

# **City Council Meeting Minutes**

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

**November 13, 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    Scott Ohm    Rachel Hultin    Janeece Hoppe  
Amanda Weaver    Korey Stites    Leah Dozeman    Valerie Nosler Beck

**Following the Oaths of Office:** Outgoing CM Judy Hutchinson and Valerie Nosler Beck retired with the end of their terms. Newly sworn CM Dan Larsen and CM Jenny Snell joined the other CM to conduct business for the duration of the meeting.

Also present: City Clerk Steve Kirkpatrick; City Manager Patrick Goff; City Attorney Gerald Dahl; Deputy City Manager, Allison Scheck; Municipal Court Judge Christopher Randall; Police Chief, Chris Murtha; Director of Public Works, Maria D'Andrea; Director of Community Development, Lauren Mikulak; other staff, guests and interested citizens.

### **APPROVAL OF MINUTES**

- Study Session Notes of October 2, 2023 and October 16, 2023
- City Council Meeting Minutes of October 9, 2023
- Special City Council Meeting Minutes of October 16, 2023

The above Notes and Minutes were approved without changes.

### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

### **PROCLAMATIONS AND CEREMONIES**

#### **Recognition of outgoing elected officials**

Mayor Starker presented CM Valerie Nosler Beck and CM Judy Hutchinson with years of service plaques and framed photographs, to recognize their service for the past four years.

Mayor Starker thanked the outgoing Councilmembers for their dedication and service to the City of Wheat Ridge. He recognized the voters of Wheat Ridge for their participation in our democracy. He recognized all of the candidates – noting that running for office and serving the City are not easy things to do.

### **Oath of office for newly elected officials**

Judge Christopher Randall administered the statutorily prescribed Oath of Office to Gretchen “Jenny” Snell as Councilmember District I, Rachel Hultin as Councilmember District II, Corey Stites as Councilmember District III, Daniel “Dan” Larson as Councilmember District IV, and Steve Kirkpatrick as City Clerk. Chris Miller, Treasurer, was absent while traveling abroad; he will take the oath upon his return.

The new sworn and returning officials took their places on the dais.

### **Proclamation recognizing Small Business Saturday**

Mayor Starker read the proclamation, which highlighted the critical role small businesses play in employing 46 million people and contributing to local economies and communities. Tad Overstreet accepted the proclamation on behalf of all the small businesses in the City.

### **Proclamation recognizing National Native American Heritage Month**

Mayor Starker designated the month of November as National Native American Month acknowledging how Native Americans have enriched our heritage and continue to add to all aspects of our society through their generosity of culture and the continued practice of teaching economic, environmental, and cultural sustainability. Director of Parks and Recreation Karen O’Donnell accept the proclamation and thanked the Mayor and Council for recognizing our First Nations peoples. She also reported on the progress made to recognize the Peoples who

### **Proclamation recognizing National Veterans and Military Families Month**

Mayor Starker proclaimed November 2023 as National Veterans and Military Families Month where our veteran and military families do so much and ask for little. They are strong and adaptable, changing course to accommodate the needs of our country, often foregoing personal wishes. They are capable and proud, holding down the home front during their loved one’s deployments, coping through their absence, knowing the risk but providing unwavering support, and helping them readjust when they come home.

Officer Sean Meck, a US Marine veteran, and former Community Service Officer accepted the proclamation on behalf of our veterans on the WRPD, among the City staff, and residents in our City.

### **PUBLIC’S RIGHT TO SPEAK**

Candice Townsend, a familiar Wheat Ridge resident, came to speak about the impact of the Wadsworth redevelopment project. She specifically noted the impact of traffic re-routing through neighborhoods and creating pedestrian hazards. The actions taken to

date are not effective. The traffic data map has not been updated since February 2023. A series of resident phone calls in June did get some responses, but not a sufficient response. The situation is very frustrating. She asked that the City develop a better plan and designate a project manager as a point of contact.

Immediately following, an unknown number of individuals, who had signed on via the Zoom app, began to express their thoughts per Public's Right to Speak. Using pseudonyms and false addresses, they made a series of 3-minute statements promoting ideas that our CM, Mayor, Clerk, Treasurer and Executive Management Team found objectionable.

The Mayor declared a short recess to confer with CM and the City Attorney.

Upon the Mayor's recall of the meeting to order again, **Motion by CM Hoppe** to suspend the rules and limit the public right to speak to 1 minute per speaker and limit additional speakers in aggregate to 10 minutes, until 7:55 pm. Seconded by **MPT Stites**, motion passed 8-0.

There followed another series of objectionable comments, again by members of the same group, which ended per the motion to suspend the rules at 7:55 pm.

