

**RIFLE CITY COUNCIL MEETING**

Wednesday, April 3, 2013

REGULAR MEETING

7:00 p.m. \* Council Chambers

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Pro Tem Alan Lambert.

**PRESENT ON ROLL CALL:** Councilors Rich Carter, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Pro Tem Alan Lambert.

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

**OTHERS PRESENT:** Matt Sturgeon, Assistant City Manager/Director of Planning; Lisa Cain, City Clerk; Jim Neu, City Attorney; Michael Churchill, Channel 10 Assistant Manager; Rick Barth, City Engineer; Kristy Christensen, Deputy City Clerk; Dick Deussen, Utilities Director; John Dyer, Police Chief; Peter Hayes, Building Inspector; Nathan Lindquist, City Planner; Bobby O'Dell, Public Works Superintendent; Tom Whitmore, Parks Director; Nancy Bayne; Charles Ellsworth; Damian Ellsworth; Debby Ellsworth; Jeff Johnson; Mike McKibbin; and Kevin Whelan.

**CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:**

- A. Minutes from the March 20, 2013 Regular Meeting
- B. Housing Authority Board Appointment
- C. January Sales Tax Report
- D. January Financial Report
- E. Accounts Payable
- F. Rifle Senior Center Advisory Board Appointment

Councilor Winkler moved to approve Consent Agenda Items A, B, C, D, E, and F; seconded by Councilor Rice. Roll Call: Yes – Carter (abstaining as to Item A), Sanborn (abstaining as to Item A), Rice, Winkler, A. Lambert.

**CITIZEN COMMENTS AND LIVE CALL-IN**

There were no citizen comments or live call-ins.

***PUBLIC HEARING – CONSIDER SPECIAL EVENT LIQUOR PERMIT APPLICATION – RIFLE ELKS LODGE – CITY MANAGER JOHN HIER'S RETIREMENT DINNER***

Mayor Pro Tem Lambert opened the public hearing and swore in Nancy Bayne, Secretary, BPOE Lodge – Rifle Elks Lodge No. 2195. Ms. Bayne presented the Lodge's application for a special event permit to provide liquor service at City Manager John Hier's Retirement Dinner on May 7, 2013, from 5:30 p.m. to 10:00 p.m., at 501 Airport Road. 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 BPOE Lodge – Rifle Elks Lodge No. 2195 on May 7, 2013, from 5:30 p.m. to 10:00 p.m., at 501 Airport Road; seconded by Councilor Rice. Roll Call: Yes – Carter, Rice, Sanborn, Winkler, A. Lambert.

***CONSIDER GEOTECHNICAL SERVICES FOR WATER TREATMENT PLANT***

Utilities Director Dick Deussen reported that the City invited 4 local firms to propose on quality assurance material testing and geotechnical services required during construction of the Rifle Regional Water Purification Facility (RRWPF). Only 2 firms submitted prices for the work. Staff recommended awarding the contract to the low bidder, CTL Thompson, which estimated a price of \$52,636 to complete all quality assurance testing. All services would be on a unit price basis and include testing to Colorado Department of Transportation (CDOT) standards when work is within the CDOT right-of-way. CTL Thompson's unit prices were also slightly lower and would remain firm over the construction period.

Councilor Rice moved to award a contract to CTL Thompson for an amount not to exceed \$52,636 for quality assurance geotechnical services and material testing during construction of the Rifle Regional Water Purification Facility; seconded by Councilor Winkler. Roll Call: Yes – Carter, Rice, Sanborn, Winkler, A. Lambert.

***CONSIDER APPROVING MAP AMENDMENT 2013-2 HOWARD AVENUE REZONING – ORDINANCE NO. 6, SERIES OF 2013 – 2<sup>nd</sup> READING***

**AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REZONING LOT 3, WINCHESTER WEST SUBDIVISION FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO COMMUNITY SERVICE (CS) ZONE DISTRICT**

City Planner Nathan Lindquist explained that the City received a request from Robert and Carol Christensen to rezone Lot 3, Winchester West Subdivision, located at 1701 Howard Avenue and containing 1.4 acres, from Medium Density Residential (MDR) to Community Service (CS) Zone District. The owners want to develop storage units on the property. Other uses permitted in that zone, such as gas stations, warehouses, or retail, would be permitted on the property. The Planning Commission recommended that the City Council rezone the property to CS Zone District. Proposed Ordinance No. 6, Series of 2013, would accomplish that.

Councilor Winkler moved to approve Ordinance No. 6, Series of 2013, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Carter. Roll Call: Yes – Carter, Rice, Sanborn, Winkler, A. Lambert.

***CONSIDER FRONTIER PAVING BUILDING EXEMPTION REQUEST***

Councilor Carter recused himself from consideration of this matter, because of a potential conflict of interest.

Council convened as the Board of Appeals pursuant to 2009 International Existing Building Code Section 112.

Frontier Paving's Charles Ellsworth and Johnson-Carter Architects' Jeff Johnson were present. Mr. Ellsworth recently purchased 3885 Airport Road, property near the Cogeneration plant. Years ago, a building on the property had an operational, centrally-monitored fire safety system connected to adjacent buildings that have since been subdivided. Since that time, this building was abandoned, vandalized, and the sprinkler system was never drained. Many broken pipes hang uselessly within the building, and the monitoring of the system was severed.

Rifle Fire Protection District Fire Prevention Chief Kevin Whelan provided a list of acceptable options in order to comply with the 2009 International Fire Code. One of those options was to remove the sprinkler system, and enhance monitoring within the building. Mr. Ellsworth was willing to pursue this option.

