

**SPECIAL STUDY SESSION NOTES
EXECUTIVE SESSION AGENDA
CITY OF WHEAT RIDGE, COLORADO**

City Council Chambers 7500 W. 29th Avenue

September 23, 2019

Upon adjournment of the Regular City Council Meeting

Mayor Bud Starker called the Special Study Session to order at 9:19 p.m.

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

Absent: Zachary Urban (excused)

Also present: City Manager, Patrick Goff; City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Engineer, Mark Westberg; guests and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

1. Noise Ordinance

Staff presentation – Patrick Goff

- Staff report and 5 noise ordinances from neighboring jurisdictions are in the packet.
- Councilors Mathews and Dozeman requested this discussion, but this is not just about Rocky Mountain Bottle (RMB).
- Noise ordinance tend to be community-specific. There are a wide variety of noise regulations across the country and even with our neighbors.
- Wheat Ridge has a qualitative ordinance which tend to use vague adjectives like unreasonable, unnecessary, and unusual, annoying.
- Other ordinances are quantitative, and can be measured and limited by decibel levels. The State, the County and Arvada have that.
- Andrew Truitt, an acoustic engineer, was in the audience for advice if necessary. He has helped other communities draft ordinances.

Councilmember Mathews thanked Mr. Goff for his work on this and with RMB.

- He reviewed that RMB had come to the City for some tax breaks because the EPA had required them to make changes with their furnaces.
- They changed from two small furnaces to one large one.
- RMB decided they are under County codes, which excludes noise regulations for industrial sites.

- They have engineered their operation up to the limit the EPA declares as hazardous to health.
- Most codes set residential limit at 50-55 decibels. The EPA's danger level is 80. He has measured 78 on one neighbor's porch. On Sunday afternoon he measured 70 decibels over at Pierson and Quail where Arvada is developing. This is a new location for the sound.
- He believes action is necessary for the health and welfare of our citizens.

Councilmember Davis believes that Industrial properties should have to use the standards of the zoning of properties to which they are adjacent or near, and that consistent ongoing sound should be considered – not short sporadic sounds like fireworks.

Councilmember Pond asked what changes were made five years ago.

- Per Mr. Goff the one change was that a police officer could not be the complainant.
- A quantitative code will require training for police officers and calibrated machines.
- The issue 5 years ago, loud music from a business, was resolved through mediation.

Mr. Goff related that RMB wants to know what level they have to fix it to.

Councilmember Hoppe proposed a hybrid policy that accommodates residential and mixed use with more flexible qualitative standards, and applies tougher quantitative standards for commercial and industrial.

Mr. Goff offered perspective about the hybrid concept.

Councilmember Mathews pointed out that most quantitative ordinances already allow some flexibility for things like fireworks, ambulances, fire trucks, etc.

Councilmember Dozeman received consensus to have staff draft a noise ordinance to bring back for discussion at a study session. It will have a variety of options.

Mr. Goff assured Councilmember Mathews something could be ready for discussion in 6-8 weeks, so the RMB neighbors have a time.

Mr. Goff gave an update on RMB.

- RMB has two bids for mitigation that they are evaluating now.
- Two weeks ago they made some adjustments to their equipment that should help.
- They have sent one letter to neighbors. City provided addresses. He will have them send another letter when they have a solution and a timeline.

Councilmember Davis suggested RMB go back to where they were before the changes. Mr. Goff said sound measurements from that time are available.

2. 52nd Avenue Annexation


Mr. Westberg reported that due to budget constraints Jefferson County will no longer participate as a funding partner for improvements of 52nd Ave. We are most contiguous to the street; Arvada has some. Jeffco is supportive of allowing us to annex the JeffCo

portions of 52nd Avenue right-of-way in order to complete the improvements to 52nd Avenue in a timely manner. That will come on Oct 4. Then we will proceed with the annexation process.

There was some brief discussion followed by consensus to proceed with the annexation.

ADJOURNMENT to RECONVENE COUNCIL MEETING

The Special Study Session adjourned at 9:52 p.m.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 2019



Janece Hoppe, Mayor pro tem