

# **CITY COUNCIL MINUTES**

**CITY OF WHEAT RIDGE, COLORADO**  
**7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING**

**October 10, 2016**

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**

Monica Duran	Zachary Urban	Kristi Davis	
Tim Fitzgerald	George Pond	Larry Mathews	Genevieve Wooden

Absent: Janeece Hoppe

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; other staff and interested citizens.

### **APPROVAL OF MINUTES of September 26, 2016 and Study Session Notes of September 12, and September 19, 2016**

There being no objection, the Minutes of the Regular City Council Meeting of September 26, 2016 and Study Session Notes of September 12 and September 19, 2016 were approved as published.

### **PROCLAMATIONS AND CEREMONIES** none

### **CITIZENS' RIGHT TO SPEAK**

**John Clark** (WR) asked again where all the "pot money" has gone, have we had enough tax increases, what will be taxed next, and how much is enough? He encouraged people not to be afraid to vote no on 69, 72, 3A or 3B, or 4B. It doesn't mean you are against healthcare and for smoking, or against schools or against art and culture. He noted the premier art display in Wheat Ridge got no money from SCFD funds or the WR Cultural Commission; it was done by high school kids. Voting no on 2E doesn't mean you are against growing the City; it may mean you prefer private sector growth over public sector growth. Wadsworth will get done without 2E -- in a more sensible and less intrusive manner. He pointed out the City has known about the Gold Line coming in since 2003, but did nothing. Read the language and look at the plans. Don't be afraid to vote no.

## **APPROVAL OF AGENDA**

### **1. CONSENT AGENDA**

- a) Motion to approve payment to ESRI Inc. in the amount of \$44,142.46 for the annual license renewal for the Geographic Information System *[budgeted]*

Councilmember George Wooden introduced the Consent Agenda

**Motion** by Councilmember Wooden to approve payment to ESRI, Inc. in the amount of \$44,142.46 for the annual renewal of the Geographic Information System; seconded by Councilmember Davis; carried 7-0.

## **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

- 2.** Council Bill No. 23-2016 – An Ordinance amending Section 26-711 of the Wheat Ridge Code of Laws, concerning Billboards, to establish a Billboard Vacancy Process (Case No. ZOA-16-05)

This ordinance will codify the current administrative policy in use for the declaring, advertising, and filling of a billboard vacancy.

Councilmember Davis introduced Council Bill 23-2016.

Mayor Jay opened the Public Hearing.

Clerk Shaver assigned Ordinance 1610.

### **Staff report**

Lisa Ritchie, City Planner, gave a brief introduction. She noted that Council chose not to address any development standards such as height. This ordinance is only about the vacancy process. We have 16 billboards within our city boundaries

There was no public comment, or questions or discussion by the Council.

Mayor Jay closed the Public Hearing

**Motion** by Councilmember Davis to approve Council Bill 23-2016, an ordinance amending Section 26-711 of the Wheat Ridge Code of Laws, concerning billboards, to establish a billboard vacancy process on second reading, and that it take effect upon adoption and signature of the Mayor; seconded by Councilmember Duran; carried 7-0.

- 3.** Council Bill No. 22-2016 –an Ordinance repealing and reenacting Section 26-615 of the Wheat Ridge Code of Laws concerning Commercial Mobile Radio Service



and adding conforming amendments in connection herewith (Case No. ZOA-16-04)

City code regulations concerning cellular communication towers have not been updated since 2001. Revisions are needed to align the code with current technology and FCC regulations concerning Commercial Mobile Radio Service (CMRS).

Councilmember Mathews introduced Council Bill 22-2016.

Clerk Shaver assigned Ordinance 1611.

Mayor Jay opened the Public Hearing.

#### Staff report

Lisa Ritchie gave a brief introduction.

The ordinance includes the definition of "substantially change" and timelines to ensure the City complies with FCC regulations. It also has modernized language, a streamlined review and approval process, and includes requirements for co-location where possible. Free-standing and roof/structure-mounted facilities are addressed. The ordinance strives to balance higher design standards with the increased technical capacity of providers.

Ms. Ritchie referenced a letter from the Wireless Policy Group (WPG) that is in the Council's packet and replied to the requests they are making.

- The City Attorney does recommend two changes: one related to the "substantial change" test and to remove the "interference" section.
- The City attorney and staff feel the balance of the ordinance is consistent with federal law and do not recommend changes to the other provisions.
- Related to siting in residential zones, staff recommends no changes. This ordinance does allow roof and building/structure mounted facilities on multifamily and non-residential uses such as churches.
- The proposed ordinance increases the allowed height for the antennae so greater technical capacity is provided in residential zones.
- Regarding co-location WPG requests not requiring a third party technical study when disagreement occurs between applicants. Staff believes the third party request is reasonable; other jurisdictions have it; it provides extra assurance from outside technical experts.
- Regarding adjustment to standards, WPG suggests a specific variance process to consider variances to standards. Staff doesn't support this; no other section of our code has a separate variance process, to date there have been no cases of requests for variances for CMRS.

There were no questions from Council.

**Jennifer Price** from AT&T noted that the requests made by WPG were done so on behalf of AT&T.

- She recognized the work staff did on the code – providing good balance for the needs of providers and the community; they appreciate the inclusion of their request to make it consistent with federal law.

- Ms. Price provided handouts for the Council and focused her remarks on why they believe it is important for the City to be open to allowing new free standing wireless facilities in residential neighborhoods.
- A lot of work has been done in the wireless world to stealth the towers and hide them in plain sight. Vendors actually prefer to collocate as it saves time and money, and she believes they should be pushed to go that direction.
- However, since 2007, AT&T's wireless data usage has increased 150,000%. Nationally, 40% of households are wireless and have no landline. In Colorado it is 50%. She explained how infill is necessary as demand increases.
- The City should not exclude from the discussion that the industry can hide in plain sight better than on roofs and sides of buildings.
- She encouraged the City to provide options; stringent regulations are acceptable. The process staff created is excellent; what hurts is when it is not allowed.

Discussion followed.

Staff was asked to respond to Ms. Price's requests.

- Towers have traditionally not been allowed in residential and agricultural zones -- which includes most parks and several churches. It would be a new category.
- There is a Special Use Permit process in the new ordinance; discretionary review would be appropriate.
- If there's a neighbor complaint or opposition from the applicant it goes to Council review.
- A new free-standing tower requires a Special Use Permit.
- As written, the proposed code changes don't address architectural compatibility or neighborhood compatibility for free standing towers as well as for roof top.

Mr. Johnstone advised that 30 days should be adequate to allow time for staff to make some changes as discussed

**Motion** by Councilmember Mathews to continue the public hearing to the November 14 meeting; seconded by Councilmember Fitzgerald.

Councilmember Urban inquired about application in the MUN zone. Ms. Ritchie stated the Planning Commission recommended including MUN with residential and agricultural. There was discussion about allowing facilities in the residential zone if residential is not the primary use.

The motion to continue carried 7-0.

#### **ORDINANCES ON FIRST READING**

4. Council Bill No. 24-2016 – An Ordinance amending Chapter 16 of the Wheat Ridge Code of Laws to add a new Section 16-68, entitled Removal of Snow and Ice from Sidewalks



This new ordinance will require adjacent property owners to remove snow on sidewalks, and enable the City to respond to complaints, take action and enforce compliance. Public education and outreach will occur, complaints will be addressed individually, and initial enforcement will consist primarily of warnings.

Councilmember Urban introduced Council Bill 24-2016.

**Motion** by Councilmember Urban to approve Council Bill No. 24-2016, an ordinance amending Chapter 16 of the Wheat Ridge Code of Laws to add a new Section 16-68, entitled Removal of Snow and Ice from Sidewalks on first reading, order it published, public hearing set for Monday, October 24, 2016 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Davis; carried 7-0.

### **CITY MANAGER'S MATTERS**

**Patrick Goff** announced the celebration for the completion of the Kipling Trail that will take place this Saturday morning. People are welcome to join a bike ride which begins at Wheat Ridge High School at 8:30am. The celebration will take place at the trailhead on the east side of Kipling on the north side of Clear Creek at 9:15am.

He also congratulated Joyce Manwaring and the Parks staff for the recent awarding of accreditation for our Parks and recreation Department. The accreditation committee was very impressed with our operation and offered many compliments. Only eight (8) recreation districts in the state have this accreditation.

### **CITY ATTORNEY'S MATTERS**

### **ELECTED OFFICIAL'S MATTERS**

**Janelle Shaver** reminded Boards and Commission members and councilmembers to please RSVP for the Boards and Commission dinner.

- Voters should have received a blue book in the mail by now; it is put out by the CO Legislative Council and contains only pro/con statements on the state ballot questions and information on the judges. The blue book is also available online – the easiest search being for "blue book CO".
- TABOR notices have been mailed to each voting household. Pro/con statements on Wheat Ridge Issue 2E, as well as the school district issues and the SCFD issue, will be included.
- Ballots will start to be mailed next Monday, October 17. We will have a ballot box in the lobby of City Hall and the drive-up drop box in the entrance lane of City Hall.

**Monica Duran** announced that she and Zach Urban will be hosting a 2E meeting this Saturday, October 15 from 9:00-10:30 at the home of Dominic Britton, 3645 Marshall Street. Folks who are undecided or want to know more are encouraged to come; all are welcome. ~ She noted that the Richards Hart Estate was recently recognized with an award for its quality as a wedding venue.

**Zach Urban** encouraged people to vote and noted that local issues are at the end of the ballot.

**George Pond** apologized for missing the District 3 coffee this past Saturday and thanked Tim Fitzgerald for holding down the fort.


**Larry Mathews** urged people to look at the new budget software on the city website. There is an interactive portion where citizens can give their opinions about spending. He urged citizens to be involved in the budget process and provide input, and to pay attention to the website.

**Genevieve Wooden** announced she would be hosting a meeting at the Rec Center on Tuesday, October 18 at 7:00pm. Ali Lasell will be there to talk about the school board issues. There will also be discussion on 2E and a regular District 4 update.

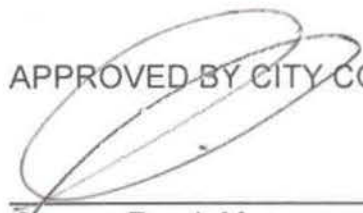
**Joyce Jay** noted Janeece Hoppe had asked her to announce there will be a discussion about ballot issue 2E at Colorado Plus on October 18 at 6pm.

#### **ADJOURNMENT**

The City Council Meeting was adjourned at 7:56 p.m.

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 24, 2016

  
George Pond, 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.