

# **City Council Meeting Minutes**

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

**May 10, 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; Director of Public Works, Greg Knudsen; Russ Higgins, Field Supervisor, Public Works; Director of Planning, Lauren Mikulak; Kayla Holliday, Wheat Ridge Police Officer; other staff, guests and interested citizens.

### **PROCLAMATIONS AND CEREMONIES**

Mayor Starker read a proclamation declaring May 15 as National Peace Officers Memorial Day, and the week of May 10-16 as National Police Week. Chief Murtha and Officer Holliday of the Wheat Ridge Police Department graciously acknowledged and accepted the proclamation on behalf of their fellow officers and sworn officers everywhere who serve and protect us with their very lives every day. The Mayor also declared that May 15 National Peace Officers Memorial Day shall be recognized in Wheat Ridge.

Mayor Starker proclaimed the week of May 2 – 8, 2021 National Public Works Week

Greg Knudson, Director of Public Works and Russ Higgins, also with Public Works, responded with appreciative comments on behalf of the department. A number of their staff attended the session to accept the proclamation's gratitude for their dedication, professionalism and service.

## **APPROVAL OF MINUTES**

Without objection or correction, the City Council Minutes of April 26, 2021 were approved as published.

## **APPROVAL OF AGENDA**

Mr. Dahl asked Council to add an executive session to tonight meeting. Without objection or correction, the agenda stood as announced with the addition of the executive session about legal advice with respect to an historic site.

## **CITIZENS' RIGHT TO SPEAK**

No one came forward to speak this evening.

### **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).

There were no comments entered in Wheat Ridge Speaks for this Council Meeting.

## **1. CONSENT AGENDA**

Discussion began at approximately 7: PM

Councilmember Urban introduced the consent agenda.

- a. Resolution No. 21-2021 - a resolution amending the fiscal year 2021 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$60,000 for the purpose of accepting a grant from CDOT and a contribution from Renewal Wheat Ridge for the purchase and installation of pop-up patios along 38<sup>th</sup> Avenue.
- b. Resolution No. 22-2021 - a resolution amending the fiscal year 2021 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$50,000 and the addition of one time-limited full time employee in the Planning Division of the Community Development Department to conduct building permit plan reviews and inspections

- c. Resolution No. 23-2021 - a resolution amending the Fiscal Year 2021 Open Space Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$35,175 for the purpose of accepting a grant from the Colorado Health Foundation for Anderson Park Nature Play Area Phase II
- d. Resolution No. 24-2021 - a resolution amending the Fiscal Year 2021 Open Space Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$5,000 for the purpose of accepting a grant from Early Childhood Health Outdoors for the Anderson Park Nature Play Area
- e. Resolution No. 25-2021 - a resolution authorizing the Mayor to execute an agreement with Jefferson County Open Space to accept a trails grant in the amount of \$466,141 for the Wadsworth Improvement Project

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

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

None for tonight

### **ORDINANCES ON FIRST READING**

- 2. Council Bill No. 05-2021 - An Ordinance prohibiting deadly weapons on City property and making other amendments consistent with state weapons laws

Councilmember Stites introduced Council Bill 05-2021.

A growing concern exists today with the increase in gun and deadly weapon violence throughout the United States. These acts of violence contribute to increased personal safety concerns for visitors and guests at City-owned properties and for employees of the City. City-owned buildings and property should be considered safe, available, and open. The lack of deadly weapons in those settings contributes to the sense of safety of visitors, guests, elected officials and employees. Sections 16-81 and 17-53 of the Wheat Ridge Code of Laws currently addresses “weapons” but does not prohibit the possession of deadly weapons on City-owned property.

**Motion** by Councilmember Stites to approve Council Bill No. 05-2021 - an ordinance prohibiting deadly weapons on City property and making other amendments consistent with state weapons laws, on first reading, order it published, public hearing set for Monday, May 24, 2021 at 7:00 p.m. as a virtual meeting, and that it take effect fifteen days after final publication, seconded by Councilmember Urban, motion carried 8-0.

3. Council Bill No. 06-2021 - An Ordinance reappointing presiding Municipal Judge Christopher Randall and approving a presiding municipal judge services agreement

Councilmember Hutchinson introduced Council Bill 06-2021

The City's Home Rule Charter provides for appointment of the Municipal Court Judge for a term of two years. The current term of Presiding Judge Christopher Randall expires June 30, 2021.

**Motion** by Councilmember Hutchinson to approve Council Bill No. 06-2021 - an ordinance reappointing presiding Municipal Judge Christopher Randall and approving a presiding municipal judge services agreement, on first reading, order it published, public hearing set for Monday, May 24, 2021 at 7:00 p.m. as a virtual meeting, and that it take effect upon adoption at second reading, seconded by Councilmember Hoppe, motion carried 8-0.

4. Council Bill No. 07-2020 - An Ordinance amending Section 16-103 of the Wheat Ridge Code of Laws, concerning regulation of noise.

Councilmember Nosler Beck introduced Council Bill 07-2021

City Council approved Ordinance 1697 on August 24, 2020, an ordinance amending Section 16-103 of the Wheat Ridge Code of Laws concerning the regulation of noise. The Ordinance, among other things, established a permit process which allows up to six outdoor amplified sound events for the same location in a twelve-month period. Consensus was reached by City Council at the April 5, 2021 study session to amend the ordinance to increase the number of individual permitted sound events from six to eight in a calendar year and to create a special permit process for all sound events over eight in a calendar year and make other clarifying amendments as described in the Prior Action section of the staff report.

**Motion** by Councilmember Nosler Beck to approve Council Bill No. 07-2021 - an ordinance amending Section 16-103 of the Wheat Ridge Code of Laws, concerning regulation of noise, on first reading, order it published, public hearing set for Monday, May 24, 2021 at 7:00 p.m. as a virtual meeting, and that it take effect fifteen days after final publication, seconded by Councilmember Urban, motion carried 8-0.

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

Discussion began at approximately 7:28 PM

5. Motion to approve appointment of representatives to the 2022 Outside Agency Program Committee

Councilmember introduced the Motion.

The purpose of creating the 2022 Outside Agency Program Committee is to provide an additional opportunity for residents to participate in the budget process. This committee

gives residents the opportunity to weigh community needs with available resources and provide recommendations to City Council.

Marianne Schilling, Assistant to the City Manager gave a brief summarization on the item, along with the application process.

The Outside Agency Program Committee (the Committee) had six seats to fill and received seven applications. The application period was open from Monday, March 22 until Friday, April 30. All qualified appointments were chosen based upon district seats needing to be filled and availability to attend the presentation dates.

There were no applicants from District I, four applicants from District II, one applicant from District III, and two applicants from District IV. Because there were not enough applicants to fill the vacancies in Districts I and III, two of the District II applicants are representing those districts, respectively: Stefania Vaughan and Laura McGarry.

Applications for organizations requesting funding allotments were due April 30, 2021. The presentations to the Committee will be Tuesday nights from 6-8:30 p.m.: May 18, May 25, June 8, and June 15. The final recommendation decision meeting will be in late June and the committee or representatives will present its recommendations to Council on July 19<sup>th</sup>.

### **Public Comment**

No one came forward to speak.

**Motion** by Councilmember Hoppe to appoint Stefania Vaughan to the 2022 Outside Agency Program Committee District I, term to expire after 2023 budget recommendations are presented in 2022, seconded by Councilmember Hutchinson; motion carried 8-0.

**Motion** by Councilmember Urban to appoint Lisa Rucker and Cathy Milkey to the 2022 Outside Agency Program Committee District II, term to expire after 2023 budget recommendations are presented in 2022, seconded by Councilmember Hultin; motion carried 8-0.

**Motion** by Councilmember Weaver to appoint Sheila Red and Laura McGarry to the 2022 Outside Agency Program Committee District III, term to expire after 2023 budget recommendations are presented in 2022, seconded by Councilmember Stites; motion carried 8-0.

**Motion** by Councilmember Dozeman to appoint Carol Mathews to the 2022 Outside Agency Program Committee District IV, term to expire after 2023 budget recommendations are presented in 2022, seconded by Councilmember Nosler Beck; motion carried 5-3, with Councilmembers Hultin, Stites and Weaver voting nay.

- 6. Resolution No. 26-2021** - A Resolution amending the fiscal year 2021 Capital Improvement Project budget to reflect the approval of a supplemental

budget appropriation for the purpose of awarding a contract amendment and subsequent payments to Short Elliot Hendrickson, Inc., Denver, CO, in an amount not to exceed \$160,563.36 for professional services to complete the construction plans and specifications for Wheat Ridge Ward Station street improvements.

Councilmember introduced Resolution No. 26-2021

Short Elliot Hendrickson, Inc. (SEH) was contracted to perform design services for several projects at the Wheat Ridge · Ward Station area. Amendments to four task orders need to be approved to restart final design of the street and intersection improvements and prepare construction plans and specifications. A budget supplemental request is also required since all four task orders were paused in 2020 and were not included in the adopted 2021 budget.

Mark Westberg reported on the prior actions, along with the financial impacts of the contract.

### **Public Comment**

No one came forward to speak.

**Motion** by Councilmember Dozeman to approve Resolution 26-2021- a resolution amending the fiscal year 2021 Capital Improvement Project budget to reflect the approval of a supplemental budget appropriation for the purpose of awarding a contract amendment and subsequent payments to Short Elliot Hendrickson, Inc., Denver, CO, in an amount not to exceed \$160,563.36 for professional services to complete the construction plans and specifications for Wheat Ridge Ward Station street improvements, seconded by Councilmember Stites; motion carried 8-0,

7. Resolution No. 27-2021 - a resolution amending the fiscal year 2021 general fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$24,000 for election services.

CM Hoppe introduced this item.

Discussion began at about 8:31 PM, approximately 1:31 hours into the session.

**ISSUE:** Shortly after the 2019 ballot referendum (Upham St. Zoning Change) process, Mr. Goff recommended that the City Clerk's Office engage the services of a consultant to evaluate, improve and document procedures for both referendum petitions and coordinated elections. Funds are not currently appropriated for this purpose in the 2021 budget

Motion by Ms. Hoppe to approve Resolution No. 27-2021 - a resolution amending the fiscal year 2021 general fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$24,000 for election services. Seconded by Councilmember Dozeman; motion carried 8-0.

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

Mr. Goff reported that just today the City received the documentation containing the details for obtaining funding from the American Rescue Plan. Staff will study the 150 pages of guidance and report to Council at a later date.

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

Nothing tonight.

### **ELECTED OFFICIALS' MATTERS**

Councilmember Nosler Beck reminded all to attend the public discussion of homelessness tomorrow evening.

Councilmember Dozeman thanked those who managed and participated in the Porches and Patios event recently.

Councilmember Stites reminded us all that if we can find it in Wheat Ridge then we should buy it in Wheat Ridge.

Councilmember Weaver asked for an update on the branch recycling at Anderson Park. Mr. Goff gave a detailed reply. Other councilmembers recounted their experiences with recycling or attempting to recycle branches at the designated spot. Additional signage will be posted soon in Anderson Park to make the site easier to find.

Councilmember Hultin thanked the Police and Public Works Department for all of their hard work, both that which is obvious and what they do behind the scenes that few members of the public know they are doing.

She also noted that we make great effort to encourage citizens to attend Board and Commission meetings, to learn more about how those bodies function and to consider volunteering.

Chief Murtha again thanked the staff, Mayor and Council for acknowledging the services of our Police Officers.

The Mayor and his wife visited Porches and Patios event and found it entertaining and interesting. He noted the great enthusiasm among the attendees. He thanked those who attended Coffee with the Mayor last Saturday.

Please, join the homelessness public meeting tomorrow evening.

The Mayor announced that this Regular City Council Meeting will be in recess (at 8:32 pm).

### **Recess.**

The Mayor called the Regular Council Meeting to order once again at 8:44 PM.

Councilmember Hoppe stated, "I move to go into executive session: for a conference with the city attorney, city manager, and appropriate staff under charter section 5.7(b)(1) and CRS 24-6-402(4)(b), to receive legal advice concerning the Joy Williams Barn historic designation.

I further move to adjourn the Council meeting at the conclusion of the executive session."

Seconded by Councilmember Dozeman. Motion passed unanimously 8-0.

The Council then began the Executive Session to receive legal advice.

The meeting adjourned, per the motion to go into Executive Session, at 9:44 pm.

  
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Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON May 10, 2021

  
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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.