

RIFLE CITY COUNCIL MEETING

Wednesday, December 15, 2010

REGULAR MEETING

7:01 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, Randy Winkler, and Mayor Keith Lambert.

Councilor Alan Lambert moved to excuse Councilor Sanborn and Councilor Thompson from attending tonight's meeting; seconded by Councilor Rice.

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

OTHERS PRESENT: John Hier, City Manager; Kristy Christensen, Deputy City Clerk; Matt Sturgeon, Assistant City Manager; Jim Neu, City Attorney; Jim Bell, Cable 10 Manager; Nathan Lindquist, Planner; Charlie Stevens, Utilities Director; Dick Deussen, Civil Engineer; Charles Kelty, Finance Director; Michael Langhorne, April Michell, Tom Scott, Grant MacInnis, Paul Schueber, and Drew Goodyear.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS: Minutes from the December 8, 2010 Regular Meeting; Parks and Recreation Strategic Plan; Expenditure Request from the Visitor Improvement Fund; October Financial Report; and Accounts Payable

Councilor Alan Lambert excused himself from voting on the Consent Agenda.

Mayor Lambert pulled the "Expenditure Request from the Visitor Improvement Fund" item #C from the consent agenda for further discussion.

Councilor Winkler moved to approve the Consent Agenda items A, B, D, and E; seconded by Councilor Miller.

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

Item C on the Consent Agenda includes a request from the Visitor Improvement Fund (VIF) for an expenditure of \$5,000 to Lower Valley Trails Group (LOVA). Mayor Lambert expressed concern that LOVA is already receiving funds from the Rifle Community Foundation which is also primarily funded by the City. Michael Langhorne of the VIF stated the VIF was not aware LOVA was receiving funding from the Rifle Community Foundation. Council would like to table this expenditure until the VIF has an opportunity to discuss this concern with LOVA. LOVA may also give a presentation to Council to clarify this request at a future date.

Councilor Miller moved to approve items 1, 2, & 3 of Consent Agenda item #C and table #4 (the request for funding from LOVA) until future date; seconded by Councilor Rice.

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

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

CONSIDER APPOINTING RYAN MACKLEY TO VISITOR IMPROVEMENT FUND BOARD AS A REGULAR MEMBER

Council reviewed a memorandum from the Visitor Improvement Fund Advisory Board recommending that Council appoint Ryan Mackley to fill a vacant seat on the Board. The vacant seat was created by Helen Rogers' resignation from the Board on November 1, 2010. Mr. Mackley currently serves on the Board as an alternate.

Councilor Winkler moved to appoint Ryan Mackley to the Visitor Improvement Fund Board as a regular member; seconded by Councilor Alan Lambert.

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

CONSIDER APPROVING MINOR SUBDIVISION – WAL-MART – RESOLUTION 29-10

April Michell of CEI Engineering and Tom Scott of High Country Engineering explained that the applicant, Wal-Mart TRS, LLC, requests Final Plat approval of a minor subdivision of Lot 11 in the RRV Subdivision (1000 Airport Road). Lot 11 is 17.4 acres and is the location of the existing Wal-Mart.

Minor Subdivision 2010-3 will create two separate commercial lots, the 16.6 acre Amended Lot 11 that includes Wal-Mart and the 0.8 acre Lot 11A located adjacent to Airport Road. The proposed Lot 11A is currently vacant and no specific use has been proposed by the applicants. The lot will be zoned Community Service (CS), consistent with the current zoning for that property. Any future use of the property will conform to CS zoning requirements.

This proposal is unchanged from a Minor Subdivision that was approved by the Planning Commission in 2008. As Final Plat was not completed at that time, the Sketch Plan approval expired and the applicants were required to resubmit a Sketch Plan to the Planning Commission, which was approved on November 30, 2010.

Access to Lot 11A will be provided by a 30' access and utility easement.

Staff recommends that City Council approve proposed Resolution 29-10 with the condition that the Final Plat shall be completed according to City requirements including provisions for access and utility easements and maintenance agreements.

Councilor Rice moved to approve Resolution 29-10 with the condition that the Final Plat shall be completed according to City requirements including provisions for access and utility easements and maintenance agreements; seconded by Councilor Alan Lambert.

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

RECEIVE PRESENTATION FROM MIDDLE COLORADO RIVER WATERSHED PARTNERSHIP AND CONSIDER SUPPORTING GRANT APPLICATION

Utilities Director Charlie Stevens, who serves on the steering committee of the Middle Colorado River Watershed Partnership, requested that Council support the Partnership's Federal 319 Watershed Planning grant proposal as part of the Partnership's efforts to create a watershed plan that will characterize the watershed and its resources; assess existing conditions; identify and prioritize activities and strategies for maintaining and enhancing water quality, water reliability and watershed health; and provide an implementation plan outlining resources needed to achieve desired outcomes. Support would include:

- Sustained engagement of Rifle staff in the partnership (monthly meetings, occasional conference calls and occasional review of materials);
- Cash support of \$1,250 in 2011;
- Consideration of a second funding request of \$1,250 in 2012 to bring total cash support to \$4,120 (\$2,500 cash and \$1,620 in staff time) over the 18-month period of the project; and
- A letter of support for the 319 Grant that outlines the City's support for the effort.

Council explained that they cannot consider funds for 2012.

Councilor Miller moved to support the Middle Colorado River Watershed Partnership's Federal 319 Watershed Planning grant proposal with the following:

- Sustained engagement of Rifle staff in the partnership;
- Cash support of \$1,250 in 2011;
- A letter of support for the 319 Grant that outlines the City's support for the effort.

Seconded by Councilor Winkler.

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

DISCUSS ACQUISITION OF RIFLE REGIONAL WATER PURIFICATION FACILITY MEMBRANE SYSTEM

Mr. Stevens and City Engineer Dick Deussen presented information about acquiring a membrane system for the Rifle Regional Water Purification Facility. A Request for Proposals was issued on September 25, 2010 to Pall Corporation and GE Water & Process Technologies (Zenon Environmental Corporation) and bids were accepted on October 28, 2010. The price for the total goods and services is \$3,313,800.

To complete design of the Rifle Regional Water Purification Facility (RRWPF), the shop drawings and demonstration pilot test are required, which involves an expenditure of \$200,000. Funds for these items (shop drawings and demonstration test) are available in the 2011 budget for Water Treatment Plant Facility – Design (310-4333-400-723) in the amount of \$200,000.

The proposed agreement between the City and GE Water & Process Technologies (Zenon Environmental Corporation) stipulates that additional expenditures by the City for the system (Section 3) will occur after delivery of the system to the City, which based on the current project schedule, is estimated to be the fourth quarter of 2012.

If a decision is made to not proceed with the construction of the RRWPF by March 31, 2012, the City will terminate the agreement. However, the funds for shop drawings and demonstration test will have been expended. If at a future date past March 31, 2012 the City chose to proceed with construction of the RRWPF, the City will either need to re-bid or re-negotiate the price for the Low Pressure Membrane System. If the City chooses to re-negotiate the price, GE Water & Process Technologies (Zenon Environmental Corporation) stipulates the contract price will be escalated at the Consumer Price Index + 1% for any delay in manufacture of goods from listed date of March 13, 2012.

Staff recommended that Council (1) authorize staff to enter into negotiations for a contract and (2) award a contract for shop drawings and demonstration test to GE Water & Process Technologies (Zenon Environmental Corporation) in the amount of \$200,000.

Councilor Miller moved to (1) authorize staff to enter into negotiations for a contract and (2) award a contract for shop drawings and demonstration test to GE Water & Process Technologies (Zenon Environmental Corporation) in the amount of \$200,000; seconded by Councilor Lambert.

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

CONSIDER APPROVING 2010 SUPPLEMENTAL BUDGET

RESOLUTION 28-10: 2010 BUDGET AMENDMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, AMENDING THE CITY'S BUDGET FOR THE YEAR ENDING DECEMBER 31, 2010

ORDINANCE 18-10: SUPPLEMENTAL APPROPRIATION

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR THE YEAR ENDING DECEMBER 31, 2010

Finance Director Charles Kelty noted that proposed Resolution 28-10 amends the 2010 budget, and proposed Ordinance 18-10 provides for a supplemental appropriation. Energy Efficiency Fund, Parks and Recreation Fund, and Sewer Fund are among expenditures that require these actions. The additional funds for the Sewer Fund need to be corrected to \$100,000. Therefore the 2010 amended budget is for an amount of \$3,515,643.

Councilor Miller moved to approve Resolution 28-10 and Ordinance 18-10 as amended with the date correction and the additional funds amount change and ordered the ordinance to be published in full as required by Charter; seconded by Councilor Rice.

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

ADMINISTRATIVE REPORTS

City Manager John Hier gave a verbal administrative report. Staff continues to work on year end reports. Utilities crew continues to work on South Waste Water Lagoon Reclamation. Banner poles are in need of replacement and we would like to have new poles installed in the spring. The Rifle Bucks program has had a larger usage this year. We will need to evaluate our budget before a decision can be made on another printing. An all hands meeting at the Police Department is scheduled for tomorrow night. The newly appointed City Prosecutor will be meeting with the Police Department for the first time. Staff is preparing a RFP for solid waste collection services. Get well soon to Parks Director Tom Whitmore.

City Attorney Jim Neu reported we were finally able to close out the Waste Water project.

Utilities Director Charlie Stevens answered a few question concerning the EPA Pilot Study submitted in the council packet under FYI. Rifle was highlighted at an EPA workshop and was selected to be part of the EPA Region 8 Energy Management Pilot Program.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Alan Lambert thanked City staff for their hard work and sacrifices in a difficult year.

Councilor Miller thanked staff for a wonderful year and thanked citizens for their support. Merry Christmas and Happy New Year.

Councilor Rice seconded the sentiments of Councilors Miller and Lambert.

Mayor Lambert stated the staff has been outstanding this year. It has been a tough year for everyone in the community as well as City staff. Merry Christmas to the citizens and staff.

EXECUTIVE SESSION

EXECUTIVE SESSION: (1) FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER COLORADO REVISED STATUTES SECTION 24-6-402(4)(E); (2) TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER C.R.S. SECTION 24-6-402(4)(A); AND (3) FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S. SECTION 24-6-402(4)(B)

Councilor Rice moved to adjourn to Executive Session to discuss negotiations, discuss property interests, and receive legal advice; seconded by Councilor Miller (8:28 p.m.).

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

Councilor Rice moved to adjourn from Executive Session; seconded by Councilor Miller (9:37 p.m.).

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

Meeting adjourned at 9:37 p.m.

Kristy Christensen
Deputy City Clerk

Keith Lambert
Mayor