

City Council Meeting Minutes

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

December 13, 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

Judy Hutchinson	Scott Ohm	Rachel Hultin	Janeece Hoppe
Amanda Weaver	Korey Stites	Leah Dozeman	Valerie Nosler Beck

Also, present: City Attorney, Gerald Dahl; City Manager, Patrick Goff; Director of Administration, Allison Scheck; Director of Parks & Recreation, Karen O'Donnell; Community Development Director, Ken Johnstone; Lauren Mikulak, Planning Supervisor; Deputy City Clerk, Robin Eaton, other staff, guests and interested Members of the Public.

APPROVAL OF MINUTES

Without objection or correction, the City Council Minutes of October 25, 2021 (revised) were approved as published.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

Mayor Starker at 7:02 pm, announced that all members of the city council are now present.

PROCLAMATIONS AND CEREMONIES

Mayor Starker read and presented the Proclamation and Ceremonies

Wheat Ridge 101 Graduation

The Proclamation recognizes the residents of Wheat Ridge who have recently completed Wheat Ridge 101, a course offered by the City staff about the structure, workings and roles and responsibilities of City staff and our 11 elected officials.

Longs Peak Metropolitan District Reimbursement to the City and Clear Creek Crossing Development Update

Ceremony for Longs Peak Metropolitan District and Evergreen Development Company Executive Vice-President from Longs Peak Tyler Carlson who presented Mayor Starker with a partial re-imbursement check in the amount of \$9.8 million.

2021 Patrol Officer Recruits Introduction

Mayor Starker and Chief Murtha welcomed and introduced the class 2021 who were sworn in as certified police officers.

PUBLIC'S RIGHT TO SPEAK

No one came forward to speak this evening.

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.

No comments appeared in WR Speaks for this Council Meeting.

1. CONSENT AGENDA

Discussion began at approximately 7:22 PM

CM Ohm introduced the consent agenda.

- a. Motion to approve monthly payments to Kaiser Permanente for January through December 2022 membership billing not to exceed a total of \$2,800,000

Issue

The City offers employees two medical plans through Kaiser Permanente: A High Deductible plan and Deductible HMO Plan. Both plans are also offered as COBRA protection for former employees who choose to enroll. January through December billing, inclusive of the City's and employee's portion, is estimated at \$2,800,000. Staff requests approval of the estimated annual 2022 expenditure so that monthly invoices can be paid in a timely manner.

b. Motion to adopt the 2022 City Council meeting calendar**Issue**

The calendar of City Council meetings is adopted by a motion of the City Council annually. Adopting the meeting calendar for the year is more efficient and enables the Mayor, Council and staff to schedule other events and travel in advance. The Council will be able to amend the schedule by motion throughout the year, if necessary.

The following City Council meetings that conflict with observed City holidays or other known events during the year are recommended for cancellation. President Biden signed a bill in June 2021 recognizing Juneteenth (June 19th) as a federal holiday. Numerous Denver metro area cities have chosen to recognize Juneteenth as an official holiday starting in 2022 including Golden and Lakewood. Staff recommends that City Council add Juneteenth as an official holiday starting in 2022.

- Study Session, January 17, 2022, Martin Luther King Jr. Day
- Study Session, February 21, 2022, Presidents' Day
- Study Session, June 20, 2022, Juneteenth
- Study Session, July 4, 2022, Independence Day
- Study Session, September 5, 2022, Labor Day
- Regular City Council Meeting, December 26, 2022, Christmas Day

c. Motion to cancel the December 20, 2021 study session of the Wheat Ridge City Council**Issue**

The Study Session of December 20, 2021 currently does not have any scheduled agenda items. In order to provide time for City Council and Staff to spend the Christmas holiday with family and friends, it is recommended that City Council cancel this meeting.

d. Resolution No. 57-2021 - a resolution approving an intergovernmental agreement with Jefferson County Public Health for hosting youth community events**Issue**

Staff members within the Parks & Recreation Department are currently serving as part of the Jefferson County Communities That Care Coalition. Through this coalition, funding opportunities were presented, which require an intergovernmental agreement (IGA). To maximize available resources for teen programming in the City of Wheat Ridge, staff is requesting the approval of this resolution.

The IGA specifically outlines the relationship between The City of Wheat Ridge and Jefferson County Public Health (JCPH) in offering at least three, but no more than six free teen events in venues provided by the City of Wheat Ridge throughout the year.

The tasks outlined include, but are not limited to promotion, hosting of activities, compensation, equipment, food, etc. Additionally, the IGA details the recruitment and compensation of three youth interns who will be tasked with promoting the events and hosting activities at each event. Specifically, JCPH will compensate the City \$1,000 for each event hosted in compliance with this agreement.

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

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill No. 21-2021 - An Ordinance rezoning property at 4051 Clear Creek Drive from Planned Commercial to Planned Mixed Use, with and outline development plan, to allow an expanded list of permitted uses, including residential (WZ-21-04 – Clear Creek Crossing)

Discussion began at approximately 7:23 pm

CM Stites introduced Council Bill 21-2021

Issue

The applicant is requesting approval of a zone change from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) with an Outline Development Plan (ODP) for property located at approximately 4051 Clear Creek Drive. The request will add an additional planning area (Planning Area 9) to Clear Creek Crossing

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.

Deputy City Clerk Eaton assigned Ordinance No. 1727

Staff Presentation

Mr. Dahl reviewed the previous discussions and study session outputs on this item. He also questioned CM Ohm about his previous planning commission votes on this issue.

Motion by CM Hultin to approve CM Ohm's participation in this item Council Bill 21-2021 based on his answers to Mr. Dahl's question. Second by CM Hoppe, Motion carried 6-1 with CM Dozeman voting no and CM Ohm abstaining.

Scott Cutler, Senior Planner entered items into the record and stated that the city council has jurisdiction to hear the item. He presented that the property is located beyond the current northern terminus of Clear Creek Drive, on the west side of the Clear Creek Drive right-of-way and north of W. 40th Avenue. The existing street currently ends as a cul-de-sac with a trail extending to Clear Creek. To the west of the property is unincorporated Jefferson County, to the north and east is the Clear Creek

Crossing development (currently under construction), and to the south is a Coors Brewing Company water storage facility. Coors currently owns the subject property, and there is a minor lot line adjustment underway to allow the transfer of ownership to Evergreen and creating the approximately 13-acre site. There is an 80-foot-wide Denver Water easement that covers Clear Creek Drive to the northeast and parallel to the northeast property line.

The proposed PMUD zoning is required in order to accommodate the proposed residential use and to remove the FAR restrictions on this property. It's also necessary to ensure compatible site and building design. The proposed zoning incorporates many standards and principles of the Clear Creek Crossing ODP, and Design Pattern Book approved in 2018. However, the rezoning for the subject property is considered a stand-alone application with its own customized standards with the creation of Planning Area 9.

Tyler Carlson from Evergreen Partners also spoke on the item, where the previous property owners did not want to participate or sell the property as an ODP. Early the year they were able to purchase and submit a request to rezone it into the proper designation.

Public Comment

No one came forward to speak.

Council Questions and comments

CM Nosler Beck asked for clarification on the retention ponds. Tyler responded that the ponds are owned by Coors Brewery, have fairly good security around them and that the ground survey has provided information that they are safe to build around.

CM Weaver asked about the trail head and art projects, if it changes anything about the art or relocation of the trailhead. Scott Cutler and Ken Johnstone stated that nothing much has changed except it got moved a little to the north.

CM Hultin asked about the total acreage. Mr. Cutler and Tyler responded that its 13 acres to be developed with around 108 acres in total where there will need to be further construction for Clear Creek Drive.

CM Dozeman asked about the timeline to build-out. Tyler responded to get permits in place and start construction in March of next year to start leasing in the fall.

Mayor Starker closed the public hearing.

Motion by CM Stites to approve Council Bill 21-2021 – An Ordinance approving the rezoning of property located at approximately 4051 Clear Creek Drive from Planned Commercial Development (PCD) to Planned Mixed Use Development (PMUD) 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 26-303.D of the Code of Laws.

Seconded by CM Hoppe; motion carries 8-0

3. Council Bill No. 22-2021 - An Ordinance approving the disposition of park land at Stites Park and in connection therewith authorizing an exchange of land to correct the property boundary

CM Hutchinson introduced Council Bill 22-2021

Issue

Stites Park is located at the northwest corner of W. 29th Avenue and Newland Street. At the north side of the park, the playground and basketball court were constructed by the City over a 15-foot sliver of private property. At the west side of the park, the fence, constructed in partnership by the City and adjacent property owner, is located several feet off the property line and into the City-owned park. Approval of this ordinance will facilitate a land exchange between the City and the adjacent property owner to correct these discrepancies. Because this exchange involves park land, unanimous approval by the entire Council is required for the ordinance.

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.

Deputy City Clerk Eaton assigned Ordinance No. 1728

Staff Presentation

Lauren Mikulak, Planning Manager presented that the property at 6675 W. 29th Avenue is an oversized lot in the Residential-Two (R-2) zone district. In 2017, the private property was purchased by a partnership. The property previously contained a single-family home which was removed from the site through a demolition permit issued in November 2017. The owner at the time explored the possibility of a subdivision. They also worked with the City's Parks and Recreation Department to replace the chain link fence separating the park and private property. The chain link fence was located several feet into the park because of the location of several mature trees. In an effort to retain the trees, the upgraded fence was installed in the same location in 2018. The ownership that completed this work subsequently dissolved, and no formal subdivision application was submitted.

The current owner of the property was in communication with the Community Development staff in early 2020 to discuss the possibility of development under the existing residential zoning and to discuss the possibility of a land exchange in association with a subdivision plat. The land exchange corrects two issues:

- At the north side of the park, the playground and basketball court were constructed over a 15-foot sliver of private property. This portion is 3,671 square feet in size and through the land exchange would be deeded to the City.
- At the west side of the park, the fence is located several feet off the property line and into the park. This portion varies in width and is 1,485 square feet in size and through the land exchange would be deeded from the City to the adjacent owner.

While the exchange results in a net increase for the park, the disposition of the western sliver is still considered to be disposal of parkland and therefore is required to be reviewed pursuant to Section 16.5 of the Wheat Ridge Charter.

Public Comment

No one came forward to speak.

Council Questions and comments

CM Hoppe asked whether any compensation to the current property owner would be paid. Ms. Mikulak replied no but the owner has expressed no objections.

Mayor Starker closed the public hearing.

Motion by CM Hutchinson to approve Council Bill 22-2021 – An Ordinance approving the disposition of park land at Stites Park and in connection therewith authorizing an exchange of land to correct the property boundary on second reading, and that it takes effect 15 days after final publication, seconded by CM Hoppe; motion carries 8-0

4. Council Bill No. 23-2021 - An Ordinance approving the transfer of 4100 Gray Street through General Warranty Deed to the County of Jefferson, State of Colorado, in order to place a reverter on the property and return ownership to the City of Wheat Ridge through a Commissioner's Deed.

Discussion began at approximately 7:58 pm

CM Hultin introduced Council Bill 23-2021

Issue

Following Council approval, the City of Wheat Ridge recently purchased a home at 4100 Gray Street for \$525,000, with the intent to expand the adjacent Randall Park. Staff worked with Jefferson County Open Space to seek a Land Conservation Partnership Grant in the amount of \$150,000 to assist in the purchase. As a

requirement for Open Space funding, the property must be made subject to a reverter clause. The formal process requires the City of Wheat Ridge to transfer the property to Jefferson County through a General Warranty Deed.

Once received, Jefferson County will return ownership to the City of Wheat Ridge through a Commissioner's Deed, imposing the reverter clause requiring that the property be used for public open space, park or recreational purposes in perpetuity.

Pursuant to the Wheat Ridge City Charter Section 16.5, the unanimous approval of the entire City Council, by ordinance, is necessary to sell or dispose of designated park land. While the transfer to Jefferson County is not a final disposal, the Charter requirement must be followed.

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.

Deputy City Clerk Eaton assigned Ordinance No. 1729

Staff Presentation

Karen A. O'Donnell, Director of Parks & Recreation presented briefly that it is just a formal to accept that There is intent of construction of a community garden would address equity issues as the City currently houses only one community garden several miles away. It would also help to bolster the current initiative for the increase in sustainable agriculture and food security for the Wheat Ridge community.

Public Comment

No one came forward to speak.

Council Questions and comments

There were none.

Mayor Starker closed the public hearing.

Motion by CM Hultin to approve Council Bill 23-2021 – An Ordinance approving the transfer of 4100 Gray Street through General Warranty Deed to the County of Jefferson, State of Colorado, in order to place a reverter on the property and return ownership to the City of Wheat Ridge through a Commissioner's Deed, on second reading, and that it takes effect 15 days after final publication, seconded by CM Stites.

Discussion by CM Hultin and CM Hutchinson, thanked staff and the Parks and Recreation Commission for their work on this item. **Motion** carried 8-0, unanimous approval as required by the City Charter and Code.

ORDINANCES ON FIRST READING

5. Council Bill No. 24-2021 - An Ordinance approving the rezoning of property located at 12100 W. 44th Avenue from Commercial-One (C-1) to Mixed Use-Commercial (MU-C)

CM Nosler Beck introduced Council Bill 24-2021.

ISSUE

The applicant is requesting approval of a zone change from Commercial-One (C-1) to Mixed Use-Commercial (MU-C) for property located at 12100 W. 44th Avenue. The zone change is compatible with the area and will allow a wider range of potential land uses in the future, including residential workforce housing.

Motion by CM Nosler Beck to approve Council Bill No. 24-2021 - an ordinance approving the rezoning of property located at 12100 W. 44th Avenue from Commercial-One (C-1) to Mixed Use-Commercial (MU-C), on first reading, order it published, public hearing set for Monday, January 10, 2022 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 CM Dozeman; motion carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

6. Resolution No. 58-2021, A Resolution approving the amended and restated intergovernmental agreement concerning animal sheltering, dog licensing and funding of the Foothills Animal Shelter.

CM Dozeman introduced Resolution No. 58-2021.

Issue

The Foothills Animal Shelter Board of Directors has recognized a need to update the Intergovernmental Agreement between Jefferson County and the cities therein to revise the funding model and assessment calculation, update compliance requirements, remove outdated language, and update the timing of budget recommendations.

Staff Presentation

Mr. Goff gave brief explanatory comments.

Public Comment

No one came forward to speak on this item.

Council Questions

None expressed.

Motion by CM Dozeman to approve Resolution No.58-2021, a resolution approving the amended and restated intergovernmental agreement concerning animal sheltering, dog

licensing and funding of the Foothills Animal Shelter, seconded by CM Stites; motion carried 8-0.

7. Resolution No. 59-2021, A resolution approving an agreement with the Mile High Flood District and the City of Lakewood regarding funding of Major Drainageway Planning and Flood Hazard Area Delineation for Lena Gulch and Tributary H

CM Weaver introduced Resolution No. 59-2021.

Issue

The floodplain maps and master plan for Lena Gulch need to be updated to incorporate new regulatory flows that are currently being finalized by the Mile High Flood District (MHFD). An Intergovernmental Agreement (IGA) with MHFD and the City of Lakewood needs to be executed to allow MHFD to complete the updates.

Staff Presentation

Mark Westberg was available for comment.

Public Comment

No one came forward to speak on this item.

Council Questions

None were expressed.

Motion by CM Weaver to approve Resolution No. 59-2021, a resolution approving an agreement with the Mile High Flood District and the City of Lakewood regarding funding of Major Drainageway Planning and Flood Hazard Area Delineation for Lena Gulch and Tributary H, seconded by CM Stites.

CM Weaver thanked those who worked to recognize Lena Gulch as a major floodplain and valuable open space. Motion carried 8-0.

CITY MANAGER'S MATTERS

Mr. Goff wanted to thank Council for recognizing the new Wheat Ridge Police Officers and the 2021 Class of Wheat Ridge 101. He thanked Marianne Schilling for her excellent work on WR 101. He also expressed his hopes for a great Holiday season.

CITY ATTORNEY'S MATTERS

Nothing tonight.

ELECTED OFFICIALS' MATTERS

CM Hutchinson congratulated Wheat Ridge 101 graduates and welcomed our new WR Police Officers. She acknowledged her sadness over such a devastating week of

natural disasters in six states along the Mississippi and Ohio Rivers. Our thoughts and prayers go out to those people affected by these natural disasters.

CM Nosler Beck wanted to apologize for her late arrival, explaining that she had an obligation with one of her two young daughters. She also wished everyone a healthy, happy and safe Holiday season.

CM Ohm thanked the staff members who met with him and CM Hultin this week to discuss the Wadsworth project. He reminded us that there is still an open seat on the Planning Commission to represent District II. He wished everyone a safe and healthy Holiday season.

CM Dozeman wished everyone a happy Holiday season, Merry Christmas and Happy Hanukkah. She profusely thanked the staff for their excellent service to our community.

CM Weaver how early it is getting dark and 38th is very dangerous, be aware of pedestrians and bicyclists. Take precautions like dressing in light clothing and taking extra care.

CM Stites gave kudos to staff and to not only our new PO Recruits but all of our Police Department for creating and maintaining a great culture. Thanks everyone in WR 101 for their interest and effort. Everyone have Merry Christmas, and remember during your Holiday shopping, if you can find it in Wheat Ridge, buy it in Wheat Ridge and support our local merchants.

CM Hoppe wishes everyone a safe, warm Holiday season for your family. She expressed her excitement for 6 new recruits now serving our residents on the streets and also thanked the WR 101 class for their interest, commitments and efforts.

CM Hultin repeated her peers sentiments about our new Police Officers and WR 101 grads. She is ever grateful that we live in a community of hearts, shining bright, of our diversity, how fortunate we all are to live in a City like Wheat Ridge. CM Ohm and I understand that we will need to be even more proactive working on the Wadsworth project as it rolls out. Foresight and planning by staff have been outstanding; they have a plan for all contingencies and exigencies. Know that CM Ohm and I will be here working for all of our residents during the several years that this project will require. Forget ordering online; walk down the street and patronize our local businesses. Our trees all need a serious watering given the current and recent drought conditions.

Mayor Starker congratulated the WR 101 graduates and hopes to see their continued involvement and service to our City. He thanked Tyler Carlson and the folks at Evergreen Development for their continued involvement in Clear Creek and for bringing the City a check for almost \$10 million. He is buoyed by new group of police recruits, who are a great group of new servants to our residents. He also thanked the people who attended Coffee with the Mayor to discuss local issues including homelessness and other issues we face. School is out, please be careful as the kids will be out on our streets and in our parks. When and if we ever get some snow, be ready to grab a shovel and help our neighbors who need assistance clearing the driveways, walkways and sidewalks. We will see everyone in the New Year.

ADJOURNMENT

The meeting adjourned at 8:18 pm.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON February 14, 2022.



Rachel Hultin, 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