

RIFLE CITY COUNCIL MEETING

Wednesday, September 15, 2010

REGULAR MEETING

7:00 p.m. * Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Keith Lambert.

PRESENT ON ROLL CALL: Councilors Alan Lambert, Jen Sanborn, Jeanette Thompson, Randy Winkler, and Mayor Keith Lambert.

Councilor A. Lambert moved to excuse Councilors Jay Miller and Jonathan Rice from tonight’s meeting; seconded by Councilor Thompson.

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

OTHERS PRESENT: John Hier, City Manager; Lisa Cain, City Clerk; Daryl Meisner, Chief of Police; William VanTeylingen, Police Officer; José Valadez, Police Officer; Mike Braaten, Government Affairs Coordinator; Jim Neu, City Attorney; Matt Sturgeon, Assistant City Manager; Jim Bell, Cable 10; Michael Churchill, Cable 10; Charlie Stevens, Utilities Director; Cathy Pauley; Gayla Berry, Police Records Technician; J. B. VanTeylingen, Patricia VanTeylingen, Ryan VanTeylingen, Michelle VanTeylingen; Vaughn Miles, Police Sergeant; Brittany Koley, Community Service Officer; William Jones, Police Detective; Nicole Simonds, Maria Nechkash, Bruce Harper, Mike Ogburn, Blair Bracken, Shaun Brainard, Annick Pruett, Ellen Bleak, Jake Latham, Rob Thompson, Michael Erion.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS: Minutes from the September 1, 2010 Regular Meeting; Intergovernmental Agreement with Garfield County for Congregate Meal/Nutrition Program – City Of Rifle Senior Center – Garfield County Department Of Human Services Senior Programs; Liquor License Renewal for Rifle Brewing Company; Accounts Payable

Councilor Thompson moved to approve the Consent Agenda; seconded by Councilor Winkler.

Roll Call: Yes – A. Lambert, Sanborn, Thompson, Winkler, K. Lambert (A. Lambert and Sanborn abstaining with respect to action on the minutes from the September 1, 2010 regular meeting)

CITIZEN COMMENTS AND LIVE CALL-IN

Ms. Cathy Pauley expressed concern about excavation taking place on Silt Mesa without the party performing the excavation obtaining a watershed protection district permit.

COMMENDATIONS FOR POLICE OFFICERS

Chief Meisner presented commendations to Police Officers William VanTeylingen, José Valadez, and Nicholas Flaten for their actions in connection with the August 2 capture of a murderer who had escaped from an Arizona prison.

RESOLUTION 21-10: SUPPORT OF COUNTYWIDE ADOPTION OF ENERGY EFFICIENCY AND ECONOMIC DEVELOPMENT GOALS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO SUPPORTING THE COUNTYWIDE ADOPTION OF ENERGY EFFICIENCY AND ECONOMIC DEVELOPMENT GOALS

Mr. Braaten introduced Mr. Mike Ogburn, representing Clean Energy Economy for the Region (CLEER). Mr. Ogburn had informed Council in a workshop on September 1 that there are three targets within proposed Resolution 21-10: (1) a countywide goal to increase energy efficiency and reduce energy consumption by 20 percent by 2020; (2) reducing petroleum consumption by 25 percent by 2020; and (3) a goal of 30 percent of countywide electricity to be generated from renewable energy sources by 2020. All the percentage reduction goals start from a 2009 energy use baseline, which was carefully measured in the Garfield New Energy Communities Initiative's recently published 2009 Garfield Energy Inventory. The inventory revealed \$219 million in total energy spending in Garfield County in 2009. Of that, \$95 million was spent on electricity, natural gas and propane, and \$124 million was spent on transportation fuels. A 20 percent reduction in spending on electricity, natural gas and propane would mean \$19 million in savings per year, while a 25 percent reduction in spending on transportation fuels would yield \$24 million a year in savings across the county – a total of \$43 million. Councilor A. Lambert moved to approve Resolution 21-10; seconded by Councilor Thompson.

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

PUBLIC HEARING: RIFLE AREA CHAMBER OF COMMERCE SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR CHILI COOKOFF

Mayor Lambert opened the public hearing. Rifle Area Chamber of Commerce's Blair Bracken and Rifle Brewing Company's Shaun Brainard were sworn in and reviewed the Chamber of Commerce's request. The Chamber plans to host its 31st Annual Chili Cook-Off at the Garfield County Fairgrounds on October 14, 2010. Ms. Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid. Councilor Thompson moved to approve the application of the Rifle Area Chamber of Commerce for a special event liquor permit for the Chili Cook-Off on October 14, 2010; seconded by Councilor Sanborn.

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

SECOND READING OF ORDINANCE 12-10: MOBILE HOME PARK CODE AMENDMENTS

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 16-3-90(h)(5) OF THE RIFLE MUNICIPAL CODE TO EXTEND THE DEADLINES FOR UPGRADES TO NONCONFORMING MOBILE HOME DEVELOPMENTS AND MOBILE HOMES

Mr. Neu explained that Section 16-3-90(h)(5) of the Rifle Municipal Code establishes deadlines for existing nonconforming mobile home developments and mobile homes to conform to City standards. The intent of the Section is to bring nonconforming mobile home developments and mobile homes into compliance with City of Rifle regulations, and HUD standards, by certain specified deadlines. Although these deadlines were considered realistic when enacted, the ongoing recession has impacted the financial ability of residents and property owners to complete the upgrades. September 1, 2010 is cited as the deadline for upgrading street lighting and individual storage to current City standards and upgrading mobile homes to HUD approved standard. This would mean that mobile home development owners with sub-standard lighting and storage facilities would need

to undertake improvements to their properties now, and certain existing mobile homes in the City would violate the Code. Staff recommends that Council approve Ordinance 12-10 extending the deadline for upgrading these items to September 1, 2013, thus allowing mobile home development owners and mobile home owners three additional years to obtain compliance. At that time, staff will analyze the state of existing mobile homes and mobile home developments and determine if further steps to enforce or modify Section 16-3-90(h)(5) should be taken. Councilor Winkler moved to approve Ordinance 12-10 on second reading as presented and ordered it to be published in full as required by Charter; seconded by Councilor A. Lambert.

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

RIFLE REGIONAL WATER PURIFICATION FACILITY PROPERTY ANNEXATION AND ZONING

RESOLUTION 22-10: FINDINGS OF FACT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, CONCERNING THE RIFLE REGIONAL WATER PURIFICATION FACILITY PROPERTY ANNEXATION TO THE CITY OF RIFLE

RESOLUTION 23-10: ANNEXATION PLAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, APPROVING AN ANNEXATION PLAN FOR THE RIFLE REGIONAL WATER PURIFICATION FACILITY PROPERTY ANNEXATION AS REQUIRED UNDER THE MUNICIPAL ANNEXATION ACT OF 1965, AS AMENDED

SECOND READING OF ORDINANCE 13-10: ANNEXATION

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS RIFLE REGIONAL WATER PURIFICATION FACILITY PROPERTY ANNEXATION

PUBLIC HEARING: SECOND READING OF ORDINANCE 14-10: ZONING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE RIFLE REGIONAL WATER PURIFICATION FACILITY PROPERTY ANNEXATION PUBLIC ZONE DISTRICT

Mayor Lambert opened the public hearing. Mr. Sturgeon explained that the City of Rifle Water Utility requests the property commonly known as the Clough Pit be annexed into the City and zoned Public Use. The subject property is located east of the Public Works facility and north of East Centennial Pkwy (aka Hwy 6); 1.86 acres is located on the south side of said roadway. The Planning Commission recommended City Council approve the requested annexation and zoning at its July 27, 2010, meeting. The property is comprised of 34.14 acres and is bordered on two sides by the City's corporate boundaries. The property to the west—40 acres given the City—is zoned Developing Resources and other surrounding properties are zoned Public Use. The Comprehensive Plan calls for zoning the property Mixed-Use Business. This classification occurred prior to the City water utility conducting due diligence for a new water plant site. This site has been selected as the preferred site for a new water treatment plant. The City has already acquired the site and begun engineering design. Staff is recommending the zoning be Public Use. Proposed Resolution 22-10 would make the required findings of fact

for the annexation. Proposed Resolution 23-10 would set forth the required annexation plan for the City. Proposed Ordinance 13-10 would annex the property to the City, and Ordinance 14-10 would accomplish the proposed zoning.

Ms. Ellen Bleak was sworn in and obtained information about the planned location of the water treatment plant.

Councilor A. Lambert moved to approve Resolution 22-10, Resolution 23-10, Ordinance 13-10 on second reading as presented and ordered it to be published in full as required by Charter, and Ordinance 14-10 on second reading as presented and ordered it to be published in full as required by Charter; seconded by Councilor Sanborn.

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

Councilor Rice entered the Council Chambers.

NORTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY ANNEXATION AND ZONING

RESOLUTION 24-10: FINDINGS OF FACT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, CONCERNING THE NORTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY ANNEXATION TO THE CITY OF RIFLE

RESOLUTION 25-10: ANNEXATION PLAN

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, APPROVING AN ANNEXATION PLAN FOR THE NORTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY ANNEXATION AS REQUIRED UNDER THE MUNICIPAL ANNEXATION ACT OF 1965, AS AMENDED

SECOND READING OF ORDINANCE 15-10: ANNEXATION

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE NORTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY

PUBLIC HEARING: SECOND READING OF ORDINANCE 16-10: ZONING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE NORTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY ANNEXATION PUBLIC ZONE DISTRICT

Mayor Lambert opened the public hearing. Mr. Sturgeon reported that the City of Rifle Wastewater Utility requests the property commonly known as the North Rifle Sewer Lagoons be annexed into the City and zoned Public Use. The Rifle Planning Commission recommended City Council approve the requested annexation and zoning on July 27, 2010. The property is comprised of 25.878 acres and is bordered on three sides by the

City's corporate boundaries. The property to the west—the new wastewater plant site—is zoned Public Use and other surrounding properties are zoned Light Industrial. The Comprehensive Plan calls for zoning the property Industrial. Staff is recommending the zoning be Public Use, which permits industrial type activities. This zoning is more consistent with zoning assigned to City-owned properties. Proposed Resolution 24-10 would make the required findings of fact for the annexation. Proposed Resolution 25-10 would set forth the required annexation plan for the City. Proposed Ordinance 15-10 would annex the property to the City, and Ordinance 16-10 would accomplish the proposed zoning. Councilor Thompson moved to approve Resolution 24-10, Resolution 25-10, Ordinance 15-10 on second reading as presented and ordered it to be published in full as required by Charter, and Ordinance 16-10 on second reading as presented and ordered it to be published in full as required by Charter; seconded by Councilor A. Lambert.

Roll Call: Yes – A. Lambert, Rice, Sanborn, Thompson, Winkler, K. Lambert

***PUBLIC HEARING: WATERSHED DISTRICT PERMIT NO. 4-10 - ETC CANYON PIPELINE, LLC
BEAVER CREEK WATERSHED***

Mayor Lambert opened the public hearing. Mr. Jake Latham and Mr. Rob Thompson were sworn in and informed Council that ETC Canyon Pipeline, LLC applied for a Watershed District Permit from the City for the construction of a sixteen inch diameter steel natural gas pipeline in the City's Beaver Creek Watershed. Approximately three miles of the pipeline is located in the City's watershed. Mr. Michael Erion, P.E., reported that he had reviewed the Application. He classified the activity as Minor Impact under the Rifle Municipal Code and recommended several conditions for the issuance of the Permit. Councilor Rice moved to approve Watershed District Permit 4-10; seconded by Councilor Winkler.

Roll Call: Yes – A. Lambert, Rice, Sanborn, Thompson, Winkler, K. Lambert

ADMINISTRATIVE REPORTS

Mr. Hier reported on preparation of the draft budget for 2011; code enforcement efforts; Centennial Park grand opening on September 25; workshop on October 4 with the Garfield County Commissioners to discuss WestFest; Rifle Creek Theater renovation; and employee picnic on September 17.

Mr. Sturgeon informed Council about the Rifle Circulator Feasibility Study; Central Business District code rewrite; code enforcement efforts; Garfield County Comprehensive Plan; Fairway Avenue; and Intermountain West Funder Network.

Mr. Braaten announced that Colorado Lieutenant Governor Barbara O'Brien would visit Rifle on October 5 from 10 a.m. to noon. He is setting up a training session for October 19 on effective communication with the public, to be followed by training on using public improvement fees, tax increment financing, and urban renewal authorities. The Department of Local Affairs will offer training on public finance on September 29 in connection with a meeting related to the Sustainable Main Streets Initiative. A Roan Plateau wildlife habitat tour will take place on October 8 or October 15. The National League of Cities Conference will take place from December 2 through December 4 in Denver. He has prepared a letter to Interior Secretary Salazar concerning a request for a Community Impact Assessment prior to commercial oil shale leasing.

Chief Meisner and Mr. Stevens invited the community to participate in National Prescription Drug Take Back Day on September 25 from 10 a.m. to 2 p.m. at the Rifle Police Department.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Thompson thanked Sanitation Driver Lance Mead for assisting a customer with moving a trash can to the curb.

Councilor A. Lambert noted that the Cayton Ranger Station recently celebrated its 100th Anniversary.

Councilor Sanborn commended Mr. Stevens for initiating the creation of the Middle Colorado River Watershed Partnership. The next meeting of the Partnership will be on September 21 at 8:30 a.m. at the Garfield RE-2 Administration Building.

Mayor Lambert related that he had been contacted by a family that had been traveling recently through Rifle. The family expressed its gratitude to Police Officer Kirk Wilson for his kind assistance to them following an accident.

Mayor Lambert encouraged the community to attend the Centennial Park dedication and open house on September 25 from 4 p.m. to 8 p.m.

EXECUTIVE SESSIONS

EXECUTIVE SESSION FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS 24-6-402(4)(B)

EXECUTIVE SESSION FOR DISCUSSION OF A PERSONNEL MATTER 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 Session to receive legal advice and discuss personnel matters; seconded by Councilor Rice (8:40 p.m.).

Roll Call: Yes – A. Lambert, Rice, Sanborn, Thompson, Winkler, K. Lambert

Councilor Rice moved to adjourn from Executive Session; seconded by Councilor A. Lambert (9:19 p.m.).

Roll Call: Yes – A. Lambert, Rice, Sanborn, Thompson, Winkler, K. Lambert

Meeting adjourned at 9:20 p.m.

Lisa H. Cain
City Clerk

Keith Lambert
Mayor