

## RIFLE CITY COUNCIL MEETING

Wednesday, September 1, 2010

REGULAR MEETING

7:00 p.m. \* Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:04 p.m. by Mayor Keith Lambert.

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

Councilor A. Lambert moved to excuse Councilor Jen Sanborn from tonight's meeting; seconded by Councilor Miller.

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

**OTHERS PRESENT:** John Hier, City Manager; Lisa Cain, City Clerk; Matt Sturgeon, Assistant City Manager; Jim Neu, City Attorney; Mike Braaten, Government Affairs Coordinator; Dick Deussen, City Engineer; Aleks Briedis, Recreation Director; Rod Hamilton, Public Works Director; Michael Churchill, Cable 10; Gil Frontella, Tom Stuver, Laura Embleton, Mike Johnson, Kale King.

### CONSENT AGENDA

***MINUTES FROM THE AUGUST 18, 2010 REGULAR MEETING; MINUTES FROM THE AUGUST 11, 2010 SPECIAL MEETING; RESOLUTION 19-10: SIGNATURES ON CITY CHECKS; LICENSE TO ENCROACH AGREEMENT WITH GENEVIEVE CLOUGH; JULY FINANCIAL REPORT; JULY SALES TAX REPORT; ACCOUNTS PAYABLE***

Councilor A. Lambert moved to approve the Consent Agenda; seconded by Councilor Winkler.

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

### CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

### ***RIFLE CREEK THEATRE FAÇADE CONSTRUCTION AGREEMENT WITH NEW UTE THEATRE SOCIETY, INC.***

Mr. Hier reported that at Council's August 18, 2010 workshop with the New Ute Theatre Society, Inc. (NUTS), Council discussed appropriating \$105,000 towards the renovation of the Rifle Creek Theatre façade to restore it to its historic condition. NUTS has agreed to manage the project on behalf of the City. The proposed Rifle Creek Theatre Façade Construction Agreement sets forth the terms of that relationship. NUTS will be hiring a general contractor to perform the work and will utilize a standard AIA Contract form typical in the construction industry. That Construction Contract will set forth the terms and conditions of the construction of the project, such as the plans and specifications of the work, insurance requirements, disputes, etc. Therefore, the City's agreement with NUTS only needs to set forth the City's funding of the project. The proposed agreement provides that NUTS will submit the draw requests for the project to the City, and the City will act on the requests within 3 business days. Payments will be made to NUTS, which will then pay the Contractor. The agreement limits the City's contribution to the appropriated \$105,000 and requires the project to be completed by December 31, 2010.

Council's consensus was to delete "working on behalf of the City" from Section 2 of the agreement, because this clause was unnecessary and somewhat misleading. Councilor Miller moved to approve the Rifle Creek Theatre Façade Construction Agreement with New Ute Theatre Society, Inc. as amended; seconded by Councilor Rice.

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

### ***CONSIDER REQUEST FOR FUNDING FOR THEATER RENOVATION***

Councilor Winkler left the Council Chambers.

Mr. Hier noted that NUTS has requested that the City of Rifle consider providing them funding for the first phase of a scaled-down theatre renovation plan. The cost estimate provided to the Council at the August 18, 2010 work session was \$104,000. Additionally, it is now known that extensive asbestos removal may be

required. City staff members are pursuing a State Health Department grant for the asbestos removal. It will require a local match, and staff hopes that the City can meet that requirement with approximately \$20,000. The Visitor Improvement Advisory Board has recommended that \$20,000 be allocated for theatre repairs from the Visitor Improvement Fund. Mr. Hier recommended that the balance of any funds approved for this project be awarded from the Capital Fund. He suggested that the Council approve \$105,000 from the Capital Fund, and \$20,000 from the Visitor Improvement Fund. He noted that any expenditure of funds from the Capital Fund must be approved by a minimum of 5 council members. Councilor A. Lambert moved to approve \$105,000 from the Capital Fund, and \$20,000 from the Visitor Improvement Fund, for the first phase of Rifle Creek Theatre renovations; seconded by Councilor Thompson.

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

Councilor Winkler returned to the Council Chambers.

Council excused Councilor A. Lambert from attending the rest of the meeting.

***RESOLUTION 20-10: SUPPORT OF FUNDING FOR THE LAND AND WATER CONSERVATION FUND***

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO  
SUPPORTING THE FULL FUNDING OF THE LAND AND WATER  
CONSERVATION FUND**

Mr. Braaten introduced Ms. Embleton, representing Western Voices Project. Ms. Embleton informed Council that monies for the Land and Water Conservation Fund are derived from offshore natural gas and oil royalties and dedicated to land and water protection. The fund has provided over \$11 million for outdoor projects in counties surrounding Garfield County, over \$9.5 million for outdoor projects in Garfield County, and over \$121,000 for outdoor projects in Rifle, including the Rifle Municipal Pool and the Rifle Creek Trail. This month, the U.S. Senate will consider whether to fund the Land and Water Conservation Fund in the full amount of \$900 million authorized by Congress. Councilor Rice moved to approve Resolution 20-10, supporting the full funding of the Land and Water Conservation Fund; seconded by Councilor Miller.

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

***FIRST READING OF ORDINANCE 12-10: MOBILE HOME PARK CODE AMENDMENTS***

**AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION  
16-3-90(h)(5) OF THE RIFLE MUNICIPAL CODE TO EXTEND THE DEADLINES  
FOR UPGRADES TO NONCONFORMING MOBILE HOME DEVELOPMENTS  
AND MOBILE HOMES**

Mr. Neu explained that Section 16-3-90(h)(5) of the Rifle Municipal Code establishes deadlines for existing nonconforming mobile home developments and mobile homes to conform to City standards. The intent of the Section is to bring nonconforming mobile home developments and mobile homes into compliance with City of Rifle regulations, and HUD standards, by certain specified deadlines. Although these deadlines were considered realistic when enacted, the ongoing recession has impacted the financial ability of residents and property owners to complete the upgrades. September 1, 2010 is cited as the deadline for upgrading street lighting and individual storage to current City standards and upgrading mobile homes to HUD standard approved structures. This would mean that mobile home development owners with sub-standard lighting and storage facilities would need to undertake improvements to their properties now, and certain existing mobile homes in the City would violate the Code. Staff recommends that Council approve proposed Ordinance 12-10 extending the deadline for upgrading these items to September 1, 2013, thus allowing mobile home developments and mobile home owners three additional years to obtain compliance. At that time, staff will analyze the state of existing mobile homes and mobile home developments and determine if further steps to enforce or modify Section 16-3-90(h)(5) should be taken. Councilor Miller moved to approve Ordinance 12-10 on first reading as presented and ordered it to be published by title as required by Charter; seconded by Councilor Thompson.

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

**RIFLE REGIONAL WATER PURIFICATION FACILITY PROPERTY ANNEXATION AND ZONING**

**FIRST READING OF ORDINANCE 13-10: ANNEXATION**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS RIFLE REGIONAL WATER PURIFICATION FACILITY PROPERTY ANNEXATION

**FIRST READING OF ORDINANCE 14-10: ZONING**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE RIFLE REGIONAL WATER PURIFICATION FACILITY PROPERTY ANNEXATION PUBLIC ZONE DISTRICT

Mr. Sturgeon explained that the City of Rifle Water Utility requests the property commonly known as the Clough Pit be annexed into the City and zoned Public Use. The subject property is located east of the Public Works facility and north of East Centennial Pkwy (aka Hwy 6); 1.86 acres is located on the south side of said roadway. The Planning Commission recommended City Council approve the requested annexation and zoning at its July 27, 2010, meeting. The property is comprised of 34.14 acres and is bordered on two sides by the City's corporate boundaries. The property to the west—40 acres given the City—is zoned Developing Resources and other surrounding properties are zoned Public Use. The Comprehensive Plan calls for zoning the property Mixed-Use Business. This classification occurred prior to the City water utility conducting due diligence for a new water plant site. This site has been selected as the preferred site for a new water treatment plant. The City has already acquired the site and begun engineering design. Staff is recommending the zoning be Public Use. Proposed Ordinance 13-10 would annex the property to the City, and Ordinance 14-10 accomplish the proposed zoning. Councilor Miller moved to approve Ordinance 13-10 and Ordinance 14-10 on first reading as presented and ordered them to be published by title as required by Charter; seconded by Councilor Rice.

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

**NORTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY ANNEXATION AND ZONING**

**FIRST READING OF ORDINANCE 15-10: ANNEXATION**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE NORTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY

**FIRST READING OF ORDINANCE 16-10: ZONING**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE NORTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY ANNEXATION PUBLIC ZONE DISTRICT

Mr. Sturgeon reported that the City of Rifle Wastewater Utility requests the property commonly known as the North Rifle Sewer Lagoons be annexed into the City and zoned Public Use. The Rifle Planning Commission recommended City Council approve the requested annexation and zoning on July 27, 2010. The property is comprised of 25.878 acres and is bordered on three sides by the City's corporate boundaries. The property to the west—the new wastewater plant site—is zoned Public Use and other surrounding properties are zoned Light Industrial. The Comprehensive Plan calls for zoning the property Industrial. Staff is recommending the zoning be Public Use, which permits industrial type activities. This zoning is more consistent with zoning assigned to City-owned properties. Proposed Ordinance 15-10 would annex the property to the City, and Ordinance 16-10 accomplish the proposed zoning. Councilor Winkler moved to approve Ordinance 15-10 and Ordinance 16-10 on first reading as presented and ordered them to be published by title as required by Charter; seconded by Councilor Rice.

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

**DEERFIELD REGIONAL PARK COMPLETION PLAN PRESENTATION**

Mr. Briedis and Mr. Whitmore presented a master plan for Deerfield Regional Park.

**AWARD OF 2010 STREET IMPROVEMENTS**

Mr. Deussen and Mr. Hamilton reported that bids for the following street improvements were opened on August 23, 2010:

- Reconstruction of Acacia Avenue (Schedule A)
- Reconstruction of South 7<sup>th</sup> Street (Schedule B)
- Overlay of 24<sup>th</sup> Street (Schedule C)
- Overlay of Railroad Avenue (Schedule D). Alternate A of Schedule D is paving the parking area in front of the skate park along 16<sup>th</sup> Street.

The low bidder for Schedule A was Johnson Construction with a total bid price of \$420,198.06. The low bidder for Schedule B was Frontier Paving with a bid price of \$218,395.35. The low bidder for Schedules C and D (including Alternate A) was Frontier Paving with a total bid price of \$226,352.50.

Councilor Rice moved to award construction of the 2010 Street Improvements, Schedule A, to Johnson Construction Inc. in the amount of \$420,198.06; and Schedules B, C, and D (including Alternate A) to Frontier Paving in the amount of \$444,747.85, for a total of \$864,945.91; seconded by Councilor Miller.

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

**ADMINISTRATIVE REPORTS**

Mr. Hier informed Council of pending budget issues which will be discussed in greater detail in work sessions. Mr. Whitmore discussed possible installation of central irrigation control for city parks and facilities. He noted that three of the four electric vehicles that the City had ordered would be delivered this week. Mr. Briedis provided an update on Centennial Park;

**COMMENTS FROM MAYOR AND COUNCIL**

Councilors thanked everyone involved with completion of the first phase of Centennial Park.

Councilor Rice announced that Rifle High School’s first game of the football season would take place September 3 at 7:00 p.m. against Grand Valley. He encouraged citizens to purchase Bears Cards from area merchants.

**EXECUTIVE SESSION**

***EXECUTIVE SESSION: FOR DISCUSSION OF A PERSONNEL MATTER UNDER CRS 24-6-402(2)(F) AND NOT INVOLVING ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION; ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL; THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR OF AN ELECTED OFFICIAL; OR PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES***

Councilor Rice moved to adjourn to Executive Session for Personnel Matters; seconded by Councilor Miller (8:40 p.m.).

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

Councilor Rice moved to adjourn from Executive Session; seconded by Councilor Miller (9:17 p.m.).

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

Meeting adjourned at 9:18 p.m.

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Lisa H. Cain  
City Clerk

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Keith Lambert  
Mayor