

## STUDY SESSION NOTES

### CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29<sup>th</sup> Avenue

August 7, 2017

Mayor Joyce Jay called the Study Session to order at 6:30p.m.

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

Absent: Janeece Hoppe (excused)

Also present: City Clerk, Janelle Shaver; City Manager Patrick Goff; Administrative Services Director, Heather Geyer; Public Works Director, Scott Brink; other staff, guests, and interested citizens

#### CITIZEN COMMENT ON AGENDA ITEMS

**Carol Mathews** (WR) expressed frustration in attending many staff-controlled citizen meetings (38<sup>th</sup> Ave, ADU's, Wadsworth configuration) where issues were presented with controlled rhetoric and left no options for citizen input. Citizens with other ideas have been cut off or threatened with expulsion. She now hears that councilmembers, including those who are candidates, believe the Council and the City staff should control who hosts the election forum, and that staff should select the questions. She gave several reasons why she thinks this is not democratic.

**Tom Slattery** (WR) stated he was deeply involved in the organization and presentation of the WR United Neighborhoods Candidates and Issues Forum for over 20 years and was the moderator many times. The City generously provided the use of Council Chambers. It was understood this was a courtesy and that the City was not a partner, sponsor or overseer of the Forum. It was understood that any City review, editing, contribution or approval of the content would create the appearance of prior restraint or censorship. It was also understood that WRUN would maintain impartiality and would not take a stand on any issue at the forum or give the appearance of same. WRUN was to follow all FCC requirements, and always did. Because of WRUN's commitment to impartiality, the fact that WRUN was active in City issues was not considered a reason to bar them from use of the Council Chambers. He feels that any organization willing to commit to impartiality should not be barred from using the Council Chambers. The WRUN forum was conducted in complete freedom and the great integrity of the event was continuously applauded by mayors, councils, administrations and city attorneys over the years. They assumed it was City policy to allow the use of Council Chambers for purposes of conducting an annual election forum by a competent organization. The WRUN forum has always enjoyed the highest reputation with candidates and issues activists, and he hopes that reputation continues for many years to come.

**Vivian Vos** (WR) Regarding the candidate forum, she suggested some people's noses got bent out of shape and she's not sure why. She proposed that the City Clerk draw names from a hat and candidates speak for a given amount of time. She thinks a moderator and questions are not necessary due to modern technology, and that all the

City need do is name the date/time and arrange for the videographer. The "host" could be chosen by drawing lots from a list of interested parties, and whoever conducts the forum would not be eligible to do it the following year. She doesn't think City Council should be involved as it runs well without them. She also believes that councilmembers who are candidates should not be involved in making any policy about the forum.

1. Staff Report(s) none

2. Denver Water Presentation – Scott Brink

Katie Knoll, Community Relations Manager from Denver Water, and Jim Light, also from Denver Water, were present to update Council on the upgrading and modernization of the North System.

Ms. Knoll noted that Denver Water will be celebrating 100 years of service in 2018. It is the oldest and largest utility in Colorado. They deal only with drinking water and serve 1.4M people – including contractors that provide water for WR residents. Upgrading and modernization of the North System is needed to maintain reliable water delivery. She went through the four components of the project.

1. Ralston Reservoir Connection: This project involves an upgrade and improvements to connect Ralston Reservoir to the Northwater Treatment Plant. This includes replacing and upgrading the 1930's-era pipelines and valves that allow water to be released from the reservoir.
2. Northwater Treatment Plant: A new, state-of-the-art water treatment plant will be built next to the Ralston Reservoir north of Golden. The Northwater Treatment Plant will be capable of treating up to 150 million gallons of water a day and will be equipped with disinfection technology that will provide flexibility to react to changes in water quality.
3. Northwater Pipeline: A seven-foot diameter pipeline will be installed along an 8.5-mile route from Ralston Reservoir to the Moffat site in Lakewood (near 20<sup>th</sup> & Simms), replacing two existing smaller diameter pipelines. The new pipeline will transport treated water from the newly built Northwater Treatment Plant to the Moffat site for distribution to customers.
4. Moffat Distribution Site: The existing Moffat Treatment Plant, originally constructed in 1937, will be re-purposed into a storage and distribution site for the treated water coming from the new Northwater Treatment Plant.

Related specifically to Wheat Ridge:

- A tunnel will be constructed from the Fairmount area through the Clear Creek Crossing property, under I-70 and the Applewood Shopping Center.
- In the area of Mountain Shadows Drive about 28 properties are within the easement and will be directly impacted. Denver Water has met with each of them at their home and has been in contact with them for two years.
- Construction under the BNSF Railroad near 44<sup>th</sup> & Eldridge and under Highway 58 will begin in October.

- There will be open trenches on the south side of 44<sup>th</sup> near Eldridge, and by the Clear Creek Bike trail. Street closures and detours will happen this fall.

She added that safety is the #1 priority. Denver Water takes pride in being a good neighbor – noting they are committed to clean, well-managed worksites; minimizing construction impact to neighbors; communicating regularly with the community and individually impacted residents; and responding promptly to questions and concerns.

Another, more detailed, mailing, will be going out. She has been meeting with city and county PIO's and other community groups. A website will be up soon that includes a fact sheet and detailed infographics. 2017 and 2018 will be tunneling projects. Pipeline installation and the Ralston Reservoir Connection will overlap with the Moffat Distribution Site and Northwater Treatment Plant during the following five years.

Questions from the Council followed.

Councilmember Urban had questions answered:

- 1) There is regular coordination with the Fairmont and West Metro Fire Departments.
- 2) There will be no impact on day-to-day water delivery.
- 3) There will be no changes in water pressure. Water pressure varies within the distribution system, with the average ranging from 80-100 PSI.

Councilmember Mathews asked if there has been coordination with the developer of the Clear Creek Crossing property. Mr. Goff said coordination with the developer has been ongoing for about two years on the pipeline and the hook ramps. He reminded Council of their recent approval of an IGA for \$20K to authorize Denver Water to do redesign work for the bore pit on the west side of I-70. That has concluded and both projects can proceed simultaneously.

Mr. Light reported that Denver Water meets with Evergreen as well.

### 3. 38th Ave. Pedestrian Lighting Replacement – Scott Brink

Mr. Brink explained this relates to the damage from the May hailstorm to decorative streetlights on 38<sup>th</sup> Ave from Harlan to Sheridan. 42 of 72 lighting units were damaged. Stock piles for replacement are depleted and the current model is discontinued. New ones will need to be purchased. A design can be chosen that is similar to existing light fixtures, or a new style can be purchased for all 72 lights. There are options. It depends on what Council wants.

The City's insurance carrier (CIRSA) has authorized replacement of the 42 damaged fixtures at a cost of \$3,234 each, totaling \$135,828. 30 units were not damaged and therefore are not eligible for reimbursement should the City wish to replace them. The \$3,234 unit amount is essentially the cost to replace the fixture units and poles with the City's standard LED ornamental lighting unit, similar to what has been installed at Town Center North and Kipling Ridge (Attachment 2). The price is a materials cost only, but CIRSA has indicated that installation costs will also be eligible for reimbursement.

Discussion points included:

- Existing fixtures violate the dark skies principles. It is an opportunity to follow the dark skies principle by replacing all units, and have insurance pay for half of them.
- This would involve an insurance claim.
- The fixtures in question are all east of Harlan.
- Could we use Urban Renewal funds the WR Cyclery money? Yes.
- It was suggested to use the 30 undamaged fixtures at other locations such as parks.
- Continuity of design was generally supported.
- The dark skies principle allows for areas where ambient light is needed for activity.
- The dark skies principle is not required by ordinance; it's something Excel pushes.

Councilmember Davis received unanimous consent to proceed with the replacement of light fixtures along the 38<sup>th</sup> Avenue corridor with an eye to standardization of design, and to repurpose useable fixtures in other places in the city; and further to approach Urban Renewal for any possible funding.

#### 4. Run Hide Fight Video – Chief Brennan

The Chief introduced the topic. In June 2016, a facility assessment of City Hall was conducted and a national model has been adopted. It provides guidelines for officers, employees, and councilmembers for what to do in an active shooter situation.

Commander Mike Hendershot highlighted the process that was used to analyze our workplace safety.

- The employee evacuation map that was developed was distributed to Council.
- The complete list of things that could be done will take a long time to implement.
- He played the Run, Hide, Flight video and elaborated on it.
- He presented a power point on Workplace Safety.
- He briefly addressed Active Shooter situations, what was learned in the analysis process, and things to expect during an incident and when the police come.

Discussion and questions followed.

- Have we reached out to other soft targets in the community such as churches or grocery stores? Chief Brennan said we have reached out to Lutheran and certain churches on this. We work closely with the schools and if we get calls from businesses or other elements of the community, we will assist with training.
- Councilmember Davis suggested banners on computers to alerting employees of an active shooter.
- Mr. Goff noted the Rec Center is well-versed and well-trained in safety procedures.
- Clerk Shaver noted that since she is in the building daily she can vouch for the repeated analysis and discussions with the staff safety committee, then the Police, and then the professional consultant. She said active shooter response is discussed by employees.
- Councilmember Urban thanked staff for balancing accessibility and safety.
- The Chief noted that training for councilmembers would be beneficial.

Councilmember Wooden inquired how National Nite Out would. Chief Brennan said it went well and elaborated on the positive impacts of the event. Councilmember Urban, who attended with his family, said it was a lot of fun and was well put together.

## 5. Election Forum – Heather Geyer

Councilmember Urban read a statement recusing himself from the discussion on the election forum, since he is a declared candidate. He doesn't think it is appropriate for candidates or their registered agents to set the rules. He left the Chambers at 7:48pm.

Councilmember Fitzgerald noted he is also a candidate, but does not think participating in this discussion violates any ethics rules. He will participate in the discussion.

Councilmember Davis declared that she is a registered agent for a candidate and expressed willingness to recuse herself if Council wished. She will speak on behalf of feedback she has been given, not her own opinion.

Discussion on policy-making followed.

- Councilmember Wooden: This is only a discussion – no policy will be set.
- Councilmember Mathews: Recommendations would come from this discussion.
- Mayor Jay: Policy would be handled differently than a choice Council makes tonight.
- Councilmember Davis suggested that any policy would be set after this forum.
- Councilmember Duran: She understood tonight's discussion would affect this year's forum. Mayor Jay said it would, but any policy that is made would be for the future.
- Mr. Goff clarified that tonight's discussion need only be about this year's forum.
- Councilmember Duran asked what would be covered in the forum. Ms. Geyer and Mr. Goff said it would cover all levels of candidates and all issues on the ballot.

Discussion about who should host this year's forum proceeded with no further recusals.

Councilmember Mathews asked for a description of how we got here tonight.

Heather Geyer reviewed the history of the Forum. It was hosted by WR United Neighborhoods every year (except 2009, hosted by Enterprise Wheat Ridge) until last year. In 2016 the WR Chamber did it; there were no City candidate races. The City pays for the videography, replays the forum on Channel 8 and has it available on the website. In April she reached out to the WR Chamber and WRUN. The Chamber responded; WRUN did not. After July 4<sup>th</sup> CFIWR expressed interest in participating. The WR Chamber is willing and can do it either alone or with assistance from CFIWR. What other cities do was presented at last week's Special Study Session. We are at a decision point for who Council wants to host a forum. The date of October 3 has been set. There was interest in having the League of Women Voters (LWV) host a forum, so staff reached out to them and asked them to hold the date.

- Councilmember Wooden said she asked for this to be placed on the agenda because she found out a mayoral candidate is on the board of the WR Chamber. She likes the idea of a forum, but would like there to be a policy. She objects to any group being allowed to host if one of their members is a candidate.
- Councilmember Duran read into the record an email from resident Jessica Fasy protesting having the WR Chamber host an election forum because they are biased. Joe DeMott is their president. She stated this is an official Wheat Ridge City event, is played on Channel 8, and is funded by the City. Having CFIWR cohost is also inappropriate because they are incredibly biased; they have received funding from



Joe DeMott. She wants Council to set guidelines disallowing hosting by any organization that has a board member who is a candidate. She would like this and all future forums to be hosted by the LWV.

- Councilmember Duran expressed preference for asking the LWV to host, but she would like questions to come from citizens not the staff.
- Councilmember Pond agreed with Councilmember Duran and favors drawing the questions from a hat. He thinks any group that hosts should commit to removing any perception of bias.
- Councilmember Fitzgerald expressed the WRUN forums were fantastic, but they haven't applied so maintaining the appearance of impartiality is his concern. He prefers the LWV, and would like to discuss how the questions happen.
- Councilmember Davis doesn't think either of the groups who asked to host would come with an agenda or show bias; she is only concerned about the perception.
- Sara Spaulding, PIO for the City, said she and Ms. Geyer have talked with the LWV. They have a process and are able to provide questions.
- Councilmember Duran asked if funds were available to pay for a moderator. Ms. Geyer said they could find money for that. Lakewood hires a TV personality. LWV would find a moderator from amongst its membership.
- Councilmember Mathews asked if the LWV has confirmed ability to host. Yes.

Councilmember Mathews asked for consensus 1) to use the LWV as host and moderator for this year's forum, 2) to have citizens be allowed to submit questions, and 3) to finalize a permanent policy after this election.

Councilmember Duran asked for division of the question.

No vote was taken. Discussion continued. Mayor Jay allowed Tom Slattery to speak.

Mr. Slattery encouraged continuation of the past practice of covering the entire WR ballot – including candidates at all levels and all issues. Some councilmembers expressed agreement with that.

There was unanimous consent to ask the LWV to host a forum.

Councilmember Duran received unanimous consent to have the LWV provide the questions.

Councilmember Mathews received unanimous consent to let the LWV provide the moderator.

There was agreement to talk about guidelines for future forums after the election.

Councilmember Urban returned to the Chambers at 8:20pm.

## 6. Elected Officials' Report(s)

**Kristi Davis** reported that the Urban Renewal Authority met last week. They heard a presentation from The Swiss Flower Shop requesting a TIF for an addition they are planning, and a presentation from Hacienda Colorado.

**Tim Fitzgerald** reported that the WR Business District approved several grants for the owner of a building on 44<sup>th</sup> Avenue just west of Wadsworth. The building is for rent and is being refurbished to suit the new tenant. It's where the fireplace store was.

**Larry Mathews** reported that, contrary to rumors he has heard, he is not resigning his seat due to dire medical needs. Borrowing from Mark Twain, he said the report of his impending doom and resignation is greatly exaggerated and not to be believed.


**Mayor Joyce Jay** reported there is an opening on the Urban Renewal Authority. She and Chairman Tim Rogers have met with three candidates. Applications are still being taken until August 15. ~ She reported attending the Metro Mayor's Caucus last week. There was information given on 1) a possible ballot question on instituting a transportation tax, and 2) the Ward Station. Testing has gone well; they are close. ~ She expressed concern that a speaker feels we are unfair to speakers in giving them time to speak. She doesn't think that is the case, but is concerned because we try very hard to be fair to all speakers.

**Patrick Goff** noted the Carnation Festival is this weekend. He asked councilmember to let him know if they want to walk with the City and if they need anything. Larry Mathews requested an easy chair on wheels with a fan and a cold drink. Mr. Goff said he will work on that.

**Clerk Janelle Shaver** reminded folks that tomorrow is the first day for candidates to pick up their nomination petitions. They must be submitted by August 28.

ADJOURNMENT The Study Session adjourned at 8:28 pm.

APPROVED BY CITY COUNCIL ON August 28, 2017

  
Janelle Shaver, City Clerk

  
George Pond, Mayor Pro Tem