

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
July 1, 2019

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

Council members present: Janeece Hoppe, David Kueter, Zachary Urban, Larry Mathews, and Leah Dozeman

Absent: Amanda Weaver (excused), Kristi Davis (excused), George Pond (excused)

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; City Attorney, Jerry Dahl; interested citizens.

Citizen Comment on Agenda Items

Rachel Hultin (WR) said she was excited to see the options available to Council for changing the process when a legal protest is filed against a rezoning. She wants transparency and for citizens to be informed. She thinks it is only fair for citizens to not be caught off guard. She'd like Council to consider adopting Option 3 - to postpone a hearing when there is a legal protest.

1. Creation of a City Ethics Code

Mr. Dahl presented background on the issue of ethics for elected officials as controlled by the State. Home Rule Cities are exempt if they have their own ethics code that covers a prescribed set of behaviors.

He presented language to cover the necessary topics, including

- No gifts (with some standard exception)
- Conflicts of interest
- Appearance of impropriety
- Enforcement

Council questions and discussion followed. Topics included:

- Hearings
- Consequences and penalties. Being invited to school dinners that others must pay to attend
- The appearance of conflict of interest is very subjective and difficult to define.
- Frivolous claims being made for political purposes and the possibility of confidentiality.
- Conflict of interest is already well covered in the Charter and elsewhere in Code.
- An executive session would be allowed to get legal advice from the attorney.

- Mr. Dahl will research the role of CIRSA defending an accused councilmember vs the rest of the Council.
- Dropping the “appearance of impropriety”

Councilmember Hoppe asked for consensus to proceed with the ethics code with suggested recommendations by the City Attorney, with the exception of deletion of conflict of interest, referring to Charter Sections that speak to conflict of interest, and adding item C (deleting the appearance of impropriety), and creating a process for determining frivolous complaints prior to hearing an encroachment of available confidentiality means available. The consensus was 4-1, with Councilmember Mathews not in support.

2. Rezoning Protest Procedures ~ Jerry Dahl, City Attorney

Section 5.10 of the Charter

- For rezonings, the Charter provides that a protest may be filed by owners of 20% or more of the area adjacent to the side or rear or across the street within 100 feet of the subject property.
- Notice of the hearing is publicized
- A legal protest can be filed any time before the close of the hearing.
- This requires a supermajority vote of Council to approve the rezoning.

Choices for change are

- 1- Make no changes.
- 2- Receive the protest, close the hearing, and continue only the vote to a later date.
- 3- Receive the protest, then continue the public hearing (and vote) to a later date.

Discussion followed.

Councilmember Hoppe asked for consensus to select Option 3 – take testimony and continue the hearing itself to the next regular Council meeting, at which time further testimony can be given and a vote is taken.

Councilmember Mathews pressed the issue of properties adjacent at the corner. Mr. Dahl will do some research and look at previous cases.

The vote was 4-1.

3. 2019 Liquor Code Amendments ~ Jerry Dahl, City Attorney

Mr. Dahl highlighted items in the packet memo dealing with changes enacted by the Colorado legislature in 2019. Several changes have already been included as agreed to by City Council.

The questions that remain were discussed.

- 1) Whether to require on-site supervision by a person, 21 years of age or older, of employees aged 18-20 selling alcohol beverages?

Councilmember Hoppe received consensus to **not** add the wording requiring 21-year olds to supervise employees 18-20 years old if they are selling, serving, or dispensing alcohol.

- 2) Should entertainment facilities that serve alcohol pursuant to a Lodging and Entertainment license, be permitted or prohibited within 500 feet of a school?

Councilmember Hoppe received consensus to add Lodging & Entertainment licenses to the list of exceptions from the '500-ft separation from schools' rule.

- 3) Whether the City should adopt a school separation requirement for businesses that manufacture liquor, but only receive their licenses from the state liquor authority?

Councilmember Hoppe received unanimous consent to add a provision to Sec. 11.53 for the Liquor Authority to refer any state applications for liquor sales rooms to the Director of Community Development for comment.

4. Staff Report(s) none

5. Elected Official Reports

Clerk Shaver noted it is election season. Folks are beginning to file their intent to run for City Council seats. Information is available on the Clerks website or by calling the Clerk's office.


Leah Dozeman congratulated the City on the reopening of Anderson Building and Park this past Saturday. Tours were given. She noted the playground will be fenced off for most of the summer while new features – including a zip line, are being added.

Mayor Starker agreed the reopening of Anderson Park was great. He also noted attending the fine retirement send-off for retiring Parks Director Joyce Manwaring. He thanked her for her work on our behalf.

ADJOURNMENT

The Study Session adjourned at 8:29 pm.

APPROVED BY CITY COUNCIL ON August 12, 2019



 Janelle Shaver, City Clerk



 Janeece Hoppe, Mayor Pro Tem