



CITY COUNCIL

WORKSHOP AND REGULAR MEETING AGENDA

September 6, 2023
7:00 PM
202 Railroad Avenue, Rifle, CO

6:00 PM - Workshop Meeting

Discussion and Review

- a. Discuss Possible Adjustments to Personnel Compensation Plan
- b. Discuss the August 24, 2023 Rain Event

7:00 PM - Regular Meeting

- 1. **Call to Order**
- 2. **Pledge of Allegiance**
- 3. **Roll Call**
- 4. **Public Comment** *(maximum time permitted for Public Comment is 3 minutes per person)
- 5. **Consent Agenda**
 - 5.a. Consider Minutes of the August 2, 2023, Regular Meeting
 - 5.b. Consider Minutes of the August 16, 2023, Regular Meeting
 - 5.c. Consider Liquor License Renewal for Rolling Fork Grill, LLC dba Brickhouse Pizzeria
 - 5.d. Consider Fairway Avenue Development and Fee Waiver Agreement for the Extension of Fairway Avenue
 - 5.e. Consider Memorandum of Understanding to Join the Colorado River Wildfire Collaborative
 - 5.f. Consider Ordinance No. 17, Series of 2023 - Street Sales Tax Ballot Question - 2nd Reading
 - 5.g. Consider Annexation Request for Highway 6 and Swallow Lane Commercial Project
 - 5.g.i. Ordinance No. 18, Series of 2023 - Annexation - 2nd Reading

5.g.ii. Ordinance No. 19, Series of 2023 - Zoning - 2nd Reading

6. Action, if any, on Workshop Items

7. Presentation

8. Regular Agenda

- 8.a.** Consider Resolution No. 22, Series of 2023 - DOLA Grant-Downtown Rehabilitation Project
- 8.b.** Consider Resolution No. 25, Series of 2023 - Authorizing Application of Colorado Parks and Wildlife Grant for Birch Park
- 8.c.** Consider Property Donation of a Portion of Lot 3 of the Collett Subdivision
- 8.d.** Consider Report of Changes - Modification of Premise - SuperKidz, LLC dba SuperKidz, LLC
- 8.e.** Consider Bid Approval for the New Roof on the Senior Center Building

9. Administrative Reports

- 9.a.** July 2023 Traveler Report
- 9.b.** Report to City Manager

10. Comments from Mayor and Council

11. Adjournment



Agenda Item #a.

Agenda Item Name:

Discuss Possible Adjustments to Personnel Compensation Plan

Presenter:

Danielle Hogan, HR Manager
Scott Rust, Finance Director

Item Description:

Discuss Possible Adjustments to Personnel Compensation Plan

Recommended Action:

Discussion only at this time

Fiscal Impact:

N/A

Operational Impact:

N/A

Prior Board Motions:

None

Background Information:

Please see memo attached.

Executive Summary:

N/A

Notification Requirements:

N/A

Prepared By:

Misty Williams, City Clerk

Attachments:

1. Memo 2024 Staff Wage Considerations 9.6.23 Council Meeting
2. 2022-2025 LE Scales with Hourly Rates
3. 2022-2025 Comp Pay Scales with Hourly Rates
4. Law Enforcement Wage Data 9.6.2023



To: Mayor Green and Members of Rifle City Council

From: Danielle Hogan, HR Manager

Date: Tuesday, August 29, 2023

Subject: Update on 2024 Staff Wage Considerations

In 2022 Rifle completed a market salary study and adopted a new compensation plan. The completion of this market study helped to ensure that City of Rifle's wages are competitive in the market; it established a step progression for positions, and supported Council's Strategic Initiative of Organizational Excellence and to be the Employer of Choice.

For wages to remain competitive, wage ranges are often adjusted annually, or when necessary, by a percentage to prevent wages from lagging in the market; typically called a COLA increase.

City staff has researched local market trends, statewide municipal government trends and discussed recommendations with our compensation consultant about what adjustments, if any, should be made to Rifle's Compensation Plan for 2024 allowing wages to remain competitive in the market going forward.

At this time staff wanted to communicate with Council that the recommendation is that we should apply an adjustment to the ranges within our compensation plan. Without this COLA increase wages will become out-of-date and will lag in the market. Staff is evaluating revenue, 2024 budgetary needs and fund balances; we will be presenting a recommendation to Council with numbers for this adjustment at the first budget workshop on September 20th. As an adjustment of this nature this has not occurred in a number of years, we wanted to update Council and prepare you that this conversation.

Additionally, local jurisdictions have significantly increased the starting wage for Law Enforcement officers. At this time Rifle's starting wage is the second lowest of the surveyed areas. This is one factor that is preventing us from being successful in recruiting for vacancies. To allow Rifle to be competitive in recruiting Law Enforcement personnel, we will be recommending an additional market adjustment to the Law Enforcement ranges in addition to the COLA increase. Without the market adjustment wages, these positions will continue to be well below the local market. Staff is working to address other concerns that support our recruiting and retention efforts, such as take-home vehicles; Council will receive this information during budget review.

For your reference we have included the current pay grade and wage range tables for General Government positions and Law Enforcement positions. Also included is the information obtained during staff's survey of local law enforcement jurisdictions starting wage and take-home vehicles.

Pay Scale for Sworn Police Personnel

Grade	Minimum		5.5%		5.0%		4.5%		4.5%		4.5%		4.0%		4.0%	
	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Maximum	
PD 300	\$ 61,100	\$ 27.33	\$ 64,461	\$ 28.83	\$ 67,684	\$ 30.27	\$ 70,729	\$ 31.63	\$ 73,912	\$ 33.06	\$ 77,238	\$ 34.54	\$ 80,328	\$ 35.92	\$ 83,541	\$ 37.36
PD 400					\$ 72,004	\$ 32.20	\$ 75,244	\$ 33.65	\$ 78,630	\$ 35.17	\$ 82,169	\$ 36.75	\$ 85,455	\$ 38.22	\$ 88,873	\$ 39.75
PD 500					\$ 79,980	\$ 35.77	\$ 83,579	\$ 37.38	\$ 87,340	\$ 39.06	\$ 91,270	\$ 40.82	\$ 94,921	\$ 42.45	\$ 98,718	\$ 44.15

Pay Scale for General Government

Grade	Minimum		5% A		5% B		4.5% C		4% D		3% E		3% F		3% G		3% Maximum	
	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly	Annual	Hourly
200	\$ 33,280	\$16.00	\$ 34,944	\$16.80	\$ 36,691	\$17.64	\$ 38,342	\$18.43	\$ 39,876	\$19.17	\$ 41,072	\$19.75	\$ 42,304	\$20.34	\$ 43,574	\$20.95	\$ 44,881	\$21.58
300	\$ 35,942	\$17.28	\$ 37,740	\$18.14	\$ 39,626	\$19.05	\$ 41,410	\$19.91	\$ 43,066	\$20.70	\$ 44,358	\$21.33	\$ 45,689	\$21.97	\$ 47,059	\$22.62	\$ 48,471	\$23.30
400	\$ 38,818	\$18.66	\$ 40,759	\$19.60	\$ 42,797	\$20.58	\$ 44,722	\$21.50	\$ 46,511	\$22.36	\$ 47,907	\$23.03	\$ 49,344	\$23.72	\$ 50,824	\$24.43	\$ 52,349	\$25.17
500	\$ 41,923	\$20.16	\$ 44,019	\$21.16	\$ 46,220	\$22.22	\$ 48,300	\$23.22	\$ 50,232	\$24.15	\$ 51,739	\$24.87	\$ 53,291	\$25.62	\$ 54,890	\$26.39	\$ 56,537	\$27.18
600	\$ 45,277	\$21.77	\$ 47,541	\$22.86	\$ 49,918	\$24.00	\$ 52,164	\$25.08	\$ 54,251	\$26.08	\$ 55,878	\$26.86	\$ 57,555	\$27.67	\$ 59,281	\$28.50	\$ 61,060	\$29.36
700	\$ 48,899	\$23.51	\$ 51,344	\$24.68	\$ 53,911	\$25.92	\$ 56,337	\$27.09	\$ 58,591	\$28.17	\$ 60,349	\$29.01	\$ 62,159	\$29.88	\$ 64,024	\$30.78	\$ 65,945	\$31.70
800	\$ 52,811	\$25.39	\$ 55,452	\$26.66	\$ 58,224	\$27.99	\$ 60,844	\$29.25	\$ 63,278	\$30.42	\$ 65,177	\$31.33	\$ 67,132	\$32.27	\$ 69,146	\$33.24	\$ 71,220	\$34.24
900	\$ 57,036	\$27.42	\$ 59,888	\$28.79	\$ 62,882	\$30.23	\$ 65,712	\$31.59	\$ 68,340	\$32.86	\$ 70,391	\$33.84	\$ 72,502	\$34.86	\$ 74,677	\$35.90	\$ 76,918	\$36.98
1000	\$ 61,599	\$29.61	\$ 64,679	\$31.10	\$ 67,913	\$32.65	\$ 70,969	\$34.12	\$ 73,808	\$35.48	\$ 76,022	\$36.55	\$ 78,303	\$37.65	\$ 80,652	\$38.77	\$ 83,071	\$39.94
1100	\$ 66,527	\$31.98	\$ 69,853	\$33.58	\$ 73,346	\$35.26	\$ 76,646	\$36.85	\$ 79,712	\$38.32	\$ 82,104	\$39.47	\$ 84,567	\$40.66	\$ 87,104	\$41.88	\$ 89,717	\$43.13
1200	\$ 71,849	\$34.54	\$ 75,441	\$36.27	\$ 79,214	\$38.08	\$ 82,778	\$39.80	\$ 86,089	\$41.39	\$ 88,672	\$42.63	\$ 91,332	\$43.91	\$ 94,072	\$45.23	\$ 96,894	\$46.58
1300	\$ 77,597	\$37.31	\$ 81,477	\$39.17	\$ 85,551	\$41.13	\$ 89,400	\$42.98	\$ 92,976	\$44.70	\$ 95,766	\$46.04	\$ 98,639	\$47.42	\$ 101,598	\$48.85	\$ 104,646	\$50.31
1400	\$ 83,805		\$ 87,995		\$ 92,395		\$ 96,552		\$ 100,415		\$ 103,427		\$ 106,530		\$ 109,726		\$ 113,017	
1500	\$ 90,509		\$ 95,035		\$ 99,786		\$ 104,277		\$ 108,448		\$ 111,701		\$ 115,052		\$ 118,504		\$ 122,059	
1600	\$ 97,750		\$ 102,637		\$ 107,769		\$ 112,619		\$ 117,124		\$ 120,637		\$ 124,256		\$ 127,984		\$ 131,824	
1700	\$ 105,570		\$ 110,848		\$ 116,391		\$ 121,628		\$ 126,493		\$ 130,288		\$ 134,197		\$ 138,223		\$ 142,369	
1800	\$ 114,015		\$ 119,716		\$ 125,702		\$ 131,359		\$ 136,613		\$ 140,711		\$ 144,933		\$ 149,281		\$ 153,759	
1900	\$ 123,137		\$ 129,293		\$ 135,758		\$ 141,867		\$ 147,542		\$ 151,968		\$ 156,527		\$ 161,223		\$ 166,060	
2000	\$ 132,988		\$ 139,637		\$ 146,619		\$ 153,217		\$ 159,345		\$ 164,126		\$ 169,049		\$ 174,121		\$ 179,344	

August 2023 Entry Law Enforcement Wage/Benefit Data							
<u>Town:</u>	<u>Starting wage:</u>	<u>Hours Worked:</u>	<u>OT after:</u>	<u>Take-home Cars:</u>	<u>Living Restrictions:</u>	<u>Proposed Projected 2024 Increase (not approved):</u>	<u>Notes:</u>
Parachute	\$ 23.00	84	86	yes	no	unknown at this time	12 hr shifts
Rifle	\$ 27.33	84	86	no for patrol, yes for Chief, Lt., Detective, SRO, K9	n/a	unknown	12 hr shifts
Silt	\$ 28.75	80	86	yes	10 mile radius of Silt Town Hall	4% COLA	4 - 10 hr shifts
Garfield County	\$ 30.01	84	86	yes	no	5% Merit	12 hr shifts
Glenwood Springs	\$ 31.27	84	86	no for patrol, yes for Chief, Lt., Detective, SRO, K9	no	2.5% COLA, 2.5% merit	12 hr shifts
Carbondale	\$ 31.81	84	86	yes, beginning next month	Carbondale to Parachute	4%	12 hr shifts
New Castle	TBD salary study in process	84	86	yes	no	completing salary study	12 hr shifts



Agenda Item #b.

Agenda Item Name:

Discuss the August 24, 2023 Rain Event

Presenter:

Tommy Klein, City Manager

Item Description:

Discuss the rain event that occurred on August 24, 2023.

Recommended Action:

None

Fiscal Impact:

Repairs and mitigation efforts are underway. We do not have an accurate estimate of the cost to repair damages.

Operational Impact:

City staff are focusing efforts on repairs and preparing our infrastructure for future rain events.

Prior Board Motions:

None

Background Information:

On August 24, 2023, heavy rain was experienced in Rifle, causing localized flooding and damage to private and public property. We have not received any reports of injuries related to the event.

Executive Summary:

Once estimates of the damage are collected, we will provide a report for the Council. The report will be included on the agenda as a Regular Agenda Item to ensure the public has easy access to the information.

Emergency procurement of services and equipment was necessary.

Please refer to the attached report.

Notification Requirements:

None

Prepared By:

Tommy Klein, City Manager

Attachments:

1. Storm Response 08-24-2023

Strom Response Report



August 31, 2023

Introduction

The rain event that occurred on August 24, 2023, caused localized flooding and minor property damage. There are no reported injuries associated with the storm.

The most significant issues related to the storm occurred at the Wastewater Treatment Plant and they are being addressed. Over the next few months, crews will work to restore the storm water and sewer systems by removing silt and debris accumulation from lines.

The police department responded to only 8 flood-related calls for service. Parks and Recreation staff, Operations and Maintenance staff, and an additional police supervisor responded on the evening of the storm to assist with drainage problems. Repairs will continue over the next several weeks. When staff obtains estimates on the total costs associated with the storm, we will provide the Council an updated report.

Weather

The National Weather Service (NWS) reports that from January 1, 2023, until August 27, 2023, the Rifle area experienced 11.54 inches of precipitation. This amount is 4.51 inches above normal. Since June 1, 2023, until August 27, 2023, the NWS reports that 3.23 inches of rain was measured at the airport. From August 1, 2023 to August 27, 2023, the NWS indicates we received 1.33 inches of rain which is .43 inches above normal. NWS online data shows that 1.06 inches of rain were recorded at the Rifle Garfield County Airport on Thursday, August 24.

On August 24, 2023, light rain began falling in our community at approximately 18:30 hours. From 19:00-20:00 hours, .27 inches of rain fell in the Rifle area. From 20:00-21:00 hours accumulations totaled .78 inches. The sum of rain measured at the Rifle Garfield County Airport in the 24 hours period of August 24, 2023, was 1.06 inches. Rifle averages .9 inches of rain in August. In a period of 2 hours, we received more than the monthly August average of precipitation.

A secondary weather station is situated 3.2 miles east northeast of Rifle. The station recorded 1.1 inches of rain on August 24.

While the amount of rain does not appear excessive, the rate combined with the duration caused some localized flooding. The United States Geological Service defines heavy rain as greater than 4 mm per hour and less than 8 mm per hour. From 19:00 – 20:00 hours, Rifle received 6.9 mm of rain. The USGS defines very heavy rain as 8 mm per hour or greater. From 20:00-21:00 hours, Rifle sustained 19.8 mm of rain per hour.

Areas that reported flooding

Airport Road which flowed to the roundabout
The West Rifle Trailer Park and surrounding areas
Acacia Avenue
Railroad Avenue near 14th Street
Centennial Park

Airport Road is situated to the north of Ramsey Gulch. Rifle Public Works crews cleared a ditch in the spring of 2023 that directs water to drainage on the south side of Airport Road. Had this ditch not been cleared, water would have crossed Airport Road to the Starbucks and the surrounding businesses causing flooding. During the rain event, the ditch that runs parallel to Airport Road overflowed. Airport Road took water and it flowed west toward the roundabout. While the water moving along Airport Road appeared to be a failure of control measures, this area performed as designed. The water management objective for this area is to channel water around the hospital and prevent flooding on the north side of Airport Road. Airport Road acts as a secondary waterway to channel water to the roundabout.

The storm water drains at the roundabouts became clogged with debris. An officer noted the problem and removed obstructions from the drains. He also opened a headgate that is located on the south side of Airport Road near Rib City and this action improved flow.

Police calls related to the flooding along Airport Road:

1. 19:57 hours – A Subaru was stuck in 2-3 feet of water at the roundabout.
2. 20:01 hours – A police supervisor was contacted to respond, and O and M was called in to assist.
3. 20:02 hours – A pickup truck ran into the ditch in front of Rib City.
4. 20:07 hours – Police cleared the drains at the roundabout and opened a head gate in the south side ditch along Airport Road.
5. 20:25 hours - The Police Department's PIO issued an Accident and Travel alert on social media.

The West Rifle Trailer Park located at 1801 W. 2nd Street experienced flooding. CRFR responded and no residents wanted shelter and there was not an evacuation. This is a low lying area and we speculate that the median between HWY 6 and Access Road flooded causing water to eventually flow north towards the trailer park and the Budget Star motel.

Police calls related to the flooding near 1801 W. 2nd Street:

1. 21:26 hours – At 1801 W. 2nd Street, water is reported to be rising near homes.
2. 21:44 hours – At 1801 W. 2nd Street - CRFR was on scene and requested PD assistance. The Red Cross was contacted and could not offer support. Residents were encouraged to evacuate, but no one chose to leave.
3. 22:03 hours – The Budget Star located at 101 Ray Avenue experienced flooding in the parking lot.

Acacia Avenue sits at a low elevation and runs parallel to Rifle Creek. Heavier rain events overwhelm the existing storm drain system. When Rifle Creek water levels increase beyond normal, pressure builds at the discharge side of the storm water pipes decreasing the volume of water that can be removed from the roadway.

Police calls related to the flooding on Acacia Avenue:

20:43 hours – A resident in the 2300 block of Acacia Avenue indicated that water was threatening homes on Acacia.

Staff studied this problem and determined that another storm drain will be place on Acacia Avenue at a City owned lot near the intersection of W. 26th Street and Acacia Avenue. The City lot extends to Rifle Creek enabling staff to move forward on the project without the need to obtain an easement. Construction will be completed by the summer of 2024.

Flooding on Railroad Avenue and near the City Market gas station was observed. Beginning at 20:35 hours Police officers assisted O and M with clearing debris from storm drains along Railroad Avenue. The water subsided quickly as drains were cleared.

On Friday, August 25, O and M personnel worked on removing debris from the waterway under the bridge located at W. 12th Street and Park Avenue. It appears that someone cut trees near the creek and left them in place. High water moved the trees south and the debris restricted the flow of water under W. 12th Street. The obstruction diverted water onto fairgrounds property.

Centennial Park was flooded with approximately 3 feet of water. All Parks and Recreation Staff responded to the park on Friday to begin cleanup efforts. Debris was removed from the pedestrian bridge that crosses Rifle Creek. Large amounts of sediment were removed from the outdoor pavilion and the surrounding areas. The playground sustained significant damage and will be closed for two weeks or more as staff works to repair the equipment and ground protection.

Approximately \$8,000 has been spent to rent equipment for staff to facilitate the cleanup efforts. We have filed a claim with CIRS to assist paying for damages and cleanup efforts at the park.

At approximately 20:26 hours, an officer visually inspected Rifle and Government Creek in north Rifle. Creek levels were slightly high but were within the banks.

There was significant water damage to the westbound lane of E. 16th Street near Whiteriver Avenue. The storm water pipeline under E. 16th Street became clogged with construction materials, possibly drywall dust and mud. The substances hardened and blocked the line near a manhole. Significant amounts of water entered the pipe, hit the obstruction and flowed up the manhole violently. Water entered between the asphalt and the road base. Road base was washed out from under the W. 16th

Street beginning at the manhole all the way to Whiteriver Avenue. Crews estimate that 165 tons of asphalt will be required to repair the damage. CIRSA insurance does not cover damage to belowground infrastructure. Initial estimates to make this repair range from \$40,000-\$50,000. Staff is negotiating with a contractor that is currently paving streets for the City to complete this work. The cost of the repair will be submitted as a change order to the existing contract if the company is able to fit the new project into their schedule. If we are unable to use the company, it will be very difficult to locate a vendor that will work on a relatively small job this close to fall.

The lower level of City Hall flooded the night of the rain. Parks staff responded and pumped water away from the 3 exterior doors on the south side of the building. This part of our building is significantly below grade and does not have drainage. Water accumulated and entered the building under the exterior doors flooding offices and damaging property.

A company was contacted that evening to begin the cleanup process. We estimate that the cost of this service will be approximately \$30,000. The City has filed a claim with CIRSA for this damage.

Staff will be installing sump pumps at the lowest exterior points on the south side of City Hall to prevent a reoccurrence of the problem. We will also redirect a pipe that handles runoff from the roof to a storm drain situated near the library.

Storm drains throughout the City need to be cleared of silt, rocks, dirt, and other debris. This process is underway and will take weeks to complete. Our large vacuum truck is too heavy to operate near the banks of creeks and on City trails. Staff may purchase or rent a small, trailered vacuum to assist with the work. Sewer lines are being checked for silt infiltration. Very fine silt in our sewer system caused the most significant problems we experienced from the weather event.

Friday evening, staff received an alarm indicating that the WWTP was not operating properly. After responding they located several problems and reacted quickly to mitigate issues. A 24 volt power supply that provides power to monitoring equipment was damaged. The influent room was beginning to flood and staff began operating influent pumps manually. Browns Hill Engineering responded to the site and replaced the power supply. The headworks houses 3 large pumps, but the amount of water was beyond the capacity of the pumps. The plant can handle a rate of 5 million gallons of fluid and materials per day, but on the night of the storm, water was entering the plant at a rate of 5.8 million gallons per day. Staff noted a large amount of silt particles, mud, and small rocks at the influent. The fine silt particles could not be removed completely before reaching the effluent. An amount of aerobic bacteria washed away due to the influx of water. The large amount of storm water diluted the amount of organic material required for the aerobic bacteria to thrive. Staff increased the amount of oxygen in the tanks to start the process of replenishing bacteria. CDPHE was contacted and we self-reported the issues we were experiencing. CDPHE would not provide specific guidance, but the agency requested that staff perform sampling.

While we were in violation of solids standards, ammonia and e-coli levels remained in the acceptable range. Inorganic solids (mostly silt) did reach the river. Testing demonstrated that the river had the same amount or more silt than our discharge. We had approximately 30,000 pounds of sediment in tanks before the storm. We currently have an estimated 200,000 pounds of sediment in the tanks. Staff will remove the sediment slowly to ensure that bacteria are not adversely affected. We do not have an estimate on when staff can reduce the sediment to pre-storm level since the process will depend on the health of bacteria.

Staff speculates that storm water entered the sewer lines. We are currently searching for failure points. It is possible that the flooding at Centennial Park was major a factor.

Staff debriefed the incident and the performance of infrastructure, and two projects will be completed to minimize damage should we experience another heavy rain event in the future. Improvements will be made on the south side of the City Hall building and an additional storm drain will be installed on Acacia.

Council should know that staff responded professionally and diligently to this incident. I am confident that should we experience a significant flood, our team will be capable of managing the emergency.

A report detailing the final costs associated with damages caused by the storm is forthcoming.



Agenda Item #5.a.

Agenda Item Name:

Consider Minutes of the August 2, 2023, Regular Meeting

Presenter:

Misty Williams, City Clerk

Item Description:

Consider Minutes of the August 2, 2023, Regular Meeting

Recommended Action:

Move to approve the minutes of the August 2, 2023, City Council Regular Meeting

Fiscal Impact:

N/A

Operational Impact:

N/A

Prior Board Motions:

N/A

Background Information:

N/A

Executive Summary:

Minutes of the August 2, 2023, Regular Meeting

Notification Requirements:

N/A

Prepared By:

Alexis Ramirez, Deputy City Clerk

Attachments:

1. 08.02.2023 DRAFT Minutes



RIFLE CITY COUNCIL

REGULAR MEETING

August 2, 2023

7:00 p.m.

202 Railroad Avenue, Rifle, CO

CALL TO ORDER & ROLL CALL

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Ed Green.

Present at Roll Call:

Councilor Joe Carpenter, Councilor Chris Bornholdt, Councilor Alicia Gresley, Mayor Ed Green, Councilor Brian Condie, Councilor Clint Hostettler and Councilor Sean Strode.

Others Present:

City Manager Tommy Klein, City Clerk Misty Williams, City Attorney Jim Neu, Rifle Cable 10 Manager (RCTV) Michael Churchill, Chief of Police Debra Funston, Planning Director Patrick Waller, Parks and Recreation Director Austin Rickstrew, IT Director Kelly Thompson, Civil Engineer Craig Spaulding, Utility Director Robert Burns, Lisa Burns, Karen Roberts, Chris Treese and Paula Stepp.

PUBLIC COMMENT

No public comment was heard.

CONSENT AGENDA – CONSIDER THE FOLLOWING ITEMS:

- A. Consider Minutes of the July 19, 2023, Regular Meeting
- B. Consider Liquor License Renewal for TEDREX, Inc. dba Choice Liquors
- C. Consider Conveyance of Cemetery Space
- D. Consider Amendment to Site Lease for Solar Facility at 2515 West Centennial Parkway
- E. Consider Second Amendment to Short Form Lease for Solar Facility at 2515 West Centennial Parkway
- F. Consider Request for Approval – Fritzlan / Ecodwelling Annexation
 - i. Ordinance No. 15, Series of 2023 - Annexation - 2nd Reading
 - ii. Ordinance No. 16, Series of 2023 - Zoning - 2nd Reading

Councilor Clint Hostettler moved to approve Consent Agenda Item A, B, C, D, E, and F (i & ii); seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Clint Hostettler, Brian Condie, Sean Strode, Joe Carpenter, Chris Bornholdt, Alicia Gresley and Ed Green.

No – None.

PRESENTATION

Service Award Presentation to Robert Burns

City Manager Tommy Klein presented a service award to Robert Burns for his 22 years of service. Robert Burns started his career with City of Rifle in 1998 as a collection and distribution team member, in 2010 he became the water plant supervisor, in 2016 he was promoted to operations manager and in 2018 he became the director for the public utilities department. Robert created a program for staff to develop their skills with specialized certifications and licenses. Robert was a great leader who cared and loved his staff. Robert retires after 22 years of dedicated service with City of Rifle in pursuit of his dreams.

Receive Presentation from Middle Colorado Watershed Council

Middle Colorado Watershed Council Executive Director Paula Stepp and Board member Chris Treese provided Council an update on current projects done by the Middle Colorado Watershed Council. MCWC has brought a collaborative team together to work towards wildfire pre-mitigation and post fire challenges. MCWC received a grant from the Colorado Conservation Board. Restoration projects underway include fish barriers, ditch infrastructure repairs, City of Silt water rights, gravel pit restoration, management practices for flood plain uses, and river watch. Recreation projects under review include a possible Rulison boat ramp, signage replacement in Glenwood Canyon boat ramp and along the river stream, river access guide translation, annual wild and scenic film fest in Rifle and Glenwood springs. A few items to consider for the future include increasing wildfire ready activities, project goal updates to accommodate changes due to drought and applying what has been learned to work with stakeholders to evaluate and protect the watershed.

Middle Colorado Watershed Council Executive Director Paula Stepp answered questions for Council.

REGULAR AGENDA

Consider Resolution No. 22, Series of 2023 - Authorizing the City to Submit An Energy and Mineral Impact Assistance Fund Grant Application for Climate Action Planning Project

City Manager Tommy Klein presented request to consider approving Resolution No. 22, Series of 2023 - Authorizing the City staff to submit an Energy and Mineral Impact assistance fund grant application for Climate Action Planning Project in the amount of \$100,000.00. If the application is approved, the City must match 10% of the requested amount. If the study is completed, the EIAF Climate Action project will increase our competitiveness when applying for future EIAF grants. Staff anticipates including several goals in the plan that will save the City money on energy costs.

Councilor Sean Strode moved to approve Resolution No. 22, Series of 2023 – Authorizing the City to submit an energy and mineral impact assistance fund grant application for climate action planning project; seconded by Councilor Alicia Gresley.

Roll Call: Yes - Ed Green, Alicia Gresley, Sean Strode, Joe Carpenter, Brian Condie, Chris Bornholdt, and Clint Hostettler.

No – None.

Consider Approval of Martinez Western Constructors, Inc. for the Park Hill Retaining Wall

Civil Engineer Craig Spaulding presented request to consider approval of Martinez Western Constructors, Inc. for the Park Hill Retaining Wall in the amount of \$132,811.25. This project involves procurement, excavation, installation and backfill for a block wall. The bid for this project came in lower than the engineers estimate. This retaining wall will reduce nuisance flooding which is currently an ongoing maintenance issue and repair issues adjacent to the Right of Way.

Councilor Brian Condie moved to approve Martinez Western Constructors, Inc. for the Park Hill Retaining Wall in the amount of \$132,811.25; seconded by Councilor Sean Strode.

Roll Call: Yes - Brian Condie, Joe Carpenter, Alicia Gresley, Ed Green, Chris Bornholdt, Clint Hostettler, and Sean Strode.

No – None.

Report to City Manager

Reports were heard from City Manager Tommy Klein, Civil Engineer Craig Spaulding, Chief Debra Funston and City Clerk Misty Williams.

Comments from Mayor and Council

Comments were heard from Councilor Alicia Gresley, Councilor Sean Strode, Councilor Brian Condie, Councilor Clint Hostettler, Councilor Joe Carpenter and Mayor Ed Green.

Adjournment

Meeting adjourned at 7:49 p.m.

Misty Williams
City Clerk

Ed Green
Mayor



Agenda Item #5.b.

Agenda Item Name:

Consider Minutes of the August 16, 2023, Regular Meeting

Presenter:

Misty Williams, City Clerk

Item Description:

Consider Minutes of the August 16, 2023, Regular Meeting

Recommended Action:

Move to approve the minutes of the August 16, 2023, City Council Regular Meeting

Fiscal Impact:

N/A

Operational Impact:

N/A

Prior Board Motions:

N/A

Background Information:

N/A

Executive Summary:

Minutes of the August 16, 2023, Regular Meeting

Notification Requirements:

N/A

Prepared By:

Alexis Ramirez, Deputy City Clerk

Attachments:

1. 08.16.2023 DRAFT Minutes



RIFLE CITY COUNCIL

REGULAR MEETING

August 16, 2023

7:00 p.m.

202 Railroad Avenue, Rifle, CO

CALL TO ORDER & ROLL CALL

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Ed Green.

Present at Roll Call:

Councilor Chris Bornholdt, Councilor Alicia Gresley, Mayor Ed Green, Councilor Brian Condie, Councilor Clint Hostettler and Councilor Sean Strode.

Councilor Clint Hostettler moved to excuse Councilor Joe Carpenter from meeting; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Clint Hostettler, Brian Condie, Sean Strode, Chris Bornholdt, Alicia Gresley and Ed Green.

No – None.

Others Present:

City Manager Tommy Klein, City Clerk Misty Williams, City Attorney Jim Neu, Rifle Cable 10 Manager (RCTV) Michael Churchill, Chief of Police Debra Funston, Lieutenant Mike Kuper, Corporal Diego Pina, CSO Dawn Neely, CSO Alan Lambert, Sargent Carlos Cornejo, Police Officer Ariel Herrera, Police Department Executive Assistant Angela Mills, Systems Administrator I Brenda Maes, Planning Director Patrick Waller, Parks and Recreation Director Austin Rickstrew, Trish O’Grady, Pine West Development Representative Tyler West and Land Studio Planner Doug Pratt.

PUBLIC COMMENT

Public comment was heard from Trish O’Grady.

CONSENT AGENDA – CONSIDER THE FOLLOWING ITEMS:

- A. Consider Intergovernmental Agreement with Garfield County Clerk & Recorder for Election Services
- B. Consider 6th Amendment to Rifle Heights Subdivision Improvement Agreement – Whiteriver Avenue Fees Extension

Councilor Sean Strode moved to approve Consent Agenda Item A and B; seconded by Councilor Alicia Gresley.

Roll Call: Yes - Ed Green, Alicia Gresley, Sean Strode, Brian Condie, Chris Bornholdt, and Clint Hostettler.

No – None.

PRESENTATION

Swearing In Officer Ariel Herrera

Chief of Police Debra Funston provided a brief summary of the training process Ariel Herrera started in 2022. Officer Ariel Herrera completed his field training with the Rifle Police Department on August 6th, 2023.

City Clerk Misty Williams administered Oath of Office to New Police Officer Ariel Herrera.

Badge pin was placed by Mr. Herrera's wife.

PUBLIC HEARING

Consider Annexation Request for Highway 6 and Swallow Lane Commercial Project

Mayor Ed Green opened public hearing.

Planning Director Patrick Waller presented an annexation request for Highway 6 and Swallow Lane Commercial Project. The applicant Caerus Piceance, LLC is requesting to annex 35.95-acre property into the City of Rifle with Tourist Commercial zoning and a sketch plan. This property is located to the north and east of the West Rifle interchange and accessed from Highway 6. The applicant tends to develop a mixed-use commercial project across the 35.95-acre parcel in two phases. The first phase is anticipated to consist of a travel center with a large convenience store, fuel sales, and dedicated fueling lanes for diesel trucks. It is also anticipated to have two fast food restaurants with drive-thru, a truck maintenance/repair facility, and a sit-down restaurant. The second phase is more conceptual, but at this time the applicant is considering the development of a sit-down restaurant, fast food restaurants, hotel, self-storage facilities, and auto part sales. Public Notice requirements were met.

Applicant Caerus Piceance, LLC / Pine West Development, LLC. Representative Tyler West and The Land Studio, Inc. Planner Doug Pratt provided presentation on application submitted and answered questions for Council.

Councilor Clint Hostettler moved to approve annexation request for Highway 6 and Swallow Lane Commercial Project; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Brian Condie, Alicia Gresley, Ed Green, Chris Bornholdt, Clint Hostettler, and Sean Strode.

No – None.

Ordinance No. 18, Series of 2023 - Annexation – 1st Reading

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO
ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN
REAL PROPERTY KNOWN AS THE HIGHWAY 6 AND SWALLOW
LANE ANNEXATION.

Councilor Clint Hostettler moved to approve Ordinance No. 18, Series of 2023 – Annexation on its first reading as presented and order it to be published as required by Charter; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Brian Condie, Alicia Gresley, Ed Green, Chris Bornholdt, Clint Hostettler, and Sean Strode.

No – None.

Ordinance No. 19, Series of 2023 - Zoning – 1st Reading

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO ZONING CERTAIN REAL PROPERTY KNOWN AS THE HIGHWAY 6 AND SWALLOW LANE ANNEXATION TOURIST COMMERCIAL PLANNED UNIT DEVELOPMENT (TC-PUD) ZONE DISTRICT

Councilor Clint Hostettler moved to approve Ordinance No. 19, Series of 2023 – Zoning on its first reading as presented and order it to be published as required by Charter; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Brian Condie, Alicia Gresley, Ed Green, Chris Bornholdt, Clint Hostettler, and Sean Strode.

No – None.

Resolution No. 23, Series of 2023 – Annexation Findings

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, CONCERNING THE HIGHWAY 6 AND SWALLOW LANE ANNEXATION TO THE CITY OF RIFLE.

Councilor Clint Hostettler moved to approve Resolution No. 23, Series of 2023 – Annexation Findings; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Brian Condie, Alicia Gresley, Ed Green, Chris Bornholdt, Clint Hostettler, and Sean Strode.

No – None.

Resolution No. 24, Series of 2023 – Annexation Plan

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, APPROVING AN ANNEXATION PLAN FOR THE HIGHWAY 6 AND SWALLOW LANE ANNEXATION AS REQUIRED UNDER THE MUNICIPAL ANNEXATION ACT OF 1965, AS AMENDED.

Councilor Clint Hostettler moved to approve Resolution No. 24, Series of 2023 – Annexation Plan; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Brian Condie, Alicia Gresley, Ed Green, Chris Bornholdt, Clint Hostettler, and Sean Strode.

No – None.

Highway 6 and Swallow Lane Annexation Agreement

Caerus Piceance, LLC, submitted an application to request City of Rifle Council to annex a tract of land located in the County of Garfield, State of Colorado, known as the Highway 6 and Swallow Lane Annexation. The purpose of this document, as an annexation agreement is to set forth the terms and conditions of the annexation of the property. Agreement is to be signed by both parties.

Councilor Clint Hostettler moved to approve the Annexation Agreement for Highway 6 and Swallow Lane; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Brian Condie, Alicia Gresley, Ed Green, Chris Bornholdt, Clint Hostettler, and Sean Strode.

No – None.

REGULAR AGENDA

Consider Proposal from Browns Hill Engineering & Controls for Virtual SCADA

City Manager Tommy Klein presented a request to consider proposal from Browns Hill Engineering & Controls for Virtual Supervisory Control and Data Acquisition (SCADA). The Water and Waste Water treatment plants run on SCADA software with servers on site that host this program. This upgrade provides more security and ease of access for repairs/upgrades as they will have the ability to control the program with their phones at any point in time; 24 hours. Most of the hardware for the system will be located off-site at Brown's Hill headquarters. This will help with maintenance, timeliness of repairs and cost of maintenance. Staff recommends proposal from Browns Hill Engineering & Controls for Virtual SCADA in the amount of \$338,502.00 to be paid over the next five years.

Councilor Alicia Gresley moved to approve proposal from Browns Hill Engineering and Controls for Virtual SCADA in the amount of \$338,502.00 paid over five years; seconded by Councilor Clint Hostettler.

Roll Call: Yes - Alicia Gresley, Sean Strode, Chris Bornholdt, Brian Condie, Clint Hostettler and Ed Green.

No – None.

Consider Ordinance No. 17, Series of 2023 – Street Sales Tax Ballot Question – 1st Reading

City Manager Tommy Klein presented a request to consider Ordinance No. 17, Series of 2023 – Street Sales Tax Ballot Question – 1st Reading. This Ordinance is to increase the street sales tax to exclusively repair the City of Rifle's streets. Sales tax is paid by residents and nonresidents who purchase any type of goods in the City of Rifle. The current rate of .50% was adopted in 1987 and no increase has been done since. The current Street Improvement Fund (SIF) cannot continue with the spending deficit on repairs and maintenance costs at the current rate.

