

RIFLE CITY COUNCIL MEETING

Wednesday, April 7, 2010

REGULAR MEETING

7:00 p.m. * Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Keith Lambert.

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

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

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

OTHERS PRESENT: John Hier, City Manager; Matt Sturgeon, Assistant City Manager; Wanda Nelson, City Clerk; Jim Neu, City Attorney; Jim Bell, Cable 10; Michael Churchill, Cable 10; Tom Whitmore, Parks Director; Daryl Meisner, Chief of Police; Aleks Briedis, Recreation Director; Charlie Stevens, Utility Director; Brian Diaz, 911 Dispatch Center; Cody Gremal; Kevin Kelley, Construction Inspector; Jake Logue, Fiore & Sons.

CONSENT AGENDA

MINUTES FROM THE MARCH 17, 2010 COUNCIL MEETING; MINUTES FROM THE MARCH 12, 2010 SPECIAL MEETING; RIFLE HOUSING AUTHORITY BOARD APPOINTMENT; RIFLE SENIOR CENTER ADVISORY BOARD APPOINTMENT; LIQUOR LICENSE RENEWALS: CHEERMEISTER, CHOICE LIQUORS; TRANSFER OF LIQUOR LICENSES: KUM & GO #'S 4923 & 4924; CEMETERY DEED OF CONVEYANCE; JANUARY FINANCIAL REPORTS; ACCOUNTS PAYABLE; FRISBEE GOLF COURSE LEASE WITH BLM

Ms. Nelson stated that the March 17 minutes need to be amended to finish the discussion on the Westfest Celebration. Mr. Hier noted the Deed of Conveyance needs to be amended to state that the City will be purchasing the plots. Councilor Sanborn excused herself from voting on the Special Minutes. Councilor Lambert moved to approve the Consent Agenda; seconded by Councilor Thompson.

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

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

PROCLAMATION: TELECOMMUNICATOR'S WEEK

Mayor Lambert read the Proclamation aloud. This Proclamation honors emergency dispatchers. Councilor Miller moved to approve the Proclamation; seconded by Councilor Lambert.

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

Mayor Lambert presented the Proclamation to Brian Diaz, 911 Dispatch, and thanked him and his team for their service to the community.

CREEKSIDE TOWNHOMES SIA

The applicant Cody Gremal was present for this discussion. Mr. Sturgeon explained that in 2007, the City approved the Final Plat for Creekside Townhomes which consists of 19 units along 11th block of Whiteriver Avenue and adjacent to Rifle Creek. The Developer has constructed the first six units in one building and wants to obtain a certificate of occupancy and record the Townhome Plat to convey units. The approved SIA has not been recorded and must be as a condition of CO and recording the Final Plat (which generally shows the footprints of the approved buildings and must be recorded before a Townhome Map can be recorded). With the current economic downturn and shortage of financing, the Developer is asking for some changes to the SIA to spread out or defer the fees due at Final Plat. If Council approves the Amended SIA, water rights dedication fees may be paid at building permit for each unit rather than up front for all approved units, and the 2/3 payment of offsite street impact fees will due on per Townhome Plat basis rather than all 19 units approved by the Final Plat. The Developer had agreed to contribute to the extension of the Rifle Creek Trail in lieu of constructing a sidewalk along Whiteriver Avenue because there is no room for a sidewalk on the west side of Whiteriver. That amount was due at Final Plat and the amended SIA allows payment on a pro rata basis for each unit at building

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permit, which amount will now escalate at 4% each year. Another amendment relates to the Whiteriver Avenue Fee Developer was required to pay the City at Final Plat for its contribution to the future reconstruction of Whiteriver Avenue. This amount may now be paid at building permit and it will escalate 4% each year, as well. Developer has asked for relief for the six units already constructed and the Amended SIA allows for four quarterly payments for the Whiteriver Avenue Fee related to those units. To secure payment to the City, any amount not paid by the date due will become a lien on the Property which can be collected as taxes. In addition, Developer must deposit \$2,500 with the City to pay reimbursable costs due to the City and to cover the costs associated with finalizing the Project. Councilor Miller moved to approve the SIA as amended; seconded by Councilor Thompson.

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

FIORE AND SONS INC. REQUEST TO PURCHASE BULK WATER FOR AIRPORT EXTENSION

Project Manager Jake Logue presented their request to purchase bulk water for their project at the Airport. They have had to build a pond to draw water for their project, so their request to purchase water for \$8/per M gallon will now be reduced, but a specific number was not offered. Council stated that staff can work with the applicant if there is water being flushed from the system but was not in favor of allowing a rate reduction.

SECOND READING OF ORDINANCE 5-10: TRAIL CONSTRUCTION EASEMENT

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING THE VACATION OF THE ALLEY BETWEEN LOT 7 AND LOT 8, BLOCK B, NORTH RIFLE ADDITION WITHIN THE CITY.

