

STUDY SESSION NOTES

CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

March 20, 2017

Mayor Joyce Jay called the Study Session to order at 6:29 p.m.

Council members present: Monica Duran, Janeece Hoppe, Zachary Urban, George Pond, Tim Fitzgerald, Larry Mathews, Genevieve Wooden

Absent: Kristi Davis (excused)

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Chief Daniel Brennan; Public Works Director, Scott Brink; Parks Director, Joyce Manwaring; Administrative Services Director, Heather Geyer; Treasurer, Jerry DiTullio; other staff, guests, and interested citizens

CITIZEN COMMENT ON AGENDA ITEMS

Rh'annon Gallagher (Paramount Heights) supports the establishment of an environmental sustainability task force. She is a leader of a 70 person team in Jefferson County that helps cities commit to sustainability and resilience. They've been doing their research and they are ready to go. Her interests are: 1) She moved here three years ago because it is greener and wants her son to grow up with nature like she did. 2) She spent three months learning what cities around the world are doing for sustainability.

Brandon Gallagher (Paramount Heights) (WR) hopes Council knows we need to start a sustainability task force. He did climate reality training in Denver this year and would like to see Wheat Ridge have 100% renewable energy in five years. He's ready to act on this.

Joy Opp (Paramount Heights) supports a sustainability task force and believes it should make recommendations. Sustainability touches local farming, preserving open space, improved walkability, recycling, reducing reliance on cars, cleaning up debris, awareness of wildlife, a feeling of neighborliness, and response to floods, weather and emergencies. Larger cities around us have shown commitment to sustainability. Good policies make a city attractive. All citizens will benefit if we preserve our natural resources, honor our agriculture heritage, reduce waste and provide incentives for businesses to join our city. As a realtor she noted it raises property values. She would like to be on the task force.

Guy Nahmiach (WR) thinks everyone has a personal definition of sustainability – that it's really a lifestyle. He noted that the City has a sustainability plan, but not many resources for implementation. He shared that Wheat Ridge has had a sustainability committee for many years. They meet every few months and have had experts talk on things like bees; they've discussed the "lanes", garbage pick-up, and solar. They believe it's not about the City spending more, but citizens doing more. This group has never been officially recognized by the City and it's about time.

Rob Robinson (Paramount Heights) applauded Council's pending move to create a committee to study sustainability. He agrees people need to take a more active role in local sustainability. We need to take care of our community. Global warming is his fear.

Heather Geyer, Administrative Service Director, was present with Sara Spaulding, Public Information Officer, to publicly apologize for a mistake in the recent WR Connections newsletter. A column in memory to Hank Stites shows a picture of his son Mike, not Hank. She explained that she unfortunately didn't do the final review of the newsletter; and Sara is new to the City. It was an unintentional mistake and steps have been taken to ensure this never happens in the future. She apologized to the family of Hank Stites and the community. Upon returning from vacation she saw the mistake and called Mike immediately to apologize; he understood.

Sara Spaulding extended a personal apology – especially to the Stites family and Hank's friends. Mike Stites was very gracious about it, but this is her mistake and she's taken it to heart in insuring nothing like this happens in the future.

5. Founders Park Sculpture Deaccessioning – Joyce Manwaring

Joyce Manwaring reported the deaccessioning process has been completed for the sculpture at Founders Park. She explained the steps of the public art management process that were followed to respect the artist's work. The sculpture was originally intended as a play sculpture but it did not meet the safety codes for a play structure.

The special deaccessioning committee recommended removal. At their March meeting the Cultural Commission discussed it at length and voted keep the sculpture in place.

Questions from Council followed.

- The art piece was solicited to be a play sculpture. Following selection and installation it was evaluated by CIRSA and our certified playground safety staff; it did not meet safety codes. A sign was put in place saying it is not a play structure.
- It's better for the City's liability to have the sign.
- The public art management plan was adopted several years ago. It has a well-defined process that brings a variety of community members together.
- Founders Park is classified as a passive park.
- Ms. Manwaring explained the difference between developed and passive parks. Developed parks have playgrounds, ball fields, swimming pools, and shelters that can be rented; passive parks don't. In passive parks, activity is all self-directed.
- Where will the funds go? They will go back into the fund balance of the Conservation Trust Fund (Lottery dollars) to be used in 2018 for another project.

1. Staff Report(s)

a. Code Enforcement Strategies ~ Chief Brennan

Chief Brennan explained the staff report and the administrative enforcement process for nuisance code enforcement.

He highlighted the TLC (Traffic, Life Quality and Crime) efforts for 2016.

- TLC identifies neighborhoods that need help, meets with the neighbors to identify their concerns, provides education, and issues warning notices. Dumpster days are held. Enforcement is the last step.
- In the last two years, they've done six neighborhoods and four commercial areas.
- In 2016 they did 710 residences – having 104 warnings, 3 first violations and 1 second violation. Of the 224 commercial properties done, 48 warnings were issued and all complied.
- Although 2016 presented significant challenges with staff turnover in code enforcement, with the use of seasonal workers all proactive projects were completed. PD is now in the interview process for a new supervisor.
- 2016 statistics show
 - 1,796 calls for service related to code -- a 2% increase over 2015.
 - 99% of the cases eventually were in compliance.
 - The program of making people aware of violations is getting compliance.
 - Two appeals went to administrative hearing; there are usually a dozen or so. Two properties had to be abated.
 - We assessed \$23K in fines, which is down considerably (44%) from 2015.
 - Besides enforcement, education is critical, and is done via Connections, Mayor's newsletter, the website, and Facebook.

For 2017 two residential areas were selected for focus:

- Apel Neighborhood (Dist II) – Quay to Wads, 44th to I-70, 420 properties
- Sun Valley Neighborhood (Dist IV) – Garrison to Kipl, W 42nd to I-70, 448 prop's

The commercial area chosen is the Wadsworth Boulevard Corridor, 32nd Ave north to city limits. Public Works will assist due to future widening.

Mr. Goff noted that since Council identified code enforcement as a high priority at the retreat, staff is already talking about areas we can look into to enhance code enforcement (commercial landscaping, rental inspection, other neighborhood programs). Tonight was an update; other areas will be brought forward at a future study session.

The Chief fielded questions from councilmembers about

- Calls that are ultimately not violations
- Whether we need more ordinances for code enforcement
- How complaints are processed
- How crime is being addressed
- The I-70/Kipling area: done mostly with community policing, and hotel/motel inspections
- The inclusion of multi-family in the hotel/motel area monitoring for code enforcement

2. Tax Code Update – Geoff Wilson, Kathy Franklin, Jerry DiTullio

Heather Geyer introduced the guest speakers: Geoff Wilson, formerly of CML, now with Murray, Dahl and Associates, and Kathy Franklin, our Tax Supervisor. Amendments to the City's current tax laws in Code section 22 are proposed.

1) Adoption of standard definitions - **Geoff Wilson**

The current tax system is good for Colorado municipalities.

- 73% of our general-purpose revenue comes from sales tax and property taxes are kept low. (Elsewhere, most cities get their money from property tax.)
- It's also good for taxpayers. They don't mind sales tax; they like low property tax.
- It's generally a good system for businesses too.

For businesses that operate in multiple jurisdictions, some controversial issues are: Differences in tax base (what's taxed and what isn't); differences in point of remittance; difficulty in sourcing the sale; vendors are subject to multiple audits (different standards); and different definitions.

Necessary complexity is defensible; unnecessary complexity is not. Individual definitions among jurisdictions are not necessary and are a confusing burden to businesses.

History: In 1992 he oversaw a standardized definitions project, which municipalities adopted. (This was before TABOR.) It was very successful but lacked a procedure for keeping everything standard over time. In 2014 the legislature asked CML to revisit the project. While TABOR now makes it harder to amend the tax code, a large committee was formed and an extensive process was undertaken to standardize definitions.

Guiding principles included:

- Revenue neutrality (wanted to be able to do it without a TABOR election)
- No merchant impact
- Clarity of practice enhanced (accurate definitions of what is taxed)
- Remove the practice of burying exemptions in the definitions

2) Miscellaneous updates for efficiency, clarity consistency, etc. – **Kathy Franklin**

Ms. Franklin vouched for the care that was taken to follow TABOR guidelines. She explained the need to clean up language and incorporating state language. She noted the top three ordinance changes are business-friendly.

Treasurer DiTullio highlighted the three main changes in the draft ordinance.

1. Allows pro-rating the annual liquor license occupation fee for a newly acquired liquor license
2. Makes the tax refund period three years (like the state) rather than 60 days
3. Allows sales tax to be included in the price of an item for fast transaction sales (similar to the way tax is included in the cost of liquor by the drink) – to now include farmers' markets, produce stands, special events and craft markets

Ms. Franklin explained the other two changes addressing what businesses are required to provide.

4. Formalizes a practice we've had. When large businesses retain records outside the City, metro area or state and an audit requires travel by staff, we require them to pay for it. She noted this is rare.
5. Amends/corrects sections of existing tax code that are obsolete, redundant, internally inconsistent or inconsistent with state statutes

First reading is scheduled for March 27, with second reading (public hearing) on April 10.

3. Wadsworth Widening Project Update – Mark Westberg

Mr. Westberg reported on the Final Recommended Alternative (FRA), design updates, environmental issues that have arisen recently, what the public outreach has been, funding and a potential schedule

The FRA includes 3 lanes of traffic each way, raised medians, wide sidewalks, wide tree lawn, and a two-way cycle track on the east side (35th to 44th). Several signals were added to pull traffic off main intersections and provide pedestrian crossing every 1/8 mile.

Issues from the PEL:

Signals

- CDOT didn't like the signal spacing (they prefer every ½ mile, with occasional variance allowed for ¼ mile)
- CDOT only allows intersections at locations that meet warrants.

Intersection capacity

- We had traditional intersections at 38th and 44th with all double left turns, but they fails prior to the year 2040.
- Continuous Flow Intersections (CFI) were explored. The use of displaced left turns allows through and turning movements to move at the same time. A crossover signal about 600 feet from the main intersection allows a single left turn lane. As CFI's are wider, having double lefts would take out Walgreens, the bank and Mr. Loescher's property [at 44th]. A longer, single left turn lane solves that.
- They are trying to convince CDOT to allow pedestrian crossings at the crossover signals. No one has ever done that.
- He played the video that demonstrates CFI's – which is on the City website.

Clear Creek Trail Connection

Removing sidewalk and existing stairs. They've added a formal connection (10" wide) to the Trail on the east side -- a series of switchbacks to accommodate and encourage bicycles.

Noise walls

CDOT may require 20 foot high noise walls by the Morningside and Town Center apartments; we're hoping they aren't "reasonable, constructible or desired".

Historical preservation

- CDOT is requiring us to revisit the designation of several properties -- four in the north end of corridor and a couple in other areas that probably won't be impacted.
- This adds five months to the project and could potentially impact design.
- Preliminary results should be available by June.
- The four main properties are the bungalow house at 47th (1917), the "mod mood" house (1947) which is planned as a "full take", and the Arapahoe House (1969) and Enramex (1968) buildings.

Public outreach

- Public meetings held in May and August of 2016
- Block by block meetings with business owners held in July 2016
- Individual meetings in January 2017 with properties that will be heavily impacted
- Connections newsletter: 2 articles last year; one in current Spring 2017 issue
- Website regularly updated, including with the 2E updates
- Future public meeting (late summer 2017); update on revised design if necessary
- Public hearing in January, 2018
- More block by block meetings (summer 2017)
- More individual meetings as the needs arise

Funding

Identified funding includes

- **\$31.6M TIP** (Transp Improv Program): \$25.28M Federal, \$6.32M City match
- **\$2.6M HSIP** (Hiway Safety Improv Prog): \$2.34M Federal, \$0.26M CDOT match
- **\$35.07M Total Funding** \$27.62 Federal funding, \$0.26M CDOT funding
\$7.19M City funding (Some prior spending may not be reimbursable from 2E)

City funding **\$7.19M**

- \$6.32M -- local match required (\$0.19M local match in 2016)
- \$7M -- 2E funding in 2018 (\$6.13M remaining local match; \$0.87M addtl funds)

From the PEL it was thought the total project cost would be \$40-45M. With passage of time, addition of CFI's, possibility of sound walls, ROW acquisition of \$14-\$18M, and Construction at \$28-\$38, the estimated costs are now **\$46-60M**.

- Because federal funding exceeds \$25M, we're required to do value engineering.
- Potentially need \$11-\$25 M from other funding. Some options were explained.

Schedule

- If the design phase goes as planned we hope to get the FONSI (Finding of No Significant Impact) by June 2018.
- ROW acquisition would be in June 2018 thru March 2019.
- Construction would be mid-2019 thru mid-2020.
- Will come to Council in April for additional \$180K to cover historic work and delay. This can come from 2E monies (Fund 31).

Councilmember Mathews had questions about

- the unintended consequences of noise walls. Mr. Westberg explained consideration for the walls is a federal requirement since capacity is being increased. Jason Longsdorf of HDR, the engineering consultant firm, explained for Councilmember Hoppe the federal process for determining the need.
- the lack of bus stops and dedicated right turn lanes. Mr. Westberg advised the conceptual design has changed. There *will* be dedicated right turn lanes at 38th and 44th. Bus stops will be collocated with east/west stops to facilitate transfers, i.e. moved to a location *before* the intersection. Right turn lanes will function as the bus stop lane.
- whether there is enough stacking room for the short distances. Mr. Westberg explained the queueing analysis and assured that with synchronized lights there is enough stacking distance for the thru lanes to accommodate traffic levels anticipated for the year 2040.

- if the lights are long enough for pedestrians to cross 8 lanes. Mr. Westberg said the intersections are 80 feet wide and noted the pedestrian crossing at main intersections is an issue for everyone. That is why staff wants to convince CDOT that putting ped crossings at the crossover locations is a good thing. People can cross half the street to the median, then wait to cross the other lanes. There would be pedestrian refuge locations so folks will be safe.
- Mr. Mathews expressed concern about so many signal lights so close together.

Councilmember Duran asked about the historic process. Mr. Westberg elaborated, noting that research is difficult because building records prior to 1969 [incorporation] were destroyed. Redesign or avoidance of those properties could happen because we can't afford a 1½ year delay; timing is critical related to funding.

Councilmember Urban inquired further about CDOT's resistance to the mid-block CFI crossings. Mr. Westberg said it has never been done before; the universal traffic code (MUTCD) doesn't even address it. CDOT has a hard time with the liability without a definable set of criteria. Other CFI's (in CO and other states) have ped trails nearby or don't need ped crossings. It's not been done in a setting like ours where ped traffic is low. Staff hopes ped traffic will increase when the sidewalks go in. Mr. Urban expressed concern about the liability of using an unapproved design. While appreciating the need for creative solutions, he cautioned against using a \$45-\$60M project as a place to do something new and different. Besides the liability, avant-garde transit engineering is expensive and we have a timetable to worry about.

Councilmember Urban inquired about the differences in cost between the design used for the PEL and the recent one. Mr. Westberg noted CFI's cost a little more because of the added lane curbs. Other cost-increasing factors include the addition of several 3-4 foot walls in the corridor, changing the estimate from 2014 dollars to 2019 dollars, and likely increases in construction costs.

Councilmember Pond noted that the ped crossings are not essential to the CFI's. If the first design is going to fail in 2040, CDOT will not approve that design. Mr. Westberg commented and noted that CDOT is more concerned about the number of signals.

Councilmember Mathews inquired about snow removal. Mr. Westberg reported the snow plowing protocol for all of this is complicated and still being worked out.

Clerk Shaver asked about the Plum House, the old red brick farm house on the west side between 38th and 44th. Mr. Westberg wasn't sure but thought it may be an integrity issue as it has an addition. He added that the Lutheran church is definitely historic so the road is wiggling to the west near that location.

4. Mayor's Environmental Sustainability Task Force - Joyce Jay, George Pond

Mayor Jay had opening remarks about her and Councilmember Pond's recommendations for starting an Environmental Sustainability Task Force.

Councilmember Pond reported being approached by citizens interested in this. It would be an ad hoc committee of limited duration made up of citizens with expertise and passion for sustainability. He elaborated on the need to create a baseline, establish definitions and have recommendations brought to the Council.

Mayor Jay explained the plan to create a citizen committee that would help the City identify, adopt, develop and implement programs, policies, strategies and action. It would have to have people with environmental experience and passion to recommend what more we can do? Recommendations could include public educations, involvement of the building department for recommendations for green building requirements, energy efficiency suggestions, and speakers on climate change.

Discussion followed.

Councilmember Hoppe sees it as a good plan, but thinks six months isn't long enough. She suggested one year might be better if people are willing to commit to that time.

Councilmember Wooden supports this. She would like to have periodic reports. Every Councilperson would recommend 3-5 applicants, but she would like to see it publicized.

Councilmember Mathews supports the concept but doesn't think preference should be given to persons already actively engaged with environmental issues. That would just end up creating a lobbying group and he's not sure that's a core City function. He supports having a mix of opinions so there can be a true intellectual discussion. ~ He'd also like to see that there's no cost to taxpayers – that it's a true citizen initiative.

Mayor Jay noted that next year's budget may need to include a sustainability officer.

Councilmember Urban suggested the focus is too broad; he would like to see a narrower focus and specific, measurable goals for realistic actions the City could take. ~ He also suggested they meet outdoors a majority of the time, and has concern about cost.

Councilmember Duran likes the idea of a committee; agrees it should be a hands-on group out in the community (e.g. meeting with businesses); is concerned about cost; and wants frequent updates and advance notice of any speakers.

Councilmember Hoppe would like to see the committee identify where we are now, what areas need major improvement, and how do we get there.

Councilmember Pond doesn't agree with narrowing the metrics in the beginning – that the analytical baseline information and what our opportunities are provide the context on which to choose our goals. To get to that point reporting out and involvement will be helpful. ~ He is agreeable to putting it on Channel 8, like with the DIRT taskforce, but noted that would be a cost.

Councilmember Wooden suggested to the committee that other cities already have sustainability practices and staff in place. Examine what they do and see what might work for us. She supports this because our citizens have asked for it – addressing issues like water, transportation, waste, recycling, and climate.

Councilmember Fitzgerald asked for consensus to form a citizen committee for a term of

one year that will report back in three months with a plan for next steps for the committee and next steps for the Council.

Mr. Goff advised that

- Staffing could be provided short term (1 year), but for long term sustainability programming the expertise and capacity isn't available on staff.
- City staff already has a sustainability committee that makes recommendations for City operations. Examples: recycling, energy audits, an idling policy for all fleets
- Depending on the expertise of the committee, Council may need to hire a facilitator that has expertise.

There was agreement to decide about staffing after 3 months.

- Mr. Goff will have an application created and have this advertised.

The vote on the consensus was 5-2 in favor.

Clerk Shaver noted that Code requires boards and commissions to have equal representation from each council district. They might check about committees.

A majority seemed to agree that only Wheat Ridge residents could serve.

6. Elected Officials' Report(s)

George Pond reported the National League of Cities conference was good. They met colleagues, interfaced with our representatives, and pitched our projects.

Genevieve Wooden noted from the trip to Washington DC that issues such as roads, bridges, water and immigration are common issues nationwide. She noted that opioid use is a problem all over; some rural cities smaller than Wheat Ridge have much bigger problems that we do. She learned of a West Virginia city not much larger than ours that had 26 overdoses in one day.

Larry Mathews read a statement about his thoughts on the budget. His first year on Council he did a lot of observing; he has started now to ask questions in preparation for the budget for next year. He thinks waiting until the budget is all prepared is too late to ask questions. The City's budget is the taxpayers' money. He believes elected officials have the responsibility to ask hard questions about the measurable benefit of expenditures to its citizens – including analysis of return on investment and cost/benefit ratio. How expenditures relate to core functions of the City should also be considered.

Zachary Urban reported a take-away from National League of Cities was that opioid use not only takes a toll on the users and has a hard dollar cost for cities, but has a high emotional and physical impact on first responders. ~ He added that fairness in infrastructure resources for Colorado and Wheat Ridge was a message he brought forward.

Mayor Jay reported that at the last DRCOG meeting it was mentioned there will be a push for infrastructure repairs, changes, and rebuilding – that shovel ready projects would be of more interest. We may be falling in line well.

City Manager Patrick Goff had several items.

- He reminded everyone of the I-70 & Kipling open house meeting this Thursday evening, March 23, at the Rec Center. The public is encouraged to attend. It's from 5-7pm, with a presentation at 6pm. CDOT and City staff will be there.
- He reported the draft of notes on the retreat are ready for Council's review.
- A pre-pricing conference call was held today for the 2E bonds. They will go on the market tomorrow. Market looks good this week, so it looks like we will pay less interest and debt service than expected. The closing won't be until May.
- The 38th Ave overlay project has been removed from the project list this year; the street condition does not warrant overlay at this time and the streetscape project isn't moving forward. Instead, 44th Ave from Vance to Sheridan will be the priority this year. We will do 38th Ave next year.
- He clarified something he said during a previous discussion about Localworks. He had reported that employees do not receive comp time for volunteering for Localworks events. He has since learned that did happen for at least one event when they were having a hard time getting volunteers. It's not a practice.
- Update on Arapahoe House: We put up our \$12K for continued operation for six months. They are working to set up a meeting with Jefferson Center for Mental Health about taking over the detox services. ~ Arapahoe House will be notified of the historic designation of the property.

Janelle Shaver, related to the earlier discussion about code enforcement, reported receiving a call about the homeless camp that has sprung up on the north side of Clear Creek just west of Wadsworth. She directed the lady to the City of Arvada, but that produced nothing. Could the City speak with Arvada about it? ~ Mr. Goff said he is aware of it and staff is working with Arvada on it. CDOT has a process that takes some time. ~ She also advised the time for the Show Cause Hearing this Thursday for Big Willie's liquor license has been changed, at their request, to 9:30am (instead of 9:00am).

ADJOURNMENT

The Study Session adjourned at 9:16 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL April 10, 2017



George Pond, Mayor Pro Tem