

# **CITY COUNCIL MINUTES**

**CITY OF WHEAT RIDGE, COLORADO**  
**7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING**

**December 11, 2017**

Mayor Starker called the Regular City Council Meeting to order at 7:00 p.m.

## **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

### **ROLL CALL OF MEMBERS**

Monica Duran	Janeece Hoppe	George Pond	
Kristi Davis	Tim Fitzgerald	Larry Mathews	Leah Dozeman

Absent: Zachary Urban (excused)

Also present: City Clerk, Janelle Shaver; City Treasurer, Jerry DiTullio; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Police Chief Daniel Brennan; Administrative Services Director, Heather Geyer; other staff, guests and interested citizens.

### **APPROVAL OF Minutes of the Council Meeting of October 23, 2017**

There being no objections, the minutes of October 23, 2017 were approved as published.

## **PROCLAMATIONS AND CEREMONIES**

### **Senior Driver Awareness Week**

Mayor Starker read a proclamation announcing the week of December 11-17 as Senior Driver Awareness Week. Hank Braaksma was present to receive the award on behalf of the Seniors Resource Center.

### **CITIZENS RIGHT TO SPEAK**

**Mark Bowman** (WR) requested the Council discuss ADU's and to amend the code to allow them. He reviewed a timeline of previous discussions and noted no action has been taken since June 2016.

**Vivian Vos** (WR) asked for a conversation about the two contracts awarded recently to Barker Rinker Seacat for the Anderson Park renovation. Both are using 2E funds, but in those two amounts design and construction documents are not listed. She would like some clarification, tonight if possible.

**Dorothy Archer** (WR) addressed the 35 ft building allowance. There have been comments about law suits, but she doesn't know who will be sued. She told the zoning history of her property and adjacent property owned by Councilmember Davis's family.

Many years ago it was zoned for single family and duplexes. Rep. Claire Traylor procured HUD money; it was presented to City Council on short notice; the zoning was changed; the masterplan for the area was changed; and three 3-story HUD units were put in that place. Nobody got sued, and it has worked. ~ Regarding remarks from councilmembers that we need to raze some of these houses to attract people into Wheat Ridge, she noted that houses in Wheat Ridge do not stay on the market long. Houses on her street that have sold in the last three years have all sold to millennials. Most recently a 1,300 sf sold for \$440K, and the buyer bid up on it. This suggests we don't need 3 stories to lure people to come here. She believes the R-1C folks like who they are and they'd like the 35 ft allowance to be eliminated. They want 25 ft with a sloped roof, not a 15 foot bulk plane, which is another half story. ~ She has a 60 ft frontage, with 3 ½ feet on each side of her house – built before there was a code, as many homes in east Wheat Ridge are. Once you start this 35 feet, affordable housing is over. She objects to what is happening in Denver. She doesn't object to 35ft houses, but they should be on big lots. There is a need for affordable housing. Council should take into consideration the people who live here and like the way it is, and the young people who are coming here because they like the community the way it is.

**Bob Brazell** (WR) addressed bulk plane. He believes the survey was poorly written; he's not a dumb person but he couldn't understand it. Being an old machinist he drew out a 35 ft bulk plane on a 50 ft lot and he thinks it's ridiculous. He gave reasons. He recommended that height has to be apportioned to the width of the lot. He illustrated with mathematics why 25 feet height on a 50 ft lot is fair.

**Ann Meilahn** (WR) noted being a new resident from the younger generation and supports ADU's for housing. She thinks her property is an ideal example of where a carriage house would be appropriate. It would provide extra income and doesn't intrude on her neighbors. She suggested ADU's would allow people to care for aging parents and urged further research and consideration.

**Treasurer DiTullio** addressed the questions raised by Ms. Vos. He reported that although the monies were allocated, the costs won't be reflected in the 2E report until they are actually spent.

## **APPROVAL OF AGENDA**

## **ORDINANCES ON SECOND READING**

1. Council Bill 19-2017 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws regarding Small Cell Commercial Mobile Radio Service (CMRS) Facilities

In June the City adopted an ordinance allowing small cell facilities in public rights of way, as prescribed by recent state legislation.

This amendment is necessary to eliminate the potential for any large cellular facility to be considered a "small cell" facility and be located in public rights of way. It will resolve any inconsistencies on our Code as they relate to state legislation.

Councilmember Dozeman introduced Council Bill 19-2017.

Mayor Starker opened the public hearing.

Staff presentation

Mr. Dahl expounded on the terms of this ordinance which covers definitions related to the ordinance that was adopted by the Council on June 12, 2017. The Planning Commission recommends approval. He noted that AT&T has raised an issue about how high above a pole a small tower can extend. Our ordinance currently allows 2 feet. The industry has requested more and other jurisdictions have increased that limit within the maximum height allowance. He explained some options and noted the City has a generous administrative variance process that allows 50% more.

**Liz Walker** (Centennial) spoke on behalf of AT&T. They are concerned with the provision restricting height. It creates a practical design hardship and is in conflict with state regulations which allow 3 feet. The size limitation creates insufficient spaces in which to locate antennas. One cubic foot spaces are too little. They would like to see the height increased to 5 feet as many jurisdictions have done.

Discussion followed.

Councilmembers Hoppe, Pond, Fitzgerald, Mathews, and Duran had questions.

- Councilmember Hoppe asked why a choice for two feet was created. Mr. Dahl explained about the visual appearance and the potential for visual clutter depending on the designs.
- Councilmember Pond asked Ms. Walker what they wanted in the way of height above a pole. She explained and agreed a side mounted design was possible.
- Councilmember Fitzgerald had questions about wording in the ordinance.
- Councilmember Mathews asked about bulk. Ms. Walker described the size.
- Councilmember Hoppe asked about variances. Mr. Dahl illustrated how the 50% administrative variances is very forgiving, and noted that Mr. Johnstone understands the importance of flexibility.
- Ms. Walker clarified for Councilmember Duran that state law was three cubic feet.

Mr. Dahl provided alternate language for the motion – adding the words "with the addition of a change in Section 26-615.h.b to amend from two feet to X feet.'

Clerk Shaver assigned Ordinance 1631.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Dozeman to approve Council Bill 19-2017, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws regarding small cell commercial mobile radio service (CMRS) facilities, with the addition of amending

Section 26-615.h.b to amend four feet from two feet on second reading, and that it take effect upon adoption, seconded by Councilmember Davis.

Councilmember Pond asked to hear from other people. He prefers three feet because administrative variances will allow them to be taller. Councilmembers Hoppe and Duran reported being more comfortable with three feet. Councilmember Fitzgerald was comfortable with four feet.

**Motion** by Councilmember Hoppe to amend the height limit from two feet to three feet; seconded by Councilmember Duran; carried 6-1, with Councilmember Mathews voting no.

The main motion, amended in Section 26-615.H.B to replace two feet with three feet for the height of the facility, carried 7-0.

**2. Council Bill 20-2017 – An Ordinance approving a Radio Tower Space License Agreement between the City of Wheat Ridge and DMR Networks, Inc.**

Through an IGA with the City of Lakewood and West Metro Fire, the City shares use of the radio sites located at Mount Morrison, Green Mountain and North Table Mountain. The Mount Morrison and Green Mountain sites are each owned and managed by West Metro Fire and the City of Lakewood respectively. This addendum to the IGA provides that Wheat Ridge will have responsibility for the lease and ownership of equipment for the North Table Mountain site. Staff believes this arrangement should be less costly.

Councilmember Pond introduced Council Bill 20-2017.

Mayor Starker opened the public hearing.

Clerk Shaver assigned Ordinance 1632.

**Staff presentation**

Chief Brennan gave background on the issue. Elements of the addendum provide:

- The City will lease the North Table Mountain site.
- We still have the ability to use all three towers.
- We will have good coverage for our police radios.

Mr. Dahl addressed the issues of indemnification and insurance that Councilmember Urban had raised on 1<sup>st</sup> Reading. Changes were made to the wording. The property owner, CallComm, Inc, has not responded concerning the changes. Mr. Dahl explained the choices: Continue the hearing until the issue is settled, or approve it – pending the approval of the property owner.

**Motion** by Councilmember Pond to continue this item to the Regular Meeting of January 8, 2018; seconded by Councilmember Mathews; carried 7-0

3. Council Bill 21-2017 – An Ordinance amending Section 22-66 of the Wheat Ridge Code of Laws regarding Use Tax applied to Construction Equipment and Credit for Sales or Use Tax previously paid to another Municipality

When the voter-approved tax increase was codified by City Council last February, two code provisions in Section 22-66 were not changed to reflect the increase. This ordinance makes the appropriate changes.

Councilmember Hoppe introduced Council Bill 21-2017.

Mayor Starker opened the public hearing.

Clerk Shaver assigned Ordinance 1633.

Staff presentation

Heather Geyer reported that this is a clean-up item to correct language.

Councilmember Mathews asked if a sunset provision was written into this. Mr. Goff advised the tax stays in effect for 12 years or until \$38.5 M is raised – whichever comes first. At that time an ordinance will come to Council to change the sales tax back to 3%.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Hoppe to approve Council Bill 21-2017, an ordinance amending Section 22-66 of the Wheat Ridge Code of Laws regarding use tax applied to construction equipment and credit for sales or use tax previously paid to another municipality on second reading, and that it take effect upon adoption; seconded by Councilmember Duran;

There was further discussion and reassurance that the tax would cease once one of the thresholds is met.

Motion carried 6-1, with Councilmember Mathews voting no.

**DECISIONS, RESOLUTIONS AND MOTIONS**

4. Resolution 47-2017 – A Resolution approving a Memorandum of Understanding concerning Withdrawal Management Services by and between Jefferson Center for Mental Health, Jefferson County and the Cities of Arvada, Edgewater, Golden, Lakewood, Wheat Ridge and Westminster

The Jefferson Center for Mental Health now provides the intoxication and withdrawal management (detox) services for Jefferson County and its municipalities. This agreement establishes the funding obligations of the local government members and the powers and obligations of JCMH.

Councilmember Davis introduced Item 4.



Staff presentation

Mr. Goff reported the City's share of the IGA will be \$30,100 in 2018. This has been budgeted. Every year thereafter the payment will increase by the percentage of growth shown in the area consumer price index.

**Motion** by Councilmember Davis to approve Resolution No. 47-2017, a resolution approving a Memorandum of Understanding concerning withdrawal management services by and between Jefferson Center for Mental Health, Jefferson County and the cities of Arvada, Edgewater, Golden, Lakewood, Wheat Ridge and Westminster; seconded by Councilmember Fitzgerald.

Councilmember Hoppe noted the requirement for a quarterly report from JCMH.

Motion carried 7-0.

5. Resolution 46-2017 – A Resolution approving a Dispatcher Transition and License Agreement with the Jefferson County Communication Center Authority.

This agreement outlines the terms and conditions of the transfer of Wheat Ridge police communication employees to Jeffcom.

Councilmember Duran introduced Item 5.

Staff presentation

Chief Brennan reported the regional communications center will be going live sometime in April 2018. While the agreement is effective January 1, 2018, our transition date is not until mid-March. It didn't make sense for our employees to have to sign up for benefits from the City for three months and then have to switch.

Mr. Goff made a point to thank Chief Brennan for the large amount of work he has done on this project.

Mr. Goff spoke to projected budget savings. Chief Brennan expounded on the details. It is planned the City will lose 13 employees, but we may need to keep an extra call-taker for non-emergency calls. He projected the City will save about \$250K in 2018.

**Motion** by Councilmember Duran to approve Resolution No. 46-2017, a resolution approving a Dispatcher Transition and License Agreement with the Jefferson County Communication Center Authority, seconded by Councilmember Hoppe; carried 7-0.

6. Motion to approve payment to the Jefferson County Communications Authority in the amount of \$645,747 for E-911 Call-Taking and Police Radio Dispatch Services

Funds in the amount of \$645,747 are the City's 2018 share of costs for the regional call-taking and dispatch center for police and fire agencies in Jefferson County.

Councilmember Mathews introduced Item 6.

Following Item 5, no staff presentation was necessary. Mr. Goff did note that this entire amount is approved for the year, but payments will be made quarterly

**Motion** by Councilmember Mathews to approve payment to Jefferson County Communications Center Authority in the amount of \$645,747 for E-911 call-taking and police radio dispatch services; seconded by Councilmember Dozeman; carried 7-0.

#### **7. Motion to Appoint Elected Officials to Outside Agencies**

Councilmember Fitzgerald introduced Item 7.

**Motion** by Councilmember Fitzgerald to appoint Council Member Janeece Hoppe to the Jefferson County School Liaison position, with Council Member Leah Dozeman appointed as alternate, seconded by Councilmember Pond; carried 7-0.

**Motion** by Councilmember Fitzgerald to appoint Council Member Janeece Hoppe to the Applewood Business Association, seconded by Councilmember Duran; carried 7-0.

#### **CITY MANAGER'S MATTERS**

Mr. Goff reported he and the Mayor met with representatives from the Library. They will be hiring a firm to carry out a long term facilities study to determine where additional facilities or upgrades are needed.

He recalled sending an update form RTD to the Council last week on the G Line. The Colorado Public Utilities Commission had a pre-hearing to lay out the logistics for the formal hearing that will be held February 15-16 to consider opening the G Line and the A Line. They want to resume testing and the law judge seemed agreeable to that. Hopefully testing can begin while we wait on the hearing.

#### **CITY ATTORNEY'S MATTERS**

#### **ELECTED OFFICIALS' MATTERS**

**Treasurer DiTullio** spoke about his press release related to online sales tax. Any retail business that has a delivery presence in the City is required to collect sales tax.

**Clerk Shaver** asked the mayor if he'd consider resuming the long standing practice of asking speakers to spell their last name. He was agreeable to that.

**Monica Duran** acknowledged that people have asked about addressing the topic of ADU's and Air B&Bs. She would like to have that discussion in February so Council can

City Council Minutes December 11, 2017

hear what people have to say. ~ She also announced that the Seniors Resource Center is collecting socks for seniors until the end of the year. Donations for "Toasty Toes" can be dropped off at the SRC at 3227 Chase Street.

**Leah Dozeman** announced that she and Mr. Mathews will be having a District 4 Meet & Greet tomorrow, December 12, at Pietra's at 6:30 pm.

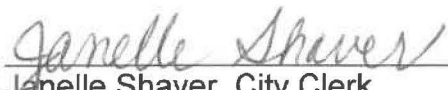
**Janeece Hoppe** said she supports having the ADU discussion. ~ She reported that the WR Business District has grants available for façade and sign improvements, landscaping, and paint. Any Wheat Ridge business is eligible. Additionally the WRBD is taking applications for their board. Applications are available at [wearelocalworks.org/business](http://wearelocalworks.org/business). ~ For Christmas she invited people to shop small – and shop in Wheat Ridge. ~ She noted this past weekend was the state competition for all the high school spirit teams. The WR High School Cheerleaders finished third – a worthy accomplishment given they have a new coach and 75% of the team were new participants. The WRHS Poms finished first again – winning back to back state championships.

**Tim Fitzgerald** announced his resignation as Council representative to the WR Business District and invited others to apply for that position.

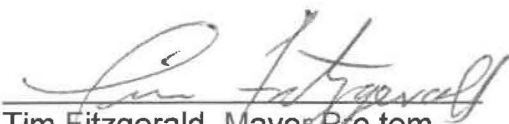
**Mayor Starker** read Mr. DiTullio's press release about online retail sales tax.

**ADJOURNMENT**

The City Council Meeting adjourned at 8:34pm.

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON JANUARY 8, 2018

  
Tim Fitzgerald, Mayor Pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.