

CITY COUNCIL MINUTES
CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

August 13, 2018

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

Zachary Urban	Monica Duran	Tim Fitzgerald	Leah Dozeman
Kristi Davis	George Pond	Larry Mathews	

Absent: Janeece Hoppe

Also present: City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Community Development Director, Ken Johnstone; Administrative Services Director, Heather Geyer; City Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF Council Minutes of July 23, 2018 and Study Session Notes of July 16, 2018

There being no objections, the City Council minutes of July 23, 2018 and Study Session Notes of July 16, 2018 were approved as published.

PROCLAMATIONS AND CEREMONIES

CCCMA Trailblazer Award – Craig Kocian

Craig Kocian presented to **Heather Geyer** the Trailblazer Award from the Colorado City Managers Association. This award is given to a professional that stands out in improving the value of public services in local government – particularly in the area of diversity in executive management. He read a long list of her local and regional involvements and accomplishments. She will be leaving Wheat Ridge to become the city manager of Northglenn. Ms. Geyer gave words of thanks to the City of Wheat Ridge for the 12 years she has had to serve and learn and grow in her profession.

Carnation Festival Plate

Leah Dozeman, chair of the Carnation Festival Parade, presented to Mayor Starker a Carnation Festival plate for the City of Wheat Ridge. The plate will take its place in the display in Council Chambers. She thanked this and previous Councils for support of the Festival, and the City staff, Public Works, Police Department, and Parks & Rec for the

tremendous amount of work they do every year to make the festival such a success. Mayor Starker accepted the plate and recognized Festival Chairman Joe DeMott, Vice-chair Walt Petit, and Parade Chair Leah Dozeman. It was a great Festival and Parade. He thanked the work the City put into it, and the citizens, and people from surrounding communities who came out to have a great time.

- Second Public Input Opportunity for the 2019 Budget There were no speakers.

CITIZENS' RIGHT TO SPEAK

David Ellenberger (WR) spoke about the congressional Land and Water Conversation Fund that has existed since 1964. It is funded by off-shore oil development and associated royalties and revenue. Anderson Park was purchased with monies from this fund. In the last 50 years Jefferson County has received over 80 distributions and Colorado has received over \$268M from the Fund. This Fund will expire at the end of September. He is working to continue the fund. He distributed packets to Council with information and a sample resolution of support that he wrote.

Dominic Breton (WR) thanked everyone for coming out to the Festival. He offered special thanks to the Police Department, Parks & Rec, the City and the community volunteers. He reported they have already raised over \$2,232 on the silent student bench auction. The money goes to all the schools in Wheat Ridge. ~ He also invited the City and citizens to get involved with the Kiwanis. They have served the City for 60 years. They will be having an open house on Thursday morning 7-8:00am. Come have breakfast on them and learn about what the Kiwanis does.

Evan Clark (WR) reported being at the 4H Fair and Festival the last five days. The auction was yesterday, which is a sad day for the kids to say goodbye to their livestock. He thanked Councilmember Urban and Mayor Starker for coming and participating in the Celebrity Livestock Show – which he got to help judge. It was fun watching them show pigs – which are the hardest animal to show. He appreciates everyone's support for the Jefferson County Fair and Festival.

John Clark (WR) expressed thanks for the opportunity to serve pancakes with Dominic at the Grange. He thanked Councilmembers Urban and Dozeman and Mayor Starker for coming to the pancake breakfast, and appreciates all the service organizations that helped with the festival this year. ~ He thanked the Mayor and Councilmember Urban for coming to the 4H Fair. They can testify with him and all the parents to the hard work the kids put in with their animals and for the Fair. It was fun to watch Councilman Urban and Mayor Starker drive pigs in a show ring. He also listed the awards his sons received this year.

Lee H. Canta (WR) said he is dumbfounded by how things are run in the City. He wants to learn about how ADU's qualify as housing because he believes too many people are coming to the Denver area. Mayor Starker suggested he contact Mr. Goff

about that. Mr. Canta said he's lived in Thornton, Denver and Golden and is a member of the national parks; he'd like to find out more about how Wheat Ridge parks are operated because more and more people are coming here every day. Mayor Starker said Mr. Goff could help him with that too.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a. Motion to approve payment to Kaiser Permanente for August 2018 Membership Billing in the amount of \$191,451.47 and September Membership Billing in the amount of \$202,189.30 [*budgeted*]
- b. Resolution 42-2018 – A Resolution approving a Memorandum of Understanding between the Wheat Ridge Police Department, the Golden Police Department, and the 1st Judicial District Attorney's Office, for the establishment of a Body-Worn Camera Program [*MOU is condition of federal grant to purchase cameras, docking stations, and storage; and two years of storage fees and licenses; other indirect costs not funded by the grant*]

Councilmember Dozeman introduced the Consent Agenda.

Motion by Councilmember Dozeman to approve Consent Agenda Items a.) and b); seconded by Councilmember Pond; motion carried 7-0.

PUBLIC HEARING AND ORDINANCES ON SECOND READING

2. Council Bill 22-2018 – An Ordinance creating a new Section 26-643 of the Wheat Ridge Code of Laws prohibiting the use of Freestanding Emergency Room Facilities

This ordinance revises the Wheat Ridge Code of Laws to prohibit freestanding emergency room facilities throughout the city.

Councilmember Davis introduced Council Bill 22-2018.

City Clerk Shaver assigned Ordinance 1646.

Mayor Starker opened the public hearing and swore in the speakers.

Staff Presentation

City Attorney Dahl noted this issue had been discussed thoroughly over the years and most recently at a study session.

- Council recommended this ordinance because our moratorium will expire soon.
- The key to the ordinance is the definition of a freestanding emergency room.
- These types of facilities continue to be unlicensed and unregulated by the state.

- There may be patient confusion between freestanding ERs and urgent care facilities.
- Patients may be uninformed about the relative costs, benefits, advantages and disadvantages of visiting a freestanding ER versus a hospital-based ER.

Public Comment No one came forward to speak.

Council Questions

Councilmember Mathews asked if there was a definition for urgent care facility to differentiate between the two. Mr. Dahl said there was not.

Mayor Starker closed the public hearing.

Motion by Councilmember Davis to approve Council Bill 22-2018, an ordinance creating a new Section 26-643 of the Wheat Ridge Code of Laws prohibiting the use of Freestanding Emergency Room Facilities on second reading, and that it take effect immediately upon Council adoption, seconded by Councilmember Urban; motion carried 7-0.

3. Council Bill 19-2018 – An Ordinance approving the rezoning of property located at 4288 Youngfield Street from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (NU-N) (Case No. WZ-18-12/Copper Forest)

The zone change is requested to allow the owner to convert the structure into a bar.

Councilmember Dozeman introduced Council Bill 19-2018

City Clerk Shaver assigned Ordinance 1650.

Mayor Starker opened the public hearing and swore in the speakers.

Staff Presentation -- Zack Wallace-Mendez

- Mr. Wallace-Mendez introduced into the record the case file, the zoning ordinance, the Comprehensive Plan and the contents of the digital presentation.
- He testified that all appropriate notification and posting requirements had been met.
- He presented an aerial view and a picture of the property and identified the zoning of neighboring properties.
- A neighborhood meeting was held on May 2. Three neighbors attended. Concerns were expressed about a bar being next to Head Start and increased traffic.
- During the referral period to outside agencies, Jeffco Head Start submitted a letter of concern about this property having a bar on it.
- All other utilities can serve the property. No City departments have concerns.
- The Comprehensive Plan lists the property as a neighborhood buffer between low and higher intensity uses. MU-N is being proposed because:
 - Straight Commercial zoning is no longer allowed.
 - Planned Development does not apply because the owner doesn't want to redevelop the property and there are no topographical challenges.

- Industrial-Employment would not be compatible with the surrounding area.
- MU-C Interstate is allowed, but would not provide a buffer to the neighborhood.
- MU-N provides a better buffer now and in the future. While more intense uses are allowed, scale and massing are limited and there is sensitivity to the surrounding commercial, residential and semi-agricultural properties.
- Staff concludes that MU-N meets zone change criteria. It will promote public welfare; it is supported by the Comp Plan; and it is a compatible buffer.

Public Comment

Gayle Perryman (Arvada), Director of Head Start, expressed strong opposition to this rezoning. A bar is an inappropriate use next to Head Start. They work hard to help vulnerable families, and this establishment would be a constant concern for them.

Anne Gladfelter (Head Start teacher) testified they work with 3-5 years old. It's dark on that street – especially in the winter, and they are concerned about safety and traffic.

Mary Eileen Barton (Head Start teacher) added that she has worked in several states over many years. She has never seen this type of establishment this close to a school.

Lee Canta (WR) had comments about trees in the City. The Mayor informed him this was not the appropriate time for that discussion and directed him to the City Manager.

Rex Winters (WR) lives near this property. He and his neighbors, the Blooms, who could not be here tonight, are concerned about this rezoning. He explained that the street is small and they are worried about this type of establishment. That use should be in a commercial area – not by a school. They have serious worries about safety.

Council Questions

Councilmember Pond noted this is not the approval of a liquor license – only a zone change to MU-N. He feels the buffering criteria is specific. He asked for comparison of the difference in buffering between MU-N and MN-Interstate. Mr. Wallace explained:

- 6 ft landscape buffer adjacent to residential uses are the same for both.
- Height limits: 35 ft if there's a residential component; 50 ft if a commercial component (MU-Interstate could be much taller)
- The development standards are different for the two zones.

Councilmember Mathews asked about distance limitations for liquor licenses next to schools. Mr. Dahl said state statutes requires a 500 ft setback from public and parochial schools, however our code was amended in 2012 to eliminate the distance requirement for the following types of licenses: hotel and restaurant, beer and wine, brew pub, arts, and vintners licenses.

Councilmember Mathews listed some setback requirements and suggested there really is no control over the setbacks if the property is redeveloped in the future. He doesn't see the buffering. Mr. Wallace-Mendez listed the transition requirements for residential buildings: a 2-stories requires a 10 ft setback; 3 stories requires 15 ft; 4 stories requires 20 ft. Upper stories also require a 5 foot step back per story. Yes, more of the lot could be covered and the landscaping could be reduced, but there are stepback landscape buffers in MU-N compared to MU-C and MU-CI and less height is allowed overall.

Councilmember Duran asked how far away the Head start was. It's right next door; the properties share a lot line.

Councilmember Fitzgerald asked for hours of operation for the school and the proposed bar. The applicant, **Karen McEahern**, said liquor cannot be next to Grades 1 through 12; Head Start is only a day car and it is private. They plan to do a wine and beer taphouse in the existing structure. Her husband loves the log cabin and wants to keep it. They plan on hours of 3:00pm until 10:00 or 11:00pm.

Councilmember Davis was told there is no access to the property from Youngfield. She noted a commercial office space would generate more traffic than this proposed use.

Councilmember Dozeman inquired about the hours for Head Start. They close at 5:30, but often parents are late picking up their children.

Councilmember Urban asked how hard it would be to get access onto Youngfield from CDOT – given this property has a Youngfield address. Ms. Mikulak, city planner, said CDOT has a 2-step process for access permits. Anyone can apply for that, but she said in the City's experience it's unlikely access would be granted if there is a local street that can serve the property. The closest access point onto Youngfield is at Store-All to the north; they do not have any local street access.

Councilmember Dozeman asked about capacity and square footage. The applicant said it is 5,000 sf. No one knew the capacity of the building.

Councilmember Mathews asked if there were any other zoning categories that would allow this use without going to MU-N. Per Mr. Wallace-Mendez, Planned Development and Industrial would allow that. Councilmember Mathews asked if those zones would be more restrictive than MU-N for land use area and density for residential development. Ms. Mikulak advised MU-N is the most restrictive zone option, and that there are no density restrictions in any of our commercial zone districts. Additionally, this is in an Urban Renewal area so it is exempt from the Charter's height and density requirements for residential.

Mayor Starker closed the public hearing.

Motion by Councilmember Dozeman to approve Council Bill 19-2018, an ordinance approving the rezoning of property located at 4288 Youngfield Street from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (NU-N) on second reading, and that it take effect fifteen days after final publication for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The requested rezoning has been found to comply with the criteria for review in Section 26-112.E. of the Code of Laws.

seconded by Councilmember Pond.

Councilmember Pond said he will vote yes on this. The liquor license is a separate process. He feels this zone is reasonable and appropriate, and is in compliance with the Comp Plan.

The motion failed by a vote of 4-3, with Councilmembers Mathews, Urban and Duran noting no. Five votes of the Council are required to approve an ordinance.

4. Council Bill 20-2018 – An Ordinance approving the rezoning of property located at 6701 West 44th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (NU-N) (Case No. WZ-18-14/Potrykus)

The applicant is requesting approval of this zone change to allow (at this time) the current tenant, an insurance agent, to live and work on the property.

Councilmember Urban introduced Council Bill 20-2018

City Clerk Shaver assigned Ordinance 1651.

Mayor Starker opened the public hearing and swore in the speakers.

Staff Presentation -- Zack Wallace-Mendez

- Mr. Wallace-Mendez introduced into the record the contents of the case file, the zoning ordinance, the Comprehensive Plan and the contents of the digital presentation.
- He testified that all appropriate notifications and posting requirements had been met.
- The aerial view of the property shows it on the north side of 44th Otis Street.
- The property is surrounded primarily by R-C (Restricted Commercial) on three sides, and R-1 to the south.
- The single family home on the property was built in 1910 and rezoned to C-1 in 1982. The applicant would like to have this be a live/work space, which C-1 does not allow.
- A neighborhood meeting was held on May 16. No one attended.
- All agencies can serve the property. No city departments expressed concerns.
- The Comprehensive Plan shows the property in a Neighborhood Commercial Corridor which calls for a broad mix of uses.
- Staff concludes the zone will promote public welfare, the zone change to MU-N is supported by adopted plans, and MU-N is compatible with surroundings.

Applicant

The applicant was present but had no presentation; he was willing to answer questions.

Public Comment none

Council Questions none

Mayor Starker closed the public hearing.

Motion by Councilmember Urban to approve Council Bill 20-2018, an ordinance approving the rezoning of property located at 6701 West 44th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) on second reading, and that it take effect fifteen days after final publication, for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The requested rezoning has been found to comply with the criteria for review in Section 26-112.E. of the Code of Laws.

Seconded by Councilmember Davis; carried 6-1, with Councilmember Mathews voting no.

5. Council Bill 21-2018 – An Ordinance adopting a new Section 2-9 of the Wheat Ridge Code of Laws concerning the Retention of Interest Earned on Escrow Accounts held by the City

The accounting and record keeping necessary to track and refund small amounts of interest on small escrow accounts is costly, burdensome, impractical, and not required by law. This code amendment will allow the City to retain interest on various small escrow accounts. Treasurer DiTullio supports this change, and further recommends that all future escrow documents clearly state that escrow funds are not paid interest.

Councilmember Fitzgerald introduced Council Bill 21-2018

City Clerk Shaver assigned Ordinance 1652.

Mayor Starker opened the public hearing

Staff Presentation -- City Treasurer Jerry DiTullio

Treasurer DiTullio directed Council's attention to the Total Funds report he had handed out to them. He identified the \$622K that are Escrow Funds. That represents many, many projects. Keeping track of the interest on all those projects is the issue.

This money is currently in Money Market accounts in banks. If this ordinance passes, as the CD's mature he will move the money to the CSAFE account where it will earn better interest and always be available.

No one from the public spoke and Council had no questions.

Mayor Starker closed the public hearing.

Motion by Councilmember Fitzgerald to approve Council Bill 21-2018, an ordinance adopting a new Section 2-9 of the Wheat Ridge Code of Laws concerning the retention of interest earned on escrow accounts held by the City on second reading, and that it take effect fifteen days after final publication, seconded by Councilmember Urban; motion carried 7 -0.

Treasurer DiTullio left the Council Chambers.

ORDINANCES ON FIRST READING

6. Council Bill 23-2018 – An Ordinance vacating any interest held by the City of Wheat Ridge in a portion of Miller Street, a Public Roadway, adjacent to 5185 Miller Street (Case No. WV-18-01/Roush Industries)

The applicant owns the property at 5185 Miller St and is requesting the vacation for a remnant section of right-of-way formerly used for Miller St. They have safety concerns and would like to control who parks there. This right-of-way section was abandoned as a thoroughfare in the early 2000s when Miller Street was rerouted to the east.

Councilmember Mathews introduced Council Bill 23-2018

Motion by Councilmember Mathews to approve Council Bill 23-2018 - an ordinance vacating any interest held by the City of Wheat Ridge in a portion of Miller Street, a Public Roadway, adjacent to 5185 Miller Street, on first reading for the sole purpose of ordering it published and public hearing set for Monday, September 10, 2018 at 7 p.m. in City Council Chambers, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 7-0.

7. Council Bill 24-2018 – An Ordinance extinguishing any rights or interest held by the City in a Slope Easement PE-55A associated with Taft Court, a Public Roadway

The City of Wheat Ridge holds in trust for the public a slope easement designated PE-55A along the easterly side of Taft Court for the purpose of maintaining a roadway embankment. A landowner wishes to develop the area of land lying east of Taft Court that includes the embankment currently encumbered by the Easement. To allow development of the land the Easement must be extinguished.

Councilmember Duran introduced Council Bill 24-2018.

Motion by Councilmember Duran to approve Council Bill 24-2018 - an ordinance extinguishing any rights or interest held by the City in a Slope Easement PE-55A associated with Taft Court, a Public Roadway, on first reading, order it published, public

hearing set for Monday, August 27, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 7-0.

8. Council Bill 25-2018 – An Ordinance vacating any interest held by the City in a portion of Ridge Road, a Public Roadway

A strip of ROW approximately 20 feet in width, along the north side of Ridge Road between Tabor Street and Taft Court, has been deemed to be excessive and unnecessary by Public Works. Current street standards can be met within a narrower ROW width. The property is owned by the RTD.

Councilmember Pond introduced Council Bill 25-2018

Motion by Councilmember Pond to approve Council Bill 25-2018 - an ordinance vacating any interest held by the City in a portion of Ridge Road, a Public Roadway, on first reading, order it published, public hearing set for Monday, August 27, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Dozeman; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

9. Resolution 48-2018 – A Resolution approving the Consolidated Service Plan for the Yarrow Gardens Metropolitan District

This Metropolitan District will finance the construction and maintenance of public infrastructure, including roads, sidewalks, drainage and utilities, for the Yarrow Gardens development. A mill levy charged to the residents of the Service Plan Area will fund the District. The City Council's approval of the Service Plan is a required precondition to the District Court's approval of the formation of the district.

Councilmember Davis introduced Item 9.

Applicant **Jay Garcia** (Denver), of Thrive Homebuilders, presented. He began with a presentation about Thrive's approach to homebuilding and a list of awards and recognitions they have received for green building. They focus on sustainability, high design, walkability, and urban density. They built Perrins row (as NewTown Builders) and are very proud of it; it won two awards. They are the same people and same company with a different name.

Mr. Garcia elaborated on energy efficiency elements of the Yarrow Gardens.

- EPA Energy Star; EPA Indoor Plus; US DOE new Zero Energy Certification and LEED certification.
- Super insulated walls with double 2x4's

- Tankless water heaters
- High performance gas furnaces
- Low double E glass windows and roof orientation
- Solar panels on the roofs

Kristen Bear, lawyer for the Yarrow Gardens Metropolitan District, reviewed elements of the Service Plan which will authorize and finance the construction of public infrastructure, provide operation and maintenance of the public improvements, plus covenant control and architectural enforcement that typically is covered by an HOA.

- The District will generate revenue through property taxes and ownership taxes, and the imposition of fees and charges.
- The debt authorization will be maximum \$6M, serviced by maximum 60 mills of property tax until the debt is below 50% on the District's assessed value.
- The mill levy can be assessed for up to 40 years.
- Construction debt for 2018 is anticipated to be \$3.5 M.
- A 2028 bond debt is expected to be \$5.5M for further construction and refunding the outstanding 2018 bonds.
- There is no cap on operations or the mill levy for maintenance.
- The District will impose fees and charges as necessary.
- The District will replace an HOA. It will be run by an elected board of property owners and residents.
- This is an ad valorem property tax based on the 7.2% rate in Colorado right now.
- They will file in District Court requesting an election on Nov. 6, 2018.

There was no staff presentation or public comment.

Council Questions

Councilmember Urban asked Mr. Dahl if Chapter 13 of our Charter regarding the creation of special districts requires a petition to the City as well. Mr. Dahl doesn't think this falls, by definition, under the category of a true "improvement district", but is rather covered by Title 32 of the state statutes for metropolitan districts. Discussion followed. Councilmember Urban also voiced concerns about limitations not covered by this Plan – specifically the District using other revenue sources and the District's property acquisition rights.

Councilmember Mathews inquired about the dissolution of the metro district.

Ms. Bear provided details and there was discussion.

- Property owners and residents will operate it in perpetuity. They could convert it to an HOA in the future, but that is not anticipated.
- Construction and Operation of public utilities (water, sewer, etc.) will be transferred to the various agencies as required by the City.
- The metro district will ultimately manage landscaping, sidewalks, and architectural and covenant control; it is nothing substantial.

- The District will have consultants for accounting and legal. Board members will not be paid. What the District can finance is governed by state statutes.
- The District is authorized to impose mill levies for debt, and operation and maintenance. HOA's cannot impose mill levies.
- They are anticipating 8 mills, but there is no limit on operational mill levy. When the construction debt is paid off, the mill levy could be reduced.
- The metro district will only manage a small number of things. The mill levy will equal expenditures. The District will be TABOR authorized.

Councilmember Urban asked about Service Plan amendments.

- Ms. Bear advised that if there is material modification to the service plan, that would have to come back to the City for approval.
- If the board ever wants to increase the debt, that too would have to come to Council for approval.

Councilmember Urban asked about entering into an IGA with an entity that has not yet been created.

- Mr. Dahl suggested adding the following wording to the end of the motion: "and in conjunction therewith, the IGA attached as Exhibit E, conditioned upon District Court approval of the formation of that District."

Councilmember Davis commented on this new model for the City. She has learned that metro districts are not uncommon. She's pleased to learn this is New Town; she feels the City had good past relationships with them. She is still very worried about traffic.

Councilmember Mathews clarified that his comments are not intended to doubt the integrity of anyone here tonight, but only to look far into the future to foresee unintended consequences.

Councilmember Mathews asked about the "annual review by City Council" and the process of dissolution.

- Mr. Dahl assured that annual reviews are required; he has seen them produced for other cities he has represented.
- Ms. Bear explained the dissolution process. It is done by the eligible electors (all home owners and residents of the District who are registered to vote in Colorado).

Motion by Councilmember Davis to approve Resolution No. 48-2018, a resolution approving the Consolidated Service Plan for the Yarrow Gardens Metropolitan District, and in connection therewith the IGA attached as Exhibit E, conditioned upon District Court approval of the formation of that District; seconded by Councilmember Urban; carried 7-0.

10. Resolution 49-2018 – A Resolution giving notice of and calling for a Special Municipal Election to be held November 6, 2018 and submitting a Ballot Question authorizing the City to provide High Speed Internet Services

Senate Bill 05-152 prohibits local governments from providing cable television services, telecommunication services, or high-speed internet services, either directly or indirectly, unless authorized by the electorate. This resolution will submit the following language to the Wheat Ridge voters on the November 6, 2018 ballot:

“SHALL THE CITY OF WHEAT RIDGE, WITHOUT INCREASING TAXES BY THIS MEASURE, AND TO RESTORE LOCAL AUTHORITY THAT WAS DENIED TO LOCAL GOVERNMENTS BY THE COLORADO GENERAL ASSEMBLY AND FOSTER A MORE COMPETITIVE MARKETPLACE, BE AUTHORIZED TO PROVIDE HIGH-SPEED INTERNET, INCLUDING IMPROVED HIGH BANDWIDTH SERVICES, TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION SERVICES TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERS, AS EXPRESSLY PERMITTED BY ARTICLE 27, TITLE 29 OF THE COLORADO REVISED STATUTES?”

Councilmember Fitzgerald introduced Item 9 and read the text of the ballot language.

Mr. Goff advised he had removed the language about new technologies that Councilmember Urban had suggested and was agreed upon by Council. He also wanted it to be clear that passage of this ballot question would not require the City to do anything; it merely preserves the option for providing services.

Councilmember Fitzgerald noted that all our neighboring cities except Denver have passed similar resolutions, and that 92 cities or counties [sic] have approved similar measures.

Motion by Councilmember Fitzgerald to approve Resolution No. 49-2018, a resolution giving notice of and calling for a special municipal election to be held November 6, 2018 and submitting a Ballot Question authorizing the City to provide High Speed Internet Services, seconded by Councilmember Duran; carried 7-0.

- 11. Resolution 50-2018 – A Resolution giving notice of and calling for a Special Municipal Election to be held November 6, 2018 and submitting a Ballot Question authorizing the City to retain revenues in connection with 2016 Ballot Question 2E**

The amount of new tax revenue received by the City in 2017 was \$457,931 over the TABOR allowed amount the voters approved when they passed the 2E sales tax in 2016. The City must refund the money to the citizens or ask the voters if it can be kept.

Councilmember Dozeman introduced Item 11 and read the ballot question.

“SHALL THE CITY OF WHEAT RIDGE BE ENTITLED TO RETAIN ALL REVENUES FROM THE 2016 VOTER-APPROVED BALLOT QUESTION 2E "INVESTING 4 THE FUTURE" ½ CENT PER DOLLAR SALES AND USE TAX

RATE INCREASE, AND TO CONTINUE TO COLLECT THE TAX AT THE ½ CENT PER DOLLAR RATE AND EXPEND SAID REVENUES INCLUDING ANY INTEREST AND INVESTMENT INCOME THEREFROM, UNTIL REVENUES FROM SUCH TAX INCREASE REACH \$38.5 MILLION OR DECEMBER 31, 2028, WHICHEVER OCCURS FIRST,

IN THE FOLLOWING WAYS DIRECTED BY THE VOTERS IN 2016:

- ANDERSON PARK IMPROVEMENTS;
- WADSWORTH BOULEVARD RECONSTRUCTION – 35TH AVENUE TO INTERSTATE-70;
- WHEAT RIDGE – WARD COMMUTER RAIL STATION AREA;
- CLEAR CREEK CROSSING – MIXED-USE DEVELOPMENT SITE ON THE WEST SIDE OF I-70 AT 38TH AND YOUNGFIELD;

WITHOUT REFUNDING ANY AMOUNT FOR EXCEEDING THE REVENUE ESTIMATES IN THE ELECTION NOTICE MAILED TO VOTERS IN 2016?

Mr. Goff noted that he added the wording suggested by Councilmember Urban to indicate to voters that the tax will still be capped at \$38.5M or December 31, 2028 – whichever comes first.

Motion by Councilmember Dozeman to approve Resolution No. 50-2018, a resolution giving notice of and calling for a special municipal election to be held November 6, 2018 and submitting a ballot question authorizing the City to retain revenues in connection with 2016 ballot Question 2E; seconded by Councilmember Urban; carried 7-0.

CITY MANAGER'S MATTERS

Mr. Goff noted that RTD began multiple train service testing on the G line on August 3. They are hoping to gather adequate evidence in 21 days for the Federal Railroad Administration (FRA) to sign off. He said the train whistle will continue to blow for some time until quiet zones are approved by the FRA and the PUC. It will take a little while.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Clerk Shaver thanked Joe DeMott, Walt Petit, and Leah Dozeman for an amazing Festival. The fireworks this year were spectacular, and taller than ever. ~ She also reported the loss of a fixture in our community. Gail Watson - also known by some as "Grandma", who has been a waitress at Apple Ridge Café for 28 years, passed away last Thursday. She was a tough, but delightful lady who hailed from Texarkana, Texas. She touched a lot of lives over the years and will be missed by many. There will be no services, but Apple Ridge is having a gathering to honor her. It is tentatively scheduled for Sunday, August 26 after closing (2pm). Check with the restaurant for exact time.

Monica Duran requested that David Ellenburger's resolution supporting continuation of the state land and water conversation fund come to a study session before it expires.

Zachary Urban talked about the good time he and the Mayor had at the 4H livestock auction. He thanked the Clark family for inviting him to show a pig, but he expects the pig showed him. He appreciated visiting with the 4H kids. ~ He agreed this year's festival was one of the better shows. He thanked the folks who came and appreciate all the efforts of the City staff and the Police Department.

Leah Dozeman offered her special thanks to the City staff for their help with the Festival. She named several organizations that benefit from the Festival and thanked them for their efforts: the Rotary and Optimists Clubs (serving beer), West Metro Fire (spaghetti dinner), and the local schools (their benches all sold for over \$150).

Kristi Davis thanked everyone who helped with the Carnation Festival.

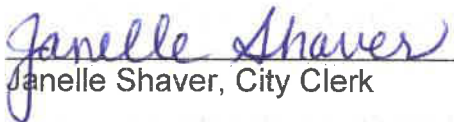
George Pond thanked and recognized Heather Geyer for winning the Trailblazer Award. He appreciates her enthusiasm and knowledge and wishes her well.

Mayor Starker echoed thanks to Heather Geyer for her years of service to the City and wished her well. He also thanked the folks who put on the Festival and the Clark family for inviting him to show their swine at the livestock auction.

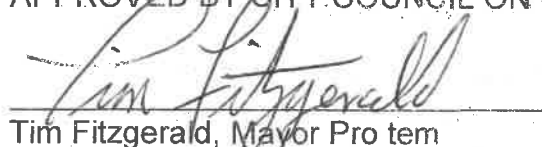
Leah Dozeman added a reminder about the Kiwanis flyer Dominic Breton had given Council. They are having an open house/networking event this Thursday at 7am at Davie's Chuckwagon. All are welcome.

ADJOURNMENT

The meeting adjourned at 9:39pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON September 10, 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.