

## RIFLE CITY COUNCIL MEETING

Wednesday, September 5, 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, Keith Lambert, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Jay Miller.

Councilor K. Lambert moved to excuse Councilor Alan Lambert from tonight's meeting; seconded by Councilor Sanborn. Roll Call: Yes – Carter, K. 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; Rick Barth, City Engineer; JR Boulton, Police Lieutenant; Max Bowen, Police Officer; Mike Braaten, Government Affairs Coordinator ; Aleks Briedis, Recreation Director; Kristy Christensen, Deputy City Clerk; Carlos Cornejo, Police Officer; Daro, Police K-9; Dick Deussen, Utility Director ; Garrett Duncan, Police Officer; John Dyer, Police Chief; Nick Flaten, Police Officer; Charles Kelty, Finance Director ; Brittany Koley, Community Service Officer; Mike Kuper, Police Sergeant; Justin Macklin, Police Detective; Dustin Marantino, Police Officer; Daryl Meisner, Police Chief ; Vaughn Miles, Police Sergeant; John Miller, Police Detective; Jeremy Muxlow, Police Officer; Diego Piña, Police Sergeant; Mike Pruitt, Police Officer; Angela Roff, City Prosecutor; Dewey Ryan, Police Officer; Valerie Shanahan, Office Manager; Sam Stewart, Police Sergeant; Tulo, Police K-9; Mike Tyler, Police Officer; José Valadez, Police Officer; Will VanTeylingen, Police Officer; Kirk Wilson, Police Officer; Tom Whitmore, Parks Director; Aimee Wride, Records Officer ; Kevin Alvey; Kim Barker; Kelley Cox; Peggy Dyer; Walter Eichinger; Dan Ferguson; Connie Guerette; Bob Howard; Mike McKibbin ; Mary Meisner; Sean Mello; Mike Morgan; Ed Ogden; Ken Olson; Maria Piña; Rex Rhule; Matt Weisbrod ; and Kevin Whelan.

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

- A. Minutes from the August 15, 2012 Regular Meeting
- B. Liquor License Renewal – Wal-Mart
- C. Liquor Licensee Trade Name Change – Wal-Mart
- D. Stipulation with Black Diamond Minerals, LLC and Proposed Decree in District Court, Water Division 5, Case No. 10CW297
- E. July 2012 Sales Tax Report
- F. July 2012 Financial Report
- G. Accounts Payable

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

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

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

There were no citizen comments or live call-ins.

***ACTION, IF ANY, ON WORKSHOP ITEMS***

During the workshop prior to tonight’s regular meeting, Council discussed a proposal to install additional solar renewable energy equipment on City facilities.

Councilor K. Lambert moved to authorize the signing of a letter of intent with Sol Haven Development Partners, LLC, related to the installation of additional solar renewable energy equipment on City facilities; seconded by Councilor Sanborn.

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

***ADMINISTER OATH OF OFFICE TO POLICE CHIEF JOHN DYER; CHANGE OF COMMAND CEREMONY***

City Clerk Lisa Cain administered the oath of office to Police Chief John Dyer. Members of the Police Department conducted a ceremony formalizing the change of command from Police Chief Daryl Meisner to Police Chief John Dyer.

***SHARED AND COOPERATIVE SERVICES PROJECT UPDATE***

Rifle Fire Protection District (“RFPD”) Chief Mike Morgan, RFPD Board Secretary Matt Weisbrod, and RFPD Board Vice President Rex Rhule provided an update to Council on the Shared and Cooperative Services Project involving Rifle Fire Protection District, Burning Mountains Fire Protection District, the City of Glenwood Springs, and Glenwood Springs Rural Fire Protection District.

***CONSIDER CMC AIRPARK PUD MINOR SUBDIVISION FINAL PLAT – RESOLUTION NO. 18, SERIES OF 2012***

Assistant City Manager/Director of Planning Matt Sturgeon, City Attorney Jim Neu, and Airport Land Partners Limited (“ALP”) Managing Partner Bob Howard reminded Council that ALP donated land to Colorado Mountain College several years ago which has been developed as CMC’s Rifle Campus. ALP has requested final plat approval of a three-tract minor subdivision so that it can convey additional land shown as Tracts B and C on the plat to CMC so that it can someday expand the Rifle Campus. Tract A has been included in the application in order to avoid the technical subdivision since it will be severed by the right-of-way serving these properties. The Property is subject to the Rifle Airpark PUD Annexation Agreement, which would defer the identification and implementation of fees and dedications to mitigate the impacts of development until the City’s approval of a PUD Final Development Plan application, which has not yet been submitted. Staff recommended that Council approve Resolution No. 18, Series of 2012, which would approve the minor subdivision requested by ALP with conditions.

Councilor K. Lambert moved to approve Resolution No. 18, Series of 2012, approving the Colorado Mountain College Airpark Planned Unit Development Minor Subdivision; seconded by Councilor Carter.

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

***DISCUSS CREATING EXCEPTION TO LIQUOR-LICENSED ESTABLISHMENT RESTRICTIONS FOR MOVIE THEATERS***

Walter Eichinger, Vice President of Operations, Brenden Theatre Corporation, requested that Council direct staff to prepare an ordinance that would create an exception to the City’s liquor-licensed establishment restrictions to allow movie theaters to sell alcoholic beverages when minors were present on the premises.

