

Special City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

June 1, 2020

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 Special City Council Meeting to order at 8:27 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 Attorney, Gerald Dahl; City Manager, Patrick Goff; Administrative Services Director, Allison Scheck; Community Development Director, Ken Johnstone; other staff, and interested citizens.

APPROVAL OF AGENDA

Accepted without modification or objection.

Note about Wheat Ridge Speaks:

Citizens 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 include 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 Special Council Meeting:

Item 1 – Face Covering Resolution

I am against extending the mask order. I haven't seen or read about new cases in our city and wearing these masks for extended periods of time, such as 8-12-hour work shifts, is harming our bodies. I personally, have a constant rash across my chin, breakouts of pimples and blisters around

my mouth, and servers chapped upper lip from exhaling carbon dioxide onto the skin; and the skin and inner body are being starved for oxygen. The recirculating of exhaled carbon dioxide is slowly suffocating the skin and cells within the body. These masks are not healthy at all and I have seen, not heard of ANY recent covid cases within our city. It's time to begin normalcy. Thank you for your consideration in this matter.

05/31/2020 1:53 pm

Rebeka McClure

6219 w 41st Ave., Wheat Ridge , 80033

The mask order should not be extended. There are no increased cases. Wearing a mask is to be the choice of citizens that want that protection but also the choice of citizens that do not think it is necessary. Point blank, it's the choice of the American. High risk individuals, as in any case prior to covid19, should take precautions to protect themselves as they are more subject to illness because of their health. If citizens have concerns, take precautions for oneself or stay home.

06/01/2020 10:01 am

Holly

4450 Holland St WHEAT RIDGE, 80033

I believe that as Adults we can make the decision to wear masks, or not. The original Resolution was good guidance during the first of the virus but now we know how and what to do to better fight this virus. Each of us can make our own decision as to protecting ourselves while honoring those who feel they must protect themselves. No further action is required at this time and would urge you to NOT extend the mask requirement within the City of Wheat Ridge. Thank you.

06/01/2020 10:49 am

Vivian Vos

6920 W 47 place Wheat Ridge, 80033

I would like to thank City Council, mayor Starker and city staff for the thoughtful work that has already taken place. I look to you as leaders to continue facemask and social distancing requirements as we continue to adapt to COVID-19. We are fortunate that businesses are opening, and we begin to safely socialize, however we have high-risk populations in our city, and we do not yet know how slowly increasing social and business activities may lead to an up tick in cases. I appreciate that whatever you decide some will agree and Some will not. However now is the time for slow, measured, thoughtful action.

06/01/2020 11:44 am

Kathleen Martell

6355 W 31st Avenue Wheat Ridge, 80214

Until there is more evidence, facts, studies about how Covid-19 spreads, it is in everyone's best interest to continue wearing masks. I would like to see the order extended.

06/01/2020 11:35 am

Andrea McCullough

7995 w 47th Ave., Wheat Ridge, 80033

I see nothing wrong with extending the mask order. It's such a simple thing to do to protect others, and ultimately yourself. This virus is far from over, and the more we can do to keep infection down, we come closer to keeping the hospitals running efficiently, and ending the virus. Wearing a mask does this, so why NOT do it? The argument that it goes against your civil rights and liberties is, frankly, just stupid. We have many measures as a society that protect the well-being of others that people employ daily with no thought of civil liberty violation. Just be kind, wear your mask when in public and go without at home. It's really very simple.

06/01/2020 11:35 am

Kristine Disney

3940 Balsam St Wheat Ridge, 80033

I think it is in the best interests of our community to extend the mask order until there is a definite steady drop in Covid-19 cases and deaths in Colorado. It isn't just Wheat Ridge residents who shop in our community and could be spreading the virus. Protect each other.

06/01/2020 12:19 pm

Milly Nadler

4710 Reed Street Wheat Ridge, 80033

I would like to see the policy requiring masks continue. It helps achieve what we all want which is businesses to reopen safely and people be able to move about. Because masks protect others and not ourselves this is why it is important. Otherwise it limits the ability of many in our community to go out. Our residents and employees will be more protected as there are still no treatments or vaccines available yet for covid. Thank you.

06/01/2020 11:56 am

Madelaine deVan

3304 Zephyr Ct. Wheat Ridge, 80033

CITIZENS RIGHT TO SPEAK

No one came forward to speak.

DECISIONS, RESOLUTIONS AND MOTIONS

1. Resolution 30-2020 - a resolution of the Wheat Ridge City Council, Resolution No. 30-2020, a resolution of the Wheat Ridge City Council extending the previous Resolution¹ regarding the requirement for the wearing of face coverings in critical businesses with the following amendment(s):
 - a. In section 1A, change the word Order to "requested"
 - b. In section 1B, change June 14 to "June 22nd at midnight local time"
 - c. And change to the "4th amended public health order" and change to "all businesses".

Amendment to the main motion (see below)

¹ Resolution 26-2020, passed April 27, 2020, which expired May 30, 2020.

- d. Add Section 1E, stating that City recommends that businesses post a sign regarding the recommended wearing of masks.

Discussion began at approximately 8:32 pm, approximately 5 minutes into the recording.

Councilmember Hoppe introduced item 1.

