

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

**January 22, 2018**

Mayor Starker 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**

Boy Scout Troop 329 performed the flag ceremony, posted the colors and recited the pledge.

**ROLL CALL OF MEMBERS**

Zachary Urban	Janeece Hoppe	George Pond	
Kristi Davis	Tim Fitzgerald	Larry Mathews	Leah Dozeman

Absent: Monica Duran (excused)

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

**PROCLAMATIONS AND CEREMONIES**      none

**CITIZENS RIGHT TO SPEAK**

**Dorothy Archer** (WR) distributed a packet of information to the Council containing the ordinance Edgewater passed limiting residential heights to 25 feet. She spoke of Arvada's plans to address this same issue. An Arvada planner, whose contact information she also gave them, told her Arvada realizes that 35 feet is no longer an acceptable height, and he would be glad to speak with anyone. A lady in the Lakewood Planning department told her that Lakewood is not experiencing scraping, but they do have very strict standards that must be followed. ~ She spoke about the new houses at 32<sup>nd</sup> & Teller. The owner told her the sf house is not quite 30 feet high (with a sloped roof), and the duplex is 27 feet high. Additionally, the garage was kept at one-story out of consideration for the neighbors to the east. ~ She invited Council to drive by a new house that is being built using the 35 ft height/15ft bulk plane rules. Council should see how uncomplimentary it is to the neighbors. ~ She will continue to come every week if necessary until Council addresses this 35 ft/15 ft bulk plane issue in east Wheat Ridge.

**Bob Brazell** (WR) addressed the issue of ADU's. He thinks if people want to add a second house on their property they should buy a duplex. He believes it isn't fair to the existing neighbors, who bought property in a neighborhood with a specific zoning, to allow people to come in and actually change the zoning to allow for additional rental

units on a single lot. Zoning is zoning. He thinks this is a selfish desire that will deflate property values and crowd the streets with added cars and traffic. He doesn't think we need more people in Wheat Ridge – reminding Council that our property values have remained high because we don't have this kind of nonsense.

**Michael Illo** (WR) distributed a packet of material to the Council which contained examples of how he thought a public representative used his elected office to represent his personal opinions with numerous derogatory statements and incitements. He understands that everyone has a right to free speech, but he thinks it is a conflict of interest for elected officials to use their publicly funded office to express personal views, say negative things about people in the city and influence people. He hopes there can be a protocol for how elected representatives conduct themselves. This is the only example he has seen of an elected official trying to go behind the scenes and instigate arguments. He thinks this is deceitful and makes the whole city government structure look suspect.

## **APPROVAL OF AGENDA**

### **CONSENT AGENDA**

#### **1. CONSENT AGENDA**

- a) Motion to approve the purchase of 2018 vehicle replacements and the purchase and installation of lighting, auxiliary and communications equipment in a total amount not to exceed \$351,897 [*4 Ford Police Interceptor Utility Vehicles @ \$33,425; 2 Ford Fusion hybrid sedans @ \$22,430; 1 mid-size 4x2 Chevrolet Colorado ext cab pickup (\$22,376); 1 mid-size 4x2 Chevrolet Colorado ext cab pickup (\$27,507; 1 Ford F-350 Cab & Chassis w/ dump body (\$40,454) = \$268,897; lighting, markings and communication equip = \$83,000]*
- b) Motion to appoint Jerry DiTullio as a City Director to the Wheat Ridge Business District Board of Directors, term to expire March 31, 2021
- c) Resolution 09-2018 – amending the Fiscal year 2018 General Fund Budget in the amount of \$6,698 for the purpose of appropriating Grant Awards for the purchase and installation of a Bike and Pedestrian Counter on the Clear Creek Trail and for a Pergola and Fruit Trees at Happiness Gardens [*unbudgeted; two unanticipated grants from JeffCo Public Health; portable bike/ped counter = \$4,048; pergola (shade for gardeners) and fruit trees (to provide healthy foods) = \$2,650]*
- d) Motion to approve payment to Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2018 Workers' Compensation Premium in the amount of \$304,536 and 2018 Property/Casualty Premium in the amount of \$231,139 [*workers' comp premium down \$53,560 from last year; property/casualty premium up \$35,497 from last year]*

- e) Motion to approve 2018 Payment to Renewal Wheat Ridge in the amount of \$300,000 *[budgeted; yearly contribution for RWR operating expenses]*

Councilmember Hoppe introduced the Consent Agenda.

**Motion** by Councilmember Hoppe to approve the Consent Agenda items a), b) c), d), and e); seconded by Councilmember Urban; carried 7-0.

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

- 2. Council Bill 02-2018– 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 Facility

The one-year moratorium on applications and requests related to freestanding emergency rooms expires in April. This ordinance extends the moratorium period for an additional 120 days, to and including August 27, 2018.

Councilmember Davis introduced Council Bill 02-2018.

Mayor Starker opened the public hearing.

### Staff presentation

Mr. Dahl explained the extension. There is some expectation that the legislature will act on this matter during this year's session. He advised that the extension is appropriate.

There was no public comment on the ordinance.

**Motion** by Councilmember Davis to approve Council Bill 02-2018 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 facility, on second reading, and that it take effect 15 days after final publication; seconded by Councilmember Fitzgerald.

Mayor Starker closed the public hearing.

Clerk Shaver assigned Ordinance 1634.

The motion carried 7-0.

- 3. Council Bill 03-2018 – An Ordinance amending Chapter 7 of the Wheat Ridge Code of Laws regarding Elections to ensure consistency and compatibility with the Colorado Municipal Election Laws

This ordinance will delete certain sections of the City's Election Code which are adequately covered and governed by state law.

Councilmember Urban introduced Council Bill 03-2018.

Mayor Starker opened the public hearing.

Clerk Shaver assigned Ordinance 1635.

Staff presentation

Jerry Dahl explained that this section of our Code grows smaller as state law becomes more specific. Many municipalities defer to state laws on this subject. The City does hold its elections in November and all elections are now coordinated elections with the County. Since the City already subscribes to state municipal election laws, it makes sense to remove sections of our code that are covered by state law so that changes aren't necessary every time state law changes. The sections being deleted deal with reporting requirements, filings, violations, penalties and automatic recounts – all of which are governed by state statutes. Sections that are specific to Wheat Ridge will not be removed.

Clerk Shaver explained how the change will affect reporting requirements for candidates. Current Wheat Ridge Code requires candidates and committees to file two campaign finance reports -- 11 days before the election and 30 days after the election. Following adoption of this ordinance we will follow the state requirement of three reports -- 21 days before the election, the Friday before the election and 30 days after the election. She added that most cities she knows of, certainly in Jefferson County, all require the three reports; Wheat Ridge has had a unique set of reporting rules. She pointed out that with mail-in ballots this reporting schedule will benefit the voters by providing them with financial information from the candidates and committees earlier in the process.

Councilmember Urban asked if the Election Commission would be affected. No.

**Motion** by Councilmember Urban to approve Council Bill 03-2018, an ordinance amending Chapter 7 of the Wheat Ridge Code of Laws regarding elections to ensure consistency and compatibility with the Colorado Municipal Election Laws, on second reading to take effect immediately upon passage as provided by Section 5.13 of the Charter; seconded by Councilmember Hoppe; carried 7-0.

**DECISIONS, RESOLUTIONS AND MOTIONS**

4. Motion to award contract to Design Concepts, Inc. in a not to exceed amount of \$175,695 for the purpose of preparing the design and construction documents for Prospect Park Renovation Phase II

This contract includes design development, preparation of construction documents, building, and bid analysis services. It includes services from the vendors DHM Design, JVA Engineering and Ackerman Engineering.

This phase of the renovation includes the addition of lighted pickle ball courts, improved park entrance drive, improved access to the north side of Prospect Lake and the addition of a fishing dock and small shelter, a new picnic pavilion, resurfaced trail, relocation of the playground, and changes to the driveway into the south parking lot.

Councilmember Mathews introduced Item 4.

Staff presentation

Joyce Manwaring reported this phase includes the construction of pickle ball courts on the northwest side of the park, improvements to the lake edge, replacement of the pavilion on the south side of the park, and a new trail and new entry into that area. Depending on grant funding and the market at bidding, it is hoped all of Phase II can be completed.

Council questions

Councilmember Urban had a question about the letter addressing engineering services for map revisions. If we aren't intending to use those services because we don't want to impact the flood plain, why are we setting aside \$20K for that? Ms. Manwaring reported that it is specifically worded as "not to exceed". While the intent is not to impact the flood plain, in the event the design requires even a small change funding will be there for that permit so the project can continue. Hope those funds won't be needed.

Councilmember Urban hopes that any impact to the flood plain doesn't cause any downstream problems for residential neighbors east and south of the park.

**Motion** by Councilmember Mathews to award contract to Design Concepts, Inc. in a not to exceed amount of \$175,695 for the purpose of preparing the design and construction documents for Prospect Park Renovation Phase II; seconded by Councilmember Dozeman; carried 7-0.

**5. Resolution 08-2018 – A Resolution accepting a water color painting by Artist Charlotte Talbert.**

The Cultural Commission has received a request to accept the donation of a painting by longtime resident Charlotte Talbert. Council approval is required.

Councilmember Dozeman introduced Item 5.

Staff presentation

Ms. Manwaring and citizen Moe Keller displayed the painting that has been donated to the City.



Citizen comment

**Moe Keller** (WR) reported that her neighbor of 40 year, Charlotte Talbert, passed away last May at the age of 93. Charlotte founded the Wheat Ridge Art League in 1974 and was president of it many times. She was on the Carnation Festival board for some 20 years and set up the Art League displays for the festival. Her neighbors thought it fitting to honor her by purchasing one of her paintings and donating it to the City. Perhaps it could hang in City Hall or in the Active Adult Center where the Art League still meets. The neighbors are willing to create a plaque to accompany the painting and will be gathering some history on Charlotte.

**Motion** by Councilmember Dozeman to approve Resolution No. 08-2018, a resolution accepting a water color painting by artist Charlotte Talbert, seconded by Councilmember Mathews; carried 7-0.

**CITY MANAGER'S MATTERS**

**Mr. Goff** gave an update on the Ridge Home property as a follow-up to the email he sent to Council several months ago. Jefferson County Human Services is looking at acquiring the property that is located in Wheat Ridge. It is currently owned by the state and is zoned A-1. Structures on the north are vacant. The buildings still under operation continue to house developmentally disabled offenders that don't fit in the corrections system. Legislation is being drafted on the transfer. Nothing is final.

Jeffco plans to use this property for their Jeffco Prosperity Project to help families break the cycle of generational poverty. Since this is in Wheat Ridge he wanted to give Council a heads up. There are no plans or financing in place. Institutional buildings would be razed and the site cleaned up. City may be asked for funding or to be a partner in this effort. He recommended joining the Arvada City Council in a meeting with the County about this.

Councilmember Mathews asked if the buildings would fall under our City's codes. Yes. The County has been told it would have to go through the standard rezoning process.

Councilmember Urban inquired why it is zoned A-1. Mr. Johnstone had no information on that; it is old zoning from prior to incorporation. Councilmember Urban understands that the Jeffco Housing Authority is also interested in this property. Mr. Goff noted the final ownership is undecided, but the Housing Authority is one of the partners. Clerk Shaver noted that when she was a child and Ridge Home was in operation it had barns and cows -- likely a dairy operation and other farm uses for the Home.

**CITY ATTORNEY'S MATTERS**

none

**ELECTED OFFICIALS' MATTERS**

**Treasurer DiTullio** reported that on January 17<sup>th</sup> Localworks had a Pints and Policy discussion. 25 citizens were there, including him, Scott Brink from Public Works and

## City Council Minutes January 22, 2018

Guy Nahmiach from the Parks Commission, to talk about the 2E projects. He read information from a flyer he distributed at that meeting and reported on the CSAFE account.

**Janeece Hoppe** announced that she and Councilmember Dozeman would like to have the topic of a tree removal, trim and replacement grant program be added to a future study session – preferably in the early spring for seasonal reasons.

**Kristi Davis** asked to add a mulching program to that discussion.

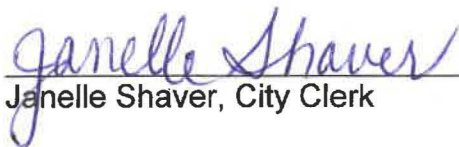
**Zach Urban** thanked the Boy Scouts of Troop 329 for attending the meeting. He jokingly apologized there were no contentious issues this evening – as he knows one of the elements of the Communications merit badge is to develop two sides to one issue.

**Tim Fitzgerald**, in response to Mr. Brazell's comment, reported that the city manager is actively involved in discussing the renewal projects. Council will be discussing it at a later date, and probably as a result will also discuss ADUs. It is coming; things don't happen instantly. ~ He announced that Mr. Pond and he will be having a citizen listening session on March 10 at 9:30 at Morningstar (38<sup>th</sup> & Kipling), in the meeting room upstairs.

**Mayor Starker** thanked Troop 329 for helping is with the flag ceremony and for coming in to find out about how city government works. ~ He thanked the Parks Department and staff for acquiring the beautiful painting by Charlotte Talbert.

### **ADJOURNMENT to Special Study Session**

The City Council Meeting adjourned at 7:54 pm.

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON FEBRUARY 12, 2018

  
Tim Fitzgerald, 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.