



City Council
Randy Winkler, Mayor
Barbara Clifton, Mayor Pro Tem
Joe Elliott, Councilor
Ed Green, Councilor
Theresa Hamilton, Councilor
Annick Pruetz, Councilor
Dana Wood, Councilor

City Hall
City Council Chambers
202 Railroad Avenue
Rifle, CO

Cablecast Live on
Comcast Channel 10

Streamed Live at RifleNOW.org

The City of Rifle will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 665-6405 for assistance.

REGULAR MEETING
August 3, 2016

WORKSHOP 6:00 P.M.
COUNCIL CHAMBERS

6:00 P.M. Solid Waste Service Contract Discussion
6:30 P.M. Rifle City Trail Review

REGULAR MEETING 7:00 P.M.
COUNCIL CHAMBERS

The City Council may take action on any of the following agenda items as presented or modified prior to or during the meeting, and items necessary or convenient to effectuate the agenda items.

- 7:00 p.m. 1. Regular Meeting Call to Order and Roll Call
- 7:03 p.m. 2. Consent Agenda – consider approving the following items:
A. Minutes from the July 20, 2016 Regular Meeting
B. *(Acting as Liquor Licensing Authority)* Liquor License Renewals:
Rocky Mountain Liquors Inc. dba Rocky Mountain Liquors
C. Accounts Payable
- 7:08 p.m. 3. Citizen Comments
(For items not listed as public hearings on the agenda. Please limit comments to 3 minutes.)
- 7:11 p.m. 4. Action, if any, on Workshop Items (Mayor Winkler)
- 7:15 p.m. 5. Recognition to Bobby O'Dell for 8 years of service to the City of Rifle
(Mayor Winkler)

- 7:20 p.m. 6. Consider "Raise the Bar" (Wade Haerle, EIS Solutions)
- 7:30 p.m. 7. Consider General Penalty and Municipal Court Fees - Ordinance No. 18, Series of 2016 -1st reading (Jim Neu)
- 7:40 p.m. 8. Consider Marijuana Cultivating Operation Odor Regulations (Nathan Lindquist)
- 7:50 p.m. 9. Consider Marijuana Regulations- Rifle Municipal Code Chapter 6, Articles VIII and IX - Ordinance No. 19, Series of 2016 – 1st reading (Jim Neu)
- 8:05 p.m. 10. Consider adopting 2016 Strategic Plan (Kimbery Bullen)
- 8:15 p.m. 11. Consider adopting Code of Conduct - Resolution No. 11, Series of 2016 (Matt Sturgeon)
- 8:25 p.m. 12. Consider Correcting Legal Description for Grand River Hospital District Annexation and Zoning - Resolution No. 12, Series of 2016 (Jim Neu)
- 8:35 p.m. 13. Administrative Reports
- 8:45 p.m. 14. Comments from Mayor and Council

The order and times of agenda items listed above are approximate and intended as a guideline for the City Council.

Next Regular Meeting of Council: August 17, 2016 at 7:00 p.m.





To: Honorable Mayor and City Council
From: Kristy Christensen, City Clerk
Date: Friday, July 29, 2016
Subject: Liquor License Renewal

The following business has filed a liquor license renewal application:

<u>Business Name/Address</u>	<u>Type of License</u>
Rocky Mountain Liquors Inc. dba Rocky Mountain Liquors 1735 Railroad Avenue Rifle, Co 81650	Liquor Store

The following criteria has been met by Rocky Mountain Liquors Inc. dba Rocky Mountain Liquors:

- The application is complete.
- The fees have been paid.

I recommend approval of this renewal application.

**RETAIL LIQUOR OR 3.2 BEER
 LICENSE RENEWAL APPLICATION**

RECEIVED

JUN 29 2016

City of Rifle
 Clerk's Office

ROCKY MOUNTAIN LIQUORS
 1735 RAILROAD AVE
 RIFLE CO 81650-3333

Fees Due	
Renewal Fee	\$227.50
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name ROCKY MOUNTAINLIQUORS INC		DBA ROCKY MOUNTAIN LIQUORS		
Liquor License # 28108650000	License Type Liquor Store (city)	Sales Tax License # 28108650000	Expiration Date 08/24/2016	Due Date 07/10/2016
Operating Manager <i>Linda Trujillo</i>	Date of Birth	Home Address		
Manager Phone Number <i>970.625.0113</i>	Email Address			
Street Address 1735 RAILROAD AVE RIFLE CO 81650-3333				Phone Number 9706250113
Mailing Address 1735 RAILROAD AVE RIFLE CO 81650-3333				

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 2022
- Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.
 YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Linda Trujillo</i>	Title <i>PRES/OWNER</i>
Signature <i>Linda Trujillo</i>	Date <i>6-30-16</i>

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest

Report Criteria:

Summary report.
Invoices with totals above \$0 included.
Paid and unpaid invoices included.

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1003						
Action Shop Services, Inc						
	RI46279	BLOWER	07/08/2016	56.75	.00	
	SI92519	STIHL BLISTER	07/05/2016	102.45	.00	
	SI92581	TRIMMER TOOL	07/07/2016	68.97	.00	
	SI92583	BLADES	07/07/2016	13.98	.00	
	SI92674	BLADES	07/12/2016	92.87	.00	
	SI92692	POLY CUT BLADES	07/14/2016	6.99	.00	
	SI92694	BRUSH KNIFE	07/14/2016	94.97	.00	
	SI92695	NYLOCK NUT	07/14/2016	6.98	.00	
Total 1003:				443.96	.00	
1009						
B & B Plumbing, Inc						
	47402	REPAIR HANDLE	07/12/2016	183.50	.00	
	5972	SUPPLIES	06/30/2016	57.80	.00	
Total 1009:				241.30	.00	
1018						
Valley Lumber						
	24936	SUPPLIES	06/30/2016	34.24	.00	
	24979	SUPPLIES	07/01/2016	18.47	.00	
	25002	SUPPLIES	07/01/2016	11.17	.00	
	25025	SUPPLIES	07/01/2016	25.00	.00	
	25106	SUPPLIES	07/05/2016	3.44	.00	
	25157	SUPPLIES	07/06/2016	23.99	.00	
	25207	SUPPLIES	07/07/2016	21.48	.00	
	25214	SUPPLIES	07/07/2016	.28	.00	
	25222	SUPPLIES	07/07/2016	4.49	.00	
	25225	SUPPLIES	07/07/2016	41.98	.00	
	25230	SUPPLIES	07/07/2016	257.94	.00	
	25238	SUPPLIES	07/08/2016	9.94	.00	
	25263	SUPPLIES	07/08/2016	17.95	.00	
	25281	SUPPLIES	07/08/2016	7.99	.00	
	25408	SUPPLIES	07/12/2016	21.27	.00	
	25424	SUPPLIES	07/12/2016	49.94	.00	
	25515	SUPPLIES	07/14/2016	13.99	.00	
	25553	SUPPLIES	07/14/2016	37.99	.00	
	25711	SUPPLIES	07/19/2016	31.47	.00	
	25742	SUPPLIES	07/19/2016	.45	.00	
	25806	SUPPLIES	07/21/2016	108.89	.00	
	25840	SUPPLIES	07/21/2016	1.78	.00	
	25885	SUPPLIES	07/22/2016	.94	.00	
Total 1018:				745.08	.00	
1055						
Columbine Ford, Inc						
	5016195	CONNECTOR	07/13/2016	59.35	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 1055:				59.35	.00	
1062						
Dana Kepner Company						
	1430805-00	CONNECTOR	07/14/2016	783.28	783.28	07/22/2016
Total 1062:				783.28	783.28	
1076						
Garfield County Treasurer						
	2016-247	Landfill	06/30/2016	7,257.14	7,257.14	07/22/2016
Total 1076:				7,257.14	7,257.14	
1087						
Grainger						
	9159761015	PUMP STATION	07/07/2016	459.24	.00	
	9164856313	FLOOR SQUEEGEE	07/12/2016	78.94	.00	
Total 1087:				538.18	.00	
1094						
Hy-way Feed & Ranch Supply						
	2004759	SUPPLIES	07/12/2016	95.00	.00	
	2004774	SUPPLIES	07/13/2016	597.55	.00	
Total 1094:				692.55	.00	
1100						
Karp, Neu, Hanlon P.c.						
	063016	WHITERIVER RIVER-1501	06/30/2016	225.00	225.00	07/22/2016
	063016.	SULLIVAN TEXT-6074	06/30/2016	472.50	472.50	07/22/2016
	063016/	RRV MINOR SUBDIVISION-6128	06/30/2016	418.00	418.00	07/22/2016
	072216	PARKS and Recreation	07/22/2016	209.00	209.00	07/22/2016
	27167	GENERAL LEGAL-0197	06/30/2016	8,505.85	8,505.85	07/22/2016
	27168	WATER RIGHTS-0557	06/30/2016	833.50	833.50	07/22/2016
	27169	PLANNING-0604	06/30/2016	3,153.50	3,153.50	07/22/2016
	27170	SEWER FUND-1363	06/30/2016	260.00	260.00	07/22/2016
Total 1100:				14,077.35	14,077.35	
1105						
Meadow Gold Dairies						
	50227697	DAIRY PRODUCTS/SENIOR CT	07/06/2016	109.00	.00	
	50227770	DAIRY PRODUCTS/SENIOR CT	07/14/2016	107.17	.00	
	50227780	DAIRY PRODUCTS/POOL	07/14/2016	93.26	.00	
	50227829	DAIRY PRODUCTS/REC -POOL	07/18/2016	93.42	.00	
	50227856	DAIRY PRODUCTS/POOL	07/20/2016	41.31	.00	
	50227874	DAIRY PRODUCTS/POOL	07/21/2016	52.32	.00	
Total 1105:				496.48	.00	
1110						
YOUR PARTS HAUS CORP						
	425886	SPRING KIT	05/12/2016	14.49	14.49	07/22/2016
	429377	LATCH ACTUATOR	06/09/2016	522.67	.00	
	431074	HOSE FITTINGS	06/22/2016	4.93	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	432107	OIL FILTER	06/30/2016	6.26	.00	
	432108	NAPAGOLD OIL FILTER	06/30/2016	3.13	.00	
	432113	SYNOW20	06/30/2016	53.04	.00	
	432138	44 K BG	06/30/2016	115.88	.00	
	432698	TRAILER BALL	07/06/2016	9.59	.00	
	432716	BATT CABLE TERMINAL	07/06/2016	123.24	.00	
	432885	LED FOG LIGHTS	07/07/2016	39.98	.00	
	433273	LED FOG LIGHTS	07/11/2016	39.98	.00	
	433274	ULTIMATE 6X1	07/11/2016	19.23	.00	
	433437	CONDENSER FIN COMB	07/12/2016	11.99	.00	
	433541	CAGE BOLT	07/13/2016	3.86	.00	
	433558	CONNECTOR	07/13/2016	52.07	.00	
	433559	LED FOG LIGHTS	07/13/2016	39.98	.00	
	434215	DISC BRAKE QUIET	07/18/2016	13.98	.00	
	434461	BATTERY BRUSH	07/20/2016	15.76	.00	
Total 1110:				1,090.06	14.49	
1120						
Xcel Energy Inc						
	508433802	ST LIGHT MAINT EXP	07/12/2016	13,286.31	13,286.31	07/22/2016
Total 1120:				13,286.31	13,286.31	
1126						
Rifle City Of						
	1357101 07011	2416-22 RAIL AVE	07/01/2016	144.23	144.23	07/26/2016
	1453101 07011	50 UTE AVE	07/01/2016	355.05	355.05	07/26/2016
	2003101 07011	201 E 18TH ST	07/01/2016	194.52	194.52	07/26/2016
	2004101 07011	612 RAILROAD AVE	07/01/2016	312.67	312.67	07/26/2016
	2005101 07011	1612RAILROAD AVE	07/01/2016	1,012.59	1,012.59	07/26/2016
	2006101 07011	101 S EAST AVE	07/01/2016	437.44	437.44	07/26/2016
	2007101 07011	301 E 30TH ST	07/01/2016	44.89	44.89	07/26/2016
	2017102 07011	1718 RAILROAD AVE	07/01/2016	2,035.24	2,035.24	07/26/2016
	2033001 07011	750 UTE AVE	07/01/2016	76.00	76.00	07/26/2016
	2042001 07011	202 B RAILROAD AVE	07/01/2016	93.35	93.35	07/26/2016
	2073001 07011	200 LIONS PARK	07/01/2016	76.00	76.00	07/26/2016
	2211101 07011	1201 RAILROAD AVE	07/01/2016	605.88	605.88	07/26/2016
	2214101 07011	1500 DOGWOOD DR	07/01/2016	829.90	829.90	07/26/2016
	2215101 07011	225 EAST AVE	07/01/2016	48.23	48.23	07/26/2016
	2325101 07011	1500 DOGWOOD DR	07/01/2016	52.64	52.64	07/26/2016
	2575101 07011	E 4TH ST	07/01/2016	15.56	15.56	07/26/2016
	265104 070116	638 PARK AVE	07/01/2016	172.79	172.79	07/26/2016
	3079101 07011	595 W 24TH ST	07/01/2016	424.96	424.96	07/26/2016
	3221101 07011	0000 BROWNING DR	07/01/2016	31.11	31.11	07/26/2016
	3351101 07011	1221 E CENTENNIAL PKWY	07/01/2016	43.81	43.81	07/26/2016
	3636101 07011	250 E 16TH ST	07/01/2016	77.80	77.80	07/26/2016
	3641101 07011	360 S 7TH ST B	07/01/2016	1,011.37	1,011.37	07/26/2016
	3673101 07011	3100 DOKES LN	07/01/2016	88.70	88.70	07/26/2016
	3677101 07011	2515 W CENTENNIAL PKWY	07/01/2016	662.52	662.52	07/26/2016
	3679101 07011	300 W 5TH ST	07/01/2016	3,431.87	3,431.87	07/26/2016
	3706101 07011	2515 BW CENTENNIAL PKWY	07/01/2016	31.11	31.11	07/26/2016
	3707101 07011	2515 CW CENTENNIAL PKWY	07/01/2016	35.26	35.26	07/26/2016
	3727101 07011	300 E 30TH ST	07/01/2016	76.00	76.00	07/26/2016
	779102 070116	132 E 4TH ST	07/01/2016	76.00	76.00	07/26/2016
	823101 070116	202 RAILROAD AVE	07/01/2016	98.74	98.74	07/26/2016
	873106 070116	236 W 4TH ST	07/01/2016	92.33	92.33	07/26/2016

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 1126:				12,688.56	12,688.56	
1188						
Jean's Printing						
	161391	printing	07/13/2016	218.52	.00	
Total 1188:				218.52	.00	
1205						
American Water Works Associat						
	7001215099	MEMBERSHIP DUES	06/27/2016	315.00	315.00	07/22/2016
Total 1205:				315.00	315.00	
1249						
Berthod Motors Inc						
	01-34577	KEY /	07/13/2016	11.28	.00	
Total 1249:				11.28	.00	
1297						
Western Slope Trailer Sales						
	52612	LANYARD	07/14/2016	13.00	.00	
Total 1297:				13.00	.00	
1300						
Kois Brothers Equip Co						
	106215	SPRING	02/17/2016	64.00	.00	
Total 1300:				64.00	.00	
1312						
Honnen Equipment Co.						
	777497	STARTER MOTO	07/20/2016	475.15	.00	
Total 1312:				475.15	.00	
1339						
Grand Junction Pipe & Supply						
	3393399	FEBCO RPA	07/01/2016	665.00	.00	
	3397209	PIPE	07/12/2016	3,895.87	.00	
Total 1339:				4,560.87	.00	
1682						
Safety Kleen						
	70711803	SUPPLIES	07/14/2016	285.87	.00	
Total 1682:				285.87	.00	
1734						
United Companies/Oldcastle SW Group Inc						
	1124781	READY MIX	06/22/2016	1,853.25	.00	
	1126109	ROCK WASHED	06/29/2016	413.18	.00	
	1126281	ROAD BASE	06/30/2016	748.81	.00	
	1126909	ROAD BASE	07/05/2016	897.01	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	1127556	ROCK WASHED	07/07/2016	468.29	.00	
Total 1734:				4,380.54	.00	
2139						
CDW Government, Inc						
	DQD1495	Renewal and addition licenses for	07/11/2016	4,954.00	.00	
Total 2139:				4,954.00	.00	
2208						
Amerigas						
	802928487	PROPANE	06/30/2016	1,305.60	1,305.60	07/22/2016
Total 2208:				1,305.60	1,305.60	
2573						
Mountain West Office Products						
	0591747-001	supplies	07/20/2016	199.52	.00	
Total 2573:				199.52	.00	
2846						
Colo Mtn News Media						
	12159460A	AD	06/06/2016	11.13	11.13	07/22/2016
	12176978A	AD	06/17/2016	11.13	11.13	07/22/2016
	12187047A	AD	06/19/2016	13.66	13.66	07/22/2016
	12188361A	AD	06/20/2016	13.66	13.66	07/22/2016
	12223823A	AD	07/03/2016	8.60	8.60	07/22/2016
	12238410A	AD	07/09/2016	14.67	14.67	07/22/2016
	12238422A	AD	07/09/2016	14.67	14.67	07/22/2016
Total 2846:				87.52	87.52	
2960						
Walmart Community						
	015059	SUPPLIES	07/15/2016	106.56	106.56	07/22/2016
Total 2960:				106.56	106.56	
3015						
Kroger/King Sooper Cust Charge						
	011010	FOOD SUPPLIES	07/11/2016	88.56	88.56	07/22/2016
	043474	FOOD SUPPLIES	07/05/2016	71.90	71.90	07/22/2016
	069802	FOOD SUPPLIES	07/06/2016	11.87	11.87	07/22/2016
	132834	FOOD SUPPLIES	07/13/2016	44.56	44.56	07/22/2016
	146706	FOOD SUPPLIES	07/13/2016	8.90	8.90	07/22/2016
	209306	SUPPLIES	07/14/2016	16.57	16.57	07/22/2016
	222605	FOOD SUPPLIES	06/30/2016	19.00	19.00	07/22/2016
Total 3015:				261.36	261.36	
3083						
ALSCO						
	1800887	CARGO PANTS	07/05/2016	8.80	.00	
	1800888	LAUNDRY/senior center	07/05/2016	73.56	.00	
	1803859	SUPPLIES	07/12/2016	29.89	.00	
	1803860	CARGO PANTS	07/12/2016	8.80	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	1803861	LAUNDRY/senior center	07/12/2016	75.66	.00	
	1806843	SUPPLIES	07/19/2016	29.89	.00	
	1806844	CARGO PANTS	07/19/2016	8.80	.00	
Total 3083:				235.40	.00	
3195						
Frontier Paving Inc						
	36602	ASPHALT	07/05/2016	675.00	.00	
Total 3195:				675.00	.00	
3380						
Rain For Rent						
	086044125	Rental pump and hardware for em	06/28/2016	11,672.40	.00	
	086044129	Rental pump and hardware for em	06/28/2016	2,169.41	.00	
Total 3380:				13,841.81	.00	
3780						
Concrete Equipment						
	188456	16 BAR FOR ICS SAW	07/12/2016	782.69	.00	
Total 3780:				782.69	.00	
3858						
Wells Fargo Bank Mn Na						
	071116	WATER PLANT	07/11/2016	662,658.38	662,658.38	07/26/2016
	072616	OBI:CWRPDA-SWRP/COLO WT	07/26/2016	9,227.50	9,227.50	07/26/2016
	072616/	OBI:CWRPDA-SWRP/RIFLE-148	07/26/2016	59,785.76	59,785.76	07/26/2016
Total 3858:				731,671.64	731,671.64	
4141						
True Brew Coffee Service						
	176687	COFFEE	07/01/2016	102.50	.00	
	176970	COFFEE	07/13/2016	51.22	.00	
Total 4141:				153.72	.00	
4215						
Ziegler, James						
	06281624944	WIRLES BATSYS TESTR	06/28/2016	400.00	.00	
	07121625249	FILTER CLEANER	07/12/2016	36.95	.00	
Total 4215:				436.95	.00	
4240						
Platinum Plus For Business						
	BULLEN 07111	CML ANNUAL CONFERENCE	07/11/2016	1,081.74	1,081.74	07/22/2016
	BURNS 07111	CLOUD SOFTWARE	07/11/2016	693.99	693.99	07/22/2016
	CHRISTENSE	COUNCIL MEETING	07/11/2016	641.42	641.42	07/22/2016
	CHURCHILL 0	MACBOOK AIR	07/11/2016	1,118.00	1,118.00	07/22/2016
	DUNCAN 0711	SUPPLIES	07/11/2016	22.22	22.22	07/22/2016
	DYER 071116	COFEE WITH A COP	07/11/2016	679.53	679.53	07/22/2016
	EDGETON 071	SUPPLIES	07/11/2016	1,987.54	1,987.54	07/22/2016
	FLORES 0711	PET HEAT THERMOMETER	07/11/2016	44.60	44.60	07/22/2016
	HOGAN 07111	COUNCIL MEETING	07/11/2016	89.96	89.96	07/22/2016

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
	JAMES 071116	CONFERENCE	07/11/2016	107.03	107.03	07/22/2016
	MILLER 07111	TRAINING CARTRIDGES TASER	07/11/2016	.00	.00	07/22/2016
	MILLER 07111	TRAINING CARTRIDGES TASER	07/11/2016	748.83	748.83	07/22/2016
	MILLER 07111	CABINET	07/11/2016	875.84	875.84	07/22/2016
	ODELL 071116	OVERTIME MEALS	07/11/2016	107.33	107.33	07/22/2016
	POTOTSKY 07	LANGUAGE LINE	07/11/2016	65.95	65.95	07/22/2016
	STRAW 07111	UNIFORM SHIRT	07/11/2016	60.25	60.25	07/22/2016
	TEYLINGEN 0	BIKE RACKS	07/11/2016	448.06	448.06	07/22/2016
	VAUGHAN 071	CREDIT	07/11/2016	96.59	96.59	07/22/2016
	WHITMORE 07	LUNCH YOUTH CORP	07/11/2016	140.00	140.00	07/22/2016
	WHITMORE 07	SUPPLIES	07/11/2016	63.85	63.85	07/22/2016
	WILSON 07111	SUPPLIES	07/11/2016	57.25	57.25	07/22/2016
Total 4240:				9,129.98	9,129.98	
4288						
Native American Crane Svs Inc						
	16-134	BOOM TRUCK	07/14/2016	225.00	.00	
	16-136	PULLED PUMPS OUT	07/14/2016	375.00	.00	
Total 4288:				600.00	.00	
4345						
Helen Artist-Rogers/HR Design						
	1624	PROJECT MANAGEMENT	07/20/2016	375.00	375.00	07/22/2016
Total 4345:				375.00	375.00	
4403						
Donald Van Hoose						
	072216	BUILDING INSPECTIONS	07/22/2016	360.00	360.00	07/22/2016
Total 4403:				360.00	360.00	
4811						
United Site Services Inc						
	114-4157687	STANDARD RESTROOM CENTE	06/22/2016	63.00	63.00	07/22/2016
	114-4193068	STANDARD RESTROOM DEERF	06/30/2016	798.00	798.00	07/22/2016
	114-4193069	STANDARD RESTROOM JOYCE	06/30/2016	99.75	99.75	07/22/2016
	114-4193070	STANDARD RESTROOM METR	06/30/2016	214.33	214.33	07/22/2016
	114-4193071	STANDARD RESTROOM CENTE	06/30/2016	635.25	635.25	07/22/2016
	114-4193072	STANDARD RESTROOMS	06/30/2016	253.75	253.75	07/22/2016
	114-4193093	STANDARD RESTROOM DAVID	06/30/2016	199.50	199.50	07/22/2016
	114-4193094	STANDARD RESTROOM HEINZ	06/30/2016	63.00	63.00	07/22/2016
	114-4193095	STANDARD RESTROOMS	06/30/2016	63.00	63.00	07/22/2016
	114-4193102	STANDARD RESTROOMS	06/30/2016	242.20	242.20	07/22/2016
	114-4193103	STANDARD RESTROOMS	06/30/2016	380.63	380.63	07/22/2016
	114-4193104	STANDARD RESTROOMS	06/30/2016	136.50	136.50	07/22/2016
	114-4193105	STANDARD RESTROOMS	06/30/2016	134.58	134.58	07/22/2016
	114-4193106	STANDARD RESTROOMS	06/30/2016	121.10	121.10	07/22/2016
	114-4193107	STANDARD RESTROOMS	06/30/2016	121.10	121.10	07/22/2016
	114-4193108	STANDARD RESTROOMS	06/30/2016	269.15	269.15	07/22/2016
	114-4193109	STANDARD RESTROOMS	06/30/2016	121.10	121.10	07/22/2016
	114-4193122	STANDARD RESTROOMS	06/30/2016	98.75	98.75	07/22/2016
	114-4193132	STANDARD RESTROOMS	06/30/2016	89.70	.00	
	114-4203015	ROLLOFF 20 YD	06/30/2016	3,260.27	.00	
	114-4203079	STANDARD RESTROOMS	06/30/2016	40.00	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 4811:				7,404.66	4,014.69	
4838						
Sun Trust Bank Corporation						
	072616	4430005039/1097081/HONEY W	07/26/2016	26,254.55	26,254.55	07/26/2016
Total 4838:				26,254.55	26,254.55	
4969						
Stout's Electric Motor Service						
	50116	RECONDITION MOTOR	07/07/2016	138.87	.00	
Total 4969:				138.87	.00	
4989						
Mr Power S/Sandor Drucker						
	379	REMOVAL GRAFFITI	07/13/2016	410.00	.00	
Total 4989:				410.00	.00	
5023						
CASELLE INC						
	71881	INPUT DATA PREPARE FORMS	03/18/2016	2,350.00	2,350.00	07/22/2016
Total 5023:				2,350.00	2,350.00	
5234						
SUMMIT SWEEPING SERVICE, LLC						
	6794	PARKING LOT	07/01/2016	210.00	.00	
Total 5234:				210.00	.00	
5253						
FASTENAL						
	77703	SUPPLIES	07/05/2016	36.20	.00	
	CORIF77688	SUPPLIES	07/05/2016	24.03	.00	
	CORIF77779	SUPPLIES	07/08/2016	146.47	.00	
	CORIF77899	SUPPLIES	07/19/2016	149.98	.00	
	MN01978031	FAST PROGRAM FEE	07/11/2016	1,020.00	.00	
Total 5253:				1,376.68	.00	
5650						
HIGH COUNTRY GAS						
	239986	CYLINDER RENTAL INVOICE	06/30/2016	26.40	.00	
Total 5650:				26.40	.00	
5768						
HP Geotech						
	0118672	PROFESSIONAL SERVICES	06/30/2016	479.05	479.05	07/22/2016
Total 5768:				479.05	479.05	
5833						
SunEdison, LLC/SunE U6 holding						
	200100007345	energy innovation center	07/01/2016	19,742.78	19,742.78	07/22/2016

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 5833:				19,742.78	19,742.78	
5846						
Mesa County Health Department						
	2262-16	Water Testing	07/19/2016	20.00	20.00	07/22/2016
	2263-16	Water Testing	07/19/2016	20.00	20.00	07/22/2016
	2264-16	Water Testing	07/19/2016	20.00	20.00	07/22/2016
	2265-16	Water Testing	07/19/2016	20.00	20.00	07/22/2016
	2266-16	Water Testing	07/19/2016	20.00	20.00	07/22/2016
Total 5846:				100.00	100.00	
6137						
Impressions of Aspen						
	23479	SUPPLIES	07/13/2016	69.07	.00	
	23491	SUPPLIES	07/15/2016	235.20	.00	
	23507	SUPPLIES	07/15/2016	441.48	.00	
Total 6137:				745.75	.00	
6195						
Western Slope Communications						
	144-00004-000	ADVERTISEMENT	06/26/2016	960.00	960.00	07/22/2016
Total 6195:				960.00	960.00	
6316						
SD HAULING COMPANY						
	216-05-002	SPRING CLEANUP	05/17/2016	2,925.00	2,925.00	07/22/2016
	5016-05-001	SPRING CLEANUP	05/17/2016	2,502.50	2,502.50	07/22/2016
Total 6316:				5,427.50	5,427.50	
6383						
CENTURY LINK						
	1381223127	LONG DISTANCE	07/11/2016	7.45	7.45	07/22/2016
Total 6383:				7.45	7.45	
6386						
McCONNELL LYNN						
	071516	REIMBURSEMENT T-SHIRTS	07/15/2016	35.92	35.92	07/22/2016
Total 6386:				35.92	35.92	
6568						
MICRO PLASTICS						
	112656	LETTERING	07/08/2016	34.50	.00	
	112697	PLATE AWARD	07/14/2016	75.50	.00	
	112771	CERTIFICATE COVER	07/20/2016	6.20	.00	
Total 6568:				116.20	.00	
6620						
625-WATER (9283)						
	22257	BOTTLED WATER	07/20/2016	35.25	35.25	07/22/2016

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 6620:				35.25	35.25	
6745						
PEAK SURVEYING, INC						
	2150	12TH HOWARD IMPROVEMENT	06/28/2016	2,400.00	2,400.00	07/22/2016
Total 6745:				2,400.00	2,400.00	
6777						
MASTER PETROLEUM						
	2037977	DIESEL	07/15/2016	345.15	.00	
Total 6777:				345.15	.00	
6779						
COMMERCIAL TIRE SERVICE, INC						
	40932	TIRES	06/13/2016	423.36	.00	
	40933	TIRES	06/13/2016	519.48	.00	
	40934	TIRES	06/13/2016	167.62	.00	
	41076	TIRES	07/11/2016	153.58	.00	
	41077	TIRES	07/11/2016	1,116.72	.00	
Total 6779:				2,380.76	.00	
6790						
O'REILLY AUTO PARTS						
	3761-440292	SUPPLIES	06/30/2016	11.98	.00	
	3761-440400	SUPPLIES	07/01/2016	11.98	.00	
	3761-441518	SUPPLIES	07/07/2016	29.99	.00	
	3761-441526	SUPPLIES	07/07/2016	447.55	.00	
	3761-441531	SUPPLIES	07/07/2016	18.00-	.00	
	3761-441551	SUPPLIES	07/07/2016	8.39-	.00	
	3761-441570	SUPPLIES	07/07/2016	447.55-	.00	
	3761-441571	SUPPLIES	07/07/2016	413.99	.00	
	3761-441572	SUPPLIES	07/07/2016	33.56	.00	
	3761-441573	SUPPLIES	07/07/2016	5.99	.00	
	3761-442297	SUPPLIES	07/11/2016	103.44	.00	
	3761-442420	BATT CHARGER	07/11/2016	119.99	.00	
	3761-443893	SUPPLIES	07/18/2016	38.97	.00	
	3761-443909	SUPPLIES	07/18/2016	36.50	.00	
	3761-444009	SUPPLIES	07/19/2016	112.62	.00	
	3761-444015	BATTERY	07/19/2016	10.00-	.00	
	3761-444140	HOOD SUPPORT	07/20/2016	35.10	.00	
	3761-444153	SUPPLIES	07/20/2016	109.99	.00	
	3761-444156	SUPPLIES	07/20/2016	70.95	.00	
	3761-444264	BATTERY	07/20/2016	112.62	.00	
Total 6790:				1,211.28	.00	
6858						
Merchants Integrity Test LLC						
	M11526302016	INTEGRITY TEST	06/30/2016	128.00	128.00	07/22/2016
Total 6858:				128.00	128.00	
6863						

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
CONSERVANCY OIL CO						
	0073243	GREASE	07/05/2016	41.20	.00	
Total 6863:				41.20	.00	
6868						
BULLEN, KIMBERLY						
	071416	MILEAGE REIMBURSEMENT	07/14/2016	225.18	225.18	07/22/2016
Total 6868:				225.18	225.18	
6873						
EMTech						
	7353	3- Pump Repairs	07/08/2016	16,543.02	.00	
	7355	REPAIR WATER TANKS	07/08/2016	3,948.60	.00	
	F3973	3- Pump Repairs	07/08/2016	2,925.00	.00	
Total 6873:				23,416.62	.00	
7045						
Pall Corporation						
	94391192	Payment on contract for pyaments	07/15/2016	40,682.00	40,682.00	07/22/2016
Total 7045:				40,682.00	40,682.00	
7074						
MORPHOTRUST USA						
	107872	Contract Maint for PD Fingerprint	07/20/2016	3,312.00	.00	
Total 7074:				3,312.00	.00	
7122						
Venture Technologies						
	SIN016016	WIFI ACCESS POINTS	07/14/2016	7,193.56	.00	
Total 7122:				7,193.56	.00	
7130						
ORRISON DISTRIBUTING						
	15229	LIQUOR UTE	07/20/2016	182.15	182.15	07/22/2016
Total 7130:				182.15	182.15	
7134						
ABOVE SEA LEVEL						
	163255	TANK MAINTENANCE	07/13/2016	75.00	75.00	07/22/2016
Total 7134:				75.00	75.00	
7146						
CROP PRODUCTION SERVICES						
	30569644	SUPPLIES	06/22/2016	97.40	.00	
	30708712	HUMIC ACID	06/30/2016	138.60	.00	
Total 7146:				236.00	.00	
7205						

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
US FOODS						
	4989870	FOOD SUPPLIES	06/30/2016	761.82	.00	
	5110737	FOOD SUPPLIES	07/07/2016	639.58	.00	
	5237550	FOOD SUPPLIES	07/14/2016	437.76	.00	
	5909123	FOOD SUPPLIES	03/01/2016	4.00-	.00	
	5954888	FOOD SUPPLIES	03/31/2016	6.20-	.00	
	5965972	FOOD SUPPLIES	03/14/2016	26.73-	.00	
Total 7205:				1,802.23	.00	
7214						
RABOBANK NA						
	200100007555	PUMP STATION	07/01/2016	6,538.45	6,538.45	07/22/2016
Total 7214:				6,538.45	6,538.45	
7236						
EVOQUA WATER TECHNOLOGIES						
	902711052	SEAL MANF	07/14/2016	1,475.00	.00	
Total 7236:				1,475.00	.00	
7260						
Aquatic Resources Inc.						
	7277	POOL CHEMICALS	07/15/2016	3,288.80	.00	
Total 7260:				3,288.80	.00	
7278						
CPS DISTRIBUTORS, INC						
	2324746-00	PVC	07/13/2016	840.83	.00	
	2331933-00	SOLENOID	07/20/2016	72.59	.00	
Total 7278:				913.42	.00	
7285						
GOPHER IRRIGATION						
	12957	WEEDING BRENDEN THEATER	07/15/2016	782.00	.00	
	12958	MONTHLY MOWING	07/15/2016	627.00	.00	
Total 7285:				1,409.00	.00	
7375						
MUNIREVS. LLC						
	379	ONLINE PAYMENTS	07/21/2016	217.82	217.82	07/22/2016
Total 7375:				217.82	217.82	
7424						
RIFLE WORKS						
	37283	TEMP EMPLOYEE	07/18/2016	488.40	488.40	07/22/2016
Total 7424:				488.40	488.40	
7439						
ALLIED ELECTRONICS INC						
	9006313852	HONEYWELL MICROSWITCH	07/13/2016	299.55	.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 7439:				299.55	.00	
7446						
CDC JANITORIAL						
	177696	SUPPLIES	07/13/2016	254.81	.00	
	177697	SUPPLIES	07/13/2016	35.36	.00	
	177698	SUPPLIES	07/13/2016	239.79	.00	
	177702	SUPPLIES	07/13/2016	144.41	.00	
	178610	SUPPLIES	07/20/2016	125.21	.00	
	178615	SUPPLIES	07/20/2016	43.98	.00	
	178617	SUPPLIES	07/20/2016	26.74	.00	
Total 7446:				870.30	.00	
7478						
RISE BROADBAND						
	072116	MONTHLY FEE	07/21/2016	107.39	107.39	07/22/2016
Total 7478:				107.39	107.39	
7496						
ROWLEY, GARY						
	071916	REIBURSEMENT BOOTS	07/19/2016	150.00	150.00	07/22/2016
Total 7496:				150.00	150.00	
7576						
MELAKA CUSTOM FINISHES						
	071816	PAINTING 236 E 1ST	07/18/2016	1,283.80	1,283.80	07/22/2016
Total 7576:				1,283.80	1,283.80	
7616						
INNERMOUNTAIN DISTRIBUTING CO						
	481236	SUPPLIES	07/21/2016	60.07	.00	
Total 7616:				60.07	.00	
7645						
STRATA LEADERSHIP, LLC						
	492464	LEADERSHIP	03/29/2016	49.00	49.00	07/22/2016
Total 7645:				49.00	49.00	
7646						
WEX BANK						
	46003052	DIESEL	06/30/2016	5,297.02	5,297.02	07/22/2016
Total 7646:				5,297.02	5,297.02	
7647						
CHRISTIANSSEN , STEPHANIE						
	2001240002	REFUND	05/10/2016	45.00	45.00	07/22/2016
Total 7647:				45.00	45.00	

Vendor Name and Number	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
7648						
SOUTHERN GLAZER'S OF CO						
	1274461	LIQUOR UTE	07/21/2016	195.76	195.76	07/22/2016
Total 7648:				195.76	195.76	
7649						
ROBINSON, ZACH						
	2001302002	REFUND	07/21/2016	50.00	50.00	07/22/2016
Total 7649:				50.00	50.00	
7650						
LAROCQUE, TYLER						
	071916	REIBURSEMENT BOOTS	07/19/2016	150.00	150.00	07/22/2016
Total 7650:				150.00	150.00	
7651						
MAXI-SWEEP						
	16020	FILTER CARTRIDGE	07/14/2016	410.48	.00	
Total 7651:				410.48	.00	
7652						
MORNING STAR ELEVATOR						
	13-9501	ANNUAL SERVICE	07/08/2016	300.00	.00	
Total 7652:				300.00	.00	
Grand Totals:				1,000,952.03	909,391.95	

Dated: _____

City Finance Director: _____

Report Criteria:

- Summary report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

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***All correspondence should be sent to the
Glenwood Springs office

July 28, 2016

Mayor Randy Winkler
Rifle City Council
P. O. Box 1908
Rifle, Colorado 81650

Re: August 3, 2016 City Council Meeting

Dear Mayor Winkler and Members of the Rifle City Council:

The purpose of this letter is to briefly outline items we worked on for the August 3, 2016 Rifle City Council Meeting.

1. Ordinance No. 18, Series of 2016 (General Penalty and Municipal Court Fees). The Municipal Court Staff is recommending changes to Municipal Code Sections 1-4-20, 2-4-240, and 10-1-40 to better align with state statutory law and the court's practical considerations. Recent legislation at the state level has expanded potential penalties in municipal courts from maximum fines of \$1,000 up to \$2,650. The Municipal Court Staff believes that a local cap of \$2,000 for Code violations is appropriate given common practices. Furthermore, review of the Court's fee schedule revealed that a number of fees were either unnecessary given advancements in technology (e.g. fax fee) or no longer required by the state. The fees have been adjusted or removed from the Code to reflect current best practices.

2. Ordinance No. 19, Series of 2016 (Marijuana Regulations- Rifle Municipal Code Chapter 6, Articles VIII and IX). The City Council held a workshop earlier this year and discussed the City's regulation of the marijuana industry within its jurisdiction. Council concluded that process by giving direction to staff to preserve the status quo, but not allow any additional marijuana establishments in the City. By Ordinance No. 15, Series of 2016 the City Council placed a temporary moratorium on the issuance of any additional marijuana licenses so that new regulations can be drafted for Council's consideration. Enclosed is Ordinance No. 19, Series of 2016 revising the City's Medical Marijuana Code and Retail Marijuana Code codified as Chapter 6, Article VIII and Article IX.

As we had mentioned to you, the City's Marijuana Codes were in need of amendment to keep up with the evolving regulation of this industry at the state level, for which the City acts as the local licensing authority. Many of the amendments contained in Ordinance No. 19 are clarify

definitions and processes and incorporate common provisions adopted by other jurisdictions. The main substantive change relates to preserving the status quo and locking in the existing number of licenses and prohibiting additional licenses. Therefore, only 5 medical marijuana center licenses (RMC §6-8-60(3)), 4 medical marijuana optional premises cultivation operation licenses (RMC §6-8-60(6)), and 4 retail marijuana cultivation facility licenses (RMC §6-9-60) shall be available in the City. Because there is a dual-operation requirement for cultivation operations whereby both a medical and a retail cultivation license must be issued to the same facility (RMC §6-9-60), only 4 cultivation facilities in total are allowed in the City. These limitations are on the number of licenses of these categories and it is not specific to the current licensees or locations. All medical marijuana-infused products manufacturers (RMC §6-8-30(d)), retail marijuana stores, retail marijuana product manufacturing facilities and marijuana testing facilities (RMC §6-9-30(b)) are prohibited. Appendix A is also revised to create standardized application fees between medical and retail marijuana, all of which take into account the staff time it takes to administer these regulations.

During the workshop a local license holder requested revisions to the City's regulations related to odors. The Planning Department processed that application through the Planning Commission and a staff report is in your packet. To the extent Council wants to act on that application, we can incorporate it into this Ordinance as an amendment for second reading pursuant to Council's direction.

3. Resolution No. 12, Series of 2016 (Correcting Legal Description for Grand River Hospital District Annexation and Zoning). The City annexed the Grand River Hospital District Annexation adjacent to Hospital Hill Road by Ordinance No. 20, Series of 2015 and zoned it Developing Resources (DR) Zone District by Ordinance No. 21, Series of 2015. Subsequent to the adoption of the Annexation and the Zoning Ordinances, the Grand River Hospital District Annexation Map was recorded with the Garfield County Clerk and Recorder with a different legal description than the Ordinances because the Hospital District refined the description of the Property it owned. The County brought this to our attention and to clear the public record, the City needs to state which legal description is correct. This is very similar to what Council saw regarding the Gilstrap Annexation a couple months ago. Planning staff researched this and agree that the legal description on the Annexation Map is correct. Resolution No. 12, Series of 2016 makes this finding and will be recorded to ensure there is no misinterpretation in the future.

As always, please feel free to contact us before the meeting if you have any questions.

Very truly yours,

KARP NEU HANLON, P.C.

James S. Neu

JSN:
Encs.

JOIN THE FIGHT TO MAKE IT MORE DIFFICULT TO AMEND THE COLORADO CONSTITUTION BY REQUIRING:

SIGNATURES FROM 2% OF REGISTERED VOTERS IN EACH OF COLORADO'S 35 STATE SENATE DISTRICTS
APPROVAL BY 55% OF VOTERS IN A STATEWIDE ELECTION

- Yes, the coalition is authorized to use my name publicly as a supporter.
- Yes, the coalition is authorized to use my business name publicly as a supporter.
- Yes, I support raising the bar to amend the constitution!

Name* (printed) Signature*

Organization/ Company Title

Address City/State Zip*

Email*

*Required

5910 S. UNIVERSITY BLVD.
#C18-254
GREENWOOD VILLAGE, CO 80121
EMAIL INFO@RAISETHEBAR.CO
CALL 720 326 8612



OFFICE USE ONLY



**CITY OF RIFLE, COLORADO
ORDINANCE NO. 18
SERIS OF 2016**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING
SECTION 2-4-240 REGARDING MUNICIPAL COURT FEES AND COSTS
AND SECTIONS 1-4-20 AND 10-1-40 ESTABLISHING PENALTIES FOR
MUNICIPAL MISDEMEANOR OFFENSES.

WHEREAS, the City of Rifle (“Rifle” or the “City”) Municipal Court is organized and maintained pursuant to Title 13, Article 10, C.R.S., with authority vested by Article VIII of the Rifle Home Rule Charter; and

WHEREAS, Section 2-4-240 of the Rifle Municipal Code establishes fees and costs to be taxed and paid to the City in all Municipal Court proceedings; and

WHEREAS, Rifle Municipal Code Sections 1-4-20 and 10-1-40 establish penalties for all municipal misdemeanor offenses, with Section 10-1-40 dividing all such offenses into three (3) categories, each having different maximum penalties; and

WHEREAS, the City Council for the City of Rifle desires to amend Rifle Municipal Code Sections 1-4-20, 2-4-240, and 10-1-40 to reflect changes in state statutory law and practical considerations affecting the schedules of fees and costs therein.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The aforementioned recitals are hereby incorporated herein as though set forth in full.

2. Section 1-4-20 of the City of Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~.

Sec. 1-4-20. - General penalty for violation.

- (a) Any person who violates or fails to comply with any provision of this Code or any rule or regulation promulgated thereunder, for which a different penalty is not specifically provided, shall, upon conviction thereof, be punished by a fine of not more than ~~one~~ two thousand dollars (\$~~1~~2,000.00), by incarceration not to exceed one (1) year, or by both such fine and incarceration, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case, including attorney fees.
- (b) Each day such violation continues shall be considered a separate offense.

3. Section 2-4-240 of the City of Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~.

Sec. 2-4-240. - Fees and costs.

- (a) Costs and fees taxable. The following fees and costs, if applicable, shall be taxed and paid in all Municipal Court proceedings. All fees and costs shall be paid to the City. When judgment is entered against a defendant, all fees and costs shall be taxed as a part of the judgment, unless otherwise provided in this Chapter.
 - (1) Costs shall be paid by the City when a defendant is acquitted, when charges are dismissed against a defendant or when a defendant is convicted and the Court determines that he or she is unable to pay them, unless otherwise provided herein.
 - (2) If any private person complainant, in an action before the Municipal Court, requests dismissal of the prosecution of said action, willfully absents himself or herself from trial or fails to appear at trial, and said action is dismissed, the Court shall give judgment against said private person complainant for all applicable fees and costs. In addition, if charges against an accused pursuant to a private person complaint are dismissed, and it appears to the Court there was no reasonable grounds for the complaint or that it was maliciously made, the Court shall give judgment against said complainant for all applicable fees and costs.
- (b) Docket fee. In all proceedings before the Municipal Court, a docket fee shall be charged to a defendant if a conviction is imposed. Pursuant to the Colorado Municipal Model Traffic Code, in all Municipal Court traffic infraction actions, the docket fee is set forth in Appendix A to this Code. In all other Municipal Court ordinance actions, the docket fee is set forth in Appendix A to this Code. A separate docket fee in the same amount shall be charged if a defendant is found guilty of a violation of probation, deferred sentence and judgment, or contempt of court.
- (c) Surcharge. In addition to any docket fee or other costs imposed by this Section, a surcharge of the fine or administrative fee imposed for violation of all municipal ordinances, including ordinance violations under the Model Traffic Code, is hereby levied in an amount set forth in Appendix A to this Code on each Municipal Court action resulting in a conviction, plea of guilty or no contest, or in a deferred judgment and sentence, which municipal ordinance violation is charged pursuant to City ordinances. All calculated surcharge amounts resulting in dollars and cents shall be rounded to the nearest whole dollar. In the event a portion of the fine is suspended, the surcharge shall be computed based on the amount of the fine as suspended. The defendant shall pay such surcharge to the Court Clerk at the time the fine is paid, whether the defendant appears in Court or pays the fine through the mail. The Clerk shall deposit the money so received in the fund, and all such surcharges collected shall be used exclusively for training City police officers in the performance of their duties.
- (d) Jury fee. At the time he or she demands a jury trial, the defendant shall pay a jury fee as set forth in Appendix A to this Code to the Court Clerk. If the defendant is subsequently

found not guilty, or the charges against him or her are dismissed, the jury fee shall be returned.

~~(e) — Witness fee.~~

~~(1) — A witness fee in the amount set forth in Appendix A to this Code for each witness shall be assessed for each witness testifying in a trial. Said fees shall be paid by the defendant upon his or her conviction.~~

~~(2) — Witnesses shall receive the sum set forth in Appendix A to this Code for testifying before the Municipal Court; provided, however, that witnesses called to testify only to an opinion founded on special study or experience in any branch of science or to make scientific or professional examinations and state the result thereof shall receive additional compensation, to be fixed by the Municipal Court, with reference to the value of the time employed and the degree of learning or skill required. Said fees fixed by the Municipal Court shall be assessed against the defendant upon his or her conviction and paid to such witnesses.~~

~~(3) — Any witness fee collected by the Court Clerk shall be paid to the person entitled to the witness fee, if claimed by such person. Any witness fee collected, but not claimed by a witness in the same month, shall be paid by the Court Clerk to the City Treasurer. All unclaimed witness fees shall become the property of the City and shall not be refunded. If a fee claimed by a witness has not previously been collected by the Court Clerk, the City shall pay the witness claimant if said claim was submitted in a timely manner.~~

(fe) Juror fees. For attending Municipal Court, jurors shall receive the amount set forth in Appendix A to this Code while actually engaged on the jury, and the amount set forth in Appendix A to this Code for attendance on the panel alone. Said fee shall be paid by the City.

(gf) Mileage fees. All witnesses ~~and jurors~~ shall receive an amount set forth in Appendix A to this Code per mile for each mile actually and necessarily traveled in going from their places of residence to the Municipal Court; provided, however, that no witness shall receive mileage fees unless such witness claims the same before the adjournment of the Municipal Court. Mileage fees shall be paid by the City. This Subsection shall not apply to an officer of the court who attends in his or her official capacity, including clerks, sheriffs, bailiffs and police officers.

(hg) Deferred judgment or deferred prosecution fee. In all actions in which a defendant is granted a deferred judgment and sentence or a deferred prosecution, the defendant shall be assessed a fee in the amount set forth in Appendix A to this Code to defray the costs of preparing applicable court documents and of monitoring compliance with the terms of the deferred judgment and sentence. Nothing contained in this Article shall prevent the Court from assessing additional fees in the event the defendant is required to undergo counseling, treatment or supervision by a human services agency, mental health professional or similar professional.

(ih) Probation fee. In all actions in which the Municipal Court grants a defendant either probation or a conditionally suspended sentence, the Court shall assess a fee set forth in

Appendix A to this Code against the defendant to defray the costs of preparing applicable court documents and of monitoring compliance with the terms of probation or suspended sentence. Nothing contained in this Article shall prevent the Court from assessing additional fees in the event the defendant is required to undergo counseling, treatment or supervision by a human services agency, mental health professional or similar professional.

- (j) Bench warrant fee. In all actions in which a bench warrant is issued for the arrest of a defendant for failure to appear or failure to pay fines and costs as ordered by the Municipal Court, the Municipal Court shall assess against said defendant a fee in the amount set forth in Appendix A to this Code in addition to all other fees and costs due and owing.
- (k) Incarceration fee. In all actions in which a defendant is sentenced to incarceration in the county jail, the Municipal Court may assess against said defendant an incarceration fee in an amount equal to the sum charged the City by Garfield County for such incarceration.
- (l) YouthZone surcharge. In addition to any docket fee or other costs imposed by this Section, a YouthZone surcharge equal to fifteen percent (15%) of the fine imposed for criminal and juvenile violations of municipal ordinances is hereby levied on each Municipal Court action resulting in a conviction, plea of guilty or no contest, which fine is charged pursuant to City ordinances. In the event a portion of the fine is suspended, the surcharge shall be computed based on the amount of the fine as suspended. The defendant shall pay such surcharge to the Court Clerk at the time the fine is paid, whether the defendant appears in court or pays the fine through the mail. The Court Clerk shall deposit the money so received in a separate fund, and all such surcharges collected shall be used exclusively for YouthZone in the performance of its duties in the City.
- ~~(m) Fax fee. A charge of one dollar (\$1.00) per page of outgoing faxes shall be assessed to the party receiving the fax.~~
- (n) Certification fee. The Court Clerk shall charge a five-dollar fee per certification of any document.
- ~~(o) Victims and witnesses assistance. A surcharge equal to ten percent (10%) of the fine imposed for violation of all municipal ordinances, including ordinance violations under the Model Traffic Code, shall be levied on each Municipal Court action resulting in a conviction, plea of guilty or no contest or in a deferred judgment and sentence. All calculated surcharge amounts resulting in dollars and cents shall be rounded to the nearest whole dollar. In the event a portion of the fine is suspended, the surcharge levied shall be computed based on the original fine, regardless of whether a portion of said fine has been suspended. Said surcharge shall be paid to the Court Clerk by the defendant, and the Court Clerk shall deposit the money so received in the Victims and Witnesses Assistance and Law Enforcement Fund. Disbursement of such funds shall be in accordance with the guidelines set forth in Article XIV of this Chapter.~~

3. Section 10-1-40 of the City of Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~.

Sec. 10-1-40. - Penalties.

(a) All municipal misdemeanor offenses are divided into three (3) categories of municipal offenses. The classification and maximum penalties for each offense are as follows:

<i>Class</i>	<i>Maximum Fine</i>	<i>Maximum Imprisonment</i>
A	\$ <u>2,000.00</u>	One Year
B	\$ <u>1,000.00</u>	Six Months
C	\$ <u>1,000.00</u>	None

(b) If an offense carries a specific penalty, that penalty shall apply.

(c) Any offense not otherwise classified which does not carry a specific penalty is denominated as a Class A municipal offense.

4. Appendix A of the City of Rifle Municipal Code is hereby amended as follows, with double underlined text added and ~~strike through language deleted~~.

2-4-2340	Municipal Court fees	
	Docket fee, traffic infraction	\$30.00
	Docket fee, all other actions	\$35.00
	Surcharge	10% of fine
	Jury fee	\$25.00

	Witness fee assessment	\$2.00/day
	Witness fee for testifying	\$2.00/day
	Juror fee, engaged on jury	\$6.00

5. Any and all ordinances of the City of Rifle in conflict with this Ordinance are hereby repealed and replaced to the extent of the conflict only.

6. If any sentence, phrase, clause, or provision of this Ordinance is held to be illegal by a court or administrative body of competent jurisdiction, the same sentence, phrase, clause, or provision shall be deemed stricken from the Ordinance and not impact the remainder thereof.

7. This Ordinance shall become effective September 1, 2016.

INTRODUCED on August 3, 2016, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on August 17, 2016 passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this 17th day of August, 2016.

CITY OF RIFLE, COLORADO

BY: _____
Mayor

ATTEST:

City Clerk

DEPARTMENT OF PLANNING & DEVELOPMENT

202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Nathan Lindquist,
Planning Director

DATE: July 27, 2016

SUBJECT: Marijuana Cultivation Operation Odor Regulations
Applicant: Dan Sullivan, Green Medicine LLC

Upon Council’s direction, Planning Commission heard this request—whether to allow greater leniency in regulations on marijuana odors from cultivation operations—at their June meeting. After discussion, the request was denied on a 5-2 vote. The majority felt that the City should not permit marijuana odors to affect neighbors of a cultivation operation. A minority felt that because the City has permitted these types of businesses, they should be allowed to operate in a normal manner including the odors associated with the business.

REQUEST

The applicant requests an amendment to the Rifle Municipal Code section related to marijuana “Cultivation Operation” odors. Section 6-9-180 states that a cultivation operation must ensure that *“odor is not capable of being detected by a person with a normal sense of smell at the exterior of the cultivation operation or any adjoining business, parcel or tract of real property.”* The applicant seeks greater flexibility for marijuana cultivation operation odors and proposes the following text: *“a 1,000 foot odor buffer zone may be permitted, provided that the location is greater than 2,500 feet from a single family residence.”*

The applicant’s cultivation operation is on South 7th Street in South Rifle (**see Map 1 and 2 next page**), but the proposed text amendment would apply to all cultivation operations in Light Industrial areas within the City of Rifle. The applicant’s proposal is spurred by his interest in constructing a greenhouse cultivation operation. Greenhouses are currently permissible under Rifle’s code but the applicant desires greater assurance that Rifle’s odor regulations would not lead to penalties against his business before making the investment. The Rifle Municipal Code states that penalties for marijuana cultivation operations code violations may include fines of up to \$100,000 or suspension of license. See the attached code sections relevant to this discussion.

PROCESS

This case involves marijuana regulations contained in Chapter 6 of the Rifle Municipal Code, Business Licenses and Regulations. City policy does not usually allow applicants to propose a Text Amendment for regulations outside of Chapter 16, the Land Use Code. However because this

DEPARTMENT OF PLANNING & DEVELOPMENT

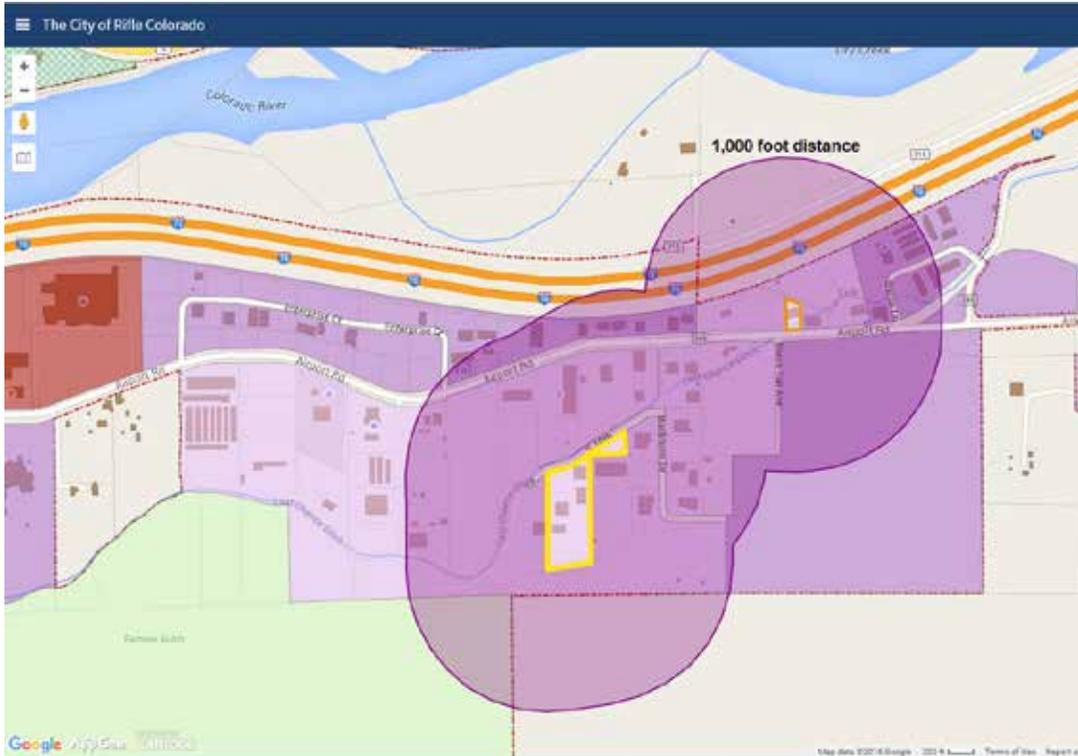
202 Railroad Avenue, Rifle, CO 81650

Phone: 970-665-6490 Fax: 970-625-6268



issue has effects on land uses in Rifle, City Council requested that Planning Commission convene as a special Task Force to recommend how the City should proceed with the applicant's request.

Map 1 illustrates the proposed 1,000 ft buffer around existing cultivation operations in South Rifle.



Map 2 illustrates the proposed 1,000 ft buffer around existing cultivation operations in West Rifle. Note that residential areas (in yellow) would be within the proposed 2,500 foot limit.



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BACKGROUND DISCUSSION

The issue of odors associated with the marijuana industry is a difficult one for communities across Colorado. Like other communities the City of Rifle has received complaints from citizens regarding odors that escape cultivation operation premises. Because of these concerns many local jurisdictions regulate marijuana odors more strictly than other industrial or commercial odors, which generally are not expected to be confined to their premises. State marijuana laws do not address how local jurisdictions should regulate marijuana odors. However, as state law does require marijuana use to occur in private rather than public, this can serve as a point in favor of regulating marijuana odors to prevent them from entering the public realm.

From Staff's observations, it appears that current technology for cultivation operation facilities is unable to completely contain odors within its premises at all times. Marijuana plants, particularly when in bloom, give off very strong odors. This is one of the reasons that cultivation operations can only locate in Light Industrial areas. Rifle's existing cultivation operations have been made aware of Rifle's odor regulations and have invested large sums in filtering technology to attempt to contain odors. However, complaints from citizens have persisted. Greenhouses are known to be less effective at containing smells than are standard buildings, thus the applicant's concern with investing in a greenhouse under the current regulations. On the plus side, greenhouses use less energy and are considered "greener".

Research into other Colorado communities' approach to the odor issue has not revealed functional methods of regulating odor that succeed in providing certainty to businesses and the community at large. Odor is an inherently murky and subjective issue to regulate. How do we decide how much of an odor, or what type of odor, is offensive? How can that be measured objectively? The testing to measure odor would appear to be prohibitively expensive for applicants and the City to administer. The City's options appear to be limited to our current regulations that limit marijuana odor to the premises of the facility, the applicant's proposed buffer zone, or having no regulations on marijuana odor.

STAFF RECOMMENDATION

Staff believes that if the City were to adopt the applicant's "odor buffer zone" neighboring businesses within the buffer would continue to complain and the City would be put in a difficult situation by permitting an odor that a significant portion of the community finds objectionable. It is difficult to say when a particular odor becomes "societally acceptable" so that strict odor regulations are not needed for it, but it does not appear that Rifle is at that point with marijuana odors. Given this belief, **Staff cannot recommend in favor of the applicant's proposal.** With the lack of attractive options for regulating marijuana odor, it seems best to remain with the current code and wait for a consensus to develop in the community one way or the other on this issue, or for improved technology to present a solution.

Marijuana Odor Regulations in the Rifle Municipal Code

Sec. 6-8-150. - Operation of medical marijuana center.

(i) The medical marijuana center premises shall be adequately ventilated so that adjacent properties are not impacted by odors.

(Ord. 33 §2, 2009; Ord. 3 §2, 2011)

Sec. 6-8-160. - Operation of medical marijuana optional premises cultivation operation.

(c) A medical marijuana optional premises cultivation operation must occur indoors and be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the optional premises cultivation operation or any adjoining business, parcel or tract of real property.

(Ord. 33 §2, 2009; Ord. 3 §2, 2011)

Sec. 6-9-180. - Operation of retail marijuana cultivation facility.

(c) A retail marijuana cultivation facility must occur indoors and be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the cultivation operation or any adjoining business, parcel or tract of real property.

(d) A retail marijuana cultivation facility shall be required to have waste, chemical and bioproduct storage and disposal measures as determined reasonably necessary by the City Manager.

(Ord. 19 §2, 2013)

Sec. 6-9-70. (AND Sec. 6-8-40) - Application for license.

(7) For a retail marijuana cultivation facility, the applicant must provide evidence that the structure has an adequate electrical supply safely installed for the operation certified by a Colorado licensed electrician, proper filtered ventilation and odor control measures installed so that no odors leave the premises, irrigation and plumbing plan, chemical storage and disposal plan, mitigation measures for airborne fungi and related pests; and

(Ord. 19 §2, 2013)

CITY OF RIFLE, COLORADO
ORDINANCE NO. 19
SERIS OF 2016

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING
CHAPTER 6, ARTICLES VIII AND IX OF THE RIFLE MUNICIPAL CODE
REGARDING THE REGULATION OF MARIJUANA.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and under the authority of the City of Rifle Home Rule Charter; and

WHEREAS, by Amendment 20 to the Colorado Constitution, the voters of the State of Colorado added Section 14 of Article XVIII thereto to provide local governments the authority regulate and control the cultivation, manufacture, and sale of Medical Marijuana and Medical Marijuana products within their boundaries; and

WHEREAS, Rifle has chosen to regulate, and control the sale and manufacture of Medical Marijuana and Medical Marijuana products within the City and codified such regulations as Chapter 6, Article VIII of the Rifle Municipal Code (the “City Code”); and

WHEREAS, by Amendment 64 to the Colorado Constitution, the voters of the State of Colorado added Section 16 of Article XVIII thereto to provide local governments the authority to regulate and control the cultivation, manufacture, testing, and sale of Retail Marijuana and Retail Marijuana products within their boundaries; and

WHEREAS, Rifle has chosen to regulate, and control the cultivation of Retail Marijuana within the City and codified such regulations as Chapter 6, Article IX of the City Code; and

WHEREAS, the Rifle City Council finds and believes that is in the best interest of the public health, safety, and welfare to amend Article VIII of Chapter 6 of the City Code to limit the number of marijuana related businesses in the City.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The aforementioned recitals are hereby incorporated herein as though set forth in full.
2. Chapter 6, Article VIII of the Rifle Municipal Code is hereby amended as shown on the attached **Exhibit A**, with additions shown in double underlined text and ~~strike through language deleted~~.
3. Chapter 6, Article IX of the Rifle Municipal Code is hereby amended as shown on the attached **Exhibit B**, with additions shown in double underlined text and ~~strike through language deleted~~.

4. Appendix A of the Rifle Municipal Code is hereby amended as shown on the attached **Exhibit C**, with additions shown in double underlined text and ~~strike through language deleted~~.

5. Any and all ordinances of the City of Rifle in conflict with this Ordinance are hereby repealed and replaced to the extent of the conflict only.

6. If any sentence, phrase, clause, or provision of this Ordinance is held to be illegal by a court or administrative body of competent jurisdiction, the same sentence, phrase, clause, or provision shall be deemed stricken from the Ordinance and not impact the remainder thereof.

7. This Ordinance shall become effective September 1, 2016.

INTRODUCED on August 3, 2016, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on August 17, 2016 passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ____ day of _____, 2016.

CITY OF RIFLE, COLORADO

BY: _____
Mayor

ATTEST:

City Clerk

Exhibit A

ARTICLE VIII - Medical Marijuana

Sec. 6-8-10. - Definitions.

(a) Definitions relevant to this Article are incorporated herein as follows:

Amendment 20 means a voter-initiated amendment to the Colorado Constitution adopted November 7, 2000, adding §14 of Article 18 to the Colorado Constitution.

Colorado Medical Marijuana Code means Article 43.3 of Title 12, C.R.S.

Cultivation means the process by which a person promotes the germination and growth of a seed to a mature marijuana plant.

Good cause (for the purpose of refusing or denying a license renewal under this Article) means:

- a. The licensee has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this Article or the Colorado Medical Marijuana or Colorado Retail Marijuana Codes and any rule and regulation promulgated pursuant to this Article or the Colorado Medical Marijuana or Colorado Retail Marijuana Codes;
- b. The licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, ~~or~~ that were placed on its license in prior disciplinary proceedings, or that arose in the context of potential disciplinary proceedings; or
- c. The licensee's medical marijuana center, or cultivation operation, ~~or infused products manufacturer premises~~ has been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the medical marijuana center, or cultivation operation ~~or infused products manufacturer premises~~ is located.

Evidence to support a finding of good cause may include:

- a. A continuing pattern of offenses against the public peace, as defined in Chapter 10 of this Code;
- b. A continuing pattern of drug-related criminal conduct within the premises of the medical marijuana center, or cultivation operation ~~or infused products manufacturer~~ or in the immediate area surrounding the medical marijuana center, or cultivation operation ~~or infused products manufacturer~~, or the immediate area surrounding the facility; or
- c. A continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana center, or cultivation operation ~~or infused products manufacturer~~.

Licensee means a person licensed pursuant to this Article.

Local license means a license granted by the Local Licensing Authority pursuant to this Article and in accordance with state law.

Local Licensing Authority means the City.

Marijuana shall have the same meaning as "usable form of marijuana" as set forth in Amendment 20, or as may be more fully defined in any applicable law or regulation.

Medical marijuana center shall have the same meaning as set forth at Section 12-43.3-104(8), C.R.S.

Medical marijuana-infused products shall have the same meaning as set forth at Section 12-43.3-104(9), C.R.S.

Medical marijuana-infused products manufacturer shall have the same meaning as set forth at Section 12-43.3-104(10), C.R.S., for medical marijuana-infused products manufacturer.

Medical use shall have the same meaning as set forth in Article XVIII, §14(1)(b) of the Colorado Constitution, or as may be more fully defined in any applicable state law or regulation.

Optional premises shall have the same meaning as set forth at Section 12-43.3-104(11), C.R.S.

Optional premises cultivation operation or *cultivation operation* shall have the same meaning as set forth at Section 12-43.3-104(12), C.R.S.

Patient has the meaning provided in Amendment 20, or as may be more fully defined in any applicable state law or regulation.

Primary caregiver has the meaning provided in Amendment 20, or as may be more fully defined in any applicable state law or regulation.

State license means a license granted by the Colorado State Licensing Authority pursuant to Section 12-43.3-305, C.R.S.

- (b) In addition to the definitions provided in Subsection (a) above, the other defined terms in Amendment 20 and Section 12-43.3-104, C.R.S., are incorporated into this Article by reference.

Sec. 6-8-20. - Applicability of provisions.

In addition to any other rules or laws which may be applicable, this Article shall govern all licensing proceedings before the ~~Medical~~ Marijuana Enforcement Division. Unless superseded by this Article, the provisions of Sections 12-43.3-101, et seq., 25-1.5-106, 25-5-403, 16-2.5-121, 16-2.5-124.5, 24-72-202(6)(b) and 39-26-726, C.R.S., and 1 C.C.R. § 212, as may be amended, shall apply to medical marijuana licenses. A violation of any of the state regulations incorporated herein shall be deemed a violation of this Article subject to the penalty provisions of Section 6-8-180 of this Code.

Sec. 6-8-30. - ~~Designation of local licensing authority~~ Administration of medical marijuana.

- (a) ~~For purposes of this Article, the Local Licensing Authority for the City shall be the City Manager. The Local Licensing Authority shall be charged with the administration and enforcement of this Article.~~
- (b) The City Clerk shall assist the Local Licensing Authority by receiving all applications, coordinating with other City officers and departments when relevant, scheduling required public hearings and exercising his or her discretion in forwarding renewals, change of ownership and employment notices and other licensing-related requests to the Local Licensing Authority.
- (c) No person shall operate a medical marijuana center or optional premises cultivation operation within the City without a valid license issued in accordance with this Article. Under any and all circumstances in which state law requires communication to the City by the state licensing authority or any other state agency in regard to the licensing of marijuana establishments by the State, or in which state law requires any review or approval by the City of any action taken by the state licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the Local Licensing authority or the City Clerk on his or her behalf.
- (d) This Article only permits the licensure of medical marijuana centers and optional premises cultivation operations, as further restricted in this Article, and infused products manufacturing facilities are prohibited from operating in any location in the City.
- (e) Under no circumstances shall the City receive or act upon any application for local licensing of a marijuana establishment in circumstances where the State has failed to act in accordance with Section 14 of Article XVIII of the Colorado Constitution, it being the intent of this Article that no medical marijuana center or optional premises cultivation operation may lawfully exist in the City absent the issuance of a state license and full regulatory oversight of the medical marijuana center or optional premises cultivation operation by the State as well as the City.

Sec. 6-8-40. - Application for license.

- (a) A person seeking to obtain a license pursuant to this Article shall file an application with the Local Licensing Authority. The form of the application shall be provided by the Local Licensing Authority.
- (b) An application for a local license under this Article shall contain the following information:
- (1) The names, addresses, telephone numbers, dates of birth, and social security numbers of all owners of the medical marijuana center, or cultivation operation ~~or infused products manufacturer~~, or, if ~~it~~ the applicant is a business entity, the name of each natural person who owns any ownership interest in the entity;
 - (2) The street address, and unit number if applicable, of the proposed medical marijuana center, or cultivation operation ~~or infused products manufacturer~~ and a complete description, including sketch diagram, of the site for which the license is being obtained;

- (3) If the applicant is not the owner of the proposed location of the medical marijuana center, or cultivation operation ~~or infused products manufacturer~~, a statement from the owner of such property on a City-approved form authorizing the submission of the application;
 - (4) A completed set of the applicant's fingerprints;
 - (5) A statement, to be initialed by the applicant, that the City accepts no legal liability in connection with the approval and subsequent operation of the medical marijuana center, or cultivation operation ~~or infused products manufacturer~~;
 - (6) A consent and acknowledgment that the City will conduct a background investigation of each owner;
 - (7) For an optional premises cultivation operation, the applicant must provide evidence that the structure has an adequate electrical supply safely installed for the operation certified by a Colorado-licensed electrician, proper filtered ventilation and odor-control measures installed so that no odors leave the premises, irrigation and plumbing plan, chemical storage and disposal plan, mitigation measures for airborne fungi and related pests; and
 - (8) Any additional information that the Local Licensing Authority reasonably determines to be necessary in connection with the investigation and review of the application.
- (c) Applications deemed complete shall be processed by the Local Licensing Authority in order of receipt, and incomplete applications will be rejected.

Sec. 6-8-50. - Application fee.

An applicant shall pay to the City a nonrefundable application fee ~~to pick up an application and to file the application~~, to cover the administrative costs of producing and processing the application. The amount of the application fees is set forth in Appendix A to this Code and may be amended by resolution of the City Council. An applicant shall further pay for the required background investigation as set forth in Appendix A and the actual cost of being fingerprinted and any outside professional costs incurred by the City related to the application.

Sec. 6-8-60. - Location requirements.

No medical marijuana center, or cultivation operation ~~or infused products manufacturer~~ shall be established except in accordance with the following location requirements:

- (1) Each medical marijuana center shall be operated from a permanent and fixed location. No medical marijuana center shall be located in a movable, mobile, or transitory location. Nothing herein shall prevent the physical delivery of medical marijuana to a patient or the patient's primary caregiver at a location off of the premises of the licensee's medical marijuana center.
- (2) A medical marijuana center may only be located within the Central Business District, Community Service Business District or the Tourist Commercial District and is prohibited in all other zone districts. Medical marijuana centers shall not be operated as a home occupation as set forth in Section 16-3-280 of this Code.

- (3) No more than five (5) medical marijuana centers shall be licensed in the City at any time.
- (34) To preserve the economic diversity and character of the downtown and to prevent an over-concentration of medical marijuana centers, no more than four (4) medical marijuana centers may be located ~~in ground level street front locations~~ in the Central Business District. Medical marijuana centers shall be licensed and sited on a first-come, first-served basis.
- (45) Except in the Central Business District, no medical marijuana center shall be located within five hundred (500) feet of another medical marijuana center. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code.
- (6) No more than four (4) facilities shall be licensed in the City as an optional premises cultivation operation at any time.
- (57) An optional premises cultivation operation ~~or infused products manufacturer~~ may only be located in the Light Industrial Zone district and is prohibited in all other zone districts. Prior to receiving a license pursuant to this Article, an optional premises cultivation operation ~~or infused products manufacturer~~ must receive a conditional use permit from the City pursuant to Section 16-3-80 of this Code for the proposed location.
- (68) No medical marijuana center, or cultivation operation ~~or infused products manufacturer~~ shall be located within one thousand (1,000) feet of a school, an alcohol or drug treatment facility, or a residential child care facility. Distance shall be calculated using the standard established in the Colorado Medical Marijuana Code. The provisions of this Paragraph shall not affect the renewal or re-issuance of a license once granted.

Sec. 6-8-70. - Denial of license.

- (a) The Local Licensing Authority shall deny an application for a license under this Article if the Local Licensing Authority determines that:
- (1) Information contained in the application or supplemental information requested from the applicant is found to be false in any material respect; or
 - (2) The application fails to meet any of the standards set forth in Section 6-8-60 above.
- (b3) The Local Licensing Authority may deny an application if the applicant or any owner of an applicant business has previously been convicted of a drug felony violation within the past ten (10) years or any other felony violation within the past five (5) years.
- (4) If the applicant or any owner of an applicant business has in the immediately preceding twelve (12) months had a medical marijuana license or retail marijuana establishment license revoked or suspended by the State or by the local licensing authority in this or any other jurisdiction.
- (5) If any person named on the application is not of good moral character as defined by the Colorado Medical Marijuana Code or considering the factors of Section 24-5-101, C.R.S.
- (eb) If an application is denied, the application fee shall not be refunded.

Sec. 6-8-80. - Decision by Local Licensing Authority.

- (a) The Local Licensing Authority shall approve, deny, or conditionally approve an application within forty-five (45) days of the receipt of the completed application unless, by written notice to the applicant, the decision period is extended for an additional ~~ten~~ thirty (~~10~~30) days if necessary for the Local Licensing Authority to complete the review of the application or other such time to complete the background investigation; provided, however, no local license shall be issued until the state license is issued.
- (b) If an applicant is denied, the Local Licensing Authority shall clearly set forth in writing the grounds for denial.
- (c) The Local Licensing Authority shall have the authority to impose such ~~reasonable~~ terms and conditions on a license as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this Article and applicable law. In the event an application is conditionally approved, the Local Licensing Authority shall clearly set forth in writing the conditions of approval.

Sec. 6-8-90. - Notice of decision.

The Local Licensing Authority shall notify the applicant of the decision on the application by mailing a copy of the Local Licensing Authority's decision to the applicant by regular mail, postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing.

Sec. 6-8-100. - Appeal of license decision.

- (a) An applicant has the right to appeal the Local Licensing Authority's denial or conditional approval of an application to the City Council by filing a written request with the City Clerk within twenty (20) days of the date of the notice of the decision described in Section 6-8-90 above. ~~An appealing applicant shall pay the appeal fee set forth in Appendix A and reimburse the City for any outside professional costs incurred by the City related to the appeal.~~
- (b) The applicant shall be provided with not less than ten (10) days' prior written notice of an appeal hearing to be held by the City Council.
- (c) The burden of proof in an appeal filed under this Section shall be on the applicant.
- (d) Any decision made by the City Council pursuant to this Section shall be a final decision and may be appealed to the District Court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision shall be a waiver of the applicant's right to contest the denial or conditional approval of the application.

Sec. 6-8-110. - License.

- (a) A license shall contain the following information:
 - (1) The name of the licensee;
 - (2) The valid dates ~~of the issuance~~ of the license;

- (3) The address at which the licensee is authorized to operate the medical marijuana center, or cultivation operation ~~or infused products manufacturer;~~
 - (4) Any special conditions of approval imposed upon the license by the Local Licensing Authority, pursuant to Section 6-8-80 above; and
 - (5) The date of the expiration of the license.
- (b) A license must be signed by ~~both the applicant and~~ the Local Licensing Authority to be valid.
 - (c) A license is nonassignable, and any attempt to assign a license voids the license.
 - (d) A license shall be continuously posted in a conspicuous location at the medical marijuana center or optional premises cultivation operation.

~~A license may only be transferred to a different location following the payment of the license transfer fee set forth in Appendix A, submitting the application materials and complying with the requirements relevant to location and structures contained in this Article, and approval of the license transfer by the Local Licensing Authority following the application process set forth in this Article.~~

- (e) ~~A license shall be continuously posted in a conspicuous location at the medical marijuana center, optional premises cultivation operation or infused products manufacturer.~~

The change of the location of any license or any modification or expansion of the licensed premises shall be governed by the standards and procedures set forth in the Colorado Medical Marijuana Code and any regulations adopted pursuant thereto, and the Local Licensing Authority shall administer applications to change location or modify or expand the premises in the same manner as the state licensing authority administers changes of location and modification or expansion of premises for state licenses. A license may only be transferred to a different location or a facility modified or expanded following the payment of the change in location or modification/expansion of premises fee set forth in Appendix A, submitting the application materials and complying with the requirements relevant to location and structures contained in this Article, and approval of the change of location or facility modification or expansion by the Local Licensing Authority following the application process set forth in this Article.

- (f) The transfer of any interest in a medical marijuana center or optional premises cultivation operation must be reported to the Local Licensing Authority prior to the change in ownership by submitting an application on forms approved by the City and payment of the change of ownership fee or change of corporate structure fee set forth in Appendix A. Transfer of ownership of any license issued pursuant to this Article shall be governed by the standards and procedures set forth in the Colorado Medical Marijuana Code.

Sec. 6-8-120. - Duration of license; renewal.

- (a) Each license issued pursuant to this Article shall be valid for one (1) year from the date of issuance and may be renewed as provided in this Section.

- (b) An application for the renewal of an existing license shall be made to the Local Licensing Authority not less than forty-five (45) days prior to the date of expiration. ~~No application for renewal shall be accepted by the Local Licensing Authority after such date.~~
- (c) The provisions of Sections 6-8-40 through 6-8-100, inclusive, shall apply to the processing of an application to renew a license unless specifically waived by the Local Licensing Authority based upon no changed circumstances. The timely filing of a renewal application shall extend the current license until a final decision is made on the renewal application, including any appeal of the Local Licensing Authority's decision to the City Council. Any renewal of a license shall be governed by the standards and procedures set forth in this Article and the Colorado Medical Marijuana Code.
- (d) The applicant shall, at the time of an application to renew a license, not be delinquent on any applicable City fees or taxes.
- (e) At the time of the filing of an application for the renewal of an existing license, the applicant shall pay a renewal fee in an amount set forth in Appendix A, which may be amended by resolution of the City Council.
- (f) If an applicant holding a valid license in the Central Business District wishing to renew the license submits a timely renewal application, that applicant shall receive first review and approval priority regardless of other submitted applications for that district under the limitations set forth in Paragraph 6-8-60(3). If the applicant allows the license to expire before submitting a renewal application or the renewal application is denied, that license shall be open to new applicants on a first-come, first-served basis.
- (g) The Local Licensing Authority may refuse to renew a license for good cause.

Sec. 6-8-130. - Duties of licensee.

It is the duty and obligation of each licensee to do the following:

- (1) Comply with all of the terms and conditions of the license and any special conditions on the license imposed by the Local Licensing Authority, pursuant to Section 6-8-80.
- (2) Comply with all of the requirements of this Article.
- (3) Comply with all other applicable City ordinances.
- (4) Comply with all state laws and administrative regulations pertaining to the medical use of marijuana, including but not limited to Amendment 20; Section 18-18-406.3, C.R.S.; and the administrative regulations issued by the Colorado Department of Public Health and Environment found at 5 C.C.R. 1006-2, all as amended from time to time.
- (5) Permit inspection of its records and operation by the Local Licensing Authority or other agent of the City for the purpose of determining the licensee's compliance with the terms and conditions of the license and this Article; provided, however, that confidentiality of patient records shall be maintained pursuant to state law. In the event the City incurs costs in the inspection, clean-up, or any other requirements to remove marijuana of any medical marijuana center or optional premises cultivation operation

facility, the licensee shall reimburse the City all actual costs incurred by the City for such inspection and clean-up.

Sec. 6-8-140. - Suspension or revocation of license.

- (a) A license issued pursuant to this Article may be suspended or revoked by the Local Licensing Authority for the following reasons:
- (1) Fraud, misrepresentation, or a false statement of material fact contained in the license application;
 - (2) A violation of any City, state, or federal law or regulation, other than a federal law or regulation concerning the possession, sale, or distribution of marijuana that conflicts with Amendment 20;
 - (3) A violation of any of the terms and conditions of the license, including any special conditions of approval imposed upon the license by the Local Licensing Authority pursuant to Section 6-8-80;
 - (4) A violation of any of the provisions of this Article;
 - (5) Operations have ceased at the medical marijuana center, or cultivation operation ~~or infused products manufacturer~~ for more than thirty (30) days, including during a change of ownership of the medical marijuana center, or cultivation operation ~~or infused products manufacturer~~; or
 - (6) Ownership of the medical marijuana center, or cultivation operation ~~or infused products manufacturer~~ has been transferred without the new owner obtaining a license pursuant to this Article.
- (b) In connection with the suspension of a license, the Local Licensing Authority may impose reasonable conditions.
- (c) The Local Licensing Authority shall notify the licensee of the decision to suspend or revoke the license within three (3) business days of rendering the decision. Notice shall be given pursuant to the procedure established in Section 6-8-90. The licensee has the right to appeal the suspension or revocation of a license to the City Council by filing a written request with the Local Licensing Authority within twenty (20) days of the date of the Notice of Decision issued by the Local Licensing Authority. The process for appeal of a suspension or revocation shall be as set forth in Section 6-8-100 of this Article.
- (d) ~~No suspension or revocation shall be final until the licensee has been given the opportunity for a hearing to address the suspension or revocation. The licensee has the right to appeal the Local Licensing Authority's suspension or revocation to the City Council by filing a written request with the Local Licensing Authority within twenty (20) days of the date of the Notice of Decision issued by the Local Licensing Authority, as described in Section 6-8-90 above. The process for appeal of a suspension or revocation shall be as set forth in Section 6-8-100 of this Article.~~

No suspension or revocation shall be final until the licensee has been given the opportunity for a hearing to address the suspension or revocation. In deciding whether a license should

be suspended or revoked in accordance with this Section, and in deciding what conditions to impose in the event of a suspension, if any, the following shall be considered:

- (1) The nature and seriousness of the violation;
 - (2) Corrective action, if any, taken by the licensee;
 - (3) Prior violations, if any, at the licensed premises by the licensee and the effectiveness of prior corrective action, if any;
 - (4) The likelihood of recurrence;
 - (5) All circumstances surrounding the violation;
 - (6) Whether the violation was willful;
 - (7) The length of time the license has been held by the licensee;
 - (8) The number of violations by the licensee within the applicable twelve-month period;
 - (9) Previous sanctions, if any, imposed against the licensee; and
 - (10) Any other factor making the situation, with respect to the licensee or the licensed premises, unique or the violation of greater concern.
- (e) Whenever a decision of the Local Licensing Authority suspending a license becomes final, whether by failure of the licensee to appeal the decision, stipulation between the City and the licensee that such decision is final, or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. Upon receipt of the petition, the Local Licensing Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied and finds:
- (1) That the public welfare and morals will not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purpose; and
 - (2) That the books and records of the licensee are kept in such a manner that the loss of sales or other impacts that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
 - (3) That the licensee has not had his or her license suspended or revoked by the Local Licensing Authority, nor had any suspension stayed by payment of a fine to the Local Licensing Authority, during the two (2) years immediately preceding the date of the complaint or request which resulted in a final decision to suspend the license.
- (f) The fine imposed pursuant to Subsection (e) shall not be less than five hundred dollars (\$500.00) nor greater than one hundred thousand dollars (\$100,000.00) and the Local Licensing Authority may consider, among other things, licensee's estimated gross revenues from sales or other impacts during the period of the proposed suspension in determining the amount of the fine.

- (g) The Local Licensing Authority may, in its sole discretion, enter into a stipulation and order with a licensee imposing a fine in lieu of suspension of a license contemporaneous with entering into a stipulation and order with a licensee containing such findings as are required in Subsection (e).
- (h) Payment of any fine accepted in lieu of allowing a license suspension to become operable shall be in the form of cash, certified check or cashier's check. Said funds shall be deposited into the general fund of the City of Rifle. Upon receipt of the fine, the Local Licensing Authority shall enter an order permanently staying the operation of the suspension.
- (i) If the Local Licensing Authority does not make the findings required under Subsection (e) and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date of suspension set by the Local Licensing Authority. Notwithstanding the foregoing, the Local Licensing Authority may grant such stays of the suspension proceedings as are necessary for it to complete its investigation and make the findings required under Subsection (e).

Sec. 6-8-150. - Operation of medical marijuana center.

- (a) No marijuana may be sold, given away, or transferred at a medical marijuana center, except to patients and to primary caregivers.
- (b) A medical marijuana center may open no earlier than 7:00 a.m. and shall close no later than 7:00 p.m. the same day. A medical marijuana center may be open seven (7) days a week.
- (c) All signage for a medical marijuana center shall comply with the requirements of Chapter 16, Article VIII of this Code. No signage associated with medical marijuana centers shall use the words "marijuana," "cannabis" or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word "medical."
- (d) The growing, cultivating, or processing of marijuana on or within the premises of a medical marijuana center is prohibited.
- (e) The sale or consumption of an alcoholic beverage within a medical marijuana center is prohibited.
- (f) No person under the age of eighteen (18) shall be allowed in any portion of a medical marijuana center.
- (g) Each licensee shall maintain an accurate and complete record of all marijuana sold or dispensed at the medical marijuana center with the following information, which shall be made available to the City upon demand:
 - (1) The quantity of medical marijuana dispensed in each transaction;
 - (2) The date and time the marijuana was sold or dispensed; and
 - (3) The total amount paid per transaction for all goods and services provided.
- (h) A licensee shall provide adequate security on the premises of a medical marijuana center, including but not limited to the following:

- (1) A locking safe or secure vault permanently affixed to or built into the premises that is suitable for storage of all of the saleable inventory of marijuana;
 - (2) Security surveillance cameras with back-up power operating at all times installed to monitor the main entrance to discourage and to facilitate the reporting of criminal acts and nuisance activities occurring at the premises;
 - (3) Burglar alarm systems professionally monitored and maintained in good working condition.
- (i) The medical marijuana center premises shall be adequately ventilated so that adjacent properties are not impacted by odors.
 - (j) No vending machines, drive-ups, or unsupervised sales shall be permitted on the premises.
 - (k) No onsite consumption of marijuana shall be permitted on the premises.
 - (l) Only merchandise related to the medical marijuana center and the provision of care to patients is allowed to be sold in a medical marijuana center.

Sec. 6-8-160. - Operation of medical marijuana optional premises cultivation operation.

- (a) No retail sale of marijuana may occur at a medical marijuana optional premises cultivation operation.
- (b) Any signage for a medical marijuana optional premises cultivation operation shall comply with the requirements of Chapter 16, Article VIII of this Code. No signage shall use the words "marijuana," "cannabis" or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word "medical." In addition, no sign shall contain a graphic or image of any portion of a marijuana plant.
- (c) A medical marijuana optional premises cultivation operation must occur indoors and be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at ~~the exterior of the optional premises cultivation operation~~ or any adjoining business, parcel, or tract of real property.
- (d) A medical marijuana optional premises cultivation operation shall be required to have waste, chemical, and bioproduct storage and disposal measures as determined reasonably necessary by the Local Licensing Authority.

Sec. 6-8-170. - Taxes.

Each licensee shall comply in full with the payment of City sales tax pursuant to Chapter 4 of this Code.

Sec. 6-8-180. - Penalties; injunctive relief.

- (a) It is a Class A misdemeanor offense for any person to violate any provision of this Article. Any person convicted of having violated any provision of this Article shall be punished as set forth in Chapter 1, Article IV of this Code.

- (b) The operation of a medical marijuana center, optional premises cultivation operation, or infused products manufacturer without a valid license issued pursuant to this Article may be enjoined by the City in an action brought in a court of competent jurisdiction. In any case in which the City prevails in a civil action initiated pursuant to this Section, the City may recover its reasonable attorney fees plus costs of the proceeding.
- (c) The remedies provided in this Article VIII are in addition to any other remedy provided by applicable law.

Sec. 6-8-190. - Rules and regulations.

The Local Licensing Authority shall have the authority from time to time to adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this Article.

~~**Sec. 6-8-200. - Existing medical marijuana centers.**~~

~~Any medical marijuana center having filed for an application for and received a business license and sales tax license as of November 4, 2009, shall be exempt from the location limitations in Section 6-8-60, but shall otherwise comply with all provisions of this Article.~~

Sec. 6-8-200. - Indemnification of City.

By accepting a license issued pursuant to this Article, a licensee, jointly and severally if more than one (1), agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and demands on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana center or optional premises cultivation operation facility that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and provide defense for and defend against any such liability, claims, or demands at its expense and to bear all other costs and expenses related thereto, including court costs and attorney fees. The Local Licensing Authority may require a licensee to execute a written instrument confirming the provisions of this Section.

Exhibit B

ARTICLE IX - Retail Marijuana Cultivation Facilities

Sec. 6-9-10. - Purpose and legislative intent.

Section 16 of Article XVIII of the Colorado Constitution, also commonly known as Amendment 64, authorizes a system of state licensing for businesses engaging in the cultivation, testing, manufacturing, and ~~retail~~ sale of retail marijuana, collectively referred to as marijuana establishments by the Constitution. Subsection 16(5)(f) of Article XVIII allows localities, within their respective jurisdictions: to prohibit state licensing of marijuana establishments; to regulate the time, place, and manner in which marijuana establishments may operate; and to limit the total number of marijuana establishments. The authority of localities to prohibit or regulate marijuana establishments within their respective jurisdictions, including the authority to engage in local licensing of marijuana establishments, is also reflected in various provisions of the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S. The purpose of this Article is to exercise the authority of the City to prohibit marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores in the City and allow state-licensed retail marijuana cultivation facilities to exist in the City in accordance with applicable state laws and regulations, as well as the additional local licensing requirements and other restrictions set forth herein.

Sec. 6-9-20. - Definitions.

(a) For purposes of this Article, the following terms shall have the following meanings:

Amendment 64 means a voter-initiated amendment to the Colorado Constitution, adopted in November 2012, adding Section 16 of Article XVIII to the Colorado Constitution.

Colorado Medical Marijuana Code means Article 43.3 of Title 12, C.R.S., and any rules or regulations promulgated thereunder, as amended.

Colorado Retail Marijuana Code means Article 43.4 of Title 12, C.R.S., and any rules or regulations promulgated thereunder, as amended.

Good cause (for the purpose of refusing or denying a license renewal under this Article) means:

- a. The licensee has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this Article or the Colorado Retail Marijuana or Colorado Medical Marijuana Codes and any rule and regulation promulgated pursuant to this Article or the Colorado Retail Marijuana or Colorado Medical Marijuana Codes;
- b. The licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, that were placed on its license in prior disciplinary proceedings, or that arose in the context of potential disciplinary proceedings; or

- c. The licensee's retail marijuana cultivation facility has been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the retail marijuana cultivation facility is located.
- d. ~~The licensee or applicant has violated, does not meet or has failed to comply with any of the terms, conditions or provisions of this Article or the Colorado Retail Marijuana Code.~~

Evidence to support a finding of good cause may include:

- a. A continuing pattern of offenses against the public peace, as defined in Chapter 10 of this Code;
- b. A continuing pattern of drug-related criminal conduct within the premises of the retail marijuana cultivation facility or in the immediate area surrounding the facility; or
- c. A continuing pattern of criminal conduct directly related to or arising from the operation of the retail marijuana cultivation facility.

Licensee means a person licensed pursuant to this Article.

Local license means a license granted by the Local Licensing Authority pursuant to this Article and in accordance with state law.

Local Licensing Authority means the City Manager.

Marijuana means all parts of the plant of the genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt derivative, mixture, or preparation of the plant, its seeds or its resin, including marijuana concentrate, but excluding industrial hemp, fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana club means a place not used for residential purposes where individuals gather to consume or grow marijuana, regardless of whether such place calls itself private or public or charges an admission or membership fee.

Marijuana product manufacturing facility means a facility licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

Marijuana testing facility means a facility license to analyze and certify the safety and potency of marijuana.

Retail marijuana cultivation facility means a facility licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

Retail marijuana store means a facility licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

State license means a license granted by the Colorado State Licensing Authority pursuant to Section 12-43.4-304, C.R.S.

- (b) In addition to the definitions provided in Subsection (a) above, the other defined terms in Amendment 64 and Section 12-43.3-103, C.R.S., and any implementing regulations are incorporated into this Article by reference.

Sec. 6-9-30. - Retail marijuana cultivation facility license required; all other marijuana establishments prohibited.

- (a) No person shall operate a retail marijuana cultivation facility within the City without a valid license issued in accordance with this Article. ~~The City Manager is hereby designated to act as the local licensing authority for the City within the meaning of the Colorado Retail Marijuana Code.~~ Under any and all circumstances in which state law requires communication to the City by the state licensing authority or any other state agency in regard to the licensing of marijuana establishments by the State, or in which state law requires any review or approval by the City of any action taken by the state licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the ~~City Manager~~ Local Licensing Authority or the City Clerk on his or her behalf.
- (b) This Article only permits the licensure of four (4) retail marijuana cultivation facilities, and all other marijuana establishments, specifically marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, and marijuana clubs, are prohibited from operating in any location in the City.
- (c) Under no circumstances shall the City receive or act upon any application for local licensing of a marijuana establishment in circumstances where the State has failed to act in accordance with Section 16 of Article XVIII of the Colorado Constitution, it being the intent of this Article that no retail marijuana cultivation facility may lawfully exist in the City absent the issuance of a state license and full regulatory oversight of the retail marijuana cultivation facility by the State as well as the City.
- (d) It is unlawful for any person to operate, cause to be operated, or permit to be operated in the City a marijuana product manufacturing facility, marijuana testing facility, retail marijuana store, or marijuana club, and marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores, and marijuana clubs are hereby prohibited at any location in the City; provided, however, that nothing in this Subsection shall affect or apply to any business licensed under the Colorado Medical Marijuana Code, Article 43.3 of Title 12, C.R.S., and Article VIII of this Chapter.

Sec. 6-9-40. - Relationship to Colorado Retail Marijuana Code; other laws.

Except as otherwise specifically provided herein, this Article incorporates the requirements and procedures set forth in the Colorado Retail Marijuana Code. In the event of any conflict

between the provisions of this Article and the provisions of the Colorado Retail Marijuana Code or any other applicable state or local law, the more restrictive provision shall control. To the extent the State has adopted or adopts in the future any additional or stricter laws or regulations governing retail marijuana, the additional or stricter regulations shall control any retail marijuana cultivation facility in the City. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Article, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

Sec. 6-9-50. - Unlawful acts.

It shall be unlawful for any person to:

- (1) Operate any retail marijuana establishment in the City except for a retail marijuana cultivation facility with a license duly issued by the state licensing authority under the Colorado Retail Marijuana Code and in compliance with any and all applicable state laws;
- (2) Operate any retail marijuana establishment in the City except for a retail marijuana cultivation facility with a license duly issued by the ~~City Manager~~ Local Licensing Authority under this Article and in compliance with any and all applicable City laws;
- (3) Engage in any form of business or commerce involving the cultivation, processing, manufacturing, storage, sale, distribution, or consumption of marijuana other than those forms that are expressly contemplated by Section 16 of Article XVIII of the Colorado Constitution, the Colorado Retail Marijuana Code or the Colorado Medical Marijuana Code; or
- (4) Sell marijuana or marijuana products from marijuana plants possessed, grown, processed or transported for personal use pursuant to Subsection 16(3) of Article XVIII of the Colorado Constitution.

Sec. 6-9-60. - Limitation on retail marijuana cultivation facilities, dual operation with existing medical marijuana cultivation operations; ~~conversion~~.

- ~~(a) No more than four (4) facilities shall be licensed in the City as a retail marijuana cultivation facility. Because only the existing medical marijuana cultivation operations licensed within the City when Amendment 64 passed were eligible to operate a retail marijuana cultivation facility, a person must hold a medical marijuana cultivation operation license pursuant to the Colorado Medical Marijuana Code to receive a retail marijuana cultivation facility license and must operate both licenses on the same premises ("dual operation"), provided they meet the requirements of the Colorado Retail Marijuana Code and this Article. Only the existing medical marijuana cultivation operations licensed within the City pursuant to Article VIII of this Chapter and by the State pursuant to the Colorado Medical Marijuana Code may apply for, and upon approval of a license, operate a retail marijuana cultivation facility in the City. Those four (4) medical marijuana cultivation operations eligible for license under this Article are the following: Green Cross Colorado, LLC, Green Medicine LLC d/b/a Green Medicine Wellness, CMMS, LLC d/b/a LEAF Aspen and Rifle Remedies, LLC.~~

~~(b) Pursuant to Section 12-43.3-104, C.R.S., certain medical marijuana licensees or applicants qualified to receive a state license, may, on or after October 1, 2013, either apply for a retail marijuana cultivation facility license in addition to their medical marijuana cultivation operation license, convert their medical marijuana cultivation operation license to a retail marijuana cultivation facility license or apply for a retail marijuana cultivation facility license and surrender their medical marijuana cultivation operation license when the retail marijuana cultivation facility license is issued. Because only existing medical marijuana cultivation operations licensed within the City are eligible to operate a retail marijuana cultivation facility, a person who holds both a medical marijuana cultivation operation license pursuant to Article 43.3 of Title 12, C.R.S., and a retail marijuana cultivation facility license must operate both licenses in the same premises ("dual operation"), provided they meet the requirements of the Colorado Retail Marijuana Code and this Article.~~

Sec. 6-9-70. - Application for license.

- (a) A person seeking to obtain a license pursuant to this Article shall file an application with the City Manager. The form of the application shall be provided by the ~~City Manager~~ Local Licensing Authority.
- (b) An application for a local license under this Article shall contain the following information:
- (1) The name, address, telephone number, date of birth, and social security number of all owners of the retail marijuana cultivation facility or, if ~~it~~ the applicant is a business entity, the names of each natural person who owns any ownership interest in the entity;
 - (2) The street address, and unit number if applicable, of the proposed retail marijuana cultivation facility and a complete description, including sketch diagram, of the site for which the license is being obtained;
 - (3) If the applicant is not the owner of the proposed location of the retail marijuana cultivation facility, a statement from the owner of such property on a City-approved form authorizing the submission of the application;
 - (4) A completed set of the applicant's fingerprints;
 - (5) A statement to be initialed by the applicant that the City accepts no legal liability in connection with the approval and subsequent operation of the retail marijuana cultivation facility;
 - (6) A consent and acknowledgement that the City will conduct a background investigation of each owner;
 - (7) For a retail marijuana cultivation facility, the applicant must provide evidence that the structure has an adequate electrical supply safely installed for the operation certified by a Colorado licensed electrician, proper filtered ventilation and odor control measures installed so that no odors leave the premises, irrigation and plumbing plan, chemical storage and disposal plan, mitigation measures for airborne fungi and related pests; and
 - (8) Any additional information that the ~~City Manager~~ Local Licensing Authority reasonably determines to be necessary in connection with the investigation and review of the application.

- (c) Applications deemed complete shall be processed by the ~~City Manager~~ Local Licensing Authority in order of receipt, and incomplete applications will be rejected.

Sec. 6-9-80. - Application fee.

An applicant shall pay to the City a nonrefundable application fee ~~to pick up an application and to file the application~~ to cover the administrative costs of producing and processing the application. The amount of the application fees are set forth in Appendix A and may be amended by resolution of the City Council. An applicant shall further pay for the required background investigation as set forth in Appendix A and the actual cost of being fingerprinted and any outside professional costs incurred by the City related to the application.

Sec. 6-9-90. - Location requirements.

A retail marijuana cultivation facility may only be located in the Light Industrial Zone District or Industrial Zone District, and they are prohibited in all other zone districts, including the Light Industrial PUD. Prior to receiving a license pursuant to this Article, a retail marijuana cultivation facility must receive a conditional use permit from the City pursuant to Section 16-3-80 of this Code for the proposed location; provided, however, that existing medical marijuana cultivation operations licensed pursuant to Article VIII of this Chapter do not need to obtain another conditional use permit for a license issued under this Article for the same location. In addition, prior to receiving approval for expansion of a licensed retail marijuana cultivation facility under this Article, a licensee must receive a conditional use permit from the City pursuant to Section 16-3-80 for the proposed expansion.

Sec. 6-9-100. - Denial of license.

- (a) The ~~City Manager~~ Local Licensing Authority shall deny an application for a license under this Article if the ~~City Manager~~ Local Licensing Authority determines that:
- (1) Information contained in the application or supplemental information requested from the applicant is found to be false in any material respect.
 - (2) The application fails to meet the location requirements set forth in Section 6-9-90 above.
 - (3) If the applicant or any owner of an applicant business has previously been convicted of a felony that is deemed a crime of violence or has completed any portion of a felony sentence within the past five (5) years.
 - (4) If the applicant or any owner of an applicant business has in the immediately preceding twelve (12) months had a medical marijuana license or retail marijuana establishment license revoked or suspended by the State or by the local licensing authority in this or any other jurisdiction.
 - (5) If any person named on the application is not of good moral character as defined by the Colorado Retail Marijuana Code or considering the factors of Section 24-5-101, C.R.S.
- (b) If an application is denied, the application fee shall not be refunded.

Sec. 6-9-110. - Decision by ~~City Manager~~ Local Licensing Authority.

- (a) The ~~City Manager~~ Local Licensing Authority shall approve, deny, or conditionally approve an application within forty-five (45) days of the receipt of the completed application unless, by written notice to the applicant, the decision period is extended for an additional ~~ten~~ thirty (~~430~~) days if necessary for the ~~City Manager~~ Local Licensing Authority to complete the review of the application or other such time to complete the background investigation; provided, however, no local license shall be issued until the state license is issued.
- (b) If an application is denied, the ~~City Manager~~ Local Licensing Authority shall clearly set forth in writing the grounds for denial.
- (c) The ~~City Manager~~ Local Licensing Authority shall have the authority to impose such ~~reasonable~~ terms and conditions on a license as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this Article and applicable law. In the event an application is conditionally approved, the ~~City Manager~~ Local Licensing Authority shall clearly set forth in writing the conditions of approval.

Sec. 6-9-120. - Notice of decision.

The ~~City Manager~~ Local Licensing Authority shall notify the applicant of the decision on the application by mailing a copy of the ~~City Manager's~~ Local Licensing Authority's decision to the applicant by regular mail, postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing.

Sec. 6-9-130. - Appeal of license decision.

- (a) An applicant has the right to appeal the ~~City Manager's~~ Local Licensing Authority's denial or conditional approval of an application to the City Council by filing a written request with the ~~City Manager~~ City Clerk within twenty (20) days of the date of the notice of the decision described in Section 6-8-120 above. ~~An appealing applicant shall pay the appeal fee set forth in Appendix A and reimburse the City for any outside professional costs incurred by the City related to the appeal.~~
- (b) The applicant shall be provided with not less than ten (10) days' prior written notice of an appeal hearing to be held by the City Council.
- (c) The burden of proof in an appeal filed under this Section shall be on the applicant.
- (d) Any decision made by the City Council pursuant to this Section shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision shall be a waiver of the applicant's right to contest the denial or conditional approval of the application.

Sec. 6-9-140. - License.

- (a) A license shall contain the following information:
 - (1) The name of the licensee;
 - (2) The valid dates ~~of the issuance~~ of the license;

- (3) The address at which the licensee is authorized to operate the retail marijuana cultivation facility;
 - (4) Any special conditions of approval imposed upon the license by the ~~City Manager~~ Local Licensing Authority pursuant to Section 6-9-110; and
 - (5) The date of the expiration of the license.
- (b) A license must be signed by both the applicant and the ~~City Manager~~ Local Licensing Authority to be valid.
 - (c) A license is nonassignable, and any attempt to assign a license voids the license.
 - (d) A license shall be continuously posted in a conspicuous location at the retail marijuana cultivation facility.
 - (e) The change of the location of any license or any modification or expansion of the licensed premises shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code and any regulations adopted pursuant thereto, and the ~~City Manager~~ Local Licensing Authority shall administer applications to change location or modify or expand the premises in the same manner as the state licensing authority administers changes of location and modification or expansion of premises for state licenses. A license may only be transferred to a different location or a facility modified or expanded following the payment of the ~~license transfer~~ change of location fee or modification/expansion of premises fee set forth in Appendix A, submitting the application materials and complying with the requirements relevant to location and structures contained in this Article, and approval of the ~~license transfer~~ change of location or facility modification or expansion by the ~~City Manager~~ Local Licensing Authority following the application process set forth in this Article.
 - (f) The transfer of any interest in a retail marijuana cultivation facility must be reported to the ~~City Manager~~ Local Licensing Authority prior to the change in ownership by submitting an application on forms approved by the City and payment of the change of ownership fee or change of corporate structure fee set forth in Appendix A. Transfer of ownership of any license issued pursuant to this Article shall be governed by the standards and procedures set forth in the Colorado Retail Marijuana Code.

Sec. 6-9-150. - Duration of license; renewal.

- (a) Each license issued pursuant to this Article shall be valid for one (1) year from the date of issuance and may be renewed as provided in this Section.
- (b) An application for the renewal of an existing license shall be made to the ~~City Manager~~ Local Licensing Authority not less than forty-five (45) days prior to the date of expiration.
- (c) The provisions of Sections 6-9-70 through 6-9-130 above, inclusive, shall apply to the processing of an application to renew a license unless specifically waived by the ~~City Manager~~ Local Licensing Authority based upon no changed circumstances. The timely filing of a renewal application shall extend the current license until a final decision is made on the renewal application, including any appeal of the ~~City Manager's~~ Local Licensing Authority's decision to the City Council. Any renewal of a license shall be governed by the standards and procedures set forth in this Article and the Colorado Retail Marijuana Code.

- (d) The applicant shall, at the time of an application to renew a license, not be delinquent on any applicable City's fees or taxes.
- (e) At the time of the filing of an application for the renewal of an existing license, the applicant shall pay a renewal fee in an amount set forth in Appendix A which may be amended by resolution of the City Council.
- (f) The ~~City Manager~~ Local Licensing Authority may refuse to renew a license for good cause.

Sec. 6-9-160. - Duties of licensee.

It is the duty and obligation of each licensee to do the following:

- (1) Comply with all of the terms and conditions of the license and any special conditions on the license imposed by the ~~City Manager~~ Local Licensing Authority, pursuant to Section 6-9-110 of this Article.
- (2) Comply with all of the requirements of this Article;
- (3) Comply with all other applicable City ordinances;
- (4) Comply with all state laws pertaining to the use of retail marijuana, including but not limited to Amendment 64, the Colorado Retail Marijuana Code, Article 43.4 of Title 12, C.R.S., and implementing administrative regulations, all as amended from time to time.
- (5) ~~Allow~~ Permit inspection of its records and operation by the ~~City Manager~~ Local Licensing Authority or other agent of the City for the purpose of determining the licensee's compliance with the terms and conditions of the license and this Article. In the event the City incurs costs in the inspection, clean-up, or any other requirements to remove marijuana of any retail marijuana cultivation facility, the licensee shall reimburse the City all actual costs incurred by the City for such inspection and clean-up.

Sec. 6-9-170. - Suspension or revocation of license.

- (a) A license issued pursuant to this Article may be suspended or revoked by the ~~City Manager~~ Local Licensing Authority for the following reasons:
 - (1) Fraud, misrepresentation, or a false statement of material fact contained in the license application;
 - (2) A violation of any City, state, or federal law or regulation, other than a federal law or regulation concerning the possession, sale, or distribution of marijuana that conflicts with Amendment 64;
 - (3) A violation of any of the terms and conditions of the license, including any special conditions of approval imposed upon the license by the ~~City Manager~~ Local Licensing Authority pursuant to Section 6-9-110;
 - (4) A violation of any of the provisions of this Article;
 - (5) Operations have ceased at the retail marijuana cultivation facility for more than thirty (30) days, including during a change of ownership of the dispensary or cultivation operation; or

- (6) Ownership of the retail marijuana cultivation facility has been transferred without the new owner obtaining a license pursuant to this Article.
- (b) In connection with the suspension of a license, the ~~City Manager~~ Local Licensing Authority may impose reasonable conditions.
- (c) The Local Licensing Authority shall notify the licensee of the decision to suspend or revoke the license within three (3) business days of rendering the decision. Notice shall be given pursuant to the procedure established in Section 6-9-120 of this Article. The licensee has the right to appeal the Local Licensing Authority's suspension or revocation to the City Council by filing a written request with the Local Licensing Authority within twenty (20) days of the date of the Notice of Decision issued by the Local Licensing Authority. The process for appeal of a suspension or revocation shall be as set forth in Section 6-9-130 of this Article.

~~No suspension or revocation shall be final until the licensee has been given the opportunity for a hearing to address the suspension or revocation. In deciding whether a license should be suspended or revoked in accordance with this Section, and in deciding what conditions to impose in the event of a suspension, if any, the following shall be considered:~~

- ~~(1) The nature and seriousness of the violation;~~
 - ~~(2) Corrective action, if any, taken by the licensee;~~
 - ~~(3) Prior violations, if any, at the licensed premises by the licensee and the effectiveness of prior corrective action, if any;~~
 - ~~(4) The likelihood of recurrence;~~
 - ~~(5) All circumstances surrounding the violation;~~
 - ~~(6) Whether the violation was willful;~~
 - ~~(7) The length of time the license has been held by the licensee;~~
 - ~~(8) The number of violations by the licensee within the applicable twelve-month period;~~
 - ~~(9) Previous sanctions, if any, imposed against the licensee; and~~
 - ~~(10) Any other factor making the situation, with respect to the licensee or the licensed premises, unique or the violation of greater concern.~~
- (d) No suspension or revocation shall be final until the licensee has been given the opportunity for a hearing to address the suspension or revocation. In deciding whether a license should be suspended or revoked in accordance with this Section, and in deciding what conditions to impose in the event of a suspension, if any, the following shall be considered:
 - (1) The nature and seriousness of the violation;
 - (2) Corrective action, if any, taken by the licensee;
 - (3) Prior violations, if any, at the licensed premises by the licensee and the effectiveness of prior corrective action, if any;
 - (4) The likelihood of recurrence;
 - (5) All circumstances surrounding the violation;

- (6) Whether the violation was willful;
- (7) The length of time the license has been held by the licensee;
- (8) The number of violations by the licensee within the applicable twelve-month period;
- (9) Previous sanctions, if any, imposed against the licensee; and
- (10) Any other factor making the situation, with respect to the licensee or the licensed premises, unique or the violation of greater concern.

~~The City Manager Local Licensing Authority shall notify the licensee of the decision to suspend or revoke the license within three (3) business days of rendering the decision. The licensee has the right to appeal the City Manager's Local Licensing Authority's suspension or revocation to the City Council by filing a written request with the City Manager Local Licensing Authority within twenty (20) days of the date of the Notice of Decision issued by the City Manager Local Licensing Authority. The process for appeal of a suspension or revocation shall be as set forth in Section 6-9-130 of this Article. Notice shall be given pursuant to the procedure established in Section 6-9-120 of this Article.~~

- (e) Whenever a decision of the Local Licensing Authority suspending a license becomes final, whether by failure of the licensee to appeal the decision, stipulation between the City and the licensee that such decision is final, or by exhaustion of all appeals and judicial review, the licensee may, before the operative date of the suspension, petition for permission to pay a fine in lieu of having the license suspended for all or part of the suspension period. Upon receipt of the petition, the Local Licensing Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied and finds:
 - (1) That the public welfare and morals will not be impaired by permitting the licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purpose; and
 - (2) That the books and records of the licensee are kept in such a manner that the loss of sales or other impacts that the licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
 - (3) That the licensee has not had his or her license suspended or revoked by the Local Licensing Authority, nor had any suspension stayed by payment of a fine to the Local Licensing Authority, during the two (2) years immediately preceding the date of the complaint or request which resulted in a final decision to suspend the license.
- (f) The fine imposed pursuant to Subsection (e) shall not be less than five hundred dollars (\$500.00) nor greater than one hundred thousand dollars (\$100,000.00) and the Local Licensing Authority may consider, among other things, licensee's estimated gross revenues from sales or other impacts during the period of the proposed suspension in determining the amount of the fine.
- (g) The Local Licensing Authority may, in its sole discretion, enter into a stipulation and order with a licensee imposing a fine in lieu of suspension of a license contemporaneous with

entering into a stipulation and order with a licensee containing such findings as are required in Subsection (e).

- (h) Payment of any fine accepted in lieu [of] allowing a license suspension to become operable shall be in the form of cash, certified check or cashier's check. Said funds shall be deposited into the general fund of the City of Rifle. Upon receipt of the fine, the Local Licensing Authority shall enter an order permanently staying the operation of the suspension.
- (i) If the Local Licensing Authority does not make the findings required under Subsection (e) and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date of suspension set by the Local Licensing Authority. Notwithstanding the foregoing, the Local Licensing Authority may grant such stays of the suspension proceedings as are necessary for it to complete its investigation and make the findings required under Subsection (e).

Sec. 6-9-180. - Operation of retail marijuana cultivation facility.

- (a) No retail sale of marijuana may occur at a retail marijuana cultivation facility.
- (b) Any signage for a retail marijuana cultivation facility shall comply with the requirements of Chapter 16, Article VIII of this Code. No sign shall contain a graphic/image of any portion of a marijuana plant.
- (c) A retail marijuana cultivation facility must occur indoors and be equipped with a proper ventilation system that filters out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at ~~the exterior of the cultivation operation~~ or any adjoining business, parcel or tract of real property.
- (d) A retail marijuana cultivation facility shall be required to have waste, chemical, and bioproduct storage and disposal measures as determined reasonably necessary by the ~~City Manager~~ Local Licensing Authority.

Sec. 6-9-190. - Taxes.

Each licensee shall comply in full with the payment of City ~~sales~~ tax pursuant to Chapter 4 of this Code.

Sec. 6-9-200. - Penalties; injunctive relief.

- (a) It is a Class A misdemeanor offense for any person to violate any provision of this Article. Any person convicted of having violated any provision of this Article shall be punished as set forth in Chapter 1, Article IV of this Code.
- (b) The operation of a retail marijuana cultivation facility without a valid license issued pursuant to this Article may be enjoined by the City in an action brought in a court of competent jurisdiction. In any case in which the City prevails in a civil action initiated pursuant to this Section, the City may recover its reasonable attorney fees plus costs of the proceeding.
- (c) The remedies provided in this Article IX are in addition to any other remedy provided by applicable law.

Sec. 6-9-210. - Rules and regulations.

The ~~City Manager~~ Local Licensing Authority shall have the authority from time to time to adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this Article.

Sec. 6-9-220. - Indemnification of City.

By accepting a license issued pursuant to this Article, a licensee, jointly and severally if more than one (1), agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and demands on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the retail marijuana cultivation facility that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and provide defense for and defend against any such liability, claims, or demands at its expense and to bear all other costs and expenses related thereto, including court costs and attorney fees. The ~~City Manager~~ Local Licensing Authority may require a licensee to execute a written instrument confirming the provisions of this Section.

Exhibit C

Code §	Description	Fee
6-8-50	Medical marijuana center, <u>or</u> optional premises cultivation operation or infused products manufacturer packet fee	50.00
6-8-50	Medical marijuana center; <u>or</u> optional premises cultivation operation or infused products manufacturer application filing fee	\$ <u>15,000.00</u> per permit
6-8-50	Background investigation fee per person	\$100.00
6-8-100	Appeal fee	\$250.00
6-8-110(de)	License transfer <u>Change of location</u> fee	\$ <u>5,000.00</u> per permit
<u>6-8-110(e)</u>	<u>Facility modification/expansion fee</u>	<u>\$2,500.00</u>
<u>6-8-110(f)</u>	<u>Change of ownership</u>	<u>\$5,000.00</u>
<u>6-8-110(f)</u>	<u>Change of corporate structure</u>	<u>\$2,500.00</u>
6-8-120	Medical marijuana center, cultivation operation or infused products manufacturer renewal application filing fee	\$ <u>85,000.00</u> per permit
6-9-80	Retail marijuana cultivation facility application form	\$50.00

6-9-80	Retail marijuana cultivation facility application filing fee	\$5,000.00
6-9-80	Background investigation fee per person	\$100.00
6-9-130	Appeal fee (plus reimbursement of costs)	\$250.00
6-9-140(e)	License transfer <u>change of location</u> fee (location or ownership)	\$5,000.00
6-9-140(e)	Facility modification/expansion fee	\$2,500.00
<u>6-9-140(f)</u>	<u>Change of ownership</u>	<u>\$5,000.00</u>
<u>6-9-140(f)</u>	<u>Change of corporate structure</u>	<u>\$2,500.00</u>
6-9-150	Retail marijuana cultivation facility renewal application filing fee/Annual operating fee	\$5,000.00



Administration

MEMORNDUM

TO: Honorable Mayor and City Council

FROM: Kimberly Bullen, Assistant City Manager

DATE: July 26, 2016

SUBJECT: Adoption of Strategic Plan

Staff requests the City Council consider adopting the City of Rifle Strategic Plan.

BACKGROUND

As required by City Charter, Article III, Section 12, Council shall hold at least annually a strategic planning session with department heads and key employees to review, confirm and modify a vision statement, mission statement and goal statements of the City.

In 2015 the City of Rifle contracted with JVIation to conduct a comprehensive strategic planning process. The City utilized an inclusive and collaborative process to gather input and refine key issues. Elements of the process included citizen focus groups, employee focus groups, online employee survey, senior leadership focus group, interviews of elected officials and a retreat for elected officials and senior leadership. Six key strategic initiatives and accompanying goals were identified to guide the City's decision-making and action plan development.

Although the City's Charter requires annual strategic planning, it takes time to accomplish the various goals outlined in a strategic plan. In 2016 the City decided to focus on Parks & Recreation for the strategic planning process. In advance of this process a community survey was distributed to gather input from the community on priorities. The Parks & Recreation Advisory Board met earlier this year to update and finalize their strategic plan which has been adopted by City Council. Based on the information from the Parks & Recreation Strategic Plan and the survey results, Council, Parks & Recreation Advisory Board, and staff worked to further refine the priorities.

Based on Council feedback staff developed a Summary document that clearly identifies the priorities and objectives of the Strategic Plan.



STRATEGIC PLAN (2015-2020)

STRATEGIC PRIORITIES

- 1** Organizational Excellence
- 2** Infrastructure & Facilities
- 3** Public Safety
- 4** Community Engagement
- 5** Economic Development
- 6** Quality of Life & Wellness

STRATEGIC OBJECTIVES

- | | | | | | |
|---|---|--|---|--|---|
| <p>1.1 Be Employer of Choice & Create Positive Culture</p> <p>1.2 Implement Training Program</p> <p>1.3 Create Effective Processes</p> <p>1.4 Link Budget to Strategic Plan</p> <p>1.5 Support Employee Safety & Wellness Programs</p> | <p>2.1 Prioritize Operations & Maintenance</p> <p>2.2 Formalize Capital Planning</p> <p>2.3 Provide Cost Effective & Efficient Data & Communication Systems</p> <p>2.4 Improve Water & Wastewater systems</p> | <p>3.1 Maintain Public Health & Safety</p> <p>3.2 Use Community Policing</p> | <p>4.1 Formalize Community Outreach</p> <p>4.2 Promote Citizen Engagement & Participation</p> <p>4.3 Provide Citizen Education Opportunities</p> | <p>5.1 Work With Economic Development Partners</p> <p>5.2 Evaluate Planning /Land Use Processes</p> <p>5.3 Assist Partners With Tourism Development</p> <p>5.4 Maintain & Increase Development Opportunities for City Owned Properties</p> <p>5.5 Identify and Develop City Amenities</p> | <p>6.1 Create Community Vision</p> <p>6.2 Increase Opportunities for Active Living</p> <p>6.3 Focus on Development of New Trails/Side-walks & Pool</p> |
|---|---|--|---|--|---|

VISION

Rifle in 2023 is a regional center that:

- preserves its small town values & cohesive sense of community;
- has a sustainable & growing economic base;
- is well planned, environmentally responsible & resource efficient;
- has diverse neighborhoods that are safe, secure & have convenient access to services & amenities;
- offers a premier & integrated system of recreational, educational, & cultural activities for all ages & income levels.

MISSION

Our mission is to provide quality services that:

- embrace our sense of community;
- promote economic vitality;
- preserve our natural assets;
- promote public health and safety;
- promote cultural, educational, and recreational opportunities.

VALUES

Integrity
 Open Minded
 Thoughtful
 Accommodating
 Respectful
 Nimble



Administration

MEMORNDUM

TO: Honorable Mayor and City Council

FROM: Matt Sturgeon, City Manager

DATE: August 3, 2016

SUBJECT: Adoption of Council Code of Conduct for Elected Officials

Staff requests the City Council consider adopting the Code of Conduct for Elected Officials.

BACKGROUND

The City Charter provides detailed information on the roles and responsibilities of Council members, the Mayor Pro-Tem, and the Mayor. The City's Code of Ethics provides guidance on ethical issues and questions of right and wrong. Until now, there has not been clearly written guidelines for how Council members work with one another.

This Code of Conduct is designed to describe the manner in which Council members should treat one another, city staff, constituents, and others they come into contact with in representing the City of Rifle.

The constant and consistent theme through all of the conduct guidelines is "respect." Council members experience stress in making decisions that impact the lives of the citizens. At times, the impacts of the entire community must be weighed against the impact of only a few. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council members to do the right thing in even the most difficult situations.



**CODE OF CONDUCT FOR
ELECTED OFFICIALS**

Adopted by City Council

Resolution No.11, Series of 2016

August 3, 2016

City of Rifle Code of Conduct for Elected Officials

The Three R's of Rifle Government Leadership: Roles, Responsibilities and Respect

The City Charter provides detailed information on the roles and responsibilities of Council members, the Mayor Pro-Tem, and the Mayor. The City's Code of Ethics provides guidance on ethical issues and questions of right and wrong. Until now, what has not been clearly written down is a Code of Conduct for Rifles' elected officials.

This Code of Conduct is designed to describe the manner in which Council members should treat one another, city staff, constituents, and others they come into contact with in representing the City of Rifle. It reflects the work of the City Council while defining more clearly the behavior, manners, and courtesies that are suitable for various occasions.

The constant and consistent theme through all of the conduct guidelines is "respect." Council members experience stress in making decisions that impact the lives of the citizens. At times, the impacts of the entire community must be weighed against the impact of only a few. Despite these pressures, elected officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Council members to do the right thing in even the most difficult situations.

Overview of Roles & Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials can be found in the Rifle City Charter, Rifle Municipal Code and in the Handbook for Municipal Elected Officials, published by the Colorado Municipal League.

Mayor

- Elected from the members of the Council at its organizational meeting, by a majority vote, after each general municipal election (City Charter, Article III, Section 3.3).
- Recognized as head of the City Government for all ceremonial and legal purposes, and executes and authenticates legal instruments requiring the Mayor's signature as such official. (City Charter, Article III, Section 3.3).
- Preside over meetings of the City Council (City Charter, Article III, Section 3.3).
- Has same speaking and voting rights as any other member (City Charter, Article III, Section 3.3) Shall appoint a Councilor as Mayor Pro Tem at the organization meeting where the Mayor is elected (City Charter, Article III, Section 3.3)
- Leads the Council into an effective, cohesive working team.

Mayor Pro-Tem

- Acts as Mayor during the absence of the Mayor with all powers granted to the Mayor by Charter (City Charter, Article III, Section 3.3)

All Council Members

All members of the City Council, including the Mayor and Mayor Pro-Tern, have equal votes. No Council member has more power than any other Council member, and all should be treated with equal respect.

All Council members should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of meetings and be familiar with issues on the agenda.
- Represent the City at ceremonial functions at the request of the Mayor.
- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Rifle government.
- Provide contact information with the City Clerk in case of an emergency or an urgent situation arises while the Council member is out of town.

- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities.

POLICIES & PROTOCOL RELATED TO CONDUCT

Ceremonial Events

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Council. If yes, then the Mayor Pro-Tem will be recommended to serve as the substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council members at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Council members do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor or the appropriate City staff. If correspondence is addressed only to one Council member, that correspondence will be shared with the rest of the Council.

Endorsement of Candidates

Council members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings or functions.

Intergovernmental Relations

The Council values intergovernmental relations with neighboring communities and other entities. As a result, Council members should make a concerted effort to attend scheduled meetings with other entities to further promote intergovernmental relations.

Legislative Process

The City loosely follows Roberts Rule of Order for meeting management.

Public Meeting Hearing Protocol

The Mayor will open the public hearing. The applicant or appellant shall have the right to speak first. The Mayor will determine the length of time allowed for this presentation. Staff will make initial comments and/or presentation. Speakers representing pro points of view will be allowed to follow. Speakers representing opposing points of view will then follow. The Mayor will determine how much time will be allowed for each speaker, with 3 to 5 minutes the standard time granted. The Mayor will then ask the Council if any issues need clarification before the public hearing is closed.

The Mayor has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly. Council members will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Council members are not appropriate until after the close of the public hearing. Council members should

refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view. The Mayor shall direct public testimony and discussion to the City Council instead of staff, when appropriate.

Main motions may be followed by amendments, followed by substitute motions. Any Council member can call for a point of order. Only Council members who voted on the prevailing side may make motions to reconsider.

Travel Expenses

The purpose of this regulation is to establish the policies and procedures for Council members who travel on official City business either in-state or out-of-state. Such travel shall include attendance at conferences, seminars, and training sessions on behalf of the City. The City shall pay reasonable expenses for registration fees, lodging, meals, transportation, and all allowable miscellaneous expenses for the Council member only. All travel expenses will be handled in the same manner and consistent with the provisions within the City's Employee Handbook.

COUNCIL CONDUCT WITH ONE ANOTHER

Councils are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

In Public Meetings

- Practice civility, professionalism and decorum in discussions and debate difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Council members should conduct themselves in a professional manner at all times, including dress.
- Honor the role of the Mayor in maintaining order it is the responsibility of the Mayor to keep the comments of Council members on track during public meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- Avoid personal comments that could offend other Council members. If a Council-member is personally offended by the remarks of another Council member, the offended Council member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council member to justify or apologize for the language used. The Mayor will maintain control of this discussion.
- Demonstrate effective problem-solving approaches. Council members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
- Be punctual and keep comments relative to topics discussed, Council members have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Council members be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discussed scheduled issues.

In Private Encounters

- Continue respectful behavior in private. The same level of respect and consideration of differing points of view that is deemed appropriate for public

discussions should be maintained in private conversations.

- Be aware of the insecurity of written notes, voicemail messages, and e-mail. Technology allows words written or said without much forethought to be distributed wide and far. How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this e-mail message was forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.
- Even private conversations can have a public presence. Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

COUNCIL CONDUCT WITH CITY STAFF

Governance of a City relies on the cooperative efforts of elected officials who set policy and staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

- Treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- Limit contact to specific City staff. Questions of City staff and/or requests for additional background information should be directed to the City Manager, City Attorney, or Department Heads. The City Manager should be copied on or informed of any request.

Requests for follow-up or directions to staff shall be made through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council members should ask the City Manager for direction. Materials supplied to a Council member in response to a request will be made available to all members of the Council so that all have equal access to information.

- Do not disrupt City staff from their jobs. Council members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.
- Never publicly criticize an individual employee. Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
- Do not get involved in administrative functions. Council members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. The City Charter, Article III, Section 3.10, also contains information about the prohibition of Council interference in administrative functions.
- Check with City staff on correspondence before taking action. Before sending correspondence, Council members should check with City staff to see if an official City response has already been sent or is in progress.
- Do not attend meetings with City staff unless requested by staff. Even if the Council member does not say anything, the Council member's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

Requests for additional staff support – even in high priority or emergency situations -- should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

COUNCIL CONDUCT WITH THE PUBLIC

In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Council members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- *Be welcoming to speakers.* Speaking in front of Council can be a difficult experience for some people. Some issues the Council undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.
- *Be fair and equitable in allocating public hearing time to individual speakers.* The Mayor will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three-minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Mayor may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Mayor reopens the public hearing for a limited and specific purpose.

- *Give the appearance of active listening.* It is disconcerting to speakers to have Council members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.
- *Ask for clarification, but avoid debate and argument with the public.* Only the Mayor – not individual Council members -- can interrupt a speaker during a presentation. However, a Council member can ask the Mayor for a point of order if the speaker is off the topic or exhibiting behavior or language the Council member finds disturbing.

If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council members to members of the public testifying

should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

- *No personal attacks of any kind, under any circumstance.* Council members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
- *Follow parliamentary procedure in conducting public meetings.* The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of the full Council.

In Unofficial Settings

- *Make no promises on behalf of the Council.* Council members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).
- *Make no personal comments about other Council members.* It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council members, their opinions and actions.
- *Remember that despite its population figures, Rifle is a small community at heart.* Council members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper behavior in the City of Rifle. It is a serious and continuous responsibility.

COUNCIL CONDUCT WITH OTHER PUBLIC AGENCIES

- *Be clear about representing the City or personal interests.* If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must clearly state: If his or her statement reflects personal opinion or is the official stance of the City; whether this is the majority or minority opinion of the Council. Even if the Council member is representing his or her own personal opinions, remember that this still may reflect upon the City as an organization.

If the Council member is representing the City, the Council member must support and advocate the official City position on an issue, not a personal viewpoint.

If the Council member is representing another organization whose position is different from the City, the Council member should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

- *Correspondence also should be equally clear about representation.* City letterhead may be used when the Council member is representing the City and the City's official position. A copy of official correspondence should be given to the City Clerk to be filed as part of the permanent public record.

It is best that City letterhead not be used for correspondence of Council members representing a personal point of view, or a dissenting point of view from an official Council position.

COUNCIL CONDUCT WITH CITY BOARDS AND COMMISSIONS

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

When attending a Board or Commission meeting, only express personal opinions. Council members may attend any Board or Commission meeting, which are always open to any member of the public. However, if the Board or Commission is conducting a public hearing, the Council member shall remove themselves from the proceedings. Council members should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Council member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council. Also, a Council member's presence may affect the conduct of the Board or Commission and limit their role and function.

- *Limit contact with Board and Commission members.* It is inappropriate for a Council member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. Council members should contact staff in order to clarify a position taken by the Board or Commission.
- *Remember that Boards and Commissions serve the community, not individual Council members.* The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Council. But Board and Commission members do not report to individual Council members, nor should Council members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."
- *Be respectful of diverse opinions.* A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members must be fair and respectful of all citizens serving on Boards and Commissions.
- *Keep political support away from public forums.* Board and Commission members may offer political support to a Council member, but not in a public forum while conducting official duties. Conversely, Council members may support Board and Commission members who are running for office, but not in an official forum in their capacity as a Council member.

COUNCIL CONDUCT WITH THE MEDIA

Council members may be contacted by the media for background and quotes.

- *The best advice for dealing with the media is to never go "off the record".* Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.
- *The Mayor is the official spokesperson.* The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council member is contacted by the media, the Council member should be clear about whether their comments represent the official City position or a personal viewpoint.
- *Choose words carefully and cautiously.* Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

SANCTIONS

- *Public Disruption.* Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.
- *Inappropriate Staff Behavior.* Council members should refer to the City Manager any City staff that fail to follow proper conduct in their dealings with Council members, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.
- *Council members Behavior and Conduct.* City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Council members should point out to the offending Council member infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Mayor Pro-Tem.

It is the responsibility of the Mayor to initiate action if a Council member's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

If violation of the Code of Ethics or Code of Conduct is outside of the observed behaviors by the Mayor or Council members, the alleged violation should be referred to the Mayor. The Mayor should ask the City Manager and/or the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Council to consider in a public meeting; or forming a Council ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Council consideration.

PRINCIPLES OF PROPER CONDUCT

Proper conduct IS ...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT ...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another...respect for the validity of different opinions...respect for the process...respect for the community that we serve.

CHECKLIST FOR MONITORING CONDUCT

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

HOW GOVERNING BODY MEMBERS CAN GOVERN BETTER

The following is taken from the Colorado Municipal League, Handbook for Municipal Elected Officials, and is reprinted from the League of Kansas Municipalities' brochure, "Suggestions for Successful Public Service"

Governing is clearly more of an art than a science. There are no ultimate answers on how to govern; different approaches are to be expected, and probably desired. However, there do seem to be some fundamentals. The suggestions that follow range from practical, common sense fundamentals to those more philosophic and theoretical. These tips for successful and effective public service are intended to assist mayors, council members, and board trustees. While most suggestions relate to individual officers others apply to the governing body as a whole. These two applications, however, are interdependent - the capacity of a governing body to govern effectively depends on the collective capacities of at least a majority of its membership. These suggestions are not in any particular order, and not all are universally accepted. All of them, however, are worth consideration by anyone who would serve the public through an elective local office.

1. Learn all you can about your city, its history, its operation, its financing. Do your homework. Know your city ordinances. Dust off your comprehensive plan.
2. Devote sufficient time to your office and to studying the present and future problems of your community.
3. Don't burn yourself out on the little things but recognize that they are often important to the public. Save some energy - and time - for the important matters.
4. Don't act as a committee of one; governing a city requires team effort - practically and legally.
5. Don't let honest differences of opinion within the governing body degenerate into personality conflicts.
6. Remember that you represent all the people of your community, not just neighbors and friends. Be wary of personal experiences coloring your public decisions.
7. Take budget preparation seriously, for it determines what your city does or does not do for the coming year and will also influence what happens in future years.
8. Establish policy statements. Written policy statements let the public, and the city staff, know where they stand. They help the governing body govern, and writing them provides a process to develop consensus.
9. Make decisions on the basis of public policy, and be consistent. Treat similar

situations similarly, and avoid favoritism.

10. Focus your attention on ways to prevent problems, rather than just trying to solve them as they occur. Filling potholes is one approach to governing; developing plans to prevent them is more important.
11. Don't be misled by the strong demands of special interest groups who want it done now, their way. Your job is to find the long-term public interest of the community as a whole, and you may be hearing from the wrong people.
12. Don't rush to judgment. Few final actions have to be taken at the first meeting at which they are considered. Avoid "crisis management."
13. Don't be afraid of change. Don't be content to just follow the routine of your predecessors. Charge your appointed officers and employees with being responsible for new ideas and better ways. Listen to what they have to say.
14. Don't give quick answers when you are not sure of the real answer. It may be embarrassing to appear ignorant, but it can be more embarrassing and damaging to tell a person something which is wrong.
15. As an individual, even if you are the mayor, don't make promises you can't deliver! Most decisions and actions require approval of the governing body, and this takes a majority vote.
16. Remember that you have legal authority as a governing body member only when the governing body is in legal session.
17. Don't spring surprises on your fellow governing body members or city staff, especially at formal meetings. If a matter is worth bringing up for discussion, it's worth being on the agenda. Surprises may get you some publicity, at the embarrassment of others, but they tend to erode the "team" approach to governance.
18. Participate in official meetings with the dignity and decorum fitting those who hold a position of public trust. Personal dress and courteous behavior at meetings help create an environment for making sound public decisions.
19. Conduct your official public meetings with some formality, and follow rules of procedure. Have an agenda, and follow it. Most governing body members agree that formal meetings expedite the process and promote better decision making.
20. Don't be afraid to ask questions, it is one of the ways we learn. But do your homework by studying agenda material before meetings.

21. Vote yes or no on motions. Don't cop out by abstaining except when you have a conflict of interest. A pass does not relieve you of responsibility when some decision must be made.
22. Once a majority decision of the governing body has been made, respect that official position and defend it if needed, even if you personally disagreed.
23. Respect the letter and intent of the open meetings law, but also keep private and confidential matters to yourself. Don't gossip.
24. Retain competent, key employees, pay them well, trust their professional judgment, and recognize their authority and responsibilities.
25. Don't bypass the system! Stick to policy making and avoid personal involvement in the day-to-day operations of the municipality.
26. Don't let others bypass the system. Insist that people such as equipment or service suppliers work with your city staff. If direct contact with governing body members is necessary, it should be with the governing body as a whole, or a committee, and not on a one-on-one basis.
27. Don't pass the buck to the staff or employees when they are following your policies or decisions.
28. Don't always take no for an answer. The right question may be "How can we do this?" instead of "May we do this?" Be positive!
29. Learn to evaluate recommendations and alternative courses of action. Request that your staff provide options. Encourage imaginative solutions.
30. Avoid taking short-term gains at the expense of long-term losses. Be concerned with the long-term future of the city.
31. In determining the public interest, balance personal rights and property interests, the possible harm to a few versus the good of the many. Recognize that in some situations, everyone can't be a winner.
32. Remember that cities are for people! Be concerned with the total development - physical, economic, and social - of your community.
33. Don't act as if the city operates in a vacuum. Cities must work within the intergovernmental system to be effective. Keep in contact and cooperate with your federal, state, county, and school officials.

34. Know your neighbors. Get to know the officials of neighboring and similar size cities. Visit other cities, particularly those with a reputation of being well run.
35. Learn to listen- really listen- to your fellow governing body members and the public. Hear what they are trying to say, not just the words spoken.
36. Keep your constituents informed, and encourage citizen participation.
37. Be friendly and deal effectively with the news media. Make sure what you say is what you mean. Lack of good communication, with the media and the public, can be a major problem for municipal officials.
38. Remember that what you say, privately and publicly, will often be news. You live in a glass house. Avoid over-publicizing minor problems.
39. Expect, and respect, citizen complaints. Make sure that your governing body members and your city have a way to deal effectively with them. Have a follow-up system.
40. Be careful about rumors. Check them out. Help squelch them when you know they are false.
41. Appoint citizen advisory committees and task forces when you need them, but be prepared to follow their advice if you use them.
42. Take care in your appointments to boards and commissions. Make sure they are willing and capable as well as representative of the whole community.
43. Seek help. Use manuals, guides, and other technical assistance and information available from the Colorado Municipal League and other agencies. Attend workshops and conferences put on for the benefit of you and your city.
44. Pace yourself. Limit the number of meetings you attend. Set some priorities, including the need to spend time with your family. Recognize that life- and the city - is dependent on a lot of things you have little control over.
45. Establish some personal goals and objectives. What do you want to help accomplish this year? Next year?
46. Help develop some short-term and long-term goals and objectives for your city, and check your progress at least every six months.
47. Similarly, help your city develop a vision of the future.

48. Focus on the future, and try to leave your city better than that which you inherited as a city officer.
49. Be a leader, as well as part of the team of elected and appointed officials who were selected to make your city an even better place to live.
50. At least once a year, schedule a governing body discussion about how you are governing. Review the processes and procedures. Sit back and ask, "How are we doing and can we do things better?"
51. Be enthusiastic about your public service and the privilege you have, and let the public know it. But maintain your sense of humor. Don't take yourself or the business of government so seriously that you don't enjoy it. Governing should be fun as well as a rewarding experience.
52. Celebrate! Always focusing on problems and issues may lead you, the governing body, and the public, to believe that nothing positive ever happens. Good things do happen. Let the public share your successes.

**CITY OF RIFLE, COLORADO
RESOLUTION NO. 11
SERIES 2016**

A RESOLUTION OF THE CITY OF RIFLE, COLORADO ADOPTING A
CODE OF CONDUCT FOR ELECTED OFFICIALS OF THE CITY OF RIFLE

WHEREAS, the City of Rifle is a home-rule municipality and political subdivision of the State of Colorado; and

WHEREAS, the City Council represents the City of Rifle and it is important to have a common understanding and guidance on how Council members should treat one another, city staff, constituents, and others with whom they come into contact; and

WHEREAS, the Rifle City Council desires to adopt a Code of Conduct for elected officials of the City of Rifle to assist with that understanding and guidance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

1. The above recitals are hereby incorporated as findings by the City of Rifle.
2. The Code of Conduct attached hereto as Exhibit A is hereby adopted for the elected officials of the City of Rifle.
3. The Code of Conduct shall be reviewed by the City Council, or a committee thereof, no less frequently than annually.
4. The Code of Conduct shall be included in Council's Rules of Procedure as an Appendix.

THIS RESOLUTION was read, passed, and adopted by the Rifle City Council at a regular meeting held this 3rd day of August, 2016.

ATTEST:

CITY OF RIFLE, COLORADO

By _____
City Clerk

By _____
Mayor

**CITY OF RIFLE, COLORADO
RESOLUTION NO. 12
SERIES OF 2016**

A RESOLUTION OF THE CITY OF RIFLE, COLORADO CLARIFYING THE
LEGAL DESCRIPTION FOR CERTAIN REAL PROPERTY KNOWN AS THE
GRAND RIVER HOSPITAL DISTRICT ANNEXATION

WHEREAS, the City of Rifle annexed into the city a certain tract of real property known as the Grand River Hospital District Annexation by Ordinance No. 20, Series of 2015 recorded in the Office of the Garfield County Clerk and Recorder as Reception No. 878292 (the “Annexation Ordinance”) and zoned it Developing Resources (DR) Zone District by Ordinance No. 21, Series of 2015 recorded in the Office of the Garfield County Clerk and Recorder as Reception No. 878293 (the “Zoning Ordinance”); and

WHEREAS, subsequent to the adoption of the Annexation Ordinance and the Zoning Ordinance, the Grand River Hospital District Annexation Map was recorded in the Office of the Garfield County Clerk and Recorder as Reception No. 878291 with a different legal description described in the Annexation Ordinance and the Zoning Ordinance; and

WHEREAS, the City Council desires to correct the legal description in Annexation Ordinance and the Zoning Ordinance and clarify that the legal description provided on the Annexation Map recorded with the Garfield County Clerk and Recorder is the correct legal description for the Grand River Hospital District Annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

1. The City incorporates the foregoing recitals as findings by the City Council.
2. The City of Rifle recognizes the legal description provided on the Annexation Map recorded in the Office of the Garfield County Clerk and Recorder as Reception No. 878291 as the correct and accurate legal description for the Grand River Hospital District Annexation.
3. Ordinance No. 20, Series of 2015 and Ordinance No. 21, Series of 2015 are amended by replacing Exhibit A thereto with the legal description provided on the Grand River Hospital District Annexation Map as set forth on the attached **Exhibit A**, incorporated herein by this reference.

THIS RESOLUTION was read, passed, and adopted by the Rifle City Council at a regular meeting held this 3rd day of August, 2016.

CITY OF RIFLE, COLORADO

By: _____
Mayor

ATTEST:

City Clerk

Exhibit A
Corrected Grand River Hospital District Annexation

A PARCEL OF LAND SITUATED IN THE NW1/4 OF SECTION 15 AND THE NE1/4 OF SECTION 16, TOWNSHIP 6 SOUTH, RANGE 93 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF RIFLE, COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16, WHENCE THE 50.00 FEET WITNESS CORNER, A 2 ½" ALUMINUM CAP L.S. NO. 15710 BEARS N89°35'32"E A DISTANCE OF 50.00 FEET; THE NORTH QUARTER CORNER OF SAID SECTION 16 BEARS S89°43'51"W A DISTANCE OF 2698.86 FEET; THENCE S23°56'09"E A DISTANCE OF 1115.52 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF STATE HIGHWAY NO. 6, THE POINT OF BEGINNING; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY THE FOLLOWING SIX (6) COURSES:

1. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2965.00 FEET AND A CENTRAL ANGLE OF 01°51'46", A DISTANCE OF 96.40 FEET (CHORD BEARS N77°52'14"W A DISTANCE OF 96.40 FEET)
2. S11°11'53"W A DISTANCE OF 45.00 FEET
3. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2920.00 FEET AND A CENTRAL ANGLE OF 01°23'23", A DISTANCE OF 70.83 FEET (CHORD BEARS N79°29'49"W A DISTANCE OF 70.82 FEET)
4. N80°11'30"W A DISTANCE OF 247.50 FEET
5. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 628.00 FEET AND A CENTRAL ANGLE OF 01°32'45", A DISTANCE OF 16.94 FEET (CHORD BEARS N80°57'53"W A DISTANCE OF 16.94 FEET)
6. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 628.00 FEET AND A CENTRAL ANGLE OF 43°37'46", A DISTANCE OF 478.21 FEET (CHORD BEARS S76°26'52"W A DISTANCE OF 466.74 FEET) TO A POINT ON THE EASTERLY BOUNDARY OF A PARCEL OF LAND DESCRIBED IN RECEPTION NO. 360124 OF THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE; THENCE LEAVING SAID RIGHT-OF-WAY N35°10'12"W ALONG SAID EASTERLY BOUNDARY A DISTANCE OF 172.64 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL RECORDED AS RECEPTION NO. 360124; THENCE LEAVING SAID EASTERLY BOUNDARY S54°49'48"W ALONG THE NORTHERLY BOUNDARY OF SAID PARCEL RECORDED AS RECEPTION NO. 360124 AND NORTHERLY BOUNDARY OF A PARCEL OF LAND RECORDED AS RECEPTION NO. 826125 OF THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE A DISTANCE OF 125.00 FEET TO THE SOUTHEASTERLY CORNER OF THE KENDALL HEIGHTS ADDITION TO THE TOWN OF RIFLE RECORDED AS RECEPTION NO. 219334 OF THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE; THENCE LEAVING SAID NORTHERLY BOUNDARIES N10°35'12"W ALONG THE EASTERLY BOUNDARY OF SAID KENDALL HEIGHTS ADDITION A DISTANCE OF 121.46 FEET; THENCE CONTINUING ALONG SAID EASTERLY BOUNDARY N22°29'12"W A DISTANCE OF 134.04 FEET; THENCE

CONTINUING ALONG SAID EASTERLY BOUNDARY N28°15'12"W A DISTANCE OF 289.73 FEET; THENCE CONTINUING ALONG SAID EASTERLY BOUNDARY N11°10'48"E A DISTANCE OF 177.33 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF A PARCEL OF LAND RECORDED AS RECEPTION NO. 363734 OF THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE; THENCE LEAVING SAID EASTERLY BOUNDARY ALONG SAID SOUTHERLY BOUNDARY THE FOLLOWING EIGHT (8) COURSES:

1. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 228.81 FEET AND A CENTRAL ANGLE OF 20°54'13", A DISTANCE OF 83.48 FEET (CHORD BEARS S56°01'32"E A DISTANCE OF 83.02 FEET)
2. S45°34'23"E A DISTANCE OF 112.86 FEET
3. ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 193.63 FEET AND A CENTRAL ANGLE OF 45°41'24", A DISTANCE OF 154.41 FEET (CHORD BEARS S68°25'07"E A DISTANCE OF 150.35 FEET)
4. N88°44'09"E A DISTANCE OF 122.07 FEET
5. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 365.59 FEET AND A CENTRAL ANGLE OF 19°41'53", A DISTANCE OF 125.69 FEET (CHORD BEARS S81°24'52"E A DISTANCE OF 125.07 FEET)
6. S71°33'52"E A DISTANCE OF 54.44 FEET
7. ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 488.46 FEET AND A CENTRAL ANGLE OF 01°08'16", A DISTANCE OF 9.70 FEET (CHORD BEARS S72°08'03"E A DISTANCE OF 9.70 FEET)
8. N17°17'50"E A DISTANCE OF 14.15 FEET TO THE SOUTHWESTERLY CORNER OF A PARCEL OF LAND RECORDED AS RECEPTION NO. 332991 OF THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE; THENCE LEAVING THE SOUTHERLY BOUNDARY OF SAID RECEPTION NO. 363734 S77°39'47"E ALONG THE SOUTHERLY BOUNDARIES OF SAID RECEPTION NO. 332991 AND RECEPTION NO. 338080 A DISTANCE OF 210.75 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARIES ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF 32°53'15", A DISTANCE OF 114.80 FEET (CHORD BEARS S61°15'11"E A DISTANCE OF 113.23 FEET); THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARIES S44°43'43"E A DISTANCE OF 511.18 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 10.456 ACRES MORE OR LESS.