



Keith Lambert, Mayor
Alan Lambert, Mayor Pro Tem
Beth Bascom, Councilor
Jay Miller, Councilor
Jonathan Rice, Councilor
Jennifer Sanborn, Councilor
Jeanette Thompson, Councilor

City Hall
City Council Chambers
202 Railroad Avenue
Rifle, CO

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**REGULAR MEETING
August 5, 2009**

**WORKSHOP 6:00 P.M.
CONFERENCE ROOM**

5:30 P.M. Tour of Membrane Plant (Charlie Stevens)
6:45 P.M. Shopping Incentive (John Hier)

**REGULAR MEETING 7:00 P.M.
COUNCIL CHAMBERS**

The City Council may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

- 7:00 p.m. 1. Regular Meeting Call to Order and Roll Call

- 7:03 p.m. 2. Consent Agenda
 - A. Minutes from the July 15, 2009 Regular Meeting
 - B. Minutes from the July 28, 2009 Special Meeting
 - C. June Financial Report
 - D. June Sales Tax Report
 - E. Set Public Hearing for Plaza Liquors Application
 - F. Elks Lodge Corporate Report of Changes
 - G. Account s Payable

- 7:08 p.m. 3. Citizen Comments and Live Call-In
(For issues NOT on the Agenda. Please limit comments to 3 minutes.)

- 7:11 p.m. 4. Action, if any, on Workshop Items (Mayor Lambert)
- 7:15 p.m. 5. Resolution 19-09: Adopting 2010 Budget Calendar (Charles Kelty)
- 7:25 p.m. 6. Second Reading of Ordinance 20-09: Ballot Initiative: Term Limit Charter Amendment (Jim Neu)
- 7:35 p.m. 7. Second Reading of Ordinance 21-09: Ballot Initiative: City Council Election Districts (Jim Neu)
- 7:45 p.m. 8. Public Hearing: Whiteriver Plaza PUD Zoning & Subdivision (Nathan Lindquist)
 - A. First Reading of Ordinance 23-09: Property Re-zone
 - B. First Reading of Ordinance 24-09: Approving PUD Plan
- 8:00 p.m. 9. First Reading of Ordinance 26-09: 431 East 1st Street Alley Vacation (Nathan Lindquist)
- 8:10 p.m. 10. First Reading of Ordinance 25-09: Solar Tax Rebate Program (Mike Braaten)
- 8:25 p.m. 11. Meritage Request Regarding Rimrock Infrastructure Design (John Hier)
- 8:45 p.m. 12. Colorado River District Presentation (Charlie Stevens)
- 9:15 p.m. 13. Administrative Reports
 - A. City Manager Report
 - B. Other Reports
- 9:25 p.m. 14. Comments from Mayor and Council
- 9:35 p.m. 15. 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) (Lee Leavenworth)

The order and times of agenda items listed above are approximate and intended as a guideline for the City Council.

Next Regular Council Meeting: August 19, 2009 at 7:00 p.m.



RIFLE CITY COUNCIL MEETING

Wednesday, July 15, 2009

REGULAR MEETING

7:00 p.m. * Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:06 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; Matt Sturgeon, Assistant 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 Kelty, Finance Director; Darrell DeForest; Linda Twidwell; John B. Scalzo; Shari Neuroth; Randy Winkler; Dan Alvis; John Savage; Miranda Murphy; Brian Peterson; Mike Murphy; Ten Johnson; Fred Schultz.

CONSENT AGENDA

MINUTES FROM THE JULY 1, 2009 REGULAR MEETING; DDA APPOINTMENTS; APPROVAL OF LEASE FOR VEHICLE; MAY FINANCIAL REPORT; MAY SALES TAX REPORT; ACCOUNTS PAYABLE

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

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

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

PUBLIC HEARING: ELK'S LODGE SPECIAL EVENT LIQUOR LICENSE APPLICATION

Mayor Lambert opened the public hearing. Applicant Daryl Deforest was sworn in and reviewed the application. They seek to serve alcohol during four separate events at the fairgrounds: a welcome party, demolition derby, rodeo, and concert during August 4 – 8, 2008. Ms. Nelson stated that the fees have been paid and the application is complete. The Elks will meet with the Chief of Police to review current local and State laws regarding Special Events. Councilor Lambert moved to approve the Application; seconded by Councilor Thompson.

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

SECOND 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.

Mr. Neu explained that 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 Bascom moved to approve Ordinance 19-09 as presented and ordered it to be published in full as required by Charter; seconded by Councilor Rice.

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

FIRST READING OF ORDINANCE 20-09: BALLOT INITIATIVE: TERM LIMIT CHARTER AMENDMENT

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROVIDING FOR THE SUBMITTAL FOR APPROVAL OF THE REGISTERED VOTERS OF THE CITY AT THE 2009 REGULAR MUNICIPAL ELECTION A QUESTION WHETHER SECTION 3.4 OF THE CITY CHARTER SHALL BE AMENDED TO CREATE A TWO TERM LIMIT FOR CITY COUNCIL MEMBERS

Mr. Neu noted that the City received a Ballot Initiative Petition pursuant to the City Charter to put before the electorate at the September regular municipal election the question whether the City of Rifle Charter be amended to institute term limits for City Council members. The Charter was amended in 2006 to remove the term limit language. In accordance with Section 5.2 of the City Charter, the City Clerk certified that the Petition was signed by at least ten percent (10.0%) of the registered electors of the City. As required by the Charter, Council directed staff to draft the necessary ordinance placing the question on the ballot, thus Ordinance No. 20, Series of 2009 was drafted. In adopting the Ballot Initiative Petition as a ballot question, the proposed Charter Amendment language was included with a few minor revisions to correct clerical errors and ensure consistency with terms used in the Rifle Municipal Code and Charter. Further, although the Petitioners inserted a proposed question for the voters, State statute requires that the text of the proposed amendment be submitted to the voters. In accordance with this requirement, the full text of the proposed Charter Amendment was included as the proposed ballot question. Including the full text also gives voters more information on the question and complies with the intent of the Ballot Initiative Petition.

If the term limit Charter Amendment is approved by the voters at the September 8, 2009 regular municipal election, service by City Council members shall be limited to two consecutive four year terms. The term limitation will apply to terms of office beginning on or after September 9, 2009. Thus, current Council members would be eligible to serve two additional consecutive four year terms without regard to their number of previous terms. The Charter Amendment also provides that any person appointed or elected to fill a vacancy on the Council who serves at least one-half of a term of office for that vacancy shall be considered to have served a full term in that office. Councilor Thompson moved to approve Ordinance 20-09 as amended and ordered it to be published by title as required by Charter; seconded by Councilor Sanborn.

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

FIRST READING OF ORDINANCE 21-09: BALLOT INITIATIVE: CITY COUNCIL ELECTION DISTRICTS

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROVIDING FOR THE SUBMITTAL FOR APPROVAL OF THE REGISTERED VOTERS OF THE CITY OF RIFLE AT THE 2009 REGULAR MUNICIPAL ELECTION A QUESTION WHETHER SECTION 2.5 OF THE CITY CHARTER SHALL BE AMENDED TO REQUIRE ESTABLISHMENT OF FOUR GEOGRAPHIC ELECTION DISTRICTS IN THE CITY AND ELECTION OF FOUR OF SEVEN COUNCIL MEMBERS FROM SEPARATE DISTRICTS

Similar to the above, the City Clerk received a Ballot Initiative Petition to put a question on the ballot whether City Council members should be elected by districts. Mr. Neu explained that the ballot proposes the creation of four contiguous voting districts. The districts will be established so that each includes approximately the same number of registered electors, as determined in the previous regular municipal election, and will be created by an implementing ordinance of the City Council to be adopted in the event the ballot question is approved by City voters in September. Ordinance No. 21, Series of 2009 submits the election district question to the City's registered voters at the September 8, 2009 regular municipal election. The Ordinance also specifies that, in the event the ballot question is successful, the City must create the election districts no later than six months prior to the September 13, 2011 regular municipal election. If the Charter Amendment is approved by the voters, at future elections four of seven Council members will be selected from each of the election districts, while three positions will remain at-large. The Council will also have the authority to redraw the district lines as necessary to ensure residency in each district remains approximately equal.

As with the term limit initiative, non-substantive revisions were made to the ballot language submitted by the proponents to ensure consistency with the Rifle Municipal Code and City Charter and to correct clerical errors. The form of the ballot question is consistent with statutory requirements and provides enough information for voters to make informed decisions on the matter at the September 8, 2009 regular municipal election. After much discussion about Ordinance 21-09, Mr. Scalzo came forward to state that the issue needs to be put on the ballot, and the language of the districting can be worked out later. Mr. John Savage stated that the ballot question should be the exact same language as what was on the petition. Mr. Neu agreed to work with Mr. Scalzo on the ballot language to determine the intent of the petitioners while keeping the language consistent with the Charter. Councilor Bascom

moved to approve Ordinance 21-09 as presented and ordered it to be published by title as required by Charter; seconded by Councilor Rice.

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

CENTENNIAL PARK BIDS

Mr. Briedis reported that staff solicited Requests for Qualifications from interested firms to construct Centennial Park Phase I. Fourteen submittals were received by the May 27, 2009 deadline. A review committee was formed and qualified eight firms to bid on the project. A mandatory pre-bid meeting was held on June 12, 2009, and all eight firms were represented. Five bid proposals were received, with ECI being the lowest bidder at \$3,049,940. Staff members and Council received calls and letters requesting that the bid be awarded to a local bidder, rather than the lowest bidder. Upon review of the contracts from granting agencies, it was determined that DOLA requires the lowest bidder to be chosen. DOLA has awarded the City \$500,000 for this project. If the bid is not awarded to the lowest bidder, this grant would be rescinded. The President of ECI, Brian Peterson, was present for this discussion, and noted that their company is a site construction management company, and they solicited for local participation for this project. Councilor Bascom pointed out that, according to a list submitted by ECI, they plan to use local contractors and vendors for at least sixty-percent of the project. Miranda Murphy with Extreme Earthworks noted they are a local contractor who will be partnering with ECI. Shari Neuroth, Chamber of Commerce President, stated the Chamber is looking forward to a discussion with Council to explore the possibility of changing the Code language with respect to our bidding process. Councilor Bascom moved to award the Bid to ECI in an amount not to exceed \$3,049,940; seconded by Councilor Lambert.

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

Council thanked Mr. Briedis for his work on this project. Mr. Briedis expressed his gratitude to SGM and Bookcliff Survey for providing professional services at a reduced rate for Centennial Park.

PARKS AND RECREATION FUND

RESOLUTION 18-09: BUDGET AMENDMENTS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, AMENDING THE CITY'S BUDGET FOR THE YEAR ENDING DECEMBER 31, 2009.

ORDINANCE 22-09: SUPPLEMENTAL APPROPRIATION

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FOR THE YEAR ENDING DECEMBER 31, 2009.

With the bids in for Centennial Park, it is necessary to amend the City's 2009 Budget and make the necessary Supplemental Appropriation to meet the contract amount. Resolution 18-09 amends the Budget, and Ordinance 22-09 approves the Supplemental Appropriation. Councilor Miller moved to approve Resolution 18-09, and Ordinance 22-09 as presented and ordered it to be published in full as required by Charter; seconded by Councilor Lambert.

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

THE FARM PUD SECOND AMENDMENT TO ANNEXATION AGREEMENT

Applicant John Savage provided an overview of the project and the need for this Agreement. The School District is completing construction of Graham Mesa Elementary School on The Farm Property to be opened this August. Because of the current economic recession the development of The Farm has stalled for an indefinite period of time until the market recovers. However, certain public improvements are necessary to serve the School, which improvements the Developer is constructing and comprise Phase 1A-C (there is no other final approved development for The Farm). Mr. Neu explained that the Agreement contains provisions typically included in subdivision improvements agreements to ensure the satisfactory construction of the public improvements, many of which have already been constructed under the supervision of the City to meet the School District's schedule. Through its review of the construction plans, the City has approved some logical deviations from the Public Works Manual to accommodate the limited service to the School rather than the proposed full-scale development of the Property. All improvements will be upgraded to the standards in the Public Works Manual with the first true phase of development of the Property. A difficult issue to resolve related to the maintenance of Roads A and B accessing the School which will be chip and seal with no curb and gutter. The Developer has agreed to an extended 3 year warranty of these roads, and prior to the end of the warranty period the Developer will reseal the roads. The City will snow plow the roads, but the Developer will make all necessary repairs during the warranty period. Following the expiration of the extended warranty, the Developer would like the City to assume full maintenance responsibility for the roads. The City is willing to do this; however, the Agreement has been drafted to allow the City to file a Bill of Costs for any major improvements to the Roads that it has to construct following the 3 year warranty. These costs will have to be reimbursed to the City as a condition of developing the Property. It is staff's position that because the City is accepting roads that do not meet the Public Works Manual standards, it should not bear the financial burden of reconstructing those roads, if or when needed. Eventually the Property will develop and the roads will be upgraded; but until that time, staff believes that the costs should be appurtenant to the development of the Property. The Developer has agreed to this arrangement. Councilor Lambert moved to approve the Amendment; seconded by Councilor Miller.

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

ADMINISTRATIVE REPORTS

Mr. Hier reviewed the following items: summer maintenance programs; crack sealing; increased Park maintenance due to rainfall; personnel updates; west UMTRA site development opportunities; DOLA application for projects related to economic development; Veteran's Memorial; City picnic; code enforcement and weed control; petty thefts in Rifle; 4th Street crossing; budget update; IGA's with other entities; request from CMC to support their grant application. Ms. Nelson provided an update on the candidate placement on the ballot. Mr. Sturgeon invited Council to attend a DOLA presentation next Friday in Grand Junction. Mr. Whitmore gave an update on the Parks Maintenance building, which is scheduled to be completed the end of August.

COMMENTS FROM MAYOR AND COUNCIL

RECYCLING IN RIFLE

Councilor Thompson noted that the City is working on an informational video about recycling.

KUDOS

Councilor Rice noted that the RHS football field is being worked on, and the team needed an alternate location to practice. Permission was given for the team to practice at Deerfield Park, and they appreciated Ronnie Chick's efforts to make it a suitable substitute by lining the field. Councilor Miller thanked everyone for their hard work on Centennial Park, and stated it will be a crown jewel of the community.

EXECUTIVE SESSION: PERSONNEL MATTERS

Councilor Rice moved to adjourn to Executive Session for discussion of a Personnel Matter Under C.R.S. Section 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 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 employee; seconded by Councilor Lambert (8:43 p.m.)

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

Councilor Lambert moved to adjourn from Executive Session; seconded by Councilor Thompson (9:20 p.m.).

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

CITY MANAGER'S EMPLOYMENT CONTRACT

Councilor Bascom moved to extend the City Manager's employment contract for two additional years beyond his current contract; seconded by Councilor Lambert.

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

Meeting adjourned at 9:20 p.m.

Wanda Nelson
City Clerk

Keith Lambert
Mayor

RIFLE CITY COUNCIL MEETING

Tuesday, July 28, 2009

Rifle City Hall, 202 Railroad Avenue

The special meeting of the Rifle City Council was called to order at 7:31 p.m. by Mayor Keith Lambert.

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

Councilor Sanborn moved to excuse Councilor Beth Bascom from tonight's meeting; seconded by Councilor Lambert.

ROLL CALL: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, K. Lambert

OTHERS PRESENT: John Hier, City Manager.

ITEMS ON THE AGENDA

AUTHORING DOLA GRANT APPLICATION FOR RIFLE ENERGY INNOVATION PARK

Mr. Hier explained that the City would like to apply for a two-million dollar DOLA grant for the Rifle Energy Innovation Center Infrastructure. The project includes infrastructure at the west UMTRA site, near the Wastewater Treatment Plant and supporting solar array. Development of this as a "green" industrial park will allow the community to attract new businesses, thus creating more jobs and diversifying the local economy. The project costs are approximately four-million dollars, with funding sources that include \$500,000 from the City's Capital Fund, \$1,500,000 from Garfield County, and \$2,000,000 from DOLA. Councilor Miller moved to authorize staff to submit an application for a DOLA Grant in the amount of \$2,000,000 for the *Rifle Energy Innovation Center Infrastructure* project, for the August 1, 2009 cycle; seconded by Councilor Thompson.

ROLL CALL: Yes – A. Lambert, Miller, Rice, Sanborn, Thompson, K. Lambert

Meeting adjourned at 7:40 p.m.

Minutes Prepared by
Wanda Nelson, City Clerk

Keith Lambert, Mayor





MEMORANDUM

To: John Hier, City Manager
From: Charles Kelty, Finance Director *ck*
Date: July 30, 2009
Subject: June 2009 Financial Reports

Attached are the financial reports for the six months ending June 30, 2009; approximately 50% of the budget year has elapsed. Please note that this month's report reflects the budget expenditure reductions Council reviewed on July 1. Below are a few comments.

- Page 1 **Mayor & Council** – Expenditures are 47.5% of budget.
- Pages 2-3 **General Fund Revenues** – Overall, revenues are approximately 39.6% of budget, which places the City behind budget by 10.4%. Sales Tax revenues were 38.7% of budget. Building Use Tax and Building permits were lower than budget by 39.5% and 25.0% respectively. Motor Vehicle Use Tax was lower than budget by 10.4%.
- Page 4 **General Fund Expenditures** – Expenditures are approximately 45.8% of budget and lower than anticipated. All departments are under budget with the exception of the Attorney, Information Services, Streets, Construction Crew, Animal Shelter, and Non-departmental (52.9%, 51.3%, 51.3%, 51.6%, 50.2% and 128.1% of budget respectively). Non-departmental is significantly higher than the revised budget because the budgeted salary increases were deferred as part of the July 1 budget reductions. The \$180,000 reduction in that budgeted line item reversed in Non-departmental, however the original budget adopted December 3, 2008 reflected merit pay increases in each specific department's salaries budget.
- Page 5 **Parks & Recreation Fund Revenues** – Overall, revenues are approximately 27.8% of projections and less than budget. Sales taxes were 38.8% of budget; Building Use Tax was 10.4% of budget and Motor Vehicle Use Tax was 39.6% of budget. Pool and Rifle Mountain Park revenues are beginning to pick up, as the community continues summer activities.
- Page 6 **Parks & Recreation Fund Expenditures** – Expenditures are 33.5% of projections and less than budget.
- Page 7 **Water Fund Revenues** – Overall, revenues are 34.9% of budget. Operating revenues are 37.2% of budget. Water rights revenues were -2.5% of budget. Capital revenues were 30.1% of budget. There was \$108,249 reduction in Water


CITY OF RIFLE

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Rights and Capital Revenues (\$28,009 and \$80,240 respectively) due to the retroactive Raw Water Irrigation Fee Ordinance No. 10 Series of 2009 approved on May 6, 2009.

Pages 8-9 **Water Fund Expenses** – Overall, expenses are 40.2% of budget. Operation and Maintenance expenses are 46.2% of budget. Water rights expenses are 36.5% of budget. Water System Improvements expenses are 30.3% of budget.

Page 10 **Wastewater Fund Revenue** – Overall revenues are 47.2% of budget. Operational revenues were 48.6% of projections. Capital Revenues are 42% of budget.

Pages 11-12 **Wastewater Expenses** – Overall, expenses are approximately 47.7% of budget. Operating and Maintenance expenses are 27.4% of budget and Sewer System Improvements are 53.1% of budget.

Page 13 **Sanitation Fund Revenues** – Revenues are 52.3% of budget.

Page 14 **Sanitation Fund Expenses** – Expenses are 42.4% of budget.

Pages 15-16 **Visitor Improvement Fund** – Revenues are 28.7% of budget and expenditures are 31.3% of budget.

CITY OF RIFLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>MAYOR/COUNCIL</u>					
100-4111-400-110 REGULAR EMPLOYEES-S&W	1,500.00	8,550.00	20,400.00	11,850.00	41.9
100-4111-400-220 FICA	93.00	530.10	1,265.00	734.90	41.9
100-4111-400-221 MEDICARE	21.75	123.97	296.00	172.03	41.9
100-4111-400-250 UNEMPLOYMENT INSURANCE	3.00	17.10	41.00	23.90	41.7
100-4111-400-260 WORKERS COMP INSURANCE	5.09	30.25	59.00	28.75	51.3
100-4111-400-320 PROFESSIONAL SERVICES	.00	.00	6,000.00	6,000.00	.0
100-4111-400-340 POSTAL SERVICES	.00	60.43	400.00	339.57	15.1
100-4111-400-510 DUES/MEMBERSHIPS	.00	.00	500.00	500.00	.0
100-4111-400-530 COMMUNICATION-TELEPHONE	34.15	136.66	500.00	363.34	27.3
100-4111-400-540 ADVERTISING	422.50	2,865.36	5,000.00	2,134.64	57.3
100-4111-400-550 PRINTING/BINDING	373.58	2,028.71	3,000.00	971.29	67.6
100-4111-400-580 TRAVEL & MEETINGS	4,528.21	14,878.15	25,000.00	10,121.85	59.5
100-4111-400-610 GENERAL SUPPLIES	15.37	513.78	3,000.00	2,486.22	17.1
100-4111-400-641 MINOR EQUIPMENT	.00	3,724.29	.00 (	3,724.29)	.0
100-4111-400-741 EQUIPMENT	.00	1,219.98	.00 (	1,219.98)	.0
100-4111-400-801 MISCELLANEOUS	.00	.00	7,500.00	7,500.00	.0
TOTAL MAYOR/COUNCIL	6,996.65	34,678.78	72,961.00	38,282.22	47.5

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CITY OF RIFLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>GENERAL REVENUES</u>					
100-3000-311-001 GENERAL PROPERTY TAXES	130,464.19	554,847.33	589,073.00	34,225.67	94.2
100-3000-311-100 DELINQUENT PROPERTY TAXES	.00	99.19 (	5,772.00 ) (	5,871.19)	1.7
100-3000-312-100 SPECIFIC OWNERSHIP TAX	3,174.18	20,537.60	47,548.00	27,010.40	43.2
100-3000-313-001 GENERAL SALES TAX	298,079.23	1,769,562.35	4,574,090.00	2,804,527.65	38.7
100-3000-313-002 GENERAL USE TAX	1,546.47	22,850.55	217,295.00	194,444.45	10.5
100-3000-313-003 REBATES-SALES & USE	.00 (	227.66 ) (	3,705.00 ) (	3,477.34 ) (	6.1)
100-3000-313-004 MOTOR VEHICLE USE TAX	21,008.49	157,029.39	396,925.00	239,895.61	39.6
100-3000-318-002 FRANCHISE FEES	20,545.44	120,675.59	325,092.00	204,416.41	37.1
100-3000-319-001 PENALTIES & INTEREST	88.58	271.96	.00 (	271.96)	.0
100-3000-321-001 LIQUOR LICENSES	1,290.00	3,803.75	5,222.00	1,418.25	72.8
100-3000-321-004 SALES TAX LICENSES	228.00	5,168.05	9,864.00	4,695.95	52.4
100-3000-321-006 CONTRACTORS-LICENSES	2,225.00	16,899.50	26,905.00	10,005.50	62.8
100-3000-321-007 BEST TEST LICENSES	425.00	2,995.00	1,800.00 (	1,195.00)	166.4
100-3000-321-009 OTHER LICENSES	330.00	1,880.00	2,536.00	656.00	74.1
100-3000-322-001 BUILDING PERMITS	2,615.73	24,951.51	100,022.00	75,070.49	25.0
100-3000-322-002 BUILDING PERMITS DEP FORFEIT	.00	2,000.00	.00 (	2,000.00)	.0
100-3000-322-009 OTHER PERMITS	1,110.00	3,995.00	1,346.00 (	2,649.00)	296.8
100-3000-323-001 PERMIT FEE WAIVERS	.00 (	10,244.02)	.00	10,244.02	.0
100-3000-331-003 SCHOOL RESOURCE OFFICER (RE2)	16,078.28	32,086.85	62,000.00	29,913.15	51.8
100-3000-331-005 TRIDENT GRANT	1,675.17	8,250.37	.00 (	8,250.37)	.0
100-3000-331-006 BULLETPROOF VEST GRANT	.00	.00	3,000.00	3,000.00	.0
100-3000-334-002 POLICE LEAF GRANT	.00	890.00	6,600.00	5,710.00	13.5
100-3000-334-003 DOLA-PLANNING GRANT	.00	41,675.00	160,750.00	119,075.00	25.9
100-3000-334-005 EMP HOUSING FEASIBILITY GRANT	.00	.00	8,000.00	8,000.00	.0
100-3000-334-006 DOLA GRANT - RIFLE CONSTRUCTIO	.00	.00	150,000.00	150,000.00	.0
100-3000-334-010 CMC CONTRACT REVENUE	5,344.00	35,834.80	61,199.00	25,364.20	58.6
100-3000-334-021 DOLA GRANT COORD REIMBUSE	.00	6,578.53	24,000.00	17,421.47	27.4
100-3000-335-004 HIGHWAY USERS TRUST FUND	20,303.79	113,249.65	226,232.00	112,982.35	50.1
100-3000-335-005 MOTOR VEHICLE ASSESSMENT	4,177.00	19,793.50	43,502.00	23,708.50	45.5
100-3000-335-006 CIGARETTE TAX	2,935.04	13,260.47	40,262.00	27,001.53	32.9
100-3000-335-009 MINERAL LEASE	.00	.00	250,000.00	250,000.00	.0
100-3000-335-100 SEVERANCE TAX	.00	.00	350,000.00	350,000.00	.0
100-3000-338-001 ROAD & BRIDGE	27,626.26	117,458.95	134,799.00	17,340.05	87.1
100-3000-338-003 COUNTY SALES TAX	15,693.52	130,602.62	383,499.00	252,896.38	34.1
100-3000-339-000 HOUSING AUTHORITY REIMB	4,016.55	21,788.14	101,618.00	79,829.86	21.4
100-3000-341-003 ZONING & SUBDIVISION FEES	720.00	5,090.00	9,196.00	4,106.00	55.4
100-3000-341-004 PLAN CHECK FEES	3,876.21	13,582.11	60,105.00	46,522.89	22.6
100-3000-341-100 PARKLAND DEDICATION FEES	.00	7,148.64	25,155.00	18,006.36	28.4
100-3000-341-400 SALE OF MAPS/PUBS/COPIES	39.75	549.00	3,000.00	2,451.00	18.3
100-3000-342-005 POLICE FINGERPRINT SVS	320.00	1,180.00	2,626.00	1,446.00	44.9
100-3000-342-010 POLICE SERVICES	597.00	1,587.00	9,972.00	8,385.00	15.9
100-3000-342-101 BUILDING INSPECTIONS	.00	65.00	.00 (	65.00)	.0
100-3000-343-001 GRAVE OPENING/CLOSING FEE	400.00	3,661.00	16,421.00	12,760.00	22.3
100-3000-343-002 PERPTUAL CARE	.00	630.00	4,146.00	3,516.00	15.2
100-3000-343-003 MOOSE SECTION MAINT FEES	221.64	1,329.84	2,796.00	1,466.16	47.6
100-3000-343-100 SALE OF CEMETERY LOTS	.00	575.00	21,956.00	21,381.00	2.6
100-3000-345-004 DOG FINES & FEES	2,816.00	10,836.00	19,420.00	8,584.00	55.8
100-3000-348-001 MANAGEMENT FEES	24,668.58	148,011.48	294,480.00	146,468.52	50.3
100-3000-349-150 REIMB-LEGAL/ENG	15,374.45	109,886.34	301,715.00	191,828.66	36.4
100-3000-349-151 REIMB-PUBLIC WORKS	.00	.00	75,153.00	75,153.00	.0
100-3000-351-001 COURT FINES & FEES	10,424.29	62,623.14	121,007.00	58,383.86	51.8
100-3000-351-002 COURT FINES-POLICE TRAIING	909.95	5,359.73	12,209.00	6,849.27	43.9

CITY OF RIFLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
100-3000-351-003 COURT FINES-15% CRIMINAL	261.75	1,552.06	4,327.00	2,774.94	35.9
100-3000-361-001 INTEREST EARNINGS	7,795.30	41,144.21	132,700.00	91,555.79	31.0
100-3000-361-150 INTEREST - A/R	2,527.36	8,113.55	7,341.00	(772.55)	110.5
100-3000-362-001 UNREALIZED GAINS/LOSSES	(2,781.95)	(6,310.20)	.00	6,310.20	.0
100-3000-363-001 RENT OF CITY FACILITIES	1,404.50	9,342.00	10,200.00	858.00	91.6
100-3000-363-002 MINERAL ROYALTY INCOME	9,053.10	101,752.18	173,004.00	71,251.82	58.8
100-3000-364-001 ABANDONED PROPERTY	.00	376.00	.00	(376.00)	.0
100-3000-365-002 COMMUNITY YTH SVS DONATIO	.00	1,600.00	.00	(1,600.00)	.0
100-3000-365-004 DONATIONS OTHER	492.74	552.74	.00	(552.74)	.0
100-3000-365-006 DONATIONS SR SERVICES	.00	100.00	.00	(100.00)	.0
100-3000-365-007 DONATIONS SRCTR IMPROVEMT	2,000.00	2,000.00	.00	(2,000.00)	.0
100-3000-365-008 DONATIONS SRCTR MEALS	.00	956.41	.00	(956.41)	.0
100-3000-365-009 DONATIONS ANIMAL SHELTER	10.00	145.00	.00	(145.00)	.0
100-3000-365-013 CHANNEL 13 ACCESS	13.00	63.00	7,518.00	7,455.00	.8
100-3000-378-001 MISCELLANEOUS INCOME	671.00	1,069.80	.00	(1,069.80)	.0
100-3000-378-002 REGIONAL DRAINAGE ESCROW	.00	.00	1,400.00	1,400.00	.0
100-3000-391-204 OTI-VIF	.00	3,006.00	.00	(3,006.00)	.0
100-3000-391-205 OTI-DDA	.00	3,006.00	.00	(3,006.00)	.0
100-3000-391-210 OTI-PARKS & REC FUND	5,576.42	33,458.52	66,917.00	33,458.48	50.0
100-3000-391-211 OTI-STREET IMPROVEMENT FUND	2,114.50	12,687.00	25,374.00	12,687.00	50.0
100-3000-391-213 OTI-WATER FUND	2,649.17	15,895.02	31,790.00	15,894.98	50.0
100-3000-391-214 OTI-WASTEWATER FUND	2,649.17	15,895.02	31,790.00	15,894.98	50.0
100-3000-391-215 OTI-SANITATION FUND	426.50	2,559.00	5,118.00	2,559.00	50.0
100-3000-392-001 SALES OF GFA	.00	6,375.00	.00	(6,375.00)	.0
100-3000-394-001 LOAN REPAYMENT	1,198.39	8,341.24	14,395.00	6,053.76	58.0
TOTAL GENERAL REVENUES	677,408.74	3,874,357.80	9,784,933.00	5,910,575.20	39.6
TOTAL FUND REVENUE	677,408.74	3,874,357.80	9,784,933.00	5,910,575.20	39.6

CITY OF RIFLE
FUND SUMMARY
FOR THE 6 MONTHS ENDING JUNE 30, 2009

GENERAL FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUE</u>					
GENERAL REVENUES	677,408.74	3,874,357.80	9,784,933.00	5,910,575.20	39.6
TOTAL FUND REVENUE	677,408.74	3,874,357.80	9,784,933.00	5,910,575.20	39.6
<u>EXPENDITURES</u>					
MAYOR/COUNCIL	6,996.65	34,678.78	72,961.00	38,282.22	47.5
CITY CLERK	10,102.17	77,568.30	168,369.00	90,800.70	46.1
MUNICIPAL COURT	11,181.63	78,226.13	188,020.00	109,793.87	41.6
CITY MANAGER	16,831.79	102,481.27	218,238.00	115,756.73	47.0
GOVERNMENT AFFAIRS	9,372.87	64,022.50	140,901.00	76,878.50	45.4
FINANCE	35,507.25	233,837.49	486,382.00	252,544.51	48.1
ATTORNEY	32,695.18	174,177.47	329,500.00	155,322.53	52.9
PLANNING/ZONNING	38,954.13	329,706.29	886,471.00	556,764.71	37.2
INFORMATION SERVICES	13,866.87	107,562.33	209,551.00	101,988.67	51.3
CITY HALL	10,571.70	66,231.48	184,332.00	118,100.52	35.9
GROUNDS AND FACILITY MAINT.	4,736.83	28,524.59	70,397.00	41,872.41	40.5
COMMUNITY ACCESS TV	7,250.83	54,363.33	123,369.00	69,005.67	44.1
POLICE	172,004.65	1,116,183.30	2,448,356.00	1,332,172.70	45.6
JUSTICE CENTER BLDG. OPERATION	8,109.07	186,699.79	395,448.00	208,748.21	47.2
BUILDING INSPECTIONS	24,213.99	139,409.87	279,076.00	139,666.13	50.0
STREETS	73,724.40	429,405.95	837,146.00	407,740.05	51.3
CONSTRUCTION CREW - INHOUSE	13,072.58	110,031.13	213,346.00	103,314.87	51.6
PUBLIC WORKS	18,571.56	116,113.38	344,175.00	228,061.62	33.7
ANIMAL SHELTER	6,575.42	49,976.38	99,490.00	49,513.62	50.2
CEMETERY O & H	6,534.44	32,639.98	80,081.00	47,441.02	40.8
SENIOR CENTER	71,444.77	208,510.91	420,328.00	211,817.09	49.6
NON DEPARTMENTAL	44,155.46	207,994.39	162,327.00 (	45,667.39)	128.1
HOUSING AUTHORITY	3,914.50	23,986.28	101,618.00	77,631.72	23.6
OPERATING TRANSFERS OUT	.00	.00	205,000.00	205,000.00	.0
TOTAL FUND EXPENDITURES	640,388.74	3,972,331.32	8,664,882.00	4,692,550.68	45.8
NET REVENUE OVER EXPENDITURES	37,020.00 (	97,973.52)	1,120,051.00	1,218,024.52 (	8.8)

CITY OF RIFLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

PARKS & RECREATION

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>PARKS AND REC REVENUE</u>					
210-3000-313-001 GENERAL SALES TAX	155,460.12	922,896.81	2,378,832.00	1,455,935.19	38.8
210-3000-313-002 GENERAL USE TAX	806.54	11,917.46	115,111.00	103,193.54	10.4
210-3000-313-003 REBATES-SALES & USE	.00	.00	(819.00)	(819.00)	.0
210-3000-313-004 MOTOR VEHICLE USE TAX	10,956.76	81,897.03	206,940.00	125,042.97	39.6
210-3000-334-017 DOLA GRANT PARKS	.00	.00	500,000.00	500,000.00	.0
210-3000-334-019 DOLA GRANT PARKS MAINT BLDG	.00	265,163.60	750,000.00	484,836.40	35.4
210-3000-334-020 GOCO GRANT	.00	.00	805,000.00	805,000.00	.0
210-3000-334-023 COLO STATE TRAILS GRANT	.00	.00	200,000.00	200,000.00	.0
210-3000-341-400 SALE OF MAPS/PUBS/COPIES	28.86	364.13	.00	(364.13)	.0
210-3000-347-001 RECREATION FEES	3,450.01	31,087.21	46,595.00	15,507.79	66.7
210-3000-347-004 FARMERS MARKET FEES	325.00	1,025.00	900.00	(125.00)	113.9
210-3000-347-005 FACILITY RENTAL	.00	.00	5,800.00	5,800.00	.0
210-3000-347-010 POOL-ADMISSIONS	21,553.16	24,633.02	64,000.00	39,366.98	38.5
210-3000-347-011 POOL-SWIM LESSONS	2,437.00	17,554.00	21,000.00	3,446.00	83.6
210-3000-347-012 POOL-RENTALS	350.00	410.00	2,000.00	1,590.00	20.5
210-3000-347-013 POOL-CONCESSIONS	2,861.78	3,365.49	12,500.00	9,134.51	26.9
210-3000-347-014 POOL-BATTING CAGES	989.00	1,027.00	1,400.00	373.00	73.4
210-3000-347-100 RMP PARK FEES	7,271.03	13,553.27	32,000.00	18,446.73	42.4
210-3000-347-101 RMP ANNUAL PASS FEES	1,904.00	4,500.00	6,600.00	2,100.00	68.2
210-3000-347-102 RMP COMMUNITY HOUSE	390.00	900.00	2,000.00	1,100.00	45.0
210-3000-361-001 INTEREST EARNINGS	7,058.97	43,562.78	30,000.00	(13,562.78)	145.2
210-3000-362-001 UNREALIZED GAINS/LOSSES	(2,541.16)	(6,501.46)	.00	6,501.46	.0
210-3000-365-004 DONATIONS OTHER	.00	.00	10,450.00	10,450.00	.0
210-3000-365-005 DONATIONS UNIFORMS	.00	4,157.84	4,900.00	742.16	84.9
210-3000-378-001 MISCELLANEOUS INCOME	.00	86,963.00	.00	(86,963.00)	.0
210-3000-391-202 OTI-CONSERVATION TRUST	.00	.00	260,000.00	260,000.00	.0
210-3000-391-204 OTI-VISITOR IMPROVEMENT FUND	.00	6,000.00	.00	(6,000.00)	.0
TOTAL PARKS AND REC REVENUE	213,301.07	1,514,476.18	5,455,209.00	3,940,732.82	27.8
TOTAL FUND REVENUE	213,301.07	1,514,476.18	5,455,209.00	3,940,732.82	27.8

CITY OF RIFLE
 FUND SUMMARY
 FOR THE 6 MONTHS ENDING JUNE 30, 2009

PARKS & RECREATION

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>PCNT</u>
<u>REVENUE</u>					
PARKS AND REC REVENUE	213,301.07	1,514,476.18	5,455,209.00	3,940,732.82	27.8
TOTAL FUND REVENUE	<u>213,301.07</u>	<u>1,514,476.18</u>	<u>5,455,209.00</u>	<u>3,940,732.82</u>	<u>27.8</u>
<u>EXPENDITURES</u>					
RECREATION	46,457.86	254,232.51	566,083.00	311,850.49	44.9
POOL	54,492.48	118,070.25	226,669.00	108,598.75	52.1
PARK MAINTENANCE	80,844.69	360,350.56	828,883.00	468,532.44	43.5
RIFLE MOUNTAIN PARK	(6,343.80)	.00	.00	.00	.0
PARKS CAPITAL	71,950.08	2,316,353.89	7,038,628.00	4,722,274.11	32.9
NON-DEPARTMENTAL	.00	15,886.00	535,434.00	519,548.00	3.0
OPERATING TRANSFER OUT	5,576.42	33,458.52	66,917.00	33,458.48	50.0
TOTAL FUND EXPENDITURES	<u>252,977.73</u>	<u>3,098,351.73</u>	<u>9,262,614.00</u>	<u>6,164,262.27</u>	<u>33.5</u>
NET REVENUE OVER EXPENDITURES	<u>(39,676.66)</u>	<u>(1,583,875.55)</u>	<u>(3,807,405.00)</u>	<u>(2,223,529.45)</u>	<u>(41.6)</u>

(6)

CITY OF RIFLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>WATER REVENUE</u>					
310-3000-331-020 EIF-DOWNTOWN MAIN ST	.00	.00	163,602.00	163,602.00	.0
310-3000-331-025 EIAF 5904 DOLA WATER SYST IMP	.00	40,000.00	40,000.00	.00	100.0
310-3000-361-001 INTEREST EARNINGS	3,836.50	21,417.56	40,768.00	19,350.44	52.5
310-3000-362-001 UNREALIZED GAINS/LOSSES	(3,176.76)	(7,931.22)	.00	7,931.22	.0
310-3000-371-001 USER FEES	236,486.39	899,156.67	2,089,517.00	1,190,360.33	43.0
310-3000-371-002 USER FEES -COGEN PLANT	1,729.52	7,224.11	20,000.00	12,775.89	36.1
310-3000-371-003 USER FEES -BULK WATER	5,920.25	24,789.92	100,000.00	75,210.08	24.8
310-3000-371-010 SERVICE CHARGES	4,427.67	19,746.07	44,588.00	24,841.93	44.3
310-3000-371-100 LATE PAYMENT FEES	602.82	2,494.80	6,946.00	4,451.20	35.9
310-3000-373-001 SALE OF METERS	392.15	1,129.66	41,326.00	40,196.34	2.7
310-3000-391-100 OTI-GENERAL FUND	.00	.00	160,000.00	160,000.00	.0
TOTAL WATER REVENUE	250,218.54	1,008,027.57	2,706,747.00	1,698,719.43	37.2
<u>WATER RIGHTS REVENUE</u>					
310-3002-349-150 REIMB-LEGAL/ENG	2,567.34	18,609.84	30,000.00	11,390.16	62.0
310-3002-361-001 INTEREST EARNINGS	545.41	3,374.85	8,187.00	4,812.15	41.2
310-3002-372-001 IN LIEU OF WATER RIGHTS	.00	810.00	30,000.00	29,190.00	2.7
310-3002-372-002 CO-GEN STANDBY/WTRRGHTS	108.65	3,437.89	1,000.00	(2,437.89)	343.8
310-3002-372-004 RAW WATER IRRIGATION FEE REDUC	(28,009.46)	(28,009.46)	.00	28,009.46	.0
310-3002-378-001 MISCELLANEOUS INCOME	.00	.00	1,000.00	1,000.00	.0
TOTAL WATER RIGHTS REVENUE	(24,788.06)	(1,776.88)	70,187.00	71,963.88	(2.5)
<u>CAPITAL REVENUE</u>					
310-3003-331-022 EIF-WTP IMPROVEMENTS	.00	.00	163,602.00	163,602.00	.0
310-3003-361-001 INTEREST EARNINGS	4,442.65	27,033.98	40,000.00	12,966.02	67.6
310-3003-361-150 INTEREST - A/R	.00	2,092.34	.00	(2,092.34)	.0
310-3003-374-001 SYSTEM IMPROVEMENT FEES	21,774.92	206,829.53	518,293.00	311,463.47	39.9
310-3003-374-002 SYS IMPRVMT FEES NE TANK	.00	8,930.25	.00	(8,930.25)	.0
310-3003-374-003 RAW WATER IRRIGATION FEE REDUC	(80,239.95)	(80,239.95)	.00	80,239.95	.0
310-3003-374-010 NE WATER TANK IMPACT FEE	.00	58,590.00	20,000.00	(38,590.00)	293.0
TOTAL CAPITAL REVENUE	(54,022.38)	223,236.15	741,895.00	518,658.85	30.1
TOTAL FUND REVENUE	171,408.10	1,229,486.84	3,518,829.00	2,289,342.16	34.9

CITY OF RIFLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>WATER O&H</u>					
310-4331-400-110 REGULAR EMPLOYEES-S&W	34,593.64	220,522.02	472,115.00	251,592.98	46.7
310-4331-400-130 OVERTIME-S&W	529.79	4,161.89	32,348.00	28,186.11	12.9
310-4331-400-135 STANDBY TIME-S&W	652.74	5,401.29	12,672.00	7,270.71	42.6
310-4331-400-210 HEALTH INSURANCE	7,444.34	42,432.77	91,912.00	49,479.23	46.2
310-4331-400-220 FICA	2,147.83	13,829.01	32,527.00	18,697.99	42.5
310-4331-400-221 MEDICARE	502.30	3,234.08	7,607.00	4,372.92	42.5
310-4331-400-230 RETIREMENT	1,952.36	12,449.28	26,817.00	14,367.72	46.4
310-4331-400-250 UNEMPLOYMENT INSURANCE	71.56	460.19	1,050.00	589.81	43.8
310-4331-400-260 WORKERS COMP INSURANCE	1,530.25	10,372.27	23,524.00	13,151.73	44.1
310-4331-400-320 PROFESSIONAL SERVICES	1,171.25	36,383.24	68,500.00	32,116.76	53.1
310-4331-400-331 WATER QUALITY TESTING SVS	1,749.00	16,636.70	49,150.00	32,513.30	33.9
310-4331-400-340 POSTAL SERVICES	833.68	3,691.66	8,000.00	4,308.34	46.2
310-4331-400-410 UTILITY SERVICES	16,644.51	84,024.41	165,000.00	80,975.59	50.9
310-4331-400-425 DITCH MAINTENANCE SERVICE	1,980.85	2,433.85	4,500.00	2,066.15	54.1
310-4331-400-430 REPAIR & MAINT SERVICES	8,947.20	46,424.29	96,900.00	50,475.71	47.9
310-4331-400-431 CONTRACT MAINT SERVICES	.00	1,754.00	4,800.00	3,046.00	36.5
310-4331-400-432 METER TESTING SERVICES	.00	.00	1,000.00	1,000.00	.0
310-4331-400-442 RENTAL EQUIP/VEHICLES	112,052.00	112,617.00	198,959.00	86,342.00	56.6
310-4331-400-445 RENTAL TOILETS	95.00	475.00	1,200.00	725.00	39.6
310-4331-400-501 OTHER PURCH. SERV./ UTILITY LO	.00	306.46	4,400.00	4,093.54	7.0
310-4331-400-510 DUES/MEMBERSHIPS	30.00	1,520.00	2,500.00	980.00	60.8
310-4331-400-520 INSURANCE	.00	24,834.00	24,128.00 (	706.00)	102.9
310-4331-400-530 COMMUNICATION-TELEPHONE	1,161.66	6,097.72	12,900.00	6,802.28	47.3
310-4331-400-540 ADVERTISING	610.89	893.55	1,000.00	106.45	89.4
310-4331-400-550 PRINTING/BINDING	226.44	1,968.73	2,625.00	656.27	75.0
310-4331-400-580 TRAVEL & MEETINGS	.00	3,517.36	5,400.00	1,882.64	65.1
310-4331-400-610 GENERAL SUPPLIES	10,261.55	69,629.43	235,000.00	165,370.57	29.6
310-4331-400-617 UNIFORMS/CLOTHING	.00	53.97	400.00	346.03	13.5
310-4331-400-641 MINOR EQUIPMENT	42.86	13,591.59	10,100.00 (	3,491.59)	134.6
310-4331-400-720 BUILDINGS	.00	31,832.67	48,900.00	17,067.33	65.1
310-4331-400-734 LINE REPLACEMENTS	.00	2,025.00	15,000.00	12,975.00	13.5
310-4331-400-741 EQUIPMENT	239.83	13,570.21	97,000.00	83,429.79	14.0
310-4331-400-803 MANAGEMENT FEES	12,559.33	75,355.98	150,712.00	75,356.02	50.0
310-4331-400-810 FLEET MAINTENANCE	9,278.10	25,086.74	45,950.00	20,863.26	54.6
310-4331-400-870 DEBT SERVICE PRINC	6,250.00	118,035.14	204,165.00	86,129.86	57.8
310-4331-400-871 DEBT SERVICE INTEREST	2,456.48	29,791.15	65,547.00	35,755.85	45.5
310-4331-400-877 REFUNDING/ISSUANCE COSTS	.00	.00	1,038.00	1,038.00	.0
310-4331-400-895 OTO TO GENERAL - GOV. AFFAIRS	2,114.50	12,687.00	25,374.00	12,687.00	50.0
310-4331-400-896 OTO TO GENERAL - MAINT.	534.67	3,208.02	6,416.00	3,207.98	50.0
310-4331-400-900 CONTINGENCY	.00	.00	18,000.00	18,000.00	.0
TOTAL WATER O&H	238,664.61	1,051,307.67	2,275,136.00	1,223,828.33	46.2

CITY OF RIFLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

WATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>WATER RIGHTS</u>					
310-4332-400-320 PROFESSIONAL SERVICES	1,920.41	33,487.48	55,000.00	21,512.52	60.9
310-4332-400-323 PROF SERVICES-ENGINEERING	.00	13,607.89	25,000.00	11,392.11	54.4
310-4332-400-511 WATER RIGHTS ADM FEE	.00	352.00	10,000.00	9,648.00	3.5
310-4332-400-705 WATER RIGHTS REUDI	.00	.00	40,000.00	40,000.00	.0
TOTAL WATER RIGHTS	1,920.41	47,447.37	130,000.00	82,552.63	36.5
<u>WATER SYSTEM IMPROVEMENTS</u>					
310-4333-400-320 PROFESSIONAL SERVICES	24,101.26	214,846.04	765,100.00	550,253.96	28.1
310-4333-400-722 WATER TRMT PLANT IMPROVE	92,926.40	92,938.72	436,000.00	343,061.28	21.3
310-4333-400-723 WATER TRMT PLANT FACILITY	38,948.00	38,948.00	.00	(38,948.00)	.0
310-4333-400-870 DEBT SERVICE PRINC	5,416.67	32,500.02	65,000.00	32,499.98	50.0
310-4333-400-871 DEBT SERVICE INTEREST	3,881.67	19,408.35	50,000.00	30,591.65	38.8
TOTAL WATER SYSTEM IMPROVEMENTS	165,274.00	398,641.13	1,316,100.00	917,458.87	30.3
TOTAL FUND EXPENDITURES	405,859.02	1,497,396.17	3,721,236.00	2,223,839.83	40.2
NET REVENUE OVER EXPENDITURES	(234,450.92)	(267,909.33)	(202,407.00)	65,502.33	(132.4)

CITY OF RIFLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

WASTEWATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>WASTE WATER REVENUE</u>					
320-3000-361-001 INTEREST EARNINGS	10,818.76	41,601.92	42,500.00	898.08	97.9
320-3000-362-001 UNREALIZED GAINS/LOSSES	(1,820.32)	(4,728.99)	.00	4,728.99	.0
320-3000-371-001 USER FEES	178,233.56	1,102,759.40	2,266,356.00	1,163,596.60	48.7
320-3000-371-007 USER FEES -BULK SEWAGE	6,492.43	145,254.50	240,000.00	94,745.50	60.5
320-3000-371-010 SERVICE CHARGES	89.40	(804.39)	10,000.00	10,804.39	(8.0)
320-3000-371-100 LATE PAYMENT FEES	598.26	3,613.47	5,906.00	2,292.53	61.2
320-3000-378-002 XCEL ENERGY REBATE REVENUE	.00	.00	6,000.00	6,000.00	.0
320-3000-379-001 BOND PREMIUN ISSUANCE REVENUES	.00	.00	35,614.00	35,614.00	.0
320-3000-391-100 OTI-GENERAL FUND	.00	.00	60,000.00	60,000.00	.0
320-3000-392-002 INSURANCE PROCEEDS	.00	7,068.95	.00	(7,068.95)	.0
TOTAL WASTE WATER REVENUE	194,412.09	1,294,764.86	2,666,376.00	1,371,611.14	48.6
<u>WASTE WATER REVENUE</u>					
320-3003-331-026 EIAF PEND REG WWTF	.00	.00	55,000.00	55,000.00	.0
320-3003-331-028 DOLA GRANT CONST OBSERVAT	.00	87,550.80	100,000.00	12,449.20	87.6
320-3003-361-001 INTEREST EARNINGS	(5,762.19)	(19,568.89)	20,000.00	39,568.89	(97.8)
320-3003-361-150 INTEREST - A/R	.00	2,324.82	.00	(2,324.82)	.0
320-3003-374-001 SYSTEM IMPROVEMENT FEES	24,194.34	236,260.18	554,931.00	318,670.82	42.6
TOTAL WASTE WATER REVENUE	18,432.15	306,566.91	729,931.00	423,364.09	42.0
TOTAL FUND REVENUE	212,844.24	1,601,331.77	3,396,307.00	1,794,975.23	47.2

CITY OF RIFLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

WASTEWATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>SEWER O&H</u>					
320-4325-400-110 REGULAR EMPLOYEES-S&W	24,273.00	154,028.40	331,239.00	177,210.60	46.5
320-4325-400-130 OVERTIME-S&W	134.27	2,256.90	8,031.00	5,774.10	28.1
320-4325-400-135 STANDBY TIME-S&W	168.94	3,705.12	9,288.00	5,582.88	39.9
320-4325-400-210 HEALTH INSURANCE	6,163.09	35,106.84	47,712.00	12,605.16	73.6
320-4325-400-220 FICA	1,467.76	9,571.52	21,952.00	12,380.48	43.6
320-4325-400-221 MEDICARE	343.26	2,238.43	5,134.00	2,895.57	43.6
320-4325-400-230 RETIREMENT	1,438.06	9,161.42	19,177.00	10,015.58	47.8
320-4325-400-250 UNEMPLOYMENT INSURANCE	49.16	319.93	709.00	389.07	45.1
320-4325-400-260 WORKERS COMP INSURANCE	735.18	5,055.68	11,183.00	6,127.32	45.2
320-4325-400-320 PROFESSIONAL SERVICES	37.00	10,158.82	42,200.00	32,041.18	24.1
320-4325-400-331 WATER QUALITY TESTING SVS	.00	100.00	2,000.00	1,900.00	5.0
320-4325-400-340 POSTAL SERVICES	.00	2,561.20	7,000.00	4,438.80	36.6
320-4325-400-410 UTILITY SERVICES	24,890.74	80,791.43	210,000.00	129,208.57	38.5
320-4325-400-421 LANDFILL COSTS	.00	.00	3,240.00	3,240.00	.0
320-4325-400-430 REPAIR & MAINT SERVICES	.00	13,325.68	46,000.00	32,674.32	29.0
320-4325-400-432 R&M TV & CLEANING	1,455.00	3,371.25	80,000.00	76,628.75	4.2
320-4325-400-442 RENTAL EQUIP/VEHICLES	.00	.00	2,250.00	2,250.00	.0
320-4325-400-445 RENTAL TOILETS	.00	475.00	600.00	125.00	79.2
320-4325-400-501 OTHER PURCHASED UT LOCATES	.00	1,841.00	19,550.00	17,709.00	9.4
320-4325-400-510 DUES/MEMBERSHIPS	30.00	813.00	2,200.00	1,387.00	37.0
320-4325-400-520 INSURANCE	.00	14,677.00	14,260.00 (	417.00)	102.9
320-4325-400-530 COMMUNICATION-TELEPHONE	562.18	3,442.20	5,300.00	1,857.80	65.0
320-4325-400-540 ADVERTISING	.00	185.36	1,000.00	814.64	18.5
320-4325-400-550 PRINTING/BINDING	184.58	2,233.48	2,500.00	266.52	89.3
320-4325-400-580 TRAVEL & MEETINGS	.00	1,425.47	5,750.00	4,324.53	24.8
320-4325-400-610 GENERAL SUPPLIES	868.56	14,727.59	48,510.00	33,782.41	30.4
320-4325-400-617 UNIFORMS/CLOTHING	126.42	379.72	300.00 (	79.72)	126.6
320-4325-400-641 MINOR EQUIPMENT	962.53	18,524.82	93,800.00	75,275.18	19.8
320-4325-400-720 BUILDINGS	.00	.00	241,500.00	241,500.00	.0
320-4325-400-734 LINE REPLACEMENTS	.00	.00	250,000.00	250,000.00	.0
320-4325-400-741 EQUIPMENT	.00	.00	20,500.00	20,500.00	.0
320-4325-400-803 MANAGEMENT FEES	8,775.92	52,655.52	105,311.00	52,655.48	50.0
320-4325-400-810 FLEET MAINTENANCE	1,775.00	5,813.06	8,485.00	2,671.94	68.5
320-4325-400-870 DEBT SERVICE PRINC	.00	326,892.00	701,900.00	375,008.00	46.6
320-4325-400-871 DEBT SERVICE INTEREST	.00	43,091.90	642,349.00	599,257.10	6.7
320-4325-400-877 REFUNDING/ISSUANCE COSTS	.00	.00	952.00	952.00	.0
320-4325-400-895 OTO TO GENERAL - GOV. AFFAIRS	2,114.50	12,687.00	25,374.00	12,687.00	50.0
320-4325-400-896 OTO TO GENERAL - MAINT.	534.67	3,208.02	6,416.00	3,207.98	50.0
320-4325-400-900 CONTINGENCY	.00	.00	5,000.00	5,000.00	.0
TOTAL SEWER O&H	77,089.82	834,824.76	3,048,672.00	2,213,847.24	27.4

CITY OF RIFLE
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2009

WASTEWATER FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>SEWER SYSTEM IMPROVEMENTS</u>					
320-4326-400-721 REGIONAL WWTP	1,835,736.62	5,705,085.59	10,684,565.00	4,979,479.41	53.4
320-4326-400-727 REGIONAL WWTP PROJ MGMT	35,244.41	258,682.97	470,000.00	211,317.03	55.0
320-4326-400-734 EXPANSION	.00	45,938.52	134,400.00	88,461.48	34.2
320-4326-400-877 REFUNDING/ISSUANCE COSTS	.00	.00	20,000.00	20,000.00	.0
TOTAL SEWER SYSTEM IMPROVEMENTS	<u>1,870,981.03</u>	<u>6,009,707.08</u>	<u>11,308,965.00</u>	<u>5,299,257.92</u>	<u>53.1</u>
TOTAL FUND EXPENDITURES	<u>1,948,070.85</u>	<u>6,844,531.84</u>	<u>14,357,637.00</u>	<u>7,513,105.16</u>	<u>47.7</u>
NET REVENUE OVER EXPENDITURES	<u>(1,735,226.61)</u>	<u>(5,243,200.07)</u>	<u>(10,961,330.00)</u>	<u>(5,718,129.93)</u>	<u>(47.8)</u>

CITY OF RIFLE
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 6 MONTHS ENDING JUNE 30, 2009

SANITATION FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>SANITATION FUND</u>					
330-3000-361-001 INTEREST EARNINGS	368.66	1,732.49	10,000.00	8,267.51	17.3
330-3000-362-001 UNREALIZED GAINS/LOSSES	(132.72)	(276.11)	.00	276.11	.0
330-3000-371-001 USER FEES	47,120.86	281,051.11	530,000.00	248,948.89	53.0
330-3000-371-005 USER FEES -EXTRA PICKUPS	16.86	151.95	500.00	348.05	30.4
330-3000-371-100 LATE PAYMENT FEES	200.01	1,075.19	2,000.00	924.81	53.8
330-3000-392-000 SALES OF PROPERTY NOT GFA	.00	210.00	.00	(210.00)	.0
TOTAL SANITATION FUND	47,573.67	283,944.63	542,500.00	258,555.37	52.3
TOTAL FUND REVENUE	47,573.67	283,944.63	542,500.00	258,555.37	52.3

CITY OF RIFLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

SANITATION FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>SANITATION</u>					
330-4320-400-110 REGULAR EMPLOYEES-S&W	8,247.35	49,890.15	113,528.00	63,637.85	44.0
330-4320-400-120 PART-TIME/TEMP EMPL-S&W	127.32	993.10	1,491.00	497.90	66.6
330-4320-400-130 OVERTIME-S&W	128.59	1,222.27	5,002.00	3,779.73	24.4
330-4320-400-135 STANDBY TIME-S&W	235.78	1,194.77	2,000.00	805.23	59.7
330-4320-400-210 HEALTH INSURANCE	1,709.06	9,741.10	21,836.00	12,094.90	44.6
330-4320-400-220 FICA	527.44	3,213.15	7,565.00	4,351.85	42.5
330-4320-400-221 MEDICARE	123.38	751.60	1,769.00	1,017.40	42.5
330-4320-400-230 RETIREMENT	494.63	2,991.92	6,757.00	3,765.08	44.3
330-4320-400-250 UNEMPLOYMENT INSURANCE	17.48	106.68	248.00	141.32	43.0
330-4320-400-260 WORKERS COMP INSURANCE	550.04	3,446.00	5,504.00	2,058.00	62.6
330-4320-400-340 POSTAL SERVICES	396.48	2,927.42	5,850.00	2,922.58	50.0
330-4320-400-350 RECYCLING SERVICES	3,793.09	17,021.18	45,000.00	27,978.82	37.8
330-4320-400-421 LANDFILL COSTS	29,032.68	76,567.56	180,000.00	103,432.44	42.5
330-4320-400-422 SPECIAL PICKUP COSTS	70.00	170.00	1,000.00	830.00	17.0
330-4320-400-430 REPAIR & MAINT SERVICES	.00	.00	1,350.00	1,350.00	.0
330-4320-400-442 RENTAL EQUIP/VEHICLES	.00	.00	450.00	450.00	.0
330-4320-400-520 INSURANCE	.00	18,560.00	12,777.00	(5,783.00)	145.3
330-4320-400-540 ADVERTISING	.00	.00	450.00	450.00	.0
330-4320-400-550 PRINTING/BINDING	21.79	45.93	450.00	404.07	10.2
330-4320-400-580 TRAVEL & MEETINGS	.00	.00	450.00	450.00	.0
330-4320-400-610 GENERAL SUPPLIES	3,365.38	3,822.47	14,400.00	10,577.53	26.5
330-4320-400-617 UNIFORMS/CLOTHING	.00	.00	1,508.00	1,508.00	.0
330-4320-400-641 MINOR EQUIPMENT	.00	.00	1,800.00	1,800.00	.0
330-4320-400-801 MISCELLANEOUS	.00	.00	500.00	500.00	.0
330-4320-400-803 MANAGEMENT FEES	3,333.33	19,999.98	40,000.00	20,000.02	50.0
330-4320-400-810 FLEET MAINTENANCE	3,639.23	18,065.69	45,000.00	26,934.31	40.2
330-4320-400-886 DDA	.00	.00	4,000.00	4,000.00	.0
330-4320-400-895 OTO TO GENERAL - GOV. AFFAIRS	426.50	2,559.00	5,118.00	2,559.00	50.0
330-4320-400-900 CONTINGENCY	.00	.00	25,000.00	25,000.00	.0
TOTAL SANITATION	56,239.55	233,289.97	550,803.00	317,513.03	42.4
TOTAL FUND EXPENDITURES	56,239.55	233,289.97	550,803.00	317,513.03	42.4
NET REVENUE OVER EXPENDITURES	(8,665.88)	50,654.66	(8,303.00)	(58,957.66)	610.1

CITY OF RIFLE
REVENUES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

VISITOR IMPROVEMENT FUND

	<u>PERIOD ACTUAL</u>	<u>YTD ACTUAL</u>	<u>BUDGET</u>	<u>UNEARNED</u>	<u>PCNT</u>
<u>VISITOR IMPROVEMENT</u>					
204-3000-313-005 LODGING TAX REVENUES	20,601.23	85,350.94	297,308.00	211,957.06	28.7
204-3000-361-001 INTEREST EARNINGS	129.63	943.09	2,693.00	1,749.91	35.0
204-3000-362-001 UNREALIZED GAINS/LOSSES	(46.67)	(163.93)	.00	163.93	.0
TOTAL VISITOR IMPROVEMENT	<u>20,684.19</u>	<u>86,130.10</u>	<u>300,001.00</u>	<u>213,870.90</u>	<u>28.7</u>
TOTAL FUND REVENUE	<u>20,684.19</u>	<u>86,130.10</u>	<u>300,001.00</u>	<u>213,870.90</u>	<u>28.7</u>

CITY OF RIFLE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 6 MONTHS ENDING JUNE 30, 2009

VISITOR IMPROVEMENT FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>VISITOR IMPROVEMENT</u>					
204-4650-400-320	.00	.00	2,500.00	2,500.00	.0
204-4650-400-510	.00	.00	5,000.00	5,000.00	.0
204-4650-400-540	.00	15.18	25,000.00	24,984.82	.1
204-4650-400-550	.00	5.20	.00	(5.20)	.0
204-4650-400-580	136.25	344.88	5,000.00	4,655.12	6.9
204-4650-400-721	.00	.00	30,000.00	30,000.00	.0
204-4650-400-722	.00	.00	15,000.00	15,000.00	.0
204-4650-400-723	.00	3,000.00	30,000.00	27,000.00	10.0
204-4650-400-724	.00	41,548.50	66,000.00	24,451.50	63.0
204-4650-400-725	25,575.00	51,150.00	51,150.00	.00	100.0
204-4650-400-726	.00	5,000.00	75,000.00	70,000.00	6.7
204-4650-400-893	.00	3,006.00	.00	(3,006.00)	.0
204-4650-400-895	.00	16,750.00	.00	(16,750.00)	.0
204-4650-400-899	.00	6,000.00	.00	(6,000.00)	.0
204-4650-400-900	.00	.00	100,000.00	100,000.00	.0
TOTAL VISITOR IMPROVEMENT	25,711.25	126,819.76	404,650.00	277,830.24	31.3
TOTAL FUND EXPENDITURES	25,711.25	126,819.76	404,650.00	277,830.24	31.3
NET REVENUE OVER EXPENDITURES	(5,027.06)	(40,689.66)	(104,649.00)	(63,959.34)	(38.9)



MEMORANDUM

To: John Hier, City Manager
 From: Charles Kelty, Finance Director
 Date: July 29, 2009
 Subject: June 2009 Sales, Lodging, and Use Tax Report

The Sales, Lodging, and Use Tax Report for the month ending June 30, 2009 is submitted for your review. Approximately 50.0% of the budget year has passed. The combined Sales, Use, and Lodging tax revenues are 37.1% of budget, which place the City approximately 12.9% lower than expected.

Sales and Lodging tax revenues are lower year-to-date 17% compared to the same period in 2008. Food is down 5%; Car Parts and Sales is down 25%; Bars and Restaurants is down 11%; General Retail is down 14%; Hardware is down 42%; Liquor Stores are up 6%; Motel's are down 14%; and the Oil and Gas sector is down 62%. Leasing/Miscellaneous is higher than last year by 155%; however, this is due to unexpected sales in the solar industry. Lodging taxes are down 4%.

Prior Year Comparison

Business Category	For Sales in June			Year-to-Date		
	2008	2009	% Change	2008	2009	% Change
Bars and Restaurants	\$ 68,474	\$ 56,113	-18%	\$ 386,432	\$ 343,127	-11%
Car Parts and Sales	46,047	34,554	-25%	268,048	201,192	-25%
Food	90,139	77,854	-14%	484,003	461,026	-5%
General Retail	308,882	228,863	-26%	1,543,892	1,323,986	-14%
Hardware	87,912	28,652	-67%	285,795	166,488	-42%
Liquor Stores	20,132	20,242	1%	103,408	109,722	6%
Motels	24,854	29,252	18%	141,714	122,140	-14%
Oil & Gas	106,751	17,583	-84%	358,397	135,890	-62%
Leasing/Misc	18,799	11,113	-41%	50,970	129,894	155%
Utilities	50,661	32,202	-36%	282,817	236,674	-16%
Lodging	12,928	20,601	59%	89,189	85,351	-4%
Total	\$ 835,579	\$ 557,029	-33%	\$ 3,994,665	\$ 3,315,490	-17%
Allocation to Funds:						
General Fund	\$450,672	\$293,871	-35%	\$2,139,532	\$1,769,562	-17%
Street Improvement	117,522	76,633	-35%	557,925	461,448	-17%
Rifle Information Center	19,415	12,660	-35%	92,169	76,231	-17%
Parks & Recreation	235,043	153,265	-35%	1,115,850	922,897	-17%
Lodging Tax	12,928	20,601	59%	89,189	85,351	-4%
	\$835,579	\$557,029	-33%	\$3,994,665	\$3,315,490	-17%

Budget Comparison

Sales Taxes

Fund	Budget	YTD 6/30/09	% Of Budget
General Fund	\$4,574,090	\$1,769,562	38.7%
Street Improvement Fund	1,187,599	461,448	38.9%
Rifle Information Center	183,570	76,231	41.5%
Parks and Recreation Fund	2,378,832	922,897	38.8%
Total Sales Tax	\$8,324,091	\$3,230,138	38.8%

Lodging Taxes

Fund	Budget	YTD 6/30/09	% Of Budget
Visitor Improvement Fund	297,308	85,351	28.7%

Building and Motor Vehicle Use Taxes

Use tax revenues are \$328,351 compared to a budget of \$1,211,062, or 27.1% of budget.

Fund	Budget	YTD 6/30/09	% Of Budget
General Fund	\$614,220	\$179,880	29.3%
Street Improvement Fund	237,672	46,907	19.7%
Rifle Information Center	37,119	7,749	20.9%
Parks and Recreation Fund	322,051	93,814	29.1%
Total Use Tax	\$1,211,062	\$328,351	27.1%

GRAND TOTAL'S

Fund	Budget	YTD 6/30/09	% Of Budget
Grand Total's	\$9,832,461	\$3,643,840	37.1%



Memo

To: John Hier, City Manager
From: Wanda Nelson, City Clerk 
Date: July 30, 2009
Subject: Setting a Hearing Date for Plaza Liquors, LLC.

A RETAIL LIQUOR LICENSE APPLICATION HAS BEEN RECEIVED FOR:

Plaza Liquors, LLC
2000 Railroad Avenue

Type of License: Retail Liquor Store License

A hearing date needs to be set to review the completed liquor license application submitted on July 6, 2009 by Plaza Liquors. They have applied for concurrent review.

Since an application has to be on file at least 30 day before a hearing can be held, it is recommended that we hold this hearing at the Council meeting held August 15, 2009.

Please feel free to contact me at 625-6265 if you need additional information.

Thank you.







Memo

To: John Hier, City Manager
From: Wanda Nelson, City Clerk (W)
Date: July 29, 2009
Subject: Liquor License Corporate Report of Changes: Elk's Lodge

A Corporate Report of Changes Application has been received for:

Elk's Lodge

501 West 5th Street

Type of liquor license: Club

The following criteria have been met by this business:

- The application is complete.
- The fees have been paid.
- The Police Chief's memo indicates no problems with the appointments.

Based on the above information, I recommend approval of this Change.

Please feel free to contact me at 625-6265 if you need additional information.

Thank you.



CITY OF RIFLE

202 RAILROAD AVENUE • P.O. BOX 1908 • RIFLE, CO 81650
WWW.RIFLECO.ORG

(970) 625-6265 • (970) 625-3210 FAX

MEMORANDUM

TO: WANDA NELSON, CITY CLERK

FROM: DARYL MEISNER, CHIEF OF POLICE

DATE: 06-23-2009

RE: ELKS LODGE CORPORATE REPORT OF CHANGES

I have reviewed the Corporate Report of Changes submitted by BPOE Lodge Rifle Lodge No. 2195 and it appears that the application was completed thoroughly and accurately. At this time I have no opposition to the proposed officer appointments.

