

# **City Council Meeting Minutes**

CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING

**May 8, 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 6:31 p.m.

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

### **ROLL CALL OF MEMBERS**

Scott Ohm            Rachel Hultin            Amanda Weaver            Korey Stites

Leah Dozeman (at 6:40 pm)            Valerie Nosler Beck

CM Hutchinson and Janeece Hoppe excused themselves this evening.

Also, present: City Attorney Gerald Dahl; City Clerk, Steve Kirkpatrick; Chief of Police, Chris Murtha; Officer Alan Fisher, Officer Kylie Fisher; WR PD; Director of Comm. Development, Lauren Mikulak; Assistant City Manager, Marianne Schilling, Director of Parks and Recreation, Karen O'Donnell, Director of Public Works, Maria D'Andrea; other staff, guests and interested citizens.

### **APPROVAL OF MINUTES**

The Study Session Notes of April 17, 2023 and City Council Minutes of April 24, 2023 were approved as published

### **APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

### **PROCLAMATIONS AND CEREMONIES**

#### **National Police Week (May 14 - May 20) and National Peace Officers Memorial Day (May 15)**

Mayor Starker read a proclamation declaring May 15 as National Peace Officers Memorial Day, and the week of May 10-16 as National Police Week. Officer Alan Fischer, who was the victim of life-threatening attack while on duty on April 13, 2022 acknowledged and accepted the proclamation on behalf of entire City of Wheat Ridge Police force. He commented on how the people of Wheat Ridge show strong support for our police force and how much the sworn officers appreciate that support.

## **National Public Works Week – May 21 to May 27**

Mayor Starker proclaimed the week of May 22-27, 2023 National Public Works Week

Director of Public Works Maria D'Andrea responded with appreciative comments on behalf of the department. A number of the staff attended the session to accept the proclamation's gratitude for their dedication, professionalism and service.

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

Patrick Quinn, 3995 Moore St., came to recognize the WRPD for their recent engagement with the citizens in the academy that they offered recently. He thoroughly and completely enjoyed the experience and expressed his unreserved support for our force.

Brett Kelley, 4095 Cody St. - Heard about some enforcement activities with respect to tree safety. He sees some inconsistencies in the enforcement of the safety triangle at intersections and the homeowners' duty to trim foliage that blocks the triangle. He expects more equality and fairness in the enforcement of these requirements going forward than we see today.

Alma Carrillo, a staffer with Representative Brittany Pettersen's office, called to invite her constituents to contact her office whenever the Congressmember might be of help.

#### **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).

One comment appeared in WR Speaks for tonight's session:

Alma Carrillo · May 8, 2023 · 11:24am Hello, My name is Alma Carrillo. I am a representative from Congresswoman Pettersen's office. If you have any issues with a Federal Agency please reach out to our office. Our number is (303) 274- 7944. Or drop by at 550 S Wadsworth Blvd. Suite 400. Thank you! Address: 550 S Wadsworth Blvd. Suite 400. Lakewood, 80226.

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

1. Council Bill No. 07-2023 – An Ordinance approving the rezoning of property located at 7890 W. 38<sup>th</sup> 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.

Mayor Starker opened the public hearing following the staff presentation and ordered that that presentation be included in the public record. Without objections, it was so ordered.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1759.

## **Staff Presentation**

Planner I Alayna Olivas-Loera gave a detailed presentation which included the background where the property is located on the southeast corner of W. 38th Avenue and Allison Street. The property is zoned Residential-Two (R-2) and is situated as a transitional site between a commercial district and residential neighborhood. Adjacent properties to the west are also zoned R-2 and include single-unit and duplex homes in a well-established neighborhood. On all other sides of the subject property are higher intensity uses. The site is wrapped to the south and east by a Planned Commercial Development (PCD) which includes a 4-story office building. Additional commercial uses are located further east, and across 38th Avenue to the north are medical office buildings and the Wilmore Center.

