

**RIFLE CITY COUNCIL MEETING**

Wednesday, January 5, 2011

REGULAR MEETING

7:00 p.m. \* Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Keith Lambert.

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

Councilor Sanborn moved to excuse Councilor Alan Lambert from attending tonight’s meeting; seconded by Councilor Miller.

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

**OTHERS PRESENT:** John Hier, City Manager; Lisa Cain, City Clerk; Jim Neu, City Attorney; Michael Churchill, Cable 10 Assistant Manager; Mike Braaten, Government Affairs Coordinator; Charlie Stevens, Utilities Director; Dick Deussen, City Engineer; Tom Whitmore, Parks Director; Lynn Shore; Michael Richards; Chris Cray; Gil Frontella; Helen Rogers; Scott Becker; Larry Dragon.

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

- A. Minutes from the December 15, 2010 Regular Meeting
- B. Resolution 1-11: Posting Place for Public Meetings
- C. Police Department Strategic Plan
- D. Accounts Payable

Councilor Miller moved to approve Consent Agenda Items A, B and D; seconded by Councilor Rice.

Roll Call: Yes – Miller, Rice, Sanborn, Thompson, Winkler, K. Lambert (Councilors Sanborn and Thompson abstained from voting on Item A).

With respect to Item C, Police Department Strategic Plan, Council Members suggested the following changes:

- Change Goal 1, Action Item 1 to the following: “Pursue establishment of a policy for minimum staffing levels”
- From Goal 2, remove Action Item 8 (“City Newsletter is recommended”). While Council supports the idea of an organization-wide newsletter, the City does not have the resources at this time to produce it.
- In the Summary of Proposed Solutions, for Inadequate Staffing, Solution 1, remove “(ordinance?)”
- In the Summary of Proposed Solutions, for Inadequate Staffing, Solution 9, change “ger” to “get.”

Councilor Sanborn moved to approve the Police Department Strategic Plan as amended; seconded by Councilor Miller.

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

**CITIZEN COMMENTS AND LIVE CALL-IN**

There were no citizen comments or live call-ins.

***PUBLIC HEARING - SPECIAL EVENT LIQUOR PERMIT APPLICATION - DUCKS UNLIMITED RIFLE CHAPTER***

Mayor Lambert opened the public hearing. Ducks Unlimited Rifle Chapter's (DU) representative, Lynn Shore, was sworn in and presented the Chapter's Application for a special event liquor permit for its annual dinner on April 9, 2011 at Grand River Hospital. Also present were Chapter Members Michael Richards and Chris Cray. For many years, DU had held its annual dinner in Rifle, until larger attendance numbers made facilities in Rifle too small to accommodate the event. The new facilities at the hospital, though, are large enough. Event organizers will check identification of all event attendees and issue bracelets to those of legal drinking age. The event manager, Kenneth Seidel, is a server certified as required by the Rifle Municipal Code and will be present at all times. The hospital's outdoor garden will be part of the permitted premises, but all vendors will be located indoors. The hospital will cater the event. Firearms will be auctioned, raffled, and included as prizes in DU's games. Mr. Richards will be responsible for all issues regarding firearm safety. Prizewinners will receive firearms only upon a successful background check by the Colorado Bureau of Investigation. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid. Councilor Thompson moved to approve the Special Event Liquor Permit Application for Ducks Unlimited Rifle Chapter; seconded by Councilor Sanborn.

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

***CONSIDER REQUEST FOR ADDITIONAL PHASE 1 FUNDING FOR UTE THEATRE***

Councilor Winkler left the Council Chambers.

Gil Frontella, President, New Ute Theatre Society, Inc. (NUTS), requested \$34,090 for additional funding for Phase 1 of the Ute Theatre renovation. As NUTS representatives explained during the workshop this evening prior to the regular meeting, they have encountered numerous unanticipated problems related to the 1946 building's structure, electrical systems, and other elements. The additional funds are necessary to complete Phase 1 of the renovation.

City Attorney Jim Neu and City Manager John Hier noted that there would need to be an amendment to the City's contract with NUTS.

Councilor Sanborn moved to approve \$34,090 to complete Phase 1 of the Ute Theatre, with monies coming from the 2011 budget; seconded by Councilor Miller.

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

***CONSIDER AUTHORIZING FUNDS FOR UTE THEATER ASBESTOS ABATEMENT***

Councilor Winkler returned to the Council Chambers.

Government Affairs Coordinator Mike Braaten informed Council that staff had submitted a request to the Colorado Department of Public Health and Environment – Hazardous Waste and Waste Management Division – Remediation Program for HB 1306 Asbestos Abatement Funding to complete asbestos abatement work in the Ute Theater. The total request to the State was for \$60,738 to be matched with \$20,000 in cash from the City.

The request to the State includes the lowest responsive bid to complete the work (\$74,538 from Monarch Site Services) and costs for Walsh Environmental for project monitoring and clearance sampling (\$6,200) for a total project cost of \$80,738. Additionally, City crews will remove the existing seating, and there may be costs associated with storing the theater seating during the abatement process.

Staff requested City Council to authorize use of \$30,000 from the Capital Fund to cover the grant match of \$20,000 plus an additional \$10,000 to use for storage of the theater seating or other expenses that may arise from the project.

City Council authorized the grant match in 2010, but the grant application was only just submitted and will be considered by the State during January 2011. Staff wishes to reaffirm Council's authorization given the City is now operating under a new budget and the issue with the possible costs related to removing and storing the seats.

The City hired Walsh Environmental to develop a scope of work for the asbestos abatement project at the theater and solicit bids from contractors to complete the work. The work resulting from the bids will abate all asbestos containing material and material that has been contaminated by asbestos. These bids were received:

- Monarch Site Services       \$74,538
- EDI                               \$92,280
- Excel Environmental       \$240,889
- Hudspeth & Assoc.       \$340,420

Walsh Environmental has experience dealing with both Monarch and EDI. They have found them to be reputable firms that have completed work within their bids on past projects.

The asbestos abatement work is scheduled to take approximately 60 days to complete once the contractor is given notice to proceed and obtains the necessary city and state permits.

Staff requested Council's authorization to use \$30,000 from the Capital Fund as outlined earlier, recommended accepting the bid for asbestos removal work from Monarch Site Services in the amount of \$74,538, and requested authorization from Council to move forward with the project if the grant from the State is approved.

Councilor Rice moved to:

- authorize use of \$30,000 from the Capital Fund for the following: (a) \$20,000 to match a grant from the Colorado Department of Public Health and Environment – Hazardous Waste and Waste Management Division – Remediation Program for HB 1306 Asbestos Abatement Funding to complete asbestos abatement work in the Ute Theater, and (b) \$10,000 to use for storage of the theater seating or other expenses that may arise from the project;
- accept the bid for asbestos removal work from Monarch Site Services in the amount of \$74,538; and
- authorize staff to move forward with the project if the grant from the State is approved.

Councilor Miller seconded the motion.

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

***CONSIDER AWARDING CONTRACT FOR ENVIRONMENTAL WORK***

Utilities Director Charlie Stevens and City Engineer Dick Deussen explained that, in connection with the Rifle Regional Water Purification Facility (RRWPF) project, staff had requested that Malcolm Pirnie, Inc. provide a proposal to 1) assist the City in obtaining funds from the United States Department of Agriculture's (USDA) Rural Development Service, and 2) obtain Individual 404 and 401 Permits for impacts to surface waters.

*Assistance in Obtaining Project Funding through USDA Rural Development*

The RRWPF project consists of the design and construction of a new treatment facility, all required ancillary facilities and connection to the existing distribution and storage systems. Funding for this project is being

considered through the USDA Rural Development (RD) loan program. In order to apply for this funding, two documents must accompany the application: an Environmental Report (ER) and a Preliminary Engineering Report (PER).

In order to comply with the National Environmental Policy Act (NEPA), USDA requires that an ER be prepared by a qualified environmental consultant and submitted for review as part of the loan application process. The ER assists USDA in determining whether a proposed project can be classified as a categorical exclusion (CE), or will require an environmental assessment (EA) or environmental impact statement (EIS) to be prepared. In general, the ER must contain information on the project purpose and need, alternatives analysis, evaluation of environmental effects, assessment of the significance of any environmental effects, and proposed mitigation measures where necessary. Malcolm Pirnie has contracted with the City to prepare a Nationwide Permit (NWP) application for the RRWPF project. Some required elements for the ER can be completed under the NWP permit process; however, preparation of the ER will require additional efforts outside of the permitting scope. Four additional tasks will be necessary to complete the ER: 1) Document Review, 2) Agency Correspondence, 3) Preparation of the ER, and 4) Preparation of a Public Notice.

