

City Council Meeting Minutes

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

November 22, 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

Judy Hutchinson	Scott Ohm	Rachel Hultin	
Amanda Weaver	Korey Stites	Leah Dozeman	Valerie Nosler Beck

CM Hoppe was absent while traveling around the Thanksgiving holiday.

Also, present: City Clerk, Steve Kirkpatrick; City Treasurer, Chris Miller; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Director of Administration, Allison Scheck; Director of Parks & Recreation, Karen O'Donnell; Community Development Director, Ken Johnstone; Lauren Mikulak, Planning Supervisor; other staff, guests and interested Members of the Public.

APPROVAL OF MINUTES

Without objection or correction, the City Council Minutes of October 25, 2021 were approved as published.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

PROCLAMATIONS AND CEREMONIES

Mayor Starker read and presented the Proclamation

Small Business Saturday

The Proclamation recognizes the importance of local small businesses and the significant contributions they make to our local economy and community. The Mayor also highlighted that there are 31.7 million small businesses in the United States that employ 47.1% of the employees in the private sector. Christine Jensen, Lowery

Burnett, Kate Cooke (Executive Director of Local Works), and Pat Overstreet came to accept the proclamation on behalf of local businesses across the City.

PUBLIC'S RIGHT TO SPEAK

No one came forward to speak this evening.

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). No one entered comments in WR Speaks for this Council session.

1. CONSENT AGENDA

Discussion began at approximately 7:09 PM

CM Dozeman introduced the consent agenda.

- a. Motion to cancel the December 27, 2021 Regular Business Meeting of the Wheat Ridge City Council due to the Christmas holiday

Issue

The Regular City Council Business Meeting of December 27, 2021 currently does not have any scheduled agenda items. In order to provide time for City Council and Staff to spend the Christmas holiday with family and friends, it is recommended that City Council cancel this meeting.

- b. Motion to appoint CM Hultin to the Sustainable Wheat Ridge Committee

Issue

Sustainable Wheat Ridge is the City's environmental sustainability resident advisory committee. Appointing a councilmember to the committee would assist the committee in effectively advising the City of Wheat Ridge regarding environmental sustainability policies and programs.

Motion by CM Dozeman to approve Consent Agenda Items a.), and b.), Seconded by CM Stites; motion carried 7-0

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill No. 19-2021 - An Ordinance approving the rezoning of property located at 6011 W. 44th Avenue from Restricted Commercial (RC) to Mixed Use – Commercial (MU-C) (Case. No. WZ-21-07).

Discussion began at approximately 7:10 pm

CM Ohm introduced Council Bill 19-2021

Issue

The applicant is requesting approval of a zone change from Restricted Commercial (RC) to Mixed Use-Commercial (MU-C) for property located at 6011 W. 44th Avenue. The zone change will result in a zoning that more accurately reflects surrounding conditions and other nearby zoning designations.

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 Kirkpatrick assigned Ordinance No. 1726

Staff Presentation

Mr. Dahl reviewed the previous discussions and study session outputs on this item. He also questioned CM Ohm about his previous votes on this issue.

Motion by CM Hultin to approve CM Ohm's participation in this item based on his answers to Mr. Dahl's question. Second by CM Stites. Motion passed 5 – 1 with CM Dozeman voting no and CM Ohm abstaining.

Scott Cutler, Senior Planner presented that the property is located at the northwest corner of W. 44th Avenue and Harlan Street. Harlan Street is a primary north-south street and is considered a collector street by the Engineering Division. North of 44th Avenue, Harlan Street is a busy 4-lane street providing access to Interstate 70, Lakeside, and 44th Avenue. According to the Jefferson County Assessor, the property is unplatted, the parcel area measures 50,036 square feet (1.15 acres) in size, and it contains a single-story commercial building originally built in 1958 and remodeled in 1995 for a drive-thru bank. The Town of Lakeside is located to the east across Harlan Street.

The applicant is requesting the property be rezoned to MU-C, a zone district intended for commercial corridors and at community and employment activity centers. It encourages medium- to high-density mixed-use development. In addition to residential and civic uses, it allows for a range of commercial and retail uses. The MU-C zone district is more appropriate than RC in terms of allowed land uses and will expand the permitted uses on the subject property. MU-C also has more strict requirements in terms of development standards. This area is not exempted from the City Charter's height limitations, so building height even under MU-C would be consistent with the

other zones in the area: 50-foot maximum for nonresidential uses and 35-foot maximum for any building containing a residential use.

Public Comment

No one came forward to speak.

Council Questions and comments

CM Hultin asked for clarification on the meaning of conditional uses. Mr. Cutler provided a detailed answer. The CM then asked about pathways of ingress and egress to the property and the building. Mr. Cutler gave another clear answer.

CM Dozeman asked if both commercial, retail and residential uses are permitted. Mr. Cutler replied yes.

CM Dozeman asked whether there could be up to 21 residences on the property. Mr. Cutler replied yes, but noted that

Mayor Starker asked about whether the whole property could be residential, and Mr. Cutler provided a specific explanation.

Chris Student, partner in the ownership of the building answered a question from CM Dozeman about the mix of residential and commercial uses. Mr. Student replied with detailed plans for remodeling and usage plans.

Mayor Starker closed the public hearing.

Motion by CM Ohm to approve Council Bill 19-2021 – An Ordinance approving the rezoning of property located at 6011 W. 44th Avenue from Restricted Commercial (RC) to Mixed Use-Commercial (MU-C) on second reading, and that it takes effect 15 days after final publication, for the following reasons:

1. The Planning Commission has recommended approval of the rezoning after conducting a proper public hearing.
2. The proposed rezoning has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed rezoning has been found to comply with the criteria for review in Section 26-112 of the Code of Laws.

Seconded by CM Hultin; motion carries 7-0

ORDINANCES ON FIRST READING

Discussion began at approximately 7:28 PM.

3. Council Bill No. 22-2021 - An Ordinance approving the disposition of park land at Stites Park and in connection therewith authorizing an exchange of land to correct the property boundary

CM Hutchinson introduced Council Bill 22-2021.

ISSUE

Stites Park is located at the northwest corner of W. 29th Avenue and Newland Street. At the north side of the park, the playground and basketball court were constructed by the City over a 15-foot sliver of private property. At the west side of the park, the fence, constructed in partnership by the City and adjacent property owner, is located several feet off the property line and into the City-owned park. Approval of this ordinance will facilitate a land exchange between the City and the adjacent property owner to correct these discrepancies. Because this exchange involves park land, unanimous approval by the entire Council is required for the ordinance.

Motion by CM Hutchinson to approve Council Bill No. 22-2021 - an ordinance approving the disposition of park land at Stites Park and in connection therewith authorizing an exchange of land to correct the property boundary, on first reading, order it published, public hearing set for Monday, December 13, 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 15 days after final publication, seconded by CM Stites, motion carried 7-0.

4. Council Bill No. 23-2021 - An Ordinance approving the transfer of 4100 Gray Street through General Warranty Deed to the County of Jefferson, State of Colorado, in order to place a reverter on the property and return ownership to the City of Wheat Ridge through a Commissioner's Deed

CM Hultin introduced Council Bill 23-2021.

ISSUE

Following Council approval, the City of Wheat Ridge recently purchased a home at 4100 Gray Street for \$525,000, with the intent to expand the adjacent Randall Park. Staff worked with Jefferson County Open Space to seek a Land Conservation Partnership Grant in the amount of \$150,000 to assist in the purchase. As a requirement for Open Space funding, the property must be made subject to a reverter clause. The formal process requires the City of Wheat Ridge to transfer the property to Jefferson County through a General Warranty Deed. Once received, Jefferson County will return ownership to the City of Wheat Ridge through a Commissioner's Deed, imposing the reverter clause requiring that the property be used for public open space, park or recreational purposes in perpetuity.

Pursuant to the Wheat Ridge City Charter Section 16.5, the unanimous approval of the entire City Council, by ordinance, is necessary to sell or dispose of designated park land.

