

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
June 17, 2019

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

Council members present: George Pond, Janeece Hoppe, Kristi Davis, Zachary Urban, Larry Mathews, Amanda Weaver and Leah Dozeman

Absent: David Kueter (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; City Treasurer, Chris Miller; Police Chief, Daniel Brennan; Presiding Judge, Christopher Randall, other staff, guests and interested citizens.

Citizen Comment on Agenda Items

Carol Mathews (WR) spoke in favor of proactive enforcement of codes. She served on the NRS committee and there was strong public sentiment that the City is soft on enforcing problem properties. People expressed frustration. Overgrown properties are a concern. Neighborhood safety is becoming a real worry for people. Neighborhood construction projects should not be allowed to go on for years. There should be consequences for repeat offenders.

Bob Brazell (WR) posed that Airbnb's violate our code on bed and breakfast establishments. It should be enforced. He has one across the street from him that has no off street parking, and the comings and goings of many different parties throughout the year disturb his single-family neighborhood. He related the details how this house has now become an illegal rental and is functioning as a duplex without having adequate lot frontage. It violates our Code. He will be filing a complaint and something needs to be done about this.

1. Outside Agency Program Review Committee Recommendations ~
Marianne Schilling

The Outside Agency Program Review Committee members are:

District I: Cheryl Brungardt	District I: Alejandra Major
District II: Kristine Disney	District II: James Skinner
District III: Margie Robinson	District III: Madelaine DeVan
District IV: Sunny Garcia	District IV: Christopher Schilling

Sunny Garcia and **Madelaine DeVan** had introductory remarks outlining the work of the committee and thanked Marianne Schilling for her staff support and the members of the committee for their work.

Council questions and comments included:

- They don't ask the groups what percentage of their total budget is the City donation. It varies with each group. Councilmember Hoppe recommended that for the future.
- Councilmember Mathews would like to know how the money benefits WR, if the efforts are successful, how much money stays in WR, and if the dollars are used for true humanitarian needs.

- Councilmember Davis strongly supports Feed the Future and Community Table.
- Do we know what percentage of each group are WR users? It's usually a number.
- The Committee does reach out to past recipients. Advertising is done in the WR Connection. When Mr. Goff gets requests he refers them to the online process.
- The Library donation is for the Library Foundation only; the Foundation is not a beneficiary of the recent library tax increase. This year's contribution is for the children's area at the WR Library.
- Councilmember Dozeman shared that the Outdoor Lab Foundation may be asking the City for extra funds to send Everitt students, whose experience was cut short this year, back up to Outdoor Lab next year.
- Councilmember Pond noted that late requests do come, but the committee does a great job.
- Thanks were offered to the committee members.

Councilmember Hoppe received unanimous consent to accept the recommendations of the Outside Agency Program Review Committee.

2. Reappointment of Municipal Judge

Judge Randall noted he has served eight terms as Judge for the City.

- He reported Court is running well – good morale and low turnover.
- The challenges have been mostly legislative – such as the prevention of collection of restitution for victims and the inability to issue a warrant for non-payment of restitution. They're looking at using a collection agency; some cities have had success with that.
- They're working on customer service issues such as online bill pay and credit cards.
- Citywide challenges include opioid use, transients, and an aging population.
- He thanked Council for the budget line item that was approved a few years back that assists poor people with things they can't afford like evaluations and UA's. That has been helpful and very successful.

Discussion followed.

Is anyone working on a substitute for collecting outstanding fines?

A lobbyist is working to represent judges on this. In the meantime we work around it with payment plans. There is a process using a contempt citation, no-show, then issue warrant for no-show and be able to prove they could have paid. It's a slow, difficult process.

The Leadership Foundation recently interviewed staff to see where we could improve.

They recommend having internal customers evaluate them. Plans are to do that. Judge Randall gave some pro's and con's for teen juries. He doesn't think we have the volume of eligible teen crimes to use it.

Judge Randall couldn't speak to whether increased code enforcement is good or bad – only the administrative and financial impact to the Court.

Homelessness is dealt with case by case. He suggested the legalization of recreational marijuana hasn't helped homelessness. The Court tries to steer them in the direction of needed services. The probation department has good resources. He added that folks talk a good game in court but often don't follow through.

Councilmember Dozeman complimented Judge Randall on the fair way he treated the 1st Amendment Auditors that came to City Hall recently.

Any suggestions on how to avert a crisis on homelessness? Thorough police reports with details are helpful, but he deals with individual cases and really can't do much that has global impact. He's advised the Police Department that if they will issue summonses for crimes, it helps him have more power and leverage.

Councilmember Urban received unanimous consent to bring forward the ordinance to reappoint Judge Randall.

5. Code Enforcement Strategies ~ Jerry Dahl & Chief Brennan

Mr. Dahl gave introductory remarks about his memorandum that outlines considerations for various nuisance related issues encountered by code enforcement that could be addressed through amendments to the existing Code of Laws. Included in the packet was information about what some other cities do.

There was discussion on the various code topics, with Mr. Dahl, Chief Brennan and other staff members providing knowledge, experience and guidance. Council was reminded that every enforcement tool has a staff cost.

Inoperable Vehicles

Following discussion there was consensus to have Mr. Dahl address 'degree of inoperability' and the description of 'tarp covering'.

Outside storage

- Councilmember Weaver asked for continued openness by the City about business related storage on residential properties. She noted that some mitigation takes time and money. Noted: Agricultural vehicles are ok if they are operable.
- The intent of this section is good, but it does marginalize an already marginalized population.
- Code Supervisor Schroeder spoke about calls for service and the use of "in public view" and "what is reasonable" as criteria.
- Planner Lauren Mikulak provided current code for storage with home businesses.
- Consideration of upholstered indoor furniture, appliances and construction materials.
- Home based businesses can't store inventory outside.

Councilmember Urban received consensus to move forward with suggestions provided by the City Attorney.

Refuse and Rubbish

- Mulch and compost are not considered in this category.

Following discussion there was consensus to leave this section the way it is.

Trash Containers

- Different parts of the city are different (e.g. alleys in east WR)
- Discussion about use of roll-offs when cleaning out estates.
- Suggest that trash cans should be stored away from the collection point.
- Agricultural properties need different consideration.

- There is a fine line between leniency and abuse by those who don't want to comply. Communication is key.

There was consensus that the current code provides adequate discretion for the officers.

Following lengthy discussion there was added consensus that trash cans should be moved from the collection point within 24 hours of pick-up.

Maximum Height of grass

- Current maximum height is 12 inches.

Following discussion there was consensus to leave the height restriction at 12 inches.

Weeds

- A majority agreed to leave the height limit for weeds at 12 inches.

Councilmember Urban received consensus to have Chief Brennan's staff work with the City Attorney's office to craft wording about overgrowth of weeds of the creeping variety.

Noxious Weeds

The Colorado Weed Law and Jefferson County Invasive Species Management already prohibit the growth of noxious weeds. Mr. Dahl will see what that says and incorporate it into the Code.

Fence and Wall Maintenance

There was consensus to move the part about 'weeds in driveways' to the Weeds section.

- Structural soundness is necessary.
- Is plywood an acceptable fence material? Repair should be of same material.

There was consensus to let Mr. Dahl craft this section based on Council comments.

There was some discussion about proactive vs reactive code enforcement.

Options for Code Amendments concerning Administrative Citation Enforcement

- Mr. Dahl went through the recommendations to clarify and tighten up existing procedures. Discussion followed.

Councilmember Urban received consensus to accept the recommended changes with the addition that they are alternatives to one another and that foreclosure of a property lien is not permitted.

"Disorderly House"

- Mr. Dahl explained how this section was added years ago as a catch-all. Per Officer Schroeder we do occasionally use this section. Sometimes it is used for repeated, deliberate non-compliance for several issues.
- Chief Brennan explained the process for use of three citations for the administrative process. If it goes to the criminal process it goes to court. Where it goes is determined by the nature of the problem. Discussion followed.

Councilmember Urban received consensus to adopt language provided by Mr. Dahl that would include non-residential properties and that a year be designated as any consecutive 12 months.

Due to the late hour, there was consensus to postpone Items 3 & 4 to a later date.

3. Extended Stay Lodging Regulations – Ken Johnstone

4. Lodging Facility Licenses – Chief Brennan

6. Staff Report none

7. Elected Officials' Report

Janeece Hoppe remarked the two postponed items will require significant dialog. ~ Her daughter had a good experience at Outdoor Lab. The kids who did go did have a good time. The Everett staff has assured them of rescheduling in November.

Zachary Urban asked how many hotel rooms are in the city. Chief will get that info.

Kristi Davis announced a Renewal Wheat Ridge meeting tomorrow at 6pm.


Leah Dozeman congratulated two city staff members who are retiring - Janice Smothers, liaison to the Council and Mayor, and Police Chief Daniel Brennan.

Clerk Shaver raised the issue of the County's need, due to legislative requirements, to have a Voter Service Polling Center in Council Chambers on the Monday before and Tuesday of Election Day 2020. Cancelling that study session may be necessary. After discussion Clerk Shaver was told to let the County know it was okay, and Council will plan around it next year. She noted that there will be a VSPC at the Rec Center too.


ADJOURNMENT

The Study Session adjourned at 9:56pm.

APPROVED BY CITY COUNCIL ON August 12, 2019



Janelle Shaver, City Clerk



Janeece Hoppe, Mayor Pro Tem