

RIFLE CITY COUNCIL MEETING

Wednesday, October 5, 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, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Jay Miller.

Councilor Alan Lambert moved to excuse Councilor Keith Lambert from tonight's meeting; seconded by Councilor Rice.

Roll Call: Yes – Carter, A. Lambert, Rice, 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; Michael Churchill, Channel 10 Assistant Manager; Daryl Meisner, Police Chief; Tom Whitmore, Parks Director; Blair Bracken, Recreation Coordinator – Special Events; Charles Kelty, Finance Director; Mike Braaten, Government Affairs Coordinator; Rick Barth, City Engineer; Nathan Lindquist, City Planner; Helen Rogers; Gina Reece-Long; Tom Boas; Shelley Aibner; Phil Birchfield; John Stewart; Christy Hamrick; Aron Diaz; Stanley Wailes; Shaun Brainard; and Sara Harter.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the September 19, 2011 Organizational Meeting
- B. Minutes from the September 21, 2011 Regular Meeting
- C. August Sales Tax Report
- D. Accounts Payable
- E. Intergovernmental Agreement for Sales Tax Refund – General Fund Distribution

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

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

CITIZEN COMMENTS AND LIVE CALL-IN

Helen Rogers and Parks Director Tom Whitmore encouraged the community to participate in Roaring Fork Outdoors Volunteers' project on October 15 to remove tamarisk and Russian olive trees in the vicinity of the Rifle Rest Area.

Shelley Aibner asked about her request that Council consider improving sidewalk connections from the west side of Rifle to the downtown area.

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

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – RIFLE AREA CHAMBER OF COMMERCE/CHILI COOK-OFF

Mayor Miller opened the public hearing and swore in Gina Reece-Long and Tom Boas, representing the Rifle Area Chamber of Commerce. Ms. Reece-Long and Mr. Boas presented the Chamber's application for a special event permit to provide liquor service at the 32nd Annual Chili Cook-Off on October 13, 2011, at the Garfield County Fairgrounds. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor A. Lambert moved to approve the Special Event Liquor Permit for the Rifle Area Chamber of Commerce on October 13, 2011, at the Garfield County Fairgrounds; seconded by Councilor Sanborn.

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

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – NEW UTE THEATRE SOCIETY, INC./FALL FESTIVAL BEER GARDEN

Mayor Miller opened the public hearing and swore in Shelley Aibner and Helen Rogers, representing New Ute Theatre Society, Inc. (“NUTS”), and Blair Bracken, City of Rifle Recreation Coordinator – Special Events. Ms. Aibner, Ms. Rogers, and Ms. Bracken presented NUTS' application for a special event permit to provide 3.2% beer service at Centennial Park at 300 West 5th Street on October 15, 2011, at the Fall Festival. Ms. Cain stated that the hearing was properly noticed and the application is complete.

Councilor Rice moved to approve the Special Event Beer Permit for New Ute Theatre Society, Inc., on October 15, 2011, from 12:30 p.m. to 5:00 p.m. at Centennial Park at 300 West 5th Street, contingent upon payment of City fees for the permit application; seconded by Councilor Carter.

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

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – NEW UTE THEATRE SOCIETY, INC./FALL FESTIVAL STREET DANCE

Mayor Miller opened the public hearing and swore in Ms. Aibner, Ms. Rogers, and Ms. Bracken, who presented NUTS' application for a special event permit to provide 3.2% beer service at the Fall Festival Street Dance on East 4th Street on October 15, 2011. Ms. Cain stated that the hearing was properly noticed and the application is complete.

Councilor Winkler moved to approve the Special Event Beer Permit for New Ute Theatre Society, Inc., on October 15, 2011, from 6:30 p.m. to 9:30 p.m. at the Fall Festival Street Dance on East 4th Street, contingent upon payment of City fees for the permit application; seconded by Councilor A. Lambert.

