

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
Hybrid - Virtual Meeting
November 20, 2023

Mayor Starker called the Study Session to order at 6:32 p.m.

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. A quorum of members of Council were present in Council Chambers for this session.

Mayor Starker welcomed the new Councilmembers, other elected officials, staff, guests and interested citizens.

The Mayor also explained the virtual/hybrid meeting format, how citizens will have the opportunity to be heard, and the procedures and policies to be followed.

Council Members present: Janeece Hoppe, Scott Ohm, Jenny Snell, Korey Stites, Amanda Weaver, Leah Dozeman, Dan Larsen (virtually), and Rachel Hultin.

Also present: City Manager, Patrick Goff; City Clerk, Steve Kirkpatrick; Deputy City Manager, Allison Scheck (remotely); Director of Community Development, Lauren Mikulak; City Attorney, Jerry Dahl; Kirsten Armstrong, Municipal Court Administrator; other staff and interested residents.

Public's Right to Speak

Dawn Underwood, 4601 Teller St. – called to follow-up on promises and procedures discussed in a recent District III meeting. She had specific suggestions related to the first item on tonight's Agenda.

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 the public to submit comments is 12:00 Noon Mountain Time on the day of a 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.

The following comment appeared in Wheat Ridge Speaks for tonight's meeting:

[November 20, 2023 City Council Meeting](#)
[Item No. 1 - MEMO - Legal Notice for Public Hearings](#)

Posted by

Jordan Lan

Nov 19, 2023 at 11:19am

Address: 6615 w 45th Ave Wheat Ridge, 80033

Comment

An option the city might consider is providing email notification or online forums where residents can sign-up to receive notifications or review inventory of ongoing activities for certain types of city business e.g., major rezoning, land transactions, or large outlays. An existing platform such as "What's Up Wheat Ridge" could potentially be utilized with limited cost. While this information is technically available in other places, it requires residents to actively monitor study session and city meeting minutes. This can lead to poorly managed expectations among affected residents, as noted in the Study Session Memorandum. A commonly applied email notification policy would provide a 'push' approach. Residents with interest would be provided electronic notification for all activities of a certain type or threshold, rather than the existing 'pull' approach where residents outside the legally defined notification area must seek the information themselves. To avoid any issues with due process, these electronic notifications could apply to all activities of a certain type and therefore remove any issues with ambiguous definitions of notifications areas. Since these issues are largely public information there may be limited privacy concerns.

1. Public Notice Requirements for Development Related Applications

Issue

The purpose of this study session is to discuss how the public is informed of quasi-judicial public hearings and specifically to revisit the code and process associated with letter notice. This memo summarizes recent code updates, recent procedural changes, and the recent rezoning application that prompted this discussion. To the extent there is interest in revising letter notice, analysis of several options was provided.

Staff Reports

Community Development Director, Lauren Mikulak, and City Attorney Gerald Dahl presented the issue and summarized background on the issue, where for several years, the City Council and staff have prioritized improvements in public information and engagement. At the strategic planning retreat in February 2021, the City Council identified "new community engagement efforts and education" as a priority. A workplan related to this priority was discussed in May 2021, and accomplishments since then include the launch of What's Up Wheat Ridge, creation of an internal Community Involvement Task Force, the Let's Talk program, the Wheat Ridge 101/102 program, and the redesigned City website.

Ms. Mikulak also stated that over the last four years, notice and engagement has evolved specifically related to the topics of private development and quasi-judicial public hearings. Changes in practice and in code have improved the City's ability to inform and engage the public by providing more options and by better aligning with best practice.

Discussion on the items were summarized but are not limited to:

1. Code Updates
2. Letter notice has been expanded in two ways through recent code amendments.
3. Sign notice was improved and expanded in October 2020.
4. New Practices.

The City has long adhered to the codified notice requirements with a "no more, no less"

philosophy to ensure due process rights and predictability. This is, in fact, a bedrock principle of due process—the notice requirements cannot vary on a case-by-case basis. The purpose of the November 20 study session discussion is to revisit letter notice requirements and determine whether the code should be updated in general or to address the specific fact pattern described above.

In consultation with the City Attorney, staff provided several options for discussion:

1. Expand letter notice for known assemblages.
2. Expand letter notice for adjacent property under singular ownership.
3. Expand letter notice in general.
4. Expand letter notice in general.
5. No action.

Ms. Mikulak finished by saying she is not recommending any change but is committed to providing good public notice and is open to analyzing any proposed option, which will depend on the direction provided by Council.

Councilmembers asked detailed questions about several topics, engaging in discussion among themselves and with staff including:

- Several CM expressed their thanks for the staff efforts on this complex issue.
- A detailed discussion of the practical operation, legal requirements, and outcome desires for resolving this issue.
 - CM Stites recalled prior meetings and suggested ways to alert residents and ways to deliver notices to residents near a construction or development projects.
 - He and CM Hoppe discussed balancing the notice area (a number of feet from the edge of the topic location) ranging from 300 feet, (currently), to 600 feet or 1,000 feet.
 - CM also discussed having developers and contractors defray some or all of the cost for mailing notices.
 - The current communication process specifically related to the current projects in the vicinity of 44th Ave and Wadsworth, revealed gaps in the notice process in the opinion of residents.
 - CM and staff discussed pros and cons of various methods of conveying the notifications going forward including but not limited to notices in newspapers, email, US Mail, community meetings, and city publications.

CM Hoppe proposed a **consensus** to direct staff to move forward to increasing the notice radius to 1000 feet, requiring contractors and developers to defray a part of the cost, and apply this policy to notices of all relevant Planning Commission, resident assemblies and Council items.

Consensus attained.

CM Hultin proposed a consensus that assemblage or potential assemblages are included in the resident notification process.

Consensus attained.

2. Appointment Process for Presiding Judge

Issue

Christopher Randall has served Wheat Ridge as presiding judge of the city's municipal court since January 1, 2002. Judge Randall submitted his resignation on October 3, 2023, effective December 31, 2023. Per Sec. 14-6 of the Code of Laws, Mayor Starker has appointed Judge Paul Basso as the substitute municipal judge effective January 1, 2024, until a presiding judge is appointed by Council. Judge Basso serves quite frequently as a relief judge and administrative hearing officer for Wheat Ridge Municipal Court and is very familiar with the City's court functions. Staff requests direction from Council on the path forward to select and appoint a presiding judge in 2024.

Staff Reports

Deputy City Manager Alli Scheck provided City Council prior actions and the municipal courts financials where City Council appointed Judge Christopher Randall effective January 1, 2002. Under the Charter, the Municipal Judge serves a two-year term and may be reappointed. Council has consistently reappointed Judge Randall for two-year terms with the most recent two-year contract approval on July 24, 2023.

Also relayed was the 2024 Municipal Court budget where approximately \$1.2 million includes pay for the contracted presiding judge, relief judges, twelve employees and all expenses related to the functioning of the court. Currently, the presiding judge is classified as a non-exempt employee at a rate of \$102.83 per hour plus medical benefits, director-level retirement, holidays, and paid time off.

Discussion included but was not limited to:

- Charter and Code Considerations.
- Duties of the Presiding Judge.
- Structure and Staffing of Municipal Courts in Colorado Communities.

Other items included the following topics:

- Administrative Functions
- Judicial Functions
- Administrative Management Model
- Judicial Management Model

Ms. Scheck also spoke on how staff had researched how other cities obtain judge services, either by issuing a Request for Proposals (RFP) or posting job openings. Brighton, Louisville, and Northglenn have previously used RFPs, while Littleton and Fort

Collins opted for job postings. Fort Collins employed a recruiting firm to manage the hiring process, consistent with their standard practice for all council appointed positions. Regardless of how the city attracted applicants, each City Council interviewed candidates and selected an appointment.

Ms. Scheck finished the presentation with options for consideration which included:

Administrative versus Judicial Management Structures

1. Continue with the current staffing structure.
In this scenario, the presiding judge acts as the department director for the municipal court and directly manages the staff.
2. Migrate to an Administrative Management Model
Council could assign hiring and personnel management activities to the court administrator under the direction of City management, while still aligning with the Charter giving assignment of general supervision of the court personnel to the presiding judge. Staff recommends this option.

Presiding Judge Recruitment

1. Direct staff to issue a widely distributed RFP or job posting to find interested candidates for the role of presiding judge. Staff recommends this option.
2. Consider Judge Basso as a replacement for the presiding judge based on his experience and job qualifications.

Review Committee

1. Review all applications and conduct interviews by the entire City Council.
2. Establish a search committee which could be composed of elected officials, staff and community members who would provide a list of finalists(s) to City Council for consideration. Staff recommends this option.
3. Direct staff to review applications and provide a finalist recommendation to City Council for consideration.

CM had comments and questions:

Several CM and the Mayor thanked Ms. Scheck for the informative presentation.

CM engaged in a discussion and exchange of questions and proposals with the staff and among themselves. They discussed methods and processes for recruiting, interviewing, vetting, hiring and formally appointing a new municipal judge.

CM Hoppe proposed a consensus to move forward with the staff recommendations, move to a management administration, to create a committee to conduct the search.

Consensus attained.

3. Staff Report(s)

Mr. Goff announced that there are ongoing discussions about new procedures and rules to apply during Public's Right to Speak.

CM, Mr. Dahl, and the staff discussed options for setting policy and procedures for future meetings. The discussion addressed whether video images of incoming callers is a good idea; the process of registering to speak at a meeting; when the window to register opens and when it closes; and possible changes to Council Rules.

The Mayor and Mr. Dahl suggested that Council include new rules in a future Study Session.

CM Stites proposed a consensus to require pre-registration to speak at Council and allow people to sign up as late as 6 pm.

Consensus attained.

4. Elected Officials' Report(s)

CM Hultin reported on her attendance at the National League of Cities, where Wheat Ridge was recognized as a 50-year member of NLC. Among the things she learned is that other cities are interested in how we do things here in WR.

CM Hultin also commented on her reactions to last Monday's meeting.

MPT Stites attended the WR Business Council last week and attended a ribbon cutting to celebrate a one-year anniversary of a local business.

CM Snell mentioned that she attended the Feed Yourself Fund annual Turkey Trot. She enjoyed the event and the relatively small size of the crowd. She also reported that the Backpacks for Success was a resounding success.

CM Weaver reported that she processed the untoward event at last week's meeting by immersing herself in moving her goat herd.

CM Dozeman also attended the Turkey Trot, and echoed CM Snell's comments.

Mayor Starker recognized and thanked the staff who made presentations this evening. He was honored to cut the ribbon at the I-70 and Kipling project. He and others went to the Service Ambassadors to Youth breakfast. He participated in a mayor's roundtable last week in Arvada and enjoyed the program and conversations. He also attended two ribbon cuttings last week.

He said he heard a lot of supportive comments about how we handled the events in last week's meeting.

Happy Thanksgiving to all.

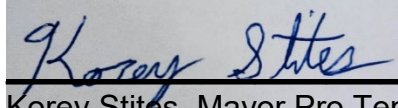
ADJOURNMENT

The Study Session adjourned at 8:27 pm.

APPROVED BY CITY COUNCIL ON December 11, 2023.

A handwritten signature in black ink, appearing to be "SK", written over a horizontal line.

Steve Kirkpatrick, City Clerk

A handwritten signature in blue ink, appearing to be "Korey Stites", written over a horizontal line.

Korey Stites, Mayor Pro Tem