

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

November 25, 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	Judy Hutchinson	Amanda Weaver	Leah Dozeman
Rachel Hultin	Korey Stites	Janece Hoppe	Valarie Nosler Beck

Also present: City Manager, Patrick Goff; Deputy City Clerk, Robin Eaton; City Attorney, Gerald Dahl; Parks and Recreation Director, Karen O'Donnell; Community Development Director, Ken Johnstone; other staff, guests and interested citizens.

APPROVAL OF AGENDA

Mayor Starker asked for and received consensus to move item 1 d. of the consent agenda to be considered immediately after the approval of the agenda.

Councilmember Hultin introduced item 1. (d) Resolution 62-2019 - a resolution authorizing submittal of the application for a 2020 grant to the State Board of the Great Outdoors Colorado for the reconstruction of the Kullerstrand Elementary playground.

The State of Colorado Great Outdoors Colorado (GOCO) School Yard Initiative is a grant program designed to inspire more active physical play and enhance outdoor learning on school grounds. Schools can apply if they partner with an eligible local government. Approval of this resolution supports a grant application for funds to reconstruct the Kullerstrand Elementary School playground and authorizes the Mayor to sign the contracts if the grant is awarded. As part of the submittal process associated with the grant application, an approved resolution is required by GOCO showing City Council support for the requested project.

Director Karen O'Donnell gave a brief presentation stating that the Principal of Kullerstrand had reached out and expressed a need for funding a new playground. Her team met with staff and PTA members to put together a required, city sponsored grant application.

Public Comment

Parent Teacher Association member Tim Weaver thanked council for the opportunity to speak as well as Karen O'Donnell and her team for the support and desire for a new playground at the school.

Kira Lacey a student and member of the leadership group representing the school, gave reasons why the school needs a new playground. Those included safety, odors and unutilized space and that the playground is 30 years old and for an 11 yr. old, "that's old."

Gracynn Schulze also a leadership member at the school, believes that they need a new playground because the aged one has a lot of rust, which you can get cut on. In addition to it being a safety concern, having a new playground would be enjoyed by the entire school.

Francis Clark a 5th grader has been going to the school since kindergarten and added that the playground is old, small and bland. Her favorite part of the day is when they go out and play. It would mean a lot for the community to have a new playground and thanked the council for their time and support.

Council questions – none

Motion by Councilmember Hultin to approve Resolution No. 62-2019, a resolution authorizing submittal of the application for a 2020 grant to the State Board of the Great Outdoors Colorado for the reconstruction of the Kullerstrand Elementary playground, seconded by Councilmember Dozeman;

Discussion followed by Councilmembers Hoppe and Urban who thanked the speakers and also requested updates on the grant being issued.

Motion carried 8-0.

CITIZENS' RIGHT TO SPEAK

Lucy Molina from World Mission Society Church of God- University of Asez goes to church in Wheat Ridge and described the how the amazing university students in attendance have worked with youth, done local clean-ups, and have an anti-bullying campaign. They also are represented in Commerce City, Northglenn, and Adams County among others. She would like to offer their services in partnership to work together with the City of Wheat Ridge which could include painting, art projects and fundraisers.

Kate Cooke with Localworks in Wheat Ridge gave a quick overview and update on what they have been doing lately, including most recently the Tender Loving Care (TLC) cleanup events which this year gathered over 1500 cubic yards of waste. She also spoke on the 18 small-scale dumpster grants, 14 block grant parties', live local events

including one recently at Rickoli's brewery. Trunk or treat just happened, biking safety and the upcoming tree lighting events were also included.

Kristi Davis WR first thanked the council and Mayor, then welcomed the new council and thanked everyone for their service to the city. She delivered her thoughts about the concerning ways the past elections were carried and her displeasure with that process. Some of the comments that were made during the elections by some of the people running for office were very hateful. She hopes that future elections can be carried out with a higher degree of respect.

Kristen Martin spoke about being a member of the non-denominational World Mission Society Church of God and described the Asez WAO being part of the United Nations described how they are active in the City of Wheat Ridge and other points world-wide.

Beza Girma thanked the council for giving them time to speak for saving the earth from a-z. Their mission is also to promote volunteerism of the youth on university campuses, and as youth, they need to standup and set an example of volunteering.

1. CONSENT AGENDA

- a. Motion to adopt the 2020 City Council Meeting calendar
- b. Motion to approve monthly payments to Kaiser Permanente for January through December 2020 membership billing not to exceed a total of \$2,444,535
- c. Resolution No. 61-2019 – a resolution amending the fiscal year 2019 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$20,000 for City Attorney fees

Councilmember Hultin introduced the remaining items of the Consent Agenda.

Motion by Councilmember Hultin to approve Consent Agenda Items a.), b.), and c.) seconded by Councilmember Dozeman; motion carried 8-0.

PUBLIC HEARING AND ORDINANCES ON SECOND READING

2. Council Bill 18-2019 – An Ordinance amending Sections 2-30, 2-31 and 2-32 of the Wheat Ridge Code of Laws concerning the Duties of the Chief of Police, Public Works Director and Community Development Director and authorizing changes to the City's organizational chart

The Wheat Ridge Charter §3.5 provides that council may, by ordinance, consolidate and/or merge City departments and that each department be under the supervision of a department head appointed by the City Manager. Section 2-26 of the Code grants the City Manager the authority to exercise supervision and control over all departments. The purpose of the proposed ordinance is to reassign duties in the appropriate sections of the City's Code of Laws and to update the City's organizational chart as follows:

1. Move direction of the City's code enforcement program from the Community Development Department to the Police Department (this has been the practice for many years)
2. Move direction of the City's engineering functions of the current Public Works Department to the Community Development Department

Councilmember Hoppe introduced Council Bill 18-2019.

Deputy City Clerk Eaton confirmed the Ordinance No. 1677.

Mayor Starker opened the public hearing.

Staff Presentation

Mr. Goff described the vacancy for the Public Works Director position and how he has been unable to find the exceptional person to fill the role. These duties have been shared over the months by other members of our organization and it has been determined that city engineering function under the direction of the Community development department. Many other town and cities are currently operating under the same model and hopes this change will improve the engineering functions on many levels.

Public Comment No one came forward to speak.

Council Questions and discussion followed

Mayor Starker closed the public hearing.

Motion by Councilmember Hoppe to approve Council Bill 22-2019, an ordinance amending Sections 2-30, 2-31 and 2-32 of the Wheat Ridge Code of Laws concerning the Duties of the Chief of Police, Public Works Director and Community Development Director and authorizing changes to the City's organizational chart on second reading, and that it take effect immediately after final publication, seconded by Councilmember Stites; motion carried 8 -0.

ORDINANCES ON FIRST READING

3. Council Bill 19-2019 – An Ordinance adopting by reference the 2018 editions of the International Building Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Energy Conservation Code, International Residential Code, International Fire Code, International Existing Building Code, International Swimming Pool And Spa Code, and International Fuel Gas Code; the 2017 edition of the National Electrical Code; the 2018 National Fire Protection Association (NFPA 99) Standard for Health Care Facilities; the 1997 Uniform Code for the Abatement of Dangerous Buildings; adopting certain amendments to such codes; providing penalties for violations of the same; and amending Chapter 5 of the Wheat Ridge Code of Laws accordingly

The City currently has adopted and/or enforces the following building related codes:

- 2012 version of the International Codes,
- 2017 National Electrical Code (enforces but has not adopted), and
- 2015 National Fire Protection Association (NFPA) 99 Standards for Health Care Facilities.

Staff is recommending that City Council adopt the most recent version of the codes:

- 2018 version of the International Codes,
- 2017 National Electrical Code, and
- 2018 National Fire Protection Association (NFPA 99) Standards for Health Care Facilities

Councilmember Urban introduced Council Bill 19-2019.

Motion by Councilmember Urban to approve Council Bill 19-2019 - an ordinance adopting by reference the 2018 editions of the International Building Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Energy Conservation Code, International Residential Code, International Fire Code, International Existing Building Code, International Swimming Pool And Spa Code, and International Fuel Gas Code; the 2017 edition of the National Electrical Code; the 2018 National Fire Protection Association (NFPA 99) Standard for Health Care Facilities; the 1997 Uniform Code for the Abatement of Dangerous Buildings; adopting certain amendments to such codes; providing penalties for violations of the same; and amending Chapter 5 of the Wheat Ridge Code of Laws accordingly, on first reading, order it published, public hearing set for Monday, January 13, 2020 at 7 p.m. in City Council Chambers, and that it take effect on July 1, 2020, with the exception of Appendix F and Appendix T of the 2018 International Residential Code and section 306.2 of the 2018 International Building Code, which shall take effect fifteen days after final publication, seconded by Councilmember Weaver; motion carried 8-0.

4. Council Bill 20-2019 – An Ordinance approving conveyance of real property to the City of Arvada, and in connection therewith approving termination of an easement agreement and conveyance of real property to the City

The Mountain Gateway project in the City of Arvada on the west side of Robb Street requires additional right-of-way (ROW) to construct Robb Street. The City of Arvada is also requesting that easements rights be extinguished. In addition, the Mountain Gateway project will be dedicating property to the City in order to expand the Ridge Road Regional Pond to provide the required stormwater detention.

Councilmember Nosler Beck introduced Council Bill 20-2019.

Motion by Councilmember Nosler Beck to approve Council Bill 20-2019 - an ordinance approving conveyance of real property to the City of Arvada, and in connection therewith approving termination of an easement agreement and conveyance of real property to the City, on first reading, order it published, public hearing set for Monday, December 9, 2019,, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication, seconded by Councilmember Dozeman: motion carried 8-0.

5. Council Bill 21-2019 – An Ordinance amending the Wheat Ridge Code of Laws concerning contributions to the Police Pension Fund

The 2020 budget, authorized by City Council on October 14, 2019, appropriates funds to increase the City's contribution to sworn employees' pension by 0.5% for a total contribution of 10.5%. As the current contribution (10%) is specified in the City's code along with an equal match by employees, a code amendment is necessary to operationalize Council's intent.

Councilmember Stites introduced Council Bill 21-2019.

Motion by Councilmember Stites to approve Council Bill 21-2019 - an ordinance amending the Wheat Ridge Code of Laws concerning contributions to the Police Pension Fund, on first reading, order it published, public hearing set for Monday, December 9, 2019 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication, seconded by Councilmember Urban; motion carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

6. Resolution 59-2019 – A Resolution initiating annexation proceedings, finding a petition for annexation of land located in Section 17, Township 3 south, Range 69 west of the sixth principal meridian, County of Jefferson, State of Colorado, to be in substantial compliance with Section 31-12-107(1), Colorado revised statutes,

and setting a public hearing date to consider the annexation (Case No. ANX-19-01)

Improvements to 52nd Avenue have been identified and prioritized as an infrastructure project for the Wheat Ridge · Ward Station area and were specifically listed in the ballot language for the 2016 2E sales tax bond measure. In order to supply public improvements and provide satisfactory maintenance for the full width of right-of-way, it has become necessary for the City to annex the Jefferson County portions of 52nd Avenue right-of-way (ROW) to accommodate sidewalks and a center turn lane to this street. Therefore, Jefferson County has requested that Wheat Ridge annex the ROW along 52nd Avenue that is currently in Jefferson County's jurisdiction and subsequently zone the property in compliance with the Municipal Annexation Act (Colorado Revised Statutes § 31-12-115)

Councilmember Dozeman introduced Item 6.

Staff Presentation

Mr. Dahl reported that the item is an annexation for a portion of 52nd avenue and Ward Road. He listed the financial impacts and that Jefferson County (JeffCo) is the current owner of the property and is desirous for the annexation. He also noted that JeffCo will save money due to this agreement and recommends annexation take place. This resolution initiates the process and proves the substantial compliance of the petition with the requirements of law. A future annexation and zoning ordinance will be coming on second reading on January 13 to actually change the city boundaries to show the increase of city property.

Public Comment

Jefferson County Treasurer Jerry DiTullio stated that at a staff meeting this item came up as a budget concern and that they felt somebody should come to the meeting tonight to show where this is going at the county level and to show support of this resolution. He read a brief statement outlining how the resolution will be beneficial to the City of Wheat Ridge along with its residents and that \$50,000 is a small amount but helps to kick off the process.

Council Questions and discussion followed

Motion by Councilmember Dozeman to approve Resolution No. 59-2019, finding the proposed annexation to be in substantial compliance with CRS 31-12-107(1) and to be eligible for annexation and setting a first reading date of December 9, 2019 for consideration of an annexation ordinance, and second reading and public hearing date of January 13, 2020; seconded by Councilmember Hoppe, motion carried 8-0.

7. Resolution 63-2019 – A Resolution approving the Sex Offender Tracking and Registration System (SOTAR) intergovernmental agreement with the Board of County Commissioners of the County of Douglas, Colorado

The Wheat Ridge Police Department is required to comply with numerous sex offender registration laws. The Douglas County Sheriff's Office developed and shared a system referred to as SOTAR (Sexual Offender Tracking and Registration). Access to this system used to be free, however beginning in 2020 this system will require a fee for access and as such, the need for an intergovernmental agreement is necessitated.

Councilmember Hutchinson introduced Item 7.

Staff Presentation

Mr. Goff gave brief presentation on how Douglas County used to provide this system free and now they want us to contribute to their service so now it will be \$2000 a year which requires an official IGA

Public Comment - none

Council Questions - none

Motion by Councilmember Hutchinson to approve Resolution No. 63-2019, a resolution approving the Sex Offender Tracking and Registration System (SOTAR) intergovernmental agreement with the Board of County Commissioners of the County of Douglas, Colorado; seconded by Councilmember Urban, motion carried 8-0.

8. Motion to award a contract and approve subsequent payments to HDR, Inc., Denver, CO, in an amount not to exceed \$23,692 for professional services for easement acquisition services for 52nd Avenue/Ward Road intersection improvements

Improvements at the intersection of 52nd Avenue and Ward Road are being done in cooperation with the Colorado Department of Transportation (CDOT). These improvements require that easements be acquired at three corners of the intersection. HDR, Inc. has been contracted to perform property acquisition services for The Wheat Ridge · Ward Station planning area. An additional task order needs to be approved to acquire easements for these improvements.

Councilmember Weaver introduced Item 8.

Staff Presentation - none

Public Comment - none

Council Questions and discussion followed

Motion by Councilmember Weaver to award a contract and approve subsequent payments to HDR, Inc., Denver, CO, in an amount not to exceed \$23,692 for professional services for easement acquisition services for 52nd Avenue/Ward Road intersection improvements; seconded by Councilmember Urban, motion carried 8-0.

9. Motion to Elect the Mayor Pro Tem

Each year City Council Members elect by a majority vote a Mayor Pro Tem who serves until their successor is elected. The election is conducted according to Section III (B) of the City Council Rules of Order and Procedure as follows:

B. MAYOR PRO TEM

1. At the first or second Regular meeting in November of each year, the Council shall elect a Mayor Pro Tem who shall serve until their successor is elected. The procedure shall be as follows:
 - a) The Chair will announce that the floor is open for nominations for the position of Mayor Pro Tem.
 - b) Nominations will be taken from City Council members by voice. No second is needed.
 - c) Each nominee will have the opportunity to address the Council.
 - d) A motion and second is then in order to elect one of the nominees to the position of Mayor Pro Tem. If the motion is not carried, additional motions are in order until a Mayor Pro Tem is elected by a majority of Council present.

Mayor Starker introduced item 9 and asked for nominations.

Nomination for Mayor Pro-Tem was made from Councilmember Weaver for Ms. Hoppe

There were no others, Mayor Starker closed the nomination process.

Councilmember Hoppe gave a brief statement where she appreciated everyone's confidence in her ability and thought that the new budgeting processes were successful.

Being able to move forward with the up-coming retreat and its planning, she appreciates the offer and will continue to serve you as mayor pro-tem.

Motion by Councilmember Weaver to elect Councilmember Hoppe as Mayor Pro Tem, effective immediately, term to expire upon election of their successor; seconded by Councilmember Hultin, motion carried 8-0.

CITY MANAGER'S MATTERS

Mr. Goff reminded everyone that the city office's will be opening late tomorrow at 10 am and will re-evaluate this in the morning to see if any changes will need to be made. He wishes everyone to have a Happy Thanksgiving.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Councilmember Nosler Beck congratulated Mayor Pro-tem Hoppe and thanked everyone that gave new councilmembers an education on council processes. It helped with this first meeting as she could relate with the students being really nervous. She also thanked the Students and wished them good luck with their grant request.

Councilmember Hutchinson wished everyone a Happy Thanksgiving.

Councilmember Dozeman is really thankful for everyone that works really hard in our community to include city staff, elected officials, service organizations and others. She looks forward to continue those efforts and wishes everyone a Happy Thanksgiving.

Councilmember Urban wished everyone a Happy Thanksgiving and appreciates everyone coming out to speak at the public comment. He hopes everyone has a safe drive home.

Councilmember Hultin said that on Saturday St. James ordained a new priest and was excited to see them stepping up to take an active role with homelessness. She is looking forward to working with them and other churches on this issue. She invites everyone to a book launch on Dec. 7 for her friend Betty pate's book signing at the maple grove grange. She and her husband met at Fruitdale Elementary and grew up in Wheat Ridge, sharing a long, rich history with Wheat Ridge in her memoirs.

Councilmember Weaver wishes everyone a happy and safe holiday.

Councilmember Stites would like to see at a future study session looking at the notification procedures for the planning division on items such as flag lots and rezoning permits.

Councilmember Hoppe would like to see at study session where neighborhood meetings would be held closer to when they go to planning commission meeting. She would also like to remind everyone that Rickoli's is holding their 7th year anniversary

party on Nov. 28th, The Holiday Party on 38th Avenue from 3-6PM on Dec. 7 and that it's really awesome to hear the pledge of allegiance with a full room but its super special and joyful when there are elementary voices included.

Mayor Starker thanks all of the people from Kullerstrand as well as all of the visitors and welcomes them to join in all of the wonderful things that we do. He had the pleasure of joining the Metro Mayor's caucus in building a habitat for humanity home and it was really joyful to see how we can give a little piece back to the community. He wishes to pass that joy on to everyone for a Happy Thanksgiving.

ADJOURNMENT

The meeting adjourned at 8:14 pm.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON January 13, 2020



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.