

# City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING

October 10, 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 7:01 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 Manager, Patrick Goff; City Attorney Gerald Dahl; City Clerk, Steve Kirkpatrick; Chief of Police, Chris Murtha; Director of Parks and Recreation, Karen O'Donnell; Director of Public Works, Maria D'Andrea; Project Manager Lauren Mikulak; Assistant to the City Manager, Marianne Schilling, other staff, guests and interested citizens.

### APPROVAL OF MINUTES

None Tonight

### APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

### PROCLAMATIONS AND CEREMONIES

None Tonight

### PUBLIC'S RIGHT 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)

No comments appeared in WR Speaks for this session of Council.

### **CONSENT AGENDA**

### **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

None Tonight

### **ORDINANCES ON FIRST READING**

1. Council Bill No. 18-2022 – An Ordinance amending Sections 2-89 and 11-565 of the Wheat Ridge Code of Laws to provide an administrative subpoena process for hotel licensing

CM Nosler Beck introduced Council Bill 18-2022

#### **Issue**

This Council Bill amends the Wheat Ridge Code of Laws to authorize the issuance of administrative subpoenas for records related to hotel licensing requirements.

**Motion** by CM Nosler Beck to approve Council Bill 18-2022, an ordinance amending Sections 2-89 and 11-565 of the Wheat Ridge Code of Laws to provide an administrative subpoena process for hotel licensing, on first reading, ordered in published, public hearing set for Monday, November 14, 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 Hoppe; motion carried 8-0

2. Council Bill No. 19-2022 – An Ordinance amending Sections 2-89 and 11-565 of the Wheat Ridge Code of Laws to provide an administrative subpoena process for hotel licensing

CM Hoppe introduced Council Bill 19-2022

**Issue**

This Ordinance amends the City's land use code to require that a plat note be affixed on resubdivisions of property advising that race and religion-based covenants on real property are illegal and unenforceable.

**Motion** by CM Hoppe to approve Council Bill 19-2022, an ordinance amending Article IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning requirements for final subdivision plats, and in connection therewith, addressing race and religion-based covenants on title, on first reading, ordered in published, public hearing set for Monday, December 12, 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 Stites; motion carried 8-0

**DECISIONS, RESOLUTIONS AND MOTIONS**

3. Motion to cancel the November 7, 2022 Study Session of the Wheat Ridge City Council

CM Hultin introduced the Motion.

**Issue**

The Study Session of November 7, 2022 is the night before the 2022 General Election. The Council Chambers in City Hall will be utilized by Jefferson County as a polling location. Election equipment will be set up in Council Chambers the weekend before the election. Due to election integrity and security concerns, the Council Chambers will not be available for the November 7<sup>th</sup> study session.

**Staff Presentation**

Mr. Goff spoke on the proposed motion, stating how the council chambers will be used by the County Elections office as a polling location and needs to be kept secure while the machines are present.

Mayor Starker reviewed the procedures for public comment. No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

**Public Comment**

No one came forward to speak.

### **Council Questions and Comments**

**Motion** by CM Hultin to cancel the November 7, 2022 study session of the Wheat Ridge City Council, seconded by CM Ohm, motion carried 8-0.

4. Resolution No. 39-2022 - A Resolution amending the Fiscal Year 2022 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$39,931 for the purpose of purchasing and installing three HVAC units at the Anderson Building

CM Weaver introduced Resolution 39-2022.

### **Issue**

An evaluation of the heating, ventilation, and air conditioning (HVAC) mechanical systems serving the Anderson Building revealed that most components are past their expected useful life and are operating inefficiently. There is a potential for failure to occur which would result in an inability to heat the classrooms, office, and lobby effectively enough to allow occupation through the winter months. It may also result in indoor temperatures dropping to levels low enough to endanger water piping and other plumbing infrastructure.

### **Staff Presentation**

New Director of Public Works Maria D'Andrea gave a brief background on the item where she reported that in 2019, the Anderson Building underwent an upgrade to improve the aesthetic of the facility. This renovation created a space that is more appealing to employees and visitors, aiding in the ability to increase Parks and Recreation programming for the facility. Increased programming has the potential to increase the Parks and Recreation department revenue.

Replacement of the domestic boiler and two furnaces will heat the Anderson Building more effectively and efficiently. Energy efficiency will be significantly improved by installing new equipment, reducing the operating costs associated with heating the facility. It will also ensure that programming can continue throughout the winter months, without the need to shut the facility down if existing equipment fails.

Mayor Starker reviewed the procedures for public comment.

### **Public Comment**

No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

### **Council Questions**

There were none.

**Motion** by CM Weaver to approve Resolution No. 37-2022 - a resolution amending the fiscal year 2022 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$39,931 for the purpose of purchasing and installing three HVAC units at the Anderson Building, seconded by CM Stites, the motion carried 8-0.

5. Motion to award contract and approve subsequent payments of \$259,210 to Western States Reclamation for the Clear Creek Trail Maintenance Replacement Project

CM Dozeman introduced the Motion.

### **Issue**

In February of this year, the City received grant funds through the Jefferson County Open Space Trails Partnership Program for Clear Creek Trail Improvements. The full project includes upgrading sections of trail from asphalt to concrete, repairs and improvements at the Otis Street trailhead and trail connection, wayfinding signage, and other safety improvements.

This motion is specifically to award the contract to Western States Reclamation for the portion of the project that will upgrade sections of trail from asphalt to concrete. There were seven submissions associated with the Invitation to Bid. Western States Reclamation was the lowest bidder at \$259,210.

### **Staff Presentation**

Director of Parks and Recreation, Karen O'Donnell gave a brief presentation summarizing the prior actions, and financial impact where this is budgeted in the Open Space Fund (Fund 32) and is supported by grant funds through the Jefferson County Open Space Trails Partnership Program. If this motion is not approved, this project will be postponed until 2023 due to weather requirements related to concrete work. Not completing the work in 2022 will almost certainly result in increased costs due to the current market conditions.

Included were the background where the Clear Creek Trail is heavily used and highly valued by Wheat Ridge residents as a regional trail within the Jefferson County trails plan. Feedback from the bi-annual citywide resident survey and the Let's Talk Resident Engagement Program affirms this. The 2021 resident survey showed that 2/3 of respondents used the Clear Creek Trail in the last year. Each of the Let's Talk Program's focus neighborhoods to date have told the City that bicycle and pedestrian access and safety to and around the Clear Creek Trail is a top tier issue. Improving the Otis Street trailhead was a specific need identified by Leppla Manor residents, and this

project would address that need. 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 neither in person nor on the zoom format.

### **Council Questions**

None for this item.

**Motion** by CM Dozeman to award contract and approve subsequent payments of \$259,210 to Western States Reclamation for the Clear Creek Trail Maintenance Replacement Project, seconded by CM Hutchinson, motion carried 8-0.

6. Motion approving the appointment of an administrative hearing officer for a hearing for the protest of the Certification of Insufficiency for the Referendum Petition for Ordinance 1744

CM Hutchinson introduced the Motion

### **Issue**

Appointment of Judge Paul Basso as the presiding administrative hearing officer for the protest hearing for the Certification of Insufficiency for the Referendum Petition for Ordinance 1744

### **Staff Presentation**

City Attorney Gerald Dahl spoke briefly on the item where on September 16, 2022, City of Wheat Ridge City Clerk Steve Kirkpatrick delivered via email a Certification of Insufficiency for the Referendum Petition for Ordinance 1744 to the Mayor and Council. On October 4, 2022, six individuals jointly filed a timely protest of the Certification of Insufficiency with the Clerk's office.

The protest process is controlled by state statute. C.R.S. § 31-11-110. Clerk Kirkpatrick must mail a copy of the protest to the designated petition representatives with a notice fixing a time for a hearing that is five (5) to ten (10) days from the date that the Clerk's notice of protest is mailed. C.R.S. § 31-11-110(1). Clerk Kirkpatrick has requested a hearing officer be appointed in his stead to oversee proceedings. The City Attorney's and City Clerk's offices worked cooperatively in recommending an administrative hearing officer who possesses both familiarity with City proceedings and the required calendar availability for the protest hearing

Mayor Starker reviewed the procedures for public comment and no citizens appeared in chambers or in the virtual format to address this issue.

**Public Comment**

No one came forward to speak.

**Council Questions**

CM Hutchinson asked about the cost of hiring Judge Basso.

**Motion** by CM Hutchinson to approve the appointment of Judge Paul Basso, pursuant to C.R.S. § 31-11-110(3), as the administrative hearing officer for the protest hearing for the Certification of Insufficiency for the Referendum Petition for Ordinance 1744, seconded by CM Stites, motion carried 8-0.

**CITY MANAGER'S MATTERS**

Mr. Goff

**CITY ATTORNEY'S MATTERS**

None

**ELECTED OFFICIALS' MATTERS**

CC Kirkpatrick

CM Nosler Beck.

CM Stites a

CM Dozeman

CM Ohm

CM Weaver

CM Hoppe

CM Hultin.

Mayor Starker spoke about the 3-week hiatus; our next session in 3 weeks. Please, drive carefully

**ADJOURNMENT**

The meeting adjourned at 7:38 pm.



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Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON November 14, 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.