

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

April 10, 2023

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 6:30 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL OF MEMBERS

Judy Hutchinson Scott Ohm Janeece Hoppe
Amanda Weaver Korey Stites Valerie Nosler Beck

CM Rachel Hultin and Leah Dozeman, both excused themselves due to illness.

Also, present: City Attorney Gerald Dahl (virtually); City Clerk, Steve Kirkpatrick (virtually); Chief of Police, Chris Murtha; Deputy City Manager, Allison Scheck; Director of Comm. Development, Lauren Mikulak; Assistant City Manager, Marianne Schilling, Director of Parks and Recreation, Karen O'Donnell; Mary Hester, Sustainability Coordinator; Jeff Streeter, Executive Director, JeffCom 911; other staff, guests and interested citizens.

APPROVAL OF MINUTES

The Study Session Notes of March 6, 2023 and City Council Meeting Minutes of March 13, 2023 were approved as published.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced

PROCLAMATIONS AND CEREMONIES

National Animal Control Week

The City of Wheat Ridge recognized the Animal Care and Control personnel providing essential community functions by enforcing Animal Control laws, protecting the public from diseases such as rabies, and educating the public on the proper care of community pets. Team Leader Phil Schroder of the WR PD Community Service accepted the recognition and thanked the Mayor and Council for their gratitude.

National Crime Victims' Rights Week

Mayor Starker spoke how the victims' rights movement has resulted in the passage of laws at the local, state, and federal levels that established essential rights for victims. Wheat Ridge Detective Sherry Ellis accepted the Proclamation and thanked the Mayor and Council. She described the traumatic recovery process that victims face, requiring courage and perseverance. WRPD takes pride in their role in this process.

National Telecommunicators Week

Mayor Starker proclaimed to recognize National Public Safety Telecommunicators Week 2023 and to honor the service of the 118 men and women who respond to emergency calls, dispatch emergency professionals and equipment, and render life-saving assistance to the citizens of Wheat Ridge. Jeff Streeter, Executive Director, JeffCom 911 services accepted the proclamation on behalf of his agency and the 911 operators who save lives, limbs and property daily with the services they provide.

Arbor Day/Earth Day

Mayor Starker spoke how all people, regardless of race, gender, income, or geography, have a right to a healthy, sustainable environment with economic growth and opportunity that we are all caretakers of our planet and have an obligation to combat climate change and environmental degradation to preserve the Earth's beauty and resources. Mary Hester accepted the Proclamation from Mayor Starker.

PUBLIC'S RIGHT TO SPEAK

Maranda Thompson, 645 Parfet St., Lakewood came to address the first item on the Special Study Session agenda tonight. She opposes the proposed policies and ordinance related to Drug Paraphernalia that the WR PD is proposing. She presented data and analysis to support her position, that addressing only those who inject drugs, will do more harm than good. The proposed amendment should not pass.

Maxwell Johnson, commented as the supervisor of the group to which the former speaker referred. He emphasized that their agency addresses the needs of all drug users in WR, not just those who inject but also to the entire population. He too thinks that the proposed ordinance will create more problems than it solves.

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 Wheat Ridge Speaks for this session.

1. CONSENT AGENDA

CM Hoppe introduced the consent agenda.

- a. Resolution No. 11-2023 – a resolution approving an IGA agreement among the City of Lakewood, the City of Wheat Ridge, and the West Metro Fire Protection District for the use and maintenance of a shared radio communications system

Issue

This Agreement sets forth rights and responsibilities regarding ownership and utilization of the radio system jointly owned and shared by the City of Lakewood (Lakewood), City of Wheat Ridge (Wheat Ridge), and the West Metro Fire Protection District (WMFPD). The agreement also addresses radio system maintenance, as well as individual agency equipment maintenance services and costs, provided by Lakewood's Radio Communications Division.

- b. Resolution No. 12-2023 - a resolution amending the 2023 Fiscal Year General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$18,584 to accept a grant from the Colorado Automobile Theft Prevention Authority

Issue

The Department of Public Safety, Colorado Automobile Theft Prevention Authority (CATPA), is providing a grant to the City to assist in preventing thefts of catalytic converters. In 2023, CATPA awarded the Wheat Ridge Police Department \$18,584 to be used to mark and register catalytic converters.

- c. Resolution No. 13-2023 – a resolution amending the 2023 Fiscal Year General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$84,382 for the purpose of accepting a grant from the Colorado Division of Criminal Justice Fentanyl Accountability and Prevention Grant Program

Issue

The Colorado Division of Justice (DOJ) awards police departments grant funds to be used for law enforcement purposes. In 2023, the DOJ, as part of the Fentanyl Accountability and Prevention Grant Program, awarded the Wheat Ridge Police Department \$84,382 to be used for supplies, technology, and travel for the purpose of investigating deaths and injury caused by illegal synthetic opiate poisoning and disrupting synthetic opiate supplies.

- d. Motion Resolution No. 14-2023 – a resolution amending the 2023 Fiscal Year General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$66,296 for the purpose of awarding a contract in the amount of \$162,295.31 and approving subsequent payments to TerraCare Associates, LLC for right-of-way maintenance services.

Issue

This request is for approval of the annual right-of-way (ROW) maintenance service contract. The City currently contracts annually for mowing, weed prevention and mitigation, and trash pickup in various right-of-way areas. TerraCare was selected by the review team at the conclusion of a formal bid process for a contract in the not-to-exceed amount of \$162,295.31. Only \$96,000 was included in the 2023 budget; therefore, a supplemental budget appropriation in the amount of \$66,296 is required.

- e. Resolution No. 15-2023 – a resolution amending the 2023 Fiscal Year Public Art Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$8,000 for the purpose of awarding a contract in the amount of \$475,000 and approving subsequent payments to COR4 Studios for Wadsworth public art

Issue

Utilizing the process defined in the Public Art Management Plan, Council approved the selection of Cor4 Studios (formerly JCAS Studios) for the public art associated with the Improve Wadsworth Project in November 2022. This resolution will award a contract to Cor4 Studios and appropriate an additional \$8,000 from the Public Art Fund required to fund the \$475,000 contract.

- f. Resolution No. 16-2023 – a resolution authorizing community financial support as a match for a Transportation Alternatives Program Grant application for improvements to the Clear Creek Trail

Issue

The Transportation Alternatives Program (TAP) provides funding through CDOT for local transportation alternatives to driving at 80% of the project cost. The Parks and Recreation Department proposes to apply to this program for concrete replacement throughout segments of the Clear Creek Trail to improve the Trail to the 10-foot wide standard, add crusher fines shoulders where feasible, and add a Creekside Park/Marshall St. connection.

- g. Resolution No. 17-2023 – a resolution approving a contract with the Colorado Department of Transportation for maintenance of traffic signals

Issue

Three traffic signals at the I-70/32nd Avenue interchange are owned by the Colorado Department of Transportation (CDOT). CDOT and the city have previously entered into 5-year agreements for the city to operate and maintain these signals. The current agreement expires on June 30, 2023. The city will be compensated annually by CDOT for the maintenance activities.

- h. Motion approving an amendment to the temporary site lease agreement with T-Mobile West, LLC

Issue

In June of 2022, City Council approved a lease agreement and a temporary site lease agreement with T-Mobile West, LLC. In January of 2023, staff returned to Council to update the commencement date on the lease agreement due to supply chain issues. The same date also needs to be adjusted in the temporary site lease agreement. We are requesting a motion to make that simple date adjustment.

- i. Motion approving an amendment to the temporary site lease agreement with Verizon Wireless

Issue

In June of 2022, City Council approved a lease agreement and a temporary site lease agreement with Verizon Wireless. In January of 2023, staff returned to Council to update the commencement date on the lease agreement due to supply chain issues. The same date also needs to be adjusted in the temporary site lease agreement. We are requesting a motion to make that simple date adjustment.

- j. Resolution No. 18-2023 – a resolution approving IGA's with Jefferson County concerning ballot box use at Wheat Ridge City Hall, Anderson Park, and Prospect Park

Issue

The City of Wheat Ridge has three Jefferson County ballot box locations on City property: Wheat Ridge City Hall, Anderson Park, and Prospect Park. These locations provide convenient locations for residents to drop off completed ballots. The City has Intergovernmental Agreements (IGAs) in place with Jefferson County for each location. This request for approval includes a new IGA for the City Hall location and amendments to the existing IGAs for Anderson Park and Prospect Park.

- k. Resolution No. 19-2023 – a resolution amending the Fiscal year 2023 General Fund budget to reflect approval of a supplemental budget appropriation in the amount of \$8,766 to fund the Safety Program

Issue

The City recently received an unexpected dividend refund from the City's workers' compensation insurance provider, Pinnacol Assurance in the amount of \$8,766. In 2023, the City hired its first Risk Management Coordinator, and that employee is increasing the Safety Committee programming and providing a much more robust overall risk management program. To fund some new activities, staff would like to offset expenses with the Pinnacol Assurance dividend and put those funds to good use through increased risk management programming.

Motion by CM Hoppe to approve Consent Agenda Items a.), b.), c.), d.), e.), f.), g.), h.), i.), j.), and k.) seconded by CM Ohm, motion carried 6-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

There were none tonight

ORDINANCES ON FIRST READING

2. Council Bill No. 07-2023 – an ordinance approving the rezoning of property located at 7890 W. 38th Avenue from Residential-Two (R-2) to Mixed-Use-Neighborhood (MU-N)

CM Weaver introduced Council Bill 07-2023

Issue

The applicant is requesting approval of a zone change from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) for property located at 7890 W. 38th Avenue. The zone change will result in a zoning that allows for neighborhood serving uses and provides a transitional buffer between the existing residential uses and commercial uses.

Motion by CM Weaver to approve Council Bill 07-2023, an ordinance approving the rezoning of property located at 7890 W. 38th Avenue from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N) on first reading, order it published, public hearing set for Monday, May 8, 2023, at 6:30 p.m. as a virtual meeting and in City Council Chambers and that it takes effect 15 days after final publication, seconded by CM Hoppe, motion carried 6-0.

DECISIONS, RESOLUTIONS AND MOTIONS

3. Motion to award the 2023 bridge repair project on Youngfield Street over Clear Creek to TechCon Infrastructure, LLC of Denver, Colorado, and approve subsequent payments in the amount of \$469,911, with a contingency amount of \$46,991, for a total not to exceed the amount of \$516,902

CM Nosler Beck introduced the Motion.

Issue

The 2023 Bridge Repair Project will perform critical maintenance to the Youngfield Bridge over Clear Creek. This work will not modify the structure or add any features such as sidewalks. Four bids were received for this work in response to an Invitation to Bid. Staff recommends awarding a contract to the lowest responsive bidder, TechCon Infrastructure, LLC. of Denver, Colorado in the amount of \$469,91 plus a staff-managed contingency of \$46,991 for a total not-to-exceed amount of \$516,902.

Staff Presentation

Director of Public Works, Maria D'Andrea gave a brief presentation, summarizing how the city owns and maintains 11 bridges. These are inspected every three years by the Colorado Department of Transportation (CDOT) which provides a report showing deficiencies and maintenance needs. This specific bridge was last rated in 2021 and showed the need to address deterioration of the bridge joints and one of the pier caps as well as address scour mitigation around one of the bridge piers. The project will add expansion devices to the existing bridge to increase durability. Currently, there are no expansion devices, so the asphalt at the beginning and end of the bridge is cracking, allowing water to seep through to the abutment. In order to prevent this, approach slabs with sleeper slabs are being constructed to accommodate expansion devices.

Public Comment

No one came forward to speak.

Council Questions and comments

None on this item, having thoroughly reviewed it previously,

Motion by CM Nosler Beck to award the 2023 Bridge Repair Project and approve subsequent payments to TechCon Infrastructure, LLC in the amount of \$469,911, with a contingency amount of \$46,911 for a total not to exceed amount of \$516,902, seconded by MPT Stites, motion carried 6-0.

4. Resolution No. 20-2023 – a resolution in opposition to statewide land use and zoning preemptions in Senate Bill 23-213 unless amended to address local concerns

MPT Stites introduced Resolution 20-2023

Issue

The State of Colorado has committed both in statute and in state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it. Senate Bill 23-213 would place statewide mandates on local land use matters and substitute the judgement of legislators and state regulators who lack the understanding needed to make the right decisions for Wheat Ridge. SB 23-213 will undermine long-range planning efforts and will severely

limit the City's ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners.

Staff Presentation

City Manager Patrick Goff presented to council that while Wheat Ridge supports efforts to address housing affordability and has already implemented many of the concepts advanced in the bill including accessory dwelling units, transit-oriented development, and increased densities on commercial corridors. In addition, the City adopted an Affordable Housing Strategy and Action Plan on January 9, 2023 as a guiding document to address housing affordability in Wheat Ridge. As recommended in this Plan, the City has created a housing fund with a dedicated revenue source to preserve affordable housing units in Wheat Ridge and stood by to answer questions.

Public Comment

No one came forward to speak.

Council Questions and comments

MPT Stites asked the Mayor to report on the details he could comment or opine about from the legislative committee hearing he attended last week. His Honor gave a lengthy and detailed answer.

CM Nosler Beck commented that has heard from people familiar with the matter that a number of amendments to the initial draft of the bill are under consideration. Later she asked that Council receive weekly updates on the course of SB 23-213. She indicated she will support the proposed resolution.

Motion by MPT Stites to approve Resolution No. 20-2023, a resolution in opposition to statewide land use and zoning preemptions in Senate Bill 23-213 unless amended to address local concerns, seconded by CM Hutchinson, motion carried 6-0.

During the discussion of the motion, CM Hoppe read into the record a statement she sent on behalf of Wheat Ridge to our legislators.

CM Ohm and MPT Stites both indicated that they support the resolution for a number of reasons based on provisions in the initial bill that Council opposes.

CITY MANAGER'S MATTERS

Mr. Goff deferred until after the Special Study Session.

CITY ATTORNEY'S MATTERS

None.

ELECTED OFFICIALS' MATTERS

CM Ohm reported several complaints from residents regarding the sound of gunfire from a shooting range (indoor) located in District II. He asked that staff investigate the noise level and act if the law allows or requires it. Mr. Goff agreed to keep CM Ohm informed of the outcomes.

CM Nosler Beck announced that on May 10 from 5 to 7 pm there will be a celebration of Wilmore Davis School's contributions to our City in the 50 years since it opened as the school prepares to close next month.

CM Hutchinson announced that the program formerly called the 9News Health Fair is now 365 Health, and it continues to offer a great opportunity for people to get diagnostic help and sound referrals for healthcare.

CM Weaver commented on the significance of the efforts among those who received Proclamations this evening, especially the WR PD Community Services Team and their excellent and innovative work.


MPT Stites recognized the Applewood Sustainable Neighborhood for their ongoing work and several successful events already this year. He asked us to remember if you can find it in WR, buy it in WR.

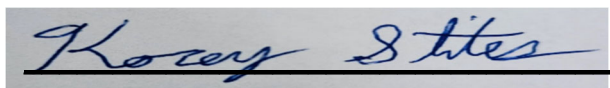
Mayor Starker reported how much he enjoyed the recent City sponsored Easter Egg Hunt and thanked the staff who conducted the event for their hard work. Many families, especially those with young children, attended and a good time was had by all, especially the children.

ADJOURNMENT to SPECIAL STUDY SESSION

The meeting adjourned at 7:42 pm.

APPROVED BY CITY COUNCIL ON April 24, 2023.



Steve Kirkpatrick, City Clerk

Korey Stites, 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.