

**RIFLE CITY COUNCIL MEETING**

Wednesday, March 5, 2014

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, Jonathan Rice, and Mayor Randy Winkler.

Councilor Rice moved to excuse Councilor Hans Parkinson from tonight's meeting; seconded by Councilor Miller. Roll Call: Yes – Carter, Clifton, Miller, Myers, Rice, Winkler

**OTHERS PRESENT:** Matt Sturgeon, City Manager; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Rifle Community Television Manager; Michael Churchill, Rifle Community Television Assistant Manager; Rick Barth, City Engineer; Kimberly Bullen, Government Affairs Coordinator; John Dyer, Police Chief; Nathan Lindquist, Planning Director; Erika Andersen; Ava Bowles; Paul Broadhead; Shay Broadhead; Allison Cain; Troy Clark; Mike Davis; Jori Dovey; Jonathan Godes; Mel Kent; Michael Langhorne; Tree Lowery; Katherine Lozano; Mike McKibbin; Megan Smith; and Shereé Walcher.

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

- A. Minutes from the February 19, 2014 regular meeting
- B. Liquor license renewals: Brenden Rifle 7 Theatres; Jay's
- C. Accounts Payable

Councilor Miller moved to approve Consent Agenda Items A, B, and C; seconded by Councilor Myers. Roll Call: Yes – Carter (abstaining as to Item A), Clifton, Miller, Myers, Rice, Winkler

**CITIZEN COMMENTS**

Mike Davis requested Council consider allowing him a mobile vendor permit in north Rifle. Council directed staff to present this issue to the Planning Commission.

Shay Broadhead and Paul Broadhead requested Council consider allowing another retail marijuana cultivation facility.

There were no other citizen comments.

***RECEIVE PRESENTATION FROM RIFLE HIGH SCHOOL STUDENTS ABOUT COLORADO CLOSE UP PROGRAM***

Rifle High School seniors Allison Cain, Katherine Lozano, and Troy Clark presented information about the Colorado Close Up program and thanked the Rifle Community Foundation for funding a portion of the cost for them to attend the program.

***CONSIDER REQUEST FOR SUPPORT OF SEVEN PRINCIPLES REGARDING OIL AND NATURAL GAS DEVELOPMENT***

Government Affairs Coordinator Kimberly Bullen and Shereé Walcher, Communications Specialist, WPX Energy, asked Council to consider a request for support of Seven Principles Regarding Oil and Natural Gas Development.

Councilor Carter moved to authorize the Mayor to sign the Seven Principles Regarding Oil and Natural Gas Development; seconded by Councilor Rice. Roll Call: Yes – Carter, Clifton, Miller, Myers, Rice, Winkler

***RECEIVE UPDATE FROM WPX ENERGY***

Ms. Walcher presented an update on activities of WPX Energy.

***RECEIVE PRESENTATION FROM EARLY CHILDHOOD NETWORK***

Jonathan Godes, Executive Director, Early Childhood Network, presented information about Early Childhood Network's services.

***CONSIDER AMENDMENTS TO MODEL TRAFFIC CODE REQUIRING OPERATOR'S LICENSE – ORDINANCE NO. 3, SERIES OF 2014 – 1ST READING***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING CHAPTER 8, ARTICLE I OF THE RIFLE MUNICIPAL CODE TO AMEND THE 2010 MODEL TRAFFIC CODE ADOPTED BY REFERENCE TO INCLUDE AN INFRACTION OF NO OPERATOR'S LICENSE

City Attorney Jim Neu informed Council that the Rifle Municipal Code does not currently contain a requirement that a motor vehicle driver have an operator's license on his or her person. This charge is currently written under state law into county court by the Rifle Police Department. The violator then needs to attend Rifle Municipal Court AND County Court to attend to the citation. To create a more efficient judicial system for citizens, staff recommends adopting this requirement into the Model Traffic Code that has been adopted by reference into the Rifle Municipal Court. Proposed Ordinance No. 3, Series of 2014, would amend the Rifle Municipal Code accordingly.

Councilor Miller moved to approve Ordinance No. 3, Series of 2014, 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, Rice, Winkler

***CONSIDER WHITERIVER AVENUE DESIGN BID AWARD***

Councilor Miller moved to award a contract to Sopris Engineering for consultant services to design improvements along Whiteriver Avenue between 9<sup>th</sup> Street and 16<sup>th</sup> Street in the amount of \$31,000, as recommended by City Engineer Rick Barth; seconded by Councilor Carter. Roll Call: Yes – Carter, Clifton, Miller, Myers, Rice, Winkler

***CONSIDER AMENDING UTILITY CODE REGARDING SENIOR CITIZEN UTILITY RATES REDUCTION – ORDINANCE NO. 5, SERIES OF 2014 – 1ST READING***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 13-1-390 AND APPENDIX A OF THE RIFLE MUNICIPAL CODE TO CLARIFY THE ELIGIBILITY CRITERIA AND APPLICATION PROCEDURE FOR REDUCED UTILITY RATES FOR CERTAIN SENIOR CITIZENS

Mr. Neu noted that City Council workshops have focused on the City's senior citizen utility fee reduction that is in the Rifle Municipal Code and ensuring the program is adequately administered. City staff has updated the

policy and application process to receive the reduction. Proposed Ordinance No. 5, Series of 2014, would make the required amendments to the Code. He will correct a typographical error in the ordinance before second reading.

Councilor Miller moved to approve Ordinance No. 5, Series of 2014, on first reading as amended and to order it to be published as required by Charter; seconded by Councilor Rice. Roll Call: Yes – Carter, Clifton, Miller, Myers, Rice, Winkler

***CONSIDER SENIOR MEALS AND TRANSPORTATION MEMORANDUM OF UNDERSTANDING***

City Manager Matt Sturgeon reminded Council that Rifle has participated in the 9-Party Garfield County Senior Program since 2009. The Memorandum of Understanding sets forth each participant’s annual commitment to share the administrative and operational costs associated with the meal and transportation services offered under the program. Rifle’s 2014 obligation is \$125,386, up from a total 2013 contribution of \$97,485. Transportation costs are driving this increase. Transportation costs for Rifle have risen from \$78,785 to \$115,762.

The City’s 2014 budget appropriated \$116,000 towards this program. Staff will work to find the \$9,300 shortfall within the approved budget should the program meet the projected level of participation. Staff will also work with the partners and program administrator to determine whether there is a way to reduce the large increases partners are seeing in transportation costs. The rise in transportation costs this year is unsustainable, and the City of Rifle will be unable to continually absorb similar annual increases.

Councilor Carter moved to authorize the Mayor to sign the Senior Meals and Transportation Memorandum of Understanding; seconded by Councilor Miller. Roll Call: Yes – Carter, Clifton, Miller, Myers, Rice, Winkler

***CONSIDER AMENDING ANIMAL CODE REGARDING DOMESTIC FOWL AND ANIMALS – ORDINANCE NO. 4, SERIES OF 2014 – 1ST READING***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING SECTIONS 7-6-10, 7-6-120 AND 7-6-130 OF THE RIFLE MUNICIPAL CODE REGARDING DOMESTIC FOWL AND ANIMALS

Planning Director Nathan Lindquist, Police Chief John Dyer, and Mr. Neu reported that staff created three options for new domestic fowl (chicken) regulations, in proposed Ordinance No. 4, Series of 2014.

**Option 1:** Prohibit chickens/ducks on lots of 5,000 square feet or less. These lots are mostly congregated in the downtown area. Most of the smaller lots outside of the downtown are multi-family lots. Currently they are able to have chickens with a Conditional Use Permit. This proposal would change that to entirely prohibit chickens in multi-family dwellings or complexes.

Additionally, this option adds a code provision that chicken coops shall be treated as a shed, which code requires be at least 5 feet from the property line.

**Option 2:** Improve the performance standards to better enforce cleaning of chicken coops and yards.

- Daily removal of chicken waste
- Daily removal of leftover feed
- Prohibition of “table scraps” as chicken feed
- No slaughtering of chickens other than at a licensed facility

**Option 3:** Staff heard some interest from Council on addressing other parts of the animal code. Option 3 would reduce the permitted number of outdoor domestic animals (dogs and cats) from 10 to 6. Indoor domestic animals that have less of an impact on neighbors (such as reptiles or rodents) would continue to be permitted up to 10.

Council supported these options, except for the prohibition of domestic fowl on lots of 5,000 square feet or less. Council supported allowing 2 domestic fowl on lots of 5,000 square feet or less.

Councilor Miller moved to approve Ordinance No. 4, Series of 2014, on first reading as amended and to order it to be published as required by Charter; seconded by Councilor Myers. Roll Call: Yes – Carter, Clifton, Miller, Myers, Rice, Winkler

***DISCUSS PIONEER MESA HOME OWNERS ASSOCIATION PARK MAINTENANCE REQUEST***

Mr. Sturgeon informed Council that Pioneer Mesa Homeowners Association had requested City funding for maintenance of the asphalt basketball court at the HOA's playground.

This request was presented for consideration at the February 24<sup>th</sup> Parks and Recreation Advisory Board meeting. The consensus and advice of the PRAB was to not fund the request. There are a number of HOA playgrounds in Rifle. Paying for the maintenance of the asphalt opens the door to the City and the Parks and Recreation Department being asked to take over more and more HOA obligations and possibly other HOA playgrounds. PRAB discussion included mention of deferred maintenance on many park assets, including asphalt trails, parks, structures, and equipment, where the City is facing issues similar to the HOA.

The argument that Pioneer Mesa Park is being used by the public, was not a factor to the PRAB decision, since the Subdivision Improvement Agreement for Pioneer Mesa specifically states: "The homeowners shall own and maintain the park and it shall be open to the public."

Pioneer Mesa resident Tree Lowery urged Council to deny this request, because the HOA pays a contractor an adequate amount to maintain the court.

Council's consensus was not to provide the funding.

**ADMINISTRATIVE REPORTS**

Mr. Sturgeon reported to Council on the following issues: street maintenance; parks maintenance; settlement basin; and Spring Cleanup.

City Clerk Lisa Cain reminded Council that a workshop with the Rifle Creek Museum Board is scheduled for March 12, 2014 at 6:00 p.m.

Chief Dyer announced the City had made a conditional offer to an applicant for the Code Enforcement Officer position.

**COMMENTS FROM MAYOR AND COUNCIL**

Councilor Rice thanked Sen. Baumgardner and Rep. Rankin and their staff for welcoming Rifle High School students to Colorado Close Up.

Councilor Miller thanked Grand Valley High School students for attending tonight’s meeting.

Councilor Myers noted that the Energy Advisory Board will meet in Parachute March 6. He reminded citizens to turn clocks forward 1 hour the morning of March 9 for Daylight Saving Time.

Meeting adjourned at 8:36 p.m.

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Lisa H. Cain  
City Clerk

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Randy Winkler  
Mayor