

# ***City Council Meeting Minutes***

**February 27, 2018  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Mayor Muckle called the meeting to order at 7:00 p.m.

**Roll call** was taken and the following members were present:

**City Council:**        ***Mayor Robert Muckle  
Mayor Pro Tem Jeff Lipton  
Councilmember Jay Keany  
Councilmember Chris Leh  
Councilmember Susan Loo  
Councilmember Dennis Maloney***

**Absent:**                ***Councilmember Ashley Stolzmann***

**Staff Present:**        ***Heather Balsler, City Manager  
Kevin Watson, Finance Director  
Kurt Kowar, Director of Public Works  
Dave Hayes, Police Chief  
Rob Zuccaro, Director of Planning & Building Safety  
Carol Hanson, Deputy City Clerk  
Meredyth Muth, City Clerk***

## **DISCUSSION/DIRECTION – CITYWIDE SOLID WASTE POLICIES AND OUTREACH**

Director Kowar stated before the waste contract ends in 2019 and an RFP prepared, staff would like to know in what areas Council would like more information.

Currently, the goal of the City is to provide service that is convenient, environmentally-responsible, and provided in a cost effective manner. Before sending out a contract RFP staff plans to get community input on what people may want or not want and discuss with Council the needs of the contract.

Staff suggests requiring tracking information from all waste haulers in the City. Councilmember Loo asked how detailed the tracking is; would it be down to individual

wards or users. Director Kowar stated it would be general aggregate information on how much waste is being removed from the City.

Councilmember Keany stated this is a once per year reporting system and only mass tonnage is reported. This allows us to see the Citywide diversion rate. He supports the reporting requirement.

Mayor Pro Tem Lipton asked if this is just citywide information, not individual user information. Kowar confirmed it is.

Members were in agreement to proceed with preparation of an ordinance to require tracking information that will be brought to Council for consideration.

Kowar noted the current waste ordinance does not include composting in the language. Staff is suggesting adding that language to the ordinance to show this is what we are currently doing in the City program. Members agreed this ordinance should be updated.

Kowar stated the City program does not currently include homes in HOAs. Some of the HOA programs do not have compost options. Due to the City's pay-as-you-throw incentivized program it is hard to compare the City program to an HOA program, but the costs are likely close. The City has the ability to require composting of all providers without bringing these homes into the City program.

Councilmember Loo reviewed some of the history of the citywide program and noted many people were not happy. She asked why HOAs, multifamily, and commercial properties weren't initially included in the city program.

Mayor Muckle stated there was a desire to increase trash diversion, reduce the numbers of trucks in neighborhoods, and other concerns which resulted in the program. The HOAs had contracts in place and the Council did not want to take that on at that time. Instituting a commercial program was bigger than the City wanted to take on.

Councilmember Loo asked staff to find out what the legal authority is for the program. How can the City mandate trash, compost, and recycling collection; how are we able to require tracking information, how does the City prohibit individual contracts, etc. for residences, multifamily, and commercial; how do municipalities legally do this?

Councilmember Leh asked if we have a solid waste policy, why are some parts of the City exempt. This exemption has effectively pitted some neighborhoods against others.

Councilmember Maloney stated he thinks the focus should be what are the City goals and how do we get there, not the history of the program.

Mayor Muckle asked members if they want staff to continue to work on possibly adding HOAs to the program or not.

Mayor Pro Tem Lipton asked if the City could require the HOAs to have composting without joining the City program. He asked what regulatory authority the City has to impose these programs and what mechanisms we can use for enforcement.

Councilmember Keany stated he doesn't have any interest in requiring the HOAs to be a part of the city program, but should require them to make composting available.

Councilmember Loo asked if the goal is increased diversion or removing multiple trash trucks from the streets. Kowar stated the main goal is increasing diversion. Curb side service of any kind increases the diversion rate. We are currently at 44% diversion rate, without curb side services rates can drop significantly. If all three components are available the diversion rates generally increase by 10%. Having composting available curb side increases diversion rates.

Mayor Pro Tem Lipton stated that if the goal is sustainability perhaps there are other issues on which we can get a bigger return, we are already doing well on this.

Councilmember Loo stated if the goal is to increase diversion, it may not to be cost effective.

Mayor Muckle stated one of the goals is convenience and it can be cost effective if you use the recycling and composting to their potential.

Mayor Muckle moved to approve recommendation C1 for staff to proceed with HOA outreach to discuss requiring HOA's to provide composting services. All in favor.

Kowar reviewed information on requiring multifamily and commercial areas to include recycling and compost and how that might affect diversion. He asked if Council wants staff to do outreach on this issue.

Mayor Muckle moved approval of D1 having staff do outreach and investigate requiring recycling and compost for multifamily and commercial areas. Councilmember Loo seconded. All in favor.

Members agreed to have staff look at a reusable bag handout.

Members agreed to have staff gather information on how a ban on putting cardboard in trash might work, but some members are not interested in a ban.

Members agreed the Utility Committee will review the possibility of requiring special events to compost and recycle and possible ways to pay for this.

Kowar reviewed the stats about how many people use the large item pick up service and what it costs. Staff would like to know if this service should be built into the contract

or have individuals pay for the service. Councilmember Keany stated it has value in the program and may help address illegal dumping. Councilmember Maloney agreed.

#### Public Comments

Ken Gambon, 607 Augusta Drive and board president of the master association of Coal Creek Ranch HOA, stated they represent 486 homes surrounding the golf course. He stated the HOA covenants and bylaws control the area and are strictly enforced. Neighbors are allowed to compost on their property but they do not have curb side pickup. Going forward he suggested working with the City to find a better solution for everyone but the City shouldn't arbitrarily be able to change the rates of the HOAs service. The HOA doesn't want an edict. He would like to know the costs of adding composting. He asked for better information for residents on what and how to compost. He stated everyone wants to do the right thing.

Sandy Stewart, 649 Augusta Drive, stated everyone supports composting but what is offered is not easy and not effective. We need to know costs and benefits of a composting program. It needs to be thoughtful, not a knee-jerk program. The homeowners are in favor of keeping the program they have.

Gene Kutscher, 637 Augusta Drive, also in the Coal Creek Ranch HOA; stated the composting numbers are misleading and the costs do make a difference to those on a fixed income. He stated adding a compost care may cause him to violate the HOA covenants if he can't fit another waste cart in his garage. He stated most people in the HOA do not want to be in the City contract.

John Leary, 1116 LaFarge Avenue, stated composting was strongly supported by residents when the program began and when we renewed the contract with Western, there was overwhelming support for the program. He stated composting was included in the program because that is what the people asked for.

### **DISCUSSION/DIRECTION – MARIJUANA REGULATIONS**

Council members reviewed the current marijuana regulations and options for possible changes. Director Zuccaro noted staff supports increasing the allowable size for retail stores but does not recommend allowing cultivation in the light industrial areas.

#### Public comments

Shaun Gindi, 1100 West Dillon Road, owner of Ajoya stated he would like to expand his store size as he has space he rents that is not available for him to use. He could use the additional space for a variety of uses.

Jim McTurner, general counsel of Starbuds, stated they do not have any requests at this time, but are interested in participating in this discussion.

Councilmember Maloney asked why staff doesn't recommend allowing cultivation in the light industrial areas. Director Zuccaro stated some the concerns staff has heard for such a use are odor, security, and possible conflicts with use. Staff has not discussed this with the owner's association in that area either. Staff can look into what other cities have done to mitigate any of these issues if Council would like to pursue this change.

Councilmember Maloney stated the 2013 rules were conservative for good reason, but perhaps now we should get more information before making this determination.

Councilmember Loo stated some cities that have done this note it requires staff time with expertise in licensing and inspecting cultivation sites.

Mayor Muckle stated he supports increasing the store size. He does not support allowing grow operations mostly because we don't have a problem filling our industrial park and businesses there are a focused cluster of certain kinds of businesses such as aerospace and food production. This use may not mix well with those businesses.

Councilmember Maloney stated he would like to see the City regulate marijuana and liquor as similarly as possible.

Councilmember Keany stated he would support allowing everything except cultivation including production, testing, research and development, and retail. He supports not allowing it in the downtown area and leaving the hours as they are currently set. He is also supportive of increasing the square footage of a store up to 5000 sf.

Mayor Muckle agreed with Councilmember Keany. He added it seems we may be looking to solve a problem that doesn't exist. He stated we many not necessarily want to change the rules now when the Federal Government may be getting stricter on this.

Mayor Muckle asked if everyone supported the increase to 5000 sf; everyone in support.

Mayor Muckle asked if everyone supported adding the all of the additional license types except cultivation. Members were in support of all the license types except cultivation. On cultivation, Council would like more information.

Mayor Pro Tem Lipton suggested reevaluating the distance requirements and the limit on the number of retail stores. He supported continuing the ban in downtown as it is surrounded by residential. He would like to continue the discussion on changing the hours.

Councilmember Leh stated he thinks the existing ¼ mile distance regulations have worked well and don't need to be changed. He supports the downtown ban. He would like information on the other options.

Councilmember Loo supported adjusting the hours to midnight.

Mayor Pro Tem Lipton stated he too would like to see marijuana regulated more like alcohol. He suggested the distances should be more like alcohol which is 500 feet.

Members directed staff to get more on allowing cultivation.

Members would like to see maps showing how many more locations would be available for marijuana uses if the distance requirements were reduced to 500 or 1000 feet.

Staff will bring back more information for Council to review before bringing new regulations for consideration.

### **DISCUSSION/DIRECTION – CITY COUNCIL USE OF STUDY SESSIONS VERSUS REGULAR OR SPECIAL MEETINGS**

Members discussed the changing of study sessions to special meetings or regular meetings as study sessions don't allow Council the chance to give staff direction.

Mayor Muckle stated he does not support making everything a regular meeting as that would affect how members' absences are calculated. He stated the current system works and we can put more effort into reviewing what topics are put on study sessions.

City Manager Balsler stated staff will look closely at the advanced agenda to make sure items are scheduled appropriately and give enough time for a special meeting to be scheduled if needed.

Mayor Pro Tem Lipton stated he has felt study sessions to be inefficient as Council cannot give direction and then items are scheduled again for an additional meeting to give direction. He prefers more special meetings to have good discussion and fewer study session. Councilmember Maloney agreed.

Councilmember Leh stated residents may miss something important to them if the Council schedules more special meetings outside of the regular schedule.

John Leary, 1116 LaFarge Avenue, stated it is important to understand decisions cannot be made in study sessions. He stated a meeting is a meeting and all should be televised.

Members decided to continue to schedule special meetings as needed, but not change all study sessions to special meetings.

**ADJOURN**

Members adjourned at 9:32 pm.

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Robert P. Muckle, Mayor

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Meredyth Muth, City Clerk