

RIFLE CITY COUNCIL MEETING

Monday, November 19, 2012

REGULAR MEETING

6:00 p.m. * Council Chambers

EXECUTIVE SESSIONS

- **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); AND FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER CRS 24-6-402(4)(E)**
- **TO DISCUSS PERSONNEL MATTERS UNDER CRS 24-6-402(2)(F) AND NOT INVOLVING: (1) ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION; (2) ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL; (3) THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR OF AN ELECTED OFFICIAL; OR (4) PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES**

Recess, 6:25 p.m. - 7:00 p.m.

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, Jonathan Rice, Randy Winkler, and Mayor Jay Miller.

Councilor A. Lambert moved to excuse Councilors Keith Lambert and Jen Sanborn from tonight's meeting; seconded by Councilor Rice. Roll Call: Yes – Carter, A. Lambert, Rice, Winkler, Miller.

OTHERS PRESENT: John Hier, City Manager; Matt Sturgeon, Assistant City Manager/Director of Planning; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Channel 10 Manager; Michael Churchill, Channel 10 Assistant Manager; Mike Braaten, Government Affairs Coordinator; Aleks Briedis, Recreation Director; Dick Deussen, Utility Director; John Dyer, Police Chief; Peter Hayes, Building Inspector; Charles Kelty, Finance Director; Tom Whitmore, Parks Director; Glenn Ault; Gil Frontella; Mike McKibbin; Troy Phillips; Helen Rogers; Jeff Savage; Crystal Schiller; Elizabeth Stuver; and Kevin Whelan.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the November 7, 2012 Regular Meeting
- B. Set public hearing for new liquor license application for Brenden Rifle 7 Theatres
- C. Modification of Liquor-Licensed Premises: Kum & Go #921
- D. License Agreement with EAGLE-Net Alliance for RE-2 School District Broadband Services
- E. West Slope Cost-Share Agreement for Ruedi Reservoir Repayment
- F. September 2012 Sales Tax Report
- G. September 2012 Financial Report
- H. Accounts Payable

Councilor Carter moved to approve Consent Agenda Items A, B, C, D, E, F, G, and H; seconded by Councilor Rice. Roll Call: Yes – Carter, A. Lambert, Rice, Winkler, Miller.

CITIZEN COMMENTS AND LIVE CALL-IN

Troy Phillips asked Council to reconsider the City’s funding with reserves the refurbishment of the New Ute Theatre, while the economy remains weak, and while other City projects remain incomplete, such as Deerfield Park.

Helen Rogers expressed concern that correct information about the funding of the New Ute Theatre refurbishment was not reaching the public.

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

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – COLORADO MOUNTAIN COLLEGE FOUNDATION – JACK ROBERTS SHOW

Mayor Miller opened the public hearing and swore in Crystal Schiller, Development Coordinator, Colorado Mountain College (CMC) Foundation. Ms. Schiller presented the Foundation's application for a special event permit to provide liquor service at the opening reception for the show of Jack Roberts’ artwork at CMC’s West Garfield Campus at 3695 Airport Road on November 30, 2012, from 5 p.m. to 10 p.m. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor Carter moved to approve the Special Event Liquor Permit for Colorado Mountain College Foundation on November 30, 2012, from 5 p.m. to 10 p.m., at 3695 Airport Road; seconded by Councilor A. Lambert.

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

PUBLIC HEARING - 2013 PROPOSED BUDGET

Mayor Miller opened the public hearing. City Manager John Hier and Finance Director Charles Kelty provided an overview of the proposed 2013 budget. The following funds were discussed: Parks and Recreation Fund, Water Fund, Wastewater Fund, Sanitation Fund, Fleet Fund, and Information Technology Fund.

CONSIDER SECOND AMENDMENT TO LEASE WITH CACALOCO ENTERPRISES, INC.

This item was not ready for Council consideration at this time.

CONSIDER AMENDING SECTION R313.2 OF THE 2009 INTERNATIONAL RESIDENTIAL CODE (IRC) REMOVING THE REQUIREMENT FOR AUTOMATIC RESIDENTIAL FIRE SPRINKLERS – ORDINANCE NO. 21, SERIES OF 2012 - FIRST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 18-3-30 OF THE RIFLE MUNICIPAL CODE REGARDING RESIDENTIAL SPRINKLER SYSTEMS

Assistant City Manager/Director of Planning Matt Sturgeon noted that Council heard comments at its November 7, 2012, workshop regarding the merits of 1- and 2-family residential fire sprinkler systems. The Mayor requested that the question of whether to keep this requirement as part of the City’s building codes be placed on tonight’s agenda. Proposed Ordinance No. 21, Series of 2012, would amend Section 18-3-30 of the Rifle Municipal Code by striking the requirement that new construction of 1- and 2-family homes include fire sprinkler systems beginning Jan. 1, 2013.

Staff recommended that Council consider adding to the ordinance the following:

1. A 2-family unit (duplex) shall separate each unit with a 2-hour rated firewall.

2. In unfinished basements, protect I-Joists using type x 5/8" sheetrock, and in crawl spaces containing mechanical devices with gas connections, protect subflooring above the crawl space with sheetrock. The purpose is to protect the passage ways on the main living floor in the event a fire starts in the basement or the crawl space; this helps protect residents and public safety responders from falling through the floor.

Glenn Ault and Jeff Savage expressed concern that requiring residential fire sprinkler systems would increase the cost to construct a home.

Councilor Rice moved to approve Ordinance No. 21, Series of 2012, on first reading as amended and to order it to be published by title as required by Charter; seconded by Councilor Carter.

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

CONSIDER AUTHORIZING SUBMITTAL OF ENERGY IMPACT GRANT REQUESTS

Government Affairs Coordinator Mike Braaten described 2 projects to be submitted to the Department of Local Affairs (DOLA) for consideration of grant funding. The first proposal will engineer, construct and connect a redundant water line to south Rifle (everything south of I-70) to improve water service delivery, flexibility, and security. The total project cost is estimated by City Engineer Rick Barth at \$1,467,390. DOLA recommends a one-to-one dollar match for large requests and staff is proposing to meet that requirement. The request to DOLA will be for \$733,695 and the City's match, provided by the water fund, will be \$733,695. This application will be considered in the Tier 2 category and will require the City to participate in a hearing before the Energy Impact Grant Review Board in the spring of 2013.

The second request will be for \$200,000 in additional funding to complete the renovation of the Ute Theatre. It is a heavily leveraged/matched project with other funding coming from a myriad of entities and funds. This project will be reviewed internally by DOLA and will not require participation in a grant hearing. Instead, the Executive Director of DOLA will make the final decision on funding.

DOLA requires that the City prioritize these funding requests. Due to the health and safety nature of the duplicate water line, staff recommends Council prioritize it as the top priority.

Councilor Winkler moved to approve and support a grant request to the Department of Local Affairs Energy Impact Assistance Fund for the duplicate water line and a grant request for the Ute Theatre renovation, with the duplicate water line being the highest priority project from the City of Rifle; seconded by Councilor A. Lambert.

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

CONSIDER AGREEMENTS FOR GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT GRANTS – RESOLUTION NOS. 21 AND 22, SERIES OF 2012

Mr. Braaten recommended that Council approve Resolution No. 21, Series of 2012, approving a contract with the Garfield County Federal Mineral Lease District (GCFMLD) to receive GCFMLD grant funds for the North I-70 Roundabout engineering and design. This project's total estimated cost is \$310,000. The City has committed \$83,000. Developer Wayne Rudd has committed \$10,000. The award was \$217,000 to the City from GCFMLD.

Mr. Braaten recommended that Council approve Resolution No. 22, Series of 2012, approving a contract with GCFMLD to receive GCFMLD grant funds for the Rifle Biosolids Action Plan. This project is estimated to cost \$50,000. This project received \$25,000 in grant funds from GCFMLD and is matched with \$25,000 from the Wastewater Fund.

Councilor Rice moved to approve Resolution Nos. 21 and 22, Series of 2012; seconded by Councilor Carter.

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

CONSIDER REQUEST BY MARTIFER SOLAR TO WAIVE BUILDING PERMITS

Mr. Braaten informed Council that Martifer Solar has requested to be exempt from the building permit fees related to their installation of solar arrays for the City of Rifle. According to the Rifle Building Department, the maximum fee for a commercial solar array is \$1,000. In exempting these arrays, the City would forego approximately \$7,000-9,000. The arrays will still be subject to sales and use tax, however, because they will not be owned by the City. The project, currently nine arrays on various City facilities, is valued at \$1,536,797. The City's use tax rate is currently 3.5%, so the City should expect to realize about \$53,800 in use tax on the proposed nine arrays. As these solar arrays are a City project, staff recommends Council approve the exemption. Not doing so will result in an increased rate of power charged in the Solar Power Purchase Agreement.

Councilor Carter moved to exempt Martifer Solar from building permit fees related to its installation of solar arrays for the City of Rifle; seconded by Councilor Rice.

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

CONSIDER APPOINTING GARFIELD COUNTY SENIOR PROGRAMS BOARD REPRESENTATIVES FOR 2013

Councilor A. Lambert moved to appoint Mayor Miller as the City's representative to the Garfield County Senior Programs Board and Mr. Hier as the alternate; seconded by Councilor Winkler.

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

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: 2013 budget, water rates, and personnel issues, including Mr. Braaten's resignation effective next month.

Mr. Braaten reported to Council on Rifle Bucks.

COMMENTS FROM MAYOR AND COUNCIL

Councilors thanked Mr. Braaten for everything he had done as City Government Affairs Coordinator.

Councilor A. Lambert wished all a happy Thanksgiving.

Councilors wished the Rifle High School football team good luck in the playoffs.

Councilors endorsed the "Don't Get Wrecked" program offered by Grand River Hospital.

Meeting adjourned at 8:25 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor