

RIFLE CITY COUNCIL MEETING

Wednesday, March 7, 2012

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, Keith Lambert, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Jay 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; Dick Deussen, Utilities Director; Charles Kelty, Finance Director; Michael Erion, Consulting Engineer; Rick Barth, City Engineer; Angela Roff, City Prosecutor; Daryl Meisner, Police Chief; Mary Meisner; Allison Powell; Benny Bentz; Oscar Yamaguchi; Jake Murphy; Gina Reece-Long; Brett Long; Michael Erion; Phil Vaughan; Tom Fiore; and Heidi Rice.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the February 15, 2012 Regular Meeting
- B. Set public hearing for El Kora Mexican Restaurant liquor license transfer application
- C. Unaudited December Financial Statement
- D. December Sales Tax Report
- E. Accounts Payable

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

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

CITIZEN COMMENTS AND LIVE CALL-IN

Rifle High School seniors Allison Powell, Benny Bentz, Oscar Yamaguchi, and Jake Murphy thanked the Rifle Community Foundation for funding a portion of the cost for them to attend the Colorado Close Up program.

Police Chief Daryl Meisner announced his intent to retire this summer, after nearly 39 years of service.

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

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – RIFLE AREA CHAMBER OF COMMERCE

Mayor Miller opened the public hearing and swore in Gina Reece-Long, Event Coordinator, Rifle Area Chamber of Commerce. Ms. Reece-Long presented the Chamber's application for a special event permit to provide liquor service at the Rifle Area Chamber of Commerce's Annual Dinner at Grand River Hospital's meeting rooms on March 10, 2012, from 5:00 PM to midnight. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor K. Lambert moved to approve a Special Event Liquor Permit for the Rifle Area Chamber of Commerce on March 10, 2012, from 5:00 PM to midnight, at Grand River Hospital's meeting rooms at 501 Airport Road; seconded by Councilor Sanborn.

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

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – DUCKS UNLIMITED, INC.

Mayor Miller opened the public hearing and swore in Brett Long, Banquet Co-Chair, Ducks Unlimited, Inc. Mr. Long presented Ducks Unlimited's application for a special event permit to provide liquor service at its Annual Banquet on April 28, 2012, from 4:00 PM to 11:00 PM, at Grand River Hospital's meeting rooms. 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 a Special Event Liquor Permit for Ducks Unlimited, Inc. on April 28, 2012, from 4:00 PM to 11:00 PM, at Grand River Hospital's meeting rooms at 501 Airport Road; seconded by Councilor Carter.

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

PUBLIC HEARING - WATERSHED DISTRICT PERMIT NO. 2-12 - BARGATH, LLC KOKOPELLI PIPELINE, PHASE 2, BEAVER CREEK

Mayor Miller opened the public hearing and swore in Phil Vaughan and Tom Fiore. Mr. Vaughan and Mr. Fiore presented the application of Bargath, LLC for a Watershed District Permit from the City to construct a 16-inch natural gas pipeline in the Beaver Creek Watershed, including a crossing of Beaver Creek and a crossing of an unnamed tributary to Beaver Creek. Michael Erion, P.E., Consulting Engineer for the City of Rifle, classified the project as "minor impact" due to the nature of the project and its being part of the cumulative impacts within the watershed.

Originally, staff proposed that the applicant construct the pipeline crossing of Beaver Creek with a double wall pipe concrete encasement or liner system for 10 feet on both sides of Beaver Creek. In response, the applicant proposed to install heavy wall pipe with Fusion Bonded Epoxy coating and Abrasion Resistant Overlay protective coating up to 54 feet on both sides of Beaver Creek and up to 33 feet on both sides of the tributary to Beaver Creek. Mr. Erion recommended that Council approve the permit as amended.

