

City Council Meeting Minutes

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

May 24, 2021

Note well – barring any unforeseen exigencies or unpredictable difficulties, Council will meet *in person* for the first time since March 2020 in Council Chambers at City Hall for the Study Session on June 7, 2021. Please, consult the City’s website for further details about reservations to attend if you are a member of the public and how to participate virtually on Zoom (the session will be a hybrid of in person and live remotely).

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; Police Chief Chris Murtha; Director of Parks and Recreation, Karen O’Donnell; Recreation Director, Susan Anderson; Lynette Namba, from Healthy Wheat Ridge; Sara Robbins representing the LGBTQ+ community; other staff, guests and interested citizens.

PROCLAMATIONS AND CEREMONIES

This item began at 7:02 PM.

Men’s Health Month

Mayor Starker Proclaimed the month of June 2021 and encourage our residents to increase awareness of the importance of a healthy lifestyle, regular exercise, and medical check-ups and pursue preventative health practices and early detection efforts.

Healthy Active Living Month

Mayor Starker Proclaimed the month of June as Healthy Active Living Month where June is a great month to promote active living opportunities and educate residents about the importance of being physically active and encourage all community members and businesses of Wheat Ridge to join in this effort by participating in activities such as Lutheran's Heroes of Hope 5K/10K or Localworks Live Local Cruiser Rides and take advantage of all the recreational, park and open space activities provided by the City.

Ms. Namba of Healthy Wheat Ridge graciously accepted the proclamation and commented on its importance.

Safety Month

Mayor Starker Proclaimed the month of June the City of Wheat Ridge Safety Month. Where the City supports safety efforts and has taken a pro-active stance in providing a safe and healthy work environment for its employees by supporting the BESAFE safety committee and, the City works to prevent accidental injuries by educating employees about safe and healthy practices in the workplace through training and encouragement to remain vigilant and safe.

Ms. Scheck acknowledged the Mayor's proclamation and commented on the City's efforts to promote a safe workplace and safety among our businesses and residents. The City has an exceptional Safety Committee, headed by Amber Garrett, who has "rejuvenated this important effort." Our exceptional safety record has earned the City greatly reduced workplace injury insurance premiums, allowing those savings to go toward other City spending.

LGBTQ Pride Month

Mayor Starker also Proclaimed the month of June as LGBTQ Pride Month where the City of Wheat Ridge cherishes the value and dignity of each person and appreciates the importance of equality and freedom and all are welcome in the City of Wheat Ridge to live, work, play, and every family deserves a place to call home where they feel safe, happy, and supported by friends and neighbors.

Sara Robbins, representing the LGBTQ community and Chris Miller, our City Treasurer, thanked the Mayor and Council for this proclamation. Mr. Miller praised the residents of the City for making this an inclusive place where he, an openly gay man, has been elected to public office.

APPROVAL OF MINUTES

Without objection or correction, the City Council Minutes of May 10, 2021, Special Study Session Notes of May 10, 2021, and Study Session Notes of May 17, 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 7:16 PM.

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.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Discussion began at approximately 7:05 PM

- 1.** 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.

Mayor Starker opened the public hearing.

Public Comments

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. 1711

Staff Report

City Attorney Gerald Dahl recalled the previously reviewed memo from Judge Randall, requesting his reappointment as Municipal Judge for a two-year period.

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 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 second reading, and that it take effect upon adoption, seconded by Councilmember Stites.

Councilmembers Weaver and Hultin thanked the Judge for his exceptional contributions to the City. Ms. Hultin recalled a day she appeared before Judge Randall in Animal Court. She recalled being the last respondent of the day and that while she waited for several hours for her turn, she learned a great deal about the City.

Motion carried 8-0.

- 2. Council Bill 05-2021** – An Ordinance prohibiting deadly weapons on City property and making other amendments consistent with state weapons laws

Councilmember Stites introduced Council Bill No. 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.

Mayor Starker opened the public hearing at 7:26 p.m.

Staff Report

City Attorney Gerald Dahl reviewed the background on the item and noted that Municipalities in Colorado have the authority to regulate the possession of certain firearms and deadly weapons in specific settings. Many Colorado municipalities have had similar prohibitions against openly carrying firearms and other deadly weapons in public settings for a number of years, including Lakewood, Arvada, Golden, Denver and Jefferson County (see Attachment 2 for full list).

Two practices are currently in effect in City facilities. First, deadly weapons and other bladed objects including scissors and pocketknives are prohibited in municipal court

under the inherent power of the court's rulemaking authority. Visitors are screened by x-ray machine and metal detectors upon entry to court. Second, for the safety of visitors and guests, signage is posted at the Wheat Ridge Recreation Center and City Hall advising patrons that the open carry of firearms is prohibited; however, the City does not have legal authority to enforce this.

Under state law, the definition of a deadly weapon includes not only firearms but also a "knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that in the manner it is used or intended to be used, is capable of producing death or serious bodily injury." C.R.S. § 18-1-901.

Due to protection provided under state law, the prohibition cannot extend to individuals who are carrying a concealed firearm and who possess a concealed carry permit, unless the City takes the additional step of providing metal detectors with security personnel.

Public Comment

No one came forward to speak.

Council Questions and comments

Councilmembers asked whether this proposed ordinance addresses the propriety of a person walking along a public street openly carrying a firearm or other deadly weapon. Ms. Dahl and Mr. Goff gave a detailed answer to the question.

Councilmember Urban asked about the language surrounding the magnetometer used in the lobby of City Hall and whether the ordinance would mean that all persons entering City Hall would be checked for weapons. Mr. Goff and Mr. Dahl gave a detailed response.

Does this draft ordinance impact a person with a valid concealed carry permit? No; state law does not allow the City to restrict concealed carry (except in Municipal Court).

Mayor Starker closed the public hearing.

Motion by Councilmember Stites to approve Council Bill 05-2021 - An Ordinance prohibiting deadly weapons on City property and making other amendments consistent with state weapons laws, on second reading, and that it takes effect fifteen days after final publication, seconded by Councilmember Urban, motion carried 8-0.

3. Council Bill 07-2021 – An Ordinance amending Section 16-103 of the Wheat Ridge Code of Laws, concerning regulation of noise

Councilmember Nosler Beck introduced Council Bill No. 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.

Mayor Starker opened the public hearing at 7:36 p.m.

Staff Report

City Attorney Gerald Dahl reviewed Council's prior actions on the item, including past study session and council bills.

Mr. Goff listed the changes that this revision to the Noise Ordinance enacts, including increasing the number of Amplified Sound Event Permits from 6 to 8 for any location and changes to how and where sound will be measured.

Public Comment

Laura Jenkins, 9715 W. 43rd. Avenue. Called to thank the Council for its work on this revised ordinance. She asked how the Special Use Permit process will work, specifically with respect to one event at a time vs. multiple events. She urged Council to clarify that language. Could a business use the SUP avenue to hold 30 or 40 events during the summer?

Mr. Goff replied to Ms. Jenkins's questions, explaining how the SUP process will work, in an effort to maintain fairness to businesses and residents, and to allow for individualized conditions to be imposed in any given location given that location's unique attributes.

Aaron McCallister, 9701 W. 44th Avenue (T-Bird Roadhouse). He called to comment on the new ordinance and the changes. He also disclosed his experiences as a business owner complying with the Noise Ordinance. He asserted that residents even near his business will not hear sounds louder than typical suburban neighborhood experiences from traffic and machinery like lawn mowers and leaf blowers. He supports the changes to the ordinance. He does not feel that our residents understand their rights under the Ordinance, or their responsibilities to get a permit for a party on their own property or in a street event.

Mayor Starker closed the public hearing.

Council Questions and comments

Councilmember Weaver addressed some of the comments the callers made during the Public Comment portion of this hearing. She noted that if she holds an amplified sound event in her garden and makes too much noise then any impacted resident can call the WR Police Department, who will respond and enforce the Noise Ordinance. She also

noted that she could hold such an event, if it complies with the law, up to eight times a year.

Do Amplified Sound Event Permits have a cost? No. How much time is involved to issue a permit and what does it cost the City? City Clerk Kirkpatrick gave a detailed reply.

Councilmember Hultin asked detailed questions about the location and methods to measure sound emitting from a residence or business. Mr. Goff and Chief Murtha replied with detailed reasons for their recommendation that these changes get incorporated into this new ordinance language. The officers responding to calls for service reported their experiences with enforcing the current Noise Ordinance language.

Councilmember Hultin asked whether an SUP applicant would have to disclose when making application details like how many events, the types of events and similar information so that the City Manager can make a determination in individual cases.

Mr. Goff responded that he would have the option to ask for more detailed information when someone applies for a SUP.

Councilmember Hultin asked how the SUP could be enforced if a permittee violates the ordinance repeatedly or egregiously. Mr. Dahl replied that the City Manager has the power to suspend or revoke the SUP, and in extreme cases initiate the process of suspending or revoking the offender's Wheat Ridge Business License.

Motion by Councilmember Nosler Beck to approve Council Bill 07-2021 - An Ordinance amending Section 16-103 of the Wheat Ridge Code of Laws, concerning regulation of noise, on second reading, and that it takes effect fifteen days after final publication, seconded by Councilmember Hoppe, motion carried.

In discussion of the motion, Councilmember Hoppe responded to those who think the ordinance has been too rushed. She recounted the several times beginning in 2019 that Council has discussed noise ordinances.

4. Resolution No. 28-2021 – A Resolution removing a Memorandum of Action making an historic designation for the Joy Williams barn

Councilmember Dozeman introduced Resolution No. 28-2021

An historic designation for a wooden barn structure at 11460 (now 11480) W. 44th Avenue was approved by the City Council in 1998, pursuant to the City's historic preservation Article 9 in Chapter 26 of the Code of Laws. As required by the Code, a Memorandum of that designation was recorded with the Jefferson County Clerk & Recorder. However, the Code does not require that the grantee or grantor of such a designation be listed on the recorded Memorandum, and a subsequent purchaser of the property took title without notice of the designation. The owner has requested the designation be removed due to this defect in the original Memorandum.

Mayor Starker opened the quasi-judicial public hearing at 8:04 p.m. The Mayor reminded the public that by speaking before Council during this hearing they are bound by law to speak the truth, all of the truth and nothing but the truth.

Staff Report

Mr. Dahl, reprised the discussions, background, and opined that, because the original Memorandum of historic designation did not reflect the grantor or grantee of such designation, the designation was without force or effect, and should be removed to establish a clear title to the property so that it can be conveyed cleanly.

Mr. Dahl commented that he supports this action for a variety of legal reasons.

Public Comment

Douglas Brown, Esq. representing the owner of the subject property, a legal entity called *It's for the Birds*. Mr. Brown explained why the designation needs to be removed for benefit of his client.

No others came forward to speak. The Mayor closed the public comment portion of the public hearing.

Council Questions and comments

Based on previous discussions of this resolution, Council had no further questions or comments.

Motion by Councilmember Dozeman to approve Resolution No. 28-2021 – A Resolution removing a Memorandum of Action making an historic designation for the Joy Williams barn, seconded by Councilmember Urban; motion carried 8-0.

ORDINANCES ON FIRST READING

Discussion began at 8:13 pm.

- 5.** Council Bill No. 08-2021 - 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 08-2021.

The ordinance is intended to reduce motorist collisions with other vehicles and pedestrian collisions by prohibiting pedestrians from obstructing or hindering the flow of vehicular traffic, including pedestrians such behaviors as entering physically in traffic lanes or extending objects, hands, etc., into traffic lanes.

Motion by Councilmember Hultin to approve Council Bill 08-2021- an ordinance adopting section 16-69 of the Wheat Ridge Code of Laws concerning pedestrians hindering the flow of traffic, on first reading for the sole purpose of ordering it published for a public hearing set for June 14, 2021 at 7 p.m. as a virtual meeting and in City Council Chambers, 7500 W. 29th Avenue, if allowed to meet in person on that date per

COVID-19 restrictions and if adopted, that it take effect 15 days after final publication; seconded by Councilmember Urban; motion carried 8-0.

- 6.** Council Bill No. 09-2021 – 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

Councilmember Urban introduced Council Bill 09-2021.

