



RIFLE CITY COUNCIL

REGULAR MEETING

December 6, 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 Councilor Brian Condie.

OATHS OF OFFICE

City Clerk Misty Williams administered Oaths of Office to newly elected Councilors Brian Condie, Karen Roberts and Chris Bornholdt.

Present at Roll Call:

Councilor Brian Condie, Councilor Alicia Gresley, Councilor Chris Bornholdt, Councilor Clint Hostettler, Councilor Joe Carpenter, Councilor Sean Strode and Councilor Karen Roberts.

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

No – None.

Others Present:

Planning Director Patrick Waller, City Clerk Misty Williams, Deputy City Clerk Alexis Ramirez, City Attorney Jim Neu, Rifle Cable 10 Manager (RCTV) Michael Churchill, Chief of Police Debra Funston, Civil Engineer Craig Spaulding, Public Works Director Brian Prunty, Recreation and Parks Director Austin Rickstrew, Senior Center Director Tami Sours, Court Administrator/PIO Kathy Pototsky, John Kuersten, Gary Miller, Seth Meyers, Harold Martinez, Terry Davis and Eco-dwelling Owner Fernando Argiro.

ELECTION OF MAYOR

City Attorney Jim Neu provided a brief explanation on the mayor election process.

Councilor Gresley moved to approve the mayor election process for the next two years; seconded by Councilor Bornholdt.

Roll Call: Yes – Alicia Gresley, Brian Condie, Sean Strode, Chris Bornholdt, Clint Hostettler, Karen Roberts and Joe Carpenter.

Nominations were opened.

Councilor Sean Strode is self-nominated. Councilor Strode provided a brief presentation.

Nominations were closed.

Councilor Gresley moved to close nominations and elect Councilor Sean Strode as Mayor; second by Councilor Roberts.

Roll Call: Yes – Joe Carpenter, Chris Bornholdt, Brian Condie, Clint Hostettler, Alicia Gresley, Karen Roberts and Sean Strode.

No – None.

Councilor Sean Strode was proclaimed Mayor.

APPOINTMENT OF MAYOR PRO TEM

Mayor Strode appointed Chris Bornholdt as Mayor Pro Tem.

APPOINTMENTS / COUNCIL REPRESENTATIVES
Council discussed the various Council Representative appointments.

<u>APPOINTMENT BOARD/COMMITTEE</u>	<u>REPRESENTATIVE</u>	<u>ALTERNATE</u>
A.G.N.C. – Associated Governments of NW Colorado Club 20	Brian Condie	Karen Roberts
DDA – Downtown Development Authority	Sean Strode	Alicia Gresley
Garfield County Liaison	Alicia Gresley	Karen Roberts
GCECA – Garfield County Emergency Communications Authority	Brian Condie	Chris Bornholdt
Garfield Clean Energy	Chris Bornholdt	Sean Strode
G.R.I.T. – Greater Rifle Improvement Team	Sean Strode	Karen Roberts
PRAB – Parks & Recreation Advisory Board	Karen Roberts	Brian Condie
Rifle Area Chamber of Commerce	Chris Bornholdt	Alicia Gresley
Rifle Community Foundation	Clint Hostettler	Chris Bornholdt
Rifle Heritage Center Board	Karen Roberts	Alicia Gresley
Rifle Housing Authority	Karen Roberts	Joe Carpenter
Rifle Regional Economic Development Corporation	Clint Hostettler	Sean Strode
Senior Center Advisory Board	Joe Carpenter	Clint Hostettler
SWM Mind Springs Health	Joe Carpenter	Clint Hostettler

Councilor Chris Bornholdt moved to approve the Council Representative appointments:
seconded by Councilor Alicia Gresley.
Roll Call: Yes – Brian Condie, Joe Carpenter, Alicia Gresley, Karen Roberts, Chris Bornholdt, Clint Hostettler, and Sean Strode.
No – None.

