

City Council Meeting Minutes

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

July 25, 2022

Note: This meeting was conducted both as a virtual meeting and hybrid, where some members of the Council or City staff were physically present at the Municipal building, and some members of the public attended in person as well. Eight members of Council were present in Council Chambers for this session. 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 7:03 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL OF MEMBERS

Judy Hutchinson Korey Stites Amanda Weaver Valerie Nosler Beck (online)
Janeece Hoppe Rachel Hultin Scott Ohm Leah Dozeman

Also, present: City Manager, Patrick Goff; City Attorney Gerald Dahl; Police Chief, Chris Murtha; Assistant to the City Manager, Marianne Schilling, other staff, guests and interested citizens.

APPROVAL OF MINUTES

None tonight.

APPROVAL OF AGENDA

Without objection or correction, the agenda stood as announced

PROCLAMATIONS AND CEREMONIES

None tonight

PUBLIC'S RIGHT TO SPEAK

Cambria Rollo, 6761 W.36th Place, Wheat Ridge -- came as a member of the group Moms Demand Action on Gun Control, began by saying she loves living in WR. We have had six separate gun violence incidents in her neighborhood in the past year. She wants the City to support her group's efforts to restrict sales and possession of assault weapons. If Wheat Ridge passed an ordinance similar to those recently passed in Denver, Boulder and Louisville, that would add weight and political support to the group's efforts.

Catherine Rudd – 1631 Emerson St., Denver, has been a gun violence advocate since the late 1970's. She told a story about a woman who filed for divorce and feared for her safety at the hands of her husband. He came to her workplace and shot one of her co-workers twice in the chest. She strongly supports all six of her group's proposed ordinances. "We can do a hell of a lot better than we are." We need to outlaw assault rifles and require that residents be at least 21 to purchase an assault weapon.

Vivian Vos, 6960 W. 47th Place. She came to report a successful fund raiser for the Garden Tour, with the cooperation of the Grange last Saturday. Close to 125 people attended the event, and several folks signed up to volunteer. Vicki Foddison has been a great help.

Mary Drovnick, 3569 Holland St., came to support the Moms Demand Action. She thanked the group for their efforts this evening. She lives at 32nd. and Holly. There was recently an incident following traffic accident. The occupants of one of the vehicles fled the accident. The next morning a neighbor found a gun in a satchel left behind by the fleeing miscreants. People are constantly running the stop signs on that corner, and she wants the City to take action to enforce traffic safety laws before there are more tragedies.

Note about Wheat Ridge Speaks:

Members of the Public 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 address a public hearing (verbatim, if the comments do not contain lascivious language or unlawful hate speech).

No comments appeared in WR Speaks for this session of Council.

CONSENT AGENDA

None tonight

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

None tonight.

ORDINANCES ON FIRST READING

1. Council Bill No. 16-2022 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the implementation of a residential bulk plane development standard.

CM Hoppe introduced Council Bill 16-2022

Issue

Currently, bulk plane regulations apply only to detached single-unit homes in the R-1C and R-3 zone districts. This ordinance expands the applicability of bulk plane to all R-series residential zone districts. The purpose of this change is to achieve community goals related to neighborhood compatibility and to address resident concerns related to the height and massing of new two- and three-story homes and additions.

Motion by CM Hoppe to approve Council Bill 16-2022, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the implementation of a residential bulk plane development standard on first reading, order it published, public hearing set for Monday, August 22, 2022 at 7 p.m. as a virtual meeting and in City Council Chambers if allowed to meet in person on that date per COVID-19 restrictions, and that it take effect 15 days after final publication; seconded by CM Stites; motion carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

2. Motion to approve payment to Axon Enterprises, Inc., for contract services for police body worn camera equipment and data storage in the amount of \$86,880

CM Stites introduced the Motion.

Issue

The Wheat Ridge Police Department maintains a body worn camera program for the purpose of audio and visual recording of police encounters with the public. This program helps to increase officer professionalism, evaluate performance, reduce complaints, resolve officer involved incidents, and can serve as an unbiased account of documenting evidence in a police encounter.

Staff Presentation

Nothing on this item.

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

Public Comment

No one came forward to speak.

Council Questions

There were none following the discussion of this item in a Study Session previously.

Motion by CM Stites to approve payment to Axon Enterprises, Inc., for contract services for police body worn camera equipment and data storage in the amount of \$86,880, seconded by CM Ohm, motion carried 8-0.

3. Resolution No. 33-2022 - A Resolution declaring race and religion-based covenants on real property within the City of Wheat Ridge to be illegal and unenforceable and in connection therewith, directing City staff to take certain actions in relation thereto.

CM Nosler Beck introduced Resolution 33-2022 at 7:22 p.m.

Issue

This Resolution declares race and religion-based covenants illegal and unenforceable and gives direction to City staff to research title to City-owned properties, draft an ordinance to require a plat note on re-subdivisions, and propose materials to assist private property owners, all with the goal of removing such covenants.

Staff Presentation

City Attorney Gerald Dahl along with City Manager Patrick Goff gave a brief background on the item where the City of Wheat Ridge was incorporated in 1969. At that time the City included a number of subdivisions which had been platted in the county beginning around the 1920's. Some of these subdivisions contain private covenants precluding sales based on race or religion.

In their opinion in *Shelley v. Kramer*, the Supreme Court of the United States struck down race and religion-based covenants as illegal and judicially unenforceable. The Supreme Court of Colorado, relying on *Shelley v. Kraemer*, likewise ruled that restrictive covenants based on race or religion were unenforceable; *Capitol Fed. Sav. & Loan Assn. v. Smith*, 136 Colo. 265, 271 (1957). The Colorado State Legislature, with these rulings in mind, enacted C.R.S. § 38-30-169, similarly declaring these covenants illegal and equipping private citizens with a mechanism to remove them.

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

Public Comment

Cathy Milkey, 7891 W 39th Ave., came forward to ask whether there are other covenants addressed by the resolution, beyond religion and race. Specifically, she is concerned about sexual orientation discrimination. Mr. Dahl addressed her question.

Council Questions

CM Nosler Beck thanked the staff, Mr. Dahl and other CM for their hard work on this issue. This is an important step forward in making our City a welcoming place to live

and work. It is finally possible to put these egregious covenants, initially passed as long as a Century ago, behind us.

Motion by CM Nosler Beck to approve Resolution No. 33-2022 - a resolution declaring race and religion-based covenants on real property within the City of Wheat Ridge to be illegal and unenforceable and in connection therewith, directing City staff to take certain actions in relation thereto, seconded by CM Hoppe. The motion carried 8-0.

CM Hoppe commented on her support for the work so many people have done.

CM Hultin recounted her own experience with a restricted covenant on her own property deed. While attending the National League of Cities in April this year she met a Federal appointee whose job it is to undo these covenants. The impact of these covenants will continue to influence people for another generation or more. Having these covenants in force is just wrong, and our community should look for more examples of this kind of situation to make our City even more welcoming.

CM Ohm echoed his peers' comments and thanked staff and Mr. Dahl for their hard work.

4. Motion to cancel the August 8, 2022, regular meeting of the Wheat Ridge City Council

CM Hutchinson introduced the Motion.

Issue

The Regular Meeting of August 8, 2022 currently does not have any scheduled agenda items. It is recommended that City Council cancel this meeting.

Staff Presentation

Mr. Goff stated that there were no items on the agenda that would be cause for a city council meeting.

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

Public Comment

No one came forward to speak.

Council Questions

There were none.

Motion by CM Hutchinson to cancel the August 8, 2022, Regular Meeting of the Wheat Ridge City Council, seconded by CM Stites, motion carried 8-0.

5. Motion approving a contract with Architerra Group for final design and construction drawings for the Green at 38th in the amount of \$399,909

CM Hultin introduced the Motion at 7:37 pm

Issue

A consensus was reached by City Council in 2018 to engage a designer to develop conceptual designs for the Green at 38th. Architerra Group was hired by the City in August 2018. A comprehensive community engagement process was completed since that time to obtain feedback from key stakeholders and the public. Based on that feedback, Architerra Group created two preferred design options which were presented to City Council at the May 16, 2022, study session. Consensus was reached by City Council at that meeting to direct staff to work with Architerra Group to complete final design and construction drawings for the Green at 38th.

Staff Presentation

Parks and Recreation Director Karen O'Donnell gave a brief history of the item where the 38th Avenue Streetscape project has been a priority for City Council for over a decade. While the redevelopment of the Green at 38th does not directly implement that priority, it is a logical first step in extending streetscape improvements from the West 38 mixed-use project and creating a public gathering space on the City's main street and in the heart of downtown.

Along with the financials where the initial work to develop conceptual designs for the Green was completed at a cost of \$28,584.80. The 30% design development work was contracted for an amount not-to-exceed \$64,895. The original estimated cost for final design and construction drawings was between \$425,000 and \$500,000. A fee in the amount of \$399,909 was negotiated with Architerra for this scope of work. There is adequate funding in the 2022 Open Space Fund budget for this expense.

Public Comment

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

Council Questions

There were none.

Motion by CM Hultin to approve a contract with Architerra Group for final design and construction drawings for the Green at 38th in the amount of \$399,909, seconded by CM Hoppe, motion carried 8-0.

CM Hoppe is grateful for the support and hard work of the staff on this project.

CM Ohm looks forward to working on this project.

CITY MANAGER'S MATTERS

Mr. Goff deferred until the end of tonight's Special Study Session, to follow immediately after this Council session.

CITY ATTORNEY'S MATTERS

Nothing tonight.

ELECTED OFFICIALS MATTERS

CM Hutchinson participated in the Garden Tour event at the Grange, and everyone seemed to enjoy it.

CM Stites attended the ribbon cutting at the Coop and Kitchen recently and enjoyed it. Remember: if you can find it in Wheat Ridge, buy it in Wheat Ridge.

CM Dozeman also thanked everyone for their hard work on the Carnation Festival.

CM Ohm attended the Italian Car Festival a week ago, and we had a great turnout of folks here in Wheat Ridge from states near and far.

CM Weaver reminded everyone that there is a Pie Contest during the Carnation Festival in three weeks. Information is on the City website. "It's time to get your Pie on!"

CM Hultin announced that the Arts Drop by the Cultural Commission is about to begin, July 28-31. It is a scavenger hunt; directions are on the City Website or the Cultural Commission FB page. She then recognized our leadership for Zero Fare for Cleaner Air. Other cities, including Denver, are asking how they can achieve the same result. She thanked the Mayor for his leadership on this issue. She thanked the resident who came tonight to speak about speeding on our streets. She reminded everyone that there is a traffic enforcement and safety effort ongoing. We have heard a lot of residents attend Council in the past 2 years complaining about parking on public streets. She reminded everyone that the streets are common property, and anyone has the right to park on our public street.

CM Nosler Beck commented that she joined virtually tonight due to the rapid spread of the latest variant of Covid. If you are symptomatic, stay home until you are better and have had a negative test. This virtual platform allows a lot of others to participate when they could otherwise not attend or participate. As a mom, she really appreciates the staff's work on virtual meetings. There will be a District IV meeting 6:00 pm to about 7:30 on August 2.

City Clerk Steve Kirkpatrick reported that a group of residents have begun circulating a petition to refer Ordinance 1744 (ADU) to the voters, if it is not repealed by Council when presented with a sufficient petition.

Mayor Starker reminded everyone that Coffee with the Mayor is cancelled for August, because the Carnation Festival Parade is that date, August 13. He was happy to attend the opening of the Coop and Kitchen, a place where small business vendors can sell

their wares, that was well attended and enjoyed. He echoed CM Hultin's sentiments regarding taking care and driving safely.

ADJOURNMENT TO SPECIAL STUDY SESSION

The meeting adjourned at 7:53 pm.



Steve Kirkpatrick, City Clerk

APPROVED BY CITY COUNCIL ON August 22, 2022



Rachel Hultin, 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.