

RIFLE CITY COUNCIL MEETING

Wednesday, August 7, 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 Jay Miller.

PRESENT ON ROLL CALL: Councilors Rich Carter, Alan Lambert, Keith Lambert, Jen Sanborn, Randy Winkler, and Mayor Jay Miller.

Councilor A. Lambert moved to excuse Councilor Jonathan Rice from tonight's meeting; seconded by Councilor Sanborn. Roll Call: Yes – Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller.

OTHERS PRESENT: Matt Sturgeon, City Manager; Lisa Cain, City Clerk; Jim Neu, City Attorney; Michael Churchill, Channel 10 Assistant Manager; Rick Barth, City Engineer; Blair Bracken, Recreation Coordinator – Special Events; Kimberly Bullen, Government Affairs Coordinator; John Dyer, Police Chief; Hannah Klausman, City Planner; Nathan Lindquist, Planning Director; Lee Allmon; Bobi Jo Bergen; Cheryl Chandler; Tim Kinion; Mike McKibbin; Dan Meskin; Mike Miller; Karl Minter; Betty Mosby; Dirk Myers; Wilma Paddock; Hans Parkinson; Jen Radueg; and Kenneth Sack.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the July 17, 2013 Regular Meeting
- B. Authorize use of mail ballots for September 2013 municipal election – Resolution No. 12, Series of 2013
- C. Adopt Budget Calendar – Resolution No. 13, Series of 2013
- E. Special Event Liquor Permit: Loyal Order of Moose Lodge #1345 for August 18, 2013 (approve use of Centennial Park; approve permit; cancel public hearing)
- F. Authorize Congregate Meal/Nutrition Program Intergovernmental Agreement
- G. Accept grant and approve amendment for downtown planning
- H. Accept Department of Local Affairs grant for Highway 13 water main design
- I. June 2013 Sales Tax Report
- J. June 2013 Financial Report
- K. Accounts Payable

Council removed for separate consideration Consent Agenda Item D - Special Event Liquor Permit for Club Rotario of Glenwood Springs for August 11, 2013.

Councilor Carter moved to approve Consent Agenda Items A, B, C, E, F, G, H, I, J, and K; seconded by Councilor Winkler. Roll Call: Yes – A. Lambert (abstaining as to Item A), K. Lambert (abstaining as to Item A), Carter, Sanborn, Winkler, Miller.

CITIZEN COMMENTS AND LIVE CALL-IN

Cheryl Chandler asked the City to reconsider its recent decision to enforce the 2-hour parking restriction on West 5th Street. Council suggested that Ms. Chandler work with the Downtown Development Authority to request removal of the parking restriction in this area.

There were no other citizen comments or live call-ins.

ACTION ON WORKSHOP ITEM - CONSIDER MEMORANDUM OF UNDERSTANDING WITH THE BUREAU OF LAND MANAGEMENT

Councilor K. Lambert moved to approve a Memorandum of Understanding with the Bureau of Land Management for collaborative planning and production of a Supplemental Environmental Impact Statement for the Roan Plateau; seconded by Councilor A. Lambert. Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

PUBLIC HEARING – CONSIDER SPECIAL EVENT LIQUOR PERMIT APPLICATION – CLUB ROTARIO OF GLENWOOD SPRINGS FOR AUGUST 11, 2013

Mayor Miller opened the public hearing and swore in Jen Radueg, Event Producer, NRC 365. Ms. Radueg presented Club Rotario of Glenwood Springs' application for a special event permit to provide liquor service at the Garfield County Fairgrounds at 1001 Railroad Avenue on August 11, 2013, from 11:00 a.m. to 9:00 p.m. City Clerk Lisa Cain stated that the hearing was properly noticed and the fees have been paid.

Councilor K. Lambert moved to approve the Special Event Liquor Permit for Club Rotario of Glenwood Springs on August 11, 2013, from 11:00 a.m. to 9:00 p.m., at the Garfield County Fairgrounds at 1001 Railroad Avenue; seconded by Councilor Carter. Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

PUBLIC HEARING – CONSIDER EAGLE SPRINGS ORGANIC LLC D/B/A EAGLE SPRINGS MEATS AND FARM FRESH CAFÉ LIQUOR LICENSE APPLICATION

Mayor Miller opened the public hearing and swore in Kenneth Sack, Managing Member, Eagle Springs Organic LLC. Mr. Sack presented Eagle Springs Organic LLC d/b/a Eagle Springs Meats and Farm Fresh Café's application for a Hotel and Restaurant Liquor License at 1733 Railroad Avenue. Ms. Cain stated that the hearing was properly noticed, the application is complete, and the fees have been paid. The City has received acceptable background check results on Mr. Sack. Staff recommended that Council approve the application.

Councilor Carter moved to approve a Hotel and Restaurant Liquor License at 1733 Railroad Avenue for Eagle Springs Organic LLC d/b/a Eagle Springs Meats and Farm Fresh Café; seconded by Councilor A. Lambert. Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

PUBLIC HEARING - CONSIDER SOUTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY ANNEXATION AND ZONING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ANNEXING TO THE CITY OF RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE SOUTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, ZONING CERTAIN REAL PROPERTY KNOWN AS THE SOUTH RIFLE LAGOON WASTEWATER TREATMENT PLANT PROPERTY ANNEXATION DEVELOPING RESOURCE DISTRICT

Mayor Miller opened the public hearing. Planning Director Nathan Lindquist recommended that Council approve annexation and zoning for the property where the Southwest Wastewater Treatment Plant formerly existed. The facility is being de-commissioned. The property is currently within Garfield County's jurisdiction and is subject to its land use regulations. Annexation of the property will allow future uses of the site to fall under the City's jurisdiction and land use regulations. At this time no proposals have been made regarding future uses for the site. Zoning is requested as Developing Resources – a “holding zone” that limits land uses and reserves the property for later consideration. The Planning Commission recommended approval of the annexation and zoning at its May 28, 2013 meeting.

In response to inquiries from Tim Kinion and Karl Minter, Council verified that the City did not plan to annex Rifle Village South.

Lee Allmon asked what the Developing Resources zoning would allow.

Councilor K. Lambert moved to approve Ordinance Nos. 14 and 15, Series of 2013, on second reading as presented and to order them to be published in full as required by Charter; seconded by Councilor Sanborn. Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller.

CONSIDER EXTENDING TEMPORARY BAN ON RECREATIONAL MARIJUANA BUSINESSES FROM OCTOBER 1, 2013 TO JANUARY 1, 2014 – ORDINANCE NO. 18, SERIES OF 2013 – FIRST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, EXTENDING THE TEMPORARY BAN ON MARIJUANA ESTABLISHMENTS IN THE CITY UNTIL JANUARY 1, 2014 PURSUANT TO SECTION 16 OF ARTICLE XVIII OF THE COLORADO CONSTITUTION (AMENDMENT 64)

City Attorney Jim Neu reminded Council that by Ordinance No. 4, Series of 2013, it enacted a temporary ban on marijuana establishments in the City pursuant to Amendment 64 until October 1, 2013 to evaluate the regulations adopted by the Department of Revenue. Those regulations have been adopted. The City, however will have its regular municipal election on September 10, 2013 with four City Council seats to be filled. Council Members have expressed that the new Council should have the opportunity to evaluate how to regulate marijuana establishments or to prohibit them altogether, rather than the outgoing Council. To give staff time and the new Council the opportunity to become familiar with the appurtenant issues, staff recommended extending the temporary ban until January 1, 2014, which Ordinance No. 18, Series of 2013 would do.

Dan Meskin and Mike Miller, Co-Owners of Green Cross Rifle, expressed concern that extending the temporary ban would put Rifle medical marijuana businesses wishing to become retail marijuana businesses at a disadvantage. The medical marijuana businesses in other communities could become retail marijuana businesses before the marijuana businesses in Rifle, and the Rifle marijuana businesses could lose customers to the marijuana businesses in other communities.

After discussion, Council's consensus was to end the temporary ban by November 6, 2013, instead of January 1, 2014.

Councilor Sanborn objected to that portion of the 4th recital that "the current City Council believes the new City Council following the election should make these important decisions." Some Council Members may have expressed this, but prior to tonight's meeting, no one asked her whether she believed this. Council's consensus was to alter this recital.

Councilor Winkler moved to approve Ordinance No. 18, Series of 2013, on first reading to include amendments for second reading as discussed and to order it to be published by title as required by Charter; seconded by Councilor Sanborn. Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

CONSIDER AWARDING CONTRACTS FOR 2013 STREET PROJECTS

City Engineer Rick Barth recommended that Council award a contract to Frontier Paving in the amount of \$90,070 for asphalt work in these areas in 2013: Senior Center, alley adjacent to Winchester Motel, 12th/Park, Acacia, 26th/Meadow, and East Avenue.