City Council approved a resolution on April 27, 2020 (Resolution 26-2020) ordering customers of "critical businesses," as defined by the Colorado Department of Public Health and Environment (CDPHE), to wear face coverings. That order expired on May 30, 2020. At the study session on May 18th, consensus was reached to include a resolution extending the order to June 14, 2020 on the June 1st business meeting to receive citizen input and for further City Council discussion.

Staff Presentation

Mr. Goff introduced Mr. Dahl, who explained the legal details and public policy developments at the county and state levels since the Council last acted on this matter. For instance, now many kinds of non-critical businesses can partially open under state Executive Orders.

Public Comment

Jay Kenney, businessowner and cidemaker, 4965 Iris St, called to support the resolution to extend the wearing of masks when the public visits businesses. He is concerned that without this resolution people who are infected but asymptomatic will spread the virus to others.

Council Questions

Councilmember Weaver spoke in favor of continuing the mask order, based on the risk to seniors (including a family member for whom she provides care) and the general public. She acknowledged that bars and restaurants present a particularly difficult challenge.

Councilmember Hoppe asked a question regarding the difference between requiring employees to wear masks vs. customers wearing masks. Employees must wear masks under the Executive Orders and public health emergency orders; businesses may require citizens to wear masks in order to enter their premises and deny entry to those who will not wear face coverings.

She also asked whether masks are required for patrons in restaurants unless they are seated at their tables eating and drinking. The answer was yes.

Mr. Dahl explained that the previous Resolution has expired; any action tonight would be a new resolution.

Councilmember Dozeman expressed concerns about confusing the public and created a reputation that Wheat Ridge is too stringent, and that perception is hurting our businesses. Right now the public thinks masks are required. She wants any new action by Council to be communicated clearly and specifically about masks. She also believes that the onus should be on businessowners and the public to comply and it should be voluntary, not mandatory.

Councilmember Stites noted that the County and the CDC recommend masks be worn in public. However, he wants any action to be clear, specific and time limited.

Councilmember Nosler Beck wants those clear communications to strongly recommend that people wear masks, even if it is voluntary. She does not want the communication to appear to say we have created a "free for all."

Councilmember Hultin asked how other municipalities have handled and are currently handling the mask requirements.

Councilmember Urban noted that the professionals at the Jefferson County Department of Public Health are the experts upon whom we should rely. He believes that this resolution considered tonight should strongly encourage but not require masks. He also thinks businessowners should be allowed to enforce masks rules based on their individual operations and the type of business.

Councilmember Hutchinson noted that citizens who have spoken with her have praised Wheat Ridge for taking a stance fostering masks, especially in businesses to protect staff and other customers. She has seen many businesses that will not admit people who do not want to enter wearing a mask.

Councilmember Nosler Beck supports moving forward with language that makes a recommendation, not a requirement, to wear masks in businesses. There are resources available from CDPHE that help inform people how to protect themselves and their employees. She also supports setting a date near the end of June for this resolution to expire.

Councilmember Stites endorsed Councilmember Hutchinson's positions.

Councilmember Hultin suggested that it might be in order to require businesses to post signs about wearing masks (or not) when entering their premises. Mr. Goff reported that the City is distributing mask signs already to local businesses. It may be impractical to require the signs, due to enforcement.

Motion by Councilmember Hoppe, seconded by Councilmember Urban;

1. Resolution 30-2020 - a resolution of the Wheat Ridge City Council "I move to approve Resolution No. 30-2020, a resolution of the Wheat Ridge City Council extending the requirement for the wearing of face coverings in critical businesses with the following amendment(s):
 - a. In section 1A, change the word Order to "requested"
 - b. In section1B, change June 14 to "June 22nd at midnight local time"
 - c. And change to the "4th amended public health order" and change to "all businesses".

Amendment to the main motion (see below)

- d. Add Section 1E, stating that the City recommends that businesses post a sign regarding the recommended wearing of masks.

The **amended motion carried** (see below for the vote on the Amendment) 6-2 with Councilmembers Stites and Dozeman voting no.

Amendment. Councilmember Hultin moved to amend the motion by adding a new, Section 1, letter E, stating that City recommends that businesses post a sign regarding the recommended wearing of masks. Seconded by Councilmember Weaver. Amendment passed 6-2, with Councilmembers Stites and Dozeman voting no.

Councilmember Dozeman asked how we will communicate the change from required to recommended masks. Mr. Goff replied that the messaging through all the City's channels will reflect the change as soon as tomorrow morning.

Councilmember Weaver expressed her deep concern that we are still in a pandemic and the discomfort of wearing a mask is minor compared to the disease.

CITY MANAGER'S MATTERS

None.

CITY ATTORNEY'S MATTERS

None.

ELECTED OFFICIALS' MATTERS

Councilmember Dozeman commented on the death of George Floyd, a citizen in Minneapolis who was murdered by a police officer, and the ongoing protests across the country. She wants to ensure that we listen to the communities of color and honor their outrage.

She also sent kudos to Chief Murtha and our police officers and command staff for their amazing professionalism.

The Mayor thanks the staff for pulling this special session together, and for their ongoing excellent work.

Wash your hands, be safe and take care of one another, he concluded.

ADJOURNMENT

The meeting adjourned at 9:52 pm.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON June 8, 2020



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 by contacting the City Clerk's Office, as well as copies of Ordinances and Resolutions.