

**Special Study Session – City Council
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
September 25, 2023**

Upon adjournment of the Regular City Council Meeting, and after a short recess, the Mayor called this Special Study Session to order at p.m.

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.

After calling the meeting to order, presiding official Mayor Starker stated the rules and procedures necessitated by this meeting format.

Mayor Starker welcomed the Council, other elected officials, staff and interested citizens.

The Mayor also explained the virtual/hybrid meeting format, how citizens will have the opportunity to be heard, and the procedures and policies to be followed.

Councilmembers present: Judy Hutchinson, Scott Ohm, Amanda Weaver, Rachel Hultin, Janeece Hoppe, Korey Stites, and Leah Dozeman. Valerie Nosler Beck was absent due to healthcare.

Also, present: City Manager Patrick Goff; City Attorney Gerald Dahl; Deputy City Manager, Alli Scheck; Director of Community Development, Lauren Mikulak; other staff, guests and interested citizens.

Public Comment on Agenda Items –

No one came forward to speak. Please, also see the minutes of tonight's regular Council session.

Note about Wheat Ridge Speaks:

Citizens 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 include a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech).

There were no citizen comments entered into Wheat Ridge Speaks related to this session, but there were at this evening's regular Council Meeting. Those comments

appear in the minutes for tonight's regularly scheduled City Council business meeting.

1. Billboard Regulations and Proposed Amendments

Issue

Since 1991, the City Code has allowed up to 16 billboards. In 2007, the definition of a billboard was revised to include that it must be "oriented to the interstate highway." Based on that code change, a determination was made in 2015 that two signs previously considered billboards were no longer because they were too far from the highway. This resulted in two billboard vacancies. One was filled quickly, but the second has yet to be filled after a series of unsuccessful lottery processes. The most recent lottery process resulted in an appeal from the applicant to the Board of Adjustment, District Court, and Colorado Court of Appeals. The appeal is based on the ambiguity of what it means to be "oriented to the interstate highway."

Based on lessons learned over the last eight years, staff is recommending that the billboard code be amended to reduce the maximum number of billboards allowed in Wheat Ridge from 16 to 15 and to establish a maximum distance allowed between a billboard and the highway..

Staff Report

Community Development Director, Lauren Mikulak introduced who gave a detailed presentation and explanation of the update. She spoke on topics that included:

- Legislative History and Current Code
- Recent Vacancies and Appeal
- Proposed Code Amendment
- Recommended Clarifications those to possibly include.
 - a. The specific method by which setbacks are measured.
 - b. The specific method by which height is measured.
 - c. The standards associated with V-shaped billboards. Most billboards in the City are already double-sided, and it is customary to include a maximum angle for a double-sided billboard that is V-shaped.
 - d. The site plan requirement for a lottery submittal. This change would be necessary if the first recommendation is advanced to affirm a proposed billboard location is within 250 feet of the highway.

Ms. Mikulak stood by to answer questions.

Councilmembers questions and comments:

CM Hoppe asked three questions. She read definitions of Zones B-1 and B-2 and suggested removing redundant language about the details of the two zones. She noted that B-2 the phrase "...at the City's sole discretion,..." does not identify who at the City will exercise that discretion. Staff agreed to add language to specify that the

Community Development Director will have that sole authority for the City. She asked that staff edit the language using “his/her,” to reflect more current usage. Staff agreed.

CM Ohm asked about a CDOT regulation stating 500 feet vs. our proposed 250 feet. Was that a conflict? Ms. Mikulak gave a detailed answer.

Mayor Starker asked whether the limit of 16 billboards in the City will still apply under this new ordinance. Staff responded affirmatively.

CM Hultin appreciated the clean-up. She also asked whether the City can automatically reduce the number of allowed billboards whenever a billboard is removed. Ms. Mikulak and Mr. Dahl gave detailed information. She asked whether other CM support reducing the number of billboards allowed across WR whenever a billboard is replaced.

CM Hoppe asked whether there is a limit on the minimum number of billboards the City must allow. Mr. Dahl opined clearly that there is no lower limit. CM Hoppe then asked if we could put language in the ordinance to automatically reduce the number when one is retired, removed. Mr. Dahl answered affirmatively and discussed the details.

Mr. Ohm asked whether we could impose an annual fee for each billboard in Wheat Ridge. Mr. Dahl discussed the issues involved in imposing such a fee.

CM and Mayor Starker thanked the staff for all of their hard work in preparing for this update.

CM Hoppe proposed a consensus to direct staff to move forward with creating a new ordinance as proposed by staff, adding 1) a line stating, “no digital billboards,” and 2) language stating that when a billboard is removed/vacated then the total number of billboards allowed in the City shall be reduced permanently by one.

Consensus achieved.

2. Staff Report(s)

Nothing more.

3. Elected Officials’ Report(s)

Nothing more.

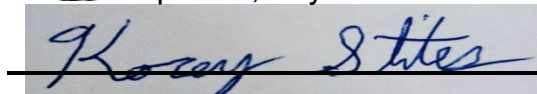
ADJOURNMENT

The Special Study Session adjourned at 8:56 pm.

APPROVED BY CITY COUNCIL ON October 9, 2023.



Steve Kirkpatrick, City Clerk



Korey Stites, Mayor Pro Tem