PUBLIC COMMENT
No public comment was heard.

CONSENT AGENDA – CONSIDER THE FOLLOWING ITEMS:

- A. Consider Minutes of the November 15, 2023 Regular Meeting
- B. Consider Declaration of Surplus Fleet Vehicles for Auction
- C. Consider Amending Residency Requirements for Police Chief – Ordinance No. 20, Series of 2023 – 2nd Reading
- D. Consider the Repeal of Sales Tax License Fee – Ordinance No. 21, Series of 2023 – 2nd Reading

Councilor Alicia Gresley moved to approve Consent Agenda Item A, B, C, and D; seconded by Councilor Brian Condie.
Roll Call: Yes - Alicia Gresley, Sean Strode, Chris Bornholdt, Clint Hostettler, Karen Roberts, Joe Carpenter and Brian Condie.
No – None.

PUBLIC HEARING
Consider PUD Development Plan and Preliminary Plan Application for the Ecodwelling/Fritzlan Project
Mayor Sean Strode opened the public hearing.

Applicant / Owner of Ecodwelling Fernando Argiro and John Kuersten were sworn in.

Planning Director Patrick Waller presented the request to consider the PUD Development Plan and Preliminary Plan application for the Ecodwelling/Fritzlan Project. Applicant has met notice requirements as required by Rifle Municipal Code. 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 streets in the development will be private and maintained by an HOA. The applicant had originally proposed an approximate 0.81 acre community park with a developed playground along Megan Ave. but after further discussion the revised landscape plan now proposes a half sports court. Planning Director Waller provided an overview of the open space, pedestrian connections/improvements to sidewalk, landscape plan, and private roads. Staff recommends approval of this project as it provides benefits to the City of Rifle regarding attainable housing and subject to the conditions discussed.

John Kuersten answered questions for Council.

Comment was heard from Seth Meyers.

Mayor Sean Strode closed the public hearing.

Councilor Alicia Gresley moved to approve the PUD Development Plan and Preliminary Plan Application with conditions for the Ecodwelling Fritzlän Project and request of removing two items: striping from Item 2a and verbiage as requested: seconded by Councilor Brian Condie. Roll Call: Yes – Joe Carpenter, Alicia Gresley, Karen Roberts, Brian Condie, Chris Bornholdt, Clint Hostettler and Sean Strode.

No – None.

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

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

Planning Director Patrick Waller presented the request to consider amendments to Accessory Dwelling Unit Regulations – Ordinance No. 24, Series of 2023 – 1st Reading. Public Notice requirements were met. 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. 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. Staff is proposing that an Accessory Dwelling Unit be considered a use by-right in the Estate Zone District 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 recommends approval of amendment proposal.

Councilor Clint Hostettler moved to approve Ordinance No. 24, Series of 2023 on first reading as presented and order it to be published as required by Charter; seconded by Councilor Chris Bornholdt.

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

No – None.

REGULAR AGENDA

Consider Selection of an Auditing Firm for Fiscal Year 2023

Planning Director Patrick Waller presented a request to consider hiring Hinkle and Company to provide auditing service for fiscal year 2023. Solicitations for audit services are placed out every 3-4 years. The solicitation for auditing services for 2023 was posted on BidNet. Discussion occurred at the workshop on November 8, 2023, and provided direction. Staff recommends approving auditing services from Hinkle and Company.

Councilor Clint Hostettler moved to approve the hiring of Hinkle & Company to provide auditing services for fiscal year 2023; seconded by Councilor Joe Carpenter.

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

No – None.

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

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

City Attorney Jim Neu presented a request to consider Ordinance No. 23, Series of 2023 – 1st Reading - Refuse Collection Rates. Contract with Mountain Waste & Recycling was approved on September 20, 2023, Regular Council Meeting. The existing collection rates were updated to reflect the adopted contract rates with services provided by Mountain Waste & Recycling. Staff recommends approval of request to establish rates according to the Rifle Municipal Code.

Councilor Alicia Gresley moved to approve Ordinance No. 23, Series of 2023 on first reading as presented and order it to be published as required by Charter; seconded by Councilor Clint Hostettler.

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

No – None.

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

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.

Planning Director Patrick Waller presented a request to vacate a portion of the alley on 700 block on the west side of Park Avenue. In order to develop the property in the near future, the applicant has requested the vacation of a portion of the existing alleyway that separates the two parcels. The Planning Commission will be reviewing the development application received at the December 12th, 2023 meeting. Staff recommends approval of the request as the project submitted for review cannot move forward as designed without the vacation of the right-of-way.

Councilor Clint Hostettler moved to approve Ordinance No. 25, Series of 2023 – Right of way vacation of 700 Block Alley on first reading as presented and order it to be published as required by Charter; seconded by Councilor Karen Roberts.

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

No – None.

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

Senior Center Director Tami Sours presented a request to consider the 2024 7-Party Memorandum of Understanding regarding the Garfield County Senior programs. The cost for next year's nutrition had a slight decrease compared to this year's cost. 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. The City of Rifle costs reflect 31.51% of the nutrition portion for a total of \$49,578.68 and 19.81% of the transportation expense for a total of \$146,258.00. Total expense for the senior programs for 2024 will be \$195,836.68 showing an increase of 7.7% from 2023. Staff recommends approval of the request as a necessity for the senior community.

Councilor Chris Bornholdt moved to approve the 7 Party MOU Garfield County Older Adult Programs for 2024; seconded by Councilor Joe Carpenter.

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

No – None.

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

Civil Engineer Craig Spaulding presented a request to consider the award of material test for the Gateway Pedestrian and Traffic Improvement project to Rocksol Consulting Group, Inc. The Gateway project is located at White River and Centennial parkway. 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. The materials testing request for proposal 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. Materials testing was anticipated for the project budget and the overall project is still under budget. Staff recommends 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.

Councilor Clint Hostettler moved to approve the contract award to Rocksol Consulting Group, Inc. in the amount of \$38,963.93 for the testing materials associated with the Gateway Pedestrian & Traffic Improvements; seconded by Councilor Chris Bornholdt.

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

No – None.

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

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

City Attorney Jim Neu presented a request to 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 with Ordinance No. 26, Series of 2023. The City of Rifle received an order of show cause from the Colorado Supreme Court. A petition was filed by attorneys for defendants of the municipal court and asked the supreme court to determine if it was lawful to have distinct penalties for municipal ordinance versus the ones from Colorado Revised Statutes. Almost all municipalities have different penalties than the state does, but City of Rifle received this petition. The Supreme Court is now requesting City of Rifle to clarify why it can be done. City Attorney Jim Nue provided the solution to amend City of Rifle's code to conform with State Statute provisions. Ordinance No. 26 will mirror the state penalties and will have a general penalty for code violations.

Comments were heard from Brian Condie and Clint Hostettler.

Councilor Alicia Gresley moved to approve Ordinance No. 26, Series of 2023 on first and only reading as presented and order it to be published as required by Charter; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Clint Hostettler, Sean Strode, Joe Carpenter, Chris Bornholdt, Alicia Gresley and Karen Roberts.

No – Brian Condie.

Report to City Manager

Reports were heard from Planning Director Patrick Waller and Chief of Police Debra Funston.

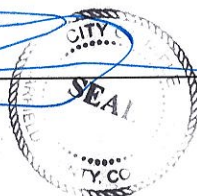
Comments from Mayor and Council

Comments were heard from Councilor Alicia Gresley, Councilor Brian Condie, Councilor Karen Roberts, Councilor Joe Carpenter and Mayor Sean Strode.

Adjournment

Meeting adjourned at 8:55 p.m.

Misty Williams
City Clerk



Sean Strode
Mayor