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, TO
PROVIDE FOR AN INCREASE IN SALES AND USE TAX BY 0.45%
TO FUND IMPROVEMENTS TO STREETS, CURBS AND
SIDEWALKS AND SUBMITTING THIS ORDINANCE FOR
APPROVAL OF THE REGISTERED VOTERS OF THE CITY OF
RIFLE AT THE NOVEMBER 7, 2023 GENERAL ELECTION.

Councilor Clint Hostettler moved to approve Ordinance No. 17, Series of 2023-Street Sales Tax Ballot Question on its first reading as presented and order it to be published as required by Charter; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Clint Hostettler, Brian Condie, Sean Strode, Chris Bornholdt, Alicia Gresley and Ed Green.

No – None.

Report to City Manager

Reports were heard from City Manager Tommy Klein, Civil Engineer Craig Spaulding, Chief Debra Funston and City Clerk Misty Williams.

Comments from Mayor and Council

Comments were heard from Councilor Alicia Gresley, Councilor Sean Strode, Councilor Brian Condie, Councilor Clint Hostettler, and Mayor Ed Green.

Adjournment

Meeting adjourned at 8:11 p.m.

Misty Williams
City Clerk

Ed Green
Mayor



Agenda Item #5.c.

Agenda Item Name:

Consider Liquor License Renewal for Rolling Fork Grill, LLC dba Brickhouse Pizzeria

Presenter:

Misty Williams, City Clerk

Item Description:

Consider Liquor License Renewal for Rolling Fork Grill, LLC dba Brickhouse Pizzeria

Recommended Action:

Move to approve the Liquor License Renewal for Rolling Fork Grill, LLC dba Brickhouse Pizzeria

Fiscal Impact:

N/A

Operational Impact:

N/A

Prior Board Motions:

N/A

Background Information:

Consider Liquor License Renewal for Rolling Fork Grill, LLC dba Brickhouse Pizzeria located at 100 East 3rd Street, Rifle, CO has submitted a Hotel and Restaurant Liquor License Renewal Application.

The application is complete and the appropriate fees have been paid.

Executive Summary:

N/A

Notification Requirements:

N/A

Prepared By:

Alexis Ramirez, Deputy City Clerk

Attachments:

1. REDACTED - Brickhouse License Renewal

Submit to Local Licensing Authority

RECEIVED

AUG 25 2023

**City Clerk
 City of Rifle**

Fees Due	
Annual Renewal Application Fee	\$ 125.
Renewal Fee	500.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
Amount Due/Paid	\$

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

Retail Liquor License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

* Note that the Division will not accept cash



Paid by check



Paid online

Uploaded to
 Movelt on

Date

8-28-23

Licensee Name BRICKHOUSE PIZZERIA		Doing Business As Name (DBA) SAME	
Liquor License # 03-05338	License Type HOTEL/RESTAURANT		
Sales Tax License Number 4164809	Expiration Date 11-13-23	Due Date 8-28-23	
Business Address 100 E 3RD ST RIFLE CO 81650			Phone Number 9706332
Mailing Address 100 E 3RD ST RIFLE CO 81650			Email
Operating Manager JASON HIGENS	Date of Birth	Home Address	Phone Number
1. Do you have legal possession of the premises at the street address above? ☐ Yes ☐ No Are the premises owned or rented? ☐ Owned ☒ Rented* *If rented, expiration date of lease 9-1-24			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in the upper right hand corner and include all fees due. ☒ Yes ☐ No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) ☒ Yes ☐ No			
3b. If so, which are you renewing? ☐ Delivery ☐ Takeout ☒ Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? ☐ Yes ☒ No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? ☐ Yes ☒ No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. ☐ Yes ☒ No			

6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. ☐ Yes ☒ No
7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. ☐ Yes ☒ No
8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. ☒ Yes ☐ No <i>silt brickhouse 03-04499</i>

Affirmation & Consent		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business	Title	
<i>Jason Hagens</i>	<i>PRESIDENT</i>	
Signature	Date	
<i>[Signature]</i>	<i>8-25-23</i>	
Report & Approval of City or County Licensing Authority		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.		
Therefore this application is approved.		
Local Licensing Authority For	Date	
Signature	Title	Attest

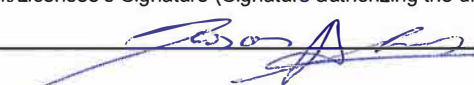
Tax Check Authorization, Waiver, and Request to Release Information

I, Jason Hagens am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of Rolling Fork Grill LLC (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101, et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Rolling Fork Grill LLC</u>		Social Security Number/Tax Identification Number <u>97-0000000</u>	
Address <u>100 E 3rd St</u>			
City <u>Rifle</u>		State <u>CO</u>	Zip <u>81650</u>
Home Phone Number <u>970 625 1222</u>		Business/Work Phone Number <u>970 625 1222</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Jason Hagens</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) 			Date signed <u>8-25-23</u>

Privacy Act Statement

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).



Agenda Item #5.d.

Agenda Item Name:

Consider Fairway Avenue Development and Fee Waiver Agreement for the Extension of Fairway Avenue

Presenter:

Patrick Waller, Planning Director

Item Description:

Consider Fairway Avenue Development and Fee Waiver Agreement for the Extension of Fairway Avenue

Recommended Action:

Move to approve Fairway Avenue Development and Fee Waiver Agreement for the Extension of Fairway Avenue

Fiscal Impact:

See Staff Memo for discussion of fee waivers and improvement costs

Operational Impact:

Minimal, the developer would be responsible for road construction. Some inspection would be required by City Staff as well as final plan approval for the road extension.

Prior Board Motions:

None

Background Information:

The extension of Fairway Avenue has been a priority of the City of Rifle since the initiation of development accessed from West 24th Street. Currently, the only public access to that area of the City is via 24th Street. Private roads are in place through King's Crown Mobile Home Park, but these roads are not open to the public and are maintained by the park.

Executive Summary:

See attached Staff Memo

Notification Requirements:

No additional notice required

Prepared By:

Patrick Waller, Planning Director

Attachments:

1. Staff Memo - Fairway Avenue Extension

2. 20230906-Development and Fee Waiver Agreement



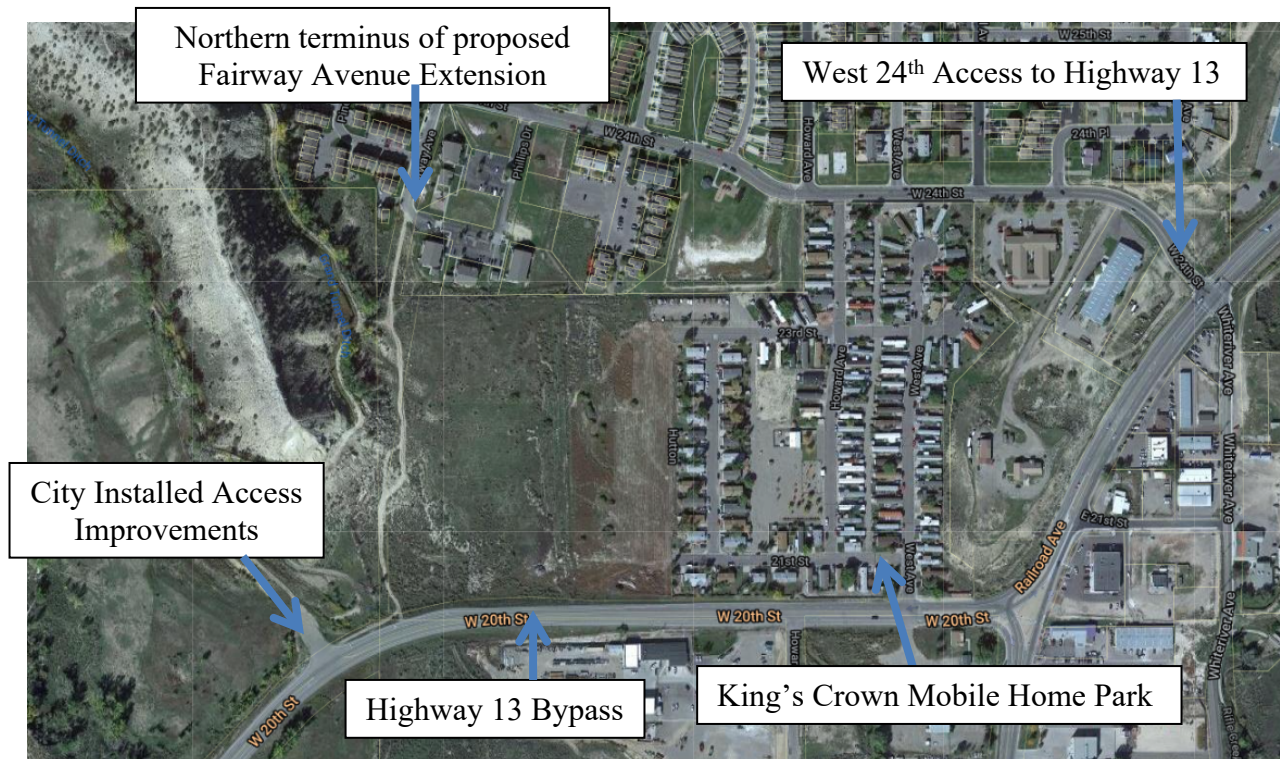
MEMORANDUM

To: Honorable Mayor and City Council
From: Patrick Waller, AICP, Planning Director
Date: September 6, 2023
Subject: Fee Waivers and Fairway Avenue Extension

BACKGROUND

The completion of Fairway Avenue has been a priority of the City of Rifle since the initiation of development accessed from West 24th Street. Currently, the only public access to that area of the City is via 24th Street. Private roads are in place through King's Crown Mobile Home Park, but these roads are not open to the public and are maintained by the park.

The City has been charging development in this area of the City, a Fairway Avenue Impact Fee to complete the connection from the bypass to West 24th Street. Currently that fee is \$2452.43 per unit with a four percent annual escalation. Previously, the City used the Fairway Avenue fees to install acceleration, deceleration, and an access onto the Highway 13 Bypass, but no other infrastructure is in place for the road.



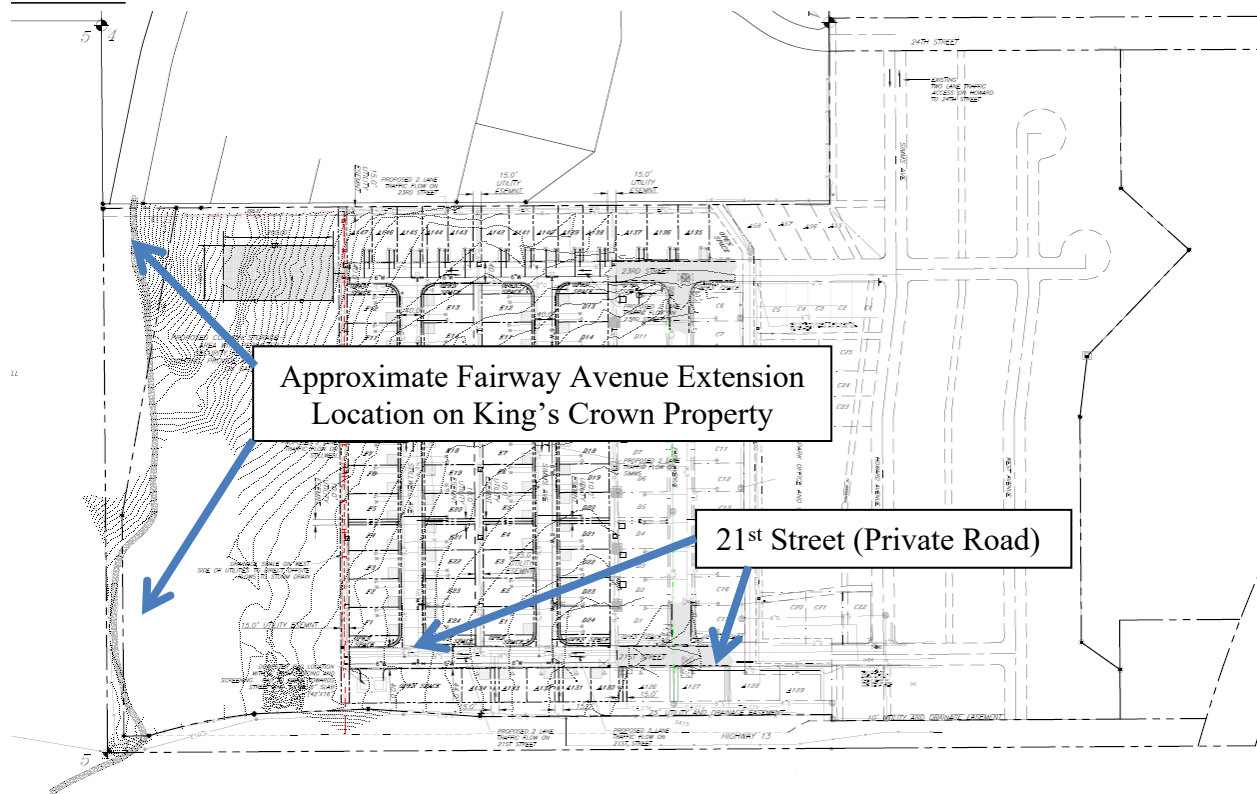
FAIRWAY IMPROVEMENTS & FEE WAIVERS

The owner of King's Crown has received a Conditional Use Permit approval to expand the existing mobile home park by 66-units. As part of the development review of the application, CDOT indicated that this level of new traffic would require improvements to the existing King's Crown access onto the bypass. The developer analyzed the cost of improvements in the current location and determined that it would make more sense to access the bypass via the already installed City improvements.

Improvements from the Bypass to 21st Street

The City of Rifle requires development to pay its own way and the developer would be required to pay for the extension of 21st Street (a private road) to the west, as well as the construction of Fairway Avenue (public road) from 21st Street to the existing improvements. Because the applicant is proposing to install a project that has been a priority of the City of Rifle, Staff is supportive of waiving the Fairway Avenue impact fees required for the development of 66-units.

Site Plan



Improvements from 21st Street to West 24th

The developer has proposed that they could take advantage of the contractor mobilization and design work to complete the Fairway Avenue connection from 21st Street north to West 24th Street. This would not be an improvement that the developer would be required to complete as part of the expansion of King's Crown mobile home park. Staff is supportive of waiving both

off-site street impact fees and parkland fees to support the extension of the road. Based on estimates provided by the applicant, this would generally cover the northern extension of \$650,000. Parkland fees will be reimbursed internally by the City if the project moves forward.

Benefits to the City of Rifle

The Fairway Avenue extension is a tremendous benefit to safety and emergency access within the 24th Street area. Currently, there is only one public access into the neighborhood. The completion of Fairway Avenue will provide significant public safety benefits to the neighborhood.

Another benefit to the City of Rifle is the construction of the road without any expenditure from the street fund. The total cost of the project is estimated to be \$1.1 million. Existing street fund balances could not support the project. Fee waivers would include approximately \$160k for Fairway Avenue, \$410k for Offsite Street fees, and \$246 for Parkland. Fairway Avenue will not be constructed in the near term without this agreement or without obtaining a grant.

STAFF RECOMMENDATION

Staff is recommending that Council approve the Fairway Avenue Development and Fee Waiver Agreement for the extension of Fairway Avenue.

SITE PLAN IMPROVEMENTS AND DEVELOPMENT AGREEMENT

THIS AGREEMENT made this 6th day of September 2023, 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 KING'S CROWN MHP, LLC, a Colorado limited liability company whose address is 200 W. 20th Street, Rifle, CO 81650 (hereinafter "Developer");

W I T N E S S E T H:

WHEREAS, Developer is owner of certain real property located in the City of Rifle, Colorado located along Highway 13 with an address of 200 W. 20th Street, Rifle, CO, Garfield County Assessor Parcel No. 217704300007 (hereinafter the "Property") where Developer intends to expand its mobile home park with an additional 66 spaces (the "Expansion"); and

WHEREAS, as part of the Expansion, Developer is required to extend 21st Street to the Fairway Avenue right-of-way and construct Fairway Avenue south to the intersection with Highway 13 (the "21st Street Extension"); and

WHEREAS, the Property is located in an area subject to the Fairway Avenue Construction Off-Site Impact Fee pursuant to Chapter 16, Article XVI of the Rifle Municipal Code ("RMC") for the construction of Fairway Avenue directly serving and benefiting the Palomino Park, Knollridge, Kings Crown Mobile Home Park and Shetland Acres Subdivisions (the "Fairway Avenue Fee"); and

WHEREAS, the City is willing to waive the Fairway Avenue Fee for the 66 additional units in the Expansion that will be due upon building permit for the placement of the first home on each additional space; and

WHEREAS, to obtain efficiencies of scale and complete Fairway Avenue to its northern terminus, Developer is willing to construct the northern portion of Fairway Avenue (the "Fairway Avenue Extension") and in consideration for that work, the City is willing to waive additional fees due upon building permit for the placement of the first home on each additional space; and

WHEREAS, RMC Section 16-1-130(c) requires the construction of public improvements necessary to serve a property proposed for development as a condition of site plan application approval and building permit, which would include, among other items, the construction of the public portions of the 21st Street Extension and the Fairway Avenue Extension to the standards in the City of Rifle Public Works Manual, unless otherwise determined by the Public Works Director ("Street Improvements"); and

WHEREAS, Developer and the City wish to enter into this Agreement to set forth the terms and conditions of the development of the Property, including the construction of certain public improvements and the City's contribution through fee waivers pursuant to the terms contained herein.

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 Developer and the fee waivers the City will make towards the Street Improvements. All terms and conditions contained herein are in addition to all requirements of the Rifle Municipal Code, the City of Rifle Land Use Regulations (Title 16 of the Rifle Municipal Code), and state and federal statutes, and are not intended to limit or supersede any requirements contained therein, except where specifically provided in this Agreement.

3. 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 Developer:

- A. Reimbursement of Costs. Developer hereby agrees to pay the City the actual costs to the City for any third-party engineering, surveying, and legal services rendered in connection with the site plan review for the Property that cannot be provided by or through the City's existing staff. Developer shall also pay any fee required pursuant to the Rifle Municipal 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/Water Rights Dedication. Developer, its successors and assigns, shall comply in full with Title 13 of the Rifle Municipal Code regarding tap fees for water and sewer service and water rights dedication for each of the 66 additional units in the Expansion, which fees are due upon each building permit application.
- C. Waiver of Fairway Avenue Fees. In consideration of Developer's construction of the Street Improvements, necessary for the development of the Property but which also provides extended benefits to the City, the City agrees to waive the Fairway Avenue Fee set forth in RMC Section 16-16-30 for the 66 additional spaces as part of the Expansion that are otherwise due upon building permit application, which waiver will be effective immediately and remain valid with no expiration until all spaces have homes placed on them.
- D. Waiver of Offsite Street Impact Fees. In consideration of Developer's construction of the Fairway Avenue Extension, necessary for the development of the Property but which also provides extended benefits to the City, the City agrees to waive the Offsite Street Impact Fee set forth in RMC Section 16-1-100 for the 66 additional spaces as part of the Expansion that are otherwise due upon building permit

application, which waiver will be effective immediately remain valid with no expiration until all spaces have homes placed on them.

- E. Parkland Dedication Fee Waivers. In further consideration of Developer's construction of the Fairway Avenue Extension, necessary for the development of the Property but which also provides extended benefits to the City, the City agrees to waive the Parkland Dedication Fee set forth in RMC Section 16-1-90 for the 66 additional spaces as part of the Expansion that are otherwise due upon building permit application, which waiver will be effective immediately and remain valid with no expiration until all spaces have homes placed on them. The City will internally reimburse the Parks and Recreation Fund for this fee waiver utilized for a street project.

4. Dedication and Vacation of Fairway Avenue Right-of-Way.

- A. Developer agrees to dedicate the right-of-way needed for the Street Improvements generally shown on Exhibit A attached hereto and incorporated herein by this reference, as that dedication may be amended with approved plans for the Street Improvements. Such dedication shall be made by bargain and sale deed, without warranty, but free and clear of all liens and encumbrances that might adversely affect the use of the dedication for its intended purpose prior to the acceptance of the Street Improvements.
- B. Upon the completion of the construction of the Street Improvements and the recordation of right-of-way dedication deed, the City shall consider an ordinance to vacate the existing Fairway Avenue right-of-way lying along the western boundary of the Property as shown on Exhibit B attached hereto and incorporated herein by this reference; provided, however, the parties agree that the City shall reserve adequate utility easements for all utilities located along the existing Fairway Avenue corridor, including drainage improvements to be installed with the construction of the Street Improvements.

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

6. Street Improvements/City's Contribution. The Street Improvements shall be installed and completed at the expense of Developer. In consideration of the City's contribution towards the Street Improvements set forth herein, the City shall reasonably approve Developer's selection of contractor.

- A. All Street Improvements required by this Agreement and the Rifle Public Works Manual are shown on the Construction Plans prepared by _____ as File No. _____ and dated _____, as they may be amended. The estimated costs thereof shall be reviewed and approved by the City. The Street Improvements shall be

constructed in conformance with the plans and specifications submitted by Developer 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 Street Improvements.

7. 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 Street 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 during construction of the Street 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 Street 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 Street Improvements, a supervisor employed by Developer's general contractor shall inspect the Street 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 Street 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 Street Improvements. Further, 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 Street Improvements, which approval and acceptance shall only occur pursuant to the specific provisions below.

- 8. Completion of Street Improvements; Approval. Developer shall complete the Street Improvements by December 31, 2024. Upon Developer's completion of construction of the

Street Improvements, 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 Street Improvements and certify in writing and with specificity their conformity or lack thereof to the Plans and Specifications. Developer shall make all corrections necessary to bring the Street Improvements into conformity with the Plans and Specifications. 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. Developer shall also prepare a summary of the actual construction costs of all Street 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 Street 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 until the Street Improvements are brought into conformance with the Plans and Specifications 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 Rifle Municipal 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 Developer intends to proceed with development.

9. Acceptance; Conveyance. Within thirty (30) days of the Acceptance Date, the Owner shall execute a deed to the City conveying all rights of way and easements required for the operation, maintenance, repair and replacement of the Street Improvements. Owner agrees to dedicate to the public and to convey or, with respect to off-site easements, to assign, to the City, in such form as may be required by the City, such easements and other rights as acquired by Owner as may be reasonably required for the construction of the Street Improvements. Such conveyance and dedication shall be free and clear of all liens and encumbrances that might adversely affect the use of the Street Improvements for their intended purpose. The Owner shall also execute a bill of sale conveying the Street Improvements to the City, free and clear of all liens and encumbrances. The Street Improvements conveyed to the City shall be warranted for a period of twelve (12) months from the Acceptance Date, as provided below.

10. Warranty. Developer shall warrant any and the Street Improvements and facilities which are conveyed to the City pursuant to this Agreement (i.e. water and sewer facilities and lines, drainage facilities) 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.

11. Performance Guarantee. The issuance of a certificate of occupancy for the Property shall act as security for the Street Improvements. The parties expressly agree that Developer's preparation and submission to the City of "as-built drawings" and a summary of actual construction costs for the Street Improvements to be dedicated to the City--and approval by the City of the as-built drawings and summary--are essential requirements of this Agreement and the development restriction on the Property shall not be released until such requirements are satisfied by Developer.

12. Reserved.

13. Reserved.

14. Voluntary Action of Developer. Notwithstanding any provision of the Rifle Municipal Code, Developer agrees that all terms and conditions of this Agreement, including specifically the payment of fees and the completion of infrastructure improvements, are agreed to and constitute the voluntary actions of Developer.

15. Breach by Developer; City's Remedies. In the event of any default or breach by 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 Developer any building permits or certificates of occupancy;

B Any other remedy available at law.

16. Assignment. This Agreement may not be assigned by 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.

17. 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 approval of the Site Plan for the Property. 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.

18. 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.

19. 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.

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

21. 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.

22. 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.

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

24. 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.

25. 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.

26. 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 shall survive any termination of this Agreement.

27. 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.

28. 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.

29. 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:	Karp Neu Hanlon, P.C. P. O. Drawer 2030 Glenwood Springs, CO 81602
Notice to Developer:	King's Crown MHP, LLC 24165 IH 10 W, Suite 217 PMB 501 San Antonio, TX 78257
With copy to:	Andrew H. Teske Hoskin, Farina & Kampf, P.C. 200 Grand Ave., Suite 400 Grand Junction, CO 81501

30. 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

KING’S CROWN MHP, LLC,
a Colorado limited liability company

By: _____
_____, Manager

STATE OF)
) ss.
COUNTY OF)

Acknowledged, subscribed, and sworn to before me this ____ day of _____, 2023,
by _____ as Manager of King’s Crown MHP, LLC.

WITNESS my hand and official seal.

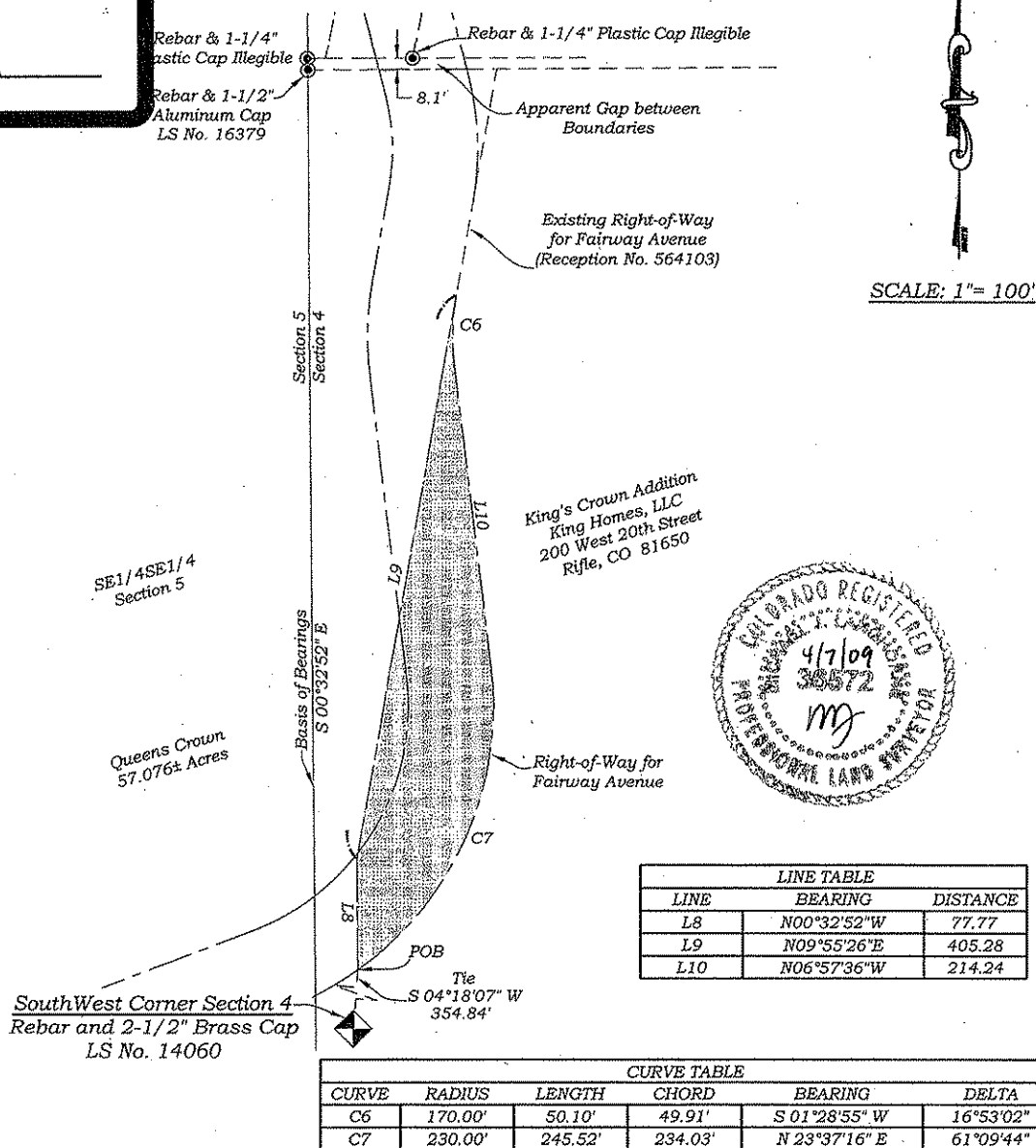
My Commission expires: _____.

Notary Public

EXHIBIT

A

RIGHT-OF-WAY EXHIBIT



RIGHT-OF-WAY DESCRIPTION

A PARCEL OF LAND FOR THE PURPOSE OF A RIGHT-OF-WAY FOR FAIRWAY AVENUE SITUATE IN THE SW1/4SW1/4 OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF RIFLE, COUNTY OF GARFIELD, STATE OF COLORADO. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4, A REBAR AND 2 1/2" BRASS CAP LS NO. 14060 IN PLACE; THENCE N04°18'07"E 354.84 FEET TO A POINT ON THE EASTERLY LINE OF THE EXISTING RIGHT-OF-WAY FOR FAIRWAY AVENUE AS SHOWN ON THE KINGS CROWN ADDITION, EASEMENT REDEDICATION PLAT, RECEPTION NO. 564103 AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE, THE TRUE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY LINE N00°32'52"W 77.77 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE N09°55'26"E 405.28 FEET, (WHENCE THE SOUTH 1/16 CORNER BETWEEN SECTIONS 4 & 5, A 3 1/4" ALUMINUM CAP LS NO. 29030 IN PLACE BEARS N12°14'45"W 511.26 FEET); THENCE DEPARTING SAID EASTERLY LINE ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 50.10 FEET, CHORD BEARS S01°28'55"W 49.91 FEET; THENCE S06°57'36"E 214.24 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00 FEET, AN ARC LENGTH OF 245.52 FEET, CHORD BEARS S23°37'16"W 234.03 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINING 0.506 ACRES, MORE OR LESS.

6722 1/2th Street
Rifle, CO 81650
Ph: (970) 534-1380
Fax: (970) 625-2773

BOOKCLIFF
Survey Services, Inc.

DATE: APRIL 7, 2009

JOB NO: 07124-01

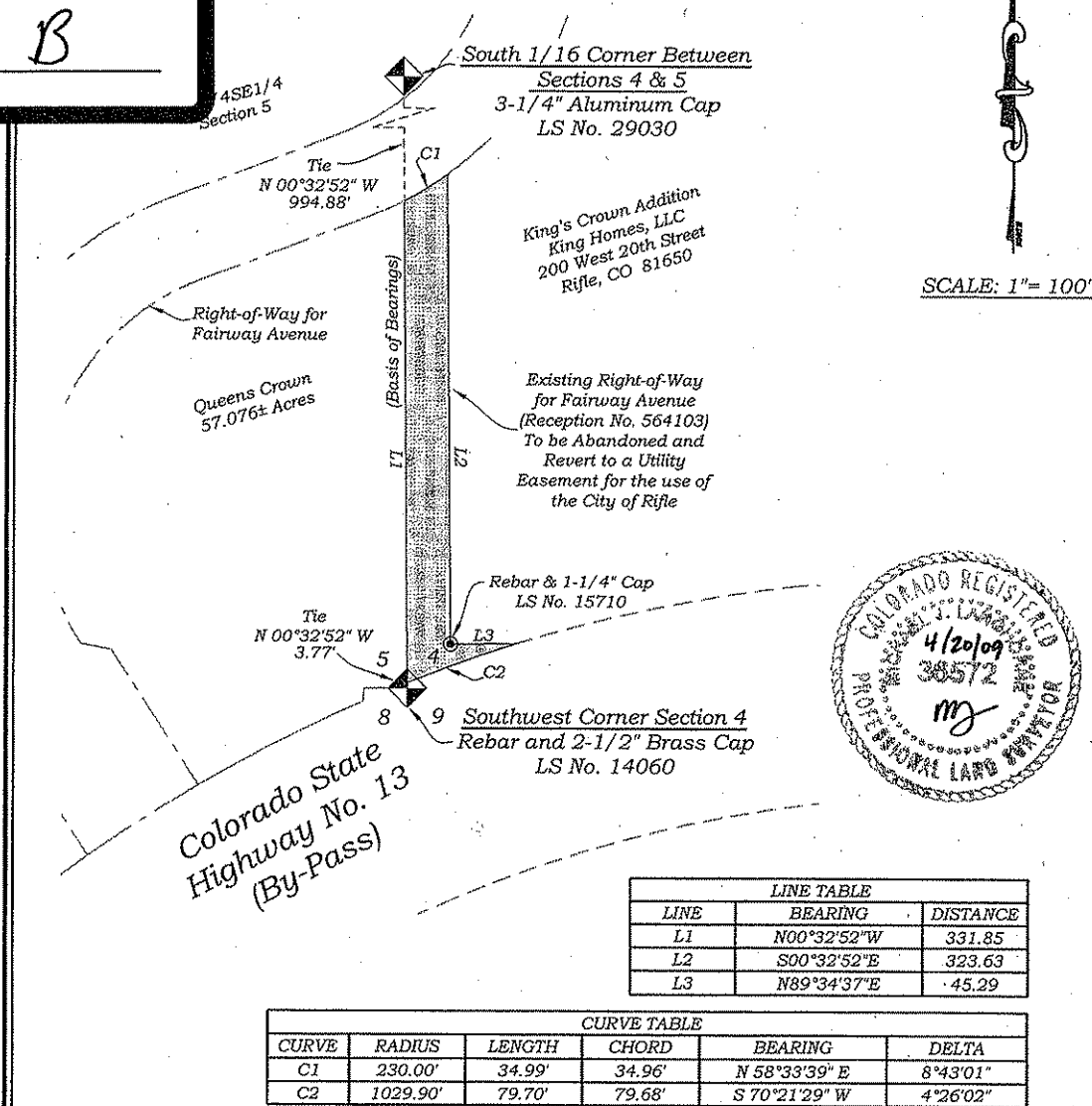
JOB NO: KINGS CROWN

EXHIBIT

tabbles

B

RIGHT-OF-WAY EXHIBIT



RIGHT-OF-WAY DESCRIPTION

A PARCEL OF LAND FOR THE PURPOSE OF A UTILITY EASEMENT AND RIGHT-OF-WAY VACATION FOR FAIRWAY AVENUE SITUATE IN THE SW1/4SW1/4 OF SECTION 4, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF RIFLE, COUNTY OF GARFIELD, STATE OF COLORADO. ALL BEARINGS RELATIVE TO A BEARING OF S00°32'52"E BETWEEN THE SOUTH 1/16 CORNER BETWEEN SECTIONS 4 & 5, A 3-1/4" ALUMINUM CAP LS NO. 29030 AND THE SOUTHWEST CORNER OF SECTION 4, A REBAR AND 2-1/2" BRASS CAP LS NO. 14060. SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4, A REBAR AND 2 1/2" BRASS CAP LS NO. 14060 IN PLACE; THENCE N00°32'52"W 3.77 FEET ALONG THE WESTERLY LINE OF THE SW1/4SW1/4 SECTION 4, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF COLORADO STATE HIGHWAY NO. 13, THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY AND CONTINUING ALONG SAID WESTERLY LINE N00°32'52"W 331.85 FEET; THENCE DEPARTING SAID WESTERLY LINE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 230.00 FEET, AN ARC LENGTH OF 34.99 FEET, CHORD BEARS N58°33'39"E 34.96 FEET TO A POINT ON THE EASTERLY LINE OF THE EXISTING RIGHT-OF-WAY FOR FAIRWAY AVENUE AS SHOWN ON THE KINGS CROWN ADDITION, EASEMENT REDEDICATION PLAT, RECEPTION NO. 564103 AS FILED WITH THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE; THENCE ALONG SAID EASTERLY LINE S00°32'52"E 323.63 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF COLORADO STATE HIGHWAY NO. 13 AS SHOWN ON SAID KINGS CROWN ADDITION, EASEMENT REDEDICATION PLAT; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE N89°34'37"E 45.29 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1029.90 FEET, AN ARC LENGTH OF 79.70 FEET, CHORD BEARS S70°21'29"W 79.68 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINING 0.238 ACRES, MORE OR LESS.

136 East Third Street
Rifle, Colorado 81650
Ph: (970) 625-1430
Fax: (970) 625-2773

BOOKCLIFF
Survey Services, Inc.

DATE: APRIL 16, 2009

JOB NO: 07124-01

JOB NO: KINGS CROWN
ROW VACATION



Agenda Item #5.e.

Agenda Item Name:

Consider Memorandum of Understanding to Join the Colorado River Wildfire Collaborative

Presenter:

Tommy Klein, City Manager

Item Description:

Consider signing an MOU to join the Colorado River Wildfire Collaborative

Recommended Action:

Move to authorize the Mayor to sign an MOU to enable the City of Rifle to join the Colorado River Wildfire Collaborative.

Fiscal Impact:

None

Operational Impact:

None

Prior Board Motions:

None

Background Information:

The Colorado River Wildfire Collaborative has been working informally to create an organization to mitigate the risk of wildfires in our valley. By joining the group, we are not obligated to pay for improvements. As a member, we would evaluate and support obtaining grants for the organization. We would retain our local authority to make decisions on what measures, if any, work best for Rifle. We can leave the Collaborative at any time without consequences.

Executive Summary:

Partners included in the MOU: US Department of Interior (BLM), US Department of Agriculture (Forest Service), Colorado State Forest Service, Colorado Parks and Wildlife, Colorado River Fire Rescue (CRFR), De Beque Fire Protection District, Grand Valley Fire Protection District, Lower Valley Fire District, Plateau Valley Fire District, Glenwood Springs Rural Fire Protection District, Garfield County, Mesa County, Town of Silt, City of Rifle (if approved), Town of New Castle, City of Glenwood Springs, Town of Parachute, Town of De Beque, Town of Collbran, the Metro District Battlement Mesa Service Association, White River National Forest - Rifle Ranger District, and the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests.

The MOU memorializes cooperation between the parties to "reduce wildfire risk by identifying, prioritizing, and implementing strategic cross-boundary plans and projects aimed at creating fire resilient (sic)

landscapes". The MOU also addresses protecting waterways from hazards caused by runoff after a fire. Each partner makes decisions on requirements (if any) in their respective jurisdictions. We would retain our discretionary authority.

The agreement will allow the Collaborative to apply for grants.

The MOU covers a large geographical area and could become cumbersome to manage; however, we will not be involved in the management of the organization. We may leave the organization without penalty at any time.