/vms

Prepaid check run 7/17/09

Per	Date	Check No	Vendor No	Payee	Invoice No	Seq	GL Acct No	Discnts Taken	Seq Amount
07/09	07/17/2009	43767	5218	Braaten, Mike	07132009	1	100-4135-400-510		40.00
07/09	07/17/2009	43768	2622	Edgeton, Wayne	07162009	1	210-4512-400-610		54.27
07/09	07/17/2009	43769	1822	Frontella, Gil	07152009	1	205-4651-400-610		260.00
07/09	07/17/2009	43770	4345	Helen Artist-Rogers/HR Design	07132009	1	205-4651-400-430		66.82
					07132009	2	205-4651-400-580		386.10
Total 43770									452.92
07/09	07/17/2009	43771	3955	Holy Cross Energy	503137300 07	1	310-4331-400-410		18.56
07/09	07/17/2009	43772	3015	Kroger/King Sooper Cust Charge	011347	1	100-4514-400-630		56.28
					043174	1	100-4514-400-630		11.03
					140507	1	100-4514-400-630		79.38
					686157 CR	1	100-4191-400-580		20.13
Total 43772									126.56
07/09	07/17/2009	43773	4002	Lambert, Keith	07092009	1	100-4111-400-580		188.10
					07092009	1	100-4111-400-580		84.64
Total 43773									103.46
07/09	07/17/2009	43774	1320	Mccormick, Marsha	07152009	1	610-4196-400-625		76.01
07/09	07/17/2009	43775	1106	Micro Plastics Inc	SIGN 2008-9	1	100-204-000		80.00
07/09	07/17/2009	43776	2830	Qwest	625-0004 07/C	1	100-4151-400-530		12.92
					625-0004 07/C	2	100-4121-400-530		17.22
					625-0004 07/C	3	100-4132-400-530		21.53
					625-0004 07/C	4	100-4151-400-530		43.06
					625-0004 07/C	5	100-4191-400-530		43.06
					625-0004 07/C	6	100-4199-400-530		8.61
					625-0004 07/C	7	100-4240-400-530		34.45
					625-0004 07/C	8	100-4317-400-530		34.45
					625-0004 07/C	9	210-4512-400-530		51.67
					625-0004 07/C	10	100-4210-400-530		146.41
					625-0004 07/C	11	310-4331-400-530		4.31
					625-0004 07/C	12	320-4325-400-530		4.31
					625-0004 07/C	13	210-4521-400-530		17.22
					625-0004 07/C	14	100-4192-400-530		8.61
					625-0115 07/C	1	100-4210-400-530		279.20
					625-0163 07/C	1	320-4325-400-530		279.23
					625-0164 07/C	1	100-4317-400-530		282.01
					625-0165 07/C	1	310-4331-400-530		279.23
					625-0166 07/C	1	210-4521-400-530		279.23
					625-0183 07/C	1	100-4210-400-530		279.22
Total 43776									2,125.95
07/09	07/17/2009	43777	1134	Rifle City Petty Cash	07102009	1	100-4151-400-340		4.28
					07102009	2	100-4317-400-340		3.40
					07102009	3	100-4210-400-580		19.76
					07102009	4	100-4240-400-580		24.02
					07102009	5	100-4132-400-810		10.46
					07102009	6	100-4310-400-810		8.83
					07102009	7	330-4320-400-810		10.46
					07102009	8	100-4151-400-580		17.34
					07102009	9	100-4311-400-810		3.26
					07102009	10	100-4310-400-810		20.92
					07102009	11	100-4111-400-580		17.87

Per	Date	Check No	Vendor No	Payee	Invoice No	Seq	GL Acct No	Discnts Taken	Seq Amount	
					07102009	12	100-4210-400-580		15.00	
					07102009	13	310-4331-400-580		15.99	
					07102009	14	100-4311-400-810		10.46	
					07102009	15	100-4210-400-810		10.46	
					07102009	16	100-4310-400-810		1.63	
		Total 43777								194.14
07/09	07/17/2009	43778	5516	Rifle City Petty Cash - PD	07082009	1	100-4210-400-580		21.17	
					07082009	2	100-4210-400-340		13.05	
					07082009	3	100-4210-400-550		10.31	
					07082009	4	100-4210-400-610		30.34	
		Total 43778								74.87
07/09	07/17/2009	43779	5767	Smith, James Michael	07102009	1	210-4512-400-501		400.00	
07/09	07/17/2009	43780	4967	Touch Tone Communications	9706252121 0	1	100-4114-400-530		7.70	
					9706252121 0	2	100-4121-400-530		10.26	
					9706252121 0	3	100-4132-400-530		12.83	
					9706252121 0	4	100-4151-400-530		25.65	
					9706252121 0	5	100-4191-400-530		25.65	
					9706252121 0	6	100-4199-400-530		5.13	
					9706252121 0	7	100-4240-400-530		20.52	
					9706252121 0	8	100-4317-400-530		20.52	
					9706252121 0	9	210-4512-400-530		30.78	
					9706252121 0	10	100-4210-400-530		87.21	
					9706252121 0	11	310-4331-400-530		2.56	
					9706252121 0	12	320-4325-400-530		2.57	
					9706252121 0	13	210-4521-400-530		10.26	
					9706252121 0	14	100-4192-400-530		5.13	
		Total 43780								266.77
07/09	07/17/2009	43781	1152	Us Postmaster--Rifle	06292009	1	100-4151-400-340		370.00	
07/09	07/17/2009	43782	1120	Xcel Energy Inc	198208050	1	320-4325-400-410		12,189.00	
					201261119	1	310-4331-400-410		4,057.98	
					201627573	1	100-4310-400-410		56.70	
					202113521	1	210-4521-400-410		33.81	
		Total 43782								16,337.49
Totals:									20,981.00	

Dated: 7/17/09

Accounts Payable: _____

Finance Director: Shale Helms

Prepared Check Run 7/24/09

City of Rifle

Check Register GL Detail Report - Finance Director Sign

Page: 1

GL Posting Period(s): 07/09 - 07/09

Jul 24, 2009 02:41pm

Check Issue Date(s): 07/24/2009 - 07/24/2009

Per	Date	Check No	Vendor No	Payee	Invoice No	Seq	GL Acct No	Discnts Taken	Seq Amount
07/09	07/24/2009	43783	4121	Cebt	08012009	1	100-202-007		76,036.50
					08012009	2	210-202-007		11,789.67
					08012009	3	310-202-007		12,080.79
					08012009	4	320-202-007		4,809.33
					08012009	5	330-202-007		941.22
					08012009	6	310-202-007		1,479.79
Total 43783									107,137.30
07/09	07/24/2009	43784	5772	DIXON, LINDA	2000139.003	1	210-3000-347-001		75.00
07/09	07/24/2009	43785	5770	Drouillard, Chelsey	SIGN 2009-16	1	100-204-000		80.00
07/09	07/24/2009	43786	5771	DUKE, DOROTHY	1529102	1	001-004-175		103.00
07/09	07/24/2009	43787	5774	FARR, GENEVA	07232009	1	210-4512-400-501		370.00
07/09	07/24/2009	43788	3015	Kroger/King Sooper Cust Charge	015510	1	210-4512-400-580		51.46
					145326	1	210-4513-400-611		46.81
					184697	1	210-4513-400-611		59.46
Total 43788									157.73
07/09	07/24/2009	43789	5773	MENTINK, LORI	2000474.002	1	210-3000-347-001		64.00
07/09	07/24/2009	43790	5775	RHS VOLLEYBALL	07232009	1	210-4512-400-501		370.00
07/09	07/24/2009	43791	2397	Rifle Creek Golf Course	07212009	1	210-4512-400-501		220.00
07/09	07/24/2009	43792	5211	STAPLES	9195460470	1	100-4210-400-610		73.98
07/09	07/24/2009	43793	1658	University Of Colorado	46047	1	100-4310-400-580		45.00
07/09	07/24/2009	43794	1004	Verizon Wireless, Bellevue	0775843400	1	100-4210-400-530		1,157.63
					0775843400	2	100-4414-400-530		38.44
Total 43794									1,196.07
07/09	07/24/2009	43795	2960	Walmart Community	014605	1	210-4513-400-430		90.00
Totals:									109,982.08

Dated:

7/24/09

Accounts Payable

Finance Director:

Chad Kelly

ACH Payment

City of Rifle

Check Register GL Detail Report - Finance Director Sign

Page: 1

GL Posting Period(s): 06/09 - 06/09

Jul 15, 2009 11:24am

Check Issue Date(s): 06/25/2009 - 06/25/2009

Per	Date	Check No	Vendor No	Payee	Invoice No	Seq	GL Acct No	Discnts Taken	Seq Amount
06/09	06/25/2009	6252009	1126	Rifle City Of	1357.01 06/09	1	210-4521-400-410		523.53
					14531.01 06/0	1	100-4514-400-410		384.76
					20031.01 06/0	1	100-4215-400-410		275.46
					20041.01 06/0	1	210-4521-400-410		191.53
					20051.01 06/0	1	210-4521-400-410		427.73
					20061.01	1	210-4521-400-410		362.87
					20071.01 06/0	1	210-4521-400-410		138.58
					20171.02 06/0	1	210-4513-400-410		2,127.70
					20330.01 06/0	1	100-4422-400-410		114.02
					20380.01 06/0	1	100-4414-400-410		98.43
					20420.01 06/0	1	100-4194-400-410		105.26
					20450.01 06/0	1	210-4521-400-410		277.00
					20460.01 06/0	1	205-4651-400-410		41.95
					22111.01 06/0	1	210-4521-400-410		199.44
					22141.01	1	310-4331-400-410		1,131.71
					22151.01 06/0	1	205-4651-400-410		31.32
					25751.01 06/0	1	205-4651-400-410		31.32
					26510.04 06/0	1	210-4521-400-410		62.68
					29751.01 06/0	1	320-4325-400-410		1,345.70
					30791.01 06/0	1	210-4521-400-410		299.28
					32211.01 06/0	1	320-4325-400-410		15.92
					33511.01 06/0	1	100-4310-400-410		15.92
					36361.01 06/0	1	310-4331-400-410		19.39
					36411.01 06/0	1	100-4195-400-410		15.92
					8231.01 06/09	1	100-4194-400-410		268.57
					9441.03 06/09	1	210-4521-400-410		105.92
Total 6252009									8,611.91
Totals:									8,611.91

Dated: 7/30/09

Accounts Payable: _____

Finance Director: Charles Kelly

Prepaid Check Run 7/10/09

City of Rifle

Check Register GL Detail Report - Finance Director Sign

Page: 1

GL Posting Period(s): 07/09 - 07/09

Jul 15, 2009 02:09pm

Check Issue Date(s): 07/10/2009 - 07/10/2009

Per	Date	Check No	Vendor No	Payee	Invoice No	Seq	GL Acct No	Discnts Taken	Seq Amount
07/09	07/10/2009	43650	5765	BECKER, SCOTT	07012009	1	210-4512-400-610		83.00
07/09	07/10/2009	43651	5761	CAMPBELL, ROBERT	3421102	1	001-004-175		68.64
07/09	07/10/2009	43652	5756	CROWHURST, DAVID	2000459.002	1	210-3000-347-001		30.00
07/09	07/10/2009	43653	5758	DOLL, SHERRI	2000450.002	1	210-3000-347-001		30.00
07/09	07/10/2009	43654	5764	FISHER, RICHARD	17721.03	1	001-004-175		59.20
07/09	07/10/2009	43655	4345	Helen Artist-Rogers/HR Design	07012009	1	205-4651-400-610		35.79
07/09	07/10/2009	43656	5763	HULLINGER, DUSTIN	32551.02	1	001-004-175		125.12
07/09	07/10/2009	43657	3015	Kroger/King Sooper Cust Charge	003493	1	100-4514-400-630		3.31
					024972	1	100-4210-400-340		17.90
					044836	1	210-4513-400-611		9.95
					051207	1	100-4514-400-630		25.44
					061069	1	100-4191-400-580		13.93
Total 43657									70.53
07/09	07/10/2009	43658	4002	Lambert, Keith	07092009	1	100-4111-400-580		188.10
07/09	07/10/2009	43659	1106	Micro Plastics Inc	SIGN 2009-18	1	100-204-000		80.00
07/09	07/10/2009	43660	5766	National Assoc of Town Watch	06262009	1	100-4210-400-611		25.00
07/09	07/10/2009	43661	5402	Paine, Don	07012009	1	210-4512-400-501		400.00
07/09	07/10/2009	43662	4977	Poole, Misty	2000458.002	1	210-3000-347-001		50.00
07/09	07/10/2009	43663	5762	PROPERTIES, INC	26401.04	1	001-004-175		299.83
07/09	07/10/2009	43665	4821	Rocky Mountain Hostage Negotia	06242009	1	100-4210-400-580		25.00
					06242009	2	100-4210-400-580		25.00
Total 43665									50.00
07/09	07/10/2009	43666	5759	SANDY MUNRO MUSIC	07012009	1	210-4512-400-501		400.00
07/09	07/10/2009	43667	5755	SMITH, PATRICIA	2000464.002	1	210-3000-347-001		32.00
07/09	07/10/2009	43668	5757	SNEAD, KENNON	2000457.002	1	210-3000-347-001		101.50
07/09	07/10/2009	43669	5377	Thate, Peggy	2000460.002	1	210-3000-347-001		50.00
07/09	07/10/2009	43670	5760	TOO YOUNG TO KNOW	07012009	1	210-4512-400-501		400.00
07/09	07/10/2009	43672	1004	Verizon Wireless, Bellevue	0772399990	1	310-4331-400-530		182.01
					0772399990	2	310-4331-400-530		241.83
					0772399990	3	320-4325-400-530		185.85
					0772399990	4	100-4210-400-530		45.01
					0772399990	5	100-4414-400-530		125.03
					0772399990	6	100-4132-400-530		38.42
					0772399990	7	100-4191-400-530		72.29
					0772399990	8	100-4317-400-530		133.76
					0772399990	9	100-4240-400-530		107.14
					0772399990	10	100-4192-400-530		262.48
					0772399990	11	310-4331-400-530		33.59
					0772399990	12	320-4325-400-530		33.59
					0772399990	13	100-4199-400-530		58.98
					0772399990	14	100-4111-400-530		34.15
					0772399990	15	100-4135-400-530		66.04
					0772399990	16	100-4514-400-530		29.89
					0772404031	1	210-4521-400-530		260.27
					0772404031	2	100-4194-400-530		46.03
					0772404031	3	210-4512-400-530		330.00
					0772404031	4	210-4512-400-530		15.38
Total 43672									2,301.74
07/09	07/10/2009	43673	2960	Walmart Community	001013	1	210-4512-400-610		109.70
					001958	1	100-4514-400-630		189.06
					002465	1	310-4331-400-610		26.28

Per	Date	Check No	Vendor No	Payee	Invoice No	Seq	GL Acct No	Discnts Taken	Seq Amount
					016686	1	210-4521-400-610		20.35
					018448	1	210-4521-400-610		70.25
					022663	1	100-4194-400-610		13.94
					029819	1	210-4512-400-610		28.04
					030026	1	100-4514-400-630		92.82
					030320	1	210-4521-400-610		19.16
					030974	1	310-4331-400-430		42.40
		Total 43673							612.00
07/09	07/10/2009	43674	1120	Xcel Energy Inc	201451893	1	310-4331-400-410		10.83
					201627512	1	100-4310-400-410		11.51
					201627555	1	100-4310-400-410		57.58
		Total 43674							79.92
07/09	07/10/2009	43675	2409	Reserve Account	07062009	1	310-4331-400-340		388.97
					07062009	2	320-4325-400-340		388.97
					07062009	3	330-4320-400-340		388.97
					07062009	4	100-4111-400-340		12.69
					07062009	5	100-4114-400-340		67.09
					07062009	6	100-4121-400-340		312.64
					07062009	7	100-4151-400-340		747.68
					07062009	8	100-4191-400-340		165.65
					07062009	9	100-4199-400-340		13.90
					07062009	10	100-4210-400-340		248.82
					07062009	11	100-4240-400-340		48.99
					07062009	12	100-4317-400-340		71.46
					07062009	13	210-4512-400-340		187.01
					07062009	14	210-4521-400-340		.44
					07062009	15	310-4331-400-340		1.30
					07062009	16	320-4325-400-340		12.96
					07062009	17	100-4422-400-340		1.76
					07062009	18	100-4135-400-340		3.03
		Total 43675							3,062.33
07/09	07/10/2009	43676	1152	Us Postmaster--Rifle	5001 07/09	1	310-4331-400-340		397.38
					5001 07/09	2	320-4325-400-340		397.38
					5001 07/09	3	330-4320-400-340		397.38
		Total 43676							1,192.14
07/09	07/10/2009	43677	2830	Qwest	625-0309 06/C	1	210-4522-400-530		57.23
					625-0339 06/C	1	100-4310-400-530		97.18
					625-1060 06/C	1	310-4331-400-530		82.25
					625-1877 06/C	1	100-4514-400-530		47.28
					625-2271 06/C	1	100-4191-400-530		23.78
					625-2271 06/C	2	100-4240-400-530		23.79
					625-2841 06/C	1	310-4331-400-530		50.67
					625-3185 06/C	1	210-4513-400-530		48.37
					625-3712 06/C	1	100-4210-400-530		62.28
					625-3724 06/C	1	310-4331-400-530		56.56
					625-3798 06/C	1	210-4521-400-530		50.95
					625-3957 06/C	1	100-4310-400-530		52.84
					625-4622 06/C	1	320-4325-400-530		63.80
					625-4960 06/C	1	100-4210-400-530		101.98



Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
1003	Action Shop Services, Inc	RI24149	REPAIR TRIMMER	07/13/2009	27.50		
		RI24180	SHARPEN CHAIN	07/17/2009	16.00		
		RI24203	SHARPEN CHAIN	07/16/2009	16.00		
		RI24220	REPAIR WALK BEHIND MOWER	07/17/2009	65.99		
		SI46061	Belt	07/09/2009	11.59		
		SI46080	REPAIR WEED EATER	07/07/2009	46.89		
		SI46217	CHAIN LOOP	07/13/2009	26.40		
		SI46218	CHAIN LOOP, BRUSH KNIFE	07/13/2009	92.59		
		SI46221	CHAIN LOOP	07/13/2009	70.39		
		SI46237	OIL	07/13/2009	17.80		
		SI46249	TRIMMER LINE/PARKS	07/14/2009	59.99		
		SI46288	CARBURETOR, SPARK PLUG, FILTER	07/18/2009	114.20		
		SI46291	GRINDING STONE	07/15/2009	5.99		
		SI46385	drive belt for lawn mower	07/20/2009	15.10		
		SI46396	HOSE OIL	07/21/2009	104.16		
		SI46413	OIL	07/21/2009	27.60		
		SI46420	WSHER, PAWL SPRING, OIL	07/21/2009	13.05		
		SI46534	Auotcut	07/27/2009	104.67		
Total 1003					835.91	.00	
1009	B & B Plumbing, Inc	29397	CLEANED P-TRAP/POOL	07/06/2009	95.00		
		29398	ADDED VENTS FOR BOILERS	07/06/2009	742.70		
		29414	determine source of co - refrigerator	07/10/2009	213.00		
		29421	REPLACE MOTOR AND BELT ON COOL	07/10/2006	259.45		
		29468	Toilet leaks	07/14/2009	95.00		
		29480	PULLED BEARINGS AND REPLACED/P	07/14/2009	115.50		
		29486	PIPE JOINT	07/14/2009	20.45		
Total 1009					1,541.10	.00	
1018	Valley Lumber	23539	SPRINKLER	05/12/2009	1.99		
		24259	Miox shed	05/22/2009	1,001.37	1,001.37	07/27/2009
		25539	arrow	06/11/2009	6.98		
		25606	PAINT SUPPLIES/MIOX BUILDING	06/12/2009	143.17		
		25653	vent	06/13/2009	34.47		
		26614	SNIPS, WASHERS	06/29/2009	18.61		
		26957	SHEET METAL, CEMENT CPVC	07/06/2009	34.58		
		27167	CONCRETE MIX	07/09/2009	54.90		
		27297	BATH PANEL/638 PARK	07/11/2009	24.99		
		27374	MACHINE BOLT	07/13/2009	16.38		
		27515	MASONRY SCRES/MIOX SHED	07/15/2009	9.84		
		27533	FLOOR KNIFE	07/15/2009	17.97		
		27638	SAW BLADE, COLONIAL BASE	07/17/2009	50.48		
		27949	CONCRETE MIX	07/22/2009	27.45		
		28311	WASP/HORNET KILLER	07/28/2009	53.88		
Total 1018					1,497.06	1,001.37	
1020	Carter & Sands, P.C.	07302009	PROSECUTER/COURTS	07/30/2009	4,791.66		
Total 1020					4,791.66	.00	
1022	Central Distributing Co	37062009	CR STYROFOAM CUPS	07/06/2009	2.59		
		07202009	return hand cleaner	07/20/2009	74.91		
		544010	CR Credit for CLEANING PRODUCT	07/20/2009	.00		
		798169	CR Hand cleaner	06/12/2009	56.40		
		801254	PAPER TOWELS, CUPS/CITY HALL	07/08/2009	126.57		
		801258	TRASH BAGS	07/08/2009	165.63		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
		802100	PAPER TOWELS	07/15/2009	147.52		
		802875	CLEANING SUPPLIES	07/22/2009	253.61		
		802878	SUPPLIES	07/22/2009	255.89		
		802879	PAPER TOWELS, TRASH BAGS/PD	07/22/2009	210.95		
		Total 1022			1,031.45	.00	
1041	Colo Dept Of Public Hlth & Env	108744	Environmental Micro Water BAct	07/07/2009	216.00		
		Total 1041			216.00	.00	
1055	Columbine Ford, Inc	189756	REPAIR/4V21	07/15/2009	112.00		
		94341	New Engine for 2006 Ford Ranger	06/11/2009	.00		
			New Engine for 2006 Ford Ranger		3,840.61		
		94504	OIL, ENGINE OIL	06/16/2009	48.58		
		94537	CORE CREDIT RETURN	06/17/2009	.00		
			New Engine for 2006 Ford Ranger		800.00 -		
		94627	HANDLE/FLEET	06/24/2009	28.64		
		94788	WIRE ASSY	07/07/2009	22.35		
		94835	SENSOR ASSY/4V21	07/06/2009	193.68		
		94859	MIRROR ASSY	07/08/2009	75.82		
		94934	REMAN ALTE/4V18	07/13/2009	295.40		
		94952	CORE RETURN/4V18	07/13/2009	75.00 -		
		94978	MOTOR ASSY	07/15/2009	139.10		
		95020	MOTOR ASSY/4V16	07/17/2009	105.38		
		95040	MOTOR ASSY	07/17/2009	131.35 -		
		95076	PLUG	07/21/2009	33.24		
		Total 1055			3,888.45	.00	
1059	Consolidated Electrical Distr	4983-494466	SECURITY LIGHTING	06/26/2009	177.00		
		4983-494539	TENNIS COURT LIGHTS	07/02/2009	80.31		
		Total 1059			257.31	.00	
1062	Dana Kepner Company	1322875-00	Meter's & MXU's	04/20/2009	1,914.04		
		1323000-00	Meter's & MXU's	04/24/2009	5,921.19		
		132387-00	Meter's & MXU's	05/07/2009	756.42		
		1325135-00	Meter's & MXU's	07/15/2009	143.52		
		Total 1062			8,735.17	.00	
1070	Federal Express Corp	5-626-51839	SHIPPING	07/09/2009	47.72		
		Total 1070			47.72	.00	
1078	Garfield County Sheriff	27830	SUBPOENA	07/11/2009	13.00		
		Total 1078			13.00	.00	
1083	Youth Zone	063009	ASSESSMENT & RECOMMENDATIONS	06/30/2009	1,085.00		
		Total 1083			1,085.00	.00	
1087	Grainger	9021910311	FUSE	06/24/2009	57.36		
		9033858524	PIPE STRAP	07/14/2009	43.78		
		9033858532	METAL CHANNEL, PIPE STRAP	07/14/2009	200.63		
		9035038661	Asphalt	07/15/2009	154.72		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 1087					456.49	.00	
1093	Honeywell Inc.	3441704	MECHANICAL MAINT	06/04/2009	1,278.00		
Total 1093					1,278.00	.00	
1097	Johnson Construction Inc	208203	WATER TRUCK RENTAL/WATER	07/13/2009	800.00		
Total 1097					800.00	.00	
1105	Meadow Gold Dairies	04272009	Inv 50200097 pricing not correctly extende	04/27/2009	29.40		
		50200575	DAIRY PRODUCTS/POOL	07/06/2009	89.76		
		50200591	DAIRY PRODUCTS/SR CENTER	07/09/2009	94.63		
		50200601	DAIRY PRODUCTS/POOL	07/09/2009	368.16		
		50200628	DAIRY PRODUCTS/POOL	07/13/2009	261.88		
		50200646	DAIRY PRODUCTS/SR CENTER	07/16/2009	41.42		
		50200652	DAIRY PRODUCTS/POOL	07/16/2009	161.12		
		50200686	DAIRY PRODUCTS/POOL	07/20/2009	374.32		
		50200707	DAIRY PRODUCTS/SR CENTER	07/23/2009	54.52		
Total 1105					1,475.21	.00	
1106	Micro Plastics Inc	76348	magnetic sign/mobile grocery vehicle	05/28/2009	50.00		
Total 1106					50.00	.00	
1108	Mountain Clear Bottled Water	6884 06/09	BOTTLED WATER/CITY HALL	06/30/2009	255.20		
		6885 06/09	BOTTLED WATER/PARKS	06/30/2009	72.25		
		6886 06/09	BOTTLED WATER/WWTP	06/30/2009	26.00		
		6887 06/09	BOTTLED WATER/POOL	06/30/2009	108.15		
Total 1108					461.60	.00	
1109	Munro Supply Inc	295561	LITTLE GIANT	07/10/2009	251.77		
Total 1109					251.77	.00	
1110	Napa Auto Parts	036061	v-BELT	06/08/2009	10.33		
		036985	Hex nipp	06/12/2009	2.88		
		037511	FUEL FILTER/FLEET	06/15/2009	19.97		
		037714	HYDraulic filter	06/16/2009	59.98		
		039214	OIL	06/23/2009	148.48		
		039493	SPARK PLUG WIRE SET	06/24/2009	7.77		
		040000	drill bit, screws	06/26/2009	112.09		
		040730	BOOSTER CABLE	06/30/2009	83.88		
		042245	ALTERNATOR	07/08/2009	274.50		
		042252	Lamp	07/08/2009	12.74		
		042269	RETURN UNDER WARANTY	07/08/2009	274.50		
		043543	PIN	07/14/2009	44.47		
		043848	CABLE TIE	07/15/2009	14.13		
		044884	SCREW	07/20/2009	30.25		
		045143	OIL	07/21/2009	244.93		
		045444	AIR FILTER	07/22/2009	19.88		
		045582	Service fee	07/22/2009	22.79		
Total 1110					834.57	.00	
1118	Parts House	C27319	BELT	06/09/2009	32.10		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
		C27375	BATTERY	07/07/2009	10.00	-	
		S429317	WIPER BLADS	06/11/2009	14.96		
		S429489	Machine brake rotor	06/16/2009	25.00		
		S429507	BRAKE ROTOR/4V16	06/17/2009	117.62		
		S429555	GAS CAP	06/18/2009	60.37		
		S429608	AIR FILTER	06/19/2009	18.40		
		S429888	OIL FILTER/0911	06/29/2009	26.24		
		S430109	WIPER Baldes/	07/06/2009	44.82		
		S430149	BATTERY	07/07/2009	102.99		
		S430204	COMMERCIAL BATTERY	07/08/2009	239.98		
		S430225	ADH remover	07/09/2009	102.74		
		S430349	light	07/13/2009	12.95		
		S430478	STARTER SOLENOID	07/15/2009	292.28		
		S430753	OIL FILTER, fuel filter	07/23/2009	52.08		
Total 1118					1,068.33	.00	
1125	Rifle Chamber Of Commerce	3RD QTR 09	rifle information center	07/29/2009	31,628.50		
Total 1125					31,628.50	.00	
1132	Rifle Lock & Safe	29015	DUPLICATE KEYS	07/15/2009	7.00		
		29032	KWIK DEAD LATCH	07/22/2009	5.95		
Total 1132					12.95	.00	
1143	Swallow Oil Company	07152009	DEISEL/FLEET	07/18/2009	4,745.91		
Total 1143					4,745.91	.00	
1145	Thatcher Company	1214549	SULFURIC ACID, CAUSTIC SODA, CITIF	06/26/2009	469.21		
		1215204	Alum/Aluminum Sulfate	07/04/2009	7,079.72		
Total 1145					7,548.93	.00	
1181	Garfield Steel & Machine, Inc	00067214	3" BLACK PIPE/STREETS	07/09/2009	103.35		
Total 1181					103.35	.00	
1188	Jean's Printing	901479	LETTERHEAD	03/31/2009	30.00		
		901628	BC-D MEISNER	04/09/2009	102.95		
		902758	WARNING NOTICE.	06/26/2009	188.03		
		902957	RIFLE MTN PARK	07/14/2009	152.32		
Total 1188					473.30	.00	
1194	Pitney Bowes, Inc	857333	rental invoice	07/03/2009	358.50		
Total 1194					358.50	.00	
1256	Resource Engineering, Inc	6099	AIRPORT AUGMENTATION	06/30/2009	609.75		
		6933	OPPOSITION TO 08CW119	06/30/2009	460.20		
Total 1256					1,069.95	.00	
1258	Hach Company	6295022	nitrification inhibitor	06/25/2009	82.83		
		6299513	Buffer solution	06/29/2009	20.29		
		6301727	M-fc/rosolic acid	06/30/2009	83.96		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 1258					187.08	.00	
1339	Grand Junction Pipe & Supply	C229218	PIPE FITTINGS	06/30/2009	91.20		
		C2299753	PVC fittings	07/06/2009	595.92		
		C2299910	GEOGRID	07/07/2009	946.70		
		C2299976	PIPE FITTING	07/07/2009	54.46		
		C2300111	MILL HOSE 3"	07/08/2009	283.82		
		C2300112	Weather station/water sales building	07/08/2009	540.00		
		C2300227	sprinkler parts	07/08/2009	801.15		
		C2300314	sch 40 PIPE	07/09/2009	272.83		
		C2301139	CPLG	07/16/2009	21.04		
Total 1339					3,061.46	.00	
1358	Timber Line Electric & Control	12673	8 RO MODULE	07/07/2009	316.45		
Total 1358					316.45	.00	
1407	Usa Blue Book	847941	CARTRIDGE FILTER	07/01/2009	105.24		
Total 1407					105.24	.00	
1460	Western Colorado Electrical	4290	SO AND NO AERATORS/PO 34097	06/10/2009	348.95		
		4300	SO AND NO AERATORS	06/23/2009	302.50		
		4304	TROUBLE SHOOT HIGH LIFT PUMP	07/09/2009	967.50		
		4307	GRAHAM WATER PLANT	07/09/2009	918.50		
		4308	BEAVER MIOX SYSTEM	07/09/2009	2,193.87		
Total 1460					4,731.32	.00	
1487	Hepworth-pawlak Geotech. Inc	0109035	PO # 243 / highway 6 & 24	06/30/2009	463.75		
Total 1487					463.75	.00	
1560	Applied Concepts,inc	175529	STALKER MOVING FASTEST DISPLAY/I	07/01/2009	65.00		
		175610	CABLE ASSY	07/06/2009	84.00		
Total 1560					149.00	.00	
1649	Ikon Office Solutions	79841430	IMAGERUNNER LEASE	07/03/2009	1,087.59		
Total 1649					1,087.59	.00	
1692	A-1 Traffic Control	24831	CONSTRUCTION SIGN	06/30/2009	540.00		
Total 1692					540.00	.00	
1734	United Companies	704309	ASPHALT	06/02/2009	763.29		
		705466	Senior center	06/27/2009	378.50		
		706864	ROAD BASE	07/04/2009	139.54		
		706879	ASPHALT	07/04/2009	2,572.22		
		706880	ROAD BASE	07/04/2009	291.77		
		708063	ASPHALT	07/11/2009	1,599.37		
		708174	WHITERIVER & EST 1ST STREET	07/11/2009	192.76		
Total 1734					5,937.45	.00	
1749	Microsearch Laboratory Inc.	09-2865	MICROSCOPICE PARTICULATE ANALY:	06/24/2009	320.00		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 1749					320.00	.00	
1768	Faris Machinery Company	G18408	DECOMPRESSION GASKET	07/01/2009	80.17		
		G18456	GROUND SHAFT, BEARING	06/30/2009	605.73		
		G18471	Hose	07/02/2009	34.45		
		G18493	Air filter	07/15/2009	35.54		
		G18514	Snap ring	07/02/2009	20.50		
Total 1768					776.39	.00	
1830	Grand Valley Foods	102308	FOOD PRODUCT/SR CENTER	07/07/2008	391.56		
		102371	FOOD PRODUCT/SR CENTER	07/10/2009	368.71		
		102643	FOOD PRODUCT/SR CENTER	07/24/2009	431.54		
Total 1830					1,191.81	.00	
1990	Bookcliff Survey Services, Inc	6462	CENTENNIAL PARK	07/15/2009	2,768.12		
Total 1990					2,768.12	.00	
2021	Gmco Corporation	23838	SUPERSTRETCH CRACK SEAL	06/01/2009	1,687.50		
		23997	DUST GARD/STREETS	07/14/2009	2,499.83		
Total 2021					4,187.33	.00	
2122	Utility Notification Center Co	20906593	RTL TRANSMISSIONS	06/30/2009	160.16		
Total 2122					160.16	.00	
2208	Amerigas	613-243802A	PROPANE TANK/CEMETERY	06/26/2009	79.38		
		613-243829A	PROPANE	06/29/2009	251.07 -		
Total 2208					171.69 -	.00	
2343	Mountain Pest Control	0209017	EXTERMINATOR SERVICES	06/03/2009	56.00		
		020916	EXTERMINATOR SERVICES	06/03/2009	50.00		
		0211705	EXTERMINATOR SERVICES	07/02/2009	56.00		
		0212444	EXTERMINATOR SERVICES	07/02/2009	50.00		
Total 2343					212.00	.00	
2370	B&b Landscape/jerry Baysinger	002783	TREE TRIMMING/heinz park	07/27/2009	1,800.00		
Total 2370					1,800.00	.00	
2428	Rivendell Sod Farm, Inc	41839	BLUEGRASS LANDSCRAPE	07/15/2009	168.45		
		41942	GRASS SEED	07/21/2009	717.20		
Total 2428					885.65	.00	
2480	RIFLE ROTARY CLUB	RD QTR 2009	MEMBERSHIP DUES/MEISNER	07/29/2009	152.50		
Total 2480					152.50	.00	
2573	Mountain West Office Products	228617	WALL RACK, HANGING CLAMP	06/04/2009	306.18		
		2301331	WALL DISPLAY	07/14/2009	159.99		
		230246	CREDIT FOR WALL DISPLAY	07/17/2009	159.99 -		
		230247	vacuum form	07/16/2009	105.99		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 2573					412.17	.00	
2690	Down Valley Septic & Drain LLC	JULY0034	ROLL OFF - TIP /CEMETARY	07/01/2009	200.00		
Total 2690					200.00	.00	
2694	Gould Construction	PAY APP 3	Beaver Creek Reservoir Roof construction Beaver Creek Reservoir Roof construction	07/23/2009	63,972.00 6,396.30 -		
Total 2694					57,575.70	.00	
2931	Creekbend Cafe	5717	MEALS FOR MEETINGS	03/19/2009	297.00		
Total 2931					297.00	.00	
2940	Face-n-space Silkscreening	3041	CHEATIN WOODCHUCK SHIRTS/REC	07/23/2008	556.80		
Total 2940					556.80	.00	
2970	Diamond Vogel Paints	751085425	LATEX PAINT	06/01/2009	75.00		
		751085465	WHITE PAINT/STREETS	06/02/2009	386.65		
Total 2970					461.65	.00	
3083	ALSCO	LGRA700229	work shirts and pants	06/09/2009	21.89		
		LGRA703398	work shirts and pants	06/16/2009	21.89		
		LGRA706623	work shirts and pants	06/23/2009	21.89		
		LGRA709818	work shirts and pants	06/30/2009	21.89		
		LGRA713108	LAUNDRY/SR CENTER	07/04/2008	53.67		
		LGRA713113	work shirts and pants	07/07/2009	21.89		
		LGRA716361	LAUNDRY/SR CENTER	07/14/2009	53.67		
		LGRA716368	work shirts and pants	07/14/2009	21.89		
		LGRA719504	LAUNDRY/SR CENTER	07/21/2009	64.75		
		LGRA719509	work shirts and pants	07/21/2009	21.89		
		LGRA722678	LAUNDRY/SR CENTER	07/28/2009	32.01		
		ST 062009	credits	03/03/2009	15.49 -		
Total 3083					341.84	.00	
3091	Newman Signs Inc	TI-0209296	top mount bracket	06/23/2009	128.00		
Total 3091					128.00	.00	
3156	Superwash Of Rifle	2008 07/09	CAR WASH	07/07/2009	20.00		
		2025 07/09	CAR WASH	07/07/2009	178.86		
Total 3156					198.86	.00	
3201	Colorado Custom Cycles	325067	TUNE BIKES/ PD	07/18/2009	65.00		
Total 3201					65.00	.00	
3251	Mountain Communications And EI	201863	GRASS MESA RENTAL	07/01/2009	250.00		
Total 3251					250.00	.00	
3397	Stripe-A-Lot, Inc.	236	paint stripe roads, stripe removal	06/29/2009	960.00		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 3397					960.00	.00	
3453	Taser International	SI1164179	TASER	06/25/2009	882.39		
Total 3453					882.39	.00	
3454	Transwest Freightliner Of Gj	4291940029	misc	07/13/2009	91.20		
Total 3454					91.20	.00	
3697	Department Of Local Affairs	07172009	EIAF#4749-RIFLE SEWER IMP LOAN EIAF#4749-RIFLE SEWER IMP LOAN	07/17/2009	48,116.04 16,364.06		
Total 3697					64,480.10	.00	
3707	Interstate Battery System Inc	22027300	MT-58, mtp-65	07/16/2009	249.85		
Total 3707					249.85	.00	
3755	Wagner Equipment Co	O2C0363912	FUEL CAP, ADAPTER	07/02/2009	134.55		
Total 3755					134.55	.00	
3771	Waste Management Inc	38790-1185-3 79206-0576-1 79207-0576-9 79208-0576-7 90956A	RMP SANITATION REMOVAL/RMP Recycling Recycling Recycling SHOCK	07/01/2009 07/01/2009 07/01/2009 07/01/2009 06/30/2009	993.38 1,261.91 1,742.67 487.39 88.16		
Total 3771					4,573.51	.00	
3890	Flooring America	29021	remove carpet and replace, replace vinyl	06/01/2009	1,071.00		
Total 3890					1,071.00	.00	
3943	Lyon Construction	1373	Senior Ctr Parking Lot Repairs	07/27/2009	4,350.00		
Total 3943					4,350.00	.00	
4055	UPS/United Parcel Service	JY2097W259	SHIPPING CHARGES	06/20/2009	45.53		
Total 4055					45.53	.00	
4098	Heuton Tire Co	69800	TIRES/0878	06/23/2009	680.00		
Total 4098					680.00	.00	
4141	True Brew Coffee Service	120367 120686	COFFEE COFFEE, filters, sweet & low	07/09/2009 07/23/2009	46.49 49.81		
Total 4141					96.30	.00	
4184	Winston Associates Inc	31098	PO 31551/COMPERHENSIVE PLAN	06/30/2009	7,668.46		
Total 4184					7,668.46	.00	
4207	Radio Shack	10116543	BATTERY BACKUP	07/20/2009	59.99		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 4207					59.99	.00	
4339	Design Concepts	0012711	PO #74 /CONST DOCS/CENTENNIAL PA	07/05/2009	10,532.80		
Total 4339					10,532.80	.00	
4345	Helen Artist-Rogers/HR Design	1351	interior design + consulting fee	07/31/2009	536.25		
Total 4345					536.25	.00	
4406	Rifle Creek Stone Inc	20988	ROAD BASE	06/30/2009	93.10		
Total 4406					93.10	.00	
4459	Ground Engineering Consultants	096522.0-1	BEAVER CREEK IMPROVEMENTS	07/20/2009	1,090.50		
Total 4459					1,090.50	.00	
4463	United States Plastic Corp	2409535	Cpvc union/miox shed	07/16/2009	324.60		
Total 4463					324.60	.00	
4563	Traf-o-teria System	12326	ENVELOPES/PD	06/09/2009	317.61		
Total 4563					317.61	.00	
4570	Dixie Sporting Goods	X08859-00	Chearleading uniforms/rec	07/07/2009	265.87		
Total 4570					265.87	.00	
4575	Precision Dynamics Corporation	427541	WRIST BANDS/POOL	07/07/2009	195.45		
Total 4575					195.45	.00	
4590	Colorado Poolscares Inc	85509	Parts/pool	06/30/2009	351.79		
Total 4590					351.79	.00	
4602	Anytime Sewer & Drain Company	677218	LOOK FOR TAP AT 710 S WHITEWATER	06/30/2009	705.00		
		677227	CAMERA STORM DRAIN 100 W 16TH	07/09/2009	615.00		
Total 4602					1,320.00	.00	
4612	Automated Batting Cages Corp.	90649	TOKEN	07/06/2009	113.00		
Total 4612					113.00	.00	
4630	Kirkman, Ula	18	PERFORMANCE/SR CENTER	07/21/2009	75.00		
Total 4630					75.00	.00	
4804	Siemens Water Technologies	4568282	4 Months Rental of Supplemental Water Fi	07/01/2009	27,969.00		
Total 4804					27,969.00	.00	
4811	United Site Services Inc	103-2036	PORTABLE RESTROOM/RMP	06/29/2009	67.50		
		103-2773	PORTABLE RESTROOM/DEERFLY PAR	07/03/2009	800.00		
		103-2904	PORTABLE RESTROOMS/JOYCE PARK	07/06/2009	65.00		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
		103-2905	PORTABLE RESTROOMS/METRO PAR	07/06/2009	130.00		
		103-2906	PORTABLE RESTROOMS/HEINZE PAR	07/06/2009	65.00		
		103-2907	PORTABLE RESTROOMS/DAVIDSON P	07/06/2009	200.00		
		103-2908	PORTABLE RESTROOM/RMP HOST CA	07/06/2009	65.00		
Total 4811					1,392.50	.00	
4818	An Exquisite Design	06022009	FLOWERS/TABOR	06/02/2009	35.99		
Total 4818					35.99	.00	
4839	Apeiron Utility Construction	2881	Repair of Traffic Signal @ corner of RR &	07/10/2009	8,044.90		
Total 4839					8,044.90	.00	
4926	Ge Capital	52284672	KIP PRINTER	07/08/2009	391.49		
Total 4926					391.49	.00	
4969	Stout's Electric Motor Service	35406	RECON MOTOR	06/25/2009	461.70		
		35411	10 HP MOTOR	06/26/2009	638.60		
Total 4969					1,100.30	.00	
5055	DPA Architectural Group	1592	RIFLE PARK MAINT FACILITY	06/30/2009	7,250.00		
Total 5055					7,250.00	.00	
5181	FRED'S HARDWARE	36948/2	Sink, toilet	07/10/2009	266.23		
		6468/2	bent nose pliers	05/19/2009	9.76		
		7049/2	o ring	06/19/2009	2.09		
		7136/2	Cart fuse	06/24/2009	59.28		
		7190/2	Hacksaw blade	06/26/2009	52.97		
		7305/2	COOLER PUMP	07/03/2009	59.15		
		7360/2	Spray lube	07/06/2009	6.88		
		7361/2	HOSE COUPLER	07/06/2009	13.66		
		7384/2	Tarp	07/04/2009	30.68		
		7394/2	Water CAN	07/08/2009	17.98		
		7408/2	FASTNER MISC	07/08/2009	1.49		
		7424/2	Sch80 nipple	07/09/2009	11.42		
		7427/2	broom	07/09/2009	17.48		
		7434/2	FASTNER MISC	07/09/2009	4.42		
		7438/2	Light bulbs	07/09/2009	2.49		
		7445/2	Painting supplies	07/10/2009	28.24		
		7448/2	EPOXY PASTE	07/10/2009	8.40		
		7451/2	MARINE EPOXY UTTY	07/10/2009	15.20		
		7453/2	CLAMP, HITCH RING	07/10/2009	21.32		
		7466/2	PVC fittings	07/10/2009	14.67		
		7476/2	big stretch white	07/11/2009	10.05		
		7481/2	PVC	07/11/2009	35.33		
		7482/2	EXTENSION TUBE	07/11/2009	9.90		
		7485/2	b/c nut	07/11/2009	2.15		
		7503/2	Pliers, shovel	07/13/2009	50.97		
		7512/2	FASTNER MISC	07/13/2009	17.00		
		7517/2	PVC fittings	07/13/2009	7.06		
		7526/2	Roundup	07/14/2009	109.99		
		7537/2	PVC fittings	07/14/2009	7.71		
		7542/2	T&G PLIERS, AIR TANK	07/14/2009	110.96		
		7544/2	Wasp spray	07/14/2009	38.80		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
		7558/2	Sandpaper	07/15/2009	7.02		
		7559/2	EXPANDING FOAM	07/15/2009	17.98		
		7610/2	PVC fittings	07/17/2009	4.65		
		7629/2	EAR MUFF	07/18/2009	17.77		
		7647/2	Mouse trap	07/20/2009	10.36		
		7689/2	Paint supplies/638 park ave	07/21/2009	36.97		
		7708/2	PVC fittings	07/22/2009	22.75		
		7710/2	Sandpaper	07/22/2009	4.74		
		7735/2	Drill bit	07/23/2009	9.79		
Total 5181					1,175.76	.00	
5192	PECZUH PRINTING COMPANY	96482	Business Card/HAYES	07/09/2009	34.00		
Total 5192					34.00	.00	
5198	USA MOBILITY WIRELESS, INC.	S0381004G	PAGERS/O&M	07/01/2009	10.37		
			PAGERS/O&M		10.37		
			PAGERS/O&M		10.36		
Total 5198					31.10	.00	
5212	MASTER WASH	12177	16 WK	07/23/2009	120.00		
Total 5212					120.00	.00	
5253	FASTENAL	CORIF25292	diamond blade	07/23/2009	76.87		
Total 5253					76.87	.00	
5282	Western Slope Electrical Con	4306	wire up ne 15hp	07/09/2009	296.05		
Total 5282					296.05	.00	
5354	Motorola, Inc.	41134163	xlT 2500 mOBILE - rEMOTE mOUNT 800n	07/08/2009	3,387.44		
Total 5354					3,387.44	.00	
5368	Mountain Restroom, Inc.	4164	portable restrooms/ unit #547/Sewer	06/06/2009	95.00		
		4458	portable restrooms/ unit #539/WATER	07/04/2009	95.00		
Total 5368					190.00	.00	
5503	JAY-MAX SALES	180034	light bulbs	06/15/2009	15.00		
		180226	55 gal can liner	06/15/2009	50.19		
		180228	COTTON RAGS	06/15/2009	68.16		
Total 5503					133.35	.00	
5545	White Construction Group	PAY APP 9	Park Maintenance Facility Construction	06/30/2009	317,196.00		
			Park Maintenance Facility Construction		4,710.40		
Total 5545					312,485.60	.00	
5681	DAGO UNDERGROUND, INC	00003599	DAVIDSON & MACINTOSH PARKS	07/10/2009	1,090.00		
Total 5681					1,090.00	.00	
5723	SANITARY SUPPLY CORP	30552	hair and body shampoo	07/14/2009	204.06		

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD
Total 5723					204.06	.00	
5776	MULLENAX CONSTRUCTION	134	REMOVE AND REPLACE SIDING	07/17/2009	1,950.00		
		135	REMOVE AND REPLACE WALL SHEATHING	07/17/2009	400.00		
Total 5776					2,350.00	.00	
5777	ASPEN MAINTENANCE SUPPLY, II	237423	soda ash	07/21/2009	131.00		
Total 5777					131.00	.00	
5778	COLORADO STATE UNIVERSITY	220	MILEAGE/XERO LANDSCAPE WORKSH	07/09/2009	70.00		
Total 5778					70.00	.00	

Total Paid: 1,001.37
Total Unpaid: 633,422.71
Grand Total: 634,424.08

Dated: 7/30/09

City Finance Director: Chalo Kelly

**CITY OF RIFLE, COLORADO
RESOLUTION NO. 19
SERIES OF 2009**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE,
COLORADO, ADOPTING THE CALENDAR FOR THE 2010 BUDGET.

WHEREAS, Article IX of the Charter of the City of Rifle requires the City Manager to submit an annual budget to the City Council by September 20th of each year in order to have adequate time to certify the property tax mill levy; and

WHEREAS, since the Charter was adopted on March 26, 1963, state statutes have changed the timing of the property assessed valuation and mill levy certification; and

WHEREAS, these changes have necessitated that the timing of the budget process be changed to be consistent with current statutes; and

WHEREAS, pursuant to Resolution No. 19, Series of 2003, the Rifle City Council adopted a schedule consistent with state law for the adoption of the following year's budget, and the City wishes to use this timeline for the 2010 Budget process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

1. The City incorporates the foregoing recitals as findings by the City Council.
2. The following schedule is adopted for the 2010 Budget:

Tuesday, August 25, 2009:	Deadline for Assessor to submit new assessed valuation
Friday, October 2, 2009:	Deliver 2010 proposed Budget to Council
Tuesday, October 6, 2009:	First Budget workshop
Wednesday, October 7, 2009:	Second Budget workshop
Tuesday, October 13, 2009:	Third Budget workshop
Thursday, October 15, 2009:	Fourth Budget workshop
Saturday, October 17, 2009:	Fifth Budget workshop
Tuesday, October 20, 2009:	Sixth Budget workshop
Wednesday, October 21, 2009:	Seventh Budget workshop
Wednesday, November 4, 2009:	Regular City Council meeting, first public hearing on Budget
Wednesday, November 18, 2009:	Regular City Council meeting, second public hearing on Budget
Wednesday, December 2, 2009:	Adopt 2010 Budget and Certify Mill Levies
Tuesday, December 15, 2009:	Deadline for certification of mill levy to Garfield County

3. This Resolution shall be published in the Rifle Citizen Telegram and posted at City Hall.

THIS RESOLUTION was read, passed, and adopted by the Rifle City Council at a regular meeting held this 5th day of August, 2009.

CITY OF RIFLE, COLORADO

By _____

Mayor

ATTEST:

City Clerk

LEAVENWORTH & KARP, P.C.
ATTORNEYS AT LAW

Est. 1980

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**(Please direct all correspondence
to our Glenwood Springs Office)*

ANNA S. ITENBERG
CASSIA R. FURMAN
JENNIFER M. SMITH
T. DAMIEN ZUMBRENNEN

July 30, 2009

Mayor Keith Lambert
Rifle City Council
P. O. Box 1908
Rifle, Colorado 81650

Re: August 5, 2009 City Council Meeting

Dear Mayor Lambert and Members of the Rifle City Council:

The purpose of this letter is to briefly outline the discussion we will have at the August 5, 2009 Rifle City Council Meeting.

1. Ordinance No. 20, Series of 2009 (Ballot Initiative: Term Limit Charter Amendment).
As you know, the City received a ballot initiative petition pursuant to the City Charter to put before the electorate at your September regular municipal election the question whether the City of Rifle Charter be amended to institute term limits for City Council members. The Charter was amended in 2006 to remove the term limit language. In accordance with Section 5.2 of the City Charter, the City Clerk certified that the Petition was signed by at least ten percent (10.0%) of the registered electors of the City. As required by the Charter, you directed us to draft the necessary ordinance placing the question on the ballot. Therefore, enclosed is Ordinance No. 20, Series of 2009. Although the Petitioners inserted a proposed question for the voters, state statute requires that the text of the proposed amendment be submitted to the voters. In accordance with this requirement, we included the full text of the proposed Charter Amendment as the proposed ballot question. Including the full text also gives voters more information on the question and complies with the intent of the Ballot Initiative Petition.

At your last meeting Ordinance No. 20 was approved with amendments taking out the following subjective prefatory language from the actual Charter provision: IN ORDER TO BROADEN THE OPPORTUNITIES FOR PUBLIC SERVICE AND TO ENSURE THE CITY COUNCIL IS REPRESENTATIVE OF THE CITIZENS OF THE CITY OF RIFLE. I stated that I would research if Council had the authority to make this kind of change from the original Ballot Initiative, and we concluded you cannot. Therefore, Ordinance No. 20 before you on second reading is in the original condition as first reading; however, you will need to pass it on second reading "with amendment" to put that sentence back into the ballot question.

If the term limit Charter Amendment is approved by the voters at the September 8, 2009

Mayor Lambert
Rifle City Council
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July 30, 2009

regular municipal election, service by City Council members shall be limited to two consecutive four year terms. The term limitation will apply to terms of office beginning on or after September 9, 2009. Thus, current Council members would be eligible to serve two additional consecutive four year terms without regard to their number of previous terms. The Charter Amendment also provides that any person appointed or elected to fill a vacancy on the Council who serves at least one-half of a term of office for that vacancy shall be considered to have served a full term in that office.

2. Ordinance No. 21, Series of 2009 (Ballot Initiative: City Council Election Districts). Similar to the above, the City Clerk received a ballot initiative petition to put a question on the ballot whether City Council members should be elected by districts. Specifically, the question proposes the creation of four contiguous voting districts. The districts will be established so that each includes approximately the same number of registered electors, as determined in the previous regular municipal election, and will be created by an implementing ordinance of the City Council to be adopted in the event the ballot question is approved by City voters in September. We discussed at your last meeting the possibility of "cleaning up" the question to fill in any vagueness in the question. Upon researching the matter, we need to adopt the question in a substantially similar form as it appeared on the petitions. Therefore, Ordinance No. 21 remains the same on second reading.

Ordinance No. 21, Series of 2009 submits the election district question to the City's registered voters at the September 8, 2009 regular municipal election. The Ordinance also specifies that, in the event the ballot question is successful, the City must create the election districts no later than six months prior to the September 13, 2011 regular municipal election. If the Charter Amendment is approved by the voters, at future elections four of seven Council members will be selected from each of the election districts, while three positions will remain at-large. The Council will also have the authority to redraw the district lines as necessary to ensure residency in each district remains approximately equal.

3. Ordinance Nos. 23 and 24, Series of 2009 (Whiteriver Plaza PUD Zoning and Subdivision). The City has been processing the various stages of an application for a mixed use building to be developed at the southwest corner of Whiteriver Avenue and 16th Street to be known as Whiteriver Plaza. It will contain approximately 9,820 square feet of retail/office space on the first floor and thirteen (13) two-bedroom and four (4) one-bedroom residential units on the second and third floors, all of which may be condominiumized. Because the City's current zone districts do not contemplate such a development, the Developer has requested a rezoning of the Property to Commercial Services Planned Unit Development. Ordinance No. 23, Series of 2009 rezones the Property CS PUD and staff has required the Developer to compile a PUD Guidebook for the Property setting forth the specific PUD requirements that have been developed through the review process. Council will need to open a public hearing for the rezoning of the Property. Ordinance No. 24, Series of 2009 approves the subdivision of the Property into condominium units after the building is constructed and the condominium plat can be administratively approved at that time. The Planning Department's staff report will provide you with additional details of the project.

LEAVENWORTH & KARP, P.C.

Mayor Lambert
Rifle City Council
Page 3
July 30, 2009

We recommend approval of Ordinance Nos. 23 and 24, Series of 2009 on first reading.

4. Ordinance No. 25, Series of 2009 (Solar Tax Rebate Program). Based on the success of other Colorado communities in adopting renewable energy development incentives and interest from citizens, staff has introduced a proposed a Solar Tax Rebate Program for photovoltaic and solar thermal system installations. In considering such a program, the City seeks to promote the deployment of clean, renewable energy and stimulate economic development by encouraging residents to spend their energy money locally. Ordinance No. 25, Series of 2009 before you on first reading would implement a rebate program outlined in a new Section 4-2-50 of the Rifle Municipal Code and more specifically described in rules and regulations adopted as part of the Ordinance. Sales and use tax rebates up to \$3,000 will be offered for purchase of professionally installed photovoltaic and solar thermal systems, the components of which will be defined in accordance with state statute at Section 4-2-30 the Code. The City will rebate to applying taxpayers a portion of City sales and use taxes paid under Chapter 4 for Photovoltaic and Thermal Systems professionally installed on or after September 1, 2009. In addition to the new Section 4-2-50, Ordinance No. 25 adopts Rules and Regulations for the Solar Tax Rebate Program setting forth eligibility requirements for applicants. The Program will terminate on August 31, 2012 unless extended at that time by the City Council. Additional information on the Program will be provided in a staff report from Government Affairs Coordinator Mike Braaten.

We recommend approval of Ordinance No. 25, Series of 2009 on first reading.

5. Ordinance No. 26, Series of 2009 (431 East 1st Street Alley Vacation). The City received an application for a right-of-way vacation of a sixteen foot (16') alley behind 431 East 1st Street. The alley was platted in the early 1900s and is not developed or capable of being developed because of topography. The vacation is being requested by the owner of the adjacent lot because the house encroaches into the platted alley. There are no utilities in the "alley" and it is not needed for public access- nor will it ever be needed or capable of being used for utilities or access. Colorado statute provides the process for right-of-way vacations which Ordinance 26, Series of 2009 adheres to and makes the required findings for the vacation.

We recommend approval of Ordinance No.26, Series of 2009 on first reading.

As always, please feel free to call us prior to the meeting if you have any questions.

Very truly yours,
LEAVENWORTH & KARP, P.C.

James S. Neu
Loyal E. Leavenworth

Enclosures

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 20
SERIES OF 2009**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROVIDING FOR
THE SUBMITTAL FOR APPROVAL OF THE REGISTERED VOTERS OF THE
CITY AT THE 2009 REGULAR MUNICIPAL ELECTION A QUESTION
WHETHER SECTION 3.4 OF THE CITY CHARTER SHALL BE AMENDED TO
CREATE A TWO TERM LIMIT FOR CITY COUNCIL MEMBERS.

WHEREAS, by a successful ballot question in 2006, Section 3.4 of the City of Rifle Charter was amended to eliminate the term limits for City Council members set forth at Article XVIII, Section 11(1) of the Colorado Constitution; and

WHEREAS, by petition signed by at least ten percent (10.0%) of the registered electors of the City of Rifle pursuant to Section 5.2 of the City Charter and filed with the City Clerk pursuant to C.R.S. §31-2-210, the signatory electors have submitted a ballot question for consideration at the next regular municipal election proposing a Charter Amendment that would limit City Council members to two consecutive four year terms; and

WHEREAS, the City Clerk has found the petition to be in compliance with the requirements of Article V of the City Charter and C.R.S. §31-2-210; and

WHEREAS, if successfully adopted by the registered electors of the City at the September 8, 2009 regular municipal election, the limitation on the number of consecutive City Council terms shall apply to terms of office beginning on or after September 9, 2009; and

WHEREAS, pursuant to C.R.S. §31-2-210(b), the City Council wishes to adopt a ballot title and place the proposed Charter Amendment on the ballot for the regular municipal election to be held on September 8, 2009.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO ORDAINS THAT:

1. Recitals. The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.
2. Submission to Voters. The following question stated in Section 3 below shall be submitted to the registered voters of the City of Rifle voting at the regular municipal election which shall be held on Tuesday, September 8, 2009. As near as practical, this election shall be held in compliance with the Colorado Municipal Election Code, as amended.
3. Publication and Ballot Form. The City Clerk shall cause a notice of election for the following ballot question to be published as part of the regular municipal election publication in

substantially the following form:

NOTICE OF BALLOT QUESTION CONCERNING AN AMENDMENT TO THE CITY OF RIFLE CHARTER TO LIMIT CITY COUNCIL MEMBERS TO SERVICE OF TWO CONSECUTIVE FOUR YEAR TERMS.

NOTICE IS HEREBY GIVEN that an election will be held on Tuesday, September 8, 2009, between the hours of 7:00 a.m. and 7:00 p.m. At this election, the following question shall be submitted to the registered voters of the City of Rifle:

SHALL THE MUNICIPAL CHARTER TO THE CITY OF RIFLE, COLORADO BE AMENDED TO LIMIT THE TERMS OF CITY COUNCIL MEMBERS TO TWO CONSECUTIVE FOUR YEAR TERMS BY REPLACING THE SECOND PARAGRAPH OF SECTION 3.4 WITH THE FOLLOWING NEW PARAGRAPH:

IN ORDER TO BROADEN THE OPPORTUNITIES FOR PUBLIC SERVICE AND TO ENSURE THE CITY COUNCIL IS REPRESENTATIVE OF THE CITIZENS OF THE CITY OF RIFLE, NO CITY COUNCIL MEMBER SHALL SERVE MORE THAN TWO CONSECUTIVE TERMS OF FOUR YEARS EACH. THIS LIMITATION ON THE NUMBER OF TERMS SHALL APPLY TO TERMS OF OFFICE BEGINNING ON OR AFTER SEPTEMBER 9, 2009. ANY PERSON APPOINTED OR ELECTED TO FILL A VACANCY ON THE CITY COUNCIL AND WHO SERVES AT LEAST ONE-HALF OF A TERM OF OFFICE FOR THAT VACANCY SHALL BE CONSIDERED TO HAVE SERVED A TERM IN THAT OFFICE. TERMS ARE CONSIDERED CONSECUTIVE UNLESS THEY ARE TWO YEARS APART.

INTRODUCED, on July 15, 2009, read in full, passed on first reading with amendment, and ordered published by title as required by the City Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on August 5, 2009, passed with amendment, approved, and ordered published in full as required by the Charter.

DATED this _____ day of _____, 2009.

CITY OF RIFLE, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

CITY OF RIFLE, COLORADO
ORDINANCE NO. 21
SERIES OF 2009

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROVIDING FOR THE SUBMITTAL FOR APPROVAL OF THE REGISTERED VOTERS OF THE CITY OF RIFLE AT THE 2009 REGULAR MUNICIPAL ELECTION A QUESTION WHETHER SECTION 2.5 OF THE CITY CHARTER SHALL BE AMENDED TO REQUIRE ESTABLISHMENT OF FOUR GEOGRAPHIC ELECTION DISTRICTS IN THE CITY AND ELECTION OF FOUR OF SEVEN COUNCIL MEMBERS FROM SEPARATE DISTRICTS.

WHEREAS, Section 2.5 of the City of Rifle Home Rule Charter provides that all seven seats on the Rifle City Council may be elected at large, the system currently in place, or by districts, if so adopted by ordinance of the Council; and

WHEREAS, by petition signed by at least ten percent (10.0%) of the registered electors of the City of Rifle pursuant to Section 5.2 of the City Charter and filed with the City Clerk pursuant to C.R.S. §31-2-210, the signatory electors have submitted a ballot question for consideration at the next regular municipal election proposing a Charter Amendment that amends Section 2.5 to require establishment of four geographic election districts in the City and election of four of seven City Council members from separate districts; and

WHEREAS, the City Clerk has found the petition to be in compliance with the requirements of Article V of the City Charter and C.R.S. §31-2-210; and

WHEREAS, if successfully adopted by the registered electors of the City at the September 8, 2009 regular municipal election, the City Council will adopt an ordinance implementing the ballot question and establishing four contiguous, compact geographic election districts with approximately the same number of registered voters no later than six months prior to the September 13, 2011 regular municipal election; and

WHEREAS, pursuant to C.R.S. §31-2-210(b), the City Council wishes to adopt a ballot title and place the proposed Charter Amendment on the ballot for the regular municipal election to be held on September 8, 2009.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO ORDAINS THAT:

1. Recitals. The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.
2. Submission to Voters. The following question stated in Section 3 below shall be submitted to the registered voters of the City of Rifle voting at the regular municipal election which

shall be held on Tuesday, September 8, 2009. As near as practical, this election shall be held in compliance with the Colorado Municipal Election Code, as amended.

3. Publication and Ballot Form. The City Clerk shall cause a notice of election for the following ballot question to be published as part of the regular municipal election publication in substantially the following form:

NOTICE OF BALLOT QUESTION CONCERNING AN AMENDMENT TO THE CITY OF RIFLE CHARTER TO REQUIRE ESTABLISHMENT OF FOUR GEOGRAPHIC ELECTION DISTRICTS AND ELECTION OF FOUR OF SEVEN COUNCIL MEMBERS FROM SEPARATE DISTRICTS.

NOTICE IS HEREBY GIVEN that an election will be held on Tuesday, September 8, 2009, between the hours of 7:00 a.m. and 7:00 p.m. At this election, the following question shall be submitted to the registered voters of the City of Rifle:

SHALL SECTION 2.5 OF THE CITY OF RIFLE CHARTER BE AMENDED TO REQUIRE ESTABLISHMENT OF FOUR GEOGRAPHIC ELECTION DISTRICTS IN THE CITY AND ELECTION OF FOUR OF SEVEN COUNCIL MEMBERS FROM SEPARATE DISTRICTS AS FOLLOWS:

THE ELECTIVE OFFICERS OF THE CITY SHALL CONSIST OF SEVEN (7) COUNCIL MEMBERS ELECTED AS FOLLOWS: (1) FOUR MEMBERS, EACH OF WHOM MUST BE NOMINATED AND ELECTED AND MUST RESIDE IN SEPARATE GEOGRAPHIC DISTRICTS IN ACCORDANCE WITH THIS SECTION; AND (2) THREE MEMBERS, EACH OF WHOM MUST BE NOMINATED AND ELECTED FROM THE CITY AT LARGE. THE COUNCIL SHALL ESTABLISH FOUR GEOGRAPHIC DISTRICTS WITHIN THE CITY. ALL FOUR DISTRICTS SHALL BE CONTIGUOUS, COMPACT, AND HAVE APPROXIMATELY THE SAME NUMBER OF REGISTERED VOTERS AS DETERMINED BY THE NUMBER OF REGISTERED VOTERS AT THE PRECEDING REGULAR MUNICIPAL ELECTION. THE COUNCIL SHALL REVISE AND ALTER THE BOUNDARIES OF THE DISTRICTS WHEN NECESSARY SO THAT THE DISTRICTS ARE AS NEARLY EQUAL IN POPULATION AS POSSIBLE. ANY CHANGE IN THE BOUNDARIES OF A CITY COUNCIL MEMBER'S DISTRICT WHICH CAUSES A DULY ELECTED OR APPOINTED COUNCIL MEMBER TO NO LONGER BE A RESIDENT OF THE DISTRICT WHICH HE OR SHE REPRESENTS SHALL NOT DISQUALIFY

**THAT MEMBER FROM HOLDING OFFICE FOR THE REMAINDER OF
THE TERM FOR WHICH HE OR SHE WAS ELECTED OR APPOINTED.**

4. Implementation. If and only if the above question is approved by the City's registered voters at the September 8, 2009 regular municipal election, then no later than six (6) months prior to the next regular municipal election the City shall establish four (4) election districts and a schedule of terms of office to implement the Charter Amendment.

INTRODUCED, on July 15, 2009, read in full, passed on first reading, and ordered published by title as required by the City Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on August 5, 2009, passed without amendment, approved, and ordered published in full as required by the Charter.

DATED this _____ day of _____, 2009.

CITY OF RIFLE, COLORADO

By: _____

Mayor

ATTEST:

City Clerk

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 23
SERIES OF 2009**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, RE-ZONING
PROPERTY KNOWN AS WHITERIVER PLAZA FROM COMMUNITY
SERVICE ZONE DISTRICT (CS) TO COMMUNITY SERVICE PLANNED UNIT
DEVELOPMENT ZONE DISTRICT (CS-PUD).

WHEREAS, Whiteriver Plaza, LLC (the "Applicant") filed with the City of Rifle Planning Department a request to re-zone from Community Service (CS) zone district to Community Service Planned Unit Development (CS-PUD) zone district certain tracts of land located at the southwest corner of Whiteriver Avenue and 16th Street known as Parcel 3, Collett Subdivision Exemption in the City of Rifle, the plat of which is recorded as Reception No. 312688, County of Garfield, State of Colorado (the "Property"); and

WHEREAS, on April 28, 2009, the City of Rifle Planning Commission considered the re-zoning application for the Property as part of a PUD Final Development Plan submittal; and

WHEREAS, based upon the Applicant's plans to develop the Property with a mixed use residential, commercial and office project consistent with the changing land use patterns surrounding the Property, the Planning Commission recommended that the Property be re-zoned Community Services Planned Unit Development (CS-PUD); and

WHEREAS, the City Council reviewed the re-zoning application at its August 5 and 19, 2009 meetings and agreed with the Planning Commission's findings; and

WHEREAS, the City of Rifle Planning Commission and the Rifle City Council have held duly-noticed public hearings as required by the Rifle Municipal Code, and now wish to re-zone the Property to Community Service Planned Unit Development.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The aforementioned recitals are hereby fully incorporated herein.
2. The Property is hereby zoned Community Service Planned Unit Development (CS-PUD) pursuant to all of the terms, conditions, exhibits and obligations contained in that certain Whiteriver Plaza PUD Guidebook certified by the City and incorporated herein by this reference which sets forth all of the PUD standards and guidelines for the Property.
3. Within thirty (30) days after the effective date of this Ordinance, the City Clerk shall incorporate the terms of this Ordinance into the Geographical Information System described in RMC §16-3-20 shall cause a printed copy of the amendment to the City Zone District Map to be made, which shall be dated and signed by the Mayor and attested to by the City Clerk, and which shall bear the seal of the City. The amended map shall include the number of this Ordinance. The

signed original printed copy of the Zoning Map shall be filed with the City Clerk. The Clerk shall also record a certified copy of this Ordinance with the Garfield County Clerk and Recorder. The City staff is further directed to comply with all provisions of the Rifle Land Use Regulations, RMC §16-1-10 *et seq.*, to implement the provisions of this Ordinance.

INTRODUCED on August 5, 2009, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on August 19, 2009, passed without amendment, approved, and ordered published in full as required by the Charter.

DATED this _____ day of _____, 2009.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 24
SERIES OF 2009**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING A PUD
FINAL DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT FOR
WHITERIVER PLAZA PLANNED UNIT DEVELOPMENT.

WHEREAS, in February 2008, there was filed with the Rifle Planning Department an application for a Sketch Plan and PUD Plan approval for property owned by Whiteriver Plaza, LLC (hereinafter "Developer"), which property is known as Whiteriver Plaza PUD, the legal description of which is Parcel 3, Collett Subdivision Exemption in the City of Rifle, the plat of which is recorded as Reception No. 312688, County of Garfield, State of Colorado (hereinafter the "Property"); and

WHEREAS, on April 29, 2008, after a duly-noticed public hearing and pursuant to Rifle Municipal Code ("RMC") Section 16-5-280, the City of Rifle Planning Commission approved a Sketch Plan for the Property and on August 26, 2008 the Planning Commission approved a Preliminary PUD Development Plan for the Property; and

WHEREAS, on September 17, 2008 and by Resolution No. 36, Series of 2008, the City Council approved the Preliminary Plan and Preliminary PUD Development Plan for the Property; and

WHEREAS, in January 2009, Developer submitted a request for a PUD Final Development Plan and Final Subdivision Plat for the Property which the City of Rifle Planning Commission approved at its April 28, 2009 meeting following a duly noticed public hearing; and

WHEREAS, Developer proposes developing the Property with a three story mixed use residential, commercial and office project containing approximately 9,820 square feet of retail/office space on the first floor and thirteen (13) two-bedroom and four (4) one-bedroom residential condominiums on the second and third floors; and

WHEREAS, on August 5, 2009 and August 19, 2009, the Rifle City Council reviewed the PUD Final Development Plan and Final Subdivision Plat for the Property and found these documents to be consistent with the approved PUD and Subdivision Preliminary Plan, and that all conditions of Preliminary Plan approval had been met; and

WHEREAS, concurrently herewith, and by Ordinance No. 23, Series of 2009, the City Council re-zoned the Property CS-PUD and approved that certain Whiteriver Plaza PUD Guidebook detailing the approved development of the Property; and

WHEREAS, the City Council desires to approve the PUD Final Development Plan and Final Subdivision of the Property into individual condominium units after construction and with the filing of the appropriate condominium plat, subject to all terms and conditions set forth in the PUD

Guidebook and the Site-Specific Development Plan and Subdivision Improvements Agreement for the Property ("SIA"), which SIA is available for inspection at the City Clerk's Office during business hours, and the subdivision of each.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The City Council incorporates the foregoing recitals as findings by the City Council.
2. That certain PUD Final Development Plan and Final Subdivision of the Property into individual condominium units for Whiteriver Plaza PUD is hereby approved, subject to all terms and conditions contained herein and in the SIA, which is hereby approved.
3. Upon the completion of construction, the building may be subdivided into condominium units with general and limited common elements, and upon the City staff's review and approval, a Condominium Plat may be recorded.
4. The Mayor of the City is hereby authorized to indicate the City Council's approval of the PUD Final Development Plan and Final Subdivision of the Property and the SIA by signing the SIA and Condominium Plat creating condominium units. A true and correct copy of the SIA and Condominium Plat creating condominium units shall be deposited with the City Clerk and shall be available for public inspection at the Clerk's office after being fully executed by the parties.
5. Developer shall comply with all of Developer's representations made in any applications and in statements during the Public Hearings before the Planning Commission and City Council which shall be conditions of approval with which the Developer shall comply. The Developer shall also comply in full with the Rifle Municipal Code and the Public Works Manual requirements and the conditions of any variances granted to the Public Works Manual.
6. The City Clerk is hereby directed to file one (1) copy of the Condominium Plat creating condominium units, the original of this Ordinance, and the SIA in the Office of the City Clerk.
7. The City Clerk is hereby further directed to record this Ordinance, the Condominium Plat creating condominium units, the SIA, and any other associated documents in the Office of the Clerk and Recorder of Garfield County, and to file one (1) certified copy of the Condominium Plat creating condominium units, and this Ordinance with the Garfield County Assessor.

