

RIFLE CITY COUNCIL MEETING

Wednesday, September 2, 2009

REGULAR MEETING

7:00 p.m. * Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:03 p.m. by Mayor Keith Lambert.

PRESENT ON ROLL CALL: Councilors Beth Bascom, Alan Lambert, Jonathan Rice, Jennifer Sanborn, Jeanette Thompson, and Mayor Keith Lambert.

Councilor Bascom moved to excuse Councilor Jay Miller from tonight's meeting; seconded by Councilor Thompson.

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

OTHERS PRESENT: John Hier, City Manager; Matt Sturgeon, Assistant City Manager; Wanda Nelson, City Clerk; Jim Neu, Assistant City Attorney; Jim Bell, Cable 10; Michael Churchill, Cable 10; Charlie Stevens, Utility Director; Mike Braaten, Government Affairs Coordinator; Doug Winters; Linda Twidwell; Jason Zwickl; Mark & Lisa Flaten; Jessica Wilson; Valerie Shanahan; Dustin & Embrey Marantino; Michael Langhorne; Scott Becker; Nick Flaten; Brittany Koley.

CONSENT AGENDA

MINUTES FROM THE AUGUST 19, 2009 REGULAR MEETING; SET PUBLIC HEARING FOR SAMMY'S BREW PUB APPLICATION; RESOLUTION 21-09: HIGHWAY 13 ACCESS CONTROL PLAN; ACCOUNTS PAYABLE

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

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

CITIZEN COMMENTS AND LIVE CALL-IN

Melissa Hier called in to thank Councilor Bascom for her service. Mr. Stevens reviewed the recent complaints about the musty taste in the water caused by an algae bloom.

ACKNOWLEDGING COUNCILOR BETH BASCOM'S YEARS OF SERVICE

Mayor Lambert thanked Councilor Bascom for her efforts in moving the City forward, and presented a plaque. Mr. Hier thanked Councilor Bascom for her leadership and direction to staff over the past eight years.

SWEARING-IN CEREMONY

Mayor Lambert swore in Police Officer Nick Flaten. Officer Flaten read the *Code of Ethics* aloud, and his parents presented his badge. Chief Meisner welcomed Officer Flaten to the force.

AWARD CONSTRUCTION STAKING FOR CENTENNIAL PARK

Mr. Briedis noted this item is for the approval to contract with Bookcliff Survey Services, Inc. for construction staking of Centennial Park. Bookcliff is offering a fifty-percent discount for this project. They have been specifically named in the GOCO grant for Centennial Park as a monetary partner, as they donated their time during the Master Planning of the Park in 2005. Councilor Lambert moved to award construction staking for Centennial Park to Bookcliff in an amount not to exceed \$50,000; seconded by Councilor Bascom.

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

CITY OF RIFLE/GARFIELD COUNTY IGA – MAINTENANCE AND REPAIR RESPONSIBILITY FOR ROADWAYS IN RIFLE AIRPARK PUD

In August 2008 the City annexed Rifle Airpark PUD consisting of over 600 acres of land adjacent to the Garfield County Airport to be developed pursuant to the Rifle Airpark Master Pan - a 2007 addendum to the Rifle Comprehensive Plan. The Annexation Agreement conditioned the recording of the Annexation Map, which includes the annexation of the County Roads adjacent to the Property, on the negotiation and execution of an intergovernmental agreement between the City and Garfield County regarding the maintenance of those County Roads. Because Rifle Airpark will develop in phases over several years, the City was unwilling to accept maintenance obligations for roads that do not currently meet the City’s Public Works Manual standards and that are used only for County purposes. As Rifle Airpark develops it will proceed through the City’s Preliminary Plan and Final Plat process which will include improving to City standards the roads used to access the relevant phase of development. At that time, the City has no objection to maintaining that section of roadway. The IGA with Garfield County satisfies the City’s criteria. In the IGA, the City and County agree that County maintenance of the Annexation Roads shall continue even though the Annexation Roads have been annexed into the City. Because the County Roads will actually be owned and in the jurisdiction of the City, the IGA includes insurance and indemnity provisions to cover the County’s willingness to take on these maintenance obligations. Councilor Rice moved to approve the IGA; seconded by Councilor Lambert.

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

APPROVAL OF FIRST AMENDMENT TO GOLF COURSE WATER RIGHTS LEASE

Mr. Neu explained that the City entered into a Water Rights Lease Agreement in 1989 with the Rifle Gap Land Company, the non-profit corporation which operates the Rifle Golf Course. The 1989 Agreement leased to Rifle Gap Land Company, for golf course irrigation, historic consumptive use credits totaling 50.8 acre feet associated with certain water rights decreed to the Rifle Creek Canyon Ditch. These rights were adjudicated in the City’s augmentation plan in Case No. 83CW110. The Lease had an initial term of ten years, was renewed for an additional ten years and would expire on August 8, 2009. The purpose of the First Amendment is fourfold: 1) Extend the Lease for a period ten (10) years or until 2019. Unless terminated by either party in writing, the Lease will at that time be automatically extended for an additional ten (10) year term or until August 8, 2029. 2) The Rifle Gap Land Company will assume any delayed return flow obligations associated with the water rights, which are the subject of the Lease. If that return flow obligation occurs (it never has since 1983), the Lease price will be increased by the amount of that obligation (which will be supplied by Ruedi water) and continue thereafter. 3) Once the City pays off its share of principal and interest on the Ruedi Contract, future

Lease payments will be based on the last year's lease payment plus a Consumer Price Index escalator. The Lease consideration makes the City whole by providing the City with an amount of money at least equal to the cost of providing the City with replacement or exchange water from Ruedi Reservoir under the City's contract with the Bureau of Reclamation. 4) Finally, Rifle Gap will provide the City annually with forty rounds of golf (i.e., ten foursomes) for 18 holes of golf, together with a golf cart, per round. The Amendment states that "the City agrees it shall use the complimentary golf passes for economic development, good will, and promotion purposes". There will be no carryover of unused rounds. Councilor Bascom moved to approve the Amendment; seconded by Councilor Rice.

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

UPDATE ON RIFLE CREEK THEATRE REPAIR

Mr. Hier explained that the DDA recently contracted with Johnson Carter Architects, PC for an Historical Structure Assessment of the Rifle Creek Theatre. A number of critical deficiencies were identified, with repairs estimated to cost \$45,000. Since the City owns the Theatre, it is responsible for the maintenance of the facility. Staff recommends soliciting bids for repairs, with funding coming from the Capital Reserve Fund. Council directed Mr. Hier to obtain quotes for repairs and return at a later meeting with the bid summary.

ADMINISTRATIVE REPORTS

Mr. Hier reported on: budget process; shopping incentive program; AGNC Strategic Plan; Airport expansion; retaining wall at the Senior Center; reorganization of the Utility & O&M Crews; Visitor's Information Center roof; Rifle Creek Trail; Rifle Energy Park. Ms. Nelson stated that FCPA forms are required from all Council candidates. She also encouraged everyone who received a ballot to vote. Mr. Sturgeon reported on the Senator's visit to the Energy Innovation Center. Mr. Neu reported that the Library closed today on their funding. Mr. Braaten announced that the FML distribution occurred today.

COMMENTS FROM MAYOR AND COUNCIL

THANK YOU & FAREWELL TO COUNCILOR BASCOM

The Mayor and Council thanked Councilor Beth Bascom for her eight years of service to the City. Her contributions have been invaluable, earning her the nickname, "The Voice of Reason."

RHS FOOTBALL

Councilor Rice stated that the first football game for RHS is Friday night.

KUDOS

Councilor Lambert thanked Mr. Sturgeon and Mr. Stevens for their recent presentations to community groups.

WATER MONITORING

Councilor Sanborn requested that staff review the water monitoring system at Beaver Creek.

DOLA GRANTS

Mayor Lambert received a call from the DOLA Director Susan Kirkpatrick. Even though the August DOLA grant cycle has been postponed, it is hoped that program and funds will be reinstated soon due to the great need expressed by communities for this monetary assistance.

FML DISTRIBUTION

Mayor Lambert noted his attendance earlier in the day for a press conference in Denver regarding Rifle's portion of the FML distribution.

THANK YOU

Councilor Bascom thanked the citizens of Rifle, the staff, and her fellow Councilors for their support over the past eight years. She will miss everyone!

EXECUTIVE SESSION: FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS SECTION 24-6-402(4)(B)

Councilor Bascom moved to adjourn to Executive Session; seconded by Councilor Lambert (8:08 p.m.).

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

Councilor Sanborn moved to adjourn from Executive Session; seconded by Councilor Thompson (8:21 p.m.)

Meeting adjourned at 8:21 p.m.

Wanda Nelson
City Clerk

Keith Lambert
Mayor