

RIFLE CITY COUNCIL MEETING

Wednesday, March 6, 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 Alan Lambert, Keith Lambert, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Jay Miller.

Councilor A. Lambert moved to excuse Councilor Rich Carter from tonight's meeting; seconded by Councilor Rice. Roll Call: Yes – A. Lambert, K. Lambert, Rice, Sanborn, Winkler, 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; Dick Deussen, Utilities Director; John Dyer, Police Chief; Charles Kelty, Finance Director; Nathan Lindquist, City Planner; Dustin Marantino, Police Officer; Tom Whitmore, Parks Director; Sara Brainard; Mike McKibbin; Mike Meador; Ernie Most; Roberta Most; Darien Sigmund; Mark Sills; Jay Walters; and Karen Walters.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the February 20, 2013 Regular Meeting
- B. Approve 139 Railroad Avenue Lease – Ordinance No. 2, Series of 2013 – 2nd Reading
- C. Accounts Payable

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

CITIZEN COMMENTS AND LIVE CALL-IN

Roberta Most requested that the City prohibit the parking and idling of large trucks on side streets south of Airport Road.

PROCLAMATION - ARBOR DAY – APRIL 26

Parks Director Tom Whitmore described activities that will take place to observe Arbor Day.

Councilor Sanborn moved to approve the proclamation declaring April 26, 2013 as Arbor Day; seconded by Councilor A. Lambert. Roll Call: Yes – A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller.

RECEIVE UPDATE FROM LIVEWELL GARFIELD COUNTY

Sara Brainard updated the Council on the LiveWell Garfield County program, a community-based initiative to increase healthy eating and active living in all of Garfield County.

PUBLIC HEARING – CONSIDER WALTERS ENTERPRISES LLC D/B/A JAYS LIQUOR LICENSE APPLICATION

Mayor Miller opened the public hearing and swore in Jay Walters, Karen Walters, Mike Meador, and Darien Sigmund, representing Walters Enterprises LLC doing business as Jays. Mr. and Ms. Walters, Mr. Meador, and Mr. Sigmund presented Jays' application for a hotel and restaurant liquor license at 1530 Railroad Avenue, #C.

City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid. The City has yet to receive background check results on Mr. Walters.

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

1. Continue the public hearing to March 20, 2013, by which time the City might receive the results of a background check on Mr. Walters; or
2. Approve the application with these conditions:
 - a. That the City receive acceptable background check results on Mr. Walters; and
 - b. That required Building Department and Fire Department inspections take place before the applicant starts its operations.

Councilor A. Lambert moved to approve the application with these conditions: (a) that the City receive acceptable background check results on Mr. Walters; and (b) that required Building Department and Fire Department inspections take place before the applicant starts its operations; seconded by Councilor K. Lambert. Roll Call: Yes – A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller.

***CONSIDER APPROVING MAP AMENDMENT 2013-1 MCLEARNS ORCHARDS LOTS 4 & 5
ORDINANCE NO. 3, SERIES OF 2013 – 2ND 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

Mark 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.

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 K. Lambert moved to approve Ordinance No. 3, Series of 2013, 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 - A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

***CONSIDER ENACTING TEMPORARY BAN ON RETAIL RECREATIONAL MARIJUANA BUSINESSES
ORDINANCE NO. 4, SERIES OF 2013 – 1ST READING***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ADOPTING A TEMPORARY BAN ON MARIJUANA ESTABLISHMENTS IN THE CITY PURSUANT TO THE NEWLY ENACTED SECTION 16 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION (AMENDMENT 64)

City Attorney Jim Neu noted that the passage of Amendment 64 at the last general election authorizes the personal use and regulation of marijuana. The Colorado Department of Revenue is charged with issuing regulations for marijuana establishments by July 1, 2013 and to start accepting and processing applications on October 1, 2013. Local jurisdictions have the ability to adopt their own regulations not in conflict with the state regulations or to prohibit marijuana establishments. Council expressed interest at its February 20 workshop in considering a temporary ban on marijuana establishments until October 1, 2013 to evaluate the regulations adopted by the Department of Revenue, study the effects of such marijuana establishments, consider the City's

existing land use regulations, and gather information on this matter. Proposed Ordinance No. 4, Series of 2013 would enact that temporary ban. Staff will keep Council informed as the state adopts its regulations.

Councilor Rice moved to approve Ordinance No. 4, Series of 2013, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor A. Lambert.

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

***CONSIDER AMENDING RIFLE MUNICIPAL CODE TO RECONCILE WITH AMENDMENT 64
ORDINANCE NO. 5, SERIES OF 2013 – 1st READING***

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTIONS 10-8-20 and 10-8-130 OF THE RIFLE MUNICIPAL CODE TO RECONCILE THE RIFLE MUNICIPAL CODE WITH THE NEWLY ENACTED SECTION 16 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION (AMENDMENT 64)

Mr. Neu noted that with the passage of Amendment 64, it is necessary to amend the Rifle Municipal Code General Offenses to conform the Code to the new rights allowed under Amendment 64. Proposed Ordinance No. 5, Series of 2013 would update and add definitions to the Code related to marijuana; add provisions mirroring what is authorized by Amendment 64 (namely the possession of one ounce of marijuana by an individual 21 or older); and clearly prohibit the public use of marijuana and anyone under 21 from possessing any amount of marijuana.

Councilor K. Lambert moved to approve Ordinance No. 5, 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 - A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER AWARDING CONTRACT FOR BIOSOLIDS ACTION PLAN

Utilities Director Dick Deussen recommended award of the Biosolids Action Plan to Stantec Consulting for \$46,000.

Councilor Rice moved to award the Biosolids Action Plan to Stantec Consulting in the amount of \$46,000; seconded by Councilor Winkler. Roll Call: Yes – A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller.

CONSIDER AWARDING CONTRACT FOR SEWER CLEANING AND TELEVISIONING

Mr. Deussen reported that 6 contractors submitted bids for the 2013 Sewer Cleaning and Televisioning Contract. TES Inc. was the low bidder. The project, which would be completed within the next 4 months, would involve cleaning and televisioning sewer mains (not services) in the Downtown, Highlands East, Homestead, Promontory, North Pasture, Arabian Heights and Scalzo Addition areas. Mr. Deussen recommended that Council award the 2013 Sewer Cleaning and Televisioning Contract to TES, Inc. in the amount of \$71,617.

Councilor Winkler moved to award the 2013 Sewer Cleaning and Televisioning Contract to TES, Inc. in the amount of \$71,617; seconded by Councilor K. Lambert. Roll Call: Yes – A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller.

CONSIDER AWARDING CONTRACT FOR WATER TREATMENT PLANT MEMBRANES

Mr. Deussen reminded Council that in 2011, the City entered into an agreement with ZENON Environment Corporation c/o GE Water & Process Corporation to purchase membranes for the new water treatment plant at a cost of \$3,113,800 plus Consumer Price Index (CPI) + 1% beyond the date of March 31, 2012. Also, the City

agreed that after March 31, 2013, the purchase price would be adjusted and subject to renegotiation and mutual agreement with the seller. To avoid renegotiation, Mr. Deussen planned to request authorization to purchase the membranes before to March 31, 2013. GE Water & Process Corporation has agreed, however, to extend the March 31, 2013 deadline to July 31, 2013. Therefore, Council will consider this matter at a future meeting.

CONSIDER PURCHASE OF WETLANDS CREDITS

Mr. Deussen explained that to obtain a 404 Permit from the Army Corp of Engineers (ACOE) for disturbance to existing wetlands at the new water treatment plant site, the City must purchase wetlands credits from the Spring Water Ranch. The funds needed to purchase these credits totals \$114,329.56 for 1.191 acres and 0.006 acres of stream mitigation credits.

Councilor Winkler moved to authorize purchase of wetlands credits from Spring Water Ranch in an amount not to exceed \$114,329.56; seconded by Councilor A. Lambert. Roll Call: Yes – A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller.

DISCUSS APPOINTMENT OF CITY MANAGER

Mayor Miller summarized the actions to date connected with replacement of retiring City Manager John Hier.

Councilor Sanborn moved to direct the City Attorney to draft a contract of employment with Assistant City Manager/Director of Planning Matt Sturgeon as City Manager; seconded by Councilor Winkler.

In discussing the motion, Councilors noted that negotiation of the terms of the employment contract should take place first. Councilors Sanborn and Winkler withdrew the motion and second.

Council directed Mr. Neu to negotiate a contract of employment with Mr. Sturgeon as City Manager.

ADMINISTRATIVE REPORTS

Mr. Hier reported to Council on the following issues: strategic planning retreat; employee health screening; and city/county managers meeting.

Ms. Cain informed Council about production of the April 3 meeting packet.

Mr. Sturgeon provided a legislative update.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Rice complimented State Senator Randy Baumgardner and State Representative Bob Rankin for taking the time to meet with 8 Rifle High School students who recently visited the State Capitol during the Colorado Close Up program.

Councilor K. Lambert congratulated Mr. Hier on his nomination for the Garfield County Humanitarian award.

EXECUTIVE SESSION

- ***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)***
- ***TO DISCUSS PERSONNEL MATTERS UNDER CRS 24-6-402(2)(F) AND NOT INVOLVING: (1) ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION; (2) ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL; (3) THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR OF AN ELECTED***

OFFICIAL; OR (4) PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES

Councilor Rice moved to adjourn to executive session to receive discuss negotiations and discuss personnel matters; seconded by Councilor A. Lambert (8:24 p.m.). Roll Call: Yes - A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller.

Upon return to open session following conclusion of the executive session, meeting adjourned at 8:54 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor