

## **RIFLE CITY COUNCIL MEETING**

Wednesday, April 21, 2010

REGULAR MEETING

7:00 p.m. \* Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:06 p.m. by Mayor Keith Lambert.

**PRESENT ON ROLL CALL:** Councilors Alan Lambert, Jay Miller, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Keith Lambert.

Councilor Rice moved to excuse Councilor Jeanette Thompson from tonight's meeting; seconded by Councilor Sanborn.

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

**OTHERS PRESENT:** John Hier, City Manager; Matt Sturgeon, Assistant City Manager; Wanda Nelson, City Clerk; Karl Hanlon, City Attorney; Michael Churchill, Cable 10; Aleks Briedis, Recreation Director; Charlie Stevens, Utility Director; David Keithley; Nancy Bayne; Jake Prentiss; Casey Boren; Jess Vann; David Gallegos; Trish Manuppella; Loren C. Prescott; Wyatt Popp; David Alcott; John Tauffer; David Fox; Jason Raley; Michael Erion, Resource Engineering.

### **CONSENT AGENDA**

***MINUTES FROM THE APRIL 7, 2010 COUNCIL MEETING; FEBRUARY FINANCIAL REPORT; FEBRUARY SALES TAX REPORT; ACCOUNTS PAYABLE***

Councilor Rice excused himself from voting on the Minutes. Councilor Lambert moved to approve the Consent Agenda; seconded by Councilor Winkler.

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

### **CITIZEN COMMENTS AND LIVE CALL-IN**

Brian Condi, Garfield County Airport Director, stated that the County has received complaints about the dust from the Airport expansion project. Mr. Condi stated that they have multiple water trucks at the site for dust mitigation, and will also suspend work as necessary. Citizens are encouraged to contact Mr. Condi directly with their concerns.

### ***PROCLAMATION: WASTEWATER WORKER RECOGNITION WEEK***

Mayor Lambert read the Proclamation aloud. This Proclamation honors workers in the wastewater field, and declares the week of April 18 – 24 Wastewater Worker Recognition Week. Councilor Miller moved to approve the Proclamation; seconded by Councilor Rice.

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

The Utility Staff was present to receive the signed Proclamation, and Mayor Lambert thanked them for their work.

### ***PUBLIC HEARING: SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR THE ELK'S LODGE***

Mayor Lambert opened the public hearing. Applicant Nancy Bayne was sworn in and stated that EnCana has hired the Elk's to operate a beer garden for their vendors. Ms. Nelson indicated that the hearing was properly noticed, the application is complete and all their fees have been paid. Councilor Lambert moved to approve the Application; seconded by Councilor Sanborn.

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

### ***RIFLE RENDEZVOUS***

### ***PUBLIC HEARING: SPECIAL EVENT LIQUOR LICENSE APPLICATION***

Mayor Lambert opened the public hearing. Ms. Nelson reported that the Rendezvous is applying to have a beer garden at their event in May at the Fairgrounds. Applicants Judy Hewitt, Brook Loving, and Dave Keithley were sworn in. The hearing was properly noticed. Their application is complete and all their fees have been paid. Councilor Winkler moved to approve the Application; seconded by Councilor Miller.

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

***SPONSORSHIP DONATION REQUEST FROM VIF ADVISORY BOARD***

Mr. Sturgeon noted that the Rifle Rendezvous requested sponsorship from the VIF Advisory Board for their event in May. Brook Loving described some events that will occur at the Rendezvous. Councilor Lambert moved to support VIF's sponsorship of \$5,000 of the Rendezvous; seconded by Councilor Rice.

