

# City Council Meeting Minutes

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

**November 28, 2022**

**Note:** This meeting was conducted both as a virtual meeting and hybrid, where some members of the Council or City staff were physically present at the Municipal building, and some members of the public attended in person as well. Eight members of Council were present in Council Chambers for this session. Before calling the meeting to order, Mayor Starker stated the rules and procedures necessitated by this meeting format.

Mayor Starker called the Regular City Council Meeting to order at 7:01 p.m.

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

### **ROLL CALL OF MEMBERS**

Judy Hutchinson	Scott Ohm	Rachel Hultin	Janece Hoppe*
Amanda Weaver*	Korey Stites	Leah Dozeman	Valerie Nosler Beck*

Also, present: City Manager, Patrick Goff; City Attorney Gerald Dahl; City Clerk, Steve Kirkpatrick; Chief of Police, Chris Murtha; Administrative Services Director, Allison Scheck; Director of Parks and Recreation, Karen O'Donnell; Director of Public Works, Maria D'Andrea; Interim Director of Comm. Development, Lauren Mikulak; Assistant to the City Manager, Marianne Schilling, other staff, guests and interested citizens. <sup>1</sup>

### **APPROVAL OF MINUTES**

The City Council Minutes of November 14, 2022 were approved as published.

### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced

### **PROCLAMATIONS AND CEREMONIES**

None Tonight

### **PUBLIC'S RIGHT TO SPEAK**

#### **Note about Wheat Ridge Speaks:**

Members of the Public may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. The deadline for citizens to submit comments is 12:00 Noon Mountain Time on the day of a

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\*Attended and fully participated via Zoom.

Council session so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item, including items that address a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech)

The following comments appeared in Wheat Ridge Speaks for this session of Council:

Joel Minor

• Nov 25, 2022 · 9:58pm

Dear City Council, I live in Wheat Ridge at 38th and Carr. My fiancée and I moved into our home exactly a year ago today. We love everything about living here except one thing -- the lack of municipal compost! Like many of our neighbors in Wheat Ridge, we love having a big yard to grow vegetables and flowers. But that means we generate a lot of yard waste! I previously lived in Denver where I paid for opt-in municipal compost pickup, and my parents have used a similar municipal compost service in Lafayette for years. This summer, I actually drove my yard waste over to a friend's house in Edgewater because Edgewater has municipal pickup compost. All those systems work really well, and it would be great if Wheat Ridge could follow Denver, Lafayette, Edgewater, and other metro area cities and set up a municipal compost system. Wheat Ridge does offer the Scraps program, but it has major limitations. We tried opting into Scraps for the first few months we lived here, but it only takes small buckets of kitchen scraps. It wasn't really worth the hassle (or carbon footprint) of driving bags of kitchen scraps over to the rec center once a week, and it didn't make a dent in our yard waste. I created a backyard compost bin earlier this Spring, which is great. But it can only accommodate a small volume of our total yard waste. So municipal compost really seems to be the best option. The good news is that there is funding available for cities like Wheat Ridge! I work for the Colorado Department of Public Health and Environment (CDPHE). A part of CDPHE that I do not work with directly, the Front Range Waste Diversion Board, is currently offering a grant opportunity for municipalities like Wheat Ridge to get funding for municipal composting and recycling options. I hope that City Council will encourage the staff to look at that grant opportunity (if they aren't already) as a way of getting funding for municipal pick up compost in Wheat Ridge. Here is a link to the Front Range Waste Diversion grant program: <https://cdphe.colorado.gov/front-range-waste-diversion#Request> Thank you, Joel Minor

3835 Carr St

Wheat Ridge, 80033

## **CONSENT AGENDA**

None tonight

## **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

1. Council Bill No. 20-2022 - an ordinance amending Sections 22-58 and 22-67 of the Wheat Ridge Code of Laws to establish an exemption from the city's Sales and Use Tax for carryout bag fees enacted by the State of Colorado

CM Ohm introduced Council Bill 20-2022

### **Issue**

The Colorado State Legislature adopted a carryout bag fee effective January 1, 2023 which by January 1, 2024 prohibits all retailers, with a few specific exceptions, from providing single-use plastic bags. Carryout bag fees are currently subject to local sales tax. As a home-rule City, Wheat Ridge is able to establish its own laws including the ability to exempt from taxation certain goods and services. The attached ordinance enacts such an exemption for the City.

Mayor Starker opened the public hearing.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1749.

### **Staff Presentation**

City of Wheat Ridge Finance Manager, Mark Colvin presented the background on the Bulk plane where beginning January 1, 2023, stores may furnish a paper or plastic bag to customers for a fee of \$0.10 minimum (or a higher fee if so prescribed by the local jurisdiction). Beginning January 1, 2024, stores may no longer provide single use plastic bags and may only provide carryout bags made from recycled paper. Stores are required to remit 60% of the carryout bag fee to the local jurisdiction on a quarterly basis.

The City Finance team also recommends exempting the carryout bag from taxation for the following reasons:

- 1) as provisions are in place for the City to receive 60% of the fee to cover costs, taxation is unnecessary; and
- 2) exempting the bag fee from taxation will assist local businesses in complying with this new law as it reduces their administrative burden

Per City of Wheat Ridge Code Section 22-21, bag fees are taxable. However, members of the City Finance team serve on a Colorado Municipal League (CML) committee that

discusses and collaborates on issues pertaining to taxation and licensing. That CML sponsored group recommends exempting the carryout bag fee from taxation.

The Mayor reviewed the procedures for public comments.

### **Public Comment**

No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

### **Council Questions and comments**

None.

Mayor Starker closed the public hearing.

**Motion** by CM Ohm to approve Council Bill No. 20-2022 - an ordinance amending Sections 22-58 and 22-67 of the Wheat Ridge Code of Laws to establish an exemption from the city's Sales and Use Tax for carryout bag fees enacted by the State of Colorado, on second reading, and that it take effect 15 days after final publication, seconded by CM Stites, motion carried 8-0.

2. Resolution No. 42-2022 - a resolution adopting the City Budget and appropriating sums of money to the various funds and spending agencies for the City of Wheat Ridge, Colorado for the 2023 Budget Year

CM Hultin introduced Resolution 42-2022

### **Issue**

Sections 10.7 and 10.9 of the Wheat Ridge City Charter require that a public hearing on the proposed budget be conducted before its final adoption and that the budget be adopted by resolution on or before the final day (December 15, 2022) established by state statute for the certification of the next year's tax levy to the county.

The proposed 2023 budget includes the following:

- A General Fund budget in the amount of \$47,328,776
- An unrestricted fund balance of \$10,477,801 or 22% of expenditures plus 3% emergency reserves
- A General Fund transfer of \$3,000,000 to the Capital Improvement Program (CIP)
- A General Fund transfer of \$1,659,000 (from ARPA funds) to the Open Space Fund
- A General Fund transfer of \$500,000 to the Equipment Replacement Fund
- Proposed CIP Fund in the amount of \$26,682,246

- Proposed Renewal Wheat Ridge Bonds Project Fund in the amount of \$6,582,725
- Proposed 2E Fund in the total amount of \$3,606,300
- Special Revenue Funds in the amount of \$8,250,530
- Proposed budget (all funds) in the amount of \$92,450,577

Mayor Starker opened the public hearing.

### **Staff Presentation**

Administrative Services Director, Allison Scheck presented the background where at the September 20, 2022 Study Session, City Council provided staff with consensus to bring the proposed budget forward to public hearing and adoption with no changes. Council did provide consensus to earmark \$25,000 of the proposed \$100,000 Neighborhood Traffic Management Plan funds, plus carry over \$25,000 from 2022, for traffic management projects in school areas.

Whereas the Wheat Ridge community and economy have proven to be very resilient, despite several unique challenges since 2020. Revenues have performed significantly better than estimated and commercial and residential development activity continue to thrive. Federal financial assistance of over \$10 million in CARES and ARPA funding has provided additional resources to address impacts on the community from the COVID-19 pandemic. Grant funding of over \$50 million between 2020 and 2023 and Urban Renewal Authority bond funds in the amount of \$37.5 million are enabling the City to invest in catalytic public improvement projects across the entire community. Wheat Ridge is in a good place.

### **Public Comment**

No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

### **Council Questions and comments**

CM Hultin asked staff to confirm that \$25,000 will be carried forward from 2022 and another \$25,000 in the 2023 budget for the traffic management program. Mr. Goff replied in the affirmative, citing the staff memo to Council. She then asked about property tax revenues, which comprise about 2-3% of the budget. Mr. Goff confirmed her recollections.

Mayor Starker closed the public hearing.

**Motion** by CM Hultin to approve Resolution No. 42-2022, a resolution adopting the City Budget and appropriating sums of money to the various funds and spending agencies for the City of Wheat Ridge, Colorado for the 2023 Budget Year, seconded by CM Ohm, motion carried 8-0.

During the discussion of the motion, CM Hultin expressed her gratitude and pride in the excellent budget before the Council. She thanked the staff for their hard work on the

budget; our budget presentation wins awards for our staff, especially Ms. Scheck, year after year.

CM Weaver thanked the staff for including GIS improvements in the budget, emphasizing the importance of those services to residents.

### **ORDINANCES ON FIRST READING**

3. Council Bill No. 22-2022 – An Ordinance amending the Wheat Ridge Code of Laws to permit composting under prescribed conditions

CM Weaver introduced Council Bill 22-2022

### **Issue**

The City of Wheat Ridge's Municipal Code includes a definition of "nuisance" in Section 15-25 which could be interpreted to prohibit composting. The purpose of this ordinance is to clarify existing language in the Municipal Code to allow composting..

**Motion** by CM Weaver to approve Council Bill 22-2022, an ordinance amending the Wheat Ridge Code of Laws to permit composting under prescribed conditions, on first reading, ordered in published, public hearing set for Monday, December 12, 2022, at 7:00 p.m. as a virtual meeting and in City Council Chambers if allowed to meet in person on that date per COVID-19 restrictions, and that it take effect 15 days after final publication; seconded by CM Hultin; motion carried 8-0

### **DECISIONS, RESOLUTIONS AND MOTIONS**

4. Resolution No. 43-2022 - A Resolution levying general property taxes for the year 2022, to help defray the costs of government for the City of Wheat Ridge, Colorado for the 2023 Budget Year

CM Hoppe introduced Resolution 43-2022.

### **Issue**

This resolution authorizes the levying of property taxes for the 2022 fiscal year to help defray the cost of government in 2023.

### **Staff Presentation**

City Manager Patrick Goff gave a brief background on the item where he reported that Section 39-5-128 of the Colorado Revised Statutes (C.R.S.) requires the Jefferson County Assessor to certify to the City the total valuation for assessment of all taxable property located within the territorial limits of the City of Wheat Ridge. The estimated total net assessed valuation for the City for the year of 2022 is \$697,167,505, which is a decrease of \$1.9 million compared to the final valuation in 2021.

The City is also required by this same section of the C.R.S. to officially certify the property tax mill levy to the Jefferson County Board of County Commissioners by

December 15, 2022. The City's property tax mill levy will remain at 1.830 mills for the 2023 budget, generating approximately \$1,275,817 in property tax revenue, a decrease of \$3,567 compared to the 2022 estimate.

Mayor Starker reviewed the procedures for public comment.

### **Public Comment**

No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

### **Council Questions**

There were none.

**Motion** by CM Hoppe to approve Resolution 43-2022 - a resolution levying general property taxes for the year 2022, to help defray the costs of government for the City of Wheat Ridge, Colorado for the 2023 budget year, seconded by CM , the motion carried 8-0.

### **5. Motion to elect Mayor Pro Tem**

CM Hultin introduced the Motion.

### **Issue**

Each year City Council Members elect by a majority vote a Mayor Pro Tem who serves until their successor is elected. The election is conducted according to Section III (B) of the City Council Rules of Order and Procedure as follows:

### **B. MAYOR PRO TEM**

1. At the first or second Regular meeting in November of each year, the Council shall elect a Mayor Pro Tem who shall serve until their successor is elected. The procedure shall be as follows:
  - a) The Chair will announce that the floor is open for nominations for the position of Mayor Pro Tem.
  - b) Nominations will be taken from City Council members by voice. No second is needed.
  - c) Each nominee will have the opportunity to address the Council.
  - d) A motion and second is then in order to elect one of the nominees to the position of Mayor Pro Tem. If the motion is not carried, additional motions are in order until a Mayor Pro Tem is elected by a majority of Council present.

## **Staff Presentation**

Patrick Goff, City Manager listed the Mayor Pro Tem's authority and duties which include:

1. In the absence of the Mayor, the Mayor Pro Tem shall preside as the Chair and shall have the voting privileges of a regular Council Member
2. Function as the Council Parliamentarian
3. Review and set the Agenda prior to Council Meetings and add emergency items for discussion if necessary
4. Remove any item from the Agenda or any Regular Meeting or Study Session, before publication, with the exception of:
  - a. Any item placed on the Agenda by two (2) Council Members or by the Mayor and one (1) Council Member prior to the meeting
  - b. An item added by the Council by majority vote of Council present during any meeting
5. Arrange for and coordinate the orientation of all newly elected officials, including a review of Rules of Order and Procedure for the City Council

## **Public Comment**

No one came forward to speak neither in person nor on the zoom format.

**Motion** by Mayor Pro Tem Hultin to elect CM Stites, as Mayor Pro Tem, effective immediately, term to expire upon election of their successor, seconded by CM Hoppe, motion carried 8-0.

## **CITY MANAGER'S MATTERS**

Mr. Goff announced the closure of the onramp to I-70 at Kipling later this week.

January 20-21 will be the Council Retreat.

## **CITY ATTORNEY'S MATTERS**

None

## **ELECTED OFFICIALS' MATTERS**

CM Nosler Beck congratulated CM Stites on his election to Mayor Pro Tem (MTP). She thanked CM Hultin for her excellent work during her term as MPT. She also wanted to remind people that with the school closures there are upcoming opportunities for families to visit the schools their children will attend after the closures. She noticed a lot of opportunities to provide holiday gifts for those who need the support.

CM Hutchinson also congratulated Mr. Stites and she thanked the folks who drive our snow plows.

CM Stites commented on the same upcoming events as CM Nosler Beck. He announced that Prospect Valley School will have an open house this Thursday. He

joined staff and other CM at the announcement of the charitable business of the year and congratulated Clancy's on their award. He thanked CM Hultin for her service. If you can find it in Wheat Ridge *as you shop for the holidays, buy it in Wheat Ridge*.

CM Dozeman looks forward to the lighting ceremony this Saturday afternoon at The Green.

CM Ohm encourages everyone to visit Esters Restaurant, which opened recently at Gold's Marketplace.

CM Hultin congratulated Mayor Pro Tem Stites on his election. The schools are opening holiday stores to extend the spirit of the season to kids in need, and she will be volunteering. They need volunteers for the holiday store on December 16 at Wilmore Davis School. She encountered a couple while visiting Kansas City who recently patronized the Wheat Ridge Cyclery.

Mayor Starker also reminded everyone that the lighting on the green will be this Saturday beginning at 3 PM. On Saturday, December 10 he will welcome those who want to attend Coffee with the Mayor.

#### **ADJOURNMENT TO SPECIAL STUDY SESSION**

The meeting adjourned at 7:52pm.

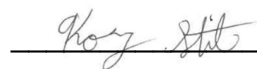
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Steve Kirkpatrick, City Clerk



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APPROVED BY CITY COUNCIL ON December 12, 2022



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Korey Stites, 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.