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

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMITS – RIFLE LODGE #1345 LOYAL ORDER OF MOOSE/FAIRGROUNDS BULL RIDING EVENTS

Mayor Miller opened the public hearing and swore in Phil Birchfield and John Stewart, representing Rifle Lodge #1345 Loyal Order of Moose. Mr. Birchfield and Mr. Stewart presented the Lodge's application for special event permits to provide liquor service at bull riding events on November 26, 2011 and December 10, 2011, at the Garfield County Fairgrounds. Ms. Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor A. Lambert moved to approve Special Event Liquor Permits for Rifle Lodge #1345 Loyal Order of Moose on November 26, 2011 and December 10, 2011, from 6:30 p.m. to 9:00 p.m. at the Garfield County Fairgrounds; seconded by Councilor Sanborn.

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

CONSIDER SUPPORTING GARFIELD RE-2 SCHOOL DISTRICT BALLOT ISSUE

Christy Hamrick and Aron Diaz, representing Friends of Garfield Re-2, informed Council that the Re-2 School Board is asking the voters to pass a mill levy override to raise local property taxes to backfill a loss of \$2.9 million in state funds. The proposed mill levy override would cost residential taxpayers \$18 per year on \$100,000 of assessed valuation. Friends of Garfield Re-2 would like Council's support in passing the budget question on this November's ballot. Council declined to take a position on this issue, emphasizing that this does not reflect their opposition to the issue, but rather the desire of each Councilor to express their own opinions on the matter.

PUBLIC HEARING - TEXT AMENDMENT 2011-4 AND MAP AMENDMENT 2011-1 DOWNTOWN ZONING CODE AND ZONING MAP REVISIONS

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

Mayor Miller opened the public hearing. Assistant City Manager / Director of Planning Matt Sturgeon and City Planner Nathan Lindquist 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.

Councilor Rice moved to approve Ordinance No. 11, Series of 2011, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor A. Lambert.

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

CONSIDER APPOINTING A MEMBER TO PLANNING AND ZONING COMMISSION

Mr. Sturgeon reported that Brian Burgess has moved out of state and vacated his seat on the Planning and Zoning Commission. Staff is requesting the most senior alternate member, Joe Elliott, be appointed to fill Brian's position (expiration April 2013).

Staff also received two applications for a Planning and Zoning Commission seat from Marc Caldwell and Barbara Clifton. Council will interview each applicant before considering appointing one of them to an alternate seat.

Councilor A. Lambert moved to appoint Joe Elliott to serve on the Planning and Zoning Commission as a regular member for a term expiring April 2013; seconded by Councilor Carter.

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

CONSIDER AMENDMENT TO AGREEMENT FOR BULK WATER USE WITH HYLAND ENTERPRISES, INC.

Stanley Wailes, Operations Manager, Hyland Enterprises, Inc. - Rifle Terminal, was present. City Manager John Hier provided background on a proposed water usage agreement which would enable Hyland Enterprises, Inc. (“Hyland”) to continue to use City bulk water at their plant site west of Rifle.

The proposed First Amendment to Agreement for Bulk Water Use with Complete Energy Services, LLC, would result in sale of water to Hyland at “in-City “rates plus a surcharge of \$1.00/1,000 gallons. The business must also agree to pay for a minimum usage of 250,000 gallons per month, whether they use it or not.

Councilor Rice moved to approve the First Amendment to Agreement for Bulk Water Use with Complete Energy Services, LLC; seconded by Councilor Winkler.

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

RECEIVE DRAFT 2012 BUDGET

Colorado Revised Statutes Section 29-1-105 provides that no later than October 15 of each year, the person appointed to prepare the budget shall submit such budget to the governing body. Finance Director Charles Kelty presented to Council the draft 2012 budget. Council and staff will review the budget in detail at a series of workshops.

CONSIDER ADOPTING 2009 INTERNATIONAL BUILDING CODES AND SETTING PUBLIC HEARING REGARDING SAME

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 COMMENTARTIES THERETO AND ADDING ENFORCEMENT PROVISIONS TO ARTICLE XII OF CHAPTER 18

Mr. Sturgeon and City Attorney Jim Neu 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, which proposed Ordinance No. 12, Series of 2011 would accomplish. One exception is the International Fire Code, 2009 Edition, which contains much more stringent sprinkling requirements than the 2003 Edition. For the time being, the City will continue operating under

the 2003 Edition of the International Fire Code. Staff also proposes eliminating 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.

Colorado Revised Statutes §31-16-201 *et seq.* governs the adoption of codes by reference and includes specific public notice requirements after introduction of the Code by the City Council. To comply with the statutory framework, the public hearing on adoption of the 2009 Editions would take place at the November 2, 2011 Council meeting. After first reading, staff will publish two notices of the public hearing as required by statute.

Councilor Winkler moved to approve Ordinance No. 12, Series of 2011, on first reading as presented, to order it to be published by title as required by Charter, and to set a public hearing on this matter for November 2, 2011; seconded by Councilor A. Lambert.

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

RECEIVE COMMUNITY SURVEY RESULTS

Government Affairs Coordinator Mike Braaten presented the City of Rifle 2011 Community Survey Results.

CONSIDER AMENDING REFUSE HAULING CODE

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 Winkler moved to approve Ordinance No. 13, Series of 2011, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor Rice.

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

CONSIDER REVISING LIQUOR APPLICATION FEES

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 first 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 Rice moved to approve Ordinance No. 14, Series of 2011, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor Sanborn.

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

CONSIDER AMENDING BOARD APPOINTMENT REGULATIONS

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

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

CONSIDER LICENSE AGREEMENT WITH SBA TOWERS II, LLC

Mr. Neu indicated that in 2002 the City entered into a License Agreement with a company constructing a wireless communications tower near its water tank. That Agreement allowed its use of the City’s access road to the water tank to access the tower site for operation and maintenance purposes. The Agreement has since been assigned to SBA Towers II, LLC (“SBA”) and they contacted the City because they would like to increase the scope of the license to include the installation of fiber optic lines in the Access Road to the tower site. The proposed License Agreement is essentially the same as the 2002 Agreement except it contains additional provisions related to the construction and existence of the fiber optic lines. The License granted is non-exclusive and SBA cannot interfere with the City’s utilities in the Access Road. In the event the City needs to work on its water lines, SBA needs to ensure its fiber optic lines do not obstruct the City’s work. SBA will also hold the City harmless for any damage done to the fiber optic lines. In consideration for the expanded License, SBA will pay the City an annual fee of \$500.00 pursuant to the enclosed Letter Agreement. That annual payment was recommended by the City’s Utility Director to cover weed control and snow plowing expenses for the Access Road.

Councilor Winkler moved to approve the License Agreement and Letter Agreement with SBA Towers II, LLC; seconded by Councilor A. Lambert.

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

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: 2012 budget review process; solid waste pickup and recycling; Request for Proposal (“RFP”) for engineering services for the New Ute Theatre; compost odor problems; sewer problems; and street work. He introduced City Engineer Rick Barth, who started working for the City on September 26, replacing Dick Deussen, who was promoted to Utility Director.

Mr. Sturgeon referred to a sculpture that citizens wish to donate for placement in the plaza between City Hall and the Library. Council had no objection to this. He also provided a Rifle Creek Plaza construction update.

Mr. Braaten reported that staff is reviewing a comprehensive development plan submitted by Antero Resources for its operations from Silt to Rifle.

COMMENTS FROM MAYOR AND COUNCIL

Councilor A. Lambert reminded citizens that good manners include removing hats when entering the Council Chambers.

Councilor Rice is glad that staff is looking at ways to improve sidewalk connections from the west side of Rifle to the downtown area.

Mayor Miller, Councilor K. Lambert, Mr. Hier, and Mr. Braaten attended the Colorado Municipal League’s District meeting in Meeker on October 3. Rifle will host the District meeting next year.

Meeting adjourned at 9:37 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor