



RIFLE CITY COUNCIL

REGULAR MEETING

August 3, 2022

7:00 p.m.

202 Railroad Avenue, Rifle, CO

CALL TO ORDER & ROLL CALL

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Ed Green.

Present at Roll Call:

Mayor Ed Green, Councilor Brian Condie, Council Clint Hostettler, Councilor Alicia Gresley, Councilor Sean Strode, Councilor Chris Bornholdt and Councilor Joe Carpenter.

Roll Call: Yes - Joe Carpenter, Alicia Gresley, Ed Green, Brian Condie, Chris Bornholdt, Clint Hostettler, and Sean Strode.

No - None.

Others Present:

City Manager Tommy Klein, City Clerk Misty Williams, City Attorney Jim Neu, Rifle Community Television (RCTV) Michael Churchill, Public Works Director Brian Prunty, Parks & Recreation Assistant Director Austin Rickstrew, Civil Engineer Craig Spaulding, Utility Director Robert Burns, Chief of Police Debra Funston, Planning Director Patrick Waller, Owner of Gumption Trailworks Aaron Mattix, Parks and Recreation Advisory Board Representative's - Annie MacGregor, Kevin Kelley, Trudy Lowery, Sara Brainard, Planning and Zoning Representatives -Brian Dow, Sharon Pettinger, Treonna Villaseñor, Dustin Marantino, Azi Marantino and Charlotte Squires.

PUBLIC COMMENT

No public comment was heard.

CONSENT AGENDA – CONSIDER APPROVING THE FOLLOWING ITEMS:

- A. Consider Minutes of the July 20, 2022, Regular Meeting
- B. Consider Liquor License Renewal for GMT Investments, LLC dba Black Bear Liquors
- C. Consider Liquor License Renewal for City of Rifle dba Ute Theater and Events Center
- D. Consider Amending Sections 10-8-20 and 10-8-140 of the Rifle Municipal Code setting forth the Municipal Offense of unlawful use or possession of a controlled substance – Ordinance No.1 5, Series of 2022 – 2nd Reading.

Councilor Sean Strode moved to approve Consent Agenda Items A, B, C, and D; seconded by Councilor Alicia Gresley.

Roll Call: Yes - Ed Green, Brian Condie, Clint Hostettler, Alicia Gresley, Joe Carpenter, Chris Bornholdt, Sean Strode.

No – None.

PRESENTATION

Recognition of Sharon Pettinger's Service on Planning Commission

Planning Director Patrick Waller and Planning and Zoning Commission representatives presented Sharon Pettinger with a recognition plaque for her 12 years of service. Sharon Pettinger has submitted her resignation to the City of Rifle Planning Commission effective July 31, 2022. Planning and Zoning Commission representatives commend her for her dedication in seeking a better future for the City of Rifle throughout her years of service.

REGULAR AGENDA

Consider Approval of Asbestos Abatement at Old Water Treatment Plant

Utility Director Robert Burns presented request of asbestos abatement at the old water treatment plant. He stated this is the next step in the process after having the old plant taken offline in 2017 and disposing of equipment and property. Staff recommends approval of request in the amount of \$39,955. 93 to ECOS Environmental.

Councilor Clint Hostettler moved to approve asbestos removal to ECOS Environmental in the amount of \$39,955.93; seconded by Councilor Chris Bornholdt.

Roll Call: Yes - Sean Strode, Brian Condie, Joe Carpenter, Chris Bornholdt, Clint Hostettler, Alicia Gresley and Ed Green.

No – None.

Consider Approval of the Purchase Order for Grand Hogback Trail System

Planning Director Patrick Waller presented request of approval of the purchase order for Grand Hogback Trail system. The City of Rifle and partners were awarded a CPW non-motorized grant in the amount of \$160,000 for the buildout of the Grand Hogback Trail System. The 2021 budget identified in the grant request was developed in collaboration with Roaring Fork Mountain Bike Association (RFMBA) and estimated that full build-out of the trails could be completed for \$270,000. Installation of a permanent toilet at the trailhead was estimated to be \$30,000 and \$5,000 was reserved for Trail and Trailhead signage. Staff only received one bid for the build-out of the trails. The submitted bid was \$360,095, an increase of \$90,095 from the original estimate. The bid was reviewed by Roaring Fork Mountain Bike Association Staff and determined to be acceptable based on current market conditions and unknowns associated with the trail construction. Based on the increased price received on the trail construction bid, Staff is recommending a decrease in scope as proposed. He stated this phase of construction would result in an additional 8.31 miles of trail with 2.51 miles pending. Staff recommends that Council approve construction services for Grand Hogback Trail System Improvements to Gumption Trailworks in the amount of \$265,006.

Planning Director Patrick Waller and Owner of Gumption Trailworks Aaron Mattix answered questions for Council.

Councilor Clint Hostettler moved to approve construction services for Grand Hogback Trail System improvements to Gumption Trail works in the amount of \$265,006.00; seconded by Councilor Alicia Gresley.

Roll Call: Yes - Brian Condie, Ed Green, Alicia Gresley, Sean Strode, Joe Carpenter, Chris Bornholdt, and Clint Hostettler.

No – None.

Consider Exempting State Delivery Fee and Bag Fee from Sales & Use Tax Code – Ordinance No. 16, Series of 2022 – 1st Reading

City Attorney Jim Neu presented the exemption request on the new State Delivery Fee and Bag Fee from Sales & Use Tax Code – Ordinance No. 16, Series of 2022 – 1st Reading. As part of a transportation package in 2021, the Colorado State Legislature passed SB 21-260 that imposed a \$0.27 delivery fee on most transactions that are delivered to residences to generate state revenue for road improvements, transit projects and electric vehicle programs. CML convened a meeting of its Sales Tax Simplification Committee to find uniformity and recommended that municipalities specifically exempt the fee in their sales tax code so there is no ambiguity. Staff recommends approval of exempting the State Delivery Fee and Bag Fee from Sales & Use Tax Code – Ordinance No. 16, Series of 2022 – 1st Reading.

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING SECTIONS 4-2-120 AND 4-2-220 OF THE RIFLE MUNICIPAL CODE TO ESTABLISH AN EXEMPTION FROM SALES AND USE TAX FOR CERTAIN RETAIL DELIVERY FEES AND CARRYOUT BAG FEES ENACTED BY THE STATE OF COLORADO

Councilor Sean Strode moved to exempt the state of CO delivery fee and bag fee from the Sales & Use Tax Code – Ordinance No. 16, Series of 2022 on first reading as presented and order it to be published as required by charter; seconded by Councilor Clint Hostettler.

Roll Call: Yes - Ed Green, Sean Strode, Alicia Gresley, Brian Condie, Clint Hostettler, Chris Bornholdt, and Joe Carpenter.

No – None.

Consider Purchase Request for New Freightliner Snowplow

Public Works Director Brian Prunty presented request to purchase a new Freightliner Snowplow Truck. One of the main heavy-duty plow trucks has reached its maximum lifetime and the need for a replacement is now a priority for the upcoming winter season. The need for snowplow equipment with greater utilization is needed and therefore a "dual" use configuration has been specified; this would allow the equipment to have sanding and de-icing capacity. The snowplow truck provides greater safety, material hauling capacity, durability by utilizing a 4x4 drive train and is stainless steel built. This purchase is to be funded via the American Rescue Plan Act (ARPA) funds provided to and administered by the states. These welcomed funds allow us to make a needed, and timely purchase that we were not able to budget for in 2022. Staff recommends approval to purchase a 2023 Freightliner 4x4 snowplow with sanding & de-icing equipment for the cost of \$274,047.00

Councilor Chris Bornholdt moved to approve the purchase of a 2023 Freightliner 4x4 Snowplow with Sanding & De-icing equipment for the cost of \$274,047.00; seconded by Councilor Joe Carpenter.

Roll Call: Yes - Chris Bornholdt, Ed Green, Clint Hostettler, Alicia Gresley, Brian Condie, Joe Carpenter, and Sean Strode.

No – None.

Consider Amending Section 12.2 of the City of Rifle Home Rule Charter setting Ballot Measure for Franchises – Ordinance No. 17, Series of 2022 – 1st Reading

City Attorney Jim Neu presented request to consider amending section 12.2 of the City of Rifle Home Rule Charter setting Ballot Measure for Franchises – Ordinance No. 17, Series of 2022 – 1st Reading. The City has a Franchise Agreement with Xcel Energy entered into in 2003 for electric and gas service and allowing its infrastructure in City rights-of-way. Its 20-year term is up next year and Xcel has proposed a new Agreement with the City. The proposed Ordinance No. 17, Series of 2022 will be setting a ballot measure for this November coordinated election to amend City of Rifle Charter Section 12.2 authorizing the City Council to approve franchises with the affirmative vote of five members of Council. Staff recommends amendment approval of section 12.2 of the City of Rifle Home Rule Charter setting Ballot Measure for Franchises – Ordinance No. 17, Series of 2022 – 1st Reading.

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REFERRING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, AT THE COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, A QUESTION WHETHER SECTION 12.2 OF THE CITY CHARTER SHALL BE REPEALED AND REENACTED TO ALLOW THE CITY COUNCIL TO APPROVE FRANCHISE AGREEMENTS WITH AN AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF COUNCIL.

Councilor Clint Hostettler moved to approve Ordinance No. 17, Series of 2022 on first reading as presented and order it to be published as required by charter; seconded by Councilor Sean Strode. Roll Call: Yes - Alicia Gresley, Sean Strode, Chris Bornholdt, Brian Condie, Clint Hostettler, Ed Green and Joe Carpenter.
No – None.

Report to City Manager

Reports were heard from City Manager Tommy Klein, Public Works Director Brian Prunty and City Attorney Jim Neu.

Comments from Mayor and Council

Comments were heard from Clint Hostettler, Alicia Gresley, Sean Strode, Brian Condie, and Ed Green.

Adjournment

Meeting adjourned at 8:18 p.m.

Misty Williams
City Clerk



Ed Green
Mayor

