



## CITY OF ARVADA

### SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD SEPTEMBER 15, 2008

#### AGENDA REVIEW SESSION – 5:30 p.m.

1. Call to Order by Mayor Bob Frie.
2. Executive Sessions
  - A. Legal Advice, Pursuant to CRS 24-6-402(b)

Mike Polk explained that if City Council is in agreement with staff's recommendation on termination of a contract with a vendor, then an executive session is not needed. City Council concurred with staff's recommendation provided in an earlier memo.

3. Study Sessions
  - A. Trash Regulating

Mr. Kocian said there are trash trucks operating in the city but we do not regulate them. He said they pay a \$25.00 license fee. He said this is being looked at as part of the Sustainability program. Mr. Kocian said some of the companies offer recycling but some do not and operate on our streets without regulation. He said the question is should we regulate and if so, to what extent, or, what are our options.

Clark Johnson, Assistant to the City Manager, said tonight staff would like some policy direction as to whether City Council wants to change the policy direction for the city. He said currently a form is filled out, they pay their \$25.00 and then they are licensed to do business.

Mr. Johnson said the issues have to do with the number of trash haulers on the street and in some cases there are dumpsters out on one street all week. He said when a citizen calls City Hall, the City Clerk's Office gives them a list of licensed providers. He said this does not allow us to know anything about what is happening in the community, such as rates, or the amount of solid waste being picked up. He said staff would like to know more about who is serving the community.

Mr. Johnson then went over the impact on streets. He said for one street, with five haulers for one week, there are 10 round trips per week. Trash trucks are the heaviest trucks to operate on neighborhood streets and one equals in one week the same as 12,500 cars. He said Ft. Collins did a study two years ago and they estimated there is a \$350,000 per year impact from trash haulers.

Mr. Johnson said our options include the City providing the service which means we would own the trucks and start our own utility but staff is not recommending that option. We could contract for the service, either on a city-wide basis or by districts. He said an RFP could be issued which could include service standards and specific rates. The RFP could also be issued for districts, or quadrants, of the city. He said in the RFP we could require recycling be offered or mandatory recycling bins. Truck standards, appearance, and safety issues could be regulated and contracts could be multi-year. He said the pros of contract service include fewer vehicles so emissions are

reduced. There would be less impact on the streets, with less noise and air pollution. There would be an increase in recycling materials and customer service standards could be established. He said cons include eliminating the choice for the resident and some haulers will not win a contract. He said it would be an increased City administrative burden and would be a major change for haulers, residents and the City.

Mr. Johnson said in regulated competition, the hauler has to comply with additional licensing requirement. He said this maintains consumer choice and haulers have the ability to maintain market share. He said license requirements can require performance standards for recycling and trucks just like the contract approach. The cons are that there would be an increased City administration burden with no reduction in vehicle miles traveled.

Mr. Johnson said several cities on the Front Range provide city service, some have contract service city-wide and some have contract service in districts. He said the vast majority of communities do licensing right now but that we are at the extreme end of that. He said most have higher fees and some include mandates to provide recycling and recycling reporting requirements.

Mr. Johnson said the question is whether City Council wants to further examine changing trash service regulation. He said if City Council wants to maintain the status quo, we should either get out of the licensing business, or at least get more information and check their insurance compliance and corporate information.

Councilmember Azari said we should be requiring insurance and evidence of inspection of the trucks, and we should raise the fee or possibly collect an impact fee that could be attached to the citizen's bill by the company and passed along to the city.

Mayor Frie said he feels they have to provide recycling and he would like to limit the number of trucks on the street.

Mr. Kocian said there would be cure and termination clauses in the contracts.

City Council concurred to take a deeper look at contract services, on a district level as well as city wide. Mr. Johnson said he can also come back with more information on licensing requirements.

- I. **CITY COUNCIL MEETING: CALL TO ORDER:** Mayor Frie called the meeting to order at 6:30 p.m.
- II. **MOMENT OF REFLECTION AND PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL OF MEMBERS:**

Those Present: Mayor Bob Frie, Mayor Pro Tem Lorraine Anderson, Councilmember Don Allard, Councilmember Aaron Azari, Councilmember Bob Dyer, Councilmember Mark McGoff, Councilmember Marc Williams

Also present were: Craig Kocian, City Manager; Bill Ray, Deputy City Manager; Mike Polk, Deputy City Attorney; Mike Elms, Community Development; Jim Root, Director of Public Works; Vicky Reier, City Manager's Office; and Christine Koch, City Clerk.

IV. APPROVAL OF MINUTES OF THE AUGUST 25, 2008 CITY COUNCIL MEETING  
The minutes stand approved as submitted.

V. PETITIONS RECOGNITIONS AND COMMUNICATIONS

A. Proclamation for Constitution Week – presented by Councilmember Williams

Councilmember Williams read the proclamation and proclaimed on behalf of City Council that the week of September 17-23, 2008 be recognized as Constitution Week.

Bethe Clark-Urban, Regent for the Arvada based Doctor Susan Anderson Chapter of the National Society of Daughters of the American Revolution was present to accept the proclamation.

B. Proclamation for Family Day – presented by Councilmember Dyer

Councilmember Dyer read the proclamation and proclaimed on behalf of City Council that September 22, 2008 be designated as Family Day. The proclamation will be sent to The National Center on Addiction and Substance Abuse (CASA).

C. Recognition of Maggie Owens, Administrative Specialist with Arvada PD – presented by Mayor Pro Tem Anderson

Mayor Pro Tem Anderson introduced Maggie Owens who is retiring after nearly thirty years with the Arvada Police Department. Ms. Anderson presented Maggie with a Certificate of Recognition signed by City Council.

D. Recognition of Arvada Stake Church of Jesus Christ of Latter-day Saints for their Volunteer Work to Build a New Trail at Majestic View Nature Center and Community Park – presented by Councilmember McGoff

Councilmember McGoff recognized members of the Arvada Stake Church of Jesus Christ of Latter-day Saints for their volunteer work to build a new trail at Majestic View Nature Center and Community Park. Mr. McGoff presented them with a Certificate of Recognition. Mr. McGoff said Mr. Humrich is present to accept the recognition and will present a slide show depicting their project at the end of tonight's meeting.

VI. PUBLIC COMMENT OF FY 2009 BUDGET

VII. PUBLIC COMMENT ON ISSUES NOT SCHEDULED ON AGENDA

A. Mayor Frie recognized the boy scouts from Troops 540 and 600 who were in the audience.

B. Homer Anderson, Arvada, representing Ginny's Kids, thanked City Council for their support of the golf tournament.

C. Frank Gacnik, Arvada, addressed City Council regarding the City's smoking ordinance and the amendment on this evening's agenda that will reduce access products to our youth. He said he is also speaking on behalf of the Arvada's Peace and Justice Commission.

D. Donna Viverett, Jefferson County Department of Health and Environment, thanked the City for being leaders in the region to address the problems with smoking. She said the

first reading ordinance on this evening's agenda is to be applauded and will close loopholes in the current state legislation.

- E. Nancy Young, Scott Staly, Michael Thompson, representing the Historical Olde Town Association, invited the public to the 5<sup>th</sup> annual cemetery tours, scheduled for September 27 at 112:30 p.m.
- F. Star Howes, Golden, and a kindergarten teacher at Vanderhoof Elementary, spoke on behalf of Jeanette Stack, the Child Safety Coordinator in the Arvada Police Department and asked that the position not be eliminated from the City.
- G. Pamela Portie, Arvada, and a teacher at Vanderhoof Elementary, also spoke on behalf of Jeanette Stack.

#### VIII. NEW BUSINESS

##### A. Consent Agenda

- 1. R08-102 A Resolution Concurring In and Acknowledging the Pending Vacation By Jefferson County of a Portion of McIntyre Street Located South of West 64<sup>th</sup> Avenue
- 2. R08-103 A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Genesee Builders, Inc., in the Amount of \$274,300 for Arvada Water Treatment Plant Piping Modifications, Project No. 08-WA-04
- 3. R08-104 A Resolution Authorizing the 4th Amendment to the Revised 2008 Biennial Operating and Capital Budget Relating to Building Maintenance Fund Expenditures
- 4. R08-105 A Resolution Authorizing the Fifth Amendment to the Revised 2008 Biennial Operating and Capital Budget and Authorizing an Edward Byrne Memorial Justice Assistance Grant Program Agreement Between the City of Arvada and the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice to Fund Substance Abuse Evaluation, Testing and Treatment

Craig Kocian explained R08-104 in response to a question from Mayor Frie. He explained the costs involved with replacing the audio visual equipment in the three conference rooms.

Mayor Pro Tem Anderson moved that R08-102, A Resolution Concurring In and Acknowledging the Pending Vacation By Jefferson County of a Portion of McIntyre Street Located South of West 64<sup>th</sup> Avenue; R08-103, A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Genesee Builders, Inc., in the Amount of \$274,300 for Arvada Water Treatment Plant Piping Modifications, Project No. 08-WA-04; R08-104, A Resolution Authorizing the 4th Amendment to the Revised 2008 Biennial Operating and Capital Budget Relating to Building Maintenance Fund Expenditures; R08-105, A Resolution Authorizing the Fifth Amendment to the Revised 2008 Biennial Operating and Capital Budget and Authorizing an Edward Byrne Memorial Justice Assistance Grant Program Agreement Between the City of Arvada and the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice to Fund Substance Abuse Evaluation, Testing and Treatment, be approved.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams  
The Motion was approved.

B. Resolutions

1. R08-106 A Resolution Authorizing a Donation Agreement By and Between Edward and Marlene Zimmerman and the City of Arvada and Accepting a Deed of Conservation Easement Pursuant Thereto

Gordon Reusink, Director of Parks, Golf and Hospitality Services, introduced this item. Mr. Reusink introduced Ed and Marlene Zimmerman to City Council. He said they have resided for the past fifty years and contacted legal counsel to help them put together a conservation easement. Mr. Reusink thanked the work of Randall Sampson and said this preserves an area of six acres in Arvada.

Mike Lee, Manager of Urban and Park Design, reviewed this item with City Council. He thanked Marlene and Ed for their vision, foresight and generosity in preserving this site, which is also called Sunset Ranch. He said there have been efforts over the years to save this very valuable wildlife habitat and for its vegetation. Mr. Lee said this is a six acre area bordered by the Croke and Farmer's Highline canals and was a part of the larger Belgian Farm. He said this agreement allows for compatible use of the residence and protects scenic, open space and wildlife values and will preserve this as passive open space and wildlife habitat forever. He said it also protects this land from further encroachment from development and supports the Heritage Canal corridor planning. He said this also supports a regional trail network.

Mr. and Mrs. Zimmerman addressed City Council. Mrs. Zimmerman said she has lived on this property since high school and now that she is older, she wanted to do something that would preserve the land and preserve the wildlife in the area.

Councilmembers thanked Mr. and Mrs. Zimmerman for their gift to the City and the citizens.

Councilmember Dyer moved that R08-106, A Resolution Authorizing a Donation Agreement By and Between Edward and Marlene Zimmerman and the City of Arvada and Accepting a Deed of Conservation Easement Pursuant Thereto, be approved.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams  
The Motion was approved.

C. Ordinances (First Reading)

1. CB08-027 An Ordinance Authorizing a Maintenance Agreement By and Between the Colorado Department of Labor and Employment, Division of Oil and Public Safety and the City of Arvada, Pertaining to Elevator and Escalator Inspection Services (Public Hearing to be set for October 6, 2008 at 7:00 p.m.)
2. CB08-028 An Ordinance Authorizing the First Amendment to an Intergovernmental Agreement Between Jefferson County, the City of Arvada, the City of Lakewood, the City of Wheat Ridge,

- the City of Golden, and the City of Westminster for the Implementation of a County-Wide Dog Licensing Program (Public Hearing to be set for October 6, 2008 at 7:00 p.m.)
3. CB08-029 An Ordinance Amending Division 3, Smoking Restricted in Public Places, of Article VII, Air Pollution, of Chapter 38, Environment, of the Arvada City Code to Limit the Exposure of Children to Tobacco and Smoking Products (Public Hearing to be set for October 6, 2008 at 7:00 p.m.)
  4. CB08-030 An Ordinance Annexing Certain Land Into the City of Arvada, Colorado, The Richards Farm, W. 72<sup>nd</sup> & Alkire Street (Public Hearing to be set for October 6, 2008 at 7:00 p.m.)
  5. CB08-031 An Ordinance Rezoning Certain Land Within the City of Arvada, The Richards Farm, from Jefferson County A-2 (Agricultural) to PUD-R (Planned Unit Development-Residential), 3.42 un/ac, and Amending the Official Zoning Maps of the City of Arvada, Colorado, W. 72<sup>nd</sup> & Alkire Street (Public Hearing to be set for October 6, 2008 at 7:00 p.m.)

Councilmember Williams moved that CB08-027, An Ordinance Authorizing a Maintenance Agreement By and Between the Colorado Department of Labor and Employment, Division of Oil and Public Safety and the City of Arvada, Pertaining to Elevator and Escalator Inspection Services; CB08-028, An Ordinance Authorizing the First Amendment to an Intergovernmental Agreement Between Jefferson County, the City of Arvada, the City of Lakewood, the City of Wheat Ridge, the City of Golden, and the City of Westminster for the Implementation of a County-Wide Dog Licensing Program; CB08-029, An Ordinance Amending Division 3, Smoking Restricted in Public Places, of Article VII, Air Pollution, of Chapter 38, Environment, of the Arvada City Code to Limit the Exposure of Children to Tobacco and Smoking Products; CB08-030, An Ordinance Annexing Certain Land Into the City of Arvada, Colorado, The Richards Farm, W. 72<sup>nd</sup> & Alkire Street; CB08-031, An Ordinance Rezoning Certain Land Within the City of Arvada, The Richards Farm, from Jefferson County A-2 (Agricultural) to PUD-R (Planned Unit Development-Residential), 3.42 un/ac, and Amending the Official Zoning Maps of the City of Arvada, Colorado, W. 72<sup>nd</sup> & Alkire Street be approved on first reading, ordered published in full and a public hearing be set for October 6, 2008 at 7:00 p.m.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams  
The Motion was approved.

IX. OTHER

A. Appointments to the Arvada Festivals Commission

Councilmember Azari moved to appoint Sheri King to an unexpired term ending April 30, 2009; Charl Lee Sauer to an unexpired term ending April 30, 2010; Bernie Burgmaier, Edna Gordon and Rita Schmidt to three-year terms expiring April 30, 2011.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams  
The Motion was approved.

B. Mercer Out of City Sewer Request, 6520 Tennyson St.

Mike Elms, Director of Community Development, reviewed this item with City Council.

Councilmember Azari asked if the applicant is fully aware of the City's requirements for annexation. Mr. Mercer was present and said he is aware of the requirement.

Councilmember Azari moved that Mercer Out of City Sewer Request, 6520 Tennyson St., be approved subject to the attached updated condition of approval. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams  
The Motion was approved.

C. Appointments to CML Policy Committee

Councilmember Azari moved to appoint Marc Williams and Don Allard be appointed to the Colorado Municipal League's Policy Committee for one year terms and Clark Johnson appointed as an alternate.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams  
The Motion was approved.

X. ORDINANCE (First Reading)

Mike Elms stated that the agenda packet included a first reading ordinance on CB08-032 but it was not listed on the agenda.

Councilmember Williams moved that CB08-032, An Ordinance Vacating a Portion of Alkire Street Right of Way, Generally Located South of W. 74<sup>th</sup> Avenue, The Richards Farm, W. 72<sup>nd</sup> & Alkire Street; be approved on first reading, ordered published in full and a Public Hearing date be set for October 6, 2008 at 7:00 p.m.

XI. PUBLIC HEARINGS

- A. CB08-026 An Ordinance Authorizing a Maintenance Agreement Pertaining to the Big Dry Creek Trail Underpass at Indiana Street, By and Between the City of Arvada, Jefferson Center Metropolitan District No. 2, and Jefferson County (Ordinance No. 4124)

Mayor Frie opened the public hearing on CB08-026.

Mayor Frie closed the public comment portion of the public hearing.

Councilmember Dyer moved that CB08-026, An Ordinance Authorizing a Maintenance Agreement Pertaining to the Big Dry Creek Trail Underpass at Indiana Street, By and Between the City of Arvada, Jefferson Center Metropolitan District No. 2, and Jefferson County be approved on final reading, numbered 4124 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams  
The Motion was approved.

XII. COUNCIL REPORTS

- A. Councilmember McDuff said he and Mayor Frie visited a new business, The Cool River Art Gallery on Grandview, and it is a wonderful establishment.
- B. Councilmember Dyer reported that the two new fire stations should be open in a couple of weeks and will have an official open house and neighborhood get-togethers.

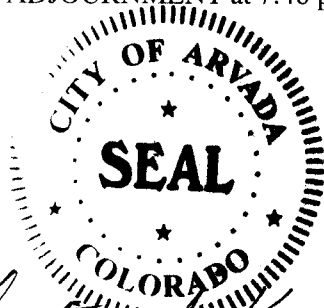
XIII. CITY MANAGER REPORTS - None

XIV. CITY ATTORNEY REPORTS - None

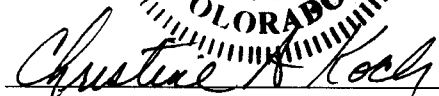
XV. PUBLIC COMMENT LONGER THAN THREE MINUTES

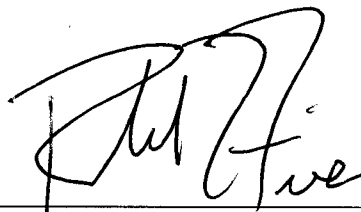
- A. Lee Humrich presented his slide show regarding the construction of the trail at Majestic View Nature Center by the Arvada Stake Church of Jesus Christ of Latter-day Saints. Mr. Humrich said next year they have set aside August 2, 2009 and will again be looking for a large project.

XVI. ADJOURNMENT at 7:46 p.m.



SEAL:

  
Christine A. Koch, City Clerk



Robert G. Frie, Mayor