

SPECIAL STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

February 25, 2019

Upon adjournment of the Regular City Council Meeting

Mayor Bud Starker called the Special Study Session to order at 8:15 p.m.

Council members present: George Pond, Janeece Hoppe, Kristi Davis, Zachary Urban, Larry Mathews, Leah Dozeman, and David Kueter

Also present: City Manager, Patrick Goff; Deputy City Clerk, Robin Eaton; City attorney, Jerry Dahl; Assistant City Attorney Jane Greenfield, interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Janice Thompson WR told of listening to a radio program about safe injection sites in Vancouver, and is concerned that the City should be proactive on this issue rather than reactive. Denver is wanting to pass a pilot program, the Colorado attorney's office published a statement against it, and possibly the state legislature might take it up. With some of the issues that these injection sights have, she suggests that the Mayor and Chief of Police go to those areas to look for themselves, to see if they should be allowed here.

1. City Council District III candidate presentation

District III Councilmember Tim Fitzgerald resigned from his City Council seat effective February 10, 2019. In order to fill the District III vacancy, prospective candidates have been invited to present to City Council during the February 25, 2019 special study session. City Council is required to appoint the District III replacement within thirty days of resignation or by March 12, 2019.

Mayor Starker invited the sole applicant in District III Amanda Weaver, to give a brief presentation and to answer questions from the Council.

Amanda Weaver who currently sits on the Planning Commission, thanked the City Council for letting her speak tonight as she had decided to submit her application for District III. Many people know her as the Farmer on 38th. She came to Colorado in 2001 and has been at DU since 2004. In 2010 she bought the farm from Louise Turner and she had a wonderful apprenticeship under her. The farm became a very pivot-able place to help in her studies as well as to help her students.

She applied for this position because she is really committed, not only to the City of Wheat Ridge but is very much invested that the forum and personality of the city continues. She loves doing things hands on, like seeing how participatory democracy works by having people come in, sharing their stories and then being able to make the decisions was very compelling.

Council questions included

Councilmember Urban asked what she garnered from her apprenticeship with Ms. Turner. Ms. Weaver responded that she was the perfect person that she didn't know. Her dissertation was actually to show how food production land was disappearing along the metro corridor. She was the perfect person not only to understand farming but also to understand the structure of Wheat Ridge as she was an urban planner by heart.

Councilmember Urban also asked what the City of Wheat Ridge could do better at with its GIS or mapping systems. Ms. Weaver responded that the city has done a great job getting into the maps. Along with the NRS and Activate 38, it helps to create a story or strategy, including the on-line survey to help show how they want that forum to look. We have an opportunity with Clear Creek Crossing to create connectivity between one side of the city to the other.

Councilmember Mathews thought it very interesting to have an actual farmer on the city council. He is also interested in common sense values and appreciates the local air space with the urban-rural atmosphere that the city has.

Councilmember Dozeman thanked Ms. Weaver for stepping up and applying for the position and is interested in hearing more on her perspectives on how we will be honoring more of the agricultural roots of the community.

Mayor Starker announced that there will be a special meeting called on March 4 where a vote will be taken on her application.

2. Liquor Code Amendments

Mr. Dahl reminded that in its last session, the Colorado legislature adopted a number of bills amending its liquor and beer codes and other related statutes, including the creation of a new Title 44 – Revenue – Regulation of Activities. This new Title contains the state's revised liquor and beer codes, formerly located in Title 12, and necessitates updating and making conforming changes to the Wheat Ridge Code. Non-substantive and other uncontroversial revisions and the updating of new statutory references adopted over the last few years have been included in the attached ordinance, which will be placed on your agenda in the near future.

Staff presentation

Ms. Greenfield stated that the following four issues require discussion and direction of Council regarding whether/where these additional changes should be made to the code.

1. Prior to the passage of SB18-243, state law prohibited a retail liquor license holder to employ a person under twenty-one years old to sell or dispense alcohol beverages, other than 3.2% beer, unless that employee was supervised by another person, on-site, who was at least twenty-one years old. An employee over eighteen but under twenty-one was permitted to sell 3.2% beer. With the 2016 changes to the state's Beer Code that eliminated the maximum alcohol content of beer, employees under twenty-one became permitted to sell these beverages, some of which contain higher alcohol content than wine and other liquor.

Discussion followed on what specifically is considered an off premises consumption type of license, whether they are Retail Liquor stores or Fermented Malt beverage (FMB) locations.

2. Wheat Ridge's Code currently eliminates the 500-foot distance separation from schools for hotel and restaurant, beer and wine, brew pub, arts, and vintner's restaurant licenses. The issue has been raised whether Lodging and Entertainment licenses should be added to this list. Because this type of license covers two different categories of use that may have very different impacts and operational characteristics, the Council may wish to consider adding lodging establishments to the exemption but keeping the 500-foot separation requirement for entertainment venues.

Discussion on this item pertained to whether it's allowed to separate these two retail liquor licensing distinctions, allowing either of those specific types to be within 500 ft. of school property and what types of entertainment businesses might possibly be allowed.

3. The next issue for discussion would be whether or not to prohibit alcohol beverage manufacturers from moving in next to a school. Because these types of liquor licensees receive their licenses from the state, not from the Wheat Ridge Liquor Licensing Authority, they do not fall under the statutory 500-foot separation requirement. Also, the state does not require public hearings or notices to be given prior to granting these types of licenses.

Discussion included the types of schools that might be involved, food requirements between State issued licensee and retail establishments along with the amount of alcohol beverages breweries and brewpubs are allowed to manufacture and wholesale. Lastly whether to require manufacturers to go through a special use review which includes public hearings.

4. The final issue is should owners of a Lodging and Entertainment license be added to Class G or Class T for the purpose of collecting the local occupation tax. Under current code, hotel and restaurant licensees are Class G operators, subject to a \$900.00 annual tax. The ordinance as proposed adds brew pubs, distillery pubs, and vintner's restaurants to this category. Tavern licensees and other businesses with similar operating characteristics fall into the Class T category, subject to a \$1300.00 annual tax.

Discussion included the differences between hotels and restaurants versus the lodging type of establishments which do not have restaurants.

Discussion concluded and Councilmember Hoppe asks for consensus on the four items.

Motion for a Consensus requested by Councilmember Pond to separate the consensus items passes.

Ms. Greenfield wanted to reiterate that even though they were being separated that everyone knew that the liquor license would still read Lodging and Entertainment, even though they are being treated differently.

Motion for a Consensus by Councilmember Hoppe to separate the Lodging and Entertainment types for tax purposes passes unanimously.

Motion for a Consensus by Councilmember Hoppe to consider lodging types as a Class G operator passes unanimously.

Motion for a Consensus by Councilmember Hoppe to consider Entertainment types as a class T passes unanimously.

Councilmember Davis asks for clarification that if there is protest against an application being within 500ft. of a school, that the Liquor Authority could still deny the application.

Deputy Clerk responded that yes the Liquor Authority can deny the application for needs and desires of the neighborhood but that denial can be appealed to a higher court.

Motion for a Consensus by Councilmember Hoppe to direct staff to draft an ordinance to bring the city in-line with the state liquor codification passes unanimously.

Discussion on Item number three included to discuss further on what specific types of manufacturers would need to apply for a special use permit, how that would take place possibly through a zoning code change and what type of policy concerns would be put in place for them.

Motion for a Consensus by Councilmember Hoppe for more information to be given at study session in the future passes unanimously.

Discussion on item number one included to specify which types of retail liquor sales the manager registration would be required, are family members excluded from this registration, are lotto tickets being sold at these facilities and what would the penalties be, if there are any.

Motion for a Consensus by Councilmember Hoppe to direct city staff to contact off-premises liquor licensees concerning the manager registration requirement for their input as well as alcohol manufacturers concerning special use permits at future study sessions passes unanimously.

3. Opioid Crisis in Wheat Ridge

Councilmember Zach Urban introduced agenda item 3 and stated as a member of the Colorado Consortium for Prescription Drug Abuse Prevention he has closely followed Colorado's response to the opioid crisis for the past several years. While the bulk of the response to this crisis needs to be handled at the State level, there are several steps we as a city can and should take. He outlined the background, evidence, current resources, and next steps the City of Wheat Ridge should take to help alleviate the impacts from the current opioid crisis within the City of Wheat Ridge.

He also spoke on issues like a drug take back programs, needle stick information and paraphernalia that Wheat Ridge does not have. One issue would give a person who has a needle on their person, the availability to alert first responders of it, to help them better interact with law enforcement officials.

Staff reports

Council Discussion

Items included question and concerns by Councilmembers Hoppe and Dozeman asking what is the current charge for possessing a needle, and would this charge still be applicable if the bills passes. Councilmember Dozeman also noted that the Safe site injection bill has been pulled from this year's legislation docket. Both members expressed their thanks to Councilmember Urban for his efforts with this crisis.

Commander Lorentz gave a brief description and statistics of overdoses, accidental needle sticks and the likely causes of them, including two deaths where one was attributed to the use of fentanyl.

Motion for a Consensus by Councilmember Urban to promote the public awareness campaign and resources for treatment and drug take back programs, passes unanimously.

Motion for a Consensus by Councilmember Urban supporting House Bill 19-1009, passes unanimously.

Motion for a Consensus by Councilmember Urban supporting Senate Bill 19-008, passes unanimously.

Motion for a Consensus by Councilmember Urban to amend Sec. 16-132- 133 of our City Code to conform to State law, passes unanimously.

Motion for a Consensus by Councilmember Urban to work and discuss further how to increase access to meloxin, and increase access to safe syringe disposal sites. To investigate how it might be done, safely and effectively, passes unanimously.

Councilmember Davis wants to make sure that the city would be very clear how and where we would place those receptacles. Along with what methods that we would take if we do. Those containers should be strictly monitored, just as they are in the health industry.

ADJOURNMENT The Special Study Session adjourned at 10:21 p.m.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON March 25, 2019



Janece Hoppe, Mayor pro tem