

## Arvada City Council Meeting, May 18, 2015

Notes taken by Susan Shirley

### *DRIENKA REAPPOINTED ON SPLIT VOTE*

In attendance were Mayor Marc Williams, Mayor Pro Tem Mark McGoff, and Councilmembers Don Allard, Bob Dyer, Bob Fifer, Jerry Marks, and John Marriott.

At 6 p.m., attendance by citizens was 45; at 7:00 it had dropped to five.

Minutes from the May 4 meeting were approved with no changes.

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#### Recognition:

Councilmember Bob Dyer recognized the following board and commission members who have reached their maximum years of service:

- Tracy Kraft-Tharp, Human Services Advisory Committee, 10 years
- Dave Olson, Festivals Commission, 14 years
- Judith Denham, Festivals Commission, 10 years
- Dudley Weiland and Jody Weiland, Festivals Commission, 11 years
- Cheryl Witt, Liquor Board, 12 years

Dyer said he's observed the Festivals Commission, and that they seem like a well oiled machine --"They know how to put on a festival." He noted that the Kite Festival has been such a success because of the Weilands. Jody Weiland said the Festivals Commission is a lot more work than it might seem, that work begins six to eight months out. She said, "It's time some new blood comes in."

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#### Recognition:

Councilmember Bob Fifer recognized the finalists in Stott and Fremont Elementarys' 6th Grade Essay Contest. This year's topic was "Making a Difference." Essays were judged by Honor Society students from Arvada West High School. Finalists from Fremont are Molly Cheer, Dominic Danborn, Mariah Nisely, and Taylor Turecek. Finalists from Stott are: Joy Davis, Victoria Edlund, and Jacob Zimbelman. Congressman Ed Perlmutter's office sent along a special congressional recognition, and cupcakes, for the finalists.

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#### Proclamation:

Councilmember Jerry Marks presented a proclamation of the 100th Anniversary of the Kiwanis Organization. Accepting the proclamation was Rocky Mountain District Kiwanis Lt. Governor Maggie Weakley.

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Public Comment:

Arvada resident Nancy Young thanked Council, and particularly Councilmember John Marriott, for their actions in amending the proposed vaping ordinance at the May 4 meeting. At that meeting, the ordinance to ban e-cigarettes wherever smoking is banned, was passed with the provision that vaping stores are exempted. This was in order to allow sampling of various flavors within the stores, a critical part of their business. Marriott took the time to approach those businesses, determine a good compromise, then run that past the City Attorney's office, arriving at the Council meeting with amendment in hand.

Young further noted that the workshop preceding that council meeting included only one side of the vaping question--that of the Jefferson County Health Department and other opponents of vaping. No mention was made of the use of e-cigarettes as a smoking cessation alternative. Later, at the meeting, nearly 40 citizens gave testimony as to the help they have received in quitting smoking using e-cigarettes.

Young said, "We urge this Council to seek balanced viewpoints and end the one-sided presentations often found in staff reports."

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Consent Agenda:

Dog License Fee:

The Foothills Animal Shelter is supported in large part by license fees charged to dog owners. The fees have not changed since 2007, but costs have risen. The Shelter board, Jefferson County administrator, and city managers of Arvada, Wheat Ridge, Golden, and Lakewood are recommending a change in the annual fee from \$15 for a neutered dog and \$30 for a non-neutered dog, to \$20 for any dog. (R15-070)

Turf Maintenance Equipment:

Five riding mowers for the Parks Department, and a turf sweeper and a turf sprayer for Westwoods Golf Course. All items are for replacement of equipment deemed too old to be cost effective to retain. The purchase order is for \$391,881. (R15-071)

Miscellaneous Concrete Replacement:

This allows a change to the original purchase order from the City to Three M Construction for work not included in the original contract. The company will be doing concrete work required for water main replacement at various sites around Arvada. (R15-072)

Costco, Easement, Emergency access and fire lane: There will be a traffic signal going in at the entrance to Costco on Yarrow Street. As part of that change, there will be a new emergency access and fire lane added. (R15-073)

All items passed, 7 to 0.

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Resolutions:

The Arvada Post Office at 5885 Allison Street is owned by the estate of Elaine R. Millman. The estate wishes to sell the property for \$1,116,000, and approached the City to see if there is any interest in buying the property. In February, City Council directed staff to execute a Letter of Intent, with a 75 day period which ended April 21. During that time, staff looked at the lease agreement with the Postal Service, and also studied the use of the property for a Justice Center. The Postal Service currently leases the property for around \$4,000 a month, and they have the right to lease the property until 2022. After that, the Postal Service can exercise an option to purchase the property, which has some complicated terms, but is based on obtaining agreement with the property's owner at that time, following a number of appraisals.

The Postal Service normally leases property rather than owning it. However, it is not clear whether the Postal Service would be interested in buying this particular property, and attempts to pin down an answer from them were not fruitful.

The City believes, based on current market conditions, that a Justice Center could be built on that property at a cost far below that of a significant remodel of the existing City Hall facility. Further, if the City purchased the property now, and then later the Postal Service exercised their option to purchase, the City believes the value of the property would be higher and therefore there is little risk of loss on the part of the City.

There is mention on the City website under this meeting's agenda, that the Postal Service has used that facility for over 40 years and that the loss of that Post Office location could be seen as an adverse impact on the community. The present intent is for the City to assist the USPS, in that case, to find other options for a facility in Arvada.

This Resolution is for authorization to purchase the property at the price stated above. (R15-074) City Manager Mark Deven noted that the purchase can come through internal borrowing from reserves. In particular, health care cost savings are significant enough at present to supply resources toward this purchase. Councilmember Marriott spoke in favor of the purchase, calling it a fortuitous opportunity. Mayor Marc Williams commended staff for good work. He emphasized that internal funds will be used, no taxes will need to be raised, and it's good long term planning he said, as the police and court needs are sure to expand as Arvada's population grows.

This item passed on a 7 to 0 vote.

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Ordinances, First Reading:

Public Hearings for these items will be on June 1, 2015, at 6:30 p.m.

Redesigned Olde Town Transit Station:

This item amends the agreement between the City and RTD, to reflect changes to the design of the Transit project. With the deletion from the design of the pedestrian bridge, and some clarification to the designs of the eastern and western plazas near the platform area, some modifications to the agreement are needed. (CB15-019)

Moore Brothers Farm, Annexing and Rezoning:

The City owns this 51-acre property north of 72nd and Ward Road. However, it has never been annexed into the City and is currently under the jurisdiction of Jefferson County. The City would like to annex the property, rezone it from Agricultural to Conservation, and eventually develop it into an agricultural/educational amenity for Arvada. (CB15-019 and -020)

Both items passed, 7 to 0.

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Public Hearings:

Miniature Goats:

Under certain conditions, Arvada residents are able to keep bees, chickens, and turkeys. This ordinance would add miniature goats (Nigerian Dwarf or African Pygmy Goat breeds, no taller than 24 1/2" at the withers) again under specific conditions. For further information, see:

[http://www.arvadarecords.org/councilpacket/current\\_week/08.A.%20CB15-018,%20An%20Ordinance%20Amending%20Chapter%2014,%20Animals,%20of%20the%20Arvada%20City%20Code%20by%20Amending%20Various%20Provisions%20Thereof%20Relating%20to%20the%20Keeping%20of%20Miniature%20Goats%20and%20Other%20Animals.pdf](http://www.arvadarecords.org/councilpacket/current_week/08.A.%20CB15-018,%20An%20Ordinance%20Amending%20Chapter%2014,%20Animals,%20of%20the%20Arvada%20City%20Code%20by%20Amending%20Various%20Provisions%20Thereof%20Relating%20to%20the%20Keeping%20of%20Miniature%20Goats%20and%20Other%20Animals.pdf)

A resident of northeast Arvada spoke in favor of the addition, saying that miniature goats are an alternative kind of pet to dogs, cats, etc., giving joy and companionship as well as a sustainable substitute for mowing back yards. Goat milk is another plus, and can be enjoyed by lactose intolerant people as well as its use in cheese, soap, lotion, and other products. She said, "The goats are great, productive little pets, and would have no more effect on neighborhoods than the average dog."

Councilmembers Mark McGoff, Bob Dyer, City staff, and Jenny and Lindsey from Animal Control (not Girl Scouts, as was originally thought by Mayor Williams) worked out what the limits are on how many total pets and other animals are allowed per household (the upper limit is 15, but only three dogs, four cats, two potbellied pigs, and only four total out of those groups.) There was some discussion about where baby goats come from, with the answer being that the baby goats might be born here, but any goat pregnancies would originate somewhere outside Arvada.

Mayor Williams asked if the Animal Control representatives were aware of any issues with goats; they said not at this point. Councilmember Fifer clarified that, with the exception of baby goats too young to leave their mother, both the minimum and maximum number of goats is two. The staff member agreed, saying that the experts have told her that goats are extremely social and don't do well without a companion goat. She said that most people who would want goats would do some research ahead of time and would want to do what is right for their pets.

This item passed, 7 to 0.

Public Comment:

None

Reports from City Council:

Although this item was nowhere on tonight's agenda, Councilmember Mark McGoff requested a revisiting of a deferred decision from the April 6 City Council meeting, from which he and Councilmembers Allard and Marriott were absent. Deferred, at that time, was the reappointment of Roger Drienka to the Design Review Committee, for three years, ending April of 2018.

Councilmember Marriott requested and received recusal on the grounds of two conflicts of interest.

This appointment can be seen as controversial based on Drienka's failure to recuse himself based on his own, financial, conflict of interest in a matter before the Design Review Committee, as well as his participation with others in a lengthy discussion following adjournment of a meeting attended and recorded by Cindi Kreutzer--directly and blatantly at odds with the Open Meetings Law. It should also be noted that Drienka is not a new volunteer; he has been on that same committee for a decade.

The facts are not in dispute. What is in dispute is whether this is no harm-no foul and conspiracy-theory seeking, as some in City government have stated, based on the fact that the Design Review Committee is volunteer and is only an advisory board which does not make policy. Others have taken the matter more seriously, and City Attorney Daly said tonight that Randall Sampson of Daly's office has trained some of the members of that committee, expects to train the remaining members in three weeks, and will be the legal advisor to the committee, meaning that he will need to be present at their meetings as legal representative.

Councilmember Bob Fifer commented, saying that he doesn't want to discourage people from volunteering, but this is a conflict of interest matter. He said, "Mr. Drienka should have known if it was a conflict of interest, and should have known better than to have discussions after a meeting." Fifer said because of that direct conflict, he would not support the motion to reappoint.

Councilmember Don Allard said he sees it differently, because the committee does not make binding decisions. He said, "These are volunteers, and because someone made a mistake--although it was somewhat serious-- it didn't affect any decisions." He said there are questions in his mind as to whether that committee is even subject to the Open Meetings law.

The six Councilmembers aside from Marriott voted, with the outcome to reappoint Drienka on a 4 to 2 vote, with Fifer and Dyer voting not to reappoint and Marriott being recused.

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More reports from City Council:

Councilmember Fifer said he attended the First Annual Melanoma Night Walk here last night. It featured a 1K walk, which will increase by 1K each year. He said over a hundred people attended, and a different crowd than usually seen at events.

Reports from City Manager: None

Report from City Attorney: None

The meeting was adjourned at 7:10.