

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

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

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

Absent: George Pond, (excused), Monica Duran

Also present: Deputy City Clerk, Robin Eaton; City Manager, Patrick Goff; City Attorney, Gerald Dahl; Community Development Director, Ken Johnstone; Economic Development Director, Steve Art; guests and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Julie McLean WR requests that she be allowed to run her business as the way that she intended to. Unfortunately that is not the way that dog pens or runs are being interpreted by the City of Wheat Ridge. She intended that there would be outside play areas for the dogs to get exercise and to operate it as a daycare and training facility. Ideally the dogs should feel like they are at home, as their owners intended to, but be able to go outside to the bathroom or for exercise.

Alecia Cope of Lakewood is a client of the previous speaker who both supports her and uses the day care for her energetic pup. She uses the daycare for full time or part time drop offs and really likes the model that she has and hopes that council finds some way so that she can continue her business.

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

1. Rocky Mountain Bottling Business Development Zone Agreement

The Rocky Mountain Bottling Company (RMBC) has submitted a request for a rebate of use tax pursuant to the Business Development Zone (BDZ) Program in Section 22-85 of the Wheat Ridge Code of Laws. RMBC has paid a total of \$1,050,000 in use tax to the City associated with the first phase of a multi-million dollar renovation project of their plant located at 10619 W. 50th Avenue in Wheat Ridge.

Staff Report

Steve Art spoke about participation in the program that will help the RMBC plant compete internally for limited allocation of capital dollars. Plants that can implement a project in the most cost-effective manner are best positioned to secure funding from the JV partners. Facility financial metrics impact which plants receive new investment, including ROI, cost structure and profitability. Economic incentives favorably impact

these metrics by reducing operational costs and improving ROI. In this case, a favorable use tax rebate from the City is particularly important to reduce project costs given the challenging market conditions and to offset competitive operating cost disadvantages impacting the facility ROI.

Staff recommends a twenty-five percent (25%) rebate on the \$1,050,000 in use tax paid by RMBC which equates to an approximate rebate of \$262,500 for the following reasons:

- The project will assist a major employer in Wheat Ridge and Jefferson County
- The project will retain jobs and may increase employment
- The project will provide a more efficient facility thus reducing power consumption resulting in fuel savings
- The project will create cleaner air by reducing contaminants released.

Staff also requests that Council consider the extension of this rebate for the entire redevelopment project through 2021.

Bill Dillaman and Meegan Spizer gave short presentations on who the Rocky Mountain Bottle Company is, why the tax rebate is important to them and how the company gives back to the community through payroll, benefits and community services.

Discussion and questions from Council included:

- Do you appreciate the plant on taxes so they pay for themselves; do they charge yourselves rent on the facility
- How much would the project pay in to the city, prior to the rebate
- Will some of those funds paid to the city be put into an escrow account
- Is there a sliding scale to encourage these types of capital investments
- Is there availability for citizens to partake in the glass recycling efforts
- Was the payment for use tax, include in the 2019 budget items

Consensus by Councilmember Urban to move forward with the rebate, passes

2. Dog Daycare/Boarding in C-1 Zone District

The City's code is silent to dog daycare uses. However, staff has made the administrative determination that the use is most similar to "animal veterinary hospitals or clinics," which are defined in Chapter 26 of Municipal Code and are permitted in certain zone districts. Chapter 26 regulates those clinics in a different manner when they are proposed to have any outdoor runs; as such, if a dog daycare proposal seeks to have an outdoor activity area (run), they would be required to be located in a Commercial-Two (C-2) or Industrial/Employment (I/E) zone district.

Staff report

Mr. Johnstone noted that the City's Code, including Chapter 26 (Zoning and Development) including the use chart, is silent to dog daycare. However, staff has made

the determination under the terms of 26-204-B that such a use is most similar to an animal veterinary hospital or clinic and therefor allowed to operate in the same location as those uses and under the same terms and conditions.

Mr. Johnstone explained the codes for Animal veterinary hospitals and clinics, with or with outdoor runs or pens, kennels and dog kennels, catteries and veterinary hospitals.

Discussion and questions from Council included:

- How is it differentiated between the types of uses for kennels, doggy daycare providers, and animal hospitals or clinics
- Would it be an appropriate for these facilities to be issued a special use permit (SUP)
- The original permit was stipulated that there would be no outdoor kennel runs
- SUPs are not allowed in C-1 so a zoning code change would need to occur
- Would this open up the doors for additional daycare centers be located around the city
- Is this facility located in the correct area and who will the dog runs impact
- We should update our use charts to be more specific and where should SUPs be allowed
- If we ignore our rules, then we don't have rules.

Consensus to have staff bring back a doggy daycare ordinance, addressed with special use permits, within various zone districts in an ordinance, fails.

Consensus by Councilmember Hoppe to have staff go back for more in depth study on what a doggy daycare facility is, where they would be allowed; possibly allowed with a special use permit; how neighboring communities treat them; what options would be available in various districts, and to what percentages are defined accessory uses, passes.

3. Discuss Appointment of City Treasurer

Mr. Goff gave a brief report that City Treasurer DiTullio was elected to the office of Jefferson County Treasurer on November 6, 2018. Mr. DiTullio has submitted his resignation as City of Wheat Ridge Treasurer, effective midnight, January 7, 2019. Consensus was reached by City Council on December 3 to further discuss the City Treasurer appointment on December 17, and a procedure to fill the vacancy has been established by staff.

The Wheat Ridge City Charter addresses vacancies of elected officials but does not address specific procedures for the appointment of elected officials. To establish a procedure to fill the vacancy we recommend an application process, and have created a draft application for City Council review.

The application period for City Treasurer would open December 21 and would close on Friday, January 25, 2019. All qualified candidates would then be contacted by the City Clerk's Office and informed to prepare a 3-5 minute presentation at the February 4, 2019 study session.

Additionally, the City Attorney reviewed City Council's request for information regarding the City Treasurer salary and if the salary could be altered ahead of filling the impending vacancy. It was determined that the salary cannot change prior to filling the vacancy in 2019, but that if City Council would like to change the compensation amount, the earliest it could be altered is before the 2019 election of a Treasurer, which would be effective in 2020. The salary for the role will be \$29,000 in 2019.

Discussion and questions from Council followed:

- Would like to start a draft ordinance for the next election cycle to review the salary
- Make the changes now instead of closer to 2019 and have the application reflect that change, possible in 2020
- Look at the treasurers position altogether with duties, salary and oversight
- Is this position benefited and part time
- Make the position be fiscally responsible to show their hours worked
- Add requirements to be able to hold the position

Motion for consensus by Councilmember Davis to move forward with the application process to appoint a treasurer as well as the application to note the possible changing salary in 2019, passes 4-2

Consensus to have the discussion of what the job duties are or might be in the future be brought back to council at a future study session, passes.


4. Staff Report(s)

5. Elected Officials' Report(s)

ADJOURNMENT: The Study Session adjourned at 8:09 p.m.


Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON January 14, 2019


Janeece Hoppe, Mayor pro tem