

City Council Meeting Minutes

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

October 26, 2020

Note: This meeting was held virtually, using Zoom video-teleconferencing technology. As duly announced and publicly noticed, Council previously approved this format in order to continue with normal business and respond to the CoVid-19 Pandemic and the related public emergency orders promulgated by the President of the United States, the Governor of Colorado, and the Wheat Ridge City Council. Before calling the meeting to order, Mayor Starker stated the rules and procedures necessitated by this meeting format.

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

Janeece Hoppe	Judy Hutchinson	Zachary Urban	Rachel Hultin
Amanda Weaver	Korey Stites	Leah Dozeman	Valerie Nosler Beck

Also present: City Clerk, Steve Kirkpatrick; City Attorney, Gerald Dahl; City Manager, Patrick Goff; City Treasurer, Chris Miller; Administrative Services Director, Allison Scheck; Community Development Director Ken Johnstone; Director of Parks & Recreation, Karen A. O'Donnell, Gene Myers, Thrive Home Builders, other staff, guests and interested citizens.

PROCLAMATIONS AND CEREMONIES - None

APPROVAL OF MINUTES

Without objection and with two minor corrections, the City Council Minutes of October 12, 2020 were approved as published objections.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

CITIZENS' RIGHT TO SPEAK

This item began at 7:07 PM.

Mr. Gene Myers, Thrive Home Builders the developer of a West Ridge housing project, came to thank the City for its part in winning two awards from Federal agencies for the most energy efficient homes in the United States! These awards are a significant accomplishment for the builder and the City.

Note about Wheat Ridge Speaks:

Citizens may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. The deadline for citizens to submit comments is 12:00 Noon Mountain Time on the day of a Council session so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item, including items that include a public hearing (verbatim, so long as the comments do not contain lascivious language or unlawful hate speech).

We are writing to clear the record on the protests we filed in regard to the Referendum Petition. We did not file protests against the Petition. We filed protests in support of the sufficiency of the Petition.

We contested the rejection of specific signatures and the rejection of 4 petition sections.

We also protested the number of signatures required for sufficiency. This number is based on the total votes cast by Wheat Ridge citizens in the last gubernatorial election. Of the fourteen precincts that include parts of Wheat Ridge, several also include areas outside of Wheat Ridge such as Mountain View, Lakeside and unincorporated Jefferson County as far west as McIntyre Street. The hundreds of votes cast by these non-Wheat Ridge voters was wrongly included by the County in the total on which the signature requirement was based.

We withdrew our protests after it became clear that no protests would be filed against the Referendum Petition and the sufficiency of the Petition was not in question.

10/26/2020 12:20 pm

Odarka Figlus and Judy Capra
10580 W 34th Avenue
Wheat Ridge, 80033

End of comments entered in Wheat Ridge Speaks for this Council session.

CONSENT AGENDA

There were none of these items for this meeting.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Discussion began at approximately 7:11 PM

1. Resolution No. 52-2020 - A Resolution adopting the City Budget and appropriating sums of money to the various funds and spending agencies for the City of Wheat Ridge, Colorado for the 2021 Budget Year

Councilmember Hoppe introduced Resolution No. 52-2020.

Sections 10.7 and 10.9 of the Wheat Ridge City Charter require that a public hearing on the proposed budget be conducted before its final adoption and that the budget be

adopted by resolution on or before the final day (December 15, 2020) established by state statute for the certification of the next year's tax levy to the county.

The proposed 2021 budget includes the following:

- A General Fund budget in the amount of \$38,858,550
- An unrestricted fund balance of \$9,435,458 or 25.1% of expenditures
- A General Fund transfer of \$1,300,000 to the Capital Improvement Program (CIP)
- A 13% decrease in the General Fund budget compared to the adjusted 2020 Budget
- Proposed CIP Fund in the amount of \$13,872,662
- Proposed 2E Bond Fund in the total amount of \$3,497,600 for debt service
- Special Revenue Funds in the amount of \$4,531,986
- Proposed budget (all funds) in the amount of \$59,460,798

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures. No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

City Manager Patrick Goff presented to the Council a review of the budget, and some of the previous discussions during council meetings and the Study Session of October 5th that have addressed the budget in detail. The following items were reviewed:

OVERALL SUMMARY:

General Fund

Capital Improvement Program (CIP) Fund

Special Revenue Fund – Open Space

Special Revenue Fund – Conservation Trust

Special Revenue Funds – Other

2E Investing 4 the Future Fund

SHORT-TERM FISCAL CHALLENGES/OPPORTUNITIES

- Sales Tax and General Fund Revenue
- Coronavirus Aid, Relief and Economic Security (CARES) Act Funding
- Supplemental Budget Requests
- Redevelopment Projects

WHEAT RIDGE 2035 VISION TOPICS AND SMART GOALS

Vision Topics:

1. Wheat Ridge is an attractive and inviting City
2. Wheat Ridge is a community for families

3. Wheat Ridge has great neighborhoods
4. Wheat Ridge has a choice of economically viable commercial areas
5. Wheat Ridge has diverse transportation
6. Wheat Ridge is committed to environmental stewardship
7. Wheat Ridge residents enjoy an active, healthy lifestyle
8. Wheat Ridge residents are proud of their hometown

Strategic Priorities:

- Urban renewal funding for Renewal Wheat Ridge (RWR) projects \$300,000
- Tax Increment Financing (TIF) – Kipling Ridge, Wheat Ridge Corners, Swiss Flower, West End 38, Hacienda Colorado, and Regency Partners (former Walmart space) \$698,925
- Enhance Sales Tax Incentive Program (ESTIP) – Grammmies Goodies and Applejack Wine and Spirits - \$35,000
- Public events implemented by Localworks - \$135,000
- Wheat Ridge Business District (WRBD) grant program \$90,000
- Live Local events \$50,000
- Resident survey \$35,000
- Online public hearing software \$19,200
- Neighborhood Revitalization Strategy Engagement Tour mailings and outreach - \$30,000
- Prospect Park renovation, Phase II - \$1.8 million
- Clear Creek trail repair - \$500,000
- Wadsworth improvement project \$12 million
- Preventative street maintenance \$1.5 million
- Traffic Safety, Life Quality, and Crime Reduction (TLC) Program \$37,000
- ADA improvements city-wide \$50,000
- Large-item pickup program \$5,000
- New snowplow \$209,000
- Historic building management and maintenance \$63,600
- Carnation Festival contribution \$75,000 and staff overtime and barricade \$27,500

OUTSIDE AGENCY CONTRIBUTIONS

DEBT

Additionally, the City has the following long-term financial obligations:

- Renewal Wheat Ridge
- Community Solar Garden
- Fruitdale School Lofts

COMPENSATION, BENEFITS, AND STAFFING

Compensation

Personnel-related expenses account for the largest portion of the City's Budget. Remaining competitive to attract the best talent for the City and maintaining its investment in its team members is a high priority. In 2013, the City launched a compensation plan for full-time/part-time benefited employees that is financially sustainable and will help the City recruit and retain top talent.

Benefits

The City continues to provide a competitive benefits package to employees that include medical, dental, life, and disability benefits. Throughout the year, staff works closely with the City's benefits broker, IMA, to ensure that the City is controlling benefit costs while still providing a competitive benefits package to its employees, which is a vital part of the City's total compensation approach to pay.

Staffing

In 2020, the City's staffing level is at 240.125 FTE's. The proposed 2021 budget does not increase staffing. In order to remain fiscally conservative, 5.75 vacant positions remain unfunded in the 2021 budget and will be filled only if revenues allow

Conclusion and Acknowledgements

2020 has been an unprecedented year in many ways – the COVID-19 pandemic, economic uncertainty, racial equity issues and increased homelessness concerns. He is thankful for the leadership and support from the Mayor and City Council during these difficult times to guide us through these challenges. He is also so proud of all of our team members, across all departments, who didn't miss a beat under all of these difficult circumstances and continued to provide quality programs and services to our residents. He stated that we are very fortunate to have such a dedicated workforce.

Public Comment

Nobody came forward to speak on this item.

Council Questions and comments

Councilmember Hultin asked whether the funds for a special election are in the 2021 budget. Mr. Goff answered that it is not, that the estimated cost will be \$50,000 to \$75,000, and staff would return to Council for a specific budget amendment.

Councilmember Stites asked if the Race and Equity Commission will have a budget and staff answered that as of now there are no anticipated earmarked expenses for that group.

Council had no further questions or comments.

Mayor Starker closed the public hearing.

Motion by Councilmember Hoppe to approve Resolution No. 52-2020 a resolution adopting the City Budget and appropriating sums of money to the various funds and spending agencies for the City of Wheat Ridge, Colorado for the 2021 Budget Year, on second reading, seconded by Councilmember Urban, motion carried 8-0

Councilmember Hoppe thanked the staff for their hard work and clear explanations of the budget at previous Council sessions and tonight.

ORDINANCES ON FIRST READING

Discussion began at 9: pm.

2. Referral of ordinance 1691, series 2020, an ordinance approving the rezoning of property located at 9800 W. 38th Avenue

Councilmember Weaver introduced the Referral.

A referendum petition has been found to be sufficient with respect to Ordinance 1691, Series 2020, which rezoned property at 9800 W. 38th Avenue. Under Section 6.2(b) of the Charter, the Council is now required to either, by ordinance, repeal the ordinance or, by resolution, refer the same to the voters of the city at the next regular election or at a special election. The earliest date for such an election is March 16, 2021.

Motion by Councilmember Weaver to approve Council Bill No. 20-2020, an ordinance repealing Ordinance 1691, Series 2020, on first reading for the sole purpose of ordering it published for a public hearing set for November 9, 2020 at 7 p.m. as a virtual meeting, and if adopted, that it take effect immediately after final publication; seconded by Councilmember Urban.

Public Comment

Mr. Aaron and Kim Hardi, 10240 W. 36th Place, called to ask Council to repeal Ordinance 1691, to save the cost of a special election. The Hardis own the land in question and plan to resubmit a revised PRD for their development project.

Councilmembers had questions and comments:

Councilmember Dozeman indicated that she will vote to repeal this ordinance. She also commented to the people who circulated the petition that the Hardi's are exactly the kind of people and that theirs is the kind of development we want in Wheat Ridge. When we drive away these kinds of thoughtful developments we damage the City's reputation for future developers to consider Wheat Ridge. The Hardi's deserve a fair treatment of their proposed development.

Councilmember Hultin echoed Councilmember Dozeman's comments. She encourages the public to get the facts about this and all proposed future developments rather than listening to or spreading rumors about potential problems with a project. We want to bring the best to our City by listening to information and experts, not speculation and rumors.

Councilmember Hoppe echoed these comments. She gave additional examples of the kind of unsubstantiated speculations we need to avoid, especially since staff have spent so much time to bring forward an excellent project.

Councilmember Stites echoed the above comments as well. He hears from others who asked questions about the proposed development process, and he believes too few of them understand the extensive work and analysis done by experts in the field before a proposed zoning change comes to Council. The Hardis are long term residents who have invested in our community and deserve a fair consideration based on expertise and science.

Councilmember Dozeman asked whether adding another item to a special election ballot would increase the cost. City Clerk Kirkpatrick replied that it would not perceptibly change the cost of a special election.

Councilmember Urban asked how soon a new proposed development plan for the project would come before Council. Mr. Johnstone explained the process, and that there needs to be a "substantial change," in any new application; otherwise, the rezoning would have to wait one year. He also explained how the process of submitting a new rezoning application will operate, including neighborhood involvement.

Councilmember Hoppe asked whether repealing the ordinance now is a denial of the application, triggering a one year moratorium. Mr. Dahl explained that repealing Ordinance 1691 amounts to a denial in law if not in fact. So if the ordinance is repealed then the application is denied. Councilmember Hoppe commented that a change of as much as 20% in a new application should be considered substantial. She asked whether Council gets to decide what substantial means. Mr. Johnstone explained that Council will have the opportunity to vote on any new proposed zoning change and thereby weigh in on whether the proposed new development is a substantial change.

Councilmember Hoppe asked detailed questions about the process of submitting, reviewing and re-submitting a zoning change proposal to Council. Messrs. Dahl and Johnstone explained the details of the process.

Councilmember Stites asked if Council votes to repeal Ord. 1691 could the Council also waive the one-year moratorium on a new proposal. Mr. Dahl explained why Charter and Code would not allow that action by Council.

Councilmember Hultin asked whether referring the question to the ballot for a special election in March 2021 sets the beginning of the one year moratorium. Mr. Dahl explained that the one year would begin when the vote is taken, assuming the zoning ordinance is repealed by the voters.

Councilmember Urban asked whether a new rezoning ordinance would be subject to a referendum petition. Mr. Dahl explained that it would.

Motion (by Councilmember Weaver, seconded by Councilmember Urban) to repeal Ordinance 1691 Series 2020 passed 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

Discussion began at approximately 8:04 PM

3. Resolution No. 53-2020 - a resolution levying general property taxes for the year 2020, to help defray the costs of government for the City of Wheat Ridge, Colorado for the 2021 budget year

Councilmember Urban introduced the Resolution.

Levying property taxes for the 2020 fiscal year.

City Manager Patrick Goff gave a brief report on the item.

Public Comment

No one came forward to speak.

Council Questions

Motion by Councilmember Urban to approve Resolution 53-2020 - a resolution levying general property taxes for the year 2020, to help defray the costs of government for the City of Wheat Ridge, Colorado for the 2021 budget year, seconded by Councilmember Hultin; motion carried 8-0.

4. Resolution No. 54-2020 – A Resolution requesting transfer of title ownership of Panorama Park, Paramount Park, Randall Park and a portion of Johnson Park from Jefferson County to the City of Wheat Ridge

Councilmember Hutchinson introduced the Resolution.

The City of Wheat Ridge is requesting that specific park properties located in and maintained by Wheat Ridge, currently titled to Jefferson County, be retitled to the City of Wheat Ridge. These park properties are Panorama Park, Paramount Park, Randall Park and a portion of Johnson Park.

Director of Parks & Recreation, Karen A. O'Donnell spoke on the background of these parcels that represent the last vestiges of the now defunct Wheat Ridge Recreation District and that they have not been transferred to the City's ownership subsequent to the incorporation of Wheat Ridge and the dissolution of the District. Jefferson County acquired the parcels between 1945 and 1957. The management and control of these lands was placed in the then-existing Wheat Ridge Recreation District by the County.

As part of the judicial process of dissolving the Recreation District, the District conveyed and quit claimed to the City all of its interests in the District's real property, whether owned in fee or in lesser estate.

While all of the properties titled in the District passed to the City by operation of law upon the district's dissolution, and while some City-maintained properties titled in Jefferson County's name have already been transferred to the City of Wheat Ridge, the record title for these final remaining four parcels is still listed in the County's name.

Ms. O'Donnell recommends the approval of the Resolution as presented in order to transfer the title of these four park properties located in and maintained by Wheat Ridge to the City of Wheat Ridge.

Public Comment

Guy Nahmaich, 3650 Ward Road called to ask whether there are other parklands within the City boundaries still titled to the County. Mr. Goff answered that these are the last parks within the City limits requiring this action.

Council Questions

Councilmember Urban asked when the conveyance of the property will be concluded. Mr. Dahl commented that past interactions with the County indicate that it is impossible to predict when the County will take further action.

Councilmember Dozeman asked about the sign that used to identify Johnson Park but is no longer visible from the street. Ms. O'Donnell agreed to investigate the situation.

Motion by Councilmember Hutchinson to approve Resolution 54-2020, a resolution requesting transfer of title ownership of Panorama Park, Paramount Park, Randall Park and a portion of Johnson Park from Jefferson County to the City of Wheat Ridge, seconded by Councilmember Stites, motion carried 8-0.

5. Resolution No. 55-2020 – A Resolution approving an amendment to the grant agreement with Great Outdoors Colorado for the Prospect Park Phase II Project

Discussion began at approximately 8:14 PM

Councilmember Nosler Beck introduced the Resolution.

