

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

January 11, 2021

Note: This meeting was held virtually, using Zoom video-teleconferencing technology. As duly announced and publicly noticed, Council previously approved this format in order to continue with normal business and respond to the CoVid-19 Pandemic and the related public emergency orders promulgated by the President of the United States, the Governor of Colorado, and the Wheat Ridge City Council. 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 6:59 p.m.

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; Administrative Services Director, Allison Scheck; Chief of Police, Chris Murtha; Director of Parks and Recreation Karen O'Donnell; Assistant to the City Manager, Marianne Schilling; Community Development Director, Ken Johnstone; Senior Planner, Stephanie Stevens; Kevin Schneider, representing UCFW, other staff, guests and interested citizens.

PROCLAMATIONS AND CEREMONIES

This item began at 7:02 PM.

National Radon Action Month (NRAM)

Mayor Starker stated that the City of Wheat Ridge supports the NRAM program, along with other cities, counties and states across the United States. The Mayor reviewed the morbidity and mortality costs of undetected radon. Testing for radon is easy, inexpensive and would have a major impact in preventing radon cancers and deaths.

Ken Johnstone accepted the Proclamation on behalf of the sponsors of NRAM. He reviewed reasons why radon is a serious issue in Colorado and thanked the Mayor and Council for highlighting nationwide effort to detect and mitigate radon.

National Law Enforcement Appreciation Day

Mayor Starker expressed the City's gratitude as he honored the service of the women and men of the Wheat Ridge Police Department and all those across the country who serve their communities in law enforcement.

Chief Murtha accepted the proclamation with gratitude on behalf of the WRPD and law enforcement everywhere. He thanked the Mayor and Council for their recognition of the contributions our WRPD make every day, at great sacrifice to themselves and their families.

APPROVAL OF MINUTES

Without objection the Study Session Notes of December 7, 2020; Study Session Notes of December 21, 2020, Study Session Notes of January 4, 2021 and City Council minutes of December 14, 2020 were approved as published.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

CITIZENS' RIGHT TO SPEAK

This item began at 7:09 PM.

Nobody came forward to speak on items NOT on the agenda.

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 include a public hearing (verbatim, so long as the comments do not contain lascivious language or unlawful hate speech).

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

1. CONSENT AGENDA

Discussion began at approximately 7:11 PM

Councilmember Hoppe introduced the consent agenda.

- a. Resolution 01-2021 - a resolution amending the fiscal year 2021 2E Bond Fund Budget to reflect the approval of a supplemental budget appropriation for the re-appropriation and re-encumbrance of the 2020 fiscal year encumbered funds in the amount of \$2,748,421.94 for Wadsworth Boulevard rights-of-way acquisitions.
- b. Motion to approve payment to Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2021 property/casualty premium in the amount of \$320,615.44
- c. Motion to approve an agreement with Molson Coors Beverage Company, a Delaware Corporation, and its affiliate, Coors Brewing Company to permit use of its property for staging in connection with the previously approved Bayou Ditch Repair and Headgate Replacement Project

Motion by Councilmember Hoppe to approve Consent Agenda Items a.), b.), and c.), Seconded by Councilmember Stites; motion carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Discussion began at approximately 7:13 PM.

NOTE: Item 2 and item 5 were discussed jointly, and a single public hearing held on both agenda items, because they relate closely to one another.

2. Council Bill No. 20-2020 – An Ordinance approving the rezoning of property located at 4990 Parfet Street from Planned Commercial Development (PCD) to Planned Industrial Development (PID) with an Outline Development Plan

Councilmember Dozeman introduced Council Bill No. 22-2020

The applicant is requesting approval of a zone change from Planned Commercial Development to Planned Industrial Development with approval of an Outline Development Plan for property located at 4990 Parfet Street (near the northeast corner of I-70 Frontage Road North and Parfet Street). The purpose of this request is to prepare the property for the development of a large format industrial land use

Mayor Starker opened the public hearing, for both this item and for Item 5 on tonight's agenda and declared that anyone who testifies concerning either item 2, item 5, or both by the act of speaking during the hearing is thereby sworn to tell the truth as they know it.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1701.

Staff Presentation by Stephanie Stevens, Senior Planner with the City of Wheat Ridge: The Planning staff gave a detailed presentation and incorporated into the public record the files related to this case, including but not limited to the proceedings of the Planning Commission, public comments and their presentation to Council.

A minor change was made to the ODP to address recommended conditions of the SDP pertaining to allowable fence/wall heights, therefore there are no conditions included in City Council's recommended motion.

Public Comment

No one came forward to speak on either item 2 or item 5.

Council Questions and comments

Will the truck route depicted in the presentation change once the Kipling interchange project is completed? The answer was no change is anticipated.

Will the loading dock facilities be on the east side of the proposed building? Yes, and Mr. Mitchell gave an explanation of how and why that approach is included in the design.

Council expressed their appreciation of the building exterior design and the landscaping included in the proposed plan.

In the recent noise ordinance passed by Council it is stipulated that industrial property has a specific limit. That limit will apply to this facility.

Mayor Starker closed the public hearing.

Motion by Councilmember Dozeman to approve Council Bill No. 20-2020 – an ordinance approving the rezoning of property located at 4990 Parfet Street from Planned Commercial Development (PCD) to Planned Industrial Development (PID) with an Outline Development Plan, on second reading and that it takes effect fifteen days after final publication for the following reasons:

1. The Planning Commission has recommended approval of the rezoning after conducting a proper public hearing.
2. The proposed rezoning has been reviewed by the Community Development Department, which has forwarded its recommendations of approval.
3. The proposed rezoning has been found to comply with the “criteria for review” in Section 26-603 of the Code of Laws.

Seconded by Councilmember Urban; motion carried 8-0

3. Council Bill No. 02-2020 – An Ordinance approving an Outline Development Plan (ODP) Amendment to change the sign standards on property zoned Planned Commercial Development (PCD) and located at 7760 W. 38th Avenue

Discussion began at 7:53 pm

Councilmember Stites introduced Council Bill No. 21-2020.

The applicant is requesting an Outline Development Plan Amendment to revise the existing sign standards which are more restrictive than the City's regular sign code. The applicant is requesting an amendment such that City's regular sign code applies to the subject property. This in turn would allow for installation of a new freestanding sign.

Mayor Starker opened the public hearing and declared that anyone who testifies concerning this item, by the act of speaking during the hearing, is thereby sworn to tell the truth as they know it.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1702

Staff Presentation Zareen Tasneem, Planner I, with the City of Wheat Ridge: The Planning staff presented to the Council a review of discussions during previous Council meetings that have addressed this issue. The following items were reviewed:

Financial impact: Minimal.

If the ODP Amendment is approved, next steps would include building permits for any new signs, and review fees as well as use taxes would be paid as part of those processes.

Proposed Amendment:

By changing the ODP sign standards to follow the City's standard sign standards, not only would it bring the existing sign into conformance, but it will also encourage reinvestment in a property since the applicant would like to install a new sign. Furthermore, new signs proposed for the commercial properties to the east already need to adhere to the City's sign code. Therefore, the amendment would result in signs that match the character of the area. Besides the sign standards, all other development standards remain unchanged and refer to the previous ODP amendment.

Public Comment

No one came forward to speak.

Council Questions and comments

Do we have a picture of the sign involved in this action? Staff displayed an artist's depiction of the sign as it will appear at the property.

With respect to electronic signs, Councilmembers have seen other signs that advertise for business not on the same premises. Can we limit the content to only the businesses on that location? Mr. Johnstone cited a US Supreme Court decision will not allow the City to regulate sign content.

Would this revision, if adopted, mean that *all* electronic signs require special ordinances?

Staff answered no. At other sites in the City electronic signs have been refused; staff explained that City sign regulations prohibit electronic signs in some zoning areas. In

commercial zones, electronic signage is permitted, so there will be no need for case by case ordinance actions for electronic signs in commercial zones.

Mayor Starker closed the public hearing.

Motion by Councilmember Stites to approve Council Bill No. 21-2020 – an ordinance approving an Outline Development Plan (ODP) Amendment to change the sign standards on property zoned Planned Commercial Development (PCD) and located at 7760 W. 38th Avenue, on second reading and that it takes effect 15 days after final publication for the following reasons:

1. The Planning Commission has recommended approval of the ODP Amendment after conducting a proper public hearing.
2. The proposed ODP Amendment has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed ODP Amendment has been found to comply with the criteria for review in Section 26-303 of the Code of Laws

During discussion Councilmember Hoppe stated she will vote in favor of this sign on the west side of 38th Ave, but is opposed to electronic signs east of Wadsworth Blvd.

Seconded by Councilmember Dozeman, motion carried 8-0

4. Council Bill No. 23-2020 – An Ordinance repealing and reenacting Section 26 609 of the Wheat Ridge Code of Laws concerning access to public streets and making conforming amendments.

Discussion began at approximately 8:18 PM.

Councilmember Hutchinson introduced Council Bill No.23-2020.

The zoning code requires that all new developments have access to public streets. The Code outlines several stipulations for residential and nonresidential developments. Code section 26-609 discusses access requirements, but does not reflect current development patterns, so the proposed amendment repeals and reenacts this section and updates cross references. The purpose of the amendment is to provide more specificity for commercial and industrial land uses, more flexibility for residential land uses, and more detailed guidance overall. The overarching goal is to ensure that access and circulation designs support logical and high-quality site design.

Mayor Starker opened the public hearing and declared that anyone who testifies concerning this item, by the act of speaking during the hearing, is thereby sworn to tell the truth as they know it.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1703

Staff Presentation by Lauren Mikulak, Planning Manager with the City of Wheat Ridge: Ms. Mikulak's presentation to city council included these summarized items:

Current Code:

Section 26-609 of the code describes how development must gain access to public streets. It requires the following:

- All development must have access to a public street.
- Access can be direct access to the street or via easement or private roadway of at least 25 feet in width.
- Private roadways or easements may serve no more than four (4) dwelling units.
- For nonresidential uses in residential zone districts, private roadways or easements may serve no more than 10,000 square feet of gross floor area.
- For commercial and industrial uses, private roadways or easements are permitted with review and approval by the Community Development Director and Fire District

Proposed code:

The proposed code reflects current and best practice by outlining a series of specific considerations to be applied in the context of all types of development when determining how property accesses the public road network. The City currently has and will retain sole discretion over whether a property has access to streets through public or private roadways. The code adds specificity by itemizing the following considerations by which such design and decision is made:

- Maintenance,
- Design,
- Emergency/fire access,
- Merits of alternate designs,
- Land use (number of units or size of nonresidential),
- Block length,
- Impact on existing street network, and
- Bicycle and pedestrian facilities
- Recommendation and Next Steps:

Review of and revisions to access and circulation are often among the first and most robust discussions. The City's codes related to access need to better complement the overriding intent of the zoning and subdivision regulations: to promote efficient circulation; improve connectivity; accommodate safe movement of vehicles, bicycles and pedestrians; and minimize the number of curb cuts. The proposed code amendment will provide staff and decision makers a better basis to make review comments and to ensure safe, logical, and high-quality access and circulation.

as well as past minutes and proceedings of the Planning Commission, public comments and their presentation to Council.

Public Comment

No one came forward to speak.

Council Questions and comments:

There has been a lot of discussion of “flag lots,” and access to those from public streets. Will this change in the Code address ingress and egress for those flag lots? Ms. Mikulak responded that other regulations address that question and that this proposed Ordinance will not change those regulations.

Mayor Starker closed the public hearing.

Motion by Councilmember Hutchinson to approve Council Bill No. 23-2020 – an ordinance repealing and reenacting Section 26 609 of the Wheat Ridge Code of Laws concerning access to public streets and making conforming amendments, on second reading and that it takes effect 15 days after final publication, seconded by Councilmember Hoppe, motion carried 8-0.

ORDINANCES ON FIRST READING

There were none.

DECISIONS, RESOLUTIONS AND MOTIONS

Discussion began at approximately 7:37 PM

5. Resolution 03-2021 - A Resolution approving a Specific Development Plan (SDP) for property located at 4990 Parfet Street

NOTE: This item 5 and Item 2 above were considered in a single public hearing and a vote to approve item 5 was taken out of agenda order following action on item 2. The two agenda items were approved via separate motions approved for each.

Councilmember Dozeman introduced Resolution 03-2021.

The applicant is requesting approval of a Specific Development Plan (SDP) for property located at 4990 Parfet Street (near the northeast corner of I-70 Frontage Road North and Parfet Street). Approval of an SDP is the second step in the City’s approval process for a Planned Industrial Development; it provides site plan and design details for the subject property.

Staff Presentation by Ken Johnstone, Community Development Director, Stephanie Stevens, Senior Planner and Matt Mitchell, for Westfield, the applicant, who gave a brief review of the prior actions, which included the Planning Commissions recommendation of approval for the SDP for the following reasons:

1. The specific development plan is consistent with the purpose of a planned development, as stated in Section 26-301 of the City Code.

2. The specific development plan is consistent with the intent and purpose of the outline development plan.
3. The proposed uses are consistent with those approved by the outline development plan.
4. All responding agencies have indicated they can serve the property with improvements installed at the developer's expense.
5. The specific development plan is in substantial compliance with the applicable standards set forth in the outline development plan and with the City's adopted codes and policies.

With the following condition:

1. Ten-foot (10') walls or fences shall only be allowed within the loading area and shall not be located within required setbacks or landscape buffers. "Loading area" is defined as the pavement area on the east side of the building as identified on the Specific Development Plan.

The SDP was revised with a note to reflect the condition as recommended by Planning Commission therefore, this condition was not included in City Council's recommended motion.

Public Comment

No one came forward to speak.

Council Questions

Councilmember had no further questions or comments.

Motion by Councilmember Dozeman to approve Resolution No. 03-2021, a resolution approving a Specific Development Plan (SDP) for property located at 4990 Parfet Street, for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The proposed Specific Development Plan has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. All requirements of a Specific Development Plan have been met.

Motion seconded by Councilmember Stites; motion carried 8-0.

6. Resolution No. 02-2021 - a resolution concerning the lease back of property located at 7575 W 44th Avenue to Bank of the West

Councilmember Urban introduced Resolution 02-2021

The proposed improvements to Wadsworth Boulevard require that additional rights-of-way (ROW) be purchased to allow for the construction of public improvements. In order

to facilitate the acquisition of property at 7575 W 44th Avenue and the subsequent relocation of the Bank of West, staff is requesting that City Council approve a resolution authorizing leasing the property back to the Bank of the West until April 30, 2021.

Staff informed Council that a final settlement was recently reached for the full acquisition of the Bank of the West property. In order to allow the Bank of the West adequate time to prepare and relocate to a new site, the Memorandum of Agreement (MOA) with them that outlines the details of the purchase allows them to occupy their current location until April 30, 2021. The closing is currently scheduled for January 15, 2021, so a lease has been prepared with the City as the landlord and the Bank of the West as the tenant

He recommends that City Council approve the resolution authorizing the City to lease property located at 7575 W 44th Avenue to the Bank of the West in order to allow the closing on the purchase of the property and facilitate the relocation of the Bank of the West to a new location.

Public Comment

No one came forward to speak.

Council Questions

Please, clarify whether the City is taking the entire building where the Bank of the West branch is located. Mr. Johnstone replied.

Motion by Councilmember Urban to approve Resolution No. 02-2021, a resolution concerning the lease back of property located at 7575 W 44th Avenue to Bank of the West, seconded by Councilmember Hultin; motion carried 8-0.

CITY MANAGER'S MATTERS

Mr. Goff updated Council on small business grants through Jefferson County, funded by appropriations from the State Legislature. All of our Wheat Ridge businesses have been notified of this opportunity.

He also updated the Jefferson County plans to participate in the Five Star certification program. Information is available on the County website.

CITY ATTORNEY'S MATTERS

Nothing tonight.

ELECTED OFFICIALS' MATTERS

Discussion began about 8:30 PM.

Councilmember Nosler Beck reminded us that the deadline to apply for positions on Boards and Commissions is this Friday, January 15th. Interested City residents can find detailed information on the City's website.

Councilmember Stites announced that he and Councilmember Weaver will convene a District III meeting on Saturday, February 6th at 9 AM at the Rec Center.

"If you can find it in Wheat Ridge, buy it in Wheat Ridge," he emphasized again.

Councilmember Hultin mentioned that CDPHE offers free radon test kits to all Colorado residents. Information on how to obtain a test kit is on the CDPHE website. She asked that staff post that information with a live link to the CDPHE webpage, which is here:

<https://drhomeair.fmbetterforms.com/#/colorado-free>

She also asked staff about modifications other cities have allowed and encouraged in terms of restaurants modifying their premises for outdoor dining. Many restaurants are erecting outdoor structures for diners in an effort to increase their available seating capacity during the pandemic. She asked whether there are regulations in Wheat Ridge to define what is indoor and what is outdoor and what regulations address those modifications. Mr. Goff and Mr. Johnstone responded to Councilmember Hultin's question with details.

Councilmember Urban thanked our law enforcement agencies and sworn officers, both those who serve on the WRPD and those who live in Wheat Ridge but serve in other jurisdictions. He thanked them for their service and their sacrifices.

He also noted that today is Human Trafficking Awareness Day, a nationwide effort to engage citizens in the effort to quell human trafficking.

Councilmember Hoppe commented that if anyone is having trouble paying rent or mortgage there are both local (for example, The Family Tree) and state resources available to assist them.

Mayor Starker thanked those who attended the Coffee with the Mayor last Saturday and our new Homeless Navigator for her participation during the virtual session. As always, he encouraged us all to take care of one another during these extraordinary days.

ADJOURNMENT

The meeting adjourned at 8:41 pm.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON January 25, 2021



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 by contacting the City Clerk's Office, as well as copies of Ordinances and Resolutions.