

CITY COUNCIL MINUTES

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

September 14, 2015

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	Zachary Urban	Bud Starker
Tim Fitzgerald	George Pond	Tracy Langworthy Genevieve Wooden

Absent: Kristi Davis

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Parks Director, Joyce Manwaring; Police Chief Daniel Brennan; Public Works Director, Scott Brink; other staff and interested citizens.

APPROVAL OF MINUTES OF Study Session Notes of August 17, 2015

Without objection the Study Session Notes of August 17, 2015 were approved as published.

PROCLAMATIONS AND CEREMONIES

Cities and Towns Week

Mayor Jay read a proclamation celebrating the week of September 13-18 as National Cities and Towns Week. ~ City Manager Patrick Goff announced some activities that are planned: Sept 16 - free yoga class in Hayward Park from 10-11am; Sept 17 – a walk through Wheat Ridge with the Mayor, citizens and the Walk to Connect group from 9-10am beginning at Right Coast Pizza. He also honored two exemplary employees: John Waters (Parks Dept) who has taken care of the Rec Center since it opened and won the Action employee award this past year; and Marsha Buckley (Courts Division). Judge Randall offered words of praise for Marsha's efficient management of the Court's payment plans process for fines. John and Marsh both expressed thanks.

Kiwanis International 100th Anniversary

Mayor Jay read a proclamation honoring the centennial of the Kiwanis International organization and declaring the year 2015 to celebrate the Wheat Ridge Kiwanis Club.

CITIZENS' RIGHT TO SPEAK

Larry Mathews (WR) suggested folks join him in putting a blue bulb in their porch light to show support for police. He related a personal story about hearing gun shots at 1am, calling 911 and having police respond. He is thankful that even in our sleepy community we have people who respond to emergencies in the middle of the night.

Diane Robb (WR) gave reasons why her family wants 300 defeated. She believes the City was in decline, but now exciting development is happening. She doesn't want to go back 20 years when we were stagnant and dying. She feels 300 is anti-business, will put us at a competitive disadvantage, will stifle new opportunities for shopping, dining and entertainment, and push jobs, revenue and opportunities to our neighbors.

John Clark (WR) expressed support for Larry Mathews' blue light idea and would like to see police action on the I-70 frontage road when street racing is going on. ~ He encouraged everyone to read about question 300. He doesn't think it will stagnate Wheat Ridge or stifle growth. It just gives voters a chance to take a look at TIF's over \$2.5M. TIF's under \$2.5M wouldn't even be affected. Anything larger is reasonable to let voters have a say, and it doesn't mean they would necessarily vote down a large TIF if it's a good project. He also reminded that TIFs do take money away from schools.

Kim Calomino (WR) noted we've had storm water issues for a long time in some neighborhoods and at some major intersections. She encouraged Council to consider forming a storm water utility or another means for us to all chip in and solve these problems.

Lorrie Odom (WR) thanked Council for adding vaping to the smoke free ordinance and for expanding it beyond state law. She cited two recent studies indicating that e-cigarettes increase the likelihood of progression to regular cigarettes by early adolescents. She also noted a law suit that was filed recently against several e-cigarette manufacturers because of the high level of cancer causing chemicals produced by these devices. The Center for Environmental Health has concluded that vaping is not safe - which is troubling given the industry's reckless marketing tactics that target youth and make unfounded safety and health claims.

Bob Doyle (Aurora), executive director of a Colorado tobacco education group, thanked City staff and the Council for additions to the smoking ordinance which will prohibit hookah/vapor lounges. He cited several articles illustrating how the marijuana vaping industry is moving to conceal the use of marijuana in their products -- high school kids in Lakewood concealing marijuana in school; pure THC that is made to look like e-juice; a vapor device company showing their product being used [illegally] in a bar. He left a number of handouts for Council about vaping.

Peter Crouse (Broomfield), the owner of Infinitus Pie, spoke in opposition to 300. He thinks it will say WR is not open for business, that it will discouraged revenue and lead to cutting of services. He thinks Broomfield has a lot of money and provides good services because it has used TIF's multiple times. He believes the \$2.5M limit will turn developers away and will be deleterious to our tax base.

Griff Worth (WRHS principal) thanked the City for supporting the Farmers 5000. He had t-shirts for the Council. He listed additions for the event this year – a cow pie bingo and tractor trailer ride for kids on Sunday morning, and a spaghetti dinner at the school on Saturday night. ~ He also announced the school's partnership with Lutheran Hospital for three events. (See www.pinkshowdown.com for details)

- The 2nd Annual Pink Showdown football game (WR vs Dakota Ridge) Thursday, September 24, 4pm, Jeffco Stadium, in support of breast cancer awareness.
- Ticketed event: The Pink Showdown Pep Rally, Wednesday, September 23, 7pm, WRHS Auditorium, featuring Shelley Smith, ESPN reporter, WRHS Alumni ('75) and recent breast cancer survivor.
- Ticketed event: A Homecoming – "A Night with Freddie Steinmark and Friends" with Bower Yousse, Wednesday, September 30, 7pm, WRHS Auditorium, with keynote presentation and book signing – Faith, Family, Football. The actor who plays Freddie in the movie will be present.
- Homecoming game to honor Freddie Steinmark, Thursday October 1, 7pm, Jeffco Stadium. Wear #43 in his honor.
- "My All American," the movie based on Freddie's story, will open in theaters Friday, November 13.

APPROVAL OF AGENDA

Councilmember Starker asked Council to join him in requesting that the announcement of the 6:45 Pre-meeting be removed from the Agenda as this meeting doesn't take place and hasn't for some time. Clerk Shaver said she would pass that on to the people who prepare the agenda.

Mayor Jay listed the candidates who are running for City Council, Treasurer, and Clerk this year.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill 19-2015 – An ordinance amending Chapter 26, Article VIII, of the Wheat Ridge Code of Laws concerning Floodplain Regulations

Councilmember Pond introduced Council Bill 19-2015.

These amendments will introduce additional safeguards to improve public safety, enhance hazard protection, and provide potential savings for residents in flood zones.

Clerk Shaver assigned Ordinance 1581.

Mayor Jay opened the public hearing.

Mark Westberg gave the staff presentation. Major provisions include:

- Landlords must disclose floodplain status to tenants
- Lot surveys must show the floodplain boundaries

- Construction sites must be staked to show the limits of the floodplain
- No new septic systems in the flood plain

These steps will add 41 points to the City's floodplain status. With 2021 points we are currently rated a Class 6, which only 7 communities in Colorado have. This provides a 20% discount on flood insurance for folks in floodplains. New ratings have been delayed a year because the floodplain people have been busy the last two years, but he still thinks we can get to Class 5, which only 3 other communities have. This will give a 25% discount. A Watershed Masterplan will be required to reach Class 4.

There was no discussion.

Mayor Jay closed the public hearing.

Motion by Councilmember Pond to approve Council Bill No. 19-2015, an ordinance amending Chapter 26, Article VIII, of the Wheat Ridge Code of Laws, concerning floodplain regulations on second reading, and that it take effect 15 days after final publication; seconded by Councilmember Starker; carried 7-0.

ORDINANCES ON FIRST READING

2. Council Bill 21-2015 – An ordinance amending Sections 16-224, 16-225 and 16-226 of the Wheat Ridge Code of Laws, concerning Massage Parlors, to delete references to obsolete State Statutes and clarify Statutory Authority

Councilmember DiTullio introduced Council Bill 21-2015.

This ordinance will delete references to three obsolete state statutes that were repealed as of August 5, 2015. The City will retain its right to license and regulate massage parlors (establishments that employ *non-licensed* massage therapists).

Motion by Councilmember DiTullio to approve Council Bill 21-2015, an ordinance amending Sections 16-224, 16-225 and 16-226 of the Wheat Ridge Code of Laws, concerning massage parlors, to delete references to obsolete state statutes and clarify statutory authority, on first reading, order it published, public hearing set for Monday, September 28, 2015, at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication, seconded by Councilmember Pond; carried 6-1, with Councilmember Urban voting no.

DECISIONS, RESOLUTIONS AND MOTIONS

3. Resolution 38-2015 – a resolution supporting the Jefferson County Library Mill Levy Increase on the November 3, 2015 Ballot

Councilmember Wooden introduced Resolution 38-2015.

The Jefferson County Library Trustees are seeking to increase the Library's mill levy from 3.5 mills to 4.5 mills. This would add about \$1.95 per month to the average homeowner's

property tax. The additional revenue would be used to restore services to pre-recession levels.

Public Comment

Larry Mathews (WR) spoke against the resolution supporting the mill levy increase for the Library. He listed several statements in the packet and the resolution he believes are not factual, and explained why:

- An increased mill levy *does* have a financial impact on citizens.
- There is no guarantee that the increased revenue will be used to restore library services to pre-recession levels
- Saying that revenues from the mill levy will enable the Library to increase hours of operation in all libraries, provide more books and materials, update technology and stabilize library finances is only a theory, and not a fact.
- The County Commissioners control the money, are not required to give the Library their full funding, and have not been.

