

September 10, 2018

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Parks, Recreation & Museums Advisory Board  
c/o City of Golden Parks & Recreation  
Attn: Rod Tarullo  
1470 10th Street  
Golden, Colorado 80401

Parks, Recreation & Museums Advisory Board  
Attn: Cynthia Szymanski, Chair  
1470 10th Street  
Golden, Colorado 80401

Re:     Singletrack Sidewalk Pilot Proposal

Dear Parks, Recreation & Museums Advisory Board:

This firm has been asked by John Jenkins and other concerned residents, including Ann Norton, Richard Bailey, Richard Feltes, Patrick Vitry, Jonathon Storer, Pam Brennan, Traci Lacey, Mary Ann Blumenthal, Lynn Haigh, Judy St. John, Deborah Greene, Ina Zisman, Dawn Renouff, Sandy May, Bud May and Winnie Finnelli, of certain neighborhoods (collectively, the “**Neighborhoods**”) located in the southwestern area of the City of Golden (“**City**”) to evaluate the singletrack sidewalk pilot project (the “**STS Project**”) proposed by Golden Giddyup (“**Giddyup**”), as most recently described in the Singletrack Sidewalks Pilot Proposal 3.0, January 2018 Update. The Neighborhoods are generally located adjacent to the current proposed route for the STS Project, and although many residents of the Neighborhoods are cyclists and mountain bikers as well, they have concerns over the process used to develop the STS Project as well as the consistency of the STS Project with the City’s adopted guiding plan documents.

Although frequently characterized as a “pilot” project, the STS Project proposes over a full mile of trail (and invades almost two miles of open space) located, for the most part, in areas where it runs parallel to existing paved multi-use trails. Throughout the entire review process to-date, the details of which are discussed in the following paragraphs, not a single alternative location for this “pilot” STS Project was considered or proposed. Moreover, despite the availability of several existing nearby alternatives to provide young and inexperienced mountain bike riders a safe place to ride—including the Golden Bike Park in the City, as well as the nearby South Table Mountain and Bear Creek Parks—proponents of the STS Project have consistently dismissed the use of those opportunities for being located in a different neighborhood, which would be inconvenient for their children’s use. This response, along with other statements from the proponents, indicates that the location of the STS Project is intended for the benefit of a specific, limited group of local residents. Instead of a true “pilot” project, the STS Project appears to

be designed to address the “wants” of a very small, localized portion of the City’s population, as opposed to the City as a whole.

Giddyup’s proposal for the STS Project does not appear to be an entirely new one for the City. According to the minutes of several Parks, Recreation and Museums Advisory Board (“**PRAM Board**”) meetings, similar dirt trails on various scales have been proposed by several special interest groups over the past six years or more. However, the current iteration of the STS Project originally came before the PRAM Board at its March 21, 2017, meeting to discuss singletrack sidewalks in the City, and followed up with a request for a more specific “pilot” STS Project, at the PRAM Board’s July 25, 2017, meeting. At that July meeting, the PRAM Board discussed the proposal and ultimately approved a motion to support the STS Project. The PRAM Board specifically discussed and included in the motion that the STS Project would be subject to the following conditions: first, determining a scope and size for the trails to be included in the pilot; second, defining metrics that could be used to measure the success of the pilot and, ultimately, to decide whether to move forward with a larger project; and third, formalizing a public process for the design of the pilot.

Following the meeting and approved motion of the PRAM Board, City staff reviewed the STS Project in greater detail and prepared a memorandum entitled Single Track Sidewalks Staff Report, dated as of October 11, 2017 (the “**Staff Report**”), that sets forth City staff’s input, including several concerns, regarding the STS Project. The concerns detailed in the Staff Report include, for example, the likelihood that maintenance responsibility and cost would ultimately fall to the City, the lack of a public process for approving a special interest group request, the redundancy of the STS Project with existing City trails (specifically that many of the proposed singletrack sidewalks run parallel to existing paved trails), the lack of any support in adopted City plan documents (noting that although the citizen survey that indicates support for trails in general, it does not set forth any specific support for singletrack sidewalks), and the large scope of the STS Project, which is much larger than needed to test the concept. The Staff Report concludes by stating that City staff and management team have “significant reservations” about proceeding with the STS Project, and that if City Council does choose to support the STS Project, City staff recommends that any action to proceed be conditioned on further consideration of the following: development of an initial limited test area on City property that would have minimal impact on adjacent residents or property owners; elements of the Jefferson County trail development process that may be applicable to the STS Project; a formalized public process for obtaining “buy in and sign off from affected adjacent property owners”; and metrics for providing information on defined success of any pilot project to move forward. These conditions are substantially the same as those recommended by the PRAM Board.

At a study session held on October 19, 2017, City Council reviewed the Staff Report and considered the STS Project. Many members of City Council shared the concerns expressed in the Staff Report, such as the ultimate responsibility for maintenance, the redundancy with existing paved trails and sidewalks, and concerns with the lack of any formal public process for determining the design and scale of the STS Project—or any project proposed by a special interest group. City Council also expressed concern over potential for negative public reactions to the location of certain portions of the STS Project, and the fact that the proposed STS Project would serve only a small and already well-served portion of the City’s population: younger and inexperienced mountain bike riders. As noted by several City Council members, the STS Project would not provide additional connectivity throughout the City, nor would it improve accessibility for any under-served portions of the population. Support for the STS Project appeared mostly to stem from the fact that singletrack sidewalks have been proposed several times over

the past few years and a specific proposal was just now making it to City Council, and that a private entity was willing to share in the costs, making the STS Project appear to be relatively inexpensive, although City Council still acknowledges that the actual scope and budget for the STS Project could not be determined until the design of the pilot project had been finalized. City Council ultimately voted to support moving forward with a small “pilot” singletrack sidewalk project but, like the PRAM Board and the Staff Report, conditioned the project on further exploration and development by City staff and the PRAM Board of the same general matters: establishing a scope for the “pilot” STS Project; formalizing a public process for the design and implementation of the STS Project; and defining metrics to be used to measure the success of the pilot STS Project.

Following the City Council meeting, the PRAM Board discussed the status of the STS Project, noting at the December, January and February meetings that the STS Project still lacked a defined scope, and without the scope and location, the PRAM Board could not commence any public process regarding the pilot project. In the meantime, the PRAM Board established a more formal public process for reviewing and approving special interest group requests (the “**SIR Process**”), which is generally available on the PRAM Board’s webpage but has not been formally adopted and incorporated into the City’s municipal code or charter. The PRAM Board voted to approve the SIR Process at its December 19, 2017, meeting, which was the first PRAM Board meeting following City Council’s vote to move the STS Project forward. However, despite some general discussions about the next steps for the STS Project, the PRAM Board did not discuss how the SIR Process would be applied to the STS Project, if at all. Instead, the PRAM Board formed a subcommittee to determine the scope and location of the STS Project prior to commencing any public outreach, which is not a step included in the adopted SIR Process, and effectively usurps a critical component of any such program—stakeholder involvement throughout the process, including the important scoping phase. The PRAM Board also noted at that meeting that they still lacked a clear path forward or any metrics for measuring success. In its May and June meetings, the PRAM Board generally discussed the public process for the STS Project, which would include making information regarding the project available on the City’s “Guiding Golden” website, including a citizen survey, and a public meeting. At both of these meetings, the PRAM Board noted that the STS Project still lacked a defined scope, budget and any metrics by which to measure success.

Shortly before the PRAM Board’s July 17, 2018, meeting, the Neighborhoods became aware of the STS Project. At this PRAM Board meeting, several representatives of the Neighborhoods attended and expressed concern over both the scope of the STS Project as well as the lack of a formal public process by which they and other stakeholders could have had meaningful impact on the STS Project itself. The PRAM Board informed the representatives of the Neighborhoods that they would have an opportunity to discuss the STS Project and its scope at the upcoming July 30, 2018, public meeting—which was the first the Neighborhoods had learned of the public meeting—and asked the representatives to limit their questions and comments at the current meeting to matters pertaining to the public process only. The representatives of the Neighborhoods were also directed to the Guiding Golden webpage for an opportunity to provide input on the scope and location of the STS Project. Although the PRAM Board had previously noted at its meetings that the scope, budget and metrics were still being developed for the pilot version of the STS Project, the representatives of the Neighborhoods attending the July 17 PRAM Board meeting came away from that meeting with an understanding that the STS Project had already been defined and scoped, and that their only opportunity for having any input on that scope would be at the July 30 public meeting. In fact, at the same July 17 PRAM Board meeting, representatives of Giddyup proposed a break-out session where they could answer questions from the Neighborhood representatives. During the following

unstructured hallway discussion, representatives of the Neighborhood were told by Giddyup members that the proposed route for the STS Project was not open for discussion.

Upon recommencing its meeting, the PRAM Board acknowledged that notices of the July 30 public meeting had not yet been mailed or posted, and that it did not appear clear that many stakeholders, including the residents of the Neighborhoods, had been made aware of the STS Project information available on the Guiding Golden website. In fact, the PRAM Board determined instead that there was no need to provide City-wide notice of the STS Project or the opportunities for public engagement, as “people do not care until it touches them” (as reflected in the approved meeting minutes). Ultimately, the PRAM Board determined that it was in the City’s best interest to delay the public meeting to August 28 in order to provide adequate notice of the public meeting, and allow stakeholders an opportunity to familiarize themselves with the STS Project through the Guiding Golden website.

Between this PRAM Board meeting and the August 28 public meeting, representatives of the Neighborhoods met again with members of the PRAM Board and City staff to discuss the ineffectiveness of the public process and additional substantive concerns pertaining to the STS Project. At the request of the Neighborhoods, the Staff Report was added to the Guiding Golden website. However, the request that City staff, or members of the PRAM Board or Giddyup, read or summarize the same Staff Report at the August 28 public meeting. The Neighborhoods were allotted time at the August 28 public meeting to present their position, which they were told could include the Staff Report. As a result of that and other factors pertaining to the structure of the August 28 public meeting, many stakeholders felt as if they either ran out of time or were subtly discouraged from making their voices heard. As a result, the August 28 public meeting did not serve its stated objective of soliciting meaningful public input or exchanging new facts and information about the STS Project.

Throughout the foregoing process, there has been a lack of clear or consistent information pertaining to the STS Project. For example, the information available on the Guiding Golden website has changed significantly since it initially became available, meaning that someone exploring the website in early August, before the Staff Report or any other background information was posted, would have an entirely different view of the STS Project than someone exploring the website at the end of the month.

The STS Project is generally publicized as intended for young mountain bike riders looking to gain experience on dirt trails—indeed, many of the promotional images for the STS Project feature young children riding on trails, or even constructing the trails themselves. However, Giddyup and other proponents admit that the trail would in fact likely be used by all types of mountain bike riders, including adults using the trail to ride to and from the nearby Apex Trailhead. As a result, the STS Project’s unavoidable mix of users will create conflict among the different modes of transportation and skills of riders, particularly in places where portions of the STS Project are in close proximity or even share existing multi-purpose paved trails. Many of these potential conflicts could be limited or even avoided by a more robust public process and through consideration of alternative locations for the proposed pilot STS Project; however, fostering community-wide discussion of the potential positive and negative impacts of the STS Project has not been possible based in the limited opportunities for public input discussed above.

Based on the foregoing background and context, the Neighborhoods desire to express their concern regarding three specific matters pertaining to the STS Project, all of which have been raised by the PRAM Board, City staff and/or City Council throughout the process, but have yet to be addressed in the STS Project or the applicable approval process. Each of these concerns are set forth below:

### **Failure to Address Stated Approval Conditions**

Each time a City agency or board considered the STS Project, specifically, at the initial PRAM Board meeting in July 2017, and again in the Staff Report and the City Council meeting in October 2017, the applicable City body indicated the need to address (1) the scope of the “pilot” version of the STS Project, (2) the public process for finalizing the scope and subsequent design of such pilot STS Project, and (3) the metrics that would ultimately be used to determine the success of the pilot STS Project. Unfortunately, it is not clear that any of these matters have been adequately addressed at this point in the process.

First, the scope of the pilot STS Project appears to be that set forth in the proposal submitted by Giddyup as of January 2018. The Neighborhoods have expressed significant concerns about the size, location and impact of the STS Project on the Guiding Golden website. Those concerns include, but are not limited to, the applicable standards and cost of construction, destruction of natural open spaces enjoyed year-round by a broad spectrum of the City’s population, negative impacts on the general neighborhood environment with additional vehicle traffic and parking and negative impacts to specific wildlife and dense vegetation, including some native grasses. Although the Neighborhoods and other stakeholders have voiced these and other concerns with STS Project since being alerted to the STS Project, neither the City nor Giddyup has made any effort to address these concerns, nor have there been any revisions to the scope or location of the pilot STS Project as proposed by Giddyup in January.

Second, although the PRAM Board has adopted the SIR Process, it is not clear how or to what extent the SIR Process will be applied to the STS Project. According to the City’s website on the SIR Process, the general procedure involves the following steps:

1. A PRAM Board decision as to whether to move the request forward, which request is to be based on two general factors: (a) capital improvement project process considerations, such as who would benefit from a project, how many would benefit, how much would it cost, what resources are required, maintenance required, lifespan of project; and (b) how the proposed project fits with various adopted plan documents, including the Golden Vision 2030, the Parks and Rec Master Plan, the Clear Creek Master Plan, the Clear Creek Management Plan, the Golden Comprehensive Plan, the Golden Wellbeing Report, the Clear Creek Ecosystem Heath Assessment Report and the National Citizen Survey Community Livability Report, as applicable.
2. If the PRAM Board, after considering those factors, makes a positive recommendation on the proposed project, City staff will respond by moving the project forward by either addressing the project itself, if the project has “minimal budget or land use impacts,” or forwarding the project for consideration by City Council, which “typically requires significant public vetting and process through public meetings, surveys, etc.”
3. If the project request is supported though the public process, City Council may determine whether to direct staff to implement the project.

With respect to the STS Project, there has been no indication as to whether the PRAM Board considered the foregoing factors in recommending that City staff to move the STS Project forward, and, as noted in more detail below, the STS Project itself does not satisfy the capital improvement project process considerations, nor is it

supported by any of the referenced adopted plans. More importantly, City Council directly addressed concerns pertaining to the capital improvement project process considerations in considering the STS Project—specifically, that the STS Project is too narrow in scope because it serves only a small and already well-served portion of the City’s population—young and inexperienced mountain bike riders—as opposed to offering increased access for a larger or underserved population. If, as discussed above, the STS Project is ultimately used by all types of riders, then the trails are wholly redundant with the existing multi-use paved trails that in most locations run parallel to the proposed STS Project, in which case it is even less clear which portion of the City’s population the STS Project will serve.

Additionally, none of the publicly available materials on the STS Project make it clear what intended path forward the public process for the STS Project will take other than the upcoming study session before the PRAM Board. Since completion of the STS Project will almost certainly require some appropriation of funds, the City Charter mandates that City Council approve the STS Project by ordinance. *City Charter* § 5.8. However, except with respect to the August 28 public meeting and the PRAM Board study session, there does not appear to be any publicized information pertaining to the “next steps” in the process for approving the STS Project.

Finally, although each of the PRAM Board, the Staff Report and City Council stressed the importance of developing metrics for measuring the success of the STS Project, it does not appear that any such metrics have been developed or even considered in connection of the STS Project. Given the STS Project’s purported status as a “pilot” project, metrics to be used in determining the value of the “pilot” and more importantly, whether to expand or terminate the concept addressed by the pilot STS Project, should be a critical component of the decision-making process. However, we have been unable to uncover whether there are any such metrics currently being developed or, consistent with the foregoing note about process, at what point in the public process such metrics may be available for public comment.

### **Lack of Meaningful Public Engagement or Process**

Although the importance of a public process and public engagement was stressed in virtually every discussion of the STS Project, over a year passed before the City scheduled any meaningful opportunities for stakeholders or other members of the public to review and provide comments on the proposed STS Project. Even then, the Neighborhoods, which would be some of the most significantly impacted by the STS Project, did not receive any specific notice of the public meeting, but instead learned of the meeting at the July 17 PRAM Board meeting—less than two weeks prior to the public meeting itself. At that meeting, the PRAM Board acknowledged that postcard notices would be sent out the following week, giving stakeholders less than one week to review the materials included on the Guiding Golden website and prepare any comments appropriate for the public meeting. The current version of the plan for the STS Project, despite having a January date, did not appear on the website until August 15, which was after the initially planned July date for the only public meeting.

Based upon the responses of the PRAM Board at its July 30, 2018, meeting and follow-up communications with the PRAM Board, the Neighborhoods did not have the impression that any meaningful changes to the scope of the STS Project would be entertained at the August 28 public meeting. As opposed to providing a real opportunity for stakeholders to consider the merits of the proposed STS Project, stakeholders were asked to respond to a general presentation from Giddyup that provided very few actual details of the STS Project and none of the specifics that the PRAM Board, City staff and City Council have previously noted as missing—including the

scope, budget, timeframe and maintenance costs of the STS Project. Nor does the survey available on the Guiding Golden website provide any opportunity for stakeholders to deliver any meaningful input regarding the scope or locations of the STS Project, either the pilot version or the whole. Instead, the survey asks general questions regarding whether stakeholders consider singletrack sidewalks, in general, to be a beneficial amenity.

This progression of events is inconsistent with common and accepted practices and processes implemented by local governments regarding stakeholder involvement on projects with this level of impact. For any proposed change to public spaces, especially a change proposed by a special interest group, there should first be consideration as to whether the project, in general, aligns with the City's stated goals, whether in adopted plan documents or capital improvement prioritization documents, before moving to specifics regarding planning details. This two-step approach is generally consistent with the SIR Process adopted by the PRAM Board, which requires an initial "gut check" by the PRAM Board comparing the project request to adopted guidance documents. As noted above, however, the PRAM Board, instead of taking the time to consider whether the STS Project was appropriate for the City, seemingly skipped that step and moved straight to allowing a special interest group to define the scope and extent of a pilot version of the STS Project. Indeed, there was no real opportunity for stakeholders to become engaged with the STS Project until *after* the scope of the pilot STS Project had already been determined.

### **Not Supported by Adopted Plan Documents**

As noted above, the SIR Process provides that the PRAM Board will make an initial decision regarding any special interest request by balancing two multi-part factors: (a) capital improvement project process considerations, such as who would benefit from a project, how many would benefit, how much would it cost, what resources are required, maintenance required, lifespan of project; and (b) how the proposed project fits with various adopted plan documents, including the Golden Vision 2030, the Parks and Rec Master Plan, the Clear Creek Master Plan, the Clear Creek Management Plan, the Golden Comprehensive Plan, the Golden Wellbeing Report, the Clear Creek Ecosystem Health Assessment Report and the National Citizen Survey Community Livability Report, as applicable. Except with respect to general comments regarding the limited beneficiaries of the STS Project and that those beneficiaries are already well-served (which would not support approving the STS Project), it does not appear that the PRAM Board considered any of the capital improvement project process factors, other than the possibly (but yet undefined) low cost of the STS Project, in connection with its decision to move the STS Project forward. Nor did the PRAM Board manage to find any supporting information in any of the referenced adopted plan documents, other than a reference to a citizen survey that indicated support for "trails" in general, but nothing specific to singletrack sidewalks.

Instead, the primary reasons for advancing the STS Project appear to be two-fold: (1) acknowledgement that some form of the STS Project had been first proposed several years ago and failed to gain any traction, which somehow made it more sympathetic as opposed to evidencing a bad idea; and (2) the STS Project would not require significant funds to install, due to the large amount of the construction that would be completed by volunteers— notwithstanding an acknowledgement that the burden to maintain the tracks would ultimately fall to the City. Although one of the capital improvement project process factors does call for a consideration of the cost of the proposed project, it appears that a budget for the STS Project has (still) not yet been identified. In some places, the materials indicate that Giddyup has "raised the necessary funds for the construction and maintenance" of the

STS Project (as reflected in Giddyup’s presentation at the August 28 public meeting)—although that statement did not indicate the amount of “necessary funds,”—while in others, the PRAM Board and City staff have indicated that the STS Project design needs to be more complete before an actual budget can be produced. In any event, even if the STS Project were constructed, as advertised, wholly by volunteers, the City has received no indication or confirmation that the Giddyup group is qualified or in any way experienced with similar projects, as would certainly be a threshold question for any other proposed work on City-owned property. There have been no assurances (including financial wherewithal) that the STS Project can be completed, whether by Giddyup or others, in a timely and professional manner. In short, not only has the PRAM Board failed to consider any budgeting priorities, as required by the SIR Process and reasonable decision-making, but it has also failed to even determine a budget for purposes of evaluating it, instead relying entirely on Giddyup’s assertions that the organization will cover some or all of the initial cost.

None of the City’s adopted plan documents express a preference to advance projects based on a possible, but unconfirmed low cost, or sympathy to a special interest group that has previously been unsuccessful. To the contrary, many of the referenced planning documents expressly oppose reacting to specific proposals, and instead provide for “controlled and directed change,” *i.e.*, that the City will take a targeted approach to “affirmatively define its desired future” by proactively identifying desired future land use, infrastructure and public amenities. *Golden Vision 2030*, pp. 2-3; 22. This targeted approach is carried through to the City’s Comprehensive Plan, which is intended to provide guidance for many types of City decisions. *Comprehensive Plan*, p. 1. However, as set forth in more detail below, none of these plans “affirmatively define” exclusive mountain biking trails or singletrack sidewalks as opportunities for future investment of City funds, so the continued advancement of the STS Project is contrary to the stated goals and policies of these plans in that it responds directly to a specific proposal as opposed to providing for controlled and directed change in accordance with identified goals and values.

More specifically, these adopted plan documents consistently stress the importance of a community that provides safe and accessible “biking and walking opportunities,” specifically “multi-modal opportunities that enhance and maintain universal access, mobility and connectivity” within and throughout the City. *Golden Vision 2030*, pp. 16-17. Likewise, the City’s Comprehensive Plan uses “biking and walking infrastructure” or “walking and cycling connections” frequently throughout its identification of core values, but rarely, if at all, indicates a preference for one or the other, or for separating the two modes. *Comprehensive Plan*, pp. 6-8. In almost every mention of these values, the context is in increasing connectivity throughout the City, adding safer routes for residents to travel and enhancing mobility and access. *Comprehensive Plan*, pp. 7-9. Even in the City’s Parks and Recreation Master Plan, which places great emphasis on the health benefits of providing increased bicycle trails, consistently ties such bicycle trails to increased connectivity and, for the most part, pairs bicycling activity with walking as a part of an active lifestyle. *Parks and Recreation Master Plan 2016*, pp. 20-22. Although the PRAM Board and Giddyup have consistently pointed to the Community Survey conducted to inform the Parks and Recreation Master Plan, which evidenced community support for “trails and pathways”—again, in general and not for singletrack sidewalks specifically—it is important to note that “open space and natural areas” actually received more support than such trails, suggesting that a reasonable review of the plan documents would lead the City to preserve natural areas in the face of constructing new trails that reduce natural open space without providing any new or added benefit to the community. *Parks and Recreation Master Plan 2016*, p. 28.

Instead of furthering “universal access” or providing new connectivity within the City, the STS Project benefits a specific subset of the City’s population by creating, in most instances, a new, more specialized sidewalk running parallel to (and redundant with) existing multi-modal sidewalk that actually meets the City’s stated goals. Moreover, the STS Project is designed to cater to a very small and select demographic of young and inexperienced riders living in a handful of neighborhoods, as opposed to having a more universal reach. Put simply, the STS Project does not enhance connectivity or accessibility within the City, preserve or expand open space or otherwise reflect the goals and values set forth in the City’s adopted plans.

Given that this STS Project is the first of its kind proposed since the adoption of the SIR Process, a poor precedent would be created by approving the STS Project after failure to follow the SIR Process or meet any of the factors required for approval of a request by a special interest group. In consideration of all of the foregoing concerns, the Neighborhoods respectfully request that the PRAM Board reject the STS Project and advise City Council accordingly.

Sincerely,

Cory M. Rutz  
For the Firm

cc: Mayor Marjorie Sloan (by e-mail to [msloan@cityofgolden.net](mailto:msloan@cityofgolden.net))  
Councilor Saoirse Charis-Graves (by e-mail to [scharisgraves@cityofgolden.net](mailto:scharisgraves@cityofgolden.net))  
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