

RIFLE CITY COUNCIL MEETING

Wednesday, June 19, 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 Joe Elliott, Ed Green, Theresa Hamilton, Annick Pruett, Dana Wood, and Mayor Randy Winkler

Councilor Elliott moved to excuse Councilor Clifton from tonight's meeting; seconded by Councilor Wood.

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

OTHERS PRESENT: Interim City Manager Kimberly Bullen, City Clerk Kristy Christensen, City Attorney Jim Neu, Rifle Community Television (RCTV) Salvador Tovar, Chief of Police Thomas Klein, Planning Director Nathan Lindquist, Senior Center Director Tami Sours, Police Officers, Police Sergeants, Police Detectives, Heather Mullen, Natalie Bowman, Erik Cornejo, Shirley Parks, Anne Guettler and Brent Curtice.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the May 17, 2017 Regular Meeting
- B. (*Acting as Liquor Licensing Authority*) Liquor License Renewals: Flying K dba Texan Bar, Rifle Tequilas Inc. dba Tequila's and RCG Rifle LLC dba Rib City Grill.
- C. Consider Submitting the Questions of the Sale of South Wastewater Lagoons to Voters - Ordinance No. 7, Series of 2017 – 2nd Reading
- D. Consider Submitting the Questions of the Sale of North Wastewater Lagoons to Voters - Ordinance No. 8, Series of 2017 – 2nd Reading
- E. Consider Submitting the Questions of the Sale of Graham Mesa Water Plant to Voters - Ordinance No. 9, Series of 2017 – 2nd Reading
- F. Consider Seeking Amendment to the City Charter to Authorize Council to Sell Real Property by Ordinance - Ordinance No. 10, Series of 2017 – 2nd Reading.
- G. Consider a Ballot Question to Authorize a Debt for a New Pool Complex - Ordinance No. 14, Series of 2017 - 2nd Reading
- H. Consider Seeking to Re-Establish the City's Authority to Provide Telecommunications Services - Ordinance No. 15, Series of 2017 - 2nd Reading

Councilor Pruett moved to approve Consent Agenda Items A, B, C, D, E, F, G, and H; seconded by Councilor Hamilton.

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

CITIZEN COMMENTS

Anne Guettler, Shirley Parks, and Brent Curtice representatives of RE2 School Board thanked Council for their support and a special thanks to Chief Klein for his continued support.

PRESENTATION FOR CARLOS CORNEJO FOR PROMOTION TO SERGEANT

Police Chief Thomas Klein recognized Carlos Cornejo who was recently promoted to the rank of Sergeant.

CONSIDER PUBLIC HEARING - ANIMAL SHELTER ANNEXATION NO. 2 ANNEXATIONS AND ZONING

A. CONSIDER AUTHORIZING - RESOLUTION NO. 12, SERIES OF 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO,
CONCERNING THE RIFLE ANIMAL SHELTER ANNEXATION NO. 2 TO THE CITY OF
RIFLE.

**B. CONSIDER ANNEXATION PLAN FOR THE RIFLE ANIMAL SHELTER -
RESOLUTION NO. 13, SERIES OF 2017**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO,
APPROVING AN ANNEXATION PLAN FOR THE RIFLE ANIMAL SHELTER
ANNEXATION NO. 2 AS REQUIRED UNDER THE MUNICIPAL ANNEXATION ACT OF
1965, AS AMENDED.

**C. CONSIDER ANNEXING TO THE CITY REAL PROPERTY KNOWN AS THE RIFLE
ANIMAL SHELTER– ORDINANCE NO. 17, SERIES OF 2017 – 1ST READING**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO ANNEXING TO THE CITY OF
RIFLE, COLORADO CERTAIN REAL PROPERTY KNOWN AS THE RIFLE ANIMAL
SHELTER ANNEXATION NO 2.

**D. CONSIDER AUTHORIZING ZONING PROPERTY KNOWN AS THE RIFLE
ANIMAL SHELTER ANNEXATION NO.2 TO PUBLIC ZONE DISTRICT AND
DEVELOPING RESOURCES – ORDINANCE NO. 18, SERIES OF 2017 – 1ST
READING**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO ZONING CERTAIN
REAL PROPERTY KNOWN AS THE RIFLE ANIMAL SHELTER ANNEXATION
NO. 2 PUBLIC (PZ) ZONE DISTRICT AND DEVELOPING RESOURCES (DR)
ZONE DISTRICT

Mayor Winkler opened the public hearing. Natalie Bowman and Heather Mullen representatives of the applicants, Garfield County Animal Welfare Foundation, Inc. presented their proposal for Animal Shelter Annexation No. 2 Annexation and Zoning. Planning Director Nathan Lindquist presented the finding, annexation plan and zoning. The Garfield County Animal Welfare Foundation, Inc. petitioned the City to annex 22.5 acres of land north of the Rifle High School and adjacent to property it owns to construct a new animal shelter. Petitioner wants to file a Boundary Line Adjustment Map following annexation to merge 1.029 acres with its annexed property and dedicate a 1.569 acre parcel to the City for park purposes. Petitioner requests that the City zone this combined 2.598 acres Public (PZ) Zone District and the remaining 19.967 acres Developing Resources (DR) Zone District, which will remain for future development.

City Attorney Jim Neu explained Resolution No. 12, Series of 2017 makes the required findings of fact for the annexation of the Annexation Parcel and Resolution No. 13, Series of 2017 and sets forth the annexation plan required by statute. Ordinance No. 17, Series of 2017 annexes the Annexation Parcel and Ordinance No. 18, Series of 2017 zones the Annexation Parcel Public (PZ) Zone District and Developing Resources (DR) Zone District as recommended by the Planning Commission at its May 30, 2017 meeting. Petitioner will also dedicate to the City a trail easement 15' wide along the southern property boundary consisting of 1.37 acres. The Annexation Agreement provides Parkland Dedication Credit for the park parcel and the trail easement appurtenant to the DR Parcel for when it does develop and makes it very clear that all annexation impacts are deferred until that Parcel is rezoned for redevelopment when annexation impacts are known.

No public comment was received. Mayor Winkler closed the public hearing.

Councilor Elliott moved to approve Resolution No. 12, Series of 2017, Resolution No. 13, Series of 2017, Ordinance No. 17, Series of 2017, and Ordinance No. 18, 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 –Elliott, Green, Hamilton, Pruett, Wood, and Winkler

**CONSIDER SENIOR CENTER CONGREGATE MEAL INTERGOVERNMENTAL
AGREEMENT WITH GARFIELD COUNTY**

Senior Center Director Tami Sours stated Rifle has been party to an Intergovernmental Agreement (IGA) with Garfield County that defines the responsibilities of the City of Rifle and Garfield County as it relates to providing congregate meal service in the I-70 Corridor. The terms of the IGA are from July 1, 2017 to June 30, 2018. The agreement obligates the Rifle Senior Center to prepare meals to be distributed in Parachute, Rifle, Silt and New Castle on specified days; defines the quality and method of meal preparation; defines food nutritional requirements; food handling requirements; and outlines the reimbursement obligation of Garfield County associated with contracting with Rifle for food preparation services for seniors. The IGA has two notable changes in the IGA with Garfield County.

The cap for the meal reimbursement was raised from \$100,000 to \$105,000 and the unit cost to provide meals to Parachute was increased to \$7.60.

Councilor Green moved to approve Senior Center Congregate Meal Intergovernmental Agreement with Garfield County; seconded by Councilor Wood.

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

CONSIDER RECOMMENDATION OF CITY REPRESENTATIVE TO GARFIELD COUNTY NOXIOUS WEED ADVISORY BOARD

City Manager Kimberly Bullen explained Garfield County is requesting the City of Rifle representative who serves on the Garfield County Noxious Weed Advisory Board be nominated by the Rifle City Council to the Garfield County Commissioner. Tom Whitmore, City of Rifle Parks and Recreation Director has served as the City's representative to the Garfield County Noxious Weed Advisory Board since the late 1990's and his current three-year term is set to expire in July of 2017. With Tom's experience and current responsibilities as the Parks and Recreation Director, he is the ideal person to represent the City of Rifle on the Garfield County Noxious Weed Advisory Board.

Councilor Wood moved to recommend Tom Whitmore as the City Representative on the Noxious Weed Board; seconded by Councilor Pruett.

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

CONSIDER CENTENNIAL PARK NATURAL PLAY AREA GRANT MATCH

Planning Director Nathan Lindquist noted Staff previously presented a conceptual design of the Centennial Park Natural Play Area created by Garfield County's consultant MIG. MIG was retained through the Inspire Initiative grant to assist with park and trail projects in New Castle, Rifle, and Parachute/Battlement Mesa in preparation for a July 2017 grant proposal to Great Outdoors Colorado (GOCO). The grant requires a 10% cash match from each participant. \$246,693 is the grant amount being requested from GOCO for Centennial Park Natural Play Area which would equate to a 10% cash match of \$24,669.30 by the City. This amount would not need to be budgeted until 2019 when the project is scheduled to be constructed (assuming the grant is awarded). The cash match would be deposited with Garfield County, the fiscal agent of the grant. Staff requests approval of \$24,669.30 towards the Centennial Park Nature Play Area and a letter of support from Council to apply for the grant.

Councilor Hamilton moved to approve, subject to future appropriation, the grant match for the Centennial Park Natural play area; seconded by Councilor Elliott.

Roll Call: Yes – Elliot, 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 – 2ND 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 AND POST A CHANGE IN LOCATION OF A CITY COUNCIL MEETING TWENTY-FOUR HOURS BEFORE THE MEETING.

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

Roll Call: Yes – 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 – 2ND 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 Pruett moved to approve Ordinance No. 12, Series of 2017 on second reading, as presented, and order it to be published as required by Charter; seconded by Councilor Wood.

Roll Call: Yes – Hamilton, Pruett, Wood, and Winkler

No – Elliot and Green

CONSIDER A BALLOT QUESTION SEEKING A TAX ON THE SALE OF RETAIL MARIJUANA - ORDINANCE NO. 13, SERIES OF 2017 - 2ND 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 second reading, as presented, and order it to be published as required by Charter; seconded by Councilor Pruett.

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

No - Green

CONSIDER CONTRACT WITH SLAVIN MANAGEMENT CONSULTANTS FOR EXECUTIVE SEARCH FIRM

Interim City Manager Kimberly Bullen stated nine qualified proposals were received for the Executive Recruitment Search for the City Manager position. Staff is recommending Slavin Management Consultants to conduct the recruitment process for the City Manager position. The terms of the contract include \$15,135 for professional fees and expenses not to exceed 50% of the professional fee or (\$7,567.50). As a component of the screening process, Slavin Management Consultants will travel to the location of the finalist candidates to better assess candidates' management style, interpersonal characteristics, and interview each in his or her present work environment. The cost of this travel is unknown at this time and estimates range from \$500 - \$1,000 per candidate visit. The addition of travel expenses could potentially put the total cost to Slavin Management Consultants over the purchasing policy limit of \$25,000 requiring Council approval.

Councilor Wood moved to approve Slavin Management Consultants for firm to conduct the City Manager search in an amount not to exceed \$28,000; seconded by Councilor Hamilton.

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

ADMINISTRATIVE REPORTS

Interim City Manager Kimberly Bullen congratulated Carlos Cornejo.

COMMENTS FROM MAYOR AND COUNCIL

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

Meeting adjourned at 7:59 p.m.


Kristy Christensen
City Clerk




Randy Winkler
Mayor

