

City Council Meeting Minutes

CITY OF WHEAT RIDGE, COLORADO

7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

June 22, 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 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

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; City Planning Director, Lauren Mikulak; Administrative Services Director, Allison Scheck; other staff, guests and interested citizens.

PROCLAMATIONS AND CEREMONIES

Parks and Recreation Month Proclamation

Mayor Bud Starker proclaimed the Month of June as Parks and Recreation Month and urged all to enjoy our wonderful outdoor recreational environment and athletic facilities.

Mr. Guy Nahmaich, Chair of the Parks and Recreation Commission reminded us of how much our parks and recreation facilities mean to us, especially during the pandemic. Our town exemplifies the best there is to offer in municipal recreational facilities and parklands.

APPROVAL OF MINUTES

Without objection or corrections, the Study Session Notes for June 1, June 15, 2020, Special City Council Minutes of June 1, 2020 and City Council minutes of June 8, 2020 were approved as published, with one edit. On June 8th, Mr. Goff reported that the Homeless Navigator position will be shared among Golden, Wheat Ridge and Edgewater (not Arvada).

APPROVAL OF AGENDA

Approved, with one change; item 2 will be taken up first, followed by Item 1.

CITIZENS' RIGHT TO SPEAK

Ihor Figlus, 9775 W. 36th, Avenue – called to discuss his experience with Wheat Ridge Speaks. He would prefer that citizens can post more than one photo/graphic with each comment. We also cannot upload PowerPoint presentations. The Community Planning Department often reports on a full plan put forth by a developer, making staff de facto proponents of the developers' wants. Citizens should be able to present a full, detailed and engaging presentation to support their views.

Brian Dwyer and Alana Dwyer, Wheat Ridge, called to complain that night after night there are fireworks disturbing the peace. Several others in the Wheat Ridge Facebook group have complained also about the fireworks.

Zoriana Morozewych, called to cite the notices required in Chapter 10 of the City Charter, in detail. She asserted that the public hearing scheduled for this evening (Item 1 on the Agenda) should not be held because of faulty notice. The Mayor asked her to await the public comments on Agenda Item 1 when that time comes. She complained that the Mayor had, "cut me off."

Jean Tomes, 4605 Jay St. called to complain about extremely loud, daily fireworks displays, including "mortar-sized bombs." On June 15th she called the WR Police, who did not cite anyone even though there were inebriated adults present and children discharging large fireworks. She indicated that it is past time to enforce the law to preserve public health, the peace, property and even lives. Those who flaunt this law should have to pay a fine of up to \$5,000.

Jerry DiTullio, Wheat Ridge – Called to say that those who think citizens are not getting access to enough information do not fully appreciate the extent and transparency of the information available these days from the City of Wheat Ridge. He believes that those who oppose most residential development in the City and delay action by Council on zoning changes are accomplishing too little and causing needless delays, especially in the case of the Clear Creek Crossing case (Item 1) on tonight's agenda. He also asked that we re-open the Business Revitalization Program for a third round because some businesses were unable to apply in time. He thinks we are doing a great job at information sharing and transparency, and thanked the elected officials and City staff for their tireless efforts to use every means available to keep the public informed.

Odarka Figlus, 10580 W. 34th Avenue called to speak to the issue of collecting signatures for initiative petitions. Council made an exception for liquor license applicants to fulfill the Needs and Desires requirement in state law, why not a temporary exception for collecting initiative petition signatures too? There is nothing that keeps Council from providing a similar exception for collecting voters' signatures under our Home Rule Charter. We should fulfill our eloquent statements about encouraging

citizens to speak and participate with some accommodation for circulating petitions during the public health emergency. Please, address the safety and right to participate in local government without putting one ahead of the other.

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).

For this Council session there were several comments entered into Wheat Ridge Speaks.

Comments entered into Wheat Ridge Speaks begin here, except those that address a specific agenda item. Those related to an agenda item are included in these minutes under the relevant item.

The use of illegal fireworks, including "professional" mortar cannon sized fireworks, in Wheat Ridge has grown exponentially over the last few months. There are explosions in my immediate neighborhood occurring all hours on a daily basis. On June 15th the police responded to several neighbor's calls of complaint for the use of mortar sized fireworks. Including myself. The police witnessed the use of illegal fireworks by young children at the address given to them in our complaint. There were several intoxicated adults also on site of the complaint address. The police did NOT issue a citation to the any of the adults at the home. The next night, as well as several nights since the residents at the complaint address have continued to use illegal fireworks.

If our police department is not going to enforce the illegal fireworks laws or city noise ordinances these nightly explosions will continue to go unchecked. These nightly explosions are making Wheat Ridge an unpleasant, unhealthy & dangerous place to live. They are degrading the peace and are creating a great risk of fire danger and property damage for homeowners.

Is the City of Wheat Ridge waiting until a child is killed or injured in an explosion or a neighbor's home is set on fire risking the lives of the people living within until some real action is taken to stop these incidents from happening?

I propose an increase to \$5000.00 for the use dangerous mortar sized fireworks in the city of Wheat Ridge. I further propose that any adult authorizing and giving a child any incendiary device be issued a citation for the same amount and required to attend child endangerment training with zero tolerance. These few residents are being allowed to create hazardous & mentally damaging living conditions for the majority of the residents of Wheat Ridge.

06/22/2020 11:59 am

Jean Tomes
4065 Jay Street Wheat Ridge, 80033

CONSENT AGENDA

There were no items in this category tonight.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Discussion began at approximately 7:35 PM. Note that this item was taken up after the Council dispensed with item 2 below. For clarity and parallelism between these minutes and the packet distributed for this session, the agenda items are NOT renumbered herein.

1. Council Bill No. 10-2020 - An Ordinance approving an amendment to the existing Planned Mixed Use Development (PMUD) zoning to increase the allowable height for hospital uses at Clear Creek Crossing.

Councilmember Stites introduced Council Bill 10-2020.

The applicant is requesting to modify the underlying zoning to increase the allowable height for hospital uses. A hospital is already a permitted use in the existing zoning, and the existing zoning also contemplated 6-story employment uses. However, a hospital built to six stories requires an additional 12 feet of height to meet design requirements and current building codes. The applicant is also seeking a limited additional height allowance to accommodate a rooftop elevator associated with a helipad.

The following comments appeared in Wheat Ridge Speaks related to this item:

I am writing to express my concerns regarding a change increasing building height limitations for the SCL-Lutheran Medical Center (SCL) located within the Clear Creek Crossing Project (CCC). Applicant states that additional building height is needed to accommodate existing hospital rules regarding ceiling height, and also to enable a rooftop helipad and elevator shaft to move patients quickly from the helipad into the hospital. SCL states that since its purchase of property in CCC, it has "refined their needs for PA 1 and their vision for the services they are seeking to provide to the community." Wheat Ridge Planning Division Staff Report to City Council, 4/13/2020, Lauren Mikulak.

While the CCC project was initially zoned to allow for hospital uses, no special provisions for building height relating to hospitals and/or helipads was included in that zoning. After SCL applied for rezoning, a neighborhood meeting to allow neighborhood residents to discuss the application occurred on October 23, 2019, during which various neighbors expressed concerns over the proposed height of the building, the helipad

height, and air traffic noise and pollution which would be created by helicopters. (Exhibit 6, Mikulak Memo) SCL advised the neighbors that the helipad at SCL's current location on W. 38th Avenue is used only, on average, 5 times per month. I am uncertain whether this statement means that the helipad is used by patients only on average 5 times per month, or whether this figure represents overall helicopter take-offs and landings. Since I live close to the present SCL-Lutheran Hospital, and often see the helicopter in flight, the 5 times per month figure seems very low.

Once again, we have an application for a zoning change by an entity on property purchased shortly before filing its change application. I worry that this will become the norm regarding properties at CCC. An attitude of "buy the property regardless of its zoning because we can easily have the zoning modified to suit our planned use after we purchase the property" shouldn't be encouraged. Repeatedly allowing rezoning under these circumstances doesn't allow property owners to rely on the current zoning within their neighborhoods. The current CCC zoning in area P-1 allows for hospitals. It does not allow for hospitals that are 102' high, or heliports that rise to 135' in height. And, most importantly, it did not allow for these heights at the time the property was purchased. I suggest that all other zoning regulations in the CCC complex be reviewed, to insure that other proposed uses and the industry standards governing those uses aren't in conflict with the CCC zoning, which, according to SCL, is what brought about its need for changes in height requirements. Even without the requested height changes, SCL would be able to build its hospital, by building fewer floors and expanding the ground coverage of its complex.

SCL suggested that it was more than willing to work with nearby neighbors to control noise and air pollution, as well as traffic impacts on their neighborhoods resulting from the new hospital. It would be helpful to the neighbors if SCL agreed to revisit these issues after the hospital has been operating for a period of time, similar to the agreement made between Denver International Airport and Adams County.

06/21/2020 2:07 pm

Kathy Havens

7060 West 39th Ave Wheat Ridge, 80033

Public Hearing

Mayor Starker re-opened the public hearing, continued from a previous Council Meeting (June 8th).

City Clerk Kirkpatrick assigned Ordinance 1690

Staff Presentation by Lauren Mikulak, Director of Planning: The Director gave a detailed presentation and incorporated into the public record the files related to this case, including but not limited to the proceedings of the Planning Commission, public comments and her presentation to Council.

In particular, she addressed why this project does not fall under the Charter limits on the height of buildings, but rather by the terms of a referendum passed in 2008 by the voters. She also explained that because of properly filed protests, approving this ordinance requires a super majority of six positive votes in Council.

Mr. Dahl also commented that there have been many questions and complaints about posting and public notices. He opined that those procedures were followed completely and correctly in this case.

He commented further that the protesters do live within the area required by Charter and Code. Therefore, our rules were followed, and Council is empowered to act and in fact obliged to proceed this evening with this public hearing.

The applicant for the zoning variance also made a presentation to the public hearing. Stephen Chung, SVP for Supply Chain and Real Estate for SCL Health, led a team of SCL executives and managers who made a presentation on behalf of the applicant. Grant Wicklund, CEO of Lutheran Medical Center was a co-presenter.

The applicant gave a detailed presentation with audio-visual support, which is part of the public hearing record as it was captured during the virtual meeting video.

Public Comment

Terri Urbanowski, 8015 Melrose Drive – lives close to the existing Lutheran Hospital and has never had a problem with helicopter noise. She is in favor of approving this ordinance.

Lindsay Burney 3880 Garrison St. – also lives near the current Lutheran Hospital. She spoke gratefully and appreciatively about Lutheran and the care the staff provides to residents of Wheat Ridge. The current 60-year-old facility is outdated, and we need a new facility with modern structure and better technological capabilities.

Edward Pollito, MD, 3251 Oak St., former trauma director at Lutheran, supports the proposed ordinance. He has grown ever prouder of the hospital and its service to the community as indicated by its consistently high national rankings.

Tyler Carlson, Managing Partner at Evergreen Development, wholeheartedly supports the ordinance to allow the zoning variance. (His company is heavily engaged in this project as owners of adjacent properties.) The proposed changes will meet the current and future healthcare needs of our City and surrounding communities. He also noted that the delays in holding this hearing have negatively impacted the timeline for completing this project to no apparent benefit.

Zoriana Morozewych, 3651 Ward Road, returned to the virtual podium to speak in opposition to this proposed ordinance. She again asserted that the public notice for this hearing was not properly posted and published. She also said that there are no plans available to review at City Hall as required by law. She listed examples of improper posting of the notices on fences and other locations along street fronts adjacent to the

property. She asserted that these signs were all in violation of required notices. She asserted also that the plans were not properly posted on the City website. This hearing should not be held she asserted, because it does not comply with the law.

Kristi Davis, 7975 W. 39th Avenue, called to support this proposed height variance, as denying the variance would harm the people of the City and Lutheran's ability to provide exceptional, state-of-the art healthcare.

Jeff Wickstrum, 152 Willow Leaf Drive, Littleton. He is head of the Evergreen Development Corporation, which is building the residences and business park adjacent to the hospital. His company is excited to be part of the mixed use development project at Clear Creek Crossing, and thinks moving the heliport to the roof makes sense on every count.

Bill Needham, MD, 24336 Choke Cherry Lane, Golden, the Emergency Department Director at Lutheran. His team provides the care for the most critical patients incoming to the hospital. He explained why using a rooftop helipad is much better for the incoming patients; seconds saved in an effort to get a critically ill or injured patient to the ER or the OR can, and often do, mean the difference between life and death.

Jerry DiTullio, Wheat Ridge, returned to encourage Council to pass this ordinance because it will benefit not only the City but also all of Jefferson County. He would want that helipad if he were in the helicopter with a life-threatening condition. We definitely need this facility not only for the people of Wheat Ridge but also Jefferson County and surrounding municipalities and rural counties.

The Mayor introduced Mr. Dahl, who wanted to put onto the record questions for Councilmember Dozeman to determine whether she has a conflict of interest because she works for SCL Health. Mr. Dahl determined that not only may Councilmember Dozeman participate, but she is required by Charter to participate and to vote.

Council Questions

Councilmember Urban wanted to confirm that his seat on the SCL Health Foundation Board does not create a conflict of interest. Mr. Dahl determined that Councilmember Urban is qualified to participate and is required to do so.

Councilmember Hutchinson asked what level of trauma center Lutheran has. Mr. Chyung replied level 3 and explained the difference between levels of trauma centers.

Mayor Starker closed the public hearing at about 8:34 PM.

Motion by Councilmember Stites to approve Council Bill No. 10-2020, an ordinance approving an amendment to the existing Planned Mixed Use Development (PMUD) zoning to increase the allowable height for hospital uses at Clear Creek Crossing, on second reading, and that it takes effect 15 days after final publication, for the following reasons:

1. The Planning Commission has recommended approval of the rezoning after conducting a proper public hearing.
2. The proposed rezoning has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed rezoning has been found to comply with the criteria for review in Section 26-603 of the Code of Laws.

Seconded by Councilmember Urban; and after due deliberation and discussion motion carried 8-0 (Required super majority attained).

Item 2 from the published Agenda was taken up first, without objection from Council.

2. Council Bill No. 11-2020 - An Ordinance approving the rezoning of property located at 9800 W. 38th Avenue from Residential- One (R-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP)

Discussion began at approximately 7:25 PM.

Councilmember Weaver introduced Council Bill 11-2020.

The applicant is requesting approval of a zone change from Residential-One (R-1) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 9800 W. 38th Avenue (southeast corner of W. 38th Avenue and Johnson Street). The purpose of this request is to prepare the property for the development of four (4) single-family homes and three (3) duplexes, for a total of ten (10) dwelling units.

Staff Presentation by Mr. Goff who introduced Mr. Dahl, who announced that the City has received a *duly submitted protest; therefore per Code this public hearing will automatically **continue to July 13th, at 7 PM.*** In response to a Councilmember's question Mr. Dahl explained that the City must post the public notices anew for that public hearing on July 13th.

The following comments appeared in Wheat Ridge Speaks related to this item.

I live very close to this intersection. I am a resident of Wheat Ridge. Zoning to develop this property as requested is a great fit for this corner. I like that it will represent residential type property.

06/19/2020 6:55 pm

Diane Hindman
3640 Lewis St Wheat Ridge, 80033

I am a resident of Wheat Ridge, and I live along the 38th Avenue Corridor. I have reviewed the Staff Presentation provided. This plan is well thought out and is consistent with typical Wheat Ridge housing development. Matching the adjacent Eastern Property configuration of single and multifamily housing is in my opinion smart. I like the fact that more affordable duplex type buildings are an option, along with typical single-family homes. Continuing to provide single and multi-family alternatives is a smart growth plan

for the city. I support the development as proposed and appreciate the thoughtful design of the SDP.

06/19/2020 3:37 pm

Jean-Paul Aymon

11880 W. 38th Place Wheat Ridge, 80033

I have been a resident of Wheat Ridge about 15 years. I live south of 38th between Youngfield and Kipling. I have watched the process on this piece of property since before the Hardi's purchase. I feel they have done an excellent job on studying what the city needs. Middle Range Homes and Affordable Housing.

There are so many positives to this kind of housing at this location. I am in my mid 70's and will one day be looking to downsize. This type of housing would be perfect for what I'd be looking for. Some of the positives include; closeness to Wheat Ridge Recreation Center, restaurants nearby, service stations, auto repair, grocery store and even a Star Bucks Coffee Shop all within walking distance. Also when the grandkids come to visit, there's a wonderful playground right out your door. Then there's public transportation; #38 RTD, I have taken this bus numerous times to downtown Denver for work, entertainment and dining, plus it's a direct line to the Colorado Rockies Baseball Stadium. Don't have to look for a parking spot, wait in lines, or paying of parking fees, and it runs about every half hour. Then on Kipling there is the #100 RTD, running north and south. I have taken it to the Colfax and Oak St. Station, transferred to the light rail and taken that to concerts and football events at the Bronco Stadium.

Many of my friends, my age, think it would be what they are looking for also. They have commented that when they decide to downsize, they don't want to move into a ranch style house that was built in the 1960's or 1970's that needs restored. They want something new that is close to Metro Denver, not too expensive and not too large. I think Metro Denver needs a lot more housing of this type. I also believe it would be a good starter house for young adults. I feel the Hardi's have done a very good job at looking to the future and seeing what the needs of the community will be. Wes Johnson

06/20/2020 4:04 pm

Wes Johnson

3595 Quail St Wheat Ridge, 80033

As a Wheat Ridge resident living 4 blocks from this space, I think this plan fits Wheat Ridge perfectly. It's not overloading the space and is far better than commercial buildings. It will be upgrading the space. I'm tired of the vacant lot and weeds. Let this plan move forward. I'm excited to have nice quality classy living in this space.

06/21/2020 12:30 pm

Amber O'Hara

3320 Kline St Wheat Ridge, 80033

Please read my comment from 4/13/20. I would like council to address the question of why this development could not be done with an R-2 or R-2A zoning. Why does this absolutely have to be zoned PRD? In the past, the PRD zoning here was touted as a transition zone. A transition between R-1 and R- 2? I realize that R-2 is not allowed for more than an acre - but the property is going to be subdivided anyway, so subdivide it and zone it R-2.

Or tell us, please, why it is simply impossible. And assure us all that this is a unique situation and being rezoned as a one-time variance just to get this corner developed. Promise us that the city planners do not have designs for extending such zoning through the surrounding neighborhood and the developers are not salivating at the prospect of established precedent for rezoning R-1 to PRD.

06/21/2020 9:23 pm

Margaret Nelson

9865 W 37th Ave Wheat Ridge, 80033

We're writing to express our support for the Hardi ODP, and zone change at 9800 W. 38th Avenue. We live just a few blocks from this proposed development, on 34th Place west of Kipling. We have reviewed the development plan and believe that it addresses the most important issues for new development in the neighborhood, i.e., low density, adequate parking, and aesthetic appeal. We like the fact that the homes will have a variety of architectural styles. Besides, there is almost no community benefit in having vacant land at that location.

Ardelan and Kim Hardi have been our neighbors on west 34th Place in Wheat Ridge for many years. They have made many improvements to their property and have been conscientious and diligent about maintaining it. We're confident they will bring the same effort to their development at 9800 W. 38th Avenue.

Ben Garcia and Cheryl Blum Garcia

06/22/2020 9:23 am

Ben Garcia

10210 w. 34th Pl. Wheat Ridge, 80033

I have commented on this before and feel strongly that this would be a very welcome addition to this area. Just don't understand why it is taking so long to happen.

Barb Carmosino 06/22/2020 11:24 am

Barbara Carmosino

3425 Miller St., Wheat ridge, 80033

Please keep in mind that the vast majority of Wheat Ridge residents do NOT want residential zones changed to accommodate density.

Actually, I wouldn't want to see this development go in anywhere. It has too many problems.

06/22/2020 11:42 am

Judy Capra
7070 W 43rd Ave Wheat Ridge, 80033

This Public Hearing cannot take place because it was not properly posted. It was not properly posted in two ways.

1. The signs were not posted to the property until mid-morning on June 8 (please see attached photos). The WR City Charter states that such postings must be on the property for a minimum of 15 days (Sec 5.10). According to WR City Ordinance 26-109.F on how to count days with the first and last day being included in the count (which, by the way, does NOT conform with both generally accepted legal procedure and the State of Colorado Civil Procedure - both of which specify that the first day is not to be counted), the posting appears to conform with the requirements. However, 26-109.F fails to redefine "Day" which is specifically defined in Sec 1-2 of the City Ordinances as being "the period of time between 12:00 midnight and the 12:00 midnight following". Therefore, the example used in 26-109.F is faulty and, because neither June 8 nor June 15 are "days" by definition. Accordingly, the notice has not been posted for the required number of days and the Public Hearing on the rezoning cannot be held on June 22nd.

2. The City Charter states that the posted notices "shall contain the statement that specific plans for the proposed changes are available for inspection at the Wheat Ridge City Hall." As can be seen from the attached picture of the actual sign, it does not contain the required statement. Therefore the posting is not legal and the Public Hearing on the rezoning cannot be held on June 22nd.

*Please note that this posting method does not allow for attachment of more than one photo and I will try to do so by making additional posts and by sending this comment to the City Clerk for adding to the Public Record for this meeting.

06/22/2020 11:54 am

Ihor V Figlus
9775 West 36th Avenue Wheat Ridge, 80033

Note: Mr. Figlus had four photos that he attempted to submit to Wheat Ridge Speaks.

ORDINANCES ON FIRST READING

3. Council Bill No. 12-2020 - An Ordinance approving the rezoning of property located at 11700 W. 46th Avenue from Agricultural-One (A-1) to Residential-Two (R-2).

Councilmember Nosler Beck introduced Council Bill 12-2020.

The applicant is requesting approval of a zone change from Agricultural-One (A-1) to Residential-Two (R-2) for property located at 11700 W. 46th Avenue. The zone change will result in a zoning that matches surrounding zoning designations. It will also address the site's existing nonconforming conditions such that the existing duplex will go from a legal nonconforming use to a legal and conforming use that complies with the zoning.

Motion by Councilmember Nosler Beck to approve Council Bill 12-2020 - an ordinance approving the rezoning of property located at 11700 W. 46th Avenue from Agricultural-One (A-1) to Residential-Two (R-2)), order it published, with public hearing set for Monday, July 27, 2020 at 7:00 p.m. as a virtual meeting, and that it take effect 15 days after publication; seconded by Councilmember Stites; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

Discussion began at approximately 8:41 PM

4. Motion to approve an appointment to fill a District I vacancy on the Planning Commission

Councilmember Hoppe introduced Item 4.

Due to the recent resignation of Richard Peterson from the Planning Commission, a vacancy in City Council District I currently exists. The term of this position expires on March 2, 2021.

Motion by Councilmember Hoppe, to appoint Ari Krichiver, the Planning Commission seconded by Councilmember Hutchinson, to fill a term ending 3/2/21. Motion passed 8-0.

5. Resolution No. 35-2020 – A Resolution condemning racism.

Councilmember Hultin introduced Resolution 35-2020.

As a result of recent tragic events that have occurred across the country, and the sadness expressed by the City of Wheat Ridge's Mayor, City Council, City Manager, Police Department and employees city-wide, the City of Wheat Ridge wishes to approve a resolution condemning racism and hate. The City is committed to safeguarding our community while ensuring that the Constitutional rights of every person who lives, works and visits our great City are protected. The City of Wheat Ridge, Colorado stands steadfast with all citizens of Wheat Ridge against racism and reaffirms its commitment to fighting for racial justice and human and civil rights for all.

Councilmember Hultin read into the record a slightly revised version of the Resolution from the one published with the meeting packet Thursday last.

Please, note: The text below is the final language of the Resolution passed by Council on June 22nd, 2020. To avoid confusion, this and only this version appears in the minutes here below, and it incorporates the changes made to the Resolution by Council during this meeting, via motions to amend the motion to approve this Resolution. Note well that the exact proposed amendments, whether approved and incorporated in the Resolution's final version or defeated when Council voted on each amendment, are documented below in the minutes of the discussion of this motion.

**CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 35
Series of 2020**

TITLE: A RESOLUTION CONDEMNING RACISM AND HATE

WHEREAS, the City of Wheat Ridge, its Mayor, City Council, City Manager, Chief of Police, the entire Wheat Ridge Police Department and employees city-wide, are deeply saddened by the deaths of Black Americans, including the senseless death of George Floyd on May 25, 2020 in Minneapolis, Minnesota; and

WHEREAS, the City of Wheat Ridge affirms that the lives of Black people matter and the nationwide movement both articulates and brings awareness to the injustices that exist at the intersections of race, class, and gender including: mass incarceration; police brutality; poverty; unaffordable housing; income disparity; homophobia and transphobia; gender inequality; poor access to health care; and poor access to equitably resourced education and educational opportunities; and

WHEREAS, recent events are a compelling reminder that for the past 401 years, including 155 years since the abolition of slavery in the United States, violent acts and prejudices are perpetrated daily against Black people in our country and in our own community; and

WHEREAS, racism and hate have no place in our City. There is much work to be done to stop pervasive, long-standing and devastating racial injustices in our community; and

WHEREAS, we strive to be a community where all mothers, fathers and caregivers can raise their children to feel safe and where all people can feel safe, regardless of the color of their skin, the language they speak, their country of origin, their religion, their gender identity, their sexual preference, and ability; and

WHEREAS, we are committed to safeguarding our community against the root causes of, and the damages stemming from, racism and hate and to protecting the Constitutional and human rights of every person who lives, works and visits our City; and

WHEREAS, the Wheat Ridge Police Department is a nationally accredited agency and has embraced the six pillars of policing from President Obama's Task Force on 21st Century Policing including: Building Trust and Legitimacy, Policy and Oversight, Technology and Social Media, Community Policing and Crime Reduction, Officer Training and Education and Officer Safety and Wellness; and

WHEREAS, the City of Wheat Ridge pledges to work alongside community leaders and residents to provide effective public safety, while continuing to earn the trust of the community they serve; and

WHEREAS, this Resolution is an important step towards condemning racism and hate in all its forms and that for true systematic change, it is incumbent on city leaders and community members to listen with open hearts and minds and to take informed, meaningful actions.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Wheat Ridge, Colorado stand steadfast with all citizens of Wheat Ridge against racism and reaffirm its commitment to fighting for racial justice and human and civil rights for all.

DONE AND RESOLVED this 22nd day of June 2020.

[Signatures block]

End of Resolution 35-2020 text.

The following comment was entered into Wheat Ridge Speaks about this item.

In the past three weeks, I've read multiple comments in the Nextdoor app for our neighborhood where people say they aren't racist while their comments reflect that they aren't aware of their unconscious racism. I also wanted to believe I wasn't racist. These last weeks have brought an awareness to me that we all naturally have biases and to live peacefully with our neighbors, we need to understand and acknowledge these biases.

The statement made by the City Council tonight is deeply appreciated.

I request that the city continues their work by providing unconscious bias training to all city officials. Offering this training to city officials will help to ensure that the policies they create do not unintentionally negatively impact a particular group. This could help save Wheat Ridge residence from unintended hardship and it could save the city from future legal fees.

It would also allow the city to put energy and awareness into creating policies and events that promote diversity and inclusivity. These actions have the potential to decrease racism among residents.

I want to live in a city where every person is treated with respect and dignity and being aware of our biases is one step towards getting there.

For reference, here is a link to an article written by Rita Soler Ossolinski, the program director of the National League of Cities' Race, Equity, and Leadership (REAL) department. <https://citiesspeak.org/2019/06/21/implicit-bias-liability-and-cities/>

06/22/2020 11:43 am

Holly Storm
3600 Garrison St Wheat Ridge, 80033

Public Comment

Morgan Richards, 3255 Zane St. Ms. Richards is the founder of Wheat Ridge for Equity, an organization that supports inclusion and opposes racism. She spoke about her support for this resolution as a good step and foundation for future progress through community involvement. She looks forward to clear, measurable action steps. She had three asks:

1. Commitments for Equity Training for city leadership and staff
2. Community Task Force of diverse member to oversee and lead this work.
3. A transparent, systemic review of our Wheat Ridge City processes.

Mike Ksenyak, 4495 Yarrow St., Wheat Ridge. Has been a resident of Wheat Ridge for five years. He and his husband, a gay man of color, have lived here for 5 years. They love Wheat Ridge. He encouraged strongly the passage of this resolution, and seconded the three requests Morgan Richards just made.

Juan Pérez Saéz, 4495 Yarrow St., Mr. Ksenyak's spouse, spoke in support of the resolution and seconded Ms. Richards requests of Council and the City government.

Council Questions and Comments

Councilmember Nosler Beck recounted her participation in the process of drafting the resolution, and how it forms the basis for community cooperation and change going forward.

Councilmember Weaver thanked the councilmembers and the public who worked so hard on this resolution. Many others contributed in listening sessions and by contributing to drafts.

Councilmember Hoppe thanked the councilmember who were part of this collaboration; they have accomplished a great feat.

Councilmember Hultin spoke of how much she learned during this process, and how she better appreciates others' perspectives on levels she did not appreciate previously. She recalled reading a codicil in her deed, written in 1946, which prohibited people of color from occupying home – except a domestic servants. She realizes we all have a lot of work to do, and she is ready to do it.

Councilmember Urban listed several places in the proposed Ordinance where the language is contradictory or hard to interpret. For instance, he wants to change the title

to "...Against Racism." He listed several specific items in the "Whereas..." clauses of the proposed Resolution that he proposed changing.

Councilmember Dozeman echoed Councilmember Hultin's comments and how hard it is for people to listen, self-assess, understand others' life experiences and learn more about how change can happen, beginning with herself.

Councilmember Nosler Beck urged Council to pass this resolution tonight; this resolution could be improved, but perfect is the enemy of good. It is time to begin this work.

Councilmember Hoppe supports the resolution as it is, because passing this tonight starts the next steps.

Motion by Councilmember Hultin to approve Resolution 35-2020, a resolution condemning racism, seconded by Councilmember Hultin to approve the resolution as read into the record tonight; seconded by Councilmember Nosler Beck.

Councilmember Urban moved to amend the motion to remove the words, "and hate" from the title. After due discussion and deliberation the **amendment failed** 4 - 5, with the Mayor Starker voting nay to break the 4-4 tie. Councilmembers Weaver, Hultin, Nosler Beck and Dozeman also voted nay.

Councilmember Urban moved to amend the motion to strike the word "unnecessary," from the second line of the first "Whereas..." clause; seconded by Councilmember Weaver. After due discussion and deliberation the **amendment passed**, 5-3, with Councilmembers Weaver, Hultin and Hoppe voting nay.

Councilmember Urban moved to amend the motion in the fourth "Whereas," remove the sentence, "There is much work to be done to stop pervasive, long-standing racial injustices in our community." Seconded by Councilmember Stites. After due discussion and deliberation the **amendment failed** 3-5, with Councilmembers Stites, Urban and Hutchinson voting aye.

Councilmember Urban moved to amend the third "Whereas..." clause to remove the word "daily". Seconded by Councilmember Dozeman. After due deliberation and discussion the **amendment failed** 2-6, with Councilmembers Urban and Hutchinson voting aye.

Councilmember Urban moved to amend the fifth "Whereas..." clause to insert a period after the phrase, "...can feel safer," and striking the remainder of that sentence. Seconded by Councilmember Hutchinson. Following due deliberation and discussion, the **amendment failed** 2-6, with Councilmembers Urban and Hutchinson voting aye.

Councilmember Urban moved to remove from the seventh Whereas the words "procedural Justice," and substitute the words, "building trust and legitimacy." Seconded by Councilmember Stites. The **amendment passed** 8-0.

As amended the main motion, passed 6-2, with Councilmembers Urban and Hutchinson voting nay.

6. Resolution No. 36-2020 – A Resolution of the Wheat Ridge City Council extending the request for the wearing of face coverings in all Wheat Ridge businesses

Councilmember Urban introduced Resolution 36-2020.

City Council approved a resolution on June 1, 2020 requesting customers of all Wheat Ridge businesses to wear face coverings. That request expires on June 22, 2020. This resolution will provide for an extension of that request through July 27, 2020.

Public Comment

No one came forward to speak.

Council Questions

Motion by Councilmember Urban to approve Resolution 34-2020, a resolution of the Wheat Ridge City Council extending the request for the wearing of face coverings in all Wheat Ridge businesses through July 27, 2020, seconded by Councilmember Hutchinson.

Councilmember Stites move to amend the motion to strike the word “request,” and substitute the word, “recommend.” Seconded by Councilmember Nosler Beck.

Amendment failed 4-5, with Mayor Starker voting nay, breaking a 4-4 tie.

Councilmembers Weaver, Nosler Beck, Hoppe and Hultin also voted nay on the amendment.

After due deliberation and discussion, the motion passed 6-2, with Councilmembers Dozeman and Stites voting nay.

CITY MANAGER’S MATTERS

Had nothing for tonight.

CITY ATTORNEY’S MATTERS

Nothing tonight.

ELECTED OFFICIALS’ MATTERS

Councilmember Nosler Beck commented about the passage of the Resolution condemning racism and hate. She would like a study session this summer facilitated by an external resource to create action items to implement the Resolution. She also asked that Council and City Staff participate in implicit bias and equity training.

Councilmember Dozeman supported that request. Councilmember Hoppe indicated that these sessions will be added to the schedule this summer.

Councilmember Nosler Beck thanked the local artists who have been making chalk art along sidewalks across the City.

Councilmember Dozeman announced on behalf of County Treasurer DiTullio that interest charges on late property tax payments will be waived through July 31st.

Councilmember Stites asked how we can better enforce the fireworks laws. Mr. Goff indicated that he has asked Chief Murtha to increase enforcement efforts.

Councilmember Hultin recognized Sherry Kegan, District II Wheat Ridge resident, who will be walking from the Jefferson County Court House in Alabama to Canada this summer to inspire efforts to address civil rights concerns and issues.

She also asked why Town Center Park has been fenced and closed. Mr. Goff replied that too many people have been sleeping in the park, creating a public health problem.

Councilmember Urban gave an update to the Business Stabilization Program, and outcomes of the application process for round 2. The round is over, and all applicants have been notified whether they will receive a grant or will not.

Councilmember Hoppe has added to the future topics list during Study Sessions, matters related to policies and procedures for zoning changes.

The Mayor thanked those citizens who came to participate tonight, reflecting their efforts to stay informed and participate. He thanked the Councilmember and citizens who brought forth the anti-racism resolution. He also thanked Mr. Urban and those who worked so hard on the Business Stabilization Program.


ADJOURNMENT

The meeting adjourned at 10:07 pm.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON July 13, 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.