

RIFLE CITY COUNCIL MEETING

Wednesday, December 18, 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 Randy Winkler.

PRESENT ON ROLL CALL: Councilors Rich Carter, Barb Clifton, Jay Miller, Dirk Myers, Hans Parkinson, Jonathan Rice, and Mayor Randy Winkler.

OTHERS PRESENT: Matt Sturgeon, City Manager; Lisa Cain, City Clerk; Jim Neu, City Attorney; Michael Churchill, Channel 10 Assistant Manager; Rick Barth, City Engineer; JR Boulton, Police Lieutenant; Nathan Lindquist, Planning Director; Ava Bowles; Michael Langhorne; and Mike McKibbin.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the December 4, 2013 Regular Meeting
- B. Create Public Safety Citizen Advisory Board - Ordinance No. 23, Series of 2013 – 2nd reading
- C. Eliminate Victims and Witness Assistance and Law Enforcement Program – Ordinance No. 24, Series of 2013 – 2nd reading
- D. Adopt Personnel Manual – Resolution No. 22, Series of 2013
- E. Liquor license renewals: Shale Country Liquors; BPOE Lodge Rifle Lodge No. 2195; Nacho’s Mexican Dining
- F. October 2013 Sales Tax Report
- G. October 2013 Financial Report
- H. Accounts Payable
- I. Downtown Development Authority Board Appointments
- J. Authorizing Cedar Networks License Agreement

Councilor Rice moved to approve Consent Agenda Items A, B, C, D, E, F, G, H, I, and J; seconded by Councilor Miller. Roll Call: Yes - Carter, Clifton, Miller, Myers, Parkinson, Rice, Winkler

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

CONSIDER SELLING FITNESS CENTER EQUIPMENT

City Manager Matt Sturgeon and Michael Langhorne, President, Rifle Regional Economic Development Corporation (“RREDC”), reminded Council that the City will turn over the fitness center operations to the RREDC January 1, 2014. The RREDC will in turn place the fitness center operations with a private, third party.

As part of this transition, the RREDC is requesting the City sell to the RREDC the fitness equipment and associated assets used in operating the facility (TV monitors, XM radio receiver, speakers, etc.). Staff had a third party value the mechanical fitness equipment (treadmills, elliptical trainers, stationary bikes, etc.). The value was estimated at between \$20,000 and \$25,000. The other equipment and assets have a potential value of between \$3,000 and \$5,000.

Staff requests City Council authorize the sale of said equipment and assets associated with the fitness center operations to the RREDC in the amount of \$23,000.00.

Councilor Carter moved to authorize the sale of equipment and assets associated with the fitness center operations to the Rifle Regional Economic Development Corporation for \$23,000.00; seconded by Councilor Rice. Roll Call: Yes - Carter, Clifton, Miller, Myers, Parkinson, Rice, Winkler

CONSIDER INTERGOVERNMENTAL AGREEMENT WITH COLORADO DEPARTMENT OF TRANSPORTATION FOR CENTENNIAL PARKWAY DEVOLUTION

City Engineer Rick Barth described the process of turning over (“devolution”) of these portions of Colorado Department of Transportation (“CDOT”) right-of-way to the City:

- 1) Highway 13 from the south bridge joint to the stoplight on Railroad. For the bridge portions, the surface only.
- 2) Highway 6 from the City limits just east of Whiteriver to the stoplight on Railroad.
- 3) Highway 6/13 from the stoplight on Railroad to the H13 bypass intersection.
- 4) The Rifle Creek Bridge.
- 5) The service road from just west of Rifle Creek to its termination near the bypass.
- 6) Funds to transfer the existing park-n-ride to near the north interchange of I-70 and H13.

This devolution has been part of the CDOT Responsible Acceleration of Maintenance and Partnerships (“RAMP”) process, which is intended to accelerate funds to local entities for improvements associated with highway property.

CDOT will analyze its maintenance costs for these roadways for the next 15 years, provide the City those funds, and hand over responsibility to the City. The City then can use those funds for its desired improvements (which may differ slightly from those contemplated by CDOT).

Staff recommended Council authorize the execution of a commitment letter assuring CDOT that the City remains committed to entering into a partnership with CDOT concerning devolution of these roadways. Discussions leading toward an intergovernmental agreement will begin in earnest just after the new year and likely take about 6 months.