The ordinance is intended to reduce motorist and pedestrian crashes by regulating center medians that are unsafe for occupation by pedestrians. 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 Urban to approve Council Bill 09-2021- 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, on first reading for the sole purpose of ordering it published for a public hearing set for June 14, 2021 at 7 p.m. as a virtual meeting and in City Council Chambers, 7500 W. 29th Avenue, if allowed to meet in person on that date per COVID-19 restrictions, and if approved, that it take effect 15 days after publication; seconded by Councilmember Hutchinson; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

Discussion began at approximately 8:14 PM

- 7.** Motion to approve appointment of representatives to Boards and Commissions

Councilmember Hoppe introduced the Motion.

Issue

Due to recent resignations, there are vacant seats on the following boards and commissions. Board of Adjustment, At Large position, term to expire March 2, 2023; Cultural Commission, District I, District III, and District IV positions, all terms to expire March 2, 2023; Liquor License Authority Board, District I position, term to expire March 2, 2022.

Motion by Councilmember Hoppe Kathleen Martel to Cultural Commission, District I, term to expire 3/2/23, and to approve Morgan Richards to Liquor License Authority Board, District I, term to expire 3/2/22, seconded by Councilmember Hutchinson; motion carried 8-0.

Motion by Councilmember Hoppe Todd Hansen to the Board of Adjustment, at large, term ending 3/2/23; seconded by Councilmember Urban 8-0.

Motion by Councilmember Urban to appoint Rocco Germano to Liquor License Authority Board, District II, term to expire 3/2/22, seconded by Councilmember Hultin; motion carried 8-0.

CITY MANAGER'S MATTERS

Mr. Goff reminded everyone that there is no Council meeting next Monday, May 31. We will hold our first in person Council session since the pandemic began two weeks from tonight on June 7th, a Study Session.

City Hall opens to the public for walk-in services on June 1. Those planning to visit City Hall in person are urged to consult the City's website for opening hours and how to make arrangements for specific services, especially building permits.

CITY ATTORNEY'S MATTERS

Nothing tonight.

ELECTED OFFICIALS' MATTERS

City Clerk Kirkpatrick profusely thanked the City staff for their amazing and innovative efforts during the pandemic. He made mention of not only the senior staff management team but also those who clean our parks and keep our streets clear during and after snowstorms.

City Treasurer Miller wished everyone a safe Memorial Day Weekend. He urged us to take care of one another, to help our neighbors who may need assistance. He also announced progress in the planning of the 2021 Carnation Festival this August 13-15, 2021.

Councilmember Nosler Beck echoed Clerk Kirkpatrick and Treasurer Miller's comments and expressed her gratitude that our swimming pools will open next week. She thanked the Parks and Recreation staff for their hard work in getting the pools open, especially for the children who enjoy the pools so much.

Councilmember Dozeman thanked our staff and the public who participated in last Saturday's clean-up effort at I-70 and Kipling.

Councilmember Stites also thanked the staff for their work during the pandemic. He reported that Thursday is the last day of school for our children, so drive and cycle with care. He reminded us that when planning and shopping for Memorial Day weekend festivities if you can find it in Wheat Ridge, buy it in Wheat Ridge.

Councilmember Weaver reminded us that neighborhood meetings are upcoming in Lepla Manor and Applewood. Details are on the City website.

Councilmember Hultin announced that two businesses in District II have been designated Best of West Word. She also updated us on Wheat Ridge's application for

designation as an All-American City. She hopes to have good news in the next few weeks.

Councilmember Hoppe asked how the Council Chambers seating will be arranged on June 7th and whether the public may attend. The public needs to make a reservation to attend in person, and that they can still participate in the Zoom format virtually. (The June 7th Study Session will be a hybrid session.)

Mayor Starker echoed Clerk Kirkpatrick's comments about staff performance during the pandemic. Please, take care on Memorial Day to have a safe holiday, and remember the millions of Americans who have fought and made the ultimate sacrifice to protect our democracy and the freedoms we enjoy.

ADJOURNMENT

The meeting adjourned at 8:31pm.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON June 14, 2021



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.