

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
**Virtual Meeting**  
**April 19, 2021**

Mayor Bud Starker called the Study Session to order at 6:30 p.m.

This meeting was conducted as a VIRTUAL MEETING.

No members of the Council or City staff were physically present at the Municipal building for this meeting; the public did not attend in person.

Mayor Starker welcomed the Council, other elected officials, staff and interested citizens.

The Mayor also explained the virtual meeting format, how citizens will have the opportunity to be heard, and the procedures and policies to be followed.

Councilmembers present: Zach Urban, Amanda Weaver, Judy Hutchinson, Korey Stites, Rachel Hultin, Leah Dozeman, Valerie Nosler Beck, Janeece Hoppe.

Also present: City Manager, Patrick Goff; City Attorney Jerry Dahl; City Clerk, Steve Kirkpatrick; City Treasurer, Chris Miller; Chief of Police, Chris Murtha; Division Chief Jim Lorentz, Director of Administration, Allison Scheck, other guests and interested citizens.

**Citizen's Right to Speak**

No one came forward to speak on Zoom or via telephone.

**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 session.

**1. Referendum campaign finance reporting**

Discussion began at 6:33 pm, approximately :03 minutes into the recording of the session.

## **Issue**

Council has asked whether it could enact campaign finance disclosure requirements applied to persons or committees that support or oppose ballot issues, including initiative and referendum petitions, before going to election. I conclude Council could adopt local registration requirements for City ballot issue elections; however, for those who spend the small amounts ordinarily involved in City elections, the City has very limited authority to require detailed disclosure requirements.

## **Staff reports**

City Attorney Jerry Dahl described the background of campaign finance disclosures where questions often reach the ballot in municipal elections as a result of referral by the City Council; this may occur following receipt of a referendum or initiative petition from City voters. In 2016, the disclosure requirements applicable in ballot issue elections under Colorado's Fair Campaign Practices Act (FCPA) were found to be unconstitutional, when applied to those who receive and spend small amounts in such elections.

He also reported on details of the brief for the Supreme Court decision in the Williams case, which provided a limited disclosure regime for "small issue committees", which are defined as those that receive \$5000 or less in an election cycle. "Small issue committees" that receive over \$200, but less than \$5000 in an election cycle are subject to very limited disclosure requirements, which do not include disclosure of contributions or expenditures.

He listed these options to Council:

1. Complaints that an issue committee involved in a City election has violated the FCPA disclosure requirements applicable to small issue committees or to "regular" issue committees could be pursued under the attached ordinance concerning campaign finance complaints in City elections.
2. Council could highlight the importance of disclosure requirements in City ballot issue elections, including referenda and initiatives, by adopting a ballot issue committee disclosure regime in the Code. Because of Constitutional restrictions on how much disclosure may be required in ballot issue elections generally, and from "small issue committees" in particular, any such ordinance would likely be largely redundant with State law substantively. The only added benefit would be locally prescribed penalties for its violation.

Mr. Dahl concluded his remarks by acknowledging that Council has an interest in requiring disclosure of the amounts and identity of small issue campaign contributions. For the reasons stated above, he believes that under the Williams decision, the attempt would not be upheld upon challenge.

## **Councilmembers had questions and comments:**

Councilmembers reached a consensus to take no further action at this time, given the restrictions incorporated in the Williams decision.

## **2. Prohibiting the possession of deadly weapons on City-owned property**

Discussion began at 6:39 pm, approximately :09 minutes into the session.

### **Issue**

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.

### **Staff reports**

City Manager Patrick Goff gave an overview of previous discussions in Council and the history of state legislation on this topic. He described the City’s options under the current state statutes.

Mr. Goff also reviewed results of a survey among nearby municipalities and Jefferson County. These nearby cities and the County do have ordinances prohibiting the open carry of firearms and other deadly weapons on their properties, including all buildings, parks and open spaces.

Mr. Dahl explained the difference between prohibiting open carry of firearms vs. prohibiting concealed carry.

### **Councilmembers had questions and comments:**

Councilmembers asked detailed questions about several topics, including:

- Has this ever been an issue? Staff responded that there have been no such incidents, of open carrying firearms. However, Mr. Goff expressed concerns about a group called the First Amendment Auditors, who aggressively and without warning appear in municipal government centers across the country. After their most recent visit to Wheat Ridge City Hall in 2019, two city employees resigned after their lives were threatened in online posts.
- Are we aware of other governments or school districts that do have open carry prohibitions? Staff responded in detail. Chief Lorenz explained that schools are already firearm free zones.
- It is important that we create safe spaces for our City employees. It is not unreasonable to restrict open carry in Wheat Ridge city buildings and on our properties. Given the fact that other municipalities already restrict open carry it is important that Wheat Ridge follow that practice.

