

# **City Council Meeting Minutes**

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

**July 12, 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 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 7:00 p.m.

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

### **ROLL CALL OF MEMBERS**

Janeece Hoppe      Zachary Urban      Rachel Hultin

Korey Stites      Valerie Nosler Beck      Amanda Weaver      Leah Dozeman

Also present: City Clerk, Steve Kirkpatrick; City Treasurer Chris Miller; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Administrative Services Director, Allison Scheck; Police Chief Chris Murtha; Director of Community Development, Ken Johnstone; Director of Parks and Recreation, Karen O'Donnell; Assistant to the City Manager, Marianne Schilling; Projects Supervisor, Mark Westberg; other staff, guests and interested citizens. Councilmember Hutchinson excused herself.

### **APPROVAL OF MINUTES**

Without objection or correction, the City Council Minutes of June 28, 2021, and Special Study Session notes of June 28, 2021 were approved as published.

### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

### **PUBLICS' RIGHT TO SPEAK**

Jerry DiTullio, Jefferson County Treasurer, attended to report on property tax collections in Jefferson County.

As of June 24, 2021, Jefferson County is approximately ten percent lower in property tax collections than in June 2020. As you know, many counties, including Jefferson County, have just adopted the "All Clear" pandemic status on May 16, 2021. Many taxpayers are still struggling to pay their property taxes. Several counties have received substantially less than the average year with many individuals and businesses still

struggling to recover from the effects of COVID-19.

In an effort to collect delinquent property taxes and to make special districts and the county whole with regards to collections and distributions, The Treasurer's Office will be waiving delinquent property tax interest (per Senate Bill 21-279) from June 16 through September 15, 2021 to encourage property owners to pay their delinquent property taxes in 2021. There is still a declared emergency in Colorado and not everyone is recovering at the same speed from COVID-19. This one-year-only measure should help taxpayers get caught up in 2021 and avoid a tax lien sale.

Please call 303-271-8330 for more information or visit the Jefferson County Treasurer webpage.

**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 related to the agenda tonight.

**CONSENT AGENDA** – No items this evening.

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

Discussion began at approximately 7: PM

1. Council Bill No. 10-2021 - An Ordinance amending Chapters 2 and 26 of the Code of Laws of the City of Wheat Ridge to prohibit tents and makeshift structures within the floodplain and to amend the floodplain permitting and variance processes.

Councilmember Hoppe introduced Council Bill 10-2021.

**Issue**

Mile High Flood District (MHFD) regulations specifically prohibit tents and makeshift structures in the floodplain due to numerous public safety issues. Staff is requesting that Council amend the City's floodplain regulations in Chapter 26 to adopt similar regulations.

In addition, staff is seeking to improve the approval process for Class II Floodplain Permits and the appeal process of Floodplain Manager's decisions. Among the changes, staff is proposing to remove the Board of Adjustment (BOA) as the review and approval body for floodplain permits and to add the Building Code Advisory Board (BCAB) as the body to hear appeals.

Mayor Starker opened the public hearing.

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. 1716

### **Staff Presentation**

Projects Supervisor Mark Westberg spoke to the council on prior actions at council and from the planning commission where the MHFD is a valuable stormwater and floodplain management resource to not just the City but to the entire Denver Metro area.

### **Public Comment**

No one came forward to speak on this item.

### **Council Questions and comments**

Councilmember Hoppe asked about details for the appeal procedure in case an application for a flood plain variance is denied. Mr. Westberg gave a detailed answer.

Councilmember Nosler Beck asked questions about public vs. private lands near a creek, and again Mr. Westberg gave an explanation.

Councilmember Hultin asked about the no camping regulation and Mr. Westberg explained that no one may sleep in a public park overnight, in a tent or a sleeping bag or with any other equipment.

Councilmember Weaver asked about signage to warn residents that sleeping in a flood plain is unlawful. Mr. Westberg replied that we have not planned to do that, but we certainly can if Council desires it. He also explained that residents may walk in a flood plain area, as long as they do not sleep there overnight.

Councilmember Urban asked whether tents have been a problem in the flood plain. Again, staff provided a detailed answer.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Hoppe to approve Council Bill No. 10-2021 - an ordinance amending Chapters 2 and 26 of the Code of Laws of the City of Wheat Ridge to prohibit tents and makeshift structures within the floodplain and to amend the floodplain permitting and variance processes, seconded by Councilmember Stites, motion carried 7-0.

2. Council Bill No. 11-2021 - An Ordinance approving the disposal by demolition of city-owned buildings associated with the Improve Wadsworth Project.

Councilmember Hultin introduced Council Bill 11-2021.

### **Issue**

The City owns two buildings along Wadsworth Boulevard that were purchased in order to provide the necessary right-of-way for the Improve Wadsworth project. These two buildings need to be demolished in order for the street improvements to be constructed. Staff is requesting authorization from Council to demolish the buildings.

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures. The Charter requires a super majority vote to pass this ordinance because it addresses the sale of City-owned property.

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. 1717

### **Staff Presentation**

Projects Supervisor Mark Westberg gave some background on the item where the Raliberto's building needs to be demolished to allow for the relocation of the traffic signal from 3 Acre Lane to W. 41<sup>st</sup> Avenue. Raliberto's recently moved next door into the restaurant previously occupied by Good Times. Demolition of this building is included in the scope of work for the construction portion of the Improve Wadsworth project.

One of the partial acquisitions at 7595 W 48<sup>th</sup> Avenue includes a small house that was recently used as a rental property. The larger house on the property will remain. The small house was recently vacated and needs to be demolished to allow for the construction of a new retaining wall on the east side of Wadsworth. Demolition of this building is included in the scope of work for the construction portion of the Improve Wadsworth project.

### **Public Comment**

No one came forward to speak on this item.

### **Council Questions and comments**

Councilmember Hoppe asked how long the demolition will require, hoping that the graffiti and trash on that site will be removed as soon as practicable. Can staff remove the visible distractions with the current budget? Mr. Westberg and Mr. Goff answered that the City will take care of the eyesore.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Hultin to approve Council Bill No. 11-2021 - an ordinance approving the disposal by demolition of city-owned buildings associated with the Improve Wadsworth Project, seconded by Councilmember Urban, motion carried 7-0; a super majority for disposal of City owned property attained. Motion passes.

### **ORDINANCES ON FIRST READING**

Discussion began at 7:26 pm.

3. Council Bill No. 12-2021 - An Ordinance amending Chapter 7 of the Wheat Ridge Code of Laws concerning elections

Councilmember Nosler Beck introduced Council Bill 12-2021.

#### **Issue**

This ordinance will revise the City's election chapter to conform to revisions in state election laws.

**Motion** by Councilmember Nosler Beck to approve Council Bill 12-2021- an ordinance amending Chapter 7 of the Wheat Ridge Code of Laws concerning elections, on first reading for the sole purpose of ordering it published for a public hearing set for July 26, 2021 at 7 p.m. in City Council Chambers, 7500 W. 29<sup>th</sup> Avenue, and that it take effect upon adoption; seconded by Councilmember Hoppe; motion carried 7-0.

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

Discussion began at approximately 7:26 PM

4. Resolution No. 35-2021 - A Resolution amending the Fiscal Year 2021 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$1,600,000 for contractual building services

Councilmember Weaver introduced the Resolution.

#### **Issue**

The building division has experienced an extremely busy year, thus far. The volume of work reflects a robust mix of residential and commercial construction and by volume and revenues represents the busiest 1<sup>st</sup> and 2<sup>nd</sup> quarters for the building division on record. As a result, the initial amount of funding budgeted in the 2021 budget and subsequently authorized in the initial contract with CAA will be far exceeded by the end of 2021. Additionally, the SCL Lutheran hospital campus has begun applying for permits associated with their new hospital at the Clear Creek Crossing campus. The revenues and permits fees associated with this hospital campus were not included in the 2021 budget. Staff is requesting a budget supplemental of \$1,600,000 to cover estimated 2021 expenses associated with the CAA contract, based on current revenue projections.

### **Staff Presentation**

Community Development Director Kenneth Johnstone gave a summary of the work that Charles Abbott Associates do for the city and the services they provide for the building division. He also explained the reason for coming back to Council to request additional funding.

### **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 Weaver to approve Resolution No. 35-2021, a resolution amending the Fiscal Year 2021 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$1,600,000 for contractual building services, seconded by Councilmember Hultin, motion carried 7-0.

Councilmember Hultin congratulated staff on their excellent work.

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

In March 2020 Council passed an emergency declaration, which has not expired with the end of the Governor's declared end.

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

Nothing tonight.

### **ELECTED OFFICIALS' MATTERS**

Councilmember Weaver announced a program this Wednesday morning at 8:30 about urban agriculture; details on the website [rootedinfun.com](http://rootedinfun.com)

Councilmember Nosler Beck noted that when she posted a staff produced video about the swimming pools we operate on social media, the response from the public was very positive.

Councilmember Stites asked us to take care of your neighbors, especially the elderly. He also reminded us that when shopping, in his father, Mike Stites's words, if you can find it in Wheat Ridge, buy it in Wheat Ridge.

Councilmember Hultin remarked that residents are praising staff efforts to keep our parks and recreation facilities open, especially the pools.

Councilmember Hoppe asked the public to donate to the local food bank in District 1.

City Clerk Kirkpatrick announced that anyone who is considering running for office in the November 2, 2021 election may want to attend a Candidate Orientation session in Chambers at noon on Thursday, July 29<sup>th</sup>. The session will be hybrid virtual and in

person, and a recording of the session will be available, like Council meetings, on our You Tube channel. The session is not required for candidates, is free and open to the public.

Mayor Starker thanked the citizens who attended his last Coffee with the Mayor and announced that the next one will occur this Saturday.

**ADJOURNMENT TO SPECIAL STUDY SESSION**

The meeting adjourned at 7:40 pm.



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Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON July 26, 2021



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Janece 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.