

Budget work session 6:00 pm - Fund for Public Giving 6:50 pm TOR Conference Room



Town of Rangely

Town Council Packet
September 27, 2016 @ 7:00pm



AGENDA
FOUNDATION FOR PUBLIC GIVING
MEETING OF SEPTEMBER 27, 2016
****6:50 P.M****
COUNCIL CHAMBERS- MUNICIPAL BUILDING

Joe Nielsen, President

Ann Brady, Member
Andrew Shaffer, Member
Lisa Hatch, Member

Andrew Key, Member
Trey Robie, Member
Tyson Hacking, Member

1. Call to Order
2. Roll Call
3. Minutes
 - a. Approve Minutes of the regular meeting of July 12, 2016.
4. Financials
 - a. Approve the August 2016 Financials
5. Changes to the Agenda
6. New Business
 - A. Discussion and action on request from Rangely Museum for Feather Flag Signage
7. Adjournment

MINUTES
FOUNDATION FOR PUBLIC GIVING
MEETING OF JULY 12, 2016
****6:50 P.M.****
COUNCIL CHAMBERS- MUNICIPAL BUILDING

Joe Nielsen, President

Ann Brady, Member
Andrew Shaffer, Member
Lisa Hatch, Member

Andrew Key, Member
Trey Robie, Member
Tyson Hacking, Member

1. Call to Order
2. Roll Call
3. Minutes
 - A. Approve Minutes of the regular meeting of December 8, 2015.
4. Changes to the Agenda
5. New Business
 - A. Discussion and action on request from Rangely Food Bank to re-supply needed supplies and food for residents in need – Chris Brasfield presented the request, she understands that the Fund for Public Giving has limitations on the amount of the request so the food bank will take whatever is available. She has provided a Certificate of Good Standing from the secretary of state, she has also taken a couple of courses in food handling and training. Chris has submitted an application to the Moffat County Commissioners and the Town of Dinosaur to help fund the food Bank as they service people from Dinosaur. Renea Hardin spoke that they try to set up food drives all year long at the college, set up in front of a few of the stores. Right now they are supplying food to 16 families in Dinosaur and 24 families in Rangely, they also supply the 12 senior food boxes as well. Chris also stated that the Food Bank only operates through donations and contributions. Lisa Hatch asked if the Food Bank has looked at the other group that is trying to set up a food bank, Chris replied they had not. The Human Resource Council is the entity trying to set up another food bank. Ann Brady asked how the Food Bank decides their coverage area, Chris replied that they do not have boundaries. Ann felt that if we don't ask for assistance from the Town of Dinosaur and Moffat County they will never help in this endeavor. Chris said she does realize this and is asking for support from both entities. Chris said that they do not want to turn away anyone from the food bank. The Food bank is open

on Wednesday's, Chris is willing to stipulate that Dinosaur and Moffat County fund the food bank if we are going to provide them with boxes. Andrew Shaffer is willing to donate his next three stipend checks towards the Rangely Food Bank in addition to what the Fund for Public Giving will approve. Lisa Hatch said she feel's \$200 would be appropriate in addition to any council member's pledge to donate. Andy Shaffer donated \$300 of his next three stipends to the Food Bank, Lisa Piering will work out the process with Andy. Motion to approve \$250 to donate to the Rangely Food Bank made by Lisa Hatch, seconded by Tyson Hacking, motion passed

6. Adjournment

Meeting Adjourned at 7:00 pm

TOWN OF RANGELY
 BALANCE SHEET
 AUGUST 31, 2016

FNDTN FOR PUBLIC GIVING FUND

ASSETS

72-10100	CASH - COMBINED FUND	79,262.88	
72-10115	FNBR CD 103943	208,235.10	
72-11120	INTEREST RECEIVABLE	248.76	
		<u> </u>	
	TOTAL ASSETS		<u><u>287,746.74</u></u>

LIABILITIES AND EQUITY

FUND EQUITY

	UNAPPROPRIATED FUND BALANCE:		
72-29800	FUND BALANCE	286,618.24	
	REVENUE OVER EXPENDITURES - YTD	<u>1,128.50</u>	
	BALANCE - CURRENT DATE		<u>287,746.74</u>
	TOTAL FUND EQUITY		<u>287,746.74</u>
	TOTAL LIABILITIES AND EQUITY		<u><u>287,746.74</u></u>

TOWN OF RANGELY
 REVENUES WITH COMPARISON TO BUDGET
 FOR THE 8 MONTHS ENDING AUGUST 31, 2016

FNDTN FOR PUBLIC GIVING FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEARNED	PCNT
<u>REVENUES</u>					
72-30-300 INTEREST INCOME - BANK	465.52	1,388.50	2,000	611.50	69.43
TOTAL REVENUES	465.52	1,388.50	2,000	611.50	69.43
TOTAL FUND REVENUE	465.52	1,388.50	2,000	611.50	69.43

TOWN OF RANGELY
 EXPENDITURES WITH COMPARISON TO BUDGET
 FOR THE 8 MONTHS ENDING AUGUST 31, 2016

FNDTN FOR PUBLIC GIVING FUND

	PERIOD ACTUAL	YTD ACTUAL	BUDGET	UNEXPENDED	PCNT
<u>EXPENDITURES</u>					
72-40-500 GRANTS	.00	260.00	2,000	1,740.00	13.00
TOTAL OPERATING EXPENSES	.00	260.00	2,000	1,740.00	13.00
TOTAL EXPENDITURES	.00	260.00	2,000	1,740.00	13.00
TOTAL FUND EXPENDITURES	.00	260.00	2,000	1,740.00	13.00
NET REVENUE OVER EXPENDITURES	465.52	1,128.50	0	(1,128.50)	.00

RANGELY FOUNDATION FOR PUBLIC GIVING
APPLICATION FOR REQUEST OF GRANT

NAME OF ORGANIZATION Rangely Museum Society / Rangely Outdoor Museum

ADDRESS 200 Kennedy Dr.

PURPOSE OF ORGANIZATION Preserve the local history

AMOUNT REQUEST \$ 500⁰⁰ TOTAL COST \$ 544.50

DESCRIBE PROGRAM/PROJECT The museum is set back behind a park and not visible from Hwy 64. The bright fluttering flags would make the museum more visible from the highway.

HOW DOES THE PROGRAM/PROJECT BENEFIT LOCAL RESIDENTS? _____

The goal is to get visitors to stop in Rangely either as a destination or for a short visit, then hopefully stay to eat or shop.

HOW WILL THE ORGANIZATION FINANCE ITS SHARE OF THE PROJECT? _____

The remaining amount will be funded either through a lodging tax grant or donations.

HAVE YOU APPLIED WITH OTHER GOVERNMENTAL AGENCIES, SUCH AS THE COUNTY? IF SO, PLEASE BRING DOCUMENTATION SHOWING RESULTS. _____

* wrote Encana Grant that was declined due to oil industries financial situation.

1. Is your organization International, a Foundation, or Government Agency? Yes _____ No X
2. Will the grant be used for a Political Campaign/Purpose? Yes _____ No X
3. Does your organization discriminate in any way? Yes _____ No X
4. Is more than 40% of your budget received from United Way? Yes _____ No X
5. Is your organization religious and denomination/ sectarian? Yes _____ No X
6. Is your Organization a Nation Health Agency or Local Affiliate? Yes _____ No X

If any of the above answers are "Yes", please explain the unusual and commanding circumstances that justify a grant.

SUPPLEMENTAL INFORMATION REQUESTED, IF AVAILABLE:

- _____ Latest financial statement
- X Detailed budget for program/project
- _____ Exhibits re: Program/projects (photos, forms, announcements etc)
- _____ Any other information you wish to present 675-2612

Signed by: Brenda Hopson

Title Director Date Sept. 4th, 2016

FOR FOUNDATION USE ONLY

Amount Granted \$ _____ Date Approved _____

Condition of Grant: _____

Signed by _____

Title _____ Date _____

Highest Priority for Attracting Visitors

Feather Flags –

Why: The museum is set back behind a park and not visible from highway 64. The current sign is not easily seen at the ridge of the hill; there is a change in speed limit, a historical marker, and a fairly busy intersection that compete for driver's attention. The brightly colored feather flags would flutter in the wind and be more noticeable than the static low contrast sign that exists now.

How: The smallest feather banner is 8' tall and 2' wide. Black lettering on a bright yellow background.

Costs: Two sided \$190.00 each.

Shipping: Free

Graphics Labor: \$35.00 for company to do the graphics.

10% discount for non-profits. (spoke with Alicia)

http://www.eventbannersandsigns.com/outdoor_feather_teardrop_banners.aspx

Placement: One at the entrance to the Encana/Museum drive, one at the corner of Kennedy Dr. and Main St., and one at the north parking lot entrance on Kennedy Dr. The most important location is in front of the Museum near the Encana/Museum drive.

Totals: 2 two-sided banners \$415.00 - \$41.50 (10%) = \$373.50

3 two-sided banners \$605.00 - \$60.50 (10%) = \$544.50



1 – Agenda



GUIDELINES FOR PUBLIC INPUT

Public Input is a vital and important portion of every meeting and will be permitted throughout the meeting, but according to the following guidelines:

- a. Public input is allowed during the Agenda identified **Public Input** and **Public Hearing** portion of the meeting.
 - i. If you would like to address the meeting during the appropriate times, please raise your hand and when called upon you will be asked to come to the podium. ***Announce your name*** so that your statements can be adequately captured in the meeting minutes.
 - ii. ***Please keep your comments to 3-5 minutes*** as others may want to participate throughout the meeting and to insure that the subject does not drift.
- b. Throughout the meeting agenda calls for public input will be made, generally pertaining to specific action items. Please follow the same format as above.
- c. At the conclusion of the meeting, if the meeting chair believes additional public comment is necessary, the floor will be open.

We hope that this guideline will improve the effectiveness and order of the Town's Public Meetings. It is the intent of your publicly elected officials to stay open to your feelings on a variety of issues.

Thank you, Rangely Mayor



Town of Rangely

September 27, 2016 - 7:00pm

Agenda

Rangely Board of Trustees (Town Council)

JOSEPH NIELSEN, MAYOR

ANDREW SHAFFER, MAYOR PRO TEM

ANN BRADY, TRUSTEE

LISA HATCH, TRUSTEE

ANDREW KEY, TRUSTEE

TREY ROBIE, TRUSTEE

TYSON HACKING, TRUSTEE

1. Call to Order
2. Roll Call
3. Invocation
4. Pledge of Allegiance
5. Minutes of Meeting
 - a. Approval of the minutes of the September 13, 2016 meeting.
6. Petitions and Public Input
7. Changes to the Agenda
8. Public Hearings - 7:15pm
9. Committee/Board Meetings
10. Supervisor Reports – See Attached
 - a. Chief Vincent Wilczek-Police Department Update
11. Reports from Officers – Town Manager Update
12. New Business
 - a. Discussion and action to approve the Liquor Licensing application for *Giovani's Italian Grill*
 - b. Discussion and action to approve an expenditure for the asbestos abatement and demolition of 238 S. Birch St.
(See package information and cost analysis enclosed)
13. Informational Items
 - a. HB 16-1309 Moving Forward (Unfunded Mandate)
14. Scheduled Announcements
 - a. Rangely District Library regular meeting September 12, 2016 at 5:00pm.
 - b. Rangely Junior College District Board meeting is scheduled for September 12, 2016 at 12:00pm.
 - c. Western Rio Blanco Park & Recreation District meeting September 12, 2016 at 6:00pm.
 - d. Rural Fire Protection District board meeting is scheduled for September 19, 2016 at 7:00pm.
 - e. Rio Blanco County Commissioners meeting is scheduled for September 19, 2016 at 11:00am.
 - f. Rangely School District board meeting is scheduled for September 20, 2016 at 6:15pm.
 - g. Rangely Chamber of Commerce board meeting is scheduled for September 21, 2016 at 12:00pm

- h. Community Networking Meeting is scheduled for September 27, 2016 at 12:00pm.*
- i. Rio Blanco Water Conservancy District board meeting is September 28, 2016 at 7:00pm.*
- j. Rangely District Hospital board meeting is scheduled for September 29, 2016 at 6:00pm.*

15. Adjournment

5 – Minutes

CIRSA TC Training 5:45 p.m. TOR Conference Room



Town of Rangely

September 13, 2016 - 7:00pm

Minutes

Rangely Board of Trustees (Town Council)

JOSEPH NIELSEN, MAYOR

ANDREW SHAFFER, MAYOR PRO TEM

LISA HATCH, TRUSTEE

TREY ROBIE, TRUSTEE

ANN BRADY, TRUSTEE

ANDREW KEY, TRUSTEE

TYSON HACKING, TRUSTEE

1. Call to Order
2. Roll Call - *Joseph Nielsen, Ann Brady, Lisa Hatch, Andrew Key, Tyson Hacking present, Andrew Shaffer and Trey Robie Absent*
3. Invocation - *Lisa Hatch lead the invocation*
4. Pledge of Allegiance - Peter Brixius lead the Pledge of Allegiance
5. Minutes of Meeting
 - a. *Approval of the minutes of the August 23, 2016 meeting. Motion to approve the minutes of August 23, 2016 made by Lisa Hatch, seconded by Tyson Hacking, motion passed*
6. Petitions and Public Input – Beth Robinson wanted to let the council know that she accepted the decision of the RDA/RDC decision on her grant. Beth wanted to share her perspectives on how everything happened this last time. When Beth read, the façade grant program, she did not feel she was out of line on her application after spending the better part of the summer putting together the proposal. Beth believes that the façade grant should be open to interpretation and she realizes that means different things to different people. Beth realizes that the council did not have the opportunity to see her proposal. Beth has talked with Tim Webber and she is ok with his actions now. Beth feels that Tim coming to the council without Beth knowing that the council talking with him about her proposal was inappropriate and that Beth should have had the opportunity to have a discussion with the Town Council. It was humiliating to know she was not part of the Town Council discussion. Beth’s other concern is that the RDA is appointing by the council. Beth was never informed that the Town Council would have the final word on the decision about the interpretation and decision on her façade application. Beth again wanted to state that she did not feel her grant was appropriately portrayed to the council, as Beth would have conveyed it had she been present at the meeting. Beth has invested 12 years in her business and very carefully renovated a historic building, spent a large sum of money on the building, or on things that affect the community including a 5,000 contribution to open the tank, the harvest bowl celebration which she gave away bowls to the community. Beth believes that when you read the façade grant the interpretation could have been differently. Beth would ask that in the future the council is careful about wording the grant more specifically and ask for more information when they are asked for an opinion. **Tim Webber** wanted to let the council know that there are going to be eight teams coming into Town this weekend, there were some teams pulling out because there were no continental breakfast. Tim is providing breakfast for the

teams so they can keep the teams here in Rangely to providing some economic impact to the Town. Tim wanted to know if the Town of Rangely could donate (\$200) to help support the Breakfast. The Tournament starts Friday night, we will try to bring the different sites to see in Rangely to their attention. Lisa Hatch has asked if there is something, that each of the entities could do. Tim said that hopefully there will be some camping and the motels will be full. Lisa Hatch indicated that the Tank is open, Tim mentioned to Bud in case the car museum could be open for the weekend as well.

7. Changes to the Agenda - Add Item d New Business August 2016 Financial Summary.

8. Public Hearings - 7:15pm

9. Committee/Board Meetings

- a. *Public Safety Committee meeting held 8/26/16 with the Rangely Police Department to discuss OHV issues primarily related to underage operators and misc. complaints. Trustee attendance included Mayor Joe Nielsen, Lisa Hatch, Ann Brady and Andy Key. – Peter indicated that the OHV ordinance and some of the issues the PD is having with under age drivers. The education for OHV'S was discussed and how we could start utilizing this for drivers. There are also issues with under age drivers and side by side operations. Andy Key said that it would be great to offer the training during the OHV rendezvous. Ann asked about the use of the trail to the lake for OHV or Side by Sides, is that legal? Peter indicated that they did not seem to have an issue with that type of use on the trail but that could change. The speed of the vehicles on the trail is an issue and we may need to get involved with that. The broadband did tear up the trail and now is dusty where they dug it up. Peter will have a meeting with Randi BeBe and Jeff Lebleu tomorrow to discuss how to correct that problem.*
- b. *RDA/RDC Meeting 8/24/16 – primary work and discussion related to the Better City project and a local Façade Grant Request. Trustee attendance included Andy Key and Lisa Hatch.*
- c. *Planning and Zoning Commissioners meeting 8/31/2016 – primary discussion related to a mixed use business request on Main Street and the filling of a vacancy on the P&Z board.*

10. Supervisor Reports – See Attached

- a. *Kelli Neiberger – Gas Department - Kelli stated that the Gas department is in the middle of locates of gas lines for Roger before he does the service installations on the fiber service lines. Kelli also addressed the CIRSA audit that was provided in the informational section of the board packet. The CIRSA audit is for our property casualty insurance. The facilities did not have any violations. The gate at Public Works was for security and for Safety. Our CIRSA representative did recommend that the front door of the Public Works office remain locked when no one is at the shop. Larry also asked that on the fire suppression inspection date at White River Village was written on the back rather than on the front. Kelli turned in some paperwork for our electronic communications and the MRV's were pulled for all employee's of the Town of Rangely. We need to complete additional training at the Police department, which we expect to be done in the next few months. Kelli said that we have implemented a patrol based safety program, attending the CIRSA general meeting, and CIRSA sent a video which were able to get additional points for based on our employee's having 90% of all employees viewing it.*

11. Reports from Officers – Town Manager Update Peter updated the council on the Northern Colorado honor flight, which he participated in this past weekend. It was a very rewarding experience. He had an amazing time. General McInerney spoke at a banquet on Saturday night. They had huge crowds lined up to welcome the honor flight participants and to send them off from the airport in Colorado. In Baltimore, there was a large receiving line of active duty Veterans. It was awesome to see the respect from everyone along the whole leg of the flight. Peter further wanted to talk about some of the information included in the packet. He has the grant proposal program for the RDA/RDC. He took some direction from that group and Peter would welcome any thoughts that the council may have. Peter included a letter from the School Board supporting the better cities project. Included in the packet is also a letter from an operator who would be interested in being part of the project. Peter wanted to remind everyone that we are not finished with the project direction. Peter would like to continue with the work that has been done on this project and keep the ball rolling in some form. Peter said on the honor flight trip they had discussion about world war II memorial and the dissention of how and when it should happen. He realizes that is part of a vital community discussion to explore all opinions and try to come up with a good compromise. Peter hopes that we are going to be able to do this with Better City. Peter said that some believe that we need to start over. He knows this is a vocal group but does not know if that is the majority. Tomorrow night Peter and Andy Key will be going to the Basin Roundtable in Craig to discuss the first stages of the Reservoir project being proposed. Peter has been told that at some point that group will be coming back to the Town to request financial support. You will notice the back parking lot has been resurfaced to get the elevation correct and have asphalt laid before winter. Ann asked if we should wait until after the remodel in case there are heavy loads coming in. Peter believes that we should not do any serious damage to the asphalt with the loads that will be coming in. The water line for fire suppression has been installed, the broadband has been installed. Verizon is looking at placing a cell tower behind Town Hall. We will soon be doing some asphalt patching on Airport Road where the water line was recently installed. We are underway with Phase III at the water treatment plant. When reviewing the financial summary please note we received our severance and mineral lease funds as well as the arbitration.

12. New Business

- a. *Discussion and action to approve the August 2016 Check Register.* Motion to approve the August 2016 check register made by Ann Brady , seconded by Andrew Key , motion passed
- b. *Discussion and action to authorize the submission of an Energy Impact Assistance Grant for the purpose of improving the Wastewater Treatment Facility and parts of the waste collection system. Grant in the amount of \$215,000 for a project totaling \$430,000. (See Attached) -* Motion to approve the submission of an Energy Impact Assistance Grant for the purpose of improving the Wastewater Treatment Facility and parts of the waste collection system. Grant in the amount of \$215,000 for a project totaling \$430,000. made by Lisa Hatch, seconded by Tyson Hacking, motion passed
- c. *Discussion and action to authorize the submission of two Community Capital Improvements Trust Fund grants for the non-destructive testing of the raw water irrigation ground storage reservoir and for improvements to the White River Village common areas floor covering. (Grant information will be available at the meeting) -* Motion

to approve the submission of two Community Capital Improvements Trust Fund grants for the non-destructive testing of the raw water irrigation ground storage reservoir and for improvements to the White River Village common areas floor covering made by Lisa Hatch, seconded by Andrew Key, motion passed – Ann asked that we have council approval prior to the grant application submission date.

- d. Discussion and action to approve the August 2016 Financial Summary. Motion to approve the August 2016 financial summary made by Ann Brady, seconded by Tyson Hacking , motion passed

13. Informational Items

- a. CIRSA Safety Audit Results 2016
- b. School District Support Letter
- c. Utility Billing Letter Describing Better City Project
- d. Draft Grant/Loan Program for the Rangely Development Agency
- e. Town Council Support Letter

14. Scheduled Announcements

- a. Rangely District Library regular meeting is September 12, 2016 at 5:00pm.
- b. Rangely Junior College District Board meeting is September 12, 2016 at 12:00pm.
- c. Western Rio Blanco Park & Recreation District meeting is September 12, 2016 at 6:00pm.
- d. Rangely Chamber of Commerce board meeting is September 29, 2016 at 9:00am
- e. Rural Fire Protection District board meeting is September 19, 2016 at 7:00pm.
- f. Rio Blanco County Commissioners meeting is September 19, 2016 at 11:00am.
- g. Rangely School District board meeting is September 20, 2016 at 6:15pm.
- h. Community Networking Meeting is September 27, 2016 at 12:00pm.
- i. Rio Blanco Water Conservancy District board meeting is September 28, 2016 at 7:00pm.
- j. Rangely District Hospital board meeting is September 29, 2016 at 6:00pm.

15. Adjournment

Meeting adjourned at 8:10 pm

ATTEST:

RANGELY TOWN COUNCIL

Lisa Piering, Clerk/Treasurer

Joseph Nielsen, Mayor

8 – Public Hearings

8 – Public Hearings

9 – Committee/Board Meetings

10 – Supervisor Reports



MEEKER POLICE DEPARTMENT

Town Hall: 345 Market Street • Meeker, Colorado 81641

Dispatch: (970) 878-5555 • Fax: (970) 878-5625

OFFICE OF
BOB HERVEY
Chief of Police

LETTER OF APPRECIATION

Chief Vincent Wilczek,

09-14-2016

On 09/09/2016 we had a report of a stolen vehicle in the Town of Meeker with a large amount of cash inside the vehicle. Lieutenant Stubblefield responded and took the report from the victim. The Lieutenant was able to determine who the suspects were and gave this information to the dispatcher.

Dispatch advised the Deputy on duty and the surrounding agencies. RBSO Deputy William Pena spotted the suspect vehicle west bound on County Road 64 and began a pursuit of the vehicle. According to the Lieutenant the pursuit lasted about twenty minutes, reaching speeds of over 90 mph.

Lt. Roy Kinney of the Rangely Police Department put out a spike strip in an attempt to stop the fleeing suspects before they reached the Town of Rangely. The spike strip was successful in deflating one tire on the suspect vehicle therefore ending the pursuit. The Deputy and Lt. Kinney were able to take the suspects into custody with no one being hurt and only slight tire damage to the vehicle. The cash inside the vehicle was also recovered.

I believe this is a perfect example of what can be accomplished when our three law enforcement agencies work together for the safety of the citizens. I would like to commend Lieutenant Roy Kinney and thank him for his quick thinking and professional actions during this call.

Bob Hervey

Chief Bob Hervey
Meeker Police Department

11 – Reports from Officers

12 – New Business

**RETAIL LIQUOR OR 3.2 BEER
 LICENSE RENEWAL APPLICATION**

GIOVANNI'S ITALIAN GRILL
 855 E MAIN
 RANGELY CO 81648-3301

Fees Due	
Renewal Fee	\$351.25
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	351.25

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name JSJ FAMILYENTERPRISES LLC		DBA GIOVANNI'S ITALIAN GRILL		
Liquor License # 15362040000	License Type Beer & Wine (city)	Sales Tax License # 15362040000	Expiration Date 11/03/2016	Due Date 09/19/2016
Operating Manager John Payne	Date of Birth 1/10/56	Home Address 1228 La Mesa Circle, Rangely, Co 81648		
Manager Phone Number (970) 675-2670	Email Address jospayne@netscape.net			
Street Address 855 E MAIN RANGELY CO 81648-3301				Phone Number 9706752670
Mailing Address 855 E MAIN RANGELY CO 81648-3301				

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
- Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business John Payne	Title Owner
Signature 	Date Sept. 8, 2016

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest



RANGELY POLICE DEPARTMENT

TO: Mayor and Town Council

From: Chief Wilczek

RE: Renewal for Giovanni's Liquor license.

Date: 09-14-16

I have reviewed the application for the Giovanni's Liquor license. I find no reason this should be denied. The Police Department has not responded to Giovanni's for any liquor violations or other calls for service from the last renewal.

Chief Vince Wilczek



MEMORANDUM

TO: Peter Brixius, Town of Rangely

FROM: Jocelyn Mullen, PE, Town Planner

DATE: September 21, 2016

SUBJECT: Asbestos Abatement Alternatives for 238 S. Birch St.

The residence at 238 S. Birch St. has been in decline since before 2009. In 2009 the Town Building inspector wrote to the owner, Tom Donovan, condemning the building for being unsafe and unfit for human occupancy. The owner has never responded to that or other letters written by the Town requesting he take action to mitigate the problem. In January of 2011, the Town hired Phase Con to perform an asbestos inspection of the building. That inspection identified wallboard and ceiling texture and linoleum that is classified as asbestos-containing material (ACM).

In May of 2015, the building was inspected by a structural engineer at the request of the Town. The engineer determined the building was structurally unsound. The building continues to decline, and the roof is now caving in. This structural damage has contaminated the entire contents of the house, so the entire building and contents must be disposed of as asbestos containing material.

Due to the elapsed time and level of damage to the structure, no abatement contractor will risk the welfare of his/her employees by sending them into the building to remove the ACM. The only remaining way to address the asbestos problem at 238 S. Birch Street is for the Town to apply to the state for an open air abatement permit and hire an asbestos abatement contractor to come in and supervise the demolition of the building in a controlled manner which contains all the ACM. This would involve thoroughly wetting the building and all its contents, then performing a controlled demolition with air monitoring to ensure that fibers are not released. The demolition debris would then be placed in roll-off waste containers lined with a plastic, and the waste would be hauled to the Milner Landfill near Steamboat Springs.

The following is an estimate of the cost to move forward with mitigation of this problem:

Activity	Unit Cost	# Required	Cost
Hire Abatement Contractor	\$13,000	1	\$13,000
Hire air monitoring professional	\$2500	1	\$ 2,500
Fill and haul roll offs to Landfill	\$2800/40 cu. yd RO	3 R.O.	\$ 8,400
Town B&G time to prep site	\$35/hr/pp	24 hrs	\$ 840
Total Estimated Cost			\$25,000



Figure 1. Front of Home at 238 S. Birch



Figure 2. Back of Home at 238 S. Birch



Figure 3. From the east looking at space between North side of home at 238 S. Birch and next home to the north.



Figure 4. South side of home at 238 S. Birch



Figure 5. Interior pictures



Figure 6. More interior pictures showing ceiling damage



Figure 7. Interior damage and clutter



Figure 8. More interior damage and clutter

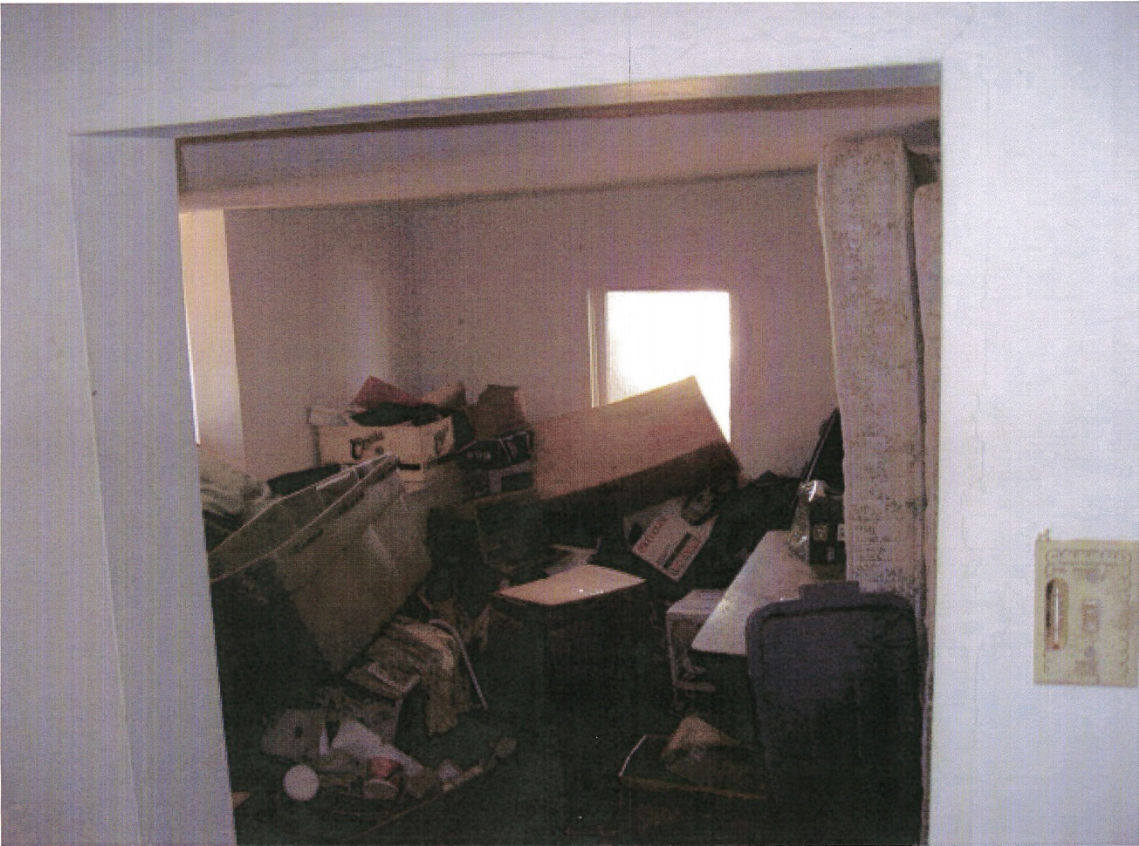


Figure 9. More interior damage and clutter



Figure 10. Interior damage and clutter continued



Figure 11. Doorway to shed in Southeast corner of property



Figure 12. Shed damage and clutter

13 – Informational Items

Community Networking Group

The next Networking meeting will be on Tuesday, September 27, 2016 at 12 noon-1:30 p.m. in the Weiss Conference Room. The Guest Speakers for September will be Bob and Joyce Rankin. State Representative Bob Rankin will give an overview of the state of Colorado's budget issues. State Board of Education member, Joyce Rankin will talk about the current issues regarding K-12 Education. After their presentations, there will also be a Question and Answer opportunity for the Community Networking Group participants. If time allows there will be updates from the different entities present.

PIZZA, SALAD & DESSERT WILL BE SERVED!

Please RSVP to Becky Dubbert at 675-3301 or email Becky.Dubbert@cnc.edu by Monday, September 26, 2016





THE VOICE OF COLORADO'S CITIES AND TOWNS

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To: Interested Municipal Officials
From: Meghan Dollar, CML Legislative & Policy Advocate
Date: September 6, 2016
Subject: HB 16-1309 Moving Forward

This information is of a general nature and should not be interpreted as legal advice. Local facts determine what laws may apply and how. You should always consult your municipal attorney before proceeding.

HB 16-1309 became law without Gov. John Hickenlooper's signature on June 11. The effective date is May 1, 2017. The legislation requires a municipal court to provide defense counsel at the first appearance if the defendant is in custody and the offense could carry jail time. The passage of HB 16-1309 has led to questions and concerns going into the 2017 budget year. This document is intended to outline an assessment of possible implementation options for the 175 member municipalities with municipal courts.

Before describing options to implement HB 16-1309, it should be noted that the Governor submitted a letter dated June 11, 2016 to the General Assembly expressing a "concern that the law imposes costs on local governments." The governor directed his Office of State Planning & Budgeting (OSPB) "to work with municipalities to determine the costs and savings that will result" from the bill's enactment. The governor stated OSPB would evaluate options, "including a potential request" in the next state budget "to offset the costs for local governments." The governor fell short of making a commitment to request full funding for the entirety of the unfunded mandate. CML will pursue funding in the 2017 legislative session.

HB 16-1309 is an unfunded mandate

This document was developed around one important tenant: HB 16-1309 is an unfunded mandate in contradiction to state statute and the Taxpayers Bill of Rights (TABOR). C.R.S. 29-1-304.5(1) provides:

No new state mandate or an increase in the level of service for an existing state mandate beyond the existing level of service required by law shall be mandated by the general assembly or any state agency on any local government unless the state provides additional moneys to reimburse such local government for the costs of such new state mandate or such increased level of service. In the event that such additional moneys for reimbursement are not provided, such mandate or increased level of service for an existing state mandate shall be optional on the part of the local government. (Emphasis added.)

By requiring appointment of counsel at first appearance, HB 16-1309 requires a level of service beyond what is currently required by law and the U.S. Constitution, as interpreted in the decision Rothgery v. Gillespie County, Tex., 554 U.S. 191 (2008). *Rothgery* is a narrow decision in which the U.S. Supreme Court held that the defendant's 6th Amendment right attaches after the defendant's initial appearance before a judicial officer where he learns of the charges against him and his liberty is subject to restraint. The court also found that this right requires that counsel be appointed within **a reasonable time** after

the right to counsel attaches. The court determined that a reasonable time must be a time period “to allow for adequate representation at any critical stage before trial, as well as the trial itself.” *Rothgery* at 212. Accordingly, *Rothgery* does not mandate that an indigent defendant have an attorney present at the advisement/bond hearing, just that counsel be appointed at a reasonable time after first appearance and before any critical stage in the proceedings.

The court in *Rothgery* did not adopt a strict timeline after a defendant’s first appearance for appointment of counsel, based on its earlier holdings on the attachment of right to counsel in *Michigan v. Jackson*, 475 U.S. 625 (1986) (overruled on unrelated grounds) and *Brewer v. Williams*, 430 U.S. 387 (1977). *Rothgery* at 199-212. Rather, the court applied a common sense standard that when an accusation prompts arraignment and places restrictions on the accused’s liberty, the government has committed to its prosecution. *Rothgery* at 207-8.

For Colorado’s municipal courts, having a reasonable time period to appoint counsel for indigent defendants is important. The continuum of sizes of municipal jurisdictions and the variation in municipal courts necessitates flexibility in implementing the 6th Amendment right to counsel. For large municipalities, a reasonable time might be different than in a small municipality where the court meets periodically. However, regardless of the court’s holding in *Rothgery* and the practical and fiscal challenges of implementing HB 16-1309, the amendments CML proposed to allow for a reasonable time period for appointment of counsel (softening the mandate) or to provide state funds for a state-mandated change were not accepted. Given that the legislation was not amended to follow *Rothgery*, and municipal courts already do what is constitutionally required, the state clearly passed an increased level of service on municipal courts.

In combination with the statutory language in C.R.S. 29-1-304.5(1) (cited above), TABOR provides an additional defense against state mandates. Specifically, TABOR §9 provides that “a local district may reduce or end its subsidy to any program delegated to it by the general assembly for administration.” However, this provision has been limited by a pair of decisions from the Colorado Supreme Court: *Romer v. Bd. Of Cnty. Comm’rs of Weld Cnty.*, 897 P.2d 779 (Colo. 1995) and *Colorado v. Bd. Of Cnty. Comm’rs of Weld Cnty.*, 897 P.2d 788 (Colo. 1995) (determining that, since counties were an arm of state government, it was impossible for them to end or reduce funding for state programs). It is uncertain how this pair of decisions would apply to municipalities, because the case law dealt with narrow issues affecting county governments. Erring in favor of separate legal constitutional authority for home rule municipal courts is the provision in Colo. Const. Art. XX, §6, which provides:

[S]uch city or town, and the citizens thereof, shall have the powers set out in sections 1, 4 and 5 of this article, and all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control: ...

c. The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof; ...

Regardless, it is difficult to know how a court might interpret the application of TABOR’s defense against state mandates on municipalities. For further discussion, see CML’s publication *TABOR: a Guide to the Taxpayer’s Bill of Rights*, August 2011 update..

Suggestions on Implementation

While CML staff has concluded that HB 16-1309 requires appointment of defense counsel before it is constitutionally required under the 6th Amendment, we encourage you to consult with your municipal attorneys for advice on implementing this legislation.

For your consideration, we have developed some general options below that may help as you consider the best approach for your municipality.

1. Treat the mandate as "optional," as allowed by law

There is precedent in legislation that shows a local government can ignore a mandate if funding is not provided. In the past, the legislature has agreed to fund a program fully understanding that if the funding is discontinued that the program becomes optional.

This language is specifically included in C.R.S. 29-5-302(12), which provides:

If, at any time, the funding provided for the benefit required by this section is insufficient to cover the cost of the benefit, then the requirements of this section shall become optional pursuant to 29-1-304.5.

While that specific language is not included in HB 16-1309, there are repeated instances in the legislative record that if the legislation conflicts with C.R.S. 29-1-304.5, the unfunded mandate statute applies. Additionally, given the local authority to end subsidies for state programs in TABOR §9 (as discussed above), there may be an argument that a municipality could simply provide the state with notice that it will not be implementing HB 16-1309.

The drawback to a municipality's refusal to implement HB 16-1309 could be a potential lawsuit to compel compliance. While there could be issues of standing to file suit, the American Civil Liberties Union (ACLU) has demonstrated that they are able to use the Open Records Act as a discovery tool to locate individuals willing to be represented in such impact litigation. The potential outcome is an opportunity for a municipality to test both § 9 of TABOR and C.R.S. unfunded mandate provision in the courts.

2. Seek declaratory relief

As stated above, given the potentially unnecessary expense of providing defense counsel at first appearance, HB 16-1309 provides an opportunity for a municipality to test the state's ability to mandate programs without funding in the courts. As a defendant in a case, a municipality may not have the ideal fact pattern depending on the plaintiff. However, a declaratory judgement allows a municipality to frame the issue. In order to gain statewide applicability several municipalities could join together in seeking declaratory relief.

3. Comply with the mandate

CML's research has shown that funding additional defense counsel will vary widely depending on the size of the municipality. Smaller jurisdictions will need to budget around \$12,000 to comply with HB 16-1309, and medium to larger jurisdictions vary widely. Factors that could drive your municipality's cost to

implement is the case load in your court, the size of the first appearance docket, the frequency that your court meets, and the cost of contracting for or employing public defenders. There may be municipalities that can implement this law within their existing framework, but that may reduce money from other programs that are just as important. Depending on the ultimate cost for a municipality, one option to fund the implementation of HB 16-1309 is to raise court fees. Raising court fees may result in negative feedback from groups such as the ACLU or potentially the legislature. That being said, nothing prohibits municipal courts from determining their court fees. Determining court fees is also within the clear authority of courts in home rule cities.

4. Hold court less often

To reduce the cost of providing defense counsel at first appearance, some jurisdictions may choose to hold court less frequently. There are municipal courts that are choosing to move forward with this option. Whereas before the enactment of HB 16-1309 some municipal courts met three or four times a week, those same jurisdictions may now meet twice a week. The drawback is a defendant may incur a longer period in jail than before HB 16-1309. However, the proponents of the bill and the Legislature were made aware of that possibility. In smaller jurisdictions that only meet once a month, meeting even less frequently is not a likely option.

5. Ask law enforcement to write cases with potential jail time into county court

Since the state already provides funding for the Office of the State Public Defender in county court, a smaller municipality may choose to write cases that involve a jailable offense into county courts rather than municipal court. For a smaller municipal court that could potentially see a substantial increase in their costs due to HB 16-1309, writing these cases into county courts is a more viable option than the monetary and logistical implications of implementing the law. This is particularly the case in rural areas where defense counsel may not be readily available. That being said, for purposes of public safety for our communities, there is an important caveat that should be mentioned to this option. Municipal courts, particularly in higher population areas, fill an important gap in public safety. County courts are extremely full and often do not have the docket space to try lower level cases. Municipal courts often play an important role by taking cases important to public safety such as domestic violence or theft. This is something a community should seriously weigh when planning the implementation of HB 16-1309.

6. Eliminate jail as an option for certain municipal violations

HB 16-1309 applies specifically to cases involving jailable offenses. Narrowing the number of violations that hold potential jailtime may reduce the cases that require defense counsel at first appearance. It should be noted that the proponents cited eliminating jailable offenses often when pursuing the adoption of HB 16-1309. It remains the opinion of CML that sentences for violations remains a purely municipal concern. The Colorado General Assembly, like much of the country, has decriminalized several offenses in the past few legislative sessions. Municipalities may desire to follow suit and the adoption of HB 16-1309 may provide an opportunity to update sentences for certain municipal violations if they so choose.

In conclusion, there are options afforded to municipalities for the possible implementation of HB 16-1309. The options vary between fully funding the law, changing specific municipal court operations, or doing what is statutorily allowed and treating the mandate as optional. Which option a municipality decides to utilize will likely depend on resources and the availability of defense counsel in their area. As stated above, CML will work with the governor's office to find the necessary monies to fund the mandate, and that remains a top priority. In the meantime, CML has convened a municipal court subcommittee made up of municipal judges, attorneys, and court administrators to discuss additional legislative options CML may pursue in 2017.

Please contact Legislative & Policy Advocate Meghan Dollar (mdollar@cml.org) for more information. Additional material can also be found on www.cml.org.