

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

August 22, 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 7:01 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	Valerie Nosler Beck

Also, present: City Manager, Patrick Goff; City Attorney Gerald Dahl; City Clerk, Steve Kirkpatrick; Chief of Police, Chris Murtha; Director of Parks and Recreation, Karen O'Donnell; Project Manager Lauren Mikulak; Assistant to the City Manager, Marianne Schilling, other staff, Executive Director of Localworks, Paige Piper; guests and interested citizens.

APPROVAL OF MINUTES

The Study Session Notes of August 1, 2022, and August 15, 2022, along with City Council Minutes of July 11, 2022, and July 25, 2022 plus the Special Study Session minutes of July 25, 2022 were approved as published, with minor corrections for the Notes from August 15, 2022.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

PROCLAMATIONS AND CEREMONIES

2022 National Hispanic Heritage Month Proclamation

Mayor Starker read the Proclamation designating September 15 to October 15, 2022, as National Hispanic Heritage month where Hispanic Americans have contributed greatly to our nation in all areas including science, art, music, sports, education, and public service; and have bravely served their country in large numbers in times of peace, war and in every way in our nation's history.

Diana Lopez and Alicia Valdez, members of the WR Race and Equity Task Force, accepted the Proclamation on behalf of the 21% of Wheat Ridge residents who self-identify as Hispanic, LatinA or Latinx, and all those who acknowledge the contributions of Hispanic Americans, who come from throughout Latin America, the Iberian Peninsula and from among the indigenous First Nation peoples.

2022 National Suicide Prevention Awareness Month Proclamation

Mayor Starker proclaimed the week of September 4-10, 2022, National Suicide Prevention Week, in conjunction with National Suicide Prevention Month, is an annual week-long campaign in the United States to inform and engage health professionals and the general public about suicide prevention and warning signs of suicide. Julie DiTullio with the Jefferson Center attended to accept the proclamation and comment on the critical role suicide prevention plays in enhancing our quality of life and the mental health of us all. All of us are the right persons to help prevent suicide by listening and finding professional services for those in need.

PUBLIC'S RIGHT TO SPEAK

A. First Opportunity for Public input on the 2023 Budget.

Issue

Development of the 2023 budget is underway. An important phase of this process is inviting the public to provide input to City Council prior to the presentation of the 2023 proposed budget. This public input opportunity is the first of two; the second opportunity for public input will be during the regular City Council meeting on Monday, September 26, 2022. Members of the public are also able to provide input via the City's community engagement platform at www.WhatsUpWheatRidge.com

Franklin Salazar (no address given) came to comment on a project on which he is working here in Wheat Ridge. Others have said that his project is too political. He distributed handouts with details and drawings to all CM and the Mayor. The Planning Commission has advised him and his group that his proposed project represents a change of character for the site, and he seeks clarification of that and other terms.

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.

1. **CONSENT AGENDA**

CM Hultin introduced the consent agenda.

- a. Resolution No. 34-2022 – a resolution demonstrating City Council's support of an application to the Jefferson County Open Space Trails Partnership Program for the Tabor Lake Trail design-build project

Issue

Jefferson County Open Space manages the Trails Partnership Program, which 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. This project funding application is for the design and construction of a stable, accessible, safe trail around Tabor Lake with connections to the Clear Creek Trail and 44th Avenue. The Clear Creek Trail is considered a regional trail, and therefore this project likely qualifies as a regional project.

- b. Motion to approve payment to Xcel Energy in the amount of \$188,253.92 to underground the existing overhead electric lines to allow for the construction of the Wheat Ridge Ward Station pedestrian bridge.

Issue

In order to construct the pedestrian bridge over the G-Line tracks, the City needs Xcel Energy to underground the existing overhead electric lines in the vicinity of the proposed bridge. Xcel requires a deposit for the estimated cost of the undergrounding work prior to beginning the design. Since the amount is over \$75,000, Council needs to approve the payment.

- c. Resolution No. 35-2022 – a resolution amending the Fiscal Year 2022 Capital Improvement Program Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$7,260,000 for phase 1 of the Improve Wadsworth Project.

Issue

The City executed a contract with Concrete Works of Colorado in the amount of \$36.5 million on August 23, 2021, to construct Phase 1 of the Improve Wadsworth Project. The anticipated completion date of the project is in the fall of 2023. The 2022 Capital Improvement Program (CIP) Budget includes \$16.5 million for work to be completed in 2022. It is anticipated more work will be completed on the project than anticipated or budgeted for in Fiscal Year 2022. Therefore, a supplemental budget appropriation in the amount of \$7,260,000 is required to keep the project moving forward.

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

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill No. 16-2022 - An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the implementation of a residential bulk plane development standard.

CM Hoppe introduced Council Bill 16-2022

Issue

Currently, bulk plane regulations apply only to detached single-unit homes in the R-1C and R-3 zone districts. This ordinance expands the applicability of bulk plane to all R-series residential zone districts. The purpose of this change is to achieve community goals related to neighborhood compatibility and to address resident concerns related to the height and massing of new two- and three-story homes and additions.

Mayor Starker opened the public hearing.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1746.

Staff Presentation

Planning Manager Lauren Mikulak presented the background on the Bulk plane where it is measured at 15' above the property line and a 45-degree angle. Bulk plane currently applies only to detached single-unit homes in the R-1C and R-3 zone districts where it applies to new homes, additions, and accessory structures. Additionally, bulk plane

applies to all new detached accessory dwelling units which became effective on August 15, 2022.

Ms. Mikulak also spoke on how the of the R-series residential zone districts, including R-1, R-1A, R-1B, R-1C, R-2, R-2A, R-3, and R-3A. This is accomplished through the revision and addition of specific footnotes and text to Article II of the zoning code thereby amending the development standards for each residential zone district.

The Mayor reviewed the procedures for public comments.

Public Comment

No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

Council Questions and comments

CM Ohm indicated his support for this item.

Mayor Starker asked detailed questions about the geometric implementation of the bulk plane rules.

Mayor Starker closed the public hearing.

CM Hoppe commented on the history of bulk plane discussions and previous decisions to delay this Ordinance change. She is delighted that tonight Council can move this code change forward after so many delays.

CM Hultin thanked staff and her peers for their support for this item, and now is the time to address this building code ordinance.

Motion by CM Hoppe to approve Council Bill No. 16-2021 - an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the implementation of a residential bulk plane development standard, on second reading, and that it take effect 15 days after final publication, seconded by CM Ohm, motion carried 8-0.

ORDINANCES ON FIRST READING

3. Council Bill No. 17-2022 – An Ordinance amending Section 21-30 of the Wheat Ridge Code of Laws concerning performance warranty and guarantee for work in public rights-of-way

CM Ohm introduced Council Bill 17-2022

Issue

Chapter 21 of the Code of Laws, entitled Streets and Sidewalks, regulates all construction and operation in public rights-of-way (ROW). The Chapter was comprehensively revised in 2020. This ordinance amends the required warranty period for public improvements from three years to two years. This is sufficient for the City's needs and is consistent with the requirements of many other Denver area cities.

Motion by CM Ohm to approve Council Bill 17-2022, an ordinance amending Section 21-30 of the Wheat Ridge Code of Laws concerning performance warranty and guarantee for work in public rights-of way, on first reading, ordered in published, public hearing set for Monday, September 12, 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

4. Motion to award a contract and subsequent payments to David Evans and Associates, Denver, CO, in an amount not to exceed \$863,264 for professional services to complete the construction plans and specifications for 32nd and Youngfield Street bicycle, pedestrian and aesthetic improvements.

CM Weaver introduced the Motion.

Issue

David Evans and Associates (DEA) was contracted to design a concept plan of aesthetic improvements along the Youngfield Street corridor, between roughly 28th and 40th. The work is complete, and a new contract is needed to proceed to the next phase to start the final design of the corridor aesthetic improvements and prepare construction plans and specifications. The work will also include design documents for bike, pedestrian and aesthetic improvements for the 32nd Avenue underpass of I-70. The design work and subsequent construction is being funded by the Renewal Wheat Ridge bond

Staff Presentation

Mr. Goff introduced the proposed action. He gave a detailed summary of the project, other sources of funding and plans for the project, using multimedia.

Project Supervisor Mark Westberg and Project Manager Jordan Jeffries presented on the item to include the financial impact, where funding in the amount of \$5 million is committed for this project in the Renewal Wheat Ridge Bond Fund. The proposed fee for these services is \$863,264 and is included in the 2023 budget.

Mr. Jeffries also spoke on how the Youngfield Street corridor, on either side of the I-70/32nd Avenue interchange, serves as a major entryway to the City at a major

commercial node. This area is undergoing major redevelopment with the Clear Creek Crossing development on the west side of I-70 and redevelopment of the existing Applewood center on the east side. This corridor has been viewed for years as unattractive. The west side of Youngfield Street is within CDOT ROW and is generally not well maintained with no existing aesthetic elements.

Mayor Starker reviewed the procedures for public comment. No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

Public Comment

No one came forward to speak.

Council Questions and Comments

CM Hultin asked about detailed plans for the 32nd. Ave and I-70 exit/interchange. She enquired about bike lanes, safety of design and traffic flow, especially cycling lanes. Staff responded that the plans would include addressing these issues.

CM Ohm asked if the pricing for this project is like the fee others would have bid, since this is a sole source purchase. Staff explained their reasons for letting this contract as a sole source. He also asked whether there will be discussions of a bike lane traversing 32nd. and Youngfield, especially underneath I-70. Staff spoke to their plans to include these concerns in the planning and construction of this project.

CM Weaver added her support to the same concerns other CM expressed.

CM Stites supported other CM comments, and expressed his support for careful attention to safety, traffic flow and bicyclists needs.

Motion by CM Weaver to award a contract and subsequent payments to David Evans and Associates, Denver, CO, in an amount not to exceed \$863,264 for professional services to complete the construction plans and specifications for 32nd and Youngfield Street Bicycle, Pedestrian, and Aesthetic Improvements, seconded by CM Stites, motion carried 8-0.

5. Motion to approve an amendment to a contract with Short Elliot Hendrickson, Inc., Denver, CO, and subsequent payments, for an additional amount not to exceed \$120,823.08 for a total of \$713,682.02 for professional services to complete the construction plans and specifications for Wheat Ridge Ward Station pedestrian bridge, plazas, and trail improvements

CM Dozeman introduced the Motion.

Issue

Short Elliot Hendrickson, Inc. (SEH) was contracted to perform design services for the pedestrian bridge, plazas, and trail improvements at the Wheat Ridge · Ward Station area in 2019 that were then suspended in 2020 to divert funding to the Clear Creek Crossing access ramp project. An amendment was executed in early 2022 to restart the project, using Renewal Wheat Ridge bond funding. The Jefferson County Subregional Forum approved funding for this project in early August and the DRCOG Board is expected to award the funding in late September. Because this additional funding is from the federal government, an amendment to task order #5 of the contract with SEH needs to be approved for the additional tasks related to completing this project following the federal process

Staff Presentation

Project Supervisor Mark Westberg gave a brief presentation summarizing the prior actions, and financial impact with the proposed fee for the additional services resulting from federalizing the project is \$120,823.08 and is included in the 2022 Renewal Wheat Ridge Bond Projects Fund. The federal grant that has been requested towards the construction costs is \$8.3 million. The right-of-way (ROW) consultant and acquisition costs will also increase, estimated at \$1 million, due the project now being required to follow the federal process.

Included were the background with the pedestrian bridge, plazas, and trail improvement projects at the Wheat Ridge · Ward Station area were restarted in early 2022 after receiving funding from the Renewal Wheat Ridge I-70 Kipling Bond Fund.

The conceptual design for the pedestrian bridge, plazas, and trail improvements projects has been completed and is available for viewing on the City's website. The conceptual designs have also been reviewed by RTD.

Mayor Starker reviewed the procedures for public comment where no citizens appeared in chambers to address this issue.

Public Comment

No one came forward to speak neither in person nor on the zoom format.

Council Questions

CM Hultin lauded the staff's efforts in both planning and funding. Wheat Ridge has an amazing staff that work hard for all residents and visitors.

CM Ohm echoed earlier comments and mentioned the pedestrian bridge in specific as an important safety addition.

Motion by CM Dozeman to approve an amendment to a contract with Short Elliot Hendrickson, Inc., Denver, CO, and subsequent payments, for an additional amount not-to-exceed \$120,823.08 for a total of \$713,682.02 for professional services to complete the construction plans and specifications for the Wheat Ridge · Ward Station pedestrian bridge, plazas, and trail improvements, seconded by CM Hoppe, motion carried 8-0.

6. Motion to approve an amendment to a contract with HDR, Inc., Denver, CO, and subsequent payments, for an additional amount not to exceed \$58,311.84 for a total of \$175,022.15 for property acquisition services for Wheat Ridge Ward Station pedestrian bridge, plazas, and trail improvements

CM Nosler Beck introduced the Motion

Issue

HDR was contracted to perform property acquisition services for the pedestrian bridge, plazas, and trail improvements at the Wheat Ridge · Ward Station area in 2019 that were then suspended in 2020 to divert funding to the Clear Creek Crossing access ramp project. An amendment was executed in early 2022 to restart the project, using Renewal Wheat Ridge bond funding. The Jeffco Subregional Forum approved funding for this project in early August and the DRCOG Board is expected to award the funding in late September. Because this additional funding is from the federal government, an amendment to task order #2 of the contract with HDR needs to be approved for the additional tasks related to completing this project following the federal process

Staff Presentation

Project Supervisor Mark Westberg spoke briefly on the item where the pedestrian bridge, plazas, and trail improvement projects at the Wheat Ridge · Ward Station area were restarted in early 2022 after receiving funding from the Renewal Wheat Ridge I-70 Kipling bond fund.

Mr. Westberg also spoke of the biggest impact of federalizing the ROW process is that fair market value must be paid for all acquisitions. Previously, staff had hoped to negotiate no-cost permanent easements for the trail in exchange for maintaining the steep slope along the trail. Since the acquisition process to obtain a permanent easement is the same as obtaining the property and the fair market value of a permanent easement is often nearly the same cost of just obtaining the property, the parcels needed for the trail will be purchased versus just getting a permanent easement.

The property acquisition for the pedestrian bridge, plazas, and trail improvements projects was about to be restarted with the revisions to the conceptual plans being completed. However, that process will be delayed until after the grant has been awarded on September 21, 2022, by the DRCOG Board.

Mayor Starker reviewed the procedures for public comment and no citizens appeared in chambers or in the virtual format to address this issue.

Public Comment

No one came forward to speak.

Council Questions

CM Hoppe emphasized her support for the proposed item, especially the sidewalk plans.

Motion by CM Nosler Beck to approve an amendment to a contract with HDR, Inc, Denver, CO, and subsequent payments, for an additional amount not-to-exceed \$58,311.84 for a total of \$175,022.15 for property acquisition services for the Wheat Ridge Ward Station pedestrian bridge, plazas, and trail improvements, seconded by CM Dozeman, motion carried 8-0.

7. Resolution No. 36-2022 - A Resolution amending the Fiscal Year 2022 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$20,000 for the purpose of providing a contribution to the Wheat Ridge Community Coalition for Education

CM Hutchinson introduced Resolution 36-2022

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. This supplemental budget appropriation will provide \$20,000 in funding to the Community Coalition for Education to support students and families impacted by the pandemic

Staff Presentation

City Manager Patrick Goff gave a brief background on the item at which he spoke of the discussion of April 4 where the City will receive a total of \$7,873,279.72 in funds from ARPA to address the impacts of the pandemic. The City received the first 50% of its allocation in June 2021 and received the remaining \$3.9 million in June 2022. The purpose of the funding is to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, even amid declines in revenue, and

- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

U.S. Treasury Department guidance will allow the City to accept its full allocation as a contribution towards “lost revenue,” which enables the City to appropriate the funding for general government services. This funding therefore increases the General Fund unrestricted fund balance meaning there is no negative financial impact when Council appropriates these funds for uses as directed at the April 4, 2022 Study Session

Mayor Starker reviewed the procedures for public comment.

Public Comment

No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

Council Questions

CM Nosler Beck commented on the needs that schools have, especially following CoVid. These Kindness Closets, which sometimes are just a clipboard, and sometimes an actual closet, or a whole classroom. The coalition referenced here will also be helping bring more resources like this to our schools.

CM Stites reported that the recent decentralization of the Kindness Closet effort has made and will make a great difference, especially for our students and families.

CM Nosler Beck thanked CM Hoppe for her leadership and mentorship.

CM Hultin commented that this kind of resource has much better impact when it is located in the schools vs. a central location.

CM Stites thanked CM Hoppe and CM Nosler Beck for their hard work and leadership on this project.