Notification Requirements:

None

Prepared By:

Tommy Klein, City Manager

Attachments:

1. MOU CRWC 8.30.23



FS Agreement No. 24-MU-11021500

Cooperator Agreement No. _____

Colorado River Wildfire Collaborative

MEMORANDUM OF UNDERSTANDING

**USDI, BUREAU OF LAND MANAGEMENT, COLORADO RIVER VALLEY FIELD OFFICE,
UPPER COLORADO RIVER DISTRICT**

AND

USDI, BUREAU OF LAND MANAGEMENT, GRAND JUNCTION FIELD OFFICE

AND

USDA, FOREST SERVICE, WHITE RIVER NATIONAL FOREST

AND

USFS, GMUG (Grand Mesa, Uncompahgre and Gunnison National Forests) tbd

AND

COLORADO STATE FOREST SERVICE

AND

COLORADO PARKS AND WILDLIFE

AND

COLORADO RIVER FIRE RESCUE

AND

DE BEQUE FIRE PROTECTION DISTRICT

AND

GRAND VALLEY FIRE PROTECTION DISTRICT

AND

LOWER VALLEY FIRE DISTRICT

AND

PLATEAU VALLEY FIRE DISTRICT

AND



GLENWOOD SPRINGS RURAL FIRE PROTECTION DISTRICT

AND

GARFIELD COUNTY

AND

MESA COUNTY

AND

TOWN OF SILT

AND

CITY OF RIFLE

AND

TOWN OF NEWCASTLE

AND

CITY OF GLENWOOD SPRINGS

AND

TOWN OF PARACHUTE

AND

TOWN OF DE BEQUE

AND

TOWN OF COLLBRAN

AND

**METRO DISTRICT OF BATTLEMENT MESA/BMSA (SERVICE
ASSOCIATION)**



This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between Garfield County, Mesa County, The City of Rifle, The Town of New Castle, The Town of Silt, The Town of Parachute, The City of Glenwood Springs, Town of De Beque, Town of Collbran, Metro District of Battlement Mesa, Colorado River Fire Rescue, Grand Valley Fire Protection District, De Beque Fire Protection District, Glenwood Springs Rural Fire Protection District, Colorado State Forest Service, Colorado Parks and Wildlife, and The Bureau of Land Management Colorado River Field Office and the BLM Grand Junction Field Office, hereinafter referred to as Parties, Members, or Cooperators, and the United States Department of Agriculture (USDA), Forest Service, White River National Forest, Rifle Ranger District, and the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests.

Background: The Colorado River Wildfire Collaborative works to empower all people to take action to reduce risk in their communities to protect people, property, and places from wildfire loss. The Parties recognize, accept, and respect the differences in missions, goals, and objectives of each other. However, wildfire does not recognize or respect jurisdictional boundaries. The Parties therefore will work collaboratively and in a coordinated fashion to achieve the shared goals of the MOU.

Title: Colorado River Wildfire Collaborative (CRWC)

- I. PURPOSE:** The purpose of this MOU is to document the cooperation between the parties to establish the Collaborative as an informal, unincorporated collaborative organization, in which the members set mutual goals and priorities, utilize existing forest management tools and legal authorities, and align their decisions on where to make the investments needed to achieve the purpose and goals set forth for the Colorado River Wildfire Collaborative and in accordance with the following provisions.

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The Colorado River Wildfire Collaborative works to reduce wildfire risk by identifying, prioritizing, and implementing strategic cross-boundary plans and projects aimed at creating fire resilient landscapes and fire-adapted communities while focusing on community engagement, education, and inclusion.

In entering into this MOU, the Cooperators and the U.S. Forest Service recognize that the parties share certain common interests and goals, which include the following:

- Meaningful and ongoing engagement of stakeholders located in the forest and downstream in the development of strategies to achieve outcomes and foster support for the implementation of those strategies.



- A regional network of resilient forests and communities that are better able to absorb and recover from current and future stressors and disturbances.
- A collaboratively developed and supported fire management strategy (wildland and prescribed) so that wildfires are safely and effectively extinguished when and where needed, but also in the right circumstances.
- Resilient landscapes and infrastructure that support water quality and quantity needs, habitat for robust and healthy flora and fauna, livestock grazing, as well as recreation opportunities for residents and visitors to enjoy now and in the future.
- Active management to enhance forest health and reduce wildfire risk based on the best available data and contemporary science to inform the development and application of on-the-ground activities including landscape scale and cross boundary projects where needed. This includes the use of the best available science that will help stakeholders understand how a changing climate will impact our landscapes and ecosystems, while also looking for opportunities to improve understanding through local research.
- Promoting the personal responsibility of residents who live in wildfire risk areas to prepare as follows:
 - *homes are built or improved to best resist wildfire;
 - *defensible space around homes is created and maintained;
 - * insurance policies are regularly updated;
 - *emergency alerts are receivable and acted upon;
 - *evacuation plans are learned and understood;
 - *community mitigation initiatives are engaged in and are sought.
- Develop and implement risk assessment and strategies to evaluate critical infrastructure and increase overall resiliency to wildfire and to lessen the long-term effects that wildfires have on our stream corridors, water infrastructure, and community assets.

To accomplish the above goals, each party commits to:

- Work within their own statutory and regulatory authorities, including planning and decision-making requirements where applicable.
- Collaborate and coordinate to implement this MOU to achieve the purpose and goals expressed herein.

In consideration of the above premises, the parties agree as follows:

III. THE COOPERATORS SHALL:



- A. Provide a liaison to link the parties of this MOU together.
- B. Coordinate with the U.S. Forest Service, non-profit organizations, for-profit organizations, institutions of higher education, federal, state, local, and Native American tribe governments, and individuals.

IV. THE COOPERATORS SHALL:

(For Non-Profits and Non-Governmental Organizations Only)

- A. Provide a liaison to link the parties of this MOU together.
- B. Coordinate with the U.S. Forest Service, non-profit organizations, for-profit organizations, institutions of higher education, federal, state, local, and Native American tribe governments, and individuals.
- C. ASSURANCE REGARDING FELONY CONVICTION OR TAX DELINQUENT STATUS FOR CORPORATE ENTITIES. This agreement is subject to the provisions contained in the Department of Interior, Environment, and Related Agencies Appropriations Act, 2012, P.L. No. 112-74, Division E, Section 433 and 434 regarding corporate felony convictions and corporate federal tax delinquencies. Accordingly, by entering into this agreement Cooperators acknowledges that it: 1) does not have a tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and (2) has not been convicted (or had an officer or agent acting on its behalf convicted) of a felony criminal violation under any Federal law within 24 months preceding the agreement, unless a suspending and debarring official of the USDA has considered suspension or debarment is not necessary to protect the interests of the Government. If Cooperators fail to comply with these provisions, the U.S. Forest Service will annul this agreement and may recover any funds Cooperators has expended in violation of sections 433 and 434.

V. THE U.S. FOREST SERVICE SHALL:

- A. Provide a liaison to link the parties of this MOU together.
- B. Ensure that all planning and site-based data collection activities comply with forest plans, National Environmental Policy Act (NEPA) documents, and all applicable laws and regulations.
- C. Coordinate with the Parties to this MOU, non-profit organizations, for-profit organizations, institutions of higher education, federal, state, local, and Native American tribe governments, and individuals.

- D. Execute necessary instrument(s) to allow Cooperator(s) to complete mutually agreed to activities and projects on National Forest System lands, which includes but is not limited to, providing Cooperator(s) and its agents access to federal lands to perform project implementation, maintenance, and monitoring activities at project sites.
- E. Following completion of project implementation and the achievement of all required performance standards for given sites, act as the long-term steward of project sites, conducting any required maintenance.

VI. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- A. The Parties recognize, accept, and respect the differences in missions, goals, and objectives of each other. However, wildfire does not recognize or respect jurisdictional boundaries. The Parties therefore agree to work collaboratively and in a coordinated fashion to achieve the purpose and goals sought and described in this MOU.
- B. The Parties acknowledge that any Party to this MOU may participate in local activities or implement decisions related to forestry management as part of their site-specific obligations, responsibilities, and authorities. This MOU is not meant to supplant any Party's discretionary authority to make decisions about forest management or wildfire response associated with their individual jurisdictions.
- C. This MOU is non-binding and does not obligate any funds of the Parties. As funding and resources are available and authorized (as determined in each Party's sole discretion), the Parties will provide technical, human, and/or financial support to the Partnership under an appropriate authority, as applicable, and by separate instrument(s).
- D. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Garfield County Program Contact	Garfield County Administrative Contact
John Martin, Chairman Garfield County Board of County Commissioners 108 8th St, Glenwood Springs CO 81601 970-945-5004 jmartin@garfield-county.com	Chris Bornholdt Commander, Garfield County Emergency Operations 107 8th St, Glenwood Springs CO 81601 970-945-0453 x 1012 cbornholdt@garcosheriff.com



Mesa County Program Contact	Mesa County Administrative Contact
Andy Martsolf Mesa County Emergency Management 215 Rice St., Grand Junction CO 81501 970-244-1800 andrew.martsolf@mesacounty.us	Andy Martsolf Mesa County Emergency Management 215 Rice St., Grand Junction CO 81501 970-244-1800 andrew.martsolf@mesacounty.us

City of Rifle Program Contact	City of Rifle Administrative Contact
Tommy Klein City Manager 970-989-3149 tklein@rifleco.org	Tommy Klein City Manager 970-989-3149 tklein@rifleco.org

Town of New Castle Program Contact	Town of New Castle Admin. Contact
David Reynolds Town Administrator Town of New Castle 450 W. Main Street New Castle, CO 81647 970-984-2311 dreynolds@newcastlecolorado.org	Rochelle Firth Assistant to the Town Administrator, PIO Town of New Castle 450 W. Main Street New Castle, CO 81647 970-984-2311 rfirth@newcastlecolorado.org

Town of Silt Program Contact	Town of Silt Administrative Contact
Trey Fonner (970) 876-2353 Ext. 106 231 N. 7th Street PO Box 70 Silt, CO 81652 trey@townofsilt.org	Amie Tucker (970) 876-2353 Ext. 104 231 N. 7th Street PO Box 70 Silt, CO 81652 atucker@townofsilt.org

Town of Parachute Program Contact	Town of Parachute Administrative Contact
Travis Elliott Town Manager Town of Parachute 222 Grand Valley Way Parachute, CO 81635 970-665-1147 telliott@parachutecolorado.com	Teresa Beecraft Finance Director Town of Parachute 222 Grand Valley Way Parachute, CO 81635 970-665-1145 tbeecraft@parachutecolorado.com



Town of De Beque Program Contact	Town of De Beque Administrative Contact
Care' McInnis, Town Manager cmcinnis@debeque.org 970-270-3290 PO Box 60, 381 Mintur Ave, De Beque, CO 81630	Care' McInnis, Town Manager cmcinnis@debeque.org 970-270-3290 Evelyn Giertz, Administrative Assistant egiertz@debeque.org (970) 283-5475 ext 108 PO Box 60, 381 Mintur Ave, DeBeque, CO 81630

Metro District Battlement Mesa Program Contact	Metro District Battlement Mesa Admin. Contact
Vinnie Tomasulo vtomasulo@bmmetro.com 970-285-9050 401 Arroyo Drive Battlement Mesa, CO 81635	Vinnie Tomasulo vtomasulo@bmmetro.com 970-285-9050 401 Arroyo Drive Battlement Mesa, CO 81635

Town of Collbran Program Contact	Town of Collbran Administrative Contact
Melonie Matarozzo Town Administrator Town of Collbran 1010 High Street Collbran, Co 81624 970-487-3751 townmanager@townofcollbran.us	Melonie Matarozzo Town Administrator Town of Collbran 1010 High Street Collbran, Co 81624 970-487-3751 townmanager@townofcollbran.us

City of Glenwood Springs Program Contact	City of Glenwood Springs Administrative Contact
Steve Boyd 970-384-6422 101 West 8th Street Glenwood Springs, CO 81601 steve.boyd@cogs.us	Steve Boyd 970-384-6422 101 West 8th Street Glenwood Springs, CO 81601 steve.boyd@cogs.us



Colorado River Fire Protection District Program Contact	Colorado River Fire Protection District Administrative Contact
Zach Pigati Division Chief of Operations and Wildland 1850 Railroad Ave Rifle, CO 81650 970-319-8787 zach.pigati@crfr.us	PJ Tillman Administrative Director 1850 Railroad Ave Rifle, CO 81650 970-625-1243 pj.tillman@crfr.us

Grand Valley Fire Protection District Program Contact	Grand Valley Fire Protection District Administrative Contact
Chris Jackson, Fire Chief 0124 Stone Quarry Road Parachute, CO 81635 970-285-9119 opschief@gvfpd.org	Kim Reeves, Administrative Specialist 0124 Stone Quarry Road Parachute, CO 81635 970-285-9119 admin@gvfpd.org

De Beque Fire Protection District Program Contact	De Beque Fire Protection District Administrative Contact
Forest Matis, Fire Chief 4580 I-70 Frontage Rd, De Beque, CO 81630 970-201-4088 forest.matis@debequefire.org	Jason Lee, Captain 4580 I-70 Frontage Rd, De Beque, CO 81630 970-283-8632 jason.lee@debequefire.org

Lower Valley Fire Protection District Program Contact	Lower Valley Fire Protection District Administrative Contact
Travis Holder, Fire Marshal 970-296-4258 tholder@lvfdfire.org 168 N Mesa St., Fruita CO 81521	Frank Cavaliere, Fire Chief 970-858-3133 fcavaliere@lvfdfire.org 168 N Mesa St., Fruita CO 81521

Plateau Valley Fire Protection District Program Contact	Plateau Valley Fire Protection District Administrative Contact
Karl Belden 49084 Ke ½ Rd, Mesa CO 81643 970-261-9773 k.beldenjr@pvfiredept.org	Eric Bruton Acting Fire Chief 49084 Ke ½ Rd., Mesa CO 81643 970-261-9773 e.bruton@pvfiredept.org



Glenwood Springs Rural Fire Protection District Contact	Glenwood Springs Rural Fire Protection District Administrative Contact
Gary Tillotson 101 W 8th Street Glenwood Springs, CO 81601 Telephone: 970-384-6480 Email: gary.tillotson@cogs.us	Mina Bolton 101 W 8th Street Glenwood Springs, CO 81601 Telephone: 970-384-6436 Email: mina.bolton@cogs.us

Colorado State Forest Service Program Contact	Colorado State Forest Service Administrative Contact
Ron Cousineau Northwest Area PO Box 69 Granby, CO 80446 Telephone: 970-217-7022 Email: ron.cousineau@colostate.edu	Scott Woods 9769 W 119th Drive, Suite 12 Broomfield, CO 80021 Telephone: 303-404-9057 Email: scott.woods@colostate.edu

Colorado Parks and Wildlife Program Contact	Colorado Parks and Wildlife Administrative Contact (alt contact)
Molly West 711 Independent Ave Grand Junction, CO 81504 Telephone: 970-250-3818 Email: molly.west@state.co.us	Ivan Archer 711 Independent Ave Grand Junction, CO 81504 Telephone: 970-200-4026 Email: ivan.archer@state.co.us

Bureau of Land Management, Colorado River Valley Field Office Program Contact	Bureau of Land Management, Colorado River Valley Field Office Administrative Contact
Chad Sewell 2300 River Frontage Road Silt, CO 81652 Telephone: 970-876-9030 Email: csewell@blm.gov	Larry Sandoval 2300 River Frontage Road Silt, CO 81652 Telephone: 970-876-9002 Email: lsandoval@blm.gov

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Clark Woolley, Partnership Coordinator 900 Grand Avenue Glenwood Springs, CO Telephone: 970-948-9803 Email: clark.woolley@usda.gov	Alex Specht, Grants Management Specialist 900 Grand Ave Glenwood Springs, CO 81601 Telephone: 605-515-8812 Email: alex.specht@usda.gov

- E. **NOTICES**. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or Cooperators is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To Cooperators, at Cooperator's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- F. **PARTICIPATION IN SIMILAR ACTIVITIES**. This MOU in no way restricts the U.S. Forest Service or Cooperators from participating in similar activities with other public or private agencies, organizations, and individuals.
- G. **ENDORSEMENT**. Any of Cooperator's contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of Cooperators' products or activities.
- H. **NONBINDING AGREEMENT**. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties



elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- I. USE OF U.S. FOREST SERVICE INSIGNIA. In order for Cooperators to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications.

A written request must be submitted and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.

- J. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.

- K. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).

- L. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving,"

any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

- M. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.

- N. DEBARMENT AND SUSPENSION. Cooperators shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal



government according to the terms of 2 CFR Part 180. Additionally, should Cooperators or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.

- O. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.
- P. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through Sept 30, 2028, at which time it will expire.
- Q. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the parties hereto have executed this MOU as of the last date written below.



Tommy Klein, City Manager, City of Rifle, Colorado

Date: _____

Ed Green, Mayor, City of Rifle, Colorado

Date: _____



Agenda Item #5.f.

Agenda Item Name:

Consider Ordinance No. 17, Series of 2023 - Street Sales Tax Ballot Question - 2nd Reading

Presenter:

Tommy Klein, City Manager

Item Description:

Consider Ordinance No. 17, Series of 2023 - Street Sales Tax Ballot Question - 2nd Reading

Recommended Action:

Move to approve Ordinance No. 17, Series of 2023, on second reading.

Fiscal Impact:

If approved by Council and the voters, the sales tax associated with the Street Improvement Fund (SIF) would increase from .5% to .95%. In 2022, the city collected approximately \$1,424,301 in sales tax for the SIF. If passed, we expect to collect approximately \$2,700,000 in tax specifically for the SIF.

Operational Impact:

With the Council's approval, the measure would be placed on the November 7, 2023, ballot. If citizens vote for the proposal, city staff will move forward with projects as determined by the Engineer.

If the ballot question is not approved, maintenance of our streets will be affected and large projects will be delayed. Staff would prioritize main roadways and the quality of other streets would decline. New projects would not be able to move forward without significant grant support.

Prior Board Motions:

N/A

Background Information:

City staff recommends placing this measure on the ballot for the November 7, 2023 election. Please see the Executive Summary and the attachments.

Executive Summary:

Sales tax revenue generated for the Street Improvement Fund can only be used to support the construction and maintenance of our streets. Revenue from this tax cannot be moved to support any other fund, including the General Fund.

The City of Rifle garners a majority of revenue from sales tax and this is the case for most municipalities in our state. In 1987, Rifle residents approved the Street Improvement Fund sales tax at a .5% rate. Rifle's current total sales tax rate is 8.15%. Our sales tax supports multiple funds.

Current Sales Tax Distribution
State of Colorado 2.9%
Garfield County 1.0%
City of Rifle General Fund 2.0%
Parks and Recreation 1.0%
Water Debt .75%
Street Improvement Fund .5%

Total 8.15%

The city does not have control over the Colorado State and Garfield County sales taxes.

Staff is recommending Council's approval to place an initiative on the November 7th, 2023, ballot to raise the Street Improvement Fund sales tax by .45%. If approved, the city's sales tax would become 8.6%, equivalent to that in Glenwood Springs. (The Meadows in Glenwood Springs has a higher sales tax rate of 10.1%.) An increase in sales tax is preferable to a property tax. Sales tax is paid by residents and non-residents alike, but a property tax affects only our residents.

In 2017, Rifle residents voted to allow the city to issue debt for street improvements in the amount of \$5,000,000. To date, the city has not utilized this option to fund street projects. Staff does not want to issue debt since the General Fund will be used to pay for the debt and interest rates are high and continue to rise.

We rely too heavily on grants for street projects. Each year we assume that we will receive 60% of our street costs from grants. The traditional FMLD grants (not the mini-grants that are capped at \$25,000) have not always been available since they are tied to the performance of the oil and gas industry. For both cycles in 2021, traditional grants were not offered. The oil and gas industry will experience declines based on recent legislation and proposed targets to reduce emissions. Staff is concerned about the longevity of the program.

Over the past ten years, we expended an average of \$1,837,337.14 per year on required street maintenance, design, traffic signals, and storm drain. Over the same period, our capital expenses averaged \$1,577,766.73. Over the last 10 years, we have deficit spent an average of \$669,743.03 (omitting 2017) from the Street Improvement Fund. The total amount of revenue needed to cover our costs is approximately \$2,783,997.17 per year. This is a very conservative estimate considering that inflation will continue to increase in the future and the cost of construction will also continue to rise. This fiscal year, we budgeted \$650,000 from the General Fund to support our SIF. For 2023, we estimate collections for the Street Improvement Fund to be approximately \$1,424,301 at the current .50% rate. If the sales tax for the Street Improvement Fund is raised by .45%, we should see revenue increase to approximately \$2,706,171 in 2024. With the increase, we would be able to cover our current average yearly costs for maintenance and capital street projects.

Please see the attachments for additional information.

Notification Requirements:

N/A

Prepared By:

Misty Williams, City Clerk

Attachments:

1. Council SIF Memo 08-07-2023 - REVISED

2. Street Improvement Fund Presentation - REVISED
3. Ordinance No. 17-Street Sales Tax Ballot Question



MEMORANDUM

TO: HONORABLE MAYOR AND COUNCIL
FROM: TOMMY KLEIN
DATE: AUGUST 7, 2023
RE: BALLOT INITIATIVE – INCREASE STREET IMPROVEMENT SALES TAX BY .45%

City staff recommends that Council approve the inclusion of a ballot initiative for the next General Election to be held on November 7, 2023. We propose an increase in the Street Improvement sales tax from .50% to .95%. The current sales tax rate for the Street Improvement Fund was originally established in 1987. Since the tax's inception over 36 years ago, the costs associated with construction have risen significantly.

If the initiative is approved by Council and the voters, our sales tax would become 8.6%, equal to that of Glenwood Springs. Glenwood Meadows in Glenwood Springs has a higher tax rate of 10.1%.

The Street Improvement Fund is used solely for the purposes of repairing, maintaining, and constructing streets and related infrastructure. Street Improvement capital cannot be used to support other funds. A property tax would place the burden of street construction solely on Rifle residents. The preferable solution is a sales tax that since it would distribute the costs to nonresidents and residence.

For fiscal year 2023, we budgeted \$650,000 from the General Fund to supplement the Street Improvement Fund. This practice is not sustainable because the city has major projects that will require significant capital. The city owns several buildings that require major repairs soon and the projects will be expensive. For example, the Ute Theater and Senior Center will need HVAC replacements. We are also in need of additional patrol cars, regular fleet vehicles, and equipment for our Operations and Maintenance team. The city is planning to replace a large section of water pipe and this project will need support from the General Fund. This project is included in our Capital Improvement Plan. Several years ago, this project was estimated to cost approximately \$9,000,000.

In 2017, citizens approved \$5,000,000 in debt that could be issued to cover street costs. Staff does not want to issue debt since the General Fund will be used to pay on the debt and interest rates continue to rise.

We currently rely too heavily on grants for street projects. Each year we assume that we will receive 60% of our street costs from grants. The traditional FMLD grants (not the mini grants that are capped at \$25,000) have not always been available since they are tied to the performance of the oil and gas industry. For both cycles in 2021, traditional grants were not offered. The oil and gas industry will experience declines based on recent legislation and proposed targets to reduce emissions. See <https://cdphe.colorado.gov/press-release/colorado-continues-to-fight-climate-change-with-a-series-of-newly-signed-laws> and <https://www.cpr.org/2023/08/04/colorado-electric-vehicle-discounts-guide/> for examples.

We need to complete multiple large street projects in the future. A roundabout just north of Interstate 70 at Exit 90 will be required. As traffic increases, traffic will back up onto Interstate 70 as vehicles wait to access Taughenbaugh Boulevard or Highway 13 (the River Bridge). This will become a significant safety issue and the solution to this problem is a traffic circle. The intersection of Highway 13 and East 30th Street will need significant construction to improve pedestrian safety. There are other street projects needed in addition to these examples.

Over the past ten years, we expended an average of \$1,837,337.14 per year on required street maintenance, design, traffic signals and storm drain. Over the same period, our capital expenses averaged \$1,577,766.73. Over the last 10 years, we have deficit spent an average of \$669,743.03 (omitting 2017) from the Street Improvement Fund. The total amount of revenue needed to cover our costs is approximately \$2,783,997.17 per year. This is a very conservative estimate considering that inflation will continue to increase in the future and the cost of construction projects will also continue to rise. For 2023, we estimate collections for the Street Improvement Fund to be approximately \$1,424,301 at the current .50% rate. If the sales tax for the Street Improvement Fund is raised by .45%, we should see revenue increase to approximately \$2,706,171 in 2024.

To summarize, the cost of construction for street improvements will continue to rise. A proposed sales tax increase is preferable to a property tax increase. Sales tax is paid by residents and nonresidents alike, but a property tax affects only our residents. The transfer of capital from the General Fund to supplement the Street Improvement fund is not sustainable. Issuing debt is not a wise financial solution. The city needs to complete large street projects that will be expensive and are beyond our current financial capabilities. We expect FMLD grants to decline and eventually become nonexistent. Staff would like to place a measure on the ballot for November 7, 2023, to increase the Street Improvement Fund sales tax by .45%. If approved, the total percentage of sales tax would change to .95%.

Thank you for your consideration.

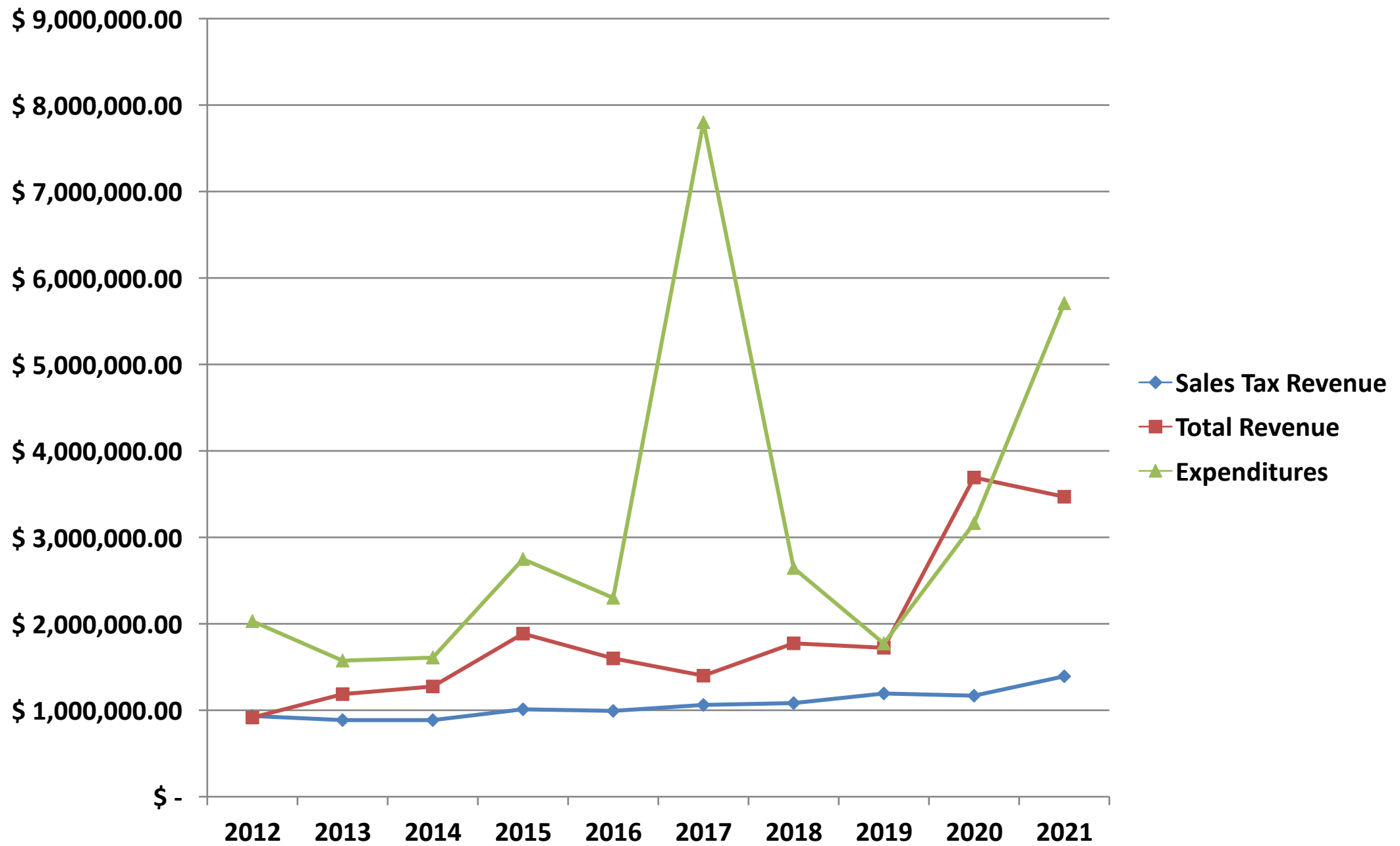
Street Improvement Fund

Street Improvement Fund

- Voter approved in 1987
- For repair, maintenance, and construction
- Current rate is .50%

SIF Issues

- Street Improvement Fund cannot keep pace with costs
- General Fund support of the SIF is not a sustainable solution
 - Budgeted transfer of \$650,000 in 2023 to the SIF
 - Average spending deficit of \$669,743.03/year since 2012 (2017 omitted from average)
- Overreliance on Grants - FMFD
- \$5,000,000 in bonds approved – interest rates a factor



Accounting

- Cannot use other funds to support General Fund
 - Parks
 - Water
 - Wastewater
 - Tourism
 - Conservation Trust Fund

General Fund Accounts

- Municipal Court
- Administrative Functions
- Police
- Senior Center
- Building and Planning
- Public Works
- Non-Departmental (RCF, Wellness Grant, Animal Shelter, Future Detox Center Payments, etc.)

General Fund Considerations

- Approximately \$9,364,090 in reserves
- Approximately \$4,358,129 required reserve – 4 months
- Require grant matches
- Major projects
- Building repairs and improvements
- Equipment

Sources of Revenue

- Property tax only affects Rifle residents
- Sales tax is paid by residents and nonresidents

City of Rifle Sales Tax

General Fund 2.0%

Parks and Recreation 1.0% - Approved by Citizens

Utilities .75%

Street Improvement - .50%

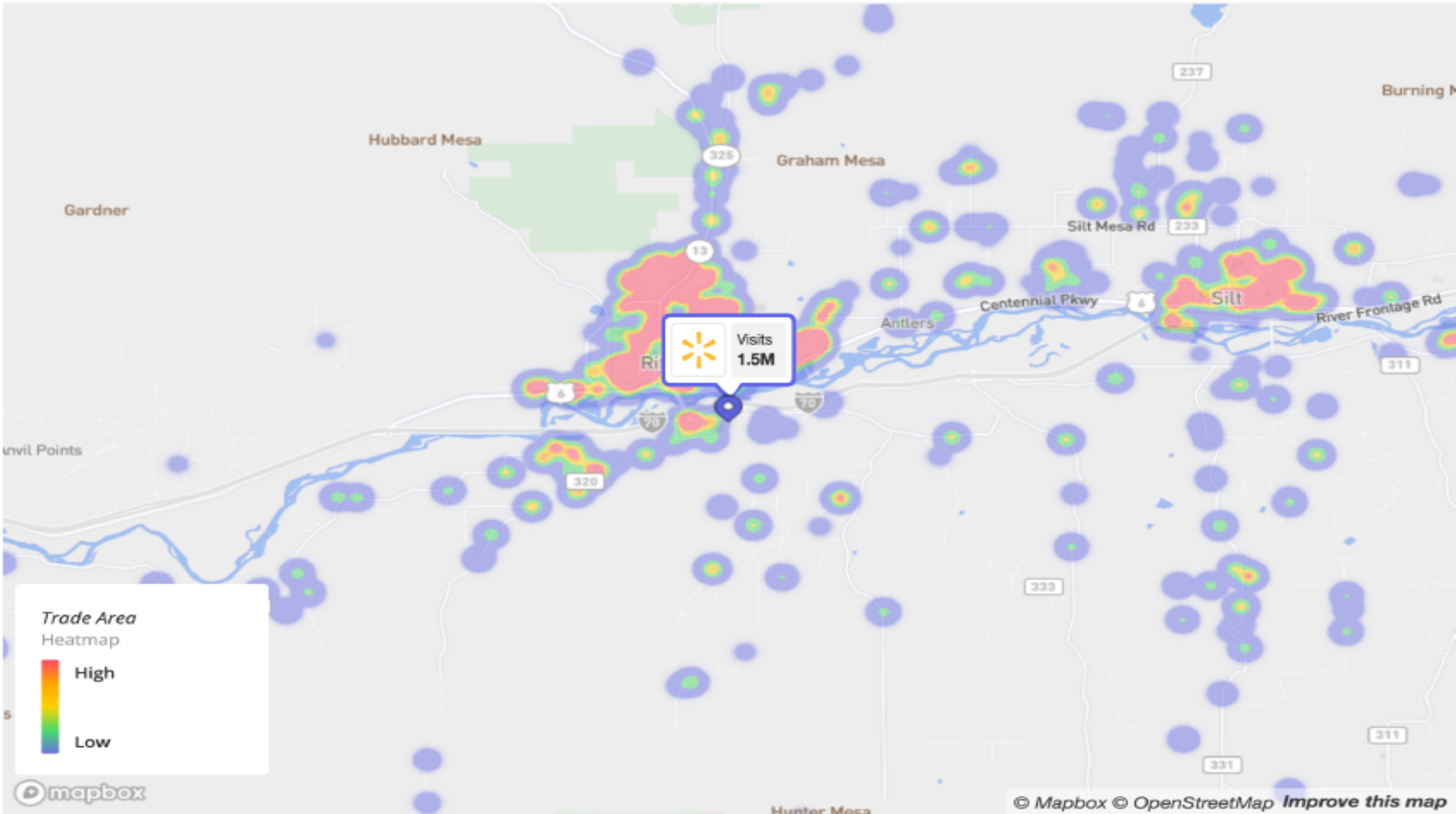
Total 4.25%

Sales Tax	
1	Parks
0.5	Streets
0.75	Water Plant
2	General Fund
2.9	State
1	County
8.15	Total Sales Tax

Property Overview

Apr 1, 2022 - Mar 31, 2023

Market Landscape



Home locations are obfuscated for privacy and randomly placed within a census block. They do not represent actual home addresses.



Current and Past Revenue

- Average spending deficit of \$669,743.03/year since 2012 (2017 omitted from average)
- The average deficit percentage with respect to total tax revenue is 41%, i.e. total revenue needed to be increased 41% in the years between 2012 and 2021 for a balanced budget

Year	Sales Tax Revenue	Total Revenue	Expenditures	Spending Deficit	Deficit Percentage with Respect to Total Tax Revenue
2012	\$ 934,061.00	\$ 915,738.77	\$ 2,029,959.00	\$ (1,114,220.23)	-122%
2013	\$ 886,025.00	\$ 1,186,280.00	\$ 1,573,540.00	\$ (387,260.00)	-33%
2014	\$ 886,000.00	\$ 1,274,972.00	\$ 1,608,907.00	\$ (333,935.00)	-26%
2015	\$ 1,011,090.00	\$ 1,886,064.00	\$ 2,747,858.00	\$ (861,794.00)	-46%
2016	\$ 992,594.00	\$ 1,600,000.00	\$ 2,300,000.00	\$ (700,000.00)	-44%
2017	\$ 1,061,645.00	\$ 1,400,000.00	\$ 7,800,000.00	\$ (6,400,000.00)	-457%
2018	\$ 1,082,878.00	\$ 1,774,180.00	\$ 2,645,943.00	\$ (871,763.00)	-49%
2019	\$ 1,193,780.00	\$ 1,722,257.00	\$ 1,771,928.00	\$ (49,671.00)	-3%
2020	\$ 1,168,457.00	\$ 3,691,745.00	\$ 3,163,374.00	\$ 528,371.00	14%
2021	\$ 1,392,450.00	\$ 3,469,719.00	\$ 5,707,134.00	\$ (2,237,415.00)	-64%

Asphalt

- 350 feet with curb, gutter and pipe is \$350,000.
- Mill and replace is \$120,000
 - Longer wait for mill, rises quickly towards \$600,000
 - Mill and replace – base must be good
- Concerned about 2023 increases
- Intersection project for light, street lights and sidewalk estimated (2021-2022 Prices) at \$541,276, bid at \$1,024,157 in 2023

Required Annual Costs Looking Forward

- Pavement Maintenance (10-year average = \$1,511,863.70/year)
- Admin/Design (10-year average = \$198,655.26/year)
- Traffic Signals (10-year average = \$81,818.18/year)
- Storm Drain (10-year average = \$45,000/year)
- **TOTAL = \$1,837,337.14/year total for maintenance**

Capital Expenses (Includes maintenance/Capital combined projects)

- **10-year average \$1,577,766.73/year**
 - HWY 13/30th St Intersection \$1.4M
 - Rifle Gateway \$315k
 - Fairway Avenue Extension \$1.6M
 - 5th St and Ute Ave \$650k
 - Park and Ride \$100k (remainder developer or grants)
 - Whiteriver Intersection \$2.8M
 - East Avenue 1st to 5th St \$650k
 - West 5th St Phase III \$1.1M
 - 26th St \$650k
 - West Avenue 3rd to 6th \$750k
 - Highway 13 Sidewalk \$225k
 - North I-70 Roundabout \$5.5M
 - Hospital Hill Road \$300k
 - West Second Street Sidewalk \$250k

Total Revenues Needed

- Maintenance TOTAL = \$1,837,337.14 per year
- Capital Total \$1,577,766.73 per year
- Assume **60%** grant match on capital projects (FMLD and EIAF)
- **Street Improvement Revenues needed
\$2,783,997.17**

SIF Sales Tax

- 2023 SIF Revenue Estimate is \$1,424,301
 - .50% rate
- .90% (.40% increase) \$2,563,741
- **.95% (.45% increase) \$2,706,171**
- 1.0% (.50% increase) \$2,848,602

Options

- No change
 - Cut capital projects (includes street replacements)
 - Focus on best roads while others decline
 - Does not align with recent **survey**
 - In general, only bad roads are noticed, if not repaired, it will seem like nothing is being done
 - If there is no preventative maintenance all roads will be bad
- Increase funding to a point that both capital and maintenance projects can continue (equivalent to approximately 1 cent in sales tax)
- Somewhere in between

CITY OF RIFLE, COLORADO
ORDINANCE NO. 17
SERIES OF 2023

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, TO PROVIDE FOR AN INCREASE IN SALES AND USE TAX BY 0.45% TO FUND IMPROVEMENTS TO STREETS, CURBS AND SIDEWALKS AND SUBMITTING THIS ORDINANCE FOR APPROVAL OF THE REGISTERED VOTERS OF THE CITY OF RIFLE AT THE NOVEMBER 7, 2023 GENERAL ELECTION.