Council discussed the following issues with Mr. Fiore, Mr. Vaughan, and staff:

- The pipeline would run generally 4 feet below grade, except at Beaver Creek and its tributary, where it would run 7 feet below grade.
- Classification of impacts under the permit process ("no impact," "minor impact," and "major impact")
- "Related facilities" that would be allowed by the permit (in this case, none besides the pipeline itself)
- Importance of the applicant's participation in the process to solve problems within the watershed identified at Council's workshop on February 15, including attendance at a meeting planned for March 29
- Amendment of the application as to the pipe specifications at the creek and tributary crossings
- Orientation of the pipeline (east-west) with respect to the roads (north-south) through the watershed
- The 25-year design life of the pipeline
- Applicant's and its successors' incentives to make periodic inspections of the pipeline
- Maintenance of the cathodic protection (induced electrical charge) on the outside of the pipeline
- Vegetation of the 175-foot-wide by 3-mile-long "scar" within the watershed that construction of the pipeline would create
- Impact on roads within the watershed from trucks hauling pipe to be placed within the pipeline corridor
- Planned construction from July to October
- Weighting of the pipe below Beaver Creek and its tributary with concrete saddles
- Location of Phase 1 of the pipeline (Jolley Mesa to Dry Hollow) and its stream crossings
- Crossings of water courses within the watershed by pipelines constructed by other permittees

- Applicant’s successful use of the design proposed to cross Beaver Creek and its tributary at other crossings of water courses
- Methods that the applicant will use to install the pipeline under Beaver Creek and its tributary
- Length of “typical” sections of pipe, methods for connecting the sections (including curved portions), and the applicant’s techniques for assuring weld and pipe integrity
- Hydro pressure testing of the pipeline
- Cleaning of the interior of the pipeline

Councilor Rice moved to approve Watershed District Permit No. 2-12 - Bargath, LLC Kokopelli Pipeline, Phase 2, Beaver Creek; seconded by Councilor A. Lambert.

Council discussed how multiple “minor impact” projects could create a “major impact” on the watershed.

Roll Call: Yes - Carter, A. Lambert, Rice, Winkler, Miller. No – K. Lambert, Sanborn.

CONSIDER ORDINANCE NO. 7, SERIES OF 2012 - UTILITY SERVICE CHARGE AMENDMENTS TO RMC APPENDIX A AND SECTION 13-4-60 (FIRST READING)

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING APPENDIX A TO THE RIFLE MUNICIPAL CODE TO ADJUST THE ADMINISTRATION OF WATER AND SEWER SERVICE FEES TO BE ON AN EQR BASIS AND AMENDING SECTION 13-4-60 TO ASSIGN EQR VALUES FOR RECREATIONAL VEHICLE PARKS

City Attorney Jim Neu reminded Council of its discussion at its special meeting on March 5, 2012 about the effect of changes to the Rifle Municipal Code on water and sewer bills at multi-family residences and a recreational vehicle (RV) park. As directed by Council, staff prepared proposed Ordinance No. 7, Series of 2012, allowing small multi-family complexes to be billed based on the Equivalent Residential Unit (EQR) values for those complexes, establishing an EQR value for RV parks, and allowing RV parks to be billed based on their EQR values.

Councilor K. Lambert moved to approve Ordinance No. 7, Series of 2012, 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, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER AWARDING PURCHASE OF VEHICLES

Utilities Director Dick Deussen recommended that Council award a contract for the purchase of a ¾-ton flat bed pickup truck for the Parks Department to Columbine Ford in the amount of \$26,833.04, and a contract for the purchase of a multi-purpose dump body for the Operations and Maintenance Department to MacDonald Equipment in the amount of \$42,950. Mr. Deussen recommended the amount above the budget (\$1,833.04 for the pickup and \$1,950 for the dump body) be obtained from the Fleet Fund balance for the pickup and from the General Fund balance for the dump body.

Councilor Winkler moved to award a contract for the purchase of a ¾-ton flat bed pickup truck to Columbine Ford in the amount of \$26,833.04, and a contract for the purchase of a multi-purpose dump body to MacDonald Equipment in the amount of \$42,950; seconded by Councilor Carter.

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

CONSIDER BOND COUNSEL PROPOSALS

Finance Director Charles Kelty recommended that Council award a contract for bond counsel services to assist with the 2012 Water Treatment Plant construction project bond issue to Kutak Rock LLP in an amount not to exceed \$10,000.

Councilor K. Lambert moved to award a contract for bond counsel services to assist with the 2012 Water Treatment Plant construction project bond issue to Kutak Rock LLP in an amount not to exceed \$10,000; seconded by Councilor Rice.

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

GARFIELD COUNTY AIRPORT RUNWAY EXTENSION ANNEXATION

A. Ordinance Nos. 1 and 2, Series of 2012 (second reading) (Garfield County Airport Runway Extension Annexation and Zoning).

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE GARFIELD COUNTY AIRPORT RUNWAY EXTENSION PROPERTY

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE GARFIELD COUNTY AIRPORT RUNWAY EXTENSION PROPERTY ANNEXATION PUBLIC ZONE DISTRICT

B. Ordinance No. 3, Series of 2012 (second reading) (Garfield County Airport Safety Zone Disconnection).

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO APPROVING THE DISCONNECTION OF CERTAIN TERRITORIES ADJOINING THE GARFIELD COUNTY REGIONAL AIRPORT COMMONLY REFERRED TO AS THE SAFETY ZONE DISCONNECTION

C. Ordinance No. 4, Series of 2012 (second reading) (Garfield County Airport Runway Extension Right-of-Way Vacation)

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING THE VACATION OF A PORTION OF AIRPORT ROAD WITHIN THE CITY

Mr. Neu reminded Council that, at its February 1, 2012 meeting, it approved on first reading annexation and zoning ordinances for the Garfield County Airport Runway Extension Property. At the public hearing at that meeting, Council also considered and approved Resolution Nos. 3 and 4, Series of 2012, making the required findings of fact for the annexation of the Runway Extension Property and setting forth the City's Annexation Plan, respectively.

Ordinance No. 1, Series of 2012 annexes the Runway Extension Property, and Ordinance No. 2, Series of 2012 zones the Runway Extension Property Public Zone ("PZ") District.

As previously discussed, a portion of the Airport's new safety zone is now under City jurisdiction, and the City and County agree it should be under County jurisdiction. Accordingly, Ordinance No. 3, Series of 2012 approves the disconnection of the Safety Zone parcel from the City in compliance with C.R.S. §31-12-501, et seq.

Airport Road has been realigned and relocated, thus making a portion of the existing Airport Road right-of-way obsolete. Exhibit A to Ordinance No. 4, Series of 2012 graphically depicts the realigned roadway, including the

right-of-way to be vacated by the City. As previously discussed, the County has dedicated adequate right-of-way to the City to accommodate the realigned Airport Road. Thus, Ordinance No. 4 would vacate the obsolete right-of-way. As described on Exhibit B to the Ordinance, in vacating this portion of Airport Road the City is reserving a necessary storm sewer easement.

The newspaper neglected to publish these ordinances by title in a timely fashion so second reading was delayed from February 15 to this meeting.

Councilor A. Lambert moved to approve Ordinance Nos. 1, 2, 3, and 4, Series of 2012, on second reading as presented and to order them to be published in full as required by Charter; seconded by Councilor Rice.

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

CONSIDER AMENDING RIFLE MUNICIPAL CODE WITH RESPECT TO ABANDONED PROPERTY – ORDINANCE NO. 5, SERIES OF 2012 (SECOND READING)

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO REPEALING AND REENACTING CHAPTER 1, ARTICLE VIII OF THE RIFLE MUNICIPAL CODE REGARDING DISPOSITION OF ABANDONED PERSONAL PROPERTY

Mr. Neu explained that currently, Rifle Municipal Code (RMC) Section 1-8-30 requires the City to send written notice to all known owners of unclaimed property greater than \$50.00 in value prior to disposition and to publish notice in the paper prior to disposition of any unclaimed property less than \$50.00 in value or property with no ascertainable owner. Most of the unclaimed property in the Police Department's custody is of nominal value and are articles not reclaimed by prisoners transported to Garfield County Jail. Staff proposes adopting a more streamlined process to dispose of these items, requiring mailed or published notice, depending on whether ownership is known, only for articles of \$100.00 or more in value. Abandoned articles of less than \$100.00 in value would be subject to disposition at the custodian's discretion without notice. Further, the amendments to RMC Chapter 1, Article VIII include procedures for the disposition of weapons and criminal instruments that were not previously included in the RMC.

Councilor Carter moved to approve Ordinance No. 5, Series of 2012, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Rice.

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

CONSIDER AMENDING RIFLE MUNICIPAL CODE SECTION 13-4-20 - UTILITY SYSTEM IMPROVEMENT FEE SURCHARGE – ORDINANCE NO. 6, SERIES OF 2012 (FIRST READING)

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 13-4-20 OF THE RIFLE MUNICIPAL CODE TO ELIMINATE THE MARCH 31, 2012 SUNSET FOR THE WATER AND SEWER SYSTEMS IMPROVEMENT FEE SURCHARGE OPTION FOR NONRESIDENTIAL PROJECTS

Assistant City Manager/Director of Planning Matt Sturgeon reminded Council that in 2010 it approved a system improvement fee surcharge program for nonresidential users as a means to alleviate front-end development costs and spread payments for system improvement fees. The program permits payment of nonresidential system improvement fees in equal monthly installments over a three year period commencing at building permit application. The surcharge program, codified at Section 13-4-20 of the Rifle Municipal Code, sunsets on March 31, 2012. After administering the program for several years, staff supports extending the surcharge option as an efficient means to benefit commercial development that does not adversely impact the City's ability to provide

efficient and cost-effective services for its residents. Thus, Ordinance No. 6, Series of 2012 before Council on first reading would eliminate the March 31, 2012 sunset date for the surcharge program. If the sunset provision is eliminated, City staff will continue to monitor the fiscal impact of the surcharge program and advise the Council if changes are needed in the future. The system improvement fee surcharge program will continue to be optional for all eligible customers, and customers will still have the option to pay system improvement fees in full at the time of building permit application.

Councilor Winkler moved to approve Ordinance No. 6, Series of 2012, 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, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER APPROVING BID TO PAINT POOL, LOCKER ROOMS, AND SLIDE STRUCTURE

Due to this item's submission after creation of Council's document packet for tonight's meeting, Council declined to take action on this item. It will consider this matter at its March 21 meeting.

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: personnel changes; recycling; sewer service line problems at East Avenue; and water plant tour.

Mr. Sturgeon informed Council of a technical issue affecting its electronic calendar, and he announced that there would be several events during the week of April 16 related to downtown planning.

Ms. Cain reminded Council of its March 14 workshop with the Garfield Re-2 School District Board of Directors.

Mr. Deussen noted that GE Zenon representatives were on site evaluating the City's reverse osmosis equipment. Increased turbidity in the Colorado River has resulted in the City drawing water from the intake pond, instead of directly from the river. There will be a public hearing on April 2 about the water treatment plant.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Sanborn commented that the City needs to take a progressive stance with respect to watershed protection.

Councilor Rice commended all of the Rifle High School students in Colorado Close Up, and he thanked the Rifle Community Foundation for assisting with funding for student participation in the program.

Councilor K. Lambert thanked outgoing employees for their service. He thanked City Planner Nathan Lindquist for his dedication to downtown planning.

Mayor Miller and the Council expressed their appreciation to Chief Meisner.

EXECUTIVE SESSION FOR CONFERENCE WITH CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS 24-6-402(4)(B); FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER CRS 24-6-402(4)(E); AND TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER CRS 24-6-402(4)(A)

Councilor A. Lambert moved to adjourn to executive session to discuss personnel matters; seconded by Councilor Rice (9:25 p.m.).

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

Upon return to open session following conclusion of the executive session, meeting adjourned at 10:12 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor