

**RIFLE CITY COUNCIL MEETING**

Wednesday, August 3, 2016

**REGULAR MEETING**

7:00 p.m. \* Council Chambers

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Winkler.

**PRESENT AT ROLL CALL:** Councilors Barbara Clifton, Joe Elliott, Theresa Hamilton, Ed Green, Annick Pruet, and Mayor Winkler.

Councilor Elliott moved to excuse from tonight’s meeting Councilor Wood; seconded by Councilor Clifton  
Roll Call: Yes – Clifton, Elliott, Green, Pruet and Winkler

**OTHERS PRESENT:** City Manager Matt Sturgeon, City Clerk Kristy Christensen, City Attorney Jim Neu, Assistant City Manager Kimberly Bullen, Rifle Community Television (RCTV) Assistant Salvador Tovar, Chief of Police John Dyer, Parks and Recreation Director Tom Whitmore, and City Engineer Rick Barth.

**CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:**

- A. *(Acting as Liquor Licensing Authority)* Liquor License Renewals: Rocky Mountain Liquors Inc. dba Rocky Mountain Liquors
- B. Accounts Payable

Councilor Green moved to approve Consent Agenda Items A and B; seconded by Councilor Pruet.  
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruet, and Winkler

**CITIZEN COMMENTS**

Citizen comments were heard from Art Riddle and John Lee representative from the Will Dubois Memorial Fund. They thanked the Rifle Community Foundation for the Donation of \$5,000 and presented a replica of the statue to the City of Rifle.

Citizen Comments were heard from John Scalzo on the expenditures for the Water Treatment Plant.

**RECOGNITION TO BOBBY O’DELL FOR 8 YEARS OF SERVICE TO THE CITY OF RIFLE**

City Manager Matt Sturgeon recognized Bobby O’Dell for his eight years of service to the City of Rifle.

**CONSIDER “RAISE THE BAR”**

Wade Haerle a representative of the coalition Raise the Bar requested Rifle City Council’s support. Raise the Bar is a constitutional amendment 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 and approval by 55% of voters in a statewide election.

Council asked Wade Haerle to provide them with the text of the constitution amendment.

**CONSIDER GENERAL PENALTY AND MUNICIPAL COURT FEES - ORDINANCE NO. 18, SERIES OF 2016 -1ST READING**

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.

Court Administrator Kathy Pototsky stated 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.

Councilor Clifton moved to approve Ordinance No. 18, Series of 2016 on second reading as presented and order the ordinance to be published as required by Charter; seconded by Councilor Green.  
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruet, and Winkler

**CONSIDER MARIJUANA CULTIVATING OPERATION ODOR REGULATIONS**

Dan Sullivan owner of Green Wellness submitted an application requesting a text amendment to the Rifle Municipal Code (RMC) section related to marijuana cultivation operation odors. Current RMC states that a cultivation operation must ensure that odor is not capable of being detected 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 amendment: “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.”

Planning Director Nathan Lindquist noted the Planning and Zoning commission and staff do not recommend approval of the text amendment to allow a 1,000 foot odor buffer zone for marijuana cultivation operations.

Request Died for lack of motion.

**CONSIDER MARIJUANA REGULATIONS- RIFLE MUNICIPAL CODE CHAPTER 6, ARTICLES VIII AND IX - ORDINANCE NO. 19, SERIES OF 2016 – 1ST READING**

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.

City Attorney Jim Neu stated Council gave 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. 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 prohibiting additional licenses. Therefore, only 5 medical marijuana center licenses, 4 medical marijuana optional premises cultivation operation licenses, and 4 retail marijuana cultivation facility licenses 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, only 4 cultivation facilities in total are allowed in the City.

Councilor Elliott moved to approve Ordinance No. 19, Series of 2016 on first reading as amended (graduated penalty schedule for odors and Medical centers be allowed in light industrial zoning) and order the ordinance to be published as required by Charter; seconded by Councilor Clifton.  
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, and Winkler

**CONSIDER ADOPTING 2016 STRATEGIC PLAN**

Assistant City Manager Kimberly Bullen explained City Charter requires Council 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. Based on Council feedback staff developed a Summary document that clearly identifies the priorities and objectives of the Strategic Plan.

Councilor Hamilton moved to adopt the 2016 Strategic Plan; seconded by Councilor Elliott.  
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, and Winkler

**CONSIDER ADOPTING CODE OF CONDUCT - RESOLUTION NO. 11, SERIES OF 2016**

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

City Manager Matt Sturgeon stated 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.

Councilor Elliott moved to approve Resolution No. 11, Series of 2016; seconded by Councilor Green.  
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, and Winkler

**CONSIDER CORRECTING LEGAL DESCRIPTION FOR GRAND RIVER HOSPITAL DISTRICT ANNEXATION AND ZONING - 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

City Attorney Jim Neu noted 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. 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.

Councilor Clifton moved to approve Resolution No. 11, Series of 2016; seconded by Councilor Hamilton  
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett - abstained, and Winkler

**ADMINISTRATIVE REPORTS**

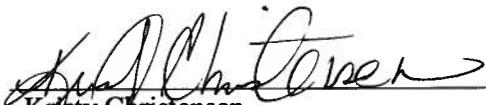
City Clerk Kristy Christensen announced the dates and times for the CML District 11 meeting hosted by the City of Rifle.

City Manager Matt Sturgeon reported on the following items: Rifle Creek Museum Tour on August 10<sup>th</sup>, Special Meeting on August 10<sup>th</sup>, and Chief of Police John Dyer is resigning from his position at the City of Rifle and taking a position in Lake Steven, Washington.

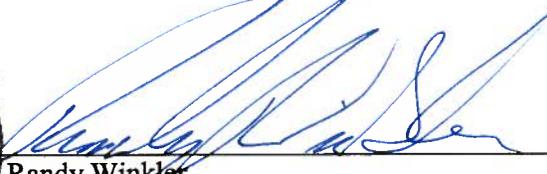
**COMMENTS FROM MAYOR AND COUNCIL**

Comments were heard from Councilor Hamilton, Councilor Green, Councilor Clifton, Councilor Elliott, Councilor Pruett, and Mayor.

Meeting adjourned at 8:29 p.m.

  
Kristy Christensen  
City Clerk



  
Randy Winkler  
Mayor