#### **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**

MPT Stites introduced the consent agenda.

- a. Motion to approve the purchase and payment of Tyler Technologies E-Citation/Summons Zebra printer hardware and Brazos software for an initial total not to exceed \$142,340.

### **Issue**

Staff recommends the purchase of 26 Zebra Printers with batteries and chargers and accompanying Brazos E-Citation/Summons software for the City of Wheat Ridge Police Department. Staff has secured negotiated contract terms and pricing under the Sourcewell Master Agreement with Tyler Technologies.

- b. Motion to approve the purchase of salt materials for snow and ice control on city streets from Independent Salt Company in a total amount not to exceed \$140,200.

### **Issue**

The city purchases and applies deicer materials each year as part of its snow and ice control efforts. The city has participated in a cooperative bidding process through the Colorado Multiple Assembly of Procurement Officials (MAPO) to obtain the best pricing. The city will utilize a City of Fort Collins contract with Independent Salt Company to purchase materials for the remainder of 2023 and the 2024 snow season in an amount not to exceed \$140,200.

- c. Resolution No. 49-2023 – a resolution approving a Transportation Alternatives Program grant agreement with the Colorado Department of Transportation.

### **Issue**

The Parks and Recreation Department applied for and was awarded \$951,709 from CDOT's Transportation Alternatives Program for improvements along the Clear Creek Trail in 2025-2026. City Council approval of the enclosed grant agreement is required to accept the funds.

- d. Motion to amend the contract with Sunland Asphalt and Construction, LLC for the Recreation Center Parking Lot Repair project to allow for an additional amount of \$190,000 for a total not-to-exceed amount of \$809,400.42.

### **Issue**

A contract for the repair of the Recreation Center parking lot was approved by the City Council in June 2023 in the amount of \$485,900.72 plus a staff-managed contingency of \$48,500 for a total not-to-exceed contract amount of \$534,400.72. Subsequently, the City Council approved additional contingency amounts of \$85,000 for additional items associated with ADA modifications, electrical vehicle striping, and drainage improvements. Calculation of actual quantities for pavement removal and installation as well as the underlying geotextile fabric have resulted in the need for increased contract amount of \$190,000. This would increase the total not-to-exceed amount of the contract to \$809,400.72.

- e. Motion to cancel the December 18, 2023 City Council study session.

### **Issue**

The City Council Study Session of December 18, 2023 currently does not have any scheduled agenda items. To provide time for City Council and Staff to prepare for the holidays with family and friends, and seeing there are no items currently scheduled for this date it is recommended that City Council cancel this meeting.

**Motion** by MPT Stites to approve Consent Agenda Items a.), b.), c.), d.), and e. seconded by CM Dozeman, motion carried 8-0.

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

2. Council Bill No. 27-2023 – An Ordinance approving the rezoning of property located at 10800 W. 48<sup>th</sup> Avenue from Agricultural-One (A-1) to Residential-Two (R-2).

CM Dozeman introduced Council Bill 27-2023.

### **Issue**

Wei Lian Fu is requesting approval of a zone change from Agricultural-One (A-1) to Residential-Two (R-2) for the property at 10800 W. 48<sup>th</sup> Avenue. The applicant is the current owner of the property. The zone change will result in a zoning that encourages investment in the site and will enable the land use to become more conforming with the zoning.

The Mayor opened the public hearing, which is quasi-judicial.

City Attorney Dahl discussed CM Larsen's previous handling of this item when he served on the Planning Commission.

Motion by CM Hoppe to not excuse CM Larsen from voting on this item, seconded by CM Ohm. After due discussion and deliberation, Council voted to allow CM Larson to participate in the discussion and vote on this item: Ayes were 6; CM Dozeman voted Nay and CM Larson abstained by voting present.

The City Attorney then asked CM Larsen several questions relating to his impartiality, and thereafter declared he is satisfied CM Larsen is qualified and able to participate in this item.

### **Staff Presentation**

Planner II Alayna Olivas-Loera gave a detailed presentation which included the background where the property is located on the south side of the West I-70 Frontage Road and just northwest of the intersection of W. 48<sup>th</sup> Avenue and Oak Street. According to the Jefferson County Assessor, the site is approximately 30,536 square feet (0.701 acres).

The property currently has one single-unit dwelling built in 1955 and some outbuildings. The property does not meet the one-acre minimum lot size requirement for the Agricultural-One (A-1) zone district and is currently legally nonconforming in terms of lot size. The applicant stated that the property is largely unoccupied at this time.

Afterwards she stood by to answer any questions.

### **Public Comment**

There were none tonight.

### **Council Questions and comments:**

CM had few comments, having recently reviewed the details of this item in a Study Session.

The Mayor closed the public hearing.

**Motion** by CM Dozeman to approve Council Bill 27-2023 – an ordinance approving the rezoning of property located at 10800 W. 48<sup>th</sup> Avenue from Agricultural-One (A-1) to Residential-Two (R-2), on second reading, and that it takes effect 15 days after final publication, seconded by MPT Stites, motion carried 8-0.

CM Hoppe commented that the recent Bulk Plane policy will apply well to this property.

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

3. Council Bill 28-2023 – An Ordinance amending Article VII of Chapter 26 of the Wheat Ridge Code of Laws, concerning the city’s billboard requirements, and making conforming amendments therewith.

CM Ohm introduced Council Bill 28-2023

#### **Issue**

The proposed ordinance updates the City’s billboard regulations to accomplish several main goals: to remove the lottery process for billboard vacancies, to reduce the maximum number of billboards within the City as they are abandoned, to establish a maximum distance between billboards and the highway, and to clarify existing development standards.

#### **Staff Presentation**

There was none as this is a bill on first reading.

#### **Public Comment**

No one came forward as this item sets the date and time for the public hearing on this ordinance at the indicated date and time.

**Motion** by CM Ohm to approve Council Bill 28-2023 – an ordinance amending Article VII of Chapter 26 of the Wheat Ridge Code of Laws, concerning the city’s billboard requirements, and making conforming amendments therewith, on first reading, order it published, public hearing set for Monday, November 27, 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 Weaver, motion carried 8-0.

4. Council Bill 29-2023 – An Ordinance approving the rezoning of properties located at 3650 and 3660 Wadsworth Boulevard from Restricted-Commercial (R-C) and Neighborhood-Commercial (N-C) to Mixed Use-Commercial (MU-N).

CM Hoppe introduced Council Bill 29-2023

#### **Issue**

Batt Cave LLC is requesting approval of a zone change from Restricted-Commercial (R-C) and Neighborhood-Commercial (N-C) to Mixed Use-Neighborhood (MU-N) for the

properties at 3650 and 3660 Wadsworth Boulevard. The zone change will result in one zoning across both parcels, will provide a continuation of the MU-N zoning from the east, and reflects both the transitional nature of this location and the character of the Wadsworth Corridor.

### **Staff Presentation**

There was none as this is a bill on first reading.

### **Public Comment**

No one came forward as this item sets the date and time for the public hearing on this ordinance at the indicated date and time.

**Motion** by CM Hoppe to approve Council Bill 29-2023 – an ordinance approving the rezoning of properties located at 3650 and 3660 Wadsworth Boulevard from Restricted-Commercial (R-C) and Neighborhood-Commercial (N-C) to Mixed Use-Commercial (MU-N), on first reading, order it published, public hearing set for Monday, December 11, 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 , motion carried 7-0, with CM

CM Larsen abstained, as he considered this item while serving on the Planning Commission. Further discussion will occur during the public hearing.

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

There were none tonight.

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

Mr. Goff had nothing further.

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

Nothing tonight

### **ELECTED OFFICIALS' MATTERS**

CM universally and emphatically expressed their rejection and abhorrence of the comments delivered by unknown persons participating in a ploy to use their First Amendment right to speak to spread hate and fear.

CM Hultin read again the Proclamation made in June 2020 declaring our opposition to any and all forms of prejudice, racism and hate based on any characteristic or condition.

CM Hultin then gave another update on Happiness Gardens. She heard the citizen who came tonight to complain about traffic in District II local streets as a result of the construction along Wadsworth. She asked staff for a report on actions taken and results observed.

CM Snell thanked the voters for giving her this opportunity to serve. She thanked CM Hultin for reading the proclamation.

CM Dozeman again recognized the CM whose terms ended this evening and those who joined Council tonight. She opined that the right to speak does not reduce the disappointment in tonight's meeting.

CM Larsen thanked the people of District IV for their confidence in him and the opportunity to serve.

CM Ohm echoed what his peers had already stated.

CM Weaver welcomed the new CM. She expressed dismay at tonight's callers and reassured others that WR is still a safe space.

CM Hoppe welcomed the new CM and thanked those who have served.

MPT Stites echoed others condemnation of tonight's callers. He also welcomed the new CM and thanked the CM whose terms ended this evening.

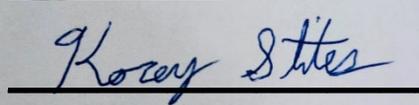
### **ADJOURNMENT**

The meeting adjourned at 8:38 pm.

APPROVED BY CITY COUNCIL ON December 11, 2023



Steve Kirkpatrick, City Clerk



Corey 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.