

# **City Council Meeting Minutes**

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

**May 23, 2022**

**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. Seven 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  
Amanda Weaver      Korey Stites              Leah Dozeman      Val Nosler Beck

Absent: Janeece Hoppe (excused)

Also, present: City Attorney, Gerald Dahl; Administrative Services Director, Allison Scheck; Director of Community Development, Ken Johnstone; Police Chief, Chris Murtha; Commander Jon Pickett; Parks and Recreation Director, Karen O'Donnell; City Treasurer, Chris Miller; Deputy City Clerk, Robin Eaton; Senior Planner, Scott Cutler, other staff, guests and interested citizens.

### **APPROVAL OF MINUTES**

Without objection or correction, the revised Study Session notes of December 6, 2021, were approved as published.

### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

### **PROCLAMATIONS AND CEREMONIES**

This item began at 7:03 PM.

#### **LGBTQ+ Pride Month**

Mayor Starker read the proclamation declaring June 2022, as LGBTQ+ Pride Month, where it is imperative that every person in our community, regardless of sexual orientation, gender identity, and expression, feels valued, safe, empowered, and supported by their peers and community leaders.

The proclamation was accepted by Jenny Snell who thanked the Mayor and spoke of the riots in Greenwich Village and closed with an excerpt from former President Obamas speech.

### **Men's Health Month and Men's Health Week**

Mayor Starker read the proclamation declaring June, 2022 Men's Health Month and the week of June 13-19, 2022 as Men's Health Week in Wheat Ridge. The proclamation highlighted that the Men's Health Month website has been established at [www.MensHealthMonth.org](http://www.MensHealthMonth.org) and features resources, proclamations, and information about awareness events and activities, including Wear Blue for Men's Health, and the residents of the City of Wheat Ridge are encouraged to increase awareness of the importance of a healthy lifestyle, regular exercise, and regular check-ups

Calvin Beasley Vice-President of Integrated SCL Lutheran hospital health services, accepted the proclamation and stated that even though he might not have been involved as much as he'd like, he actively encourages everyone to reach out to the males in their lives, to get them out and get them involved in getting their check-ups.

### **National Safety Month**

Mayor Starker proclaimed the month of June 2022 as National Safety Month which focuses on reducing the leading causes of injury and death at work, on the roads and in our homes and communities, drawing attention to safe practices that will decrease the likelihood of accidents. Where the beginning of the summer season, traditionally a time of increased accidents and injuries, is an appropriate time to focus attention on risk management and prevention.

The proclamation was grateful accepted by Bill Tocco from the WR Safety Committee, and WR Public Works department who thanked the Mayor, and responded with appreciation on behalf of the Safety Committee, their departments and the co-workers across the City.

### **National Gun Violence Awareness Day**

Mayor Starker read the proclamation declaring the first Friday in June to be National Gun Violence Awareness Day in the City of Wheat Ridge to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence. Where he encouraged all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Juniper Loomis accepted the proclamation, who thanked the City Council who worked at King Soopers in Boulder, and who lost friends in the shooting.

The record shows that CM Hultin arrived at 7:13 PM

## **PUBLIC'S RIGHT TO SPEAK**

The Mayor apprised the meeting of the rules

Public may speak on any matter not on the Agenda for a maximum of 3 minutes under Public's Right to Speak. Please speak up to be heard when directed by the Mayor.

Members of the Public who wish to speak on a Public Hearing item or Decision, Resolution, or Motion may speak when directed by the Mayor at the conclusion of the staff report for that specific agenda item.

No one signed up to speak in chambers or in the zoom format

### **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 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).

I would hope the city would consider as part of this repair widening the pedestrian walkway space on this bridge so that it's easier and safer to navigate, and so that city crews can clear snow more easily. Right now, the pedestrian crossing is very narrow, making it difficult and unsafe for people to pass each other particularly if they are on a bike, walking with a stroller, or other mobility device. It also means city crews need to hand shovel this stretch of sidewalk, and if they don't get there in time, it turns into an icy patch until it melts, sometimes for several days, making it basically impassable. I hope you will consider moving the railings or otherwise widening the sidewalks here as part of this project. Thank you.

May 23, 2022, 9:26 AM

**Kelly Blynn**

4175 Brentwood St  
Wheat Ridge, 80033

## **1. CONSENT AGENDA**

Discussion began at approximately 7:23 p.m.

CM Dozeman introduced the consent agenda.

- a. Resolution No. 25-2022, a resolution amending the Fiscal Year 2022 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$50,000 for technology to support telework

**Issue**

Per City Council's direction, the City will use increased General Fund reserves from the American Rescue Plan Act (ARPA) funding to purchase additional computers and ancillary equipment to support telework.

- b. Motion to award a contract to Hallmark Inc. Denver, Colorado for the 2022 Bridge Repair Project on West 44<sup>th</sup> Avenue over Clear Creek and approve subsequent payments in the amount of \$566,961.00, with a contingency amount of \$28,348.05 for a total not to exceed amount of \$595,309.05

**Issue**

The 2022 Bridge Repair Project consists of replacing the existing expansion devices and repairing a pier cap on the West 44<sup>th</sup> Avenue bridge over Clear Creek. The expansion device in the middle of the bridge will be eliminated and the bridge expansion devices on each end of the bridge will be replaced.

Three bids were received for this project which were opened on April 19, 2022. Staff recommends the lowest responsive bidder, Hallmark Inc. of Denver, Colorado be awarded the contract for the Bid Schedule #1 amount of \$566,961.00 plus a contingency of \$28,348.05

- c. Motion to approve payment to Bank of Oklahoma for 2022 principal and interest payments in the amount of \$3,498,800 for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A

**Issue**

On May 2, 2017, the City closed on Series 2017A Sales and Use Tax Revenue Bonds in the par amount of \$30,595,000 with a net premium of \$2,687,079 for a total of \$33,282,079. The City's first interest payment for 2022 is due June 1 in the amount of \$389,400 and the principal and second interest payment is due December 1 in the amount of \$3,109,400. Funds to cover the 2022 payments are budgeted in the 2022 2E Bond Fund budget.

**Motion** by CM Dozeman to approve Consent Agenda Items a.), b.), and c.), seconded by CM Stites, motion carried 7-0.

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

Discussion began at approximately 7:26 pm

2. Council Bill No. 06-2022 - An Ordinance amending Article VIII of Chapter 26 of the Code of Laws to update the City's floodplain maps and to make conforming amendments

CM Hultin introduced Council Bill 06-2022

## **Issue**

The floodplain maps for Jefferson County have been revised to include updates to the floodplain boundaries within three watersheds. The only watershed within the Wheat Ridge city limits is for a tributary to Sloan's Lake. Adoption of the most current floodplain maps is required by the National Flood Insurance Program.

In addition, staff is seeking to make other minor changes to the City's floodplain regulations to add a couple of necessary definitions and clarify the adoption of the official floodplain maps.

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures.

There were none who wanted to speak, neither in person nor through the Zoom format.

Deputy City Clerk Robin Eaton assigned Ordinance No. 1734

## **Staff Presentation**

Projects Supervisor Mark Westberg spoke to the council on the issue and spoke to prior actions taken. That basically there are three flood hazard areas in Wheat Ridge: one associated with Clear Creek, one associated with Lena Gulch, and one associated with tributaries to Sloan's Lake. The Clear Creek and Lena Gulch floodplains traverse the City diagonally. The Sloan's Lake Basin is the watershed extending upstream and downstream from Sloan's Lake. The southeast corner of Wheat Ridge, an area of approximately 500 acres, is included in the watershed.

One of the tributaries, the Ashland Drainageway, extends west along 26<sup>th</sup> Avenue between Gray and Quay Streets. Two tributaries to the Ashland Drainageway extend north of 26<sup>th</sup> Avenue along Gray and Quay Streets. Along these two tributaries, low-lying areas and structures in the City are prone to potential flooding during storm events

Mr. Westberg referenced a neighborhood meeting that was held on March 30, 2022, in conjunction with the City's annual floodplain outreach meeting. This was to educate the residents of adoption of the revised Jefferson County Digital Flood Insurance Rate Maps (DFIRM). None of the attendees commented on the adoption of the revised DFIRM.

## **Public Comment**

No one came forward to speak.

## **Council Questions and comments**

There were no questions or comments.

Mayor Starker closed the public hearing.

**Motion** by CM Hultin to approve Council Bill No. 06-2022 - an ordinance amending Article VIII of Chapter 26 of the Code of Laws to update the City's floodplain maps and to make conforming amendments, on second reading, and that it take effect 15 days final publication, motion seconded by CM Weaver, motion carried 7-0

3. Council Bill No. 04-2022 - An Ordinance approving the rezoning of property located at 4501 Wadsworth Boulevard from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N)

Discussion began at approximately 7:32 pm

CM Ohm introduced Council Bill 04-2022

### **Issue**

The applicant is requesting approval of a zone change from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) for property located at 4501 Wadsworth Boulevard. The zone change will result in a zoning that more accurately reflects surrounding conditions and other nearby zoning designations.

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures.

Deputy City Clerk Robin Eaton assigned Ordinance No. 1735

### **Staff Presentation**

Scott Cutler, Senior Planner spoke to the council on the issue. The Planning Commission reviewed this request at a public hearing held on April 7, 2022, and recommended approval. The staff report with the proposed ODP, and a copy of the Planning Commission minutes, were attached for reference, and made a part of the public record.

Mr. Cutler spoke about how the property is located at 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 and is currently undergoing construction as part of the Wadsworth Improvement Project. The property will be partially impacted along the frontage by the project, and right-of-way was already acquired. According to the Jefferson County Assessor, the property is unplatted and the parcel area measures approximately 18,894 square feet (0.43 acres) after the right-of-way acquisition and contains a two-story retail building from 1966.

The property is currently zoned Restricted Commercial (RC). There are no adjacent or nearby properties zoned RC until further north on Wadsworth past W. 46<sup>th</sup> Avenue. Most other properties along Wadsworth Boulevard in this area, however, are in more intensive commercial or mixed-use zone districts and primarily contain commercial uses. The property immediately to the north at 4535 Wadsworth Blvd was recently rezoned to MU-N in 2021. To the immediate west is a multi-unit residential development

on Yukon Court zoned Residential-Three (R-3). Further to the east and west are lower-density residential uses zoned R-2

### **Public Comment**

There were none who wanted to speak, neither in person nor through the Zoom format.

### **Council Questions and comments**

Councilmembers asked several detailed questions about options for zoning this property, which staff and the applicant Staff answered in detail.

CM Hultin was curious if MUC was considered for the proposed zoning change and use of the property.

CM Nosler Beck wanted to confirm that it is just a zone change and the current tenants, if any, would not be impacted.

Mayor Starker closed the public hearing.

**Motion** by CM Ohm to approve Council Bill No. 03-2022 - an ordinance approving the rezoning of property located at 4877 Robb Street from Agricultural-One (A-1) to Planned Commercial approving the rezoning of property located at 4501 Wadsworth Boulevard from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) 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 26-112 of the Code of Laws.

Motion seconded by CM Hultin; discussion of the motion ensued.

The motion carried 7-0.

4. Council Bill No. 05-2022 - An Ordinance amending Section 26-615 of the Wheat Ridge Code of Laws concerning small cell CMRS facilities

Discussion began at approximately 7:42 pm

CM Weaver introduced Council Bill 05-2022

### **Issue**

Since 2017, Colorado state law has required that local jurisdictions allow small cell facilities in all zone districts and in right-of-way. Staff has processed a handful of

applications since then. This ordinance is proposed to update regulations in response to recent public concerns and based on lessons learned over the last 5 years

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures.

Deputy City Clerk Robin Eaton assigned Ordinance No. 1736

### **Staff Presentation**

City Attorney Gerald Dahl spoke to the council on the issue being referred to as a tune-up where several years ago, City Council reviewed and adopted Ordinance 1621 which updated the commercial mobile radio service (CMRS) regulations related to small cell and which became effective June 12, 2017.

The Planning Commission reviewed the proposed ordinance at a public hearing on April 7, 2022 and recommended approval.

Mr. Dahl also spoke about the background of the item where Commercial mobile radio service (CMRS) refers to the suite of facilities that allow mobile phone service; this includes freestanding towers, roof mounted antennae, and wall mounted facilities which collective are sometimes referred to as cell facilities.

The term CMRS originates from federal legislation. Since the 1996 adoption of the Federal Telecommunications Act, both the federal and state governments have placed some limitations on the manner in which local governments regulate the installation of CMRS facilities. For this reason, CMRS facilities are permitted in the City, but local code establishes reasonable design standards.

Small cell facilities are smaller CMRS facilities that help expand and enhance cellular networks ensuring coverage across a community. During the 2017 legislative session, the Colorado Legislature adopted, and the governor signed, House Bill 17-1193 pertaining to small cell infrastructure. As it pertains to local governments, the bill did two significant things:

1. Made small cell facilities a use-by-right in all zoning districts; and
2. Allowed small cell facilities to locate in public rights-of-way (ROW) and on utility and traffic signal poles in those locations, and in public utility easements, with some limitations and subject to City review and approval.

Now these facilities are required to hold a building permit to have a pole where the poles will land in the right of way and only on the property lines, not in the middle of someone's property.

### **Public Comment**



There were none who wanted to speak, neither in person nor through the Zoom format.

### **Council Questions and comments**

CM Ohm asked and received confirmation that if it were a new development going into the city, that a permit would be necessary if they were wanting to put in a pole.

Mayor Starker closed the public hearing.

**Motion** by CM Weaver to approve Council Bill No. 05-2022 - an ordinance amending Section 26-615 of the Wheat Ridge Code of Laws concerning small cell CMRS facilities, on second reading, with the amendment to Code subsection 26-615.H.2.a recommended by staff, and that it take effect 15 days after final publication, motion seconded by CM Stites, discussion of the motion ensued.

The motion carried 7-0.

5. Council Bill No. 08-2022 - An Ordinance adopting a new Article V of Chapter 15 of the Wheat Ridge Code of Laws concerning Chronic Nuisance Properties

Discussion started at 7:53 pm

CM Hultin introduced Council Bill 08-2022

### **Issue**

On occasion, property owners or persons in charge of such properties, have failed to take corrective action to abate certain nuisance conditions on that property. Chronic nuisance properties have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This ordinance will adopt a new Article V of Chapter 15 of the Wheat Ridge Code of Laws to provide additional tools for the Police Department to address chronic nuisance properties

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures.

Deputy City Clerk Robin Eaton assigned Ordinance No. 1737

### **Staff Presentation**

Commander Jon Pickett spoke briefly to the council on the issue where background was given that over the last fifteen years, municipalities across the United States have enacted Chronic Nuisance Ordinances (CNOs) to deal with properties that have an excessive amount of criminal conduct occurring on or near the property or an excessive number of 911 calls.

Even though the problem doesn't come up frequently in the city, when they do the process takes a great deal of time to address. The current ordinance is quite ambiguous and vague. The new draft is more concise, especially where the administrative enforcement is set up to be fair and equitable to the tenants, as well as

owners. The new ordinance will assist the city in addressing these nuisances before they were able to create lasting quality of life issues within the neighborhoods.

Mr. Dahl also spoke on this item where this is an administrative enforcement mechanism which relies on that chapter in code that was originally enacted for a specific action where nuisance complaints would be submitted, frustration grew for complainants when continuances were granted, or there was a change of council, etc.

The city then put in a proactive process where with an administrative enforcement procedure, which includes a hearing officer, that helps to speed up the process.

The proposed ordinance creates a mechanism for the City to work with the owner or manager of chronic nuisance properties to develop a plan to correct such nuisance activities and, if they fail to do so, incentivize them through fines and other enforcement mechanisms to remediate their chronic nuisance.

### **Public Comment**

There were none who wanted to speak, neither in person nor through the Zoom format.

### **Council Questions and comments**

CM Hultin wanted clarification on the definition of chronic nuisance properties and questioned why there is such a layered definition for additional units and violations, whether it's a specific unit or the entire building that's the nuisance.

Mayor Starker closed the public hearing.

**Motion** by CM Hultin to approve Council Bill No. 08-2022 - an ordinance adopting a new Article V of Chapter 15 of the Wheat Ridge Code of Laws concerning Chronic Nuisance Properties on second reading, and that it take effect 15 days after final publication motion seconded by CM Dozeman, discussion of the motion ensued.

The motion carried 7-0.

6. Council Bill No. 07-2022 - An Ordinance adopting a new Article V in Chapter 13 of the Wheat Ridge Code of Laws concerning vehicular public nuisances

Discussion started at 8:07pm

CM Stites introduced Council Bill 07-2022

### **Issue**

Illegal street racing is a dangerous activity which poses a threat to those citizens using both public and private roadways. Negative impacts of street racing include excessive noise at late hours, taking over of public property, dangerous stunts, and road racing that endangers the public as well as participants and on-lookers. The Wheat Ridge community has a low tolerance for this behavior. This proposed ordinance will create more tools for Law Enforcement to deter street racing.

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures.

Deputy City Clerk Robin Eaton assigned Ordinance No. 1738

### **Staff Presentation**

Commander Jonathon Pickett spoke to the council on the issue and gave a brief background where classifying street racing as a public nuisance is a recent development in Colorado. At the moment, Denver (the first city to enact such a set of laws over twelve years ago), Aurora, Colorado Springs, and Pueblo are the other Colorado municipalities that have enacted such legislation. Most recently, these laws were enacted partly in response to the decrease in traffic due to the COVID-19 pandemic and the racers that took advantage of the less congested roadways.

The street racing community utilizes social media and technology to organize races or so called "meet-ups." Some indications are that the online street racing community has recognized the significant consequences imposed by these ordinances in these other cities, leading the organizers of these events to avoid those jurisdictions. It appears that street racing as a public nuisance law has created an effective deterrent against the more organized portions of street racing activities.

The Wheat Ridge Police Department has worked diligently to prevent mass gatherings within Wheat Ridge, but most violations are of a traffic nature and have little consequence associated with them.

These efforts have been successful this year, bringing complaints of street racing down significantly; however, several issues still remain. Street racers are very organized and are able to use social media to their advantage, making it difficult for the PD to intervene prior to large groups gathering. Although these gatherings have decreased in recent year, the City's location in the metro area makes it likely for street racers to travel through the City on the way to their ultimate destinations or the potential of street racers taking over the I-70 corridor.

### **Public Comment**

There were none who wanted to speak, neither in person nor through the Zoom format.

### **Council Questions and comments**

There were no questions

Mayor Starker closed the public hearing.

**Motion** by CM Stites to approve Council Bill No. 07-2022 - an ordinance adopting a new Article V in Chapter 13 of the Wheat Ridge Code of Laws concerning vehicular public nuisances on second reading, and that it take effect 15 days after final publication, motion seconded by CM Hutchinson; discussion of the motion ensued.

The motion carried 7-0.

## **ORDINANCES ON FIRST READING**

NONE

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

Discussion began at approximately 8:14 p.m.

7. Motion to approve the receipt of an in-kind donation from CTP Disc, LLC to construct a disc golf course at Fruitdale Park and allow naming rights of the course for a limited 3-year term

CM Dozeman introduced the Motion.

### **Issue**

Closest to The Pin (CTP) wishes to provide a donation valued at \$12,000 to construct a disc golf course at Fruitdale Park. The City currently does not provide amenities for disc golf play. CTP has designed a course and will manage and coordinate the construction project. The City has provided specifications for construction and inspections would be conducted by City staff to ensure quality construction and compliance with standards.

CTP wishes to have rights to name the course with the name of their organization. Under this agreement and with the recommendation from the Parks & Recreation Commission, the City will allow naming of the course for 3 years. Approval of a 2/3 majority of City Council is required to approve the naming of a Parks and Recreation park or facility.

### **Staff Presentation**

Parks and Recreation Director Karen O'Donnell spoke on the background of the donation, along with the financial impact, and funding. Where the City was approached by CTP Disc, LLC with the idea to install a disc golf course somewhere on City property. After careful review of potential locations, Fruitdale Park was identified as an ideal location. Fruitdale Park currently does not provide amenities for organized athletics. There are large areas of the park that are "inactive". City staff recognize there would be benefits to activating the additional space that is mostly unused and a disc golf course would maximize the extent and usability of the property.

The financial impact for ownership and maintenance of this course totals \$5,350 for year one. Staff expects this cost will increase by an average of 3% each year.

Construction consists of installation of a hard surface for the tee boxes, along with the hole or pin. There will be a total of 9 tee boxes and pins installed. Under the proposed Donation Agreement, the City will provide support for the course by means of annual routine maintenance, and provide corrective maintenance in the case of damage,

failure, or vandalism. The appurtenances of the disc golf course will belong to the City and the City will maintain all responsibility for the equipment

### **Public Comment**

Cambria Rollo spoke in favor of the item that being the Parks and Recreation (P&R) Commission Chair is a great hand in hand from a wheat Ridge business in supplying another resource to the parks. There are lot of people who are super excited about a disc course coming to the city.

Pat Cervera who also is a member of the P&R commission, voiced approval of the donation and the naming rights, where any concerns that they had have been met, and asked for approval of the motion.

### **Council Questions**

CM Ohm asked if the naming rights could continue after the initial three years, to continue to another entity other than the city and if there are any other opportunities for park related naming rights.

CM Hultin wanted clarification that it is just the disc course that is being named and not the park itself.

**Motion** by CM Dozeman to approve the receipt of an in-kind donation from CTP Disc, LLC to construct a disc golf course and allow naming rights of the course for a limited 3-year term, and in connection therewith approve the facility donation agreement with CTP Disc, LLC and authorize execution of the same, seconded by CM Nosler Beck. Discussion on the motion ensued

The Motion carried 7-0.

8. Resolution No. 26-2022 - A Resolution of Denial of Council Bill 02-2022, an Ordinance approving the rezoning of property at 7585 W. 32nd Avenue from Restricted-Commercial (R-C) to Planned Residential Development (PRD)

Discussion started at 8:27 pm

CM Hutchinson introduced the Resolution.

### **Issue**

This Resolution creates a record of denial of the application of Hartwood LLC for a zone change from restricted commercial (R-C) to planned residential development (PRD) for property located at 7585 W. 32<sup>nd</sup> Avenue.

### **Staff Presentation**

City Attorney Gerald Dahl described how application was set for public hearing on April 25, 2022; however a legal protest was received pursuant to Code Section 26-112.C.7. This resulted in the automatic continuation of the public hearing to May 9, 2022. After

conducting the hearing on May 9, the motion to approve the application failed to achieve the requisite six votes in favor and thus the application was not approved. The Council thereupon voted to deny the application and directed the City Attorney to prepare a resolution of denial to be scheduled for Council consideration at the next available regular business meeting.

He briefly included the background of the application for a zone change but because of the existence of a valid legal protest pursuant to the City's Charter Section 5.10 and Code Section 26-112.C, approval of the application required the affirmative vote of six (6) members of the City Council. Code Section 26-112.C.6 provides, in part: *"The city council shall approve, approve with conditions, or deny the [rezoning] application."*

Accordingly, passage of a motion to accomplish one of these actions is required by the Code, and because the motion to approve failed, final action by the Council is still required. The Resolution provides that action.

### **Council Questions**

CM Ohm asked for and received clarification that the first motion of that council bill was to approve the zoning change, which failed, which was the original and the second motion was to deny the application that was approved, which then carried with it the direction for this resolution.

CM Stites asked about Roberts Rules of Order to see if there should have been a different style of motion, say a substitute motion, when denying such an application.

**Motion** by CM Hutchinson to approve Resolution No. 26-2022, a Resolution of Denial of Council Bill 02-2022, an Ordinance approving the rezoning of property at 7585 W. 32<sup>nd</sup> Avenue from Restricted-Commercial (R-C) to Planned Residential Development (PRD), seconded by CM Stites, motion carried 7-0.

9. Resolution No. 27-2022 - A Resolution amending the Fiscal Year 2022 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$500,000 and approving an agreement with Family Tree for housing navigation assistance and case management services

CM Nosler Beck introduced the Resolution at 8:33 pm.

### **Issue**

Per City Council's direction, the City will contribute funds to support non-profit organizations whose demand for services has increased due to the COVID-19 pandemic using increased general fund reserves from American Rescue Plan Act (ARPA) funding. Consensus was received by City Council to contribute \$500,000 to Family Tree to assist the City with housing navigation and assistance and case management services for those persons experiencing homelessness or at threat of becoming homeless.

