

# **CITY COUNCIL MINUTES**

**CITY OF WHEAT RIDGE, COLORADO**

**October 24, 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, Joseph DeMott, Joyce Jay, Wanda Sang and Tracy Langworthy. Also present: City Clerk, Michael Snow; 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; Senior Planner, Meredith Reckert; staff and interested citizens.

Absent: Davis Reinhart

## **APPROVAL OF MINUTES OF October 10, 2011**

Motion by Mrs. Adams for approval of the Minutes of October 10, 2011; seconded by Mr. Stites; carried 7-0.

## **PROCLAMATIONS AND CEREMONIES**

Proclamation – National Food Day

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

Award – Barbara Moore, Harvest Mountain Gardens

Council Member Berry presented Ms. Moore an award recognizing her urban farm and the community contributions she has made. Ms. Moore has been nominated by Jefferson Conservation District for small farmer of the year award.

Molly Hanson spoke on the impact that access to healthy foods has on communities and especially low-income and minority citizens. National Food Day activities on Tuesday, October 25<sup>th</sup> in Wheat Ridge include a potluck at the Ye Old Firehouse at 3232 Depew Street from 5:30 pm – 7:00 pm.

Proclamation – Lung Cancer Awareness Month/Great America Smoke Out

Mrs. Wheat Ridge Karen Thaler on behalf of Mayor DiTullio and City Council read the proclamation of November as Lung Cancer Awareness Month and November 17

**CITIZENS' RIGHT TO SPEAK**

**Bob Doyle**, executive director of the Colorado Tobacco Prevention Alliance spoke about upcoming quit smoking workshops held by Exempla Lutheran on November 9, 2011 at 6:00 pm and also on December 14, 2011 at 6:00 pm. Resources area available for those who want to quit, contact Mr. Dole at [bdoyle@ctepa.org](mailto:bdoyle@ctepa.org) or 303-577-9991.

**Carol Salzmann** spoke on behalf of Lutheran Hospital and thanked the Mayor and Council's recognition of lung cancer awareness month. Ms. Salzmann also thanked Wheat Ridge citizens who came out on October 22nd to help Make-A-Difference Day a success.

**Karen Thaler** reminder all citizens to vote by November 1<sup>st</sup>, not November 8<sup>th</sup> as indicated on many calendars. Mrs. Thaler asked for support from citizens in District 1 for their support for her run for City Council.

**Janelle Shaver** expressed concern that many Wheat Ridge voters believed she denied participating in the candidate survey in YourHub newspaper. Ms. Shaver wants to clarify that she was not contacted by YourHub to complete the candidate questionnaire.

**APPROVAL OF AGENDA****1. CONSENT AGENDA**

- A. Resolution No. 45-2011 – amending the Fiscal Year 2011 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$30,000 for City Attorney fees.
- B. Motion to accept 32<sup>nd</sup> Avenue Right-of-Way and construction easements from Longs Peak District.
- C. Motion to schedule a Special Council Meeting on October 31, 2011 and to cancel the Study Session of November 7, 2011 and the Regular Council Meeting of November 14, 2011
- D. Motion to approve payment of the Sales Tax Increment for the Third Quarter of Fiscal Year 2011 from the Town Center Project in the amount of \$45,558.82 to the Wheat Ridge Urban Renewal Authority
- E. Motion to award the Re-Evaluation of the I-70/32<sup>nd</sup> Avenue Environmental Assessment contract to Felsburg, Holt & Ullevig, Centennial, CO, for a not-to-exceed amount of \$19,296
- F. Motion to award the Police Department roof replacement contract to Independent Roofing Specialists, Commerce City, Colorado, in the amount of \$23,420

Consent Agenda was introduced and read by Mr. DeMott.

Mr. Stites asked to pull 1C and 1D; Mrs. Adams asked to pull 1B.

Motion by Mr. DeMott for approval of the Consent Agenda Items 1A, 1E, and 1F; seconded by Mrs. Sang; carried 7-0.

Item 1B

Motion by Mrs. Adams to accept Item 1B the 32<sup>nd</sup> Avenue right-of-way and construction easements from the Longs Peak Metropolitan District. I also move to accept the obligations associated with the assigned use of the District's easements and engineering documents; seconded by Mr. Stites; carried 7-0.

Item 1C

Motion by Mr. Stites to cancel the City Council Study Session scheduled for November 7, 2011 and the City Council Regular Council Meeting scheduled for November 14, 2011; seconded by Mr. DeMott; carried 7-0.

Item 1D

Motion by Mrs. Sang to approve Resolution 49-2011, a Resolution approving a second amendment to the Intergovernmental Agreement between the City of Wheat Ridge and the Wheat Ridge Urban Renewal Authority, and in connection therewith, approving a supplemental budget appropriation. I further move to approve payment of the sales tax increment for the third quarter of fiscal year 2011 from the Town Center Project in the amount of \$91,117.64 to the Wheat Ridge Urban Renewal Authority. I further move to approve payment of \$94,469.24, representing additional sales tax increment payment obligations for the first two quarters of fiscal year 2011, under that certain Second Amendment to Intergovernmental Agreement approved by Council on October 24, 2011; seconded by Mr. Stites; carried 6-1 with Mr. DeMott voting No.

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

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

Mayor DiTullio opened the public hearing.

Council Bill 32-2011 was introduced on second reading by Mr. Stites. City Clerk Michael Snow assigned Ordinance No. 1504.

Chief Brennan; Mr. Dahl provided the staff presentation.

No members of the public were present to speak on the matter.

Mayor DiTullio closed the public hearing.



Motion by Mr. Stites to approve Council Bill 32-2011, on second reading, and that it will take effect 15 days after final publication; seconded by Mrs. Adams; carried 7-0.

3. Resolution 42-2011 – approving a final plat with right-of-way dedications on property zoned Planned Commercial Development located at 7495 West 29<sup>th</sup> Avenue (Case No. MS-11-03/MCPN)

Mayor DiTullio opened the public hearing.

Resolution 42-2011 was introduced by Ms. Berry.

Ms. Reckert provided the staff presentation (amended to this packet).

No members of the public were present to speak on the matter.

Mayor DiTullio closed the public hearing.

Motion by Ms. Berry to approve Resolution No. 42-2011, a resolution approving a final subdivision plat on property zoned Planned Commercial Development located at 7495 West 29<sup>th</sup> Avenue (Case No. MS-11-03/MCPN), for the following reasons:

1. All requirements of Article IV of the zoning and development code have been met.
2. It will accommodate the new development scenario for the property.

With the following conditions:

1. A Subdivision Improvements Agreement with financial guarantees will be required at the time of plat recording.
2. The 25' wide emergency access easement through the site be eliminated and replaced with a blanket cross-access easement.

Seconded by Mrs. Sang; carried 7-0.

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

4. Motion to accept the 2010 Comprehensive Annual Financial Report

Motion was introduced by Mr. DeMott.

**Wendy Swanhorst** of Swanhorst and Company, LLC provided explanation of their role and findings in the report.

Motion by Mr. DeMott to accept the 2010 Comprehensive Annual Financial Report; seconded by Mr. Stites; carried 7-0.

5. Resolution 46-2011 – adopting a revised City Purchasing Policy and rescinding all prior Resolutions in conflict therewith

Resolution 46-2011 was introduced by Mr. Stites.

Motion by Mr. Stites to approve Resolution 46-2011; seconded by Mrs. Langworthy; carried 7-0.

6. Resolution 36-2011 – approving an Intergovernmental Agreement for Ambulance Services among the City, the Wheat Ridge Fire Protection District, and Rural/Metro of Central Colorado, Inc.

Resolution 36-2011 was introduced by Mr. DeMott.

Motion by Mr. DeMott to approve Resolution 36-2011; seconded by Mrs. Adams; carried 7-0.

7. Resolution 43-2011 – approving submittal of the application for a 2012 local government grant to Jefferson County Open Space for the acquisition of the Martensen Elementary School site

Resolution 43-2011 was introduced by Mrs. Jay.

Motion by Mrs. Jay to approve Resolution 43-2011; seconded by Mrs. Sang; carried 6-1 with Council Member Adams voting No.

8. Resolution 44-2011 – amending the Fiscal Year 2011 Capital Investment Program budget to reflect the approval of a supplemental budget appropriation in the amount of \$360,000 for bus shelters and approving a contract with the Colorado Department of Transportation for the Bus Shelter Installation, Project No. 18526

Resolution 44-2011 was introduced by Mr. Stites.

Motion by Mr. Stites to approve Resolution 44-2011; seconded by Mr. Adams; carried 7-0.

9. Resolution 47-2011 –approving a contract with the Colorado Department of Transportation for the Kipling Street Multi-Use Trail from 32<sup>nd</sup> to 44<sup>th</sup> Avenue, Project No. 18583

Resolution 47-2011 was introduced by Mrs. Langworthy.

Motion by Mrs. Langworthy to approve Resolution 47-2011; seconded by Mr. DeMott; carried 7-0.

10. Motion to approve necessary action and preparation in the event of a Runoff Election following the November 1, 2011 Election

Motion by Mr. Stites to appoint Richard Marks and Lloyd Levy to the City of Wheat Ridge Election Commission; seconded by Mrs. Sang; carried 7-0.

Motion by Mr. Stites to direct the Election Commission to set an election date and procedures for that election; seconded by Mrs. Sang;

Motion by Ms. Berry to amend motion to direct the Election Commission to set the procedures and recommend Ordinance to codify procedures within 90 days of the November 1, 2011 election; seconded by Mrs. Jay; carried 4-3 with Mr. DeMott, Mrs. Sang, and Mr. Stites voting no

Amended motion carried 6-1 with Mrs. Sang voting no.

Motion by Mr. Stites to approve Resolution 48-2011 which: 1) calls a runoff of the November 1, 2011 election on the date as determined by the Election Commission, if such election is required, and 2) directs the City Clerk to issue notice of the same and to approve a supplemental budget appropriation of \$30,000 therewith; seconded by Mrs. Sang; carried 7-0.

### **CITY MANAGER MATTERS**

Senator Bennett visited Wheat Ridge Middle School today to emphasize the importance of Principal's in our schools.

Mr. Goff wished Applejack Liquor a happy 50<sup>th</sup> birthday.

The Off-lease dog park opened at Fruitdale Park this weekend.

### **CITY CLERK MATTERS**

Mr. Snow reminded all voters that the election is November 1<sup>st</sup>. Ballot can be dropped off at City Hall, from 7:00 am – 7:00 pm on Election Day. Mail ballots can be obtained and voted through Election Day by going to a Jefferson County Service Center which is located at the DMV offices. Perhaps several neighborhoods in the City did not receive the Blue Books mailed out by the State that covers the election ballot issues. These are available in the City Clerk's office for anyone that would like one.

**ELECTED OFFICIALS' MATTERS**

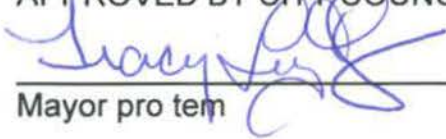
Mrs. Langworthy reminded every one of the Trunk or Treat event on Saturday, October 29<sup>th</sup> at the Wheat Ridge Middle School from 5:00 pm – 8:00 pm.

Meeting Adjourned at 8:45pm



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON November 28, 2011 BY A VOTE OF 8 to 0



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.