Councilor Miller moved to authorize the execution of a letter assuring the Colorado Department of Transportation (“CDOT”) that the City remains committed to entering into a partnership with CDOT concerning devolution of portions of State Highways 6 and 13; seconded by Councilor Carter. Roll Call: Yes - Carter, Clifton, Miller, Myers, Parkinson, Rice, Winkler

CONSIDER DEVELOPMENT FEE REDUCTIONS AND WAIVERS AND BUILDING INCENTIVES – ORDINANCE NO. 27, SERIES OF 2013 – 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ENACTING DEVELOPMENT FEE REDUCTIONS AND WAIVERS AND BUILDING INCENTIVES TO STIMULATE GROWTH AND ECONOMIC DEVELOPMENT IN THE CITY

Mr. Sturgeon reported that, at Council’s direction, staff reviewed options for reducing development fees in an effort to temporarily incentivize development activity within Rifle. Staff recommended that Council consider adopting these incentives:

- Include with a building permit the first Equivalent Residential Unit (“EQR”) at no cost and the second EQR at 50 percent of the current cost
- Suspend the collection of parkland dedication fees at the time of building permit

- The City collects sales tax on building materials associated with construction (Use Tax). The building permit applicant is charged Use Tax on 50 percent of a structure's value, and then the contractor is issued a Sales Tax Exemption Certificate to use when purchasing goods and materials. If Council considers this option, it should be done as a rebate upon issuance of a Certificate of Occupancy. Council may wish to limit the amount rebated. Additionally, the rebate should only include that portion of the Use Tax dedicated to the General Fund; the rebate cannot include taxes specifically established by voters to fund streets, parks, and water plant debt service. Staff recommended waiver of up to \$3,000.

Staff recommended a June 30, 2015, sunset date for these incentives.

Councilor Miller moved to approve Ordinance No. 27, Series of 2013, enacting development fee reductions and waivers and building incentives to stimulate growth and economic development in the City, on first reading as presented and to order it to be published as required by Charter; seconded by Councilor Carter. Roll Call: Yes - Carter, Clifton, Miller, Myers, Parkinson, Rice, Winkler

CONSIDER MINORS ON LIQUOR LICENSED PREMISES AMENDMENTS AMENDING LIQUOR-LICENSED ESTABLISHMENT RESTRICTIONS – ORDINANCE NO. 28, SERIES OF 2013 – 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTIONS 10-8-30 AND 10-8-60 OF THE RIFLE MUNICIPAL CODE REGARDING MINORS ON PREMISES AND ESTABLISHMENT RESTRICTIONS

City Attorney Jim Neu reminded Council that certain restaurants have complained that the provision in the Rifle Municipal Code prohibiting minors from being in a liquor licensed establishment after 10:00 p.m. if liquor is still being served, is overly restrictive and hampering business. Serving alcohol to anyone under 21 is both a liquor license violation and criminal violation. Council's intent was to prohibit minors from being in true bars, i.e., taverns. The Code does make it unlawful for a person under the legal drinking age to be present in any establishment operating under a tavern liquor license. At a recent workshop, Council did not feel that the 10:00 p.m. restriction was necessary to accomplish that policy goal with the other classes of liquor licenses, most of which are hotel and restaurant licenses. Ordinance No. 28, Series of 2013 would delete the 10:00 p.m. restriction for all liquor-licensed establishments other than taverns.

Councilor Carter moved to approve Ordinance No. 28, Series of 2013, on first reading as presented and to order it to be published as required by Charter; seconded by Councilor Rice. Roll Call: Yes - Carter, Clifton, Miller, Myers, Parkinson, Rice, Winkler

ADMINISTRATIVE REPORTS

Mr. Sturgeon reported to Council on the following issues: snow removal; graffiti; chicken regulations; discounts on utility bills for senior citizens; solar panels; water treatment plant generator grant; and holiday closures and cancellations.

City Clerk Lisa Cain thanked Mr. Sturgeon, Finance Director Charles Kelty, Government Affairs Coordinator Kimberly Bullen, Police Chief John Dyer, Staff Accountant Kristen Taruffelli, Deputy City Clerk Kristy Christensen, Payroll Clerk Tina Sandoval, and Assistant City Attorney Anna Itenberg for their focused efforts this fall while reviewing and proposing revisions to the Personnel Manual.

Planning Director Nathan Lindquist will attend Garfield County's open house on fairgrounds improvements.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Rice complimented Rifle High School students and choir and band conductors on their recent concert performance.

Councilor Miller suggested the newer Council members attend training offered by the Colorado Municipal League.

Councilor Myers asked about graffiti cleanup. He announced that the County Commissioners would have a work session on January 7, 2014 regarding the fairgrounds. He reported on discussion that took place at a recent Garfield County Energy Advisory Board meeting that he attended.

Councilors and Mayor Winkler wished everyone Merry Christmas and Happy New Year.

EXECUTIVE SESSION 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

Councilor Rice moved to go into executive session to discuss personnel matters; seconded by Councilor Carter. Roll Call: Yes - Carter, Clifton, Miller, Myers, Parkinson, Rice, Winkler

Upon return to open session following conclusion of the executive session, meeting adjourned at 8:32 p.m.

Lisa H. Cain
City Clerk

Randy Winkler
Mayor