

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

October 8, 2012

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m.

ROLL CALL OF MEMBERS

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| Davis Reinhart | Bud Starker |
| Joyce Jay | Kristi Davis |
| Mike Stites | George Pond |
| Joseph DeMott | Tracy Langworthy |

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; Police Chief, Daniel Brennan; Public Works Director, Tim Paranto; Community Development Director, Ken Johnstone; Parks and Recreation Director, Joyce Manwaring; City Treasurer, Larry Schulz; other staff, interested parties and interested citizens.

APPROVAL OF MINUTES OF September 24, 2012

Motion by Mr. Stites for approval of the Minutes of September 24, 2012; seconded by Mr. Starker; carried 8-0.

CITIZENS' RIGHT TO SPEAK

Gay Porter DeNileon from the Cultural Commission announced three upcoming events they have planned called "Meet the Artist". These are opportunities to meet local artists.

- Thursday, October 18th, at Cat's Paw Yoga, 44th & Cody from 7 – 9pm meet Deborah Sanders, a glass works artist. Her "Birds on a Wire", a series of glass birds, is on display at the Arvada Center.
- Nov 15th, at 1st Bank Center, photographer, Patty Berry Levy
- Jan 17th, painter Katie Hoffman

APPROVAL OF THE AGENDA

Motion by Mr. Reinhart to defer agenda Item No. 6 to a future Study Session for discussion; seconded by Mr. Starker; carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill 21-2012 – An Ordinance amending Chapter 26 concerning the creation of an Industrial-Employment Zone District.

Mayor DiTullio opened the public hearing.

Mr. Stites introduced Agenda Item 1.

Clerk Shaver assigned Ordinance No. 1523.

Creating the I-E zone district will provide more flexibility for the development of industrial areas by changing some special uses to allowed uses, adding more modern uses to the list of permitted uses, updating development standards and providing for application directly to I-E rather than requiring the Planned Industrial Development process which is lengthy, expensive and difficult.

Staff Report

Mr. Johnstone added that this action is consistent with the goals for the comprehensive plan to provide more job opportunities. This will affect 4% of the City's land that is currently zoned Industrial and is located primarily along the I-70 corridor. Some set-backs requirements were reduced and building facade standards were also upgraded.

Public Comment none

Mayor DiTullio closed the public hearing.

Motion by Mr. Stites to approve Council Bill No. 21-2012, an ordinance amending Chapter 26 concerning the creation of an industrial-employment zone district and that it take effect 15 days after final publication; seconded by Mr. Reinhart and Mr. DeMott; carried 8-0.

2. Council Bill 22-2012 – An Ordinance amending Chapter 26 concerning the review process for Public Schools.

Mayor DiTullio opened the public hearing.

Mr. Pond introduced Agenda Item 2.

Clerk Shaver assigned Ordinance No. 1524.

Currently the City requires a Special Use Permit (SUP) process for the opening of public and private schools. The state has adopted legislation regulating how much municipalities can and can't do with regard to the siting and construction/expansion of public and charter schools. As a result our code is in conflict with state law. Adoption of this ordinance will bring our Code into compliance with Colorado law and eliminate neighborhood meetings, public input and public hearings.

Staff Report

Ken Johnstone added that the SUP process will stay in place for trade schools, private schools, colleges and universities to address things like traffic, parking, activity level and neighborhood impact.

Public Comment none

Mayor DiTullio closed the public hearing.

Motion by Mr. Pond to approve Council Bill No. 22-2012, an ordinance amending Chapter 26 concerning the review process for public schools and that it take effect 15 days after final publication; seconded by Mr. Stites; carried 8-0

3. Council Bill 24-2012 - An Ordinance amending Chapter 21-107 of the Wheat Ridge Code of Laws to permit waiver of Insurance Requirements for certain Long-Term Right-Of-Way Permits.

Mayor DiTullio opened the public hearing.

Mrs. Langworthy introduced Agenda Item 3.

Clerk Shaver assigned Ordinance No. 1525.

Staff Report

Some right-of-way permits authorize semi-permanent improvements such as fences, walls, etc. Such permits are currently good for five years. This amendment would:

- allow such "long-term" permits to be issued without a defined termination date,
- continue to require City indemnification, and
- remove the requirement that insurance certificates be provided to the City.

Long-term permits would be recorded against the affected properties to ensure that future property owners would be aware of the permits.

Public Comment none

Mayor DiTullio closed the public hearing.

Motion by Mrs. Langworthy to approve Council Bill No. 24-2012, an ordinance amending Chapter 21-107 of the Wheat Ridge Code of Laws to permit waiver of insurance requirements for certain long term right-of-way permits on second reading and that it take effect 15 days after final publication; seconded by Mr. Starker; carried 8-0.

ORDINANCES ON FIRST READING

4. Council Bill No. 25-2012 – An Ordinance amending Section 5-45 of the Wheat Ridge Code of Laws concerning certain Escrow Agreements as Security for Public Improvements.

Mr. Reinhart introduced Agenda Item 4.

The City currently owns 14 escrows for public improvements associated with commercial and industrial properties. If ever done, these improvements will be far, far into the future. The amount of money involved is \$124,172.20, and includes projects that range from 2 years ago to 15 years ago. The Council could either deposit the funds into the City's Public Improvement Fund or refund the money to the original depositors. Council has agreed to refund the money to the original depositors.

Motion by Mr. Reinhart to approve Council Bill No. 25-2012, an ordinance amending Section 5-45 of the Wheat Ridge Code of Laws concerning certain escrow agreements as security for public improvements, on first reading, order it published, public hearing set for Monday, October 22, 2012 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mr. DeMott; carried 8-0.

DECISIONS, RESOLUTIONS AND MOTIONS

5. Resolution No. 50-2012 – A Resolution approving the recommendation of the Cultural Commission to accept a bronze fox sculpture donated by the Arts Council of Wheat Ridge.

Resolution No. 50-2012 was introduced by Mrs. Jay.

The Cultural Commission has recommended that Council accept the donation.

Motion by Mrs. Jay to approve Resolution No. 50-2012 – A Resolution approving the recommendation of the Cultural Commission to accept a bronze fox sculpture donated by the Arts Council of Wheat Ridge; seconded by Mr. Starker and Langworthy;

Public Comment

Tom Abbott of the Arts Council of Wheat Ridge explained the process they went through raising funds, having the sculpture done by local bronze artist Bonnie Trujillio-Dixon, and getting it donated to the City. He thanked the Cultural Commission and Mrs. Marwaring for their work on the accession and placement of the sculpture. The sculpture will be incorporated into some new landscaping work that will happen soon in front of City Hall and he thanked the City for putting the sculpture in such a prominent place.

Don MacDougall of the Arts Council also spoke and wanted everyone to know that Mr. Abbott has generously donated the large rock on which the sculpture will be mounted.

The motion carried 8-0.

6. Motion to award RFQ-12-19 Youngfield Restroom Renovation Design/Build Contract to White Construction Group in the amount of \$134,449 and approve a contingency amount of \$13,445.

This agenda item was postponed.

CITY MANAGER'S MATTERS none

ELECTED OFFICIALS' MATTERS

Janelle Shaver reminded folks that tomorrow (Oct. 9) is the last day to register to vote this November. She also explained an error that will appear on Wheat Ridge ballots. An Edgewater Fire District question was inadvertently added to Wheat Ridge ballots as a Wheat Ridge Fire District question. When this was discovered it was too late to remove the question from those ballots. You need not vote on the Wheat Ridge Fire District issue. Any votes for it are irrelevant and will not be counted.

Mayor DiTullio mentioned a new flier that is circulating which advertises the businesses along 44th Avenue.

Mr. DeMott thanked Heidi at Swiss Flowers for her time creating the "44" flier and paying for the printing. The card will be available at businesses all along the 44th Avenue Corridor from Ward Road to Harlan. Shoppers are encouraged to check it out.

Mrs. Langworthy thanked Councilmembers Stites and Pond for attending the Walk to School Day at Prospect Valley Elementary School.

Mr. Stites suggested the idea that neighbors could share the cost and go together on the purchase of a snow blower for their neighborhood. Sharing the cost would make it less expensive and make it easier for everyone to get the job done.

Meeting adjourned at 7:39 pm


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 22, 2012 BY A VOTE OF 8 to 1


Mike Stites, 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.