

AGENDA

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

October 22, 2018
7:00 p.m.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer, at 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS

APPROVAL OF Study Session Notes of September 17, 2018

PROCLAMATIONS AND CEREMONIES

CITIZENS' RIGHT TO SPEAK

- a. Citizens, who wish, may speak on any matter not on the Agenda for a maximum of 3 minutes and sign the PUBLIC COMMENT ROSTER.
- b. Citizens who wish to speak on an Agenda Item, please sign the GENERAL AGENDA ROSTER.
- c. Citizens who wish to speak on a Public Hearing item, please sign the PUBLIC HEARING ROSTER before the item is called to be heard.
- d. Citizens who wish to speak on Study Session Agenda Items, please sign the STUDY SESSION AGENDA ROSTER.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a. Motion to approve payment to Kaiser Permanente for November 2018 Membership Billing in the amount of \$205,058.38

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

ORDINANCES ON FIRST READING

2. Council Bill 28-2018 – amending the Wheat Ridge Code of Laws concerning Wildlife and Waterfowl
3. Council Bill 29-2018 – amending Chapter 17 of the Wheat Ridge Code of Laws concerning the consumption of Fermented Malt Beverages in City Parks
4. Council Bill 30-2019 – amending Chapter 17 of the Wheat Ridge Code of Laws concerning Parks and Recreation to address the use of Electrical Assisted Bicycles

DECISIONS, RESOLUTIONS AND MOTIONS

5. Resolution No. 67-2018 – in support of Wheat Metro Fire Protection District Ballot Issue 7C

CITY MANAGER’S MATTERS

CITY ATTORNEY’S MATTERS

ELECTED OFFICIALS’ MATTERS

ADJOURNMENT

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
September 17, 2018

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

Councilmembers present: Monica Duran, Janeece Hoppe, Tim Fitzgerald, Zachary Urban, George Pond, Kristi Davis, Larry Mathews, and Leah Dozeman

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Police Chief Daniel Brennan; Scott Brink, Public Works Director; Ken Johnstone, Community Development Director; Joyce Manwaring, Parks and Recreation Director; Kersten Armstrong, Court Administrator; and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Robert Robinson (WR) expressed his disappointment that there is nothing in the 2019 budget to follow up on the work the WRESC did. He encouraged Council to budget some funds for this and to think of it as an insurance policy.

Jan Rose (WR) spoke about Golden's sustainability goals. All cities around us have taken major steps towards sustainability; she gave some examples. Wheat Ridge needs to get going on this. She reported her solar panels were not damaged by the hail. She thinks all the buildings at Clear Creek Crossing and the Ward Station should have been required to have solar panels. She noted the large number of trash trucks that drive our streets.

Rachel Hultin (WR) has read the budget and is excited about the priorities. She spoke about Activate 38, a three-year grant program for 38th Ave west of Kipling and urged Council to provide funding so it can continue. Some elements suggested for the corridor include signs, refreshing existing cross walks, and highlighting alternative routes. She wants to work with the City to implement some of these items.

Joe DeMott (WR) asked for an increase to the Carnation Festival budget to provide for 50th Anniversary activities, and to add improvements to the Festival that use the remodeled park facilities. Ideas are already in the works. He noted that 17 different non-profit organizations benefited financially from the Festival this year. He distributed a proposed budget for next year's festival. He also encouraged a \$30K increase for the WRBD Façade Plus program. It's been a huge success. This year 2 businesses were given \$20K each and they ended up spending a minimum of \$126K on their businesses.

1. Edward Byrne Justice Assistance Grant (JAG) Grant ~ Chief Brennan

Chief Brennan gave background on the JAG grants and explained the proposed use. Council approval is required.

The City received a JAG grant for \$10,178 in 2017. Due to an unforeseen series of conditions and injunctions the plan to purchase a mobile license plate reader did not happen. This year PD has received an additional \$10,095 grant.

A department study recommended combining the grants to purchase police protective gear - specifically ballistic rated helmets, level IV armor plates and tactical vests for patrol officers that are not currently assigned to the West Metro SWAT Team. (The officers/supervisors assigned to SWAT already have this gear.) \$60,000 from the Police Asset Forfeiture Fund (Fund 17) will also be used.

Councilmember Mathews asked if this would replace the line item in the budget for uniforms and protective clothing. Chief Brennan said it would not.

Councilmember Hoppe received unanimous consent to use the JAG funds to purchase police protective gear.

2. Presentation of 2019 Proposed Budget – Patrick Goff

Note: The complete 2019 Proposed Budget is available at <http://www.ci.wheatridge.co.us/DocumentCenter/View/29092/2019-Proposed-Budget>

Mr. Goff went through the Goals for Vision 2035 and the structure of funds: General Fund, Special Funds, Capital Imprvmnt Program (CIP) Fund, and the 2E Bond Fund.

Specifics for the various expenditures and revenue include:

	<u>2019 TOTAL PROPOSED BUDGET</u>		
	<u>2E Funds</u>	<u>Other Funds</u>	<u>All Funds</u>
Beginning Fund Balance	\$26,780,258	\$16,247,529	\$43,027,787
Projected Revenue	\$6,223,292	\$47,778,850	\$54,002,142
Revenue Increase	38%	1.2%	4.4%
Total Funds Available	\$33,003,550	\$64,026,379	\$97,029,929
Proposed Expenditures	\$22,385,758	\$53,265,025	\$75,650,783
Expenditures Increases	27%	2.8%	7.8%
Ending Fund Balance	\$10,617,792	\$10,761,354	\$21,379,146

2019 TOTAL PROPOSED EXPENDITURES \$75,650,783

Includes General, CIP, 2E and 8 Special Revenue Funds

General Fund 47%	2E 30%	CIP 14%
Open Space 5%	Recreation Center 3%	Other Special Funds 1%

2019 Projected General Fund Revenues

\$35,562,186	Projected Revenues
<u>\$13,286,933</u>	Beginning Fund Balance
\$48,849,119	Total Available Funds

- 1.5% increase compared to 2018 year-end estimated revenues
- 3.8% increase compared to 2018 original budget projection

59% Sales Tax

12% Use Tax
 7% Other taxes
 5% Intergovernmental
 4% Licenses
 4% Services
 3% Property Tax
 5.8% Other, Fines, Interest

Financial Health of the City Revenues ~ Revenues have rebounded yearly since 2013

2019 Proposed General Fund Expenditures

\$35,562,186	Proposed Expenditures
<u>\$4,000,000</u>	Proposed transfers
\$39,562,186	Total

- 1.2% increase compared to the adjusted 2018 budget
 - (3.5% increase without hailstorm expenses)
- Ending fund balance of \$9,286,933
- Unrestricted fund balance of \$6,886,378 (19.4%)

31% Police
 14% Public Works
 15% Parks & Recreation
 12% Admin Services
 11% Central Charges
 9% General Govt
 5% Community development
 3% Municipal Court

