

# RIFLE CITY COUNCIL MEETING

Wednesday, July 1, 2009

REGULAR MEETING

7:00 p.m. \* Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:01 p.m. by Mayor Keith Lambert.

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

**OTHERS PRESENT:** John Hier, City Manager; Wanda Nelson, City Clerk; Jim Neu, Assistant City Attorney; Michael Churchill, Cable 10; Dick Deussen, City Engineer; Rod Hamilton, Public Works Director; Charles Kely, Finance Director; Mike Braaten, Government Affairs Coordinator; John Scalzo; Annick Pruett; Glenn Ault; Julie Wernsman; Eric Brynildson; Michael Langhorne; Jeff Odor; Nathan Bell; Greg Shaner; Chris Manera; Kyle Sanderson.

Clerk's Note: One signature was illegible.

## CONSENT AGENDA

***MINUTES FROM THE JUNE 15, 2009 REGULAR MEETING; LIQUOR LICENSE RENEWALS: RIB CITY GRILL, SHANGHAI GARDEN, CITY MARKET, SPORTS CORNER, ROCKY MOUNTAIN LIQUORS; ANNUAL PAYMENT TO RIFLE COMMUNITY FOUNDATION; ACCOUNTS PAYABLE***

Mayor Lambert excused himself from voting on the Minutes. Councilor Lambert moved to approve the Consent Agenda; seconded by Councilor Rice.

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

## CITIZEN COMMENTS AND LIVE CALL-IN

Mr. Hier stated that he has issued an Executive Order lifting the fire ban from July 2-5, 2009. The risk of fire danger is lessened due to the wet spring. Rifle Mountain Park is still under a fire ban. Citizens can have fireworks that do not leave the ground and do not explode. Fireworks such as sparklers are permitted during the aforementioned dates. Mr. John Scalzo provided an update on the Veteran's Memorial, and noted it will be dedicated around Veteran's Day in November. Annick Pruett will be participating in YouthZone's "Kiss N Squeal" fundraiser.

## ***ACTION ON WORKSHOP ITEMS – CITY OF RIFLE PARTNERSHIPS WITH GEO & ENERGY STAR***

Mr. Braaten described two opportunities for partnerships that are being encouraged by the Governor's Energy Office and the new Garfield New Energy Communities' Initiative. The first is a facility owner's memorandum of understanding (MOU) for the Governor's Energy Office Energy Performance Contracting Program. Performance Contracting is where an entity contracts with an energy services company to evaluate and improve the energy efficiency of buildings, lighting, and mechanical systems. The agreed upon improvements are then financed through the anticipated cost savings, generally over a 5-15 year time frame. The second opportunity involves a partnership with the EPA on their Energy Star Program. Much of what the City has done and is doing relates to reducing its energy usage and increasing its energy efficiency – the primary goals of Energy Star. Councilor Miller moved to approve the MOU with the GEO and the Partnership with the EPA; seconded by Councilor Lambert.

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

***PUBLIC HEARING: CHAMBER OF COMMERCE SPECIAL EVENT LIQUOR LICENSE APPLICATION***

Mayor Lambert opened the public hearing. Applicants Annick Pruett and Julie Wernsman were sworn in and reviewed their application. They seek to have a Beer and Wine Tasting at the County Fair on August 6, 2009. Ms. Nelson stated that the fees have been paid and the application is complete. Councilor Lambert moved to approve the Application; seconded by Councilor Rice.

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

***REDUCTION IN BUILDING FEES REQUEST***

Mr. Glenn Ault outlined his request for Council to consider waiving or reducing building fees during these tough economic times. He explained that the banks are willing to give construction loans, developers are reducing the lot prices, suppliers are giving better deals, and contractors are working for less. Councilors offered suggestions about how such a program could work. Council directed staff to work on this issue and bring back suggestions.

***FIRST READING OF ORDINANCE 19-09: RAW WATER IRRIGATION INCENTIVES  
ORDINANCE RETROACTIVE EFFECT DATE***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ADOPTING A RETROACTIVE EFFECTIVE DATE OF MAY 1, 2008 FOR ORDINANCE NO. 10, SERIES OF 2009 FOR THE AMENDMENTS TO SECTION 13-4-70 OF THE RIFLE MUNICIPAL CODE REGARDING WATER SYSTEMS IMPROVEMENT FEE REDUCTIONS, SECTION 13-6-30 REGARDING WATER RIGHTS DEDICATION REDUCTIONS, AND THE NEW ARTICLE VII OF CHAPTER 13 REGARDING RAW WATER IRRIGATION.

Ordinance No. 10, Series of 2009 enacted Raw Water Irrigation Regulations and Incentives to further the goals set forth in the City's Water Conservation Plan. During the preparation of the Water Conservation Plan, the primary goals and incentives ultimately contained in Ordinance No. 10 were drafted by City staff and shared with the public in that process. The Grand River Hospital District was commencing a major addition to its Rifle facility in 2008, wanted to participate in the City's water conservation program, followed the regulations that were enacted by Ordinance No. 10 and constructed a raw water irrigation system. To provide the associated benefits to the Hospital, or any other utility customer that may have relied on the City's "draft" program before it was officially enacted, it is necessary to make the amendments enacted by Ordinance No. 10 retroactively effective to May 1, 2008, when the Water Conservation Plan and raw water irrigation incentives were released to the public. Staff feels it is fair to reward any customer that installed raw water irrigation systems pursuant to what was ultimately enacted in the Code since the program was announced rather than then when it was formally adopted because the City still receives the same benefits. Councilor Rice moved to approve Ordinance 19-09 as presented and ordered it to be published by title as required by Charter; seconded by Councilor Miller.

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

### ***AUTHORIZATION TO USE UTILITY UNDERGROUNDING FUND***

Mr. Hamilton explained that the City currently maintains a balance of \$272,702 in a 1-percent Utility Underground Fund managed by Xcel pursuant to the City's franchise agreement. The City also has access to a 3-year advancement of \$131,647, making the total dollars available to the City for utility undergrounding \$402,349. Staff is requesting the authorization to the use of said funds to underground utilities located in the alley between 1<sup>st</sup> and 2<sup>nd</sup> Streets from East Avenue to West Avenue. Upon receiving authorization, Xcel will design and manage the project, which is estimated to cost \$150,000. This project would coincide with the East 2<sup>nd</sup> Street redevelopment. Councilor Lambert moved to authorize the use of \$150,000 for Utility Undergrounding; seconded by Councilor Miller.

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

### ***ENGINEERING SERVICES CONCERNING RIMROCK AT RIFLE***

John Patrick with Meritage Development Group is requesting that the City authorize SGM to provide engineering services in connection with the Rimrock Development. Mr. Patrick stated that they would like SGM to just engineer the basic, backbone infrastructure of the project. Staff was under the initial impression that Meritage was asking permission for SGM to engineer the entire project; Mr. Patrick again stated that they were just asking SGM to complete the backbone infrastructure. Staff will work with Meritage to work out the details of their future relationship with SGM. Michael Langhorne was grateful that Council is concerned about the local engineers. Nathan Bell voiced his concern that other engineering firms do not have access to the institutional knowledge that SGM has, especially if public funds were used to pay for a computerized water model that should be available to other firms. Chris Manera stated that SGM should be involved in the design of water system improvements, but is concerned the scope could be broadened too far. Jeff Odor echoed Mr. Manera's comments.

### ***2009 MUNICIPAL ELECTION UPDATE***

Ms. Nelson reported that the following nine citizens have turned in sufficient petitions to make them eligible to run for the office of City Councilor in the September 2009 Municipal Election: Daniel Alvis, Ron Byrd, Alan Lambert, Keith Lambert, Jen Sanborn, Frederick E. Schultz, Linda Twidwell, Randy Winkler, and Doug Winters. Additionally, Mr. John Scalzo turned in petitions with sufficient signatures to place two issues on the ballot: term limits and districts for council members. Council directed staff to prepare two ordinances that would bring these two issues before them at the next Council meeting.

### ***BUDGET ADJUSTMENTS***

Mr. Hier noted that the overall economic slow-down has affected every sector of society, including the City. Staff has been monitoring sales tax revenues, and noted a 21% decline in sales tax revenues in April. The General Fund, Parks and Rec Fund, and Special Street Fund are all impacted by the decline. Several measures are being taken by staff, including restricting travel, reducing overtime costs, deferring hiring replacements for vacant positions, and deferring capital projects. Potential budget reductions were outlined, including reducing the Contingency Fund, deferring transfers, purchases, merit pay, and payments to the fleet revolving loan fund. Departmental savings were identified at \$235,700. These total measures would save \$1.3 million dollars in the General Fund. Other funds were reviewed, and over \$600,000 in savings are possible from the Water Utility, Wastewater Utility, Sanitation, Special Street, Parks, and Recreation funds. In spite of these reductions, year-end short-falls may still

exist, and the City may have to use reserves to make up the difference. Councilor Bascom moved to approve the budget adjustments outlined by the City Manager; seconded by Councilor Rice.

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

**ADMINISTRATIVE REPORTS**

Mr. Hier reviewed the following items: budget issues; failing aerators at the NWWTP; 9<sup>th</sup> Street traffic signal; annual evaluations; DOLA crew; Main Street program; capital projects; Centennial Park; 4<sup>th</sup> Street crossing; Veteran’s Memorial. Mr. Hamilton is working on the 4<sup>th</sup> Street crossing, and noted that a parking space may be lost to accommodate additional signage. Mr. Braaten received a call from Senator Udall’s office that indicated our Federal Appropriation request for treated water transmission lines is moving forward. Mr. Braaten will keep Council informed on the status of this Request.

**COMMENTS FROM MAYOR AND COUNCIL**

***HAPPY 4<sup>TH</sup> OF JULY!***

Councilors Miller and Bascom wished everyone a safe 4<sup>th</sup> of July. Councilor Rice encouraged everyone to celebrate with the temporary lifting of the fire ban in City limits. Councilor Thompson reported that there is a free concert in Glenwood Springs on the 4<sup>th</sup> put on by the Symphony in the Valley. Their website is [www.sitv.org](http://www.sitv.org).

***OPENINGS ON THE DDA BOARD***

Councilor Sanborn noted there are two openings on the DDA Board. Interested citizens should submit a letter to Helen Rogers, DDA Manager.

***ROUNABOUT SCULPTURES***

Councilor Lambert read a letter submitted by Lillian White, thanking the City and the artist responsible for the sculptures in the roundabouts. Councilor Bascom noted that the sculptures are maintenance-free.

***EXECUTIVE SESSION: LEGAL ADVICE***

Councilor Thompson moved to adjourn to 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); seconded by Councilor Miller (940 p.m.)

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

Councilor Bascom moved to adjourn from Executive Session; seconded by Councilor Rice (10:17 p.m.).

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

Meeting adjourned at 10:17 p.m.

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Wanda Nelson  
City Clerk

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Keith Lambert  
Mayor