

RIFLE CITY COUNCIL MEETING

Wednesday, June 7, 2017

REGULAR MEETING

7:00 p.m. * Council Chambers

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

PRESENT AT ROLL CALL: Councilors Barbara Clifton, Joe Elliott, Ed Green, Theresa Hamilton, Annick Pruett, Dana Wood, and Mayor Randy Winkler.

OTHERS PRESENT: City Manager Matt Sturgeon, City Clerk Kristy Christensen, City Attorney Jim Neu, Assistant City Manager Kimberly Bullen, Rifle Community Television (RCTV) Manager Michael Churchill, Chief of Police Thomas Klein, Finance Director Teresa Beecraft, IT Director Mike Hall, Systems Administrator Kelly Thompson, AmeriCorps Volunteer Cathleen Anthony, Tim Mayberry, Helen Rogers, Steven Fuller, Gary Miller, Monica Miller, Keith Lambert, Dick Rhoades, Karen Rhoades, Jay Miller, Michael Johnson, Blair Bracken, and Jeff Odor.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from Special Meeting May 10, 2017
- B. (*Acting as Liquor Licensing Authority*) Liquor License Renewals: Liquor License Renewals: Plaza Liquors dba Plaza Liquors.

Councilor Elliott moved to approve Consent Agenda Items A, and B; seconded by Councilor Hamilton.

Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler.

CITIZEN COMMENTS

Jay Miller, Keith Lambert, Dick Rhoades, Gary Miller, Monica Miller, Blair Bracken, and Helen Rogers gave citizen comments in support and appreciation for Matt Sturgeon for his dedication and service to the community and congratulated him and wished him good luck on his move to Centennial, Colorado.

Council presented a plaque to Matt Sturgeon recognizing him for his service to the City of Rifle.

City Manager Matt Sturgeon gave a heartfelt comment and thanked everyone for the opportunity to be a part of the community.

APPROVE 2016 YEAR-END FINANCIALS

Tim Mayberry and Teresa Beecraft presented the 2016 year-end financials

Councilor Green moved to approve the 2016 year-end financials; seconded by Councilor Pruett.

Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

PUBLIC HEARING - CONSIDER SUPPLEMENTAL APPROPRIATIONS FOR THE YEAR ENDING DECEMBER 31, 2017

Mayor Winkler opened the public hearing. Finance Director Teresa Beecraft presented the following items connected with approving a supplemental appropriation for the year ending December 2016. No public comment was received. Mayor Winkler closed the public hearing.

A. RESOLUTION NO. 11, SERIES OF 2017 – AMENDING THE CITY'S BUDGET

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO,
AMENDING THE CITY'S BUDGET FOR THE YEAR ENDING DECEMBER 31, 2017.

B. ORDINANCE NO. 16, SERIES OF 2017 – SUPPLEMENTAL APPROPRIATIONS

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, PROVIDING FOR A
SUPPLEMENTAL APPROPRIATION FOR THE YEAR ENDING DECEMBER
31, 2017.

Councilor Elliot moved to approve Resolution No. 11, Series of 2017 and Ordinance No. 16, Series of 2017 on first reading, as presented, and order it to be published as required by Charter; seconded by Councilor Pruett.

Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER PURCHASE OF LASERFICHE FOR THE CITY'S RECORDS MANAGEMENT SYSTEM

City Clerk Kristy Christensen stated staff has requested and received demonstrations and proposals for electronic record management systems. Staff is recommending the purchase of Laserfiche as the Electronic Records Management System for the City. Laserfiche Avante Records Management Edition with Workflow is \$62,259. To convert the existing records from FileBound to Laserfiche is estimated to cost \$6,000. Staff recommends approval of the purchase of Laserfiche and the conversion of files from FileBound into Laserfiche in an amount not to exceed \$68,259. The expenditure for this purchase will be allocated to 206-4900-400-732.

Councilor Elliott moved to approve the purchase of Laserfiche in an amount no to exceed \$68,259; seconded by Councilor Wood.

Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER RENEWAL OF VIF BOARD MEMBER TERMS FOR KEVIN KELLEY AND KRISTINE LLACUNA

AmeriCorps Volunteer Cathleen Anthony noted the Visitor Improvement Fund (VIF) Advisory Board has two expiring seats that are currently filled by members who wish to serve another term. Kevin Kelley and Kristine Llacuna submitted letters to the board for the consideration of their re-appointment. The VIF Advisory Board and staff requests that City Council approve the appointment of Kevin Kelley and Kristine Llacuna to the VIF Board for another term. Their term would expire in May of 2019.

Councilor Green moved to appoint Kevin Kelley and Kristine Llacuna to the Visitor Improvement Fund Advisory Board; seconded by Councilor Hamilton.

Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER BID FOR SOUTH WATERLINE (KIMBERLY BULLEN)

Assistant City Manager Kimberly Bullen stated staff has requested and received bids for the South Waterline. The low base bid of \$1,416,582.50 was received from Johnson Construction and is within budget. The City has been awarded grant funds of \$800,000 from DOLA and \$300,000 from Garfield County Federal Mineral Lease District. The remaining cost will be covered by City utility budget, all billed out proportionally. Staff recommends the City award the contract to Johnson Construction in the amount of \$1,416,582.50.

Councilor Wood moved to award the South Waterline Construction to Johnson Construction in the amount of \$1,416,582.50; seconded by Councilor Pruett.

Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER SUBMITTING THE QUESTIONS OF THE SALE OF SOUTH WASTEWATER LAGOONS TO VOTERS - ORDINANCE NO. 7, SERIES OF 2017 – 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AUTHORIZING THE
SALE OF CITY PROPERTY KNOWN AS THE SOUTH WASTEWATER
LAGOONS AND REFERRING THE QUESTION TO THE VOTERS AT THE
REGULAR MUNICIPAL ELECTION TO BE HELD SEPTEMBER 12, 2017.

City Attorney Jim Neu explained Ordinance No. 7 seeks voter approval to sell parcels of real property currently owned by the City and formerly used as a part of the City's utility systems. Section 13.2 of the Rifle Home Rule Charter requires voter approval before selling any real property or water rights owned by the City and put to park or governmental uses. The South Wastewater Treatment Lagoons were formerly used in conjunction with the old wastewater treatment plant, but have been drained

since the construction of the new plant. If voter approval is obtained, the City Council can then dispose of the properties under the terms and conditions it determines in the future.

Councilor Green moved to approve Ordinance No. 7, Series of 2017 on first reading, as presented, and order it to be published as required by Charter; seconded by Councilor Elliott.
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER SUBMITTING THE QUESTIONS OF THE SALE OF NORTH WASTEWATER LAGOONS TO VOTERS - ORDINANCE NO. 8, SERIES OF 2017 – 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AUTHORIZING THE SALE OF CITY PROPERTY KNOWN AS THE NORTH WASTEWATER LAGOONS AND REFERRING THE QUESTION TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION TO BE HELD SEPTEMBER 12, 2017

City Attorney Jim Neu explained that Ordinance No. 8 seeks voter approval to sell parcels of real property currently owned by the City and formerly used as a part of the City's utility systems. Section 13.2 of the Rifle Home Rule Charter requires voter approval before selling any real property or water rights owned by the City and put to park or governmental uses. The North Wastewater Treatment Lagoons were formerly used in conjunction with the old wastewater treatment plant, but have been drained since the construction of the new plant. If voter approval is obtained, the City Council can then dispose of the properties under the terms and conditions it determines in the future.

Councilor Green moved to approve Ordinance No. 8, Series of 2017 on first reading, as presented, and order it to be published as required by Charter; seconded by Councilor Hamilton.
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER SUBMITTING THE QUESTIONS OF THE SALE OF GRAHAM MESA WATER PLANT TO VOTERS - ORDINANCE NO. 9, SERIES OF 2017 – 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AUTHORIZING THE SALE OF CITY PROPERTY KNOWN AS THE GRAHAM MESA WATER PLANT AND REFERRING THE QUESTION TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION TO BE HELD SEPTEMBER 12, 2017.

City Attorney Jim Neu stated Ordinance No. 9 seeks voter approval to sell parcels of real property currently owned by the City and formerly used as a part of the City's utility systems. Section 13.2 of the Rifle Home Rule Charter requires voter approval before selling any real property or water rights owned by the City and put to park or governmental uses. The Graham Mesa Water Plant on Dogwood Drive that will be decommissioned and is no longer necessary to the City's operations. If voter approval is obtained, the City Council can then dispose of the properties under the terms and conditions it determines in the future.

Councilor Elliott moved to approve Ordinance No. 9, Series of 2017 on first reading, as presented, and order it to be published as required by Charter; seconded by Councilor Wood.
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER SEEKING AMENDMENT TO THE CITY CHARTER TO AUTHORIZE COUNCIL TO SELL REAL PROPERTY BY ORDINANCE - ORDINANCE NO. 10, SERIES OF 2017 – 1ST READING.

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REFERRING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, A QUESTION OF WHETHER SECTION 13.2 OF THE CITY CHARTER SHALL BE AMENDED TO ALLOW THE SALE OF REAL PROPERTY BY ORDINANCE OF THE CITY COUNCIL.

City Attorney Jim Neu explained Ordinance No. 10, Series of 2017 seeks the voters' approval to amend Section 13.2 of the Rifle Home Rule Charter, which requires the voters' approval of the sale of real property interests owned by the City. This provision of the Charter is common in smaller home rule municipalities and mandated by state statute for statutory municipalities, but is often a burden as communities grow and real estate is repurposed. If approved by the voters, City Council would have

the authority to sell, exchange, or dispose of real property interests by ordinance passed by at least five Council Members.

Councilor Elliott moved to approve Ordinance No. 10, Series of 2017 on first reading, as presented, and order it to be published as required by Charter; seconded by Councilor Wood.

Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER SEEKING AMENDMENT TO THE CITY CHARTER TO AUTHORIZE COUNCIL TO SET THE TIME OF THE ORGANIZATIONAL MEETING BY ORDINANCE - ORDINANCE NO. 11, SERIES OF 2017 – 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, REFERRING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, A QUESTION WHETHER SECTION 3.8 OF THE CITY CHARTER SHALL BE AMENDED TO ALLOW THE CITY COUNCIL TO SET THE TIME OF THE ORGANIZATIONAL MEETING OF THE CITY COUNCIL BY ORDINANCE.

City Attorney Jim Neu noted Section 3.8 of the Rifle Home Rule Charter requires that Council's organizational meeting for the seating of new council members and election of the mayor be held at 8:00 p.m. on the first Monday following the regular municipal election at which they are elected. This requirement is incompatible with state law, which requires the City to accept ballots from uniformed and overseas citizens up to 8 days following the election. Ordinance No. 11, Series of 2017 requests voter approval to amend Section 3.8 of the Charter to allow Council to set its organizational meeting by ordinance, which will afford this and future councils the flexibility needed to comply with federal and state law as it changes.

Councilor Hamilton moved to approve Ordinance No. 11, Series of 2017 on first reading, as amended, and order it to be published as required by Charter; seconded by Councilor Pruett.

Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER AN ADVISORY QUESTION CONCERNING THE SALE OF RETAIL MARIJUANA IN THE CITY - ORDINANCE NO. 12, SERIES OF 2017 - 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, COLORADO, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, AN ADVISORY QUESTION WHETHER THE CITY OF RIFLE SHOULD PERMIT AND REGULATE RETAIL MARIJUANA STORES IN THE CITY.

City Attorney Jim Neu noted Ordinance No. 12, Series of 2017 submits to the City's voters an advisory question of whether the current five licensed medical marijuana centers should be authorized to be licensed as retail/recreational marijuana stores and operate within the City. At present, the City prohibits the final sale of retail/recreational marijuana from marijuana stores. This question does not commit the City to allow retail/recreation marijuana centers.

Councilor Clifton moved to approve Ordinance No. 12, Series of 2017 on first reading, as amended, and order it to be published as required by Charter; seconded by Councilor Pruett.

Roll Call: Yes – Clifton, Hamilton, Pruett, Wood, and Winkler. No – Elliott, Green

CONSIDER A BALLOT QUESTION SEEKING A TAX ON THE SALE OF RETAIL MARIJUANA - ORDINANCE NO. 13, SERIES OF 2017 - 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, THE ISSUE OF WHETHER THE CITY OF RIFLE SHOULD IMPOSE A SALES TAX ON THE SALE OF RETAIL MARIJUANA WITHIN THE CITY.

City Attorney Jim Neu explained Ordinance No 13, Series of 2017 requests voters' approval of a 5% to 15% sales tax on final retail/recreational marijuana sales in the event Council authorizes the licensing of such sales in the City. The Taxpayers Bill of Rights (TABOR) requires any new tax or tax increase to be submitted to voters. City Staff has initially set the tax rate at 5% to be consistent with neighboring municipalities, including Glenwood Springs. It is notable that Glenwood Springs's tax

was approved in April of 2017 with broad community and industry support, and may be increased up to 15% without that city returning to the ballot box for further voter approval, so we included that authority in the question.

Councilor Hamilton moved to approve Ordinance No. 13, Series of 2017 on first reading, as presented, and order it to be published as required by Charter; seconded by Councilor Wood.
Roll Call: Yes – Clifton, Hamilton, Pruett, Wood, and Winkler. No – Elliott, Green

CONSIDER A BALLOT QUESTION TO AUTHORIZE A DEBT FOR A NEW POOL COMPLEX - ORDINANCE NO. 14, SERIES OF 2017 - 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, A QUESTION WHETHER THE CITY SHOULD ISSUE SALES AND USE TAX REVENUE BONDS OR OTHER OBLIGATIONS, WITHOUT ANY INCREASE IN TAXES, FOR THE PURPOSE OF FINANCING A NEW SWIMMING POOL COMPLEX.

City Attorney Jim Neu stated TABOR requires voter approval of any increase in debt and Ordinance No. 14, Series of 2017 seeks that approval to fund a new swimming pool complex. No new taxes are requested or necessary for the proposed project. Any debt incurred following voter approval of Ordinance No. 14 will be paid out of existing sales and use tax revenues.

Councilor Elliott moved to approve Ordinance No. 14, Series of 2017 on first reading, as amended, and order it to be published as required by Charter; seconded by Councilor Pruett.
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER SEEKING TO RE-ESTABLISH THE CITY'S AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICES - ORDINANCE NO. 15, SERIES OF 2017 - 1ST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF RIFLE, COLORADO, AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, SEPTEMBER 12, 2017, A QUESTION OF WHETHER THE CITY SHOULD HAVE THE AUTHORITY TO PROVIDE ADVANCED SERVICE, TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION SERVICES WITHIN THE CITY.

City Attorney Jim Neu noted in 2005, the State Legislature passed SB152 that is codified at C.R.S. 29-27-201 and requires the City to seek voter approval before it can provide cable television service, telecommunication service, or advanced services. Ordinance No. 15, Series of 2017 requests the re-establishment of the City's legal authority to provide such services, which most relevantly includes broadband internet, within the City. This question does not commit the City to offering these services. This measure has recently been approved at many municipalities throughout the state.

Councilor Pruett moved to approve Ordinance No. 15, Series of 2017 on first reading, as presented, and order it to be published as required by Charter; seconded by Councilor Wood.
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

CONSIDER APPOINTING KIMBERLY BULLEN AS THE INTERIM CITY MANAGER – RESOLUTION NO. 10, SERIES OF 2017

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF RIFLE, COLORADO, APPOINTING ASSISTANT CITY MANAGER KIMBERLY BULLEN AS THE INTERIM CITY MANAGER AND APPROVING A TEMPORARY SALARY INCREASE.

Councilor Green moved to approve Resolution No. Series of 2017 and made it effective at the adjournment of this Council meeting; seconded by Councilor Clifton.
Roll Call: Yes – Clifton, Elliott, Green, Hamilton, Pruett, Wood, and Winkler

ADMINISTRATIVE REPORTS

City Clerk Kristy Christensen reported on elections.

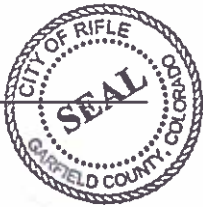
City Manager Matt Sturgeon thanked everyone for their support.

COMMENTS FROM MAYOR AND COUNCIL

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

Meeting adjourned at 9:05 p.m.


Kristy Christensen
City Clerk




Randy Winkler
Mayor