

RIFLE CITY COUNCIL MEETING

Wednesday, October 21, 2009

REGULAR MEETING

7:00 p.m. * Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:05 p.m. by Mayor Keith Lambert.

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

Councilor Lambert moved to excuse Councilor Jonathan Rice from tonight's meeting; seconded by Councilor Miller.

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

OTHERS PRESENT: John Hier, City Manager; Matt Sturgeon, Assistant City Manager; Wanda Nelson, City Clerk; Jim Neu, Assistant City Attorney; Aleks Briedis, Recreation Director; Tom Whitmore, Parks Director; Michael Churchill, Cable 10; Charlie Stevens, Utility Director; Rod Hamilton, Public Works Director; Dick Deussen, City Engineer; Peter Hayes, Building Inspector; Kevin Kelley, Construction Inspector; Andrea Korber; Leslie Robinson; Annick Pruet; Bob Hea; Wayne Bankert; Ken Leis; Garrick Frontella; Jeanice Freeman; Kelly Iniguez; Gary Miller; Elizabeth Stuver; Trudy Giard; Jeff Giard; Helen Rogers; Michael Langhorne; Dave Goertz; Missy Warner; Michael Erion, Resource Engineering.

*Clerk's Note: Two signatures were illegible.

CONSENT AGENDA

MINUTES FROM THE OCTOBER 7, 2009 REGULAR MEETING; LIQUOR LICENSE RENEWAL: ELK'S LODGE; SET HEARING DATE FOR VALLARTA RESTAURANT; ACCOUNTS PAYABLE

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

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

CITIZEN COMMENTS AND LIVE CALL-IN

Leslie Robinson with the Grand Valley Citizen's Alliance invited everyone to attend the showing of "Split Estate" this weekend.

CONSIDER PROPOSAL FROM THE NEW UTE THEATRE SOCIETY REGARDING MANAGEMENT OF THEATRE FACILITY

Mr. Hier noted that the City has received a request from several local Rifle business owners and DDA representatives – known as the New Ute Theatre Society - to oversee the theatre building renovation, management, and theatre operation of the facility. The Society presented their proposal to Council during this evening's workshop. Council directed staff to negotiate an agreement with NUTS for Council's consideration.

SHOPPING AND DINING INCENTIVE PROGRAM

Mr. Braaten reported that, earlier this summer, Council directed staff to investigate the establishment of a "local stimulus program" for the City of Rifle with the goal of encouraging retail and restaurant sales in Rifle. The program consists of "Rifle Bucks", which are coupons valued at \$20 and redeemable at participating Rifle merchants and restaurants with a minimum purchase of \$60. Gary Miller, Annick Pruet, and Jeanice Freeman spoke in favor of the Program. Councilor Lambert moved to approve the Program, with the following conditions: the coupon be run in the *Citizen Telegram* and the *Post Independent* on November 19th, with a second run to be evaluated by staff; staff will keep in touch with the merchants to track the success of the program; advertising for the Program to be done in the newspapers and on the radio; seconded by Councilor Winkler.

Roll Call: Yes – A. Lambert, Miller, Sanborn, Thompson, Winkler,
No - K. Lambert

CONSIDERATION OF RIFLE SOLAR ASSESSMENT RECOMMENDATIONS

The Garfield New Energy Communities Initiative (GNECI) is offering a grant of \$87,500 for the development of a renewable energy demonstration project, and the City will contribute \$20,000 of in-kind staff time towards planning, evaluating, and managing the project installation. Several municipal sites were assessed, and it is recommended that the City use the grant monies between two sites: the Justice Center, and the Parks Maintenance facility. Councilor Miller moved to authorize staff to begin the RFP process for solar products at the Justice Center and Parks Maintenance facility, with funds for this project coming from the Capital Fund; seconded by Councilor Thompson.

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

COMPOSTING PROPOSAL FOR WEST UMTRA SITE

Mr. Stevens stated that staff has been meeting with Jim Duke (dba Caca Loco Compost) to explore the possibility of Mr. Duke locating his business to the Energy Innovation Center site. Expenditures of \$5,000 for legal fees and \$20,000 for design engineering and geotechnical work would be required for site development. Mr. Sturgeon noted this is the first opportunity for the City to start developing the Center. CMC is in support of this proposal to help stimulate a local, green economy. Councilor Sanborn moved to authorize staff to enter into negotiations with Mr. Duke to locate his business to the Center, and spend an amount not to exceed \$25,000 in legal and engineering fees to begin developing the site; seconded by Councilor Lambert.

