

RIFLE CITY COUNCIL MEETING

Wednesday, October 3, 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, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Jay Miller.

OTHERS PRESENT: John Hier, City Manager; Matt Sturgeon, Assistant City Manager/Director of Planning; Lisa Cain, City Clerk; Jim Neu, City Attorney; Michael Churchill, Channel 10 Assistant Manager; John Dyer, Police Chief; Charles Kelty, Finance Director; Nancy Bayne; Mike McKibbin; and Gina Reece-Long.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the September 19, 2012 Special Meeting
- B. Minutes from the September 19, 2012 Regular Meeting
- C. Appoint Thomas Stuver to Downtown Development Authority Board of Directors for term ending June 30, 2015
- D. Accounts Payable

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

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

Councilor Rice moved to approve the Minutes from the September 19, 2012 Regular Meeting as corrected; seconded by Councilor Carter.

Roll Call: Yes – Carter, A. Lambert, 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 damage from a water line break to property owned by Craig Wilcox and property owned by Kathie Squires doing business as Little Friends Childcare.

Councilor K. Lambert moved to authorize payment of damages to Kathie Squires doing business as Little Friends Childcare in the amount of \$2,515.07, and to Craig Wilcox in the amount of \$2,965.00; seconded by Councilor A. Lambert.

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

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – RIFLE AREA CHAMBER OF COMMERCE – CHILI COOK-OFF

Mayor Miller opened the public hearing and swore in Gina Reece-Long, Event Coordinator, Rifle Area Chamber of Commerce. Ms. Reece-Long presented the Chamber's application for a special event permit to provide liquor service from 5 PM to 9 PM on October 11, 2012, at the 33rd Annual Chili Cook-Off at the Garfield County Fairgrounds. City Clerk Lisa 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 the Rifle Area Chamber of Commerce on October 11, 2012, from 5 PM to 9 PM at the Garfield County Fairgrounds; seconded by Councilor A. Lambert.

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

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – BPOE LODGE RIFLE LODGE #2195 – FRIENDS OF RIFLE ANIMAL SHELTER EVENT

Mayor Miller opened the public hearing and swore in Nancy Bayne, Secretary, BPOE Lodge Rifle Lodge #2195. Ms. Bayne presented the Lodge's application for a special event permit to provide liquor service at the Friends of Rifle Animal Shelter event on October 13, 2012, from 6 PM to 9 PM at Grand River Hospital's meeting rooms. 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 October 13, 2012, from 6 PM to 9 PM at Grand River Hospital's meeting rooms; seconded by Councilor Sanborn.

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

CONSIDER MAP AMENDMENT 2012-1 A REQUEST TO REZONE PROPERTIES ADJACENT TO TAUGHENBAUGH BLVD FROM TOURIST COMMERCIAL TO COMMUNITY SERVICE – ORDINANCE NO. 20, SERIES OF 2012 (FIRST READING)

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REZONING CERTAIN TAUGHENBAUGH BOULEVARD PROPERTIES FROM TOURIST COMMERCIAL (TC) TO COMMUNITY SERVICE ZONE DISTRICT (CS)

Assistant City Manager/Director of Planning Matt Sturgeon requested that Council approve Map Amendment 2012-1 – a rezoning of the Taughenbaugh Boulevard commercial area from Tourist Commercial zoning to Community Service zoning. The purpose of the rezoning is to increase flexibility for properties in the area and align the zoning with the Comprehensive Plan. The Comprehensive Plan considers the Taughenbaugh commercial area (zoned Tourist Commercial) and the Airport Road commercial area (zoned Community Service) to be similar in character and future intent. Community Service zoning allows as a Conditional Use many uses such as carpentry shops, equipment leasing, and auto body shops. However, these uses are prohibited in the Tourist Commercial zone. This rezoning will give properties on Taughenbaugh Boulevard new options for tenants, provided they are in character with the surrounding uses as determined by the Conditional Use Permit process. The only uses that Community Service zoning makes less permissible are campgrounds, golf courses, and motor freight service centers. These uses are neither likely nor desirable in this area. In the short term, the rezoning will positively affect at least one property owner who is seeking to have a light carpentry use that is currently prohibited under Tourist Commercial zoning.

Councilor K. Lambert moved to approve Ordinance No. 20, Series of 2012, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor Carter.

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

RECEIVE DRAFT 2013 BUDGET

Colorado Revised Statutes Section 29-1-105 provides that no later than October 15 of each year, the person appointed to prepare the budget shall submit such budget to the governing body. Finance Director Charles Kelty presented to Council the draft 2013 budget. Council and staff will review the budget in detail at a series of workshops.

CONSIDER ORDINANCE NO. 19, SERIES OF 2012 (FIRST READING) AMENDING LIQUOR-LICENSED ESTABLISHMENT RESTRICTIONS

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTIONS 10-8-30, 10-8-50, AND 10-8-60 OF THE RIFLE MUNICIPAL CODE REGARDING MINORS ON PREMISES

City Attorney Jim Neu explained that the Rifle Municipal Code (“RMC”) prohibits minors (persons under age 21) in liquor-licensed establishments, subject to certain exceptions. This RMC restriction does not differentiate between the types of licensed premises, necessitating the numerous exceptions contained in RMC Section 10-8-60 created by past City Councils. Unless another exception were created, RMC’s current provisions would prohibit the Brenden Theatre from serving beer and wine during movies, unless it were a “21 and over” event. City staff is proposing the adoption of more cohesive and efficient regulations without fully altering the policy intent enacted in the 1970s.

Ordinance No. 19 would revise RMC Sections 10-8-30 and 10-8-50 to restrict minors from entering establishments holding a tavern license—a true bar— rather than all licensed establishments. For other types of licensed establishments, no minors would be permitted to be present after 10:00 p.m. if alcoholic beverages are still being served. This change would address enforcement issues at liquor licensed restaurants and clubs (Elks and Moose) where minors may be eating dinner or out with family, the logic being that most evening meals are finished by 10:00 p.m. After that time the atmosphere of a licensed establishment may be more focused on bar activity and alcohol sales such that minors should be excluded. This prohibition would exclude a location approved for a special event permit where the City Council examines establishment restrictions on a case-by-case basis when approving the special event permit.

With this structure in place, the long list of exceptions to minors on premises restrictions at RMC Section 10-8-60 can be eliminated. Staff recommends retaining the provisions that nothing shall prohibit: (1) owners or necessary maintenance employees from being in the establishment which they own or where they work, or (2) minors between the ages of 18 and 21 years, who are members of an entertainment group paid or employed by the licensee, from being present in a licensed establishment during the period of time they are actually working or performing.

These amendments will aid the Police Department and staff in enforcing the City’s minors on premises restrictions with clear guidelines.

Councilor Rice moved to approve Ordinance No. 19, Series of 2012, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor K. Lambert.

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

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: 2013 budget; water rate increase and billings; construction projects; fire hydrant flushing; wastewater plant sludge; Deputy Court Clerk; employee health insurance; Xcel Energy electrical poles; and Christmas holiday.

Ms. Cain reported to Council on deadlines for the November 2012 election.

Mr. Sturgeon announced the Tour de Downtown Fall Event on October 12 from 4 PM to 8 PM.

COMMENTS FROM MAYOR AND COUNCIL

Councilor A. Lambert requested that the City replace the Rifle Creek Museum emergency exit door.

Meeting adjourned at 7:53 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor