

RIFLE CITY COUNCIL MEETING

Wednesday, November 7, 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, Randy Winkler, and Mayor Jay Miller.

Councilor A. Lambert moved to excuse Councilor Jen Sanborn from tonight's meeting; seconded by Councilor Carter. Roll Call: Yes – Carter, A. Lambert, 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; J. R. Boulton, Police Lieutenant; Mike Braaten, Government Affairs Coordinator; Kristy Christensen, Deputy City Clerk; Peter Hayes, Building Inspector; Charles Kelty, Finance Director; Nathan Lindquist, City Planner; Tom Whitmore, Parks Director; Scott Aibner; Shelley Aibner; Christine Bionaz; Jon Black; Billy Bullock; Jim Bullock; Alan Burnham; Charles Ellsworth; Damian Ellsworth; Debby Ellsworth; Lindsey Ellsworth; Dylan Fixmer; Emily Fore; Garrick Frontella; Gil Frontella; Tanya Giard; Silvia Guerrero; Dave Herberger; Jessica Hernandez; Bob Howard; Jeanie Humble; Michael Langhorne; Frank Lee; David McConaughy; Mike McKibbin; Sean Mello; Gary Miller; Dick Morgan; Brad Plantz; Jason Pooler; Jack Pretti; Bob Rensberry; Helen Rogers; Kathy Rossilli; Mike Samson; Todd Sieber; Skye Sieber; Jeff Simonson; Elizabeth Stuver; Kelly Thompson; J B VanTeylingen; and Kevin Whelan.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the October 17, 2012 Regular Meeting
- B. Liquor License Renewals – Jon's Liquors; Creekbend Coffee Inc.
- C. City Hall heating/ventilation/air conditioning repairs and upgrades
- D. Consider Rifle Housing Authority request to waive building permit fee for 183 new windows
- E. Change Order Request for 5th Street Improvements
- F. Accounts Payable

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

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

PUBLIC HEARING – APPEAL 2012-1

Mayor Miller opened the public hearing and swore in Charles Ellsworth, Damian Ellsworth, Bob Howard, David McConaughy, and Jeff Simonson.

City Attorney Jim Neu and Assistant City Manager/Director of Planning Matt Sturgeon informed Council that at its September 25, 2012 meeting, the Planning Commission approved Conditional Use Permit 2012-6 requested by Bedrock Resources, LLC to operate an asphalt and concrete batch plant on property located near the Garfield

County Airport and adjacent to the Co-Gen Power Plant. On October 8, the City received an appeal of this decision from Mr. Howard on behalf of Airport Land Partners Limited (“ALP”), the owner and developer of Rifle Airpark PUD.

Mr. Howard outlined his objections to the granting of the conditional use permit to Bedrock Resources on several grounds that were included in the written Appeal provided to the City Council.

The Mayor asked representatives from Bedrock Resources to provide a response and Mr. Simonson reviewed the site plan for the asphalt and concrete batch plant. Mr. McConaughy responded to Mr. Howard’s objections.

Council discussed these issues with Bedrock’s representatives, ALP’s representative, and staff: (1) lifespan of the plant; (2) previous owners of the site; (3) ALP’s failure to attend the Planning Commission hearing; (4) the date of the letter of authority from the property owner to Bedrock; (5) the scope of Council’s review of the Planning Commission’s decision; (6) the reasons that staff recommended that the Planning Commission approve the permit; and (7) the permits that will be required by the state.

Citing Bedrock’s unsuccessful previous effort to obtain approval for an asphalt and concrete batch plant east of Rifle in Garfield County, the adverse economic impact of that failure upon Bedrock, and Mr. Howard’s unwillingness to cause a second adverse economic impact upon Bedrock, Mr. Howard withdrew his appeal, while urging Bedrock and staff to work with him to minimize the effects of this operation upon Rifle Airpark. The Mayor thanked Mr. Howard and closed the public hearing with no action required by the City Council.

Recess, 8:05 – 8:11 p.m.

PUBLIC HEARING - 2013 PROPOSED BUDGET

Mayor Miller opened the public hearing. City Manager John Hier provided an overview of the proposed 2013 budget. The following funds were discussed: General Fund, Street Improvement Fund, Street Capital Fund, Conservation Trust Fund, Economic Development Fund, Visitor Improvement Fund, Downtown Development Authority Fund, Rifle Information Center Fund, Urban Renewal Authority Fund, Energy Efficiency Fund, and Capital Fund.

Consider Request for Use of Capital Funds for New Ute Theatre

Mr. Hier explained that an appropriation of funds from the Capital Fund for the purpose of refurbishing the New Use Theatre would require the affirmative vote of at least 5 Councilors when Council considers adoption of the budget at its meeting of December 5, 2012.

Councilor Carter recused himself from consideration of this matter, because of a potential conflict of interest.

Gary Miller, Mike Samson, Jessica Hernandez, Christine Bionaz, Dylan Fixmer, Jon Black, and Scott Aibner spoke in support of the City providing funds to refurbish the theatre.

New Ute Theatre Society Board Members Shelley Aibner, Garrick Frontella, Tanya Giard, Helen Rogers, and Todd Sieber presented an operating budget for the theatre, with expenses balanced by revenues. They stated that the Garfield Re-2 School District supported efforts to refurbish the theatre. They requested that the City provide additional funds, beyond those shown in the draft budget, to add retractable seating to the renovation package.

Dr. Alan Burnham, Chief Technology Officer, American Shale Oil Corp. (“AMSO”), stated that AMSO was willing to contribute \$10,000 toward the cost to renovate the theatre.

Kathy Rossilli and Michael Langhorne talked with Council about the interplay of funding for the Rifle Fitness Center, the water treatment plant, the New Ute Theatre, and the Health and Wellness Center.

Council's consensus was that staff should retain in the draft 2013 budget the funds earmarked for refurbishing the theatre.

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: 2013 budget; health insurance increase; 12th Street culvert; Energy Innovation Park infrastructure; County Managers' meetings; year-end reports; City employee Christmas party; and grants.

COMMENTS FROM MAYOR AND COUNCIL

Councilor A. Lambert thanked staff for its hard work on the budget.

Councilors wished the Rifle High School football team good luck in this Saturday's playoff game.

Meeting adjourned at 10:01 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor