

# RIFLE CITY COUNCIL MEETING

Wednesday, November 18, 2009

REGULAR MEETING

7:00 p.m. \* Council Chambers

The regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Keith Lambert.

**PRESENT ON ROLL CALL:** Councilors Alan Lambert, Jay Miller, Jonathan Rice, Jeanette Thompson, Randy Winkler, and Mayor Keith Lambert.

Councilor Lambert moved to excuse Councilor Jen Sanborn from tonight's meeting; seconded by Councilor

Roll Call: Yes – A. Lambert, Miller, Rice, Thompson, Winkler, K. Lambert

**OTHERS PRESENT:** John Hier, City Manager; Matt Sturgeon, Assistant City Manager; Wanda Nelson, City Clerk; Jim Neu, Assistant City Attorney; Daryl Meisner, Chief of Police; Jim Bell, Cable 10; Michael Churchill, Cable 10; Charlie Stevens, Utility Director; Rod Hamilton, Public Works Director; Dick Deussen, City Engineer; Charles Kelty, Finance Director; Kevin Kelley, Construction Inspector; Joy Kelty; Paul Reaser; Dena Clouse; Sue Miller; Dave Enlow; Jon Coalson; Wayne Bankert; Steve Soychak; Brad Moss; Jason Raley; David Fox; Peter Hayes, Building Inspector; Michael Erion, Resource Engineering; Mike Miller; Dan Meskin; Kelly Iniguez; Gil Frontella.

## CONSENT AGENDA

***MINUTES FROM THE NOVEMBER 4, 2009 REGULAR MEETING; DDA BOARD APPOINTMENT; WRFCU LICENSE TO ENCROACH; LIQUOR LICENSE RENEWAL: KUM & GO; ACCOUNTS PAYABLE***

Councilor Thompson requested that the Board appointment be removed for further discussion. Councilor Lambert moved to approve the remaining items on the Consent Agenda; seconded by Councilor Miller.

Roll Call: Yes – A. Lambert, Miller, Rice, Thompson, Winkler, K. Lambert

## ***DDA BOARD APPOINTMENT***

Councilor Thompson requested that the DDA provide more information to the business owners in the downtown to make them aware of the DDA and its activities. Councilor Winkler will bring this feedback to the DDA at their next meeting. Councilor Thompson moved to approve the Appointment; seconded by Councilor Rice.

Roll Call: Yes – A. Lambert, Miller, Rice, Thompson, Winkler, K. Lambert

## **CITIZEN COMMENTS AND LIVE CALL-IN**

Dena Clouse with Western Slope Caregivers came forward to discuss Medical Marijuana Dispensaries. Mayor Lambert stated that this item is on the agenda and will be discussed later in the meeting. Ms. Clouse will bring her comments forward at that time.

## ***AIR QUALITY PRESENTATION***

Paul Reaser with the Garfield County Health Department provided an overview of the County's air quality.

## ***PUBLIC HEARING: PRESENTATION OF 2010 BUDGET***

Mayor Lambert opened the public hearing. Mr. Hier and Mr. Kelty provided an overview of the proposed 2010 Budget. The following funds were discussed: Parks & Recreation, Water, Wastewater, Fleet, and Information Technology.

## ***PUBLIC HEARING: WATERSHED DISTRICT PERMIT NO. 3-09 (WILLIAMS PRODUCTION RMT BEAVER CREEK WATERSHED)***

Mayor Lambert opened the public hearing. Notice for this hearing was properly published. In 1999 the City issued Watershed District Permit No. 2-99 to Barrett Resources Corporation for the operation of five existing natural gas wells and drilling of up to an additional fourteen wells, the construction of access roads and the construction of gathering pipelines in the City's Beaver Creek Watershed. In 2002 Barrett Resources Corporation merged with Williams Production RMT and on July 1, 2002 the City Council approved an Amendment to Permit No. 2-99 reflecting the change of the name and holder of Permit No. 2-99. Permit No. 2-99 has expired and Williams recently applied for a City Watershed District Permit to continue the activities permitted under Permit No. 2-99 that were already constructed and for an additional two well pads within the Watershed District, the drilling of multiple wells, and associated access roads, gathering pipelines and production facilities. Michael Erion, the City's consultant engineer, reviewed his proposed conditions. David Fox, Jason Raley, and Steve Soychak were sworn in. Council discussed the need to have an environmental baseline study of the watershed to determine how future activity may affect it. Councilor Lambert moved to approve the Permit with the condition that a watershed hydrological assessment be completed within one year of today's date; seconded by Councilor Winkler.

