

## RIFLE CITY COUNCIL MEETING

Wednesday, December 19, 2012

### REGULAR MEETING

7:00 p.m. \* Council Chambers

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Jay Miller.

**PRESENT ON ROLL CALL:** Councilors Rich Carter, Alan Lambert, Keith Lambert, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Jay Miller.

**OTHERS PRESENT:** John Hier, City Manager; Matt Sturgeon, Assistant City Manager/Director of Planning; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Channel 10 Manager; Michael Churchill, Channel 10 Assistant Manager; Mike Braaten, Government Affairs Coordinator; Kristy Christensen, Deputy City Clerk; Dick Deussen, Utilities Director; John Dyer, Police Chief; Charles Kelty, Finance Director; Tom Whitmore, Parks Director; Herman Aardsma; Julie Bjurstrom; Kristie Braaten; Max Braaten; Oliver Braaten; Jack Bryck; Gil Frontella; Dana Ingram; Mike McKibbin; David Merritt; Jim Miller; Helen Rogers; Don Van Devander; Philip Vaughan; and Bayard Yang.

### **CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:**

- A. Minutes from the December 5, 2012 Regular Meeting
- B. Liquor License Renewal: Nacho's Mexican Restaurant
- C. Snow Removal and Landscape Maintenance Contract for 2013
- D. Mechanical Maintenance Bids for 2013
- E. October Sales Tax Report
- F. October Financial Report
- G. Accounts Payable

Councilor K. Lambert moved to approve Consent Agenda Items A, B, C, D, E, F, and G; seconded by Councilor Rice. Roll Call: Yes –A. Lambert (abstaining as to Item A), Carter, K. Lambert, Rice, Sanborn, Winkler, Miller.

### **CITIZEN COMMENTS AND LIVE CALL-IN**

There were no citizen comments or live call-ins.

### ***FAREWELL TO MIKE BRAATEN***

Council presented a plaque to Government Affairs Coordinator Mike Braaten, who is leaving City employment, and expressed its deep appreciation to him for his service to the community.

### ***PUBLIC HEARING - BRENDEN RIFLE 7 THEATRES LIQUOR LICENSE APPLICATION***

Mayor Miller opened the public hearing. This application was not ready for Council action at tonight's meeting. Council continued the public hearing to its meeting on January 16, 2013.

### ***PUBLIC HEARING - SPECIAL EVENT LIQUOR PERMIT – NEW UTE THEATRE SOCIETY, INC./SYMPHONY IN THE VALLEY***

Mayor Miller opened the public hearing and swore in Helen Rogers, President, New Ute Theatre Society, Inc. ("NUTS"), and David Merritt, President, Symphony in the Valley. Ms. Rogers and Mr. Merritt presented NUTS' application for a special event permit to provide liquor service at Symphony in the Valley's event at 501 Airport

Road on February 22, 2013 from 6:00 p.m. to 10:00 p.m. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor A. Lambert moved to approve the Special Event Liquor Permit for New Ute Theatre Society, Inc. at 501 Airport Road on February 22, 2013 from 6:00 p.m. to 10:00 p.m.; seconded by Councilor Carter.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

***PUBLIC HEARING - SPECIAL EVENT LIQUOR PERMIT – RIFLE REGIONAL ECONOMIC DEVELOPMENT CORPORATION ANNUAL MEETING***

Mayor Miller opened the public hearing and swore in Julie Bjurstrom, Manager/Director, Rifle Regional Economic Development Corporation (“RREDC”). Ms. Bjurstrom presented RREDC's application for a special event permit to provide liquor service at its annual meeting at 501 Airport Road on January 17, 2013 from 5:00 p.m. to 7:00 p.m. Ms. Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor Winkler moved to approve the Special Event Liquor Permit for Rifle Regional Economic Development Corporation at 501 Airport Road on January 17, 2013 from 5:00 p.m. to 7:00 p.m.; seconded by Councilor Rice.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

***CONSIDER PROPERTY LEASE OF 139 RAILROAD AVENUE***

Assistant City Manager/Director of Planning Matt Sturgeon, Ms. Bjurstrom, and Dana Ingram, Main Street Coordinator, explained that Rifle Main Street would like to utilize the former Sno-White Linen property at 139 Railroad Avenue for downtown special events throughout the year. The property owner is willing to lease the property to the City. The City would utilize its construction crew to grade the site and perhaps install irrigation or make other improvements. No commitment is being made to fund physical improvements, and programming would be the responsibility of the Main Street Coordinator.

Councilor K. Lambert moved to approve a Property Lease with 139 Railroad, LLC, with amendments recommended by City Attorney; seconded by Councilor A. Lambert.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

***RECEIVE MRI ANNUAL REPORT***

Herman Aardsma and Don Van Devander, representing Mountain Refuse, Inc. (“MRI”), the City’s contracted provider of residential garbage and recycling collection services, presented MRI’s annual report.

***CONSIDER AMENDING RIFLE MUNICIPAL CODE CHANGING REQUIREMENTS FOR VISITOR IMPROVEMENT FUND ADVISORY BOARD MEMBERSHIP - ORDINANCE NO. 24, SERIES OF 2012 – 1ST READING***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 2-12-20 OF THE RIFLE MUNICIPAL CODE TO ALLOW RIFLE BUSINESS OWNERS AND THEIR REPRESENTATIVES WHO DO NOT RESIDE IN THE CITY LIMITS AN OPPORTUNITY TO BE A MEMBER OF THE VISITOR IMPROVEMENTS FUND ADVISORY BOARD

City Manager John Hier informed Council that the City’s current rules for membership on the Visitor Improvements Fund Advisory Board (that all members except one member must be City residents) make it

difficult to attract and retain board members. Staff's recommendation was to allow Rifle business owners and their representatives who do not reside in the City limits to serve on the board.

Councilor Carter moved to approve Ordinance No. 24, Series of 2012, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor Rice.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

***CONSIDER CONSTRUCTION MANAGEMENT CONTRACT AND OWNER'S REPRESENTATIVE FOR RIFLE REGIONAL WATER PURIFICATION FACILITY***

Utilities Director Dick Deussen explained that the 2009 contract with Malcolm Pirnie Inc. awarded design and construction engineering services, including resident engineering, for the Rifle Regional Water Purification Facility. The cost for these services was to be based upon standard rates but the not-to-exceed price was not determined. A scope of work and fee has now been defined assuming that the City will provide the Resident Engineer. The cost for these services totals a not-to-exceed amount of \$690,000. Mr. Deussen recommended that Council award construction engineering services to Malcolm Pirnie in an amount not to exceed \$690,000.

Mr. Deussen also recommended that Phil Vaughan Construction Management, Inc. be hired as an Owners Advisor to assist him and the Resident Engineer to avoid potential liability issues and conflicts between the contractor, design engineers, or the City. The not-to-exceed amount for these services would be \$203,750.

Councilor K. Lambert moved to award construction engineering services for the Rifle Regional Water Purification Facility to Malcolm Pirnie Inc. in an amount not to exceed \$690,000 over a 2-year period, and to authorize owner's advisor services to Phil Vaughan Construction Management Inc. in an amount not to exceed \$203,750 over a 2-year period; seconded by Councilor Carter.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

***CONSIDER EMERGENCY ORDINANCE AMENDING UTILITY RATES IN APPENDIX A TO THE RIFLE MUNICIPAL CODE - ORDINANCE NO. 25, SERIES OF 2012***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING APPENDIX A TO THE RIFLE MUNICIPAL CODE REGARDING CERTAIN WATER AND SEWER RATES AND DECLARING AN EMERGENCY

Mr. Hier explained that since voters approved the sales and use tax increase to help pay the loan associated with the construction of a new water treatment plant, the City can lower the water rates that went into effect September 1, 2012 and eliminate the increase that was going to take effect on April 1, 2013. Ordinance No. 25, Series of 2012 makes these amendments to the water rates. It is proposed as an emergency ordinance so it can have an effective date of January 1, 2013 when the new sales tax takes effect.

Mr. Neu informed Council that the ordinance also would do the following:

- Reduce the out-of-City rate from 200 percent of the in-City rate to 150 percent
- Enact a standby fee to charge properties that are connected to the City's utilities but not receiving service
- Delete several charges related to meter installation
- Increase the bulk water rate through the vending machine

Councilor A. Lambert moved to approve Ordinance No. 25, Series of 2012, as an emergency ordinance and to order it to be published in full as required by Charter; seconded by Councilor Sanborn.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

**ADMINISTRATIVE REPORTS**

Mr. Hier reported to Council on the following issues: water treatment plant; roundabout design; Visitor Improvement Fund advertising; City finances; Rifle Bucks; annual reports from staff; and Mr. Braaten's service to the City.

Mr. Sturgeon and Police Chief John Dyer thanked staff members who assisted with snow removal following the recent storm.

**COMMENTS FROM MAYOR AND COUNCIL**

Merry Christmas and a Happy New Year!

Meeting adjourned at 8:07 p.m.

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Lisa H. Cain  
City Clerk

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Jay D. Miller  
Mayor