



**NOTICE AND AGENDA OF A
WORK SESSION
Idaho Springs City Council
November 16, 2020
6:00 p.m.**

- ❖ **Municipal Judge Annual Report**
- ❖ **2019 Audit presentation**
- ❖ **Inclusionary Housing ordinance**
- ❖ **Budget 2021**

The Public will be able to view and hear this meeting remotely at the following address:
<https://www.colorado.gov/pacific/idahosprings/city-council-live>



***Presiding Municipal Judge
2020 Report***

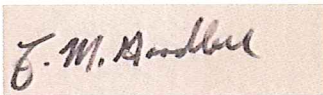
November 2, 2020

Dear Mayor Hillman, and respective City Councilors;

I am proud to submit my first Annual Report. In 2020, hundreds of members of the Idaho Springs and adjacent communities passed through your municipal court system. As your Presiding Judge, my mission is to treat all with fairness and respect, and to imprint justice in each case to the best of our ability. The imprint may be result of something as common as a simple kindness extended by court staff to a citizen on a phone call, the care to create an accurate entry of information into official court records, or as complex as ensuring that the breadth of judicial process and substantive rights of an accused (and that of crime victims) are protected in a meaningful ways.

It is important that the court serves citizens in a fashion consistent with the values of the City's elected leadership. Toward that end, please know that I welcome the opportunity to hear what we are doing well and study what the court can and should be doing better. In the end a citizen's court experience is the culmination of the work of a team that includes a court clerk, the city attorney, court appointed counsel, court security and finally, the judge. It is my privilege to be a part of that fine team. I look forward to and would respectfully ask for the opportunity to continue serving as your Presiding Judge.

Regards,

A rectangular area containing a handwritten signature in dark ink, which appears to read "F. M. Goodbee".

F. Michael Goodbee
Presiding Judge
City of Idaho Springs

GENERAL

The Idaho Springs municipal court is a court of record with limited jurisdiction. The court primarily processes tickets involving more minor traffic offenses (excluding “major” traffic offenses like DUI/DUR), misdemeanor level offenses (*e.g.*, shoplifting, theft, and trespass) and what are termed as administrative violations (*e.g.*, failure to pay city sales tax). Court sessions are held on the third Thursday of each month. Judicial rulings are subject to appeal and a review by a higher court (the local state district court).

The Idaho Springs municipal court is staffed by Kelsey Smith - the Court’s Clerk. Kelsey has worked for Idaho Springs for over three years. I have found that Kelsey to be detail-oriented and she offers solid experience in the administration of municipal court matters. I have also observed that Kelsey is courteous to those who come to court and helpful answering inquiries. Kelsey is well assisted on court mornings by Wonder Martell.

Any success that I have had as your Presiding Judge is due in part to the work of Kelsey and Wonder.

2020 HIGHLIGHTS

- Shortly after I was formally appointed to serve as your Presiding Judge, COVID-19 arrived. The impact of COVID-19 was felt through the full spectrum of society, including all courts. Municipal court proceedings were vacated from March to May, as the City Hall was closed to the public. Safety measures have since been employed upon re-opening.
- Legislation from 2018 required that all municipal courts in Colorado secure independent oversight of their court appointed counsel. The previous judge opted for the Office of Alternate Defense Counsel (OADC) to serve as the nonpartisan entity to provide that oversight. Their service is provided to us free of cost. The OADC drafted a summary report to the court concerning their observations. That report is available for your review.

TRAINING/VOLUNTEER ACTIVITIES

- In the 2020, I attended (by webex) the Fall Colorado Municipal Judge Association (CMJA) Conference. The city of Golden pays for my CMJA membership and conference attendance. Given my prior experience with the state legislature, I have been attending CMJA meetings addressing strategy planning sessions for potential state legislation. The legislative committee

anticipates the following issues germane to municipal courts for the 2021 legislative session: Speedy trial, outstanding judgment/warrants, failure to appear warrant, and continued police reform.

- I also attended (by webex) the annual Colorado Organization for Victim Assistance (COVA) conference. I paid for that conference attendance. COVA is a nationally respected non-profit organization supporting and educating crime victim advocates. I serve as the Vice-President for COVA. I am proud to be formally associated with COVA since 1998, and I have served as their President, Vice-President, or as a board member since that time.
- In 2019, the Colorado state judicial branch selected just over 20 judges (both active and retired) from around the state to serve as the first generation of Peer to Peer coaches for newer state judges. I was selected as a first-generation coach and continue to meet with and work with that young judge in the mountains.
- I have twice been invited to serve as a Group Facilitator/Judge Mentor for the General Jurisdiction training held at the National Judicial College at the University of Nevada/Reno. The General Jurisdiction class is an intensive nine-day training for new judges from all around the world. It is their flagship course. In 2020, I was invited a third time to serve again and participated in the nine-day training (by webex).
- In August of 2020, I began weekly volunteer work for the Senior Hub in Thornton delivering meals to shut in/elderly.
- Finally, I continue to serve as the presiding judge for the city of Golden and a relief judge for the cities of Westminster, Thornton, Federal Heights and Lakewood. This service does not conflict with my work on behalf of Idaho Springs.

PERSONAL


Last month, my wife, Michelle and I celebrated 26 years of marriage. Michelle is an official court reporter for the state of Colorado, having served the state for 31 years. We have two children, Gabriel, 20; he is a junior at Colorado State University studying history and

computer science. Rachel, 18; she is a senior in high school and plans to attend the University of Missouri next year to study journalism.

Since leaving the district bench, I re-ignited an old flame – jazz performance. I play lead/solo trumpet in a citizen/student jazz ensemble out of Regis University, and occasionally with a small ensemble at coffee bars.

IDAHO SPRINGS MUNICIPAL COURT

Summary Chart

	<i>2020 March to October 1</i>
<i>TRAFFIC</i>	558
<i>CRIMINAL</i>	53
<i>ANIMAL</i>	2
<i>TOTAL</i>	613

CITY OF IDAHO SPRINGS
Clear Creek County, Colorado

Ordinance No. 15, Series 2020

AN ORDINANCE AMENDING SECTION 21-77, OF CHAPTER 21, LAND DEVELOPMENT REGULATIONS, OF THE IDAHO SPRINGS MUNICIPAL CODE CONCERNING INCLUSIONARY HOUSING

WHEREAS, the City of Idaho Springs, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., the City possesses the authority to regulate the zoning and use of land within its jurisdiction; and

WHEREAS, pursuant to this authority, the City previously adopted comprehensive regulations governing planning, zoning and development within the City, codified as Chapter 21 of the Idaho Springs Municipal Code (“Code”), also known and referred to as the City’s Land Development Regulations (“LDR”); and

WHEREAS, pursuant to its authority, the City Council desires to adopt certain specific rules and regulations to address the significant need for a diverse and affordable housing stock within the community, implement the housing goals of the City Comprehensive plan, promote the construction of housing that is attainable to the community's workforce, retain opportunities for people that work in the City to also live in the City, and maintain a balanced community that provides housing for people of all income levels; and

WHEREAS, based on the past couple years of initial implementation and application of the LDR, and taking into account these aforementioned housing goals of City Council, City Staff has recommended certain amendments to the same as it relates to Section 21-77 concerning Inclusionary Housing; and

WHEREAS, the City’s Planning Commission and City Council reviewed, analyzed and expressed desire of the adoption of said amendments at a joint work session on September 2, 2020; and

WHEREAS, after conducting a public hearing on said amendments, the City Council finds that it would further the public health, safety and welfare of the citizens of Idaho Springs to amend Code Section 21-77, concerning inclusionary housing.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IDAHO SPRINGS, COLORADO, AS FOLLOWS:

Section 1. The above and foregoing recitals are adopted as express findings and determinations of the City Council.

Section 2. Code Section 21-77, regarding Inclusionary housing, is hereby amended to read as follows:

Sec. 21-77. - Inclusionary housing.

(A) Purpose and Objectives. To ensure that residential development provides a range of housing opportunities for all identifiable economic segments of the population, including households of low-and moderate-income, as part of any residential project the City may require a certain percentage of affordable units be set aside, or establish fees in lieu thereof. ~~The requirements will be set by the City Council and implemented as part of the development impact fee schedule.~~

(B) General Requirements.