- Do we have the authority to enforce an open carry prohibition? Mr. Dahl replied that we cannot at present enforce any limits on open carry because we do not have an ordinance on the books prohibiting it. Council could make such an ordinance if it so chooses.
- We should consider prohibiting both open carry and concealed carry weapons on all City property to protect not only our employees but also the public visiting City Hall, the Rec Center, other buildings and spaces outdoors. Our schools prohibit all weapons, why not have the same prohibition on the City's properties?
- Chief Murtha, please, discuss what the process for obtaining a concealed carry permit in Colorado. Chief Murtha and Chief Lorentz overviewed the process for obtaining a concealed carry permit. Mr. Goff added more comments to those explanations provided by the Chiefs.
- Councilmember Dozeman strongly opposed limiting concealed carry weapons because of her beliefs around her Second Amendment Rights.
- Chief Murtha opined that enforcing open carry weapons prohibitions in parks would be relatively easy. However, prohibiting concealed carry permit holders from bringing a firearm to a City park would be very difficult.
- Mr. Dahl opined that the Council could make an ordinance with increasingly stringent sanctions for repeated offenses. He indicated that the first level of sanction is usually a warning, with wide discretion for law enforcement to make determinations in individual circumstance; for example a citizen in good standing who inadvertently brings a firearm or other deadly weapon into a City park.
- Chief Murtha recommended that we begin with a warning, and then if the warning is not obeyed the officer could take enforcement steps.
- We are not discussing the character or intentions of those who own guns. We are discussing the safety of our employees and citizens.
- What does the state statute require the City to do in order to align with state law? Mr. Goff and Mr. Dahl gave a detailed answer.
- Can we regulate concealed carry during those times when City facilities are used as polling places? Yes, if and only if we have metal detector to screen every person who enters that polling place for firearms and other deadly weapons.
- What signage would we have to display to support a prohibition of all firearms or only open carry during election polling? Mr. Goff gave a detailed decision, with a further elucidation from Mr. Dahl.
- Encouraging people to vote is so important that we should carefully consider any prohibition of concealed carry permit holders from entering City property or buildings while those locations are in use as polling places.

Councilmember Hoppe proposed a consensus to bring forward an action to Council to adopt an ordinance to align City Code with state law, and to align City Code with the state statutory definitions of deadly weapons, and to prohibit open carry of deadly weapons on City property.

Consensus attained.

### **3. Staff Report(s)**

This item began at approximately 7:20 p.m.

#### **a. New full-time employee position - Licensing Technician**

Ms. Scheck reported on a request for a new position. With the addition of several new licensing programs including massage, short-term rentals and tobacco retailing, and with the potential for hotel licensing and the need for increased customer service support in the area of business licensing and sales tax, staff recommends the addition of a full time Licensing Technician position to the finance staff.

Ms. Scheck gave a detailed report on license and fee revenue that would defray the cost of this proposed new position. Staff believes based on careful budget analysis and conservative projections that revenues will completely cover the cost of this position.

Councilmembers had questions and comments:

- This position would help our local businesses to comply with these new licensing ordinances.
- Thanks to staff for their hard work on licensing to date.

Councilmember proposed a consensus to bring forward an action to Council to adopt the staff recommendations.

Consensus attained.

In his second report for this evenings Staff Matters, Mr. Goff reviewed the plans and process for returning to in-person Council and other formal meetings, in light of Jefferson County's newest public health orders and advisories. Council earlier decided to consider in-person meetings when the County reached Level Green, on the CoVid Dial. That level under new rubrics is now called Level Clear.

Councilmembers expressed concerns about returning to in-person meetings too soon and would support a plan for returning no sooner than the first Monday in June.

Council asked what will we do if one or more Councilmembers are not comfortable with returning to in-person meetings? Could we go back to virtual meetings if there is another widespread outbreak, or if one or more persons at a public meeting later find that they have exposed other to CoVid?

Councilmember Hoppe suggested that the forthcoming review of Council Rules might include a discussion of remote/hybrid participation.

Councilmember Urban suggested we begin with the May meeting and ease into the transition. Any new Council Rule should specify the circumstances under which a member may participate remotely both due to CoVid and due to other situations or circumstances.

The Mayor asked about the logistics of the room set up, specifically the furniture, in Chambers so that all Council members can see one another, see the public and vice versa. Ms. Scheck gave a detailed answer based on trial set-ups.

The Mayor also asked about how the audio visual screens will work to ensure that everyone can see and hear those participating remotely. Again, Ms. Scheck have a detailed answer.

The Mayor and Councilmember Stites prefer to come back to in-person on June 7<sup>th</sup>.

Council reached a consensus to begin in-person meetings again on June 7<sup>th</sup>, public health orders still permitting.

Mr. Goff reported that we need a Councilmember to serve on the committee that approves expenditures from our Police forfeiture fund. Councilmember Weaver volunteered for that role.

#### **4. Elected Officials' Report**

Nothing new tonight.

The Mayor asked that everyone take care while driving during the snowstorm that has hit the area this evening. He reminded us all to take special care to ensure the safety of our children and seniors while driving, and by checking with seniors who may need assistance.

#### **ADJOURNMENT**

The Study Session adjourned at 7:46 p.m.

APPROVED BY CITY COUNCIL ON May 10, 2021

  
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Steve Kirkpatrick, City Clerk

  
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Janeece Hoppe, Mayor Pro Tem