Mr. Briedis explained that the City is commencing construction of a portion of the Rifle Creek Trail between 16th Street to the City Market parking lot. As the construction plans were finalized it became obvious the City could use additional land outside of the Shoup Avenue right-of-way for the trail. The needed easement would encumber Lot 8, Block B, North Rifle Addition owned by Clyde Christianson who also owns several adjacent lots. In negotiations with Mr. Christianson, he indicated that there is a platted alley between two of his lots that has not been developed and never will be because it runs into Rifle Creek. The lots, streets and alleys in the North Rifle Addition were platted without reference to Rifle Creek and the City has vacated various portions of the right-of-ways in this area. The alley Mr. Christianson requested that the City vacate is between Lots 7 and 8, Block B, North Rifle Addition on the opposite side of Rifle Creek from where the easement will be conveyed and Ordinance No. 5, Series of 2010 makes the required findings to vacate the alley. As a condition of the vacation, Mr. Christianson will grant the easement needed for the Rifle Creek Trail, which is attached to the Ordinance. Councilor Winkler moved to approve Ordinance 5-10 on second reading as presented and ordered it to be published in full as required by Charter; seconded by Councilor Lambert.

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

CHANGE ORDER FOR CENTENNIAL PARK

Mr. Briedis stated that Council approved furnishings for Centennial Park at the previous Council meeting. These furnishings were included in the original contract; therefore, the amount of \$44,531.94 needs to be deducted from the contract. Councilor Miller moved to approve the Change Order for Centennial Park in an amount of \$44,531.94; seconded by Councilor Sanborn.

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

PUBLIC HEARING: FIRST READING OF ORDINANCE 6-10: AMENDMENT TO TITLE 16 REGARDING LAND USE FEES

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 16-1-60 OF THE RIFLE MUNICIPAL CODE REGARDING LAND USE APPLICATION FEES

Mayor Lambert opened the public hearing. Mr. Neu explained that this proposed ordinance amends Section 16-1-60 of the Rifle Municipal Code that addresses land use application fees. One of the effects of the nationwide recession has been the proliferation of outstanding fees owed to the City for land use applications. Under the current Section 16-1-60, the City's only remedy is to pursue collection in court, often a time-intensive, costly process. The proposed amendment to Section 16-1-60 adds a lien option for land use application fees. If adopted, staff will need to work closely with land use applicants and property owners, to the extent they are represented by a third party in the land use approval process, to ensure all parties are well-informed of the provision. The proposed ordinance also includes two other revisions to Section 16-1-60. The first is to revise the land use deposit requirement to an amount to be determined by the Planning Director. The amended language will give the Planning Director discretion to set the deposit amount but has no impact on the actual fees assessed. Any excess funds deposited with

the City will still be returned to the applicant. Second, the Ordinance would remove the Chapter 16-1-60 fee chart from the Code Appendix and allow the fees to be established by resolution of the City Council, as may be amended from time to time. The land use application fee schedule will be posted at City Hall in the Planning Department and on the City's website. The Planning Department is still working on a few minor amendments to the Fee Schedule, and that will be brought before Council on second reading of the Ordinance attached as Exhibit A. The City of Rifle Planning Commission considered this item at a public hearing held on March 30, 2010 and recommended approval of Ordinance No. 6, Series 2010. Councilor Lambert moved to approve Ordinance 6-10 as presented and ordered it to be published by title as required by Charter; seconded by Councilor Sanborn.

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

LIVE TELEVISION FEED FROM NEW LIBRARY BUILDING

Mr. Bell stated this request is for the purchase and installation of conduit so that a meeting room in the new Library can have a live feed for meetings and events. The Library will contribute \$1,500 towards the cost for this conduit. Councilor Lambert moved to approve the expenditure of \$2,700 for the conduit; seconded by Councilor Thompson.

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

FIRST READING OF ORDINANCE 7-10: AMENDING CODE SECTIONS ALTERED OR OMITTED IN 2004 RE-CODIFICATION

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTIONS OF THE RIFLE MUNICIPAL CODE ALTERED OR OMITTED THROUGH RECODIFICATION IN 2004.

Mr. Neu stated that, in 2004, the City recodified the Rifle Municipal Code and adopted the recodified Code in its entirety by Ordinance No. 4, Series of 2005. For the most part, the recodification accomplished the City's goals of making the Code more consistent and concise and also deleted unnecessary provisions. However, some sections were unintentionally altered or omitted in the process. The purpose of Ordinance No. 7, Series of 2010 on first reading is to adopt the appropriate corrections as a clean-up measure. The corrections will have minimal effect on City operations but will make the Code more consistent with state statute. Since most of the provisions deal with criminal offenses and municipal court, Police Chief Daryl Meisner consulted on the proposed fixes and approved the inclusions as presented to Council. Councilor Miller moved to approve Ordinance 7-10 as presented and ordered it to be published by title as required by Charter; seconded by Councilor Lambert.

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

FIRST READING OF ORDINANCE 8-10: AMENDING CODE SECTIONS 8-2-50 AND 8-2-100 REGARDING ABANDONED VEHICLES

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTIONS 8-2-50 AND 8-2-100 OF THE RIFLE MUNICIPAL CODE REGARDING ABANDONED VEHICLES.

Mr. Neu noted that Section 8-2-50 of the Rifle Municipal Code establishes the Rifle Police Department procedure for removal of abandoned and inoperable vehicles in the City, while RMC Section 8-2-100 addresses disposition of such vehicles. City staff has identified certain provisions in RMC Section 8-2-50 that do not coincide with Colorado statutes. In the interest of efficient administration and communication between the Police Department and Colorado Department of Motor Vehicles, staff recommends amending the Code provisions to match statute. Additionally, the Police Department recommends raising the minimum value for an abandoned vehicle that will be sold for the purpose of junking, scrapping, or dismantling set forth at RMC Section 8-2-100 from \$200.00 to \$500.00, a figure that is closer to the statutory amount and more reflective of today's values. Ordinance No. 8, Series of 2010 includes both these amendments to the Code. The Ordinance addresses the procedure for towing and disposing of abandoned vehicles but makes no substantive changes to the City's authority. The proposed amendments are administrative in nature and designed to improve the efficiency of Police Department operations. Police Chief Daryl Meisner has reviewed the Ordinance and approved the updated abandoned vehicle procedure. Councilor Lambert moved to approve Ordinance 8-10 as presented and ordered it to be published by title as required by Charter; seconded by Councilor Sanborn.

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

**WESTERN COLORADO CARBON NEUTRAL BIOMASS CONSORTIUM'S (WCCNBC)
RESEARCH PLOT OF RRWWRF SITE**

Mr. Stevens reported that staff members have been working with Garfield County, Colorado Mountain College, Colorado State University, and Flux Farms to explore the feasibility of producing ethanol and butanol from locally-grown biomass sources such as switchgrass and other native grasses. The Colorado Department of Public Health and Environment has approved the consortium's request to place a plot on the site of the new RRWWRF.

CHANGE ORDER #14 FOR RRWWRF

Mr. Stevens presented Change Order #14 to Council for the RRWWRF for the amount of \$21,272.75. Items included in this Change Order include a veneer to metal stud walls, wainscoting, and cyclone pump discharge. Councilor Miller moved to approve Change Order #14 in an amount of \$21,272.75; seconded by Councilor Thompson.

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

ADMINISTRATIVE REPORTS

Mr. Hier reported on: work session on April 14th with Council to discuss the budget; upcoming Spring Clean-Up; personnel changes; good wishes to Roland Klocker's recovery; PAC system; Strategic Planning session; Public Works projects; new trail near City Market; Centennial Park. Ms. Nelson stated that the workshop next week will start at 6:00 p.m. Mr. Sturgeon has been involved in various meetings and committees recently regarding Garfield County's Five-Year Capital Plan, the Gateway Project, and collective efforts to discuss regional open space and comp plans. Mr. Stevens discussed the PAC system, and stated there are two new members of the Utility staff. Mr. Neu is waiting for DOE approval for the lease with Caca Loco.

COMMENTS FROM MAYOR AND COUNCIL

UTE THEATRE

Councilor Winkler stated that the grant for the Ute Theatre has been submitted, and plans for the renovation are moving forward.

RIFLE RENDEZVOUS

Councilor Winkler noted that the Rifle Rendezvous will be happening in May, and encouraged everyone to participate.

KUDOS

Councilors Sanborn and Miller thanked the volunteers who signed up to serve on the Housing Authority and Senior Center boards.

GRHD GALLOP

Councilor Lambert invited folks to participate in the GRHD Gallop on Saturday.

LUNCH WITH MAYOR HICKENLOOPER

Mayor Lambert had lunch with Denver Mayor John Hickenlooper on April 3rd, where energy and the Roan Plateau were just two topics of discussion.

EXECUTIVE SESSION: TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER CRS SECTION 24-6-402(4)(a)

Councilor Winkler moved to adjourn to Executive Session; seconded by Councilor Lambert (8:50 p.m.).

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

Councilor Miller moved to adjourn from Executive Session; seconded by Councilor Lambert (9:12 p.m.).

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

Meeting adjourned at 9:12 p.m.

Wanda Nelson
City Clerk

Keith Lambert
Mayor