After discussion, Council directed staff to prepare an ordinance amending the City's liquor-licensed establishment restrictions. The amended provisions should prohibit minors from entering taverns. For all other types of licensed establishments, the provisions should prohibit minors from entering the establishments after 10 p.m. if alcoholic beverages are still being served.

***CONSIDER AWARDING CONTRACT FOR ENERGY INNOVATION CENTER IMPROVEMENTS***

City Engineer Rick Barth reported that the City requested bids for Phase II of the Energy Innovation Center expansion. This project would expand the roads and utilities to the remaining parcels on City property as well as to the western boundary of City property within the Energy Innovation Center. Mr. Barth recommended that Council award the contract for this project to Johnson Construction, Inc., in an amount not to exceed \$800,470.17.

Councilor Carter moved to award the contract for Phase II of the Energy Innovation Center expansion to Johnson Construction, Inc., in an amount not to exceed \$800,470.17, subject to Garfield County's signing of the Intergovernmental Agreement for Energy Innovation Center Infrastructure Improvements; seconded by Councilor Rice.

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

***CONSIDER AWARDING CONTRACT FOR 12TH STREET CULVERT***

Mr. Barth reported that the City requested bids for construction of a new concrete box culvert at 12<sup>th</sup> Street and Park Avenue. He recommended that Council award the contract for this project to Holmes Concrete, LLC, in an amount not to exceed \$62,212.35.

Councilor K. Lambert moved to award the contract for construction of a new concrete box culvert at 12<sup>th</sup> Street and Park Avenue to Holmes Concrete, LLC, in an amount not to exceed \$62,212.35; seconded by Councilor Rice.

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

***GARFIELD COUNTY FEDERAL MINERAL LEASE DISTRICT AND DEPARTMENT OF LOCAL AFFAIRS GRANTS***

Government Affairs Coordinator Mike Braaten reported that staff has prepared a request for \$25,000 from the Garfield County Federal Mineral Lease District ("GCFMLD") to be matched with additional City funds, to hire a consultant to complete a Biosolids Action Plan for the Rifle Regional Wastewater Reclamation Facility. He recommended that Council approve Resolution No. 19, Series of 2012, supporting this grant application.

Councilor Winkler moved to approve Resolution No. 19, Series of 2012, supporting a grant application for \$25,000 from the Garfield County Federal Mineral Lease District to prepare a Biosolids Action Plan for the Rifle Regional Wastewater Reclamation Facility, as amended; seconded by Councilor K. Lambert.

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

Mr. Braaten reported that staff has prepared a request for \$217,000 from the GCFMLD to complete the engineering and design work related to the future development of the North I-70 Roundabout. He recommended that Council approve Resolution No. 20, Series of 2012, supporting this grant application.

Councilor Rice moved to approve Resolution No. 20, Series of 2012, supporting a grant application for \$217,000 from the Garfield County Federal Mineral Lease District to complete the engineering and design work related to the future development of the North I-70 Roundabout, as amended; seconded by Councilor Carter.

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

***CONSIDER RIFLE REGIONAL ECONOMIC DEVELOPMENT CORPORATION MAIN STREET COORDINATOR FUNDING***

Mr. Braaten reported that staff has been working with the Rifle Regional Economic Development Corporation (“RREDC”) with respect to RREDC’s becoming the coordinating entity of the Rifle Main Street Candidate Program – and to move the Rifle Candidacy into a full-fledged main street community. In addition to an application process, a requirement to become a Main Street Community is to have a full-time Main Street Coordinator to staff the program. RREDC has formally requested \$6,000 from the City for the last quarter of 2012 to hire a person to serve as the Main Street Coordinator.

During discussion, Councilors noted that funding this position in 2012 would not commit the City to funding the position in 2013.

Councilor K. Lambert moved to authorize the expenditure of \$6,000 to support Rifle Regional Economic Development Corporation’s hiring a full-time Main Street Coordinator for the remainder of 2012; seconded by Councilor Rice.

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

***DISCUSS ELECTION RULES***

Mr. Neu reviewed with Council the rules prohibiting the use of public funds to influence the outcome of an election.

***ADMINISTRATIVE REPORTS***

Mr. Hier reported to Council on the following issues: Police Chief; Public Works Superintendent; 2013 budget; public works projects; August 12 work session; City picnic; and City holiday party.

Ms. Cain reported to Council on certification of the November 2012 ballot text.

Mr. Sturgeon received Council’s permission to schedule a discussion of sprinkler requirements for residential units.

Utility Director Dick Deussen updated Council on water treatment plant financing and construction, and early payoff of existing infrastructure loans.

Mr. Braaten reported to Council on statewide ballot initiative 64.

***COMMENTS FROM MAYOR AND COUNCIL***

Councilors congratulated retiring Police Chief Daryl Meisner and newly-appointed Police Chief John Dyer.

***EXECUTIVE SESSION 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 K. Lambert moved to adjourn to executive session to discuss personnel matters; seconded by Councilor Sanborn (9:19 p.m.).

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

Upon return to open session following conclusion of the executive session, meeting adjourned at 9:54 p.m.

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Lisa H. Cain  
City Clerk

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Jay D. Miller  
Mayor