

CITY COUNCIL MINUTES
CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

February 25, 2019

Mayor Starker called the Regular City Council Meeting to order at 7:00 p.m.

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

ROLL CALL OF MEMBERS

Zachary Urban	Janeece Hoppe	George Pond	David Kueter
Kristi Davis	Larry Mathews	Leah Dozeman	

Also present: City Manager, Patrick Goff; Deputy City Clerk, Robin Eaton; City Treasurer, Chris Miller; City Attorney, Gerald Dahl; Division Chief, Jim Lorentz; Assistant City Attorney; Jane Greenfield, other staff, guests and interested citizens.

CITIZENS RIGHT TO SPEAK

Ramod Farhoodi WR wishes to say that the Wadsworth Blvd. road project will disrupt his business and possibly lose it altogether. It's been a good cigar business but it's a hard business, surviving this long only because of his location. This is his only source of income and appreciates the time to speak at council.

Thelma Blessinger WR would like to get a traffic light on 38th and Carr. With a new fence being put up recently, its note to get out onto 38th because there is no visibility.

Bob Brazzle WR agrees that the fence Thelma spoke about should be torn down. He also had filled out the NRS survey and thinks that it should exclude any persons not living in Wheat Ridge. They are not stakeholders, and it's similar to creating 38th avenue where it seemed that everyone else that did not live here, was telling us what to do in our own city.

Chris Chidley WR speaking against the flag lots that did not receive approval at the last meeting. Please create a case study to debate this issue as the residents living in the area are wanting to have it resolved and are disappointed.

Missy Ahr representing Jazzercise Wheat Ridge who was originally notified that they weren't going to be invited back after the Anderson building renovation was completed. After a group effort and getting in touch with Joyce Manwaring, they are now negotiating class times and she wanted to thank everyone that made it possible.

Rick Rahne WR stated that the intersection of 41st and Carr Street should be 4 way stop and not the 2 way as it currently is. The traffic has increased so much in the area that it should warrant this as it is very dangerous.

Sunny Garcia WR wanted to remind everyone that the NRS survey is open until March 1 and invites everyone to take it if they haven't already. She went on to list the website www.ci.wheatridge.co.us/nrs and encourages people to take the survey.

APPROVAL OF THE AGENDA

1. CONSENT AGENDA

- a. Resolution No. 13-2019 – A Resolution designating the City Hall Lobby as the Official Public Notice Posting Location and the Wheat Ridge Transcript as the Official Newspaper of General Circulation for City Publications in 2019
- b. Motion to approve the installation of a Traffic Calming Device on Carr Street between 38th and 41st Avenues in accordance with the Neighborhood Traffic Management Program
- c. Motion to award the 44th and Youngfield sidewalk and drainage project and approve subsequent payments to KECI Colorado Inc., Sedalia, CO, in the amount of \$97,579, with a contingency amount of \$9,760, for a total not-to-exceed amount of \$107,339

Councilmember Dozeman introduced the Consent Agenda

Councilmember Urban asked to pull Item 1 b. from the consent agenda as a member of the audience wishes to speak on it.

Motion by Councilmember Dozeman to approve the Consent Agenda items a), and c); seconded by Councilmember Pond; motion carried 7-0

Rick Rahne addressed how there are different types of speed humps available, both in asphalt or concrete and stated that the concrete versions would be more effective. He and many neighbors alike, would like to see those types put in as a preference.

Councilmember Davis, Mr. Goff and Public Works Traffic Manager Steve Nyguen discussed about other types of crosswalks being used in other jurisdictions and Mr. Nyguen will look into those more. Both types have been used previously and it is usually decided by the neighborhoods preference.

Motion by Councilmember Dozeman to approve Consent agenda item b.; seconded by Councilmember Urban; motion carried 7-0

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Resolution No. 14-2019 – A Resolution establishing a street width for 52nd Avenue from Ward Road to Tabor Street, for Tabor Street from 52nd Avenue to Ridge Road, and for Ridge Road from Tabor Street to the City Boundary East of Simms Place

The Wheat Ridge · Ward Station area is one of four projects in the City's *Investing 4 the Future* bond program which is benefitting from \$12 million from the voter-approved, temporary ½-cent sales and use tax rate increase. Wheat Ridge and Arvada have been cooperating in assessing improvements to several streets in the station area. 52nd Avenue, Tabor Street and Ridge Road will all be widened which requires new street width designations in accordance with Section 5.20 of the City Charter.

Councilmember Mathews introduced Resolution No. 14-2019

Mayor Starker opened the public hearing

Staff presentation – Mark Westberg

For several years, the City has lead extensive visioning and planning efforts focused on the Wheat Ridge · Ward Station planning area. Numerous Council updates and actions have occurred at various stages in these processes. Council was most recently updated on January 7, 2019 on the status of the Wheat Ridge · Ward Station planning area and on private developments in the area.

Whenever the width of an existing street is changed, Council must designate the new width of the street in accordance with Section 5.20 of the City Charter. The revised width of the affected streets has been reviewed in accordance with the City Code, Section 21-3, as follows:

1. Flow line – The width of the street is based on the flow line for streets with curb and is defined as the face-of-curb to face-of-curb distance.
 - a. 52nd Avenue, Ward Road to Tabor Street.
 - i. Existing flow line width varies between 42 feet near Ward Road and 23 feet for most of the corridor.
 - ii. Proposed flow line width is 35 feet to meet the 3-lane collector street standards, which provides for:
 - Two 10-foot-wide travel lanes
 - One 11-foot wide center turn lane
 - Two 2-foot wide gutters
 - b. Tabor Street, 52nd Avenue to Ridge Road.

- i. Existing flow line width varies between 35 feet near Ridge Road and 22 feet for most of the corridor.
 - ii. Proposed flow line width is 38 feet to meet the 2-lane with on-street parking local street standards, which provides for:
 - Two 11-foot-wide travel lanes
 - Two 6-foot wide parking lanes
 - Two 2-foot wide gutters
 - iii. At either end, Tabor Street does not have the on-street parking and so is not as wide. However, the length of those segments is less than 300 feet so only one width needs to be designated.
- c. Ridge Road, Tabor Street to the City boundary east of Simms Street.
- i. Existing flow line width varies between 40 feet near Tabor Street and 25 feet for most of the corridor.
 - ii. Proposed flow line width is 43 feet to meet the 3-lane with bike lanes collector street standards, which provides for:
 - Two 10-foot-wide travel lanes
 - One 11-foot wide center turn lane
 - Two 6-foot wide bike lanes including the 2-foot wide gutters

2. Street Reconstruction

- a. Street reconstruction is defined per the City Code as at least 250 feet long and includes the removal of existing pavement, curb, and/or gutter and construction of the same.
- b. All three streets are considered to be reconstruction projects.

3. Public Hearing Process

- a. No earlier than one year prior to reconstruction, a public hearing is required to designate a change in street width.
- b. After the public hearing on February 25, 2019, some form of construction must occur by February 25, 2020. This has been interpreted by the City Attorney as the issuing of a Notice to Proceed (NTP) to a contractor who has been awarded a contract through the public bidding process.
- c. Prior to the end of the public hearing, citizens who wish to protest the street width designation can file a protest petition that requires a $\frac{3}{4}$ vote of the entire Council.
- d. Upon approval of a street width designation at the public hearing, citizens who wish to protest must follow the procedure in the City Charter to file a petition with 45 days.

Street Construction Schedule

All the streets are already well into the design process, with the construction plans being completed later this spring. The ROW acquisition process has also started and is expected to be completed concurrently with the construction plans. The NTP for

construction is expected to be issued this summer, so meeting the deadline for the street width expiration is achievable, pending any unforeseen issues.

There was no Public comment

Council Questions

Councilmember Mathews questioned on what the street width designation will do to the right of way acquisition and prefers to have right of way drawings included with the sign in sheets. Also in the future, he presents that the council needs to have the impact of right of way acquisitions are before the agreements are signed off on.

Mr. Westberg responded that they will start working on right of way entries and or easements where needed, and will look at 12 to 15 ft. depending on final designs at the intersections. Nothing has been submitted by the companies that are working on them as of yet. Notifications were made to the inhabitants in the area by several different means and the process, including the petitioning if need be, was very transparent.

Mayor Starker closed the public hearing

Motion by Councilmember Mathews to approve Resolution No. 14-2019, a resolution establishing a street width for 52nd Avenue from Ward Road to Tabor Street, for Tabor Street from 52nd Avenue to Ridge Road, and for Ridge Road from Tabor Street to the City Boundary East of Simms Place, seconded by Councilmember Urban; motion carried 7-0

ORDINANCES ON FIRST READING

3. Council Bill 02-2019 – An Ordinance approving a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 4000-4066 Upham Street (Case No. WZ-18-17/Ridgetop Village)

The applicant is requesting approval of a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 4000 to 4066 Upham Street. The purpose of this request is to prepare the property for development of a 38-unit townhome project.

Councilmember Davis introduced Council Bill 02-2019

Motion by Councilmember Davis to approve Council Bill No. 02-2019, an ordinance approving a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 4000-4066 Upham Street, on first reading, order it published, set for second reading on April 8, 2019 at 7:00 p.m. in City Council chambers and if adopted that it take effect 15 days after final publication, seconded by Councilmember Urban; motion carried 7-0.

4. Council Bill 03-2019 - An Ordinance amending Section 2-53 and 11-52.5 of the Wheat Ridge Code of Laws concerning appointees to Boards and Commissions and the Liquor Licensing Authority

Consideration of an ordinance permitting the Council to appoint out-of-district members to the local liquor licensing authority in the event that no qualified in-district residents apply, and requiring in-district appointments, if available, for all boards and commissions

Councilmember Urban introduced Council Bill 03-2019

Motion by Councilmember Urban to approve Council Bill No. 03-2019, an ordinance amending Section 2-53 and 11-52.5 of the Wheat Ridge Code of Laws concerning appointees to Boards and Commissions and the Liquor Licensing Authority, on first reading, order it published, set for second reading on March 25, 2019 at 7:00 p.m. in City Council chambers and if adopted that it take effect 15 days after final publication, seconded by Councilmember Dozeman; motion carried 7-0.

DECISIONS, RESOLUTIONS AND MOTION

5. Motion to approve appointments to Boards and Commissions

The City's Board and Commission seats are due for appointment. The positions were advertised in the Wheat Ridge Transcript and on Channel 8, Facebook and the City's Website. Current members were contacted by mail and asked if they wanted to serve another term. All applications were received and compiled by the City Clerk's Office and forwarded to the City Council.

Councilmember Kueter introduced Item 5.

Public comment

Melissa Antol stated that she applied to the Planning Commission in District III last year and applied again this year. She is wanting to put a face with the name, and thinks that it's an exciting time to be in Wheat Ridge, especially with the NRS and potential decisions for the community. She listed a background in urban planning with a master's degree, and has worked with local governments for over 20 years. As an individual she is proud to be living in Wheat Ridge and hopes to embrace growth in balanced way and to be able to grow smart and sustainable.

Ihor Figlus also had submitted an application for the Planning Commission in District III but through a glitch in the system, it didn't come in time to be published in the agenda.

He has attended recent council meetings and is aware how important it is to have citizen input in these meetings. He wants to be part of the community, working for the community and the planning commission is an important part of the process.

Mayor Starker closed the public comment section and informed Mr. Figlus that his planning commission application was indeed added to the agenda.

District I Appointments

Motion by Councilmember Hoppe to appoint:

- Betty Jo Page to the Board of Adjustment, term ending 3/2/22
- Nicole Larsen to the Parks and Recreation Commission, term ending 3/2/22
- Jahi Simbai to the Planning Commission, term ending 3/2/22
- Michele Koons to the Renewal Wheat Ridge, term ending 3/2/24,
- Seconded by Councilmember Kueter; motion carried 7-0.

District II Appointments

Motion by Councilmember Davis to appoint:

- David Kuntz to the Board of Adjustment, term ending 3/2/22
- Robert Phillips to the Building Code Advisory Board, term ending 3/2/22
- Anthony Davia to the Liquor Authority Board, term ending 3/2/22
- Scott Ohms to the Planning Commission, term ending 3/2/22

Seconded by Councilmember Urban; motion carried 7-0.

District III Appointments

Motion by Councilmember Pond to appoint:

Melissa Antol the Planning Commission, term ending 3/2/22, seconded by Councilmember Dozeman; motion carried 6-1 with Councilmember Mathews voting no

Tim Rogers to the Renewal Wheat Ridge, term ending 3/2/24; seconded by Councilmember Dozeman; motion carried 7-0.

District IV Appointments

Motion by Councilmember Mathews to appoint:

Cynthia Shaw to the Liquor Authority Board, term ending 3/2/22, seconded by Councilmember Dozeman; carried 7-0.

At Large Appointments

Motion by Councilmember Dozeman to appoint:

Julianne Stern Alternate to the Board of Adjustment, term ending 3/2/22, seconded by Councilmember Davis; motion carried 7-0

Sunny Garcia to the Election Commission, term ending 3/2/21 (fills a vacancy); seconded by Councilmember Davis; carried 6-1 with Councilmember Mathews voting no

6. Motion approving the revised Council Rules of Order and Procedure dated February 25, 2019

Consideration of amendments to Council Rules of Order and Procedure.

Councilmember Pond introduced Item 6.

Staff presentation

The following City Council Rules of Order and Procedure are a result from the March 18, 2018 study session and January 28, 2019 special study session at which numerous sections of the Rules were discussed and recommended for change. The City Attorney has incorporated all of these changes into the attached revised Council Rules of Order and Procedure. The major categories and issues include the following:

- Throughout, there are edits for language, clarity, and internal cross-references.
- Rule II.A on Citizens rights to speak has been significantly clarified, including:
 - To have all public comment at the beginning of the regular meeting, when a study session is placed at the end of a regular meeting. This would change the current practice.
 - Clarifying the rules on written comments, both those simply submitted and those desired to be read into the record.
- Rule III.B on election of Mayor Pro Tem is shortened by eliminating the secret paper ballot procedure, now disallowed by the courts.
- Rule V.B is amended to move Approval of Agenda before Citizens Rights to Speak
- Rule V.E is revised to state there is no time limit on individual public testimony in public hearings, but the presiding officer may limit time if justified by the number of speakers.
- Procedures are also added for “quasi-judicial” hearings.

Council questions and discussion

Items discussed for amendments included speakers use of foul language, threatening behavior, speaker's time, changing of the set agenda after it's been posted, special meeting notifications and information gathering during hearings.

Motion by Councilmember Pond to approve the revised Council Rules of Order and Procedure dated February 25, 2019; with amendments to follow:

- In Section II. A. IV. b. remove the words foul, as well as and
- In Section III. B. III. Add before publication, after the word study session
- In Section IV. E. III. Add per Charter 5.2 after the word meeting in the first sentence
- In Section V. E. I. End of the second sentence a period after speaker's time; delete the words, in the event the number of persons signed up to testify justifies this

Seconded by Councilmember Mathews; motion carried 7-0

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Councilmember Mathews would like to be kept in the loop on the jazzercise issue to see if we can help them. He would like to give notice that he has not given up on the flag lots, minor subdivisions, and administrative subdivision issues.

Councilmember Davis thanks all the folks that applied for City of Wheat Ridge Boards and Commissions, especially for District II. Remember that the Gala tickets are still being sold until Wednesday.

Mayor Starker also wanted to thank those that had applied for the Boards and Commissions seats.

ADJOURN TO SPECIAL STUDY SESSION

The City Council Meeting adjourned at 8:13 pm.


Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON MARCH 11, 2019



Janeece Hoppe, Mayor Pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.