

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
May 21, 2018

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

Councilmembers present: Monica Duran, Kristi Davis, Tim Fitzgerald, Zachary Urban, Larry Mathews, Leah Dozeman*

Absent George Pond, Janeece Hoppe
Arrived late * 5 minutes

Also present: City Attorney, Gerald Dahl; Deputy City Clerk, Robin Eaton; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Police Chief, Daniel Brennan; West Metro Fire Chief Don Lombardi, interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

There were no citizen comments.

1. West Metro Fire District Update – Patrick Goff

Chief Lombardi spoke on updates that are changing at the West Metro Fire Department. West Metro Fire Rescue is a full service, all hazard, internationally-accredited fire and rescue agency, headquartered in Lakewood, Colorado with crews at 17 stations.

The District covers more than 108 square miles in two Colorado counties and serves nearly 280,000 residents in the cities and towns of Lakewood, Morrison, Golden, Wheat Ridge and Edgewater.

Rated on a scale of 1-10 with 1 being the best, West Metro Fire Rescue was recently awarded a Class 1 ISO rating. The highest level recognized nationally by the Insurance Services Office. The rating is a gauge of a fire agency's ability to serve its residents and business owners, and is awarded based on a number of key factors including staffing, apparatus, training, 911 communications and water supply.

There are only 60 agencies in the United States that have an ISO rating of one and are internationally accredited. This rating also helps the insurance rates for everyone, including homeowners, which can mean up to \$200 yearly savings on their rates. For businesses or homeowners in West Metro's district, the Class 1 rating is expected to result in millions of dollars in savings on property insurance.

Business owners should be able to save 2-5% on their commercial rates which should be an added bonus on bringing businesses here.

There is a new service being provided which is an ARM car, advance resource medic car. Along with other benefits, these cars help our fire based EMS either transport people to hospitals better or can treat patients on-site with things like lab work, sutures or with prescriptions. These cars are also a better way to bridge the gap for patients being helped at their location, rather than an emergency room visit.

Discussion followed on the various items and topics:

Councilmember Duran would like to have a link on the City's website for the West Metro Fire Department, so that our citizen can see their ratings and services being provided.

Councilmember Duran would like an update of the proposal between West Metro and the urban renewal board.

Chief Lombardi responded that as most of their revenue, being a single resource, comes mainly from property taxes. They wanted to have a more concrete and up to date agreement for in the past Urban Renewal would get 100% of the tax increment finance. West Metro had sent a proposal over and looking at their counter and there are some elements that might make it workable for West Metro.

Councilmember Duran thanked the Chief for their service and requests to have a copy of the proposal.

Mr. Goff responds that after the contract is settled, the City Council will receive a copy of it.

Councilmember Urban asks how the opioid addiction crisis and how it's affecting West Metro and what they've had to deal with in that regard.

Chief Lombard replies that West metro has used Narcon for a while now, to help take away the effects of the opioid. They work with the police department in collaboration on how they can administer it. There is very much of a problem here but from a West Metro standpoint is that currently they can manage the capacity. For the long term it is up to you to decide on how things go for the future of the community. For the fire department side, we're going to have to make some tough choices. In other places like Vancouver there are public places where people go to shoot up. People can get the medicine to counteract the drug overdoses but it is not the same as saving a life or cutting down the problem.

2. Electric Security Fences Special Use Permit – Kenneth Johnstone

The consensus direction from Council at the May 7 study session was for staff to draft an ordinance that would allow such fences to be permitted in certain parts of the City upon review and approval of a special use permit.

Historically, the staff has interpreted electric fences to be a prohibited fence type. Chapter 26-603 of the Code defines various types of permitted fences, including: masonry walls, ornamental iron, woven wire and chain link (with some limitations), wood, hedges, and barbed wire (with some limitations). The code also defines fence types prohibited as any fence, if in the opinion of the chief building inspector, public works director or chief of police that would constitute a hazard to the health or safety of any person. Based on this language, electric fences have been treated as a prohibited fence type.

As directed at the study session, the City Attorney has drafted an ordinance amending Chapter 26 of the Code to allow electrically charged fences, at a maximum height of 9 feet, through review and approval of a special use permit application.

Staff felt it would be appropriate to somewhat limit the scope of where such fences could be installed in the City. The special use permit review process in itself is limiting. Each such application needs to be evaluated relative to the extent which said application is consistent with the nine criteria for review found in Section 26-114. Further, we have proposed that they be allowed only in the following zone districts: Commercial-One, Commercial-Two, Industrial/Employment, Planned Commercial and Planned Industrial. In defining electrically charged fences, staff's draft language also suggests such fences are permitted where necessitated by a demonstrated need for heightened security due to the nature of the use surrounded by the fence, based upon such circumstances as excessive criminal or theft activity and the like.

Discussion followed. Areas of concerns and comments included:

- What would be the definition of excessive criminal activity, what is the threshold
- What type of fence would need to be erected with another type of perimeter fence
- If an ordinance were to be adopted, could or should it list the types of qualifications that a primary or secondary fence will need to be

Consensus to bring draft ordinance forward to the planning commission and to Council meeting, first public City Council hearing to be held on June 25.

3. Clear Creek Crossing Financial Agreement - joint meeting with WRURA – Patrick Goff

Evergreen Development Company is proposing to develop the Clear Creek Crossing site as a mixed-use development including employment, residential, commercial and lodging uses and has submitted a request for public financing to assist in the construction of public improvements for the project. The City contracted with Economic and Planning Systems (EPS) to complete a review of the estimated public revenues generated by the project as well as a review of the estimated public revenues necessary for the project to achieve financial feasibility.

There are still a number of next steps that are necessary in order to provide the City Council with the information necessary in order to fully evaluate Evergreen's request for public financing. The following is a list of additional approvals required to move this project forward.

1. IGA between the City and the Longs Peak Metropolitan District (the District) for Construction of the I-70 and 32nd Avenue Interchange – Approved March 26, 2018

This IGA assigns roles and responsibilities for actual construction and funding of the I-70/32nd Avenue interchange. The District will provide pre-construction services, bidding and contracting and construction of the improvements in accordance with the requirements of this IGA with the City.

2. IGA between the City and the Colorado Department of Transportation (CDOT) to Approve a Contract with CDOT for Construction Oversight and Maintenance Responsibilities Associated with the Interstate 70 and 32nd Avenue Interchange Improvements – Approved March 26, 2018

This IGA approved a contract with CDOT for construction oversight and maintenance responsibilities associated with the I-70/32nd Avenue interchange.

3. IGA between the City and the District for Hook Ramp Cost Reimbursement – Approved March 26, 2018

The City has \$10 million available from 2E bonds to pay for all costs related to the project. Actual costs will not be known until bids are received for the project this spring and the work is actually completed. The City is responsible for all costs for the project exceeding \$10 million. This Agreement sets forth the terms by which the District will reimburse the City for project costs that exceed \$10 million.

4. Termination and Release of Annexation Agreement – Scheduled for June 25

On December 20, 2004, the City entered into an Annexation Agreement with Cabela's Retail Inc. and Coors Brewing Company, which included a proposed planned commercial district for development of approximately 230 acres of property. Evergreen Clear-Creek Crossing L.L.C purchased a certain portion of the property in 2016 and the City approved an Official Development Plan on March 26, 2018 for a mixed-use commercial development, which is in conflict with the proposal outlined in the Annexation Agreement. The City and Evergreen agree that the Annexation Agreement should be terminated in order to avoid any confusion about the development of the property.

5. Termination of the 2006 IGA between the City and the District – Scheduled for June 25

On December 11, 2006 the City and the District entered into an IGA concerning the financing and construction of public improvements necessary for the development of a planned commercial project anchored by a Cabela's superstore. Development of the property and public improvements subject to this IGA were not completed. The City, the District and Evergreen will enter into a Public Finance Agreement setting forth terms for the financing and construction of the public improvements for the Clear Creek Crossing project

6. Ordinance Providing for an Admissions Tax Credit, a Sales Tax Credit and a Lodging Tax Credit Against Certain Public Improvement Fees Paid at Clear Creek Crossing – Scheduled for 1st reading June 11; Public Hearing June 25

The City will consider entering into a Public Finance Agreement (PAF) with the District and Evergreen concerning the finance and construction of certain public improvements in association with the Clear Creek Crossing project. The PAF contemplates the City sharing a portion of the sales tax, lodging tax and admissions tax revenues with the District to finance the construction of public improvements for the project. This ordinance will grant credits against these revenue sources that will be shared with the District for payment of the bonds issued to construct those public improvements.

7. PIF Collecting Agent Agreement – Scheduled for June 25

This Agreement appoints the City as Collecting Agent for purposes of receiving, collecting, administering, remitting and disbursing all PIF revenue paid pursuant to the Public Finance Agreement. Under this Agreement, the City accepts the responsibility of receiving the PIF revenue and, after deduction of a collection fee, submitting the PIF revenue to the District for payment of the bonds issued to construct the public improvements for this project.

8. Public Finance Agreement – Scheduled for June 25

The City will consider entering into a Public Finance Agreement (PAF) with the District and Evergreen concerning the finance and construction of certain public improvements in association with the Clear Creek Crossing project. This IGA will supersede and replace the financing terms set forth in the 2006 IGA.

