

**RIFLE CITY COUNCIL MEETING**

Monday, July 2, 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, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Jay Miller.

Councilor A. Lambert moved to excuse Councilor Keith Lambert from tonight's meeting; seconded by Councilor Rice. Roll Call: Yes – Carter, A. Lambert, Rice, 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; Mike Braaten, Government Affairs Coordinator; Aleks Briedis, Recreation Director; Dick Deussen, Utility Director; Charles Kelty, Finance Director; Daryl Meisner, Police Chief; Larry Dragon; Gil Frontella; Chris Manera; Mike McKibbin; and Helen Rogers.

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

- A. Minutes from the June 18, 2012 Regular Meeting
- B. Liquor License Renewals – Winchester Nite-Club; Base Camp Café
- C. Stipulation, Agreement, and Order with respect to liquor license of Fiesta Guadalajara
- D. Intergovernmental Agreement for Congregate Meal/Nutrition Program
- E. Colorado River Cooperative Agreement
- F. Parks and Recreation Advisory Board appointment
- G. Accounts Payable

Councilor Winkler moved to approve Consent Agenda Items A, B, C, D, E, F, and G; seconded by Councilor Sanborn.

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

**CITIZEN COMMENTS AND LIVE CALL-IN**

There were no citizen comments or live call-ins.

***CONSIDER DIRECTING STAFF TO PREPARE LEASE AGREEMENT WITH COLORADO DEPARTMENT OF TRANSPORTATION FOR BOAT RAMP AREA***

Helen Rogers, Chris Manera, and Larry Dragon requested that the City move forward with development of a lease agreement regarding the proposed Rifle Boat Ramp Area on the south side of the Colorado River adjacent to the Rifle Rest Area. They reviewed with Council a phased approach to the project.

Councilor Carter moved to direct staff to prepare a lease agreement with the Colorado Department of Transportation for the boat ramp area; seconded by Councilor Sanborn.

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

**CONSIDER ADOPTING CITY STRATEGIC PLAN FOR 2012**

City Manager John Hier noted that the Council and staff participate in a yearly strategic planning session to review the city's mission, vision, and goals.

Councilor Rice moved to adopt the City Strategic Plan for 2012; seconded by Councilor A. Lambert.

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

**CONSIDER ORDINANCE NO. 14, SERIES OF 2012 (SECOND READING), EXTENDING APPROVAL OF \$25,500,000 WATER AND POWER LOAN AGREEMENT FOR NEW WATER TREATMENT PLANT**

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE LOAN AGREEMENTS AND THE ISSUANCE OF ONE OR MORE GOVERNMENTAL AGENCY BONDS BY THE CITY OF RIFLE, COLORADO, ACTING BY AND THROUGH ITS WATER ENTERPRISE, TO THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY, SUCH GOVERNMENTAL AGENCY BONDS TO BE IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$25,500,000, FOR THE PURPOSE OF FINANCING IMPROVEMENTS TO THE WATER TREATMENT SYSTEM OPERATED BY SUCH ENTERPRISE, INCLUDING CONSTRUCTION OF A NEW WATER TREATMENT FACILITY; PROVIDING FOR APPLICATION OF THE NET REVENUES OF SUCH SYSTEM TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH GOVERNMENTAL AGENCY BONDS AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH

City Attorney Jim Neu reminded Council that on April 18, 2012, it adopted Ordinance No. 11, Series of 2012, authorizing the City, through its Water Enterprise, to enter into certain loan agreements with Colorado Water Resources and Power Authority. Ordinance No. 11 authorized the Mayor, Finance Director and City Manager to execute and deliver the Loan Agreement and Government Agency Bond within 60 days of the date of final adoption. That 60-day period expired on June 17, 2012, necessitating that Council adopt a replacement ordinance authorizing the execution of the Loan Agreement and Government Agency Bond. Ordinance No. 14, Series of 2012, is substantively identical to Ordinance No. 11, Series of 2012.

Council discussed the risk of delaying construction of a new water treatment plant and the impact of water rate increases upon customers.

Councilor Rice moved to approve Ordinance No. 14, Series of 2012, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor A. Lambert.

Roll Call: Yes - Carter, A. Lambert, Rice, Miller. No - Sanborn, Winkler.

***CONSIDER ORDINANCE NO. 15, SERIES OF 2012 (SECOND READING) AMENDING SECTION 4-2-50 OF THE RIFLE MUNICIPAL CODE TO EXTEND SALES AND USE TAX REBATES FOR QUALIFIED PHOTOVOLTAIC AND SOLAR THERMAL SYSTEM INSTALLATIONS FOR AN ADDITIONAL THREE-YEAR PERIOD***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 4-2-50 OF THE RIFLE MUNICIPAL CODE TO EXTEND SALES AND USE TAX REBATES FOR QUALIFIED PHOTOVOLTAIC AND SOLAR THERMAL SYSTEM INSTALLATIONS FOR AN ADDITIONAL THREE-YEAR PERIOD

Mr. Neu reminded Council that in September 2009, Council instituted a sales and use tax rebate to encourage the installation of solar electric and solar thermal/hot water systems in Rifle. At its June 6 meeting, Council approved continuing the program for an additional 3 years. Mr. Neu recommended that Council approve Ordinance No. 15, Series of 2012, to extend the program.

Councilor A. Lambert moved to approve Ordinance No. 15, Series of 2012, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Carter.

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

***CONSIDER ORDINANCE NO. 16, SERIES OF 2012 (FIRST READING) EXTENDING FRANCHISE AGREEMENT WITH COMCAST TO DECEMBER 31, 2012***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF RIFLE, COLORADO AND COMCAST OF COLORADO/FLORIDA, INC. TO EXTEND THE TERM OF THE FRANCHISE THROUGH DECEMBER 31, 2012

Channel 10 Manager Jim Bell and Mr. Neu explained that the current version of the City's Comcast Cable Franchise Agreement was adopted in 2002, when the Rifle City Council approved the grant of a nonexclusive Franchise Agreement to TCI of Northern New Jersey, Inc. ("TCI"). After a five-year extension approved in 2007, the Franchise Agreement is now set to expire on August 24, 2012. Comcast of Colorado/Florida, Inc. ("Comcast"), the successor in interest to TCI, has requested an extension of the Franchise Agreement without substantive amendment through the end of 2012. During this time, the City and Comcast will consider adoption of either a new Franchise Agreement or an extension of the existing Franchise Agreement subject to compliance with the Cable Communications Policy Act of 1984 and the Rifle City Charter provisions on franchises. Since 2002, a number of new cable regulations have passed at the state and national level, and the scope of the City's programming has also changed. The revised Franchise Agreement will reference these changes. Staff supports Comcast's request for a temporary extension, as described in proposed Ordinance No. 16, Series of 2012, and will work with the cable provider to prepare a draft Franchise Agreement that meets the City's current and anticipated cable needs before the end of the year.

Gil Frontella objected to the lack of choices for consumers with respect to cable service providers.

Councilor A. Lambert moved to approve Ordinance No. 16, Series of 2012, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor Rice.

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

***CONSIDER REQUEST TO AMEND RIFLE HEIGHTS SUBDIVISION WHITERIVER AVENUE FEE***

Assistant City Manager/Director of Planning Matt Sturgeon reminded Council that the Rifle Heights Subdivision Improvements Agreement required the subdivision developer to pay the City \$159,102 for construction of a portion of Whiteriver Avenue by August 2011. The City has declared the developer to be in default.

The developer has requested these changes relative to this fee:

- (1) That the fee be broken into two parts, with 50 percent of it getting paid in \$5,000 increments with the closing of each lot in Filing 1 and the remaining 50 percent getting paid prior to the initiation of construction with Filing 2.
- (2) That Council waive any late fees and penalties now due, because of extraordinarily severe economic times.

Council's consensus was to amend the fee as requested with respect to timing of payment of the fee, but not to waive late fees, penalties, or staff time for processing this request.

**ADMINISTRATIVE REPORTS**

Mr. Hier reported to Council on the following issues: water issues; fire issues; CacaLoco; Police Chief recruitment; street sweeper; pedestrian crossing at City Hall; and Municipal Court.

Mr. Sturgeon thanked the people who staffed the City information booth at Sunday's Farmers Market.

At Mr. Neu's request, Council confirmed that staff should move forward on closing the loan for the new water treatment plant.

Government Affairs Coordinator Mike Braaten announced that the Garfield County Federal Mineral Lease District had awarded the City a grant for the Airport Road overlay.

**COMMENTS FROM MAYOR AND COUNCIL**

Councilor Sanborn requested staff move forward with televising workshops and holding them in the Council Chambers. She suggested that staff post the fire restrictions in Spanish.

Councilor A. Lambert urged citizens to refrain from using fireworks, because of the high risk of fires.

Councilor Rice emphasized that the Council wants staff to pursue as many options as possible to minimize water rate increases associated with building a new water treatment plant.

Mayor Miller said his intent was not to instill fear in citizens with respect to the need to build a new plant.

***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 Rice (8:27 p.m.).

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

Upon return to open session following conclusion of the executive sessions, meeting adjourned at 8:55 p.m.

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Lisa H. Cain  
City Clerk

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Jay D. Miller  
Mayor