



CITY COUNCIL

WORKSHOP AND REGULAR MEETING AGENDA

December 6, 2023
7:00 PM
202 Railroad Avenue, Rifle, CO

6:00 PM - Workshop Meeting

Discussion and Review

- a. Receive Presentation on the Veterans Memorial

7:00 PM - Organizational Meeting / Regular Meeting

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Oaths of Office**
4. **Roll Call**
5. **Election of Mayor**
6. **Appointment of Mayor Pro Tem**
7. **Appointments / Council Representatives**
8. **Public Comment** *(maximum time permitted for Public Comment is 3 minutes per person)
9. **Consent Agenda**
 - 9.a. Consider Minutes of the November 15, 2023, Regular Meeting
 - 9.b. Consider Declaration of Surplus Fleet Vehicles for Auction
 - 9.c. Consider Amending Residency Requirements for Police Chief - Ordinance No. 20, Series of 2023 - 2nd Reading
 - 9.d. Consider the Repeal of Sales Tax License Fee - Ordinance No. 21, Series of 2023 - 2nd Reading
10. **Action, if any, on Workshop Items**
11. **Public Hearing**

- 11.a.** Consider PUD Development Plan and Preliminary Plan Application for the Ecodwelling/Fritzlan Project
- 11.b.** Consider Amendments to Accessory Dwelling Unit Regulations - Ordinance No. 24, Series of 2023 - 1st Reading

12. Regular Agenda

- 12.a.** Consider Selection of an Auditing Firm for Fiscal Year 2023
- 12.b.** Consider Refuse Collection Rates - Ordinance No. 23, Series of 2023 - 1st Reading
- 12.c.** Consider Right of Way Vacation for 700 Block Alley - Ordinance No. 25, Series of 2023 - 1st Reading
- 12.d.** Consider Approval of 2024 7-Party Memorandum of Understanding Regarding Garfield County Older Adult Programs
- 12.e.** Consider Award of Material Testing for Gateway Pedestrian and Traffic Improvements to RockSol Consulting Group, Inc.
- 12.f.** Consider Amending Chapter 1, Article IV and Chapter 10, Article 1 of the Rifle Municipal Code to Conform Penalty Provisions with State Law; and Declaring an Emergency - Emergency Ordinance No. 26, Series of 2023

13. Administrative Reports

- 13.a.** Report to City Manager

14. Comments from Mayor and Council

15. Adjournment



Agenda Item #a.

Agenda Item Name:

Receive Presentation on the Veterans Memorial

Presenter:

Brian Prunty, Public Works Director

Item Description:

Sharing the current status of project plan development and discussion with American Legion regarding their role in the memorial's beautification.

Recommended Action:

No action, necessary.

Fiscal Impact:

N/A

Operational Impact:

N/A

Prior Board Motions:

N/A

Background Information:

This item has been discussed over the years and the current council (this past year, that is) has shown a desire to press forward with plans to see the memorial renovated and beautified. The local chapter of the American Legion, Post 78, does not have the funds to see it renovated, but recently, a foundation offered the possibility of a grant to help with the work. Combining funds and gifts in kind, can improve accessibility and create an aesthetic addition to the City.

Executive Summary:

N/A

Notification Requirements:

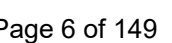
N/A

Prepared By:

Tommy Klein, City Manager

Attachments:

1. Veterans Mem_Phase 1 - Proposed-Layout2





Agenda Item #9.a.

Agenda Item Name:

Consider Minutes of the November 15, 2023, Regular Meeting

Presenter:

Misty Williams, City Clerk

Item Description:

Consider Minutes of the November 15, 2023, Regular Meeting

Recommended Action:

Move to approve the minutes of the November 15, 2023, City Council Regular Meeting

Fiscal Impact:

N/A

Operational Impact:

N/A

Prior Board Motions:

N/A

Background Information:

N/A

Executive Summary:

Minutes of the November 15, 2023, Regular Meeting

Notification Requirements:

N/A

Prepared By:

Alexis Ramirez, Deputy City Clerk

Attachments:

1. 11.15.2023 DRAFT Minutes



RIFLE CITY COUNCIL

REGULAR MEETING

November 15, 2023

7:00 p.m.

202 Railroad Avenue, Rifle, CO

CALL TO ORDER & ROLL CALL

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Ed Green.

Present at Roll Call:

Mayor Ed Green, Councilor Brian Condie, Councilor Alicia Gresley, Councilor Chris Bornholdt, Councilor Clint Hostettler, Councilor Joe Carpenter and Councilor Sean Strode.

Roll Call: Yes - Alicia Gresley, Sean Strode, Chris Bornholdt, Brian Condie, Clint Hostettler, Joe Carpenter, and Ed Green.

No – None.

Others Present:

City Manager Tommy Klein, City Clerk Misty Williams, City Attorney Jim Neu, Rifle Cable 10 Manager (RCTV) Michael Churchill, Human Resource Manager Danielle Hogan, Chief of Police Debra Funston, Utilities Director Jared Emmert, Planning Director Patrick Waller, Finance Director Scott Rust, Corporal Edgar Lara, Officer Josh Allison, Officer Kyle Green, Officer Mike Pruitt, Detective Jose Valadez, Detective Kalob Foreman, Detective Dewey Ryan, CSO Dawn Neely, Karen Roberts, Trish O’Grady and Amber McNair.

PUBLIC COMMENT

Public comment was heard from Trish O’Grady.

CONSENT AGENDA – CONSIDER THE FOLLOWING ITEMS:

- A. Consider Minutes of the October 18, 2023 Regular Meeting
- B. ~~Consider Approving City of Rifle Personnel Manual—2023 Version~~
- C. Consider Liquor License Renewal for J&L, Inc. dba Shanghai Garden
- D. Consider Approving Expenditure for Mind Springs SWM Program (Detox)
- E. Consider Signing the Brown’s Hill Water and Wastewater Virtual SCADA Contract

*Item B was moved to Regular Agenda for discussion.

Councilor Clint Hostettler moved to approve Consent Agenda Item A, C, D, and E; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Alicia Gresley, Brian Condie, Sean Strode, Chris Bornholdt, Clint Hostettler, and Ed Green.

No – None.

PRESENTATION

Presentation of Rifle Police Department Promotions

Chief of Police Debra Funston presented Sergeant Mike Pruitt and Corporal Kyle Green.

PUBLIC HEARING

Consider Adopting the 2024 Proposed Budget

Mayor Ed Green opened the public hearing.

Finance Director Scott Rust presented the 2024 Proposed Budget. The formal presentation of the proposed budget was given on the October 4th, 2023 Regular Council Meeting. City funds consist of four major governmental funds, six non-major governmental funds, three enterprises proprietary and two internal service funds. Budget Priorities, Revenue and Expenditures points were presented. Mill Levy Certification will happen in December upon receipt of final values from Garfield County. Citizens may obtain a copy of the 2024 adopted budget through the City of Rifle website or by contacting the City Clerk's office. Staff recommends adoption of Ordinance No. 22, Series of 2023 – 2024 Annual Appropriations and Resolution No. 29, Series of 2023 – 2024 Budget Adoption.

Finance Director Scott Rust answered questions for Council.

No Public Comment.

Mayor Ed Green closed the public hearing.

Consider Adopting the 2024 Budget – Resolution No. 29, Series of 2023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
RIFLE, COLORADO ADOPTING THE ANNUAL BUDGET
FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024
AND ENDING DECEMBER 31, 2024.

Adopting the 2024 Budget Resolution No. 29, Series of 2023 will provide legal authority to spend funds necessary to ensure the delivery of expected services to the citizens of the City of Rifle.

Councilor Alicia Gresley moved to approve Resolution No. 29, Series of 2023 – Adopting the 2024 Budget; seconded by Councilor Clint Hostettler.

Roll Call: Yes - Ed Green, Alicia Gresley, Sean Strode, Joe Carpenter, Brian Condie, Chris Bornholdt, and Clint Hostettler.

No – None.

Consider Adopting the Annual Appropriation Ordinance for the 2024 Budget – Ordinance No. 22, Series of 2023

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO
SETTING FORTH THE ANNUAL APPROPRIATION FOR THE
FISCAL YEAR BEGINNING JANUARY 1, 2024 AND ENDING
DECEMBER 31, 2024.

Adopting the Annual Appropriation for the 2024 Budget – Ordinance No. 22, Series of 2023 will provide the legal authority to spend funds necessary to ensure the delivery of expected services to the citizens of the City of Rifle.

Councilor Alicia Gresley moved to approve Ordinance No. 22, Series of 2023 - Adopting the Annual Appropriation Ordinance for the 2024 Budget on first and only reading as presented and order it to be published in full as required by Charter; seconded by Councilor Clint Hostettler. Roll Call: Yes - Brian Condie, Joe Carpenter, Alicia Gresley, Ed Green, Chris Bornholdt, Clint Hostettler and Sean Strode.
No – None.

REGULAR AGENDA

Consider Approving City of Rifle Personnel Manual – 2023 Version

Councilor Alicia Gresley moved to approve the Revised Consent Agenda Item B; seconded by Councilor Sean Strode.
Roll Call: Yes - Alicia Gresley, Sean Strode, Chris Bornholdt, Brian Condie, Clint Hostettler, Ed Green and Joe Carpenter.
No – None.

Consider Amending Residency Requirements for Police Chief – Ordinance No. 20, Series of 2023 – 1st Reading.

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO,
AMENDING SECTION 2-5-20 OF THE RIFLE MUNICIPAL
CODE REGARDING RESIDENCY REQUIREMENT FOR THE
POLICE CHIEF

City Manager Tommy Klein presented a request to consider amending residency requirements for the police chief position with Ordinance No. 20, Series of 2023 – 1st reading. The Ordinance proposed is a change to the code to establish the residency requirement of a chief of police to live within 15-miles of the city limits. Requiring the chief of police to reside in closer proximity to our community not only ensures a prompt response during emergencies and challenging travel conditions but also strengthens the connection between the department and the community. If the Council approves the modification, the police chief hired after January 1, 2024, will be subject to the 15-mile residency requirement.

Councilor Clint Hostettler moved to approve Ordinance No. 20, Series of 2023 - Amending Residency Requirements for Police Chief on first reading as presented and order it to be published as required by Charter; seconded by Councilor Joe Carpenter.
Roll Call: Yes - Clint Hostettler, Brian Condie, Sean Strode, Joe Carpenter, Chris Bornholdt, Alicia Gresley and Ed Green.

Rifle City Council Meeting November 15, 2023

No – None.

Consider the Repeal of Sales Tax License Fee – Ordinance No. 21, Series of 2023 – 1st Reading.

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO,
REPEALING SECTION 6-2-20 AND THE ASSOCIATED FEE
IN APPENDIX A TO THE RIFLE MUNICIPAL CODE
REGARDING THE SALES TAX LICENSE FEE.

Finance Director Scott Rust presented a request to consider the repeal of sales tax license fee – Ordinance No. 21, Series of 2023 – 1st Reading. In 2022, the State of Colorado passed the State Bill 22-032 that established several regulations related to business/sales tax licensing for all governmental entities in the state. This bill will streamline licensing requirements and impose regulations on self-collecting, home-rule municipalities. The city can no longer require a sales tax license for businesses that obtain a State of Colorado business license and for those that are not physically located within city limits. Therefore, due to this requirement, staff is requesting that the sales tax license fee, currently imposed by the City of Rifle at \$12 per year, be repealed for all taxpayers. Staff recommends approval of request as removing the sales tax license fee will reduce the administrative burden of reconciling fees each year. The City of Rifle will still request taxpayers to obtain a license, but it will be free of charge. Registration with MuniRevs / SUTS will also still be required as it is the only method used for sales tax filling with the City of Rifle.

Councilor Sean Strode moved to approve Ordinance No. 21, Series of 2023 - Repeal of Sales Tax License Fee on first reading as presented and order it to be published as required by Charter; seconded by Councilor Alicia Gresley.

Roll Call: Yes - Ed Green, Alicia Gresley, Sean Strode, Joe Carpenter, Brian Condie, Chris Bornholdt, and Clint Hostettler.

No – None.

Consider Approval of the New Pump at the Raw Water Pump Station

Utilities Director Jared Emmert presented a request to consider approval of the New Pump at the Raw Water Pump Station. The Raw Water Pump Station delivers water from the City's intake pond to the water treatment plant. A new vertical turbine pump will increase the reliability and capacity of the pump station and help develop the City's conditional water rights. A request for proposal was put out and six companies responded. Staff is recommending Manro Supply as a local company for the purchase of a new 350 horsepower vertical turbine pump in the amount of \$72,019.40.

Utilities Director Jared Emmert answered questions for Council.

Councilor Sean Strode moved to approve the purchase of a new 350 HP Vertical Turbine pump in the amount of \$72, 019.40 from Manro Supply; seconded by Councilor Alicia Gresley.

Roll Call: Yes - Brian Condie, Joe Carpenter, Alicia Gresley, Ed Green, Chris Bornholdt, Clint Hostettler, and Sean Strode.

No – None.

Report to City Manager

Reports were heard from City Clerk Misty Williams, City Attorney Jim Neu, City Manager Tommy Klein, and Chief of Police Debra Funston.

Presentation of Service Award to Mayor Green

City Manager Tommy Klein and City Clerk Misty Williams presented Mayor Green with a plaque as an appreciation for 8 years of service to the community of Rifle.

Comments from Mayor and Council

Comments were heard from Councilor Alicia Gresley, Councilor Sean Strode, Councilor Brian Condie, Councilor Clint Hostettler, Councilor Chris Bornholdt, and Councilor Joe Carpenter.

Adjournment

Meeting adjourned at 7:59 p.m.

Misty Williams
City Clerk

Ed Green
Mayor



Agenda Item #9.b.

Agenda Item Name:

Consider Declaration of Surplus Fleet Vehicles for Auction

Presenter:

Brian Prunty, Public Works Director

Item Description:

City Council declaration of the following vehicles as Surplus so that they may be publicly auctioned: 4V10, a 2011 Ford Escape; 4V15, a 2012 Subaru Forester; 4V19, a 2006 Ford Explorer; 4V21, a 2007 Ford Explorer

Recommended Action:

City Council Consent for declaration of vehicles as surplus.

Fiscal Impact:

Decrease in ownership costs of maintenance and insurance; funds from sale to be used in future fleet purchases

Operational Impact:

N/A

Prior Board Motions:

N/A

Background Information:

N/A

Executive Summary:

Sec. 4-3-610. - Sale of real and personal property prescribes the method of disposal. While some of these vehicles may not currently meet the value thresholds, this informs Council of disposal of capital purchases of real property.

Notification Requirements:

N/A

Prepared By:

Brian Prunty, Public Works Director

Attachments:

None



Agenda Item #9.c.

Agenda Item Name:

Consider Amending Residency Requirements for Police Chief - Ordinance No. 20, Series of 2023 - 2nd Reading

Presenter:

Tommy Klein, City Manager

Item Description:

Consider changing the residency requirements for the Chief of Police.

Recommended Action:

Move to approve Ordinance No. 20, Series of 2023

Fiscal Impact:

N/A

Operational Impact:

None

Prior Board Motions:

A previous Council removed the requirement that the chief of police must live in the City limits of Rifle. The ordinance was subsequently changed to permit a chief to live within 25 of the City limits.

Background Information:

A previous Council removed the requirement that the chief of police must live in the City limits of Rifle. The ordinance was subsequently changed to permit a chief to live within 25 of the City limits.

Executive Summary:

A previous Council removed the requirement that the chief of police must live in the City limits of Rifle. The ordinance was subsequently changed to permit a chief to live within 25 miles of the City limits. The manager is proposing a change to the code to mandate that a chief of police live within 15 miles of the City limits. By requiring the chief of police to live closer to our community, we ensure that this department head will be able to travel to Rifle quickly in the event of an emergency and when travel conditions become challenging. If Council approves the modification, a chief hired after January 1, 2024, will be subject to the 15 mile residency requirement. Our current chief fulfills this requirement.

Notification Requirements:

N/A

Prepared By:

Misty Williams, City Clerk

Attachments:

1. Ordinance No. 20-Police Chief Residency

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 20
SERIES OF 2023**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
SECTION 2-5-20 OF THE RIFLE MUNICIPAL CODE REGARDING
RESIDENCY REQUIREMENT FOR THE POLICE CHIEF.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Section 2-5-20 of the Rifle Municipal Code sets forth the appointment and duties of the Rifle Chief of Police; and

WHEREAS, to provide for increased response time and better serve the community, the City Council finds it in the best interests of its citizens to require the Chief of Police to reside within 15 miles of the City limits; and

WHEREAS, the City Council desires to amend the Rifle Municipal Code to add such a residency requirement for any Chief of Police hired after January 1, 2024.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. Incorporation. The Rifle City Council adopts the foregoing recitals and conclusions as facts and determinations and incorporates them by reference as if set forth in full herein.

2. Code Amendment. Section 2-5-20(c) of the Rifle Municipal Code is hereby enacted as follows, with underlined text added:

Sec. 2-5-20. - Chief of Police; appointment and duties.

- (a) The City Manager, upon the approval of the City Council, shall appoint a Chief of Police who shall be the head of the Police Department. It shall be the duty of the Chief of Police to:
- (1) See that this Code, the ordinances of the City and the laws of the State are duly enforced and the rules and regulations of the Police Department obeyed, and perform such other duties as may be required by the City Council.
 - (2) Direct the operations of the Police Department, subject to the rules and regulations thereof.
 - (3) Render such accounts of the Police Department, his or her duties and receipts as may be required by the City Council, and keep the records of his or her office open to inspection by the City Council at any time.

- (b) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State and ordinances of the City, and that he or she will faithfully perform the duties of the office upon which he or she is about to enter.

(c) Any Chief of Police hired after January 1, 2024 shall reside within 15 miles of the City limits during their employment with the City.

INTRODUCED on November 15, 2023, read by title, passed on first reading with amendment, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on December 6, 2023, passed without amendment, approved and ordered published in full as required by Charter.

Dated this _____ day of _____, 2023.

CITY OF RIFLE, COLORADO

By: _____
Mayor

ATTEST:

City Clerk



Agenda Item #9.d.

Agenda Item Name:

Consider the Repeal of Sales Tax License Fee - Ordinance No. 21, Series of 2023 - 2nd Reading

Presenter:

Scott Rust, Finance Director

Item Description:

Approve Ordinance to repeal the sales tax licensing fee.

Recommended Action:

Move to approve Ordinance No. 21, Series of 2023

Fiscal Impact:

Historically, over the previous five years (2018-2022), the city has averaged approximately \$20,000 in sales tax license fees. The majority of these fees are generated by taxpayers that do not have a physical presence within the City. If ordinance No.21, Series of 2023 is approved, the City will forego approximately \$20,000 in sales tax license fees per year.

Operational Impact:

Operationally, repealing the sales tax license fee will reduce the administrative burden of reconciling these fees each year. Reconciling the \$12 fees each year take a substantial amount of staff time as identification of each payment is difficult.

Prior Board Motions:

No prior motions.

Background Information:

In 2022, the State of Colorado passed SB 22-032 which established a number of regulations related to business/sales tax licensing for all governmental entities in the state. In summary, the bill tries to streamline licensing requirements and imposes regulations on self-collecting, home-rule municipalities. The City can no longer require a sales tax license for businesses that obtain a State of Colorado business license and are not physically located within city limits.

Executive Summary:

SB 22-032 requires home-rule municipalities to waive licensing requirements for businesses that obtain a State of Colorado business license and are not physically located within city limits. Therefore, due to this requirement, staff are requesting that the sales tax license fee, currently imposed by the City of Rifle at \$12 per year, be repealed for all tax payers. Staff believes imposing the fee on taxpayers within city limits only would be unfair. We are still requesting that taxpayers obtain a license, free of charge, but no enforcement will take

place if a license is not obtained. However, registration with MuniRevs/SUTS is still required and is the only method for the filing of sales tax with the City of Rifle.

Notification Requirements:

N/A

Prepared By:

Misty Williams, City Clerk

Attachments:

1. SB2022_032_signed
2. Ordinance No. 21, Series of 2023-Sales Tax License Fee Repeal

An Act

SENATE BILL 22-032

BY SENATOR(S) Bridges and Woodward, Cooke, Donovan, Fields, Ginal, Hisey, Holbert, Kolker, Lee, Liston, Lundeen, Moreno, Pettersen, Priola, Rankin, Scott, Simpson, Smallwood, Winter, Zenzinger, Fenberg;
also REPRESENTATIVE(S) Kipp and Van Winkle, Amabile, Bernett, Bird, Bockenfeld, Boesenecker, Exum, Herod, Hooton, Jodeh, Lindsay, Lontine, Lynch, McCormick, McLachlan, Roberts, Sandridge, Snyder, Titone, Van Beber, Weissman.

CONCERNING SIMPLIFICATION OF LOCAL SALES AND USE TAX COMPLIANCE
AND ADMINISTRATION FOR RETAILERS THAT MAKE RETAIL SALES IN
LOCAL TAXING JURISDICTIONS WHERE THEY HAVE LIMITED PHYSICAL
PRESENCE, AND, IN CONNECTION THEREWITH, MAKING AN
APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 39-26-802.9 as follows:

39-26-802.9. Retailers without physical presence or with only incidental physical presence in local taxing jurisdictions - streamlined application process and no fee for local general business license -

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

legislative declaration - definitions. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) LICENSING OF RETAILERS THAT ARE SUBJECT TO PAYMENT OF SALES AND USE TAXES IN ONE OR MORE LOCAL TAXING JURISDICTIONS BUT EITHER DO NOT HAVE PHYSICAL PRESENCE IN OR HAVE ONLY INCIDENTAL PHYSICAL PRESENCE IN THOSE LOCAL TAXING JURISDICTIONS IS A MATTER OF STATEWIDE CONCERN;

(b) THE STATE'S ELECTRONIC TAX ADMINISTRATION INFRASTRUCTURE, INCLUDING THE ELECTRONIC SALES AND USE TAX SIMPLIFICATION SYSTEM CREATED AND BROUGHT ONLINE PURSUANT TO SECTION 39-26-802.7 AND COMMONLY KNOWN AS SUTS, CAN BE USED TO MAKE THE IMPOSITION, COLLECTION, AND ADMINISTRATION OF LOCAL SALES AND USE TAXES COLLECTED BY RETAILERS THAT EITHER DO NOT HAVE PHYSICAL PRESENCE OR HAVE ONLY INCIDENTAL PHYSICAL PRESENCE IN THE LOCAL TAXING JURISDICTIONS IMPOSING THE TAXES SIMPLER AND MORE EFFICIENT SO LONG AS:

(I) EACH LOCAL TAXING JURISDICTION IS REQUIRED TO GRANT A GENERAL BUSINESS LICENSE, FREE OF CHARGE, TO ANY RETAILER THAT HAS A STATE STANDARD RETAIL LICENSE AND EITHER DOES NOT HAVE PHYSICAL PRESENCE OR HAS ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN THE LOCAL TAXING JURISDICTION SO LONG AS THE LOCAL TAXING JURISDICTION HAS NOT PREVIOUSLY REVOKED THE RETAILER'S GENERAL BUSINESS LICENSE DUE TO THE RETAILER'S FAILURE TO COMPLY WITH THE LOCAL TAXING JURISDICTION'S REQUIREMENTS FOR HOLDING A GENERAL BUSINESS LICENSE; AND

(II) SUFFICIENT INFORMATION ABOUT ANY SUCH RETAILER IS COLLECTED WHEN THE RETAILER APPLIES FOR A STATE STANDARD RETAIL LICENSE TO ADDRESS ANY LOCAL TAXING JURISDICTION CONCERNS, INCLUDING BUT NOT LIMITED TO CONCERNS RELATING TO ADMINISTRATIVE EFFICIENCY, RETAILER COMPLIANCE, AND COLLECTION OF SALES AND USE TAX REVENUE;

(c) BECAUSE IT IS IMPORTANT TO ENSURE THAT THE CONCERNS OF LOCAL TAXING JURISDICTIONS ARE ADDRESSED, IT IS NECESSARY AND APPROPRIATE TO REQUIRE THE DEPARTMENT OF REVENUE TO CONSULT WITH LOCAL TAXING JURISDICTIONS WHEN MODIFYING APPLICATION

REQUIREMENTS FOR THE STATE STANDARD RETAIL LICENSE AS REQUIRED BY THIS SECTION; AND

(d) IT IS APPROPRIATE TO ELIMINATE THE COST OF A GENERAL BUSINESS LICENSE TO A RETAILER THAT HAS A STATE STANDARD RETAIL LICENSE AND EITHER DOES NOT HAVE PHYSICAL PRESENCE IN A LOCAL TAXING JURISDICTION OR HAS ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN THE LOCAL TAXING JURISDICTION BY PROHIBITING A LOCAL TAXING JURISDICTION FROM CHARGING A FEE FOR A GENERAL BUSINESS LICENSE TO SUCH A RETAILER UNTIL SUCH TIME AS THE LOCAL TAXING JURISDICTION IS REQUIRED TO ALLOW ANY SUCH RETAILER TO MAKE RETAIL SALES WITHIN THE LOCAL TAXING JURISDICTION WITHOUT APPLYING SEPARATELY TO THE LOCAL TAXING JURISDICTION FOR A GENERAL BUSINESS LICENSE.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

(b) "GENERAL BUSINESS LICENSE" MEANS A LICENSE ISSUED BY A LOCAL TAXING JURISDICTION THAT A RETAILER MUST OBTAIN TO LEGALLY MAKE RETAIL SALES IN THE LOCAL TAXING JURISDICTION REGARDLESS OF WHETHER THE LICENSE IS CALLED A BUSINESS LICENSE, A SALES AND USE TAX LICENSE, OR BY ANOTHER NAME. AN OCCUPATIONAL LICENSE OR ANY OTHER LICENSE REQUIRED TO ENGAGE IN A BUSINESS ACTIVITY OTHER THAN MAKING RETAIL SALES OF GOODS IS NOT A GENERAL BUSINESS LICENSE.

(c) "INCIDENTAL PHYSICAL PRESENCE" MEANS, WITH RESPECT TO A LOCAL TAXING JURISDICTION, PHYSICAL PRESENCE AS DESCRIBED IN SUBSECTION (2)(e)(I)(B), (2)(e)(I)(C), OR (2)(e)(I)(E) OF THIS SECTION, OR ANY COMBINATION OF SAID SUBSECTIONS, WITHIN THE LOCAL TAXING JURISDICTION THAT OCCURS INFREQUENTLY AND IS NOT REGULARLY SCHEDULED WITHIN THE ORDINARY COURSE OF AN INDIVIDUAL OR ENTITY'S BUSINESS ACTIVITIES.

(d) "LOCAL TAXING JURISDICTION" HAS THE MEANING SET FORTH IN SECTION 39-26-802.7 (1)(b).

(e) (I) "PHYSICAL PRESENCE" MEANS, WITH RESPECT TO A LOCAL TAXING JURISDICTION, PERFORMING OR PROVIDING SERVICES OR SELLING,

LEASING, RENTING, DELIVERING, OR INSTALLING TANGIBLE PERSONAL PROPERTY FOR STORAGE, USE, OR CONSUMPTION WITHIN THE LOCAL TAXING JURISDICTION. PHYSICAL PRESENCE INCLUDES ANY OF THE FOLLOWING ACTIVITIES:

(A) DIRECTLY OR INDIRECTLY BY A SUBSIDIARY MAINTAINING A BUILDING, STORE, OFFICE, SALESROOM, WAREHOUSE, OR OTHER PLACE OF BUSINESS WITHIN THE LOCAL JURISDICTION;

(B) SENDING ONE OR MORE EMPLOYEES, AGENTS, OR COMMISSIONED SALESPERSONS INTO THE LOCAL JURISDICTION TO SOLICIT BUSINESS, TO INSTALL, ASSEMBLE, REPAIR, SERVICE, OR ASSIST IN THE USE OF ITS PRODUCTS, OR FOR DEMONSTRATION OR OTHER REASONS;

(C) MAINTAINING ONE OR MORE EMPLOYEES, AGENTS, OR COMMISSIONED SALESPERSONS ON DUTY AT A LOCATION WITHIN THE LOCAL TAXING JURISDICTION;

(D) OWNING, LEASING, RENTING, OR OTHERWISE EXERTING CONTROL OVER REAL OR PERSONAL PROPERTY SALES WITHIN THE LOCAL TAXING JURISDICTION;

(E) ENGAGING IN ACTIVITIES WITHIN THE TAXING JURISDICTION THAT ARE SUBJECT TO OTHER BUSINESS, FIRE, ZONING, OR OTHER REGULATIONS OF THE LOCAL JURISDICTION; OR

(F) BEING SUBJECT TO TAXABLE PRIVILEGES OTHER THAN THE REQUIREMENT TO COLLECT SALES TAX IMPOSED BY THE LOCAL TAXING JURISDICTION.

(II) INCIDENTAL PRESENCE BY EMPLOYEES, AGENTS, OR COMMISSIONED SALESPERSONS WITHIN A LOCAL TAXING JURISDICTION WHEN NOT OTHERWISE ENGAGED IN THE ACTIVITIES SET FORTH IN SUBSECTION (2)(e)(I) OF THIS SECTION DOES NOT CONSTITUTE PHYSICAL PRESENCE.

(f) "STATE STANDARD RETAIL LICENSE" MEANS A LICENSE ISSUED UNDER SECTION 39-26-103 THAT AUTHORIZES A RETAILER TO MAKE RETAIL SALES IN THE STATE.

(g) "SUTS" MEANS THE ELECTRONIC SALES AND USE TAX

SIMPLIFICATION SYSTEM CREATED AND BROUGHT ONLINE PURSUANT TO SECTION 39-26-802.7.

(3) (a) IN ORDER TO ENABLE THE STREAMLINING OF THE IMPOSITION, COLLECTION, AND ADMINISTRATION OF SALES AND USE TAXES IMPOSED BY LOCAL TAXING JURISDICTIONS ON RETAIL SALES MADE BY RETAILERS THAT HAVE A STATE STANDARD RETAIL LICENSE AND EITHER DO NOT HAVE PHYSICAL PRESENCE WITHIN A LOCAL TAXING JURISDICTION OR HAVE ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN A LOCAL TAXING JURISDICTION BY STREAMLINING THE APPLICATION PROCESS FOR AND ELIMINATING THE EXPENSE OF GENERAL BUSINESS LICENSES FOR SUCH RETAILERS, THE DEPARTMENT OF REVENUE SHALL REQUIRE SUFFICIENT INFORMATION TO BE COLLECTED FROM SUCH A RETAILER, WHEN THE RETAILER APPLIES FOR OR RENEWS A STATE STANDARD RETAIL BUSINESS LICENSE THROUGH SUTS OR BY OTHER MEANS OR AT ANY OTHER TIME TO THE EXTENT NECESSARY, AND MADE AVAILABLE TO LOCAL TAXING JURISDICTIONS TO ENSURE THAT CONCERNS OF LOCAL TAXING JURISDICTIONS, INCLUDING BUT NOT LIMITED TO CONCERNS RELATING TO ADMINISTRATIVE EFFICIENCY, RETAILER COMPLIANCE, AND COLLECTION OF SALES AND USE TAX REVENUE, ARE ADDRESSED. IN DETERMINING WHAT INFORMATION TO COLLECT AND HOW TO MAKE THE INFORMATION COLLECTED AVAILABLE TO LOCAL TAXING JURISDICTIONS AS REQUIRED BY THIS SUBSECTION (3)(a), THE DEPARTMENT SHALL CONSULT WITH LOCAL TAXING JURISDICTIONS, INCLUDING BUT NOT LIMITED TO LARGE, MEDIUM, AND SMALL HOME RULE AND NONHOME RULE MUNICIPALITIES AND LARGE, MEDIUM, AND SMALL COUNTIES. THE DEPARTMENT SHALL ALSO CONSULT WITH RETAILERS TO ADDRESS ANY REASONABLE CONCERNS THEY MAY HAVE.

(b) THE DEPARTMENT SHALL ACCOMPLISH THE TASKS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION EXPEDITIOUSLY SO THAT NO LATER THAN JULY 1, 2023, AND SOONER IF FEASIBLE, A RETAILER THAT HAS A STATE STANDARD RETAIL LICENSE AND EITHER DOES NOT HAVE PHYSICAL PRESENCE WITHIN A LOCAL TAXING JURISDICTION OR HAS ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN A LOCAL TAXING JURISDICTION CAN MAKE RETAIL SALES WITHIN THE LOCAL TAXING JURISDICTION WITHOUT HAVING TO APPLY SEPARATELY TO THE LOCAL TAXING JURISDICTION FOR A GENERAL BUSINESS LICENSE.

(4) (a) ON AND AFTER JULY 1, 2022, A LOCAL TAXING JURISDICTION SHALL NOT CHARGE A FEE FOR A GENERAL BUSINESS LICENSE TO A RETAILER

THAT HAS A STATE STANDARD RETAIL LICENSE, MAKES RETAIL SALES WITHIN THE LOCAL TAXING JURISDICTION, AND EITHER DOES NOT HAVE PHYSICAL PRESENCE IN THE LOCAL TAXING JURISDICTION OR HAS ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN THE LOCAL TAXING JURISDICTION.

(b) ON AND AFTER JULY 1, 2023, A LOCAL TAXING JURISDICTION SHALL NOT REQUIRE A RETAILER THAT HAS A STATE STANDARD RETAIL LICENSE, MAKES RETAIL SALES WITHIN THE LOCAL TAXING JURISDICTION, AND EITHER DOES NOT HAVE PHYSICAL PRESENCE IN THE LOCAL TAXING JURISDICTION TO OR HAS ONLY INCIDENTAL PHYSICAL PRESENCE WITHIN THE LOCAL TAXING JURISDICTION TO APPLY SEPARATELY TO THE LOCAL TAXING JURISDICTION FOR A GENERAL BUSINESS LICENSE. IF THE LOCAL TAXING JURISDICTION REQUIRES A GENERAL BUSINESS LICENSE, IT SHALL AUTOMATICALLY ISSUE A GENERAL BUSINESS LICENSE AT NO CHARGE TO SUCH A RETAILER USING THE INFORMATION PROVIDED BY THE DEPARTMENT PURSUANT TO SUBSECTION (3) OF THIS SECTION; EXCEPT THAT A LOCAL TAXING JURISDICTION IS NOT REQUIRED TO ISSUE A GENERAL BUSINESS LICENSE TO A RETAILER IF THE LOCAL TAXING JURISDICTION HAS PREVIOUSLY REVOKED A GENERAL BUSINESS LICENSE HELD BY THE RETAILER FOR A VIOLATION OF ITS LOCAL CODE. IN ADDITION, NOTHING IN THIS SUBSECTION (4)(b) PROHIBITS A LOCAL TAXING JURISDICTION FROM SUSPENDING OR REVOKING A GENERAL BUSINESS LICENSE FOR A VIOLATION OF ITS LOCAL CODE.

SECTION 2. In Colorado Revised Statutes, 29-2-106, **amend** (4)(c)(I) and (6) as follows:

29-2-106. Collection - administration - enforcement.
(4)(c)(I) Notwithstanding the provisions of section 39-21-113, ~~C.R.S.~~, the executive director of the department of revenue shall report monthly to each municipality and county for which the department of revenue collects a sales tax information identifying licensed vendors within the municipality or county, INCLUDING THE LICENSING INFORMATION REQUIRED BY SECTION 39-26-802.9(3), and, where the chief administrative officer or his designee has executed a memorandum of understanding with the department of revenue providing for control of confidential data, the status of each vendor's account including the amount of such municipality's or county's sales tax collected and paid by each such vendor. The executive director of the department may, in his discretion, provide additional information to a municipality or county concerning collection and administration of such

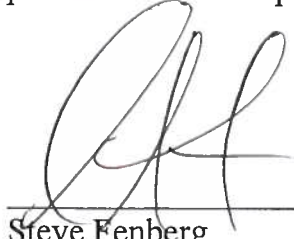
municipality's or county's sales tax if such a memorandum has been executed.

(6) The executive director of the department of revenue may, in ~~his~~ THE EXECUTIVE DIRECTOR'S discretion, exchange information with the proper official of any home rule city ~~which~~ THAT imposes a sales and use tax relative to gross sales reported, changes in gross sales resulting from audits, and other information concerning licensed vendors MAKING RETAIL SALES within the jurisdiction of the home rule city, INCLUDING THE LICENSING INFORMATION REQUIRED BY SECTION 39-26-802.9 (3).

SECTION 3. Appropriation. For the 2022-23 state fiscal year, \$2,100 is appropriated to the department of revenue for use by the taxation services division. This appropriation is from the general fund. To implement this act, the department may use this appropriation for personal services.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



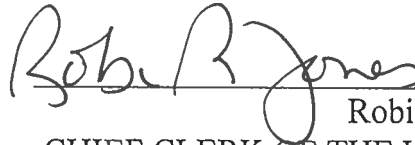
Steve Fenberg
PRESIDENT OF
THE SENATE



Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

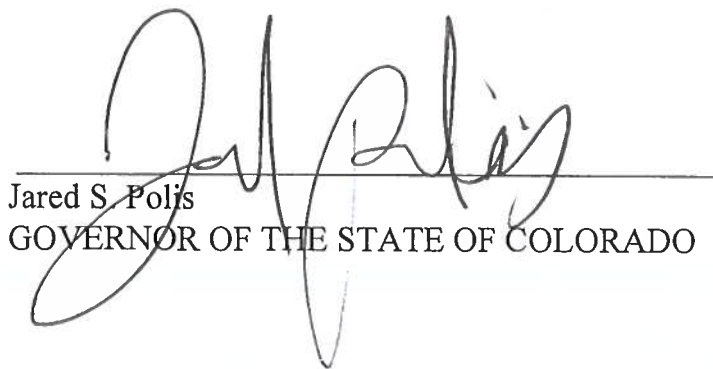


Cindi L. Markwell
SECRETARY OF
THE SENATE



Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED April 21, 2022 at 1:38pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 21
SERIES OF 2023**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REPEALING
SECTION 6-2-20 AND THE ASSOCIATED FEE IN APPENDIX A TO THE
RIFLE MUNICIPAL CODE REGARDING THE SALES TAX LICENSE FEE.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, to provide for efficient sales tax collection from remote venders, by SB22-032 the Colorado Legislature prohibited local taxing jurisdictions from charging a fee for a local sales tax license to a retailer that has a state standard retail license, makes retail sales within the local taxing jurisdiction, and either does not have physical presence within the local taxing jurisdiction or has only incidental physical presence within the local taxing jurisdiction; and

WHEREAS, the City desires to comply with SB22-032 and also treat local retailers in Rifle equally and repeal the requirement to pay a fee for a local sales tax license; and

WHEREAS, the City Council finds and determines that it is in the best interests of the citizens of Rifle to repeal the requirement to pay a fee for a sales tax license in Section 6-2-20 and the associated fee in Appendix A of the Rifle Municipal Code accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. RMC Section 6-2-20 and the associated fee and reference in Appendix A are hereby repealed:

Sec. 6-2-20. - ~~License fee.~~ Reserved

~~The fee for a sales tax license shall be the amount set forth in Appendix A to this Code for each license renewal and for each license issued between January 1 and June 30; and a fee as set forth in Appendix A to this Code for each license issued after July 1; or the fee which may be established by the City by ordinance in a uniform fee schedule.~~

APPENDIX A – Fees and Charges

6-2-20	Sales tax license	
	Issuance, renewal	\$12.00
	Issuance after July 1	\$6.00

INTRODUCED, on November 15, 2023, read in full, passed on first reading, and ordered published by title as required by the City Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on December 6, 2023, approved without amendments, and ordered published in full as required by the Charter.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk



Agenda Item #11.a.

Agenda Item Name:

Consider PUD Development Plan and Preliminary Plan Application for the Ecodwelling/Fritzlan Project

Presenter:

Patrick Waller, Planning Director

Item Description:

Consider PUD Development Plan and Preliminary Plan Application for the Ecodwelling/Fritzlan Project

Recommended Action:

Move to approve PUD Development Plan and Preliminary Plan Application for the Ecodwelling/Fritzlan Project.

Fiscal Impact:

The roads for the project will be privately maintained by the HOA as will the proposed park space. If developed, the City will receive impact fees for each of the units.

Operational Impact:

With the private maintenance of the streets and park there are limited operations impacts to the City from the project.

Prior Board Motions:

The property was annexed into the City with associated Sketch Plan in July 2023.

Background Information:

The Comprehensive Plan designates this area as both Neighborhood Commercial and High Density Residential. The density for this area is suggested to be 12-30 dwelling units/acre and the applicants proposal is for approximately 6.33 dwelling units/acre. The Comprehensive Plan specifically discusses this area as follows:

Executive Summary:

The applicant seeks Annexation, Sketch Plan Approval and MDR PUD zoning of 7.9 acres into the City of Rifle. The applicant's conceptual site plan shows 51 single-family lots that will be developed with approximately 900 square-foot, two bedroom and 1220 square foot three bedroom units that are built by the applicant. The proposal also includes approximately one 0.81 acre and two 0.2 acre park parcels.

Notification Requirements:

Applicant has met notice requirements as required by the Rifle Municipal Code.

Prepared By:

Patrick Waller, Planning Director

Attachments:

1. Sun Shade Examples
2. City Council Staff Report & Exhibits - 2023 Fritzlan Ranch Preliminary Plan and PUD





DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



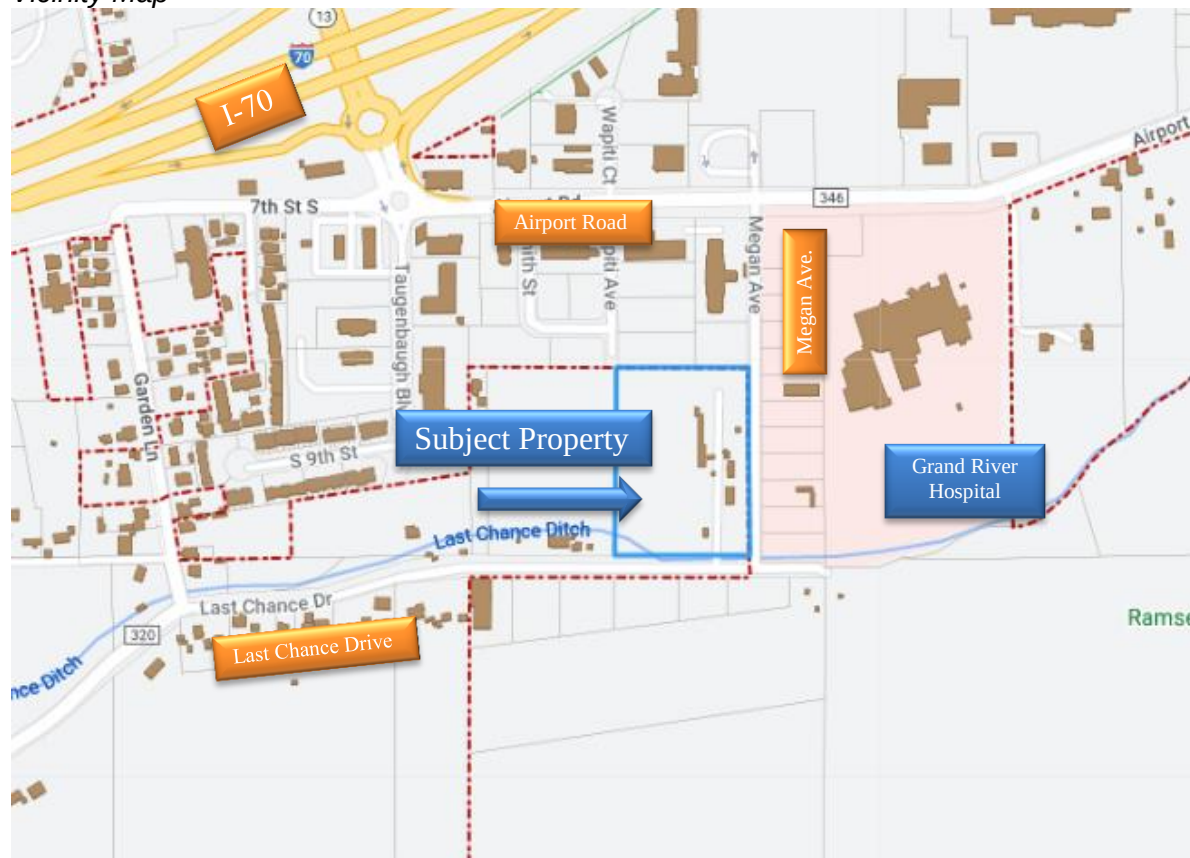
MEMORANDUM

TO: City of Rifle City Council
FROM: Patrick Waller – Planning Director, Geir Sverdrup – Senior Planner
DATE: December 6, 2023
SUBJECT: Fritzlan PUD Development Plan and Preliminary Plat
LOCATION: Northwest of the intersection of Megan Avenue and Last Chance Drive
CASE #: 2023-023
APPLICANT: Eco Dwelling LLC

REQUEST

The applicant is seeking a PUD Development and Preliminary Plat Approval for a 7.9-acre parcel. The parcel was annexed earlier this year and the applicant has submitted a Preliminary Plan that generally matches the Annexation proposal. The applicant's site plan contains 51 single-family lots that will be developed with approximately 900 square-foot, two bedroom and 1220 square foot three bedroom units that are built by the applicant. The proposal also includes a 0.81 and two smaller open space parcels.

Vicinity Map



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LOCATION:

The property is located to the north of Last Chance Drive and the west of Megan Avenue. To the east is Grand River Hospital, to the northwest is the Habitat for Humanity Wapiti Project, to the west is an agricultural parcel in Garfield County and to the south is the Last Chance Commons subdivision, currently being developed with single-family homes.

COMPREHENSIVE PLAN

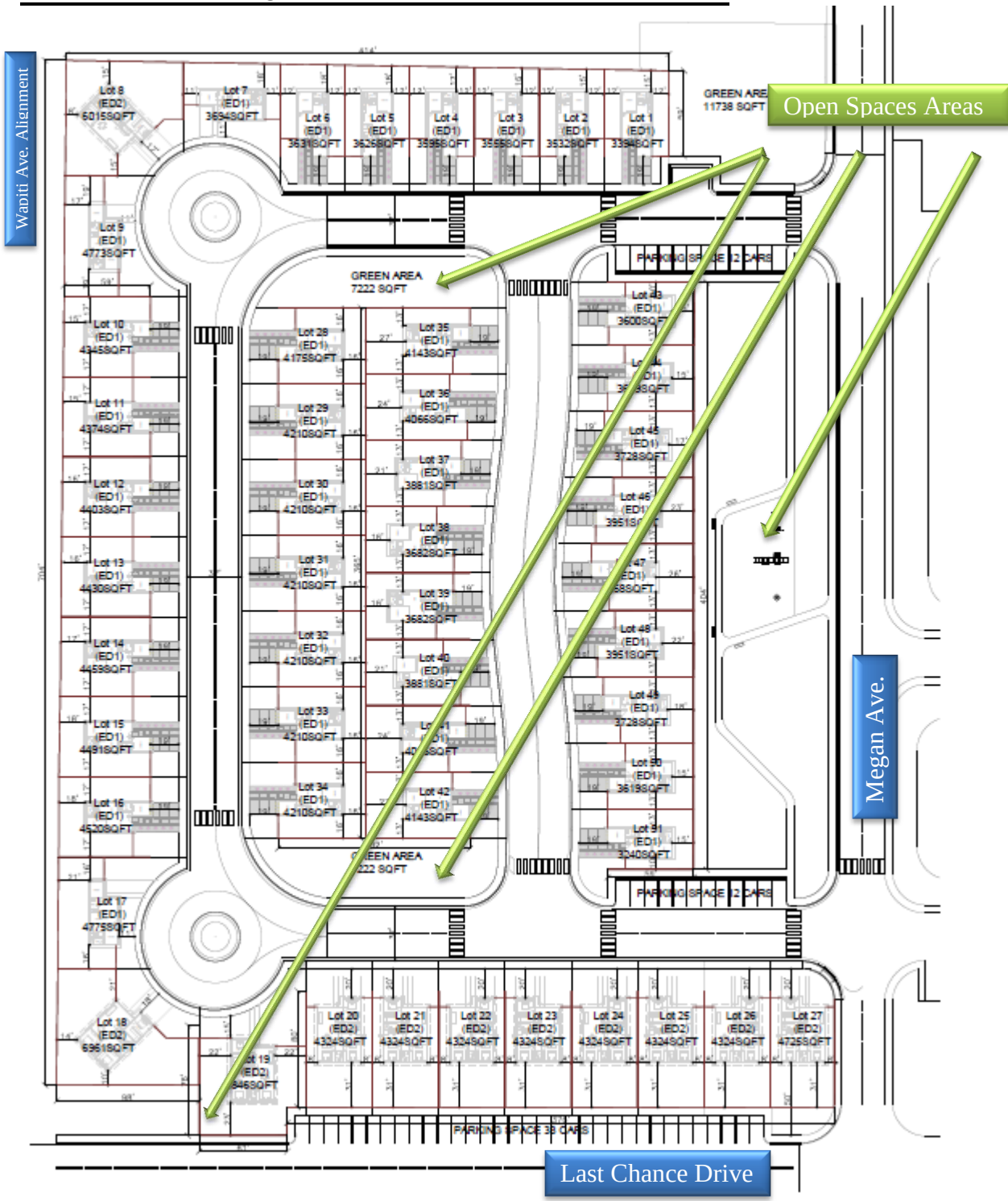
The Comprehensive Plan designates this area as both Neighborhood Commercial and High Density Residential. The density for this area is suggested to be 12-30 dwelling units/acre and the applicants proposal is for approximately 6.33 dwelling units/acre. The Comprehensive Plan specifically discusses this area as follows:

Undeveloped areas south of Airport Road. This area west of Grand River Health has several vacant developable parcels on both annexed and un-annexed property. The best use for the area is difficult to predict. The area does not directly front on Airport Road, so commercial development may be unlikely due to a lack of visibility. Industrial or light industrial uses should not be permitted due to the proximity to Grand River Health and other commercial/residential areas. By process of elimination, acceptable uses may include residential, office, business, or other commercial uses that are compatible in a mixed-use setting. The Future Land Use Map designates the area as "High Density Residential" and "Neighborhood Commercial". The intent is to allow for apartment buildings and ensure that any commercial use would be compatible with nearby residential use. If significant new residential development were to be proposed, a public park should be designated as one does not exist currently in South Rifle. Another potential use for the area may be affordable housing in the form of manufactured housing or mobile homes parks that are constructed and managed to a high standard of quality.

The Comprehensive Plan specifically identifies manufactured housing or mobile home parks in this area. These small units are similar to manufactured units, although the ownership model is better for those looking to purchase the units because the property is being subdivided. This allows for traditional financing methods and for owners to build equity.



PRELIMINARY DEVELOPMENT PLAN AND PRELIMINARY PLAT





REFERRAL COMMENTS

Staff referred the application to City of Rifle Departments, Xcel Energy, Colorado River Fire Rescue and the City's Consulting Engineer. Received comments are attached to the Staff Memo and incorporated into Staff Comments and Conditions. Staff feels that the comments from Mountain Cross Engineering, City of Rifle Engineering and CRFR, can be addressed with conditions of approval prior to submittal of a final plat.

STAFF COMMENTS

Open Space

The applicant is originally proposed to provide an approximate 0.81 acre community park with a developed playground along Megan Ave. The revised landscape plan now proposes a half sports court. The applicant conferred with staff regarding this change, staff feels that the sports court would be a good fit for the area. Two additional internal open spaces are proposed for the project. This open space will be privately maintained by the HOA. The City of Rifle code would require approximately two acres of park dedication if the parkland was dedicated to the public. The provision of internal development open space is important because of the lack of park infrastructure on the south side of Rifle.

Staff is suggesting that the applicant be required to construct two additional shade structures/gazebos on the park parcel. Since the Planning Commission meeting, the applicant has provided information on the shade structures. The structure will use a fabric cover that will need to be removed annually. This request was reviewed by the Parks and Rec department who did not identify any issues with the proposal and is planning on using the same fabric shade cover.

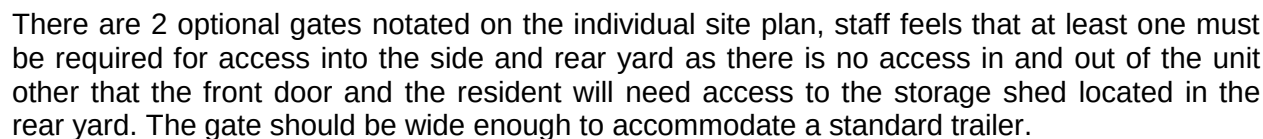
Pedestrian Connection

As the area develops out, there is the potential for the extension of Wapiti on the west side of this project through to Last Chance. There should be a pedestrian connection from this development to the Wapiti Commons subdivision, for quicker access to the west end of Airport Road. To accommodate the future connection, the applicant has included the pedestrian easement on the submitted plans.

The project also needs pedestrian access to the park located in the south western corner of the development. Pedestrian easements should be put in place to access this parcel, which will help with quicker access to Last Chance Drive.

Landscape Plan

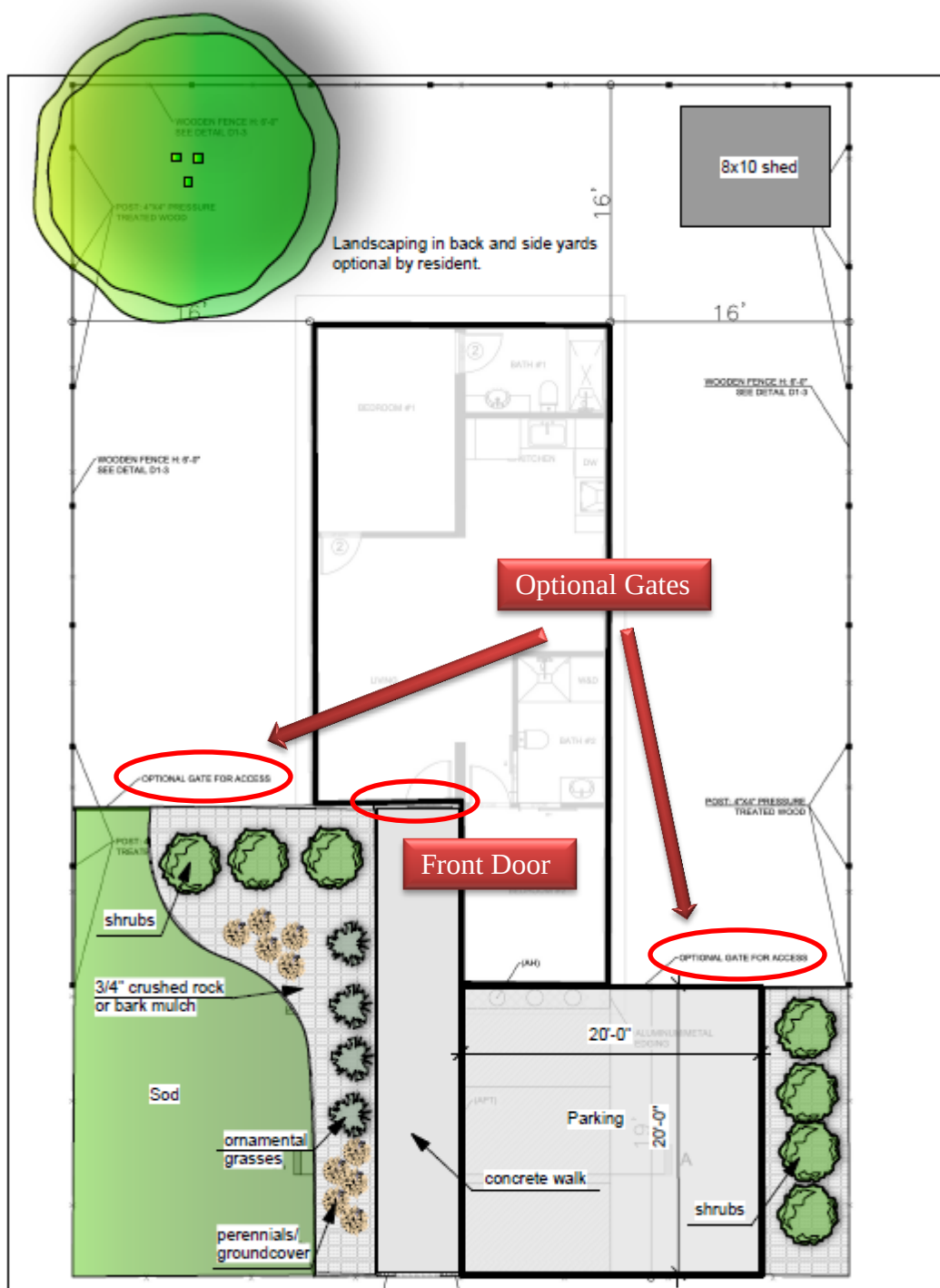
The Landscape plan shows a uniform palette of front yard treatments. This includes an area of sod with a mix of crushed gravel or bark mulch that includes a mix of shrubs and perennial grasses. Each lot receives one (1) tree either located in the front yard or the rear yard alternating. Rear and side yard landscaping will be chosen by the developer and the homebuyer. At a minimum the rear and side yards will need to be gravel with a weed barrier as shown on the landscaping plan.



DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

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Scale 1" = 10'-0"

Typical Homesite

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Improvement of Megan Avenue and Last Chance Drive Sidewalk

As required by the City of Rifle Public Works Manual, the developer will be installing sidewalks to complete Megan and Last Chance. Additionally, this includes providing parking on Last Chance Drive as shown on the submitted engineering plans. The applicant will need to provide a signage and striping plan for approval by City Staff as part of the Final Plat submittal.

Wapiti Avenue Extension – Property Dedication with License Agreement

The western portion of the property aligns with the future extension of Wapiti Avenue. The Plat shows the six (6) foot strip required for Wapiti. This strip of property will be maintained by the HOA as indicated in the Annexation Agreement.

Private Roads

The internal roads do not meet City standards and can only allow for parking on one side of the street. Per CRFR comments, one side of the roads will be required to post “No Parking” signs, this requirement will extend to both cul-de-sacs as well. These roads are permitted via the PUD request, and further supports the requirement that the roads be privately maintained by the HOA. Wapiti Avenue may extend to the south and it will likely be a public right-of-way, however, with no known use of the western parcel it is difficult to predict what the ultimate street layout will look like in this area. This project as designed does not connect to Wapiti. The only connections are to Megan Ave.

Park Fee Credits for Development of Open Space Area

Staff and the applicant discussed the possibility of credit of parkland fees in exchange for the applicant developing the open space area with a sports court that will be maintained by the HOA, but open to the public. The City of Rifle has a shortage of parks south of I-70 and the development of this open space would help address this issue specific to the development. The applicant has submitted a cost estimate and the SIA for the project will include an analysis of the parkland credits.

Planned Unit Development Information

The Rifle Municipal Code allows for Planned Unit Developments to permit greater flexibility in the development of a parcel provided that benefits are provided to the City including but not limited to affordable housing and high quality design. The applicant is proposing to zone the property with MDR PUD zoning. The PUD guide includes the following:

1. 3200sf minimum lot size
2. Setbacks/building envelope shown on final plat with a minimum 5’ side yard and 10’ front and rear yard setbacks
3. Allow carports and storage sheds to encroach setbacks.
 - a. 2’ side and rear setbacks, no front setback for carports setbacks.
 - b. Limited to one story and/or 16’ tall for carports and 12’ tall for storage sheds.
 - c. Storage sheds not to exceed 100sf.
4. Common areas/open space managed by HOA.
5. Use of Manufactured Housing, factory-built housing, pre-fabricated housing or pre-fabricated components to construct houses.
6. No garages allowed.
7. Uses shall be limited to residential use only.
8. Parking will include 2 spaces for each lot as well as parking allowed on one side of each street.
9. Raw water from Loesch & Crann Ditch required for all open space, park areas and individual lots.

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

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10. All properties shall be developed with a minimum an 8x10 storage shed located in the rear side yard of the lot.
11. Siding options shall not be replicated on adjoining lots.
12. Internal sidewalks shall be minimum five feet in width.

Staff's analysis of the application shows that the main benefit that the project provides to the city is additional free market, more affordable housing units. The type of construction, small units, and small lot types ensure that the units will be less expensive than larger lot and housing construction. The applicant has described the project as entry level housing with homeowners being able to purchase homes and build equity.

Architectural Criteria and Energy Efficiency Measures

The proposal has designed the units to be significantly more energy efficient than what would be required by basic compliance with the City of Rifle energy codes. This includes the use of close cell foam insulation, Zip system sheathing, and energy efficient windows. Energy efficient construction is supported by City PUD requirements.

The design of the units includes a number of items that are required by the Rifle PUD requirements, including articulated buildings and the use of a variety of siding materials.

Perimeter Criteria

The applicant will complete development of Megan Ave. and Last Chance Dr. Staff is requesting dedication a narrow strip along the western edge of the subject property to allow for future extension of Wapiti Ave. Additionally, the applicant has provided pedestrian connections to City streets and for the future Wapiti Connection.

Setbacks

The Planned Unit Development regulations allow for the City to approve smaller setbacks than those required in the underlying zone district provided that there is a greater diversity of housing types, there are sufficient parks and open space, there is an attractive streetscape and pleasant pedestrian environment, and affordable housing. The Preliminary PUD Plan shows an average of 24' between units and up to 45' between units (12-24 foot setbacks) where the ED1 Units are planned. ED2 Units average 9 foot setbacks or 18 feet between units.

While this project provides two (2) model types within the development, the proposed units are a new type of housing to the City of Rifle and provide a diversity exterior treatments. One of the conditions of approval is that the project cannot utilize the same exterior treatment on adjacent lots. This will insure that a visual variety is provided.

The units are not deed restricted affordable housing, but their small footprint and smaller lot size do allow for a more affordable price than current new construction.

FINDINGS

This project provides benefits to the City of Rifle regarding attainable housing. Rifle has recently been experiencing significant price increases for residential units. The applicant has indicated that these units will sell for much less than the average single-family housing unit within the City, mostly due to the technology that goes into construction, the small square footage of the units, the smaller lots, and the production of just two model types.

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

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Pursuant to RMC Section 16-5-280, City Council shall consider the following criteria before recommending approval to Council:

1. Conformance of the proposal with the City of Rifle Municipal Code;

With proposed conditions of approval, the proposal is in conformance with the Rifle Municipal Code.

2. The compatibility of the proposal with the character of the surrounding area, including but not limited to the architectural character of the neighborhood, the average lot and building sizes in the neighborhood, and the relative value of the proposed structure to the value of other structures in the neighborhood;

The proposed use is somewhat unique for the area. While there are older residential units to the west, accessed off of Taugenbaugh Boulevard, those units are townhomes and multi-family. To the north is the Habitat for Humanity project, which will be developed with townhomes and multi-family units. On the south side of Last Chance the newly approved Last Chance Commons includes single-family homes.

The residential use does appear to be compatible with the surrounding neighborhood based on this other residential development. The architectural character of the proposed development is different than what exists in South Rifle currently.

3. The desirability for the proposed use in the specific area of the City;

The application is in substantial compliance with the Sketch Plan approved during the annexation process.

4. The potential for adverse environmental effects that might result from the proposed use;

No major adverse environmental effects are anticipated from the proposal.

5. Compatibility of the proposed use and the site (or subdivision) plan with the City of Rifle Comprehensive Plan;

No Comprehensive Plan issues were noted as part of the review. The Comprehensive Plan does allow for manufactured homes in this area.

6. The potential impact of the proposed use upon the value of property and buildings within the surrounding area; and

No adverse impacts are anticipated on property values.

7. Conformance of the proposal with the approval requirements concerning water and sewer tap availability for high volume use requests pursuant to 13-4-120 of the Code, if applicable.

Not applicable.

RECOMMENDATION

Planning Commission recommended approval of the application to City Council subject to the following conditions.

Conditions of Approval

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



1. All representations made by the Applicant in the application and during the public hearing shall be conditions of approval, unless specifically altered by Rifle City Council.
2. Referral comments shall be addressed to the satisfaction of City Staff as part of the Final Plat application. This includes but is not limited to comments from Colorado River Fire Rescue, Mountain Cross Engineering, and City of Rifle Engineering.
 - a. The applicant shall submit a striping and signage plan for review and approval by the City Engineer as part of the Final Plat application.
3. The applicant shall be required to meet all items identified in the Annexation Agreement including, but not limited to: dedication of water rights, raw water irrigation, fees, lot landscaping, Wapiti Avenue dedication, and park requirements.
4. Megan Avenue and Last Chance Drive shall be developed with sidewalks that meet City requirements and parking shall be installed on Last Chance Drive as shown on the submitted plans.
5. The park shall be maintained by the HOA and open to the public.
6. The internal roads shall be maintained by the HOA.
7. Applicant shall provide a minimum of two (2) shade structures within the 0.81 park area.
8. One gate shall be required for access to rear yards for the individual properties.
9. The developer shall be required to landscape lots as required in the annexation agreement. Landscaping shall be installed as shown on the submitted landscaping plan dated October 18, 2023 or as amended and approved by Staff. Changes to the plan shall include:
 - a. Area of lots behind the fence shall be landscaped as requested by the home buyer. At a minimum the rear lot shall be graveled as shown on the landscaping plan with a minimum of 2-3 inches of gravel and a weed barrier.
 - b. At least one tree shall be required per lot as shown on the landscaping plan. In the front yard there shall be a minimum of one tree every other lot as shown on the landscaping plan.
10. The applicant shall update the plans to show a pedestrian access to the open space in the southwest corner of the project.

From: [Craig Spaulding](#)
To: [Geir Sverdrup](#); [Tommy Klein](#); [Debra Funston](#); [Brian Prunty](#); [Robert Burns](#); [Orrin.Moon@Crfr.us](#); [Chris@mountaincross-eng.com](#); [Samantha Wakefield \(samantha.l.wakefield@xcelenergy.com\)](#); "James S. Neu"; [Sheryl Bower](#)
Subject: RE: Fritzlan Ranch Annexation request with Sketch Plan
Date: Wednesday, June 21, 2023 2:01:50 PM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)

Review Summary: Plans for Fritzlan Ranch dated 4/27/2023 were submitted on 5/11/2023.

1. At Site Plan striping and signage plans for Megan Ave and Last Chance Drive will be needed and shall take into account on street parking if any at Megan Avenue and Last Chance Drive.
2. It shall be verified that all existing sanitary sewer lines are properly abandoned and no connection to the City sewer remain
3. The sidewalk on Megan needs to match the width of the existing sidewalk.
4. It shall be verified that all irrigation piping is properly piped and or abandoned to avoid future issues
5. Internal streets are private and will not be reviewed until Site Plan
6. Storm Drainage will be reviewed at Site Plan but has been proved feasible
7. Water and Sewer will be reviewed at Site plan
8. Any review of floodplain will be at Site Plan

Craig Spaulding

Civil Engineer
City of Rifle

Cell 970.309.1267
Off. 970.665.6556

From: Geir Sverdrup <gsverdrup@rifleco.org>
Sent: Wednesday, May 31, 2023 5:00 PM
To: Tommy Klein <tklein@rifleco.org>; Debra Funston <dfunston@rifleco.org>; Brian Prunty <bprunty@rifleco.org>; Craig Spaulding <cspaulding@rifleco.org>; Robert Burns <rburns@rifleco.org>; Orrin.Moon@Crfr.us; Chris@mountaincross-eng.com; Samantha Wakefield (samantha.l.wakefield@xcelenergy.com) <samantha.l.wakefield@xcelenergy.com>; 'James S. Neu' <jsn@mountainlawfirm.com>; Sheryl Bower <sbower@garfield-county.com>
Subject: Fritzlan Ranch Annexation request with Sketch Plan

Good Afternoon all

ECO Dwelling has re-submitted for the annexation request with a sketch Plan reducing the density from 66 units to 51 units.

Please review the attached files and return written comments to the City of Rifle Planning Department on or by June 15, 2023.

Thank you in advance.

A second email will be going out with a google link for a video of the project.

Geir Sverdrup
Senior Planner
City of Rifle, CO

From: [Orrin Moon](#)
To: [Geir Sverdrup](#)
Cc: [Kurt Lundin](#)
Subject: RE: Fritzlan Ranch
Date: Tuesday, October 17, 2023 9:36:15 PM

Geir,

I have reviewed the plans for Fritzlan Ranch and have the following comments:

1. The far west street is not named. Is it an extension of Thomas Jefferson or Violet Way? Addressing may be a problem if it is an extension. Road names need to be approved through Garfield County Communications for any possible conflicts in the County.
2. A fire hydrant needs to be added to the south/east corner of Thomas Jefferson Road and Farrier Lane. This additional fire hydrant will cover the upper ½ of Farrier Lane, while the fire hydrant on Violet Way will cover the lower ½ of Farrier Lane.
3. All fire Hydrants shall be positioned within 5' of the back of the walk. Plans show the one on Violet Way being on the north side of the parking spaces. This parking space will need to be eliminated, or the fire hydrant will be moved to another location. All fire hydrant steamer connections shall be facing the roadway and shall be at proper elevation for the entire base, including bolts, to be above the finish ground grade.
4. Any large vegetation or trees shall not be planted near fire hydrants where growth will impede the fire hydrant.
5. What is the street parking plan for this subdivision? I understand that parking is allowed on one side of the street only. Clarification is needed, and if only one side is allowed parking, then the other side shall be signed appropriately. No parking shall be allowed on the street in cult-da-sacks and shall be signed to that effect.

I have no other comments for this set of plans. Please feel free to contact me with any questions.

From: Geir Sverdrup <gsverdrup@rifleco.org>
Sent: Tuesday, October 3, 2023 3:10 PM
To: Tommy Klein <tklein@rifleco.org>; Debra Funston <dfunston@rifleco.org>; Craig Spaulding <cspaulding@rifleco.org>; Erica Gentry <egentry@rifleco.org>; Orrin Moon <Orrin.Moon@Crfr.us>; Samantha Wakefield (samantha.l.wakefield@xcelenergy.com) <samantha.l.wakefield@xcelenergy.com>; Brian Prunty <bprunty@rifleco.org>; Jared Emmert <jemmert@rifleco.org>; 'James S. Neu' <jsn@mountainlawfirm.com>; Glenn Hartmann (ghartmann@garfield-county.com) <ghartmann@garfield-county.com>
Cc: Patrick Waller <pwaller@rifleco.org>
Subject: Fritzlan Ranch

https://drive.google.com/drive/folders/14TMGq0m_sLd3UHQomGnejgX_DNat7M1d?usp=drive_link

Good Afternoon All

Please follow the google docs link to receive the review material for Fritzlan Ranch Preliminary Plat.
Please provide comments in writing on or before October 17, 2023
Thank You

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



MOUNTAIN CROSS ENGINEERING, INC.

Civil and Environmental Consulting and Design

October 24, 2023

Geir Sverdrup, Senior Planner
City of Rifle – Department of Planning & Development
202 Railroad Avenue
Rifle, CO 81650

RE: Fritzlan Ranch: 2022-042

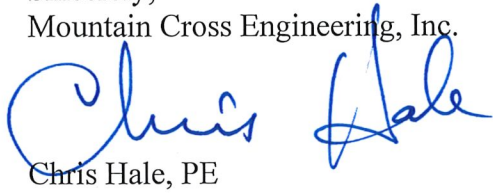
Dear Geir:

This office has performed a review of the documents provided for Fritzlan Ranch. The review generated the following comments:

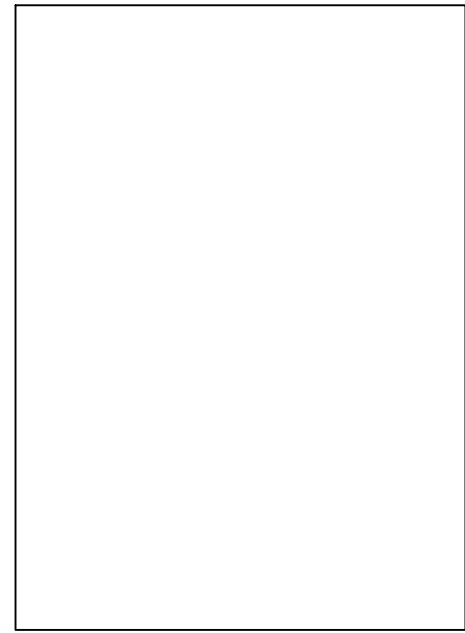
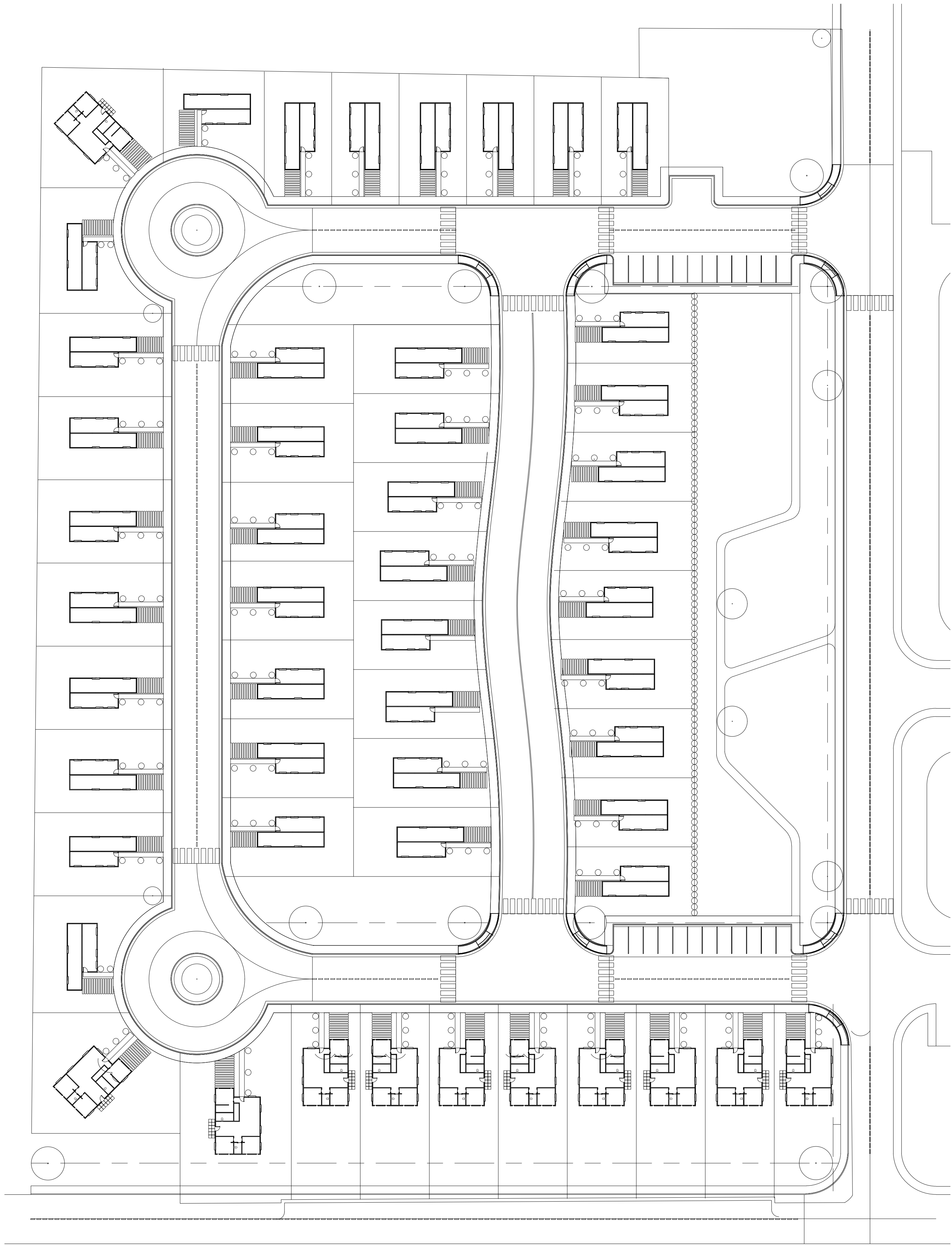
1. No storm calculations were provided. The Applicant should provide storm calculations to verify that the storm drain appurtenances are adequately sized.
2. The Applicant should provide water and sewer calculations for verification of the line sizes.
3. The separation between the 1-A storm drain to the water line is closer than 18", which is a typical minimum separation. The crossing should be redesigned to provide adequate separation or provisions to protect crossing.
4. Similarly, the crossing at Sta. 3+28 should be redesigned to separate the storm drain from the water line.
5. The intersection of Thomas Jefferson with Megan Avenue should have a flatter queueing/landing area for vehicles to wait for conflicting traffic; typically, at least 20' flatter than 4%.
6. The separation between sewer lines and water lines at Sta. 4+21 is less than 18" and should be redesigned to provide adequate separation.
7. The water line proposes a bend and thrust block directly above the sewer line. The bend should be moved from over the sewer.
8. The proposed Irrigation line is very close to sewer manholes 1-5 and 2-2. The irrigation line should be offset to increase the separation.
9. The separation between sewer lines and water lines at Sta. 0+14 is less than 18" and should be redesigned to provide adequate separation.
10. There is a water line tee at Sta. 2+26 that is the water system low point. The Applicant should consider providing a blow-off for maintenance and repair of the water lines.
11. The Applicant should better explain the ownership and maintenance of the irrigation pumps, lines, and equipment. It is unclear from the documents that were provided if this will be the responsibility of the City of Rifle or the HOA. Provisions should be added to the CC&Rs concerning where the responsibilities begin and end, what maintenance is to be provided, and how the costs will be divided.

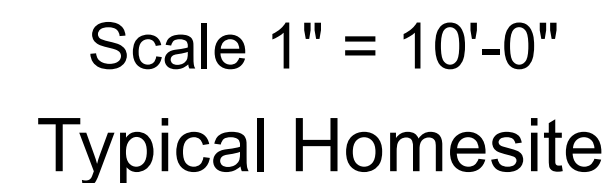
Feel free to call if you have any questions or comments.

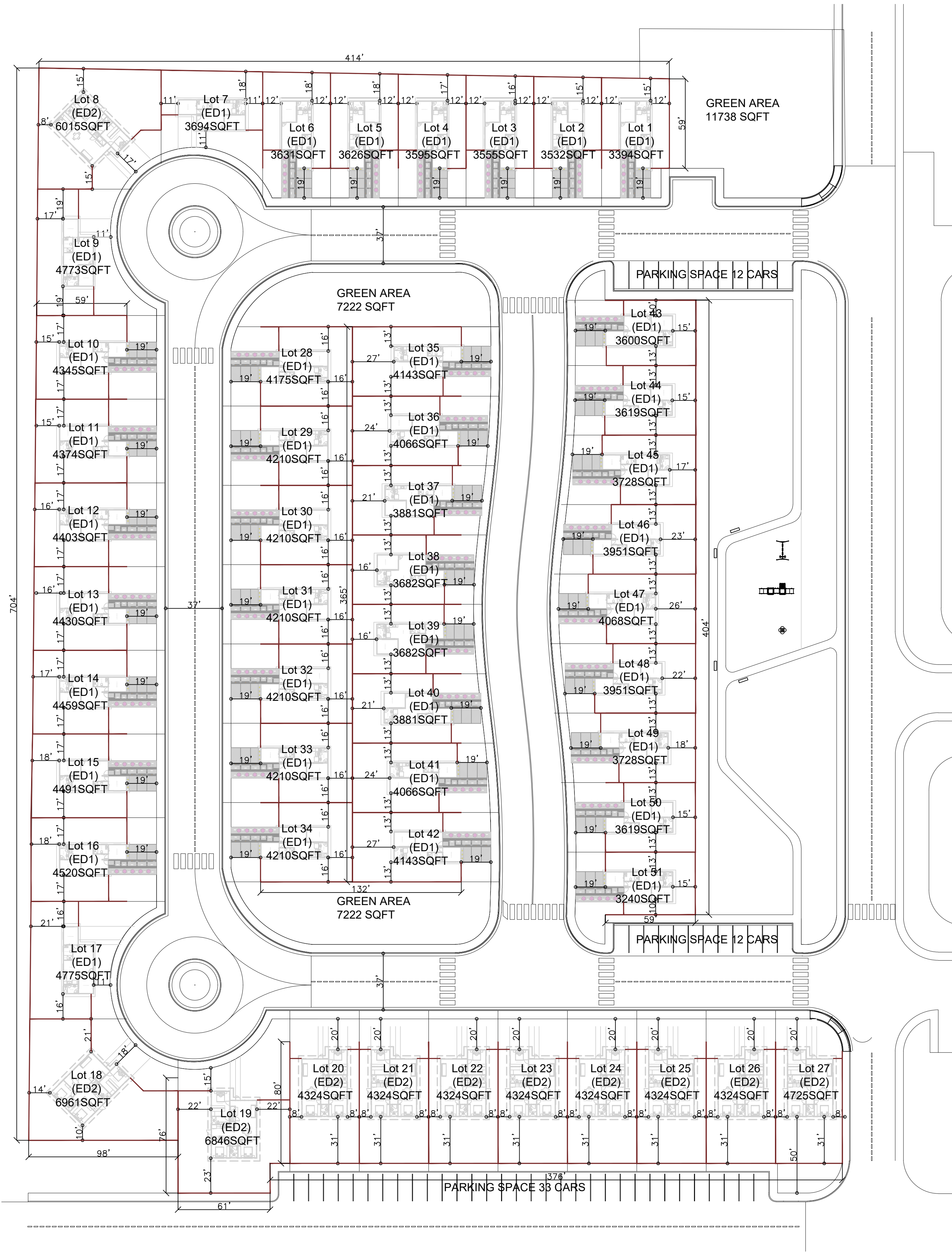
Sincerely,
Mountain Cross Engineering, Inc.



