

**CITY COUNCIL MEETING
JULY 09, 2019
MINUTES**

Mayor Jarrod Ogden brought to order at 6:30 p.m. the first regular meeting of the Craig City Council for the month of July 2019. In addition to Mayor Ogden, those present were Councilmembers Chris Nichols, Andrea Camp, Tony Bohrer, Brian MacKenzie, Paul James and Steven Mazzuca. Staff present were City Manager Peter Brixius, Finance Director Bruce Nelson, City Attorney Sherman Romney, Chief of Police Jerry Delong, Public Works Director Randy Call, Parks and Recreation Director Dave Pike, Building Official Marlin Eckhoff and City Clerk Liz White. Water/Wastewater Director Mark Sollenberger was absent.

All participated in the Pledge of Allegiance.

Councilman Bohrer moved with a second by Councilwoman Camp to approve the minutes from the June 25, 2019 meeting. Ayes: 7. Nays: 0. Motion carried.

Councilwoman Camp moved with a second by Councilman Bohrer to approve payments of bills for the month of June 2019 in the amount of \$1,029,066.90. Ayes: 7. Nays: 0. Motion carried.

Councilman Nichols moved with a second by Councilwoman Camp to approve the agenda as presented. Mayor Ogden asked for a second motion to amend the agenda to move 9M to 9N and make 9M a topic for discussion and possible approval with regard to Article 6 of the Craig City charter involving elections. After further discussion, Councilman Nichols moved with a second by Councilman MacKenzie to approve the agenda as amended with the addition of 9M with regard to Article 6 of the Craig City Charter involving elections. Ayes: 7. Nays: 0. Motion carried.

Public Comment was given by Craig residents Jayne Morley, Dave Wallace, Vicki Huyser, Ken Wergin and Michael Lausin on topics which included many thanks to city staff, 4th of July fireworks and parade and mosquito spraying.

James Rae, CPA from the Adams Group presented to council the 2018 Audit Report for the city of Craig. No major concerns were cited.

Councilman Nichols moved with a second by Councilman Mazzuca to approve the Consent Agenda as presented which included approval of a Fermented Malt Beverage Liquor License for NPC International dba Pizza Hut #4834 located at 1070 West Victory Way, Craig. No cause was shown for denial Ayes: 7. Nays: 0. Motion carried.

Mayor Ogden opened the Public Hearing with regard to Ordinances No. 1086 thru 1095 updating the Craig Municipal Code. Building Official Eckhoff and City Attorney Romney gave some background information pertaining to the ordinances. The floor was then open for public comment. No public comments were given at this time. The Public Hearing was closed.

Building Official Eckhoff presented for Second Reading Ordinance No. 1086 (2019) ~ an ordinance amending Chapter 15.02 of the Craig Municipal Code concerning the adoption of

updated code versions and repealing Chapter 15.08 entitled “National Electrical Code”. After further discussion, Councilman Nichols moved with a second by Councilman Bohrer to approve Second Reading of Ordinance No. 1086 (2019) ~ an ordinance amending Chapter 15.02 of the Craig Municipal Code concerning the adoption of updated code versions and repealing Chapter 15.08 entitled “National Electrical Code”. Ayes: 7. Nays: 0. Motion carried.

Building Official Eckhoff presented for Second Reading Ordinance No. 1087 (2019) ~ an ordinance amending Chapter 15.04 of the Craig Municipal Code concerning the International Building Code. After further discussion, Councilman Nichols moved with a second by Councilman James to approve Second Reading of Ordinance No. 1087 (2019) ~ an ordinance amending Chapter 15.04 of the Craig Municipal Code concerning the International Building Code. Ayes: 7. Nays: 0. Motion carried.

Building Official Eckhoff presented for Second Reading Ordinance No. 1088 (2019) ~ an ordinance adopting a new Chapter 15.06 of the Craig Municipal Code concerning the International Residential Code. After further discussion, Councilman Bohrer moved with a second by Councilman MacKenzie to approve Second Reading of Ordinance No. 1088 (2019) ~ an ordinance adopting a new Chapter 15.06 of the Craig Municipal Code concerning the International Residential Code. Ayes: 7. Nays: 0. Motion carried.

Building Official Eckhoff presented for Second Reading Ordinance No. 1089 (2019) ~ an ordinance adopting a new Chapter 15.07 of the Craig Municipal Code concerning the International Existing Building Code. After further discussion, Councilman Mazzuca moved with a second by Councilman Bohrer to approve Second Reading of Ordinance No. 1089 (2019) ~ an ordinance adopting a new Chapter 15.07 of the Craig Municipal Code concerning the International Existing Building Code. Ayes: 7. Nays: 0. Motion carried.

Building Official Eckhoff presented for Second Reading Ordinance No. 1090 (2019) ~ an ordinance amending Chapter 15.12 of the Craig Municipal Code concerning the International Mechanical Code. After further discussion, Councilwoman Camp moved with a second by Councilman James to approve Second Reading of Ordinance No. 1090 (2019) ~ an ordinance amending Chapter 15.12 of the Craig Municipal Code concerning the International Mechanical Code. Ayes: 7. Nays: 0. Motion carried.

Building Official Eckhoff presented for Second Reading Ordinance No. 1091 (2019) ~ an ordinance amending Chapter 15.14 of the Craig Municipal Code concerning the International Fuel Gas Code. After further discussion, Councilman Bohrer moved with a second by Councilman James to approve Second Reading of Ordinance No. 1091 (2019) ~ an ordinance amending Chapter 15.14 of the Craig Municipal Code concerning the International Fuel Gas Code. Ayes: 7. Nays: 0. Motion carried.

Building Official Eckhoff presented for Second Reading Ordinance No. 1092 (2019) ~ an ordinance amending Chapter 15.16 of the Craig Municipal Code concerning the International Plumbing Code. After further discussion, Councilman Mazzuca moved with a second by Councilman MacKenzie to approve Second Reading of Ordinance No. 1092 (2019) ~ an ordinance amending Chapter 15.16 of the Craig Municipal Code concerning the International Plumbing Code.

Code. Ayes: 7. Nays: 0. Motion carried.

Building Official Eckhoff presented for Second Reading Ordinance No. 1093 (2019) ~ an ordinance amending Chapter 15.18 of the Craig Municipal Code concerning the International Property Maintenance Code. After further discussion, Councilwoman Camp moved with a second by Councilman James to approve First Reading of Ordinance No. 1093 (2019) ~ an ordinance amending Chapter 15.18 of the Craig Municipal Code concerning the International Property Maintenance Code. Ayes: 7. Nays: 0. Motion carried.

Building Official Eckhoff presented for Second Reading Ordinance No. 1094 (2019) ~ an ordinance amending Chapter 15.22 of the Craig Municipal Code concerning the International Manufactured Home Installation Code. After further discussion, Councilman Bohrer moved with a second by Councilman James to approve Second Reading of Ordinance No. 1094 (2019) ~ an ordinance amending Chapter 15.22 of the Craig Municipal Code concerning the International Manufactured Home Installation Code. Ayes: 7. Nays: 0. Motion carried.

Building Official Eckhoff presented for Second Reading Ordinance No. 1095 (2019) ~ an ordinance amending Chapter 15.20 of the Craig Municipal Code concerning the International Energy Conservative Code. After further discussion, Councilman James moved with a second by Councilman Mazzuca to approve Second Reading of Ordinance No. 1095 (2019) ~ an ordinance amending Chapter 15.20 of the Craig Municipal Code concerning the International Energy Conservative Code. Ayes: 7. Nays: 0. Motion carried.

Public Works Director Call presented to council for approval a low bid from Duran's Paint Service in the amount of \$9,850.00 for painting of building at 1710 Yampa Avenue. After further discussion, Councilman Nichols moved with a second by Councilwoman Camp to approve the low bid from Duran's Paint Service in the amount of \$9,850.00 for painting of building at 1710 Yampa Avenue. Ayes: 7. Nays: 0. Motion carried.

City Attorney Romney presented to council for consideration and appointment a list of residents and staff who were interested in being on the Charter Review Committee. After further discussion, Councilwoman Camp moved with a second by Councilman Nichols to approve a list of staff and council who were interested in being on the Charter Review Committee. The staff and council appointed to this committee will interview the community members that are interested in being on the committee. Ayes: 7. Nays: 0. Motion carried. The committee will consist of the following council and staff members:

Council:

1. Jarrod Ogden
2. Paul James
3. Steve Mazzuca

Staff:

1. Randy Call
2. Tim Kulp

City Attorney Romney presented to council for discussion revisions to Article 6 of the Craig City Charter regarding elections. Councilwoman Camp moved with a second by Councilman Bohrer to have City Attorney Romney proceed in creating an ordinance that would move the city election from April to November with further discussion on terms of office. Ayes: 6. Nays: 1. Motion carried. Councilman Nichols voted in the negative.

City Attorney Romney presented to council for consideration and possible motion issues related to the proposed ordinance permitting marijuana businesses which will be passed if the voters approved them in the November Election. Council voted on a series of questions related to the construction of the ordinance that was presented in a memo.

Questions 1-3 of the memo. After further discussion Councilman Nichols moved with a second by Councilman James to have retail, grow, laboratory and carrier depot businesses as one question on the ballot. After discussing the matter in more depth, Councilman Nichols moved to withdraw his motion as well as Councilman James and he then moved with a second by Councilman James to have retail sales as one question on the ballot and combine manufacturing, grow, laboratory and carrier depot as a second question on the ballot. Ayes: 6. Nays: 1. Motion carried. Councilman Bohrer voted in the negative.

Questions 4-5 of the memo: Councilman Nichols moved with a second by Councilman MacKenzie to charge an additional 5% sales tax on retail marijuana sales and an additional 5% excise tax on manufacturing and/or grow operations for product sold into the wholesale market. Ayes: 4. Nays: 3. Motion carried. Councilmembers James, Camp and Mazzuca voted in the negative.

Question 8 of the memo: Councilman Nichols moved with a second by Councilman James to put into the ordinance the number of retail marijuana licenses for each of the categories to three and leave it up to council discretion for additional licenses depending on the market, community and zoning tolerances. Ayes: 7. Nays: 0. Motion carried.

Question 6-7 of the memo: Councilman Nichols moved with a second by Councilman MacKenzie to use the additional 5% excise and the 5% sales tax be dedicated to education and enforcement determined by council. After discussing the matter further Councilman Nichols moved to withdraw his motion as well as Councilman MacKenzie. Councilman Nichols then moved with a second by Councilman Bohrer to use the additional 5% sales and the 5% excise tax be dedicated to fund the museum and the library in Craig for a period of five years. Ayes: 5. Nays: 2. Motion carried. Council members James and Mazzuca voted in the negative.

Question 9 of the memo: Councilman Nichols moved with a second by Councilman James to approve the zoning areas for retail marijuana as MU-1, MU-2, I-1, I-2 and C-2. Must meet setback requirements. Ayes: 7. Nays: 0. Motion carried.

Councilman James moved with a second by Councilman Mazzuca to approve grow, manufacturing and laboratory and carrier depot in zones C-2, MU-1, MU-2, I-1, I-2 and agriculture. Ayes: 6. Nays: 1. Motion carried. Councilman Nichols voted in the negative.

Question 10 of the memo: Councilman Bohrer moved with a second by Councilman Mazzuca to make the setback requirements for any marijuana business in any approved zoning area to 800 feet from any schools, hospitals, parks, childcare facility or residence. Ayes: 7. Nays: 0. Motion carried.

Question 11 of the memo: Councilman James with a second by Councilman Nichols to approve the hours of operation for retail marijuana establishments from 9:00 a.m. to 10:00 p.m. Ayes: 7. Nays: 0. Motion carried.

Question 12 of the memo: Councilwoman Camp moved with a second by Councilman Mazzuca to omit the additional background check, as all felt the additional background check was not necessary. Ayes: 7. Nays: 0. Motion carried.

Question 13 of the memo: Councilman Nichols moved with a second by Councilman Bohrer to not refund a portion of the application fees for denied applications. All fees are non-refundable. Ayes: 5. Nays: 2. Motion carried. Councilman Mazzuca and James voted in the negative.

Question 14 of the memo: Councilman Nichols moved with a second by Councilman James to set no requirement for retail businesses to use locally grown products. Ayes: 7. Nays: 0. Motion carried.

Question 15 of the memo: Councilman Mazzuca moved with a second by Councilman James to not require businesses to have an off-site backup of their video surveillance system. Ayes: 6. Nays: 1. Motion carried. Councilman Nichols voted in the negative.

Question 16 of the memo: Councilman James moved with a second by Councilwoman Camp to make the hour of delivery for retail marijuana the same as the hours of operation for the retail sales which is 9:00 a.m. to 10:00 p.m. Ayes: 7. Nays: 0. Motion carried.

Police Chief Delong gave his monthly police report for June, 2019. He commented on the recruits currently at the academy and kudos to staff for their work for the 4th of July parade.

City Manager Brixius commented on the audio/visual bids received for streaming council meetings. They are in the review process and will bring to council for discussion at the next council meeting. He offered kudos to Finance Director Nelson and department heads for their fiscal responsibility regarding last year's city budget. He also commented on the mosquito spraying that is taking place in Craig.

City Attorney Romney offered no comment at this time.

Council members gave updates on meetings and committees they are involved in and meetings they will be attending in the future. Kudos to staff for their help for the 4th of July parade and to the awesome fireworks display.

Being no further business, Councilman Bohrer moved with a second by Councilwoman Camp to adjourn the meeting. Ayes: 7. Nays: 0. Motion carried.