

CITY COUNCIL MINUTES

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

May 11, 2015

Mayor Jay called the Regular City Council Meeting to order at 7:02 p.m.

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

ROLL CALL OF MEMBERS

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

Absent: Genevieve Wooden (excused)

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief Daniel Brennan; Public Works Director, Scott Brink; guests and interested citizens.

APPROVAL OF MINUTES OF April 13, 2015 and Study Session Notes April 20, 2015

Without objection the minutes of April 13, 2015 and Study Session Notes April 20, 2015 were approved as published.

PROCLAMATIONS AND CEREMONIES

Mayor Jay read proclamations recognizing the following observances:

Mental Health Month

Patricia Wray, Manager of Vocational Services at the Jefferson Center for Mental Health, was present to receive the proclamation. She spoke and listed numerous services and programs for mental health and wellness that JCMH provides. The vocational services center is located at Summit House near 38th & Pierce. She thanked the City for receiving them as part of the community. She also presented the Council with packets of information.

Kiwanis Clubs 100th Anniversary Celebration (Observed during 2015)

CITIZENS' RIGHT TO SPEAK

Kristine Disney (WR) thanked the City and the Council for its support of WR2020's marketing and positioning events. As a Board member she is chair of the Mid Century and Modern Home Tour event on September 26 which will feature 6 homes this year.

Ticket sales will start in July. WR2020 just hosted the Welcome to Wheat Ridge chartered bus tour for 40 people. June 7 is the WR Criterium. It will be bigger than last year. Volunteers are needed; contact WR2020 to help.

Rachel Hultin (WR) spoke on behalf of a group of citizens who met last Saturday to talk about 38th Avenue. She listed reasons why they care about 38th Avenue and how they believe it will contribute to the community. She listed what qualities they believe should have to be reflected. They recognize we all need to be open to compromise about the specifics as long as the final plan embraces these qualities. She presented a list of names of the 24 people who contributed to the conversation.

Vivian Vos (WR) said when the plan for 38th Avenue is discussed she hopes a four lane plan will be one option that is presented to the people for consideration.

Larry Mathews (WR) continued his Wheat Ridge lifestyle chapters with "The European Model". At the last Council meeting the City Engineer presented some diagrams we hadn't seen before. During the discussion there were no calculations or sound engineering principles given as to why we'd want to do this. The rationale given was "That's how they do it in Europe," and "That's how everybody else does it." It seems the reason for adopting the European model is always we "need to" or "have to". This stops conversation because the conclusion is already foregone. Sometimes this isn't based on fact – just "we need to", and often there is not even a "because" given. He shared personal observances of the bicycle lifestyle in Europe that is incongruent with how we do things in America. Our ancestors came here to get away from "the European model" and created the "American model" – which works very well.

Zach Dunlop (105 W. 3rd Avenue) works for Jeffco Public Health on the Tobacco Prevention Initiative. He spoke to tobacco and marijuana use in parks – specifically Discovery Park. Five area high schools have clubs called Breathe Easy Teams who work to prevent tobacco in their communities and in their schools. Each Earth Day they have a cigarette butt pick-up to raise awareness of the problems of tobacco litter and teen smoking and the benefits of smoke-free public policy. This year Lakewood students went to Discovery Park; Wheat Ridge students went to Crown Hill. He displayed a jar of cigarette butts that were picked up at Discovery Park and said while at the Park they saw people smoking, using vaporizers, and using marijuana.

Students from the Breathe Easy Team from WRHS spoke.

Clair Boggs (Lakewood) said the mindset at the school is that Discovery Park is where kids go to ditch, smoke and get high. She feels the park has the potential to be a community asset, but the current environment is not conducive for children and families. She asked the Council to pass an ordinance enforcing smoke and vapor free parks.

Savannah Pride (Lakewood) said Discovery Park was made to be a safe clean place for children and the community -- not a place for people to leave their toxic waste. It would mean a lot to the BE team and the rest of the community to show what a lovely place Discovery Park is.

Rachel Braun (WR) nanny's for a family that lives near Discovery Park. She can't take the children to Discovery Park because there are cigarette butts there and people smoke

cigarettes and marijuana there. There's so much toxic waste there. She'd love to see the park become a healthy environment for everyone.

