

RIFLE CITY COUNCIL MEETING

Wednesday, August 5, 2009

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 Beth Bascom, Alan Lambert, Jay Miller, Jonathan Rice, Jennifer Sanborn, and Mayor Keith Lambert.

Councilor Lambert moved to excuse Councilor Jeanette Thompson from tonight's meeting; seconded by Councilor Bascom.

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

OTHERS PRESENT: John Hier, City Manager; Matt Sturgeon, Assistant City Manager; Wanda Nelson, City Clerk; Lee Leavenworth, City Attorney; Jim Neu, Assistant City Attorney; Daryl Meisner, Chief of Police; 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; Randy Winkler; John Scalzo; Linda Twidwell; Adam Beal; Matt Flink; Nancy Sanchez; Pacomio Sanchez; Rhonda Bazil; Lauri Spatowik.

Clerk's Note: One signature was illegible.

CONSENT AGENDA

MINUTES FROM THE JULY 15, 2009 REGULAR MEETING; MINUTES FROM THE JULY 28, 2009 SPECIAL MEETING; JUNE FINANCIAL REPORT; JUNE SALES TAX REPORT; SET PUBLIC HEARING FOR PLAZA LIQUORS APPLICATION; ELKS LODGE CORPORATE REPORT OF CHANGES; ACCOUNTS PAYABLE

Ms. Nelson requested that the Special Meeting Minutes be amended to state that Finance Director Charles Kelty and Government Affairs Coordinator Mike Braaten attended the meeting. Councilor Lambert moved to approve the Consent Agenda; seconded by Councilor Bascom.

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

CITIZEN COMMENTS AND LIVE CALL-IN

Mr. Stevens stated that he has received complaints about the taste and odor of the water. His staff is working diligently to address this issue, and reported that the water is safe to drink. Citizens may contact Mr. Stevens if they have questions or need additional information.

ACTION ON WORKSHOP ITEMS

Mr. Hier reviewed local shopping incentive programs that are designed to encourage local shopping. Council directed staff to research such a program and bring it to them for consideration at a future meeting.

RESOLUTION 19-09: ADOPTING 2010 BUDGET CALENDAR

Mr. Kelty stated this resolution sets the dates for the Budget Calendar. Councilor Lambert moved to approve Resolution 19-09; seconded by Councilor Rice.
Roll Call: Yes – Bascom, A. Lambert, Miller, Rice, Sanborn, K. Lambert

SECOND READING OF ORDINANCE 20-09: BALLOT INITIATIVE: TERM LIMIT CHARTER AMENDMENT

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROVIDING FOR THE SUBMITTAL FOR APPROVAL OF THE REGISTERED VOTERS OF THE CITY AT THE 2009 REGULAR MUNICIPAL ELECTION A QUESTION WHETHER SECTION 3.4 OF THE CITY CHARTER SHALL BE AMENDED TO CREATE A TWO TERM LIMIT FOR CITY COUNCIL MEMBERS

Mr. Neu noted that the City received a Ballot Initiative Petition pursuant to the City Charter to put before the electorate at the September regular municipal election the question whether the City of Rifle Charter be amended to institute term limits for City Council members. The Charter was amended in 2006 to remove the term limit language. In accordance with Section 5.2 of the City Charter, the City Clerk certified that the Petition was signed by at least ten percent (10.0%) of the registered electors of the City. As required by the Charter, Council directed staff to draft the necessary ordinance placing the question on the ballot, thus Ordinance No. 20, Series of 2009 was drafted. Councilor Miller moved to approve Ordinance 20-09 as amended and ordered it to be published in full as required by Charter; seconded by Councilor Bascom.

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

SECOND READING OF ORDINANCE 21-09: BALLOT INITIATIVE: CITY COUNCIL ELECTION DISTRICTS

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROVIDING FOR THE SUBMITTAL FOR APPROVAL OF THE REGISTERED VOTERS OF THE CITY OF RIFLE AT THE 2009 REGULAR MUNICIPAL ELECTION A QUESTION WHETHER SECTION 2.5 OF THE CITY CHARTER SHALL BE AMENDED TO REQUIRE ESTABLISHMENT OF FOUR GEOGRAPHIC ELECTION DISTRICTS IN THE CITY AND ELECTION OF FOUR OF SEVEN COUNCIL MEMBERS FROM SEPARATE DISTRICTS

Similar to the above, the City Clerk received a Ballot Initiative Petition to put a question on the ballot whether City Council members should be elected by districts. Mr. Neu explained that the ballot proposes the creation of four contiguous voting districts. The districts will be established so that each includes approximately the same number of registered electors, as determined in the previous regular municipal election, and will be created by an implementing ordinance of the City Council to be adopted

in the event the ballot question is approved by City voters in September. Ordinance No. 21, Series of 2009 submits the election district question to the City's registered voters at the September 8, 2009 regular municipal election. Councilor Bascom moved to approve Ordinance 21-09 as presented and ordered it to be published in full as required by Charter; seconded by Councilor Rice.

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

PUBLIC HEARING: WHITERIVER PLAZA PUD ZONING & SUBDIVISION

FIRST 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).

FIRST 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.

Mr. Lambert opened the public hearing. The applicants Matt Flake and Adam Beal were sworn in and reviewed their project. Whiteriver Plaza is located at the corner of 16th Street and Whiteriver Avenue, and includes both residential and commercial units. The Planning Commission reviewed this application in April 2009 and recommended approval. The conditions of approval recommended by staff are considered “housekeeping” measures and will be resolved. Mr. Neu reviewed the SIA and noted several amendments were included due to the current lending environment. Councilor Lambert moved to approve Ordinances 23-09 and 24-09 as presented and ordered them to be published by title as required by Charter; seconded by Councilor Bascom.

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

FIRST READING OF ORDINANCE 26-09: 431 EAST 1ST STREET ALLEY VACATION

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

The City received an application for a right-of-way vacation of a sixteen foot alley behind 431 East 1st 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. Rhonda Bazil appeared on behalf of the applicant. 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 by title as required by Charter; seconded by Councilor Rice.

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

FIRST 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 a 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 Rice moved to approve Ordinance 25-09 as presented and ordered it to be published by title as required by Charter; seconded by Councilor Sanborn.

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

MERITAGE REQUEST REGARDING RIMROCK INFRASTRUCTURE DESIGN

Applicants Matt Lamm, John Patrick, and Scott Russell reviewed their request for the City to authorize SGM to design the backbone infrastructure that is needed to serve the future residential areas at Rimrock and neighboring properties. Council discussed the fact that SGM is the City's engineer, and having them work on this project violates ethical standards, as it would not be responsible for SGM to both design the work and review the work. Councilor Miller moved to approve the Meritage Request; seconded by Councilor Lambert.

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

Mr. Leavenworth arrived at 8:15 p.m.

COLORADO RIVER DISTRICT PRESENTATION

Dan Birch, Deputy General Manager of the Colorado River Water Conservation District, outlined the District's request for the City to participate in the cost of an environmental compliance

related to the existing Programmatic Biological Opinion (PBO) for the Colorado River. The PBO was negotiated and put in place in 1999. The purpose of the PBO was to allow for environmental compliance that would achieve a favorable determination from the Fish and Wildlife Service regarding the four endangered fish species located in the Colorado River. Part of the PBO required Colorado water users to provide 10,825 acre feet per year for fish recovery. While this has been done on an interim basis, a permanent solution must be in place by 2012. The east slope water users (i.e. transmountain diverters) provide half of this obligation, and the other half was a western slope obligation. The preferred west slope alternative for its permanent supply is using water stored in the Ruedi Reservoir. The National Environmental Policy Act (NEPA) mandates that implementation of the Western Slope Preferred Alternative go through an environmental review process. Mr. Birch indicated that he hopes the environmental review would only require an Environmental Assessment, rather than a 'full-blown' environmental impact statement. Mr. Birch also explained that the River District is pursuing a reallocation of the water in Reudi that would be used for this purpose from a reimbursable obligation (at a cost of about \$8 million) to a non-reimbursable obligation that would be absorbed by the federal government. Councilor Bascom moved to contribute \$15,000 for Rifle's share of NEPA expenses out of the 2009 Water Rights Expense Account; seconded by Councilor Lambert.

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

ADMINISTRATIVE REPORTS

Mr. Hier reviewed the following items: summer maintenance; north Railroad Avenue overlay; Whiteriver Avenue project; DOLA grant for Rifle Energy Park; 2010 budget preparation; Senior Transportation Program; theater repairs. Ms. Nelson stated that, with the passage of Ordinances 20-09 and 21-09, the ballot has now been set. August 10th is the last day for voters to register for the September 8th election. Mr. Stevens provided an update on the new wastewater treatment plant and discussed the Mioxx project at Beaver Creek. Chief Meisner reported the PD had a successful first annual "National Night Out," where canned food was collected and donated to Lift-Up. The PD is also attending the Farmer's Market to provide public education.

COMMENTS FROM MAYOR AND COUNCIL

KUDOS

Councilor Rice thanked Garfield County for their contribution of \$1.5 million dollars towards the Energy Park. He also thanked John Miller for his contributions as football coach at the middle school. Councilor Bascom thanked the crews for their work on Whiteriver Avenue, and the PD for their efforts in community outreach. Councilor Lambert also thanked the PD for their successful event. Mayor Lambert thanked the water department for responding to a citizen's concern with an hour of her report.

ELECTION 2009

Councilor Bascom noted the ballot for the 2009 Municipal Election will be mailed out the third week in August. Councilor Miller invited everyone to attend the Candidates and Issues Forum on Monday, August 10th at City Hall.

COUNTY PROPERTY AT 18TH AND RAILROAD

Councilor Lambert inquired into the County's plans for the vacant property at 18th Street and Railroad Avenue. Mr. Hier will look into this further.

GARFIELD COUNTY PARADE

Councilor Sanborn noted that the Parade will be Saturday morning, and encouraged everyone to come out and watch it.

EXECUTIVE SESSION: FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS SECTION 24-6-402(4)(B)

Councilor Rice moved to adjourn to Executive Session for a conference with the City Attorney concerning Water Rights under CRS 24-6-402(4)(b); seconded by Councilor Lambert (9:49 p.m.).

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

Councilor Sanborn moved to adjourn from Executive Session; seconded by Councilor Lambert (10:27 p.m.).

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

Meeting adjourned at 10:27 p.m.

Wanda Nelson
City Clerk

Keith Lambert
Mayor