

# **City Council Meeting Minutes**

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

### **7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING**

**January 25, 2021**

**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 Treasurer, Chris Miller; Administrative Services Director, Allison Scheck; Community Development Director Ken Johnstone;; Police Chief Chris Murtha; Director of Parks and Recreation, Karen O'Donnell; Recreation Director, Susan Anderson; Special Counsel, Geoff Wilson; Lindsay Reinert, Lutheran SCL Health, other staff, guests and interested citizens.

#### **PROCLAMATIONS AND CEREMONIES**

This item began at 7:02 PM.

#### **Heart Healthy Month**

Mayor Starker declared that the City of Wheat Ridge joins the Healthy Eating Active Living (HEAL) Committee, consisting of staff from SCL Lutheran Medical Center, Kaiser Permanente, Jefferson County Public Health, Localworks, along with local businesses and residents, who are focused on promoting healthy opportunities for Wheat Ridge residents and businesses and proclaimed February as Heart Healthy Month. Ms. Reinhart attended and gracefully accepted the proclamation on behalf of all who seek to reduce the incidence and frequency of heart disease and sudden death. Ms. Anderson thanked the City for supporting the HEAL initiative.

**APPROVAL OF MINUTES**

Without objection or correction, with one added item, the City Council Minutes of January 11, 2021 were approved as published, with the addition of the URL for the Colorado Radon testing program added in Elected Officials Matters.

**APPROVAL OF AGENDA**

**Motion** by Councilmember Urban, seconded by Councilmember Hoppe, to remove agenda Items 4 and 5 and reschedule them to the next available Study Session for further discussion.

**CITIZENS' RIGHT TO SPEAK**

This item began at 7:14 PM.

Guy Nahmiach, 3650 Ward Road, publisher of the *Gazette*, called to thank the City for our ad in the recent edition promoting our Parks and Recreation. He thanked the WR PD for its help in promoting efforts to prevent human trafficking.

Dan Brennan, former Chief of Police, called to advance the Wheat Ridge Rotary effort through the Future Backpack Program, to support food for small children in three of our elementary schools. He asked Council if he can get the \$8,000 approved for the food program to be repurposed because with schools closed the food program has not been operating. The funds would be used for clothing, outer garments, hats, socks other personal items as well as food in some cases.

Note: Without objection, Council consented to Chief Brennan's request. To provide more support go to the Wheat Ridge Foundation or Community Table websites and make a contribution using the drop-down menu.

Councilmember Hoppe clarified that anyone wishing to speak about items 4 and 5 may speak now.

Nobody came forward to speak on items NOT on the agenda.

**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).

No comments appeared in Wheat Ridge Speaks for this Council Meeting.

## **CONSENT AGENDA**

There were none of these items for this meeting.

## **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

Discussion began at approximately 7:24 PM

1. Council Bill No. 24-2020 - An Ordinance repealing and reenacting Section 7-6 of the Wheat Ridge Code of Laws concerning creation of a process for addressing complaints alleging campaign finance violations in City elections.

Councilmember Urban introduced Council Bill 24-2020.

Recent State legislation assigns the responsibility for conducting hearings concerning alleged campaign finance violations in City elections to the City. The City's present ordinance for the conduct of hearings regarding election matters pre-dates the State legislation and is in need of updating in light of the new State law.

Mayor Starker opened the public hearing.

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

City Clerk Steve Kirkpatrick assigned Ordinance No. 1704

City Attorney Geoff Wilson spoke to the Council about the issue and on how prior to 2109, complaints alleging violations of Art XXVIII of the Colorado Constitution or the State Fair Campaign Practices Act (FCPA) in municipal elections were filed with the Secretary of State.

Mr. Wilson also spoke to Council about the bill, along with State laws surrounding it, as the proposed amendment to the Code rewrites section 7-6 to address campaign finance complaints. He explained that this ordinance is modeled after the complaint process set forth in SB19-232 for complaints filed with the State, as well as various municipal ordinances implementing local complaint processes in the wake of the State legislation.

The proposed complaint process includes the following elements:

- A detailed process for filing a complaint in writing, followed by initial review by the City clerk.
- Authority of the Clerk to dismiss the complaint, provide an opportunity to cure deficiencies in the complaint, or set the complaint for a hearing.
- A process for the conduct of a hearing by an independent hearing officer.
- Authority of the hearing officer to impose penalties of at least twice the amount contributed, received or spent unlawfully, a daily civil penalty for delinquent filings, as well as other penalties.
- Provision that the municipal judge will perform the functions of the clerk under this ordinance if a complaint involves a city clerk candidate

### **Public Comment**

Nobody came forward to speak on this item.

### **Council Questions and comments**

Council had no further questions or comments.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Urban to approve Council Bill No. 24-2020 - an ordinance repealing and reenacting Section 7-6 of the Wheat Ridge Code of Laws concerning creation of a process for addressing complaints alleging campaign finance violations in City elections, on second reading, and that it takes effect 15 days after final publication, seconded by Councilmember Stites, motion carried 8-0.

2. Council Bill No. 25-2020 - An Ordinance adopting section 16-47 of the Wheat Ridge Code of Laws concerning unlawful removal or defacing of notices on public property and establishing penalties for violation of the same

Councilmember Nosler Beck introduced Council Bill 25-2020.

This ordinance creates a new Code Section 16-47, making it a violation to remove signage, and in particular the no trespassing signs authorized by the revised Code Section 16-46.

Mayor Starker opened the public hearing at 7:27 p.m.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1705

City Attorney Gerald Dahl spoke to the Council about the issue and recalled the Study Session discussion of this item and the next. He explained the connection between this proposed Ordinance and the next agenda item.

### **Public Comment**

No one came forward to speak.

### **Council Questions and comments**

Councilmember Urban asked if this Ordinance applies only to City of Wheat Ridge signs, vs. CDOT or other agencies. Mr. Dahl answered that it does only apply to signs erected or placed by the City on public property.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Nosler Beck to approve Council Bill 25-2020 - an ordinance adopting section 16-47 of the Wheat Ridge Code of Laws concerning unlawful removal or defacing of notices on public property and establishing penalties for violation of the

same, on second reading, and that it takes effect 15 days after final publication, seconded by Councilmember Hoppe, motion carried 8-0.

3. Council Bill No. 26-2020 - An Ordinance repealing, retitling and reenacting section 16-46 of the Wheat Ridge Code of Laws concerning trespass and establishing penalties for violation of the same.

Councilmember Stites introduced Council Bill 26-2020.

The purpose of this ordinance is to place on notice those who enter or remain upon the premises of another, including premises owned by private entities, public entities, or individuals, that doing so without the proper license or authority, or after that license or authority has been revoked, may result in criminal activity. This ordinance amends and significantly enhances the City's current Code 16-46 on trespassing, including posting of notices prohibiting trespassing.

Mayor Starker opened the public hearing at 7:32 p.m.

City Clerk Steve Kirkpatrick assigned Ordinance No. 1706

City Attorney Gerald Dahl spoke to the Council about the issue and that since panhandling is seen by the courts as a First Amendment right, the ability of the police has been restricted to enforcing only aggressive panhandling. Staff researched ordinances from other communities that have been adopted to help mitigate some of the negative impacts caused by homelessness.

Some City processes (Board of Adjustment procedures, Planning Commission processes, clean-ups of City owned property) require that a notice or notices be placed or posted upon the affected property in order to ensure that those impacted by an impending action or other activity are notified of it. City staff have reported that these notices are sometimes altered, moved, or removed from the posted property altogether; this subverts a significant governmental interest in ensuring that necessary governmental operations are carried out in an effective and efficient manner. Just as importantly, this deprives those affected by the impending action or activity, and the general public, of fair notice of the action or activity.

Mr. Dahl reviewed the reason and purposes for the proposed Ordinance.

### **Public Comment**

No one came forward to speak on this item.

### **Council Questions and comments**

Council had no questions.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Stites to approve Council Bill 26-2020 - an ordinance repealing, retitling and reenacting section 16-46 of the Wheat Ridge Code Of Laws concerning trespass and establishing penalties for violation of the same, on second reading, and that it takes effect 15 days after final publication, seconded by Councilmember Hoppe, motion carried 8-0.

4. Council Bill No. 27-2020 - An Ordinance adopting section 16-70 of the Wheat Ridge Code of Laws concerning pedestrian use of roadway center medians, and in connection therewith amending section 16-113, sales and solicitation in certain places prohibited.

The ordinance is intended to reduce auto/pedestrian accidents by regulating center medians that are unsafe for occupation by pedestrians and other pedestrian behaviors that interfere with traffic, including entering the roadway in a way that obstructs or hinders traffic flow, and soliciting in areas that are unsafe for such activity. The ordinance adopts a new section of the Wheat Ridge Code of Laws governing pedestrian and traffic safety and amends the current section on solicitation activities to add a legislative declaration.

**Motion** by Councilmember Hutchinson, seconded by Councilmember Hoppe to cancel tonight's public hearing on Council Bill No. 27-2020 and direct staff to republish public notice for the public hearing of the proposed ordinance after Council has considered this item in a future Study Session.

5. Council Bill No. 28-2020 - An Ordinance adopting section 16-69 of the Wheat Ridge Code of Laws concerning pedestrians hindering the flow of traffic

Councilmember Hultin introduced Council Bill 28-2020.

The ordinance is intended to reduce auto/pedestrian accidents by prohibiting actions by pedestrians that obstruct or hinder traffic, including pedestrians being physically in traffic lanes or extending objects, hands, etc., into traffic lanes. The ordinance adopts a new section of the Code.

**Motion** by Councilmember Hultin, seconded by Councilmember Hoppe, to cancel tonight's public hearing on Council Bill No. 28-2020 and direct staff to republish public notice for the public hearing of the proposed ordinance after Council has considered this item in a future Study Session.

### **ORDINANCES ON FIRST READING**

Discussion began at 7:37 pm.

6. Council Bill No. 01-2021 - An Ordinance concerning use taxes, and in connection therewith, amending Subsection 22-67(3) of the Wheat Ridge Code of Laws to provide a Building Materials Use Tax Exemption for Public Housing Authorities

Councilmember Hoppe introduced Council Bill 01-2021.

Section 22-68 of the Wheat Ridge Code of Law (Building materials and supplies) requires that “every person who builds, constructs, reconstructs...any building, dwelling or other structure...in the city...shall pay a use tax.” Section 22-67 of Code exempts public school, Wheat Ridge Housing Authority and Renewal Wheat Ridge projects from the city’s use tax. This ordinance will amend Subsection 22-67(3) of the Code to provide the same exemption for public housing authorities.

**Motion** by Councilmember Hoppe to approve Council Bill 01-2021- an ordinance concerning use taxes, and in connection therewith, amending Subsection 22-67(3) of the Wheat Ridge Code of Laws to provide a Building Materials Use Tax Exemption for Public Housing Authorities, on first reading for the sole purpose of ordering it published for a public hearing set for February 8, 2021 at 7 p.m. as a virtual meeting, and if adopted, that it take effect 15 days after final publication; seconded by Councilmember Hultin; carried 8-0.

### **DECISIONS, RESOLUTIONS AND MOTIONS**

Discussion began at approximately 7:42 PM

7. Resolution No. 04-2021 - a resolution amending the 2021 fiscal year General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$150,000 for the purpose of accepting funds from SCL Health to fund the Lutheran Campus Master Plan

Councilmember Weaver introduced the Resolution.

The City is partnering with SCL Health to complete a Lutheran Campus Master Plan in 2021. SCL Health is funding the project, and the City is managing the contract. This resolution accepts and appropriates funds in the amount of \$150,000 from SCL Health for the Master Plan contract which is also included on this agenda for consideration.

Mr. Johnstone gave a brief report on the item where pursuant to Council’s direction from the November 2, 2020 study session, staff utilized the City’s established procurement process to solicit the required professional services for completion of a Lutheran Campus Master Plan. The procurement process included advertisement of a Request for Proposals (RFPs), review of proposals submitted by four firms, followed by interviews with three top-scoring firms. The evaluation committee included 6 members with equal representation from the City and SCL Health.

As a result of the procurement process, a separate item on the January 25, 2021 meeting agenda recommends awarding a contract to the firm MIG in an amount not to exceed \$150,000. Included in that item is additional information on the Lutheran Campus, the City/SCL partnership, and the scope of work for the master plan effort. If the contract is awarded, this budget supplemental is necessary to execute the contract and proceed with work.

Mr. Johnstone explained the connection between this item and the next, and how the two actions will work when undertaken.

### **Public Comment**

No one came forward to speak.

### **Council Questions**

Council applauded the plan to involve the community in the process, and to involve an external consultant to coordinate the planning process.

Councilmembers also wanted to ensure that historic structures on the current Lutheran campus are preserved.

How will the collaboration among the City, SCL and the consultant operate when implemented? Mr. Johnstone provided a detailed answer.

**Motion** by Councilmember Weaver to approve Resolution 04-2021- a resolution amending the 2021 fiscal year General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$150,000 for the purpose of accepting funds from SCL Health to fund the Lutheran Campus Master Plan, seconded by Councilmember Stites; motion carried 8-0.

8. Motion to award a contract and approve subsequent payments to MIG, Denver, CO, in an amount not to exceed \$150,000 for professional services for the Lutheran Campus Master Plan

Discussion began at approximately 7:53 PM

Councilmember Weaver introduced the motion.

In 2018, SCL Health purchased a 26-acre parcel to anchor the Clear Creek Crossing development west of I-70 at 40th Avenue. The new campus at Clear Creek Crossing will replace the existing Lutheran Medical Center. In partnership with SCL Health, the City is seeking planning consultant services for the Lutheran Campus Master Plan to guide future development decisions. On January 12, 2021 the firm MIG was selected by the City's established procurement process to perform the required professional services for completion of the master plan.

Mr. Johnstone gave a presentation that included the financial impact and how SCL Health will fund the planning effort, and how the City will manage invoicing. The budget for this work is estimated to be \$120,000, with an additional \$30,000 contingency, over an 8-month process. Staff is requesting a budget supplemental to add \$150,000 to the 2021 budget for planning professional services to be funded in full by SCL Health as discussed at the November 2020 study session.

Public engagement will include:

- Creation of a Community Engagement Plan



- Appointment of a small stakeholder committee made up of residents and experts
- Facilitation of a campus walking tour
- Facilitation of focus groups and large-scale public meetings
- Utilization of online platforms, such as Zoom and WhatsUpWheatRidge.com, to expand reach and supplement in person events
- Discussion with City Council and Planning Commission

It is expected that the consultant will complete the requested tasks within 8 months. The project launch is expected in February 2021.

### **Public Comment**

No one came forward to speak.

### **Council Questions** –

Councilmembers asked whether the proposed budget and scope of work includes provisions for the contingency that the SOW may change and how that change would get funded. Mr. Johnstone discussed the details of the scope of work the consultant will perform and possible additional work as the project moves forward. Staff asks for the \$150,000 approval to give staff room to accommodate additional work.

**Motion** by Councilmember Weaver to award a contract and approve subsequent payments to MIG, Denver, CO, in an amount not to exceed \$150,000 for professional services for the Lutheran Campus Master Plan, seconded by Councilmember Dozeman; motion carried 8-0.

9. Motion to approve a License Agreement between the Colorado Department of Transportation and the City for trail improvements adjacent to Clear Creek Crossing and Interstate-70

Discussion began at approximately 7:58 PM.

Councilmember Dozeman introduced the Motion.

The Clear Creek Crossing development is formalizing trail improvements parallel to Interstate 70 between W. 40th Avenue and the Clear Creek and within CDOT right-of-way. This License Agreement permits the trail to cross over CDOT's Access Control Line for the construction of a pedestrian/bike path.

Mr. Johnstone was available for questions.

A brief background review discussed the impacted property, which is commonly known as Clear Creek Crossing, located west of Interstate 70, south of Highway 58, and north of the existing development near 32nd Avenue. A portion of the development was re-zoned in 2018 to Planned Mixed Use Development (PMUD) to accommodate a mix of uses including residential, retail, office, and employment uses. The remainder of the property is zoned Planned Commercial Development (PCD) and is subject to a development plan that was approved in 2011. The subject trail improvements are a

requirement of the approved PMUD zone district and associated outline development plan and vision book.

Development is progressing at Clear Creek Crossing, with roadways and infrastructure, a 310-unit multi-family apartment site, and a gas station and convenience store construction well underway. A credit union has also been approved within the development with permits recently issued. Other active land use applications include proposals for a retail site and hotel. The subject trail improvements are proposed directly adjacent to the site that is reserved for a hospital use, for which a land use application is expected to be submitted in the first quarter of 2021.

The Access Control Line is an area adjacent to the interstate which precludes access to the highway. It is standard practice for CDOT to require a license agreement when any improvement is within or crosses the Access Control Line.

### **Public Comment**

Guy Nahmiach, 3650 Ward Road, called to ask whether the negotiations on this item might involve the status of RTD bus Route 32. Mr. Goff explained that this item related to CDOT, not RTD. He also said staff can take up the Route 32 question with RTD separately.

### **Council Questions**

Councilmembers asked if this path is in lieu of the bike lanes previously described. Mr. Johnstone replied that the bike paths will remain as previously planned.

**Motion** by Councilmember Dozeman to approve a License Agreement between the Colorado Department of Transportation and the City for trail improvements adjacent to Clear Creek Crossing and Interstate-70, seconded by Councilmember Hoppe, motion carried 8-0.

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

Mr. Goff reminded Wheat Ridge businesses that they can still submit applications to participate in the Jefferson County Five Star restaurant program. We are not eligible just yet but the numbers on the pandemic are clearly trending quickly in the right direction, so we may be able to participate soon. Restaurants can apply for Five Star status before the county's pandemic statistics reach the level where the program may be implemented, and thus be ready to operate under Five Star when implemented.

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

Nothing tonight.

### **ELECTED OFFICIALS' MATTERS**

City Clerk Kirkpatrick reported that the Centers for Disease Control and Prevention (CDC) have published data on the incidence of severe allergic reactions to the Moderna

and Pfizer Co-Vid vaccines: 2 in 1,000,000 for Moderna and 6 in 1,000,000 for the Pfizer. These reaction rates make it more likely that one will be struck by lightning than have a severe allergic reaction to the vaccines. He urged those who are undecided about getting vaccinated carefully consider the benefits of the vaccine, not only to their own health but also for the community and country at large. The CDC says that reaching a total vaccination rate of 70%-85% of people living in the US is essential for controlling the pandemic.

City Treasurer Miller commented on the recent rash of crimes of opportunity; lock your doors, lock your vehicles and get packages inside as quickly as possible.

Councilmember Nosler Beck thanked the teachers who worked so hard to re-open schools last week. We are all in this together and through our community efforts our kids are back in class. Please, be careful when driving as children, and families, walk along our roadways to and from school in greater numbers, often during twilight hours.

Councilmember Dozeman thanked the WR Historical Society for their recent newsletter and their plans for the future of key legacy sites and resources. She really enjoys the newsletter.

Councilmembers Stites was on a panel two weeks ago for our youth, along with state and other municipalities' officials. The thanked Jefferson County Public Library for sponsoring that event.

He also reminded our residents that if they can find it in Wheat Ridge, buy it in Wheat Ridge.

Councilmembers Weaver and Stites reminded the public that a District 3 community meeting will be this Saturday morning, 9:00 AM, at the Recreation Center.

Councilmember Weaver commented on those over 70 seeking access to the CoVid vaccine. There is a website that makes it easier to find locations for vaccines and appointments: **mhealthcheckin.com**.

Councilmember Hultin thanked the Let's Talk program, whose staff recently put out a report on community engagement. There will be neighborhood meetings in BelAir (W. of Wadsworth and N of 38<sup>th</sup> Ave. to Clear Creek) from 8:30 to 10:00 and East Wheat Ridge 10:30 to Noon this Saturday, January 30<sup>th</sup>. There will be a second session next week Tuesday, Feb 2 again in East Wheat Ridge and Thursday, Feb 4 in BelAir.

Councilmember Urban reminded everyone that Girl Scout Cookies are now on sale.

Councilmember Hutchinson reminded everyone to wear a mask when in public and wash their hands frequently.

Mayor Starker recalled that we have 20 parks in Wheat Ridge, and we encourage everyone to visit and enjoy our Parks.

The Mayor also noted the passing of Meredith Reckert, a longtime employee of the City, on January 24, 2021. Meredith worked as a planner for the City for 35 years and has a great legacy of contributions to the City.

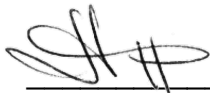
**ADJOURNMENT**

The meeting adjourned at 8:18 pm.



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Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON February 8, 2021



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Janece 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.