

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
**Virtual Meeting**  
**February 1, 2021**

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: Zach Urban, Amanda Weaver, Judy Hutchinson, Corey Stites, Rachel Hultin, Leah Dozeman, Valerie Nosler Beck, Janeece Hoppe.

Also present: City Attorney Jerry Dahl; City Clerk, Steve Kirkpatrick; Treasurer, Chris Miller; City Manager Patrick Goff; Chief of Police, Chris Murtha; Director of Administration, Allison Scheck; Assistant to the City Manager, Marianne Schilling; Sustainability Coordinator, Kayla Betzold; Temeca Mitchell and Bob Hunt with the Rocky Mountain Bottling Co., and their environmental sound engineer, Andrew Truitt of Behrens and Associates, Inc.; Joy Opp, Chair of the Sustainable Wheat Ridge Committee, other guests and interested citizens.

**Citizen's Right to Speak**

Rob Robinson, 4 Hillside Drive – Called to comment on the Sustainable Wheat Ridge Committee report. He is a member of the Committee but speaks tonight as a citizen and resident. Our experience during the pandemic is a window looking to our future with the coming climate crisis. He noted that the proposed staff position, a half-time job, to work toward sustainability is less than 0.2 percent of the City's budget. Council needs to not only approve that proposal but also focus consistently on the climate change crisis.

**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).

**No comments** appeared in Wheat Ridge Speaks for this Council session.

### **1. Rocky Mountain Bottle Company noise mitigation update**

Discussion began at 6:34 pm, approximately :04 minutes into the recording of the session.

#### **Issue**

In 2018, Rocky Mountain Bottle Company (RMBC) began an extensive upgrade to their glass plant to install a new, environmentally friendly furnace. Unfortunately, the new furnace increased the level of noise emanating from the plant into the adjacent neighborhoods. RMBC worked in partnership with the City and the surrounding neighborhoods and completed significant investments to address the increased noise coming from the plant. However, the City has continued to receive complaints from the surrounding neighborhoods concerning the noise.

#### **Staff reports**

Mr. Goff explained that in response to previous noise complaints, City Council adopted Ordinance No. 1697 on August 24, 2020 amending Section 16-103 of the Wheat Ridge Code of Laws concerning the regulation of noise. Section 16-103(C) specifically addresses unlawful noise on or emitting from industrial properties. This Section of the Code has an effective date of February 28, 2021

RMBC has been working diligently to engineer additional solutions to mitigate the noise issue and to come into compliance with Section 16-103(C) by February 28, 2021. They have had initial discussions with City staff concerning their proposed solution which includes the construction of a forty-foot-tall sound wall. City Code requires that RMBC submit a specific development plan (SDP) amendment for the sound wall, which will amend the final development plan the City has on file for RMBC. The SDP will be reviewed by staff and then at a public hearing in front of Planning Commission.

Due to this extensive City review and approval process, completion of the sound wall will extend several months past the original February 28, 2021 effective date of the ordinance. City staff will ask City Council for an extension of this effective date. Representatives from RMBC will provide an update for the public and City Council at the February 1, 2021 study session on their proposed noise mitigation efforts.

RMBC gave a detailed presentation on progress to date, their engineering design for a wall to mitigate the noise and their request for a 5 to 7 month extension of the deadline set by Council in August 2020, when the Ordinance will take effect: February 28, 2021.

#### **Councilmembers had questions and comments:**

Councilmembers asked detailed questions about several topics, including:

- Several councilmembers thanked the presenters for their presentation. It was informative and helpful.

- Will the new design include a dB meter or other instrumentation to measure the amount of sound reflected back from the proposed sound wall? The answer was in the affirmative.
- How will we measure the output of initial dB level and the reduction to lesser dB beyond the wall? The engineers will measure both dB levels, to continually ensure that the sound level is acceptable to the adjacent community.
- What is the timeline for completing this project, given that we set the deadline in the Ordinance last August at February 28<sup>th</sup>, 2021? How will the City help expedite the approvals and building permits?

Mr. Goff said the Planning Commission will approve the project in May, so building permits can be issued very quickly. Mr. Truitt commented on how they are preparing for construction to begin so that the project is completed by September 2021, and how they plan to ensure a solid wall that will remain rigid even during strong winds.

- Is the timeline for building the wall ambitious or comfortable? Mr. Truitt stated they are confident they can meet the deadline.
- Will the aesthetics of the wall mitigate or reduce the sound reduction? The sound mitigation will be the primary criterion, aesthetics second.
- Are you asking for a delay or a new ordinance? Mr. Dahl gave Council two options, including a waiver of enforcement or a new Ordinance. Council has passed resolutions in the past to do a waiver or delay or enforcement. Which option Council chooses depends on Council's comfort level.
- Can we waive the deadline for just this situation, so as not to delay industrial noise levels elsewhere in the City? Mr. Dahl believes we can target an Ordinance for the industrial subsection of the original ordinance. He also asked for a date certain by which construction will be finished.
- What will the aesthetic appearance of the wall be like from the street north of the RMBC? Ms. Mitchell stated that they are working closely with the City and the engineers to ensure an attractive appearance.

Mr. Goff explained that because of the size of the structure it will have to meet the standards in the Design Manual.

- Extending the industrial clause of the sound ordinance for additional time will not impact the enforcement of other parts of the ordinance.
- Do we have hard numbers about what the expected 50% reduction in dB level will mean? Ms. Mitchell stated RMBC is accountable to dB levels in their proposal and permitting language to satisfy the residents in the nearby neighborhood.
- What are the specific plans for informing the neighborhood about the progress to date and the plans to meet residents' expectations?
- What is an achievable deadline for completing construction? RMBC had no firm answer. If the permitting and approvals are completed in May, completion would be in July. If delayed past May, the completion date will also move farther out on the calendar; each month approvals are delayed will mean a month delay in completion of the project.

Councilmember Hoppe proposed a consensus to amend the formal Ordinance to allow for this delay in the effective date of the industrial noise section of the ordinance with a deadline of October 1, 2021. The process of formally passing an amendment as a formal ordinance will require full due process and transparency.

Consensus achieved.

## **2. Sustainable Wheat Ridge updates**

Discussion began at 7:30 pm, approximately :60 minutes into the session.

### **Issue**

City Council requested that Sustainable Wheat Ridge and staff provide updates on the progress of its Action Plan goals. Additionally, Council requested that staff provide considerations for updated sustainability-related strategies which could be included in the City's Strategic Plan.

### **Staff reports**

Kayla Betzold, Sustainability Coordinator presented that since its original formation in 2017, the committees progress has been recognized consistently and both staff and the committee have continued to make progress on the Action Plan.

Ms. Betzold introduced Ms. Opp, who then provided an update to City council on its progress, as well as potential goals and strategies related to 2035 Topic 6: "Wheat Ridge is committed to environmental stewardship" which may be considered during City Council's 2021 Strategic Plan update.

### **Discussion included:**

- Action Plan Progress
- Update the Action Plan
- Set and Prioritize Energy Efficiency and Renewable Energy Goals
- Research and Prioritize Organized Waste Hauling Options
- Support Environmental Sustainability Policy on a Regional, State, and Federal Level
- Review Existing City Ordinances to Include an Emphasis on Sustainability

At this time, staff is providing options for City Council to consider when updating the Strategic Plan. These options are informational only. No action is needed at this time.

### **Councilmembers had questions and comments:**

Councilmembers asked detailed questions about several topics, including:

- Several councilmembers thanked the Committee and the staff for an excellent report and great progress.

- In the five-year staffing plan, we see that in 2022 we plan to increase the Sustainability Coordinator to a full-time position, and we need to keep that plan in the forefront as we plan and budget.
- Explain the nexus of Idaho Stop and the Sustainability Committee? What is the connection between sustainability and not requiring cyclists to obey stop signs if they can clearly see it is safe to transit an intersection? It encourages alternate transportation, and studies show the Idaho Stop actually improves cyclist safety.
- Does the Idaho Stop allow cyclists to disobey red lights? No.

### **3. Liquor Occupation Tax and Liquor License fees**

Discussion began at 8:10 pm, approximately 1:40 hours into the session.

#### **Issue**

Councilmembers Stites and Urban have expressed a desire to evaluate the impact of waiving or rebating all or a significant portion of both a) the local liquor license fees the City currently collects, along with b) the City of Wheat Ridge liquor occupation taxes.