- (1) Any application brought under Chapter 21 or Chapter 24 of this Code, including annexations, planned developments, minor subdivisions, major subdivisions, and final development plans, which create five (5) residential units or greater is required to include at least fifteen (15) percent of the total number of residential dwelling units as affordable dwelling units, subject to the following standards:**
 - (a) The prices for sale or rents charged for permanently affordable priced dwelling units shall not exceed a price that is affordable to a household earning sixty (60) percent of Area Median Income (AMI) for the Denver-Aurora-Lakewood Metropolitan Statistical Area as defined annually by the United States Department of Housing and Urban Development (HUD).**
 - (b) Affordable dwelling units shall be permanently restricted as defined by City regulations, or unless a different timeframe is required as a part of a Low Income Housing Tax Credit project.**
 - (c) If the calculation for inclusionary housing results in a fraction of a dwelling unit, the fraction of the unit shall be provided as a complete affordable unit or a fee-in-lieu shall be provided in the City Fee Schedule, adopted and amended by City Council from time to time.**
- (2) Units built as affordable in the project should be comparable to the market rate housing units in exterior finish and design and integrated into the overall development and/or project.**
- (3) Maximum Rent. Rents charged for affordable units in any one (1) development must be affordable to households earning no more than sixty (60) percent of the AMI for the Denver-Aurora-Lakewood Metropolitan Statistical Area as defined annually by HUD, or as approved in the applicable agreement.**
- (4) Income Eligibility Required. No person shall sell, rent, purchase or lease an affordable dwelling unit created pursuant to this Section except to a program eligible household. A private owner of a single affordable unit may**

rent the unit in accordance with the provisions of this Section. All sales, rentals, purchases and leases shall comply with the provisions of this Section.

- (5) Deed Restriction Required. No person offering an affordable dwelling unit for rent or sale shall fail to lawfully reference in the grant deed conveying title of any such unit, and record with the County Recorder, a covenant or declaration of restrictions in a form approved by the City. Such covenant or declaration of restrictions shall reference applicable contractual arrangements, restrictive covenants and resale restrictions as are necessary to carry out the purposes of this Section.
- (6) Good Faith Marketing Required. All sellers or owners of affordable dwelling units shall engage in good faith marketing and public advertising efforts each time an affordable dwelling unit is rented or sold such that members of the public who are qualified to rent or purchase such units have a fair chance to become informed of the availability of such units.
- (7) Required Agreements. Those applicants creating residential developments under this Section shall enter into an inclusionary housing development agreement with the City Council. Such agreements may be part of a development agreement, annexation agreement or subdivision agreement and shall document how the applicant will meet the requirements of this Section including:
 - (a) Defining the inclusionary housing development including the total number of units; the total number of affordable housing units required; and the total number of affordable housing units provided; and
 - (b) Design standards to assure the affordable units will be comparable to market rate units and are integrated into the project or development; and
 - (c) The restrictive covenants and additional agreements, in a form acceptable to the City, as necessary to carry out the purposes of this Section.

An applicant shall not be eligible to submit for a building permit until the affordable housing agreement and any required restrictive covenants are approved by the City Council and recorded with the Clear Creek County Recorder.

(C) Options for Satisfaction of Inclusionary Housing Requirement. An applicant may seek an alternative to providing the required percentage of affordable housing under this Section by any of the following methods:

- (1) Providing the Required Housing Off-Site. This may be met only through the dedication of land to the City or qualified non-profit housing developer as approved by the City, with the guarantee that the land to be dedicated will allow for, and be developed with the number of required affordable housing.
- (2) Dedicating Land Within the Project. Land within a project may be dedicated to the City or a qualified non-profit housing developer as approved by the City. The units to be built within the project shall be comparable to the market rate housing units in exterior finish and design to blend into the overall project.
- (3) Paying a fee in-lieu as explained in this Section, and in the amounts set forth in the City Fee Schedule, adopted and amended by City Council from time to time.
- (4) Providing fewer units, but which are affordable to households earning forty (40) percent or less of the AMI for the Denver-Aurora-Lakewood Metropolitan Statistical Area as defined annually by HUD. For the purposes of this option, an affordable dwelling unit at forty (40) percent or less AMI shall equal two (2) units at sixty (60) percent or less AMI.
- (5) Any alternatives shall be approved by agreement with the City Council as described in this Section.

(D) In-Lieu Fee. If an applicant chooses to pay an in-lieu fee for all or part of the inclusionary housing required for the project, the fee shall be calculated as described in the City Fee Schedule, adopted and amended by City Council from time to time, and be due no later than issuance of the building permit.

(E) Program requirements for for-sale units.

- (1) Affordable Unit Price. The prices charged for affordable priced dwelling units shall not exceed a price that is affordable to a household earning sixty (60) percent of the Area Median Income (AMI) for the Denver-Aurora-Lakewood Metropolitan Statistical Area as defined annually by HUD.
- (2) Approved Purchasers for Affordable Dwelling Units. A developer or owner shall sell to a qualified purchaser after completing a good faith marketing and selection process approved by the City.
- (3) Sale Restriction. No person shall sell an affordable dwelling unit except to a person that meets the income, asset and other eligibility requirements of this Section or any asset and income eligibility requirement that is included in any contract, covenant or any other agreement to which the City is a party or beneficiary.

(4) Resale Restrictions. All affordable ownership dwelling units developed under this Section shall be subject to the following resale restrictions:

(a) Approved Purchasers. A seller of an affordable dwelling unit must select an income-eligible purchaser by a method that complies with the good faith marketing and selection process defined by the housing administrative regulations. All purchasers of affordable dwelling units shall be part of program eligible households.

(b) Resale Price. The resale price of any affordable dwelling unit shall not exceed the purchase price paid by the owner of that unit with the following exceptions:

(i) Closing Costs. Customary closing costs and costs of sale, which may include customary realtor fees, as reviewed and approved by the City Administrator.

(ii) Permanent Capital Improvements. Consideration of eligible permanent capital improvements installed by the seller that have been approved in advance by either the City Administrator or City Council in accordance with City Code, or administrative rules and guidance.

(iii) Resale Price. The resale price may include an inflationary factor or shared appreciation factor as applied to the original sale price pursuant to rules as may be established by the City Administrator to provide for such consideration. In developing rules, the City Administrator may consider the purposes of this Section, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing. In the event that the City has not adopted rules that contemplate a particular arrangement for the use of an inflationary factor or shared appreciation factor, the City Administrator is authorized to approve a resale price formula that is consistent with the purposes of this Section, common private, nonprofit and governmental lending practices, as well as any applicable rules or guidelines issued by federal or state agencies affecting the provision or management of affordable housing.

(c) Special Fees. The seller of an affordable dwelling unit shall neither levy nor charge any additional fees or any finder's fee nor demand any other monetary consideration other than provided in this Section.

(5) Ownership Associations. When accepting a for-sale unit as meeting the inclusionary housing obligation, the City Administrator may review the condominium association declarations to assess the impact on buyers of affordable units. The City Administrator is authorized to establish rules

regarding allowable terms in condominium declarations in order to ensure that the purposes of this Section are accomplished.

- (6) Rental Restriction. The owner of an affordable unit may rent the unit to an income eligible renter by a method that complies with the administrative regulations.

Section 3. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 4. Should any one or more sections or provisions of this Ordinance or of Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provisions, the intention being that the various sections and provisions are severable.

INTRODUCED, READ AND ORDERED PUBLISHED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the ____ day of _____, 2020.

Michael Hillman, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk

PASSED, ADOPTED AND APPROVED, after public hearing at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the ____ day of _____, 2020.

Michael Hillman, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk

Budget Highlights for 2021

November 16, 2020

All Departments

- If added to the proposed budget, the cost of a 3% employee pay increase for 2021 would be approximately \$44,350, with \$35,802 from the General Fund and \$8,551 from the Water & Sewer Enterprise Fund. The Consumer Price Index (CPI) for the Denver metro region rose 3.1% over the past year.
- Employee health insurance premiums will increase 5.5% for 2021.
- Dental and life insurance premiums will not increase for 2021.
- Under employee incentives, it is proposed that the annual bonus (\$100/employee), the annual holiday party, and free recreation passes that were cut in 2020 be restored in 2021.
- Telephone costs decreased by approximately 65% in 2020 due to implementation of the City's new voice over internet protocol (VOIP) phone system.

General Fund - 10

Revenue

- Sales Tax Proposed for 2021 is at the same level as Actual for 2019 and \$100,000 (7%) above Estimated Actual for 2020. Estimated Sales Tax for 2020 is expected to be 7.5% lower than the Actual for 2019.
- Total Revenue Proposed for 2021 is at the same level as Estimated Actual for 2020 and \$136,858 (5%) less than the Actual for 2019.