Motion by CM Hutchinson to approve Resolution No. 36-2022 - a resolution amending the Fiscal Year 2022 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$20,000 for the purpose of providing a contribution to the Wheat Ridge Community Coalition for Education, seconded by CM Nosler Beck. The motion carried 8-0

8. Resolution No. 37-2022 - A Resolution amending the Fiscal Year 2022 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$11,159 for the purpose of accepting the 2022-23 Edward Byrne Justice Assistance Grant

CM Stites introduced Resolution 37-2022.

Issue

The Police Department received an Edward Byrne Justice Assistance Grant (JAG) award for \$11,159 from the Department of Justice, Office of Justice Programs. The Police Department plans to use the grant to cover overtime costs associated with targeted efforts to reduce crime within the I-70 and Kipling corridor and to provide resources for those experiencing homelessness in this area. Grant requirements include advising City Council of the award as well as seeking input from community members on the proposed use of the grant funds.

Staff Presentation

Police Chief Chris Murtha gave a brief background on the item where he reported that the JAG funds are specifically designated for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice and criminal justice related research and evaluation activities that improve or enhance:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Drug treatment and enforcement programs
- Planning, evaluation, and technology improvement programs
- Crime victim and witness programs (other than compensation)

The department cannot use the grant funding to replace or supplant nonfederal funds which have been secured for the same purpose. JAG funds cannot be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety.

Mayor Starker reviewed the procedures for public comment.

Public Comment

No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

Council Questions

There were none.

Motion by CM Stites to approve Resolution No. 37-2022 - a resolution amending the Fiscal Year 2022 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$11,159 for the purpose of accepting the 2022-23 Edward Byrne Justice Assistance Grant, seconded by CM Hutchinson, the motion carried 8-0.

CITY MANAGER'S MATTERS

Mr. Goff described the Pops with Cops program this Thursday, at Clancy's from 5 to 7 pm. Caesar Square is having their Grand Re-Opening on August 30 at 1 pm.

While the WR Rec Center is closed for maintenance, the outdoor pool is open.

CITY ATTORNEY'S MATTERS

None

ELECTED OFFICIALS' MATTERS

CM Nosler Beck and Dozeman will have a community meeting for District IV to discuss the 44th Ave Subplan on August 29th from 6 pm until approximately 8 pm.

CM Stites announced that he and CM Weaver will hold a District III meeting on September 17 in Louise Turner Park with a dumpster as usual. The dumpster will open at 8 am and the meeting will begin at 9 am. If you can find it in Wheat Ridge, buy it in Wheat Ridge.

CM Dozeman announced a District IV meeting, next Monday, August 29, as CM Nosler Beck also announced.

CM Ohm reminded everyone that applications for the "Doctor COG" Civic Academy will close this Friday, August 26, at 5 pm.

CM Weaver commented on the varmints that have infested WR and asked that residents not use poisons to control them, because there are other means to control varmint populations. Poisons filter into our water supply and poison animals that feed on these nuisance critters, especially raptors and wild canines.

CM Hoppe commented on services for victims of domestic violence provided by Porch Light Family Justice Center, where she sits on the Board. She described a cooperative effort among Porch Light and twenty other service agencies and non-profits, to provide those who need these service ways to gain easy access. This cooperative effort helps those applying for help to undergo the intake process once, vs. the prior system that made these folks repeat their stories to different agencies multiple times. On Thursday, August 25, please, patronize 240 Union either at lunch or dinner because the restaurant is contributing proceeds from the event to the Porch Light Family Justice Center.


CM Hultin thanked the speakers who came tonight. The speakers who accepted the proclamations brought to light important issues. She took the bus home this evening and found that the bus stops along Wadsworth during construction are dangerous, even terrorizing, or inaccessible. She observed disabled persons on the NE corner of Wadsworth and 44th Ave. who had difficulties just moving to the bus stop. She asked for more safety measures.

She also announced an effort to engage our community in a discussion of housing. The Deep Dive Club will sponsor a session on September 7, at New Image Brewing from 7 to 9 pm. The title of the session is, "So, Housing Going?"

Mayor Starker spoke about the 3-week hiatus; our next session in 3 weeks. Please, drive carefully now that schools are open.

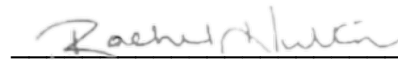
ADJOURNMENT

The meeting adjourned at 8:20 pm.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON September 12, 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.

Steve Kirkpatrick

City Clerk

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