

RIFLE CITY COUNCIL MEETING

Wednesday, October 19, 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 Jay Miller.

PRESENT ON ROLL CALL: Councilors Rich Carter, Alan Lambert, Jen Sanborn, Randy Winkler, and Mayor Jay Miller.

Councilor A. Lambert moved to excuse Councilors Keith Lambert and Jonathan Rice from tonight’s meeting; seconded by Councilor Sanborn. Roll Call: Yes – Carter, A. Lambert, Sanborn, Winkler, Miller

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; Aleks Briedis, Recreation Director; Daryl Meisner, Police Chief; Rick Barth, City Engineer; Nancy Bayne; Annick Pruett; Matt Robbins; and Lynne Miller.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the October 5, 2011 Regular Meeting
- B. Deed of Exclusive Access and Utility Easement with Richard W. Rhoades, Karen S. Rhoades, Gene J. Maes, and Brenda S. Maes
- C. Liquor License Renewal: Shanghai Garden
- D. August Financial Statements
- E. Accounts Payable

Councilor A. Lambert moved to approve Consent Agenda Items A, B, C, D, and E; seconded by Councilor Sanborn.

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

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – BPOE LODGE RIFLE LODGE #2195/GRAND RIVER HOSPITAL DISTRICT’S HOLIDAY EVENT

Mayor Miller opened the public hearing and swore in Nancy Bayne and Annick Pruett, representing BPOE Lodge Rifle Lodge #2195 and Grand River Hospital District, respectively. Ms. Bayne and Ms. Pruett presented the Lodge’s application for a special event permit to provide liquor service at the District’s Holiday Event on December 3, 2011, at the Hospital’s premises. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor Winkler moved to approve the Special Event Liquor Permit for BPOE Lodge Rifle Lodge #2195 on December 3, 2011, at Grand River Hospital District; seconded by Councilor Carter.

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

RECEIVE PRESENTATION OF COLORADO LOTTERY STARBURST AWARD

Matt Robbins, Community Relations Specialist with the Colorado Lottery, presented to Mayor Miller and Recreation Director Aleks Briedis the Colorado Lottery Starburst Award recognizing excellence in use of lottery funds in the construction of Centennial Park.

CONSIDER ADOPTING TEXT AMENDMENT 2011-4 AND MAP AMENDMENT 2011-1 DOWNTOWN ZONING CODE AND ZONING MAP REVISIONS - ORDINANCE NO. 11, SERIES OF 2011 – SECOND READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ADOPTING A NEW ARTICLE XVIII OF THE RIFLE MUNICIPAL CODE GOVERNING THE CENTRAL BUSINESS ZONE DISTRICT AND AMENDING VARIOUS SECTIONS OF CHAPTER 16 OF THE RIFLE MUNICIPAL CODE TO COINCIDE WITH THE NEW ARTICLE XVIII

Assistant City Manager / Director of Planning Matt Sturgeon reminded Council that in 2008 the City adopted the Downtown Master Plan as the official plan for the Downtown Planning Area of Rifle. The Downtown Master Plan recognized that the Downtown should be a commercial, residential, entertainment and cultural focal point of the community and should represent the best that Rifle has to offer in terms of housing, shopping, entertainment, services, recreation, and civic amenities, all in a vibrant, cohesive environment. To implement the goals of the Downtown Master Plan, staff has worked with consultants and solicited the opinion of business owners and members of the community to adopt a new Article XVIII of Chapter 16 to the Rifle Municipal Code, which Article establishes a comprehensive zoning regime for a re-envisioned Central Business District (“CBD”) in the City. The new Article XVIII that would be enacted by proposed Ordinance No. 11, Series of 2011, establishes several sub-districts within the CBD but uses unifying elements such as streetscaping, landscaping, and signage throughout the CBD with well thought-out building scale, intensity, design, and exterior materials used to help provide smooth and appropriate transitions between projects and sub-districts. The Rifle Planning Commission unanimously recommended the adoption of the new Article XVIII. Ordinance No. 11 would also amend numerous sections of Chapter 16 of the Rifle Municipal Code to reflect the new stand-alone Article related to the CBD. Council held the required public hearing at its last meeting on first reading.

Following first reading, a citizen observed that the ordinance encourages on-site water collection for irrigation (e.g., rain barrels). This practice is currently prohibited by state regulations because of its interference with water rights. Mr. Neu recommended that Council approve the ordinance with these references to on-site water collection removed.

Councilor Winkler moved to approve Ordinance No. 11, Series of 2011, on second reading as amended and to order it to be published in full as required by Charter; seconded by Councilor Sanborn.

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

CONSIDER APPOINTING A MEMBER TO PLANNING AND ZONING COMMISSION

Mr. Sturgeon reported that staff received applications for an alternate seat on the Planning and Zoning Commission seat from Marc Caldwell and Barbara Clifton. Council interviewed Mr. Caldwell and Ms. Clifton in a workshop session on October 11.

Councilors cast ballots, which Ms. Cain tallied. Ms. Clifton received a majority of the votes.

Councilor A. Lambert moved to appoint Barbara Clifton to serve on the Planning and Zoning Commission as an alternate member; seconded by Councilor Sanborn. Roll Call: Yes – Carter, A. Lambert, Sanborn, Winkler, Miller

CONSIDER AMENDING REFUSE HAULING CODE - ORDINANCE NO. 13, SERIES OF 2011 – SECOND READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING CHAPTER 6, ARTICLE VII OF THE RIFLE MUNICIPAL CODE AND APPENDIX A TO IMPLEMENT THE CITY’S CONTRACTED SOLID WASTE REMOVAL AND RECYCLABLES COLLECTION PROCEDURES

Mr. Neu and Mr. Hier said the City recently entered into a Solid Waste Removal and Recyclables Collection Agreement with Mountain Roll-Offs Inc. (“MRI”) whereby MRI agreed to provide curbside recycling and waste removal services within the City as a contractor of the City. As provided by statute, multi-family residences of eight or more units and industrial or commercial uses retain the option of contracting with a licensed refuse hauler to provide private waste removal services. The City will continue to bill its customers, but MRI will provide pick-up and disposal services under the Agreement with the City. As part of the Agreement, MRI will also collect recyclables, the cost of which service will be included in each customer’s waste removal bill. The new rates, which have decreased, can be seen in Section 11 of proposed Ordinance No. 13, Series of 2011. Contracting the City’s refuse hauling services and the inclusion of recycling services require some additional revisions to Chapter 6, Article VII of the Rifle Municipal Code, which regulates refuse hauling in the City, as shown in the Ordinance.

Councilor A. Lambert moved to approve Ordinance No. 13, Series of 2011, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Sanborn.

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

CONSIDER REVISING LIQUOR APPLICATION FEES - ORDINANCE NO. 14, SERIES OF 2011 – SECOND READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING THE LIQUOR LICENSE FEES AT APPENDIX A TO THE RIFLE MUNICIPAL CODE TO INCLUDE A FEE FOR SPECIAL EVENT PERMITS, ELIMINATE OUTDATED FEES, AND INCLUDE CERTAIN APPLICATION FEES

Mr. Neu reported that by passage of Senate Bill 11-1066, the Colorado state legislature signed into law amendments to C.R.S. §12-48-103, *et seq.* which allow local licensing authorities to approve or deny applications for special events permits involving the sale, by the drink only, of alcoholic beverages without the state signing off on the activity concurrently. As of August 10th, the City as local licensing authority is the sole entity to review and approve applications for these events. The new statutory provision allows a fee of \$100.00 that the local licensing authority may charge for a special events permit to cover the costs of processing the application. Ordinance No. 14, Series of 2011 before the Council on second reading would amend Appendix A of the Rifle Municipal Code (“RMC”) to provide for this application fee under the liquor license application fees authorized by Section 6-5-150 of the RMC. Ms. Cain has reviewed the statutory application fees for other types of permits and proposes a few other minor amendments to the liquor license fee schedule accordingly.

Councilor Sanborn moved to approve Ordinance No. 14, Series of 2011, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor A. Lambert. Roll Call: Yes – Carter, A. Lambert, Sanborn, Winkler, Miller

CONSIDER AMENDING BOARD APPOINTMENT REGULATIONS - ORDINANCE NO. 15, SERIES OF 2011 – SECOND READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTIONS 2-9-50 AND 2-12-50 OF THE RIFLE MUNICIPAL CODE REGARDING ELECTION OF OFFICERS TO ADVISORY BOARDS

Mr. Neu explained that by Ordinance No. 20, Series of 2008, the Council amended certain sections of RMC Chapter 2 to stagger the appointment dates for various City boards and commissions. Previously many of the terms started on January 1st of each year. The goal was to spread out the appointments over the course of the year for ease of administration. Visitor Improvement Fund Advisory Board appointments were moved to June of each year and Parks and Recreation Advisory Board appointments to February. However, Chapter 2 describes the election of officers for the boards occurring in January and November, respectively. Staff recommends moving the officer election dates to coincide with the appointment of new members. Proposed Ordinance No. 15, Series of 2011 would amend Sections 2-9-50 and 2-12-50 of the RMC accordingly.

Councilor Carter moved to approve Ordinance No. 15, Series of 2011, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor A. Lambert.

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

CONSIDER AWARDING CONTRACT FOR PUMP INSTALLATION AT NORTHEAST BOOSTER STATION

Utilities Director Dick Deussen requested that Council award a contract for installation of a water pump at the Northeast Booster Station to Rocky Mountain Electric Motors in an amount not to exceed \$26,000. The City needs this additional pump to meet summer demands in the Northeast Zone and to serve as a standby unit when the other two pumps are in operation.

Councilor Winkler moved to award a contract for installation of a water pump at the Northeast Booster Station to Rocky Mountain Electric Motors in an amount not to exceed \$26,000; seconded by Councilor Sanborn.

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

DISCUSS WOOD STOVE EXCHANGE PROGRAM

Mr. Sturgeon informed Council that Garfield County is starting a Pilot Woodstove Exchange Program in connection with the settlement of an enforcement action taken by the Colorado Department of Public Health and Environment for violations of environmental laws and regulations.

This program will help to start reducing fine particle pollution and promote energy efficiency in Garfield County by assisting low income homeowners with funds to remove outdated, high emitting woodstoves and fireplaces. Garfield County requests that local City Building Officials inspect the new installations and issue permits at no charge. The City of Rifle's typical fee for such a permit and inspection is \$50.

Councilor Sanborn moved to waive City building permit and inspection fees to exchange woodstoves pursuant to the Garfield County Pilot Woodstove Exchange Program; seconded by Councilor A. Lambert.

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

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: 2012 budget preparation; street construction; transition to solid waste collection by MRI; phase-out of recycling center; and Fall Festival.

Ms. Cain noted that the Brenden Theatre 7 ribbon-cutting was planned for December 15, and the City holiday party for December 16.

Mr. Sturgeon updated Council on Rifle Creek Plaza construction.

Mr. Neu attended the Colorado Municipal League's attorneys conference and was proud to report to other attendees about the good things happening in Rifle.

Mr. Deussen said that 8th Street paving would occur next week.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Sanborn reminded citizens to watch for new yellow and blue recycling bins to be delivered to them with an instruction packet from MRI. She thanked staff and Council for their hard work during budget season.

Councilor A. Lambert noted that the road work at 26th Street and Railroad Avenue is being done by the Colorado Department of Transportation and is related to the reconstruction of the Kum & Go store at that intersection. He thanked Mayor Miller for his perseverance in presiding at meetings following surgery.

Councilor Carter is the head coach for Rifle High School boys soccer, and he encouraged the community to come to tomorrow night's game at the high school. A win would mean a playoff berth.

Mayor Miller attended the 1st Annual Fall Festival and had a wonderful time.

EXECUTIVE SESSION

EXECUTIVE SESSION FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS 24-6-402(4)(B)

Councilor Sanborn moved to adjourn to executive session to receive legal advice; seconded by Councilor A.Lambert (7:55 p.m.).

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

Meeting adjourned at 8:22 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor