

# **City Council Meeting Minutes**

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

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

**February 28, 2022**

**Note:** This meeting was held virtually, using Zoom video-conferencing technology. As duly announced and publicly noticed, Council previously approved this format in order to continue with normal business. 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**

Scott Ohm                      Rachel Hultin                      Janeece Hoppe  
Amanda Weaver      Korey Stites                      Leah Dozeman                      Val Nosler Beck

Councilmember Hutchinson excused herself from this evening's meeting.

Also, present: City Clerk, Steve Kirkpatrick; City Attorney, Gerald Dahl; City Manager, Patrick Goff; City Treasurer, Chris Miller; Administrative Services Director, Allison Scheck; Police Chief, Chris Murtha; Parks and Recreation Director, Karen O'Donnell; Economic Development Manager, Steve Art; Special Assistant to the City Manager, Marianne Schilling; Senior Planner Stephanie Stephens; Steve Nguyen, Engineer; Planning Manager, Lauren Mikulak; Steve Nguyen, Engineering Manager, other staff, Gretchen Cerveney, Joyce Jay, other guests and interested citizens.

#### **APPROVAL OF MINUTES**

Without objection or correction, the City Council Minutes of February 14, 2022, and Special Study Session notes of February 14, 2022, were approved as published.

#### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

#### **PROCLAMATIONS AND CEREMONIES**

This item began at 7:02 PM.

#### **International Women's Day**

Mayor Starker read the proclamation declaring March 8, 2022, as International Women's Day in Wheat Ridge.

He welcomed Ms. Gretchen Cervený and Ms. Joyce Jay, former mayors and exemplary women leaders. The Mayor recounted a variety of their accomplishments during their terms in office.

Former Mayors Cervený and Jay thanked the Mayor and Council for the proclamation and commented on the importance of the day.

### **Women's History Month**

Mayor Starker read the proclamation declaring March 2022 as Women's History Month in Wheat Ridge. The Proclamation recounted the background of Women's History Month, how it was started and how it highlights women around the world every year.

Former Mayor Jay thanked the Mayor and Council for the proclamation and commented on the importance of the role that women have played over the years. She recounted how she was recruited to volunteer and eventually rising to the Office of Mayor.

Former Mayor Cervený echoed what Mayor Jay said. She discussed the hard work and the excitement they felt in their time in office. She thanked the Mayor and Council for these proclamations.

### **PUBLIC'S RIGHT TO SPEAK**

Public may speak on any matter not on the Agenda for a maximum of 3 minutes under Public's Right to Speak. Please speak up to be heard when directed by the Mayor.

Members of the Public who wish to speak on a Public Hearing item or Decision, Resolution, or Motion may speak when directed by the Mayor at the conclusion of the staff report for that specific agenda item.

Pat Quinn, 3975 Moore St., called to thank the Mayor and Council for the proclamations delivered tonight. He has been a member of the International Brotherhood of Electrical Workers since 1991. He explained who the members of IBEW union are and the kinds of work they do. He wants to encourage municipal staff to consider unionizing. He recalled the time when our fire fighters voted to form a union. He hopes we will support the Public Employees Bargaining bill.

Brad Cook, 3995 Ammons St., called to support the same bill. He recalled his time as a union member. He recounted examples of how workers in a non-union shop vs. a union are treated, compensated and advanced in their occupations and professions. He wants a union to attract more qualified workers and create a stable workforce.

### **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 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 address a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech).

No comments appeared in WR Speaks for this session of Council.

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### **1. CONSENT AGENDA**

Discussion began at approximately 7:18 p.m.

CM Hoppe introduced the consent agenda.

- a. Motion to cancel the March 14, 2022 Regular Meeting of the Wheat Ridge City Council

#### **Issue**

The Regular Meeting of March 14, 2022 currently does not have any scheduled agenda items. Two councilmembers, the City Manager and the Administrative Services Director will be attending the National League of Cities Congressional Conference in Washington, D.C. from March 14 to March 16. It is recommended that City Council cancel this meeting.

- b. Resolution No. 08-2022 - A resolution approving Amendment No. 2 to the contract with the Colorado Department of Transportation (CDOT) for the Improve Wadsworth Project

#### **Issue**

In 2015, the City was awarded funding through the Denver Regional Council of Governments (DRCOG) Transportation Improvement Program (TIP) to improve Wadsworth Boulevard from 35<sup>th</sup> Avenue to 48<sup>th</sup> Avenue. An agreement with CDOT to administer that funding was approved in 2015. An amendment to the original 2015 agreement was approved in 2020 to add funds from four additional funding sources to the project budget and to extend the term of the contract with CDOT to October 25, 2020.

In 2021, funds from four additional funding sources were obtained, so a second amendment is necessary to add those funds to the project budget.

- c. Motion to amend the contract for Right-of-Way Acquisition Services for the Improve Wadsworth Project with HDR Engineering, Inc., Denver, CO, for additional fees in the amount of \$151,810.54 for a total cost of \$1,804,912.82

#### **Issue**

A contract with HDR Engineering, Inc. was originally executed in 2018 and then amended in 2021 for right-of-way (ROW) acquisition services for the Improve Wadsworth Project. Due to additional tasks added to the scope of work, primarily

associated with assistance with eminent domain proceedings, a contract amendment needs to be executed to provide the funds necessary to complete the ROW acquisitions for the Project.

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

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

Discussion began at approximately 7 PM

2. Resolution No. 06-2022 – A resolution approving the First Amendment to an Enhanced Sales Tax incentive Program agreement with Applejack Wine and Spirits, LLC

CM Stites introduced the resolution.

### **Issue**

City Council approved an Enhanced Sales Tax Incentive Program (ESTIP) agreement with Applejack Wine and Spirits LLC (Applejacks) on August 10, 2020. The agreement requires the City to share 100% of the increment generated from a 3.0% tax rate for a period of 10-years or a not to exceed amount of \$990,146, whichever occurs first. The increment is all sales tax revenues above the base amount as defined in Section 4(b) of the Agreement. The base was set at \$42,417,000 in the original agreement. Applejack is requesting an amendment to the Agreement to decrease the base amount to \$41,889,587, a difference of \$527,413, to reflect actual sales for the 12-month period before the Agreement was approved by City Council.

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures.

### **Staff Presentation**

Mr. Goff spoke to the council on the issue, including the financial impact of the amendment. He recalled the purpose and return on investment of the ESTIP program. He explained the numbers and what will happen if Council approves this resolution.

### **Public Comment**

There were none who wanted to speak through the Zoom format.

### **Council Questions and comments**

Council had no further questions or comments, having reviewed this matter previously.

**Motion** by CM Stites to approve Resolution No. 06-2022 – a resolution approving the First Amendment to an Enhanced Sales Tax incentive Program agreement with Applejack Wine and Spirits, LLC., seconded by CM Hoppe, motion carried 7-0.

## **DECISIONS, RESOLUTIONS AND MOTIONS**

Discussion began at approximately 7:46 p.m.

3. Motion to amend the contract for Engineering Consulting Services for Phase II of the Improve Wadsworth Project with HDR Engineering, Inc., Denver, CO, for additional design fees in the amount of \$169,463.51 for a total contract amount of \$2,974,096.83

CM Dozeman introduced the Motion.

### **Issue**

Construction of the Improve Wadsworth Project is being completed in two phases. A contract with HDR Engineering, Inc. was originally executed in 2018 to complete the construction plans for the entire corridor. A contract amendment was done in 2020 for HDR to prepare the bid package for Phase 1 of construction from 41<sup>st</sup> Avenue to I-70. An additional amendment to the HDR contract is required to complete construction plans for Phase 2 of construction from 35<sup>th</sup> Avenue to 41<sup>st</sup> Avenue.

### **Staff Presentation**

Mark Westberg, Project Manager spoke on the history of the contract, along with the financial impact, and funding.

Due to both funding and constructability issues, the decision was made to start Phase 1 of the Improve Wadsworth Project including improvements from the I-70 ramps to just south of 41<sup>st</sup> Avenue. On December 14, 2020, Council awarded a contract amendment to HDR to repackage the construction for just Phase 1 of the project.

Staff has identified several funding sources that might be used to fund some or all of the estimated \$8 million for Phase 2 of the Improve Wadsworth Project. A discussion of those funding sources will be held with Council on April 4, 2022 in study session. Staff would like to initiate the repackaging effort prior to that April 4 study session so that the Phase 2 construction work can potentially be seamlessly added to the Phase 1 construction contract.

### **Public Comment**

No one came forward to speak.

### **Council Questions**

CM Hultin asked what the timeline will be for the plans to be completed and presented. Mr. Westberg gave a detailed answer including milestones and the current timeline.

CM Hoppe asked how this re-planning will save money and time. Mr. Westberg explained that three steps could be streamlined, and a significant portion of the costs covered by state and Federal dollars.

**Motion** by CM Dozeman to amend the contract for Engineering Consulting Services for Phase II of the Improve Wadsworth Project with HDR Engineering, Inc., Denver, CO, for additional design fees in the amount of \$169,463.51 for a total project cost of \$2,974,096.83, seconded by CM Hoppe, motion carried 7-0.

4. Resolution No. 10-2022 - A resolution approving a Memorandum of Understanding (MOU) with the Wheat Ridge Water District (WRWD) regarding the dedication of right-of-way for District facilities

CM Nosler Beck introduced the Resolution.

### **Issue**

The City has been working for several years with the Wheat Ridge Water District to replace their water mains and other facilities during the reconstruction of Wadsworth Boulevard between 38<sup>th</sup> Avenue and Interstate 70. Several of the District's facilities are located within the property that the City acquired for the overall project. This Memorandum of Understanding memorializes the City's commitment to dedicate the necessary property as right-of-way for the District's facilities.

### **Staff Presentation**

Mark Westberg, Project Supervisor described that early in the utility coordination process for the Improve Wadsworth Project, the Wheat Ridge Water District expressed interest in replacing their facilities in Wadsworth. The District was interested in both replacing the aging facilities and also increasing the size of the water mains to provide additional capacity for the anticipated growth that is and will be occurring along the Wadsworth Corridor. The Colorado Department of Transportation (CDOT) is very supportive of including the District's work in the overall project.

Including the reconstruction of the District's facilities in the overall Improve Wadsworth Project has several advantages for CDOT, the City, and the District:

- Traffic impacts of replacing the aging District facilities are less by including their work in the overall project due to having only one construction project.
- Construction coordination will be much easier with the City's general contractor supervising all the work.
- The District does not have to pay for separate construction traffic control and to remove or repair the existing pavement.
- The District avoids the cost of doing night work, since most utility work on Wadsworth is limited to just a few hours each night.

He went on to state that Denver Water has deferred the approval of the District's construction plans due to the lack of dedicated ROW for some of those facilities. While the necessary property has been acquired by the City, the property has not been turned over to CDOT as ROW along Wadsworth or has not been formally accepted by Council as ROW for the properties along City streets.

These two actions have been delayed while waiting for the last two properties to be acquired, one of which was resolved on February 10, 2022. While the last property is expected to be acquired at the end of March 2022, there is a lengthy process to prepare the documents to both turn the ROW over to CDOT and to have them accepted by City Council. Work on the District's facilities is expected to start in early April 2022, hence the need for the MOU.

This Memorandum of Understanding (MOU) memorializes the City's commitment to dedicate the necessary property as right-of-way for the District's facilities and provides the assurance that Denver Water needs to approve the District's construction plans.

### **Public Comment**

No one came forward to speak.

### **Council Questions**

Council had no questions or concerns, as they were familiar with this matter from many previous Council Study and Council Meeting sessions.

**Motion** by CM Nosler Beck to approve Resolution No. 10-2022, a resolution approving a memorandum of understanding with the Wheat Ridge Water District regarding the dedication of right-of-way for District facilities, seconded by CM Ohm, motion carried 7-0.

5. Resolution No. 11-2022 - A resolution authorizing the Mayor to execute an agreement with Jefferson County Open Space to accept trails grant in the amount of \$196,668 for Clear Creek Trail improvements

CM Hultin introduced the Resolution at about 7:36 pm.

### **Issue**

The Jefferson County Open Space Trails Partnership Program is funded by the Jefferson County Open Space tax and exists to fund trails projects in the county at either 25% of the project cost for local trails or 50% of the project cost for regional trails. The Clear Creek Trail is considered a regional trail.

The City of Wheat Ridge was awarded \$196,668 in funding through this program for two sections of the trail to be upgraded from asphalt to concrete, for repairs and improvements at the Otis St. trailhead and trail connection, and to add wayfinding signage locations, and additional safety improvement areas. To receive the funding, the

City must accept the grant award by directing the Mayor to sign the attached grant agreement.

### **Staff Presentation**

Karen O'Donnell, Parks and Recreation Director spoke of previous actions where City Council passed Resolution 42-2021 on August 23, 2021 supporting the application to this grant program.

The project is estimated to cost approximately \$393,605, with the grant award reimbursing \$196,668 (50% of the project cost). The City's 50% of the project cost (\$196,668) includes in-kind project expenses and support (valued at \$22,500) and the 10% project contingency (\$33,737) and is included in the 2022 city budget within the Open Space Fund.

The Clear Creek Trail is heavily used and highly valued by Wheat Ridge residents as a regional trail within the Jefferson County trails plan. Feedback from the bi-annual citywide resident survey and the Let's Talk Resident Engagement Program affirms this. The 2021 resident survey showed that 2/3 of respondents used the Clear Creek Trail in the last year. Each of the Let's Talk Program's focus neighborhoods to date have told the City that bicycle and pedestrian access and safety to and around the Clear Creek Trail is a top tier issue. Improving the Otis Street trailhead was a specific need identified by Leppla Manor residents, and this project would address that need.

### **Public Comment**

No one came forward to speak.

### **Council Questions**

Council had no questions or concerns, as they were familiar with the need for this formal resolution.

CM Hultin asked about signage templates selected since Council last discussed this matter. Ms. O'Donnell answered succinctly.

**Motion** by CM Hultin to approve Resolution No. 11-2022, a resolution authorizing the Mayor to execute an agreement with Jefferson County Open Space to accept a trails grant in the amount of \$196,668 for Clear Creek Trail improvements, seconded by CM Ohm, motion carried 7-0.

### **6. Motion to approve appointments to Boards and Commissions**

By tradition, Board & Commission appointments are introduced by each District's senior member and seconded by the junior member.

### **Issue**

As of March 2, 2022, the terms of twelve current Board and Commission members of the City of Wheat Ridge will expire. Additionally, there are five existing vacancies to fill



which include seats on the Planning Commission in Districts I and II, Cultural Commission in Districts II and III and Parks and Recreation Commission in District III. These positions are to be filled or re-appointed.

**Public Comment**

No one came forward to speak.

**Motion** by Councilmember Hoppe, seconded by Councilmember Hultin, as Councilmembers from District I, to appoint to District I

**Betty Jo Page** to the Board of Adjustment, term ending 3/2/25

**Morgan Richards** to the Liquor Licensing Authority, term ending 3/2/25

**Ralph Habben** to the Parks and Recreation Commission, term ending 3/2/25

**Jonathan Schelke** to the Planning Commission, term ending 3/2/25

**Jerry DiTullio** to the Planning Commission, term ending 3/2/24

Motion carried by CM Hoppe seconded by CM Stites, approved 7-0

**Motion** by Councilmember Hultin, seconded by Councilmember Ohm, as Councilmembers from District II, to appoint to District II

**Thomas Burney** to the Board of Adjustment, term ending 3/2/25

**Vacant** to the Board of Adjustment, term ending 3/2/25

**Jason McCollough** to the Building Code Advisory Board, term ending 3/2/25

**Beth Kelley** to the Cultural Commission, term ending 3/2/24

**Rocco Germano** to the Liquor Licensing Authority, term ending 3/2/25

**Julianne Stern** to the Planning Commission, term ending 3/2/25

Motion by CM Hultin, seconded by CM Ohm carried 7-0.

**Motion** by Councilmember Stites, seconded by Councilmember Weaver, as Councilmembers from District III, to appoint to District III:

**Teresa Linders** to the Cultural Commission, term ending 3/2/23

**Lenny Ortiz** to the Liquor Licensing Authority, term ending 3/2/25

**Catherine Rooney** to the Parks and Recreation Commission, term ending 3/2/24

**Melissa Antol** to the Planning Commission, term ending 3/2/25

**William (Will) Kerns** to the Planning Commission, term ending 3/2/25

Motion by CM Stites, seconded by CM Weaver, motion carried 7-0.

**Motion** by Councilmember Dozeman, seconded by Councilmember Nosler Beck, as Councilmembers from District IV, to appoint to District IV:

**Cynthia (Cindy) Shaw** to the Liquor Licensing Authority, term ending 3/2/25

Motion carried 7-0

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

Mr. Goff deferred until after the Special Study Session to follow this meeting tonight.

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

Nothing tonight.

### **ELECTED OFFICIALS' MATTERS**

CM Stites and CM Weaver held a nice, productive meeting recently with residents from across the City. Please, take care of your neighbors during bad weather.

CM Weaver underscored CM Stites comments.

CM Hoppe reported on the one-year anniversary since the Family Justice Center opened. She thanked the local restaurants for catering the food. She also announced an opening on the Liquor Authority, which occurred when Mr. DiTullio was appointed tonight to the Planning Commission.

CM Nosler Beck reported that holding a public meeting at the Rec Center fosters more attendance. She thanked all who applied for the seats on the Boards and Commissions. She also announced some forthcoming absences as she travels with her family.

CM Hultin expressed her gratitude for the two former mayors attending tonight, and for their groundbreaking efforts that led to our current Council with six women sitting on the Council. She also thanked the people who have applied to serve on boards and commissions, and she acknowledged their thousands of hours of volunteer work and how it improves the quality of life in Wheat Ridge. We have been getting a lot of snowfall in the past few weeks. Residents have done a good job of clearing sidewalks. Businesses, however, are impacting the disabled by piling snow from their parking lots onto sidewalks. She urged businesses to remember to avoid piling snow from their premises onto public sidewalks, and to remove the snow may still be there.

CM Ohm thanked CM Dozeman and Weaver for attending the event at Wheat Ridge Lanes. He also recently visited Grammys Goodies and Styles and Crate and lauded these local small businesses. Anyone interested might look into a book called *The Poetics of Cities*, Author: Mike Greenburg.

CM Dozeman thanked residents for attending the 44<sup>th</sup> Avenue Subarea Plan public meeting. She recently attended some public meetings, including an event to highlight our businesses at the bowling lanes at 26<sup>th</sup>. and Kipling.

Mayor Starker expressed his honor and pride in issuing the two proclamations about women and their contributions to our world and City. He thanked the staff who attended tonight. He also thanked those who volunteered to serve on our Boards and Commissions. He thanked CM Hoppe for serving on the Porchlight Board of Directors and supporting the survivors of domestic violence.

Coffee with the Mayor will be at Vignola's Italian Deli on 38<sup>th</sup> Avenue on Saturday, March 12 at 9:00 am. This meeting will be in person. Watch for pedestrians, especially children, as you drive in the early morning and in the hours after school dismisses.

**ADJOURNMENT TO SPECIAL STUDY SESSION**

The meeting adjourned at 8:03 pm.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON March 28, 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.