9. Amended and Restated Longs Peak Metropolitan District Service Plan – Scheduled for June 25

Metropolitan districts in Colorado have become a common tool for financing the public infrastructure portion of large development projects. All special districts in Colorado organized under Title 32 of the Colorado Revised Statutes are required to file a service plan with the City in which the district is proposed. City Council approved the original Service Plan for the District on March 13, 2006. That Service Plan was specific to the proposed Cabela's project which was never completed. An Amended and Restated Service Plan is required for the Clear Creek Crossing project.

Representing the Economic and Planning Systems (EPS) were Andrew Knutson and Tim Morzell whose company is a full service economic consulting firm with some areas of expertise to include market analysis, fiscal modeling and public financing.

Goals of EPS include

- Project viability for the developer with construction in the near term
- Expansion of employment opportunities in Wheat Ridge
- Expansion of the economy and the city's fiscal base
- Fair contribution from both the public and private sectors

Criteria includes:

- Roll of public financing to help the developer achieve a reasonable return
- Eligibility in terms of application to funds
- A proportional division of proceeds in terms of what's fair

Variables include:

- Use tax
- Property values used to generate the urban renewal authority revenues
- Internal property sales

In closing for the first half of the analysis EPS will need to find out a little more what the priorities are for the community, how hard you are willing to fight for those and what are the community benefits.

Mr. Knutson has questions at this point and feels that the ask from developer is a bit high and a bit higher than normal. Without the hook ramps being included, it is identified as a \$40 million dollar project, with half of those coming from the bond project. 50% is a little larger than most developers need so is the proportion reasonable.

The other is the duration of time as ten years or fifteen years for URA deals is normal. This is longer at 30 years or the full duration of the bond. The developer has made it very clear that they need a 20 million dollar bond and this is the goal of theirs.

Mr. Rogers from the Urban Renewal Board initial perspective is that the work done by the bond council is consistent with previous projects so strategically we seem to be on line here as well.

Discussion followed. Areas of concerns and comments included:

- Explain why there is not a sunset clause for the bond.
- Clarify the revenue flows between the city, URA and the developer.
- Who is going to repair the roads and infrastructure for 30 years.
- Find a middle ground for these new cities to cover the costs and be fair to the taxpayers
- How much of the revenues are going to the URA and the City of Wheat Ridge

- What is the total project cost
- How much is the Developer putting into the project
- What role do they play and how do you move the metropolitan district out of the project
- Explain the Developer Merchandise Tax add-on of one half percent
- Who is going to pay for the site development costs
- Concern with the summary of project costs and over budget
- Why use Mortenson for general contracting and not companies like Ames or Kiewit

Mayor Starker thanked everyone who attended the meeting and apprised everyone that the next meeting on this topic will be at study session on June 4.

4. Opioid Litigation – Patrick Goff

The law firm of Speights & Worrich contacted the City recently to determine if the City had an interest in joining the national opioid litigation. Councilmembers Hoppe and Duran asked that this item be brought forward to a study session for further discussion.

Andrew Newcomb and Samuel Mitchell from the firm that represents many local municipalities here and multiple entities across the country in a national litigation lawsuit. The State of Colorado is not currently taking action at their level so individual counties and cities are retaining counsel for this litigation.

The opioid epidemic has been called the worst drug crisis in American history. It is estimated that between 26.4 million and 36 million people abuse opioids worldwide. The epidemic has hit nearly everyone, regardless of race. Every racial demographic has seen more overdoses since 1999, with heroin spiking especially in 2010.

Communities across the United States have shouldered real costs in trying to combat the opioid epidemic. The annual estimated economic burden of prescription opioid abuse in the United States totals \$78.4 billion. This breaks down to an average aggregate distribution as follows:

Lost Productivity: \$42 billion up 53.3%; Health Insurance: \$26.1 billion up 33.3%;
Criminal Justice: \$7.6 billion up 9.7%; Substance Abuse Treatment: \$2.8 billion up 3.6%

Council questions

Councilmember Duran asked for a description of the litigation.

With over 500 lawsuits filed across the nation the litigations primary focus at this time is for injunctive relief against manufacturers, distributors and retail pharmacies of prescription opioid narcotics. The allegations are that they mis-branded, mis-marketed, and mis-produced sides as it relates to opioids. They stated that opioids were safer

than nsaid, as nsaid will cause renal failure but opioids will just constipate. One of the largest distribution centers that is located in Aurora paid a landmark fine of \$150 million for violating the Controlled Substance Abuse act. Even though that is a large amount, they make one hundred million dollars a week. Discussion followed.

Areas of concerns and comments included:

- Would the city have any financial obligation if we joined the lawsuit
- Would City employees medical information remain confidential
- How does the City establish standing, damages and the amount of those damages
- Would this lawsuit only be for the City workers or the citizens in general
- Why not go after the doctors that prescribe the opioids (the response this item would only be able to happen in executive session)
- What are the cost to the city to gather the information versus the return from litigation
- What kind of harm from opioids is seen in our community and does it justify entering into this litigation
- It promotes the public good and we should proceed in it.

Councilmember Duran calls for a consensus for the City to join in the nation opioid litigation; consensus passes by a majority.

Mayor Starker calls for a recess at 8:39 pm.

Meeting continued at 8:46 pm.

5. NRS Steering Committee Selection Process – Patrick Goff

City Council identified an update to the 2005 Neighborhood Revitalization Strategy as a major priority in the current Strategic Plan. The 2005 NRS represented a community conversation, and consensus, about the City's competitiveness and what to do about it. The City entered into a contract with czb LLC for an update to the 2005 NRS that will include an extensive public outreach effort to determine how the City makes the most of the assets it has resurrected, nurtured, invested in, grown and must now optimize and to answer the question, What does the City want to be in the coming decades?

The NRS report's primary conclusion was that for the City to regain its strength and reinvent itself as a thriving, economically-diverse community with broad commercial and residential opportunities, Wheat Ridge needed to overhaul how the City and residents manage change, and develop methods to regain the share of strong households that has been lost over the past 25 years. The NRS provided nine strategies to help accomplish these goals and recommended that the City create the non-profit organization, Wheat Ridge 2020, now referred to as Localworks, to assist in its implementation.

The Report recommended the nine following strategies:

1. Develop new market rate housing at key locations throughout the City
2. Acquire, upgrade, and sell out-of-date housing stocks throughout the City
3. Improve existing multi-family rental property throughout the City
4. Redevelop the Wadsworth Corridor
5. Develop West 44th into an Orchard District
6. Accelerate and shape the development of 38th Avenue
7. Develop a Town Center
8. Continue the development of Wheat Ridge Open Space
9. Develop signage and enhance gateways and general appearance (beautification)

Staff recommends City Council follow the guidelines presented by czb to select and impanel a Steering Committee by July 1, 2018. The following steps are recommended:

1. Create a Steering Committee application that will enable City Council to identify, recruit screen and select qualified individuals based on the parameters outlined in czb's "Building a Steering Committee" guidelines – Deadline May 28
2. Distribute and promote broadly the application in the Wheat Ridge Transcript, Facebook, the City website and other social media outlets, and through word-of-mouth – Applications due June 22
3. Selection of Steering Committee
 - a. Option #1 – Staff and czb select a slate of candidates based on the parameters outlined in czb's guidelines. Submit slate to City Council at the July 9 regular meeting for approval
 - b. Option #2 – City Council selects a committee of councilmembers to review the applications and present a slate of candidates to the entire City Council for review at the July 2 study session and/or approval at the July 9 regular meeting
 - c. Option #3 – The entire City Council reviews the applications at the July 2 study session and selects a slate of candidates based on the parameters outlined in czb's guidelines for approval at the July 9 regular meeting
4. Once the Steering Committee is selected, czb will schedule a kick-off meeting with the Committee in July to confirm project details and set expectations for the process.

Discussion Followed

Councilmember Dozeman inquires on one of the nine strategies about what is meant by developing west 44th avenue into an orchard district.

Mr. Goff replied that this was a strategy that was recommended back in the original 2005 NRS. The vision back then was to try and create that type of setting, for the many markets and garden centers located in the surrounding area. The Steering Committee will help to have that discussion with community, for what the next NRS strategy priorities will be.

Councilmember Duran would like to have an additional item for affordable, obtainable housing added to the list.

Mr. Goff answers that this list is just a background from the old NRS reports and the new NRS is an open table as to what it might be in the future.

Councilmember Fitzgerald feels that option one is the best as time is of the essence for July is not that far away. The other options take too much time to narrow down the procedures that maybe done with the same old faces.

Councilmember Dozeman feels that option three would be the best one, especially as the entire city council will review the applications. All of the options have the same date and would be nice for the city council to weigh in and not just staff or a few councilmembers.

Councilmember Duran also likes option three as councilmembers know which people are involved in the community.

Councilmember Mathews prefers option three.

Councilmember Davis likes option three but is in question as to how many people each district will have for appointments. Can they all have the same amounts, maybe some at-large appointments or mayoral appointments? There needs to be a bit more structure in the process and the application as well.

Councilmember Davis motions for a consensus to move forward with option 3c and that we work on an application with parameters on it, will publicize it and will start getting work done on it; consensus passes.

6. Staff Report(s) – none

7. Elected Officials' Report(s)

Lea Dozeman congratulates all the Wheat Ridge High School Seniors that graduated last week. They all did a fantastic job and are very important to our community.

Mayor Starker wanted to thank Lutheran Medical Center for hosting the Governor of the State of Colorado, to sign some important legislation in our city.

ADJOURNMENT: The Study Session adjourned at 8:52 p.m.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON JUNE 11 2018



Tim Fitzgerald, Mayor pro tem