Yes – Carter, A. Lambert, K. Lambert, Winkler, Miller

OTHERS PRESENT: John Hier, City Manager; Matt Sturgeon, Assistant City Manager/Director of Planning; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Channel 10 Manager; Michael Churchill, Channel 10 Assistant Manager; Aleks Briedis, Recreation Director; Linda Stilson, Recreation Coordinator – Aquatics; Rick Barth, City Engineer; Daryl Meisner, Police Chief; Mike Braaten, Government Affairs Coordinator; Crystal Schiller; Dave Young; Steve Isom; Linda Hunter; and Heidi Rice.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the March 5, 2012 Special Meeting
- B. Minutes from the March 7, 2012 Regular Meeting
- C. Set hearings to consider suspension or revocation of liquor licenses of Plaza Liquors, Rocky Mountain Liquors, Shale Country Liquors, Wing Nutz Bar and Grill, Winchester Nite-Club, Fiesta Guadalajara, Rifle Brewing Company, Thai Chili Bistro, Wal-Mart Superstore, and Sports Corner; appoint Hearing Officer to conduct hearings; and appoint Special Counsel to conduct investigations and prosecute licensees
- D. Addendum to Queen's Crown Annexation Agreement-Fairway Avenue Costs
- E. Intergovernmental Agreement with Garfield County Regarding Sidewalk Improvements
- F. Funding request from Visitor Improvements Fund
- G. January 2012 Sales Tax Report
- H. Accounts Payable

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

Roll Call: Yes – Carter (abstaining as to Item H), A. Lambert, K. Lambert, Winkler, Miller

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

RECEIVE UPDATE FROM WPX ENERGY (FORMERLY WILLIAMS PRODUCTION RMP)

This item will be scheduled on a future agenda.

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – COLORADO MOUNTAIN COLLEGE FOUNDATION

Mayor Miller opened the public hearing and swore in Crystal Schiller, Development Coordinator, Colorado Mountain College Foundation. Ms. Schiller presented the Foundation's application for a special event permit to provide liquor service at the Foundation's Community Cinema event on March 30, 2012 from 8 PM to 9:30 PM at 3695 Airport Road. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor K. Lambert moved to approve a Special Event Liquor Permit for Colorado Mountain College Foundation on March 30, 2012, from 8 PM to 9:30 PM, at 3695 Airport Road; seconded by Councilor Carter.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Winkler, Miller

PUBLIC HEARING – APPLICATION TO TRANSFER HOTEL & RESTAURANT LIQUOR LICENSE FROM ANGELICA BURGARA D/B/A EL KORA MEXICAN RESTAURANT TO ARTURO SAUCEDA D/B/A EL KORA MEXICAN RESTAURANT

In accordance with Ms. Cain's recommendation, Council cancelled the public hearing to review the application of Arturo Saucedo d/b/a El Kora Mexican Restaurant to transfer to himself the Hotel & Restaurant Liquor License for premises located at 160 East 26th Street. Staff has not yet received fingerprint check results on Mr. Saucedo. Once staff has received fingerprint check results, staff will ask Council to schedule the hearing on this application.

CONSIDER FAIRWAY AVENUE FUNDING REQUEST

Dave Young, General Partner, Hubbard Gulch Development, LLC, and Steve Isom, Isom & Associates, proposed that Hubbard Gulch Development enter into a joint venture with the City to build the remainder of Fairway Avenue from the existing new intersection with the Highway 13 bypass north to the existing Fairway Avenue. Each party would contribute approximately \$450,000 to the project. In addition, Hubbard Gulch Development would like to use overburden from the City's resource pit in this project.

The City, when approving the Queen's Crown Annexation Agreement, agreed to a 50-50 split of the costs associated with constructing Fairway Avenue. If Council accepts Hubbard Gulch Development's proposal, the City will have contributed \$241,250 more than required by this agreement. The developer is proposing to pay back the City through future lot sales.

After discussion that included concerns about adequate collateralization by the developer, Council directed staff to draft documentation to implement this proposal.

CONSIDER APPROVING BID TO PAINT POOL, LOCKER ROOMS, AND SLIDE STRUCTURE

Recreation Director Aleks Briedis and Recreation Coordinator – Aquatics Linda Stilson recommended awarding a contract to paint the pool, locker rooms, slide structure, and deck numbers at Art Dague Pool to Leyba Painting, Inc. in the amount of \$22,905.

Councilor Carter moved to award a contract to paint the pool, locker rooms, slide structure, and deck numbers at Art Dague Pool to Leyba Painting, Inc. in an amount not to exceed \$22,905; seconded by Councilor K. Lambert.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Winkler, Miller

CONSIDER ALLOWING DAYTIME PARKING ON ACACIA AVENUE ADJACENT TO DEERFIELD PARK – RESOLUTION NO. 8, SERIES OF 2012

City Engineer Rick Barth, Mr. Briedis, and Police Chief Daryl Meisner informed Council that the Parks Department and the Recreation Department would like to allow daytime parking on Acacia Avenue adjacent to

Deerfield Park. Currently parking is prohibited in that location, resulting in park users parking on other streets when the Deerfield Park parking lot is full. Resolution No. 8, Series of 2012 would permit parking adjacent to Deerfield Park except between the hours of 10:00 pm and 6:00 am, when parking will remain prohibited.

Councilor A. Lambert moved to approve Resolution No. 8, Series of 2012; seconded by Councilor Winkler.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Winkler, Miller

CONSIDER AWARDING CONTRACT TO JOHNSON CONSTRUCTION FOR \$177,822.60 FOR HIGHWAY 13 SAFETY IMPROVEMENTS

Mr. Barth recommended awarding a contract to Johnson Construction Inc. for an amount not to exceed \$177,822.60 to make safety improvements on Highway 13 from Centennial Parkway to Whiteriver Avenue. The safety improvements would include expansion of the divider island on Highway 13 south of its intersection with Centennial Parkway, and lane markings on Highway 13 south of its intersection with Whiteriver Avenue.

Councilor Carter moved to award a contract to Johnson Construction Inc. for an amount not to exceed \$177,822.60 to make safety improvements on Highway 13 from Centennial Parkway to Whiteriver Avenue; seconded by Councilor A. Lambert.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Winkler, Miller

CONSIDER AMENDING RIFLE MUNICIPAL CODE SECTION 13-4-20 - UTILITY SYSTEM IMPROVEMENT FEE SURCHARGE – ORDINANCE NO. 6, SERIES OF 2012 (SECOND READING)

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 13-4-20 OF THE RIFLE MUNICIPAL CODE TO ELIMINATE THE MARCH 31, 2012 SUNSET FOR THE WATER AND SEWER SYSTEMS IMPROVEMENT FEE SURCHARGE OPTION FOR NONRESIDENTIAL PROJECTS

Assistant City Manager/Director of Planning Matt Sturgeon reminded Council that in 2010 it approved a system improvement fee surcharge program for nonresidential users as a means to alleviate front-end development costs and spread payments for system improvement fees. The program permits payment of nonresidential system improvement fees in equal monthly installments over a three year period commencing at building permit application. The surcharge program, codified at Section 13-4-20 of the Rifle Municipal Code, sunsets on March 31, 2012. After administering the program for several years, staff supports extending the surcharge option as an efficient means to benefit commercial development that does not adversely impact the City's ability to provide efficient and cost-effective services for its residents. Thus, Ordinance No. 6, Series of 2012 before Council on first reading would eliminate the March 31, 2012 sunset date for the surcharge program. If the sunset provision is eliminated, City staff will continue to monitor the fiscal impact of the surcharge program and advise the Council if changes are needed in the future. The system improvement fee surcharge program will continue to be optional for all eligible customers, and customers will still have the option to pay system improvement fees in full at the time of building permit application.

Councilor K. Lambert moved to approve Ordinance No. 6, Series of 2012, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Winkler.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Winkler, Miller

CONSIDER ORDINANCE NO. 7, SERIES OF 2012 (UTILITY SERVICE CHARGE AMENDMENTS TO RMC APPENDIX A AND SECTION 13-4-60) (SECOND READING)

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING APPENDIX A TO THE RIFLE MUNICIPAL CODE TO ADJUST THE ADMINISTRATION OF WATER AND SEWER SERVICE FEES TO BE ON AN EQR BASIS AND AMENDING SECTION 13-4-60 TO ASSIGN EQR VALUES FOR RECREATIONAL VEHICLE PARKS

City Attorney Jim Neu reminded Council of its discussion at its special meeting on March 5, 2012 about the effect of changes to the Rifle Municipal Code on water and sewer bills at multi-family residences and a recreational vehicle (RV) park. As directed by Council, staff prepared proposed Ordinance No. 7, Series of 2012, allowing small multi-family complexes to be billed based on the Equivalent Residential Unit (EQR) values for those complexes, establishing an EQR value for RV parks, and allowing RV parks to be billed based on their EQR values.

Councilor K. Lambert moved to approve Ordinance No. 7, Series of 2012, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Winkler.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Winkler, Miller

CONSIDER DIRECTING CITY ATTORNEY TO DRAFT UPDATED ANIMAL CONTROL ORDINANCES

In accordance with Chief Meisner's recommendation, Council directed Mr. Neu to proceed with updating the City's animal control ordinances, which were last modified over 20 years ago.

ADMINISTRATIVE REPORTS

City Manager John Hier reported to Council on water issues.

Ms. Cain reminded Council that it would conduct its 2012 strategic planning session on April 6 from 8 AM to 5 PM at Grand River Hospital's meeting rooms.

Mr. Sturgeon noted that the charrette for downtown planning will take place the week of April 16, and Spring Cleanup throughout the City will occur from April 23 through May 4.

Mr. Neu informed Council that he will meet with the Colorado Department of Public Health and Environment regarding Beaver Creek raw water users.

COMMENTS FROM MAYOR AND COUNCIL

Councilor A. Lambert attended a marvelous production of the Wizard of Oz by Rifle High School students.

Meeting adjourned at 8:16 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor



MEMORANDUM

To: John Hier, City Manager
From: Charles Kelty, Finance Director *ck*
Date: March 29, 2012
Subject: January 2012 Financial Reports

Attached are the Financial Reports for the month ending January 31, 2012. Below are a few comments:

Page 1 **General Fund Revenues** – Total revenues are \$417,544, which compared to the prior year's \$402,594 is \$14,950 and 4% higher.

General Fund Expenditures – Total expenditures are \$582,283, which compared to the prior year's \$503,713 is \$78,570 and 16% higher.

Page 2 **Visitor Improvement Fund** – Total revenues are \$9,350, which compared to the prior year's \$7,554 is \$1,796 and 24% higher. Total expenses are \$75, which compared to the prior's \$5,360 is \$5,285 less.

Page 3 **Parks & Recreation Fund Revenues** – Total revenues are \$177,226, which compared to the prior year's \$142,826 is \$34,400 and 24% higher.

Parks & Recreation Fund Expenditures – Expenditures are \$136,328, which compared to the prior year's \$102,675 is \$33,653 and 33% higher.

Page 4 **Water Fund Revenues** – Overall, revenues are \$144,214, which compared to the prior year's \$158,070 is \$13,856 and 9% less. Operating revenues were 4% lower than the prior year. Water rights revenues were \$8,870 less than prior year. Capital revenues were 17% higher than the prior year.

Water Fund Expenses – Overall, total expenses are \$368,265, which compared to the prior year of \$164,765 is \$203,500 higher. Operating and Maintenance expenses are 58% higher than last year. Water rights expenses are \$28,265 higher than last year. Water System Improvements (Capital) expenses is \$92,472 higher than last year.

Page 5 **Wastewater Fund Revenue** – Total revenues are \$237,349, which compared to the prior year's \$187,711 is \$49,638 and 26% higher.

Wastewater Expenses – Total expenses were \$844,445, which compared to the prior year's \$527,509 is \$316,936 higher.



Sanitation Fund Revenues – Total revenues are \$41,107, which compared to the prior year's \$47,406 is \$6,299 and 13% less.

Sanitation Fund Expenses – Total expenses are \$42,046, which compared to the prior year's \$61,935 is \$19,889 and 32% less.

CITY OF RIFLE
 FUND SUMMARY WITH COMPARISON TO PRIOR YEAR
 FOR THE 1 MONTHS ENDING JANUARY 31, 2012

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	BUD REMAINING	PRIOR YTD ACT
<u>REVENUE</u>					
GENERAL REVENUES	7,445,079.00	417,543.95	417,543.95	7,027,535.05	402,594.08
	<u>7,445,079.00</u>	<u>417,543.95</u>	<u>417,543.95</u>	<u>7,027,535.05</u>	<u>402,594.08</u>
<u>EXPENDITURES</u>					
MAYOR/COUNCIL	82,250.00	5,197.74	5,197.74	77,052.26	4,106.07
CITY CLERK	163,237.00	11,234.25	11,234.25	152,002.75	9,669.75
MUNICIPAL COURT	182,794.00	10,671.54	10,671.54	172,122.46	11,612.65
CITY MANAGER	172,633.00	11,226.85	11,226.85	161,406.15	10,052.20
GOVERNMENT AFFAIRS	155,964.00	8,303.15	8,303.15	147,660.85	9,438.86
FINANCE	466,224.00	29,573.86	29,573.86	436,650.14	25,786.92
ATTORNEY	224,500.00	17,575.55	17,575.55	206,924.45	20,113.20
PLANNING/ZONNING	678,071.00	28,247.69	28,247.69	649,823.31	22,850.09
CITY HALL	148,417.00	7,967.44	7,967.44	140,449.56	9,651.31
GROUNDS AND FACILITY MAINT.	69,536.00	2,003.49	2,003.49	67,532.51	3,189.69
COMMUNITY ACCESS TV	119,360.00	7,718.14	7,718.14	111,641.86	6,675.89
POLICE	2,321,446.00	145,613.57	145,613.57	2,175,832.43	132,919.43
JUSTICE CENTER BLDG. OPERATION	389,448.00	8,678.68	8,678.68	380,769.32	8,287.04
BUILDING INSPECTIONS	150,125.00	8,730.19	8,730.19	141,394.81	8,123.60
STREETS	1,123,978.00	65,332.96	65,332.96	1,058,645.04	62,408.72
CONSTRUCTION CREW - INHOUSE	211,601.00	11,806.60	11,806.60	199,794.40	10,708.01
PUBLIC WORKS	202,414.00	13,349.99	13,349.99	189,064.01	7,803.05
ANIMAL SHELTER	91,303.00	1,555.36	1,555.36	89,747.64	5,803.85
CEMETERY O & H	69,181.00	3,474.09	3,474.09	65,706.91	4,928.94
SENIOR CENTER	460,496.00	33,113.32	33,113.32	427,382.68	25,146.51
NON DEPARTMENTAL	530,219.00	150,909.44	150,909.44	379,309.56	104,437.69
OPERATING TRANSFERS OUT	290,000.00	.00	.00	290,000.00	.00
	<u>8,303,197.00</u>	<u>582,283.90</u>	<u>582,283.90</u>	<u>7,720,913.10</u>	<u>503,713.47</u>
	<u>(858,118.00)</u>	<u>(164,739.95)</u>	<u>(164,739.95)</u>	<u>(693,378.05)</u>	<u>(101,119.39)</u>

CITY OF RIFLE
 FUND SUMMARY WITH COMPARISON TO PRIOR YEAR
 FOR THE 1 MONTHS ENDING JANUARY 31, 2012

VISITOR IMPROVEMENT FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	BUD REMAINING	PRIOR YTD ACT
<u>REVENUE</u>					
VISITOR IMPROVEMENT	135,876.00	9,350.47	9,350.47	126,525.53	7,553.99
	135,876.00	9,350.47	9,350.47	126,525.53	7,553.99
<u>EXPENDITURES</u>					
VISITOR IMPROVEMENT	249,392.00	74.75	74.75	249,317.25	5,359.88
	249,392.00	74.75	74.75	249,317.25	5,359.88
	(113,516.00)	9,275.72	9,275.72	(122,791.72)	2,194.11

CITY OF RIFLE
 FUND SUMMARY WITH COMPARISON TO PRIOR YEAR
 FOR THE 1 MONTHS ENDING JANUARY 31, 2012

PARKS & RECREATION

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	BUD REMAINING	PRIOR YTD ACT
<u>REVENUE</u>					
PARKS AND REC REVENUE	2,956,799.00	177,225.77	177,225.77	2,779,573.23	142,825.90
	2,956,799.00	177,225.77	177,225.77	2,779,573.23	142,825.90
<u>EXPENDITURES</u>					
RECREATION	481,988.00	32,515.29	32,515.29	449,472.71	30,076.40
POOL	206,711.00	226.38	226.38	206,484.62	287.88
RIFLE FITNESS CENTER	384,157.00	27,184.22	27,184.22	356,972.78	.00
COMMUNITY EVENTS	97,602.00	.00	.00	97,602.00	.00
PARK MAINTENANCE	1,037,424.00	42,267.66	42,267.66	995,156.34	37,971.22
PARKS CAPITAL	344,827.00	124.97	124.97	344,702.03	5,218.83
NON-DEPARTMENTAL	93,810.00	28,433.54	28,433.54	65,376.46	23,544.30
OPERATING TRANSFER OUT	71,917.00	5,576.42	5,576.42	66,340.58	5,576.42
	2,718,436.00	136,328.48	136,328.48	2,582,107.52	102,675.05
	238,363.00	40,897.29	40,897.29	197,465.71	40,150.85

CITY OF RIFLE
 FUND SUMMARY WITH COMPARISON TO PRIOR YEAR
 FOR THE 1 MONTHS ENDING JANUARY 31, 2012

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	BUD REMAINING	PRIOR YTD ACT
<u>REVENUE</u>					
WATER REVENUE	2,387,389.00	140,260.75	140,260.75	2,247,128.25	145,554.11
WATER RIGHTS REVENUE	64,500.00	1,842.64	1,842.64	62,657.36	10,713.02
CAPITAL REVENUE	7,962,000.00	2,110.43	2,110.43	7,959,889.57	1,802.83
	10,413,889.00	144,213.82	144,213.82	10,269,675.18	158,069.96
<u>EXPENDITURES</u>					
WATER O&H	1,881,772.00	225,665.07	225,665.07	1,656,106.93	142,901.99
WATER RIGHTS	134,000.00	39,708.18	39,708.18	94,291.82	11,443.50
WATER SYSTEM IMPROVEMENTS	4,865,593.00	102,891.57	102,891.57	4,762,701.43	10,419.17
	6,881,365.00	368,264.82	368,264.82	6,513,100.18	164,764.66
	3,532,524.00	(224,051.00)	(224,051.00)	3,756,575.00	(6,694.70)

CITY OF RIFLE
 FUND SUMMARY WITH COMPARISON TO PRIOR YEAR
 FOR THE 1 MONTHS ENDING JANUARY 31, 2012

WASTEWATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	BUD REMAINING	PRIOR YTD ACT
<u>REVENUE</u>					
WASTE WATER REVENUE	2,568,910.00	236,741.34	236,741.34	2,332,168.66	187,850.00
WASTE WATER REVENUE	327,000.00	608.08	608.08	326,391.92	(139.58)
	<u>2,895,910.00</u>	<u>237,349.42</u>	<u>237,349.42</u>	<u>2,658,560.58</u>	<u>187,710.42</u>
<u>EXPENDITURES</u>					
SEWER O&H	2,797,073.00	844,444.53	844,444.53	1,952,628.47	527,509.44
SEWER SYSTEM IMPROVEMENTS	75,000.00	.00	.00	75,000.00	.00
	<u>2,872,073.00</u>	<u>844,444.53</u>	<u>844,444.53</u>	<u>2,027,628.47</u>	<u>527,509.44</u>
	<u>23,837.00</u>	<u>(607,095.11)</u>	<u>(607,095.11)</u>	<u>630,932.11</u>	<u>(339,799.02)</u>

CITY OF RIFLE
 FUND SUMMARY WITH COMPARISON TO PRIOR YEAR
 FOR THE 1 MONTHS ENDING JANUARY 31, 2012

SANITATION FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	BUD REMAINING	PRIOR YTD ACT
<u>REVENUE</u>					
SANITATION FUND	494,097.00	41,106.90	41,106.90	452,990.10	47,406.46
	494,097.00	41,106.90	41,106.90	452,990.10	47,406.46
<u>EXPENDITURES</u>					
SANITATION	504,026.00	42,046.00	42,046.00	461,980.00	61,935.19
	504,026.00	42,046.00	42,046.00	461,980.00	61,935.19
	(9,929.00)	(939.10)	(939.10)	(8,989.90)	(14,528.73)

Report Criteria:

- Summary report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1003						
Action Shop Services, Inc						
	RI33428	ROTARY HAMMER DRILL	03/14/2012	75.00	.00	
	RI33462	RECOIL	03/20/2012	13.75	.00	
	SI65681	AUTOCUT 25-2 BLISTER PKG	03/20/2012	479.09	.00	
	SI65682	ENGINE OIL	03/20/2012	25.74	.00	
	SI65690	FILE 13/64 3 PK	03/21/2012	78.57	.00	
Total 1003:				672.15	.00	
1018						
Valley Lumber						
	64855	WIRE MESH	03/02/2012	33.99	.00	
	64909	CONCRETE MIX	03/05/2012	20.76	.00	
	64910	BAR PRY SUPER WONDER	03/05/2012	29.77	.00	
	64940	SUPPLIES	03/05/2012	19.96	.00	
	65154	FERTILIZER HALTS	03/12/2012	29.98	.00	
	65155	BOILER DRAINS BRASS	03/12/2012	9.78	.00	
	65172	NORTON CLOSER	03/12/2012	203.97	.00	
	65186	CONCRETE MIX	03/13/2012	62.88	.00	
	65188	CONCRETE MIX	03/13/2012	10.38	.00	
	65211	FERTILIZER HALTS	03/13/2012	14.99	.00	
	65219	survey stakes	03/14/2012	25.98	.00	
	65242	grout	03/14/2012	19.78	.00	
	65314	CONCRETE MIX	03/16/2012	10.38	.00	
	65324	HOLE SAW\	03/16/2012	12.49	.00	
	65333	CONCRETE MIX	03/16/2012	217.98	.00	
	65338	ULTRA DAWN DISH SOAP	03/16/2012	7.98	.00	
	65350	NORTON CLOSER	03/16/2012	135.98	.00	
	65395	MORTAR HOE	03/19/2012	41.99	.00	
	65417	SUPPLIES	03/19/2012	23.88	.00	
	65425	FLARE NUT	03/20/2012	7.58	.00	
	65426	CONSTRUCTION FIR	03/20/2012	25.20	.00	
	65455	CONSTRUCTION FIR	03/20/2012	259.55	.00	
	65466	DEWALT RECIP SAW	03/20/2012	257.97	.00	
	65490	RUST STOP SPRAY PRIMER RE	03/21/2012	4.49	.00	
	65527	RUDDY BROWN	03/22/2012	4.49	.00	
	65531	SADDLE VALVE	03/22/2012	13.48	.00	
	65545	MACHINE BOLT	03/22/2012	12.45	.00	
	65591	BLADE JIGSAW	03/23/2012	6.99	.00	
Total 1018:				1,525.10	.00	
1022						
Central Distributing Co						
	901237	Supplies	02/29/2012	55.15	.00	
	901895	Supplies	03/07/2012	336.09	.00	
	901901	Supplies	03/07/2012	277.64	.00	
	903374	Supplies	03/21/2012	420.57	.00	
Total 1022:				1,089.45	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1031						
Colo Bureau Of Investigation						
	SI20700002	JAN 2012 STATE ID	02/05/2012	33.00	33.00	03/23/2012
Total 1031:				33.00	33.00	
1062						
Dana Kepner Company						
	1357766-00	mxu replacement battery	02/29/2012	1,227.64	.00	
Total 1062:				1,227.64	.00	
1083						
Youth Zone						
	022912	ASSES & RECOMM/EDMOND/C	02/29/2012	2,000.00	.00	
Total 1083:				2,000.00	.00	
1087						
Grainger						
	9763539740	ELECTRONIC BALLAST	02/24/2012	19.60	.00	
Total 1087:				19.60	.00	
1093						
Honeywell Inc.						
	3573595	MECHANICAL MAINT	02/29/2012	1,479.50	.00	
Total 1093:				1,479.50	.00	
1094						
Hy-way Feed & Ranch Supply						
	516364	MIX N SALT	03/09/2012	7.20	.00	
Total 1094:				7.20	.00	
1105						
Meadow Gold Dairies						
	50209148	DAIRY PRODUCTS/SENIOR CT	03/15/2012	85.35	.00	
	50209216	DAIRY PRODUCTS/SENIOR CT	03/22/2012	56.59	.00	
Total 1105:				141.94	.00	
1110						
Napa Auto Parts						
	216032	RACK	02/21/2012	1,457.25	.00	
	217554	FT CHUCK	03/02/2012	21.85	.00	
	217563	WASH BRUSH	03/02/2012	27.38	.00	
	218268	ATM-10 FUSE	03/07/2012	11.96	.00	
	218647	MOTOR TUNE-UP	03/09/2012	36.63	.00	
	218665	CREEPER SEAT	03/09/2012	53.87	.00	
	219020	GREASE	03/12/2012	44.17	.00	
	219071	GAS CAP	03/12/2012	13.38	.00	
	219105	IMPACT SOCKET SET	03/12/2012	4.99	.00	
	219250	MET/TAP	03/13/2012	7.68	.00	
	219415	180 GRIT EMERY	03/14/2012	15.98	.00	
	219671	CP SCREW	03/15/2012	20.27	.00	
	219875	LITERBAGS	03/16/2012	72.27	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	219981	FUEL FILTER	03/16/2012	49.99	.00	
	220245	CLEAR VINYL TUBING	03/19/2012	8.08	.00	
	220641	5 PC XBEAM METRIC	03/21/2012	27.38	.00	
	220660	BATTERY	03/21/2012	36.69	.00	
	220803	AIRFILTER	03/22/2012	168.02	.00	
	220885	WELDING ROD	03/22/2012	10.99	.00	
Total 1110:				2,088.83	.00	
1118						
Parts House						
	5613-17250	BRAKE DRUMS ROTORS	03/05/2012	271.72	.00	
	5613-17291	CLEAR SUPER SILICONE	03/06/2012	17.64	.00	
	5613-17512	BEARING	03/15/2012	22.79	.00	
	5613-17513	BEARING	03/15/2012	22.79	.00	
	5613-17514	BRAKE DRUMS ROTORS	03/15/2012	94.10	.00	
	5613-17534	ROTOR TRK	03/16/2012	32.00	.00	
	5613-17566	BLUE FILTERS	03/19/2012	29.37	.00	
	5613-17635	AIR FILTER	03/21/2012	37.17	.00	
Total 1118:				482.00	.00	
1120						
Xcel Energy Inc						
	317773450	ST LIGHT MAIN EXP	03/13/2012	13,358.38	13,358.38	03/23/2012
Total 1120:				13,358.38	13,358.38	
1126						
Rifle City Of						
	1453101 03011	50 UTE AVE	03/01/2012	137.88	137.88	03/23/2012
	2003101 03011	201 E. 18th st	03/01/2012	90.64	90.64	03/23/2012
	2005101 03011	1612 RAILROAD	03/01/2012	36.92	36.92	03/23/2012
	2007101 03011	301 E 30TH	03/01/2012	36.92	36.92	03/23/2012
	2033001 03011	750 UTE	03/01/2012	55.21	55.21	03/23/2012
	2038001 03011	0409 CR 265/POUND	03/01/2012	43.66	43.66	03/23/2012
	2214101 03011	1500 DOGWOOD DR	03/01/2012	586.66	586.66	03/23/2012
	2215101 03011	225 EAST AVE	03/01/2012	18.29	18.29	03/23/2012
	2575101 03011	E 4TH ST	03/01/2012	18.29	18.29	03/23/2012
	2975101 03011	1775 W CENTENNIAL PKWY	03/01/2012	18.29	18.29	03/23/2012
	3079101 03011	595 W 24TH ST	03/01/2012	18.29	18.29	03/23/2012
	3221101 03011	000 BROWNING DR	03/01/2012	34.22	34.22	03/23/2012
	3351101 03011	1221 E CENTENNIAL PKWY	03/01/2012	18.29	18.29	03/23/2012
	3641101 03011	360 S 7TH ST	03/01/2012	18.29	18.29	03/23/2012
	3673101	3100 DOKES LN	03/01/2012	55.21	55.21	03/23/2012
	3677101 03011	2515 WEST CENTENNIAL PARK	03/01/2012	4,632.19	4,632.19	03/23/2012
	3679101 03011	300 W 5TH ST	03/01/2012	18.29	18.29	03/23/2012
	3707101 03011	2515 WEST CENTENNIAL PARK	03/01/2012	18.29	18.29	03/23/2012
	779102 030112	132 E 4TH ST	03/01/2012	55.21	55.21	03/23/2012
	823101 030112	202 RAILROAD	03/01/2012	78.83	78.83	03/23/2012
	873106 030112	236 w 4th st-Utilites Rental Proper	03/01/2012	70.00	70.00	03/23/2012
Total 1126:				6,059.87	6,059.87	
1132						
Rifle Lock & Safe						
	31587	KEYS	03/09/2012	36.00	.00	
	31591	KEYS	03/15/2012	46.80	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	31604	DEADLATCHES	03/20/2012	362.30	.00	
Total 1132:				445.10	.00	
1143						
Swallow Oil Company						
	031512	INVOICE 030612	03/15/2012	9,107.93	.00	
Total 1143:				9,107.93	.00	
1181						
Garfield Steel & Machine, Inc						
	00080785	3/16X1 BAR COLD ROLLED	03/20/2012	279.08	.00	
Total 1181:				279.08	.00	
1188						
Jean's Printing						
	120775	printing	03/21/2012	3,262.11	.00	
Total 1188:				3,262.11	.00	
1191						
Lewan & Associates, Inc						
	994761	STAPLE REFILL	03/21/2012	102.50	.00	
	995515	B&W METER	03/22/2012	675.77	.00	
Total 1191:				778.27	.00	
1256						
Resource Engineering, Inc						
	10740	341-1.7 CUMULATIVE IMPACT A	02/29/2012	1,525.20	.00	
	10741	341-10.15 ANTERO RESOURCE	02/29/2012	284.00	.00	
	10742	341-10.21 LARAMINE ENERGY	02/29/2012	177.50	.00	
	10743	341-10.27 BBC WATERSHED PE	02/29/2012	71.00	.00	
	10744	341-10.30 GRAND RIVER GATH	02/29/2012	390.50	.00	
	10745	341-10.32 BARGATH LLC	02/29/2012	658.50	.00	
	10746	341-10.4 WILLIAMS PRODUCTI	02/29/2012	213.00	.00	
	10747	341-10.22 BLACK DIAMOND MIN	02/29/2012	248.50	.00	
	10748	341-10.7 ENCANA WATERSHED	02/29/2012	319.50	.00	
Total 1256:				3,887.70	.00	
1258						
Hach Company						
	7663710	DPD FREE REFILL VIAL	03/13/2012	261.28	.00	
Total 1258:				261.28	.00	
1339						
Grand Junction Pipe & Supply						
	C2358338	METER PIT EXT	03/06/2012	319.14	.00	
	C2358446	STRAW WATTLE	03/14/2012	64.50	.00	
Total 1339:				383.64	.00	
1437						

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
TAYLOR FENCE COMPANY OF GRAND						
	G30994	CONST. PANEL RENTAL	02/28/2012	28.80	.00	
	G30995	CONST. PANEL RENTAL	02/28/2012	15.00	.00	
Total 1437:				43.80	.00	
1734						
United Companies/Oldcastle SW Group Inc						
	851261	ROAD BASE	02/29/2012	653.80	.00	
	852775	ROAD BASE	03/11/2012	2,041.45	.00	
	852776	ROAD BASE	03/11/2012	1,923.94	.00	
Total 1734:				4,619.19	.00	
1768						
Faris Machinery Company						
	G22726	DISC PRESSURE	03/14/2012	41.12	.00	
Total 1768:				41.12	.00	
1796						
Sears						
	031312	SUPPLIES	03/13/2012	17.50	17.50	03/23/2012
Total 1796:				17.50	17.50	
1830						
Grand Valley Foods						
	119873	FOOD PRODUCT/SR CENTER	03/16/2012	365.95	.00	
	119975	FOOD PRODUCT/SR CENTER	03/23/2012	648.80	.00	
Total 1830:				1,014.75	.00	
2139						
CDW Government, Inc						
	G932005	CYBERPOWER 1000VA	03/09/2012	387.06	.00	
Total 2139:				387.06	.00	
2208						
Amerigas						
	0613-305282A	PROPANE/WW	02/23/2012	923.35	.00	
	3007237774	PROPANE/WATER	03/12/2012	397.90	.00	
Total 2208:				1,321.25	.00	
2235						
Acme Alarm Company Inc						
	6964MON	2ND QUARTER MONITORING 2	03/01/2012	180.00	.00	
	7059MON	2ND QUARTER MONITORING 2	03/01/2012	180.00	.00	
	7063MON	2ND QUARTER MONITORING 2	03/01/2012	90.00	.00	
Total 2235:				450.00	.00	
2250						
World Class Athleticsurfaces						
	33954	AEROSOL WHITE	02/24/2012	1,200.00	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 2250:				1,200.00	.00	
2255						
California Contractors Supply						
	FF90816	BOXED DISP GLOVES	03/06/2012	237.00	.00	
Total 2255:				237.00	.00	
2309						
Sport Supply Group, Inc.						
	94545702	MACGREGOR WORLD CLASS	03/09/2012	2,340.24	.00	
Total 2309:				2,340.24	.00	
2310						
Tomark Sports, Inc.						
	94516905	CH STANDARD FEMALE ANCH	02/24/2012	140.05	.00	
Total 2310:				140.05	.00	
2343						
Mountain Pest Control						
	0282906	PEST CONTROL	02/02/2012	50.00	.00	
Total 2343:				50.00	.00	
2516						
Total Healthcare, Inc.						
	18440-92	COS Drug Screen	02/01/2012	70.00	70.00	03/23/2012
Total 2516:				70.00	70.00	
2573						
Mountain West Office Products						
	273235	supplies	03/21/2012	584.97	.00	
Total 2573:				584.97	.00	
2690						
Down Valley Septic & Drain LLC						
	FEB120022	ROLL OFF - TIP /CEMETARY	02/29/2012	200.00	.00	
Total 2690:				200.00	.00	
2835						
L.L. Johnson Distributing Co						
	1593438-00	SIDE EJECT TIN	02/10/2012	351.17	.00	
	1593689-00	seat kit	02/15/2012	332.91	.00	
	1594579-00	HEX NUT	03/06/2012	680.73	.00	
Total 2835:				1,364.81	.00	
2846						
Colo Mtn News Media						
	7516943A 020	AD	02/09/2012	14.92	14.92	03/23/2012
	7543033 02091	AD	02/09/2012	704.92	704.92	03/23/2012

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 2846:				719.84	719.84	
2960						
Walmart Community						
	014658	SUPPLIES	03/14/2012	5.88	5.88	03/23/2012
	019926	SUPPLIES POOL	03/19/2012	80.93	80.93	03/23/2012
	022009	SUPPLIES	03/22/2012	22.51	22.51	03/23/2012
Total 2960:				109.32	109.32	
3015						
Kroger/King Sooper Cust Charge						
	008473	FOOD /SR CENTER	03/19/2012	45.02	45.02	03/23/2012
	027923	FOOD /SR CENTER	03/19/2012	11.88	11.88	03/23/2012
	056161	MEETING	03/05/2012	24.24	24.24	03/23/2012
	088254	SUPPLIES	03/12/2012	71.52	71.52	03/23/2012
	129910	MEETING	03/20/2012	76.23	76.23	03/23/2012
	141916	SUPPLIES	03/07/2012	11.59	11.59	03/23/2012
	157015	FOOD /SR CENTER	03/21/2012	56.54	56.54	03/23/2012
	258534	MEETING	03/14/2012	52.76	52.76	03/23/2012
Total 3015:				349.78	349.78	
3083						
ALSCO						
	1120019	work shirts and pants	01/31/2012	27.24	.00	
	1139513	LAUNDRY/senior center	03/15/2012	11.14	.00	
	1141576	LAUNDRY/senior center	03/20/2012	59.27	.00	
	1141577	work shirts and pants	03/20/2012	27.96	.00	
	1144747	work shirts and pants	03/27/2012	27.96	.00	
Total 3083:				153.57	.00	
3156						
Superwash Of Rifle						
	2008 030712	CAR WASH	03/07/2012	36.89	.00	
	2025 030712	CAR WASH	03/07/2012	116.18	.00	
Total 3156:				153.07	.00	
3195						
Frontier Paving Inc						
	031212	CONSTRUCTION 2011 STREET	03/12/2012	9,074.24	.00	
	031212.	CONSTRUCTION 2011 STREET	03/12/2012	9,573.80	.00	
	032012	CONSTRUCTION 2011 STREET	03/20/2012	3,956.37	.00	
	032012.	CONSTRUCTION 2011 STREET	03/20/2012	4,764.26	.00	
Total 3195:				27,368.67	.00	
3446						
Staples Business Advantage						
	8021229020	supplies	03/03/2012	304.86	.00	
Total 3446:				304.86	.00	
3649						

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Tabor, Bill						
	031012	SAFETY TOE BOOT REIMBURS	03/10/2012	146.14	146.14	03/23/2012
Total 3649:				146.14	146.14	
3683						
Mid-American Research Chemical						
	0464031-IN	CITRIC ACID	03/09/2012	1,173.40	.00	
Total 3683:				1,173.40	.00	
3707						
Interstate Battery System Inc						
	22032290	BATTERIES	02/21/2012	354.80	354.80	03/23/2012
	22032446	BATTERIES	03/21/2012	199.90	.00	
Total 3707:				554.70	354.80	
3755						
Wagner Equipment Co						
	P2512201	RENTAL EQUIPMENT	03/10/2012	13,991.00	.00	
Total 3755:				13,991.00	.00	
3771						
Waste Management Inc						
	0692819-1185-	RIFLE MOUNTAIN PARK	03/01/2012	769.65	.00	
Total 3771:				769.65	.00	
3780						
Concrete Equipment						
	126117.	EPOXY UNICARTRIDGE	02/22/2012	46.11	.00	
	126122	EPOXY UNICARTRIDGE	02/22/2012	46.11-	.00	
	126194	METAL CHAIR	02/28/2012	98.84	.00	
	126344	45 MAHOGANY DARBY	03/12/2012	76.77	.00	
	126418	BROOM BRACKET BASE	03/15/2012	235.50	.00	
	126620	REBAR	03/26/2012	24.67	.00	
Total 3780:				435.78	.00	
3827						
Morton Salt, Inc.						
	158772	BULK CRYSTAL SALT	03/14/2012	2,435.96	.00	
Total 3827:				2,435.96	.00	
4141						
True Brew Coffee Service						
	141593	COFFEE	03/23/2012	75.90	.00	
Total 4141:				75.90	.00	
4215						
Ziegler, James						
	64145	TORx driver	03/23/2012	80.55	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 4215:				80.55	.00	
4287						
Medco Supply Company						
	41486178	SAFETY SUPPLIES	03/06/2012	171.60	.00	
Total 4287:				171.60	.00	
4522						
Lifeguard Store Inc The						
	INV074670	CPR PROMPT 5 PACK	03/22/2012	330.67	.00	
Total 4522:				330.67	.00	
4630						
Kirkman, Ula						
	88	PERFORMANCE/SR CENTER	03/22/2012	75.00	75.00	03/23/2012
Total 4630:				75.00	75.00	
4734						
Vandewalle & Associates, Inc.						
	201201037	CONCEPT PLAN BUSINESS PL	01/25/2012	1,749.32	1,749.32	03/23/2012
Total 4734:				1,749.32	1,749.32	
4768						
Miracle Recreation Equipment Co						
	721787	assembly binoculars	03/15/2012	1,530.10	.00	
Total 4768:				1,530.10	.00	
4811						
United Site Services Inc						
	114-451680	PORTABLE RESTROOM CENTE	02/21/2012	65.00	.00	
	114-469659	PORTABLE RESTROOM JOYC	03/01/2012	65.00	.00	
	114-469660	PORTABLE RESTROOM HEINZ	03/01/2012	65.00	.00	
	114-469661	PORTABLE RESTROOM DAVID	03/01/2012	130.00	.00	
	114-469692	PORTABLE RESTROOM DEER	03/01/2012	69.64	.00	
	114-469693	PORTABLE RESTROOM METR	03/01/2012	25.54	.00	
	114-469702	PORTABLE RESTROOM CENTE	03/01/2012	44.11	.00	
	114-475531	PORTABLE RESTROOM DEER	03/06/2012	520.00	.00	
Total 4811:				984.29	.00	
4926						
Ge Capital						
	57007152	SHARP COPIERS/ PD	03/18/2012	575.69	.00	
Total 4926:				575.69	.00	
5253						
FASTENAL						
	48007	6MM	02/22/2012	8.94	.00	
	48441	9V ALKALINE BATTERY	03/09/2012	51.88	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 5253:				60.82	.00	
5473						
McAfee						
	94952569	FAIL SAFE DISASTER RECOVER	01/29/2012	225.60	.00	
	95025784	FAIL SAFE DISASTER RECOVER	02/26/2012	225.60	.00	
Total 5473:				451.20	.00	
5548						
Power Equipment Company						
	TD80343	BOLT ON EDGE	02/14/2012	550.19	.00	
Total 5548:				550.19	.00	
5599						
BIGHORN CONSULTING ENGINEERS						
	2651	UTE THEATER DESIGN	03/18/2012	5,000.00	.00	
Total 5599:				5,000.00	.00	
5752						
Accutest Mountain States						
	D2-24532	alkalinity, organic carbon/water te	03/07/2012	870.00	.00	
	D3-24764	alkalinity, organic carbon/water te	03/21/2012	218.00	.00	
Total 5752:				1,088.00	.00	
5796						
Norit Americas Inc.						
	519722	Po 444	03/16/2012	1,825.00	.00	
Total 5796:				1,825.00	.00	
5810						
HARRINGTON INDUSTRIAL PLASTICS						
	008B3139	GASKET	03/08/2012	98.61	.00	
	008B3437	40 TUBE PUMP SEALESS	03/21/2012	212.04	.00	
Total 5810:				310.65	.00	
5984						
JIM DIBLE OIL CO						
	S7966	LITH SCH 460/40T CASE	03/19/2012	287.40	.00	
Total 5984:				287.40	.00	
5992						
Trusco Manufacturing Company						
	2015	SHUT-OFF VALVE/HUD BRASS	03/23/2012	97.00	.00	
Total 5992:				97.00	.00	
6133						
GILCO, INC						
	730052	DYED DIESEL	03/15/2012	2,965.46	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 6133:				2,965.46	.00	
6137						
Impressions of Aspen						
	15639	SUPPLIES	03/12/2012	18.95	.00	
	15688	SUPPLIES	03/21/2012	64.90	.00	
Total 6137:				83.85	.00	
6225						
BRUBACHER DESIGN						
	499	SIGNS	03/28/2012	48.00	.00	
Total 6225:				48.00	.00	
6290						
ATKINS						
	1136054	GATEWAY PROJECT ARTERIAL	03/12/2012	5,189.39	.00	
Total 6290:				5,189.39	.00	
6295						
Labyrinth Healthcare Group						
	13674	MONTHLY ADVOCACY SERVIC	03/20/2012	276.00	276.00	03/23/2012
Total 6295:				276.00	276.00	
6311						
DEPARTMENT OF LABOR AND EMPLOYMENT						
	547640	SENIOR	03/07/2012	230.00	.00	
Total 6311:				230.00	.00	
6324						
International Code Council, Inc.						
	INV011034	09 COMM KITCHEN HOOD APP	03/16/2012	38.95	.00	
Total 6324:				38.95	.00	
6346						
D.L. ADAMS ASSOCIATES, INC						
	19958	NEW UTE THEATRE-POROJEC	03/07/2012	4,056.00	.00	
Total 6346:				4,056.00	.00	
6355						
LAFARGE WEST INC						
	23094793	ULTRAHORIZONTAL	02/23/2012	263.88	.00	
	23195086	ULTRAHORIZONTAL	03/09/2012	663.75	.00	
	23204999	ULTRAHORIZONTAL	03/12/2012	503.50	.00	
	23227845	ULTRAHORIZONTAL	03/14/2012	1,067.50	.00	
	23259021	ULTRAHORIZONTAL	03/19/2012	1,067.50	.00	
Total 6355:				3,566.13	.00	
6380						

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
BROHN PLUMBING AND HEATING						
	2363	INSTALLATION 9 HEAT VALVES	02/07/2012	2,044.61	2,044.61	03/23/2012
	2385	REPLACE BELIMO VALVE	03/20/2012	190.25	190.25	03/23/2012
Total 6380:				2,234.86	2,234.86	
6383 CENTURY LINK						
	1205413807	FITNESS CENTER	03/11/2012	7.33	7.33	03/23/2012
Total 6383:				7.33	7.33	
6408 Gutierrez, Sandra						
	032112	COURT INTERPRETING	03/21/2012	70.00	70.00	03/23/2012
Total 6408:				70.00	70.00	
6434 Spruce Creek Multimedia						
	280	FOCUS PORTABLE DTE RECO	01/01/2012	200.00	.00	
Total 6434:				200.00	.00	
6509 POLYDYNE INC.						
	711094	CLARIFLOC	02/23/2012	4,392.00	.00	
Total 6509:				4,392.00	.00	
6558 BATTLEMENT MESA GOLF CLUB						
	100	SAND PRO	03/21/2012	200.00	200.00	03/23/2012
Total 6558:				200.00	200.00	
6559 DRIVERS LICENSE GUIDE COMPANY						
	617277	2012 I.D. CHECKING GUIDE	02/05/2012	28.95	28.95	03/23/2012
	617278	CHECKING GUIDE 9TH EDITION	02/05/2012	38.95	38.95	03/23/2012
Total 6559:				67.90	67.90	
6560 SUNSET TOWNHOMES LLC						
	031912	SIGN DEPOSIT	03/19/2012	.00	.00	
Total 6560:				.00	.00	
6561 TIMBERLINE CARPET & UPHOLSTERY						
	1359	CLEAN CARPET-DOKES LANE	02/25/2012	1,925.00	.00	
Total 6561:				1,925.00	.00	
6562 STURGEON ELECTRIC COMPANY						
	310395	TEMPORARY GENERATOR	02/29/2012	1,677.25	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 6562:				1,677.25	.00	
6563						
OMNI CHEER						
	P02971830001	FIT KIT	03/21/2012	150.00	.00	
Total 6563:				150.00	.00	
6564						
KAUP ENGINEERING INC.						
	11051	UTE THEATER	03/12/2012	5,500.00	.00	
Total 6564:				5,500.00	.00	
6565						
INTERSTATE ALL BATTERY CENTER						
	004302	BATTERY	01/12/2012	172.41	.00	
Total 6565:				172.41	.00	
Grand Totals:				159,631.16	25,899.04	

Dated: _____

City Finance Director: _____

Report Criteria:

Summary report.

Invoices with totals above \$0 included.

Paid and unpaid invoices included.

March 29, 2012

Mayor Jay Miller
Rifle City Council
P. O. Box 1908
Rifle, Colorado 81650

Re: April 4, 2012 City Council Meeting

Dear Mayor Miller and Members of the Rifle City Council:

The purpose of this letter is to briefly outline the discussion we will have at the April 4, 2012 Rifle City Council Meeting.

1. Ordinance Nos. 8 and 9, Series of 2012 and Resolution Nos. 9 and 10, Series of 2012 (Sunset Townhomes Annexation and Zoning). Sunset Townhomes, LLC is the owner of approximately five acres located just outside of the City in the vicinity of Taughenbaugh Boulevard and Last Chance Drive (the "Annexation Parcel"). Although the project does not currently propose townhome construction, it is known as the Sunset Townhomes Annexation. The owners also own the adjacent Lot 1, Manupella Addition to the City of Rifle, described as the "Existing Parcel" in Ordinance No. 9, Series of 2012 and the Annexation Agreement. Together the Annexation Parcel and the Existing Parcel constitute the Property that is the subject of the Council's review. In January 2012, Sunset Townhomes filed a petition requesting that the City annex the Annexation Parcel and zone the Property Developing Resource ("DR") Zone District. The Rifle Planning Commission on February 28, 2012 recommended DR zoning for the Property subject to the conditions of the Planning Department's staff report.

Pursuant to Section 16-3-50 of the Rifle Municipal Code, the intent of the DR Zone District is to provide for the annexation of those areas that are presently used for agricultural or other nonurban uses that are adjacent to City limits and potentially suitable for urban development but not in the immediate future because of lack of utilities, services, or other needs. Permitted uses in the DR Zone District are limited to uses existing at the time of annexation, one single-family dwelling per lot or parcel, and agricultural uses limited to the raising of crops or orchards. Developing Resource zoning is appropriate for the Property because Owner does not have a defined development proposal at this time, but wants to market the Property to be developed in the City. Annexation of the Annexation Parcel to the City will open up opportunities for development of the Property and provide for the extension of Taughenbaugh Boulevard and Last Chance Drive, as addressed in the proposed Annexation Agreement included in your packets. The owner intends to finalize development plans for the Property as a Planned Unit Development (PUD) and submit a PUD Preliminary Development Plan to the City. Because the actual development proposal for the Property is undetermined, the DR Zone District and the Annexation

KARP NEU HANLON, P.C.

Mayor Jay Miller
Rifle City Council
Page 2

Agreement defers calculating annexation and development impacts and the imposition of mitigation measures for such impacts until a rezoning application is submitted. The proposed Annexation Agreement provides that mitigation will be resolved in an amendment to that Agreement or in a Subdivision Improvements Agreement for the Property.

The Annexation Agreement also addresses the future extension of Taughenbaugh Boulevard through the Property and Owner's obligation to dedicate right-of-way for and construct that roadway and the Last Chance Drive extension. As a condition of annexation of the Annexation Parcel, Owner will dedicate on a Lot Line Adjustment Plat a sixty foot (60') wide right-of-way to construct an extension of Taughenbaugh Boulevard through the Property according to City standards. Design and construction of the Taughenbaugh Boulevard and Last Chance Drive extensions and related public improvements are requirements of the rezoning and development of the Property. The Annexation Agreement permits Owner to propose an equitable alternative to fund the construction of the roadways, but approval of any cost sharing or recovery mechanisms will be at the City's discretion. Unless an alternative is approved by the City, as part of the PUD Preliminary Development Plan or any other development application for the Property, the owner will submit to the City: (i) final design plans for the Taughenbaugh Boulevard and Last Chance Drive extensions; and (ii) an Annexation Plat showing all right-of-way property necessary to complete the Last Chance Drive extension. Owner will be responsible for all costs associated with the processing and approval of the Last Chance Drive Annexation Plat.

As you can see from the enclosed letter from one of the partners of Sunset Townhomes, LLC, they do not believe requiring the construction of Taughenbaugh is a fair obligation to place on the development of the Property. We do not completely disagree, but without a concrete development proposal to consider or other mechanism to fund Taughenbaugh Boulevard, staff is not in a position to offer any solution. The City does not have any funds budgeted for Taughenbaugh, nor does it see this extension as a priority for the City. The extension would benefit the subject Property, County residents and provide alternative routes for the Hospital and Fire District. Staff believes when there is a viable development proposal for the Property the developer has potential for finding partners to share the burden of extending Taughenbaugh at that time; but the City cannot relieve the Property from this obligation until an alternative is identified. Contrary to Owner's assertion in its letter, the City has always been upfront regarding the Property's requirement to build Taughenbaugh and we have enclosed a letter from the City's consulting engineer identifying this issue in 2009. If the Owner cannot accept the current proposal to defer the issue until rezoning and development, then maybe it is not time to annex the Property now. That will likely be the discussion at the City Council meeting.

Ordinance No. 8, Series of 2012 would annex the Annexation Parcel to the City, and Ordinance No. 9, Series of 2012 would zone the Annexation Parcel and the Existing Parcel Developing Resource ("DR") Zone District. Resolution Nos. 9 and 10, Series of 2012 make the required statutory findings for annexation.

We recommend approval of Resolution Nos. 9 and 10, Series of 2012 and Ordinance Nos. 8 and 9, Series of 2012 on first reading, subject to the terms of the Annexation Agreement.

2. Ordinance No. 10, Series of 2012 (Water Service Charge Amendments). To fund construction of the Rifle Regional Water Purification Facility ("RRWPF") the City will borrow approximately twenty-five million dollars from the State of Colorado. Repayment of the loan will require an increase in monthly water service fees, which is the subject of Ordinance No. 10, Series of 2012. If approved, effective September 1, 2012 water service fees will be calculated at the rate of \$36.00 per EQR up to 4,000 gallons of monthly water use per EQR. For usage above 4,000 gallons, the Ordinance introduces a tiered payment structure. Customers will be charged an additional \$4.00 per 1,000 gallons of water use per month for use of between 4,001 and 8,000 gallons, \$5.60 per 1,000 gallons of water use per month for use of between 8,001 to 20,000 gallons, and \$6.40 per 1,000 gallons of water use per month for use of 20,001 or more gallons. The Ordinance contemplates additional water service fee increases as of April 1, 2013, with the base rate increasing to \$45.00 per EQR for up to 4,000 gallons of monthly water use per EQR.

To offset the service fee increases proposed in Ordinance No. 10, staff will propose a one-half cent sales tax to help finance the plant. We anticipate including the sales tax question on the November 2012 general election ballot. If approved by Rifle voters, the sales tax would reduce the funds needed from the service charge increase and eliminate the need for the April 1, 2013 increase included in Ordinance No. 10.

As a related utility billing matter, Ordinance No. 10 also amends Section 13-4-60 of the Code to confirm the City's authority to assign EQR values for existing establishments according to historic metered water usage rather than the City's EQR Schedule. Applications for new service are assigned an EQR value according to the EQR Schedule, but the City is currently reviewing and assigning EQR values for existing establishments as well. For these existing businesses, meter records provide data on historic usage. The Code already authorizes this option, but the revision proposed in the Ordinance would highlight that authority in the text of Section 13-4-60.

We recommend approval of Ordinance No. 10, Series of 2012 on first reading.

3. Ordinance No. 11, Series of 2012 (Approval of \$25,500,000 Water and Power Loan Agreement for New Water Treatment Plant). The enclosed Ordinance No. 11, Series of 2012 was drafted by the City's bond counsel to assist with the \$25,500,000 Water and Power Loan to fund the new Rifle Regional Water Purification Facility. The City Manager is including a memo regarding the Loan Agreements, which are on file at City Hall if you wish to review.

We recommend approval of Ordinance No. 11, Series of 2012 on first reading.

KARP NEU HANLON, P.C.

Mayor Jay Miller
Rifle City Council
Page 4

4. Resolution No. 11, Series of 2012 (Approval of The Farm Preliminary Plan Five Year Extension). Graham Mesa Development, LLC has requested an extension of the Preliminary Plan and PUD Preliminary Development Plan approval for The Farm at Rifle PUD. Pursuant to the Rifle Municipal Code, the Preliminary Plan was first approved for a one year duration in 2008 and subsequently extended twice by the Council to be effective through April 2nd of this year. The local development market has not recovered sufficiently for the developer to move ahead with the project at this time and Graham Mesa Development is requesting an additional five year extension of Preliminary Plan approval. Staff believes The Farm remains a viable project for the City and acknowledges the developer's good faith in constructing utilities and access for the Graham Mesa Elementary School and improvements to West 16th Street and Graham Mesa Avenue. While the City is not prepared to extend Preliminary Plan approval for The Farm indefinitely, Section 16-5-290 of the Rifle Municipal Code permits extensions of up to five years for multi-phased subdivisions. Obviously both the City and developer hope that the real estate market will improve substantially in that time. At its March 20, 2012 special meeting, the Planning Commission recommended approval of a five year extension. Accordingly, Resolution No. 11, Series of 2012 would approve a five year extension to the Preliminary Plan and PUD Preliminary Development Plan for The Farm through April 2, 2017.

We recommend approval of Resolution No. 11, Series of 2012.

As always, please feel free to call us prior to the meeting if you have any questions.

Very truly yours,

KARP NEU HANLON, P.C.

James S. Neu

Enclosures



Memo

To: Honorable Mayor and Council

From: Tom Whitmore

Date: 3/19/12

Re: Arbor Day Proclamation, Arbor Day Event

Staff is planning an Arbor Day event this year. Arbor Day is Friday, April 27. As part of the celebration you are being asked to approve an Arbor Day Proclamation declaring April 27, 2012 to be Arbor Day in the City of Rifle.

On Arbor Day there will be a tree care workshop presented by Pat McCarty, CSU Extension Agent for Agriculture, Horticulture, and Natural Resources, from 10:00 to noon at the library Conference Room. This will be a great opportunity to learn and ask questions about your trees and yard and garden.

The workshop is free and attendance is limited to the first 25 people to register. Interested persons may register by calling Rifle Parks Department at 665-6480.

We will sponsor a seedling tree giveaway of 250 Colorado Blue Spruce trees at the Civic Plaza from 9:30 to 12:30 or until we are out of seedlings.

Thank you,

Tom



DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Matt Sturgeon, Assistant City Manager
DATE: March 28, 2012
SUBJECT: Five Year Extension of the Farm Preliminary Plan

REQUEST

John Savage—manager of Graham Mesa Development, LLC (GMD)—requests the Rifle Planning and Zoning Commission extend the validity of the Farm PUD Preliminary Plan five years. If granted, the already approved Farm PUD Preliminary Plan would remain valid through April 2, 2017.

P&Z RECOMMENDATION

The Rifle Planning Commission, at its March 20, 2012, meeting, unanimously recommended City Council approve the applicant's request and extend the Farm Preliminary Plan through **April 2, 2017**.

BACKGROUND

The Farm Preliminary Plan was approved by the P&Z on February 26, 2008, and by Rifle City Council on April 2, 2008. The applicant, by code, had one year to act—file a Final Plat application—or the Preliminary Plan would be null and void. Staff authorized—pursuant to code—a one-year extension (through April 2, 2010). The applicant, in March 2010, requested the City Council extend the time the applicant has to submit a Final Plat application. The Council extended the validity of the plan through April 2, 2012. The City Council has the authority to extend the expiration date of the subject Preliminary Plan for any duration.

Staff supports the request for the following reasons: 1) Economic conditions continue to prohibit the applicant from moving forward, and; 2) The Farm subdivision layout complies with the recommendations of the Rifle Comprehensive Plan and there is no risk or uncertainty for the City if this extension is granted.

Savage Land Co., Inc.

John W. Savage, Consultant
201 Railroad Ave./PO Box 1926
Rifle, CO 81650-1926
970-625-1470; fax: 625-0803; savagejw@msn.com

February 13, 2012
Revised Feb 15, 2012

Mr. Matt Sturgeon
City of Rifle Planning Department
Via email

Re: The Farm Preliminary Plan

Dear Matt:

Per our discussion last week, Graham Mesa Development LLC, owner and developer of The Farm Subdivision, requests extension of the Preliminary Plan for five years.

When and if the Rifle residential real estate market recovers sufficiently to justify proceeding with the project, we expect to request revisions to the Plan, and expect the City to require changes as well. It is impossible today to see what the real estate market and needs of the City will be in the future therefore maintaining the status quo seems the best course for now.

Thank you for your consideration. Please contact me if you need additional information.

Sincerely Yours,

John W. Savage
Member-Manager
Graham Mesa Development, LLC

**CITY OF RIFLE, COLORADO
RESOLUTION NO. 11
SERIES OF 2012**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE,
COLORADO GRANTING A FIVE YEAR EXTENSION FOR THE FARM AT
RIFLE PUD PRELIMINARY PLAN AND PRELIMINARY PUD
DEVELOPMENT PLAN.

WHEREAS, Graham Mesa Development, LLC (the “Applicant”) is the developer of The Farm at Rifle PUD consisting of approximately 150 acres described on Exhibit A attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, on April 2, 2008, the Rifle City Council by Resolution No. 13, Series of 2008 approved a Preliminary Plan and PUD Preliminary Development Plan for the Property, which Preliminary Plan was valid for a period of one year; and

WHEREAS, upon expiration of the one year Preliminary Plan approval term, the Applicant requested and was granted a one year extension, extending the validity of The Farm Preliminary Plan and PUD Preliminary Development Plan through April 2, 2010; and

WHEREAS, by Resolution No. 7, Series of 2010, the Rifle City Council approved an additional two year extension, further extending the validity of The Farm Preliminary Plan and PUD Preliminary Development Plan through April 2, 2012; and

WHEREAS, citing the continued nationwide recession and difficult local development market, the Applicant has again requested an extension of the Preliminary Plan, this time through April 2, 2017, which extension was recommended for approval by the Rifle Planning Commission at its March 20, 2012 special meeting; and

WHEREAS, since the 2008 approval of the Preliminary Plan for the Property, the Graham Mesa Elementary School has been completed, with utilities and access constructed at the Applicant’s expense, and the Applicant has also expended considerable resources on completed improvements to West 16th Street and Graham Mesa Avenue; and

WHEREAS, pursuant to Section 16-5-290 of the Rifle Municipal Code, the Rifle City Council wishes to approve an additional five year extension to the Preliminary Plan and PUD Preliminary Development Plan for the Property through April 2, 2017.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

1. The foregoing recitals are incorporated herein as if set forth in full.

2. The Rifle City Council hereby grants Graham Mesa Development, LLC a five year extension for The Farm Preliminary Plan and PUD Preliminary Development Plan, which shall remain valid through April 2, 2017.

THIS RESOLUTION, was read, passed and adopted by the Rifle City Council at a regular meeting held this 4th day of April, 2012.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk

THE FARM
LEGAL DESCRIPTION
(Revised May 5, 2010)

T. 6 S., R. 93 W., 6th P.M.

Sec. 3: SE1/4SW1/4, SW1/4SE1/4

Sec. 10: NW1/4NE1/4, NE1/4NW1/4

EXCEPT: Parcels described in documents recorded in:

Book 55 at Page 6 (Butler);

Book 344 at Page 410 (Wood);

Book 561 at Page 634 (Horizons West);

Reception No. 749471 (Garfield School District No. RE-2); and

Smith Parcel (after the lot line adjustment):

A parcel of land situated in the NE1/4NW1/4 of Sec. 10, T. 6 S., R. 93 W. of the 6th P.M., described as follows: Beginning at a point, whence the Northwest 1/16th corner of Sec. 10 bears S83°50'47"W 273.88'; thence S87°00'25"E 233.39'; thence S89°49'39"E 211.52'; thence N83°13'26"E 138.02'; thence N00°40'16W 68.09'; thence along a curve to the right having a central angle of 17°14'53", a radius of 1100.00', an arc length of 331.14', a chord bearing of N07°57'11"E, and a chord length of 329.89'; thence N90°00'00W 134.47'; thence S54°44'15W 602.80'; thence S00°11'40"E 50.26' to the Point of Beginning.



MEMORANDUM

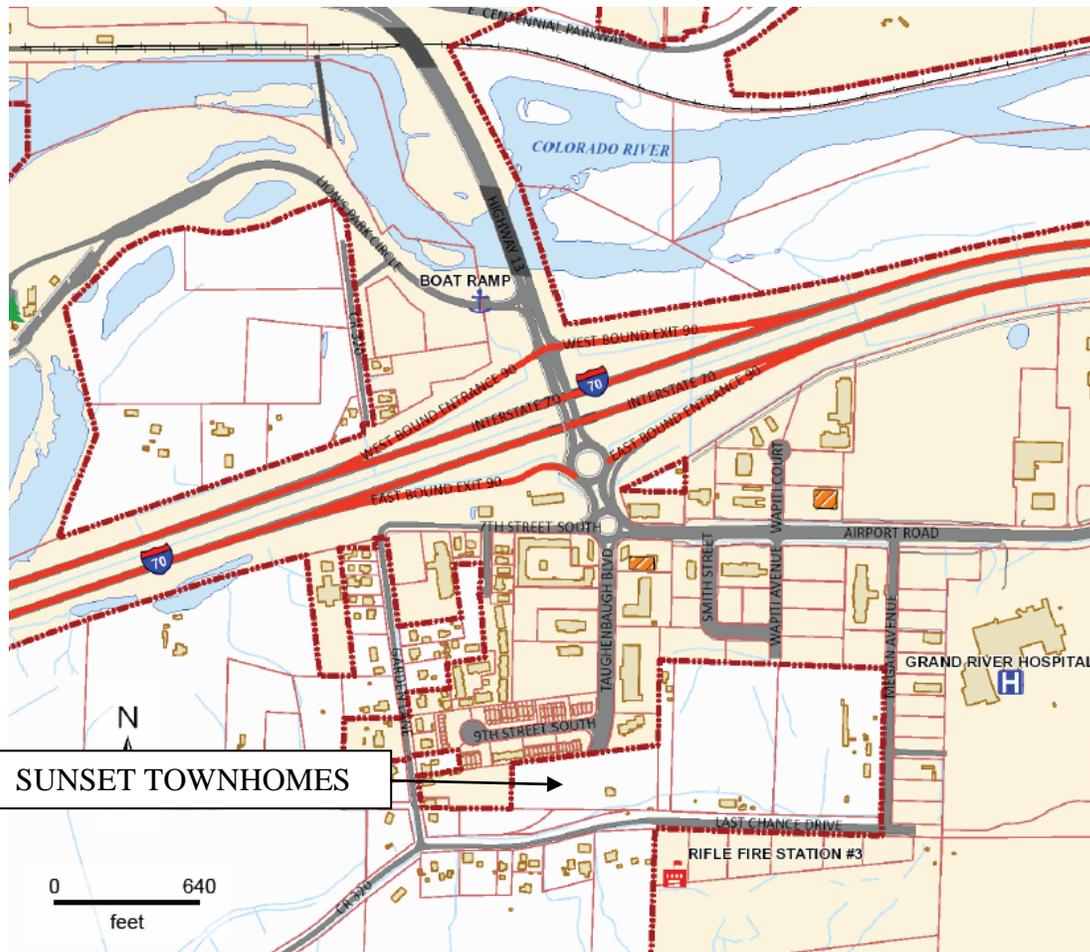
TO: MATT STURGEON, PLANNING DIRECTOR
FROM: NATHAN LINDQUIST, PLANNER
DATE: MARCH 28, 2012
SUBJECT: SUNSET TOWNHOMES
ANNEXATION 2012-1; SKETCH PUD 2012-1
APPLICANT: SUNSET TOWNHOMES, LLC
REPRESENTATIVE: CRAIG RATHBUN

REQUEST

Sunset Townhomes requests that City Council approve the following:

- annexation of approximately 5 acres of property;
- assign Developing Resources (DR) zoning to the annexed property AND to an already annexed parcel currently zoned Medium Density Residential (MDR);
- Approve a Sketch Planned Unit Development (PUD) Plan for the entire project.

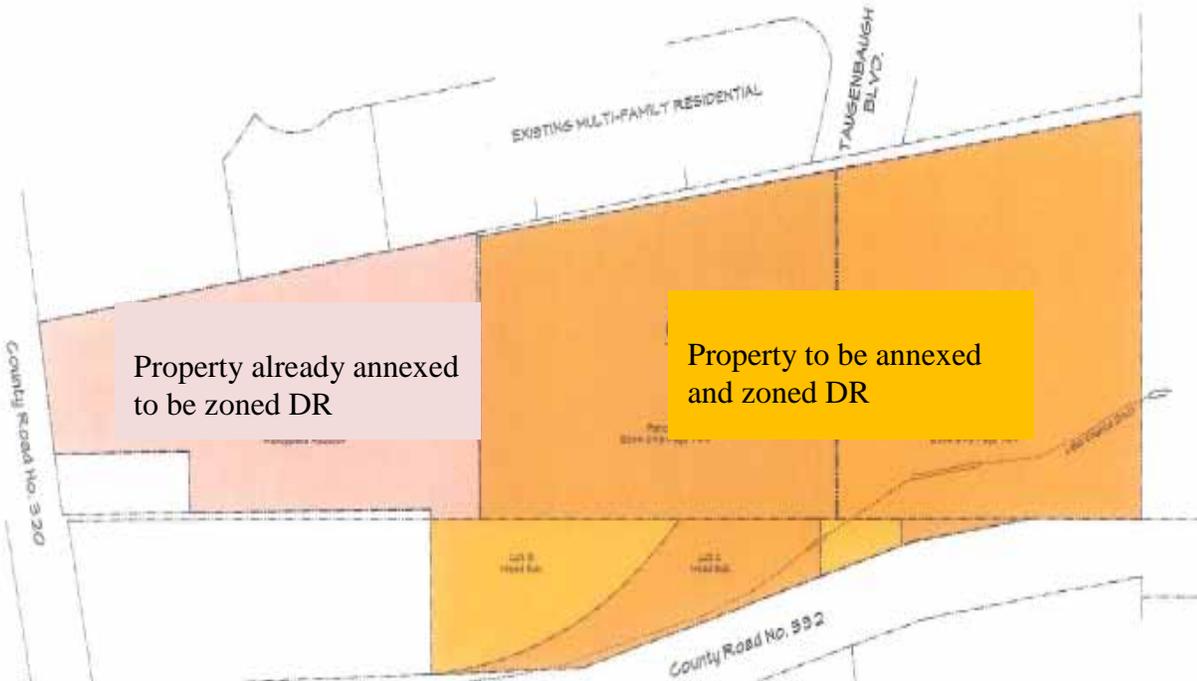
LOCATION



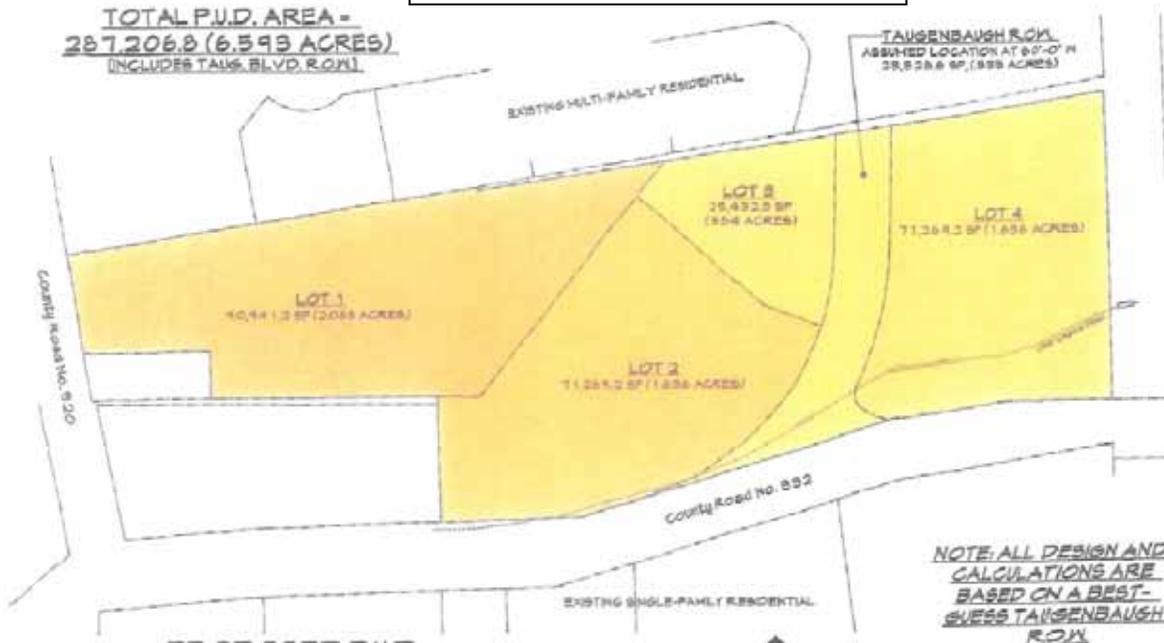
PROPERTY MAP

The property is bordered by County Road 332 to the south, and County Road 320 (Garden Lane) to the west.

Property as currently configured



Property as proposed by applicant



PROJECT OVERVIEW

Land Uses - Sunset Townhomes requests annexation into the City of Rifle for the purpose of future commercial and multi-family residential development. The proposal would create four lots on the site (see property map above). The applicants are attempting to identify a senior living facility operator for the site.

The applicant's proposed uses are consistent with the recommendations of the Comprehensive Plan. Taughenbaugh Boulevard is likely to be a major thoroughfare with the future growth of South Rifle. Commercial and multi-family residential uses with high-quality site and building design are appropriate for this location and are compatible with the surrounding neighborhood.

Staff notes that the applicant's conceptual design of multi-family units on Lot 1 does not meet the standards of the Comprehensive Plan or PUD standards. Units could be broken up into smaller pieces and arranged with more usable open space. The Final PUD shall be required to submit a different design for Lot 1.

Zoning - Because the applicants have not yet identified a specific site use or development proposal for the property, staff cannot fully evaluate the impacts of development at this time. Therefore, staff recommends that the property be annexed and zoned Developing Resources (DR). DR is a holding zone that does not permit development beyond one house per lot. Before development could occur, the applicant would be required to rezone the property to a Planned Unit Development (PUD) zoning district appropriate to the specific land use proposed.

Staff recommends approval of a Sketch PUD for the property based on the concepts presented by the applicants and its conformance with the Comprehensive Plan. Before development may occur, the applicant must submit a Final PUD rezoning application for the City's approval. The specific land uses, densities, site and building design will be addressed through the Final PUD zoning process. Planning Commission and City Council will have the opportunity to review a more specific proposal at that time.

Infrastructure - The major infrastructure issue regarding this property is the extension of Taughenbaugh Avenue and Last Chance Drive. These street extensions are important for emergency access with the Fire Station and the Hospital nearby. As South Rifle continues to grow, the relief of congestion on Airport Road and the opening of new properties to development will be aided.

Because the developer does not have a specific development project, it is not possible to develop a program for funding Taughenbaugh Boulevard at this time. The Annexation Agreement defers the funding question until a later date. The right-of-way for Taughenbaugh Boulevard would be dedicated to the City at the time of the annexation on a Lot Line Adjustment plat that reconfigures the existing parcels. Staff can administratively approve the Lot Line Adjustment plat pursuant to the Rifle Municipal Code.

STAFF RECOMMENDATIONS

City Council may act on the following: a) action to approve or disapprove annexation; b) zoning of the property and action regarding the Sketch PUD.

A. ANNEXATION

Staff recommends that City Council APPROVE the annexation with the following conditions:

1. Before an Annexation Plat shall be recorded, the applicant shall submit a Lot Line Adjustment plat to be recorded with the Annexation Plat. The Lot Line Adjustment Plat shall reconfigure 5 currently existing parcels into 4 parcels as requested by the applicant. The Lot Line Adjustment Plat shall include the Taughenbaugh Right Of Way dedication and an access easement to Lot 2.
2. The Annexation Agreement shall defer the issue of timing and funding the construction of Taughenbaugh to a later date. The developer shall be required to provide a program for funding Taughenbaugh for the City's review and approval as a condition of any rezoning application and before development may occur on the property.
3. The draft Annexation Plat appears to have issues with small gaps between property lines. The developer is responsible for working with the surveyor to ensure these are resolved before the annexation is recorded.
4. The developer is responsible for funding final design of the Taughenbaugh Boulevard and Last Chance Drive extensions and related public improvements unless some other funding program is approved by the City.
5. The Annexation Agreement shall require that prior to development and construction of public improvements, the developer shall prepare an annexation plat for land that is needed for the right-of-way of the Last Chance Drive extension. This includes the eastern portion of CR 332 and two small parcels currently owned by Garfield County. This annexation will occur at the time of the construction of the Last Chance Drive extension. The applicant is responsible for the costs of this Annexation Plat.
6. The Annexation Agreement shall require the submittal of a Final PUD and the creation of Planned Unit Development Standards. This document shall be included with the Preliminary/Final PUD. The following sections must be included: architecture, materials, and colors, signage, lighting, landscape, parking, maintenance of the property, energy efficiency, and land use. Other PUD requirements of Code shall be adhered to.

B. ZONING

Staff recommends City Council APPROVE zoning of the property to Developing Resources, and APPROVE of the Sketch PUD with the following conditions:

1. The Sketch PUD is approved based on the applicant's future submittal of a Preliminary/Final PUD that conforms to the recommendations of the Comprehensive Plan and the PUD requirements of Code.
2. The Final PUD shall submit a revised design of multi-family units on Lot 1 that meets the Comprehensive Plan's goals of "avoiding cookie-cutter and one-size-fits-all development" and "integrate parks and open space into neighborhoods."

3. The Sketch PUD approval shall expire three years from the date of City Council approval.

FINDINGS

Pursuant to Section 17.05.360 of the Rifle Municipal Code, City Council shall consider all the evidence presented by the applicant and other interested parties, comments of review agencies, recommendations of the City staff, and comments from the public. At a minimum, City Council shall also consider the following criteria. (***Staff comments in bold, italics***):

1. Conformance of the proposal with the City of Rifle Municipal Code;

The submitted Annexation and Zoning application complies with the standards of the Rifle Municipal Code.

There will be additional review of all development plans to ensure further compliance.

2. The compatibility of the proposal with the character of the surrounding area, including but not limited to the architectural character of the neighborhood, the average lot and building sizes, and the relative value of the proposed structures to the value of other structures;

The proposed land uses are consistent with those in the surrounding neighborhood. Future PUD standards for this project will ensure that the quality is of a similar or higher standard to surrounding development.

3. The desirability for the proposed use in the specific area of the City;

The Taughenbaugh Boulevard area is adjacent to the interstate exit and desirable for the proposed uses.

4. Potential for adverse environmental effects that might result from the proposed use;

None

5. Compatibility of the development plan with the Comprehensive Plan;

The development is compatible with the Comprehensive Plan, and further reviews will ensure its compatibility.

6. Potential impact of the proposed use upon the value of property and buildings within the surrounding area; and

The proposed project will positively impact property values.

7. Conformance with the approval requirements concerning water and sewer tap availability for high volume use requests, if applicable.

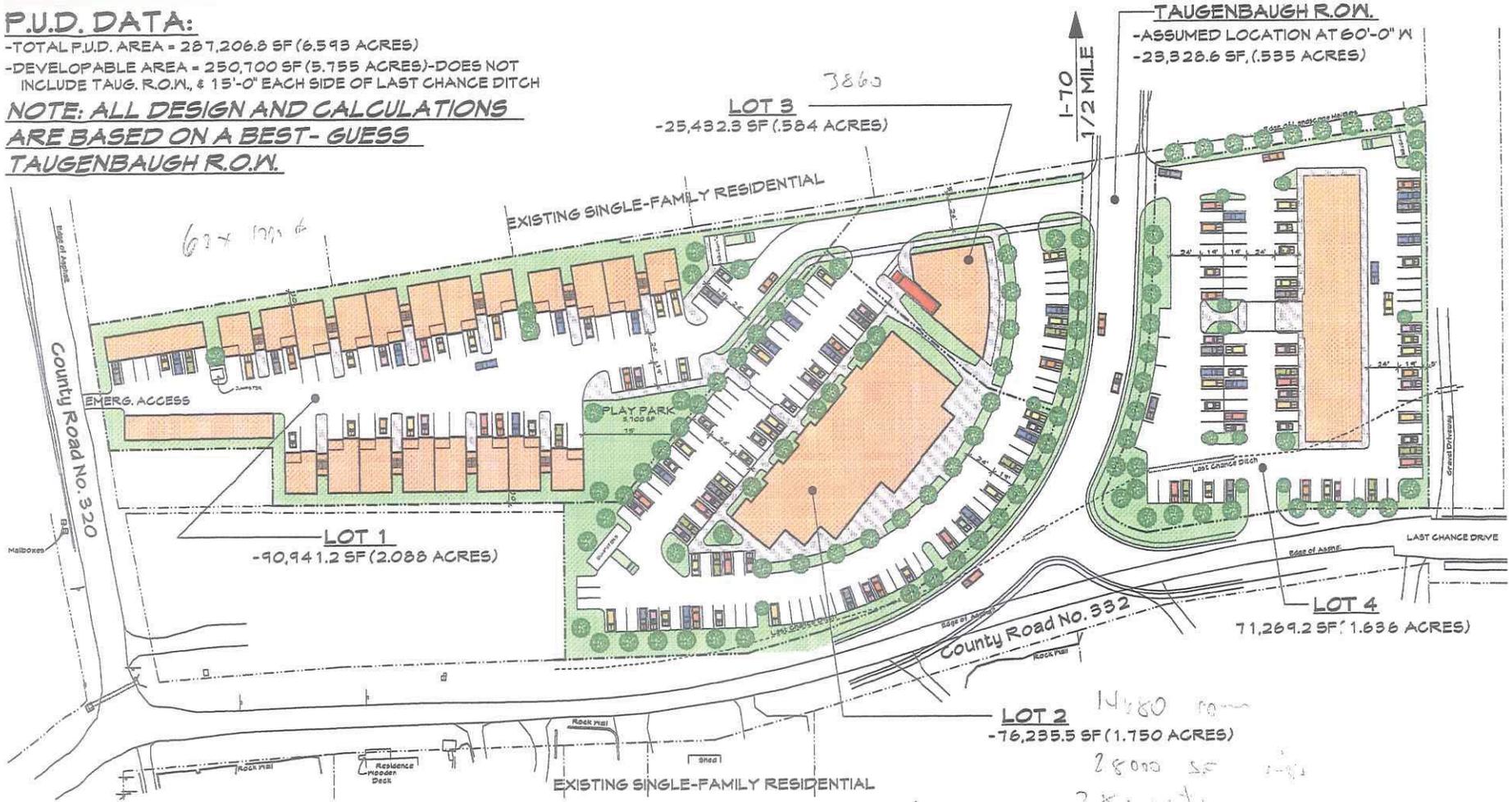
Not applicable.

POTENTIAL LAYOUT '1' OF MULTIPLE UNDER CONSIDERATION

P.U.D. DATA:

- TOTAL P.U.D. AREA = 287,206.8 SF (6.593 ACRES)
- DEVELOPABLE AREA = 250,700 SF (5.755 ACRES)-DOES NOT INCLUDE TAUG. R.O.W., & 15'-0" EACH SIDE OF LAST CHANCE DITCH

NOTE: ALL DESIGN AND CALCULATIONS ARE BASED ON A BEST-GUESS TAUGENBAUGH R.O.W.



SITE LAYOUT

1" = 80'-0"

SUNSET P.U.D.

RIFLE, COLORADO

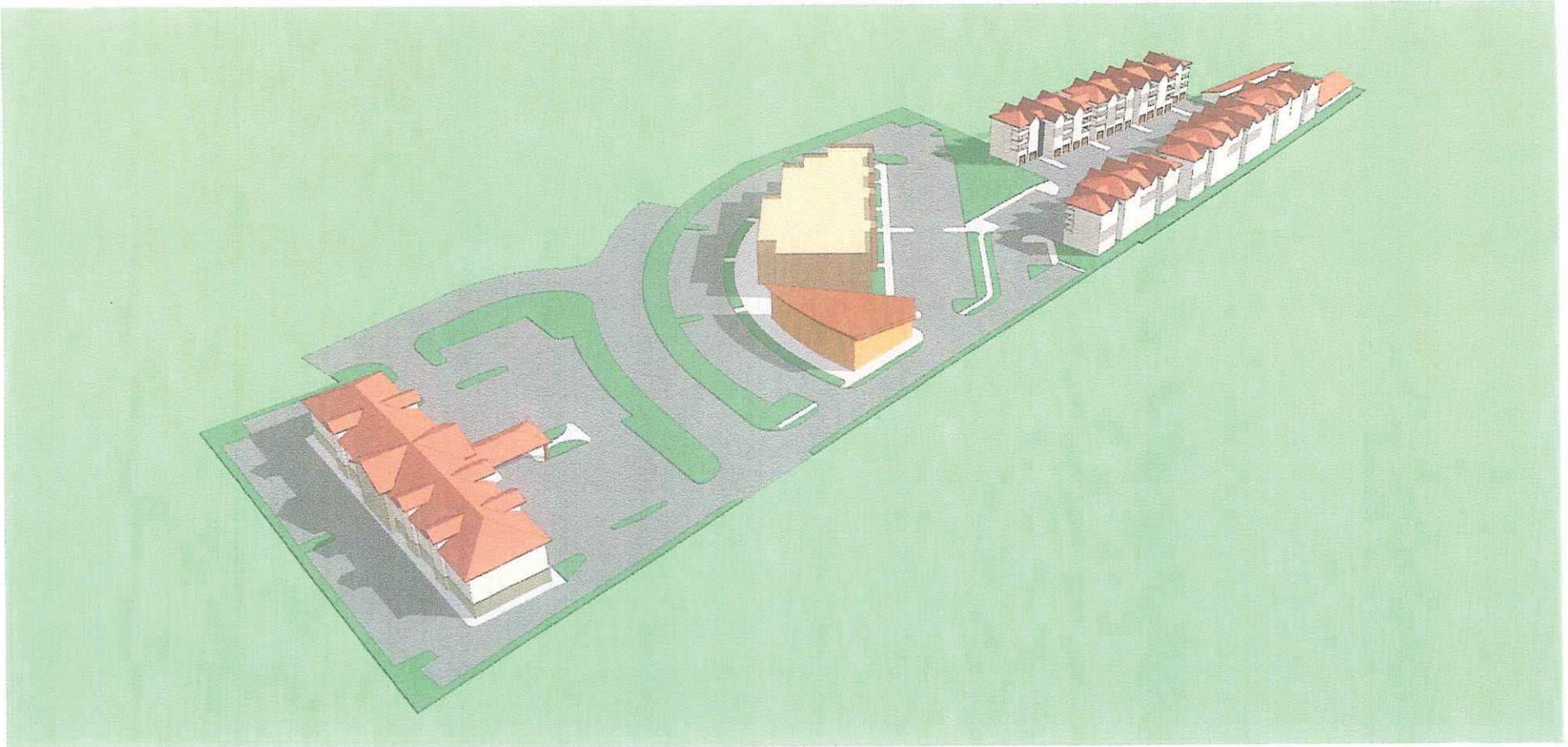
SUNDESIGNS ARCHITECTS, PC

901 BLAKE AVENUE, GLENWOOD SPRINGS, CO 81601 970-945-2201



date: 12/11/08
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POTENTIAL LAYOUT '1' OF MULTIPLE UNDER CONSIDERATION



MASSING - VIEW FROM NORTHEAST

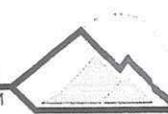
NTS

SUNSET P.U.D.

RIFLE, COLORADO

SUNDESIGNS ARCHITECTS, PC

901 BLAKE AVENUE, GLENWOOD SPRINGS, CO 81601 970-945-2201



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POTENTIAL LAYOUT '1' OF MULTIPLE UNDER CONSIDERATION



MASSING - VIEW FROM SOUTHEAST

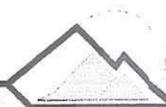
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POTENTIAL LAYOUT '1' OF MULTIPLE UNDER CONSIDERATION



MASSING - VIEW FROM SOUTHWEST

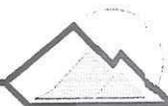
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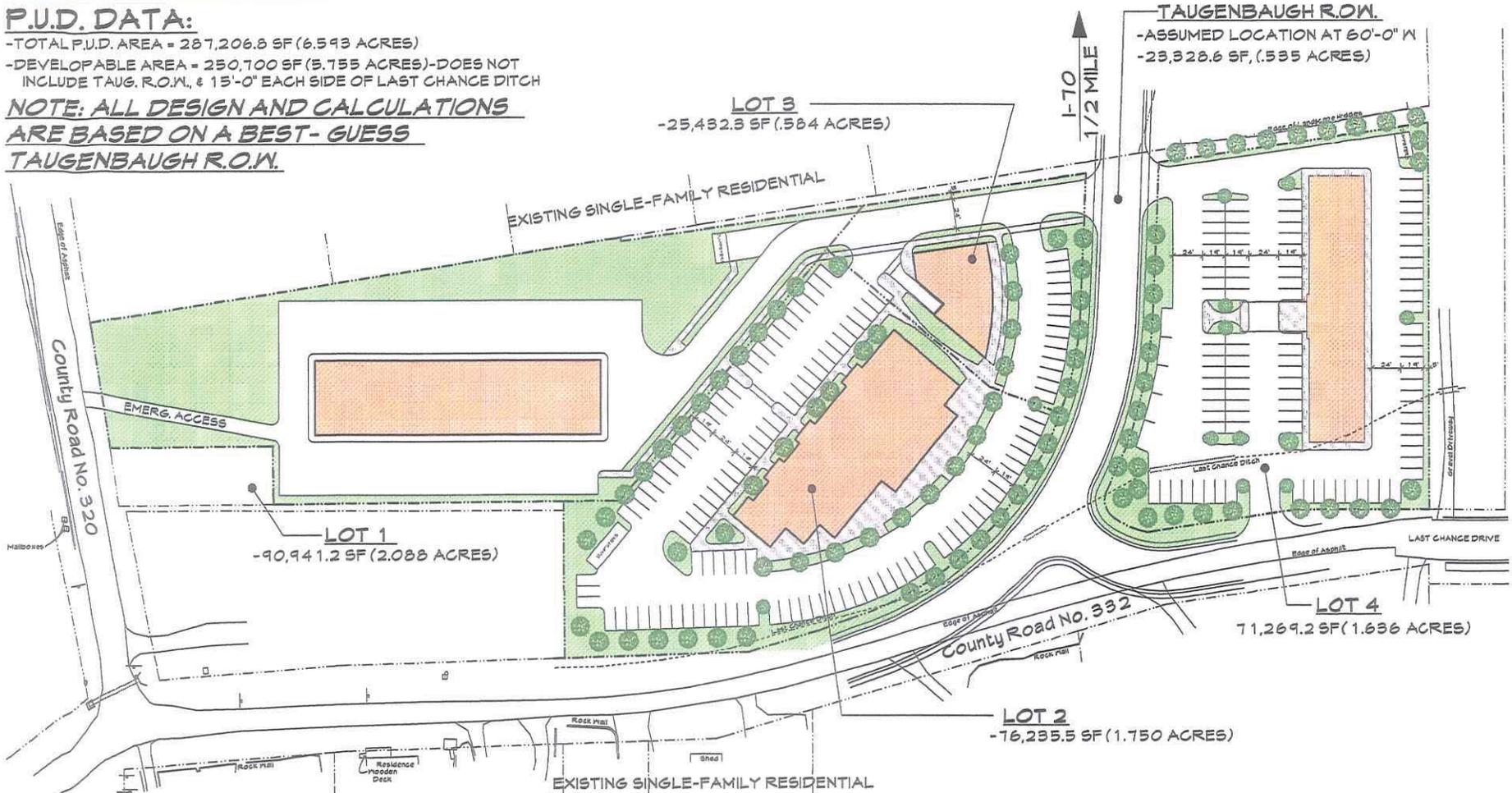
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POTENTIAL LAYOUT '2' OF MULTIPLE UNDER CONSIDERATION

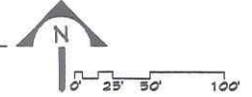
P.U.D. DATA:

- TOTAL P.U.D. AREA = 287,206.8 SF (6.593 ACRES)
- DEVELOPABLE AREA = 250,700 SF (5.755 ACRES)-DOES NOT INCLUDE TAUG. R.O.W., & 15'-0" EACH SIDE OF LAST CHANGE DITCH

NOTE: ALL DESIGN AND CALCULATIONS ARE BASED ON A BEST-GUESS TAUGENBAUGH R.O.W.



SITE LAYOUT
 1" = 80'-0"
SUNSET P.U.D.
 RIFLE, COLORADO



SUNDESIGNS ARCHITECTS, PC
 901 BLAKE AVENUE, GLENWOOD SPRINGS, CO 81601 970-945-2201



date: 12/11/08
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CONTEXT PHOTO SCALE COMPARISON

NTS

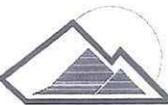
SUNSET P.U.D.

RIFLE, COLORADO

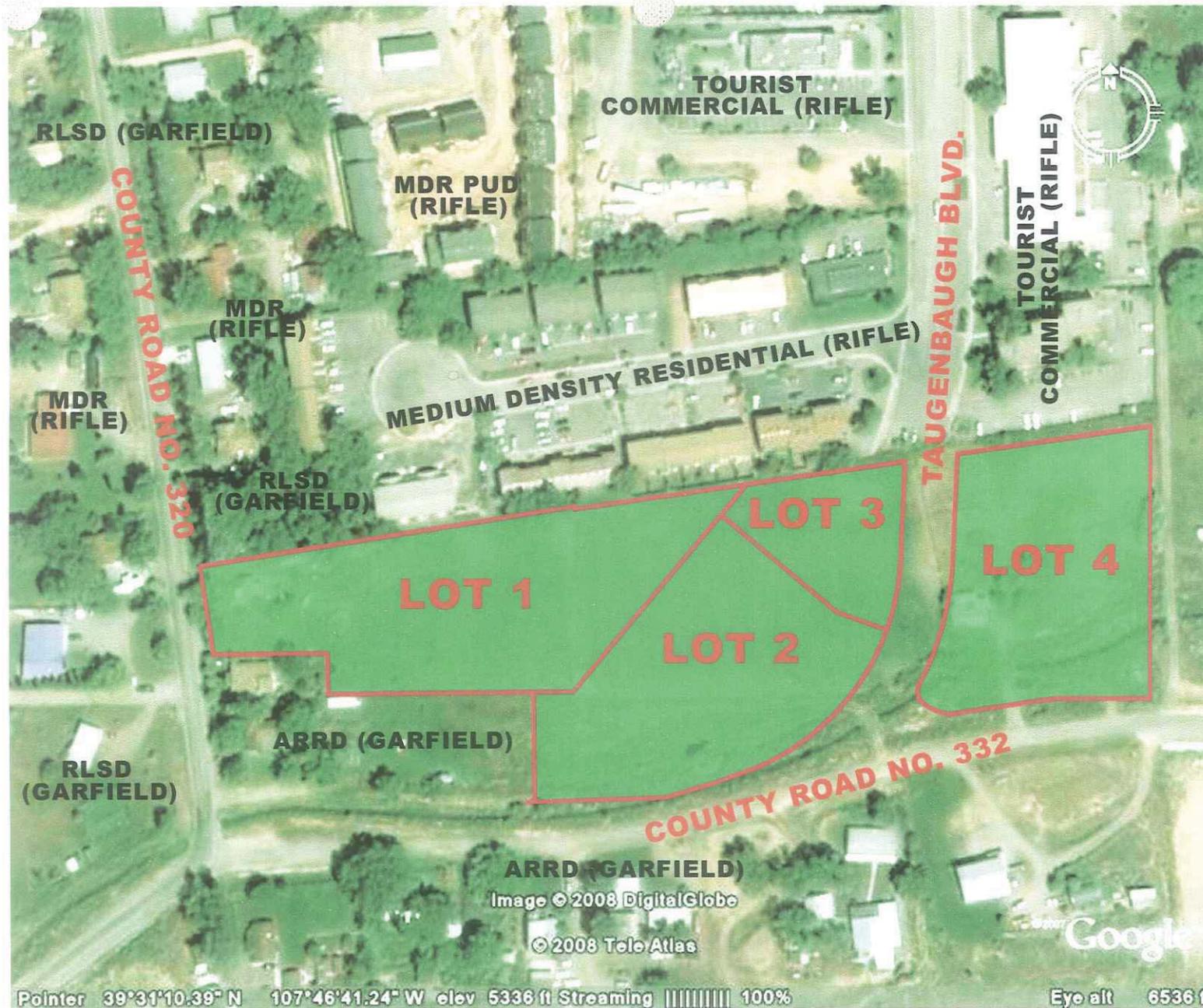


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CONTEXT PHOTO

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March 27, 2012

Via E-mail and U.S. Mail

jamiller@rifleco.org

Mayor Jay D. Miller

P.O. Box 1908

Rifle, CO 81650

RE: Annexation Petition #2012-1 (the "Petition"); Sketch PUD #2012-1
Petitioner: Sunset Townhomes, LLC ("Sunset")

Dear Mayor, Members of Council and Staff:

I am a member of Sunset and write to you on behalf of Sunset and all of its members concerning the above Petition and the Staff Recommendation thereon. The Petition will come before you for consideration on April 4, 2012.

Please know that Sunset purchased this land in 2008 with the understanding that the City and County desired to immediately extend Taugenbaugh Blvd. through the property to connect with Last Chance Drive. In discussions with the City concerning the earlier purchased portion of the land that was already within the City, it became clear that the most efficient way to secure some level of entitlements for the land and to address the road extension was via annexation of the 2008 purchased land into the City. Sunset understood that it would be required to dedicate the required right of way through the land for the extension as and for its sole contribution thereto. The City was prepared to proceed with construction and showed Sunset cost estimates prepared by its outside consultants as well as a preferred design for the road which design was later modified due to its unacceptably extreme impact on the Sunset lands. The City's explained purpose of the desired extension was to open up the southern Mesa and southern side of Rifle for beneficial economic development and in so doing to increase its tax base.

Notwithstanding the foregoing, the Staff recommendation on the Annexation Petition now would impose on Sunset all of the expense of the Taugenbaugh extension including without limitation, right of way dedication, design and construction costs and that such would also include the improvements to Last Chance Drive to the east of where it would junction with that extension. Although the Staff recommendation states that it has worked with Sunset on this issue to insure the financial viability of the project in the face of these requirements, that is simply not the case and that statement must be based on a misunderstanding as these onerous and unfair financial requirements destroys the value of the Sunset lands and Sunset has consistently communicated this as fact. We are hopeful if not certain that Staff would not have intended such a Draconian result.

Sunset does not want nor has it ever wanted or needed this road extension. We would be quite content to secure a PUD for our lands which is not bifurcated by a throughway. If, however, the Community wants this road and the City is willing to build it and pay for it, Sunset will as it originally committed, dedicate the right of way therefor gratis provided that the annexation agreement creates acceptable protections for Sunset regarding any number of development issues such as curb cuts for

access, setbacks, and permitted uses and densities per the flex zoning which we have been discussing with Staff but not otherwise.

We ask that the Council:

1. Fairly allocate the cost of the road extension across the entire City or abandon its intent to extend the road at all and if it so decides revise its Master Transportation Plan accordingly;
2. Commit the City to build the road within an acceptable time frame; and
3. Provide to Sunset the types of assurances described above so that Sunset is assured that development of the land post granting of the right of way is even feasible. The offered Annexation Agreement affords no such assurances or protections to Sunset at all and only creates liabilities for future impact exactions as well as the burden of the costs for the road extension. Indeed it appears that the long discussed "flex zoning" concept has disappeared completely in this effort.

Sunset wants to be a good citizen of the City but expects to be treated fairly in this process. We must observe that our expectations have not been met in the Staff Recommendation or in the draft of the proposed Annexation Agreement received in this process, but we are confident that with good will and proper consideration all issues can be resolved. We have waited since 2008 for the decision to be made on the road which while pending renders the property unsalable (with the possible exception of the original two acres which has frontage on Garden Lane). The time to decide whether this road extension is really desired, when it will actually be built and how will it be paid for by the community that it will serve, is now. We ask for your reasoned consideration.

Very truly yours,



Michael D. Katz, Esq.
Florida Bar No. 0127873
Colorado Bar No. 32845

cc: Alan Lambert, Mayor Pro Tem
Rich Carter, Council Member
Keith Lambert, Council Member
Jonathan Rice, Council Member
Jennifer Sanborn, Council Member
Randy Winkler, Council Member
John Hier, City Manager
Matt Sturgeon, Assistant City Manager
Lisa Cain, City Clerk
Charles Kelty, Finance Director
Public Works Director
James S. Neu, City Attorney

Sunset Members:

Craig Rathbun
Michael Tanguay
Cameron Wilcox
Craig Wilcox
Paul Price
Mary Dominick

h:\lib\docs\11050005\Mtr\la1843.docx



January 15, 2009

Mr. Nathan Lindquist, Planner
City of Rifle
202 Railroad Avenue
Rifle, Colorado 81650

**RE: Annex 2009-1 Sunset Townhomes
Review of Major Subdivision Sketch
and PUD Sketch/Preliminary Plan**

Dear Nathan,

At your request, SGM has completed a review of the aforementioned project application prepared by Craig Rathbun of The Fleisher Company using his consultants, Sundesigns Architects, Bookcliff Survey Services, Northern Engineering and CTL Thompson. In order to conduct this review, we have been provided the following information:

1. The application packet prepared by The Fleisher Company. This packet is entitled "Sunset Townhomes- Major Subdivision Sketch and PUD Sketch/Preliminary, December 12, 2008"
2. A Site Layout Plan dated 12/11/08 as prepared by Sundesigns Architects for Layout 1.
3. A Site Layout Plan dated 12/11/08 as prepared by Sundesigns Architects for Layout 2.

This submittal follows a submittal presented to the City by the applicant in March of last year. We provided a letter addressing the annexation and the "then proposed" sketch plan to you on March 28, 2008. This application reflects a plan revision reflecting the accomplishment of a number of activities that have occurred since as related to the planning and design of an extension of Taughenbaugh Boulevard through and adjacent to this site. As this application provides information related to land use and not specific to public improvement, please note we have isolated our review to the sketch plan only. Our review comments therefore are "big picture" issues that we expect will be subsequently addressed in future submittals. Please note the following comments and concerns:

1. As the density of the project still is in excess of 20 units per acre, we are deeply concerned with the applicant's abilities to fully meet the each specific provision of the City's land use code with this project. The City's recent experiences with a neighboring project that exceeded such density is evidence of such. It is noted that the development of a PUD is one such mechanism to avoid meeting restrictive provisions of the code that would otherwise justify reducing the density significantly. The applicant is justifying his densities in the application, however, such issues such as setbacks, open space, parking, drainage facilities, etc... all



become problematic when density increases. We would recommend that P&Z and Council both cautiously remember the problems associated with the various high density projects that the City has experienced. Such issues as adjacent property trespass to construct, drainage (and maintenance thereof) between buildings, fire code setbacks/construction, transformer and pedestal locations, fire hydrant locations, detention ponds, snow storage, trash storage and collection, pedestrian access, screening and a host of other density related issues will need to be thoroughly addressed.

2. Access to the west portion of the project is proposed to be accommodated at two locations. One being Taughenbaugh to the east and the other being noted as an emergency access to CR 320 to the west. The east portion of the project is to be accessed from Taughenbaugh and Last Chance Drive. It should be noted that other than CR 320 (Garden Lane) to the west, the roadways proposed to be tied onto have not been constructed. Therefore, until these are constructed, this project will not be able to proceed to construction. Very pointed discussions will need to ensue between the City, the developer and the County to coordinate the timing and certainly funding of these roadways as neither the City nor the County have committed funds (beyond the design provided) to construct the improvements.

Given the density and, accordingly, the traffic proposed, we would recommend a variety of improvements be constructed. The first is that consideration towards funding participation in the roundabout project at the I70 interchange needs to be discussed. Is the offsite traffic impact fee sufficient to accommodate the impact? Second, the improvements designed by the City which include Taughenbaugh Boulevard, Last Chance Drive and CR 320 will need to be built. Without these improvements, proper access will not be provided to the project. If the developer constructs such, consideration towards cost reimbursements from future developments to the west should be given.

A traffic impact report will be necessary to be prepared for this project as related to it's impacts on the adjacent City streets. Any such improvements needed to offset negative impacts will need to be provided.

3. CTL Thompson will need to perform a design level geotechnical report for subsequent design and reviews for this project. This is per their recommendation in their report.
4. The Last Chance Ditch supplies irrigation water to properties north of this project. How and where is the water delivered through these properties? Is this property encumbered by the need too allow water to "flow" through the project to supply irrigation water to the properties to the north?
5. Last Chance Ditch will need to be piped through this project. This activity will need to be coordinated with and approved by the ditch company.



6. It is suspected that the Last Chance Ditch generates a significant amount of ground water. If piped, will this continue to be the case? If not piped, the design of the improvements will need to take this into consideration. We therefore have recommended that the developer work with the Last Chance Ditch Company to pipe the ditch. The detailed geotechnical report will need to be cognizant of these issues and will need to address them through providing recommendations and/or appropriate design parameters accordingly.
7. When evaluating the water service (and fire suppression systems) for this site, the developer will need to assure that the service sizes are commensurate with the intended fixture counts for the buildings. This especially in light of the potential of 4 story construction. The average day pressure in the water line in CR 332 is 80 psi. At 9th and Taughenbaugh, the average day pressure is 94 psi. The lines between Taughenbaugh and CR 332 (Beaver Creek line) do not connect at this point. Depending upon timing, this project will need to loop these water lines together in order to improve fire flow (especially given the proposed densities). These improvements will need to be coordinated with the City and evaluated inside the City's water model to define the specific water service conditions to the buildings.
8. The applicant is urged to review the specific submittal requirements for Sketch Plan Review. Information related to the adjacent utility locations is missing from the application and could lead to the supposition that limited service is available. The City is aware of the sewer and water locations, sizes and limitations, however, specific locations and ability to provide service for gas, cable, electric and telephone are of question. This is in light of the proposed densities. An example of these limitations may create the need to provide significant offsite improvements that may cause reconstruction/repair to other public improvements. In order to provide adequate recommendations to the Planning and Zoning Commission and Council, staff will need to know the capacity and extent of improvements necessary to support the densities.
9. Given the drainage/detention requirements in light of the density proposed and in light of our knowledge of the topography of the site, we are deeply concerned that there is very limited ability to provide adequate, maintainable facilities to limit developed flows from this site to historic rates of runoff.

Given the nature of the concerns related to the density proposed for this site in addition to the proposed variances, we would recommend that City staff and the applicant meet to discuss the specific concerns that the staff has in relation to this project. The various impact fees, necessary dedications for right of way, easements and timing of construction (as well as funding) for adjacent roadways need to be thoroughly discussed. Without these discussions having taken place prior to bringing a proposed plan to Planning and Zoning as well as Council, we feel it is premature to be able to provide a positive recommendation towards any such proposal for either of the boards to consider.



SCHMUESER | GORDON | MEYER
ENGINEERS & SURVEYORS

Upon your receipt and review, if you have any questions, please don't hesitate to call.

Respectfully submitted,

SCHMUESER GORDON MEYER, INC.

A handwritten signature in black ink, appearing to read 'Jeffrey S. Simonson', with a long horizontal flourish extending to the right.

Jefferey S. Simonson, P.E.

Cc: Matt Sturgeon
Jim Neu
Charlie Stevens
John Hier
Rod Hamilton

I:/1999/99055A/422/CORRESP/01-15-2009 letter to Nathan.doc

SUNSET TOWNHOMES ANNEXATION AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2012 by and between the CITY OF RIFLE, COLORADO, a Colorado home-rule municipality (hereinafter "City"), and SUNSET TOWNHOMES, LLC, a Colorado limited liability company ("Owner").

WITNESSETH:

WHEREAS, in January 2012, Owner filed with the City Clerk of the City of Rifle, Colorado, a petition and request that the City Council of the City of Rifle, Colorado, commence proceedings to annex to the City of Rifle a certain unincorporated tract of land located in the County of Garfield, State of Colorado, known as the Sunset Townhomes Annexation described on Exhibit A, attached hereto and incorporated herein by reference (the "Annexation Parcel"); and

WHEREAS, Owner is also the owner of Lot 1, Manupella Addition to the City of Rifle, according to the Final Plat thereof recorded as Reception No. 313570 in the Office of the Garfield County Clerk and Recorder (the "Existing Parcel"), which Existing Parcel is already annexed to the City; and

WHEREAS, collectively the Annexation Parcel and the Existing Parcel shall constitute the "Property" subject to this Agreement and shall be developed in accordance with the terms and conditions of this Agreement; and

WHEREAS, Owner's development plans for the Property are not yet finalized, thus impacts cannot be evaluated and the most appropriate zoning designation is Developing Resource ("DR"), which will not permit further development of the Property absent rezoning; and

WHEREAS, the Rifle City Council held a duly noticed public hearing annexing the Annexation Parcel on April 4, 2012, and at a regular meeting of the City Council on April 18, 2012 annexed the Annexation Parcel by Ordinance No. 8, Series of 2012, and by Ordinance No. 9, Series of 2012 zoned the Property Developing Resource ("DR"); and

WHEREAS, the City and Owner desire to enter into this Agreement to set forth their agreements concerning the terms and conditions of the annexation of the Annexation Parcel to the City and the zoning and development of the Property.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Owner agree as follows:

1. Purpose. The purpose of this document as an annexation agreement is to set forth the terms and conditions of the annexation of the Annexation Parcel and the zoning and

development of the Property. Moreover, the parties agree and acknowledge that it is their intent that this Agreement shall be enforceable as an annexation agreement, and that Owner waives any objection to the enforcement of this document as a contractual obligation consistent with annexation agreements. Thus, this Agreement is intended to provide a contractual relationship between the City and Owner to ensure compliance with all requirements contained herein, including, but not limited to restrictions upon the zoning of the Property stated herein. All conditions herein are in addition to any and all requirements of the City of Rifle Municipal Code (hereinafter the "Code") and any and all state statutes.

2. Binding Effect.

- a. This Agreement shall be binding upon and inure to the benefit of the City, Owner and any party succeeding to any interest of Owner in and to any parcel for which Final Subdivision Plat approval has not occurred. The obligations (specifically including, but not limited to, the payment of fees and compliance with any zoning requirements and covenant obligations as may be referenced herein) that run with the land following Final Subdivision Plat approval shall be limited to those set forth herein, or on any Final Subdivision Plat or in any other development approval document, and any exhibits or attachments thereto.
- b. This Agreement and any other agreement(s) between the City and Owner may be enforced, amended, modified, removed or released only by the City, Owner and any party succeeding to any interest of Owner in and to any part of the Property which has not been granted Final Subdivision Plat approval.

3. Zoning and Future Development. The Rifle Planning Commission on February 28, 2012 recommended Developing Resource ("DR") zoning for the Property subject to the conditions of the Planning Department's staff report regarding the application, which staff report and conditions are incorporated herein by this reference and attached hereto as Exhibit B. Pursuant to Section 16-3-50 of the Code, the intent of the DR Zone District is to provide for the annexation of those areas that are presently used for agricultural or other nonurban uses that are adjacent to City limits and potentially suitable for urban development but not in the immediate future because of lack of utilities, services, or other needs. Permitted uses in the DR Zone District are limited to uses existing at the time of annexation, one single-family dwelling per lot or parcel, and agricultural uses limited to the raising of crops or orchards. Developing Resource zoning is appropriate for the Property because annexation of the Annexation Parcel to the City will open up opportunities for development of the Property and provide for the extension of Taughenbaugh Boulevard and Last Chance Drive, as further addressed herein.

In conjunction with its review of the annexation, the Planning Commission reviewed a Sketch Plan for the Property which proposes the development of an as yet undetermined mixed use project in compliance with the City's Comprehensive Plan. Owner intends to finalize development plans for the Property as a Planned Unit Development (PUD) and submit a PUD Preliminary Development Plan to the City. Until that time, the actual development proposal for the Property is undetermined, which necessitates the deferral of calculating certain impacts of the

annexation and development of the Property on the City and the imposition of mitigation measures for such impacts. Therefore, the ascertainment of such “annexation impacts” shall be deferred until the Property is rezoned and a PUD Preliminary Development Plan is submitted to the City. At that time, mitigation shall be resolved in an amendment to this Agreement or in a Subdivision Improvements Agreements for the Property.

4. Fees and Dedications For the Proposed Development of the Property. Owner agrees to pay to the City the fees in the amounts and times set forth below:

- a. Processing Fees. All fees and costs hereto incurred by the City, including but not limited to, engineering, surveying, and legal services rendered in connection with the review, preparation, negotiation, resolution, and finalization of any annexation, zoning, and subdivision review of the Property by the City, including recording fees, costs of legal publication, and any and all other out-of-pocket costs incurred by the City shall be paid by Owner. Interest shall be imposed at rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In addition to any and all remedies available to the City and in the event the City is forced to pursue collection of any amounts due and unpaid under this provision or under this Agreement, the City shall be entitled to collect attorney’s fees and costs incurred in said collection efforts in addition to the amount due and unpaid.
- b. Future Dedications Generally. Pursuant to Section 16-3-510 of the Code, properties zoned Developing Resource shall not be subject to requirements for park dedication or cash payments in lieu of dedicating park land, or for water rights fees or requirements of any other fees except for the annexation costs and fees, unless municipal utilities are to be extended to the Property, until such time that the Property is zoned for development. The requirements for park land and water rights dedication or other fees and requirements shall be calculated before rezoning from Developing Resource is completed. By executing this Agreement, Owner agrees to meet all City requirements for dedications as may be in effect at the time of rezoning and land use approval. Any fee changes or dedication requirements imposed generally following annexation of the Annexation Parcel shall be applied at the time of rezoning and land use approval
- c. Offsite Street Impact Mitigation. As a condition of annexation of the Annexation Parcel to the City, Owner agrees and acknowledges that offsite street impact fees may be due for the development of the Property pursuant to Resolution No. 25, Series of 1995 and Resolution No. 6, Series of 2000. Because Owner has not submitted a final development proposal for the Property, the City has not had the opportunity to analyze any impacts of the development on the City’s transportation infrastructure. Therefore, the final determination of offsite street impact fees or other transportation impact mitigation, or credits for construction of offsite traffic infrastructure, shall be deferred until Owner rezones the Property and provides a PUD Preliminary Development Plan to the City for its review and

approval.

- d. Fees as a Condition of Annexation. Any fees that may be required by this Agreement and the Code to be paid by Owner shall continue to be an obligation of Owner, and subsequent lot owners, even if the Code provisions are declared to be invalid. Payment of such fees pursuant to this Agreement is agreed to by and between the parties as a condition of annexation and, as such, Owner agrees that all such fees, whether in effect in the City by ordinance or not (if repealed or not in effect, the last fee in effect shall apply and be paid), shall be imposed on them and as a condition of any development review. Owner further agrees not to contest the validity of such fees or any ordinance imposing such fees as they pertain to the Property. This obligation to pay such fees shall be a covenant running with the land and shall bind Owner and any party succeeding to any interest of Owner in and to any part of the Property which has not been granted Final Subdivision Plat approval, and to any future lot owners, both as provided for in Section 2 above. Further, because Owner has not submitted a final development proposal for the Property, the City has not had the opportunity to analyze any additional impacts of the development on the City. Therefore, the final determination of any impact fees or other impact mitigation shall be deferred until Owner rezones the Property and provides a PUD Preliminary Development Plan to the City for its review and approval as if those mitigation measures were negotiated prior to annexation.
5. General Conditions for Entire Property.
 - a. Annexation Impact Mitigation. Owner agrees to fully mitigate the impacts of the development of the Property. As part of consideration of annexation of the Annexation Parcel and prior to any PUD Preliminary Development Plan approval, the parties will analyze the anticipated impacts of the development, including traffic, roads, water, sewer, drainage (both on-site and off-site), parks, recreation, schools, fire protection, police protection, affordable housing and any other impacts attributable to the development of the Property. The impacts and specific mitigation measures shall be identified upon the submittal of a PUD Preliminary Development Plan and addressed in an amendment to this Agreement or in subdivision improvements agreements associated with the PUD Final Development Plan or individual Final Plats as if those mitigation measures were negotiated prior to annexation.
 - b. Lot Line Adjustment. As a condition of annexation of the Annexation Parcel, and prior to the recording of an Annexation Plat, Owner shall submit a Lot Line Adjustment Plat to be recorded simultaneously with the Annexation Plat. The lot line adjustment shall reconfigure the five (5) existing parcels comprising the Property into four (4) parcels as proposed by Owner. The Lot Line Adjustment Plat shall include the dedication of the Taughenbaugh Boulevard right-of-way, as

described in subsection d. below.

- c. PUD Preliminary and Final Development Plan. The parties agree and acknowledge that Owner's submittal of a PUD Preliminary Development Plan for the Property, including Planned Unit Development Standards, and, subsequently, a PUD Final Development Plan that address to the City's satisfaction architecture, materials and colors, signage, lighting, landscaping, parking, property maintenance, energy efficiency, and land use, among other relevant items, in accordance with the PUD requirements of the Code for the City's review and approval is required before any development can occur on the Property. The PUD Final Development Plan shall include a design for multi-family units on the Existing Parcel, if multi-family units are still proposed, that meets the Comprehensive Plan goals of avoiding cookie cutter and one-size-fits-all development and integrating parks and open space into neighborhoods.
- d. Taughenbaugh Boulevard and Last Chance Drive Extensions. As a condition of annexation of the Annexation Parcel, Owner shall dedicate on the Lot Line Adjustment Plat for the Property required by Section 5.b. above a sixty foot (60') wide right-of-way to construct an extension of Taughenbaugh Boulevard through the Property according to City standards. Owner agrees and acknowledges that the design and construction of the Taughenbaugh Boulevard and Last Chance Drive extensions and related public improvements are requirements of the rezoning and any development of the Property; provided, however at such time, Owner may propose an equitable alternative to fund the construction of Taughenbaugh Boulevard and Last Chance Drive for the City's consideration, including the timing of such construction.

Unless an alternative is approved by the City, as part of the PUD Preliminary Development Plan or any other development application for the Property, Owner shall submit to the City for its review and approval: (i) final design plans for the Taughenbaugh Boulevard and Last Chance Drive extensions; and (ii) an Annexation Plat showing all right-of-way property necessary to complete the Last Chance Drive extension. Such property includes the eastern portion of County Road 332 and two small parcels currently owned by Garfield County. Annexation of the Last Chance Drive right-of-way shall be completed prior to construction of the Last Chance Drive extension. Owner shall be responsible for all costs associated with the processing and approval of the Last Chance Drive Annexation Plat.

- e. Subdivision Improvements Agreement. Owner agrees to enter into a Subdivision Improvements Agreement as a condition of any Final Subdivision Plat approval for the Property in the forms then in use by the City and as approved by the City Attorney.
- f. Noxious Weed Control/Maintenance. Owner agrees and acknowledges that it

shall, pending and during development of the Property, control the growth of noxious weeds on all parcels within the Property as required by the Rifle Municipal Code and maintain the Property.

6. Zoning. Owner hereby consents to zoning for the Property as set forth in Ordinance No. 9, Series of 2012 which zoned the Property Developing Resource (“DR”). Prior to or simultaneously with the submittal of a PUD Preliminary Development Plan for the Property, Owner shall submit, and the City shall entertain, a rezoning application for the Property. Upon annexation of the Annexation Parcel and zoning of the Property, the Property shall be subject to and adhere to all zoning regulations of the City that are applicable to the Property, as they may be amended.

7. Breach by Owner; City Remedies. In the event of a breach of any of the terms and conditions of this Agreement by Owner, the City may take any action necessary or appropriate, including:

- a. The refusal to issue any building permit or Certificate of Occupancy to Owner; provided, however, that this remedy shall not be available to the City until after the affidavit described in subparagraph b., below, has been recorded; provided further this remedy shall not be available against a bona fide third party.
- b. The recording with the Garfield County Clerk and Recorder of an affidavit, approved in writing by the City Attorney and signed by the City Manager or his designee, stating that the terms and conditions of this Agreement have been breached by Owner. At the next regularly scheduled City Council meeting, the City Council shall either approve the filing of said affidavit or direct the City Manager to file a second affidavit stating that the default has been cured and nullifying the previous affidavit. Upon the recording of such an affidavit, no further parcels or portions thereof may be sold until the default has been cured; an affidavit signed by the City Manager or his designee and approved by the City Council stating that the default has been cured shall remove this restriction;
- c. A demand that any security given for completion of the public improvements be paid or honored;
- d. The refusal to allow further development review for the Property; or
- e. Any other remedy available in equity or at law.

Unless necessary to protect the immediate health, safety, and welfare of the City, the City shall provide Owner ten (10) days’ written notice of its intent to take any action under this paragraph, during which 10-day period Owner may cure the breach described in said notice and prevent further action by the City. Furthermore, unless and until an affidavit as described in subparagraph b., above, has been recorded with the Garfield County Clerk and Recorder, any person dealing with Owner shall be entitled to assume that no default by Owner has occurred

hereunder.

8. Waiver of Defects. In executing this Agreement, Owner waives all objections it may have over defects, if any, in the form of this Agreement, the formalities for execution, concerning the power of the City to impose conditions on Owner as set forth herein or over the procedure, substance, and form of the ordinances or resolutions adopting this Agreement.

9. Final Agreement. This Agreement supersedes and controls all prior written and oral agreements and representations of the parties, and is the total integrated agreement between the parties.

10. Modifications. This Agreement shall not be amended or modified, except by subsequent written agreement of the parties.

11. Release of Liability. It is expressly understood that the City cannot be legally bound by the representations of any of its officers or agents, or their designees, except in accordance with the Rifle Municipal Code and ordinances and the laws of the State of Colorado, and that Owner, when dealing with the City, acts at its own risk as to any representation or undertaking by the City or its officers or agents, or their designees, which is subsequently held unlawful by a court of law, which is in accordance with the laws of the State of Colorado; provided, however, that this paragraph shall not be construed to limit the rights and remedies of the parties otherwise provided by law, including under equitable doctrines of estoppel and the like.

12. Indemnity.

a. To the fullest extent permitted by law, Owner shall indemnify and hold harmless the City and the City's agents and employees from and against claims, damages, losses, and expenses, including but not limited to attorneys' fees and costs, provided that such claim, damage, loss, or expense arises out of or from the following circumstances: any and all claims which may arise as a result of approving the annexation, any approval given during development review of the Property or, except to the extent of any actual negligence on the part of the City, its agents, and employees, in connection with any road enlargement, extension, realignment, improvement, or maintenance, or approval thereof, or any operation, maintenance, repair or replacement of the raw water irrigation and sprinkler system within the Property, or any other item contained in this Agreement.

a. Owner shall reimburse the City at the City's direction for all legal fees, expenses, and costs incurred in any action brought against the City as a result of the City's approval of this annexation, and shall reimburse the City for all costs, including attorneys' fees and costs associated with any referendum election, the review of petition for referendum, protest, or any other challenge procedures to the annexation and zoning. However, nothing herein shall obligate or compel the City to take any position, stand, or proceed with any action or referendum

Notice to Owner:

Sunset Townhomes, LLC
c/o Craig Rathbun
995 Cowen Drive, #201
Carbondale, CO 81623

17. Title Policy. Whenever there appears a requirement to dedicate land to the City, Owner shall provide a title policy which shall indicate that the Property is free and clear of all encumbrances, except severed mineral rights, whatsoever which would impair the use of the Property as proposed in this Agreement or in any further document. Further, said title policy shall show that the Property to be dedicated to the City is free and clear of all encumbrances which would make said dedications unacceptable to the City as the City, in its sole discretion, determines. Should such title policy reflect encumbrances which may impair the use of the Property as proposed or which would make the public dedications unacceptable, the City shall notify Owner, who shall have sixty (60) days to cure or otherwise remove said encumbrances to the satisfaction of the City Attorney. If said encumbrances are not cured or removed, the City may take whatever action or seek whatever remedies it deems advisable, including without limitation disconnection from the City or withholding of any development review approval.

18. Terms and Conditions as Consideration for Annexation. Owner acknowledges that the City is under no obligation to annex any property into the City of Rifle city limits, and thus the City of Rifle's decision to annex Owner's property is at the City's sole discretion. In consideration for the City's agreement to annex, Owner agrees to be bound by all of the terms and conditions of such annexation contained herein, including its agreement to mitigate the impacts associated with the annexation of the Annexation Parcel and development of the Property, and further acknowledges that such conditions are a necessary condition of the City's decision to annex the property into the City of Rifle municipal limits. Owner further agrees and acknowledges that its decision to proceed with annexation is a voluntary act of Owner and that Owner has the sole and absolute discretion to withdraw its petition for annexation in lieu of such voluntary act.

19. Contractual Extension of Municipal Services. All parties hereto agree and acknowledge that the City of Rifle is not obligated to sell or furnish any water, sewer or trash services outside of its municipal limits to Owner and thus, in agreeing to provide such services, the City of Rifle is acting in a proprietary capacity and the relationship entered into between the City of Rifle and Owner and the terms and conditions of this Agreement are purely contractual in nature.

WHEREFORE, the parties hereto have executed duplicate originals of this Agreement on the day and year first written above.

CITY OF RIFLE, COLORADO

By

Mayor

ATTEST:

Clerk

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

Acknowledged, subscribed, and sworn to before me this ____ day of _____ 2012
by _____, as Mayor, and by _____, as Clerk,
on behalf of the City of Rifle, Colorado.

WITNESS my hand and official seal. My Commission expires: _____.

Notary Public

SUNSET TOWNHOMES, LLC

By _____
Title _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Acknowledged before me this ____ day of _____ 2012 by _____
as _____ of Sunset Townhomes, LLC.

WITNESS my hand and official seal. My Commission expires: _____.

Notary Public

**CITY OF RIFLE, COLORADO
RESOLUTION NO. 9
SERIES OF 2012**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE,
COLORADO, CONCERNING THE SUNSET TOWNHOMES ANNEXATION
TO THE CITY OF RIFLE.

WHEREAS, in January 2012, there was filed with the City of Rifle, Colorado (hereinafter "City") a Petition requesting that the Rifle City Council commence proceedings to annex to the City, as provided in C.R.S. §31-12-104, a certain unincorporated tract of land located in the County of Garfield, State of Colorado and described on Exhibit A, attached hereto and incorporated herein by this reference, which parcel is known as the Sunset Townhomes Annexation (hereinafter the "Annexation Parcel"); and

WHEREAS, the City Council by Resolution No. 7, Series of 2012, found that the Petition is in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended, established a date, time, and place for a hearing upon the Petition, and directed the City Clerk to give notice of the hearing in accordance with C.R.S. §31-12-108(2); and

WHEREAS, notice of such hearing was published on March 1, 8, 15, and 22, 2012 in the *Citizen Telegram* newspaper; and

WHEREAS, the public hearing on the Petition was held on April 4, 2012 at a regularly scheduled meeting of the Rifle City Council, and at such hearing any person permitted to appear pursuant to C.R.S. §31-12-109(1) had the opportunity to appear and present evidence upon any matter determined by the City Council; and

WHEREAS, a radiation hazards reports on the Annexation Parcel has been submitted to the City as required by Rifle Municipal Code §16-2-50; and

WHEREAS, the City Council finds and determines that the hearing upon the Petition is now complete.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

FINDINGS OF FACT, DETERMINATIONS AND CONCLUSIONS

1. The City incorporates the foregoing recitals as findings and determinations by the City Council, and conclusively makes all of the Findings of Fact, Determinations and Conclusions contained herein.

2. For the Annexation Parcel, the City staff has determined, and the City Council so finds, that the landowners of one hundred percent (100%) of the Annexation Parcel to be annexed, excluding public streets and alleys, signed and filed the Petition requesting the annexation to the City of the Annexation Parcel described in the Petition.

3. The Petition is accompanied by five (5) or more copies of the Annexation Map which contains, among other things, the information required by C.R.S. §31-12-107(1)(d).

4. For the Annexation Parcel, the requirements of C.R.S. §31-12-104, as amended, exist or have been met, including without limitation the following:

- a. Not less than one-sixth (1/6th) of the perimeter of the Annexation Parcel is contiguous with the City.
- b. A community of interest exists between the Annexation Parcel and the City.
- c. The Annexation Parcel is urban or will be urbanized in the near future.
- d. The Annexation Parcel is integrated with or is capable of being integrated with the City.
- e. No election for annexation of the area proposed to be annexed to the City has been held in the preceding twelve (12) months.

5. For the Annexation Parcel, the requirements of C.R.S. §31-12-105, as amended, exist or have been met, including without limitation the following:

- a. In establishing the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
 - (1) has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, roadway, or other public way; or
 - (2) comprising twenty (20) acres or more (which together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000.00 for ad valorem tax purposes for the year preceding the proposed annexation) has been included without the written consent of the landowners.

- b. No annexation proceedings have been commenced for the annexation to a municipality other than the City of all or part of the Annexation Parcel.
 - c. The annexation proposed in the Petition will not result in the detachment of area from any school district and the attachment of the same area to another school district.
 - d. The annexation proposed in the Petition will not have the effect of extending the municipal boundary of the City more than three (3) miles in any direction from any point on the current municipal boundary of the City.
 - e. The City has previously prepared and adopted a plan meeting the requirements of C.R.S. §31-12-105(e).
6. No election is required under C.R.S. §§31-12-112 and -107(2) for the Annexation Parcel, as no additional terms or conditions are to be imposed upon the owners of property not otherwise agreed to by such owners.
7. The signer of the Petition is the sole owner of one hundred percent (100%) of the area proposed to be annexed, exclusive of public streets and alleys.
8. The annexation to the City of the Annexation Parcel will not result in a change of county boundaries.
9. The names and mailing address of the signer of the Petition and dates of signing are included in the Petition, and the legal description of the land owned by such petitioner is attached to the Petition. No signature on the Petition is dated more than 180 days prior to the date of filing of the Petition for annexation with the City Clerk.
10. No area of the Annexation Parcel proposed to be annexed to the City is presently a part of any incorporated city, city and county, or town, and is not contiguous to any other incorporated city, city and county, or town.
11. It is desirable and necessary that the Annexation Parcel described on Exhibit A be annexed to the City.
12. On even date herewith, the City Council of the City of Rifle, Colorado, shall, by ordinance, annex the Annexation Parcel described on Exhibit A to the City of Rifle.

THIS RESOLUTION was read, passed, and adopted by the Rifle City Council at a regular meeting held this 4th day of April, 2012.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk

ANNEXATION DESCRIPTION NO. 1

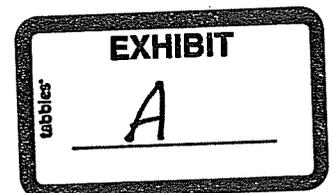
PARCELS OF LAND SITUATE IN THE NE1/4 OF SECTION 21 AND THE SE1/4 OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO. SAID PARCELS OF LAND BEING PREVIOUSLY DESCRIBED AS LOT B AND C OF THE AMENDED PLAT OF LOTS 3 AND 4 OF THE MEAD SUBDIVISION RECORDED AT THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE AS RECEPTION NO. 509952 AND PARCEL A RECORDED AT THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE AS BOOK 969, AT PAGE 149 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 21, A 3" GARFIELD COUNTY SURVEYOR BRASS CAP IN PLACE; THENCE S89°19'21"E 610.57 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF LOT 1 MAHUPPELLA ADDITION RECORDED AT THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE AS RECEPTION NO. 313570, THE TRUE POINT OF BEGINNING; THENCE N89°32'00"E 49.99 FEET; THENCE N00°45'00"W 209.79 FEET; THENCE N81°34'10"E 352.47 FEET; THENCE S00°15'50"E 270.89 FEET; THENCE N89°58'50"W 17.61 FEET; THENCE S00°01'10"W 44.56 FEET; THENCE S73°35'22"W 248.70 FEET; THENCE S88°12'33"W 159.52 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 9.05 FEET, CHORD BEARS N87°30'18"E 9.05 FEET; THENCE N00°11'55"W 126.97 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINING 2.858 ACRES, MORE OR LESS.

ANNEXATION DESCRIPTION NO. 2

A PARCEL OF LAND SITUATE IN THE SE1/4 OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO. SAID PARCEL OF LAND BEING PREVIOUSLY DESCRIBED AS PARCEL B RECORDED AT THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE AS BOOK 969, AT PAGE 149 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**CITY OF RIFLE, COLORADO
RESOLUTION NO. 10
SERIES OF 2012**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE,
COLORADO, APPROVING AN ANNEXATION PLAN FOR THE SUNSET
TOWNHOMES ANNEXATION AS REQUIRED UNDER THE MUNICIPAL
ANNEXATION ACT OF 1965, AS AMENDED.

WHEREAS, the City Council of the City of Rifle, Colorado, currently has pending before it an Annexation Petition requesting the annexation to the City of certain unincorporated property located in Garfield County, Colorado, which property is known as the Sunset Townhomes Annexation, described on Exhibit A attached hereto and incorporated herein by reference (hereinafter the AProperty@); and

WHEREAS, C.R.S. ' 31-12-105(1)(e) provides that prior to the completion of any annexation within a three-mile area, the municipality shall have in place a plan for that area, which generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the municipality and the proposed land uses for the area; and

WHEREAS, the City currently has in place a Comprehensive Plan and other long-range planning documents which constitute the City's annexation plan; and

WHEREAS, by this Resolution the City Council desires to recognize that such documents function as the City's annexation plan, as required by C.R.S. ' 31-12-105(1)(e), and that such plan is in place with regard to the proposed annexation to the City of the Property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

1. The City of Rifle's annexation plan, as required under C.R.S. ' 31-12-105(1)(e), consists of the following documents, each of which is incorporated herein by this reference as if set forth in full:

- A. City of Rifle Comprehensive Plan dated 2009.
- B. Rifle Trail System Planning Program dated December 6, 1991.
- C. Zone District Map of the City of Rifle.
- D. Any and all staff reports and minutes of any Planning & Zoning Commission meetings relating to this development application.

2. The City, acting through its staff, consultants, and attorneys shall update the City's annexation plan as necessary and at least once annually.

THIS RESOLUTION, was read, passed and adopted by the Rifle City Council at a regular meeting held this 4th day of April, 2012.

CITY OF RIFLE, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

ANNEXATION DESCRIPTION NO. 1

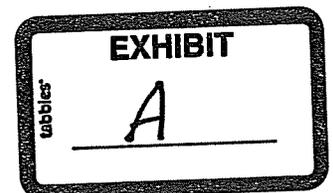
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ANNEXATION DESCRIPTION NO. 2

A PARCEL OF LAND SITUATE IN THE SE1/4 OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO. SAID PARCEL OF LAND BEING PREVIOUSLY DESCRIBED AS PARCEL B RECORDED AT THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE AS BOOK 969, AT PAGE 149 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**CITY OF RIFLE, COLORADO
ORDINANCE NO. 8
SERIES OF 2012**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO ANNEXING TO THE
CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE
SUNSET TOWNHOMES ANNEXATION.

WHEREAS, in January 2012, Sunset Townhomes, LLC (“Petitioner”) filed with the City Clerk of the City of Rifle, Colorado, a petition and request that the City Council of the City of Rifle, commence proceedings to annex to the City of Rifle a certain unincorporated tract of land located in the County of Garfield, State of Colorado, known as the Sunset Townhomes Annexation described on Exhibit A attached hereto and incorporated herein by reference (hereinafter the “Property” or “Sunset Townhomes Annexation”); and

WHEREAS, pursuant to C.R.S. §31-12-108, the City Council by Resolution No. 7, Series of 2012 specified that the City Council would hold a hearing on the proposed annexation at its regular meeting on April 4, 2012; and

WHEREAS, pursuant to C.R.S. §§31-12-108 to -110, the City Council on April 4, 2012 held a duly-noticed public hearing to consider the proposed annexation; and

WHEREAS, notice of such hearing was published on March 1, 8, 15, and 22, 2012 in the *Citizen Telegram* newspaper; and

WHEREAS, the City Council by Resolution No. 9, Series of 2012, set forth its Findings of Fact, Determinations and Conclusions with regard to annexation to the City of the Sunset Townhomes Annexation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

1. The annexation to the City of the real property described on Exhibit A is hereby approved, and such real property known as the Sunset Townhomes Annexation is hereby annexed to and made a part of the City of Rifle, subject to the terms and conditions of that certain Annexation Agreement between the City of Rifle and Petitioner, which is hereby approved. A copy of the Annexation Agreement is available for inspection at the office of the City Clerk during regular business hours.

2. Within ten (10) days after final publication of this Ordinance, the City Clerk of the City of Rifle, Colorado, on behalf of the City shall:

a. File one (1) copy of the Annexation Map and the original of this Annexation Ordinance in the office of the City Clerk of the City of Rifle, Colorado;

- b. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Map, containing a legal description of the annexation parcel, with the County Clerk and Recorder of Garfield County, Colorado, with directions to the Garfield County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Colorado Department of Revenue;
- c. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Garfield County, Colorado.

INTRODUCED on April 4, 2012, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado held on April 18, 2012, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ___ day of _____, 2012.

CITY OF RIFLE, COLORADO

BY _____
Mayor

ATTEST:

City Clerk

ANNEXATION DESCRIPTION NO. 1

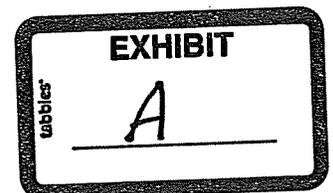
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ANNEXATION DESCRIPTION NO. 2

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**CITY OF RIFLE, COLORADO
ORDINANCE NO. 9
SERIES OF 2012**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO ZONING CERTAIN
REAL PROPERTY KNOWN AS THE SUNSET TOWNHOMES ANNEXATION
AND REZONING LOT 1, MANUPELLA ADDITION TO THE CITY OF RIFLE
DEVELOPING RESOURCE ZONE DISTRICT.

WHEREAS, in January 2012, Sunset Townhomes, LLC (“Petitioner”) filed with the City Clerk of the City of Rifle, Colorado, a petition and request that the City Council of the City of Rifle, Colorado, commence proceedings to annex to the City of Rifle a certain unincorporated tract of land located in the County of Garfield, State of Colorado, known as the Sunset Townhomes Annexation described on Exhibit A, attached hereto and incorporated herein by reference (hereinafter the “Sunset Townhomes Annexation”); and

WHEREAS, by Ordinance No. 8, Series of 2012 the City of Rifle annexed the Sunset Townhomes Annexation to the City; and

WHEREAS, Petitioner is also the owner of Lot 1, Manupella Addition to the City of Rifle, according to the Final Plat thereof recorded as Reception No. 313570 in the Office of the Garfield County Clerk and Recorder (the “Existing Parcel”); and

WHEREAS, collectively the Sunset Townhomes Annexation and the Existing Parcel shall constitute the “Property” subject to zoning and rezoning, respectively; and

WHEREAS, Petitioner has filed an application to zone the Property Developing Resource (“DR”) Zone District, and on February 28, 2012, the City of Rifle Planning Commission considered the zoning application for the Property and recommended that the City Council zone the Property DR Zone District; and

WHEREAS, as required by the Rifle Municipal Code, the public hearing on the zoning application for the Property was held on April 18, 2012 at a regularly scheduled meeting of the Rifle City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

1. The aforementioned recitals are hereby fully incorporated herein.
2. The Property described on Exhibit A is hereby zoned Developing Resource (ADR®) Zone District.
3. Within thirty (30) days after the effective date of this Ordinance, the City Clerk shall

incorporate the terms of this Ordinance into the Geographical Information System described in RMC ' 16-3-20, shall cause a printed copy of the amendment to the City Zone District Map to be made, which shall be dated and signed by the Mayor and attested to by the City Clerk, and which shall bear the seal of the City. The amended map shall include the number of this Ordinance. The signed original printed copy of the Zoning Map shall be filed with the City Clerk. The Clerk shall also record a certified copy of this Ordinance with the Garfield County Clerk and Recorder. The City staff is further directed to comply with all provisions of the Rifle Land Use Regulations, RMC ' 16-1-10, *et seq.*, to implement the provisions of this Ordinance.

INTRODUCED on April 4, 2012, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado held on April 18, 2012, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2012.

CITY OF RIFLE, COLORADO

BY _____
Mayor

ATTEST:

City Clerk

Ordinance No. 9, Series of 2012
Exhibit A—Legal Description for Sunset Townhomes Zoning

Lot 1, Manuppella Addition to the City of Rifle according to the plat thereof recorded April 6, 1981 as Reception No. 313570 in the Office of the Garfield County Clerk and Recorder.

ANNEXATION DESCRIPTION NO. 1

PARCELS OF LAND SITUATE IN THE NE1/4 OF SECTION 21 AND THE SE1/4 OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO. SAID PARCELS OF LAND BEING PREVIOUSLY DESCRIBED AS LOT B AND C OF THE AMENDED PLAT OF LOTS 3 AND 4 OF THE MEAD SUBDIVISION RECORDED AT THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE AS RECEPTION NO. 509952 AND PARCEL A RECORDED AT THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE AS BOOK 969, AT PAGE 149 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 21, A 3" GARFIELD COUNTY SURVEYOR BRASS CAP IN PLACE; THENCE S89°19'21"E 610.57 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF LOT 1 MANUPPELLA ADDITION RECORDED AT THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE AS RECEPTION NO. 313570, THE TRUE POINT OF BEGINNING; THENCE N89°32'00"E 49.99 FEET; THENCE N00°45'00"W 209.79 FEET; THENCE N81°34'10"E 362.47 FEET; THENCE S00°15'50"E 270.89 FEET; THENCE N89°58'50"W 17.61 FEET; THENCE S00°01'10"W 44.56 FEET; THENCE S73°35'22"W 248.70 FEET; THENCE S88°12'33"W 159.52 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET, AN ARC LENGTH OF 9.05 FEET, CHORD BEARS N87°30'18"E 9.05 FEET; THENCE N00°11'55"W 126.97 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINING 2.858 ACRES, MORE OR LESS.

ANNEXATION DESCRIPTION NO. 2

A PARCEL OF LAND SITUATE IN THE SE1/4 OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO. SAID PARCEL OF LAND BEING PREVIOUSLY DESCRIBED AS PARCEL B RECORDED AT THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE AS BOOK 969, AT PAGE 149 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 21, A 3" GARFIELD COUNTY SURVEYOR BRASS CAP IN PLACE; THENCE S89°58'50"E 1017.57 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID SE1/4, THE TRUE POINT OF BECHNNING; THENCE N00°15'50"W 270.89 FEET; THENCE N81°34'10"E 302.94 FEET; THENCE S00°55'53"E 315.44 FEET; THENCE N89°58'50"W 303.55 FEET TO THE POINT OF BECHNNING. SAID PARCEL OF LAND CONTAINING 2.031 ACRES, MORE OR LESS.



April 4, 2012

Re: City of Rifle, Colorado
2012 Oil Shale & Tar Sands PEIS
To be submitted via: <http://ostseis.anl.gov/involve/comments/index.cfm>

The City Council of the City of Rifle greatly appreciates the Department of the Interior, Bureau of Land Management's review of past decisions regarding oil shale leasing and development and offers the following comments:

We recognize the 2012 "fresh look" PEIS is addressing only an allocation decision, however, the Rifle City Council feels it is important to address additional concerns in our comments as the additional information helps describe reasons for selecting our preferred alternative.

The City of Rifle, Colorado (population 9,500) sits at the base of the oil-shale rich Roan Plateau in the Piceance Basin. If commercial development of oil shale does ever occur again, our community and region will again be the likely epicenter of oil shale development as it was in the late 1970s and early 1980s. Unfortunately, in 1982, our community was also the epicenter of the oil shale bust that resulted in an economic depression in our region that spanned close to two decades.

In recent years our community and region was heavily impacted by natural gas exploration and production occurring in nearby private and public lands. Natural gas development brought significant growth to our community and placed considerable demands upon our municipal infrastructure, resulted in a shortage of affordable housing and essential community workforce, caused material and labor costs to skyrocket and strained social services and law enforcement capacities. Full-blown commercial development of oil shale would likely have similar impacts to our community and region.

The City wants to ensure that communities impacted by commercial development of oil shale have the appropriate and necessary financial resources to address and cope with the effects of oil shale development. Our community has learned from past energy development "booms" that investment in community services, facilities, and infrastructure is needed many years in advance of commercial production and the associated tax revenue. Additionally, as municipalities and counties in Colorado have experienced in recent years, energy tax revenues that have historically flowed to local governments to cope with energy development impacts have been hijacked by the State Legislature to balance their budget in this down economy.

As in past comments on Oil Shale Development, the Rifle City Council strongly supports action by the federal government to develop an oil shale cumulative community impacts study and dedicate funding to address the identified impacts prior to commercial production. Additionally, the federal government should, if commercial production ever proves viable, consider the development of an incentive for companies engaged in oil shale production to provide up-front and on-going investment in local communities and to local governments directly affected by oil shale development and production.

Because of these concerns for our community and region, the City Council of the City of Rifle has chosen Alternative 3, Oil Shale Research Lands Focus (RD&D with Preference Lease Right only) as their preferred alternative. This alternative recognizes the need for further research and understanding of the potential extraction technologies prior to commencing a commercial leasing program. Additionally, it limits the footprint and focuses the development and production that will occur on public lands in Colorado on what is considered to be the most productive resource area.

Thank you for your consideration of our concerns and position. Respectfully submitted on behalf of the City Council of the City of Rifle, Colorado

New Oil Shale PEIS - Alternatives

1. No Action Alternative: Same as 2008, 2,017,741 M acres for commercial leasing.
2. A. Oil Shale Conservation Focus: 462K acres, 35,308 acres in Colorado removes Lands with Wilderness Characteristics, Sage Grouse Habitat, Areas of Critical Environmental Concern, etc.
B. Oil Shale Conservation Focus with RD&D first, Same as "A," but require RD&D lease prior to commercial leasing (BLM Preferred Alternative).
3. RD&D with Preference Lease Right Only: 32,640 acres in Colorado and Utah
4. A. Moderate Development: 1.4-2.0M acres (Alt1 minus ACECs, etc.), 330,000 Acres in Colorado.
B. Moderate Development with RD&D

Memorandum

TO: THE HONORABLE MAYOR AND CITY COUNCIL
FROM: DARYL MEISNER, CHIEF OF POLICE
DATE: MARCH 27, 2012
RE: VICTIM RIGHTS FUND

Under the State statutes 24-4.1-301 and 24-4.1-302.5 etc, the police department has certain obligations to provide for victim rights services and information. At this time we are in compliance with the laws through agreement with the Garfield County Sheriff who has dedicated staff for this purpose. They are funded in part by VALE funds and largely by their budgeted funds. So far these services have been provided to us at no cost. Unfortunately there is no guarantee that this free service will always be available.

Consequently I recommend that Rifle consider a surcharge through municipal court to provide for the required victim services either through our own staff or through contract services with the Sheriff. Rifle is currently the second largest user of the Sheriff's victim services. Even if we don't need the funds immediately, we can begin accumulating funds with the eventual need in mind, and to provide some victim assistance along the way. Any way you look at it we are likely to have to provide these funds one way or another at some time.

Many communities in Colorado and in our County already have similar ordinances to provide this mandated service. We have some sample for the Attorney's office to consider should you choose to consider an ordinance for Rifle.

I must add that the Sheriff's staff has done a remarkable job providing victim services for our community.



MEMORANDUM

TO: Honorable Mayor and Council
FROM: John Hier, City Manager
DATE: March 14, 2012
RE: Proposed Water Rates for New Treatment Plant

The City of Rifle is developing plans to construct a new water treatment plant which will cost approximately \$25 million dollars. Operations and maintenance costs for the new plant will be approximately \$2.6 million annually. Debt service costs will be about \$1.6 million annually. The total revenue requirement is \$4.2 million. Presently the City service charges generate about \$2.1 million annually.

The Colorado Water and Power Authority has voted to approve a twenty-five million dollar loan to the City of Rifle for construction of a new water treatment plant. The loan will be effective by about the end of April.

The City will need to adopt a new rate structure capable of supporting the loan debt service. The new rate ordinance should be adopted and in place by April 24th, to make the loan effective. It is important to note that while a new rate structure needs to be adopted by the end of April that the date of implementation can be later in the year. That will give voters an opportunity to vote on a 1/2% sales tax should the Council determine that it is appropriate to include a sales tax in the finance plan for the new plant.

The present rates are as follows:

Base Fee \$18.29 which includes 4,000 gallons
Usage Fee up to 30,000 gallons \$3.54/1,000 gallons
Usage Fee > 30,000 gallons 3.81/1,000 gallons

The recommended rates (and ordinance) are attached for your review. The rates recommended are illustrated with and without a sales tax as part of the Finance Plan.

We have developed a four tier system of rates which range from \$5/1,000 gallons of water used to \$8.00/1,000 gallons of water used. In each scenario, the first 4,000 gallons of usage is included with the base fee of \$45.00.



The proposed fee schedule is as follows:

Base Fee	\$45.00
0 - 4,000 gallons	\$ 0.00 Included in the base fee
4,000 – 8,000 gallons	\$5.00 / 1,000 gallons
8,000 – 20,000 gallons	\$7.00 / 1,000 gallons
>20,000 gallons	\$8.00 / 1,000 gallons

I propose that the City enact these rates in two phases. Phase I should be as follows:

Base Fee	\$36.00
0 - 4,000 gallons	\$ 0.00 Included in the base fee
4,000 – 8,000 gallons	\$4.00 / 1,000 gallons
8,000 – 20,000 gallons	\$5.60 / 1,000 gallons
>20,000 gallons	\$6.40/ 1,000 gallons

Phase I rates would be sufficient to provide adequate revenue when combined with a 1/2¢ sales tax. If the 1/2¢ sales tax does not receive voter approval, the 2nd phase of rate increase could be implemented. You will note that by including a 1/2¢ sales tax in the finance plan, the proposed rate increase can be reduced by about 40%. Additionally, Senior Citizens could still be eligible for a 20% rate reduction, thus their affective water rate could be only marginally higher than they presently pay.

I have also included examples of an illustrative water bills for a family using about 4,000 gallons, 7,000 gallons, and 15,000 gallons per month. This example illustrate a water bill based on the present rates, proposed rates, and rates with a 1/2¢ sales tax in the finance plan. I hope these are helpful for your deliberation.

Residential customer using 4,000 gallons per month would pay the following:

	<i>Present Bill</i>	<i>New Bill w/o Sales Tax</i>	<i>New Bill with ½¢ Sales Tax</i>
Base fee	18.29	45.00	36.00
Usage fee	0.00	0.00	0.00
Total	18.29	45.00	36.00

Residential customer using 7,000 gallons per month would pay the following:

	<i>Present Bill</i>	<i>New Bill w/o Sales Tax</i>	<i>New Bill with ½¢ Sales Tax</i>
Base fee	18.29	45.00	36.00
Usage fee	10.62	15.00	12.00
Total	28.91	60.00	48.00

Residential customer using 15,000 gallons per month would pay the following:

	<i>Present Bill</i>	<i>New Bill w/o Sales Tax</i>	<i>New Bill with ½¢ Sales Tax</i>
Base fee	18.29	45.00	36.00
Usage fee	10.62	69.00	55.20
Total	28.91	114.00	91.20

Please contact me or Charles Kelty with your questions or comments.

Thanks



John

Water Rate Analysis

Residential Customers

		Proposed Rates Phase II		Proposed Rates Phase I	
Tier 1	Base fee	\$	45.00	\$	36.00
Tier 2	4,000 - 8,000 gallons	\$	5.00	\$	4.00
Tier 3	8,000-20,000 gallons	\$	7.00	\$	5.60
Tier 4	> 20,000 gallons	\$	8.00	\$	6.40

Tier #1

Proposed monthly minimum		\$	45.00
Proposed rate per 1,000 gallons	0 – 4,000 gal	\$	-
Average usage per month	gallons		2228
Number of users in tier			841
Average Bill	Base	\$	45.00
	Usage	\$	-
	Total	\$	45.00
Average Monthly Revenue		\$	37,845.00
Average Annual Revenue		\$	454,140.00

Tier #2

Proposed monthly minimum		\$	45.00
Proposed rate per 1,000 gallons	0 – 4,000 gal	\$	-
	4,000 – 8,000 gal	\$	5.00
Average usage per month	gallons		6003
Number of users in tier			953
Average Bill	Base	\$	45.00
	Usage	\$	10.02
	Total	\$	55.02
Average Monthly Revenue		\$	52,429.30
Average Annual Revenue		\$	629,151.54

Tier #3

Proposed monthly minimum		\$ 45.00
Proposed rate per 1,000 gallons	0 – 4,000 gal	\$ -
	4,000 – 8,000 gal	\$ 5.00
	8,000 - 20,000 gal	\$ 7.00
Average usage per month	gallons	11770
Number of users in tier		1203
Average Bill	Base	\$ 45.00
	Usage	\$ 46.39
	Total	\$ 91.39
Average Monthly Revenue		\$ 109,942.17
Average Annual Revenue		\$ 1,319,306.04

Tier #4

Proposed monthly minimum		\$ 45.00
Proposed rate per 1,000 gallons	0 – 4,000 gal	\$ -
	4,000 – 8,000 gal	\$ 5.00
	8,000 - 20,000 gal	\$ 7.00
	> 20,000 gal	\$8.00
Average usage per month	gallons	47453
Number of users in tier		134
Average Bill	Base	\$ 45.00
	Usage	\$ 323.62
	Total	\$ 368.62
Average Monthly Revenue		\$ 49,395.62
Average Annual Revenue		\$ 592,747.39

Total Annual Revenue \$ 2,995,344.97

Water Rate Analysis

Commercial Customers

		Proposed Rates Phase II	Proposed Rates Phase I
Tier 1	Base fee	\$ 45.00	\$ 36.00
Tier 2	4,000 - 8,000 gallons	\$ 5.00	\$ 4.00
Tier 3	8,000-20,000 gallons	\$ 7.00	\$ 5.60
Tier 4	> 20,000 gallons	\$ 8.00	\$ 6.40

Tier #1

Proposed monthly minimum		\$ 45.00
Proposed rate per 1,000 gallons	0 – 4,000 gal	\$ -
Average usage per month	gallons	1673
Number of users in tier		134
Average Bill	Base	\$ 45.00
	Usage	
	Total	\$ 45.00
Average Monthly Revenue		\$ 6,030.00
Average Annual Revenue		\$ 72,360.00

Tier #2

Proposed monthly minimum		\$ 45.00
Proposed rate per 1,000 gallons	0 – 4,000 gal	\$ -
	4,000 – 8,000 gal	\$ 5.00
Average usage per month	gallons	5716
Number of users in tier		49
Average Bill	Base	\$ 45.00
	Usage	\$ 8.58
	Total	\$ 53.58
Average Monthly Revenue		\$ 2,625.42
Average Annual Revenue		\$ 31,505.04

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 10
SERIES OF 2012**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
APPENDIX A TO THE RIFLE MUNICIPAL CODE REGARDING WATER
SERVICE FEES AND AMENDING SECTION 13-4-60 OF THE CODE TO
CLARIFY THE CITY'S POLICY ON REVIEWING EQR VALUES FOR
EXISTING ESTABLISHMENTS.

WHEREAS, the City of Rifle's existing water treatment plant has reached the end of its design lifespan, spare parts are not readily available, and the facility cannot meet anticipated Colorado Department of Public Health and Environment ("CDPHE") future regulations; and

WHEREAS, the City is designing the new Rifle Regional Water Purification Facility ("RRWPF") pursuant to CDPHE standards and anticipates that the cost to construct the RRWPF will approach \$25,500,000.00; and

WHEREAS, upon completion the RRWPF will be a state-of-the-art water treatment plant that will meet current and future demands, produce higher quality drinking water for Rifle residents, and comply with all existing and anticipated regulations; and

WHEREAS, the City has obtained a historically low interest loan from the Colorado Water Resources Development and Power Authority ("CWRDPA") to fund construction of the RRWPF; and

WHEREAS, repayment of the CWRDPA loan will require an increase in monthly water service fees, and the Utility Department has calculated the increases necessary to meet the City's loan obligations; and

WHEREAS, the City Council finds and determines that an amendment of certain water rates charged by the City set forth in Appendix A to the Rifle Municipal Code ("RMC") is necessary to adequately meet the City's current and future water needs and to remain fiscally responsible; and

WHEREAS, City staff also wishes to clarify existing RMC authority to assign EQR values for existing establishments according to historic metered water usage, and the City Council supports revising RMC Section 13-4-60 accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The first paragraph of Section 13-4-60 of the Rifle Municipal Code, “EQR classifications,” is hereby amended to read as follows, with additions shown in bold, double-underlined text.

13-4-60. EQR classifications.

All applications for service from the City's water and/or wastewater systems shall be assigned an EQR value based on the following schedule; provided, however, that the minimum assignment shall be one (1) EQR. The City reserves the right to classify and reclassify establishments and to change EQR values assigned to use classifications as the needs of the City require. **The City further reserves the right to assign EQR values for existing establishments based on historic metered water usage in accordance with Section 13-4-110.**

Section 3. The water service fees for users within the corporate City limits referenced in the Chapter 13 fees section of the Rifle Municipal Code at Appendix A, page Appx. A-5 are hereby repealed in their entirety and reenacted to read as follows:

13-1-380	Flat fee	<u>Effective September 1, 2012:</u> \$36.00 per EQR (calculated according to Section 13-4-60 EQR Schedule) up to 4,000 gallons of monthly water use per EQR. <u>Effective April 1, 2013:</u> \$45.00 per EQR (calculated according to Section 13-4-60 EQR Schedule) up to 4,000 gallons of monthly water use per EQR.
	Plus (in addition to above)	<u>Effective September 1, 2012:</u> \$4.00/1,000 gallons of water use/month 4,001-8,000 gallons. \$5.60/1,000 gallons of water use/month 8,001-20,000 gallons. \$6.40/1,000 gallons of water use/month 20,001 or more gallons. <u>Effective April 1, 2013:</u> \$5.00/1,000 gallons of water use/month 4,001-8,000 gallons. \$7.00/1,000 gallons of water use/month 8,001-20,000 gallons. \$8.00/1,000 gallons of water use/month 20,001 or more gallons.

Section 4. Adoption of the water service fees described in Section 3 above makes the references to “single-family residential premium” and “multi-family or master meter premium” tiered water rates at page Appx. A-6 of Appendix A obsolete, **and effective as of September 1, 2012**, they are hereby deleted from the Appendix in their entirety as follows:

(13-1-380)	Single family residential premium	\$3.81/1,000 gallons (if use exceeds 30,000 gallons)
	Multi family or master meter premium	\$3.81/1,000 gallons (if use exceeds 21,000 gallons)

INTRODUCED, on April 4, 2012, read in full, passed on first reading, and ordered published by title as required by the City Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on April 18, 2012, approved without amendments, and ordered published in full as required by the Charter.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk



MEMORANDUM

TO: Honorable Mayor and Council
FROM: John Hier, City Manager
DATE: March 29, 2012
RE: Loan Agreement for Water Treatment Plant

The City has received two loan agreements from the Colorado Water and Power Authority. These Agreements need to be approved by the City Council to formalize the loan for the new water treatment plant. The explanation for having two loan agreements is that one agreement is for \$2 million at 0% interest and the second agreement will have an interest rate base upon the State's sale of bonds.

The City's plant design had enough "green" components to qualify for the state loan program which offers zero percent interest rates for a portion of the loan.

In total, the agreements include about 100 pages. Therefore, they are not included in the packet but are available if any Council member wishes to review them.

They have been reviewed by the City's Bond Counsel (Kutak Rock LLP) and by Jim Neu.

I recommend approval of these documents.

Thanks,

John

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 11
SERIES OF 2012**

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND GOVERNMENTAL AGENCY BOND BY THE CITY OF RIFLE, COLORADO, ACTING BY AND THROUGH ITS WATER ENTERPRISE, TO THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY, SUCH GOVERNMENTAL AGENCY BOND TO BE IN A PRINCIPAL AMOUNT NOT EXCEEDING \$25,500,000, FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE WATER TREATMENT SYSTEM OPERATED BY SUCH ENTERPRISE, INCLUDING CONSTRUCTION OF A NEW WATER TREATMENT FACILITY; PROVIDING FOR APPLICATION OF THE NET REVENUES OF SUCH SYSTEM TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH GOVERNMENTAL AGENCY BOND AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH.

W I T N E S S E T H:

WHEREAS, the City of Rifle (the “City”), in the County of Garfield and State of Colorado (the “State”), is a legally and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State and the home rule charter of the City (the “Charter”); and

WHEREAS, the City has acted pursuant to Colorado Constitution Article X, Section 20 (“TABOR”) and Ordinance No. 19, Series of 1994 (the “Enterprise Ordinance”) duly enacted by the City Council and codified as Article I of Chapter 13 of the Rifle City Code (the “Code”), to create a water enterprise (the “Enterprise”) to operate the municipal water system serving the inhabitants of the City; and

WHEREAS, under the Enterprise Ordinance the City Council acts as the governing body of the Enterprise; and

WHEREAS, the Enterprise presently qualifies as an “enterprise” for purposes of TABOR; and

WHEREAS, the Colorado Water Resources and Power Development Authority (“CWRPDA” or the “Authority”) has offered to make a loan to the City, acting by and through the Enterprise, in an amount not to exceed \$25,500,000 (the “Loan”) at an interest rate not to exceed 4.5%, for the purpose of financing a program of improvements to the water treatment system (the “System” or the “Water System”), including the construction of a new water treatment facility operated by the Enterprise (such improvements being referred to herein as the “Project”); and

WHEREAS, there has been filed with the City Clerk and presented to the City Council a proposed form of loan agreement between the City, acting by and through the Enterprise, and the

Authority (the “Loan Agreement”), including the proposed form of bond (the “Governmental Agency Bond”) to be delivered to the Authority by the City, acting by and through the Enterprise (the Loan Agreement and the Governmental Agency Bond being referred to collectively herein as the “Loan Documents”); and

WHEREAS, the City Council, as the governing body of the Enterprise, has determined and hereby declares that, due to the immediate need for the Project and the present historically favorable interest rates, it is in the best interests of the City and its inhabitants that the Loan be obtained from the Authority as soon as practicable; and

WHEREAS, the City Council, as the governing body of the Enterprise, has determined that it is necessary and advisable at this time to authorize the contracting of the Loan and the execution and delivery of the Loan Documents as provided herein;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO ORDAINS:

Section 1. Authorization of Loan. The City hereby elects to apply the provisions of Part 2 of Article 57, Title 11, Colorado Revised Statutes (the “Supplemental Public Securities Act”) to the Loan Agreement and the Governmental Agency Bond. The Loan, in a principal amount not to exceed \$25,500,000, maturing not later than December 31, 2035 and bearing interest at a stated interest rate not to exceed 4.5% and either a maximum net effective interest rate or a true interest cost not to exceed 4.5% per annum, is hereby authorized. The Loan shall be made subject to prepayment as provided in the Loan Agreement. The execution and delivery of the Loan Documents are hereby authorized. Before the Loan Documents are delivered to the Authority, the final details of the Loan shall be approved by the City Manager or the Finance Director. To the fullest extent permitted by the Supplemental Public Securities Act, any such approval may include such additional details pertaining to the Loan and not inconsistent herewith as may be reasonably required. In the event that the Project qualifies as a “green” project under applicable Environmental Protection Agency and CWRPDA criteria, the Loan may be evidenced by one or more Governmental Agency Bonds pursuant to one or more corresponding Loan Agreements, all of which are hereby authorized, subject in the aggregate to the parameters set forth in this Section.

Section 2. Form and Execution of Loan Documents. The Loan Documents shall be in substantially the forms presented to this meeting of the City Council, with such appropriate variations as are necessary to conform to the final Loan terms approved by the City Manager or Finance Director.

Section 3. Disposition of Governmental Agency Bond. When the Governmental Agency Bond has been duly executed as authorized by this Ordinance, and the Authority has certified in writing that the moneys to be deposited in the Project Loan Subaccount created under the Loan Agreement have been deposited, the Governmental Agency Bond shall be delivered to the Authority.

Section 4. Disposition of Loan Proceeds. The Loan Proceeds shall be requisitioned by the City, acting by and through the Enterprise, in the manner provided in the Loan Agreement. The funds deposited in the Project Loan Subaccount and disbursed on such requisitions are hereby appropriated for the Project. This appropriation shall be deemed a continuing appropriation and shall be effective until such funds are expended or such purpose is accomplished.

Section 5. Payment of Principal and Interest. The Loan Agreement defines the Pledged Property to mean (a) all revenues, income, rents and receipts earned by the City from or attributable to the ownership and operation of the system, (b) the proceeds of any insurance covering business interruption loss relating to the system, and (c) interest earned on any moneys or investments which are required to be paid into any fund or account pledged to the payment of the Loan Agreement and the Governmental Agency Bond, after the payment of operations and maintenance expenses of the System. The City, acting by and through the Enterprise, pledges and covenants to apply the Pledged Property to meet the interest accruing on the Governmental Agency Bond and to pay the principal of the Governmental Agency Bond as the same respectively become due and payable, provided that the obligation of the City, acting by and through the Enterprise, is not a general obligation and does not constitute a debt, indebtedness or multiple-fiscal year financial obligation of the City within the meaning of any constitutional or statutory limitation.

Section 6. Budget and Appropriation. Sums herein provided to pay the interest on the Governmental Agency Bond and to discharge the principal thereof when due, and an amount necessary to pay all costs and expenses incidental to the issuance of said Governmental Agency Bond, are hereby appropriated for that purpose, and said amounts for each year shall also be included in the annual budget and appropriation ordinance and bills to be adopted and passed by the City Council of the City in each year, respectively, until the Project is completed and the Governmental Agency Bond has been fully paid, satisfied, and discharged.

Section 7. Special, Limited Obligations; No Covenant To Levy Taxes. The Loan Agreement and related documents and the provisions of this Ordinance shall be special, limited obligations of the City, acting by and through the Enterprise. Nothing herein shall be construed to authorize the levying of any taxes for the payment of the principal of the Governmental Agency Bond or interest thereon, the obligations thereunder being payable solely from the Pledged Property and from no other source.

Section 8. Repealer. All orders, bylaws, ordinances and resolutions, or parts thereof, inconsistent with or in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency or conflict.

Section 9. Ordinance Irrepealable; Expiration. After the Loan Agreement is executed and delivered, and the Governmental Agency Bond is issued, this Ordinance shall be and remain irrepealable until the Loan and the interest thereon shall have been fully paid, satisfied, and discharged. This Ordinance shall expire by its terms if and to the extent that the Loan Agreement is not executed and delivered or the Governmental Agency Bond is not issued within 60 days of the final adoption hereof.

Section 10. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 11. Publication. This Ordinance, immediately on its final passage, shall be numbered and recorded, authenticated by the signatures of the Mayor and the City Clerk, and shall be published as required by law.

Section 12. Incidental Action. The Mayor, the City Clerk, the Finance Director and the other officials of the City are hereby authorized and directed to take all such actions as may be necessary or appropriate in order to accomplish the transactions contemplated hereby.

Section 13. Effective Date. This Ordinance shall take effect 10 days after publication following final passage.

Section 14. Publication of Ordinance. The first publication of this Ordinance shall be by reference, utilizing the ordinance title. This Ordinance shall be published in full after final passage.

INTRODUCED ON FIRST READING, ADOPTED AND ORDERED PUBLISHED BY TITLE, published in a newspaper of general circulation in the City of Rifle by the City Council on the 4th day of April, 2012, and set for second reading and public hearing on the 18th day of April, 2012.

INTRODUCED ON SECOND READING, FINALLY ADOPTED WITH AMENDMENTS AND ORDERED PUBLISHED IN FULL, by the City Council this 18th day of April, 2012.

[SEAL]

CITY OF RIFLE, COLORADO

By _____
Jay Miller, Mayor

Attest:

By _____
Lisa Cain, City Clerk

PUBLISHED BY TITLE ONLY, in the _____ after First Reading on the ____ day
of _____, 2012, and IN FULL, after Final Adoption on the ____ day of _____, 2012.

By _____
Lisa Cain, City Clerk

Manager's Report

March 27, 2012

Staff and I have been concentrating on water plant issues and development of new water rates. Other staff have been preparing for spring work, sealing streets, fixing park sprinkler, and etc.

There are several upcoming events and meetings of importance they include:

Beaver Creek Raw Water Users

As Council is aware there are about 14 raw water users connected to the Beaver Creek intake pipeline above the Beaver Creek Plant. They reserve an allotment of 500 gallons of raw water per day. The City is required to furnish this water due to a very old Court Decree.

The Colorado Department of Health considers this an unsatisfactory arrangement because the water is not treated. They will be meeting with City staff on Wednesday, March 28th to discuss the issue.

We will keep Council updated on this matter.

Water Newsletter

We have published and mailed an informational water brochure to all Rifle utility customers. You will receive it this week. This represents the beginning of an information campaign to inform utility customers of the planned new plant. We will be conducting public meetings (with taste tests) and will make presentations to groups requesting information. I expect this work to continue throughout the summer and fall.

Finally, we plan to arrange public tours of the exiting water plant facility.



Water Plant Public Hearing

The Utility Department will conduct a public hearing on the proposed new water treatment plant at 10:00 a.m. on April 2nd at City Hall. This hearing is required by CDPHE as a condition of the loan for the project. Staff are required to describe the water quality goals, the treatment process, estimated costs, and other pertinent elements of the project. This process is considered part of the preliminary engineering report for the plant.

We have prepared a separate public presentation (power point) which I believe is more meaningful and informational. We have been using it to make public presentations and plan to use it throughout the summer at a series of informational meetings. I expect most

of these will be evening meetings, but we can make this presentation to any group on their schedule. I am attaching a copy of this power point for your review.



Retreat

The annual retreat is scheduled for April 6th. Gary Suiter will facilitate. He will be contacting the City Council regarding your expected outcomes. He also will meet with staff on April 2nd to gain their input.

Sales Tax Clerk

Human Resource staff and Finance staff have been recruiting for the Sales Tax Clerk position and have hired Robin Steffen who will be starting April 2nd.

Thanks,

John Hier



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Today's Topics

- History of Rifle Water Supply
- Drinking Water Production Facilities in Rifle
- Drinking Water Issues Facing Rifle
- Options to Solve the Problem
- Benefits of a New Water Treatment Plant
- Financing Issues
- Drinking Water Taste Test

Your Water Service Provider



24/7 Operation

2 Treatment Plants

120 Miles of
Drinking Water and
Wastewater Mains

The Challenge...

The City of Rifle needs to address challenges with the Graham Mesa Water Treatment Plant (GMWTP), which provides 90% of the City's water.

- Limited Capacity
- Less than Optimum Location
- Old and Under-Sized Equipment and Piping
- Not Set Up to Improve Drinking Water Quality – Temporary Treatment Is Being Provided with a Powder Activated Carbon System (PAC) to Remove Taste and Odor

Graham Mesa Water Treatment Plant



Graham Mesa Water Treatment Plant



Flocculation Basin

Graham Mesa Water Treatment Plant



Sedimentation Basin

Graham Mesa Water Treatment Plant



Filter Basin

Beaver Creek Water Treatment Plant



Sediment Ponds

Beaver Creek Water Treatment Plant



Treatment Process

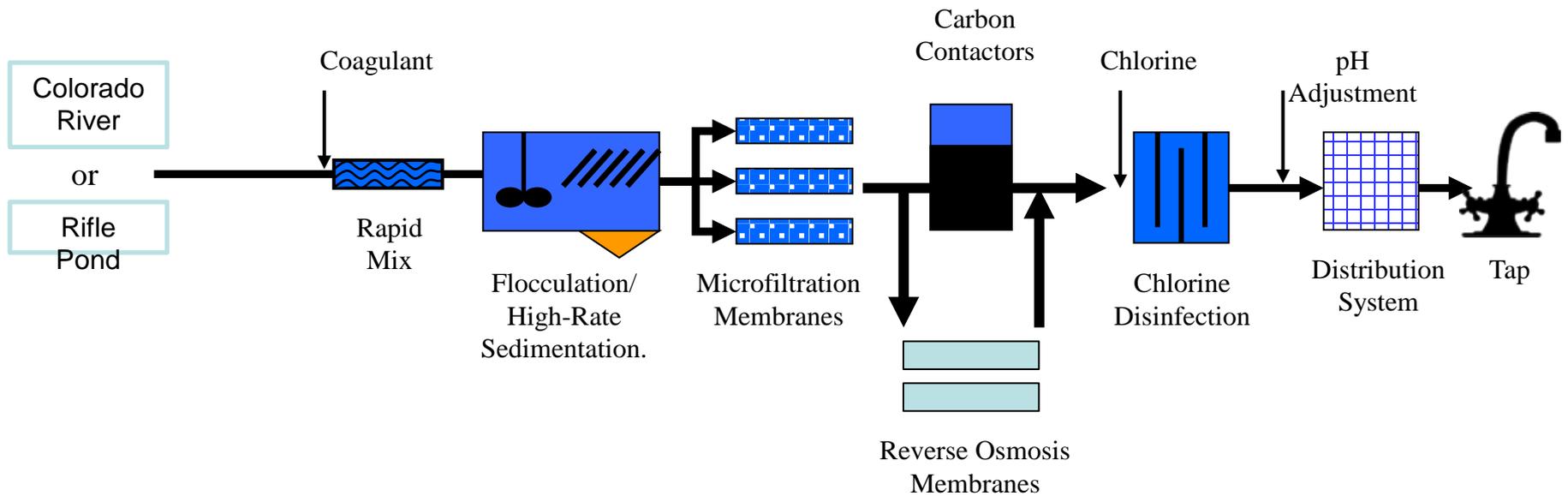
Advantages of a New Water Treatment Plant

A new water purification facility that produces improved drinking water quality

Why Propose a New Plant?

- Modern Facilities are Consistent with City's Vision
- Meets Current and Future Water Demands
- New Facility Addresses Future Regulations & Quality Issues
- Improved Drinking Water Quality is What Rifle Citizens Want

Selected Treatment Process



Benefits of a New Facility

- Capability to Provide Highly Reliable, High Quality Drinking Water Now and In the Future
- Resolves Taste, Odor, TDS, Virus, and Hardness Issues
- Places City in a Good Position to Address Future Regulations and Emerging Contaminants
- Brand New System Allows for Lower Maintenance and Better Use of Human Resources
- Help Eliminate In-Home Treatment Systems i.e. softening, under sink RO units, under sink carbon units, purchasing of bottled water, etc.

Benefits of a New Facility

Consumer savings

Higher quality water = less bottled water

Reduced soaps and detergent needs

Increases appliance life

Reduce or eliminate the need for in home treatment
(filters, softeners, etc)

Reduced wear on commercial equipment

Benefits to Industry.

The Financial Considerations

Estimated Plant Costs and Rate Impacts

Estimated construction costs \$25,000,000

Existing 7,000 gal/month user pays \$28.91/month

Rate study has been completed to support plant construction costs and longer term O&M. The rate structure may double current rates, but the increase could be reduced by about 40% if voters approve a 1/2 cent sales tax to support the project.

New Water Treatment Plant Location



Rifle Regional Water Purification Facility Elevation Drawing



Rifle Regional Water Purification Facility Site



Taste Test

Present Water Treatment?

or

Advanced Purification?



Feedback – What Do You Think?

Questions ?

Concerns?

Advice?

Support or Disagree?

100 YEARS AGO

TEDDY ROOSEVELT WAS PRESIDENT.
THE POPULATION OF LAS VEGAS, NEVADA WAS 30.
THE MAXIMUM SPEED LIMIT
IN MOST CITIES WAS 10 MPH.

AND YOUR WATER SYSTEM
WAS BRAND NEW.



Across the country, water and wastewater systems are getting older by the day — putting us all at risk for cracks, breaks and other big problems down the road. But there is something you can do about it. Support initiatives to invest in and upgrade your water and wastewater systems. Visit www.WaterIsLife.net to learn more. Together we can make old pipes history.

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and infrastructure makes it happen™
www.WaterIsLife.net



MEMORANDUM

To: City Manager Hier, Mayor Miller and City Council
From: Mike Braaten, Government Affairs Coordinator
Date: March 29, 2012
Re: Staff Report

Legislature has 35 days left in session

As of April 4th, the Colorado General Assembly will be 85 days through their 120 day legislative session. The Joint Budget Committee is finalizing the Long Bill (state budget bill) and, due to dramatically improving revenue projections, they are working to reduce cuts to K-12, reinstate the senior homestead property tax exemption and may be proposing a bill with few cash fund transfers. One of the cash fund transfers that may not be included in the budget is the DOLA Severance/FML transfer – meaning if no money is transferred to the general fund, the DOLA Impact Grant Program will likely return. This is still a moving target, but a positive one from the City's stand point.

State Highway 13 Bridge Deck Transfer discussions with CDOT

Staff continues to meet with CDOT about the potential transfer of the surface ownership of the highway 13 bridge deck/entrance into Rifle. Staff has scheduled a workshop in May to further discuss this issue with the City Council and to get their input on the proposal.

Letter of Support provided to the Department of Local Affairs, seeking a grant from State Historic Fund

Staff recently provided a letter of support to the Department of Local Affairs at their request due to an annual request for funding by DOLA to the State Historic Fund to partially fund the State Main Street Program. The City has been a candidate main street program for approximately three years.

Candidate Main Street Program Update

I have been meeting with representatives of the Chamber, Helen Rogers representing VIF and DDA, and Blair Bracken, the City's special events coordinator, discussing the next step for the City's main street candidate program. DOLA is actively encouraging us to better develop a local program that would satisfy the requirements to become a full-fledged Main Street Program. To become a recognized program, a community must have a full-time "main street manager" and the Chamber may be able to serve in that roll with assistance from the DDA, City, VIF and possibly the RREDC. Staff has scheduled a workshop with Council in May to further discuss this idea.

Gates Family Foundation Grant update

Staff is in discussion with representatives of the Gates Family Foundation to pursue an extension of their \$80,000 grant to the City, currently set to expire in June of this year. The extension will grant the city an additional year to accumulate the necessary funds to complete the Ute Theater renovation.

Adolph Coors Foundation Grants \$25,000 to the Ute remodel

As I noted in past staff reports, I worked with NUTS to develop a proposal for funding for the Ute Theater remodel to the Adolph Coors Foundation. The official application was from NUTS as a charitable nonprofit, since Coors does not generally like to provide funding to tax supported entities. The grant award was a pleasant surprise to staff and NUTS. An official award letter is forthcoming from the Coors Foundation.

Ute Theater remodel under consideration by Boettcher Foundation

Staff submitted a pre-application to the Boettcher Foundation late last year for the remodel of the Ute Theater and was invited to submit a formal application, which was done in late January. Staff was recently contacted by representatives of the Boettcher Foundation that they are interested in learning more about the project and will be conducting a site visit to Rifle in early April. Staff will keep Council apprised of continued work on this project.

City of Rifle

Utility Department News

Water

- CDPHE will present 3 courses on water quality and distribution system essentials in Rifle for operators throughout the State on August 28/29, September 19 and October 9/10, 2012. City staff will demonstrate hydrant flushing, valve exercising and reservoir testing.
- Planning and Zoning Board has approved a conditional use permit for the new Water Plant, to be built on East Centennial Parkway (SH 6).
- Public Hearing on Water Treatment Project scheduled for April 2nd at 10:00 am. There will be additional opportunities for public comment at Council meetings and public informational meetings to be scheduled in the future.
- Staff met with CDPHE to determine the status of the Beaver Creek Water Treatment Plant and the raw water users between the intake and the treatment plant. Several ideas were discussed, including elimination of the plant once the new facility is operational.
- Official notification has been received that Colorado Water Resources & Power Development Authority has approved a \$25 million loan for construction of the new water plant. They agreed that the city has enough "Green" items in the construction to qualify for \$ 2 million of the loan at 0% interest.
- A solar powered mixer has been installed in the 3 mg tank. The mixer will reduce chlorine demand, reducing operational costs.

Wastewater

- A new belt on the Belt Filter Press (dewateres sludge for delivery to Caca Loco) has been installed with assistance from the manufacturer.

Collection & Distribution

- A 6-inch sewer has been installed in the alley north of 3rd Street west of Park Avenue by staff to replace two 4 inch services to reduce backup problems.
- Staff is also installing several fire hydrants throughout the City to replace out-dated hydrants.

April 4, 2012

*UTILITY DEPARTMENT
INTEROFFICE MEMO*



TO: City Council

FROM: Dick Deussen, Utilities Director

CC: John Hier, City Manager

DATE: March 28, 2012

RE: Prequalification of Contractors

It is intended to prequalify Contractors for construction of the Rifle Regional Water Purification Facility in the near future. This will be a similar process to that used for the wastewater facility, except we will be performing the prequalification work using City staff rather than a consultant.

We will be asking for a statement of qualifications from several contractors who perform this type of work and have previously constructed water treatment plants (Glacier, Stanek, Hydro, Garney, Aslan, Moltz, etc.). We will also advertise in local newspapers. The contractors mentioned above are all Colorado contractors.

The material to be submitted by the contractors is to include a description of the company and services provided by the firm, a listing of similar projects and client contacts, key personnel who would be assigned to the project, financial statements, and bank references.

We hope to prequalify about 7 to 10 contractors. We would then issue plans and specifications (once they are approved by CDPHE) to these contractors for construction bids. A list of the prequalified contractors will be provided to Council, once selected.



*UTILITY DEPARTMENT
INTEROFFICE MEMO*

