

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

February 11, 2019

Mayor Starker called the Regular City Council Meeting to order at 7:00 p.m.

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

ROLL CALL OF MEMBERS

Zachary Urban	Janeece Hoppe		
Kristi Davis	David Kueter	Larry Mathews	Leah Dozeman

Absent: George Pond (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Parks & Recreation Director, Joyce Manwaring; other staff, guests and interested citizens.

Mr. Dahl had some questions for Mr. Kueter to establish for the record that he had not yet been appointed to the Council at the January 14 meeting. He affirmed, however, that he had been present in the room for the entire meeting, observed the public hearings for tonight's Items 2 & 5, and subsequently reviewed the packet material and recordings of those two items. Mr. Kueter stated he believes he is capable of making an informed decision on approval of the minutes for January 14, as well as the Council bills for the sale of parkland and the rezoning on Tabor Street.

With that record Mr. Dahl declared he is confident Councilmember Kueter can and should participate in those matters tonight.

APPROVAL OF CITY COUNCIL MINUTES of January 14, 2019

There being no objections, the City Council minutes of January 14, 2019 were approved as published.

PROCLAMATIONS AND CEREMONIES

Appointment of City Treasurer

City Treasurer Jerry DiTullio, having been elected to the office of Jefferson County Treasurer on November 6, 2018, resigned his position as City Treasurer effective midnight, January 7, 2019. Section 3.11 of the Wheat Ridge City Charter requires that when a vacancy occurs in the office of the city clerk or city treasurer, no special election

shall be called but such vacancy shall be filled by appointment by the City Council for the remainder of the term.

The vacancy was properly advertised and two applicants presented verbal resumes to the Council on February 4, 2019.

Motion by Councilmember Hoppe to appoint Christopher Miller as City Treasurer, term to expire November 25, 2019; seconded by Councilmember Kueter.

Substitute Motion by Councilmember Urban to substitute the name Korey Stites as City Treasurer; seconded by Councilmember Mathews; motion failed 2-4, with Councilmembers Dozeman, Hoppe, Davis and Kueter voting no.

The main motion carried 6-0.

Judge Randall administered the oath of office to Christopher Miller. Mr. Miller signed the appropriate documents.

Random Acts of Kindness Week

Mayor Starker read a proclamation designating the week of February 11-17 as Random Acts of Kindness Week. **Robin Baker** from Localworks thanked the Police Department and Compass Elementary school for their participation. **Amy Fleig**, teacher at Compass Montessori, explained what was done this year. Students **Anna Jane Kerr, Camila Hernandez, Julia Stamps, Maya Haines, Ella Haines, Emma Shaw, Cade Arvin, Quinn Matera, and Devyn Stevenson** read statements about what they did for acts of kindness.

Love Letters from Wheat Ridge

Rachel Hultin from the Wheaties group called up Chiefs John Simpson and Don Lombardi, a representative from Lutheran Hospital and Police Chief Brennan. The Wheaties group had partnered with 5 schools (Stober, Peak, Prospect Valley, Mountain Phoenix and WR Learning Academy), Boy Scout Troop 613, patrons of Colorado Plus, Lucky's Market and Bardo's Coffee House, and city staff to make sure all first responder in the city received a note of gratitude on Valentine's Day. 440 Thank You notes were presented to be distributed to first responders.

CITIZENS RIGHT TO SPEAK

John Butler (WR) distributed articles to the Council about a list of children who have died due to marijuana. Colorado leads the nation – 13 in the last year 6 years. A second handout was the transcription of a conversation with a doctor from Pueblo (who sees young people every day who smoke marijuana) concerning the erroneous perceptions that marijuana is not harmful, not addictive, safer than cigarettes, and does not damage the brain. He recommended marijuana be a class 2 drug.

Barbara St. John (WR) told of the Denver City Council's 12-1 vote to open a safe heroin injection site (SIS) – the first ever in the United States. If passed by the legislature, every City in Colorado could do this. She told how local radio personalities from KNUS 710 visited Vancouver, BC where there are 6 SIS's, and witnessed the bad situation, crime, and deplorable conditions in the 4-8 block area surrounding these sites. She suggested that rehab facilities are a better solution to solve the heroin problem and encouraged folks to look at KNUS Peter Boyles' website for photos and information.

Kelly Baillie (WR) attempted to speak on the rezoning case of Item #5. She had been at the January 14 meeting but was not allowed to speak.

Mayor Starker asked for guidance from the City Attorney on whether she could speak – since the public hearing had been closed.

Mr. Dahl advised that the hearing had indeed been closed [to public comment] at the January 14 meeting. He did however suggest that citizens be allowed to speak on it, with the knowledge that their comments cannot be part of the official record from which the Council makes its decisions.

Mayor Starker allowed her to speak and Ms. Baillie continued with her remarks.

Jeffrey Schitter (WR) lives just off 48th and Wadsworth and believes when the project is finished his property will be 70% of its current size. Has attended all the Wadsworth widening meetings since 2016. All was fine until last June when planners decided to remove access to 48th on the east side and impair access to Wadsworth and I-70 from both sides of 48th. He described how this will affect his and everyone's property values north of 44th within a mile of Wadsworth. That said, his biggest issue is the lack of communication between the project team and the public. He believes staff is trying to keep the plans secret until it is too late. The project manager told the residents it was too late to change the plans. Advertisement for meetings have been advertised to only 5% of the people impacted. He has had fears this will get pushed through so he organized outreach to the neighbors. He advised there are solutions for mitigation that will not hurt eligibility for federal grants; he'd be happy to share them.

Margarete Parker (WR) lives near Wadsworth. She listed a number of problems with the Wadsworth project. She said people are not aware of the plans. The plans are not being presented on the City website. These plans are the best kept secret in WR. She feels this project, as it is now, will lower property values north of 44th by 5-10% and negatively impact quality of life. She feels the project currently only helps pass through traffic from neighboring cities and doesn't benefit the citizens of WR at all. That is what the Council is charged to do. Council needs to dig a little deeper and serve the community. She lives on 48th Circle and didn't even know about the June meeting. She advised the Council that most of the community doesn't know about this, and details are not on the website as promised.

Rachel Hultin (WR) is one of the co-chairs for WRNRS. **Kathleen Martell** and **Korey Stites** were with her. They are working with 26 steering committee members. A citizen survey will be available on the City website starting this Wednesday through March 1. Resident are encouraged to take the survey and send it to their neighbors. Four open houses will be held on March 19 and 20 to review results of the survey and look at next steps towards adoption. Details are available on the City website.

Merissa Silverberg (Lakewood) is the community food mobilizer for Jeffco Public Health. On Friday Feb 22 there will be an event called Health from the Ground Up: Meet Your Local Farmers at St. James Episcopal Church. The idea is to purchase a share of local produce at the beginning of the season. There will be 10 Jeffco farmers and several speakers. More information is on the Jeffco Public Health website.

Ihor Figlus (WR) commented that the Council Rules and Procedures, as used at the January 14 meeting, have caused one of his neighbors to not ever want to attend another Council meeting. He encouraged Council to develop rules that encourage citizens to speak rather than discouraging them -- especially when it involves a topic that is important for particular neighborhoods where some have more time to speak and others are restricted.

John Clark (WR) spoke on zoning. He read from the minutes of a recent Planning Commission meeting which say that Kelly Baillie, the owner of 11661 W. 44th Ave, is open to working with Mr. Lyons to include her property with the development at 4440 Tabor. This 1.5 acres could support another 18 units besides the already proposed 26 units at 4440 Tabor. Mr. Clark added the matter of the single family house at 4430 Tabor that is part of the 20% legal protest. When examining the number of units and the eventual traffic all these future developments need to be considered.

There was discussion about having public comment on Items 2 and 5 because the public hearings are closed.

Suzanna Coates (WR) commented that when two private businesses make a private arrangement, that is their business. There is no reason the City should be involved.

Fran Singer (WR) said Council will be voting on a parcel of land that the neighbors worked hard for with a vision of a link between Crown Hill and Clear Creek. She cited a Jan 14 Denver Post article that says we need more open spaces -- that building mania is hurting the residents in the Denver area. Research indicates that direct access to green space is essential and key to a livable quality of life. Commercialization of this space will 1) Impact the health of the residents, 2) Create major traffic congestion, 3) impact safety, 4) dramatically changing the neighborhood forever, and 5) Uglify our park and our City. The greater good is for this land to remain parkland for all to enjoy.

Odarka Figlus (WR) commented on how recommendations are presented to Council.

- 1) The statement that the parkland property proposed for sale is "excess property" is not substantiated. There was no public process or public involvement in that determination. There was no analysis from the Parks Dept on other potential uses or benefits of development as a park.
- 2) The fact that the parcel is "zoned C-1" is irrelevant; all of the park is zoned C-1.
- 3) Saying that unless the land is sold "it has no value" stretches credibility. The appraisal does not even mention the value of the land as parkland, so how impartial was this appraisal?

- 4) "Apple Ridge wants to relocate." Apple Ridge is free to move elsewhere; it's a free market. (And how is it "free market" to subsidize giant CVS at the expense of local WR Pharmacy that has served the community for decades?)
- 5) "CVS will generate revenue." There are no numbers to back this up, and no mention of the subsidy they will likely request in the form of an offsetting TIF.

Generally speaking, the packets need to provide more analysis behind the recommendations that are made by staff – including the possibility of TIF's.

Councilmember Urban responded to comments about 48th Ave. On January 30 he emailed a request to have those drawings put on the website and hoped that would be done soon. Why aren't they? Mr. Goff said the drawings have been there for several weeks. Discussion followed. Further directions will be given on the website to help viewers locate the 48th Ave site.

Councilmember Mathews responded to comments about marijuana shops. He announced that safe injection sites are scheduled for discussion on Feb 25 at a Special Study Session.

Councilmember Davis asked for further explanation about how to find the 48th Ave drawings on the website. Mr. Goff explained. In the Wadsworth Improvement section viewers should scroll down to the last page to see the 48th Ave drawings.

APPROVAL OF AGENDA

Councilmember Hoppe noted the applicant for Item 5 has requested a continuance. She asked that Item 5 be moved up to be taken after the Consent Agenda so potential speakers don't have to wait around all night, only to have it continued.

Councilmember Davis noted that Item 2 requires a vote of all eight councilmembers. Mr. Goff recommended continuing Item 2 until eight councilmembers are seated.

1. CONSENT AGENDA

- a. Motion to award Janitorial Services to American Facility Services Group, Lakewood, CO, and approve payments not to exceed \$99,586.22 [*budgeted*]
- b. Motion to approve payments to Charles Abbott Associates, Inc. for ongoing building permit, plan review and inspection services in the amount of \$802,400 as approved in the City's 2019 Budget and authorizing all subsequent payments [*outsourced services contract*]
- c. Resolution 10-2019 – amending the Fiscal Year 2019 Budget to reflect the approval of a Supplemental Budget Appropriation for the Re-Appropriation and Re-Encumbrance of 2018 Fiscal Year Encumbered Funds in the amount of \$9,789,009.05 [*63 open purchase orders from 2018 for projects that are not fully completed*]

- d. Resolution 12-2019 – granting an Easement to Metro Wastewater Reclamation District for the purpose of providing a sewer line metering station in City owned Open Space [*north of 44th Ave, east of Field St*]

Councilmember Hoppe introduced the Consent Agenda.

Councilmember Urban asked to pull Item a).

Motion by Councilmember Hoppe to approve the Consent Agenda items b), c), and d); seconded by Councilmember Mathews; carried 6-0.

Motion by Councilmember Hoppe to approve Item a); seconded by Councilmember Urban;

Councilmember Urban had questions about an entry marked as a “math error”. Purchasing Agent Jennifer Nellis explained; it was an error by the bidder. She also confirmed that the winning bidder is the same company currently being used.

carried 6-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

5. Council Bill 33-2018: Ordinance 1663 – an ordinance approving a zone change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 4440 Tabor Street (Case No. WZ-18-15/Clear Creek Terrace) (continued from January 14, 2019 for Council Action)

The purpose of the request for rezoning is to allow for the development of a twenty-six unit townhome project. The public hearing was held on January 14, 2019 at which time a legal protest was entered into the record. The public hearing was closed and the case was continued to February 11, 2019 for action.

Councilmember Dozeman introduced Council Bill 33-2018 [which has already been assigned Ordinance No. 1663 by City Clerk Shaver].

Mr. Goff made note of a letter the City had received that afternoon from the applicant; he had distributed the letter to the Council. The applicant had requested another continuance to April 8.

Motion by Councilmember Dozeman to postpone Item 5 until there is a full Council, April 8; seconded by Councilmember Davis; carried 6-0.

2. Council Bill 34-2018: Ordinance 1664 – an ordinance approving the sale of designated Park Land at the Intersection of West 38th Avenue and Johnson Street and, in connection therewith, authorizing execution of an agreement for said sale (continued from January 14, 2019 for Council Action)

Councilmember Mathews introduced Item 2.

Clerk Shaver advised the ordinance had already been numbered Ordinance 1664.

Motion by Councilmember Mathews to postpone second reading consideration of Council Bill No. 34-2018, an ordinance approving the sale of designated park land at the intersection of West 38th Avenue and Johnson Street to the Council's regular meeting on April 8, 2019; seconded by Councilmember Dozeman.

Councilmember Mathews proposed that postponement was the fair thing to do since a unanimous vote of eight councilmember is required for approval and there are not now eight seated members.

Councilmember Davis inquired of Mr. Goff about other contingencies for CVS related to development of this parcel and potential granting of TIF. Mr. Goff replied there are many contingencies and no guarantees of anything, but the first hurdle is to sell the parkland.

The motion carried 6-0.

3. Resolution 11-2019 – a resolution approving an Eighty-Nine Lot Subdivision Replat for Property Zoned Mixed Use-Neighborhood (MU-N) and Planned Residential Development (PRD) at the Northwest Corner of Yarrow Street and 42nd Avenue (Case No. WS-18-07/Yarrow Gardens Filing No. 3)

The requested subdivision replat does not alter the previously approved number of townhomes (89) or the internal private street network; it simply allows for a slightly different mix of building types, which range from 3-plexes to 6-plexes.

Councilmember Davis introduced Resolution 11-2019.

Mayor Starker opened the public hearing and swore in the speakers.

Staff presentation – Lauren Mikulak

- Ms. Mikulak entered into the record the case file, zoning ordinance, subdivision regulations and the digital presentation. She testified that all posting and notice requirements had been met.
- She reviewed the rezoning, platting, and ownership history of the property.
- As the project proceeded into final design by the current owner it became clear that some of the townhomes lots need to be modified.
- She displayed the approved platting as compared to the suggested reconfiguration.
 - The approved platting has units of three, six, and five units.
 - The reconfiguration removes the tri-plexes and redistributes the same number of units into buildings with four and five units.
 - Lot lines and tracts are altered to accommodate the changes. The process for review of a re-plat is the same as the original platting process.
- There are no changes to the total unit count, easements, ROW, overall design, or drainage and traffic.

- No outside agencies expressed concern from the replat.
- No public comment was received on the re-plat.
- The Planning Commission and staff recommend approval, with one change related to payment of fees in lieu of parkland dedication.

Public Comment

Roger Loecher (WR) agrees with the project, but has issues with how the traffic is being managed.

- Traffic is routed to Yarrow Street and dead ends at 44th.
- A traffic light on 44th was considered, but turned down.
- A right-turn-only lane was considered, but that will take away parking spaces.
- Another consideration was the taking of land on 44th to provide room for the right turn lane. This would remove parking for the commercial spaces on the street.
- He's also troubled by the statement that if the Graul property is developed, staff would make them put in a street – i.e. extending 42nd Ave through more commercial property [to Wadsworth].
- He suggested a more logical approach would be to exit traffic to the west on to Ammons Street where a stoplight already exists on 44th.
- He doesn't think it's too late to correct this problem.

Council Questions

Councilmember Mathews asked what changed to require the replatting. Ms. Mikulak said the new owners want to eliminate the tri-plexes because they are not cost efficient.

Councilmember Urban delved deeper about plans for 42nd Ave. Ms. Mikulak said no signal is warranted at 44th at this time and there are no plans to extend 42th at this time. Public Works will continue to monitor this as it comes on line and as there are other changes in the area related to the Wadsworth widening. Mr. Urban said he is fervently against extending 42nd through the Happiness Gardens. Ms. Mikulak confirmed that the failure of warrants for a signal at 44th & Yarrow is based on projected traffic.

Councilmember Davis likes the development company, but expressed her serious concerns about how the traffic will put a burden on the neighborhood to the south. "Keeping an eye on it" isn't good enough.

Councilmember Hoppe noted this agenda item only redraws lines; there is no change in the number of units.

Councilmember Dozeman asked if the retaining wall will be retained. Ms. Mikulak said it is her understanding that it will remain.

Mayor Starker closed the public hearing.

Motion by Councilmember Davis to approve Resolution No. 11-2019, a resolution approving an eighty-nine lot subdivision replat for property zoned Mixed Use-Neighborhood (MU-N) and Planned Residential Development (PRD) at the Northwest Corner of 42nd Avenue and Yarrow Street (Case No. WS-18-07/Yarrow Gardens Townhomes), for the following reasons:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation for approval.
3. All requirements of the zoning code and subdivision regulations have been met.
4. Utility districts can serve the property with improvements installed at the developer's expense.

With the following condition:

1. The developer shall pay parks fees at the time of plat recording in the amount of \$222,258.

seconded by Councilmember Dozeman; carried 6-0.

4. Council Bill 01-2019 – an ordinance amending the Wheat Ridge Code of Laws to regulate the creation of Flag Lots (Case NO. ZOA-18-05)

If approved, this ordinance would discontinue administrative approval of a subdivision containing a flag lot, and would require, at a minimum, a Planning Commission public hearing. Administrative approval of other subdivisions of three or fewer lots would remain.

This issue arose due to public concern about the administrative approval of a flag lot subdivision in the Bel-Aire neighborhood last October. At issue are the appropriateness of flag lots and the extent to which subdivisions should be reviewed and approved administratively. A temporary moratorium on this process was enacted and staff was directed to draft an ordinance requiring minor subdivisions with flag lots to be subject to a Planning Commission hearing.

Councilmember Urban introduced Council Bill 01-2019.

City Clerk Shaver assigned Ordinance 1665.

Mayor Starker opened the public hearing.

Staff presentation – Ken Johnstone

Mr. Johnstone noted a handout that was distributed to Council tonight listing the subdivisions that had been granted administratively in 2017 and 2018. None have been submitted in 2019.

Chris Chidley (WR) read parts of letters from Walter Lamendola and Mike Cunningham, who both had to leave, and added his own thoughts.

- Studies show that
 - Neighborhoods that preserve and enhance their housing stock and values include, among other things, restricted traffic access, large lots, ample setbacks, and walkable streetscape.
 - Success is greatest when maximizing the potential of historic residential areas.

- Neighborhood participation in decisions is not served by administrative approval.
- There is no security of the future character of a neighborhood if neighbors are not allowed to participate in decisions that affect them.
- Flag lots are a way around R-1 zoning (single family houses) by actually creating duplexes - which are not allowed in R-1. The Community Development Director rushed the recent approval of the flag lot on Everett St; it could have been done with a public process.
- For his statement Mr. Chidley read the intent and purpose of the R-1 zone as stated in the Zoning Code. It is to be a safe, quiet, low density neighborhood. Activities that aren't compatible with the residential character are to be prohibited. In 2014 the definition of minor subdivision was changed from two to three lots. They are requesting that all subdivisions, including flag lots, require public input.

Karen Jenni (WR) thanked Council for making an effort to get more neighborhood input for flag lots. She would like to see that go further. She noted that people who buy property, change its character and don't intend to live there don't have as much of an investment. She would like to see no administrative approval of subdivisions.

George Mayfield (WR) supports getting neighborhood input for approval of flag lots.

Katharyn Grant (WR) spoke also for **Elizabeth Grant** (WR). They support public input for subdivisions and flag lots. They support not allowing flag lots in certain areas that have been planned in a beautiful way. They don't want high density housing in their neighborhood as it will change the character of the neighborhood. When one person buys and changes a property it affects the value of all the properties in the area. It is offensive to her that someone would buy a property and change it drastically just for their investment, to create a rental -- at the expense of the neighborhood. One person who does not live in the neighborhood should not be making that decision.

Carol Mathews suggested that administrative approval discriminates against the citizens of established neighborhoods. When a single administrator makes decisions, behind closed doors, that alter the character of a neighborhood, 1) residents have no incentive to improve their properties, 2) the City administration is villainized and the perception of co-option is created, and 3) prospective home buyers are discouraged because they have no security about the future character of their neighborhood. She read from the zoning code about how arrangement of parcels is to contribute to preserving neighborhood character. To eliminate the hostility between administration and property owners she urged Council to eliminate administrative approval for subdivisions, and restore it to minor subdivision status which requires public notice, neighborhood input, and review by Planning Commission and City Council.

Rachel Hultin (WR) thinks there is a need for public input. If anything is added beyond the published change about flag lots, she requested this be tabled so residents can have an opportunity for input.

Michael Pisney (WR) supports the public hearing component. He related an issue in his neighborhood where people from Bailey are going to split a lot, build a second house in the back yard, make a million dollars and ruin the view of four neighbors. This

should be about Wheat Ridge neighbors, not out of towners who only want to make money.

Jeffrey Schitter (WR) thinks this is an important task. Denver is exploding, and the developers are only interested in making money - not living here. He believes in property rights, but it should go both ways. He would like to see a transparent scenario and have the decisions made by more than a single person; it should be a shared, open process. He left north Denver several years ago and came to Wheat Ridge because it is special. He hopes Council will get a handle on this to ensure changes are smart.

Ihor Figlus (WR) expressed opposition to the proposed ordinance. He believes it creates a free for all. He suggested the existing wording should be retained, but add an element of approval of Planning Commission and City Council.

Council Questions

Councilmember Urban received confirmation from Mr. Johnstone that with the ordinance change would provide that no flag lots could be approved administratively – even if they meet criteria.

Councilmember Mathews appreciated receiving that list of administrative approvals for the last two years. There have been 11 of them, so this is not a rare occurrence; it's about one every other month. He'd like to know why this transparency was removed.

Councilmember Dozeman supports the ordinance. She also wants to discuss all categories of minor subdivisions in a transparent way.

Councilmember Urban suggested that giving some decision-making capabilities to boards and commissions is a good thing. He favors discussing removing the administrative approval of subdivisions and doesn't think it would place an undue work burden on Council.

Councilmember Kueter asked if any of the other subdivisions on the chart included flag lots. Mr. Johnstone wasn't sure, but didn't think so.

Councilmember Davis has mixed feelings about the various types of subdivisions, but favors consistency. She suggested requiring Council approval may lead to Council being swayed by public input – rather than being consistent, because each case is different.

