

## RIFLE CITY COUNCIL MEETING

Wednesday, November 16, 2011

### REGULAR MEETING

7:00 p.m. \* Council Chambers

A regular meeting of the Rifle City Council was called to order at 7:05 p.m. by Mayor Jay Miller.

**PRESENT ON ROLL CALL:** Councilors Rich Carter, Keith Lambert, Jonathan Rice, Randy Winkler, and Mayor Jay Miller.

Councilor K. Lambert moved to excuse Councilors Alan Lambert and Jen Sanborn from tonight's meeting; seconded by Councilor Rice. Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller

**OTHERS PRESENT:** John Hier, City Manager; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Channel 10 Manager; Michael Churchill, Channel 10 Assistant Manager; Daryl Meisner, Police Chief; Vaughn Miles, Police Sergeant; Mike Braaten, Government Affairs Coordinator; Rick Barth, City Engineer; Heather Mullen, Animal Shelter Manager; John Scalzo; Katie Mackley; Nancy Bayne; Kevin Alvey; Barb Clifton, Terri Potter, and Sara Dunn.

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

- A. Minutes from the November 2, 2011 Regular Meeting
- B. Liquor License Renewals: BPOE Lodge Rifle Lodge #2195; Kum & Go #922
- C. Modification of Liquor-Licensed Premises: Kum & Go #922
- D. Amended Intergovernmental Agreement with Garfield Clean Energy
- E. Reappointment for DDA Board Member
- F. Appointment of New DDA Board Member
- G. September Financial Report
- H. September Sales Tax Report
- I. Accounts Payable

Councilor Rice moved to approve Consent Agenda Items A, B, C, E, F, G, H, and I; seconded by Councilor Carter.

Roll Call: Yes – Carter, K. Lambert, Rice, Winkler (abstaining as to Items E, F, and I), Miller (abstaining as to Item A)

Item D (Amended Intergovernmental Agreement with Garfield Clean Energy) is still undergoing revision. Staff will bring it to Council for action when it is finalized.

### **CITIZEN COMMENTS AND LIVE CALL-IN**

John Scalzo stated that Council should not have approved that provision of the International Residential Code that would require fire sprinkler systems for all new residential structures effective January 1, 2013.

There were no other citizen comments or live call-ins.

***PROCLAMATION – RIFLE COMMUNITY FOUNDATION WEEK***

Mayor Miller read aloud and presented to Katie Mackley, President, Rifle Community Foundation, a Proclamation designating the week of November 12 through November 18, 2011, as “Rifle Community Foundation Week,” to recognize the Foundation’s charitable organizations and the concerned individuals who donate their time, talent, and material resources to them.

Councilor K. Lambert moved to approve the proclamation; seconded by Councilor Rice.

Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller

***PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – BPOE LODGE RIFLE LODGE #2195/RIFLE FIRE PROTECTION DISTRICT’S HOLIDAY EVENT***

Mayor Miller opened the public hearing and swore in Nancy Bayne and Kevin Alvey, representing BPOE Lodge Rifle Lodge #2195 and Rifle Fire Protection District, respectively. Ms. Bayne and Mr. Alvey presented the Lodge’s application for a special event permit to provide liquor service at the District’s Holiday Event on December 10, at the Hospital’s premises. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor Winkler moved to approve the Special Event Liquor Permit for BPOE Lodge Rifle Lodge #2195 on December 10, 2011, at Grand River Hospital District; seconded by Councilor K. Lambert.

Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller

***PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – BPOE LODGE RIFLE LODGE #2195/CITY OF RIFLE’S HOLIDAY EVENT***

Mayor Miller opened the public hearing and swore in Nancy Bayne, representing BPOE Lodge Rifle Lodge #2195. Ms. Bayne presented the Lodge’s application for a special event permit to provide liquor service at the City’s Holiday Event on December 16, at the Hospital’s premises. Ms. Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor Rice moved to approve the Special Event Liquor Permit for BPOE Lodge Rifle Lodge #2195 on December 16, 2011, at Grand River Hospital District; seconded by Councilor Carter.

Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller

***PUBLIC HEARING - 2012 PROPOSED BUDGET***

Mayor Miller opened the public hearing. City Manager John Hier provided an overview of the proposed 2012 budget. The following funds were discussed: Water Fund, Wastewater Fund, Sanitation Fund, Fleet Fund, and Information Technology Fund.

***CONSIDER AMENDING LIQUOR CODE REGARDING SUSPENSION OF LIQUOR LICENSES – ORDINANCE NO. 16, SERIES OF 2011 – SECOND READING***

**AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 6-5-100 OF THE RIFLE MUNICIPAL CODE REGARDING ENFORCEMENT OPTIONS FOR VIOLATIONS OF LIQUOR LICENSES AND STATE AND LOCAL LIQUOR LAWS**

City Attorney Jim Neu reminded Council that the State performed a liquor license compliance check last year that resulted in several violations. Since then, the Rifle Police Department followed up with its own compliance check that resulted in additional violations at the local level. Ms. Cain and Mr. Neu were working on enforcement

actions under the City's Liquor Code. Mr. Neu found a limitation in RMC Section 6-5-100 that authorizes only the suspension or revocation of licenses. Suspension and revocation may not always be appropriate when reviewing the severity of the violation. Police Chief Daryl Meisner does not know of any policy reason this limitation exists as it takes away some enforcement tools the City may want to utilize in specific situations. The State often enters into a stipulation with a license holder that requires the payment of a fine to stay a suspension. Staff believes that the City should have the same ability and state statute specifically authorizes fines if a local jurisdiction provides for them by ordinance. Therefore, staff recommends that the City Council amend Section 6-5-100 as proposed in Ordinance No. 16, Series of 2011.

Councilor K. Lambert moved to approve Ordinance No. 16, Series of 2011, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Rice.

Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller

***CONSIDER ANIMAL SHELTER CONTRACT***

Garfield County Animal Welfare Foundation Inc., d/b/a Friends of Rifle Animal Shelter ("FRAS") Board Members Barb Clifton, Terri Potter, and Sara Dunn were present, as well as Animal Shelter Manager Heather Mullen. Mr. Neu and Chief Meisner noted that the City has long operated the Rifle Animal Shelter on City-owned property located at 569 County Road 265. In order to economize resources and provide Rifle residents with the best levels of service in this area, City staff has negotiated with FRAS to turn over operation of the animal shelter to FRAS. FRAS believes there are grants and funding available to it in the future once it has a track record of independently operating the Shelter. The proposed Domestic Animal Shelter and Impoundment Services Agreement between the City and FRAS defines the nature and extent of these operations. The Agreement also serves as a lease whereby FRAS will rent the existing Rifle Animal Shelter property from the City for \$1.00 a year, subject to certain conditions established in the Agreement. The initial term of the lease is for calendar year 2012. As consideration for FRAS's agreement to operate the Rifle Animal Shelter and to provide impoundment services in 2012, the City will pay FRAS \$83,723.00, to be paid by the City in four equal installments of \$20,930.75 on a quarterly basis commencing January 1, 2012.

Overall, the Agreement provides for little to no change in the level and nature of care provided to impounded animals and the type of animal shelter services offered in the City and should pave the way for a smooth transition to FRAS's assumption of such services.

Councilor Carter moved to approve the Domestic Animal Shelter and Impoundment Services Agreement with Friends of Rifle Animal Shelter; seconded by Councilor Winkler.

Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller

***RECEIVE UPDATE ON WATER INTAKE DAMAGE AND CONSIDER REQUEST FOR EXPENDITURE TO PURCHASE MATERIALS IN ANTICIPATION OF REQUIRED REPAIRS***

City Engineer Rick Barth requested funds to repair damage to the City's water intake facilities on the Colorado River caused by this past spring's heavy runoff. The dike at the intake was eroded and requires a new riprap face. In addition, a gravel bar was deposited in front of the intake and will need to be removed. Staff is waiting to hear whether federal monies will be available to pay for these repairs, the cost of which could exceed \$200,000. In the meantime, boulders for constructing a new riprap face are available from Roy Savage in the Cache Creek basin. The boulders are free but would have to be trucked to the site, at an estimated cost of \$40,000. If the City receives the anticipated federal monies, it would repay itself the \$40,000.

Councilor Rice moved to approve the expenditure of an amount not to exceed \$40,000 to acquire materials to repair the water intake dike; seconded by Councilor Winkler.

Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller

**ADMINISTRATIVE REPORTS**

Mr. Hier reported to Council on the following issues: hiring Administrative Assistant Maryann Dodson; street work; banner poles; Associated Governments of Northwest Colorado membership; requests for proposals for design work at the Ute Theatre; and sales tax refunds.

Pursuant to the Rifle Area Chamber of Commerce’s request to Ms. Cain, Council will meet in a workshop session with the Chamber Board on December 14. Staff will invite the Visitor Improvements Fund Advisory Board to the workshop.

Government Affairs Coordinator Mike Braaten informed Council about the Rifle Bucks program and the Bureau of Land Management’s Oil Shale Programmatic Environmental Impact Statement.

**COMMENTS FROM MAYOR AND COUNCIL**

Council wished the Rifle High School football team good luck in this weekend’s playoff game.

Meeting adjourned at 8:35 p.m.

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Lisa H. Cain  
City Clerk

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Jay D. Miller  
Mayor