

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

October 10, 2011

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members present: Karen Adams, Karen Berry, Mike Stites, Davis Reinhart, Joseph DeMott, Joyce Jay, Wanda Sang and Tracy Langworthy. Also present: Deputy City Clerk, Bruce Roome; City Manager, Patrick Goff; Administrative Services Director, Heather Geyer; Community Development Director, Kenneth Johnstone; Chief of Police, Dan Brennan; Parks and Recreation Director, Joyce Manwaring; Public Works Director, Tim Paranto; City Attorney, Gerald Dahl; staff and interested citizens.

APPROVAL OF MINUTES OF September 26, 2011

Motion by Mr. Stites for approval of the Minutes of September 26, 2011; seconded by Mr. Reinhart; carried 8-0.

PROCLAMATIONS AND CEREMONIES

Proclamation – Conflict Resolution Month

Mrs. Wheat Ridge Karen Thaler on behalf of Mayor DiTullio and City Council read the proclamation.

Commander Joe Cassa and students of Wheat Ridge High School were present to accept the proclamation. Commander Cassa explained about the courses that Wheat Ridge PD teaches to students at Wheat Ridge High School regarding conflict management and how important it is for today's high schoolers to learn.

Proclamation - Make a Difference Day

Mrs. Wheat Ridge Karen Thaler on behalf of Mayor DiTullio and City Council read the proclamation declaring October 22, 2011 Make a Difference Day.

Council Member Tracy Langworthy commented that the idea for this day came up as a way to encourage citizens to find ways, no matter how small, to get involved.

Acknowledgement – Genie Merkle

Mayor DiTullio read an acknowledgement regarding long time Wheat Ridge resident and friend Genie Merkle. Mrs. Merkle was very involved within the City of Wheat Ridge over the years including being a life time member of the Wheat Ridge Historical Society and founding the group Wheat Ridge United

Neighborhoods. She also submitting the winning entry for the City motto contest... "People create the quality of their government through participation or neglect." Mrs. Merkle passed away in late September.

The acknowledgement was accepted on behalf of the family by former State Senator Moe Keller. The memorial service will take place Saturday, October 15th at 2:00 pm at Crown Hill Cemetery followed by the reception at 3:30 pm at the Wheat Ridge Recreation Center.

CITIZENS' RIGHT TO SPEAK

Dave Thaler spoke on behalf of "Citizens to Elect Karen Thaler" to City Council District I. Mrs. Thaler is a native to District I and has a vested interest in representing this City.

Britta Fisher Executive Director of Wheat Ridge 2020 announced that next Thursday, October 20th is the next Live Local event at Cebiche Authentic Peruvian Dining. The address is 7000 W. 38th Avenue. Another exciting event sponsored by Wheat Ridge 2020 is the Wines and Dines event at Copperfields Event Chateau at 4901 Marshall St and is on November 8th. For information on all events go to www.wheatridge2020.org

Carol Salzmänn from Exempla Lutheran is excited to announce that she has an opportunity for anyone looking to volunteer on Make a Difference Day, Saturday, October 22. At 9:00 am at Exempla Lutheran Hospital they are hosting an on campus community clean up. Ms. Salzmänn will get information posted on their website.

Roland Allard is a Wheat Ridge citizen who came tonight to express his dissatisfaction with bicyclists and believes that they are rude and do not share the road with the pedestrians. He has talked with the Wheat Ridge Police Department but would like to see more done.

Kathleen Stapleton Chair of the Board of the Senior Resource Center invited all to attend the ribbon cutting for the new addition to the center this Thursday October 13th at 4 pm at 3227 Chase Street.

Karen Thaler candidate for City Council District 1 thanked Wheat Ridge United Neighborhoods and City Council for the election forum. Mrs. Thaler is a native Wheat Ridge citizen graduating from Wheat Ridge High School. Her community involvement includes two years on the Carnation Festival Committee, attended the Wheat Ridge Civic academy, attended the Wheat Ridge PD Citizens Academy and has represented the City at the Mrs. Colorado annual pageant. Mrs. Thaler also addressed the disappearance of her political campaigns signs from several areas in the City. Mrs. Thaler can be reached at 303-587-4871.

Gina Hallisey from the Zoppe Family Circus is searching for a new place to call home and would like to come to Wheat Ridge. A detailed handout was given to City Council

and she hopes Council will consider discussing the potential of the circus locating to Wheat Ridge.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- A. Motion to approve payment to Wright Tree Service, Inc. of Brighton, Colorado, in the amount of \$15,460.50 for services rendered and invoiced in August, 2011, under RFB-09-10 Forestry Maintenance Services Contract
- B. Resolution No. 34-2011 – amending the Fiscal Year 2011 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$13,560 for four patrol vehicle mobile data computers and approving the purchase of ten patrol vehicle mobile data computers for a total amount of \$37,559.50
- C. Motion to approve payment to Lakewood Plumbing, Inc. of Wheat Ridge, Colorado, in the amount of \$22,999 for emergency repair of the Municipal Building Fire Sprinkler Suppression Water Line
- D. Motion to award RFP-11-39 Multifunctional Copiers to All Copy Products, Inc., Denver, Colorado, in the amount of \$64,000
- E. Resolution 40-2011 – closing the Richards Hart Estate Fund 35
- F. Resolution 35-2011 – approving a petition to include the Public Right-of-Way within Clear Creek Crossing Subdivision Filing No. 1 in the Applewood Sanitation District

Consent Agenda was introduced and read by Mr. DeMott.

Motion by Mr. DeMott for approval of the Consent Agenda; seconded by Mrs. Sang; carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2. Resolution 38-2011 – adopting the 38th Avenue Corridor Plan and, by such adoption, amending the Wheat Ridge Comprehensive Plan**

Mayor DiTullio opened the public hearing.

Resolution 38-2011 was introduced by Mrs. Jay.

Mr. Johnstone provided the staff presentation

The following citizens spoke in support of the 38th Avenue Corridor Plan Resolution:

Gretchen Cervany, Wheat Ridge resident and former Mayor
Mindy Ramig, Jefferson County Public Health Department
Tracy Volkman, Jefferson County Public Health Department
Denise Waddell, Board President of Wheat Ridge 2020 and President of First Bank of Wheat Ridge
Ted Heyd, Livewell Wheat Ridge
Derek McKnight, Wheat Ridge resident
Chad Harr, Wheat Ridge resident
Scott Christopher, Wheat Ridge resident
Christopher Sanchez, Wheat Ridge resident
Scott Dressel-Martin, Professional photographer and Wheat Ridge resident
Richard Oneslager, Wheat Ridge small business and land owner
Richard Hanscom, owner of Wheat Ridge Lanes and resident
Carol Salzmann, Wheat Ridge resident and Exempla Lutheran Medical Center Vice President
Rich Gindele, Wheat Ridge business owner
Sally Banghart, Wheat Ridge resident
Janet Jahn, Wheat Ridge resident
Ryan Fisher, Wheat Ridge resident and former member of Board of Adjustment
Tara Jahn, Wheat Ridge resident
Tom Yang, Property owner in Wheat Ridge
Kim Calomino, Wheat Ridge resident
Britta Fisher, Wheat Ridge resident and Executive Director of Wheat Ridge 2020
Mike Gauthier, owner of Wheat Ridge Liquor

The following citizens spoke in opposition of the 38th Avenue Corridor Plan Resolution:

Dean Gokey, Wheat Ridge citizen
Scott Wesley, Wheat Ridge citizen
Russ Redig, business owner of A-1 Rental
Larry Merkl, Wheat Ridge citizen
John Stotler, Wheat Ridge citizen and employee of A-1 Rental
Rodger Lasher, property owner on 38th Avenue
Karen Thaler, Wheat Ridge resident and City Council candidate

The following citizens spoke but were neutral in their position:

Tim Reed, Jefferson County Schools
Leah Dozeman, Wheat Ridge resident and City Clerk candidate

Mayor DiTullio called for a break at 9:18 pm., reconvening at 9:30 pm.

Letters were read into the record by Deputy Clerk Roome from the following in favor of the 38th Avenue Corridor Plan:

Ron Kiefel, Wheat Ridge Cyclery

Ed Deeds, Real Estate Revolution
John Livaditis, AXIO Commercial Real Estate
Mike Gauthier, Wheat Ridge Liquor
Justin Vogel and Mark Eskow, Right Coast Pizza
Katherine Correll, Downtown Colorado Inc.
Kate Willink, Wheat Ridge Resident
Steven W. Rodgers, OD, Heritage Vision Clinic

One letter from Jim Hensen and Ralph Pendell of Quality Auto Care & Tire Center in opposition of the 38th Avenue Corridor Plan was read by Deputy Clerk Roome.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Jay to approve Resolution 38-2011; seconded by Mr. Reinhart;

Motion by Mr. Stites to indefinitely postpone Resolution 38-2011 until after City staff holds an open house with every business and property owner along 38th Avenue from Sheridan to Wadsworth to review the recommended changes to 38th Avenue; seconded by Mrs. Sang; Motion fails 5-3 with Mr. Stites, Mr. DeMott and Mrs. Sang voting Yes.

Original motion carried 5-3 with Mr. Stites, Mr. DeMott and Mrs. Sang voting No.

3. Council Bill 30-2011 – approving the Transfer of Ownership of Ye Olde Firehouse located at 3232 Depew Street, Wheat Ridge, Colorado, to the Seniors' Resource Center, Inc., 3227 Chase Street, Wheat Ridge Colorado

Mayor DiTullio opened the public hearing.

Council Bill 30-2011 was introduced on second reading by Ms. Berry. Deputy City Clerk Bruce Roome assigned Ordinance No. 1501.

No staff presentation provided.

Kathleen Stapleton, Chair of the Board of the Senior Resource Center (SRC) stated that the SRC would appreciate it if City Council would pass this Ordinance. The SRC already uses this facility quite a lot and plans to keep the facility open to the public.

Mayor DiTullio closed the public hearing.

Motion by Ms. Berry to approve Council Bill 30-2011 (Ordinance 1501) on second reading and that it take effect 15 days after final publication; seconded by Mrs. Langworthy;

Motion by Mr. Reinhart to amend the original motion by adding new third sentence, "The instrument of conveyance shall include a reservation of a right of use by the public

substantially the same as in the past, and a right of reverter if such public use is terminated for any reason.”; seconded by Mr. Stites; carried 8-0

Original motion as amended carried 8-0.

4. Council Bill 28-2011 – amending the Wheat Ridge Code of Laws Chapter 18 renumbering Article II as Article I and enacting a new Article II, concerning funding for Public Art.

Mayor DiTullio opened the public hearing.

Council Bill 28-2011 was introduced on second reading by Ms. Berry. Deputy City Clerk Bruce Roome assigned Ordinance No. 1502.

No staff presentation.

No citizens were present to speak.

Mayor DiTullio closed the public hearing.

Motion by Ms. Berry to approve Council Bill 28-2011 (Ordinance 1502) on second reading and that it take effect 15 days after final publication, amended to strike 18-22B and insert, “Unless otherwise directed by city council, all public projects, as defined in Section 18-22a, shall include an appropriation of funds for public art, within the project area, at the rate of one percent of the project cost.”; seconded by Mrs. Jay; carried 7-1 with Mrs. Sang voting No.

5. Council Bill 29-2011 – amending Chapters 5 and 26 of the Wheat Ridge Code of Laws concerning General Code Revisions and Clarification related to Buildings, Development and Improvements and required submission and permits for the same

Mayor DiTullio opened the public hearing.

Council Bill 29-2011 was introduced on second reading by Mr. Reinhart. Deputy City Clerk Bruce Roome assigned Ordinance No. 1503.

No staff presentation.

No citizens were present to speak.

Mayor DiTullio closed the public meeting.

Motion by Mr. Reinhart to approve Council Bill 29-2011 (Ordinance 1503) on second reading and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 8-0.

ORDINANCES ON FIRST READING

6. Council Bill 31-2011 – amending a Combined Outline and Final Development plan for property zoned Planned Industrial Development located within the L & K Industrial Park and specifically, 10700 W. 50th Avenue (Case No. WZ-11-06/ATECS for T-Mobile)

Council Bill 31-2011 was introduced on first reading by Mr. DeMott.

Motion by Mr. DeMott to approve Council Bill No. 31-2011, on first reading, order it published, public hearing set for Monday, November 28, 2011 at 7:00 p.m. in City Council Chambers; seconded by Mrs. Sang; carried 8-0.

7. Council Bill 32-2011 – amending the Wheat Ridge Code of Laws concerning regulation of Massage Therapy and Massage Parlors

Council Bill 32-2011 was introduced on first reading by Mr. Stites.

Motion by Mr. Stites to approve Council Bill No. 30-2011, on first reading, order it published; public hearing set for Monday, October 24, 2011 at 7:00 p.m. in City Council Chambers; seconded by Mr. Reinhart; carried 8-0.

DECISIONS, RESOLUTIONS, AND MOTIONS

8. Resolution 32-2011 – adopting the City Budget and appropriating sums of money to the various funds and spending agencies in the amounts specified for the City of Wheat Ridge, Colorado for the 2012 Budget Year

Resolution 32-2011 was introduced by Mr. Reinhart.

Motion by Mr. Reinhart to approve Resolution 32-2011; seconded by Mr. Stites; carried 8-0.

9. Resolution 37-2011 – levying general property taxes for the year 2011, to help defray the costs of Government for the City of Wheat Ridge, Colorado for the 2012 Budget Year

Resolution 37-2011 was introduced by Mr. Reinhart.

Motion by Mr. Reinhart to approve Resolution 37-2011; seconded by Mrs. Langworthy; carried 8-0.

10. Resolution 39-2011 – approving an Intergovernmental Agreement with Jefferson County for the widening of 32nd Avenue from Braun Court to Wright Court

Resolution 39-2011 was introduced by Mr. Stites.

Motion by Mr. Stites to approve Resolution 39-2011; seconded by Mrs. Adams; carried 8-0.

11. Resolution 41-2011 – approving a contract with the Colorado Department of Transportation for the widening of 32nd Avenue from Braun Court to Wright Court, Project No. 18528

Resolution 41-2011 was introduced by Mrs. Adams.

Motion by Mrs. Adams to approve Resolution 41-2011; seconded by Mr. Stites; carried 8-0.

CITY MANAGER MATTERS

Mr. Goff announced that the off leash dog park opening is scheduled for Saturday, October 22, 2011 at 10:00 am at Fruitdale Park at 4700 Miller Street.

Mr. Goff also announced that the groundbreaking ceremony for Tuesday, October 18th at 3:00 pm for the Metro Community Provider Network facility which is located across the street from Wheat Ridge City Hall.

CITY ATTORNEY MATTERS

Mr. Dahl stated that clarification was requested by City Clerk Snow regarding the election in terms of how Clerk, Treasurer and Council are elected. The City Charter is specific for Clerk and Treasurer that winner needs to be the majority vote getter. This could be an immediate issue as there are four candidates for City Clerk and unless one of the candidates gets over 50% of the votes there will need to be a runoff election. The City Clerk's office and City Attorney will start researching and preparing in case the runoff election is needed.

CITY CLERK MATTERS

Mr. Roome stated that the general election November 1, 2011 and it is a mail ballot election. The election is coordinated through Jefferson County and the ballots will be mailed starting Tuesday, October 11th. Only active voters will receive a mail ballot, those that are registered but did not vote in the 2010 election are now considered inactive and will need to either go on-line to www.votejeffco.com or to a Jefferson County Service Center to get active. At this website you can also check your status, track your ballot, and find service center locations. Ballots can be dropped off at the service centers or any of the Jefferson County City Hall's.

ELECTED OFFICIALS' MATTERS

Mrs. Langworthy reiterated to citizens the importance of finding ways, no matter how small, to get involved in the community and remember that Make a Difference Day is Saturday, October 22nd.

Mrs. Jay announced a Trunk or Treat event on Saturday, October 29th between 5:00 pm and 8:00 pm in the Wheat Ridge Middle School Parking lot at 7101 W. 38th Avenue. Volunteers are needed to help organize and assist with traffic control, contact Chad Harr at 303-489-5728 to help.

Mr. DeMott stated that Wheat Ridge store Gunsmoke at 44th Avenue and Independence St. is now being featured on a reality television show on Discovery Channel. The show is called "American Guns" and it is on every Monday at 8:00 pm for one hour. Good luck to the Wyatt Family and Mr. DeMott encourages every one to watch and see their City featured on national television.

Ms. Berry attended the Colorado Municipal League Policy Meeting and found that there is a glitch in the State Statute that might make it illegal to provide Wi-Fi free in City Council chambers. Mr. Dahl was asked to research.

Mayor DiTullio discussed the proposal from the Circus about possibly using the Wheat Ridge Middle School and that this might be a good idea to help promote 38th Avenue. Mayor DiTullio would like to place this on a study session in the next 60 days.

Meeting Adjourned at 10:39 pm



Bruce Roome, Deputy City Clerk

APPROVED BY CITY COUNCIL ON October 24, 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.