

RIFLE CITY COUNCIL MEETING

Wednesday, November 4, 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 Jay Miller, Jonathan Rice, Jen Sanborn, Jeanette Thompson, Randy Winkler, and Mayor Keith Lambert.

Councilor Rice moved to excuse Councilor Alan Lambert from tonight's meeting; seconded by Councilor Thompson.

Roll Call: Yes – Miller, Rice, Sanborn, 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; Michael Churchill, Cable 10; Charlie Stevens, Utility Director; Rod Hamilton, Public Works Director; Dick Deussen, City Engineer; Betty Fitzgibbon; Martin Martinez; Jorge Cardenas; Cameron Wilcox; Irene Burgoon.

CONSENT AGENDA

MINUTES FROM THE OCTOBER 21, 2009 REGULAR MEETING; ANNEXATION OF CR 296: SECOND READING OF ORDINANCE 29-09 & ORDINANCE 30-09; ANNEXATION OF SOUTH 7TH STREET: SECOND READING OF ORDINANCE 31-09 & 32-09; SEPTEMBER FINANCIAL REPORT; SEPTEMBER SALES TAX REPORT; ACCOUNTS PAYABLE

Councilor Rice excused himself from voting on the minutes. Mayor Lambert stated that approval of the four ordinances would constitute ordering them to be published in full as required by Charter. Councilor Winkler moved to approve the Consent Agenda; seconded by Councilor Rice.

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

CITIZEN COMMENTS AND LIVE CALL-IN

Betty Fitzgibbon discussed a friend's denied application with the Housing Authority. LouAnn Harman, Executive Director of Pathways, described their efforts to collect food for the upcoming Thanksgiving meal. Ms. Harman stated their agency is looking for donations.

POLICE DEPARTMENT PROPOSAL FOR HOLIDAY HOURS

Mayor Lambert stated this item was discussed during the workshop. Mr. Hier will have a proposal ready for Council's consideration at a future Council meeting.

PUBLIC HEARING: LIQUOR LICENSE APPLICATION FOR VALLARTA RESTAURANT

Mayor Lambert opened the public hearing and swore in the applicants Martin Martinez and Jorge Cardenas. Ms. Nelson stated that the public hearing was properly noticed. The application is complete and the required fees were paid. Staff is awaiting CBI results from the applicant's fingerprints. Councilor Miller moved to approve the Application, pending CBI results; seconded by Councilor Rice.

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

CHANGE ORDER #12 FOR RRWWRF

Mr. Stevens noted that this change order is for paint in an amount of \$46,783 and a credit for road base revisions for \$4,000, for a grand total of \$42,783. Councilor Miller moved to approve Change Order #12 in an amount not to exceed \$42,783; seconded by Councilor Thompson.

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

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: General, Street Improvement, Conservation Trust, Economic Development, Visitor Improvement, DDA, Capital, Rifle Information Center, and the Urban Renewal Authority. The next public hearing will be held November 18th to discuss Parks & Recreation, Water, Wastewater, Fleet, and Information Technology.

Mayor Lambert called for a recess at 8:32 p.m. The meeting resumed at 8:40 p.m.

FIRST 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. Councilor Miller moved to approve Ordinance 33-09 on first reading as amended and ordered it to be published by title as required by Charter; seconded by Councilor Rice.

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

LINE EXTENSION AGREEMENT (SHERIFF'S ANNEX) AND SITE PLANE IMPROVEMENTS AGREEMENT (HUMAN SERVICES BUILDING) WITH GARFIELD COUNTY

Garfield County is constructing additional facilities for the Sheriff's Department near the Garfield County Airport on the "Boot Property" that requires the extension of water and sewer mains and appurtenances. The County is also constructing another building for the Human Services Department at 14th and Railroad that requires the construction of certain public improvements. To ensure all of these improvements are constructed pursuant to the Rifle Municipal Code and the Public Works Manual for the City's ultimate acceptance of the improvements, the enclosed Line Extension Agreement and Site Plan Improvements Agreement have been drafted for Council's consideration. Both contain provisions similar to the City's SIA but have been modified slightly considering the County is constructing the improvements. Councilor Miller moved to approve the Agreements as amended; seconded by Councilor Rice.

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

HOLIDAY DECORATING OF DOWNTOWN

Mr. Hier has been working with Helen Rogers, DDA Director, to discuss the possible purchase of holiday decorations for the downtown. Other entities involved in these discussions include the Chamber of Commerce and the Visitor Improvement Fund Advisory Board, who are considering a contribution for this project. Mr. Hier believes that decorating the downtown will help improve the business climate. Councilor Winkler moved to utilize up to \$5,000 from the Contingency Fund for holiday decorations; seconded by Councilor Sanborn.

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

ADMINISTRATIVE REPORTS

Mr. Hier reported on: 2010 Budget; prior meeting with contractors to discuss local preference in the bidding process; meeting with the New Ute Theatre Society regarding the operation of the theatre; water quality efforts.

COMMENTS FROM MAYOR AND COUNCIL

RECYCLE BINS

Councilor Sanborn noted that the following items can now be recycled in the newspaper bin: office paper, magazines, and telephone books.

VETERANS DAY

Councilor Miller noted that celebrations will be held at the schools to honor Veterans Day. The West Garfield County Veterans Memorial will be dedicated on November 8th at 1:00 p.m.

Meeting adjourned at 9:39 p.m.

Wanda Nelson
City Clerk

Keith Lambert
Mayor