

# CITY COUNCIL MINUTES

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

March 27, 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            Zachary Urban            Janeece Hoppe  
Tim Fitzgerald        Larry Mathews

Members Absent: Kristi Davis (excused), Genevieve Wooden (excused), George Pond

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Parks & Recreation Director, Joyce Manwaring; Community Development Director, Ken Johnstone; other staff, guests and interested citizens.

### APPROVAL OF Minutes of the City Council Meeting of March 13, 2017 and Notes of the Study Session of March 6, 2017

There being no objections, the Minutes of the Council Meeting March 13, 2017 and the Notes of the Study Session of March 6, 2017 were approved as published.

### PROCLAMATIONS AND CEREMONIES

#### Victim's Rights Week

Mayor Jay read a proclamation declaring the week of April 2-8 as Crime Victims' Rights Week. **Jay Hardesty**, VOI board member, received the proclamation and thanked the City of Wheat Ridge and its Police Department for the many years of support and the good relationship.

#### Arbor Day and Tree City USA

Mayor Jay read a proclamation declaring Saturday, April 26 as Arbor Day. **Margaret Paget**, the City Forester, announced that a Girl Scout troop will be helping plant trees on Arbor Day. **Rick Murray**, Parks, Forestry & Open Space manager, introduced **Robin Rice**, our new forestry technician, and thanked Keith Wood for his help over the years keeping them up on tree issues and identifying problems.

**Keith Wood** of the Colorado State Tree Service presented the award of Tree City USA and congratulated the staff on their hard work over the years. Once again all standards for being a Tree City have been met. This is the 38<sup>th</sup> year for Wheat Ridge as a Tree City.

### CITIZENS' RIGHT TO SPEAK

**Dorothy Archer** (WR) is concerned about the R-1 code. She thanked Council for setting the R-1C height limit at 25 feet with a 15 bulk plane, but hopes the R-1 limit is addressed as soon as possible. People don't realize if they are zoned R-1 a house could be sold, scraped, and a 35 foot flat-topped house could be built 5 feet from their fence. We are losing who we are and why we live here. We are very vulnerable to the changes happening in north Denver. The added population of 500-1,000 in the new apartments (38<sup>th</sup> & Upham and WR Corners) is enough. She encouraged concerned citizens to speak to their councilmembers and attend any Council meetings addressing this issue.

**Colin Anonson**, director of constituent services for Congressman Ed Perlmutter, announced an upcoming event called Making Housing Affordable. A panel will present on making housing affordable, followed by a resource fair. It will be Saturday, April 8 at Alameda HS from 10am to noon.

### **APPROVAL OF AGENDA**

Councilmember Duran asked to add an agenda item to discuss sponsorship of a table for the Seniors' Resource Center Gala. The Mayor said that should happen under Elected Officials' Matters. Mr. Dahl advised that no money can be spent under Elected Officials' Matters.

**Motion** by Councilmember Duran to add Agenda Item 6, the sponsorship of a table at the Senior's Resource Center Gala; seconded by Councilmember Urban; carried 4-1, with Councilmember Fitzgerald voting no.

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

1. Council Bill 04-2017 – An Ordinance extending the Temporary Moratorium of 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

The current one-year moratorium will expire in April of 2017. The financial impact (loss of fees) of extending the moratorium is likely nominal. Staff recommends approval.

Councilmember Hoppe introduced Council Bill 04-2017.

City Clerk Shaver assigned Ordinance No. 1616.

There was no staff presentation.

Mr. Dahl advised the Charter requires 5 votes to approve an ordinance on 2<sup>nd</sup> reading.

Mayor Jay opened the public hearing.

**Citizen Comment**

**Carol Salzman** (WR), Lutheran Hospital, gave some history on free standing emergency rooms. Originally intended for underserved rural areas, they have spread to urban and suburban areas where they have actually caused delays in treatment and a lot of confusion with consumers about transparency, pricing, and insurance coverage. Lutheran is asking that the moratorium be extended for one year (instead of six months) if possible. While the legislature enacted no regulations this year, it's likely there will be legislation in 2018 that will result in a licensing system that does not allow these facilities in areas like Wheat Ridge that already have critical care services.

There were no questions from Council.

Mayor Jay closed the public hearing

**Motion** by Councilmember Hoppe to approve Council Bill 04-2017, an ordinance extending the temporary moratorium of 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, on second reading, and that it takes effect fifteen (15) days after final publication, seconded by Councilmember Duran.

Councilmember Urban asked if the moratorium could be extended to one year. Mr. Dahl advised that Council can chose the amount of time for a moratorium, but it cannot use a moratorium as a ban in disguise. There must be evidence that it is a reasonable amount of time needed to develop regulations. In this case, there is that evidence.

**Motion** by Councilmember Urban to amend the main motion by changing the length of the moratorium from 180 days to 365 days [page 2, section 2], to allow time for the Colorado General Assembly to act on this matter; seconded by Fitzgerald; carried 5-0.

The main motion, as amended, carried 5-0.

## **ORDINANCES ON FIRST READING**

2. Council Bill 05-2017 – An ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the Regulation of Small-Scale Alcohol Production Facilities (Case No. ZOA-17-01)

Our zoning code is silent with respect to alcohol production facilities. Small brewery operations have been handled on a case-by-case basis by classifying them as light industrial or restaurant uses. This ordinance will provide clarity for staff and potential businesses

Councilmember Mathews introduced Council Bill 05-2017.

**Motion** by Councilmember Mathews to approve Council Bill No. 05-2017, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of small-scale alcohol production facilities, on first reading, order it published, public hearing

set for Monday, April 10, 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.

3. Council Bill 06-2017 – An ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the Regulation of Site Design Standards for Site Grading, Retaining Walls and Stormwater Facilities (Case NO. ZOA-17-02)

Our zoning code does not address site grading, stormwater facilities, and retaining walls. This ordinance establishes reasonable minimum standards for their design.

Councilmember Duran introduced Council Bill 06-2017, and noted that no financial impact on the City is expected.

**Motion** by Councilmember Duran to approve Council Bill No. 06-2017, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of site design standards for site grading, retaining walls and stormwater facilities, on first reading, order it published, public hearing set for Monday, April 10, 2017 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Hoppe; carried 4-1, with Councilmember Urban voting no.

4. Council Bill 07-2017 – An ordinance amending various provisions of Article 1 of Chapter 22 of the Wheat Ridge Code of Laws concerning City Sales and Use Tax, and Section 11-68 of the Wheat Ridge Code of Laws, concerning proration of the Annual Liquor License Occupation Tax

This ordinance includes two sets of tax code updates that are intended to simplify the City's tax code and make it more business-friendly.

- Implementation of standardized definitions developed by municipal tax professionals, the business community and the Colorado General assembly.
- Miscellaneous revisions for efficiency, clarity, and consistency.

Councilmember Urban introduced Council Bill 07-2017

**Motion** by Councilmember Urban to approve Council Bill 07-2017, an ordinance amending various provisions of Article 1 of Chapter 22 of the Wheat Ridge Code of Laws concerning City sales and use tax, and Section 11-68 of the Wheat Ridge Code of Laws, concerning proration of the annual liquor license occupation tax on first reading, order it published, public hearing set for Monday, April 10, 2017 at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption; seconded by Councilmember Mathews; carried 5-0.

## **DECISIONS, RESOLUTIONS AND MOTIONS**

Councilmember Mathews reminded the public that Item 5 is a 2E project.

- 5. Motion to award a contract to Moore Iacofano Goltsman, Inc. in the amount of \$124,950 for the Anderson Park Renovation Master Plan.

Preparation of the master plan includes focus groups, community and stakeholder meetings, and review/recommendations by the Parks Commission. Items to be addressed include: functions, traffic flow, the entryway, the Anderson Building, the bath house renovation, pavilion replacement, field rehab, and the addition of new amenities.

Councilmember Fitzgerald introduced Item 5.

Joyce Manwaring updated. This is part of the 2E bond issue. It is the first step in the process and will take 8-10 months. Opportunities for public input will be posted on our website on the project page for Investing for the Future.

Council questions

The schedule for public input opportunities will be posted on the website 2-4 weeks in advance. Public meetings will be during the summer.

**Motion** by Councilmember Fitzgerald to award a contract to Moore Iacofano Goltsman, Inc. in the amount of \$124,950 for the Anderson Park Renovation Master Plan; seconded by Councilmember Duran; carried 5-0.

- 6. Sponsorship of a table for the Seniors' Resource Center Gala

Councilmember Duran confirmed that the Seniors' Resource Center is having a gala this summer -- a fund raiser and for the retirement of John Zabawa. A table for ten is \$2,500.

**Motion** by Councilmember Duran to sponsor a table for the Seniors' Resource Center Gala in the amount of \$2,500; seconded by Councilmember Mathews.

Councilmember Hoppe received clarification that \$3,000 is budgeted this year for table sponsorships.

The motion carried 5-0.

**CITY MANAGER'S MATTERS**

Mr. Goff announced there will be a ribbon-cutting tomorrow at 10am for the new Wheat Ridge Animal Hospital off 44<sup>th</sup>, west of Kipling. ~ He also reported that the 2E sales tax bond sale was successful. In selling \$33M worth of bonds there were \$165M in offers. They were able to negotiate and the interest will be only 2.6%. Closing is set for May 2.

**CITY ATTORNEY'S MATTERS** none

**ELECTED OFFICIAL'S MATTERS**

**Janelle Shaver** reported that the Liquor Authority had its required yearly election of officers. Claudia Worth is the new President and Bruce MacIntyre is the Vice Chair. ~ She also reported that the Show Cause Hearing for Big Willie's has been continued yet again until April 13 at 9:00am in Council Chambers, if anyone wants to attend.

**Monica Duran** asked if Council could go through the steps of the appointment process for mayor pro temp at the next study session.

**Zach Urban** passed out copies of a council bill he'd like to see introduced in the future. He would like to have this ordinance reviewed by the City Attorney for legal accuracy, for legal sufficiency, and if it achieves the goal of allowing the introduction of this ordinance before City Council on April 24 to result in the placement on the ballot of a question posed to the citizens of Wheat Ridge concerning whether the lane configuration and associated designs of 38<sup>th</sup> Avenue (Wadsworth to Sheridan) should stay in the current configuration or be reverted to what may be considered the 2011 or 2010 configuration.

He noted that the sales tax issue is completed, but the issue of 38<sup>th</sup> Avenue remains unresolved from last summer. We owe it to the voters to give them the opportunity to decide this definitively, once and for all.

**Motion** by Councilmember Urban to have the ordinance reviewed by the City Attorney for legal sufficiency and come before Council on 1<sup>st</sup> Reading on April 24; seconded by Councilmember Duran.

Discussion followed.

- Councilmember Hoppe thinks this is a surprise since three members are absent; she'd prefer having it on the agenda of the next business meeting.
- Councilmember Fitzgerald noted there have been years of discussion and conflict about this issue. . He pointed out that promises were just made at the retreat that there wouldn't be surprises. He thinks this is strategic and is dirty pool since three aren't here. He agrees this should be on a study session agenda.
- Councilmember Duran stated that dirty pool would be to pass a resolution on this tonight. Instead, Councilmember Urban brought this forward this way so we can have a conversation when everyone is here.
- Councilmember Mathews noted that by the time we get through the process, there will be plenty of time for everyone to discuss it. He reminded that Council dropped this suddenly, without notice, last year at 2<sup>nd</sup> Reading. Perhaps this is a surprise tonight, but no real action is happening other than to get it on the table. He doesn't see that as objectionable.

Substitute Motion by Councilmember Hoppe to move the review of Councilmember Urban's ordinance to a study session and to follow the regular process; second by Councilmember Fitzgerald.

During discussion Mr. Dahl advised that the main motion charges him with reviewing Mr. Urban's ordinance and recommending changes. The consequence of approving the substitute motion would move the discussion of whether or not he should carry out that charge to a study session.

Discussion continued.

Councilmember Hoppe amended her motion to stipulate that the discussion would occur at the April 3 study session. The second consented.

There was further discussion.

The substitute motion failed 2-3, with Councilmembers Mathews, Urban, and Duran voting no.

The main motion carried 3-2, with Councilmembers Fitzgerald and Hoppe voting no.

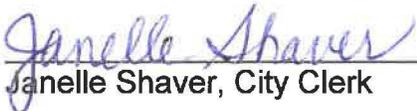
**Tim Fitzgerald** thanked those who came to the listening meeting he and George Pond had last Saturday -- including the Police Chief.

**Larry Mathews** reported attending the Activate 38 meeting on Thursday. He noted this is funded by Kaiser. His concerns are to make sure what the real goal is, and he doesn't want citizens to have expectations that construction is imminent. This isn't even a City-sponsored study; it's a project of Localworks, yet a City engineer is at their disposal. Ms. Hoppe advised that the grant is only to clarify areas of need and put together a list of priorities; it has no action plan.

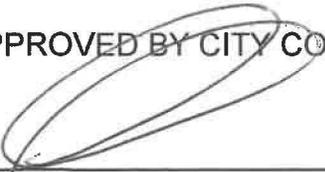
**Joyce Jay** announced Coffee with the Mayor this Saturday, 9am at Vinnola's. ~ Also, the Capture Wheat Ridge photo exhibit is this Saturday at Sons of Italy at 7pm. Several restaurants will be bringing providing food and the contest winners' photos will be on display. Tickets are \$50.

**ADJOURNMENT**

The City Council Meeting was adjourned at 8:00 p.m.

  
\_\_\_\_\_  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON APRIL 10, 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.