

# RIFLE CITY COUNCIL MEETING

Wednesday, August 19, 2009

REGULAR MEETING

7:00 p.m. \* Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:03 p.m. by Mayor Keith Lambert.

**PRESENT ON ROLL CALL:** Councilors Beth Bascom, Alan Lambert, Jay Miller, Jennifer Sanborn, Jeanette Thompson, and Mayor Keith Lambert.

Councilor Lambert moved to excuse Councilor Jonathan Rice from tonight's meeting; seconded by Councilor Thompson.

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

**OTHERS PRESENT:** John Hier, City Manager; Matt Sturgeon, Assistant City Manager; Wanda Nelson, City Clerk; Jim Neu, Assistant City Attorney; Jim Bell, Cable 10; Michael Churchill, Cable 10; Rod Hamilton, Public Works Director; Charles Kelty, Finance Director; Charlie Stevens, Utility Director; Mike Braaten, Government Affairs Coordinator; Alicia Prado; Ignacio Mendoza; Linda Twidwell; Doug Winters; Ron Byrd; Fred Schultz; Adam Beal.

## CONSENT AGENDA

***MINUTES FROM THE AUGUST 5, 2009 REGULAR MEETING; LIQUOR LICENSE RENEWALS: WAL-MART; MOOSE LODGE; EL KORA; ACCOUNTS PAYABLE***

Councilor Thompson excused herself from voting on the Minutes. Councilor Lambert moved to approve the Consent Agenda; seconded by Councilor Bascom.

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

## CITIZEN COMMENTS AND LIVE CALL-IN

Mr. Hier stated there is an algae bloom in the Rifle pond that is causing an earthy smell to the water. Turning over the water in the pond more frequently will help fix the problem, and this can be done with additional pumps. Once cool weather ensues, the problem will disappear. Small in-home carbon filters can help reduce the smell; however, the presence of the algae is not harmful.

## ***RESOLUTION 20-09: SUPPORTING GOCO GRANT APPLICATION FOR RIFLE CREEK TRAIL***

A RESOLUTION OF THE CITY OF RIFLE, COLORADO, SUPPORTING THE AGREEMENT BETWEEN THE CITY OF RIFLE AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND REGARDING THE RIFLE CREEK TRAIL

Mr. Briedis noted the City has received a \$200,000 grant from GOCO for the Rifle Creek Trail. The total cost for the project is \$554,600; \$260,000 is coming from the Colorado Trust Fund, and the remaining \$94,500 is coming from the Parks & Rec fund. Councilor Miller moved to approve Resolution 20-09; seconded by Councilor Bascom.

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

## ***ADOPTION OF STRATEGIC PLAN***

Mayor Lambert noted that the Council and staff participate in a yearly strategic planning session to review the City's mission, vision, and goals. Councilor Bascom moved to adopt the Plan; seconded by Councilor Miller.

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

***PUBLIC HEARING: PLAZA LIQUORS APPLICATION***

Mayor Lambert opened the public hearing. The applicants Alicia Prado and Ignacio Mendoza were sworn in. This public hearing was properly noticed. Ms. Nelson stated that the City received an application for a Retail Liquor Store for Plaza Liquors, located at 2000 Railroad Avenue. There are two outlets within one mile who hold a Retail Liquor License. The applicant is complete, the fees have been paid, and the applicants have submitted a petition with signatures of Rifle residents that support this application. A background check was completed and the Police Department notes no problems with it. Ms. Prado stated that she has worked at a liquor store in the past. Officer Wilson has met with the applicant to review local and State liquor laws. Councilor Bascom moved to approve the Application; seconded by Councilor Sanborn.

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

***WHITERIVER PLAZA PUD ZONING & SUBDIVISION***

***SECOND READING OF ORDINANCE 23-09: PROPERTY RE-ZONE***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, RE-ZONING PROPERTY KNOWN AS WHITERIVER PLAZA FROM COMMUNITY SERVICE ZONE DISTRICT (CS) TO COMMUNITY SERVICE PLANNED UNIT DEVELOPMENT ZONE DISTRICT (CS-PUD).

***SECOND READING OF ORDINANCE 24-09: APPROVING PUD PLAN***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING A PUD FINAL DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT FOR WHITERIVER PLAZA PLANNED UNIT DEVELOPMENT.

The applicant Adam Beal reviewed his project. Whiteriver Plaza is located at the corner of 16<sup>th</sup> Street and Whiteriver Avenue, and includes both residential and commercial units. The applicant is considering adding two additional units in the project. The project was thoroughly reviewed during the public hearing at the previous Council meeting. Councilor Lambert moved to approve Ordinances 23-09 and 24-09 as amended and ordered them to be published in full as required by Charter; seconded by Councilor Thompson.

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

***SECOND READING OF ORDINANCE 26-09: 431 EAST 1<sup>ST</sup> STREET ALLEY VACATION***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING THE VACATION OF A PORTION OF THE ALLEY BEHIND 431 EAST 1<sup>ST</sup> STREET WITHIN THE CITY

Mr. Sturgeon noted this application was discussed at length at the Public Hearing at the first reading. The City received an application for a right-of-way vacation of a sixteen foot alley behind 431 East 1<sup>st</sup> Street. The alley was platted in the early 1900's and is not developed or capable of being developed because of topography. The vacation is being requested by the owner of the adjacent lot because the house encroaches into the platted alley. There are no utilities in the "alley" and it is not needed for public access- nor will it ever be needed or capable of being used for utilities or access. Colorado statute provides the process for right-of-way vacations which Ordinance 26, Series of 2009 adheres to and makes the required findings for the vacation. Councilor Bascom moved to approve Ordinance 26-09 as presented and ordered it to be published in full as required by Charter; seconded by Councilor Sanborn.

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

***SECOND READING OF ORDINANCE 25-09: SOLAR TAX REBATE PROGRAM***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 4-2-30 OF THE RIFLE MUNICIPAL CODE, "DEFINITIONS," AND ADDING A NEW SECTION 4-2-50 REGARDING SALES AND USE TAX REBATES FOR QUALIFIED PHOTOVOLTAIC AND SOLAR THERMAL SYSTEM INSTALLATIONS.

Mr. Braaten reported that, based on the success of other Colorado communities in adopting renewable energy development incentives and interest from citizens, staff has introduced a proposed Solar Tax Rebate Program for photovoltaic and solar thermal system installations. In considering such a program, the City seeks to promote the deployment of clean, renewable energy and stimulate economic development by encouraging residents to spend their energy money locally. Ordinance No. 25, Series of 2009 would implement a rebate program outlined in a new Section 4-2-50 of the Rifle Municipal Code and more specifically described in rules and regulations adopted as part of the Ordinance. Sales and use tax rebates up to \$3,000 will be offered for purchase of professionally installed photovoltaic and solar thermal systems, the components of which will be defined in accordance with state statute at Section 4-2-30 the Code. The City will rebate to applying taxpayers a portion of City sales and use taxes paid under Chapter 4 for Photovoltaic and Thermal Systems professionally installed on or after September 1, 2009. In addition to the new Section 4-2-50, Ordinance No. 25 adopts Rules and Regulations for the Solar Tax Rebate Program setting forth eligibility requirements for applicants. The Program will terminate on August 31, 2012 unless extended at that time by the City Council. Councilor Miller moved to approve Ordinance 25-09 as presented and ordered it to be published in full as required by Charter; seconded by Councilor Thompson.

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

***LIBRARY DISTRICT SITE LEASE & IGA & VACATION OF EAST 2<sup>ND</sup> STREET***

***EMERGENCY ORDINANCE 27-09: SITE LEASE AND IGA WITH LIBRARY DISTRICT***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF RIFLE AND THE GARFIELD COUNTY PUBLIC LIBRARY DISTRICT CONCERNING THE RIFLE LIBRARY/CITY HALL COMPLEX; APPROVING A SITE LEASE BETWEEN THE CITY OF RIFLE, AS LESSOR, AND THE GARFIELD COUNTY PUBLIC LIBRARY DISTRICT, AS LESSEE; AND DECLARING AN EMERGENCY.

The purpose of this ordinance is to approve the Intergovernmental Agreement and the Site Lease between the City and the Library. Ordinance 27 is proposed as an emergency ordinance to ensure that the financing for the Library District can occur on August 26 as currently contemplated, to maintain the favorable financing proposal that would otherwise expire if the Library District was forced to wait until sometime in October for the effective date of the Site Lease and IGA. In addition, it is important, for construction timing and phasing purposes, to commence construction in September.

***EMERGENCY ORDINANCE 28-09: EAST 2<sup>ND</sup> STREET VACATION***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING THE VACATION OF A EAST 2<sup>ND</sup> STREET BETWEEN RAILROAD AVENUE AND EAST AVENUE WITHIN THE CITY AND DECLARING AN EMERGENCY

Ordinance No. 28 will vacate the right-of-way for East Second Street between Railroad Avenue and East Avenue. This will consolidate the parcels into a larger parcel. The emergency nature of the ordinance is for the same reasons discussed under Ordinance No. 27. The ordinance is effective upon recordation, but will not be recorded until after the City has acquired the Library District's property in Block I, to ensure that all of the right-of-way vacated becomes property of the City.

Applicants Amelia Shelley, Library Executive Director, and General Contractor Fred Patterson were present for this discussion.

Councilor Rice arrived at 8:09 p.m.

Councilor Lambert moved to approve Emergency Ordinances 27-09 and 28-09 as presented and ordered them to be published in full as required by Charter; seconded by Councilor Bascom.

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

***WORKFORCE HOUSING FEE WAIVER POLICY***

Mr. Sturgeon reviewed a request received by staff to allow a duplex constructed in 2009 to be classified as workforce housing. JBS Construction obtained a building permit to construct a duplex in 2009, and paid all associated building permit fees. The builder's intent was to sell "market" rate units. The builder has not been able to sell said units, but

has received interest in a unit by a local worker seeking to purchase a workforce housing unit. The difference in the price is approximately \$25,000. Staff recommends Council pass a blanket approval that allows all new, unoccupied units to be converted to workforce housing if the builder can comply with each of the Workforce Housing Ordinance guidelines. Councilor Miller moved to approve the Policy as presented; seconded by Councilor Rice.

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

### **ADMINISTRATIVE REPORTS**

Mr. Sturgeon reviewed the following items: 2010 Budget process; employee picnic; preconstruction meeting regarding Centennial Park; Visitor Information Center roof; new Council orientation; 2009 Street Improvement Fund. Ms. Nelson stated that ballots were mailed out on Monday for the 2009 Municipal Election. Mr. Braaten provided an update on the local shopping incentive program. He noted that the 3<sup>rd</sup> Street lights have been installed, and reviewed the Governor's budget reductions and their impact on local government.

### **COMMENTS FROM MAYOR AND COUNCIL**

#### ***GARFIELD COUNTY AIR SHOW***

Councilors Lambert and Thompson thanked everyone responsible for this year's Air Show. Councilor Thompson noted that the play equipment for the children was especially impressive.

#### ***KUDOS TO EMERGENCY SERVICES***

Councilor Lambert thanked the Rifle Fire Department and Police Department for their assistance during his recent house fire. The Fire Department used a thermal imaging camera to find the fire in the ceiling, and the fighters were able to extinguish it immediately.

#### ***2009 MUNICIPAL ELECTION***

Councilors Bascom and Thompson thanked all the candidates for their interest in serving on Council. Councilor Bascom asked everyone to take time to fill out their ballot and return it.

#### ***BEARS CARD***

Councilor Rice encouraged everyone to save money by buying a Bears Card, which offers discounts to many businesses in Rifle and Garfield County.

#### ***CURRENT PROJECTS***

Mayor Lambert noted the City is working on the following projects: new wastewater plant; new parks facility; overlay of streets; 3<sup>rd</sup> Street; road improvements.

Meeting adjourned at 9:06 p.m.

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Wanda Nelson  
City Clerk

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Keith Lambert  
Mayor