

# **City Council Meeting Minutes**

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

**May 22, 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 6:32 p.m.

## **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

### **ROLL CALL OF MEMBERS**

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

Also, present: City Clerk, Steve Kirkpatrick; City Treasurer, Chris Miller; City Attorney Gerald Dahl; City Manager, Patrick Goff; Deputy City Manager, Allison Scheck; Director of Comm. Development, Lauren Mikulak; Director of Parks and Recreation, Karen O'Donnell; other staff, guests, including the Wheat Ridge High School STEM and Boys Swim Team, their faculty sponsors/coaches, and interested citizens.

### **APPROVAL OF MINUTES**

The Study Session Notes of May 1, 2023 and City Council Minutes of May 8, 2023 were approved as published

### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

### **PROCLAMATIONS AND CEREMONIES**

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

Mayor Starker read a proclamation describing how Pride month began on June 28, 1969 on the one-year anniversary of the Stonewall Uprising in New York City after LGBTQ+ and allied friends rose and fought against the constant police harassment and discriminatory laws that have since been declared unconstitutional. Mayor Starker recalled the accomplishments and contributions of LGBTQAI people not only in our City but also nationally and worldwide.

#### **Safety Month**

Mayor Starker proclaimed the month of June, 2023 as Wheat Ridge Safety month, which focuses on reducing the leading causes of injury and death at work, on the roads

and in our homes and communities and drawing attention to safe practices that will decrease the likelihood of accidents. Wheat Ridge Risk Management Coordinator, Kelly McLaughlin accepted the proclamation on behalf of our Safety Committee and remarked on how important safety, especially safety education, is for our staff, residents and visitors. She announced that the City recently scored a perfect score of 100 plus 9 bonus points in a nationally standardized inspection. This accomplishment will save the City insurance premiums as a result.

### **Recognition of WRHS Stem Team**

Mayor Starker presented the proclamation to Charles Sprague, STEM Team faculty sponsor. STEM is an acronym for science, technology, engineering and mathematics. The current group of STEM students re-vitalized the program following the pandemic. Mr. Sprague recounted the many competitions and awards they have won.

### **Recognition of WRHS Swim Team**

Mayor Starker presented the proclamation to Jason Campbell, WR High School Athletic Director, who described the boys swim team victory in the meet for Jeffco 4A schools. They are the first 4A team ever to win this competition two years running. One of the swimmers was also selected as the swimmer of the year in Colorado. He introduced the team and their coach, who introduced the assistant coach and added to the accolades previously given.

### **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.

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

1. Council Bill No. 10-2023 – An Ordinance amending Articles I and IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning the City's subdivision requirements, and making conforming amendments therewith.

CM Hultin introduced Council Bill 10-2023

## **Issue**

The proposed ordinance makes necessary updates to Articles I and IV of Chapter 26 of the code, specifically to modernize and clean up portions of the City's subdivision requirements. These updates include changing incorrect or outdated cross-references, adding modern terminology, clarifying existing requirements, updating application requirements, and removing sections of the code that conflict with the current subdivision regulations. The ordinance clarifies when owners' associations are required and the obligation of those associations, and it clarifies requirements for drainage and irrigation facilities.

Mayor Starker opened the public hearing.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1762.

## **Staff Presentation**

Ms. Mikulak gave a detailed presentation which included the background where the City's subdivision requirements are found in Article IV of Chapter 26 and were last comprehensively updated in 2014 when Ordinance 1547 repealed an older subdivision code and replaced it with a new version. Since 2014, 125 subdivision applications have been processed by the City. This ordinance includes changes based on lessons learned and the need to clarify or provide greater detail about requirements in the code.

The subdivision code has been periodically updated since 2014 as other ordinances have been adopted, but the code has not been reviewed in whole since 2014.

The ordinance consists of several general cleanup parts, and are based on the consensus of City Council:

- Property Merger Covenants & Consolidation Plats: Building codes prohibit construction of building on top of a lot line, so often a consolidation plat is used to merge lots under one ownership.
- Conflicting Provisions (Review Process): The current subdivision code requires public hearings for 4-5 lots (PC only) and 6+ lots (PC and CC), however 26-117.C says that any consolidation plat for multi-unit residential shall be reviewed by Planning Commission and City Council, regardless of the number of lots.
- Definition of a Tract: The review process of a subdivision currently depends on the size of the subdivision in terms of "lots or parcels."
- Administrative Review for Some Consolidation Plats: For sites with existing or completed site development, the ordinance proposes creating a narrow exception allowing consolidation plats of any number of lots to be reviewed administratively.
- Timing of Payment for Parkland Fees: The proposed ordinances updates 26-406.D.4 to state parkland dedication fees are due at time of building permit, not at time of recordation.

- Easements and tracts: The proposed ordinance refines requirements related to easements and tracts.

Ms. Mikulak finished by saying that City Council recently discussed an amendment to the subdivision review process at a recent study session, and that those changes will be advanced as a separate ordinance later this year.

Afterwards she stood by to answer any questions.

### **Public Comment**

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

### **Council Questions and comments**

CM had no questions or comments, having reviewed this matter in a past Study Session.

**Motion** by CM Hultin to approve Council Bill No. 10-2023 - an ordinance amending Articles I and IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning the City's subdivision requirements and making conforming amendments therewith, on second reading and that it takes effect fifteen (15) days after final publication, seconded by CM Hoppe, motion carried 8-0.

2. Council Bill No. 11-2023 – An Ordinance amending Section 26-115.e of the Wheat Ridge Code of Laws concerning requests for interpretation by the Board of Adjustment.

CM Nosler Beck introduced Council Bill 11-2023

### **Issue**

The City owns an isolated strip of real property as right-of-way (ROW) that is 24 feet by 165 feet located along the east side of 4455 Simms Street. When the property was acquired by Jefferson County in 1955, it was intended as ROW for a future street extension. Community Development has determined that the parcel does not serve a public purpose because an extension of Simms Street is not practical at this location.

Mayor Starker opened the public hearing.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1763.

### **Staff Presentation**

Project Supervisor, Mark Westberg reviewed the background on this item where there is a parcel of land that is 24 feet by 165 feet is identified as ROW in the Fightmaster Subdivision along the east side of 4455 Simms Street. In 1955, Jefferson County accepted a deed for the parcel, presumably as a ROW dedication for the west half of Simms Street if the street was extended north of 44th Avenue. However, the deed didn't

specifically state that the parcel was ROW, so when the City incorporated in 1969, the County officially retained ownership of the parcel.

In 2018, the property owner of 4455 Simms Street approached the City asking if the City could vacate the parcel as ROW since the property owner has been continually using the parcel since the property was originally developed. However, with the parcel still under the County's ownership, the City could not vacate the parcel without the County first transferring the ownership to the City.

The Board of County Commissioners completed this action on May 18, 2021, by adopting a resolution authorizing the transfer of the parcel to the City by quitclaiming the parcel for ROW purposes. The City has the quit claim deed and is ready to move forward with vacating the ROW to the owner of 4455 Simms Street..

After his presentation, he stood by to answer questions.

### **Public Comment**

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

### **Council Questions and comments**

CM asked detailed questions of staff and the City Attorney Staff and Mr. Dahl gave a specific answer.

**Motion** by CM Nosler Beck to approve Council Bill No. 11-2023 - an ordinance vacating any interest held by the City in a portion of Simms Street, a public roadway, on second reading, and that it takes effect immediately after final publication, seconded by CM Dozeman, motion carried 8-0.

### **ORDINANCES ON FIRST READING**

3. Council Bill No. 12-2023 – An Ordinance amending Section 17-36 of the Wheat Ridge Code of Laws to address the use of assisted mobility devices in conservation areas.

CM Hoppe introduced Council Bill 12-2023.

