

# **City Council Meeting Minutes**

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

**February 8, 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; City Planner, Zareen Tasneem; Police Chief Chris Murtha; Director of Parks and Recreation, Karen O'Donnell; Recreation Director, Kia Ruiz, with Wheat Ridge for Equity; Myles D , of Parks and Recreation, other staff, guests and interested citizens.

### **PROCLAMATIONS AND CEREMONIES**

This item began at 7:02 PM.

#### **Black History Month**

Mayor Starker read the proclamation declaring February as Black History Month in Wheat Ridge. He noted the names of those who initiated the effort to designate every February as Black History Month, and the contributions African Americans have made to our country.

Ms. Kia Ruiz of Wheat Ridge for Equity thanked the Mayor and Council for the proclamation and commented on the importance of Black History Month.

### **APPROVAL OF MINUTES**

Without objection or correction, the City Council Minutes of January 25, 2021 were approved as published.

**APPROVAL OF AGENDA**

Without objection or correction, the agenda stood as announced.

**CITIZENS' RIGHT TO SPEAK**

This item began at 7:07 PM.

Rebekah Raudabaugh, Wheat Ridge Homeless Navigator called to introduce herself and describe her background as she assumes her new position with the City. She discussed her previous experience serving people experiencing homelessness. Then, Ms. Raudabaugh described the roles and responsibilities of her position, and her plans to serve the City and our people. She asked that people who would like to contact her send her email correspondence: [homelessnavigator@ci.wheatridge.co.us](mailto:homelessnavigator@ci.wheatridge.co.us).

David Bondarchuck, 6440 W. 31<sup>st</sup> Ave., Wheat Ridge, called to discuss his recent experience with City inspectors, building permits, and contractors. He complained that inspectors will not designate a window in time when they will visit the site. He stated further, inspectors often leave people sitting all day waiting for an inspector who does not arrive. He discussed the fees he paid and complained that the City inspectors do not do their jobs reliably. He also asserted that City inspectors lied to him repeatedly. When the inspector finally came, the he did not enter the dwelling to inspect the work done inside the home under a building permit obtained by a contractor who installed new windows at home.

**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).

Comments submitted through Wheat Ridge Speaks appear below, all of which related to agenda item 6 this week.

**1. CONSENT AGENDA**

Discussion began at approximately 7:16 PM

Councilmember Dozeman introduced the consent agenda.

- a. Resolution No. 05-2021 - a resolution amending the Fiscal Year 2021 Budget to reflect the approval of a supplemental budget appropriation for the re-

- appropriation and re-encumbrance of the 2020 fiscal year encumbered funds in the amount of \$5,444,307.38
- b. Resolution No. 06-2021 - a resolution amending the fiscal year 2020 Capital Improvement Program budget to reflect the approval of a reduction in appropriation in the amount of \$1,717,858
  - c. Motion to amend and extend the contract for professional services to AECOM Technical Services, Inc., Greenwood Village, CO, for the period of January 1, 2021 – December 31, 2021 in an amount not to exceed \$1,117,340.00 and approve payments for ongoing program management services for the Investing 4 the Future program

Motion by Councilmember Dozeman to approve Consent Agenda Items a.), b.), and c.), Seconded by Councilmember Urban; motion carried 8-0.

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

Discussion began at approximately 7:18 PM

2. 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 Weaver introduced Council Bill 01-2021.

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. 1707

City Attorney Geoff Wilson spoke to the Council about the issue and on how prior to 2019, 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.

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 asked Treasurer Chris Miller if the agreement to relieve the interest rebate the Housing Authority. The Authority has withdrawn its claim to receive interest from the City.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Weaver to approve 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, on second reading, and that it takes effect 15 days after final publication, seconded by Councilmember Stites, motion carried 8-0.

3. Resolution No. 07-2021 – A Resolution approving a major subdivision plat on property zoned Mixed Use-Commercial (MU-C) and located at 7661 W. 41st Avenue

Councilmember introduced Resolution No. 07-2021

T is 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 7:23 p.m.

Ms. Tasneem gave a formal presentation on this case, which by this reference is made a part of the public record. She explained the details of the proposed Plat Change resolution, recalling details previously discussed during Study Session.

She also displayed a presentation by the applicant for the change.

### **Public Comment**

No one came forward to speak.

**Council Questions and comments**

Council commented on public feedback about on-street parking near the property and asked that a no parking sign be erected along the street. Mr. Goff indicated that City staff are aware of the neighbors' concerns about parking and will erect proper signage.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Urban Resolution No. 07-2021 – A Resolution approving a major subdivision plat on property zoned Mixed Use-Commercial (MU-C) and located at 7661 W. 41st Avenue; seconded by Councilmember Hultin, motion carried 8-0.

**ORDINANCES ON FIRST READING**

4. 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 Hoppe to approve Council Bill No. 02-2021 - an ordinance amending the Wheat Ridge Code of Laws to adopt a new Article XIV in Chapter 11 entitled Short-Term Rental Licenses and in connection therewith making conforming amendments in Chapters 22 and 26, and to set the date, time and place for a public hearing, to duly publish public notice of same and that approved on second reading that it takes effect 15 days after final publication, seconded by Councilmember Hutchinson, motion carried 8-0.

5. Council Bill No. 03-2021 - an ordinance amending Ordinance 1697, Series 2020, concerning regulation of noise.

Councilmember Nosler Beck introduce Bill No. 03-2021.

The current Code of Laws Section 16-103.C noise ordinance will apply to industrial operations as of February 28, 2021. The Rocky Mountain Bottle Company, which would be regulated by the ordinance, has developed a sound mitigation wall for its operation, which will not be completed before mid-2021. This Ordinance extends the effective date for the industrial noise standards until October 1, 2021.

Councilmembers had no comments or questions, having studied this issue in depth at a recent Study Session.

**Motion** by Councilmember Nosler Beck, to approve Council Bill No. 03-2021, on first reading for the sole purpose of ordering it published for a public hearing set for February 22, 2021 at 7 p.m. as a virtual meeting, and if adopted, that it take effect 15 days after final publication; seconded by Councilmember Stites. Motion passed 8-0.

6. Motions to approve appointments of representatives to the Race and Equity Task Force.

The following comments appeared in Wheat Ridge Speaks regarding this agenda item:

Thank you, city leaders and staff, for listening to community members and taking action to support justice, equity, diversity and inclusivity in Wheat Ridge. The formal appointment of the Race and Equity Task Force members moves our entire community forward into a brighter future. I also share the hope that our shared accomplishments will inspire our surrounding cities and Jefferson County to begin deeper dives into this meaningful work.

02/08/2021 12:19 pm

**Morgan Richards**

3255 Ames Street  
Wheat Ridge, 80212

Thank you to the residents, city staff, and council for recognizing race & equity as being an important area in which we all must strive to do better. The expedient manner in which residents reached out and the city responded is an encouraging sign and I am excited about the positive impact this work will have on the future of Wheat Ridge and surrounding areas.

02/08/2021 10:20 am

**Nikki Larsen**  
**3725 Harlan St**  
Wheat Ridge, 80033

Thank you to the City of Wheat Ridge for listening to the citizens in regard to equity. I hope all surrounding cities follow your lead. May this small action towards change make a big difference for those so often forgotten.

02/08/2021 6:39 am

**Venessa Valdez**  
**13135 west Florida Place**  
Lakewood, 80228

End of comments submitted on Wheat Ridge Speaks for this agenda item.

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**Motion** by Councilmember Hoppe, seconded by Councilmember Hutchinson, as Councilmembers from District I, to appoint the following individuals to the Task Force:

1. Shannon Kishel (I)
2. Elise St Peter (I)
3. Jenny Snell (I)
4. Juliana Evans (I)

Motion carried 8-0.

**Motion** by Councilmember Urban, seconded by Councilmember Hultin, as Councilmembers from District II, to appoint the following individuals to the Task Force:

1. Alexander Goldsmith (II)
2. Deborah Boyd (II)
3. Andres C. Martinez (II)
4. Renee Kleck (II)

Motion carried 8-0.

**Motion** by Councilmember Weaver, seconded by Councilmember Stites, as Councilmembers from District III, to appoint the following individuals to the Task Force:

1. Diana Lopez (III)
2. Becky Wells Kabore (III)

3. Saha Amarsingham (I)
4. Milly Nadler (II)

Motion carried 8-0.

**Motion** by Councilmember Dozeman, seconded by Councilmember Nosler Beck, as Councilmembers from District IV, to appoint the following individuals to the Task Force:

1. Tabetha E. Cardinal (IV)
2. Alvina Vasquez (I)
3. Terry Gale (II)
4. Allison Brown (II)

Motion carried 8-0.

Motion by Councilmember Hoppe, seconded by Councilmember Hultin, to appoint the following individuals to the Task Force as representatives at large on the recommendation of Mayor Starker:

1. Jeff Richards (I)
2. Jeremy Make (II)
3. Kellie Eastin (Non-resident)
4. Anisa Valdez (Non-resident)

Motion carried 8-0.

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

No Council meeting on February 15, as the City observes Presidents' Day.

He expressed condolences to the Cervený family on the passing of Carl Cervený, a Wheat Ridge resident since 1956 and co-founder of our Optimist Club. A memorial service is planned for Mile Hi Church on Friday, February 26, 2021 at 2:00 pm MST

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

Nothing tonight.

### **ELECTED OFFICIALS' MATTERS**

City Clerk Steve Kirkpatrick urged anyone listening to help those seniors and others who do not have computers or smart devices navigate websites and who want to get a Co-Vid vaccine to register them for vaccines appointments.

City Treasurer Miller echoed Kirkpatrick and asked us to help others clear the snow predicted for this weekend.

Councilmember Nosler Beck thanked all who volunteered to serve on the Race and Equity Task Force. She recalled the hard work by many people to bring this effort to



this point. She urged everyone to persevere and work through any differences encountered, toward a stronger community in Wheat Ridge.

Councilmember Dozeman echoed Councilmember Nosler Beck's comments. She also urged people to continue their participation in the Task Force work and thanked the City staff for their hard work and excellent engagement with this effort.

Councilmember Stites also expressed his condolences to the Cerveny family. And, he reminded everyone that if we can find it in Wheat Ridge, buy it in Wheat Ridge.

He also reported on the District III meeting last Saturday and thanked those who participated in person and via Zoom. He noted that sidewalks along 38<sup>th</sup> for the length of the street from Kipling St. to Youngfield St. was a topic of great interest to those who attended and indicated that he and Councilmember Weaver will follow-up with Public Works to discuss the matter.

Councilmember Weaver echoed Councilmember Stites thanks. She also asked whether Mr. Goff or Mr. Johnstone had received any email from the homeowner who called to complain about building permits. They reported that they have not received any communication from the homeowner. Mr. Johnstone provided some background on the situation and described the effort to contact him and resolve the issues he raises.

Councilmember Hultin reminded everyone that she will have one in person district meeting (limited to 20 participants) on Saturday, February 13 at the Rec Center from 1:00 – 2:30 p.m. She will repeat the same presentation on Zoom Tuesday, February 16 from 6:30 – 8:30 p.m. Details are available on the City website.

She also discussed the work she and Councilmember Nosler Beck have done with Ms. Schilling and Ms. Scheck on an application for All American City designation. She is very proud of the application Wheat Ridge submitted. She read an excerpt from the application that encapsulated the pride we have in living in Wheat Ridge.

She also asked about opening municipal facilities after the pandemic abates. Mr. Goff described the work staff has done and indicated that we can discuss that issue during the upcoming Strategic Planning Retreat.

Councilmember Urban followed-up on Councilmember Hultin's questions with respect to upcoming public hearings. He asked Mr. Dahl to comment on the legal implications of continuing to meet virtually, or in a hybrid format. He asked that we consider having at least a hybrid meeting for the formal Council Meeting on March 8, 2021, because we anticipate strong public interest in the short-term rental ordinance scheduled for that session.

Councilmember Weaver commented that she is uncomfortable with in person meetings until a much larger proportion of the citizenry have been vaccinated. Councilmember Hoppe commented that we should either be all in person on the dais or virtual, but it is

too soon to consider in person meetings. Councilmember Hutchinson agreed with her peers, it is too soon to consider in person meetings in masse.

Councilmember Weaver respectfully asked Councilmember Urban to table this discussion for the present and he agreed.

Councilmember Hutchinson felt we had a good meeting tonight and wished everyone happy Valentine's Day.

Councilmember Hoppe also thanked all those who have participated tonight and moreover those who have worked so diligently on the Race and Equity Task Force to make the progress seen to this point.

Coffee with the Mayor is at 9:00 AM this Saturday, on Zoom. Instructions are on the City website. He also expressed condolences to the Cervený family.

### **ADJOURNMENT**

The meeting adjourned at 8:16 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.