

RIFLE CITY COUNCIL MEETING

Wednesday, March 16, 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; Daryl Meisner, Police Chief; Tom Whitmore, Parks Maintenance Director; Charlie Stevens, Utility Director; Helen Rogers; Scott Becker; Annick Pruitt; Kelsi Antonelli; Edith Garcia; Nicole LaRose; Lauren Potter; Rachel Smith; Kagen Jones; Alec Proctor; James Whitehead; Todd Saunders; Nella Barker; Stanley Wailes; Doug Freeman; and Russ Cohen.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the March 2, 2011 Regular Meeting
- B. License Agreement with ASCAP
- C. Administrative Sergeant job description
- D. First Amendment to Ute Theatre Lease for Building Renovations
- E. Expenditure of funds for Rifle Boat Ramp environmental and cultural resource studies
- F. January Financial Report
- G. January Sales Tax Report
- H. Accounts Payable
- I. Letter of support of Garfield School District No. Re-2's application to Colorado Health Foundation for implementation grant initiating school based health center

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

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

With respect to Consent Agenda Item E, "Expenditure of funds for Rifle Boat Ramp environmental and cultural resource studies," Visitor Improvement Fund (VIF) Advisory Board Chair Scott Becker and Downtown Development Authority Project Manager Helen Rogers explained the VIF Advisory Board recommended approving an expenditure of \$20,000 for Environmental Studies and a Cultural Resources Study to obtain a lease agreement with the Colorado Department of Transportation (CDOT) for relocation of the Rifle Boat Ramp. The estimated cost of all the studies is \$14,218.50, barring any new finding of archeological sites. The VIF Advisory Board would like Council to approve expenditure of up to \$20,000, in case there are new findings of archeological sites. Councilor A. Lambert moved to approve Consent Agenda Item E; seconded by Councilor Miller.

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

Rifle City Council Meeting, March 16, 2011

CITIZEN COMMENTS AND LIVE CALL-IN

Annick Pruitt, President/CEO, Rifle Area Chamber of Commerce, presented a plaque to the City in recognition of its leadership, courage, and fortitude.

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

RECEIVE PRESENTATION FROM RIFLE HIGH SCHOOL STUDENTS

Rifle High School seniors Kelsi Antonelli, Edith Garcia, Nicole LaRose, Lauren Potter, Rachel Smith, Kagen Jones, Alec Proctor, and James Whitehead thanked the Rifle Community Foundation for funding a portion of the cost for them to attend the Colorado Closeup program.

PROCLAMATION - YOUTH WEEK – MAY 1-7

The Elks Lodge designates a week in May each year to honor America’s Junior Citizens for their service to the community. Mayor Lambert read the Proclamation aloud, and Elks Lodge Representative Todd Saunders was present. Councilor Rice moved to approve the proclamation; seconded by Councilor A. Lambert.

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

PROCLAMATION - ARBOR DAY – APRIL 23

Mayor Lambert read aloud the Proclamation supporting Arbor Day. Parks Maintenance Director Tom Whitmore described the activities planned for Arbor Day. Councilor Sanborn moved to approve the proclamation; seconded by Councilor Thompson.

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

CONSIDER MAKING APPOINTMENT TO DOWNTOWN DEVELOPMENT AUTHORITY BOARD

Nella Barker was present and expressed her interest in being appointed to the Downtown Development Authority Board. Councilor A. Lambert moved to appoint Nella Barker to serve on the Downtown Development Authority Board; seconded by Councilor Rice. Roll Call: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert

DISCUSS HYLAND ENTERPRISES WATER BILL AND AGREEMENT FOR BULK WATER USE

Doug Freeman, General Manager, and Stanley Wailes, Operations Manager – Rifle Terminal, Hyland Enterprises, Inc., requested that the City consider amending its Agreement for Bulk Water Use with Hyland. Staff and Hyland representatives will explore options, such as Hyland’s paying a tap fee and paying the in-city water rate.

CONSIDER APPROVING PORTABLE RESTROOM VENDOR FOR 2011 AND 2012

Mr. Whitmore reported that the City received bids from 4 companies to provide portable restroom services in 2011 and 2012. He recommended that Council accept the bid of United Site Services in the amount of \$42,670.

Russ Cohen, CFO, Down Valley Septic, acknowledged that his company’s bid was higher, even with a local preference discount of 6 percent. He requested that Council take other factors into consideration before accepting United Site Services’ bid.

Councilor Miller moved to accept the bid of United Site Services in the amount of \$42,670 to provide portable restroom services in 2011 and 2012; seconded by Councilor Thompson.

