

# **City Council Meeting Minutes**

## **CITY OF WHEAT RIDGE, COLORADO**

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

**August 14, 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 6:31 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 (virtual)

Also, present: City Manager Patrick Goff; City Attorney Gerald Dahl; City Clerk, Steve Kirkpatrick; Director of Public Works Maria D'Andrea; Director of Community Development, Lauren Mikulak; Senior Planner, Scott Cutler; Amy Case, Chief Real Estate Development Officer, Foothills Regional Housing; other staff, guests and interested citizens.

#### **APPROVAL OF MINUTES**

- Study Session Notes of August 7
- Special Study Session Notes of July 24
- City Council Meeting Minutes of July 24

All of the above Notes and Minutes were approved without changes to any of these records.

#### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

#### **PROCLAMATIONS AND CEREMONIES**

None Tonight.

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

Dawn Underwood, called about item 2 and the Mayor asked her to await item 2 on tonight's agenda.

### **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.

### **1. CONSENT AGENDA**

CM Ohm introduced the consent agenda.

- a. Motion to award the 2023 Mill and Overlay Project to Martin Marietta Materials, Inc., of Lakewood, Colorado, and approve subsequent payments in the amount of \$1,969,977.80 with a contingency amount of \$157,598.20, for a total not-to-exceed amount of \$2,127,576.00.

### **Issue**

The 2023 Mill and Overlay Project is being undertaken to provide repairs to roadways in need of corrective maintenance. Streets included within this project were identified by staff and evaluated for effectiveness of this particular treatment. Also included with this project was some striping and signage to install on-street walking paths to serve as safer routes to school for school children.

Seven bids were received for this work in response to an Invitation to Bid. Staff recommends awarding a contract to the lowest responsive bidder, Martin Marietta Materials, Inc. of Lakewood, Colorado in the amount of \$1,969,977.80 plus a staff-managed contingency of \$157,598.20 for a total not-to-exceed amount of \$2,217,576.00.

- b. Resolution No. 39-2023 – a resolution authorizing the execution of an Intergovernmental Agreement by and between the County of Jefferson, State of Colorado, and the City of Wheat Ridge, Colorado, regarding the production of a mailed TABOR Notice concerning ballot issues and the administration of their respective duties concerning the conduct of the coordinated election to be held on November 7, 2023

### **Issue**

The City of Wheat Ridge will participate in a coordinated election on November 7, 2023. The attached resolution and intergovernmental agreement (IGA) must be executed and forwarded to Jefferson County by Tuesday, August 28, 2023. The documents refer to the

respective duties of the County and the City of Wheat Ridge concerning the production of a mailed TABOR Notice concerning a ballot issue that will be submitted to eligible voters of the City of Wheat Ridge and regarding the administration of the Coordinated Election.

Motion by CM Ohm to approve Consent Agenda Items a.), and b.), seconded by MPT Stites, motion carried 8-0.

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

2. Council Bill No. 18-2023 – An Ordinance approving the sale of certain property owned by the City located at 7575 W. 44th Avenue.

CM Hultin introduced Council Bill 18-2023.

### **Issue**

The City purchased the Bank of the West property located at 7575 W. 44th Avenue in January 2021 for right-of-way required for the Improve Wadsworth project. After the necessary right-of-way was dedicated for the Wadsworth project, a remnant parcel of 15,435 square feet and a structure remains. Foothills Regional Housing (FRH) has made a request to the City to contribute this parcel for inclusion into The Ives affordable housing development project. Section 16.5 of the City Charter requires approval from three-fourths of the entire city council to sell municipally owned property.

The Mayor opened the public hearing, which is not quasi-judicial.

### **Staff Presentation**

City Attorney Jerry Dahl briefly reported on the prior actions where at the June 22 study session, consensus was provided to bring forward an ordinance to contribute the former Bank of the West property to FRH for The Ives affordable housing development project.

Property appraisals were conducted by the City and the Bank of the West in March 2020 and June 2020, respectively. The just compensation for the parcel was valued at between \$1.7 million and \$2.3 million. The City's consultant negotiated a final price of \$1,738,000 for the parcel plus an additional settlement amount of \$242,000 as an incentive to sell for a total cost of \$1,980,000.

The purchase price for the property to be paid by FRH is \$10. In addition, FRH will pay all costs associated with the closing.

Amy Case, Chief Real Estate Development Officer, Foothills Regional Housing, explained the purpose of the title transfer and the work already underway at that location.

Afterwards she stood by to answer any questions.

## **Public Comment**

Dawn Underwood, 4601 Teller St. called to ask a question about this item: why have the neighborhood residents not been informed of the activities and development ongoing? Ms. Mikulak responded to Ms. Underwood's question.

J. C. Sloan 4696 Hoyt St. came in person to discuss this purchase and other potentially low-income housing purchases. He opined that the notice requirements need to be changed because in this case the 600-foot rule does not reach the residents nearby who will be impacted by this proposal. He also strongly recommended that the first level should be commercial to add to the business base in Wheat Ridge.

## **Council Questions and comments**

CM made several comments in support of the resolution.

CM Hultin asked about on site offices and who will occupy them. She also asked about the park mentioned in the presentation. Later in the discussion, CM Hultin asked for clarification of how much of the property surrounding the subject property (bank building) is already owned. Then she asked about the alignment of our Affordable Housing Project and this decision. Mr. Goff gave a detailed answer. CM Hultin asked about access to the property. Ms. Mikulak gave a detailed answer.

Later, CM Hultin asked about private investment in the property and how that drives the quality of the property, including the interiors. Again, Ms. Case gave a specific answer about sound insulation, lighting, etc., including energy saving provisions.

CM Ohm asked about mixed-use retail. None is planned at this time.

CM Hoppe asked Ms. Mikulak to explain how the boundaries of the parcel are determined. Ms. Mikulak gave a detailed answer.

CM Nosler Beck asked for clarification on why there is no retail planned along the bottom corridor of the development. She asked for an explanation for that decision.

MPT Stites asked when we look at a site like this one, what makes this site attractive. Ms. Case gave a detailed list of criteria they use to select a site. Then he asked if this site and the one already acquired at 41<sup>st</sup> Ave and Vance St. will operate in concert. (Yes, per Ms. Case.)

CM Dozeman asked how this property right of way and access will operate. Ms. Mikulak provided an answer. Then CM Dozeman asked about the future of the propane sales business, the necessary setback for safety, and will the business property be acquired where the propane business sits. Ms. Mikulak gave a detailed answer, referring to regulations about operating a propane storage and sales business, including previous steps to allow nearby housing development. Later CM Dozeman asked what will happen after the 50 years expire. Again, Ms. Case have an answer.

The Mayor asked about the length of the plan to allow affordable housing (50 years). Then the Mayor asked about guest parking for the housing.

**Motion** by CM Hultin to approve Council Bill 18-2023 – an ordinance approving the sale of certain property owned by the city located at 7575 W. 44th Avenue, on second reading, and that it takes effect immediately upon adoption, seconded by CM Ohm, motion carried 8-0.

During discussion of the motion CM Dozeman expressed her support for the motion and gave several reasons why she thinks this is good decision.

CM Ohm asked about whether there is any opportunity for small, home-run businesses, while supporting the motion.

CM Hultin also expressed her support for the motion for reasons already stated. She has heard from constituents who are concerned about the impact of this project. She supports the project for several reasons including the fact that the project will not have any residents adjacent to this project. She also commented that there is a shortage of 2- and 3-bedroom units for family housing, and this project will help respond to that demand.

CM Nosler Beck will support this motion. She reported that members of her family settled on this property to farm the land. This is an incredible opportunity for the City to provide housing opportunities for our residents on the same site. Her family has many memorabilia which could make additions to the décor.

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

3. Council Bill 19-2023 – An Ordinance approving the rezoning of property located at 4735 Kipling Street from Commercial-One (C-1) to Mixed Use-Commercial Interstate (MU-C Interstate)

CM Dozeman introduced Council Bill 19-2023

#### **Issue**

The applicant is requesting approval of a zone change from Commercial-One (C-1) to Mixed Use-Commercial Interstate (MU-C Interstate) for property located at 4735 Kipling Street. The zone change will result in a zoning that enables revitalization and reuse of the site by expanding permitted uses.

#### **Staff Presentation**

There was none

#### **Public Comment**

There was none

**Motion** by CM Dozeman to approve Council Bill 19-2023 – an ordinance approving the rezoning of property located at 4735 Kipling Street from Commercial-One (C-1) to Mixed

Use-Commercial Interstate (MU-C Interstate) on first reading, order it published, public hearing set for Monday, September 11, 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 Hutchinson, motion carried 8-0.

4. Council Bill 20-2023 – An Ordinance amending sections 11-561, 11-566, and 26-114 of the Wheat Ridge Code of Laws, concerning the hotel licensing program.

CM Hoppe introduced Council Bill 20-2023

### **Issue**

On October 25, 2021, City Council passed ordinance 1723, adding a new article XIV to Chapter 11 and updating use schedules in Chapter 26 of the Wheat Ridge Code of Laws to establish a hotel licensing program.

Sec. 11-569 of the Code requires Council to review the implementation of the ordinance on or before June 30, 2023, and every 18 months thereafter. Council conducted a review of the ordinance on June 12, 2023, and provided consensus for some updates to the Wheat Ridge Code of Laws.

### **Staff Presentation**

There was none.

**Motion** by CM Hoppe to approve Council Bill 20-2023 – an ordinance amending sections 11-561, 11-566, and 26-114 of the Wheat Ridge Code of Laws, concerning the hotel licensing program on first reading, order it published, public hearing set for Monday, August 28, 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 Dozeman, motion carried 8-0.

5. Council Bill 21-2023 – An Ordinance giving notice of and calling for submitting a ballot question at the City's regular November 7, 2023 election concerning the issuance of debt and an extension of the expiring sales and use tax of one-half of one cent (0.50%) to pay such debt; and other matters related thereto.

CM Weaver introduced Council Bill 21-2023

### **Issue**

On July 17, 2023, City Council directed staff to move forward with a ballot question for the November 2023 election to extend the City's one-half of one cent (0.50%) sales and use tax for 20 years and to issue debt to finance up to \$75 million in public infrastructure improvements. These improvements would include sidewalk, bike lane and street improvements along primary street corridors, sidewalk gap construction and other sidewalk maintenance along major pedestrian corridors and routes to schools and drainage and floodplain infrastructure improvements at priority locations in the City.

To include this question on the 2023 ballot, the City Council must set the final ballot language and submit it to the Jefferson County Clerk and Recorder by September 8th. Setting the ballot language by ordinance requires a first reading on August 14th and a second reading and public hearing on August 28th to meet this deadline. The attached ordinance accomplishes this.

### **Staff Presentation**

There was none.

**Motion** by CM Weaver to approve Council Bill 21-2023 – an ordinance giving notice of and calling for submitting a ballot question at the City's regular November 7, 2023 election concerning the issuance of debt and an extension of the expiring sales and use tax of one-half of one cent (0.50%) to pay such debt; and other matters related thereto, on first reading, order it published, public hearing set for Monday, August 28, 2023 at 6:30 p.m. as a virtual meeting and in City Council Chamber and that it take effect immediately upon adoption, seconded by CM Hultin, motion carried 8-0.

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

6. Motion to amend the Phase III contract for engineering consulting services for the Improve Wadsworth project with HDR Engineering, Inc., in the amount of \$148,827.86 for a total contract amount of \$3,122,924.69.

MPT Stites introduced the Motion.

### **Issue**

The city currently utilizes two underground tanks at the Public Works Shop to provide diesel and unleaded fuel for city vehicles. The tanks are 34 years old and are nearing the end of their useful life. Therefore, staff evaluated fueling options and is recommending implementation of a 4- to 6-month pilot program with the Police Department to consider the WEX fuel card system. The WEX fuel card system allows for fueling of city vehicles at all participating gas stations nation-wide which will improve efficiency for staff as well as provide improved reporting and monitoring. Slightly higher costs are anticipated as the city will pay the advertised cost at the pump (less any taxes) which will likely be more than the bulk rate currently provided through the city's vendor. The pilot program will allow for an evaluation of the pros and cons as well as the actual cost increases, if any. Therefore, staff recommends that the city enter into an agreement with WEX Bank by approving an addendum to a State of Colorado Contract #163711 under National Association of State Procurement Officials (NASPO) Master Agreement No. 00819.

### **Staff Presentation**

Director of Public Works, Maria D'Andrea gave a brief presentation, summarizing the financial impacts and background where there is no cost to initiate the WEX program. The city pays the price advertised at the pump so it can vary from day-to-day and

location-to-location. Therefore, it is anticipated that the city will pay Based on comparisons of the city's costs to the average monthly prices for Denver, it is anticipated that the city will pay approximately \$0.35 more per gallon for mid-grade unleaded fuel. This would result in an annual increased estimated cost of \$22,750, based on usage of 66,000 gallons.