Councilmember Urban countered that since each application is different, he thinks the consistency is about listening to the citizens and judging each case on its merits. He thinks the opinions of adjacent and nearby property owners are important, and that applying the same set of criteria for cases that are drastically different is not good policy.

Councilmember Hoppe asked Mr. Johnstone to go through the subdivision process. He agreed with her that inviting the public to a hearing where they think they will have meaningful input is a bit of a set-up if a proposal meets all development criteria.

Councilmember Kueter inquired how something could be “not encouraged”, but permitted. Mr. Johnstone explained the wording that gives him discretion (that is not defined) is being replaced with a requirement that “if three criteria are met.”

Mayor Starker closed the public hearing.

Motion by Councilmember Urban to approve Council Bill 01-2019, an ordinance amending the Wheat Ridge Code of Laws to regulate the creation of flag lots, on second reading, and that it take effect 15 days after final publication, seconded by Councilmember Davis.

Discussion followed. Councilmembers expressed their opinions about the ordinance.

Councilmember Hoppe thinks this ordinance sets up expectations for the public that their opinion will matter. She believes the way to address this issue is to change the criteria. If something meets a minimum of criteria, it can be allowed. This topic did not go through a study session and overlay zones have not been discussed.

Councilmember Kueter agreed and added he thinks this is a city-wide solution to a specific problem.

Councilmember Mathews expounded on the people’s dislike of things done behind closed doors (and not receiving notice), people wanting to be involved and listened to, and the Council’s responsibility to listen to the people and make hard decisions – not hide behind ordinances that provide no discretion.

Motion by Councilmember Mathews to amend Section 3 at the top of page 3 to replace “Community Development Director” with “Planning Commission”; seconded by Councilmember Dozeman.

Following discussion, Councilmember Mathews withdrew his motion.

Councilmember Mathews stated, for the record, that this ordinance was approved unanimously by the Planning Commission.

The motion failed 4-2, with Councilmembers Hoppe and Kueter voting no. (5 votes required for passage)

CITY MANAGER’S MATTERS

CITY ATTORNEY’S MATTERS

ELECTED OFFICIALS’ MATTERS

Larry Mathews had three announcements.

- Tomorrow, February 12th, CDOT will be having an open house from 5-7 at the Rec Center for final citizen input on the I-70 & Kipling interchange.
- There will be an upcoming discussion about Safe Injection Sites.

- A new street tree planting program will be starting soon. People should watch for notice and consider participating. Guidance will be provided by our Forestry division. Planting will start in June.

Kristi Davis received clarification that the street tree program will only be in identified areas this first time. If successful, the program will be expanded citywide.

Zachary Urban noted he is not in favor of Safe Injection Sites, but hopes the upcoming discussion will bring attention to the opioid crisis. ~ Regarding the issue of 48th & Wadsworth, he announced that he and the Mayor had met with staff about working on a way to meet with CDOT and the Federal Highway Administration to meet with the public about alternatives and solutions. An update is coming shortly.

Janeece Hoppe asked Mr. Dahl why public comment is taken before the agenda is approved. He advised that was what the Council put in their Rules. Ms. Hoppe said in the future she will ask for a change to Approve the Agenda before Public Comment. ~ She added that on Friday, February 22 people can "Meet Their Farmer" at St. James Church. Folks can learn what a "crop share" is and how the program works.

Mayor Starker announced receiving a letter from Councilmember Tim Fitzgerald resigning his position effective February 10 due to ill health.

Motion by Councilmember Hoppe to accept Mr. Fitzgerald's resignation with thanks; seconded by Councilmember Urban; carried 6-0.

Councilmember Urban noted that Councilmember Fitzgerald's attendance and work ethic were unmatched.

The Mayor congratulated Mr. Miller on his appointment as City Treasurer and thanked Mr. Stites for applying. He offered thanks for the Love Notes for the first responders and thanked the students of Compass Montessori for their acts of kindness. .

ADJOURNMENT

The City Council Meeting adjourned at 10:01 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON MAY 13, 2019


Janeece Hoppe, 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. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.