## **Staff Presentation**

Marianne Schilling, Assistant to the City Manager spoke on the Zoom format of previous actions where City Council passed 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. This ordinance created a licensing program for hotels and requires minimal amenities to provide safe and healthy environments for persons relying upon short-term and extended stay housing in Wheat Ridge.

The financial impact was discussed on April 4, 2022, the City will receive a total of \$7,873,279.72 in funds from ARPA to address the impacts of the pandemic. The City received the first 50% of its allocation in June 2021 and will receive the remaining \$3.9 million in June 2022. The purpose of the funding is to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, even amid declines in revenue, and
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

The City's development of new hotel regulations in October 2021 was for the protection of the health and safety of the public. The intent of this ordinance was 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.

Scott Shields, the CEO of Family Tree was available for comment.

## **Public Comment**

No one came forward to speak.

## **Council Questions**

Council had no questions or concerns

**Motion** by CM Nosler Beck to approve Resolution No. 27-2022, a resolution amending the Fiscal Year 2022 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$500,000 and approving an agreement with Family Tree for housing navigation assistance and case management services, seconded by CM Dozeman. Discussion on the motion ensued.

The Motion carried 7-0.

## **CITY MANAGER'S MATTERS**

Ken Johnstone discussed about the opening of the tree drop-off area at Anderson park. Karen O'Donnell described the items allowed for debris from the storm, also items not being allowed were certain types of construction trailers, no large commercial vehicles, stumps, paint, or furniture.

## **CITY ATTORNEY'S MATTERS**

Nothing tonight.

## **ELECTED OFFICIALS' MATTERS**

CM Hutchinson noticed that there was supposed to be a paint drop off with the Sustainability committee. She was glad for the Council chambers as she was one of the people who went without heat and power for 31 hours.

CM Nosler Beck thanked everyone for coming together and pitching in for the weather event. She was sad to learn about the cancelled end of the year school events and thanked the students and teachers who were able pull off the recent school year during Covid. Lastly that Anderson pool is still looking for lifeguards

CM Stites also thanked the City staff and P&R for setting up the Anderson park drop-off, even before he had started receiving calls about it. He received glowing compliments and support from neighbors of the project. He finished with the message of Memorial day weekend coming up and to find it and buy it in WR.

CM Dozeman sent her kudo's to staff for jumping on the ball to get the drop-off area set up for the limbs. There is another ribbon cutting this one for the Willy Bean which is a pedal-cab coffee cart at the visitor center. She wishes everyone to have a happy summer and remind anyone with kiddos that the Zoppe Italian Family circus is having a camp and sign up can be found at [Zoppe.net](http://Zoppe.net)

CM Ohm wanted to let everyone know that he had attended the Crime Victims bill signing at PorchLight which was signed by the Governor and attended by other local dignitaries from around the State. He also received an email from District II constituent who said that city council, the mayor, and staff are doing a great job.

CM Hultin wanted to recognize the P&R department, who are always very responsive to our needs. During the storm that night she had tried to save her baby trees, and in the morning her neighbors had already dragged huge branches of hers that were knocked down, out of the right of way. By the time she returned home from work they had all been chopped up and removed. This is yet another example of what makes Wheat Ridge great.

Mayor Starker expressed his honor and privileged in attending the employee recognition awards last Saturday morning on Zoom. He wanted to thank city staff and the awards committee for putting together a wonderful presentation. He also wanted to recognize



the winners, city staff and all employees who work for our citizens, who do great work and deliver great results.

Lastly he read a short note from City Clerk Steve Kirkpatrick where he wanted to say thanks to all of you who have expressed your concerns and well-wishes as he and his family recovers from Covid. He went on to say get the proper tests to be sure of exposure, as many home test do not give accurate readings. During the time being out sick he also celebrated 35 years of marriage to his wonderful bride and wanted to wish her a Happy Anniversary.

After acclaiming the work of former PIO Sara Spaulding, who now is the chief spokeswoman for the City of Grand Junction, the Mayor reminded everyone that school is out and to watch out for the little youngsters who may be out getting exercise and that we are all teachers. He hopes that through interaction with the young people, everyone can pass on the skills that we have learned to get us this far in life.

### **ADJOURNMENT**

The meeting adjourned at 8:54 pm.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON June 27, 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.