### **Issue**

On July 11, 2022, City Council amended Section 17-52 of the Wheat Ridge Code of Laws to permit the use of assisted mobility devices in conservation areas by persons with disabilities. Subsequently, it was determined additional sections of the Code should have also been amended, as well, to address this same issue. This ordinance will amend Section 17-36 to address the use of mobility devices in conservation areas. .

**Motion** by CM Hoppe to approve Council Bill 12-2023, an ordinance amending Section 17-36 of the Wheat Ridge Code of Laws to address the use of assisted mobility devices

in conservation areas, on first reading, order it published, public hearing set for Monday, June 12, 2023 at 6:30 p.m. as a virtual meeting and in City Council Chambers and that it takes effect 15 days after final publication; seconded by CM Stites, motion carried 8-0.

4. Council Bill No. 13-2023 – An Ordinance repealing and amending certain weapon offenses in Chapter 16 of the Wheat Ridge Code of Laws in response to U.S Supreme Court case law.

MPT Stites introduced Council Bill 13-2023

### **Issue**

This ordinance will repeal Sections 16-84 and 16-87 and amend Section 16-89 of the Wheat Ridge Code of Laws to conform with the recent Supreme Court ruling in New York State Rifle & Pistol Association, Inc. v. Bruen, concerning weapon offenses.

**Motion** by MPT Stites to approve Council Bill 13-2023, an ordinance repealing and amending certain weapon offenses in Chapter 16 of the Wheat Ridge Code of Laws in response to U.S Supreme Court case law, on first reading, order it published, public hearing set for Monday, June 12, 2023 at 6:30 p.m. as a virtual meeting and in City Council Chambers and that it take effect upon adoption; seconded by CM Dozeman, motion carried 8-0.

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

5. Resolution No. 29-2023 – A Resolution adopting the 2023 City of Wheat Ridge Open Space Management Plan

CM Weaver introduced Resolution 29-2023

### **Issue**

Over the past year, LoganSimpson worked closely with Parks, Forestry, and Open Space staff to lead a robust process of obtaining feedback from the Wheat Ridge community, staff members, and elected officials to inform the City's updated Open Space Management Plan. With the unanimous approval of the Wheat Ridge Parks and Recreation Commission, the plan is now ready for formal adoption by City Council..

### **Staff Presentation**

Director of Parks & Recreation, Karen A. O'Donnell presented to council the prior actions and background on the issue where through a competitive process, Logan-Simpson was selected to lead the Open Space Management Plan update for the City of Wheat Ridge. Last updated in 2002, the plan was in need of a refresh. The new plan looks to balance recreation use with resource protection, while incorporating strategies for long-term sustainability and stewardship.

Community and stakeholder input provided a foundation for identifying recommendations and concepts to carry forward in developing the final plan. Taylor

Broyhill, with Logan Simpson, met with the Wheat Ridge Parks and Recreation Commission at various points throughout the process: July 18, 2022 (listening), November 16, 2022 (preliminary recommendations), and April 19, 2023 (draft plan review)

Ms. O'Donnell recalled the presentation made in a January Study Session Taylor Broyhill, Associate Planner with Logan Simpson,, who then presented the final recommendations to council.

Discussed were items such as:

- Detailed community engagement results
- Project cost matrix
- Clear Creek trail crossing at Kipling Street analysis
- Administrative policy; Land acquisition

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

Several CM thanked Ms. Broyhill for her presentation.

CM then asked several specific, technical questions, which Ms. Broyhill answered in detail.

CM Hultin asked whether the report includes the most recent update of the cycling plan, which it does per Ms. Broyhill. CM Hultin then asked about how this plan addresses cyclist safety at major thoroughfare crossing and along I-70. Again, Ms. Broyhill gave a detailed answer.

CM Dozeman asked about the plans for either keeping restrooms in and near Anderson Park open more often or closing them more frequently. Ms. O'Donnell explained that the Parks and Rec Commission and staff are working on solutions in concert with others who have an interest in this issue. The CM then asked about plans for allowing recreation along the Creek, and Ms. Broyhill recounted the discussions to date and plans to get to a decision after further study and resident engagement.

Mayor Starker asked about flood risk along the Creek, and whether we need to expect flooding to crest high enough to endanger City facilities. Again, Ms. Broyhill gave a detailed reply.

**Motion** by CM Weaver to approve Resolution No. 29-2023, a resolution adopting the 2023 City of Wheat Ridge Open Space Management Plan, seconded by MPT Stites; motion carried 8-0.

During discussion of the motion CM Hultin recognized the readability, graphics and thoroughness in the Plan presented for approval. She found it a pleasure to read and hopes other plans are as well written and presenting. She then commented on funding that should be available through CDOT for cycling safety along corridors that pass under I-70. Then she commented in detail about signage that should be present when there are diversion and closures for traffic.

CM Weaver also lauded the report, especially its conservation priorities and how it addressed frequently used areas vs. those requiring stewardship.

CM Dozeman also thanked the staff and consultants for an excellent master plan.

CM Ohm added his laudatory comments and thanks.

6. Resolution No. 30-2023 – A Resolution approving a Public Art Donation Agreement and amending the Public Art Fund for costs associated with transportation and installation of the art piece

CM Hutchinson introduced Resolution 30-2023

### **Issue**

Karin Schelke, a Wheat Ridge resident, is donating a piece of public art, valued at \$25,000, to the City of Wheat Ridge. The piece is titled “Dancing Pony” by artist Kevin Box and will be installed at Prospect Park. Staff is requesting approval of a donation agreement with Ms. Schelke and approval to utilize the City’s Public Art Fund to pay for the transportation and installation of the art piece, as well as a small plaque.

### **Staff Presentation**

Director of Parks & Recreation, Karen A. O’Donnell reported to council the recent generosity of resident Karin Schelke, who contacted Parks and Recreation Director O’Donnell, expressing interest in making a public art donation. As per the City’s Public Art Management Plan, Director O’Donnell asked Ms. Schelke to submit a proposal including details on the art piece and artist.

A Public Art Donation Committee was convened, based on requirements detailed in the Public Art Management Plan. Members of this committee included: Melinda Valentini (local artist), Mark Ruote (City staff representative), Kathleen Martell (Cultural Commission representative), and Guy Nahmiach (community member). Karin Schelke presented her proposal to the committee on May 1, 2023. The committee unanimously agreed to advance the proposal to the Wheat Ridge Cultural Commission for approval. The Wheat Ridge Cultural Commission reviewed and approved the proposal unanimously on May 10, 2023.

Ms. Schelke choose the pony statue created by Kevin Box because of the connection to agriculture and farming in Wheat Ridge and the historical and current practice of horse

riding in Wheat Ridge. She was open to the art piece being installed in any park in Wheat Ridge, as long as children visited the space.

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

CM Hutchinson expressed her strong approval of the motion.

**Motion** by CM Hutchinson to approve Resolution No. 30-2023, a resolution approving a public art donation agreement with Karen Schelke and the use of Public Art Funds for costs associated with the transportation and installation of the art piece, seconded by CM Hoppe, motion carried 8-0.

During discussion on the motion CM Hultin also thanked the artist and expressed her strong approval.

7. Resolution No. 31-2023 – A Resolution amending the Fiscal Year 2023 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$76,398 for the addition of one full-time Housing Program Administrator

CM Dozeman introduced Resolution 31-2023

### **Issue**

City Council adopted the Affordable Housing Strategy and Action Plan (“Action Plan”) on January 9, 2023, to address one of the city and state’s most pressing issues. The Action Plan prioritizes hiring at least one new staff person to implement the action plan and manage the City’s affordable housing fund and associated programs. The City does not currently have the staff expertise or capacity to implement the action plan in contrast to peer cities that have similar positions.

### **Staff Presentation**

Ms. Mikulak presented to council the prior actions and background on the issue where addressing housing affordability in Wheat Ridge requires new programs with significant management responsibilities and actions to produce and preserve affordable housing units. There is a growing number of state and federal funding sources and programs related to affordable housing.

If Wheat Ridge is going to address this issue, the City needs at least one housing staff person to manage and administer such programs and capitalize on state and federal funding and programs at an opportune time. The City does not have any such staff in contrast to peer cities (e.g., Golden, Arvada, Erie) that have hired specialized housing staff in recent years.

The Housing Program Administrator would be in the Community Development Department and focus on addressing the City's growing affordability gap by implementing the Action Plan and other housing affordability issues, including but not limited to:

- Managing the Wheat Ridge Housing Fund that City Council approved on January 9, 2023;
- Developing and managing the Naturally Occurring Affordable Housing Program (NOAH) that would offer grants for upgrading multi-unit residential properties in exchange for deed-restricted affordable rents;
- Developing and managing the City's Inclusionary Housing Program that would require deed-restricted affordable housing units on many projects;
- Acting as liaison to the Wheat Ridge Housing Authority (and supporting a potential expansion or modification of this body's role);
- Forming partnerships to facilitate outcomes with affordable housing developers like Foothills Regional Housing; and
- Capitalizing on funding opportunities for the City through various federal and state programs, including Proposition 123 that was recently approved by Colorado voters that will provide several hundred million dollars to local governments for affordable housing starting in 2023 as dedicated state income tax revenue.

They included that this position has been classified as exempt grade 240 in the City's 2023 pay plan. This is commensurate with the work of a Senior Planner. The position's pay range is \$87,690 to \$131,350. Assuming a starting rate close to the middle of the grade and inclusive of FICA, Medicare, pension, and benefits, the cost for a full year is estimated at \$136,795. Technology needs for a new position are estimated at \$8,000. For 2023, and inclusive of technology needs, the addition of this position in total will require a supplemental budget appropriation of \$76,398

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

CM Hoppe expressed a desire for an urgent beginning to this project and asked whether a newly hired professional staffer can move quickly enough to meet funding deadlines. Ms. Mikulak and Mr. Goff provided detailed responses.

**Motion** by CM Dozeman to approve Resolution No. 31-2023, a resolution amending the Fiscal Year 2023 General Fund budget to reflect the approval of a supplemental budget

appropriation in the amount of \$76,398 for the addition of one full-time Housing Program Administrator, seconded by MPT Stites, motion carried 8-0.

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

Mr. Goff reminded us that there is no Council meeting next Monday.

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

Nothing tonight

### **ELECTED OFFICIALS' MATTERS**

CM Nosler Beck exclaimed Go Nuggets! She thanked all who worked on safety plans for the children who will transition from elementary schools Jeffco is closing to new schools. The Piranhas Swim Team is still open for registration.

CM Hultin GO Nuggets. A district II meeting is scheduled for Saturday June 9. Please adopt orphaned and abandoned pets to prevent euthanasia.

CM Ohm announced that on June 30 at Golds Marketplace there will be a public event celebrating local businesses. More details will appear on the City's website.

CM Hoppe recognized the STEM and Swim teams for their accomplishments. If you join the Piranhas now you can star on the high school swim team in years to come.

CM Dozeman wished everyone a happy last week of school.

CM Weaver is grateful to live here!

MPT Stites recognized yet another successful effort this past weekend by the Paramount Heights Sustainability group, and those who attended a Wheat Ridge Education Committee meeting last week for their sterling efforts at student and traffic safety around our schools. He noted, tongue in cheek, that his birthday is Monday, so if you plan to get him a birthday gift, if you can find it in WR, buy it in WR.

Mayor Starker congratulated the STEM and swim teams again. He congratulated those graduating from WR High School, Class of 2023. Please, drive carefully.

CM Hutchinson asked when the moths will abate so her cats will calm down!

### **ADJOURNMENT**

The meeting adjourned at 7:49 pm.

APPROVED BY CITY COUNCIL ON June 12, 2023



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Steve Kirkpatrick, City Clerk

A handwritten signature in blue ink that reads "Korey Stites". The signature is written in a cursive style and is positioned above a solid black horizontal line. The entire signature and line are set against a light gray rectangular background.

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.