

# **CITY COUNCIL MINUTES**

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

**March 13, 2017**

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      Janeece Hoppe      Kristi Davis      Tim Fitzgerald      Larry Mathews

Members Absent: Zachary Urban, George Pond, Genevieve Wooden

Clerk Shaver announced that the absent councilmembers were in Washington DC attending National League of Cities.

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

### **APPROVAL OF Council Minutes of February 27, 2017 and Special Study Notes of February 27, 2017**

There being no objections, the minutes of February 27, 2017 and the Special Study Notes of February 27, 2017 were approved as published.

### **PROCLAMATIONS AND CEREMONIES**

#### **International Week of Service in Colorado**

Mayor Jay read a proclamation designating the week of March 25-31, 2017 as International Service Week to honor the importance of service organizations, including the Kiwanis Club of Wheat Ridge, the Wheat Ridge Optimists Club and the Wheat Ridge Rotary Club .

### **CITIZENS RIGHT TO SPEAK**

**Fred Walker** (WR) requested the City address the overpopulation of Canada geese. He thinks cities and the state should take them off the protected list, talk to the NRA and give the OK to shoot them, then deliver them to a meat processor and give the meat to the poor.

**Jerry DiTullio** (WR) asked for volunteers to be judges for the Capstone projects that have been prepared by the seniors at WRHS. The event is April 24, with the dinner complimentary for the judges. They need many judges. If anyone is interested, contact him or Terry Schreiner at the school at 303-982-7695.

## **APPROVAL OF AGENDA**

### **1. CONSENT AGENDA**

- a) Motion to award a contract to Sabell's Enterprises LLLP, Littleton CO, in the amount of \$152,569 for a new irrigation system at Panorama Park, and to approve a contingency amount of \$7,628 for a total of \$160,197 *[budgeted; Open Space funds; replaces system installed in 1988]*
- b) Motion to approve payment to Creative Bus Sales of Colorado Springs, CO., for the purchase of a new 2017 StarTrans Senator II 15-Passenger Minibus in a total amount not to exceed \$51,518 *[for Active Adult Center; scheduled replacement; budgeted]*
- c) Motion to award a contract to Playco Park Builders Inc., Loveland, CO, in the amount of \$72,237 for the purpose of installing playground fall surfacing at Discovery Park, and to approve a contingency of \$3,611.50 for a total amount of \$75,848.50 *[replaces wood fiber; increases ADA compliance; decreases maintenance; budgeted in Conservation Trust Fund]*
- d) Resolution 06-2017 – amending the fiscal year 2016 Capital Investment Program (CIP) Budget to reflect the approval of a decreased appropriation in the amount of \$2,813,633 *[not all budgeted expenditures were spent]*
- e) Resolution 07-2017 – amending the fiscal year 2016 Conservation Trust Fund Budget to reflect the approval of a decreased appropriation in the amount of \$69,157 *[not all budgeted expenditures were spent]*
- f) Resolution 08-2017 – amending the fiscal year 2016 Open Space Budget to reflect the approval of a decreased appropriation in the amount of \$788,963 *[not all budgeted expenditures were spent]*
- g) Resolution 09-2017 – amending the fiscal year 2016 Budget to reflect the approval of increased available beginning fund balances in certain funds *[2015 fund balance larger than anticipated when 2016 budget was adopted]*

Councilmember Mathews introduced the Consent agenda.

**Motion** by Councilmember Mathews to approve the consent agenda; seconded by Councilmember Duran; carried 5-0

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

- 2. Council Bill 02-2017 – An ordinance authorizing the issuance by the City of Wheat Ridge, Colorado of its Sales and Use Tax Revenue Bonds, Series 2017A, and providing other details in connection therewith

The sales and use tax bonds will be issued to finance the projects approved by the voters at the regular election held on November 8, 2016. The debt for four projects will be financed by the voter-approved tax increase of 0.50% to last for 12 years or when \$38.5M is raised, whichever comes first.

Councilmember Fitzgerald introduced Council Bill 02-2017.

Clerk Shaver assigned Ordinance 1615.

Mayor Jay opened the public hearing.

Heather Geyer introduced Jason Simmons from First Southwest and Sally Tasker from Butler & Snow.

**Sally Tasker**, our bond counsel, explained this ordinance does the following:

Approves the issuance of the bonds and follows the parameters of the ballot question.

Approves the execution and delivery of related documents:

- A bond purchase agreement with the underwriter, George K Baum & Associates represented by Alan Matlosz, who will market the bonds.
- A paying agent agreement with Colorado State Bank (the bond holder).
- An offering document for the public, with preliminary and final official statements
- A continuing disclosure undertaking for the underwriter (needed before they market the bonds)

She explained the flow of funds. The ½ cent of tax authorized by the voters will be tied down and available only for the four projects.

This is a Parameters Ordinance which authorizes the City Treasurer or City Manager to do the final pricing on the bonds and sign the sales certificate and the bond purchase agreement. After the bonds are marketed the final interest rate, maturity and amortization will be set.

The parameters are the same as the election question:

- Can issue \$33M; total repayment of up to \$38.5M, with \$3.7M maximum yearly
- Maturity date no later than Dec 1, 2028.
- Purchase price at least 100% of the bonds (Will likely sell at a premium, given the market.)
- The interest rate will not be higher than 3.75 %; they will be tax exempt.

If approved tonight, the bonds can be issued after 45 days.

**Jason Simmons**, our municipal advisor, reported on discussions with the bond raters. They will get rates this week; they will be locked in and distributed. Marketing is to be next week. Baum can market them in the 280-290 range. It will close the first week of May and the funds will be available for use.

Bonds have been light in Colorado and these have a short amortization period, so Mr. Simmons expects they will go successfully next week.

Treasurer DiTullio emphasized that once the bonds are sold \$33M will be wired to the City. That money will be deposited with CSAFE, a Colorado municipal investment firm, and earn a higher rate of interest than with a CD or money market. Any interest that is realized can go into the general fund.

Councilmember Mathews inquired about how the interest can be used. Mr. DiTullio said that "where to put it" would be Council's call – leave it in CSAFE, stream it to the General Fund, or other. It is not tied to 2E and will be tracked monthly.

There was no public comment.

Mayor Jay closed the public hearing.

**Motion** by Councilmember Fitzgerald to approve Council Bill 02-2017, an ordinance authorizing the issuance by the City of Wheat Ridge, Colorado of its Sales and Use Tax Revenue Bonds, Series 2017A, and providing other details in connection therewith on second reading and that it take effect immediately upon adoption, seconded by Councilmember Davis; carried 5-0.

### **ORDINANCES ON FIRST READING**

3. Council Bill 03-2017 – An Ordinance approving the rezoning of property located at 4255 Yarrow Street from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) (Case No.WZ-16-08/Envirofinance Group)

The purpose of the rezoning is to modify and expand the list of permitted uses and to simplify the review and approval process for future development on the property.

Councilmember Davis introduced Council Bill 03-2017, adding

- The property contains vacant greenhouses that were built in the 1940's.
- This group works on clean-up projects around the state.
- During the referral process it was determined the local streets are adequate to support the zoning request.
- Additional traffic analysis will be required during the administrative site plan review process, including whether or not a traffic light is needed at 44<sup>th</sup> & Yarrow.

Councilmember Davis noted she had watched the Planning Commission hearing on this case. She inquired why this isn't being rezoned to R-3. Mr. Johnstone advised that it can't be rezoned to R-3. R-3 is a zone that exists on the books, but is not available for application anymore.

Mr. Dahl advised that conclusions about this case should be reserved for the public hearing.

**Motion** by Councilmember Davis to approve Council Bill 03-2017, an ordinance approving the rezoning property located at 4255 Yarrow Street from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) on first reading, order it published, public hearing set for Monday, April 10, at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Fitzgerald; carried 5-0.

4. Council Bill 04-2017 – An Ordinance extending the 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

This ordinance extends the Temporary one-year Moratorium for another six months.

Councilmember Hoppe introduced Council Bill No. 04-2017

**Motion** by Councilmember Hoppe to approve Council Bill 04-2017, an ordinance extending the 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 first reading, order it published, public hearing set for Monday, March 27, 2017, at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Duran; carried 5-0

## **DECISIONS, RESOLUTIONS AND MOTIONS**

5. Resolution 10-2017 – a resolution approving a Cooperation Agreement between the Wheat Ridge Urban Renewal Authority and the City of Wheat Ridge concerning the Wheat Ridge Cyclery Improvements Agreement

This Cooperation agreement will officially discontinue the collection and remittance of incremental sales tax from the Wheat Ridge Cyclery TIF to the Urban Renewal Authority, but will continue to allow the collection and remittance of incremental property tax from the TIF to the URA through 2032.

Councilmember Duran introduced Item 5.

**Motion** by Councilmember Duran to approve Resolution 10-2017, a resolution approving a Cooperation Agreement between the Wheat Ridge Urban Renewal Authority and the City of Wheat Ridge concerning the Wheat Ridge Cyclery Improvements agreement, seconded by Councilmember Hoppe; carried 5-0

## **CITY MANAGER'S MATTERS**



Chief Brennan noted that Mr. Goff is in Washington DC this week attending National League of Cities.

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

### **CITY TREASURER'S MATTERS**

Jerry DiTullio related that three reports are now available on the City website

- December 2016 Monthly Financial Report (unaudited)
- Total Funds investment report from February 2017
- Fruitdale -- December 2016 revenue and expenses; under Miscellaneous Reports

### **CITY CLERK'S MATTERS**

Janelle Shaver reported that the Show Cause Hearing for Big Willy's liquor license has been continued until March 23.

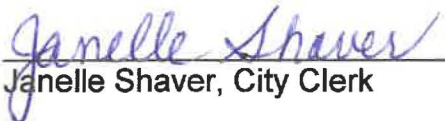
### **ELECTED OFFICIALS' MATTERS**

**Tim Fitzgerald** reminded folks that he and George Pond are having a District 3 meeting this Saturday at the Rec Center at 9:30am to discuss District 3. All are welcome.

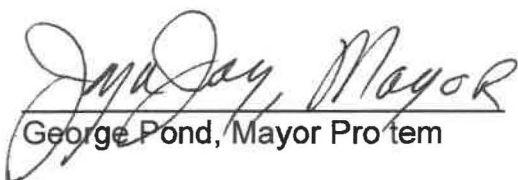
**Mayor Jay** noted the tour last week of the Fruitdale project.

### **ADJOURNMENT**

The City Council Meeting adjourned at 7:40

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON March 27, 2017

  
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.