

RIFLE CITY COUNCIL MEETING

Wednesday, November 19, 2014

SPECIAL MEETING

6:00 p.m. * Conference Room

A special meeting of the Rifle City Council was called to order at 6:00 p.m. by Mayor Randy Winkler.

PRESENT AT ROLL CALL: Councilors Rich Carter, Barb Clifton, Joe Elliott, Jay Miller, Dirk Myers, and Mayor Randy Winkler.

Councilor Miller moved to excuse Councilor Jonathan Rice from tonight's meeting; seconded by Councilor Elliott. Roll Call: Yes – Carter, Clifton, Elliott, Miller, Myers, Winkler

OTHERS PRESENT: Matt Sturgeon, City Manager; Lisa Hamilton, City Clerk; Jim Neu, City Attorney; and Angela Roff, City Prosecutor.

EXECUTIVE SESSION FOR DISCUSSION OF A PERSONNEL MATTER UNDER CRS 24-6-402(2)(F) AND NOT INVOLVING: (1) ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION; (2) ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL; (3) THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR OF AN ELECTED OFFICIAL; OR (4) PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES

Councilor Miller moved to adjourn to executive session to discuss personnel matters; seconded by Councilor Elliott. Roll Call: Yes – Carter, Clifton, Elliott, Miller, Myers, Winkler

Upon return to open session following conclusion of the executive session, meeting adjourned at 6:37 p.m.

RIFLE CITY COUNCIL MEETING

Wednesday, November 19, 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 AT ROLL CALL: Councilors Rich Carter, Barb Clifton, Joe Elliott, Jay Miller, Dirk Myers, and Mayor Randy Winkler.

Councilor Miller moved to excuse Councilor Jonathan Rice from tonight's meeting; seconded by Councilor Carter. Roll Call: Yes – Carter, Clifton, Elliott, Miller, Myers, 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; Dick Deussen, Utilities Director; John Dyer, Police Chief; Kathy Pototsky, Municipal Court Administrator; and Sean Jeung.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the November 5, 2014 special and regular meetings
- B. Authorize Department of Local Affairs grant application for construction of water storage tank – Resolution No. 20, Series of 2014
- C. Transfer Liquor License from J and E Co. d/b/a Shanghai Garden to J&L, Inc. d/b/a Shanghai Garden at 1538 Railroad Avenue
- D. Special Event Liquor Permit: HomeCare and Hospice of the Valley for December 11, 2014 (approve permit; cancel public hearing)
- E. September 2014 Sales Tax Report
- F. September 2014 Financial Report
- G. Accounts Payable

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

CITIZEN COMMENTS

There were no citizen comments.

CONSIDER AMENDING SECTION 2-4-260(A) OF RIFLE MUNICIPAL CODE REGARDING CONTEMPT POWER OF MUNICIPAL COURT – ORDINANCE NO. 14, SERIES OF 2014 – FIRST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 2-4-260(a) OF THE RIFLE MUNICIPAL CODE REGARDING CONTEMPT POWER OF THE MUNICIPAL COURT OF THE CITY OF RIFLE

City Attorney Jim Neu explained that Section 2-4-260 of the Rifle Municipal Code sets forth provisions regarding the contempt power of the Municipal Court and currently authorizes the municipal judge to vindicate the dignity of the Court by imposing a fine upon a contemnor up to \$1,000 and/or imprisoning a contemnor for up to 10 days. Common penalties in other jurisdictions for this offense authorize imprisonment up to 6 months and a fine up to \$500. Municipal Judge Zerbi would like Rifle’s Code to be in line with this common authority. Proposed Ordinance No. 14, Series of 2014, would accomplish this by increasing the possible imprisonment from 10 days to 6 months and by decreasing the possible fine from \$1,000 to \$500.

Councilor Carter moved to approve Ordinance No. 14, Series of 2014, on first reading as presented and to order it to be published as required by Charter; seconded by Councilor Elliott. Roll Call: Yes - Carter, Clifton, Elliott, Miller, Myers, Winkler

CONSIDER AMENDING SECTIONS OF RIFLE MUNICIPAL CODE TO CLARIFY DRAFTING INCONSISTENCIES IN MODEL TRAFFIC CODE FOR COLORADO – ORDINANCE NO. 15, SERIES OF 2014 – FIRST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTIONS OF THE RIFLE MUNICIPAL CODE TO CLARIFY DRAFTING INCONSISTENCIES IN THE MODEL TRAFFIC CODE FOR COLORADO

Mr. Neu explained that the City has adopted into the Rifle Municipal Code by reference, with amendments, the Model Traffic Code for Colorado. Some references in the Model Traffic Code need clarification. The Traffic Code references “section 1701(4)” and “section 42-4-1701” in several places, but it is not clear what code it is referencing when in fact it is the Colorado Revised Statutes. Therefore, it will clarify this ambiguity if the Rifle Municipal Code is amended to state that all references in the Model Traffic Code to “section 1701(4)” and subsections thereto shall refer to “§42-4-1701(4), C.R.S., and subsections thereto” and all references to “section 42-4-1701” and subsections thereto shall refer to “§42-4-1701, C.R.S., and subsections thereto.” Proposed Ordinance No. 15, Series of 2014, would enact this clarification.

Councilor Miller moved to approve Ordinance No. 15, Series of 2014, on first reading as presented and to order it to be published as required by Charter; seconded by Councilor Clifton. Roll Call: Yes - Carter, Clifton, Elliott, Miller, Myers, Winkler

CONSIDER ADOPTING EXCISE TAX ON SALE OF RECREATIONAL MARIJUANA – ORDINANCE NO. 16, SERIES OF 2014 – FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, IMPLEMENTING AN EXCISE TAX OF 5% ON THE SALE OR TRANSFER OF RETAIL MARIJUANA FROM A RETAIL MARIJUANA CULTIVATION FACILITY IN THE CITY APPROVED BY THE VOTERS AT THE NOVEMBER 4, 2014 GENERAL ELECTION BY ENACTING ARTICLE VII OF CHAPTER 4 OF THE RIFLE MUNICIPAL CODE

Mr. Neu reminded Council that by Ordinance No. 12, Series of 2014, Council placed a question on the November 4, 2014 general election ballot asking the voters of Rifle if an excise tax of 5 percent should be imposed on the transfer or conveyance of retail marijuana cultivated in the City. The voters overwhelmingly approved the excise tax. Proposed Ordinance No. 16, Series of 2014, would implement the tax and codify it in the Rifle Municipal Code in a new Article VII of Chapter 4.

Councilor Rice joined the meeting at 7:11 p.m.

Councilor Miller moved to approve Ordinance No. 16, Series of 2014, on first reading as presented and to order it to be published as required by Charter; seconded by Councilor Clifton. Roll Call: Yes - Carter, Clifton, Elliott, Miller, Myers, Rice, Winkler

PUBLIC HEARING – CONSIDER 2015 PROPOSED BUDGET

Mayor Winkler opened the public hearing. City Manager Matt Sturgeon provided an overview of the proposed 2015 budget. Council discussed the following funds: Information Technology Fund, Fleet Fund, Water Fund, Wastewater Fund, and Sanitation Fund.

ADMINISTRATIVE REPORTS

Police Chief John Dyer reported to Council on traffic issues under study by staff.

Utilities Director Dick Deussen updated Council on biosolids disposal at the south wastewater plant.

COMMENTS FROM MAYOR AND COUNCIL

Councilors wished the Rifle Bears football team good luck in the playoffs.

Councilor Rice welcomed Officer Will Van Teylingen as the new School Resource Officer.

Mayor Winkler encouraged the community to attend the Hometown Holiday festivities on December 5 and 6.

Councilors wished all a Happy Thanksgiving.

EXECUTIVE SESSION FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER C.R.S. SECTION 24-6-402(4)(E)

Councilor Carter moved to adjourn to executive session to discuss negotiations; seconded by Councilor Rice. Roll Call: Yes – Carter, Clifton, Elliott, Miller, Myers, Rice, Winkler

Upon return to open session following conclusion of the executive session, meeting adjourned at 8:38 p.m.

Lisa K. Hamilton
City Clerk

Randy Winkler
Mayor