### **Public Comment**

Jason Sloan, 4696 Hoyt St., came to ask if there are other, more remunerative businesses to meet this need.

Ms. D'Andrea described the process staff followed to determine that this is the best opportunity for the City

### **Council Questions and comments**

CM asked several detailed and technical questions, which staff addressed.

CM Dozeman asked if Council would revisit this again after the six-month trial program, and whether the staff will revisit the question of whether to continue with this firm or make a change. Ms. D'Andrea gave a detailed answer. CM Dozeman then asked what would happen when the tanks need replacement; again Ms. D'Andrea gave a detailed answer.

CM Ohm asked about a system in use in the City of Lakewood; Ms. D'Andrea again answered in detail.

The Mayor asked whether this card product will include all City vehicles. Ms. D'Andrea responded that for this six-month trail we will use unleaded gasoline only; our diesel vehicles will get fuel as they currently do.

CM Hultin opined that perhaps in the future we can convert to more EV, but for the meantime this will at least reduce the local miles operated by City Vehicles.

**Motion** by CM Stites to approve a participating addendum to the NASPO ValuPoint Fleet Card Services Contract with the State of Colorado for implementation of the WEX Fuel Card System, seconded by CM Ohm, motion carried 8-0

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

Mr. Goff gave a brief update on the budget. He reported that our sales tax revenue is flattening, as it is in other nearby cities. Other revenue sources are up appreciably. Our investment funds have a nearly 300% increase in return on investment. We will still have a solid reserve. On September 18 there will be a detailed presentation of the 2024 FY budget.

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

Nothing tonight



## **ELECTED OFFICIALS' MATTERS**

City Clerk Kirkpatrick reminded all that the Candidate Petitions for the Municipal Elections to be held on November 7, 2023 were being distributed and those seeking office will need to return them to the City Clerk's office no later than 5:00pm on Monday, August 28.

CM Nosler Beck thanked staff for the recent information packet on how to arrive safely at our elementary schools following the closures of 3 schools, forcing students and families to move to alternate schools. She also thanked all who work on the Carnation Festival, especially CM Dozeman, who make the Festival such a success. She especially noted the beauty of the fireworks displays.

CM Hultin echoed the gratitude for making the Festival and Parade such a success. She asked about work recently done and ongoing on bike lanes in a particular location in District 2. Ms. D'Andrea gave a specific answer. Things are happy at Happiness Gardens as people harvest their crops. The garden is at its best right now.

CM Ohm echoed others' gratitude for all who made the Festival a rousing success. He focused particularly on the honor of walking in the Parade. He thanked a list of people and departments who made the Festival successful.

CM Hutchinson thanked all who worked on the Festival and all who attended.

CM Dozeman extended her heartfelt gratitude to all who worked so hard to make the Carnation Festival such a success. She mentioned several departments' staffs, including Parks and Rec, Public Works and the WRPD. She also shouted out to the Festival committee and the volunteers who work so hard before and during the Festival. She recalled her attendance at the Festival when she was a child, and now taking her own children to the Festival. She also thanked the Council and the sponsors who make it possible. She recognized Mr. Joey DeMott, chair of the Festival Committee for his excellent work.

CM Weaver echoed the foregoing thanks, and then lauded the pie baking content entrants and all who participated. She announced the two prize winners: Peach Frangipani and a Tortuga Brownie "Amazingness." She also thanked those who participated and partook in the Chili Cookoff.

CM Hoppe also thanked all of those who participated and made the Festival such a success. Her entire immediate family had a role to play in the Festival.

MPT Stites, pie contest judge, recalled that he has participated in more than 30 Parades since his grandfather started the Festival as Mayor some 54 years ago. He thanked Ms. Mikulak and her staff for the safe transit to schools memo, following the school closures and students now attending a new school. School starts tomorrow; drive safely! If you can find it in Wheat Ridge, buy it in Wheat Ridge.

Mayor Starker profusely thanked all who helped make the Festival such a success. He specifically thanked CM Dozeman and Mr. Joe DeMott, staff and volunteers, naming several key players.

He also asked about street paving along 29<sup>th</sup> Ave, and when that will be scheduled. Ms. D'Andrea indicated a schedule of summer 2024.

Please, drive carefully as school starts again.

**ADJOURN TO SPECIAL STUDY SESSION**

The meeting adjourned at 8:03 pm.

APPROVED BY CITY COUNCIL ON August 28, 2023



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Steve Kirkpatrick, City Clerk



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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.