

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

June 23, 2014

Mayor Jay called the Regular City Council Meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL OF MEMBERS

Jerry DiTullio	Bud Starker	Zachary Urban	Kristi Davis
Tim Fitzgerald	George Pond	Tracy Langworthy	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Chief Daniel Brennan; Parks Director, Joyce Manwaring; Public Works Director, Scott Brink; Community Development Director, Ken Johnstone; guests and interested citizens.

APPROVAL OF MINUTES OF June 9, 2014

Motion by Councilmember DiTullio approve the minutes of June 9, 2014; seconded by Councilmember Starker; carried 7-1, with Councilmember Davis abstaining.

PROCLAMATIONS AND CEREMONIES

Christopher Deknikker – Citizen Award

Councilmembers Starker and DiTullio presented Mr. Deknikker with a Citizen Recognition Award. He was awarded the Wheat Ridge Police Department Citizen Award Ceremonial Challenge Coin at a recent Police Academy ceremony.

Christopher's observations, actions and unselfish behavior resulted in the apprehension of two juveniles who committed 1st degree criminal trespass on April 10, 2014. Without his efforts the suspects would not have been apprehended and a crime most likely would not have been solved. ~ His neighbor, the victim, publicly thanked him and the Police Department.

Clint Brown – Citizen Award

Councilmembers Urban and Davis presented the Citizen Recognition for Mr. Brown, who was awarded the Wheat Ridge Police Department Citizen Award Ceremonial Challenge Coin at the 2014 Police Award Ceremony. Last December Mr. Brown called Police Dispatch and went out of his way to stay with a female citizen who was lying on the ground, covered with mud and snow, wearing no shoes or coat. Medical attention

arrived shortly and she was transported to a hospital by ambulance. The actions of Mr. Brown played a part in saving her life. Without his courage, perseverance and initiative she could have died. Clint acted in an exemplary manner and the City thanks him. (Mr. Brown was not present.)

Gina Yarrish – Citizen Award

Mayor Jay presented Ms. Yarrish with a Citizen Award. She was awarded the Wheat Ridge Police Department Citizen Award Ceremonial Challenge Coin at the 2014 Police Award Ceremony. Ms. Yarrish alerted School Resource Officer Malloy that she observed a male with a hidden handgun standing across the street from the High School parking lot. The suspect was arrested and removed from the area. Due to Gina's courage and initiative to do the right thing, and think of safety of all her students, this incident was handled immediately. Her actions and courage helped make this a safe community.

Presentation to School Resource Officers

Councilmember Wooden presented thank you cards to the School Resource Officers from the students at all the Wheat Ridge schools. The students from Kullerstrand also made thank you posters. All the principals think the Resource Officers are wonderful. Kevin Armstrong is their supervisor and the Officers are Barry Malloy, Bobbie Dawkins, and Krista Cuney. She had cards from the City Council. Their work and all the little things they do are appreciated by all. ~ Jill Fellman from the School Board thanked the Officers for their wonderful work and their partnership with the schools.

CITIZENS' RIGHT TO SPEAK

Rachel Hultin (WR) thanked the City for the Criterium race on Sunday. It was a fabulous event and the racers thought it was a great course. ~ She reminded everyone that Wednesday is Bike to Work Day. She announced a breakfast table hosted by Compass Construction at 38th & Reed from 6:30-9:00am. Right Coast Pizza is also partnering with WR Cyclery and Empower Cycling for a Bike Home From Work Party on their patio, with beer specials and give-aways to the first 50 people. ~ She expressed support for the bike lanes on Pierce Street.

APPROVAL OF THE AGENDA

Motion by Councilmember Langworthy to remove Item 8 (Sponsorship for the Farmers 5000) from the agenda; seconded by Councilmember Fitzgerald.

There was discussion.

Motion carried 6-2, with Councilmembers Urban and DiTullio voting no.

