

RIFLE CITY COUNCIL MEETING

Wednesday, November 2, 2011

REGULAR MEETING

7:00 p.m. * Council Chambers

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Pro Tem Alan Lambert.

PRESENT ON ROLL CALL: Councilors Rich Carter, Keith Lambert, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Pro Tem Alan Lambert.

Councilor K. Lambert moved to excuse Mayor Jay Miller from tonight's meeting; seconded by Councilor Rice.
Roll Call: Yes – Carter, K. Lambert, Rice, Sanborn, Winkler, A. Lambert

OTHERS PRESENT: John Hier, City Manager; Matt Sturgeon, Assistant City Manager / Director of Planning; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Channel 10 Manager; Dick Deussen, Utilities Director; Daryl Meisner, Police Chief; Charles Kelty, Finance Director; Mike Braaten, Government Affairs Coordinator; Peter Hayes, Building Inspector; Frank Shaw, Public Works Superintendent; Lance Mead, Operations and Maintenance Technicians Mike Altman, Roger Cooper, Patrick Gallacher, Roland Klocker, and Larry Matlock; and Kevin Whelan.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the October 19, 2011 Regular Meeting
- B. Liquor License Renewal: Creekbend Coffee Inc.
- C. Text Amendment 2011-4 and Map Amendment 2011-1 Downtown Zoning Code and Zoning Map Revisions – Ordinance No. 11, Series of 2011 - second reading
- D. Amend Refuse Hauling Code – Ordinance No. 13, Series of 2011 - second reading
- E. Revise liquor application fees – Ordinance No. 14, Series of 2011 - second reading
- F. Amend board appointment regulations – Ordinance No. 15, Series of 2011 - second reading
- G. Record Notice and Affidavit of Default Regarding Rifle Heights Subdivision
- H. Accounts Payable

Councilor Sanborn moved to approve Consent Agenda Items A, B, C, D, E, F, G, and H; seconded by Councilor Winkler.

Roll Call: Yes – Carter, K. Lambert (abstaining as to Item A), Rice (abstaining as to Item A), Sanborn, Winkler, A. Lambert

CITIZEN COMMENTS AND LIVE CALL-IN

Sheryl Hutter expressed concern about the City's code enforcement procedures.

John Scalzo announced that the American Legion - Kelly Hansen Post #78 would conduct a flag disposal ceremony at the Veterans Memorial at the entrance to Deerfield Park on November 13 at 2:00 p.m. Those persons wishing to dispose of flags who cannot attend the ceremony can drop off flags at the Rifle Fire Protection District.

There were no other citizen comments or live call-ins.

PRESENTATION TO LANCE MEAD

Lance Mead, the City's Sanitation Driver, has become an employee of Mountain Roll-Offs Inc. ("MRI") as a result of the recent agreement with MRI to provide curbside recycling and waste removal services within the City as a contractor of the City. Council presented a plaque to Mr. Mead and expressed its deep appreciation to him for his 31 years of service to the City.

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – BPOE LODGE RIFLE LODGE #2195/RIFLE FIRE PROTECTION DISTRICT'S HOLIDAY EVENT

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – BPOE LODGE RIFLE LODGE #2195/CITY OF RIFLE'S HOLIDAY EVENT

Mayor Pro Tem Lambert opened these public hearings. No representative of BPOE Lodge Rifle Lodge #2195 was present.

Councilor Sanborn moved to continue the public hearings to November 16, 2011 at 7:00 p.m.; seconded by Councilor Rice. Roll Call: Yes – Carter, K. Lambert, Rice, Sanborn, Winkler, A. Lambert

PUBLIC HEARING - CONSIDER ADOPTING 2009 INTERNATIONAL BUILDING CODES – ORDINANCE NO. 12, SERIES OF 2011 - SECOND READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REPEALING ARTICLE VII OF CHAPTER 18 OF THE RIFLE MUNICIPAL CODE, AND REPEALING AND REENACTING ARTICLES II, III, IV, V, VI, VIII, X, AND XI OF CHAPTER 18 OF THE RIFLE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PERFORMANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONVERSATION CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE AND COMMENTARIES THERETO AND ADDING ENFORCEMENT PROVISIONS TO ARTICLE XII OF CHAPTER 18

Mayor Pro Tem Lambert opened a public hearing to consider adopting the 2009 International Building Codes. City Attorney Jim Neu, Assistant City Manager / Director of Planning Matt Sturgeon, Building Inspector Peter Hayes, and Rifle Fire Protection District's Fire Prevention Chief Kevin Whelan explained that in 2004 and 2006, the City adopted by reference, and with amendments, various building codes comprising the International Building Codes family, 2003 Edition. The International Building Codes provide a comprehensive framework for regulation of new and existing structures in the City. In 2009, the International Code Council released a new set of documents which update and revise the 2003 Edition codes. City staff has reviewed the 2009 Edition codes extensively and recommends adopting the updated codes with official commentaries and amendments. Proposed Ordinance No. 12, Series of 2011, would accomplish this.

One exception is the International Fire Code, 2009 Edition, which contains much more stringent sprinkling requirements for commercial structures than the 2003 Edition. For the time being, the City will continue operating under the 2003 Edition of the International Fire Code.

Along the same lines, staff proposed that automatic residential fire sprinkler systems not be required at this time for one- and two-family dwellings under the International Residential Code with the caveat that if an automatic fire sprinkler system is not installed in a two-family dwelling, a two-hour separation between units is required. Sprinkling is required for structures with three or more dwelling units. Ordinance No. 12 contains this amendment

made since first reading on page 6 in Rifle Municipal Code (“RMC”) Section 18-3-30(4). After discussion, Council’s consensus was to delete this amendment, with the result that fire sprinkler systems would be required for all new residential structures effective January 1, 2013.

