

RIFLE CITY COUNCIL MEETING

Wednesday, February 20, 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 Pro Tem Alan Lambert.

PRESENT ON ROLL CALL: Councilors Rich Carter, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Pro Tem Alan Lambert.

Councilor Rice moved to excuse Mayor Jay Miller and Councilor Keith Lambert from tonight's meeting; seconded by Councilor Sanborn. Roll Call: Yes – Carter, Rice, Sanborn, Winkler, and A. Lambert.

OTHERS PRESENT: Matt Sturgeon, Assistant City Manager/Director of Planning; Lisa Cain, City Clerk; Jim Neu, City Attorney; Michael Churchill, Channel 10 Assistant Manager; Kristy Christensen, Deputy City Clerk; Dick Deussen, Utilities Director; John Dyer, Police Chief; Nathan Lindquist, City Planner; Tom Whitmore, Parks Director; Walt Eichinger; Michael Erion; Mike McKibbin; Jason Raley; Gina Reece-Long; and Mark Sills.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the February 6, 2013 Regular Meeting
- B. Minutes from the February 13, 2013 Special Meeting
- C. Visitor Improvement Fund Advisory Board Appointments
- D. Portable Restroom Vendor for City Parks and Trash Removal Vendor at Rifle Mountain Park
- E. Martifer Solar License and Power Purchase Agreements
- F. Accept Rifle Airpark Right-Of-Way Quitclaim Deed from Garfield County to City of Rifle
- G. Support Garfield Federal Mineral Lease District Grant Application for Deerfield Park – Resolution No. 3, Series of 2013
- H. December 2012 Sales Tax Report
- I. December 2012 Financial Report
- J. Accounts Payable
- K. Set public hearing for new liquor license application for Walters Enterprises LLC d/b/a Jays

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

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

PUBLIC HEARING – CONSIDER BRENDEN RIFLE 7 THEATRES LIQUOR LICENSE APPLICATION

Mayor Pro Tem A. Lambert opened the public hearing and swore in Walt Eichinger, Vice President, Brenden Theatre Corporation doing business as Brenden Rifle 7 Theatres. Mr. Eichinger presented Brenden Rifle 7 Theatres' application for a beer and wine liquor license at 250 West 2nd Street, including its operations plan for keeping alcohol out of the hands of minors at the theatre. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid. She added that, today, staff received

acceptable background check results on 2 of the applicant's 4 officers. The City has yet to receive background check results on the 2 other officers.

Staff's recommendation was that Council take one of the following actions with respect to this application:

1. Continue the public hearing to March 6, 2013, by which time the City might receive the results of background checks on all of the applicant's officers; or
2. Approve the application with 2 conditions:
 - a. The City's receipt of acceptable background check results on the applicant's officers; and
 - b. The applicant's adherence to its operations plan for keeping alcohol out of the hands of minors at the theatre.

Councilor Sanborn moved to approve the application of Brenden Theatre Corporation doing business as Brenden Rifle 7 Theatres for a beer and wine liquor license at 250 West 2nd Street, conditioned upon (1) the City's receipt of acceptable background check results on the applicant's officers; and (2) the applicant's adherence to its operations plan for keeping alcohol out of the hands of minors at the theatre; seconded by Councilor Winkler.

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

PUBLIC HEARING – CONSIDER SPECIAL EVENT LIQUOR PERMIT APPLICATION – RIFLE AREA CHAMBER OF COMMERCE

Mayor Pro Tem A. Lambert opened the public hearing and swore in Gina Reece-Long, Special Programs Coordinator, Rifle Area Chamber of Commerce. Ms. Reece-Long presented the Chamber's application for a special event permit to provide liquor service at its Annual Dinner at 501 Airport Road on March 9, 2013, from 5:00 p.m. to midnight. 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 the Rifle Area Chamber of Commerce on March 9, 2013, from 5:00 p.m. to midnight, at 501 Airport Road; seconded by Councilor Rice.

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

PUBLIC HEARING – CONSIDER APPROVING MAP AMENDMENT 2013-1 MCLEARNS ORCHARDS LOTS 4 & 5 – ORDINANCE NO. 3, SERIES OF 2013 – FIRST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REZONING LOTS 4 AND 5 OF MCLEARN ORCHARD LANDS FROM DEVELOPING RESOURCES (DR) ZONE DISTRICT TO LIGHT INDUSTRIAL (LI) ZONE DISTRICT

Mayor Pro Tem A. Lambert opened the public hearing and swore in the applicant, Mark Sills. Mr. Sills requested that Council approve Map Amendment 2013-1 – a rezoning of McLearn Orchards Lots 4 and 5 from Developing Resources zoning to Light Industrial zoning. The property in question is not developable because it does not currently have street access. Mr. Sills proposed either to add on to the private street that is north of the property so that it accesses Lots 4 and 5, or to extend South 10th Street from the east to reach Lots 4 and 5.

City Planner Nathan Lindquist recommended that Council approve Ordinance No. 3, Series of 2013, approving Map Amendment 2013-1 with conditions regarding street access, as well as other site planning issues. Satisfaction of the conditions must occur by September 15, 2013.

Councilor Carter moved to approve Ordinance No. 3, Series of 2013, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor Rice.

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

PUBLIC HEARING – CONSIDER FIRST AMENDMENT TO WATERSHED DISTRICT PERMIT NO. 3-09 – WPX ENERGY WATERLINE IN BEAVER CREEK

Mayor Pro Tem A. Lambert opened the public hearing and swore in Jason Raley, Environmental Specialist, WPX Energy. In 2009, the City approved Watershed District Permit No. 3-09 for Williams Production RMT to drill and operate natural gas wells, including gathering and transmission lines and associated facilities within the Beaver Creek Watershed. Williams Production RMT has since changed its name to WPX Energy. Mr. Raley explained that as part of its operations in Beaver Creek permitted under Permit No. 3-09, WPX desires to construct and operate buried production water pipelines and related facilities to minimize truck traffic. The construction would include a new water pipeline under Beaver Creek and the unnamed tributary of Beaver Creek, and a temporary 1.5 million gallon water storage tank at WPX's Centralized Frac Facility. WPX has applied to the City for an amendment to Permit No. 3-09 to include the activity.

Michael Erion, P.E., Consulting Engineer for the City of Rifle, reviewed the application materials and plans for the activity. He recommended that Council approve the amendment with the following conditions:

- The pipeline shall be a 6 inch "Flex Steel" pipeline, consisting of a polyethylene inner pipe, a steel reinforcement outer pipe, and a UV resistant shield cover over the steel. The pipe shall meet API 17J specification. There shall be no joints in the pipe within 50 feet of the creek banks.
- The pipeline crossing under Beaver Creek shall be constructed by means of a boring machine such that there is no open cut trenching of Beaver Creek.
- The project shall be subject to inspections during construction as needed by the City and/or its consultants. Post construction inspections will be made biannually, or more frequently if needed, until all permanent mitigation measures (revegetation, grass berms/swales, etc.) are deemed completed by the City. Applicant shall be responsible for all costs associated with such inspections.
- The existing Permit No. 3-09 has a \$250,000 bond for the project. The existing bond amount is appropriate for the amended project.

Councilors discussed with Mr. Raley and Mr. Erion the risk of spills of produced water from the pipeline and the storage tank. They also discussed the existence of a fracking fluid tank located near the City's watershed that was apparently permitted by Garfield County.

Councilor Winkler moved to approve the First Amendment to Watershed Permit No. 3-09; seconded by Councilor Carter. Roll Call: Yes – Carter, Rice, Winkler, and A. Lambert. No – Sanborn.

CONSIDER APPROVING 139 RAILROAD AVENUE LEASE – ORDINANCE NO. 2, SERIES OF 2013 – FIRST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF RIFLE AND 139 RAILROAD, LLC

Assistant City Manager Matt Sturgeon informed Council that it approved a Property Lease with 139 Railroad, LLC late last year and the property owner is currently seeking tax relief from the County Assessor as allowed by statute. To assist the property owner in obtaining the tax exemption authorized with the City's possession of the Property, Ordinance No. 2 would approve the Property Lease.

Councilor Rice moved to approve Ordinance No. 2, Series of 2013, 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, Rice, Sanborn, Winkler, and A. Lambert.

RECEIVE REPORT ON BIOSOLIDS ACTION PLAN

Utilities Director Dick Deussen reported to Council on the status of the biosolids action plan.

ADMINISTRATIVE REPORTS

Mr. Sturgeon reported to Council on the Ute Theatre grant from Union Pacific Railroad Foundation, and state legislation.

Mr. Deussen updated Council on the new water treatment plant.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Sanborn asked City Attorney Jim Neu to find out about fracking fluid tanks located near the City's watershed. She also wished John Scalzo a speedy recovery.

Mayor Pro Tem A. Lambert informed staff that a citizen was concerned about striking the center island on Highway 13 when turning from southbound Whiteriver Avenue to southbound Highway 13.

Meeting adjourned at 8:15 p.m.

Lisa H. Cain
City Clerk

Alan Lambert
Mayor Pro Tem