Charmaine Brittain (Lakewood), a mother of a WRHS student, has spent years in Wheat Ridge parks. She knows these cigarette butts are a drop in the bucket. She said since the smoke free park rule was passed (not an ordinance) a lot has changed. The City is really coming on. If we enforce ordinances that continue to make our City beautiful, more people will want to live here and enjoy this park. She's impressed with the efforts to improve Wheat Ridge including passing a smoke free ordinance that includes vapor devices. She elaborated on the negative aspects of vapor devices. Golden, Edgewater, Lakewood and Arvada have passed laws prohibiting electronic smoking devices in places that are smoke free by law. They are not normal, not OK, and not healthy. As a society we need to change the laws to say that vaping is just like smoking. On behalf of the smoke free coalition she asked Council to have a study session to revisit making smoke free parks an ordinance.

APPROVAL OF AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Resolution No. 29-2015 – a Resolution establishing a street width for 32nd Ave. from Kipling Street to Wadsworth Boulevard

Councilmember Pond introduced Resolution No. 29-2015.

The section of 32nd Avenue from Wadsworth to Kipling is scheduled for resurfacing this year. It will be cost efficient to combine this project with the addition of bike lanes. Re-striping the lanes triggers a street width designation by Council.

Mayor Jay opened the public hearing.

Staff presentation ~ Scott Brink

- 32nd Avenue west of Kipling and east of Wadsworth has curb and gutter and is not an issue.
- 32nd Avenue from Wadsworth to Kipling has no curb and gutter. Where no curb is present, the flow line is from one edge of the driving surface to the other.
- Since the width of 32nd Avenue from Kipling to Wadsworth is to be set at 20 feet for cars, the flow line is being changed and the Charter provision for street width kicks in.
- Additional asphalt of 1-3 feet (depending on the existing width) will be added outside the traffic lanes to build 3 foot wide bike paths.
- From the high school west there is curb on the north side, but not on the south side, so the width needs to be designated there also.

Council questions

- Kipling to Holland is proposed to be 36 feet due to the turn lane.
- The bike paths are not considered part of the street where there are no curbs.

- Mr. Dahl has drafted changes to provide that changing the white fog lines but not eliminating/adding driving lanes is *not* considered a street width change.
- The multi-use path in Crown Hill is not chosen by cyclists because they don't want to encounter pedestrians and they want to travel faster (20 mph).
- The multi-use trail being installed on Kipling will require bikers to share with pedestrians. On-street bike lanes are not feasible right now since Kipling is a state highway -- maybe someday in the future when Kipling is redesigned like Wadsworth.
- The multi-use trail on 32nd is 10 feet -- similar to the Kipling trail.

Public comment

Michael Zinati (WR) asked if cyclists have to use the bike path, or can they use the street? Per Jerry Dahl cyclists can use the street and are required to follow the rules of the road. Staff concurred that they can use either, but they shouldn't impede traffic. Where bike lanes exist, riding outside the lanes and impeding traffic is a violation.

Marcie Emily (WR) lives on 32nd Avenue. She thanked the City for doing the bike path, but noted the water is not draining on the south side of 32nd. In the recent rain it has been very bad and she hopes drainage will be addressed in this process.

Rick Somerville (WR) indicated a number of residents of Paramount Heights and the Wattrous Lateral that were in the audience. They just found out about this widening and they have lateral ditch rights that run from Kipling to the High School. The ditch is very close to the asphalt on the south side of 32nd. The City has installed signs within 8 inches of the ditch. The best way to clean the ditch is with a small tractor/machine. If more asphalt is added that won't be possible. The existing pavement is 34 feet; adding 2 more feet will make a big difference. They shouldn't have to move their ditch. The ditches have been there a long time and have a prescriptive right of way. They don't want to see this plan gently squeeze them out of the ability to clean their ditch. They feel like they haven't been talked to. They don't see a solution for this yet, and they want to put the City on notice that there must be something to protect the ditch rights.

Monica Young (WR) lives near WRHS and maintains the ditch. She told how people rely on this ditch. The water has a right to flow in that ditch, and since 1966 that water has had the right to flow from 32nd down to the Rocky Mountain Ditch. It should not be affected. That should be respected.

Jenny Shaver (WR) lives on 32nd Avenue and attended the bike path meeting. She is pleased with the bike lanes, but was disappointed the letter that was sent out for the street width was not transparent. It talks about the width of the road but has no mention about adding extra asphalt for bike paths. She thinks the bike paths will be safer for bikers, but not all cyclists follow the law. She said speed is a real issue and elaborated. She asked for verbiage to ensure that the street not be widened any further. The wider street causes people to speed. She feels this is an opportunity to keep it at a narrow width so it isn't a faster highway than it already is.

Eric Wilson (WR) lives on Jay Street. He's tried commuting on the multi-use path but almost collided with a walker that had ear buds in. He doesn't use it now. He thinks the

on-street lanes will be safer and cars will have to slow down. He hopes the ditch issue can be solved.

Joe Pettit (WR) is a cyclist and active user of 32nd Avenue. He said that between Kipling and Holland is dangerous. He could use the multi-use path but then he would endanger others. He wants to be able to ride on the road, and he thinks it's exceedingly important to slow down the traffic.

Caroline Mallory (WR) asked if there has been any investigation into the plan to put 450 new homes on Applewood Golf Course and how that will impact safety and traffic on 32nd Avenue. We need to be considering something other than just our borders.

Rachel Hultin (WR) said that multi-use trails used by assertive cyclists are dangerous. In the past year there have been several fatalities where cyclists hit pedestrians on multi-use trails. Research shows that having separate facilities for cars, cyclists and pedestrians is the safest. We need to consider the 40% of our population that can't drive due to age, ability or income and be inclusive. She supports enforcement for all. She appreciated hearing about the water; it's a valuable part of our heritage and she hopes the solution can accommodate that too.

Scott DeLong (WR) lives north of Lutheran Hospital. He appreciates that WR is bike friendly and he supports the bike lanes on 32nd. He said this stretch is dangerous and slowing the cars down will make it safer. He uses the multi-use trail, but doesn't think it's appropriate for every cyclist.

Councilmember Starker read a letter from Dave Kueter 5837 W. 29th addressed to the Mayor and Councilmembers Starker and DiTullio. The letter expressed support for the street width designation, the additional funding for the bicycle improvements, and the exclusion of the bike lanes from the street width designation. He appreciates the City's continued efforts to provide active transportation for all its citizens.

Mayor Jay closed the public hearing.

Mr. Brink addressed the following concerns from Councilmember Pond:

- The width of asphalt to be added will range from 1-3 feet wide depending on the location within the corridor depending on existing width.
- Mr. Brink said they can't have a negative impact on the ditch. Staff thinks they can squeeze the bike lane in next to the ditch and make it work, but will take another close look at it.
- Mr. Brink said improving drainage has been on staff's mind throughout the whole design process. All the rain has actually helped show the problems. Ideally they would like to put curb, gutter and storm sewer in, but that won't be part of this project.

Motion by Councilmember Pond to approve Resolution No. 29-2015, a resolution establishing a street width for 32nd Avenue between Wadsworth Boulevard and Holland

Street at 20 feet and between Holland Street and Kipling Street at 36 feet; seconded by Councilmember DiTullio; carried 7-0.

ORDINANCES ON FIRST READING

2. Council Bill 09-2015 – an ordinance authorizing the issuance of the City of Wheat Ridge, Colorado Development Revenue Note in a principal amount not to exceed \$1,000,000 to finance improvements to the Seniors' Resource Center

Councilmember Starker introduced Council Bill 09-2015

The City will act as a conduit for tax exempt financing the construction of Phase 2 at the Seniors Resource Center. This will allow the SRC to receive a much better interest rate. The City will incur no financial liability.

Motion by Councilmember Starker to approve Council Bill No. 09-2015, an ordinance authorizing the issuance of the City of Wheat Ridge, Colorado Development Revenue Note (Senior' Resource Center, Inc. Project), Series 2015 in a principal amount not to exceed \$1,000,000 to finance certain facilities that provide day care, respite, transportation and other services to seniors; authorizing the execution and delivery by the City of a financing agreement, a note and closing documents in connection therewith; making determination as to the sufficiency of revenues and as to other matters related to the project; ratifying action heretofore taken and providing other matters relating thereto, on first reading, order it published, public hearing set for Monday, June 8, 2015 at 7 p.m. in City Council Chambers, and that it take effect immediately upon adoption; seconded by Councilmember DiTullio; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

3. Resolution No. 28-2015 – a Resolution amending the Fiscal Year 2015 Capital Investment Program Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$68,576 as additional funding to fund the 2015 Bike and Pedestrian Improvements and awarding a contract for the 2015 Overlay/Concrete Rehab to Martin Marietta Materials, in the amount of \$2,516,276.68.

Councilmember DiTullio introduced Item 3. He presented two additional options for the resolution to increase the amount of funding for preventative maintenance.

Scott Brink said the option in the packet calls for adding \$68,576 for bike paths. Concrete rehab work and speed humps were also added to get a better price. Some pieces of the overall RFP bid came in higher than expected, so about \$235,000 worth of street maintenance and other elements of the project were removed from the overlay schedule. That is reflected in the resolution in the packet.

Mr. Brink explained that both alternate options restore various overlay elements that were eliminated due to budget constraints.

- Option A for \$2,751,307.02 restores funding for mill and overlay for the two streets that had been eliminated.
- Option B for \$2,777,671.79 restores funding for the two extra streets, plus concrete rehab at Rec Center and Active Adult Center.

Discussion followed. As questions were answered and clarifications were made there was support for Option B.

[The motion is Option B. Additional wording to reflect the change is underlined.]

Motion by Councilmember DiTullio to approve Resolution No. 28-2015 – a Resolution amending the Fiscal Year 2015 Capital Investment Program Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$68,575.03 as additional funding to fund the 2015 Bike and Pedestrian Improvements, a supplemental budget appropriation in the amount of \$261,395.11 as additional funding to fund the 2015 preventative maintenance projects, and awarding a contract for the 2015 Overlay/Concrete Rehab to Martin Marietta Materials, in the amount of \$2,777,671.79; seconded by Councilmember Starker; carried 7-0.

- 4.** Motion to approve the annual support and licensing renewal for the Cartegraph System in the amount of \$46,064 to Cartegraph, Inc.

Councilmember Langworthy introduced Item 4.

This renewal is necessary to maintain the software for the City. This was approved in the 2015 Information Technology Budget. The package is all-inclusive for licensing, tech services, software upgrades, bug fixes and patches, and all technical support necessary.

Motion by Councilmember Langworthy to approve the annual support and licensing renewal for the Cartegraph System to Cartegraph, Inc. in the amount of \$46,064; seconded by Councilmember Starker; carried 7-0.

- 5.** Motion to cancel the Study Session of the Wheat Ridge City Council on July 6, 2015, due to the Independence Day Holiday

Councilmember Davis introduced Item 5.

Motion by Councilmember Davis to approve the motion to cancel the Study Session of the Wheat Ridge City Council on July 6, 2015, due to the Independence Day Holiday; seconded by Councilmember Fitzgerald; carried 7-0.

DISCUSSION ITEMS

1. Amendments to non-smoking ordinance to comply with Clean Air Act

Mr. Dahl elaborated on the memo. Our smoking ordinances in Article II of Chapter 9 of the Code is antiquated; it dates to 1977 -- before the state outlawed smoking in restaurants. We have three options for updating:

- 1) Delete the article in its entirety and rely on state statute.
- 2) Amend the Article to mirror state law. (The 15' buffer could be increased or decreased.)
- 3) Adopt Code provisions, whether in the Article or elsewhere, to prohibit public consumption of marijuana and tobacco products by means other than smoking (vaping, e-cigarettes, etc.)

Options 2 and 3 could both be pursued.

Discussion followed, including the issue of smoking in parks.

Councilmember DiTullio received consensus to bring back to a study session Options 2 and 3 for further discussion as a potential ordinance or rule.

2. Amendments to City Alarm Ordinance ~ Chief Brennan

Our Code currently requires the Police Department to implement a licensing scheme for alarm providers to assess and collect charges for repetitive false alarms. This provision dates to 1977. Most police departments, including ours, discontinued the practice of dealing with false alarms; it was too costly and there are too many variations. We now respond only to alarms that have been verified with another system.

The Police Department is recommending amending Article V of Chapter 19 to eliminate the licensing and charge-imposition provisions.

The Council was comfortable having these ordinance changes come directly to first reading.

CITY MANAGER'S MATTERS

Mr. Goff announced the 44th Avenue Cruise is rescheduled to this Saturday, weather permitting. Due to another event scheduled there will be no ending activities at Anderson Park. It will just be starting at Seyfer Automotive and cruising up and down 44th Avenue. ~ The Colfax Marathon is Sunday. He and Mr. Dahl are part of the Wheat Ridge relay team.

CITY ATTORNEY'S MATTERS

Mr. Dahl alerted Council to a memo he's put in their boxes (as they asked for) about our current ordinance pattern for regulation of massage, massage parlors, etc. It includes City law, state statutes and case law.

ELECTED OFFICIALS' MATTERS

Tracy Langworthy announced that Natural Grocers will be opening soon. There will be events beginning May 19th. May 23 11-4

Jerry DiTullio asked Mr. Dahl if he has run into any snags in the construction defect ordinance. Mr. Dahl said the ordinance is completed and will be in Council's study session packets for next week.

Mayor Jay thanked the citizens who came in to speak tonight.

ADJOURNMENT

The meeting was adjourned at 8:56 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON June 8, 2015



Bud Starker, 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.