Ordinance No. 12 also eliminates the Uniform Code for Abatement of Dangerous Buildings at Article VII of Chapter 18. Regulation of dangerous buildings is now covered by the International Property Maintenance Code at Article XI.

Councilor K. Lambert moved to approve Ordinance No. 12, Series of 2011, on second reading as amended and to order it to be published in full as required by Charter; seconded by Councilor Winkler. Roll Call: Yes – Carter, K. Lambert, Rice, Sanborn, Winkler, A. Lambert

PUBLIC HEARING - 2012 PROPOSED BUDGET

Mayor Pro Tem Lambert opened the public hearing. City Manager John Hier provided an overview of the proposed 2012 budget. The following funds were discussed: General Fund, Street Improvement Fund, Street Capital Fund, Conservation Trust Fund, Economic Development Fund, Visitor Improvement Fund, Downtown Development Authority Fund, Capital Fund, Rifle Information Center Fund, Urban Renewal Authority Fund, Energy Efficiency Fund, and Parks and Recreation Fund.

CONSIDER AMENDING LIQUOR CODE REGARDING SUSPENSION OF LIQUOR LICENSES – ORDINANCE NO. 16, SERIES OF 2011 – FIRST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 6-5-100 OF THE RIFLE MUNICIPAL CODE REGARDING ENFORCEMENT OPTIONS FOR VIOLATIONS OF LIQUOR LICENSES AND STATE AND LOCAL LIQUOR LAWS

Mr. Neu reminded Council that the State performed a liquor license compliance check last year that resulted in several violations. Since then, the Rifle Police Department followed up with its own compliance check that resulted in additional violations at the local level. Ms. Cain and Mr. Neu were working on enforcement actions under the City’s Liquor Code. Mr. Neu found a limitation in RMC Section 6-5-100 that authorizes only the suspension or revocation of licenses. Suspension and revocation may not always be appropriate when reviewing the severity of the violation. Police Chief Daryl Meisner does not know of any policy reason this limitation exists as it takes away some enforcement tools the City may want to utilize in specific situations. The State often enters into a stipulation with a license holder that requires the payment of a fine to stay a suspension. Staff believes that the City should have the same ability and state statute specifically authorizes fines if a local jurisdiction provides for them by ordinance. Therefore, staff recommends that the City Council amend Section 6-5-100 as proposed in Ordinance No. 16, Series of 2011.

Councilor Rice moved to approve Ordinance No. 16, Series of 2011, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor K. Lambert. Roll Call: Yes – Carter, K. Lambert, Rice, Sanborn, Winkler, A. Lambert

CONSIDER CONTRACT WITH BUREAU OF RECLAMATION FOR 200 ACRE FEET OF RUEDI RESERVOIR WATER

Mr. Neu explained that the City’s primary water intake is at the Colorado River Intake. Some of the water rights decreed to divert at this location are junior in nature (many water rights on the Colorado River date back to the 1800s). As such, at times the City’s water rights cannot divert in priority – particularly so during drought years. As a result, the City needs an “augmentation” supply that can be released into the Colorado River in the event of a “call” to make up for the City’s junior municipal uses. Ruedi Reservoir water provides this augmentation supply.

The City already has a contract with the Bureau of Reclamation for 350 acre-feet water in Ruedi Reservoir. Pursuant to an analysis by Resource Engineering the City's existing water rights and contract with the Bureau will provide a stable municipal water supply to serve up to 24,000 residents. Because the cost of acquiring water in Ruedi Reservoir increases with each passing year (accumulated interest is added to the capital cost reimbursement charge), in 2009 Council decided to acquire an additional 200 acre-feet contract. That contract is now ready for approval and execution by the City.

During the first 9 years of the 25-year contract, the City would pay capital cost reimbursement of \$32,410 per year. Once the capital cost is paid, the City would pay only annual operation and maintenance charges – which historically have been around \$1000 per year for 200 acre-feet. Further, the City has the right to renew the contract after the initial 25 year term (upon generally applicable terms imposed by the Bureau). However, once the capital cost reimbursement has been paid, capital costs will not be required under a renewal of the contract.

The capital cost reimbursement would be \$1,297 per acre-foot, about the same cost as adjudicated historic consumptive use credits is on the Colorado River. If the City were to construct its own water storage project, the costs could easily exceed \$2,000 per acre-foot.

Councilor Winkler moved to approve the contract with the Bureau of Reclamation for 200 acre-feet of Ruedi Reservoir water; seconded by Councilor Sanborn. Roll Call: Yes – Carter, K. Lambert, Rice, Sanborn, Winkler, A. Lambert

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: winterizing City facilities; street improvements; City Hall energy efficiency improvements; banner poles; New Ute Theatre engineering services Request for Proposals; and new water treatment plant.

Mr. Neu discussed the Rifle Heights Subdivision default.

Police Chief Daryl Meisner presented a quarterly report of Police Department activity.

COMMENTS FROM MAYOR AND COUNCIL

Councilor K. Lambert reminded citizens to turn clocks back one hour when Daylight Savings Time ends at 2 a.m. November 6. He also noted that the Federal Emergency Management Agency and the Federal Communications Commission would conduct the first national emergency alert system test on November 9 at noon.

Councilor Rice congratulated the 6 Rifle High School ("RHS") fall sports teams, of which 5 qualified for state tournaments. The RHS Drama Department will present "Robin Hood" next weekend. RHS is making progress toward full implementation of its International Baccalaureate Program.

Councilor Sanborn asked the community to remember Steve Chesley, who passed away suddenly October 21.

Mayor Pro Tem Lambert wished Mayor Miller a speedy recovery. He thanked Lance Mead for 31 years of service dedicated to Rifle citizens.

Meeting adjourned at 8:52 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor