

RIFLE CITY COUNCIL MEETING

Wednesday, March 21, 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, Randy Winkler, and Mayor Jay Miller.

Councilor A. Lambert moved to excuse Councilors Jonathan Rice and Jen Sanborn from tonight's meeting; seconded by Councilor Winkler. Roll Call: Yes – Carter, A. Lambert, K. Lambert, 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; Aleks Briedis, Recreation Director; Linda Stilson, Recreation Coordinator – Aquatics; Rick Barth, City Engineer; Daryl Meisner, Police Chief; Mike Braaten, Government Affairs Coordinator; Crystal Schiller; Dave Young; Steve Isom; Linda Hunter; and Heidi Rice.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the March 5, 2012 Special Meeting
- B. Minutes from the March 7, 2012 Regular Meeting
- C. Set hearings to consider suspension or revocation of liquor licenses of Plaza Liquors, Rocky Mountain Liquors, Shale Country Liquors, Wing Nutz Bar and Grill, Winchester Nite-Club, Fiesta Guadalajara, Rifle Brewing Company, Thai Chili Bistro, Wal-Mart Superstore, and Sports Corner; appoint Hearing Officer to conduct hearings; and appoint Special Counsel to conduct investigations and prosecute licensees
- D. Addendum to Queen's Crown Annexation Agreement-Fairway Avenue Costs
- E. Intergovernmental Agreement with Garfield County Regarding Sidewalk Improvements
- F. Funding request from Visitor Improvements Fund
- G. January 2012 Sales Tax Report
- H. Accounts Payable

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

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

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

RECEIVE UPDATE FROM WPX ENERGY (FORMERLY WILLIAMS PRODUCTION RMP)

This item will be scheduled on a future agenda.

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – COLORADO MOUNTAIN COLLEGE FOUNDATION

Mayor Miller opened the public hearing and swore in Crystal Schiller, Development Coordinator, Colorado Mountain College Foundation. Ms. Schiller presented the Foundation's application for a special event permit to provide liquor service at the Foundation's Community Cinema event on March 30, 2012 from 8 PM to 9:30 PM at 3695 Airport Road. 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 Colorado Mountain College Foundation on March 30, 2012, from 8 PM to 9:30 PM, at 3695 Airport Road; seconded by Councilor Carter.

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

PUBLIC HEARING – APPLICATION TO TRANSFER HOTEL & RESTAURANT LIQUOR LICENSE FROM ANGELICA BURGARA D/B/A EL KORA MEXICAN RESTAURANT TO ARTURO SAUCEDA D/B/A EL KORA MEXICAN RESTAURANT

In accordance with Ms. Cain's recommendation, Council cancelled the public hearing to review the application of Arturo Saucedo d/b/a El Kora Mexican Restaurant to transfer to himself the Hotel & Restaurant Liquor License for premises located at 160 East 26th Street. Staff has not yet received fingerprint check results on Mr. Saucedo. Once staff has received fingerprint check results, staff will ask Council to schedule the hearing on this application.

CONSIDER FAIRWAY AVENUE FUNDING REQUEST

Dave Young, General Partner, Hubbard Gulch Development, LLC, and Steve Isom, Isom & Associates, proposed that Hubbard Gulch Development enter into a joint venture with the City to build the remainder of Fairway Avenue from the existing new intersection with the Highway 13 bypass north to the existing Fairway Avenue. Each party would contribute approximately \$450,000 to the project. In addition, Hubbard Gulch Development would like to use overburden from the City's resource pit in this project.

The City, when approving the Queen's Crown Annexation Agreement, agreed to a 50-50 split of the costs associated with constructing Fairway Avenue. If Council accepts Hubbard Gulch Development's proposal, the City will have contributed \$241,250 more than required by this agreement. The developer is proposing to pay back the City through future lot sales.

After discussion that included concerns about adequate collateralization by the developer, Council directed staff to draft documentation to implement this proposal.

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

Recreation Director Aleks Briedis and Recreation Coordinator – Aquatics Linda Stilson recommended awarding a contract to paint the pool, locker rooms, slide structure, and deck numbers at Art Dague Pool to Leyba Painting, Inc. in the amount of \$22,905.

Councilor Carter moved to award a contract to paint the pool, locker rooms, slide structure, and deck numbers at Art Dague Pool to Leyba Painting, Inc. in an amount not to exceed \$22,905; seconded by Councilor K. Lambert.

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

CONSIDER ALLOWING DAYTIME PARKING ON ACACIA AVENUE ADJACENT TO DEERFIELD PARK – RESOLUTION NO. 8, SERIES OF 2012

City Engineer Rick Barth, Mr. Briedis, and Police Chief Daryl Meisner informed Council that the Parks Department and the Recreation Department would like to allow daytime parking on Acacia Avenue adjacent to

Deerfield Park. Currently parking is prohibited in that location, resulting in park users parking on other streets when the Deerfield Park parking lot is full. Resolution No. 8, Series of 2012 would permit parking adjacent to Deerfield Park except between the hours of 10:00 pm and 6:00 am, when parking will remain prohibited.

Councilor A. Lambert moved to approve Resolution No. 8, Series of 2012; seconded by Councilor Winkler.

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

CONSIDER AWARDING CONTRACT TO JOHNSON CONSTRUCTION FOR \$177,822.60 FOR HIGHWAY 13 SAFETY IMPROVEMENTS

Mr. Barth recommended awarding a contract to Johnson Construction Inc. for an amount not to exceed \$177,822.60 to make safety improvements on Highway 13 from Centennial Parkway to Whiteriver Avenue. The safety improvements would include expansion of the divider island on Highway 13 south of its intersection with Centennial Parkway, and lane markings on Highway 13 south of its intersection with Whiteriver Avenue.

Councilor Carter moved to award a contract to Johnson Construction Inc. for an amount not to exceed \$177,822.60 to make safety improvements on Highway 13 from Centennial Parkway to Whiteriver Avenue; seconded by Councilor A. Lambert.

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

CONSIDER AMENDING RIFLE MUNICIPAL CODE SECTION 13-4-20 - UTILITY SYSTEM IMPROVEMENT FEE SURCHARGE – ORDINANCE NO. 6, SERIES OF 2012 (SECOND 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 K. Lambert moved to approve Ordinance No. 6, Series of 2012, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Winkler.

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

CONSIDER ORDINANCE NO. 7, SERIES OF 2012 (UTILITY SERVICE CHARGE AMENDMENTS TO RMC APPENDIX A AND SECTION 13-4-60) (SECOND 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 second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Winkler.

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

CONSIDER DIRECTING CITY ATTORNEY TO DRAFT UPDATED ANIMAL CONTROL ORDINANCES

In accordance with Chief Meisner's recommendation, Council directed Mr. Neu to proceed with updating the City's animal control ordinances, which were last modified over 20 years ago.

ADMINISTRATIVE REPORTS

City Manager John Hier reported to Council on water issues.

Ms. Cain reminded Council that it would conduct its 2012 strategic planning session on April 6 from 8 AM to 5 PM at Grand River Hospital's meeting rooms.

Mr. Sturgeon noted that the charrette for downtown planning will take place the week of April 16, and Spring Cleanup throughout the City will occur from April 23 through May 4.

Mr. Neu informed Council that he will meet with the Colorado Department of Public Health and Environment regarding Beaver Creek raw water users.

COMMENTS FROM MAYOR AND COUNCIL

Councilor A. Lambert attended a marvelous production of the Wizard of Oz by Rifle High School students.

Meeting adjourned at 8:16 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor