

RIFLE CITY COUNCIL MEETING

Wednesday, October 17, 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, Randy Winkler, and Mayor Jay Miller.

Councilor K. Lambert moved to excuse Councilors Alan Lambert and Jen Sanborn from tonight's meeting; seconded by Councilor Carter. Roll Call: Yes – Carter, K. Lambert, Rice, 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, Utilities Director; John Dyer, Police Chief; Dave Gallegos, Wastewater Supervisor; Bobby O'Dell, Public Works Superintendent; Bill Tabor, Cemetery Sexton; Nancy Bayne; Mike McKibbin; Mike Samson; and Jane Whitt.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the October 3, 2012 Regular Meeting
- B. August 2012 financial report
- C. August 2012 sales tax report
- D. Accounts Payable

Councilor Winkler moved to approve Consent Agenda Items A, B, C, and D; seconded by Councilor Rice. Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller.

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

PRESENTATION BY MAYOR MILLER

Mayor Miller presented Kentucky Colonel Commissions to Channel 10 Manager Jim Bell and Cemetery Sexton Bill Tabor in recognition of their service to the public.

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – BPOE LODGE RIFLE LODGE #2195 – RIFLE FIRE PROTECTION DISTRICT HOLIDAY 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 Rifle Fire Protection District holiday event on December 1, 2012, from 5 p.m. to midnight at Grand River Hospital's meeting rooms. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid.

Councilor Winkler moved to approve the Special Event Liquor Permit for BPOE Lodge Rifle Lodge #2195 on December 1, 2012, from 5 p.m. to midnight at Grand River Hospital's meeting rooms; seconded by Councilor Rice. Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller.

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – BPOE LODGE RIFLE LODGE #2195 – GRAND RIVER HOSPITAL DISTRICT HOLIDAY EVENT

Mayor Miller opened the public hearing and swore in Ms. Bayne, who presented the Lodge's application for a special event permit to provide liquor service at the Grand River Hospital District holiday event on December 8, 2012, from 5 p.m. to midnight 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 Carter moved to approve the Special Event Liquor Permit for BPOE Lodge Rifle Lodge #2195 on December 8, 2012, from 5 p.m. to midnight at Grand River Hospital's meeting rooms; seconded by Councilor K. Lambert. Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller.

PUBLIC HEARING – SPECIAL EVENT LIQUOR PERMIT – BPOE LODGE RIFLE LODGE #2195 – CITY OF RIFLE HOLIDAY EVENT

Mayor Miller opened the public hearing and swore in Ms. Bayne, who presented the Lodge's application for a special event permit to provide liquor service at the City of Rifle holiday event on December 14, 2012, from 5 p.m. to 10 p.m. 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 December 14, 2012, from 5 p.m. to 10 p.m. at Grand River Hospital's meeting rooms; seconded by Councilor Carter. Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller.

PUBLIC HEARING - 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 (SECOND READING)

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

Mayor Miller opened the public hearing. 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 second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor Rice. Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller.

CONSIDER REQUEST CONCERNING MEMBERSHIP IN ASSOCIATED GOVERNMENTS OF NORTHWEST COLORADO

Mike Samson, Board Chair, and Jane Whitt, Administrative Assistant, Associated Governments of Northwest Colorado (“AGNC”), presented information about the activities of AGNC and invited the City to join the organization.

CONSIDER AGREEMENT FOR BIOSOLIDS HAULING AND DISPOSAL

Utilities Director Dick Deussen informed Council that the local landfills will no longer accept City biosolids for disposal. Staff is pursuing a grant to fund a Biosolids Action Plan, which would define the best approach for the City to take for disposal of biosolids. In the meantime, the Wastewater Treatment Plant continues to produce biosolids that require disposal, so staff is also exploring options for an interim disposal solution.

CONSIDER DISPOSAL OF BIOSOLIDS FROM SOUTH WASTEWATER TREATMENT PLANT

Mr. Deussen reminded Council that it authorized a study by TetraTech to determine the most cost effective method to dispose of the remaining biosolids from the South Wastewater Treatment Plant. The method that TetraTech deemed most feasible is using geotubes provided by WaterSolve LLC.

The geotube is a filtration fabric formed into a tube, into which the wet biosolids from the lagoon are pumped until it is 80% full. The biosolids in the tube are then allowed to dry over time. Solids are retained inside the tube and liquid flows out and back to the lagoon. It is estimated that it will require about a month to complete the process of biosolids removal.

The estimated cost to purchase the geotubes and polymer, rent the equipment and provide technical service is \$37,731.25. Once the material is dry, it can be disposed of by hauling the dry solids to a landfill or other place of disposal. In addition, the City would need to rent a gasoline fueled pump, hoses and pipe to send the biosolids from the lagoon to the geotube, at a cost of about \$6,000.

Councilor K. Lambert moved to authorize the expenditure of up to \$45,000 to engage WaterSolve LLC to provide materials and services to dispose of biosolids from the South Wastewater Treatment Plant; seconded by Councilor Winkler. Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller.

CONSIDER ORDINANCE NO. 19, SERIES OF 2012 (SECOND 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.

Councilor Carter moved to approve Ordinance No. 19, Series of 2012, on second reading as presented and to order it to be published in full as required by Charter; seconded by Councilor K. Lambert. Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller.

DISCUSS CHANGING NOVEMBER 21 CITY COUNCIL MEETING AND BUDGET PUBLIC HEARING TO NOVEMBER 19

City Manager John Hier noted that Council’s second regular meeting in November is scheduled for November 21, which is the day before Thanksgiving. The agenda for that meeting includes the second public hearing on the 2013 budget. He recommended that Council reschedule its November 21 meeting to November 19.

Councilor K. Lambert moved to reschedule Council’s November 21 meeting, as well as the November 21 public hearing on the 2013 budget, to November 19; seconded by Councilor Carter. Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller.

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: 2013 budget; flu immunizations for City employees; employee health insurance; construction projects; employee safety; information technology; and City promotion services.

Mr. Sturgeon thanked citizens for attending the Tour de Downtown Rifle and the design charrette on October 12.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Rice noted that Detective John Miller’s newborn son is experiencing health complications. Councilors extended their wishes for the baby’s improvement.

Mayor Miller directed staff to examine the City budget to see if funds could be made available as discussed during tonight’s workshop with the New Ute Theatre Society.

EXECUTIVE SESSION FOR CONFERENCE WITH CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS 24-6-402(4)(B); FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER CRS 24-6-402(4)(E); AND TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER CRS 24-6-402(4)(A)

Councilor Rice moved to adjourn to executive session to receive legal advice, discuss negotiations, and discuss real estate matters; seconded by Councilor K. Lambert (8:31 p.m.). Roll Call: Yes – Carter, K. Lambert, Rice, Winkler, Miller.

Upon return to open session following conclusion of the executive session, meeting adjourned at 8:48 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor