

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
December 3, 2018

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

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

Absent: Monica Duran, excused

Also present: Deputy City Clerk, Robin Eaton; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Division Chief, Dave Pickett, guests and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Rachel Hultin spoke on two agenda items, one being the recent Bel Aire neighborhood subdivision which was heard last week at council. The other is the recently vacated treasury position. The city charter gives us direction for elected positions and maybe it's a good time to re-visit the charter. She hopes that council will appoint and fill the position until the end of the term. Second, our community has neighborhoods that we have seen that are very beloved to them. Please be clear about changes to them, to help retain their character and quality as a way to help preserve them.

Connie Burg stated that Bel Aire is a lovely neighborhood, a delightful place. We should be preserving it and anytime a change comes up, the neighbors should have say in those changes. Notify the neighbors by a variance instead of an administrative approval. She wishes to have administrative approvals modified and that subdivisions should go to council and is opposed to having special overlay pocket areas in the city.

Public Comment was closed after there was no one else who wished to speak.

1. Family Justice Center Update – introduced by Dave Pickett

Senior Deputy District Attorney Candace Cooledge and former Undersheriff Ray Fleir, gave presentations to City Council with updates for the opening of the proposed Family Justice Center for Jefferson County, now known as Porchlight. Members of the Wheat Ridge Police Department continue to be involved as subcommittee members on this project.

Porchlight now has a business plan, helped through Jefferson county business resource center, and a mission statement. The furniture donations and seed money have been gracious and are very much appreciated.

They also received an OVW grant, to help fund employee positions which includes a navigator position. That person helps guide people to services and contracts for child care at the center. Their new location at 11100 West 8th avenue (Quail) in Lakewood will also have space for law enforcement services, which is an integral part of the success for family justice centers.

A great place to follow their journey is their new website located at www.prochlightjc.org

Discussion and questions from Council followed:

Mayor Starker thanked them for their presentation and was thrilled on the great progress that they have made. That included how far the Porchlight vision has come in a years' time.

Councilmember Pond thanked them as well and asked for a copy of their business plan. (Also attached to these minutes)

Councilmember Mathews asks about future funding requests and gives them information about the cities outside agency board for requests as he wishes them the best.

2. Memorandum of Understanding to join the Colorado Electronic Crimes Task Force - Darrel Guadnola, New Investigations Bureau Commander

Introduced by Dave Pickett, new Commander of the Wheat Ridge Police Department Investigations Bureau Darrel Guadnola, gave information on how the department is behind the curve when electronic forensics analysis is involved. He spoke about how the Intergovernmental Agreement (IGA) has been formulated between the United States Secret Service (USSS) and the City of Wheat Ridge for the purpose of allowing the Wheat Ridge Police Department to join the Colorado Electronic Crimes Task Force (CECTF). This ad-hoc task force provides forensic computer investigation capability and network investigative response to its law enforcement community members.

Once membership is confirmed, the USSS is empowered to provide funding for overtime and equipment to CECTF partners, asset forfeiture for joint investigations with task force partners, and training at the National Computer Forensics Institute.

Discussion and questions from Council followed:

Councilmember Urban asked if there had been any past experiences where the City was unable to move the cases forward without outside help.

Councilmember Mathews stated that computer crimes are difficult as much of it occurs out of state per se so how he asked when it can be addressed locally versus federal.

Councilmember Dozeman asked what the process is for applying to this program and any certain criteria that is attractive.

Motion for a consensus by Councilmember Urban to move forward with executing the memorandum of understanding between the City of Wheat Ridge and the United State Secret service passes unanimously.

3. Revision to West Metro Drug Task Force IGA - Dave Pickett

Division Chief Dave Pickett reported that changes in the way the Federal Government handles asset forfeiture has required that the funding model for the West Metro Drug Task Force (WMDTF) be reconsidered. A new Intergovernmental Agreement (IGA) is required between the participating agencies; the Jefferson County Sheriff's Office, the First Judicial District Attorney's Office, and the cities of Arvada, Lakewood, Golden and Wheat Ridge outlining the new funding model.

There will be no substantive fiscal impact as the Wheat Ridge Police Department will continue to pay the salary and benefits of its team members assigned to the WMDTF. The opportunity for asset forfeiture funds to be awarded to WRPD remains; however, the mechanism by which those funds are requested and delivered will change. These funds are contained within the City of Wheat Ridge Fund 17, the Police Investigation Fund.

Discussion and questions from Council followed:

Councilmember Hoppe has concerns with the new manpower increases for this program and asks if the award will be higher because of it, than in the past.

Councilmember Urban asks which funds for forfeiture would go outside operations and taskforce operations, or to delineate it, which funds go to the city and which would go to the task force forfeitures fund.

Councilmember Davis asks for more information about staffing, polls and divvying the funds out by percentages or is it a case by case basis.

Councilmember Mathews inquires about who provides oversight to make sure the funds are not mishandled and everything is kept above board.

Mayor Starker states that it is an Intergovernmental agreement that requires it be heard, and asked for a consensus to bring it to council on December 10, which passed unanimously.

4. Moratorium on Administrative Subdivisions in Bel Aire -

Director Ken Johnstone spoke how at the October 22, 2018 City Council meeting, Council adopted a temporary moratorium on the “acceptance, processing and approval of building permits for the construction of single family residences in the R-1 zone district within subdivisions approved administratively.” The ordinance was adopted as an emergency, going into effect immediately and expiring on January 20, 2019, unless further extended by additional City Council action through approval of a non-emergency ordinance.

At the November 5, 2018 Council study session, in response to some of the issues raised at the October 22 meeting, staff presented possible options for taking action to make regulatory changes to the City’s subdivision and/or zoning regulations. At that study session, Council also provided consensus to reconsider the moratorium ordinance on the agenda for the next regular Council meeting, November 26. At the November 26, 2108 City Council meeting, Council voted to reconsider the ordinance and then voted to indefinitely postpone said moratorium, effectively making it null and void.

Following that action at the November 26 meeting, City Council adopted an alternative emergency ordinance, placing a 90-day moratorium on the acceptance, processing and approval of any administrative subdivision applications in the Bel-Aire subdivision, for the purpose of evaluating code sections relative to administrative subdivision approvals.

Discussion and questions from Council followed:

Councilmember Mathews questioned on how a 3 lot subdivision is quasi-judicial and how can it be appealed if denied. Suggests that 1-5 subdivisions go to planning commission with hearings and notice be given to the community.

Councilmember Urban would be supportive of a measure limiting or eliminating the use of flag lots and if requested, they would be brought before the planning commission or city council.

Councilmember Dozeman would like to see public notice given to the neighborhoods for either minor or major subdivisions, whether or not it goes to planning commission or to council.

Councilmember Pond questions what is required by the application for a subdivision to document the architectural intent or geometry to show how the lot is going to be divided. Is it an actual architect drawing, is it in code or is it in general administrative practice and cautions against neighborhood review boards.

Councilmember Fitzgerald stated that there is a flag lot that is located behind him is not a problem, even if it were reviewed today. It’s not a problem for anyone and is concerned that the 90 day ordinance that is not treating people equally. People have a right to expect equal treatment under the law and people, as a general rule, are negative about any changes.

Councilmember Davis feels that notice should be given for subdivisions and asks what is common to other home rule areas that are being subdivided. Is notice or hearings standard practice by other jurisdictions and to what extent of processing are they required to adhere to.

Councilmember Hoppe tied part the conversation into the ADU and bulk plane issues, wishing that the entire policy could be looked at. If these went together, hand in hand, then the flag lots could be more defined and looks to possibly changing those specifications during a policy review.

Discussion and questions from Council continued

Mayor Starker looks to have a government of laws, not a government of men and women. At our disposal should be the tools to objectively look at these types of situations. We need to have done the homework, and created the lawful course of action and that course of action should be clear and distinct. At hearings, we sit as jurors to apply the facts and decisions that honors the law, including the property rights that are held by all.

Councilmember Mathews asked for a consensus for staff to move forward eliminating administrative subdivisions and all general subdivisions approvals go to council; consensus failed.

Councilmember Urban asked for a consensus that if it's a flag lot with minor subdivision then it has to go in front of council. If there is no flag lot then it will be considered an administrative subdivision; consensus fails.

Councilmember Dozeman asked for a consensus to direct staff, with no timeframe, to begin looking at overlay zones are possible and how they would look throughout the city; consensus passes 4-3

Councilmember Pond asked for a consensus to actively look at a calendar of work either from the NRS group or others, to have future discussions and allow the emergency ordinance to expire; consensus fails 4-3

Councilmember Fitzgerald asked for a consensus to do nothing on the item for the temporary moratorium; consensus fails 4-3

Councilmember Urban asked for a consensus to draft an ordinance that within the administrative subdivision process, if a flag lot is being requested that it be sent up to the planning commission for review; consensus passes 5-2

5. Appointment of City Treasurer –

Councilmember Davis discussed multiple topics on the appointment of a new city treasurer whose words are about the position and not the people. She had worked with several different treasurers and spoke on the position of an elected city treasurer usually being held only in smaller jurisdictions. She spoke about some of the recent

discussions to possibly make it an employed role while it's in transition, along with other items that included pay scale, staff oversight and reporting requirements.

Councilmember Mathews reminds everyone that the city is charged to have a treasurer, that was voted on by the constituents and it is up to us to make sure the position is filled. If there is to be a change in the charter, it can happen at the next general election.

Councilmember Urban says to look at charter for it says shall and not may, so we need to make an appointment. Some of the things to look at are:

- What is the role of the treasurer
- What are the costs, what are the benefits
- What functions can be done at the staff level.

Giving the voters a chance to make that decision is a way to keep the charter healthy, vibrant and balanced.

Councilmember Hoppe said those are points that are very much worth discussing but we cannot bring it to a popular vote at this point. Possibly the hours spent in office needs to change or the rate of pay for the position can be part of the dialogue.

Councilmember Dozeman finds the conversations very interesting and agrees that it should be something scheduled on the calendar to study. Some of the study points include:

- The value and duties of the position
- Possible ballot item in the future to keep it an elected position.

As an elected officials position, we have the obligation to fill it with a qualified person that has general knowledge and base. There is a short timeframe to take the reins and continue moving forward.

Councilmember Fitzgerald does not believe that the charter requires us to fill the position, and staff cannot make any decisions on how much or who gets paid. Treasurers essentially have one decision to make and that's where to put the money. Those must be in approved places and cannot be wildly speculative. If we wanted to try and get along without one, now would be a great time for a trial period. The citizens will tell us what they want, when it comes to a vote on the charter.

Councilmember Pond thinks the time is right to size up the job and the compensation part of can be looked at as well. One of the concerns is finding a person that can take the job and not have it be a conflict of interest. Right-sizing the expectations and defining the job, along with and the compensation can all be discussed.

Discussion and questions from Council followed

Mayor Starker says we are obligated to appoint someone to fill the position and there is no option to it. The Mayor reviews all of the treasurer's disbursements so there is

oversight to this position. If the council is going to revise this positions role, then they can also make the compensation commensurate with that role.

Councilmember Davis asks for a consensus to appoint a treasurer and the council can review the position and salary, with Mr. Dahl's decision to see if the salary change can be made immediately or needs to be done at the next election; Consensus passes

Discussion and questions on the timing of the application being let and pay concerns from Council followed

6. Staff Report(s)

Mr. Goff reported on some of the updates on the G-line, in reference to the Federal Railroad Administration reports on possibly shutting down the A-line.

7. Elected Officials' Report(s)

Mayor Starker thanked everyone who showed up at the Christmas tree lighting last Saturday night. There was a lot of fun things happening along with a lot of great people who showed up. He went on to thank the City for helping to put it on, as well as the MacDonald group at Keller Williams, Localworks, and Lutheran Medical Center for being key sponsors.

ADJOURNMENT: The Study Session adjourned at 9:41 p.m.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON January 14, 2019



Janeece Hoppe, Mayor pro tem