

# City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING

August 9, 2021

**Note:** This meeting was conducted both as a virtual meeting and hybrid, where some members of the Council or City staff were physically present at the Municipal Building, and some members of the public attended in person as well. All eight members of the Council were present in Council Chambers for this session. Before calling the meeting to order, Mayor Starker stated the rules and procedures necessitated by this meeting format.

Mayor Starker called the Regular City Council Meeting to order at 7:01 pm.

## PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

### ROLL CALL OF MEMBERS

Janeece Hoppe      Judy Hutchinson      Zachary Urban      Rachel Hultin  
Amanda Weaver      Korey Stites      Leah Dozeman      Valerie Nosler Beck

Also present: City Clerk, Steve Kirkpatrick; City Attorney, Gerald Dahl; City Manager, Patrick Goff; City Treasurer, Chris Miller; Administrative Services Director, Allison Scheck; Police Chief Chris Murtha; Mark Colvin, Finance Manager; other staff, guests, and interested citizens.

## PROCLAMATIONS AND CEREMONIES

### APPROVAL OF MINUTES

Without objection or correction, the City Council Minutes of July 26, 2021, were approved as published.

### APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

### PUBLIC'S RIGHT TO SPEAK

Julie DiTullio, Jefferson Center, came to discuss the Wheat Ridge Carnation Festival. She announced a 1-mile race on Saturday, August 13, before the Festival parade. There is a registration fee, and interested members of the public can register online: [Carnationmile.com](http://Carnationmile.com). The fee increases after the early registration deadline this Thursday.

### **Note about Wheat Ridge Speaks:**

Citizens may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. *The deadline for citizens to submit comments is 12:00 Noon Mountain Time on the day of a Council session* so that

Council members, other elected officials, and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item, including items that address a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech).

No comments appeared in Wheat Ridge Speaks for this session of Council.

### **CONSENT AGENDA**

No items tonight.

### **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

Discussion began at approximately 7:09 pm

1. Council Bill No. 13-2021 - An Ordinance amending Chapter 22 of the Wheat Ridge Code of Laws, concerning taxation, and in connection therewith, approving an agreement with the Colorado Department of Revenue for use of the Department's Sales and Use Tax Software System.

Councilmember Urban introduced Council Bill 13-2021

#### **Issue**

The Colorado Department of Revenue (DOR) recently developed and launched a software application, "SUTS" (Sales and Use Tax Software), to facilitate the collection of state and local taxes and to capture the previously unreported or under-reported state and local taxes. In order to join the majority of Colorado home rule municipalities and adopt SUTS as a platform, some amendments to chapter 22 of the City's Code are required along with the approval of a user agreement with the State of Colorado.

Mayor Starker opened the public hearing at 7:09 pm.

The Mayor reviewed the procedures. No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1719

#### **Staff Presentation**

Ms. Scheck and Finance Manager Mark Colvin reprised the strategic planning retreat on February 20, 2021, City Council identified customer service, education and process improvement of the City's licensing and permitting processes as a priority for the next two years.

Mr. Colvin listed the financial impact where the costs joining SUTS include a \$1-per-day charge from DOR when a transaction is processed and a possible software integration

built by ADG, the City's financial systems provider, estimated at less than \$1,000. The workload associated with the implementation will be absorbed by existing staff.

Staff expects the adoption of SUTS to result in incremental revenue at a minimal cost. While it is expected that the City will benefit from additional tax revenues, it is difficult to estimate the value of incremental tax revenue derived from new businesses opting to use the SUTS system.

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

Councilmembers asked whether the \$1 per day is a set fee or a placeholder until a higher fee is set. Mr. Colvin gave a detailed answer.

Councilmember Hultin asked how many of our businesses will use SUTS. Mr. Colvin replied that predicting that figure is difficult. However, based on nearby municipalities we expect at least 80% participation.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Urban to approve Council Bill 13-2021 – An Ordinance amending Chapter 22 of the Wheat Ridge Code of Laws, concerning taxation, and in connection therewith, approving an agreement with the Colorado Department of Revenue for use of the Department's Sales and Use Tax Software System, seconded by Councilmember Stites, motion carried 8-0.

### **ORDINANCES ON FIRST READING**

None this evening.

### **DECISIONS, RESOLUTIONS AND MOTIONS**

Discussion began at approximately 7:22 pm

2. Motion to accept the 2020 Financial Statements from CliftonLarsonAllen.

Councilmember Hoppe introduced the Motion

### **Issue**

Section 10.15 of the Municipal Charter for the City of Wheat Ridge requires that an independent audit be performed annually of all City accounts. In 2020, the City received more than \$750,000 in federal funds for Wadsworth Boulevard which also triggered a "single audit" of all federal funds. The CPA firm CliftonLarsonAllen (CLA) performed both the City and federal audits of the City's financial statements for the year ended December 31, 2020. Once again, this year, the City received an unqualified opinion indicating that the City's financial statements are fairly and appropriately

presented. A representative from CLA will be at the August 9, 2021 City Council meeting to present the 2020 Financial Statements to Council for acceptance.

### **Staff Presentation**

Ms. Scheck, Mr. Colvin and John Paul Le Chevalier of CliftonLarsonAllen, the City's independent audit firm, provided a presentation to Council about the audit, highlighting the fact that CLA has issued a clean audit report. His presentation included details on the audit, how it was conducted, and the methods used to audit the City's financial transactions for calendar and fiscal year 2020.

### **Public Comment**

No one came forward to speak.

### **Council Questions**

Councilmembers asked whether there are any compliance requirements that the City did not meet. Mr. Le Chevalier responded no and gave a detailed response as to where in the auditors' report one can find that detail.

**Motion** by Councilmember to accept the 2020 Financial Statements from CliftonLarsonAllen, seconded by Councilmember Dozeman, motion carried 8-0.

3. Resolution No. 39-2021 - A Resolution accepting title to real property within the City of Wheat Ridge

Councilmember introduced Resolution 39-2021.

### **Issue**

The City has received a Commissioners Deed from Jefferson County conveying property within the City boundaries adjacent to Simms Street. The City Attorney and staff recommend approval of this Resolution accepting title.

### **Staff Presentation**

Gerald Dahl stated that in 1955, Jefferson County accepted two deeds for property which is now located within the City limits of Wheat Ridge. One was a one-foot strip of land as described in the deed recorded at Book 899, Page 598 of the Jefferson County Real Property Records, and the second is an adjacent 24-foot strip of land as described in the deed recorded at Book 899, Page 599 of the Jefferson County Real Property Records (the "1955 Deeds").

The 1955 Deeds do not specifically state the property was transferred for right of way purposes, as a result, upon the incorporation of the City of Wheat Ridge in 1969, the property described in the 1955 Deeds remained under the ownership of the County.

Both the City and the County believe the property was intended to be utilized for right of way purposes, as evidenced by their designation of the property in the 1955 Deeds and 2003 Fightmaster Subdivision as Simms Street.

The City received from Jefferson County a Commissioners Deed dated June 23, 2021, conveying the strip of land to the City for right of way purposes.

### **Public Comment**

No one came forward to speak.

### **Council Questions**

Councilmember Nosler Beck asked if any adjacent landowners have lodged any objections about this action. Mr. Dahl gave a detailed answer.

**Motion** by Councilmember Dozeman to approve Resolution No. 39-2021, a resolution accepting title to real property within the City of Wheat Ridge, seconded by Councilmember Stites, motion carried 8-0.

4. Resolution No. 40-2021 - A Resolution authorizing an Intergovernmental Agreement with the County of Jefferson regarding the administration of the respective duties concerning the conduct of the coordinated election to be held on November 2, 2021

Councilmember Stites introduced the Resolution.

### **Issue**

The City of Wheat Ridge will participate in a coordinated election on November 2, 2021. The attached Resolution and Intergovernmental Agreement must be executed and forwarded to Jefferson County by Tuesday, August 24. The documents refer to the respective duties of the County and the City of Wheat Ridge regarding the administration of their respective duties concerning the conduct of the Coordinated Election.

The duties of the County Clerk include, but are not limited to ballot preparation, voter lists, staff selection and training, providing election supplies, counting of the ballots, and certification of results. The duties of the City of Wheat Ridge include but are not limited to Call and Notice and ballot preparation.

