

RIFLE CITY COUNCIL MEETING

Wednesday, May 6, 2015

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, Dirk Myers, Jonathan Rice, and Mayor Randy Winkler.

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

OTHERS PRESENT: City Manager Matt Sturgeon; City Clerk Lisa Hamilton; City Attorney Jim Neu; Rifle Community Television (RCTV) Manager Michael Churchill; RCTV Production Assistant Michael Stowe; Police Chief John Dyer; Resident Engineer Jim Miller; Municipal Court Administrator Kathy Pototsky; Senior Center Director Tami Sours; Ryan Hoffman; John Scalzo; and Joshua Williams.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the April 15, 2015 regular meeting
- B. Garfield County Emergency Communications Authority Annexation - Ordinance No. 8, Series of 2015 – 2nd reading
- C. Zoning Garfield County Emergency Communications Authority Annexation - Ordinance No. 9, Series of 2015 – 2nd reading
- D. (Acting as Liquor Licensing Authority) Special Event Permit: Elks Lodge for May 15 and 16, 2015 (approve permit, cancel public hearing)
- E. (Acting as Liquor Licensing Authority) Liquor License Renewal: Sammy's
- F. Garfield County Federal Mineral Lease District grant agreement Whiteriver Avenue improvements – Resolution No. 12, Series of 2015
- G. Garfield County Federal Mineral Lease District grant agreement for purchase of bus to transport seniors – Resolution No. 13, Series of 2015
- H. Financial Statements
- I. Accounts Payable

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

CITIZEN COMMENTS

John Scalzo thanked Councilor Myers for attending the Veterans Memorial dedication. He was disappointed that few young people attended.

There were no other citizen comments.

CONSIDER SENIOR CENTER RENTAL POLICIES

Councilor Carter moved to approve a revised Rifle Senior Center Facility Policies and Rental Agreement, as recommended by Senior Center Director Tami Sours; seconded by Councilor Rice. Roll Call: Yes – Carter, Clifton, Elliott, Myers, Rice, Winkler.

CONSIDER AUTHORIZING PURCHASE OF REPLACEMENT BUSES FOR SENIOR RECREATION TRANSPORTATION

Councilor Rice moved to authorize the purchase of 2 buses for senior recreation transportation for a total cost not to exceed \$73,600, as recommended by City Manager Matt Sturgeon; seconded by Councilor Clifton. Roll Call: Yes – Carter, Clifton, Elliott, Myers, Rice, Winkler.

CONSIDER AMENDING RIFLE MUNICIPAL CODE REGARDING DRUG PARAPHERNALIA AND SEALING OF MINORS’ RECORDS – ORDINANCE NO. 10, SERIES OF 2015 – 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING SECTION 10-8-120 OF THE RIFLE MUNICIPAL CODE TO CHANGE THE MENTAL STATE ELEMENT OF THE OFFENSE OF POSSESSION OF DRUG PARAPHERNALIA, AND AMENDING SECTION 10-8-130 OF THE RIFLE MUNICIPAL CODE TO PROVIDE FOR THE SEALING OF CONVICTION RECORDS FOR CERTAIN MARIJUANA RELATED OFFENSES BY MINORS

Municipal Court Administrator Kathy Pototsky explained that, under Rifle Municipal Code Section 10-8-120, the mental state required for the offense of possession of drug paraphernalia is that the drug paraphernalia found in the accused’s possession is to be used under circumstances which violate state law. Under the Uniform Controlled Substances Act of 1992, the mental state required for the offense of possession of drug paraphernalia is knowledge by an accused offender that the drug paraphernalia found in the accused’s possession could be used under circumstances which violate state law. She recommended that the Code be amended to meet the same intent under the Uniform Controlled Substances Act.

In Section 10-8-130, the Code recognizes that it is appropriate for the Municipal Court, under certain circumstances, to seal a record of conviction for the offense of purchase, possession, or consumption of alcoholic beverages by a minor. In light of the similarities of alcoholic beverage and marijuana criminal enforcement in Colorado, staff recommended to further recognize in the Code that it is also appropriate for the Municipal Court, under certain circumstances, to seal a record of conviction of a minor for possession, consumption, and certain related offenses involving marijuana.

Ms. Potosky noted that both of these recommended amendments are contained in proposed Ordinance No. 10, Series of 2015.

Mr. Scalzo opposed sealing minors’ records.

Councilor Rice moved to approve Ordinance No. 10, Series of 2015, on first reading, as presented, and to order it to be published as required by Charter; seconded by Councilor Carter. Roll Call: Yes – Carter, Clifton, Elliott, Myers, Rice, Winkler.

CONSIDER WATER TANK SOLE SOURCE PURCHASE - RESOLUTION NO. 14, SERIES OF 2015

Councilor Elliott moved to approve Resolution No. 14, Series of 2015, declaring an emergency and authorizing the Purchasing Agent to utilize sole source procurement for the construction of the Graham Mesa Water Tank Replacement Project, as recommended by Resident Engineer Jim Miller; seconded by Councilor Myers. Roll Call: Yes – Carter, Clifton, Elliott, Myers, Rice, Winkler.

ADMINISTRATIVE REPORTS

Police Chief John Dyer noted that his staff was on alert because of the flash flood warning.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Myers thanked Mr. Scalzo for his efforts related to the Veterans Memorial. He announced that there would be an Energy Advisory Board meeting on May 7.

Councilor Clifton thanked Fleet Mechanic Dave James for finding the senior recreation transportation buses.

Councilor Elliott reported that he had undergone surgery.

EXECUTIVE SESSION - DISCUSSION OF A PERSONNEL MATTER UNDER C.R.S. 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; AND FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S. SECTION 24-6-402(4)(B)

Councilor Rice moved to go into executive session to discuss personnel matters and receive legal advice; seconded by Councilor Elliott. Roll Call: Yes – Carter, Clifton, Elliott, Myers, Rice, Winkler.

Upon return to open session following conclusion of the executive session, meeting adjourned at 8:25 p.m.

Lisa K. Hamilton
City Clerk

Randy Winkler
Mayor