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

***RESOLUTION 5-10: ALCOTT MINOR SUBDIVISION FINAL PLAT***

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, APPROVING THE FINAL PLAT OF THE ALCOTT MINOR SUBDIVISION IN THE CITY OF RIFLE**

Applicants Dave Alcott and John Taufer were present for this discussion. Resolution 5-10 approves the Alcott Minor Subdivision which splits off a 0.383 acre parcel from the Trappers Hollow property on Stillwell Avenue. Trappers Hollow was annexed to the City in 2008 and zoned Developing Resource with no development rights until a PUD Development Plan is approved by the City. Parcel B of the Alcott Minor Subdivision has little development potential because of its grade and it is used to access a neighboring property with an existing driveway and access easement. The neighbor wants to purchase Parcel B which instigated the minor subdivision application. Resolution No. 5 recites the encumbrance contained in the Trappers Hollow Annexation Agreement prohibiting any development on the Property. Therefore, Parcel B may not be developed unless it receives further land use approval and is re-zoned by the City. The remaining Trappers Hollow Property, Parcel A, will proceed through the City's PUD Development Plan process. Councilor Miller moved to approve Resolution 5-10; seconded by Councilor Lambert.

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

***WILLIAMS ENERGY REQUEST TO HIRE CONSULTANT FOR BEAVERCREEK WATERSHED ASSESSMENT***

Williams' representatives Jason Raley and attorney Ann Lane were present to discuss their request. At the November 18, 2009 Council meeting, Council approved a Watershed Permit for Williams Energy. It was at that meeting that Williams agreed to pay for a study of the Beaver Creek Watershed, with the intended purpose to determine the health of the Beaver Creek Watershed and implement measures, if necessary, to maintain the health of the Watershed. Williams is now requesting permission to hire Olsson Associates to conduct the study. Loren Prescott with Olsson provided an overview of Olsson's credentials and their previous work in the Beaver Creek Watershed. Consultants with Resource Engineering were present, and stated they have already begun work on the study, as it was important to begin taking measurements with the spring run-off.

Councilor Winkler moved to grant Williams Energy request to hire Olsson Associates to conduct the Beaver Creek Watershed Assessment. The motion died for lack of a second.

Councilor Lambert moved to continue with Resource Engineering as the consultant of record for the Beaver Creek Assessment; seconded by Councilor Sanborn.

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

***SECOND 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**

Mr. Hanlon 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, which was amended following first reading, to a minimum amount shown on the City's Land Use Application Fee Schedule. The deposit amount may be increased to an amount determined by the Planning Director and must be replenished if exhausted. The amended language sets a minimum amount to take pressure off of the Planning Director with a set fee, but gives the Planning Director discretion to increase the deposit amount to better protect the City. 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 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 Miller moved to approve Ordinance 6-10 as amended and ordered it to be published in full as required by Charter; seconded by Councilor Rice.

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

***SECOND 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. Hanlon 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 second 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 in full as required by Charter; seconded by Councilor Rice.

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

***SECOND 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. Hanlon 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. Councilor Rice moved to approve Ordinance 8-10 as presented and ordered it to be published in full as required by Charter; seconded by Councilor Miller.

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

***STREET DESIGN CONTRACT TO SGM***

Mr. Deussen reported that staff has authorized SGM to perform engineering design on four roadway sections within Rifle, namely Acacia Avenue, South 7<sup>th</sup> Street, 24<sup>th</sup> Street, and Railroad Avenue. The total cost for the design work will be \$89,000. While all the street work will not be completed in 2010, over a million dollars has been budgeted in the Street Improvement Fund for construction costs.

**ADMINISTRATIVE REPORTS**

Mr. Hier reported on: City finances; public works projects; IGA with Garfield County on infrastructure at the Energy Innovation Site; Westfest; contract with Caca Loco for composting. Ms. Nelson reported she attended an employment law update seminar and will present those findings to Department Heads and supervisors. Mr. Hamilton discussed his report that was in Council’s packet. Mr. Deussen gave an update on Rifle Creek Trail.

**COMMENTS FROM MAYOR AND COUNCIL**

***BEAVERCREEK WATERSHED***

Councilor Lambert stated that it was the efforts of Council, including a new road, water quality monitoring stations, and a baseline study, that have protected the City’s watershed.

***RIVER CORRIDOR***

Councilor Sanborn referenced a letter in the packet from Lee Estes, requesting the City undergo a comprehensive process to improve the appearance of the River Corridor. This effort should include City officials and staff, Garfield County, and owners of the gravel pits. Councilor Sanborn will bring a suggested resolution to the next meeting for Council consideration.

Meeting adjourned at 9:35 p.m.

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Wanda Nelson  
City Clerk

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Keith Lambert  
Mayor