

RIFLE CITY COUNCIL MEETING

Wednesday, June 6, 2012

REGULAR MEETING

7:00 p.m. * Council Chambers

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

PRESENT ON ROLL CALL: Councilors Rich Carter, Alan Lambert, Keith Lambert, Jen Sanborn, Randy Winkler, and Mayor Jay Miller.

Councilor A. Lambert moved to excuse Councilor Jonathan Rice from tonight’s meeting; seconded by Councilor K. Lambert. Roll Call: Yes – Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

OTHERS PRESENT: John Hier, City Manager; Matt Sturgeon, Assistant City Manager/Director of Planning; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Channel 10 Manager; Michael Churchill, Channel 10 Assistant Manager; Charlotte Squires, Administrative Assistant; Dick Deussen, Utilities Director; Charles Kelty, Finance Director; Kristen Tarufelli, Staff Accountant; Mike Braaten, Government Affairs Coordinator; Rick Barth, City Engineer; Robert Burns, Water Supervisor; Kristy Christensen, Deputy City Clerk; Diego Piña, Police Sergeant; José Valadez, Police Officer; Bobbi Bergman; Sarah Blakeslee; Paul Currier; Jo Ann Dodea; Gil Frontella; Keith Gilstrap; Dick Hewitt; Judy Hewitt; Betty Jones; Trudy Lowery; Tim Mayberry; Mike McKibbin; W. O. Pickett; Dick Rhoades; John Scalzo; Tom Sowieja; John Steele; John Stewart; and Leon Wooley.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the May 16, 2012 Regular Meeting
- B. Liquor License Renewals – La Hacienda; Red River Quick Mart; Choice Liquors; 6&13 Quick Mart; Rocky Mountain Liquors
- C. Accounts Payable
- D. Set hearing to consider suspension or revocation of liquor license of Fiesta Guadalajara

Councilor A. Lambert moved to approve Consent Agenda Items A, B, C, and D; seconded by Councilor Carter.

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

CITIZEN COMMENTS AND LIVE CALL-IN

Betty Jones asked about use of charcoal at the water plant for taste and odor problems, and the advantages and disadvantages of a reverse osmosis system. Council suggested Ms. Jones meet with City staff and the City’s consulting engineers to discuss these matters.

John Scalzo asked about cleaning of the water tanks.

John Steele asked about the status of the water treatment plant loan. City Attorney Jim Neu explained Council had not rescinded its decision to apply for the loan. The loan closing has not occurred because staff has been following Council’s direction to hold workshops regarding the water treatment plant. Mr. Steele said that Council’s special meetings on February 6, March 5, and May 9, 2012 were not called in accordance with the City Charter. Mr. Neu explained that the purpose of the Charter provision is to make sure that all Council Members are

aware that a special meeting is going to occur. All Councilors were informed that these special meetings were going to occur, and public notice of each meeting was posted at City Hall at least 24 hours prior to each meeting as required.

Dick Hewitt and Leon Wooley reported that conditions in west Rifle have not improved with respect to bad odors emanating from the CacaLoco composting operation. Council and staff assured Mr. Hewitt and Mr. Wooley that the City is taking action as quickly as possible under the law. They suggested that Mr. Hewitt and Mr. Wooley lodge complaints with the State of Colorado, because the State has more regulatory powers than the City does in this matter.

Gil Frontella suggested that the City evict CacaLoco.

Judy Hewitt demanded a solution to the CacaLoco issue.

Keith Gilstrap said the City must do something about CacaLoco.

John Scalzo thanked the City for the improved turning radius at Railroad Avenue and 16th Street. He requested improvements to the turning radius at Railroad Avenue and 14th Street.

Trudy Lowery said that in the future, the City must do a better job than it did when it leased City land to CacaLoco.

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

CONSIDER ACCEPTING AUDIT OF 2011 FINANCIAL RECORDS

Finance Director Charles Kelty and Tim Mayberry, representing Johnson, Holscher & Company, P.C., presented a draft audit of the City's 2011 financial records. They will present the final audit for Council action at a future meeting.

PROCLAMATION – PAINT THE TOWN PURPLE WEEK

Mayor Miller read aloud a proclamation declaring June 25 through June 30, 2012, as Paint The Town Purple Week to bring more awareness to cancer and Rifle Area Relay for Life, and supporting the fight to find a cure for all cancers.

Councilor A. Lambert moved to approve the proclamation; seconded by Councilor Sanborn.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

Rifle Area Relay for Life participants received the proclamation and asked the public to support Rifle Area Relay for Life.

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – RIFLE MOOSE LODGE #1345

Mayor Miller opened the public hearing and swore in John Stewart and Bobbi Bergman, representing Rifle Moose Lodge #1345, and Charlotte Squires, representing Rifle Area Relay for Life. Mr. Stewart and Ms. Bergman presented the Lodge's application for a special event permit to provide liquor service (a beer garden) at 133 East 3rd Street during the Rifle Relay for Life Paint the Town Purple fundraising event on June 29, 2012, from 6 PM to 10:30 PM. Ms. Squires described the Paint the Town Purple Week events. She explained that a portion of the beer garden proceeds would benefit Rifle Relay for Life. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor Carter moved to approve the Special Event Liquor Permit for Rifle Moose Lodge #1345 on June 29, 2012, from 6 PM to 10:30 PM, at 133 East 3rd Street; seconded by Councilor Winkler.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

PUBLIC HEARING – APPLICATION TO TRANSFER HOTEL & RESTAURANT LIQUOR LICENSE FROM ANGELICA BURGARA D/B/A EL KORA MEXICAN RESTAURANT TO ARTURO SAUCEDA D/B/A EL KORA MEXICAN RESTAURANT

Ms. Cain noted that previously, Council scheduled a public hearing tonight to review the application of Arturo Saucedo d/b/a El Kora Mexican Restaurant to transfer to himself the Hotel & Restaurant Liquor License for premises located at 160 East 26th Street. Although notice of the hearing was published in a timely fashion in the newspaper, the applicant did not post notice of the hearing at the premises at least 10 days before the hearing, as required. By consensus, Council cancelled tonight’s hearing and set the hearing for June 18 instead.

CONSIDER ORDINANCE NO. 13, SERIES OF 2012 (SECOND READING) - REPEALING AND REENACTING RMC CHAPTER 7, ARTICLE VI, “ANIMALS”

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO REPEALING AND REENACTING CHAPTER 7, ARTICLE VI OF THE RIFLE MUNICIPAL CODE, “ANIMALS.”

Mr. Neu explained that the revised version of Ordinance No. 13, Series of 2012 under consideration amends the definition of pot-bellied pigs and clarifies certain enforcement and violation provisions.

The first reading text of Ordinance No. 13 carried over the City’s existing chicken regulations, which limit single family residences in the City to two chickens or ducks combined. Under the existing regulations, no chickens or ducks are permitted for multi-family residences. The revised version would increase the total number of permitted chickens and/or ducks per single family residence to ten and would include some basic regulations in a new Section 7-6-130. These regulations would prohibit roosters, require chicken enclosures to protect the birds from predators, and address waste and odors, which would also be enforceable violations under the City’s general nuisance provisions.

Jo Ann Dodea asked if she could keep the chickens she has. Staff advised Ms. Dodea to ask this of the City Prosecutor. The Animal Code currently prohibits chickens in a multi-family zone (where Ms. Dodea lives), and proposed Ordinance No. 13 would not change this.

There was discussion about whether to adopt more specific chicken and fowl regulations.

Councilor A. Lambert moved to table consideration of Ordinance No. 13, Series of 2012, to allow staff additional time to add more specific chicken and fowl regulations to the ordinance; seconded by Councilor Sanborn.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

CONSIDER SUPPORTING APPLICATION FOR GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT GRANT – RESOLUTION NO. 13, SERIES OF 2012

Government Affairs Coordinator Mike Braaten explained that staff recently submitted a grant application to the Garfield County Federal Mineral Lease District (GCFMLD) to complete the Airport Road Mill and Overlay & Waterline Tie-in Connection project. The total estimated project cost is \$491,054.00. The City is requesting \$330,000 in GCFMLD funds and has committed \$140,000 in a cash match and \$21,054.00 in an in-kind match for a total match of 33 percent of the total project. Staff was able to identify funds that will not impact the planned 2012 street project funding (Street Contingency Funds) and, if funded by GCFMLD, will advance this project and

complete the needed tie-in connection for a redundant waterline to south Rifle. Mr. Braaten recommended that Council approve Resolution No. 13, Series of 2012, supporting the grant application.

Councilor K. Lambert moved to approve Resolution No. 13, Series of 2012, supporting a grant application to the Garfield County Federal Mineral Lease District to complete the Airport Road Mill and Overlay & Waterline Tie-in Connection project; seconded by Councilor Carter.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

CONSIDERATION OF LAND SURVEY WORK REQUIRED FOR STATE HIGHWAY 13/ENTRANCE TO RIFLE RELINQUISHMENT

Mike Braaten and City Engineer Rick Barth reminded Council that the Colorado Department of Transportation (CDOT) offered to relinquish to the City the surface of the bridge/entrance to Rifle. CDOT would maintain the bridge superstructure and the City would take over right-of-way and surface maintenance. Staff held a workshop with Council on May 2, 2012 to discuss the idea of relinquishment and the need to move forward with the land surveying work required for the relinquishment. At that time, staff also briefed Council on the pros and cons of taking over the bridge/entrance surface – the main being the potential \$300,000 cost of a mill and overlay on the area in question. Council indicated interest in moving forward with the idea and requested that staff bring the land survey work before them for approval.

Councilor K. Lambert moved to authorize the expenditure of up to \$3,000 to proceed with land surveying work related to the State Highway 13/Entrance To Rifle Relinquishment; seconded by Councilor Winkler.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

REVIEW OF CITY SOLAR REBATE PROGRAM (INFORMATION)

In September 2009, the City Council instituted a sales and use tax rebate to encourage the installation of solar electric and solar thermal/hot water systems in Rifle. Mr. Braaten reviewed with Council information about the program. Unless Council takes affirmative action, the solar rebate program is scheduled to end on August 31, 2012.

Councilor K. Lambert moved to continue the solar rebate program for an additional 3 years; seconded by Councilor Winkler.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

CONSIDER ORDINANCE NO. 12, SERIES OF 2012 (SECOND READING) - VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT (“VALE”) PROGRAM

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO ADOPTING A NEW ARTICLE XIV TO CHAPTER 2 OF THE RIFLE MUNICIPAL CODE TO ESTABLISH A VICTIMS AND WITNESSES ASSISTANCE AND LAW ENFORCEMENT PROGRAM AND AMENDING SECTION 2-4-240 OF THE RIFLE MUNICIPAL CODE TO INCLUDE COURT FEES ALTERED OR OMITTED BY CODIFICATION ERROR

Mr. Neu informed Council that the City currently participates in the Garfield County Sheriff’s Office victim’s rights program funded in part by the County’s Victims and Witnesses Assistance and Law Enforcement (“VALE”) Fund, but the receipt of such funds is not guaranteed. In order to build a fund for City VALE services and information in the event that Garfield County discontinues its funding of the program, staff proposes in Ordinance No. 12, Series of 2012, adopting a 10 percent surcharge on the costs of municipal court infractions

dedicated to a City VALE Fund. Ordinance No. 12 also establishes a VALE Board, to be comprised of five members appointed by the City Council. The VALE Board will be responsible for administering VALE funds. Ordinance No. 12 also corrects a codification error in Rifle Municipal Code Section 2-4-240 related to several municipal court surcharges.

Council directed staff to report at a future meeting the amount expected to be raised by the surcharge, and how the VALE Board would be appointed.

Councilor K. Lambert moved to approve Ordinance No. 12, Series of 2012, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Sanborn.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

SET DATE FOR POLICE CHIEF INTERVIEWS

Council's consensus was to schedule the community reception for the Police Chief finalists on June 29 and the interviews on June 30.

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: water treatment plant; CacaLoco; street maintenance; trail maintenance; research on grant opportunities; Deerfield Park improvements.

Ms. Cain announced the rescheduling of the June 20 and July 4 Council meetings to June 18 and July 2, respectively. She reported that the City was reviewing applications for a Utility Technician position (which it was filling instead of the Water Operator position vacated earlier this year).

Assistant City Manager/Director of Planning Matt Sturgeon reported on Rifle Creek Plaza landscaping. He noted that staff is working very hard to resolve the CacaLoco problem. He acknowledged that the operation is causing problems, but the City must resolve it in a lawful manner.

COMMENTS FROM MAYOR AND COUNCIL

Councilor A. Lambert spoke in support of the need for a new water treatment plant. He noted that Council did study all the options before deciding to build a new plant. He encouraged citizens to attend the next workshop about the plant on June 13.

Councilor Sanborn asked about the status of compilation of citizens' comments made at the May 30 meeting on the water treatment plant.

Mayor Miller reminded citizens that today was the 68th anniversary of D-Day and asked citizens to remember the sacrifices made during that operation to ensure Americans' freedom.

EXECUTIVE SESSIONS

- **FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS SECTION 24-6-402(4)(B) REGARDING PENDING LITIGATION**
- **TO DISCUSS PERSONNEL MATTERS UNDER CRS 24-6-402(2)(F) AND NOT INVOLVING: (1) ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION; (2) ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL; (3) THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR OF AN ELECTED OFFICIAL; OR (4) PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES**

Councilor A. Lambert moved to adjourn to executive sessions to receive legal advice and to discuss personnel matters; seconded by Councilor Sanborn (8:56 p.m.).

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

Upon return to open session following conclusion of the executive sessions, meeting adjourned at 10:23 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor