

# **CITY COUNCIL MINUTES**

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

**April 11, 2016**

Mayor Jay 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	Zachary Urban	Kristi Davis	Janeece Hoppe
Tim Fitzgerald	George Pond	Genevieve Wooden	Larry Mathews

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Chief Daniel Brennan; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; Administrative Services Director, Heather Geyer; City Treasurer, Jerry DiTullio; other staff and interested citizens.

### **APPROVAL OF MINUTES OF March 28, 2016 and Study Notes of March 21, 2016**

There being no objection, the Minutes of the Regular City Council Meeting of March 28, 2016 and the Study Session Notes of March 21, 2016 were approved as published.

### **PROCLAMATIONS AND CEREMONIES**

#### **National Crime Victims' Rights Week**

Mayor Jay read a proclamation declaring the week of April 10-16, 2016 as Crime Victims' Rights Week. **Dana Easter**, from the DA's office and VOI board member, thanked the City and the WRPD for the good relationship they enjoy. **Chief Brennan** spoke about the services that are in place for victims of various types of crimes. WRPD Officer **Mark Cooney** was present to receive the proclamation.

Mayor Jay announced a program being carried out by the Metro Mayors to collect crockpots for homeless people who live in motels. Anyone who would like to donate a crock pot should bring it to City Hall by April 15.

**CITIZENS' RIGHT TO SPEAK**

**Mariann Storck** (WR) made several points:

- Developing a prime commercial corner with a big box anchor is an old idea that started in the 1980's. The advent and growth of online shopping has changed that.
- The City's economic development managers should be seeking new, exciting, 21<sup>st</sup> Century development that will serve millennials and their descendants.
- If we are going to use TIF's to bribe developers to locate in WR, they should not go to big box anchors that have already saturated the market area.
- She asked for three things:
  - 1) Throw out old-style, boring plans in favor of something fun and 21<sup>st</sup> Century.
  - 2) Follow the directives of the electorate. Fight for and enforce all aspects of 300. She questioned the city manager's two-year extension of an agreement that is in complete violation of what a majority of citizens agreed on.
  - 3) Find a way to discover and attract smaller businesses looking for more space.

**Patrick Goff** responded that a TIF is a legal, financial mechanism that the City has used and City Council has approved. There is no bribing going on in the City.

**Kathy Tolman** (WR) offered support for Mariann Storck's remarks.

**Diane Potter** (WR) supports Mariann Storck's remarks. She's concerned about living in a city where the Council and Quadrant go ahead with a development when Question 300 was in the works. It's very discouraging that wasn't considered. Her other concern is the east side of Wadsworth. Now Hancock's is closing. If we build a big box that competes with Safeway, we'll lose Safeway. What will we do with all those empty stores?

**Michael Illo** (WR) sees the Council as dysfunctional. He sees discrepancies in the amount of time councilmembers get to speak. He's noticed citizen speakers are not always treated equally. ~ In researching the 'WR Wants 2B' campaign, which he thinks is very similar to the Cre8 Your 38 plan, he found it contained 3 councilmembers, the Mayor and the 6 top members of the board of directors of Localworks. This feels like maybe cronyism or, at the least, conflict of interest. Division doesn't come from councilmembers who represent the majority, but from those who represent special interests. If they were that emotional about bringing in Walmart or digging up the sidewalks on 38<sup>th</sup> Avenue, maybe they shouldn't have run for a position where they'd have to represent the people of Wheat Ridge. He'd like to see the Council become a unified entity, but that can only happen if it stands behind its constituents.

**Tracy Langworthy** (WR) announced the 3<sup>rd</sup> annual kite festival held this year in connection with Dia de los Ninos. WRPD will be there to check car seats. Folks should look for fliers around town for more details. The event is Saturday, April 30 from 11am-4pm at Anderson Park. Flight for Life will be landing sometime during the event. ~ She listed good things she's seen around town -- new signage, houses going up, people on Kipling trail, and more cars at the Kipling trailhead.



**John Clark** (WR) reported the STEM/STEAM Gala on Saturday was overwhelming. He thanked Councilmember Wooden for her work helping put the Gala together and others who attended – Mayor Jay and past mayors, Councilmember Duran and some past councilmembers, staff members and folks from the businesses community. Their support is appreciated. Principal Worth told about the Shades of Blue program this Saturday from 10-noon at the High School. Astronaut Joe Taylor, who has been to space four times, will be speaking. Everyone is invited. After noon, the STEM team will have their cars outside doing some testing, getting ready to go to Detroit. ~ He also noted that he has applied for the vacant District IV position on the Urban Renewal Authority.

**Vivian Vos** (WR) addressed a number of issues about timing in the Council Rules – especially questioning how the timing of public comment is determined and what she sees as discrepancies with some councilmembers talking longer than prescribed. She'd also like to see a public clock that everyone can see.

**Clerk Shaver** distributed to Council a flier from the folks at the Grange announcing their Community Night at 6PM Thursday, May 19 at the Grange. There will be a potluck dinner and the announcement and honoring of their 36<sup>th</sup> annual outstanding community member of the year. Everyone is welcome.

## **APPROVAL OF AGENDA**

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

1. Council Bill 05-2016 – An Ordinance Imposing a Temporary Moratorium on the submission, acceptance, processing and approval of applications and requests for a permit, license, land use approval or other approval for a Freestanding Emergency Room Facility

Imposing a 365-day moratorium on applications and requests related to freestanding emergency room facilities will allow City Council time to evaluate – and amend, if desired – the City's existing regulations concerning these facilities.

Councilmember Wooden introduced Council Bill 05-2016.

Clerk Shaver assigned Ordinance 1595.

Mayor Jay opened the Public Hearing

### **Staff presentation**

Attorney Dahl explained that free standing emergency rooms are a relatively new land use. This moratorium will provide time for Council to see if and what regulations may be appropriate.

Council questions

Councilmember Urban received confirmation that existing emergency rooms are not affected by this ordinance.

Mayor Jay closed the Public Hearing.

**Motion** by Councilmember Wooden to approve Council Bill 05-2016, an ordinance imposing a Temporary Moratorium on the submission, acceptance, processing and approval of applications and requests for a permit, license, land use approval or other approval for a Freestanding Emergency Room Facility on second reading, and that it take effect fifteen (15) days after final publication; seconded by Councilmember Urban; carried 8-0.

ORDINANCES ON FIRST READING

2. Council Bill 07-2016 – An Ordinance approving the rezoning of property located at 10803 W. 44<sup>th</sup> Ave. from Agricultural-One, Residential-Three, and Commercial-One to Mixed Use-Neighborhood (MU-N) (Case No. WZ-16-01/Fruitdale)

- The Wheat Ridge Housing Authority owns the 1.41 acre parcel which contains the historic Fruitdale School.
- The purpose of the rezoning is to facilitate sale of the property for redevelopment.
- The rezoning not only consolidates the zoning, but also modifies the list of allowed uses and simplifies the review and approval process for any future owner.
- The WRHA is currently under contract to sell the property to Hartman Ely Investments (HEI) so they can redevelop the building into 16 loft-style apartments.
- If for some reason HEI does not move forward, the MU-N zoning is considered appropriate for the location.

Councilmember Wooden introduced Council Bill 07-2016.

**Motion** by Councilmember Wooden to approve Council Bill 07-2016 — an ordinance approving the rezoning of property located at 10803 W. 44<sup>th</sup> Ave. from Agricultural-One, Residential-Three, and Commercial-One to Mixed Use-Neighborhood (MU-N) (Case No. WZ-16-01/Fruitdale) on first reading, order it published, public hearing set for Monday, May 9, 2016 at 7:00 pm in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Fitzgerald; carried 7-1, with Councilmember Mathews voting no.

DECISIONS, RESOLUTIONS AND MOTIONS



3. Motion to approve the Annual Support and Licensing Renewal Agreement for the Cartegraph System, with Payment of \$45,499 to Cartegraph, Inc., Dubuque, IA

This budgeted item is an all-inclusive package that includes licensing, technical support, software upgrades, bug fixes and patches, plus technical support to implement software enhancement and fixes.

Councilmember Mathews introduced Item No. 3

There was no staff presentation or questions from the Council.

**Motion** by Councilmember Mathews to approve the annual support and licensing renewal agreement for the Cartegraph System, with payment of \$45,499 to Cartegraph, Inc., Dubuque, IA; seconded by Councilmember Duran; carried .8-0

## **DISCUSSION ITEMS**

### 1. Council Rules and Procedures

Mr. Goff reported that City Council Rules are to be reviewed by Council within three months of an election. Earlier scheduled discussion had to be postponed due to a snow storm. He noted that following discussion any changes would be presented at the next regular meeting followed by approval at the following regular meeting.

Discussion ensued. Mr. Dahl took notes on particulars and will bring the amended Rules back to Council for approval.

Discussion points and changes included:

- Consensus to have Council Rules control when there is conflict with other rules
- Consensus that the notice for all meetings be posted at least 72 hours prior to the meeting, with the exception of emergency special meetings
- Consensus that in addition to posting meeting notices in the City Hall lobby, they will also be posted on the City website
- Discussion of "informal meetings" – which are open to the public
- Notice of a meeting is not required unless a quorum will be present.
- There is no responsibility to post notice of meetings called by other bodies, where any number of councilmembers may be in attendance.
- Public meetings called by the City *for the citizens* – such as open houses or public input meetings are not considered "meetings of the City Council".
- Positioning the words "All meetings of the Council are open to the public" first.
- City Clerk to be the timekeeper for Citizen's Right to Speak
- Citizens comment on study session agenda items and regular meeting discussion items be limited to three minutes

- Discussion of councilmembers being on other boards and voting twice on the same matter
- Agreement to accept Mr. Dahl's recommendation that Paragraph H.4 (Right of floor discussion) be deleted as it is never followed
- No changes on how and when items are added to the agenda by two councilors
- Question about when it is appropriate to contact the City Attorney. Mr. Dahl explained to whom he replies on what types of emails. Answers related to policy questions are copied to all.

## 2. City Treasurer Report ~ Jerry DiTullio

Mr. DiTullio went through the 2015 Year End Report Highlights

- Overall, the City received more revenue than predicted and spent less than was budget for.
- The City ended 2015 with a healthy unrestricted fund balance of 26.5%. (Policy target is 25%, with a minimum threshold of 17%.)
- Amount of funds invested at year's end totaled \$9.2M.

Additional items of note:

- He will be adding a monthly report that Council and citizens can watch for.
- Sales tax is increasing with increased retail activity; property tax will remain stagnant unless property values go up.
- ESTIP (TIF) money is going into economic development
- "Central charges" (\$3.5M) expenditures include health insurance, workman's comp, uninsured, benefits, etc.
- "Reserved for emergency" funds (\$1M) is restricted by TABOR and can only be spent on emergencies.
- Open checkbook software (for the website/public) is \$7,500 more and would require staff time to export the data daily, weekly and monthly. He suggested looking at this report he will be providing over the next few months before pursuing the open checkbook.
- Ms. Geyer noted that public requests for financial data is very rare, but if people want that information it's certainly available by Public Information Request.

## Council questions

- The EPA Brownfields grant (\$96K revenue in 2015) is part of a \$4M grant that can be spent over 4 years. Monies are reimbursed to the City from the grant as they are spent (in/out). Sometimes that figure is hard to estimate accurately.
- Ms. Geyer reported our budget software system ADG (American Data Group) is a Tier 3 system which unfortunately does not enable export to the Socrata system on the City website that is available to the public. The information on the website has to be hand-transferred.
- A number of the grants are multi-year grants and the amounts are dependent on staffing needs/arrangements/plans.



- "Retail marijuana fees" come from fees we charge and what the state must return to us. Sales tax from marijuana is not an isolated figure; it's lumped into general sales tax.
  - For marijuana tax revenue look at the taxation links on the Treasurer's page.
  - Mr. Goff will get the figure for total marijuana tax last year to the Council.
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- The new monthly reports on the Treasurer's page will list Council-approved funds as "2016 Adjusted" and the actual numbers that come in monthly will be "2016 Actual".
  - The Fruitdale project (\$1.2M) is a separate item that will generate interest and grow.
  - Admissions tax (4%) is for movie theaters (don't currently have) and bowling alleys. In 2016 bowling generated \$43K in admissions tax, plus general sales tax.
  - Expect a total fund report monthly.

**CITY MANAGER'S MATTERS**    None

**CITY ATTORNEY'S MATTERS**    None

**ELECTED OFFICIALS' MATTERS**

**Clerk Shaver** spoke about a scam in the area. A company (possibly called Creative Concepts) is conducting door-to-door sales of fraudulent restaurant coupons. If persons encounter something like this, they are asked to call dispatch at 303-237-2220.

**Monica Duran** thanked citizen for their comments. She's never personally offended when people tell her what's on their mind.

**Janece Hoppe** also thanked people for coming in to speak, and for the emails and calls letting Council know their thoughts and comments.

**Zach Urban** noted that "Citizen Comment" is placed first in the Council Rules. He appreciates the will and energy it takes to come and speak at a meeting. He believes it's important that people be allowed to speak their piece, but he also suggested a balance between stating one's opinion and making direct accusations or specific claims against individuals. ~ From the Colorado Municipal League he pointed out that testimony on SB177 (Urban Renewal legislation) will be taken tomorrow at 2pm in Senate hearing room 353. Citizens can testify in person or listen to the hearing live on the CO General Assembly website.

**George Pond** noted the great new assets in our Parks system – the Kipling Trail and the Kipling trailhead. It's nice to see them coming together.

**Genevieve Wooden** noted the STEM/STEAM Gala was well attended and successful. Preliminary estimates are that about \$25,000 was raised, which can help with capital purchases and program funding. She thanked everyone who came and participated. ~ She also announced that the WRHS Winter Percussion Ensemble won a gold medal in the state competition at the Air Force Academy this past weekend. They won first place in the Rocky Mountain Percussion Association competition.

**Tim Fitzgerald** reported the Wheat Ridge Business District gave a small grant to a medical practice to repaint their building. ~ He reminded people of the final Cre8 Your 38 meeting on April 27 at 6pm at the Rec Center.

**Kristi Davis** acknowledged the Mountain Phoenix School also had a nice fund raiser this past weekend. She enjoyed the silent auction. She made the point there are a lot of good folks out there giving time and commitment to support the kids and schools in our community. She thanked them.

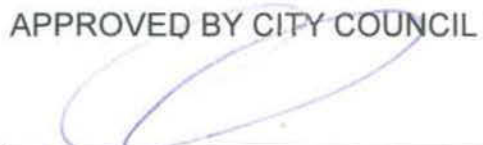
**Mayor Jay** reminded folks to donate a crock pot.

#### ADJOURNMENT

The Regular City Council Meeting was adjourned at 9:15pm.

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 25, 2016

  
George Pond, 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.