The City Clerk shall act as the City of Wheat Ridge's "Election Officer" and the designated election official. He shall act as the primary liaison between the City of Wheat Ridge and the Contact Officer for the County Clerk and Recorder.

### **Staff Presentation**

The City of Wheat Ridge shall pay its pro-rated costs (defined below) for all services, equipment, forms and supplies provided by the County Clerk pursuant to this Agreement. In addition, the Jurisdiction shall pay the pro-rated costs for all County

employee overtime and temporary employee regular, and overtime solely related to the preparation and conduct of the Election at each employee's rate or One Thousand Dollars (\$1,000), whichever is greater. The Jurisdiction's pro-rated costs shall be determined in accordance with the formula set forth in the IGA (Exhibit A) attached hereto and incorporated herein by this reference.

City Clerk Kirkpatrick reassured Council that this is a pro forma process that the City completes every two years. Nothing new is happening here; nothing has changed.

### **Public Comment**

No one came forward to speak.

### **Council Questions**

Councilmembers had no comments or questions, having thoroughly reviewed and discussed the proposed action in two previous Study Sessions.

**Motion** by Councilmember Stites to approve Resolution No. 40-2021, a resolution authorizing an Intergovernmental Agreement with the County of Jefferson regarding the administration of the respective duties concerning the conduct of the coordinated election to be held on November 2, 2021, seconded by Councilmember Hoppe, motion carried 8-0.

### **CITY MANAGER'S MATTERS**

The Lutheran Legacy Campus Master Plan is about halfway through the public review and comment period. There is a survey available on What's Up Wheat Ridge so that residents may still enter their comments.

The WR Police Department conducted a catalytic converter registration event this past Sunday, August 8 to thwart the theft of the converters. Our police officers and many community volunteers did excellent work on the project. Over the two-day period more than 500 vehicles got registered.

### **CITY ATTORNEY'S MATTERS**

Nothing tonight.

### **ELECTED OFFICIALS' MATTERS**

City Clerk Kirkpatrick reported that as of this evening five Wheat Ridge voters have asked for and received petition forms to file for one of the five offices we will elect this November 2. Those five people include all of the incumbents eligible to run for re-election (Mayor Starker and Councilmembers Hoppe, Weaver and Dozeman) as well as Mr. Scott Ohm, a resident of district 2 to run for the open Council seat in D2.

The deadline for filing these nominating petitions is Monday, August 23, 2021. Petitions must be submitted to the Office of the City Clerk on that date by 5:00:00 pm exactly.

Every Councilmember expressed their excitement for the upcoming Carnation Festival and that they hope to see people at the events this Friday and Saturday.

Councilmember Dozeman commented on several events in connection with the Carnation Festival on August 13-14, this coming weekend. We anticipate a great event, especially in light of the necessity to cancel last year's festival due to the pandemic. The Festival begins at 4 pm on Friday with live music. There will be fireworks both Friday and Saturday nights. There is a pancake breakfast at 7 am Saturday, followed by the Carnation Mile run-walk and the Festival Parade.

Councilmember Hultin thanked the City Clerk for the Candidates' Orientation session held on July 29. She also attended the Lutheran Campus planning meeting and believes that we have engaged the public in a transparent process, seeking their inputs.

She also recently heard disrespectful and rude comments directed toward staff during the Lutheran Campus public meeting. She asked that residents and the public please, direct their comments to the proper people and do so with respect and dignity.

Councilmember Weaver discussed her excitement for the coming Festival this weekend. She reminded people that there are both a pie baking contest and a barbecue competition. Judging for the barbecue is scheduled first, and the pie judging about mid-afternoon.

Councilmember Stites asked that if we can find it in Wheat Ridge buy it in Wheat Ridge.

Councilmember Hoppe indicated that sponsorships for the Festival are still available.


The Mayor met with other municipal and County officials this morning and heard a report indicating that the numbers related to the pandemic are moving in the wrong direction. He asked that we all do everything we can to stop the spread: maintain social distance, wear a mask and wash our hands regularly.

#### **ADJOURNMENT TO SPECIAL STUDY SESSION**

The meeting adjourned at 7:48 pm.

  
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Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON August 23, 2021

  
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Janece Hoppe, Mayor Pro Tem