

City Council Meeting Minutes

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

April 25, 2022

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. 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	Janeece Hoppe
Amanda Weaver	Korey Stites	Leah Dozeman	Val Nosler Beck

Also, present: City Clerk, Steve Kirkpatrick; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Administrative Services Director, Allison Scheck; Director of Community Development, Ken Johnstone; Police Chief, Chris Murtha; Parks and Recreation Director, Karen O'Donnell; Senior Planners Stephanie Stephens and Scott other staff, guests and interested citizens.

APPROVAL OF MINUTES

Without objection or correction, the City Council minutes of March 28, 2022, April 11, 2022, and Study Session notes of April 4, 2022, were approved as published.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

PROCLAMATIONS AND CEREMONIES

This item began at 7:03 PM.

Law Day

Mayor Starker read the proclamation declaring May 1, 2022, as Law Day, where we honor the professional men and women who work in this critical function. Judge Christopher Randall accepted the proclamation on behalf of his professional peers and other attorneys who serve the general public and ensure that we are a nation of laws, not of men and women.

Professional Municipal Clerks Week

Mayor Starker read the proclamation declaring the week of May 1-7 as Professional Municipal Clerks Week in Wheat Ridge. The proclamation highlighted the key role and essential services the clerks of all types make possible.

City Clerk Steve Kirkpatrick accepted the proclamation on behalf of himself and Mr. Robin Eaton, Deputy City Clerk.

Public Service Appreciation Week

Mayor Starker proclaimed the week of May 1-7, 2022 as Public Service Appreciation Week. Where the dedicated employees and volunteers of Wheat Ridge are an integral part of improving the quality of life in our City by being responsive to the needs of residents and businesses, and by supporting City services, thus making Wheat Ridge a special place to live, work and play.

Three City staffers accepted the proclamation and responded with appreciation on behalf of their departments and their co-workers across the City.

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.

No one came forward to speak tonight.

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).

This space is a poor choice for building 11 condominiums because the only access in and out is onto the already busy and congested intersection of 32nd and Wadsworth. Car and bus traffic is regularly backed up.

April 25, 2022, 11:00 AM

Louise Treff-Gangler

7335 West 33rd Avenue
Wheat Ridge, 800033

As a nearby homeowner, I support the "Judy" development proposal, as well as the adjacent formerly approved StoryBuilt development, on 38th Avenue. I believe fresh development in that area will significantly improve ongoing problems we have experienced at and near the site of vandalism including breakage and graffiti, unsightly property neglect, and homeless encampments. I have communicated with the development team and believe the development will be of good quality and improve the safety and landscaping of the immediate area. Thank you.

April 23, 2022, 9:11 AM

T. Keyes

5730 W. 39th Place Wheat Ridge, 80212

1. CONSENT AGENDA

Discussion began at approximately 7:13 p.m.

CM Stites introduced the consent agenda.

- a. Motion to award the 2022 Slurry Seal Project to A-1 Chip Seal Company of Denver, Colorado and approve subsequent payments in the amount of \$269,392.65, with a contingency amount of \$13,469.00 for a total not to exceed amount of \$282,861.65

Issue

The 2022 slurry seal project consists of slurry seal treatments to pre-determined residential streets in the city. Bid Alternate 1 is for Miller Street north of the I-70 Frontage Road. Bid Alternate 2 is for pre-determined residential streets bounded by 35th Avenue to 38th Avenue and Johnson Street to Garrison Street.

Bids were opened on March 24, 2022 and two (2) were received. Staff recommends the lowest responsive bidder, A-1 Chip Seal Company of Denver, Colorado be awarded the contract for the Base Bid amount of \$223,212.76 and Bid Alternates 1 and 2 in the amount of \$46,179.89 for a total bid amount of \$269,392.65, plus a contingency of \$13,469.00.

- b. Motion to award the 2022 Street Paint Project to RoadSafe Traffic Systems, Inc. of Englewood, Colorado and approve subsequent payments in the amount of \$263,480, with a contingency amount of \$13,174 for a total not to exceed amount of \$276,654s

Issue

The 2022 Street Paint Project consists of painting pre-determined streets in the city. The base bid is for various sections of 32nd Avenue between Sheridan Blvd. and

Youngfield Street. Bid Alternate 2 is for Miller Street north of 50th Avenue. Bid Alternate 3 is to re-stripe the skip lines on 44th Avenue between Dover Street and Wadsworth Blvd. Bid Alternate 4 is for 44th Avenue west of Youngfield Street.

Bids were opened on March 29, 2022, and three (3) were received. Staff recommends the lowest responsive bidder, RoadSafe Traffic Systems, Inc. of Englewood, Colorado be awarded the contract for the Base Bid amount of \$208,821 and Bid Alternates 2, 3 and 4 in the amount of \$54,659 for a total bid amount of \$263,480, plus a contingency of \$13,174.

- c. Resolution No. 22-2022 - a resolution amending the Fiscal Year 2022 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$71,500 for Metro Denver Homeless Initiative Flex Fund, PorchLight Family Justice Center and Community Table

Issue

Per City Council's direction, the City will contribute funds to support non-profit organizations whose demand for services has increased due to the COVID-19 pandemic using increased general fund reserves from American Rescue Plan Act (ARPA) funding.

- d. Resolution No. 24-2022 - a resolution amending the Fiscal Year 2022 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$50,500 for the addition of one full-time Human Resources Business Partner

Issue

Due to the level of recruiting, policy work and employee needs, work for the City's Human Resources division has increased to an unsustainable level. The addition of a full-time Human Resources Business Partner is necessary to help meet the organization's needs and retain current staff.

- e. Motion to award a contract and approve subsequent payment of \$101,778.30 to OfficeScapes for the purchase and installation of office furniture for the 7490 W 45th Avenue building lease

Issue

The City is in the process of finalizing a lease for a building located at 7490 W 45th Avenue in Wheat Ridge for additional office space. The lease of the building does not include furniture; therefore, furniture must be purchased to furnish the office space and lobby.

- f. Motion to approve the purchase of the tandem equipment upfit from Holman Upfitting Truck Services of Colorado Springs, Colorado in a total amount not to exceed \$158,374

Issue

The Public Works Department is proposing purchase of various snow and ice control equipment, dump body, lighting, hydraulics, and options to be installed on the new tandem cab and chassis approved by the City Council in January of this year. The total expense of the various equipment, lighting, hydraulics, and options is not to exceed \$158,374.

Motion by CM Stites to approve Consent Agenda Items a.), b.), c.), d.), e.), and f.)
Seconded by CM Weaver, motion carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Discussion began at approximately 7:16 PM

2. Council Bill No. 02-2022 - An Ordinance approving the rezoning of property located at 7585 W. 32nd Avenue from Restricted-Commercial (R-C) to Planned Residential Development (PRD).

CM Hoppe introduced Council Bill 02-2022

Issue

The applicant is requesting approval of a zone change from Restricted-Commercial (R-C) to Planned Residential Development (PRD) with approval of an Outline Development Plan (ODP) for the development of fourteen single-family attached homes at 7585 W. 32nd Avenue. The zone change is compatible with surrounding land uses, provides for housing options, and encourages improvement of the underutilized property.

Mayor Starker announced that pursuant to Section 26-112 C. (7) (b.) of the City of Wheat Ridge Code of Laws, that a protest has been submitted after first reading of the ordinance, and therefore the hearing shall be opened with no testimony taken and shall thereupon automatically be continued to the next regular business meeting of the council.

The public hearing on this item will now occur on Monday, May 9th, 2022, during the next regular meeting of City Council.

(Public notice of this change and the new date and time will be published and posted.)

3. Council Bill No. 03-2022 - An Ordinance approving the rezoning of property located at 4877 Robb Street from Agricultural-One (A-1) to Planned Commercial Development (PCD)

CM Dozeman introduced Council Bill 03-2022

Issue

The applicant is requesting approval of a zone change from Agricultural-One (A-1) to Planned Commercial Development (PCD) with approval of an Outline Development

Plan (ODP) for the development of a tree service business at 4877 Robb Street. The zone change is compatible with the area and allows for an appropriate transition from surrounding land uses while encouraging investment in a long-vacant lot.

Mayor Starker opened the public hearing.

The Mayor reviewed the procedures.

There were none who wanted to speak, neither in person nor through the Zoom format.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1733

Staff Presentation

Stephanie Stevens and Scott Cutler, Senior Planners spoke to the council on the issue. The Planning Commission reviewed this request at a public hearing held on March 17, 2022 and recommended approval by a vote of 7 to 0. The staff report with the proposed ODP, and a copy of the Planning Commission minutes, are attached for reference and made a part of the public record.

Ms. Stephens and Mr. Cutler spoke about how the property is located on the west side of Robb Street between I-70 Frontage Road N and approximately W. 50th Avenue at 4877 Robb Street. I-70 is located nearby to the south, while the City's boundary with the City of Arvada is located just to the north at approximately W. 50th Avenue.

The property consists of two parcels. The site is unplatted and totals 150,108 square feet (3.446 acres) in area. It is presently vacant unimproved land. Both the Wadsworth and Swadley Ditches run overland through this site, with a significant grade change in the northwest corner of the site north of the Swadley Ditch (approximately 30 feet of grade change).

A representative of the applicant gave a brief presentation on their behalf, describing how the occupants of this commercial property will use the space for their tree growing, arborist service and lumber processing businesses.

Public Comment

No one came forward to speak.

Council Questions and comments

Councilmembers asked several detailed questions about options for zoning this property, which staff and the applicant Staff answered in detail.

CM Hoppe asked technical questions about the proposed zoning change and use of the property.

CM Weaver asked about the adequacy of the space and parking for the planned uses.

CM Hultin asked about sidewalks and gutters, which staff explained are part of the plan.

Mayor Starker closed the public hearing.

Motion by CM Dozeman to approve Council Bill No. 03-2022 - an ordinance approving the rezoning of property located at 4877 Robb Street from Agricultural-One (A-1) to Planned Commercial Development (PCD) 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.

Motion seconded by CM Nosler Beck; discussion of the motion ensued.

The motion carried 8-0.

4. Resolution No. 21-2022 – A resolution approving a major subdivision at 5807-5823 W. 38th Avenue in the Mixed Use – Neighborhood (MU-N) zone district)

CM Ohm introduced the resolution.

Mayor Starker opened the public hearing and reviewed the procedures.

Issue

The applicant is requesting approval of a major subdivision on property located at 5807-5823 W. 38th Avenue. The purpose of the request is to subdivide the property into 30 total lots to accommodate one (1) commercial lot, 29 townhome lots, and a common area tract. The plat is required to divide the property, allowing each townhome in the development to be owned separately.

Staff Presentation

Senior Planner Scott Cutler spoke briefly to the council on the issue including the financial impact, background, and other key components of the subdivision. Those included:

- Lot Configuration
- Public Improvements
- Easements

Public Comment

No one came forward to speak about this item. There were none who wanted to speak through the Zoom format.

Council Questions and comments

CM Hoppe asked about the footprint of the existing building on the site vs. the footprint of the proposed building. The applicant answered that the new footprint will be smaller. CM Hoppe asked for other details, which the applicant provided.

The Mayor asked a question about the zoning of nearby properties, which Mr. Cutler answered.

CM Hultin asked about the timeline for developing the property and the sequence of the development plans. Staff gave as much detail as is available at present.

Motion by CM Ohm to approve Resolution No. 21-2022 – a resolution approving a major subdivision at 5807-5823 W. 38th Avenue in the Mixed Use – Neighborhood (MU-N) zone district 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. All agencies can provide services to the property with improvements installed at the developer's expense.
4. The requirements of Article IV (Subdivision Regulations) of the zoning and development code have been met.

