

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