WHEREAS, on July 6, 1965, the qualified electors of the City of Rifle, Colorado, approved Ordinance No. B-14, imposing a one percent (1.0%) retail sales tax; and

WHEREAS, this Ordinance is now contained and codified within Title IV, Chapter 4-2 of the Rifle Municipal Code (the “RMC”), wherein it is referred to as “Retail Sales and Use Tax”; and

WHEREAS, the Retail Sales and Use Tax was amended by the qualified electors of the City of Rifle voting on the imposition of an additional one percent (1.0%) sales tax at the regular municipal election held in September 1973; and

WHEREAS, the Retail Sales and Use Tax was further amended by the qualified electors of the City of Rifle voting on the imposition of one-half percent (0.5%) sales tax for improvements to streets, curbs and sidewalks at the regular municipal election held in September 1987 (the “Streets Tax”); and

WHEREAS, the Retail Sales and Use Tax was further amended by the qualified electors of the City of Rifle voting on the imposition of one percent (1.0%) sales and use tax at the regular municipal election held in September 2005 to fund recreation programs and facilities, parks, trails, and open space purposes; and

WHEREAS, the Retail Sales and Use Tax was further amended by the qualified electors of the City of Rifle voting on the imposition of three-quarters percent (0.75%) sales and use tax at the general election held in November 2012 to fund the construction of new water treatment facilities; and

WHEREAS, the Streets Tax has not changed for over thirty-five years and the City is unable to maintain, repair, improve and replace its street network with the revenue from the Streets Tax so the City Council desires to increase the sales and use tax by 0.45% and specifically commit those revenues for improvements to streets, curbs and sidewalks in the City; and

WHEREAS, in order to provide for those purposes, the Council has determined that it is necessary to submit to the registered voters of the City of Rifle the question of whether to amend the RMC to increase the sales tax and use tax by 0.45 %, which question will be submitted to the registered voters at the general election to be held on November 7, 2023.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Purpose. The purpose of this Ordinance is to impose an additional 0.45 % tax on retail sales and on certain services by amending the present Retail Sales and Use Tax provisions, and to provide for the use of the proceeds thereof for improvements to streets, curbs and sidewalks.

Section 3. Subject to registered voter approval, the first clause of Section 4-2-110 of the RMC relating to the amount of sales tax imposed on the transactions set forth therein is hereby repealed and re-enacted as follows:

Section 4-2-110 Sales tax imposed upon certain transactions, property and services.

There is hereby levied a tax in an amount equal to four and seven-tenths (4.7%) of the amount of the sale, which shall be imposed upon:

* * *

Section 4. Subject to registered voter approval, subsection (a) of Section 4-2-210 of the RMC relating to the amount of use tax imposed on the transactions set forth therein is hereby repealed and re-enacted as follows:

Section 4-2-210 Use tax on certain transactions, property and services.

(a) A use tax of four and seven-tenths (4.7%) of the retail purchase price of all the tangible personal property described in this section shall be payable to and collected by the Finance Director.

Section 5. Subject to registered voter approval, Section 4-2-40(a) of the RMC is amended to read as follows:

Section 4-2-40 Tax revenues pledged for certain purposes.

(a) The proceeds of the 0.95% sales and use tax imposed by the Rifle electorate in September 1987 and November 2023 shall be accounted for separately by the City and shall be used only for maintenance, repair, replacement and improvements to streets, curbs and sidewalks.

Section 6. Effective Date. If approved as hereinafter set forth, this Ordinance and the taxes imposed hereby shall become effective for all sales which occur from and after January 1, 2024.

Section 7. Submission to Voters. This ordinance shall be submitted to, and must receive the approval of a majority, of the registered voters of the City of Rifle voting on the question of approving the foregoing amendment to the RMC regarding an increase in the sales and use tax by 0.45 % at the general election which shall be held on Tuesday, November 7, 2023. As near as practical, this election shall be held in compliance with the Colorado Municipal Election Code, as amended.

Section 8. 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 general election publication published in The Citizen Telegram in substantially the following form at least 30 days prior to the election, on or before October 6, 2023:

NOTICE OF BALLOT QUESTION CONCERNING AN INCREASE IN SALES AND USE TAX BY 0.45% FROM 4.25% TO 4.7% TOTAL, WHICH 0.45% INCREASE SHALL BE DEDICATED EXCLUSIVELY TO FUND IMPROVEMENTS TO STREETS, CURBS AND SIDEWALKS.

NOTICE IS HEREBY GIVEN that an election will be held on Tuesday, November 7, 2023, between the hours of 7:00 a.m. and 7:00 p.m. at the polling places established for Rifle, Colorado. At this election, the following question shall be submitted to the registered voters of the City of Rifle:

- A. “SHALL THE CITY OF RIFLE SALES AND USE TAXES BE INCREASED BY NOT MORE THAN \$1,600,000 IN THE FIRST FULL FISCAL YEAR, AND BY SUCH ADDITIONAL AMOUNTS AS ARE GENERATED ANNUALLY THEREAFTER, BY AN INCREASE IN CITY SALES AND USE TAX BY 0.45% FROM 4.25% TO 4.7% TOTAL, WHICH INCREASE SHALL TAKE EFFECT ON JANUARY 1, 2024, AND WHICH REVENUES THEREFROM, TOGETHER WITH INVESTMENT EARNINGS THEREON, SHALL BE USED SOLELY TO FUND MAINTENANCE, REPAIR, REPLACEMENT AND IMPROVEMENTS TO STREETS, CURBS AND SIDEWALKS;**

AND SHALL SUCH REVENUES TO BE COLLECTED BY THE CITY CONSTITUTE A VOTER APPROVED REVENUE CHANGE NOTWITHSTANDING ANY

**APPLICABLE REVENUE OR EXPENDITURE
LIMITATION IMPOSED BY ARTICLE X, SECTION 20 OF
THE COLORADO CONSTITUTION OR ANY OTHER
LAW?"**

Section 9. Application. Upon passage of this Ordinance and voter approval at the subject election, the increase in the sales and use tax shall apply to all retail sales and certain services which occur on or after January 1, 2024, as provided by C.R.S. §29-2-106(2). Upon approval of this Ordinance by the registered voters, the City Clerk shall transmit a certified copy hereof to the Executive Director of the Department of Revenue, and to the Garfield County Clerk and Recorder as provided by C.R.S. §29-2-106(7), as amended.

Section 10. TABOR Notice. At least thirty (30) days prior to the election, on or before October 6, 2023, the City Clerk shall mail at the least cost, a titled notice or set of notices addressed to "All Registered Voters" at each address of one or more active registered voters concerning the ballot question referenced in this Ordinance No. 17, Series of 2023. The notice shall be entitled **"NOTICE OF ELECTION TO INCREASE TAXES."** The notice shall also include all information required by Article X, Section 20 (3)(b) ("The Taxpayer's Bill of Rights").

INTRODUCED on August 16, 2023, read by title, passed on first reading with amendments, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on September 6, 2023, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2023.

CITY OF RIFLE, COLORADO

BY _____

Mayor

ATTEST:

City Clerk



Agenda Item #5.g.

Agenda Item Name:

Consider Annexation Request for Highway 6 and Swallow Lane Commercial Project

Presenter:

Patrick Waller, Planning Director

Item Description:

Consider Annexation Request for Highway 6 and Swallow Lane Commercial Project

Recommended Action:

Move to approve associated ordinances, resolutions and annexation agreements.

Fiscal Impact:

None at this point. The applicant will access directly onto Highway 6 and a City water line is already located in the ROW. For the level of development proposed, extension of City sewer will be required. The applicant is not requesting any City incentives for the extension at this time.

Operational Impact:

Once annexed the City Police department will be required to respond to the parcel. The application was referred to Rifle PD and no concerns were noted.

Prior Board Motions:

None

Background Information:

The applicant is requesting to annex the subject 35.95-acre property into the City of Rifle with Tourist Commercial zoning as well as approval of a Sketch plan.

Executive Summary:

The applicant intends to develop a mixed-use commercial project across the 35-acre parcel in two phases. The first phase is anticipated to consist of a travel center with a large convenience store, fuel sales, and dedicated fueling lanes for diesel trucks. It is also anticipated to have two fast food restaurants with drive-thru, a truck maintenance/repair facility, and a sit-down restaurant.

The second phase is more conceptual, but at this time the applicant is considering the development of a sit-down restaurant, fast food restaurants, hotel, self-storage facilities, and auto part sales.

Notification Requirements:

Notice was required per State Statute and City of Rifle Code including mineral notice, property owners within 200', publishing, and posting the property.

Prepared By:

Patrick Waller, Planning Director

Attachments:

1. Staff Memo & Exhibits - Highway 6 and Swallow Lane

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



MEMORANDUM

TO: City of Rifle City Council
FROM: Patrick Waller, Planning Director
DATE: August 16, 2023
SUBJECT: Highway 6 and Swallow Lane Annexation
LOCATION: Northeast of the West Rifle Interchange
CASE #: Annexation 2023-006
APPLICANT: Caerus Piceance LLC - Pinewest

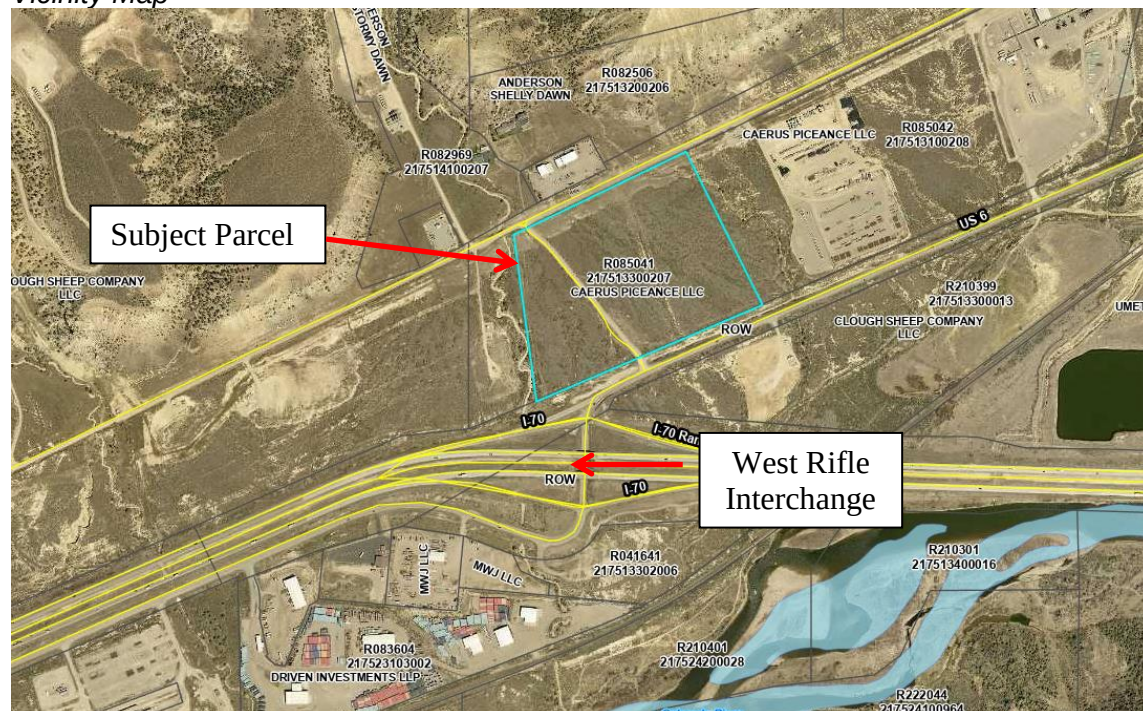
REQUEST

The applicant is requesting to annex the subject 35.95-acre property into the City of Rifle with Tourist Commercial zoning as well as approval of a Sketch plan.

The applicant intends to develop a mixed-use commercial project across the 35-acre parcel in two phases. The first phase is anticipated to consist of a travel center with a large convenience store, fuel sales, and dedicated fueling lanes for diesel trucks. It is also anticipated to have two fast food restaurants with drive-thru, a truck maintenance/repair facility, and a sit-down restaurant.

The second phase is more conceptual, but at this time the applicant is considering the development of a sit-down restaurant, fast food restaurants, hotel, self-storage facilities, and auto part sales.

Vicinity Map



DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



LOCATION:

The property is located to the north and east of the West Rifle interchange and accessed from Highway 6. Directly to the east is another Caerus Piceance property developed with oil and gas infrastructure. To the north is Swallow Lane, which is a private road in this location. To the west is a vacant parcel. To the south is Highway 6 and another vacant parcel.

ANNEXATION PROCESS

Annexation and zoning is the City's opportunity to ensure that proposed land uses and zoning standards are aligned with the City's vision for the area as described in the Comprehensive Plan and the Rifle Municipal Code.

State annexation laws and the Rifle Municipal Code give the Planning Commission and City Council a large amount of discretion to approve, deny, or modify a proposal for annexation based on the proposal's conformance with the City's vision of the property in question.

Once a property has been annexed and zoned, all future uses of the property follow the standards of the applicable zone district and any special provisions included in the annexation agreement.

COMPREHENSIVE PLAN

The property is designated as a Tier 2 area in Rifle's Comprehensive Plan. The Comprehensive Plan defines Tier 2 areas as follows:

The Tier 2 Growth Area represents properties that have significant challenges towards meeting the Tier 1 criteria. Tier 2 property may require major infrastructure improvements or extensions that may be unaffordable to construct or maintain over time. Tier 2 areas may lack aspects of high quality of life neighborhoods, or other specific criteria listed for Tier 1. The challenges of specific Tier 2 areas are discussed in Chapter 4: Neighborhood Plans.

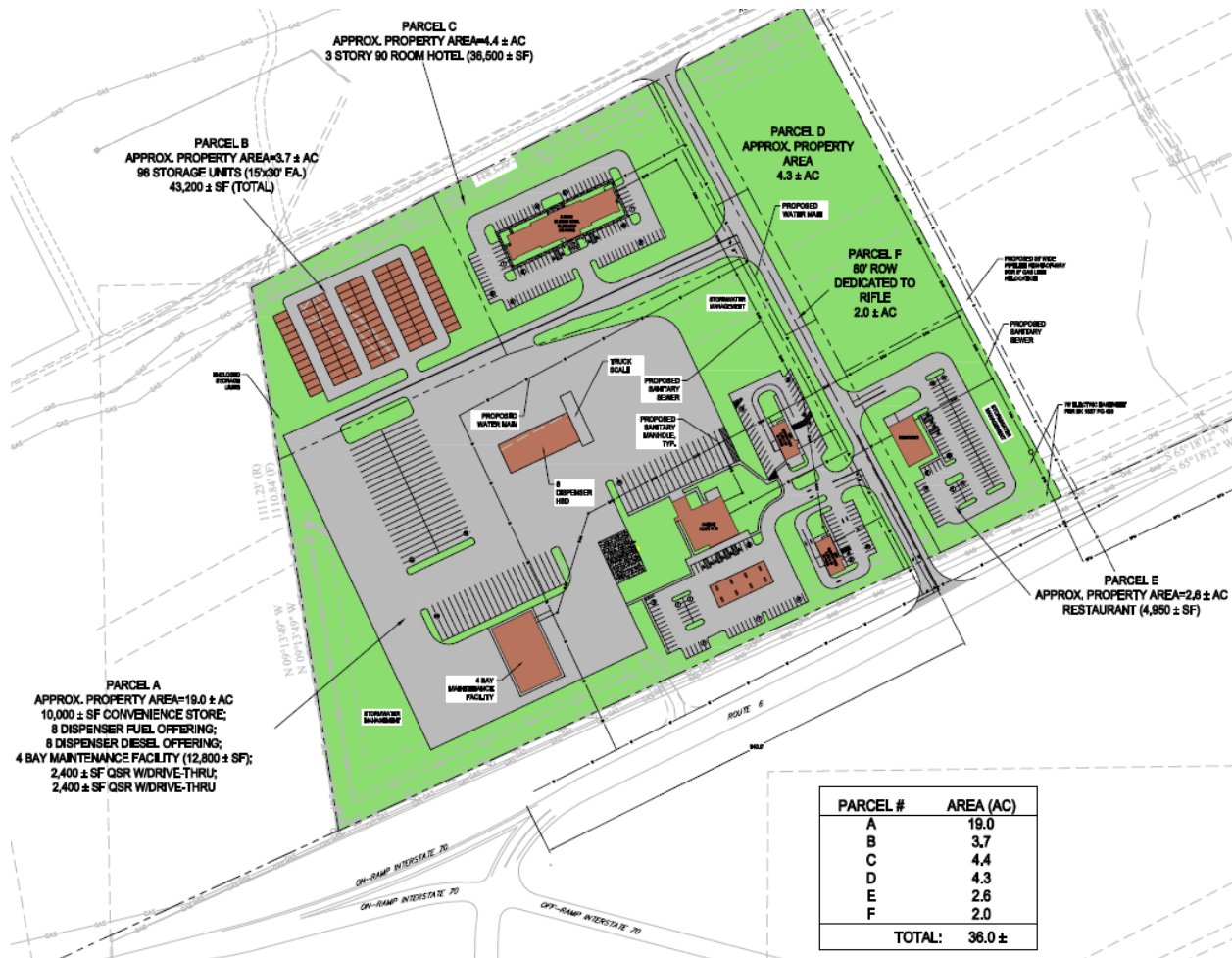
In many cases, Tier 2 properties may be able to solve the issues that led to a Tier 2 designation and move into Tier 1. In other cases, resolving the issues may not be feasible within the twenty-year timeframe of this Comprehensive Plan. Each Tier 2 property should be considered on a case-by-case basis.

This particular parcel was placed in Tier 2 because of the lack of access to a sewer system in the area. This issue is discussed further under Staff comments. The City does have a water line in place along Highway 6 and the property would access directly onto Highway 6.

The parcel is identified in the Comprehensive Plan as a potential location for further industrial uses. It is Staff's opinion that because the project is located adjacent to the West Rifle interchange the more commercial oriented Tourist Commercial zoning is more appropriate rather than heavy industrial use. This is consistent with the recent annexation approved on the south side of the interstate in this location. The applicant's proposal is consistent with more commercial type uses.



PROPOSED SKETCH PLAN



The applicant's proposed Sketch Plan includes 6 lots of varying acreage. The project would access onto Highway 6. At this time the applicant is showing an additional access to the north onto Swallow Lane, a private road in this location. This road would not be accessible to the public.

The Sketch Plan is conceptual in nature, if the applicant moves forward with the development they will be subject to the appropriate level of review as required by the Tourist Commercial zone district, or subdivision requirements.

REFERRAL COMMENTS

Staff referred the application to City of Rifle Departments, Xcel Energy, Colorado River Fire Rescue, the City Consulting Engineer, Army Corps of Engineers, CDOT and Garfield County.

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



Received comments are attached to the Staff Memo and incorporated into the following Staff Comments.

STAFF COMMENTS

Sewer Extension

The applicants sketch plan proposal includes a significant amount of commercial development. The City already has a water line running along Highway 6 and no roads would need to be extended because of direct access onto the Highway. However, in order to serve that level of development the applicant would need to extend the existing sanitary sewer system and install a lift station.

The extension of the sewer system is expensive; the applicant provided a cost estimate of approximately \$2.3 million. Additionally, once the sewer line is installed both the line and the lift station would likely be maintained by the City. At this time, the applicant is not requesting City financial support of the project through any sort of economic incentive.

If fully built-out, the project has the potential for significant sales tax generation, however the cost of the sewer line is a significant uncertainty associated with the project. If the applicant is not able to figure out how to finance the sewer line extension they would still be able to develop the lot, subject to the Tourist Commercial zoning and an onsite wastewater treatment system.

Tourist Commercial Zoning

The proposed Tourist Commercial Zoning appears to be a good fit for the location. It is defined in the code to serve the commercial needs of tourists and travelers and requires proximity to major highways. The applicant's proposed project fits well in this category.

Tourist Commercial does allow for residential uses, with townhouses and single-family housing considered uses by-right. Based on the Comprehensive Plan this location is not a good fit for residential uses. Staff has included a recommended condition of approval that prohibits residential development as part of the development through a PUD.

The applicant's proposal shows mini-storage as a potential use in the second phase of development. This is not allowed in the TC zone district. From City Staff's perspective, the mini-storage use is not an efficient use of land at the interchange. Mini-storage does not generate sales tax, has minimal water and sewer usage, and oftentimes the facilities degrade in appearance over time. Staff does not recommend the approval of that use for this project.

City ROW on the Property

The applicant's Sketch Plan shows City ROW as part of the project. The closest City ROW is Gas Court, which is approximately 1 mile to the east. Based on difficulties with snowplowing and maintenance requirements that would be associated with City ROW in this location, City Staff is not supportive of City ROW associated with the project at this time.

CDOT Access

The applicant has worked with CDOT to address access to the property. This will include an acceleration and deceleration lane as part of Phase 1 of the project. The applicant will need to address all CDOT requirements required as part of the development.

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



FINDINGS

Pursuant to Section 16-5-360, the Commission shall consider the following criteria before recommending an approval of an annexation to City Council (***staff comments shown in bold italics***):

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

The proposal is following the Annexation process outlined in the Rifle Municipal Code.

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;

A truck stop/mixed-use commercial area is compatible with the highway interchange area. This project will be a new type of use north of the interstate. Most of the surrounding parcels are currently vacant.

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

The proposed development is specific to interstate business uses. The project makes sense in this location because of the access to the interchange.

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

No adverse environmental effects are anticipated.

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

See Comprehensive Plan discussion earlier in the Staff Report.

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

The proposed use is not anticipated to have a negative impact on the value of property and buildings within the surrounding area. If the developer does extend the sewer to this location, it would increase the value of the surrounding properties.

7. Conformance of the proposal with the approval requirements concerning water and sewer tap availability for high volume use requests pursuant to 13-4-120 of the Code, if applicable.

No issues were noted as a part of the annexation submittal.

RECOMMENDATION

Planning Commission recommended approval of the Annexation and Zoning request subject to the following conditions:

Recommended Conditions of Approval

1. All representations made by the Applicant in the application and during the public hearing shall be conditions of approval, unless specifically altered by Rifle City Council.

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



2. Referral comments shall be addressed to the satisfaction of the City of Rifle as part of any future development application.
3. The property shall be zoned Tourist Commercial – PUD. The only requirement of the PUD shall be:
 - a. Residential uses are not permitted within the PUD.
4. The mini-storage use shown on the Sketch Plan is not a permitted use in the Tourist Commercial zone district and is not approved as part of this Annexation application.
5. The applicant shall comply with all CDOT access permit conditions.



365 River Bend Way • Glenwood Springs, CO 81601 • Tel 970 927 3690 • landstudio2@comcast.net

February 9, 2023

Patrick Waller
City of Rifle Planning Director
202 Railroad Ave.
Rifle, CO 81650
pwaller@rifleco.org

Re: Pine West Development, LLC Annexation and Rezoning Application

Dear Patrick:

The Land Studio, Inc. has been working with representatives of Pine West Development, LLC and its consultant team to prepare an Annexation Application per the discussed requirements at our August 31, 2022 Pre-Application meeting with you. The Applicant is proposing to develop a travel center and other future commercial uses, including restaurants and a hotel.

Statement of Purpose for the Annexation and Rezoning Application

Pine West Development, LLC (the “Developer”) is acquiring approximately 35.95 acres of land located in unincorporated Garfield County (the “Property”). The Property is generally located on the north side of I-70, Exit 87, between Hwy 6 and Swallow Lane (private road). The Property is identified as Garfield County Parcel ID #2175-133-00-207 (Property was formerly a portion of Garfield County Parcel #2175-131-00-055. After receiving approval of Annexation and Rezoning, the Developer intends to develop a mixed-use commercial project across all 35+ acres in two phases.

The first phase is anticipated to consist of a travel center with a large c-store, fuel sales, and dedicated fueling lanes for diesel trucks. The travel center is also anticipated to feature two fast food restaurants with drive-thru and a truck maintenance/repair facility. This array of uses is reflective of the needs of today’s leading travel center operators.

Additional commercial uses that will be constructed during subsequent development phases include a sit-down restaurant, fast food restaurant, hotel, self-

storage facility, and auto parts sales. Such uses are depicted on the conceptual site plan and are reflective of the market needs that exist today.

To allow for the planned commercial development, it is necessary for the Developer to annex the property into the City of Rifle. The nearest sanitary sewer connection is approximately 1.5 miles east of the property line. The Developer intends to extend the existing sewer line and bring it to the Property.

The following Exhibits complete the required submittal items for the Pine West Development, LLC Annexation and Rezoning Application:

- A. Owner and Consultant Team
- B. Application Forms / Authorization Letter
- C. Petition for Annexation
- D. Legal Description
- E. Title Commitment
- F. Names and Addresses of Property Owners within 200' and Mineral Interest Owners
- G. Radiation Hazard Report
- H. Conceptual Site Plan
- I. Annexation Map
- J. Traffic Impact Study
- K. Sewer Extension Information

We look forward to working with you on this project and please email or call with discussion related to this Application as needed.

Sincerely,

THE LAND STUDIO, INC

By: _____

Douglas J. Pratte

CAERUS ANNEXATION MAP

A PORTION OF A TRACT OF LAND SITUATED IN SECTION 13, TOWNSHIP
6 SOUTH, RANGE 94 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF GARFIELD, STATE OF COLORADO

CERTIFICATE OF OWNERSHIP:

THE UNDERSIGNED, CAERUS PICEANCE LLC, A COLORADO LIMITED LIABILITY COMPANY, BEING SOLE OWNER IN FEE SIMPLE OF ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS:

PARCEL A:

A PORTION OF A TRACT OF LAND SITUATED IN THE SOUTH $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ AND THE NORTH $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 94 WEST, 6TH PM., DESCRIBED AS FOLLOWS:
BEGINNING AT THE COMMON CORNER OF SAID SECTION 13 AND ADJACENT SECTIONS 14, 23 AND 24 OF SAID TOWNSHIP AND RANGE;
THENCE NORTH 00°59'00" WEST 1050.30 FEET; THENCE NORTH 65°18'12" EAST 508.35 FEET, BEING THE TRUE POINT OF BEGINNING;
THENCE NORTH 09°13'49" WEST 1111.23 FEET; THENCE NORTH 65°00'00" EAST 1252.91 FEET; THENCE SOUTH 27°56'45" EAST 1122.78 FEET;
THENCE SOUTH 65°18'12" WEST 1611.75 FEET TO THE TRUE POINT OF BEGINNING CONTAINING APPROXIMATELY 35.952± ACRES.

ALSO KNOWN AS PARCELA A, AS RECORDED CAERUS EXEMPTION PLAT, AT RECEPTION NO. 982842, GARFIELD COUNTY CLERK AND RECORDER'S OFFICE.

EXECUTED THIS _____ DAY OF _____, A.D., 2023.

CAERUS PICEANCE LLC, A COLORADO LIMITED LIABILITY COMPANY

BY: _____ AS: _____
NAME (PRINT): TITLE (PRINT):

STATE OF _____)
COUNTY OF _____) SS.

THE FOREGOING CERTIFICATE OF OWNERSHIP WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, A.D., 2023 BY

MY COMMISSION EXPIRES: _____
WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

TITLE CERTIFICATE:

I, _____, AN AGENT AUTHORIZED BY A TITLE COMPANY, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN UPON THIS THIS ANNEXATION MAP AND THAT TITLE TO SUCH LANDS IS VESTED IN AS SET FORTH HEREON IN THE CERTIFICATE OF OWNERSHIP, FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES (INCLUDING MORTGAGES, DEEDS OF TRUST, JUDGEMENTS, EASEMENTS, CONTRACTS AND AGREEMENTS OF RECORD AFFECTING THE REAL PROPERTY IN THIS THIS ANNEXATION MAP), EXCEPT AS FOLLOWS:

ALL EXCEPTIONS SET FORTH ON SCHEDULE B, FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-1121503 DATED MARCH 28, 2022.

DATED THIS _____ DAY OF _____, 2023.

TITLE COMPANY
AGENT

CLERK AND RECORDER'S CERTIFICATE

THIS ANNEXATION MAP WAS FILED FOR RECORD IN THE OFFICE OF THE CLERK AND RECORDER OF GARFIELD COUNTY, COLORADO, AT _____ O'CLOCK _____ ON THIS _____ DAY OF _____, A.D., 20____, AND IS DULY RECORDED AS RECEPTION NO. _____

ATTEST: _____
CLERK AND RECORDER

BY: _____
DEPUTY

CITY OF RIFLE PLANNING DIRECTOR APPROVAL

THIS ANNEXATION MAP APPROVED BY THE CITY OF RIFLE PLANNING DIRECTOR PURSUANT TO SECTION 16.05.140(D) OF THE RIFLE MUNICIPAL CODE.

DATED THIS _____ DAY OF _____, 20____.

BY: _____
CITY OF RIFLE PLANNING DIRECTOR

CITY COUNCIL CERTIFICATE OF APPROVAL

THIS ANNEXATION MAP APPROVED AND ACCEPTED BY THE CITY COUNCIL OF RIFLE, GARFIELD COUNTY, COLORADO FOR FILING WITH THE CLERK AND RECORDER OF GARFIELD COUNTY AS CAERUS ANNEXATION MAP AS EVIDENCE BY ORDINANCE No. _____, SERIES OF 2023 WITH THE CLERK AND RECORDER OF GARFIELD COUNTY AS RECEPTION No. _____.

MAYOR _____ DATE _____

CITY CLERK _____ DATE _____

FND 3.25" ALUMINUM
CAP 1982 US BLM
(WEST 1/4 CORNER
SECTION 13, EAST 1/4
CORNER SECTION 14)

N 00°59'00" W 1050.30' (R)
N 07°00'14" W 1050.30' (F)

FND 1913 GLO
BRASS CAP
COMMON SOUTH
CORNER OF
SECTIONS 13 & 14

CLOUGH SHEEP
COMPANY, LLC
PARCEL 217707100042
NOT A PART

CLOUGH SHEEP
COMPANY, LLC
PARCEL 217707100042
NOT A PART

60' ACCESS
EASEMENT
PER REC.
810068

MONITORING
WELL EASEMENT
PER REC. # 820477

DIRT/GRAVEL
ACCESS ROAD

60' ACCESS
EASEMENT
PER REC.
810068

SET 5/8" REBAR & 1 1/2"
PLASTIC CAP, PLS 38440
(POINT OF BEGINNING)

DIRT/GRAVEL
ACCESS ROAD

25' PIPELINE
RIGHT-OF-WAY
PER REC. # 760068

20' RIGHT-OF-WAY
EASEMENT PER
REC. # 809999 &
REC. # 815447

ANNEXATION PARCEL
PARCEL A
CAERUS EXEMPTION PLAT,
REC. NO. 982842
1,566,065± SQ. FT.
35.952± ACRES
NO ADDRESS
VACANT LAND

CAERUS PICEANCE, LLC
PARCEL 217513100208
NOT A PART

75' ELECTRIC
EASEMENT PER
BK 1657 PG 438

25' EASEMENT
& R.O.W.
AGREEMENT
PER REC.
747783

SET 5/8" REBAR & 1 1/2"
PLASTIC CAP, PLS 38440

111.23' (R)
111.23' (F)
N 09°13'49" W
N 09°13'49" W

10' UTILITY
EASEMENT PER
BK 566 PG 795

FND 3.25" ALUMINUM
CAP, CDOH 24318
POINT OF BEGINNING
FOR NEW PARCELA

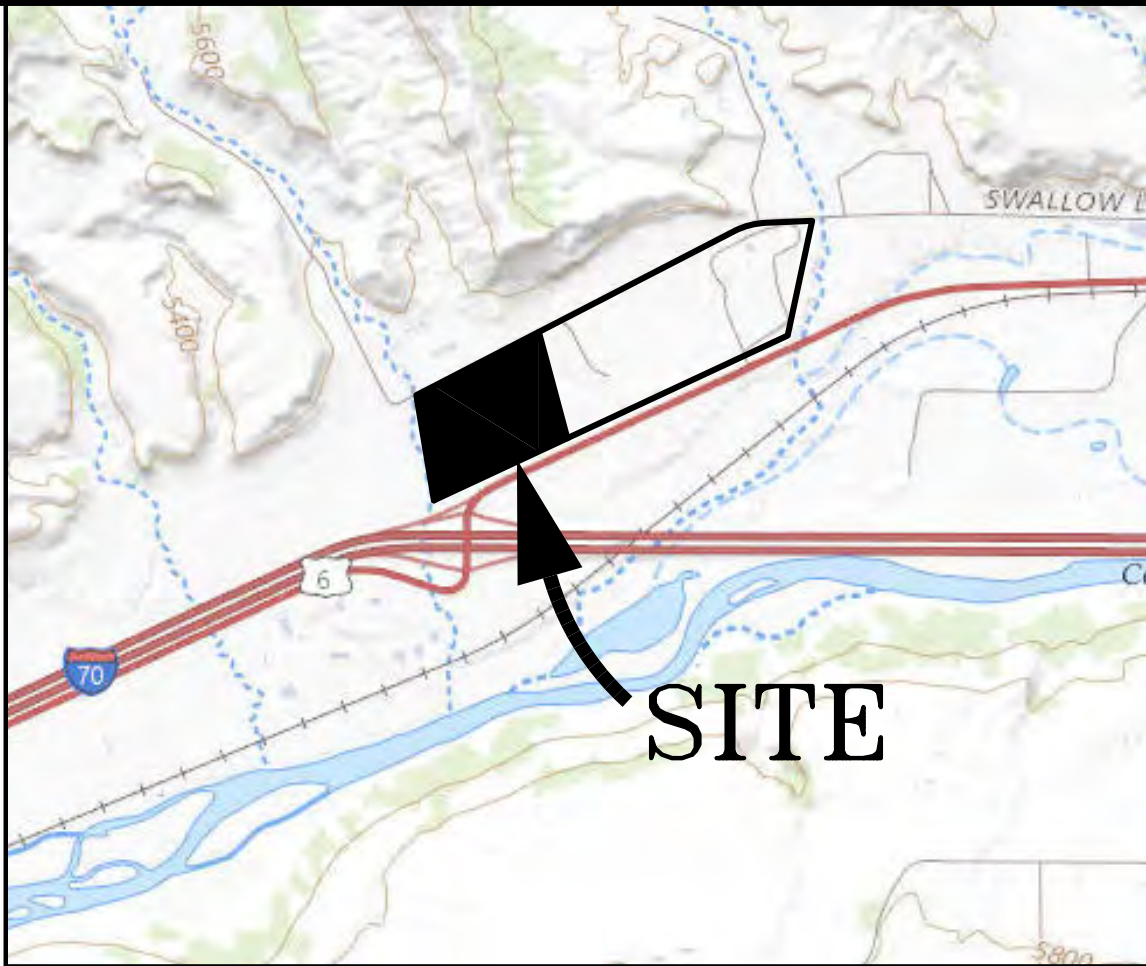
N 65°18'12" E 508.35' (R)
N 65°15'57" E 504.77' (F)

SURVEYOR'S CERTIFICATE

I, IVAN MARTIN, DO HEREBY STATE THAT THIS CAERUS ANNEXATION MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION ON THE BASIS OF PLATS, DEEDS, AND OTHER DOCUMENTS OF RECORD. BOTH THE SURVEY AND MAP ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

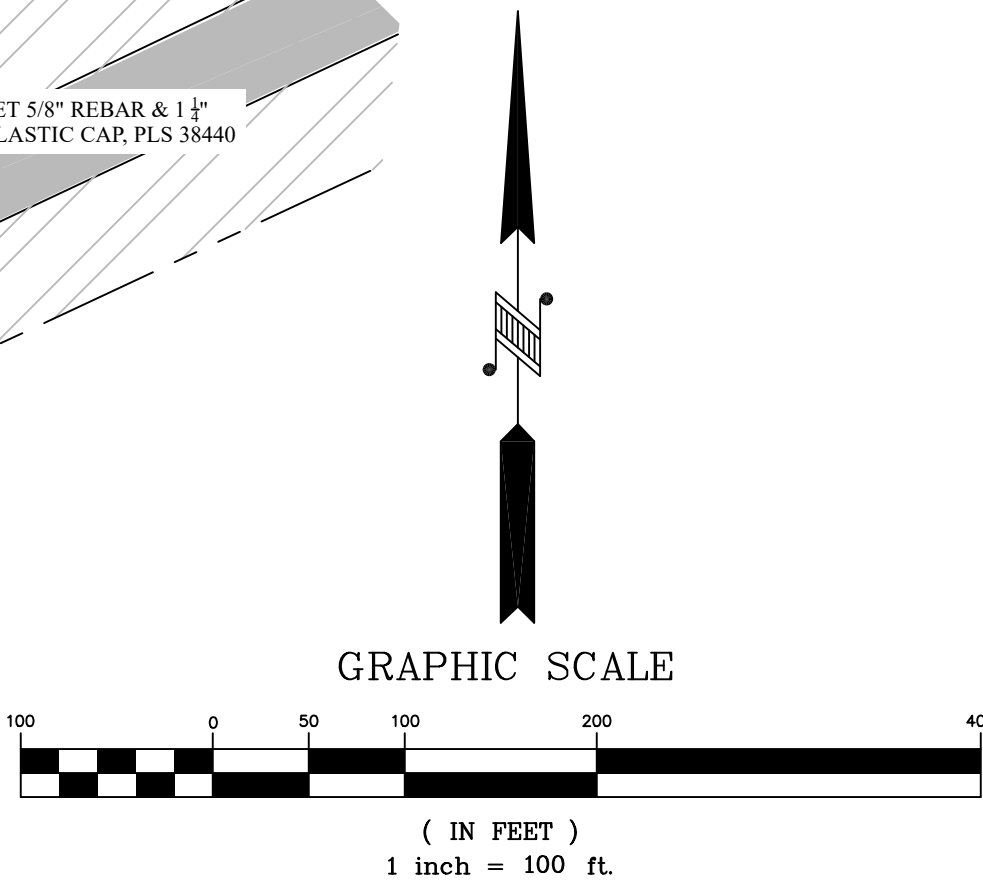


IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL THIS 30TH DAY OF JANUARY, 2023.
IVAN MARTIN, PLS. # 38440
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF STARS TO STONES SURVEYING



VICINITY MAP
SCALE: 1" = 2000'

SITE



NOTES

- 1) DATE OF SURVEY WAS DECEMBER 2, 2022.
- 2) BASIS OF BEARINGS FOR THIS SURVEY IS AN ASSUMED BEARING OF N 01°00'14" W ALONG THE COMMON LINE BETWEEN SECTIONS 13 & 14, T6S, R94W BETWEEN THE SOUTHWEST CORNER OF SAID SECTION 13 ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 14, A 1913 GLO BRASS CAP FOUND IN PLACE AND A 3.25" ALUMINUM CAP MARKED 1982 US BLM FOUND IN PLACE AS THE WEST 1/4 CORNER OF SAID SECTION 13 ALSO BEING THE EAST 1/4 CORNER OF SAID SECTION 14 AS SHOWN HEREON.
- 3) THIS MAP IS BASED ON:
 - a. RESEARCH FOR RIGHTS-OF-WAY AND EASEMENTS OF RECORD ARE BASED ON A COMMITMENT FOR TITLE INSURANCE BY FIRST AMERICAN TITLE INSURANCE COMPANY IN COMMITMENT NO. NCS-1121503 DATED MARCH 28, 2022. THE BOUNDARY SHOWN HEREON HAS FIELD (F) AND RECORD (R) BEARINGS AND DISTANCES. THE RECORD (R) IS PER THE LEGAL DESCRIPTION PROVIDED IN THE ABOVE TITLE REPORT AND THE FIELD (F) IS BASED ON MONUMENTS FOUND IN PLACE AND SHOWN HEREON.
 - b. RIGHT-OF-WAY LOCATION OF US HIGHWAY 6 IS BASED ON COLORADO DEPARTMENT OF HIGHWAYS PLAN AND PROFILE OF PROPOSED FEDERAL AID PROJECT NO. F-FG-001-1(4) STATE HIGHWAY NO. 4.
 - c. MONUMENTS FOUND IN PLACE AS INDICATED HEREON.
- 4) ALL DIMENSIONS SHOWN HEREON ARE RECORD AND FIELD MEASURED UNLESS OTHERWISE INDICATED.
- 5) THE LINEAL UNIT USED IN THE PREPARATION OF THIS PLAT IS THE U.S. SURVEY FOOT AS DEFINED BY THE UNITED STATES DEPARTMENT OF COMMERCE, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- 6) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.
- 7) PARCEL A: 1,566,065± SQ. FT. OR 35.952± ACRES

ANNEXATION TABLE:
ANNEXATION PARCEL PERIMETER: 5098.67'
1/6 OF ANNEXATION PERIMETER: 849.78'
CONTIGUOUS TOWN BOUNDARY: 1611.75'

ANNEXATION AREA

AREA OF CONTIGUITY

Stars to Stones Surveying

Professional Land Surveying & Mapping
559 Pine Meadows Dr. Grand Junction, CO, 81504
970.618.2118 Cell
Stars2stonesurveying@yahoo.com

CAERUS ANNEXATION MAP
A PORTION OF A TRACT OF LAND SITUATED IN SECTION 13, TOWNSHIP
6 SOUTH, RANGE 94 WEST OF THE 6TH PRINCIPAL MERIDIAN
COUNTY OF GARFIELD, STATE OF COLORADO

DRAWN BY: JG	DATE: 01/30/2023	CAERUS ANNEXATION
CHECKED BY: IM	DRAWING NO.:	SHEET 1 OF 1
CAERUS ANNEXATION	JOB NO.:	

October 25, 2022

Pine West Development
9330 LBJ Freeway, Suite 900
Dallas, Texas 75243

Attention: Tyler West

Subject: Radiation Survey
West Rifle Property
Portion of Parcel #217513100055
North of US Highway 6 and Interstate 70 at Exit 87
Garfield County, Colorado
Project No. SU02313.000-210

As requested, we performed a radiation survey of an approximately 35 acre parcel of land located north of the intersection of Highway 6 and Interstate 70 at Exit 87 west of Rifle, Colorado. The survey is required as part of the Annexation Submittal to the City of Rifle. This letter describes the site and our survey procedure and discusses the results of our radiation survey.

The site of the proposed area to be acquired is located north of Highway 6 where it curves to the northeast at Interstate 70 Exit 87. The site is an approximately 35 acre area of a larger parcel that is bordered by Highway 6 to the south, with oil and gas operations beyond, as well as to the west and east, and a fabrication facility to the north. Ground surfaces on most of the site are relatively level with some drainages and localized features throughout. The portion of the parcel that was surveyed is vacant land; the remaining portion of the parcel is currently occupied by active oil and gas operations. The entire parcel is currently owned and operated by Caerus Piceance, LLC. Vegetation on the site consisted primarily of sagebrush and grasses.

On October 21, 2022, our staff scientist, Laura Mooney, visited the site and performed a radiation survey. Our survey consisted of walking along lines the length of the site in an approximately north-south direction. Lines were spaced approximately 50 feet apart. We observed radiation measurements that were taken with a Ludlum Instruments, Inc. Model No. 19 Micro-R-Meter carried at arm's length (approximately 2 to 3 feet above the ground surface). Radiation readings were observed by continuously glancing back and forth from the Micro-R-Meter to the line of travel. We observed radiation measurements generally averaging between 17 and 23 microroentgens per hour. In our opinion, these readings are normal background radiation for the area.



We appreciate the opportunity to work with you on this project. If you have any questions, please call at your convenience.

Very Truly Yours

CTL | THOMPSON, INC.

Laura Mooney
Environmental Scientist

Trevor Truett
Environmental Professional

LM:TT

cc: tyler@pinewestdev.com

WEST RIFLE SEWER EXTENSION

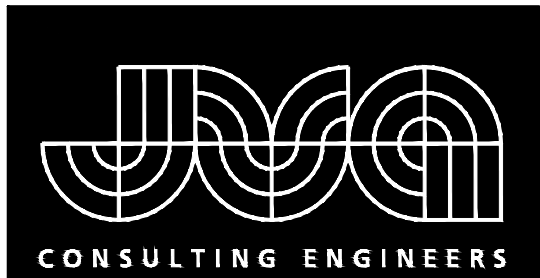
LIFT STATION LOCATION AND SANITARY SEWER REALIGNMENT

RIFLE, COLORADO

PRELIMINARY BUDGETARY SET

CONTACTS

ENVIRO/CIVIL ENGINEER:	JVA, INC. 1319 SPRUCE ST BOULDER, CO 80302	ANDREW C. SPARN, P.E. (303) 968-6905 ASPARN@JVAJVA.COM
OWNER:	PINE WEST DEVELOPMENT 9330 LBJ FREEWAY SUITE 900 DALLAS, TX 75243	JOSH S. LIEBERMAN, CCIM (515) 419-7912 JOSH@PINEWESTDEV.COM
SURVEYOR:	STARS TO STONES SURVEYING 559 PINE MEADOWS DR GRAND JUNCTION, CO 81504	(970) 618-2118



JVA, Inc. 1319 Spruce Street
Boulder, CO 80302 303.444.1951
www.jvajva.com
Boulder • Fort Collins • Winter Park
Glenwood Springs • Denver

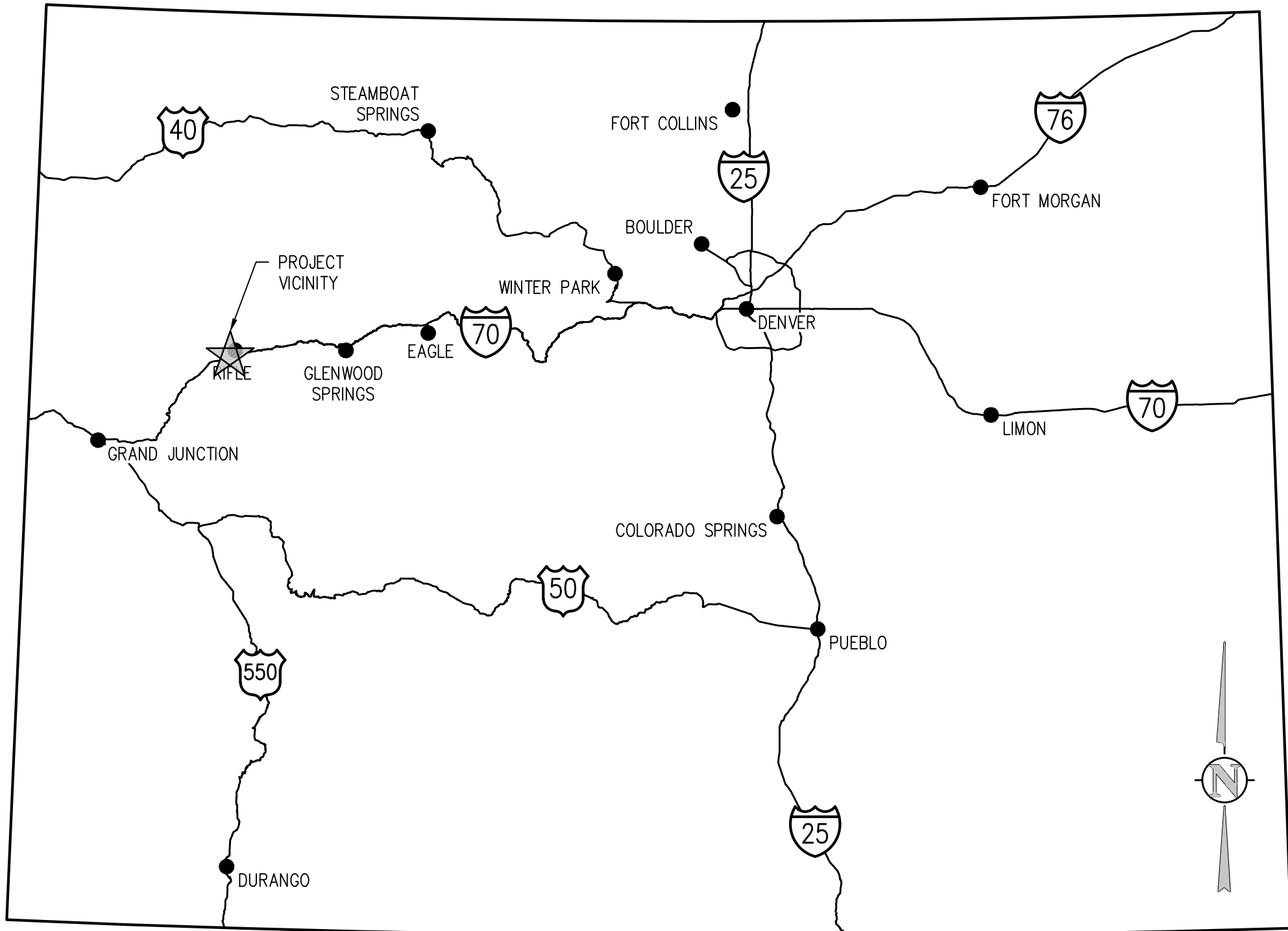
DRAWING INDEX

SHEET TITLE	
0	COVER SHEET
1	PLAN AND PROFILE
2	PLAN AND PROFILE

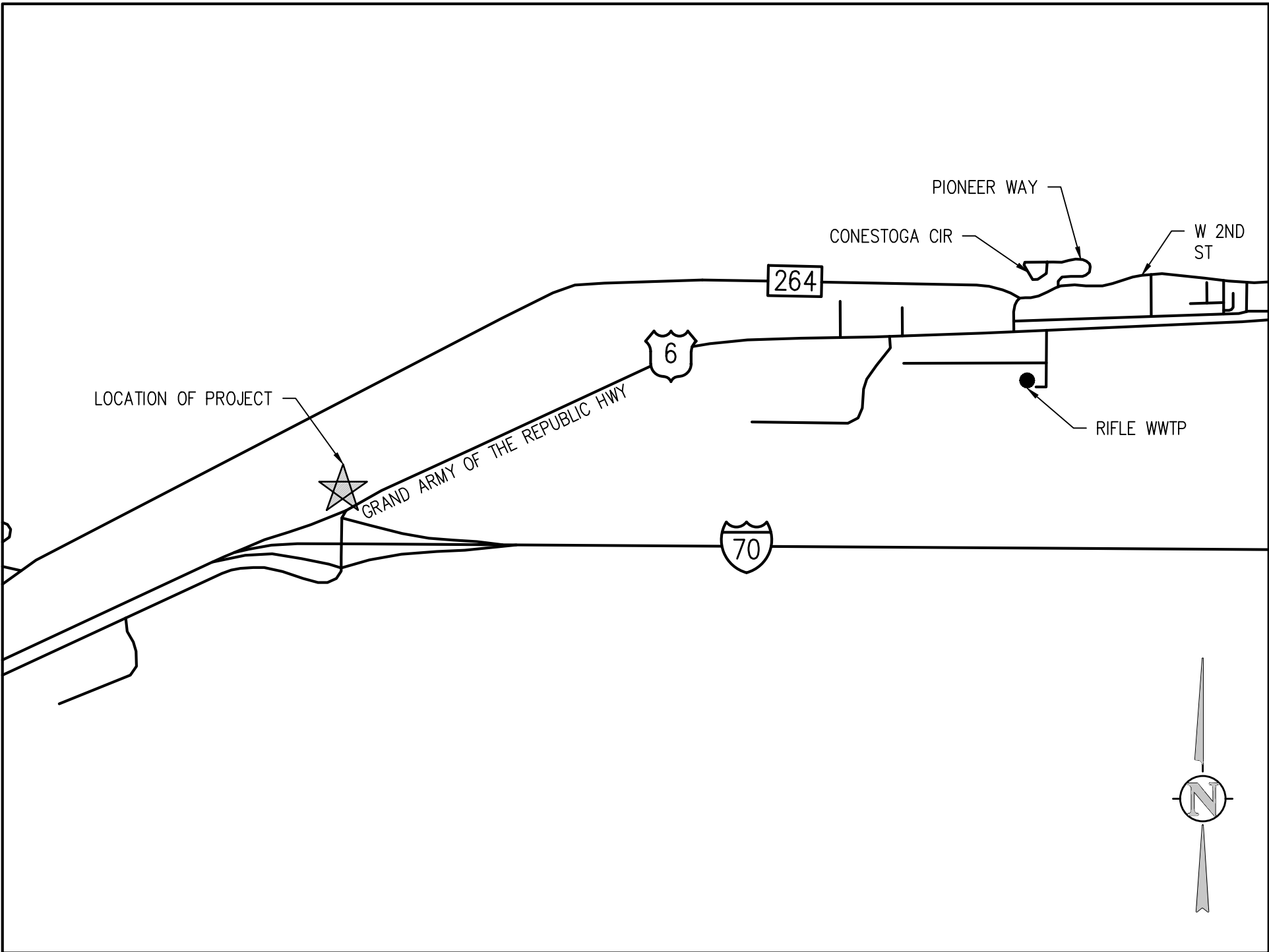
JANUARY 2023

PREPARED UNDER THE SUPERVISION OF

JVA, Inc.

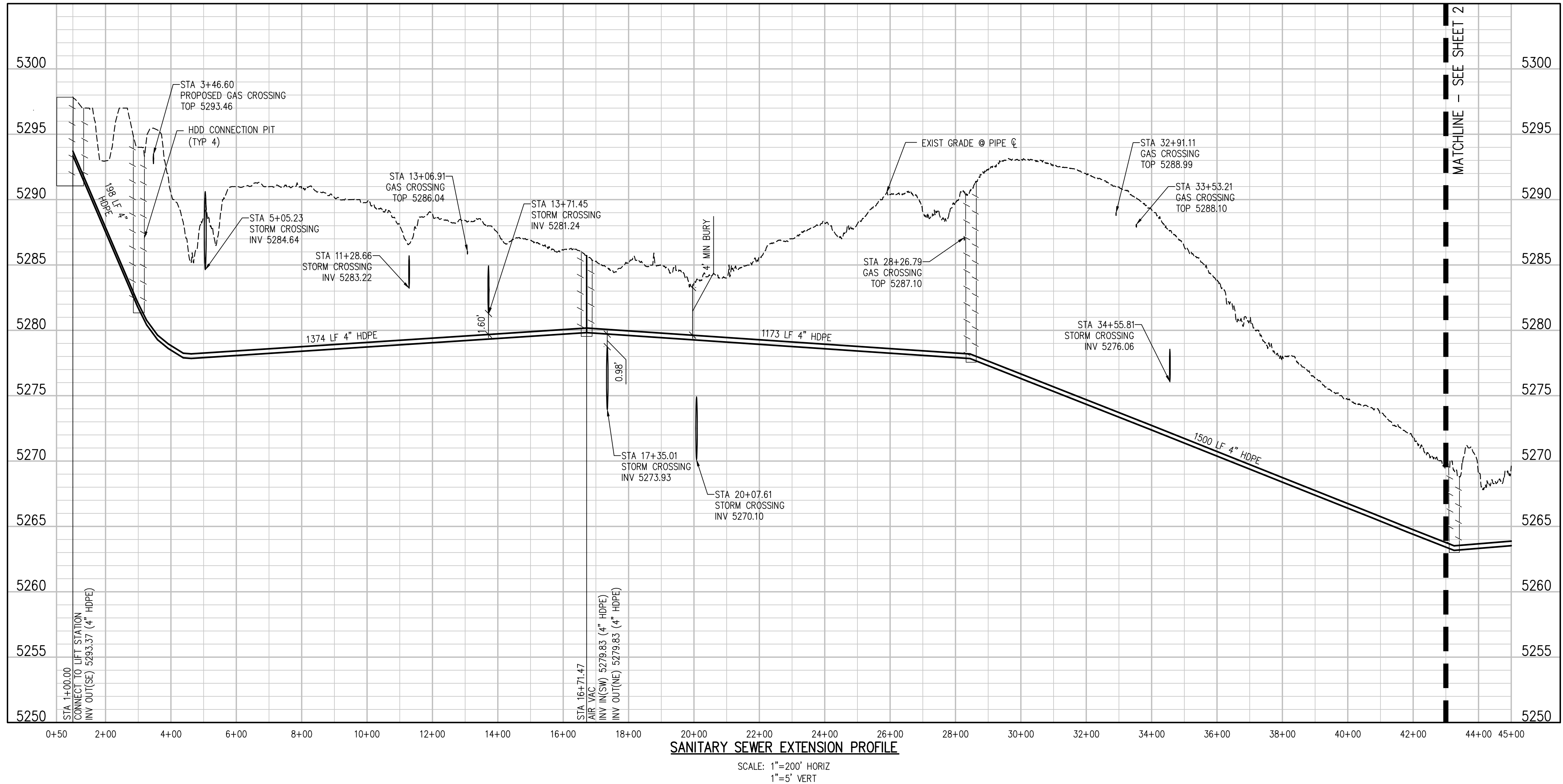
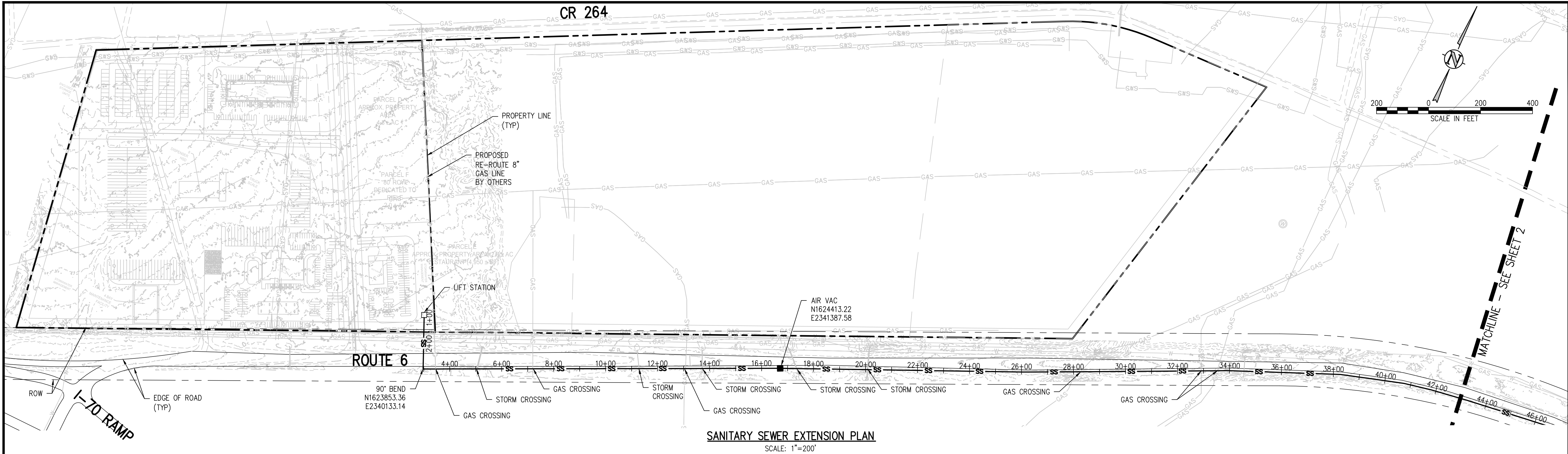


VICINITY MAP
NTS

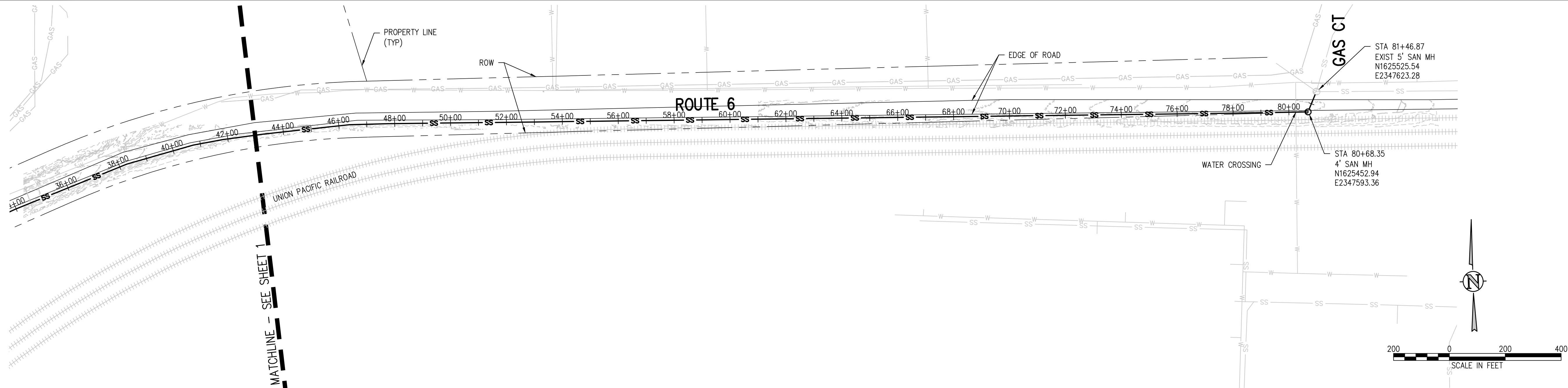


PROJECT LOCATION MAP
NTS

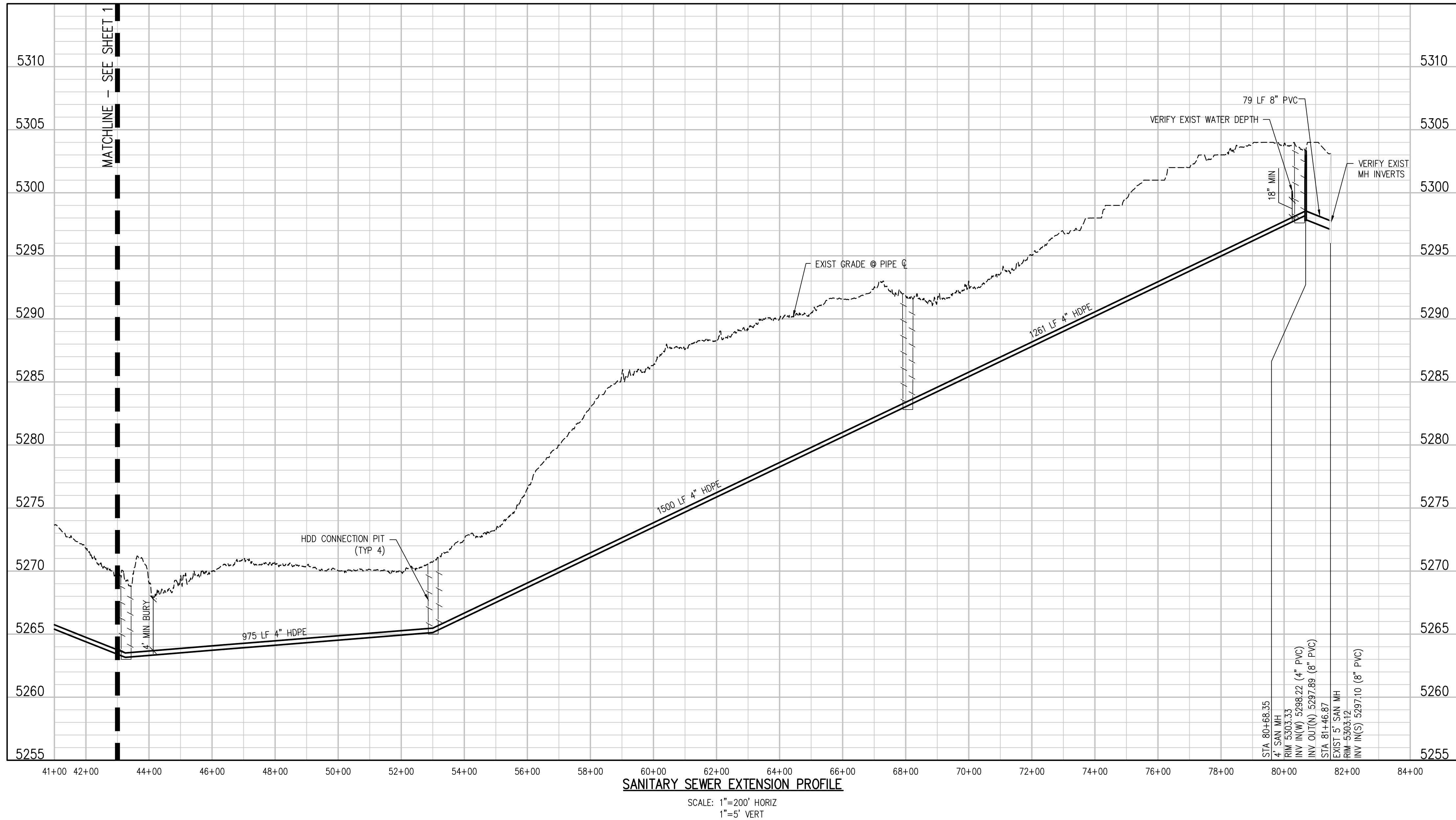
N:\1173a\Drawings\1173a-SAN-PWP-FORCE&GRAV.dwg, 1/13/2023 - 3:53 PM, EAG



N:\1173a\Drawings\1173a-SAN-PWP-FORCE&GRV.dwg, 1/13/2023 - 3:53 PM, EAG



SANITARY SEWER EXTENSION PLAN
SCALE: 1"=200'



JVA, Inc. 1319 Spruce Street
Boulder, CO 80302 303.444.1951
www.jvajva.com
Boulder • Fort Collins • Winter Park
Glenwood Springs • Denver

NO.	DATE	DES'D	D'WN	REVISION	DESCRIPTION

DESIGNED BY: EAG,MRG
DRAWN BY: EAG
CHECKED BY: ACS
JOB #: 1173.1e
DATE: JAN 2023
© JVA, INC.

WEST RIFLE SANITARY SEWER
EXTENSION FEASIBILITY STUDY

PLAN VIEW FOR SANITARY
SEWER EXTENSION

SHEET NO.

2



Job Name: West Rifle Sewer Extension Realignment

Job Number: 1173.1e

Date: 1/13/2023

By: EAG

Checked By: ACS, MRG

PRELIMINARY OPINION OF PROBABLE COST FOR 1173.1e				
Description	Quantity	Units	Unit Cost	Total Cost
Division 00 and 01 - General Conditions and Requirements				
Traffic Control	1	LS	\$30,000	\$30,000
Erosion Control	1	LS	\$20,000	\$20,000
			General Requirements Subtotal	\$50,000
Division 02 - Sitework				
Excavation / Fill	300	CY	\$65	\$19,500
HDD Pits	8	EA	\$1,500	\$12,000
Dewatering	1	LS	\$20,000	\$20,000
4" HDPE DR9, HDD	7925	LF	\$100	\$792,500
4" HDPE DR9 Frontage Crossing, HDD	60	LF	\$150	\$9,000
8" PVC SDR 35 Frontage Crossing to Exist MH, Open-Cut	79	LF	\$200	\$15,800
4' Precast Manhole	1	EA	\$10,000	\$10,000
Seeding and Landscaping	1	AC	\$6,000	\$6,000
Influent Connection at Exist Manhole	1	LS	\$7,000	\$7,000
Flexible Paving Repair	3550	SF	\$20	\$71,000
			Sitework Subtotal	\$962,800
Division 03 - Concrete				
Slab On-Grade for Lift Station Skid	10	CY	\$1,500	\$15,000
Concrete Encasements at Utility Crossings	50	LF	\$150	\$7,500
			Concrete Subtotal	\$22,500
Division 11 - Equipment				
Meter Leaving Lift Station	1	EA	\$7,000	\$7,000
Lift Station - GormanRupp AutoStart Package	1	LS	\$250,000	\$250,000
Odor Control	1	LS	\$30,000	\$30,000
Installation of Equipment	1	LS	\$50,000	\$50,000
			Equipment Subtotal	\$337,000
Division 15 - Mechanical				
Valves, Fittings, and Appurtenances	1	LS	\$25,000	\$25,000
Heater, Fans, Ventilation	1	LS	\$5,000	\$5,000
			Mechanical Subtotal	\$30,000
Division 16 - Electrical				
Site Electrical	1	LS	\$40,440	\$40,440
Instrumentation and Controls	1	LS	\$16,850	\$16,850
			Electrical Subtotal	\$57,290

Project Subtotal **\$1,459,590**

Contingency (20%)	\$292,000
Contractor's OH&P and General Conditions (15%)	\$263,000
Engineering, Permitting and Design (10%)	\$201,000
Bidding and Construction Administration (4%)	\$80,584

Project Total **\$2,296,174**

Legend

Input
Calculation
Linked Cell

West Rifle, Phase I | Anticipated Uses, Tenants, Annual Sales, and Jobs Created

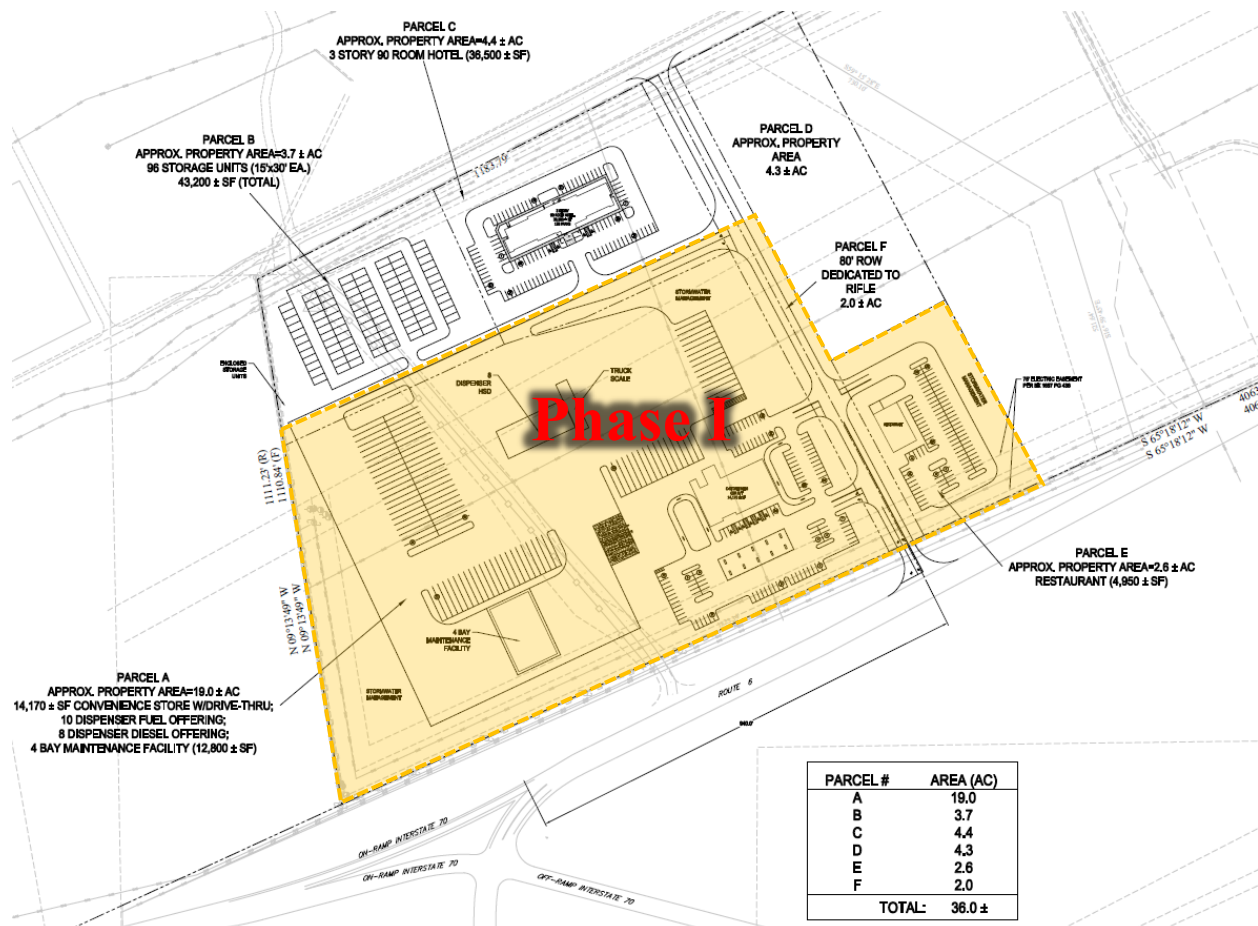
Phase I – Parcel A (Travel Center, Maintenance Facility, QSRs) and Parcel E (Sit-down restaurant)

Property Uses	Anticipated Tenant ¹	Annual Sales ²	Employees ³
Travel Center / C-Store	TravelCenters of America	\$3.5m - \$4.0m	35
Truck Maintenance Facility	TravelCenters of America	\$4.0m - \$6.0m	30
QSR with Drive-Thru #1	Bojangles	\$2.0m - \$2.2m	35
QSR with Drive-Thru #2	Del Taco	\$1.5m - \$1.7m	35
Sit-Down Restaurant	Black Bear Diner	\$2.2m - \$2.6m	65
Total – Phase I		\$13.2m - \$16.5m	200

¹ All anticipated tenants are franchisees, and have already received corporate approval for a new location at W Rifle.

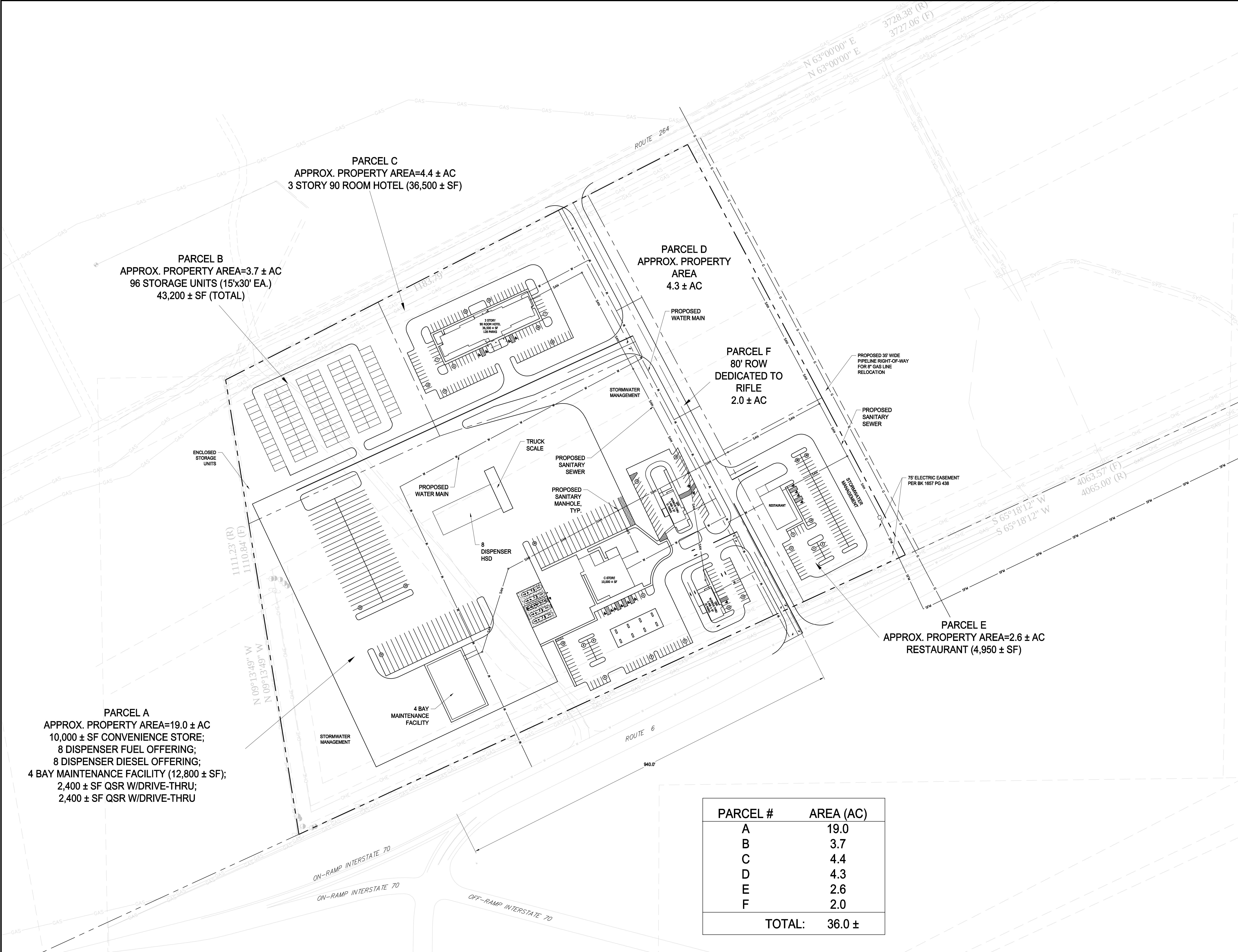
² Total anticipated inside-the-store sales (fuel is excluded). Guidance provided by franchisees/operators.

³ Total employees, both part- and full-time. Mix of part- and full-time will be determined based upon labor availability.



of 1

PARCEL #	AREA (AC)
A	19.0
B	3.7
C	4.4
D	4.3
E	2.6
F	2.0
TOTAL:	36.0 ±



Proposed Development

Route 6
Rifle, CO

Pine West Development, LLC

9330 LBJ Freeway
Suite 900
Dallas, TX 75243

B

BERGMANN

ARCHITECTS ENGINEERS PLANNERS

Bergmann Associates, Architects, Engineers,
Landscape Architects & Surveyors, D.P.C.
280 East Broad Street
Suite 200
Rochester, NY 14604
office: 585.232.5135
fax: 585.232.4652
www.bergmannpc.com

DATE	DESCRIPTION
------	-------------

100 50 0 100 200
SCALE: 1" = 100'

NOT APPROVED:
THIS PLAN HAS NOT RECEIVED FINAL APPROVAL OF ALL REVIEWING AGENCIES. THIS PLAN IS SUBJECT TO REVISIONS UNTIL ALL APPROVALS ARE OBTAINED AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES

Copyright © Bergmann Associates, Architects, Engineers,
Landscape Architects & Surveyors, D.P.C.

Project Manager: B. Burri	Checked By: B. Burri
Designed By: T. Bolt	Drawn By: T. Bolt
Date Issued: March 15, 2023	Project Number:

SKETCH PLAN

CP-6

1 of 1

From: [Killian - CDOT, Brian](#)
To: [Geir Sverdrup](#)
Cc: [Kandis Aggen - CDOT](#)
Subject: Re: Hwy 6 & Swallow Lane Annexation
Date: Tuesday, February 28, 2023 2:53:23 PM

Geir,

CDOT has no comment on the annexation.

Thanks,

Brian Killian
Region 3 Access Program Manager
Traffic & Safety



P 970-683-6284 | C 970-210-1101 | F 970-683-6290
222 S. 6th St, Room 100 Grand Junction, CO 81501
brian.killian@state.co.us | www.codot.gov | www.cotrip.org

On Fri, Feb 24, 2023 at 5:33 PM Geir Sverdrup <gsverdrup@rifleco.org> wrote:

Good Afternoon All

The attached files are in reference to the annexation proposed in West Rifle, North of Hwy 6 & 24 and South of Swallow Lane.

Please submit written comments on or by March 13, 2023.

Thank You and have a great weekend.

Geir Sverdrup

Senior Planner

City of Rifle, CO

From: [Orrin Moon](#)
To: [Geir Sverdrup](#)
Subject: RE: Hwy 6 & Swallow Lane Annexation
Date: Wednesday, March 15, 2023 4:10:15 PM
Attachments: [image001.png](#)
[image002.png](#)

I have reviewed the application for Pine West Development, LLC Proposed annexation into the City of Rifle. As far as the annexation process CRFR has no issues with this project. I will add however that we will be reviewing the following for the development for the P&Z review:

1. Fire hydrant flow and locations.
2. Street names that meet Garfield County Communications requirements.
3. Proper addressing of the developed buildings.
4. Street widths, turning radius, along with allowed parking and any required no parking signs.
5. Landscaping and vegetation closeness to structures.
6. Any fire apparatus access issues.
7. All weather driving surfaces are designed to support the imposed loads of fire apparatus.
8. Any Hazardous material concerns with the fuel station, truck repair building, and auto parts store.

Thank You,

Orrin D. Moon
Prevention Division Chief/Fire Marshal
Colorado River Fire Rescue
970-625-1243
orrin.moon@crfr.us





From: Geir Sverdrup <gsverdrup@rifleco.org>

Sent: Friday, February 24, 2023 5:09 PM

To: Tommy Klein <tklein@rifleco.org>; Debra Funston <dfunston@rifleco.org>; Craig Spaulding <cspaulding@rifleco.org>; Brian Prunty <bprunty@rifleco.org>; Robert Burns <rburns@rifleco.org>; Erica Gentry <egentry@rifleco.org>; Orrin Moon <Orrin.Moon@Crfr.us>; Samantha Wakefield (samantha.l.wakefield@xcelenergy.com) <samantha.l.wakefield@xcelenergy.com>; Chris@mountaincross-eng.com; 'James S. Neu' <jsn@mountainlawfirm.com>; Sheryl Bower <sbower@garfield-county.com>; Killian - CDOT, Brian <brian.killian@state.co.us>; 'Morse, W Travis CIV USARMY CESP (USA)' <w.travis.morse@usace.army.mil>

Subject: Hwy 6 & Swallow Lane Annexation

Good Afternoon All

The attached files are in reference to the annexation proposed in West Rifle, North of Hwy 6 & 24 and South of Swallow Lane.

Please submit written comments on or by March 13, 2023.

Thank You and have a great weekend.

Geir Sverdrup
Senior Planner
City of Rifle, CO

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

From: [Craig Spaulding](#)
To: [Geir Sverdrup](#); [Tommy Klein](#); [Debra Funston](#); [Brian Prunty](#); [Robert Burns](#); [Erica Gentry](#); [Orrin.Moon@Crfr.us](#); [Samantha Wakefield \(samantha.l.wakefield@xcelenergy.com\)](#); [Chris@mountaincross-eng.com](#); ["James S. Neu"](#); [Sheryl Bower](#); [Killian - CDOT, Brian](#); ["Morse, W Travis CIV USARMY CESPd \(USA\)"](#)
Subject: RE: Hwy 6 & Swallow Lane Annexation
Date: Friday, March 10, 2023 3:37:09 PM
Attachments: [image001.png](#)
[image003.png](#)

Hi Geir,

Please see my comments below and let me know if you have any questions or concerns.

- Plans show City ROW within the development. This is preferred to remain private as a joint access easement, commercial shared driveway or equivalent
- No review of Storm Drainage improvements performed at annexation request but will be required at site plan
- The sanitary sewer forced main will need to extend to West 2nd St
- The sanitary sewer design shall accommodate connections at Oil and Gas Court
- A capital maintenance, repair and replacement plan with cost estimates shall be performed by the engineer on the forced main and lift station
- No review of Water Distribution improvements performed at annexation request but will be required at site plan
- No review of Floodplain improvements performed at annexation request but will be required at site plan

Thank you,

Craig Spaulding

Civil Engineer

City of Rifle

Cell 970.309.1267

Off. 970.665.6556

From: Geir Sverdrup <gsverdrup@rifleco.org>
Sent: Friday, February 24, 2023 5:09 PM
To: Tommy Klein <tklein@rifleco.org>; Debra Funston <dfunston@rifleco.org>; Craig Spaulding <cspaulding@rifleco.org>; Brian Prunty <bprunty@rifleco.org>; Robert Burns <rburns@rifleco.org>; Erica Gentry <egentry@rifleco.org>; Orrin.Moon@Crfr.us; Samantha Wakefield (samantha.l.wakefield@xcelenergy.com) <samantha.l.wakefield@xcelenergy.com>; Chris@mountaincross-eng.com; 'James S. Neu' <jsn@mountainlawfirm.com>; Sheryl Bower <sbower@garfield-county.com>; Killian - CDOT, Brian <brian.killian@state.co.us>; 'Morse, W Travis CIV USARMY CESPd (USA)' <w.travis.morse@usace.army.mil>
Subject: Hwy 6 & Swallow Lane Annexation

Good Afternoon All

The attached files are in reference to the annexation proposed in West Rifle, North of Hwy 6 & 24

and South of Swallow Lane.

Please submit written comments on or by March 13, 2023.

Thank You and have a great weekend.

Geir Sverdrup
Senior Planner
City of Rifle, CO

From: [Erica Gentry](#)
To: [Geir Sverdrup](#)
Subject: RE: Hwy 6 & Swallow Lane Annexation
Date: Thursday, March 02, 2023 2:50:08 PM

Geir,

The usual GIS requirements apply to annexation plats, so prior to the final recording of the final annexation plat the applicant should have their surveyor or engineer send us a digital copy of the GIS files showing the annexation boundary. This data should be projected to and/or overlay the City's system established in UTM zone 13 and should be in a GIS compatible format such as .shp or .dwg

Once I verify that the information they have submitted meets those parameters, we release the plat for recording at the County. Also, Planning should notify GIS of new zoning when complete.

If you have any questions, please let me know.

Thank you.

Erica

From: Geir Sverdrup <gsverdrup@rifleco.org>
Sent: Friday, February 24, 2023 5:09 PM
To: Tommy Klein <tklein@rifleco.org>; Debra Funston <dfunston@rifleco.org>; Craig Spaulding <cspaulding@rifleco.org>; Brian Prunty <bprunty@rifleco.org>; Robert Burns <rburns@rifleco.org>; Erica Gentry <egentry@rifleco.org>; Orrin.Moon@Crfr.us; Samantha Wakefield (samantha.l.wakefield@xcelenergy.com) <samantha.l.wakefield@xcelenergy.com>; Chris@mountaincross-eng.com; 'James S. Neu' <jsn@mountainlawfirm.com>; Sheryl Bower <sbower@garfield-county.com>; Killian - CDOT, Brian <brian.killian@state.co.us>; 'Morse, W Travis CIV USARMY CESP (USA)' <w.travis.morse@usace.army.mil>
Subject: Hwy 6 & Swallow Lane Annexation

Good Afternoon All

The attached files are in reference to the annexation proposed in West Rifle, North of Hwy 6 & 24 and South of Swallow Lane.

Please submit written comments on or by March 13, 2023.

Thank You and have a great weekend.

Geir Sverdrup
Senior Planner
City of Rifle, CO



**MOUNTAIN CROSS
ENGINEERING, INC.**

Civil and Environmental Consulting and Design

March 13, 2023

Geir Sverdrup, Senior Planner
City of Rifle – Department of Planning & Development
202 Railroad Avenue
Rifle, CO 81650

RE: Annexation Highway 6 and Swallow Lane: 2023-006

Dear Geir:

This office has performed a review of the documents provided for the Annexation of Highway 6 and Swallow Lane. The review generated the following comment:

- The utilities will need to be in easements and the easements in areas that are easily accessible.
- There appears to be a forced main sewer with sewer pump/lift station. More should be explained as to what entity will be responsible for the expense, operation, and maintenance of the system and mechanical components.
- The Applicant should be made aware that CDPHE approval will be necessary for the sewer system and pumping station.
- Incorporation of the recommendations from the traffic study should be a condition of annexation.
- The extents of the Flood Hazard Zone should be identified on the Annexation map.

As a point of clarification, the scope of this review pertained to the proposed annexation. Some engineering drawings were included with the materials but appeared to be included to show the conceptual layout. The Applicant should be made aware that complete engineering drawings will be reviewed for site permit approvals and technical comments should be anticipated at that time.

Feel free to call if you have any questions or comments.

Sincerely,
Mountain Cross Engineering, Inc.

Chris Hale, PE



Agenda Item #5.g.i.

Agenda Item Name:

Ordinance No. 18, Series of 2023 - Annexation - 2nd Reading

Presenter:

Patrick Waller, Planning Director

Item Description:

Ordinance No. 18, Series of 2023 - Annexation - 2nd Reading

Recommended Action:

Move to approve Ordinance No. 18, Series of 2023 on second reading.

Fiscal Impact:

N/A

Operational Impact:

N/A

Prior Board Motions:

N/A

Background Information:

N/A

Executive Summary:

See Staff Memo and Exhibits in Agenda Item 8.a.

Notification Requirements:

N/A

Prepared By:

Patrick Waller, Planning Director

Attachments:

1. Ordinance No. 18-Hwy 6 and Swallow Lane Annexation

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 18
SERIES OF 2023**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO ANNEXING TO
THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN
AS THE HIGHWAY 6 AND SWALLOW LANE ANNEXATION.

WHEREAS, in February 2023, Caerus Piceance, LLC (“Petitioner”) filed with the City Clerk of the City of Rifle, Colorado, a petition and request that the City Council commence proceedings to annex to the City a certain unincorporated tract of land located in the County of Garfield, State of Colorado, known as the Highway 6 and Swallow Lane Annexation described on Exhibit A, attached hereto and incorporated herein by reference (hereinafter the “Property”); and

WHEREAS, pursuant to C.R.S. §31-12-108, the City Council, by Resolution No. 18, Series of 2023, found Petitioner’s annexation petition to be in substantial compliance with the requirements of Municipal Annexation Act of 1965, C.R.S. §31-12-107(1), as amended, and specified that the City Council would hold a hearing on the proposed annexation of the Property at its regular meeting on August 16, 2023; and

WHEREAS, pursuant to C.R.S. §§31-12-108 to -110, the City Council on August 16, 2023, held a duly-noticed public hearing to consider the proposed annexation of the Property; and

WHEREAS, notice of such hearing was published on July 13, 20, 27, and August 3, 2023 in the *Citizen Telegram* newspaper; and

WHEREAS, the City Council, by Resolution No. 23, Series of 2023, set forth its Findings of Fact, Determinations and Conclusions with regard to annexation of the Property to the City, which findings, determinations, and conclusions are incorporated herein by this reference.

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

1. The annexation to the City of the real property described on Exhibit A is hereby approved, subject to the recording of this Ordinance and the Annexation Map with the Garfield County Clerk and Recorder, and such real property will thereby be annexed to and made a part of the City of Rifle, subject to the terms and conditions of that certain Annexation Agreement which is also hereby approved. If the Annexation Map, this Ordinance, and the Annexation Agreement are not recorded by September 5, 2024, the approval of the annexation shall expire.

2. Upon notice from Petitioner or Petitioner’s successors or assigns, the City Clerk of the City of Rifle, Colorado, on behalf of the City shall:

A. File one (1) copy of the Annexation Map and the original of this Annexation Ordinance in the office of the City Clerk of the City of Rifle, Colorado;

- B. File for recording three (3) certified copies of this Annexation Ordinance and three (3) copies of the Annexation Map, containing a legal description of the Property, with the County Clerk and Recorder of Garfield County, Colorado, with directions to the Garfield County Clerk and Recorder to file one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Division of Local Government of the Department of Local Affairs of the State of Colorado and one certified copy of this Annexation Ordinance and one copy of the Annexation Map with the Colorado Department of Revenue;
- C. File one certified copy of this Annexation Ordinance and one copy of the Annexation Map in the office of the County Assessor of Garfield County, Colorado;
- D. File for recording the original Annexation Agreement; and
- E. Prior to filing or recording any of the foregoing, update the Annexation Map and Annexation Agreement to reflect the then-current owner of the Property.

INTRODUCED on August 16, 2023, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado held on September 6, 2023, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2023.

CITY OF RIFLE, COLORADO

BY

Mayor

ATTEST:

City Clerk

EXHIBIT A

A PORTION OF A TRACT OF LAND SITUATED IN THE SOUTH 1/2 OF THE NW 1/4 AND THE NORTH 1/2 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 94 WEST, 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE COMMON CORNER OF SAID SECTION 13 AND ADJACENT SECTIONS 14, 23 AND 24 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 00°59'00" WEST 1050.30 FEET; THENCE NORTH 65°18'12" EAST 508.35 FEET, BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 09°13'49" WEST 1111.23 FEET; THENCE NORTH 63°00'00" EAST 1252.91 FEET; THENCE SOUTH 27°56'43" EAST 1122.78 FEET; THENCE SOUTH 65°18'12" WEST 1611.75 FEET TO THE TRUE POINT OF BEGINNING CONTAINING APPROXIMATELY 35.952± ACRES.

ALSO KNOWN AS PARCEL A, AS RECORDED CAERUS EXEMPTION PLAT AT RECEPTION NO. 982842, GARFIELD COUNTY CLERK AND RECORDER'S OFFICE.



Agenda Item #5.g.ii.

Agenda Item Name:

Ordinance No. 19, Series of 2023 - Zoning - 2nd Reading

Presenter:

Patrick Waller, Planning Director

Item Description:

Ordinance No. 19, Series of 2023 - Zoning - 2nd Reading

Recommended Action:

Move to Approve Ordinance No. 19, Series of 2023 on second reading.

Fiscal Impact:

N/A

Operational Impact:

N/A

Prior Board Motions:

N/A

Background Information:

N/A

Executive Summary:

See Staff Memo and Exhibits in Agenda Item 8.a.

Notification Requirements:

N/A

Prepared By:

Patrick Waller, Planning Director

Attachments:

1. Ordinance No. 19-Highway 6 and Swallow Lane Zoning

CITY OF RIFLE, COLORADO
ORDINANCE NO. 19
SERIES OF 2023

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO ZONING CERTAIN
REAL PROPERTY KNOWN AS THE HIGHWAY 6 AND SWALLOW LANE
ANNEXATION TOURIST COMMERCIAL PLANNED UNIT DEVELOPMENT
(TC-PUD) ZONE DISTRICT

WHEREAS, in February 2023, Caerus Piceance, LLC (“Petitioner”) filed with the City Clerk of the City of Rifle, Colorado, a petition and request that the City Council commence proceedings to annex to the City a certain unincorporated tract of land located in the County of Garfield, State of Colorado, known as the Highway 6 and Swallow Lane Annexation described on Exhibit A, attached hereto and incorporated herein by reference (hereinafter the “Property”); and

WHEREAS, by Ordinance No. 18, Series of 2023 the City of Rifle approved the annexation of the Property into the City; and

WHEREAS, Petitioner has filed an application to zone the Property Tourist Commercial Zone District and Rifle staff recommended that it be zoned Planned Unit Development (TC-PUD) Zone District to prohibit residential uses on the Property, and on July 25, 2023 the City of Rifle Planning Commission considered the zoning application for the Property and recommended that the City Council zone the Property TC-PUD Zone District prohibiting residential uses in the PUD; and

WHEREAS, as required by the Rifle Municipal Code, the public hearing on the zoning application for the Property was held on August 16, 2023, at a regularly scheduled meeting of the Rifle City Council.

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

1. The aforementioned recitals are hereby fully incorporated herein.
2. Upon annexation of the Property as provided in Ordinance No. 18, Series 2023, the Property described on Exhibit A shall hereby be zoned Tourist Commercial Planned Unit Development (TC-PUD) Zone District as set forth on Exhibit B. This Ordinance shall be recorded with the Garfield County Clerk and Recorder along with the documents listed in Section 2 of Ordinance No. 18, Series 2023.
3. Within thirty (30) days after the recording of the annexation map and this Ordinance with the Garfield County Clerk and Recorder, 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 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 16, 2023, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado held on September 6, 2023, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2023.

CITY OF RIFLE, COLORADO

BY

Mayor

ATTEST:

City Clerk

EXHIBIT A

A PORTION OF A TRACT OF LAND SITUATED IN THE SOUTH 1/2 OF THE NW 1/4 AND THE NORTH 1/2 OF THE SW 1/4 OF SECTION 13, TOWNSHIP 6 SOUTH, RANGE 94 WEST, 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE COMMON CORNER OF SAID SECTION 13 AND ADJACENT SECTIONS 14, 23 AND 24 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 00°59'00" WEST 1050.30 FEET; THENCE NORTH 65°18'12" EAST 508.35 FEET, BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 09°13'49" WEST 1111.23 FEET; THENCE NORTH 63°00'00" EAST 1252.91 FEET; THENCE SOUTH 27°56'43" EAST 1122.78 FEET; THENCE SOUTH 65°18'12" WEST 1611.75 FEET TO THE TRUE POINT OF BEGINNING CONTAINING APPROXIMATELY 35.952± ACRES.

ALSO KNOWN AS PARCEL A, AS RECORDED CAERUS EXEMPTION PLAT AT RECEPTION NO. 982842, GARFIELD COUNTY CLERK AND RECORDER'S OFFICE.

EXHIBIT B

Planned Unit Development Text

All provisions of Chapter 16 of the City of Rifle Municipal Code, as the same may be amended or recodified from time to time, applicable to the Tourist Commercial Zone District apply to the Property; provided, however that all types of dwellings and dwelling units, including accessory dwelling units, dwellings in the same building as a business, and live work units, as all of the foregoing terms are defined in Chapter 16 of the City of Rifle Municipal Code, are prohibited within the PUD.



Agenda Item #8.a.

Agenda Item Name:

Consider Resolution No. 22, Series of 2023 - DOLA Grant-Downtown Rehabilitation Project

Presenter:

Tommy Klein, City Manager

Item Description:

Consider Resolution No. 22 - DOLA Grant - Downtown Rehabilitation Project

Recommended Action:

Move to approve Resolution No. 22, Series 2023 to permit staff to apply for an EIAF grant for the Railroad Avenue, 5th to 9th Street project.

Fiscal Impact:

If the resolution is approved and a grant is awarded, the City will be responsible for a 1:1 match. Staff will search for other grants to offset the City's match obligation.

Operational Impact:

None

Prior Board Motions:

None

Background Information:

This resolution will permit staff to apply for an EIAF grant in the amount of \$1,250,000 to replace water and sewer lines, roadway and signals on Railroad Avenue from 5th Street to 9th Street.

Executive Summary:

This resolution will permit staff to apply for an EIAF grant (Energy and Mineral Impact Assistance Fund) in the amount of \$1,250,000 to replace water and sewer lines, roadway and signals on Railroad Avenue from 5th Street to 9th Street in 2024. This project is included in the Streets Capital Improvement Plan for 2024. DOLA administers the EIAF grants and staff met with a DOLA representative the first week of July to discuss the importance of this project. Staff, with the assistance of S2, will apply for this grant in the spring of 2024.

Notification Requirements:

None

Prepared By:

Tommy Klein, City Manager

Attachments:

1. Resolution No. 22-DOLA Grant-Downtown Rehabilitation Project

**CITY OF RIFLE, COLORADO
RESOLUTION NO. 22
SERIES OF 2023**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE,
COLORADO, AUTHORIZING THE CITY TO SUBMIT AN ENERGY AND
MINERAL IMPACT ASSISTANCE FUND GRANT APPLICATION FOR THE
DOWNTOWN RIFLE SIGNALS, WATERLINE, AND SURFACES
REHABILITATION PROJECT.

WHEREAS, the City of Rifle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a grant awarded by the Energy and Mineral Impact Assistance Fund (“EIAF”); and

WHEREAS, the City of Rifle has submitted a Grant Application for the Downtown Rifle Signals, Waterline, and Surfaces Rehabilitation Project requesting a total award of \$1,250,000; and

WHEREAS, the City of Rifle supports the completion of the project if a grant is awarded by the EIAF.

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 City Council of the City of Rifle strongly supports the Grant Application submitted by the City and has appropriated matching funds for a grant with the EIAF.
3. The City Council authorizes the expenditure of funds necessary to meet the terms and obligations of any grant awarded pursuant to a Grant Agreement with the EIAF.
4. The Project site is owned by the City of Rifle and will be owned by the City of Rifle for the next 25 years. The City Council will continue to maintain the Downtown Rifle Signals, Waterline, and Surfaces Rehabilitation Project in a high-quality condition and will appropriate funds for maintenance annually.
5. If a grant is awarded, the City Council hereby authorizes the City Manager to sign a Grant Agreement with the EIAF.

THIS RESOLUTION was read, passed, and adopted by the Rifle City Council at a special meeting held this 19th day of July 2023.

CITY OF RIFLE, COLORADO

By: _____
Mayor

ATTEST:

City Clerk



Agenda Item #8.b.

Agenda Item Name:

Consider Resolution No. 25, Series of 2023 - Authorizing Application of Colorado Parks and Wildlife Grant for Birch Park

Presenter:

Tommy Klein, City Manager

Item Description:

Consider Resolution No. 25, Series of 2023 to provide authorization to apply for a Colorado Parks and Wildlife grant.

Recommended Action:

Move to approve Resolution No. 25, Series of 2023 to authorize staff to apply for a \$1,250,000 grant from Colorado Parks and Wildlife.

Fiscal Impact:

Parks and Recreation must match the funding if we are awarded the grant. The Parks and Recreation Department will subsequently apply for a GOCO grant for matching funds. Parks and Recreation will also use Parkland Dedication fees and Conservation Trust Fund monies.

Operational Impact:

None

Prior Board Motions:

None

Background Information:

The park will provide free and equitable access to recreational opportunities for all ages, socioeconomic backgrounds, abilities, and interests within walking distance of several housing developments that currently lack recreational space. This product of extensive outreach and community engagement efforts, the project has strong and diverse support from Rifle residents. The city has undertaken a robust planning and community engagement process to develop a park plan that aligns with the priorities of its diverse population. Consultants developed preliminary site plans, presented at a City Hall community meeting on November 15, 2022. 30+ participants provided various comments and concerns incorporated into the site plan. The City held another public meeting on February 16, 2023, to solicit feedback on the updated site plan. Residents suggested new amenities not discussed by the Consultant Team, such as family-oriented bike trails, additional lighting along the trails, perimeter fencing, a wavy walk at the playground, and a futsal field. These comments proved extremely valuable as they were previously unknown as community desires. Through the Consultant Team and City of Rifle discussions, most suggested amenities were approved and included in the Final Site Plan. An online survey, table tents at local businesses, and flyers distributed to neighboring subdivisions provided further

opportunities for community engagement.

A total of 123 online and paper surveys were submitted by residents, further refining the project from preliminary plans. 47% of respondents expressed the importance of family gatherings, City events, and cultural events in Rifle. 33% stated swings were the playground equipment they and their family or friends used most. 31% described their interest in walking, jogging, and hiking trails. 27% detailed their interest in traditional sports and recreation as a high priority for the design of Birch Property Park. Feedback from immediate neighbors to the park highlighted the need to include privacy and noise-dampening measures so that large trees will be planted around the pickleball courts at the site's Northeast corner.

If the LWCF and GOCO grant funding are secured, Phases 1 and 2 of the project will be completed.

Executive Summary:

This resolution will permit staff to apply for a CPW grant in the amount of \$1,250,000 to help with the design and construction of Birch Park. The Parks and Recreation Department will subsequently apply for a GOCO grant and use parkland dedication fees for matching funds.

Notification Requirements:

None

Prepared By:

Tommy Klein, City Manager

Attachments:

1. Resolution No. 25-LWCF Grant-Birch Park

**CITY OF RIFLE, COLORADO
RESOLUTION NO. 25
SERIES 2023**

A RESOLUTION OF THE CITY OF RIFLE, COLORADO SUPPORTING A
GRANT APPLICATION FOR A LAND AND WATER CONSERVATION
FUND (LWCF) GRANT FROM COLORADO PARKS AND WILDLIFE FOR
THE COMPLETION OF THE BIRCH PARK PROJECT.

WHEREAS, the City of Rifle is a political subdivision of the State of Colorado, and therefore an eligible applicant for a Land and Water Conservation Fund (“LWCF”) grant from Colorado Parks and Wildlife (“CPW”); and

WHEREAS, the City of Rifle has requested \$1,250,000 from CPW to fund the completion of the Birch Park Project (the “Project”); and

WHEREAS, the City Council of the City of Rifle supports the Project if a grant is awarded by CPW.

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

1. The above recitals are hereby incorporated as findings by the City of Rifle.
2. The City Council strongly supports, and the City Manager is hereby authorized to submit, the Grant Application for a LWCF grant from CPW for the Project.
3. If the grant is awarded, the City Council strongly supports the fulfillment of the Project.
4. If a grant is awarded, the City of Rifle hereby authorizes the City Manager to sign a Grant Agreement with CPW and authorizes the expenditure of funds necessary to meet the terms and obligations of the Grant Agreement, which is a 1:1 minimum match.
5. The City of Rifle will dedicate the land for the Project for public recreation in perpetuity
6. The City of Rifle will maintain the site and any facilities related to the Project for their reasonable life expectancy.

THIS RESOLUTION was read, passed, and adopted by the Rifle City Council at a regular meeting held this 6th day of September 2023 and is effective immediately.

ATTEST:

CITY OF RIFLE, COLORADO

By: _____
City Clerk

By: _____
Mayor



Agenda Item #8.c.

Agenda Item Name:

Consider Property Donation of a Portion of Lot 3 of the Collett Subdivision

Presenter:

Patrick Waller, Planning Director
James S. Neu, City Attorney

Item Description:

Consider Property Donation of a Portion of Lot 3 of the Collett Subdivision

Recommended Action:

Move to approve acceptance of the property donation of a portion of Lot 3 of the Collett Subdivision

Fiscal Impact:

None

Operational Impact:

City will own the property where the Rifle Creek trail is located.

Prior Board Motions:

None

Background Information:

Lot 3 Collette Subdivision is being conveyed in mid-September and the Rifle Creek Trail runs along the west side of Rifle Creek on this property with no recorded easement. The Buyer and Seller want to clean up title to this property before they close by donating everything west of the centerline of Rifle Creek to the City.

Executive Summary:

The donated property can be seen in the enclosed survey and it contains everything west of the blue line representing the centerline of the Creek and with the red line being the property boundary. This area is encumbered by an easement, also enclosed, for the use by Rifle Creek Plaza. The City will take ownership of this donation subject to this easement, but is not accepting any obligation related to Rifle Creek Plaza's uses such as asphalt, curb or gutter.

If approved, the deed will be amended to include an Exhibit A for an accurate description of the parcel.

Notification Requirements:

No additional notice required.

Prepared By:

Patrick Waller, Planning Director

Attachments:

1. 20230906-Memo-Quit Claim Deed Lot 3 Collett Subdivision
2. 20230905-Quit Claim Deed Lot 3 Collett Subdivision

Glenwood Springs – Main Office
201 14th Street, Suite 200
P. O. Drawer 2030
Glenwood Springs, CO 81602

Aspen
0133 Prospector Road,
Suite 4102J
Aspen, CO 81611

Montrose
1544 Oxbow Drive
Suite 224
Montrose, CO 81402

James S. Neu
Partner/Shareholder

jsn@mountainlawfirm.com

Direct: 970.928.2121

Office: 970.945.2261

Fax: 970.945.7336

**Direct Mail to Glenwood Springs*

TO: Rifle City Council

FROM: Karp Neu Hanlon, P.C.

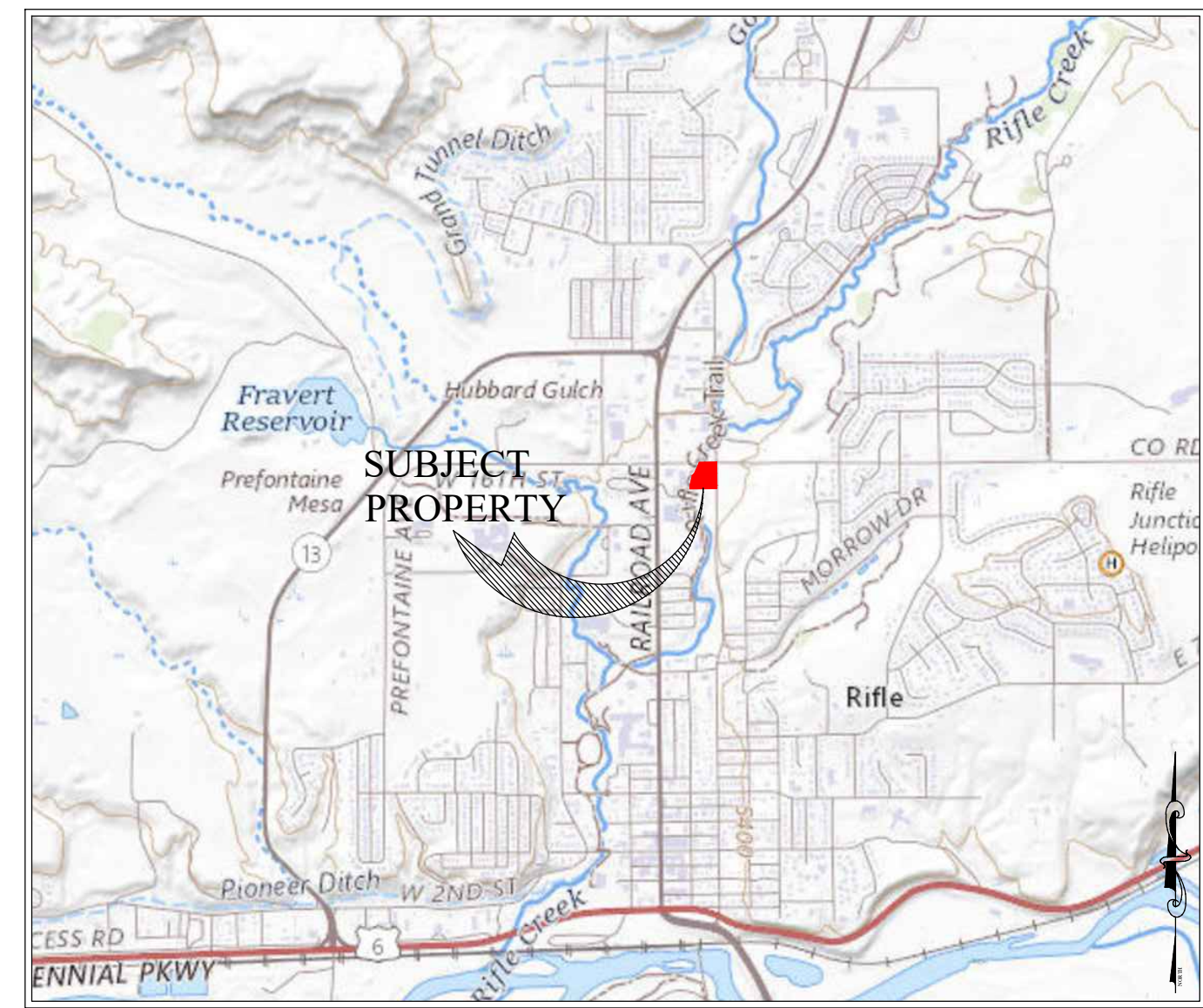
RE: Property Donation, Portion of Lot 3 Collett Subdivision

DATE: August 25, 2023

We discussed briefly at your last workshop the offer to donate real property to the City along Rifle Creek south of 16th Street. Lot 3 Collette Subdivision is being conveyed in mid-September and the Rifle Creek Trail runs along the west side of Rifle Creek on this property with no recorded easement. The Buyer and Seller want to clean up title to this property before they close by donating everything west of the centerline of Rifle Creek to the City. We support this donation to provide clear title to the Trail.

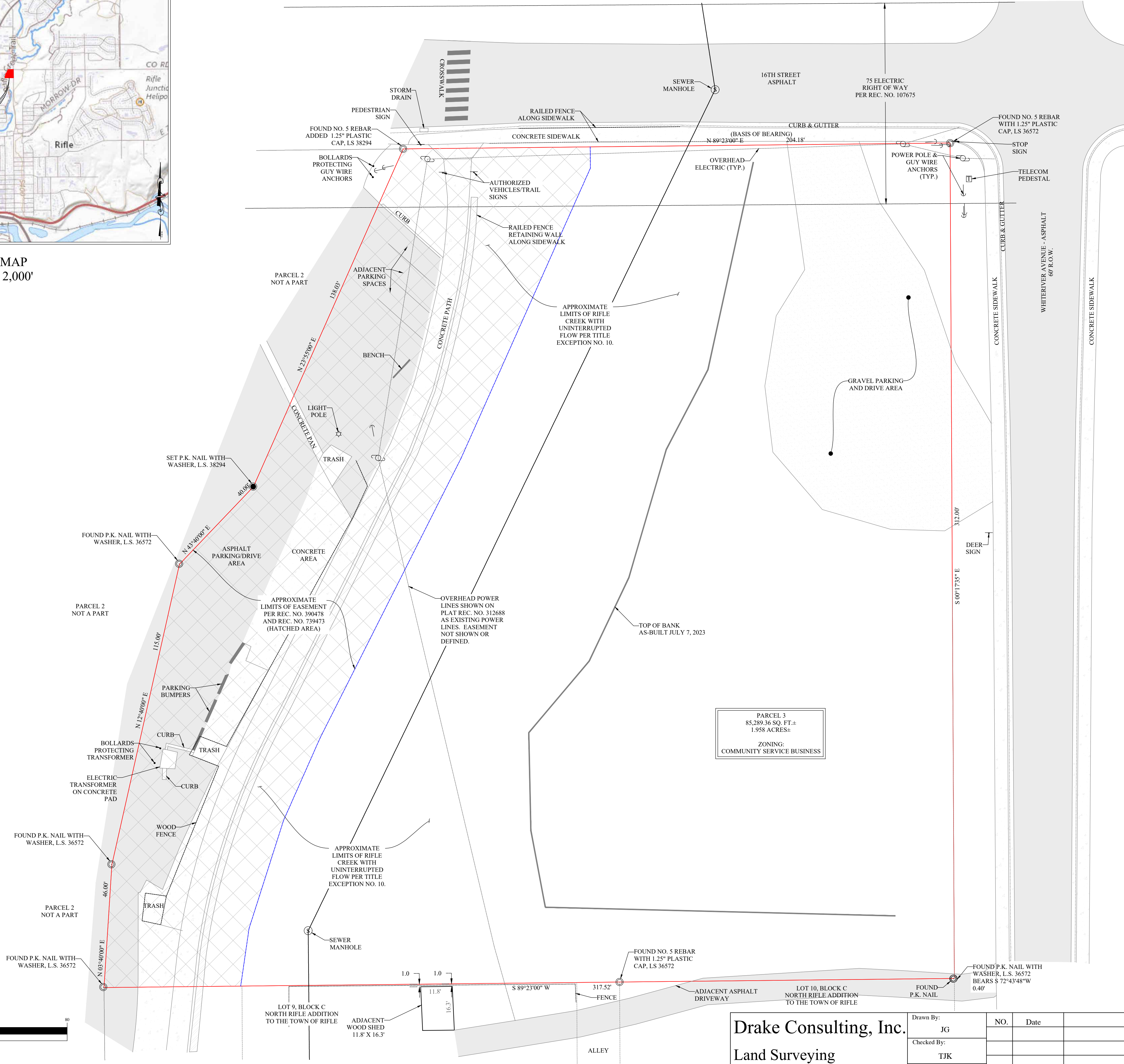
The donated property can be seen in the enclosed survey and it contains everything west of the blue line representing the centerline of the Creek and with the red line being the property boundary. This area is encumbered by an easement, also enclosed, for the use by Rifle Creek Plaza. The City will take ownership of this donation subject to this easement, but is not accepting any obligation related to Rifle Creek Plaza's uses such as asphalt, curb or gutter.

The acceptance of the donation of this property is on your agenda, and if approved, the Mayor and City Clerk will be authorized to sign the Deed which will then be recorded as part of the closing on Lot 3 Collett Subdivision.



VICINITY MAP
SCALE 1" = 2,000'

IMPROVEMENT SURVEY PLAT
PARCEL 3, COLLETT SUBDIVISION EXEMPTION IN THE CITY OF RIFLE ACCORDING TO
THE PLAT THEREOF RECORDED JUNE 24, 1982 AS RECEPTION NO. 312688
COUNTY OF GARFIELD, STATE OF COLORADO



PROPERTY DESCRIPTION

PARCEL 3
COLLETT SUBDIVISION EXEMPTION IN THE CITY OF RIFLE ACCORDING TO THE PLAT
THEREOF RECORDED JUNE 24, 1982 AS RECEPTION NO. 312688

COUNTY OF GARFIELD
STATE OF COLORADO

NOTES:

- 1) THIS PROPERTY IS SUBJECT TO RESERVATIONS, RESTRICTIONS, COVENANTS, SETBACKS AND EASEMENTS OF RECORD, OR IN PLACE BASED ON THE COLLETT SUBDIVISION EXEMPTION AS RECORDED JUNE 24, 1982 AS RECEPTION NO. 312688, COUNTY OF GARFIELD, STATE OF COLORADO. THIS IMPROVEMENT SURVEY PLAT IS BASED ON A REVIEW OF SAID PLAT IN CONJUNCTION WITH COMMONWEALTH LAND TITLE INSURANCE COMPANY'S TITLE COMMITMENT NUMBER 2021-08-80 DATED JUNE 26, 2023, SPECIAL WARRANTY DEED RECORDED OCTOBER 14, 2008 AS RECEPTION NO. 757209 AND CORNERS FOUND IN PLACE. EXCEPTIONS TO TITLE ARE LISTED BELOW.
- 2) THE DATE OF THIS SURVEY WAS JULY 7, 2023.
- 3) BASIS OF BEARINGS FOR THIS SURVEY IS A BEARING OF N89°23'00"E BETWEEN THE NORTHWEST CORNER OF THE SUBJECT PARCEL, A NO. 5 REBAR FOUND IN PLACE, ADDED A 1.25" PLASTIC CAP, LS 38294, AND A NO. 5 REBAR WITH A 1.25" PLASTIC CAP, LS 36572 FOUND IN PLACE AT THE NORTHEAST CORNER OF THE SUBJECT PARCEL AS SHOWN HEREON.
- 4) UNITS OF MEASURE FOR ALL DIMENSIONS SHOWN HEREON IS U.S. SURVEY FEET.

EXCEPTIONS TO TITLE:

- 9) RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED AND A RIGHT OF WAY FOR DITCHES OR CANALS AS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED ON SEPTEMBER 14, 1945 AS INSTRUMENT #154908 IN THE OFFICIAL RECORDS. (NOTHING TO PLOT)
- 10) RIGHT OF WAY FOR THE UNINTERRUPTED FLOW OF RIFLE CREEK. (APPROXIMATE LIMITS OF RIFLE CREEK PLOTTED HEREON BASED ON DIGITIZED INFORMATION FROM FEMA)
- 11) EASEMENTS, RIGHTS OF WAY, PLAT NOTES AND ALL MATTERS DESCRIBED AND SET FORTH ON THE PLAT RECORDED ON AUGUST 17, 1908 AS INSTRUMENT #35613 IN THE OFFICIAL RECORDS. (NOTHING SPECIFIC TO PLOT)
- 12) EASEMENT AND RIGHT OF WAY AS DESCRIBED IN DOCUMENT RECORDED ON JULY 21, 1920 AS INSTRUMENT #107675 IN THE OFFICIAL RECORDS. (PLOTTED HEREON)
- 13) EASEMENT AND RIGHT OF WAY AS DESCRIBED IN DOCUMENT RECORDED ON SEPTEMBER 1, 1981 AS INSTRUMENT #318639 IN THE OFFICIAL RECORDS. (THIS LOT IS AFFECTED BY A BLANKET UTILITY EASEMENT FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF SEWER, WATER, GAS AND ELECTRIC UTILITIES. THE RIGHT TO WHICH EASEMENT SHALL NOT BE EXERCISED TO UNREASONABLY INTERFERE WITH THE CONSTRUCTION AND MAINTENANCE OF IMPROVEMENTS UPON SAID PARCELS 1, 2, AND 3, NOTHING SPECIFIC TO PLOT)
- 14) EASEMENT AND RIGHT OF WAY AS DESCRIBED IN DOCUMENT RECORDED ON MARCH 18, 1988 AS INSTRUMENT #399478 IN THE OFFICIAL RECORDS. (AREA WEST OF CENTERLINE OF RIFLE CREEK. APPROXIMATE AREA PLOTTED HEREON)
- 15) EASEMENT AND RIGHT OF WAY AS DESCRIBED IN DOCUMENT RECORDED ON DECEMBER 17, 2007 AS INSTRUMENT #739473 IN THE OFFICIAL RECORDS. (AREA WEST OF CENTERLINE OF RIFLE CREEK. APPROXIMATE AREA PLOTTED HEREON)
- 16) EASEMENTS, RIGHTS OF WAY, PLAT NOTES AND ALL MATTERS DESCRIBED AND SET FORTH ON THE PLAT RECORDED ON JUNE 24, 1982 AS INSTRUMENT #312688 IN THE OFFICIAL RECORDS. (PARCEL BOUNDARY SHOWN HEREON PER PLAT)
- 17) RIGHT OF WAY FOR DITCHES AND CANALS IN PLACE AND IN USE. (NOTHING SPECIFIC TO PLOT)

SURVEY STATEMENT

I, TRAVIS J. KAISER, DO HEREBY STATE THAT THIS IMPROVEMENT SURVEY PLAT WAS PREPARED BY DRAKE CONSULTING, INC. FOR BRAD CRAWFORD, COMMONWEALTH LAND TITLE INSURANCE COMPANY AND LANCEWOOD PLAZA, LLC.

I FURTHER STATE THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, JULY 7, 2023, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED. I FURTHER STATE THIS SURVEY WAS PREPARED AFTER REVIEW OF COMMONWEALTH LAND TITLE INSURANCE COMPANY'S COMMITMENT NUMBER 2021-08-80 DATED JUNE 26, 2023 AND THE EXCEPTIONS NOTED WITHIN THAT REPORT.

TRAVIS J. KAISER,
COLORADO P.L.S. NO. 38294
FOR, AND ON BEHALF OF DRAKE CONSULTING, INC.



Drake Consulting, Inc.
Land Surveying
Phone 970-987-1389
Fax 970-360-1001
www.DrakeConsulting.CO

Drawn By:	NO.	Date	Revision	By	Project NO.
JG					23053
Checked By:					
TJK					
Date:					
07/14/2023					
Computer File:					
23053					

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

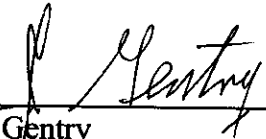
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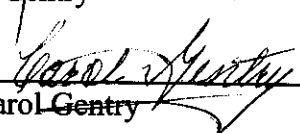
BARGAIN AND SALE DEED

J. Gentry and Carol Gentry, Grantors, whose address is P.O. Box 1300, Rifle, Colorado, 81650, for the consideration of Ten Dollars and other good and valuable consideration, in hand paid, hereby sell and convey to **1430 Railroad, LLC**, whose address is 995 Cowen Drive, Suite 201, Carbondale, Colorado, 81623, **Beal Commercial, LLC**, whose address is P.O. Box 2203, Glenwood Springs, Colorado, 81602, and **Ho A Ho**, whose address is 1538 Railroad Avenue, Rifle, Colorado, 81650, Grantees, as tenants in common, undivided interests in and to the following real property in the County of Garfield and State of Colorado, to wit:

An easement for utilities, parking, storage of materials and ingress and egress by pedestrians and vehicles on that portion of Parcel 3, Collett Subdivision Exemption, lying West of the center line of Rifle Creek as the same now crosses said Parcel 3, together with the right to install, repair, replace, maintain and alter physical structures on said easement to facilitate the above described uses.

SIGNED this 13 day of December 2007.



J. Gentry


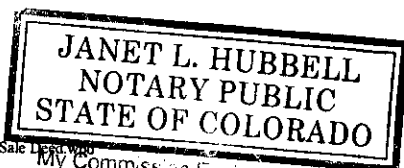
Carol Gentry

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 13 day of December 2007, by J. Gentry and Carol Gentry.

WITNESS my hand and official seal.

My commission expires:





Notary Public

F:\JGVS\Bargain and Sale Deed.doc
My Commission Expires 04/08/08

AFTER RECORDING, RETURN TO:
John R. Schenk, P.C.
P.O. Box 945
Glenwood Springs, CO 81602

QUITCLAIM DEED

THIS DEED is dated effective _____ 2023, and is made between LANCEWOOD PLAZA, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Colorado, the "Grantor," and CITY OF RIFLE, COLORADO, a home-rule municipal corporation, the "Grantee," whose legal address is 202 Railroad Avenue, Rifle, Colorado 81650.

WITNESS, that the Grantor, for and in consideration of the sum of TEN DOLLARS, (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release, sell and QUITCLAIM unto the Grantee, its successors and assigns, forever, all the right, title, interest, claim and demand which the Grantor has in and to the real property, together with any improvements thereon, located in the County of Garfield and State of Colorado, described as follows:

A PARCEL OF LAND BEING IN PARCEL 3 AND BEING WEST OF THE CENTERLINE OF RIFLE CREEK, COLLETT SUBDIVISION EXEMPTION IN THE CITY OF RIFLE ACCORDING TO THE PLAT THEREOF RECORDED JUNE 24, 1982 AS RECEPTION NO. 312688. MORE PARTICULARLY DESCRIBED ON EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging, or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, and its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed by its president on the date set forth above.

LANCEWOOD PLAZA, LLC
A Colorado limited liability company

_____, Manager

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____ as the Manager, of the Grantor, on behalf of the Company.

Witness my hand and official seal.
My commission expires:

Notary Public

ACCEPTED:
CITY OF RIFLE, COLORADO

Mayor

ATTEST:

City Clerk

EXHIBIT A
LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 3; THE POINT OF BEGINNING THENCE N89°23'00"E A DISTANCE OF 69.85' TO THE CENTERLINE OF RIFLE CREEK; THENCE FOLLOWING THE CENTERLINE OF RIFLE CREEK THE FOLLOWING 7 COURSES; THENCE S23°29'58"W A DISTANCE OF 36.27'; THENCE S15°34'43"W A DISTANCE OF 22.63'; THENCE S23°38'04"W A DISTANCE OF 38.60'; THENCE S22°03'04"W A DISTANCE OF 35.27'; THENCE S29°31'56"W A DISTANCE OF 102.19'; THENCE S°19'26'25"W A DISTANCE OF 84.00'; THENCE S11°42'00"W A DISTANCE OF 22.67' TO THE SOUTH BOUNDARY LINE OF SAID PARCEL 3; THENCE LEAVING SAID CENTERLINE OF RIFLE CREEK S89°23'00"W A DISTANCE OF 49.40'; THENCE N03°40'00"E A DISTANCE OF 46.00'; THENCE N12°40'00"E A DISTANCE OF 115.00'; THENCE N43°40'00"E A DISTANCE OF 40.00'; THENCE N23°55'00"E A DISTANCE OF 138.03' TO THE POINT OF BEGINNING. CONTAINING 0.498 ACRES +/-

COUNTY OF GARFIELD
STATE OF COLORADO



Agenda Item #8.d.

Agenda Item Name:

Consider Report of Changes - Modification of Premise - SuperKidz, LLC dba SuperKidz, LLC

Presenter:

Misty Williams, City Clerk

Item Description:

Modification of Premise for SuperKidz, LLC dba SuperKidz, LLC

Recommended Action:

Consider Premise Modification for SuperKidz, LLC dba SuperKidz, LLC.

Contingent upon Council's decision, the motion will be one of the following:

- a) Move to Approve Report of Changes - Modification of Premise for Superkidz, LLC, dba SuperKidz, LLC as presented
- b) Move to Approve Report of Changes - Modification of Premise for SuperKidz, LLC dba SuperKidz, LLC with conditions
- or
- b) Move to Deny Report of Changes - Modification of Premise for SuperKidz, LLC, dba SuperKidz, LLC.

Fiscal Impact:

None

Operational Impact:

None

Prior Board Motions:

None

Background Information:

SuperKidz, LLC dba SuperKidz, LLC located at 1733 Railroad Ave, Unit A, Rifle, CO has submitted a Report of Changes (Modification of Premise) application.

The following criteria have been met by the applicant:

- *The application is complete
- *Appropriate fees have been paid in full

Executive Summary:

Referring to the State of Colorado Liquor Code Regulation 47-302, a Modification of Premise application is to be submitted, if:

A. After issuance of a license, the licensee shall make no physical change, alteration or modification of the licensed premises that materially or substantially alters the licensed premises or the usage of the licensed premises from the latest approved plans and specifications on file with the state and local licensing authorities without application to, and the approval of, the respective licensing authorities. For purposes of this regulation, physical changes, alterations or modifications of the licensed premises, or in the usage of the premises requiring prior approval, shall include, but not be limited to, the following:

...5. Any material change in the interior of the premises that would affect the basic character of the premises or the physical structure detailed in the latest approved plans and specifications on file with the state and local licensing authorities...

SuperKidz, LLC submitted a Report of Changes - Modification of Premise application on August 21, 2023. A Modification of Premise application should be submitted prior to any changes being made. The modifications outlined in this application, however, have already been completed. Changes to the premise include the reduction of one bounce house and the reconfiguration and addition of more arcade games, which fall within the guidelines established in Regulation 47-302:

...5. ...the following types of modifications will not require prior approval, even if a local building permit is required: painting and redecorating of premises; the installation or replacement of electric fixtures or equipment, plumbing, refrigeration, air conditioning or heating fixtures and equipment; the lowering of ceilings; the installation and replacement of floor coverings; the replacement of furniture and equipment; and any non-structural remodeling where the remodel does not expand or reduce the existing area designed for the display or sale of alcohol beverage products.

There is a change that has been made that alters the latest approved plans and specifications on file, and which could potentially affect the basic character of the premises: The back room, which originally housed the pool tables, has been converted to a private party area. The back room is separate from the children's entertainment activities in the Main Room. The pool tables have been relocated to the Main Room, midway between the main entrance and the dining/bar area. The Main Room is where all of the children's activities are located.

The application may be approved as presented, approved with conditions, or denied.

If denied, Per Reg. 47-302 states:

C. If permission to change, alter, or modify the licensed premises is denied, the licensing authority shall give notice in writing and shall state the grounds upon which the application was denied. The licensee shall be entitled to a hearing on the denial if a request in writing is made to the licensing authority within fifteen (15) days after the date of notice.

Notification Requirements:

None

Prepared By:

Alexis Ramirez, Deputy City Clerk

Attachments:

1. Report of Changes - SuperKidz, LLC
2. SuperKids, LLC - Pool Tables Picture

3. SuperKids, LLC -Back Room-Hall Picture

Permit Application and Report of Changes

All Answers Must Be Printed in Black Ink or Typewritten

1. Applicant is a ☐ Corporation ☐ Individual ☐ Partnership ☒ Limited Liability Company		License Number CR2023-0315866	
2. Name of Licensee Super Kidz LLC		3. Trade Name of Establishment (DBA) Super Kidz LLC	
4. Address of Premises (specify exact location of premises) 1733 Railroad Ave Unit A		5. Business Email Address superkidzrif1e@proton.com	
City Rifle CO 81650	County Garfield	State CO	ZIP 81650
SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.			
Section A – Manager Reg/Change ☐ Manager's Registration (Hotel & Restr.) \$30.00 ☐ Manager's Registration (Tavern) \$30.00 ☐ Manager's Registration (Lodging & Entertainment) \$30.00 ☐ Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE <i>Please note that Manager's Registration for Hotel & Restaurant, Lodging & Entertainment, and Tavern licenses requires a local fee with submission to the local licensing authorities directly regarding local processing and fees.</i>		Section C ☐ Retail Warehouse Storage Permit (ea) \$100.00 ☐ Wholesale Branch House Permit (ea) \$100.00 ☐ Change Corp. or Trade Name Permit (ea) \$50.00 ☐ Change Location Permit (ea) \$150.00 ☐ Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change \$150.00 ☒ Change, Alter or Modify Premises \$150.00 x Total Fee: ☐ Addition of Optional Premises to Existing H/R \$100.00 x Total Fee: ☐ Addition of Related Facility to an Existing Resort or Campus Liquor Complex \$160.00 x Total Fee: ☐ Campus Liquor Complex Designation No Fee ☐ Sidewalk Service Area \$75.00	
Section B – Duplicate License ☐ Duplicate License \$50.00			

Do Not Write in This Space – For Department of Revenue Use Only		
Date License Issued	License Account Number	Period
The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.		TOTAL AMOUNT DUE \$.00

Instruction Sheet

For All Sections, Complete Questions 1-5 Located on Page 1

☐ Section A

To Register or Change Managers, check the appropriate box in section A and complete question 9 on page 4. Proceed to the Oath of Applicant for signature. Submit to State Licensing Authority for approval.

☐ Section B

For a Duplicate license, be sure to include the liquor license number in section B on page 1 and proceed to page 5 for Oath of Applicant signature.

☐ Section C

Check the appropriate box in section C and proceed below.

- 1) For a Retail Warehouse Storage Permit,** go to page 3 complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to the State Licensing Authority for approval.
- 2) For a Wholesale Branch House Permit,** go to page 3 and complete question 5 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Submit to the State Licensing Authority for approval.
- 3) To Change Trade Name or Corporation Name,** go to page 3 and complete question 6 (be sure to check the appropriate box). Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to the Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to the State Liquor Licensing Authority.
- 4) To modify Premise, or add Sidewalk Service Area,** go to page 4 and complete question 10. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to the Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to the State Liquor Licensing Authority.
- 5) For Optional Premises** go to page 4 and complete question 10. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit to the Local Liquor Licensing Authority (City or County).
- 6) To Change Location,** go to page 3 and complete question 7. Submit the necessary information and proceed to page 5 for Oath of Applicant signature. Retail Liquor License submit permit application or report of change to the Local Liquor Licensing Authority (City or County). Manufacturer, Wholesaler and Importer's Liquor Licenses submit to the State Liquor Licensing Authority.
- 7) Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change,** go to page 4, and complete question 8. Use this section to make a current Noncontiguous Manufacturing Location into a Primary Manufacturing Location, or a Primary Manufacturing Location into a Noncontiguous Manufacturing Location. To be eligible for a Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change, you must be a Colorado state licensed manufacturer of vinous liquor pursuant to section 44-3-402 or 44-3-403, C.R.S.
- 8) Campus Liquor Complex Designation,** go to page 5 and complete question 11. Submit the necessary information and proceed to page 5 for Oath of Applicant signature.
- 9) To add another Related Facility** to an existing Resort or Campus Liquor Complex, go to page 5 and complete question 12.

Storage Permit	5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit ☐ Retail Warehouse Permit for: ☐ On-Premises Licensee (Taverns, Restaurants etc.) ☐ Off-Premises Licensee (Liquor stores) ☐ Wholesalers Branch House Permit Address of storage premise: _____ City _____, County _____ ZIP _____ Attach a deed/lease or rental agreement for the storage premises. Attach a detailed diagram of the storage premises.				
Change Trade Name or Corporate Name	6. Change of Trade Name or Corporation Name ☐ Change of Trade name/DBA only ☐ Corporate Name Change (Attach the following supporting documents) 1. Certificate of Amendment filed with the Secretary of State, or 2. Statement of Change filed with the Secretary of State, <u>and</u> 3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement. <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 50%; padding: 2px;">Old Trade Name</td><td style="width: 50%; padding: 2px;">New Trade Name</td></tr> <tr> <td style="width: 50%; padding: 2px;">Old Corporate Name</td><td style="width: 50%; padding: 2px;">New Corporate Name</td></tr> </table>	Old Trade Name	New Trade Name	Old Corporate Name	New Corporate Name
Old Trade Name	New Trade Name				
Old Corporate Name	New Corporate Name				
Change of Location	7. Change of Location NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held. Date filed with Local Authority _____ Date of Hearing _____ (a) Address of current premises _____ City _____ County _____ ZIP _____ (b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee) Address _____ City _____ County _____ ZIP _____ (c) New mailing address if applicable. Address _____ City _____ County _____ State _____ ZIP _____ (d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.				

Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change	8. Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change Select the option that applies to your situation: ☐ Make a current Primary Manufacturing Location (Location 1) into a Noncontiguous Location (Location 2); or ☐ Make a current Noncontiguous Manufacturing Location (Location 1) into a Primary Manufacturing Location (Location 2). (a) Address of Location 1: _____ City _____ County _____ ZIP _____ (b) Address of Location 2: _____ City _____ County _____ ZIP _____
Change of Manager	9. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8), C.R.S. (a) Change of Manager Former manager's name _____ New manager's name _____ (b) Date of Employment _____ Has manager ever managed a liquor licensed establishment?..... ☐ Yes ☐ No Does manager have a financial interest in any other liquor licensed establishment? ☐ Yes ☐ No If yes, give name and location of establishment _____
Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area	10. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities. (a) Describe change proposed <u>take out one bounce house move the parties space and move the arcade games to another spots</u> (b) If the modification is temporary, when will the proposed change: Start _____ (mo/day/year) End _____ (mo/day/year) NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00 (c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? (If yes, explain in detail and describe any exemptions that apply) ☐ Yes ☐ No (d) Is the proposed change in compliance with local building and zoning laws?..... ☐ Yes ☐ No (e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises?..... ☐ Yes ☐ No (f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises. (g) Attach any existing lease that is revised due to the modification. (h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), 1 C.C.R. 203-2, include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.

Campus Liquor Complex Designation	11. Campus Liquor Complex Designation An institution of higher education or a person who contracts with the institution to provide food services (a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex ☐ Yes ☐ No
Additional Related Facility	12. Additional Related Facility To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises. (a) Address of Related Facility _____ (b) Outlined diagram provided ☐ Yes ☐ No

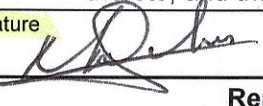
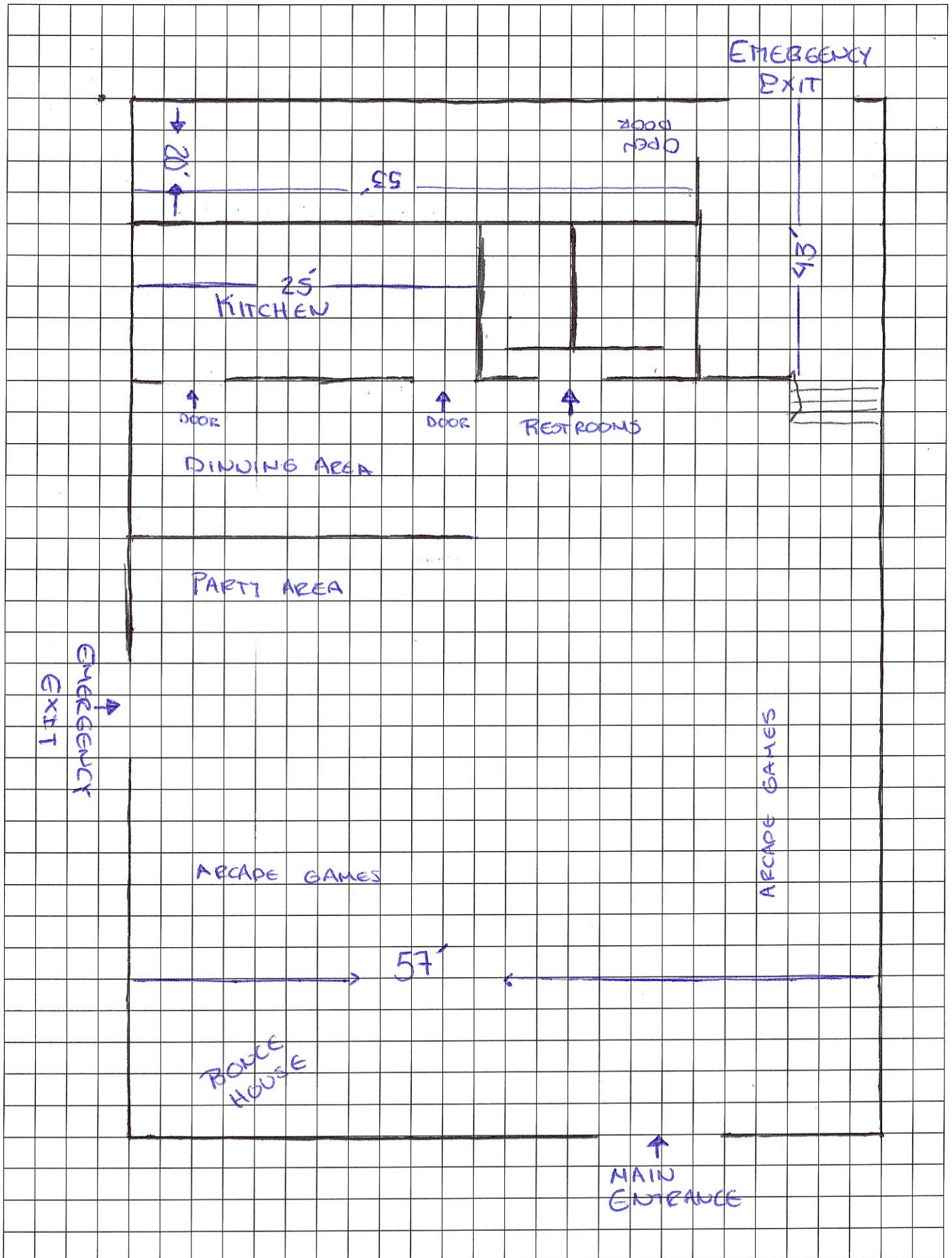
Oath of Applicant		
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge		
Signature 	Print name and Title Mauricio Olvera Resendiz (owner)	Date 08/17/2023
Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)		
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.		
Local Licensing Authority (City or County)		Date filed with Local Authority
Signature	Title	Date
Report of STATE Licensing Authority		
The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.		
Signature	Title	Date

DIAGRAM OF PREMISES









Agenda Item #8.e.

Agenda Item Name:

Consider Bid Approval for the New Roof on the Senior Center Building

Presenter:

Tami Sours, Senior Center Director

Item Description:

Remove and Replace roof - Senior Center

Recommended Action:

Move to approve awarding the bid to Commercial Roofing Restoration for the amount of \$68,700.00 to remove existing roofing material and replace it with PUMA XL Foam roofing.

Fiscal Impact:

Up to \$70,000 was approved thru a supplemental budget for this project.

Operational Impact:

The roof at our senior center has had several small leaks throughout the past few years. Considering the age of our roof and small leaks starting to appear and cause internal ceiling damage it was decided to be proactive and replace roof before major damage begins to happen.

Prior Board Motions:

N/A

Background Information:

Our current roof is gravel and tar and is estimated to be around 25 years old. Gravel is shifting leaving the tar exposed and starting to crack and tear. Roofers are not doing the gravel and tar roofing any longer, so repairs are not an option. A decision was made to replace the roof with a more efficient product. We originally had a supplemental budget of \$100,000 to replace the roof.

After requesting sealed bids through the Bidnet process, two bids were received and we are able to build our new roof for less than \$70,000.

The roof will be PUMA XL Topcoat. Its tensile strength and flexibility make it tough and durable and has a 20-year non-prorated warranty and lasts longer than traditional acrylic roof coatings. This is a two-coated waterproofing system to be used with Benchmark Base Coat. The spray foam is trouble-free protection. This product is waterproof with a seamless acrylic coating which is tough and flexible. This roofing system increases the strength of the roof, extends its life expectancy, and increases the energy efficiency of the building.

Both bids were comparable in product, but not comparable in warranty and process.

Innovative Roofing Solutions LLC bid came in at \$63,973.00 and includes a non-prorated 20-year warranty on material 10-year warranty on labor. The bid does not include removal and replacement of any rotten/damaged decking, and states removal of gravel only (not tar). The bid also does not mention the removal of loose debris, drip edge, and unused utilities.

Commercial Roofing Restoration bid came in at \$68,700.00 and includes a non-prorated 20-year warranty on materials and workmanship. This bid includes the removal and disposal of gravel and tar, the removal and replacement of any damaged/rotten decking, and the removal of any loose debris, drip edges, and unused utilities.

Mullenax Roofing was called to look at the roof and replace it with a traditional roof product. They came and looked at our roof but never followed through with pricing or recommendations.

Executive Summary:

This project is proactive to replace an aging roof with minor leaking and damage. The roofing product used for the bid process is highly recommended and has energy efficiency benefits. It has an UL-790 Class A fire rating and a Class 4 hail rating. The bid was posted publicly and bids were received from two qualified contractors. No local preference was applied due to the location of contractors.

Staff recommends awarding the bid to Commercial Roofing Restoration for the amount of \$68,700.00 due to the bid including a longer warranty on workmanship (20 year versus 10 years), removal of gravel and tar, and removal of any loose debris, drip edges, and unused utilities. This bid appears to be more inclusive and does not have unknowns during the process. Bid states, weather permitting, this will be a six-day project.

Notification Requirements:

N/A

Prepared By:

Tami Sours, Senior Center Director

Attachments:

1. Commercial Roofing Restoration Proposal
2. Innovative Roofing Solutions LLC Proposal
3. Conklin System Brochure



Prepared For

Tami Sours
50 Ute Ave
Rifle, CO
(970) 665-6540

Commercial Roofing Restoration LLC

15653 2600 Road
Cedaredge, CO 81413
Phone: (970) 209-1526
Email: info@commercialroofingrestoration.com
Web: commercialroofingrestoration.com

Estimate # 000180414023
Date 04/14/2023
Business / Tax # 9702091526

Description

Polyurethane Foam System

Scope of work to be performed:

- 1) Old roof(Tar and Gravel) will all be removed down to original substate deck and disposed of properly.
- 2) Remove all other loose debris from roof including drip edge and any unused utilities.
- 3) Remove and replace any rotten deck.
- 4) Apply closed-cell spray polyurethane foam with approx. thickness of 1" to 1.5"
- 5) Benchmark® Base Coat will be applied to entire surface.

Benchmark is the ultimate combination of flexibility and strength. Resistance to air pollutants and ultraviolet degradation makes it a great choice for the toughest projects. This 100-percent acrylic coating meets or exceeds requirements of most major code organizations, including Underwriters Laboratories (UL), Factory Mutual, Miami-Dade, and the International Code Conference. Benchmark also earns the ENERGY STAR rating and an 85 percent solar reflective value for maximum energy efficiency.

FOR USE WITH THESE ROOFING SYSTEMS: MR | FABRIC | FOAM

- 6) Entire roof will then be covered with the PUMA XL extended life roof coating at the recommended

rate of 1.9 gallons per square.

Conklin PUMA™ XL – Polyurethane Modified Acrylic Roof Coating

Product Description

PUMA™ XL Topcoat is Conklin's most recent innovation. Its great tensile strength and flexibility makes it so tough and durable that PUMA™ XL has an available 20-year non-prorated warranty and lasts longer than traditional acrylic roof coatings.

Formulated as a two-coat waterproofing system to be used with Benchmark™ Base Coat, it dries faster than most other two-coat systems. PUMA™ XL adds versatility to the cutting-edge PUMA technology as it can be applied on a broad range of approved substrates and roof decks:

Spray Polyurethane Foam (SPF)

MR™ Metal Roofs

Conklin's Fabric Reinforced System

Isocyanurate Insulation Board

Plywood

Oriented Strand Board (OSB)

PUMA™ XL forms a seamless membrane and is designed for use with:

Benchmark™ Base Coat

Conklin Encase Metal Primer

Prime Time

Prime Time Plus

Conklin's Spray Polyurethane Foam (SPF) roofing system will give your building trouble free protection. It waterproofs with a seamless acrylic coating in which a tough and flexible. This combination makes a rugged, yet lightweight seamless system that resists splitting at the seams of a traditional single Ply in rupturing-the primary cause of leaks. This system also substantially increases the strength of your roof, extends its life expectancy, and increases the Energy Efficiency of the building. Advantages of Conklin's Spray Polyurethane Foam (SPF) roofing system.

*Offers excellent wind and hail protection.

*Stops leaks with superior waterproofing.

*Increases energy efficiency and lowers utility expense with its cool, white reflective surface.

*Extends the life of the existing roof.

*Roof system has 85% reflectivity, and UL-790 Class A fire rating.

- *Has a Class 4 hail rating.
- *Roof is warranted against leaks for a period of twenty (20) years.
- *Warranty covers materials and workmanship.
- *This is a non-pro-rated warranty.

NOTICE:

- * Commercial Roofing Restoration will be responsible for Disposal of all roofing Debris.
- * Customer to be responsible for any permits etc. if needed.
- * Any change orders to be discussed and approve by management.
- * Project completion from start to finish weather permitting 6 days.

* ANNUAL WARRANTY SERVICE AGREEMENT

*

* Commercial Roofing Restoration will complete an annual inspection of the roof described above, included but not limited to prevent failure from leaves, dirt, Debris, Branches etc. may include power washing and repair from damage from flying objects common during storms or high winds, at the cost of \$800 US Dollars to be invoiced at completion each year. _____

*Owner represents that this agreement is a cash transaction wherein no financing is contemplated, and contractor acts in reliance on said representation.

* NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

*You are hereby authorized to return a formal contract between us to accomplish the work described in the above proposal, for which the undersigned agrees to pay the amount stated in said proposal and according to the terms thereof.

Material is guaranteed to be as specified. All work to be completed according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above this Proposal. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner to carry, fire, tornado and other necessary insurance. Warranty is void when damages are considered vandalism, neglect, or covered by Act of God statements in customers property insurance documents. Skylight replacement is considered optional, but if the replacement is refused, we cannot warranty any leaks within close proximity to existing skylights.

Credit card fee of 2.9% + \$0.60 per transaction additional amount will be added to final payment

Make Checks Payable to Commercial Roofing Restoration. (CRR)

Subtotal	\$68,700.00
Total	\$68,700.00
Deposit Due	\$37,785.00

Payment Schedule

Deposit (55%)	\$37,785.00
When completed (45%)	\$30,915.00

WARRANTY AND AGREEMENT

A Commercial Property Inspection is a visual examination of the exterior and interior of a property, including the roof, walls, floors, and foundation, to identify any visible defects or damage. The inspection is performed by a qualified professional who is trained and experienced in the field. The inspection is not a guarantee of the condition of the property, but rather a statement of the condition of the property as it appears at the time of the inspection. The inspection is performed on a "visual" basis, meaning that the inspector is only able to see what is visible to the naked eye. The inspection is not a guarantee of the condition of the property, but rather a statement of the condition of the property as it appears at the time of the inspection.

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By signing this document, the customer agrees to the services and conditions outlined in this document.

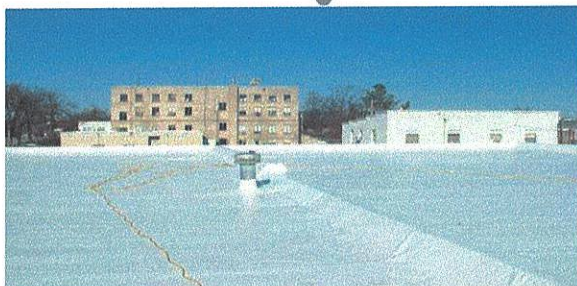
Tami Sours

8598 5500 Rd.
Olathe, CO 81425

Estimate #2355

Trent-970-424-6796
Troy- 970-948-2157

Innovative Roofing Solutions LLC.



WARRANTY TRAINED APPLICATOR



Rubber systems + Metal roof system + Coating ply systems + Foam & coating systems

Submitted to: Rifle Senior Center



Date: 8-9-23

Phone: (970) 379-4682

Job Description: *SPF System*

Contact Name: Tami Sours

We hereby submit specification estimates for: Building at 50 Ute Ave. Rifle, CO

1. Prep roof as needed. Remove and dispose of gravel.
2. Apply (approx.) 1.5" **BASF 2.8 lb. Spray Polyurethane Foam** to entire roof area, flashing all penetrations with foam.
3. Apply **Benchmark** base coat to entire roof area at the rate of (approx.) 1.9 gal. per 100 sq. ft.
4. Apply **PUMA XL** top coat to entire roof area at the rate of (approx.) 1.9 gal. per 100 sq. ft.
5. All work is to be performed in accordance with **Conklin** specs and requirements.

Option: Add .5" SPF for total of 2" SPF: \$6,100.00

**Note: Foam is closed cell, and hard to support foot traffic.
Foam has R-value of 6.2 per inch.**

The PUMA XL system has an elongation of 250%, is FM approved, has a tensile strength of 550 PSI, a UL 790 Class 'A' fire rating, and a bright white 85% reflectivity, which gives the entire roof a highly reflective and durable weather resistant seal.

A 20 year non-prorated material warranty, and 10 year labor will be given upon completion of job!

We propose to furnish material and/or labor complete in accordance with specifications, for the sum of:

Sixty-Three Thousand, Nine Hundred Seventy-Three dollars & .00 cents-----**\$63,973.00**

PAYMENT IS TO BE MADE AS FOLLOWS:

All materials are guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become extra charge over and above estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner is to carry hail, tornado, and other necessary insurance.

50% to be paid upon acceptance of this contract, 25% when ready for top coat is complete, with balance to be paid upon completion of job.
Payable to Innovative Roofing Solutions LLC.

Contractor Signature

This proposal is valid for 30 days from the date specified above.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

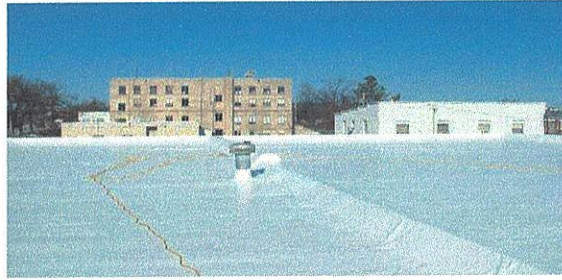
Customer Signature

Customer Signature

Trent Shrock
Troy Shrock
8598 5500 Rd.
Olathe, CO 81425

Innovative Roofing Solutions LLC.

Cell: 970-424-6796
Cell: 970-948-2196



WARRANTY TRAINED APPLICATOR



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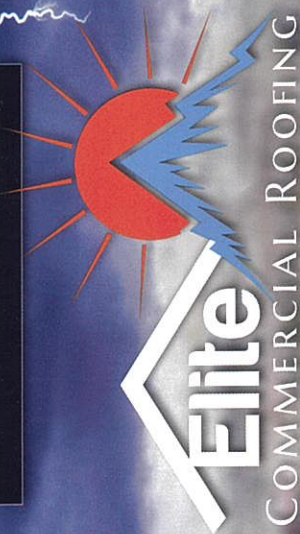


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- * We believe in 'old fashioned' values such as hard work and integrity. When we say something, we mean it.
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- * The Conklin products we use are some of the best products available in commercial roofing. The Conklin Company has a sterling reputation for standing behind their products and their contractors.
- * We are recognized by Conklin as being one of their preferred contractors.
- * We offer you a leak-free, non-prorated warranty on materials and labor. We believe in our products and workmanship, and so can you!

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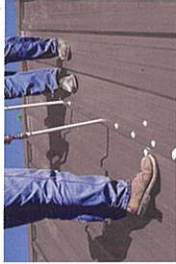
CONKLIN MR SYSTEM® APPLICATION



1. Power wash and clean with Rust Off® Rust Remover.



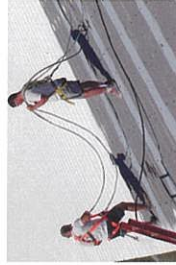
2. Prime with Encase® Rust Inhibiting Metal Primer.



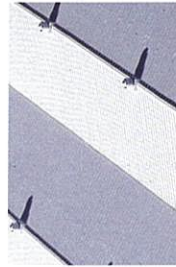
3. Caulk all fastener heads.



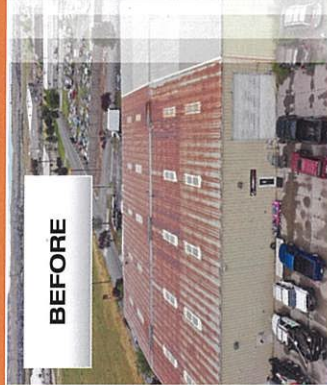
4. Reinforce existing seams with Spunflex® and base coat.



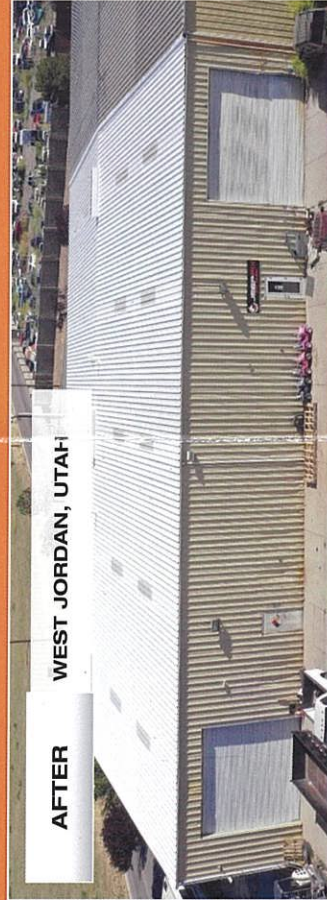
5. A base coat is applied over all taped areas.



6. Seal entire roof with one of our approved acrylic coatings.



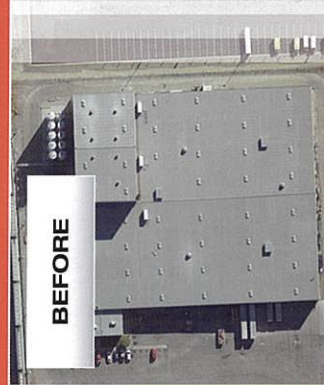
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- Increases Energy Efficiency and lowers utility expense with its cool, white reflective surface
 - Leak Free superior waterproofing
 - Inhibits rust
 - Extends existing roof life
 - Enhances appearance with attractive finish coat
- *Recommended for application over Metal surfaces.



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- EPDM
- BUILT-UP
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- MOD BIT

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Elite Commercial Roofing did an amazing job patching up a leaking roof at our facility. Not only does the finished product look great, it completely stopped the leaks. It made the temperatures in roasting room a more comfortable workspace. It has been a pleasure to work with Pete and his crew. —Ryan G. Facilities Manager, Black Rifle Coffee Company



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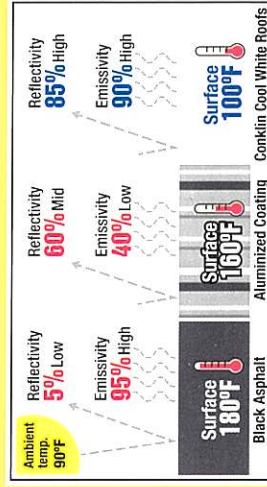


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Conklin's MR System is a complete waterproofing system for metal roofs. It stops leaks, inhibits rust, and provides an energy-efficient, long-lasting, attractive finish coat, which will extend the life of the roof for years. During the restoration process, each problem area is systematically addressed, repaired and resealed; then the entire roof is coated with a reflective finish coat.

CONSERVE ENERGY

Save money on air conditioning. The energy-saving Acrylic Coating System keeps your building cooler, whether it's air conditioned or not, by reflecting up to 85% of the sun's UV rays.



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Agenda Item #9.a.

Agenda Item Name:

July 2023 Traveler Report

Presenter:

Tommy Klein, City Manager

Item Description:

The July 2023 report for The Travel indicates that we will experience a \$1,801 increase in our costs for the service. This amount is an estimate and is subject to change.

Recommended Action:

None

Fiscal Impact:

None at this time.

Operational Impact:

None

Prior Board Motions:

Prior board motion to fund the Traveler for the 2023 budget cycle in the amount of \$134,374.

Background Information:

A previous Council hired a vendor to conduct a study on the Traveler program and to provide other options the City could pursue. The study also provided information on how to best determine fees for the service. RFTA has adopted the methodology recommended by the Rifle study and agreed to provide quarterly reports on usage. For the 2023 budget, we funded the Traveler program in the amount of \$134,374.

Executive Summary:

The attached report is for the Council's information.

Notification Requirements:

None

Prepared By:

Tommy Klein, City Manager

Attachments:

1. 2023 July Traveler Forecast Report



Garfield County Traveler Program



2023 Traveler Actual and Forecasted Service and Cost Monitoring Report



2023 Traveler Actual and Forecasted Service and Cost Monitoring Report

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July 2023 Summary

This is intended to be a Traveler year-to-date Actual and Forecasted Service and Cost monitoring report for the 2023 year. In general, forecasts made with fewer months' data may tend to be less accurate than those made with a greater number of months' data.

This report includes year-to-date data for the month of **July 2023**, so the numbers could change over the course of the year for a wide variety of reasons. However, based on seven-twelfths of the year's data, a number of observations can be made, as follows:

1. **2023 One-Way Passenger Trips Forecast:** When year-to-date actuals thru July's one-way passenger trips are forecasted out to year-end by multiplying them by 1.7 for each jurisdiction, they could total approximately **16%** more than the total one-way passenger trips forecast that was budgeted in the 2023 7-Party MOU.
2. **2023 Loaded Miles Forecast:** Similarly, at year end, actual Loaded Miles could total approximately **31%** more than the forecast that was used to budget in the 2023 7-Party MOU.
3. **2023 Loaded Minutes Forecast:** At year end, actual 2023 Loaded Minutes could total approximately **31%** more than the forecast that was used to budget in the 2023 7-Party MOU.
4. **Total 2023 Traveler Cost Forecast:** As of **July 2023**, the year-end forecast for actual costs is approximately **\$6,209** under budget. However, one-way passenger trips, loaded miles, and loaded hours are being redistributed among the participating jurisdictions, and the net costs for Rifle is **increasing** by **\$1,801**, while the net costs for RFTA jurisdictions, Silt, and Garfield County are **decreasing** by **\$4,196, \$709, and \$8,500**, respectively.
5. **Cost-Effectiveness:** If the current upward trend in one-way passenger trips, loaded miles, and loaded minutes, continues, the cost-effectiveness of the service should greatly improve as long as there isn't a corresponding increase in costs. The chart below, using seven months' data to forecast out to year-end, indicates the following efficiencies could be achieved:

Performance Measure	YTD Forecast	MOU Budget	\$ Variance	% Variance
Total Cost Per One-Way Psgr. Trip	\$ 68.75	\$ 80.53	\$ (11.78)	-15%
Total Cost Per Loaded Mile	\$ 12.73	\$ 16.75	\$ (4.02)	-24%
Total Cost Per Loaded Minute	\$ 3.36	\$ 4.45	\$ (1.09)	-24%

Budgeted 2023 Traveler 7-Party MOU Service and Cost Data Compared with Traveler Year-to-Date Actual Service and Cost Data Forecasted to Year-End 2023

July 2023 Actual Data

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
		2023 Forecast One-Way Passenger Trips	MOU Est. One-Way Passenger Trips	Forecast - MOU Vari +/-	2023 Forecast Loaded Miles	MOU Est. Loaded Miles	Forecast - MOU Vari +/-	2023 Forecast Loaded Minutes	MOU Est. Loaded Minutes	Forecast - MOU Vari +/-	2023 Est. Forecast Fully Allocated Cost	Est. MOU Fully Allocated Cost	Forecast - MOU Vari +/-	2023 Est. Forecast Allocation of County Contribution, Grants & Program Income	Est.MOU Allocation of County Contribution, Grants & Program Income	Forecast - MOU Vari +/-	2023 Est. Forecast Net Respons for Each Municipality	MOU Est. Net Respons for Each Municipality	2023 Forecast to 2022 MOU Vari +/-	2023 Forecast Municipal Cost Only Per Trip	2023 Forecast Total Alloc. Cost Per Trip
	Jurisdiction																				
1	Carbondale	261	59	202	2,546	456	2,090	6,768	1,375	5,393	\$ 22,171	\$ 5,762	\$ 16,409	\$ 10,979	\$ 2,813	\$ 8,166	\$ 11,192	\$ 2,949	\$ 8,243	\$ 42.95	\$ 85.09
2	Glenwood Springs	3,854	3,328	526	16,152	9,745	6,407	81,130	54,103	27,027	\$ 261,870	\$ 242,992	\$ 18,878	\$ 129,674	\$ 118,614	\$ 11,059	\$ 132,196	\$ 124,377	\$ 7,819	\$ 34.30	\$ 67.95
3	New Castle	562	716	(154)	7,059	9,376	(2,317)	14,534	22,051	(7,517)	\$ 50,129	\$ 89,017	\$ (38,888)	\$ 24,823	\$ 43,453	\$ (18,630)	\$ 25,306	\$ 45,564	\$ (20,258)	\$ 45.01	\$ 89.15
4	Silt	46	68	(22)	362	243	119	979	977	2	\$ 3,411	\$ 4,750	\$ (1,339)	\$ 1,689	\$ 2,319	\$ (630)	\$ 1,722	\$ 2,431	\$ (709)	\$ 37.20	\$ 73.69
5	Rifle	4,764	4,079	685	12,986	8,137	4,849	75,411	53,816	21,595	\$ 269,752	\$ 262,522	\$ 7,230	\$ 133,577	\$ 128,148	\$ 5,429	\$ 136,175	\$ 134,374	\$ 1,801	\$ 28.58	\$ 56.62
6	Garfield County	1,716	1,391	325	21,396	18,389	3,007	50,157	42,003	8,154	\$ 162,838	\$ 171,338	\$ (8,500)	\$ 162,838	\$ 171,338	\$ (8,500)	\$ -	\$ -	\$ -	\$ -	\$ 94.89
7	Total	11,203	9,641	1,562	60,501	46,346	14,155	228,979	174,325	54,654	\$ 770,171	\$ 776,380	\$ (6,209)	\$ 463,580	\$ 466,684	\$ (3,104)	\$ 306,592	\$ 309,696	\$ (3,104)	\$ 27.37	\$ 68.75
	Check Total	11,203		16%	60,501		31%	228,979		31%	\$ 770,171			\$ 463,580			\$ 306,592				

Difference +/-

- - - - -

Note: Column P, Line 6 indicates potential changes in Garfield County's 2023 contribution based on year-end forecasted costs and services

Note: Column S, Lines 1 - 5 indicate potential changes in the jurisdictions 2023 contributions based on year-end forecasted costs and services

Chart 1

Jurisdiction	% Actual Psgr. To Budget	% Actual Load Miles To Budget	% Actual Loaded Minutes To Budget
Carbondale	442%	558%	492%
Glenwood Springs	116%	166%	150%
New Castle	79%	75%	66%
Silt	68%	149%	100%
Rifle	117%	160%	140%
Garfield County	123%	116%	119%
Total Average	116%	131%	131%

Chart 2

Performance Measure	YTD Forecast	MOU Budget	\$ Variance	% Variance
Total Cost Per One-Way Psgr. Trip	\$ 68.75	\$ 80.53	\$ (11.78)	-15%
Total Cost Per Loaded Mile	\$ 12.73	\$ 16.75	\$ (4.02)	-24%
Total Cost Per Loaded Minute	\$ 3.36	\$ 4.45	\$ (1.09)	-24%

2023 Forecast - 07-2023: Year-To-Date and Annualized Cost and Service Data

Pay Periods 15

Line Item	Breakdown	2023 Budget	YTD Actual	Annualized	Forecast	Variance
Salaries Supervisor Ops Dpt		111,700	51,209	88,762	92,162	(19,538)
Salaries NonCDL Bus (FTYR) Ops Dpt		213,700	117,893	204,348	207,120	(6,580)
Salaries NonCDL Bus (PTYR) Ops Dpt		47,840	24,765	42,927	42,927	(4,913)
Salaries Transit Dispatch		68,000	40,600	70,374	70,374	2,374
Salaries Mechanics Mtn Dpt		32,000	26,422	45,294	45,294	13,294
Alternative Activity		2,550	311	533	2,861	311
Overtime Pay		6,000				3,735
Overtime Pay - Supervisors			2,483	4,303	4,303	
Overtime Pay - nonCDL FT			3,134	5,432	5,432	
Bonus Pay		1,750				250
Bonus Safety			1,000	1,714	2,000	
Shift Pay		4,600				(970)
Shift Pay - nonCDL FT			1,821	3,157	3,630	
Separation Pay - Supervisor			11,692	11,692	11,692	11,692
Fringe Benefits Ops Dept	(61)	67,000				(5,554)
Fringe Benefits - Supervisor	17,474		10,148	17,590	17,590	
Fringe Benefits - nonCDL FT	33,445		15,937	27,625	29,006	
Fringe Benefits - nonCDL PT	5,503		1,872	3,245	4,057	
Fringe Benefits - Dispatch	10,639		6,226	10,792	10,792	
Health Insurance Ops Dept	17	68,100				2,217
Health Insurance - Supervisor	16,844		6,200	10,629	10,629	
Health Insurance - Relief Sup			4	8	8	
Health Insurance - nonCDL FT	37,116		25,524	43,756	45,476	
Health Insurance - nonCDL PT	-		18	30	30	
Health Insurance - Dispatch	14,123		8,268	14,173	14,173	
Subtotal Compensation		623,240	355,431	606,216	619,559	(3,681)
Admin Overhead		40,000	23,333	40,000	40,000	-
Vehicle Insurance		9,000	-	-	9,000	-
Office Rental		19,703	10,047	17,223	19,223	(480)
Telephone/Communications		11,000	5,698	9,769	9,769	(1,231)
Staff Training		1,000	25	43	1,000	-
Travel		756	-	-	756	-
Office Supplies		550	242	415	550	-
Postage		200	126	216	216	16
Subtotal Admin		82,209	39,471	67,665	80,514	(1,695)
Repairs-Third party services		33,000	17,219	29,519	33,000	-
Drug and Alcohol Testing		672	-	-	672	-
DOT Exams		672	-	-	672	-
Unleaded Fuel		13,000	4,621	7,922	10,422	(2,578)
Compressed Natural Gas		8,000	4,768	8,175	8,175	175
Software Support		10,230	-	-	11,730	1,500
Prior Year Expenses		-	71	122	71	71
Subtotal Operating		65,574	26,680	45,738	64,742	(832)
Total Budget / Forecast		771,023	421,583	719,619	764,814	(6,208)

Actual & Annualized Data by Jurisdiction	Loaded Miles		Loaded Minutes		Passengers	
	YTD Actual	Annualized	YTD Actual	Annualized	YTD Actual	Annualized
Carbondale	1,485	2,546	3,948	6,768	152	261
Glenwood Springs	9,422	16,152	47,326	81,130	2,248	3,854
New Castle	4,118	7,059	8,478	14,534	328	562
Silt	211	362	571	979	27	46
Rifle	7,575	12,986	43,990	75,411	2,779	4,764
Rural Garfield	12,481	21,396	29,258	50,157	1,001	1,716
Total	35,292	60,501	133,571	228,979	6,535	11,203

RFTA - Garfield County Traveler

Year: 2023															
Jurisdiction	Passenger Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	Annualized
Carbondale	Client	29	27	33	12	16	18	17						152	261
	PCA	0	0	0	0	0	0	0						0	0
	Guest	0	0	0	0	0	0	0						0	0
Carbondale		29	27	33	12	16	18	17						152	261
Glenwood Springs	Client	367	316	334	285	310	335	281						2,228	3,819
	PCA	0	1	3	1	2	1	1						9	15
	Guest	0	0	2	0	1	1	7						11	19
Glenwood Springs		367	317	339	286	313	337	289						2,248	3,854
New Castle	Client	60	42	37	51	31	36	41						298	511
	PCA	7	2	7	4	8	0	2						30	51
	Guest	0	0	0	0	0	0	0						0	0
New Castle		67	44	44	55	39	36	43						328	562
Silt	Client	5	4	4	10	4								27	46
	PCA	0	0	0	0	0								0	0
	Guest	0	0	0	0	0								0	0
Silt		5	4	4	10	4								27	46
Rifle	Client	354	335	392	314	397	404	391						2,587	4,435
	PCA	23	25	26	16	29	41	32						192	329
	Guest	0	0	0	0	0	0	0						0	0
Rifle		377	360	418	330	426	445	423						2,779	4,764
Garfield County	Client	143	146	146	131	150	109	110						935	1,603
	PCA	5	8	4	2	4	4	6						33	57
	Guest	6	0	1	26	0	0	0						33	57
Garfield County		154	154	151	159	154	113	116						1,001	1,716
		999	906	989	852	952	949	888						6,535	11,203

Note: Garfield County client passenger type includes food cambro deliveries. Each delivery accounts for one client trip.

RFTA - Garfield County Traveler

Year	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	Annualized
2023 - Loaded Miles	Carbondale	172	214	354	139	178	223	205						1,485	2,546
	Glenwood Springs	1,399	1,281	1,396	1,500	1,431	1,415	1,000						9,422	16,152
	New Castle	829	577	517	671	453	397	674						4,118	7,059
	Silt	44	19	33	81	34								211	362
	Rifle	941	718	827	777	921	1,679	1,712						7,575	12,986
	Garfield County	2,422	2,246	1,841	1,767	1,792	1,216	1,197						12,481	21,396
		5,807	5,055	4,968	4,935	4,809	4,930	4,788						35,292	60,501

Year	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	Annualized
2023 - Loaded Minutes	Carbondale	567	643	903	322	427	489	597						3,948	6,768
	Glenwood Springs	7,443	7,037	6,875	5,873	6,702	7,411	5,985						47,326	81,130
	New Castle	1,989	1,198	1,123	1,403	972	800	993						8,478	14,534
	Silt	113	67	80	224	87								571	979
	Rifle	5,555	5,531	6,426	5,043	6,708	7,104	7,623						43,990	75,411
	Garfield County	5,208	4,828	4,890	3,911	4,022	2,911	3,488						29,258	50,157
		20,875	19,304	20,297	16,776	18,918	18,715	18,686						133,571	228,979

Loaded Miles = Miles driven with passengers on board / Loaded Minutes = Minutes driven with passengers on board

RFTA - Garfield County Traveler

Year	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	Annualized
2023 - Loaded Hours	Carbondale	9.4	10.7	15.0	5.4	7.1	8.1	9.9						65.8	112.8
	Glenwood Springs	124.0	117.3	114.6	97.9	111.7	123.5	99.7						788.8	1,352.2
	New Castle	33.1	20.0	18.7	23.4	16.2	13.3	16.5						141.3	242.2
	Silt	1.9	1.1	1.3	3.7	1.4								9.5	16.3
	Rifle	92.6	92.2	107.1	84.0	111.8	118.4	127.0						733.2	1,256.9
	Garfield County	86.8	80.5	81.5	65.2	67.0	48.5	58.1						487.6	835.9
		347.9	321.7	338.3	279.6	315.3	311.9	311.4						2,226.2	3,816.3

Year	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023 - Distinct Customers	Carbondale	2	2	2	2	1	1	2						2
	Glenwood Springs	27	28	25	24	25	26	25						40
	New Castle	7	6	7	5	5	4	5						9
	Silt	2	2	1	2	1								3
	Rifle	31	33	31	28	29	31	29						37
	Garfield County	16	18	16	16	17	16	15						26
		85	89	82	77	78	78	76						117

Loaded Hours = Hrs driven w/psg on board / Distinct Customers p/month = Unique customers utilizing the service / YTD distinct customers shows unique YTD customers

RFTA - Garfield County Traveler

Year	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023 - Psg p/Mile	Carbondale	0.02	0.02	0.02	0.01	0.02	0.02	0.02						0.02
	Glenwood Springs	0.13	0.12	0.10	0.10	0.11	0.13	0.12						0.11
	New Castle	0.03	0.02	0.02	0.02	0.03	0.02	0.02						0.02
	Silt	0.03	0.02	0.03	0.02	0.03								0.02
	Rifle	0.14	0.15	0.16	0.13	0.16	0.13	0.13						0.14
	Garfield County	0.04	0.04	0.03	0.03	0.03	0.03	0.03						0.03
		0.07	0.07	0.07	0.06	0.08	0.07	0.07						0.07

Year	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023 - Psg p/Hour	Carbondale	0.25	0.23	0.19	0.19	0.21	0.21	0.23						0.21
	Glenwood Springs	1.26	1.20	1.07	1.10	1.08	1.30	1.17						1.16
	New Castle	0.30	0.26	0.26	0.22	0.30	0.22	0.25						0.26
	Silt	0.23	0.17	0.24	0.19	0.29								0.21
	Rifle	1.36	1.42	1.36	1.19	1.49	1.37	1.43						1.37
	Garfield County	0.38	0.37	0.31	0.36	0.33	0.32	0.32						0.34
		0.75	0.74	0.67	0.64	0.77	0.81	0.78						0.73

RFTA - Garfield County Traveler

Jurisdiction: Carbondale															
Year	Trip / Mobility	Assistance	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	ADA - Ambulatory	Yes	16	9	4	2			2						33
2023	Non-ADA - Ambulatory	Yes	13	18	29	10	16	18	15						119
			29	27	33	12	16	18	17						152

Jurisdiction: Glenwood Springs															
Year	Trip / Mobility	Assistance	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	ADA - Ambulatory	No	201	193	204	183	182	170	153						1,286
2023	ADA - Ambulatory	Yes	47	25	37	28	40	74	49						300
2023	ADA - Ambulatory Requiring Lift	No	2	5	4	7	4	7	6						35
2023	ADA - WheelChair	No	75	50	44	29	39	35	28						300
2023	Non-ADA - Ambulatory	No	31	33	35	30	37	39	34						239
2023	Non-ADA - Ambulatory Requiring Lift	No							2						2
2023	Non-ADA - WheelChair	No	11	10	10	8	8	10	9						66
			367	316	334	285	310	335	281						2,228

Note: Statistics only include one-way client trips. Guests and personal care attendants not included in monthly totals.

RFTA - Garfield County Traveler

Jurisdiction: New Castle															
Year	Trip / Mobility	Assistance	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	Non-ADA - Ambulatory	No	34	30	18	33	22	36	39						212
2023	Non-ADA - Ambulatory	Yes	1		1		1								3
2023	Non-ADA - WheelChair	No	25	12	18	18	8		2						83
			60	42	37	51	31	36	41						298

Jurisdiction: Rifle															
Year	Trip / Mobility	Assistance	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	Non-ADA - Ambulatory	No	205	215	221	172	233	253	260						1,559
2023	Non-ADA - Ambulatory Requiring Lift	No	73	61	74	65	68	70	64						475
2023	Non-ADA - WheelChair	No	76	59	97	77	96	81	67						553
			354	335	392	314	397	404	391						2,587

Note: Statistics only include one-way client trips. Guests and personal care attendants not included in monthly totals.

RFTA - Garfield County Traveler

Jurisdiction: Garfield County															
Year	Trip / Mobility	Assistance	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	ADA - Ambulatory	No		13	9	12	22	21	16						93
2023	Non-ADA - Ambulatory	No	69	65	71	63	61	39	46						414
2023	Non-ADA - Ambulatory Requiring Lift	No	46	38	36	32	36	32	36						256
2023	Non-ADA - WheelChair	No	28	30	30	24	31	17	12						172
			143	146	146	131	150	109	110						935

Jurisdiction: Silt															
Year	Trip / Mobility	Assistance	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	Non-ADA - Ambulatory	No	5	2		4									11
2023	Non-ADA - Ambulatory	Yes		2	4	6	4								16
			5	4	4	10	4								27

Note: Statistics only include one-way client trips. Guests and personal care attendants not included in monthly totals.

RFTA - Garfield County Traveler

Jurisdiction: Carbondale														
Year	Purpose	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	Errands					2								2
2023	Medical	29	23	33	12	14	18	15						144
2023	Wellness		4					2						6
		29	27	33	12	16	18	17						152

Jurisdiction: Glenwood Springs														
Year	Purpose	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	Errands	91	69	105	63	62	92	80						562
2023	Medical	76	49	40	33	45	63	30						336
2023	Wellness	45	26	43	27	33	51	31						256
2023	Work	155	172	146	162	170	129	140						1,074
		367	316	334	285	310	335	281						2,228

Note: Statistics only include one-way client trips. Guests and personal care attendants not included in monthly totals.

RFTA - Garfield County Traveler

Jurisdiction: New Castle														
Year	Purpose	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	Errands	14	9	5	9		4	9						50
2023	Medical	15	7	14	9	9		2						56
2023	Wellness	17	14	10	20	11	18	19						109
2023	Work	14	12	8	13	11	14	11						83
		60	42	37	51	31	36	41						298

Jurisdiction: Rifle														
Year	Purpose	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	Errands	143	137	154	123	113	107	107						884
2023	Medical	80	70	85	47	77	102	73						534
2023	Wellness	32	33	44	41	67	73	89						379
2023	Work	99	95	109	103	140	122	122						790
		354	335	392	314	397	404	391						2,587

Note: Statistics only include one-way client trips. Guests and personal care attendants not included in monthly totals.

RFTA - Garfield County Traveler

Jurisdiction: Garfield County														
Year	Purpose	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	Cambro	28	28	36	32	36	32	36						228
2023	Errands	8	14	16	13	15	5	4						75
2023	Medical	24	27	23	21	29	23	14						161
2023	Wellness	10	6	11	25	24	8	14						98
2023	Work	73	71	60	40	46	41	42						373
		143	146	146	131	150	109	110						935

Jurisdiction: Silt														
Year	Purpose	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	Errands					4								4
2023	Medical	2			4									6
2023	Wellness			2										2
2023	Work	3	4	2	6									15
		5	4	4	10	4								27

Note: Statistics only include one-way client trips. Guests and personal care attendants not included in monthly totals.

Year	Jurisdiction	No Show Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023	Carbondale	Cancel at Door				1									1
	Carbondale	Late Cancel		1	3	2		3							9
	Carbondale	No Show			1			2							3
	Carbondale			1	4	3		5							13
	Glenwood Springs	Cancel at Door	4	4	4	1			1						14
	Glenwood Springs	Late Cancel	25	20	15	8	8	11	9						96
	Glenwood Springs	No Show	4	2	8	10	9	11	6						50
	Glenwood Springs		33	26	27	19	17	22	16						160
	New Castle	Late Cancel	5	4	3	2	9	3	5						31
	New Castle	No Show				1	3		1						5
	New Castle		5	4	3	3	12	3	6						36
	Silt	Late Cancel	2	1			1								4
	Silt		2	1			1								4
	Rifle	Cancel at Door	2	1	1	1									5
	Rifle	Late Cancel	8	5	14	10	8	6	4						55
	Rifle	No Show				2	2	2	5						11
	Rifle		10	6	15	13	10	8	9						71
	Garfield County	Cancel at Door			2	2			3						7
	Garfield County	Late Cancel	10	4	8	8	3	2	10						45
	Garfield County	Medical Delay			1										1
	Garfield County	No Show		1	1	2		5	2						11
	Garfield County		10	5	12	12	3	7	15						64
			60	43	61	50	43	45	46						348

RFTA - Garfield County Traveler

Year	Jurisdiction	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2023 - Denials	Carbondale	0	0	0	0	0	0	0						0
	Glenwood Springs	0	0	0	0	0	0	0						0
	New Castle	0	0	0	0	0	0	0						0
	Silt	0	0	0	0	0								0
	Rifle	0	0	0	0	0	0	0						0
	Garfield County	0	0	0	0	0	0	0						0
		0	0	0	0	0	0	0						0



Agenda Item #9.b.

Agenda Item Name:

Report to City Manager

Presenter:

Tommy Klein, City Manager

Item Description:

Staff report on notable tasks completed within the individual departments.

Recommended Action:

No action necessary

Fiscal Impact:

None

Operational Impact:

None

Prior Board Motions:

None

Background Information:

None

Executive Summary:

Work Report to City Manager
09/01/2023

Notification Requirements:

None

Prepared By:

Alexis Ramirez, Deputy City Clerk

Attachments:

1. Report to City Manager 09.01.2023

WORK REPORT TO CITY MANAGER

09.01.2023

PIO

- Continuing updates on website and social media on local issues and citizen concerns.
- Press releases on Citizen Academy, Business Community Conversation Meeting and holiday closures.
- Attended Garfield County PIO Group meeting. We had a presentation from Reachwell, an outreach platform that will be used in Garfield County. In addition to emergency alerts, Reachwell has a “community voice” element which can feature things like local news, calendars, surveys and forms. This may be another tool for us as far as community outreach goes.

COURT

- Handled 82 adult cases and 01 juvenile case on August 23 court day.
- Held 06 telephone hearings with inmates in custody.
- Attended two day conference put on by the Colorado Association for Municipal Court Administrators in Aurora. Some good information on recent legal changes and procedures to handle them.
- We received a \$2000 supplemental DOLA grant to assist with paying for court appointed attorneys. This is definitely needed this year as the costs have been tremendous.

POLICE

- The Police Department will hold a promotional process for the rank of Corporal on September 15.

PARKS AND RECREATION/ GROUND AND FACILITIES

- We submitted a concept paper to GOCO for grant funding for the Birch Property build-out. We were not invited to continue in the process for this grant cycle. We are now working to apply for the LWCF grant.
- We are still working to plant 14 more trees this fall after we received a grant from the Xcel Foundation for \$6,000. We have now planted 7 of the 14 trees.
- We are now waiting for the insurance company and the forensic electrical engineer to review the claim and start the claim coverage review. We had a pool company onsite on 8/2 to determine the damaged equipment and the replacement cost. Currently, we are looking at an estimated repair cost of \$250,000 to \$300,000, which includes about 150 labor hours for the pool company and 60 labor hours for the electrical company.

- R&R Aquatics was on site on 8/31 to review all equipment before submitting their quote for replacement.
- Grounds and Facilities staff have been working closely with contractors on the Phase 3 project for City Hall.
- Staff has worked a combination of 265 hours in cleaning and repairing Centennial Park. Work will continue over the next 2-3 weeks.
- Grounds and Facilities staff is working with a restoration company related to the flooding at City Hall. All remediation is complete, and staff could move back into offices on 8/31. The restoration company will be back onsite next week to replace the rubber baseboard and touch up any paint damaged in removing the old rubber baseboard.

ENGINEERING

Project Status Summary

Project	Status Update	Scope	Bid	Construction Time	Cost Estimate
River bridge Overlay	Recommendation for design award going to Sept. 20 th council	Bridge Joints and Overlay	TBD	Fall '24	TBD
Airport Water Tank	Coating will be completed next week and the tank is expected to be operating in October	New .5MG Water Tank and Rehabilitation of Existing Water Tank	Closed	2023	\$3.8M
Gateway Intersection	Currently out to bid, there will be some underground work possible in 2023 but the project will take place primarily in spring 2024	Improve Traffic and Pedestrian Safety at the Intersection of Centennial and Whiteriver	June '23	Fall '23-Spring '24	\$3.5M
Park and Ride	FHWA agreement expected in September, then CDOT agreement and construction no earlier than mid 2024	New Park and Ride with extension of streets and utilities	Fall '23	Spring '24	\$4M
Tripp Drive	Survey and Geotechnical Complete	Rebuild Road and Stabilize Bank	Spring '26	2026	\$350k
Morrow Drive	Road sections are complete and design is progressing well	Rebuild Road and Stabilize Bank	Spring '25	2025	\$1M
Whiteriver Ave from 9th Street to 16th Street	Survey and Geotechnical Complete	Rebuild Road, Stabilize Bank, Replace Waterline	Spring '25	2025	\$1.1M
Ute Avenue and 5th Street	Design complete, sewer rehab will take place in 2024 and civil work in 2025	Replace and Rehabilitate Sewer line, New Waterline, Rebuild Streets and add Sidewalk	Spring '24	2024	\$1.2M
Paradise Island	Easement documents complete	TBD	TBD	TBD	TBD
Penwell Transmission Line	Design will take place in 2024	Water Transmission Line from plants to tanks	TBD	TBD	\$8M
River bridge Waterline	Blocks are poured and the project is currently waiting for delivery of the restraint cables	Repair Waterline and add Restraints	Closed	Summer '23	\$150k

Railroad Avenue 5th Street to 9th Street	Design complete, some ROW and easement lines being worked through	Rehab Sewer line, Replace Waterline, Rebuild Street and Sidewalk	Spring '24	Summer '24	\$3.1M
Railroad Avenue and 5th Street Intersection	Signals have been ordered but no delivery is known, expecting to begin soon	New Signal, Sidewalks and Landscaping	Closed	Aug-October	\$900k
2023 Street Improvements	Scheduled to be complete second week in September	Prefontaine, 16th St, 7th St, Wapiti and Airport Road	May -23	Summer '23	
2023 Crack Sealing	All parking lots complete	16th St, 7th St, Airport Road, and Parks Parking Lots	Awarded	June	\$75k
2023 HA5	Complete	Deerfield Subdivision and Highlands East	Closed	July	\$200k
Park Avenue Extension	Developer started design and is working on a proposal for a concept design for the bridge	Bridge and Connection to Centennial Parkways	TBD	TBD	\$2M
Intersection of Park Avenue and Third Street	Plan to incorporate into 2024 Street Repairs	Sidewalk, Waterline, Street Rebuild	TBD	TBD	\$750k
Stormwater SEP	Public notice complete, RFP posted	Study and Improvements of Stormwater	TBD	TBD	TBD
Alley Maintenance	Will be planned for fall	Grading and Mag Chloride	Spring '23	Summer '23	\$50k
Park Hill Retaining Wall	Awaiting delivery of blocks for wall	Retaining wall fixing ROW and private issue	May '23	Summer '23	\$250k

Financials

For the Street Improvement Fund:

- Professional Services for Stormwater compliance currently includes mapping software and consultation, inspection software and Public Works Manual Updates
 - This consists of an estimated \$36,650.00 which is \$33,350.00 under budget
- Minor Projects includes Crack Seal, HA5, Chip Seal, Alley Maintenance, and Street Repairs
 - Due to contractor availability, no chip seal bids were received so the minor projects line is in much better shape than projected for 2023 but the chip seal is recommended to go back out to bid for 2024
 - This places minor projects a projected \$165,000 over budget
- Traffic Signals includes replacement of the 5th Street Signal is over budget by approximately \$200k if the URA is used as a supplement
- Major Projects Include Designs of Streets
 - All of this work was awarded in 2022, contracts include construction management which will take place in later years so Major Projects are projected to be \$280,000 below budget
- Capital Projects are the Whiteriver and Centennial intersection and Park and Ride.
 - The Intersection is anticipated to be below the budgeted amount
 - The Park and Ride is likely not going to have an executed IGA between CDOT and the City soon enough to begin in 2023 meaning its costs will be incurred in 2024

Only because of projects rolling over into 2024 and later years, the Street Fund is anticipated to be under the budgeted amount pending the bid for the gateway intersection.

Administration

- **ROW permits and process**-The new software is complete and payment processing is being set up at which point the permitting software will be live
- **GIS** -Engineering can now survey points and is collecting data to be rolled out on the online map in the spring of 2024
- **PWM and Eng. Standards**-Changes to the Public Works Manual will likely be issued as an additional supplement to the document September 20th to incorporate some CDPHE changes in regards to services, and water/sewer crossings
- **2024 budget**-the budget is complete

ADMINISTRATION

- The solicitation for auditing serves was published on August 23. Council hires the accounting firm. More information to follow.
- A sanitation company has been selected. Jim Neu and his associates will negotiate the contract. We will keep you informed as the process moves forward
- The July Traveler report is attached to the Administrative Reports section for your review. As of July 2023, the report indicates we will see an increase in our share of costs by \$1,801. This amount is an estimate and is subject to change.
- I am very grateful to staff for their response to the weather event on August 24. Proactive measures were taken by O and M in the spring and up to the day before the storm that mitigated flooding and damage. Wastewater Staff overcame significant challenges at the plant and are working to bring operations back to normal. Parks and Recreation crews have made substantial progress repairing damage to Centennial Park and our trail system. Police officers and O and M staff worked to clear drains during the storm to minimize flooding. The Collections and Distribution team has been working to clear debris from sewer and storm water lines. This process will take weeks if not longer. Work remains, but City staff is making progress.
- Rifle staff responds and operates as a team. Cooperation is part of our culture and the storm response is an excellent example of how Rifle values teamwork. Council should be very proud and happy with the performance of the team. I know that I am.
- Coincidentally, we held our Employee Appreciation picnic on Wednesday the 30th at Rifle Metro Park.
- Engineering has created a plan to address storm and sewer line remediation and is working with a contractor to repair E. 16th Street quickly.