

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
City Council Chambers 7500 W. 29<sup>th</sup> Avenue

**May 19, 2014**

Mayor Jay called the Study Session to order at 6:30 p.m. Council members present: Jerry DiTullio, Bud Starker, Zachary Urban, Kristi Davis, George Pond, Tim Fitzgerald, Genevieve Wooden, and Tracy Langworthy.

Absent: None

Also present: Deputy City Clerk, Bruce Roome; Treasurer, Larry Schulz; City Attorney, Jerry Dahl; Assistant City Attorney, Carmen Beery; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Chief of Police, Dan Brennan; Administrative Services Director, Heather Geyer; other staff and interested citizens.

**PUBLIC COMMENT ON AGENDA ITEMS**

**Jesse Hill**, Wheat Ridge Resident, regarding the Citizen Survey agenda item, would like to thank staff for their prep work on the citizen survey. Mr. Hill asks Council to consider adding the following questions:

How important is it to you that the City engage in the following government transparency initiatives?

- Public comment at study sessions
- Video recording and publishing of regular council meetings
- Video recording and publishing of regular council study sessions
- Recording of minutes of the City Council Retreat Study Session
- Having the City register (i.e. the City checkbook) published to the public and/or on-line

Mr. Hill proposes replacing Question #8 (about healthy living) with this question.

**Kim Calomino**, Wheat Ridge resident, encouraged Council to use the survey to find out if citizens are interested in a ballot question regarding height and density. Ms. Calomino also suggested using the survey to ask citizens if they think it might be time to revisit the Charter since it was created some time ago. She suggests forming a Charter Commission to study the Charter to find any areas that might be inappropriate and update those areas.

**Jennifer Shepard**, Wheat Ridge Resident, discussed the passage of HB1361 regarding marijuana concentrates and HB1366 dealing with edible marijuana goods to include safety. SB 155 for research money to study the effect of cannabinoids on epilepsy.

**Dr. Mark Johnson**, executive director of Jefferson County Public Health Department, spoke as a citizen and not on behalf of Jefferson County Health about issues he is

personally concerned with regarding marijuana. The strength of the THC in the marijuana being grown in Colorado is much higher and it is a cause of concern.

### **AGENDA**

Mayor Jay and Councilmember DiTullio requested to move the discussion regarding the Wheat Ridge Historical Society Part-time Position to #1. There were no objections

#### **1.** Wheat Ridge Historical Society Part-time Position

The City of Wheat Ridge is interested in funding a part-time paid position to act as a museum host and tour guide at the Wheat Ridge Historic Park, as well as help with the organization and filing of artifacts stored at the museum. A job description has been developed by staff, and reviewed and approved by Claudia Worth, Wheat Ridge Historical Society vice president and preservation specialist.

The pay range for this position has been placed in the City's part-time pay plan based on the duties outlined in the job description. The pay range for this position is recommended at \$8.65 - \$10.82 per hour. This range is consistent with other positions with similar duties and responsibilities in the part-time pay plan. The maximum cost for this position when calculated at the top of the range of \$10.82 per hour, for 20 hours per week, June through November (26 weeks) totals \$5,626. The individual hired would not automatically be hired at the top of the range, but at an hourly rate that matched their experience and skills.

An amendment to the General Fund budget in the amount of \$5,626 will be required if funding of the position is approved.

### **REQUESTED ACTION:**

- 1) Approval of funding for part-time position in the amount of \$5,626 and to bring forward a General Fund budget amendment to a regular City Council meeting for approval
- 2) Direction on moving forward to develop a scope of work and fund a consultant to develop a five-year operating plan that includes programming, use of facilities, policy development on archive retention and recommendations on documentation and filing

Councilmember DiTullio asked for consensus. A consensus was reached to accept the requested actions from staff as stated above and to bring both action items forward.

#### **2.** Marijuana Infused Products Manufacturing and other Marijuana Policy Issues

At the April 28, 2014 City Council meeting, City Council approved an emergency ordinance enacting a 90-day moratorium on the acceptance and processing of new applications for marijuana-infused products (MIP) manufacturing licenses, permits, land use approvals, etc. The stated purpose of the moratorium was to give City Council an opportunity to review the existing regulations, principally the regulations pertaining to

certain separation requirements that currently restrict marijuana stores from being closer than 1,000 feet to certain other land uses, including schools, day care facilities, college and university campuses and drug and alcohol treatment centers. Those separation requirements do not currently apply to MIPs or testing facilities.

At the May 6, 2014 City Council study session, direction was received from City Council to also include the following topics for discussion at the study session when the moratorium is discussed to include a permanent ban on the acceptance of any new applications for all marijuana business classifications (retail, grow, MIP and testing), and a City Council earmark of the fee and tax revenues generated from current marijuana businesses with at least 50% going to schools

Councilmember Fitzgerald asked for consensus to completely halt any discussion of these items as he believes it is too early as the State is just working on many of these issues right now. Consensus was not reached to stop the discussion

Consensus was reached to exclude MIP's in C-1 district, allow them only in I-E districts.

Staff requests City Council direction on whether to draft an ordinance that would create additional separation requirements for additional classes of marijuana-related businesses and if so, several specific questions would need to be answered. Staff also requests City Council direction on several other policy questions as outlined below.

1. Should marijuana-infused product manufacturing establishments be required to meet the same or similar separation requirements as currently apply to medical marijuana centers and retail marijuana stores?

Consensus was reached that the same or similar separation requirements should also apply to MIPs.

2. Should the separation requirements apply to the same types of uses: schools, drug treatment facilities, daycares and college campuses?

Consensus was reached for the separation requirements apply to the same types of uses: schools, drug treatment facilities, daycares and college campuses.

3. If yes, should the same 1,000-foot distance be used?

Consensus was reached for 1000 foot distance from schools, day cares, drug treatment facility as per current standards.

4. Should there be separation requirements between each MIP such as the  $\frac{3}{4}$  mile that currently is required between centers? Taking that question one step further, the separation requirement could apply to all classes of marijuana-related establishments (retail and medical centers, testing facilities and MIPs).

Consensus was reached for a separation of 1/4 mile distance requirements between all

marijuana manufacturing businesses (like business to like business)

***Councilmember Langworthy excused herself at 8:02 PM***

5. Staff also requests direction as to whether City Council would like to consider additional regulations that would reduce or minimize the odors associated with marijuana-related products and production.

Consensus was reached to have staff consider additional regulations that would reduce or minimize the odors associated with marijuana-related products and production and make it retroactive and give businesses six months to comply. Staff will bring forward in an ordinance.

6. Staff is also proposing that the limitations on the growing of marijuana in a residence be clarified as it applies to personal consumption and growing as a primary caregiver. Presently, the medical marijuana ordinance cross references the City's home occupation regulations, which places an area limitation of 25% of the area of the primary structure and places certain other limitations on the manner in which the grow can be conducted. Staff recommends that those limitations be stated more specifically as they apply to the growing of marijuana in one's residence. Does City Council support this direction?

Consensus was reached to agree with staff's recommendation that limitations on the growing of marijuana in a residence for personal consumption be stated more specifically as they apply to the growing of marijuana in one's residence as a primary caregiver.

7. City Council also raised the question at the May 5 meeting of whether a total ban on additional marijuana-related businesses should be considered. Such an approach is permissible under state law. Is that a direction City Council wants to pursue?

Consensus was reached to not have a total ban on any additional marijuana-related businesses.

8. Marijuana-related businesses are generating general fund revenues in the form of license fees, building permit fees and use taxes and sales tax revenues. Does City Council wish to target the use of those funds in a more directed manner?

Consensus was reached to target the use of sales tax revenue of marijuana-related businesses in a more direct manner in order to help our community such as funding the PD school resource officers as grant funding for one of those officers is coming to an end.

Councilmember Urban made the suggestion to separate the fees from the tax revenue as the fees are currently used to offset the costs of administration of the marijuana businesses.

### 3. Draft 2014 Citizen Survey

The National Research Center (NRC), based in Boulder, administers the survey. At the end of May, a postcard and pre-survey notification letter will be sent to 3,000 randomly-selected households throughout the City. Subsequently, the survey will be mailed at least once to each household; twice, if no response is received by a certain date. For the 2014 survey, residents will have the option to complete the survey online instead of completing the hardcopy survey that will be mailed to them.

#### **POLICY QUESTIONS:**

There are several policy questions that directors have drafted with the assistance of the National Research Center. The purpose of including these policy questions is to gauge the level of support, importance, and opinion of citizens related to the following current policy topics.

Questions were drafted for the following policy topics:

- Healthy living and eating
- Bicycle/Pedestrian Master Plan
- Environmental sustainability related efforts and support for funding
- Bicycle and pedestrian facilities use and funding
- Neighborhood infrastructure needs
- Support for continuing to allow retail and medical marijuana businesses
- Social media information sources
- Use of blog and social networking sites

Questions that were added include:

- Question 3, gauges reasons for living in Wheat Ridge
- Question 19, victim of a crime two-part question that can be cross-tabulated with existing question 18
- Demographic question D6, this question can be cross-tabulated with existing demographic questions

#### **REQUESTED ACTION:**

Staff is looking for consensus on inclusion of the draft policy questions as well as direction on the addition of any other questions at the May 19<sup>th</sup> study session.

Councilmember DiTullio asked for consensus. Consensus was reached to postpone the survey until spring 2015 and focus on the possible ballot issue survey for this November election and make it more robust.

### 4. Staff Report(s)

None

5. Elected Officials' Report(s)

None

**Motion** by Councilmember Wooden to go into executive session under Charter Section 5.7 (b) and CRS 24-6-402(4)(b) and (e) to receive legal advice and to instruct negotiators concerning 32nd Avenue construction contracts. I further move to reconvene the open meeting at the conclusion of the executive session for the purpose for taking any actions deemed necessary; seconded by Councilmember Starker; carried 7-0

The Study Session adjourned to executive session at 9:10 p.m.

The Study Session reconvened and was immediately adjourned by Mayor Jay with no objections at 9:24 pm.



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Bruce Roome, Deputy City Clerk