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

No – Thompson

Mayor Lambert called for a recess at 9:15 p.m. The meeting resumed at 9:23 p.m.

*Rifle City Council Meeting, November 18, 2009*

**SECOND READING OF ORDINANCE 33-09: REGULATION OF MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION OPERATIONS**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ENACTING ARTICLE VIII, CHAPTER 6 OF THE RIFLE MUNICIPAL CODE REGARDING MEDICAL MARIJUANA DISPENSARIES AND CULTIVATION OPERATIONS

Mr. Neu explained that in 2000, Colorado voters passed Amendment 20 to the Colorado Constitution legalizing the use of medical marijuana and creating an exception to the state's criminal laws for any patient or primary care-giver in lawful possession of a registry identification card to engage or assist in the medical use of marijuana. The outgrowth of this constitutional amendment is the current proliferation of medical marijuana dispensaries ("MMDs") across the state. To ensure that medical marijuana dispensaries and medical marijuana cultivation operations are operated in a safe manner in compliance with Amendment 20, Council directed staff to draft proposed regulations. With no state guidance or judicial review of the full scope of Amendment 20, it is very difficult to know how far a local jurisdiction can regulate MMDs. Ordinance No. 33, Series of 2009 adopts a new Article VIII of Chapter 6 containing comprehensive regulations that are enforceable with the knowledge that exists today. Dena Clouse stated that the hours of operation should be extended to allow those commuting the opportunity to purchase products later than 7:00 p.m. Ms. Clouse also asked questions regarding the proposed fees. Sue Miller stated that marijuana has a legitimate use as a medicine, and it should be up to the operators to set their own hours. Heather Gerido stated that the fees being charged are too high. Mr. Neu discussed the rational basis of the application fee and stated that he removed the provision that signs could not contain a marijuana leaf, as any such regulation should be addressed in the City's sign code. Councilor Thompson moved to approve Ordinance 33-09 on second reading as amended and ordered it to be published in full as required by Charter; seconded by Councilor Rice.

Roll Call: Yes – A. Lambert, Miller, Rice, Thompson, Winkler, K. Lambert

**FIRST READING OF ORDINANCE 34-09: SEWER CODE AMENDMENTS**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING CHAPTER 13, ARTICLE III OF THE RIFLE MUNICIPAL CODE REGARDING DISCHARGES TO AND ADMINISTRATION OF THE CITY'S SEWER SYSTEM

Mr. Stevens has been working with other City staff on revisions to the City's Sewer Code in anticipation for the commencement of operations of the new wastewater treatment plant. Ordinance No. 34, Series of 2009 amends Article III of Chapter 13 to add and clarify certain definitions relevant to the use of the City's sewer system and regulate the discharge of undesirable materials. The amendments also clean up and streamline the existing Sewer Code. The general scope of the revisions is to protect the City's new wastewater treatment plant and ensure its efficient and cost-effective operation. Councilor Lambert moved to approve Ordinance 34-09 on first reading as presented and ordered it to be published in full as required by Charter; seconded by Councilor Rice.

Roll Call: Yes – A. Lambert, Miller, Rice, Thompson, Winkler, K. Lambert

**FIRST READING OF ORDINANCE 35-09: RIFLE MUNICIPAL COURT FEES AND FINES**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 8-1-180 OF THE RIFLE MUNICIPAL CODE REGARDING PENALTIES FOR VIOLATIONS OF THE MODEL TRAFFIC CODE AND AMENDING CERTAIN MUNICIPAL COURT FEES AT APPENDIX A OF THE CODE.

Mr. Neu reported that the Municipal Court Judge and the Municipal Court Administrator recommend that the City Council amend the Rifle Municipal Code regarding penalties for violations of the Model Traffic Code ("MTC") and certain Municipal Court fees. The State of Colorado has increased the penalties it assesses for violations of the MTC and the City's penalties should be the same; however, Section 8-1-180 limits the Municipal Judge's fee schedule to \$5 to \$100. Therefore, Ordinance No. 35, Series of 2009 increases that authorization to \$500 allowing the Judge to promulgate a schedule of penalties in line with the State's. In addition, the fees charged in the Municipal Court have not been increased in many years and certain fees should be increased to keep up with the costs of the Municipal Court as set forth in the Ordinance. Councilor Rice moved to approve Ordinance 35-09 on first reading as amended and ordered it to be published by title as required by Charter; seconded by Councilor Miller.

Roll Call: Yes – A. Lambert, Miller, Rice, Thompson, Winkler, K. Lambert

**EMERGENCY ORDINANCE 36-09: BUILDING FRONT PHYSICAL SECURITY SYSTEM 120-DAY MORATORIUM**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, IMPOSING A ONE HUNDRED TWENTY (120) DAY MORATORIUM ON THE INSTALLATION OF ANY BUILDING FRONT PHYSICAL SECURITY SYSTEMS IN THE CITY'S CENTRAL BUSINESS DISTRICT AND DECLARING AN EMERGENCY

Mr. Sturgeon explained that members of the DDA have brought up concerns regarding the installation of security devices on the storefronts of businesses in the Central Business District (CBD). Current design and building regulations do not address the aesthetic impact window bars and/or pull down security gates could have on the CBD. Staff is requesting the enactment of a 120-day moratorium on the installation of any such device in the CBD, therefore allowing time for the investigation of possible aesthetic impacts and exploring other means of security that can protect the downtown. Emergency Ordinance 36-09 imposes the moratorium for this discovery to occur. The DDA presented a letter in favor of this action. Councilor Miller moved to approve Ordinance 36-09 as presented, and declaring it an emergency; seconded by Councilor Thompson.

Roll Call: Yes – A. Lambert, Miller, Rice, Thompson, Winkler, K. Lambert

**ADMINISTRATIVE REPORTS**

Mr. Hier reported on: holiday lights, and parking at City hall. Mr. Hier stated that a letter is in Council’s packet from the theatre operator Kelly Iniguez, requesting a two-month extension of their lease. Ms. Iniguez explained that her request would allow her to capture the revenues from the summer movie season. Mr. Frontella with the New Ute Theatre Society stated that they would like possession of the theatre at the current leases’ end. Councilor Lambert moved to direct staff to draft a lease extension for Ms. Iniguez through August 12, 2010; seconded by Councilor Thompson.

Roll Call: Yes – A. Lambert, Rice, Thompson, K. Lambert  
No – Miller, Winkler

Mr. Sturgeon requested direction from Council if they would like the sign Code amended to prohibit marijuana leaves on signs. The majority of Council indicated that they do not want the sign Code amended with this provision.

Mr. Stevens stated the new RRWWRF is treating wastewater. He thanked Council and the community for their support to get the facility built.

**COMMENTS FROM MAYOR AND COUNCIL**

***MEDICAL MARIJUANA ORDINANCE***

Councilors Rice and Winkler stated there has been confusion about this ordinance. Councilor Rice stated that the City is not legalizing marijuana, only regulating dispensaries and cultivation operations.

***VETERANS DAY EVENTS***

Councilor Rice stated that two excellent events occurred at the high school: the Night of Patriotic Arts, and the Veterans Day assembly. Councilors Miller and Lambert thanked the 300+ attendees of the dedication ceremony of the West Garfield County Veterans Memorial.

***SENIOR TOUR OF CITY FACILITIES***

Councilor Lambert stated that the seniors were very appreciative of the staff who took them to tour City facilities.

***UPCOMING MEETINGS/EVENTS***

Mayor Lambert will be attending a DOLA severance tax meeting in Denver. The local census office is sponsoring a “Spirit of Community Celebration” on December 8<sup>th</sup>.

Meeting adjourned at 11:03 p.m.

\_\_\_\_\_  
Wanda Nelson  
City Clerk

\_\_\_\_\_  
Keith Lambert  
Mayor