The potential abatement of these liquor fees and taxes would improve the chances that local businesses suffering from the impacts of the public health emergency will survive financially.

#### **Staff reports**

City Clerk Steve Kirkpatrick presented a discussion on the background of the Liquor Occupation taxes (LOT), liquor licensing fees, and how the hospitality industry generally agree that locally owned and operated restaurants and bars in particular, are among the most at risk businesses due to the pandemic. The Colorado Restaurant Association reports that “thousands of Colorado restaurants have closed,” due to the pandemic, and the vast majority of those businesses will never re-open.

#### **Discussion included:**

- Devastating Impact of Coronavirus on Restaurants and Bars
- Liquor license fees
- Liquor Occupation taxes (LOT)

Staff recommends:

1. Staff recommends that the City Council approve waiving all or the majority portion of local liquor license fees for 12 months.
2. Staff recommends that for the year of 2021, City Council rebate all or a majority portion of the LOT levied and collected to date in 2021, and waive all or a majority portion of LOT to be levied for the remainder of 2021, for on-premises consumption types of license holders. We refer specifically to classes F, G, and T. (To date, the city has not issued any license types for either class C or J1.)

3. If Council can reach a consensus to move forward, we further recommend that Council ask that Finance staff work with the City Attorney and City Treasurer to design a feasible and legally permissible plan and process to provide this Liquor License Fee and LOT relief to our small businesses while requiring as little extra staff effort as practicable.

**Councilmembers had questions and comments:**

Councilmembers asked detailed questions about several topics, including:

- Councilmembers agreed to include the five on-premises consumption liquor licensees that are operated by restaurant chains.
- Councilmembers agreed that this benefit should include only those on-premises consumption licensees who have seen significant drops in their sales tax revenue since the pandemic started. Following due discussion, Councilmembers included in their consensus that a drop of 20% or more should qualify.
- Councilmembers agreed with the City Clerk that restaurants, bars and taverns that qualify will submit a simple form to the Office of the Clerk to seek approval.

Councilmember Hoppe proposed a consensus to direct staff to bring forward to Council appropriate action that will put into effect:

- A liquor license fee and LOT tax waiver.
- All businesses that have Liquor Licenses for “on-premises” sales will be eligible.
- Those licensees experiencing a loss of gross revenue of 20% or greater over the year before based on City sales tax returns, for business that were in operation for a year or more prior to March 2020.
- For businesses that began operations during the pandemic (operating for less than one year as of March 2020) and are experiencing a loss of gross revenue of 20% or greater compared to projections of sales made prior to opening.
- Waiver will last from April 1, 2021 - March 31, 2022.
- Business must apply to the City Clerk’s office for the waiver.

Consensus achieved.

**4. Staff Report(s)**

This item began at approximately 8:36 p.m.

Jefferson County manages a small business relief grant program created by the Colorado Legislature for which 28 Wheat Ridge businesses have applied. The deadline for applications has been extended to February 8, 2021.

**5. Elected Officials’ Report**

Councilmember Sites reminded everyone of the District III meeting, on Zoom or in person at the Rec Center, 9:30 AM, Saturday, February 6, 2021.

Councilmember Hultin will hold a limited in-person (20 People) gathering on February 16 at the Rec Center from 1:00 – 2:30 p.m. She will repeat the same presentation on Zoom February 16 from 6:30 – 8:30 p.m. Details will appear on the City website.

She also asked that we consider re-labeling Citizen's Right to Speak to Public Comment to make it clear that any member of the public can speak, either as an individual or representative of a business or organization, not just Wheat Ridge residents. Mr. Goff commented that that change would require a change in the City Council Rules. The Mayor suggested that we look at the details during the strategic planning retreat.

Councilmembers Dozeman and Hultin want to bring forward a study session item to discuss Sound Event Permit limits.

The Mayor thanked the presenters on tonight's agenda items. Remember that there are children on the streets during nice weather, and many of them are out and about during the day. Drive and cycle carefully.

**ADJOURNMENT**

The Study Session adjourned at 8:43 p.m.

APPROVED BY CITY COUNCIL ON February 8, 2021



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Steve Kirkpatrick, City Clerk



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Janeece Hoppe, Mayor Pro Tem