

RIFLE CITY COUNCIL MEETING

Wednesday, September 3, 2014

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, Jonathan Rice, and Mayor Randy Winkler.

OTHERS PRESENT: Matt Sturgeon, City Manager; Lisa Hamilton, City Clerk; Jim Neu, City Attorney; Jim Bell, Rifle Community Television Manager; Michael Churchill, Rifle Community Television Assistant Manager; Rick Barth, City Engineer; Leslee Bechtel, Police Officer; Kristy Christensen, Deputy City Clerk; Carlos Cornejo, Police Officer; John Dyer, Police Chief; Nathan Lindquist, Planning Director; Diego Piña, Police Sergeant; Mike Pruitt, Police Officer; Dewey Ryan, Police Officer; José Valadez, Police Officer; Kirk Wilson, Police Sergeant; Phyllis Billmeyer; Ava Bowles; Steven Comer; Steven Fuller; Chris Krelovich; Becky Mall; Dan Meskin; Michael Meskin; Mike Miller; Susan Nichols-Alvis; Heidi Rice; and Richard Van Gytenbeek.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the August 20, 2014 regular meeting
- B. Liquor License Renewal: Fiesta Guadalajara
- C. Waive Building Permit Fees for Senior Housing Windows
- D. Amend Special Event Liquor Permit held by Rifle Regional Economic Development Corporation
- E. Agreement Concerning Management of the Colorado River Cooperative Agreement West Slope Fund
- F. Accounts Payable

Councilor Miller moved to approve Consent Agenda Items A, B, C, D, E, and F; seconded by Councilor Carter. Roll Call: Yes – Rice (abstaining as to Item A), Carter, Clifton, Miller, Myers, Winkler

CITIZEN COMMENTS

Steven Comer urged Council to budget monies in 2015 to complete the Rifle Bicycle Trail.

There were no other citizen comments.

ADMINISTER OATH OF OFFICE TO POLICE OFFICER LESLEE BECHTEL

Police Chief John Dyer introduced newly-hired Police Officer Leslee Bechtel and administered the oath of office to her.

RECEIVE PRESENTATION FROM OUR COLORADO RIVER

Richard Van Gytenbeek appeared on behalf of Trout Unlimited's Our Colorado River group. He asked Council to endorse the group's core values.

CONSIDER BALLOT QUESTION PROPOSING 5% EXCISE TAX ON RETAIL MARIJUANA CULTIVATION AND 5% SALES TAX ON MEDICAL AND RETAIL MARIJUANA SALES ORDINANCE NO. 12, SERIES OF 2014 – SECOND READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, COLORADO, AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, THE ISSUE OF WHETHER THE CITY OF RIFLE SHOULD IMPOSE AN EXCISE TAX OF 5% ON THE SALE OR TRANSFER OF RETAIL MARIJUANA FROM A RETAIL MARIJUANA CULTIVATION FACILITY IN THE CITY AND THE ASSESSMENT OF AN ADDITIONAL SALES TAX OF 5% ON THE SALE OF MEDICAL MARIJUANA, MEDICAL MARIJUANA INFUSED PRODUCTS, RETAIL MARIJUANA AND RETAIL MARIJUANA INFUSED PRODUCTS

City Attorney Jim Neu explained that proposed Ordinance No. 12, Series of 2014, would place a question on the November 2014 ballot of whether a 5% excise tax should be imposed on the sale or transfer of retail marijuana from a Retail Marijuana Cultivation Facility in the City. On second reading of the ordinance, Council asked that it be amended to also propose an additional 5% sales tax on the sale of medical marijuana in the City, and retail marijuana if ever it is authorized to be sold in the future. If the voters approve the tax, staff would prepare an implementation ordinance for Council’s consideration in December.

Dan Meskin commented that marijuana businesses ought not to be singled out for imposition of these taxes. Doing so will drive customers to purchase marijuana from illegal sources. Michael Meskin commented that imposition of the tax would hurt downtown businesses.

Councilor Miller moved to approve Ordinance No. 12, Series of 2014, on second reading, as presented, and to order it to be published as required by Charter; seconded by Councilor Myers. Roll Call: Yes – Clifton, Miller, Myers. No - Carter, Rice, Winkler.

Since Council did not approve this motion, they discussed reverting to a proposed 5% excise tax on retail marijuana cultivation, as approved on first reading of Ordinance No. 12.

Councilor Miller moved to approve Ordinance No. 12, Series of 2014, as it had been presented on first reading, and to order it to be published as required by Charter; seconded by Councilor Carter. Roll Call: Yes – Carter, Clifton, Miller, Myers, Winkler. No - Rice.

CONSIDER AWARDING CONTRACT FOR CHIP AND SEAL PROJECT

City Engineer Rick Barth informed Council that staff solicited bids for application of chip/seal surfaces to several streets on the east side of the city. Staff intends to solicit bids for similar work on streets on the west side of the city in 2015. He recommended that Council award the contract to GMCO.

Councilor Carter moved to award to GMCO a contract for application of chip/seal surfaces in an amount not to exceed \$57,076.80; seconded by Councilor Rice. Roll Call: Yes – Carter, Clifton, Miller, Myers, Rice, Winkler

CONSIDER ACCEPTING RAYNARD DITCH TRAIL EASEMENT

Planning Director Nathan Lindquist explained that the current easement between the Raynard Ditch Trail and Anvil View Avenue runs through property owned by Damon and Amanda Wells. This easement was created with the North Pasture Subdivision but does not work well for a trail because of the steep drop at the western boundary of the Wells’ property.

In order to avoid the topographical difficulty, Dick and Karen Rhoades have offered an alternative trail easement on their property to the north of the Wells' property. This will allow the trail to reach Anvil View Avenue at a reasonable grade. Mr. Lindquist recommended that Council accept the Rhoades trail easement and vacate the easement on the Wells' property.

Council thanked Mr. and Ms. Rhoades for their generosity.

Councilor Rice moved to accept the Raynard Ditch Trail Easement from Dick and Karen Rhoades and vacate the easement previously granted by Damon and Amanda Wells; seconded by Councilor Clifton. Roll Call: Yes – Carter, Clifton, Miller, Myers, Rice, Winkler

CONSIDER TRAIL REPAIRS

Mr. Barth described several repairs needed to the trail along Government Creek near the Police Department. Staff has already begun repairing a block wall, as there was danger that the wall would collapse into the creek and block its flow. Staff estimates the cost of all the repairs to be \$27,200, with the Operations and Maintenance crew providing the labor. Money for these repairs is available in the Road Contingency Fund.

Councilor Miller moved to authorize the expenditure of up to \$27,200 to repair the trail along Government Creek; seconded by Councilor Rice. Roll Call: Yes – Carter, Clifton, Miller, Myers, Rice, Winkler

CONSIDER APPOINTING COUNCIL MEMBER

Councilor Myers moved to appoint Joseph Elliott to the Council seat vacated by Hans Parkinson; seconded by Councilor Miller. Roll Call: Yes – Clifton, Miller, Myers, Rice, Winkler. No – Carter.

ADMINISTRATIVE REPORTS

Mr. Lindquist announced upcoming events at the Ute Events Center.

Council and the Planning Commission will meet in a workshop session on September 10 at 6 p.m.

COMMENTS FROM MAYOR AND COUNCIL

Councilors were pleased to know that 8 people were interested in being appointed to Council.

Councilor Myers reminded citizens of the Energy Advisory Board meeting on September 4 and the First Friday events on September 5.

Meeting adjourned at 8:08 p.m.

Lisa K. Hamilton
City Clerk

Randy Winkler
Mayor