

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

December 13, 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: Ann Lazzeri, Minutes Specialist, sitting in for City Clerk, Michael Snow; City Manager, Patrick Goff; City Attorney, Gerald Dahl; Interim Administrative Services Director, Heather Geyer; Director of Parks & Recreation, Joyce Manwaring; Community Development Director, Kenneth Johnstone; Planner, Sarah Showalter; and interested citizens.

APPROVAL OF MINUTES OF November 22, 2010

Motion by Mrs. Sang for approval of the Minutes of November 22, 2010; seconded by Mr. Stites; carried 8-0.

PROCLAMATIONS AND CEREMONIES

Mike Herman from the Rotary Club presented the final payment of \$3,000 for the Wheat Ridge High School turf field.

Mayor DiTullio accepted the payment on behalf of the City and expressed appreciation to the Rotary Club. He also announced that the Rotary Club is willing to contribute \$10,000 toward the sculpture at the new park on Kipling. Rotary will also contribute \$5,000 toward a dog park.

CITIZENS' RIGHT TO SPEAK

No citizens were present to speak.

AMENDMENTS TO AGENDA

Motion by Mrs. Berry to add Item 7 to the agenda to regarding appointment of an alternate member to the Board of Adjustment, seconded by Mrs. Jay; carried 8-0.

Motion by Mrs. Langworthy to add Item 8 to the agenda to consider the City Manager's contract; seconded by Mrs. Sang; carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill 19-2010 – An Ordinance approving the rezoning of property located at the Southeast Corner of 44th Ave. and Wadsworth to the Mixed Use-Commercial (MU-C) Zone District (Case NO. WZ-10-07).

Mayor DiTullio opened the public hearing and administered oath to all those testifying.

Council Bill 17-2010 was introduced on second reading by Mrs. Sang. Mrs. Lazzeri assigned Ordinance 1474.

Ms. Showalter presented information to familiarize Council with the site and provided information on how the zoning works and applies to the process.

Molly Hanson of Live Well Wheat Ridge spoke in favor of the ordinance and commended the City for adopting mixed use zoning. Rezoning the property to Mixed Use-Commercial would carry forth values of the Comprehensive Plan values including economic revitalization, improved public health, and enhanced environmental quality. This will foster positive physical and mental health of community members while supporting economic stability.

Greg Seebart of Live Well Wheat Ridge spoke in favor of the ordinance and commended the City for adopting mixed use zoning. Rezoning the property to mixed use-commercial zoning would promote pedestrian/bicycle trail improvements as well as land use for mobile transportation relationship.

State Representative Schafer from House District 34 (Wheat Ridge) spoke in favor of the ordinance.

Louise Turner spoke in opposition to the ordinance. She objected to high density residential development in prime commercial property. This would result in an irrevocable change to the character of Wheat Ridge.

For the record, Ms. Sang asked to know the maximum number of dwelling units for the property. Mr. Johnstone explained they did not regulate density in a numeric way but it is based on minimum open space requirements, maximum numbers of stories (4), and parking requirements. It is unknown what Renewal Wheat Ridge has planned but based off of these requirements a ballpark figure could be anywhere from 250 to 500 units.

For the record, Mr. Reinhart asked for confirmation that no property will be rezoned without the owner's consent. Mr. Johnstone confirmed that no property would be rezoned without the owner's consent.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Sang to approve Council Bill No. 19-2010 (Ordinance 1474) on second reading and that it take effect 15 days after final publication; seconded by Mr. Reinhart; carried 7-1 with Mr. DeMott voting No.

DECISIONS, RESOLUTIONS, AND MOTIONS

2. Motion to Approve Contract Award to Entelechy, LLC in the Amount of \$67,250 for a Traffic Impact Study and Roadway Design Analysis for 38th Avenue and Preparation of a 38th Avenue Corridor Plan.

Motion by Mrs. Jay to approve Contract Award to Entelechy, LLC in the Amount of \$67,250 for a Traffic Impact Study and Roadway Design Analysis for 38th Avenue and Preparation of a 38th Avenue Corridor Plan; seconded by Mrs. Sang; carried 6-2 with Mr. DeMott and Mr. Stites voting No.

3. Motion to Encumber Funds for WRTV8 2011 Videographer Services in an Amount not to exceed \$39,400 to I.O.T.K. Media.

Motion by Mr. Stites to encumber funds for WRTV8 2011 Videographer Services in an amount not to exceed \$39,400 to I.O.T.K. Media; seconded by Mr. DeMott.; carried 8-0.

4. Motion to approve Contract Award to Mile High Design Building Contractors, Inc. in the amount of \$39,500 for Demolition of the House and Abatement of Code Violations at 11480 W. 44th Avenue.

John Dudgeon anticipates his acquisition of the property to occur between Dec. 24 and Jan. 6, 2011. He requested additional time to go over bids to obtain the most reasonable price for clearing the property. He requested bid information from those who have already bid in order to expedite the process. He also requested that January 31 be the deadline for beginning rather than completion of demolition.

Motion by Mrs., Langworthy to approve the contract award to Mile High Design Building Contractors, Inc. in the amount of \$39,500 for demolition of the house and abatement of the code violations at 11480 West 44th Avenue; such approval to be effective January 31, 2011, unless demolition and abatement by the then-current property owner has been completed by that date, as determined by the Community Development Director, in which case the contract award shall not become effective; seconded by Mrs. Sang.

Motion by Mrs. Adams to amend Mrs. Langworthy's motion to state: "completed, or substantially commenced, by January 31"; seconded by Mrs. Langworthy; carried 6-2 with Mr. DeMott and Mrs. Sang voting no.

The main motion carried 6-2, as amended, with Mr. DeMott and Mrs. Sang voting no.

5. Resolution 64-2010, amending the 2010 Open Space Fund 32 in the amount of \$199,151 for the Purpose of accepting Community Development Block Grant Funds and awarding a contract to Recreation Plus, LTD., Golden, CO for the purchase of Playground Equipment.

Motion by Mrs. Jay to approve Resolution 64-2010 amending the 2010 Open Space Fund 32 in the amount of \$199,151 for the Purpose of accepting Community Development Block Grant Funds and awarding a contract to Recreation Plus, LTD., Golden, CO for the purchase of Playground Equipment; seconded by Mrs. Langworthy; carried 8-0.

6. Motion to approve payment to Recreation Plus, LTD. In the amount of \$52,295 for the purchase of Playground Equipment for Randall Park.

Motion by Mrs. Jay to approve payment to Recreation Plus, LTD. in the amount of \$52,295 for the purchase of Playground Equipment for Randall Park; seconded by Mrs. Sang; carried 8-0.

7. Motion to appoint an alternate member to the Board of Adjustment.

Motion by Ms. Berry to appoint Russ Hedden as an alternate member of the Board of Adjustment; seconded by Mr. Davis; carried 8-0.

EXECUTIVE SESSION

Motion by Mr. Reinhart to move to an Executive Session to conference with the City Attorney under Charter section 5.72(b) and C.R.S. section 24-6-402(4)(f) CRS specifically for consideration of City Manager employment agreement and further move to continue the regular meeting at the conclusion of the Executive Session to take any further action deemed necessary; seconded by Mrs. Sang; carried 8-0.

Executive session was held at 8:44 p.m.

The regular meeting was reconvened at 9:33 p.m.

Motion by Mr. Davis to amend the June 19, 2010 employment agreement of the City Manager as follows:

- (1) Extend the "initial term" in Section II(a) to end on June 19, 2011;
 - (2) Extend the performance evaluation date in Section VII(a) to read "June 19, 2011";
 - (3) Amend the residency requirement of Section XXI(b) to read "June 19, 2012,"
 - (4) Along with other such conforming changes as determined necessary by the City Attorney to accomplish the three amendments above.
- Seconded by Mrs. Adams; carried 8-0.

CITY MANAGER'S MATTERS

As the next Council meeting is not scheduled until January, Mr. Goff wished everyone a Merry Christmas and Happy Holidays.

CITY ATTORNEY'S MATTERS

Mr. Dahl intends to bring forth an ordinance regarding flood plain issues with Council's permission. More specifically, there is currently a requirement that would not permit an existing residential structure to be rebuilt or rehabilitated in a flood plain zone once it were abandoned for any period of time.

Mr. Dahl stated there are minor changes needed to the City's Sales Tax collection codes with respect to Informal Hearings. The City code does not match the State of Colorado's regulations. Mr. Dahl will present the necessary changes to Council at a future Council meeting.

ELECTED OFFICIALS' MATTERS

Motion by Mrs. Jay to direct staff to bring forward the following Resolution to the second business meeting of January 2011:

A supplemental budget appropriation in the amount of \$15,000 from the general fund reserves to provide the necessary funds to allow the Wheat Ridge Rotary to donate \$10,000 to the Mayor's Art Initiative and to contribute \$5,000 for a proposed dog park to be located either/or in Fruitdale, Prospect or another location based on further community input. The Wheat Ridge Rotary will reimburse the City over a 5-year period at \$3,000 per year. Funds would be used for construction of the park perimeter fence or an additional enclosure within the dog park for small dogs or puppies;

Seconded by Mrs. Sang; carried 8-0.

Mrs. Sang wished everyone a Merry Christmas and a Happy New Year.

Mrs. Langworthy wished everyone a safe and Happy Holiday.

Mr. Stites mentioned the Woodchucks, who are retired woodworkers with a shop near 38th and Ames, have made over 900 toys to give away for Christmas. Further, Mr. Stites encouraged business and home owners to relocate to Wheat Ridge and he encouraged citizens to offer a place to stay during the holidays to college students who are unable to go home during this time. Lastly, he encouraged citizens to find it and buy it in Wheat Ridge.

Mrs. Adams presented a plaque from Wheat Ridge 2020 to the City Council and requested the City Clerk to have it framed and placed in the City offices.

Mrs. Berry announced an event where there will be a presentation by Denver Urban Gardens. She also handed out copies of a proposed council rule change to be considered at the next meeting as follows:

Fiscal Notes. Prior to any item being placed on the agenda, the City Manager shall prepare a brief explanatory note that shall include a reliable estimate of the anticipated change in expenditures or revenues to the City and whether such expenditures or revenues shall be recurring in nature during future budget years. This shall include any principal and interest payments required to finance expenditures. The note shall be known as a "fiscal note".

Mayor DiTullio expressed appreciation to the Rotary Club for their support of Wheat Ridge. He also encouraged parents to immunize their children and noted that a student at Wheat Ridge has been diagnosed with whooping cough. He announced that Wheat Ridge Lanes and Pietra's Pizza are sponsoring a luncheon and bowling day for students at WRHS. He also mentioned that Clancy's has reopened at 38th and Kipling and is doing well. He wished everyone a Merry Christmas and happy holidays and Happy New Year.

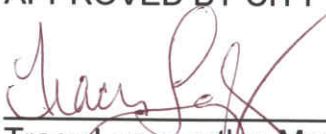
ADJOURNMENT

Meeting adjourned at 9:52p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON January 10, 2011 BY A VOTE OF 7 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.