He encouraged Council to instead support a resolution that would require the County Commissioners to give the Library its full funding.

Some people from the Library were available for questions.

- The last voter approved increase for the Library was in 1986.
- The Library is allowed 3.5 mills but the Commissioners have the authority to adjust that. The amount has varied over the years. The library currently gets 3.425 mills.
- Wording is included with the ballot issue which would "de-Bruce" the Library's mill levy and make it not subject to TABOR restrictions. It was stated this would remove the motivation for the commissioners to adjust the mill levy up or down.
- The Library Board has committed to only ask for what they need, and to ask the commissioners for the full amount.
- The Board can and has asked for the full amount in the past, but that has been politically challenging. The Library Board realizes they need to be more pro-active and ask for what they need.
- Due to budget restraints the Library currently spends \$1M less annually on books and material than it did in 2008. They do try to stock books that are popular.

Motion by Councilmember Wooden to approve Resolution 38-2015 – a resolution supporting the Jefferson County Library Mill Levy Increase on the November 3, 2015 Ball; seconded by Councilmember Fitzgerald.

Discussion followed.

- It was pointed out that there are no guarantees. If the Commissioners don't give them the full 3.5 mills now, what is the guarantee that they will give them the full 4.5 mills if this should pass?
- Libraries are a necessary utility for society, and important to all ages.
- Separating from the County and creating a special district is not cost effective. To replace the accounting and marketing services the County currently provides would cost \$2M in start-up costs and \$300K more yearly in operating costs.

Motion carried 5-2, with Councilmembers Urban and DiTullio voting no.

DISCUSSION ITEMS

1. Crime Report Update ~ Chief Brennan

Chief Brennan began with response to some references earlier in the meeting.

- He appreciates the blue porch lights and other efforts by citizens to show support for the Police Department. Local support for the Police has been very high.
- He is aware of the shots fired in the greenbelt at night. He encouraged people to report suspicious activity so the Police can check it out and catch these people.
- Racing on I-70 has been an ongoing issue for the last 5 years. Street racing in general is being addressed metro-wide. Unfortunately, the inconsistency of the times it occurs and the no-chase policy make enforcement challenging.

Crime Overview for 2014

Part I crimes are the most serious and include homicide, sexual assault, robbery, aggravated assault, burglary, larceny, auto theft and arson.

Part II crimes include lesser offenses such as simple assault, curfew, loitering, embezzlement, forgery and counterfeiting, disorderly conduct, DUI, fraud, prostitution, drug/liquor/sex/weapons offenses, runaways, vandalism, and others.

- Part I crimes are down slightly from last year, but up a little since 2009. Felony assaults (violent) are about the same; property crimes (burglary, theft, car thefts, etc.) are down.
- Our biggest Part I crimes are thefts 65%, with burglary 15%, car theft 12%, with smaller amounts of aggravated assaults, robbery, and forcible sex assaults. There were no homicides last year.
- Our Part II crimes tend to be misdemeanors: defacing property 16%, domestic disturbance 13%, domestic violence 9%, vandalism 9%, fraud/forgery 8%, simple assault 8%, crim.trespass 8%, drugs 7%, runaway 6%, DUI 6%, others minor %.
- Significant changes in Part II crimes in 2014:
 - 1st degree criminal trespass, fraud/forgery and sex assaults are down.
 - Up significantly: runaways, prostitution (likely due to proactive steps taken related to human trafficking with massage parlors) and disorderly conduct.
 - He noted there has been an increase in car break-ins in the last month.
- Calls for service are moderately high, up considerably from the previous 5 year average. Case reports (resulting from more serious calls) are up significantly.
- Traffic accidents are up. Accidents from 11am – 7 pm impact the ability to respond to other calls. Some reasons: higher traffic volume; narrow corridors with lots of lights; many rear-end collisions caused by careless and distracted driving.
- Traffic injury accidents are down; traffic fatalities are up (4 last year).
- Traffic citations are down, likely due to officers addressing other calls for service.

Summary

Part 1 crimes and traffic injury accidents are down.

Part 2 crimes and traffic citations are about the same.
Calls for service, case reports, traffic accidents and fatal accidents are up.

Councilmember DiTullio excused himself at 8:35 to tend to a personal matter.

2. Stormwater and Floodplain Infrastructure/stormwater needs ~ Scott Brink

Mr. Brink reviewed the City's efforts to create a stormwater utility. Voters turned that idea down in 2004 and again in 2008. He showed some slides of examples of places where water gathers after it rains and places with ad hoc drainage accommodations. Sometimes problems are fixed when other paving projects happen. Residents are resourceful. He asked Council for direction in addressing the issue.

Mr. Goff noted the 2016 Budget will be discussed next week and \$200,000 is being recommended for this. He added that the 2008 ballot question itemized 10 specific projects with their costs that totaled \$10M.

Discussion followed.

Mr. Goff indicated that he understands Council would like to have further detailed discussion on priorities for drainage projects and funding options.

3. Bike/Ped Master Plan Update ~ Scott Brink

The Bike/Ped Masterplan was created in 2007 and updated in 2010 and 2011. It could be updated again or another public process could be undertaken to create a long term capital investment plan.

Discussion followed, which included the connection to drainage projects, flood plain issues, and the ADA transition plan.

Staff will move forward addressing the coordination of all these issues.

4. Smoking Ordinance Revisions ~ Jerry Dahl

Mr. Dahl made the point and elaborated on the fact that this is a smoking ordinance – not a marijuana ordinance. The definition of smoking includes vaping and e-cigarettes. The focus is to protect non-smokers from second hand smoke. The social policy choice Council is making is what list a given facility will be in – no smoking or smoking permitted. Allowing smoking in certain facilities will not open the door for marijuana clubs.

Mr. Goff reported on contact from three different that have concerns about prohibiting smoking in a tobacco store.

Public comment

Nicolette Medina, one of the owners of El Cid's Cigar at 44th and Otis, pleaded with Council not to shut them down. They have a following of regular customers that come in to smoke cigarettes, cigars and pipes and have conversation. Veterans, police officers, firemen, plumbers and lawyers are among those who come in to talk about their day. She asked Council to please not put them out of business. Their family has put everything into this business. They have no cigarette items or vapor devices. Women come in to buy gifts for their husbands. There is smoke in the building but they have a good ventilation system. There is a lounge where gentlemen watch TV and chat.

Vince Caravellas (WR) patronizes El Cid's. He said lots of veterans come there. It's good therapy for them. They enjoy it and he asked that Council please not take this away from them.

There was considerable discussion about how to accommodate the type of business such as El Cid's. Currently it is legal; wording in the proposed ordinance would prohibit it. Mr. Dahl advised that allowing smoking in a "tobacco business" would accommodate this type of business.

Councilmember Fitzgerald received consensus to place businesses whose primary focus and income is the manufacture and sale of tobacco products be moved into the "smoking permitted" category.

CITY MANAGER'S MATTERS

Patrick Goff thanked everyone who came to the Ridgefest. The estimated attendance was 5,000; it was very successful.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Janelle Shaver reported attending the CPPC (Colorado Public Plan Coalition) conference last week with Chief Brennan and Division Chief Lorentz as members of the Police Pension Board. It was an excellent conference dealing with a variety of topics related to portfolio management. ~ She noted how much she is looking forward to the upcoming events to celebrate and honor Freddie Steinmark. She saw him play and graduated the same year he did. She encouraged people from and near the Class of '67 to spread the word about the upcoming events. He was a tremendous athlete.

Zach Urban reported attending a seminar at the Dept of Regulatory Agencies concerning prostitution and human trafficking. Wheat Ridge was well represented. He explained that he voted against the massage parlor ordinance tonight because we need to look at our program of licensure and regulation. As it stands we have neither.

Genevieve Wooden noted that besides the Farmer 5000 this Sunday there is also an event called Connect 2 Creek, a wetlands art and stewardship festival and community mural, from 1:00-4:00pm at Lena Gulch by the Rec Center. Details are available at the website www.connect2creek.org. ~ She thanked all the City employees for everything they do for Wheat Ridge. ~ She has posters available of all the fall sporting events at the high school.

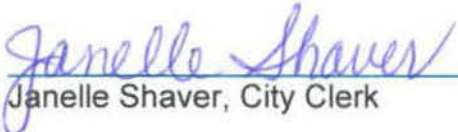
Tracy Langworthy shared how much the kids loved the Ridgefest. ~ She thanked one of the police chaplains, Scott, a member of Holy Cross Lutheran Church, who on Saturday had the first annual Feed the Future 5K run. It wasn't highly publicized, but raised almost \$4,000. ~ She also announced that Saturday, September 26, 1-5:00pm, is the Mid-Century & Modern home tour. Tickets are available on WR2020's website.

George Pond reported having a great time at the Ridgefest. ~ He thanked everyone who came to the District 3 Coffee with Council.

Mayor Jay added that at the Connect 2 Creek event decorated door panels painted by locals will be hung in the Lena Gulch tunnel.

ADJOURNMENT

The meeting was adjourned at 9:44pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON September 28, 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.