Other items included but were not limited to:

- Current Zoning: The current zone district, R-2, is a legacy zone district dating back to 1972 and was established to provide high quality, safe, quiet and stable low to moderate-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the residential character.
- Proposed Zoning: The applicant has stated they believe the zone change would enable them to bring an invaluable and much needed service to the community, quality childcare, and that the ability to utilize the property and existing structure would allow them to improve the site and increase curb appeal.

Ms. Olivas-Loera finished by saying that these MU-N properties can serve as a transition zone as properties gradually get smaller in size, and this property has the ability to serve the same transitional purpose. MU-N zoning is appropriate for this segment and particularly on this property given its size and its location and can act as a transition between the commercial uses immediately to the east, as well as the uses on Wadsworth Boulevard, and the neighborhood to the west.

Afterwards she stood by to answer any questions.

## **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 asked for clarification of who will be notified of these changes and how.

**Motion** by CM Weaver to approve Council Bill No. 07-2023 - an ordinance approving the rezoning of property located at 7890 W. 38<sup>th</sup> Avenue from Residential-Two (R-2) to Mixed Use-Neighborhood (MU-N), on second reading, and that it takes effect 15 days 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 review criteria in Section 26-112 of the Code of Laws

Seconded by MPT Stites, motion carried 6-0.

CM Nosler Beck expressed her support for this Ordinance.

CM Dozeman recounted the history of the property. She also supports this proposed Ordinance.

2. Council Bill No. 08-2023 – An Ordinance amending Section 26-115.e of the Wheat Ridge Code of Laws concerning requests for interpretation by the Board of Adjustment.

CM Nosler Beck introduced Council Bill 08-2023

## **Issue**

The proposed ordinance exempts deed-restricted affordable dwelling units from the parkland dedication or fee-in-lieu requirement established by Section 26-414 of the subdivision code. It also adds a definition of deed-restricted affordable dwelling units to Section 26-123 of the code.

Mayor Starker opened the public hearing.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1760.

## **Staff Presentation**

Senior Planner, Scott Cutler presented to council where the current subdivision code parkland dedication requirements were established by Section 26-414 in 2014 and are

applied to all new residential projects within the City. Developers are either required to dedicate public parkland on site or pay a fee-in-lieu of dedication. Since most sites would only have small or impractical dedications, most developers are required to pay the fee-in-lieu.

He stated that there are no exemptions or fee waivers for deed-restricted affordable housing projects, which are defined as units that have agreements recorded against the property limiting the rent or sales price of that unit based on income. For example, a 50-unit affordable housing apartment building would be required to pay \$101,081 under the current model, which is added to overall permit fees.

After his presentation, he stood by to answer questions.

### **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 Hultin asked detailed questions of staff and the City Attorney regarding definitions of some of the terms and how residents will navigate through the process. Staff and Mr. Dahl gave a specific answer.

**Motion** by CM Nosler Beck to approve Council Bill No. 08-2023 - an ordinance amending Article IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning requirements for dedication of public parks and sites and making conforming amendments therewith, on second reading and that it take effect immediately upon adoption, seconded by CM Ohm, motion carried 6-0

3. Council Bill No. 09-2023 – An Ordinance approving the transfer of municipally-owned properties along Wadsworth Boulevard and from adjacent streets between 35th Avenue and Interstate 70 to the Colorado Department of Transportation, on second reading, and that it takes effect upon adoption.

CM Hultin introduced Council Bill 09-2023

### **Issue**

Wadsworth Boulevard is a state highway that is owned and maintained by the Colorado Department of Transportation (CDOT). The City has completed the right-of-way acquisition process for the Improve Wadsworth project. The next step is for Council to approve the disposal or transfer of right-of-way to CDOT by ordinance.

Mayor Starker opened the public hearing.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1761.

## **Staff Presentation**

Project Supervisor, Mark Westberg reviewed the background on this item where council discussed this subject in Study Session on September 21, 2020, staff updated Council in a study session on the status of the ROW acquisitions, including eleven (11) properties which had either stalled in negotiations or were trending towards stalled negotiations. Settlements were eventually reached on nine (9) of the properties.

