

# **City Council Meeting Minutes**

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

**May 9, 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. 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

Absent: (excused)

Also, present: City Manager, Patrick Goff; City Attorney Gerald Dahl; Community Development Direct, Ken Johnstone; City Treasurer, Chris Miller; Administrative Services Director, Allison Scheck; Police Chief, Chris Murtha; Director of Parks and Recreation, Karen O'Donnell; Project Manager Lauren Mikulak; Assistant to the City Manager, Marianne Schilling; Deputy City Clerk, Robin Eaton, other staff, guests and interested citizens.

### **APPROVAL OF MINUTES**

With minor changes, the Study Session Notes of May 2, 2022 were approved, Without objection or correction, the City Council Minutes of April 25, 2022, were approved as published.

### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced

### **PROCLAMATIONS AND CEREMONIES**

This item began at 7:02 PM.

**National Police Week and National Peace Officers Memorial Day**

Mayor Starker read the Proclamation in support of National Police Week (May 15-21, 2022) and National Peace Officers Memorial Day (May 15, 2022) where he asked Detective **Brooks** and Officer Jodi Van Breen to join him and accept them.

He called upon all those living and working in Wheat Ridge, and upon all of our community's patriotic, civil and educational organizations, to observe them. As it is important that everyone know and understand the problems, duties and responsibilities of our police department, and that our local law enforcement agency recognizes their duty to serve our community by safeguarding life and property, by providing protection against violence and disorder, and by shielding the innocent against deception, and the weak against oppression or intimidation

#### **National Mental Health Month – May 2022**

Mayor Starker invited the special guest up to the podium and by the proclamation, declared May as National Mental Health month.

**David Goff CFO for Jefferson Mental Health** accepted the proclamation and thanked the community where the City of Wheat Ridge is dedicated to improving the health and wellbeing of its residents by ending stigma and focusing on the integrated role of mental health in all our lives.

#### **National Public Works Week**

The Mayor and Mayor Pro-Tem read the proclamation for National Public Works Week where the public works services provided in our community are an integral part of our resident's everyday lives and the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as streets and highways, traffic signals and signs, lighting, bridges, storm sewers, drainage, and fleet

**Ron Klem** accepted the proclamation on behalf of the City of Wheat Ridge Public Works Department.

#### **National Building Safety Month**

Mayor Pro-Tem Hultin read the proclamation for the National Building Safety Month where in May 2022 it will be recognized that our growth and strength depend on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster.

accepted the proclamation and thanked everyone for the honor.

Chief Murtha introduce the new WRPD Public Information Officer, Joanna Smal. He relayed some of her attributes in getting the job with the group. She spoke on items included her background in mediums and skill set.s

Councilor Weaver introduced Ive Price who is from phoenix school and doing her 8<sup>th</sup> grade study and she was invited on how the city and its people works.

**PUBLIC'S RIGHT TO SPEAK**

None came to speak

**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 ask that our city council support this rezoning because: 1. This project sits on a underused commercial site. 2. The project wants to build units in the upper \$300ks and obtainable housing is needed in our community for workforce and 1st time home buyers who want to live there NOT corporate investors. 3. Density has a benefit that we do not talk about: it is more efficient in terms of water use even when you are adding multiple units. As we are in the 24th year of the worst drought in 1200 years, this is a compelling reason to approve thoughtful density. 4. There are home buyers who do not want big yards and big houses.

They want right sized homes and energy efficiencies. 5. Home ownership ought to be available to people who are in the work force with lower paying jobs. It will get increasingly harder for businesses to hire people, schools to hire teachers, etc. if all affordable housing is well outside the Denver Metro area. Our local economy is tied to making sure we have an inventory of housing at all price points, not just the \$400k to \$1 million range. And really it has become the \$600K to \$1 million. A 1 bedroom house 2 doors down from us sold two weeks ago for \$625,000. The most important reason to approve projects like this and others? Thoughtful, energy and water efficient density adds more residents which means more tax dollars to support our city. That is how we fund our city services and staff. As you represent all of Wheat Ridge, I ask city council to make a decision that logically supports the future of Wheat Ridge. You must act for the future, not for the past when people's idea of family and home were very different than in 2022.

May 9, 2022, 11:54 AM

**Morgan Richards**  
3255 Ames Street  
Wheat Ridge, 80212

**CONSENT AGENDA**

There were no items tonight

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

Discussion began at approximately 7:15 PM

1. Council Bill No. 02-2022 - An Ordinance approving the rezoning of property located at 7585 W. 32nd Avenue from Restricted-Commercial (R-C) to Planned Residential Development (PRD)

CM Hoppe introduced Ordinance 02-2022.

### **Issue**

The applicant is requesting approval of a zone change from Restricted-Commercial (R-C) to Planned Residential Development (PRD) with approval of an Outline Development Plan (ODP) for the development of fourteen single-family attached homes at 7585 W. 32<sup>nd</sup> Avenue. The zone change is compatible with surrounding land uses, provides for housing options, and encourages improvement of the underutilized property.

Legal protests were received from neighboring property owners on three sides. As a result of the legal protest, the zone change request will require a supermajority (6 votes or more) for approval.

Mayor Starker opened the public hearing.

Deputy City Clerk assigned Ordinance 1732

### **Staff Presentation**

Stephanie Stevens a city planners spoke to the council on the issue. The Planning Commission reviewed this request at a public hearing held on March 17, 2022, and recommended approval by a vote of 5 to 2. The staff report with the proposed ODP, and a copy of the Planning Commission minutes, are attached for reference and made a part of the public record.

Ms. Stephens described the property as being located on the north side of W. 32<sup>nd</sup> Avenue, one lot east of Wadsworth Boulevard. W. 32<sup>nd</sup> Avenue is a minor arterial that runs east-west through the city; while Wadsworth Boulevard is a major arterial that runs north-south. At last count (in 2018) there were about 6,700 trips per day on 32<sup>nd</sup> Avenue in the location of the subject property.

The property is zoned Restricted Commercial (R-C) and has been zoned this way since the City's incorporation. Properties to the north, east, and south contain low density residential uses and are zoned Residential-One (R-1), Residential-Two (R-2), and Residential-One A (R-1A). Properties to the west are zoned Planned Commercial Development (PCD), R-C, Neighborhood Commercial (N-C), and Residential-Three (R-3) and contain retail, office, and multifamily uses. Crown Hill Cemetery is located further to the southwest.

**Adam** representative of the applicant gave a brief presentation on their behalf , describing how the townhomes will use the space for their residences as it is currently vacant and unused. He thinks that the proposed rezoning will also allow for more development.

The Mayor reviewed the procedures. **There were** none who wanted to speak through the Zoom format.

### **Public Comment**

Jill Brunke, Opposed Believes an improper posting, or lack of one at the property for this meeting.

Sandra Tolve spoke on how living here for 22years there have been a lot of changes and just like in Denver, not all of them have been good and doesn't want it happening here

George Butkovich resident for 49 years who have stood in front of council before in defense of his neighborhood and expects people to know what they are talking about.

Opposes on several reasons for count of traffic, non-compatible with other homes, not enough parking, overflow, lighting issues, real similar and non-affordable. Slot homes and why are we displacing new residents with them. Resent conflict with emergency services, sanitation and sewer systems, visitors parking, storm water retention,

Katherine Snyder concerned increase in traffic, pollution and parking. More than you can even imagine. Not interested in more high-density housing in her neighborhood.

Bruce Johnson retired civil engineer for over 30 years tonight to expand on previous comments for future second vehicle access through the 33<sup>rd</sup> Avenue cul-de-sac.

Renea Bergstrom a twenty-year residence who was vey impressed with previous council decisions for developments and downsizing real estate property. She is worried about increased street and pedestrian traffic in her area.

Supports - Nora Metz who renting a room with family in WR, enjoys living in this vibrant community. With Student debt, she is having a hard time finding a good home. Is in support of this project.

Connie Lane welcomes new neighbors but feels that this is high density building and wants to see it scaled back. Public safety is in jeopardy if the project goes in and neighbors will lose their views.

Chris McCune stated that it is important to be listened to and worried about traffic backup and congestion. Previous meetings on this subject were well attended and no one in the area wants this particular development. Wants sensible development in the common spaces.

Elizabeth McCune mirrored what Chris said and is desirous for affordable housing and feels lucky to have bought a house years ago. Worries what the definition of affordable housing really is all about and how city council is going to make these homes truly affordable.

Mika Strom lives in the city for six years, concerned with parking, traffic can it be scaled back.

Margie Robinson who is in support of more affordable housing in the city and to make it a place where one can buy a house.

Annette Tenorio spoke briefly about other developments, waiting for PD turned it into a parking lot, worries about stolen cars being dumped as well as overflow parking that will block their driveway.

Christopher White detailed about overflow water and how it has collapsed his well. Hopes that city council hears the citizens concerns about this project.

Mayor Starker closed the public comment at 8:33 pm

### **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 Stites asked about As its zoned right now there has been no or little interest in the property

Sam Edelson spoke on price points for the housing where more people can join the neighborhoods and that means density. Its not being restricted but it's often that townhomes are the entry level housing solutions. Wants to get the costs, prices and interest over with.

CM Hoppe, where people come up with the normal property prices that people are coming up with. Is that the current market as she wants diversity in the housing market to have diversity in the city. Bulk plane applies for if it were a different zone being R-3

CM Dozeman addressed many citizens concerns as possible, worried that it started out as 11 and then raised to 19 units and increased density. Staff recommended for PRD rather than R-3

Fits a price point for the developers.

Fits most in for where the site is located.

CM Hultin asked about what is the definition of medium or high density ( 7-12 units is high density but its really subjective and might go up to 20 units/// developer plans to have an HOA or Metro district—no wants to create lots on block where they can own their own units. **sidewalks and gutters**, which staff explained are part of the plan.

There are no slot homes allowed in wheat ridge.

CM Ohm started that these are not condos, yet townhomes which was confirmed. Entrance is confirmed for two way with no

Answered by Rockie

Right in and right out can be looked at for an impact, existing power lines to be underground with RTD remaining..yes – detention ponds will be addressed during specific development plans (SDP). SDP lot sales covenant restrictions or deed restriction can be looked at by legal.

CM Nosler Beck wanting to know more about irrigation and drainage to have potential impact on other Neighbors. Different studies for snow removal or –not to impact the neighbors.

CM Weaver confirmed that there were no posting of the property today' Dahl posting is reasonable efforts and satisfies reasonable requirements

- Other questions included the bulk plane for living spaces.
- City charter allows for up to 21 units per acre.
- Reconfiguring going to 14 units, what is the normal square feet.
- Amount of visitor parking
- After hours shared parking with the business location.
- Landscaping requirements for existing trees and proposed.
- Project duration to build out
- 

Mayor Starker closed the public hearing.

**Motion** by CM Hoppe to approve Ordinance 02-2022, An ordinance approving the rezoning of property located at 7585 W. 32nd Avenue from Restricted-Commercial (R-C) to Planned Residential Development (PRD), 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.

Motion seconded by CM; discussion of the motion ensued.

The Motion fails due to lack of super-majority, vote is 4-4 with CM Stites, Weaver, Dozeman, and Hutchinson voting no.

Mr. Dahl asks for a motion to deny the application

**Motion** by CM Weaver to deny , seconded by CM Stites, motion carries 5-3 with Mayor Starker breaking the tie.

A brief recess was call by Mayor Starker at 9:30 pm

### **ORDINANCES ON FIRST READING**

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 Hutchinson introduced Council Bill 06-2022 at 9:40pm.

### **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.

**Motion** by CM Hutchinson to approve Council Bill 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 first reading, order it published, public hearing set for Monday, May 23, 2022 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 takes effect 15 days after final publication; seconded by CM; motion carried 7-0.

CM Weaver was excused for the rest of the meeting

3. 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

CM Stites introduced Council Bill 08-2022 at 9:43 pm.

### **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

**Motion** by CM Stites to approve Council Bill 08-2022 - an ordinance adopting a new Article V of Chapter 15 of the Wheat Ridge Code of Laws concerning Chronic Nuisance Properties on first reading, order it published, public hearing set for Monday, May 23, 2022 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 takes effect 15 days after final publication; seconded by CM Ohm; motion carried 7-0.

4. 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.

CM Stites introduced Council Bill 07-2022 at 9:45pm.

### **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.

**Motion** by CM Stites to approve Council Bill 07-2022 - an ordinance adopting a new Article V in Chapter 13 of the Wheat Ridge Code of Laws concerning vehicular public nuisances on first reading, order it published, public hearing set for Monday, May 23, 2022 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 takes effect 15 days after final publication; seconded by CM Hutchinson ; motion carried 7-0.

## **DECISIONS, RESOLUTIONS AND MOTIONS**

Discussion began at approximately 7: PM

5. Motion to approve appointment of representatives to the 2023 Community Partners Grant Program Committee

CM Nosler Beck introduced the Motion at 7:pm.

### **Issue**

The purpose of creating the 2023 Community Partners Grant Program Committee is to provide an additional opportunity for residents to participate in the budget process. This

committee gives residents the opportunity to weigh community needs with available resources and provide recommendations to City Council.

### **Staff Presentation**

City Manager Patrick Goff and Assistant to the City Manager Marianne Schilling gave a brief background where in 2022, the Outside Agency Program rebranded as the Community Partners Grant Program. The current committee had five returning members from the 2022 Community Partners Grant Program Committee. To fill the openings in each district, staff advertised for new committee members on the city website and social media.

New members will be appointed to serve on the committee beginning in May 2022. The second year of their term will begin in May 2023, to expire after recommendations are presented in 2023. Current members' appointments will expire in July 2022 after recommendations are presented to City Council.

Two applications were received to fill three vacancies. The application period was open from Monday, April 4 until Friday, April 29 where there was one applicant from District I and one applicant from District II. Because there are already two representatives from District II, the District II applicant, Brooke Allison, will be representing District I

Mayor Starker reviewed the procedures for public comment where no citizens appeared in chambers to address this issue

### **Public Comment**

No one came forward to speak on the zoom format

### **Council Questions**

CM Weaver, hearing from constituents and

CM Hultin is.

CM Hoppe

CM Ohm asked

**Motion** by CM Nosler Beck to approve appointment of representatives to the 2023 Community Partners Grant Program Committee, seconded by CM , motion carried -0.

**OR**

**Motion** by Councilmember Hoppe, seconded by Councilmember Hultin, as Councilmembers from District I, to appoint to District I

**Brooke Allison** to the 2023 Community Partners Grant Program Committee, District I, term to expire after 2024 budget recommendations are presented in 2023.

Motion carried by CM Hoppe seconded by CM Hultin, approved -0

**6. Motion to approve appointments to vacancies on Boards and Commissions**

By tradition, Board & Commission appointments are introduced by each District's senior member and seconded by the junior member.

**Issue**

There are currently four vacancies on various Boards and Commissions within the City of Wheat Ridge.

**Public Comment**

No one came forward to speak.

**Motion** by Councilmember Hoppe, seconded by Councilmember Hultin, as Councilmembers from District I, to appoint to District I

**James Amidon** to the Liquor Licensing Authority, term ending 3/2/24

Motion to re-open the seat CM Hoppe seconded by CM Hultin, approved -0

**Motion** by Councilmember Hultin, seconded by Councilmember Ohm, as Councilmembers from District II, to appoint to District II

**Stephanie Taylor** to the Cultural Commission, term ending 3/2/23

Motion by CM Hultin, seconded by CM Ohm carried -0.

**Motion** by Councilmember Dozeman, seconded by Councilmember Nosler Beck, as Councilmembers from District IV, to appoint to District IV:

**Andrew Rasmussen** to the Parks & Recreation Commission vacancy, term ending 3/2/23

Motion by CM Dozeman, seconded by CM Nosler Beck carried -0

- 7. Resolution No. 23-2022 - A Resolution amending the Fiscal Year 2022 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$20,000 for the purpose of accepting a donation from Intermountain Healthcare for the City of Wheat Ridge and Jefferson County Homeless Navigation Programs.**

CM Ohm introduced Resolution 23-2022 at 955 pm.

**Issue**

Intermountain Healthcare has provided a \$20,000 donation to the City of Wheat Ridge. The purpose of this donation is to support the City of Wheat Ridge and the Jefferson County Homeless Navigation Programs in assisting those experiencing a housing crisis find stable housing and obtain the services and resources needed to maintain that housing. This resolution is to approve a supplemental budget appropriation in the amount of \$20,000 to accept the donation and appropriate the funding.

### **Staff Presentation**

City Manager Patrick Goff and Assistant to the City Manager Marianne Schilling shared that Intermountain Healthcare “mission of ‘helping people live the healthiest lives possible’ is best achieved through collaboration with key community partners.” With this thought in mind, Intermountain Healthcare reached out directly to the City of Wheat Ridge to provide a donation of \$20,000 for both the City of Wheat Ridge and the Jefferson County Homeless Navigation Programs.

The purpose of this donation is to support these navigation programs in assisting those experiencing a housing crisis find stable housing and obtain the services and resources needed to maintain that housing. This donation will support addressing the social determinants of health through efforts to work directly with persons experiencing homelessness or at imminent risk of homelessness by supporting the cost of move-in kits, transportation and motel vouchers, housing deposits, and hats, mittens and gloves.

Mayor Starker reviewed the procedures for public comment where no citizens appeared in chambers to address this issue

### **Public Comment**

No one came forward to speak.

### **Council Questions**

CM Hultin

CM Weaver congratulated ts.

**Motion** by CM Ohm to approve Resolution No. 23-2022, a resolution amending the Fiscal Year 2022 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$20,000 for the purpose of accepting a donation from Intermountain Healthcare for the City of Wheat Ridge and Jefferson County Homeless Navigation Programs, seconded by CM , motion carried 7-0.

### **CITY MANAGER’S MATTERS**

Mr. Goff

Director O'Donnell

Chief Murtha stated that

**CITY ATTORNEY'S MATTERS**

Nothing tonight.

**ELECTED OFFICIALS' MATTERS**

Deputy City Clerk Eaton thanks the WRPD for their continued hard work and dedication to make the City of Wheat Ridge a great and safe place to live, visit and have fun. He wished City Clerk Kirkpatrick a speedy recovery and that there will be continued search to fill the DII Board of Adjustment vacant seat.

CM Hutchinson Spoke on the National Nurses month to the.

CM Nosler Beck stated the homeowners by the light rail station has reached out with problems receiving mail and is wondering what we can do to help them.

CM Stites great business for Mikes Camera at the applewood r

CM Ohm thanks Jim at DC irrigation

CM Hultin spoke about the construction on Wadsworth and to give everyone a little more time. Please do not short cut through residential areas. Planning for waling corridors and WR ad ats ??? seeking volunteers to get to know your community.

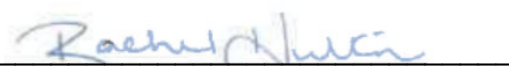
Mayor Starker recognized Ralph Manzonelli previous city councilor send condolences. thanked everyone who came and spoke tonight. He wished for everyone to stay safe and drive alertly, to make sure that all of our citizens get home every night.

**ADJOURNMENT**

The meeting adjourned at 10:04 pm

  
\_\_\_\_\_  
Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON May 23, 2022

  
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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