INTRODUCED on August 5, 2009, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on August 19, 2009, passed without amendment, approved, and ordered published in full as required by the Charter.

DATED this _____ day of _____, 2009.

CITY OF RIFLE, COLORADO

By _____

Mayor

ATTEST:

City Clerk

**SITE SPECIFIC DEVELOPMENT PLAN AND
SUBDIVISION IMPROVEMENTS AGREEMENT
FOR WHITERIVER PLAZA**

THIS AGREEMENT made this _____ day of _____, 2009, by and between the CITY OF RIFLE, COLORADO, a home-rule municipality whose address is P.O. Box 1908, Rifle, CO 81650 (hereinafter "City") and WHITERIVER PLAZA, LLC, a Colorado limited liability company whose address is 955 Cowen Drive, Suite 201, Carbondale, CO 81623 (hereinafter "Developer");

W I T N E S S E T H:

WHEREAS, Developer is the owner of certain real property located in the City of Rifle, Colorado at the southwest corner of Whiteriver Avenue and 16th Street known as Parcel 3, Collett Subdivision Exemption in the City of Rifle, the plat of which is recorded as Reception No. 312688, County of Garfield, State of Colorado (hereinafter the "Property"); and

WHEREAS, Developer proposes developing the Property with a three story mixed use residential, commercial and office project containing approximately 9,820 square feet of retail/office space on the first floor and thirteen (13) two-bedroom and four (4) one-bedroom residential units on the second and third floors, all of which may be condominiumized as further set forth in the PUD Guidebook for the Property (the "Project"); and

WHEREAS, on April 29, 2008, after a duly-noticed public hearing and pursuant to Rifle Municipal Code ("RMC" or the "Code) Section 16-5-280, the City of Rifle Planning Commission approved a Sketch Plan for the Property and on August 26, 2008 the Planning Commission approved a Preliminary PUD Development Plan for the Property; and

WHEREAS, on September 17, 2008 and by Resolution No. 36, Series of 2008, the City Council approved the Preliminary Plan and Preliminary PUD Development Plan for the Property; and

WHEREAS, on August 5 and 19, 2009, the City Council of the City of Rifle, after holding all necessary public hearings, approved by appropriate ordinance a Final Subdivision Plan for the Property and Condominium Plat to be prepared following the construction of the Project, which Ordinance No. 24, Series of 2009 is recorded as Reception No. _____ with the Garfield County Clerk and Recorder; and

WHEREAS, the City's approval of the Final Plan and Condominium Plat for the Property cited above is contingent upon the express condition that all obligations and duties created by this Agreement are faithfully performed by the Developer.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

1. Recitals. The foregoing recitals are incorporated herein as material representations and acknowledgments of the parties.

2. Purposes. The purpose of this Agreement is to set forth the terms and conditions to be met by the Developer; to set forth the fees to be paid by the Developer upon subdivision of the Property, and to constitute the Subdivision Improvements Agreement provided for in Sections 16-4-170, 16-5-440(d) and 16-6-180(c)(2) of the Code. All terms and conditions contained herein are in addition to all requirements of the Code, the City of Rifle Land Use Regulations (Chapter 16 of the Code), Ordinance No. 24, Series of 2009, and state and federal statutes, and are not intended to supersede any requirements contained therein, except where specifically provided in this Agreement. In the event of any inconsistency between the provisions of Ordinance No. 24, Series of 2009 and the provisions of this Agreement, the provisions of this Agreement shall control

3. Development of the Property.

A. The Project. The Project consists of a three story mixed use residential, commercial and office building with approved architectural elements containing approximately 9,820 square feet of retail/office space on the first floor and thirteen (13) two-bedroom and four (4) one-bedroom residential units on the second and third floors, as further defined in the PUD Guidebook which will guide the development of the Property

B. Condominium Plat. In accordance with Ordinance No. 23, Series of 2009 and consistent with the PUD Zoning for the Property, a Condominium Plat may be prepared after final "as-built" surveys of the unit boundaries have been completed of the building on the Property. The Condominium Plat may be prepared and recorded upon substantial completion of construction of the Project and may be approved administratively by the City without further review by the City Council or the Planning Commission. No individual condominium unit shall be sold into separate ownership until and unless a Condominium Plat has been approved by the City and such plat has been recorded in the real estate records of Garfield County.

4. Fees. In addition to any fees enacted by any ordinance of general applicability in the City, the following fees shall be paid to the City by the Developer:

A. Reimbursement of Costs. The Developer hereby agrees to pay the City the actual costs to the City for engineering, surveying, and legal services rendered in connection with the review of the subdivision of the Property. In addition, the Developer shall reimburse the City for the cost of making corrections or additions to the master copy of the official City map, for the fee for recording the Final Plat or any Condominium Plat and accompanying documents with the County Clerk and Recorder of Garfield County. Developer shall also pay any fee required pursuant to the Code. Interest shall be imposed at rate of 1.5% per month on all balances not paid within thirty (30) days of the date of the statement. In addition to any and all remedies available to the City and in the event the City is forced to pursue collection of any amounts due and

unpaid under this provision or under this Agreement, the City shall be entitled to collect attorney's fees and costs incurred in said collection efforts in addition to the amount due and unpaid.

- B. Water and Sewer Taps. Developer, its successors and assigns, shall comply in full with Chapter 13 of the Code regarding tap fees for water and sewer service.
- C. Water Rights Dedication. Developer, its successors and assigns, shall pay the cash in lieu of the water rights dedication fees as required under RMC Section 13-6-10, *et. seq.*, as it may be amended. For this purpose, prior to the issuance of every building permit, including tenant finish, for the Property, Developer shall pay the fee then in effect for all units and/or commercial square footage for which potable water service is to be provided by the City. Further, the Developer agrees to be bound by any ordinance or resolution of general applicability that modifies these fees.
- D. Parkland Dedication Fees. The City and Developer agree that the Property is subject to the City parkland dedication requirements set forth in RMC §§16-1-90 and 16-4-110. Developer shall pay parkland dedication fees then in effect for each residential unit at the time of building permit application.
- E. Off-site Street Impact Fees. For each residential unit constructed on the Property, offsite street impact fees shall be due and payable as set forth in the Code.
- 5. Specific Conditions. Developer agrees to perform the following conditions:
 - A. Representations. All representations of the Developer made in its application and in statements during the public hearings before the Planning Commission and City Council shall be considered conditions of approval with which the Developer shall comply.
 - B. Revegetation and Landscaping. Developer shall landscape the Property pursuant to the approved landscape plan reviewed and approved by the City and revegetate any disturbed areas of the Property as soon as the next growing season allows. Developer shall guarantee growth of all landscaping and revegetation. Cost estimates of all landscaping shall be submitted to the City, guaranteed by the security required by this Agreement, and shall be considered a public improvement hereunder.
 - C. PUD Guidebook. Developer shall create a PUD Guidebook that will serve as the approved Zoning and Site Plan for the Project (including approved construction drawings) and provide a staff signature page in the guidebook certifying such approvals. The PUD Guidebook will contain the approved conceptual architectural elevations from which minor deviations shall be allowed subject to staff's administrative approval. Staff shall refer any major architectural deviations to the Planning Commission for its review and approval. The PUD Guidebook shall also include a list of items to be submitted before construction, which list shall include an irrigation plan and a traffic control plan.

- D. Access Easement. Developer shall provide an access easement in a width and location approved by the City on the Condominium Plat or other appropriate plat allowing the property to the south of the Property to utilize a shared driveway access onto Whiteriver Avenue through the Property when that property to the south develops.
- E. Bike and Pedestrian Trail Easement. On the Condominium Plat or other appropriate plat, Developer shall dedicate to the City a Bike and Pedestrian Trail Easement along Rifle Creek in a width and location approved by the City. In addition, Developer shall obtain quit claim deeds from Beal Commercial, LLC and 1430 Railroad, LLC quit claiming to the City any interest those entities have to the Property from the centerline of Rifle Creek west to the edge of curb/asphalt on the western portion of the Property.
- F. No City Trash Service. Developer agrees and acknowledges that the City does not provide commercial trash service and will not provide trash service to the Property; therefore, Developer shall contract for private trash service for the Property.
- G. Storm Water and 404 Permit. As a condition of approval, Developer shall provide the City the Storm Water Permit and 404 Permit for development of the Property indicating the approved plan complies with such permits.

6. Pre-Construction Meeting. Developer shall hold a pre-construction meeting between the City Engineer and Public Works Director and the Developer, its engineer and contractor, for the purpose of discussing all construction issues that will be required for the Project.

7. Public Improvements. All water lines, water facilities, sewer lines, sewer facilities, hydrants, water or sewer distribution facilities, drainage structures, landscaping, gas lines, electrical facilities, cable T.V., telephone lines, utility systems, streets (public and/or private), lighting and signage required by this Agreement or shown on the final subdivision plan prepared by Northern Engineering as File No. 804-002.09 and dated June 3, 2009, as it may be amended (the "Public Improvements"), shall be installed and completed at the expense of the Developer.

- A. All Public Improvements to be conveyed to the City or required to be secured by this Agreement are shown on the Final Subdivision Plat and Plans submittal, and the estimated costs thereof, are identified on Exhibit A attached hereto and incorporated herein by this reference. The Public Improvements shall be constructed in conformance with the plans and specifications submitted by the Developer as part of the Final Plat application and approved by the City Public Works Director or his/her designee, including all supplemental plans and specifications (all of which are on file at City Hall), the City of Rifle Public Works Manual then in effect, and the utility plan (hereinafter collectively referred to as "Plans and Specifications").

- B. Developer shall provide at its sole cost and expense all necessary engineering designs, surveys, field surveys, and incidental services related to the construction of the Public Improvements.

8. Construction Observation and Inspection.

- A. Construction Inspection by Developer. Developer shall be responsible for ensuring that its certified professional engineer provides construction inspection services as necessary to allow Developer's engineer to provide a stamped certification, when improvements are submitted to the City for acceptance, that the Public Improvements have been constructed in accordance with the Plans and Specifications approved by the City.

- B. Construction Observation by the City. The City shall have the right to make engineering observations at reasonable intervals and at the Developer's expense during construction of the Public Improvements. Observation, acquiescence in or approval by any engineering inspector of the construction of any physical facilities, at any particular time, shall not constitute City approval of any phase of construction of the Public Improvements. City approvals shall be made only after completion of construction and in the manner hereinafter set forth. To assist the City in monitoring the installation of the Public Improvements, a supervisor employed by the Developer's general contractor shall inspect the Public Improvements on at least a weekly basis, and shall provide the City Public Works Director or his/her designee with supervisor's field and inspection notes relating to the installation of the Public Improvements which have been reviewed and stamped by a professional engineer. The supervisor shall regularly apprise the City Public Works Director or his/her designee of the status of the work on the Public Improvements. Further, the Developer at its own expense shall have an approved geotechnical engineer monitor the methods of construction and backfill, to ensure such work is being completed in conformance with the approved Plans and Specifications, and accepted standards for such work. The geotechnical engineer shall conduct inspections and testing as directed by the City Public Works Director or his/her designee. The City agrees to respond to requests for interim inspections in a timely manner and to respond not later than ten (10) business days after a request for a final inspection. Nothing in this paragraph shall be construed to constitute an acceptance by the City of the Public Improvements, which approval and acceptance shall only occur pursuant to the specific provisions below.

9. Completion of Public Improvements; Approval. The Developer shall complete all Public Improvements associated with development of the Project within one (1) year of the date of the City's approval of the Final Subdivision Plan for the Property, or by August 19, 2010. Upon the Developer's completion of construction of the Public Improvements, the Developer's engineer shall certify in writing that the improvements have been completed in conformance with the Plans and Specifications and submit to the City a completed acceptance checklist utilizing a form approved by the City. Thereafter, the City Public Works Director or his/her designee shall inspect the Public Improvements and certify in writing and with specificity their conformity or lack thereof to the Plans

and Specifications. The Developer shall make all corrections necessary to bring the Public Improvements into conformity with the Plans and Specifications. The Developer shall at its expense have "as-built" drawings prepared by a professional engineer and a registered land surveyor, which drawings shall include all legal descriptions the City may require. The Developer shall also prepare a summary of the actual construction costs of all Public Improvements to be dedicated to the City. The "as-built" drawings and costs summary shall be forwarded to the City for review and approval.

Once the as-built drawings and costs summary are approved, and any and all corrections are completed, the City Public Works Director or his/her designee shall certify in writing that all Public Improvements are in conformity with the Plans and Specifications, and the date of such certification shall be known as the Acceptance Date. The City shall be under no obligation to provide any water or sewer service to the Property until all Public Improvements are brought into conformance with the Plans and Specifications and the approved Final Subdivision Plan and Subdivision Plat, and are certified and approved by the City Public Works Director or his/her designee pursuant to this Agreement. However, upon certification and approval, the City shall be obligated to provide water and sewer service to the Property, subject to all provisions of the Code, and in particular to the availability of water or sewer taps, which shall be on a first-come, first-served basis. The City does not guarantee an adequate number of taps will be available to serve the Property at the time the Developer intends to proceed with development.

10. Acceptance; Conveyance. Within thirty (30) days of the Acceptance Date, the Developer shall execute a quit-claim deed to the City conveying any interests it has in the Public Improvements identified on Exhibit A to be conveyed to the City. The Developer shall also execute a bill of sale conveying such Public Improvements to the City, free and clear of all liens and encumbrances except non-monetary matters of public record. All Public Improvements conveyed to the City shall be warranted for a period of twelve (12) months from the Acceptance Date, as provided below.

11. Warranty. Developer shall warrant any and all Public Improvements and facilities which are conveyed to the City pursuant to this Agreement (i.e. water and sewer facilities and lines, public roads and facilities located on or under public lands and easements) for a period of twelve (12) months from the Acceptance Date. Specifically, but not by way of limitation, Developer shall warrant that:

- A. The title conveyed shall be good and its transfer rightful;
- B. Any and all facilities conveyed shall be free from any security interest or other lien or encumbrance; and
- C. Any and all facilities so conveyed shall be free of any defects in materials or workmanship for a period of one (1) year, as stated above.

12. Performance Guarantee. The total amount of required security for the Public Improvements shall be as specified on Exhibit A and shall be updated prior to the issuance of a building permit for the Project.

- A. In order to secure the construction and installation of the Public Improvements above described, for which the Developer is responsible, the Developer shall prior to the issuance of a building permit for the Project furnish the City with a certificate or other evidence, in good and sufficient form approved by the City Attorney, of an irrevocable letter of credit issued or confirmed by a commercial banking institution authorized to do business and with offices located within the State of Colorado to secure the performance and completion of the Public Improvements, in an amount equal to the estimated costs of said facilities as set forth on Exhibit A. The City shall have the right to review and approve all terms and conditions of the letter of credit prior to the issuance of a building permit for the Project. Alternative forms of security acceptable to the City in its sole discretion may also be provided.

The original letter of credit shall be delivered to the City prior to the issuance of a building permit for the Project. This Letter of Credit shall comply in all respects with the Uniform Customs and Practice for Documentary Credits, 1983 Edition, issued by the International Chamber of Commerce, Paris.

- B. In the event the Public Improvements are not constructed or completed within 12 months of the commencement of construction, or the landscaping is not installed in the next growing season, the letter of credit shall provide that the funds necessary to complete the Public Improvements shall be put directly into an escrow account under the control of the City Manager and shall be used to complete the Public Improvements called for herein.
- C. Within ten (10) days of timely completion of the Public Improvements for the Project, and performance of the conditions and requirements of this Agreement secured by the performance guarantee, and upon the approval of the City Manager, the performance guarantee shall be released to Developer. If the improvements are not completed within the required time, the performance guarantee may be called by the City and the monies may be used to complete the improvements; provided, however, that if such guarantee is not sufficient to pay the actual costs, the Developer shall be responsible for the balance. The City Manager may cause a portion of the performance guarantee to be released as specific improvements are completed and approved. A partial release shall be within thirty (30) days after acceptance by the City.
- D. The required security for the Public Improvements is the amount mutually agreed upon by the Developer and the City Engineer in Exhibit A, which shall be updated for the City's review and approval prior to the issuance of a building permit for the Project. The parties agree that this amount, as updated, does not necessarily reflect the City Engineer's estimate of what the actual cost to the City would be if the City were required to fund construction of all of the Public Improvements. In the event the costs of the Public Improvements exceed the amount, Developer shall be solely responsible for the actual cost. The purpose of Exhibit A and any updated cost estimates is solely to determine the amount of security. No representations are made

as to the accuracy of these estimates, and the Developer agrees to pay the actual costs of all such Public Improvements.

- E. The parties expressly agree that the Developer's preparation and submission to the City of "as-built drawings" and a summary of actual construction costs for the Public Improvements to be dedicated to the City--and approval by the City of the as-built drawings and summary-- for the Project are essential requirements of this Agreement. In the event the Developer fails to provide the as-built drawings and summary to the City thirty (30) days prior to the expiration of the performance guarantee or any extension thereof, such failure shall constitute a breach of this Agreement with regard to the completion of the Public Improvements, damages for which are impossible to ascertain, entitling the City to call upon the performance guarantee in an amount equal to ten (10%) percent of the total amount set forth on Exhibit A, which amount the City may retain as liquidated damages due to Developer's breach.
- F. Neither approval of any partial reduction to the letter of credit issued pursuant to this paragraph, nor any other reduction in security, shall be construed as the approval or acceptance of any of the Public Improvements, which approval and acceptance shall only occur as described above.

13. Title Policy. Prior to the issuance of a building permit for the Project, the Developer shall provide the City a commitment for a title insurance policy, indicating the Property is free and clear of all encumbrances whatsoever which would impair the use of the Property as proposed by the Final PUD Plan. Further, said title commitment, and/or an additional title commitment, shall show that all other property to be dedicated to the City is free and clear of all encumbrances which would make said dedications unacceptable as the City in its sole discretion determines. Prior to the issuance of a certificate of occupancy, the title insurance policy(s) shall be provided to the City, and the premium(s) for the title insurance in the minimum amount shall be paid by the Developer. In the event the title commitment(s) reflect encumbrances which would impair the use of the Property as proposed or which would make the public dedications unacceptable, the City shall notify the Developer, who shall cure or otherwise remove or subordinate said encumbrances to the satisfaction of the City prior to the issuance of a certificate of occupancy.

14. Vested Rights. Pursuant to Section 16-11-10, *et. seq.*, of the Code, the City and the Developer agree that the City Council's final subdivision plat approval of the Property constitutes the approval of a "Site Specific Development Plan", and no further hearings are required. Pursuant to the approval by the City Council of the Final Plat and Final PUD Plan for the Property, the City granted vested property rights for the Property for a period of five (5) years from the effective date of the City ordinance approving this Agreement and the Final Plat upon the condition that Developer comply with all of the terms and conditions of this Agreement, the Final Plat for the Property, and the development submittal. Such rights shall also be subject to the provisions of RMC Section 16-11-10, *et. seq.* The Developer shall at its expense publish the vested rights notice required by C.R.S. §24-68-103(1) and RMC Section 16-11-50.

15. Owners Association; Covenants. An owners association shall be created by the Developer under the laws of the State of Colorado before any units within the Project are sold to

third parties. The Articles of Incorporation and covenants shall be reviewed by the City Attorney to ensure that they meet the City's requirements that the owners association (1) maintains, operate and assume full responsibility for all easements and common areas within the Property and shown on the Final Plat, including landscaping; and (2) is empowered to enforce any provisions of the covenants, conditions and restrictions affecting the Property. The covenants for the Property shall also address, at a minimum: party wall agreements, snow removal, building and landscape maintenance, sidewalk maintenance, use of limited and general common elements, parking, outdoor storage of vehicles (including recreational vehicles, boats, trailers, and the like), and pets. The Articles of Incorporation and covenants shall be reviewed and approved, and the Articles filed with the Colorado Secretary of State prior to the recordation of the Condominium Plat.

16. Conditions of Building Permit / Certificate of Occupancy. In addition to all requirements of the Code and any requirements imposed by operation of state, federal, or local law, no building permits shall be issued for the Property until:

- A. This SIA has been recorded in the Office of the Garfield County Clerk and Recorder, and a recorded copy is on file in the Office of the City Clerk.
- B. A site plan application has been submitted to the City referencing the approved PUD Guidebook for all submittal requirements and contains the approved construction drawings; updated cost estimates of the public improvements have been provided for the City's review and approval and a letter of credit in that amount securing those public improvements; and a title commitment covering any public dedications has been provided to the City.

17. Voluntary Action of Developer. Notwithstanding any provision of the Code, the Developer agrees that all terms and conditions of this Agreement, including specifically the payment of fees, the dedication of land, and the completion of off-site infrastructure improvements for the Project, are agreed to and constitute the voluntary actions of the Developer.

18. Breach by Developer; City's Remedies. In the event of any default or breach by the Developer of any term, condition, covenant or obligation under this Agreement, the City Council shall be notified immediately. The City may take such action as it deems necessary to protect the public health, safety, and welfare; to protect lot buyers and builders; and to protect the citizens of the City from hardship. The City's remedies include:

- A. The refusal to issue to the Developer any building permit or certificate of occupancy; provided, however, that this remedy shall not be available to the City until after the affidavit described below has been recorded;
- B. The recording with the Garfield County Clerk and Recorder of an affidavit, approved in writing by the City Attorney and signed by the City Manager or his designee, stating that the terms and conditions of this Agreement have been breached by the Developer. At the next regularly scheduled City Council meeting, the City Council shall either approve the filing of said affidavit or direct the City Manager to file an

affidavit stating that the default has been cured. Upon the recording of such an affidavit, no further lots or parcels may be sold within the Property until the default has been cured. An affidavit signed by the City Manager or his designee and approved by the City Council stating that the default has been cured shall remove this restriction;

- C. A demand that the security given for the completion of the public improvements be paid or honored;
- D. The refusal to consider further development plans within the Property; and/or
- E. Any other remedy available at law.

Unless necessary to protect the immediate health, safety, and welfare of the City or City residents, the City shall provide the Developer ten (10) days' written notice of its intent to take any action under this paragraph during which ten-day period the Developer may cure the breach described in said notice and prevent further action by the City. Furthermore, unless an affidavit as described above has been recorded with the Garfield County Clerk and Recorder, any person dealing with the Developer shall be entitled to assume that no default by the Developer has occurred hereunder unless a notice of default has been served upon Developer as described above, in which event Developer shall be expressly responsible for informing any such third party of the claimed default by the City.

19. Assignment. This Agreement may not be assigned by the Developer without the prior written consent of the City, which consent shall not be unreasonably withheld. In the event Developer desires to assign its rights and obligations herein, it shall so notify the City in writing together with the proposed assignee's written agreement to be bound by the terms and conditions contained herein.

20. Indemnification. Developer agrees to indemnify and hold the City harmless from any and all claims or losses of any nature whatsoever incurred by the City resulting from the subdivision and development of the Property not caused by gross negligence of the City. This indemnification shall include actual attorneys' fees incurred in the event that any party brings an action against the City for any of the approvals described herein. The parties hereto intend not to duplicate any legal services or other costs associated with the defense of any claims against either party described in this section. Therefore, the parties hereto agree to cooperate in full to prevent duplicative expenses incurred as a result of the indemnification herein described.

21. Waiver of Defects. In executing this Agreement, Developer waives all objections it may have concerning defects, if any, in the formalities whereby it is executed, or concerning the power of the City to impose conditions on Developer as set forth herein, and concerning the procedure, substance, and form of the ordinances or resolutions adopting this Agreement.

22. Final Agreement. This Agreement supersedes and controls all prior written and oral agreements and representations of the parties and is the total integrated agreement between the parties.

23. Modifications. This Agreement shall not be amended, except by subsequent written agreement of the parties.

24. Release of Liability. It is expressly understood that the City cannot be legally bound by the representations of any of its officers or agents or their designees except in accordance with the City of Rifle Code and Ordinances and the laws of the State of Colorado, and that Developer, when dealing with the City, acts at its own risk as to any representation or undertaking by the City officers or agents or their designees which is subsequently held unlawful by a court of law.

25. Captions. The captions in this Agreement are inserted only for the purpose of convenient reference and in no way define, limit, or prescribe the scope or intent of this Agreement or any part thereof.

26. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns.

27. Invalid Provision. If any provisions of this Agreement shall be determined to be void by any court of competent jurisdiction, then such determination shall not affect any other provision hereof, all of which other provisions shall remain in full force and effect. It is the intention of the parties hereto that, if any provision of this Agreement is capable of two constructions, one of which would render the provision void, and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

28. Governing Law. The laws of the State of Colorado shall govern the validity, performance, and enforcement of this Agreement. Should either party institute legal suit or action for enforcement of any obligation contained herein, it is agreed that the venue of such suit or action shall be in Garfield County, Colorado.

29. Attorneys' Fees; Survival. Should this Agreement become the subject of litigation, the substantially prevailing party shall be entitled to, and the failing party shall pay, all reasonable attorneys' fees, expenses, and court costs. All rights concerning remedies and/or attorneys' fees shall survive any termination of this Agreement.

30. Authority. Each person signing this Agreement represents and warrants that he is fully authorized to enter into and execute this Agreement, and to bind the party it represents to the terms and conditions hereof.

31. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all of which, when taken together, shall be deemed one and the same instrument.

32. Notice. All notices required under this Agreement shall be in writing and shall be hand-delivered or sent by registered or certified mail, return receipt requested, postage prepaid, to the addresses of the parties herein set forth. All notices so given shall be considered effective seventy-two (72) hours after deposit in the United States mail with the proper address as set forth below. Either party by notice so given may change the address to which future notices shall be sent.

Notice to City:

City of Rifle
P. O. Box 1908
Rifle, CO 81650

With copy to:

Leavenworth & Karp, P.C.
P. O. Drawer 2030
Glenwood Springs, CO 81602

Notice to Developer:

Whiteriver Plaza, LLC
955 Cowen Drive, Suite 201
Carbondale, CO 81623

33. Gender. Whenever the context shall require, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

WHEREFORE, the parties hereto have executed duplicate originals of this Agreement on the day and year first written above.

CITY OF RIFLE, COLORADO

By: _____

Mayor

ATTEST:

Clerk

WHITERIVER PLAZA, LLC

By: _____

Craig Rathbun, Manager

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

Acknowledged, subscribed, and sworn to before me this ____ day of _____, 2009,
by Keith Lambert, as Mayor, and by _____, as Clerk, on behalf of the City
of Rifle, Colorado.

WITNESS my hand and official seal.

My Commission expires: _____.

Notary Public

STATE OF COLORADO)
) ss.
COUNTY OF)

Acknowledged, subscribed, and sworn to before me this ____ day of _____, 2009,
by Whiteriver Plaza, LLC, by Craig Rathbun as Manager.

WITNESS my hand and official seal.

My Commission expires: _____.

Notary Public



MEMORANDUM

TO: MATT STURGEON, PLANNING DIRECTOR

FROM: NATHAN LINDQUIST, PLANNER

DATE: July 29, 2009

SUBJECT: WHITERIVER PLAZA (FORMERLY LANCEWOOD PLAZA) FINAL PLANNED UNIT DEVELOPMENT AND MAJOR SUBDIVISION
PUD 2008-1; FINAL 2008-9
APPLICANT: LANCEWOOD PLAZA, LLC; MATT FLINK (REPRESENTATIVE)

A. PURPOSE

The applicant seeks Final PUD approval to build a three-story mixed-use project at the southwest corner of 16th Street and Whiteriver Avenue to be called Whiteriver Plaza (formerly called Lancewood Plaza). The proposed land uses are 13,748 square feet of retail/office space on the first floor and 16 two-bedroom and 6 one-bedroom condominiums on the second and third floors. The parking is located behind the building with the intent of making a pedestrian-friendly, main-street style streetscape along 16th Street and Whiteriver Avenue.

The property is currently zoned Community Service. The applicant seeks a Planned Unit Development (PUD) zoning to allow for a denser residential component to the project and other variations from Code which are discussed below.

B. PRIOR APPROVALS

The Planning Commission approved the Sketch Plan for what was then called Lancewood Plaza on April 29, 2008. The Planning Commission approved the Preliminary Plan for Whiteriver Plaza on August 26, 2008. City Council approved the Preliminary Plan on September 17, 2008. Planning Commission approved the Final Plat on April 28, 2009.

C. LOCATION

The proposed Whiteriver Plaza is located at 1551 Whiteriver Avenue. Rifle Creek runs along the west side of the property. See Vicinity Map in the applicant's packet (Exhibit A).

D. RECOMMENDATION



Staff recommends that City Council APPROVE the Final PUD 2008-9 for Whiteriver Plaza as Community Service—PUD with the following conditions:

1. The applicant shall apply for and obtain Site Plan approval before obtaining a Building Permit to begin construction of Whiteriver Plaza.
2. Before obtaining Site Plan approval, the applicant shall submit to the City evidence of a Letter of Credit and appropriate security for the public improvements required.
3. The applicant shall submit a PUD Guidebook that includes all relevant information regarding the construction of the project. This guidebook shall constitute what is typically submitted for site plan approval, and will ensure that what was approved at Final Plan is what will be constructed. All zoning issues not addressed in the PUD shall revert to the standards of the Rifle Municipal Code.
4. Include on the Final Plat a shared access easement on the southern access to provide future access for future development on the property to the south of Whiteriver Plaza.
5. The Final Plan architectural elevations shall be binding and carried over into the site plan. They will represent the building as it will be constructed. To allow for flexibility, staff may approve minor changes at the administrative level, but shall reserve the right to seek Planning Commission approval for significant changes.

E. STAFF COMMENTS

SUMMARY

Whiteriver Plaza is located at the southwest intersection of 16th Street and Whiteriver Avenue, an area that the Comprehensive Plan envisions will transition to higher-intensity land uses due to nearby employment and residential developments.

Staff supports the concepts of Whiteriver Plaza, which are encouraged by the Comprehensive Plan and the City's PUD standards. The project places the building up to the street and parking behind, with the goal of creating a pleasing pedestrian-oriented streetscape. Staff supports mixed-use development at this location, which will provide affordable housing in walking distance to City Market and other shopping opportunities, as well as the Rifle Creek Trail. The applicants seek energy efficient building standards, which are also encouraged in the PUD standards.

CHANGES SINCE PRELIMINARY PLAN

Included in this packet is the Preliminary Site Plan (Exhibit A) so that Council may compare it with the Final Site Plan (Exhibit B). Working with staff, the applicant has made several changes to the project:

1. The number of parking spaces increased from 57 to 72 by adding a row of parking to the south end of the building and widening the western edge of the parking lot. The applicant also secured a parking easement for the currently existing Creekside Plaza to the west, which has more parking than is required by code. This will allow Whiteriver Plaza tenants to park there.

2. The south end of the building was shortened so that it is further from the residential dwelling to the south, and the building was widened to the east to increase the building's footprint from 10,000 square feet to 13,700 square feet. The number of residential units increased from 17 to 22.
3. The setback from Whiteriver Avenue was reduced from 27 feet to 19 feet from the street (12 feet from the property line), which is in the range recommended by the PUD guidelines and staff's Preliminary Plan report.
4. The sidewalk along Whiteriver Avenue was detached and a row of street trees placed between the sidewalk and the street.

Height: The height of the building remains unchanged at 38 feet. Planning Commission may permit a variance to the height limit of 35 feet as a part of the PUD.

ARCHITECTURE

The architecture of Whiteriver Plaza demonstrates the following positive features:

- The northwest corner of the building honors the intersection of Whiteriver Plaza and 16th Street with a unique feature.
- A variety of materials and colors complement each other to give the building visual interest.
- Elements are used to break up the building both horizontally and vertically.

LAND USE

The applicant estimates that 80% of the commercial space will be office-type users that will benefit from the proximity of the Justice Center. Approximately 20% will be retail establishments. The upper floors will contain 6 one-bedroom condominiums of approximately 650 square feet and 16 two-bedroom condominiums of approximately 950 square feet.

The Whiteriver Plaza PUD zoning shall permit the following uses (all uses not listed shall require a conditional use permit if determined to be unrelated to any permitted use):

- Condominiums (2nd and 3rd floor only)
- Galleries and Studios
- Personal Services
- Show rooms
- Retail
- Offices
- Cafés
- Bakeries
- Equipment leasing with no outdoor storage
- Small animal clinic / veterinarian
- Indoor recreation (conditional use)
- Private or public membership club or lodge (conditional use)

- Educational facility (business, industrial and technical only—conditional use if over 30 students)
- Restaurant, tavern, brewery, food service, caterers (conditional use)
- Wholesale establishment (conditional use)
- Daycare with no outdoor use (conditional use)

STREETS AND ACCESS

Staff recommends that Whiteriver Plaza's access from 16th Street be a "right-in only" access to prevent traffic from backing up and blocking the intersection of 16th Street and Whiteriver Avenue. Whiteriver Plaza's traffic study confirmed that a full movement access on 16th Street would not function with the current configuration of stop signs at the intersection. The Whiteriver Avenue access will be permitted as a full movement access. Staff supports waiving the standard 30-foot separation between this access and the driveway for the property to the south, due to the fact that the other driveway only access two single-family homes. If the property to the south is ever redeveloped, they will be required to share Whiteriver Plaza's access. The shared access shall be provided on the final plat.

The applicant shall improve their half of Whiteriver Avenue to city standards with curb, gutter and detached sidewalk.

DRAINAGE AND FLOODPLAIN

Parts of the subject property are in the 100-year floodplain. The City has approved a floodplain permit for the property.

ENERGY EFFICIENCY

The applicant states in the PUD standards that the building will be Energy Star-rated.

F. FINDINGS

Pursuant to Section 16-5-280, the Council shall consider the following criteria before approving a conditional use permit (*staff comments shown in bold italics/italics*):

1. Conformance of the proposal with the City of Rifle Municipal Code;

The PUD standards allow the city to negotiate on certain requirements of code in exchange for benefits to the city. If done appropriately, this project should provide benefits that warrant variances on some issues.

2. The compatibility of the proposal with the character of the surrounding area, including but not limited to the architectural character of the neighborhood, the average lot and building sizes in the neighborhood, and the relative value of the proposed structure to the value of other structures in the neighborhood;

The compatibility of the proposal depends upon whether one looks at the area as it has been in the past or as what it is transitioning to become. As noted above, this intersection is increasingly appropriate for a commercial mixed-use project. This

project would likely set the tone for the future of the area as it changes from a residential area to one that is more urban in character.

3. The desirability for the proposed use in the specific area of the City;

The proposed office uses are desirable due to the proximity to the Justice Center, and the small condos will fill a need for infill affordable housing.

4. The potential for adverse environmental effects that might result from the proposed use;

The floodplain and storm water management processes exist to mitigate the potential for adverse environmental effects in this case.

5. Compatibility of the proposed use and the site (or subdivision) plan with the City of Rifle Comprehensive Plan;

This property is located in "District 4: North Railroad Avenue". The following goals of the Comprehensive Plan pertain to the project in question:

-"Strengthen the streetscaping along the right-of-way to enhance and unify the corridor."

-"Designate this district as a commercial activity zone where mixed-use development is concentrated and clustered."

This annexation would allow construction that will assist in accomplishing the goals and actions for this area of the City, such as permitting additional commercial activity.

6. The potential impact of the proposed use upon the value of property and buildings within the surrounding area; and

A large mixed-use project such as this, if its done in an attractive manner, can only have a positive effect on surrounding property values.

7. Conformance of the proposal with the approval requirements concerning water and sewer tap availability for high volume use requests pursuant to §10.10.110 of these regulations, if applicable.

Not applicable.

G. OTHER AGENCY COMMENTS

All agencies, including the Fire District and SGM, have stated that their comments have been addressed and that no outstanding issues remain (beyond what is required under the conditions of approval).

