



WESTMINSTER

CITY OF WESTMINSTER, COLORADO MINUTES OF THE CITY COUNCIL MEETING HELD ON MONDAY SEPTEMBER 23, 2024, AT 7:00 P.M.

1. PLEDGE OF ALLIGENCE

McNally led the audience in the Pledge of Allegiance.

2. ROLL CALL

Mayor McNally, Councillors Carmelia, DeMott, Ezeadi, Hott, Ireland, and Nurmela were present at roll call. Also present were City Manager Jody Andrews, Deputy City Manager Barbara Opie, City Attorney Dave Frankel, and Acting City Clerk Kathryn Schroeder.

DeMott moved, seconded by Nurmela, to allow Ezeadi to participate remotely. The motion passed **(7-0)**.

3. APPOINTMENTS AND RESIGNATIONS

A. Employment Agreement with Jody Andrews as City Manager

DeMott moved to authorize the Mayor to execute an employment agreement with Jody Andrews for his services as the City Manager. The motion was seconded by Nurmela, and the motion passed **(7-0)**.

B. Oath of Office – Jody Andrews

Judge Lantagne swore in Jody Andrews as the new City Manager.

4. CONSIDERATION OF MINUTES

DeMott moved to approve the minutes of the September 9, 2024, City Council Meeting as presented. The motion was seconded by Nurmela, and the motion passed **(7-0)**.

5. PRESENTATIONS

Ireland proclaimed September 17 through September 23 as Constitution Week in Westminster in recognition of the drafting of the Constitution of the United States.

6. PUBLIC COMMENT

Paula Elofson-Gardine expressed concern about the Rocky Flats Greenway Trail and urged Council to support option 2 to pull out of the Greenway Trail IGA. She cited concerns with the infrequency of wind and air monitoring. She also stated that there should not be public access allowed in the area, and that signage should show the history and continued risks of the site.

Susan Hurst expressed safety concerns with super-fine particulates that are spread by the wind and stated that there needs to be constant weekly monitoring. She stated that it is a dangerous area that is not suited to have people in proximity of the site. She also stated that health department studies on the risks were downplayed.

Darrell Eson addressed attendees and expressed displeasure with the optics of the Council Chambers.

Robby Baker posed questions about Rocky Flats and the standing lawsuit. He stated that he as well as people in Candelas and surrounding areas recreate on the trails and that warning signs in Rocky Flats are needed. He stated that people can make their own decision to go into the area and recreate or not. He added that Candelas would not have been built if it was too risky for a developer.

Jim Fenimore congratulated the new City Manager. He raised safety concerns including the height of weeds on 72nd Avenue that obstruct sightline, cracking bricks on the clock tower at City Hall, and Rocky Flats contamination and the dangers of recreating on the site.

Gary Bland congratulated the new City Manager. He thanked Council for listening to the public about the tennis center. He also shared that he had suffered a loss and wanted to state the decedent's name, Harvey Uhlmer, in his honor.

Karen Kalavity expressed concerns about the second reading regarding ground water on 84th and Lowell. She stated that sites being used for affordable housing are compromised locations and she has concerns that standards are not being met. She said that it would be preferable to make sure that existing housing is more affordable.

Shari Griffin spoke about Rocky Flats and the Greenway Trail and spoke about the history and concerns by agencies about the area. She stated that the CDPHE has deemed Rocky Flats safe, but expressed concerns with the validity of that assertion based on conflicts of interest. She urged council to support option 2.

Deborah Segaloff said it should not be normalized to consider Rocky Flats safe when it is not. She expressed dangers of inhaling particles and stated that there is not adequate signage warning visitors about the risks. She urged council to support option 2 as a message of protection to Westminster residents.

Madison Cartaya asked Council to withdraw from the Rocky Mountain Greenway Trail and to stop nuclear proliferation. She described the situation by using an iceberg model stating that larger and less visible actions and system changes have more impact and leverage. She asked Council to support option 2.

Giselle Herzfeld expressed concern that profit and military are prioritized over health and safety. She gave examples of cases and their impact throughout the community and nation. She asked Council to support option 2.

Chris Allred with the Rocky Mountain Peace and Justice Center spoke about a movie that will debut at an upcoming film festival about Rocky Flats. He asked Council to support option 2 to protect public health and make a stand to deny any participation in the project. He stated that the project should not have made it this far and that the fight is not over because the most vulnerable are not protected.

Tom Lampo offered a prayer for the city.

John Palmer congratulated the new City Manager. He stated that the algae he discussed during his last public comment had been cleaned up, but that it has returned and it is the developer's responsibility to fix the issue. He expressed concern about agenda item 11C regarding ground water and stated that he had received documents about contamination being above limits from a Westminster staff member.

Kyra Alexander urged Council to withdraw from the Greenway Trail IGA.

Brittanny Kole stated that she grew up in Westbrook and asked Council to withdraw from the Rocky Flats IGA.

Greg Alexander stated that he is a 22-year resident of Westminster and expressed concerns about the dangers of Rocky Flats stating that evidence supports withdrawal from the Greenway Trail project and urged Council to support option 2.

7. CITY MANAGER'S REPORT

City Manager Andrews provided a brief update, mentioning ongoing projects, upcoming

agenda items, and upcoming meetings and events.

8. CITY COUNCIL COMMENTS

Ezeadi thanked Staff for the meeting with the Sustainability Center.

Carmelia also thanked Staff for the Sustainability Center tour. She provided a reminder about the upcoming North Metro Arts Alliance gala and thanked Councillors who supported sponsoring the event. She provided an update on the previous week's DRCOG meeting discussion around a ballot measure for the RTD Tabor vote. Carmelia also met with Representative Petterson to discuss RMMA issues about lead, noise, and construction to keep the conversation going.

Ireland thanked the public for sharing their comments and for information provided on the Greenway Trail.

McNally attended the jazz festival community event at 73rd and Lowell which had great involvement from staff, council, and the public. She shared that she was the Grand Marshall for the Westy High School homecoming parade last week. The Mayor attended Bradburn's annual barbeque and answered a lot of questions from residents. She also attended the first community event at the previous church located at 76th and Bradburn.

9. CONSENT AGENDA

The following items were presented on the consent agenda for City Council's action: 2025 Property and Liability Insurance Renewal.

***Clerk's note: Ireland asked items B, C, D, E, and F be removed from the consent agenda.

DeMott moved, seconded by Nurmela, to approve consent agenda item 9A. The motion passed **(7-0)**.

B. Authorize the City Manager to Execute a Contract Amendment with Burns & McDonnell Engineering Co. for Engineering Services for the Raw Water Pipeline Extension Project Serving the Drinking Water Facility

DeMott moved, seconded by Nurmela to authorize the City Manager to execute a contract amendment with Burns & McDonnell Engineering Company, Inc. for engineering services during design of the Westminster Boulevard Raw Water Pipeline Extension capital project in the amount of \$279,151, plus contingency in the amount of \$28,374, increasing the total authorized expenditure with this firm from the previous not to exceed amount of \$1,789,537 to \$2,096,603.

The motion passed on a **(6-1)** roll call vote. Ireland voted no citing disapproval of the new water treatment plant and all associated actions.

C. Agreement to Provide Security Services for City Facilities with Mercurial Security Solutions, LLC

DeMott moved, seconded by Nurmela to authorize the City Manager to execute a contract with Mercurial Security Solutions, LLC for an amount not to exceed \$775,000 to provide security services at City facilities for a 12-month period beginning on November 1, 2024, renewable for up to four additional 12-month periods, subject to annual appropriations.

The motion passed on a **(7-0)** roll call vote.

D. Authorize a Construction Contract with T2 Construction, Inc. for the Irving Street Park Outdoor Classroom Project

DeMott moved, seconded by Nurmela to authorize the City Manager to execute a construction contract with the low bidder, T2 Construction, Inc., in the amount of \$464,444, for construction of the outdoor classroom at Irving Street Park, plus a 10

percent contingency amount of \$46,444 for a total authorized expenditure amount not to exceed \$510,888.

The motion passed on a **(6-1)** roll call vote. Ireland voted no citing concerns with materials to be used and their longevity.

- E. Authorization to Execute a Development Agreement for Multi-Family Housing Rehabilitation and Preservation under the Westminster Community Development Block Grant with Maiker Housing Partners for Rehabilitation and Preservation of the Village of Greenbrier Apartments located at 8290 North Federal Boulevard
Nurmela moved, seconded by DeMott to authorize the City Manager to execute a Development Agreement for Multi-Family Housing Rehabilitation and Preservation under the Westminster Community Development Block Grant with Maiker Housing Partners in an amount not to exceed \$735,000 for significant rehabilitation work needed to keep the Village of Greenbrier Apartments, located at 8290 North Federal Boulevard, structurally safe and in service to qualified low- and- moderate income residents for a minimum of 20 years.

The motion passed on a **(6-1)** roll call vote with Ireland voting no.

- F. Authorization to Execute a Development Agreement for Multi-Family Housing Rehabilitation and Preservation under the Westminster Community Development Block Grant with Foothills Regional Housing for Rehabilitation and Preservation of the Redwood Village Apartments located at 5385 West 78th Place
DeMott moved, seconded by Nurmela to authorize the City Manager to execute a Development Agreement for Multi-Family Housing Rehabilitation and Preservation under the Westminster Community Development Block Grant with Foothill Regional Housing in an amount not to exceed \$735,000 for significant rehabilitation work needed to keep the Redwood Village Apartments, located at 5360 West 78th Place structurally safe and in service to qualified low- and moderate-income residents for a minimum of 20 years.

The motion passed on a **(6-1)** roll call vote with Ireland voting no.

10. NEW BUSINESS

- A. DIRECTION ON THE ROCKY MOUNTAIN GREENWAY TRAIL CROSSINGS INTERGOVERNMENTAL AGREEMENT

Carmelia stated that there is historical significance in the decision to participate in building the last 0.4 miles of the trail. She discussed solutions to minimize harm and protect residents moving forward. She stated that she is struggling with the argument that the City is bound to a preexisting contract and that this is a case of unusual paramount involving health and safety of the community.

Hott stated that they vote their values and that public health is their priority.

Ireland stated that she is upset that the trail ever happened and would vote with her conscience.

Nurmela appreciated the thoughts provided by Carmelia on potential safety measures and would like to carry on with future discussions about mitigation. She stated that she is hoping to provide education and have more options. She asked for clarification on what happens to already appropriated funds and emphasized the need for communication with involved agencies.

DeMott asked Staff if there was a developer involved or profit to be made from the trail as was suggested during public comment. Staff stated that there is not. DeMott asked about future development planned and Staff responded that there was not any

planned in Westminster. DeMott stated that people should be educated about the Rocky Flats site and that strong signage is needed as well as information provided on the website. He stated that he supports a free society to take educated risks. DeMott asked the City Attorney for the findings of the US District Court case on Rocky Flats. DeMott asked about funds that have been expended and the City's obligation to pay funds that have already been appropriated. He stated that when the City signs an IGA it is a legal agreement that would bring liability on the City and there are other solutions including education and working with partners.

McNally asked for an update on the bridge and fencing. McNally raised questions about where historical documents related to Rocky Flats would be housed with the dismantling of the Rocky Flats Stewardship Council. She wants to make sure that nobody forgets the history of the site so that people can make informed decisions. She stated that commitments have already been made and that pulling out of the IGA creates a burden for others. She referenced the Rocky Flats lawsuit and stated that it determined that risks were not as high as some people have said. She emphasized education and finding various ways to inform the public including signage.

Ezeadi stated that a legal victory is not always a reflection of the truth and that legacy contamination still presents a risk. He added that there is not much that can be done now that the trail is built, but there is a moral obligation to get out of the IGA.

Hott moved, seconded by Ireland, to withdraw from the Rocky Mountain Greenway Trail Crossings Intergovernmental Agreement.

The motion passed on a **(4-3)** roll call vote, with DeMott, McNally, and Nurmela voting no citing concerns with liability and repercussions surrounding the IGA, outstanding questions about already appropriated funds, and the history of decisions regarding the development of the trail.

***Clerk's note: Council took a recess at 8:29 p.m.

11. OLD BUSINESS AND PASSAGE OF ORDINANCE ON SECOND READING

A. SECOND READING OF COUNCILLOR'S BILL NO. 28 APPROVING A DEVELOPMENT AGREEMENT WITH COMMUNITY REACH CENTER FOR THE PURPOSE OF DEVELOPING BLOCK 1, LOT 2, FOR A BEHAVIORAL HEALTH FACILITY WITHIN THE MUNICIPAL CENTER PLANNED UNIT DEVELOPMENT

DeMott moved, seconded by Nurmela, to pass Councillor's Bill No. 28 on second reading authorizing the Acting City Manager to execute a Development Agreement with Community Reach Center, Inc., in substantially the same form as attached, for the development of a proposed behavioral health facility, and authorizing the Acting City Manager to finalize and execute a Development Assistance Agreement and Stipulated Use Tax Agreement without requiring further approval from City Council.

The motion passed on a **(6-1)** roll call vote, with Ireland voting no citing concerns with finances of the organization.

B. SECOND READING OF COUNCILLOR'S BILL NO. 29 PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF FUNDS FROM THE GENERAL CAPITAL IMPROVEMENT FUND TO 92ND AVENUE AND EATON STREET IMPROVEMENTS ACCOUNT

DeMott moved, seconded by Nurmela, to pass Councillor's Bill No. 28 on second reading authorizing the Acting City Manager to execute a Development Agreement with Community Reach Center, Inc., in substantially the same form as attached, for the development of a proposed behavioral health facility, and authorizing the Acting City Manager to finalize and execute a Development Assistance Agreement and Stipulated Use Tax Agreement without requiring further approval from City Council.

The motion passed on a **(6-1)** roll call vote, with Ireland voting no.

C. SECOND READING OF COUNCILLOR'S BILL NO. 30 RE: REGULATION OF GROUND WATER USE UPON CERTAIN PROPERTY WITHIN THE CITY OF WESTMINSTER NEAR 88TH AVENUE AND LOWELL BOULEVARD

DeMott moved, seconded by Nurmela moved to pass Councillor's Bill No. 30 on second reading to prohibit withdrawal or use of ground water in the area where residual ground water contamination exists from the former Shaw Heights Dry Cleaners Site, located at 3681 W 88th Avenue, Westminster, Colorado.

The motion passed on a **(6-1)** roll call vote, with Ireland voting no.

12. MISCELLANEOUS BUSINESS AND EXECUTIVE SESSION

13. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

THE WESTMINSTER CITY COUNCIL

ATTEST:

Mayor

Deputy City Clerk