Malcolm Pirnie's approach to comply with the PER requirements is based on work that has already been completed. Both the Master Plan which includes the Alternatives Analysis prepared by Schmueser Gordon Meyer (SGM) and the Basis of Design Report (BODR) will be required to be submitted to USDA. Malcolm Pirnie has not included any fees associated with changes to the BODR. It has included time to address questions by USDA to the BODR and coordinate and facilitate technical information as required by USDA.

The lump sum cost for preparation of the ER for USDA is \$32,850.

*Scope Change from United States Army Corps of Engineers (USACE) Nationwide Permit to Individual 404 (USACE) and 401 (CDPHE) Permits*

The City has requested that Malcolm Pirnie provide an estimate for preparation of Individual 404 and 401 Permit applications for unavoidable surface water impacts at the RRWPF. The major tasks required to complete the Individual Permit Applications are: USACE Site Visit; Threatened and Endangered Species Coordination; Cultural Resources Coordination; Construction Stormwater/BMP Planning; 404/401 Permit Applications; Public Notice/Hearing; and Conceptual Mitigation Plan.

The following additional assumptions were made while estimating project costs:

- The City will be responsible for paying all fees. For example, United States Fish and Wildlife Service (USFWS) will likely require the City to make a one-time contribution for additional water withdrawal from the Colorado River in order to mitigate any impacts to endangered fish. Additionally, if the City decides to mitigate for wetland impacts by purchasing credits from a mitigation bank, they will be responsible for these costs.
- These costs do not include any project monitoring. USACE and CDPHE may require mitigation monitoring or monitoring of the existing wetlands on-site as part of the permit conditions. If monitoring is required, we can prepare a separate scope and cost for the City to perform these tasks.
- It is assumed that the City will handle any necessary floodplain coordination.

The total fee for the Individual Permit Applications is \$72,400. The budget remaining from the NWP (404) application budget is \$39,000 (under 2011 budget), so the additional fee for the Individual Permit option is \$33,400 (\$72,400 - \$39,000).

Councilor Miller moved to:

- accept the proposal of Malcolm Pirnie, Inc. to assist the City in obtaining funds from the United States Department of Agriculture's (USDA) Rural Development Service, and obtain Individual 404 and 401 Permits for impacts to surface waters in connection with the Rifle Regional Water Purification Facility project; and
- authorize the expenditure of \$66,250 for this work.

Councilor Rice seconded the motion.

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

***CONSIDER REQUEST BY LOVA TRAILS GROUP FOR FUNDING FROM VISITOR IMPROVEMENT FUND***

Present were Larry Dragon, Executive Director, Lower Valley Trails Group (LoVa); Scott Becker, Chair, Visitors Improvement Fund Advisory Board (VIF); Helen Rogers, LoVa Board Member; and Gil Frontella, VIF Board Member. VIF has requested that Council approve an expenditure of \$5,000 to LoVa. Mayor Lambert expressed concern that LoVa is already receiving funds from the Rifle Community Foundation, which is also primarily funded by the City. Mr. Becker explained that VIF felt that LoVa's experience in dealing with the Colorado Department of Transportation and other agencies could help VIF move forward with the project to move the Colorado River boat ramp. Council Members felt that this justified LoVa's receiving funds from both the Rifle Community Foundation and VIF. LoVa intends to apply for a grant in 2012. Mr. Dragon said that LoVa would focus on Rifle-area improvements in 2011.

Councilor Winkler moved to approve VIF's funding of \$5,000 for LoVa; seconded by Councilor Sanborn.

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

**ADMINISTRATIVE REPORTS**

Mr. Hier reported to Council on the following issues: year-end reports, State of the Community Luncheon, water rates, Rifle Bucks Program, Valley Lumber demolition, upcoming work sessions, solid waste collection RFP, the process for selecting a contractor for an addition to the Public Works Facility, the Department of Energy's desire to return management of wetlands it is currently managing to the City, and the City's requirement that property owners remove snow from sidewalks within 24 hours after a storm.

**COMMENTS FROM MAYOR AND COUNCIL**

Councilor Winkler announced that the Ice Fishing Tournament would not take place this year because of thin ice.

Councilor Sanborn observed that the Environmental Protection Agency (EPA) is involved in many City issues and suggested that staff reach out to local EPA representatives.

Councilor Miller noted that CNN had reported that a study that linked autism to childhood vaccines was an elaborate fraud. He urged citizens to get their children vaccinated.

Mayor Lambert wished all citizens a prosperous New Year.

Meeting adjourned at 8:50 p.m.

---

Lisa H. Cain  
City Clerk

---

Keith Lambert  
Mayor