Financial Health of City Expenditures ~ Expenditures have increased \$12M since 2009

2019 Proposed 2E Fund

Total Available Funds: \$33,003,550 Ending Fund Balance: \$10,617,792

Debt Payment: \$3,498,300

- 37% Gold Line Station - \$8,328,000
- 23% Clear Creek Crossing hook ramps - \$5,059,055
- 13% Wadsworth widening - \$3,033,000
- 11% Anderson Park - \$2,467,403
- 16% Debt Payment

Revenues \$6,223,292 Expenditures \$22,385,758

2019 Proposed Capital Improvement Program (CIP)

Total available funds: \$10,538,792

Ending Fund Balance: \$26,792

Revenues \$10,582,000

Expenditures \$10,512,000

65% Wadsworth EA Design/Construction \$6.8M
 19% Preventative street Maintenance \$1.9M
 7.4% Other Street
 4% Municipal Capital

3% Drainage
1% Facilities
1% traffic
0.2% Econ Dev (\$100K available for development related City improvements)
0.1% Utility

Financial Health of the City CIP Budget ~ Has grown sporadically since 2009 depending on the projects and the revenue

CIP Major Projects include:

- o Bridge maintenance – 44th Ave \$395K
- o City Hall Improvements (space planning, security, court security update and sidewalks) - \$343,500
- o Misc drainage improvements – 26th & Fenton \$300,000 (joint with Edgewater)
- o Clear Creek Crossing (support services unrelated to 2E) - \$136,500
- o Sidewalk gaps, bike/ped enhancements - \$100K
- o Street striping maintenance - \$100K
- o Masterplan for PW and Parks Operations facility - \$100K
- o Bike/Ped improvements (on Garrison north of 44th) - \$90K
- o Traffic Signal Improvements - \$60K
- o ADA improvements - \$50K
- o Neighborhood Traffic management program - \$35K
- o Aerial photography/GIS updates \$35K
- o Gateway signage - \$25K
- o Clear Creek Master Plan update (flood plain maps) - \$25K
- o Easements and ROW (miscellaneous) - \$10K
- o Neighborhood street light program - \$10K

CIP 2020 and beyond

- Expect to transfer \$3.0M annually from the General reserves
- Annual preventative street maintenance will be \$2M
- Wadsworth reconstruction thru 2022 is \$29M
- Additional upcoming annual project funding
 - o Drainage - \$200K
 - o Bike/Ped - \$450K over the next 5 years
 - o Bridge maintenance - \$1.8M over the next 5 years

2019 Proposed Open Space Fund

Revenues: \$2,340,247	Total Available Funds: \$4,071,827
Expenditures: \$3,518,980	Ending Fund Balance: \$552,847
Restricted Fund Balance: \$127,362 (G Line station park improvement)	
Projects: Renovation of Prospect Park, Phase 2 - \$1.2M	
Renovation of Anderson Park - \$912,890	
"The Green" - \$900,000	
Open space improvements - \$25K	
Park maintenance projects - \$25K	

Revenues \$324K	Total
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Total Available Funds \$370,726

Ending Fund Balance: \$67,026

Rec Center maintenance projects - \$103,700

Resurface tennis and basketball courts - \$50K

Revenues \$2,223,392

Total available funds \$2,501,557

Ending Fund Balance: \$12,146

Fund balance is essentially depleted.

Market analysis of fees and fee structures was conducted in 2017

There are not sufficient funds due to personnel costs

Urban Renewal funding – \$300K

Ridge at 38 public events - \$160K (Localworks)

Live Local events - \$40K (Localworks)

44th Avenue Corridor marketing - \$7,500

38th Ave marketing - \$30

44th Ave planning effort - \$150K

TLC program - \$30K (Localworks)

Historic building management and maintenance \$83,850

Large-item pickup program - \$5,000

Carnation Festival - \$80K (They are asking for \$40K more)

Carnation Festival staff overtime - \$25,500

Citizen Academy \$5K

Outside agency contributions - \$133,410 suggested by citizen committee

Wheat Ridge 50th Anniversary planning - \$60K

- Replacement schedule is based on age and mileage/hours of the unit

- 2019 proposed budget - \$851,728
 - Public Works - \$264,800 (\$220,000 snow plow)
 - Parks - \$160,428 (4 new vehicles for new employees)
 - Police - \$426,500 (3 new vehicles for new employees and CSO)
- \$1.7M in vehicle replacements identified for 2020-2022

2019 Staffing Changes

New positions – General Fun:‘

- 2.0 FTE Parks Maintenance Worker I - Parks & Rec
- 1.0 FTE Forestry Assistant - Parks & Rec
- 1.0 FTE Horticultural Assistant - Parks & Rec
- 2.0 FTE Police Officer - Police
- 1.0 FTE Persons Detective _ Police
- 1.0 FTE Special Investigations Sergeant - Police
- 0.5 FTE IT Support Technician - Admin Services
- 0.5 FTE Digital Communications Specialist – Admin Services

Overall net increase of 9.0FTE's

2019 Proposed Staffing by Department

Municipal Court	10.25	Parks & Rec	52.125
Public Works	31	Police	107
Community Development	6	Admin Services	23
General Government	5		

Highlights of Employee benefits

- 3% increase for employees (\$460,000)
- 2018 Market Study showed there is a competitive job market, tough competition for talent, and low unemployment rate
- Retirement Contributions – increasing employer contribution from 4% to 6% (\$180K)
- Medical/dental has no increase in 2019.

Short-term fiscal notes

Sales Tax: Predicting 5.4% increase compared to 2018 estimated revenue (33% from Corners project)

Walmart Closure: Owner planning to replace with 4 new tenants in 2019/2020. Sales tax revenue estimated at \$800-900K annually; this is not included in the 2019 budget.

Clear Creek Crossing: Reimbursement of \$507,038 for I-70/32nd Ave in 2019. Annual revenues projected at \$1.8M starting in 2020/2021

Misc Redevelopment Projects:

Applewood Shopping Center, Kipling Ridge, West End 38 to have 10K sf of retail
Annual Revenues projected at \$300K starting in 2019.

Extra requests to consider that are not in the budget:

- WRESC requesting \$18,000
- Carnation Festival requesting an additional \$40K for the 50th anniversary festival
- WRBD request for \$30K more for the Façade Plus program
- Some additional requests for 38th Ave that are not in the budget.

Discussion followed. Budget items receiving further discussion included:

- The net effect of outsourcing the Building Division
- The Circus (Mr. DeMott provided input.)

- The \$30K for marketing materials for 38th Ave is part of the Localworks budget
- Raising the City's contribution to employee retirement up to 6% to be more competitive in the municipal market. We've lost employees because of that.
- Chief Brennan explained he plans to hire 12 new recruits to replace retirements and 3 people who left for larger departments that could offer more.
- Would like fewer new FTE's – only add 1 parks maintenance worker.
- Adding a 0.5 FTE sustainability coordinator in 2019 instead of waiting.
- Snow removal for abandoned areas is not factored in the budget.
- Why can't current PIO cover the social media so digital communications person has time to work on the website? She does. She also does event planning; is working on the 50th anniversary planning; planning a G-Line opening event; she does all the ribbon cuttings with Steve Art and the Business District. Chief Brennan explained what she does for PD.
- Support for \$20K for the Carnation Festival and \$45K to the WRBD.
- Is the Localworks budget reflective of the City's Strategic Priorities?
- \$13,700 for NRS help was deleted from the Localworks budget.
- Localworks is under the City Manager's budget under Economic Development, and there are other expenditures spread throughout the budget.
- Issues with the Localworks budget: need a more detailed explanation of their budget; too much for communication, community engagement and outreach; overlap of the categories within the Localworks budget and with other agencies in the community (e.g. WRBD); lot of money for Ridge at 38; the cost of the tours (none are even planned for 2018)
- Overtime for PD, Public Works and Parks for Ridge events and Carnation Festival are absorbed in the General Fund's overtime budgets.

Councilmember Dozeman noted that one of the biggest budget items for these events is tent rental. She suggested it would be wise for the City to purchase tents to be used for these events – to avoid repeated rental costs.

Councilmember Fitzgerald asked for consensus to fund Phase 2 of the recommendations of the WRESC committee (\$18K) and to add an additional \$7,500 for Excel Home Energy evaluations - for a total of \$25,500. (e.g. If the City paid \$30 of the required \$75, perhaps more people would participate in the Home evaluations.)

- Councilmember Mathews expressed concerns about some of Excel's plan. They want to close two perfectly good, clean, coal fire plants ahead of schedule. The PUC approved it, but agreed it made no monetary sense. He also questioned some line items in the WRESC budget - \$4K to promote waste reduction by residents; \$4K to monitor water quality of Clear Creek – which is already done by other agencies; \$2K to create a green business promotional program. He feels this amounts to the birth of a new bureaucracy in the city.
- Councilmember Pond asked for a friendly amendment to allow City Council to have oversight with the various line items of the \$18K. Councilmember Fitzgerald agreed.
- Mayor Starker announced he will be continuing the WRESC as a mayoral committee.

- Councilmember Duran thinks \$18K is reasonable.
- Councilmember Urban suggested the City start by setting a good example and doing the things the WRESC suggests (e.g rain barrels). There are no requirements for the City to practice what it is preaching and encouraging – and possibly subsidizing. He feels the funds should only be used to promote things the City is already doing.
- Councilmember Dozeman noted our Smart Goals say we are committed to environmental stewardship. She would like to see the City create a culture of sustainability within the departments. She'd rather see the funds spent for the City to start some of these practices.
- Mr. Goff noted the City already has a committee of staff members that have identified sustainable practices that are/can be put in place.

Councilmember Fitzgerald's consensus passed 5-3.

- Councilmember Mathews asked where the money would come for this. Councilmember Hoppe suggested it could come from the 19% reserves.

At 9:10pm the Mayor declared a 10 minute recess. He meeting resumed at 9:21.

Councilmember Pond shared his thoughts on the positive economic picture, the FTE's, sustainability, bonds, being behind the curve on service delivery, the balanced budget, the reserve fund, and the additions he supports.

Councilmember Davis would like to delete the regular \$3K donation to the Action Center, since we are giving them \$20K for their current fundraiser. She was reminded the \$20K is a one-time donation.

Councilmember Urban spoke to the level of spending on 38th Ave.

- We plan to spend \$1.173 on various 38th Ave related activities -- 61% of the sales tax revenue from 38th Ave. The money spent to help 44th Ave is less than 7% of the revenue 44th generates.
- He has reservation about spending \$900K on The Green when the School District will maintain ownership and chip in nothing for the improvements.
- 38th Ave is doing well generating sales tax. 44th Ave is doing even better – and without the dump of cash from the City.
- He'd like to shift some of the money to 44th Ave. and reconsider The Green project.

Councilmember Dozeman agreed that other neighborhoods feel left out and 38th Ave keeps getting more money. She recommends not doing The Green. She resents putting \$900K into one school and neglecting the others.

- Ms. Manwaring cited examples of the City spending money at various schools for playgrounds and ball fields with IGA's for joint use.
- Councilmember Duran would like to see sidewalks to the 29th Ave businesses.
- Councilmember Hoppe suggested The Green has become a gathering spot. She maintained the comparison of 38th Ave revenue to that of 44th Ave is faulty since the 38th figures are only Wads-Sheridan, and the 44th figures include Youngfield.

- Councilmember Fitzgerald addressed how the Green is our central gathering place.

Ms. Manwaring informed Councilmember Urban the marketing budget for the Rec Center was moved to the General Fund budget under Recreation Administration.

Councilmember Urban has concerns about continued renewal of branding and marketing and logos by several City departments and various other organizations.

Councilmember Duran asked about the marijuana revenue. Estimates for 2018 are \$750K. Councilmember Fitzgerald has the information about projected increased revenue if hours of operation are extended; he will bring it to the next study session.

Councilmember Dozeman noted Localworks received \$10K in 2018 for 50th anniversary preparation and is asking for another \$10K in 2019 for the gala. She asked how the 2018 money was spent. Mr. Goff wasn't sure – possibly staff time; there have been no hard costs yet. He answered that the City's \$60K for the Gala is separate from Localworks \$10K for the Gala.

Councilmember Pond received consensus to approve the addition of \$20K for the Carnation Festival and \$45K for WRBD, with funding to come from reserves.

Councilmember Dozeman asked for consensus to reduce Localworks budget by \$85,500 – bringing the total to \$465K.

There was discussion and questions about reducing the amount for business loans; education outreach; marketing tours; communications/community engagement outreach for 38th Ave vs the entire City; how Activate 38 has spent \$250K if it is a volunteer group; Ridge at 38 events; 38th Ave Leadership Committee; the City's digital/media support; and the new director's pledge to increase fundraising.

The consensus failed 4-4.

Councilmember Hoppe suggested that some money could come off the BUBL loans, marketing/positioning tours, communications/community engagement, the requested increase for Ridge at 38 events; and the 38th Ave Leadership Committee. There was discussion.

Councilmember Hoppe received sufficient consensus to reduce the Localworks budget to \$490,500.

Councilmember Hoppe asked for a consensus to allocate money to hire a sustainability coordinator as a 0.5 FTE. Following discussion the consensus failed 4-4.

Councilmember Mathews inquired about unfunded liabilities. Mr. Goff said the Wadsworth project is potentially \$5M short. He spoke about the Value Engineering and plans to apply for additional DRCOG TIF funding.

Councilmember Urban appreciates the realistic acknowledgment of risks and potential unforeseen pitfalls and windfalls, and being prepared. Mr. Goff said he believes in a healthy reserve; it is a "best practice".

