

RIFLE CITY COUNCIL MEETING

Wednesday, January 20, 2010

REGULAR MEETING

7:00 p.m. * Council Chambers

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

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

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

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

OTHERS PRESENT: John Hier, City Manager; Matt Sturgeon, Assistant City Manager; Wanda Nelson, City Clerk; Jim Neu, City Attorney; Michael Churchill, Cable 10; Rod Hamilton, Public Works Director; Dick Deussen, Engineer; Charlie Stevens, Utility Director; Charles Kelty, Finance Director; Doug Dennison; Monty Shed; Carleton Hoffmeister; Terry Broughton; John B. Scalzo; Leslie Robinson; Kelly Allen; Michael Erion, Resource Engineering; Annick Pruet; Brian J. Meinhart; Gil Frontella; Helen Rogers; Sally Brands.

CONSENT AGENDA

MINUTES FROM THE JANUARY 6, 2010 REGULAR MEETING; APPOINTMENT OF PRAB MEMBERS; 2009 AUDIT ENGAGEMENT LETTER; NOVEMBER FINANCIAL REPORT; NOVEMBER SALES TAX REPORT; ACCOUNTS PAYABLE

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

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

CITIZEN COMMENTS AND LIVE CALL-IN

Leslie Robinson reported that the air quality in Rifle has exceeded EPA standards multiple times. She has been in contact with the County and Energy Advisory Board.

RESOLUTION 2-10: SUPPORTING THE 2010 CENSUS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE AFFIRMING THE CITY'S SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS AND ENCOURAGING THE RESIDENTS OF RIFLE TO PARTICIPATE IN CENSUS 2010

Brian Meinhard with the U.S. Census Bureau reviewed their process for collecting census data this year, and encouraged everyone to participate. Resolution 2-10 affirms the City's support of the Census. Councilor Rice moved to approve Resolution 2-10; seconded by Councilor Miller.

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

RIFLE SNOWMOBILE CLUB REQUEST FOR PARKING FEE WAIVER

As they've done in years past, the Snowmobile Club is requesting a waiver of all parking fees for their annual event the Poker Run on February 14th at Huffman Gulch. President Carlton Hoffmeister was present to discuss his request. Councilor Winkler moved to waive parking fees for the Poker Run; seconded by Councilor Sanborn.

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

PUBLIC HEARING: WATERSHED DISTRICT PERMIT NO. 1-10 (BILL BARRETT CORPORATION COLORADO RIVER WATERSHED)

Mayor Lambert opened the public hearing. Doug Dennison and Monty Shed with Bill Barrett Corporation were sworn in. Barrett Corporation has applied for a Watershed District Permit for gas operations in the City's Colorado River Watershed. Barrett currently operates sixteen (16) well pads within the City's jurisdiction which have not been permitted; some of these well pads pre-date the City's Watershed District Ordinance and some do not. Barrett is also seeking approval of six (6) additional well pads. The Permit Application includes multiple wells on the well pads, gathering lines, roads and associated facilities, all of which are in the Dry Hollow and Mamm Creek drainages tributary to the

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Colorado River and within five (5) miles of the City's intake. Michael Erion, consultant for the City, was sworn in and reviewed his findings of the application. Terry Broughton was sworn in and asked if there had been any studies on the flow of the streams. Mr. Erion indicated there were not. Councilor Winkler moved to continue the Public Hearing until the February 3, 2010 meeting in order for staff to meet with the applicant to negotiate additional conditions as directed by Council; seconded by Councilor Miller.

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

THEATRE LEASE EXTENSION

Councilor Winkler excused himself from voting on this item. Kelly and Jacinto Iniguez were present for this discussion. Mr. Hier explained that staff has been working to develop a lease extension for Kelly and Jacinto Iniguez for the Rifle Creek Theatre. The New Ute Theatre Society is requesting information from the Iniguez' to facilitate a smooth transition once the new management group takes over. Councilor Miller moved to approve the Extension as amended to include the actual cost of the screen and its installation; seconded by Councilor Rice.

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

Mayor Lambert called for a recess at 9:00 p.m. The meeting resumed at 9:10 p.m.

RESOLUTION 3-10: AUTHORIZING CODIFICATION OF SECTION 6.10 OF THE MUNICIPAL CHARTER

A RESOLUTION OF THE CITY OF RIFLE, COLORADO, AUTHORIZING THE CODIFICATION OF SECTION 6.10 OF THE MUNICIPAL CHARTER OF THE CITY OF RIFLE AS APPROVED BY THE REGISTERED VOTERS OF THE CITY OF RIFLE AT THE 1993 REGULAR MUNICIPAL ELECTION

Ms. Nelson explained that at the regular municipal election in 1993 the electors of the City of Rifle approved the adoption of a new Section 6.10 of the Municipal Charter addressing salary and benefits for City employees upon termination. The provision states that an employee can receive no more than three months salary for a severance payment. For some reason this Section was not codified in the Municipal Code. Ms. Nelson has performed a thorough review of all election records since 1993 and no repeal of Section 6.10 or other related amendment to the Charter was approved by the qualified electors of the City. Therefore, Section 6.10 remains a valid provision to the City of Rifle Charter and Resolution No. 3, Series of 2010 simply makes that finding and authorizes the codification company to include it in the Rifle Municipal Code. This Charter Section exists without action of the City Council, so this Resolution is only providing a written record of events and is not adopting the Charter provision, which can only occur through a valid municipal election. Councilor Miller moved to approve Resolution 3-10; seconded by Councilor Thompson.

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

FIRST READING OF ORDINANCE 1-10: UTILITY DELINQUENCY NOTICE AMENDMENTS

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTIONS 13-1-430 AND 13-1-440 OF THE RIFLE MUNICIPAL CODE REGARDING NOTICE OF SUSPENSION OF WATER AND SEWER SERVICE AND ADOPTING A FEE FOR PROCESSING AND PREPARATION OF DELINQUENCY AND SHUT-OFF NOTICES IN APPENDIX A TO THE CODE

Mr. Neu explained the need to update the Rifle Municipal Code provisions related to notices for delinquent utility accounts. It is recommended that the time period before delinquency and shut off notices are mailed to customers be shortened so delinquent amounts do not become too large and burdensome. Ordinance No. 1, Series of 2010 amends Sections 13-1-430 and 440 so that when a water and/or sewer bill remains unpaid for thirty days a delinquency notice is mailed. If the bill remains unpaid at forty-five days a shut off notice is sent to the customer who has ten days to pay the balance before service is suspended. In that ten day period, the customer may request a hearing in writing regarding the suspension of service. This Code amendment removes the \$100 minimum amount past due before a shut off notice is sent. In addition, the delinquency and shut off notice processing fee currently assessed as authorized in Section 13-1-430 is codified in Appendix A. Councilor Winkler moved to approve Ordinance 1-10 as presented and ordered it to be published by title as required by Charter; seconded by Councilor Rice.

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

CONTRACT FOR PERFORMANCE CONTRACT

Mr. Braaten noted that this request is to engage Ennovate Corporation to conduct an energy audit of City buildings, including City Hall, Senior Center, Justice Center, and several others. Ennovate has completed work throughout Colorado, including Rio Blanco County, the town of Meeker, and Montrose County. Councilor Thompson moved to authorize the City Manager to sign the Contract; seconded by Councilor Miller.

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

CHANGE ORDER FOR SOLAR INSTALLATION OF O&M SERVICE CENTER

Mr. Deussen noted that this Change Order is to contract with Simplicity Solar LLC to install a photovoltaic system on the roof of the Operations and Maintenance Building in an amount of \$54,730. Simplicity will be installing such systems on the Justice Center and Parks Maintenance Facility. This additional work will increase the total contract to \$167,690. Councilor Sanborn moved to approve the Change Order in an amount not to exceed \$54,730; seconded by Councilor Winkler.

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

CHANGE ORDER NO. 13 RRWWRF

Mr. Stevens reported this Change Order is for \$12,165, and includes the following items: seed mix design change, extending clarifier walkways, valve actuators, and a credit for ceiling tile changes. Councilor Rice moved to approve Change Order No. 13; seconded by Councilor Thompson.

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

AUTHORIZE CITY MANAGER TO EXECUTE ENGAGEMENT LETTER WITH LEE LEAVENWORTH FOR WATER LEGAL SERVICES

Mr. Hier explained that City Attorney Lee Leavenworth is leaving the firm to initiate a smaller operation on his own. Mr. Leavenworth has been the City’s expert on water issues and staff recommends continuing that relationship. Councilor Miller moved to authorize the City Manager to execute the engagement with Mr. Leavenworth for water legal services; seconded by Councilor Rice.

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

Mayor Lambert appointed Jim Neu as the City Attorney. Mr. Neu thanked Council for their support.

ADMINISTRATIVE REPORTS

Mr. Hier reported on: snow removal; 2010 work plans; traffic lights on Railroad Avenue; sewer backup near swimming pool; transportation meeting on February 1st; recycling containers at the O&M shop; interview process for wastewater employees; all-hands meeting on February 2nd; Theatre repairs. Mr. Nelson stated there will be a joint workshop with the Council and Garfield County Commissioners on February 10th. Mr. Sturgeon reported that the Code Enforcement Officer has accepted a position with Routt County. Mr. Stevens noted that the sanitary sewer overflow was due to grease. He also stated that a wastewater operator has been hired, and reminded everyone that the workshop on February 3rd regarding the water plant design starts at 5:30 p.m.

COMMENTS FROM MAYOR AND COUNCIL

DOWNTOWN AIR QUALITY

Councilor Sanborn commented on Ms. Robinson’s earlier report on the air quality. The County should be made aware of the situation.

CONGRATULATIONS RHS!

Councilors Miller and Rice congratulated the Rifle basketball teams for their defeat over the Titans.

SNOW REMOVAL

Councilor Thompson thanked the City crews for their snow removal efforts.

Meeting adjourned at 10:00 p.m.

Wanda Nelson
City Clerk

Keith Lambert
Mayor