

**STUDY SESSION NOTES  
CITY OF WHEAT RIDGE, COLORADO**

**June 18, 2012**

Mayor Pro Tem Stites called the Study Session to order at 6:33 p.m. Council Members present: Davis Reinhart, William "Bud" Starker, Kristi Davis, Joyce Jay, Mike Stites, and Tracy Langworthy.

Members absent: Mayor DiTullio

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Public Works Director, Tim Paranto; Administrative Services Director, Heather Geyer; staff, and interested citizens.

Councilmember DeMott arrived at 6:40.  
Treasurer Larry Schulz arrived at 6:45.  
Councilmember Pond arrived at 6:50.

Citizen Comment    None were present

1.    Elected Officials' Reports(s)

Joyce Jay reported from the WR Business District on applications for grants.  
7174 W. 44<sup>th</sup> (new tenant Destination Dance) \$1,731.50 for accessibility improvements  
5560 W. 29<sup>th</sup> (restaurant) \$6,000 for façade and \$2,000 for architectural design  
6760 W. 38<sup>th</sup> (Cress Tile) \$6,000 for façade and \$2,00 for architectural design  
7174 W. 44<sup>th</sup> Ave. (Destination Design) \$324, reduced from \$1184 requested because  
of new business  
6190 W. 38<sup>th</sup> Ave for façade improvements

Davis Reinhart attended a meeting of the Sheridan Corridor Group. He brought up the issue of monuments at entrances. We have focused on large entry monuments, but we have neglected the minor entries to our City. He suggested we have a plan in place for these locations. There was consensus to address this at a future study session.

2.    Staff Reports

Mr. Goff reported on the progress of the Amplified Sound Ordinance. Staff is working on it but more questions have arisen and he isn't comfortable bringing it for first reading on June 25. He wants it to be done correctly. Mr. Dahl also reported he will have it ready for first reading on June 25<sup>th</sup>, but there are several places where Council's policy decisions are needed. Chief Brennan is also working on some issues about the cost of equipment and training. He favors a "reasonableness" clause over using objective criteria that may actually be harder to deal with. As these issues/questions arise it might be a problem getting it all ready for the packet deadline of Wed/Thurs this week.

After some discussion there was consensus to have a brief study session on it at 6:30pm prior to the regular council meeting on June 25<sup>th</sup>. This would allow for the first reading to be on July 9<sup>th</sup>.

### 3. Clarification of Use Tax Exemptions

Mr. Goff; Kathy Franklin, Sales Tax Supervisor; Brittany Scantland-Lall, tax attorney from Mr. Dahl's staff

This proposed ordinance is to clean-up inconsistencies that have occurred over the years on how we apply our use tax code with city projects. Kathy Franklin explained that the wording in our code is written in such a way as to not allow exemption from use tax on construction materials and supplies/equipment for city, quasi-city and public school projects. We have been allowing this exemption for many years, but it is against current code and very confusing for diligent tax managers. Staff recommends changing the code to reflect what the City is already doing. There was consensus to bring this code change forward.

### 4. Sight Triangle Regulations

Ken Johnstone explained sight triangles to Council. Private property boundaries are often hard to locate in the field, so it becomes difficult to determine whether corners are in compliance or not. We don't have consistent property lines in Wheat Ridge because of the way our community developed, and it's too expensive to ask property owners to get a survey – which the current code actually requires.

This ordinance has been a team effort between field code officers, public works and staff to provide safe standards while offering practical ways to implement them. It gives the code staff and property owners things that are easy and visible and measurable, such as the edge of the asphalt, the curb and gutter, or drainage flow lines, to make their job easier. It also actually provides for less distance, less of a standard, so in many cases that will be friendly to property owners.

Another significant change, based on national standards, would increase the clear height requirement (for clearing branches) at the top end from 84 inches up to 96 inches to address visibility for taller trucks and SUV's.

The ordinance also aligns the fencing requirements for swimming pools. Currently our requirements in the building code are different than the ones in the zoning code, so staff is proposing we use the national standards and eliminate our own.

In response to questions from Council Mr. Johnstone reported that

- Staff does not anticipate this will create lots of non-conforming situations, and may in fact result in fewer non-conformities. But there is no grandfather clause so a violation will still be a violation. That said, there is allowance for field discretion by officers for reasonableness and fairness. e.g. A landscape issue

may well be treated differently than some form of structure that the owner obtained a building permit for in the past.

- The vertical clear zone is mostly triggered by semi's -- which may require the trimming up of deciduous trees.
- Safety hazards caused by vehicles parked on a public street are issues for Public Works and traffic standards; they are not included in this ordinance. It would however restrict property owners from creating within the sight triangle an area *on their property* for parking cars.

Mr. Goff said this is scheduled to come before the Planning Commission on July 19<sup>th</sup> and is scheduled for Public Hearing before Council on Aug. 27.

#### 5. Aging Needs Plan – Nathan Mosely

With an "age wave" coming and the fact that Wheat Ridge already has a significant senior population, the Council decided at their recent retreat that they want to address senior needs. Nathan mentioned that senior needs are being addressed metro wide and at the county level. Jefferson County has already conducted a detailed community assessment survey for older adults. The first recommendation is that we can save money by using the Wheat Ridge-specific data that Jefferson County already has. City staff will conduct an internal assessment of our strengths and weaknesses using tools from a DRCOG pilot program. This will help us move forward in examining how well we are providing for seniors and provided us with a tool kit for addressing unmet needs

Nathan's second recommendation is that we engage the community by creating a stakeholders group of interested citizens that would review the county report to make sure that the wishes and ideas of Wheat Ridge seniors are included and understood. They might gather additional data and DRCOG can provide speakers on different specific areas like accessibility, walkability, safety, services, etc. He recommends that this group create a long term plan to address senior needs for the next 3-5 years and have it ready by the 2<sup>nd</sup> quarter of 2013. The take-away will be a report detailing action items the City can implement to improve services for seniors.

He suggested that rather than a formal process for appointing citizens to this committee, an informal group of 15-20 citizens would make a good working group.

There was consensus to proceed with an informal process.

#### 6. Run-Off Election Experience and Future Recommendations

Election Commission member Lloyd Levy said that the report was created last December following the runoff and the new commission met in April to make recommendations. There was consensus by Council that individuals involved in the

process be allowed to speak. Clerk Shaver complimented the previous Clerk and Election Commission on a job well done. The report was authored by Lloyd Levy with input from former clerk Michael Snow and former election commissioner Peter Marks. Clerk Shaver highlighted the main areas addressed in the 2011 Runoff Election Report. Of interest is the fact that Wheat Ridge's share of the original November 1 coordinated general election was only \$7,500, while the runoff for clerk on Dec 13 cost the City about \$37,000. Contributing to the cost was the mailing of ballots to inactive voters. Almost half of the 7,000 ballots mailed to inactive voters were returned as undeliverable. Of the almost 4,000 inactive voter ballots that were delivered only 65 ballots were cast.

The circumstances requiring a runoff election have happened 3 times since the Charter was adopted – this past election of 2011 and twice in years past for mayoral races. The Election Commission has three options for Council to consider.

Option 3 is to do nothing -- leave the Charter as is and handle each election as it occurs. This would happen every 2 years when the mayor, clerk or treasurer are elected, and require regular budgeting of extra funds for this possibility.

Option 2 is to ask voters to change the charter to provide for Instant Runoff Voting, also known as preferential voting. Preferential voting (ranking candidates #1, #2, #3, etc.) is rather untried. Aspen and Boulder have tried it and report it was very confusing for voters and was a troublesome procedure. Additionally, the Jefferson County Clerk's equipment and procedures do not accommodate this procedure. The financial impact for counting this type of election results would be borne by the City.

Option 1 is to ask the voters to change the current Charter language so that the mayor, clerk, and treasurer are elected in the same way councilmembers are, i.e. whoever gets the most votes wins. "...shall be elected by a majority vote of the electors ..." would be changed to "The candidate with the highest number of votes..."

Given the very large financial cost for any future runoff elections for citywide offices, the current Election Commission recommends unanimously that City Council proceed with Option 3. Mr. Dahl noted there is ballot wording possible that would require only one ballot question for the voters – not three separate ones.

Following a brief discussion Council arrived at a consensus to proceed with Option 1.

The study session was adjourned at 8:10 p.m.

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Janelle Shaver, City Clerk