

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

September 27, 2021

Note: This meeting was conducted both as a virtual meeting and hybrid, where some members of the Council or City staff were physically present at the Municipal building, and some members of the public attended in person as well. All eight members of Council were present in Council Chambers for this session. Before calling the meeting to order, Mayor Starker stated the rules and procedures necessitated by this meeting format.

Mayor Starker called the Regular City Council Meeting to order at 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 Attorney, Gerald Dahl; City Manager, Patrick Goff; City Treasurer, Chris Miller; Administrative Services Director, Allison Scheck; Deputy City Clerk, Robin Eaton; Karen O'Donnell, Director of Parks and Recreation; Lauren Mikulak, Planning Supervisor; Kayla Betzold, Sustainability Coordinator; other staff, guests and interested citizens.

APPROVAL OF MINUTES

There were no minutes approved this night

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced

PROCLAMATIONS AND CEREMONIES

Mayor Starker read and presented the Proclamations and Awards

Domestic Violence Awareness Month (October)

The Proclamation reminded everyone that domestic violence impacts countless Coloradans, without regard to age, race, religion, or economic status; as victims suffer at the hands of a spouse or partner, it affects their children, families, and entire communities. Where the city and the Wheat Ridge Police Department is committed to providing assistance to victims and witnesses of crime and other traumatic events through victim assistance partnerships, awareness-related efforts, and events.

Accepting the proclamations were CEO Scott Shields and Rachel Rodriguez, both of The Family Tree. Thanking the Mayor and City of Wheat Ridge for their actions.

Breast Cancer Awareness Month (October)

The Proclamation encouraged residents of Wheat Ridge to seek early breast cancer detection, diagnosis and treatment. Where one in eight women will be diagnosed with breast cancer within their lifetime; and when breast cancer is detected early and is in the localized stage, the five-year survival rate for women is 99%. The awareness campaign is remembering those who have lost their fight against breast cancer, standing with those who remember their loved ones and continuing to support our Nation's advocates.

Accepting the award was Dr. Karng, Medical Director of Oncology Services at Lutheran Medical Center.

Sustainable Neighborhood Certification Awards

Mayor Starker announced two neighborhood awards to Applewood Village and Paramount heights who through their neighborhood accomplishments, achieved enough credits for the awards. After presentations by Sustainability Coordinator Kayla Betzold, the awards including their own street signs, were accepted by Chelsea Villaba and for Paramount Heights, whose award was accepted by Joy Opp.

PUBLIC'S RIGHT TO SPEAK

Ihor Figlus spoke about his concerns with the bulk plane building regulations, being an issue that has appeared on citizens surveys and some were disappointed when it was delayed. He would like to see it brought back as an agenda item soon, as construction has not abated, and the problem has not gone away.

Note about Wheat Ridge Speaks:

Members of the Public may visit the Wheat Ridge Speaks website and enter written comments of up to 1,000 words on any Council agenda item. The deadline for members of the public to submit comments is 12:00 Noon Mountain Time on the day of a Council session so that Council members, other elected officials and City Staff have time to review the comments before the meeting on Monday evening.

The City Clerk's Office transcribes those Wheat Ridge Speaks comments into these minutes, placing each comment along with the record for that agenda item, including items that address a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech).

I applaud the council's action and fully support the amendment which will improve the quality of life for many of us who have had to endure the actions of the few who believe it is

okay to construct so called unregulated "play structures" without regard to the impact on everyone else who lives around them. Thank you, Wheat Ridge council and members of the public for their support of this commonsense approach to improving the quality of life and maintaining the value of homes for us all in the community going forward. Having said that, it would be better to restrict the height of structures to no more than the height of a standard privacy fence (6ft). The current proposal (12ft) would still allow fully grown adults using structures to tower up to 18ft over a neighbor's yard and impact privacy and noise at all hours of the day. Thank you for your consideration.

September 27, 2021, 9:43 AM

Peter Baccarini

11065 Linda Vista Drive

Lakewood, 80215

CONSENT AGENDA

Discussion began at approximately 7:29 PM

Councilmember Hoppe introduced the consent agenda.

- a. Resolution No. 47-2021 - a resolution by the City of Wheat Ridge, Colorado in support of joining Colorado Communities for Climate Action

Issue

Colorado Communities for Climate Action (CC4CA) is a coalition of counties and municipalities advocating for strong state and federal climate policy. To become a CC4CA member, all agencies are required to pass a resolution in support of joining the program.

- b. Resolution No. 48-2021 - a resolution authorizing submittal of an application for a 2022 Colorado Parks and Wildlife Non-Motorized Trail Grant for consulting work from the Leave No Trace Center for Outdoor Ethics

Issue

The Parks and Recreation Department is applying for a Colorado Parks and Wildlife (CPW) Non-Motorized Trails grant for funding for the Leave No Trace Center for Outdoor Ethics to consult on research, analysis, and recommendations for implementing and communicating the Leave No Trace principles throughout the trails and trailheads within the Wheat Ridge Greenbelt and Lewis Meadows Open Space. A resolution of support is required from City Council to apply for this grant.

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

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Discussion began at approximately 7:33 pm

2. Council Bill No. 16-2021 - An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws regarding outdoor recreational equipment on private property (Case No. ZOA-21-02) Councilmember Stites introduced Council Bill 14-2021

Councilmember Weaver introduced Council Bill 16-2021

Issue

The zoning code in Chapter 26 of the Code of Laws includes very few regulations related to outdoor recreational equipment. City Council has determined that it is appropriate to amend the code to limit the size of private recreational equipment, particularly those which are permanent in nature. The purpose of this amendment is to allow for reasonable, common sense enjoyment of recreational equipment in residential yards.

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.

Deputy City Clerk Eaton assigned Ordinance No. 1721

Staff Presentation

Planning Supervisor Lauren Mikulak gave a brief summary of prior actions of the proposed amendment with descriptive terminology of the building code, along with the code amendment and its goals. Where the building code has explicit requirements related to pools but specifically exempts play structures from permit requirements. Section 5-76 of the municipal code amends section 105.2 of the International Building Code (IBC) and exempts certain smaller types of recreational improvements.

The zoning code (Chapter 26 of the municipal code) offers less clarity when it comes to play equipment. Historically, pools which have been subject to building permits have also been required to meet setbacks and coverage requirements; other types of recreational equipment have not been required to meet zoning requirements.

Additionally, the ordinance modifies the variance regulations making recreational equipment eligible for a variance.

Public Comment

Kathleen Baccarini owns property in Wheat Ridge, who along with her tenant, are greatly impacted from this structure and voiced her support for this ordinance. The impact, she said, is to many other people in the neighborhood as well.

Council Questions and comments

Councilmember Hultin asked about calculating variances, how those would be reviewed and the amortization schedule for existing in-ground pools. Ms. Mikulak answered with the nine criteria that are listed in code that are adhered to and how they applicant fundamentally needs to show how the rules that apply to all, need to not apply to the request for a variance.

Ms. Mikulak clarified that the dimensional standards would not apply to those types of in-ground pools.

Mayor Starker closed the public hearing.

Motion by Councilmember Weaver to approve Council Bill 16-2021 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws regarding outdoor recreational equipment on private property (Case No. ZOA-21-02, on second reading, and that it take effect 15 days after final publication, seconded by Councilmember Urban.

Discussion on the motion

Councilmembers Weaver and Stites applauded staffs work, along with the neighborhoods involvement and patience on this issue that went into changing the code.

Councilmember Hultin brought up the proposed trampolines specifically not listed as not permanent structures and thought it should be left up to the discretion of the reviewer and proposed an amendment to the motion.

Amendment to the Motion by Councilmember Hulin that in Section 3. F. 5, that the word above-ground Trampoline specifically, is stricken from the list of recreational equipment, seconded by Councilmember Weaver.

Discussion on the amendment by Councilmember Urban asking for clarity from City Attorney Dahl who responded the list of examples relates back to the first paragraph and the list may or may not be permanent. As this is not permanent, it doesn't prevent the reviewer from inferring it might be permanent or not.

Amendment to the motion carried 5-3 with Members Nosler Beck, Dozeman and Urban voting no.

Discussion on the main motion continued with Members Hoppe, Dozeman and Nosler Beck appreciating everyone's efforts but will not be supporting the measure, while Members Weaver and Urban spoke on its behalf.

Original motion carried 5-3 with Members Nosler Beck, Dozeman and Hoppe voting no

3. Council Bill No. 15-2021 - An Ordinance revising compensation for the Mayor, Councilmembers and Mayor Pro Tem

Discussion began at approximately 7:51 pm

Councilmember Nosler Beck introduced Council Bill 15-2021

Issue

As a part of the 2022 budget process, staff conducted a survey of other Colorado municipalities concerning the compensation for Mayors and Councilmembers. Survey results indicated Wheat Ridge compensation is significantly lower than neighboring communities. This ordinance increases compensation for the Mayor, Councilmembers and Mayor Pro Tem and requires that this compensation is reviewed every six years by City Council.

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.

Deputy City Clerk Eaton assigned Ordinance No. 1722

Staff Presentation

Patrick Goff, City Manager summarized the city code where it spoke on the Mayors and elected officials compensation, whose last increase was in 1997 and 2001 respectively, as well as the survey results of surrounding areas and that a consensus was reached to increase the Mayor's compensation to \$21,600 annually, Councilmember's compensation to \$14,400 annually and to provide an additional \$200 monthly stipend for the Mayor Pro Tem.

Public Comment

No one came forward to speak.

Council Questions and comments

There were no questions

Mayor Starker closed the public hearing.

Motion by Councilmember Nosler Beck to approve Council Bill 15-2021 – An Ordinance revising compensation for the Mayor, Councilmembers and Mayor Pro Tem, on second reading, and that it take effect upon adoption, seconded by Councilmember Urban, motion carried 8-0.

ORDINANCES ON FIRST READING

Discussion began at approximately 7:55 PM

4. Council Bill No. 17-2021 - An Ordinance approving the rezoning of property located at 4535 Wadsworth Boulevard from Residential-Two (R-2) to mixed use-neighborhood (MU-N) (Case No. WZ-21-05)

Councilmember Hultin introduced Council Bill 17-2021.

The applicant is requesting approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 4535 Wadsworth Boulevard. The zone change will result in a zoning that matches surrounding zoning designations, as well the character of the Wadsworth Corridor.

Motion by Councilmember Hultin to approve Council Bill No. 17-2021 - an ordinance approving the rezoning of property located at 4535 Wadsworth Boulevard from Residential-Two (R-2) to mixed use-neighborhood (MU-N) (Case No. WZ-21-05), on first reading, order it published, public hearing set for Monday, October 25, 2021 at 7:00 p.m. as a virtual meeting and in City Council Chambers if allowed to meet in person on that date per COVID-19 restrictions, and that it take effect fifteen days after final publication, seconded by Councilmember Stites, motion carried 8-0

DECISIONS, RESOLUTIONS AND MOTIONS

Discussion began at approximately 7:57 PM

5. Motion to award a contract and approve subsequent payments of \$2,784,939 to Farrington Construction for the Prospect Park Phase II Improvement Project and approve a contingency in the amount of \$200,000

Councilmember Dozeman introduced the Motion.

Issue

The award of this contract will continue the efforts to revitalize Prospect Park with the addition of several park amenities: replacement of the main picnic pavilion/shelter; re-routing of the main drive into the south parking lot; relocation of the playground, adding amenities including cornhole, horseshoe pits, and a small shelter; construction of a fishing pavilion on the northeast side of Prospect Lake; landscaping in the currently unimproved area on the north side of the park; and removal of current tennis courts with addition of lighted pickleball courts.

Staff Presentation

Karen O'Donnell, Director of Parks and Recreation presented on the issue to include the prior actions and phases, taken by City Council awarding a design contract and supplemental budget appropriation to include funding. The amount of \$2,984,939 for this project is budgeted in the Open Space and Conservation Trust Funds. The funds shall provide for all general contractor costs as identified in the bid package.

Including but not limited to any demolition, mobilization, site management, site cleanup costs. Itemized costs for structural, mechanical, and electrical considerations have been provided by the contractor. It would also help to bolster the current initiative for the increase in sustainable agriculture and food security for the Wheat Ridge community.

Public Comment

No one came forward to speak.

Council Questions

Councilmember Dozeman asked for an update on the batting cages where Ms. O'Donnell responded that the cages are in disrepair but are not part of this phase. They might be taking them down or repurposed down the road.

Councilmember Hutchinson stated that she was glad the plan included horseshoe pits, hoping they were regulation and inquired how many might be built.

Councilmember Weaver expressed her excitement as well, directed to the plans for pickleball courts.

Councilmember Nosler Beck inquired about lighting and activities in general occurring at night in the park. Ms. O'Donnell believed that pickle ball might be the only lighting in this phase of construction.

Motion by Councilmember Dozeman to approve the motion to award a contract and approve subsequent payments to Farrington Construction in the amount of \$2,784,939 for the Prospect Park Phase II Improvement Project and approve a contingency in the amount of \$200,000, seconded by Councilmember Nosler Beck, motion carried 8-0.

Mayor Starker closed the public hearing.

CITY MANAGER'S MATTERS

Mr. Goff announced that they received the concurrence from CDOT on the Wadsworth and will have a groundbreaking on October 12 at 10am. He stated that they are bringing the budget back for discussion on October 11 and you can post comments on What's up Wheat Ridge.

Also you can post comments there for the Green Project, the potential civic community space on 38th avenue regarding conceptual designs. This will be going on through October 15.

CITY ATTORNEY'S MATTERS

Nothing tonight.

ELECTED OFFICIALS' MATTERS

Deputy City Clerk Eaton spoke briefly on mail ballots being dropped off at the outdoor ballot collections boxes not needing postage but if one mailed them into the County, they would be required to pay for postage.

Councilmember Nosler Beck is really excited about the sustainable neighborhoods coming to Fruitdale

Councilmember Dozeman wanted to thank Jefferson County Open Space for hosting the trail clean-up this past Saturday. Many people posted and participated in the event and it was noticeably cleaner afterwards. She also noticed that half of the cyclist shared the trails with good cycling road manners and hopes the rest can also do so as there are many dogs, children and people using those trails as well.

Councilmember Hultin wanted to remind everyone that she is hosting a District II meeting on October 2 at the Happiness Gardens pavilion at 10am and will be joined with a communications specialist for the Wadsworth project.

She also wanted to give congratulations to the many District II businesses that won awards at the recent business awards breakfast that she attended.

Councilmember Stites attended the really awesome block party for the Applewood area and wanted to congratulate the sustainable neighborhoods of Applewood and Paramount Heights.

Councilmember Hoppe again thanked Scott and Rebecca who came in from The Family Tree tonight and mentioned that they have a virtual, how to help training on Wednesday October 27 and can go to familytree.org to attend that training. Please try to give to The Family Tree and Porchlight Justice Center if you have the means.

The Mayor congratulated all of the businesses and people who participated in the business awards and who are doing business in Wheat Ridge. He had a great time at the event, and it was his pleasure to be there. He thanked Mr. Goff and his staff for helping to put that great event on.

His last wish was for everyone to use caution and be careful driving in the city, with darkness and light changing rapidly. The children are still out playing, and people are enjoying the sunsets.

Councilmember Dozeman added that she want to congratulate Mr. and Mrs. Stites for winning business of the year for their martial arts studio. She stated it was well deserved and they had adapted and pivoted very well during the COVID crisis. This has allowed many people to have a sense of normalcy.

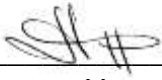
ADJOURNMENT

The meeting adjourned at 8:11 pm.



Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON October 11, 2021



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