PUBLIC HEARING AND ORDINANCES ON SECOND READING

1. Council Bill No. 05-2014 – amending Sections 11-305, 11-416 and 26-204 of the Wheat Ridge Code of Laws to Prohibit the location of Medical Marijuana-Infused Products Manufacturers and Retail Marijuana Products Manufacturers in the C-1 Zone District; to impose distance requirements between such Manufacturers and certain specified Land Uses; to harmonize other distance requirements for Retail and Medical Marijuana Establishments; and repealing the Temporary Moratorium of all City action relating to new Medical Marijuana-Infused Products Manufacturers and Retail Marijuana Products Manufacturers' applications

Councilmember DiTullio introduced Council Bill No. 05-2014.

This ordinance sets separation requirements for medical marijuana-infused products manufacturers (MIP's) and retail marijuana products manufacturers. These requirements mirror the requirements that already exist for medical and retail marijuana stores that sell to the public. Primary distance restrictions are:

- May not locate within 1,000 feet of a school, residential child care facility, alcohol or drug treatment facility
- May not locate within one-quarter (1/4) mile of any other marijuana product manufacturer

Mayor Jay opened the public hearing.

Mayor Jay swore in City Attorney Gerald Dahl for the staff report.

Mr. Dahl noted the Council has had a number of study sessions on this issue. He summarized how this ordinance incorporates marijuana-infused products manufacturers and retail marijuana products manufacturers into the City's regulatory scheme, primarily by where they are allowed and how they are spaced. He noted:

- Medical marijuana-infused products manufacturers and retail marijuana products manufacturers will no longer be allowed in C-1 (Commercial) zone districts.
- They can only locate in I-E (Industrial) zones.
- Dual location is permitted.
- Distances will be measured 'property line to property line' -- similar to the way distances are measured for retail liquor stores

Clerk Shaver assigned Ordinance 1550.

There were no questions from Council and no one from the public was present to speak.

Mayor Jay closed the public hearing.

Mayor Jay reopened the public hearing for the purpose of the reading of a letter.

Councilmember Wooden read a letter from residents Kelly and Nora Brooks expressing their grave concern about the addition into the community of yet another temptation for children. They don't understand rolling out the red carpet for marijuana when our major neighbors are banning it. We will become a go-to destination for marijuana while we're trying to market our City as a great place to raise a family. They urged reassessment of prior decisions and a willingness to make changes – to protect our kids.

Mayor Jay closed the public hearing.

Motion by Councilmember DiTullio to approve Council Bill No. 05-2014, an ordinance amending sections 11-305, 11-416 and 26-204 of the Wheat Ridge Code of Laws to prohibit the location of medical marijuana-infused products manufacturers and retail marijuana products manufacturers in the C-1 zone district; to impose distance requirements between such manufacturers and certain specified land uses; to harmonize other distance requirements for retail and medical marijuana establishments; and repealing the temporary moratorium on all City action relating to new medical marijuana-infused products manufacturers and retail marijuana products manufacturers' applications, on second reading, and that it take effect on July 1, 2014; seconded by Councilmember Davis.

Councilmembers gave their opinions about the ordinance.

Motion carried 7-1, with Councilmember Fitzgerald voting no.

2. Council Bill No. 06-2014 – amending Chapters 26 and 11 of the Wheat Ridge Code of Laws by the addition of New Section 26-639 concerning Marijuana and amending paragraph 11-321(b)(8) concerning applications for Primary Care-Giver Licenses

Councilmember Starker introduced Council Bill No. 05-2014.

This ordinance adopts various safety-oriented restrictions on the cultivation, drying, processing and manufacturing of marijuana in residential dwellings; prohibits personal "grows" on commercial properties without proper licensing; and requires primary care-givers to acknowledge these restrictions on their license applications.

Mayor Jay opened the public hearing.

Clerk Shaver assigned Ordinance 1551.

Mayor Jay swore in City Attorney Gerald Dahl for the staff report.

Mr. Dahl explained these are legitimate restrictions that can be placed on personal grows for public safety purposes. The personal grow aspect of the marijuana industry is

not highly regulated by the state. Notable among the restrictions are the prohibition of the use of compressed gas and the prohibition of personal grows in commercial zones.

Council questions followed. The penalty phase was discussed, during which Chief Brennan noted that the level of charges will be based on the circumstances of the infraction.

There was no public comment.

Mayor Jay closed the public hearing.

Motion by Councilmember Starker to approve Council Bill No. 06-2014, an ordinance amending Chapters 26 and 11 of the Wheat Ridge Code of Laws by the addition of new section 26-639 concerning marijuana and amending paragraph 11-321(b)(8) concerning applications for primary care-giver licenses, on second reading, and that it take effect upon final adoption and signature of the Mayor; seconded by Councilmember DiTullio; carried 8-0

ORDINANCES ON FIRST READING

3. Council Bill No. 08-2014 – amending the Wheat Ridge Code of Laws concerning the keeping of Dwarf Goats

Councilmember Langworthy introduced Council Bill No. 08-2014.

- Dwarf goats to be allowed under large and small animal codes
- Lots with less than 9,000 sq ft of open lot area are limited to three goats.
- Un-neutered male goats will not be allowed.
- Restrictions for shelter structures are similar to those for other small animal and poultry structures.
- For lots larger than 9,000sq ft six dwarfs goats equal one horse equivalent unit.
- Requires 130 sq ft of permeable area per goat.

Motion by Councilmember Langworthy to approve Council Bill No. 08-2014, an ordinance amending the Wheat Ridge Code of Laws concerning the keeping of dwarf goats, on first reading, order it published, public hearing set for Monday, July 14, 2014 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember DiTullio; carried 8-0

DECISIONS, RESOLUTIONS AND MOTIONS

4. Resolution 36-2014 – approving Hopper Hollow Park as the name for the new park located at 44th Ave. and Kendall St.

Councilmember Urban introduced Resolution No. 36-2014.

The name Hopper Hollow Park bears tribute to grasshoppers and was submitted by Susie Seeds.

Mr. Dahl explained a procedural amendment to the motion that is recommended. The park-naming process is for existing parks. Since this is a new park, Mr. Dahl recommended an amendment to that policy so that no further action items will be necessary.

As to which category the new name satisfies (event, person, donor or place name), Joyce Manwaring explained it is a place name - representing the character of the park.

Motion by Councilmember Urban to approve Resolution No. 36-2014, a resolution approving Hopper Hollow Park as the name for the new park located at 44th Avenue and Kendall Street, and amending to the City's park naming policy accordingly; seconded by Councilmember Wooden; carried 8-0

5. Motion to approve payment to Kendra Fleischman in the amount of \$29,000 for the purchase of *TRUTH*, a bronze sculpture for the new park at 44th Avenue and Kendall St.

Councilmember Davis introduced Agenda Item #5.

Diane Robb (WR), chairman of the Cultural Commission, gave details about the direct purchase selection process that was used in this case. The sculpture is a limited edition piece that is one of five, and the only one in Colorado.

Questions from Council followed. Monies from our Open Space Fund will be used, not City public art funds. The 6 foot tall sculpture will be put on a pedestal so that it stands 10 feet tall. It will be located near 44th Avenue to increase visibility.

Motion by Councilmember Davis to approve payment to Kendra Fleischman in the amount of \$29,000 for the purchase of Truth, a bronze sculpture for the new park at 44th Avenue and Kendall Street; seconded by Councilmember DiTullio; carried 8-0

6. Resolution 37-2014 – amending the Fiscal Year 2014 Capital Investment Program Budget to reflect the approval of a Supplemental Budget appropriation in the amount of \$37,000 for the Pierce Street Bicycle Facilities Improvements

Councilmember Starker introduced Resolution No. 37-2014.

The project will install:

- dedicated bike lanes on both sides of Pierce from 26th to 38th,
- shared bike/parking lanes on both sides between 38th and 44th,
- "sharrows" between 44th and 48th.
- signs on 48th to direct bikers to the Clear Creek Trail.

\$63,000 was originally budgeted for this project. Based on direction from Council the costs for striping and signs were refined. Staff is confident the additional \$37,000 will be adequate to complete the project.

It was noted that on-street parking is preserved in most places along the route, with shared bike/park lanes from 38th to 44th.

Motion by Councilmember Starker to approve Resolution No. 37-2014 – a resolution amending the fiscal year 2014 Capital Investment Program budget to reflect the approval of a supplemental budget appropriation in the amount of \$37,000 for the Pierce Street Bicycle Facilities Improvements; seconded by Councilmember DiTullio; carried 8-0

7. Motion to award ITB-14-13, 2014 Overlay Project Base Bid and Bid Alternates 1, 4 and 5, to Martin Marietta Materials, Westminster, CO, in the amount of \$1,120,836.10. with a contingency amount of \$50,000 and authorization for the Director of Public Works to issue Change Orders up to a total contract and contingency amount of \$1,170,836.10

Councilmember Pond introduced Agenda Item # 7

Scott Brink gave the staff presentation. The contract includes:

- Asphalt overlays for various local streets (almost \$1M of the total)
- Selected Alternate Bids to obtain competitive pricing
 - (1) drainage channel improvements at the Rec Center
 - (2) pavement striping on Pierce for the new bike lanes
 - (3) speed bump installation on eligible streets per the NTMP program

Discussion and questions followed.

Motion by Councilmember Pond to award ITB-14-13, 2014 Overlay Project Base Bid and Bid Alternates 1, 4 and 5, to Martin Marietta Materials, Westminster, CO, in the amount of \$1,120,836.10, with a contingency amount of \$50,000 and authorization for the Director of Public Works to issue change orders up to a total contract and contingency amount of \$1,170,836.10; seconded by Councilmember Starker; carried 8-0

8. Resolution 38-2014 – amending the Fiscal Year 2014 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation for the purpose of sponsoring the 2014 Wheat Ridge High School Farmers 5000

CITY MANAGER'S MATTERS

Mr. Goff reminded Council of the Special Study Session Wednesday at 6:30 to discuss the results of the phone poll. ~ He announced the District Meetings for the public on Monday, June 30. The District I & II meeting will be at City hall. The District III and IV meeting is at the Rec Center. The meetings are at 6:30. ~ He reminded all that the July 7th City Council Study Session is cancelled.

CITY ATTORNEY'S MATTERS

CITY CLERK'S MATTERS

Clerk Shaver reminded everyone tomorrow is the last day to vote in the Primary Election and folks can drop their ballots off in the drop box in the entrance lane at City Hall.

ELECTED OFFICIALS' MATTERS

Mayor Jay announced the recent passing of Ken Siler, former Councilman for District II from 1993-2000. He will be buried with military honors at Fort Logan Cemetery. He will be missed.

Kristi Davis gave details about the upcoming Garden Tour this Saturday. Information will be on the City website tomorrow. ~ She wanted to celebrate the increased funding for the Farmer 5000. It will increase the City's contribution by 150% (about 10% of the total revenue they netted in the previous year) and all come from outreach funds, not with a budget appropriation.

Zachary Urban reminded everyone to come to the parish festival at Sts. Peter & Paul this weekend – Friday, Saturday and Sunday. It's a community event with live music and local food. Everyone is welcome.

Bud Starker expressed thanks to all for the Criterium race; there was a lot of enthusiasm and he thinks it was a great event. ~ Due to a recent public safety incident at 29th & Chase there will be a meeting this Thursday at 6:30pm at Ye Olde Firehouse. The Police Department will be there to talk about public safety issues.

Jerry DiTullio commented on the donations for the Farmer 5000. ~ He offered condolences to Ken Siler's family. He served on Council with him. Ken was an active member of DRCOG and active when the Rec Center was passed.. ~ He distributed

fliers to Council for the public safety meeting Mr. Starker mentioned, and for the 4th of July parade being sponsored by neighbors in District I. The parade will be on 35th Avenue starting at 10:30 at the Adult Center, ending at Panorama Park and followed by a BBQ pot luck. Anyone can come. He thanked the ladies who designed the flier for the parade.

George Pond spoke on the success of the bike lanes on Pierce Street.


Tim Fitzgerald said he was happy about moving forward with the bike path.

Tracy Langworthy reminded people that there are kids out there. Keep an eye out.

Genevieve Wooden thanked the volunteers and the WRPD for their work on the Criterium.

Mayor Jay thanked WR Cyclery for all their contributions to the Criterium.

The City Council Meeting adjourned at 8:33pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON July 14, 2014 BY A VOTE OF 8 to 0


Kristi Davis, Mayor pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.