

RIFLE CITY COUNCIL MEETING

Wednesday, May 6, 2009

REGULAR MEETING

7:00 p.m. * Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:05 p.m. by Mayor Keith Lambert.

PRESENT ON ROLL CALL: Councilors Beth Bascom, Alan Lambert, Jay Miller, Jonathan Rice, Jen Sanborn, Jeanette Thompson, and Mayor Keith 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; Charlie Stevens, Utility Director; Nathan Lindquist, Planner; Charles Kelty, Finance Director; Dale, Sally, & Layne Potvin; Andrea Porter; Heidi Rice, *Citizen Telegram*; Gaspar Perricone; Shari Neuroth; Paul & Jo Huffman; Darrell DeForest; James E. Golden; Annick Pruitt.

CONSENT AGENDA

MINUTES OF THE APRIL 15, 2009 REGULAR MEETING; MARCH SALES TAX REPORT; MARCH FINANCIALS; LIQUOR LICENSE RENEWALS: WINCHESTER, RIFLE LIQUOR; APPOINTMENTS TO PLANNING & ZONING COMMISSION; ACCOUNTS PAYABLE

Councilor Lambert moved to approve the Consent Agenda; seconded by Councilor Sanborn.

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

CITIZEN COMMENTS AND LIVE CALL-IN

Andria Porter, publisher of the *Citizen Telegram* and *Post Independent*, stated that the *Telegram* will continue to publish a weekly newspaper. Jim Golden from Rifle Village South discussed his concern with odor from the wastewater plant and excessive dump truck traffic.

GASPAR PERRICONE, REGIONAL REPRESENTATIVE FOR U.S. SENATOR MARK UDALL

Mr. Perricone introduced himself and provided an update on the Colorado Workforce Tour. He recounted the Senator's visit to Rifle's solar array, and discussed other items the Senator is working on.

YOUTH WEEK PROCLAMATION

The Elk's Lodge designates a week in May each year to honor America's Junior Citizens for their service to the community. Mayor Lambert read the Proclamation aloud, and Darrell DeForest, Exalted Ruler with the Elk's, was present to receive a signed copy. Councilor Rice moved to approve the Proclamation; seconded by Councilor Miller.

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

SECOND READING OF ORDINANCE 13-09: WORKFORCE HOUSING INCENTIVES PILOT PROGRAM

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO EXTENDING THE WORKFORCE HOUSING INCENTIVES PILOT PROGRAM FOR AN ADDITIONAL ONE YEAR PERIOD

Mr. Sturgeon explained that, by Ordinance No. 5, Series of 2008, the Rifle City Council approved a temporary Workforce Housing Incentives Pilot Program for a one year period which will end on April 30, 2009. In the last year, five homes have been sold in the City utilizing the Program. Knowledge and interest in the Program is growing, and affordable housing advocates and the development community are supportive of the incentives. Staff is recommending a one-year extension of the Workforce Housing Incentives Pilot Program to be effective through April 30, 2010 with a limit of an additional eligible 25 units. Councilor Bascom moved to approve Ordinance 13-09 as presented and ordered it to be published in full as required by Charter; seconded by Councilor Lambert.

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

PUBLIC HEARING: 14TH STREET MARKETPLACE PUD

FIRST READING OF ORDINANCE 15-09: PROPERTY RE-ZONE

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, RE-ZONING PROPERTY OWNED BY 14TH STREET MARKETPLACE, LLC KNOWN AS THE 14TH STREET MARKETPLACE FROM COMMUNITY SERVICE ZONE DISTRICT (CS) TO COMMUNITY SERVICE PLANNED UNIT DEVELOPMENT ZONE DISTRICT (CS-PUD).

FIRST READING OF ORDINANCE 16-09: PUD APPROVAL

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING A PUD FINAL DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT FOR 14TH STREET MARKETPLACE PLANNED UNIT DEVELOPMENT.

Mayor Lambert opened the public hearing. The applicants Dale, Sally, & Layne Potvin reviewed their application, which is a request for a Final PUD Development Plan and Subdivision for 14th Street Marketplace located at 14th Street and Railroad Avenue. The Project is a mixed use residential and commercial development to be developed in three phases. Each phase of development has certain public improvements associated with it, the construction of which will be governed by the enclosed SIA. Upon the completion of each building, condominium plats may be administratively approved and recorded subdividing the individual units that may then be conveyed separately. Staff has had the Developer put all of the conditions of development of the Property into the PUD Guidebook which will govern this Project. The Developer is requesting a variance from the Public Works Manual regarding fire and domestic water service lines. Staff does not object to the granting of the variance and certain additional conditions related to that variance are contained in the SIA. The Property contained a mobile home park and an RV Park and the Developer has worked with Westside Mobile Home Court to relocate many of the mobile homes to that new location so these families may remain in Rifle. Staff

appreciates the Developer's willingness to address that housing issue and supports this redevelopment in a prime location. Ordinance No. 15-09 approves the PUD Zoning and PUD Guidebook, and Ordinance No. 16-09 approves the Subdivision of the Property, including the creation of condominium units. Councilor Lambert moved to approve Ordinances 15-09 and 16-09 on first reading as presented and ordered them to be published by title as required by Charter; seconded by Councilor Miller.

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

SECOND READING OF ORDINANCE 10-09: RAW WATER IRRIGATION REGULATIONS

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 13-4-70 OF THE RIFLE MUNICIPAL CODE REGARDING WATER SYSTEMS IMPROVEMENT FEE REDUCTIONS, AMENDING SECTION 13-6-30 REGARDING WATER RIGHTS DEDICATION REDUCTIONS, AND ADOPTING A NEW ARTICLE VII OF CHAPTER 13 REGARDING RAW WATER IRRIGATION

Mr. Neu explained that City staff has been researching incentives to conserve water to implement the City's Water Conservation Plan. One incentive is to charge reduced water tap fees and water rights dedication fees in exchange for the installation and use of raw water irrigation systems. Properties that have access to irrigation ditches and hold the appurtenant water rights can utilize non-potable water which reduces the capital improvements needed to the City's water system, justifying the water tap fee reduction, and utilize less water in the City's water rights portfolio, justifying the water rights dedication fee reduction. The reductions recommended by Schmueser Gordon Meyer and offered in other jurisdictions are 25% reduction to water tap fee and 75% reduction of water rights dedication fees. Because these one-time payments allow perpetual use of the City's system, the system must be designed properly and covenants must be in place on the property to ensure the system is going to work and that future owners cannot eliminate the system. Ordinance No. 10, Series of 2009 amends Chapter 13 of the Rifle Municipal Code to reference the reduced fees and set forth the requirements of the program: the physical system needs to be approved by the City; City right-of-way may not be utilized unless a separate License Agreement is agreed to (with terms in the City's sole discretion); if the system is not maintained, the City has the ability, but not the obligation, to maintain it and charge the property owner with lien rights; covenants must be recorded against the Property to ensure no potable water use occurs for outside irrigation; and if ever the system ceases to operate, the property owner will have to refund the City the reductions provided in the amount of the fees then in effect. Councilor Miller moved to approve Ordinance 10-09 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, Rice, Sanborn, Thompson, K. Lambert

FIRST READING OF ORDINANCE 14-09: COMPENSATION FOR MAYOR AND COUNCIL MEMBERS

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 2-2-10 OF THE RIFLE MUNICIPAL CODE BY REGARDING THE COMPENSATION PAID TO THE MAYOR AND CITY COUNCIL MEMBERS EFFECTIVE AFTER THE SEPTEMBER 8, 2009 REGULAR MUNICIPAL ELECTION

Mr. Neu explained that Article 3.7 of the City of Rifle Charter authorizes the City Council to establish by ordinance the amount of compensation for the Mayor and Council Members with any increase taking effect after the next general election of Council members. With the City's regular municipal election coming up on September 8, 2009 and a call for candidates currently out, staff thought it was an appropriate time to review the compensation paid to the Mayor and City Council Members to ensure the City gets quality candidates. A chart comparing compensation paid in neighboring municipalities was included in Council's packet that shows the City of Rifle is below average. These positions require numerous hours of preparation, document review and meeting time, both for regular Council meetings, and special, budget and committee meetings. Although the City should not attempt to compensate for all of these hours because candidates need to come forward through a sense of civic duty, compensation does assist with the loss of work time and shows the City values the time and effort committed to the position. Ordinance No. 14, Series 2009 would amend Section 2-2-10 of the Code, and staff recommends \$600 per month for the Mayor and \$400 for each Council Member because both of those amounts fall below the average for neighboring communities but provide more equitable compensation for the time and effort required for the positions, specifically considering the numerous unique issues affecting Rifle that the other municipalities do not face. Any changes will affect the Council that succeeds this one and not the current Council, as required by Charter. Councilor Rice moved to approve Ordinance 14-09 as presented and ordered it to be published by title as required by Charter; seconded by Councilor Thompson.

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

EXECUTIVE SESSION: LEGAL ADVICE

Councilor Rice moved to adjourn to Executive Session for Legal Advice under CRS Section 24-6-402(4)(b); seconded by Councilor Lambert (8:25 p.m.)

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

Councilor Lambert moved to adjourn from Executive Session; seconded by Councilor Bascom (9:05 p.m.).

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

CHANGE ORDER #8 FOR RRWRF

Mr. Stevens presented Change Order #7 for the RRWRF. The changes include belt filter press conveyor improvements and changes, and an escalation in the roofing materials. Councilor Bascom moved to approve the Change Order in an amount of \$24,969.54; seconded by Councilor Rice.

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

ADMINISTRATIVE REPORTS

Mr. Hier reviewed the following items: Spring Clean-up; odor problems at the wastewater plant; kudos to Erin Sims, Nathan Lindquist, and Mike Braaten for their work on the Community Garden; recent City-County manager's meeting; construction north of Rifle; first quarter revenues; broken freezer at the Senior Center; meeting with John Scalzo regarding the Veteran's Memorial; Court request for an additional day; capital projects. Ms. Nelson discussed two openings on the Visitor Improvement Fund Advisory Board, and was instructed to advertise the opening. Mr. Sturgeon reported that Planner

Robert Mansolillo's last day will be May 13th. Outreach meetings with the consultants working on the Gateway Plan will be held May 18-20 at City Hall.

COMMENTS FROM MAYOR AND COUNCIL

CONGRATULATIONS GRADUATES!

The Council congratulated all the graduates.

HAPPY BIRTHDAY TANNER!

Councilor Bascom wished Tanner a very Happy Birthday.

HAPPY MOTHER'S DAY

Councilor Rice wished all the mothers a very happy day. Councilor Thompson stated that the Symphony in the Valley is performing on Mother's Day.

KUDOS

Councilor Rice thanked Charlie Stevens and Tom Whitmore for giving him a tour of City facilities under construction.

WORKSHOP WITH THE EDC NEXT WEEK

Mayor Lambert reminded Council of the workshop next week with the Economic Development Corporation.

Meeting adjourned at 9:29 p.m.

Wanda Nelson
City Clerk

Keith Lambert
Mayor