

RIFLE CITY COUNCIL MEETING

Wednesday, November 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 Randy Winkler.

PRESENT ON ROLL CALL: Councilors Rich Carter, Barb Clifton, Jay Miller, Dirk Myers, Hans Parkinson, Jonathan Rice, and Mayor Randy Winkler.

OTHERS PRESENT: Matt Sturgeon, City Manager; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Channel 10 Manager; Dick Deussen, Utilities Director; John Dyer, Police Chief; Charles Kelty, Finance Director; Angela Roff, City Prosecutor; Erika Andersen; Ethan Ball; Zach Beasley; Ava Bowles; Gil Frontella; Chris Krelovich; Triston Lamon; Mike McKibbin; Jesse Miller; Nettie Miller; Crystal Schiller; and Megan Smith.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the October 16, 2013 Regular Meeting
- B. Reschedule public hearing for new liquor license application for Alma Ruiz d/b/a De Marco's Fettucine
- C. September 2013 Sales Tax Report
- D. August 2013 Financial Report
- E. Amendments to 14th Street Marketplace Subdivision Improvements Agreement
- F. Accounts Payable

Councilor Carter moved to approve Consent Agenda Items A, B, C, D, E, and F; seconded by Councilor Rice. Roll Call: Yes - Carter, Clifton, Miller, Myers, Parkinson, Rice, Winkler

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

ACTION ON WORKSHOP ITEMS

With respect to the workshop on Greater Sage Grouse Habitat Mapping, Council directed staff to write a letter to Garfield County for Council's consideration at its November 20, 2013 meeting.

PUBLIC HEARING – CONSIDER SPECIAL EVENT LIQUOR PERMIT APPLICATION – COLORADO MOUNTAIN COLLEGE FOUNDATION FOR NOVEMBER 8, 2013

Mayor Winkler opened the public hearing and swore in Crystal Schiller, Development Coordinator, Colorado Mountain College Foundation. Ms. Schiller presented the Foundation's application for a special event permit to provide liquor service at the Women at Home on the Range art exhibit at the Colorado Mountain College Rifle Campus at 3695 Airport Road on November 8, 2013 from 6:00 p.m. to 8:00 p.m. City Clerk Lisa Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid. Staff's concerns about the application were that: (1) there would be only one Foundation staff member serving and monitoring guests; (2) the Foundation has not proposed using wristbands or another way to monitor who has alcohol; and (3) the Foundation has not proposed having security personnel on hand during the event. Ms. Schiller explained that 4 servers who have received training in responsible service of alcohol would be present. She added that there would be only 1 entrance to the event, and it would be monitored to prevent alcohol from being brought into or removed from the premises.

Councilor Parkinson moved to approve the Special Event Liquor Permit for Colorado Mountain College Foundation at the Colorado Mountain College Rifle Campus at 3695 Airport Road on November 8, 2013 from 6:00 p.m. to 8:00 p.m.; seconded by Councilor Miller. Roll Call: Yes - Carter, Clifton, Miller, Myers, Parkinson, Rice, Winkler

PUBLIC HEARING - 2014 PROPOSED BUDGET

Mayor Winkler opened the public hearing. City Manager Matt Sturgeon provided an overview of the proposed 2014 budget. Council discussed the following funds: General Fund, Street Operations and Maintenance Fund, Street Capital Fund, Conservation Trust Fund, Economic Development Fund, Visitor Improvement Fund, Downtown Development Authority Fund, Rifle Information Center Fund, Urban Renewal Authority Fund, Energy Efficiency Fund, Capital Fund, and Parks and Recreation Fund.

PUBLIC HEARING - RUDD ANNEXATION 2013-1

Mayor Winkler opened the public hearing. City Attorney Jim Neu informed Council that the applicant had withdrawn the annexation petition. Council took no action on this item.

CONSIDER IMPLEMENTING AMENDMENT 64

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ENACTING ARTICLE IX OF CHAPTER 6 OF THE RIFLE MUNICIPAL CODE REGARDING THE LICENSING AND REGULATION OF RETAIL MARIJUANA CULTIVATION FACILITIES PURSUANT TO AMENDMENT 64

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROHIBITING THE OPERATION OF MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES IN THE CITY OF RIFLE

Mr. Neu explained that proposed Ordinance No. 19, Series of 2013, would permit and regulate retail marijuana cultivation facilities in the City limits pursuant to Amendment 64. The State Legislature adopted the Colorado Retail Marijuana Code and the Department of Revenue created a thorough regulatory scheme for retail marijuana. Ordinance No. 19 would incorporate the Colorado Retail Marijuana Code by reference. It then would enact the local preferences for the City's licensing of retail marijuana cultivation facilities.

Staff made these changes to the ordinance after 1st reading:

- The only eligible applicants for a retail marijuana cultivation facility license would be the City's existing medical marijuana cultivation operations, which Council determined should include the 2 applicants for a medical marijuana license that had already been submitted. Those applicants received the required conditional use permit from the Planning Commission on October 29. Therefore, there would be a maximum of 4 retail marijuana cultivation facility licenses available in the City. Ordinance No. 19 would expressly restrict eligibility to those specific licensees.
- Ordinance No. 19 would require operation of both a medical and a retail license for these facilities.
- A new conditional use permit would not be required for a conversion from medical to retail, but an expansion of the facility would require a new conditional use permit for the expansion.
- The City would require a licensee to reimburse it for any inspection or clean-up costs that the City incurs.
- Licensees would be required to indemnify the City.

At 1st reading, Council discussed reviewing the fee schedule and possibly creating a tiered structure of the annual operation fee based upon the size of the facility. The concept has merit, but it requires additional research and analysis. Because it will be at least one year before this will be at issue, staff suggested waiting to see the actual sizes of the facilities in the City, how the tax question approved by Colorado voters on November 5 is applied to

Rifle's facilities, and review how other jurisdictions set similar fee schedules. At 2nd reading, Council corrected a typographical error in Section 6-9-220.

Councilor Carter moved to approve Ordinance No. 19, Series of 2013, on second reading as amended and to order it to be published as required by Charter; seconded by Councilor Myers. Roll Call: Yes - Carter, Clifton, Myers, Winkler. No – Miller, Parkinson, Rice

Mr. Neu explained that staff has prepared proposed Ordinance No. 20, Series of 2013, which would prohibit these remaining classifications under Amendment 64 from operating in the City: marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, and marijuana clubs.

Councilor Miller moved to approve Ordinance No. 20, Series of 2013, on second reading as presented and to order it to be published as required by Charter; seconded by Councilor Rice. Roll Call: Yes - Carter, Miller, Myers, Parkinson, Rice, Winkler. No – Clifton

CONSIDER APPROVING EMERGENCY WATER LINE CONSTRUCTION

Utilities Director Dick Deussen informed Council that the existing 18-inch transmission main from the 3 million gallon reservoir to the City has failed over the past 3 years at 5 locations. He recommended construction of a new water main in River Rock Drive which would supply water from the Northeast Reservoir to the City Zone.

This roadway is located in the undeveloped Creekside Subdivision and exists presently as a dirt road and would have a water main to serve the subdivision when developed. Therefore, the construction cost would be recovered whenever the subdivision is completed.

Three bidders submitted proposals for this work, plus replacement of a 14-inch main in Acacia Avenue that has failed twice. Mr. Deussen recommended that a contract to construct a water main in River Rock Drive and replace a main in Acacia Avenue be awarded to Johnson Construction Inc. for an amount not to exceed \$168,030.50.

Councilor Miller moved to approve the emergency construction of a water line and to award a contract to construct a water main in River Rock Drive and replace a main in Acacia Avenue to Johnson Construction Inc. for an amount not to exceed \$168,030.50; seconded by Councilor Carter. Roll Call: Yes - Carter, Clifton, Miller, Myers, Parkinson, Rice, Winkler.

CONSIDER APPROVING SLUDGE DISCHARGE ENCLOSURE CONSTRUCTION

Mr. Deussen explained that the discharge of sludge is directed outside the wastewater treatment plant headworks building to containers under a canopy. Cold temperatures affect not only the sludge and water leaking from the containers, but also City staff and employees of the sludge hauling company. Also, the composting facility in Delta has rejected deliveries of sludge upon arrival when it is frozen. During past winters, containers full of sludge have been rolled into the heated buildings to prevent freezing.

This project will enclose the discharge and the containers. The enclosure will be heated and rolling doors provided to allow containers to be moved onto trucks for transfer to the composting facility. The contractor will enclose the area and City staff will purchase and install the equipment and the gas and electrical facilities.

The City received only one bid for the enclosure, in the amount of \$60,063, but it appears reasonable.

In addition, equipment and installation for the enclosure will cost about \$14,000.

Mr. Deussen recommended that the City award a contract to construct an enclosure of the sludge discharge and containers to PNCI Construction Inc. in the amount not to exceed \$60,063. He also recommended that Council authorize staff to purchase equipment and installation for the enclosure in an amount not to exceed \$14,000.

Councilor Parkinson moved to award a contract to construct an enclosure of the sludge discharge and containers to PNCI Construction Inc. in the amount not to exceed \$60,063, and to authorize staff to purchase equipment and installation for the enclosure in an amount not to exceed \$14,000; seconded by Councilor Rice. Roll Call: Yes - Carter, Clifton, Miller, Myers, Parkinson, Rice, Winkler.

CONSIDER APPROVING AMENDMENTS TO MODEL TRAFFIC CODE

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING CHAPTER 8, ARTICLE I OF THE RIFLE MUNICIPAL CODE TO DELETE, AMEND, AND REPLACE SPECIFIC SECTIONS OF THE 2010 MODEL TRAFFIC CODE ADOPTED BY REFERENCE IN 2010

City Prosecutor Angela Roff explained that proposed Ordinance No. 21, Series of 2013, would resolve inconsistencies or conflicts between actual procedures or court rules and Model Traffic Code Sections 1709(1.5), 1710(3), 1710(4), and 1716(4)(b).

Councilor Miller moved to approve Ordinance No. 21, Series of 2013, on first reading as presented and to order it to be published as required by Charter; seconded by Councilor Rice. Roll Call: Yes - Carter, Clifton, Miller, Parkinson, Myers, Rice, Winkler.

ADMINISTRATIVE REPORTS

Mr. Sturgeon reported to Council on the following issues: Elm Avenue sewer line replacement; street and drainage projects; Ute Theatre; budget follow up; and recent fires.

Mr. Neu informed Council that the Planning and Zoning Commission, like the Council, is divided over allowing retail marijuana businesses in Rifle. He also noted that the City's lease with Cacaloco expired October 31, 2013.

Police Chief John Dyer reported to Council about the quiet Halloween this year, investigation of recent fires, and installation of solar panels at the Justice Center.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Myers requested an update on parking issues around the Ute Theatre.

Council discussed 2-hour parking on West 5th Street, as well as the speed limit on Airport Road.

Councilors wished the Rifle High School football team good luck in the playoffs.

Councilors recognized 5 Grand Valley High School students attending tonight's meeting.

Councilor Miller reported on the recommendations made by the Colorado Municipal League (CML) Policy Committee to the CML Board on October 18.

Meeting adjourned at 9:02 p.m.

Lisa H. Cain
City Clerk

Randy Winkler
Mayor