Councilor A. Lambert moved to award a contract to Frontier Paving in the amount of \$90,070, within the confines of the Rifle Purchasing Code, for asphalt work for 2013 street projects; seconded by Councilor Carter. Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

CONSIDER AWARDING CONTRACT FOR HOWARD AVENUE DRAINAGE IMPROVEMENT PROJECT

Mr. Barth recommended that Council award a contract for the Howard Avenue Drainage Improvement Project to Johnson Construction, Inc., in the amount of \$386,725.20.

Councilor Winkler moved to award a contract for the Howard Avenue Drainage Improvement Project to Johnson Construction, Inc., in the amount of \$386,725.20; seconded by Councilor A. Lambert. Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

CONSIDER TAKING POSITION ON ROAN PLATEAU LEASE REVENUES – RESOLUTION NO. 11, SERIES OF 2013

Mayor Miller explained that the Bureau of Land Management is considering a withdrawal of oil and gas leases on the Roan Plateau. The City would be harmed by having to repay funds it received from the leases. Proposed Resolution No. 11, Series of 2013, would demand that the City be held harmless from any financial consequences of a withdrawal or vacation of any oil and gas leases on the Roan Plateau

Councilor A. Lambert moved to approve Resolution No. 11, Series of 2013; seconded by Councilor Carter. Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

Mayor Miller will sign a letter to Secretary of Interior Jewell and Colorado Department of Local Affairs Director Brown making this request and include Resolution No. 11, Series of 2013.

CONSIDER EMERGENCY ORDINANCES REMOVING STRIKETHROUGH AND UNDERLINED LANGUAGE IN 2 PROPOSED AMENDMENTS TO CITY CHARTER

AN EMERGENCY ORDINANCE OF THE CITY OF RIFLE, COLORADO, ENACTING CERTAIN FORMATTING AMENDMENTS TO THE BALLOT QUESTION SET BY ORDINANCE NO. 9, SERIES OF 2013

AN EMERGENCY ORDINANCE OF THE CITY OF RIFLE, COLORADO, ENACTING CERTAIN FORMATTING AMENDMENTS TO THE BALLOT QUESTION SET BY ORDINANCE NO. 12, SERIES OF 2013

Mr. Neu explained that Ordinance No. 9, Series of 2013 adopted by the City Council in June set a ballot question proposing an amendment to the Charter that would empower the City Council, by ordinance, to define the term “publication,” as used in the Charter, and to provide for ordinances to be published, in part, on the City’s website. Ordinance No. 12, Series of 2013 set a ballot question proposing certain amendments to the Charter that would conform the Charter to the Local Government Budget Law of Colorado.

After the ordinances were passed, it was determined that the appliance used to produce machine-readable ballots lacks the capability to transcribe the ballot questions in the form authorized by Ordinance Nos. 9 and 12, which employed strikeout and underline formatting to illustrate the proposed amendments. Ordinance Nos. 16 and 17 revoke the sections of the ordinances that present the ballot questions. They restate the questions in a format compatible with the appliance used to print the ballots.

Out of an abundance of caution, staff recommended approval of Ordinance Nos. 16 and 17, Series of 2013 as Emergency Ordinances to accommodate the procedural timeframes attending the September 10, 2013 regular municipal election.

Councilor K. Winkler moved to approve Ordinance Nos. 16 and 17, Series of 2013, as emergency ordinances as presented and to order them to be published in full as required by Charter; seconded by Councilor Carter.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Sanborn, Winkler, Miller

ADMINISTRATIVE REPORTS

City Manager Matt Sturgeon reported to Council on the following items: South Lagoon Remediation; 2014 Budget; Election Process; City Employee Picnic; Deerfield Park Phase II Improvements; Rifle Mountain Park Climbing Festival; and Fairgrounds Planning.

Ms. Cain informed Council that the notice required by the Taxpayer Bill of Rights on the recreation center tax question would be mailed to voters by August 9 and that ballots for the municipal election would be mailed by August 23.

Police Chief John Dyer noted that the County Fair is going well.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Sanborn requested that the Parks Department repair lights at the skateboard park.

Councilor A. Lambert thanked the citizens running for City Council. He encouraged them to continue consensus building as the current Council does.

Councilor K. Lambert noted that the work of the Downtown Rifle Transit-Oriented Development Strategic Plan Steering Committee is coming to a close.

Mayor Miller encouraged citizens to attend the County Fair.

Meeting adjourned at 8:55 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor