

RIFLE CITY COUNCIL MEETING

Wednesday, April 6, 2011

REGULAR MEETING

7:05 p.m. * Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:05 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; Kristy Christensen, Deputy City Clerk; Matt Sturgeon, Assistant City Manager / Director of Planning; Jim Neu, City Attorney; Charlie Stevens, Utility Director; Dick Deussen, Engineer; Jim Bell, Cable 10; Michael Churchill, Cable 10; Aleks Briedis, Recreation Director; Jim Duke; Jeff Simonson; Dale Potvin; Sally Potvin; Herman Aardsma, Don Van Devander, Aron Diaz and Waste Management staff

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the March 16, 2011 Regular Meeting
- B. Retain Angela Roff, Attorney at Law, PC as City Prosecutor
- C. February Sales Tax Report
- D. Accounts Payable

Councilor A. Lambert moved to approve the consent agenda items A, B, C, and D; seconded by Councilor Rice.

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

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

PUBLIC HEARING – CONSIDER APPLICATION OF CACALOCO COMPOSTING, INC. FOR A CERTIFICATE OF DESIGNATION FOR A CLASS I COMPOSTING FACILITY

Mayor Lambert opened the public hearing and swore in Mr. Duke, representing Cacaloco. Assistant City Manager / Director of Planning Matt Sturgeon explained Colorado Revised Statutes (§30-20-103) requires City Council to conduct a public hearing regarding the Certificate of Designation (CD) application submitted by Jim and Kathy Duke (dba CacaLoco Composting). The State created this requirement to ensure a proposed solid waste disposal site—including a composting facility—complies with local comprehensive plans and land use regulations. The State requires Council to accept oral or written testimony from government entities and residents residing within a 3-mile radius of the proposed facility. The Rifle Planning and Zoning Commission held a similar Public Hearing last summer and granted Conditional Use Permit 2010-01. This permit found the proposed use was consistent with the Rifle Comprehensive Plan and local land use regulations.

This Certificate of Designation applies to the following described real property situated in the County of Garfield and State of Colorado, to-wit: 2615 W Centennial Pkwy (aka Energy Innovation Center).

Councilor Sanborn moved to approve the CacaLoco Compost, Inc. certificate of designation no. 1-11; seconded by Councilor Miller.

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

CONSIDER AWARDING 2011 CONTRACT FOR LEGAL SERVICES FOR RRWWRF HEAVY METALS EFFLUENT DISCHARGE VIOLATIONS

Utility Director Charlie Stevens explained the City of Rifle has been out of compliance with its discharge permit for Heavy Metals since December 2009. The City of Rifle would like to try to resolve the Heavy Metals violations by using an Environmental Attorney from the Colorado Springs, CO area who can bring focus to the issues with the City of Rifle discharge permit requirements and the Water Quality Control Commission adoption of the discharge limits on the Threatened and Endangered Species (T &E) reach of the Middle Colorado River concerning the Heavy Metals. Tad S. Foster has many years of experience working with Environmental Regulations in the State of Colorado and California. In the prepared Engagement Letter Tad has given a brief outline of the steps he sees as necessary first steps. SGM Engineering will be retained as well to continue the on-going sampling program and institute any changes in the plan that Tad feels is beneficial to the City of Rifle. This may include more monitoring of various sources including but not limited to fish flesh analysis to determine background levels of Mercury (Hg) in the fish flesh from the Middle Colorado River.

Mr. Stevens also made a recommendation to develop a new Ordinance for to establish a requirement for dentist offices to add amalgam separators and polishers for each dentist chair within a dentist office. The Utility Director and City Attorney recommend the award of the 2011 contract for Legal Services for Rifle Regional Wastewater Reclamation Facility (RRWWRF) Heavy Metals Effluent Discharge Violations to Tad S. Foster in an amount not to exceed \$20,000.

Councilor Miller moved to approve the 2011 contract for Legal Services for Rifle Regional Wastewater Reclamation Facility (RRWWRF) Heavy Metals Effluent Discharge Violations to Tad S. Foster in an amount not to exceed \$20,000; seconded by Councilor A. Lambert.

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

CONSIDER SELECTING CONTRACTOR FOR ENERGY PROCESS AUDIT

Utility Director Charlie Stevens stated a request for proposals (RFP) was issued and proposals were received from four consultants who were evaluated and ranked by City Staff. Staff requested permission to enter into negotiations with the highest ranked consultant, the Active Energies, Inc. and Tetra Tech team. Funds are available from Xcel Energy to help with funding this audit. Xcel Energy will provide a study rebate for studies to help customers identify and implement energy-saving opportunities. This work will be of benefit to the citizens of Rifle by providing systems that are increasingly efficient, provide long-term planning by identifying opportunities for continuing to use forward thinking methods while providing cost-effective community benefits. The Utility Director and City Engineer recommend the award of the 2011 contract and to negotiate with the Active Energies, Inc. and Tetra Tech team in an amount not to exceed \$27,915.

Councilor A. Lambert moved to approve the award of the 2011 contract and to negotiate with the Active Energies, Inc. and Tetra Tech team in an amount not to exceed \$27,915; seconded by Councilor Miller.

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

CONSIDER AWARDING CONTRACT FOR SANITARY SEWER CLEANING AND TELEVISIONING

Mr. Stevens indicated the sewer cleaning and televising will be of benefit to the citizens of Rifle by providing systems that are proactively maintained, provide long-term planning by identifying pipelines that require further maintenance or replacement, and locate manholes that are not presently visible from the ground surface. Work includes cleaning and televising of approximately 96,670 feet of sanitary sewer in streets, alleys and easements in 6 of the 15 sewer drainage basins within the City. Digital photographic records to locate each service lateral and show defects in the main lines will be provided to the City. The Utility Director and City Engineer recommend the award of the 2011 contract to Quality Pipe Services in an amount not to exceed \$100,567.60.

Councilor A. Lambert moved to approve the 2011 contract to Quality Pipe Services in an amount not to exceed \$100,567.60; seconded by Councilor Thompson.

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

CONSIDER AWARDING CONTRACT FOR CONSTRUCTION SERVICES FOR RIFLE POND BYPASS AND MISCELLANEOUS IMPROVEMENTS

Mr. Stevens explained this project will benefit the citizens of Rifle by minimizing taste and odor problems due to algae in Rifle Pond. Raw water from the Colorado River generally contains less of the algae byproducts that produce the taste and odor compounds. This project consists of the installation of a 24" High Density Polyethylene (HDPE) pipeline across Rifle Pond (held down with concrete anchor blocks) with connections to the intake structures on the Colorado River and to the raw water pump station. This will allow raw water to be taken from Rifle Pond or from the Colorado River, depending upon raw water quality. The apparent low bidder is Gould Construction Inc. Their bid included all required documentation. The total price for the project will be \$317,140.

Councilor Winkler moved to approve the award of construction services for Rifle Pond Bypass to Gould Construction, Inc. in an amount not to exceed \$317,140; seconded by Councilor Rice.

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

Mayor and Council thanked Charlie Stevens for his years of service to the City of Rifle.

CONSIDER AUTHORIZING STAFF TO NEGOTIATE WITH RESPECT TO PROPOSALS FOR SOLID WASTE COLLECTION SERVICES (JOHN HIER)

City Manager John Hier reported that the City recently developed an RFP and advertised for proposals for collection of solid waste. This was undertaken in an effort to determine if it may in fact be advantageous to privatize the solid waste collection program currently being operated by the City. Interested contractors were directed to submit proposals that would mirror the programs presently being offered by the City. This included services for a variety of container sizes, extra containers, special pickups, etc. Contractors were requested to submit prices to purchase the City's current inventory of containers as well as the two waste hauling vehicles.

Based upon its review of these proposals, staff believes that the two most viable options include the proposals submitted by Waste Management and MRI. Staff recommends that Council authorize staff to initiate negotiations with MRI. If staff cannot successfully negotiate a contract with MRI, staff would initiate negotiations with Waste Management.

Mayor and Council inquired about how each company would perform recycling, their recycling education program, and special pickups.

Councilor Miller moved to follow staff's recommendation to enter into negotiations with MRI for solid waste collection services; the motions dies. This motion was not seconded.

Councilor Thompson moved to enter into negotiations with Waste Management; seconded by Councilor Sanborn. Roll Call: Yes – Rice, Sanborn, Thompson. Roll Call: NO – A. Lambert, Miller, Winkler, K. Lambert. Motion failed

Council took a five minute recess

CONSIDER APPROVING MEMORANDUM OF UNDERSTANDING WITH RIFLE REGIONAL ECONOMIC DEVELOPMENT CORPORATION FOR RIFLE FITNESS CENTER

Michael Langhorne, President, Rifle Regional Economic Development Corporation (RREDC), reported the City and the RREDC have worked cooperatively for several years regarding the planning and construction of a health and wellness center in the City of Rifle. The opportunity to operate the Rifle Fitness Center will provide the City much-needed information on the feasibility of a health and wellness center in Rifle without committing to the construction and operation of a large facility. The RREDC and the City desire to enter into a Memorandum of Understanding (MOU) to set forth responsibilities of each party regarding the opening and operation of a fitness center in the City of Rifle. The RREDC will lease the Property containing approximately 11,500 square feet on Airport Road and construct the necessary tenant improvements. The RREDC will be responsible for all terms and conditions in the Lease, which has a term of three years, with the third year subject to RREDC budget approval. All revenues received from the Fitness Center will go to the City to cover its operation costs. In the event there is a "profit," that amount will go to the RREDC to assist with its payment of the lease amounts. The City will fund the Fitness Center through the Recreation Department and it has sole discretion how much it wants to budget towards this endeavor. The City can terminate operation of the Fitness Center at any time with 30 days notice to the RREDC.

Councilor A. Lambert moved to approve the MOU between the City and the RREDC; seconded by Councilor Rice.

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

RECEIVE BEAVER CREEK WATERSHED ASSESSMENT

Scott Fifer with Resource Engineering presented a Beaver Creek Watershed Assessment preliminary report. Beaver Creek provides the City with high quality water supply. Activities in the Beaver Creek Watershed are controlled to a degree through watershed ordinance permit process. Permits are required for activities within 5 miles of the intake. Activities within the watershed have increased. The City requested Resource Engineering to complete a Cumulative Impact Assessment to determine if the quality and health has diminished over time and if so what can be done to correct the issues. An increase of traffic on water shed roads has been observed. The study covers 12 square miles. The cumulative impact assessment was modeled after procedure developed by the USFS to manage watersheds based upon a concept called stream health. The study consisted of three procedures reviewed existing data, quantification of disturbed areas, and detailed stream surveys.

Their findings indicate that the stream health of downstream reaches of Beaver Creek and its major tributaries is degraded. The most evident impact is fine sediment deposition within the stream channel. The reason for the stream health degradation is due to increase in connected disturbed area, inadequate design/maintenance of best management, and loss or lack of gravel protection on Beaver Creek Road and spur roads.

These are the recommendations they are considering at this time: creating BMPs inspection forms, implement inspection protocol, and disconnecting disturbed areas. More work needs to be completed before the final recommendations. This is a preliminary report and a complete report will be presented to Council at a later date.

CONSIDER APPOINTING ALTERNATE MEMBER OF PLANNING AND ZONING COMMISSION

Mr. Sturgeon explained Anthony Rossilli submitted a request to be considered for appointment to the Rifle Planning and Zoning Commission. The Mayor and Council may consider appointing Mr. Rossilli to a vacant, alternate seat. The subject seat's term runs through April 1, 2013.

Councilor Miller moved to appoint Anthony Rossilli as an alternate member of Planning and Zoning Commission; seconded by Councilor Sanborn.

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

DISCUSS 14TH STREET MARKETPLACE PUD AMENDMENT AND REPLAT

Sally and Dave Potvin presented the 14th Street Marketplace PUD amendment and replat. The 14th Street Marketplace PUD was approved in 2009 with finalized construction plans for the development of the site. Under this zoning, the property had no flexibility to change the site layout or the uses that were approved as part of the PUD. Due to the economic downturn the applicants have not been able to obtain financing to build the project and are requesting a new PUD that will allow more flexibility in uses. The applicants have received interest from gas station developers. As a gas station would require a change in the PUD, the applicants are submitting this Sketch Plan request. The applicant's proposal is to create three or four lots on the site. The southeast lot would include the gas station. The other two or three lots would be available for commercial or residential uses that meet the intent of the Comprehensive Plan for the North Railroad Avenue neighborhood.

CONSIDER AUTHORIZING MALCOLM PIRNIE, INC. TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR RIFLE POND BYPASS AND MISCELLANEOUS IMPROVEMENTS

Engineer Dick Deussen recommends that Malcolm Pirnie, Inc. be authorized to provide construction engineering services for the Rifle Pond Bypass and Miscellaneous Improvements. City Staff would provide inspection; review the majority of shop drawings; attend all progress meetings with the contractor; review and approve progress payments; check on Davis-Bacon wage and other Federal requirements; and prepare As-Built drawings. The City would require Malcolm Pirnie's services to answer RFI's (questions on specifications or plans during construction), attend preconstruction meeting and a punch list walkthrough at construction completion, and review some shop drawings. The cost for these services is \$22,817 and funds are available from the Water Capital Fund.

Councilor Rice moved to approve the construction engineering services by Malcolm Pirnie in an amount not to exceed \$22,817.00; seconded by Councilor Miller.

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

ADMINISTRATIVE REPORTS

CITY MANAGER REPORT

Mr. Hier reported to Council on the following issues: increased activity in all areas of City operations; a very aggressive recruiting process was initiated nationally for the Utility Director position; a commitment from DDA for banner poles and light poles was received; minimal upgrades to City Hall; Spring clean-up scheduling; the City will be working with DDA to clean downtown; the sewer line relocation today at the former Valley Lumber site was completed today, but the water line relocation still needs to be completed; addressed the concern from local contractors concerning the construction. Large construction projects will be bid out.

Staff would like to change the workshop meeting on April 13th with the Fire District to include a special meeting on health insurance. The insurance committee would like to present their recommendations to Council because a decision needs to be made by the end of April. Council agreed to hold this special meeting.

Mr. Sturgeon reported that the Biomass conference held a symposium at CMC.

COMMENTS FROM MAYOR AND COUNCIL

Alan Lambert and Jay Miller gave special thanks to Charlie Stevens for all of his efforts as Utility Director.

Jonathan Rice attended a Club 20 meeting with Mike Braaten. At the meeting the State Governor discussed the budget. He got a sense that State Government was looking at spending differently than in the past. He felt that this was a healthy process. He was pleased with the ongoing budget considerations that are made at the City of Rifle.

EXECUTIVE SESSION - DISCUSSION 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; AND FOR CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS 24-6-402(4)(B); 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 Lambert moved to adjourn to Executive Session to discuss personnel matters, receive legal advice and discuss negotiations; seconded by Councilor Rice (10:36 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 (11:41 p.m.).

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

Meeting adjourned at 11:42 p.m.

Kristy Christensen
Deputy City Clerk

Keith Lambert
Mayor