Motion by CM Hultin to approve Council Bill No. 23-2021 - an ordinance approving the transfer of 4100 Gray Street through General Warranty Deed to the County of Jefferson,

State of Colorado, in order to place a reverter on the property and return ownership to the City of Wheat Ridge through a Commissioner's Deed on first reading, order it published, public hearing set for Monday, December 13, 2021 at 7:00 p.m. as a virtual meeting and in City Council Chambers, if allowed to meeting in person on that date per COVID-19 restrictions, and that it take effect 15 days after final publication, seconded by CM Ohm, motion carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

Discussion began at approximately 7:33 PM

5. Resolution No. 56-2021, A Resolution amending the Fiscal Year 2021 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$187,402 for the purpose of purchasing and installing an outdoor fitness court.

CM Weaver introduced Resolution No. 56-2021.

Issue

The City received a \$30,000 grant from the National Fitness Campaign (NFC) and Colorado Parks and Recreation Association (CPRA) for an outdoor fitness court to be installed at Panorama Park. The total cost to purchase and install the fitness court is \$217,402. This resolution will amend the 2021 General Fund budget, in the amount of \$187,402, to use American Rescue Plan Act (ARPA) dollars to fund the remainder of the project.

Staff Presentation

Karen O'Donnell, Director of Parks & Recreation presented on the prior actions of her department being awarded a \$30,000 grant for an outdoor fitness court from an NFC and CPRA statewide campaign. The NFC and the City identified Panorama Park as the best location for the fitness court, based on visibility, accessibility, and connectivity.

She spoke also of the financial impacts and background where the mission of the NFC is to design healthy infrastructure for cities, to improve the quality of life for people. They partner with cities, schools, and state agencies to install fitness courts that are free to the public. The CPRA is the statewide industry association for parks and recreation and during the COVID-19 pandemic, access to Wheat Ridge Parks and Recreation along with private gym facilities, has been limited for public safety. This outdoor fitness court will provide an additional, outdoor, free-to-use option for residents to exercise.

Public Comment

No one came forward to speak on this item.

Council Questions

CM Hultin asked how the staff conducted the public input on the nature of the facility and especially its location. Ms. O'Donnell gave a specific answer. Then CM Hultin

asked for details on how the complex and large equipment will be maintained and how the public will learn about the new facility. Again, Ms. O'Donnell answered in detail.

CM Hutchinson expressed her excitement about the project.

Mayor Starker asked about the exact location of the facility, and Ms. O'Donnell replied with specifics. .

Motion by CM Hoppe to approve Resolution No. 56-2021, a resolution amending the fiscal year 2021 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$187,402 for the purpose of purchasing and installing an outdoor fitness court, seconded by CM Hutchinson; motion carried 8-0

Mayor Starker closed the public hearing.

CITY MANAGER'S MATTERS

Mr. Goff announced that Saturday, December 4th from 3:00 to 6:30 pm at the Green.

He announced a new public health order requiring masks again; he will distribute more specifics tomorrow.

CITY ATTORNEY'S MATTERS

Nothing tonight.

ELECTED OFFICIALS' MATTERS

CM Nosler Beck expressed her thanks for the opportunity to serve the City and thanked the teachers and staff at our public schools for persevering through the pandemic. Happy Thanksgiving.

CM Ohm thanked the Planning Commission for its hard work. He also asked that an item be added to a future Study Session.

CM Dozeman also expressed her gratitude for what she is thankful for.

CM Hultin asked about the details of the mask order today. She asked about the City's regulations about allowing dogs into commercial properties. Mr. Dahl agreed to research the question and inform Council.

CM Hultin also asked staff to investigate how the City might benefit from the extensive Federal money infrastructure.

CM Hultin also reminded people that this week is Small Business Saturday. Please, drive carefully during the Holiday season.

CM Stites reminded people to buy it in Wheat Ridge, especially on Small Business Saturday, November 27.

Councilmembers all wished the people of Wheat Ridge a happy Thanksgiving.

The Mayor asked us all to drive carefully during the Holiday season. He echoed CM comments about Small Business Saturday and wished everyone a happy Thanksgiving.

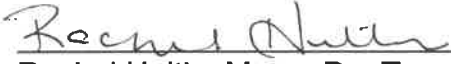
ADJOURNMENT

The meeting adjourned at 7:49 pm.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON JANUARY 24, 2022.



Rachel Hultin, 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