

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

September 11, 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

Scott Ohm Rachel Hultin* Janeece Hoppe

Amanda Weaver Korey Stites Leah Dozeman

*CM Hultin arrived at approx. 7:01 pm, during the public hearing concerning Item 2 on tonight's agenda and participated in the discussion and deliberation on item 2, as well as the remaining agenda items. (See Clerk's Note in the minutes for item 2, below.)

CM Judy Hutchinson and CM Val Nosler Beck excused themselves for personal reasons.

Also, present: City Manager Patrick Goff; City Attorney Gerald Dahl; City Clerk, Steve Kirkpatrick; Deputy Mayor, Allison Scheck; Director of Public Works, Maria D'Andrea; Director of Community Development, Lauren Mikulak; Planning Manager, Jana Easley Planner II, Alayna Olivas-Loera; other staff, guests and interested citizens.

APPROVAL OF MINUTES

- Study Session Notes of August 21, 2023

The above Notes were approved without changes to any of the records.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

PROCLAMATIONS AND CEREMONIES

National Hispanic Heritage Month

Mayor Starker spoke in eloquent support of our observance of National Hispanic Heritage Month, and encouraged residents of Wheat Ridge to celebrate the cultural, professional, educational, and civic contributions of the Hispanic communities. The Proclamation addressed the diverse and rich heritage of Hispanics and their contributions to our country, the State of Colorado and the residents of our City.

Recognition of Recently Promoted Leaders in the WRPD; Swearing-in Ceremony – Division Chief Eric Kellogg

Mayor Starker introduced Chief Murtha, who welcomed Mr. Kellogg, and recognized several leaders recently added to staff, each of whom introduced themselves to the Mayor and Council: Alex Rose, Public Information Officer; Sgt. Julia Slade, Detective; Betsy Sailor, recently promoted to Commander. Chief Murtha then administered the oath of office as a Division Chief of the Wheat Ridge Police Department to Division Chief Kellogg. .

PUBLIC’S RIGHT TO SPEAK

No one came forward to speak.

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)

There were no comments posted for this session of Council.

1. CONSENT AGENDA

MPT Stites introduced the consent agenda.

- a. Motion to approve payment to Insight Public Sector in the amount of \$166,400.64 for the annual renewal of the Microsoft Enterprise Agreement, two one-year subsequent renewals and all subsequent payments.

Issue

The City’s current three-year Microsoft Enterprise Agreement expires on September 30, 2023. This three-year renewal continues the City’s subscription of Office 365 (including Exchange, SharePoint, OneDrive, and Teams), inclusive of implementation and support. Due to the COVID-19 emergency and the increase in remote workers, staff recommended migrating to Microsoft’s cloud computing solution with Office 365 and Teams with this renewal. During the cyber-incident recovery, staff completed the move from on-premises systems to the Microsoft 365 environment. Office 365 and Teams enables staff to collaborate remotely to a greater degree.

- b.** Motion to award the Recreation Center heat recovery units replacement project to Reliant Mechanical Services, LLC. of Denver, Colorado, and approve subsequent payments in the amount of \$1,250,000, with a contingency amount of \$62,500, for a total non-to-exceed amount of \$1,312,500.

Issue

A project to replace the Recreation Center's heat recovery units (HRUs) was included in the 2023 budget. The scope of the proposed project was developed by the Facilities staff with evaluation by an external mechanical engineer. Six heat recovery units will be replaced with new, energy efficient units through this project. Due to the long lead time to manufacture the units, installation will not occur until the spring of 2024.

Staff recommends awarding a contract to Reliant Mechanical Services, LLC of Denver, Colorado in the amount of \$1,250,000 plus a staff-managed contingency of \$62,500 for a total not-to-exceed amount of \$1,312,500.

- c.** Motion to award the Courts Administrative Area Remodeling Project to Seven Point Construction, Inc., of Centennial, Colorado, and approve subsequent payments in the amount of \$121,700, with a contingency amount of \$24,340, for a total not-to-exceed amount of \$146,040.

Issue

A project to update the Courts administrative area was budgeted several years ago. The scope of the proposed project was developed by the Facilities staff in consultation with Courts staff. New flooring, painting, and lighting will be installed as well as modification to the two transaction windows where staff assists patrons to make them more functional and ADA accessible. New office furniture will be provided through a separate contract.

Staff recommends awarding a contract to Seven Point Construction, Inc. of Centennial, Colorado in the amount of \$121,700 plus a staff-managed contingency of \$24,340 for a total not-to-exceed amount of \$146,040.

- d.** Motion to award a contract to OfficeScapes, Inc., of Denver, Colorado to supply and install office furniture for the Courts Administrative Area Remodel Project, and approve subsequent payments in the amount of \$83,772.34, with a contingency amount of \$4,188.00, for a total not-to-exceed amount of \$87,960.34.

Issue

A project to update the Courts administrative area was budgeted several years ago. The scope of the proposed project was developed by the Facilities staff in consultation with Courts staff. New flooring, painting, and lighting will be installed as well as modification

to the two transaction windows. New office furniture will also be procured and installed for the space, through this contract.

The furniture and appurtenances are being purchased through OfficeScapes, Inc. in accordance with the cooperative purchasing contract for Steelcase materials through Sourcewell.

Staff recommends awarding a contract to OfficeScapes, Inc. of Denver, Colorado in the amount of \$83,772.34 plus a staff-managed contingency of \$4,188 for a total not-to-exceed amount of \$87,960.34.

Motion by MPT Stites to approve Consent Agenda Items a.), b.), c.), and d.) seconded by CM Hoppe, motion carried 5-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill No. 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.

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

Staff Presentation

Planner I Alayna Olivas-Loera gave a detailed presentation which included the background where the property is located on the west side of Kipling Street, south of I-70. The site is currently zoned Commercial-One (C-1) and is approximately 133,729 square feet (3.07 acres) in size. It currently contains the Best Interstate Inn, which is comprised of one 22,668-square foot building and one 18,260-square foot building, both built in 1971. The hotel is considered legally nonconforming because hotels are now considered Special Uses in the code in the C-1 zone, but the property was developed before that requirement was in place. The adjacent properties to the west and south are zoned Planned Residential Development (PRD). Adjacent properties to the east and north are zoned C-1. The area is predominantly commercial and residential in nature with a majority of the City's hotels concentrated in the vicinity.

Other items included but were not limited to:

- Current Zoning: The current zone district, C-1 is a legacy zone district dating back to 1972 and was established to provide commercial land uses which include office, general business, and retail sales and service establishments. It was

originally designed for and is more often seen on larger properties with adjacency to commercial corridors.

- **Proposed Zoning:** The applicant is requesting the property be rezoned to MU-C Interstate, a zone district established to accommodate a wide range of uses from residential to commercial. This district is intended for properties that are generally within five hundred (500) feet of I-70 and that are located on a commercial corridor with direct access to I-70. It follows the MU-C framework but is intended for highway-adjacent sites that may require variation in design or land use due to direct proximity to the interstate. The highway-adjacency allows for more auto-oriented uses than compared to other mixed-use districts.

Ms. Olivas-Loera finished by saying that these MU-C Interstate zone district is more appropriate than C-1 in terms of allowed land uses and will expand the permitted uses on the subject property. The proposed zoning would enable reinvestment by allowing a wider range of uses, encouraging a better utilization of land, and ensuring high quality urban design. The applicant is seeking the zone change specifically to allow the conversion of the existing hotel into apartments.

Afterwards she stood by to answer any questions.

Clerk's Note: CM Hultin arrived during the public hearing on this item at 7:01 pm. Upon questioning by City Attorney Dahl, CM Hultin attested that she has read the staff report on this item, stating that she had in fact read the entire Council Packet for this session, and was prepared to vote on this item knowledgeably. She participated in the discussion of this Item 2 and voted aye on the motion to approve this action by Council.

Public Comment

There were none.

Council Questions and comments

CM Ohm asked about funding for future maintenance of this project and future similar projects. Ms. D'Andrea answered in detail.

The Mayor closed the public hearing.

Motion by CM Dozeman to approve Council Bill 20-2023 – 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 second reading, order it published, and that it takes effect 15 days after final publication, seconded by CM Ohm, motion carried 6-0.

CM Dozeman expressed her support for the motion.

3. Council Bill No. 23-2023 – An Ordinance amending Chapter 2 and Chapter 26 of the Wheat Ridge Code of Laws, concerning the City’s subdivision and development review requirements, and making conforming amendments therewith.

CM Ohm introduced Council Bill 23-2023

Issue

The proposed ordinance updates Chapter 2 and Chapter 26 of the Code of Laws to revise the City’s subdivision and development review requirements. The ordinance accomplishes three main goals: 1) to prioritize meaningful public engagement and education intended to inform the public of impactful subdivision applications, 2) to reduce reliance on public hearings when the proposed uses and designs are permitted by the underlying zoning, and 3) to reduce duplication and unnecessary cross-references within the Code to ensure it is easy to understand and administer.

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

Staff Presentation

Community Development Director, Lauren Mikulak and Sr. Planner Scott Cutler stood by to answer any questions.

Public Comment

There was none.

Council Questions and comments

There were none.

The Mayor closed the public hearing.

Motion by CM Ohm to approve Council Bill 23-2023 – an ordinance amending Chapter 2 and Chapter 26 of the Wheat Ridge Code of Laws, concerning the City’s subdivision and development review requirements, and making conforming amendments therewith, on second reading, order it published, and that it takes effect fifteen (15) days after final publication, seconded by CM Weaver, motion carried 6-0.

CM Hultin asked staff about measures to ensure that nearby residents receive the notices to nearby properties in cases like this one.

CM Stites also thanked the staff for their hard work. He also commented on the efforts made to inform and consult with residents.

CM Weaver also expressed her support for the proposed ordinance.

PUBLIC HEARINGS AND ORDINANCES ON FIRST READING

4. Council Bill 24-2023 – An Ordinance amending Article III of Chapter 22 of the Wheat Ridge Code of Laws concerning basic local telecommunications service.

CM Weaver introduced Council Bill 24-2023

Issue

The City's code regarding the taxation of basic local telecommunication services requires revision. The current code is based on the false premise that Lumen (formerly US West, Qwest, and Century Link) is still the primary provider of telephone lines in the City. Based on this premise, competitors are charged a per line rate computed from Lumen's number of lines and the flat occupation tax paid by Lumen per ordinance 1997-1072. Due to the rapid decline of land lines provided by Lumen, the per line charge to other providers has risen substantially. Furthermore, the current code is confusing as to how cellular lines are treated from a taxation perspective.

The types and means of delivery of telecommunication services has evolved significantly since the City enacted its telecommunication occupation tax code in 1997. The current code does not reflect the status of the telecommunications industry nor is it consistent with Wheat Ridge's municipal neighbors. Staff recommends an update to the tax code to ensure equity, simplicity, revenue preservation and ease of administration for both telecommunication providers and City staff.

Staff Presentation

There was none.

Public Comment

There were none.

Motion by CM Weaver to approve Council Bill 24-2023 – an ordinance amending article III of Chapter 22 of the Wheat Ridge Code of Laws concerning basic local telecommunication service on first reading, order it published, public hearing set for Monday, September 25, 2023 at 6:30 p.m. as a virtual meeting and in City Council Chambers and that it take effect upon adoption and signature by the Mayor and City Clerk, as permitted by Section 5.11 of the Charter, seconded by MPT Stites, motion carried 6-0.

DECISIONS, RESOLUTIONS AND MOTIONS

5. Motion to accept the 2022 Financial Statements from CliftonLarsonAlit.

CM Hoppe introduced the Motion.

Issue

Section 10.15 of the Municipal Charter for the City of Wheat Ridge requires that an independent audit be performed annually of all City accounts. In 2022, the City received more than \$750,000 in federal funds for Wadsworth Boulevard which also triggered a “single audit” of all federal funds. The CPA firm CliftonLarsonAllen (CLA) performed both the City and federal audits of the City’s financial statements for the year ended December 31, 2022. Once again this year, the City received an unqualified opinion indicating that the City’s financial statements are fairly and appropriately presented. Allison Slife, a Principle at CLA, attended and presented her firm’s audit findings regarding the December 31, 2022 Financial Statements to Council for acceptance.

Staff Presentation

Deputy City Manager, Alli Scheck gave a brief statement on the financial impact and background of the audit service from CLA. During the audit they found that the managed investment account was improperly valued at cost and not at fair value in accordance with GASB 72. This resulted in the account being overstated by \$935,529. After bringing the misstatement to the attention of management, the account balance was corrected.

Ms. Scheck then stood by to answer questions.

Public Comment

No one came forward to speak.

Council Questions and comments

CM thanked CLA and staff for all their hard work on the audit. They recognized staff for the excellent status of the City’s financial condition and their accounting and reporting.

CM had no questions.

Motion by CM Hoppe to accept the 2022 Financial Statements from CliftonLarsonAllen, seconded by MPT Stites, motion carried 6-0.

CITY MANAGER’S MATTERS

Mr. Goff announced that next Monday, Sept. 18, we will have a public hearing on the budget in Study Session.

CITY ATTORNEY’S MATTERS

Nothing tonight

ELECTED OFFICIALS' MATTERS

CM Hultin reported on the annual Happiness Gardens harvest potluck, which was enjoyed by all who attended. She also noticed a lot of new residents and many, many children. CM Hultin asked Ms. D'Andrea to check into the crosswalk buttons on the south side of 44th Ave. and Wadsworth, which are reported to be malfunctioning.

CM Ohm thanked staff for their quick work to address a pothole and drainage issue. He also asked about a large pothole on 41st Avenue west of Kipling.

CM Dozeman recalled that today is the 22nd anniversary of the terrorist attacks on 9/11/2001.

CM Weaver announced the District III meeting at 9 am this Saturday, Sept. 16 and the location will be Vignola's bakery and restaurant.

MPT Stites asked Ms. D'Andrea about a major pothole in District III and she gave a detailed answer regarding progress to date and the timeline going forward to finish the repair. MPT Stites then asked about crews repairing potholes across the City, seeking assurance that there are crews making pothole repairs.

MPT Stites also reported on a tour of the new Third Shot Pickle Ball facility and opined it will be a good addition to District III. He also attended a public meeting with the Mayor, where they heard informative comments from a number of citizens. He also visited Mestizo restaurant for breakfast and found the food delicious. If you can find it in Wheat Ridge, buy it in Wheat Ridge.

Mayor Starker thanked all who attended his Coffee with the Mayor on Saturday, September 2. He also recalled the events of 9-11-2001 and asked us to remember all who gave their lives as well as those who risked their lives and health for weeks to conduct rescue and then recovery operations. He also reminded all to drive carefully as schools have opened and the days are getting shorter.

ADJOURNMENT

The meeting adjourned at 7:48 pm.

APPROVED BY CITY COUNCIL ON September 25, 2023

Steve Kirkpatrick, City Clerk

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.