

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

**January 13, 2020**

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	Judy Hutchinson	Amanda Weaver	Leah Dozeman
Rachel Hultin	Korey Stites	Valarie Nosler Beck	

Also present: City Clerk, Steve Kirkpatrick; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; RWR Executive Director and Economic Development Manager, Steve Art; other staff, guests and interested citizens.

Mayor Starker read and presented a Proclamation in support of National Radon Action Month January 1-31, 2020 to staff from Jefferson County Public Health. There is a statewide, coordinated effort to encourage residents to do radon monitoring and abatement.

**APPROVAL OF Council Minutes of November 25, 2019 and Study Session notes of December 2, 2019, December 16, 2019 and January 6, 2019**

There being no objections, the City Council minutes of November 25, 2019 and Study Session notes of December 2, 2019, December 16, 2019 and January 6, 2019 were approved as published.

**APPROVAL OF AGENDA**

Without objection on motion by Councilmember Hultin, tonight's Agenda item 1A is postponed to separate discussion later in this meeting. With that change, without objection, the Agenda was adopted.

**CITIZENS' RIGHT TO SPEAK**

This item began at 7:07 pm, approximately 7 minutes into the recording of the meeting.

Jennifer Yates, WR resident, spoke on behalf of the WR High School after Prom Committee. Her Committee of volunteers works to provide a drug- and alcohol-free, safe environment for students to continue celebrating after the prom ends. She asked for WR citizens' support, in the form of donated funds or donations of in-kind goods and services, especially food and soft drinks.

Lori Johnson, WR resident, spoke about possible bans of all vaping products and devices, or bans of flavored vaping solutions. Lori said that as a former smoker herself

she has worked for years to help others control their nicotine addiction. She asserted that she has seen vaping products provide invaluable help to adults and young people alike who are progressing from smoking tobacco to a nicotine-free lifestyle. She asked that Council carefully investigate and consider all potential consequences of any kind of vaping ban, intended and unintended, especially for people striving to quit smoking or otherwise using tobacco or other products containing nicotine.

Adam Becker, WR resident, introduced himself as a proudly new WR resident, and recounted the story of how he and his family found their dream home and moved to WR. Mr. Becker expressed interest in contributing to the City he sees as the future for his family for many years to come. He stated he has a degree in Political Science, and would like to put his knowledge and passion to work for the City whenever a suitable opportunity presents itself.

### **1. CONSENT AGENDA**

Councilmember Dozeman introduced the Consent Agenda.

- a. Resolution No. 02-2020, resolution designating the City Hall Lobby as the official public notice posting location and the Wheat Ridge Transcript as the official newspaper of general circulation for the City Publications in 2020
- b. Resolution No. 03-2020 – a resolution amending the fiscal year 2019 Capital Improvement Program and Open Space Budgets to reflect the approval of reductions in appropriations in the amount of \$4,699,431 and \$1,226,125, respectively
- c. Motion to approve quarterly payments to the Jefferson County Communications Authority for E-911 call-taking and Police Radio Dispatch Services not to exceed \$645,743 for 2020
- d. Resolution No. 05-2020, a resolution approving the 2020 Police Recruit Training Agreement to provide law enforcement academy training for six Wheat Ridge Police recruits at the Combined Regional Academy
- e. Motion to approve payment to Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2020 property/casualty premium in the amount of \$264,952.08
- f. Resolution No. 07-2020, a resolution consenting to continued initial resettlement of refugees in Wheat Ridge, Colorado
- g. Resolution No. 06-2020, a resolution approving an Intergovernmental Agreement between the City of Wheat Ridge and Jefferson County

regarding roadway improvements in the Wheat Ridge · Ward Road Station area

- h. Motion to approve payment to Pinnacol Assurance for 2020 workers compensation premium in the amount of \$244,289

Motion by Councilmember Dozeman to approve Consent Agenda Items b.), c.), d.), e.), f.), g.), and h.); seconded by Councilmember Urban; motion carried 7-0.

Motion by Councilmember Hultin to approve Consent Agenda Item 1a, seconded by Councilmember Dozeman.

Councilmember Hultin moved to amend 1a), motion to amend seconded by Councilmember Dozeman to “designate the City’s website as an officially recognized public notification site.”

Amendment passed 7-0.

The main motion then passed with the amendment language 7-0.

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

Discussion of this item began at approx. 7:16 pm, 16 minutes into the recording of the session.

- 2. Resolution No. 01-2020 and Council Bill No. 22-2019 – A Resolution making findings of fact regarding a petition for annexation of two segments of Right-of-Way located in section 17, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado and an Ordinance approving the annexation (Case No. ANX-19-01)

Councilmember Hultin introduced Resolution No. 01-2020 and Council Bill 22-2019

Improvements to 52nd Avenue have been identified and prioritized as an infrastructure project for the Wheat Ridge · Ward Station area and were specifically listed in the ballot language for the 2016 2E sales tax bond measure. Jefferson County owns two segments of the northern portion of 52nd Avenue right-of-way between Ward Road and Tabor Street, and annexation of those segments into the City of Wheat Ridge will simplify the design, construction and future maintenance of 52nd Avenue. The annexation process is dictated by state statute, and this resolution and ordinance are required steps for approval.

City Clerk Kirkpatrick assigned Ordinance 1680.

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

#### **Staff Presentation**

Mr. Johnstone explained the purpose of the proposed Resolution.

Public Comment No one came forward to speak.

Council Questions

Councilmembers had no questions.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Hultin to approve Resolution No. 01-2020 - a resolution making certain findings of fact regarding the proposed annexation of land located in Section 17, Township 3 South, Range 69 West of the sixth Principal Meridian, County of Jefferson, State of Colorado, seconded by Councilmember Dozeman; motion carried 7-0.

**Motion** by Councilmember Hultin to approve Council Bill No. 22-2019 – an Ordinance approving the annexation of land located in Section 17, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado on second reading, and that it take effect 15 days after publication, seconded by Councilmember Weaver; motion carried 7-0.

3. Council Bill No. 23-2019 – An Ordinance approving The Initial Zoning of property recently annexed into the City and located in Section 17, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State Of Colorado to Industrial Employment (I-E), Mixed Use – Commercial Transit Oriented Development (MU-C TOD), and Mixed Use – Neighborhood (MU-N) (Case No. WZ-19-08 / 52nd Ave Zoning)

Councilmember Urban introduced Council Bill 23-2019.

Jefferson County is requesting approval of Industrial Employment (I-E), Mixed Use – Commercial Transit Oriented Development (MU-C TOD), and Mixed Use – Neighborhood (MU-N) zoning for right-of-way located along the north portion of 52nd Avenue, between Ward Road and Tabor Street, comprising 1.14 acres of land. The zoning is proposed to match the zoning of the adjacent properties on the south side of 52nd Avenue that are currently within the City of Wheat Ridge boundary.

The property annexed and rezoned will be used only for infrastructure improvements as part of the City's Investing 4 the Future bond program and will be deeded to the City of Wheat Ridge.

City Clerk Kirkpatrick assigned Ordinance 1681.

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

Public Comment No one came forward to speak.

Council Questions

Council had no questions.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Urban to approve Council Bill 23-2019 - an ordinance approving I-E, MU-C TOD, and MU-N zoning on property being considered for annexation to the City of Wheat Ridge on second reading, and that it take effect 15 days after publication, seconded by Councilmember Weaver; motion carried 7-0.

4. Council Bill No. 19-2019 – An Ordinance adopting by reference the 2018 editions of the International Building Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Energy Conservation Code, International Residential Code, International Fire Code, International Existing Building Code, International Swimming Pool And Spa Code, and International Fuel Gas Code; the 2017 edition of the National Electrical Code; the 2018 National Fire Protection Association (NFPA 99) Standard for Health Care Facilities; the 1997 Uniform Code for the Abatement of Dangerous Buildings; adopting certain amendments to such codes; providing penalties for violations of the same; and amending Chapter 5 of the Wheat Ridge Code of Laws accordingly

Discussion began approximately 7:31 pm, 31 minute into the recording.

Councilmember Urban introduced Council Bill 19-2019.

The City currently has adopted and/or enforces the following building related codes:

- 2012 version of the International Codes,
- 2017 National Electrical Code (enforces but has not adopted), and
- 2015 National Fire Protection Association (NFPA) 99 Standards for Health Care Facilities.

Staff is recommending that City Council adopt the most recent version of the codes:

- 2018 version of the International Codes,
- 2017 National Electrical Code, and
- 2018 National Fire Protection Association (NFPA 99) Standards for Health Care Facilities

City Clerk Kirkpatrick assigned Ordinance 1682.

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

#### Staff Presentation

Staff explained the history of adopting these International codes, and the purpose of the new version, including significant changes from the current/old code.

### Public Comment

Steven Parker and Bruce Kral of West Metro Fire Department spoke in favor of adopting the new building codes in the interest of public safety through fire detection and prevention. They emphasized their support for residential fire sprinkler systems, because they save property and more importantly, lives.

John Berry of Denver, a licensed cannabis business owner, spoke in favor of the new building and fire codes, stating that while the extraction processes used nationwide by marijuana businesses involve use of volatile, combustible solvents, the risk to employees and the public under both the existing and new codes is minimal. The industry has a clean track record; no injuries, no deaths from operation of their processes anywhere in the US.

### Council Questions

There were none.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Urban to approve Council Bill 19-2019 - an ordinance adopting by reference the 2018 editions of the International Building Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Energy Conservation Code, International Residential Code, International Fire Code, International Existing Building Code, International Swimming Pool And Spa Code, and International Fuel Gas Code; the 2017 edition of the National Electrical Code; the 2018 National Fire Protection Association (NFPA 99) Standard for Health Care Facilities; the 1997 Uniform Code for the Abatement of Dangerous Buildings; adopting certain amendments to such codes; providing penalties for violations of the same; and amending Chapter 5 of the Wheat Ridge Code of Laws accordingly, order it published and that it take effect on July 1, 2020, with the exception of Appendix F and Appendix T of the 2018 International Residential Code and section 306.2 of the 2018 International Building Code, which shall take effect fifteen days after final publication, seconded by Councilmember Stites; motion carried 7-0.

### **ORDINANCES ON FIRST READING**

5. Council Bill No. 01-2020, an ordinance amending the Wheat Ridge Code of Laws to amend references to the Public Works and Community Development departments, divisions, directors, and staff (Case No. ZOA-19-05)

Councilmember Stites introduced Council Bill 01-2020.

In November 2019, City Council approved an ordinance which effectively modified the City's organizational chart moving the Engineering Division from the Public Works Department into the Community Development Department. Moving that division

transfers certain responsibilities and duties to the Community Development Department, and this ordinance updates affected code sections to reflect the City's current organizational structure.

**Motion** by Councilmember Stites to approve Council Bill 01-2020 - an ordinance amending the Wheat Ridge Code of Laws to amend references to the Public Works and Community Development departments, divisions, directors, and staff, on first reading, order it published, public hearing set for Monday, January 27, 2020 at 7:00 p.m. in City Council Chambers, and that it take effect immediately after final publication; seconded by Councilmember Weaver; carried 7-0.

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

6. Resolution No. 04-2020, a resolution approving a loan agreement in the amount of \$500,000 between the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge and the City of Wheat Ridge

Discussion of this item began at approximately 7:53 pm, or 53 minutes into the recording.

Councilmember Weaver introduced Item 6.

Approval of a Loan Agreement (the Agreement), in the amount of \$500,000, with Renewal Wheat Ridge (RWR) to assist in funding improvements associated with a proposed redevelopment of the Gold's Center located at the northwest corner of 26th Avenue and Kipling Street.

#### **Staff Presentation**

Messrs. Johnstone and Art reviewed the details of the proposed Golds Marketplace development at 26<sup>th</sup>. Ave and Kipling Parkway. Mr. Adam Radcliffe, Denver, of the firm proposing the development project, also spoke to the uses of the proposed loan.

#### **Public Comment**

No one came forward to speak.

#### **Council Questions**

Request to explain the sources of the capital for this loan and the effective date of the loan term.

Will the improvements occur on both 26<sup>th</sup> Ave and Kipling St.? Mr. Radcliffe answered in the affirmative, and explained the details and purposes of those improvements.

Will the bowling alley be retained and kept in its "vintage" state. It will.

**Motion** by Councilmember Weaver to approve Resolution No. 04-2020, a resolution approving a loan agreement in the amount of \$500,000 between the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge and the City of Wheat Ridge; with a change on page 2, Item #1 striking language referring to January 31, 2020 and replacing that language to state, “at such time as approved by the Urban Renewal Authority Board.” Seconded by Councilmember Hultin; carried 7-0.

7. Motion to appoint Wanda Sang and Sunny Garcia to the Election Commission

Councilmember Hutchinson introduced Item 7.

The two positions on the Election Commission are due for appointment. Wanda Sang and Sunny Garcia currently serve on the Election Commission and both have reapplied. Both individuals meet the qualifications to serve and both have extensive knowledge and experience with elections.

**Motion** by Councilmember Hutchinson to appoint Wanda Sang and Sunny Garcia to the Election Commission, seconded by Councilmember Nosler Beck; carried 7-0.

8. Motion to approve the Mayoral appointments to District I and District IV vacancies on the Wheat Ridge Urban Renewal Authority Board

Councilmember introduced Item 8.

There are two vacancies on the Urban Renewal Authority Board (the Authority) in City Council Districts I and IV. Five applications were received but only three were from residents residing within the Districts where vacancies currently exist. Each appointment to the Authority shall be made by the Mayor subject to approval by majority vote of the entire City Council.

Mayor Starker recommends that Celeste Tanner be appointed to the Urban Renewal Authority Board, District I position, term to expire March 2, 2024.

Mayor Starker recommends that Christopher Bird be appointed to the Urban Renewal Authority Board, District IV position, and term to expire March 2, 2021.

**Motion** by Councilmember Hutchinson to approve the Mayoral appointment of Celeste Tanner to the Urban Renewal Authority Board, District I position, term to expire March 2, 2024, seconded by Councilmember Urban; carried 7-0

**Motion** by Councilmember Dozeman to approve the Mayoral appointment of Christopher Bird to the Urban Renewal Authority Board, District IV position, term to expire March 2, 2021, seconded by Councilmember Urban; carried 7-0

**9. Motion to make appointments to fill vacancies on the Parks and Recreation Commission for District II and District IV**

Councilmember Nosler Beck introduced Item 9.

Due to the recent resignations of Charles Spielman and Christine Taraskiewicz, the District II and District IV seats on the Parks and Recreation Commission are vacant. The terms of these positions end on March 2, 2021 and March 2, 2020 respectively.

**Motion** by Councilmember Hultin to appoint Scott DeJong to the Parks and Recreation Commission for District II to fill a vacancy, term ending March 2, 2021, seconded by Councilmember Urban; carried 7-0

**Motion** by Councilmember Nosler Beck to appoint Andy Rasmussen to the Parks and Recreation Commission for District IV to fill a vacancy, term ending March 2, 2020, seconded by Councilmember Dozeman; carried 7-0.

**CITY MANAGER'S MATTERS**

Mr. Goff spoke about the final stages of appointing a new Chief of Police.

**CITY ATTORNEY'S MATTERS**

None.


**ELECTED OFFICIALS' MATTERS**

Council members noted their appreciation for those volunteering to serve on Boards and Commissions.


Councilmember Hultin asked staff to revise the standard language on Council Agendas to allow the public until 5:00 pm Friday to request special accommodations. CM Hultin also asked to include a Spanish version of the clause.

**ADJOURNMENT**

The ~~meeting~~ adjourned at 8:19 pm.

  
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Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON January 27, 2020

  
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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.