

# **City Council Meeting Minutes**

## **CITY OF WHEAT RIDGE, COLORADO**

### **7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING**

**December 14, 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**

Janeece 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; Assistant to the City Manager, Marianne Schilling; Community Development Director Ken Johnstone, Mark Westberg, Project Manager and Steve Nguyen, Engineering Division Manager, other staff, guests and interested citizens.

#### **PROCLAMATIONS AND CEREMONIES**

#### **APPROVAL OF MINUTES**

Without objection the Study Session Notes of November 2, 2020 and City Council minutes of November 9, 2020 were approved with minor corrections to each; Study Session Notes of November 16, 2020 and Special City Council meeting minutes of November 23, 2020 were approved as published.

#### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

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

This item began at 7:03 PM.

Guy Nahmiach, 3850 Ward Road, came to thank Councilmember Hultin for writing the Council Corner column in the *Gazette*.

Julie Stern 7630 W. 48<sup>th</sup> Ave. Called to comment on recent efforts to work with those experiencing homelessness. She is disappointed that we discuss these citizens in terms of a public nuisance, as addicts, alcoholics and those who suffer from mental health issues. She also asserted that stating these people choose homelessness is unfair as it is very rare. These labels are unfair; people need our help!

**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, so long as the comments do not contain lascivious language or unlawful hate speech).

**No comments** appeared in Wheat Ridge Speaks for this Council session.

**1. CONSENT AGENDA**

Discussion began at approximately 7:0 PM

Councilmember Urban introduced the consent agenda

- a. Resolution 59-2020 - a resolution amending the fiscal year 2020 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$35,000 for City Attorney legal services
- b. Resolution No. 57-2020 - a resolution amending the fiscal year 2020 Equipment Replacement Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$100,000 for the purpose of purchasing teleworking equipment
- c. Motion to award a contract and approve payment of \$78,151 to Meridiam Partners, LLC of Denver, CO, for the Bayou Ditch Pipe and Headgate Replacement Project and approve a contingency in the amount of \$21,849
- d. Resolution No. 58-2020 - a resolution accepting a grant award in the amount of \$25,000 for an outdoor fitness court as part of the 2021 National Fitness Campaign

**Motion** by Councilmember Urban to approve Consent Agenda Items a.), b.), c.), and d.)  
Seconded by Councilmember Stites; motion carried 8-0.

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

There were none

## **ORDINANCES ON FIRST READING**

Discussion began at approximately 7:09 PM

2. Council Bill No. 22-2020 - An Ordinance approving the rezoning of property located at 4990 Parfet Street from Planned Commercial Development (PCD) to Planned Industrial Development (PID) with approval of an Outline Development Plan

Discussion began at approximately 7:09 PM

Councilmember Dozeman introduced Council Bill 22-2020.

The applicant is requesting approval of a zone change from Planned Commercial Development to Planned Industrial Development with approval of an Outline Development Plan for property located at 4990 Parfet Street (near the northeast corner of I-70 Frontage Road North and Parfet Street). The purpose of this request is to prepare the property for the development of a large format industrial land use.

**Motion** by Councilmember Dozeman to approve Council Bill 22-2020 - an ordinance approving the rezoning of property located at 4990 Parfet Street from Planned Commercial Development (PCD) to Planned Industrial Development (PID) with approval of an Outline Development Plan, on first reading for the sole purpose of ordering it published for a public hearing set for Monday, January 11, 2021 at 7 p.m. as a virtual meeting, seconded by Councilmember Nosler Beck; carried 8-0.

3. Council Bill No. 21-2020 - An Ordinance approving an Outline Development Plan (ODP) Amendment to change the sign standards on property zoned Planned Commercial Development (PCD) and located at 7760 W. 38<sup>th</sup> Avenue.

Councilmember Weaver introduced Council Bill 21-2020 at about 7:11 PM.

The applicant is requesting an Outline Development Plan Amendment to revise the existing sign standards which are more restrictive than the City's regular sign code. The applicant is requesting an amendment such that City's regular sign code applies to the subject property. This in turn would allow for installation of a new freestanding sign.

**Motion** by Councilmember Weaver to approve Council Bill 21-2020 - an ordinance approving an Outline Development Plan (ODP) Amendment to change the sign standards on property zoned Planned Commercial Development (PCD) and located at 7760 W. 38<sup>th</sup> Avenue, on first reading for the sole purpose of ordering it published for a public hearing set for Monday, January 11, 2021 at 7 p.m. as a virtual meeting, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 8-0.

4. Council Bill No. 23-2020 - An Ordinance repealing and reenacting Section 26-609 of the Wheat Ridge Code of Laws concerning access to public streets and making conforming amendments.

Discussion began at approximately 7:13 PM

Councilmember Hutchinson introduced Council Bill 23-2020.

The zoning code requires that all new development have access to public streets. It outlines several stipulations for residential and nonresidential developments. Code section 26-609 discusses access requirements, but does not reflect current development patterns, so the proposed amendment repeals and reenacts this section and updates cross references. The purpose of the amendment is to provide more specificity for commercial and industrial land uses, more flexibility for residential land uses, and more detailed guidance overall. The overarching goal is to ensure that access and circulation designs support logical and high-quality site design.

**Motion** by Councilmember Hutchinson to approve Council Bill 23-2020 - an ordinance repealing and reenacting Section 26-609 of the Wheat Ridge Code of Laws concerning access to public streets and making conforming amendments, on first reading for the sole purpose of ordering it published for a public hearing set for Monday, January 11, 2021 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.

5. Council Bill No. 24-2020 - An Ordinance repealing and reenacting Section 7-6 of the Wheat Ridge Code of Laws, concerning creation of a process for addressing complaints alleging campaign finance violations in City elections

Discussion began at approximately 7:16 PM

Councilmember Urban introduced Council Bill 24-2020.

Recent State legislation assigns the responsibility for conducting hearings concerning alleged campaign finance violations in City elections to the City. The City's present ordinance for the conduct of hearings regarding election matters pre-dates the State legislation and is in need of updating in light of the new State law.

**Motion** by Councilmember Urban to approve Council Bill 24-2020 - an ordinance repealing and reenacting Section 7-6 of the Wheat Ridge Code of Laws, concerning creation of a process for addressing complaints alleging campaign finance violations in City elections, on first reading for the sole purpose of ordering it published for a public hearing set for Monday, January 25, 2021 at 7 p.m. as a virtual meeting; seconded by Councilmember Hoppe; carried 8-0.

6. Council Bill No. 25-2020 - An Ordinance adopting section 16-47 of the Wheat Ridge code of laws concerning unlawful removal or defacing of notices on public property and establishing penalties for violation of the same

Discussion began at approximately 7:18 PM

Councilmember Nosler Beck introduced Council Bill 25-2020.

This ordinance creates a new Code Section 16-47, making it a violation to remove signage, and in particular the no trespassing signs authorized by the revised Code Section 16-46.

**Motion** by Councilmember Nosler Beck to approve Council Bill 25-2020 - an ordinance adopting section 16-47 of the Wheat Ridge code of laws concerning unlawful removal or defacing of notices on public property and establishing penalties for violation of the same, on first reading for the sole purpose of ordering it published for a public hearing set for Monday, October 12, 2020 at 7 p.m. as a virtual meeting; seconded by Councilmember Dozeman; carried 8-0.

7. Council Bill No. 26-2020 - An Ordinance repealing, retitling and reenacting section 16-46 of the Wheat Ridge Code of Laws concerning trespass and establishing penalties for violation of the same

Discussion began at approximately 7:19 PM

Councilmember Stites introduced Council Bill 26-2020.

The purpose of this ordinance is to place on notice those who enter or remain upon the premises of another, including premises owned by private entities, public entities, or individuals, that doing so without the proper license or authority, or after that license or authority has been revoked, may result in criminal activity. This ordinance amends and significantly enhances the City's current Code 16-46 on trespassing, including posting of notices prohibiting trespassing.

**Motion** by Councilmember Stites to approve Council Bill 26-2020 - an ordinance repealing, retitling and reenacting section 16-46 of the Wheat Ridge Code of Laws concerning trespass and establishing penalties for violation of the same, on first reading for the sole purpose of ordering it published for a public hearing set for Monday, January 25, 2021 at 7 p.m. as a virtual meeting, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 8-0.

8. Council Bill No. 27-2020 - An Ordinance adopting section 16-70 of the Wheat Ridge Code of Laws concerning pedestrian use of Roadway Center Medians, and in connection therewith amending section 16-113, sales and solicitation in certain places prohibited

Discussion began at approximately 7:22 PM

Councilmember Hoppe introduced Council Bill 27-2020.

The ordinance is intended to reduce auto/pedestrian accidents by regulating center medians that are unsafe for occupation by pedestrians and other pedestrian behaviors that interfere with traffic, including entering the roadway in a way that obstructs or

hinders traffic flow, and soliciting in areas that are unsafe for such activity. The ordinance adopts a new section of the Wheat Ridge Code of Laws governing pedestrian and traffic safety and amends the current section on solicitation activities to add a legislative declaration.

**Motion** by Councilmember Hoppe to approve Council Bill 27-2020 - an ordinance adopting section 16-70 of the Wheat Ridge Code of Laws concerning pedestrian use of Roadway Center Medians, and in connection therewith amending section 16-113, sales and solicitation in certain places prohibited, on first reading for the sole purpose of ordering it published for a public hearing set for Monday, January 25, 2021 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.

9. Council Bill No. 28-2020 - An Ordinance adopting section 16-69 of the Wheat Ridge Code of Laws concerning pedestrian hindering the flow of traffic

Discussion began at approximately 7: 24 PM

Councilmember Hultin introduced Council Bill 28-2020.

The ordinance is intended to reduce auto/pedestrian accidents by prohibiting actions by pedestrians that obstruct or hinder traffic, including pedestrians being physically in traffic lanes or extending objects, hands, etc., into traffic lanes. The ordinance adopts a new section of the Code.

**Motion** by Councilmember Hultin to approve Council Bill 28-2020 - an ordinance adopting section 16-69 of the Wheat Ridge Code of Laws concerning pedestrian hindering the flow of traffic, on first reading for the sole purpose of ordering it published for a public hearing set for Monday, January 25, 2021 at 7 p.m. as a virtual meeting, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Dozeman; carried 8-0.

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

Discussion began at approximately 7:25 PM

10. Motion to amend the contract for Engineering Consulting Services for Phase II of the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver, CO, for additional design fees in the amount of \$220,382.34 for a total project cost of \$2,804,633.32

Councilmember Stites introduced the Motion.

Due to increased construction and right-of-way (ROW) costs, the project to improve Wadsworth will be constructed in two phases. A contract with HDR Engineering, Inc. was originally executed in 2018 to complete the survey, design plans, and Environmental Assessment for the entire corridor. A contract amendment needs to be

executed to provide the funds necessary to prepare the bid package for the first phase of construction.

Staff Presentation by Ken Johnstone, Community Development Director, Mark Westberg, Project Manager and Steve Nguyen, Engineering Division Manager

### **Public Comment**

No one came forward to speak.

### **Council Questions**

Councilmembers asked if this additional money will ensure that the design for phase II is completed or whether that will require additional money. Mr. Johnstone answered that the two phases will be addressed separately.

**Motion** by Councilmember Stites to amend the contract for Engineering Consulting Services for Phase II of the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver, CO, for additional design fees in the amount of \$220,382.34 for a total project cost of \$2,804,633.32, seconded by Councilmember Hoppe; motion carried 8-0.

11. Motion to amend the contract for Right-of-Way Acquisition Services for the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver, CO, to incorporate additional fees in the amount of \$236,107.28 for a total project cost of \$1,653,102.28 and authorize staff to increase the amount of the contract by \$30,000 for each additional eminent domain proceeding.

Councilmember Weaver introduced the Motion at about 7:34 pm.

A contract with HDR Engineering, Inc. was originally executed in 2018 for right-of-way (ROW) acquisition services. Due to additional tasks added to the scope of work, including assistance with eminent domain proceedings, a contract amendment needs to be executed to provide the funds necessary to complete the ROW acquisitions for the Wadsworth Improvement Project. This contract amendment includes work related to three ongoing eminent domain proceedings, and also accounts for the potential of additional eminent domain proceedings should they become necessary in the future.

Staff Presentation by Ken Johnstone.

### **Public Comment**

No one came forward to speak.

### **Council Questions**

Councilmembers asked which three properties may go to a public hearing on eminent domain. Mr. Johnstone listed the three properties still in dispute.

At most, how many total eminent domain hearings will the City have to engage? Mr. Johnstone provided a detailed answer: 11 eminent domain actions maximum. Mr. Goff explained that the City is only deeply concerned about 2 of the 11 properties and that this motion does not add to the already approved budget.

**Motion** by Councilmember Weaver to amend the contract for Right-of-Way Acquisition Services for the Wadsworth Boulevard Improvement Project with HDR Engineering, Inc., Denver, CO, to incorporate additional fees in the amount of \$236,107.28 for a total project cost of \$1,653,102.28 and authorize staff to increase the amount of the contract by \$30,000 for each additional eminent domain proceeding, seconded by Councilmember Hoppe; motion carried 7-1, with Councilmember Nosler Beck voting Nay.

- 12.** Resolution No. 60-2020 – a resolution concerning the acquisition and acceptance of eight 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 Hoppe introduced the Resolution at about 7:46 pm.

The proposed improvements to Wadsworth Boulevard require that additional right-of-way (ROW) be purchased to allow for the construction of public improvements. This resolution authorizes the use of the City's power of eminent domain in order to facilitate the acquisition of right-of-way from eight properties along Wadsworth Boulevard that have not reached consensual agreements.

City Manager Patrick Goff gave a brief report on the item. Staff Presentation by Mark Westberg, Project Manager and Steve Nguyen, Engineering Division Manager.

Mr. Westberg gave a formal presentation with PowerPoint explaining the details behind the status of these properties and the reasons for seeking Council action tonight.

### **Public Comment**

No one came forward to speak.

### **Council Questions**

Councilmembers asked for an explanation of which properties are still worrisome with a map. Mr. Westburg displayed a map and gave a detailed answer to Council's question.

Council also wanted to know if all of the property owners have been notified of the deadlines for avoiding eminent domain hearings. Staff gave a detailed answer.

Councilmember Hultin wanted to clarify and confirm that all of the property owners and their tenants have been clearly informed of the deadlines and consequences of going to a court hearing.



**Motion** by Councilmember Hoppe to approve Resolution 60-2020 - a resolution concerning the acquisition and acceptance of eight 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, seconded by Councilmember Urban; motion carried 7-1 with Councilmember Nosler Beck voting Nay.

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

Mr. Goff discussed the CoVid relief measures passed by the Colorado legislature recently. He explained the scope of the relief to small business and the process for applying to the state for funding. Counties can apply for the funds, and if a county does not then municipalities within that County may apply individually. Mr. Goff and other staff are closely monitoring the procedures and deadlines to make sure Wheat Ridge businesses take

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

Nothing tonight.

### **ELECTED OFFICIALS' MATTERS**

City Clerk Kirkpatrick asked that members of the public wear masks when in public and in the proximity of others.

Councilmember Nosler Beck thanked Julie Stern for her comments in respect of those experiencing homelessness. She also asked how a citizen should proceed if they have a noise ordinance complaint.

Councilmember Stites reminded people to look out for their neighbors during this cold and snowy weather.

Councilmember Hultin echoed Councilmember Nosler Beck's comment about Julie Stern's call about the homelessness. Please, apply for positions on commissions and boards even if there are no openings in your district; applications are kept on file for a year and openings occur throughout the year. She encouraged holiday shoppers to buy their gifts from local, small businesses whenever feasible to support our business community through this difficult period.

Councilmember Urban provided an update on the Wheat Ridge Business Revitalization Programs.

Councilmember Hoppe asked Mr. Goff to discuss how we will inform local businesses of their eligibility to apply for funding from the recently passed measure at the state level. She also asked that the City use every practicable medium and database of email and snail mail addresses to inform as many local businesses as possible. Mr. Goff gave a

detailed explanation on the plans to quickly inform local businesses during the short timeframe established by the State for the application process.

Councilmember Hoppe also noted what an excellent job elected officials and, especially, the staff have done for the City and its citizens during the pandemic, through their extraordinary effort and commitment. Find it and buy it in Wheat Ridge!

Mayor Starker also thanked Julie Stern for highlighting the seriousness and ongoing changes of experiencing homelessness. He recalled that our new Homeless Navigator has reported for work. He thanked those who attended Coffee with the Mayor last Saturday and announced that the next Coffee with the Mayor is set for January 11, 2021, the second Saturday in January.

Take care to drive carefully especially on snowy and icy streets.

### **ADJOURNMENT**

The meeting adjourned at 8:16 pm.



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Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON January 11, 2021



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