

# RIFLE CITY COUNCIL MEETING

Wednesday, March 18, 2009

REGULAR MEETING

7:00 p.m. \* Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:03 p.m. by Mayor Keith Lambert.

**PRESENT ON ROLL CALL:** Councilors Beth Bascom, Alan Lambert, Jay Miller, Jonathan Rice, Jeanette Thompson, and Mayor Keith Lambert.

Councilor Lambert moved to excuse Councilor Jennifer Sanborn from tonight's meeting; seconded by Councilor Miller.

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

**OTHERS PRESENT:** John Hier, City Manager; Matt Sturgeon, Assistant City Manager; Wanda Nelson, City Clerk; Jim Neu, Assistant City Attorney; Michael Churchill, Cable 10; Jim Bell, Cable 10; Daryl Meisner, Chief of Police; Tom Whitmore, Parks Director; Dick Deussen, Engineer; Robert Mansolillo, Planner; Charlie Stevens, Utility Director; Chris Manera; John Elmore; Jamie Johnson; Florentino & Ana Zamudio; Karen Barraza; Marcy Kreimier; Becca Ketelsleger; Robin Tolan, YouthZone; Glenn Ault; David Young; Stephen Isom; Gary Parks; Wayne Pollard.

## CONSENT AGENDA

### ***MINUTES OF THE MARCH 4, 2009 REGULAR MEETING; AUTHORIZATION TO SUBMIT DOLA APPLICATION; JANUARY 2009 SALES TAX REPORT; ACCOUNTS PAYABLE***

Councilor Bascom excused herself from voting on the Minutes. Councilor Rice pulled the Sales Tax Report for separate consideration. Councilor Lambert moved to approve the remaining items on the Consent Agenda; seconded by Councilor Bascom.

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

### ***JANUARY 2009 SALES TAX REPORT***

Councilor Rice reviewed the Report. Mr. Hier stated that sales tax revenues were up one percent in January 2009 from January 2008.

## CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

## COLORADO CLOSE-UP

Councilor Rice reported that he took several high school students to the Capital for the annual Colorado Close-Up program. Four students were present, Karen Barraza, Marcy Kreimier, Becca Ketelsleger, and Shea Macleod, and thanked the Council for their support of the program. Ms. Barraza won the Garfield County Youth Humanitarian of the Year Award.

***ROUNDABOUT AWARD***

Mr. Laudick with Martinez Western stated that the City received an award for the I-70 Rifle Roundabouts. Jamie Johnson with the American Concrete and Pavement Association was present to give a plaque. The roundabouts are being considered for a national award.

***YOUTHZONE FEES***

Robin Toulon, Development Director of YouthZone, requested that Council consider increasing the City’s contribution to YouthZone fees. Presently the City contributes \$155 per program participant, and YouthZone is requesting \$250 per participant. Council would like to consider this request at a future meeting once a review of the year’s financial statements occurs.

***PUBLIC HEARING: MI RANCHITO LIQUOR LICENSE APPLICATION***

Mayor Lambert opened the public hearing. Applicants Florentino and Ana Zamudio were sworn in. Ms. Nelson noted that public notice was met for this hearing and reviewed the application. The Zamudios have applied for a Hotel and Restaurant Liquor License at their new establishment. The application is complete and the fees have been paid. Councilor Bascom asked the Zamudio’s to obtain information about the Responsible Serving of Alcohol classes. Councilor Miller moved to approve the Application; seconded by Councilor Rice.

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

***CLOSING CHANGE ORDER FOR 24<sup>TH</sup> STREET SIGNALS***

Mr. Deussen noted that this request is for \$67,128.40 for work done for the 24<sup>th</sup> Street signals. CDOT placed additional requirements on the project that required these expenses. Councilor Bascom moved to approve the Change Order in the amount of \$67,128.40; seconded by Councilor Thompson.

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

***BEAVER CREEK WATER TREATMENT PLANT ROOF CONTRACT***

Mr. Stevens stated that this request is for the demolition of the old roof and construction of a new roof for the Beaver Creek Water Treatment Plant water reservoir. SGM Engineering provided the engineering services required to allow the City to put together the bid package for this project. Bid opening took place on March 10, and staff recommends awarding the bid to Gould Construction. Councilor Lambert moved to award the Contract to Gould Construction in an amount not to exceed \$299,300; seconded by Councilor Rice.

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

***PARKS SECURITY CAMERA PURCHASES***

Mr. Whitmore noted this request is for the purchase of security cameras, light poles, and electrical work in select City parks. Currently installed cameras help prevent graffiti in our parks. Councilor Rice moved to approve this purchase from the Parks and Rec contingency fund in an amount of \$24,608; seconded by Councilor Bascom.

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

***PUBLIC HEARING: QUEEN’S CROWN ANNEXATION***

***RESOLUTION 7-09: FINDINGS OF FACT***

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO,  
CONCERNING THE QUEEN’S CROWN ANNEXATION TO THE CITY OF RIFLE**

Resolution No. 7, Series of 2009 makes the required findings of fact for the annexation of the Queens' Crown Annexation.

***RESOLUTION 8-09: ANNEXATION PLAN***

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, APPROVING AN ANNEXATION PLAN FOR THE QUEEN'S CROWN ANNEXATION AS REQUIRED UNDER THE MUNICIPAL ANNEXATION ACT OF 1965, AS AMENDED.

Resolution No. 8, Series of 2009 sets forth the City's Annexation Plan.

***SECOND READING OF ORDINANCE 6-09: ANNEXATION***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE QUEEN'S CROWN ANNEXATION

***SECOND READING OF ORDINANCE 7-09: ZONING***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE QUEEN'S CROWN ANNEXATION LIGHT INDUSTRIAL ("LI"), MEDIUM DENSITY RESIDENTIAL ("MDR"), DEVELOPING RESOURCE ("DR"), AND OPEN SPACE ("OS") ZONE DISTRICTS.

Mayor Lambert opened the public hearing. Mr. Lindquist stated that the City received a petition to annex approximately 56 acres north of the Highway 13 Bypass and east of Favert Reservoir last year. Staff has been working with the property owner regarding the development proposal and the extension of Fairway Avenue through the Property. This development instigated the Access Control Plan on which the City has been working with CDOT to allow an intersection for Fairway Avenue onto Highway 13. The Access Control Plan is almost complete and the draft Plan envisions an intersection as depicted on the development proposal for Queens Crown. The proposed development is mostly light industrial but does contain four zone districts: LI with 18 lots, MDR with approximately 10 units on the northeast corner of the property, two OS parcels and one parcel zoned DR. The DR Parcel requires significant access improvements and the enclosed Annexation agreement prohibits any development or use of this parcel until it is re-zoned with a development proposal that includes access improvements. The Annexation Agreement is the City's standard form with the usual requirements and includes provisions regarding the design of Fairway Avenue which allocates the costs 50% Developer, 50% City. Applicants Steve Isom and Chris Manera were sworn in and reviewed their project. Glen Ault was sworn in and stated his support of this project. Councilor Miller moved to approve Resolutions 7-09 and 8-09, and Ordinances 6-09 and 7-09 on second reading and ordered them to be published in full as required by Charter; seconded by Councilor Lambert.

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

***PUBLIC HEARING: SECOND READING OF ORDINANCE 4-09: ADOPTING AN OPEN SPACE ZONE DISTRICT***

**AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING CHAPTER 16 OF THE RIFLE MUNICIPAL CODE BY ADOPTING AN OPEN SPACE ZONE DISTRICT.**

Mayor Lambert opened the public hearing. Mr. Sturgeon stated this ordinance adopts an Open Space Zone District in the City's Land Use Code. Ordinance No. 4 outlines the permitted and conditional uses for the new zone district and provides a classification for areas that are intended to remain primarily as they exist as public or private undeveloped open spaces. Councilor Rice moved to approve Ordinance 4-09 on second reading as amended and ordered it to be published in full as required by Charter; seconded by Councilor Thompson.

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

***PUBLIC HEARING: SECOND READING OF ORDINANCE 5-09: ADMINISTRATIVE CITATIONS FOR ZONING AND CODE VIOLATIONS***

**AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING CHAPTERS 7 AND 16 OF THE RIFLE MUNICIPAL CODE REGARDING ADMINISTRATION AND ABATEMENT OF NUISANCES AND ENACTING ADMINISTRATIVE PENALTIES FOR ZONING AND CODE VIOLATIONS.**

Mayor Lambert opened the public hearing. Mr. Sturgeon explained that the Planning Department has been working on making the enforcement of the City's Code more efficient and effective. Ordinance No. 5, Series of 2009 adopts a procedure for Administrative Citations for zoning and Code violations in RMC §16-1-170 mirrored on the system used by the City of Denver. Councilor Bascom moved to approve Ordinance 5-09 on second reading as presented, and ordered it to be published in full as required by Charter; seconded by Councilor Rice.

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

***FIRST READING OF ORDINANCE 8-09: PERMANENT FIRE BAN***

**AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING CHAPTER 10, ARTICLE X OF THE RIFLE MUNICIPAL CODE REGARDING OPEN-BURNING FIRES AND FIREWORKS.**

The Rifle Municipal Code currently authorizes the City Council to institute a fire ban by Resolution, which it has done almost every year since this Code provision was enacted. Following last summer's fire ban, the Chief of Police and Council discussed amending the Code to enact a permanent fire ban during the summer months and have a permitting process through the Fire District to allow exceptions. This will provide some certainty to citizens so they are not taken by surprise when a fire ban is enacted. Ordinance No. 8, Series of 2009 amends Article 10 of Chapter 10 to put this new system in place. Chief Meisner explained that this ordinance prohibits the open burning of fires in the City and the Rifle Mountain Park from Memorial Day to Labor Day each year, allows the City Manager to extend that time period by executive order, and sets forth a permitting process to be administered by the Rifle

Fire Protection District. Mayor Lambert raised concerns that the ban included backyard barbeques and Mr. Neu indicated the Ordinance will be amended for second reading to clarify the definitions. Councilor Bascom moved to approve Ordinance 8-09 as amended and ordered it to be published by title as required by Charter; seconded by Councilor Thompson.

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

***FIRST AMENDMENT TO RIFLE HEIGHTS SUBDIVISION SIA***

In the SIA for Phase 1 of Rifle Heights Subdivision, the City required the Developer to prepay 19 EQR of water and sewer system improvement fees annually for five years commencing with the recording of the Phase 1 Final Plat. The Final Plat was recorded February 21, 2008 and the first 19 EQR of tap fees were pre-paid. The next annual payment was due February 21, 2009. In addition, the SIA requires the Developer to pay \$159,101.70 for the construction of the portion of Whiteriver Avenue that fronts the Subdivision by August 21, 2009. The Developers Chris Manera and John Elmore were present and noted that, because of the current economic condition, they have requested that the City grant a one (1) year extension to both of these obligations. The First Amendment to the SIA grants the request with certain stipulations. First, the Whiteriver Avenue Cost accrues interest at 4% commencing September 1, 2009 to make up for any loss investment income the City would otherwise make on this payment. Second, if any house is constructed this year, system improvement fees must be paid and the Developer is not able to use any existing tap credits, and such payments do not reduce the next Prepayment of Tap Fees. The Developer has also requested an extension until the end of this construction season for the completion of the remaining public improvements, which the First Amendment grants. The Developer has requested an amendment to the approved Fencing Plan, and the new interim fencing plan is included as Exhibit B to the Agreement, which staff finds sufficient and approves. Councilor Miller moved to approve the Amendment, with the condition that the developer may use their existing credits of sixteen EQR for current development projects; seconded by Councilor Bascom.

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

***RESOLUTION 6-09: CONTINENTAL RIFLE MINOR SUBDIVISION***

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO,  
APPROVING THE FINAL PLAT OF THE CONTINENTAL RIFLE MINOR SUBDIVISION  
IN THE CITY OF RIFLE**

Mr. Pollard explained his request to merge a two acre portion of Lot 1, Billingsley Minor Subdivision located on Airport Road and adjacent to Buckhorn Business Park into Lot 5, Buckhorn Business Park. To accomplish this request, a minor subdivision is required to split off the 2 acre parcel so that a lot line dissolution application can then be processed to merge the two lots. The additional two acres will be utilized for outdoor storage already occurring on Lot 5. Resolution No. 6, Series of 2009 approves this minor subdivision that will have no associated public improvements. Parcel A, Billingsley Minor Subdivision No. 1 was annexed into the City in the mid-1980s as Developing Resources. Therefore, the mitigation of all annexation impacts associated with the Property were deferred until development occurred. The Subdivision Agreement continues to defer these mitigation measures until a development proposal can be analyzed. The Owner of the Property is agreeing to cover all fees and impacts associated with Lot 2 so that it can be sold free of any such encumbrances; however, the Airport

Road SID Assessment is being allocated proportionately to the two lots of this minor subdivision based upon acreage. Councilor Bascom moved to approve Resolution 6-09, and the Subdivision Agreement; seconded by Councilor Rice.

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

***FIRST READING OF ORDINANCE 9-09: RESIDENTIAL USES IN INDUSTRIAL ZONES***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 16-3-420 OF THE RIFLE MUNICIPAL CODE TO ELIMINATE CERTAIN RESIDENTIAL USES AS CONDITIONAL USES IN THE CITY'S LIGHT INDUSTRIAL AND INDUSTRIAL ZONE DISTRICTS AND ENACTING A NEW SUBSECTION 16-3-450(g) CREATING ADDITIONAL REQUIREMENTS FOR CARETAKER/SLEEPING QUARTERS UNITS

Mr. Mansolillo reviewed this item. Ordinance No. 9, Series of 2009 amends the City's Land Use Code by prohibiting residential uses in the LI and I Zone Districts unless they are caretaker units or sleeping quarters for shift workers, both of which need to be associated with the business on the Property. A definition for Caretaker/Sleeping Quarters Units is added the Code and specific requirements for their development and use are enacted. Councilor moved to approve Ordinance 9-09 as presented and ordered it to be published by title as required by Charter; seconded by Councilor

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

**ADMINISTRATIVE REPORTS**

Mr. Hier reviewed the following items: Parks crew clean-up; Parks facility at Deerfield Park; street sweeping; sculptures in Roundabouts; DOLA construction crew; Rimrock subdivision; audio conference on the stimulus package; Centennial Park; development projects; employee evaluation tool; January sales tax report. Mr. Sturgeon reviewed his packet memorandum regarding the library project, and stated he will discuss it further at an upcoming meeting. Chief Meisner encouraged Council to write letters of opposition to Senate Bill 180, which mandates collective bargaining for police and fire fighters.

**COMMENTS FROM MAYOR AND COUNCIL**

***KUDOS***

Councilor Rice congratulated the cast of the production "Clue" for a successful run. Three basketball teams from Rifle placed in the top three at a recent out-of-town tournament. Councilor Lambert thanked a citizen named Tim who returned some mail that he had dropped outside the post office. Mayor Lambert congratulated the following persons for winning awards at the Annual Chamber Dinner: Karen Rhoades – Woman of Distinction; Michael Langhorne – Man of the Year; Mountain Air Mechanical – Business of the Year; Ernst Schopp – Lifetime Achievement Award.

***AMERICAN LEGION***

Councilor Miller stated that the American Legion is in need of names of veterans living in Garfield County so that they can be included in the memorial. Donations are also being accepted.

***MAYORS FOR MEALS***

Mayor Lambert wore his “Mayors for Meals” shirt dated March 18, 2009 as he participated in a “Meals on Wheels” program today.

***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 Bascom (9:27 p.m.)

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

Councilor Lambert moved to adjourn from Executive Session; seconded by Councilor Bascom (10:07 p.m.).

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

Meeting adjourned at 10:07 p.m.

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Wanda Nelson  
City Clerk

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Keith Lambert  
Mayor