The City was awarded \$350,000 from Great Outdoors Colorado (GOCO) in 2018 and an additional \$162,970 from GOCO in 2020 for the Prospect Park Phase II project. In 2018, the City entered into a grant agreement with GOCO to accept the \$350,000 award and use it for the Prospect Park Phase II project.

To accept the additional \$162,970 award from GOCO in 2020, the City must either enter into a second grant agreement with GOCO for those funds or agree to amend the 2018 agreement to also include the \$162,970 award for the same project. Either way, the grant agreement(s) would extend through March 31, 2022.

The Parks & Recreation Department is recommending the amendment option as it will allow for simpler reimbursement and management of funds, grant reporting, and project management. GOCO does not have a preference of either option.

Director of Parks & Recreation, Karen O'Donnell was available for questions.

Public Comment:

No one came forward to speak.

Council Questions

Councilmembers had no questions or comments.

Motion by Councilmember Nosler Beck to approve Resolution No. 55-2020 - a resolution approving an amendment to the grant agreement with Great Outdoors Colorado for the Prospect Park Phase II Project, seconded by Councilmember Urban; motion carried 8-0.

CITY MANAGER'S MATTERS

Mr. Goff reviewed the latest and very alarming data on CoVid in Jefferson County. The County is over the threshold for keeping the variance to state CDPHE issued. Wheat Ridge may have to close the recreation centers and institute other restrictions to public activity as soon as next week.

CITY ATTORNEY'S MATTERS

Mr. Dahl asked for Council guidance on posting signs that open carry is prohibited in voter service centers. He explained that there is no currently no City ordinance or state statute that bans on open carry of firearms on City property. Concealed carry permits specifically allow the permittee to come into the City's buildings while carrying a permitted firearm. By CRS, cities may make a policy prohibiting OPEN carry of firearms on City property. Jefferson County has already passed a law prohibiting open carry on County property and even on open spaces within the County. The impetus for the Jefferson County prohibition was people appearing in various County offices openly carrying firearms, which the staff found disconcerting or even dangerous.

At present, the only vehicle for prohibiting open carry on City property is a policy promulgated by the City Manager. Mr. Goff asked whether Council would like to study a potential ordinance during a future Study Session.

Councilmembers had specific questions about the history of this issue and why it comes forward now. Councilmembers decided to move the issue into a future study session.

ELECTED OFFICIALS' MATTERS

City Clerk Kirkpatrick reviewed the options for voters in the upcoming election.

Councilmember Dozeman reminded everyone that there is another Trash Bash at 10:30 AM Friday, October 30th at I-70 and Kipling. Volunteers are needed. The staging area will be the parking lot adjacent to the Village Inn restaurant.

Councilmembers thanked the staff for their hard work on the budget.

Councilmember Weaver announced that her goat herd will move to Happiness Gardens sometime next week, date and time TBA. She will notify us when specifics are clear.

Councilmember Hultin welcomed the goats to Happiness Gardens in District II. She also recognized the Thrive Home Builders for the national awards they won. She attended a neighborhood community gathering on Zoom and more are scheduled. Go to What's Up Wheat Ridge online and find the next dates and times.

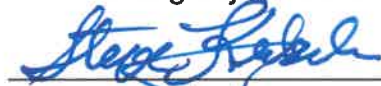
Councilmember Urban announced the services available to those who need a shelter during winter nights, and where the shelters are located. Go to SWShelternewtork.com.

Councilmember Hutchinson reported on progress by the social work student intern in schools in the City. They are asking for reusable grocery bags and for boots and shoes to help those experiencing homelessness or needing special assistance.

Councilmember Hoppe asked how the City will notify those who want to participate in the November 2 Study Session that they may not come to Chambers because Council Chambers will be a polling place on November 2 and 3, 2020.

ADJOURNMENT TO SPECIAL STUDY SESSION

The meeting adjourned at 9:00 pm exactly.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON November 9, 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 by contacting the City Clerk's Office, as well as copies of Ordinances and Resolutions.