Seconded by CM Hultin, motion carried 8-0.

ORDINANCES ON FIRST READING

5. Council Bill No. 04-2022 – An Ordinance approving the rezoning of property located at 4501 Wadsworth Boulevard from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N)

CM Hultin introduced Council Bill 04-2022 at 7:50 pm.

Issue

The applicant is requesting approval of a zone change from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) for property located at 4501 Wadsworth Boulevard. The zone change will result in a zoning that more accurately reflects surrounding conditions and other nearby zoning designations.

Motion by CM Hultin to approve Council Bill 04-2022 an ordinance approving the rezoning of property located at 4501 Wadsworth Boulevard from Restricted Commercial (RC) to Mixed Use-Neighborhood (MU-N) on first reading, order it published, public hearing set for Monday, May 23, 2022 at 7 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 Ohm; motion carried 8-0.

6. Council Bill No. 05-2022 – An Ordinance amending Section 26-615 of the Wheat Ridge Code of Laws concerning small cell CMRS facilities

CM Weaver introduced Council Bill 05-2022 at 7:54 pm.

Issue

Since 2017, Colorado state law has required that local jurisdictions allow small cell facilities in all zone districts and in right-of-way. Staff has processed a handful of applications since then. This ordinance is proposed to update regulations in response to recent public concerns and based on lessons learned over the last 5 years.

Motion by CM Weaver to approve Council Bill 05-2022 - an ordinance amending Section 26-615 of the Wheat Ridge Code of Laws concerning small cell CMRS facilities, on first reading, order it published, public hearing set for Monday, May 23, 2022 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 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

None tonight.

CITY MANAGER'S MATTERS

The Parks and Rec Department is applying for a grant which requires a letter of support from Council. Council was agreeable and **approved a Consensus** to direct staff to prepare the appropriate letter.

Chief Murtha began by thanking all who expressed their support for Officer Allan Fisher, who is recovering from a knife assault while on duty.

The Chief then reported on recent violent criminal activity in Wheat Ridge and the Department's response to these atypical incidents. He discussed the investigation results to date.

CITY ATTORNEY'S MATTERS

Nothing tonight.

ELECTED OFFICIALS' MATTERS

CM Nosler Beck thanked our teachers and students for a great year despite the exigencies we all faced. There will be day camp enrichment opportunities this summer at Anderson Park, so reach out and join the fun!

CM Hultin reminded residents to keep their dogs on a leash, as she has seen too many of these pets wandering about off-leash.

CM Hultin also thanked our public servants on the staff for making Wheat Ridge such a great place to live. She also noted that again none of the Councilmembers or staff have disposable water bottles at tonight's meeting, in support of Earth Day.

CM Ohm thanked the employees from Applejacks for their recent volunteer efforts. He and CM Dozeman attended the Jeffco Thrive 2025 event recently. He also asked that two items be considered for future Study Sessions. The first is a request to study updating our Triangle of Sight code to align with surrounding municipalities. The second request concerned a review of our code related to irrigation conservation. CM Ohm believes that our recent droughts and mega-droughts are like to continue for the foreseeable future and the City needs to consider conserving water resources.

CM Weaver gave a "shout out" to our public service people, for their excellent work. She also congratulated the Parks team for an excellent tree sale.

CM Dozeman updated on progress with the planning for the Carnation Festival. She announced a youth camp during the festival to help families attend the Festival. This is a new and unique chance. Registration for vendors is now open at carnationfestival.org.

CM Hutchinson congratulated the Denver Nuggets for finally winning a game in their playoff series against Golden State; it was exciting and a relief to see our team win.

CM Stites urged families to find summer camp opportunities for all their children. He also reminded us that if we can find it in Wheat Ridge then buy it in Wheat Ridge!

Mayor Starker thanked the Parks and Rec staff for their excellent and well received tree sale.

Please, drive carefully and be especially aware of our children.

ADJOURNMENT

The meeting adjourned at 8:17 pm.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON May 9, 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.