

# **City Council Meeting Minutes**

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

**February 27, 2023**

**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 6:30 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 Clerk, Steve Kirkpatrick; Chief of Police, Chris Murtha; Deputy City Manager, Allison Scheck; Director of Comm. Development, Lauren Mikulak; Assistant City Manager, Marianne Schilling, Director of Parks and Recreation, Karen O'Donnell, Director of Public Works, Maria D'Andrea; Page Piper, Executive Director and several board members from Local Works; other staff, guests and interested citizens.

### **APPROVAL OF MINUTES**

The City Council Minutes of January 23, 2023 were approved as published, with minor typo corrections.

### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

### **PROCLAMATIONS AND CEREMONIES**

#### **Women's History Month & International Women's Day**

The City of Wheat Ridge declared March 2023 as the month that highlights the contributions of women throughout history and in contemporary society and March 8th has been recognized across the world as International Women's Day since 1911. Mayor Starker presented the proclamation to three of our own outstanding women leaders, Allison Scheck, Lauren Mikulak, and Maria D'Andrea.

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

There were none tonight.

### **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 Wheat Ridge Speaks for this session.

## **CONSENT AGENDA**

There were none tonight.

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

There were none tonight.

## **ORDINANCES ON FIRST READING**

1. Council Bill No. 06-2023 – An Ordinance amending Section 26-803.g of the Wheat Ridge Code of Laws to adopt the flood hazard delineation maps for Clear Creek, dated September 2, 2022, as a local flood hazard area.

CM Dozeman introduced Council Bill 06-2023

### **Issue**

The Colorado Water Conservation Board has designated the updated Flood Hazard Delineation Map for Clear Creek as a state floodplain map. The City needs to adopt the updated Flood Hazard Delineation Map as a Local Flood Hazard Area so that the best available flood maps can be used to regulate the floodplains along Clear Creek.

**Motion** by CM Dozeman to approve Council Bill 06-2023, an ordinance amending Section 26-803.g of the Wheat Ridge Code of Laws to adopt the flood hazard delineation maps for Clear Creek, dated September 2, 2022, as a local flood hazard area on first reading, order it published, public hearing set for Monday, March 13, 2023 at 6:30 p.m. as a virtual meeting and in City Council Chambers, and that it take effect 15 days after final publication; seconded by CM Hoppe, motion carried 8-0

2. Council Bill No. 04-2023 – An Ordinance e amending Section 26-115.e of the Wheat Ridge Code of Laws concerning requests for interpretation by the Board of Adjustment

CM Ohm introduced Council Bill 04-2023

### **Issue**

The proposed ordinance establishes a deadline by which an applicant may appeal an administrative code interpretation to the Board of Adjustment. No such deadline currently exists in the code, and the lack of a deadline is inconsistent with best practice and inconsistent with other code provisions which clearly establish a timeframe for appeal.

**Motion** by CM Ohm to approve Council Bill 04-2023, an ordinance amending Section 26-115.e of the Wheat Ridge Code of Laws concerning requests for interpretation by the Board of Adjustment, on first reading, order it published, public hearing set for Monday, March 13, 2023 at 6:30 p.m. as a virtual meeting and in City Council Chambers, and that it take effect and that it take effect 15 days after final publication.; seconded by MPT Stites, motion carried 8-0

3. Council Bill No. 05-2023 – An Ordinance amending Sections 22-58 and 22-67 of the Wheat Ridge Code of Laws to establish an exemption from the City's Sales and Use Tax for certain retail delivery fees enacted by the State of Colorado.

CM Hutchinson introduced Council Bill 05-2023

### **Issue**

Colorado Senate Bill 21-260 created a clean fleet enterprise to impose a clean fleet retail delivery fee (CFRDF) to be paid by the purchaser of tangible personal property delivered to the purchaser by a motor vehicle. The fee is \$0.27 per delivery. Delivery fees are currently subject to City sales tax. As a home-rule City, Wheat Ridge is able to establish its own laws including the ability to exempt from taxation certain goods and services. The attached ordinance exempts the CFRDF from taxation.

**Motion** by CM Hutchinson to approve Council Bill 05-2023, an ordinance amending sections 22-58 and 22-67 of the Wheat Ridge Code of Laws to establish an exemption from the City's sales and use tax for certain retail delivery fees enacted by the state of Colorado on first reading, order it published, public hearing set for Monday, March 13, 2023 at 6:30 p.m. as a virtual meeting and in City Council Chambers, and that it take effect and that it take effect 15 days after final publication; seconded by CM Dozeman, motion carried 8-0.

## **DECISIONS, RESOLUTIONS AND MOTIONS**

4. Motion to approve the purchase of Tandem Equipment Upfit from Holman Upfitting Truck Services of Colorado Springs, Colorado in a total amount not to exceed \$175,514.00

MPT Stites introduced the Motion.

### **Issue**

The Public Works Department is proposing the purchase of various snow and ice control equipment, lighting, hydraulics, and options to be installed on the new tandem cab and chassis approved by the City Council in January 2023. The total expense of the various equipment, lighting, hydraulics, and options is estimated to be \$175,514 based on a quote provided by Holman Upfitting Truck Services.

### **Staff Presentation**

Director of Public Works, Maria D'Andrea presented the staff report where by using Sourcewell, formerly the National Joint Powers Alliance (NJPA), a cooperative service that performs national research to obtain the best pricing for local governments.

Whereas the vendor source and purchase price of the equipment is through the Sourcewell purchasing contract, endorsed by the State of Colorado purchasing, and allows the City to obtain the equipment at the best price and in accordance with bid/purchasing requirements. Staff recommends the purchase of the necessary equipment, lighting, and hydraulics to properly upfit the new International tandem cab and chassis

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

There were not because Council had previously reviewed this action in Study Session.

**Motion** by MPT Stites to approve the purchase of the tandem equipment upfit from Holman Upfitting Truck Services of Colorado Springs, Colorado in a total amount not to exceed \$175,514, seconded by CM Hutchinson, motion carried 8-0.

5. Resolution No. 07-2023 – a Resolution authorizing a building lease between the City of Wheat Ridge and Wheat Ridge 2020, inc. D/B/A Localworks for 9110 West 44th Avenue.

CM Nosler Beck introduced Resolution 07-2023.

## **Issue**

The City of Wheat Ridge owns a building within the Anderson Park complex, known as the Parks Forestry and Open Space building, located at 9110 W. 44th Avenue, (the Property). The city wishes to lease the building to Localworks for the operation of a membership-based community organization designed to provide the tools necessary to promote innovation and creative exercise also known as a Maker Space.

## **Staff Presentation**

Director of Public Works, Maria D'Andrea presented the staff report where, among other items, in order to provide the building to Localworks in a generally leasable condition, the city would agree to level the floors to remove trip hazards, make needed repairs to the heating, ventilation and air conditioning (HVAC) systems, and complete any necessary modifications to achieve minimum code requirements. This would include such things as ADA compliance modifications and fire suppression compliance updates. The estimated cost of these modifications is estimated to be approximately \$40,000. The city will be responsible for maintaining the building

## **Public Comment**

-----, a member of the Local Works Board came to support Ms. Piper's presentation to Council with additional details and a list of reasons why this resolution is a good idea.

## **Council Questions and comments**

CM Weaver asked for more details on the \$40,000 designated for leasehold improvements and the annual operating costs for the facility. Ms. D'Andrea and Ms. Piper gave detailed answers.

MTP Stites asked about working in partnership with public schools. Ms. Piper gave a detailed reply

CM Dozeman asked who is occupying that building at present. (No one.)

CM Hultin asked about signage, artwork or other ways to attract the public's eye to the building and what goes on in the building. Ms. Piper gave a detailed answer.

CM Hoppe asked whether artists who join Maker Space would be allowed to teach classes about their artistic methods. Ms. Piper answered affirmatively.

CM Nosler Beck indicated her support. She asked about membership fees and Ms. Piper gave an answer. She also asked if the membership would include Wi-Fi and other capabilities. She lauded this effort as a way to attract more artists, businesses and residents to WR.

**Motion** by CM Nosler Beck to approve Resolution No. 07-2023, a resolution authorizing a building lease between the City of Wheat Ridge and Localworks for 9110 West 44th Avenue, seconded by MPT Stites, motion carried 8-0.

## 6. Motion to approve appointments to Boards and Commissions

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

CM Hoppe introduced the item

### **Issue**

As of March 2, 2023, the terms of nineteen current Board and Commissions members of the City of Wheat Ridge will expire. Additionally, there are four existing vacancies to fill which include seats on the Board of Adjustment, Cultural Commission, Liquor Licensing Authority and Parks and Recreation Commission. These 23 positions in total are to be filled or reappointed..

### **Staff Presentation**

City Clerk Kirkpatrick stood by to answer questions.

### **Public Comment**

No one came forward to speak.

**Motion** by CM Hoppe, seconded by CM Hutchinson, as Councilmembers from District I, to appoint Al Gallo from District I to the Building Code Advisory Board, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Hoppe, seconded by MPT Stites to appoint Nathan Hoppe as an At Large member to the Building Code Advisory Board, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Hoppe, seconded by CM Hutchinson to appoint Kathleen Martel to the Cultural Commission, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Hultin, seconded by CM Ohm, as Councilmembers from District II, to appoint from District II Larry Richmond to the Board of Adjustment, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Hultin, seconded by CM Ohm, as CM from District II, to appoint Stephanie Taylor to the Cultural Commission, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Hultin, seconded by CM Ohm, as CM from District II, to appoint Christine Samaniuk to the Parks and Recreation Commission, term ending March 2, 2026. Motion carried 8-0.

Xxx to the Planning Commission, term ending March 2, 2026

Motion carried 8-0.

Motion by CM Weaver, seconded by MPT Stites, as Councilmembers from District III, to appoint Laura Sicard from District III to the Board of Adjustment, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Leah Dozeman, seconded by CM Nosler Beck, as CM from District IV, to appoint Paul Hovland to serve from District IV on the Board of Adjustment, term ending March 2, 2026. Motion carried 8-0

Motion by CM Weaver, seconded by MPT Stites, as CM from District III to appoint Teresa Linder to the Cultural Commission, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Weaver, seconded by MPT Stites, as CM from District III to appoint Kathy Plummer to the Cultural Commission, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Dozeman, seconded by CM Nosler Beck, as CM representing District IV to appoint Brendan Kelley to the Parks and Recreation Commission, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Weaver, seconded by MPT Stites, as CM from District III, to appoint Kathy Koniz to the Parks and Recreation Commission, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Weaver, seconded by MPT Stites, as CM from District III, to appoint Patrick Quinn to the Parks and Recreation Commission, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Dozeman, seconded by CM Nosler Beck, as Councilmembers from District IV, to appoint to represent District IV Lindsay Burney to the Cultural Commission, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Dozeman, seconded by CM Nosler Beck, as Councilmembers from District IV, to appoint to represent District IV Patricia Cervera to the Parks and Recreation Commission, term ending March 2, 2026. Motion carried 8-0

Motion by CM Dozeman, seconded by CM Nosler Beck, as Councilmembers from District IV, to appoint to represent District IV Andr3ew Rasmussen to the Parks and Recreation Commission, term ending March 2, 2026. Motion carried 8-0

Motion by CM Hultin, seconded by CM Ohm, as CM from District II, to appoint Christine Disney to the Planning Commission, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Dozeman, seconded by CM Nosler Beck, as Councilmembers from District IV, to appoint to represent District IV Daniel Larson to the Planning Commission, term ending March 2, 2026. Motion carried 8-0.

Motion by CM Dozeman to appoint Clarence Fullard, to represent District IV (as an out-of-district appointment) to the Liquor Licensing Authority Board, term ending March 2, 2024. Motion carried 8-0.

The members of Wheat Ridge Urban Renewal Authority (the “Authority”) are appointed by the Mayor subject to approval by a majority vote of the entire City Council. The term for the At-Large seats, currently held by Walt Pettit and Shane Nicholson, expires on March 2, 2023 and both submitted applications to be re-appointed for these positions.

Mayor Starker is recommending that they be re-appointed to the Wheat Ridge Urban Renewal Authority Board, representing the At-Large seats.

Motion by MPT Stites, seconded by CM Hoppe, to ratify the Mayoral recommendation to appoint Walt Pettit to an At-Large seat on the Wheat Ridge Urban Renewal Authority Board, term ending March 2, 2028. Motion carried 8-0.

Motion by MPT Hultin, seconded by CM Hoppe, to ratify the Mayoral recommendation to appoint Shane Nicholson to an At-Large seat on the Wheat Ridge Urban Renewal Authority Board, term ending March 2, 2028. Motion carried 8-0.

Point of Order raised by CM Hoppe: Per Charter and Code, no person may sit on more than one board or commission at the same time.

As a result: Motion by CM Hoppe, seconded by MPT Stites, to rescind and repeal the appointment of Patrick Quinn to the Board of Adjustment. Motion carried 8-0.

Motion by CM Weaver, seconded by MPT Stites, as CM from District III, to appoint Patrick Quinn to the Parks and Recreation Commission, term ending March 2, 2026. Motion carried 8-0.

7. Motion to approve a contract amendment with Concrete Works of Colorado for Phase IIA of the Improve Wadsworth Project, subject to CDOT approval, in the amount of \$11,144,015.87 with an additional contingency of \$750,000.00 for a total of \$11,894,015.87

CM Hultin introduced the Motion.

### **Issue**

Staff recommends approval of a contract amendment with Concrete Works of Colorado, Inc. (CWC) to complete Phase IIA of the Improve Wadsworth Project. Concrete Works is completing the initial phase of work in the corridor. The cost of the Phase IIA contract amendment is \$11,894,015.87 which includes the cost of the roadway work, water-related improvements, and a \$750,000 contingency for unexpected items. Staff is working with the Colorado Department of Transportation (CDOT) to acquire their concurrence on this contract amendment. Therefore, this action is subject to CDOT approval.

### **Staff Presentation**

Director of Public Works, Maria D’Andrea, presented the staff report which included council prior action at the December 19, 2022 study session, financial impact and background of the Phase II project CWC is currently under contract and in the process

of constructing Phase I of the Improve Wadsworth Project. In August of 2022, the city requested that Concrete Works provide pricing for Phase 2 of the project which extends concrete pavement south of 41st, constructs a continuous flow intersection at 38th, and extends the storm drainage system south of 41st as well.

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

CM Ohm had a number of questions. On page 251, changes were added for flood control. Several items in landscaping and irrigation costs drew his attention. He gave an example of a valve that is listed at \$800 which he believes can be purchased and installed for much less. Why does the wildlife biologist get paid \$10 an hour but there are others paid at a higher rate? He recommended that we remove the landscaping and irrigation costs from this item until we can get better pricing. Ms. D'Andrea gave a detailed response. CM Ohm also recommended that we not use overhead sprinklers but drip irrigation instead to save costs and water.

CM Hoppe asked whether we can look-back when the landscaping and irrigation is actually installed in 2024 or 2025. Ms. D'Andrea replied in the negative.

CM Hutchinson asked why we are irrigating/watering in median strips at all. Ms. D'Andrea gave a specific answer.

**Motion** by CM Hultin to approve a contract amendment with Concrete Works of Colorado, Inc. of Lafayette, Colorado for Phase IIA of the Improve Wadsworth Project, subject to CDOT approval, in the amount of \$11,144,015.87 with an additional contingency of \$750,000 for a total of \$11,894,015.87, seconded by CM Hoppe, with one friendly amendment (below); motion carried 8-0.

CM Hultin made a friendly amendment to her motion to direct staff to investigate changing the irrigation to drip irrigation.

Council passed the friendly amended motion 8-0.

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

Mr. Goff nothing more tonight.

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

Mr. Dahl gave a legal opinion on questions related to whether one resident may serve on two boards or commissions at the same time.

### **ELECTED OFFICIALS' MATTERS**

City Clerk Kirkpatrick reminded CM that this annual exercise of appointing board and commission members also comes before Council when we have an opening going

forward. He reminded all that the applications remain on file for one year, that when an opening occurs we must advertise that opening before selecting appointees, and that when an out of district appointee vacates the seat, we must appoint someone from that district to serve in their home district.

CM Hutchinson asked about the stop sign she suggested in a previous meeting. She also thanked those who have volunteered to serve on boards and commissions.

CM Nosler Beck thanked all who applied for a seat on a board or commission, and of course thanked them for serving. Service on a board or commission repays the volunteer with an opportunity to learn and make the City a better place to live. She announced Monday March 6<sup>th</sup> at WR High School, 5:30 to 7 pm, Jeffco Schools is having a public dialogue. Out of Step Clay will celebrate their first anniversary soon.

CM Hultin recalled the proclamation made earlier for women leaders. She thanked the staff and Clerk's Office for the work done on the boards and commissions process. She is amazed at the quality of the pool we had this year, and thanked all who participated. She serves on the Partners in Progress through Local Works, which will meet on March 15. She started her learning about how the City works by participating in a similar event years ago.

CM Dozeman thanked all who applied and all who serve on boards and commissions. Thanks to the staff for supporting the process. If you were not appointed this time, please, stay tuned and involved. There are also a lot of other ways to volunteer to move the City forward. She thanked Local Works for all of their excellent work.

CM Weaver noted that people who serve on boards and commissions receive some of the best SWAG ever at the annual Boards and Commissions recognition dinner. We are having a District III meeting at 9 am on March 11 at the Rec Center. She thanked all who serve on boards and commissions, and the ladies who accepted the proclamation earlier this evening.

CM Ohm attended the affordable housing event in Arvada last week. He met several people who are interested in affordable housing, which he found encouraging. He specially thanked Director D'Andrea for her help in reviewing the project we discussed in item 7, along with Mr. Goff and Ms. Scheck. He is often asked how he likes serving on Council, which he enjoys, and he sincerely thanked everyone for their help and support.

CM Hoppe drew attention to the WR High School musical this Thursday, Friday and Saturday: Singing in the Rain. She also asked for a Study Session to look at the current code language around boards and commissions. There are probably other changes we could make, especially with the application process. Consensus was achieved. She thanked the other members of Council for their hard work tonight.

MPT Stites thanked the staff and all who applied to serve on boards and commissions. He also noted the District III meeting on March 11. WR High School bond funding is

about to appear on a Jeffco School Board agenda soon. At this point, it looks like that item will receive favorable consideration. He also stated he hopes the 70-year-old gym floor at WR High School will be replaced soon. Please, attend these sessions to send the message that we are involved. We are excited about recent ribbon cuttings for 5 new businesses! If you can find it in WR, please, buy it in WR.

Mayor Starker noted the frequent new business ribbon cuttings. He thanked all for a good meeting tonight. He noted the high quality of the ladies who lead in WR. He thanked all who applied to serve on boards and commissions; stepping up to do that makes the City run well. He congratulated Local Works on the effort to bring Makers Space to WR. He also lauded the WR Theater Company on their recent production of Cyrano de Bergerac and hoped people will attend upcoming productions. He thanked Ms. D'Andrea for her hard work on the Wadsworth project. He also noted how proud he is of City, our Council, our staff and the volunteers who serve. Please, drive carefully through the coming bad weather later in the week.

### **ADJOURNMENT**

The meeting adjourned at 8:29 pm.



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Steve Kirkpatrick, City Clerk

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APPROVED BY CITY COUNCIL ON March 13, 2023



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Korey Stites, 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.