

# **City Council Meeting Minutes**

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

**October 25, 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      Judy Hutchinson      Zachary Urban      Rachel Hultin  
Amanda Weaver      Korey Stites      Leah Dozeman      Valerie Nosler Beck

Also, present: City Attorney, Gerald Dahl; City Manager, Patrick Goff; City Clerk, Steve Kirkpatrick; City Treasurer, Chris Miller; Community Development Director, Ken Johnstone; Lauren Mikulak, Planning Supervisor; other staff, guests and interested Members of the Public.

## **APPROVAL OF MINUTES**

Without objection or correction, the Study Session Notes of October 4, 2021 and City Council Minutes of October 11, 2021 were approved as published.

## **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

## **PROCLAMATIONS AND CEREMONIES**

Mayor Starker read and presented the Proclamations

### **Native American Heritage Month**

The Proclamation addresses public awareness of the history, culture and sacrifices of our indigenous people, also called the First Nations. The Mayor also highlighted the many contributions of Native American Peoples to service in our armed forces. Six First Nation peoples have connections to Wheat Ridge.

**Communities That Care**

Sam Taylor, Jeffco Communities that Care Coordinator with the Jefferson Center; Pamela Gould, Jeffco Communities that Care Coordinator with Jeffco Public Health; Susan Anderson and June Beth, representing the WR Rec Center, came forward to accept the proclamation. The City participates in a multi-governmental effort to support the mental health and social development of our adolescent residents.

**PUBLIC'S RIGHT TO SPEAK**

Wes Johnson, 3595 Quail St. came to speak in support of re-election of Councilmember Amanda Weaver. He recounted specific situations during which she has helped him and why he will support her.

Jenny Shaver, 8835 W. 38<sup>th</sup> Avenue came to suggest that we have red-light and speed cameras at certain more dangerous and frequently traveled intersections, especially along our major corridors. She cited examples of nearby communities that have had speed violation cameras and how those have positively impacted public safety.

George Pond, 1 Rangeview Drive came to thank the Council for adapting to these challenging times. He recognized the Mayor and Council, City staff and volunteers who have served with humility, prudence and balance. Amanda Weaver is an example of such a servant leader, who has been a valued community leader for many years. I served with her, beside her, and saw her in action. I strongly support her candidacy for re-election to the City Council from District III.

David Land, 8730 W. 34<sup>th</sup> Avenue, came to support Amanda Weaver's candidacy for re-election to City Council. She is both fostering responsible development and working to fulfill all of our housing needs. She has all the pieces necessary to succeed and benefit us all. I support her re-election.

Kathleen Baccarini, 10745 W 35<sup>th</sup> Ave. Came to recount her experience working with Councilmember Weaver when a huge half-pipe was built by her neighbors. Councilmember Weaver attended all of the neighborhood meetings, seeking to find mutually beneficial solutions. She put forward the proposal for a new ordinance to regulate such structures and preserve our neighbors' rights. I support her for re-election to Council from District III.

Mary Fedje, 3465 Estes St., came to say that she is very grateful and pleased with the direction of the City for the past several years. She expressed gratitude for Council's handling of the new marijuana law. However, we have had to circulate petitions twice to undo zoning changes on Upham and on 38<sup>th</sup> Ave. I live one block from the Lutheran Campus, and I want the City to listen to our citizens and mutually trust one another but at present the City Council and staff are not trustworthy when it comes to development.

Stephanie Eble, 3225 Parfet St. This is my first involvement local government. I came to highlight Amanda Weaver's hard work on sustainable neighborhoods. She came to see me when I emailed her, and I spent an hour discussing sustainability with her. I

was very grateful for Amanda's responsiveness to our residents. That convinced me to put my efforts behind Amanda. She is responsive and works with a lot of integrity.

Joy Opp, 46 Hillside Drive, came as the co-chair of Sustainable Wheat Ridge, to thank Councilmember Amanda Weaver for her support and leadership in the area of sustainability. I am very grateful for her leadership on sustainability, and I support her candidacy for re-election.

Julie Scarlata, 10662 W. 35<sup>th</sup> Place, came to support Amanda Weaver's campaign for re-election to Council. Her work at Five Fridges Farm is an example of her commitment to urban agriculture, environmental awareness and integrity. Her farm is more than a business, it is a statement about urban agriculture. She is honest, works with integrity and responsiveness. She read a statement from a neighbor who also supports Councilmember Weaver's re-election.

Amanda Rebel, 10762 W. 35<sup>th</sup> Place. As a proud district III resident and strong support of Councilmember Amanda Weaver. She listens to me and educates me and then tirelessly advocates for our neighborhood. She models ethical behavior. Amanda gives and models respect, exhibits kindness, does her best and works tirelessly. I see Amanda as a gifted honest Councilmember.

Kathy Plummer, 3 Twilight Drive came to support the candidacy for re-election of Councilmember Amanda Weaver. She read a statement from Councilmember Korey Stites, District III, who strongly supports his colleague's re-election. Even through the pandemic we worked together and moved things forward. We do not always agree, but we work together for a common good. Ms. Plummer echoed Councilmember Stites impressions of Councilmember Weaver and recounted her own experience working with Councilmember Weaver. She strives to maintain the respect and dignity of all with whom she works.

Kim Calomino, 4070 Dover St. Councilmember Amanda Weaver has proven to be a conscientious, honest and admirable leader. Her dedication to our history and future is clear. She strives to create a future we can all thrive in. She thanked Councilmember Urban for his eight years of service to the City and his dedication to our wellbeing and to the City's future.

Rolly Sorrentino, 4175 Teller St. to say that the City Council has not represented the citizens of Wheat Ridge recently. He cited the Upham, 38<sup>th</sup> Ave., and other zoning changes that citizens opposed. The City Council and City staff are not listening to us as they move forward developments that the residents oppose.

Vivian Vos, 6920 W. 47<sup>th</sup>. Place. I served on the Planning Commission with Councilmember Weaver. I reapplied for appointment to the Planning Commission and Councilmember Weaver stated from the dais that I was unfit and unqualified. I asked her why she opposed my seating. She stated falsehoods and promised to find facts to support her contentions. She has not. She thanked Councilmember Urban for his service and responsiveness to District II residents.

Donna Gimeno, 3575 Quail St., has lived in Wheat Ridge for 15 years. I have been a public servant for 35 years. She knows how demanding this service is. She finds Amanda Weaver well qualified for re-election.

Fred Gimeno, 3575 Quail St. He has always found Councilmember Amanda Weaver to be a responsive, respectful and helpful servant. She helped us deal with a damaged, partially fallen tree that was a clear and present danger to her house. She called Councilmember Weaver and asked for her help, and she got action from Code Enforcement quickly. He wanted an amicable solution without a confrontation with his neighbor. The City resolved the situation to his satisfaction.

Janelle Shaver 8090 W. 35<sup>th</sup> Ave. Please, see that staff and the City Clerk time stamp things properly and on time. Filings should be properly timestamped and duly posted in the same manner for all. The time stamp is here, but not being used for the election. My comments are not intended as a criticism but as a suggestion to run things more smoothly. Some of the disagreements of late would have been avoided had the time stamp been properly used.

Kim Ortal Hardi, 10240 W. 34<sup>th</sup>. Place. I have personally experienced Councilmember Weaver's opponent's lack of integrity and his personal agenda. Ms. Weaver is the opposite. She works with integrity and in good faith, and I support her re-election.

Saini Hardi, 10240 W. 34<sup>th</sup>. Place looked at Council candidate Figlus' website for his campaign and found several statements that he doubts are true. Mr. Figlus has tried to dictate the size of my back yard, something he should not be able to do. He is driven by his own needs and agenda and not the interest of our neighborhoods. I support Councilmember Weaver's candidacy for re-election

**Note about Wheat Ridge Speaks:**

Members of the Public 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 members of the public 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 one entered comments in WR Speaks for this Council session.

**1. CONSENT AGENDA**

Discussion began at approximately 7:57 PM

Councilmember Nosler Beck introduced the consent agenda.

- a. Resolution No. 52-2021 – a resolution authorizing a building lease between the City of Wheat Ridge and Concrete Works of Colorado for 7575 West 44<sup>th</sup> Avenue

**Issue**

The City of Wheat Ridge owns the former Bank of the West building located at 7575 W. 44th Avenue (the Property). The City wishes to lease the building to Concrete Works of Colorado (CWC) for the purposes of construction headquarters for the Improve Wadsworth Project.

- b. Motion to approve payments to Insight Public Sector in the amount of \$148,974.75 for the annual renewals of the Microsoft Enterprise Three-Year Agreement

**Issue**

The City renewed its current three-year Microsoft Enterprise Agreement on October 1, 2021. The three-year renewal included an upgrade of the current on-premises license and software package to Office 365 and Teams, inclusive of implementation and support

- c. Motion to cancel the November 1, 2021 study session of the Wheat Ridge City Council due to Municipal Election

**Issue**

The City Council Study Session meeting of November 1, 2021 currently does not have any scheduled agenda items. In order to provide time for the Mayor and City Council to participate in election activities, the meeting will be canceled.

- d. Motion to award a contract and approve subsequent payments of \$88,907.73 annually to Terracide Associates LLC., of Centennial, Colorado, for right-of-way maintenance services

**Issue**

This request is for approval of the Right-Of-Way Maintenance Service Contract. The City currently contracts annually for mowing, weed prevention and mitigation, and trash pickup in various rights-of-way areas. The total service area for this contract is around 34 acres. The scope of work includes year-round services, as and where needed. Staff anticipates 5 cycles of chemical weed control, 7 cycles for mowing and trimming services, and 12 cycles each for trash and debris removal and for sidewalk and median cleaning.

**Motion** by Councilmember Nosler Beck to approve Consent Agenda Items a.), b.), c.) and d.), Seconded by Councilmember Urban; motion carried 8-0.

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

2. Resolution No. 53-2021 - A Resolution Adopting the Lutheran Legacy Campus Master Plan as an amendment to the City's Comprehensive Plan, Envision Wheat Ridge.

Discussion began at approximately 8:02 pm

Councilmember Stites introduced Resolution No. 53-2021

### **Issue**

The Lutheran Medical Campus is located in the heart of Wheat Ridge and has operated as a medical use since 1905. A new Lutheran hospital is currently being constructed at the Clear Creek Crossing development, and the hospital's move presents a rare opportunity to reimagine the future of the Lutheran Legacy Campus.

The Lutheran Legacy Campus Master Plan outlines a 20-year vision for the property and is based on six months of input from Wheat Ridge community members. Because the City's 2009 Comprehensive Plan does not contemplate a potential change of use on the property, adoption of this master plan is a critical next in starting a new chapter for the property.

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 Attorney Dahl asked Councilmember Dozeman several questions related to her employment at Lutheran Medical Center and based on her answers determined that she may participate in the consideration and voting on this item.

Mr. Dahl asked Councilmember Urban questions related to his service on the Lutheran Foundation Board and also found that he is free of any conflict of interest to participate in consideration and vote on this agenda item.

### **Staff Presentation**

Ken Johnstone, Community Development Director and Lauren Mikulak, Planning Manager summarized the background of the facility where SCL Health currently owns and operates the Lutheran Medical Center (LMC) at 8300 W. 38th Avenue. The campus is about 100 acres in size, extending between W. 32nd Avenue and W. 38th Avenue and between Allison and Dudley. While there are no public rights-of-way within the property, this area is roughly equivalent to the size of 12 city blocks

Medical uses on the property significantly pre-date the City. The site began as the Evangelical Lutheran Sanitarium in 1905, with numerous tents erected for the treatment of tuberculosis patients. In 1961, Lutheran Hospital opened as a non-profit general medical facility. In the 1970s, the site became known as the Lutheran Medical Center, and services continued to expand with the construction of new buildings and additions over the next 30 to 40 years.

City Council was first briefed on the idea of a master plan in November 2020, and the formal process kicked off shortly thereafter with a contract award to MIG, Inc in January

2021. The public process began in May 2021 and has extended through October 2021 with a wide range of public input opportunities:

- April 16 – Stakeholder steering committee meeting
- May 1 – Public meeting #1 (on-site walking tour)
- May 6 – Planning Commission study session
- May 10 – City Council study session
- May 20 – Community focus group A meeting
- May 24 – Community focus group B meeting
- May 27 – Business/development focus group meeting
- June 10 – Public meeting #2 (virtual visioning session)
- June 10 to July 10 – Online visioning survey
- July 7 – Stakeholder steering committee meeting
- July 21 – Community focus group A meeting
- July 23 – Community focus group B meeting
- July 29 – Business/development focus group meeting
- August 3 – Public meeting #3 (in-person review of conceptual plans)
- August 3 to 10 – Online survey for conceptual plans
- August 16 – City Council study session
- August 19 – Planning Commission study session
- September 10 – Stakeholder steering committee meeting
- September 13 – Business/development focus group meeting
- September 22 – Public meeting #4 (open house review of final recommendations/next steps)
- October 7 – Planning Commission public hearing
- October 25 – City Council public hearing

### **Public Comment**

Note: More than 20 residents signed up to speak about this item. Exercising his duty under the Council Rules, the Mayor limited all speakers on this item to 3 minutes.

Zoriana Morozewych, 3651 Ward Road, yields her 3 minutes to Carol Matthews.

Elise Brougham, 2545 Allison Ct., came to comment that there was no reason to hire expensive consultants to create this Legacy Campus plan. Why did we not use the Planning staff's work? She emphasized that the City must remain true to its own plans. We should only encourage developments that are aligned with the existing neighborhoods. She spoke at length about her perception that the City Council that the City government are not acting in concert with the will of our residents and have not for many years.

Jenny Shaver, 8835 W. 32<sup>nd</sup>. Ave. Recounted her reasons for moving to WR, where we have single-family and duplex properties without high density development. She

echoed others concerns that the Lutheran Master Plan runs contrary to the Wheat Ridge history and culture. The neighbors have not been adequately involved in the planning of the Lutheran campus future. She also thanked Councilmembers Weaver and Stites for listening at a recent District III meeting with residents.

Joshua Meyer, 8835 W. 32<sup>nd</sup>. Ave. I respect the elected officials and the process. I hope your minds are still open to listening to our residents about this plan. The Planning Commission did not listen to us; he commented that Commissioner Christine Disney called WR the donut hole in the metro area. He almost took Umbridge to that comment. I see WR as an oasis in the metro area. There are many, many housing developments already and we do not need to include high density housing in our future. I am in your District, Amanda Weaver, and I hope you will listen to me now.

George Pond, 1 Rangeview Drive. The process to design a master plan for Lutheran Legacy Campus has been an open, robust and inclusive one. What we are discussing tonight is not really a plan; it's is a framework. I support the framework as proposed, understanding that there are many steps, and much more input to be sought and discussion to be had. The framework is smart, timely and it makes sense! It is thoughtful of history, of context and of the present and future. I must say that we do not have enough housing. Please, adopt this framework and continue our discussions.

Fred Linton 8865 W. 32<sup>nd</sup>. Place. I would like to see this plan move forward without the high-density housing.

David Land, 8730 W. 34<sup>th</sup> Ave. My family moved one block away from Lutheran 20 years ago. We greatly appreciate the hospital, a great asset to our city and neighbors. Since SCL has decided to move a new plan is essential. We support this plan as presented. We need more affordable housing to encourage young families to move to WR. High density should not scare us but encourage us to be more diverse and inclusive.

Carol Matthews. The City has put our city up for sale to the highest developer bidder. Developers are contributing to our Councilmembers campaigns to get favorable consideration. The NRS showed that residents overwhelmingly oppose high-density housing. Yet, the City continues to bow to the needs of the developments. The proposed plan would put 5000 residents on the Lutheran Legacy Campus. What will that do to our traffic, to long lines in stores and will they shop online? When Clear Creek Campus was planned, we were promised that the Legacy Campus would not include high density housing. Do not be fooled again. Demand quality not quantity housing.

Marta Hedde, 7385 W. 28<sup>th</sup> Ave. I represent the WR Historical Society, and I came to respond to some inaccuracies in what I have heard. For example, some say none of these building have been designated as historically important. However, we are in the process of getting a National Historical Site designation for the Blue House. At least two other structures are also qualified for designation as historic landmarks.



Fred Linton, 8835 West 32<sup>nd</sup>. Pl. came to make two points. First, let's move this plan forward without the high-density housing. Second, I have a question for SCL Health. What will they do with their water rights to the flow of the small creek that flows through their property?

Dave Land, 8730 W. 34<sup>th</sup> Ave. We have lived the past 20 years just two blocks from Lutheran Hospital. We have been to the emergency room a number of times; we like the hospital and are glad it's there. Obviously, SCL has decided to move. We fully support this proposed plan. If we put 2000 sq. ft. houses across the entire ten acres, we would have more housing like we already have, but nothing for people like my family and me 20 years ago. We need housing that teachers, and firefighters and nurses can afford. I support the resolution. High density should not scare us.

Carol Matthews, (for six minutes; Ms. Morozewych yielded her 3 minutes to Ms. Matthews) 3851 Hoyt St. City Hall has put Wheat Ridge up for sale to the developers. They are not just selling our land but our property rights and our personal rights. Many of our City Council candidates are getting huge donations from developers that are unmatched by other candidates. What do the developers expect in return. Seventy-two percent of the residents who responded to the Neighborhood Revitalization Strategy survey said we do not want high density housing in our neighborhood. Lutheran is right in the middle of our neighborhood. If Council approves this zoning change, there will be no rights for homeowners or property owners. We have witnessed this before in two other locations despite our opposition. This plan may house 5,000 people or more, with ten thousand cars. In high-density housing we will have a serious parking and traffic problem. We should attract a medical development, that we could benefit from. We do not need high-density housing. Stand-up Wheat Ridge citizens and do not let them do this to us again.

Marta Hedde, 7385 W. 28<sup>th</sup> Ave. I represent the WR Historical Society. I provided a packet for Council before the deadline. At the past several meetings, someone has stated that none of the historical building on the Lutheran Campus has been designated historical sites; why is that? Application has been made by History Colorado to designate the Blue House a National Historic Site. Once that happens, the State will follow. At that point, per Wheat Ridge Code, the designation will be automatic. It is a beautiful example of Victorian architecture and qualifies because of its longevity. We believe these historic building and the surrounding land should be a park.

Bob Brazell, 3830 Carr St., commented on the use of consultants vs. using the staff. Why we keep hiring outside consultants instead of having City staff do the work? I sold real estate for several years. You know that the appraiser work for the seller and the inspector for the buyer. MIG must work for SCL and must provide the best deal for SCL. Why would you move the entire hospital onto new land? Someone is making a killing at the expense of us residents. I do not want my neighborhood destroyed for the benefit of SCL Health.

Lucille Ray, 3230 Balsam St. I am one of the people who were not informed about this plan. I am unhappy that some of the developers are trying to make a killing. I am not in favor of any housing plan at this time because I have not seen what the developers plan for this project. I am opposed to the current plan and oppose high rises and high-

density housing. We neighbors of SCL have bent over backward to accommodate SCL in the past. I am opposed to high-, middle- and low-density housing because I do not know what the developers mean. I came here 50 years ago to avoid the urban high-density housing in Denver. I oppose this plan and want more dialogue and study.

Kim Calomino, 4070 Dover St, I have lived for 25 years a few blocks from Lutheran. I am glad the community has a chance to give input to the plan, and I support the plan as presented. The community has had a robust process through which to give their input. I believe what is proposed an excellent representation of the Community's vision. I served on the Steering Committee and we heard often from the community during the planning process. Let's not cannibalize the existing commerce on 38<sup>th</sup> Ave. Let's make sure that there is adequate buffering and traffic planning to help the adjacent neighborhood. Finally consider the future of our city. Some are using terms high density and high rise as fear terms. Let's stop that now.

Sandy Nance 4097 Field Drive. Came to discuss the future of the beautiful chapel and Blue House, that the plan says will be preserved – but only if the adjacent development can offset the cost of preservation. Historic Landmark designation takes years. However, the City could hold a public hearing to designate these historic building for preservation. SCL could make a lot of friends if they would make the application to put the historic buildings on City historic registry. The City should consider an historic district for that corner of the property.

Anne Brinkman, 7420 W. 34<sup>th</sup> Ave. I came to comment as a private citizen on the Rocky Mountain Ditch that flows through the Lutheran Campus. The ditch is not an amenity; it has a specific purpose. It's intended use is as a utility. I am in favor of the plan as submitted. Just wanted to point out that there are two ditches, not just the RM Ditch; there is also an agricultural ditch. I am glad we hired the consultants to build this plan and I am in favor of it.

Ihor Figlus, 9775 W. 36<sup>th</sup>. Ave. came to comment on the acquisition of SCL by Intermountain Health. When the current hospital moves to Clear Creek Crossing, we have an opportunity to take a different tact and create more jobs for people in Wheat Ridge. Intermountain is ranked 4<sup>th</sup> in the nation in innovative healthcare. We need to engage with Intermountain to determine if we can continue to use this campus for medical and rehabilitation purposes. We need to postpone this master plan and reach out to Intermountain and get them involved in a conversation.

Janelle Shaver, 8090 W. 35<sup>th</sup>. Ave. (Six minutes with the 3 minutes yielded by Bob Kordiva). Please, reject or postpone this master plan because I see several flaws. The process was not robust. The efforts to involve the community have not been inclusive enough because they depend too much on social media and the City website. This is not the biggest outpouring of community involvement we have had; the Rec Center was. We had meeting after meeting with residents and constructed a list of what people wanted in the new Rec Center. We have no such list. We should pursue community farms, like communities nearby. The Council decides what kind of housing density we will have through zoning, not the developers. We do not have to do something that earns the developers a lot of money; your job is to protect residents' interest. We do not need to move to a new city hall to Lutheran because this very building was built on deep

pilings to allow for up to a 5-story building. We need to respect all of the neighborhoods to not only the north but also the west and the east. The current plan leaves commercial development wanting in favor of high-density housing.

Rollie Sorrentino, 4175 Teller St. He recalls when the Lutheran property was full of wildlife as an open space. Yet he has not heard one alternative to the proposed plan that ought to be considered. What will happen at Clear Creek Crossing when they move? I believe SCL will need the space on the Legacy Campus.

Rosemarie Bowden, 3535 Dudley St. When SCL moves to Clear Creek Crossing, we will not have access to quality healthcare because the new facility will not be accessible or large enough. We need more outpatient care, and we need to delay this plan until we know what is happening with the merger of SCL and Intermountain. I beg you not to change the zoning.

Daniel Findlay, 3375 Dudley St. He wanted everyone to know that he only learned about the planning process by word of mouth. The current plan involves a lot more than housing but does not indicate how many residences per acre. Where will the new residents park? How much more traffic will this create? You have not done enough to engage the neighborhoods, and this plan does not have enough detail, enough specifics for us to move forward. His wife, who was not further identified, supported his comments. She wants more input than she has had the chance to give. She is very concerned about what the developers really want to do.

Julie Stern, 7630 W 38<sup>th</sup> Avenue. I appreciate the City and SCL's effort to bring intentionality to the plans for the future of the Lutheran Campus. The proposed plan includes new uses of the land, for commercial and residential uses, and I think this a good plan. We are a young family. We see too many young families opt to move elsewhere because there is no housing that meets their needs that they can afford. I am really excited to see this plan come to fruition and I urge Council to approve it.

Lindsay Burney, 3880 Garrison St. Change is sometimes scary, but it can also be exciting. My neighbors and I are very excited about what this plan will provide for us. We could enjoy walking or cycling to the green space and perhaps visiting a business. I support this plan and urge Council to adopt this framework as a starting point. Smart developers understand what Wheat Ridge wants in new housing and will plan accordingly.

The Mayor closed public comment and thanked all those who came to give their input this evening.

Meeting recessed until 10:00 pm.

### **Council Questions and comments**

Councilmember Stites asked staff to recount the opportunities the public to give input to the Master Plan. Ms. Mikulak and MIG gave a detailed answer.

He also asked who is paying the fees for consultant MIG and to whom they are accountable. Staff and Mr. Chung, SVP at Lutheran, recounted why SCL helped defray

the cost of the consultants. Mr. Johnstone commented that the City needed financial help to defray such a large project cost.

Then Councilmember Stites asked whether this plan, if adopted tonight, would foreclose SCL from choosing to use the legacy site for outpatient care. Ms. Mikulak said that no, it does not. Then he asked if the plan is adopted tonight, when would any zoning change come before Council and when would groundbreaking occur? MIG and Ms. Mikulak replied that that will take years. It will be at least 2024 before the hospital moves. Previous, similar processes have taken as long as 9 years.

Councilmember Stites also asked what next steps would involve. Ms. Mikulak replied in detail.

Councilmember Dozeman asked what this process would have been like without the community involvement steps we have undertaken. Staff gave a detailed answer.

Councilmember Hoppe asked if duplexes are considered low-, mid- or high-density?

Ms. Mikulak replied that those terms are used indistinctly, and their meaning varies. About 4-5 houses per acer is generally considered low-density.

Councilmember Nosler Beck asked for staff to explain the process of obtaining an historical designation. Mr. Johnstone gave a detailed answer.

Councilmember Hultin recalled several comments about ensuring open space and green space, and asked how we can be assured that open/green space will be included? Again, staff gave a detailed answer. She then asked whether any developers have been approached about this project. Mr. Johnstone explained that a few were included in focus groups, but none are engaged in any discussions about this project. No developers are engaged in any specific discussions about the property.

Councilmember Hultin then asked for comments on the economic model that will be applied here in terms of jobs, housing costs and commercial enterprises. MIG gave a professional opinion and discuss the current thinking.

Councilmember Urban asked how the rezoning usually occurs. MIG replied that usually the rezoning comes first. He asked that a future Study Session engage SCL in a process of looking at pursuing an historic designation.

Councilmember Urban then suggested we engage in that process as soon as practicable in what will surely be a multi-year process. He suggested a **consensus** that City council supports a resolution to keep the Blue House, the permanent tent and the Chapel as historic landmarks. **Consensus Attained.**

Councilmember Weaver thanked those who brought forth the issue of flowing water on the site.

Councilmember Hutchinson is in favor of including the Chapel along with the Blue House in any effort to preserve them as historic sites. She then asked for a concrete

definition of “affordable housing.” Staff replied that there is no generally accepted definition because it varies so widely based on so many variables and factors that what is affordable in one locale is not affordable in another area. She also asked about a definition of low density.

Councilmember Hoppe asked whether there will be some kind of housing design standard for locations near the perimeter of the Legacy Campus with variability as we get deeper into the center of the campus. Ms. Mikulak replied that a set of criteria would necessarily have to be included in the proposed development plan.

Councilmember Hultin asked for an explanation of how the different interested groups were recruited, how their input was collected and compiled during the planning process. MIG gave a detailed answer.

The Mayor closed the public hearing and asked for a motion.

**Motion** by Councilmember Stites to approve Resolution 53-2021 – a resolution adopting the Lutheran Legacy Campus Master Plan as an amendment to the City’s Comprehensive Plan, Envision Wheat Ridge, seconded by Councilmember Urban.

The following discussion of the motion ensued:

Councilmember Dozeman thanked staff, MIG and our community for their participation and hard work on this Master Plan. She will vote for the adoption of the Plan. She emphasized that this action tonight is not a rezoning.

Councilmember Hoppe thanked Councilmember Dozeman and commented that this is the beginning of considering many different approaches and plans in the coming years. We need to continue this process and allow our residents to continue with even more involvement in the next phases of this process. She also reminded everyone that we have tools in our zoning process to protect against wild developer plans.

Councilmember Stites thanked everyone who participated whether they feel like the outcome is what they hoped or not. Please, remember that this process will be ongoing for 10-15 years. Going forward, everyone who has an opinion, or a desire, will have ample opportunity in the coming years to have their desires and concerns heard.

Councilmember Urban commented that in 1902 when Lutheran was purchased, we had trollies on 38<sup>th</sup> Avenue. We need to have a long-term perspective and keep involved in the process. We know that some will be disappointed, but please, stay involved.

Councilmember Hultin opined that we have a diversity of viewpoints and opinions with respect to the Legacy Campus. When she first came to Council, there was the view that you were either right or wrong. We need to celebrate the engagement we have seen, and this project will reflect the evolving yet legacy nature of Wheat Ridge-ness.

Councilmember Hutchinson has read the comments on Wheat Ridge Speaks and commented that it is important that we continue to listen to those who are opposed, and we should pause this process.

During this discussion and deliberation two proposed amendments to the main motion failed for lack of a second.

After further discussion and deliberation, **the motion carried 7-1, Councilmember Hutchinson voting nay.**

**Clerk's Note:** Per Council Rules, Sec. G, 2 (a) a  $\frac{3}{4}$  majority of the Councilmember present is required to continue a Council meeting past 11:00 p.m. and consider the remaining items on the agenda. The Mayor asked for a motion.

**Motion** by Councilmember Hoppe to continue addressing the remaining items on the agenda, this evening. Motion passed 8-0.

3. Council Bill No. 18-2021 - An Ordinance amending Chapter 11 of the Wheat Ridge Code of Laws by the addition of a new Article XIV entitled Hotel Licenses and in connection therewith, adding reference to extended stay lodging in Chapter 26 use schedules.

Discussion began at approximately 11:08 pm

Councilmember Dozeman introduced Council Bill 18-2021.

### **Issue**

Within the City of Wheat Ridge there are presently nine hotels with a total of approximately 972 rooms. While these nine hotels represent less than .05% of the total number of households and businesses in the City, the calls for service from the City's Police Department to these establishments constitute approximately 10% of the total police calls. This ordinance will create a licensing program for hotels and require minimal amenities to provide safe and healthy environments for persons relying upon short-term and extended stay housing in Wheat Ridge.

Mayor Starker opened the public hearing.

Councilmember Nosler Beck disclosed a business relationship with the American Hotel at arm's length. In consultation with the City Attorney, she will not recuse herself.

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 Kirkpatrick assigned Ordinance No. 1723

### **Staff Presentation**

Patrick Goff, City Manager, Jim Lorentz, Division Chief, and Jerry Dahl, City Attorney summarized the prior actions and background of the bill where the City's interest in

considering these new regulations is for the protection of the health and safety of the public. The intent of this ordinance is two-fold: 1) require motels that are providing lodging services of less than 30 days to meet certain minimum standards for public safety and health and 2) require motels that are providing extended stay services of 30 days or more to meet certain minimum standards for public safety and health and to provide certain amenities to ensure extended stay units are livable. Staff believes if these minimum standards are met, criminal activity and calls for service to these motels will decrease over time.

Chief Murtha presented his thoughts and data on the need for this ordinance as a matter of public health and safety. He noted that the few hotels and motels in the City account for 10% of all calls for service to the WRPD, a percentage that is consistently growing. Our hotel district is simply a nexus of drug abuse and sales, prostitution, human trafficking and related nefarious activity.

### **Public Comment**

Ryan Sugden, 1144 15<sup>th</sup> St. Denver, an attorney representing the American Motel. We have already discussed some concerns, but 3 points need to be made. The notion that the management of the motels are somehow responsible for the misbehavior on their properties is illogical. Second, the staff are put at risk if we have a limit on the number of calls for police service in order to keep our license. How can the property managers ameliorate calls for trespassing or public intoxication? The other issue we want to raise is that management is not allowed to discriminate against anyone who wants to rent a room. What would you have management do? Should a property be punished for being proactive?

He then addressed the extended stay provision in the ordinance, and the high cost of complying. There is a market and a need for extended stays. This looks like a solution looking for an issue. Limiting extended stay will result in more calls for service not fewer.

We need more dialogue with the management of the owners before we have an ordinance that makes it impossible to stay in business.

Don White, 3737 S. Independence St. in Missouri. We have been in business in WR since 1988. Every day 24 hours a day, we fight trespassers; today, we had 13 people outside our property on the parking lot who were obviously using drugs, drinking or otherwise in need of help. We had an incident today when the WRPD sent four officers descend on our parking lot because they were apprehending a suspect brandishing a machete. Stop this intimidation and come to a round table and let's discuss this problem.

Denise Mas, representing the American Motel and a collation of homeless advocates. The call for service metric punishes the hotels and motels who call for service. If you call for the police, you will lose your business license. This proposed ordinance is bad

public policy and contrary to community policing principles. Too often some calls for service for suspicious vehicles and suspicious persons are code for racist discomfort. Further, a wellness check call for service is not about criminal activity. Whether it is the intent or not, a call for service metric has the impact of creating more problems than it solves.

Sandy Monks 11010 Service Road, manager of the American Motel. She asserted that extended stay issues are not a financial incentive; we would make much more money on one- or two-night stays. You should see the things we have to deal with every day. Wheat Ridge has changed, and these problems are not our making. Please, do not pass this ordinance.

Mr. Kohlmeyer, 4845 W. 45<sup>th</sup> Avenue. The timeline in this ordinance will be nearly impossible for the property owners to meet. You cannot find the contractors or materials. Some of the other requirements make no sense.

### **Council Questions and comments**

Councilmember Hoppe asked for clarification of the separate bedroom requirement in the extended stay part of the proposed ordinance. Mr. Johnstone gave a response; it need not be a separate room with a door but a separate space.

She then asked about the three phases of crime free hotel designation; how long would it take a property to comply. Chief Murtha gave a specific answer. She asked for specifics of the construction requirements for fencing, etc. and how that will impact properties. Mr. Goff gave a detailed answer, including a deadline of June 30, 2022. Councilmember Hoppe asked if it would be within the language of the ordinance to allow a property to gradually transform its rooms to meet the extended stay requirements. Mr. Dahl gave a detailed response.

Councilmember Hoppe asked when the calls for service provision would begin; Mr. Goff replied with details.

Councilmember Stites asked what the differences are among the three properties with high call for service metrics, vs. the remaining WR hotels and motels with significantly fewer calls by that same metric. Chief Murtha provided a detailed reply. The chief also stated that the WRPD will not report calls for service that the police initiate in the area of a property to artificially inflate the calls for service statistics. In a similar vein if a guest and the manager both call for the same issue, then that is not two calls.

Councilmember Nosler Beck asked about the fairness, the objectivity of calls for service metrics, in terms of solving the problem we are addressing. Chief Murtha responded in detail about the experience with these metrics in other municipalities.

Councilmember Dozeman asked how the City determined that 1.5 calls per service per room was the correct level of that metric. Chief Murtha responded in detail with the



basis for that determination. Councilmember Dozeman asked if any other hotels or motels who object to this ordinance. Mr. Goff replied with the requested information.

Councilmember Hultin asked to see the slide from Chief Murtha's presentation that explains the calculation of the metrics proposed. She also asked about the impact of the pandemic on calls for service data. Chief Murtha replied that calls for service have risen in 2021 from 2020, and at the hotels the number of calls is rising even faster.

Councilmember Nosler Beck asked if we could come back and revisit the statistics on calls for service. Mr. Goff and Chief Murtha agreed that they will work with the properties monthly to review progress and calibrate the metrics to Wheat Ridge.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Dozeman to approve Council Bill 18-2021 – An Ordinance amending Chapter 11 of the Wheat Ridge Code of Laws by the addition of a new Article XIV entitled Hotel Licenses and in connection therewith, adding reference to Extended Stay Lodging in Chapter 26 use schedules, and that it take effect 15 days after final publication, seconded by Councilmember Urban.

Councilmember Hoppe proposed an amendment to the motion, seconded by Councilmember Stites, to make the following changes to the proposed ordinance language:

**In 11-508 D,2** Change common area amenities minimum from 4 to 3.

**In 11-509 add #5** Council shall review every 18 months

**In 11-504 A, change CFS from 1.5 to 1.8 for the year of 2022 and shall be decreased to 1.5 in 2023 and the following years.**

**In 11-509 4** change June 30, 2022 to September 30, 2022

Amendment passed 8-0.

Following passage of the Amendment, the amended main motion passed 8-0.

Councilmember Urban commented on the main motion that while this is an imperfect solution, we have to deal with the problems presented.

- 4. Council Bill No. 17-2021 - An Ordinance approving the rezoning of property located at 4535 Wadsworth Boulevard from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) (Case. No. WZ-21-05)**

Discussion began at approximately 12:43 a.m. October 26, 2021

Councilmember Hultin introduced Council Bill 17-2021

## **Issue**

The applicant is requesting approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4535 Wadsworth Boulevard.

The zone change will result in a zoning that matches surrounding zoning designations, as well the character of the Wadsworth Corridor.

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 Kirkpatrick assigned Ordinance No. 1724

### **Staff Presentation**

Zareen Tasneem, Planner I presented that the property is located on the west side of Wadsworth Boulevard between W. 44<sup>th</sup> Avenue and W. 47<sup>th</sup> Avenue. Wadsworth Boulevard is one of Wheat Ridge's main north-south arterials, with the Improve Wadsworth Project slated to start construction in fall 2021. Land for right-of-way dedication along the eastern property line was acquired from this property as part of the project.

The applicant is requesting the property be rezoned to MU-N, a zone district intended to provide medium density mixed-use development. In addition to residential and office uses, it allows for a range of neighborhood-serving commercial and retail uses. The applicant intends to rezone the property in order to allow uses that are more consistent with the current land use patterns on the Wadsworth Corridor and future potential conditions of Wadsworth due to the Improve Wadsworth Project.

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

What is the zoning for the property immediately north of the subject property? R-2.

Why is a church zoned residential? The zoning was inherited from the county.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Hultin to approve Council Bill 17-2021 – An Ordinance approving the rezoning of property located at 4535 Wadsworth Boulevard from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) (Case. No. WZ-21-05), 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 rezoning after conducting a proper public hearing.
2. The proposed rezoning has been reviewed by the Community Development Department, which has forwarded its recommendation 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.

### **ORDINANCES ON FIRST READING**

Discussion began at approximately 12:49 AM

5. Council Bill No. 19-2021 - An Ordinance approving the rezoning property located at 6011 W. 44<sup>th</sup> Avenue from Restricted Commercial (R-C) to Mixed Use – Commercial (MU-C) (Case No. WZ-21-07)

Councilmember Urban introduced Council Bill 19-2021.

### **ISSUE**

The applicant is requesting approval of a zone change from Restricted Commercial (RC) to Mixed Use-Commercial (MU-C) for property located at 6011 W. 44<sup>th</sup> Avenue. The zone change will result in a zoning that more accurately reflects surrounding conditions and other nearby zoning designations.

**Motion** by Councilmember Urban to approve Council Bill No. 19-2021 - an ordinance approving the rezoning of property located at 6011 W. 44<sup>th</sup> Avenue from Restricted Commercial (RC) to Mixed Use-Commercial (MU-C) on first reading, order it published, public hearing set for Monday, November 22, 2021 at 7 p.m. as a virtual meeting and in City Council Chambers if allowed to meet in person on that date per COVID-19 restrictions, and that it take effect 15 days after final publication, seconded by Councilmember Stites, motion carried 8-0.

6. Council Bill No. 20-2021 - An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning letter notice to property owners and occupants for development applications (Case No. ZOA-21-03)

Councilmember Hutchinson introduced Council Bill 20-2021.

### **ISSUE**

The City's zoning code has specific letter notice requirements for development applications including for neighborhood meetings, comment periods, and in advance of public hearings. For most mailings, the code only requires that mailings are sent to property owners which excludes other stakeholders, such as renters or business tenants. This ordinance expands letter notice for development applications to include owners *and* occupants to provide more inclusive information sharing in the community.

**Motion** by Councilmember Hutchinson to approve Council Bill No. 20-2021 - an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning letter notice to property owners and occupants for land use applications, on first reading, order it published, public hearing set for Monday, November 8, 2021 at 7:00 p.m. as a

virtual meeting and in City Council Chambers if allowed to meet in person on that date per COVID-19 restrictions, and that it take effect 15 days after final publication, seconded by Councilmember Urban, motion carried 8-0

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

Mr. Goff had nothing further.

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

Nothing tonight.

### **ELECTED OFFICIALS' MATTERS**

City Clerk Kirkpatrick reminded voters that it is too late to mail your ballot; please, use a drop box.

Councilmember Nosler Beck thanked Mr. Urban for his mentorship and eight years of outstanding service as a Councilmember.

Councilmember Dozeman thanked Local Works for their work and for the Lutheran Fall Festival held recently. She bid a fond farewell to Councilmember Urban.

Councilmember Hutchinson thanked Councilmember Urban for his long-standing service to the City.

Councilmember Hultin thanked those who made a recent urban agriculture event successful, including Ms. Mikulak for her staff support. We are productively tapping into something already strong in this community. She thanked Councilmember Urban for his long-standing service to the District and the City.

Councilmember Stites thanked those who came and stayed tonight. He also acknowledged those who worked to make the Trunk or Treat event held recently such a big success. He thanked Councilmember Urban for his work for the City. You will be missed, Councilmember Urban.

Councilmember Hoppe recognized Councilmember Urban especially for his ability and skill for reading contracts. You have been a good leader on this dais.

Councilmember Urban stated he has been honored to serve, and to serve with the current Councilmembers. Move forward by working together to create a better future for the City. He thanked Mr. Goff and Mr. Dahl for their hard work and help. I could not have asked for a better last meeting, as it lasted two days.

The Mayor visited the Harvest Festival and enjoyed it. He thanked those who attended tonight and engaged in the dialogue. He thanked Councilmember Urban for his hard work and collegial approach.

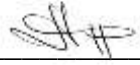
Please, remember to drive carefully and safely!

### **ADJOURNMENT**

The meeting adjourned at 1:08 a.m. on Tuesday, October 26, 2021.

  
\_\_\_\_\_  
Steve Kirkpatrick, Deputy City Clerk

APPROVED BY CITY COUNCIL ON December 13, 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