The remaining two properties continued through the eminent domain process with the filings being made on the first property in November 2020. The trial for that property was held in early February 2022 with the City's valuation of the acquisition being upheld and no additional funds being awarded for damages.

The filings for the other property were made in February 2021 with that trial originally scheduled for late March 2022. While preparing for the trial, a mediation conference was held in mid-March 2022 during which the parties reached a mutual agreement on the acquisition cost.

Mr. Westberg finished by stating that in order to simplify the transfer, a single deed has been prepared that includes the existing CDOT ROW and most of the acquired ROW along with the existing City ROW that will be transferred to CDOT. CDOT has reviewed the documents, has approved the form, and is awaiting this action by the City to accept the ROW that is being transferred to them.

## **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**

Having recently studied this issue in Study Session, CM had no questions or comments.

Motion by CM Hultin to approve Council Bill No. 09-2023 - an ordinance approving the transfer of municipally-owned properties along Wadsworth Boulevard and from adjacent streets between 35th Avenue and Interstate 70 to the Colorado Department of Transportation, on second reading, with an amendment to say, in the fourth line of the motion adding, in Section 1, "as shown on the attached exhibit," and that it takes effect upon adoption, seconded by MPT Stites, motion carried 6-0.

During discussion of the motion CM Nosler Beck asked for assurance that safe crossings for school children be maintained throughout planning and construction.

- 4. Resolution No. 23-2023 – A Resolution approving a major subdivision at 4600 Kipling Street in the Mixed-Use-Commercial (MU-C) zone district**

CM Dozeman introduced Resolution 23-2023.

## **Issue**

The applicant is requesting approval of a major subdivision on property zoned Mixed Use – Commercial (MU-C) and located at 4600 Kipling Street, which consists of the vacant land at the northeast corner of W. 44th Avenue and Kipling Street. The purpose is to subdivide the property into two blocks and to plat two new public streets

## **Staff Presentation**

Senior Planner, Scott Cutler presented to council the prior actions and background on the issue where in 2015, City Council approved a rezoning of the 12.5-acre property to MU-C, a zone district intended for major commercial corridors which encourages medium to high density mixed-use development. The site is part of a “mega block” that is bounded by Kipling Street on the west, W. 44th Avenue on the south, Independence Street on the east, and the I-70 Frontage Road on the north. The City approved a Concept Plan for this site in January 2021, which is a requirement of the mixed-use code for sites over 10 acres.

The proposed subdivision plat divides the site into two blocks in accordance with the Concept Plan. Two new full-width public streets are being dedicated, which is why this application is considered a major subdivision. The two new streets, W. 45th Place and Jellison Street were requested to provide the start of a street grid within the mega-block and to provide high-quality public access into this large site.

Mr. Cutler wrapped up by stating that Right-of-way dedications will also be required along Kipling Street and W. 44<sup>th</sup> Avenue for this subdivision to allow the construction of public improvements along both frontages. Future streetscapes will consist of detached sidewalks, landscaped amenity zones, and street lighting. There are no sidewalks on Kipling Street currently, and a narrow, attached sidewalk along 44<sup>th</sup> Avenue; the subdivision allows the City to assess right-of-way conditions and require public improvements.

## **Public Comment**

Randy Kettelsen, 9950-9890 48<sup>th</sup> Avenue West, Owner of Kettelsen Campers in Wheat Ridge. As a neighboring property owner, he came to seek reassurances that his business will be not get locked out of access for ingress, egress, sewer, water and other necessary functions.

## **Council Questions and comments**

CM Hultin thanked the speakers for their presentation. Then she asked some detailed questions about the site: sidewalks, trails along 32<sup>nd</sup> to 44<sup>th</sup> Avenues. She also asked about the status of a bus stop operated by RTD along the same right of way. Mr. Westberg gave detailed answers, including the City cooperation with RTD. She also expressed concerns about the potential congestion of pedestrian, cyclist and vehicular traffic; Mr. Westberg answered again.

CM Weaver asked further questions about street dead ends and connectivity using public access. Mr. Cutler called upon Jim Shipman, consultant on this project, who gave a detailed answer, including where utility connections will be placed.

CM Dozeman asked whether the site plans would be administrative or come back to Council. Mr. Cutler indicated it will be administrative procedures.

Mayor Starker asked who would pay for the construction of additional streets in the event of future construction. Mr. Cutler gave a detailed answer.

**Motion** by CM Dozeman to approve Resolution No. 23-2023, a resolution approving a major subdivision at 4600 Kipling Street in the Mixed Use – Commercial (MU-C) zone district for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Sections 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. The subdivision plat has been found in compliance with the subdivision regulations in Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer's expense.

And with the following conditions:

- A Subdivision Improvement Agreement shall be required to be recorded with the plat, outlining the developer's and owner's current and future obligations to construct public and on-site improvements to allow development to proceed.
- Future plats shall be required to create the necessary on-site easements within each block, to be coordinated with future development.

Seconded by CM Nosler Beck, motion carried 6-0.

## **ORDINANCES ON FIRST READING**

5. Council Bill No. 10-2023 – An Ordinance amending Articles I and IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning the City's subdivision requirements.

CM Hultin introduced Council Bill 10-2023

### **Issue**

The proposed ordinance makes necessary updates to Articles I and IV of Chapter 26 of the code, specifically to modernize and clean up portions of the City's subdivision requirements. These updates include changing incorrect or outdated cross-references, adding modern terminology, clarifying existing requirements, updating application requirements, and removing sections of the code that conflict with the current subdivision regulations. The ordinance clarifies when owners' associations are required

and the obligation of those associations and clarifies requirements for drainage and irrigation facilities.

**Motion** by CM Hultin to approve Council Bill 10-2023, an ordinance amending Articles I and IV of Chapter 26 of the Wheat Ridge Code of Laws, concerning the City's subdivision requirements, on first reading, order it published, public hearing set for Monday, May 22, 2023 at 6:30 p.m. as a virtual meeting and in City Council Chambers and that it take effect fifteen (15) days after final publication; seconded by CM Weaver, motion carried 6-0.

6. Council Bill No. 11-2023 – An Ordinance approving the transfer of municipally-owned properties along Wadsworth Boulevard and adjacent streets between 35<sup>th</sup> Avenue and Interstate 70 to the Colorado Department of Transportation

CM Nosler Beck introduced Council Bill 11-2023

#### **Issue**

The City owns an isolated strip of real property as right-of-way (ROW) that is 24 feet by 165 feet located along the east side of 4455 Simms Street. When the property was acquired by Jefferson County in 1955, it was intended as ROW for a future street extension. Community Development has determined that the parcel does not serve a public purpose because an extension of Simms Street is not practical at this location..

**Motion** by CM Nosler Beck to approve Council Bill 11-2023, an ordinance vacating any interest held by the City in a portion of Simms Street, a public roadway, order it published, public hearing set for Monday, May 22, 2023, at 6:30 p.m. as a virtual meeting and in City Council Chambers, and that it takes effect immediately after final publication; seconded by CM Dozeman, motion carried 6-0.

#### **DECISIONS, RESOLUTIONS AND MOTIONS**

7. Motion to approve appointment of representatives to the 2023 Community Partners Grant Program Committee

MPT Stites introduced the Motion.

#### **Issue**

The purpose of creating the 2023 Community Partners Grant Program Committee is to provide an additional opportunity for residents to participate in the budget process. This committee gives residents the opportunity to weigh community needs with available resources and provide recommendations to City Council.

#### **Staff Presentation**

Mr. Goff gave a brief presentation, related to the current Community Partners Grant Program Committee has two returning members from the 2022 which will leave six

vacancies to fill. To fill the openings in each district, staff advertised for new committee members on the city website, social media and through a press release.

Motion by MPT Stites to appoint the following five individuals to the 2023 Community Partners Grant Programs Committee, term to expire after 2025 budget recommendations are presented in 2024, seconded by CM Dozeman, motion carried 6-0:

Geneva Fox	District I
Dan Grave	District II
Stephanie Tanner	District III
Diana Lopez	District III
Alexander Goldsmith	District IV

CM Hultin thanked those just appointed and those continuing to serve for their volunteerism for the benefit of the community.

8. Resolution No. 24-2023 – a resolution approving an Intergovernmental Agreement with the Colorado Department of Transportation regarding constructing a shared use path on the west side of Wadsworth Boulevard between 32nd and 35th Avenues in the amount of \$7,500,000

CM Weaver introduced Resolution 24-2023

### **Issue**

In 2022, the City was awarded funding through the Denver Regional Council of Governments Transportation Improvement Program to construct a shared path along the west side of Wadsworth Boulevard between 32<sup>nd</sup> and 35<sup>th</sup> Avenues. In addition, improvements at the intersection of 32<sup>nd</sup> Avenue are planned in cooperation with the Colorado Department of Transportation (CDOT) that were included in the funding. The funding includes both federal and state funding.

CDOT administers the funding, so an intergovernmental agreement needs to be executed that outlines the various parties' responsibilities, summarizes the funding sources, and details the requirements of the funding sources.

### **Staff Presentation**

Project Supervisor, Mark Westberg presented to council the prior actions and background on the issue where closing the gap in the bicycle and pedestrian path along Wadsworth Boulevard between 32nd and 35th Avenues has been a high priority for several years. City staff completed a conceptual design for an attached sidewalk along the west side of Wadsworth a few years ago. A conceptual cost estimate of \$1.6 million was prepared with that design. Steep grades at the Rocky Mountain Ditch crossing make it challenging to keep the slopes for the sidewalk within American Disability Act (ADA) guidelines. In addition, the need for property acquisition increases the costs.

Denver Regional Council of Governments (DRCOG) issued a call for projects for an amendment to the current Transportation Improvement Program (TIP) due to additional federal and state funding being available, with an emphasis on multi-modal projects. Since the \$1 million that was allocated by Council was likely not going to adequately fund the attached sidewalk project, staff chose this project as one of the three projects to apply for TIP funding.

Due to the need to reconstruct the sidewalk ramps at the 32<sup>nd</sup> Avenue intersection, staff reached out to CDOT to coordinate that effort and learned that CDOT was planning to replace the traffic signals at that intersection. So, staff worked with CDOT to combine the projects to increase the scope of their project using the grant funds. CDOT will be contributing all of their allocated funding, \$700,000 towards the local match, which reduces the City's share of the local match to \$300,000.

Also discussed were items such as:

- The funding breakdown
- The Intergovernmental Agreement

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

CM Hultin thanked Mr. Westberg for his presentation. She then asked two specific, technical questions, which Mr. Westberg answered in detail.

**Motion** by CM Weaver approving an intergovernmental agreement with the Colorado Department of Transportation regarding constructing a shared use path on the west side of Wadsworth Boulevard between 32<sup>nd</sup> and 35<sup>th</sup> Avenues in the amount of \$7,500,000., seconded by MPT Stites, motion carried 6-0.

CM Ohm expressed his thanks to all on Council and among staff who made this possible. It is a great addition to the City.

9. Resolution No. 25-2023 – a resolution approving an Intergovernmental Agreement with the Colorado Department of Transportation regarding constructing bicycle facilities on 32nd Avenue between Xenon and Zinnia Streets in the amount of \$1,000,000

MPT Stites introduced Resolution 25-2023

### **Issue**

In 2022, the City was awarded construction funding through the Denver Regional Council of Governments Transportation Improvement Program to construct an extension of bicycle lanes along 32nd Ave from Xenon Street, under I-70, west to Zinnia

St. The project will improve safety along the popular 32nd Ave bicycle route and provide multimodal connections that are currently lacking under I-70. The funding includes federal funding, including ARPA funds, which will only be used for the construction phase of this project.

CDOT administers the funding, so an intergovernmental agreement needs to be executed that outlines the various parties' responsibilities, summarizes the funding sources, and details the requirements of the funding sources.

### **Staff Presentation**

Civil Engineer II, Jordan Jefferies presented to council the prior actions and background on the issue where on August 22, 2022, Council awarded a design contract to David Evans & Associates (DEA) for final design and environmental clearance for the 32nd Avenue Bike Facilities project. The project does not require the acquisition of right-of-way.

For the 32nd Ave Bike Facilities project, the City requested \$890,000 in federal funding for almost 90% of the estimated \$1 million in construction costs. Whenever federal funds are received for one or more phases of a project, all phases of the project must follow the federal process, i.e., the entire project is federalized. The biggest impacts to the non-construction phases are to the environmental and ROW phases with several new tasks being added to the consultant's scope of work. A couple of minor items are also added to the design phase

Also discussed were items such as:

- The funding breakdown
- Proposed improvements
- Intergovernmental agreement with the CDOT

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

CM Ohm expressed some concern about the traffic flow and safety for families, pedestrians and cyclists. Mr. Jefferies described the planning process to address these flow and safety issues.

**Motion** by MPT Stites to approve Resolution No. 25-2023, a resolution approving an intergovernmental agreement with the Colorado Department of Transportation regarding constructing bicycle facilities along 32nd Avenue between Xenon and Zinnia Streets in the amount of \$1,000,000, seconded by CM Hultin, motion carried 6-0.

- 10. Resolution No. 26-2023** – a resolution approving an Intergovernmental Agreement with the Colorado Department of Transportation regarding constructing a pedestrian bridge, plazas, and multi-use trail extending south from the Wheat Ridge Ward Station in the amount of \$9,650,000

CM Dozeman introduced Resolution 26-2023

### **Issue**

In 2022, the City was awarded construction funding through the Denver Regional Council of Governments Transportation Improvement Program to construct a pedestrian bridge over the G Line tracks, plazas at either end of the bridge, and a multi-use trail extending south to the I-70 Frontage Road North. The funding includes federal funding, including ARPA funds.

CDOT administers the funding, so an intergovernmental agreement needs to be executed that outlines the various parties' responsibilities, summarizes the funding sources, and details the requirements of the funding sources

### **Staff Presentation**

Project Supervisor, Mark Westberg presented to council the prior actions and background on the issue starting in 2019. Council has acted several times concerning the design and right-of-way (ROW) acquisition for the pedestrian bridge, plazas, and trail projects which are collectively referred to as the Ward Station multi-modal projects (Ward Station MM). These past Council actions have included approving contracts and amendments for SEH to complete the construction plans and for HDR to acquire the necessary ROW for the projects

There are mandatory environmental approvals requiring that an environmental consultant be retained to prepare the reports that document the potential impacts that the project may have on a variety of environmental resources. The reports, along with the preliminary plans, will soon be submitted to CDOT for review and approval. In addition, some tasks are required to obtain clearances, i.e., approvals, from the various CDOT Specialty Units. The CDOT Specialties ensure that the federal process is being followed and the federal funds are being spent appropriately.

Items also discussed were:

- The Federal funding and breakdowns
- The Intergovernmental agreement (IGA)
- Proposed Improvement
- Recommendations

### **Public Comment**

No one came forward to speak.

## **Council Questions and comments**

Mayor Starker asked about the timeline for construction to begin and Mr. Westberg presented a detailed timeline. The Mayor then asked about the budget adequacy and again Mr. Westberg answered.

**Motion** by CM Dozeman to approve Resolution No. 26-2023, a resolution approving an Intergovernmental Agreement with the Colorado Department of Transportation regarding constructing a pedestrian bridge, plazas, and multi-use trail extending south from the Wheat Ridge Ward Station in the amount of \$9,650,000, seconded by CM Ohm, motion carried 6-0.

- 11. Resolution No. 27-2023 – A Resolution amending the Fiscal Year 2023 Renewal Wheat Ridge Bond Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$308,627 for the purpose of making a payment to Xcel Energy to underground the existing overhead electric lines to allow for the construction of the Wheat Ridge · Ward Station pedestrian bridge.**

CM Hultin introduced Resolution 27-2023

## **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

## **Staff Presentation**

Project Supervisor, Mark Westberg presented to council the prior actions and background on the issue where Council has taken several actions related to advancing the construction of a pedestrian bridge at the Wheat Ridge · Ward Station including awarding consultant contracts for design and rights-of-way acquisition starting in 2019.

On August 22, 2022, Council approved making a similar deposit for \$188,253.92 to enable Xcel staff to start working on the project. A supplemental budget appropriation from the Renewal Wheat Ridge Bond Fund (Fund 40) is required to supplement what was budgeted in 2023. The 2023 budget was adopted before the scope of work changed resulting in the need for a new deposit for a larger amount.

In January 2023, Xcel refunded \$187,345.77 of the original deposit which has been added to Fund 40 as revenue. Xcel kept \$908.15 to cover their costs prior to the change in design. The full amount of the new deposit needs to be added to the Fund 40 budget to fully cover the expense.

Also discussed were items such as:

- The conceptual designs

- Availability of bond funds

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

CM Ohm asked for an explanation of an 800-foot requirement for the project imposed by Xcel Energy, and Mr. Westberg gave a detailed answer.

The Mayor asked about re-connecting businesses and residences as the project work gets done and Mr. Westberg gave an affirmative answer.

**Motion** by CM Hultin to approve Resolution No. 27-2023, a resolution amending the Fiscal Year 2023 Renewal Wheat Ridge Bond Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$308,627 for the purpose of making a payment to Xcel Energy to underground the existing overhead electric lines to allow for the construction of the Wheat Ridge · Ward Station pedestrian bridge, seconded by CM Dozeman, motion carried 6-0.

### **12. Motion to approve an appointment to the Planning Commission.**

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

CM Stites introduced the motion.

### **Issue**

On April 13, 2023, Melissa Antol from District III resigned from the Planning Commission effective immediately. The vacancy was posted for a term of one week on the City of Wheat Ridge web site and promoted through various channels from April 17 through April 24. Applications have been compiled for Council's review so that the seat can be filled.

### **Staff Presentation**

City Manager, Patrick Goff stood by to answer questions.

### **Public Comment**

No one came forward to speak.

**Motion** by MPT Stites, seconded by CM Weaver, to appoint Patrick Quinn to the Planning Commission, term to expire March 02, 2025, motion carried 6-0.

MPT Stites thanked Ms. Anatol for her service and Mr. Quinn for agreeing to volunteer in this role.

- 13.** Motion to award a contract and approve subsequent payment of \$300,000 to Mid-America Pool Renovation, Inc. for lap pool refinishing at the Wheat Ridge Recreation Center.

CM Ohm introduced the Motion.

**Issue**

The lap pool surface finish at the Wheat Ridge Recreation Center has reached the manufacturer recommendation for refinishing to maintain a safe aquatic environment. The lap pool needs to have a refinishing product installed.

**Staff Presentation**

Karen O'Donnell presented a brief staff report explaining that the goal is to contract with a qualified individual or firm to remove and demolish damaged existing lap pool finish patching and repairs. Except for items or materials indicated to be reused, salvaged, reinstalled, or otherwise indicated to remain the City's property, demolished materials shall become the Contractor's property and shall be removed from the site with further disposition at the Contractor's option. After the damaged finish is removed, the Contractor will apply new finish as directed by the city.

Funds for this RFP are budgeted in the 2023 Conservation Trust Fund for \$280,000. Mid-America proposal came in at \$300,000; additional CTF funds will be allocated to complete this project. Mid-America was the sole bidder in the process.

**Public Comment**

No one came forward to speak

**Council Questions and comments**

There were none.

**Motion** by CM Ohm to award a contract and approve a subsequent payment of \$300,000 to Mid-America Pool Renovation, Inc for lap pool refinishing at the Wheat Ridge Recreation Center, seconded by MPT Stites, motion carried 6-0.

CM Hultin expressed her happiness and support for this motion.

- 14.** Resolution No. 28-2023 – a Resolution approving an amendment to an agreement with the Wheat Ridge Sanitation District regarding Phase II of the Improve Wadsworth Project.

CM Ohm introduced Resolution 28-2023.

**Issue**

An Intergovernmental Agreement (IGA) between the City and the Wheat Ridge Sanitation District (District) was approved by City Council in February 2021 to replace

the District's sanitary sewer mains and other facilities during Phase I of the Improve Wadsworth Project. An amendment to this IGA is required to replace and upgrade the District's sanitary sewer facilities in Phase II of the Improve Wadsworth Project. The City will be reimbursed by the District for its portion of the work

### **Staff Presentation**

Director of Public Works, Maria D'Andrea and Project Supervisor, Mark Westberg presented to council the prior actions and background on the issue where early in the utility coordination process for the Improve Wadsworth Project, the District expressed interest in replacing its facilities in Wadsworth. The District was interested in replacing the aging facilities and increasing the size of the sanitary sewer mains to provide additional capacity for the anticipated growth that is and will be occurring along the Wadsworth Corridor.

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 lessened 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 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 performing night work, since most utility work on Wadsworth is limited to the overnight hour

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

There were none.

**Motion** by CM Ohm to approve Resolution No. 28-2023, a resolution approving an amendment to an Agreement with the Wheat Ridge Sanitation District regarding Phase II of the Improve Wadsworth Project, seconded by MPT Stites, motion carried 6-0.

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

Mr. Goff reported that unfortunately our grant application for homeless assistance was not awarded in the first round but may be later. WR submitted a joint grant proposal with two other cities.

Lutheran Hospital has announced a naming process for the new hospital at Clear Creek Crossing. Council will hear more about this at a future study session. CM Hultin asked for more information in writing to help prepare.

The Action Center will hold a fund raiser in May 18<sup>th</sup>.

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

Nothing tonight

### **ELECTED OFFICIALS' MATTERS**

CM Nosler Beck again reminded all of the Wilmore Davis closing ceremonies and celebration on May 10<sup>th</sup>. She also mentioned that the Jeffco School Board is starting to discuss closures on middle and high schools. We need to continue to follow these developments and show our faces at school board meetings. The WR Piranhas are in training for the coming aquatic competition season.

CM Hultin congratulated WR High School swimmers for their accomplishments. On June 1-4 the Jefferson County Library will have its annual sale of books. When you look at the whole of what we discussed and acted upon tonight, she is grateful for our phenomenal staff.

CM Ohm asked us to support our local neighborhood activities, especially for youth.

CM Dozeman the 54<sup>th</sup> Annual Carnation Festival this August is seeking volunteers, sponsors and entries for the Parade. Thursday through Sunday August 11-14.

CM Weaver is grateful to live here!

MPT Stites attended the opening of the new facilities at Happiness Gardens. He is excited to fill in for the Mayor this Saturday at 9 am at Vignola's. If you can find it in WR, buy it in WR.

Mayor Starker is excited for the projects we have approved tonight. He thanked MPT Stites for substituting at Coffee with the Mayor while the Mayor attends a DRCOG retreat. He recently attended the Arvada Wheat Ridge Ambassadors to Youth awards dinner for youth living and going to school in Jeffco who have faced and overcome various difficulties in life. Several were awarded scholarships for study in higher education. He attended the Golden Ethics in Business Award luncheon and congratulated Colorado First Foundation on their award for the Colorado non-profit of the year.

He expressed his relief that SB 23-213 failed to pass in the Colorado legislature.

### **ADJOURNMENT**

The meeting adjourned at 8:32 pm.

APPROVED BY CITY COUNCIL ON May 22, 2023



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Steve Kirkpatrick, City Clerk



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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.