

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

October 9, 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 Pro Tem Stites called the Regular City Council Meeting to order at 6:32 p.m. (The Mayor was absent to attend a family gathering, so the MPT presided.)

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 was absent for healthcare reasons.

Also, present: City Manager Patrick Goff; City Attorney Gerald Dahl; Deputy City Manager, Allison Scheck; Director of Public Works, Maria D'Andrea; Director of Community Development, Lauren Mikulak; Management Analyst, Cole Haselip; Housing Navigator, Kory Kolar; other staff, guests and interested citizens.

APPROVAL OF MINUTES

- Special Study Session Notes of September 25, 2023
- City Council Meeting Minutes of September 25, 2023

The above Notes and Minutes were approved without changes.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced.

PROCLAMATIONS AND CEREMONIES

CPRA Community Champion Award – Kathleen Martell

Mayor Pro Tem Stites introduced Susie Andersen, who read the award earned by Kathleen Martell, who serves the City in several capacities including chair of the Cultural Commission. She was nominated by Parks and Rec staff, and was selected from among nominees across the State of Colorado. Ms. Andersen presented the award to Ms. Martell who accepted it gracefully.

Proclamation recognizing National Pedestrian Safety Month

Mayor Pro Tem Stites proclaimed October 2023 as National Pedestrian Safety Month for the City of Wheat Ridge strives to be a safe, inviting, and accessible place to walk, bike, and roll for people of all ages and abilities. Whereas children and adults depend on safe places to walk along our corridors, through our neighborhoods, and across our streets on their way to Wheat Ridge schools, parks, shopping, employment, services, and to access transit. CM Hultin stood to accept the proclamation, declaring that this is incredibly important work. She commented that the City is a leader in ensuring the safety of pedestrians, the disabled, and our children.

PUBLIC'S RIGHT TO SPEAK

Dan Larson, Flower St, WR, a candidate for CM in District IV. He reviewed his positions on the key issues he has heard about while walking neighborhoods and speaking with business owners. He commented on the budget, up for approval tonight, and about issues he would champion should he sit on Council starting next month. He supports the passage of proposition 2J on the ballot on November 7.

Kathleen Martel 6645 W. 38th. She thanked the City for the award she received. Her primary purpose was to give an update on the activities and events promoted and conducted by the Cultural Commission, which she chairs. She emphasized the three pillars of promoting culture: supporting artists; a new grant program; and promoting new cultural activities.

Mark Wallander, 11001 Ridge Road, Came to comment on the noise generated by the light rail at the Wheat Ridge Ward Road station. Sometimes the bells and other warning sounds continue for an hour or more at a time, at any time of the day or night. He asks that the City address this issue.

Jenny Snell, 7030 W. 35th Avenue, a candidate for CM in District I. She noted that today is Indigenous Peoples' Day. It is also national coming out day, and she is grateful for those who have made it easier for people to live as their genuine and natural selves.

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).

The following comments appeared in Wheat Ridge Speaks for this session of Council:

Kelly Blynn

Oct 16, 2023, at 7:06am

Address:

4175 Brentwood St Wheat Ridge, 80033

Comment

Thank you for taking up this critical issue, as a member of the ATAT leadership, I support a proactive program to identify sidewalks in need of upgrades and improving them. The ATATs have also continually urged the council to consider sidewalk maintenance as it pertains to snow, ice, and gravel, particularly on our major corridors. These sidewalks can often become impassable because property owners are not keeping them clear of snow and other debris. You may remember last January when sidewalks on the southern side of streets like 44th that are shaded were covered in ice for almost a month, including the bus stops along the corridor. The city must implement a plan for these corridors in these events and treat sidewalks like the critical part of the transportation network that they are. Not everyone can drive -- kids can't, many seniors can't, and over 40% of Wheat Ridge households have zero or just one car. The city has to either enforce city laws on property owners on these major corridors, or plan to spend funds to help them clear ice and snow in these instances. It's a major equity and safety issue when you don't. One resident walking with groceries in the street asked an ATAT member to address this issue when the sidewalks were covered in ice -- we won't stop being a squeaky wheel until it gets better. Thank you for considering.

CONSENT AGENDA

Nothing tonight

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill No. 25-2023 – An Ordinance amending Sections 2-53 and 2-55 of the Wheat Ridge Code of Laws concerning membership of Boards and Commissions.

CM Hutchinson introduced Council Bill 25-2023.

Issue

The City of Wheat Ridge has seen an exceptional increase in the desire to join City Boards and Commissions. Recognizing this, Council studied how to provide greater opportunities for interested residents and make general improvements to the City's Boards and Commissions.

The Mayor Pro Tem opened the public hearing, which is quasi-judicial.

Staff Presentation

Management Analyst, Cole Haselip, reported on the prior actions, financial impacts, and background where Staff has prepared a proposed ordinance for the City Council to consider for approval. Council Bill No. 25-2023 was drafted as a result of the consensus that Council achieved at the August 7, 2023, meeting. It makes the following changes to the Boards and Commissions Code:

1. Term Limits
2. Election Commission Term Limits
3. Consecutive Term Limits
4. Mid-Term Appointments

5. Removing Board Members
6. Unexcused Absences
7. Automatic Removal
8. At-Large Board Members
9. Approximately Equal Representation
10. Alternate BOA Members

Mr. Haselip noted that the council bill will take effect on March 1, 2024. This implementation date will allow the City to develop standard operating procedures and train staff liaisons before actualizing these amendments. Furthermore, the March effective date aligns with the beginning of most board and commission terms which will facilitate a seamless transition.

Afterwards he stood by to answer any questions.

Public Comment

There were none tonight.

Council Questions and comments:

The Mayor Pro Tem closed the public hearing.

Motion by CM Hutchinson to approve Council Bill 25-2023 – an ordinance amending Sections 2-53 and 2-55 of the Wheat Ridge Code of Laws concerning membership of Boards and Commissions on second reading, and that it takes effect on March 1, 2024, seconded by CM Hoppe, motion carried 7-0.

During discussion of the motion, CM Hultin thanked staff for their hard work on this ordinance and the effort it has taken to clean up the loose ends, discrepancies, and hard to enforce provisions. She also wanted reassurance that vacancies are expeditiously filled beginning with a notice immediately to the relevant CM.

CM Hoppe thanked the staff too and opined that these changes will make it much easier for CM to fill position, especially in March.

2. Council Bill No. 26-2023 – An Ordinance amending Sections 11-504, 11-506, and 2-80 of the Wheat Ridge Code of Laws concerning Short Term Rental Licensing Enforcement.

CM Hoppe introduced Council Bill 26-2023

The Mayor opened the public hearing, noting that this matter is quasi-judicial.

Issue

The City Council enacted legislation concerning the licensing and enforcement of short-term rentals (STRs) in February 2021. Since that time, staff have been working to implement the legislation by licensing STRs, collecting the applicable lodgers' tax and enforcing the provisions of the original ordinance. It has become apparent that there are some weaknesses in the existing code that make enforcement action against illegal

STRs challenging. Staff recommends a code amendment so that the Council's original intent, to ensure that only legally licensed STRs exist in Wheat Ridge, can be realized.

The MPT opened the public hearing, which is not quasi-judicial.

Staff Presentation

Mr. Goff introduced Ms. Scheck, who briefly reported on the prior actions when Council approved Ordinance 1709 on February 22, 2021, enacting licensing requirements for STRs in Wheat Ridge. The licensing provisions of the ordinance became effective on May 1, 2021, and STR hosts were required to begin collecting and remitting lodgers' tax on August 1, 2021.

Ms. Berry noted that the STR program is working as the Council intended in most areas, for the City has licensed a total of 242 STRs. However, a recent increase in unlicensed STRs is exposing a weakness in the code because the language is not sufficiently clear to summon an unlicensed property owner or tenant into municipal court.

No license exists and therefore no administrative remedy is available, therefore it is important to further codify potential criminal penalties for unlicensed operators. After working through some recent examples, staff recommends an update to the code to accomplish the following:

1. Broaden accountability beyond legal owner or "host" to include any individual who has ownership, possession, or control of the premises.
2. Provide additional clarity that that it is unlawful to operate or advertise an STR without a license.

Afterwards staff and Mr. Dahl stood by to answer any questions.

Public Comment

Chris Menard, 3838 Dover St. came to comment on an STR near his home and express his gratitude for this ordinance because it may alleviate some frustrations of our residents. Too many STR owners/operators have exploited loopholes in the current ordinance regulating STR, and he is glad to see this change to the ordinance proposed tonight.

Candice Tomlinson, 8600 W. 41st. She is delighted that the City has monitored the situation and come forward with changes to the STR laws. She also asked that the City consider the number of STR approved in one neighborhood. Chris Menard's home is surrounded by 3 STR, one of which has created major concerns and inconveniences. Perhaps the City can address this issue at a later meeting.

Council Questions and comments

CM asked detailed questions about how this action will impact businesses and residents, which staff answered.

CM Weaver asked two questions. The first was whether the City could enforce the law if someone operates an unlicensed STR. Mr. Dahl replied in detail. The second concerned whether a resident can obtain an STR license and never use it. In that same vein, when someone sells their home is an STR license attached to the home. Ms. Scheck and Mr. Dahl gave detailed answers.

CM Hutchinson opined that this has been an issue for at least the past 4 years. She commented that when a property changes hands, the new owner has no rights to the license issued to the previous owner/tenant. She asked that the compliance officer monitor STR and that residents observe and report potential violations.

CM Ohm asked what is the definition of premises? Can one have a detached STR? Can one use a structure not part of the primary residence as an STR? Mr. Dahl gave a detailed answer. Then he asked for a definition of a "Partial license." Ms. Scheck and Mr. Dahl gave a detailed answer.

CM Dozeman asked what happens when the City identifies an unlicensed STR. Mr. Dahl explained that one can be brought before the Municipal Judge and fined. He opined that this applies also to situations in which a resident with an STR license do not obey the provisions of the STR ordinance. The CM Dozeman asked if staff has discussed the matter of increasing the cap on the number of STR in any one district. Mr. Goff gave a specific answer and recommended that Council address that issue in the next review of the STR ordinances if it so desires. Ms. Scheck gave further details on the current numbers on waiting lists for an STR.

CM Hutchinson stated she is unalterably opposed to increasing the quota of STR in her district. Her first priority is peace and happiness and adding STR to D1 is unacceptable.

Mr. Ohm asked how many STR are owned by a corporation or another entity than a private resident. Staff agreed to follow up on that question.

The MPT closed the public hearing.

Motion by CM Hoppe to approve Council Bill 26-2023 – an ordinance amending Sections 11-504, 11-506, and 2-80 of the Wheat Ridge Code of Laws concerning Short Term Rental Licensing Enforcement., on second reading, and that it takes effect upon adoption and signature by the Mayor and City Clerk, as permitted by Section 5.11 of the Charter, seconded by CM Hutchinson, motion carried 7-0.

CM Hoppe commented on the lengthy process that preceded the passage of the original ordinance in 2021. She recalled that a corporation may own a property and use it as an STR. She opined that she also opposes more STR licenses in D 1.

CM Hultin thanked the residents who came this evening to comment on this proposed ordinance change. She thanked staff for their ongoing monitoring and providing Council with important intelligence they collected, and that are reflected in this ordinance revision. She believes that STR has important positive impacts on the community.

CM Ohm also thanked the residents from D II who came to comment on STR this evening. He looks forward to the enforcement of this ordinance and its impact on the quality of life.

CM Weaver supports the proposed changes. She expects that future revisions will be necessary.

3. Resolution No. 48-2023 – A Resolution adopting the City Budget and appropriating sums of money to the various funds and spending agencies for the City of Wheat Ridge, Colorado for the 2024 budget year.

CM Hultin introduced Resolution 48-2023.

Issue

Sections 10.7 and 10.9 of the Wheat Ridge City Charter require that a public hearing on the proposed budget be conducted before its final adoption and that the budget be adopted by resolution on or before the final day (December 15, 2023) established by state statute for the certification of the next year's tax levy to the county.

The proposed 2024 budget includes the following:

- A General Fund budget in the amount of \$48,634,419
- An unrestricted fund balance of \$8,267,851 or 17% of expenditures plus 3% emergency reserves (\$1,459,033)
- A General Fund transfer of \$3,825,000 to the Capital Improvement Program (CIP) (\$825,000 from ARPA funds)
- A General Fund transfer of \$100,000 to the Equipment Replacement Fund
- Proposed CIP Fund in the amount of \$16,582,667.
- Proposed Renewal Wheat Ridge Bonds Project Fund in the amount of \$10,587,210
- Proposed 2E Fund in the total amount of \$3,500,300
- Special Revenue Funds in the amount of \$10,756,198
- Proposed budget (all funds) in the amount of \$90,060,794

MPT Stites opened the public hearing, which is not quasi-judicial.

Staff Presentation

Deputy City Manager, Allison Scheck, described in detail to council the prior actions taken noting that City Council was presented the 2024 proposed budget on September 18, 2023, when it provided staff with consensus to bring the proposed budget forward to public hearing and adoption with no changes.

Ms. Scheck added that the City will continue to focus on engaging with residents in 2024 to ensure that our local government is responsive to current needs and forward thinking in planning for future priorities. The Let's Talk Neighborhood Engagement program will transition into the next phase of community engagement – Let's Talk Wheat Ridge. This next phase will include updates to the Comprehensive Plan, Parks and Recreation Master Plan, Economic Development Strategy, Stormwater Master Plan, Sustainability Action Plan and Residential Waste Management Strategy.

She spoke on addition topics to include the overall summary of the proposed budget as well as funds to include:

- General funds
- Capital Improvement Program (CIP) Fund
- Renewal Wheat Ridge Bond Projects Fund
- Special Revenue Fund

Expanding on these items, Ms. Scheck spoke on how the total General Fund revenue for 2023 is projected to decrease by 15% compared to 2022 year-end revenue. This large decrease is primarily due to a \$4 million ARPA contribution from Congress in 2022 and higher than normal building use tax in 2022 from Clear Creek Crossing and other private property developments. When compared to the 2023 Adopted Budget, total General Fund revenue is projected to come in at about 1.0% less than expected. This decrease is primarily due to a slowdown in sales tax revenue.

Deputy City Manager, Allison Scheck then stood by to answer questions.

Public Comment

No one came forward to speak.

Council Questions and comments

CM had few questions or comments, having previously studied this issue in depth many times in Study Sessions and Council Meetings.

CM thanked the staff for their hard and ongoing work on the budget and monitoring the City's financial condition.

MPT Stites closed the public hearing.

Motion by CM Hultin to approve Resolution No. 48-2023, a resolution adopting the City Budget and appropriating sums of money to the various funds and spending agencies for the City of Wheat Ridge, Colorado for the 2024 budget year, seconded by CM Ohm, motion carried 7-0.

CM Hoppe thanked staff, for all the effort put into the budget and into educating the Council about the details. She also commented on her appreciation for the conservative approach taken with the budget.

PUBLIC HEARINGS AND ORDINANCES ON FIRST READING

4. Council Bill 27-2023 – An Ordinance approving the rezoning of property located at 10800 W. 48th Avenue from Agricultural-One (A-1) to Residential-Two (R-2).

CM Dozeman introduced Council Bill 27-2023

Issue

Wei Lian Fu is requesting approval of a zone change from Agricultural-One (A-1) to Residential-Two (R-2) for the property at 10800 W. 48th Avenue. The applicant is the current owner of the property. The zone change will result in a zoning that encourages

investment in the site and will enable the land use to become more conforming with the zoning.

Staff Presentation

There was none as this is a bill on first reading.

Public Comment

No one came forward as this item sets the date and time for the public hearing on this ordinance at the indicated date and time.

Motion by CM Dozeman to approve Council Bill 27-2023 – an ordinance approving the rezoning of property located at 10800 W. 48th Avenue from Agricultural-One (A-1) to Residential-Two (R-2), on first reading, order it published, public hearing set for Monday, November 13, 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 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

5. Motion to approve appointments to the Wheat Ridge District II Planning Commission and Cultural Commission.

CM Ohm introduced the Motion.

Issue

On September 7, 2023, Julianne Stern from District II resigned from the Planning Commission effective immediately, to accept a position on Renewal Wheat Ridge. On September 15, 2023, Stephanie Taylor resigned effective immediately from her District II Cultural Commission seat. The vacancies were posted for a term of two weeks on the City of Wheat Ridge web site and promoted through various channels from September 8 to October 2. Applications have been compiled for Council's review so that the vacancies may be filled. If, after reasonable advertisement, no applications are received from residents within the relevant council district for a vacancy on any board or commission, the council may appoint any otherwise qualified resident.

Staff Presentation

There was none.

Public Comment

No one came forward to speak.

Motion by CM Ohm to appoint Dan Levy to the Wheat Ridge District II Planning Commission, term to expire March 02, 2025, seconded by CM Hultin, motion carried 7-0.

Motion by CM Ohm to appoint Jesse Johnson to the Wheat Ridge District II Cultural Commission, term to expire March 02, 2026, seconded by CM Hultin, motion carried 7-0.

The two motions above were considered and approved together: one vote on both appointments.

6. Resolution No. 47-2023 – A Resolution amending the 2023 Fiscal Year General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$25,000 for the purpose of accepting the Colorado Gives Foundation Thriving Jeffco Responsive Grant.

CM Weaver introduced Resolution 47-2023.

Issue

In August 2023, the Colorado Gives Foundation, as part of its Responsive Grantmaking Opportunity called Thriving Jeffco, awarded the Wheat Ridge Homeless Navigation Program \$25,000 to be used for one-year unrestricted operational support.

Staff Presentation

Housing Navigator, Kory Kolar informed the council that these grant funds have not been appropriated in the 2023 budget. This resolution will amend the budget to accept these grant funds and appropriate the funds in the General Fund for the following purposes:

\$25,000 over a one-year period to place individuals into permanent or transitional housing and provide tailored move-in kits.

Mr. Kolar added that the Colorado Give Foundation's Thriving Jeffco grant is a responsive grant opportunity designed for nonprofits and local governments to share ideas and projects they believe will help Jeffco communities thrive.

He finished by saying that the funding from this grant will support the City's Homeless Navigation Program as it continues its operations and expands the number of clients that it is able to assist. The City's Homeless Navigation Program uses operational funds for a variety of activities including but not limited to application fee and deposit assistance, Bridge Housing (motel vouchers), outreach supplies, and transportation for clients. The funding will also allow for more robust move-in kits for clients who achieve housing; move-in kits that are tailored to the clients' needs and preferences.

Housing Navigator, Kory Kolar then stood by to answer questions.

Public Comment

No one came forward to speak.

Council Questions and comments

CM had few questions or comments, having previously studied this issue in depth many times in Study Sessions and Council Meetings.

Motion by CM Weaver to approve Resolution No. 47-2023, a resolution amending the 2023 Fiscal Year General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$25,000 for the purpose of accepting the Colorado Gives Foundation Thriving Jeffco Responsive Grant, seconded by CM Dozeman, motion carried 7-0.

CITY MANAGER'S MATTERS

Mr. Goff had nothing further.

CITY ATTORNEY'S MATTERS

Nothing tonight

ELECTED OFFICIALS' MATTERS

CM Hultin reported that Happiness Gardens has reached the end of the growing season and remains a delightful walk through the plantings. She again recognized Kat Martell on the recognition she received tonight. She noticed that a new playground is under construction in Anderson Park and was delighted to see it. Tomorrow at Colorado Plus there will be a discussion of proposition 2J.

CM Dozeman announced Local Works' Shop Wadsworth program. Residents who participate may win a prize up to \$5000, or prizes like 5 one-year memberships to 3rd. Shot Pickleball if they patronize the businesses along Wadsworth from 38th to 44th Ave during the Wadsworth Improvement Project construction.


CM Ohm also noted the new playground at Anderson Park and asked to be a part of the ribbon cutting. He congratulated staff for the DRCOG award the City received recently.

MPT Stites recognized Kat Martell once again for all of her hard work. CM Weaver and the MPT will hold a D III meeting at Louise Turner park this Saturday 9-11 am to discuss 2J and any other issues of interest to D III residents. Now is the time to support the businesses suffering downturns due to the Wadsworth construction. He also noted that the WR business awards will be presented at a breakfast later this week.

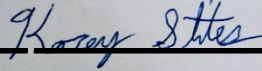
ADJOURNMENT

The meeting adjourned at 8:24 pm.

APPROVED BY CITY COUNCIL ON October 23, 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.