

City Council Meeting Minutes

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

June 27, 2022

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 7:00 p.m.

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

Also, present: City Manager, Patrick Goff; City Attorney Gerald Dahl; City Clerk, Steve Kirkpatrick; Division Chief, Jim Lorenz; Director of Parks and Recreation, Karen O'Donnell; Project Manager Lauren Mikulak; Assistant to the City Manager, Marianne Schilling, other staff, guests and interested citizens.

APPROVAL OF MINUTES

The Study Session Notes of May 23, 2022 and City Council Minutes of May 23, 2022 were approved as published.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced

PROCLAMATIONS AND CEREMONIES

This item began at 7:02 PM.

Parks and Recreation Month – June 2022

Mayor Starker read the Proclamation designating June 2022 as Parks and Recreation month where it is an integral part of communities throughout this country, with the City of Wheat Ridge proudly owning and maintaining 26 parks, 373 acres of open space, 7 miles of multi-use trails, 22 ball fields, 19 playgrounds, multiple recreation facilities, including an outdoor aquatic complex, and 3 historic properties.

Parks and Recreation Direct Karen O'Donnell accepted the Proclamation on behalf of her entire staff to acknowledge the Council and Mayor's recognition for their hard and dedicated work. Ms. O'Donnell introduced three of her staff attending in person and one virtually.

The Mayor announced that Director of Administration, Allison Scheck has received the award for Assistant of the Year in 2021. She was presented the award by the Colorado City and County Management Association earlier this year. The Mayor read a list of her accomplishments that won her this recognition, especially her ability to win the support and esteem of her peers as a professional.

Introduction of Police Recruits

Mayor Starker invited the Police recruits, class of 2022, and Division Chief Lorenz to join him at the podium where they were introduced and recognized for their successful completion of the Police Academy and their willingness to serve the community.

PUBLIC'S RIGHT TO SPEAK

There were none who wanted to speak, neither in person nor through the Zoom format.

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.

CONSENT AGENDA

There were no items tonight

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Discussion began at approximately 7:19 PM

1. Council Bill No. 13-2021 - An Ordinance amending Section 16-107 of the Wheat Ridge Code of Laws concerning harassment and stalking.

CM Hoppe introduced Council Bill 13-2021 at approximately 7:20 pm

Issue

Council Bill 13-2022 amends the local definition of criminal harassment to comply with a recent decision of the Colorado Supreme Court.

Mayor Starker opened the public hearing.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1739.

Staff Presentation

City Attorney Gerald Dahl spoke to where on March 28, 2022, the Colorado Supreme Court issued its decision in *People v. Moreno*, 2022 CO 15 (Colo. 2022). In *Moreno*, the Court reviewed a district court's order invalidating part of Colorado's harassment statute. The lower court found that the phrase "intended to harass" in the State statute unconstitutionally restricts protected speech. The Colorado Supreme Court agreed and definitively invalidated this portion of the State's harassment statute.

The Wheat Ridge Code harassment provision mirrors the State statutory language. Therefore, it is necessary to remove from the Wheat Ridge Code the language that was recently declared unconstitutional by the *Moreno* decision. While this Section is being amended, staff recommends that we modernize its language to include more modern forms of communication (text, instant messaging, etc.)

The Mayor reviewed the procedures for public comments.

Public Comment

No citizens appeared in chambers to address this issue. There were none who wanted to speak through the Zoom format.

Council Questions and comments

Mayor Starker closed the public hearing.

Motion by CM Hoppe to approve Council Bill No. 13-2021 - an ordinance amending Section 16-107 of the Wheat Ridge Code of Laws concerning harassment and stalking, seconded by CM Hultin, motion carried 8-0.

2. Council Bill No. 10-2021 - An Ordinance approving a site lease agreement with T-Mobile West, LLC for use of the municipal building cellular tower.

CM Ohm introduced Council Bill 10-2021 at approximately 7:24 pm.

Issue

Mr. Goff introduced Ms. O'Donnell, who has managed this cell tower lease process for the City. She provided an overview of the reasons for the lease and the plan review and approval process.

The City owns and operates a cellular tower at City Hall and has three lease agreements with cellular companies for use of the tower. The existing tower is no longer structurally sound and needs to be replaced to accommodate upgrades of cellular equipment on the tower. New Cingular Wireless, Verizon Wireless, and T-Mobile drafted a cost-sharing agreement, which will fund the demolition of the existing cellular tower and the construction of a new cellular monopole at the same location. Approval of this ordinance will allow the City to finalize the Site Lease Agreement with T-Mobile West, LLC.

Mayor Starker opened the public hearing.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1740

The Mayor reviewed the procedures for public comments.

No members of the public came forward in person or online to comment.

Staff Presentation

City Manager Patrick Goff reminded everyone that the City has a cell tower lease in place with T-Mobile West, LLC which was signed by Mayor DiTullio on September 14, 2006. While negotiating new lease terms, the existing lease expired, and the City has provided for a month-to-month extension until a new lease is approved.

The Mayor reviewed the procedures for public comments.

Public Comment

There were none who wanted to speak, neither in person nor through the Zoom format.

Council Questions and comments

Council had no comments or questions.

Mayor Starker closed the public hearing.

Motion by CM Ohm to approve Council Bill No. 10-2021 - an ordinance approving a site lease agreement with T-Mobile West, LLC for use of the municipal building cellular tower, seconded by CM Stites, motion carried 8-0.

3. Council Bill No. 11-2021 - An Ordinance approving a site lease agreement with Verizon Wireless for use of the municipal building cellular tower.

CM Hutchinson introduced Council Bill 11-2021 at approximately 7:30 pm .

Issue

The City owns and operates a cellular tower at City Hall and has three lease agreements with cellular companies for use of the tower. The existing tower is no longer structurally sound and needs to be replaced to accommodate upgrades of cellular equipment on the tower. New Cingular Wireless, Verizon Wireless, and T-Mobile drafted

a cost-sharing agreement, which will fund the demolition of the existing cellular tower and the construction of a new cellular monopole at the same location. Approval of this ordinance will allow the City to finalize the Site Lease Agreement with Verizon Wireless.

Mayor Starker opened the public hearing.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1741

Staff Presentation

There was no additional staff presentation because the details of the issue and the reasons for this proposed ordinance are the same as the previous item on this agenda.

The Mayor reviewed the procedures for public comments.

Public Comment

There were none who wanted to speak, neither in person nor through the Zoom format.

Council Questions and comments

Mayor Starker closed the public hearing.

Motion by CM Hutchinson to approve Council Bill No. 11-2021 - an ordinance approving a site lease agreement with Verizon Wireless for use of the municipal building cellular tower, seconded by CM Stites, motion carried 8-0.

4. Council Bill No. 12-2021 - An Ordinance approving a site lease agreement with New Cingular Wireless PCS, LLC for use of the municipal building cellular tower.

CM Stites introduced Council Bill 12-2021 at approximately 7:32 pm.

Issue

The City owns and operates a cellular tower at City Hall and has three lease agreements with cellular companies for use of the tower. The existing tower is no longer structurally sound and needs to be replaced to accommodate upgrades of cellular equipment on the tower. New Cingular Wireless, Verizon Wireless, and T-Mobile drafted a cost-sharing agreement, which will fund the demolition of the existing cellular tower and the construction of a new cellular monopole at the same location. Approval of this ordinance will allow the City to finalize the Site Lease Agreement with Cingular Wireless (commonly known as AT&T).

Mayor Starker opened the public hearing.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1742

The Mayor reviewed the procedures for public comments

Public Comment

There were none who wanted to speak, neither in person nor through the Zoom format.

Council Questions and comments

None.

Mayor Starker closed the public hearing.

Motion by CM Stites to approve Council Bill No. 12-2021 - an ordinance approving a site lease agreement with New Cingular Wireless PCS, LLC for use of the municipal building cellular tower, seconded by CM Hoppe, motion carried 8-0

ORDINANCES ON FIRST READING

5. Council Bill No. 15-2021 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of Accessory Dwelling Units and making conforming amendments therewith.

CM Dozeman introduced Council Bill 15-2021 at approximately pm .

Accessory Dwelling Units (ADUs) are smaller, independent residential dwelling units located on the same property as a single-unit home and can be attached or detached from the main house. ADUs have been identified as one component of the “missing middle” which helps increase housing options in Wheat Ridge. This ordinance proposes to legalize ADUs as an accessory use to single-unit homes, while providing flexibility for homeowners in terms of design, location, and development standards. This ordinance is a response to specific policy direction from City Council based on staff presentations, public feedback, and lessons learned from peer communities.

In addition to providing a regulatory pathway forward for new ADUs, the ordinance also creates a pathway in certain circumstances for existing ADUs to be legalized.

Motion by CM Dozeman to approve Council Bill 15-2021- an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of Accessory Dwelling Units and making conforming amendments therewith, on first reading for the sole purpose of ordering it published for a public hearing set for July 11, 2022 at 7 p.m. as a virtual meeting and in City Council Chambers, 7500 W. 29th Avenue, if allowed to meet in person on that date per COVID-19 restrictions, and if approved, that it take effect August 1, 2022; seconded by CM Ohm; carried 8-0.

6. Council Bill No. 14-2021 – An Ordinance amending Section 17-52 of the Wheat Ridge Code of Laws to address the use of assisted mobility devices in park and recreation areas.

CM Hultin introduced Council Bill 14-2021 at approximately 7:35 pm .

This ordinance amends Section 17-52 of the Wheat Ridge Code of Laws to permit the use of assisted mobility devices on certain City recreation trails by persons with disabilities.

Motion by CM Hultin to approve Council Bill 14-2021- an ordinance amending Section 17-52 of the Wheat Ridge Code of Laws to address the use of assisted mobility devices in park and recreation areas, on first reading for the sole purpose of ordering it published for a public hearing set for July 11, 2022 at 7 p.m. as a virtual meeting and in City Council Chambers, 7500 W. 29th Avenue, if allowed to meet in person on that date per COVID-19 restrictions, and if approved, that it take effect 15 days after publication; seconded by CM Hoppe; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

7. Resolution No. 30-2022 - A Resolution amending the Fiscal Year 2022 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$100,000 for Jefferson Center's Community Prevention and Engagement Program

CM Weaver introduced Resolution 30-2022 at approximately 7:37 pm .

Issue

City Council provided consensus to contribute a portion of the City's American Rescue Plan Act (ARPA) funding to support non-profit organizations whose demand for services has increased due to the COVID-19 pandemic. Consensus was received to provide \$400,000 over a four-year period to Jefferson Center for its Community Prevention and Engagement program which focuses on increasing access to mental health care and reducing stigma.

Staff Presentation

Administrative Services Director, Allison Scheck gave a brief update and history on this item. During the April 4, 2022, Study Session, Council provided direction to move forward with a number of programs and initiatives to support the community's recovery from the pandemic.

She also reminded Council, as they had discussed at that study session, the City will receive a total of \$7,873,279.72 in funds from ARPA to address the impacts of the pandemic. The City received the first 50% of its allocation in June 2021 and will receive the remaining \$3.9 million in June 2022

The Mayor reviewed the procedures for public comments

Public Comment

There were none who wanted to speak, neither in person nor through the Zoom format.

Council Questions

CM had no comments or questions, having thoroughly reviewed and discussed the proposed action at the previous Study Session.

Motion by CM Weaver to approve Resolution No. 30-2022, a resolution amending the Fiscal Year 2022 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$100,000 for Jefferson Center's Community Prevention and Engagement Program, seconded by CM , motion carried 8-0.

CITY MANAGER'S MATTERS

Mr. Goff announced that the ribbon cutting for the new outdoor court will need to be rescheduled.

Ms. O'Donnell continues to schedule interviews with those interested in contributing to the Open Space Management Plan process. If you have been invited, please, schedule a time if you will.

Mr. Goff commented on the Governor's announcement of grants to help municipalities recruit, train and hire lifeguards to keep swimming pools open, and open longer each day.

The City's request to Congressman Perlmutter for \$4 million in Federal funding for water projects has made the first cut in Congressional hearings at the Budget Subcommittee of the House Ways and Means Committee.

CITY ATTORNEY'S MATTERS

Nothing tonight.

ELECTED OFFICIALS' MATTERS

City Clerk Steve Kirkpatrick reminded folks that the Primary Election is tomorrow, Tuesday, June 28th. It is too late to mail ballots. Voters need to deliver them to one of the ballots drop boxes across the County.

Councilmember Hutchinson congratulated the Avalanche for their win in the Stanley Cup Finals last evening.

Councilmember Nosler Beck thanked the lifeguards who have staffed our pools this summer. He appreciates their efforts and thinks they are doing a great job.

Councilmember Stites reported a successful District III meeting at Clear Creek Crossing and reprised the event and thanked those who participated. He recognized Parks and Recreation for their help with the annual Goat Parade last weekend. He also noted the successful Ridge Fest this past weekend.

CM Stites also wanted to acknowledge and thank Guy Nahmiach for his volunteer efforts and sponsorship of the Art on the Farm event recently held with great success. The next similar event is slated for July 30, 2022.

Councilmember Dozeman also thanked Parks and Recreation for their hard work with the downed tree limbs. July 2nd is the deadline for online nominations for key roles, including grand marshal, at the Carnation Festival.

CM Weaver thanked those who helped make the CCC District III meeting and the Goat Parade so successful. Get ready for the Carnation Festival!

CM Ohm also attended Ridge Fest last weekend and thanked those who attended and made the event such a success.

CM Hoppe suggested that we all try the barbeque restaurant about to open here in Wheat Ridge. The owner had a food truck at the Green last weekend, and it was fabulous.

CM Hultin announced two important meetings this week. The first was the Makers' Space Open House tomorrow, June 28th. On July 6 there is a two-hour open house for both our Affordable Housing efforts and the 44th Avenue Subarea Plan. She also recognized Parks and Rec again for their excellent work and service to the City, our residents and their health. She also recognized our newly sworn recruits who have joined the WR Police Department. Fireworks are not legal and are problematic, so obey the law and do not ignite them. She also congratulated Allison Scheck for her award, which CM Hultin said was well deserved.

Mayor Starker again recognized all of those who received recognition at the beginning of tonight's meeting. At Vinnola's at 9 am next Saturday, July 2, he will have the monthly Coffee with the Mayor.

Enjoy a safe and happy 4th of July Holiday.

ADJOURNMENT TO SPECIAL STUDY SESSION

The meeting adjourned at 7:55 pm.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON July 11, 2022



Rachel Hultin, 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.