Expenditures

- Proposed Expenditures for 2021 are at the same level as the Adopted for 2020 and \$233,303 (7.6%) more than the Estimated Actual for 2020. Estimated Expenditures for 2020 are expected to be 3.5% higher than the Actual for 2019.

Streets Department 10-10

- Status quo.

Administration Department 10-20

- Budgeted to fill vacant Community Development Planner and Finance Officer positions in 2021 and to end contracted services for these positions.

Community Promotion 10-21

- Proposed to restore budget for 2021 Independence Day festivities including fireworks and bands. The 50% deposit paid for fireworks in 2020 will be applied to the show for 2021.

Police Department 10-30

- Under contract services, dispatch services are expected to increase by \$40,000 (\$182,000 total) under the agreement with the Clear Creek County Sheriff's Office.

Parks Department 10-60

- Under professional services, proposing to include \$30,000 for a new landscaping services contract to assist with parks maintenance.

1% Street Sales Tax Fund - 23

- Sales Tax Proposed for 2021 is at the same level as Actual for 2019 and \$60,640 (8.8%) above Estimated Actual for 2020. Estimated Sales Tax for 2020 is expected to be 8.7% lower than the Actual for 2019.
- Estimated fund balance of \$1,500,000. No new projects proposed other than maintenance.

RAMP Fund - 20

- Estimated fund balance of \$700,000. No new projects proposed other than maintenance.

Sales Tax Improvements Fund - 21

Revenue

- Sales Tax Proposed for 2021 is at the same level as Actual for 2019 and \$60,640 (8.8%) above Estimated Actual for 2020. Estimated Sales Tax for 2020 is expected to be 8.7% lower than the Actual for 2019.
- Foundation Grants include \$400,000 in Gondola Advance Fees for trail construction.

Expenditures

- Engineering includes \$425,000 for design of a downtown parking deck, 10% of the estimated cost for the two-level structure.
- Construction of a new Public Works Facility adjacent to the Wastewater Treatment Plant at an estimated cost of \$2,339,795, subject to a \$1,000,000 grant award from DOLA.
- Park Improvements include \$100,000 for renovation of the Citizens Park restrooms and up to \$900,000 in trail construction at VCMP, subject to grant awards.
- PD Equipment includes \$22,000 for replacement of in-vehicle laptop computers that will be out of warranty.
- Streetscape/Mall Improvements include \$65,000 for a Downtown Improvements Master Plan and \$30,000 for shared trash enclosures in the City parking lots.
- City Hall Improvements include Restrooms Reconstruction at \$125,000 and Window Restoration at \$100,000.

- Sites and Facilities Improvements include \$250,000 for the Train Restoration (grant dependent) and \$60,000 for the Hose House #2 Restoration (includes a \$25,000 bequest to the Historical Society).

Water & Wastewater Enterprise Funds

Revenue

- 5% rate increase proposed over the Actual for 2019. (The 2019 rate study recommended a 9% increase in water.)

Expenditure for both funds

- Budgeted to fill the vacant Water/Wastewater Superintendent in 2021 and ending contracted Operator Responsible in Charge (ORC) services.

Water Expenditure - 51

- Plant Operations Contractual includes \$3,000/month for SCDA equipment lease.
- Design/Engineering includes \$25,000 for an updated Water Study as recommended by the City's Water Attorney.
- Meters/Antenna Read Box includes \$10,000 for replacing the handheld for reading meters.

Water Fund CIP - 54

- Water Treatment Plant Upgrades includes \$150,000 for replacing water treatment filters and a hydro power project design.
- Water Distribution Projects include \$45,000 for a Montane Generator and \$100,000 for Chicago Creek water line repairs.
- Reservoir/Dam Repairs include \$15,000 for Mattie Dam Cleaning and \$50,000 for Mattie Dam Repairs design.

Wastewater Fund - 52

- 5% rate increase proposed over the Actual for 2019. (The 2019 rate study recommended an 8% increase for wastewater.)

Wastewater CIP - 55

- WWTP Upgrades includes \$4,000,000 for Project 2 Improvements funded by a \$1,000,000 DOLA grant and a \$3,000,000 CWRPDA Loan.