

RIFLE CITY COUNCIL MEETING

Wednesday, August 20, 2008

REGULAR MEETING

7:00 p.m. * Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:07 p.m. by Mayor Keith Lambert.

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

Councilor A. Lambert moved to excuse Councilor Sanborn from tonight's meeting, seconded by Councilor Bascom.

ROLL CALL: Yes - Bascom, A. Lambert, Miller, Rice, Thompson, K. Lambert

OTHERS PRESENT: John Hier, City Manager; Wanda Nelson, City Clerk; Erin Sims, Deputy City Clerk; Lee Leavenworth, City Attorney; Jim Bell, Cable 10; Michael Churchill, Cable 10; Rod Hamilton; Public Works Director; Eric Rasmussen; Stephen Bershenyi; Glen Ault; Scott Gilmore; Yancy Nichol; Heidi Rice, Post Independent / Citizen Telegram; Dave Merit; Robert Howard; Rod Woelfue.

CONSENT AGENDA

MINUTES OF THE AUGUST 6, 2008 REGULAR MEETING; ACCOUNTS PAYABLE; PROCLAMATION HONORING CAHAV VOLUNTEERS; RESOLUTION 32-08: TRAPPER HOLLOW ANNEXATION SUBSTANTIAL COMPLIANCE; LIQUOR LICENSE RENEWALS: WAL*MART; CITY MANAGER CONTRACT RENEWAL

Councilor Thompson excused herself from voting on the August 6, 2008 minutes.

Councilor A. Lambert moved to approve the Consent Agenda; seconded by Councilor Rice.

ROLL CALL: Yes - Bascom, A. Lambert, Miller, Rice, Thompson, K. Lambert

CITIZEN COMMENTS AND LIVE CALL-IN

Scott Gilmore is starting a Boys & Girls club in Rifle and would like to invite any member of Council to sit on the board of directors. Steven Bershenyi (GARCO Commissioner District 2 candidate) commended the Council on its great job serving our community. Dave Merit (Mayor Pro-Tem Glenwood Springs; CML District 2 President) would like to invite the Rifle City Council to attend the CML meeting in Glenwood Springs on September 15.

PUBLIC HEARING: RIFLE AIRPARK

RESOLUTION 33-08: FINDINGS OF FACT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, CONCERNING THE RIFLE AIRPARK PUD ANNEXATION TO THE CITY OF RIFLE

RESOLUTION 34-08: ANNEXATION PLAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, APPROVING AN ANNEXATION PLAN FOR THE RIFLE AIRPARK PUD ANNEXATION AS REQUIRED UNDER THE MUNICIPAL ANNEXATION ACT OF 1965, AS AMENDED

SECOND READING OF ORDINANCE 15-08: ANNEXATION

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE RIFLE AIRPARK ANNEXATION.

SECOND READING OF ORDINANCE 16-08: ZONING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE RIFLE AIRPARK ANNEXATION WITH THE FOLLOWING PLANNED UNIT DEVELOPMENT (PUD) ZONE DISTRICTS: AIRPORT LIGHT INDUSTRIAL ("A-LI"), AIRPORT COMMERCIAL ("A-C"), AIRPORT INDUSTRIAL ("A-ID"), AIRPORT PUBLIC/INSTITUTIONAL ("A-PD"), AIRPORT SUPPORT ("A-S") AND OPEN SPACE ("OS") ZONE DISTRICTS

Mayor Lambert opened the public hearing. Mr. Leavenworth continued by stating that the City has been working with the owner of over 600 acres adjacent to the Garfield County Airport for several years regarding the Property's annexation into the City and development as a airport services, light industrial, and industrial business park. In 2007, the City adopted the Rifle Airpark Master Plan for this area, and the Owner has submitted an annexation and zoning request in conformance with that Master Plan. Because a final development proposal has not been submitted, additional PUD Zone text is required, which will be submitted with the Preliminary PUD Development Plan and incorporated into this requested zoning. The Annexation Agreement defers the mitigation of the usual annexation impacts until the Preliminary PUD Development Plan is submitted and the impacts of the project can be fully analyzed. The City and the Airport Land Partners had entered into several agreements over the past 20 years regarding the development of the Property, which are moot at this point. Therefore, the Annexation Agreement specifically terminates those prior agreements. The City is still working

with the County on a proposed IGA whereby the County continues to maintain the County Roads until the Property begins to develop and those roads are improved to City standards. At such time, the City will take over the maintenance responsibility of those portions of the County Roads. The Annexation Agreement states that if the City and County cannot agree on the terms of an IGA, the County Roads will not be annexed at this time. Applicants Bob Howard and Eric Rasmussen were sworn in and reviewed their project through a conceptual computer rendering of the project. Councilor Rice moved to approve Resolution 33-08 and 34-08, and Ordinances 15-08 and 16-08 as presented and ordered them to be published in full as required by Charter; seconded by Councilor A. Lambert.

ROLL CALL: Yes - Bascom, A. Lambert, Miller, Rice, Thompson, K. Lambert

SECOND READING OF ORDINANCE 17-08: LIQUOR LICENSE FEES

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING APPENDIX A TO THE RIFLE MUNICIPAL CODE TO INCREASE CERTAIN LIQUOR LICENSE FEES AND AMENDING LIQUOR LICENSEE EDUCATION REQUIREMENTS

Ms. Nelson stated that earlier this year, legal staff looked into recent state legislation regarding statutory limitations on local liquor licensing fees. The impetus for this research was to find a way to fund the responsible serving of alcohol classes and to eliminate the City's need to expend resources on enforcing this requirement. In addition, with the recent growth of the City in general, liquor licensing enforcement and administration has put an increased demand on staff resources. Ordinance No. 17, Series of 2008 increases the City's liquor license fees to coincide with the statutory limits. Increasing the City's liquor license fees will assist the City with recouping the costs of administering and enforcing the Liquor Code, and pay for the responsible serving of alcohol classes to make this important education readily available to liquor licensees in the City. The fees will become effective on September 15, 2008. Changes to the City's Liquor Code education requirements to assist with enforcement and conform them to the City's education classes are included in the ordinance. Councilor Thompson moved to approve Ordinance 17-08 on second reading as presented and ordered it to be published in full as required by Charter; seconded by Councilor Bascom.

ROLL CALL: Yes - Bascom, A. Lambert, Miller, Rice, Thompson, K. Lambert

EMERGENCY ORDINANCE 18-08: PARKS MAINTENANCE BUILDING FINANCING

FOR AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A SITE LEASE BETWEEN THE CITY AS LESSOR AND ALL AMERICAN INVESTMENT GROUP, LLC OR ITS ASSIGNEE, WITH RESPECT TO CERTAIN REAL PROPERTY AND, IN CONNECTION THEREWITH, A LEASE PURCHASE AGREEMENT BETWEEN THE CITY, AS LESSEE, AND ALL AMERICAN INVESTMENT GROUP, LLC OR ITS ASSIGNEE, WITH RESPECT TO CERTAIN REAL AND PERSONAL PROPERTY TO BE USED BY THE CITY AS A PARKS MAINTENANCE FACILITY; AUTHORIZING OFFICIALS OF THE CITY TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS

CONTEMPLATED HEREBY; PROVIDING FOR RELATED MATTERS AND
DECLARING AN EMERGENCY

Mr. Hier stated that the City has been exploring a Lease Purchase Financing arrangement to fund a portion of the Parks Maintenance Building. The City decided to proceed with All American Investment Group (“AAIG”), which will assign the Agreements to Colorado State Bank and Trust. AAIG is offering a 10 year term for the \$2,600,000 financed amount with a 4.28% interest rate. Because Council will not be meeting again until after the expiration of the Lease Rate and closing on the transaction, Ordinance No. 18 must be passed as an emergency ordinance to take effect immediately. Councilor Bascom moved to approve Ordinance 18-08 as presented and ordered it to be published in full as required by Charter, seconded by Councilor Rice.

ROLL CALL: Yes - Bascom, A. Lambert, Miller, Rice, Thompson, K. Lambert

***EMERGENCY ORDINANCE 19-08 WORKFORCE HOUSING INCENTIVE PILOT
PROGRAM AMENDMENT***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING THE
WORKFORCE HOUSING INCENTIVES PILOT PROGRAM ENACTED BY
ORDINANCE NO. 5, SERIES OF 2008 AND DECLARING AN EMERGENCY

Mr. Leavenworth noted that by Ordinance No. 5, Series of 2008, the City adopted an incentive pilot program to create workforce housing. The Program defines eligible purchasers who must meet income and asset limitations and work in the City limits, or be employed by the school district, federal, state or county government within a certain radius of the City. One unit is constructed and set to close to an eligible purchaser through the Garfield County Housing Authority, and there is a restriction in the Ordinance that severely limits the Program. In Ordinance No. 5, it states that “*the workforce housing unit shall at all times be owner-occupied by an eligible purchaser, as defined herein, and no portion shall be leased or rented to a non-eligible purchaser.*” After discussing this issue with the Housing Authority, it will be very difficult to attract buyers if they are not allowed to have roommates in the units, and it is not practical for the Housing Authority to monitor roommates to determine if they would meet the definition of eligible purchaser. Therefore, staff recommends amending the Program by deleting this restriction. Because a closing is scheduled on one unit, and another is being advertised for sale, this amendment must be passed as an emergency ordinance to make it effective immediately. Councilor Bascom moved to approve Ordinance 19-08 as presented and ordered it to be published in full as required by Charter, seconded by Councilor A. Lambert.

ROLL CALL: Yes - Bascom, A. Lambert, Miller, Rice, Thompson, K. Lambert

RESOLUTION 35-08: DOWNTOWN PARKING RESTRICTIONS

Mayor Lambert stated that this item needs to be continued to the next meeting to allow the affected business owners to have a meeting on August 21st to discuss potential changes to the parking code.

AUTHORIZE ENGINEERING SERVICES FOR TAUGHENBAUGH EXTENSION

Mr. Hier stated that this request is for the authorization of engineering services for design of Taughenbaugh Boulevard Extension south to County Road 320/County Road 322/Last Chance Drive for an estimated amount not to exceed \$172,000. An amount of \$500,000 for engineering services was included in the Street Improvement Fund Budget for this work and the Railroad/US 6/SH 13 planning/design effort. A DOLA grant in the amount of \$500,000 will supplement the budget amount for the total project engineering cost. Tasks include survey, geotechnical work, design, plans and specifications, cost estimate, advertisement, prebid meeting, addenda preparation and award recommendation. The estimated cost also includes plats and legal descriptions for property needed for the improvements. This would include curb, gutter and sidewalk on both sides of the new 36 foot wide street, new handicap ramps, street lighting, striping, signage and connections to the existing roadways. Piping of the Last Chance Ditch and extension of the water and sewer mains are also included in the design work. Acquisition of the right-of-way required will be a City of Rifle responsibility. Discussions with the property owners have been initiated. Financial assistance from Garfield County for the construction of the improvements has been requested, and they have indicated a willingness to participate. Construction cost is expected to exceed \$1,000,000. Councilor A. Lambert moved to authorize engineering services for Taughenbaugh extension in an amount not to exceed \$172,000; seconded by Councilor Miller.

ROLL CALL: Yes - Bascom, A. Lambert, Miller, Rice, Thompson, K. Lambert

CHANGE ORDER FOR ROUNDABOUT SIDEWALKS

Mr. Hier stated that, contingent upon CDOT approval, this request is to approve a change order to the Roundabout Project for an amount not to exceed \$50,000 for a sidewalk from the north entrance to the rest area, south across the west bound on-ramp to I-70 to the present proposed end of the sidewalk at the north side of the bridge over I-70. Funds in the amount of \$50,000 are available and in the present contract because this amount was reserved for "Contaminated Soils" (to remove hydrocarbons if discovered near the existing gasoline stations). No trace of hydrocarbons was discovered in the testing performed during excavations in the area. In affect, the change order would not increase the overall amount budgeted for the project. The present walkway is in the dirt area adjacent to the existing pavement and pedestrian crossings/signs have not been placed at the entrance to the rest area or the west bound on-ramp. The major problem with this improvement is that 90% will be removed to accommodate the third future roundabout. However, the third roundabout is not expected to be constructed within the next 5 years (or longer) and it was felt the improvement would benefit the citizens of Rifle and should be installed. Councilor A. Lambert moved to authorize the change order for roundabout sidewalks in an amount not to exceed \$58,000; seconded by Councilor Bascom.

ROLL CALL: Yes - Bascom, A. Lambert, Miller, Rice, Thompson, K. Lambert

UPDATE ON THE PARTIAL CLOSURE OF SOUTH SEVENTH STREET

Mr. Hier reported that a letter has been received from Martinez Western updating the date for closure of South 7th Street to the 17th of August, the same date for initiation of Phase 2 (shift of traffic to east side of SH 13). The east lane of South 7th Street is expected to be closed for about one week. The County of Garfield has agreed with the detour of traffic on CR 320 and CR 322 to Last Chance Drive and Megan Avenue. The week for construction would consist of demolition, preparation (forms, etc.), concrete placement, curing, sawcutting and connection to the existing asphalt roadway. The closure would benefit the City by reducing the completion time for the entire project, and result in a cost savings from reduced traffic control (reduction in number of flaggers). The benefits for the traveling public includes the elimination of a left turn through a confusing intersection, a reduction in the number of traffic switches required under the original traffic control plan, a reduction in the number of days to complete the project and a functioning Airport Road Roundabout on August 24th. If conditions warrant, flaggers would be provided at Megan Avenue for a smooth traffic flow. The contractors will pay for any accelerators to reduce the time of concrete curing and pay for any weekend and/or extended hours when our consultant may be required to be on site inspecting the work. Notification will be through the use of message boards, newspaper, television, radio, signs, individual contact and the Rifle website.

ADMINISTRATIVE REPORTS

Mr. Hier reported on: Filling all vacant positions in the City; Brian Prunty deploying to Iraq; Capital projects moving forward; South Side business promotional program is going well; Roundabouts "Cattle Drive" design; Utility line installation on Whiteriver; Wastewater Plant progress; Future water plant design; Justice Center progress; Award of DOLA Grant for "Construction Crew"; FML money; 2009 budgeting; Permission from Council to reschedule the budget workshop until Oct 7. Ms. Nelson reminded the Council about the CML District 11 meeting. Mr. Sturgeon reported on concerns from the owners of Chicago Italiano in regards to the pending policy on temporary trailers for businesses. He advised the Council members that they may be receiving phone calls as well in the coming weeks.

COMMENTS FROM MAYOR AND COUNCIL

SENIORS CONCERNED ABOUT DRIVING ROUNDABOUTS

Councilor A. Lambert recently attended a meeting at the Senior Center regarding driving on the Roundabouts. He wanted to express their concerns to the rest of the Council and enquire about training sessions that may be available to them from the Rifle Police Department.

RIFLE CREEK MUSEUM IN NEED OF REPAIRS

Councilor A. Lambert met with museum staff and would like to extend a warm "Thank You" from the museum to the City of Rifle for the newly installed roof. Councilor A. Lambert would also like to draw attention to the failing electrical system in the building, and will discuss their needs during the budget work session.

THANK YOU!

Councilor Miller extended gratitude to our Operations and Maintenance Department from the residents of Homestead subdivision for the great job they did with early trash collection.

HAPPY BIRTHDAY!

Councilor Miller wishes his son a Happy Birthday!

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CONGRATULATIONS!

Mayor Lambert gives congratulations to his daughter Kristen and her Fiancé Grant on their upcoming wedding. Councilor A. Lambert also added his congratulations.

The meeting adjourned at 9:02 p.m.

Erin Sims
Deputy City Clerk

Keith Lambert
Mayor