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

PUBLIC HEARING: ANNEXATION OF COUNTY ROAD 296

FIRST READING OF ORDINANCE 29-09: ANNEXATION

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS COUNTY ROAD 296 ANNEXATION

FIRST READING OF ORDINANCE 30-09: ZONING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS COUNTY ROAD 296 ANNEXATION PUBLIC ZONE DISTRICT.

Mayor Lambert opened the public hearing. Mr. Sturgeon stated that staff has been working on the annexation of two small segments of County Roads to provide jurisdictional consistency to adjacent properties that are already annexed to the City. At the City’s request, the County signed annexation petitions for these two parcels and the City is processing their annexation into the City and zoning. The Planning Commission at their September 29th meeting recommended that the City annex and zone the parcels. The first annexation is a portion of County Road 296 that abuts the City’s new Parks Building near Deerfield Park. Ordinance No. 29, Series of 2009 annexes the property and Ordinance No. 30 zones it Public Zone District. Councilor Miller moved to approve Ordinances 29-09 and 30-09 as presented and ordered them to be published by title as required by Charter; seconded by Councilor Thompson.

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

PUBLIC HEARING: ANNEXATION OF SOUTH 7TH STREET

FIRST READING OF ORDINANCE 31-09: ANNEXATION

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS SOUTH SEVENTH STREET ANNEXATION

FIRST READING OF ORDINANCE 32-09: ZONING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS SOUTH SEVENTH STREET ANNEXATION PUBLIC ZONE DISTRICT.

Mayor Lambert opened the public hearing. Mr. Sturgeon noted this annexation is a portion of South 7th Street adjacent to the new Super 8 Motel on the south side of town. Ordinance No. 31, Series of 2009 annexes the property and Ordinance No. 32 zones it Public Zone District. Councilor Miller moved to approve Ordinance 31-09 and 32-09 as presented and ordered them to be published by title as required by Charter; seconded by Councilor Thompson.

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

9TH STREET AND RAILROAD AVENUE TRAFFIC SIGNAL REPLACEMENT

Mr. Hamilton noted the mast arm and pole for the signal located at 9th Street and Railroad Avenue were damaged by a storm this summer. The cost to replace these items is \$75,000. An easement has been obtained from the property owner. Councilor Lambert moved to authorize the purchase of the signal replacement in an amount not to exceed \$75,000 and purchase the easement from the property owner; seconded by Councilor Thompson.

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

GARFIELD COUNTY AIRPORT: RUNWAY EXTENSION ROAD AND UTILITY RELOCATION IGA; WATERSHED PERMIT

Mr. Neu reviewed the need for an IGA with Garfield County for the improvements being made at the Garfield County Airport. The County is extending the Airport’s runway and adding a safety zone which necessitates their relocation of portions of Airport Road, County Road 346 and County Road 319. In addition, the City has water and sewer mains along the road alignment that also need to be relocated. The IGA reads very similar to the City’s standard form SIA which allows the City to review and approve the plans and specifications, which it has done since the project is underway, and make construction observation as the project is constructed, which it has been doing to ensure compliance with the approved plans and the City’s Public Works Manual. Upon completion of the construction of the public improvements to be owned and maintained by the City, the County will convey the necessary easements, right-of-way and

improvements to the City through the City's normal acceptance process of public improvements. The County will further provide a one year warranty on those improvements as required by the Public Works Manual. There are also unusual jurisdictional issues with this Project addressed in the IGA because the City has an annexation path adjacent to the old road alignment that leads up to the co-generation plant annexed in the mid-1980s. The City does not own or have jurisdiction of County Road 319 itself as it travels uphill from the intersection of Baron Lane at the end of Airport Road, but it has been approved for annexation in conjunction with Rifle Airpark PUD. The Annexation Map for Rifle Airpark has not been recorded because the Runway Project would relocate the County Road. Once the Project is completed, the City will process an amended Annexation Map for Rifle Airpark showing the new road location as the annexation path up to Rifle Airpark. The existing annexation path will need to be de-annexed, which the City will also process so that it does not have an isolated jurisdictional path in the middle of the County Airport safety zone. A watershed permit has been issued because the County is moving a lot of dirt in conjunction with the improvements. Councilor Miller moved to approve the Runway Extension Road and Utility Relocation IGA; seconded by Councilor Thompson.

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

LARAMIE WATERSHED PERMIT

Laramie Energy II, LLC applied for a watershed district permit from the City in the fall of 2008. After several public hearings, the City issued Watershed District Permit No. 4-08 to construct and operate up to five natural gas well pads with multiple wells, associated production facilities, including gathering pipelines, and road improvements. The Council's primary concern during these hearings was the proximity of the activities to Beaver Creek which led to the condition of Permit No. 4-08 that Laramie construct a Water Quality Monitoring Facility (WQMF) at the City's Beaver Creek water intake. The WQMF has been constructed and is in operation. In addition, pursuant to a separate watershed district permit issued to ETC Canyon Pipeline, LLC by Permit No. 3-08, a portion of Beaver Creek Road (a.k.a. County Road 317) is in the process of being relocated so it is not directly adjacent to Beaver Creek. Laramie Energy has requested an amendment to Permit No. 4-08 to add two additional natural gas well pads north of the already-permitted pad sites for a total seven natural gas well pads with multiple wells, associated production facilities and road improvements in the Beaver Creek Watershed. The map in the packet shows four of the approved well pads and the requested two additional pads, including other operator's pad sites, the relocated Beaver Creek Road and the access roads to the well pads. Wayne Bankert and Bob Hea with Laramie were present for this discussion. Mr. Erion reviewed the application. Missy Warner and Dave Gertz with Weston were present and discussed the water quality monitoring system they installed. Mayor Lambert opened the public hearing, and all those who testified were sworn in. Councilor Sanborn moved to table the hearing until a representative from the frac'ing company could be present to discuss the chemicals used in the process. There was no second made to the motion. Councilor Miller moved to approve the first amendment to Watershed Permit 4-08 with the additional condition of fencing cattle out, as recommended by Mr. Erion; seconded by Councilor Lambert.

Roll Call: Yes – A. Lambert, Miller, Thompson, Winkler, K. Lambert
No - Sanborn

ADMINISTRATIVE REPORTS

Mr. Hier reported on: 2010 Budget; water intake pond; Library groundbreaking ceremony; 16th Street; Centennial Park; Parks Maintenance facility; tour of City facilities; construction activity. Ms. Nelson stated that an additional budget workshop has been scheduled for Monday, October 26th at 7 p.m., and the notice for this workshop will appear in the October 23rd edition of the *Post Independent*. Mr. Sturgeon reported on the progress of the City's Comprehensive Plan. Mr. Briedis reviewed the "Needs Survey" that is being sent to Rifle residents regarding Parks and Rec programs and the proposed Health & Wellness Center. Centennial Park is moving forward, and Mr. Briedis thanked Napa for their trail easement. Mr. Braaten provided Council with a copy of a recent newspaper article on oil shale.

COMMENTS FROM MAYOR AND COUNCIL

WEST GARFIELD COUNTY VETERANS MEMORIAL

Councilor Miller invited everyone to attend the dedication of the Memorial at Veterans Plaza on November 8th.

LIBRARY GROUNDBREAKING CEREMONY

Councilor Lambert and Mayor Lambert congratulated the Library on their groundbreaking ceremony earlier today. The Library is temporarily housed at 3rd and West Avenue.

CHEMICALS USED IN FRAC'ING PROCESS

Councilor Sanborn inquired where she can learn about the chemicals used in the frac'ing process. Mr. Neu will research this inquiry and provide the requested information.

WATERSHED PERMIT

Councilor Winkler stated that this was his first Watershed Permit Hearing, and felt the process was very educational. It is the City's responsibility to protect its watershed, and the permitting process is one way to do that.

Meeting adjourned at 9:53 p.m.

Wanda Nelson
City Clerk

Keith Lambert
Mayor