

**RIFLE CITY COUNCIL MEETING**

Wednesday, February 2, 2011

REGULAR MEETING

7:00 p.m. \* Council Chambers

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

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

**OTHERS PRESENT:** John Hier, City Manager; Lisa Cain, City Clerk; Matt Sturgeon, Assistant City Manager / Director of Planning; Jim Neu, City Attorney; Michael Churchill, Cable 10 Assistant Manager; Mike Braaten, Government Affairs Coordinator; Charlie Stevens, Utilities Director; Dick Deussen, City Engineer; Aleks Briedis, Recreation Director; William Jones, Police Detective; Sher Long; Loree Nigo; Gil Frontella; David Merritt.

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

- A. Minutes from the January 19, 2011 Regular Meeting
- B. Set public hearing for Nacho’s Mexican Dining LLC liquor license application
- C. Liquor License Renewal – Thai Chili Bistro
- D. Accounts Payable

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

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

**CITIZEN COMMENTS AND LIVE CALL-IN**

Mr. John Scalzo called in and suggested the City of Rifle investigate working with the Town of Silt and the Silt Water Conservancy District to develop a water system to serve residents north of Rifle and Silt.

Ms. Sher Long, representing the Community Counts organization, explained that Community Counts is a community-based program designed to offer residents a resource for open and respectful dialogue when they have issues, concerns or questions relating to the natural gas industry.

Ms. Maryhannah Throm, representing The Rifle Historical Society, Inc., called in and stated that the street the City is considering vacating with Ordinance 1-11 is “Shoup Avenue,” not “Shoupe Avenue.”

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

**CONSIDER APPOINTING AND RE-APPOINTING PLANNING AND ZONING COMMISSION SEATS**

Assistant City Manager / Director of Planning Matt Sturgeon explained that the Rifle Planning and Zoning Commission currently has two vacant seats: one alternate and one regular position. Additionally, three other seats have terms expiring March 31, 2011.

Staff has been advertising for the two open positions for several months. The City received a letter of interest from Joe Elliott this week. Staff asks that City Council consider making the appointment versus waiting for additional letters of interest to be submitted.

Councilor Miller moved to appoint Joe Elliott to serve as an alternate on the Rifle Planning Commission through March 31, 2013, re-appoint Sharron Pettinger from an alternate to a regular seat on the Rifle Planning Commission through March 31, 2015, and re-appoint Bruce Gallagher to a regular seat on the Rifle Planning Commission through March 31, 2015; seconded by Councilor Sanborn.

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

***PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – BPOE ELKS LODGE #2195***

Mayor Lambert opened the public hearing and swore in Ms. Loree Nigo, representing BPOE Elks Lodge #2195, who presented the Lodge's application for a special event liquor permit to provide liquor service at the Rifle Chamber of Commerce's annual dinner on March 12, 2011 at Grand River Hospital. Ms. Nigo is a server certified as required by the Rifle Municipal Code (RMC) and will be present at all times. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor A. Lambert moved to approve the Special Event Liquor Permit Application for BPOE Elks Lodge #2195; seconded by Councilor Rice.

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

***PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – NEW UTE THEATRE SOCIETY, INC.***

Mayor Lambert opened the public hearing and swore in Mr. Gil Frontella, representing New Ute Theatre Society, Inc. (NUTS), and Mr. David Merritt, representing Symphony of the Valley (SITV). Mr. Frontella and Mr. Merritt presented NUTS' application for a special event liquor permit to provide liquor service at SITV's Symphony Swing event on March 4, 2011 at Grand River Hospital. NUTS will use servers certified as required by the RMC. Ms. Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor Winkler moved to approve the Special Event Liquor Permit Application for New Ute Theatre Society, Inc.; seconded by Councilor Sanborn.

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

***CONSIDER APPROVING ON SECOND READING ORDINANCE NO. 1, SERIES OF 2011 (AMENDMENT TO ORDINANCE NO. 21, SERIES OF 2004 VACATING A PORTION OF SHOUP AVENUE); GRANT OF TRAIL EASEMENT FROM DILLON REAL ESTATE CO., INC.***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING AND SUPERSEDING ORDINANCE NO. 21, SERIES OF 2004 APPROVING THE VACATION OF SHOUP AVENUE BETWEEN LOTS 2, 3 AND 6, BLOCK A AND LOTS 1, 4 AND 5, BLOCK B, NORTH RIFLE ADDITION

City Attorney Jim Neu reminded Council that in 2004, City Market was planning an expansion of its Rifle store and the City negotiated a trail easement along Rifle Creek. At the same time, to clean up property issues, the corporate owner of the Property, Dillon Real Estate, Co., Inc. requested that a portion of Shoup Avenue located in the middle of the parking lot be vacated. The City approved the right-of-way vacation by Ordinance No. 21, Series of 2004. That ordinance was never recorded and therefore not effective and the trail easement was never executed and conveyed to the City. Staff became aware of this as the City commenced construction of the Rifle

Creek Trail between 16<sup>th</sup> Street and the City Market parking lot. The City received a license from Dillon Real Estate to construct the trail that is now completed while Dillon's attorney worked on other title and real estate issues. Dillon is now ready to convey the trail easement to the City. With new title information, the City needs to amend Ordinance No. 21, Series of 2004 for it to be accurate. Proposed Ordinance No. 1, Series of 2011 makes the required amendments and vacates Shoup Avenue as it exists in City Market's parking lot. The Grant of Trail Easement needs to be approved so that the Mayor can sign indicating the City's acceptance of the Easement.

Councilor Miller moved to approve Ordinance 1-11 on second reading as amended, to order it to be published in full as required by Charter, and to accept the grant of the trail easement from Dillon Real Estate; seconded by Councilor A. Lambert.

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

***CONSIDER APPROVING RESOLUTION NO. 2, SERIES OF 2011, ADOPTING RULES AND REGULATIONS FOR CENTENNIAL PARK***

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, PROMULGATING SUPPLEMENTAL RULES AND REGULATIONS FOR CENTENNIAL PARK

Mr. Neu said that under RMC Section 11-6-60, the City Council can approve rules and regulations for the City's parks by resolution. Recreation Director Aleks Briedis said that the Parks and Recreation Department is proposing that the rules and regulations attached to Resolution No. 2, Series of 2011 be adopted for Centennial Park.

Councilor A. Lambert moved to approve Resolution 2-11; seconded by Councilor Rice.

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

***CONSIDER APPROVING DEERFIELD PARK CONSTRUCTION DRAWINGS PROPOSAL***

Mr. Briedis presented Design Concepts' proposal for design development, construction documents and construction administration for Deerfield Park – Phase 1. Once completed, these documents will be used to bid and construct this first phase.

Staff solicited proposals for the Deerfield Park Completion plan in 2010. The selection committee recommended Design Concepts from all of the proposals received. Design Concepts completed this plan at the end of 2010. The construction documents are a continuation of this plan. Due to this fact, staff is considering this a single source bid.

The 2011 budget includes \$208,000 for this project. Design Concepts' proposed fee is \$190,000. This leaves a balance of \$18,000, of which Council approved using \$9,980 for the Centennial Playground Plan.

Fifty percent of design fees can be used as a match for Great Outdoors Colorado grants. Having these plans complete also increases the chances of receiving a grant for construction.

Councilor Miller moved to accept Design Concepts' proposal for design development, construction documents and construction administration for Deerfield Park – Phase 1 in an amount not to exceed \$190,000; seconded by Councilor A. Lambert.

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

***DISCUSS WESTERN GARFIELD COUNTY CENTER OF ENERGY INNOVATION AND SUSTAINABILITY – CONCEPT DEVELOPMENT AND BUSINESS PLAN***

Mr. Sturgeon recommended that the City allocate the remaining dollars (\$49,000) for Phase III of the Rifle Energy Innovation Center (EIC) Bio Feedstock Study towards creating a Business Plan and grant materials for a Western Garfield County Sustainability Center. This idea was conceived when the first two phases of the Feedstock Study showed there was no “local” infrastructure or enterprise in place to take advantage of identified bio feedstock materials. The community/region would need to go outside to find people to process this regional energy and/or fuel source. There would be no guarantee that this would result in direct, long-term benefit to the region’s residents. This seemed contrary to the ideas of local sustainability and resiliency.

These dollars are better spent developing skill sets that will allow local residents to add value to these feedstocks, while at the same time creating a place where all disciplines can explore the importance of—and relationships between—renewable energy technologies, local food production, and human development and the environment. More basic workforce and high school vocational programs could be offered surrounding construction and maintenance of renewable energy equipment, energy efficient and environmentally sensitive building construction, local food production, and composting and recycling. Lastly, laboratory space could be included and relationships formed with higher education institutions and government research agencies that focus on topics like water quality, renewable energy, and fossil fuel energy efficiency.

The City and Colorado Mountain College will use the Business Plan to cooperatively solicit funding partners for this Center—the intent is to grow the partnership working on the plan to include the Garfield Re-2 School District, Rifle Economic Development Corporation, communities of western Garfield County, and Garfield County, to name a few. The Center would offer the opportunity to expose our workforce, students, and citizenry to emerging knowledge, technologies and processes that will be essential to a resilient local economy during this century. It can serve as a convening center for professional seminars, workforce training programs, youth career skills education, higher education, trade workshops, research laboratories, business-to-business knowledge transfer, and new business incubation. It would also begin to create a paradigm that recognizes our local natural assets and built environment must begin to be more closely aligned if our region is going to prosper in the coming decades.

The Department of Local Affairs will permit the City to use the Phase III EIC Feedstock Study grant for this purpose.

Staff seeks approval from City Council to enter into a contract with Vandewalle Associates to provide professional services to the City at a cost not to exceed \$49,000 for concept development, business/marketing plan, and implementation assistance for the Western Garfield County Center of Energy Innovation and Sustainability. Said funds are budgeted in the Economic Development Fund. A grant from the Department of Local Affairs will fund \$35,765.

This is a “sole source” bid negotiated with Vandewalle Associates. Vandewalle was selected because of their intimate knowledge of Rifle’s Energy Village vision, and the direct work they contributed for the Rifle Economic Opportunity Assessment (2006) and Energy Innovation Center (2007 – 2009).

Councilor Thompson moved to approve a contract with Vandewalle Associates to provide professional services to the City at a cost not to exceed \$49,000 for concept development, business/marketing plan, and implementation assistance for the Western Garfield County Center of Energy Innovation and Sustainability; seconded by Councilor Miller.

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

**CONSIDER APPROVING ON FIRST READING ORDINANCE NO. 2, SERIES OF 2011 AMENDING SECTION 13-4-60 (EQR CLASSIFICATIONS) OF THE RIFLE MUNICIPAL CODE**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING THE EQR SCHEDULE FOR THEATERS AT SECTION 13-4-60 OF THE RIFLE MUNICIPAL CODE

Mr. Sturgeon explained that while staff was negotiating the Lease on the Valley Lumber Property for Brenden Theatres to construct a multiplex movie theatre, staff realized that the tap fees for movie theatres set forth in the RMC Equivalent Residential Unit (EQR) Schedule were unusually high. This land use type is not frequently encountered by staff. The Ute Theatre was the last movie theatre built; this occurred in 1947. Staff recommends City Council amend RMC Section 13-4-60 (EQR Schedule) as proposed in Ordinance 2-11. Movie theatres are currently assessed 0.60 EQRs per 25 seats. Staff recommends adopting Grand Junction’s standard of .01 EQRs per seat. It should be noted that the RMC allows the City to evaluate usage after a year to determine if a proper EQR count was assessed. If demand exceeds what was initially assessed, the City can modify the original assessment and request the user pay an additional fee.

Councilor Miller moved to approve Ordinance 2-11 on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor Rice.

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

**CONSIDER AUTHORIZING IMPROVEMENTS TO CITY HALL INTERIOR AND PURCHASE OF GENERATOR**

Mr. Sturgeon requested that City Council authorize spending \$107,685 out of the Capital Fund. The FY 2011 Capital Fund budgets \$300,000 for contingency projects. When adopting the FY 2011 budget, those projects included improvements to the City Hall and purchase of a generator.

Staff recommends that the City install a generator to ensure uninterrupted operations at City Hall during power outages. Protecting IT infrastructure is a critical need. Servers for essential services are hosted at City Hall and power outages can jeopardize this IT hardware. Purchase of the generator would cost \$45,000.

City Hall Improvements:	\$59,700
Generator Cost:	\$45,000
5 percent contingency:	\$2,985 (excludes generator cost)
TOTAL COST:	\$107,685

Councilor A. Lambert moved to authorize improvements to the City Hall interior and purchase of generator in an amount not to exceed \$107,685; seconded by Councilor Thompson.

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

**RECEIVE UPDATE ON FAIRWAY AVENUE**

Mr. Sturgeon reported that this item was not ready for Council consideration at this time.

**CONSIDER REPLACING OR RELOCATING STREETLIGHTS AT ROUNDABOUTS**

City Engineer Dick Deussen informed Council that the street lights at the Airport Road roundabouts are owned by the City and last year, one light was knocked down twice and another one knocked down once. All were replaced by Xcel at our cost. Xcel is suggesting that the one that is presently missing and an additional two on the west side be replaced and relocated back of sidewalk instead of reinstalling them at the same location to reduce the

possibility of being damaged again. The Colorado Department of Transportation is requiring that the lights be replaced for safety purposes and will grant a permit to install the lights on their property back of sidewalk.

The City's insurance agency would pay for the cost of replacement of the light recently damaged, if above the deductible of \$5,000. The City will also try to obtain the cost from the trucking company that damaged the light. However, for safety reasons, the light needs to be replaced soon.

The cost to move two street light poles and luminaries, purchase and install one new pole, purchase and install one new luminary, purchase and set three new breakaway bases and three new splice boxes, trench and install new cabling would be \$18,465. Funds are available for this work from Street Improvement Fund (201-4312-400-733).

Councilor Miller moved to approve relocating three street lights and replacing one street light at the roundabouts, to be performed by Xcel, in an amount not to exceed \$18,465; seconded by Councilor Rice.

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

***CONSIDER AUTHORIZING ISSUANCE OF REQUEST FOR PROPOSALS FOR ENERGY PROCESS AUDIT***

Utility Director Charlie Stevens notified Council of the evaluation criteria that have been developed for selecting a consultant for an Energy Process Audit of the Rifle Regional Wastewater Reclamation Facility.

The City's purchasing code requires notification of Council as to the procedures to be followed in ranking of proposers to arrive at a short list of qualified consultants. This method will be used to obtain a qualified energy audit firm. A preference for local bidders as required by the purchasing code is included.

The proposed Request for Proposals (RFP) defines the point ranking system and the local bidder preference requirement. Once bids are received and ranked, staff will provide a summary of final ranking and a recommendation for a firm to conduct the energy audit.

This is the first step of the EPA Energy Management Pilot program for which the City's Regional Wastewater Reclamation Facility was selected. Once the firm is selected, the Utility Department will submit an application for funding assistance from Xcel Energy. If the funding assistance is successful, then the Utility Department – Wastewater Division will need to come up with the remaining funds from its 2011 budget if available.

At this time, staff is not asking Council to authorize issuance of the RFP. Rather, staff is providing notification required by the purchasing code.

***RECEIVE LEGISLATIVE UPDATE; CONSIDER TAKING ACTION ON LEGISLATIVE ISSUES***

Government Affairs Coordinator Mike Braaten reported that the legislative session is in full swing and approximately 230 bills have been introduced, with about one-third of those with some municipal interest. The following bills are of specific interest to the City:

- SB 35 and HB 1123 - prohibit severance tax and FML revenues transfers to the General Fund
- HB 1115 - reduction in retainage for public construction projects
- HB 1116 - local government waste service changes require a vote

Councilor A. Lambert moved that Council support SB 35 and HB 1123 and oppose HB 1115 and HB 1116; seconded by Councilor Thompson.

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

Mr. Braaten provided a brief update on other bills of interest.

**ADMINISTRATIVE REPORTS**

City Manager John Hier reported to Council on the following issues: demolition of existing buildings on the former Valley Lumber site; Public Works shop addition; Deerfield Park master plan; hiring of Police Officers Max Bowen and Jeremy Muxlow; employee health insurance; replacement of the banner poles on Railroad Avenue; Black Diamond Minerals’ application for a water right appropriation on the upper reaches of Beaver Creek; RFP for solid waste collection; sales tax report; IT issues; and February 9 workshop with Garfield County Commissioners.

Ms. Cain asked Council to reach a consensus on when to hold the City’s 2011 strategic planning sessions. Council Members will notify Ms. Cain of days they are available to attend the strategic planning sessions.

Mr. Braaten noted that, with the state legislature back in session, he will provide a legislative update each Monday at noon at City Hall, starting February 7. The application for a Gates Foundation grant for renovation of the Ute Theatre is moving forward. As to the grant for asbestos remediation at the theatre, staff is waiting to receive the grant contract. The Colorado Municipal League’s (CML) legislative workshop will take place February 23 in Denver. The CML annual conference will take place June 21-24 in Vail.

Police Detective William Jones warned of a telephone scam. The calls are coming from the Harris County Jail in Houston from inmates posing as deputies. If the resident accepts the collect call, the inmate inquires whether they know somebody in the jail. When the resident denies knowledge of the jailed person, a phone number beginning with “star” or “asterisk” 72 (\*72) is provided in order to reverse the collect call charges. However, the number actually forwards the victim's open phone line to an acquaintance of the inmate, and the collect charges appear on the victim's phone bill. If any residents suspect their phone has been forwarded, they should dial \*73 to turn off forwarding.

**COMMENTS FROM MAYOR AND COUNCIL**

Councilor A. Lambert reminded residents to protect their pets from the extremely cold temperatures that Rifle has been experiencing.

Councilor Miller wished all a pleasant Valentine’s Day.

Mayor Lambert noted that recently, City of Delta officials visited Rifle’s facilities and learned about Rifle’s efforts to promote renewable energy.

Meeting adjourned at 9:14 p.m.

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Lisa H. Cain  
City Clerk

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Keith Lambert  
Mayor