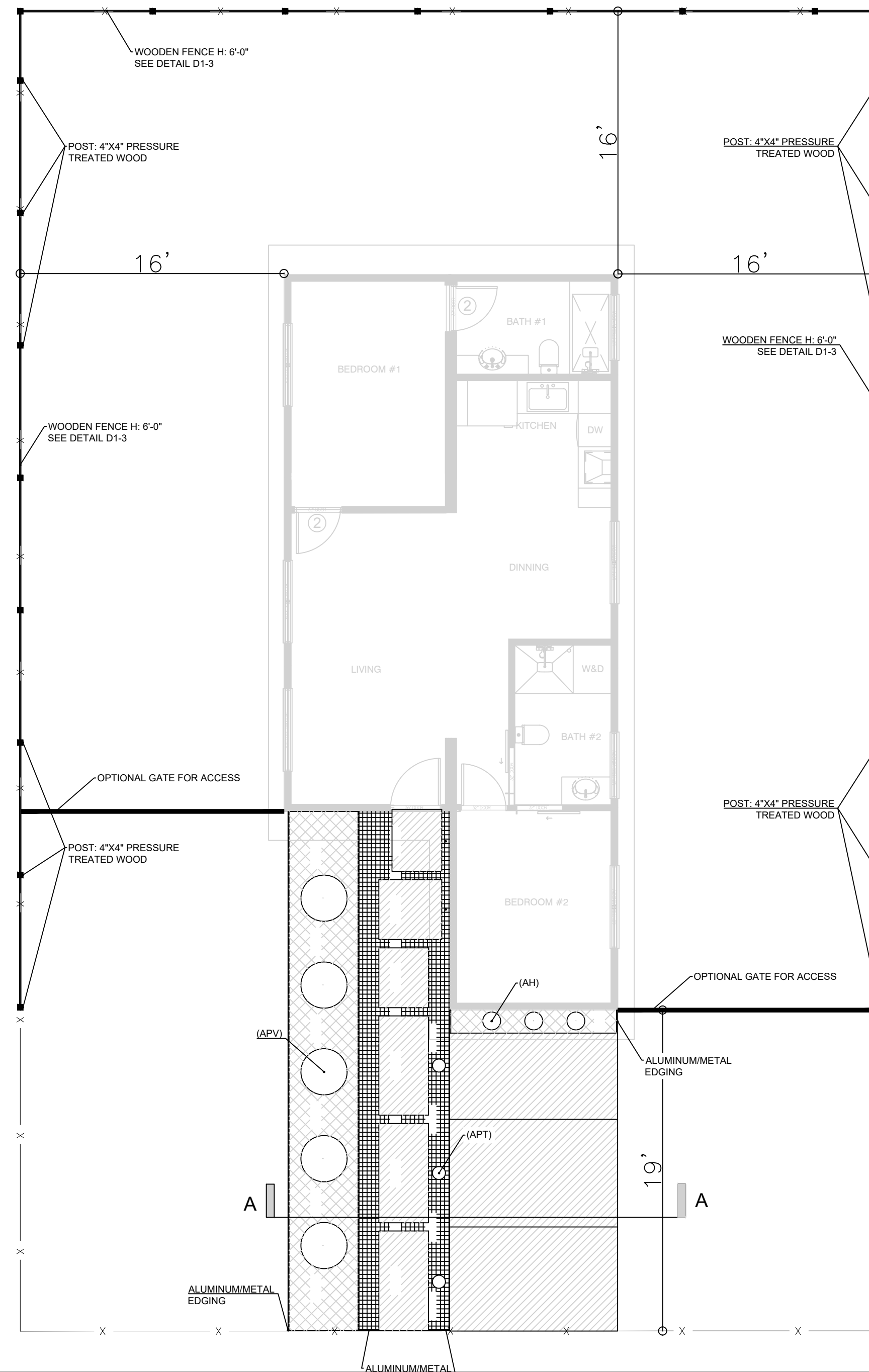
Chris Hale, PE



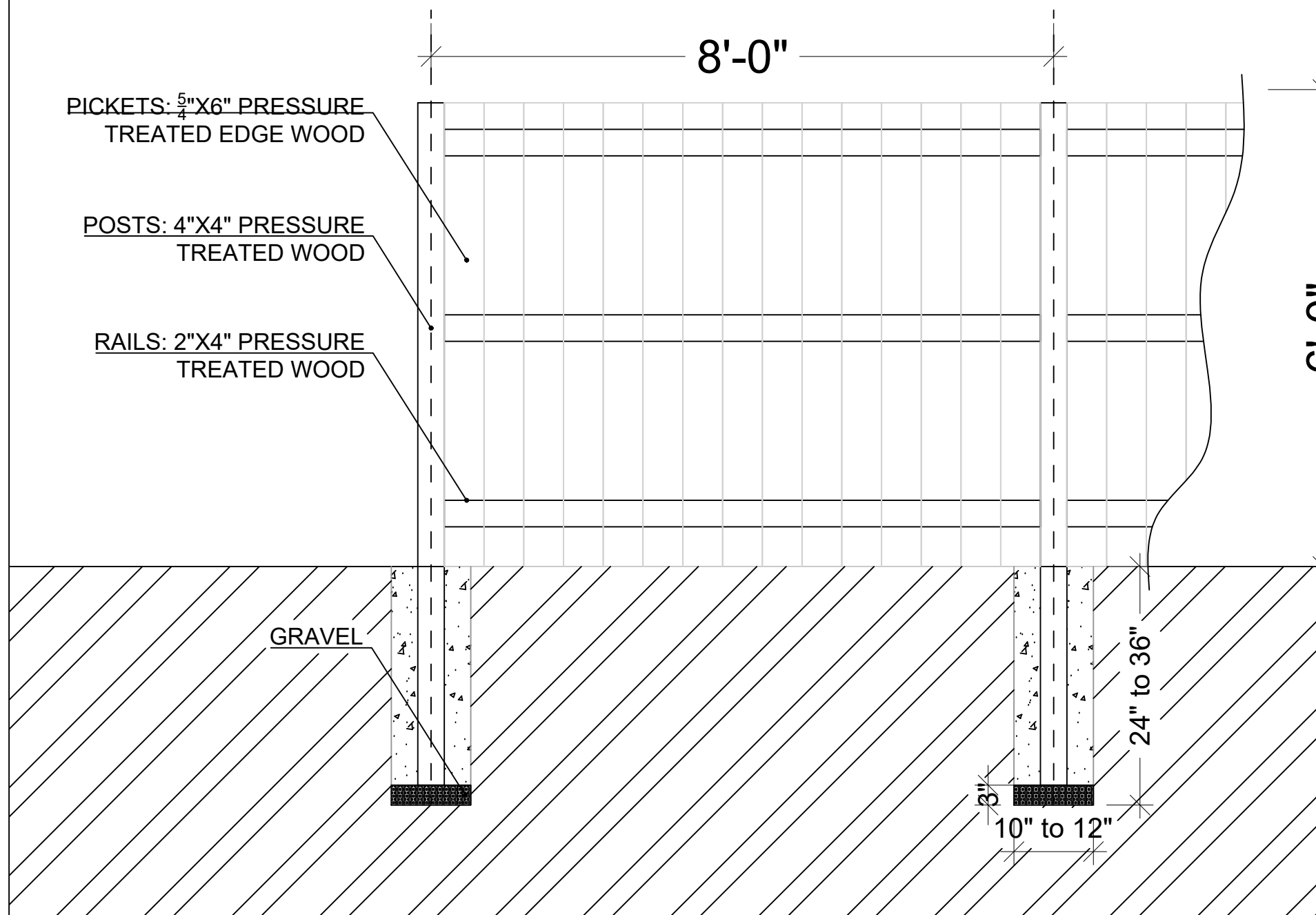




01 FENCE PLAN
SC.: 1"= 500'-0"



01 FENCE DETAIL
SC.: 1"= 70'-0"



01 FENCE DETAIL
SC.: 1"= 20'-0"

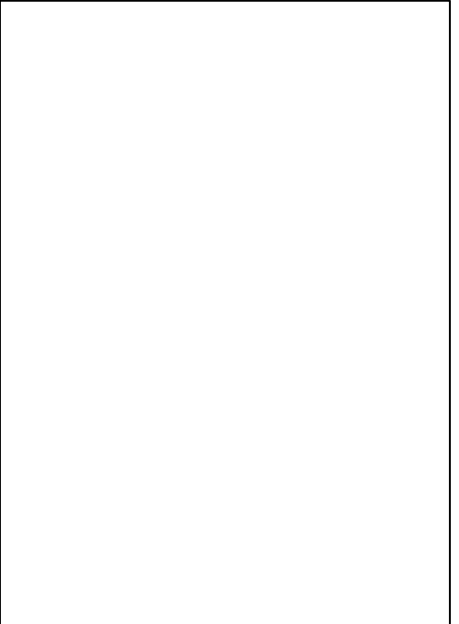
FENCE TOTAL LENGTH = 36390'

ESTIMATED MATERIALS	
4"x4" PT Posts	4,549 posts (h: 9')
Premixed 3000psi Concrete	84 - 126 cubic yards
Gravel (12"x12"x3" base)	337 cubic yards
2"x4" PT Rails	109,170 linear feet
5/4"x6" PT Pickets	72,784 pickets (h: 6')
Hardware (screws, nails, brackets)	TBD based on design

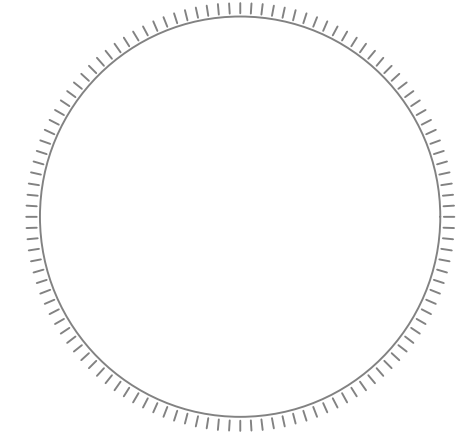
*Concrete quantity range depends on final post hole depth.
*Local contractor estimates recommended for exact quantities.
*Hardware includes galvanized nails, screws, post brackets, etc.

01 ESTIMATED MATERIALS
NTS

KEY PLAN



CONSULTING ENGINEER



ALIOSKAR GANEM P.E.
CO. LIC. No. 59669

PROJECT NAME:

FRITZLAN RANCH

PROJECT ADDRESS:

LAST CHANCE DRIVE & MEGAN AVENUE

REVISIONS	DATE

Project No: AS NOTED
Scale: 08-30-23
Date: A.G.
Drawn: A.G.

Checked:

CAD File:

Drawing Title:

D-1

PUD Compliance



Section 16-3-610: Intent of Regulations

Fritzlan Ranch meets the intent of a Planned Unit Development (PUD) as it provides a much-needed affordable housing option to our community within a well-designed community.

Section 16-3-620: Permitted locations.

See Comprehensive Plan Compliance report.

Section 16-3-630: Review Process

3D image to show massing. See Fritzlan Ranch video and images.

Section 16-3-640: Review Criteria

1. Project Design and Land Use

- a. Single land use with internal streets, open space and two exits to main thoroughfare. MDR Zoning to allow for smaller lot sizes.
- b. Adjacent uses are low/medium density residential and commercial. Comprehensive Plan recommends high density residential or affordable housing.
- c. No commercial planned.
- d. No commercial planned.

2. Architectural and Design Criteria

- a. The same exterior building elevation shall not repeat itself within 320 feet of street frontage or four consecutive lots. Two models of floor plans and various exterior elevation finishes and materials will be used to meet this requirement.
- b. Various materials and colors to be utilized to meet this requirement.
- c. See house plans for building lines and decks.
- d. No garages are to be built in this development.
- e. The rear of a building may not front on a local or collector street. This development meets this requirement. See site plan.
- f. Commercial and multi-family residential building design. N/A for this development.

3. Perimeter Criteria – Character of adjacent neighborhoods to make sure PUD is compatible with its surroundings.

- a. Fritzlan Ranch is adjacent to the Habitat for Humanity affordable housing development which is higher density and much taller structures. The Last Chance Commons residential development that sits to the South is comprised of two-

story single-family homes. Fritzlan Ranch is all single level, single family homes that do not interfere with the ridgeline view corridors of either project. Our roads are all internal to minimize traffic from our development to major arterial streets. Fritzlan Ranch is more spacious and includes an open space/park along Meghan Avenue to further separate our residents from traffic and noise.

- b. Fritzlan Ranch streets are all private but open to public access. There is not a potential connection to any future streets as the topography prohibits this.

4. Affordable Housing – PUDs shall seek to adopt strategies to increase the supply of affordable housing.

- a. **Deed Restrictions** – Ecodwelling has had talks with the Garfield County housing authority to potentially voluntarily deed restrict some units to add to their affordable housing inventory. There are currently no requirements to deed restrict any units in the City of Rifle.
- b. **Owner-occupancy requirements.** Ecodwelling is not requiring any Owner-occupancy currently. Forty-five percent of Rifle’s residents work outside of the city limits and this requirement would severely limit the buyers and hurt many who desire to live in Rifle and raise their families here.
- c. **Partnerships with essential workforce providers.** Ecodwelling has reached out to Garfield RE-2 School District, Grand River Hospital, Colorado River Fire and RFTA. All are waiting to see if we get City approval but are all interested.
- d. **Cash Contribution to Garfield County Housing Authority.** None. City of Rifle does not have an affordable housing program.
- e. **Size restrictions.** Developers can provide more affordable housing by building smaller units that cost less. Ecodwelling is proposing smaller lots and smaller units to help control costs and overall purchase price.

5. Energy Efficiency Measures – PUDs shall seek to adopt energy efficiency measures that decrease the amount of water, energy, or waste that households or businesses generate.

- a. **Building design.** Ecodwelling homes use open floors plans with lots of natural light. Window coverings used to assist with cooling or heating depending on the season. This open concept requires less man made lighting to create a bright living space.
- b. **Water conservation.** Ecodwelling using low use toilets, low flow faucets and on demand electric water heater. Landscaping will be mostly xeriscaped with a few bushes and trees.
- c. **Construction Techniques.** Ecodwelling homes are constructed using ZIP wall exterior sheathing with taped seams. This provides and water, vapor and air tight envelope. All houses use spray applied closed cell polyurethane insulation for a high thermal value(R value). This uses less energy to heat and cool. Each unit uses multiple heat pumps for heating and cooling. This allows for efficient heating and cooling with maximum zone control.

- d. **Building Materials.** All Ecodwelling units are constructed using light gauge steel manufactured from recycled steel. The Howick manufacturing equipment produces these light gauge steel components with minimal to no waste. This eliminates 3-4 dumpsters of waster materials compared to a conventional type home construction.
 - e. **Renewable energy systems.** All units are designed to accommodate future solar panel systems and electric car charges.
- 6. Parks and Open Space Criteria. Parks and open space shall be integrated within the PUD.**
- a. There shall be a park and open space area within this development.
 - b. Fritzlan Ranch will include a park/open space. This will be open to residents and the public. The city of Rifle has indicated they will work with Ecodwelling to provide the playground equipment for this park.
 - c. There are no environmentally sensitive areas.
 - d. There are sidewalks within the subdivision and along Meghan Avenue for access to this area.
- 7. Setbacks.**
- a. **Setbacks within a PUD are flexible to an extent.**
 - i. **Single family, 15-foot front yard setbacks.** See plans. Fritzlan Ranch setbacks exceed this minimum.
 - ii. **M/F dwellings: N/A**
 - iii. **Commercial/Mixed Use: N/A**
 - iv. **N/A**
 - b. **PUD to include setbacks that are smaller than those of the underlying conventional zoning district.**
 - i. There is sufficient open space/parks.
 - ii. Two house types but various exterior finishes, colors, and orientation.
 - iii. **Streetscape and landscaping.** Pleasant pedestrian environment with minimal landscaping. Xeriscaping predominately.
 - iv. **Affordable housing.** This entire development is affordable housing/workforce housing.
 - c. **Reduced setbacks must also avoid creating substantial negative impacts, such as:**
 - i. **Difficulty in the provision of public utilities and services.** Setbacks are sufficient and easements will be provided for all public utilities and services.
 - ii. There is not anticipated to be any traffic congestion as there are two exits to a major arterial road that currently has low traffic counts.
 - iii. **Negative impacts to property owners.** The smaller setbacks provide plenty of room for a small yard but does not limit access or have any negative effects for the home owner.

- iv. **Unsafe building design.** All buildings are built to current building and fire codes.

8. Streets

- i. PUDs shall have interconnected streets. Fritzlan Ranch has interconnected streets with 5' wide sidewalks on both side and two access points into the development.
- ii. Sidewalks will be a minimum of 5' wide.
- iii. There will not be any trees between the sidewalks and streets. Fritzlan Ranch to use "mountable" curb and gutter with integral sidewalks. This is preferred to minimize "tear out" for driveway placement and to minimize the introduction of water to the curb and sidewalk areas to prevent saturation and movement of the soils underlying these areas.
- iv. Blocks to be shorter than 640 feet.
- v. There will be pedestrian crossings at intersections.
- vi. Street design will allow for adequate fire lane.
- vii. There will be no bike lanes as all roads are internal to the subdivision and connect via sidewalks with existing roads and walks.

9. Off Street Parking

- a. There will be two off street parking spots for all homes as well as parking on one side of each street. There will be additional parking along the North side of Last Chance Drive along the South Property line as well as multiple parking spots at each of the park/open space area.

10. Lot Size and Height

- a. Lot sizes to be smaller the standard 6000sf. See plan for actual sizes and building envelopes.

11. Signage

- a. Ecodwelling to work with the city of Rifle for sign size and placement.

Statement of Purpose



Statement of purpose and description

Fritzlan Ranch is proposed to be a medium density 51-unit single family residential development on 7.89 acres. Fritzlan Ranch will be fee simple ownership. These are meant to be a more affordable housing option for first time home buyers, senior citizens or even professionals not wanting a large space or large yard to maintain. These can also be used as transitional housing for large employers to offer new employees a place to live while they are working on finding a larger home in the area. By being fee simple ownership, it allows the Owner to build equity instead of spending money on rent.

To keep the costs down at or near the “affordable” levels per HUD, CHFA, Fannie Mae and Freddie Mac, Ecodwelling utilizes an “all of the above” approach.

- a. Design the homes with an overall smaller footprint but with open floor plans.
- b. Vaulted ceilings, and lots of natural light.
- c. Heated and cooled with individual electric “mini split” heat pumps by Mitsubishi.
- d. All homes have the best insulation available, closed cell polyurethane spray applied insulation.
- e. Using the factory with repetitive labor in a controlled environment and processes along with the computerized CNC and Howick machine the production time and costs are controlled.
- f. The design of the subdivision utilizes a smaller lot concept as the cost of the real estate is a major driver of the overall cost of a new home and many current housing studies indicate that most buyers do not want large yards or all the maintenance that goes with them.
- g. There are two floor plans, but the exterior appearances will have several different options, so the units are not alike next to each other. This is necessary to control overall costs as there are many efficiencies and cost savings to be realized by using the same floor plan numerous times.

All these together add up to huge cost savings and allow Ecodwelling to keep the purchase price at or near the Affordable Housing level as defined by the

various agencies referenced above. (See AMI and Ecodwelling finance information with this application)

The proposed homes are to be site-built homes using factory prefabricated components. The framing components are all manufactured from raw steel coils at the Eco Dwelling Factory in Rifle. The site-built homes will utilize local subcontractors to complete.

Key Factors:

- Parcel is surrounded on three sides by parcels already within the city limits. This makes this parcel a logical choice for development and annexation.
- The location is served by utilities at or near the lot lines.
- Demand for affordable housing is **extremely high**.
- Has good pedestrian and vehicle access to Airport Road.
- Easy access to I-70 for commuters.
- Walking distance to shopping and restaurants.

**Compliance with City of Rifle
Comprehensive Plan 2019**



Compliance with City of Rifle Comprehensive Plan 2019

- a. This Parcel is in Tier 1 Priority Growth Area where growth is encouraged. “The city should encourage Tier 1 areas to develop to encourage revitalization of core areas and ensure an adequate supply of **workforce housing**. The city should encourage a wide range of housing types and affordability programs.” (Page 6)
- b. Public Workshop, Page 9 asks, “How proactive should the city and community partners be in encouraging affordable housing?”
 - i. Answer, “Yes, not direct but make it easier for developers to build affordable housing with incentives and zoning relaxation. 40%”
- c. Annexation is encouraged in Tier 1 area.
- d. Adjacent to the Last Chance Commons (7du/acre +/-) and Habitat for Humanity Wapiti Commons Projects. Both single family Medium Density developments.
- e. Served by existing infrastructure. There are adequate utilities available at the lot lines to serve this proposed development.
- f. Proximity to businesses. Walking distance to restaurants and stores along Airport Road. This includes Walmart at about 2300 feet/.44 miles. Sonic/Culvers approximately 900 feet, Rib City 600 feet, Starbucks 1500 feet/.27 miles, Grand River Hospital 900 feet to entrance.
- g. Affordable housing in the form of manufactured housing or mobile home parks that are constructed and managed to a high standard of quality. (Page 18 and 46)
- h. Land use Map designates this area as High Density Residential.

- i. The Ecodwelling revised plan reduced the number of proposed units from 66 to 51 per City Council comments and public workshop.
- ii. This is contrary to Comprehensive Plan recommendation for High Density Residential, 12-30 du/acre, Housing types,” small homes/patio homes with less than 3,000 square foot lots.” (page 52)
- iii. Revised density is now 6.46 du/acre but is what the City Council indicated they wanted to see and would likely approve.
- i. Transportation Master Plan, page 21, “Encourage development to locate in Tier 1 areas of Rifle such as Prefontaine Mesa, Downtown Rifle, the **Colorado River development area**, Park Avenue, and Whiteriver Avenue.” “Growth in these areas add minimal vehicular stress to congested areas of the City.”
- j. Plan includes area for a park/open space.

This proposed plan meets or exceeds the desired intended use for this area.

PUD Guide



Fritzlan Ranch PUD Guide

1. 3200sf minimum lot size.
2. Setbacks/building envelope shown on final plat with a minimum 5' side yard and 10' front and rear yard setbacks.
3. Allow carports and storage sheds to encroach setbacks.
 - a. 2' side and rear yard setbacks, no front yard setbacks for carports.
 - b. Limited to one story and/or 16' tall for carports and 12' tall for storage sheds.
 - c. Storage sheds not to exceed 100sf.
4. Common areas, open space, and private roadways owned, maintained and managed by HOA.
5. Use of Manufactured Housing, factory-built housing, pre-fabricated housing or pre-fabricated components to construct houses.
6. No garages allowed.
7. Uses shall be limited to residential use only.
8. Parking will include 2 spaces for each lot as well as parking allowed on one side of each street.
9. Raw water irrigation from the Loesch & Crann Ditch required for all open space, park areas, and individual lots.
10. All properties shall be developed with at minimum an 8x10 storage shed located in the rear side yard of the lot.
11. Siding options shall not be replicated on adjoining lots.
12. Internal sidewalks shall be minimum five feet in width.

Smaller Home Concept/Trends
Background Information



Trends towards smaller homes

Smaller Families, Smaller Homes

- Today's young Americans are starting families later and having fewer children. According to Pew Research Center, smaller families have been trending since at least the 1970s. And that doesn't seem to be changing anytime soon. Instead of a home in the suburbs with enough space for a growing family, this crowd prefers modest-sized one- and two-bedroom homes or townhomes in a more urban setting.

Mindset Shift from 'More' to 'More Fulfilled'

- Aside from the practical reasons behind choosing a smaller home, there's something bigger at work — the changing mindset of Americans. After almost 50 years of a community standard driven by consumption, the tide is turning away from filling your big home with things and more toward practical, livable spaces.
- While past generations may have been keeping up with the Joneses, today's home buyers place less importance on possessions and more on personal development. Buyers are reserving more of their money for life experiences like travelling. Millennials and Gen Xers are focused not only on saving money, time and energy, but also on more mindful consumption and reducing their carbon footprint.
- The market is seeing more pressure for smaller, two-bedroom condos and townhouses. But despite the overall shift in the housing market toward simplicity, practicality and more mindful living, as of 2016, 90 percent of homes on the market still had three or more bedrooms.

Smaller Houses Are Actually a Sign of an Improving Economy

- According to the National Association of Home Builders, the decline in the size of new single-family houses is a sign that the economy is getting stronger.
- That's because the housing recovery now includes younger buyers entering the market, and builders need to offer a larger variety of options for different budgets.
- Buying smaller, more affordable homes is becoming way more popular.
- With inflation rates and the rising cost of living, purchasing a smaller home can help mitigate some of the financial strain.
- According to an article from Bankrate.com, the Consumer Price Index (CPI) has shown a 0.4% monthly increase, with the cost of shelter, which includes housing costs, experiencing one of the most significant increases.
- Additionally, the 30-year fixed mortgage rate is now at 6.97%
- As a result, people are turning to smaller, more affordable homes and apartments to cope with the increasing cost of living.

- Additionally, as building materials become more expensive, the cost of constructing larger homes and buildings increases. As a result, smaller homes and apartments are becoming increasingly popular.
- Downsizing to a smaller home can also have other benefits, such as lower utility bills, less maintenance, and more flexibility.
- Sometimes, smaller homes and apartments may also be located in more desirable areas, closer to work or city centers, which can save time and money on transportation costs!
- Even though it is terrible how high the cost of living has gotten, wages still have not risen to meet them. Therefore, it can be difficult for many individuals and families to maintain their standard of living.
- With less square footage, the cost of the home itself, as well as the cost of utilities, property taxes, and maintenance, can all be significantly lower.
- **While the idea of downsizing may seem daunting, it can offer many benefits. Smaller homes typically come with lower mortgage payments, utility bills, and maintenance costs, making them more affordable overall.**
- Additionally, a smaller home can allow for a more minimalist lifestyle, helping to reduce clutter and simplify life.
- Finally, buying a smaller home can allow for more financial flexibility, freeing up funds for other important expenses such as education, healthcare, and retirement savings.

Lifestyle Choices

- While buying a smaller house can certainly be a financial decision, it is also often a lifestyle choice.
- Additionally, choosing a smaller house can be a way to live a greener lifestyle, as it typically requires less energy to heat, cool, and maintain.
- Downsizing to a smaller home can also encourage a minimalist lifestyle, as individuals are forced to prioritize their belongings and maximize their limited space.
- This can be a great way to reduce clutter and simplify life, allowing for more time and energy to focus on the things that truly matter.
- Ultimately, buying a smaller house can offer many financial and lifestyle-related benefits and be a great choice for those looking to simplify and prioritize their lives.
- Changing cultural ideals have been recently shifting toward valuing experiences over material possessions. This means that people focus more on enjoying their lives through travel, hobbies, and other activities rather than prioritizing large homes and having kids.

Lower Maintenance Costs

- Smaller homes are also easier to maintain and keep organized. With less space to fill and fewer rooms to clean, homeowners can focus on creating a space that is functional, stylish, and easy to live in.

- In contrast, larger homes can be time-consuming and expensive to maintain, making achieving a cohesive and organized living environment more difficult.
- Smaller homes cost much less to maintain, making them more popular among lower-wage workers, millennials, and first-time home buyers.
- Luxurious McMansions have large estates and are very expensive to maintain.
- Smaller yards and gardens require less water, fertilizer, and maintenance. They can also be watered and fertilized more efficiently, requiring less time and effort to maintain.
- Additionally, a smaller yard or garden means less lawn equipment and gardening tools are needed, resulting in lower equipment and maintenance costs.
- A smaller driveway on your land means less money spent on materials and maintenance. That means less asphalt or paving stones and less sealing or repair work over time.
- Basically, smaller houses have fewer bells and whistles that need to be checked, monitored, or maintained.

Senior Living

- It is not only young people who are looking to downsize or buy smaller houses.
- Seniors are notorious for downsizing and moving away to warmer climates and fun retirement communities. How often have you heard an older family member complain about their large house and how it is “just too hard to take care of anymore.”?
- Smaller homes are so much easier for older generations.
- Fewer rooms and a simpler layout make it easier for older adults to move around the house, which can be especially important for those with mobility issues. Also, as we’ve said, smaller homes require less maintenance, reducing the physical demands of home ownership.
- Furthermore, smaller homes can be more affordable for adults living on a fixed income. Most members of the older generations have pensions or retirement funds to account for, so they want a lower mortgage rate – especially if they can’t buy their new house outright.
- Downsizing to a smaller home can also significantly reduce housing expenses and can free up money for others, such as healthcare or travel, or provide additional financial security in retirement.

Urbanization

- The city’s land is at a premium, and smaller homes take up less space, allowing more people to live in the same area. This can help to reduce urban sprawl and preserve green spaces and natural habitats.

- Buying a smaller home can allow you to own property in the city. This can be especially important for those who work in the city and want to live close to their workplace!
- Smaller homes give me this option because they have lower mortgage payments, utility bills, and maintenance costs, requiring fewer resources to build and maintain.
- Buying a smaller home offers many benefits and can be a lifestyle choice that prioritizes simplicity, sustainability, and financial flexibility.

Sales of smaller new homes have increased 76 percent since 2015, compared with a 36 percent increase in new home sales overall.

CHFA-Affordable Housing Guidelines for Local Officials



CHFA

Affordable Housing means households pay no more than 30% of their income on housing.

Affordable Housing does NOT mean housing that receives public subsidy.

Community Benefits of Affordable Housing

- Affordable Housing options reduce financial strain, frequent moves, material hardship, and long commute time.
- Healthy, vibrant communities are a key factor in attracting industry to develop.
- Affordable housing leads to better health outcomes for residents.
- Stable and affordable housing improves school performance.

The land we have left is technical and more costly to develop, which drives up the price substantially.

Older homes are priced higher than they are worth, in addition the costs of repair and maintenance make the older housing stock unaffordable.

Business and the available workforce are negatively affected by the lack of housing options.

Typical challenges for Development

- Land/product availability
- Costs – of land, materials, labor, professional services, community amenities.
- Public process – uncertainty, length of time for approvals, NIMBYism.
- Regulatory barriers.
- Water and utilities.
- Local capacity – developers, contractors, local government.

Typical challenges that local officials can address.

- Public/Development process - fast tracking process and updating policies.
- Regulatory Barriers
- Water and Utilities
- Combating NIMBYism
- Providing land
- Fee reductions and/or waivers
- Understand community needs.
- Build Community awareness and support challenges and solutions.
- Develop a shared vision for addressing housing needs.
- Encourage inclusive and productive resident participation and dialogue.
- Improve public understanding of key policies, programs, and funding sources where needed.

Greater Roaring Fork Regional Housing Study

Housing Demand



The Greater Roaring Fork Regional Housing Study data from April 2019 is a housing needs analysis for the Roaring Fork and Colorado River Valleys.

- This study identified the most Critical or serious problem (Glenwood to Battlement Mesa) is the availability of housing from 70% of the respondents.
- Most important factor for housing is cost @ 75%
- 45% of people surveyed in the Roaring Fork and Vail Valleys said they would move if they could find a home they could afford.
- These people are looking for 2 bedroom (32%) and 3 bedroom (46%) with 2 bathrooms.
- 74% desire a Single Family detached home and 58% for Townhouse/duplex.
- 37% of these have \$0-\$10,000 for a down payment.
- 68% have household incomes less than \$99,000.
- As of 2017, 32% of the population from New Castle to Parachute is 65 and over. These people are typically on fixed income and under 60%-80% of AMI. Where will this age group live to remain in our area?

Comments from Greater Roaring Fork Regional Housing Study:

- An overwhelming number of responses include cost of living and affordability, desire to own a home with few to no options locally and having to change communities and/or retirement.
- Need for more affordable senior housing.
- Overwhelming need for lower cost market level home and lower HOA fees. Not looking for the amenities these HOA fees provide.
- Build housing to support young professionals. They don't need or want 4/5 BR homes and would rather have an inventory of 1000-1200sf homes to start families and not be burdened with deed restrictions and rent stipulations.
- 86% of local employers state that they have challenges recruiting new employees to the area due to a lack of affordable housing.
- 55%-65% of trade workers, entry level professionals and service industry workers say they have a "very difficult" time finding affordable housing in the region.
- 71% of employers said that providing entry level for sale housing is a high priority. 78% said providing rental housing is a high priority.

- The most common theme was the number of obstacles that contribute to the problem of finding affordable housing. These include a lack of information about the issue, a risk of misrepresentation in eligibility for assistance, qualifications that are too restrictive, and a lack of general community buy-in to address the issue. “there’s a lot of ‘talk’ about affordable housing and workforce-level housing in this valley, but when decent developments are presented to councils/town halls, etc. they always seem to be denied because of neighbor disapproval. **The community needs to be willing to accept some amount of workforce housing, even if it’s not exactly the ideal location for everyone in the valley.**”
- **“Very little incentive for developers to build new housing stock that matches the price point that make economic sense for the working people of the area.”**
- “All else being equal, when demand is constant and supply is constrained, the price of housing is pushed higher. This has been the case in the region for the past decade or more. Not only does this mean rising property values (property taxes), but for new residents it means locking in greater portions of household income on the cost of housing. Both of which are affordability problems.”

Housing is integral to the economy. Nationwide, housing accounts for nearly 50% of all capital and represents the largest portion of most households’ net worth. As a result, supply shortages and affordability challenges manifest as quality-of-life challenges. Rising housing costs and stagnating incomes lead households to spend more of their income on housing.

When households are spending more of their income on housing, their discretionary spending drops, which leads to lower local spending on goods and services. When households try to avoid cost-burden, many try to find affordable housing farther away from their jobs, schools, etc. Under both scenarios, household spending on housing and/or transportation increases and discretionary spending decreases.

Both scenarios lead to a diminished quality of life and negatively impact the local economy. This is why an optimally located housing supply supports resident and workforce mobility, productivity and contributes to a higher quality of life.

Affordable Housing – The federal government has defined “affordable” by the rule that no household should spend more than 30% of its income on housing regardless of income level. Affordable housing means a place to live that is affordable so that when the rent or mortgage is paid, money is left over for necessities like food, transportation, healthcare and all that contributes to one’s socioeconomic mobility and quality of life.

Area Median Income (AMI) – This metric identifies the midpoint of an area’s household income, in which 50% of households earn more and 50% earn less. Percentages of AMI are used to isolate different levels of affordability such as 60, 80, 100 and 120% AMI. AMI is used to qualify a household’s eligibility to purchase or rent a home at different levels of affordability.

Cost Burden – Owners or renters that spend more than 30% of their income on housing are considered “Cost Burdened”. At this level of housing cost expenditure, households are likely to be experiencing a level of financial stress on other quality of life expenditures.

Income Category	Units needed in 2017	Units needed in 2027
Less than 60% AMI	2,118	2,383
61% to 80% AMI	0	2,748
81% to 100% AMI	0	590
101% to 120% AMI	703	0
121% to 140% AMI	195	0
141% to 160% AMI	968	1,105

100% AMI and lower forecast to need 6,825 units in the area.

Area Median Income (AMI)
And
Finance Information for
Ecodwelling ED1(2BR/2B) & ED2(3BR/2B)



Area Median Income for 2023

Area Median Income (AMI) is the midpoint of a region's income distribution, meaning that half of households in the region earn more than the median and half earn less than the median. * (Camion Associates: [Humanizing Data: AMI and Affordable Housing Policy](#))

The Department of Housing and Urban Development (HUD) calculates AMI annually by county. HUD uses AMI to set income limits for eligibility for many housing assistance programs. The HUD AMI for a family of 4 in Garfield County is \$99,200. **
(<http://garfieldhousing.com/wp-content/uploads/2023/05/AMI-Garfield-2023-Website.pdf>)

To keep your payment below the 30% of AMI and be considered "Affordable" and not "Cost Burdened", using a conventional loan and putting 5% down (\$18,000) and buying 1.1 discount points, with an interest rate of 6.625% and APR of 7.042%, the purchase limit for a well-qualified borrower would be around \$360,000 (with no HOA dues).***

See next page for finance scenarios

Fritzlan Ranch Finance Scenarios**Ecodwelling ED1 (2BR, 2 Bath, \$75/mo HOA dues)*****

	<u>66 Units</u>		<u>51 Units</u>
Sales price	\$285,000	Sales price	\$320,000
Interest Rate	6.5%	Interest Rate	6.5%
APR	6.921%	APR	6.927%
5% Down	\$14,250	5% Down	\$16,000
Est. Closing Cost	\$6,505	Est. Clos Cost	\$7,202
Est. Payment	\$2,003.32	Est. Payment	\$2,243.49
% of HUD AMI	24.2%	% of HUD AMI	27.1%

Ecodwelling ED2 (3BR, 2 Bath, \$75/mo HOA dues)***

Sales price	\$345,000	Sales price	\$395,000
Interest Rate	6.625%	Interest Rate	6.5%
APR	7.043%	APR	6.923%
5% Down	\$17,250	5% Down	\$19,750
Est. Closing Cost	\$7,593	Est. Clos Cost	\$8,365
Est. Payment	\$2,437.62	Est. Payment	\$2,751.84
% of HUD AMI	29.5%	% of HUD AMI	33.3%

\$500k and \$600k homes (no HOA dues)***

Sales price	\$500,000	Sales price	\$600,000
Interest Rate	6.5%	Interest Rate	6.5%
APR	6.935%	APR	6.92%
5% Down	\$25,000	5% Down	\$30,000
Est. Closing Cost	\$9,991	Est. Clos Cost	\$10,400
Est. Payment	\$3,397.32	Est. Payment	\$4,080.79
% of HUD AMI	41.1%	% of HUD AMI	49.4%

***Alex Daue, NMLS ID #2143473, I am authorized to do business in the state of Colorado. Guild Mortgage Company; NMLS #3274; Equal Housing Opportunity; www.nmlsconsumeraccess.org. All information, loan programs & interest rates are subject to change without notice. All loans subject to underwriter approval. Terms and conditions apply. Always consult an accountant or tax advisor for full eligibility requirements on tax deduction. Rates current as of **06/1/2023**. Rates/terms are subject to change without notice based on market conditions, as well as qualifying credit score, loan to value and asset reserve requirements. Rates/terms assume 780 credit score. Material is informational only and not an advertisement to extend credit as defined by TILA/Regulation Z nor an application for credit as defined by RESPA/Regulation X. Applications subject to underwriting and determining applicant's ability to repay. For use by Real Estate Professionals only. Not intended for public use or distribution.



Agenda Item #11.b.

Agenda Item Name:

Consider Amendments to Accessory Dwelling Unit Regulations - Ordinance No. 24, Series of 2023 - 1st Reading

Presenter:

Patrick Waller, Planning Director

Item Description:

Amendments to Accessory Dwelling Unit Regulations

Recommended Action:

Move to approve Ordinance No. 24 Series of 2023, first reading, and order it to be published as required by charter.

Fiscal Impact:

None

Operational Impact:

Decrease in process needed for approval of Accessory Dwelling Units

Prior Board Motions:

None

Background Information:

The City of Rifle has permitted Accessory Dwelling Units as a use by-right in all residential zone districts. This means that the use does not require Planning Commission approval, but is required to be reviewed and approved by Planning Staff prior to the issue of a Building Permit.

Executive Summary:

The Estate Zone district allows for low density-more rural type development within Rifle. This zone district currently requires a Conditional Use Permit and review by the Planning Commission for the approval of an Accessory Dwelling Unit. This is a significant hurdle for the development of any ADU in that area. Staff is proposing that an Accessory Dwelling Unit be considered a use by-right in the Estate Zone District in order to align with all other residential zones. ADU's will likely have even less of an impact on neighbors in these areas because of the large lot sizes and the ability to accommodate off-street parking.

Staff reviewed the Accessory Dwelling Unit code section and identified an item that should be removed from the requirements. Section 16-3-60 (10) of the Rifle Municipal Code indicates that Accessory dwelling units are not allowed where protective covenants affecting the lot prohibit them.

The City does not get involved in HOA and covenants issues since those are agreements between private entities and individuals. If a property owner wants to build an ADU on their property, it is the responsibility of that property owner to obtain approval from the HOA, not the responsibility of the City.

Notification Requirements:

Published in the paper as required by the Rifle Municipal Code.

Prepared By:

Patrick Waller, Planning Director

Attachments:

1. ADU Text Amendment Memo
2. Ordinance No. 24-Zoning Text Amendment for ADUs

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



MEMORANDUM

TO: City of Rifle City Council
FROM: Patrick Waller, Planning Director
DATE: November 7, 2023
SUBJECT: ADU Use Table Updates

Background

The City of Rifle has permitted Accessory Dwelling Units as a use by-right in all residential zone districts. This means that the use does not require Planning Commission approval, but is required to be reviewed and approved by Planning Staff prior to the issue of a Building Permit. The following regulations are already in the Rifle Municipal Code:

Section 16-30-60

(4) Unit size/number. Accessory dwelling units shall be no less than three hundred (300) square feet and no more than eight hundred fifty (850) square feet and shall be limited to no more than two (2) bedrooms.

a. Accessory dwelling units in residential zone districts, or on a lot in a commercial zone district where the only use is residential, shall also be limited in size equal to or less than fifty percent (50%) of the total livable area (excluding garage) of the principal dwelling. Only one (1) accessory dwelling unit shall be allowed per residential lot.

b. Accessory dwelling units in commercial and light industrial zone districts that have commercial or light industrial uses shall be attached and limited to only the top floor of the building, and the total area developed with accessory dwelling units shall not exceed the total interior area of the commercial space in the building.

(5) Compatibility/landscaping. Materials and design of the accessory dwelling unit shall be substantially the same as the principal structure, and landscaping for the accessory dwelling unit shall be compatible with the principal dwelling.

(6) Parking/access. Each accessory dwelling unit shall provide one (1) dedicated off-street parking space per bedroom which shall be accessed by the same driveway/curb cut as the principal structure; provided, however, that the City staff may grant access to the accessory dwelling unit from an alley adjacent to the lot if such access is sufficient and will not negatively affect the traffic flow in the alley or adversely impact the neighborhood. Accessory dwelling units in commercial and light industrial zone districts may utilize shared parking with the principal commercial use so long as the commercial use allows sufficient parking for the accessory dwelling use.

If an Accessory Dwelling Unit meets the above requirements and submits a Building Permit that meets Building Department requirements, the permit is issued.

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490

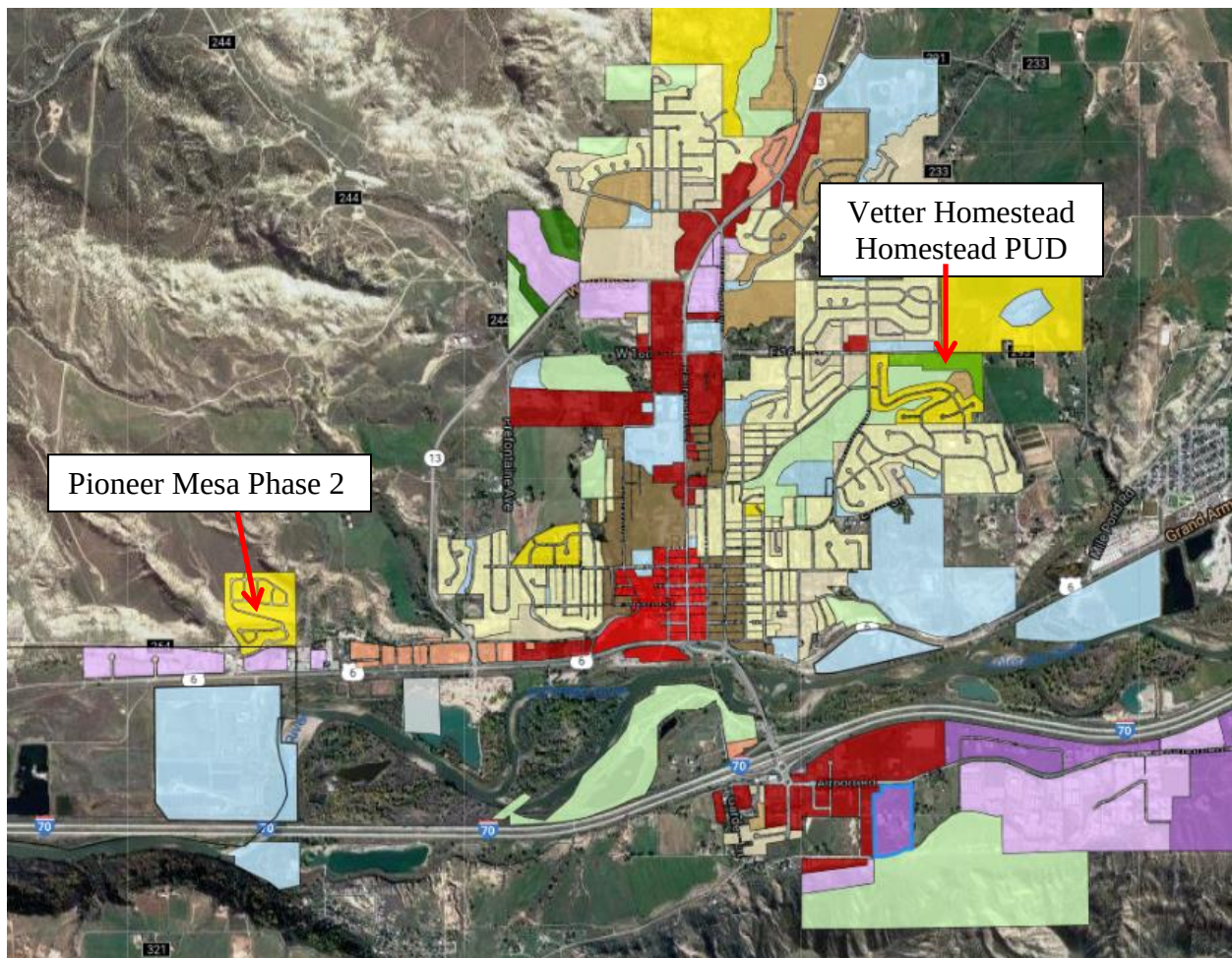


Suggested Changes

Estate Zone Changes

The Estate Zone district allows for low density more rural type development within Rifle. This zone district currently requires a Conditional Use Permit and review by the Planning Commission for the approval of an Accessory Dwelling Unit. This is a significant hurdle for the development of any ADU in that area. Staff is proposing that an Accessory Dwelling Unit be considered a use by-right in the Estate Zone District in order to align with all other residential zones. ADU's will likely have even less of an impact on neighbors in these areas because of the large lot sizes and the ability to accommodate off-street parking.

The Estate Zone District is fairly limited in Rifle. Only Pioneer Mesa Phase 2, Vetter Homestead, and Homestead PUD are zoned Estate as shown on the below map.



Because the Estate zone is so limited within the City, Staff sent letters to property owners in these lots notifying them of the proposed changes. No inquiries have been received as a result of the mailing.

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



Covenants Requirement

Staff reviewed the Accessory Dwelling Unit code section and identified an item that should be removed from the requirements. Section 16-3-60 (10) of the Rifle Municipal Code indicates that Accessory dwelling units are not allowed where protective covenants affecting the lot prohibit them.

The City does not get involved in HOA and covenants issues since those are agreements between private entities and individuals. If a property owner wants to build an ADU on their property, it is the responsibility of that property owner to obtain approval from the HOA, not the responsibility of the City.

Staff recommends that this section is removed from the ADU regulation section.

Proposed Text Amendment

See Staff's proposed changes with ~~strikethrough~~ for deletions and **red font** for additions.

Estate Zone Changes

Section 16-3-520 - EZ Estate Zone District

(c)Accessory dwelling units. Notwithstanding the provisions of Paragraph (b)(6) above, **a one (1) accessory dwelling unit shall be considered a use by-right in the Estate zone district and subject to all requirements in Section 16-3-60.** ~~it shall be a conditional use pursuant to Section 16-3-60 in the Estate Zone District for one (1) accessory dwelling unit (attached or detached) per lot or parcel.~~

Covenant Requirement Changes

~~(10)Covenants. Accessory dwelling units shall not be allowed where protective covenants affecting the lot prohibit them.~~

Findings

Planning Commission recommended that City Council approve the proposed text amendments.

Pursuant to RMC Section 16-5-280, City Council shall consider the following criteria as part of the decision on the application.

1. Conformance of the proposal with the City of Rifle Municipal Code;

The proposal is in conformance with the Rifle Municipal Code.

2. The compatibility of the proposal with the character of the surrounding area, including but not limited to the architectural character of the neighborhood, the average lot and building sizes in the neighborhood, and the relative value of the proposed structure to the value of other structures in the neighborhood;

The proposal will be compatible with the character of Rifle. ADU's are already allowed throughout all residential zone districts in the City and the large lot sizes of the Estate zone district will limit any impacts even further.

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490



3. The desirability for the proposed use in the specific area of the City;
ADU's provide a much needed housing options as property values continue to climb in the City.
4. The potential for adverse environmental effects that might result from the proposed use;
No major adverse environmental effects are anticipated from the proposal.
5. Compatibility of the proposed use and the site (or subdivision) plan with the City of Rifle Comprehensive Plan;
No Comprehensive Plan issues were noted as part of the review.
6. The potential impact of the proposed use upon the value of property and buildings within the surrounding area; and
No impacts to property values are anticipated.
7. Conformance of the proposal with the approval requirements concerning water and sewer tap availability for high volume use requests pursuant to 13-4-120 of the Code, if applicable.
Not applicable.

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 24
SERIES OF 2023**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
CHAPTER 16 OF THE RIFLE MUNICIPAL CODE TO ALTER ZONING
REQUIREMENTS CONCERNING ADDITIONAL DWELLING UNITS.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Chapter 16 of the City of Rifle Municipal Code (the “Code”) sets forth the City’s regulations relating to land use, development, and zoning; and

WHEREAS, City staff has determined that certain Code provisions relating to certain land uses, zoning, and permitting require amendment in order to better regulate and accommodate the types of development that the City has determined to be beneficial; and

WHEREAS, on November 7, 2023, pursuant to Code Chapter 16, Article III, the Rifle Planning Commission held a public hearing and approved TXT-2023-030 recommending City Council’s adoption of the Code amendments herein; and

WHEREAS, the City Council finds and determines that the following amendments to Chapter 16 of the Code are in the best interest of the public health, safety and welfare of the citizens of Rifle.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Section 16-3-60 of the Code, for “Accessory dwelling units”, is hereby amended, in pertinent part, as follows (deletions shown in ~~striketrough~~, additions shown in double underline):

Sec. 16-3-60. - Accessory dwelling units.

An accessory dwelling unit, when allowed, shall conform to the following requirements, and plans submitted to the City shall address each of these requirements:

~~(10) Covenants. Accessory dwelling units shall not be allowed where protective covenants affecting the lot prohibit them.~~

Section 3. Section 16-3-520 of the Code, for the “EZ Estate Zone District”, is hereby amended, in pertinent part, as follows (deletions shown in ~~striketrough~~, additions shown in double underline):

Sec. 16-3-520. - EZ Estate Zone District.

(c) Accessory dwelling units. Notwithstanding the provisions of Paragraph (b)(6) above, one (1) accessory dwelling unit shall be considered a use by-right in the Estate zone district and subject to all requirements in Section 16-3-60. ~~it shall be a conditional use pursuant to Section 16-3-60 in the Estate Zone District for one (1) accessory dwelling unit (attached or detached) per lot or parcel.~~

INTRODUCED, on December 6, 2023, read in full, passed on first reading, and ordered published by title as required by the City Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on December 20, 2023, approved without amendments, and ordered published in full as required by the Charter.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk



Agenda Item #12.a.

Agenda Item Name:

Consider Selection of an Auditing Firm for Fiscal Year 2023

Presenter:

Tommy Klein, City Manager

Item Description:

Consider hiring an auditing firm for the fiscal year 2023 budget.

Recommended Action:

Move to hire Hinkle and Company to provide auditing services for fiscal year 2023.

Fiscal Impact:

The cost of the audit is not to exceed \$14,250. For each single audit, we will incur a \$5,300 additional charge. We will not require a single audit for fiscal year 2023.

Operational Impact:

None

Prior Board Motions:

Council approved using Hinkle and Company in 2018.

Background Information:

The solicitation was posted on BidNet on September 1, 2023, and closed on October 13, 2023. A discussion occurred at the workshop on November 8, 2023, and Council provided direction.

Executive Summary:

The solicitation for auditing services was posted on BidNet on September 1, 2023, and closed on October 13, 2023. Sixteen unique users downloaded the solicitation, including our previous auditing firm. A discussion occurred at the workshop on November 8, 2023, and the Council provided direction. Our City Code mandates that Council hire an auditing firm.

Staff will proceed with hiring Hinkle and Company if this item is approved. We will have the option to extend our relationship with the firm until 2027 (for the audit of fiscal year 2026). A new lead auditor will be assigned to our audit and this is common practice in the industry to ensure a thorough audit.

Notification Requirements:

None

Prepared By:

Tommy Klein, City Manager

Attachments:

None



Agenda Item #12.b.

Agenda Item Name:

Consider Refuse Collection Rates - Ordinance No. 23, Series of 2023 - 1st Reading

Presenter:

Tommy Klein, City Manager

Item Description:

Consider approving Ordinance No. 23, Series of 2023 - Refuse Collection Rates

Recommended Action:

Move to approve Ordinance No. 23, Series of 2023, on first reading as presented and order it to be published as required by charter.

Fiscal Impact:

Costs will increase slightly for consumers. Please see the attachments for comparisons.

Operational Impact:

None

Prior Board Motions:

The Council approved awarding the new contract for sanitation services to Mountain Waste on September 20, 2023.

Background Information:

Prior to 2012, the City of Rifle provided sanitation services to our citizens. In 2012, Council transitioned to contracting for trash and recycling services. Council awarded the trash and recycling services contract to Mountain Waste in 2017 for 3 years with the option of 2 consecutive 2-year periods. During a 2021 regular session Council meeting, staff was asked to forgo the last 2-year extension and initiate the bidding process. The Council approved awarding the new contract for sanitation services to Mountain Waste on September 20, 2023.

Executive Summary:

Prior to 2012, the City of Rifle provided sanitation services to our citizens. In 2012, Council transitioned to contracting for trash and recycling services. Council awarded the trash and recycling services contract to Mountain Waste in 2017 for 3 years with the option of 2 consecutive 2-year periods. During a 2021 regular session Council meeting, staff was asked to forgo the last 2-year extension and initiate the bidding process. The Council approved awarding the new contract for sanitation services to Mountain Waste on September 20, 2023. (The contract is for 2024-2027 with the option for two extensions of one year each.)

Note: In the attachment named Previous Trash Rates, some waste receptacles are measured by yards. Mountain Waste has not used these sizes for at least 3 years.

Notification Requirements:

None

Prepared By:

Tommy Klein, City Manager

Attachments:

1. Previous Trash Rates
2. Ordinance No. 23-Sanitation Rates

Refuse Collection Rates and Charges		
	Single-family residential, multi-family:	
	1 64-gallon container	20.40/month
	2nd 64-gallon container	\$15.30/month
	64-gallon container additional pick up each time	\$16.15
	1 96-gallon container	\$24.00/month
	2nd 96-gallon container	\$18.50/month
	96-gallon container additional pick up each time	\$19.00
	Commercial/multi-family:	
	1 300-gallon container, 1 pick up per week	\$64.00/month
	Additional 300-gallon container	\$43.30 ea./month
	300-gallon container additional pick up each time	\$71.20/month
	Special services for multi-family residential units with 300-gallon container	\$0.75/unit/month added to 300- gallon container account bill
	Future refuse collection rate increases: Refuse collection rates set forth in Section 6-7-60 shall increase on January 1 of each calendar year by 5%, rounded up to the nearest \$0.05.	
	Container exchange other than wear and tear exchange; 64-gallon container replacement of lost or stolen	\$25.00 ea.
	96-gallon container replacement of lost or stolen	\$30.00 ea.
	18-gallon container replacement of lost or stolen	\$10.00

CITY OF RIFLE, COLORADO
ORDINANCE NO. 23
SERIES OF 2023

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
APPENDIX A TO THE RIFLE MUNICIPAL CODE REGARDING REFUSE
COLLECTION RATES.

WHEREAS, the City of Rifle sanitation fund is experiencing increased costs associated with providing refuse collection services necessitating an increase in fees to adequately meet the City's current and future needs and to remain fiscally responsible; and

WHEREAS, the City Council finds and determines that it is in the best interests of the citizens of Rifle to amend the fees for Section 6-7-60 at Appendix A of the Rifle Municipal Code accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The following refuse collection rates and charges referenced in the Code at Appendix A, for RMC Section 6-7-60, are hereby repealed and reenacted to read as follows **effective January 1, 2024:**

6-7-60	Refuse Collection Rates and Charges	
	Single-family residential, multi-family:	
	1 64-gallon container and recycling container	\$23.77/month
	2 nd 64-gallon container	\$18.00/month
	64-gallon container additional pick up each time	\$35.00
	1 96-gallon container	\$25.53/month
	2 nd 96-gallon containers	\$20.00/month
	96-gallon container additional pick up each time	\$35.00
	Commercial/multi-family:	
	1 2-yard container 1 pick up per week	\$70.00/month
	2-yard container additional pick up each time	\$60.00/ea./month

Future refuse collection rate increases: Refuse collection rates set forth in Section 6-7-60 shall increase on January 1 of each calendar year by 5%, rounded up to the nearest \$0.05.		
	Container exchange other than wear and tear exchange; 64-gallon container replacement of lost or stolen	\$50.00 ea.
	96-gallon container replacement of lost or stolen	\$60.00 ea.

INTRODUCED, on December 6, 2023, read in full, passed on first reading, and ordered published by title as required by the City Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on December 20, 2023, approved without amendments, and ordered published in full as required by the Charter.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk



Agenda Item #12.c.

Agenda Item Name:

Consider Right of Way Vacation for 700 Block Alley - Ordinance No. 25, Series of 2023 - 1st Reading

Presenter:

Patrick Waller, Planning Director

Item Description:

Consider Ordinance No. 25, Series of 2023 to vacate a portion of the alley in the 700 block on the west side of Park Avenue

Recommended Action:

Move to approve Ordinance No. 25, Series of 2023 first reading, and order it to be published as required by charter.

Fiscal Impact:

None

Operational Impact:

None

Prior Board Motions:

None

Background Information:

City Staff has received an application to develop a vacant parcel located at 717 Park Avenue with an 18-unit apartment building including on-site parking and a playground area. To develop the project, the applicant has requested a vacation of a portion of the existing alleyway that separates the two parcels.

Planning Commission will be reviewing the application for the apartment building at the December 12th meeting. No Council review is required for the approval of the development; however Council does review any right-of-way vacation action. The project cannot move forward as designed without the vacation of the right-of-way.

Executive Summary:

The proposal has been reviewed by Public Works Staff, Engineering, Utilities, and Xcel Energy. No issues were identified by these agencies. There is no impact to City water or wastewater lines and no access issues. All properties in the area either access off of Park Avenue or a private access directly to the south. The alley is currently undeveloped.

Notification Requirements:

Notice as required by Rifle Municipal Code.

Prepared By:

Patrick Waller, Planning Director

Attachments:

1. Staff Memo and Exhibits - ROW Vacation 700 Park Avenue Alley
2. Ordinance No. 25-ROW Vacation-700 Park Avenue Alley

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6491



MEMORANDUM

TO: Honorable Mayor and City Council
FROM: Patrick Waller, Planning Director
DATE: December 6, 2023
SUBJECT: Right-of-way Vacation
LOCATION: 700 Park Alley

REQUEST

Vacate a portion of the alley on the west side of the 700 block of Park Avenue to allow for the development of two existing parcels with an 18-unit apartment complex.

BACKGROUND

City Staff has received an application to develop a vacant parcel located at 717 Park Avenue with an 18-unit apartment building including on-site parking and a playground area. To develop the project the applicant has requested a vacation of a portion of the existing alleyway that separates the two parcels.

Planning Commission will be reviewing the application for the apartment building at the December 12th meeting. No Council review is required for the approval of the development; however Council does review any right-of-way vacation action. The project cannot move forward as designed without the vacation of the right-of-way.



DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6491



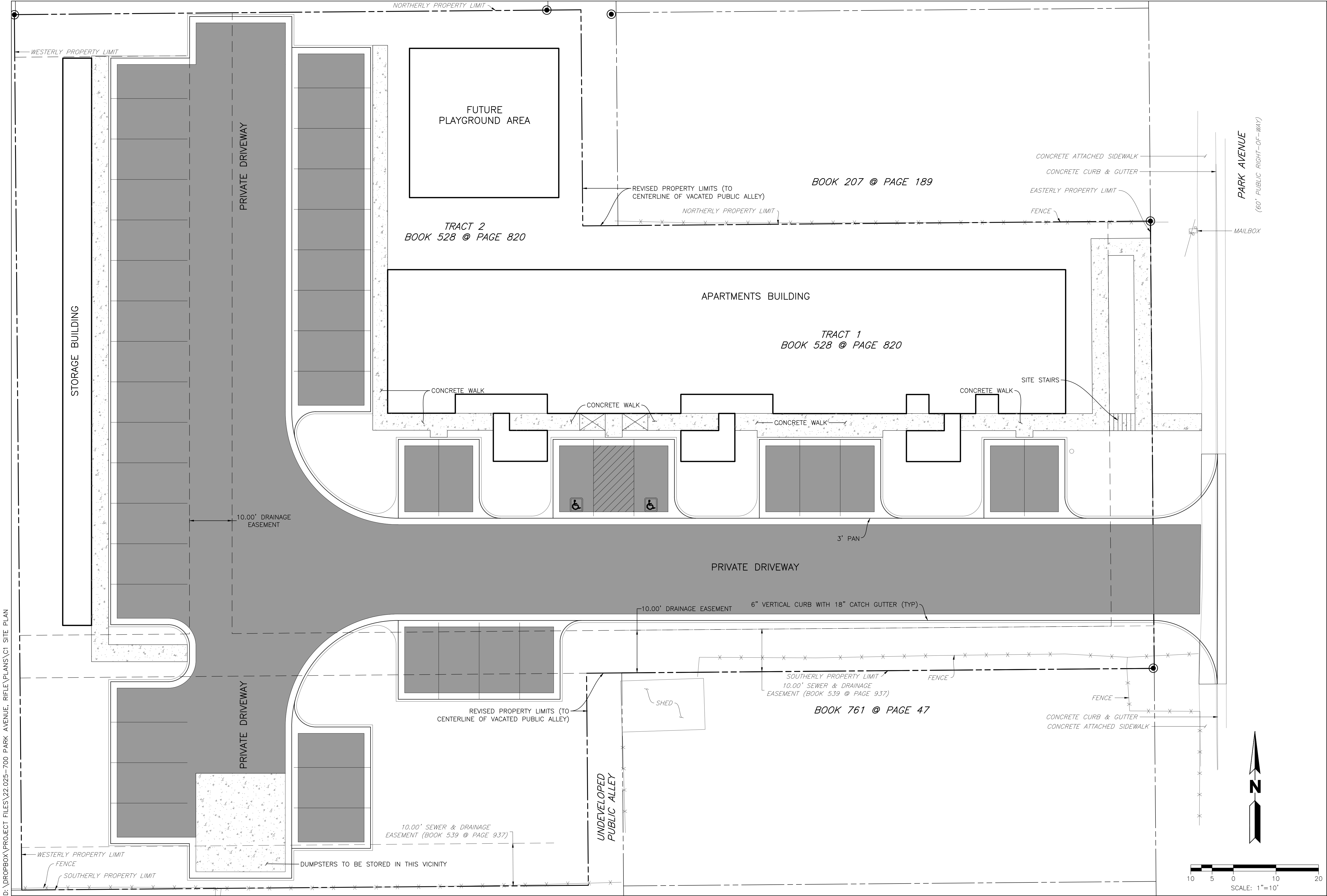
STAFF COMMENTS

The proposal has been reviewed by Public Works Staff, Engineering, Utilities, and Xcel Energy. No issues were identified by these agencies. There is no impact to City water or wastewater lines and no access issues. All properties in the area either access off of Park Avenue or a private access directly to the south. The alley is currently undeveloped.

RECOMMENDATION

Staff recommends that the City Council approve the ROW vacation request.

D:\DROBOX\PROJECT FILES\22.025-700 PARK AVENUE, RIELE\PLANS\C1 SITE PLAN



THE DESIGNS SHOWN HEREIN INCLUDING ALL TECHNICAL DRAWINGS, GRAPHIC REPRESENTATION & MODELS THEREOF, ARE PROPRIETARY & CAN NOT BE COPIED, REPRODUCED, OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART WITHOUT THE SOLE AND EXPRESS WRITTEN PERMISSION FROM YARNELL CONSULTING & CIVIL DESIGN, LLC.

NO.	ISSUE / REVISION	NAME	DATE
1.	SCHEMATIC DESIGN (NO CONST.)	JULY	10/27/23
2.		JULY	
3.		JULY	
4.		JULY	
5.		JULY	

DESIGN BY: J. YARNELL
DRAWN BY: J. YARNELL
REVIEWED BY: J. YARNELL
PROJECT NO.: 22.025
DATE: 10/27/2023

SHEET TITLE
SITE PLAN

SHEET NO.
C1

APARTMENTS
700 PARK AVENUE
RIFE, COLORADO

YARNELL CONSULTING &
CIVIL DESIGN, LLC
P.O. BOX 3901, EAGLE, COLORADO 81631
(970) 323-7008

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 25
SERIES OF 2023**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING THE
VACATION OF A PORTION OF THE ALLEY IN THE 700 BLOCK ON THE
WEST SIDE OF PARK AVENUE WITHIN THE CITY.

WHEREAS, 700 Park Avenue, LLC (hereinafter “Owner”) owns certain real property located at 717 Park Avenue within the City of Rifle (hereinafter the “Property”); and

WHEREAS, Owner filed a Petition with the City of Rifle, Colorado, requesting that it vacate a portion of the alley right-of-way adjacent to the Property as depicted on Exhibit A attached hereto and incorporated herein by this reference (hereinafter “right-of-way vacation”); and

WHEREAS, Owner has also applied for site plan approval for a multi-family residential development on the Property that will entail a lot line dissolution plat that incorporates a portion of the right-of-way vacation into the Property (the “Lot Line Dissolution Plat”); and

WHEREAS, the City shall not vacate any easement, right-of-way or roadway if doing so would jeopardize the rights of the public, or any public utility; however, in this case, the proposed right-of-way vacation would not jeopardize the public, any public utility, or deny any owner of access to their property; and

WHEREAS, pursuant to C.R.S. §43-2-303(1)(a), the City Council may vacate any roadway or part thereof located within the corporate limits of the City subject to any provision of the City Charter, the Constitution and the Statutes of the State of Colorado; and

WHEREAS, the City Council finds and determines that the right-of-way vacation is not presently needed for transportation purposes nor will it need to be used by the City or the public.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. Incorporation. The Rifle City Council adopts the foregoing recitals and conclusions as facts and determinations and incorporates them by reference as if set forth in full herein.

2. Vacation and Merger. The right-of-way adjacent to the Property as shown on Exhibit A is hereby vacated, and this vacated right-of-way shall merge with the adjacent property as provided by C.R.S. §42-3-302.

3. Recordation. The right-of-way vacation provided for herein shall not become effective until this Ordinance is recorded with the Office of the Clerk and Recorder of Garfield County by the City.

4. Condition Precedent to Recording. This Ordinance shall not be recorded until and unless the Lot Line Dissolution Plat merging the Property and a portion of the right-of-way vacation is approved, at which time this Ordinance will be recorded immediately prior to the Lot Line Dissolution Plat.

5. Waiver of Defects. In executing this document, Owner waives all objections it may have over the final disposition of the right-of-way vacation and its merger pursuant to state statute, defects, if any, in the form of this document, the formalities for execution, or over the procedure, substance, and form of the ordinances or resolutions adopting this document. Owner agrees to

6. Cost Reimbursement. Owner shall reimburse the City for all legal and engineering fees, expenses, and costs incurred in connection with this right-of-way vacation and Ordinance.

INTRODUCED on December 6, 2023, read by title, passed on first reading without amendment, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on December 20, 2023, passed without amendment, approved and ordered published in full as required by Charter.

Dated this ____ day of _____, 2023.

CITY OF RIFLE, COLORADO

By: _____
Mayor

ATTEST:

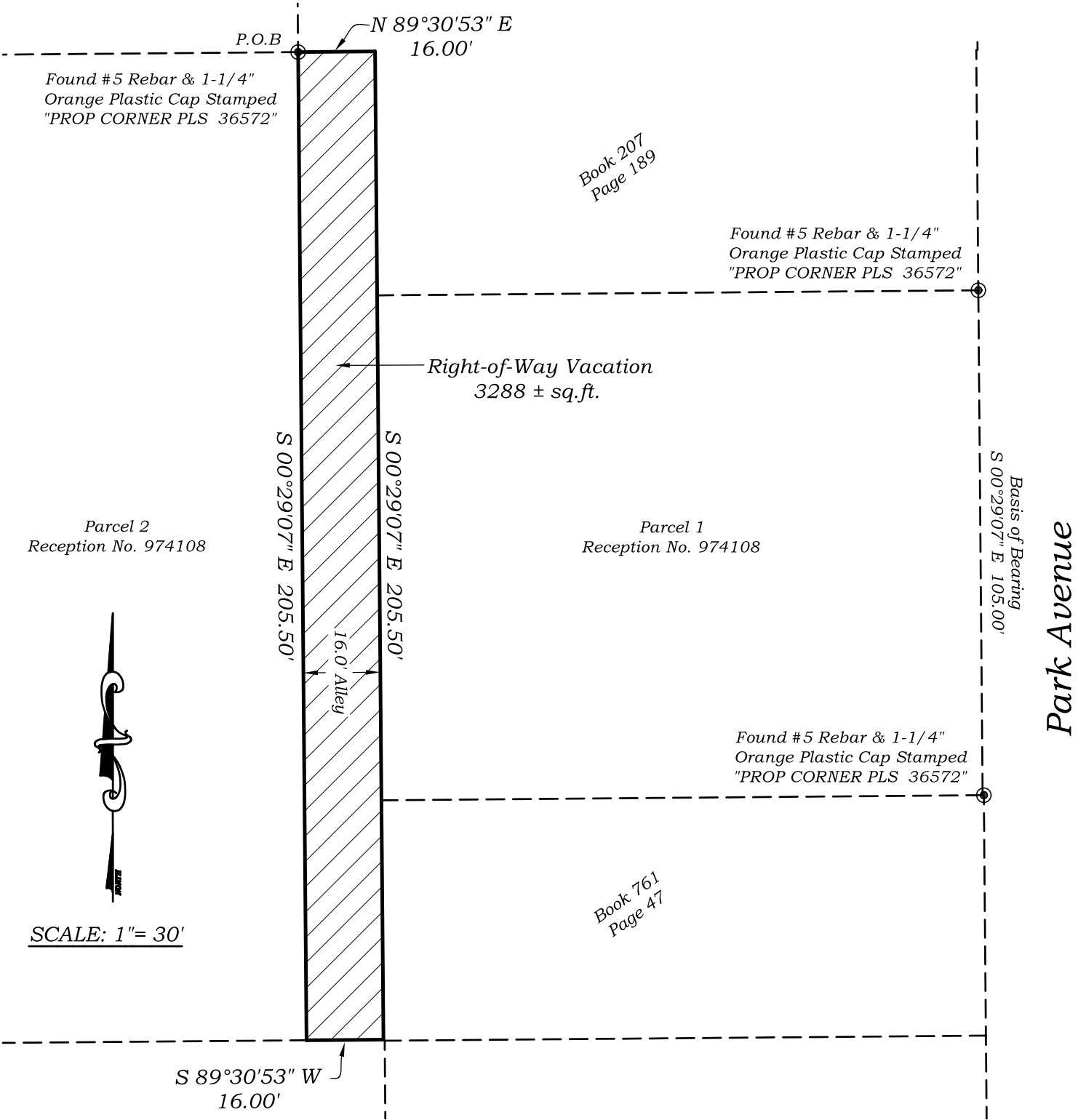
City Clerk

OWNER:
700 PARK AVENUE, LLC

Authorized Representative

EXHIBIT A

EXHIBIT
RIGHT-OF WAY VACATION



RIGHT-OF-WAY VACATION DESCRIPTION

A PARCEL OF LAND BEING THE ALLEY SHOWN ON BLOCK D OF THE PARK AVENUE ADDITION TO THE TOWN OF RIFLE RECORDED AT THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE AS RECEPTION NO. 173244 SITUATE IN SECTION 9, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF RIFLE, COUNTY OF GARFIELD, STATE OF COLORADO. ALL BEARINGS RELATIVE TO A BEARING OF S00°29'07"E ALONG THE EAST LINE OF SAID PARCEL 1, ALSO BEING THE WEST LINE OF PARK AVENUE, BETWEEN FOUND #5 REBARS AND 1-1/4" ORANGE PLASTIC CAPS STAMPED "PROP CORNER PLS 36572", SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 2, RECORDED AT RECEPTION NO. 974108; THENCE N89°30'53"E 16.00 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY; THENCE ALONG SAID EAST LINE S00°29'07"E 205.50; THENCE DEPARTING SAID EAST LINE S89°30'53"W 16.00 FEET TO A POINT ON THE WEST LINE OF SAID ALLEY; THENCE ALONG SAID WEST LINE N00°29'07"W 205.50 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINING 3288 SQUARE FEET, MORE OR LESS.

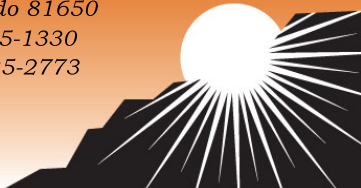


DocuSigned by:

Michael Langhorne

7FAD185CB6B8407...

136 East Third Street
Rifle, Colorado 81650
Ph. (970) 625-1330
Fax (970) 625-2773



BOOKCLIFF
Survey Services, Inc.

DATE: NOVEMBER 30, 2023

JOB NO: 23008



Agenda Item #12.d.

Agenda Item Name:

Consider Approval of 2024 7-Party Memorandum of Understanding Regarding Garfield County Older Adult Programs

Presenter:

Tami Sours, Senior Center Director

Item Description:

7-Party MOU Garfield County Older Adult Programs

Recommended Action:

Move to approve the 7-Party MOU Garfield County Older Adult Programs for 2024

Fiscal Impact:

The fiscal impact for 2024 will be \$49,578.68 for nutrition and \$146,258.00 for transportation for a total of \$195,836.68.

Operational Impact:

N/A

Prior Board Motions:

In the past, council has approved the 7-Party MOU to support senior programs that include nutrition, wellness, and transportation.

Background Information:

The City of Rifle has been a partner of the 7-Party MOU since 2009 supporting senior programs for our area. This MOU has seven entities that are a part of the senior programming, including Garfield County, RFTA, Town of Carbondale, City of Glenwood Springs, Town of New Castle, Town of Silt and City of Rifle. In 2017 the Town of Parachute withdrew from the program and does not contribute.

In 2023, our cost for this program was \$50,381.98 for nutrition and \$131,374.00 for transportation for a total of \$181,755.98, showing an increase for 2024 of 7.7%. Other than the increase in cost, there are no other changes seen in this 2024 MOU.

Executive Summary:

The MOU for 2024 reflects a total annual program cost of \$1,172,783.50. After grants and program income, Garfield County contributes 40% for nutrition, 50% for transportation, and 100% to the well and wise programs. These figures are shown in Attachment A, B, and C of the MOU. The City of Rifle costs reflect 31.51% of the nutrition portion and 19.81% of the transportation expense. Total expense for the senior programs for 2024 will be \$195,836.68 showing an increase of 7.7% from 2023.

Notification Requirements:

N/A

Prepared By:

Tami Sours, Senior Center Director

Attachments:

1. MOU Senior Programs Multi Year Cost Comparison 2024
2. 2024 - 7 Party MOU Garfield County Older Adult Programs

	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 Projected
Transportation	115,762.25	103,122.93	112,018.96	109,557.99	108,986.17	118,021.85	110,418.65	121,745.00	87,863.62	131,374.00	146,258.00
Nutrition	9,624.05	22,341.47	3,665.67	0.00	3,260.59	9,739.00	0.00	0.00	57,305.78	50,381.98	49,578.68
Well & Wise	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	125,386.30	125,464.40	115,684.63	109,557.99	112,246.76	127,760.85	110,418.65	121,745.00	145,169.40	181,755.98	195,836.68

**7-PARTY MEMORANDUM OF UNDERSTANDING
REGARDING GARFIELD COUNTY OLDER ADULT PROGRAMS
FOR 2024**

This Memorandum of Understanding is entered into between:

The Garfield County Board of County Commissioners, ("BOCC")

The City of Rifle, Colorado,

The City of Glenwood Springs, Colorado,

The Town of Carbondale, Colorado,

The Town of New Castle, Colorado,

The Town of Silt, Colorado,

Roaring Fork Transportation Authority, ("RFTA")

(collectively, the "7-Parties") in order to set forth the terms and conditions of their cooperative provision, administration, and funding of a county-wide meal and transportation services for the Garfield County Older Adult Programs for calendar year 2024 (the "MOU"). This MOU is effective as of January 1, 2024, regardless of the dates on which it is signed.

BACKGROUND

- A. Each of the 7-Parties is authorized to make the most efficient and effective use of their governmental powers, responsibilities, and monies by cooperating and contracting with other governments. Colo. Const. art. XIV §§ 18(2)(a) and (2)(b); Colorado Revised Statutes § 29-1-201.
- B. In 2009, 9-Parties entered into an Intergovernmental Agreement to set forth the terms and conditions of their cooperative provision, administration, and funding of meal and transportation services to senior and disabled citizens of Garfield County ("the 9-Party MOU"). This 9-Party MOU is recorded in records of the Garfield County Clerk and Recorder at Reception No. 776142.
- C. In accordance with the 9-Party MOU, in 2009 and each consecutive year thereafter, the now 7 parties have also entered into a Memorandum of Understanding that sets forth each party's annual commitment to share the administrative and operational costs of the Older Adult Programs meal and transportation services and determines the methodology by which those costs will be allocated among them (the "MOU").
- D. In 2016, The Town of Parachute withdrew from membership and opted not to participate in the services provided by Garfield County Older Adult Programs in 2017. In 2017, it was determined that Colorado Mountain College no longer needs to be part of the MOU beginning 2019.

- E. Each of the remaining Parties desires to continue to provide meal and transportation services to eligible Garfield County senior citizens in 2024 in accordance with the original 9-Party MOU.

NOW, THEREFORE, for and in consideration of mutual covenants and agreements set forth below, the 7-Parties agree as follows:

AGREEMENT

1. Incorporation of Recitals. The foregoing Recitals are incorporated as if set forth in full.
2. Purpose of this Agreement. The purpose of this MOU is to define the terms and conditions by which the 7-Parties will collectively provide, administer and fund county-wide meal and transportation services for the Garfield County Older Adult Programs for calendar year 2024.
3. Term of Agreement. This Agreement shall have an Effective Date of January 1, 2024, regardless of the dates signed and shall terminate on December 31, 2024.
4. Senior Services to be Provided. The BOCC, through its Department of Human Services Older Adult Programs, will organize and administer the congregate meal and transportation services described in this MOU for eligible senior and disabled citizens of Garfield County on behalf of Rifle, Glenwood Springs, Carbondale, New Castle, Silt (collectively, the "Municipalities"). In exchange, the Municipalities will reimburse the BOCC for their proportionate shares of the cost of such services as calculated in accordance with the Cost Methodologies defined in this Agreement.
5. Congregate Meal Services. The BOCC and Municipalities agree that Older Adult Program meals will be provided at seven (7) locations throughout Garfield County on the days and times, and further agree that the costs to provide such services will be allocated among them as follows:
 - a. Cost Methodology - Nutrition: The BOCC agrees to pay forty percent (40%) of total budgeted cost to provide Congregate Meal Services in 2024.
 - b. The Municipalities each agree to pay a proportionate share of the remaining balance, less all anticipated grant and program funding income, based upon the percentage of total meals served between July 2022 and June 2023 to the residents of each Municipality. The BOCC agrees to be responsible for all meals served to residents of unaffiliated Garfield County and Battlement Mesa as well as any shortfall in grant and program funding income.

- c. Application of Cost Methodology to the 2024 Budget: As illustrated in **Attachment A**, which is incorporated here for all purposes, the total budgeted cost to provide Congregate Meal Services in 2024 is **\$651,409.00**. The BOCC's 40% share of that amount equals **\$260,563.60**. Anticipated grant and program funding income for 2024 is **\$233,500.00**. The remaining balance is **\$157,345.40**.

Municipality	Number of Meals	Percent of Total	Amount Due
Carbondale	2,126	12.26%	\$19,287.15
Glenwood Springs	6,509	37.53%	\$59,049.89
New Castle	1,019	5.88%	\$9,244.41
Silt	2,225	12.83%	\$20,185.28
Rifle	5,465	31.51%	\$49,578.68
TOTAL	17,344	100.00%	\$157,345.40

6. Transportation Services. The BOCC, RFTA and Municipalities agree that Senior and Disabled transportation services funded by this Agreement are wheelchair accessible, curb to curb, driver assisted transportation services to assessed Garfield County residents who have difficulty utilizing public transportation and have an assessed functional disability affecting the ability to use public transportation. The Traveler provides transportation to destinations throughout Garfield County. In order to achieve the stated purpose, the BOCC specifically grants RFTA the authority to operate outside RFTA's boundaries and within the unincorporated boundaries of Garfield County, consistent with the provisions of C.R.S. § 43-4-605(1)(f) as required to comply with this IGA. Riders must make reservations 48 hours in advance. The cost to provide these transportation services will be shared by the BOCC, RFTA, and the Municipalities in accordance with the following Cost Methodology.

7. Definitions:

- a. Initial Pickup Location: The initial pickup location for cost allocation purposes is the Municipality in which the first leg of a passenger's trip occurs, whether it is a round trip, a one-way trip, or a multi-legged trip. For example, if a passenger is picked up in municipality A to be transported to Municipality B and is later picked up in Municipality B for a return ride to Municipality A, the initial pickup location for cost allocation purposes is Municipality A for both trip legs.
- b. One-Way Passenger Trips: This represents vehicles transporting passengers one way from their origins to their destinations on any leg of their trips. This does not mean round trips or vehicle trips, since more than one passenger can be riding on a vehicle at the same time resulting in "X" number of one-way passenger trips.
- c. Loaded Miles: Loaded miles are the total distance driven while a passenger is in the vehicle.

- d. Loaded Minutes: Loaded minutes are the total duration of time while a passenger is in the vehicle.

8. Cost Methodology – Transportation

- a. The BOCC agrees to be responsible for fifty percent (50%) of the total budgeted net County and RFTA expenses to provide Traveler Services in 2024. The remaining fifty percent is paid for by grant, program funding, and allocated payments from the Municipalities based upon the fully allocated cost of providing services. Costs will be allocated to the Parties based on the total number of trips provided in each Jurisdiction, and total estimated Loaded Miles, and total estimated Loaded Minutes consumed by each Jurisdiction/Municipality. Costs will be considered allocable to a Jurisdiction/Municipality based upon the Initial Pickup Location as defined in Paragraph 7.a. herein, regardless of the number of trip legs or Jurisdictions/Municipalities visited by the passenger.
- b. RFTA agrees to be responsible for the fully allocated net cost of the Traveler transportation services provided to the three Municipalities that are current RFTA members: the Town of Carbondale, the City of Glenwood Springs, and the Town of New Castle.
- c. The remaining non-RFTA member Municipalities, the City of Rifle and the Town of Silt agree to pay the fully allocated net cost of Traveler transportation services allocable to their municipalities.
- d. The BOCC agrees to be responsible for any remaining Traveler transportation service costs, including any shortfalls in anticipated grant and program funding income.

9. 2024 Budgeted Contributions: As illustrated in Attachment B, the total budgeted cost to provide Senior and Disabled Transportation Services in 2024 is **\$848,279.00**. This cost represents the costs to the BOCC and to RFTA to provide such services in the amounts of **\$30,853.00** and **\$817,426.00**, respectively. This cost less the amount of **\$30,000.00** received by RFTA from other sources who utilize the Traveler bus system pursuant to a contractual agreement that is unrelated to this MOU, equals the net total County and RFTA expense for the Traveler transportation services in 2024 of **\$818,279.00**.

The BOCC's 50% share of this amount equals **\$409,139.50**. Anticipated grant and program funding income for 2024 is **\$80,000.00**. The total amount of the contribution from the County, including grants and program income is **\$489,139.50**. Subject to the recommendation of the Senior Advisory Board and the approval of the BOCC, any year-end excess budget funds in 2022 may also be applied to the County's contribution in 2024 for the Senior and Disabled Transportation Services budget. However, pursuant to the provisions of paragraph 13. Annual Reconciliation and True-Up, below, after 2023 there should not be any significant excess budget revenue to apply as a refund to a subsequent year's County contribution.

10. Allocation of County Contribution and Grant and Program Income: The County's contribution, inclusive of its 50% commitment and anticipated grant and program income shall be

allocated first to the cost of rides originating in unincorporated Garfield County. Any remaining balance shall be allocated on a pro rata basis relative to each other party's fully allocated cost.

11. Estimated Contributions: On the Chart below, the following estimates are offered to aid the Municipalities in planning and budgeting for their portion of the 2024 Traveler transportation services costs. The amounts shown are based on the 2024 budgeted amounts identified above and a forecast of ridership and services levels for 2024.

Jurisdiction	Est. One-Way Passenger Trips	Est. Loaded Miles	Est. Loaded Minutes	Est. Fully Allocated Cost	Est. Allocation of County Contribution, Grants & Program Income	Est. Net Responsibility for Each Municipality
Carbondale*	260	2,550	6,770	\$23,545	\$11,534	\$12,011
Glenwood Springs*	3,850	16,150	81,130	\$278,030	\$136,200	\$141,829
New Castle*	560	7,060	14,530	\$53,206	\$26,064	\$27,141
Silt	50	360	980	\$3,724	\$1,824	\$1,900
Rifle	4,760	12,990	75,410	\$286,711	\$140,453	\$146,258
Garfield County	1,720	21,400	50,160	\$173,063	\$173,063	-
Total	11,200	60,510	228,980	\$818,279	\$489,140	\$329,140

12. Monthly Billing: RFTA will pay directly for the fully allocated net costs attributable to its member jurisdictions and each of the remaining Parties will pay the County the amount shown on their respective lines in the Chart above.

13. Annual Reconciliation & True-up: No later than February 15, 2025 RFTA will publish a reconciliation statement. Actual expenditures for the year will be allocated based on the actual trips, and estimated loaded miles and loaded minutes provided to the Parties in 2024. If the total fully allocated net costs calculated for any Party during the preceding year exceeds the amount paid by the Party during the preceding year, a reconciliation credit or debit in the amount of the difference will be made for each such Party by the County. If a credit is due, RFTA will pay back to the County the amount it has been overpaid by the County for any Party or Parties within 30-days of the reconciliation statement. If a debit is owed, the Party or Parties owing the debit will pay the County the amount owed within 30 days of the reconciliation statement, and the County will remit any additional payments received and owed to RFTA within 30 days of receipt of the Party or Party's debit payment(s) to the County.

14. County Payments to RFTA for the Traveler Program. The amount to be paid by the BOCC to RFTA in 2024 for the provision of the Traveler Transportation Services contemplated by this Agreement is **Six Hundred Six Thousand, Four Hundred Forty Five Dollars (\$606,445.00)**. This amount is based upon RFTA's estimated cost to provide the services in 2024 (\$817,426.00) less amounts received by RFTA from other sources who utilize the Traveler bus system (\$30,000.00) and less the cost to provide such services to the Town of Carbondale (\$12,011.00), the City of

Glenwood Springs (\$141,829.00), and the Town of New Castle \$27,141.00), each of which is a member of RFTA. Amounts are projected and should the actual cost exceed the budgeted costs, those funds will be paid through the Restricted Fund Balance/The Traveler, and reimbursed at year end by following the Annual Reconciliation and True-Up procedures described in Paragraph 13., above.

- a. RFTA's Estimated Cost: The Parties recognize that RFTA's estimate of its costs to provide Traveler services is solely RFTA's responsibility; the BOCC is not responsible in any way for verifying or assuring the accuracy of RFTA's calculation. For 2024, RFTA estimates that it's cost to provide these services is **\$817,426.00**.
- b. Other Traveler Services: The Parties recognize that RFTA's operation of the Traveler by means of this MOU does not include funding for ADA complementary paratransit services in the City of Glenwood Springs. Funding for this complementary paratransit service is provided by a separate contract between the City of Glenwood Springs and RFTA, which RFTA represents to be **\$30,000.00** for 2024.
- c. Payment: The BOCC and RFTA have entered into a separate intergovernmental agreement pursuant to which the BOCC agrees to pay RFTA the total amount of \$606,4455.00 in eleven (11) monthly payments of \$50,537.08 and one monthly payment of \$50,537.12 for Senior and Disabled Transportation Services (the "Traveler IGA"). This amount represents RFTA's estimated cost to provide such services in 2024 less amounts received by RFTA from other sources and less the cost to provide such services to the RFTA Member Municipalities identified with an asterisk above. The non-RFTA member Municipalities agree to pay the respective amounts set forth above upon receipt of an invoice from the BOCC.
- d. Appropriation: This MOU is expressly contingent upon appropriation and budgeting for the costs required herein. If any Municipality, including RFTA on behalf of its member jurisdiction Municipalities, fails to appropriate or have available sufficient funds to pay for the costs of the obligations set forth in this MOU, services to residents of the failing Municipality shall end. The attached budget was provided by RFTA and is considered a draft until the final budget is adopted by the RFTA Board on December 14, 2023. The budget will then be considered final. RFTA anticipates none to small changes upon final adoption. If the actual cost of the Traveler program exceeds the amount set forth in this MOU, the additional cost will be covered through the Restricted Fund Balance/The Traveler, which would then be reimbursed at year end by following the Annual Reconciliation and True-Up Procedures described in Paragraph 13., above.
- e. COVID 19 Accommodations. Traveler services will be adjusted because of Governor orders or Public Health recommendations.

15. Combined Costs: The combined cost for 2024 Congregate Meal, Well and Wise, and Traveler Transportation Service are set forth on Attachment C.

16. Whole Agreement: This MOU sets forth the whole agreement of the Parties. No representation, either verbal or written, shall be considered binding to the extent it is not set forth herein.

17. Amendment and Assignment. This MOU may be amended, altered, or modified solely through a written agreement executed with equal formality. This MOU may not be assigned by any Party without the written agreement of all.

18. Facsimiles and Counterparts. This MOU and all documents required for performance may be signed in counterparts. Facsimile signatures may be substituted for originals on such documents.

19. Authority. Each person signing this MOU represents and warrants that said person is fully authorized to enter into and execute this document and bind the Party represented.

20. Governing Law. The laws of the State of Colorado shall govern the validity, performance, and enforcement of this MOU. Venue for any action instituted pursuant to this MOU shall lie in Garfield County.

21. Notice. Notices to be provided under this MOU shall be given in writing either by hand delivery or by certified return receipt requested United States mail, to the following:

Carbondale: Lauren Glister, Town Manager
Town of Carbondale
511 Colorado Avenue
Carbondale, CO 81623
970-510-1207
lgister@Carbondaleco.net

Garfield County: Sharon Longhurst-Pritt, Director
Garfield County Department of Human Services
195 West 14th Street, Building B
Rifle, CO 81650
(970) 625-8282 ext. 3265
spritt@garfield-county.com

Glenwood Springs: Steve Boyd, Acting City Manager
City of Glenwood Springs
101 W. 8th Street
Glenwood Springs, CO 81601
(970) 384-6522
steve.boyd@cogs.us

New Castle:	Dave Reynolds, Town Administrator New Castle Town Hall 450 West MainStreet, PO Box 90 New Castle, CO 81647 (970) 984-2311 dreynolds@newcastlecolorado.org
RFTA:	Dan Blankenship, Chief Executive Officer Roaring Fork Transportation Authority 2307 Wulfsohn Road Glenwood Springs, CO 81601 (970) 384-4981 dblankenship@rfta.com
Rifle:	Tommy Klein, City Manager City of Rifle 202 Railroad Ave P. O. Box 1980 Rifle, CO 81650 (970) 625-6266 tklein@rifleco.org
Silt:	Jeff Layman, Town Administrator Town of Silt 231 N. 7th Street, PO BOX 70 Silt, CO 81652 (970) 876-2353, ext. 813 jlayman@townofsilt.org

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IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed effective January 1, 2024.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS OF
GARFIELD COUNTY, COLORADO, and
BOARD OF SOCIAL SERVICES**

Clerk to the Board

By: _____
John Martin, Chairman

DATED: _____

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed effective January 1, 2024.

ATTEST:

CITY OF GLENWOOD SPRINGS, COLORADO

City Clerk

By:_____
Jonathan Godes, Mayor

DATED: _____

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed effective January 1, 2024.

ATTEST:

**ROARING FORK TRANSPORTATION
AUTHORITY**

Clerk to the Bd. Of Directors

By: _____
Dan Blankenship, Chair

DATED: _____

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed effective January 1, 2024.

ATTEST: **TOWN OF CARBONDALE, COLORADO**

Town Clerk

By:_____
Ben Bohmfalk, Mayor

DATED: _____

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed effective January 1, 2024.

ATTEST:

TOWN OF SILT, COLORADO

Town Clerk

By:_____
Keith Richel, Mayor

DATED: _____

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed effective January 1, 2024.

ATTEST:

TOWN OF NEW CASTLE, COLORADO

Town Clerk

By:_____
Art Riddile, Mayor

DATED: _____

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed effective January 1, 2024.

ATTEST:

CITY OF RIFLE , COLORADO

City Clerk

By:_____
Ed Green, Mayor

DATED: _____

ATTACHMENTS TO MEMORANDUM OF UNDERSTANDING
RE: OLDER ADULT PROGRAMS

ATTACHMENT A: 2024 CONGREGATE MEAL BUDGET AND COST METHODOLOGY

ATTACHMENT B: 2024 TRANSPORTATION BUDGET AND COST METHODOLOGY

ATTACHMENT C: 2024 CONGREGAE MEAL, WELL AND WISE, AND TRAVELER
TRANSPORTATION SERVICE

ATTACHMENT A

2024 CONGREGATE MEAL BUDGET AND COST METHODOLOGY

ATTACHMENT A: 2024 CONGREGATE MEAL BUDGET AND COST METHODOLOGY

Nutrition Budget	Annual
Wages	\$ 158,941.00
Employee Benefits	\$ 80,636.00
Professional Services	\$ 6,000.00
Professional - Other	\$ 372,298.00
Repair and maintenance	\$ 200.00
Rental of Land & Buildings	\$ 1,200.00
Communications	\$ 600.00
Printing and Binding	\$ 150.00
DHS - Destruction of Records	\$ 250.00
Travel	\$ 300.00
Motor Pool Charges	\$ 9,034.00
Professional Affiliations	\$ 100.00
Training	\$ 600.00
Office Supplies	\$ 500.00
Operating Supplies	\$ 11,000.00
Computer Supplies	\$ 400.00
Freight, postage, Delivery	\$ 2,700.00
Copy Machine Usage	\$ 1,000.00
Food - non travel related	\$ 3,500.00
Computers & computer equipment	\$ 2,000.00

Total 12 Month Budget **\$651,409.00**

Less AAA funding	\$ 190,000.00
Less NSIP Incentives	\$ 13,000.00
Less Program Income	\$ 30,500.00
Grant & Program Income Total	\$ 233,500.00

40% County Share of Total Expenses **\$ 260,563.60**
Garfield County Share **\$ 260,563.60**

Projected Income/County Share **\$ 494,063.60**
Income less expenses **\$157,345.40**

Municipal Budget Share
for Distribution **\$157,345.40**

NUTRITION BREAKDOWN SUMMARY FOR MUNICIPALITIES				2023		2022	
2024	# of Meals Served	Percent of Total	Municipal Nutrition Contribution	# Meals	Contributions	# Meals	Contributions
Jurisdiction							
Carbondale	2,126	12.26%	\$19,287.15	1,284	\$ 10,920.06	1,157	\$ 8,555.53
Glenwood Springs	6,509	37.53%	\$59,049.89	6,195	\$ 52,686.76	6,812	\$ 50,371.89
New Castle	1,019	5.88%	\$9,244.41	695	\$ 5,910.78	996	\$ 7,365.00
Silt	2,225	12.83%	\$20,185.28	1,761	\$ 14,976.82	1,778	\$ 13,147.57
Rifle	5,465	31.51%	\$49,578.68	5,924	\$ 50,381.98	7,529	\$ 55,673.81
Municipal Total	17,344	100.00%	\$157,345.40	15,859	\$ 134,876.40	18,272	\$ 135,113.80
Garfield County	5,798			5,073		3,325	
Grand Total	23,142			20,932		21,597	
Based on July 2022 - June 2023 Usage				Based on July 2021 - June 2022		Based on July 2020 - June 2021	

ATTACHMENT B

2024 TRANSPORTATION BUDGET AND COST METHODOLOGY

Cost Methodology—2024	
Transportation Budget	Annual
Wages	\$ 19,491.00
Employee Benefits	\$ 10,762.00
Communication	\$ 200.00
Training	\$ 100.00
Computer Supplies	\$ 200.00
Freight, Postage, Delivery	\$ 100.00
Total County Expenses	\$ 30,853.00
RFTA	\$ 817,426.00
MINUS GWS Paratransit	\$ 30,000.00
Total RFTA Expenses	\$ 787,426.00
Total Expenses	\$ 818,279.00
Less Program Income	\$ 17,000.00
Less CSBG	\$ 63,000.00
Total G/P Income	\$ 80,000.00
Less County Share	\$ 409,139.50
Total 50% County Share	\$ 409,139.50
Total Revenue	\$ 489,139.50
Total Expenses	\$ 818,279.00
Income less expenses	\$ 329,139.50
 Municipal Budget Share for Distribution	 \$ 329,139.50

2024 Traveler Forecast Service And Cost Data

A	B	C	D	E	F	G
Jurisdiction	Est. One-Way Passenger Trips	Est. Loaded Miles	Est. Loaded Minutes	Est. Fully Allocated Cost	Est. Allocation of County Contribution, Grants & Program Income	Est. Net Responsibility for Each Municipality
Carbondale	260	2,550	6,770	\$ 23,545	\$ 11,534	\$ 12,011
Glenwood Springs	3,850	16,150	81,130	\$ 278,030	\$ 136,200	\$ 141,829
New Castle	560	7,060	14,530	\$ 53,206	\$ 26,064	\$ 27,141
Silt	50	360	980	\$ 3,724	\$ 1,824	\$ 1,900
Rifle	4,760	12,990	75,410	\$ 286,711	\$ 140,453	\$ 146,258
Garfield County	1,720	21,400	50,160	\$ 173,063	\$ 173,063	\$ -
Total	11,200	60,510	228,980	818,279	489,140	329,140

ATTACHMENT C:

**2024 CONGREGATE MEAL, WELL AND WISE, AND TRAVELER
TRANSPORTATION SERVICE**

COMBINED CONTRIBUTION BREAKDOWN

	2024	2024	2024	2024		2024	2024	2024	2024
<i>Jurisdiction</i>	<i>Nutrition</i>	<i>Transportation</i>	<i>Well & Wise</i>	<i>Total</i>	<i>RFTA</i>	<i>Nutrition</i>	<i>Transportation</i>	<i>Well & Wise</i>	<i>Net Adjusted</i>
	<i>Contribution</i>	<i>Contribution</i>	<i>Contribution</i>	<i>Contributions</i>	<i>Contribution</i>	<i>Contribution</i>	<i>Contribution</i>	<i>Contribution</i>	<i>Total</i>
Carbondale	\$19,287.15	\$12,011.00	-	\$31,298.15	\$12,011.00	\$19,287.15	-	-	\$19,287.15
Glenwood Springs	\$59,049.89	\$141,829.00	-	\$200,878.89	\$141,829.00	\$59,049.89	-	-	\$59,049.89
New Castle	\$9,244.41	\$27,141.00	-	\$36,385.41	\$27,141.00	\$9,244.41	-	-	\$9,244.41
Silt	\$20,185.28	\$1,900.00	-	\$22,085.28		\$20,185.28	\$1,900.00	-	\$22,085.28
Rifle	\$49,578.68	\$146,258.00	-	\$195,836.68		\$49,578.68	\$146,258.00	-	\$195,836.68
Garfield County	\$260,563.60	\$409,139.50	\$16,596.00	\$686,299.10		\$260,563.60	\$409,139.50	\$16,596.00	\$686,299.10
Totals	\$417,909.00	\$738,278.50	\$16,596.00	\$1,172,783.50	\$180,981.00	\$417,909.00	\$557,297.50	\$16,596.00	\$991,802.50



Agenda Item #12.e.

Agenda Item Name:

Consider Award of Material Testing for Gateway Pedestrian and Traffic Improvements to RockSol Consulting Group, Inc.

Presenter:

Craig Spaulding, Civil Engineer

Item Description:

Award of contract to Rocksol Consulting Group, Inc in the amount of \$38,963.93 for the Materials testing associated with the Gateway Pedestrian and Traffic Improvements.

Recommended Action:

Recommend award of contract to Rocksol Consulting Group, Inc in the amount of \$38,963.93 for the Materials testing associated with the Gateway Pedestrian and Traffic Improvements.

Fiscal Impact:

Materials testing was unanticipated for the project budget and the overall project is still under budget.

Operational Impact:

N/A

Prior Board Motions:

N/A

Background Information:

All City projects use a materials testing agency to confirm that soils are properly installed below roadways and that concrete and asphalt is properly batched to achieve the desired strength and material properties.

Executive Summary:

The materials testing for the Gateway Pedestrian and Traffic Improvements was solicited to 3 firms; Ground Consultants, Escalante, and Rocksol. Ground Consultants and Escalante both recommended that the City use Rocksol and did not submit a proposal. JCI is using CTL Thomposon, which submitted a proposal for \$30k for material testing alone. Rocksol is providing material testing as well as documenting the CDOT Materials book. Having the materials book filled out was estimated at \$10k. This information is validation that Rocksol's proposal is within industry standards. Rocksol is a great value added and a requirement to receive the \$1.8M from the CDOT RMS Grant. They are therefore recommended to be selected for the materials testing associated with the Gateway Pedestrian and Traffic Improvements.

Notification Requirements:

N/A

Prepared By:

Craig Spaulding, Civil Engineer

Attachments:

1. Rifle Gateway_Rocksol_PSA
2. PURCHASE REQUEST-Rocksol 11-29-23

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2020 by and between the CITY OF RIFLE, COLORADO, a home rule municipality (the "City"), and Rocksol Consulting Group, Inc. ("Contractor").

WHEREAS, the City desires that Contractor perform the services of material testing for the Rifle Gateway and Traffic Improvements Project as an independent contractor, in accordance with the provisions of this Agreement, and more fully described in the job description attached as Exhibit A; and

WHEREAS, Contractor desires to perform such duties pursuant to the terms and conditions provided for in this Agreement; and

WHEREAS, the parties hereto desire to set forth certain understandings regarding the services in writing.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Services. The City agrees to retain Contractor to provide the services set forth herein, and as further specified in **Exhibit A**, attached hereto and incorporated herein by reference ("Services"), and Contractor agrees to so serve. Contractor warrants and represents that it has the requisite authority, capacity, experience, and expertise to perform the Services in compliance with the provisions of this Agreement and all applicable laws and agrees to perform the Services on the terms and conditions set forth herein. The City reserves the right to omit any of the Services identified in Exhibit A upon written notice to Contractor. In the event of any conflict between this Agreement and Exhibit A, the provisions of this Agreement shall prevail.

2. Compensation. The City agrees to pay Contractor a sum not to exceed \$ 38,963.93, as adjusted to reflect the deletion by the City of any of the Services set forth in Exhibit A. The City shall make payment within thirty (30) days of receipt and approval of invoices submitted by Contractor, which invoices shall be submitted to the City not more frequently than monthly and which shall identify the specific Services performed for which payment is requested.

3. Term. The Term of this Agreement shall be from the date first written above until May 2024, (date) unless extended by written agreement of the parties.

4. Outside Support Services and Sub-Contractor. Any sub-Contractors shall be pre-approved by the City. A rate sheet for such sub-Contractors shall be provided to the City.

5. Ownership of Instruments of Service. The City acknowledges the Contractor's work product, including electronic files, as instruments of professional service. Nevertheless, the final work product prepared under this Agreement shall become the property of the City upon completion of the services and payment in full of all monies due to the Contractor.

6. Monitoring and Evaluation. The City reserves the right to monitor and evaluate the progress and performance of Contractor to ensure that the terms of this Agreement are being satisfactorily met in accordance with the City's and other applicable monitoring and evaluating criteria and standards. Contractor shall cooperate with the City relating to such monitoring and evaluation.

7. Independent Contractor. The parties agree that the Contractor shall be an independent contractor and shall not be an employee, agent, or servant of the City. **Contractor is not entitled to workers' compensation benefits from the City and is obligated to pay federal and state income tax on any money earned pursuant to this Agreement.**

8. Insurance Requirements.

a. Comprehensive General Liability Insurance. Contractor shall procure and keep in force during the duration of this Agreement a policy of comprehensive general liability insurance insuring Contractor and naming the City as an additional insured against any liability for personal injury, bodily injury, or death arising out of the performance of the Services with at least One Million Dollars (\$1,000,000) each occurrence. The limits of said insurance shall not, however, limit the liability of Contractor hereunder.

b. Comprehensive Automobile Liability Insurance. Contractor shall procure and keep in force during the duration of this Agreement a policy of comprehensive automobile liability insurance insuring Contractor and naming the City as an additional insured against any liability for personal injury, bodily injury, or death arising out of the use of motor vehicles and covering operations on or off the site of all motor vehicles controlled by Contractor which are used in connection with the Project, whether the motor vehicles are owned, non-owned, or hired, with a combined single limit of at least One Million Dollars (\$1,000,000). The limits of said insurance shall not, however, limit the liability of Contractor hereunder.

c. Terms of Insurance.

(i) Insurance required by this Agreement shall be with companies qualified to do business in the State of Colorado with a general policyholder's financial rating of not less than A+3A as set forth in the most current edition of "Best's Insurance Reports" and may provide for deductible amounts as Contractor deems reasonable for the Services. No such policies shall be cancelable or subject to reduction in coverage limits or other modification except after thirty (30) days prior written notice to the City. Contractor shall identify whether the type of coverage is "occurrence" or "claims made." If the type of coverage is "claims made," which at renewal Contractor changes to "occurrence," Contractor shall carry a six (6)-month tail. Contractor shall not do or permit to be done anything that shall invalidate the policies.

(ii) The policies described in subparagraphs a. and b. above shall be for the mutual and joint benefit and protection of Contractor and the City. Such policies shall provide that the City, although named as an additional insured, shall nevertheless be entitled to recovery

under said policies for any loss occasioned to it, its officers, employees, and agents by reason of negligence of Contractor, its officers, employees, agents, subcontractors, or business invitees. Such policies shall be written as primary policies not contributing to and not in excess of coverage the City may carry.

- d. Workers' Compensation and Other Insurance. During the term of this Agreement, Contractor shall procure and keep in force workers' compensation insurance and all other insurance required by any applicable law.
- e. Evidence of Coverage. Before commencing work under this Agreement, Contractor shall furnish to the City certificates of insurance policies evidencing insurance coverage required by this Agreement. Contractor understands and agrees that the City shall not be obligated under this Agreement until Contractor furnishes such certificates of insurance.
- f. Subcontracts. Contractor agrees to include the insurance requirements set forth in this Agreement in all subcontracts. The City shall hold Contractor responsible in the event any subcontractor fails to have insurance meeting the requirements set forth in this Agreement. The City reserves the right to approve variations in the insurance requirements applicable to subcontractors upon joint written request of subcontractor and Contractor if, in the City's opinion, such variations do not substantially affect the City's interests.

9. Indemnification. Contractor hereby covenants and agrees to indemnify, save, and hold harmless the City, its officers, employees, and agents from any and all liability, loss, costs, charges, obligations, expenses, attorney's fees, litigation, judgments, damages, claims, and demands of any kind whatsoever arising from or out of any negligent act or omission or other tortious conduct of Contractor, its officers, employees, or agents in the performance or nonperformance of its obligations under this Agreement.

10. Termination.

- a. Generally.
 - (i) The City may terminate this Agreement without cause if it determines that such termination is in the City's best interest. The City shall affect such termination by giving written notice of termination to Contractor, specifying the effective date of termination, at least thirty (30) calendar days prior to the effective date of termination. In the event of such termination by the City, the City shall be liable to pay Contractor for Services performed as of the effective date of termination but shall not be liable to Contractor for anticipated profits. Contractor shall not perform any additional Services following receipt of the notice of termination unless otherwise instructed in writing by the City.
 - (ii) Contractor may terminate this Agreement without cause if it determines that such termination is in Contractor's best interest. Contractor shall affect such termination by giving written notice of termination to the City,

specifying the effective date of termination, at least sixty (60) calendar days prior to the effective date of termination.

- b. For Cause. If, through any cause, Contractor fails to fulfill its obligations under this Agreement in a timely and proper manner, violates any provision of this Agreement, or violates any applicable law, and does not commence correction of such nonperformance or violation within seven (7) calendar days of receipt of written notice and diligently complete the correction thereafter, the City shall have the right to terminate this Agreement for cause immediately upon written notice of termination to Contractor. In the event of such termination by the City, the City shall be liable to pay Contractor for Services performed as of the effective date of termination but shall not be liable to Contractor for anticipated profits. Contractor shall not perform any additional Services following receipt of the notice of termination. Notwithstanding the above, Contractor shall not be relieved of liability to the City for any damages sustained by the City by virtue of any breach of this Agreement, and the City may withhold payment to Contractor for the purposes of setoff until such time as the exact amount of damages due to the City from Contractor is determined.

11. Reserved.

12. Work by Illegal Aliens Prohibited. This paragraph shall apply to all Contractors whose performance of work under this Agreement does not involve the delivery of a specific end product other than reports that are merely incidental to the performance of said work, or information technology services or information technology products and services. Pursuant to Section 8-17.5-101, C.R.S., *et. seq.*, Contractor warrants, represents, acknowledges, and agrees that:

- a. Contractor does not knowingly employ or contract with an illegal alien.
- b. Contractor shall not knowingly employ or contract with an illegal alien to perform works or enter into a contract with a subcontractor that fails to verify to Contractor that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement.
- c. Contractor has participated in or attempted to participate in the basic pilot employment verification program created in Public Law 208, 104th Congress, as amended, and expanded in Public Law 156, 108th Congress, as amended, administered by the Department of Homeland Security (hereinafter, "E-Verify") in order to verify that Contractor does not employ illegal aliens. If Contractor is not accepted into E-Verify prior to entering into this Agreement, Contractor shall forthwith apply to participate in E-Verify and shall submit to the City written verification of such application within five (5) days of the date of this Agreement. Contractor shall continue to apply to participate in E-Verify and shall certify such application to the City in writing, every three (3) months until Contractor is accepted, or this Agreement is completed, whichever occurs first. This Paragraph 9 shall be null and void if E-Verify is discontinued.
- d. Contractor shall not use E-Verify procedures to undertake pre-employment

screening of job applicants while this Agreement is being performed.

- e. If Contractor obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, Contractor shall be required to:
 - (i) notify the subcontractor and the City within three (3) days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and
 - (ii) terminate the subcontract with the subcontractor if within three (3) days of receiving the notice required pursuant to this subparagraph the subcontractor does not stop employing or contracting with the illegal alien; except that Contractor shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.
- f. Contractor shall comply with any reasonable request by the Colorado Department of Labor and Employment (“Department”) made in the course of an investigation that the Department is undertaking pursuant to the authority established in subsection 8-17.5-102(5), C.R.S.
- g. If Contractor violates this Paragraph, the City may terminate this Agreement for breach of contract. If this Agreement is so terminated, Contractor shall be liable for actual and consequential damages to the City arising out of said violation.

13. Compliance with C.R.S. § 24-76.5-103. Not Applicable.

14. Agreement Subject to Appropriation. To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the City, it shall be subject to annual appropriation pursuant to the City of Rifle Municipal Code and Article X, Section 20 of the Colorado Constitution. The City shall have no obligation to continue this Agreement in any fiscal year in which no such appropriation is made.

15. Responsibilities. The Contractor shall be responsible for all damages to persons or property caused by the Contractor, its agents, employees or sub-Contractors, to the extent caused by its negligent acts, errors and omissions hereunder, and shall indemnify and hold harmless the City from any claims or actions brought against Contractor by reason thereof.

16. Entire Agreement. This Agreement, **along with any addendums and attachments hereto**, constitutes the entire agreement between the parties. The provisions of this Agreement may be amended at any time by the mutual consent of both parties. The parties shall not be bound by any other agreements, either written or oral, except as set forth in this Agreement.

17. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Garfield, State of Colorado.

18. Governmental Immunity Act. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 *et seq.*

19. Assignability. Contractor shall not assign this Agreement without the City's prior written consent.

20. Binding Effect. This Agreement shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective heirs, personal representatives, successors, and assigns.

21. Survival Clause. The "Indemnification" provision set forth in this Agreement shall survive the completion of the Services and the satisfaction, expiration, or termination of this Agreement.

22. Severability. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

23. Headings. Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.

24. Notices. Written notices required under this Agreement and all other correspondence between the parties shall be directed to the following and shall be deemed received when hand-delivered or three (3) days after being sent by certified mail, return receipt requested:

If to the City:	City Manager P.O. Box 1908 Rifle, Colorado 81650
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If to Contractor:	Rocksol Consulting Group, Inc 566 West Crete Circle, Unit 2 Grand Junction, CO 81503
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25. Authority. Each person signing this Agreement, **and any addendums or attachments hereto**, represents and warrants that said person is fully authorized to enter into and execute this Agreement and to bind the party it represents to the terms and conditions hereof.

26. Attorneys' Fees. Should this Agreement become the subject of litigation between the City and Contractor, the prevailing party shall be entitled to recovery of all actual costs in connection therewith, including but not limited to attorneys' fees and expert witness fees. All rights concerning remedies and/or attorneys' fees shall survive any termination of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF RIFLE, COLORADO

By: _____

Title: _____

ATTEST:

City Clerk

Rocksol Consulting Group, Inc.:

By: _____

Title: _____

EXHIBIT A

SCOPE OF SERVICES

THE SCOPE OF WORK AND ASSOCIATED COST ESTIMATE IS FOR A CONSULTANT PROJECT TESTER.

THIS CITY OF RIFLE PROJECT GENERALLY CONSISTS OF CONSTRUCTION OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF HIGHWAYS 6 AND 3 WITH WHITERIVER AVENUE. THE PROJECT INCLUDED CONCRETE SIDEWALK ALONG 1ST STREET, EAST AVENUE AND WHITERIVER AVENUE, ASPHALT MILLING WITH OVERLAY, FULL DEPTH ROADWAY REMOVAL AND REPLACEMENT SURVEYING, DEMOLITION AND EXPORT OF MATERIALS IN THE PROJECT BOUNDARY, PARKING LOT, SIGNAGE & STRIPING, LIGHTING AND ELECTRICAL.

THIS PROJECT IS MANAGED BY THE CITY OF RIFLE, BUT DUE TO CDOT FUNDING AND OVERSIGHT, THE PROJECT WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CDOT LOCAL AGENCY MANUAL. ALL TESTING AND DOCUMENTATION WILL ULTIMATELY BE COMPLETED IN ACCORDANCE WITH CDOT SPECIFICATIONS AND REQUIREMENTS IDENTIFIED IN THE CDOT FIELD MATERIALS MANUAL AND FORM 250 AND COC/CTR CHECKLIST. THE CITY OF RIFLE MAY ELECT TO REQUEST ADDITIONAL TESTING AT ANY TIME, BUT MINIMAL TESTING AND DOCUMENTATION WILL FULFIL THE CDOT LOCAL AGENCY REQUIREMENTS.

THIS IS AN ON-CALL TESTING REQUIREMENT THAT WILL REQUIRE EMBANKMENT, AGGREGATE BASE COURSE, HMA AND CONCRETE TESTING. HOWEVER, WITH THE SIZE AND SCOPE OF THIS PROJECT IT IS ANTICIPATED THAT WORK WILL REQUIRE FULL TIME TESTING AT TIMES, AND POTENTIALLY MULTIPLE TESTERS, AT ANY TIME DURING CONSTRUCTION. IN ADDITION, THE CONSULTANT MAY BE REQUESTED TO ASSIST WITH INSPECTIONS AND DOCUMENTATION IF REQUESTED.

THE PROJECT TESTER WILL BE RESPONSIBLE FOR MATERIALS SAMPLING TESTING AND DOCUMENTATION, DAILY DIARIES AND DAY TO DAY REPORTS AS ASSIGNED BY THE PROJECT ENGINEER. QA TESTER WILL BE ON SITE FOR ALL EMBANKMENT, TRENCH/PIPE BACKFILL, AGGREGATE BASE COURSE, HMA PLACEMENT, CONCRETE PAVEMENT, CAISSON PLACEMENTS, CURB & GUTTER AND SIDEWALK TESTING. IN ADDITION, THE PROJECT TESTER WILL BE RESPONSIBLE FOR ASSURING PROPER COC'S AND CTR'S ARE INCLUDED IN THE FINAL MATERIALS DOCUMENTATION FOR APPROPRIATE ITEMS.

THE CONSULTANT WILL BE RESPONSIBLE FOR PREPARATION OF FINAL MATERIALS BOOKS IN ACCORDANCE WITH THE CDOT FMM AND CDOT LOCAL AGENCY MANUAL AND THESE FINAL BOOKS WILL BE SUBMITTED TO CDOT. IF NECESSARY, THE TESTER SHALL COORDINATE THE SCHEDULE FOR INDEPENDENT ASSURANCE TESTS (IAT) FOR THE PROJECT IN ACCORDANCE WITH CDOT FORM 379 WITH THE CDOT REGION MATERIALS ENGINEERING/PHYSICAL SCIENCE TECHNICIAN. THE TESTER SHALL NOTIFY THE CITY OF RIFLE PROJECT ENGINEER, CDOT RESIDENT ENGINEER, AND CDOT REGION MATERIALS ENGINEERING/PHYSICAL SCIENCE TECHNICIAN WHEN PROJECT QUANTITIES ARE EXPECTED TO OVER-RUN THE QUANTITIES REPRESENTED ON CDOT FORMS 250 OR 379.

THE CONSULTANT'S WORK SHALL BE UNDER THE DIRECTION OF, AND SHALL BE REVIEWED, STAMPED, AND SIGNED BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF COLORADO.

THE WORK TO BE STAMPED WILL BE THE SUMMARY SHEET INCLUDING, BUT NOT LIMITED TO, FORMS 250, AND THE FORM 473/474. THE CDOT RESIDENT ENGINEER MAY REQUEST THAT ADDITIONAL FORMS BE STAMPED. THE PROFESSIONAL ENGINEER SHALL BE AVAILABLE TO REVIEW WORK, RESOLVE PROBLEMS, AND MAKE DECISIONS IN A TIMELY MANNER AS REQUESTED BY THE CDOT RESIDENT ENGINEER AND/OR CITY OF GRAND JUNCTION PROJECT ENGINEER. THE TESTING CONSULTANTS PROFESSIONAL ENGINEER MUST BE EXPERIENCED AND COMPETENT IN ROAD AND BRIDGE CONSTRUCTION AND CONSTRUCTION MATERIALS TESTING AND INSPECTIONS.

ALL TESTING IS ESTIMATED AT AN HOURLY RATE, INCLUDING HOURS TO PROPERLY ASSEMBLE CDOT LEVEL FINAL MATERIALS DOCUMENTATION. THE ONLY EXCEPTION BEING HMA MIX PROPERTIES TESTING WHICH IS ESTIMATED PER TEST, UNDER THE ROCKSOL STANDARD LABORATORY TESTING FEE. THE HMA MIX PROPERTIES TESTING IS BROKEN OUT SEPARATELY DUE TO THE COORDINATION AND POSSIBLE REDUCTION OF TESTING THAT WILL NEED VERIFIED WITH THE CDOT R3 MATERIALS ENGINEER. SOME SPECIALTY TESTING SUCH AS R-VALUES, LA ABRASION AND REBAR PULL TESTING WILL REQUIRE OUTSOURCE LAB TESTING AND IS SHOWN ON THE ESTIMATE. COST FOR OUTSOURCE TESTING IS A TRUE COST FROM OUTSOURCED ACCREDITED LAB FACILITIES, WITH NO MARK UP BY CONSULTANT. ALL EMBANKMENT, HMA, AGGREGATE BASE COURSE AND CONCRETE WILL BE TESTED PER THE CDOT TESTING SCHEDULE FOR ALL WORK UNDER THIS CONTRACT. ALL COC/CTR AND AV DOCUMENTATIONS WILL BE VERIFIED FOR ACCURACY AND INCLUDED IN THE FINAL MATERIALS DOCUMENTATION.

REPORTS WILL BE SUMMARIZED AND PROVIDED TO THE PROJECT ENGINEER AND CONTRACTOR DAILY. SOME PART-TIME INSPECTION ASSIGNMENTS SUCH AS MEASUREMENT AND DOCUMENTATION OF REMOVALS OR PLACEMENT OF PAY ITEMS MAY BE AS REQUESTED AND DIRECTED BY THE PROJECT ENGINEER, BUT NOT ANTICIPATED TO BE MAJOR PORTION OF WORK. MAINTAIN PROJECT LOGS OF TESTING AND INSPECTION REPORTS WHICH ARE ALWAYS AVAILABLE DURING TESTING HOURS. ANY FAILING TESTS WILL BE REPORTED TO IMMEDIATELY TO ALL PARTIES.

ALL TESTING REQUIREMENTS, INCLUDING THE TESTING SCHEDULE, IS DEFINED BY THE CONTRACT DOCUMENTS AND THE CDOT FIELD MATERIALS MANUAL. THE FEE SCHEDULE FOR THIS PROJECT ASSUMES CONTRACTOR PRODUCTION RATES, WHICH MAY VARY AND AS A RESULT REQUIRE ADDITIONAL OR LESS TESTING (EXAMPLE CONCRETE TESTING IS OFTEN TESTED BY THE CY RATE, BUT ALSO A REQUIREMENT OF 1 PER DAY). IF ASSUMED TESTING FREQUENCY DEVIATES SIGNIFICANTLY BASED ON CONTRACTOR PRODUCTION RATES, THE CONSULTANT WILL NOTIFY THE PROJECT ENGINEER AS SOON AS DEVIATIONS ARE IDENTIFIED. THE TESTING AGENCY AND PROJECT TESTERS WILL PROVIDE PROPER ACCREDITATIONS AND CERTIFICATIONS TO PERFORM TESTING PER THE ASTM STANDARDS DEFINED IN THE PROJECT MANUAL AND PER THE CITY OF GRAND JUNCTION STANDARD CONTRACT DOCUMENTS FOR CAPITAL IMPROVEMENTS CONSTRUCTION.

OTHER-

MAINTAIN AND PROVIDE DAILY DIARIES AND TIME CHARGES TO THE PROJECT ENGINEER.

DETERMINE AND DOCUMENT THE LOCATION FROM WHICH TEST SAMPLES WILL BE TAKEN.

PROVIDE SUMMARIES OF THESE TEST LOCATIONS TO THE PROJECT ENGINEER TO DEMONSTRATE PROPER TESTING FREQUENCY FOR EACH PAY ITEM.

THE TESTER WILL ENSURE DAILY COMMUNICATIONS WITH THE CITY OF RIFLE INSPECTION STAFF ASSIGNED TO THIS PROJECT.

THE TESTER WILL WORK WITH THE CITY OF RIFLE INSPECTOR AND PROJECT ENGINEER TO REVIEW QUANTITIES ON A MONTHLY BASIS TO ASSURE ANY OVER-RUNS, ADDITIONS, OR DELETION OF MATERIALS FROM THE PROJECT ARE PROPERLY REPRESENTED ON THE CDOT FORM 250 AND PROPERLY TESTED AND DOCUMENTED.

THE SCHEDULED TIME OF COMPLETION FOR THE PROJECT IS **138 CALENDAR DAYS** FROM THE STARTING DATE SPECIFIED IN THE NOTICE TO PROCEED.

THE PROJECT CONSTRUCTION START DATE IS ESTIMATED TO BEGIN 11/13/2023 AND EXTEND INTO MAY 2024. WORK HOURS ARE ANTICIPATED AS MONDAY-FRIDAY 7AM TO 5PM, BUT TESTING STAFF MAY NEED TO BE ONSITE FOR EARLY OR LATE DAY CONSTRUCTION ACTIVITY.



**CITY OF RIFLE
PURCHASE REQUEST**

1.	Vendor Name	NEW: W-9 attached ☐
	Rocksol Consulting Group, Inc.	

2.	Vendor Address
	566 West Crete Circle, Unit 2
	Grand Junction, CO 81503

3.	For the Purchase of (description)
	Professional Services Associated with Materials Testing for
	the Gateway Traffic and Pedestrian Improvements

4.	Amount Requested	Amount Budgeted	Finance Director Verified Funds Avail.
	\$39,000	\$20,000	

5.	Dept. Name	General Ledger Acct #
	Public Works	201-4313-400-751

6.	Type of Purchase
	Capital Construction
	Capital Construction – Change Order
	Capital Equipment
	Plant Equipment
	Materials, supplies, non-profession/technical services (includes computer/software maint.)
	x Professional Services
	Utilities (includes equipment installation)
	Land, easements, ROW

7.	Purchasing Process Required
	Cooperative Purchasing
	Open Market
	Comparative Pricing
	x Request for Proposal (attach bid tab)
	Formal Bid (attach bid tab and advertisement)
	Single Source (attach an explanation)

8.	Authorization Required
	City Manager
	x City Council

9.	Signatures		
	Position	Signature	Date
	Department Director		
	City Manager		
	City Council Approval (meeting date)		
10.	Purchase Order # assigned by Finance		



Agenda Item #12.f.

Agenda Item Name:

Consider Amending Chapter 1, Article IV and Chapter 10, Article 1 of the Rifle Municipal Code to Conform Penalty Provisions with State Law; and Declaring an Emergency - Emergency Ordinance No. 26, Series of 2023

Presenter:

James S. Neu, City Attorney

Item Description:

Consider Amending Chapter 1, Article IV and Chapter 10, Article 1 of the Rifle Municipal Code to Conform Penalty Provisions with State Law; and Declaring an Emergency - Emergency Ordinance No. 26, Series of 2023

Recommended Action:

Move to approve Emergency Ordinance No. 26, Series of 2023, on its first and only reading as presented and order it to be published as required by Charter.

Fiscal Impact:

N/A

Operational Impact:

N/A

Prior Board Motions:

N/A

Background Information:

N/A

Executive Summary:

N/A

Notification Requirements:

N/A

Prepared By:

Misty Williams, City Clerk

Attachments:

1. Ordinance No. 26-Penalties

CITY OF RIFLE, COLORADO
ORDINANCE NO. 26
SERIES OF 2023

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING CHAPTER 1, ARTICLE IV AND CHAPTER 10, ARTICLE 1 OF THE RIFLE MUNICIPAL CODE TO CONFORM PENALTY PROVISIONS WITH STATE LAW; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Section 1-4-20 of City of Rifle Municipal Code (the “Code”) sets forth the general penalty for violations of the Code; and

WHEREAS, Chapter 10 of the Code sets forth the general offenses in the City and Section 10-1-40 sets forth the penalties for those offenses; and

WHEREAS, the City desires to conform the penalties in the Code with State law for identical conduct; and

WHEREAS, the City Council finds and determines that the following amendments to Chapter 1, Article IV and Chapter 10, Article I of the Code are in the best interest of the public health, safety and welfare of the citizens of Rifle.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The foregoing recitals are incorporated by reference as findings and determinations of the City Council.

2 Section 1-4-20 of the Rifle Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language deleted~~:

Sec. 1-4-20. - General penalty for violation.

- (a) Any person who violates or fails to comply with any provision of this Code or any rule or regulation promulgated thereunder, for which a different penalty is not specifically provided, shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars (\$2,000.00), by incarceration not to exceed three hundred sixty-four days, or by both such fine and incarceration, except as hereinafter provided in Section 1-4-30; provided, however, the penalty for any offenses intended to address similar conduct in the Colorado Revised Statutes shall be the penalty for any violation of this Code. In addition, such person shall pay all costs and expenses in the case, including attorney fees.

- (b) Each day such violation continues shall be considered a separate offense.

3. Section 10-1-40 of the Rifle Municipal Code is hereby amended as follows, with underlined text added and ~~strike through language~~ deleted:

Sec. 10-1-40. - Penalties.

- (a) All municipal misdemeanor offenses are divided into three (3) categories of municipal offenses. The classification and maximum penalties for each offense are as follows:

<i>Class</i>	<i>Maximum Fine</i>	<i>Maximum Imprisonment</i>
A	\$2,000.00	Three Hundred Sixty-Four (364) Days
B	\$1,000.00	Six Months
C	\$1,000.00	Ten Days

- (b) If an offense carries a specific penalty, that penalty shall apply.
- (c) Any offense not otherwise classified which does not carry a specific penalty is denominated as a Class A municipal offense.
- (d) Notwithstanding subsections a, b, and c above, the penalty for any offenses intended to address similar conduct in the Colorado Revised Statutes shall be the penalty for any violation of this Chapter.

4. City Council has been advised that as a result of pending litigation and its scheduling deadlines, the City Council declares that this Ordinance is necessary for the immediate preservation of public property, health, peace, or safety and an emergency exists. This Ordinance shall be effective immediately upon final passage and be published in accordance with applicable Enabling Laws.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED AS AN EMERGENCY ORDINANCE BY THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF RIFLE BY A VOTE OF ____ IN FAVOR AND ____ AGAINST THIS 6TH DAY OF DECEMBER, 2023.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk



Agenda Item #13.a.

Agenda Item Name:

Report to City Manager

Presenter:

Tommy Klein, City Manager

Item Description:

Staff report on notable tasks completed within the individual departments.

Recommended Action:

No action necessary

Fiscal Impact:

None

Operational Impact:

None

Prior Board Motions:

None

Background Information:

None

Executive Summary:

Work Report to City Manager
12/01/2023

Notification Requirements:

None

Prepared By:

Alexis Ramirez, Deputy City Clerk

Attachments:

1. Report to City Manager 12.06.2023
2. Dog Park Grand Opening

WORK REPORT TO CITY MANAGER

12.06.2023

PIO

- Continuing updates on website and social media on local issues and citizen concerns.
- Press releases regarding holiday closures and traffic impacts for Hometown Holidays.
- Attended workshop on how to write a generative AI policy for our jurisdiction.

COURT

- Handled 44 adult cases on November 15 court day.
- Held 03 telephone hearings with inmates in custody.
- The Rule 21 motion before the Colorado Supreme Court is moving forward. The OADC (Office of Alternate Defense Council) has expressed an interest in joining so the court granted a continuance for that.
- We have received an official notice of appeal regarding a jury trial verdict from last month. We are in the process of getting transcripts together for that. It will be the first appeal in at least 12 years. Municipal court appeals are heard in district court.

PUBLIC WORKS

- Veteran's Memorial, Phase I Beautification: plans in progress – awaiting topo survey results; attended American Legion monthly meeting and provide and update to them.
- CAD renderings and development of specifications of the City of Rifle Specifications Manual, in progress
- Implementation of Limble software for Asset Management: receiving weekly training on features; beginning to add assets to database.
- Grand Mesa Water Treatment Plant Demolition - Demolition progress: 35%
- Working with property owners at 1363 Anvil View to perform maintenance on the retention pond. We now must install a gate on the property frontage for access.
- GIS: Commencing work with Utilities to map lead water service piping

FLEET

- Normal fleet maintenance operations.
- Performing DOT inspections on heavy trucks.
- Repair and maintenance of Volvo frontend wheel loader: brake repair
- Contracting with technician for repair of the Volvo wheel loader: brake servicing and problem & power deficiency issue
- Overseeing the upfit of various Police Dept. vehicles, to include Units 4V35 & 4V37.
- Performing repair to charging system for the Case Backhoe at the RRWWRF
- Replaced Main bed lifting cylinder on Unit 1401

OPERATIONS & MAINTENANCE

- Completed surface repair of W. 3rd St. and Park Ave. intersection which was damaged by a waterline break.
- Assisting the DDA with installation of Christmas season decorations.
- Moved bollards on 3rd Street for businesses.
- Installation of BA Fan: 100% complete
- Repairing drainage piping problem on Park Avenue, to include removal and replacement of segments of broken pipe beneath the sidewalk.
- Commencing snow removal and ice mitigation operations
- Moved Sheep's Foot roller from B&B property on Whiteriver Ave.

Two-week work forecast

- Snow movement operations
- To take receipt of last 2023 Durango Pursuit for PD

CIVIL ENGINEER

Project	Status Update	Scope	Bid	Construction Time	Cost Estimate
River bridge Overlay	Scope has been defined/working on cost estimate to begin maintenance agreement	Bridge Joints and Overlay	TBD	Fall '24	TBD
Airport Water Tank	The .5MG tank is complete and in service, the 1MG tank is nearly sandblasted and recoating is anticipated in December	New .5MG Water Tank and Rehabilitation of Existing Water Tank	Closed	2023	\$3.8M
Gateway Intersection	Construction of Whiteriver and 1 st Street through December, Completion in Spring of 2024	Improve Traffic and Pedestrian Safety at the Intersection of Centennial and Whiteriver	June '23	Fall '23-Spring '24	\$3.5M
Park and Ride	Had kickoff meeting with CDOT and agreements are closer, Bid Advertisement anticipated October '24 at the latest	New Park and Ride with extension of streets and utilities	Fall '24	Spring '25	\$4M
Tripp Drive	Design ongoing	Rebuild Road and Stabilize Bank	Spring '26	2026	\$350k
Morrow Drive	Design is mostly complete and should be to the point that a cost estimate can be made in the next month	Rebuild Road and Stabilize Bank	Spring '25	2025	\$1M
Whiteriver Ave from 9th Street to 16th Street	Design ongoing, working on waterline, ADA ramp design complete	Rebuild Road, Stabilize Bank, Replace Waterline	Spring '25	2025	\$1.1M
Ute Avenue and 5th Street	Design complete, sewer rehab will take place in 2024 and civil work in 2025	Replace and Rehabilitate Sewer line, New Waterline, Rebuild Streets and add Sidewalk	Spring '24	2024	\$1.2M

Paradise Island	Easement documents complete	TBD	TBD	TBD	TBD
Penwell Transmission Line	Design will take place in 2024	Water Transmission Line from plants to tanks	TBD	TBD	\$8M
River bridge Waterline	Complete and in service, clean up and hydroseed remain	Repair Waterline and add Restraints	Closed	Summer '23	\$150k
Railroad Avenue 5th Street to 9th Street	Design complete, DOLA grant submitted	Rehab Sewer line, Replace Waterline, Rebuild Street and Sidewalk	Spring '24	Summer '24	\$3.1M
Railroad Avenue and 5th Street Intersection	Signals anticipated in February at which point all Concrete will be complete,	New Signal, Sidewalks and Landscaping	Closed	Aug-October	\$900k
2023 Street Improvements	Complete	Prefontaine, 16th St, 7th St, Wapiti and Airport Road	May '23	Summer '23	-
2023 Crack Sealing	All parking lots complete	16th St, 7th St, Airport Road, and Parks Parking Lots	Awarded	June	\$75k
2023 HA5	Complete, and under budget	Deerfield Subdivision and Highlands East	Closed	July	\$200k
Park Avenue Extension	Bridge Design ongoing	Bridge and Connection to Centennial Parkways	TBD	TBD	\$2M
Intersection of Park Avenue and Third Street	Waterline repairs allow for work to be incorporated in the Park Ave extension timeline which will include new waterline (likely 2025)	Sidewalk, Waterline, Street Rebuild	TBD	TBD	\$750k
Stormwater SEP	Sampling bottles have been backordered for months now and design is delayed because of it, construction is still	Study and Improvements of Stormwater	TBD	TBD	TBD
Alley Maintenance	Complete	Grading and Mag Chloride	Spring '23	Summer '23	\$50k
New SS4A (Safe Streets for All)	Grant received and kickoff attended, waiting for IGA at which point RFP will be posted	Phase I: Study to Identify safety needs in Rifle's Transportation system Phase II: Apply for SS4A to implement safety improvements	Early '24	2026	150k
Park Hill Retaining Wall	Complete	Retaining wall fixing ROW and private issue	May '23	Summer '23	\$250k

PARKS & RECREATION / GROUNDS & FACILITIES

- We have been invited to present on January 19 for the LWCF grant, and staff has begun preparing for this presentation.
- Dog Park construction is almost complete, with the grand opening on December 9 at 10:00 a.m. Mountain Paw Pet Supply will have treats and toys to give away during the event.
- Grounds and Facilities staff have been working closely with contractors on the Phase 3 project for City Hall. There are still some bugs to work out of the new system.
- The ADA ramp work at the senior center work is complete.
- PRAB will also receive a presentation on the economic impact study that was completed this fall for RMP. The council will receive the presentation at the workshop on December 20.
- Parks staff worked on holiday lighting in preparation for the Hometown Holidays.
- Matt Rowe was selected to be the next recreation manager, and the staff is now working on hiring a new Recreation Coordinator. Those interviews will be after the first of the year.
- Kevin Kelly has resigned from the PRAB board, and his last meeting will be on December 11. Parks and Recreation Staff would like to thank Kevin for the dedication and time he has invested in our department for over ten years.



GRAND OPENING

THE DOG PARK



Signature treats
and toys provided by
Mountain Paw Pet Supply

10am Saturday, December 9, 2023