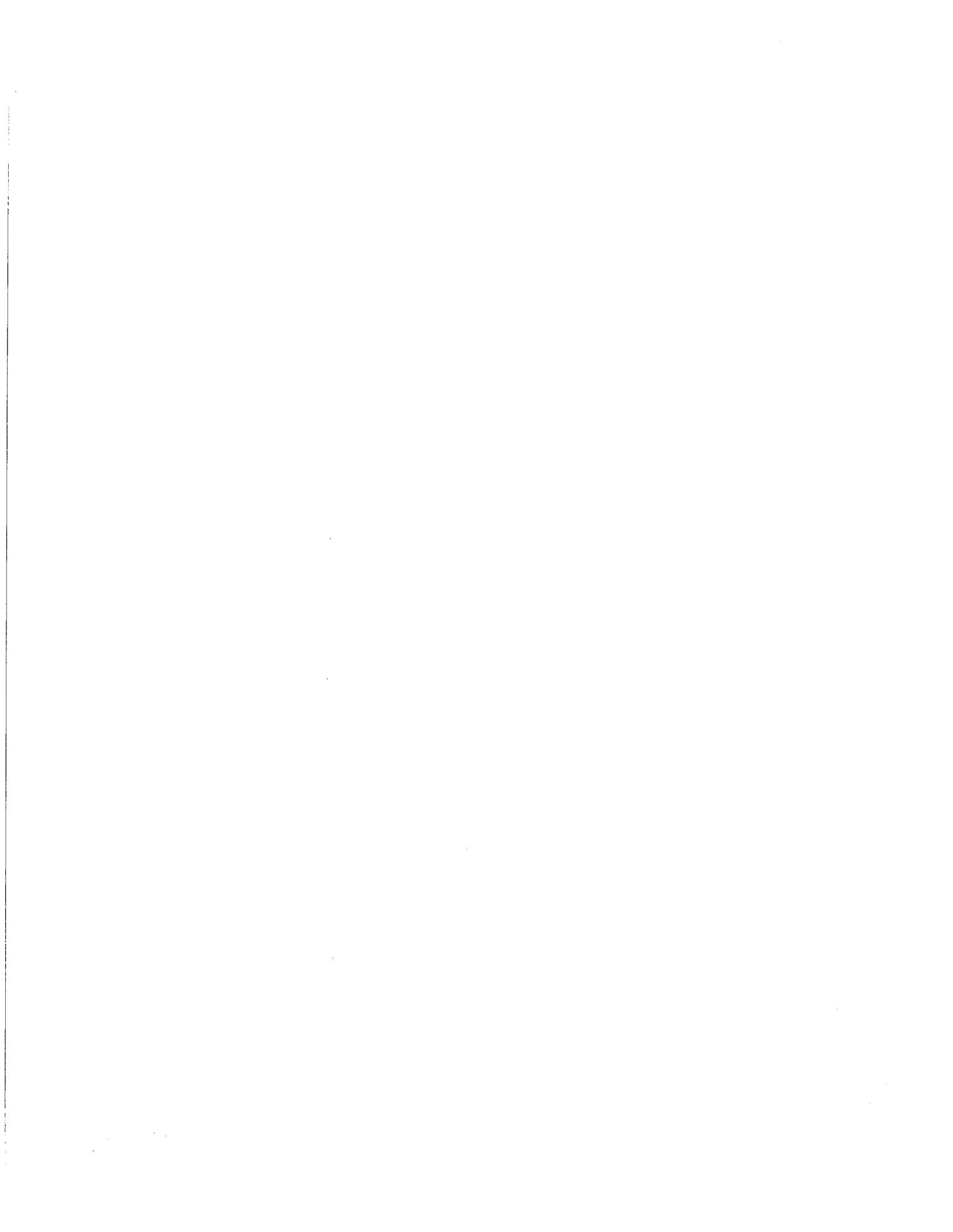
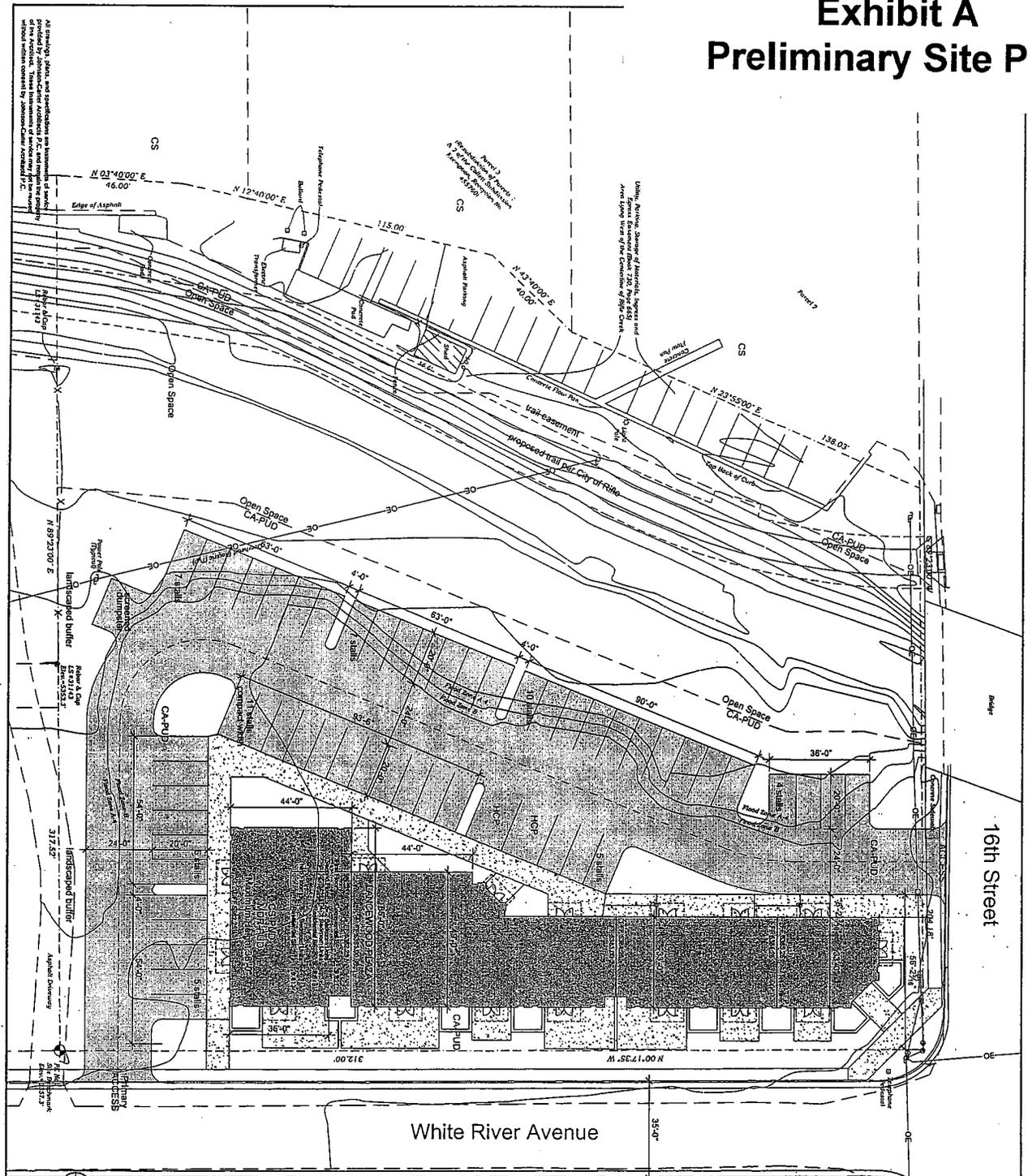


Exhibit A Preliminary Site Plan



and Use Summary Statement:

1. Total Area of the Proposed Subdivision	65,299 SF
2. Area of Open Space Land	0,853 Acres (see outside Zone A)
3. Number of Residential Units	17
4. Maximum Number of Units per Lot	1
5. Maximum Number of Units per Acre	17
6. Maximum Number of Units per Acre (including Open Space)	17,000 SF
7. Maximum Number of Units per Acre (including Open Space)	20,897 SF
8. Maximum Number of Units per Acre (including Open Space)	20,897 SF
9. Maximum Number of Units per Acre (including Open Space)	20,897 SF
10. Maximum Number of Units per Acre (including Open Space)	20,897 SF
11. Maximum Number of Units per Acre (including Open Space)	20,897 SF
12. Maximum Number of Units per Acre (including Open Space)	20,897 SF
13. Maximum Number of Units per Acre (including Open Space)	20,897 SF
14. Maximum Number of Units per Acre (including Open Space)	20,897 SF
15. Maximum Number of Units per Acre (including Open Space)	20,897 SF
16. Maximum Number of Units per Acre (including Open Space)	20,897 SF
17. Maximum Number of Units per Acre (including Open Space)	20,897 SF
18. Maximum Number of Units per Acre (including Open Space)	20,897 SF
19. Maximum Number of Units per Acre (including Open Space)	20,897 SF
20. Maximum Number of Units per Acre (including Open Space)	20,897 SF

Applicant & Consultant Information:

Applicant:
 Lancewood Plaza, LLC
 900 Central Drive, Suite 201
 Rifle, CO 81650
 970-230-1110

Project Address:
 1135 Whiteriver Avenue, Rifle, CO 81650
 970-230-1110

Project Architect:
 TLI, Northwest International
 126 East Third Street
 Rifle, CO 81650
 970-230-1110

Project Engineer:
 Lancewood Plaza, LLC
 900 Central Drive, Suite 201
 Rifle, CO 81650
 970-230-1110

Project Surveyor:
 Lancewood Plaza, LLC
 900 Central Drive, Suite 201
 Rifle, CO 81650
 970-230-1110

Site Plan, Lancewood PUD

Scale: 1/16" = 1'-0"

0 8 12 24 36 60

Lancewood Plaza, LLC
 1135 Whiteriver Avenue
 Rifle, Colorado

Planned Unit Development

1135 Whiteriver Avenue
 Rifle, Colorado
 81650

Project Information

Project Name: Lancewood Plaza, LLC
 Project Address: 1135 Whiteriver Avenue, Rifle, CO 81650
 Project Engineer: Lancewood Plaza, LLC
 Project Surveyor: Lancewood Plaza, LLC

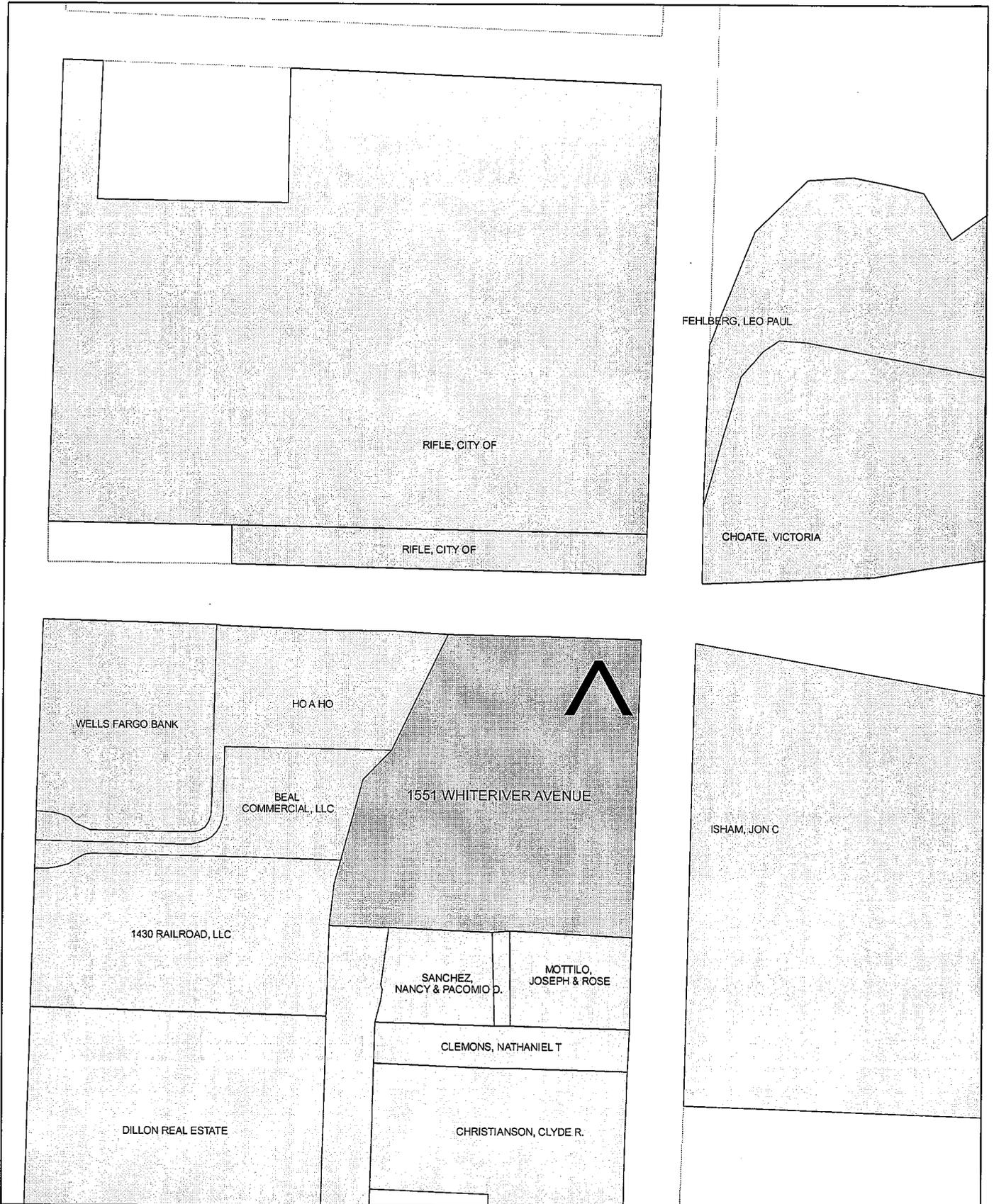
Professional Engineer

John A. Smith
 License No. 12345
 State of Colorado

Professional Surveyor

John A. Smith
 License No. 12345
 State of Colorado

Ownership Map



**CITY OF RIFLE, COLORADO
ORDINANCE NO. 26
SERIES OF 2009**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING THE
VACATION OF A PORTION OF THE ALLEY BEHIND 431 EAST 1ST STREET
WITHIN THE CITY.

WHEREAS, Laurie Spakanik (hereinafter "Owner") owns certain real property located at 431 East 1st Street and known as a portion of Lot 4 and all of Lot 5, Block 6, Clarkson and Munro Addition to the Town of Rifle (hereinafter the "Property"); and

WHEREAS, a sixteen foot (16') wide alley is located south of the Property, which alley is not developed or capable of being developed because of topography; and

WHEREAS, Owner filed a Petition with the City of Rifle, Colorado, requesting that it vacate the portion of the alley adjacent to the Property (hereinafter "right-of-way vacation"), which right-of-way vacation is depicted on Exhibit A and incorporated herein by this reference, as it serves no public purpose; and

WHEREAS, the City shall not vacate any easement, right-of-way or roadway if doing so would jeopardize the rights of the public, or any public utility; however, in this case, the proposed right-of-way vacation would not jeopardize the public, any public utility, or deny any owner of access to their property; and

WHEREAS, pursuant to C.R.S. §43-2-303(1)(a), the City Council may vacate any roadway or part thereof located within the corporate limits of the City subject to any provision of the City Charter, the Constitution and the Statutes of the State of Colorado; and

WHEREAS, the City Council finds and determines that the right-of-way vacation is not presently needed nor will it need to be used by the City or the public, and it desires to grant the vacation.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. Incorporation. The Rifle City Council adopts the foregoing recitals and conclusions as facts and determinations and incorporates them by reference as if set forth in full herein.
2. Vacation and Merger. A portion of the alley south of the Property as depicted on Exhibit A, is hereby vacated and this vacated right-of-way shall merge with the Property as provided by C.R.S. §42-2-302.
3. Recordation. The right-of-way vacation provided for herein shall not become

effective until this Ordinance is recorded with the Office of the Clerk and Recorder of Garfield County by the City.

4. Cost Reimbursement. Owner shall reimburse the City for all legal and engineering fees, expenses, and costs incurred in connection with this right-of-way vacation and Ordinance.

5. Waiver of Defects. In executing this document, Owner waives all objections she may have over defects, if any, in the form of this document, the formalities for execution, or over the procedure, substance, and form of the ordinances or resolutions adopting this document.

INTRODUCED on August 5, 2009, read by title, passed on first reading with amendment, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on August 19, 2009, passed without amendment, approved and ordered published in full as required by Charter.

Dated this ____ day of _____, 2009.

CITY OF RIFLE, COLORADO

By: _____

Mayor

ATTEST:

City Clerk

OWNER:

Laurie Spakanik





MEMORANDUM

TO: MATT STURGEON, PLANNING DIRECTOR
FROM: NATHAN LINDQUIST, PLANNER
DATE: JULY 29, 2009
SUBJECT: RIGHT OF WAY VACATION 2009-1
431 EAST 1ST STREET
APPLICANT: LAURIE SPAKANIK

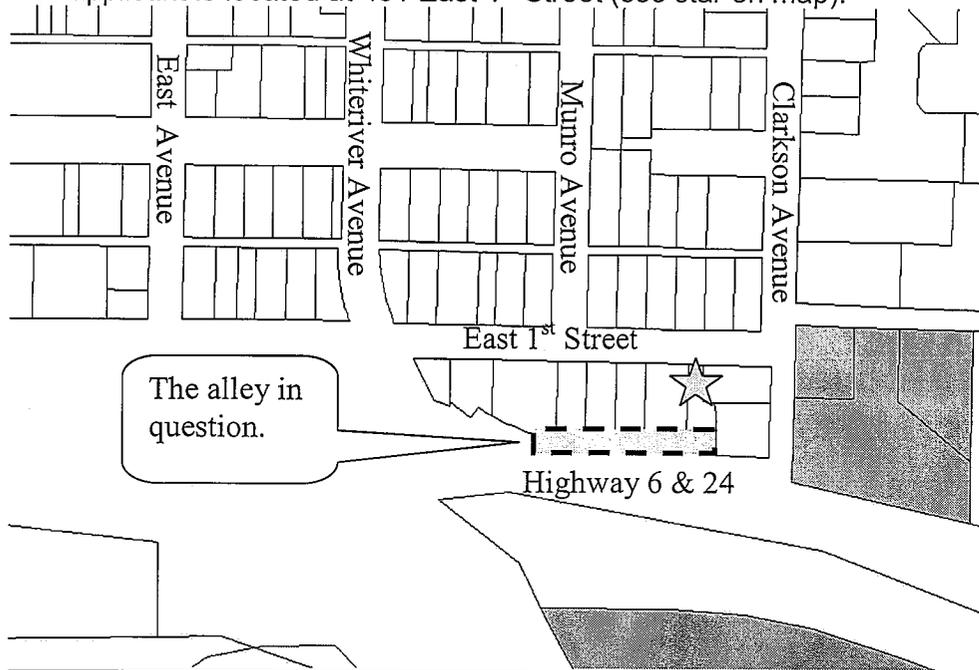
PURPOSE

The applicant seeks a Right-of-Way Vacation for a portion of a city-owned alley that runs between East 1st Street and Highway 6 & 24. A part of the applicant's house encroaches in the alley right-of-way. The right-of-way for the alley was platted in the early 1900s with the Clarkson and Munro Subdivision, but the alley itself was never built or used. The steep hillside in this location makes it doubtful that the alley could ever be constructed. Also, the alley does not serve any useful purpose or provide access to any lots, as to the south of the alley is a steep hill, with Highway 6 & 24 at the bottom of the hill.

Given the unnecessary nature of the alley and the encumbrance to the applicant's property, staff recommends that the portion of the alley that is directly to the south of the applicant's property be vacated.

LOCATION

The applicant is located at 431 East 1st Street (see star on map).



RECOMMENDATION

Staff recommends that City Council APPROVE Right of Way Vacation 2009-1.



				HOPPER BOYD JEREL & GEORGINA LEE
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	HELFFENBEIN, GEORGE & JAMES	JOHNSON, JEFFREY B.	KIRBY, MARTY	CLARKE, PHIL &	TOSNARE, RENE	NIEMAN, ALAN J.
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E. 1ST STREET

COULSON, JOHANNHAR	405 EAST FIRST STREET LLC	JURGENS, KEITH L & JOYCE A	WAMMER, MICHAEL R.	★	LEMONIE, SHIRLEY A.	GREEN, STANTON LEO
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CLARKSON AVE

HUMPHREY, SCOTT

DAUGHERTY, MATHEW/DORMAN

ESTES, ROLLIN L. EDNAVAL

DRGR DEPT. OF PUBLIC TRANSPORTATION

CITY OF RIFLE, COLORADO
ORDINANCE NO. 25
SERIES OF 2009

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 4-2-30 OF THE RIFLE MUNICIPAL CODE, "DEFINITIONS," AND ADDING A NEW SECTION 4-2-50 REGARDING SALES AND USE TAX REBATES FOR QUALIFIED PHOTOVOLTAIC AND SOLAR THERMAL SYSTEM INSTALLATIONS.

WHEREAS, the City of Rifle wishes to promote the deployment of clean, renewable energy in the community and stimulate economic development by diversifying the local economy and encouraging residents to spend their energy money locally; and

WHEREAS, to this end, the City wishes to implement a sales and use tax rebate program for qualified photovoltaic and solar thermal system installations; and

WHEREAS, the Rifle City Council finds and determines that the best interests of the City will be served by amending Section 4-2-30 of the Rifle Municipal Code and creating a new Section 4-2-50 to implement the rebate program accordingly.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

Section 1. The aforementioned recitals are hereby fully incorporated herein.

Section 2. Section 4-2-30 of the Rifle Municipal Code, "Definitions," is hereby amended by the addition of new definitions for "Photovoltaic and Solar Thermal Systems," "Photovoltaic System Components," and "Solar Thermal System Components" to read as follows.

4-2-30. Definitions.

Photovoltaic and Solar Thermal Systems shall mean products or components that are intended to and capable of converting sunlight for the purposes of generating electricity or hot water for domestic or commercial use, industrial processes, space heating, pools, or spas.

Photovoltaic System Components include, but are not limited to, solar modules, trackers, generating equipment, supporting structures or racks, inverters, towers and foundations, balance or system components such as wiring, control systems, switchgears, and generator step-up transformers, and concentrating photovoltaic power components that include, but are not to, mirrors, plumbing, and heat exchangers. As used in this Chapter, photovoltaic power components shall not include any components beyond the point of generator step-up transformers located at the production site, labor, energy storage devices, or remote monitoring systems.

Solar Thermal System Components include, but are not limited to, solar collectors, including flat-plate collectors, evacuated tube collectors, solar air collectors, and concentrating solar thermal collectors, tanks for the storage of gases or liquids that have been heated or cooled by solar-generated energy, pumps, impellers, and fans for the circulation of gases or liquids that have been heated or cooled by solar-generated energy, heat exchangers used to transfer solar-generated energy, support structures, racks, and foundations for any of the above listed components, and any other system components such as piping, valves, gauges, fittings, insulation, and controls for any components described herein. As used in this Chapter, solar thermal components shall not include any components beyond the point of generator step-up transformers located at the production site, labor, energy storage devices, or remote monitoring systems.

Section 3. A new Section 4-2-50 of the Rifle Municipal Code, "Photovoltaic and Solar Thermal Systems," is hereby adopted to read as follows.

4-2-50. Photovoltaic and Solar Thermal Systems. The City shall rebate to the taxpayer a portion of sales and use taxes paid under this Chapter for Photovoltaic and Thermal Systems professionally installed on or after September 1, 2009. The sales and use tax rebate shall apply to purchases of Photovoltaic System Components and Solar Thermal System Components as defined in Section 4-3-20 only. To be eligible, the purchaser must comply with all rules and regulations for the program promulgated by the City and available for inspection at City Hall. This program shall not be deemed a change in taxing policy and shall terminate on August 31, 2012.

Section 4. The City hereby adopts the Solar Tax Rebate Rules and Regulations attached hereto as Exhibit A and incorporated herein by this reference. A copy of the Solar Tax Rebate Rules and Regulations will be available for inspection at Rifle City Hall during normal business hours and may be amended by future resolution of the City Council.

INTRODUCED on the 5th day of August, 2009, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on the 19th day of August, 2009, passed with amendment, approved, and ordered published in full as required by the Charter.

DATED this _____ day of _____, 2009.

CITY OF RIFLE, COLORADO

By _____

Mayor

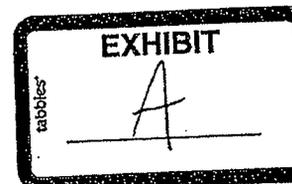
ATTEST:

City Clerk

**CITY OF RIFLE, COLORADO
SOLAR TAX REBATE PROGRAM
RULES AND REGULATIONS**

Pursuant to Ordinance No. 25, Series of 2009, the Rifle City Council adopted the City of Rifle Solar Tax Rebate Program (the "Program"). The City offers a sales and use tax rebate to Rifle residents or businesses who install a solar photovoltaic and/or solar thermal (hot water) system between September 1, 2009 and August 31, 2012. Rebates are based on the City of Rifle sales and use tax paid on components specific to the professional installation of a photovoltaic or solar thermal system. The total rebate per property for the duration of the Program is limited to a maximum of \$3,000, regardless of the total amount of tax paid. To be eligible for the discount, applicants must meet the following requirements:

- Applicants must prepare and submit a copy of the City's Solar Tax Rebate Program application along with complete documentation to the City of Rifle Building Department within sixty (60) days of receipt of a Certificate of Completion or Occupancy.
- The rebate cannot be retroactively applied to previously installed systems. Only systems constructed between September 1, 2009 and August 31, 2012 are eligible.
- The rebate applies only to the purchase and professional installation of photovoltaic and solar thermal system components as defined in Section 4-2-30 of the Rifle Municipal Code. Supporting structures and transmission lines are not eligible for the rebate. City staff will make the final determination as to what machinery or parts are eligible.
- All eligible solar thermal systems must be certified by the Solar Rating Certification Corporation ("SRCC") or a successor organization.
- All solar photovoltaic modules installed in the City must be tested by a nationally recognized laboratory such as Underwriters Laboratories.
- The City of Rifle Solar Tax Rebate Program applies only to City of Rifle sales and use taxes. Taxes paid to other taxing districts such as the State or Garfield County are ineligible. In no instance shall a rebate exceed the amount of City taxes paid or the maximum rebate amounts provided by the Program.
- Eligible systems must be professionally installed due to the technical nature of the equipment and potential dangers which may result from improper installation. The applicant must demonstrate that a professional contractor licensed to do business in the City of Rifle installed the photovoltaic or solar thermal system.
- Notwithstanding the per property limitation above, applicants who purchase a property with an existing photovoltaic and/or solar thermal system and expand such system or implement an additional system are eligible for the Solar Tax Rebate Program regardless of whether the previous owner participated in the Program.





MEMORANDUM

To: John Hier, City Manager
From: Mike Braaten, Government Affairs Coordinator
Date: July 30, 2009
Re: Solar Sales and Use Tax Rebate Ordinance

At City Council's request, staff has developed the proposed ordinance to provide a rebate of sales and use taxes paid on solar power or solar hot water system installations in the City of Rifle.

The Ordinance:

The ordinance allows for broad and basic authority to implement a solar sales and use tax rebate for installations in the City of Rifle. The proposed rules and regulations were developed by staff. The rebate will sunset in three years from the effective date unless Council takes action to extend the rebate. The proposed effective date is September 1, 2009. No rebates will be provided for systems completed prior to the effective date.

Why a Rebate:

The rebate will provide a reduction to the final cost of the purchase and installation of a solar power or solar hot water system in the incorporated limits of the City of Rifle. Staff proposed a rebate as opposed to a waiver of fees to ensure those desiring a rebate of the sales and use tax also have their solar systems installed by licensed contractors, ensure their systems meet industry certifications/standards, and the installation is inspected by the City.

Amount of Rebate:

The proposed sales and use tax rebate will apply only to the tax imposed by the City of Rifle. The proposed total maximum amount of a rebate per property is \$3,000 total, which would allow a project or projects with a total valuation of approximately \$85,000 to be installed free of Rifle sales and use tax. The rebate is available to any property owner in the City – residential, commercial, industrial, etc.

Administration of Rebate:

The rebate will be provided at the back-end of the installation and will be available after final inspection and approval by the City of Rifle Building Department. A property owner desiring the rebate will be required to pay for a building permit and the sales and use tax, purchase a system that meets industry certification and/or is UL approved, have the system professionally installed by a licensed contractor and have the installation inspected and approved by the building department. Once installation is completed and a Certificate of Occupancy or Completion is issued by the building department, the property owner or their designee will be asked to provide some basic information and a completed rebate form and provide it to Building Department to certify. If complete, the Building Department will forward the rebate request on to Finance to cut a check to the property owner or their designee.

See the rules and regulations exhibit to the ordinance and the attached proposed rebate form and supplemental program requirements and frequently asked questions for more information.

City of Rifle - Solar PV and Solar Thermal Sales and Use Tax Rebate

The rebate is only available to Rifle property owners who install a solar photovoltaic (PV) and/or solar thermal (hot water) system after September 1, 2009.

Rebates are based on the City of Rifle sales and use tax paid on machinery specific to the installation of a solar PV or solar hot water systems. The maximum total rebate per property is limited to \$3,000 of total City tax paid. Only City of Rifle sales or use taxes will be considered for the rebate. The rebate cannot be applied retroactively for systems previously installed.

To obtain the rebate, provide the following documentation to the City of Rifle, Building Department, 202 Railroad Ave, Rifle, CO 81650, within 60 days of Rifle Building Department Certification of Completion or Occupancy.

1. This completed form
2. A legible copy of the purchase receipt(s) or contractor's invoice
3. A legible copy of the City of Rifle Permit Receipt
4. A copy of the Rifle Building Department certification of completion or certification of occupancy

Please provide installation information as appropriate

Solar Electric (PV)	System size (kW):
Solar Thermal	Purpose (domestic, radiant heat, spa, etc.):
	Existing water heater powered by Natural gas _____ Electric _____

PROPERTY OWNER NAME: _____

RIFLE PROPERTY ADDRESS (WHERE SYSTEM IS INSTALLED): _____

CITY OF RIFLE PERMIT NUMBER: _____

CONTRACTOR NAME: _____

CONTRACTOR PHONE NUMBER: _____

PROPERTY OWNER PHONE NUMBER: _____

EMAIL (OPTIONAL): _____

TOTAL CITY RIFLE SALES/USE TAX PAID ON SOLAR SYSTEM (FOUND ON PERMIT RECEIPT): \$ _____

NAME & ADDRESS FOR REBATE CHECK (IF TO BE CUT TO ANYONE OTHER THAN THE PROPERTY OWNER): _____

SIGNATURE OF PROPERTY OWNER CERTIFYING THE ABOVE INFORMATION AS CORRECT

X _____ DATE: _____

Supplemental Rebate Program Requirements and Frequently Asked Questions

1. Systems eligible for the City of Rifle's rebate program must have been installed after September 1, 2009
2. All solar thermal/hot water systems must be SRCC (or its successor organization) certified. For more information or systems that meet SRCC certification, check the Solar Rating Certification Corporation's website at www.solar-rating.org.
3. All solar PV modules/panels installed in the City must be tested by a nationally recognized testing laboratory such as Underwriters Laboratories (UL).

What is the rebate?

The rebate, implemented by City Ordinance, provides a maximum total rebate of Rifle sales and use tax up to \$3000 for the installation of Solar PV and/or Solar Thermal systems on a single property. The rebate will be available to qualified systems installed with the City of Rifle after September 1, 2009.

What is eligible for the rebate?

The City uses a definition similar to the Colorado Department of Revenue in that the rebate applies to the installed machinery, such as the solar panels (modules) and power inverter, but not to the supporting structures (if any) or to the transmission lines to or from the machinery. City staff will make the final determination if there are any questions related to what machinery or parts are eligible for the rebate.

Are taxes paid to another taxing district (state, county, etc.) subject to the rebate?

No. Only City of Rifle sales and use taxes are eligible to be rebated. In no instance will a rebate exceed the amount of City taxes paid or the maximum rebate amounts provided by the program.

Why is the City offering this rebate program? The City is interested in reducing solar installation costs to property owners, encouraging the deployment of clean renewable energy, stimulating local businesses, keeping its residents' energy money local and diversifying the local economy.

What if I just bought my house and it already has a solar PV and/or solar thermal system and now I want to install a new system and/or expand the existing solar system?

The \$3,000 rebate is available to expand or add new solar systems.

Are owner installed/owner built systems eligible? No. Due to the technical nature of the equipment and the potential dangers due to improper installation, to receive the rebate the City requires a homeowner to be or hire a professional contractor licensed to do business in the City of Rifle. Contact the Rifle Building Department for information on contractors licensed to perform work in Rifle.

DISCLAIMER – This rebate program is scheduled to end August 31, 2009, but may be discontinued by Council action at any time.



MERITAGE
DEVELOPMENT GROUP

July 22, 2009

John Hier
202 Railroad Avenue
Rifle, CO 81650

Dear Mr. Hier,

The purpose of this letter is to provide additional detail to our original request made June 22, 2009 for the City of Rifle to authorize SGM to provide engineering services in connection with the RimRock development. Meritage Development Group is not requesting that SGM design the entire infrastructure system at RimRock. We are asking that the City authorize SGM to design the backbone infrastructure that is needed to serve the future residential areas at RimRock and neighboring properties. The residential areas within RimRock will be designed to tie into the backbone system at a later date and we are not seeking an approval for SGM to perform that future work. The following list includes the items that we consider to be backbone infrastructure.

Water

- 3-MG Storage Tank Area Transmission Main Improvements
- Transmission Line from Coal Mine Connection Point to Booster Pump Station & Aligned Access Road
- Booster Pump Station
- Transmission Line from Booster Pump Station to Palomino Park & Aligned Access Road
- Valve Vaults in Palomino Park Area
- Transmission Line from Booster Pump Station to New Water Storage Tanks Aligned Access Road
- New Water Storage Tanks

Sanitary Sewer

- Collection Line from Off Site Point of Connection to RimRock Parcel 6

Storm Sewer

- Grand Tunnel Ditch Improvements

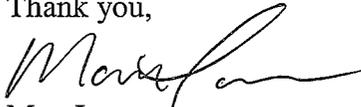
- Conveyance of Off Site Storm Water to Government Creek

Roadways

- Collector Roads A, A1, A2, B, C, 41st St and 36th St
- State Highway 13 Intersections
- Government Creek Bridges

Attached to this letter is a Map (Exh 1) indentifying the backbone improvements at RimRock..

Thank you,



Matt Lamm

cc: Matt Sturgeon, City of Rifle
Rod Hamilton, City of Rifle
Charles Stevens, City of Rifle
Dick Deussen, City of Rifle
Scott Russell, Meritage
Dan Cokley, SGM

MEMORANDUM

TO: John Hier, City Manager

FROM: Matt Sturgeon, Assistant City Manager *MS*

COPY: Rod Hamilton, Public Works Director; Charlie Stevens, Utility Director; Dick Deussen, City Engineer

DATE: July 27, 2009

SUBJECT: Rimrock at Rifle Engineering Services Request

The Public Works Director, Utility Director, City Engineer and I discussed the request made by Meritage Development Corporation in a letter dated July 22 to use the services of SGM for the purpose of designing the "backbone" infrastructure serving Rimrock as well as north Rifle. This meeting was held for the purpose of making a recommendation to City Council who will act on this matter August 5.

Staff feels the question being asked by Meritage is one regarding City policy. Consensus was reached in the meeting to offer the following comments for your and City Council's consideration as this request is reviewed.

1. SGM has historically functioned as the City's design and development review engineer with the understanding that SGM would perform no design work for private developers within the corporate boundaries of the City. This avoids the ethical dilemma of having SGM design and quality control their own work; a process that would also provide an unfair competitive advantage to SGM over other engineering and surveying companies. If City Council allows SGM to design any or all of the work described by Meritage, staff strongly recommends the City retain a third party engineer to quality control SGM's design work at the developer's expense. Staff does not have the human resources to take on the responsibility of being the primary reviewer of SGM's work at this time.
2. If SGM is permitted to conduct this work, it will have the appearance that the City "handed" SGM this work outside of a competitive bid process. Staff is unable to view the proposed scope of work as "integral" to the City's infrastructure system to a point that SGM should be provided the exclusive right to provide the design services.

**LEAVENWORTH & KARP, P.C.
ATTORNEYS AT LAW**

EST. 1980

LOYAL E. LEAVENWORTH
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**(Please direct all correspondence
to our Glenwood Springs Office)*

ANNA S. ITENBERG
CASSIA R. FURMAN
JENNIFER M. SMITH
T. DAMIEN ZUMBRENNEN

July 30, 2009

Mayor Keith Lambert
Members of City Council
City of Rifle
PO Box 1908
Rifle CO 81650

RE: Colorado River District Request for Funding for Programmatic Biological
Opinion Compliance

Dear Mayor Lambert and Members of the Council:

It is my understanding that Charlie Stevens has included in the Council packet a copy of the letter the City received from Dan Birch, the Deputy General Manager of the Colorado River Water Conservation District. The letter is dated June 8, 2009. In that letter, the River District is requesting participation by the City in the cost of an environmental compliance related to the existing Programmatic Biological Opinion (PBO) for the Colorado River. The PBO was negotiated and put in place in 1999. As you may recall, we participated in that process on behalf of the City and other public entity water suppliers. The purpose of the PBO was to allow for environmental compliance that would achieve a favorable determination from the Fish and Wildlife Service regarding the four endangered fish species located in the Colorado River.

Part of the PBO required Colorado water users to provide 10,825 acre feet per year for fish recovery. This was to be done on an interim basis, and has been done, but a permanent solution must be in place by 2012. Half of the obligation (5,412.5 acre feet per year) is provided by the east slope to allow the existing trans-mountain diversions to continue and the other half was a western slope obligation. The River District has been providing this water, as has the Denver Water Board, on an interim basis.

As a result of continued negotiations, the preferred west slope alternative for its permanent supply is using water stored in Ruedi Reservoir for this purpose. The River District hopes to secure federal legislation that would allow for the use of this water on a non-reimbursable basis. In other

LEAVENWORTH & KARP, P.C.

Page 2

words, unlike the City's contract, which has annual payment obligations to repay the cost of principal and interest associated with the City's pro-rata share of water in the reservoir, if approved by congress the cost of this portion of the water would not require repayment to the federal treasury, but become a non-reimbursable cost absorbed by the federal government.

As explained in the River District's letter, the preferred alternative requires compliance with the National Environmental Policy Act (NEPA). The River District is spear heading this effort for the western slope but believes that, because of the various and numerous beneficiaries of the PBO, that the cost should be shared. Attached is a copy of a email I sent to Dan Birch, together with his responses, regarding how the formulas were determined. As you can see, the formula is somewhat arbitrary and some entities have in fact contributed more than requested.

It is very important for the City, as well as all western Colorado water users, that the PBO remain in place, that a permanent source of supply for the 10,825 acre feet be found, and that the NEPA process to allow this to happen go forward. Therefore, it is our recommendation that the City grant the request as part of its 2010 budget. Although some expenses will be incurred this year, what will work is a pledge, subject to appropriation, to participate in funding in 2010. It is our further recommendation that the City consider contributing \$10,000-\$15,000 for this effort. I believe that the City's water rights dedication fund is an appropriate source for this money since our ability to maintain and use our Ruedi Reservoir contract with the Bureau of Reclamation (a federal agency) is dependent on the PBO remaining in place.

I will be at your meeting to answer any questions you might have, as will Mr. Birch, who will make a presentation.

If you have any questions, I will be happy to answer them at the meeting.

Very truly yours,

LEAVENWORTH & KARP, P.C.


Loyal E. Leavenworth

LEL:ers

Enclosure

cc: John Hier
Matt Sturgeon
Charlie Stevens
Michael Erion

Loyal E. Leavenworth

From: Dan Birch [dbirch@crwcd.org]
Sent: Wednesday, July 29, 2009 9:24 AM
To: Loyal E. Leavenworth
Cc: Peter Fleming; Charlie Stevens; John Hier
Subject: RE: June 8 Letter to City of Rifle re PBO

Thanks, Lee. Please see my responses below. I'm happy to discuss further if you or Charlie wish.

From: Loyal E. Leavenworth [mailto:lel@lklawfirm.com]
Sent: Friday, July 17, 2009 10:09 AM
To: Dan Birch
Cc: Peter Fleming; Charlie Stevens; John Hier
Subject: June 8 Letter to City of Rifle re PBO

Dan:

Charlie Stevens of Rifle shared your June 8 letter and enclosure with me as water counsel for the City of Rifle. It is my understanding that you will be at the meeting on August 5 in Rifle to make a brief presentation to the City Council in this regard. In anticipation of that meeting, after talking with Charlie, we had some questions that perhaps you could respond to prior to the meeting:

1. It appears CRWCD is looking for a pledge at this point. When is funding actually anticipated to be needed? Funding will be needed starting in the next month or so and NEPA is estimated to require 6-12 months to complete, i.e. funding will be needed next year as well. There have been a number of entities that because of current budget woes are planning to budget for next year and we can make that work.
2. We were somewhat at a loss as to how the contributions were determined. For example, the Eagle District and Authority serve 54,000 people in peak season; the City of Rifle (and probably Glenwood) serve between 8,000 and 8,500 people. Also, the dollar distinctions between municipal providers, conservancy districts, and agricultural don't seem to be tied at all to the acre feet of use (diversions or consumption). As you know, the River District has a large Ruedi contract while the City of Rifle's Ruedi contract is only for 358 acre feet, yet Rifle is asked to pay 50% more than the River District. Similarly, GVIC and OMID consume huge amounts of water. I know there is no perfect way to propose contributions, and Ag. clearly has a lesser ability to pay, but I think the rationale for the approach needs to be explained. It's somewhat arbitrary and as you suggest, our request is not closely tied to levels of water use. (There is 500kaf of consumptive use on the west slope above the 15-Mile Reach, and 80% of that is agricultural.) Municipal users were divided into small (less than 4,000), medium (4,000-8,000), and large (greater than 8,000), with the requested amounts of \$5,000, \$10,000, and \$15,000, respectively. We made some adjustments for towns, like Breckenridge, with a small permanent population but with an effective large population because of the resort influx. We viewed the water conservancy districts and the River District as a water conservation district, not as large water users per se. We viewed them as picking-up the slack for some of the individual water right holders and users that we did not capture. In the end, the amounts are suggested and Rifle is free to contribute nothing at all or any amount they feel is appropriate. Having said that, we hope people will recognize that any of the requested amounts are bargains when compared to what an individual city or other water user would need to do to obtain ESA compliance in the face of their own Section 7 consultation.
3. Assuming everybody paid the amount requested, it would appear that the fund might fall short of the actual costs of NEPA compliance. Is the River District proposing that it will come back for additional

contributions? Is the River District, which really represents all of Western Colorado, prepared to pick up the difference? I think we will be ok. Our current NEPA budget is \$550,000, one-half of which, or \$275,000 is the West Slope's obligation. To date we have over \$250,000 committed from the West Slope, including \$75,000 from the River District, \$30,000 from Ute WCD, and \$50,000 from the Vail area water districts, all of whom committed in excess of the request in order to boot-strap the process. (By the way, just yesterday, we received a commitment from Grand County in the amount of \$50,000. We did not request funding from counties because in large part they are not water users. Grand County does hold water rights and is interested in 10825 because the Granby part of the alternative will benefit Upper Colorado stream flows.)

Recall that as a water user, the RD is really a small-fry. Wolford has its own Section 7 consultation (for which we committed 6,000 a.f. of Wolford storage) and is not covered by the PBO. Aside from Wolford we have interests in Eagle Park and some Ruedi water which is largely uncontracted. We are nonetheless committing to a \$75,000 contribution, much more than any other water user. In effect this will help cover costs for NEPA in excess of \$550,000 and will cover water users who do not contribute.

We've intentionally kept the NEPA budget low, i.e. without much by way of contingency and as you well know NEPA costs are largely out of the control of the project proponent. So, there is a chance we will need to return and ask for additional financial assistance.

The bigger question will be whether we are successful or not with obtaining the Ruedi water as a non-reimbursable, i.e. for "free". If not, the cost for a Ruedi contract in the amount 5,412 af will be over \$8M

4. Did the River District check with the Bureau for the list of all Ruedi contractees? There may be others that should be added to the list. As I mention above, we did not include a number of individual contract holders and water right holders, assuming that in effect, the Water Conservancy Districts and the River District would cover those users.

When you have a chance, give me a call so we can discuss these questions.

Lee



Colorado River District

Protecting Western Colorado Water Since 1937

June 8, 2009

Mr. Charlie Stevens
City of Rifle
202 Railroad Ave.
Rifle, CO 81650

Dear Mr. Stevens:

Perhaps you are aware that there is a programmatic biological opinion (PBO) on the Colorado River which provides Endangered Species Act compliance to over 1 million acre-feet of existing and 120,000 acre-feet of new water depletions above the 15-Mile Reach¹, including those of your water system. The PBO was negotiated among water users and federal and state agencies and was put in place in 1999.

There are roughly 40 west slope major water users above the 15-Mile Reach that benefit directly from the protections offered by the PBO. Our depletions total roughly 500,000 acre-feet. The other half of the depletions stem from the various transmountain diversions that serve the Front Range.

One of the requirements of the PBO is for west slope and east slope water providers to dedicate a permanent water supply in the amount of 10,825 acre-feet to augment flows in the 15-Mile Reach. Water users have identified a preferred alternative of providing one-half from Ruedi Reservoir and one-half from Granby Reservoir.

There are a number of items that need to be addressed in order to implement the preferred alternative. To begin, since the preferred alternative utilizes federal storage facilities, we will need federal action and that action triggers the need for National Environmental Policy Act (NEPA) compliance, which in turn will require either an environmental assessment or an environmental impact statement. NEPA may cost as much or more than \$500,000, and it is incumbent on west slope water users to pay for one-half the cost.

That's the reason I am writing you today – to solicit a contribution in the amount of \$15,000 for a portion of the west slope's share of the NEPA-related expenses. We would be happy if you could pledge that amount of support now, but the essential intent of our letter is simply to provide an introduction to the issue. We plan to get in touch in the near future and hope to discuss this with you. We would also be happy to meet with you or make a presentation to your city council.

¹ The 15-Mile Reach refers to the 15 river miles of the Colorado River upstream of the confluence with the Gunnison River. This critical river reach is the focus of much of the Recovery Program's efforts to recover the four endangered fish species of the Colorado River. All four listed species inhabit this reach of the river.

201 Centennial Street / PO Box 1120 • Glenwood Springs, CO 81602

(970) 945-8522 • (970) 945-8799 Fax

www.ColoradoRiverDistrict.org

Page 2 of 2

West Slope Colorado River Water Users

June 8, 2009

Attached is some information that offers more explanation and background.

We look forward to talking with you and thank you in advance for your time and consideration.

Sincerely,

Daniel R. Birch, P.E.
Deputy General Manager

Attachment



Colorado River District

Protecting Western Colorado Water Since 1937

PROPOSED COST SHARE FOR Water Users' 10,825 Acre Feet of Water to Support Recovery of Endangered Fish in the Colorado River

Proposal: The Colorado River District is organizing west slope, Colorado River water users to share the costs associated with permitting of the preferred alternative to provide the 10,825 acre feet of water required by the 15-Mile Reach Programmatic Biological Opinion (PBO).

Background: In 1999, the U.S. Fish and Wildlife Service (FWS) issued a PBO for the 15-mile reach of the Colorado River in Colorado related to recovery efforts for the four fish species listed as endangered under the Endangered Species Act (ESA). The PBO provides ESA compliance for federal and non-federal water users in the Colorado River mainstem upstream of the Gunnison River for 1 million acre-feet/yr of existing depletions and 120,000 acre-feet/yr of new depletions.

As part of the PBO, Colorado water users agreed to provide 10,825 acre-feet/yr for fish recovery from interim water sources until December 2009, by which time a permanent source of water must be identified and agreements completed among water users and the FWS to provide a permanent source of "10,825 water." The permanent source or sources of water must be in place by 2012. This water delivery obligation is divided equally between east slope and west slope water users.

The Recovery Program and the PBO have successfully shielded water users from forced reductions or cessation of water uses that have marked ESA-actions elsewhere. In other words, compliance with the terms of the PBO is critical for all Colorado River water users.

To date, the River District, on an interim basis, has provided water from Wolford Mountain Reservoir the west slope's half of the 10,825 obligation. Denver Water, has covered on an interim basis the east slope water users' obligation from its Williams Fork Reservoir.

Process: Water users have identified the required permanent sources of water for endangered fish. Half of the 10,825 requirement will be met from converting a historical agricultural water right above Granby Reservoir and half from uncontracted, unobligated Ruedi Reservoir water. The report describing the alternatives considered and the preferred alternative can be found at: www.grandriver.us/10825.

Costs: The Colorado River District has provided the west slope's half of the interim water supply and nearly all west slope costs associated with the Recovery Program, to date. The District's board at its April meeting resolved that it could no longer solely fund all west slope costs. The River District therefore proposes a cost sharing arrangement with other west slope beneficiaries of the 15-

Mile Reach PBO to cover the costs of environmental permitting of the preferred 10,825 alternative. Requests for funding are:

Municipal Providers		
<i>Large (\$15,000)</i>	<i>Medium (\$10,000)</i>	<i>Small (\$5,000)</i>
Town of Breckenridge	Town of Carbondale	Town of Granby
Eagle River Water & Sanitation District	Copper Mountain Consolidated Metro District	Town of New Castle
City of Glenwood Springs	Grand County Water & Sanitation District	Town of Silverthorne
City of Aspen	Town of Frisco	Town of Kremmling
City of Rifle	Town of Gypsum	East Dillon Water District
Upper Eagle Regional Water Authority	Winter Park Water & Sanitation District	Town of Minturn
Clifton Water District	Town of Eagle	Town of Fraser
Ute Water Conservancy District		Town of Dillon
		Town of Grand Lake
		Town of Basalt
		Town of Parachute
		Town of Palisade
		Town of Silt
Conservancy Districts		
<i>Operational (\$10,000)</i>	<i>Non-Operational (\$1,000)</i>	
Colorado River Water Conservation District	Bluestone Water Conservancy District	
Basalt Water Conservancy District		
Middle Park Water Conservancy District		
West Divide Water Conservancy District		
Silt Water Conservancy District		
Agriculture		
<i>Large (\$10,000)</i>	<i>Small (\$1,000)</i>	
Grand Valley Irrigation Company	Orchard Mesa Irrigation District	
Grand Valley Water Users Association	Palisade Irrigation District	
	Mesa County Irrigation District	

Timing: Funding needs to be committed by July 1, 2009 in order to keep the NEPA process and implementation on schedule.

Implementation: The cost of purchasing a contract for 5,412.5 AF of water from Ruedi at the end of 2012 is projected to be roughly \$8 million. As this is just the west slope's half of the 10,825 obligation, this full amount would be entirely the west slope's obligation. The River District is

exploring Congressional legislation declaring the permanent dedication of the 5,412 to the fish as non-reimbursable (at no cost). As you know, however, when dealing with the federal government, there are no guarantees.

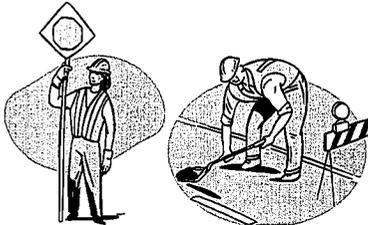
City Manager's Report



August 8, 2009

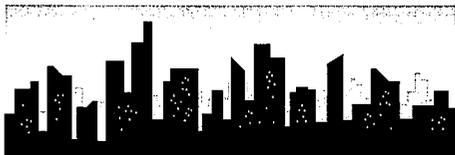
Over the past two weeks we have seen a slowing in the workload as City crews and employees have settled into their routines of summer maintenance programs. There has been a notable decrease in phone calls, inquiries, and other matters related to development programs. However, crews remain busy on many maintenance programs including parks, streets, and etc. Additionally, construction projects such as the Parks Maintenance Facility, Wastewater Plant, and DOLA Crew projects are moving forward on schedule. My comments are as follows:

Street Maintenance



Frontier Paving began work on Railroad Avenue and Whiteriver Avenue this week. The work includes curb and gutter replacement, asphalt milling, and overlay of new asphalt. Concrete curb and gutter replacement on Whiteriver Avenue has been more extensive than anticipated. As a result, we have brought our DOLA crew onto the site, and they are replacing some of the damaged curbs. They replaced the entire damaged curb on 5th Street. The Railroad Avenue work is complete as this report is being written, and the Whiteriver Avenue work should be complete by next week.

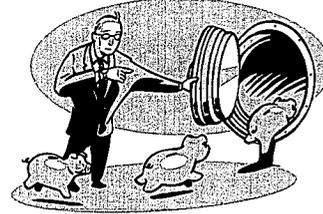
DOLA Grant



The City has applied to the Department of Local Affairs for a grant of two million dollars to assist with the development of the Rifle Energy Innovation Industrial Park. The grant would enable the City to provide infrastructure including streets, water, sewer and other utilities to the site. Funds would also be

used to improve the Highway 6 access to the property. Total cost estimates for this work are three to four million dollars. Garfield County has pledged one and a half million dollars for this project, and the City expects to come up to five hundred thousand dollars in soft costs. Development of the former UMTRA site will enable the City to create a permanent location for businesses which have the potential to increase the employment base of the region, and strengthen the local economy. We are excited about the prospect of moving this Energy Innovation Park forward.

Budget and Finance



The Finance Department continues to monitor City finances very closely. All City expenditures are undergoing intense scrutiny. City departments have been directed to make "cut-backs" in every possible budget. Revenues are being renewed monthly, and we are experiencing notable declines in virtually all revenue sources. Previously approved budget cuts have been implemented, and we are working on development of the 2010 budget. A copy of the Manager's budget preparation instructions is attached for Council review.

Senior Programs

We have received a proposed IGA and cost estimate for the Senior Nutrition and Transportation program. As I noted in previous reports, the City of Rifle's share of this budget will increase due to usage. We are in the process of evaluating these reports and will place them on an upcoming Council agenda for consideration.

The next several months will be extremely busy with completion of various capital projects and initiation of the 2010 budget. The staff and City Council member schedules will become busy with many extra work sessions. I appreciate everyone's cooperation and extra effort as we proceed with the tasks ahead.

As always, please do not hesitate to contact me with any questions or concerns you may have.

Sincerely,

John Hier

MEMORANDUM

To: Department Supervisors

From: John Hier

Date: July 27th, 2009

Re: 2010 Budget Preparation

Attached please find the forms all information and forms necessary to initiate preparation of 2010 budget requests. We will somewhat follow the same process as last year, and most of you should be familiar with it. However, due to the present state of the economy, and its impact upon local revenues, we will make several changes to the budget process. In 2010, these will include:

1. The enhanced maintenance level request column, will be removed from the budget request form. Economic conditions will preclude funding any enhanced budget requests.
2. Vehicles – Requests for vehicles should not be submitted. The City Council has deferred payments to the Fleet Fund for 2009, and the fund will not have a sufficient balance to purchase vehicles in 2010. I believe that there will be very little council support for new vehicles.
3. Staff- Requests for new staff will likely not be funded in the 2010 budget. Any exceptions, will need an extensive amount of documentation which supports the need, and identification of funds for the position. I am very doubtful, that the 2010 budget can support any new staff.

Present financial conditions indicate that all City Funds supported by sales taxes, will likely experience a 20% or more reduction in revenue in 2010. This is a dramatic decrease. It will likely affect the General Fund by more than \$2 million in 2010. I believe that it will be necessary to reduce budgets accordingly. Therefore, as you develop your 2010 budget requests, you will need to subscribe to the philosophy, that you will need to do more with less in many instances, and may have to reduce services.

We will meet with all staff to discuss the financial condition of the City and provide you with additional information as you begin preparation of your 2010 budget requests.

As you prepare your budget, I suggest you review the strategic plan to determine how it may impact your budget requests. Also, review the "To Do" list of city projects to

determine which if any you need to be budgeting, or re-budgeting funds to accomplish your work if perhaps you are in charge of projects being carried over into next year. Please do not assume that any 2009 un-used funds automatically carry over into next year. Uncompleted projects need to be included with estimated completion costs in the 2010 requests.

Charles Kelty (Finance Director) and I will be working on revenue forecasts as you begin work on your line item requests. Once the revenue projections are complete, we will all meet to review the results so that we have a clear understanding of monies available for the 2010 budget.

The Process

During August, budget preparers will complete their line item, capital, minor equipment, travel forms, and explanatory narrative. If you are responsible for more than one department please submit a narrative for each department separately. **All General Fund departments need to submit their proposed budgets by Friday, August 28th. All other budget requests must be submitted to the Finance Director no later than Tuesday, Sept 1st.**

The budget committee will include myself, Matt Sturgeon, and Charles Kelty. We will meet with each department during the month of September to review requests. A schedule of those meetings has been tentatively developed, and is attached. If budget requests exceed available revenue, cuts will be made at this stage. A balanced budget will be submitted to Council on Wednesday, October 1st. Council will conduct work sessions on the budget during October. Two public hearings will be held in November with the final budgeted being adopted no later than December 2nd.

Budget Forms

You are required to submit the following budget forms:

- a. Line Item Spreadsheet
- b. Capital Outlay form
- c. Minor Equipment form
- d. Travel detail form

Line item Spreadsheet

This is the standard spreadsheet with which you are familiar. There are two columns which require input: Projected 2009 year-end costs, and 2010 Maintenance costs. The Finance Director has calculated some preliminary 2009 year-end estimates as a starting point. However, these year-end estimates should be your best estimate of where each expenditure will be at year end. Therefore, please modify the year-end projections to best reflect your best guess. Some line items will exceed budgeted amounts and some will be less than budget amounts. Note, it is **not satisfactory to simply enter the 2009 budgeted**

amount as the estimated year end expenditure for a line item. You need to give these estimates some thought and ask for Charles' assistance if necessary.

The 2010 maintenance column needs completed. Again, because of the recession we are experiencing, we will find it necessary to decrease many budget line items to a level that is less than maintenance. Therefore this description is somewhat inaccurate, but will have to do for now. The Finance Director will contact each director once the Salaries and benefit estimates are completed so the costs can be reviewed. This will allow the directors the ability to sign off on the projections.

Departments should include all minor equipment purchases on the Minor Equipment Request Form; Minor equipment is any piece of equipment less than \$5,000 with an estimated useful life that exceeds one year. No minor equipment or capital purchases should be included within supply budgets.

The supply line item should include all purchases less than \$5,000 with an estimated useful life of less than one year. The Capital Equipment Request Form will include any equipment purchases greater than \$5,000 and an estimated useful life exceeding one year.

Maintenance Level Column

This column has historically included estimates for maintaining services at present levels. We will all find it necessary to reduce these estimates for 2010, and will not likely be able to budget adequate funds to "maintain" present levels of services. Provide your best estimates however, and we will make adjustments as necessary.

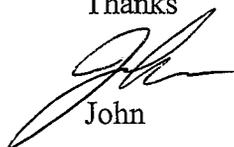
Budget Review and Committee participation

The budget committee will meet with each department supervisor to review their requests. The draft budget will be submitted to the city council on Friday, October 2nd.

I am aware that this will be an extremely difficult budget process. However, I am confident that if we all work cooperatively, we can deliver a budget which reflects available revenue, and which provides a satisfactory level of services to the citizens of Rifle.

I look forward to working with you on the 2010 budget.

Thanks



John



ENGINEERING / PUBLIC WORKS / UTILITIES

PROJECT STATUS REPORT as of: 8/5/09

* = New Information

Rifle Regional Wastewater Reclamation Facility

*Substantial Completion is expected in early September. Instrumentation and control work is underway. The 30" influent line is complete along US 6 except for the final connection to the existing pump station. Final grading work is being performed. Training is required for several items of equipment and a few systems. An equipment checkout program has been submitted by the contractor. Demonstration testing for each piece of equipment will begin in the near future. Roofing material has been delivered and installation is beginning. Electrical work is continuing. The City construction crew has installed a gravity sewer to the west to service the proposed Energy Park.

Water Treatment Plant Design

*Pilot testing of the ceramic filter unit is ongoing to obtain information for design using Colorado River water. A new coagulant (Ferric Sulfate) is now being tested. Bench testing at the University of Colorado is also ongoing on carbon and coagulant to obtain design information. Progress continues on the study (Phase 1) with the Basis of Design Report (BODR) scheduled for completion in November. A table of contents for the BODR has been submitted. A Project Management Plan has also been submitted and reviewed by Staff. A meeting in the field was held with Questar to discuss water pipeline alignments and possible interference with the high pressure gas main. CDPHE has notified the City that a waiver will be granted to the requirement for no-salt discharge back to the Colorado River after removing it by Reverse Osmosis. In other words, we can discharge the waste salt brine produced by the RO unit directly to the River.

2009 Street Improvements

*Paving has been completed on Railroad Avenue and will begin on Whiteriver Avenue after milling during the first week of August. Concrete replacement for various locations for curb, gutter and sidewalk has been completed. New handicap ramps have been installed as required. The City construction crew replaced curbing along 5th Street, west of Whiteriver Avenue.

Red Canyon Water & Sewer Replacement

An existing sewer and water main within an easement across the Red Canyon property from U.S. 6 Access Road near Rifle Creek to West 2nd Street are to be replaced. Plans were prepared in 2002 and have now been updated by SGM. It is anticipated the City construction crew will install one or both of these mains.

Rifle Creek Sewer Crossings Improvements

SGM has estimated the cost to prepare plans for construction to strengthen three sewer crossings across Rifle Creek as recommended in the Wastewater Master Plan. Depending upon the design approach, the City construction crew may be able to perform this work.

Centennial Park Development

*This project, underway by the Park Department will be inspected by City staff. The contractor is presently obtaining his bonds and insurance. A preconstruction meeting is scheduled for August 6th and work should begin shortly thereafter.

Airport Improvements

*The County of Garfield and the FAA will be providing inspection of the entire project but the portions of public improvements within the City will be inspected by City staff. We will also inspect the water and sewer mains for the new hanger development (a separate project) which will become City mains once constructed and approved by the City. We are awaiting approval of an IGA between the City and County prior to beginning work.

3rd Street Lighting

*Delivery of the light fixtures will take another 2 weeks. The contractor is ready to begin work once he receives the light fixtures.

Beaver Creek Reservoir Roof

*New beams and purlins have been installed and roof decking is underway. Roof membrane will be placed thereafter and substantial completion is expected (after disinfection) the first week of August. The Beaver Creek WTP should be back on-line the following week.

Hotel Improvements

*The Hampton Inn is now open. Super 8 held an open house on July 30th. Comfort Suites has discontinued construction due to the economic situation.

Rifle Arterial Transportation Engineering (Gateway, Hwy. 13)

*An Open House to present and obtain public comment on the various alternates and evaluation criteria was held on July 22nd. These alternatives can be viewed on www.riflegateway.com. A detailed traffic evaluation and

modeling is presently underway and a draft alternative report will be presented to City Staff for review in September.

2008 Water & Sewer Improvements

*The warranty items at the 3 mg tank are underway including pavement repair, silt fence removal and re-vegetation on one section of the slope at the west end of the tank. Work on 7th Street and on Railroad Avenue is yet to be completed.

***Senior Center Paving Replacement**

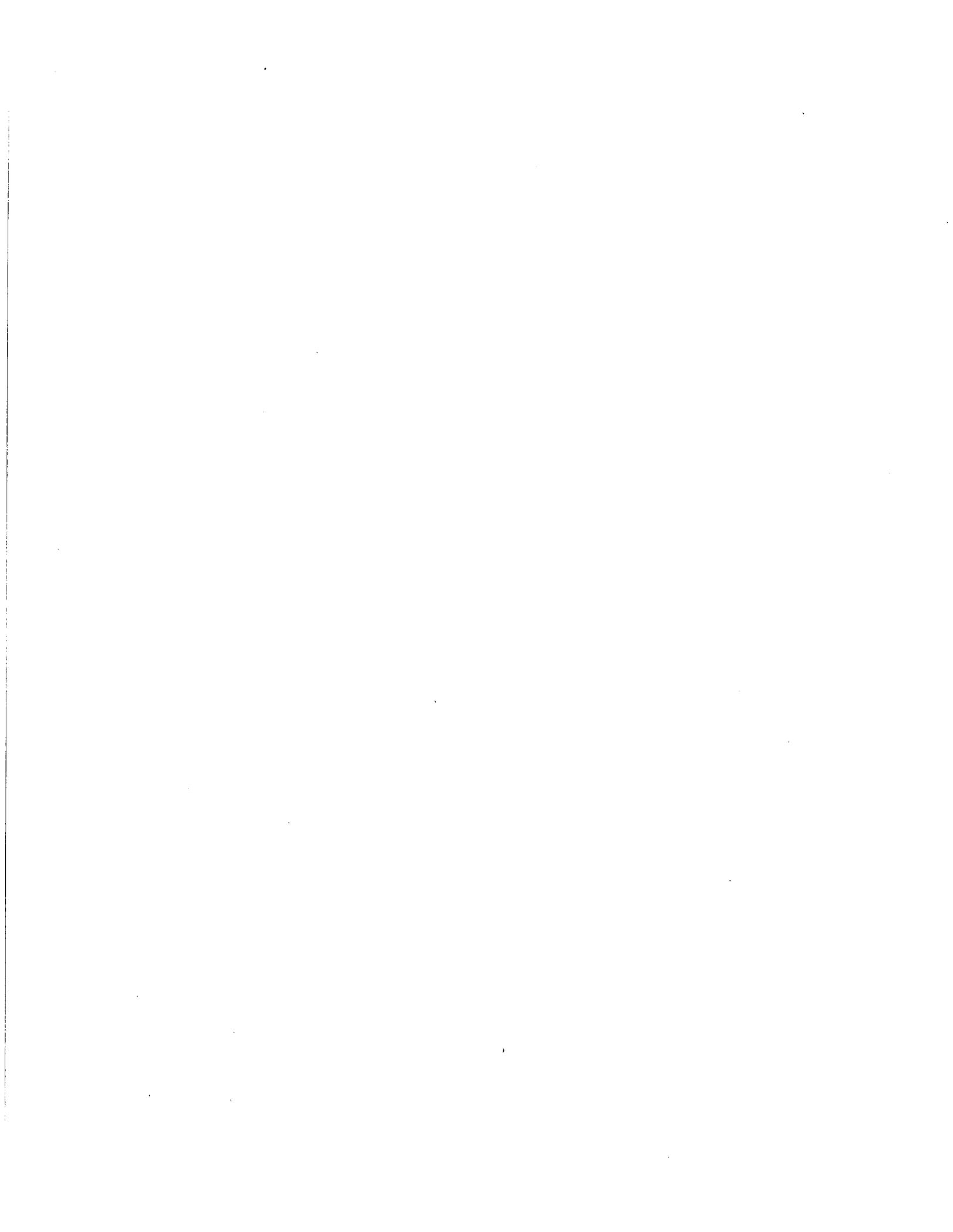
Repair of the pavement at the entrance of the Senior Center administrative center was completed during the week of July 27th to correct drainage problems.

***Library Complex**

A meeting will be held on August 6th between the Architect for the library and City staff to discuss the improvements planned and conflicts with existing features.

***Park Building**

Paving of the parking areas and CR 296 is complete. Doors and windows are being installed as well as the fire sprinkler system.





MEMORANDUM

To: John Hier, City Manager

From: Mike Braaten, Government Affairs Coordinator

Date: July 30, 2009

Re: Staff Report

Natural Gas Expansion Forum

Encana and the Governor's Energy Office held a natural gas expansion forum in Rifle in late July. The forum focused on building demand for natural gas by building local markets. The Governor's Energy Office is promoting the development of the I-70 corridor as a natural gas fueling station for over the road truckers, similar to what the states of California and Utah have done. Encana is promoting the conversion of fleets – especially energy service companies in Garfield and Mesa Counties. Mesa County and Grand Junction were recently party to a large stimulus grant application to establish a natural gas fueling center in the Grand Junction area. There is also interest from Encana, the Governor's Energy Office and companies that build natural gas fueling stations to site one in or near Rifle if market demand exists. Staff will stay engaged in the dialog and update Council as efforts progress.

Fund for Improvement of Post-Secondary Education (FIPSE) grant request by CMC

Staff has been an active participant in the supporting and providing information to CMC to pursue their Gateway Employer project grant application to the US Department of Education. The goal of the grant will be to identify three business growth areas and train or retrain workers to work in those areas. CMC chose to support the "energy village concept" by selecting insulating, sealing, and energy auditing as one of the growth industries to target in the grant.

Colorado Main Street Program

The City of Rifle applied, and was selected by Downtown Colorado, Inc. (DCI) to submit a formal application become a recognized main street program. Staff has been meeting with representatives of the Rifle Downtown Development Authority, Rifle Area Chamber of Commerce, the Rifle Economic Development Corporation and the Visitor Improvement Fund Board regarding this opportunity. The general consensus is that given the economy and existing efforts in this arena, we should hold off on submitting a formal application and instead work together to cooperate in efforts to improve our business community. There is a desire to remain a candidate for the Colorado Main Street Program. Remaining a candidate main street program allows representatives from the City of Rifle or cooperating

entities to attend trainings and participate in Colorado Main Street and Downtown Colorado, Inc. events, but does require an annual dues payment to DCI. Staff is currently reviewing the Candidate Memorandum of Understanding provided to the City by DCI.

Williams Rig & “Frac” Tour

At the invitation of Williams, staff coordinated an educational tour of an active Williams’ natural gas drilling rig and a well “frac” in process. Rifle Councilors Miller, Sanborn and Rice participated in the tour along with three council members from the City of Glenwood Springs.

Garfield New Energy Communities Initiative Update

SOLAR: Due to the DOLA New Energy Communities grant, each municipality in the County will receive approximately \$88,000 worth of solar or similar renewable technology. GNECI has contracted with a number of companies to conduct assessments of locations/buildings for each City or Town, including the City of Rifle, to determine those that are most suitable and would benefit the most by the installation of solar panels or solar hot-water.

PERFORMANCE CONTRACTING: Council approved the MOU with the Governor’s Energy Office to enter into their performance contracting program. Performance contracting is where an entity, like a City, enters into contract with an Energy Service Company to perform an energy audit of facilities and mechanical systems. Then, depending on the audit and the entity’s desires, make energy efficiency improvements financed through projected energy cost savings. GNECI is coordinating a performance contracting arrangement that will include all municipalities, the county and possibly some Garfield County Special Districts to take advantage of the economies of scale.

COMMERCIAL AUDITS AND RETROFIT DEMONSTRATION (CARD) PROJECT: GNECI, working with local subcontractors, will be pursuing audits and retrofits of a few willing commercial building owners in Rifle (and other municipalities in Garfield County) to demonstrate the benefits of energy audits and efficiency upgrades. Funding for the project will come from the DOLA grant and from Garfield County’s direct allocation of Energy Conservation Block Grant Funds.

Public Utilities Commission – Renewable Energy Standards

The Colorado PUC re-opened testimony on a portion of the Renewable Energy Standards docket, unrelated to the proposed changes to the 2 MW limit on generation from customer-sited solar facilities. In doing so, the PUC further delayed final action on the remaining components of the docket, including the City’s desired changes to the 2 MW limit. Staff continues to track the process of this significant state policy change.

Community Solar Gardens Legislation

A number of solar-energy advocates are developing proposed legislation to likely pursue during the 2010 Colorado Legislative Session. The proposal would allow for the development of solar co-ops, where residents are allowed to buy-into a large solar array (up to 30 MW) and receive the benefits of solar as if it were located on their property. A number of details regarding the proposal still need to be finalized, but this idea appears to already have significant support from a variety of influential groups. Depending on how this proposal moves forward, it could potentially allow a City, if desired, to act as a renewable power provider to local residents and businesses without being regulated as a municipal utility.

SUSTAINABLE WATER SYSTEMS:
STEP ONE - REDEFINING THE NATION'S
INFRASTRUCTURE CHALLENGE

A Report of the
Aspen Institute's Dialogue on
Sustainable Water Infrastructure in the U.S.