Councilmember Dozeman had specific questions about staffing in Administrative Services and the City manager's staff. Mr. Goff explained some changes in structure for the Admin Services Department.

- Carley Lorentz's position has become Assistant to the City Manager and moved from Administration to the City Manager's budget.
- We had to offer more to fill the Human Services Director's position.
- The Performance Management increases budget is moving from Central Charges to the various Admin budgets.

Councilmember Dozeman asked for consensus to decrease the amount for The Green or delete it until we have further talks with the School District. It failed 3-5.

Councilmember Davis received consensus to approve the 2019 proposed budget with the revisions approved tonight, including money for Ms. Hultin's request for Activate 38 in an amount not to exceed \$40K.

3. Staff Report(s)

Mr. Goff reported receiving word from the Denver Transit Partners that they made it through the 21-day testing period. More information will follow.

4. Elected Officials' Report(s)

Leah Dozeman thanked Wheat Ridge High School for putting on the Farmers 5000.

Clerk Shaver encouraged Councilmembers and Board and Commission members to please RSVP for the Boards and Commissions Dinner.

George Pond noted the passing of former Councilmember Nancy Snow.

ADJOURNMENT: The Study Session adjourned at 10:29 p.m.

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 22, 2018

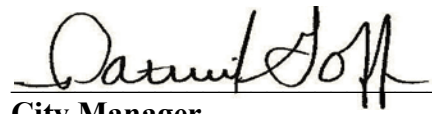
Tim Fitzgerald, Mayor pro tem

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO APPROVE PAYMENT TO KAISER
PERMANENTE FOR NOVEMBER 2018 MEMBERSHIP
BILLING IN THE AMOUNT OF \$205,058.38**

- ☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO

City Manager**ISSUE:**

For 2018, the City offers employees two medical plans through Kaiser Permanente; a High Deductible plan and Deductible HMO Plan. Both plans are also offered as COBRA protection for former employees who choose to enroll. November billing is in the amount of \$205,058.38 which requires City Council approval.

PRIOR ACTION:

Approval of October 2018 Kaiser bills.

FINANCIAL IMPACT:

While monthly costs vary depending on the number of employees and dependents enrolled, for 2018 these costs will average around \$195,000 per month. The November 2018 bill is for active and COBRA membership billing. Monthly bills over \$75,000 will be brought to City Council for approval.

BACKGROUND:

Kaiser Permanente has been the City of Wheat Ridge's medical plan provider for several years. Based on the City's shift to two deductible plans and a robust wellness program, Kaiser plan renewals have been minimal compared to the market the past two years.

RECOMMENDATIONS:

Staff recommends to pay the November 2018 Kaiser bill.

RECOMMENDED MOTION:

“I move to pay the November 2018 Kaiser bill in the total amount of \$205,058.38.”

Or,

“I move to deny the payment of the November 2018 Kaiser bill in the amount of \$205,058.38 for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Patrick Goff, City Manager

ATTACHMENTS:

1. 2018 November Kaiser Bill



Kaiser Permanente
Membership Administration
P.O. Box 203009
Denver, CO 80220-9009

CITY OF WHEAT RIDGE
CITY OF WHEAT RIDGE **ACTIVES**
ATTN: CHRISTINE JONES
7500 W 29TH AVE
WHEAT RIDGE, CO 80033-8001

GROUP-BILLGROUP-REGION: 00181-01-16

Invoice Creation Date: October 02, 2018

Bill Period Dates: 11/01/2018-11/30/2018
Invoice Number: 0021835524
Bill Date: 10/02/2018
Amount Due: \$391,064.24
PLEASE PAY BY: 10/31/2018

Please send payments only to the following address:

Kaiser Permanente
Membership Administration
Kaiser Permanente
PO BOX 711697
Denver, CO 80271-1697

For Billing Inquiry:
TABITHA MARIE LEE - CSCC
Phone: 866-868-7220

Please mail all membership changes to:

Kaiser Permanente
Membership Administration
P.O. Box 203009
Denver, CO 80220-9009

Or, send membership changes to either:
Fax: 866-311-5974
Email: csc-den-roc-group@kp.org

Did you know you could process your membership changes online at kaiserpermanente.org?

GROUP-BILLGROUP-REGION: 00181-01-16 (RETURN THIS PORTION WITH YOUR PAYMENT)

CITY OF WHEAT RIDGE
ATTN: CHRISTINE JONES
7500 W 29TH AVE
WHEAT RIDGE, CO 80033-8001

Invoice Number: 0021835524
Bill Period Date: 11/01/2018

Please pay this amount: \$391,064.24
- 190,302.10

Payment must be received by: 10/31/2018

Provide Billing Unit number(s) on check and make it payable to:

Kaiser Permanente
PO BOX 711697
Denver, CO 80271-1697

Amount Paid:

200,762.14

ATTACHMENT 1


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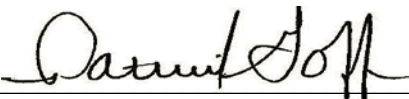


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REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 28-2018 – AN ORDINANCE AMENDING
THE WHEAT RIDGE CODE OF LAWS CONCERNING
WILDLIFE AND WATERFOWL**

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCES FOR 1 ST READING (10/22/2018) |
| <input type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING (11/26/2018) |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO

City Attorney

City Manager**ISSUE:**

Staff is recommending new rules and regulations concerning the feeding of wildlife and waterfowl be consolidated with existing regulations on the treatment of wild animals. This ordinance amends Chapter 4 (Animals), Chapter 16 (Miscellaneous Offenses), and Chapter 17 (Park Rules and Regulations).

PRIOR ACTION:

This item was discussed with City Council at the October 1, 2018 study session. Consensus was reached to direct staff to draft an ordinance for City Council consideration.

FINANCIAL IMPACT:

Adoption of this ordinance could decrease the amount of staff time and other expenses associated with the impacts of feeding wildlife and waterfowl.

BACKGROUND:

Due to the close proximity of open space to residential dwellings, the feeding of wildlife within the greenbelt may create the following issues:

- Most wildlife become tame and later can become aggressive in search of food. This can result in injuries or death to people, pets and livestock animals.

- Wildlife can carry diseases that may affect humans, pets and livestock animals, such as rabies and the plague.
- Animals will frequent areas where food is available which includes roadsides and the crossing of major thoroughfares to reach the food sources and may be killed by passing of vehicles.
- Deer have unique digestive systems. They must eat enough specific plant proteins to stimulate the growth of vital intestinal bacteria. Human food does not produce these organisms, and without them, members of the deer family cannot process food. They may starve to death on a full stomach.
- Human food may cause health problems and chemical imbalances in wildlife. Ill health is the result of eating human food and will make the animals less likely to survive in winter.
- Many animals will stop foraging for wild foods and become dependent on human handouts. If they fail to stash seeds, they will no longer be planting future generations of trees and bushes.

RECOMMENDATION:

This Ordinance: (1) defines wildlife and waterfowl and food, (2) establishes rules and regulations governing the feeding of wildlife and waterfowl, (3) moves material concerning wild animals from Chapter 16 to Chapter 4, and (4) cross-references the (new) requirements to the existing park and recreation rules in Chapter 17.

The Parks and Recreation Commission recommend amending provisions of Chapter 4 and 17 of the Wheat Ridge Code of Laws concerning animals and the feeding of wildlife and waterfowl.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 28-2018, an ordinance amending the Wheat Ridge Code of Laws concerning wildlife and waterfowl, on first reading, order it published, public hearing set for Monday, November 26, 2018, at 7 p.m. in the City Hall Council Chambers, and that it takes effect 15 days after final publication.”

Or,

“I move to postpone indefinitely Council Bill 28-2018, an ordinance amending the Wheat Ridge Code of Laws concerning wildlife and waterfowl for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Gerald Dahl, City Attorney

Joyce Manwaring, Parks and Recreation Director

Daniel Brennan, Chief of Police

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 28-2018

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
Council Bill No. 28
Ordinance No. _____
Series of 2018

**TITLE: AN ORDINANCE AMENDING THE WHEAT RIDGE CODE OF
LAWS CONCERNING WILDLIFE AND WATERFOWL**

WHEREAS, pursuant to Article XX of the Colorado Constitution and C.R.S. §§ 31-15-401(1)(m) and 31-15-702(1)(a)(I), the City of Wheat Ridge ("City") possesses the authority to prohibit the feeding of wildlife and waterfowl; to regulate the treatment of wild animals, and to regulate the use of public parks within the City; and

WHEREAS, pursuant to this authority, the City, acting by and through its City Council (the "Council"), wishes to prohibit the feeding of wildlife and waterfowl within the City; and

WHEREAS, the Council finds and determines that the imposition of rules and regulations specific to the feeding of wildlife and waterfowl are necessary and desirable to minimize the potential impacts of feeding wildlife and waterfowl to protect all people and animals using the parks; and

WHEREAS, the Council further finds that feeding wildlife and waterfowl rules and regulations should be codified within the Wheat Ridge Code of Laws ("Code") to permit the violators thereof to be prosecuted in the City's Municipal Court; and

WHEREAS, the Council therefore desires to amend certain provisions of Chapters 4, 16 and 17 of the Code, to establish uniform rules and regulations to prohibit the feeding of wildlife and waterfowl, and the treatment of wild animals and to make other conforming amendments.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Code Section 4-1 is amended by the addition of the following definitions:

"WILDLIFE" SHALL INCLUDE ANY ANIMAL, WHICH IS NOT NORMALLY DOMESTICATED IN THIS STATE, INCLUDING BUT NOT LIMITED TO BEARS, MOUNTAIN LIONS, ELK, COYOTES, DEER, FERAL CATS, FOXES, GROUNDHOGS, OPOSSUMS, RACCOONS, SKUNKS, SQUIRRELS AND WATERFOWL.

"WATERFOWL" SHALL INCLUDE ANY BIRD, DOMESTIC OR WILD, THAT FREQUENTS THE WATER, OR LIVES ABOUT RIVERS, LAKES, ETC., AN AQUATIC FOWL, INCLUDING BUT NOT LIMITED TO DUCKS, GEESE, SWANS, HERON, AND EGRETS.

“FOOD” SHALL INCLUDE ANY PRODUCT DESIGNATED FOR ANIMAL OR HUMAN CONSUMPTION.

“WILD BIRD” INCLUDES ALL UNDOMESTICATED BIRDS NATIVE TO NORTH AMERICA AND UNDOMESTICATED GAME BIRDS IMPLANTED IN NORTH AMERICA BY GOVERNMENTAL AGENCIES AND ANY DOMESTIC DUCK OR GOOSE RELEASED BY ANY PRIVATE PERSON OR RECREATIONAL AUTHORITY UPON ANY RECREATIONAL AREA WITHIN THIS CITY.

“WILD ANIMAL” INCLUDES ANY ANIMAL NATIVE TO THE STATE, BUT DOES NOT INCLUDE RATTLESNAKES, FISH, NORWAY RATS OR COMMON HOUSE MICE.

“HUMANE TRAP” INCLUDES ANY TRAP WHICH DOES NOT CAUSE PHYSICAL INJURY, PAIN OR SUFFERING OF A TRAPPED ANIMAL. STEEL-JAW LEG HOLD TRAPS AND SNARES ARE SPECIFICALLY EXCLUDED FROM THIS DEFINITION, BUT THE CITY SHALL NOT BE PRECLUDED FROM DETERMINING THAT ANY OTHER TYPE OF TRAP IS ALSO EXCLUDED FROM THIS DEFINITION.

“CAUSING DAMAGE ON LAND” SHALL MEAN PHYSICAL INJURY TO BUILDINGS OR IMPROVEMENTS OR DESTRUCTION OR INJURY OF DOMESTIC ANIMALS OR PETS LAWFULLY KEPT THEREON.

Section 2. A new Code Section 4-19 is hereby enacted to read as follows:

SECTION 4-19. FEEDING OF WILDLIFE.

- A. IT SHALL BE UNLAWFUL TO PURPOSELY OR KNOWINGLY PLACE OR PROVIDE ANY FOOD FOR ANY WILDLIFE ANIMAL OR WATERFOWL.
- B. NO PERSON SHALL PURPOSELY OR KNOWINGLY LEAVE OR STORE ANY REFUSE, GARBAGE, FOOD PRODUCT, PET FOOD, FORAGE PRODUCT OR SUPPLEMENT, SALT, SEED OR BIRDSEED, FRUIT, GRAIN IN A MANNER THAT WOULD CONSTITUTE AN ATTRACTANT TO ANY WILDLIFE OR WATERFOWL.
- C. THIS SECTION SHALL NOT APPLY TO FEEDING OF BIRDS, SQUIRRELS, OR DOMESTIC WATERFOWL ON PRIVATE PROPERTY OWNED OR CONTROLLED BY THE PERSON(S) ENGAGED IN SUCH FEEDING.

Section 3. A new Code Section 4-20 is hereby enacted to read as follows:

SEC. 16-64. - PROTECTION OF WILDLIFE.

(A) SHOOTING, CAPTURING, ETC., PROHIBITED. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IT IS UNLAWFUL TO WILLFULLY SHOOT, CAPTURE, HARASS, INJURE OR DESTROY ANY WILD BIRD OR ANIMAL OR TO ATTEMPT TO SHOOT, CAPTURE, HARASS, INJURE OR DESTROY ANY SUCH WILD BIRD OR ANIMAL ANYWHERE WITHIN THIS CITY.

(B) DISTURBING, ETC., NESTS, BURROWS, ETC., PROHIBITED. NO PERSON SHALL WILLFULLY DESTROY, ROB OR DISTURB THE NEST, NESTING PLACE, BURROW, EGGS OR YOUNG OF ANY WILD BIRD OR ANIMAL ANYWHERE WITHIN THIS CITY.

(C) STATE-PROTECTED BIRDS AND ANIMALS. THE PROVISIONS OF THIS SECTION ARE NOT INTENDED TO ALLOW THE DESTRUCTION OF ANY BIRD OR ANIMAL PROTECTED BY STATE OR FEDERAL LAW.

(D) WHEN TRAPPING PERMITTED. IF ANY WILD BIRD OR ANIMAL IS CAUSING DAMAGE ON LANDS WITHIN THE CITY OWNED OR LEASED BY ANY PERSON, SUCH PERSON OR ANY MEMBER OF HIS FAMILY, OR HIS AGENT, MAY TRAP SUCH WILD BIRD OR ANIMAL, SUBJECT TO THE PROVISIONS OF THIS SECTION.

(E) PROVISIONS FOR TRAPPING. TRAPPING OF ANIMALS SHALL FOLLOW THE PROVISIONS SET OUT BELOW:

(1) WHEN DEEMED NECESSARY BY POLICE OFFICERS OR THE COMMUNITY SERVICE OFFICER FOR THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE CITY, SUCH OFFICERS AND/OR THEIR AGENTS MAY PLACE A HUMANE TRAP ON CITY PROPERTY OR OTHER PROPERTY WITHIN THE CITY WHEN THE PROPERTY OWNER REQUESTS SUCH HUMANE TRAP FOR THE PURPOSE OF CAPTURING ANY WILD OR PET ANIMAL CREATING A NUISANCE IN THE CITY. PROVIDED, HOWEVER, THAT NO TRAP OF ANY KIND SHALL BE SET UPON ANY PROPERTY WITHOUT NOTIFICATION TO AND/OR PERMISSION FROM THE OWNER OF SUCH PROPERTY.

(2) ANY PERSON WHO TRAPS AN ANIMAL PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL IMMEDIATELY NOTIFY POLICE DEPARTMENT OF SUCH TRAPPING. THE POLICE DEPARTMENT SHALL HAVE THE EXCLUSIVE RIGHT AND AUTHORITY TO DETERMINE THE DISPOSITION OF ANY SUCH TRAPPED ANIMAL.

(3) COMMUNITY SERVICE OFFICERS ARE AUTHORIZED TO USE ANY HUMANE TRAPS OR OTHER SUITABLE DEVICES TO SUBDUE OR DESTROY ANY ANIMAL THAT IS DEEMED BY THE COMMUNITY SERVICE OFFICER, IN HIS DISCRETION, TO BE A DANGER TO ITSELF OR TO THE PUBLIC HEALTH AND SAFETY.

(4) IT SHALL BE UNLAWFUL FOR ANY PERSON TO SET OR CAUSE TO BE SET WITHIN THE CITY ANY STEEL-JAW LEG-HOLD TRAP, SNARE OR ANY TRAP OTHER THAN A HUMANE TRAP, FOR THE PURPOSE OF CAPTURING ANY ANIMAL, WHETHER WILD OR DOMESTIC.

(F) APPLICATION TO CITY AND STATE EMPLOYEES. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO THE PERSONNEL OF ANY POLICE, FIRE OR ANIMAL CONTROL AGENCY OR TO THE STATE DIVISION OF WILDLIFE OR

DEPARTMENT OF HEALTH OR OTHER STATE OR FEDERAL AGENCY, AND ALL CITY OF WHEAT RIDGE EMPLOYEES WHEN SUCH PERSONS ARE ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES AS EMPLOYEES OF SUCH AGENCIES.

(G) NOTHING HEREIN SHALL LIMIT THE AUTHORITY OF A SWORN POLICE OFFICER OF THE CITY TO TAKE ACTIONS TO SUBDUE OR DESTROY ANY ANIMAL THAT IS DEEMED BY THE POLICE OFFICER, IN HIS DISCRETION, TO BE A DANGER TO ITSELF OR THE PROTECTION OF PUBLIC HEALTH AND SAFETY.

Section 4. Code Section 17-29 is amended by the addition of a new subsection (c), to read as follows:

(C) THE TREATMENT OF WILDLIFE AND WATERFOWL SHALL BE GOVERNED BY SECTIONS 4-19 AND 4-20 OF THIS CODE.

Section 5. Code Section 16-64 is hereby repealed.

Section 6. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of _____ to _____ on this 22nd day of October, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for November 26, 2018, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2018.

SIGNED by the Mayor on this _____ day of _____, 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

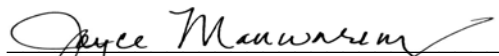

Approved As To Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 29-2018 – AN ORDINANCE AMENDING
CHAPTER 17 OF THE WHEAT RIDGE CODE OF LAWS
CONCERNING THE CONSUMPTION OF FERMENTED
MALT BEVERAGES IN CITY PARKS**

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCES FOR 1 ST READING (10/22/2018) |
| <input type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING (11/26/2018) |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO
Parks and Recreation Director
City Manager**ISSUE:**

Staff is recommending new rules and regulations concerning the consumption of alcohol in City Parks. These new rules align with the State of Colorado changes in the definition of fermented malt beverages that are effective January 1, 2019. This change eliminates the current restriction of 3.2% fermented malt beverages (beer) only allowed in parks and allows malt beverages of up to 6% alcohol by weight.

PRIOR ACTION:

This item was discussed with City Council at the October 1, 2018 study session. Consensus was reached to direct staff to draft an ordinance for City Council consideration.

FINANCIAL IMPACT:

There is no financial impact created by approving this ordinance amendment.

BACKGROUND:

Colorado State Senate Bill 18-243, which becomes effective on January 1, 2019, eliminates the alcohol content limit within the definition of “fermented malt beverages,” and allows public consumption of alcohol if it “has been specifically authorized by ordinance, resolution or rule adopted by a municipality, [or] City.

RECOMMENDATION:

The Parks and Recreation Commission recommend amending provisions of Chapter 17 of the Wheat Ridge Code of Laws concerning the consumption of fermented malt beverages in City Parks.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 29-2018, an ordinance amending the Wheat Ridge Code of Laws concerning the consumption of fermented malt beverages in city parks, on first reading, order it published, public hearing set for Monday, November 26, 2018, at 7 p.m. in the City Hall Council Chambers, and that it takes effect 15 days after final publication.”

Or

“I move to postpone indefinitely Council Bill 29-2018, an ordinance amending the Wheat Ridge Code of Laws concerning the consumption of fermented malt beverages in city parks for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Gerald Dahl, City Attorney

Joyce Manwaring, Parks and Recreation Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 29-2018

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 29
ORDINANCE NO. _____
Series 2018

TITLE: AN ORDINANCE AMENDING CHAPTER 17 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE CONSUMPTION OF FERMENTED MALT BEVERAGES IN CITY PARKS

WHEREAS, the City of Wheat Ridge (the "City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the Council previously adopted and amended Chapter 17 of the Wheat Ridge Code of Laws (the "Code") concerning parks and recreation; and

WHEREAS, Colorado State Senate Bill 18-243, which becomes effective on January 1, 2019, eliminates the alcohol content limit within the definition of "fermented malt beverages," and allows public consumption of alcohol if it "has been specifically authorized by ordinance, resolution or rule adopted by a municipality, [or] City," and

WHEREAS, the Council now wishes to further amend Chapter 17 of the Code to address this recent state legislation concerning fermented malt beverages and to permit the consumption of fermented malt beverages in parks within the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 17-17 of the Wheat Ridge Code of Laws concerning "Alcoholic beverages" is hereby amended as follows:

Sec. 17-17. – Alcoholic beverages.

(a) The storage, sale or consumption of any malt, vinous or spirituous liquors, as defined by the Colorado Liquor Code, is prohibited in any park, recreation area or recreation building within the city except as specifically provided herein or as may be authorized pursuant to a special event permit issued by the city in accordance with C.R.S., article 48, title 12. The consumption and/or storage of fermented malt beverages ~~containing not more than three and two-tenths (3.2) percent of alcohol by weight~~ is permitted in any park or recreation area within the city so long as, and only so long as, such fermented malt beverage has been purchased in a manner authorized, and is being consumed by persons permitted, by applicable state law. It shall be unlawful to sell any fermented malt

beverage within any park or recreation area within the city unless such sales are made pursuant to a special event permit granted by the city and unless such sales are made in accordance with the Colorado Beer Code.

(b) Storage and consumption of fermented malt and vinous liquor is permitted at the Wheat Ridge Active Adult Center, the Wheat Ridge Recreation Center and the Richards-Hart Estate in conjunction with an event sanctioned and authorized by the director; and provided further that such alcoholic beverages are neither sold to, served to, or consumed by any person not authorized by the Colorado Liquor Code or the Code of Laws of the City of Wheat Ridge to possess or consume such alcoholic beverages. The director is hereby authorized to establish rules for serving and consumption of alcoholic beverages at the Richards-Hart Estate, the Wheat Ridge Active Adult Center, and the Wheat Ridge Recreation Center.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this 22nd day of October, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for November 26, 2018, at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this ____ day of _____, 2018.

SIGNED by the Mayor on this ____ day of _____, 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:

Second Publication:

Wheat Ridge Transcript

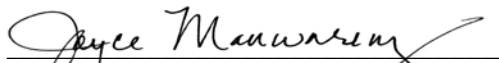

Effective Date:

Published:

Wheat Ridge Transcript and www.ci.wheatridge.co.us

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 30-2018 – AN ORDINANCE AMENDING CHAPTER 17 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING PARKS AND RECREATION TO ADDRESS THE USE OF ELECTRICAL ASSISTED BICYCLES**

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCES FOR 1 ST READING (10/22/2018) |
| <input type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING (11/26/2018) |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO
Parks and Recreation Director
City Manager**ISSUE:**

Staff is recommending new rules and regulations concerning the use of electrical assisted bicycles on city trails. Electrical assisted bicycles are becoming more and more popular with bicycle riders throughout the metropolitan area. Currently, Chapter 17 of Wheat Ridge Code of Laws does not allow any type of motorized vehicle on park trails. This ordinance redefines bicycle to include electrical assisted bicycles and allows the usage of these bicycles on park and open space trails.

PRIOR ACTION:

This item was discussed with City Council at the October 1, 2018 study session. Consensus was reached to direct staff to draft an ordinance for City Council consideration.

FINANCIAL IMPACT:

There is no financial impact created by approving this ordinance amendment.

BACKGROUND:

Colorado Revised Statutes 42-1-102(10) defines bicycles as:

“Bicycle” means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.”

The change outlined in this ordinance allows and defines Class I and Class II electrically assisted bicycles to ride on city trails. These bicycles require pedal power to operate and therefore are not a motorized vehicle. By using the State Statute definition of bicycle the ordinance differentiates between other types of vehicles that may have electric motors as part of the apparatus.

RECOMMENDATION:

The Parks and Recreation Commission recommends amending provisions of Chapter 17 of the Wheat Ridge Code of Laws concerning the use of electrical bicycles on park trails.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 30-2018, an ordinance amending the Wheat Ridge Code of Laws concerning the use of electrical assisted bicycles, on first reading, order it published, public hearing set for Monday, November 26, 2018, at 7 p.m. in the City Hall Council Chambers, and that it takes effect 15 days after final publication.”

Or,

“I move to postpone indefinitely Council Bill 30-2018, an ordinance amending the Wheat Ridge Code of Laws concerning the use of electrical assisted bicycles for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Gerald Dahl, City Attorney

Joyce Manwaring, Parks and Recreation Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 30-2018

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 30
ORDINANCE NO. _____
Series 2018

TITLE: AN ORDINANCE AMENDING CHAPTER 17 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING PARKS AND RECREATION TO ADDRESS THE USE OF ELECTRICAL ASSISTED BICYCLES

WHEREAS, the City of Wheat Ridge (the "City") is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-23-101, the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare; and

WHEREAS, the Council previously adopted and amended Chapter 17 of the Wheat Ridge Code of Laws (the "Code") concerning parks and recreation; and

WHEREAS, the Council now wishes to further amend Chapter 17 of the Code to address and include the use of electrical assisted bicycles within the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 17-1 of the Wheat Ridge Code of Laws concerning "Definitions," is hereby amended by the addition of the following definitions in the appropriate alphabetical order:

Bicycle means a vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter, and such definition shall include Class 1 and Class 2 electrical assisted bicycles.

Electrical Assisted Bicycle means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(a) "Class 1 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour. Class 1 electrical assisted

bicycles shall be considered and treated in the same manner as bicycles in this Chapter.

(b) "Class 2 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour. Class 2 electrical assisted bicycles shall be considered and treated in the same manner as bicycles in this Chapter.

(c) "Class 3 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour. Class 3 electrical assisted bicycles shall be considered and treated in the same manner as motorized vehicles in this Chapter.

Motorized Vehicle means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include Class 1 and Class 2 electrical assisted bicycles, low-power scooters, wheelchairs, or vehicles moved solely by human power. Class 3 electrical assisted bicycles shall be considered motorized vehicles in this Chapter.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this 22nd day of October, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for November 26, 2018 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this ____ day of _____, 2018.

SIGNED by the Mayor on this _____ day of _____, 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

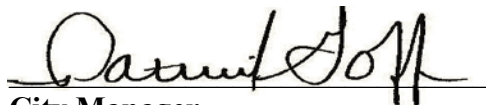
Published:
Wheat Ridge Transcript and www.ci.wheatridge.co.us

REQUEST FOR CITY COUNCIL ACTION**TITLE: RESOLUTION NO. 67-2018 – A RESOLUTION IN SUPPORT OF WEST METRO FIRE PROTECTION DISTRICT BALLOT ISSUE 7C**

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES ☒ NO


City Manager**ISSUE:**

West Metro Fire Protection District Ballot Issue 7C is a tax stabilization initiative for the West Metro Fire Protection District (the District). The District is asking to adjust its mill levy to offset revenue lost due to changes in the residential assessment rate pursuant to the provisions of the Gallagher Amendment with the Colorado Constitution.

BACKGROUND:

Nearly 70% of the West Metro Fire Protection District (the District)'s budget comes from property taxes, which are determined from the assessed value of a residential or commercial property. Last year, the residential assessment rate (RAR) dropped from 7.96% to 7.2%. In 2019, the RAR is anticipated to decrease again from the current rate of 7.2% to 6.1% or lower. These cuts are caused by the Gallagher Amendment, a constitutional measure that limits the growth of residential property taxes. As a result, a reduction in RAR would directly impact the District's budget.

The District received over 34,000 calls in 2017, which is a 51% increase over the last decade. The increased workload coupled with the anticipated reduction in RAR would reduce its ability to fund life-saving resources. Additionally, the financial impact on the District could require it to close one or more firehouses. This would include the loss of firefighters and paramedics, increasing the overall response time to emergency incidents.

The District has limited revenue raising flexibility and levies fixed at 12.382 mills for operations, which can only be increased through voter approval. The District would like to adjust its property tax mill levy to offset any future decrease in the RAR. The mill levy increase would match and be capped by the revenue that would maintain the current RAR formula of 7.2% as a “floor”, and any increase of the RAR would be matched with the mill levy rate to allow the District to collect tax proceeds to meet any increased community needs in the future.

The ballot initiative is not a tax increase. It would allow the District to maintain the current RAR, establishing a steady, predictable budget, and continuing to provide the community with life-saving services.

PRIOR ACTION:

N/A

FINANCIAL IMPACT:

There is no direct fiscal impact in supporting or opposing West Metro Fire Protection District Ballot Issue 7C.

RECOMMENDATIONS:

Staff recommends approval of Resolution No. 67-2018 to support West Metro Fire Protection District Ballot Issue 7C.

RECOMMENDED MOTION:

“I move to approve Resolution No. 67-2018, a resolution of City Council in support of West Metro Fire Protection District Ballot Issue 7C.”

Or,

“I move to postpone indefinitely Resolution No. 67-2018, a resolution of City Council in support of West Metro Fire Protection District Ballot Issue 7C, for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Marianne Schilling, Assistant to the City Manager
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 67-2018
2. West Metro Fire Protection District Ballot Issue 7C

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 67
Series of 2018

**TITLE: A RESOLUTION OF CITY COUNCIL IN SUPPORT OF WEST
METRO FIRE PROTECTION DISTRICT BALLOT ISSUE 7C**

WHEREAS, local government services are essential to the citizens of the City of Wheat Ridge; and

WHEREAS, the West Metro Fire Protection District (the "District") provides fire and life safety services for the city of Wheat Ridge; and

WHEREAS, West Metro Fire Protection District Ballot Issue 7C requests the electorate to allow the District to adjust its mill levy to offset revenue lost due to changes in the residential assessment rate pursuant to the provisions of the Gallagher Amendment within the Colorado Constitution; and

WHEREAS, the passage of West Metro Fire Protection District Ballot Issue 7C is crucial to the future of the District and the general health, welfare, and safety of its inhabitants and taxpayers by ensuring that the District maintains a reliable level of funding to continue providing adequate staffing as well as the necessary training and equipment to protect and serve the community at the highest standard; and

WHEREAS, City Council may adopt a resolution taking a position of advocacy on any ballot measure pending before the electorate; and

WHEREAS, City Council takes a position in support of West Metro Fire Protection District Ballot Issue 7C.

NOW, THEREFORE, BE IT RESOLVED by the City of Wheat Ridge City Council, that:

The City of Wheat Ridge supports West Metro Fire Protection District Ballot Issue 7C and urges a vote of YES this November.

DONE AND RESOLVED this ____ day of _____, 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

ATTACHMENT 1

West Metro Fire Protection District Ballot Issue 7C:

IN ORDER TO SUSTAIN ADEQUATE FIRE, RESCUE, AND EMERGENCY MEDICAL SERVICES, AND ONLY IN THE EVENT THAT THE RESIDENTIAL ASSESSMENT RATE IS REDUCED BELOW THE CURRENT RATE ESTABLISHED PURSUANT TO SECTION 3 OF ARTICLE X OF THE COLORADO CONSTITUTION, SHALL THE WEST METRO FIRE PROTECTION DISTRICT (DISTRICT) BE PERMITTED TO ADJUST ITS PROPERTY TAX MILL LEVY TO OFFSET ANY RESULTING DECREASE IN REVENUE, AND SHALL THE DISTRICT BE PERMITTED TO ADJUST ITS PROPERTY TAX MILL LEVY TO MATCH AND BE CAPPED BY THE REVENUE THAT WOULD HAVE BEEN COLLECTED BASED ON COLORADO'S STATUTORY RATE STUDY RECOMMENDATION, IF THE RECOMMENDATION IS ABOVE THE CURRENT RATE, FOR THE PURPOSES OF, BUT NOT LIMITED TO:

MAINTAINING EMERGENCY RESPONSE TIMES;

MEETING INCREASED DEMAND FOR VITAL EMERGENCY SERVICES;

PROVIDING SAFETY GEAR FOR FIREFIGHTER PARAMEDICS, SUCH AS AIR PACKS;

MAINTAINING ADEQUATE NUMBERS OF FIRST RESPONDERS AND FIREFIGHTER PARAMEDICS; AND,

PROVIDING TRAINING AND EQUIPMENT FOR LIFE-SAVING MEDICAL RESPONSE, WATER RESCUES, WILDFIRE RESPONSE, MASS CASUALTY INCIDENTS, AND OTHER EMERGENCY RESPONSE SERVICES;

WITH OVERSIGHT BY THE ELECTED BOARD OF LOCAL RESIDENTS, AND ALL FUNDS SUBJECT TO INDEPENDENT AUDITS PUBLISHED ON THE DISTRICT WEBSITE;

AND SHALL SUCH TAX PROCEEDS BE COLLECTED AND SPENT BY THE DISTRICT AS VOTER APPROVED REVENUE AND SPENDING CHANGES IN EACH YEAR, WITHOUT REGARD TO ANY CONSTITUTIONAL OR STATUTORY SPENDING OR REVENUE LIMITATIONS INCLUDING THOSE CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION AND SECTION 29-1-301, COLORADO REVISED STATUTES?