

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

January 8, 2024

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

Jenny Snell Scott Ohm Rachel Hultin (virtually) Janeece Hoppe
Amanda Weaver Korey Stites Leah Dozeman Dan Larson

Also present: City Manager, Patrick Goff; Deputy City Manager, Allison Scheck; City Attorney Gerald Dahl; City Clerk, Steve Kirkpatrick; Police Chief, Chris Murtha; Director of Parks and Recreation, Karen O'Donnell; Director of Public Works, Maria D'Andrea; Director of Community Development, Lauren Mikulak, other staff, guests and interested citizens.

APPROVAL OF MINUTES

- Study Session Notes of December 4, 2023
- City Council Meeting Minutes of December 11, 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

Proclamation – Judge Randall Day

Mayor Starker recognized the accomplishments of Judge Christopher Randall with a proclamation designating January 8, 2024 as Judge Christopher Randall Day in Wheat Ridge. The Mayor read a lengthy and impressive list of His Honor's accomplishments, not only for the residents of Wheat Ridge but also among other members his profession serving as municipal judges in Colorado. Judge Randall accepted the proclamation and its implicit honor.

Law Enforcement Appreciation Day – January 9th

Mayor Starker read the proclamation, which was accepted by Cmdr. Betsy Saylor. January 9, 2024 has been designated nationally as Law Enforcement Appreciation Day. The Mayor enumerated the many ways people across the country and here in our City serve and protect us every day, often at much personal sacrifice and under constant risk. Commander Saylor accepted the proclamation on behalf of our officers.

PUBLIC'S RIGHT TO SPEAK

Without objection with the support of the Mayor Pro Tem, the agenda was modified to address the possibility of housing recent immigrant arrivals in Wheat Ridge, in a vacant motel near I-70 and Kipling.

Mr. Goff gave a presentation on the history of communications and circumstances between Wheat Ridge and the City and County of Denver about housing migrants at the Super 8 Motel in Wheat Ridge.

There are no migrants currently housed in Wheat Ridge and the City has no plan to house migrants in Wheat Ridge at this time.

Mr. Adam Paul, representing Denver Mayor Mike Johnston's Office, gave a detailed history of the influx of immigrants across the nation and here in Denver. He also discussed some of the plans for responding to the migrant crisis and helping the migrants already here and still to arrive.

Mark Garcia, Wheat Ridge resident for 23 years, and 33 years as an officer with the Wheat Ridge PD. He recalled his years of service, common reasons for calls for service and how that has changed. He believes the influx of migrants must be curtailed or it will affect the quality of service the PD can provide.

Candice Thomlinson, 41st and Dover, came to report that there is so much speeding along Dover St between 38th and 41st Avenue that it is a public safety issue for not only other drivers but also pedestrians. There were speed bumps installed along Dover years ago, and then removed by the City without explanation or notice. We need those speed bumps reinstalled and additional traffic calming measures along Dover. Dover was never designed to handle the current volume of traffic. She requested a meeting among her neighbors, CM, and senior staff to evaluate the situation and solve the problem.

Greg Veeder came to discuss the unhoused and the migrants flowing into the metro area. He opined that the public needs to know what the plans are. We need to know how many migrants are going to be released onto our streets.

Morgan Richards, 3255 Ames St. has lived in Wheat Ridge for 23 years. No human is illegal. We cannot support those who denigrate these populations who have come here to escape oppression in other nations. Last week there was a meeting held at the Rec Center at which people made derogatory comments about immigrants and chants of 'build the wall' and 'send them home.' She had three requests of Council, in line with previous actions the Council has taken to promote diversity, equity, and inclusiveness.

Jeff Richards, 3255 Ames St. Came to discuss a meeting in November when a group of people called in with antisemitic remarks. Then there followed the meeting held at the

Rec Center on January 3, 2024. These folks do not represent the City or our residents; they do not fit with the City's values among those who reside here. He also congratulated the City for how the Council and staff have helped the homeless. That works because it addresses real problems.

Kim Calomino, 4030 Dover St came to thank the Council for passing a resolution to reject prejudice and hate. Some of the conspiracy theories circulated among our residents by a small minority who do not represent our core values and compassion, must be challenged and refuted.

Diana Lopez, a long-time resident of WR. She congratulated CM Snell on her election. She came to refute and reject the false and hateful rhetoric used recently, especially at the January 3rd meeting. We should be proud of our history and our values.

Julie Stern, 7630 W. 48th Ave., called to speak about immigrants and refugees and to say that we welcome all new residents to Wheat Ridge. As a Jewish person she understands that these people need refuge from oppression, danger, fear and poverty in other nations. She wished our community will be a part of the solution, not the problem.

Danny Seabeck, called to express his concerns about the large influx of migrants into Colorado and specifically Wheat Ridge. (His remarks interrupted by feedback from a device in his home, and technical difficulties with the connections. Council was unable to hear any other comments from this caller.)

Cindy Smith, a WR resident near 44th and Garland, came to ask why Boulder has not stepped up to do as much as WR has? She opined that without some better planning WR will be as overwhelmed as other suburbs have been across the country.

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 Dozeman introduced the consent agenda.

- a. Motion to approve the purchase of a truck with a chipper dump body from Altec Industries, Inc. in a total amount not to exceed \$107,700.

Issue

Each year, the city identifies a proposed list of vehicle replacements within the city fleet. In 2024, the city's chipper truck, utilized by the Parks, Forestry, and Open Space Division, is scheduled for replacement. Staff has located a new vehicle, which is already built, through a vendor in North Carolina. The total price of the vehicle is \$107,700 based on a quote provided by Altec Industries, Inc.

- b.** Motion to approve payment to Colorado Intergovernmental Risk Sharing Agency for the 2024 Property/Casualty premium in the amount of \$529,539.55.

Issue

The Colorado Intergovernmental Risk Sharing Agency (CIRSA) provides property/casualty coverage for the City of Wheat Ridge. The total premium payment due for 2024 in quarterly payments is \$529,539.55.

- c.** Motion to approve monthly payments to Colorado Employer Benefit Trust for 2024 Medical, Dental, Employee Assistance Program and Life Insurance membership billing in an amount not to exceed \$2,485,412.

Issue

The City offers employees a number of benefits in order to attract and retain a high-quality workforce. In 2023, the City joined the Colorado Employer Benefit Trust (CEBT) to provide a greater choice of medical plans along with dental, vision, employee assistance program (EAP) and life insurance coverage. January through December billing is estimated and budgeted in the amount of \$2,485,412. Staff requests approval of the estimated 2024 total expenditure so that monthly payments can be made in a timely manner.

- d.** Resolution No. 01-2024 – a resolution approving an amendment to the right of way maintenance services contract with Terracare Associates, LLC

Issue

Terracare Associates LLC was awarded a contract for right-of-way (ROW) maintenance in 2023 through a formal solicitation process. The existing contract terms expired at the conclusion of December 2023. Terracare is requesting a 2% increase on the agreed upon 2023 rates for their first renewal period.

Motion by CM Dozeman to approve Consent Agenda Items a.), b.), c.), and d.), seconded by CM Hoppe, motion carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2.** Council Bill No. 33-2023 – An Ordinance amending Section 11-52.5 of the Wheat Ridge Code of Laws concerning membership of the Wheat Ridge Liquor Licensing Authority.

MPT Stites introduced Council Bill 33-2023.

Issue

City Council amended the City's Boards and Commissions Code to create new regulations pertaining to term limits, unexcused absences, automatic removal, approximately equal district representation of board members, and Council's ability to remove members among other things. While certain provisions extend to the Liquor Licensing Authority (LLA), amendments concerning term limits, district representation, and Council's removal authority do not apply to the LLA. This ordinance will amend the Code to extend these provisions of the Boards and Commissions Code amendments to the Liquor Licensing Authority. Furthermore, it would establish that LLA members who move out of the district they were appointed to represent shall be removed in accordance with the process governing board and commissions members.

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

Staff Presentation

Management Analyst Cole Haselip gave a brief presentation which included the background where Ordinance No. 1777 amended the City's Boards and Commissions Code. It created new regulations pertaining to term limits, unexcused absences, automatic removal, approximately equal district representation of board members, and the Council's ability to remove members among other things. While certain provisions, like those redefining unexcused absences and implementing a new automatic removal policy extend to the Liquor Licensing Authority (LLA), amendments concerning term limits, district representation, and Council's removal authority do not apply to the LLA. This is because the LLA is governed by a distinct section of the Municipal Code separate from the Boards and Commissions Code.

Afterwards he stood by to answer any questions.

Public Comment

There were none tonight.

Council Questions and comments:

CM had few comments, having recently reviewed the details of this item in a Study Session.

The Mayor closed the public hearing.

Motion by MPT Stites to approve Council Bill 33-2023 – an ordinance amending Section 11-52.5 of the Wheat Ridge Code of Laws concerning membership of the Wheat Ridge Liquor Licensing Authority, on second reading, and that it takes effect on March 1, 2024, seconded by CM Dozeman, motion carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON FIRST READING

3. Council Bill 01-2024 – An Ordinance approving the rezoning of property located at 10390 W. 38th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N).

CM Weaver introduced Council Bill 01-2024

Issue

The owner of the property at 10390 W. 38th Avenue is requesting approval of a zone change from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N). The zone change will result in a zoning designation that would allow for the redevelopment and revitalization of the property.

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 Weaver to approve Council Bill 01-2024 – an ordinance approving the rezoning of property located at 10390 W. 38th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N), on first reading, order it published, public hearing set for Monday, February 12, 2024, 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 MPT Stites, motion carried 8-0.

4. Council Bill 02-2024 – An Ordinance vacating any interest held by the City in a portion of W. 46th Avenue between Everett and Estes streets.

CM Larson introduced Council Bill 02-2024

Issue

The City of Wheat Ridge holds rights-of-way (ROW) in trust for the public. A portion of right-of-way along the south side of W 46th Ave, located between Everett St and Estes St, has been deemed to be unnecessary by the Community Development Department.

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 Larson to approve Council Bill 02-2024 – an ordinance vacating any interest held by the City in a portion of W. 46th Avenue between Everett and Estes streets, on first reading, order it published, public hearing set for Monday, February 12, 2024, 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 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

5. Resolution No. 02-2024 – a resolution designating the municipal building main entrance display cabinet as the official public notice posting location and the city's official internet webpage for city publications in 2024.

CM Snell introduced Resolution 02-2024.

Issue

State statutes require that each municipality annually establish the location for posting public notices, as well as the newspaper in which the notices will be published. Local government entities are also allowed to publish notices on-line for public meetings. These include meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of body is in attendance.

Staff Presentation

City Manager, Patrick Goff presented details to Council about changes in publishing from the Jeffco Transcript which included earlier ad cut-off dates, earlier publishing/printing dates, plus an increase in fees for both ads and publishing affidavits..

Public Comment

No one came forward to speak.

Council Questions and comments

There were none on this item.

Motion by CM Snell designating the municipal building main entrance display cabinet as the official public notice posting location and the city's official internet webpage for city publications in 2024, seconded by MPT Stites, motion carried 8-0.

6. Resolution No. 03-2024 – a resolution levying general property taxes for the year 2023, to help defray the costs of Government for the City of Wheat Ridge, Colorado for the 2024 Budget Year.

CM Hoppe introduced Resolution 03-2024.

Issue

This resolution authorizes the levying of property taxes for the 2023 fiscal year to help defray the cost of government in 2024.

Staff Presentation

Deputy City Manager, Allison Scheck gave a brief presentation which included how Section 39-5-128 of the Colorado Revised Statutes (C.R.S.) requires the Jefferson County Assessor to certify to the City the total valuation for assessment of all taxable

property located within the territorial limits of the City of Wheat Ridge. The estimated total net assessed valuation for the City for the year of 2023 is \$805,283,943, which is an increase of \$108,116,438 compared to the final valuation in 2022.

The Colorado General Assembly acted in its last two sessions to reduce residential property tax assessment rates. SB22-238 reduced the residential property assessment rate to 6.765% and reduced residential actual values by \$15,000. Following the failure of Proposition HH in the 2023 election, the Colorado General Assembly held a special session in November 2023 resulting in the passage of SB23B-001 which further reduced the residential property tax assessment rate from 6.765% to 6.7% and further increased the actual value reduction of residential properties from \$15,000 to \$55,000.

SB23B-001 also delayed the statutory deadline for the City to officially certify the property tax mill levy to the Jefferson County Board of County Commissioners to January 10, 2024. The City's property tax mill levy will remain at 1.830 mills for the 2024 budget, generating approximately \$1,473,670 in property tax revenue, an increase of \$223,670 compared to the 2023 estimate.

Afterwards she stood by to answer any questions.

Public Comment

No one came forward to speak.

Council Questions and comments

CM Hultin asked about the taxation on short term rentals. She is concerned about bills at the legislature that would tax STR at commercial rates.

Motion by CM Hoppe to approve Resolution 03-2024 – a Resolution levying general property taxes for the year 2023, to help defray the costs of Government for the City of Wheat Ridge, Colorado for the 2024 Budget Year, seconded by MPT Stites, motion carried 8-0.

During discussion on the motion, CM Hoppe reported that our mill levy in WR is in the range of \$40 to \$60 per home per year.

7. Motion to award a contract and approve subsequent payments of \$105,150 to Progressive Urban Management Associates for the Economic Development Strategic Plan.

CM Ohm introduced the Motion.

Issue

The current Economic Development Strategic Plan for the City is twelve years old. A request for proposals (RFP) was issued to solicit qualified firms to develop a new comprehensive Economic Development Strategic Plan. Twelve proposals were received and accepted as complete. City staff has evaluated the bids, and Progressive

Urban Management Associates (PUMA) was selected as the most responsible and responsive bidder in the amount of \$100,000.

Staff Presentation

Economic Development Manager, Steve Art presented details to Council on how the current Economic Development Strategic Plan was written in 2012 and is over 12 years old. During that timeframe, much has changed in relation to the City's economic development landscape including new development and investment into redevelopment, demographics, population, social media, online shopping, Urban Renewal investments, and neighborhood engagement comments relating to citizen desires.

He spoke of the ways that the consultant will document and communicate regional and local economic development trends and issues impacting the City; gather business statistics and other relevant data; and develop recommend policies, programs and initiatives that will stimulate economic growth, facilitate appropriate development, redevelopment and improvements to aging building stock, aid recruitment and retention of businesses, and support the creation of new jobs and related lifestyle opportunities in the City.

These to include:

- Develop an overall economic development strategic plan, including alignment of economic development goals with City financial needs, projected into the future.
- Identify development and redevelopment opportunities within the City and develop a prioritization ranking relating to various evaluation factors.
- Evaluate and make recommendations for improvements to the City's project review and approval processes that may support and encourage business investment.
- Analyze the City's existing incentive programs; develop benchmarks; make forward-focused recommendations for updates to incentive programs, including those needed to attract and retain businesses throughout the City.
- Provide strategies and identify challenges related to the City's ability to compete to attract, retain, and expand businesses, including small business development.

Afterwards he stood by to answer any questions.

Public Comment

No one came forward to speak.

Motion by CM Ohm to award a contract and approve subsequent payments t of \$105,150 to Progressive Urban Management Associates for the Economic Development Strategic Plan, seconded by CM Hoppe, motion carried 8-0.

During discussion of the motion, CM Hultin opined that she is happy to support this motion for a variety of reasons. Given all of the changes recently, currently and forthcoming, this kind of plan is essential.

8. Resolution No.04-2024 – a resolution approving an intergovernmental agreement among City of Wheat Ridge and Longs Peak Metro District regarding Prospect Trail improvements at Clear Creek Crossing.

CM Hultin introduced Resolution 04-2024.

Issue

The Longs Peak Metropolitan District (LPMD) will be constructing a trail connection along the west side of Clear Creek Crossing with City funding. This Intergovernmental Agreement (IGA) outlines the responsibilities of the City of Wheat Ridge and LPMD, as it pertains to funding and timing of the trail construction.

Staff Presentation

Director of Parks and Recreation Karen O'Donnell thanked council for their support.

Ms. O'Donnell then stood by to answer questions.

Public Comment

No one came forward to speak.

Council Questions and comments

The Mayor asked for milestones for project completion, and regular updates to Council.

Motion by CM Hultin to approve Resolution No. 04-2024, a resolution approving an intergovernmental agreement among City of Wheat Ridge and Longs Peak Metro District regarding Prospect Trail improvements at Clear Creek Crossing, seconded by MPT Stites, motion carried 8-0.

CITY MANAGER'S MATTERS

A lot of great things are happening; we have several new restaurants about to open; lifetime fitness will also open; a new hotel is partially constructed.

CITY ATTORNEY'S MATTERS

Nothing tonight

ELECTED OFFICIALS' MATTERS

CM Hultin joined us from Washington, D.C., where she spoke with a grant reviewer who evaluated about our work in glowing terms. She discussed the meeting of January 3 at the Rec Center, which she attended. The majority of the participants in that meeting were not WR residents; it was a more regional session. There was a lot of conjecture about what if's? She is proud that the City can and does respond to real issues as they

arise, not what if conjectures and conspiracy theories. We need to be a place that welcomes all and continues to show the other municipalities along the Front Range what actually works. She also addressed the comments earlier this evening from D II residents about speeding along Dover St. She asked that staff work with those residents to arrive at a solution,

CM Snell responded to some of the publics' comments tonight. Several residents have approached her about the supposed Town Hall on January 3. She thanked those who expressed their concerns and opposing opinions to the comments made at that meeting. She then addressed safety; she wants all of our residents in all of our neighborhoods to feel safe, protected and supported. Some of the comments from the Town Hall raised safety concerns. We must lead with compassion and always display kindness. She encourages all who are interested to sign up for the next phase of work in diversity, equity and inclusion.

CM Dozeman attended the emergency town hall. She appreciated those who came to express their concerns and opinions. She supports planning and actions to manage the impact and concerns related to the migrant crisis. She appreciated those who came this evening to express their opinions too. The Wheat Ridge Grange is having their Annual Chili Cookoff on High Court on January 17th.

CM Larson wished everyone a Happy New Year and predicted that 2024 will be an interesting year.

CM Ohm thanked Mr. Alex Paul for coming tonight and addressing specific concerns about the current state of affairs. He thanked staff for their hard work and help.

CM Weaver reminded all that today is the third day of the National Western Stock Show and Rodeo. Come all! She recalled that she has lived in several of the countries from which migrants are now fleeing in desperation. She opined that she will not support those who demand the expulsion of these refugees. Please, learn more about this issue at the international, national, state and municipal level; it's complex. We on Council really appreciate those who come forward to discuss these matters with us. In many of the countries we are discussing there is no public discourse, like there is here, only strong-arm tactics and suppression of dissent. We are so lucky to have been born here.

CM Hoppe thanked Judge Randall for his service. Regarding housing migrants in our community, we should remember that these are people, other human beings, who are in dire need. We need a regional and statewide plan for addressing these matters. We also need to remember that the Super 8 motel is a private property; the City does not control who resides there. If you are interested in scholastic sports, please, attend a game at WRHS.

MPT Stites. Echoed CM Hoppe's comments. He read a Facebook post from one of the attendees on January 3rd, to the effect that people were fearful to speak at the January

3 town hall. That is not democracy; that is tyranny. Let's fulfill our promise as a nation to welcome those who seek freedom, justice, and opportunity. Why would we suddenly do background checks on motel residents? He was disappointed at learning that his name had been used in some of the email related to the town hall and he has serious issues with that misuse of his name. It's our job to step forward, lead and manage this crisis. He was gratified that very few of the attendees on January 3rd were from our City. If you can find it in Wheat Ridge, buy it here.

Mayor Starker again thanked and recognized Judge Randall. He quipped that Judge Randall Day is extended to 7 pm tomorrow. He was an exemplary judge. He welcomed interim Judge Paul Basso. He thanked residents who came tonight to help us make better decisions and craft better policy by using their Public Right to Speak, a right that is not encoded in law. Coffee with the Mayor will be this Saturday at 9 am at Vignola's Restaurant. On Friday he will cut the ribbon at First Watch, which now occupies the old Chili's location. Our children are again out and about, so please, drive safely and slowly,.

ADJOURNMENT

The meeting adjourned at 8:12 pm.

APPROVED BY CITY COUNCIL ON January 22, 2024

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.