David Monsma, Executive Director

Regan Nelson, Project Manager

Ray Bolger, Rapporteur



THE ASPEN INSTITUTE

EXECUTIVE SUMMARY

During the past 150 years, a complex water infrastructure has been built throughout the U.S. to supply homes and businesses with clean water, collect and treat wastewater and manage stormwater – and an equally complex regulatory system has evolved alongside it. A generation of progress has been made under the Clean Water Act and the Safe Drinking Water Act. However, serious challenges still exist for the nation's freshwater resources, including insufficient progress in achieving water quality goals, overuse of water resources, and looming challenges associated with global climate change, including droughts, heavy storm events and flooding. Meanwhile, water and wastewater utilities are struggling with aged infrastructure that requires upgrades or replacement. Control of urban stormwater and rural runoff will require large new investments. Appropriate sources of funding and affordability of these investments also requires attention.

It was in this context that the Aspen Institute convened the Dialogue on Sustainable Water Infrastructure in the U.S., bringing together distinguished leaders from the water utility industry; federal, state and local government regulators; and non-profit environmental groups to develop policy recommendations that address water infrastructure planning and management challenges for the coming decades. Between May 2008 and March 2009, participants in the dialogue met on four separate occasions, employing their broad range of expertise to peel back the layers of complexity surrounding our nation's water resources.

In keeping with the mission of the Aspen Institute to foster enlightened leadership and open-minded dialogue, this diverse group explored the sometimes competing values that underlie water infrastructure planning, management and financing. While a system so complex and vital to all of society necessarily involves certain points of friction, the dialogue participants jointly developed and adopted **10 KEY POLICY RECOMMENDATIONS** for a sustainable water infrastructure. Taken as a whole, these recommendations represent a departure from traditional assumptions about the nature of water resources and services that have informed regulatory policy in the U.S. up to now.

THREE KEY PRINCIPLES evolved during the Dialogue on Sustainable Water Infrastructure in the U.S. **The first principle is that the traditional definition of water infrastructure must evolve to embrace a broader, more holistic definition of sustainable water infrastructure that includes both traditional man-made water and wastewater infrastructure and natural watershed systems.** While the traditional definition of water infrastructure focused mainly on physical structures associated with drinking water supply and distribution and disposal of wastewater and stormwater, a sustainable water infrastructure integrates these traditional components with the protection and restoration of natural systems, conservation and efficiency, reuse and reclamation, and the active incorporation of new decentralized technologies, green infrastructure and low impact development to ensure the reliability and resilience of our water resources. This new definition of sustainable water infrastructure is necessary to ensure that federal, state and local policies reflect and leverage the interplay between built and natural water infrastructure to achieve clean water. Convergence around this concept of a 21st century definition of a sustainable water infrastructure informed the direction of the dialogue's subsequent policy recommendations.

The second key principle is that this definition of sustainable water infrastructure should be embraced by all public and private entities involved in water management, and these same entities have a shared role in ensuring their decisions consider and integrate a set of criteria that include environmental, economic and social considerations (the Sustainable Path). While this shared leadership role holds the principles of the Sustainable Path in common, the obligations and funding responsibilities of the roles are distinct. Water utilities should take the primary responsibility for setting the full cost price for water service to not only include a sufficient level of expenditure to replace pipes and other capital assets for reliable service, but to fund remediation and/or (ideally) avoidance of any associated adverse hydrological or environmental impacts on the natural watershed system. At the national level, the federal government role is to complement local funding with a focus on particular policy objectives. Such objectives include investment in research, development and demonstration projects; providing financial support in the form of loan guarantees, subsidized loans, granting of tax exempt status to local water debt, ensuring minimum standards and service irrespective of ability to pay; oversight and enforcement of health and safety standards; and investment or assistance with watershed or regional level integration of water

planning and management where appropriate. The federal government can provide both incentives and disincentives for the way that water, wastewater and stormwater utilities contribute to national goals for clean and safe water and how these goals interact with equally pressing national priorities such as energy efficiency, and adaptation to climate change.

Finally, the third principle developed by the dialogue participants is that a watershed-based management approach is required for drinking water, wastewater and stormwater services to ensure integrated, sustainable management of water resources. The full realization of this watershed-based approach necessitates legislative and regulatory reform to remove barriers and create incentives. Water utilities can lead the way by developing policies and practices that promote the preservation and restoration of water resources and by fostering strategic partnerships to collaboratively use integrated water resource planning and management as a tool to examine assumptions concerning supply, demand and alternative methods of meeting unmet future demand and social, economic and environmental challenges.

A SET OF 20 ELEMENTS has been developed that will support a financially and environmentally Sustainable Path to achieve a sustainable 21st century water infrastructure. The Sustainable Path elements include key concepts for good governance, watershed optimization, public outreach, water conservation and energy management, and utility pricing. An appendix to our report lays out the anticipated roadblocks to each of the twenty elements of a Sustainable Path for water infrastructure and offers policy strategies for clearing the way forward.

The following report offers important recommendations for the future of a sustainable water infrastructure in the U.S., based on the intense deliberations of a dedicated group of dialogue participants. While the challenges are great, so too are the opportunities. A new holistic way of thinking about water infrastructure, drawing from the practical lessons learned during the last half century, can lead to a truly sustainable water infrastructure that provides essential clean water services to a growing population, while protecting and restoring the natural watersheds on which so much depends.

THE SUSTAINABLE PATH ELEMENTS

TABLE 1

<p>Transparency – The sources and uses of funds deployed by water and wastewater utilities and stormwater agencies should be regularly reported in sufficient and consistent detail.</p>	<p>Public Outreach & Stakeholder Involvement – Public, customer and stakeholder involvement in defining sustainable water infrastructure services, and associated funding strategies, should be highly developed and continuous. The public should also be involved in ensuring that sustainability objectives are achieved.</p>
<p>Good Governance – Governing boards, city councils, and utility special district boards with oversight of water and wastewater utilities and stormwater agencies should have the authority – and accept the responsibility – to expand their focus beyond cost control to encompass concerns for sustainability.</p>	<p>Full Cost Pricing – The price of sustainable water, wastewater, and stormwater services should fairly impose the total cost of meeting the requirements of sustainability on ratepayers/customers.</p>
<p>Costs of Development – New development should be charged the full capital, operating and replacement costs of water, wastewater and stormwater capacity through connection or other impact fees. New development and re-development should employ low-impact development (LID) techniques, conservation and reuse strategies.</p>	<p>Asset Management – Best practices in asset management should be applied to identify the best lifecycle cost combinations of repair/rehabilitation/ replacement expenditures. New rehabilitation and replacement technologies, and innovative management approaches, should be used to produce even greater cost savings and better resource management.</p>
<p>Security & Emergency Preparedness – Economic security and preparedness measures appropriate to water and wastewater utilities and stormwater agencies should be deployed to assure overall system reliability and resiliency.</p>	<p>Conservation & Water Efficiency – Utilities should encourage water-use conservation and efficiency to reduce long-term system costs and produce additional societal benefits.</p>
<p>Stewardship – Utilities and stormwater agencies should adopt a leadership role in promoting sustainability of the natural infrastructure of rivers, lakes, streams, groundwater aquifers, floodplains, floodways, wetlands, forests, and watersheds.</p>	<p>Energy Management – Utilities and stormwater agencies should maintain adaptive strategies to deal with increasingly complex choices presented by the need to minimize energy use and greenhouse gas emissions while ensuring system reliability and striving for continual improvement in water resource management.</p>

<p>Climate Change Mitigation & Adaptation – As water and wastewater utilities and stormwater agencies build and re-build their infrastructure, they should consider what type of infrastructure is right for the future, balancing needs for system reliability, needs for mitigation of embedded carbon and green house gas emissions, as well as needs for adaptation to climate change in areas such as water resource management, source water protection and stormwater management</p>	<p>Advanced Procurement & Project Delivery Methods – Utilities should strive to attain cost advantages through alternative forms of procurement for such things as bulk chemicals. Design/Build and Design/Build/Operate approaches to construction project delivery and other forms of public/private partnerships should be considered as alternative strategies to deliver major capital projects when they may offer cost advantages.</p>
<p>Modernized Plant Operations – Utilities should employ modern management practices to strive for continually improved treatment plant operations.</p>	<p>Environmental Impacts – Water and wastewater utilities should evaluate and implement alternative approaches that minimize the adverse hydrological and environmental impacts of their operations.</p>
<p>Watershed & Regional Optimization – Water and wastewater utilities and stormwater agencies should engage in collaboration and partnerships to maximize positive environmental and public health outcomes at watershed and regional scales.</p>	<p>Network Optimization – As water and wastewater utilities and stormwater agencies build and re-build infrastructure, they should strive to work in close collaboration with each other and with state and municipal road and highway agencies to obtain significant cost savings and environmental benefits.</p>
<p>Regulatory Optimization – Utilities and stormwater management agencies should work with regulators, stakeholders and each other to pursue significant potential cost savings and additional benefits that could be derived from closer integration of regulatory program implementation and innovative compliance strategies.</p>	<p>Workforce Management – A highly capable, flexible workforce armed with modern information technology, and modern labor relations approaches, are necessary to attain and sustain optimal performance.</p>
<p>Affordability – Water and wastewater utilities and stormwater agencies should provide service at the most efficient cost, while also employing a wide selection of best practices to assist low-income customers.</p>	<p>Research and Technological, Managerial Innovation – Utilities should invest in research and innovation particularly focused in technology and management improvements with the outcome of improving efficiency, quality of service, and environmental protection and restoration.</p>

The Sustainable Path for Small Systems

The above discussion has focused mostly on larger urban settings. Small communities and small systems face different challenges that require separate attention in devising infrastructure policy. Of the approximately 53,000 community water suppliers, 45,000 are small systems (i.e., serving fewer than 1,000 customer connections). Half of these small systems are privately owned, serving fewer than 100 connections and operated by part-time employees. Of the 17,000 wastewater treatment plants in the U.S., at least 15,000 have capacities of less than 1 million gallons per day, serving populations of less than 10,000.

In addition to extreme differences in the types of organizations involved, there are also great differences in the nature of infrastructure issues involved. About half of all small systems are small rural communities and about half are small suburban communities built by developers to serve small clusters of homes. Small systems were often built over one or a few short periods of time when the area experienced an economic boom phase, and replacement needs may therefore be more temporally concentrated. Often, unexpected adversities (e.g., well contamination, loss of a large customer, etc.) pose the greatest threats to sustainability of small systems due to their limited ability to absorb large financial shocks. Access to capital is an issue for many of these small systems.

Many small systems have limited capacity to plan ahead and take advantage of available options. Most are concerned with day-to-day operations and short-term survival rather than long-term sustainability. Planning and financial assistance will likely be required in order to map out the sustainable path for smaller water service providers.

Federal loan programs such as the EPA State Revolving Fund programs, the USDA Rural Development Administration loan program and the Community Development Block Grant program have evolved mechanisms to provide assistance to such systems, and enhancement of these existing mechanisms is a likely first place to look for strategic direction.

Another long-standing solution that has been proposed for small systems is consolidation, or regionalization. By combining forces at a larger scale, small communities can take advantage of

economies of scale in both technical and financial matters and achieve more resilient and sustainable operations. Consolidation can be accomplished by physical interconnection among adjacent systems. Wholesale water purchase agreements with larger water systems and regionalized wastewater treatment plants in many metropolitan areas are the most prevalent arrangement.

Other types of “soft” approaches to the particular challenges faced by small systems involve institutional reforms to create special districts or authorities that provide centralized financial, managerial and technical services to decentralized physical systems with varying degrees of independence, depending upon the arrangements.

By combining forces at a larger scale, small communities can take advantage of economies of scale in both technical and financial matters and achieve more resilient and sustainable operations.

Finally, acquisition and absorption of small systems has been undertaken in many instances by larger utilities – both publicly owned and investor owned – with and without physical interconnection. Finding the most sustainable path for small systems is inherently a local matter that depends heavily on local conditions and preferences for governance.

RECOMMENDATIONS IN BRIEF

1. The water management and policy community must redefine “water infrastructure” as one that integrates built infrastructure components with the protection and restoration of its supporting natural watershed infrastructure and the use of emerging small-scale water technologies and water management solutions.
2. Watershed-oriented entities, at scales and compositions appropriate to local conditions, should manage the redefined water infrastructure according to the principles of the Sustainable Path. These entities should foster collaboration, cooperation and integration between utilities and agencies to provide water, wastewater and stormwater services, achieve sustainable management of surface and groundwater resources, and ensure environmental protection and enhancement.
3. Federal, state and local officials should adopt watershed-oriented policies and regulations that incorporate the principles of the Sustainable Path into funding decisions. Resource management entities and water utilities should adopt the Sustainable Path principles in their operations and administration.
4. Water utilities must lead in building partnerships that will use integrated water resource planning and management as a principal tool for preserving and restoring water resources while meeting human and ecosystem needs for water in the context of a changing climate.
5. Federal, state and local governments and other entities should find ways to remove or modify institutional barriers and practices that impede or prevent sustainable water resource management according to the principles of the Sustainable Path, and should actively address all sources of pollution, degradation and depletion on a watershed basis.

6. Utility and system managers as well as regulators and governing boards should ensure that the price of water services fairly charges ratepayers or customers the total cost of meeting service and sustainable water infrastructure requirements, subject to concerns about affordability. Funding for water utilities should generally rely on cost-based rates and charges, and water revenues should not be diverted to unrelated purposes.
7. Water utilities should employ a variety of practices on the path to sustainability, including: transparency in governance and operation; public outreach and consultation; integrated water management; asset management; workforce management; conservation and efficiency (both water and energy); advanced procurement and project delivery methods; adaptation to and mitigation of climate change; research and development; and technological and managerial innovation.
8. Federal and state agencies and water utilities should provide assistance to water service systems – especially small systems – to improve their financial, managerial, technical and planning capacity to implement all the elements of the Sustainable Path.
9. The federal government shares the responsibility for achieving the Sustainable Path. Therefore, federal funding should target investments in 21st century priorities, including “green infrastructure;” water and energy efficiency; climate change adaptation; clean and safe water for economically distressed households; research, development and demonstration projects for integrated water management; and incentives for sustainable utilities.
10. Water utilities should apply appropriate practices to assist low-income customers. Federal and state funding agencies should direct affordability support principally towards households in need, except where community-level assistance is effective and efficient.

COLORADO INTERGOVERNMENTAL RISK SHARING AGENCY

LEGAL LINES

LEGAL LINES SPECIAL INSERT



INSPECTIONS FOR CARBON MONOXIDE DETECTORS AND SMOKE ALARMS – REASONABLE AND UNREASONABLE SEARCHES

This Legal Lines article was written by Steven J. Dawes of the law firm Light Harrington & Dawes, P.C. Mr. Dawes is a member of CIRSA's defense counsel panel and provides legal services to CIRSA and its members in a wide variety of claims. Mr. Dawes welcomes any questions regarding this article and will be happy to provide pertinent case studies upon request. He can be reached at 303-298-1601.

INTRODUCTION

New legislation has been adopted requiring carbon monoxide alarms. HB 09-1091, signed into law by Governor Ritter on March 24, 2009, requires installation of carbon monoxide alarms effective July 1, 2009 upon the sale of single-family dwellings and multi-family dwellings and upon improvements to single-family dwellings, multi-family dwellings, and rental properties where a building permit is required.¹ The statute does not limit a municipality or county from adopting more stringent requirements for the installation and maintenance of carbon monoxide alarms.²

Questions may arise as to when and under what circumstances a building official can constitutionally inspect a residence for the presence of carbon monoxide detectors and smoke alarms. This article reviews the constitutionality of actions by government officials performing building inspections of premises for compliance with code requirements such

as smoke alarms and carbon monoxide detectors.

THE FOURTH AMENDMENT

The Fourth Amendment to the United States Constitution states as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The Fourth Amendment's protections do not include a right *not* to be subject to a search; rather, they include the right to be free from an *unreasonable* search, so this right hinges on the nature of the search. The question, then, is what constitutes a reasonable or unreasonable search by a building official, building inspector,

or similar government official (absent a warrant) seeking to inspect a premises for compliance with building code provisions.

A search generally implies looking "over or through for the purpose of finding something."³ According to one court, a search may occur even when a government official is not intentionally looking for something, so long as "the objective effect of his actions" infringed a reasonable expectation of privacy.⁴ A search, then, is defined in terms of a person's "reasonable expectation of privacy" and is analyzed under the following two-part test from *Katz v. United States*:⁵

1. Has the individual manifested a subjective expectation of privacy in the object of the challenged search? and
2. Is society willing to recognize that expectation as reasonable?⁶

The second prong of the *Katz* test generally addresses two considerations:

(a) The first consideration focuses on “what a person had an expectation of privacy in, “for example, a home, office, phone booth, or airplane.”⁷ This inquiry centers on “whether the human relationships that normally exist at the place to be inspected are based on intimacy, confidentiality, trust, or solitude and hence give rise to a ‘reasonable’ expectation of privacy.”⁸ A search of a person’s home, for example, is subject to particularly vigorous scrutiny. “[T]he Fourth Amendment has drawn a firm line at the entrance to the house” so that, “[a]bsent exigent circumstances, that threshold may not reasonably be crossed without a warrant.”⁹

(b) The second consideration examines “what the person wanted to protect his privacy from, for example, non-family members, non-employees of a firm, or strangers passing by on the street or flying overhead in airplanes.”¹⁰ This inquiry, therefore, focuses on the government intrusion at issue.

Assessing the degree of intrusion requires addressing both the methods

used and the purpose for the intrusion. Law enforcement methods range from “ordinary visual surveillance” to “technological enhancement of ordinary perception” through devices not in general public use.¹¹ Extraordinary measures requiring an officer “to crane his neck, or bend over, or squat” are generally more intrusive than those a “reasonably curious neighbor” might undertake.¹² Likewise, those tactics littered with “dirty business” such as trickery and illegal acts can accompany an unjustifiable government intrusion.¹³ A trespass such as a breach of the curtilage (the enclosed area of land around a dwelling)¹⁴ though not necessarily determinative, is also relevant to the degree of government intrusion.¹⁵

Like the methods used, the purpose of the interference bears upon the intrusiveness of government action. A criminal investigation is generally more intrusive than an administrative or regulatory investigation.¹⁶ This reasoning bolsters the relaxed probable cause requirement for safety inspections of the interior of residences and commercial structures.¹⁷

In applying *Katz’s* second prong, the Supreme Court has drawn some bright line rules concerning an open field, the curtilage, and the home.

OPEN FIELD

“Open field” is a legal term of art and does not literally mean an open field. Rather, an open field may include any unoccupied or undeveloped area outside of the curtilage.¹⁸ No reasonable expectation of privacy exists in “open fields.”¹⁹ Moreover, “[i]n the case of open fields, the general rights of property protected by the common law of trespass have little or no relevance to the applicability of the Fourth Amendment.”²⁰ The presence of “No Trespassing” signs, furthermore, does not

transform an open field into an area where an expectation of privacy is necessarily reasonable.²¹

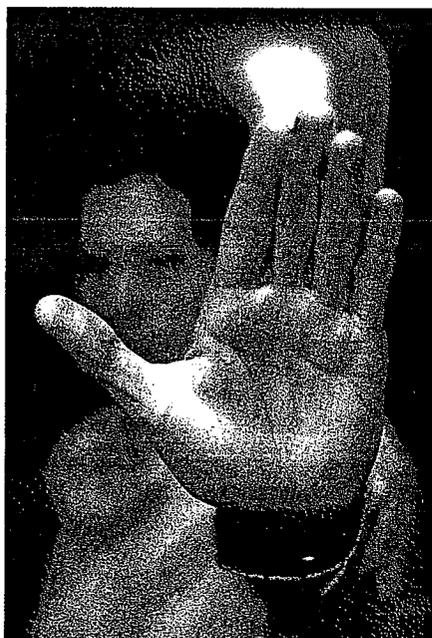
CURTILAGE

“Curtilage” is defined as the area immediately surrounding a home that harbors the intimate activity associated with the sanctity of a person’s home and the privacies of life.²² In *United States v. Dunn*,²³ in describing the contours of the Fourth Amendment’s protections in a curtilage, the Supreme Court established four factors for determining whether an area is within a home’s curtilage:²⁴

1. The proximity of the area claimed to be curtilage to the home,
2. Whether the area is included within an enclosure surrounding the home,
3. The nature of the uses to which the area is put, and
4. The steps taken by the resident to protect the area from observation by people passing by.

The Supreme Court has concluded that the Fourth Amendment does not absolutely bar all government encroachment upon the curtilage:

*That the area is within the curtilage does not itself bar all police observation. The Fourth Amendment protection of the home has never been extended to require law enforcement officers to shield their eyes when passing by a home on public thoroughfares. Nor does the mere fact that an individual has taken measures to restrict some views of his/her activities preclude an officer’s observations from a public vantage point where he/she has a right to be and which renders the activities clearly visible.*²⁵



HOME

The Fourth Amendment protects against invasions of the sanctity of a person's home and the privacies of life from unreasonable searches under indiscriminate general authority.²⁶ The Fourth Amendment has drawn a firm line at the entrance to a person's home. Absent exigent circumstances, that threshold may not reasonably be crossed without a warrant.²⁷

The Fourth Amendment protects people, not places.²⁸ Property interests do not control a Fourth Amendment analysis, and the protections provided by the Fourth Amendment are not measured by the absence or presence of a physical intrusion into any given enclosure. Rather, the question is whether a person's right to be protected against unreasonable searches was infringed.²⁹

CONSENT

Under the Fourth Amendment, a search is reasonable where consent is voluntarily obtained.³⁰ If a building inspector has entered into a home at the invitation of the homeowner for purposes of the inspection pursuant to a building permit, then the citizen has voluntarily consented to the presence of the building inspector in his/her home, and an inspection is presumptively reasonable; however, the inspection can not exceed the scope of the consent.

GENERAL PRINCIPLES GOVERNING THE INSPECTION OF PREMISES FOR CODE REQUIREMENTS

The following general principles are derived from appellate court decisions involving attempts by government

officials to inspect property and buildings for building code and health code compliance.

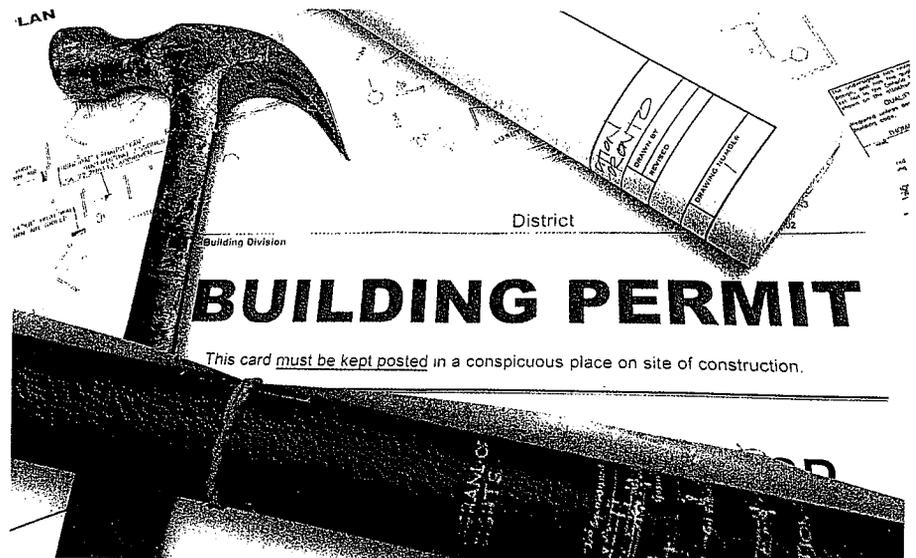
1. Administrative inspections by building officials are searches within the meaning of the Fourth Amendment. Therefore, warrantless inspections of private property by government officials without proper consent are presumptively unconstitutional.³¹ Where observation of incriminating evidence is from a constitutionally protected area, the inspection constitutes an unreasonable search under the Fourth Amendment. In other words, an inspection of the interior of a home without a warrant and without the owner's consent is an unreasonable search in violation of the Fourth Amendment. Therefore, under the Fourth Amendment a building inspector cannot inspect a residence for the presence of carbon monoxide or smoke alarms without either the homeowner's consent or an administrative warrant supported by probable cause.

2. In the absence of a search warrant, a lawful search of the premises may be conducted with voluntary consent from the individual whose property is searched.³² Therefore, when the owner

of a home requests an inspection of the home for code compliance, the owner has voluntarily consented to a search of the portion of the building subject to the inspection; however, the inspection can not exceed the scope of the consent. So, for example, a building inspector's inspection of a remodeling project for code compliance pursuant to a building permit can encompass an inspection for smoke and carbon monoxide alarms within the area of inspection pursuant to the permit. On the other hand, the scope of consent does not allow a building official to invade some other part of the premises unrelated to the area inspected pursuant to the permit to look for the presence of carbon monoxide or smoke alarms.

3. Where an observation is made from an open field or public land, the observation does not constitute an unreasonable search.³³ An observation of the interior of a protected structure through a window, even when enhanced by flashlight, does not constitute a search when the observation is made from an open field or a public place.³⁴

4. A visit by a building inspector, even though he or she enters the house or the



curtilage without the owner's consent, does not violate the Fourth Amendment when the inspector's entry is minimal such as only into an entryway.³⁵

5. A Fourth Amendment violation does not occur when consent is given by a third party, such as a contractor, who has actual authority or apparent authority to consent to the search.³⁶

6. The presence of "No Trespassing" signs does not transform an open field into an area where an expectation of privacy is

necessarily reasonable.³⁷

7. Fourth Amendment protections generally do not extend to the inspection of a building that is not used as a home and not occupied.³⁸

8. A building official may be found individually liable for damages for violation of a property owner's Fourth Amendment rights if the building official enters the property with the intent of conducting a warrantless administrative search for building code violations and refuses to

leave despite protestations from the owner.³⁹

CONCLUSION

As municipalities begin the process of implementing H.B. 09-1091, it is important to keep the foregoing principles in mind. Because many building code-related activities implicate the Fourth Amendment, failure to understand and observe these principles can create individual liability for building officials.

¹Codified at C.R.S. §§ 38-45-101, *et seq.*

²C.R.S. § 38-45-105.

³*Widgren v. Maple Grove Township*, 429 F.3d 575, 580 (6th Cir. 2005), citing *Kyllo v. United States*, 533 U.S. 27, 33 n. 1 (2001), (quoting Noah Webster, *An American Dictionary of the English Language* 66 (6th ed. 1989) (1828)).

⁴*Widgren, supra*, at 580, citing *United States v. Maple*, 348 F.3d 260, 263 (D.C.Cir.2003) (quoting *Bond v. United States*, 529 U.S. 334, 338 n. 2 (2000)).

⁵389 U.S. 347 (1967):

⁶*Widgren, supra*, at 578, citing *California v. Ciraolo*, 476 U.S. 207, 211 (1986).

⁷*Widgren, supra*, at 578, citing *Dow Chemical Co. v. United States*, 749 F.2d 307, 312 (6th Cir.1984) *aff'd*, 476 U.S. 227 (1986) (emphasis in original). *Oliver v. United States*, 466 U.S. 170, 178 (1984) (noting "our societal understanding that certain areas deserve the most scrupulous protection from government invasion"); *United States v. White*, 401 U.S. 745, 786, (1971) (Harlan, J., dissenting) (assessing "the individual's sense of security"); and to Wayne R. LaFave, 1 *Search and Seizure: A Treatise on the Fourth Amendment* § 2.1(d) (4th ed. 2004).

⁸*Widgren, supra*, at 578, citing *Dow Chemical Co.*, 749 F.2d at 312.

⁹*Widgren, supra*, at 579, citing *Payton v. New York*, 445 U.S. 573, 590 (1980).

¹⁰*Id.* (emphasis in original).

¹¹*Widgren, supra*, at 583, citing *Kyllo*, 533 U.S. at 31, 33, 40.

¹²*Widgren, supra*, at 583, citing *James v. United States*, 418

F.2d 1150, 1151 n. 1 (D.C. Cir. 1969) and to Wayne R. LaFave, 1 *Search and Seizure: A Treatise on the Fourth Amendment* § 2.3(g) (4th ed. 2004).

¹³*Id.* citing *Olmstead v. United States*, 277 U.S. 438, 470 (1928) (Holmes, J., dissenting).

¹⁴"Curtilage" is the "area immediately surrounding a home that 'harbors the 'intimate' activity associated with the 'sanctity of a man's home and the privacies of life.'" *Widgren, supra*, at 582, citing *United States v. Dunn*, 480 U.S. 294, 300 (1987) (quoting *Oliver, supra*, 466 U.S. at 180).

¹⁵See *Oliver v. United States*, 466 U.S. 170, 183 (1984);

Fullbright v. United States, 392 F.2d 432, 434 (10th Cir. 1968).

¹⁶*Widgren, supra*, at 583, citing Wayne R. LaFave, 5 *Search and Seizure: A Treatise on the Fourth Amendment* § 10.1(b) (4th ed. 2004).

¹⁷*Widgren, supra*, at 584, citing *Camara v. Mun. Court of the City & County of San Francisco*, 387 U.S. 523 (1967) (adopting a relaxed probable cause requirement for entry into homes for administrative safety inspections) and *See v. City of Seattle*, 387 U.S. 541 (1967).

¹⁸*Widgren, supra*, at 579, citing *Oliver*, at 180 n.11.

¹⁹*Widgren, supra*, at 579, citing *Oliver*, at 177.

²⁰*Widgren, supra*, at 579, citing *Oliver*, at 183-84.

²¹See *id.*

²²See note 12, *infra*.

²³*United States v. Dunn*, 480 U.S. 294 (1987)

²⁴*Widgren, supra*, at 582, citing *Dunn, supra*, at 301.

²⁵*Widgren, supra*, at 582, citing *California v. Ciraolo*, 476 U.S.

207, 213 (1986).

²⁶*Warden, Md. Penitentiary v. Hayden*, 387 U.S. 294, 301 (1967) (quoting *Boyd v. United States*, 116 U.S. 616, 630 (1886)).

²⁷*Silverman v. United States*, 365 U.S. 505, 511 (1961).

²⁸*Saucier v. Katz*, 389 U.S. 347, 351 (1967).

²⁹*Bonneville v. Kitsap County*, 2007 WL 474376 *11 (W.D. Wash. 2007) (not reported).

³⁰*United States v. Drayton*, 536 U.S. 194, 207 (2002).

³¹*Montville v. Lewis*, 87 F.3d 900, 902 (7th Cir. 1996).

³²*United States v. Cos*, 498 F.3d 1115, 1124 (10th Cir. 2007).

³³*Widgren, supra*, at 580, citing *United States v. Dunn, supra*, 480 U.S. 294 (1987).

³⁴*Id.*

³⁵See *Artes-Roy v. City of Aspen*, 31 F.3d 958 (10th Cir. 1994) and *Widgren v. Maple Grove Township*, 429 F.3d 575 (6th Cir. 2005).

³⁶*Id.* See also *Montville v. Lewis, supra*.

³⁷*Widgren, supra*, at 580, citing *Oliver v. United States*, 466 U.S. 170 (1984).

³⁸See *U.S. v. Barajas-Avalos*, 377 F.3d 1040 (9th Cir. 2004) (a warrantless police search of an unoccupied travel trailer in which illegal drugs were manufactured did not violate the owners' Fourth Amendment rights because the trailer was not a "home," and thus the clearing around it was not "curtilage."); see also *Bonneville v. Kitsap County*, 2007 WL 474376 (W.D. Wash. 2007) (not selected for publication).

³⁹*MIMICS, Inc. v. The Village of Angel Fire*, 394 F.3d 836 (10th Circuit 2005).

John Martin, Chair
District 2

Trési Houpt, Chair Pro-Tem
District 1

Mike Samson
District 3



July 24, 2009

Ms. Susan Kirkpatrick, Executive Director

Colorado Department of Local Affairs

1313 Sherman Street, Room 500

Denver, CO 80203

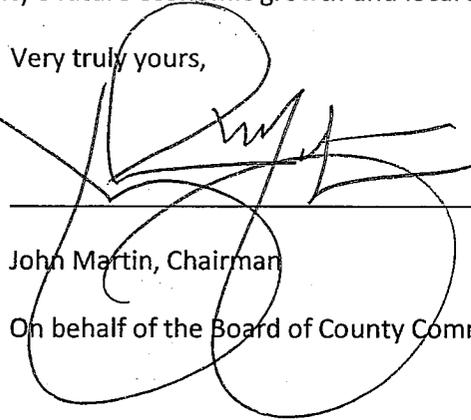
RE: Letter of Support from Garfield County for infrastructure development for the Rifle Energy Innovation Center

Dear Ms. Kirkpatrick,

On behalf of the Board of County Commissioners, please accept this letter as a letter of support for certain infrastructure development for the Rifle Energy Innovation Center. Garfield County is committed to targeted economic development in western Garfield County and is excited to partner with the City of Rifle to financially assist in the development of critical infrastructure for this project with \$1.5 million in cash as pledged by the County Commissioners on July 20, 2009.

The Rifle Energy Innovation Center will enable much needed economic development and diversification of western Garfield County by targeting innovative and sustainable green industries such as solar, biomass, material recovery/composting, and green building opportunities. This project falls squarely within goals and policies in the County's Comprehensive (Land Use) Plan to support a diverse and long-term economic base in the County. We believe this project is a key component to the Energy Village concept and to western Garfield County's future economic growth and local sustainability.

Very truly yours,



John Martin, Chairman

On behalf of the Board of County Commissioners

Cc: 

Mike Braaten, City of Rifle Government Affairs and Energy Coordinator

Ed Green, Garfield County Manager

108 Eighth Street, Suite 213 • Glenwood Springs, CO 81601
(970) 945-5004 • Fax: (970) 945-7785

COLORADO INTERGOVERNMENTAL RISK SHARING AGENCY

COVERAGE LINE

LEGAL LINES SPECIAL INSERT



INSPECTIONS FOR CARBON MONOXIDE DETECTORS AND SMOKE ALARMS – REASONABLE AND UNREASONABLE SEARCHES

This Legal Lines article was written by Steven J. Dawes of the law firm Light Harrington & Dawes, P.C. Mr. Dawes is a member of CIRSA's defense counsel panel and provides legal services to CIRSA and its members in a wide variety of claims. Mr. Dawes welcomes any questions regarding this article and will be happy to provide pertinent case studies upon request. He can be reached at 303.298.1601.

INTRODUCTION

New legislation has been adopted requiring carbon monoxide alarms. HB 09-1091, signed into law by Governor Ritter on March 24, 2009, requires installation of carbon monoxide alarms effective July 1, 2009 upon the sale of single-family dwellings and multi-family dwellings and upon improvements to single-family dwellings, multi-family dwellings, and rental properties where a building permit is required.¹ The statute does not limit a municipality or county from adopting more stringent requirements for the installation and maintenance of carbon monoxide alarms.²

Questions may arise as to when and under what circumstances a building official can constitutionally inspect a residence for the presence of carbon monoxide detectors and smoke alarms. This article reviews the constitutionality of actions by government officials performing building inspections of premises for compliance with code requirements such

as smoke alarms and carbon monoxide detectors.

THE FOURTH AMENDMENT

The Fourth Amendment to the United States Constitution states as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The Fourth Amendment's protections do not include a right *not* to be subject to a search; rather, they include the right to be free from an *unreasonable* search, so this right hinges on the nature of the search. The question, then, is what constitutes a reasonable or unreasonable search by a building official, building inspector,

or similar government official (absent a warrant) seeking to inspect a premises for compliance with building code provisions.

A search generally implies looking "over or through for the purpose of finding something."³ According to one court, a search may occur even when a government official is not intentionally looking for something, so long as "the objective effect of his actions" infringed a reasonable expectation of privacy.⁴ A search, then, is defined in terms of a person's "reasonable expectation of privacy" and is analyzed under the following two-part test from *Katz v. United States*:⁵

1. Has the individual manifested a subjective expectation of privacy in the object of the challenged search? and
2. Is society willing to recognize that expectation as reasonable?⁶

The second prong of the *Katz* test generally addresses two considerations: