

RIFLE CITY COUNCIL MEETING

Wednesday, January 16, 2013

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 A. Lambert from tonight's meeting; seconded by Councilor Rice. Roll Call: Yes – Carter, K. Lambert, Rice, Sanborn, Winkler, Miller.

OTHERS PRESENT: John Hier, City Manager; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Channel 10 Manager; Michael Churchill, Channel 10 Assistant Manager; Rick Barth, City Engineer; J. R. Boulton, Police Lieutenant; Aleks Briedis, Recreation Director; Carlos Cornejo, Police Officer; John Dyer, Police Chief; Charles Kelty, Finance Director; Diego Piña, Police Sergeant; Dewey Ryan, Police Officer; José Valadez, Police Officer; Tom Whitmore, Parks Director; Melissa Hier; Mike McKibbin; Jacque Miller; Norma Miller; Heather Mullen; and Kevin Steidly.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the December 19, 2012 Regular Meeting
- B. Minutes from the January 2, 2013 Regular Meeting
- C. HUD/DOT Grant Contract – Phase 2
- D. Parks and Recreation Advisory Board Appointments
- E. Designate Representative to County Health Pool
- F. 2012 Audit Engagement Letter
- G. November 2012 Sales Tax
- H. November 2012 Financial Report
- I. Accounts Payable

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

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

CITIZEN RECOGNITION AWARD TO KEVIN STEIDL

Police Chief John Dyer presented a Citizen Recognition Award to Kevin Steidly for his involvement in rescuing a dog from Rifle Creek.

RECOGNIZE POLICE OFFICER CARLOS CORNEJO FOR SUCCESSFULLY COMPLETING ALL TRAINING REQUIREMENTS

Chief Dyer and the Council recognized Police Officer Carlos Cornejo for successfully completing the training requirements of a new officer and for his volunteer activities in the community.

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PUBLIC HEARING - BRENDEN RIFLE 7 THEATRES LIQUOR LICENSE APPLICATION

Mayor Miller opened the public hearing. This application was not ready for Council action at tonight's meeting. Council continued the public hearing to its meeting on February 20, 2013.

CONSIDER AMENDING PERSONNEL MANUAL – RESOLUTION NO. 2, SERIES OF 2013

Chief Dyer noted that he recently presented a plan to Council to switch to a 12-hour shift for officers of the Rifle Police Department. As the Patrol Officers have to work 24 hours a day, their work period is defined by the Personnel Manual as 80 hours in a 2-week period, versus a 40-hour week for other City employees. The Fair Labor Standards Act (FLSA) provides a partial exemption from overtime for peace officers. Employees engaged in law enforcement may be paid overtime on a "work period" basis. The employer is responsible for setting the "work period." A "work period" may be from seven consecutive days to 28 consecutive days in length.

Proposed Resolution No. 2, Series of 2013, would delete the current definition of the Police Department work period and provide the flexibility to design schedules based on different hours of work and work periods.

Councilor Rice moved to approve Resolution No. 2, Series of 2013; seconded by Councilor Sanborn. Roll Call: Yes - Carter, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER AWARD OF ROUNDABOUT DESIGN CONTRACT

City Engineer Rick Barth informed Council that 3 firms had bid for the contract for design consultant services for the North I-70 Roundabout. Colorado River Engineering bid \$159,545, the lowest of the 3 bids. Mr. Barth made Council aware that the scope of the project could be expanded to include landscaping detail for the I-70 Roundabout area in line with the previous concept plan under the Gateway planning, as well as Highway 13 Bridge aesthetic improvements. Those items are under negotiation and are dependent upon Federal Mineral Lease (FML) District grant approval. As of now, \$310,000 in FML and City match monies are available for this design project.

Councilor Carter moved to award a contract for design consultant services for the North I-70 Roundabout to Colorado River Engineering in the amount of \$159,545; seconded by Councilor Rice. Roll Call: Yes - Carter, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER SECOND AMENDMENT TO COMMERCIAL PROPERTY LAND LEASE WITH CACALOCO ENTERPRISES, INC.

City Attorney Jim Neu reminded Council that the City leases 5 acres of land on the Energy Innovation Site to Cacaloco Enterprises, Inc., which operates a composting facility on the Leased Premises. The Facility was the object of numerous odor complaints from neighboring properties earlier this year. The City issued a cease and desist order and no new materials have been accepted at the Facility.

In an effort to resolve the situation and deal with the remaining materials, staff has negotiated the Second Amendment to the Lease with Cacaloco. Cacaloco is teaming with Johnson Construction to help manage the remaining materials, but the Lease obligations remain with Cacaloco. This Amendment requires that the bulking materials and trash that are not part of the current compost piles be removed. As the Amendment is currently written, this must take place before March 15, 2013; Mr. Neu said that after further consideration, he recommended changing this deadline to April 30, 2013.

Cacaloco must keep the Leased Premises free of litter and debris and pick up trash at least weekly. Cacaloco cannot sell finished compost until next planting season and the Amendment sets the Term of the Lease to expire October 31, 2013 so that there is an opportunity to finish and sell the compost all of next season. Cacaloco owner Jim Duke represents that there will not be odors with finishing the existing piles, but the Amendment sets

operational requirements to address complaints the City may receive. To make the removal of the existing piles economically feasible, the City is waiving any past due Rent or future Rent so long as Cacaloco abides by the terms of the Amendment and the Lease. The City will receive \$20,000 worth of compost for its use next season, which equates to 750 cubic yards.

Councilor Rice moved to approve the Second Amendment to the Lease with Cacaloco Enterprises, Inc., amended to require removal of bulking materials and trash by April 30, 2013; seconded by Councilor Sanborn. Roll Call: Yes - Carter, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER AMENDING RIFLE MUNICIPAL CODE TO ALLOW UTILITY CUSTOMERS TO REQUEST RELIEF FOR EXTENUATING CIRCUMSTANCES – ORDINANCE NO. 1, SERIES OF 2013 – 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 13-1-810 OF THE RIFLE MUNICIPAL CODE REGARDING RATES, CHARGES, TOLLS, FEES OR ASSESSMENTS OF WATER AND SEWER SERVICE AND THE APPEAL PROCEDURE REGARDING THE SAME

City Manager John Hier recommended that Council amend the Rifle Municipal Code to allow a utility customer to request relief when that customer has incurred charges as a result of extenuating circumstances beyond the customer's control.

Councilor Carter moved to approve Ordinance No. 1, Series of 2013, 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, K. Lambert, Rice, Sanborn, Winkler, Miller

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: New Ute Theatre renovation; Water Treatment Plant; North I-70 Roundabout; snow and ice removal; year-end staff reports; Rifle Bucks; Public Works personnel; City budget and audit; and City Manager's schedule. He also announced that he would retire from the City Manager's position this spring.

COMMENTS FROM MAYOR AND COUNCIL

Councilors thanked Mr. Hier for his service as City Manager.

Councilor Rice noted that when Officer Cornejo attended Rifle High School, he was the first student who participated in the Colorado Closeup program.

Councilor K. Lambert thanked Mr. Steidly and Officer Cornejo for making a difference to the community.

Council's consensus was that, starting January 21, the City would recruit from current City employees to fill the City Manager position.

Meeting adjourned at 7:59 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor