

CITY COUNCIL MINUTES
CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

July 22, 2019

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

ROLL CALL OF MEMBERS

Zachary Urban	David Kueter	Amanda Weaver	Leah Dozeman
Kristi Davis	George Pond	Janeece Hoppe	

Absent: Larry Mathews (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Interim Police Chief, Dave Pickett; Community Development Director, Ken Johnstone; Administrative Services Director; Allison Scheck; other staff, guests and interested citizens.

APPROVAL OF Council Minutes of May 13, 2019 and Study Session Notes of May 20, 2019, and June 3, 2019

There being no objections, the City Council minutes of May 13, 2019 and Study Session Notes of May 20, 2019 and June 3, 2019 were approved as published.

APPROVAL OF AGENDA

CITIZENS' RIGHT TO SPEAK

Jay Harris (WR) has used his house as a short term rental since his children have grown and moved out. He would like to continue to use his house as he sees fit.

Heather VanDeburgh (WR) spoke about short term rentals. They have moved just down the street, but kept their first house across from Stites Park because they liked it so much. They rented it out for a few years, but then turned it into a short term rental. She read several positive comments guests have written about their place. They would like to continue renting their house as a short term rental.

Benji VanDeburgh (WR) said they have two short term rentals. The money provides added income and funds for maintenance. It has been a positive experience. Benefits to the city include

- Bringing to the city vacationers who spend money here.
 - Cleaning up neighborhoods – tend not to have code violations like long term rentals
- He hopes the Council will consider allowing this use.

Kenny Burroughs (WR) operates short term rentals and has one in Wheat Ridge. He has received some pushback from neighbors. He said maintaining the quality of the property is easier with a short term rental. He believes regulations could be a win/win for renters and neighbors.

Kevin Barron (WR) said the integrity of Airbnb can limit who we rent to. If there is a problem, they are liable. He runs multiple Airbnb's and has always had a positive experience. A good portion of guests come from within the state - visiting family. He said he is happy to follow guidelines.

Kristine Disney (WR) is a user of short term rentals – recently in Wales. She also uses them when she attends conferences. She is a preferred visitor and she looks for a superhost (nice and clean). She noted that violations will get you kicked out of the system. She thinks short term rentals help seniors with income. She is considering making her house an Airbnb, and she thinks guidelines are ok.

Julie Clark (WR) informed Council there are no car charging stations in Wheat Ridge, and car-sharing stops at Sheridan. She noted Arvada has a car charging station at their train station; Wheat Ridge doesn't. The new gas station at 38th & Kipling and Lucky's don't have one either. She thinks it's something the City should be working on.

Judy Capra (WR) reported on the progress on the petition to reverse the zoning decision on Upham Street which would allow 4 single-family homes to be scraped and replaced with 38 townhomes. 32 people carried petitions, talked to about 2,200 people and got about 2,000 signatures. About 90% of people they talked to agreed to sign. Top reasons were 1) Don't like the dense projects the City is approving – especially 38th & Wadsworth. 2) Don't want Wheat Ridge to do what Denver did to their neighborhoods. 3) Don't like tall buildings next to one story homes. Overall, signers believed "the City listens to developers – not the residents". There is resentment and frustration toward the City. Only about 10% didn't sign – primarily because they were not registered or never sign petitions; a few did say they don't mind development. The bottom line, which corresponds with the NRS report, is people don't trust the City to make decisions about their neighborhoods; they want to be involved. They want more restrictive zoning regulations and they don't want large scale development.

Ihor figlus (WR) was a petition carrier and talked to about 140 people. He was surprised how easy it was to get signatures. He appreciates Council for basically volunteering their time, but they should know there is a big disconnect between the people running the City and the citizens. He encouraged Council to go out and talk to people in their districts. Smell the flowers; they are not the carefully selected bouquets presented to them by the City administration.

Rachel Hultin (WR) shared her thoughts on Airbnb. She uses them every time she travels; it lets her get inside neighborhoods she would otherwise not get to. She is excited to have Airbnb's in our community – to bring people to Wheat Ridge, to 38th or 29th or 26th. One NRS member couldn't be here tonight because she is in Oregon, and let her house out to some people from Paris who are here for the birth of their surrogate baby. Short term rentals each have a story. Denver recently restricted Airbnb's to owner occupants – which has created pushback. She suggested that renting out single beds is a formulas for disaster as it brings out low rent people. She favors being able to rent out all of the house or a room, but not individual rooms to different people at different times – to maintain more control. She thinks licensing and taxing benefits everyone for predictability and accountability. She suggested requiring owners of Airbnb's to notify neighbors and to have an emergency contact available nearby 24/7.

1. CONSENT AGENDA

- a. Motion to award a contract and approve subsequent payments to Independent Roofing Specialists, Commerce City, CO in the amount of \$481,000 for the Recreation Center roof-HVAC repairs and replacement [*from hail damage May 2017 storm*]
- b. Resolution No. 41-2019 – a resolution approving an Intergovernmental Agreement with the West Metro Fire Protection District for Radio Specialist services [*sharing costs; \$15,015 for 2019 covered from Fund 57; \$20,020 for 2020 will be budgeted*]
- c. Resolution No. 42-2019 – a resolution authorizing the appropriate City officials to execute an Intergovernmental Agreement by and between the County of Jefferson, State of Colorado, and the City of Wheat Ridge, Colorado regarding the administration of their respective duties concerning the conduct of the Coordinated Election to be held on November 5, 2019 [*prorated costs yet to be determined; budgeted*]

Councilmember Dozeman introduced the Consent Agenda.

Motion by Councilmember Dozeman to approve Consent Agenda Items a), b), and c); seconded by Councilmember Urban; motion carried 7 -0.

ORDINANCES ON FIRST READING

2. Council Bill 10-2019 – An Ordinance amending Chapter 2 of the Wheat Ridge Code of Laws regarding a Code of Ethics for City Officers and employees

While certain ethics matters are governed by the Home Rule Charter, that coverage is incomplete. This ordinance implements a gift ban, a provision on use of confidential information, and a procedure for enforcement.

Councilmember Weaver introduced Council Bill 10-2019.

Motion by Councilmember Weaver to approve Council Bill 10-2019 - an ordinance amending Chapter 2 of the Wheat Ridge Code of Laws regarding a Code of Ethics for City Officers and employees, on first reading, order it published, public hearing set for Monday, August 12, 2019, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Dozeman; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

3. Motion to accept the 2018 Financial Statements from CliftonLarsonAllen

The CPA firm CliftonLarsonAllen (CLA) performed the required annual audit of the City's financial statements for the year ended December 31, 2018. Once again this year, the City received an unqualified opinion.

Councilmember Urban introduced item 3. 7:30

Staff Presentation – Allison Scheck

Ms. Scheck introduced the two representatives from CliftonLarsonSegal who performed the audit, Allison Sliffe and Sarah Segal, and the City's Financial Manager, Mark Colvin.

Allison Sliffe went through some highlights of the audit opinion for 2018.

- It is a clean opinion – the best you can get.
- Some corrections were made to last year's audit.
- The Management Discussion is a quick narrative of the analysis.
- She noted the section on accounting policy changes.
- There were no difficulties in performing the audit.
- The few adjustments that were made are attached.
- CLA experienced no significant issues with management.

Sarah Segal, the audit manager, highlighted the Internal Control Letter. She highlighted a few issues they found during the audit.

- Grant funding: The timing had to be corrected in places.
- Some invoices from Urban Renewal were not submitted within the proper time.

Councilmember Urban has some minor questions, which were answered.

Motion by Councilmember Urban to accept the 2018 Financial Statements from CliftonLarsonAllen; seconded by Councilmember Hoppe; motion carried 7-0.

4. Resolution No. 40-2019 – A Resolution adopting the 2019 Neighborhood Revitalization Strategy update and accepting its findings and recommendations

The process of updating the NRS has been guided over the past year by a 26-person Council appointed citizen steering committee. The NRS is intended to serve as a guiding policy document for City Council and staff for the next 5-10 years. As such, it is proposed to be formally adopted by a City Council Resolution.

Councilmember Hoppe introduced Item 4.

Staff Presentation – Kenneth Johnstone

- City Council received a thorough briefing on the recommendations at a June 3 study session.
- The original NRS report of 2005 has been a significant planning document and guide for policy making. Many ordinances have been enacted as a result.
- He highlighted the steps of the NRS process.
- The summary of recommendations section should guide our work for the next ten years.
- At a study session on August 5, staff will present a proposed implementation approach for the next 1-2 years, and seek direction from Council on whether and how to proceed with specific recommendations.

Public Comment

Korey Stites (WR), a chair of the steering committee, emphasized the report is not one person's opinion. Once it has been adopted the real work starts. We need to hold ourselves accountable. People want to be heard more, now. Aging housing and commercial stock is an issue. Renovation and rehab will be big. Streamlining the permitting process is important. We need to communicate with citizens. We need to make sure everything from the NRS is successful and citizens are happy.

Rachel Hultin (WR), a co-chair of the steering committee, said implementation is very important. During the NRS process she learned:

- Wheat Ridge is happy with Wheat Ridge.
- Voices of people who love the city are heard.
- Need to finish things we've started.
- We don't need a bunch of new things, but we need clarity.
- We need to slow down.
- We need to invest in primary corridors and involve the citizens.
- The next year is critical for how we address change and finish things we started.
- The 26 committee members are excited; it's important to keep momentum going.

Chris Bird (WR), a member of the steering committee, said they talked to a lot of people. The committee wanted to be sure the report reflected those people. Listening

to citizens will be the cornerstone to rebuilding the trust that has been lost. He offered thoughts on planning for density, strong corridors, and the beautification process.

Kristine Disney (WR) reminded Council they can't make everyone happy. She challenged Judy Capra's assertion that the listening the petition carriers did was similar to the NRS process. She charged that the petitioners sought out unhappy people and fomented derision and division, while the NRS committee listened to people in a constructive way so the city could move forward with solid suggestions on what the community wants. The NRS committee found out that people are pretty happy with Wheat Ridge; they like living here; they believe in the process; they like their elected officials. She didn't hear any complaints. What she heard dealt mostly with process – like wanting more consistent code enforcement and having citizen input beforehand. People may not like the architecture or some of the development, but she believes it has been well thought out and planned. She recommended keeping on the same trajectory so the next ten years can be as successful as the time since the last NRS.

Dorothy Archer (WR) defended the petition process, saying they did not go out to find angry people. Their concern was changing a residential zone to a PRD for a contractor. She agreed that people all love Wheat Ridge – they just have concerns. Growth is great, but where's the compromise? 36 units instead of 22 units? The 38th & Upham apartments: 140 units instead of 100 units? The development by Lucky's was presented as townhouses; now is it 250 apartments? She listened to people. The NRS committee is to be commended for their time, care and outstanding dedication. She encouraged Council to also consider the things the petitioners heard.

Ihor Figlus (WR) urged Council not to accept the NRS report; it is flawed. He noted the recommendation on page 37 saying "the listening tour may reveal a need for ongoing neighborhood engagement". He pointed out that the data already shows (on the same page above) that 79% of people want more citizen engagement. A listening tour and hiring more staff will only delay what we already know people want. If Council is going to delay, to find out what people want, are you also going to pass a moratorium on any further rezonings and developments until you find out what people want? He maintained the study should be recommending the implementation of what people have already said they want/like. He believes the study should be rewritten to reflect that. He also informed Council, as one of the petition circulators, he did not go out looking for disgruntled people. He talked to people as they came and he got what he got.

Julie Clark (WR) told Council she and her neighbors didn't even know this NRS thing was going on. Infrastructure is one thing, but she lamented there are no good places to eat in Wheat Ridge. We need to get going on this.

Council Questions

Councilmember Urban expressed concerns about ignoring the issue of ADU's for two years, especially since there are people who already have ADU's. Mr. Dahl offered

perspective. It can be a legislative priority if Council wants. Councilmember Urban suggested removing this recommendation. There was discussion. Mr. Johnstone weighed in making the points that 1) the recommendation is to not bring it up as a code change, 2) enforcement will continue based on zoning, and 3) Council can make it a higher priority.

Councilmember Dozeman thought the NRS process was robust and was to be the listening tour. We can implement this document. Council should be doing the listening.

Mr. Goff noted this topic was originally scheduled for August, but due to scheduling considerations it was moved up to tonight. He apologized to the NRS Committee members who were unable to come tonight due to the change.

Motion by Councilmember Hoppe to approve Resolution No. 40-2019, a resolution adopting the 2019 Neighborhood Revitalization Strategy update and accepting its findings and recommendations; seconded by Councilmember Dozeman;

Discussion followed.

Motion by Councilmember Urban to remove the NRS recommendation to table the topic of ADU's as stated in the report; seconded by Councilmember Dozeman.

There was discussion.

- Don't want to lose the valuable information.
- While generally it is a lukewarm issue, it is far from a lukewarm issue with some.
- It could still be a high priority for the Council.
- Council has the power to address this sooner.
- This is a divisive topic.

The amendment failed 2-5, with Councilmembers Davis, Pond, Hoppe, Weaver, and Kueter voting no.

Councilmembers Pond and Hoppe thanked the committee members and offered thoughts about the importance of the plan.

The main motion carried 6-1, with Councilmember Urban voting no.

CITY MANAGER'S MATTERS

Mr. Goff had three short items:

- Reminder to Council there is no meeting next week since it is the 5th Monday.
- The flaggers are being removed from the G Line.
- The parking at Ward Station is pretty full – full enough to trigger a requirement for RTD to increase the amount of parking. We'll have to figure that out.

CITY ATTORNEY'S MATTERS

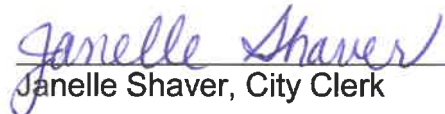
ELECTED OFFICIALS' MATTERS

Kristi Davis gave a personal account of the parking at Ward Station being full. ~ She related her good experience with a group of five who rented an Airbnb house for three days at Cheyenne Frontier Days. ~ She encouraged people to order peaches from the Rotary on their website Wheatridgerotary.org


Mayor Starker thanked the citizens who came to speak tonight, thanked the NRS committee members, and reminded everyone the Carnation Festival is coming soon.

ADJOURNMENT

The meeting adjourned at 8:45pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 2019


Janece Hoppe, 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.