Pursuant to the 2009 International Existing Building Code Section 603, alterations shall be done in a manner that maintains the level of fire protection provided.

Mr. Ellsworth requested an interpretation of the 2009 Existing Building Code that would allow for removal of a non-operational fire safety system based upon the unique situation of the building, its long term abandonment and vandalism, and specifically the unknown reason it initially had a fire sprinkler system since it was connected to a complex of buildings related to the cogeneration plant. Mr. Ellsworth indicated that his family, children and grandchildren will be occupying the building and the level of fire protection provided without the sprinkler system satisfies him.

Councilor Rice moved to interpret Section 603 of the International Existing Building Code with respect to 3885 Airport Road to provide that the level of fire protection within the building does not include a fire sprinkler system, because of the unique situation of the building mentioned above; seconded by Councilor Winkler. Roll Call: Yes – Rice, Sanborn, Winkler, A. Lambert.

***CONSIDER AWARD OF PALOMINO PARK DESIGN CONTRACT***

City Engineer Rick Barth reported that the City received 3 bids for surveying and engineering services associated with drainage improvements for Howard Avenue from 31<sup>st</sup> to Joyce Park. Staff recommended that Council award a contract for this work to Eclipse Surveying, Inc. for an amount not to exceed \$13,500.

Councilor Rice moved to award a contract for surveying and engineering services associated with drainage improvements for Howard Avenue from 31<sup>st</sup> to Joyce Park to Eclipse Surveying, Inc., for an amount not to exceed \$13,500; seconded by Councilor Carter. Roll Call: Yes – Carter, Rice, Sanborn, Winkler, A. Lambert.

***CONSIDER PURCHASING MINI-EXCAVATOR***

Public Works Superintendent Bobby O'Dell requested approval to negotiate with equipment providers to trade in the Volvo backhoe for a compact excavator. The backhoe is used in less than 5 percent of the City's excavation work, because it lacks stability around creek and watershed areas and lacks the ability to load trucks easily in congested areas. A 10,000-pound compact excavator would be large enough to handle large rip rap for creek work, but small enough to fit on bike/pedestrian walk paths.

Councilor Carter moved to authorize staff to negotiate with equipment providers to purchase a compact excavator for up to \$27,000 plus the trade in value of the Volvo backhoe; seconded by Councilor Sanborn. Roll Call: Yes – Carter, Rice, Sanborn, Winkler, A. Lambert.

***CONSIDER AMENDING CHAPTER 16 TO ADOPT COLORADO WATER CONSERVATION BOARD FLOOD REGULATIONS - ORDINANCE NO. 7, SERIES OF 2013 – 1<sup>ST</sup> READING***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING CHAPTER 16 ARTICLE 12 OF THE RIFLE MUNICIPAL CODE TO INCORPORATE THE RULES AND REGULATIONS FOR REGULATORY FLOODPLAINS IN COLORADO AS PROMULGATED BY THE COLORADO WATER CONSERVATION BOARD

City Attorney Jim Neu informed Council that in 2010, the Colorado Water Conservation Board (CWCB) promulgated rules and regulations to help prevent flooding and the negative impacts of floods by limiting development and other activities in floodplains throughout the State. The rules must be adopted by all Colorado municipalities. Recently, the CWCB suggested edits and amendments that the City needs to incorporate into Chapter 16, Article 12 of the Rifle Municipal Code in order to comply with the Rules and Regulations for Regulatory Floodplains in Colorado. Ordinance No. 7, Series of 2013 would adopt the CWCB's suggested edits and amend Chapter 16, Article 12 of the Rifle Municipal Code.

Councilor Rice moved to approve Ordinance No. 7, Series of 2013, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor Sanborn.

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

**CONSIDER PARKS AND RECREATION DEPARTMENT REORGANIZATION**

Assistant City Manager/Director of Planning Matt Sturgeon reminded Council of its March 20 workshop discussion about reorganizing the Parks Department and the Recreation Department. The reorganization would result in a Parks and Recreation Department supervised by a Parks and Recreation Director, who would be supported by an Assistant Recreation Director and a Parks Superintendent.

Councilor Winkler moved to approve the reorganization of the Parks Department and the Recreation Department into a Parks and Recreation Department, effective upon the separation from City employment of Recreation Director Aleks Briedis; seconded by Councilor Sanborn. Roll Call: Yes – Carter, Rice, Sanborn, Winkler, A. Lambert.

**ADMINISTRATIVE REPORTS**

Mr. Sturgeon reported to Council on the following issues: Spring Cleanup; Colorado Municipal League events; and Roan Plateau Environmental Impact Statement scoping.

Ms. Cain reminded Council that it would meet in a workshop session with the Garfield County Commissioners on April 10 starting at 6 p.m. at City Hall.

Police Chief John Dyer informed Council that the Police Department had switched to 12-hour shifts, and it was in the process of selecting an Officer for promotion to Sergeant.

Parks Director Tom Whitmore described Arbor Day activities that will take place on April 26.

Building Inspector Peter Hayes will attend a meeting next week related to the 2009 Fire Code.

**COMMENTS FROM MAYOR AND COUNCIL**

Mayor Pro Tem Lambert reminded the community to take care around irrigation ditches flowing with water, now that irrigation season is starting.

Meeting adjourned at 7:55 p.m.

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Lisa H. Cain  
City Clerk

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Alan Lambert  
Mayor Pro Tem