

RIFLE CITY COUNCIL MEETING

Monday, June 18, 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: Matt Sturgeon, Assistant City Manager/Director of Planning; Lisa Cain, City Clerk; Jim Neu, City Attorney; Karl Hanlon, City Attorney; Michael Churchill, Channel 10 Assistant Manager; Rick Barth, City Engineer; Aleks Briedis, Recreation Director; Daryl Meisner, Police Chief; Tom Whitmore, Parks Director; Kelly Allen; David Bottroff; Paul Currier; Gil Frontella; Mike McKibbin; Jennifer Reyelts; Joseph Reyelts; Michael Reyelts; Arturo Saucedo; John Scalzo; and John Steele.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the June 6, 2012 Regular Meeting
- B. Liquor License Renewal – Sports Corner
- C. Orders permanently staying suspension of liquor licenses of Plaza Liquors, Rocky Mountain Liquors, Shale Country Liquors, Wing Nutz Bar and Grill, Rifle Brewing Company, Thai Chili Bistro, and Wal-Mart
- D. Accept audit of 2011 financial records
- E. Accounts Payable

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

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

CITIZEN COMMENTS AND LIVE CALL-IN

David Bottroff introduced Reach-Out Colorado, Inc. (“the ROC”), a resource and referral center for members of the community in need.

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

CONSIDER APPROVING CONCEPT OF EAGLE SCOUT PROJECT

Joseph Reyelts and Parks Director Tom Whitmore presented a proposal that Mr. Reyelts either install a bus shelter at the Park-n-Ride located at Centennial Parkway and Railroad Avenue, or replace the Metro Park bus shelter, to facilitate Mr. Reyelts’ pursuit of an Eagle Scout designation.

Councilor Rice moved to approve Joseph Reyelts’ concept for his Eagle Scout project; seconded by Councilor A. Lambert.

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

CONSIDER AMENDING HUD/DOT GRANT AGREEMENT FOR NEW UTE THEATRE PRO FORMA

Assistant City Manager/Director of Planning Matt Sturgeon recommended that Council approve an amendment to the HUD/DOT Downtown Grant contract for \$23,995 to allow consultant EPS to create a Business Operations Plan for the New Ute Event Center.

Councilor Carter moved to approve an amendment to the HUD/DOT Downtown Grant contract for the amount of \$23,995 to allow consultant EPS to create a Business Operations Plan for the New Ute Event Center; seconded by Councilor K. Lambert.

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

Mayor Miller opened the public hearing and swore in Arturo Saucedo. Mr. Saucedo presented his application to transfer the Hotel and Restaurant Liquor License at 160 East 26th Street from Angelica Burgara doing business as El Kora Mexican Restaurant to himself. 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 application to transfer the Hotel and Restaurant Liquor License at 160 East 26th Street from Angelica Burgara doing business as El Kora Mexican Restaurant to Arturo Saucedo doing business as El Kora Mexican Restaurant; seconded by Councilor Rice.

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

RECEIVE UPDATE ON COLORADO RIVER COOPERATIVE AGREEMENT

City Attorney Karl Hanlon provided an update on the Colorado River Cooperative Agreement.

CONSIDER ORDINANCE NO. 14, SERIES OF 2012 (EMERGENCY OR FIRST READING), EXTENDING APPROVAL OF \$25,500,000 WATER AND POWER LOAN AGREEMENT FOR NEW WATER TREATMENT PLANT

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE LOAN AGREEMENTS AND THE ISSUANCE OF ONE OR MORE GOVERNMENTAL AGENCY BONDS BY THE CITY OF RIFLE, COLORADO, ACTING BY AND THROUGH ITS WATER ENTERPRISE, TO THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY, SUCH GOVERNMENTAL AGENCY BONDS TO BE IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$25,500,000, FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE WATER TREATMENT SYSTEM OPERATED BY SUCH ENTERPRISE, INCLUDING CONSTRUCTION OF A NEW WATER TREATMENT FACILITY; PROVIDING FOR APPLICATION OF THE NET REVENUES OF SUCH SYSTEM TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH GOVERNMENTAL AGENCY BONDS; DECLARING AN EMERGENCY AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH

City Attorney Jim Neu reminded Council that on April 18, 2012, it adopted Ordinance No. 11, Series of 2012, authorizing the City, through its Water Enterprise, to enter into certain loan agreements with Colorado Water Resources and Power Authority. Ordinance No. 11 authorized the Mayor, Finance Director and City Manager to execute and deliver the Loan Agreement and Government Agency Bond within 60 days of the date of final adoption. That 60-day period expired on June 17, 2012, necessitating that Council adopt a replacement ordinance

authorizing the execution of the Loan Agreement and Government Agency Bond. Ordinance No. 14, Series of 2012, is substantively identical to Ordinance No. 11, Series of 2012.

Staff recommended that Council approve Ordinance No. 14, Series of 2012, as an emergency ordinance to lock in the current interest rate and rating on the bonds. If the ordinance were not approved as an emergency ordinance but as a regular ordinance, then the loan closing would likely occur in August, resulting in increased transactional costs with a re-rating of the bonds and a risk of increased interest rates.

Councilor Rice moved to approve Ordinance No. 14, Series of 2012, as an emergency ordinance and to order it to be published in full as required by Charter; seconded by Councilor A. Lambert.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Miller. No - Sanborn, Winkler. This motion failed, because the City Charter requires 75 percent of Council Members present to approve an ordinance as an emergency ordinance.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE LOAN AGREEMENTS AND THE ISSUANCE OF ONE OR MORE GOVERNMENTAL AGENCY BONDS BY THE CITY OF RIFLE, COLORADO, ACTING BY AND THROUGH ITS WATER ENTERPRISE, TO THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY, SUCH GOVERNMENTAL AGENCY BONDS TO BE IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$25,500,000, FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE WATER TREATMENT SYSTEM OPERATED BY SUCH ENTERPRISE, INCLUDING CONSTRUCTION OF A NEW WATER TREATMENT FACILITY; PROVIDING FOR APPLICATION OF THE NET REVENUES OF SUCH SYSTEM TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH GOVERNMENTAL AGENCY BONDS AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH

Councilor Rice moved to approve Ordinance No. 14, 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, Miller. No - Sanborn, Winkler.

CONSIDER ORDINANCE NO. 13, SERIES OF 2012 (SECOND READING) REPEALING AND REENACTING RIFLE MUNICIPAL CODE CHAPTER 7, ARTICLE VI, "ANIMALS"

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO REPEALING AND REENACTING CHAPTER 7, ARTICLE VI OF THE RIFLE MUNICIPAL CODE, "ANIMALS"

Mr. Neu and Police Chief Daryl Meisner explained that Council considered Ordinance No. 13, Series of 2012, on second reading at its June 6, 2012 meeting and continued the discussion to June 18th. On June 6th, staff received direction to further refine regulations pertaining to chickens, including the adoption of a conditional use review for chickens in multi-family dwellings. The updated version of the Ordinance also clarifies that it is unlawful for residents to keep certain types of animals anywhere within the City, rather than in residential zone districts specifically. An exception for goats used for temporary weed abatement is also included at the request of Parks staff who might use this mode of eradicating weeds.

Councilor A. Lambert moved to approve Ordinance No. 13, Series of 2012, on second reading as amended and to order it to be published in full as required by Charter; seconded by Councilor Carter.

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

CONSIDER INTERGOVERNMENTAL AGREEMENT WITH GARFIELD COUNTY FOR LEASE OF COMINGLED RECYCLING FACILITY

Mr. Neu noted that at Council's May 16th meeting, it considered an Intergovernmental Agreement (IGA) with Garfield County approving the lease of land at the Rifle Energy Innovation Center for the County's recycling facility to serve County residents. At that time, Councilors expressed concern that the County did not plan to monitor the facility, which could lead to problems with litter and unsightliness. The revised IGA under consideration makes clear that the Facility will be operated by the County. The City's employees can unlock and lock the fence surrounding the Facility on weekdays since they are present at the wastewater treatment plant. The IGA clearly places all other operational costs and responsibilities on the County. An Operations Plan is attached to the IGA.

Councilor K. Lambert moved to approve the Intergovernmental Agreement with Garfield County for Lease of Comingled Recycling Facility; seconded by Councilor Rice.

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

CONSIDER AWARDING CONTRACT FOR CONSTRUCTION DRAWING UPDATE FOR DEERFIELD PARK

Recreation Director Aleks Briedis recommended that Council approve a sole source proposal from Design Concepts and authorize staff to contract with Design Concepts in an amount not to exceed \$12,190, to be paid with Conservation Trust Funds, to update the Deerfield Park Completion Plan construction drawing set.

Councilor Winkler moved to approve a sole source proposal from Design Concepts and authorize staff to contract with Design Concepts in an amount not to exceed \$12,190, to be paid with Conservation Trust Funds, to update the Deerfield Park Completion Plan construction drawing set; seconded by Councilor Rice.

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

CONSIDER AWARDING CONTRACT FOR 2012 STREET IMPROVEMENTS

City Engineer Rick Barth reviewed a tabulation of bids for improvements to 5th Street and 16th Street and recommended that Council award a contract to make such improvements to Johnson Construction for \$375,448.

Councilor Carter moved to award the contract for 2012 street improvements on 5th Street and 16th Street to Johnson Construction in an amount not to exceed \$375,448; seconded by Councilor A. Lambert.

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

CONSIDER ORDINANCE NO. 15, SERIES OF 2012 (FIRST READING) AMENDING SECTION 4-2-50 OF THE RIFLE MUNICIPAL CODE TO EXTEND SALES AND USE TAX REBATES FOR QUALIFIED PHOTOVOLTAIC AND SOLAR THERMAL SYSTEM INSTALLATIONS FOR AN ADDITIONAL THREE-YEAR PERIOD

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 4-2-50 OF THE RIFLE MUNICIPAL CODE TO EXTEND SALES AND USE TAX REBATES FOR QUALIFIED PHOTOVOLTAIC AND SOLAR THERMAL SYSTEM INSTALLATIONS FOR AN ADDITIONAL THREE-YEAR PERIOD

Mr. Neu reminded Council that in September 2009, Council instituted a sales and use tax rebate to encourage the installation of solar electric and solar thermal/hot water systems in Rifle. At its June 6 meeting, Council approved

continuing the program for an additional 3 years. Mr. Neu recommended that Council approve Ordinance No. 15, Series of 2012, to extend the program.

Councilor A. Lambert moved to approve Ordinance No. 15, Series of 2012, 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, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER INTERGOVERNMENTAL AGREEMENT WITH GARFIELD COUNTY FOR WILD LAND FIRE MITIGATION

Mr. Neu explained that state statute requires each local government that owns any land area that is located either entirely or partially outside its own territorial boundaries and that contains at least 50 percent forest land or wild land area to enter into an IGA with the county for the purpose of mitigating forest land or wild land fires affecting the contiguous land areas of the local government and county. The City's Rifle Mountain Park is located in unincorporated Garfield County and falls within the purview of the statute. The proposed Intergovernmental Agreement for Wild Land Fire Mitigation is the resulting product. Practically speaking, the IGA does not change the current fire response protocol at the Mountain Park. Although no substantial policy is revised by the IGA, staff supports its adoption for purposes of complying with state statute.

Councilor K. Lambert moved to approve the Intergovernmental Agreement with Garfield County for Wild Land Fire Mitigation; seconded by Councilor Sanborn.

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

PUBLIC HEARING – SUNSET TOWNHOMES ANNEXATION - ORDINANCE NOS. 8 AND 9, SERIES OF 2012 (FIRST READING) AND RESOLUTION NOS. 9 AND 10, SERIES OF 2012

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE SUNSET TOWNHOMES ANNEXATION

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO ZONING CERTAIN REAL PROPERTY KNOWN AS THE SUNSET TOWNHOMES ANNEXATION AND REZONING LOT 1, MANUPELLA ADDITION TO THE CITY OF RIFLE DEVELOPING RESOURCE ZONE DISTRICT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, CONCERNING THE SUNSET TOWNHOMES ANNEXATION TO THE CITY OF RIFLE

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, APPROVING AN ANNEXATION PLAN FOR THE SUNSET TOWNHOMES ANNEXATION AS REQUIRED UNDER THE MUNICIPAL ANNEXATION ACT OF 1965, AS AMENDED

Mayor Miller opened the public hearing. Mr. Neu reminded Council that in January 2012, Sunset Townhomes, LLC filed a petition requesting that the City annex the Annexation Parcel and zone the Property Developing Resource ("DR") Zone District. The Rifle Planning Commission on February 28, 2012 recommended DR zoning for the Property subject to the conditions of the Planning Department's staff report. Ordinance No. 8, Series of 2012 would annex the Annexation Parcel to the City, and Ordinance No. 9, Series of 2012 would zone the Annexation Parcel and an adjacent parcel already within the City and also owned by Sunset Townhomes, LLC as Developing Resource. Resolution Nos. 9 and 10, Series of 2012 make the required statutory findings for annexation. On April 4, 2012 the Council, at the request of the applicants, continued the public hearing on the annexation to the June 18, 2012 City Council meeting rather than take action. The applicant has requested that the

City Council again continue the public hearing for the project for an additional 3 months. Staff recommended as a condition of continuance that the public notice for the rescheduled annexation hearing be redone in accordance with the Rifle Municipal Code.

Councilor K. Lambert moved to continue the public hearing for the Sunset Townhomes project and consideration of Ordinance Nos. 8 and 9, Series of 2012, and Resolution Nos. 9 and 10, Series of 2012, to no later than September 19, 2012; seconded by Councilor Sanborn.

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

ADMINISTRATIVE REPORTS

Mr. Sturgeon reported on closure of the CacaLoco composting facility.

Ms. Cain reminded Council that its next regular meeting would take place July 2, instead of July 4.

Mr. Briedis reported on the Centennial Market and Concert Series.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Winkler explained that, instead of trying to persuade citizens, he listened to citizens (and staff) in considering the water treatment plant loan ordinance. Many Rifle citizens are older and grew up learning to make innovative solutions to problems, and he felt that the City should make innovative solutions to the water treatment plant problem as well.

Councilor Sanborn urged staff to make every effort to reduce the monetary impact of the new water treatment plant on citizens. She remained unconvinced that it was necessary to spend as much as \$25.5 million to solve the water treatment plant problem. She noted that she works for the citizens of Rifle, not the City. No other proposal brought before Council during her term on Council was opposed by one-third of the citizens, as this proposal was.

Councilor A. Lambert commented that a citizen asked why the City spent extra money on the postcard notice of the June 13 workshop, as it was postmarked in Grand Junction. Councilor A. Lambert clarified that the postcard was designed and printed in Rifle, and mailed from Rifle. All items mailed from Rifle are sent to a mail sorting facility in Grand Junction, even items mailed from a Rifle address to another Rifle address. He added that he was not certain that as many as one-third of the citizens were opposed to the water treatment plant proposal. There were several false rumors circulating about the proposal, and the City could do a better job communicating with citizens. Council must rely on the expertise of staff. Rifle citizens have enjoyed the benefits of many improvements to the community over the last several years, all at little expense to them.

Mayor Miller encouraged citizens to continue to provide input about the water treatment plant issues.

John Scalzo noted that using a reverse osmosis system produces waste that is high in salts. He warned Council that, in the future, discharging such waste could be prohibited.

Meeting adjourned at 9:08 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor