

RIFLE CITY COUNCIL MEETING

Wednesday, February 3, 2010

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; Matt Sturgeon, Assistant City Manager; Wanda Nelson, City Clerk; Jim Neu, City Attorney; Michael Churchill, Cable 10; Rod Hamilton, Public Works Director; Dick Deussen, Engineer; Charlie Stevens, Utility Director; Charles Kelty, Finance Director; Leslie Robinson; Jim Rada; David Gomez; Paul Reaser; Doug Denison; Scot Donato; Terry Broughton; Kelly Allen; Marc Jaffrey/Coggins-Stewart; Joyce Wizer; Michael Erin, Resource Engineering; Monty Shed.

CONSENT AGENDA

MINUTES FROM THE JANUARY 20, 2010 REGULAR MEETING; MINUTES FROM THE JANUARY 13, 2010 SPECIAL MEETING; KUM & GO LIQUOR LICENSE RENEWAL; ACCOUNTS PAYABLE

Mayor Lambert noted that Accounts Payable needs to be reduced by \$5,000 as an expected check will be issued at a later time. Councilor Lambert excused himself from voting on the minutes from the regular meeting. Councilor Miller moved to approve the Consent Agenda as amended; seconded by Councilor Thompson.

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.

AIR QUALITY MONITORING PROGRAM

Jim Rada and Paul Reaser provided an overview of the Program. Leslie Robinson asked Council what action they might take to address the spikes that occur. Joyce Weiser asked questions regarding air quality.

CLEAN ENERGY FINANCING

Alice Laird of GNECI noted that she has been in discussion with Garfield County to develop a financing program to help homeowners and businesses make energy improvements through low-interest loans. The loans are repaid through an additional amount added to the property tax. Council was in favor of this program, and directed staff to draft a document to show support of the program.

PUBLIC HEARING: CLOSURE OF DOKES LANE

Mayor Lambert opened the public hearing. Mr. Whitmore described the portion of the road that has been closed since November 2008 for construction of the Parks Maintenance facility. It was anticipated that this road would be closed in anticipation of a development that had been planned. David Gomez was sworn in and stated he wants to keep Dokes Lane open. Councilor Lambert moved to allow the closure of Dokes Lane; seconded by Councilor Thompson.

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

PROSECUTOR SCOPE OF SERVICES

Mr. Hier stated that staff has recently reviewed the scope of services for the Prosecutor as the Judge is instituting a third court day in 2010. If adopted, additional time will be required of the Prosecutor. Mr. Sands has had an opportunity to review the Scope and has provided a written response. Councilor Thompson moved to approve the Scope of Services as amended; seconded by Councilor Sanborn.

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

Councilor Lambert moved to direct staff to put out a Request for Proposal for Prosecutorial Services based on the aforementioned adopted Scope of Services, to be started by July 1, 2010; seconded by Councilor Thompson.

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

LEGAL DEFENSE CONTRACT

Chief Meisner stated that this contract would provide legal defense to the sworn Police Officers at the rate of \$7.00 per month per officer. This item was budgeted in the 2010 Budget. Councilor Miller moved to authorize the City Manager to sign the Letter of Agreement; seconded by Councilor Sanborn.

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

POSTAGE METER CONTRACT

Chief Meisner noted that this budgeted item is for a postage meter for the Justice Center. This will save a lot of staff time, as presently the Police Department and Court must bring their mail to City Hall for postage and processing. Councilor Thompson moved to authorize the Contract for a Postage Meter, subject to annual appropriation; seconded by Councilor Rice.

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

EXECUTIVE SESSION: FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS SECTION 24-60402(4)(B)

Councilor Sanborn moved to adjourn to Executive Session; seconded by Councilor Rice (9:01 p.m.).

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

Councilor Thompson moved to adjourn from Executive Session; seconded by Councilor Rice (9:36 p.m.).

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

PUBLIC HEARING: WATERSHED DISTRICT PERMIT NO. 1-10 (BILL BARRETT CORPORATION COLORADO RIVER WATERSHED)

Mayor Lambert opened the public hearing, which has been continued from the previous Council meeting. Doug Dennison, Scott Danoto, and Monty Shed with Bill Barrett Corporation were sworn in. Barrett Corporation has applied for a Watershed District Permit for gas operations in the City's Colorado River Watershed. The Corporation drilled within the City's watershed without first obtaining a permit, and apologized for this oversight. They would like to post signs that would notify the public of the watershed's boundaries. They will also contact City staff before the commence operations. Barrett is willing to contribute funds towards a water monitoring system or other water system improvements as determined by the City and is willing to discuss a reasonable fine. Monty Shed answered technical questions. Councilor Winkler moved to approve Watershed Permit No. 1-10, to include a \$15,000 fine, a \$50,000 contribution towards the City's water system, and pursuant to the conditions in Michael Erion's letter and those discussed during this Hearing; seconded by Councilor Lambert.

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

No - Sanborn

SECOND READING OF ORDINANCE 1-10: UTILITY DELINQUENCY NOTICE AMENDMENTS

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTIONS 13-1-430 AND 13-1-440 OF THE RIFLE MUNICIPAL CODE REGARDING NOTICE OF SUSPENSION OF WATER AND SEWER SERVICE AND ADOPTING A FEE FOR PROCESSING AND PREPARATION OF DELINQUENCY AND SHUT-OFF NOTICES IN APPENDIX A TO THE CODE

Mr. Neu explained the need to update the Rifle Municipal Code provisions related to notices for delinquent utility accounts. It is recommended that the time period before delinquency and shut off notices are mailed to customers be shortened so delinquent amounts do not become too large and burdensome. Ordinance No. 1, Series of 2010 amends Sections 13-1-430 and 440 so that when a water and/or sewer bill remains unpaid for thirty days a delinquency notice is mailed. If the bill remains unpaid at forty-five days a shut off notice is sent to the customer who has ten days to pay the balance before service is suspended. In that ten day period, the customer may request a hearing in writing regarding the suspension of service. This Code amendment removes the \$100 minimum amount past due before a shut off notice is sent. In addition, the delinquency and shut off notice processing fee currently assessed as

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authorized in Section 13-1-430 is codified in Appendix A. Councilor Sanborn moved to continue this item until the next meeting, when an amended Ordinance can be considered that includes a tiered structure for the water turn-on fee; seconded by Councilor Winkler.

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

FIRST READING OF ORDINANCE 2-10: WATER AND SEWER SERVICE FEE START DATE

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 13-1-380 OF THE RIFLE MUNICIPAL CODE REGARDING COMPUTATION OF WATER RATES AND CHARGES PRIOR TO CERTIFICATE OF OCCUPANCY.

Mr. Sturgeon explained that, as a result of the current economic climate, there are several residential units in the City that remain partially built with no plans for their completion this year. Pursuant to the Rifle Municipal Code, utility service fees commence upon the issuance of a building permit to account for any use of the City's utilities during the construction phase. To address this issue yet remain fiscally responsible and receive payments for services utilized, staff proposes amending the Code so that utility service fees start at the issuance of a certificate of occupancy, and at that time the meters are read to record the actual use during the construction phase. That use will be billed at that City's bulk water rate which is 400% the normal rate and must be paid as a condition of receiving a C.O. With this change, the City will be compensated for services supplied and those units not utilizing the services will not have to pay. Marc Jaffrey with the Knollridge Townhomes project reported that he has over twenty units that are not completed but he is still paying for utilities. Staff discussed the need to look at the commencement of sewer and trash service fees and include those items in the ordinance. Councilor Rice moved to approve Ordinance 2-10 as amended and ordered it to be published by title as required by Charter; seconded by Councilor Thompson.

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

ADMINISTRATIVE REPORTS

Mr. Hier reported on 2009 Accomplishments Report; SB 101. Ms. Nelson reminded everyone about the workshop with Garfield County on February 10. Mr. Stevens provided an update on the sanitary sewer overflow last week.

COMMENTS FROM MAYOR AND COUNCIL

NATIONAL SIGNING DAY

Councilor Rice stated that several athletes from Rifle High School signed on to play college football.

EXECUTIVE SESSION: FOR DISCUSSION OF A PERSONNEL MATTER UNDER CRS SECTION 24-6-402(4)(B) AND NOT INVOLVING ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION

Councilor Miller moved to adjourn to Executive Session; seconded by Councilor Rice (10:37 p.m.).

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

Councilor Rice moved to adjourn from Executive Session; seconded by Councilor Miller (11:05 p.m.).

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

Meeting adjourned at 11:05 p.m.

Wanda Nelson
City Clerk

Keith Lambert
Mayor