

# CITY COUNCIL MINUTES

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

March 30, 2020

**Note:** This is the Regular Council Meeting, delayed by vote of the Council on March 13, 2020. This session replaces the regularly scheduled March 23, 2020 regular meeting.

**Note:** This meeting was held virtually, using Zoom video-teleconferencing technology. As duly announced and publicly noticed, Council previously approved this format in order to continue with normal business and respond to the CoVid-19 Pandemic and the related public emergency orders promulgated by the President of the United States, the Governor of Colorado, and the Wheat Ridge City Council. 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 7:02 p.m.

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

### **ROLL CALL OF MEMBERS**

Janeece Hoppe	Judy Hutchinson	Zachary Urban	Rachel Hultin
Amanda Weaver	Korey Stites	Leah Dozeman	Valerie Nosler Beck

Also present: City Clerk, Steve Kirkpatrick; City Treasurer, Chris Miller; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief Christopher Murtha; Administrative Services Director, Allison Scheck; Community Development Director, Ken Johnstone; other staff, guests and interested citizens.

## **APPROVAL OF Minutes of the Council Meetings of March 9 and March 13, 2020**

Council Minutes of March 9, 2020; and Emergency Special City Council minutes of March 13, 2020, approved without objection

## **PROCLAMATIONS AND CEREMONIES**

Mayor Starker read a Proclamation asking all Wheat Ridge residents to complete their 2020 Decennial Census, as mandated by the United States Constitution, Article 1, Section 2. Ms. Lilly Griego of the US Census Bureau thanked the Mayor and City for supporting the effort to ensure a complete and accurate count of all Wheat Ridge and Colorado residents.

**CITIZENS RIGHT TO SPEAK**

**Motion:** by Councilmember Hoppe, seconded by Councilmember Urban, to suspend the Council Rules for this meeting as follows:

- Combine into a single time segment at the beginning of the session all comments people choose to make under Citizens' Right to Speak and under citizens' comments on any Agenda item;
- Limit each speaker's time for comments on any topic or agenda item to a total of 3 minutes or less; and
- Disallow yielding of time by one speaker to another speaker.

Motion passed 8-0; rules thereby suspended.

Mr. Ihor Figlus, 9775 W. 36<sup>th</sup> Ave, Wheat Ridge spoke via virtual microphone to comment on the deployment of this virtual meeting format. He is concerned that too few citizens know how to join the meeting using this technology, or do not have ready access to the necessary tech, creating a barrier to public information and participation. He urged that any Council Agenda item requiring a public hearing should be suspended until Council meetings may once again be safely held in Council Chambers at City Hall. He expressed specific concern about any public hearings related to zoning or re-zoning, urging that such public hearings be delayed until in person public meetings can resume.

City Treasurer Chris Miller reported that he had received communication from a Wheat Ridge resident expressing the same concerns about this virtual meeting format and asking that any public hearings be delayed until such time as in person meetings resume in Council Chambers at City Hall.

**APPROVAL OF AGENDA**

Without objection, on motion by Councilmember Urban seconded by Councilmember Stites, an Agenda item 5, to consider an emergency ordinance placing a 30-day ban on any short-term rentals within the City of Wheat Ridge, effective April 1, 2020, was added to the Agenda.

**CONSENT AGENDA**

No items

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

No items

**ORDINANCES ON FIRST READING**

No items

**DECISIONS, RESOLUTIONS AND MOTIONS**

1. Resolution No. 17-2020 - a resolution amending the fiscal year 2020 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$15,630 for the purpose of accepting grants for the promotion of the 2020 Census

Councilmember Hoppe introduced Resolution 17-2020.

**Motion** by Councilmember Hoppe to approve Resolution 17-2020, seconded by Councilmember Stites.

After due deliberation and discussion, the motion **passed** unanimously 8-0.

2. Resolution No. 18-2020 - a resolution of the City of Wheat Ridge, Colorado approving the use of electronic consent for signatures on Ordinances, Resolutions, contracts and other instruments requiring the City's signature.

Councilmember Dozeman introduced Resolution 18-2020.

City Attorney Dahl explained the reasons this resolution is needed during this emergency, that the Council upon passing this Resolution would thereby allow electronic signatories to approve documents with full force and effect. He also noted that documents requiring notarization may be approved by the City Clerk electronically. When the current public health emergency abates and the officials whose signatures are required on certain documents can visit City Hall, then those persons will still affix original ink signatures to all documents approved with an email communication.

**Motion** by Councilmember Dozeman to approve Resolution 18-2020, seconded by Councilmember Urban. Motion **passed** 8-0.

3. Motion to approve the revisions to City of Wheat Ridge Emergency Operations Plan

Police Chief Murtha and Commander Salser explained that the changes to the EOP are minor and reflect logistical issues. The changes also correct typos and align Wheat Ridge with other municipalities and the Jefferson County Office of Emergency Management.

Councilmember Urban asked whether this revised plan fits the current CoVid-19 emergency; Chief Murtha answered that it does. Mr. Urban suggested that the City revise this plan following the end of the current public health emergency, to reflect what we learn during and after the current emergency. Chief Murtha and Commander Salser agreed.

**Motion** by Councilmember Weaver, seconded by Mayor Pro-Tem Hoppe to approve the revised Emergency Operations Plan. Motion passed 8-0.

4. A motion approving funding for a Wheat Ridge Business Recovery Program in response to COVID-19 and Colorado Department of Public Health and Environment Public Health Order 20-22

This item appears as follow-up to a motion passed during the Emergency City Council session on March 20, 2020.

Council, Treasurer Miller, and City Manager Goff engaged in a lengthy and detailed discussion of the proposed funding and the impact of the current public health

emergency on City revenues. They both emphasized that any projection is only as good as the assumptions underlying it, and that we will not know much about lost revenues, or the extent to which the budget will have to be revised, for many weeks yet.

Treasurer Miller reported that the City has already acted to allow businesses to delay remitting their sales taxes to the City for up to 90 days, beginning April 1, 2020. The tax obligations are not cancelled; the program allows businesses to delay payment of their taxes.

The discussion, including many comments and questions from Council, focused on various details:

- How to determine which businesses would be eligible for funds?
- The form the funds would take: grants, bridge loans, or a combination.
- Conditions for the funding of individual businesses, including specific costs to be defrayed by the Business Recovery Program and assurances that the business will recover and continue to operate, rather than closing.
- How to coordinate business recovery funding with Federal (SBA, FEMA, and others), State and County funds and programs to help small businesses recover quickly and operate soundly.
- What existing or newly created committee, group or agency will accept applications and make decisions on individual funding applications without any actual conflict of interest or the appearance of a conflict of interest.
- How to ensure input to the process from local business owners.
- How much to allocate to funding the Business Recovery Program.

On advice of City Attorney Dahl, this action by Council needed to be a Resolution to amend the budget and appropriate the funds, as well as provide parameters and processes for funding applications.

## **CITY OF WHEAT RIDGE, COLORADO**

### **RESOLUTION NO. 19**

**Series of 2020**

**TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2020 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF PROVIDING A BUSINESS RECOVERY PROGRAM AND DIRECTING THE CITY MANAGER TO IMPLEMENT SAID PROGRAM**

**WHEREAS**, the Wheat Ridge Charter requires that amendments to the budget be effected by the City Council adopting a resolution; and

**WHEREAS**, Wheat Ridge City Council acknowledges the hardship imposed by the COVID-19 emergency; and

**WHEREAS**, the Council recognizes the importance and significance of small businesses to the health and vitality of Wheat Ridge; and

**WHEREAS**, the Council finds that assistance is necessary to support businesses during this time; and

**WHEREAS**, the Council wishes to establish and fund a business recovery program for eligible businesses within the City; and

**WHEREAS**, insufficient appropriations in the 2020 Budget exist to cover this program.

**NOW, THEREFORE, BE IT RESOLVED** by the Wheat Ridge City Council, that:

Section 1. A transfer of \$250,000 is hereby approved from the General Fund undesignated reserves to account 01-105-700-719 and the 2020 revenues are amended accordingly.

Section 2. The City Manager is authorized and directed to implement a small business recovery program for eligible businesses within the City, and to develop eligibility criteria and procedures for the same.

**Motion** by Councilmember Urban to approve Resolution 19-2020, seconded by Mayor Pro-Tem Hoppe, **passed** 8-0.

5. Consideration Motion to ban short term rental of residential units of less than 14 days, effective April 1-30.

Councilmember Urban introduced this item. A lengthy and detailed discussion of a ban, in what form, for what period ensued.

Several Councilmembers have received communications from residents expressing concern that STR may be occupied by individuals who arrive in Wheat Ridge unknowingly, or knowingly, contagious with CoVid-19. In at least one instance, an STR appears to have been occupied by people who traveled to Wheat Ridge from out of state locations where the CDC has indicated there is a high rate of infections, a "hot spot."

Councilmembers had questions and concerns:

- How can we ban all STR and still support recovery of Wheat Ridge residents who operate STR as their primary or secondary source of income?
- How would the City, specifically the PD, enforce such a ban?
- How would a ban on STR impact healthcare workers who have rented lodgings during the pandemic? Some doctors, nurses, advanced practices nurses, and other healthcare workers have decided to avoid going to their homes and infecting their families, and so are lodging in an STR. There are also healthcare workers who have taken temporary jobs to care for coronavirus patients and are staying in STR while they work to help our citizens recover.

- How would a ban on STR impact people from outside the City who have come to help family members weather the pandemic public health emergency?
- How many actual incidents have been identified, of people coming to stay in STR in Wheat Ridge, from outside the area? Is there enough, actionable information to make a significant public policy decision with little resident input?
- Is it feasible to sanitize an STR between renters? How long should an STR lodging sit unoccupied; quarantined until any virus particles have expired?
- Can the Council delay action for a time, or does the situation present enough risk to require immediate, emergency action?

After lengthy discussion and deliberation, Councilmember Urban offered a proposal.

**Motion** by Councilmember Urban, seconded by Councilmember Hutchinson, to ban all residential property rentals for less than 14 days for a period of 30 days beginning April 1, 2020.

Motion carried by a vote of 5-3, with Councilmembers Hoppe, Hultin and Nosler Beck voting nay.

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

Mr. Goff announced where to find information or links to several sources that people can find on the City's website, including information of interest not only to businesses but also to all residents.

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

Mr. Dahl had no items at this time.

#### **ELECTED OFFICIALS' MATTERS**

Councilmember Valerie Nosler Beck expressed her agreement with Mr. Ihor Figlus's comments during Citizen's Right to Speak this evening, that this virtual meeting format is problematic for many citizens. She proposed that all matters requiring public hearing be delayed until such time as Council can meet in person again in Council Chambers.

Councilmember Korey Stites asked what impacts would result if Council delayed any public hearings until after the emergency passes and Council can meet in person again. Mr. Goff replied that several developers and landowners await action on zoning requests and noted that citizens may still express their positions directly to Councilmembers, through Wheat Ridge Speaks, or call in to express their opinions during virtual public hearings.

Mr. Stites congratulated local businesses for their rapid and flexible responses to the emergency, literally changing their operating modes overnight.

Councilmember Leah Dozeman expressed appreciation to the City's residents for their efforts to endure this emergency and reminded everyone that we are all in this together and we shall prevail together.

Councilmember Rachel Hultin thanked Allison Scheck, Director of Administrative Services, for her efforts to keep things operating during this pandemic. She also encouraged citizens to patronize local businesses that have pivoted and are offering goods and services online during this period.

Ms. Hultin also noted that she enjoys seeing people out and about while maintaining proper social distancing, but also noted that too many people are letting dogs off leash. This creates dangerous situations, not only to the animals but also to people who must intervene when off-leash dogs misbehave.

Councilmember Zach Urban noted how well the City is responding to the pandemic and gave special thanks to Parks and Recreation staff for their efforts to keep our parks and open spaces open and accessible for citizens.

Mr. Urban also thanked the staff at Lutheran Hospital for their tireless efforts, especially the healthcare workers who are on the front lines of this fight.

Mr. Urban also noted that he, like Councilmember Hultin, has seen too many dogs running about off-leash.

Councilmember Judy Hutchinson acknowledged that these are confusing and troubling times, and urged that citizens do their part to endure the pandemic, especially maintaining social distance and washing their hands. She especially thanked the City staff, our grocery workers and US Post Office employees for their service, the risk they are taking and the sacrifices they are making.

Councilmember Janeece Hoppe appreciates the opportunity to recreate and exercise in our open spaces. She has also noted a few instances when children playing outdoors are failing to maintain a 6-foot distance from others and urged parents/adults caring for children to remind them frequently that the children must also maintain social distancing.

Ms. Hoppe also announced an event held on Friday, April 3<sup>rd</sup> by Wheat Ridge Business Center, including details on hours, registration and contact information

Ms. Hoppe also announced an effort to help Wheat Ridge small businesses through gift cards issued by individual businesses. She invited interested parties to contact her or Councilmember Korey Stites for further details.

Councilmember Amanda Weaver thanks the people of Wheat Ridge for their response, and the City staff for their flexible and helpful responses.

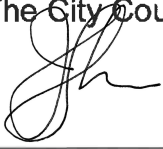
City Treasurer Miller shared his screen online to help everyone find the webpage on the City website where local business can find information on deferring their sales tax payments.

Mayor Bud Starker expressed his confidence that the City and our people will endure and prosper. While we have an emergency, we are not in a crisis. He thanked the

staff, Council and residents for their tireless efforts and contributions to the general welfare.

**ADJOURNMENT**

The City Council Meeting adjourned at 9:43 pm.



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Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON April 27, 2020



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Janeece Hoppe, 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. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.