

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
July 20, 2020

Mayor Bud Starker called the Study Session to order at 6:30 p.m.

This meeting was conducted as a VIRTUAL MEETING.

No members of the Council or City staff were physically present at the Municipal building for this meeting; the public did not attend in person.

Mayor Starker welcomed the Council, other elected officials, staff and interested citizens.

The Mayor also explained the virtual meeting format, how citizens will have the opportunity to be heard, and the procedures and policies to be followed.

Council members present: Amanda Weaver, Judy Hutchinson, Zach Urban, Janeece Hoppe, Rachel Hultin, Korey Stites, Valerie Nosler Beck, and Leah Dozeman.

Also present: City Clerk, Steve Kirkpatrick; City Attorney Jerry Dahl; City Clerk, Steve Kirkpatrick; City Manager Patrick Goff; Community Development Director, Ken Johnstone; Economic Development Director, Steve Art, Police Chief Christopher Murtha, Police Division Chief Jim Lorentz, guests and interested citizens.

Citizen Comment on Agenda Items

Nikki Reising, 505 W. 73rd. Ave., Westminster. She works as an advocate for those experiencing homelessness. She spoke at length about the homeless navigator recently hired by the City, Golden and Edgewater. She addressed the skill sets homelessness workers require. She spoke at length about the needs of the homeless and the services they need, emphasizing a need for coordinated and responsive services from not only municipalities but also healthcare, mental healthcare, social services and other providers among the non-profit and faith communities.

Kayla Garcia, Director of Community Affairs, Rocky Mountain Bottle Co., spoke for her company along with several other RMBC managers. She described the RMBC business model, its recent efforts to conserve the environment and natural resources. Our goal tonight is to listen to our neighbors and Councilmembers and understand their concerns. She invited residents to connect with RMBC one on one.

RhueAnn Squillace, 5311 Nelson St. Bought her home 16 years ago, and knew the RMBC plant was there. In the winter of 2018 the noise level increased dramatically when new industrial equipment was installed. Now the nose level has diminished our quality of life and the value of our property. We want to understand why the noise level increased so dramatically and what might be done about it.

Dale Squillace, 5311 Nelson St. The RMBC plant operates 24x7 and the noise level is so high you cannot conduct a conversation outdoors. When the wind blows from the south the noise is so loud we cannot open our windows at night to sleep. It never stops, not even on Christmas morning. We are a good 150 yards from the plant. We have measured the decibel level on our front porch at loud as 89 dB. We would really appreciate not having to hear that constant hum.

Moe Keller, 4325 Iris St. My husband Steve and I have lived here for 42 years. We know that the quiet, rural atmosphere we enjoyed all those years ago. But the noise from the nearby bar and club is just not acceptable. We hope for an ordinance that there should not be a dB level higher than a certain level to stop the loud music we hear until midnight and beyond on Saturdays. She recommended that the City look into nearby municipal ordinances.

Susan Schnexander 3317 Nelson St. The past couple of years when we try to sit outdoors and enjoy the evening the music from a nearby bar and club is so loud that we cannot have a conversation. We want you to put a dB meter somewhere nearby and record the noise levels for a week to provide some data on which to evaluate the noise levels.

Councilmember Dozeman spoke from a driveway in her district along with several other citizens who support the foregoing speakers.

Councilmember Nosler Beck read into the record a letter she received today from a City resident, which is incorporated in these notes as an appendix. The letter came from Lance and Kathy Carpenter, a couple who live on Nelson St, near the RMBC, to complain the excessive noise emitting from the plant. They also complained about the higher noise level since the plant installed new equipment two years ago.

Steve Keller 4325 Iris St. called to say he and his wife, Mo, represent 5 families near Independence and 44th Ave. We think there is a loophole in the current noise ordinance, to the effect that if bands at a local club stop playing every 15 minutes they can circumvent the noise ordinance. We strongly object to this off again on again exception of this noise ordinance. We think it is a bad faith attempt to circumvent the current noise ordinance.

Mayor asked if there was anyone who had not spoken regardless of their last name. No one else came forth.

Note about Wheat Ridge Speaks:

Citizens may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. The deadline for citizens to submit comments is 12:00 Noon Mountain Time on the day of a Council session so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item, including items that include a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech).

All citizen comments for this study session regarded Item 2 or 3 on the Agenda, and those comments appear below in the section for the respective items.

1. Applejack Liquor ESTIP agreement 2.

Discussion began at 6:58 pm, approximately 28 minutes into the recording of the session

The City of Wheat Ridge received a request from Jim Shpall, CEO and owner of Applejack Wine and Spirits, LLC (Applejack), to enter into the Enhanced Sales Tax Incentive Program (ESTIP) for the rebate of sales tax increment (Increment) in association with a proposed remodel and rebranding of Applejack located at 3320 Youngfield Street in Wheat Ridge. The rebate request is for 100% (3.0 cents) of the Increment generated for a period of 10-years or a total not to exceed amount of \$990,146, whichever occurs first.

Steve Art delivered to Council a detailed presentation about this item, its purpose and the background of the reasons for bringing it to Council. Applejacks plans a complete remodel of their location in Applewood and seeks the ESTIP to improve their store, exterior and interior.

James Shpall, CEO of Applejacks introduced an audiovisual presentation about the company and its 57 year presence in Wheat Ridge. He introduced Mr. Tony Ryerson, a senior manager at the store, who gave a detailed presentation of the plans to renovate the interior and exterior of the store.

Councilmembers had questions and comments.

Will the new look at Applejack's match the recently renovated properties elsewhere in the Applewood Shopping Center? Yes, it will.

What is the timetable for completing the project? Difficult to say, but the bulk of the work will be in January to May, 2021.

Councilmembers expressed their support for the project on both an aesthetic and a financial level.

Does the remodel include bicycle parking? Not at present time, but we will surely consider it.

With online sales growing at the expense of brick and mortar stores, how will this help? Most of the software and curbside pick-ups improvements address those issues.

There were detailed questions about the liquor licensing and tasting sessions.

Will the landlord help defray any of the costs of the project? The details of that help are still under negotiation; the help with tenant improvement from the landlord is \$1.25 million.

How does the ESTIP program timeline align with the new lease? The lease will run 20 years longer.

Is the landlord involved in the ESTIP application? No.

Does the parking space count change? No.

Mayor Pro-Tem Hoppe asked for a consensus to direct staff to draft an ESTIP Agreement for future consideration at the regular City Council meeting on August 10th.

Consensus attained.

2. Homelessness Issues in Wheat Ridge

Discussion began at 7:37 pm, approximately 1:07 hours into the recording of the session.

Over the past few years, and recently exacerbated by the COVID-19 pandemic, there has been a significant increase in the number of homeless or transient people throughout Jefferson County, the Denver-Metro Area, and the state of Colorado. While homelessness has been viewed as traditionally a big city challenge, the suburbs and areas outside of the large urban centers have experienced an increase in homeless/transient issues.

Mr. Goff presented the item and introduced Kelli Barker and Yvette Gallegos with Jefferson County's Homeless Navigator Program. They spoke to Council, giving a detailed multimedia presentation about this item, the homeless navigation program in Jefferson County, its purpose and the background of the reasons for bringing it to Council.

Ms. Gallegos provided a similarly informative presentation about the details of how homeless navigators serve the public, those experiencing homelessness and connecting them to the resources they need.

Marianne Schilling, Assistant to the City Manager, also gave a presentation on this topic. She addressed the progress toward hiring a full time homeless navigator who will serve Wheat Ridge, Golden and Edgewater, under an agreement among the three cities.

Councilmembers had questions and comments:

Councilmembers thanked Ms. Gallegos and Ms. Barker for their time, presentation and hard work.

How does the homeless navigator program work with our existing resources for those experiencing homelessness? The guests gave a detailed answer.

How do programs providing mental health services with medication fit into the navigator effort? Often people need a prolonged in-patient treatment period in order to adjust their medications, especially in the case of those with multiple mental health and physical health issues. One of the goals of the navigator program is to help those who need it to get this treatment so they are on the proper medications and dosages.

Mr. Goff reminded Council that too often the police department becomes the front line intervention for homelessness. This is not a policing issue, and we firmly believe the navigator program will help the homeless and relieve the police of duties they are not well equipped to perform.

What is the navigator program doing to address the chronic homelessness problem created by a shortage of housing and the high and rising cost of housing? The answer was that there are some resources available for this population, but the resources are woefully inadequate. We have the ability to provide more housing for this population, and the support for it is growing among the public and governments.

Since transportation is such a significant barrier to homeless seeking and accessing services how can we address the transportation issues? The answer is very different from county to county. For example, in Denver the resources are all in one area but in Jefferson County the resources are widely dispersed. Right now, all we have is RTD passes available in too small quantities. The navigators often provide a bridge between the homeless and the various programs that could serve them. For example, navigators can meet with people on the street and help them complete an application for food stamps and then submit the application for the client.

Councilmembers constantly hear from citizens about homeless people when they encounter them in public, in parks and along greenbelts. Often they call the police because they do not know who else to contact.

The staff presentation continued with additional PowerPoint slides to support the verbal comments. Chief Murtha and Division Chief Lorentz provided a detailed presentation on the experience of law enforcement officers and the homeless in Wheat Ridge. They explained the legal definitions of behavior that is unlawful in terms of loitering and panhandling. They explained the limitations officers face in terms of interacting with the homeless and their rights as citizens.

Having attained a consensus, Mr. Goff asked what process Council would like to follow going forward.

Council had further questions and comments:

Councilmembers thanked the Wheat Ridge Police Department for their hard work and mostly for their approach to the community and the homeless issue.

The one complaint we hear the most is safety along the greenbelts. Please, describe what the PD Greenbelt Project is doing and what are its goals. There is budget money

to pay officers overtime to enforce the no-camping ordinances; however being homeless and visiting the greenbelt is not a crime.

The police department leaders explained that there is relatively little crime involved in contact with those experiencing homelessness.

How can we better inform business owners and residents, with printed matter, online information or signage, about what is allowed and what is not? Mr. Goff answered that we are working on that very issue and will plan to do more.

Can we open the recreation centers once a week to allow the homeless to bathe? Mr. Goff said we have not considered that, but he will confer with our Parks and Rec Director about the resources and safety concerns doing that would present for city staff and the public.

The following comments appeared in Wheat Ridge Speaks related to this item:

My name is Nikki Reising. I am an advocate and service provider for those experiencing homelessness in Jefferson County. The Homeless Navigator positions are a much-needed regional effort in Jefferson County. The decision to create one full-time position by combining the Wheat Ridge, Edgewater and Golden roles is important to help support the regional effort. This will allow for the Navigator to provide better assistance to those experiencing homelessness in the given jurisdictions and better collaborate with the Navigators already working in these roles.

Homeless outreach assistance is professional work that requires specific training and expertise. To reach permanent rather than short term results, outreach case managers must know the resources, have the training and be provided exceptional supervision. The main goal of successful homelessness outreach program is to end street homelessness. Reducing and effectively ending homelessness has been proven to lead to many community benefits, most often seen in the decreased use of emergency services.

Once people are housed, their use of emergency services drastically decreases, leading to less of a strain on the health care and criminal justice systems. Health care professionals, police, attorneys, judges and whole communities can more effectively use their time and financial resources. In the midst of a global pandemic, it is ever more evident that housing is health care.

As an expert in the field, it is my strong recommendation that the Navigator position be subcontracted to a local nonprofit organization in order to better provide effective training, support and resources. Nonprofits that have professionalized this much needed work rely on coordinated efforts between the private, public and nonprofit sectors. This coordinated work is made more efficient and effective through the use of the HMIS system and the CoC's Coordinated Entry System, OneHome. Many nonprofits working with those experiencing homelessness access these systems to coordinate services between providers and access housing programs. Jefferson County currently has two organizations who are able to enter housing assessments known as VI-SPDATs into the OneHome system. Both organizations mainly require that clients come to the organizations' buildings and do not have the capacity to meet clients where they are.

We know that the most vulnerable in this population has trouble getting to resources. Having an outreach worker or team that is able to meet people outside in order to provide this assessment will lead to more people accessing housing programs, especially the most vulnerable. It's exciting to hit the ground running with a position like this, so it can be helpful to work with community members who have tools and resources already in action.

Front Range Outreach (FRO) would make a great partner for this position. We could potentially provide safety and social training, coordination of services, HMIS access, etc. FRO is a non-profit organization I founded a few months ago, a 501(c)(3), incorporated in the state of Colorado, and a member of the Metro Denver CoC, with HMIS training and access.

The Mission of Front Range Outreach is to support and advocate for people experiencing homelessness, working in partnership to create permanent solutions to end homelessness in Colorado. During the pandemic, FRO has been conducting various homelessness outreach services in Jefferson County. This has been an extremely difficult time; our homeless population is struggling more than they ever have.

Over the past few months we have:

- Provided outdoor survival supplies and necessities
- Assisted clients with accessing physical and mental health care
- Provided Narcan for drug overdose medical emergencies
- Assisted people in accessing safety and criminal justice services
- Administered VI-SPDATs and coordinated with the HMIS system
- Created training modules for outreach workers/case managers

FRO is prepared to expand and meet the challenge within the county to end street homelessness. As a nonprofit with expertise in homeless outreach services, Front Range Outreach is in a unique and active position to provide expert staff with years of experience, specialized trainings, established community partnerships, and successful outcomes. Thank you for your time.

07/20/2020 12:00 pm

Nikki Reising
7765 Wadsworth Blvd
Arvada, 80006

End of comment in Wheat Ridge Speaks for this agenda item.

3. Noise Ordinance

Discussion began at 9:13 pm, approximately 2:43 hours into the recording of the session.

The City occasionally receives complaints from residents concerning loud noises or sounds in the community. The City has once again received complaints emanating from a manufacturing operation located in a planned industrial district (subsequent to significant modifications to the operations to mitigate the noise) and from a restaurant/bar located in a commercial district (subsequent to new management/ownership of the establishment). The current Wheat Ridge Code of Laws concerning unreasonable noise is qualitative in nature and is limited in scope and difficult to prove in court because it does not set an objective level by which to measure noise. This issue was last addressed with City Council at the December 16, 2019 study session and consensus was reached on the following:

1. Create a hybrid approach for a noise ordinance (i.e. set decibel level limits for industrial zoned districts and use a reasonableness standard for all other zone districts)

2. Unreasonable noise is prohibited especially between the hours of 10 p.m. and 7 a.m.
3. Create a permit process for public events (live outside amplified music on patios, etc.) and special events (Carnation Festival, etc.) outside of the hours 10 p.m. to 7 a.m.
4. Any unreasonable noise 50' or more from noise source is prohibited
5. Provide exemptions for construction, fireworks, loading operations, homeowner activities, road improvements and fire and police

Mr. Goff delivered to Council a detailed presentation based on a "red lined," version of the draft new ordinance, which was among the documents in Council's packet for this session, and how it would change the noise ordinance now in force.

Councilmembers had questions and comments:

How will who measure the dB levels and enforce the code? How can residents proceed to ameliorate the situation now or going forward? Chief Murtha and Division Chief Lorentz answered that the current process is complicated for a long list of reasons. The dB limits that the new ordinance contemplates would give the PD new leverage when an officer hears excessive noise or a citizen calls the PD for service because of noise.

Chief Murtha stated that the new ordinance would be much more enforceable.

Taylor Garcia from RMBC responded that the company wants to solve this problem working with the City, Council and residents. She recalled the steps the company has taken over the past 12 years to mitigate noise. The company recently invested six figures in further noise mitigation efforts. We want to be part of the conversations about this issue going forward.

Let's be careful that when we solve this problem that we do not address only one or two noise source problems but find a solution that takes into account the whole City.

Council liked the approach Mr. Goff is suggesting with the redlined version of the current ordinance to reflect the proposed changes. A lot of good work has been done and perhaps a few tweaks will make it quite effective. We also need to address the current 15-minute loophole some clubs are using to evade the noise ordinance.

Do the proposed dB levels take into account traffic noise? Mr. Goff stated that we will need to train officers to use dB meters to take into account localized sources of ambient noise and background sound such as traffic and aircraft. Council also wanted to make sure that the noise ordinance does not prevent development and expansion along I-70.

There were specific questions about where the point of measurement of dB levels is to be taken. The current ordinance is unclear, and we need to make sure that the new ordinance is much easier to understand and enforce.

Mayor Pro-Tem Hoppe attained a consensus for staff to move forward, including the following:

- The hybrid approach is still the most attractive option.
- Address the 15 minute loophole in the current code.
- We have to be very careful about how we move forward in ways that thoughtfully avoids unintended consequences.
- Let's be careful not to harm businesses at a time when they are already hurting.
- We need to ensure that our residents can comfortably enjoy their homes and outdoor spaces on decks, patios etc.
- We need to have a vehicle for allowing exceptions to the new noise ordinance during states of emergency and public health issues like the current pandemic.

Wheat Ridge Speaks transcript: Citizens entered the following comments about this item on the Wheat Ridge Speaks website, transcribed here in their entirety.

I would like to express my opinion on a potential noise ordinance. I am a long-term Wheat Ridge resident. I love the small town feel and the mixture of homes and businesses that make up our city.

I realize that both home owners and business owners truly depend on the existence of the other for our city to thrive. The rights of one cannot super-cede the rights of the other. When it comes to the noise ordinance, we have got to come to a fair compromise that allows a business to cater to the desires of its patrons while protecting the sanctity of the residences surrounding the business.

Music, for example, is for the people at the business. The surrounding homes should not be subjected to having to listen to it for hours on end. The sound does not need to extend beyond the boundaries of that business. I am hoping that you will consider protecting the peaceful nature of my home from the invasion of unwanted noise from neighboring businesses, not only by addressing the issues that we are facing today, but by having the foresight to set boundaries to protect residents during the growth and change that lies in our future.

Thank you.
07/17/2020 11:07 pm

Shelley Pierce
9745 W 43rd Ave
Wheat Ridge, 80033

Dear Wheat Ridge City Council:

My husband and I have lived in our home here in Wheat Ridge for 42 years. This is a lovely city and ours is a lovely neighborhood. Like many residential neighborhoods in Wheat Ridge, however, we abut a commercial street with diverse businesses. Nine years ago, a new business opened that had significant consequences for us and our neighbors. The excessive noise due to outdoor bands at T-Bird has destroyed our peace and quiet and substituted instead blaring noise for 4 -6 hours at a time.

We have tried multiple approaches to restoring peace or at least mitigating the unwanted noise but to no avail. Mediation did not work due to the unwillingness of the previous owners to comply with conditions listed in the mediation agreement. Police have been very professional in their responses to our calls and have relayed to T-Bird Roadhouse our desire to lower the volume.

They have also noted that the current owner used the tactic of having his bands play as loud as he wants for 15 minutes, then rest for a few minutes and then start again for another 15 minutes. By the owner's reasoning, he is in compliance with the noise ordinance and there is nothing the neighbors can do about it. While we know we have to hear the bands, we do ask that the volume be at a bearable level. Since the Wheat Ridge City Noise Ordinance does not have a decibel reading, it is difficult to get a measured standard for enforcement.

We strongly urge the city council to rewrite the noise ordinance to include a 55 dB level, as the city of Arvada and unincorporated Jefferson County already do. This adds clarity and an objective, enforceable measure for which businesses can comply and police can enforce. Two weeks ago, several of us measured the dB level in front of our homes at 74-78 dB, more than any homeowner should have to bear.

We also urge the council to revisit the minimum 15 minute noise wording of the ordinance, as this can and has been used to get around the intent or at least, the spirit of the law.

Thank you for your consideration of your constituents. Strong and stable neighborhoods are an important asset to any city and should be valued by the City of Wheat Ridge.

Moe Keller
4325 Iris St.
Wheat Ridge
07/17/2020 2:56 pm

Moe Keller
4325 Iris St.
Wheat Ridge, 80033

Dear Wheat Ridge City Council,

I much appreciate that the council will again take up the issue of revising the "unreasonable noise/-disturbing the peace" provision of the Wheat Ridge Municipal Code (Sec. 16-103). For a business or person to persistently inflict unreasonable noise on neighbors in a residential area should not be permissible under a common-sense interpretation of Article III, Chapter 16, Sec. 16-103 (a) (4) of the Municipal Code:

Any noise, sound source or any person or group of persons engaged in loud and continuing activities which are audible twenty-five (25) or more feet from the noise source or at the property line of the property upon which the noise source is located or upon which such activities are taking place, continuing for a minimum of fifteen (15) minutes.

However, the owner of the bar near us informed me (on June 23) and WRPD patrol officers (on July 4) that in his own opinion he can keep within the letter of the ordinance by playing loud music for no longer than 15 minutes, breaking for a period, resuming for not longer than 15 minutes, and so on. Unfortunately, the WRPD on July 4 seemed to accept the bar owner's interpretation of the ordinance and declined to issue him a citation. The bar owner put this plan into practice after the officers left (evening of July 4).

I and my neighbors strongly object to this "on-again-off-again" interpretation of the noise ordinance. It is a bad-faith attempt to evade the intent of the law, whereas the real intent of the noise ordinance is to preserve the peace. Also, it leaves us neighbors with little defense against unreasonable noise. Anyone who has lived for a long period with noise disturbance, as I and my neighbors have had to do, will know that it is not only irritating and annoying, but stressful. The amplified bands hired by the present owner can be heard in our homes (with windows closed) half a block away from the bar, and in our yards the noise distracts from conversation and interferes with the enjoyment of our property. At our neighbor's home two lots south of the bar, the noise can be as much as 85 decibels. The situation is especially frustrating because we have unsuccessfully made good-faith efforts to resolve

the problem: in person with past and present owners, with Jefferson County Mediation Services, and with the WRPD. Wheat Ridge neighborhoods, and not just our own, need a noise ordinance that will be enforceable and that will be clear to everyone. I understand that there are several other noise sources currently disturbing other neighborhoods in the city.

For a possible revision of the present noise ordinance, the Council might consider: 1) a 55-decibel limit at 25 feet from the property line of the property from which the noise originates; and 2) some carefully crafted language to eliminate the "on-again-off-again" loophole.

Thank you for your attention and for your efforts.

Steve Keller
4325 Iris St.
Wheat Ridge
07/17/2020 2:45 pm

Stephen M. Keller
4325 Iris St.
Wheat Ridge, 80033

Date: 7/17/2020

To: Wheat Ridge City Council

Re: Wheat Ridge Noise Ordinance

Thank you for your renewed interest in revising the Wheat Ridge Noise Ordinance. I appreciate an opportunity to express my views on this issue. As Wheat Ridge (and the entire Metro area) gets more populous, it also gets noisier. The noise ordinance currently on the books was written to give police a lot of interpretive leeway to negotiate peaceful resolution between neighbors. That may have been all that was needed at the time it was created. But today, with more people and more noise, the ordinance is too vague & subjective to be effective.

My personal experience residing in the neighborhood adjoining the Tbird Roadhouse (9701 W 44th Ave) is a case in point. Ever since it opened in 2011, the Tbird has disturbed the peace of our neighborhood with excessive noise from outdoor live amplified music. Through the years, we have tried to work with the owners, managers, police, and mediations to try to find a resolution agreeable to both parties. Each time, our neighborhood has been disappointed by broken promises, lack of mediation enforcement, and disagreements over the interpretation of the noise ordinance itself. We are left with frustration and continued excessive noise from the T-bird.

Our only recourse remaining is to harass the manager to turn the amplifiers down and submit complaints to the police. The police must then try to interpret the meaning of noise "continuing for 15 minutes". The current manager argues that if the band plays for 15 minutes, breaks, then resumes play, he is in compliance. Police usually throw up their hands and suggest more mediation. I think you can see very clearly that the current Wheat Ridge Noise Ordinance is confusing and ineffective. I want to thank my neighbors, especially Moe and Steve Keller, for their knowledge, guidance, and continuing resolve.

Some neighborhoods would have just given up and accepted this intrusion into their lives. Moe and Steve have brought us together and encouraged us to hold firm in this long process.

Neighboring communities, such as Golden, Arvada, and Lakewood, have updated their noise ordinances to include sound measurement technology and decibel requirements for varying zoned areas and circumstances. This approach provides objective data that is enforceable.

As an example, Jefferson County's Noise Abatement Policy for residential areas is as follows:

55 decibels from 7AM to 7PM

50 decibels from 7PM to 7AM the following day

(Measured 25 ft. from noise source property line)

This example provides a reasonable day/night differential, clear requirements, and objective measurement. The ordinance is not subject to interpretation and is enforceable. Ours is not the only neighborhood facing excessive noise disturbance. I expect this to become an even bigger problem as Wheat Ridge continues to grow. In December 2019, the Wheat Ridge City Council was considering a hybrid noise ordinance that would set decibel limitations for residential, commercial, and industrial zones. Also, the phrase "continuous for more than 15 minutes" is confusing and needs definition or removal. Please review and update the Wheat Ridge Noise Ordinance.

Thank you very much!

07/17/2020 1:07 pm

Kathryn J. Emmack

4310 Iris Street

Wheat Ridge, 80033

Dear Wheat Ridge City Council: Thank you for seeking to strengthen the city's noise ordinance. As a longtime resident of this city...it has become painfully clear that we are at a time where like the cities around us....we need to step up and make life wonderful for all in Wheat Ridge. By making changes in the old outdated ordinance we will have an environment that will help both homeowners and businesses. I was at the December study session and appreciate the careful thought put into this matter. I look forward to a clearer...stronger ordinance that will make us all better neighbors. Thank you.

07/19/2020 2:13 pm

Laura Jenkins

9715 W. 43rd Ave

Wheat Ridge, 80033

City Staff received the following letter from two residents about this agenda item.

July 20 , 2020

Dear Wheat Ridge Mayor and City Council Members,

We would like to express our concern with the noise level of the Miller/Coors plant locate at Miller St. and Ridge Rd. in Wheat Ridge. We apologize for being unable to attend the meeting today, but we are currently on vacation.

We have lived next to this plant for almost sixteen years, and have not felt the need to complain about the noise level until last year when things changed for the worse. At that time the plant installed some new equipment on the Ridge Road side of their property that greatly magnified the original noise level, and it has now become unacceptable. We are unable to open our windows in the summer to enjoy the fresh air, and sitting outside to visit with our neighbors is not relaxing as we have to raise our voices to hear each other on most days. Last year, we and several of our neighbors sent letters and attended council meetings, and were subsequently told that Miller/Coors would be doing something to mitigate the excess noise. Until now, we didn't bring it up again because we assumed it was being taken care of and we were trying to be patient. It is now the summer of 2020 and the noise level is the same if not worse than last year. We realize that some people are of the opinion that we should just deal with it because we chose to live next to the plant, but it is affecting our quality of life, and our property values, and we feel that something needs to be done.

When we built our home we knew that the plant was here, and we were very aware that it put out a discernable but low humming sound almost constantly. This noise was minimal and something that we were willing to live with, so we thought nothing of making our home there. The new noise that the plant

now constantly emits is completely unacceptable, and we never would have purchased a home at this location had it been at this level at the time. Please help us figure out a resolution to this problem. We would be so grateful!

Respectfully,

Lance and Cathy Carpenter

5318 Nelson St.
Wheat Ridge, CO 80002
(303)432-7572

4. Elected Officials' Report(s)

Councilmember Weaver thanked the police officers and neighbors who helped with the migration of the goat herd last Saturday.

City Clerk Kirkpatrick reported that citizens have submitted paperwork to hold a referendum petition drive to reverse the zoning change Council passed on July 13, 2020 at 38th Ave and Johnson St. He reported that it is virtually certain that the referendum will require a special election, because the deadline for the November 3rd General Election is too close.

An item will appear on the Council Agenda next week to re-designate the official newspaper of general circulation for notices; the Wheat Ridge Transcript has ceased publication and will not be known as the Jefferson Transcript.

Councilmember Hultin thanked Tim and Tammy Glover at AAA Propane generously agreed to re-certify and refill propane tanks for the Boy Scouts.


The Mayor thanked all of the citizens and presenters at tonight's session.

Please, mask up, practice social distancing and wash your hands!


ADJOURNMENT

The Study Session adjourned at 10:14 pm.

APPROVED BY CITY COUNCIL ON August 10, 2020.



Steve Kirkpatrick, City Clerk



Janeece Hoppe, Mayor Pro Tem