

# **City Council Meeting Minutes**

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

**October 12, 2020**

**Note:** This meeting was held virtually, using Zoom video-teleconferencing technology. As duly announced and publicly noticed, Council previously approved this format in order to continue with normal business and respond to the CoVid-19 Pandemic and the related public emergency orders promulgated by the President of the United States, the Governor of Colorado, and the Wheat Ridge City Council. 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 7:00 p.m.

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

### **ROLL CALL OF MEMBERS**

Janece Hoppe	Judy Hutchinson	Zachary Urban	Rachel Hultin
Amanda Weaver	Korey Stites	Leah Dozeman	Valerie Nosler Beck

Also present: City Clerk, Steve Kirkpatrick; City Attorney, Gerald Dahl; City Manager, Patrick Goff; City Treasurer, Chris Miller; Administrative Services Director, Allison Scheck; Community Development Director Ken Johnstone; Wheat Ridge Police Division Chief Dave Pickett, Wheat Ridge Police Division Chief Jim Lorentz; and Police Chief Chris Murtha, Planning Manager, Lauren Mikulak, Scott Cutler, Planner II, Mark Westberg, Project Manager; Nathan Laudick with Workshop Colorado; Deb Bitner, The Family Tree, other staff, guests and interested citizens.

### **PROCLAMATIONS AND CEREMONIES**

This item began at 7:02 PM.

#### **National Domestic Violence Awareness Month**

Mayor Starker stated that the City of Wheat Ridge joins with others across Colorado and the nation, in supporting victims of domestic violence and shares the worthy goals of this month-long observance and proclaimed October as Domestic Violence Awareness Month. Ms. Deb Bitner of the Family Tree attended and gracefully accepted the proclamation on behalf of all who support survivors of domestic violence.

### **Proclamation for Division Chief Dave Pickett Retirement**

Mayor Starker proclaimed appreciation to Division Chief Dave Pickett, for his 36 years of service to the City of Wheat Ridge. He listed many of his accomplishments during those years of service to the people of Wheat Ridge and his teammates at the WRPD.

### **Proclamation for Detective Patrick McDaniel Retirement**

Mayor Starker expressed the City's sincere gratitude to Detective McDaniel for his 14 years of service which included his commitment to the community by participating in several Special Olympics of Colorado events, including the Polar Plunge and the Torch Run.

### **APPROVAL OF MINUTES**

Without objection or corrections, the City Council Minutes of September 28, 2020 along with Special Study Session Notes of September 28, 2020, Study Session Notes of September 21, 2020 and October 5, 2020 were approved as published without changes or objections.

### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

### **CITIZENS' RIGHT TO SPEAK**

This item began at 7:19 PM.

Nobody came forward to speak on items NOT on the agenda.

### **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).

All comments entered into Wheat Ridge Speaks for this meeting addressed agenda item 2, so those comments appear in that section of these minutes.

### **CONSENT AGENDA**

There were none of these items for this meeting.

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

Discussion began at approximately 7:03 PM

1. Council Bill No. 18-2020 - An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning sign and letter notice requirements for quasi-judicial public hearings

Councilmember Stites introduced Council Bill 18-2020.

Requirements for the notice of public hearings are provided in the City Charter and in Chapter 26 of the Code of Laws. This includes notice by sign and letter as well as publication in the newspaper and on the City's website. The purpose of this code amendment is to modify current practice related to sign and letter notice, specifically:

- To increase the number of posted signs required based on frontage length and parcel configuration, and
- To increase the letter notice radius from 300 feet to 600 feet for public hearings.

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures. No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1698

Planning Manager Lauren Mikulak presented to the Council a review of discussions during previous council meetings that have addressed this issue. The following items were reviewed:

### **Sign Notice:**

The code currently requires that properties have one sign per street frontage, and said sign(s) must be located within the subject property boundaries. These requirements are common in other jurisdictions as well.

### **Letter Notice:**

Letter notice for public hearings is sent to the owners of property within 300 feet of the boundary of the subject property. This distance is on the lower end of the spectrum as compared with other metro area communities. What's more notable, however, is how this distance compares to the letter notice for neighborhood meetings—a neighborhood meeting mailer has twice the distance with a radius of 600 feet.

### **Public Comment**

Nobody came forward to speak on this item.

### **Council Questions and comments**

Council had no further questions or comments.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Stites to approve Council Bill No. 18-2020 an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning sign and letter notice requirements for quasi-judicial public hearings, on second reading, and that it takes effect 15 days after final publication, seconded by Councilmember Hoppe, motion carried 8-0

2. Resolution No. 49-2020 – A Resolution approving a major subdivision plat on property zoned Residential-One (R-1) and located at the northwest corner of W. 32nd Avenue and Kipling Street

Councilmember Weaver introduced Resolution No. 49-2020.

The applicant is requesting approval of a major subdivision for property located at the northwest corner of W. 32nd Avenue and Kipling Street that is 6.85 acres in size. The purpose of this subdivision request is to establish lot lines, tracts, easements, and right-of-way dedication of a new public street for a 14-lot single-family home development, permitted by the Residential-One (R-1) zone district.

Mayor Starker opened the public hearing at 7:47 p.m. (Two speakers from the public and staff were asked to attest that they have and will speak the truth.)

Staff Presentation by Scott Cutler, Planner II with the City of Wheat Ridge: Mr. Cutler gave a detailed presentation and spoke on how the planning commission heard the request at a public hearing on October 1, 2020 and recommended approval of the major subdivision for the following reasons:

1. All requirements of the subdivision regulations (Article IV) of the zoning and development code have been met.
2. All agencies can provide services to the property with improvements installed at the developer's expense.

He stated the purpose of a subdivision plat is not to review specific site plan or architectural details, but rather to confirm appropriate lot configuration, access, rights-of-way, easements, and utility service to the site in order to create developable parcels for a land use that is already permitted by the underlying zoning. The plat will allow each lot in the subdivision to be sold separately and allow single-family home construction to proceed. He also spoke on the following subjects:

- Financial impact
- Background
- Lot Configuration

- Easements
- Required Agreements
- Drainage

**Public Comment**

Scott Abel, 10270 W 32<sup>nd</sup> Ave. Called to express concerns about the traffic flow if this resolution is approved. He observed two accidents this past weekend. He stated that lot 11 is not a buildable space due to the grade.

Melody Mascarenas, 62 Hillside Drive. Her family has lived across 32<sup>nd</sup> Avenue from the planned subdivision for 20 plus years. She described the area around the subdivision. She is concerned that the new buildings will block views of those homes located uphill and that the developer may or may not keep the existing trees. Traffic is also a strong concern for Melody and her neighbors. "I believe that safety would improve with the addition of a deceleration lane and make it safer for cyclists." She implored the developer to take safety measures to protect the current residents, especially small children. She is also concerned that this will be a long-term inconvenience for the residents.

(Ms.) Jesse Bryant, 3250 Miller St. which abuts the planned subdivision. She called to express concern that 14 single-family homes is a lot of buildings for a property with that much slope. She is concerned that her privacy will be compromised with homes above hers on the hillside that will have views into her backyard and windows. She is concerned about the drainage and high water table in that area, with the addition of so many homes and other impermeable surfaces. She echoed the concerns previously expressed about traffic flow and cyclist safety. She would prefer to have 6 single-family homes at most.

Michelle Cotton, 10310 W. 33<sup>rd</sup>. Ave., expressed concerns about traffic, including traffic during construction and about the drainage and flooding potential for the neighbors downhill. She also expressed concerns that the surveying of the lot lines appearing in the current documentation is erroneous and should be verified.

Meghan Schleicher, 10315 W. 33<sup>rd</sup>. Ave. She came to express her concerns that we really look carefully at the plat before Council. We are also concerned about traffic at 32<sup>nd</sup>. Ave and Kipling St., including pedestrians and cyclists. We believe there should be changes to the traffic flow. There will also be erosion and flooding risks from the drainage changes the development will cause. We also think that 14 homes is over-development contrary to the citizens' desires to maintain a rural atmosphere. A better solution needs to be considered for the Rocky Mountain Ditch and drainage. The only solution I see is that this space should be a park, not a new subdivision. A park would not only add a space for dog exercise but also preserve the open space for public use.

Stan Koniz, 10100 W. 33<sup>rd</sup> Ave., and the development is in his backyard. We are concerned that the ditch company wants to remove 8 cottonwood trees. How can we

make these changes in Tree City, USA? There is also a concern about the amount of fill dirt that will be required; he estimates a total of 2,000 truckloads of fill dirt. That will mean a lot of traffic, noise and dust.

Suzanne Schuett, 3330 Parfet St. She shares the other speakers concerns and will not repeat them. We are peacemealing the wetlands across the City. This project will further impact existing wetlands for quite a distance from the actual development proposed. All of the wildlife that live in the area will be negatively impacted and displaced. We need a holistic view and plan for the wetlands we enjoy in Wheat Ridge. I urge Council to take a wider, longer-term view of wetlands. We are also concerned that construction vehicles will ignore rights of way, drive too fast and endanger residents, especially children. We are also concerned that the water pressure is already too low in that area and this development will exacerbate that problem.

Dan Frayre, 3351 Kipling, just north of this proposed subdivision. Called to express concern that he will be forced to pay for a new sidewalk adjacent to his property.

Steve Merritt, 10395 W. 33<sup>rd</sup>. Ave. He echoed the previously expressed concerns about flooding, drainage, traffic, and safety. He wants more clarification of what will happen to the Rocky Mountain Ditch and the trees along that easement. We need to look at a longer-term view of development and open space across Wheat Ridge, not piece meal. There also needs to be remediation of the cyclist safety issues. We need to pause and discuss these details in more depth.

Syrma Quinones, 10270 W. 33<sup>rd</sup>. Avenue. We have major concerns about the construction plan, erosion, drainage and the future of the ditch. We need noise relief during construction. We oppose the removal of the cottonwood trees along the ditch. Those of us who own land north of the ditch see these changes as negatively impacting wildlife, privacy and drainage. We are concerned that the current mitigation of drainage provided by the cottonwoods would be negated and that homeowners nearby could face expensive impacts. Regarding Lot 5, which is different from the previous maps, look like there is insufficient space to build a home on that tiny lot without a retaining wall. Are we trying to squeeze too many homes into that small area? We have already invested in staying in Wheat Ridge, and what will the City do to address our ongoing concerns?

The following comments appeared in Wheat Ridge Speaks with respect to this item.

I would like to suggest that this land remain the way it is. I loved seeing the animals grazing. It reminded me of what wheat ridge use to be farmland. We don't need any more housing in the area. As it is there is always a long line of traffic on 32nd Ave and Kipling heading east. There was just a big addition of subdivisions added about a mile from this location. I think the land is better used for it was being used and that is grazing and livestock.

10/08/2020 9:58 am

**Jose Octavio Gonzalez**

10320 W 32nd Ave Wheat Ridge , 80033

This plot of land has been up for development approval previously with many citizens opposing a big development on the site. The current proposal is smaller but due to the amazing view, I can imagine the homes will be high priced and not in price range that so many of our citizens can afford. We need more affordable homes in Wheat Ridge. My son cannot afford any homes in Wheat Ridge but was able to purchase one in Lakewood. The other objection that I have is the traffic the development will cause especially during rush hour. On an icy morning, the hills on Kipling and 32nd will be more dangerous due to traffic trying to enter those streets close to the intersection.

10/09/2020 7:44 pm

**Elizabeth Capritta**

3500 Estes St. Wheat Ridge, 80033

I live on 33rd avenue just north of this planned development. I support R-1 development if this corner cannot be made into a park or other better use of this space. I do have concerns about the impact on traffic - construction traffic immediately and housing traffic after that. The corner at 32nd and Kipling has been dangerous for a long time and I haven't seen sufficient solutions proposed to improve that as traffic increases. The impact on current residents in terms of additional travel time, safety, and lack of plans for improvement is unacceptable. I also worry that the development will have impact on the water drainage and impact on the older homes just north and downhill from the development. There should be a plan to ensure the homes downhill are not significantly impacted and if there are unintended consequences there should be a security fund for solutions. Then there is the issue of the number of lots on this oddly shaped property that has me concerned. I do know measurements are calculated but I have concerns that the measurements have not been verified and once the homes are built there will be no sufficient remedy to fix them at that point. Finally, the issue of privacy should be addressed as I have learned the land berm will be graded instead of reinforced with a wall. This puts the new homes looking directly into the homes of the opposite neighbors. The older home berms prevent this problem from existing and I would rather the berm stay in place.

10/12/2020 12:01 pm

**Meghan Schleicher**

**10315 west 33rd Ave Wheat Ridge, 80033**

This project has tried to cram too many homes in the allotted footprint. Homes that will not be within the existing character of the neighborhood. The large majority of homes are single story ranches not built to the 35-foot max that we expect these to be.

I am concerned that the property math is not accurate. When I asked the planning commission about this, I was told that the ditch easement was included in the lot size square footage. When looking at the developers plans, the property lines appear to be up to my property line on the north

side of the ditch. It was stated by the planning commission that the property line is midline of the ditch. I am concerned about the 20 ft easement being included into lot sq footage just make the 12, 500 lot size for R1- also lot 5 has a 25 ft road frontage that does not seem to comply with the 100ft lot width requirement. When I look at property lines for other ditch bordering properties, they appear to not include the ditch easement in the total lot acreage. why does this development get to include non-buildable land? This subdivision would be much more acceptable with a few less lots and not the crammed in footprint.

This is the opportunity to discuss with the property owner of 10001 W 32nd. the option of expanding the sidewalk along the north side of Kipling, from the hard corner, going west to the project boundary line. The way it is planned now the developed property will have 6ft wide sidewalks along its boundary but currently the 10001 property has only a 2ft sidewalk. I understand that the property owner cannot be forced to do this, but if as the developer's representative stated during the planning commission, the owner of 10001 is thrilled with the development then I would assume that they would be amenable to this safety improvement. It would also go a long way for community relations.

The adjoining homeowners also have a lot of concerns about the terracing and grading necessary, the construction debris, the construction traffic. Any mitigation to the previous wetland that existed there, high water table issues, shifting soils and weight impacting our property, etc. and a hodgepodge of privacy fencing put up by future property owners.

Please vote no on this and send it back to planning for these questions to be properly addressed.

Michelle Cotton 10310 w 33rd Ave.  
10/12/2020 11:59 am

**Michelle Cotton**

**10310 w 33rd Ave WR, 80033**

End of comments on this item entered into Wheat Ridge Speaks.

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### **Council Questions and comments**

Councilmember Hoppe asked staff give us a description of a plat approval process vs. a zoning change. Mr. Johnstone responded with detailed information, including the next steps in the process that will review the civil engineering for grading, drainage, retaining walls and the suitability of the individual lots for development. He assured those who called that their comments will be kept front of mind during this process.

Councilmember Stites asked whether this issue will come back to Council. Mr. Johnstone explained that this is the final Council step, but that staff will diligently address some of the issues raised this evening. After tonight, this proposed development will not come before Council again.

Councilmember Stites also asked detailed questions about a deceleration lane and whether a traffic study has been done. Mark Westberg replied that a traffic study is not necessary because 14 homes does not generate enough traffic to warrant a study. He



also asked about bike safety issues, and how that will be addressed. Mr. Westberg responded that driver awareness and signage will ameliorate these safety issues.

Councilmember Stites also asked about the impact on privacy and the removal of cottonwood trees along the ditch. The Rocky Mountain Ditch does not want to remove trees north of the ditch; only trees on the south side of the ditch. Mr. Cutler said that the City has no authority over the easement for the ditch. He also explained details about the plans for sidewalks; no current residents will be required to build sidewalks unless they re-develop their property in the future.

Councilmember Stites also asked for a report on what the allowable construction hours will be. Mr. Johnstone replied generally 7 AM to 7 PM seven days a week except for certain construction activities disallowed on weekends. Mr. Westberg also added that there will be a required staging area on site; no construction personnel or vehicle parking will occur along either Kipling or 32<sup>nd</sup>.

Councilmember Weaver thanked Scott for his explanations. She also commented that cottonwood trees consume massive amounts of water from the ditch that carries agricultural water. She asked what property owners' rights are in terms of keeping trees on the north side of the ditch. Nathan Laudick responded that any tree on the north side of the ditch will not be touched.

Councilmember Weaver also asked why some of the property lines lie in the middle of the ditch and others stop at the edge of the easement. Mr. Cutler gave a detailed and technical answer.

Councilmember Hoppe asked for explanation of the building plan; will a model home go up first or will the whole subdivision go up at once? She also asked about mitigation of cyclist safety especially near the intersection of 32<sup>nd</sup> and Kipling. Mr. Laudick replied that the current plan is to begin with Lots 1 and 2, and build custom homes as buyers come online. He also commented that their plan takes construction traffic into account. The developer is willing to help with whatever signage will ease cyclists' safety concerns.

What is the distance along the additional Hillside Drive from 32<sup>nd</sup> Ave to the end of the cul-de-sac? Councilmember Urban asked that question because it relates to fire safety. The answer was 744 feet, which the West Metro Fire District has approved.

Councilmember Hultin asked whether a City park is feasible. She also asked what the requirements are for planting new trees on the new subdivision lot. Mr. Cutler gave a detailed answer.

Councilmember Hultin also asked about how the plan will ensure stabilization of the ground and the drainage issues residents have highlighted. Mr. Westburg gave a detailed and technical answer. She also asked about a privacy fence along the north side of the property. Mr. Cutler replied that the maximum allowable height for a fence per City code is six feet.

Councilmember Hutchinson recommended that the required tree plantings should be a diversity of species so that a blight cannot lead to removal of all of the new trees.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Weaver to approve Resolution No. 49-2020, a resolution approving a major subdivision plat on property zoned Residential-One (R-1) and located at the northwest corner of W. 32<sup>nd</sup> Avenue and Kipling Street for the following reasons:

1. City Council has conducted a proper public hearing that meets 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 of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer's expense.

And with the following conditions:

1. The applicant shall pay the required fees-in-lieu of parkland dedication at time of building permit for each individual lot.
2. The developer shall enter into a Subdivision Improvement Agreement and a lot sale restriction covenant agreement prior to recordation of the subdivision plat.
3. Prior to issuance of building permits, the developer shall provide owner association covenants for review by staff.

Seconded by Councilmember Hoppe, motion carried 8-0.

### **ORDINANCES ON FIRST READING**

Discussion began at 9:08 pm.

3. Council Bill No. 19-2020 - An Ordinance approving the rezoning of property located at the southeast corner of West I-70 Frontage Road North and Ward Road from Agricultural-Two (A-2) to Planned Mixed Use Development (PMUD) with an Outline Development Plan (ODP)

Councilmember Dozeman introduced Council Bill 19-2020.

The applicant is requesting approval of a zone change from Agricultural-Two (A-2) to Planned Mixed Use Development (PMUD) with an Outline Development Plan for property located at the southeast corner of W. I-70 Frontage Road North and Ward Road. The zone change will allow for a variety of commercial, residential, and recreational uses on the property.

**Motion** by Councilmember Dozeman to approve Council Bill 19-2020 - an ordinance approving the rezoning of property located at the southeast corner of West I-70

Frontage Road North and Ward Road from Agricultural-Two (A-2) to Planned Mixed Use Development (PMUD) with an Outline Development Plan (ODP), on first reading for the sole purpose of ordering it published for a public hearing set for November 9, 2020 at 7 p.m. as a virtual meeting, and if adopted, that it take effect 15 days after final publication; seconded by Councilmember Stites; carried 8-0.

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

Discussion began at approximately 9:13 PM

4. Motion to approve appointment to a City Council District III vacancy on the Cultural Commission

Discussion began at approximately 7: PM

Councilmember Weaver introduced the motion.

Due to the recent resignation of Deborah Warren, a City Council District III seat on the Cultural Commission is vacant. The term of this position ends on March 2, 2023.

Council Questions – none.

Motion by Councilmember Weaver, seconded by Councilmember Stites to appoint Lisa Streisfeld, to the Cultural Commission for District III to fill the vacancy, term ending March 2, 2023, seconded by Councilmember Stites; motion carried 8-0

5. Resolution No. 50-2020 – A Resolution concerning the acquisition and acceptance of nine properties on Wadsworth Boulevard for the purpose of constructing, installing, maintaining, and using public improvements for improving Wadsworth Boulevard by either negotiation and voluntary purchase or, if necessary, through the utilization of the City's power of eminent domain, and authorizing such action as necessary to accomplish said purposes

Councilmember Hultin introduced the Resolution.

The proposed improvements to Wadsworth Boulevard require that additional right-of-way (ROW) be purchased to allow for the construction of public improvements. In order to facilitate the acquisition of ROW from nine properties along Wadsworth Boulevard that have stalled in negotiations, the authority to use the City's power of eminent domain is being requested.

Mark Westberg, Project Manager and Mr. Johnstone were available for questions.

Mr. Westburg gave a detailed presentation, supported by slides in PowerPoint about which properties are still under negotiations and which properties are at an impasse.

### **Public Comment**

Vivian Vos, 6920 W 47th Place. Called to comment on why the City needs to take property that is beyond the CDOT right of way boundaries. At this point the properties

at an impasse are sending a message that they believe their businesses will be adversely affected. She also said that the message imminent domain sends to businesses is negative and this step is unnecessary.

### **Council Questions**

Councilmember Hutchinson asked why we need to take this precipitous step because it will damage our reputation as a business friendly City. After all of these years why are we in such a hurry now? Mr. Goff commented that only 3 businesses will be completely removed; the rest of the businesses along the right of way will continue to operate. He, Mr. Johnstone and Mr. Westberg engaged Councilmember Hutchinson in a detailed discussion of the Councilmember's concerns.

**Motion** by Councilmember Hultin to approve Resolution 50-2020, a resolution concerning the acquisition and acceptance of six properties on Wadsworth Boulevard (exhibit A as revised) for the purpose of constructing, installing, maintaining, and using public improvements for improving Wadsworth Boulevard by either negotiation and voluntary purchase or, if necessary, through the utilization of the City's power of eminent domain, and authorizing such action as necessary to accomplish said purposes, seconded by Councilmember Hoppe.

During discussion of the motion Councilmember Urban raised concerns about using imminent domain on the A-1 property since it is not part of the Phase I development. Councilmember Stites asked when the second phase is likely to begin. Mr. Johnstone said it will be included in the bidding for the whole project.

**Motion** by Mr. Urban to **amend** the motion to remove property A-1 from the list, seconded by Councilmember Hutchinson. Amendment failed 2-6 with Councilmembers Hutchinson and Urban voting Aye.

Councilmember Urban discussed the main motion and asked whether he would have support for an amendment to require the City Manager to discuss shifting the management of this project to CDOT.

Councilmember Urban **moved to amend** the motion to direct the City Manager to discuss with CDOT transferring all management and oversight of this project to CDOT and to report back to Council by October 26<sup>th</sup>, 2020. Seconded by Mr. Stites.

After due deliberation and discussion, the amendment failed by a vote of 3-5, with Councilmembers Urban, Hutchinson and Stites voting Aye.

**Main Motion passed** 6-2 with Councilmembers Hutchinson and Nosler Beck voting Nay.

6. Resolution No. 51-2020 – A Resolution approving an amendment to the contract with the Colorado Department of Transportation for the Wadsworth Boulevard widening project from 35th avenue to Interstate 70.

Discussion began at approximately 10:09 PM

Councilmember Urban introduced the Resolution.

In 2015, the City was awarded funding through the Denver Regional Council of Governments (DRCOG) Transportation Improvement Program (TIP) to improve Wadsworth Boulevard from 35th Avenue to 48th Avenue. An agreement with CDOT to administer that funding was approved in 2015. An additional TIP grant was awarded by DRCOG in 2019. In addition, CDOT has allocated State Safety and State Surface funds to the project.

An amendment to the original 2015 agreement is necessary to add the additional funds to the project budget and to extend the term of the contract with CDOT beyond the original expiration date of October 25, 2020. Presentation by City Attorney Gerald Dahl explained why Council needs to reconsider and re-approve this Ordinance following satisfaction of Code requirements that the language be approved by the City Planning Commission.

Mark Westberg, Project Manager and Mr. Johnstone were available for questions.

**Public Comment:**

Vivian Voss, 6920 W 47<sup>th</sup> Place. Called to comment she was surprised that CDOT is not currently in charge of this project. The zoning for the CFI is also too much, since we will have adequate roadway to handle the traffic for some time to come. She also asked whether CDOT approves the CFI.

Ms. Vos also opposes a cul-de-sac on 48<sup>th</sup> Ave, saying that we also do not need the east side of the city separated from the west side by this project or any other. This whole project for widening Wadsworth is a CDOT project and should remain a CDOT project. The City's involvement should be limited to ensuring that we have bike lanes, sidewalks and landscaping.

She did not see on Wheat Ridge Speaks any presentation on this project, or on item 5 on tonight's agenda.

**Council Questions**

Councilmember Urban asked about the risk assessment in Attachment L, what are the answers to the questions in that assessment. Mr. Westberg gave a detailed reply about that Attachment and the other documents in the packet.

Councilmember Urban asked further questions about timelines and project milestones, to which Mr. Westberg responded in detail.

**Motion** by Councilmember Urban to approve Resolution No. 51-2020, a resolution approving an amendment to the contract with the Colorado Department of Transportation (CDOT) for the Wadsworth Boulevard widening project from 35th avenue to interstate 70, seconded by Councilmember Hoppe; motion carried 8-0.

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

The City has placed no restrictions on trick or treating door to door for Halloween.

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

The US Census deadline has been extended until 10/31/2020<sup>1</sup>. Residents who have not completed a Census form or spoken with a Census worker may still complete the Census process until October 31 16<sup>th</sup>.<sup>1</sup>

Mr. Jerry DiTullio has organized another cleanup at Kipling and I-70 10:30 to Noon October 30; staging in the parking lot of the Village Inn.

### **ELECTED OFFICIALS' MATTERS**

City Clerk Kirkpatrick reported that two protests had been filed on October 6<sup>th</sup> against the Certificate of Sufficiency issued by the City Clerk to refer Ord. 1967 to the voters. The protests were filed by Ms. Judy Capra and Ms. Odarka Figlus, who also filed a notarized document rescinding their protests on October 9<sup>th</sup>. No other protests were filed. Further information to Council is forthcoming.

Councilmember Nosler Beck noted that there is a ballot drop box in Anderson Park; Councilmember Weaver noted that there is a new drop box at Prospect Park.

Councilmembers Stites and Weaver reported on their District III meeting last Saturday, saying it was productive and that they are grateful for those who attended and participated.

Councilmember Weaver thanked those who called those who called animal control about a pig wandering along the street near her Five Fridges Farm on W. 44<sup>th</sup> Ave. Calling animal control is the right place to call for help.

Councilmember Hultin noted that there are a lot of missing or lost animals. She reminded everyone to license their pets through Foothills Animal Shelter so they are more likely to be reunited with their owners if lost. The fees from licensing directly support community animal services.

Councilmember Urban and Hoppe asked to put the question of whether project management of the Wadsworth project should be assumed by CDOT on a future study session agenda. Councilmember Hoppe, speaking as Mayor Pro Tem, agreed to bring that issue to a study session soon.

Councilmember Hoppe noted that there are dog parks in District III. She also thanked staff for hard work on so many projects and processes during the past months.

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<sup>1</sup> After this Council meeting the US Supreme Court ordered that the Trump Administration could end the Census count as of October 16, 2020.

Mayor Starker thanked the WRPD retirees for the long service to the City. He thanked those who attended his Coffee with the Mayor last Saturday.

He also thanked staff, especially Ms. Scheck, for their efforts to encourage voter registration and vote!

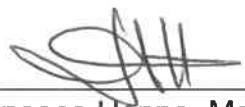
Remember to wear a mask, wash your hands and maintain social distancing.

**ADJOURNMENT**

The meeting adjourned at 10:36 pm.

  
\_\_\_\_\_  
Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON October 26, 2020

  
\_\_\_\_\_  
Janece 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 by contacting the City Clerk's Office, as well as copies of Ordinances and Resolutions.