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

RECEIVE REPORT ON PROPOSED STREET IMPROVEMENTS; CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR DESIGN OF 2011 STREET IMPROVEMENTS

City Manager John Hier requested that Council authorize the expenditure of an amount not to exceed \$48,500 for Schmueser Gordon Meyer to design 2011 street improvements at these locations: (1) 7th Street from Whiteriver Avenue to Birch Avenue (joining the previous overlay just east of Birch); (2) Aspen Avenue from 5th Street to 7th Street; (3) 8th Street from Railroad Avenue; and (4) the east half of Whiteriver Avenue from 1st Street to the alley north of 1st Street. Councilor Miller moved to authorize this expenditure; seconded by Councilor Rice.

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

RECEIVE LEGISLATIVE UPDATE; CONSIDER TAKING POSITIONS ON PROPOSED LEGISLATION

Government Affairs Coordinator Mike Braaten provided an update on bills under consideration by the state legislature. He recommended that Council oppose HB 1223, which would modify the composition of the Colorado Oil and Gas Conservation Commission. He also recommended that Council support SCR 001, which would modify the initiative process and related signature requirements. Councilor Miller moved that Council oppose HB 1223 and support SCR 001; seconded by Councilor Rice.

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

CONSIDER APPOINTING ALTERNATE REPRESENTATIVE TO COUNTY SENIOR ADVISORY BOARD

City Clerk Lisa Cain and Councilor Miller explained that the City does not currently have an alternate representative to the County Senior Advisory Board. Ms. Cain will ask county staff whether a community member could serve as alternate, or if the alternate must be either an elected official or a member of staff.

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: Valley Lumber redevelopment site demolition; North Railroad Avenue and State Highway 13 improvements by CDOT; banner and light poles; O&M Service Center addition; water sales building; bypass pipeline at Rifle Pond.

Ms. Cain reminded Council of its upcoming workshop with the Rifle Fire Protection District.

Mr. Sturgeon said that the City was proceeding with design of infrastructure for the Valley Lumber redevelopment site.

Police Chief Daryl Meisner informed Council that the Police Department was working on policy updates.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Rice commented that the City's handling of the requests by Hyland Enterprises and Down Valley Septic reflects its commitment to follow fair policy.

Councilor Thompson noted that with respect to Down Valley Septic's request, a process to change the City's purchasing policy is available.

Mayor Lambert remarked that the Rifle Area Chamber of Commerce Annual Event was well-attended and fun for all attendees. The Chamber's award to the City was a complete surprise, and the City is grateful to the Chamber for it.

EXECUTIVE SESSION

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

Councilor Miller moved to adjourn to Executive Session to receive legal advice and discuss negotiations; seconded by Councilor A. Lambert (8:48 p.m.).

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

Councilor Miller moved to adjourn from Executive Session; seconded by Councilor Rice (9:23 p.m.).

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

CONSIDER AUTHORIZING EXPENDITURE OF FUNDS FOR FAIRWAY AVENUE IMPROVEMENTS

Mr. Sturgeon and City Attorney Jim Neu explained that for the past several years, staff has been working with the developer for Queens Crown Subdivision regarding the construction of Fairway Avenue from its terminus at Palomino Park to Highway 13 Bypass. The City has been collecting Fairway Avenue Impact Fees from developments occurring in Palomino Park and Knollridge for the past decade and that account holds \$288,500. The City also has grant funds from the Department of Local Affairs (DOLA) committed to Fairway Avenue in the amount of \$243,000 which the City must expend by September 30, 2011. Under the Annexation Agreement for Queens Crown, the City and Developer agreed to split the costs of the design and construction of the Fairway Avenue Extension 50/50. The construction design was completed, but neither party committed to the actual construction of the Project. With the recession, the developer is unable to obtain financing for its 50% share, which is estimated to cost \$3,000,000; and the City would be hard-pressed to appropriate the amount of street funds necessary to meet its 50% obligations, let alone fund the difference. Therefore, to ensure that the City does not lose the DOLA funds and to get the project started, staff has negotiated an agreement to construct the intersection of Fairway Avenue and Highway 13, which, with all of the CDOT requirements involved, is almost one-third of the total cost of the Project. The developer is committed to manage the Project and can contribute \$200,000. The City needs to allocate \$141,000 from the street fund in addition to the funds committed to Fairway Avenue, for a total of \$672,500 in City funds.

Councilor Miller moved to approve the Amendment to Queens Crown Annexation Agreement - Construction of Fairway Avenue/Highway 13 Intersection and authorize the expenditure of an amount not to exceed \$672,500 for Fairway Avenue improvements; seconded by Councilor A. Lambert.

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

Meeting adjourned at 9:33 p.m.

Lisa H. Cain
City Clerk

Keith Lambert
Mayor