

# **CITY COUNCIL MINUTES**

## **CITY OF WHEAT RIDGE, COLORADO**

**November 22, 2010**

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members present: Karen Adams, Joseph DeMott, Karen Berry, Joyce Jay, Davis Reinhart, Tracy Langworthy, Wanda Sang, and Mike Stites. Also present: City Clerk, Michael Snow; City Treasurer, Larry Schulz; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Interim Administrative Services Director, Heather Geyer; Public Works Director, Tim Paranto; Chief of Police, Dan Brennan; staff; and interested citizens.

### **APPROVAL OF MINUTES of November 8, 2010**

Motion by Mrs. Sang for approval of the Minutes of November 8, 2010; seconded by Mr. Stites; carried 8-0.

### **PROCLAMATIONS AND CEREMONIES**

**Brad Hupert**, President of Arvada Food Bank, presented Chief Brennan an award for the Wheat Ridge Police Department's support of the Backpack Program, which has provided food for numerous needy families in Wheat Ridge. Chief Brennan recognized the many citizens and organizations in the community who have contributed their time and money in supporting the program.

### **CITIZENS' RIGHT TO SPEAK**

**Dan Bradford** spoke in opposition to the City's building code that restricts homeowners from performing electrical work on their home. He contends that this will only encourage homeowners to do electrical work on their homes without a permit, which poses much more danger to homeowners.

**Jesse Hill** thanked the wise voters of Wheat Ridge for their defeating of Question 2A, the Trash Franchise proposal on November's ballot. Mr. Hill contends Wheat Ridge citizens understand the value of competition and individual franchise and that the best trash and recycling services will be obtained not through government monopoly, but through individual choice. Mr. Hill urged Council to consider possible amendments to the City Code which may help address the current problems, such as allowing home recycling or composting, approving trash removal every other week and utilizing existing codes to deter hoarding and containment of noxious chemicals. He offered his services

to the Council to devise an effective trash and recycling plan should they wish to address the issue.

**Kim Calamino** spoke of the proposal for forming a citizen task force to address the revitalization plans for 38<sup>th</sup> Avenue. She encouraged inclusion of council members on the task force from Districts 1 & 2 and graduates from the Civic Academy and citizen representatives from each district as potential candidates. Mrs. Calamino provided Council copies of the Home Builder's Hot Spots magazine containing an article mentioning Wheat Ridge as one of the ideal places in the Denver area to invest in real estate.

Motion by Mr. Stites to discuss the topic of the City Code's restriction of home owners doing electrical work in their homes at a January, 2011 Study Session; seconded by Mrs. Sang;

Motion to Amend by Ms. Berry to refer the topic for discussion and recommendations before the City's Building Code Advisory Board before Council discusses it in a Study Session; seconded by Mr. Reinhart; carried 8-0.

Original Motion carried, as amended, 8-0.

### **APPROVAL OF THE AGENDA**

Motion by Mrs. Jay to add Resolution 63-2010, a Resolution establishing a Public Art Fund, to the City Council Agenda, Item 7; seconded by Mr. DeMott; carried 8-0.

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

1. Council Bill 18-2010 – An Ordinance revising Chapter 20 of the Wheat Ridge Code of Laws, concerning Stormwater Quality and Control.

Mayor DiTullio opened the public hearing.

Council Bill 18-2010 was introduced on second reading by Mr. Stites. City Clerk Michael Snow assigned Ordinance **1473**.

No citizens were present to speak.

Mayor DiTullio closed the public meeting.

Motion by Mr. Stites to approve Council Bill No. 18-2010 (Ordinance 1473) on second reading and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 8-0.

### **ORDINANCES ON FIRST READING**

2. Council Bill 19-2010 – An Ordinance approving the rezoning of property located at the southeast corner of 44<sup>th</sup> Avenue and Wadsworth to the Mixed Use-Commercial (MU-C) Zone District (Case No. WZ-10-07).

Council Bill 19-2010 was introduced on first reading by Mrs. Sang.

Motion by Mrs. Sang to approve Council Bill 19-2010 on first reading, order it published, public hearing set for Monday, December 13, 2010 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Jay; carried 8-0.

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

3. Resolution 62-2010 - A Resolution amending the Fiscal Year 2010 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$200,000 to WR2020 for the purpose of funding programs that leverage private and public funds supporting the Community and Economic Development in the City.

Resolution 62-2010 was introduced by Mr. Reinhart.

**Brian DeLaet** spoke in favor of the City continuing support of Wheat Ridge 2020 and its goals in revitalizing Wheat Ridge. Since the organization's start in 2005, the monetary contributions from the City have waned, largely due to the ailing economy, but its success depends on supporting Wheat Ridge 2020 as a partner to the City in revitalization.

**Kelly Baillie** spoke of the ability of herself and her husband to complete major renovations to their home at I-70 & Wadsworth only through the support of the revitalization programs provided by Wheat Ridge 2020. She lauded Wheat Ridge 2020's ability to engage citizens in community development, including her family, which she believes is the key to the City's success.

**Denise Waddell** thanked Council for their approval of allocations in the 2011 Budget and briefly reviewed the programs this additional 2010 funding will support, if it is approved. She urged the Council to support this request.

**Jerry Nealon** is a recipient of a \$75,000 loan through Wheat Ridge 2020's Build Up Business Loan (BUBL) program, which enabled his business to complete improvements to his business at a time when the economy made it impossible for him to do so without its support. He urged Council to continue supporting Wheat Ridge 2020 and programs such as these.

**Janece Hoppe** recently purchased a vacant building on 38<sup>th</sup> Avenue after hearing of the beneficial programs offered by Wheat Ridge 2020. The incentives offered by the organization have been a great motivator for their investment in the area. She believes these programs will continue to benefit businesses existing or interested in the area and she urged the Council to approve this funding request.

**Thomas Abbott** spoke in favor of the request for funding of Wheat Ridge 2020, whose programs have been a success despite the struggling economy. He believes the organization and its programs need to be supported and funded by the City in order to revitalize the City.

**Britta Fisher**, Executive Director of Wheat Ridge 2020, reiterated the comments by other citizens in support of this funding request. Wheat Ridge 2020 needs this additional funding as the amount requested in the 2011 budget was adjusted in anticipation of this funding being approved. She contends that the organization knows how to use these funds well, as evidenced by the numerous improvements being completed on businesses and homes throughout the City as a direct result of the support provided by Wheat Ridge 2020 programs. The matching funds requested are a way for them to leverage funding contributions they already have. They have a contract for 1.6 million dollars to rehabilitate and resell formerly foreclosed property through the Neighborhood Stabilization Program, new businesses are moving into or expanding in Wheat Ridge and citizens are more engaged in the community's revitalization. Wheat Ridge 2020 needs these funds to continue these successful programs.

Motion by Mr. Reinhart to approve an amended Resolution No. 62-2010 with a contribution amount of \$41,000; \$16,000 for implementation of the Community Revitalization Program (CRP) recommendations on 38<sup>th</sup> Avenue, and \$25,000 to match fourth quarter donations; seconded by Mr. DeMott; failed 6-2 with Council Members Demott and Reinhart voting Yes.

Motion by Mr. Stites to approve an amended Resolution 62-2010 providing funding of \$159,000 for the HIP and BUBL loan programs; failed for lack of a seconding motion.

Motion by Mrs. Sang to approve Resolution 62-2010; seconded by Ms. Berry; carried 6-2 with Council Members DeMott and Stites voting No.

4. Resolution 61-2010 – A Resolution approving an agreement between the City of Lakewood and the City of Wheat Ridge for Crime Lab/Crime Scene Services and authorizing payment of \$66,400.

Motion by Mrs. Langworthy to approve Resolution No. 61-2010; seconded by Mr. Stites; carried 8-0.

5. Election of Mayor Pro Tempore

City Clerk Michael Snow announced the nomination by secret paper ballot of the following Council Members as candidates for Mayor Pro Tem: 4 nominations in favor of Mrs. Langworthy, 4 in favor of Mr. Reinhart; Mayor DiTullio sided in favor of Mrs. Langworthy for nomination.

Mrs. Adams left the Council Meeting at 8:04pm to catch an out-of-town flight.

Motion by Mr. Stites to elect Council Member Langworthy as Mayor Pro Tem, effective immediately, term to expire upon election of his/her successor; seconded by Mr. Reinhart;

Mr. Stites Called for the Question; carried 7-0.

Motion to elect carried 7-0.

6. Motion to adopt the 2011 Regular City Council Meeting Calendar.

Motion by Mrs. Langworthy to adopt the proposed 2011 City Council Regular Meeting Calendar; seconded by Mrs. Sang; carried 7-0.

7. Resolution 63-2010 – A Resolution establishing a Public Art Fund

Motion by Mrs. Jay to approve Resolution 63-2010, a resolution establishing a Public Art Fund; seconded by Mrs. Sang;

Ms. Berry, requesting her comments be recorded in the minutes, expressed her support in the creation of the Public Art Fund, but had concern for some lack of specific wording in the proposed Resolution. She contended she only received this Resolution today, limiting her and the Council's time to review its content. In its current form, it contains no figures indicating the fiscal impact on the City or specific details of how this will be funded. She stated she cannot vote for anything without knowing what the monetary impact will be on tax-payer dollars. Ms. Berry indicated she had researched other City's art funding programs and found what's specified in this Resolution, compared to those, is it doesn't include, among other things, any definition of construction costs and what's included as construction cost in a given project.

Substitute Motion by Mr. Reinhart to delay discussion on the Resolution to a future Council Study Session; seconded by Ms. Berry;

Mayor DiTullio asked Council to not postpone this item any further, arguing that the issue had already been discussed quite a bit and that the fiscal impact would be quite clear – 1% of all project permitting and use fees. For instance, \$100,000 in project fees would net \$1,000 into this fund, \$200,000 of fees would net \$2,000. He believes the

Resolution was drafted well by Council Member Jay and City Manager Goff and its passage would not be any problem for the City of Wheat Ridge.

Ms. Berry agreed it's not difficult to calculate that 1% of \$100,000 is \$1,000. What is not known, however, is how much in fees have been collected by the City for projects valued over \$100,000 historically and for which construction portions of projects will be included in this funding plan. Therefore, there is no way to know how much money this 1% might potentially come to in the future. Ms. Berry requested of the Mayor, if he knows this amount, to let her know.

Mr. DiTullio indicated that if he had a crystal ball, he'd tell her. But no one will be able to tell that amount until it actually happens.

Mrs. Sang commented that we (the Council) are doing it again – study something to death and never get anything done. She encouraged Council to vote for this Resolution tonight because it will be a positive thing to beautify the City and that it's not going to be brain damage on how it's going to be done. She contended that Council has a pattern to study and talk everything to death, and therefore this should be passed tonight.

Substitute Motion failed 5-2 with Council Members Berry and Reinhart voting Yes.

Original motion carried 6-1 with Ms. Berry voting No.

**ELECTED OFFICIALS' MATTERS**

Council wished the citizens of Wheat Ridge a happy Thanksgiving Holiday.

Motion by Mrs. Jay to agree to appoint one Council representative from each of Districts 1 & 2 to the 38<sup>th</sup> Avenue Task Force; seconded by Ms. Berry; carried 7-0.

Council congratulated the Wheat Ridge Football Team on their two playoff wins and wished them well in their upcoming game this Friday night.

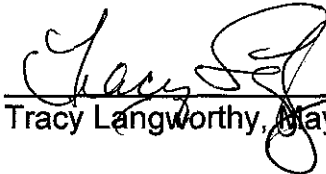
**ADJOURNMENT**

Meeting adjourned at 8:27p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON December 13, 2010 BY A VOTE OF 8 to 0



Tracy Langworthy, 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 in the City Clerk's Office, as well as copies of Ordinances and Resolutions.